

Calendar No. _____

116TH CONGRESS
2^D SESSION

S. _____

[Report No. 116-_____]

To authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. INHOFE, from the Committee on Armed Services, reported the following original bill; which was read twice and placed on the calendar

A BILL

To authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Defense Au-
5 thorization Act for Fiscal Year 2021”.

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

3 (a) DIVISIONS.—This Act is organized into four divi-
4 sions as follows:

5 (1) Division A—Department of Defense Au-
6 thorizations.

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

9 (3) Division C—Department of Energy Na-
10 tional Security Authorizations and Other Authoriza-
11 tions.

12 (4) Division D—Funding Tables.

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

Sec. 1. Short title.

Sec. 2. Organization of Act into divisions; table of contents.

Sec. 3. Congressional defense committees.

Sec. 4. Budgetary effects of this Act.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Authorization of appropriations.

Subtitle B—Army Programs

Sec. 111. Integrated air and missile defense assessment.

Sec. 112. Report and limitation on Integrated Visual Augmentation System ac-
quisition.

Sec. 113. Modifications to requirement for an interim cruise missile defense ca-
pability.

Subtitle C—Navy Programs

Sec. 121. Contract authority for Columbia-class submarine program.

Sec. 122. Limitation on Navy medium and large unmanned surface vessels.

Sec. 123. Extension of prohibition on availability of funds for Navy waterborne
security barriers.

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- Sec. 124. Procurement authorities for certain amphibious shipbuilding programs.
- Sec. 125. Fighter force structure acquisition strategy.
- Sec. 126. Treatment of systems added by Congress in future President's budget requests.
- Sec. 127. Report on carrier wing composition.
- Sec. 128. Report on strategy to use ALQ-249 Next Generation Jammer to ensure full spectrum electromagnetic superiority.

Subtitle D—Air Force Programs

- Sec. 141. Economic order quantity contracting authority for F-35 joint strike fighter program.
- Sec. 142. Minimum aircraft levels for major mission areas.
- Sec. 143. Minimum operational squadron level.
- Sec. 144. Minimum Air Force bomber aircraft level.
- Sec. 145. F-35 gun system.
- Sec. 146. Prohibition on funding for Close Air Support Integration Group.
- Sec. 147. Limitation on divestment of KC-10 and KC-135 aircraft.
- Sec. 148. Limitation on retirement of U-2 and RQ-4 aircraft.
- Sec. 149. Limitation on divestment of F-15C aircraft in the European theater.
- Sec. 150. Air base defense development and acquisition strategy.
- Sec. 151. Required solution for KC-46 aircraft remote visual system limitations.
- Sec. 152. Analysis of requirements and Advanced Battle Management System capabilities.
- Sec. 153. Studies on measures to assess cost-per-effect for key mission areas.
- Sec. 154. Plan for operational test and utility evaluation of systems for Low-Cost Attributable Aircraft Technology program.
- Sec. 155. Prohibition on retirement or divestment of A-10 aircraft.

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

- Sec. 171. Budgeting for life-cycle cost of aircraft for the Navy, Army, and Air Force: annual plan and certification.
- Sec. 172. Authority to use F-35 aircraft withheld from delivery to Government of Turkey.
- Sec. 173. Transfer from Commander of United States Strategic Command to Chairman of the Joint Chiefs of Staff of responsibilities and functions relating to electromagnetic spectrum operations.
- Sec. 174. Cryptographic modernization schedules.
- Sec. 175. Prohibition on purchase of armed overwatch aircraft.
- Sec. 176. Special operations armed overwatch.
- Sec. 177. Autonomic Logistics Information System redesign strategy.
- Sec. 178. Contract aviation services in a country or in airspace in which a Special Federal Aviation Regulation applies.
- Sec. 179. F-35 aircraft munitions.
- Sec. 180. Airborne intelligence, surveillance, and reconnaissance acquisition roadmap for United States Special Operations Command.
- Sec. 181. Requirement to accelerate the fielding and development of counter unmanned aerial systems across the joint force.
- Sec. 182. Joint All Domain Command and Control requirements.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

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Sec. 201. Authorization of appropriations.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Designation and activities of senior officials for critical technology areas supportive of the National Defense Strategy.

Sec. 212. Governance of fifth-generation wireless networking in the Department of Defense.

Sec. 213. Application of artificial intelligence to the defense reform pillar of the National Defense Strategy.

Sec. 214. Extension of authorities to enhance innovation at Department of Defense laboratories.

Sec. 215. Updates to Defense Quantum Information Science and Technology Research and Development program.

Sec. 216. Program of part-time and term employment at Department of Defense science and technology reinvention laboratories of faculty and students from institutions of higher education.

Sec. 217. Improvements to Technology and National Security Fellowship of Department of Defense.

Sec. 218. Department of Defense research, development, and deployment of technology to support water sustainment.

Sec. 219. Development and testing of hypersonic capabilities.

Sec. 220. Disclosure requirements for recipients of Department of Defense research and development grants.

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Sec. 231. Assessment on United States national security emerging biotechnology efforts and capabilities and comparison with adversaries.

Sec. 232. Independent comparative analysis of efforts by China and the United States to recruit and retain researchers in national security-related fields.

Sec. 233. Department of Defense demonstration of virtualized radio access network and massive multiple input multiple output radio arrays for fifth generation wireless networking.

Sec. 234. Independent technical review of Federal Communications Commission Order 20–48.

Sec. 235. Report on and limitation on expenditure of funds for micro nuclear reactor programs.

Sec. 236. Modification to Test Resource Management Center strategic plan reporting cycle and contents.

Sec. 237. Limitation on contract awards for certain unmanned vessels.

Sec. 238. Documentation relating to the Advanced Battle Management System.

Sec. 239. Armed Services Vocational Aptitude Battery Test special purpose adjunct to address computational thinking.

TITLE III—OPERATION AND MAINTENANCE

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Sec. 301. Authorization of appropriations.

Subtitle B—Energy and Environment

- Sec. 311. Modifications and technical corrections to ensure restoration of contamination by perfluorooctane sulfonate and perfluorooctanoic acid.
- Sec. 312. Readiness and Environmental Protection Integration Program technical edits and clarification.
- Sec. 313. Survey and market research of technologies for phase out by Department of Defense of use of fluorinated aqueous film-forming foam.
- Sec. 314. Modification of authority to carry out military installation resilience projects.
- Sec. 315. Native American Indian lands environmental mitigation program.
- Sec. 316. Energy resilience and energy security measures on military installations.
- Sec. 317. Modification to availability of energy cost savings for Department of Defense.
- Sec. 318. Long-duration demonstration initiative and joint program.
- Sec. 319. Pilot program on alternative fuel vehicle purchasing.

Subtitle C—Logistics and Sustainment

- Sec. 331. Repeal of statutory requirement for notification to Director of Defense Logistics Agency three years prior to implementing changes to any uniform or uniform component.
- Sec. 332. Clarification of limitation on length of overseas forward deployment of currently deployed naval vessels.

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- Sec. 351. Report on impact of permafrost thaw on infrastructure, facilities, and operations of the Department of Defense.
- Sec. 352. Plans and reports on emergency response training for military installations.
- Sec. 353. Report on implementation by Department of Defense of requirements relating to renewable fuel pumps.
- Sec. 354. Report on effects of extreme weather on Department of Defense.

Subtitle E—Other Matters

- Sec. 371. Prohibition on divestiture of manned intelligence, surveillance, and reconnaissance aircraft operated by United States Special Operations Command.
- Sec. 372. Information on overseas construction projects in support of contingency operations using funds for operation and maintenance.
- Sec. 373. Provision of protection to the National Museum of the Marine Corps, the National Museum of the United States Army, the National Museum of the United States Navy, and the National Museum of the United States Air Force.
- Sec. 374. Inapplicability of congressional notification and dollar limitation requirements for advance billings for certain background investigations.
- Sec. 375. Repeal of sunset for minimum annual purchase amount for carriers participating in the Civil Reserve Air Fleet.
- Sec. 376. Improvement of the Operational Energy Capability Improvement Fund of the Department of Defense.

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- Sec. 377. Commission on the naming of items of the Department of Defense that commemorate the Confederate States of America or any person who served voluntarily with the Confederate States of America.
- Sec. 378. Modifications to review of proposed actions by Military Aviation and Installation Assurance Clearinghouse.
- Sec. 379. Adjustment in availability of appropriations for unusual cost overruns and for changes in scope of work.
- Sec. 380. Requirement that Secretary of Defense implement security and emergency response recommendations relating to active shooter or terrorist attacks on installations of Department of Defense.
- Sec. 381. Clarification of food ingredient requirements for food or beverages provided by the Department of Defense.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

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

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.
- Sec. 415. Separate authorization by Congress of minimum end strengths for non-temporary military technicians (dual status) and maximum end strengths for temporary military technicians (dual status).

Subtitle C—Authorization of Appropriations

- Sec. 421. Military personnel.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

- Sec. 501. Repeal of codified specification of authorized strengths of certain commissioned officers on active duty.
- Sec. 502. Temporary expansion of availability of enhanced constructive service credit in a particular career field upon original appointment as a commissioned officer.
- Sec. 503. Requirement for promotion selection board recommendation of higher placement on promotion list of officers of particular merit.
- Sec. 504. Special selection review boards for review of promotion of officers subject to adverse information identified after recommendation for promotion and related matters.
- Sec. 505. Number of opportunities for consideration for promotion under alternative promotion authority.
- Sec. 506. Mandatory retirement for age.
- Sec. 507. Clarifying and improving restatement of rules on the retired grade of commissioned officers.

- Sec. 508. Repeal of authority for original appointment of regular Navy officers designated for engineering duty, aeronautical engineering duty, and special duty.

Subtitle B—Reserve Component Management

- Sec. 511. Exclusion of certain reserve general and flag officers on active duty from limitations on authorized strengths.

Subtitle C—General Service Authorities

- Sec. 516. Increased access to potential recruits.
 Sec. 517. Temporary authority to order retired members to active duty in high-demand, low-density assignments during war or national emergency.
 Sec. 518. Certificate of Release or Discharge from Active Duty (DD Form 214) matters.
 Sec. 519. Evaluation of barriers to minority participation in certain units of the Armed Forces.

Subtitle D—Military Justice and Related Matters

PART I—INVESTIGATION, PROSECUTION, AND DEFENSE OF SEXUAL ASSAULT AND RELATED MATTERS

- Sec. 521. Modification of time required for expedited decisions in connection with applications for change of station or unit transfer of members who are victims of sexual assault or related offenses.
 Sec. 522. Defense Advisory Committee for the Prevention of Sexual Misconduct.
 Sec. 523. Report on ability of Sexual Assault Response Coordinators and Sexual Assault Prevention and Response Victim Advocates to perform duties.
 Sec. 524. Briefing on Special Victims' Counsel program.
 Sec. 525. Accountability of leadership of the Department of Defense for discharging the sexual harassment policies and programs of the Department.
 Sec. 526. Safe-to-report policy applicable across the Armed Forces.
 Sec. 527. Additional bases for provision of advice by the Defense Advisory Committee for the Prevention of Sexual Misconduct.
 Sec. 528. Additional matters for reports of the Defense Advisory Committee for the Prevention of Sexual Misconduct.
 Sec. 529. Policy on separation of victim and accused at military service academies and degree-granting military educational institutions.
 Sec. 530. Briefing on placement of members of the Armed Forces in academic status who are victims of sexual assault onto Non-Rated Periods.

PART II—OTHER MILITARY JUSTICE MATTERS

- Sec. 531. Right to notice of victims of offenses under the Uniform Code of Military Justice regarding certain post-trial motions, filings, and hearings.
 Sec. 532. Consideration of the evidence by Courts of Criminal Appeals.
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- Sec. 534. Comptroller General of the United States report on implementation by the Armed Forces of recent GAO recommendations and statutory requirements on assessment of racial, ethnic, and gender disparities in the military justice system.
- Sec. 535. Briefing on mental health support for vicarious trauma for certain personnel in the military justice system.
- Sec. 536. Guardian ad litem program for minor dependents of members of the Armed Forces.

Subtitle E—Member Education, Training, Transition, and Resilience

- Sec. 541. Training on religious accommodation for members of the Armed Forces.
- Sec. 542. Additional elements with 2021 certifications on the Ready, Relevant Learning initiative of the Navy.
- Sec. 543. Report on standardization and potential merger of law enforcement training for military and civilian personnel across the Department of Defense.
- Sec. 544. Quarterly reports on implementation of recommendations of the Comprehensive Review of Special Operations Forces Culture and Ethics.
- Sec. 545. Information on nominations and applications for military service academies.
- Sec. 546. Pilot programs in connection with Senior Reserve Officers' Training Corps units at Historically Black Colleges and Universities and minority institutions.
- Sec. 547. Expansion of Junior Reserve Officers' Training Corps Program.
- Sec. 548. Department of Defense STARBASE Program.

Subtitle F—Decorations and Awards

- Sec. 551. Award or presentation of decorations favorably recommended following determination on merits of proposals for decorations not previously submitted in a timely fashion.
- Sec. 552. Honorary promotion matters.

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- Sec. 561. Continuation of authority to assist local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.
- Sec. 562. Impact aid for children with severe disabilities.
- Sec. 563. Staffing of Department of Defense Education Activity schools to maintain maximum student-to-teacher ratios.
- Sec. 564. Matters in connection with free appropriate public education for dependents of members of the Armed Forces with special needs.
- Sec. 565. Pilot program on expanded eligibility for Department of Defense Education Activity Virtual High School program.
- Sec. 566. Pilot program on expansion of eligibility for enrollment at domestic dependent elementary and secondary schools.
- Sec. 567. Comptroller General of the United States report on the structural condition of Department of Defense Education Activity schools.

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- Sec. 571. Responsibility for allocation of certain funds for military child development programs.
- Sec. 572. Improvements to Exceptional Family Member Program.
- Sec. 573. Procedures of the Office of Special Needs for the development of individualized services plans for military families with special needs.
- Sec. 574. Restatement and clarification of authority to reimburse members for spouse relicensing costs pursuant to a permanent change of station.
- Sec. 575. Improvements to Department of Defense tracking of and response to incidents of child abuse involving military dependents on military installations.
- Sec. 576. Military child care and child development center matters.
- Sec. 577. Expansion of financial assistance under My Career Advancement Account program.

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- Sec. 586. Removal of personally identifying and other information of certain persons from investigative reports, the Department of Defense Central Index of Investigations, and other records and databases.
- Sec. 587. National emergency exception for timing requirements with respect to certain surveys of members of the Armed Forces.
- Sec. 588. Sunset and transfer of functions of the Physical Disability Board of Review.
- Sec. 589. Extension of reporting deadline for the annual report on the assessment of the effectiveness of activities of the federal voting assistance program.
- Sec. 590. Pilot programs on remote provision by National Guard to State governments and National Guards of other States of cybersecurity technical assistance in training, preparation, and response to cyber incidents.
- Sec. 591. Plan on performance of funeral honors details by members of other Armed Forces when members of the Armed Force of the deceased are unavailable.
- Sec. 592. Limitation on implementation of Army Combat Fitness Test.

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- Sec. 601. Reorganization of certain allowances other than travel and transportation allowances.
- Sec. 602. Hazardous duty pay for members of the Armed Forces performing duty in response to the Coronavirus Disease 2019.

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- Sec. 611. One-year extension of certain expiring bonus and special pay authorities.
- Sec. 612. Increase in special and incentive pays for officers in health professions.

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- Sec. 621. Inclusion of drill or training foregone due to emergency travel or duty restrictions in computations of entitlement to and amounts of retired pay for non-regular service.
- Sec. 622. Modernization and clarification of payment of certain Reserves while on duty.

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- Sec. 631. Permanent authority for and enhancement of the Government lodging program.
- Sec. 632. Approval of certain activities by retired and reserve members of the uniformed services.

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- Sec. 701. Authority for Secretary of Defense to manage provider type referral and supervision requirements under TRICARE program.
- Sec. 702. Removal of Christian Science providers as authorized providers under the TRICARE program.
- Sec. 703. Waiver of fees charged to certain civilians for emergency medical treatment provided at military medical treatment facilities.
- Sec. 704. Mental health resources for members of the Armed Forces and their dependents during the COVID-19 pandemic.
- Sec. 705. Transitional health benefits for certain members of the National Guard serving under orders in response to the coronavirus (COVID-19).
- Sec. 706. Extramedical maternal health providers demonstration project.
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Subtitle B—Health Care Administration

- Sec. 721. Modifications to transfer of Army Medical Research and Development Command and public health commands to Defense Health Agency.
- Sec. 722. Delay of applicability of administration of TRICARE dental plans through Federal Employees Dental and Vision Insurance Program.
- Sec. 723. Authority of Secretary of Defense to waive requirements during national emergencies for purposes of provision of health care.

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- Sec. 741. Extension of authority for Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund.
- Sec. 742. Membership of Board of Regents of Uniformed Services University of the Health Sciences.
- Sec. 743. Military Health System Clinical Quality Management Program.
- Sec. 744. Modifications to pilot program on civilian and military partnerships to enhance interoperability and medical surge capability and capacity of National Disaster Medical System.
- Sec. 745. Study on force mix options and service models to enhance readiness of medical force of the Armed Forces to provide combat casualty care.

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- Sec. 746. Comptroller General study on delivery of mental health services to members of the reserve components of the Armed Forces.
- Sec. 747. Review and report on prevention of suicide among members of the Armed Forces stationed at remote installations outside the contiguous United States.
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- Sec. 749. Comptroller General study on prenatal and postpartum mental health conditions among members of the Armed Forces and their dependents.
- Sec. 750. Plan for evaluation of flexible spending account options for members of the uniformed services and their families.
- Sec. 751. Assessment of receipt by civilians of emergency medical treatment at military medical treatment facilities.

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- Sec. 802. Assessment of national security innovation base.
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- Sec. 804. Modification of framework for modernizing acquisition processes to ensure integrity of industrial base.
- Sec. 805. Assessments of industrial base capabilities and capacity.
- Sec. 806. Analyses of certain materials and technology sectors for action to address sourcing and industrial capacity.
- Sec. 807. Microelectronics manufacturing strategy.
- Sec. 808. Additional requirements pertaining to printed circuit boards.
- Sec. 809. Statement of policy with respect to supply of strategic minerals and metals for Department of Defense purposes.
- Sec. 810. Report on strategic and critical minerals and metals.
- Sec. 811. Stabilization of shipbuilding industrial base workforce.
- Sec. 812. Miscellaneous limitations on the procurement of goods other than United States goods.
- Sec. 813. Use of domestically sourced star trackers in national security satellites.
- Sec. 814. Modification to small purchase threshold exception to sourcing requirements for certain articles.

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- Sec. 831. Report on acquisition risk assessment and mitigation as part of Adaptive Acquisition Framework implementation.
- Sec. 832. Comptroller General report on implementation of software acquisition reforms.

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- Sec. 841. Authority to acquire innovative commercial products and services using general solicitation competitive procedures.
- Sec. 842. Truth in Negotiations Act threshold for Department of Defense contracts.

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- Sec. 843. Revision of proof required when using an evaluation factor for defense contractors employing or subcontracting with members of the selected reserve of the reserve components of the Armed Forces.
- Sec. 844. Contract authority for advanced development of initial or additional prototype units.
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- Sec. 861. Implementation of modular open systems architecture requirements.
- Sec. 862. Sustainment reviews.
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- Sec. 871. Prompt payment of contractors.
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- Sec. 881. Inclusion of software in government performance of acquisition functions.
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- Sec. 891. Safeguarding defense-sensitive United States intellectual property, technology, and other data and information.
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- Sec. 901. Assistant Secretary of Defense for Special Operations and Low Intensity Conflict and related matters.
- Sec. 902. Redesignation and codification in law of Office of Economic Adjustment.
- Sec. 903. Modernization of process used by the Department of Defense to identify, task, and manage Congressional reporting requirements.
- Sec. 904. Inclusion of Vice Chief of the National Guard Bureau as an advisor to the Joint Requirements Oversight Council.
- Sec. 905. Assignment of responsibility for the Arctic region within the Office of the Secretary of Defense.

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- Sec. 911. Termination of position of Chief Management Officer of the Department of Defense.
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- Sec. 913. Performance Improvement Officer of the Department of Defense.
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- Sec. 915. Assignment of responsibilities and duties of Chief Management Officer to officers or employees of the Department of Defense to be designated.
- Sec. 916. Definition of enterprise business operations for title 10, United States Code.
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- Sec. 1021. Modification of authority to purchase used vessels with funds in the National Defense Sealift Fund.
- Sec. 1022. Waiver during war or threat to national security of restrictions on overhaul, repair, or maintenance of vessels in foreign shipyards.
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- 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.
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- Sec. 1034. Extension of prohibition on use of funds to construct or modify facilities in the United States to house detainees transferred from United States Naval Station, Guantanamo Bay, Cuba.

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- Sec. 1041. Inclusion of disaster-related emergency preparedness activities among law enforcement activities authorities for sale or donation of excess personal property of the Department of Defense.
- Sec. 1042. Expenditure of funds for Department of Defense clandestine activities that support operational preparation of the environment.
- Sec. 1043. Clarification of authority of military commissions under chapter 47A of title 10, United States Code, to punish contempt.
- Sec. 1044. Prohibition on actions to infringe upon First Amendment rights of peaceable assembly and petition for redress of grievances.
- Sec. 1045. Arctic planning, research, and development.
- Sec. 1046. Consideration of security risks in certain telecommunications architecture for future overseas basing decisions of the Department of Defense.
- Sec. 1047. Foreign military training programs.
- Sec. 1048. Reporting of adverse events relating to consumer products on military installations.
- Sec. 1049. Inclusion of United States Naval Sea Cadet Corps among youth and charitable organizations authorized to receive assistance from the National Guard.
- Sec. 1050. Department of Defense policy for the regulation of dangerous dogs.
- Sec. 1051. Sense of Congress on the basing of KC-46A aircraft outside the contiguous United States.

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- Sec. 1061. Report on potential improvements to certain military educational institutions of the Department of Defense.

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- Sec. 1062. Reports on status and modernization of the North Warning System.
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- Sec. 1081. Department of Defense strategic Arctic ports.
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- Sec. 1101. Enhanced pay authority for certain acquisition and technology positions in the Department of Defense.
- Sec. 1102. Enhanced pay authority for certain research and technology positions in the science and technology reinvention laboratories of the Department of Defense.
- Sec. 1103. Extension of enhanced appointment and compensation authority for civilian personnel for care and treatment of wounded and injured members of the Armed Forces.
- Sec. 1104. Extension of overtime rate authority for Department of the Navy employees performing work aboard or dockside in support of the nuclear-powered aircraft carrier forward deployed in Japan.
- Sec. 1105. Expansion of direct hire authority for certain Department of Defense personnel to include installation military housing office positions supervising privatized military housing.
- Sec. 1106. Extension of sunset of inapplicability of certification of executive qualifications by qualification certification review board of Office of Personnel Management for initial appointments to Senior Executive Service positions in Department of Defense.
- Sec. 1107. Pilot program on enhanced pay authority for certain high-level management positions in the Department of Defense.
- Sec. 1108. Pilot program on expanded authority for appointment of recently retired members of the Armed Forces to positions in the Department of Defense.
- Sec. 1109. Direct hire authority and relocation incentives for positions at remote locations.
- Sec. 1110. Modification of direct hire authority for certain personnel involved with Department of Defense maintenance activities.
- Sec. 1110A. Fire Fighters Alternative Work Schedule demonstration project for the Navy Region Mid-Atlantic Fire and Emergency Services.

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- Sec. 1111. One-year extension of temporary authority to grant allowances, benefits, and gratuities to civilian personnel on official duty in a combat zone.
- Sec. 1112. One-year extension of authority to waive annual limitation on premium pay and aggregate limitation on pay for Federal civilian employees working overseas.
- Sec. 1113. Technical amendments to authority for reimbursement of Federal, State, and local income taxes incurred during travel, transportation, and relocation.

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- Sec. 1201. Authority to build capacity for additional operations.
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- Sec. 1203. Modification to the Inter-European Air Forces Academy.
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- Sec. 1221. Extension of authority and limitation on use of funds to provide assistance to counter the Islamic State of Iraq and Syria.
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- Sec. 1231. Extension of limitation on military cooperation between the United States and the Russian Federation.
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- Sec. 1239. Report on Russian Federation support of racially and ethnically motivated violent extremists.
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- Sec. 1253. Authority to transfer funds for Bien Hoa dioxin cleanup.
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- Sec. 1255. Provision of goods and services at Kwajalein Atoll, Republic of the Marshall Islands.
- Sec. 1256. Authority to establish a Movement Coordination Center Pacific in the Indo-Pacific region and participate in an Air Transport and Air-to-Air Refueling and other Exchanges of Services program.
- Sec. 1257. Training of ally and partner air forces in Guam.
- Sec. 1258. Statement of policy and sense of Senate on the Taiwan Relations Act.
- Sec. 1259. Sense of Congress on port calls in Taiwan with the *USNS Comfort* and the *USNS Mercy*.
- Sec. 1260. Limitation on use of funds to reduce total number of members of the Armed Forces serving on active duty who are deployed to the Republic of Korea.
- Sec. 1261. Sense of Congress on co-development with Japan of a long-range ground-based anti-ship cruise missile system.

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- Sec. 1271. Review of and report on overdue acquisition and cross-servicing agreement transactions.
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- Sec. 1273. Report on risk to personnel, equipment, and operations due to Huawei 5G architecture in host countries.

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- Sec. 1281. Reciprocal patient movement agreements.
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- Sec. 1283. Extension of Department of Defense support for stabilization activities in national security interest of the United States.
- Sec. 1284. Notification with respect to withdrawal of members of the Armed Forces participating in the Multinational Force and Observers in Egypt.
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Sec. 1508. Drug Interdiction and Counter-Drug Activities, Defense-wide.
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Subtitle B—Financial Matters

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- Sec. 1606. Conforming amendments relating to reestablishment of Space Command.
- Sec. 1607. Space Development Agency development requirements and transfer to Space Force.
- Sec. 1608. Space launch rate assessment.
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- Sec. 1611. Modification of position of Principal Cyber Advisor.
- Sec. 1612. Framework for cyber hunt forward operations.
- Sec. 1613. Modification of scope of notification requirements for sensitive military cyber operations.
- Sec. 1614. Modification of requirements for quarterly Department of Defense cyber operations briefings for Congress.
- Sec. 1615. Rationalization and integration of parallel cybersecurity architectures and operations.
- Sec. 1616. Modification of acquisition authority of Commander of United States Cyber Command.
- Sec. 1617. Assessment of cyber operational planning and deconfliction policies and processes.
- Sec. 1618. Pilot program on cybersecurity capability metrics.
- Sec. 1619. Assessment of effect of inconsistent timing and use of Network Address Translation in Department of Defense networks.
- Sec. 1620. Matters concerning the College of Information and Cyberspace at National Defense University.
- Sec. 1621. Modification of mission of cyber command and assignment of cyber operations forces.
- Sec. 1622. Integration of Department of Defense user activity monitoring and cybersecurity.
- Sec. 1623. Defense industrial base cybersecurity sensor architecture plan.
- Sec. 1624. Extension of Cyberspace Solarium Commission to track and assess implementation.
- Sec. 1625. Review of regulations and promulgation of guidance relating to National Guard responses to cyber attacks.
- Sec. 1626. Improvements relating to the quadrennial cyber posture review.
- Sec. 1627. Report on enabling United States Cyber Command resource allocation.
- Sec. 1628. Evaluation of options for establishing a cyber reserve force.
- Sec. 1629. Ensuring cyber resiliency of nuclear command and control system.
- Sec. 1630. Modification of requirements relating to the Strategic Cybersecurity Program and the evaluation of cyber vulnerabilities of major weapon systems of the Department of Defense.

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- Sec. 1631. Defense industrial base participation in a cybersecurity threat intelligence sharing program.
- Sec. 1632. Assessment on defense industrial base cybersecurity threat hunting.
- Sec. 1633. Assessing risk to national security of quantum computing.
- Sec. 1634. Applicability of reorientation of Big Data Platform program to Department of Navy.
- Sec. 1635. Expansion of authority for access and information relating to cyber attacks on operationally critical contractors of the Armed Forces.
- Sec. 1636. Requirements for review of and limitations on the Joint Regional Security Stacks activity.
- Sec. 1637. Independent assessment of establishment of a National Cyber Director.
- Sec. 1638. Modification of authority to use operation and maintenance funds for cyber operations-peculiar capability development projects.
- Sec. 1639. Personnel management authority for Commander of United States Cyber Command and development program for offensive cyber operations.
- Sec. 1640. Implementation of information operations matters.
- Sec. 1641. Report on Cyber Institutes Program.
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Subtitle C—Nuclear Forces

- Sec. 1651. Modification to responsibilities of Nuclear Weapons Council.
- Sec. 1652. Responsibility of Nuclear Weapons Council in preparation of National Nuclear Security Administration budget.
- Sec. 1653. Modification of Government Accountability Office review of annual reports on nuclear weapons enterprise.
- Sec. 1654. Prohibition on reduction of the intercontinental ballistic missiles of the United States.
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Subtitle D—Missile Defense Programs

- Sec. 1661. Iron Dome short-range rocket defense system and Israeli cooperative missile defense program co-development and co-production.
- Sec. 1662. Acceleration of the deployment of hypersonic and ballistic tracking space sensor payload.
- Sec. 1663. Extension of prohibition relating to missile defense information and systems.
- Sec. 1664. Report on and limitation on expenditure of funds for layered homeland missile defense system.
- Sec. 1665. Extension of requirement for Comptroller General review and assessment of missile defense acquisition programs.
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- Sec. 2002. Expiration of authorizations and amounts required to be specified by law.

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Sec. 2102. Family housing.

Sec. 2103. Authorization of appropriations, Army.

Sec. 2104. Modification of authority to carry out fiscal year 2017 project at Camp Walker, Korea.

TITLE XXII—NAVY MILITARY CONSTRUCTION

Sec. 2201. Authorized Navy construction and land acquisition projects.

Sec. 2202. Family housing.

Sec. 2203. Improvements to military family housing units.

Sec. 2204. Authorization of appropriations, Navy.

TITLE XXIII—AIR FORCE MILITARY CONSTRUCTION

Sec. 2301. Authorized Air Force construction and land acquisition projects.

Sec. 2302. Family housing.

Sec. 2303. Improvements to military family housing units.

Sec. 2304. Authorization of appropriations, Air Force.

Sec. 2305. Modification of authority to carry out fiscal year 2018 project at Royal Air Force Lakenheath.

Sec. 2306. Modification of authority to carry out certain fiscal year 2019 projects.

Sec. 2307. Modification of authority to carry out certain fiscal year 2020 family housing projects.

Sec. 2308. Modification of authority to carry out certain fiscal year 2020 projects.

TITLE XXIV—DEFENSE AGENCIES MILITARY CONSTRUCTION

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

Sec. 2402. Authorized Energy Resilience and Conservation Investment Program projects.

Sec. 2403. Authorization of appropriations, Defense Agencies.

TITLE XXV—INTERNATIONAL PROGRAMS

Subtitle A—North Atlantic Treaty Organization Security Investment Program

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

Sec. 2502. Authorization of appropriations, NATO.

Sec. 2503. Execution of projects under the North Atlantic Treaty Organization Security Investment Program.

Subtitle B—Host Country In-Kind Contributions

Sec. 2511. Republic of Korea funded construction projects.

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TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

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- 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.
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TITLE XXVII—BASE REALIGNMENT AND CLOSURE ACTIVITIES

- Sec. 2701. Authorization of appropriations for base realignment and closure activities funded through Department of Defense Base Closure Account.
- Sec. 2702. Prohibition on conducting additional base realignment and closure (BRAC) round.

TITLE XXVIII—MILITARY CONSTRUCTION AND GENERAL PROVISIONS

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- Sec. 2801. Responsibility of Navy for military construction requirements for certain Fleet Readiness Centers.
- Sec. 2802. Construction of ground-based strategic deterrent launch facilities and launch centers for Air Force.

Subtitle B—Military Family Housing

- Sec. 2821. Prohibition on substandard family housing units.
- Sec. 2822. Technical corrections to privatized military housing program.
- Sec. 2823. Requirement that Secretary of Defense implement recommendations relating to military family housing contained in report by Inspector General of Department of Defense.

Subtitle C—Project Management and Oversight Reforms

- Sec. 2841. Promotion of energy resilience and energy security in privatized utility systems.
- Sec. 2842. Consideration of energy security and energy resilience in life-cycle cost for military construction.

Subtitle D—Land Conveyances

- Sec. 2861. Renewal of Fallon Range Training Complex land withdrawal and reservation.
- Sec. 2862. Renewal of Nevada Test and Training Range land withdrawal and reservation.
- Sec. 2863. Transfer of land under the administrative jurisdiction of the Department of the Interior within Naval Support Activity Panama City, Florida.
- Sec. 2864. Land conveyance, Camp Navajo, Arizona.

Subtitle E—Other Matters

- Sec. 2881. Military family readiness considerations in basing decisions.

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- Sec. 2882. Prohibition on use of funds to reduce air base resiliency or demolish protected aircraft shelters in the European theater without creating a similar protection from attack.
- Sec. 2883. Prohibitions relating to closure or returning to host nation of existing bases under the European Consolidation Initiative.
- Sec. 2884. Enhancement of authority to accept conditional gifts of real property on behalf of military museums.
- Sec. 2885. Equal treatment of insured depository institutions and credit unions operating on military installations.
- Sec. 2886. Report on operational aviation units impacted by noise restrictions or noise mitigation measures.

TITLE XXIX—OVERSEAS CONTINGENCY OPERATIONS MILITARY
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- Sec. 2901. Authorized Navy construction and land acquisition projects.
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- Sec. 2903. Authorization of appropriations.
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DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY
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- Sec. 3101. National Nuclear Security Administration.
- Sec. 3102. Defense environmental cleanup.
- Sec. 3103. Other defense activities.
- Sec. 3104. Nuclear energy.

Subtitle B—Budget of the National Nuclear Security Administration

- Sec. 3111. Review of adequacy of nuclear weapons budget.
- Sec. 3112. Treatment of budget of National Nuclear Security Administration.
- Sec. 3113. Responsibility of Administrator for Nuclear Security for ensuring National Nuclear Security Administration budget satisfies nuclear weapons needs of Department of Defense.
- Sec. 3114. Participation of Secretary of Defense in planning, programming, budgeting, and execution process of National Nuclear Security Administration.
- Sec. 3115. Requirement for updated planning, programming, budgeting, and execution guidance for National Nuclear Security Administration.
- Sec. 3116. Cross-training in budget processes of Department of Defense and National Nuclear Security Administration.

Subtitle C—Personnel Matters

- Sec. 3121. National Nuclear Security Administration Personnel System.
- Sec. 3122. Inclusion of certain employees and contractors of Department of Energy in definition of public safety officer for purposes of certain death benefits.
- Sec. 3123. Reimbursement for liability insurance for nuclear materials couriers.

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- Sec. 3124. Transportation and moving expenses for immediate family of deceased nuclear materials couriers.
- Sec. 3125. Extension of authority for appointment of certain scientific, engineering, and technical personnel.

Subtitle D—Cybersecurity

- Sec. 3131. Reporting on penetrations of networks of contractors and subcontractors.
- Sec. 3132. Clarification of responsibility for cybersecurity of National Nuclear Security Administration facilities.

Subtitle E—Defense Environmental Cleanup

- Sec. 3141. Public statement of environmental liabilities for facilities undergoing defense environmental cleanup.
- Sec. 3142. Inclusion of missed milestones in future-years defense environmental cleanup plan.
- Sec. 3143. Classification of defense environmental cleanup as capital asset projects or operations activities.
- Sec. 3144. Continued analysis of approaches for supplemental treatment of low-activity waste at Hanford Nuclear Reservation.

Subtitle F—Other Matters

- Sec. 3151. Modifications to enhanced procurement authority to manage supply chain risk.
- Sec. 3152. Laboratory- or production facility-directed research and development programs.
- Sec. 3153. Prohibition on use of laboratory- or production facility-directed research and development funds for general and administrative overhead costs.
- Sec. 3154. Monitoring of industrial base for nuclear weapons components, subsystems, and materials.
- Sec. 3155. Prohibition on use of funds for advanced naval nuclear fuel system based on low-enriched uranium.
- Sec. 3156. Authorization of appropriations for W93 nuclear warhead program.
- Sec. 3157. Review of future of computing beyond exascale at the National Nuclear Security Administration.
- Sec. 3158. Application of requirement for independent cost estimates and reviews to new nuclear weapon systems.
- Sec. 3159. Extension and expansion of limitations on importation of uranium from Russian Federation.
- Sec. 3160. Integration of stockpile stewardship and nonproliferation missions.
- Sec. 3161. Technology development and integration program.
- Sec. 3162. Advanced manufacturing development program.
- Sec. 3163. Materials science program.
- Sec. 3164. Modifications to Inertial Confinement Fusion Ignition and High Yield Program.
- Sec. 3165. Earned value management program for life extension programs.
- Sec. 3166. Use of high performance computing capabilities for COVID-19 research.
- Sec. 3167. Availability of stockpile responsiveness funds for projects to reduce time necessary to execute a nuclear test.

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- Sec. 3201. Authorization.
- Sec. 3202. Nonpublic collaborative discussions by Defense Nuclear Facilities Safety Board.
- Sec. 3203. Improvements to operations of Defense Nuclear Facilities Safety Board.

TITLE XXXV—MARITIME ADMINISTRATION

- Sec. 3501. Maritime Administration.

DIVISION D—FUNDING TABLES

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

TITLE XLI—PROCUREMENT

- Sec. 4101. Procurement.
- Sec. 4102. Procurement for overseas contingency operations.

TITLE XLII—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

- Sec. 4201. Research, development, test, and evaluation.
- Sec. 4202. Research, development, test, and evaluation for overseas contingency operations.

TITLE XLIII—OPERATION AND MAINTENANCE

- Sec. 4301. Operation and maintenance.
- Sec. 4302. Operation and maintenance for overseas contingency operations.

TITLE XLIV—MILITARY PERSONNEL

- Sec. 4401. Military personnel.
- Sec. 4402. Military personnel for overseas contingency operations.

TITLE XLV—OTHER AUTHORIZATIONS

- Sec. 4501. Other authorizations.
- Sec. 4502. Other authorizations for overseas contingency operations.

TITLE XLVI—MILITARY CONSTRUCTION

- Sec. 4601. Military construction.
- Sec. 4602. Military construction for overseas contingency operations.

TITLE XLVII—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

- Sec. 4701. Department of Energy national security programs.

1 SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.

2 In this Act, the term “congressional defense commit-

3 tees” has the meaning given that term in section

4 101(a)(16) of title 10, United States Code.

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

2 The budgetary effects of this Act, for the purposes
3 of complying with the Statutory Pay-As-You-Go Act of
4 2010, shall be determined by reference to the latest state-
5 ment titled “Budgetary Effects of PAYGO Legislation”
6 for this Act, jointly submitted for printing in the Congres-
7 sional Record by the Chairmen of the House and Senate
8 Budget Committees, provided that such statement has
9 been submitted prior to the vote on passage in the House
10 acting first on the conference report or amendment be-
11 tween the Houses.

12 **DIVISION A—DEPARTMENT OF**
13 **DEFENSE AUTHORIZATIONS**
14 **TITLE I—PROCUREMENT**
15 **Subtitle A—Authorization of**
16 **Appropriations**

17 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

18 Funds are hereby authorized to be appropriated for
19 fiscal year 2021 for procurement for the Army, the Navy
20 and the Marine Corps, the Air Force, and Defense-wide
21 activities, as specified in the funding table in section 4101.

22 **Subtitle B—Army Programs**

23 **SEC. 111. INTEGRATED AIR AND MISSILE DEFENSE ASSESS-**
24 **MENT.**

25 (a) ASSESSMENT BY SECRETARY OF THE ARMY.—

1 (1) IN GENERAL.—The Secretary of the Army
2 shall conduct a classified assessment of the capa-
3 bility and capacity of current and planned integrated
4 air and missile defense (IAMD) capabilities to meet
5 combatant commander requirements for major oper-
6 ations against great-power competitors and other
7 global operations in support of the National Defense
8 Strategy.

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

11 (A) Analysis and characterization of cur-
12 rent and emerging threats, including the fol-
13 lowing:

14 (i) Cruise, hypersonic, and ballistic
15 missiles.

16 (ii) Unmanned aerial systems.

17 (iii) Rockets.

18 (iv) Other indirect fire.

19 (v) Specific and meaningfully varied
20 examples within each of subclauses (I)
21 through (IV).

22 (B) Analysis of current and planned inte-
23 grated air and missile defense capabilities to
24 counter the threats analyzed and characterized

1 under subparagraph (A), including the fol-
2 lowing:

3 (i) Projected timelines for develop-
4 ment, procurement, and fielding of planned
5 integrated air and missile defense capabili-
6 ties.

7 (ii) Projected capability gaps.

8 (iii) Opportunities for acceleration or
9 need for incorporation of interim capabili-
10 ties to address current and projected gaps.

11 (C) Analysis of current and planned capac-
12 ity to meet major contingency plan require-
13 ments and ongoing global operations of the
14 combatant commands, including the following:

15 (i) Current and planned numbers of
16 integrated air and missile defense systems
17 and formations, including munitions.

18 (ii) Capacity gaps in addressing com-
19 batant command requirements.

20 (iii) Operations tempo stress on inte-
21 grated air and missile defense formations
22 and personnel.

23 (iv) Plans of the Secretary to continue
24 to increase integrated air and missile de-
25 fense personnel and formations.

1 (D) Assessment of integrated air and mis-
2 sile defense architecture and enabling command
3 and control systems, including the following:

4 (i) A description of the integrated air
5 and missile defense architecture and com-
6 ponent counter unmanned aerial systems
7 (C-UAS) sub-architecture.

8 (ii) Identification of the enabling com-
9 mand and control (C2) systems.

10 (iii) Inter-connectivity of the enabling
11 command and control systems.

12 (iv) Compatibility of the enabling
13 command and control systems with
14 planned Joint All Domain Command and
15 Control (JADC2) architecture.

16 (E) Assessment of proponency within the
17 Army of integrated air and missile defense and
18 counter unmanned aerial systems, including the
19 following:

20 (i) A description of the current
21 proponency structure.

22 (ii) Adequacy of the current
23 proponency structure to facilitate Army ex-
24 ecutive agency integrated air and missile
25 defense and counter unmanned aerial sys-

1 tems functions for the Department of De-
2 fense.

3 (iii) Benefits of establishing inte-
4 grated air and missile defense and counter
5 unmanned aerial systems centers of excel-
6 lence to help focus Army and joint force ef-
7 forts to achieving a functional integrated
8 air and missile defense capability and ca-
9 pacity to meet requirements of the combat-
10 ant commands.

11 (3) CHARACTERIZATION.—

12 (A) IN GENERAL.—In carrying out para-
13 graph (2)(A), the Secretary shall avoid broad
14 characterizations that do not sufficiently distin-
15 guish between distinctly different threats in the
16 same general class.

17 (B) EXAMPLE.—An example of a broad
18 characterization to be avoided under such para-
19 graph is “cruise missiles”, since such character-
20 ization does not sufficiently distinguish between
21 current cruise missiles and emerging hypersonic
22 cruise missiles, which may require different ca-
23 pabilities to counter them.

24 (4) REPORT AND INTERIM BRIEFING.—

1 (A) INTERIM BRIEFING.—Not later than
2 December 15, 2020, the Secretary shall provide
3 the Committee on Armed Services of the Senate
4 and Committee on Armed Services of the House
5 of Representatives a briefing on the assessment
6 being conducted by the Secretary under para-
7 graph (1).

8 (B) REPORT.—Not later than February
9 15, 2021, the Secretary shall submit to the
10 Committee on Armed Services of the Senate
11 and Committee on Armed Services of the House
12 of Representatives a report on the findings of
13 the Secretary with respect to the assessment
14 conducted under paragraph (1).

15 (b) REVIEW BY VICE CHAIRMAN OF THE JOINT
16 CHIEFS OF STAFF.—

17 (1) REVIEW.—The Vice Chairman of the Joint
18 Chiefs of Staff shall review the assessment being
19 conducted under subsection (a)(1) for potential gaps
20 in capability and capacity to meet requirements of
21 the National Defense Strategy.

22 (2) REPORT.—Not later than April 15, 2021,
23 the Vice Chairman of the Joint Chiefs of Staff shall
24 submit to the Committee on Armed Services of the
25 Senate and Committee on Armed Services of the

1 House of Representatives a report on the finding of
2 the Vice Chairman with respect to the review con-
3 ducted under paragraph (1).

4 **SEC. 112. REPORT AND LIMITATION ON INTEGRATED VIS-**
5 **UAL AUGMENTATION SYSTEM ACQUISITION.**

6 (a) REPORT REQUIRED.—

7 (1) IN GENERAL.—Not later than August 15,
8 2021, the Secretary of the Army shall submit to the
9 congressional defense committees a report on the In-
10 tegrated Visual Augmentation System (IVAS) subse-
11 quent to the completion of operational testing.

12 (2) ELEMENTS REQUIRED.—The report re-
13 quired by paragraph (1) shall include the following:

14 (A) Certification of the IVAS acquisition
15 strategy, to include production model costs, full
16 rate production schedule, and identification of
17 any changes resulting from operational testing.

18 (B) Certification of technology levels being
19 utilized in the full rate production model.

20 (C) Certification of operational suitability
21 and soldier acceptability of the production
22 model IVAS.

23 (b) LIMITATION ON USE OF FUNDS.—Not more than
24 50 percent of the amounts authorized to be appropriated
25 by this Act for fiscal year 2021 for procurement of the

1 Integrated Visual Augmentation System may be obligated
2 or expended until the Secretary submits to the congres-
3 sional defense committees the report required under sub-
4 section (a).

5 **SEC. 113. MODIFICATIONS TO REQUIREMENT FOR AN IN-**
6 **TERIM CRUISE MISSILE DEFENSE CAPA-**
7 **BILITY.**

8 (a) PLAN.—Not later than January 15, 2021, the
9 Secretary of the Army shall submit to the congressional
10 defense committees the plan, including a timeline, to oper-
11 ationally deploy or forward station the two batteries of in-
12 terim cruise missile defense capability procured pursuant
13 to section 112 of the John S. McCain National Defense
14 Authorization Act for Fiscal Year 2019 (Public Law 115–
15 232; 132 Stat. 1660) in an operational theater or theaters.

16 (b) MODIFICATION OF WAIVER.—Section 112(b)(4)
17 of the John S. McCain National Defense Authorization
18 Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat.
19 1661) is amended to read as follows:

20 “(4) WAIVER.—The Secretary of the Army may
21 waive the deadlines specified in paragraph (1):

22 “(A) For the deadline specified in para-
23 graph (1)(A), if the Secretary determines that
24 sufficient funds have not been appropriated to
25 enable the Secretary to meet such deadline.

1 “(B) For the deadline specified in para-
2 graph (1)(B), if the Secretary submits to the
3 congressional defense committees a certification
4 that—

5 “(i) allocating resources toward pro-
6 curement of an integrated enduring capa-
7 bility would provide robust tiered and lay-
8 ered protection to the joint force; or

9 “(ii) additional time is required to
10 complete training and preparation for
11 operational capability.”.

12 **Subtitle C—Navy Programs**

13 **SEC. 121. CONTRACT AUTHORITY FOR COLUMBIA-CLASS** 14 **SUBMARINE PROGRAM.**

15 (a) **CONTRACT AUTHORITY.**—The Secretary of the
16 Navy may enter into a contract, beginning with fiscal year
17 2021, for the procurement of up to two Columbia-class
18 submarines.

19 (b) **INCREMENTAL FUNDING.**—With respect to a con-
20 tract entered into under subsection (a), the Secretary of
21 the Navy may use incremental funding to make payments
22 under the contract.

23 (c) **LIABILITY.**—Any contract entered into under sub-
24 section (a) shall provide that—

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

4 (2) total liability of the Federal Government for
5 termination of any contract entered into shall be
6 limited to the total amount of funding obligated to
7 the contract at time of termination.

8 (2) total liability of the Federal Government for
9 termination of any contract entered into shall be
10 limited to the total amount of funding obligated to
11 the contract at time of termination.

12 **SEC. 122. LIMITATION ON NAVY MEDIUM AND LARGE UN-**
13 **MANNED SURFACE VESSELS.**

14 (a) **MILESTONE B APPROVAL REQUIREMENTS.—**
15 Milestone B approval may not be granted for a covered
16 program unless such program accomplishes prior to and
17 incorporates into such approval—

18 (1) qualification by the Senior Technical Au-
19 thority of—

20 (A) at least two different main propulsion
21 engines and ancillary equipment, including the
22 fuel and lube oil systems; and

23 (B) at least two different electrical genera-
24 tors and ancillary equipment;

1 (2) final results of test programs of engineering
2 development models or prototypes for critical sys-
3 tems specified by the Senior Technical Authority in
4 their final form, fit, and function and in a realistic
5 environment; and

6 (3) a determination by the milestone decision
7 authority of the minimum number of vessels, dis-
8 crete test events, performance parameters to be test-
9 ed, and schedule required to complete initial oper-
10 ational test and evaluation and demonstrate oper-
11 ational suitability and operational effectiveness.

12 (b) **QUALIFICATION REQUIREMENTS.**—The qualifica-
13 tion required in subsection (a)(1) shall include a land-
14 based operational demonstration of such equipment in the
15 vessel-representative form, fit, and function for not less
16 than 1,080 continuous hours without preventative mainte-
17 nance, corrective maintenance, emergent repair, or any
18 other form of repair or maintenance.

19 (c) **REQUIREMENT TO USE QUALIFIED ENGINES AND**
20 **GENERATORS.**—The Secretary of the Navy shall require
21 that covered programs use only main propulsion engines
22 and electrical generators that are qualified under sub-
23 section (a)(1).

24 (d) **LIMITATION.**—The Secretary of the Navy may
25 not release a detail design or construction request for pro-

1 posals or obligate funds from a procurement account for
2 a covered program until such program receives Milestone
3 B approval and the milestone decision authority notifies
4 the congressional defense committees, in writing, of the
5 actions taken to comply with the requirements under this
6 section.

7 (e) DEFINITIONS.—In this section:

8 (1) The term “covered program” means a pro-
9 gram for—

10 (A) medium unmanned surface vessels; or

11 (B) large unmanned surface vessels.

12 (2) The term “Milestone B approval” has the
13 meaning given the term in section 2366(e)(7) of title
14 10, United States Code.

15 (3) The term “milestone decision authority”
16 means the official within the Department of Defense
17 designated with the overall responsibility and au-
18 thority for acquisition decisions for the program, in-
19 cluding authority to approve entry of the program
20 into the next phase of the acquisition process.

21 (4) The term “Senior Technical Authority” has
22 the meaning given the term in section 8669b of title
23 10, United States Code.

1 **SEC. 123. EXTENSION OF PROHIBITION ON AVAILABILITY**
2 **OF FUNDS FOR NAVY WATERBORNE SECU-**
3 **RITY BARRIERS.**

4 Section 130(a) of the John S. McCain National De-
5 fense Authorization Act for Fiscal Year 2019 (Public Law
6 115–232; 132 Stat. 1665), as amended by section 126 of
7 the National Defense Authorization Act for Fiscal Year
8 2020 (Public Law 116–92), is further amended by strik-
9 ing “for fiscal year 2019 or fiscal year 2020” and insert-
10 ing “for fiscal years 2019, 2020, or 2021”.

11 **SEC. 124. PROCUREMENT AUTHORITIES FOR CERTAIN AM-**
12 **PHIBIOUS SHIPBUILDING PROGRAMS.**

13 (a) CONTRACT AUTHORITY.—

14 (1) PROCUREMENT AUTHORIZED.—In fiscal
15 year 2021, the Secretary of the Navy may enter into
16 one or more contracts for the procurement of three
17 San Antonio-class amphibious ships and one Amer-
18 ica-class amphibious ship.

19 (2) PROCUREMENT IN CONJUNCTION WITH EX-
20 ISTING CONTRACTS.—The ships authorized to be
21 procured under paragraph (1) may be procured as
22 additions to existing contracts covering such pro-
23 grams.

24 (b) CERTIFICATION REQUIRED.—A contract may not
25 be entered into under subsection (a) unless the Secretary
26 of the Navy certifies to the congressional defense commit-

1 tees, in writing, not later than 30 days before entry into
2 the contract, each of the following, which shall be prepared
3 by the milestone decision authority for such programs:

4 (1) The use of such a contract is consistent
5 with the Department of the Navy's projected force
6 structure requirements for amphibious ships.

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

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

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

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

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

24 (E) the contractual actions that will ensure
25 the estimated cost savings are realized.

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

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

9 (5) The estimates of both the cost of the con-
10 tract and the anticipated cost avoidance through the
11 use of a contract authorized under subsection (a)
12 are realistic.

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

15 (7) During the fiscal year in which such con-
16 tract is to be awarded, sufficient funds will be avail-
17 able to perform the contract in such fiscal year, and
18 the future-years defense program (as defined under
19 section 221 of title 10, United States Code) for such
20 fiscal year will include the funding required to exe-
21 cute the program without cancellation.

22 (c) **AUTHORITY FOR ADVANCE PROCUREMENT.**—The
23 Secretary of the Navy may enter into one or more con-
24 tracts for advance procurement associated with a vessel
25 or vessels for which authorization to enter into a contract

1 is provided under subsection (a), and for systems and sub-
2 systems associated with such vessels in economic order
3 quantities when cost savings are achievable.

4 (d) **CONDITION FOR OUT-YEAR CONTRACT PAY-**
5 **MENTS.**—A contract entered into under subsection (a)
6 shall provide that any obligation of the United States to
7 make a payment under the contract for a fiscal year is
8 subject to the availability of appropriations for that pur-
9 pose for such fiscal year.

10 (e) **MILESTONE DECISION AUTHORITY DEFINED.**—
11 In this section, the term “milestone decision authority”
12 has the meaning given the term in section 2366a(d) of
13 title 10, United States Code.

14 **SEC. 125. FIGHTER FORCE STRUCTURE ACQUISITION**
15 **STRATEGY.**

16 (a) **REPORT REQUIRED.**—Not later than March 1,
17 2021, the Secretary of the Navy shall submit to the con-
18 gressional defense committees a report with a fighter force
19 structure acquisition strategy that is aligned with the re-
20 sults of the independent studies required under section
21 1064 of the National Defense Authorization Act for Fiscal
22 Year 2018 (Public Law 115–91; 131 Stat. 1576).The
23 strategy shall establish a minimum number of F–35 and
24 Next Generation Air Dominance (NGAD) aircraft that the

1 Navy and Marine Corps would be required to purchase
2 each year to mitigate or manage strike fighter shortfalls.

3 (b) LIMITATION ON DEVIATION FROM STRATEGY.—

4 The Department of the Navy may not deviate from the
5 acquisition strategy established under subsection (a)
6 until—

7 (1) the Secretary of the Navy receives a waiver
8 and justification from the Secretary of Defense; and

9 (2) 30 days after the Secretary of the Navy no-
10 tifies the congressional defense committees of the
11 proposed deviation.

12 **SEC. 126. TREATMENT OF SYSTEMS ADDED BY CONGRESS**
13 **IN FUTURE PRESIDENT'S BUDGET REQUESTS.**

14 A procurement quantity of a system authorized by
15 Congress in a National Defense Authorization Act for a
16 given fiscal year that is subsequently appropriated by Con-
17 gress in an amount greater than the quantity of such sys-
18 tem included in the President's annual budget request
19 submitted to Congress under section 1105 of title 31,
20 United States Code, for such fiscal year shall not be in-
21 cluded as a new procurement quantity in future annual
22 budget requests.

23 **SEC. 127. REPORT ON CARRIER WING COMPOSITION.**

24 (a) REPORT.—Not later than May 1, 2021, the Sec-
25 retary of the Navy, in consultation with the Chief of Naval

1 Operations and Commandant of the Marine Corps, shall
2 submit to the congressional defense committees a report
3 on the optimal composition of the carrier air wing in 2030
4 and 2040, as well as alternative force design concepts.

5 (b) ELEMENTS.—The report required under sub-
6 section (a) shall include the following elements:

7 (1) An analysis and justification used to reach
8 the 50-50 mix of 4th and 5th generation aircraft for
9 2030.

10 (2) An analysis and justification for the optimal
11 mix of carrier aircraft for 2040.

12 (3) A plan for incorporating unmanned aerial
13 vehicles and associated communication capabilities to
14 effectively implement the future force design.

15 **SEC. 128. REPORT ON STRATEGY TO USE ALQ-249 NEXT**
16 **GENERATION JAMMER TO ENSURE FULL**
17 **SPECTRUM ELECTROMAGNETIC SUPERI-**
18 **ORITY.**

19 (a) REPORT.—Not later than July 30, 2021, the Sec-
20 retary of the Navy, in consultation with the Vice Chairman
21 of the Joint Chiefs, shall submit to the congressional de-
22 fense committees report with a strategy to ensure full
23 spectrum electromagnetic superiority using the ALQ-249
24 Next Generation Jammer.

1 (b) ELEMENTS.—The report required under sub-
2 section (a) shall include the following elements:

3 (1) A description of the current procurement
4 strategy of the ALQ-249 and the analysis of its ca-
5 pability to meet the RF frequency ranges required in
6 a National Defense Strategy (NDS) conflict.

7 (2) An assessment of the ALQ-249's compat-
8 ibility and ability to synchronize non-kinetic fires
9 using other Joint Electronic Warfare (EW) plat-
10 forms.

11 (3) A future model of an interlinked/inter-
12 dependent electronic warfare menu of options for
13 commanders at tactical, operational, and strategic
14 levels.

15 **Subtitle D—Air Force Programs**

16 **SEC. 141. ECONOMIC ORDER QUANTITY CONTRACTING AU-** 17 **THORITY FOR F-35 JOINT STRIKE FIGHTER** 18 **PROGRAM.**

19 (a) AUTHORITY FOR ADVANCE PROCUREMENT AND
20 ECONOMIC ORDER QUANTITY.—The Secretary of Defense
21 may enter into one or more contracts, beginning with the
22 fiscal year 2020 program year, for the procurement of eco-
23 nomic order quantities of material and equipment for the
24 F-35 aircraft program for use in procurement contracts

1 to be awarded for such program during fiscal years 2021
2 through 2023.

3 (b) LIMITATION.—The total amount obligated in fis-
4 cal year 2021 under all contracts entered into under sub-
5 section (a) shall not exceed \$493,000,000.

6 (c) PRELIMINARY FINDINGS.—Before entering into a
7 contract under subsection (a), the Secretary shall make
8 each of the following findings with respect to such con-
9 tract:

10 (1) The use of such a contract will result in sig-
11 nificant savings of the total anticipated costs of car-
12 rying out the program through annual contracts.

13 (2) The minimum need for the property to be
14 procured is expected to remain substantially un-
15 changed during the contemplated contract period in
16 terms of production rate, procurement rate, and
17 total quantities.

18 (3) There is a reasonable expectation that,
19 throughout the contemplated contract period, the
20 Secretary will request funding for the contract at
21 the level required to avoid contract cancellation.

22 (4) There is a stable design for the property to
23 be procured, and the technical risks associated with
24 such property are not excessive.

1 (5) The estimates of both the cost of the con-
2 tract and the anticipated cost avoidance through the
3 use of an economic order quantity contract are real-
4 istic.

5 (6) Entering into the contract will promote the
6 national security interests of the United States.

7 (d) CERTIFICATION REQUIREMENT.—Except as pro-
8 vided in subsection (e), the Secretary of Defense may not
9 enter into a contract under subsection (a) until 30 days
10 after the Secretary certifies to the congressional defense
11 committees, in writing, that each of the following condi-
12 tions is satisfied:

13 (1) A sufficient number of end items of the sys-
14 tem being acquired under such contract have been
15 delivered at or within the most recently available es-
16 timates of the program acquisition unit cost or pro-
17 curement unit cost for such system to determine
18 that the estimates of the unit costs are realistic.

19 (2) During the fiscal year in which such con-
20 tract is to be awarded, sufficient funds will be avail-
21 able to perform the contract in such fiscal year, and
22 the future-years defense program submitted to Con-
23 gress under section 221 of title 10, United States
24 Code, for that fiscal year will include the funding re-
25 quired to execute the program without cancellation.

1 (3) The contract is a fixed-price type contract.

2 (4) The proposed contract provides for produc-
3 tion at not less than minimum economic rates given
4 the existing tooling and facilities.

5 (5) The Secretary has determined that each of
6 the conditions described in paragraphs (1) through
7 (6) of subsection (c) will be met by such contract
8 and has provided the basis for such determination to
9 the congressional defense committees.

10 (6) The determination under paragraph (5) was
11 made after the completion of a cost analysis per-
12 formed by the Director of Cost Assessment and Pro-
13 gram Evaluation for the purpose of section
14 2334(f)(2) of title 10, United States Code, and the
15 analysis supports that determination.

16 (e) EXCEPTION.—Notwithstanding subsection (d),
17 the Secretary of Defense may enter into a contract under
18 subsection (a) on or after December 1, 2020, if—

19 (1) the Director of Cost Assessment and Pro-
20 gram Evaluation has not completed a cost analysis
21 of the preliminary findings made by the Secretary
22 under subsection (c) with respect to the contract;

23 (2) the Secretary certifies to the congressional
24 defense committees, in writing, that each of the con-

1 ditions described in paragraphs (1) through (5) of
2 subsection (d) is satisfied; and

3 (3) a period of 30 days has elapsed following
4 the date on which the Secretary submits the certifi-
5 cation under paragraph (2).

6 **SEC. 142. MINIMUM AIRCRAFT LEVELS FOR MAJOR MIS-**
7 **SION AREAS.**

8 (a) **MINIMUM LEVELS.**—Except as provided under
9 subsection (b), the Secretary of the Air Force shall main-
10 tain the following minima, based on Primary Mission Air-
11 craft Inventory (PMAI):

12 (1) 1,182 Fighter aircraft.

13 (2) 190 Attack Remotely Piloted Aircraft
14 (RPA).

15 (3) 92 Bomber aircraft.

16 (4) 412 Tanker aircraft.

17 (5) 230 Tactical airlift aircraft.

18 (6) 235 Strategic airlift aircraft.

19 (7) 84 Strategic Intelligence, Surveillance, and
20 Reconnaissance (ISR) aircraft.

21 (8) 106 Combat Search and Rescue (CSAR)
22 aircraft.

23 (b) **EXCEPTIONS.**—The Secretary of the Air Force
24 may reduce the number of aircraft in the PMAI of the

1 Air Force below the minima specified in subsection (a)
2 only if—

3 (1) the Secretary certifies to the congressional
4 defense committees that such reduction is justified
5 by the results of the new capability and require-
6 ments studies; and

7 (2) a period of 30 days has elapsed following
8 the date on which the certification is made to the
9 congressional defense committees under paragraph
10 (1).

11 (c) **APPLICABILITY.**—The limitation in subsection (a)
12 shall not apply to aircraft that the Secretary of the Air
13 Force determines, on a case-by-case basis, to be no longer
14 mission capable because of mishaps, other damage, or
15 being uneconomical to repair.

16 **SEC. 143. MINIMUM OPERATIONAL SQUADRON LEVEL.**

17 As soon as practicable after the date of the enactment
18 of this Act and subject to the availability of appropria-
19 tions, the Secretary of the Air Force shall seek to achieve
20 a minimum of not fewer than 386 available operational
21 squadrons, or equivalent organizational units, within the
22 Air Force. In addition to the operational squadrons, the
23 Secretary shall strive to achieve the following primary mis-
24 sion aircraft inventory (PMAI) numbers:

25 (1) 1,680 Fighter aircraft.

1 (2) 199 Persist attack remotely piloted aircraft
2 (RPA).

3 (3) 225 Bomber aircraft.

4 (4) 500 Air refueling aircraft.

5 (5) 286 Tactical airlift aircraft.

6 (6) 284 Strategic airlift aircraft.

7 (7) 55 Command and control aircraft.

8 (8) 105 Combat search and rescue (CSAR) air-
9 craft.

10 (9) 30 Intelligence, surveillance, and reconnais-
11 sance (ISR) aircraft.

12 (10) 179 Special operations aircraft.

13 (11) 40 Electronic warfare (EW) aircraft.

14 **SEC. 144. MINIMUM AIR FORCE BOMBER AIRCRAFT LEVEL.**

15 The Secretary of Defense shall submit to the congres-
16 sional defense committees recommendations for a min-
17 imum number of bomber aircraft, including penetrating
18 bombers in addition to B-52H aircraft, to enable the Air
19 Force to carry out its long-range penetrating strike capa-
20 bility.

21 **SEC. 145. F-35 GUN SYSTEM.**

22 The Secretary of the Air Force shall begin the pro-
23 curement process for an alternate 25mm ammunition solu-
24 tion that provides a true full-spectrum target engagement
25 capability for the F-35A aircraft.

1 **SEC. 146. PROHIBITION ON FUNDING FOR CLOSE AIR SUP-**
2 **PORT INTEGRATION GROUP.**

3 No funds authorized to be appropriated by this Act
4 may be obligated or expended for the Close Air Support
5 Integration Group (CIG) or its subordinate units at Nellis
6 Air Force Base, Nevada, and the Air Force may not utilize
7 personnel or equipment in support of the CIG or its subor-
8 dinate units.

9 **SEC. 147. LIMITATION ON DIVESTMENT OF KC-10 AND KC-**
10 **135 AIRCRAFT.**

11 The Secretary of Defense may not divest KC-10 and
12 KC-135 aircraft in excess of the following amounts:

13 (1) In fiscal year 2021, 6 KC-10 aircraft, in-
14 cluding only 3 from primary mission aircraft inven-
15 tory (PMAI).

16 (2) In fiscal year 2022, 12 KC-10 aircraft.

17 (3) In fiscal year 2023, 12 KC-10 and 14 KC-
18 135 aircraft.

19 **SEC. 148. LIMITATION ON RETIREMENT OF U-2 AND RQ-4**
20 **AIRCRAFT.**

21 (a) LIMITATION.—The Secretary of the Air Force
22 may not take any action that would prevent the Air Force
23 from maintaining the fleets of U-2 aircraft or RQ-4 air-
24 craft in their current, or improved, configurations and ca-
25 pabilities until the Chairman of the Joint Requirements
26 Oversight Council certifies in writing to the appropriate

1 committees of Congress that the capability to be fielded
2 at the same time or before the retirement of the U-2 air-
3 craft or RQ-4 aircraft (as the case may be) would result
4 in equal or greater capability available to the commanders
5 of the combatant commands and would not result in less
6 capacity available to the commanders of the combatant
7 commands.

8 (b) WAIVER.—The Secretary of Defense may waive
9 the certification requirement under subsection (a) with re-
10 spect to U-2 aircraft or RQ-4 aircraft if the Secretary—

11 (1) determines, after analyzing sufficient and
12 relevant data, that a loss in capacity and capability
13 will not prevent the combatant commanders from ac-
14 complishing their missions at acceptable levels of
15 risk; and

16 (2) provides to the appropriate committees of
17 Congress a certification of such determination and
18 supporting analysis.

19 (c) APPROPRIATE COMMITTEES OF CONGRESS DE-
20 FINED.—In this section, the term “appropriate commit-
21 tees of Congress” means—

22 (1) the Committee on Armed Services, the
23 Committee on Appropriations, and the Select Com-
24 mittee on Intelligence of the Senate; and

1 (2) the Committee on Armed Services, the
2 Committee on Appropriations, and the Permanent
3 Select Committee on Intelligence of the House of
4 Representatives.

5 **SEC. 149. LIMITATION ON DIVESTMENT OF F-15C AIRCRAFT**
6 **IN THE EUROPEAN THEATER.**

7 (a) **IN GENERAL.**—The Secretary of the Air Force
8 may not divest F-15C aircraft in the European theater
9 until the F-15EX aircraft is integrated into the Air Force
10 and has begun bed down actions in the European theater.

11 (b) **WAIVER.**—The Secretary of Defense, after con-
12 sultation with the Commander of the United States Euro-
13 pean Command (EUCOM), may waive the limitation
14 under subsection (a) if the Secretary certifies to Congress
15 the divestment is required for the national defense and
16 that there exists sufficient resources at all times to meet
17 NATO and EUCOM air superiority requirements for the
18 European theater.

19 **SEC. 150. AIR BASE DEFENSE DEVELOPMENT AND ACQUI-**
20 **SION STRATEGY.**

21 (a) **STRATEGY REQUIRED.**—Not later than March 1,
22 2021, the Chief of Staff of the Air Force (CSAF), in con-
23 sultation with the Chief of Staff of the Army (CSA), shall
24 submit to the congressional defense committees a develop-
25 ment and acquisition strategy to procure a capability to

1 protect air bases and prepositioned sites in contested envi-
2 ronments highlighted in the National Defense Strategy.
3 The strategy should ensure a solution that is effective
4 against current and emerging cruise missile and advanced
5 hypersonic missile threats.

6 (b) LIMITATION ON USE OF OPERATION AND MAIN-
7 TENANCE FUNDS.—Not more than 50 percent of the
8 funds authorized to be appropriated by this Act for fiscal
9 year 2021 for operation and maintenance for the Office
10 of the Secretary of the Air Force and the Office of the
11 Secretary of the Army may be obligated or expended until
12 15 days after submission of the strategy required under
13 subsection (a).

14 **SEC. 151. REQUIRED SOLUTION FOR KC-46 AIRCRAFT RE-**
15 **MOTE VISUAL SYSTEM LIMITATIONS.**

16 The Secretary of the Air Force shall develop and im-
17 plement a complete, one-time solution to the KC-46 air-
18 craft remote visual system (RVS) operational limitations.
19 Not later than October 1, 2020, the Secretary shall submit
20 to the congressional defense committees an implementa-
21 tion strategy for the solution.

1 **SEC. 152. ANALYSIS OF REQUIREMENTS AND ADVANCED**
2 **BATTLE MANAGEMENT SYSTEM CAPABILI-**
3 **TIES.**

4 (a) ANALYSIS.—Not later than April 1, 2021, the
5 Secretary of the Air Force, in consultation with the com-
6 manders of the combatant commands, shall develop an
7 analysis of current and future moving target indicator re-
8 quirements across the combatant commands and oper-
9 ational and tactical level command and control capabilities
10 the Advanced Battle Management System (ABMS) will re-
11 quire when fielded.

12 (b) JROC REQUIREMENTS.—

13 (1) IN GENERAL.—Not later than 60 days after
14 the Secretary of the Air Force develops the analysis
15 under subsection (a), the Joint Requirements Over-
16 sight Council (JROC) shall certify that requirements
17 for ABMS incorporate the findings of the analysis.

18 (2) CONGRESSIONAL NOTIFICATION.—The Joint
19 Requirements Oversight Council (JROC) shall notify
20 the congressional defense committees upon making
21 the certification required under paragraph (1) and
22 provide a briefing on the requirements and findings
23 described in such paragraph not later than 30 days
24 after such notification.

1 **SEC. 153. STUDIES ON MEASURES TO ASSESS COST-PER-EF-**
2 **FFECT FOR KEY MISSION AREAS.**

3 (a) IN GENERAL.—Not later than January 1, 2021,
4 the Secretary of the Air Force shall provide for the per-
5 formance of two independent studies to devise new meas-
6 ures to assess cost-per-effect for key mission areas. One
7 of the studies shall be conducted by an organization de-
8 scribed in section 501(c)(3) of the Internal Revenue Code
9 of 1986 and exempt from tax under section 501(a) of such
10 Code, and one of the studies shall be conducted by a feder-
11 ally funded research and development center.

12 (b) SCOPE.—Each study conducted pursuant to sub-
13 section (a) shall address the following matters:

14 (1) Number of weapon systems required to
15 meet a specified mission goal.

16 (2) Number of personnel required to meet a
17 specified mission goal.

18 (3) Associated operation and maintenance costs
19 necessary to facilitate respective operational con-
20 structs.

21 (4) Basing requirements for respective force
22 constructs.

23 (5) Mission support elements required to facili-
24 tate specified operations.

25 (6) Defensive measures required to facilitate
26 viable mission operations.

1 (7) Attrition due to enemy countermeasures
2 and other loss factors associated with respective
3 technologies.

4 (8) Associated weapon effects costs compared to
5 alternative forms of power projection.

6 (c) IMPLEMENTATION OF MEASURES.—The Sec-
7 retary of the Air Force shall, as appropriate, incorporate
8 the findings of the studies conducted pursuant to sub-
9 section (a) in the Air Force’s future force development
10 process. The measures—

11 (1) should be domain and platform agnostic;

12 (2) should focus on how best to achieve mission
13 goals in future operations; and

14 (3) shall consider including harnessing cost-per-
15 effect assessments as a key performance parameter
16 within the Department of Defense’s Joint Capabili-
17 ties Integration and Development System (JCIDS)
18 requirements process.

19 **SEC. 154. PLAN FOR OPERATIONAL TEST AND UTILITY**
20 **EVALUATION OF SYSTEMS FOR LOW-COST AT-**
21 **TRIBUTABLE AIRCRAFT TECHNOLOGY PRO-**
22 **GRAM.**

23 Not later than October 1, 2020, the Assistant Sec-
24 retary of the Air Force for Acquisition, Technology, and
25 Logistics shall—

1 (a) submit to the congressional defense committees
2 an executable plan for the operational test and utility eval-
3 uation of the systems of the Low-Cost Attributable Air-
4 craft Technology (LCAAT) program of the Air Force; and
5 (b) brief the congressional defense committees on
6 such plan.

7 **SEC. 155. PROHIBITION ON RETIREMENT OR DIVESTMENT**
8 **OF A-10 AIRCRAFT.**

9 The Secretary of Defense may not during fiscal year
10 2021 divest or retire any A-10 aircraft, in order to ensure
11 ongoing capabilities to counter violent extremism and pro-
12 vide close air support and combat search and rescue in
13 accordance with the National Defense Strategy.

14 **Subtitle E—Defense-wide, Joint,**
15 **and Multiservice Matters**

16 **SEC. 171. BUDGETING FOR LIFE-CYCLE COST OF AIRCRAFT**
17 **FOR THE NAVY, ARMY, AND AIR FORCE: AN-**
18 **NUAL PLAN AND CERTIFICATION.**

19 (a) IN GENERAL.—Chapter 9 of title 10, United
20 States Code, is amended by inserting after section 231 the
21 following new section:

1 **“§ 231a. Budgeting for life-cycle cost of aircraft for**
2 **the Navy, Army, and Air Force: Annual**
3 **plan and certification**

4 “(a) ANNUAL AIRCRAFT PROCUREMENT PLAN AND
5 CERTIFICATION.—Not later than 45 days after the date
6 on which the President submits to Congress the budget
7 for a fiscal year, the Secretary of Defense shall submit
8 to the congressional defense committees—

9 “(1) a plan for the procurement of the aircraft
10 specified in subsection (b) for the Department of the
11 Navy, the Department of the Army, and the Depart-
12 ment of the Air Force developed in accordance with
13 this section; and

14 “(2) a certification by the Secretary that both
15 the budget for such fiscal year and the future years
16 defense program submitted to Congress in relation
17 to such budget under section 221 of this title pro-
18 vide for funding of the procurement of aircraft at a
19 level that is sufficient for the procurement of the
20 aircraft provided for in the plan under paragraph
21 (1) on the schedule provided in the plan.

22 “(b) COVERED AIRCRAFT.—The aircraft specified in
23 this subsection are the aircraft as follows:

24 “(1) Fighter aircraft.

25 “(2) Attack aircraft.

26 “(3) Bomber aircraft.

1 “(4) Intertheater lift aircraft.

2 “(5) Intratheater lift aircraft.

3 “(6) Intelligence, surveillance, and reconnais-
4 sance aircraft.

5 “(7) Tanker aircraft.

6 “(8) Remotely piloted aircraft.

7 “(9) Rotary-wing aircraft.

8 “(10) Operational support and executive lift
9 aircraft.

10 “(11) Any other major support aircraft des-
11 igned by the Secretary of Defense for purposes of
12 this section.

13 “(c) ANNUAL AIRCRAFT PROCUREMENT PLAN.—(1)
14 The annual aircraft procurement plan developed for a fis-
15 cal year for purposes of subsection (a)(1) should be de-
16 signed so that the aviation force provided for under the
17 plan is capable of supporting the national military strategy
18 of the United States as set forth in the most recent Na-
19 tional Defense Strategy submitted under section 113(g)
20 of title 10, United States Code, and National Military
21 Strategy submitted under section 153(b) of title 10,
22 United States Code.

23 “(2) Each annual aircraft procurement plan shall in-
24 clude the following:

1 “(A) A detailed program for the procurement of
2 the aircraft specified in subsection (b) for each of
3 the Department of the Navy, the Department of the
4 Army, and the Department of the Air Force over the
5 next 30 fiscal years.

6 “(B) A description of the necessary aviation
7 force structure to meet the requirements of the na-
8 tional military strategy of the United States or the
9 most recent Quadrennial Defense Review, whichever
10 is applicable under paragraph (1).

11 “(C) The estimated levels of annual investment
12 funding necessary to carry out each aircraft pro-
13 gram, together with a discussion of the procurement
14 strategies on which such estimated levels of annual
15 investment funding are based, set forth in aggregate
16 for the Department of Defense and in aggregate for
17 each military department.

18 “(D) The estimated level of annual funding
19 necessary to operate, maintain, sustain, and support
20 each aircraft program throughout the life-cycle of
21 the program, set forth in aggregate for the Depart-
22 ment of Defense and in aggregate for each military
23 department.

24 “(E) For each of the cost estimates required by
25 subparagraphs (C) and (D)—

1 “(i) a description of whether the cost esti-
2 mate is derived from the cost estimate position
3 of the military department or derived from the
4 cost estimate position of the Office of Cost
5 Analysis and Program Evaluation;

6 “(ii) if the cost estimate position of the
7 military department and the cost estimate posi-
8 tion of the Office of Cost Analysis and Program
9 Evaluation differ by more than 5 percent for
10 any aircraft program, an annotated cost esti-
11 mate difference and sufficient rationale to ex-
12 plain the difference;

13 “(iii) the confidence or certainty level asso-
14 ciated with the cost estimate for each aircraft
15 program; and

16 “(iv) a certification that cost between dif-
17 ferent services and aircraft are based on similar
18 components in the life-cycle cost of each pro-
19 gram.

20 “(F) An assessment by the Secretary of De-
21 fense of the extent to which the combined aircraft
22 forces of the Department of the Navy, the Depart-
23 ment of the Army, and the Department of the Air
24 Force meet the national security requirements of the
25 United States.

1 “(3) For any cost estimate required by paragraph
2 (2)(C) or (D), for any aircraft program for which the Sec-
3 retary is required to include in a report under section
4 2432 of this title, the source of the cost information used
5 to prepare the annual aircraft plan, shall be sourced from
6 the Selected Acquisition Report data that the Secretary
7 plans to submit to the congressional defense committees
8 in accordance with subsection (f) of that section for the
9 year for which the annual aircraft plan is prepared.

10 “(4) The annual aircraft procurement plan shall be
11 submitted in unclassified form and shall contain a classi-
12 fied annex. A summary version of the unclassified report
13 shall be made available to the public.

14 “(d) ASSESSMENT WHEN AIRCRAFT PROCUREMENT
15 BUDGET IS INSUFFICIENT TO MEET APPLICABLE RE-
16 QUIREMENTS.—If the budget for a fiscal year provides for
17 funding of the procurement of aircraft for the Department
18 of the Navy, the Department of the Army, or the Depart-
19 ment of the Air Force at a level that is not sufficient to
20 sustain the aviation force structure specified in the air-
21 craft procurement plan for such Department for that fis-
22 cal year under subsection (a), the Secretary shall include
23 with the defense budget materials for that fiscal year an
24 assessment that describes and discusses the risks associ-
25 ated with the reduced force structure of aircraft that will

1 result from funding aircraft procurement at such level.
2 The assessment shall be coordinated in advance with the
3 commanders of the combatant commands.

4 “(e) ANNUAL REPORT ON AIRCRAFT INVENTORY.—

5 (1) As part of the annual plan and certification required
6 to be submitted under this section, the Secretary shall in-
7 clude a report on the aircraft in the inventory of the De-
8 partment of Defense. Each such report shall include the
9 following, for the year covered by the report:

10 “(A) The total number of aircraft in the inven-
11 tory.

12 “(B) The total number of the aircraft in the in-
13 ventory that are active, stated in the following cat-
14 egories (with appropriate subcategories for mission
15 aircraft, training aircraft, dedicated test aircraft,
16 and other aircraft):

17 “(i) Primary aircraft.

18 “(ii) Backup aircraft.

19 “(iii) Attrition and reconstitution reserve
20 aircraft.

21 “(C) The total number of the aircraft in the in-
22 ventory that are inactive, stated in the following cat-
23 egories:

24 “(i) Bailment aircraft.

25 “(ii) Drone aircraft.

1 “(iii) Aircraft for sale or other transfer to
2 foreign governments.

3 “(iv) Leased or loaned aircraft.

4 “(v) Aircraft for maintenance training.

5 “(vi) Aircraft for reclamation.

6 “(vii) Aircraft in storage.

7 “(D) The aircraft inventory requirements ap-
8 proved by the Joint Chiefs of Staff.

9 “(2) Each report submitted under this subsection
10 shall set forth each item described in paragraph (1) sepa-
11 rately for the regular component of each armed force and
12 for each reserve component of each armed force and, for
13 each such component, shall set forth each type, model, and
14 series of aircraft provided for in the future-years defense
15 program that covers the fiscal year for which the budget
16 accompanying the plan, certification and report is sub-
17 mitted.

18 “(f) DEFINITION OF BUDGET.—In this section, the
19 term ‘budget’, with respect to a fiscal year, means the
20 budget for that fiscal year that is submitted to Congress
21 by the President under section 1105(a) of title 31.”.

22 (b) CLERICAL AMENDMENT.—The table of sections
23 at the beginning of chapter 9 of such title is amended by
24 inserting after the item relating to section 231 the fol-
25 lowing new item:

“231a. Budgeting for life-cycle cost of aircraft for the Navy, Army, and Air Force: Annual plan and certification.”.

1 **SEC. 172. AUTHORITY TO USE F-35 AIRCRAFT WITHHELD**
2 **FROM DELIVERY TO GOVERNMENT OF TUR-**
3 **KEY.**

4 The Secretary of the Air Force is authorized to uti-
5 lize, modify, and operate the 6 F-35 aircraft that were
6 accepted by the Government of Turkey but never delivered
7 because Turkey was suspended from the F-35 program.

8 **SEC. 173. TRANSFER FROM COMMANDER OF UNITED**
9 **STATES STRATEGIC COMMAND TO CHAIRMAN**
10 **OF THE JOINT CHIEFS OF STAFF OF RESPON-**
11 **SIBILITIES AND FUNCTIONS RELATING TO**
12 **ELECTROMAGNETIC SPECTRUM OPER-**
13 **ATIONS.**

14 (a) TRANSFER.—Not later than one year after the
15 date of the enactment of this Act and subject to subsection
16 (c), the Secretary of Defense shall transition to the Chair-
17 man of the Joint Chiefs of Staff as a Chairman’s Con-
18 trolled Activity all of the responsibilities and functions of
19 the Commander of United States Strategic Command that
20 are germane to electromagnetic spectrum operations, in-
21 cluding—

22 (1) advocacy for joint electronic warfare capa-
23 bilities,

1 (2) providing contingency electronic warfare
2 support to other combatant commands, and

3 (3) supporting combatant command joint train-
4 ing and planning related to electromagnetic spec-
5 trum operations.

6 (b) RESPONSIBILITY OF VICE CHAIRMAN OF THE
7 JOINT CHIEFS OF STAFF AS THE ELECTRONIC WARFARE
8 SENIOR DESIGNATED OFFICIAL.—The Vice Chairman of
9 the Joint Chiefs of Staff, as the Electronic Warfare Senior
10 Designated Official, shall be responsible for the following:

11 (1) Executing the functions transitioned to the
12 Chairman of the Joint Chiefs of Staff under sub-
13 section (a).

14 (2) Overseeing, with the Chief Information Offi-
15 cer of the Department of Defense, the development
16 and implementation of the Electromagnetic Spec-
17 trum Superiority Strategy of the Department of De-
18 fense and subsequent Department-wide electro-
19 magnetic spectrum and electronic warfare strategies.

20 (3) Managing the Joint Electronic Warfare
21 Center and the Joint Electromagnetic Preparedness
22 for Advanced Combat organizations.

23 (4) Overseeing, through the Joint Requirements
24 Oversight Council and the Electromagnetic Spec-
25 trum Operations cross-functional team, the acquisi-

1 tion activities of the military services as they relate
2 to electromagnetic spectrum operations.

3 (5) Overseeing and, as appropriate, setting
4 standards for the individual and unit training pro-
5 grams of the military services and the joint training
6 and mission rehearsal programs of the combatant
7 commands as they relate to electromagnetic spec-
8 trum operations.

9 (6) Overseeing the development of tactics, tech-
10 niques, and procedures germane to electromagnetic
11 spectrum operations.

12 (7) Overseeing the integration of electro-
13 magnetic spectrum operations into operation plans
14 and contingency plans.

15 (8) Developing and integrating into the joint
16 warfighting concept operational concepts for electro-
17 magnetic spectrum operations, including the fol-
18 lowing:

19 (A) The roles and responsibilities of each
20 of the military services and their primary con-
21 tributions to the joint force.

22 (B) The primary targets for offensive elec-
23 tromagnetic spectrum operations and their
24 alignment to the military services and relevant
25 capabilities.

1 (C) The armed forces' positioning, scheme
2 of maneuver, kill chains, and tactics, tech-
3 niques, and procedures, as appropriate, to con-
4 duct offensive electromagnetic spectrum oper-
5 ations.

6 (D) The armed forces' positioning, scheme
7 of maneuver, kill chains, and tactics, tech-
8 niques, and procedures, as appropriate, to de-
9 tect, disrupt, avoid, or render ineffective adver-
10 sary electromagnetic spectrum operations.

11 (c) PERIOD OF EFFECT OF TRANSFER.—

12 (1) IN GENERAL.—The transfer required by
13 subsection (a) and the responsibilities specified in
14 subsection (b) shall remain in effect until such date
15 as the Chairman of the Joint Chiefs of Staff con-
16 siders appropriate, except that such date shall not be
17 earlier than the date that is 180 days after the date
18 on which the Chairman submits to the congressional
19 defense committees notice that—

20 (A) the Chairman has made a determina-
21 tion that—

22 (i) the military services', geographic
23 combatant commands', and functional
24 combatant commands' electromagnetic

1 spectrum operations expertise, capabilities,
2 and execution are sufficiently robust; and
3 (ii) an alternative arrangement de-
4 scribed in paragraph (2) is justified; and
5 (B) the Chairman intends to transfer re-
6 sponsibilities and activities in order to carry out
7 such alternative arrangement.

8 (2) ALTERNATIVE ARRANGEMENT DE-
9 SCRIBED.—An alternative arrangement described in
10 this paragraph is an arrangement in which certain
11 oversight, advocacy, and coordination functions allot-
12 ted to the Chairman or Vice Chairman of the Joint
13 Chiefs of Staff by subsections (a) and (b) are per-
14 formed either by a single combatant command or by
15 the individual geographic and functional combatant
16 commands responsible for executing electromagnetic
17 spectrum operations with long-term supervision by
18 the Chairman or Vice Chairman of the Joint Chiefs
19 of Staff.

20 (d) EVALUATIONS OF ARMED FORCES.—

21 (1) IN GENERAL.—The Chief of Staff of the
22 Army, the Chief of Naval Operations, the Chief of
23 Staff of the Air Force, the Commandant of the Ma-
24 rine Corps, and the Chief of Space Operations shall
25 each conduct and complete an evaluation of the

1 armed forces for their respective military services
2 and their ability to perform the electromagnetic
3 spectrum operations missions required of them in—

4 (A) the Electromagnetic Spectrum Superi-
5 ority Strategy;

6 (B) the Joint Staff-developed concept of
7 operations; and

8 (C) the operation and contingency plans of
9 the combatant commanders.

10 (2) ELEMENTS.—Each evaluation under para-
11 graph (1) shall include assessment of the following:

12 (A) Current programs of record, includ-
13 ing—

14 (i) the ability of weapon systems to
15 perform missions in contested electro-
16 magnetic spectrum environments; and

17 (ii) the ability of electronic warfare
18 capabilities to disrupt adversary oper-
19 ations.

20 (B) Future programs of record, includ-
21 ing—

22 (i) the need for distributed or net-
23 work-centric electronic warfare and signals
24 intelligence capabilities; and

1 (ii) the need for automated and ma-
2 chine learning- or artificial intelligence-as-
3 sisted electronic warfare capabilities.

4 (C) Order of battle.

5 (D) Individual and unit training.

6 (E) Tactics, techniques, and procedures,
7 including—

8 (i) maneuver, distribution of assets,
9 and the use of decoys; and

10 (ii) integration of nonkinetic and ki-
11 netic fires.

12 (e) EVALUATION OF COMBATANT COMMANDS.—

13 (1) IN GENERAL.—The Commander of the
14 United States European Command, the Commander
15 of the United States Pacific Command, and the
16 Commander of the United States Central Command
17 shall each conduct and complete an evaluation of the
18 plans and posture of their respective commands to
19 execute the electromagnetic spectrum operations en-
20 visioned in—

21 (A) the Electromagnetic Spectrum Superi-
22 ority Strategy; and

23 (B) the Joint Staff-developed concept of
24 operations.

1 (2) ELEMENTS.—Each evaluation under para-
2 graph (1) shall include assessment of the following:

3 (A) Operation and contingency plans.

4 (B) The manning, organizational align-
5 ment, and capability of joint electromagnetic
6 spectrum operations cells.

7 (C) Mission rehearsal and exercises.

8 (D) Force positioning, posture, and readi-
9 ness.

10 (f) SEMIANNUAL BRIEFING.—Not less frequently
11 than twice each year until January 1, 2026, the Vice
12 Chairman of the Joint Chiefs of Staff shall brief the Com-
13 mittee on Armed Services of the Senate and the Com-
14 mittee on Armed Services of the House of Representatives
15 on the implementation of this section by each of the Joint
16 Staff, the military services, and the combatant commands.

17 **SEC. 174. CRYPTOGRAPHIC MODERNIZATION SCHEDULES.**

18 (a) CRYPTOGRAPHIC MODERNIZATION SCHEDULES
19 REQUIRED.—Each of the Secretaries of the military de-
20 partments and the heads of relevant defense agencies and
21 field activities shall establish and maintain a cryp-
22 tographic modernization schedule that specifies, for each
23 pertinent weapon system, command and control system,
24 or data link, including those that use commercial
25 encryption technologies, as relevant, the following:

1 (1) The expiration date or cease key date for
2 applicable cryptographic algorithms.

3 (2) Anticipated key extension requests for sys-
4 tems where cryptographic modernization is assessed
5 to be overly burdensome and expensive or to provide
6 limited operational utility.

7 (3) The funding and deployment schedule for
8 modernized cryptographic algorithms, keys, and
9 equipment over the Future Years Defense Program.

10 (b) REQUIREMENTS FOR CHIEF INFORMATION OFFI-
11 CER.—The Chief Information Officer of the Department
12 of Defense shall—

13 (1) oversee the construction and implementa-
14 tion of the cryptographic modernization schedules
15 required by subsection (a);

16 (2) establish and maintain an integrated cryp-
17 tographic modernization schedule for the entire De-
18 partment, collating the cryptographic modernization
19 schedules required under subsection (a); and

20 (3) in coordination with the Director of the Na-
21 tional Security Agency and the Joint Staff Director
22 for Command, Control, Communications, and Com-
23 puters/Cyber, use the budget certification, standard-
24 setting, and policy-making authorities provided in
25 section 142 of title 10, United States Code, to

1 amend military service and defense agency and field
2 activity plans for key extension requests and cryp-
3 tographic modernization funding and deployment
4 that pose unacceptable risk to military operations.

5 (c) ANNUAL NOTICES.—Not later than January 1,
6 2022, and not less frequently than once each year there-
7 after until January 1, 2026, the Chief Information Officer
8 of the Department and the Joint Staff Director for Com-
9 mand, Control, Communications, and Computers/Cyber
10 shall jointly submit to the congressional defense commit-
11 tees notification of all—

12 (1) delays to or planned delays of military serv-
13 ice and defense agency and field activity funding and
14 deployment of modernized cryptographic algorithms,
15 keys, and equipment over the previous year; and

16 (2) changes in plans or schedules surrounding
17 key extension requests and waivers, including—

18 (A) unscheduled or unanticipated key ex-
19 tension requests; and

20 (B) unscheduled or unanticipated waivers
21 and nonwaivers of scheduled or anticipated key
22 extension requests.

1 **SEC. 175. PROHIBITION ON PURCHASE OF ARMED**
2 **OVERWATCH AIRCRAFT.**

3 The Secretary of the Air Force may not purchase any
4 aircraft for the Air Force Special Operations Command
5 for the purpose of “armed overwatch” until such time as
6 the Chief of Staff of the Air Force certifies to the congress-
7 sional defense committees that general purpose forces of
8 the Air Force do not have the skill or capacity to provide
9 close air support and armed overwatch to United States
10 forces deployed operationally.

11 **SEC. 176. SPECIAL OPERATIONS ARMED OVERWATCH.**

12 (a) PROHIBITION.—None of the funds authorized to
13 be appropriated by this Act for the Department of Defense
14 may be used to acquire armed overwatch aircraft for the
15 United States Special Operations Command, and the De-
16 partment of Defense may not acquire armed overwatch
17 aircraft for the United States Special Operations Com-
18 mand in fiscal year 2021.

19 (b) ANALYSIS REQUIRED.—

20 (1) IN GENERAL.—Not later than July 1, 2021,
21 the Secretary of Defense, in coordination with the
22 Assistant Secretary of Defense for Special Oper-
23 ations and Low Intensity Conflict and the Com-
24 mander of the United States Special Operations
25 Command, shall conduct an analysis to define the
26 special operations-peculiar requirements for armed

1 overwatch aircraft and to determine whether acquisi-
2 tion of a new special operations-peculiar platform is
3 the most cost effective means of fulfilling such re-
4 quirements.

5 (2) ELEMENTS.—At a minimum, the analysis
6 of alternatives required under paragraph (1) shall
7 include—

8 (A) a description of the concept of oper-
9 ations for employing armed overwatch aircraft
10 in support of ground forces;

11 (B) an identification of geographic regions
12 in which armed overwatch aircraft could be de-
13 ployed;

14 (C) an identification of the most likely
15 antiaircraft threats in geographic areas where
16 armed overwatch aircraft will be deployed and
17 possible countermeasures to defeat such
18 threats;

19 (D) a defined requirement for special oper-
20 ations-peculiar armed overwatch aircraft, in-
21 cluding an identification of threshold and objec-
22 tive performance parameters for armed
23 overwatch aircraft;

24 (E) an analysis of alternatives comparing
25 various manned and unmanned aircraft in the

1 current aircraft inventory of the United States
2 Special Operations Command and a new plat-
3 form for meeting requirements for the armed
4 overwatch mission, including for each alter-
5 native considered;

6 (F) an identification of any necessary air-
7 craft modifications and the associated cost;

8 (G) the annual cost of operating and sus-
9 taining such aircraft;

10 (H) an identification of any required mili-
11 tary construction costs;

12 (I) an explanation of how the acquisition of
13 a new armed overwatch aircraft would impact
14 the overall fleet of special operations-peculiar
15 aircraft and the availability of aircrews and
16 maintainers;

17 (J) an explanation of why existing Air
18 Force and United States Special Operations
19 Command close air support and airborne intel-
20 ligence capabilities are insufficient for the
21 armed overwatch mission; and

22 (K) any other matters determined relevant
23 by the Secretary of Defense.

1 **SEC. 177. AUTONOMIC LOGISTICS INFORMATION SYSTEM**
2 **REDESIGN STRATEGY.**

3 Not later than October 1, 2020, the Under Secretary
4 of Defense for Acquisition and Sustainment, in consulta-
5 tion with the F-35 Program Executive Officer, shall—

6 (1) submit to the congressional defense commit-
7 tees a report describing a program-wide process for
8 measuring, collecting, and tracking information on
9 how the Autonomic Logistics Information System
10 (ALIS) is affecting the performance of the F-35
11 fleet, including its effects on mission capability
12 rates; and

13 (2) implement a strategy for the redesign of
14 ALIS, including the identification and assessment of
15 goals, key risks or uncertainties, and costs of rede-
16 signing the system.

17 **SEC. 178. CONTRACT AVIATION SERVICES IN A COUNTRY**
18 **OR IN AIRSPACE IN WHICH A SPECIAL FED-**
19 **ERAL AVIATION REGULATION APPLIES.**

20 (a) IN GENERAL.—When the Department of Defense
21 contracts for aviation services to be performed in a foreign
22 country, or in airspace, in which a Special Federal Avia-
23 tion Regulation issued by the Federal Aviation Adminis-
24 tration would preclude operation of such aviation services
25 by an air carrier or commercial operator of the United

1 States, the Secretary of Defense (or a designee of the Sec-
2 retary) shall—

3 (1) obtain approval from the Administrator of
4 the Federal Aviation Administration (or a designee
5 of the Administrator) for the air carrier or commer-
6 cial operator of the United States to deviate from
7 the Special Federal Aviation Regulation to the ex-
8 tent necessary to perform such aviation services;

9 (2) designate the aircraft of the air carrier or
10 commercial operator of the United States to be
11 State Aircraft of the United States when performing
12 such aviation services; or

13 (3) use organic aircraft to perform such avia-
14 tion services in lieu of aircraft of an air carrier or
15 commercial operator of the United States.

16 (b) CONSTRUCTION OF DESIGNATION.—The designa-
17 tion of aircraft of an air carrier or commercial operator
18 of the United States as State Aircraft of the United States
19 under subsection (a)(2) shall have no effect on Federal
20 Aviation Administration requirements for—

21 (1) safety oversight responsibility for the oper-
22 ation of aircraft so designated, except for those ac-
23 tivities prohibited or restricted by an applicable Spe-
24 cial Federal Aviation Regulation; and

1 (2) any previously issued nonpremium aviation
2 insurance or reinsurance policy issued to the air car-
3 rier or commercial operator of the United States for
4 the duration of aviation services performed as a
5 State Aircraft of the United States under that sub-
6 section.

7 **SEC. 179. F-35 AIRCRAFT MUNITIONS.**

8 The Secretary of the Air Force and the Secretary of
9 the Navy shall qualify and certify, for the use of United
10 States forces, additional munitions on the F-35 aircraft
11 that are already qualified on NATO member F-35 partner
12 aircraft.

13 **SEC. 180. AIRBORNE INTELLIGENCE, SURVEILLANCE, AND**
14 **RECONNAISSANCE ACQUISITION ROADMAP**
15 **FOR UNITED STATES SPECIAL OPERATIONS**
16 **COMMAND.**

17 (a) IN GENERAL.—Not later than December 1, 2021,
18 the Assistant Secretary of Defense for Special Operations
19 and Low-Intensity Conflict and the Commander of the
20 United States Special Operations Command shall jointly
21 submit to the congressional defense committees an acqui-
22 sition roadmap to meet the manned and unmanned air-
23 borne intelligence, surveillance, and reconnaissance re-
24 quirements of United States Special Operations Forces.

1 (b) ELEMENTS.—The roadmap required under sub-
2 section (a) shall include, at a minimum, the following:

3 (1) A description of the current platform re-
4 quirements for manned and unmanned airborne in-
5 telligence, surveillance, and reconnaissance capabili-
6 ties to support United States Special Operations
7 Forces.

8 (2) An analysis of the remaining service life of
9 existing manned and unmanned airborne intel-
10 ligence, surveillance, and reconnaissance capabilities
11 currently operated by United States Special Oper-
12 ations Forces.

13 (3) An identification of any current or antici-
14 pated special operations-peculiar capability gaps.

15 (4) A description of the future manned and un-
16 manned intelligence, surveillance, and reconnais-
17 sance platform requirements of the United States
18 Special Operations Forces, including range, payload,
19 endurance, ability to operate in contested environ-
20 ments, and other requirements as appropriate.

21 (5) An explanation of the anticipated mix of
22 manned and unmanned aircraft, number of plat-
23 forms, and associated aircrew and maintainers.

24 (6) An explanation of the extent to which serv-
25 ice-provided manned and unmanned airborne intel-

1 ligence, surveillance, and reconnaissance capabilities
2 will be required in support of United States Special
3 Operations Forces and how such capabilities will
4 supplement and integrate with the organic capabili-
5 ties possessed by United States Special Operations
6 Forces.

7 (7) Any other matters deemed relevant by the
8 Assistant Secretary and Commander.

9 **SEC. 181. REQUIREMENT TO ACCELERATE THE FIELDING**
10 **AND DEVELOPMENT OF COUNTER UN-**
11 **MANNED AERIAL SYSTEMS ACROSS THE**
12 **JOINT FORCE.**

13 (a) **PRIORITY OBJECTIVES FOR EXECUTIVE AGENT**
14 **FOR C-UAS.**—The Executive Agent of the Joint Counter
15 Small Unmanned Aerial Systems (C-sUAS) Office, as des-
16 ignated by the Under Secretary of Defense, Acquisition
17 and Sustainment, shall prioritize the following objectives:

18 (1) Select counter unmanned aerial systems
19 that can be fielded as early as fiscal year 2021 to
20 meet immediate operational needs in countering
21 Group 1, 2, and 3 unmanned aerial systems with the
22 potential to expand to other larger systems.

23 (2) Devise and execute a near-term plan to de-
24 velop and field a select set of counter unmanned aer-

1 ial systems to meet joint force requirements, begin-
2 ning in fiscal year 2021.

3 (b) FIELDING C-UAS SYSTEMS IN FISCAL YEAR
4 2021.—Pursuant to subsection (a)(1), the Executive
5 Agent shall prioritize the selection of counter unmanned
6 aerial systems that can be fielded in fiscal year 2021 with
7 specific emphasis on systems that—

8 (1) have undergone effective combat validations;

9 (2) meet the operational demands of deployed
10 forces facing the most significant threats, especially
11 unmanned aerial systems that are not remotely pi-
12 loted or are not reliant on a command link; and

13 (3) utilize autonomous systems and processes
14 that increase operational effectiveness, reduce the
15 manning demands on operational forces, and limit
16 the need for government-funded contractor logistics
17 support.

18 (c) NEAR-TERM DEVELOPMENT PLAN.—The plan for
19 the near-term development of counter unmanned aerial
20 systems prioritized under subsection (a)(2) shall ensure,
21 at a minimum, that the development of such systems—

22 (1) builds, as much as practicable, upon sys-
23 tems that were selected for fielding in fiscal year
24 2021 and the criteria prioritized for their selection,
25 as specified in subsection (b);

1 (2) reduces or accelerates the timeline for initial
2 operational capability and full operational capability;

3 (3) utilizes a software-defined, family-of-sys-
4 tems approach that enables the flexible and contin-
5 uous integration of different types of sensors and
6 mitigation solutions based on the different demands
7 of particular military installations and deployed
8 forces, physical geographies, and threat profiles; and

9 (4) gives preference to commercial items, as re-
10 quired in section 3307 of title 41, United States
11 Code, when making selections of counter unmanned
12 aerial systems or component parts, including a com-
13 mon command and control system.

14 (d) BRIEFING.—Not later than 60 days after the date
15 of the enactment of this Act, the Executive Agent shall
16 brief the congressional defense committees on the selection
17 process for counter unmanned aerial systems capabilities
18 prioritized under paragraph (1) of subsection (a) and the
19 plan prioritized under paragraph (2) of such subsection.

20 (e) OVERSIGHT.—The Executive Agent shall—

21 (1) oversee the program management and exe-
22 cution of all counter unmanned aerial systems being
23 developed within the military departments on the
24 day before the date of the enactment of this Act;
25 and

1 (2) ensure that the plan prioritized under sub-
2 section (a)(2) guides future programmatic and fund-
3 ing decisions for activities relating to counter un-
4 manned aerial systems, including cancellation of
5 such activities.

6 **SEC. 182. JOINT ALL DOMAIN COMMAND AND CONTROL RE-**
7 **QUIREMENTS.**

8 (a) **PRODUCTION OF REQUIREMENTS BY JOINT RE-**
9 **QUIREMENTS OVERSIGHT COUNCIL.**—Not later than Oc-
10 tober 1, 2020, the Joint Requirements and Oversight
11 Council (JROC) shall produce requirements for the Joint
12 All Domain Command and Control (JADC2) program.

13 (b) **AIR FORCE CERTIFICATION.**—Immediately after
14 the certification of requirements produced under sub-
15 section (a), the Chief of Staff of the Air Force shall submit
16 to the congressional defense committees a certification
17 that the current JADC2 effort, including programmatic
18 and architecture efforts, being led by the Air Force will
19 meet the requirements laid out by the JROC.

20 (c) **CERTIFICATION BY OTHER SERVICES.**— Not
21 later than January 1, 2021, the chief of each other mili-
22 tary service shall submit to the congressional defense com-
23 mittees a certification whether that service's efforts on
24 multi-domain command and control are compatible with
25 the Air Force-led JADC2 architecture.

1 (d) BUDGETING.—The Secretary of Defense shall in-
2 corporate the expected costs for full development and im-
3 plementation of the JADC2 program across the Depart-
4 ment in the President’s budget submission to Congress for
5 fiscal year 2022 under section 1105 of title 31, United
6 States Code.

7 **TITLE II—RESEARCH, DEVELOP-**
8 **MENT, TEST, AND EVALUA-**
9 **TION**

10 **Subtitle A—Authorization of**
11 **Appropriations**

12 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

13 Funds are hereby authorized to be appropriated for
14 fiscal year 2021 for the use of the Department of Defense
15 for research, development, test, and evaluation, as speci-
16 fied in the funding table in section 4201.

17 **Subtitle B—Program Require-**
18 **ments, Restrictions, and Limita-**
19 **tions**

20 **SEC. 211. DESIGNATION AND ACTIVITIES OF SENIOR OFFI-**
21 **CIALS FOR CRITICAL TECHNOLOGY AREAS**
22 **SUPPORTIVE OF THE NATIONAL DEFENSE**
23 **STRATEGY.**

24 (a) DESIGNATION OF SENIOR OFFICIALS.—The
25 Under Secretary for Research and Engineering shall des-

1 ignite a set of senior officials to coordinate research and
2 engineering in such technology areas as the Under Sec-
3 retary considers critical for the support of the National
4 Defense Strategy.

5 (b) DUTIES.—The duties of the senior officials des-
6 igned under subsection (a) shall include, within their re-
7 spective technology areas—

8 (1) developing and continuously updating re-
9 search and technology development roadmaps, asso-
10 ciated funding strategies, and associated technology
11 transition strategies to ensure effective and efficient
12 development of new capabilities and operational use
13 of appropriate technologies;

14 (2) annual assessments of workforce, infra-
15 structure, and industrial base capabilities and capac-
16 ity to support the roadmaps developed under para-
17 graph (1) and the goals of the National Defense
18 Strategy;

19 (3) reviewing the relevant research and engi-
20 neering budgets of appropriate organizations within
21 the Department of Defense, including the military
22 services, and advising the Under Secretary on—

23 (A) the consistency of the budgets with the
24 roadmaps developed under paragraph (1);

1 (B) any technical and programmatic risks
2 to achieving the research and technology devel-
3 opment goals of the National Defense Strategy;
4 and

5 (C) projects and activities with unwanted
6 or inefficient duplication, including with other
7 government agencies and the commercial sector,
8 lack of appropriate coordination with relevant
9 organizations, or inappropriate alignment with
10 organizational missions and capabilities;

11 (4) coordinating research and engineering ac-
12 tivities of the Department with appropriate inter-
13 national, interagency, and private sector organiza-
14 tions; and

15 (5) tasking the appropriate intelligence agencies
16 to develop a direct comparison between the capabili-
17 ties of the United States and the capabilities of ad-
18 versaries of the United States.

19 (c) ANNUAL REPORTS.—

20 (1) IN GENERAL.—Not later than December 1,
21 2021, and not later than December 1 of each year
22 thereafter until December 1, 2025, the Under Sec-
23 retary shall submit to the congressional defense com-
24 mittees a report of successful examples of research
25 and engineering activities that have—

1 (A) achieved significant technical progress;

2 (B) transitioned to formal acquisition pro-

3 grams;

4 (C) transitioned into operational use; or

5 (D) transferred for further commercial de-
6 velopment or commercial sales.

7 (2) FORM.—Each report submitted under para-
8 graph (1) shall be submitted in a publicly releasable
9 format, but may include a classified annex.

10 (d) COORDINATION OF RESEARCH AND ENGINEER-
11 ING ACTIVITIES.—The Service Acquisition Executive for
12 each military services and the Director of the Defense Ad-
13 vanced Research Projects Agency shall each identify sen-
14 ior officials to ensure coordination of appropriate research
15 and engineering activities with each of the senior officials
16 designated under subsection (a).

17 **SEC. 212. GOVERNANCE OF FIFTH-GENERATION WIRELESS**

18 **NETWORKING IN THE DEPARTMENT OF DE-**

19 **FENSE.**

20 (a) IN GENERAL.—In carrying out the responsibil-
21 ities established in section 142 of title 10, United States
22 Code, the Chief Information Officer (CIO) of the Depart-
23 ment of Defense shall—

24 (1) lead the cross-functional team established
25 pursuant to subsection (c); and

1 (2) serve as the senior designated official for
2 fifth-generation wireless networking (commonly
3 known as “5G”) policy, oversight, guidance, re-
4 search, and coordination in the Department.

5 (b) RESPONSIBILITIES.—The Chief Information Offi-
6 cer shall have, with respect to authorities referenced in
7 subsection (a), the following responsibilities:

8 (1) Proposing governance, management, and or-
9 ganizational policy for fifth-generation wireless net-
10 working to the Secretary of Defense, in consultation
11 with the heads of the constituent organizations of
12 the cross-functional team established pursuant to
13 subsection (c).

14 (2) Leading the cross-functional team estab-
15 lished pursuant to subsection (c).

16 (c) CROSS-FUNCTIONAL TEAM FOR FIFTH-GENERA-
17 TION WIRELESS NETWORKING.—

18 (1) ESTABLISHMENT REQUIRED.—The Sec-
19 retary of Defense shall, in accordance with section
20 911(c) of the National Defense Authorization Act
21 for Fiscal Year 2017 (Public Law 114–328; 10
22 U.S.C. 111 note), establish a cross-functional team
23 for fifth-generation wireless networking in order—

24 (A) to advance the development and adop-
25 tion of next generation wireless communication

1 technologies, capabilities, security, and applica-
2 tions in the Department of Defense, the defense
3 industrial base, and the commercial sector; and

4 (B) to support public-private partnership
5 between the Department and industry regard-
6 ing fifth-generation wireless networking.

7 (2) PURPOSE.—The purpose of the cross-func-
8 tional team established pursuant to paragraph (1)
9 shall be the—

10 (A) oversight of the implementation of the
11 strategy developed as required by section 254 of
12 the National Defense Authorization Act for Fis-
13 cal Year 2020 (Public Law 116–92) for har-
14 nassing fifth-generation wireless networking
15 technologies, coordinated across all relevant ele-
16 ments of the Department;

17 (B) coordination of research and develop-
18 ment, implementation and acquisition activities,
19 warfighting concept development, spectrum pol-
20 icy, industrial policy and commercial outreach
21 and partnership relating to fifth-generation
22 wireless networking in the Department of De-
23 fense, and interagency and international en-
24 gagement;

1 (C) integration of the Department of De-
2 fense's fifth-generation wireless networking pro-
3 grams and policies with major Department ini-
4 tiatives, programs, and policies surrounding se-
5 cure microelectronics and command and con-
6 trol; and

7 (D) oversight, coordination, execution, and
8 leadership of, as appropriate, Department of
9 Defense initiatives to advance the national de-
10 ployment of fifth-generation wireless networks
11 and associated applications in the Federal Gov-
12 ernment and relevant commercial partners.

13 (d) ROLES AND RESPONSIBILITIES.—The Secretary
14 of Defense, through the cross-functional team established
15 under subsection (c), shall define the roles of the organiza-
16 tions within the Office of the Secretary of Defense, De-
17 partment of Defense intelligence components, military
18 services, defense agencies and field activities, combatant
19 commands, and the Joint Staff, for fifth-generation wire-
20 less networking policy and programs within the Depart-
21 ment.

22 (e) BRIEFING.—Not later than March 15, 2021, the
23 Secretary shall submit to the congressional defense com-
24 mittees a briefing on the establishment of the cross-func-

1 tional team pursuant to subsection (c) and the roles and
2 responsibilities defined pursuant to subsection (d).

3 (f) RULE OF CONSTRUCTION.—

4 (1) IN GENERAL.—Nothing in this section shall
5 be construed as providing the Chief Information Of-
6 ficer immediate responsibility for the Department’s
7 activities in fifth-generation wireless networking ex-
8 perimentation and science and technology develop-
9 ment.

10 (2) PURVIEW OF EXPERIMENTATION AND
11 SCIENCE AND TECHNOLOGY DEVELOPMENT.—The
12 activities described in paragraph (1) shall remain
13 within the purview of the Under Secretary of De-
14 fense for Research and Engineering, but shall in-
15 form and be informed by the activities of the cross-
16 functional team established pursuant to subsection
17 (c).

18 **SEC. 213. APPLICATION OF ARTIFICIAL INTELLIGENCE TO**
19 **THE DEFENSE REFORM PILLAR OF THE NA-**
20 **TIONAL DEFENSE STRATEGY.**

21 (a) IDENTIFICATION OF USE CASES.—The Secretary
22 of Defense, acting through such officers and employees of
23 the Department of Defense as the Secretary considers ap-
24 propriate, including the chief data officers and chief man-
25 agement officers of the military departments, shall iden-

1 tify a set of no fewer than five use cases of the application
2 of existing artificial intelligence enabled systems to sup-
3 port improved management of enterprise acquisition, per-
4 sonnel, audit, or financial management functions, or other
5 appropriate management functions, that are consistent
6 with reform efforts that support the National Defense
7 Strategy.

8 (b) **PROTOTYPING ACTIVITIES ALIGNED TO USE**
9 **CASES.**—The Secretary, acting through the Under Sec-
10 retary of Defense for Research and Engineering and in
11 coordination with the Director of the Joint Artificial Intel-
12 ligence Center and such other officers and employees as
13 the Secretary considers appropriate, shall pilot technology
14 development and prototyping activities that leverage com-
15 mercially available technologies and systems to dem-
16 onstrate new artificial intelligence enabled capabilities to
17 support the use cases identified under subsection (a).

18 (c) **BRIEFING.**—Not later than October 1, 2021, the
19 Secretary shall provide to the congressional defense com-
20 mittees a briefing summarizing the activities carried out
21 under this section.

1 **SEC. 214. EXTENSION OF AUTHORITIES TO ENHANCE INNO-**
2 **VATION AT DEPARTMENT OF DEFENSE LAB-**
3 **ORATORIES.**

4 (a) EXTENSION OF PILOT PROGRAM FOR THE EN-
5 HANCEMENT OF THE RESEARCH, DEVELOPMENT, TEST,
6 AND EVALUATION CENTERS OF THE DEPARTMENT OF
7 DEFENSE.—Section 233(e) of the National Defense Au-
8 thorization Act for Fiscal Year 2017 (Public Law 114-
9 328; 10 U.S.C. 2358 note) is amended by striking “Sep-
10 tember 30, 2022” and inserting “September 30, 2025”.

11 (b) EXTENSION OF PILOT PROGRAM TO IMPROVE IN-
12 CENTIVES FOR TECHNOLOGY TRANSFER FROM DEPART-
13 MENT OF DEFENSE LABORATORIES.—Subsection (e) of
14 section 233 of the National Defense Authorization Act for
15 Fiscal Year 2018 (Public Law 115–91; 10 U.S.C. 2514
16 note) is amended to read as follows:

17 “(e) SUNSET.—The pilot program under this section
18 shall terminate on September 30, 2025.”.

19 **SEC. 215. UPDATES TO DEFENSE QUANTUM INFORMATION**
20 **SCIENCE AND TECHNOLOGY RESEARCH AND**
21 **DEVELOPMENT PROGRAM.**

22 Section 234 of the John S. McCain National Defense
23 Authorization Act for Fiscal year 2019 (Public Law 115-
24 232; 10 U.S.C. 2358 note), as amended by section 220
25 of the National Defense Authorization Act for Fiscal Year
26 2020 (Public Law 116–92), is further amended—

1 (1) by redesignating subsection (e) as sub-
2 section (f); and

3 (2) by inserting after subsection (d) the fol-
4 lowing new subsection (e):

5 “(e) USE OF QUANTUM COMPUTING CAPABILI-
6 TIES.—The Secretary of each military department shall—

7 “(1) develop and annually update a list of tech-
8 nical problems and research challenges which are
9 likely to be addressable by quantum computers avail-
10 able for use within in the next one to three years,
11 with a priority for technical problems and challenges
12 where quantum computing systems have perform-
13 ance advantages over traditional computing systems,
14 in order to enhance the capabilities of such quantum
15 computers and support the addressing of relevant
16 technical problems and research challenges; and

17 “(2) establish programs and enter into agree-
18 ments with appropriate medium and small busi-
19 nesses with functional quantum computing capabili-
20 ties to provide such private sector capabilities to gov-
21 ernment, industry, and academic researchers work-
22 ing on relevant technical problems and research ac-
23 tivities.”.

1 **SEC. 216. PROGRAM OF PART-TIME AND TERM EMPLOY-**
2 **MENT AT DEPARTMENT OF DEFENSE**
3 **SCIENCE AND TECHNOLOGY REINVENTION**
4 **LABORATORIES OF FACULTY AND STUDENTS**
5 **FROM INSTITUTIONS OF HIGHER EDU-**
6 **CATION.**

7 (a) PROGRAM REQUIRED.—Not later than 180 days
8 after the date of the enactment of this Act, the Secretary
9 of Defense shall establish a program to provide part-time
10 or term employment in Department of Defense science
11 and technology reinvention laboratories for—

12 (1) faculty of institutions of higher education
13 who have expertise in science, technology, engineer-
14 ing, or mathematics to conduct research projects in
15 such laboratories; and

16 (2) students at such institutions to assist such
17 faculty in conducting such research projects.

18 (b) NUMBER OF POSITIONS.—

19 (1) IN GENERAL.—Not later than one year
20 after the date of the commencement of the program
21 established under subsection (a), the Secretary shall,
22 under such program, establish at least 10 positions
23 of employment described in such subsection for fac-
24 ulty described in paragraph (1) of such subsection.

25 (2) ARTIFICIAL INTELLIGENCE AND MACHINE
26 LEARNING.—Of the positions established under

1 paragraph (1), at least five of such positions shall be
2 for faculty conducting research in the area of artifi-
3 cial intelligence and machine learning.

4 (c) SELECTION.—The Secretary, acting through the
5 directors of the laboratories described in subsection (a),
6 shall select faculty described in paragraph (1) of such sub-
7 section for participation in the program established under
8 such subsection on the basis of—

9 (1) the academic credentials and research expe-
10 rience of the faculty;

11 (2) the potential contribution to Department
12 objectives by the research that will be conducted by
13 the faculty under the program; and

14 (3) the qualifications of any students who will
15 be assisting the faculty in such research and the role
16 and credentials of such students.

17 (d) AUTHORITIES.—In carrying out the program es-
18 tablished under subsection (a), the Secretary and the di-
19 rectors of the laboratories described in such subsection
20 may—

21 (1) use any hiring authority available to the
22 Secretary or the directors, including any authority
23 available under a laboratory demonstration program,
24 direct hiring authority under section 1599h of title

1 10, United States Code, and expert hiring authority
2 under section 3109 of title 5, United States Code;

3 (2) utilize cooperative research and development
4 agreements under section 12 of the Stevenson-
5 Wydler Technology Innovation Act of 1980 (15
6 U.S.C. 3710a) to enable sharing of research and ex-
7 pertise with institutions of higher education and the
8 private sector; and

9 (3) provide referral bonuses to program partici-
10 pants who identify students to assist in a research
11 project under the program or to participate in lab-
12 oratory internship programs and the Pathways In-
13 ternship Program.

14 (e) ANNUAL REPORTS.—

15 (1) IN GENERAL.—Not later than one year
16 after the date of the enactment of this Act and not
17 less frequently than once each year thereafter until
18 the date that is three years after the date of the en-
19 actment of this Act, the Secretary shall submit to
20 Congress a report on the program established under
21 subsection (a).

22 (2) CONTENTS OF FIRST REPORT.—The first
23 report submitted under paragraph (1) shall address,
24 at a minimum, the following:

1 (A) The number of faculty and students
2 employed under the program.

3 (B) The laboratories employing such fac-
4 ulty and students.

5 (C) The types of research conducted or to
6 be conducted by such faculty or students.

7 (3) CONTENTS OF SUBSEQUENT REPORTS.—
8 Each report submitted under paragraph (1) after
9 the first report shall address, at a minimum, the fol-
10 lowing:

11 (A) The matters set forth in subpara-
12 graphs (A) through (C) of paragraph (2).

13 (B) The number of interns and recent col-
14 lege graduates hired pursuant to referrals
15 under subsection (d)(3).

16 (C) The results of research conducted
17 under the program.

18 (f) DEPARTMENT OF DEFENSE SCIENCE AND TECH-
19 NOLOGY REINVENTION LABORATORY DEFINED.—In this
20 section, the term “Department of Defense science and
21 technology reinvention laboratory” means the entities des-
22 ignated by section 1105(a) of the National Defense Au-
23 thorization Act for Fiscal Year 2010 (Public Law 111–
24 84; 10 U.S.C. 2358 note).

1 **SEC. 217. IMPROVEMENTS TO TECHNOLOGY AND NATIONAL**
2 **SECURITY FELLOWSHIP OF DEPARTMENT OF**
3 **DEFENSE.**

4 (a) MODIFICATION REGARDING BASIC PAY.—Sub-
5 section (a)(4)(A) of section 235 of the National Defense
6 Authorization Act for Fiscal Year 2020 (Public Law 116–
7 92) is amended—

8 (1) by striking “equivalent to” and inserting
9 “not less than”; and

10 (2) by inserting “and not more than the rate of
11 basic pay payable for a position at level 15 of such
12 schedule” before the semicolon.

13 (b) BACKGROUND CHECKS.—Subsection (b) of such
14 section is amended by adding at the end the following new
15 paragraph:

16 “(3) BACKGROUND CHECK REQUIREMENT.—No
17 individual may participate in the fellows program
18 without first undergoing a background check that
19 the Secretary considers appropriate for participation
20 in the fellows program.”.

21 **SEC. 218. DEPARTMENT OF DEFENSE RESEARCH, DEVELOP-**
22 **MENT, AND DEPLOYMENT OF TECHNOLOGY**
23 **TO SUPPORT WATER SUSTAINMENT.**

24 (a) IN GENERAL.—The Secretary of Defense shall re-
25 search, develop, and deploy advanced technologies that

1 support water sustainment with technologies that capture
2 ambient humidity and harvest, recycle, and reuse water.

3 (b) GOAL.—Under subsection (a), the Secretary shall
4 seek to develop water systems that reduce weight and lo-
5 gistics support and transition such advanced technologies
6 for use by expeditionary forces by January 1, 2025.

7 (c) MODULAR PLATFORMS.—In carrying out sub-
8 section (a), the Secretary shall develop the following:

9 (1) Modular platforms that are easily transport-
10 able.

11 (2) Trailer mounted systems that will reduce
12 resupply.

13 (3) Storage requirements at forward operating
14 bases.

15 (d) PARTNERSHIPS AND EXISTING TECHNIQUES AND
16 TECHNOLOGIES.—In carrying out subsection (a), the Sec-
17 retary shall seek—

18 (1) to enter into partnerships with foreign mili-
19 taries and organizations that have proven they have
20 the ability to operate in water constrained areas;

21 (2) to leverage existing techniques and tech-
22 nologies; and

23 (3) to apply such techniques and technologies to
24 military operations carried out by the United States.

1 (e) COMMERCIAL OFF-THE-SHELF TECH-
2 NOLOGIES.—In carrying out subsection (a), in addition to
3 technology described in such subsection, the Secretary
4 shall consider using commercial off-the-shelf technologies
5 for cost savings and near ready deployment technologies
6 to enable warfighters to be more self-sufficient.

7 (f) CROSS FUNCTIONAL TEAMS.—In carrying out
8 subsection (a), the Secretary shall establish cross func-
9 tional teams to determine regions where deployment of
10 water harvesting technologies could reduce conflict and po-
11 tentially eliminate the need for the presence of the Armed
12 Forces.

13 **SEC. 219. DEVELOPMENT AND TESTING OF HYPERSONIC**
14 **CAPABILITIES.**

15 (a) SENSE OF CONGRESS ON HYPERSONIC CAPABILI-
16 TIES.—It is the sense of Congress that development of
17 hypersonic capabilities is a key element of the National
18 Defense Strategy.

19 (b) IMPROVING GROUND-BASED TEST FACILITIES.—
20 The Secretary of Defense shall take such actions as may
21 be necessary to improve ground-based test facilities for the
22 development of hypersonic capabilities, such as improving
23 wind tunnels.

1 (c) INCREASING FLIGHT TEST RATE.—The Sec-
2 retary shall increase the flight test rate to expedite the
3 maturation and fielding of hypersonic technologies.

4 (d) STRATEGY AND PLAN.—

5 (1) IN GENERAL.—Not later than December 30,
6 2020, the Under Secretary of Defense for Research
7 and Engineering, in consultation with the Chief of
8 Staff of the Air Force, shall submit to the congres-
9 sional defense committees an executable strategy
10 and plan to field air-launched and air-breathing
11 hypersonic weapons capability before the date that is
12 three years after the date of the enactment of this
13 Act.

14 (2) TESTING AND INFRASTRUCTURE.—The
15 strategy and plan submitted under paragraph (1)
16 shall cover required investments in testing and infra-
17 structure to address the need for both flight and
18 ground testing.

19 **SEC. 220. DISCLOSURE REQUIREMENTS FOR RECIPIENTS**
20 **OF DEPARTMENT OF DEFENSE RESEARCH**
21 **AND DEVELOPMENT GRANTS.**

22 (a) DISCLOSURE REQUIREMENTS.—

23 (1) IN GENERAL.—Chapter 139 of title 10,
24 United States Code, is amended by adding at the
25 end the following new section:

1 **“§ 2374b. Disclosure requirements for recipients of**
2 **research and development grants**

3 “An individual or entity (including a State or local
4 government) that receives Department of Defense grant
5 funds for research and development shall clearly state in
6 any statement, press release, or other document describing
7 the program, project, or activity funded through such
8 grant funds, other than a communication containing not
9 more than 280 characters, the dollar amount of Depart-
10 ment grant funds made available for the program, project,
11 or activity.”.

12 (2) CLERICAL AMENDMENT.—The table of sec-
13 tions at the beginning of chapter 139 of such title
14 is amended by adding at the end the following new
15 item:

“2374b. Disclosure requirements for recipients of research and development
grants.”.

16 (b) EFFECTIVE DATE.—The amendments made by
17 subsection (a) shall take effect on October 1, 2021, and
18 shall apply with respect to grants for research and devel-
19 opment that are awarded by the Department of Defense
20 on or after that date.

1 (B) An assessment of the resourcing of
2 United States efforts to harness emerging bio-
3 technology capabilities for national security pur-
4 poses, including the supporting facilities, test
5 infrastructure, and workforce.

6 (C) An intelligence assessment of adver-
7 sary emerging biotechnology capabilities and re-
8 search as well as an assessment of adversary in-
9 tent and willingness to use emerging biotech-
10 nologies for national security purposes.

11 (D) An assessment of the analytic and
12 operational subject matter expertise necessary
13 to assess rapidly-evolving foreign military devel-
14 opments in biotechnology, and the current state
15 of the workforce in the intelligence community

16 (E) Recommendations to improve and ac-
17 celerate United States capabilities in emerging
18 biotechnologies and the associated intelligence
19 community expertise.

20 (F) Such other matters as the Secretary
21 considers appropriate.

22 (b) REPORT.—

23 (1) IN GENERAL.—Not later than February 1,
24 2021, the Secretary shall submit to the congres-

1 sional defense committees a report on the assess-
2 ment carried out under subsection (a).

3 (2) FORM.—The report submitted under para-
4 graph (1) shall be submitted in the following for-
5 mats—

6 (A) unclassified form, which may include a
7 classified annex; and

8 (B) publically releasable form, representing
9 appropriate information from the report under
10 subparagraph (A).

11 (c) DEFINITION OF INTELLIGENCE COMMUNITY.—In
12 this subsection, the term “intelligence community” has the
13 meaning given such term in section 3 of the National Se-
14 curity Act of 1947 (50 U.S.C. 3003).

15 **SEC. 232. INDEPENDENT COMPARATIVE ANALYSIS OF EF-**
16 **FORTS BY CHINA AND THE UNITED STATES**
17 **TO RECRUIT AND RETAIN RESEARCHERS IN**
18 **NATIONAL SECURITY-RELATED FIELDS.**

19 (a) AGREEMENT.—

20 (1) IN GENERAL.—The Secretary of Defense
21 shall seek to enter into an agreement with the Na-
22 tional Academies of Sciences, Engineering, and Med-
23 icine for the National Academies of Sciences, Engi-
24 neering, and Medicine to perform the services cov-
25 ered by this section.

1 (2) TIMING.—The Secretary shall seek to enter
2 into the agreement described in paragraph (1) not
3 later than 60 days after the date of the enactment
4 of this Act.

5 (b) REVIEW.—

6 (1) IN GENERAL.—Under an agreement be-
7 tween the Secretary and the National Academies of
8 Sciences, Engineering, and Medicine under this sec-
9 tion, the National Academies of Sciences, Engineer-
10 ing, and Medicine shall carry out a comparative
11 analysis of efforts by China and the United States
12 Government to recruit and retain domestic and for-
13 eign researchers and develop recommendations for
14 the Department of Defense.

15 (2) ELEMENTS.—The comparative analysis car-
16 ried out under paragraph (1) and the recommenda-
17 tions developed under such paragraph shall include
18 the following:

19 (A) A list of the “talent programs” used
20 by China and a list of the incentive programs
21 used by the United States to recruit and retain
22 relevant researchers.

23 (B) The types of researchers, scientists,
24 other technical experts, and fields targeted by

1 each talent program listed under subparagraph
2 (A).

3 (C) The number of researchers in aca-
4 demia, the Department of Defense Science and
5 Technology Reinvention Laboratories, and na-
6 tional security science and engineering pro-
7 grams of the National Nuclear Security Admin-
8 istration targeted by the talent programs listed
9 under subparagraph (A).

10 (D) The number of personnel currently
11 participating in the talent programs listed
12 under subparagraph (A) and the number of re-
13 searchers currently participating in the incen-
14 tive programs listed under such subparagraph.

15 (E) The incentives offered by each of the
16 talent programs listed under subparagraph (A)
17 and a description of the incentives offered
18 through incentive programs under such sub-
19 paragraph to recruit and retain researchers, sci-
20 entists, and other technical experts.

21 (F) A characterization of the national se-
22 curity, economic, and scientific benefits China
23 gains through the talent programs listed under
24 subparagraph (A) and a description of similar
25 gains accrued to the United States through in-

1 centive programs listed under such subpara-
2 graph.

3 (G) A list of findings and recommenda-
4 tions relating to policies that can be imple-
5 mented by the United States, especially the De-
6 partment of Defense, to improve the relative ef-
7 fectiveness of United States activities to recruit
8 and retain researchers, scientists, and other
9 technical experts relative to China.

10 (c) REPORT.—

11 (1) IN GENERAL.—Not later than one year
12 after the date of the execution of an agreement
13 under subsection (a), the National Academies of
14 Sciences, Engineering, and Medicine shall submit to
15 the congressional defense committees a report on the
16 findings National Academies of Sciences, Engineer-
17 ing, and Medicine with respect to the review carried
18 out under this section and the recommendations de-
19 veloped under this section.

20 (2) FORM.—The report submitted under para-
21 graph (1) shall be submitted in a publicly releasable
22 and unclassified formats, but may include a classi-
23 fied annex.

1 **SEC. 233. DEPARTMENT OF DEFENSE DEMONSTRATION OF**
2 **VIRTUALIZED RADIO ACCESS NETWORK AND**
3 **MASSIVE MULTIPLE INPUT MULTIPLE OUT-**
4 **PUT RADIO ARRAYS FOR FIFTH GENERATION**
5 **WIRELESS NETWORKING.**

6 (a) DEMONSTRATION REQUIRED.—The Secretary of
7 Defense shall carry out a demonstration to demonstrate
8 the maturity, performance, and cost of covered tech-
9 nologies in order to provide additional options for pro-
10 viders of fifth-generation (5G) wireless networking serv-
11 ices.

12 (b) COVERED TECHNOLOGIES.—For purposes of this
13 section, a covered technology is—

14 (1) a disaggregated or virtualized radio access
15 network and core where components can be provided
16 by different vendors and interoperate through open
17 protocols and interfaces; and

18 (2) one or more massive multiple input and
19 multiple output radio arrays provided by United
20 States companies that have the potential to compete
21 favorably with radios produced by foreign companies
22 in terms of cost, performance, and efficiency.

23 (c) LOCATION.—The Secretary shall carry out the
24 demonstration under subsection (a) at at least one site
25 where the Secretary of Defense plans to deploy a fifth-
26 generation wireless network.

1 (d) COORDINATION.—The Secretary shall carry out
2 the demonstration under subsection (a) in coordination
3 with at least one major United States wireless network
4 service provider.

5 **SEC. 234. INDEPENDENT TECHNICAL REVIEW OF FEDERAL**
6 **COMMUNICATIONS COMMISSION ORDER 20-**
7 **48.**

8 (a) AGREEMENT.—

9 (1) IN GENERAL.—The Secretary of Defense
10 shall seek to enter into an agreement with the Na-
11 tional Academies of Sciences, Engineering, and Med-
12 icine for the National Academies of Sciences, Engi-
13 neering, and Medicine to perform the services cov-
14 ered by this section.

15 (2) TIMING.—The Secretary shall seek to enter
16 into the agreement described in paragraph (1) not
17 later than 30 days after the date of the enactment
18 of this Act.

19 (b) INDEPENDENT TECHNICAL REVIEW.—

20 (1) IN GENERAL.—Under an agreement be-
21 tween the Secretary and the National Academies of
22 Sciences, Engineering, and Medicine under sub-
23 section (a), the National Academies of Sciences, En-
24 gineering, and Medicine shall carry out an inde-
25 pendent technical review of the Order and Author-

1 ization adopted by the Federal Communications
2 Commission on April 19, 2020 (FCC 20–48), to the
3 extent that such order and authorization affects the
4 devices, operations, or activities of the Department
5 of Defense.

6 (2) ELEMENTS.—The independent technical re-
7 view carried out under paragraph (1) shall include
8 the following:

9 (A) Comparison of the two different ap-
10 proaches on which the Commission relied for
11 the order and authorized described in para-
12 graph (1) to evaluate the potential harmful in-
13 terference concerns relating to Global Posi-
14 tioning System devices, with a recommendation
15 on which method most effectively mitigates
16 risks of harmful interference with Global Posi-
17 tioning System devices of the Department, or
18 relating to or with the potential to affect the
19 operations and activities of the Department.

20 (B) Assessment of the potential for harm-
21 ful interference to mobile satellite services, in-
22 cluding commercial services and Global Posi-
23 tioning System services of the Department, or
24 relating to or with the potential to affect the
25 operations and activities of the Department.

1 (C) Review of the feasibility, practicality,
2 and effectiveness of the proposed mitigation
3 measures relating to, or with the potential to
4 affect, the devices, operations, or activities of
5 the Department.

6 (D) Development of recommendations as-
7 sociated with the findings of the National Acad-
8 emies of Sciences, Engineering, and Medicine in
9 carrying out the independent technical review.

10 (E) Such other matters as the National
11 Academies of Sciences, Engineering, and Medi-
12 cine determines relevant.

13 (c) REPORT.—

14 (1) IN GENERAL.—Under an agreement be-
15 tween the Secretary and the National Academies of
16 Sciences, Engineering, and Medicine under sub-
17 section (a), the National Academies of Sciences, En-
18 gineering, and Medicine shall, not later than nine
19 months after the date of the execution of such agree-
20 ment, the National Academies of Sciences, Engineer-
21 ing, and Medicine shall submit to the Committee on
22 Armed Services of the Senate and the Committee on
23 Armed Services of the House of Representatives a
24 report on the findings of the National Academies of
25 Sciences, Engineering, and Medicine with respect to

1 the independent technical review carried out under
2 subsection (b) and the recommendations developed
3 pursuant to such review.

4 (2) FORM.—The report submitted under para-
5 graph (1) shall be submitted in a publicly releasable
6 and unclassified formats, but may include a classi-
7 fied annex.

8 **SEC. 235. REPORT ON AND LIMITATION ON EXPENDITURE**
9 **OF FUNDS FOR MICRO NUCLEAR REACTOR**
10 **PROGRAMS.**

11 (a) REPORT REQUIRED.—The Secretary of Defense
12 shall submit to the appropriate congressional committees
13 a report on the micro nuclear reactor programs of the De-
14 partment of Defense.

15 (b) CONTENTS.—The report required by subsection
16 (a) shall include the following:

17 (1) Potential operational uses on United States
18 and non-United States territory, including both mo-
19 bile and fixed systems.

20 (2) Cost and schedule estimates for each new or
21 ongoing program to reach initial operational capa-
22 bility, including the timeline for transition of any
23 program currently funded using defense-wide funds
24 to one or more military services and the identified
25 transition partner in such military services.

1 (3) In consultation with the Assistant Secretary
2 of Defense for Nuclear, Chemical, and Biological
3 Defense programs, an assessment of physical secu-
4 rity requirements for use of such reactors on domes-
5 tic military installations and non-United States non-
6 domestic installations or locations, including fully
7 permissive, semi-permissive, and remote environ-
8 ments, including a preliminary design basis threat
9 analysis.

10 (4) In coordination with the Secretary of
11 State—

12 (A) an assessment of any agreements or
13 changes to agreements that would be required
14 for use of such reactors on non-United States
15 territory;

16 (B) an assessment of applicability of for-
17 eign regulations or International Atomic En-
18 ergy Agency safeguards for use on non-United
19 States territory; and

20 (C) other policy implications of deployment
21 of such systems on non-United States territory.

22 (5) In coordination with the Chairman of the
23 Nuclear Regulatory Commission, a summary of li-
24 censing requirements for operation of such systems
25 on United States territory.

1 (6) A summary of requirements pursuant to the
2 National Environmental Policy Act of 1969 (42
3 U.S.C. 4321 et seq.) for development and operation
4 on United States territory.

5 (7) In consultation with the General Counsel of
6 the Department of Defense, an assessment of any
7 issues relating to indemnification for operation on
8 United States or non-United States territory and
9 any other relevant legal matters.

10 (8) In coordination with the Secretary of State
11 and the Secretary of Energy, a determination of
12 whether development, production, and deployment of
13 such systems would require unobligated enriched
14 uranium fuel.

15 (9) If the determination in paragraph (8) is
16 that unobligated fuel would be required, in coordina-
17 tion with the Administrator for Nuclear Security, an
18 assessment of the availability of such unobligated
19 enriched uranium fuel, by year, for the estimated life
20 of the program, considered with other United States
21 Government demands for such fuel, including trit-
22 ium production, naval nuclear propulsion, and med-
23 ical isotope production.

24 (10) Any other considerations the Secretary de-
25 termines relevant.

1 (c) CONSULTATION.—In addition to consultation and
2 coordination required under subsection (b), the Secretary
3 shall, in producing the report required by subsection (a),
4 consult with the Secretary of the Army, the Chairman of
5 the Joint Chiefs of Staff, the Under Secretary of Defense
6 for Policy, the Director of Naval Nuclear Propulsion, and
7 such other officials as the Secretary considers necessary.

8 (d) FORM.—The report submitted under subsection
9 (a) shall be submitted in unclassified form, but may in-
10 clude a classified annex.

11 (e) LIMITATION ON USE OF FUNDS.—Not more than
12 20 percent of the amounts authorized to be appropriated
13 by this Act for fiscal year 2021 for Department of Defense
14 micro nuclear reactor programs shall be obligated or ex-
15 pended until the Secretary submits the report required by
16 subsection (a) to the appropriate congressional commit-
17 tees.

18 (f) RULE OF CONSTRUCTION.—Nothing in this provi-
19 sion shall be construed to limit or otherwise apply to the
20 Naval Nuclear Propulsion program as established by Ex-
21 ecutive Order No. 12344, dated February 1, 1982 (42
22 U.S.C. 7158 note).

23 (g) 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 Appropriations, the Committee
3 on Energy and Natural Resources, the Com-
4 mittee on Environment and Public Works, and
5 the Committee on Foreign Relations of the Sen-
6 ate; and

7 (B) the Committee on Armed Services, the
8 Committee on Appropriations, the Committee
9 on Energy and Commerce, the Committee on
10 Natural Resources, and the Committee on For-
11 eign Affairs of the House of Representatives.

12 (2) The term “micro nuclear reactor” means a
13 nuclear reactor with a production capacity of less
14 than 20 megawatts.

15 **SEC. 236. MODIFICATION TO TEST RESOURCE MANAGE-**
16 **MENT CENTER STRATEGIC PLAN REPORTING**
17 **CYCLE AND CONTENTS.**

18 (a) QUADRENNIAL STRATEGIC PLAN.—Section 196
19 of title 10, United States Code, is amended—

20 (1) in subsections (e)(1)(C) and (e)(2)(B), by
21 inserting “quadrennial” before “strategic plan”; and

22 (2) in subsection (d)—

23 (A) in the heading, by inserting “QUAD-
24 RENNIAL” before “STRATEGIC PLAN”; and

1 (B) by inserting “quadrennial” before
2 “strategic plan” each place it occurs.

3 (b) TIMING AND COVERAGE OF PLAN.—Subsection
4 (d)(1) of such section, as amended by subsection (a)(2),
5 is further amended—

6 (1) in the first sentence, by striking “two fiscal
7 years” and inserting “four fiscal years, and within
8 one year after release of the National Defense Strat-
9 egy,” ; and

10 (2) in the second sentence, by striking “thirty
11 fiscal years” and inserting “15 fiscal years”.

12 (c) AMENDMENT TO CONTENTS OF PLAN.—Sub-
13 section (d)(2) of such section, as amended by subsection
14 (a)(2), is further amended—

15 (1) by striking subparagraph (B);

16 (2) by redesignating subparagraphs (C) through
17 (G) as subparagraphs (B) through (F), respectively;
18 and

19 (3) in subparagraph (B), as redesignated by
20 paragraph (2), by striking “based on current” and
21 all that follows through the end and inserting “for
22 test and evaluation of the Department of Defense
23 major weapon systems based on current and emerg-
24 ing threats.”.

1 (d) ANNUAL UPDATE TO PLAN.—Subsection (d) of
2 such section is amended by adding at the end the following
3 new paragraph:

4 “(5)(A) In addition to the quadrennial strategic plan
5 completed under paragraph (1), the Director of the De-
6 partment of Defense Test Resource Management Center
7 shall also complete an annual update to the quadrennial
8 strategic plan.

9 “(B) Each annual update completed under subpara-
10 graph (A) shall include the following:

11 “(i) A summary of changes to the assessment
12 provided in the most recent quadrennial strategic
13 plan.

14 “(ii) Comments and recommendations the Di-
15 rector considers appropriate.

16 “(iii) Test and evaluation challenges raised
17 since the completion of the most recent quadrennial
18 strategic plan.

19 “(iv) Actions taken or planned to address such
20 challenges.”.

21 (e) TECHNICAL CORRECTION.—Subsection (d)(1) of
22 such, as amended by subsections (a)(2) and (b), is further
23 amended by striking “Test Resources Management Cen-
24 ter” and inserting “Test Resource Management Center”.

1 **SEC. 237. LIMITATION ON CONTRACT AWARDS FOR CER-**
2 **TAIN UNMANNED VESSELS.**

3 (a) **LIMITATION.**—None of the funds authorized to
4 be appropriated for fiscal year 2021 by section 201 for
5 research, development, test, and evaluation may be used
6 for the award of a contract for a covered vessel until the
7 date that is 30 days after the date on which the Under
8 Secretary of Defense for Research and Engineering sub-
9 mits to the congressional defense committees a report and
10 certification described in subsection (c) for such contract
11 and covered vessel.

12 (b) **COVERED VESSELS.**—For purposes of this sec-
13 tion, a covered vessel is one of the following:

14 (1) A large unmanned surface vessel (LUSV).

15 (2) A medium unmanned surface vehicle
16 (MUSV).

17 (3) A large displacement unmanned undersea
18 vehicle (LDUUV).

19 (4) An extra-large unmanned undersea vehicle
20 (XLUUV).

21 (c) **REPORT AND CERTIFICATION DESCRIBED.**—A re-
22 port and certification described in this subsection regard-
23 ing a contract for a covered vessel is—

24 (1) a report—

25 (A) submitted to the congressional defense
26 committees not later than 60 days after the

1 date of the completion of an independent tech-
2 nical risk assessment for such covered vessel;
3 and

4 (B) on the findings of the Under Secretary
5 with respect to such assessment; and

6 (2) a certification, submitted to the congres-
7 sional defense committees with the report described
8 in paragraph (1), that certifies that—

9 (A) the Under Secretary has determined,
10 in conjunction with the Senior Technical Au-
11 thority designated under section 8669b(a)(1) of
12 title 10, United States Code, for the class of
13 naval vessels that includes the covered vessel,
14 that the critical mission, hull, mechanical, and
15 electrical subsystems of the covered vessel—

16 (i) have been demonstrated in vessel-
17 representative form, fit, and function; and

18 (ii) have achieved performance levels
19 equal to or greater than applicable Depart-
20 ment of Defense threshold requirements
21 for such class of vessels; and

22 (B) such contract is necessary to meet De-
23 partment research, development, test, and eval-
24 uation objectives for such covered vessel that
25 cannot otherwise be met through further land-

1 based subsystem prototyping or other dem-
2 onstration approaches.

3 (d) CRITICAL MISSION, HULL, MECHANICAL, AND
4 ELECTRICAL SUBSYSTEMS DEFINED.—In this section, the
5 term “critical mission, hull, mechanical, and electrical sub-
6 systems”, with respect to a covered vessel, includes the
7 following subsystems:

8 (1) Command, control, communications, com-
9 puters, intelligence, surveillance, and reconnaissance.

10 (2) Autonomous vessel navigation, vessel con-
11 trol, contact management, and contact avoidance.

12 (3) Communications security, including
13 cryptopgraphy, encryption, and decryption.

14 (4) Main engines, including the lube oil, fuel oil,
15 and other supporting systems.

16 (5) Electrical generation and distribution, in-
17 cluding supporting systems.

18 (6) Military payloads.

19 (7) Any other subsystem identified as critical by
20 the Senior Technical Authority designated under
21 section 8669b(a)(1) of title 10, United States Code,
22 for the class of naval vessels that includes the cov-
23 ered vessel.

1 **SEC. 238. DOCUMENTATION RELATING TO THE ADVANCED**
2 **BATTLE MANAGEMENT SYSTEM.**

3 (a) DOCUMENTATION REQUIRED.—Immediately
4 upon the enactment of this Act, the Secretary of the Air
5 Force shall submit to the congressional defense commit-
6 tees the following documentation relating to the Advanced
7 Battle Management System:

8 (1) A list that identifies each program, project,
9 and activity that contributes to the architecture of
10 the Advanced Battle Management System.

11 (2) The final analysis of alternatives for the
12 Advanced Battle Management System.

13 (3) The requirements for the networked data
14 architecture necessary for the Advanced Battle Man-
15 agement System to provide multidomain command
16 and control and battle management capabilities and
17 a development schedule for such architecture.

18 (b) LIMITATION.—Of the funds authorized to be ap-
19 propriated by this Act for fiscal year 2021 for operations
20 and maintenance for the Office of the Secretary of the
21 Air Force, not more than 25 percent may be obligated
22 until the date that is 30 days after the date on which the
23 Secretary of the Air Force submits to the congressional
24 defense committees the documentation required by sub-
25 section (a) and the Vice Chairman of the Vice Chairman
26 of the Joint Chiefs certifies the documentation.

1 (c) ADVANCED BATTLE MANAGEMENT SYSTEM.—In
2 this section, the term “Advanced Battle Management Sys-
3 tem” means the Advanced Battle Management System of
4 Systems capability of the Air Force, including each pro-
5 gram, project, and activity that contributes to such capa-
6 bility.

7 **SEC. 239. ARMED SERVICES VOCATIONAL APTITUDE BAT-**
8 **TERY TEST SPECIAL PURPOSE ADJUNCT TO**
9 **ADDRESS COMPUTATIONAL THINKING.**

10 Not later than one year after the date of the enact-
11 ment of this Act, the Secretary of Defense shall establish
12 a special purpose test adjunct to the Armed Services Voca-
13 tional Aptitude Battery test to address computational
14 thinking skills relevant to military applications, including
15 problem decomposition, abstraction, pattern recognition,
16 analytical ability, the identification of variables involved
17 in data representation, and the ability to create algorithms
18 and solution expressions.

19 **TITLE III—OPERATION AND**
20 **MAINTENANCE**
21 **Subtitle A—Authorization of**
22 **Appropriations**

23 **SEC. 301. AUTHORIZATION OF APPROPRIATIONS.**

24 Funds are hereby authorized to be appropriated for
25 fiscal year 2021 for the use of the Armed Forces and other

1 activities and agencies of the Department of Defense for
2 expenses, not otherwise provided for, for operation and
3 maintenance, as specified in the funding table in section
4 4301.

5 **Subtitle B—Energy and** 6 **Environment**

7 **SEC. 311. MODIFICATIONS AND TECHNICAL CORRECTIONS** 8 **TO ENSURE RESTORATION OF CONTAMINA-** 9 **TION BY PERFLUOROOCTANE SULFONATE** 10 **AND PERFLUOROOCTANOIC ACID.**

11 (a) DEFINITION FOR PFOA AND PFOS.—Section
12 2700 of title 10, United States Code, is amended by add-
13 ing at the end the following new paragraphs:

14 “(4) The term ‘perfluorooctane sulfonate’
15 means perfluorooctane sulfonic acid or sulfonate
16 (commonly referred to as ‘PFOS’) (Chemical Ab-
17 stracts Service No. 1763-23-1) and the salts associ-
18 ated with perfluorooctane sulfonic acid or sulfonate
19 (Chemical Abstracts Service Nos. 2795-39-3,
20 29457-72-5, 56773-42-3, 29081-56-9, and
21 70225-14-8).

22 “(5) The term ‘perfluorooctanoic acid’ means
23 perfluorooctanoic acid (commonly referred to as
24 ‘PFOA’) (Chemical Abstracts Service No. 335-67-1)
25 and the salts associated with perfluorooctanoic acid

1 (Chemical Abstracts Service Nos. 3825-26-1, 335-
2 95-5, and 68141-02-6).”.

3 (b) MODIFICATION OF ENVIRONMENTAL RESTORA-
4 TION ACCOUNTS.—Section 2703 of such title is amend-
5 ed—

6 (1) in subsection (e)(2), by striking “environ-
7 mental”;

8 (2) in subsection (f), by striking “to the Envi-
9 ronmental Restoration Account, Defense, or to any
10 environmental restoration account of a military de-
11 partment,” and inserting “or transferred to an ac-
12 count established under subsection (a)”;

13 (3) by striking subsection (g) and inserting the
14 following:

15 “(g) SOLE SOURCE OF FUNDS FOR RESPONSES
16 UNDER THIS CHAPTER.—Except as provided in sub-
17 section (h), the sole source of funds for all phases of a
18 response under this chapter shall be the applicable envi-
19 ronmental restoration account established under sub-
20 section (a).”; and

21 (4) in subsection (h)—

22 (A) in the subsection heading, by striking
23 “ENVIRONMENTAL REMEDIATION” and insert-
24 ing “RESPONSES”; and

1 (B) by striking “services procured under
2 section 2701(d)(1) of this title” and inserting
3 “a response”.

4 (c) MODIFICATION OF AUTHORITY FOR ENVIRON-
5 MENTAL RESTORATION PROJECTS OF NATIONAL
6 GUARD.—

7 (1) IN GENERAL.—Section 2707(e) of such title
8 is amended—

9 (A) by striking “Notwithstanding” and in-
10 sserting “(1) Notwithstanding”;

11 (B) by inserting “where military activities
12 are conducted by the National Guard of a State
13 under title 32” after “facility”; and

14 (C) by adding at the end the following new
15 paragraph:

16 “(2) The Secretary concerned may use the authority
17 under section 2701(d) of this title to carry out environ-
18 mental restoration projects under paragraph (1).”.

19 (2) CORRECTION OF DEFINITION OF FACIL-
20 ITY.—Paragraph (2) of section 2700 of such title is
21 amended—

22 (A) in subparagraph (A), by striking “(A)
23 The terms” and inserting “The terms”; and

24 (B) by striking subparagraph (B).

1 (d) EXTENSION OF CONTRACT AUTHORITY.—Section
2 2708(b) of such title is amended—

3 (1) in paragraph (1), by striking “fiscal years
4 1992 through 1996” and inserting “a period speci-
5 fied in paragraph (3)”; and

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

8 “(3) A period specified in this paragraph is—

9 “(A) the period of fiscal years 1992 through
10 1996; or

11 “(B) on or after the date of the enactment of
12 the National Defense Authorization Act for Fiscal
13 Year 2021.”.

14 (e) TECHNICAL CONSISTENCY FOR MUNITIONS RE-
15 SPONSE.—

16 (1) PROGRAM GOALS.—Section 2701(b)(2) of
17 such title is amended by striking “of unexploded
18 ordnance” and inserting “of unexploded ordnance,
19 discarded military munitions, and munitions con-
20 stituents in a manner consistent with section 2710
21 of this title”.

22 (2) ENVIRONMENTAL RESTORATION AC-
23 COUNTS.—Section 2703(b) of such title is amended
24 by striking the second sentence and inserting the fol-
25 lowing new sentence: “Such remediation shall be

1 conducted in a manner consistent with section 2710
2 of this title.”.

3 (3) TRANSFER OF DEFINITIONS.—

4 (A) TRANSFER.—Paragraphs (2) and (3)
5 of section 2710(e) of such title are—

6 (i) transferred to section 2700 of such
7 title;

8 (ii) added at the end of such section;

9 and

10 (iii) redesignated as paragraphs (6)
11 and (7), respectively.

12 (B) REDESIGNATION OF DEFINITIONS.—

13 Section 2710(e) of such title is amended by re-
14 designating paragraphs (4) through (7) as
15 paragraphs (2) through (5), respectively.

16 (4) CONFORMING AMENDMENTS.—Section
17 313(d) of the John Warner National Defense Au-
18 thorization Act for Fiscal Year 2007 (Public Law
19 109–364; 10 U.S.C. 2710 note) is amended—

20 (A) in paragraph (2)—

21 (i) by striking “‘discarded military
22 munitions’, ‘munitions constituents’, and
23 ‘defense sites’” and inserting “‘discarded
24 military munitions’ and ‘munitions con-
25 stituents’”; and

1 (ii) by striking “section 2710(e)” and
2 inserting “section 2700”; and

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

5 “(3) The term ‘defense site’ has the meaning
6 given such term in section 2710(e) of such title.”.

7 (f) **TECHNICAL CORRECTION REGARDING COOPERA-**
8 **TIVE AGREEMENTS.**—Section 332(a)(2) of the National
9 Defense Authorization Act for Fiscal Year 2020 (Public
10 Law 116–92) is amended, in the matter preceding sub-
11 paragraph (A), by striking “shall meet or exceed the most
12 stringent of the following” and inserting “relating to a re-
13 sponse shall reflect application to the response of the most
14 protective of the following”.

15 **SEC. 312. READINESS AND ENVIRONMENTAL PROTECTION**
16 **INTEGRATION PROGRAM TECHNICAL EDITS**
17 **AND CLARIFICATION.**

18 (a) **USE OF FUNDS.**—Section 2684a(i) of title 10,
19 United States Code, is amended by adding at the end the
20 following new paragraph:

21 “(3) Funds obligated to carry out an agreement
22 under this section shall be available for use with regard
23 to any property in the geographic scope specified in the
24 agreement—

25 “(A) at the time the funds are obligated; and

1 “(B) in any subsequent modification to the
2 agreement.”.

3 (b) CLARIFICATION OF REFERENCES TO ELIGIBLE
4 ENTITIES.—

5 (1) DEFINITION.—Subsection (b) of section
6 2684a of title 10, United States Code, is amended,
7 in the matter preceding paragraph (1), by striking
8 “An agreement under this section may be entered
9 into with” and inserting “For purposes of this sec-
10 tion, an eligible entity is”.

11 (2) ACQUISITION OF PROPERTY AND INTER-
12 ESTS.—Subsection (d)(1) of such section is amended
13 by striking “the entity or entities” each place it ap-
14 pears and inserting “an eligible entity or entities”.

15 (3) RETROACTIVE APPLICATION.—The amend-
16 ments made by paragraphs (1) and (2) shall apply
17 to any agreement entered into under section 2684a
18 of title 10, United States Code, on or after Decem-
19 ber 2, 2002.

20 **SEC. 313. SURVEY AND MARKET RESEARCH OF TECH-**
21 **NOLOGIES FOR PHASE OUT BY DEPARTMENT**
22 **OF DEFENSE OF USE OF FLUORINATED**
23 **AQUEOUS FILM-FORMING FOAM.**

24 (a) SURVEY OF TECHNOLOGIES AND MARKET RE-
25 SEARCH.—

1 (1) IN GENERAL.—The Secretary of Defense
2 shall conduct a survey and market research of rel-
3 evant technologies, other than fire-fighting agent so-
4 lutions, to determine whether any such technologies
5 are available and can be adapted quickly for use by
6 the Department of Defense to execute the phase-out
7 by the Department of the use of fluorinated aqueous
8 film-forming foam.

9 (2) TECHNOLOGIES INCLUDED.—The tech-
10 nologies surveyed or researched under paragraph (1)
11 shall include the following:

12 (A) Hangar flooring systems.

13 (B) Liquid drainage flood assemblies.

14 (C) Fire-fighting agent delivery systems.

15 (D) Containment systems.

16 (E) Such other relevant technologies as the
17 Secretary determines appropriate.

18 (b) BRIEFING.—

19 (1) IN GENERAL.—Not later than 180 days
20 after the date of the enactment of this Act, the Sec-
21 retary shall brief the congressional defense commit-
22 tees on the results of the survey and market re-
23 search conducted under subsection (a).

1 (2) ELEMENTS OF BRIEFING.—The briefing re-
2 quired under paragraph (1) shall include the fol-
3 lowing:

4 (A) A description of the technologies sur-
5 veyed and researched under subsection (a).

6 (B) An identification of any such tech-
7 nologies that were considered for further testing
8 or analysis.

9 (C) An identification of any other tech-
10 nologies useful for the phase-out by the Depart-
11 ment of the use of fluorinated aqueous film-
12 forming foam that are undergoing additional
13 analysis for possible application within the De-
14 partment.

15 **SEC. 314. MODIFICATION OF AUTHORITY TO CARRY OUT**
16 **MILITARY INSTALLATION RESILIENCE**
17 **PROJECTS.**

18 (a) MODIFICATION OF AUTHORITY.—Section 2815 of
19 title 10, United States Code is amended—

20 (1) in subsection (a), by inserting “(except as
21 provided in subsections (d)(3) and (e))” before the
22 period at the end;

23 (2) in subsection (c), by striking “A project”
24 and inserting “Except as provided in subsection
25 (e)(2), a project”;

1 (3) by redesignating subsection (d) as sub-
2 section (f); and

3 (4) by inserting after subsection (c) the fol-
4 lowing new subsections:

5 “(d) LOCATION OF PROJECTS.—Projects carried out
6 pursuant to this section may be carried out—

7 “(1) on a military installation;

8 “(2) on a facility used by the Department of
9 Defense that is owned and operated by a State, the
10 District of Columbia, the Commonwealth of Puerto
11 Rico, American Samoa, Guam, the Commonwealth
12 of the Northern Mariana Islands, or the Virgin Is-
13 lands, even if the facility is not under the jurisdic-
14 tion of the Department of Defense, if the Secretary
15 of Defense determines that the facility is subject to
16 significant use by the armed forces for testing or
17 training; or

18 “(3) outside of a military installation or facility
19 described in paragraph (2) if the Secretary con-
20 cerned determines that the project would preserve or
21 enhance the resilience of—

22 “(A) a military installation;

23 “(B) a facility described in paragraph (2);

24 or

1 “(C) community infrastructure determined
2 by the Secretary concerned to be necessary to
3 maintain, improve, or rapidly reestablish instal-
4 lation mission assurance and mission-essential
5 functions.

6 “(e) ALTERNATIVE FUNDING SOURCE.—(1) In car-
7 rying out a project under this section, the Secretary con-
8 cerned may use amounts available for operation and main-
9 tenance for the military department concerned if the Sec-
10 retary concerned submits a notification to the congres-
11 sional defense committees of the decision to carry out the
12 project using such amounts and includes in the notifica-
13 tion—

14 “(A) the current estimate of the cost of the
15 project;

16 “(B) the source of funds for the project; and

17 “(C) a certification that deferral of the project
18 for inclusion in the next Military Construction Au-
19 thorization Act would be inconsistent with national
20 security or the protection of health, safety, or envi-
21 ronmental quality, as the case may be.

22 “(2) A project carried out under this section using
23 amounts under paragraph (1) may be carried out only
24 after the end of the 7-day period beginning on the date
25 on which a copy of the notification described in paragraph

1 (1) is provided in an electronic medium pursuant to sec-
2 tion 480 of this title.

3 “(3) The maximum aggregate amount that the Sec-
4 retary concerned may obligate from amounts available to
5 the military department concerned for operation and
6 maintenance in any fiscal year for projects under the au-
7 thority of this subsection is \$100,000,000.”.

8 (b) CONSIDERATION OF MILITARY INSTALLATION
9 RESILIENCE IN AGREEMENTS AND INTERAGENCY CO-
10 OPERATION.—Section 2684a of such title is amended—

11 (1) in subsection (a)—

12 (A) in paragraph (2)(B)—

13 (i) by striking clause (ii); and

14 (ii) in clause (i)—

15 (I) by striking “(i)”; and

16 (II) by striking “; or” and insert-
17 ing a semicolon;

18 (B) by redesignating paragraph (3) as
19 paragraph (4); and

20 (C) by inserting after paragraph (2) the
21 following new paragraph (3):

22 “(3) maintaining or improving military installa-
23 tion resilience; or”; and

24 (2) by amending subsection (h) to read as fol-
25 lows:

1 “(h) INTERAGENCY COOPERATION IN CONSERVATION
2 AND RESILIENCE PROGRAMS TO AVOID OR REDUCE AD-
3 VERSE IMPACTS ON MILITARY INSTALLATION RESIL-
4 IENCE AND MILITARY READINESS ACTIVITIES.—In order
5 to facilitate interagency cooperation and enhance the ef-
6 fectiveness of actions that will protect the environment,
7 military installation resilience, and military readiness, the
8 recipient of funds provided pursuant to an agreement
9 under this section or under the Sikes Act (16 U.S.C. 670
10 et seq.) may, with regard to the lands and waters within
11 the scope of the agreement, use such funds to satisfy any
12 matching funds or cost-sharing requirement of any con-
13 servation or resilience program of any Federal agency not-
14 withstanding any limitation of such program on the source
15 of matching or cost-sharing funds.”.

16 **SEC. 315. NATIVE AMERICAN INDIAN LANDS ENVIRON-**
17 **MENTAL MITIGATION PROGRAM.**

18 (a) IN GENERAL.—Chapter 160 of title 10, United
19 States Code, is amended by adding at the end the fol-
20 lowing new section:

21 **“§ 2712. Native American lands environmental mitiga-**
22 **tion program**

23 “(a) ESTABLISHMENT.—The Secretary of Defense
24 may establish and carry out a program to mitigate the

1 environmental effects of actions by the Department of De-
2 fense on Indian lands and culturally connected locations.

3 “(b) PROGRAM ACTIVITIES.—The activities that may
4 be carried out under the program established under sub-
5 section (a) are the following:

6 “(1) Identification, investigation, and docu-
7 mentation of suspected environmental effects attrib-
8 utable to past actions by the Department of De-
9 fense.

10 “(2) Development of mitigation options for such
11 environmental effects, including development of cost-
12 to-complete estimates and a system for prioritizing
13 mitigation actions.

14 “(3) Direct mitigation actions that the Sec-
15 retary determines are necessary and appropriate to
16 mitigate the adverse environmental effects of past
17 actions by the Department.

18 “(4) Demolition and removal of unsafe build-
19 ings and structures used by, under the jurisdiction
20 of, or formerly used by or under the jurisdiction of
21 the Department.

22 “(5) Training, technical assistance, and admin-
23 istrative support to facilitate the meaningful partici-
24 pation of Indian tribes in mitigation actions under
25 the program.

1 “(6) Development and execution of a policy gov-
2 erning consultation with Indian tribes that have
3 been or may be affected by action by the Depart-
4 ment, including training personnel of the Depart-
5 ment to ensure compliance with the policy.

6 “(c) COOPERATIVE AGREEMENTS.—(1) In carrying
7 out the program established under subsection (a), the Sec-
8 retary of Defense may enter into a cooperative agreement
9 with an Indian tribe or an instrumentality of tribal govern-
10 ment.

11 “(2) Notwithstanding chapter 63 of title 31, a coop-
12 erative agreement under this section may be used to ac-
13 quire property or services for the direct benefit of the
14 United States Government.

15 “(3) A cooperative agreement under this section for
16 the procurement of severable services may begin in one
17 fiscal year and end in another fiscal year only if the total
18 period of performance does not exceed two calendar years.

19 “(d) DEFINITIONS.—In this section:

20 “(1) The term ‘Indian land’ includes—

21 “(A) any land located within the bound-
22 aries and a part of an Indian reservation, pueb-
23 lo, or rancheria;

1 “(B) any land that has been allotted to an
2 individual Indian but has not been conveyed to
3 such Indian with full power of alienation;

4 “(C) Alaska Native village and regional
5 corporation lands; and

6 “(D) lands and waters upon which any
7 Federally recognized Indian tribe has rights re-
8 served by treaty, act of Congress, or action by
9 the President.

10 “(2) The term ‘Indian Tribe’ means any Indian
11 Tribe, band, nation, or other organized group or
12 community, including any Native village, Regional
13 Corporation, or Village Corporation (as defined in
14 section 3 of the Alaska Native Claims Settlement
15 Act (43 U.S.C. 1602)), that is recognized as eligible
16 for the special programs and services provided by
17 the United States to Indians because of their status
18 as Indians.

19 “(3) The term ‘culturally connected location’
20 means a location or place that has demonstrable sig-
21 nificance to Indians or Alaska Natives based on its
22 association with the traditional beliefs, customs, and
23 practices of a living community, including locations
24 or places where religious, ceremonial, subsistence,

1 medicinal, economic, or other lifeways practices have
2 historically taken place.”.

3 (b) CLERICAL AMENDMENT.—The table of sections
4 at the beginning of chapter 160 of such title is amended
5 by inserting after the item relating to section 2711 the
6 following new item:

“2712. Native American lands environmental mitigation program.”.

7 **SEC. 316. ENERGY RESILIENCE AND ENERGY SECURITY**
8 **MEASURES ON MILITARY INSTALLATIONS.**

9 (a) IN GENERAL.—Subchapter I of chapter 173 of
10 title 10, United States Code, is amended by inserting after
11 section 2919 the following new section:

12 **“§ 2920. Energy resilience and energy security meas-**
13 **ures on military installations**

14 “(a) ENERGY RESILIENCE MEASURES.—(1) The
15 Secretary of Defense shall, by the end of fiscal year 2030,
16 provide that 100 percent of the energy load required to
17 maintain the critical missions of each installation have a
18 minimum level of availability of 99.9 percent per fiscal
19 year.

20 “(2) The Secretary of Defense shall issue standards
21 establishing levels of availability relative to specific critical
22 missions, with such standards providing a range of not
23 less than 99.9 percent availability per fiscal year and not
24 more than 99.9999 percent availability per fiscal year, de-
25 pending on the criticality of the mission.

1 “(3) The Secretary may establish interim goals to
2 take effect prior to fiscal year 2025 to ensure the require-
3 ments under this subsection are met.

4 “(4) The Secretary of each military department and
5 the head of each Defense Agency shall ensure that their
6 organizations meet the requirements of this subsection.

7 “(b) PLANNING.—(1) The Secretary of Defense shall
8 require the Secretary of each military department and the
9 head of each Defense Agency to plan for the provision of
10 energy resilience and energy security for installations.

11 “(2) Planning under paragraph (1) shall—

12 “(A) promote the use of multiple and diverse
13 sources of energy, with an emphasis favoring energy
14 resources originating on the installation such as
15 modular generation;

16 “(B) promote installing microgrids to ensure
17 the energy security and energy resilience of critical
18 missions; and

19 “(C) favor the use of full-time, installed energy
20 sources rather than emergency generation.

21 “(c) DEVELOPMENT OF INFORMATION.—The plan-
22 ning required by subsection (b) shall identify each of the
23 following for each installation:

24 “(1) The critical missions of the installation.

1 “(2) The energy requirements of those critical
2 missions.

3 “(3) The duration that those energy require-
4 ments are likely to be needed in the event of a dis-
5 ruption or emergency.

6 “(4) The current source of energy provided to
7 those critical missions.

8 “(5) The duration that the currently provided
9 energy would likely be available in the event of a dis-
10 ruption or emergency.

11 “(6) Any currently available sources of energy
12 that would provide uninterrupted energy to critical
13 missions in the event of a disruption or emergency.

14 “(7) Alternative sources of energy that could be
15 developed to provide uninterrupted energy to critical
16 missions in the event of a disruption or emergency.

17 “(d) TESTING AND MEASURING.—(1)(A) The Sec-
18 retary of Defense shall require the Secretary of each mili-
19 tary department and head of each Defense Agency to con-
20 duct monitoring, measuring, and testing to provide the
21 data necessary to comply with this section.

22 “(B) Any data provided under subparagraph (A)
23 shall be made available to the Assistant Secretary of De-
24 fense for Sustainment upon request.

1 “(2)(A) The Secretary of Defense shall require that
2 black start exercises be conducted to assess the energy re-
3 silience and energy security of installations for periods es-
4 tablished to evaluate the ability of the installation to per-
5 form critical missions without access to off-installation en-
6 ergy resources.

7 “(B) A black start exercise conducted under subpara-
8 graph (A) may exclude, if technically feasible, housing
9 areas, commissaries, exchanges, and morale, welfare, and
10 recreation facilities.

11 “(C) The Secretary of Defense shall—

12 “(i) provide uniform policy for the military de-
13 partments and the Defense Agencies with respect to
14 conducting black start exercises; and

15 “(ii) establish a schedule of black start exer-
16 cises for the military departments and the Defense
17 Agencies, with each military department and De-
18 fense Agency scheduled to conduct such an exercise
19 on a number of installations each year sufficient to
20 allow that military department or Defense Agency to
21 meet the goals of this section, but in any event not
22 fewer than five installations each year for each mili-
23 tary department through fiscal year 2027.

24 “(D)(i) Except as provided in clause (ii), the Sec-
25 retary of each military department shall, notwithstanding

1 any other provision of law, conduct black start exercises
2 in accordance with the schedule provided for in subpara-
3 graph (C)(ii), with any such exercise not to last longer
4 than five days.

5 “(ii) The Secretary of a military department may
6 conduct more black start exercises than those identified
7 in the schedule provided for in subparagraph (C)(ii).

8 “(e) CONTRACT REQUIREMENTS.—For contracts for
9 energy and utility services, the Secretary of Defense
10 shall—

11 “(1) specify methods and processes to measure,
12 manage, and verify compliance with subsection (a);
13 and

14 “(2) ensure that such contracts include require-
15 ments appropriate to ensure energy resilience and
16 energy security, including requirements for metering
17 to measure, manage, and verify energy consumption,
18 availability, and reliability consistent with this sec-
19 tion and the energy resilience metrics and standards
20 under section 2911(b) of this title.

21 “(f) EXCEPTION.—This section does not apply to
22 fuels used in aircraft, vessels, or motor vehicles.

23 “(g) REPORT.—If by the end of fiscal year 2029, the
24 Secretary determines that the Department will be unable
25 to meet the requirements under subsection (a), not later

1 than 90 days after the end of such fiscal year, the Sec-
2 retary shall submit to the Committees on Armed Services
3 of the Senate and House of Representatives a report de-
4 tailing—

5 “(1) the projected shortfall;

6 “(2) reasons for the projected shortfall;

7 “(3) any statutory, technological, or monetary
8 impediments to achieving such requirements;

9 “(4) any impact to readiness or ability to meet
10 the national defense posture; and

11 “(5) any other relevant information as the Sec-
12 retary considers appropriate.

13 “(h) DEFINITIONS.—In this section:

14 “(1) The term ‘availability’ means the avail-
15 ability of required energy at a stated instant of time
16 or over a stated period of time for a specific pur-
17 pose.

18 “(2) The term ‘black start exercise’ means an
19 exercise in which delivery of energy provided from
20 off an installation is terminated before backup gen-
21 eration assets on the installation are turned on.
22 Such an exercise shall—

23 “(A) determine the ability of the backup
24 systems to start independently, transfer the

1 load, and carry the load until energy from off
2 the installation is restored;

3 “(B) align organizations with critical mis-
4 sions to coordinate in meeting critical mission
5 requirements;

6 “(C) validate mission operation plans, such
7 as continuity of operations plans;

8 “(D) identify infrastructure interdepend-
9 encies; and

10 “(E) verify backup electric power system
11 performance.

12 “(3) The term ‘critical mission’—

13 “(A) means those aspects of the missions
14 of an installation, including mission essential
15 operations, that are critical to successful per-
16 formance of the strategic national defense mis-
17 sion;

18 “(B) may include operational headquarters
19 facilities, airfields and supporting infrastruc-
20 ture, harbor facilities supporting naval vessels,
21 munitions production and storage facilities,
22 missile fields, radars, satellite control facilities,
23 cyber operations facilities, space launch facili-
24 ties, operational communications facilities, and
25 biological defense facilities; and

1 “(C) does not include military housing (in-
2 cluding privatized military housing), morale,
3 welfare, and recreation facilities, exchanges,
4 commissaries, or privately owned facilities.

5 “(4) The term ‘energy’ means electricity, nat-
6 ural gas, steam, chilled water, and heated water.

7 “(5) The term ‘installation’ has the meaning
8 given the term ‘military installation’ in section
9 2801(c)(4) of this title.”.

10 (b) CLERICAL AMENDMENT.—The table of sections
11 at the beginning of subchapter I of chapter 173 of such
12 title is amended by inserting after the item relating to sec-
13 tion 2919 the following new item:

 “2920. Energy resilience and energy security measures on military installa-
 tions.”.

14 **SEC. 317. MODIFICATION TO AVAILABILITY OF ENERGY**
15 **COST SAVINGS FOR DEPARTMENT OF DE-**
16 **FENSE.**

17 Section 2912(a) of title 10, United States Code, is
18 amended by inserting “and, in the case of operational en-
19 ergy, from both training and operational missions,” after
20 “under section 2913 of this title,”.

21 **SEC. 318. LONG-DURATION DEMONSTRATION INITIATIVE**
22 **AND JOINT PROGRAM.**

23 (a) DEFINITIONS.—In this section:

1 (1) DIRECTOR.—The term “Director” means
2 the Director of the Environmental Security Tech-
3 nology Certification Program of the Department of
4 Defense.

5 (2) DIRECTOR OF ARPA-E.—The term “Direc-
6 tor of ARPA-E” means the Director of the Ad-
7 vanced Research Projects Agency—Energy.

8 (3) INITIATIVE.—The term “Initiative” means
9 the demonstration initiative established under sub-
10 section (b).

11 (4) JOINT PROGRAM.—The term “Joint Pro-
12 gram” means the joint program established under
13 subsection (d).

14 (b) ESTABLISHMENT OF INITIATIVE.—Not later than
15 180 days after the date of enactment of this Act, the Di-
16 rector shall establish a demonstration initiative composed
17 of demonstration projects focused on the development of
18 long-duration energy storage technologies.

19 (c) SELECTION OF PROJECTS.—To the maximum ex-
20 tent practicable, in selecting demonstration projects to
21 participate in the Initiative, the Director shall—

22 (1) ensure a range of technology types;

23 (2) ensure regional diversity among projects;

24 and

1 (3) consider bulk power level, distribution power
2 level, behind-the-meter, microgrid (grid-connected or
3 islanded mode), and off-grid applications.

4 (d) JOINT PROGRAM.—

5 (1) ESTABLISHMENT.—As part of the Initia-
6 tive, the Director, in consultation with the Director
7 of ARPA-E, shall establish within the Department
8 of Defense a joint program to carry out projects—

9 (A) to demonstrate promising long-dura-
10 tion energy storage technologies at different
11 scales to promote energy resiliency; and

12 (B) to help new, innovative long-duration
13 energy storage technologies become commer-
14 cially viable.

15 (2) MEMORANDUM OF UNDERSTANDING.—Not
16 later than 200 days after the date of enactment of
17 this Act, the Director shall enter into a memo-
18 randum of understanding with the Director of
19 ARPA-E to administer the Joint Program.

20 (3) INFRASTRUCTURE.—In carrying out the
21 Joint Program, the Director and the Director of
22 ARPA-E shall—

23 (A) use existing test-bed infrastructure
24 at—

1 (i) installations of the Department of
2 Defense; and

3 (ii) facilities of the Department of En-
4 ergy; and

5 (B) develop new infrastructure for identi-
6 fied projects, if appropriate.

7 (4) GOALS AND METRICS.—The Director and
8 the Director of ARPA-E shall develop goals and
9 metrics for technological progress under the Joint
10 Program consistent with energy resilience and en-
11 ergy security policies.

12 (5) SELECTION OF PROJECTS.—

13 (A) IN GENERAL.—To the maximum ex-
14 tent practicable, in selecting projects to partici-
15 pate in the Joint Program, the Director and the
16 Director of ARPA-E shall—

17 (i) ensure that projects are carried
18 out under conditions that represent a vari-
19 ety of environments with different physical
20 conditions and market constraints; and

21 (ii) ensure an appropriate balance
22 of—

23 (I) larger, higher-cost projects;

24 and

25 (II) smaller, lower-cost projects.

1 (B) PRIORITY.—In carrying out the Joint
2 Program, the Director and the Director of
3 ARPA–E shall give priority to demonstration
4 projects that—

5 (i) make available to the public
6 project information that will accelerate de-
7 ployment of long-duration energy storage
8 technologies that promote energy resil-
9 iency; and

10 (ii) will be carried out in the field.

11 **SEC. 319. PILOT PROGRAM ON ALTERNATIVE FUEL VEHI-**
12 **CLE PURCHASING.**

13 (a) IN GENERAL.—The Secretary of Defense, in co-
14 ordination with the Secretary of Energy and the Adminis-
15 trator of the General Services Administration, shall carry
16 out a pilot program under which the Secretary of Defense
17 may, notwithstanding section 400AA of the Energy Policy
18 and Conservation Act (42 U.S.C. 6374), purchase new al-
19 ternative fuel vehicles for which the initial cost of such
20 vehicles exceeds the initial cost of a comparable gasoline
21 or diesel fueled vehicle by not more than 10 percent.

22 (b) LOCATIONS.—

23 (1) IN GENERAL.—The Secretary of Defense
24 shall carry out the pilot program under subsection

25 (a) at not fewer than 2 facilities or installations of

1 the Department of Defense in the continental United
2 States that—

3 (A) have the largest total number of at-
4 tached noncombat vehicles as compared to other
5 facilities or installations of the Department of
6 Defense; and

7 (B) are located within 20 miles of public or
8 private refueling or recharging stations.

9 (2) AIR FORCE LOGISTICS CENTER.—One of the
10 facilities or installations selected under paragraph
11 (1) shall be an Air Force Logistics Center.

12 (c) ALTERNATIVE FUEL VEHICLE DEFINED.—In
13 this section, the term “alternative fuel vehicle” includes
14 a vehicle that uses—

15 (1) fuels derived from renewable biomass, as
16 defined in section 211(o)(1)(I) of the Clean Air Act
17 (42 U.S.C. 7545(o)(1)(I));

18 (2) natural gas (including compressed and liq-
19 uefied natural gas); or

20 (3) propane.

1 **Subtitle C—Logistics and** 2 **Sustainment**

3 **SEC. 331. REPEAL OF STATUTORY REQUIREMENT FOR NO-** 4 **TIFICATION TO DIRECTOR OF DEFENSE LO-** 5 **GISTICS AGENCY THREE YEARS PRIOR TO IM-** 6 **PLEMENTING CHANGES TO ANY UNIFORM OR** 7 **UNIFORM COMPONENT.**

8 Section 356 of the John S. McCain National Defense
9 Authorization Act for Fiscal Year 2019 (Public Law 115–
10 232; 10 U.S.C. 771 note prec.) is amended—

11 (1) by striking subsection (a);

12 (2) by redesignating subsections (b) and (c) as
13 subsections (a) and (b), respectively; and

14 (3) in subsections (a) and (b), as so redesign-
15 ated, by striking “Commander” each place it ap-
16 pears and inserting “Director”.

17 **SEC. 332. CLARIFICATION OF LIMITATION ON LENGTH OF** 18 **OVERSEAS FORWARD DEPLOYMENT OF CUR-** 19 **RENTLY DEPLOYED NAVAL VESSELS.**

20 Section 323(b) of the John S. McCain National De-
21 fense Authorization Act for Fiscal Year 2019 (Public Law
22 115–232; 132 Stat. 1720; 10 U.S.C. 8690 note) is amend-
23 ed by striking “In the case of any naval vessel” and insert-
24 ing “In the case of any aircraft carrier, amphibious ship,
25 cruiser, destroyer, frigate, or littoral combat ship”.

Subtitle D—Reports

1 **Subtitle D—Reports**
2 **SEC. 351. REPORT ON IMPACT OF PERMAFROST THAW ON**
3 **INFRASTRUCTURE, FACILITIES, AND OPER-**
4 **ATIONS OF THE DEPARTMENT OF DEFENSE.**

5 (a) REPORT REQUIRED.—Not later than 180 days
6 after the date of the enactment of this Act, the Secretary
7 of Defense shall submit to the congressional defense com-
8 mittees a comprehensive report on the impact of perma-
9 frost thaw on the infrastructure, facilities, assets, and op-
10 erations of the Department of Defense.

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

13 (1) An identification of the infrastructure, fa-
14 cilities, and assets of the Department of Defense
15 that could be impacted by permafrost thaw.

16 (2) For each element of infrastructure and each
17 facility and asset identified pursuant to paragraph

18 (1)—

19 (A) an assessment of the threat posed by
20 permafrost thaw; and

21 (B) an estimate of potential damage in the
22 event of likely permafrost thaw.

23 (3) A description of the threats and impacts
24 posed by permafrost thaw to military and other na-
25 tional security operations.

1 (c) CONSULTATION.—In preparing the report under
2 subsection (a), the Secretary may consult with other Fed-
3 eral agencies, agencies of State and local governments,
4 and academic institutions with expertise or experience in
5 the effects of permafrost thaw on infrastructure, facilities,
6 and operations.

7 (d) ASSET DEFINED.—In this section, the term
8 “asset” means the following:

9 (1) Any aircraft, weapon system, vehicle, equip-
10 ment, or gear of the Department of Defense or the
11 Armed Forces.

12 (2) Any other item of the Department or the
13 Armed Forces that the Secretary considers appro-
14 priate for purposes of this section.

15 **SEC. 352. PLANS AND REPORTS ON EMERGENCY RESPONSE**

16 **TRAINING FOR MILITARY INSTALLATIONS.**

17 (a) PLANS.—

18 (1) IN GENERAL.—Not later than 90 days after
19 the date of the enactment of this Act, the Secretary
20 of Defense shall ensure that each military installa-
21 tion under the jurisdiction of the Secretary that does
22 not conduct live emergency response training on an
23 annual basis or more frequently with the civilian law
24 enforcement and emergency response agencies re-

1 sponsible for responding to an emergency at the in-
2 stallation develops a plan to conduct such training.

3 (2) ELEMENTS.—Each plan developed under
4 paragraph (1) with respect to an installation—

5 (A) shall include—

6 (i) the cost of implementing training
7 described in paragraph (1) at the installa-
8 tion;

9 (ii) a description of any obstacles to
10 the implementation of such training; and

11 (iii) recommendations for mitigating
12 any such obstacles; and

13 (B) shall be designed to ensure that the ci-
14 vilian law enforcement and emergency response
15 agencies described in paragraph (1) are familiar
16 with—

17 (i) the physical features of the instal-
18 lation, including gates, buildings, armories,
19 headquarters, command and control cen-
20 ters, and medical facilities; and

21 (ii) the emergency response personnel
22 and procedures of the installation.

23 (3) SUBMITTAL OF PLANS.—

24 (A) SUBMITTAL TO SECRETARY.—Not
25 later than 90 days after the date of the enact-

1 ment of this Act, the commander of each mili-
2 tary installation required to develop a plan
3 under paragraph (1) shall submit such plan to
4 the Secretary of Defense.

5 (B) SUBMITTAL TO CONGRESS.—Not later
6 than 180 days after the date of the enactment
7 of this Act, the Secretary shall submit to the
8 Committees on Armed Services of the Senate
9 and the House of Representatives a summary of
10 the plans submitted to the Secretary under sub-
11 paragraph (A).

12 (b) REPORTS ON TRAINING CONDUCTED.—

13 (1) LIST OF INSTALLATIONS.—Not later than
14 March 1, 2021, the Secretary shall submit to the
15 Committees on Armed Services of the Senate and
16 the House of Representatives a list of all military in-
17 stallations under the jurisdiction of the Secretary
18 that conduct live emergency response training on an
19 annual basis or more frequently with the civilian law
20 enforcement and emergency response agencies re-
21 sponsible for responding to an emergency at the in-
22 stallation.

23 (2) ANNUAL REPORTS.—

24 (A) IN GENERAL.—Not later than one year
25 after the date of the enactment of this Act, and

1 annually thereafter, the commander of each
2 military installation under the jurisdiction of
3 the Secretary shall submit to the Secretary a
4 report on each live emergency response training
5 conducted during the year covered by the report
6 with the civilian law enforcement and emer-
7 gency response agencies responsible for re-
8 sponding to an emergency at the installation.

9 (B) ELEMENTS.—Each report submitted
10 under subparagraph (A) shall include, with re-
11 spect to each training exercise, the following:

12 (i) The date and duration of the exer-
13 cise.

14 (ii) A detailed description of the exer-
15 cise.

16 (iii) An identification of all military
17 and civilian personnel who participated in
18 the exercise.

19 (iv) Any recommendations resulting
20 from the exercise.

21 (v) The actions taken, if any, to im-
22 plement such recommendations.

23 (C) INCLUSION IN ANNUAL BUDGET SUB-
24 MISSION.—

1 (i) IN GENERAL.—The Secretary shall
2 include in the budget submitted to Con-
3 gress by the President pursuant to section
4 1105(a) of title 31, United States Code, a
5 summary of any report submitted to the
6 Secretary under subparagraph (A) during
7 the one-year period preceding the sub-
8 mittal of the budget.

9 (ii) CLASSIFIED FORM.—The sum-
10 mary submitted under clause (i) may be
11 submitted in classified form.

12 (D) SUNSET.—The requirement to submit
13 annual reports under subparagraph (A) shall
14 terminate upon the submittal of the budget de-
15 scribed in subparagraph (C)(i) for fiscal year
16 2024.

17 **SEC. 353. REPORT ON IMPLEMENTATION BY DEPARTMENT**
18 **OF DEFENSE OF REQUIREMENTS RELATING**
19 **TO RENEWABLE FUEL PUMPS.**

20 (a) IN GENERAL.—Not later than 90 days after the
21 date of the enactment of this Act, the Secretary of Defense
22 shall submit to Congress a report on the implementation
23 by the Department of Defense of the requirements under
24 section 246(a) of the Energy Independence and Security
25 Act of 2007 (42 U.S.C. 17053(a)).

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

3 (1) An estimate of the cost to the Department
4 of fully implementing the requirements under section
5 246(a) of the Energy Independence and Security Act
6 of 2007; and

7 (2) An assessment of any problems or issues
8 the Department is having in complying with the re-
9 quirements under such section.

10 (c) EXCEPTION.—The report required by subsection
11 (a) shall not apply to a fueling center of the Department
12 with a fuel turnover rate of less than 100,000 gallons of
13 fuel per year.

14 **SEC. 354. REPORT ON EFFECTS OF EXTREME WEATHER ON**
15 **DEPARTMENT OF DEFENSE.**

16 (a) IN GENERAL.—Not later than 180 days after the
17 date of the enactment of this Act, the Secretary of Defense
18 shall submit to the congressional defense committees a re-
19 port on vulnerabilities to military installations and com-
20 batant commander requirements resulting from extreme
21 weather that builds upon the report submitted under sec-
22 tion 335(c) of the National Defense Authorization Act for
23 Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1358).

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

1 (1) An explanation of the underlying method-
2 ology that the Department uses to assess the effects
3 of extreme weather in the report, including through
4 the use of a climate vulnerability and risk assess-
5 ment tool as directed under section 326 of the Na-
6 tional Defense Authorization Act for Fiscal Year
7 2020 (Public Law 116–92).

8 (2) An assessment of how extreme weather af-
9 fects low-lying military installations, military instal-
10 lations of the Navy and the Marine Corps, and mili-
11 tary installations outside the United States.

12 (3) An assessment of how extreme weather af-
13 fects access of members of the Armed Forces to
14 training ranges.

15 (4) With respect to a military installation in a
16 country outside the United States, an assessment of
17 the collaboration between the Department of De-
18 fense and the military or civilian agencies of the gov-
19 ernment of that country or nongovernmental organi-
20 zations operating in that country to adapt to risks
21 from extreme weather.

22 (5) An assessment of how extreme weather af-
23 fects housing safety and food security on military in-
24 stallations.

1 (6) An assessment of the strategic benefits de-
2 rived from isolating infrastructure of the Depart-
3 ment of Defense in the United States from the na-
4 tional electric grid and the use of energy-efficient,
5 distributed, and smart power grids by the Armed
6 Forces in the United States and overseas to ensure
7 affordable access to electricity.

8 (7) A list of ten military installation resilience
9 projects conducted within each military department.

10 (8) An overview of mitigations, in addition to
11 current efforts undertaken by the Department, that
12 may be necessary to ensure the continued oper-
13 ational viability and to increase the resilience of mili-
14 tary installations, and the estimated costs of those
15 mitigations.

16 (c) CONSULTATION.—In developing the report re-
17 quired by subsection (a), the Secretary of Defense shall
18 consult with the Administrator of the Environmental Pro-
19 tection Agency, the Secretary of Energy, the Adminis-
20 trator of the National Oceanic and Atmospheric Adminis-
21 tration, the Administrator of the Federal Emergency Man-
22 agement Agency, the Commander of the Army Corps of
23 Engineers, the Administrator of the National Aeronautics
24 and Space Administration, a federally funded research and
25 development center, and the heads of such other relevant

1 Federal agencies as the Secretary of Defense determines
2 appropriate.

3 (d) FORM OF REPORT.—The report required by sub-
4 section (a) shall be submitted in unclassified form but may
5 contain a classified annex if necessary.

6 (e) PUBLICATION.—Upon submittal of the report re-
7 quired by subsection (a), the Secretary of Defense shall
8 publish the unclassified portion of the report on an Inter-
9 net website of the Department of Defense that is available
10 to the public.

11 (f) DEFINITIONS.—In this section:

12 (1) EXTREME WEATHER.—The term “extreme
13 weather” means recurrent flooding, drought,
14 desertification, wildfires, and thawing permafrost.

15 (2) UNITED STATES.—The term “United
16 States” means the several States, the District of Co-
17 lumbia, and any territory or possession of the
18 United States.

19 **Subtitle E—Other Matters**

20 **SEC. 371. PROHIBITION ON DIVESTITURE OF MANNED IN-** 21 **TELLIGENCE, SURVEILLANCE, AND RECON-** 22 **NAISSANCE AIRCRAFT OPERATED BY UNITED** 23 **STATES SPECIAL OPERATIONS COMMAND.**

24 No funds authorized to be appropriated by this Act
25 may be used to divest any manned intelligence, surveil-

1 lance, and reconnaissance aircraft operated by the United
2 States Special Operations Command, and the Department
3 of Defense may not divest any manned intelligence, sur-
4 veillance, and reconnaissance aircraft operated by the
5 United States Special Operations Command in fiscal year
6 2021.

7 **SEC. 372. INFORMATION ON OVERSEAS CONSTRUCTION**
8 **PROJECTS IN SUPPORT OF CONTINGENCY**
9 **OPERATIONS USING FUNDS FOR OPERATION**
10 **AND MAINTENANCE.**

11 (a) ANNUAL BUDGET JUSTIFICATION DISPLAY.—
12 Section 2805(c) of title 10, United States Code, is amend-
13 ed—

14 (1) by striking “The Secretary concerned” and
15 inserting “(1) The Secretary concerned”; and

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

18 “(2) The Secretary of each military department, the
19 Director of each Defense Agency, and the head of any
20 other relevant component of the Department of Defense
21 shall track and report to the Under Secretary of Defense
22 (Comptroller) relevant data regarding all overseas con-
23 struction projects funded with amounts appropriated or
24 otherwise made available for operation and maintenance
25 in support of contingency operations.

1 “(3)(A) The Secretary of Defense shall prepare, for
2 inclusion in the annual budget submission by the Presi-
3 dent to Congress under section 1105 of title 31, a consoli-
4 dated budget justification display, in classified and unclas-
5 sified form, that identifies all overseas construction
6 projects funded with amounts appropriated or otherwise
7 made available for operation and maintenance in support
8 of contingency operations.

9 “(B) The display prepared under subparagraph (A)
10 shall include a list of all construction projects described
11 in such subparagraph that were completed in the prior fis-
12 cal year, that are ongoing, or that are expected for the
13 next five fiscal years, and shall identify for each project—

14 “(i) the component of the Department of De-
15 fense involved in the project;

16 “(ii) the location of the project;

17 “(iii) a brief description of the purpose of the
18 project; and

19 “(iv) the actual or estimated cost of the
20 project.”.

21 (b) REPORT ON CONSTRUCTION PROJECTS IN SUP-
22 PORT OF CONTINGENCY OPERATIONS.—

23 (1) IN GENERAL.—Not later than March 1,
24 2021, the Secretary of Defense shall submit to the
25 congressional defense committees a report on ways

1 to improve the development, funding, and execution
2 of construction projects in support of overseas con-
3 tingency operations, including those funded with
4 amounts appropriated or otherwise made available
5 for operation and maintenance and those funded
6 with amounts appropriated or otherwise made avail-
7 able for military construction.

8 (2) ELEMENTS.—The report required by para-
9 graph (1) shall include, at a minimum, the following:

10 (A) An examination and comparison of the
11 time required to plan, approve, and execute con-
12 struction projects funded with operation and
13 maintenance amounts versus those funded with
14 military construction amounts, in support of
15 contingency operations, including construction
16 projects in support of recent operations in Af-
17 ghanistan, Iraq, Syria, and Eastern Europe.

18 (B) A description of any challenges associ-
19 ated with the processes of the Department of
20 Defense for planning, approving, and executing
21 such projects.

22 (C) A description of any ongoing or
23 planned efforts to improve such processes to
24 promote efficiency and expediency in the devel-
25 opment and execution of such projects.

1 (D) Any recommendations with respect to
2 improving such processes, including those from
3 the commanders of the combatant commands
4 and the Secretaries of the military departments.

5 **SEC. 373. PROVISION OF PROTECTION TO THE NATIONAL**
6 **MUSEUM OF THE MARINE CORPS, THE NA-**
7 **TIONAL MUSEUM OF THE UNITED STATES**
8 **ARMY, THE NATIONAL MUSEUM OF THE**
9 **UNITED STATES NAVY, AND THE NATIONAL**
10 **MUSEUM OF THE UNITED STATES AIR FORCE.**

11 Section 2465(b) of title 10, United States Code, is
12 amended by adding at the end the following new para-
13 graph:

14 “(5) A contract for the performance of on-site
15 armed security guard functions to be performed—

16 “(A) at the Marine Corps Heritage Center
17 at Marine Corps Base Quantico, Virginia, in-
18 cluding the National Museum of the Marine
19 Corps;

20 “(B) at the Heritage Center for the Na-
21 tional Museum of the United States Army at
22 Fort Belvoir, Virginia;

23 “(C) at the Heritage Center for the Na-
24 tional Museum of the United States Navy at
25 Washington, District of Columbia; or

1 “(D) at the Heritage Center for the Na-
2 tional Museum of the United States Air Force
3 at Wright-Patterson Air Force Base, Ohio.”.

4 **SEC. 374. INAPPLICABILITY OF CONGRESSIONAL NOTIFICA-**
5 **TION AND DOLLAR LIMITATION REQUIRE-**
6 **MENTS FOR ADVANCE BILLINGS FOR CER-**
7 **TAIN BACKGROUND INVESTIGATIONS.**

8 Section 2208(l) of title 10, United States Code, is
9 amended—

10 (1) by redesignating paragraph (4) as para-
11 graph (5); and

12 (2) by inserting after paragraph (3) the fol-
13 lowing new paragraph (4):

14 “(4) This subsection shall not apply to advance bill-
15 ing for background investigation and related services per-
16 formed by the Defense Counterintelligence and Security
17 Agency.”.

18 **SEC. 375. REPEAL OF SUNSET FOR MINIMUM ANNUAL PUR-**
19 **CHASE AMOUNT FOR CARRIERS PARTICI-**
20 **PATING IN THE CIVIL RESERVE AIR FLEET.**

21 Section 9515 of title 10, United States Code, is
22 amended by striking subsection (k).

1 **SEC. 376. IMPROVEMENT OF THE OPERATIONAL ENERGY**
2 **CAPABILITY IMPROVEMENT FUND OF THE**
3 **DEPARTMENT OF DEFENSE.**

4 (a) MANAGEMENT OF THE OPERATIONAL ENERGY
5 CAPABILITY IMPROVEMENT FUND.—The Assistant Sec-
6 retary of Defense for Sustainment shall exercise authority,
7 direction, and control over the Operational Energy Capa-
8 bility Improvement Fund of the Department of Defense
9 (in this section referred to as the “OECIF”).

10 (b) ALIGNMENT AND COORDINATION WITH RELATED
11 PROGRAMS.—

12 (1) REALIGNMENT OF OECIF.—Not later than
13 60 days after the date of the enactment of this Act,
14 the Secretary of Defense shall realign the OECIF
15 under the Assistant Secretary of Defense for
16 Sustainment, with such realignment to include per-
17 sonnel positions adequate for the mission of the
18 OECIF.

19 (2) BETTER COORDINATION WITH RELATED
20 PROGRAMS.—The Assistant Secretary shall ensure
21 that the placement under the authority of the Assist-
22 ant Secretary of the OECIF along with the Strategic
23 Environmental Research Program, the Environ-
24 mental Security Technology Certification Program,
25 and the Operational Energy Prototyping Program is
26 utilized to advance common goals of the Depart-

1 ment, promote organizational synergies, and avoid
2 unnecessary duplication of effort.

3 (c) PROGRAM FOR OPERATIONAL ENERGY PROTO-
4 TYPING.—

5 (1) IN GENERAL.—Commencing not later than
6 90 days after the date of the enactment of this Act,
7 the Secretary of Defense, through the Assistant Sec-
8 retary of Defense for Sustainment, shall carry out a
9 program for the demonstration of technologies re-
10 lated to operational energy prototyping, including
11 demonstration of operational energy technology and
12 validation prototyping.

13 (2) OPERATION OF PROGRAM.—The Secretary
14 shall ensure that the program under paragraph (1)
15 operates in conjunction with the OECIF to promote
16 the transfer of innovative technologies that have suc-
17 cessfully established proof of concept for use in pro-
18 duction or in the field.

19 (3) PROGRAM ELEMENTS.—In carrying out the
20 program under paragraph (1) the Secretary shall—

21 (A) identify and demonstrate the most
22 promising, innovative, and cost-effective tech-
23 nologies and methods that address high-priority
24 operational energy requirements of the Depart-
25 ment of Defense;

1 (B) in conducting demonstrations under
2 subparagraph (A), the Secretary shall—

3 (i) collect cost and performance data
4 to overcome barriers against employing an
5 innovative technology because of concerns
6 regarding technical or programmatic risk;
7 and

8 (ii) ensure that components of the De-
9 partment have time to establish new re-
10 quirements where necessary and plan, pro-
11 gram, and budget for technology transition
12 to programs of record;

13 (C) utilize project structures similar to
14 those of the OECIF to ensure transparency and
15 accountability throughout the efforts conducted
16 under the program; and

17 (D) give priority, in conjunction with the
18 OECIF, to the development and fielding of
19 clean technologies that reduce reliance on fossil
20 fuels.

21 (4) TOOL FOR ACCOUNTABILITY AND TRANSI-
22 TION.—

23 (A) IN GENERAL.—In carrying out the
24 program under paragraph (1) the Secretary
25 shall develop and utilize a tool to track relevant

1 investments in operational energy from applied
2 research to transition to use to ensure user or-
3 ganizations have the full picture of technology
4 maturation and development.

5 (B) TRANSITION.—The tool developed and
6 utilized under subparagraph (A) shall be de-
7 signed to overcome transition challenges with
8 rigorous and well-documented demonstrations
9 that provide the information needed by all
10 stakeholders for acceptance of the technology.

11 (5) LOCATIONS.—

12 (A) IN GENERAL.—The Secretary shall
13 carry out the testing and evaluation phase of
14 the program under paragraph (1) at installa-
15 tions of the Department of Defense or in con-
16 junction with exercises conducted by the Joint
17 Staff, a combatant command, or a military de-
18 partment.

19 (B) FORMAL DEMONSTRATIONS.—The Sec-
20 retary shall carry out any formal demonstra-
21 tions under the program under paragraph (1)
22 at installations of the Department or in oper-
23 ational settings to document and validate im-
24 proved warfighting performance and cost sav-
25 ings.

1 **SEC. 377. COMMISSION ON THE NAMING OF ITEMS OF THE**
2 **DEPARTMENT OF DEFENSE THAT COMMEMO-**
3 **RATE THE CONFEDERATE STATES OF AMER-**
4 **ICA OR ANY PERSON WHO SERVED VOLUN-**
5 **TARILY WITH THE CONFEDERATE STATES OF**
6 **AMERICA.**

7 (a) REMOVAL.—Not later than three years after the
8 date of the enactment of this Act, the Secretary of Defense
9 shall implement the plan submitted by the commission de-
10 scribed in paragraph (b) and remove all names, symbols,
11 displays, monuments, and paraphernalia that honor or
12 commemorate the Confederate States of America (com-
13 monly referred to as the “Confederacy”) or any person
14 who served voluntarily with the Confederate States of
15 America from all assets of the Department of Defense.

16 (b) IN GENERAL.—The Secretary of Defense shall es-
17 tablish a commission relating to assigning, modifying, or
18 removing of names, symbols, displays, monuments, and
19 paraphernalia to assets of the Department of Defense that
20 commemorate the Confederate States of America or any
21 person who served voluntarily with the Confederate States
22 of America.

23 (c) DUTIES.—The Commission shall—

24 (1) assess the cost of renaming or removing
25 names, symbols, displays, monuments, or para-
26 phernalia that commemorate the Confederate States

1 of America or any person who served voluntarily
2 with the Confederate States of America;

3 (2) develop procedures and criteria to assess
4 whether an existing name, symbol, monument, dis-
5 play, or paraphernalia commemorates the Confed-
6 erate States of America or person who served volun-
7 tarily with the Confederate States of America;

8 (3) recommend procedures for renaming assets
9 of the Department of Defense to prevent commemo-
10 ration of the Confederate States of America or any
11 person who served voluntarily with the Confederate
12 States of America;

13 (4) develop a plan to remove names, symbols,
14 displays, monuments, or paraphernalia that com-
15 memorate the Confederate States of America or any
16 person who served voluntarily with the Confederate
17 States of America from assets of the Department of
18 Defense, within the timeline established by this Act;
19 and

20 (5) include in the plan procedures and criteria
21 for collecting and incorporating local sensitivities as-
22 sociated with naming or renaming of assets of the
23 Department of Defense.

24 (d) MEMBERSHIP.—The Commission shall be com-
25 posed of eight members, of whom—

1 (1) four shall be appointed by the Secretary of
2 Defense;

3 (2) one shall be appointed by the Chairman of
4 the Committee on Armed Services of the Senate;

5 (3) one shall be appointed by the Ranking
6 Member of the Committee on Armed Services of the
7 Senate;

8 (4) one shall be appointed by the Chairman of
9 the Committee on Armed Services of the House of
10 Representatives; and

11 (5) one shall be appointed by the Ranking
12 Member of the Committee on Armed Services of the
13 House of Representatives.

14 (e) APPOINTMENT.—Members of the Commission
15 shall be appointed not later than 45 days after the date
16 of the enactment of this Act.

17 (f) INITIAL MEETING.—The Commission shall hold
18 its initial meeting on the date that is 60 days after the
19 enactment of this Act.

20 (g) BRIEFINGS AND REPORTS.—Not later than Octo-
21 ber 1, 2021, the Commission shall brief the Committees
22 on Armed Services of the Senate and House of Represent-
23 atives detailing the progress of the requirements under
24 subsection (c). Not later than October 1, 2022, and not
25 later than 90 days before the implementation of the plan

1 in subsection (c)(4), the Commission shall present a brief-
2 ing and written report detailing the results of the require-
3 ments under subsection (c), including:

4 (1) A list of assets to be removed or renamed.

5 (2) Costs associated with the removal or renam-
6 ing of assets in subsection (g)(1).

7 (3) Criteria and requirements used to nominate
8 and rename assets in subsection (g)(1).

9 (4) Methods of collecting and incorporating
10 local sensitivities associated with the removal or re-
11 naming of assets in subsection (g)(1).

12 (h) FUNDING.—

13 (1) AUTHORIZATION OF APPROPRIATIONS.—

14 There is authorized to be appropriated \$2,000,000
15 to carry out this section.

16 (2) OFFSET.—The amount authorized to be ap-
17 propriated by the Act for fiscal year 2021 for Oper-
18 ations and Maintenance, Army, sub activity group
19 434 - other personnel support is hereby reduced by
20 \$2,000,000.

21 (i) ASSETS DEFINED.—In this section, the term “as-
22 sets” includes any base, installation, street, building, facil-
23 ity, aircraft, ship, plane, weapon, equipment, or any other
24 property owned or controlled by the Department of De-
25 fense.

1 (j) EXEMPTION FOR GRAVE MARKERS.—Shall not
2 cover monuments but shall exempt grave markers. Con-
3 gress expects the commission to further define what con-
4 stitutes a grave marker.

5 **SEC. 378. MODIFICATIONS TO REVIEW OF PROPOSED AC-**
6 **TIONS BY MILITARY AVIATION AND INSTAL-**
7 **LATION ASSURANCE CLEARINGHOUSE.**

8 Section 183a(e)(2) of title 10, United States Code,
9 is amended—

10 (1) by striking “If the Clearinghouse” and in-
11 sserting “(A) If the Clearinghouse”; and

12 (2) by adding at the end the following new sub-
13 paragraphs:

14 “(B) After the Clearinghouse issues a notice
15 under subparagraph (A) with respect to an energy
16 project, the parties should seek to identify feasible
17 and affordable actions that can be taken by the De-
18 partment, the developer of such energy project, or
19 others to mitigate any adverse impact on military
20 operations and readiness.

21 “(C) If the Secretary determines within a rea-
22 sonable period of time after the issuance of a notice
23 under subparagraph (A) with respect to an energy
24 project that the concerns identified in the prelimi-
25 nary review conducted under paragraph (1) with re-

1 spect to such project have been mitigated to the ex-
2 tent that such project does not pose an unacceptable
3 level of risk to military operations and readiness, the
4 Clearinghouse shall timely issue a mission compat-
5 ibility letter to the applicant of such project, the gov-
6 ernor of the State in which such project is located,
7 and the Secretary of the finding of the Clearing-
8 house.”.

9 **SEC. 379. ADJUSTMENT IN AVAILABILITY OF APPROPRIA-**
10 **TIONS FOR UNUSUAL COST OVERRUNS AND**
11 **FOR CHANGES IN SCOPE OF WORK.**

12 Section 8683 of title 10, United States Code, is
13 amended by adding at the end the following new sub-
14 section:

15 “(c) TREATMENT OF AMOUNTS APPROPRIATED
16 AFTER END OF PERIOD OF OBLIGATION.—In the applica-
17 tion of section 1553(c) of title 31 to funds appropriated
18 in the Operation and Maintenance, Navy account that are
19 available for ship overhaul, the Secretary of the Navy—

20 “(1) may treat the limitation specified in para-
21 graph (1) of such section to be ‘\$10,000,000’ rather
22 than ‘\$4,000,000’; and

23 “(2) may treat the limitation specified in para-
24 graph (2) of such section to be ‘\$30,000,000’ rather
25 than ‘\$25,000,000’.”.

1 **SEC. 380. REQUIREMENT THAT SECRETARY OF DEFENSE**
2 **IMPLEMENT SECURITY AND EMERGENCY RE-**
3 **SPONSE RECOMMENDATIONS RELATING TO**
4 **ACTIVE SHOOTER OR TERRORIST ATTACKS**
5 **ON INSTALLATIONS OF DEPARTMENT OF DE-**
6 **FENSE.**

7 (a) REQUIREMENT.—Not later than 90 days after the
8 date of the enactment of this Act, the Secretary of Defense
9 shall implement the applicable security and emergency re-
10 sponse recommendations relating to active shooter or ter-
11 rorist attacks on installations of the Department of De-
12 fense made in the following reports:

13 (1) The report by the Government Account-
14 ability Office dated July 2015 entitled, “Insider
15 Threats: DOD Should Improve Information Sharing
16 and Oversight to Protect U.S. Installations” (GAO-
17 15-543).

18 (2) The report prepared by the Department of
19 the Navy relating to the Washington Navy Yard
20 shooting in 2013.

21 (3) The report by the Department of the Army
22 dated August 2010 entitled “Fort Hood, Army In-
23 ternal Review Team: Final Report”.

24 (4) The independent review by the Department
25 of Defense dated January 2010 entitled “Protecting
26 the Force: Lessons from Fort Hood”.

1 (5) The report by the Department of the Air
2 Force dated October 2010 entitled “Air Force Fol-
3 low-On Review: Protecting the Force: Lessons from
4 Fort Hood”.

5 (b) NOTIFICATION OF INAPPLICABLE RECOMMENDA-
6 TIONS.—

7 (1) IN GENERAL.—If the Secretary determines
8 that a recommendation described in subsection (a) is
9 outdated, is no longer applicable, or has been super-
10 seded by more recent separate guidance or rec-
11 ommendations set forth by the Government Account-
12 ability Office, the Department of Defense, or an-
13 other entity in related contracted review, the Sec-
14 retary shall notify the Committees on Armed Serv-
15 ices of the Senate and the House of Representatives
16 not later than 45 days after the date of the enact-
17 ment of this Act.

18 (2) IDENTIFICATION AND JUSTIFICATION.—The
19 notification under paragraph (1) shall include an
20 identification, set forth by report specified in sub-
21 section (a), of each recommendation that the Sec-
22 retary determines should not be implemented, with
23 a justification for each such determination.

1 **SEC. 381. CLARIFICATION OF FOOD INGREDIENT REQUIRE-**
2 **MENTS FOR FOOD OR BEVERAGES PROVIDED**
3 **BY THE DEPARTMENT OF DEFENSE.**

4 (a) IN GENERAL.—Before making any final rule,
5 statement, or determination regarding the limitation or
6 prohibition of any food or beverage ingredient in military
7 food service, military medical foods, commissary food, or
8 commissary food service, the Secretary of Defense shall
9 publish in the Federal Register a notice of a preliminary
10 rule, statement, or determination (in this section referred
11 to as a “proposed action”) and provide opportunity for
12 public comment.

13 (b) MATTERS TO BE INCLUDED.—The Secretary
14 shall include in any notice published under subsection (a)
15 the following:

16 (1) The date of the notice.

17 (2) Contact information for the appropriate of-
18 fice at the Department of Defense.

19 (3) A summary of the notice.

20 (4) A date for comments to be submitted and
21 specific methods for submitting comments.

22 (5) A description of the substance of the pro-
23 posed action.

24 (6) Findings and a statement of reasons sup-
25 porting the proposed action.

1 **TITLE IV—MILITARY**
2 **PERSONNEL AUTHORIZATIONS**
3 **Subtitle A—Active Forces**

4 **SEC. 401. END STRENGTHS FOR ACTIVE FORCES.**

5 The Armed Forces are authorized strengths for active
6 duty personnel as of September 30, 2021, as follows:

- 7 (1) The Army, 485,000.
8 (2) The Navy, 346,730.
9 (3) The Marine Corps, 180,000.
10 (4) The Air Force, 333,475.

11 **SEC. 402. END STRENGTH LEVEL MATTERS.**

12 (a) **STRENGTH LEVELS TO SUPPORT TWO MAJOR**
13 **REGIONAL CONTINGENCIES.—**

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

16 (2) **TABLE OF SECTIONS.—**The table of sections
17 at the beginning of chapter 39 of such title is
18 amended by striking the item relating to section
19 691.

20 (b) **CERTAIN ACTIVE-DUTY AND SELECTED RESERVE**
21 **STRENGTHS.—**Section 115 of such title is amended—

22 (1) in subsection (f)(1), by striking “increase”
23 and inserting “vary”; and

24 (2) in subsection (g)(1)(A), by striking “in-
25 crease” and inserting “vary”.

1 **Subtitle B—Reserve Forces**

2 **SEC. 411. END STRENGTHS FOR SELECTED RESERVE.**

3 (a) IN GENERAL.—The Armed Forces are authorized
4 strengths for Selected Reserve personnel of the reserve
5 components as of September 30, 2021, as follows:

6 (1) The Army National Guard of the United
7 States, 336,500.

8 (2) The Army Reserve, 189,800.

9 (3) The Navy Reserve, 58,800.

10 (4) The Marine Corps Reserve, 38,500.

11 (5) The Air National Guard of the United
12 States, 108,100.

13 (6) The Air Force Reserve, 70,300.

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

15 (b) END STRENGTH REDUCTIONS.—The end
16 strengths prescribed by subsection (a) for the Selected Re-
17 serve of any reserve component shall be proportionately
18 reduced by—

19 (1) the total authorized strength of units orga-
20 nized to serve as units of the Selected Reserve of
21 such component which are on active duty (other
22 than for training) at the end of the fiscal year; and

23 (2) the total number of individual members not
24 in units organized to serve as units of the Selected
25 Reserve of such component who are on active duty

1 (other than for training or for unsatisfactory partici-
2 pation in training) without their consent at the end
3 of the fiscal year.

4 (c) **END STRENGTH INCREASES.**—Whenever units or
5 individual members of the Selected Reserve of any reserve
6 component are released from active duty during any fiscal
7 year, the end strength prescribed for such fiscal year for
8 the Selected Reserve of such reserve component shall be
9 increased proportionately by the total authorized strengths
10 of such units and by the total number of such individual
11 members.

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

14 Within the end strengths prescribed in section
15 411(a), the reserve components of the Armed Forces are
16 authorized, as of September 30, 2021, the following num-
17 ber of Reserves to be serving on full-time active duty or
18 full-time duty, in the case of members of the National
19 Guard, for the purpose of organizing, administering, re-
20 cruiting, instructing, or training the reserve components:

- 21 (1) The Army National Guard of the United
22 States, 30,595.
- 23 (2) The Army Reserve, 16,511.
- 24 (3) The Navy Reserve, 10,215.
- 25 (4) The Marine Corps Reserve, 2,386.

1 (5) The Air National Guard of the United
2 States, 25,333.

3 (6) The Air Force Reserve, 5,256.

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

6 (a) IN GENERAL.—The authorized number of mili-
7 tary technicians (dual status) as of the last day of fiscal
8 year 2021 for the reserve components of the Army and
9 the Air Force (notwithstanding section 129 of title 10,
10 United States Code) shall be the following:

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

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

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

16 (4) For the Air Force Reserve, 7,947.

17 (b) LIMITATION.—Under no circumstances may a
18 military technician (dual status) employed under the au-
19 thority of this section be coerced by a State into accepting
20 an offer of realignment or conversion to any other military
21 status, including as a member of the Active, Guard, and
22 Reserve program of a reserve component. If a military
23 technician (dual status) declines to participate in such re-
24 alignment or conversion, no further action will be taken
25 against the individual or the individual's position.

1 **SEC. 414. MAXIMUM NUMBER OF RESERVE PERSONNEL AU-**
2 **THORIZED TO BE ON ACTIVE DUTY FOR**
3 **OPERATIONAL SUPPORT.**

4 During fiscal year 2021, the maximum number of
5 members of the reserve components of the Armed Forces
6 who may be serving at any time on full-time operational
7 support duty under section 115(b) of title 10, United
8 States Code, is the following:

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

11 (2) The Army Reserve, 13,000.

12 (3) The Navy Reserve, 6,200.

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

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

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

17 **SEC. 415. SEPARATE AUTHORIZATION BY CONGRESS OF**
18 **MINIMUM END STRENGTHS FOR NON-TEM-**
19 **PORARY MILITARY TECHNICIANS (DUAL STA-**
20 **TUS) AND MAXIMUM END STRENGTHS FOR**
21 **TEMPORARY MILITARY TECHNICIANS (DUAL**
22 **STATUS).**

23 (a) IN GENERAL.—Section 115(d) of title 10, United
24 States Code, is amended—

25 (1) in the first sentence, by striking “the end
26 strength for military technicians (dual status)” and

1 inserting “both the minimum end strength for non-
2 temporary military technicians (dual status) and the
3 maximum end strength for temporary military tech-
4 nicians (dual status)”;

5 (2) in the third sentence, by striking “the end
6 strength requested for military technicians (dual sta-
7 tus)” and inserting “the minimum end strength for
8 non-temporary military technicians (dual status),
9 and the maximum end strength for temporary mili-
10 tary technicians (dual status), requested”.

11 (b) **EFFECTIVE DATE.**—The amendments made by
12 subsection (a) shall take effect on the day after the date
13 of the enactment of this Act. The amendment made by
14 subsection (a)(2) shall apply with respect to budgets sub-
15 mitted by the President to Congress under section 1105
16 of title 31, United States Code, after such effective date.

17 **Subtitle C—Authorization of**
18 **Appropriations**

19 **SEC. 421. MILITARY PERSONNEL.**

20 (a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds
21 are hereby authorized to be appropriated for fiscal year
22 2021 for the use of the Armed Forces and other activities
23 and agencies of the Department of Defense for expenses,
24 not otherwise provided for, for military personnel, as spec-
25 ified in the funding table in section 4401.

1 (b) CONSTRUCTION OF AUTHORIZATION.—The au-
2 thorization of appropriations in subsection (a) supersedes
3 any other authorization of appropriations (definite or in-
4 definite) for such purpose for fiscal year 2021.

5 **TITLE V—MILITARY PERSONNEL**
6 **POLICY**

7 **Subtitle A—Officer Personnel**
8 **Policy**

9 **SEC. 501. REPEAL OF CODIFIED SPECIFICATION OF AU-**
10 **THORIZED STRENGTHS OF CERTAIN COMMIS-**
11 **SIONED OFFICERS ON ACTIVE DUTY.**

12 Effective as of October 1, 2021, the text of section
13 523 of title 10, United States Code, is amended to read
14 as follows:

15 “The total number of commissioned officers serving
16 on active duty in the Army, Air Force, or Marine Corps
17 in each of the grades of major, lieutenant colonel, or colo-
18 nel, or in the Navy in each of the grades of lieutenant
19 commander, commander, or captain, at the end of any fis-
20 cal year shall be as specifically authorized by Act of Con-
21 gress for such fiscal year.”.

1 **SEC. 502. TEMPORARY EXPANSION OF AVAILABILITY OF**
2 **ENHANCED CONSTRUCTIVE SERVICE CREDIT**
3 **IN A PARTICULAR CAREER FIELD UPON**
4 **ORIGINAL APPOINTMENT AS A COMMIS-**
5 **SIONED OFFICER.**

6 (a) **REGULAR OFFICERS.**—Subparagraph (D) of sec-
7 tion 533(b)(1) of title 10, United States Code, is amended
8 to read as follows:

9 “(D) Additional credit as follows:

10 “(i) For special training or experience in a
11 particular officer field as designated by the Sec-
12 retary concerned, if such training or experience
13 is directly related to the operational needs of
14 the armed force concerned.

15 “(ii) During fiscal years 2021 through
16 2025, for advanced education in an officer field
17 so designated, if such education is directly re-
18 lated to the operational needs of the armed
19 force concerned.”.

20 (b) **RESERVE OFFICERS.**—Section 12207(b)(1) of
21 such title is amended—

22 (1) in the matter preceding subparagraph (A),
23 “or a designation in” and all that follows through
24 “education or training,” and inserting “and who has
25 special training or experience, or advanced education
26 (if applicable),”; and

1 (2) by striking subparagraph (D) and inserting
2 the following new subparagraph:

3 “(D) Additional credit as follows:

4 “(i) For special training or experience in a
5 particular officer field as designated by the Sec-
6 retary concerned, if such training or experience
7 is directly related to the operational needs of
8 the armed force concerned.

9 “(ii) During fiscal years 2021 through
10 2025, for advanced education in an officer field
11 so designated, if such education is directly re-
12 lated to the operational needs of the armed
13 force concerned.”.

14 (c) ANNUAL REPORT.—

15 (1) IN GENERAL.—Not later than February 1,
16 2022, and every four years thereafter, each Sec-
17 retary of a military department shall submit to the
18 Committees on Armed Services of the Senate and
19 the House of Representatives a report on the use of
20 the authorities in subparagraph (D) of section
21 553(b)(1) of title 10, United States Code (as amend-
22 ed by subsection (a)), and subparagraph (D) of sec-
23 tion 12207(b)(1) of such title (as amended by sub-
24 section (b)) (each referred to in this subsection as a
25 “constructive credit authority”) during the preceding

1 fiscal year for the Armed Forces under the jurisdic-
2 tion of such Secretary.

3 (2) ELEMENTS.—Each report under paragraph
4 (1) shall include, for the fiscal year and Armed
5 Forces covered by such report, the following:

6 (A) The manner in which constructive
7 service credit was calculated under each con-
8 structive credit authority.

9 (B) The number of officers credited con-
10 structive service credit under each constructive
11 credit authority.

12 (C) A description and assessment of the
13 utility of the constructive credit authorities in
14 meeting the operational needs of the Armed
15 Force concerned.

16 (D) Such other matters in connection with
17 the constructive credit authorities as the Sec-
18 retary of the military department concerned
19 considers appropriate.

20 **SEC. 503. REQUIREMENT FOR PROMOTION SELECTION**
21 **BOARD RECOMMENDATION OF HIGHER**
22 **PLACEMENT ON PROMOTION LIST OF OFFI-**
23 **CERS OF PARTICULAR MERIT.**

24 (a) IN GENERAL.—Section 616(g) of title 10, United
25 States Code, is amended—

1 (1) in paragraph (1)—

2 (A) by striking “may” and inserting
3 “shall”; and

4 (B) by inserting “, pursuant to guidelines
5 and procedures prescribed by the Secretary,”
6 after “officers of particular merit”; and

7 (2) in paragraph (3), by inserting “, pursuant
8 to guidelines and procedures prescribed by the Sec-
9 retary concerned,” after “shall recommend”.

10 (b) EFFECTIVE DATE.—The amendments made by
11 subsection (a) shall take effect on the date of the enact-
12 ment of this Act, and shall apply with respect to officers
13 recommended for promotion by promotion selection boards
14 convened on or after that date.

15 **SEC. 504. SPECIAL SELECTION REVIEW BOARDS FOR RE-**
16 **VIEW OF PROMOTION OF OFFICERS SUBJECT**
17 **TO ADVERSE INFORMATION IDENTIFIED**
18 **AFTER RECOMMENDATION FOR PROMOTION**
19 **AND RELATED MATTERS.**

20 (a) REGULAR OFFICERS.—

21 (1) IN GENERAL.—Subchapter III of chapter
22 36 of title 10, United States Code, is amended by
23 inserting after section 628 the following new section:

1 **“§ 628a. Special selection review boards**

2 “(a) IN GENERAL.—(1) If the Secretary of the mili-
3 tary department concerned determines that a person rec-
4 ommended by a promotion board for promotion to a grade
5 at or below the grade of major general, rear admiral in
6 the Navy, or an equivalent grade in the Space Force is
7 the subject of credible information of an adverse nature,
8 including any substantiated adverse finding or conclusion
9 described in section 615(a)(3)(A) of this title, that was
10 not furnished to the promotion board during its consider-
11 ation of the person for promotion as otherwise required
12 by such section, the Secretary shall convene a special se-
13 lection review board under this section to review the per-
14 son and recommend whether the recommendation for pro-
15 motion of the person should be sustained.

16 “(2) If a person and the recommendation for pro-
17 motion of the person is subject to review under this section
18 by a special selection review board convened under this
19 section, the name of the person—

20 “(A) shall not be disseminated or publicly re-
21 leased on the list of officers recommended for pro-
22 motion by the promotion board recommending the
23 promotion of the person; and

24 “(B) shall not be forwarded to the Secretary of
25 Defense, the President, or the Senate, as applicable,

1 or included on a promotion list under section 624(a)
2 of this title.

3 “(b) CONVENING.—(1) Any special selection review
4 board convened under this section shall be convened in ac-
5 cordance with the provisions of section 628(f) of this title.

6 “(2) Any special selection review board convened
7 under this section may review such number of persons,
8 and recommendations for promotion of such persons, as
9 the Secretary of the military department concerned shall
10 specify in convening such special selection review board.

11 “(c) INFORMATION CONSIDERED.—(1) In reviewing
12 a person and recommending whether the recommendation
13 for promotion of the person should be sustained under this
14 section, a special selection review board convened under
15 this section shall be furnished and consider the following:

16 “(A) The record and information concerning
17 the person furnished in accordance with section
18 615(a)(2) of this title to the promotion board that
19 recommended the person for promotion.

20 “(B) Any credible information of an adverse na-
21 ture on the person, including any substantiated ad-
22 verse finding or conclusion from an officially docu-
23 mented investigation or inquiry described in section
24 615(a)(3)(A) of this title.

1 “(2) The furnishing of information to a special selec-
2 tion review board under paragraph (1)(B) shall be gov-
3 erned by the standards and procedures referred to in para-
4 graph (3)(C) of section 615(a) of this title applicable to
5 the furnishing of information described in paragraph
6 (3)(A) of such section to selection boards in accordance
7 with that section.

8 “(3)(A) Before information on a person described in
9 paragraph (1)(B) is furnished to a special selection review
10 board for purposes of this section, the Secretary of the
11 military department concerned shall ensure that—

12 “(i) such information is made available to the
13 person; and

14 “(ii) subject to subparagraphs (C) and (D), the
15 person is afforded a reasonable opportunity to sub-
16 mit comments on such information to the special se-
17 lection review board before its review of the person
18 and the recommendation for promotion of the person
19 under this section.

20 “(B) If information on a person described in para-
21 graph (1)(B) is not made available to the person as other-
22 wise required by subparagraph (A)(i) due to the classifica-
23 tion status of such information, the person shall, to the
24 maximum extent practicable, be furnished a summary of

1 such information appropriate to the person's authorization
2 for access to classified information.

3 “(C)(i) An opportunity to submit comments on infor-
4 mation is not required for a person under subparagraph
5 (A)(ii) if—

6 “(I) such information was made available to the
7 person in connection with the furnishing of such in-
8 formation under section 615(a) of this title to the
9 promotion board that recommended the promotion of
10 the person subject to review under this section; and

11 “(II) the person submitted comments on such
12 information to that promotion board.

13 “(ii) The comments on information of a person de-
14 scribed in clause (i)(II) shall be furnished to the special
15 selection review board.

16 “(D) A person may waive either or both of the fol-
17 lowing:

18 “(i) The right to submit comments to a special
19 selection review board under subparagraph (A)(ii).

20 “(ii) The furnishing of comments to a special
21 selection review board under subparagraph (C)(ii).

22 “(d) CONSIDERATION.—(1) In considering the record
23 and information on a person under this section, the special
24 selection review board shall compare such record and in-
25 formation with an appropriate sampling of the records of

1 those officers of the same competitive category who were
2 recommended for promotion by the promotion board that
3 recommended the person for promotion, and an appro-
4 priate sampling of the records of those officers who were
5 considered by and not recommended for promotion by that
6 promotion board.

7 “(2) Records and information shall be presented to
8 a special selection review board for purposes of paragraph
9 (1) in a manner that does not indicate or disclose the per-
10 son or persons for whom the special selection review board
11 was convened.

12 “(3) In considering whether the recommendation for
13 promotion of a person should be sustained under this sec-
14 tion, a special selection review board shall, to the greatest
15 extent practicable, apply standards used by the promotion
16 board that recommended the person for promotion.

17 “(4) The recommendation for promotion of a person
18 may be sustained under this section only if the special se-
19 lection review board determines that the person—

20 “(A) ranks on an order of merit created by the
21 special selection review board as better qualified for
22 promotion than the sample officer highest on the
23 order of merit list who was considered by and not
24 recommended for promotion by the promotion board
25 concerned; and

1 “(B) is comparable in qualification for pro-
2 motion to those sample officers who were rec-
3 ommended for promotion by that promotion board.

4 “(5) A recommendation for promotion of a person
5 may be sustained under this section only by a vote of a
6 majority of the members of the special selection review
7 board.

8 “(6) If a special selection review board does not sus-
9 tain a recommendation for promotion of a person under
10 this section, the person shall be considered to have failed
11 of selection for promotion.

12 “(e) REPORTS.—(1) Each special selection review
13 board convened under this section shall submit to the Sec-
14 retary of the military department concerned a written re-
15 port, signed by each member of the board, containing the
16 name of each person whose recommendation for promotion
17 it recommends for sustainment and certifying that the
18 board has carefully considered the record and information
19 of each person whose name was referred to it.

20 “(2) The provisions of sections 617(b) and 618 of
21 this title apply to the report and proceedings of a special
22 selection review board convened under this section in the
23 same manner as they apply to the report and proceedings
24 of a promotion board convened under section 611(a) of
25 this title.

1 “(f) APPOINTMENT OF PERSONS.—(1) If the report
2 of a special selection review board convened under this sec-
3 tion recommends the sustainment of the recommendation
4 for promotion to the next higher grade of a person whose
5 name was referred to it for review under this section, and
6 the President approves the report, the person shall, as
7 soon as practicable, be appointed to that grade in accord-
8 ance with subsections (b) and (c) of section 624 of this
9 title.

10 “(2) A person who is appointed to the next higher
11 grade as described in paragraph (1) shall, upon that ap-
12 pointment, have the same date of rank, the same effective
13 date for the pay and allowances of that grade, and the
14 same position on the active-duty list as the person would
15 have had pursuant to the original recommendation for
16 promotion of the promotion board concerned.

17 “(g) REGULATIONS.—(1) The Secretary of Defense
18 shall prescribe regulations to carry out this section. Such
19 regulations shall apply uniformly across the military de-
20 partments.

21 “(2) Any regulation prescribed by the Secretary of
22 a military department to supplement the regulations pre-
23 scribed pursuant to paragraph (1) may not take effect
24 without the approval of the Secretary of Defense, in writ-
25 ing.

1 “(h) PROMOTION BOARD DEFINED.—In this section,
2 the term ‘promotion board ’means a selection board con-
3 vened by the Secretary of a military department under sec-
4 tion 611(a) of this title.”.

5 (2) CLERICAL AMENDMENT.—The table of sec-
6 tions at the beginning of subchapter III of chapter
7 36 of such title is amended by inserting after the
8 item relating to section 628 the following new item:

“628a. Special selection review boards.”.

9 (3) DELAY IN PROMOTION.—Section 624(d) of
10 such title is amended—

11 (A) in paragraph (1)—

12 (i) in subparagraph (D), by striking
13 “or” at the end;

14 (ii) in subparagraph (E), by striking
15 the period at the end and inserting “; or”;
16 and

17 (iii) by inserting after subparagraph
18 (E) the following new subparagraph (F):

19 “(F) the Secretary of the military department
20 concerned determines that credible information of an
21 adverse nature, including a substantiated adverse
22 finding or conclusion described in section
23 615(a)(3)(A) of this title, with respect to the officer
24 will result in the convening of a special selection re-
25 view board under section 628a of this title to review

1 the officer and recommend whether the rec-
2 ommendation for promotion of the officer should be
3 sustained.”;

4 (B) by redesignating paragraphs (3) and
5 (4) as paragraphs (4) and (5), respectively;

6 (C) by inserting after paragraph (2) the
7 following new paragraph (3):

8 “(3) In the case of an officer whose promotion is de-
9 layed pursuant to paragraph (1)(F) and whose rec-
10 ommendation for promotion is sustained, authorities for
11 the promotion of the officer are specified in section
12 628a(f) of this title.”; and

13 (D) in paragraph (4), as redesignated by
14 subparagraph (B)—

15 (i) by striking “The appointment”
16 and inserting “(A) Except as provided in
17 subparagraph (B), the appointment”; and

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

20 “(B) In the case of an officer whose promotion is de-
21 layed pursuant to paragraph (1)(F), requirements applica-
22 ble to notice and opportunity for response to such delay
23 are specified in section 628a(c)(3) of this title.”.

24 (b) RESERVE OFFICERS.—

1 (1) IN GENERAL.—Chapter 1407 of title 10,
2 United States Code, is amended by inserting after
3 section 14502 the following new section:

4 **“§ 14502a. Special selection review boards**

5 “(a) IN GENERAL.—(1) If the Secretary of the mili-
6 tary department concerned determines that a person rec-
7 ommended by a promotion board for promotion to a grade
8 at or below the grade of major general or rear admiral
9 in the Navy is the subject of credible information of an
10 adverse nature, including any substantiated adverse find-
11 ing or conclusion described in section 14107(a)(3)(A) of
12 this title, that was not furnished to the promotion board
13 during its consideration of the person for promotion as
14 otherwise required by such section, the Secretary shall
15 convene a special selection review board under this section
16 to review the person and recommend whether the rec-
17 ommendation for promotion of the person should be sus-
18 tained.

19 “(2) If a person and the recommendation for pro-
20 motion of the person is subject to review under this section
21 by a special selection review board convened under this
22 section, the name of the person—

23 “(A) shall not be disseminated or publicly re-
24 leased on the list of officers recommended for pro-

1 motion by the promotion board recommending the
2 promotion of the person; and

3 “(B) shall not be forwarded to the Secretary of
4 Defense, the President, or the Senate, as applicable,
5 or included on a promotion list under section
6 14308(a) of this title.

7 “(b) CONVENING.—(1) Any special selection review
8 board convened under this section shall be convened in ac-
9 cordance with the provisions of section 14502(b)(2) of this
10 title.

11 “(2) Any special selection review board convened
12 under this section may review such number of persons,
13 and recommendations for promotion of such persons, as
14 the Secretary of the military department concerned shall
15 specify in convening such special selection review board.

16 “(c) INFORMATION CONSIDERED.—(1) In reviewing
17 a person and recommending whether the recommendation
18 for promotion of the person should be sustained under this
19 section, a special selection review board convened under
20 this section shall be furnished and consider the following:

21 “(A) The record and information concerning
22 the person furnished in accordance with section
23 14107(a)(2) of this title to the promotion board that
24 recommended the person for promotion.

1 “(B) Any credible information of an adverse na-
2 ture on the person, including any substantiated ad-
3 verse finding or conclusion from an officially docu-
4 mented investigation or inquiry described in section
5 14107(a)(3)(A) of this title.

6 “(2) The furnishing of information to a special selec-
7 tion review board under paragraph (1)(B) shall be gov-
8 erned by the standards and procedures referred to in para-
9 graph (3)(B) of section 14107(a) of this title applicable
10 to the furnishing of information described in paragraph
11 (3)(A) of such section to promotion boards in accordance
12 with that section.

13 “(3)(A) Before information on person described in
14 paragraph (1)(B) is furnished to a special selection review
15 board for purposes of this section, the Secretary of the
16 military department concerned shall ensure that—

17 “(i) such information is made available to the
18 person; and

19 “(ii) subject to subparagraphs (C) and (D), the
20 person is afforded a reasonable opportunity to sub-
21 mit comments on such information to the special se-
22 lection review board before its review of the person
23 and the recommendation for promotion of the person
24 under this section.

1 “(B) If information on an officer described in para-
2 graph (1)(B) is not made available to the person as other-
3 wise required by subparagraph (A)(i) due to the classifica-
4 tion status of such information, the person shall, to the
5 maximum extent practicable, be furnished a summary of
6 such information appropriate to the person’s authorization
7 for access to classified information.

8 “(C)(i) An opportunity to submit comments on infor-
9 mation is not required for a person under subparagraph
10 (A)(ii) if—

11 “(I) such information was made available to the
12 person in connection with the furnishing of such in-
13 formation under section 14107(a) of this title to the
14 promotion board that recommended the promotion of
15 the person subject to review under this section; and

16 “(II) the person submitted comments on such
17 information to that promotion board.

18 “(ii) The comments on information of a person de-
19 scribed in clause (i)(II) shall be furnished to the special
20 selection review board.

21 “(D) A person may waive either or both of the fol-
22 lowing:

23 “(i) The right to submit comments to a special
24 selection review board under subparagraph (A)(ii).

1 “(ii) The furnishing of comments to a special
2 selection review board under subparagraph (C)(ii).

3 “(d) CONSIDERATION.—(1) In considering the record
4 and information on a person under this section, the special
5 selection review board shall compare such record and in-
6 formation with an appropriate sampling of the records of
7 those officers of the same competitive category who were
8 recommended for promotion by the promotion board that
9 recommended the person for promotion, and an appro-
10 prium sampling of the records of those officers who were
11 considered by and not recommended for promotion by that
12 promotion board.

13 “(2) Records and information shall be presented to
14 a special selection review board for purposes of paragraph
15 (1) in a manner that does not indicate or disclose the per-
16 son or persons for whom the special selection review board
17 was convened.

18 “(3) In considering whether the recommendation for
19 promotion of a person should be sustained under this sec-
20 tion, a special selection review board shall, to the greatest
21 extent practicable, apply standards used by the promotion
22 board that recommended the person for promotion.

23 “(4) The recommendation for promotion of a person
24 may be sustained under this section only if the special se-
25 lection review board determines that the person—

1 “(A) ranks on an order of merit created by the
2 special selection review board as better qualified for
3 promotion than the sample officer highest on the
4 order of merit list who was considered by and not
5 recommended for promotion by the promotion board
6 concerned; and

7 “(B) is comparable in qualification for pro-
8 motion to those sample officers who were rec-
9 ommended for promotion by that promotion board.

10 “(5) A recommendation for promotion of a person
11 may be sustained under this section only by a vote of a
12 majority of the members of the special selection review
13 board.

14 “(6) If a special selection review board does not sus-
15 tain a recommendation for promotion of a person under
16 this section, the person shall be considered to have failed
17 of selection for promotion.

18 “(e) REPORTS.—(1) Each special selection review
19 board convened under this section shall submit to the Sec-
20 retary of the military department concerned a written re-
21 port, signed by each member of the board, containing the
22 name of each person whose recommendation for promotion
23 it recommends for sustainment and certifying that the
24 board has carefully considered the record and information
25 of each person whose name was referred to it.

1 “(2) The provisions of sections 14109(c), 14110, and
2 14111 of this title apply to the report and proceedings
3 of a special selection review board convened under this sec-
4 tion in the same manner as they apply to the report and
5 proceedings of a promotion board convened under section
6 14101(a) of this title.

7 “(f) APPOINTMENT OF PERSONS.—(1) If the report
8 of a special selection review board convened under this sec-
9 tion recommends the sustainment of the recommendation
10 for promotion to the next higher grade of a person whose
11 name was referred to it for review under this section, and
12 the President approves the report, the person shall, as
13 soon as practicable, be appointed to that grade in accord-
14 ance with section 14308 of this title.

15 “(2) A person who is appointed to the next higher
16 grade as described in paragraph (1) shall, upon that ap-
17 pointment, have the same date of rank, the same effective
18 date for the pay and allowances of that grade, and the
19 same position on the reserve active-status list as the per-
20 son would have had pursuant to the original recommenda-
21 tion for promotion of the promotion board concerned.

22 “(g) REGULATIONS.—(1) The Secretary of Defense
23 shall prescribe regulations to carry out this section. Such
24 regulations shall apply uniformly across the military de-
25 partments.

1 “(2) Any regulation prescribed by the Secretary of
2 a military department to supplement the regulations pre-
3 scribed pursuant to paragraph (1) may not take effect
4 without the approval of the Secretary of Defense, in writ-
5 ing.

6 “(h) PROMOTION BOARD DEFINED.—In this section,
7 the term ‘promotion board ’means a selection board con-
8 vened by the Secretary of a military department under sec-
9 tion 14101(a) of this title.”.

10 (2) CLERICAL AMENDMENT.—The table of sec-
11 tions at the beginning of chapter 1407 of such title
12 is amended by inserting after the item relating to
13 section 14502 the following new item:

“14502a. Special selection review boards.”.

14 (3) DELAY IN PROMOTION.—Section 14311 of
15 such title is amended—

16 (A) in subsection (a)—

17 (i) in paragraph (1), by adding at the
18 end the following new subparagraph:

19 “(F) The Secretary of the military department
20 concerned determines that credible information of
21 adverse nature, including a substantiated adverse
22 finding or conclusion described in section
23 14107(a)(3)(A) of this title, with respect to the offi-
24 cer will result in the convening of a special selection
25 review board under section 14502a of this title to re-

1 view the officer and recommend whether the rec-
2 ommendation for promotion of the officer should be
3 sustained.”; and

4 (ii) by adding at the end the following
5 new paragraph:

6 “(2) In the case of an officer whose promotion is de-
7 layed pursuant to paragraph (1)(F) and whose rec-
8 ommendation for promotion is sustained, authorities for
9 the promotion of the officer are specified in section
10 14502a(f) of this title.”; and

11 (B) in subsection (e), by adding at the end
12 the following new paragraph:

13 “(3) Notwithstanding paragraphs (1) and (2), in the
14 case of an officer whose promotion is delayed pursuant
15 to subsection (a)(1)(F), requirements applicable to notice
16 and opportunity for response to such delay are specified
17 in section 14502a(c)(3) of this title.”.

18 (c) REQUIREMENTS FOR FURNISHING ADVERSE IN-
19 FORMATION ON REGULAR OFFICERS TO PROMOTION SE-
20 LECTION BOARDS.—

21 (1) EXTENSION OF REQUIREMENTS TO SPACE
22 FORCE REGULAR OFFICERS.—Subparagraph (B)(i)
23 of section 615(a)(3) of title 10, United States Code,
24 is amended by striking “or, in the case of the Navy,
25 lieutenant” and inserting “, in the case of the Navy,

1 lieutenant, or in the case of the Space Force, the
2 equivalent grade”.

3 (2) SATISFACTION OF REQUIREMENTS
4 THROUGH SPECIAL SELECTION REVIEW BOARDS.—
5 Such section is further amended by adding at the
6 end the following new subparagraph:

7 “(D) With respect to the consideration of an officer
8 for promotion to a grade at or below major general, in
9 the case of the Navy, rear admiral, or, in the case of the
10 Space Force, the equivalent grade, the requirements in
11 subparagraphs (A) and (C) may be met through the con-
12 vening and actions of a special selection review board with
13 respect to the officer under section 628a of this title.”.

14 (3) DELAYED APPLICABILITY OF REQUIRE-
15 MENTS TO BOARDS FOR PROMOTION OF OFFICERS
16 TO NON-GENERAL AND FLAG OFFICER GRADES.—
17 Subsection (c) of section 502 of the National De-
18 fense Authorization Act for Fiscal Year 2020 (Pub-
19 lic Law 116–92) is amended to read as follows:

20 “(c) EFFECTIVE DATE AND APPLICABILITY.—

21 “(1) EFFECTIVE DATE.—The amendments
22 made by this section shall take effect on December
23 20, 2019, and shall, except as provided in paragraph
24 (2), apply with respect to the proceedings of pro-
25 motion selection boards convened under section

1 611(a) of title 10, United States Code, after that
2 date.

3 “(2) DELAYED APPLICABILITY FOR BOARDS
4 FOR PROMOTION TO NON-GENERAL AND FLAG OFFI-
5 CER GRADES.—The amendments made this section
6 shall apply with respect to the proceedings of pro-
7 motion selection boards convened under section
8 611(a) of title 10, United States Code, for consider-
9 ation of officers for promotion to a grade below the
10 grade of brigadier general or, in the case of the
11 Navy, rear admiral (lower half), only if such boards
12 are so convened after January 1, 2021.”.

13 (d) REQUIREMENTS FOR FURNISHING ADVERSE IN-
14 FORMATION ON RESERVE OFFICERS TO PROMOTION SE-
15 LECTION BOARDS.—Section 14107(a)(3) of title 10,
16 United States Code, is amended—

17 (1) by inserting “(A)” after “(3)”;

18 (2) in subparagraph (A), as designated by para-
19 graph (1), by striking “colonel, or, in the case of the
20 Navy, captain” and inserting “lieutenant colonel, or,
21 in the case of the Navy, commander”; and

22 (3) by adding at the end the following new sub-
23 paragraphs

24 “(B) The standards and procedures referred to in
25 subparagraph (A) shall require the furnishing to the selec-

1 tion board, and to each individual member of the board,
2 the information described in that subparagraph with re-
3 gard to an officer in a grade specified in that subpara-
4 graph at each stage or phase of the selection board, con-
5 current with the screening, rating, assessment, evaluation,
6 discussion, or other consideration by the board or member
7 of the official military personnel file of the officer, or of
8 the officer.

9 “(C) With respect to the consideration of an officer
10 for promotion to a grade at or below major general or,
11 in the Navy, rear admiral, the requirements in subpara-
12 graphs (A) and (B) may be met through the convening
13 and actions of a special selection board with respect to
14 the officer under section 14502a of this title.”.

15 **SEC. 505. NUMBER OF OPPORTUNITIES FOR CONSIDER-**
16 **ATION FOR PROMOTION UNDER ALTER-**
17 **NATIVE PROMOTION AUTHORITY.**

18 Section 649c of title 10, United States Code, is
19 amended—

20 (1) by redesignating subsection (d) as sub-
21 section (e); and

22 (2) by inserting after subsection (c) the fol-
23 lowing new subsection (d):

24 “(d) INAPPLICABILITY OF REQUIREMENT RELATING
25 TO OPPORTUNITIES FOR CONSIDERATION FOR PRO-

1 MOTION.—Section 645(1)(A)(i)(I) of this title shall not
2 apply to the promotion of officers described in subsection
3 (a) to the extent that such section is inconsistent with a
4 number of opportunities for promotion specified pursuant
5 to section 649d of this title.”.

6 **SEC. 506. MANDATORY RETIREMENT FOR AGE.**

7 (a) GENERAL RULE.—Subsection (a) of section 1251
8 of title 10, United States Code, is amended—

9 (1) by inserting “Space Force,” after “or Ma-
10 rine Corps,”; and

11 (2) by inserting “or separated, as specified in
12 subsection (e),” after “shall be retired”.

13 (b) DEFERRED RETIREMENT OR SEPARATION OF
14 HEALTH PROFESSIONS OFFICERS.—Subsection (b) of
15 such section is amended—

16 (1) in the subsection heading, by inserting “OR
17 SEPARATION” after “RETIREMENT”; and

18 (2) in paragraph (1), by inserting “or separa-
19 tion” after “retirement”.

20 (c) DEFERRED RETIREMENT OR SEPARATION OF
21 OTHER OFFICERS.—Subsection (c) of such section is
22 amended—

23 (1) in the subsection heading, by striking “OF
24 CHAPLAINS” and inserting “OR SEPARATION OF
25 OTHER OFFICERS”;

1 (2) by inserting “or separation” after “retire-
2 ment”; and

3 (3) by striking “an officer who is appointed or
4 designated as a chaplain” and inserting “any officer
5 other than a health professions officer described in
6 subsection (b)(2)”.

7 (d) RETIREMENT OR SEPARATION BASED ON YEARS
8 OF CREDITABLE SERVICE.—Such section is further
9 amended by adding at the end the following new sub-
10 section:

11 “(e) RETIREMENT OR SEPARATION BASED ON YEARS
12 OF CREDITABLE SERVICE.—The following rules shall
13 apply to a regular commissioned officer who is to be re-
14 tired or separated under subsection (a):

15 “(1) If the officer has at least 6 but fewer than
16 20 years of creditable service, the officer shall be
17 separated, with separation pay computed under sec-
18 tion 1174(d)(1) of this title.

19 “(2) If the officer has fewer than 6 years of
20 creditable service, the officer shall be separated
21 under subsection (a).”.

22 **SEC. 507. CLARIFYING AND IMPROVING RESTATEMENT OF**
23 **RULES ON THE RETIRED GRADE OF COMMIS-**
24 **SIONED OFFICERS.**

25 (a) RESTATEMENT.—

1 (1) IN GENERAL.—Chapter 69 of title 10,
2 United States Code, is amended by striking section
3 1370 and inserting the following new sections:

4 **“§ 1370. Regular commissioned officers**

5 “(a) RETIREMENT IN HIGHEST GRADE IN WHICH
6 SERVED SATISFACTORILY.—

7 “(1) IN GENERAL.—Unless entitled to a dif-
8 ferent retired grade under some other provision of
9 law, a commissioned officer (other than a commis-
10 sioned warrant officer) of the Army, Navy, Air
11 Force, Marine Corps, or Space Force who retires
12 under any provision of law other than chapter 61 or
13 1223 of this title shall be retired in the highest per-
14 manent grade in which such officer is determined to
15 have served on active duty satisfactorily.

16 “(2) DETERMINATION OF SATISFACTORY SERV-
17 ICE.—The determination of satisfactory service of an
18 officer in a grade under paragraph (1) shall be made
19 as follows:

20 “(A) By the Secretary of the military de-
21 partment concerned, if the officer is serving in
22 a grade at or below the grade of major general,
23 rear admiral in the Navy, or the equivalent
24 grade in the Space Force.

1 “(B) By the Secretary of Defense, if the
2 officer is serving or has served in a grade above
3 the grade of major general, rear admiral in the
4 Navy, or the equivalent grade in the Space
5 Force.

6 “(3) EFFECT OF MISCONDUCT IN LOWER
7 GRADE IN DETERMINATION.—If the Secretary of a
8 military department or the Secretary of Defense, as
9 applicable, determines that an officer committed
10 misconduct in a lower grade than the retirement
11 grade otherwise provided for the officer by this sec-
12 tion—

13 “(A) such Secretary may deem the officer
14 to have not served satisfactorily in any grade
15 equal to or higher than such lower grade for
16 purposes of determining the retirement grade of
17 the officer under this section; and

18 “(B) the grade next lower to such lower
19 grade shall be the retired grade of the officer
20 under this section.

21 “(4) NATURE OF RETIREMENT OF CERTAIN RE-
22 SERVE OFFICERS AND OFFICERS IN TEMPORARY
23 GRADES.—A reserve officer, or an officer appointed
24 to a position under section 601 of this title, who is
25 notified that the officer will be released from active

1 duty without the officer's consent and thereafter re-
2 quests retirement under section 7311, 8323, or 9311
3 of this title and is retired pursuant to that request
4 is considered for purposes of this section to have
5 been retired involuntarily.

6 “(5) NATURE OF RETIREMENT OF CERTAIN RE-
7 MOVED OFFICERS.—An officer retired pursuant to
8 section 1186(b)(1) of this title is considered for pur-
9 poses of this section to have been retired voluntarily.

10 “(b) RETIREMENT OF OFFICERS RETIRING VOLUN-
11 TARILY.—

12 “(1) SERVICE-IN-GRADE REQUIREMENT.—In
13 order to be eligible for voluntary retirement under
14 any provision of this title in a grade above the grade
15 of captain in the Army, Air Force, or Marine Corps,
16 lieutenant in the Navy, or the equivalent grade in
17 the Space Force, a commissioned officer of the
18 Army, Navy, Air Force, Marine Corps, or Space
19 Force must have served on active duty in that grade
20 for a period of not less than three years, except
21 that—

22 “(A) subject to subsection (c), the Sec-
23 retary of Defense may reduce such period to a
24 period of not less than two years for any offi-
25 cer; and

1 “(B) in the case of an officer to be retired
2 in a grade at or below the grade of major gen-
3 eral in the Army, Air Force, or Marine Corps,
4 rear admiral in the Navy, or an equivalent
5 grade in the Space Force, the Secretary of De-
6 fense may authorize the Secretary of the mili-
7 tary department concerned to reduce such pe-
8 riod to a period of not less than two years.

9 “(2) LIMITATION ON DELEGATION.—The au-
10 thority of the Secretary of Defense in subparagraph
11 (A) of paragraph (1) may not be delegated. The au-
12 thority of the Secretary of a military department in
13 subparagraph (B) of paragraph (1), as delegated to
14 such Secretary pursuant to such subparagraph, may
15 not be further delegated.

16 “(3) WAIVER OF REQUIREMENT.—Subject to
17 subsection (c), the President may waive the applica-
18 tion of the service-in-grade requirement in para-
19 graph (1) to officers covered by that paragraph in
20 individual cases involving extreme hardship or excep-
21 tional or unusual circumstances. The authority of
22 the President under this paragraph may not be dele-
23 gated.

24 “(4) LIMITATION ON REDUCTION OR WAIVER
25 OF REQUIREMENT FOR OFFICERS UNDER INVES-

1 TIGATION OR PENDING MISCONDUCT.—In the case of
2 an officer to be retired in a grade above the grade
3 of colonel in the Army, Air Force, or Marine Corps,
4 captain in the Navy, or the equivalent grade in the
5 Space Force, the service-in-grade requirement in
6 paragraph (1) may not be reduced pursuant to that
7 paragraph, or waived pursuant to paragraph (3),
8 while the officer is under investigation for alleged
9 misconduct or while there is pending the disposition
10 of an adverse personnel action against the officer.

11 “(5) GRADE AND FISCAL YEAR LIMITATIONS ON
12 REDUCTION OR WAIVER OF REQUIREMENTS.—The
13 aggregate number of members of an armed force in
14 a grade for whom reductions are made under para-
15 graph (1), and waivers are made under paragraph
16 (3), in a fiscal year may not exceed—

17 “(A) in the case of officers to be retired in
18 a grade at or below the grade of major in the
19 Army, Air Force, or Marine Corps, lieutenant
20 commander in the Navy, or the equivalent
21 grade in the Space Force, the number equal to
22 two percent of the authorized active-duty
23 strength for that fiscal year for officers of that
24 armed force in that grade;

1 “(B) in the case of officers to be retired in
2 the grade of lieutenant colonel or colonel in the
3 Army, Air Force, or Marine Corps, commander
4 or captain in the Navy, or an equivalent grade
5 in the Space Force, the number equal to four
6 percent of the authorized active-duty strength
7 for that fiscal year for officers of that armed
8 force in the applicable grade; or

9 “(C) in the case of officers to be retired in
10 the grade of brigadier general or major general
11 in the Army, Air Force, or Marine Corps, rear
12 admiral (lower half) or rear admiral in the
13 Navy, or an equivalent grade in the Space
14 Force, the number equal to 10 percent of the
15 authorized active-duty strength for that fiscal
16 year for officers of that armed force in the ap-
17 plicable grade.

18 “(6) NOTICE TO CONGRESS ON REDUCTION OR
19 WAIVER OF REQUIREMENTS FOR GENERAL, FLAG,
20 AND EQUIVALENT OFFICER GRADES.—In the case of
21 an officer to be retired in a grade that is a general
22 or flag officer grade, or an equivalent grade in the
23 Space Force, who is eligible to retire in that grade
24 only by reason of an exercise of the authority in
25 paragraph (1) to reduce the service-in-grade require-

1 ment in that paragraph, or the authority in para-
2 graph (3) to waive that requirement, the Secretary
3 of Defense or the President, as applicable, shall, not
4 later than 60 days prior to the date on which the
5 officer will be retired in that grade, notify the Com-
6 mittees on Armed Services of the Senate and the
7 House of Representatives of the exercise of the ap-
8 plicable authority with respect to that officer.

9 “(7) RETIREMENT IN NEXT LOWEST GRADE
10 FOR OFFICERS NOT MEETING REQUIREMENT.—An
11 officer described in paragraph (1) whose length of
12 service in the highest grade held by the officer while
13 on active duty does not meet the period of the serv-
14 ice-in-grade requirement applicable to the officer
15 under this subsection shall, subject to subsection (c),
16 be retired in the next lower grade in which the offi-
17 cer served on active duty satisfactorily, as deter-
18 mined by the Secretary of the military department
19 concerned or the Secretary of Defense, as applicable.

20 “(c) OFFICERS IN O-9 AND O-10 GRADES.—

21 “(1) IN GENERAL.—An officer of the Army,
22 Navy, Air Force, Marine Corps, or Space Force who
23 is serving or has served in a position of importance
24 and responsibility designated by the President to
25 carry the grade of lieutenant general or general in

1 the Army, Air Force, or Marine Corps, vice admiral
2 or admiral in the Navy, or an equivalent grade in
3 the Space Force under section 601 of this title may
4 be retired in such grade under subsection (a) only
5 after the Secretary of Defense certifies in writing to
6 the President and the Committees on Armed Serv-
7 ices of the Senate and the House of Representatives
8 that the officer served on active duty satisfactorily
9 in such grade.

10 “(2) PROHIBITION ON DELEGATION.—The au-
11 thority of the Secretary of Defense to make a certifi-
12 cation with respect to an officer under paragraph (1)
13 may not be delegated.

14 “(3) REQUIREMENTS IN CONNECTION WITH
15 CERTIFICATION.—A certification with respect to an
16 officer under paragraph (1) shall—

17 “(A) be submitted by the Secretary of De-
18 fense such that it is received by the President
19 and the Committees on Armed Services of the
20 Senate and the House of Representatives not
21 later than 60 days prior to the date on which
22 the officer will be retired in the grade con-
23 cerned;

24 “(B) include an up-to-date copy of the
25 military biography of the officer; and

1 “(C) include the statement of the Sec-
2 retary as to whether or not potentially adverse,
3 adverse, or reportable information regarding the
4 officer was considered by the Secretary in mak-
5 ing the certification.

6 “(4) CONSTRUCTION WITH OTHER NOTICE.—In
7 the case of an officer under paragraph (1) to whom
8 a reduction in the service-in-grade requirement
9 under subsection (b)(1) or waiver under subsection
10 (b)(3) applies, the requirement for notification under
11 subsection (b)(6) is satisfied if the notification is in-
12 cluded in the certification submitted by the Sec-
13 retary of Defense under paragraph (1).

14 “(d) CONDITIONAL RETIREMENT GRADE AND RE-
15 TIREMENT FOR OFFICERS PENDING INVESTIGATION OR
16 ADVERSE ACTION.—

17 “(1) IN GENERAL.—When an officer serving in
18 a grade at or below the grade of major general in
19 the Army, Air Force, or Marine Corps, rear admiral
20 in the Navy, or an equivalent grade in the Space
21 Force is under investigation for alleged misconduct
22 or pending the disposition of an adverse personnel
23 action at the time of retirement, the Secretary of the
24 military department concerned may—

1 “(A) conditionally determine the highest
2 permanent grade of satisfactory service on ac-
3 tive duty of the officer pending completion of
4 the investigation or resolution of the personnel
5 action, as applicable; and

6 “(B) retire the officer in that conditional
7 grade, subject to subsection (e).

8 “(2) OFFICERS IN O-9 AND O-10 GRADES.—

9 When an officer described by subsection (c)(1) is
10 under investigation for alleged misconduct or pend-
11 ing the disposition of an adverse personnel action at
12 the time of retirement, the Secretary of Defense
13 may—

14 “(A) conditionally determine the highest
15 permanent grade of satisfactory service on ac-
16 tive duty of the officer, pending completion of
17 the investigation or personnel action, as appli-
18 cable; and

19 “(B) retire the officer in that conditional
20 grade, subject to subsection (e).

21 “(3) REDUCTION OR WAIVER OF SERVICE-IN-
22 GRADE REQUIREMENT PROHIBITED FOR GENERAL,
23 FLAG, AND EQUIVALENT OFFICER GRADES.—In con-
24 ditionally determining the retirement grade of an of-
25 ficer under paragraph (1)(A) or (2)(A) of this sub-

1 section to be a grade above the grade of colonel in
2 the Army, Air Force, or Marine Corps, captain in
3 the Navy, or the equivalent grade in the Space
4 Force, the service-in-grade requirement in subsection
5 (b)(1) may not be reduced pursuant to subsection
6 (b)(1) or waived pursuant to subsection (b)(3).

7 “(4) PROHIBITION ON DELEGATION.—The au-
8 thority of the Secretary of a military department
9 under paragraph (1) may not be delegated. The au-
10 thority of the Secretary of Defense under paragraph
11 (2) may not be delegated.

12 “(e) FINAL RETIREMENT GRADE FOLLOWING RESO-
13 LUTION OF PENDING INVESTIGATION OR ADVERSE AC-
14 TION.—

15 “(1) NO CHANGE FROM CONDITIONAL RETIRE-
16 MENT GRADE.—If the resolution of an investigation
17 or personnel action with respect to an officer who
18 has been retired in a conditional retirement grade
19 pursuant to subsection (d) results in a determination
20 that the conditional retirement grade in which the
21 officer was retired will not be changed, the condi-
22 tional retirement grade of the officer shall, subject
23 to paragraph (3), be the final retired grade of the
24 officer.

1 “(2) CHANGE FROM CONDITIONAL RETIREMENT
2 GRADE.—If the resolution of an investigation or per-
3 sonnel action with respect to an officer who has been
4 retired in a conditional retirement grade pursuant to
5 subsection (d) results in a determination that the
6 conditional retirement grade in which the officer was
7 retired should be changed, the changed retirement
8 grade shall be the final retired grade of the officer
9 under this section, except that if the final retirement
10 grade provided for an officer pursuant to this para-
11 graph is the grade of lieutenant general or general
12 in the Army, Air Force, or Marine Corps, vice admiral
13 or admiral in the Navy, or an equivalent grade
14 in the Space Force, the requirements in subsection
15 (c) shall apply in connection with the retirement of
16 the officer in such final retirement grade.

17 “(3) RECALCULATION OF RETIRED PAY.—

18 “(A) IN GENERAL.—If the final retired
19 grade of an officer is as a result of a change
20 under paragraph (2), the retired pay of the offi-
21 cer under chapter 71 of this title shall be recal-
22 culated accordingly, with any modification of
23 the retired pay of the officer to go into effect
24 as of the date of the retirement of the officer.

1 “(B) PAYMENT OF HIGHER AMOUNT FOR
2 PERIOD OF CONDITIONAL RETIREMENT
3 GRADE.—If the recalculation of the retired pay
4 of an officer results in an increase in retired
5 pay, the officer shall be paid the amount by
6 which such increased retired pay exceeded the
7 amount of retired pay paid the officer for re-
8 tirement in the officer’s conditional grade dur-
9 ing the period beginning on the date of the re-
10 tirement of the officer in such conditional grade
11 and ending on the effective date of the change
12 of the officer’s retired grade. For an officer
13 whose retired grade is determined pursuant to
14 subsection (c), the effective date of the change
15 of the officer’s retired grade for purposes of
16 this subparagraph shall be the date that is 60
17 days after the date on which the Secretary of
18 Defense submits to the Committees on Armed
19 Services of the Senate and the House of Rep-
20 resentatives the certification required by sub-
21 section (c) in connection with the retired grade
22 of the officer.

23 “(C) RECOUPMENT OF OVERAGE DURING
24 PERIOD OF CONDITIONAL RETIREMENT
25 GRADE.—If the recalculation of the retired pay

1 of an officer results in a decrease in retired
2 pay, there shall be recouped from the officer the
3 amount by which the amount of retired pay
4 paid the officer for retirement in the officer's
5 conditional grade exceeded such decreased re-
6 tired pay during the period beginning on the
7 date of the retirement of the officer in such
8 conditional grade and ending on the effective
9 date of the change of the officer's retired grade.

10 “(f) FINALITY OF RETIRED GRADE DETERMINA-
11 TIONS.—

12 “(1) IN GENERAL.—Except for a conditional
13 determination authorized by subsection (d), a deter-
14 mination of the retired grade of an officer pursuant
15 to this section is administratively final on the day
16 the officer is retired, and may not be reopened, ex-
17 cept as provided in paragraph (2).

18 “(2) REOPENING.—A final determination of the
19 retired grade of an officer may be reopened as fol-
20 lows:

21 “(A) If the retirement or retired grade of
22 the officer was procured by fraud.

23 “(B) If substantial evidence comes to light
24 after the retirement that could have led to de-
25 termination of a different retired grade under

1 this section if known by competent authority at
2 the time of retirement.

3 “(C) If a mistake of law or calculation was
4 made in the determination of the retired grade.

5 “(D) If the applicable Secretary deter-
6 mines, pursuant to regulations prescribed by
7 the Secretary of Defense, that good cause exists
8 to reopen the determination of retired grade.

9 “(3) APPLICABLE SECRETARY.—For purposes
10 of this subsection, the applicable Secretary for pur-
11 poses of a determination or action specified in this
12 subsection is—

13 “(A) the Secretary of the military depart-
14 ment concerned, in the case of an officer retired
15 in a grade at or below the grade of major gen-
16 eral in the Army, Air Force, or Marine Corps,
17 rear admiral in the Navy, or the equivalent
18 grade in the Space Force; or

19 “(B) the Secretary of Defense, in the case
20 of an officer retired in a grade of lieutenant
21 general or general in the Army, Air Force, or
22 Marine Corps, vice admiral or admiral in the
23 Navy, or an equivalent grade in the Space
24 Force.

1 “(4) NOTICE AND LIMITATION.—If a final de-
2 termination of the retired grade of an officer is re-
3 opened in accordance with paragraph (2), the appli-
4 cable Secretary—

5 “(A) shall notify the officer of the reopen-
6 ing; and

7 “(B) may not make an adverse determina-
8 tion on the retired grade of the officer until the
9 officer has had a reasonable opportunity to re-
10 spond regarding the basis for the reopening of
11 the officer’s retired grade.

12 “(5) ADDITIONAL NOTICE ON REOPENING FOR
13 OFFICERS RETIRED IN O-9 AND O-10 GRADES.—If
14 the determination of the retired grade of an officer
15 whose retired grade was provided for pursuant to
16 subsection (c) is reopened, the Secretary of Defense
17 shall also notify the President and the Committees
18 on Armed Services of the Senate and the House of
19 Representatives.

20 “(6) MANNER OF MAKING OF CHANGE.—If the
21 retired grade of an officer is proposed to be changed
22 through the reopening of the final determination of
23 an officer’s retired grade under this subsection, the
24 change in grade shall be made—

1 “(A) in the case of an officer whose retired
2 grade is to be changed to a grade at or below
3 the grade of major general in the Army, Air
4 Force or Marine Corps, rear admiral in the
5 Navy, or the equivalent grade in the Space
6 Force, in accordance with subsections (a) and
7 (b)—

8 “(i) by the Secretary of Defense (who
9 may delegate such authority only as au-
10 thorized by clause (ii)); or

11 “(ii) if authorized by the Secretary of
12 Defense, by the Secretary of the military
13 department concerned (who may not fur-
14 ther delegate such authority);

15 “(B) in the case of an officer whose retired
16 grade is to be changed to the grade of lieuten-
17 ant general or general in the Army, Air Force,
18 or Marine Corps, vice admiral or admiral in the
19 Navy, or an equivalent grade in the Space
20 Force, by the President, by and with the advice
21 and consent of the Senate.

22 “(7) RECALCULATION OF RETIRED PAY.—If the
23 final retired grade of an officer is changed through
24 the reopening of the officer’s retired grade under
25 this subsection, the retired pay of the officer under

1 chapter 71 of this title shall be recalculated. Any
2 modification of the retired pay of the officer as a re-
3 sult of the change shall go into effect on the effec-
4 tive date of the change of the officer's retired grade,
5 and the officer shall not be entitled or subject to any
6 changed amount of retired pay for any period before
7 such effective date. An officer whose retired grade is
8 changed as provided in paragraph (6)(B) shall not
9 be entitled or subject to a change in retired pay for
10 any period before the date on which the Senate pro-
11 vides advice and consent for the retirement of the of-
12 ficer in such grade.

13 “(g) HIGHEST PERMANENT GRADE DEFINED.—In
14 this section, the term ‘highest permanent grade’ means a
15 grade at or below the grade of major general in the Army,
16 Air Force, or Marine Corps, rear admiral in the Navy,
17 or an equivalent grade in the Space Force.

18 **“§ 1370a. Officers entitled to retired pay for non-reg-**
19 **ular service**

20 “(a) RETIREMENT IN HIGHEST GRADE HELD SATIS-
21 FACTORILY.—Unless entitled to a different grade, or to
22 credit for satisfactory service in a different grade under
23 some other provision of law, a person who is entitled to
24 retired pay under chapter 1223 of this title shall, upon
25 application under section 12731 of this title, be credited

1 with satisfactory service in the highest permanent grade
2 in which that person served satisfactorily at any time in
3 the armed forces, as determined by the Secretary of the
4 military department concerned in accordance with this
5 section.

6 “(b) SERVICE-IN-GRADE REQUIREMENT FOR OFFI-
7 CERS IN GRADES BELOW O-5.—In order to be credited
8 with satisfactory service in an officer grade (other than
9 a warrant officer grade) below the grade of lieutenant
10 colonel or commander (in the case of the Navy), a person
11 covered by subsection (a) must have served satisfactorily
12 in that grade (as determined by the Secretary of the mili-
13 tary department concerned) as a reserve commissioned of-
14 ficer in an active status, or in a retired status on active
15 duty, for not less than six months.

16 “(c) SERVICE-IN-GRADE REQUIREMENT FOR OF-
17 FICES IN GRADES ABOVE O-4.—

18 “(1) IN GENERAL.—In order to be credited with
19 satisfactory service in an officer grade above major
20 or lieutenant commander (in the case of the Navy),
21 a person covered by subsection (a) must have served
22 satisfactorily in that grade (as determined by the
23 Secretary of the military department concerned) as
24 a reserve commissioned officer in an active status, or

1 in a retired status on active duty, for not less than
2 three years.

3 “(2) SATISFACTION OF REQUIREMENT BY CER-
4 TAIN OFFICERS NOT COMPLETING THREE YEARS.—
5 A person covered by paragraph (1) who has com-
6 pleted at least six months of satisfactory service in
7 grade may be credited with satisfactory service in
8 the grade in which serving at the time of transfer
9 or discharge, notwithstanding failure of the person
10 to complete three years of service in that grade, if
11 the person is transferred from an active status or
12 discharged as a reserve commissioned officer—

13 “(A) solely due to the requirements of a
14 nondiscretionary provision of law requiring that
15 transfer or discharge due to the person’s age or
16 years of service; or

17 “(B) because the person no longer meets
18 the qualifications for membership in the Ready
19 Reserve solely because of a physical disability,
20 as determined, at a minimum, by a medical
21 evaluation board and at the time of such trans-
22 fer or discharge the person (pursuant to section
23 12731b of this title or otherwise) meets the
24 service requirements established by section
25 12731(a) of this title for eligibility for retired

1 pay under chapter 1223 of this title, unless the
2 disability is described in section 12731b of this
3 title.

4 “(3) REDUCTION IN SERVICE-IN-GRADE RE-
5 QUIREMENTS.—

6 “(A) OFFICERS IN GRADES BELOW GEN-
7 ERAL AND FLAG OFFICER GRADES.—In the case
8 of a person to be retired in a grade below briga-
9 dier general or rear admiral (lower half) in the
10 Navy, the Secretary of Defense may authorize
11 the Secretary of a military department to re-
12 duce, subject to subparagraph (B), the three-
13 year period of service-in-grade required by para-
14 graph (1) to a period not less than two years.
15 The authority of the Secretary of a military de-
16 partment under this subparagraph may not be
17 delegated.

18 “(B) LIMITATION.—The number of reserve
19 commissioned officers of an armed force in the
20 same grade for whom a reduction is made
21 under subparagraph (A) during any fiscal year
22 in the period of service-in-grade otherwise re-
23 quired by paragraph (1) may not exceed the
24 number equal to 2 percent of the strength au-
25 thorized for that fiscal year for reserve commis-

1 sioned officers of that armed force in an active
2 status in that grade.

3 “(C) OFFICERS IN GENERAL AND FLAG
4 OFFICERS GRADES.—The Secretary of Defense
5 may reduce the three-year period of service-in-
6 grade required by paragraph (1) to a period not
7 less than two years for any person, including a
8 person who, upon transfer to the Retired Re-
9 serve or discharge, is to be credited with satis-
10 factory service in a general or flag officer grade
11 under that paragraph. The authority of the
12 Secretary of Defense under this subparagraph
13 may not be delegated.

14 “(D) NOTICE TO CONGRESS ON REDUC-
15 TION IN SERVICE-IN-GRADE REQUIREMENTS
16 FOR GENERAL AND FLAG OFFICER GRADES.—
17 In the case of a person to be credited under
18 this section with satisfactory service in a grade
19 that is a general or flag officer grade who is eli-
20 gible to be credited with such service in that
21 grade only by reason of an exercise of authority
22 in subparagraph (C) to reduce the three-year
23 service-in-grade requirement otherwise applica-
24 ble under paragraph (1), the Secretary of De-
25 fense shall, not later than 60 days prior to the

1 date on which the person will be credited with
2 such satisfactory service in that grade, notify
3 the Committees on Armed Services of the Sen-
4 ate and the House of Representatives of the ex-
5 ercise of authority in subparagraph (C) with re-
6 spect to that person.

7 “(4) OFFICERS SERVING IN GRADES ABOVE O-
8 6 INVOLUNTARILY TRANSFERRED FROM ACTIVE STA-
9 TUS.—A person covered by paragraph (1) who has
10 completed at least six months of satisfactory service
11 in a grade above colonel or (in the case of the Navy)
12 captain and, while serving in an active status in
13 such grade, is involuntarily transferred (other than
14 for cause) from active status may be credited with
15 satisfactory service in the grade in which serving at
16 the time of such transfer, notwithstanding failure of
17 the person to complete three years of service in that
18 grade.

19 “(5) ADJUTANTS AND ASSISTANT ADJUTANTS
20 GENERAL.—If a person covered by paragraph (1)
21 has completed at least six months of satisfactory
22 service in grade, the person was serving in that
23 grade while serving in a position of adjutant general
24 required under section 314 of title 32 or while serv-
25 ing in a position of assistant adjutant general subor-

1 dinate to such a position of adjutant general, and
2 the person has failed to complete three years of serv-
3 ice in that grade solely because the person's appoint-
4 ment to such position has been terminated or va-
5 cated as described in section 324(b) of such title, the
6 person may be credited with satisfactory service in
7 that grade, notwithstanding the failure of the person
8 to complete three years of service in that grade.

9 “(6) OFFICERS RECOMMENDED FOR PRO-
10 MOTION SERVING IN CERTAIN GRADE BEFORE PRO-
11 MOTION.—To the extent authorized by the Secretary
12 of the military department concerned, a person who,
13 after having been recommended for promotion in a
14 report of a promotion board but before being pro-
15 moted to the recommended grade, served in a posi-
16 tion for which that grade is the minimum authorized
17 grade may be credited for purposes of paragraph (1)
18 as having served in that grade for the period for
19 which the person served in that position while in the
20 next lower grade. The period credited may not in-
21 clude any period before the date on which the Senate
22 provides advice and consent for the appointment of
23 that person in the recommended grade.

24 “(7) OFFICERS QUALIFIED FOR FEDERAL REC-
25 OGNITION SERVING IN CERTAIN GRADE BEFORE AP-

1 POINTMENT.—To the extent authorized by the Sec-
2 retary of the military department concerned, a per-
3 son who, after having been found qualified for Fed-
4 eral recognition in a higher grade by a board under
5 section 307 of title 32, serves in a position for which
6 that grade is the minimum authorized grade and is
7 appointed as a reserve officer in that grade may be
8 credited for the purposes of paragraph (1) as having
9 served in that grade. The period of the service for
10 which credit is afforded under the preceding sen-
11 tence may be only the period for which the person
12 served in the position after the Senate provides ad-
13 vice and consent for the appointment.

14 “(8) RETIREMENT IN NEXT LOWEST GRADE
15 FOR OFFICERS NOT MEETING SERVICE-IN-GRADE RE-
16 QUIREMENTS.—A person whose length of service in
17 the highest grade held does not meet the service-in-
18 grade requirements specified in this subsection shall
19 be credited with satisfactory service in the next
20 lower grade in which that person served satisfac-
21 torily (as determined by the Secretary of the mili-
22 tary department concerned) for not less than six
23 months.

24 “(d) OFFICERS IN O-9 AND O-10 GRADES.—

1 “(1) IN GENERAL.—A person covered by this
2 section in the Army, Navy, Air Force, or Marine
3 Corps who is serving or has served in a position of
4 importance and responsibility designated by the
5 President to carry the grade of lieutenant general or
6 general in the Army, Air Force, or Marine Corps, or
7 vice admiral or admiral in the Navy under section
8 601 of this title may be retired in such grade under
9 subsection (a) only after the Secretary of Defense
10 certifies in writing to the President and the Commit-
11 tees on Armed Services of the Senate and the House
12 of Representatives that the officer served satisfac-
13 torily in such grade.

14 “(2) PROHIBITION ON DELEGATION.—The au-
15 thority of the Secretary of Defense to make a certifi-
16 cation with respect to an officer under paragraph (1)
17 may not be delegated.

18 “(3) REQUIREMENTS IN CONNECTION WITH
19 CERTIFICATION.—A certification with respect to an
20 officer under paragraph (1) shall—

21 “(A) be submitted by the Secretary of De-
22 fense such that it is received by the President
23 and the Committees on Armed Services of the
24 Senate and the House of Representatives not
25 later than 60 days prior to the date on which

1 the officer will be retired in the grade con-
2 cerned;

3 “(B) include an up-to-date copy of the
4 military biography of the officer; and

5 “(C) include the statement of the Sec-
6 retary as to whether or not potentially adverse,
7 adverse, or reportable information regarding the
8 officer was considered by the Secretary in mak-
9 ing the certification.

10 “(4) CONSTRUCTION WITH OTHER NOTICE.—In
11 the case of an officer under paragraph (1) who is el-
12 igible to be credited with service in a grade only by
13 reason of the exercise of the authority in subsection
14 (c)(3)(C) to reduce the three-year service-in-grade
15 requirement under subsection (c)(1), the require-
16 ment for notification under subsection (c)(3)(D) is
17 satisfied if the notification is included in the certifi-
18 cation submitted by the Secretary of Defense under
19 paragraph (1).

20 “(e) CONDITIONAL RETIREMENT GRADE AND RE-
21 TIREMENT FOR OFFICERS UNDER INVESTIGATION FOR
22 MISCONDUCT OR PENDING ADVERSE PERSONNEL AC-
23 TION.—The retirement grade, and retirement, of a person
24 covered by this section who is under investigation for al-
25 leged misconduct or pending the disposition of an adverse

1 personnel action at the time of retirement is as provided
2 for by section 1370(d) of this title. In the application of
3 such section 1370(d) for purposes of this subsection, any
4 reference ‘active duty’ shall be deemed not to apply, and
5 any reference to a provision of section 1370 of this title
6 shall be deemed to be a reference to the analogous provi-
7 sion of this section.

8 “(f) FINAL RETIREMENT GRADE FOLLOWING RESO-
9 LUTION OF PENDING INVESTIGATION OR ADVERSE AC-
10 TION.—The final retirement grade under this section of
11 a person described in subsection (e) following resolution
12 of the investigation or personnel action concerned is the
13 final retirement grade provided for by section 1370(e) of
14 this title. In the application of such section 1370(e) for
15 purposes of this subsection, any reference to a provision
16 of section 1370 of this title shall be deemed to be a ref-
17 erence to the analogous provision of this section. In the
18 application of paragraph (3) of such section 1370e(e) for
19 purposes of this subsection, the reference to ‘chapter 71’
20 of this title shall be deemed to be a reference to ‘chapter
21 1223 of this title’.

22 “(g) FINALITY OF RETIRED GRADE DETERMINA-
23 TIONS.—

24 “(1) IN GENERAL.—Except for a conditional
25 determination authorized by subsection (e), a deter-

1 mination of the retired grade of a person pursuant
2 to this section is administratively final on the day
3 the person is retired, and may not be reopened.

4 “(2) REOPENING.—A determination of the re-
5 tired grade of a person may be reopened in accord-
6 ance with applicable provisions of section 1370(f) of
7 this title. In the application of such section 1370(f)
8 for purposes of this subsection, any reference to a
9 provision of section 1370 of this title shall be
10 deemed to be a reference to the analogous provision
11 of this section. In the application of paragraph (7)
12 of such section 1370(f) for purposes of this para-
13 graph, the reference to ‘chapter 71 of this title’ shall
14 be deemed to be a reference to ‘chapter 1223 of this
15 title’.

16 “(h) HIGHEST PERMANENT GRADE DEFINED.—In
17 this section, the term ‘highest permanent grade’ means a
18 grade at or below the grade of major general in the Army,
19 Air Force, or Marine Corps or rear admiral in the Navy.”.

20 (2) CLERICAL AMENDMENT.—The table of sec-
21 tions at the beginning of chapter 69 of title 10,
22 United States Code, is amended by striking the item
23 relating to section 1370 and inserting the following
24 new items:

“1370. Regular commissioned officers.

“1370a. Officers entitled to retired pay for non-regular service.”.

1 (b) CONFORMING AND TECHNICAL AMENDMENTS TO
2 RETIRED GRADE RULES FOR THE ARMED FORCES.—

3 (1) RETIRED PAY.—Title 10, United States
4 Code, is amended as follows:

5 (A) In section 1406(b)(2), by striking
6 “section 1370(d)” and inserting “section
7 1370a”.

8 (B) In section 1407(f)(2)(B), by striking
9 “by reason of denial of a determination or cer-
10 tification under section 1370” and inserting
11 “pursuant to section 1370 or 1370a”.

12 (2) ARMY.—Section 7341 of such title is
13 amended—

14 (A) by striking subsection (a) and insert-
15 ing the following new subsection (a):

16 “(a)(1) The retired grade of a regular commissioned
17 officer of the Army who retires other than for physical
18 disability is determined under section 1370 of this title.

19 “(2) The retired grade of a reserve commissioned of-
20 ficer of the Army who retires other than for physical dis-
21 ability is determined under section 1370a of this title.”;

22 and

23 (B) in subsection (b)—

24 (i) by striking “he” and inserting “the
25 member”; and

1 (ii) by striking “his” and inserting
2 “the member’s”.

3 (3) NAVY AND MARINE CORPS.—Such title is
4 further amended as follows:

5 (A) In section 8262(a), by striking “sec-
6 tions 689 and 1370” and inserting “section
7 689, and section 1370 or 1370a (as applica-
8 ble),”.

9 (B) In section 8323(c), by striking “sec-
10 tion 1370 of this title” and inserting “section
11 1370 or 1370a of this title, as applicable”.

12 (4) AIR FORCE AND SPACE FORCE.—Section
13 9341 of such title is amended—

14 (A) by striking subsection (a) and insert-
15 ing the following new subsection (a):

16 “(a)(1) The retired grade of a regular commissioned
17 officer of the Air Force or the Space Force who retires
18 other than for physical disability is determined under sec-
19 tion 1370 of this title.

20 “(2) The retired grade of a reserve commissioned of-
21 ficer of the Air Force or the Space Force who retires other
22 than for physical disability is determined under section
23 1370a of this title.”; and

24 (B) in subsection (b)—

1 (i) by inserting “or a Regular or Re-
2 serve of the Space Force” after “Air
3 Force”;

4 (ii) by striking “he” and inserting
5 “the member”; and

6 (iii) by striking “his” and inserting
7 “the member’s”.

8 (5) RESERVE OFFICERS.—Section 12771 of
9 such title is amended—

10 (A) in subsection (a), by striking “section
11 1370(d)” and inserting “section 1370a of this
12 title”; and

13 (B) in subsection (b)(1), by striking “sec-
14 tion 1370(d)” and inserting “section 1370a”.

15 (c) OTHER REFERENCES.—In the determination of
16 the retired grade of a commissioned officer of the Armed
17 Forces entitled to retired pay under chapter 1223 of title
18 10, United States Code, who retires after the date of the
19 enactment of this Act, any reference in a provision of law
20 or regulation to section 1370 of title 10, United States
21 Code, in such determination with respect to such officer
22 shall be deemed to be a reference to section 1370a of title
23 10, United States Code (as amended by subsection (a)).

1 **SEC. 508. REPEAL OF AUTHORITY FOR ORIGINAL APPOINT-**
2 **MENT OF REGULAR NAVY OFFICERS DES-**
3 **IGNATED FOR ENGINEERING DUTY, AERO-**
4 **NAUTICAL ENGINEERING DUTY, AND SPE-**
5 **CIAL DUTY.**

6 (a) REPEAL.—Section 8137 of title 10, United States
7 Code, is repealed.

8 (b) CLERICAL AMENDMENT.—The table of sections
9 at the beginning of chapter 815 of such title is amended
10 by striking the item relating to section 8137.

11 **Subtitle B—Reserve Component**
12 **Management**

13 **SEC. 511. EXCLUSION OF CERTAIN RESERVE GENERAL AND**
14 **FLAG OFFICERS ON ACTIVE DUTY FROM LIM-**
15 **ITATIONS ON AUTHORIZED STRENGTHS.**

16 (a) DUTY FOR CERTAIN RESERVE OFFICERS UNDER
17 JOINT DUTY LIMITED EXCLUSION.—Subsection (b) of
18 section 526a of title 10, United States Code, is amended
19 by adding at the end the following new paragraph:

20 “(3) DUTY FOR CERTAIN RESERVE OFFI-
21 CERS.—Of the officers designated pursuant to para-
22 graph (1), the Chairman of the Joint Chiefs of Staff
23 may designate up to 15 general and flag officer posi-
24 tions in the unified and specified combatant com-
25 mands, and up to three general and flag officer posi-
26 tions on the Joint Staff, as positions to be held only

1 by reserve officers who are in a general or flag offi-
2 cer grade below lieutenant general or vice admiral.
3 Each position so designated shall be considered to be
4 a joint duty assignment position for purposes of
5 chapter 38 of this title.”.

6 (b) RESERVE OFFICERS ON ACTIVE DUTY FOR
7 TRAINING OR FOR LESS THAN 180 DAYS.—Such section
8 is further amended—

9 (1) by redesignating subsections (c) through (h)
10 as subsections (d) through (i), respectively; and

11 (2) by inserting after subsection (b) the fol-
12 lowing new subsection:

13 “(c) RESERVE OFFICERS ON ACTIVE DUTY FOR
14 TRAINING OR FOR LESS THAN 180 DAYS.—The limita-
15 tions of this section do not apply to a reserve general or
16 flag officer who—

17 “(1) is on active duty for training; or

18 “(2) is on active duty under a call or order
19 specifying a period of less than 180 days.”.

20 **Subtitle C—General Service**
21 **Authorities**

22 **SEC. 516. INCREASED ACCESS TO POTENTIAL RECRUITS.**

23 (a) SECONDARY SCHOOLS.—Section 503(c)(1) of title
24 10, United States Code, is amended—

25 (1) in subparagraph (A)—

1 (A) in clause (i), by striking “and” at the
2 end;

3 (B) in clause (ii), by striking “and tele-
4 phone listings,” and all that follows through the
5 period at the end and inserting “electronic mail
6 addresses, home telephone numbers, and mobile
7 telephone numbers, notwithstanding subsection
8 (a)(5)(B) or (b) of section 444 of the General
9 Education Provisions Act (20 U.S.C. 1232g);
10 and”; and

11 (C) by adding at the end the following new
12 clause:

13 “(iii) shall provide information requested pursu-
14 ant to clause (ii) within a reasonable period of time,
15 but in no event later than 60 days after the date of
16 the request.”; and

17 (2) in subparagraph (B), by striking “and tele-
18 phone listing” and inserting “electronic mail ad-
19 dress, home telephone number, or mobile telephone
20 number”.

21 (b) INSTITUTIONS OF HIGHER EDUCATION.—Section
22 983(b) of such title is amended—

23 (1) in paragraph (1), by striking “or” at the
24 end;

25 (2) in paragraph (2)—

1 (A) in subparagraph (A), by striking “and
2 telephone listings” and inserting “electronic
3 mail addresses, home telephone numbers, and
4 mobile telephone numbers, which information
5 shall be made available not later than 60 days
6 after the start of classes for the current semes-
7 ter or not later than 60 days after the date of
8 a request, whichever is later”; and

9 (B) in subparagraph (B), by striking the
10 period at the end and inserting “; or”; and

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

13 “(3) access by military recruiters for purposes
14 of military recruiting to lists of students (who are 17
15 years of age or older) not returning to the institu-
16 tion after having been enrolled during the previous
17 semester, together with student recruiting informa-
18 tion and the reason why the student did not return,
19 if collected by the institution.”.

20 **SEC. 517. TEMPORARY AUTHORITY TO ORDER RETIRED**
21 **MEMBERS TO ACTIVE DUTY IN HIGH-DE-**
22 **MAND, LOW-DENSITY ASSIGNMENTS DURING**
23 **WAR OR NATIONAL EMERGENCY.**

24 Section 688a of title 10, United States Code, is
25 amended—

1 (1) by redesignating subsection (g) as sub-
2 section (h); and

3 (2) by inserting after subsection (f) the fol-
4 lowing new subsection (g):

5 “(g) EXCEPTIONS DURING PERIODS OF WAR OR NA-
6 TIONAL EMERGENCY.—The limitations in subsections (c)
7 and (f) shall not apply during a time of war or of national
8 emergency declared by Congress or the President.”.

9 **SEC. 518. CERTIFICATE OF RELEASE OR DISCHARGE FROM**
10 **ACTIVE DUTY (DD FORM 214) MATTERS.**

11 (a) REDESIGNATION AS CERTIFICATE OF MILITARY
12 SERVICE.—

13 (1) IN GENERAL.—Department of Defense
14 Form DD 214, the Certificate of Release or Dis-
15 charge from Active Duty, is hereby redesignated as
16 the Certificate of Military Service.

17 (2) CONFORMING AMENDMENT.—Section
18 1168(a) of title 10, United States Code, is amended
19 by striking “discharge certificate or certificate of re-
20 lease from active duty, respectively,” and inserting
21 “Certificate of Military Serve”.

22 (3) REFERENCES.—Any reference in a law, reg-
23 ulation, document, paper, or other record of the
24 United States to Department of Defense Form DD
25 214, the Certificate of Release or Discharge from

1 Active Duty, shall be deemed to be a reference to
2 the Certificate of Military Service.

3 (4) TECHNICAL AMENDMENTS.—Such section
4 1168(a) is further amended—

5 (A) by striking “until his” and inserting
6 “until the member’s”;

7 (B) by striking “his final pay” and insert-
8 ing “the member’s final pay”; and

9 (C) by striking “him or his next of kin”
10 and inserting “the member or the member’s
11 next of kin”.

12 (5) EFFECTIVE DATES.—

13 (A) IN GENERAL.—Except as provided in
14 subparagraph (B), this subsection and the
15 amendments made by this subsection shall take
16 effect on the date provided for in subsection (d)
17 of section 569 of the National Defense Author-
18 ization Act for Fiscal Year 2020 (Public Law
19 116–92), as redesignated by subsection
20 (b)(1)(B) of this section.

21 (B) TECHNICAL AMENDMENTS.—The
22 amendments made by paragraph (4) of this
23 subsection shall take effect on the date of the
24 enactment of this Act.

25 (b) ADDITIONAL REQUIREMENTS.—

1 (1) IN GENERAL.—Section 569 of the National
2 Defense Authorization Act for Fiscal Year 2020 is
3 amended—

4 (A) in subsection (a)—

5 (i) by redesignating paragraphs (1)
6 and (2) as paragraphs (2) and (4), respec-
7 tively;

8 (ii) by inserting before paragraph (2),
9 as redesignated by clause (i), the following
10 new paragraph (1);

11 “(1) redesignate such form as the Certificate of
12 Military Service;”.

13 (iii) in paragraph (2), as so redesign-
14 ated, by striking “and” at the end; and

15 (iv) by inserting after paragraph (2),
16 as so redesignated, the following new para-
17 graph:

18 “(3) provide for a standard total force record of
19 military service for all members of the Armed
20 Forces, including member of the reserve compo-
21 nents, that summarizes the record of service for each
22 member; and”;

23 (B) by redesignating subsections (b) and
24 (c) as subsections (d) and (e), respectively;

1 (C) by inserting after subsection (a) the
2 following new subsections:

3 “(b) ISSUANCE TO RESERVES.—The Secretary of De-
4 fense shall provide for the issuance of the Certificate of
5 Military Service, as modified pursuant to subsection (a),
6 to members of the reserve components of the Armed
7 Forces at such times during their military service as is
8 appropriate to facilitate their access to benefits under the
9 laws administered by the Secretary of Veterans Affairs.

10 “(c) COORDINATION.—In carrying out this section,
11 the Secretary of Defense shall coordinate with the Sec-
12 retary of Veterans Affairs to ensure that the Certificate
13 of Military Service, as modified pursuant to subsection (a),
14 is recognized as the Certificate of Military Service referred
15 to in section 1168(a) of title 10, United States Code, and
16 for the purposes of establishing eligibility for applicable
17 benefits under the laws administered by the Secretary of
18 Veterans Affairs.”; and

19 (D) in subsection (d), as redesignated by
20 subparagraph (B), by striking “a revised Cer-
21 tificate of Release or Discharge from Active
22 Duty (DD Form 214), modified” and inserting
23 “the Certificate of Military Service, as modi-
24 fied”.

1 (2) CONFORMING AMENDMENT.—The heading
2 of such section 569 is amended to read as follows:

3 **“SEC. 569. CERTIFICATE OF RELEASE OR DISCHARGE FROM**
4 **ACTIVE DUTY (DD FORM 214) MATTERS.”.**

5 (3) REPEAL OF SUPERSEDED REQUIRE-
6 MENTS.—Section 570 of the National Defense Au-
7 thorization Act for Fiscal Year 2020 is repealed.

8 **SEC. 519. EVALUATION OF BARRIERS TO MINORITY PAR-**
9 **TICIPATION IN CERTAIN UNITS OF THE**
10 **ARMED FORCES.**

11 (a) FINDINGS.—Congress makes the following find-
12 ings:

13 (1) In 1999, the RAND Corporation issued a
14 report entitled “Barriers to Minority Participation in
15 Special Operations Forces” that was sponsored by
16 United States Special Operations Command.

17 (2) In 2018, the RAND Corporation issued a
18 report entitles “Understanding Demographic Dif-
19 ferences in Undergraduate Pilot Training Attrition”
20 that was sponsored by the Air Force.

21 (3) No significant independent study has been
22 performed by a federally funded research and devel-
23 opment center into increasing minority participation
24 in the special operations forces since 1999.

25 (b) STUDY REQUIRED.—

1 (1) IN GENERAL.—Not later than 30 days after
2 the date of the enactment of this Act, the Secretary
3 of Defense shall, acting through the Under Sec-
4 retary of Defense for Personnel and Readiness, seek
5 to enter into an agreement with a federally funded
6 research and development center.

7 (2) ELEMENTS.—The evaluation under para-
8 graph (1) shall include the following elements:

9 (A) A description of the racial, ethnic, and
10 gender composition of covered units.

11 (B) A comparison of the participation
12 rates of minority populations in covered units to
13 participation rates of the general population as
14 members and as officers of the Armed Forces.

15 (C) A comparison of the percentage of mi-
16 nority officers in the grade of O-7 or higher
17 who have served in each covered unit to such
18 percentage for all such officers in the Armed
19 Force of that covered unit.

20 (D) An identification of barriers to minor-
21 ity participation in the accession, assessment,
22 and training processes.

23 (E) The status and effectiveness of the re-
24 sponse to the recommendations contained in the

1 report referred to in subsection (a)(1) and any
2 follow-up recommendations.

3 (F) Recommendations to increase the num-
4 bers of minority officers in the Armed Forces.

5 (G) Recommendations to increase minority
6 participation in covered units.

7 (H) Any other matters the Secretary deter-
8 mines appropriate.

9 (3) REPORT TO CONGRESS.—The Secretary
10 shall—

11 (A) submit to the congressional defense
12 committees a report on the results of the study
13 by not later than January 1, 2022; and

14 (B) provide interim briefings to such com-
15 mittees upon request.

16 (c) DESIGNATION.—The study conducted under sub-
17 section (b) shall be known as the “Study on Reducing Bar-
18 riers to Minority Participation in Elite Units in the Armed
19 Services”.

20 (d) IMPLEMENTATION PLAN.—The Secretary shall
21 submit to the congressional defense committees a report
22 setting forth an implementation plan for the recommenda-
23 tions that the Secretary implements under this section, in-
24 cluding—

1 (1) the response of the Secretary to each such
2 recommendation;

3 (2) a summary of actions the Secretary has car-
4 ried out, or intends to carry out, to implement such
5 recommendations, as appropriate; and

6 (3) a schedule, with specific milestones, for
7 completing the implementation of such recommenda-
8 tions.

9 (e) COVERED UNITS DEFINED.—In this section, the
10 term “covered units” means the following:

11 (1) Any forces designated by the Secretary as
12 special operations forces.

13 (2) Air Force Combat Control Teams.

14 (3) Air Force Pararescue.

15 (4) Marine Corps Force Reconnaissance.

16 (5) Coast Guard Deployable Operations Group.

17 (6) Pilot and navigator military occupational
18 specialties.

1 **Subtitle D—Military Justice and**
2 **Related Matters**

3 **PART I—INVESTIGATION, PROSECUTION, AND**
4 **DEFENSE OF SEXUAL ASSAULT AND RE-**
5 **LATED MATTERS**

6 **SEC. 521. MODIFICATION OF TIME REQUIRED FOR EXPE-**
7 **DITED DECISIONS IN CONNECTION WITH AP-**
8 **PLICATIONS FOR CHANGE OF STATION OR**
9 **UNIT TRANSFER OF MEMBERS WHO ARE VIC-**
10 **TIMS OF SEXUAL ASSAULT OR RELATED OF-**
11 **FENSES.**

12 (a) **IN GENERAL.**—Section 673(b) of title 10, United
13 States Code, is amended by striking “72 hours” both
14 places it appears and inserting “five calendar days”.

15 (b) **EFFECTIVE DATE.**—The amendments made by
16 subsection (a) shall take effect on the date of the enact-
17 ment of this Act, and shall apply to decisions on applica-
18 tions for permanent change of station or unit transfer
19 made under section 673 of title 10, United States Code,
20 on or after that date.

21 **SEC. 522. DEFENSE ADVISORY COMMITTEE FOR THE PRE-**
22 **VENTION OF SEXUAL MISCONDUCT.**

23 Section 550B of the National Defense Authorization
24 Act for Fiscal Year 2020 (Public Law 116–92) is amend-
25 ed—

1 (1) in subsection (c)(1)(B), by inserting “, in-
2 cluding the United States Coast Guard Academy,”
3 after “academy”;

4 (2) by redesignating subsections (d), (e), and
5 (f) as subsections (e), (f), and (g), respectively;

6 (3) by inserting after subsection (c) the fol-
7 lowing new subsection (d):

8 “(d) ADVISORY DUTIES ON COAST GUARD ACAD-
9 EMY.—In providing advice under subsection (c)(1)(B), the
10 Advisory Committee shall also advise the Secretary of the
11 Department in which the Coast Guard is operating in ac-
12 cordance with this section on policies, programs, and prac-
13 tices of the United States Coast Guard Academy.”; and

14 (4) in subsection (e) and paragraph (2) of sub-
15 section (g), as redesignated by paragraph (2) of this
16 section, by striking “the Committees on Armed Serv-
17 ices of the Senate and the House of Representa-
18 tives” each place it appears and inserting “the Com-
19 mittees on Armed Services and Commerce, Science,
20 and Transportation of the Senate and the Commit-
21 tees on Armed Services and Transportation and In-
22 frastructure of the House of Representatives”.

1 **SEC. 523. REPORT ON ABILITY OF SEXUAL ASSAULT RE-**
2 **SPONSE COORDINATORS AND SEXUAL AS-**
3 **SAULT PREVENTION AND RESPONSE VICTIM**
4 **ADVOCATES TO PERFORM DUTIES.**

5 (a) SURVEY.—

6 (1) IN GENERAL.—Not later than June 30,
7 2021, the Secretary of Defense shall conduct a sur-
8 vey regarding the ability of Sexual Assault Response
9 Coordinators and Sexual Assault Prevention and Re-
10 sponse Victim Advocates to perform their duties.

11 (2) ELEMENTS.—The survey required under
12 paragraph (1) shall assess—

13 (A) the current state of support provided
14 to Sexual Assault Response Coordinators and
15 Sexual Assault Prevention and Response Victim
16 Advocates, including—

17 (i) perceived professional or other re-
18 prisal or retaliation; and

19 (ii) access to sufficient physical and
20 mental health services as a result of the
21 nature of their work;

22 (B) the ability of Sexual Assault Response
23 Coordinators and Sexual Assault Prevention
24 and Response Victim Advocates to contact and
25 access their installation commander or unit
26 commander;

1 (C) the ability of Sexual Assault Response
2 Coordinators and Sexual Assault Prevention
3 and Response Victim Advocates to contact and
4 access the immediate commander of victims and
5 alleged offenders;

6 (D) the responsiveness and receptiveness of
7 commanders to the Sexual Assault Response
8 Coordinators;

9 (E) the support and services provided to
10 victims of sexual assault;

11 (F) the understanding of others of the
12 process and their willingness to assist;

13 (G) the adequacy of the training received
14 by Sexual Assault Response Coordinators and
15 Sexual Assault Prevention and Response Victim
16 Advocates to effectively perform their duties;
17 and

18 (H) any other factors affecting the ability
19 of Sexual Assault Response Coordinators and
20 Sexual Assault Prevention and Response Victim
21 Advocates to perform their duties.

22 (b) REPORT.—Upon completion of the survey re-
23 quired under subsection (a), the Secretary of Defense shall
24 submit to the Committees on Armed Services of the Sen-
25 ate and the House of Representatives a report on the re-

1 sults of the survey and any actions to be taken as a result
2 of the survey.

3 **SEC. 524. BRIEFING ON SPECIAL VICTIMS' COUNSEL PRO-**
4 **GRAM.**

5 (a) BRIEFING REQUIRED.—Not later than 180 days
6 after the date of the enactment of this Act, the Judge Ad-
7 vocates General of the Army, the Navy, the Air Force,
8 and the Coast Guard, and the Staff Judge Advocate to
9 the Commandant of the Marine Corps shall each provide
10 to the congressional defense committees a briefing on the
11 status of the Special Victims' Counsel program of the
12 Armed Force concerned.

13 (b) ELEMENTS.—Each briefing under subsection (a)
14 shall include, with respect to the Special Victims Counsel
15 program of the Armed Force concerned, the following:

16 (1) An assessment of whether the Armed Force
17 is in compliance with the provisions of the National
18 Defense Authorization Act for Fiscal Year 2020
19 (Public Law 116–92) relating to the Special Victims
20 Counsel program and, if not, what steps have been
21 taken to achieve compliance with such provisions.

22 (2) An estimate of the average caseload of each
23 Special Victims' Counsel.

24 (3) A description of any staffing shortfalls in
25 the Special Victims' Counsel program or other pro-

1 grams of the Armed Force resulting from the addi-
2 tional responsibilities required of the Special Vic-
3 tims' Counsel program under the National Defense
4 Authorization Act for Fiscal Year 2020.

5 (4) An explanation of the ability of Special Vic-
6 tims' Counsel to adhere to requirement that a coun-
7 sel respond to a request for services within 72 hours
8 of receiving such request.

9 (5) An assessment of the feasibility of providing
10 cross-service Special Victims' Counsel representation
11 in instances where a Special Victims' Counsel from
12 a different Armed Force is co-located with a victim
13 at a remote base.

14 **SEC. 525. ACCOUNTABILITY OF LEADERSHIP OF THE DE-**
15 **PARTMENT OF DEFENSE FOR DISCHARGING**
16 **THE SEXUAL HARASSMENT POLICIES AND**
17 **PROGRAMS OF THE DEPARTMENT.**

18 (a) STRATEGY ON HOLDING LEADERSHIP ACCOUNT-
19 ABLE REQUIRED.—The Secretary of Defense shall develop
20 and implement Department of Defense-wide a strategy to
21 hold individuals in positions of leadership in the Depart-
22 ment (including members of the Armed Forces and civil-
23 ians) accountable for the promotion, support, and enforce-
24 ment of the policies and programs of the Department on
25 sexual harassment.

1 (b) OVERSIGHT FRAMEWORK.—

2 (1) IN GENERAL.—The strategy required by
3 subsection (a) shall provide for an oversight frame-
4 work for the efforts of the Department of Defense
5 to promote, support, and enforce the policies and
6 programs of the Department on sexual harassment.

7 (2) ELEMENTS.—The oversight framework re-
8 quired by paragraph (1) shall include the following:

9 (A) Long-term goals, objectives, and mile-
10 stones in connection with the policies and pro-
11 grams of the Department on sexual harass-
12 ment.

13 (B) Strategies to achieve the goals, objec-
14 tives, and milestones referred to in subpara-
15 graph (A).

16 (C) Criteria for assessing progress toward
17 the achievement of the goals, objectives, and
18 milestones referred to in subparagraph (A).

19 (D) Criteria for assessing the effectiveness
20 of the policies and programs of the Department
21 on sexual harassment.

22 (E) Mechanisms to ensure that adequate
23 resources are available to the Office to develop
24 and discharge the oversight framework.

1 (c) REPORT.—Not later than one year after the date
2 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 a report on the
5 actions taken to carry out this section, including the strat-
6 egy developed and implemented pursuant to subsection,
7 and the oversight framework developed and implemented
8 pursuant to subsection (b).

9 **SEC. 526. SAFE-TO-REPORT POLICY APPLICABLE ACROSS**
10 **THE ARMED FORCES.**

11 (a) IN GENERAL.—The Secretary of Defense shall,
12 in consultation with the Secretaries of the military depart-
13 ments, prescribe in regulations a safe-to-report policy de-
14 scribed in subsection (b) that applies with respect to all
15 members of the Armed Forces (including members of the
16 reserve components of the Armed Forces) and cadets and
17 midshipmen at the military service academies.

18 (b) SAFE-TO-REPORT POLICY.—The safe-to-report
19 policy described in this subsection is a policy that pre-
20 scribes the handling of minor collateral misconduct involv-
21 ing a member of the Armed Forces who is the alleged vic-
22 tim of sexual assault.

23 (c) AGGRAVATING CIRCUMSTANCES.—The regula-
24 tions under subsection (a) shall specify aggravating cir-
25 cumstances that increase the gravity of minor collateral

1 misconduct or its impact on good order and discipline for
2 purposes of the safe-to-report policy.

3 (d) TRACKING OF COLLATERAL MISCONDUCT INCI-
4 DENTS.—In conjunction with the issuance of regulations
5 under subsection (a), Secretary shall develop and imple-
6 ment a process to track incidents of minor collateral mis-
7 conduct that are subject to the safe-to-report policy.

8 (e) DEFINITIONS.—In this section:

9 (1) The term “Armed Forces” has the meaning
10 given that term in section 101(a)(4) of title 10,
11 United States Code, except such term does not in-
12 clude the Coast Guard.

13 (2) The term “military service academy” means
14 the following:

15 (A) The United States Military Academy.

16 (B) The United States Naval Academy.

17 (C) The United States Air Force Academy.

18 (3) The term “minor collateral misconduct”
19 means any minor misconduct that is potentially pun-
20 ishable under chapter 47 of title 10, United States
21 Code (the Uniform Code of Military Justice), that—

22 (A) is committed close in time to or during
23 the sexual assault, and directly related to the
24 incident that formed the basis of the sexual as-
25 sault allegation;

1 (B) is discovered as a direct result of the
2 report of sexual assault or the ensuing inves-
3 tigation into the sexual assault; and

4 (C) does not involve aggravating cir-
5 cumstances (as specified in the regulations pre-
6 scribed under subsection (c)) that increase the
7 gravity of the minor misconduct or its impact
8 on good order and discipline.

9 **SEC. 527. ADDITIONAL BASES FOR PROVISION OF ADVICE**
10 **BY THE DEFENSE ADVISORY COMMITTEE**
11 **FOR THE PREVENTION OF SEXUAL MIS-**
12 **CONDUCT.**

13 Section 550B(c)(2) of the National Defense Author-
14 ization Act for Fiscal Year 2020 (Public Law 116–92) is
15 amended—

16 (1) by redesignating subparagraph (C) as sub-
17 paragraph (E); and

18 (2) by inserting after subparagraph (B) the fol-
19 lowing new subparagraphs:

20 “(C) Efforts among private employers to
21 prevent sexual assault and sexual harassment
22 among their employees.

23 “(D) Evidence-based studies on the pre-
24 vention of sexual assault and sexual harassment

1 in the Armed Forces, institutions of higher edu-
2 cation, and the private sector.”.

3 **SEC. 528. ADDITIONAL MATTERS FOR REPORTS OF THE DE-**
4 **FENSE ADVISORY COMMITTEE FOR THE PRE-**
5 **VENTION OF SEXUAL MISCONDUCT.**

6 Section 550B(d) of the National Defense Authoriza-
7 tion Act for Fiscal Year 2020 (Public Law 116–92) is
8 amended by adding at the end the following: “The report
9 shall include the following:

10 “(1) A description and assessment of the extent
11 and effectiveness of the inclusion by the Armed
12 Forces of sexual assault prevention and response
13 training in leader professional military education
14 (PME), especially in such education for personnel in
15 junior noncommissioned officer grades.

16 “(2) An assessment of the feasibility of—

17 “(A) the screening of recruits before entry
18 into military service for prior incidents of sexual
19 assault and harassment, including through
20 background checks; and

21 “(B) the administration of screening tests
22 to recruits to assess recruit views and beliefs on
23 equal opportunity, and whether such views and
24 beliefs are compatible with military service.

1 “(3) An assessment of the feasibility of con-
2 ducting exit interviews of members of the Armed
3 Forces upon their discharge release from the Armed
4 Forces in order to determine whether they experi-
5 enced or witnessed sexual assault or harassment
6 during military service and did not report it, and an
7 assessment of the feasibility of combining such exit
8 interviews with the Catch a Serial Offender
9 (CATCH) Program of the Department of Defense.

10 “(4) An assessment whether the sexual assault
11 reporting databases of the Department are suffi-
12 ciently anonymized to ensure privacy while still pro-
13 viding military leaders with the information as fol-
14 lows:

15 “(A) The approximate length of time the
16 victim and the assailant had been at the duty
17 station at which the sexual assault occurred.

18 “(B) The percentage of sexual assaults oc-
19 curring while the victim or assailant were on
20 temporary duty, leave, or otherwise away from
21 their permanent duty station.

22 “(C) The number of sexual assaults that
23 involve an abuse of power by a commander or
24 supervisor.”.

1 **SEC. 529. POLICY ON SEPARATION OF VICTIM AND AC-**
2 **CUSED AT MILITARY SERVICE ACADEMIES**
3 **AND DEGREE-GRANTING MILITARY EDU-**
4 **CATIONAL INSTITUTIONS.**

5 (a) IN GENERAL.—The Secretary of Defense shall,
6 in consultation with the Secretaries of the military depart-
7 ments, the Superintendent of each military service acad-
8 emy, and the head of each degree-granting military edu-
9 cational institution, prescribe in regulations a policy under
10 which association between a cadet or midshipman of a
11 military service academy, or a member of the Armed
12 Forces enrolled in a degree-granting military educational
13 institution, who is the alleged victim of a sexual assault
14 and the accused is minimized while both parties complete
15 their course of study at the academy or institution con-
16 cerned.

17 (b) ELEMENTS.—The Secretary of Defense shall en-
18 sure that the policy developed under subsection (a)—

19 (1) is fair to the both the alleged victim and the
20 accused;

21 (2) provides for the confidentiality of the par-
22 ties involved;

23 (3) provide that notice of the policy, including
24 the elements of the policy and the right to opt out
25 of coverage by the policy, is provided to the alleged

1 victim upon the making of an allegation of a sexual
2 assault covered by the policy; and

3 (4) provide an alleged victim the right to opt
4 out of coverage by the policy in connection with such
5 sexual assault.

6 (c) **MILITARY SERVICE ACADEMY DEFINED.**—The
7 term “military service academy” means the following:

8 (1) The United States Military Academy.

9 (2) The United States Naval Academy.

10 (3) The United States Air Force Academy.

11 (4) The United States Coast Guard Academy.

12 **SEC. 530. BRIEFING ON PLACEMENT OF MEMBERS OF THE**
13 **ARMED FORCES IN ACADEMIC STATUS WHO**
14 **ARE VICTIMS OF SEXUAL ASSAULT ONTO**
15 **NON-RATED PERIODS.**

16 Not later than 90 days after the date of the enact-
17 ment of this Act, the Secretary of Defense shall brief the
18 Committees on Armed Services of the Senate and the
19 House of Representatives on the feasibility and advis-
20 ability, and current practice (if any), of the Department
21 of Defense of granting requests by members of the Armed
22 Forces who are in academic status (whether at the mili-
23 tary service academies or in developmental education pro-
24 grams) and who are victims of sexual assault to be placed
25 on a Non-Rated Period for their performance report.

1 **PART II—OTHER MILITARY JUSTICE MATTERS**

2 **SEC. 531. RIGHT TO NOTICE OF VICTIMS OF OFFENSES**

3 **UNDER THE UNIFORM CODE OF MILITARY**

4 **JUSTICE REGARDING CERTAIN POST-TRIAL**

5 **MOTIONS, FILINGS, AND HEARINGS.**

6 Section 806b(a)(2) of title 10, United States Code
7 (article 6b(a)(2)) of the Uniform Code of Military Jus-
8 tice), is amended—

9 (1) by redesignating subparagraphs (D) and
10 (E) as subparagraphs (E) and (F), respectively; and

11 (2) by inserting after subparagraph (C) the fol-
12 lowing new subparagraph (D):

13 “(D) A post-trial motion, filing, or hearing
14 that may address the finding or sentence of a
15 court-martial with respect to the accused,
16 unseal privileged or private information of the
17 victim, or result in the release of the accused.”.

18 **SEC. 532. CONSIDERATION OF THE EVIDENCE BY COURTS**

19 **OF CRIMINAL APPEALS.**

20 (a) **IN GENERAL.**—Section 866 of title 10, United
21 States Code (article 66 of the Uniform Code of Military
22 Justice), is amended—

23 (1) by redesignating subsections (e) through (j)
24 as subsections (f) through (k), respectively; and

25 (2) by inserting after subsection (d) the fol-
26 lowing new subsection (e):

1 “(e) CONSIDERATION OF THE EVIDENCE.—

2 “(1) IN GENERAL.—In an appeal of a finding
3 of guilty under subsection (b), the Court of Criminal
4 Appeals, upon request of the accused, may consider
5 the weight of the evidence upon a specific showing
6 by the accused of deficiencies in proof. The Court
7 may set aside and dismiss a finding if clearly con-
8 vinced that the finding was against the weight of the
9 evidence. The Court may affirm a lesser finding. A
10 rehearing may not be ordered.

11 “(2) DEFERENCE IN CONSIDERATION.—When
12 considering a case under subsection (b), the Court
13 may weigh the evidence and determine controverted
14 questions of fact, subject to—

15 “(A) appropriate deference to the fact that
16 the court-martial saw and heard the witnesses
17 and other evidence; and

18 “(B) appropriate deference to findings of
19 fact entered into the record by the military
20 judge.”.

21 (b) ADDITIONAL QUALIFICATIONS OF APPELLATE
22 MILITARY JUDGES.—Subsection (a) of such section (arti-
23 cle) is amended—

24 (1) by inserting “(1)” before “Each judge”;
25 and

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

3 “(2)(A) In addition to any other qualifications speci-
4 fied in paragraph (1), any commissioned officer assigned
5 as an appellate military judge to a Court of Criminal Ap-
6 peals shall have not fewer than 12 years of experience in
7 military justice assignments before such assignment, and
8 any civilian so assigned shall have not fewer than 12 years
9 as a judge or criminal trial attorney before such assign-
10 ment.

11 “(B) A Judge Advocate General may waive the re-
12 quirement in subparagraph (A) in connection with the as-
13 signment of an officer or civilian as an appellate military
14 judge of a Court of Criminal Appeals if the Judge Advo-
15 cate General determines that compliance with the require-
16 ment in the assignment of appellate military judges to a
17 Court of Criminal Appeals will impair the ability of the
18 Court to hear and decide appeals in a timely manner.

19 “(C) Not later than 120 days after waiving the re-
20 quirement in subparagraph (A) pursuant to subparagraph
21 (B), the Judge Advocate General shall notify the congres-
22 sional defense committees of the waiver, and include with
23 the notice an explanation for the shortage of appellate
24 military judges and a plan for addressing such shortage.”.

1 (c) REVIEW BY FULL COURT OF FINDING OF CON-
2 VICTION AGAINST WEIGHT OF EVIDENCE.—Subsection
3 (e) of such section (article), as amended by subsection (a)
4 of this section, is further is amended by adding at the end
5 the following new paragraph:

6 “(3) REVIEW BY FULL COURT OF FINDING OF
7 CONVICTION AGAINST WEIGHT OF EVIDENCE.—Any
8 determination by the Court that a finding was clear-
9 ly against the weight of the evidence under para-
10 graph (1) shall be reviewed by the Court sitting as
11 a whole.”.

12 **SEC. 533. PRESERVATION OF RECORDS OF THE MILITARY**
13 **JUSTICE SYSTEM.**

14 Section 940a of title 10, United States Code (article
15 140a of the Uniform Code of Military Justice), is amended
16 by adding at the end the following new subsection:

17 “(d) PRESERVATION OF RECORDS WITHOUT RE-
18 GARD TO OUTCOME.—The standards and criteria pre-
19 scribed established by the Secretary of Defense under sub-
20 section (a) shall provide for the preservation of records,
21 without regard to the outcome of the proceeding con-
22 cerned, for not fewer than 15 years.”.

1 **SEC. 534. COMPTROLLER GENERAL OF THE UNITED**
2 **STATES REPORT ON IMPLEMENTATION BY**
3 **THE ARMED FORCES OF RECENT GAO REC-**
4 **COMMENDATIONS AND STATUTORY REQUIRE-**
5 **MENTS ON ASSESSMENT OF RACIAL, ETHNIC,**
6 **AND GENDER DISPARITIES IN THE MILITARY**
7 **JUSTICE SYSTEM.**

8 (a) REPORT REQUIRED.—The Comptroller General
9 of the United States shall submit to the Committees on
10 Armed Services of the Senate and the House of Represent-
11 atives a report, in writing, on a study, conducted by the
12 Comptroller General for purposes of the report, on the im-
13 plementation by the Armed Forces of the following:

14 (1) The recommendations in the May 2019 re-
15 port of the General Accountability Office entitled
16 “Military Justice: DOD and the Coast Guard Need
17 to Improve Their Capabilities to Assess Racial and
18 Gender Disparities” (GAO–19–344).

19 (2) Requirements in section 540I(b) of the Na-
20 tional Defense Authorization Act for Fiscal Year
21 2020 (Public Law 116–92), relating to assessments
22 covered by such recommendations.

23 (b) ELEMENTS.—The report required by subsection
24 (a) shall include, for each recommendation and require-
25 ment specified in that subsection, the following:

1 (1) A description of the actions taken or
2 planned by the Department of Defense, the military
3 department concerned, or the Armed Force con-
4 cerned to implement such recommendation or re-
5 quirement.

6 (2) An assessment of the extent to which the
7 actions taken to implement such recommendation or
8 requirement, as described pursuant to paragraph
9 (1), are effective or meet the intended objective.

10 (3) Any other matters in connection with such
11 recommendation or requirement, and the implemen-
12 tation of such recommendation or requirement by
13 the Armed Forces, that the Comptroller General
14 considers appropriate.

15 (c) BRIEFINGS.—Not later than May 1, 2021, the
16 Comptroller General shall provide the committees referred
17 to in subsection (a) one or more briefings on the status
18 of the study required by that subsection, including any
19 preliminary findings and recommendations of the Comp-
20 troller General as a result of the study as of the date of
21 such briefing.

1 **SEC. 535. BRIEFING ON MENTAL HEALTH SUPPORT FOR VI-**
2 **CARIOUS TRAUMA FOR CERTAIN PERSONNEL**
3 **IN THE MILITARY JUSTICE SYSTEM.**

4 (a) BRIEFING REQUIRED.—Not later than 180 days
5 after the date of the enactment of this Act, the Judge Ad-
6 vocates General of the Army, the Navy, and the Air Force
7 and the Staff Judge Advocate to the Commandant of the
8 Marine Corps shall jointly brief the Committees on Armed
9 Services of the Senate and the House of Representatives
10 on the mental health support for vicarious trauma pro-
11 vided to personnel in the military justice system specified
12 in subsection (b).

13 (b) PERSONNEL.—The personnel specified in this
14 subsection are the following:

- 15 (1) Trial counsel.
- 16 (2) Defense counsel.
- 17 (3) Special Victims' Counsel.
- 18 (4) Military investigative personnel.

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

- 21 (1) A description and assessment of the mental
22 health support for vicarious trauma provided to per-
23 sonnel in the military justice system specified in sub-
24 section (b), including a description of the support
25 services available and the support services being
26 used.

1 (2) A description and assessment of mecha-
2 nisms to eliminate or reduce stigma in the pursuit
3 by such personnel of such mental health support.

4 (3) An assessment of the feasibility and advis-
5 ability of providing such personnel with breaks be-
6 tween assignments or cases as part of such mental
7 health support in order to reduce the effects of vi-
8 carious trauma.

9 (4) A description and assessment of the extent,
10 if any, to which duty of such personnel on particular
11 types of cases, or in particular caseloads, contributes
12 to vicarious trauma, and of the extent, if any, to
13 which duty on such cases or caseloads has an effect
14 on retention of such personnel in the Armed Forces.

15 (5) A description of the extent, if any, to which
16 such personnel are screened or otherwise assessed
17 for vicarious trauma before discharge or release
18 from the Armed Forces.

19 (6) Such other matters in connection with the
20 provision of mental health support for vicarious
21 trauma to such personnel as the Judge Advocates
22 General and the Staff Judge Advocate jointly con-
23 sider appropriate.

1 **SEC. 536. GUARDIAN AD LITEM PROGRAM FOR MINOR DE-**
2 **PENDENTS OF MEMBERS OF THE ARMED**
3 **FORCES.**

4 Section 540L(b)(1) of the National Defense Author-
5 ization Act for Fiscal Year 2020 (Public Law 116–92; 133
6 Stat. 1373) is amended by adding before the period at
7 the end the following: “, including an assessment of the
8 feasibility and advisability of establishing a guardian ad
9 litem program for military dependents living outside the
10 United States”.

11 **Subtitle E—Member Education,**
12 **Training, Transition, and Resil-**
13 **ience**

14 **SEC. 541. TRAINING ON RELIGIOUS ACCOMMODATION FOR**
15 **MEMBERS OF THE ARMED FORCES.**

16 (a) IN GENERAL.—As recommended on page 149 of
17 the Report of the Committee on Armed Services of the
18 Senate to Accompany S. 1519 (115th Congress) (Senate
19 Report 115–125), the Secretary of Defense shall develop
20 and implement training on Federal statutes, Department
21 of Defense instructions, and the regulations of each
22 Armed Force regarding religious liberty and accommoda-
23 tion for members of the Armed Forces, including the re-
24 sponsibility of commanders to maintain good order and
25 discipline.

1 (b) CONSULTATION.—The Secretary develop and im-
2 plement the training required by subsection (a) in con-
3 sultation with the following:

4 (1) The General Counsel of the Department of
5 Defense.

6 (2) The Judge Advocate General of the Army,
7 the Judge Advocate General of the Navy, and the
8 Judge Advocate General of the Air Force.

9 (3) The Chief of Chaplains of the Army, the
10 Chief of Chaplains of the Navy, and the Chief of
11 Chaplains of the Air Force.

12 (c) CONTENTS.—The content of the training shall be
13 consistent with and include coverage of each of the fol-
14 lowing:

15 (1) The Religious Freedom Restoration Act of
16 1993 (42 U.S.C. 2000bb et seq.).

17 (2) Section 533 of the National Defense Au-
18 thorization Act for Fiscal Year 2013 (10 U.S.C.
19 prec. 1030 note).

20 (3) Section 528 of the National Defense Au-
21 thorization Act for Fiscal Year 2016 (Public Law
22 114–92; 129 Stat. 814).

23 (d) IMPLEMENTATION.—

1 (1) RECIPIENTS.—The recipients of training
2 developed under subsection (a) shall include the fol-
3 lowing at all levels of command:

4 (A) Commanders

5 (B) Chaplains.

6 (C) Judge advocates.

7 (D) Such other members of the Armed
8 Forces as the Secretary considers appropriate.

9 (2) COMMENCEMENT.—The provision of train-
10 ing developed under subsection (a) shall commence
11 not later than one year after the date of the enact-
12 ment of this Act.

13 **SEC. 542. ADDITIONAL ELEMENTS WITH 2021 CERTIFI-**
14 **CATIONS ON THE READY, RELEVANT LEARN-**
15 **ING INITIATIVE OF THE NAVY.**

16 (a) ADDITIONAL ELEMENTS.—In submitting to Con-
17 gress in 2021 the certifications required by section 545
18 of the National Defense Authorization Act for Fiscal Year
19 2018 (Public Law 115–91; 131 Stat. 1396; 10 U.S.C.
20 8431 note prec.), relating to the Ready, Relevant Learning
21 initiative of the Navy, the Secretary of the Navy shall also
22 submit each of the following:

23 (1) A life cycle sustainment plan for the Ready,
24 Relevant Learning initiative meeting the require-
25 ments in subsection (b).

1 (2) A report on the use of readiness assessment
2 teams in training addressing the elements specified
3 in subsection (c).

4 (b) LIFE CYCLE SUSTAINMENT PLAN.—The life cycle
5 sustainment plan required by subsection (a)(1) shall in-
6 clude a description of the approved life cycle sustainment
7 plan for the Ready, Relevant Learning initiative, including
8 with respect to each of the following:

9 (1) Product support management.

10 (2) Supply support.

11 (3) Packaging, handling, storage, and transpor-
12 tation.

13 (4) Maintenance planning and management.

14 (5) Design interface.

15 (6) Sustainment engineering.

16 (7) Technical data.

17 (8) Computer resources.

18 (9) Facilities and infrastructure.

19 (10) Manpower and personnel.

20 (11) Support equipment.

21 (12) Training and training support.

22 (13) Governance, including the acquisition and
23 program management structure.

1 (14) Such other elements in the life cycle
2 sustainment of the Ready, Relevant Learning initia-
3 tive as the Secretary considers appropriate.

4 (c) REPORT ON USE OF READINESS ASSESSMENT
5 TEAMS.—The report required by subsection (a)(2) shall
6 set forth the following:

7 (1) A description and assessment of the extent
8 to which the Navy is currently using Engineering
9 Readiness Assessment Teams (ERAT) and Combat
10 Systems Readiness Assessment Teams (CSRAT) to
11 conduct unit-level training and assistance in each ca-
12 pacity as follows:

13 (A) To augment non-Ready, Relevant
14 Learning initiative training.

15 (B) As part of Ready, Relevant Learning
16 initiative training.

17 (C) To train students on legacy, obsolete,
18 one of a kind, or unique systems that are still
19 widely used by the Navy.

20 (D) To train students on military-specific
21 systems that are not found in the commercial
22 maritime world.

23 (2) A description and assessment of potential
24 benefits, and anticipated timelines and costs, in ex-
25 panding Engineering Readiness Assessment Team

1 and Combat Systems Readiness Assessment Team
2 training in the capacities specified in paragraph (1).

3 (3) Such other matters in connection with the
4 use of readiness assessment teams in connection
5 with the Ready, Relevant Learning initiative as the
6 Secretary considers appropriate.

7 **SEC. 543. REPORT ON STANDARDIZATION AND POTENTIAL**
8 **MERGER OF LAW ENFORCEMENT TRAINING**
9 **FOR MILITARY AND CIVILIAN PERSONNEL**
10 **ACROSS THE DEPARTMENT OF DEFENSE.**

11 (a) REPORT REQUIRED.—Not later than June 8,
12 2021, the Secretary of Defense shall submit to the Com-
13 mittees on Armed Services of the Senate and the House
14 of Representatives a report on the standardization and po-
15 tential merger of law enforcement training for military
16 and civilian personnel across the Department of Defense,
17 including training of military or civilian personnel of the
18 Department designated in accordance with section 2762
19 of title 10, United States Code, to protect buildings,
20 grounds, and property under the jurisdiction, custody, or
21 control of the Department and the persons on such prop-
22 erty.

23 (b) ELEMENTS.—In developing the report required
24 by subsection (a), the Secretary shall do, and include in
25 the report the results of, the following:

1 (1) Identify and assess current law enforcement
2 training courses, schools, and programs of the
3 Armed Forces that have the flexibility and capacity
4 to support the training referred to in subsection (a)
5 through common training standards.

6 (2) Identify and assess current Department law
7 enforcement training courses, schools, and programs
8 that are affiliated with or accredited by third parties
9 (including both governmental and private entities),
10 including an assessment of the value derived from
11 such affiliation or accreditation to the training re-
12 ferred to in subsection (a).

13 (3) Identify emerging law enforcement training
14 requirements that are common among the Armed
15 Forces and other Department law enforcement com-
16 ponents and are currently unmet by the Armed
17 Forces or such components.

18 (4) Assess the feasibility, advisability, and suit-
19 ability of incorporating standardized and merged
20 field and operational training in military law en-
21 forcement mission areas, including area security op-
22 erations, law and order operations, internment and
23 resettlement operations, and police intelligence oper-
24 ations, in the training provided to all Armed Forces
25 and other Department law enforcement components.

1 (5) Identify and assess Department courses,
2 programs, or institutions with the capability to sup-
3 port law enforcement training or information shar-
4 ing between Department military and civilian law
5 enforcement components and State, county, and
6 local law enforcement agencies, with the capability to
7 support law enforcement components of the National
8 Guard and other reserve components of the Armed
9 Forces, or with both such capabilities.

10 (6) Assess the feasibility, advisability, and suit-
11 ability of standardizing and merging the training re-
12 ferred to in subsection (a) across the Department,
13 including an assessment of the costs of such stand-
14 ardization and merger.

15 (7) Any other matters the Secretary considers
16 appropriate.

17 **SEC. 544. QUARTERLY REPORTS ON IMPLEMENTATION OF**
18 **RECOMMENDATIONS OF THE COMPREHEN-**
19 **SIVE REVIEW OF SPECIAL OPERATIONS**
20 **FORCES CULTURE AND ETHICS.**

21 (a) QUARTERLY REPORTS REQUIRED.—Not later
22 than March 1, 2021, and every 90 days thereafter through
23 March 1, 2024, the Assistant Secretary of Defense for
24 Special Operations and Low Intensity Conflict shall, in co-
25 ordination with the Commander of the United States Spe-

1 cial Operations Command, submit to the congressional de-
2 fense committees a report on the current status of the im-
3 plementation of the actions recommended as a result of
4 the Comprehensive Review of Special Operations Forces
5 Culture and Ethics.

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

8 (1) A list of the actions required as of the date
9 of such report to complete full implementation of
10 each of the 16 actions recommended by the Com-
11 prehensive Review referred to in subsection (a).

12 (2) An identification of the office responsible
13 for completing each action listed pursuant to para-
14 graph (1), and an estimated timeline for completion
15 of such action.

16 (3) If completion of any action listed pursuant
17 to paragraph (1) requires resources or actions for
18 which authorization by statute is required, a rec-
19 ommendation for legislative action for such author-
20 ization.

21 (4) Any other matters the Assistant Secretary
22 or the Commander considers appropriate.

1 **SEC. 545. INFORMATION ON NOMINATIONS AND APPLICA-**
2 **TIONS FOR MILITARY SERVICE ACADEMIES.**

3 (a) REPORT ON CONGRESSIONAL NOMINATIONS POR-
4 TAL.—

5 (1) IN GENERAL.—Not later than one year
6 after the date of the enactment of this Act, the Sec-
7 retary of Defense shall, in consultation with the Su-
8 perintendents of the military service academies, sub-
9 mit to the Committees on Armed Services of the
10 Senate and the House of Representatives a report
11 setting forth an assessment of the feasibility and ad-
12 visability of a uniform online portal for all military
13 service academies that enables Members of Congress
14 to nominate individuals for appointment to each
15 academy through a secure website.

16 (2) INFORMATION COLLECTION AND REPORT-
17 ING.—For purposes of preparing the report required
18 by paragraph (1), the Secretary shall treat the on-
19 line portal described in that paragraph as permitting
20 the collection, from each Member of Congress, of the
21 demographic information described in subsection (b)
22 for each individual nominated by the Member.

23 (3) AVAILABILITY OF INFORMATION.—For pur-
24 poses of preparing the report, the Secretary shall
25 treat the online portal as permitting Members of

1 Congress and their designees to view past nomina-
2 tion records for all application cycles.

3 (4) MATTERS IN CONNECTION WITH ESTAB-
4 LISHMENT OF PORTAL.—If the Secretary determines
5 that the online portal is feasible and advisable, the
6 report shall include—

7 (A) a comprehensive description of the on-
8 line portal; and

9 (B) such recommendations for legislative
10 and administrative action as the Secretary con-
11 siders appropriate to establish and maintain the
12 online portal.

13 (b) STANDARD CLASSIFICATIONS FOR COLLECTION
14 OF DEMOGRAPHIC DATA.—

15 (1) STANDARDS REQUIRED.—The Secretary of
16 Defense shall, in consultation with the Superintend-
17 ents of the military service academies, establish
18 standard classifications that cadets, midshipmen,
19 and applicants to the academies may use to self-
20 identify gender, race, and ethnicity and to provide
21 other demographic information in connection with
22 admission to or enrollment in an academy.

23 (2) CONSISTENCY WITH OMB GUIDANCE.—The
24 standard classifications established under paragraph
25 (1) shall be consistent with the standard classifica-

1 tions specified in Office of Management and Budget
2 Directive No. 15 (pertaining to race and ethnic
3 standards for Federal statistics and administrative
4 reporting) or any successor directive.

5 (3) INCORPORATION INTO APPLICATIONS AND
6 RECORDS.—Not later than one year after the date of
7 the enactment of this Act, the Secretary shall incor-
8 porate the standard classifications established under
9 paragraph (1) into—

10 (A) applications for admission to the mili-
11 tary service academies; and

12 (B) the military personnel records of ca-
13 dets and midshipmen enrolled in such acad-
14 emies.

15 (c) MILITARY SERVICE ACADEMY DEFINED.—In this
16 section, the term “military service academy” means—

17 (1) the United States Military Academy;

18 (2) the United States Naval Academy; and

19 (3) the United States Air Force Academy.

1 **SEC. 546. PILOT PROGRAMS IN CONNECTION WITH SENIOR**
2 **RESERVE OFFICERS' TRAINING CORPS UNITS**
3 **AT HISTORICALLY BLACK COLLEGES AND**
4 **UNIVERSITIES AND MINORITY INSTITUTIONS.**

5 (a) PILOT PROGRAMS AUTHORIZED.—The Secretary
6 of Defense may carry out either or both of the pilot pro-
7 grams as follows:

8 (1) A pilot program, with elements as provided
9 for in subsection (c), at covered institutions in order
10 to assess the feasibility and advisability of mecha-
11 nisms to reduce barriers to participation in the Sen-
12 ior Reserve Officers' Training Corps at such institu-
13 tions by creating partnerships between satellite or
14 extension Senior Reserve Officers' Training Corps
15 units at such institutions and military installations.

16 (2) A pilot program, with elements as provided
17 for in subsection (d), in order to assess the feasi-
18 bility and advisability of the provision of financial
19 assistance to members of the Senior Reserve Offi-
20 cers' Training Corps at covered institutions for par-
21 ticipation in flight training.

22 (b) DURATION.—The duration of each pilot program
23 under subsection (a) may not exceed five years.

24 (c) PILOT PROGRAM ON PARTNERSHIPS BETWEEN
25 SATELLITE OR EXTENSION SROTC UNITS AND MILITARY
26 INSTALLATIONS.—

1 (1) PARTICIPATING INSTITUTIONS.—The Sec-
2 retary of Defense shall carry out the pilot program
3 authorized by subsection (a)(1) at not fewer than
4 five covered institutions selected by the Secretary for
5 purposes of the pilot program.

6 (2) REQUIREMENTS FOR SELECTION.—Each
7 covered institution selected by the Secretary for pur-
8 poses of the pilot program authorized by subsection
9 (a)(1) shall—

10 (A) currently maintain a satellite or exten-
11 sion Senior Reserve Officers' Training Corps
12 unit under chapter 103 of title 10, United
13 States Code, that is located more than 20 miles
14 from the host unit of such unit; or

15 (B) establish and maintain a satellite or
16 extension Senior Reserve Officers' Training
17 Corps unit that meets the requirements in sub-
18 paragraph (A).

19 (3) PREFERENCE IN SELECTION OF INSTITU-
20 TIONS.—In selecting covered institutions under this
21 subsection for participation in the pilot program au-
22 thorized by subsection (a)(1), the Secretary shall
23 give preference to covered institutions that are lo-
24 cated within 20 miles of a military installation of the
25 same Armed Force as the host unit of the Senior

1 Reserve Officers' Training Corp of the covered insti-
2 tution concerned.

3 (4) PARTNERSHIP ACTIVITIES.—The activities
4 conducted under the pilot program authorized by
5 subsection (a)(1) between a satellite or extension
6 Senior Reserve Officers' Training Corps unit and
7 the military installation concerned shall include such
8 activities designed to reduce barriers to participation
9 in the Senior Reserve Officers' Training Corps at
10 the covered institution concerned as the Secretary
11 considers appropriate, including measures to miti-
12 gate travel time and expenses in connection with re-
13 ceipt of Senior Reserve Officers' Training Corps in-
14 struction.

15 (d) PILOT PROGRAM ON FINANCIAL ASSISTANCE FOR
16 SROTC MEMBERS FOR FLIGHT TRAINING.—

17 (1) ELIGIBILITY FOR PARTICIPATION BY SROTC
18 MEMBERS.—A member of a Senior Reserve Officers'
19 Training Corps unit at a covered institution may
20 participate in the pilot program authorized by sub-
21 section (a)(2) if the member meets such academic
22 requirements at the covered institution, and such
23 other requirements, as the Secretary shall establish
24 for purposes of the pilot program.

1 (2) PREFERENCE IN SELECTION OF PARTICI-
2 PANTS.—In selecting members under this subsection
3 for participation in the pilot program authorized by
4 subsection (a)(2), the Secretary shall give a pref-
5 erence to members who will pursue flight training
6 under the pilot program at a covered institution.

7 (3) FINANCIAL ASSISTANCE FOR FLIGHT TRAIN-
8 ING.—

9 (A) IN GENERAL.—The Secretary may
10 provide any member of a Senior Reserve Offi-
11 cers' Training Corps who participates in the
12 pilot program authorized by subsection (a)(2)
13 financial assistance to defray, whether in whole
14 or in part, the charges and fees imposed on the
15 member for flight training.

16 (B) FLIGHT TRAINING.—Financial assist-
17 ance may be used under subparagraph (A) for
18 a course of flight training only if the course
19 meets Federal Aviation Administration stand-
20 ards and is approved by the Federal Aviation
21 Administration and the applicable State approv-
22 ing agency.

23 (C) USE.—Financial assistance received by
24 a member under subparagraph (A) may be used

1 only to defray the charges and fees imposed on
2 the member as described in that subparagraph.

3 (D) CESSATION OF ELIGIBILITY.—Finan-
4 cial assistance may not be provided to a mem-
5 ber under subparagraph (A) as follows:

6 (i) If the member ceases to meet the
7 academic and other requirements estab-
8 lished pursuant to paragraph (1).

9 (ii) If the member ceases to be a
10 member of the Senior Reserve Officers'
11 Training Corps.

12 (e) EVALUATION METRICS.—The Secretary of De-
13 fense shall establish metrics to evaluate the effectiveness
14 of the pilot programs under subsection (a).

15 (f) REPORTS.—

16 (1) INITIAL REPORT.—Not later than 180 days
17 after the commencement of the pilot programs under
18 subsection (a), the Secretary of Defense shall submit
19 to the Committees on Armed Services of the Senate
20 and the House of Representatives a report on the
21 pilot programs. The report shall include the fol-
22 lowing:

23 (A) A description of each pilot program,
24 including in the case of the pilot program under

1 subsection (a)(2) the requirements established
2 pursuant to subsection (d)(1).

3 (B) The evaluation metrics established
4 under subsection (e).

5 (C) Such other matters relating to the
6 pilot programs as the Secretary considers ap-
7 propriate.

8 (2) ANNUAL REPORT.—Not later than 90 days
9 after the end of each fiscal year in which the Sec-
10 retary carries out the pilot programs, the Secretary
11 shall submit to the Committees on Armed Services
12 of the Senate and the House of Representatives a
13 report on the pilot programs during such fiscal year.
14 Each report shall include, for the fiscal year covered
15 by such report, the following:

16 (A) In the case of the pilot program under
17 subsection (a)(1), a description of the partner-
18 ships between satellite or extension Senior Re-
19 serve Officers' Training Corps units and mili-
20 tary installations under the pilot program.

21 (B) In the case of the pilot program under
22 subsection (a)(2), the following:

23 (i) The number of members of Senior
24 Reserve Officers' Training Corps units at
25 covered institutions selected for purposes

1 of the pilot program, including the number
2 of such members participating in the pilot
3 program.

4 (ii) The number of recipients of finan-
5 cial assistance provided under the pilot
6 program, including the number who—

7 (I) completed a ground school
8 course of instruction in connection
9 with obtaining a private pilot's certifi-
10 cate;

11 (II) completed flight training,
12 and the type of training, certificate, or
13 both received;

14 (III) were selected for a pilot
15 training slot in the Armed Forces;

16 (IV) initiated pilot training in the
17 Armed Forces; or

18 (V) successfully completed pilot
19 training in the Armed Forces.

20 (iii) The amount of financial assist-
21 ance provided under the pilot program,
22 broken out by covered institution, course of
23 study, and such other measures as the Sec-
24 retary considers appropriate.

1 (C) Data collected in accordance with the
2 evaluation metrics established under subsection
3 (e).

4 (3) FINAL REPORT.—Not later than 180 days
5 prior to the completion of the pilot programs, the
6 Secretary shall submit to the Committees on Armed
7 Services of the Senate and the House of Representa-
8 tives a report on the pilot programs. The report
9 shall include the following:

10 (A) A description of the pilot programs.

11 (B) An assessment of the effectiveness of
12 each pilot program.

13 (C) A description of the cost of each pilot
14 program, and an estimate of the cost of making
15 each pilot program permanent.

16 (D) An estimate of the cost of expanding
17 each pilot program throughout all eligible Sen-
18 ior Reserve Officers' Training Corps units.

19 (E) Such recommendations for legislative
20 or administrative action as the Secretary con-
21 siders appropriate in light of the pilot pro-
22 grams, including recommendations for extend-
23 ing or making permanent the authority for each
24 pilot program.

25 (g) DEFINITIONS.—In this section:

1 (1) The term “covered institution” has the
2 meaning given that term in section 262(g)(2) of the
3 National Defense Authorization Act for Fiscal Year
4 2020 (Public Law 116–92).

5 (2) The term “flight training” means a course
6 of instruction toward obtaining any of the following:

7 (A) A private pilot’s certificate.

8 (B) A commercial pilot certificate.

9 (C) A certified flight instructor certificate.

10 (D) A multi-crew pilot’s license.

11 (E) A flight instrument rating.

12 (F) Any other certificate, rating, or pilot
13 privilege the Secretary considers appropriate for
14 purposes of this section.

15 (3) The term “military installation” means an
16 installation of the Department of Defense for the
17 regular components of the Armed Forces.

18 **SEC. 547. EXPANSION OF JUNIOR RESERVE OFFICERS’**

19 **TRAINING CORPS PROGRAM.**

20 (a) **EXPANSION OF JROTC CURRICULUM.**—Section
21 2031(a)(2) of title 10, United States Code, is amended
22 by inserting after “service to the United States” the fol-
23 lowing: “(including an introduction to service opportuni-
24 ties in military, national, and public service)”.

1 (b) PLAN TO INCREASE NUMBER OF JROTC
2 UNITS.—The Secretary of Defense shall, in consultation
3 with the Secretaries of the military departments, develop
4 and implement a plan to establish and support not fewer
5 than 6,000 units of the Junior Reserve Officers' Training
6 Corps by September 30, 2031.

7 **SEC. 548. DEPARTMENT OF DEFENSE STARBASE PROGRAM.**

8 Section 2193b(h) of title 10, United States Code, is
9 amended by inserting “the Commonwealth of the North-
10 ern Mariana Islands, American Samoa,” before “and
11 Guam”.

12 **Subtitle F—Decorations and**
13 **Awards**

14 **SEC. 551. AWARD OR PRESENTATION OF DECORATIONS FA-**
15 **VORABLY RECOMMENDED FOLLOWING DE-**
16 **TERMINATION ON MERITS OF PROPOSALS**
17 **FOR DECORATIONS NOT PREVIOUSLY SUB-**
18 **MITTED IN A TIMELY FASHION.**

19 (a) AWARD OR PRESENTATION AUTHORIZED.—Sec-
20 tion 1130 of title 10, United States Code, is amended—

21 (1) by redesignating subsection (d) as sub-
22 section (e); and

23 (2) by inserting after subsection (e) the fol-
24 lowing new subsection (d):

1 “(d)(1) A decoration may be awarded or presented
2 following the submission of a favorable recommendation
3 for the award or presentation of the decoration under sub-
4 section (b).

5 “(2) An award or presentation of a decoration under
6 paragraph (1) may not occur before the end of the 60-
7 day period beginning on the date of the submission under
8 subsection (b) of the favorable recommendation regarding
9 the award or presentation of the decoration.

10 “(3) The authority to make an award or presentation
11 of a decoration under this subsection shall apply notwith-
12 standing any limitation described in subsection (a).”.

13 (b) CONFORMING AND CLERICAL AMENDMENTS.—

14 (1) SECTION HEADING.—The heading of section
15 1130 of such title is amended to read as follows:

16 **“§ 1130. Consideration of proposals for decorations**
17 **not previously submitted in timely fash-**
18 **ion: procedures for review and award or**
19 **presentation”.**

20 (2) TABLE OF SECTIONS.—The table of sections
21 at the beginning of chapter 57 of such title is
22 amended by striking the item relating to section
23 1130 and inserting the following new item:

 “1130. Consideration of proposals for decorations not previously submitted in
 timely fashion: procedures for review and award or presen-
 tation.”.

1 **SEC. 552. HONORARY PROMOTION MATTERS.**

2 (a) HONORARY PROMOTIONS ON INITIATIVE OF
3 DoD.—Chapter 80 of title 10, United States Code, is
4 amended by inserting after section 1563 the following new
5 section:

6 **“§ 1563a. Honorary promotions on the initiative of**
7 **the Department of Defense**

8 “(a) IN GENERAL.—(1) Under regulations prescribed
9 by the Secretary of Defense, the Secretary may make an
10 honorary promotion (whether or not posthumous) of a
11 former member or retired member of the armed forces to
12 any grade not exceeding the grade of major general, rear
13 admiral (upper half), or an equivalent grade in the Space
14 Force if the Secretary determines that the promotion is
15 merited.

16 “(2) The authority to make an honorary promotion
17 under this subsection shall apply notwithstanding that the
18 promotion is not otherwise authorized by law.

19 “(b) NOTICE TO CONGRESS.—The Secretary may not
20 make an honorary promotion pursuant to subsection (a)
21 until 60 days after the date on which the Secretary sub-
22 mits to the Committees on Armed Services of the Senate
23 and the House of Representatives a notice of the deter-
24 mination to make the promotion, including a detailed dis-
25 cussion of the rationale supporting the determination.

1 “(c) NOTICE OF PROMOTION.—Upon making an hon-
2 orary promotion pursuant to subsection (a), the Secretary
3 shall expeditiously notify the former member or retired
4 member concerned, or the next of kin of such former mem-
5 ber or retired member if such former member or retired
6 member is deceased, of the promotion.

7 “(d) NATURE OF PROMOTION.—Any promotion pur-
8 suant to this section is honorary, and shall not affect the
9 pay, retired pay, or other benefits from the United States
10 to which the former member or retired member concerned
11 is entitled or would have been entitled based on the mili-
12 tary service of such former member or retired member,
13 nor affect any benefits to which any other person is or
14 may become entitled based on the military service of such
15 former member or retired member.”.

16 (b) MODIFICATION OF AUTHORITIES ON REVIEW OF
17 PROPOSALS FROM CONGRESS.—

18 (1) STANDARDIZATION OF AUTHORITIES WITH
19 AUTHORITIES ON DOD INITIATIVE.—Section 1563 of
20 title 10, United States Code, is amended—

21 (A) in subsection (a)—

22 (i) in the first sentence, by striking
23 “the posthumous or honorary promotion or
24 appointment of a member or former mem-
25 ber of the armed forces, or any other per-

1 son considered qualified,” and inserting
2 “the honorary promotion (whether or not
3 posthumous) of a former member or re-
4 tired member of the armed forces”; and

5 (ii) in the second sentence, by striking
6 “the posthumous or honorary promotion or
7 appointment” and inserting “the pro-
8 motion”; and

9 (B) in subsection (b), by striking “the
10 posthumous or honorary promotion or appoint-
11 ment” and inserting “the honorary promotion”.

12 (2) AUTHORITY TO MAKE HONORARY PRO-
13 MOTIONS FOLLOWING REVIEW OF PROPOSALS.—
14 Such section is further amended—

15 (A) by redesignating subsection (c) as sub-
16 section (d); and

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

19 “(c) AUTHORITY TO MAKE.—(1) Under regulations
20 prescribed by the Secretary of Defense, the Secretary of
21 Defense may make an honorary promotion (whether or not
22 posthumous) of a former member or retired member of
23 the armed forces to any grade not exceeding the grade
24 of major general, rear admiral (upper half), or an equiva-
25 lent grade in the Space Force following the submittal of

1 the determination of the Secretary concerned under sub-
2 section (b) in connection with the proposal for the pro-
3 motion if the determination is to approve the making of
4 the promotion.

5 “(2) The Secretary of Defense may not make an hon-
6 orary promotion under this subsection until 60 days after
7 the date on which the Secretary concerned submits the
8 determination in connection with the proposal for the pro-
9 motion under subsection (b), and the detailed rationale
10 supporting the determination as described in that sub-
11 section, to the Committees on Armed Services of the Sen-
12 ate and the House of Representatives and the requesting
13 Member in accordance with that subsection.

14 “(3) The authority to make an honorary promotion
15 under this subsection shall apply notwithstanding that the
16 promotion is not otherwise authorized by law.

17 “(4) Any promotion pursuant to this subsection is
18 honorary, and shall not affect the pay, retired pay, or
19 other benefits from the United States to which the former
20 member or retired member concerned is or would have
21 been entitled based upon the military service of such
22 former member or retired member, nor affect any benefits
23 to which any other person may become entitled based on
24 the military service of such former member or retired
25 member.”.

1 (3) HEADING AMENDMENT.—The heading of
2 such section is amended to read as follows:

3 **“§ 1563. Consideration of proposals from Members of**
4 **Congress for honorary promotions: proce-**
5 **dures for review and promotion”.**

6 (c) CLERICAL AMENDMENT.—The table of sections
7 at the beginning of chapter 80 of such title is amended
8 by striking the item relating to section 1563 and inserting
9 the following new items:

“1563. Consideration of proposals from Members of Congress for honorary pro-
motions: procedures for review and promotion.

“1563a. Honorary promotions on the initiative of the Department of Defense.”.

10 **Subtitle G—Defense Dependents’**
11 **Education and Military Family**
12 **Readiness Matters**

13 **PART I—DEFENSE DEPENDENTS’ EDUCATION**
14 **MATTERS**

15 **SEC. 561. CONTINUATION OF AUTHORITY TO ASSIST LOCAL**
16 **EDUCATIONAL AGENCIES THAT BENEFIT DE-**
17 **PENDENTS OF MEMBERS OF THE ARMED**
18 **FORCES AND DEPARTMENT OF DEFENSE CI-**
19 **VILIAN EMPLOYEES.**

20 (a) ASSISTANCE TO SCHOOLS WITH SIGNIFICANT
21 NUMBERS OF MILITARY DEPENDENT STUDENTS.—Of the
22 amount authorized to be appropriated for fiscal year 2021
23 by section 301 and available for operation and mainte-
24 nance for Defense-wide activities as specified in the fund-

1 ing table in section 4301, \$50,000,000 shall be available
2 only for the purpose of providing assistance to local edu-
3 cational agencies under subsection (a) of section 572 of
4 the National Defense Authorization Act for Fiscal Year
5 2006 (Public Law 109–163; 20 U.S.C. 7703b).

6 (b) LOCAL EDUCATIONAL AGENCY DEFINED.—In
7 this section, the term “local educational agency” has the
8 meaning given that term in section 7013(9) of the Ele-
9 mentary and Secondary Education Act of 1965 (20 U.S.C.
10 7713(9)).

11 **SEC. 562. IMPACT AID FOR CHILDREN WITH SEVERE DIS-**
12 **ABILITIES.**

13 (a) IN GENERAL.—Of the amount authorized to be
14 appropriated for fiscal year 2021 pursuant to section 301
15 and available for operation and maintenance for Defense-
16 wide activities as specified in the funding table in section
17 4301, \$10,000,000 shall be available for payments under
18 section 363 of the Floyd D. Spence National Defense Au-
19 thorization Act for Fiscal Year 2001 (as enacted into law
20 by Public Law 106–398; 114 Stat. 1654A–77; 20 U.S.C.
21 7703a).

22 (b) ADDITIONAL AMOUNT.—Of the amount author-
23 ized to be appropriated for fiscal year 2021 pursuant to
24 section 301 and available for operation and maintenance
25 for Defense-wide activities as specified in the funding table

1 in section 4301, \$10,000,000 shall be available for use by
2 the Secretary of Defense to make payments to local edu-
3 cational agencies determined by the Secretary to have
4 higher concentrations of military children with severe dis-
5 abilities.

6 (c) REPORT.—Not later than March 1, 2021, the
7 Secretary shall brief the Committees on Armed Services
8 of the Senate and the House of Representatives on the
9 Department's evaluation of each local educational agency
10 with higher concentrations of military children with severe
11 disabilities and subsequent determination of the amounts
12 of impact aid each such agency shall receive.

13 **SEC. 563. STAFFING OF DEPARTMENT OF DEFENSE EDU-**
14 **CATION ACTIVITY SCHOOLS TO MAINTAIN**
15 **MAXIMUM STUDENT-TO-TEACHER RATIOS.**

16 (a) IN GENERAL.—The Department of Defense Edu-
17 cation Activity (DoDEA) shall staff elementary and sec-
18 ondary schools operated by the Activity so as to maintain,
19 to the extent practicable, student-to-teacher ratios that do
20 not exceed the maximum student-to-teacher ratios speci-
21 fied in subsection (b).

22 (b) MAXIMUM STUDENT-TO-TEACHER RATIOS.—The
23 maximum student-to-teacher ratios specified in this sub-
24 section are the following:

1 (2) INFORMATION.—The information collected
2 and maintained pursuant to this subsection shall in-
3 clude the following:

4 (A) The number of special education dis-
5 putes filed.

6 (B) The outcome or disposition of the dis-
7 putes.

8 (3) SOURCE OF INFORMATION.—The informa-
9 tion collected and maintained pursuant to this sub-
10 section shall be derived from the following:

11 (A) Records and reports of case managers
12 and navigators under the Exceptional Family
13 Member Program (EFMP) of the Department
14 of Defense.

15 (B) Reports of members of the Armed
16 Forces concerned to installation or other mili-
17 tary leadership.

18 (C) Such other sources as the Secretary of
19 the military department concerned considers ap-
20 propriate.

21 (4) ANNUAL REPORTS.— Each Secretary of a
22 military department shall submit each year to the
23 Office of Special Needs of the Department of De-
24 fense a report on the information collected by such

1 Secretary pursuant to this subsection during the
2 preceding year.

3 (b) COMPTROLLER GENERAL OF THE UNITED
4 STATES STUDY.—

5 (1) IN GENERAL.—The Comptroller General of
6 the United States shall conduct a study on the fol-
7 lowing:

8 (A) The consequences for a State or local
9 educational agency of a finding of failure to
10 provide a free appropriate public education to a
11 military dependent.

12 (B) The manner in which local educational
13 agencies with military families use the fol-
14 lowing:

15 (i) Funds received under section
16 7003(d) of the Elementary and Secondary
17 Education Act of 1965 (20 U.S.C.
18 7703(d)).

19 (ii) Funds authorized to be appro-
20 priated by annual national defense author-
21 ization Acts and made available for impact
22 aid for child with severe disabilities under
23 section 363 of the Floyd D. Spence Na-
24 tional Defense Authorization Act for Fiscal
25 Year 2001 (20 U.S.C. 7703a).

1 (iii) Funds authorized to be appro-
2 priated by annual national defense author-
3 ization Acts and made available for assist-
4 ance to schools with significant number of
5 military dependent students under sub-
6 section (a) of section 572 of the National
7 Defense Authorization Act for Fiscal Year
8 2006 (20 U.S.C. 7703b).

9 (C) The efficacy of attorney and other
10 legal support for military families in special
11 education disputes.

12 (D) The standardization of policies and
13 guidance for School Liaison Officers between
14 the Office of Special Needs of the Department
15 of Defense and the military departments, and
16 the efficacy of such policies and guidance.

17 (E) The improvements of family support
18 programs of the Office of Special Needs, and of
19 each military department, in light of the rec-
20 ommendations of the Comptroller General in
21 the report entitled “DOD Should Improve Its
22 Oversight of the Exceptional Family Member
23 Program”, GAO-18-348.

1 (2) RECOMMENDATIONS.—In conducting the
2 study, the Comptroller General shall develop rec-
3 ommendations on the following:

4 (A) Improvements and enhancements to
5 oversight and enforcement of compliance by
6 local educational agencies with requirements for
7 the provision of a free appropriate public edu-
8 cation to military dependents with special
9 needs.

10 (B) Improvements to the policies of the Of-
11 fice of Special Needs, and of each military de-
12 partment, with respect to the standardization
13 and efficacy of policies and programs for mili-
14 tary dependents with special needs.

15 (3) DEADLINE FOR COMPLETION.—The Comp-
16 troller General shall complete the study by not later
17 than March 31, 2021.

18 (4) BRIEFING AND REPORT.—Upon completion
19 of the study, the Comptroller General shall brief the
20 Committees on Armed Services of the Senate and
21 the House of Representatives on the results of the
22 study, and shall submit to such committees a report
23 on such results.

24 (c) DEFINITIONS.—In this section:

1 (1) The term “free appropriate public edu-
2 cation” includes appropriate special education and
3 related services required under the Individuals with
4 Disabilities Education Act (20 U.S.C. 1400 et seq.)

5 (2) The term “local educational agency” has
6 the meaning given that term in section 8101 of the
7 Elementary and Secondary Education Act of 1965
8 (20 U.S.C. 7801).

9 (3) The term “special education dispute” means
10 a complaint filed regarding the education provided a
11 child with a disability (as defined in section 602 of
12 the Individuals with Disabilities Education Act (20
13 U.S.C. 1401), including a complaint filed in accord-
14 ance with section 615 or 639 of such Act (20 U.S.C.
15 1415, 1439).

16 **SEC. 565. PILOT PROGRAM ON EXPANDED ELIGIBILITY FOR**
17 **DEPARTMENT OF DEFENSE EDUCATION AC-**
18 **TIVITY VIRTUAL HIGH SCHOOL PROGRAM.**

19 (a) PILOT PROGRAM REQUIRED.—

20 (1) IN GENERAL.—The Secretary of Defense
21 shall carry out a pilot program on permitting de-
22 pendents of members of the Armed Forces on active
23 duty to enroll in the Department of Defense Edu-
24 cation Activity Virtual High School program (in this
25 section referred to as the “DVHS program”).

1 (2) PURPOSES.—The purposes of the pilot pro-
2 gram shall be as follows:

3 (A) To evaluate the feasibility and
4 scalability of the DVHS program.

5 (B) To assess the impact of expanded en-
6 rollment in the DVHS program under the pilot
7 program on military and family readiness.

8 (3) DURATION.—The duration of the pilot pro-
9 gram shall be four academic years.

10 (b) PARTICIPANTS.—

11 (1) IN GENERAL.—Participants in the pilot pro-
12 gram shall be selected by the Secretary from among
13 dependents of members of the Armed Forces on ac-
14 tive duty who—

15 (A) are in a grade 9 through 12;

16 (B) are currently ineligible to enroll in the
17 DVHS program; and

18 (C) either—

19 (i) require supplementary courses to
20 meet graduation requirements in the cur-
21 rent State of residence; or

22 (ii) otherwise demonstrate to the Sec-
23 retary a clear need to participate in the
24 DVHS program.

1 (2) PREFERENCE IN SELECTION.—In selecting
2 participants in the pilot program, the Secretary shall
3 afford a preference to the following:

4 (A) Dependents who reside in a rural area.

5 (B) Dependents who are home-schooled
6 students.

7 (3) LIMITATIONS.—The total number of course
8 enrollments per academic year authorized under the
9 pilot program may not exceed 400 course enroll-
10 ments. No single dependent participating in the pilot
11 program may take more than two courses per aca-
12 demic year under the pilot program.

13 (c) REPORTS.—

14 (1) INTERIM REPORT.—Not later than two
15 years after the date of the enactment of this Act, the
16 Secretary shall submit to the Committees on Armed
17 Services of the Senate and the House of Representa-
18 tives an interim report on the pilot program.

19 (2) FINAL REPORT.—Not later than 180 days
20 after the completion of the pilot program, the Sec-
21 retary shall submit to the committees of Congress
22 referred to in paragraph (1) a final report on the
23 pilot programs.

24 (3) ELEMENTS.—Each report under this sub-
25 section shall include the following:

1 (A) A description of the demographics of
2 the dependents participating in the pilot pro-
3 gram through the date of such report.

4 (B) Data on, and an assessment of, stu-
5 dent performance in virtual coursework by de-
6 pendents participating in the pilot program over
7 the duration of the pilot program.

8 (C) Such recommendation as the Secretary
9 considers appropriate on whether to make the
10 pilot program permanent.

11 (d) DEFINITIONS.—In this section:

12 (1) The term “rural area” has the meaning
13 given the term in section 520 of the Housing Act of
14 1949 (42 U.S.C. 1490).

15 (2) The term “home-schooled student” means a
16 student in a grade equivalent to grade 9 through 12
17 who receives educational instruction at home or by
18 other non-traditional means outside of a public or
19 private school system, either all or most of the time.

20 **SEC. 566. PILOT PROGRAM ON EXPANSION OF ELIGIBILITY**
21 **FOR ENROLLMENT AT DOMESTIC DEPEND-**
22 **ENT ELEMENTARY AND SECONDARY**
23 **SCHOOLS.**

24 (a) PILOT PROGRAM REQUIRED.—Beginning not
25 later than 180 days after the date of the enactment of

1 this Act, the Secretary of Defense shall carry out a pilot
2 program under which a dependent of a full-time, active-
3 duty member of the Armed Forces may enroll in a covered
4 DODEA school at the military installation to which the
5 member is assigned, on a space-available basis as de-
6 scribed in subsection (c), without regard to whether the
7 member resides on the installation as described in
8 2164(a)(1) of title 10, United States Code.

9 (b) PURPOSES.—The purposes of the pilot program
10 under this section are—

11 (1) to evaluate the feasibility and advisability of
12 expanding enrollment in covered DODEA schools;
13 and

14 (2) to determine how increased access to such
15 schools will affect military and family readiness.

16 (c) ENROLLMENT ON SPACE-AVAILABLE BASIS.—A
17 student participating in the pilot program under this sec-
18 tion may be enrolled in a covered DODEA school only if
19 the school has the capacity to accept the student, as deter-
20 mined by the Director of the Department of Defense Edu-
21 cation Activity.

22 (d) LOCATIONS.—The Secretary of Defense shall
23 carry out the pilot program under this section at not more
24 than four military installations at which covered DODEA
25 schools are located. The Secretary shall select military in-

1 stallations for participation in the pilot program based
2 on—

3 (1) the readiness needs of the Secretary of a
4 the military department concerned; and

5 (2) the capacity of the DODEA schools located
6 at the installation to accept additional students, as
7 determined by the Director of the Department of
8 Defense Education Activity.

9 (e) TERMINATION.—The authority to carry out the
10 pilot program under this section shall terminate four years
11 after the date of the enactment of this Act.

12 (f) COVERED DODEA SCHOOL DEFINED.—In this
13 section, the term “covered DODEA school” means a do-
14 mestic dependent elementary or secondary school operated
15 by the Department of Defense Education Activity that—

16 (1) has been established on or before the date
17 of the enactment of this Act; and

18 (2) is located in the continental United States.

19 **SEC. 567. COMPTROLLER GENERAL OF THE UNITED**
20 **STATES REPORT ON THE STRUCTURAL CON-**
21 **DITION OF DEPARTMENT OF DEFENSE EDU-**
22 **CATION ACTIVITY SCHOOLS.**

23 (a) REPORT REQUIRED.—Not later than one year
24 after the date of the enactment of this Act, the Comp-
25 troller General of the United States shall submit to the

1 congressional defense committees a report setting forth an
2 assessment by the Comptroller General of the structural
3 condition of schools of the Department of Defense Edu-
4 cation Activity, both within the continental United States
5 (CONUS) and outside the continental United States
6 (OCONUS).

7 (b) VIRTUAL SCHOOLS.—The report shall include an
8 assessment of the virtual infrastructure or other means
9 by which students attend Department of Defense Edu-
10 cation Activity schools that have no physical structure, in-
11 cluding the satisfaction of the military families concerned
12 with such infrastructure or other means.

13 **PART II—MILITARY FAMILY READINESS**

14 **MATTERS**

15 **SEC. 571. RESPONSIBILITY FOR ALLOCATION OF CERTAIN** 16 **FUNDS FOR MILITARY CHILD DEVELOPMENT** 17 **PROGRAMS.**

18 Section 1791 of title 10, United States Code, is
19 amended—

20 (1) by inserting “(a) POLICY.—” before “It is
21 the policy”; and

22 (2) by adding at the end the following new sub-
23 section:

24 “(b) RESPONSIBILITY FOR ALLOCATIONS OF CER-
25 TAIN FUNDS.—The Secretary of Defense shall be respon-

1 sible for the allocation of Office of the Secretary of De-
2 fense level funds for military child development programs
3 for children from birth through 12 years of age, and may
4 not delegate such responsibility to the military depart-
5 ments.”.

6 **SEC. 572. IMPROVEMENTS TO EXCEPTIONAL FAMILY MEM-**
7 **BER PROGRAM.**

8 Section 1781c of title 10, United States Code is
9 amended—

10 (1) in subsection (b), by striking “enhance” and
11 inserting “standardize, enhance”;

12 (2) in subsection (c)(1), by inserting “and
13 standard” after “comprehensive”;

14 (3) in subsection (d)—

15 (A) in paragraph (1), by striking “update
16 from time to time” and inserting “regularly up-
17 date”;

18 (B) in paragraph (3), by adding at the end
19 the following new subparagraphs:

20 “(C) Ability to request a second review of
21 the approved assignment within or outside the
22 continental United States if the member be-
23 lieves the location is inappropriate for the mem-
24 ber’s family and would cause undue hardship.

1 “(D) Protection from having a medical rec-
2 ommendation for an approved assignment
3 overridden by the commanding officer.

4 “(E) Ability to request continuation of lo-
5 cation when there is a documented substantial
6 risk of transferring medical care or educational
7 services to a new provider or school at the spe-
8 cific time of permanent change of station.

9 “(F) If an order for assignment is declined
10 for a military family with special needs, the
11 member will receive a reason for the decline of
12 that order.”; and

13 (C) in paragraph (4), by adding at the end
14 the following new subparagraphs:

15 “(H) Procedures to right-size the Depart-
16 ment’s Exceptional Family Member Program to
17 ensure efficient and effective enrollment, for
18 sufficient staffing dedicated to providing family
19 support services, to include comprehensive
20 training, education and outreach services, and
21 sufficient oversight and administrative support
22 for effective program operation.

23 “(I) Requirements to prohibit
24 disenrollment from the Exceptional Family
25 Member Program unless there is new sup-

1 porting medical or educational information that
2 indicates the original condition is no longer
3 present, and to track disenrollment data per
4 military service.”;

5 (4) by redesignating subsections (f), (g), and
6 (h) as subsections (g), (h), and (i), respectively; and

7 (5) by inserting after subsection (e) the fol-
8 lowing new subsection:

9 “(f) METRICS.—The Secretary of Defense shall im-
10 plement performance metrics for measuring, across the
11 Department and with respect to each military department,
12 the following:

13 “(1) Assignment coordination and support for
14 military families with special needs, including a sys-
15 tematic process for evaluating each military depart-
16 ment’s program for the support of military families
17 with special needs.

18 “(2) The reassignment of military families with
19 special needs, including how often members request
20 reassignments, for what reasons, and from what
21 military installations.

22 “(3) The level of satisfaction of military fami-
23 lies with special needs with the family and medical
24 support they are provided.”.

1 **SEC. 573. PROCEDURES OF THE OFFICE OF SPECIAL NEEDS**
2 **FOR THE DEVELOPMENT OF INDIVIDUALIZED**
3 **SERVICES PLANS FOR MILITARY FAMILIES**
4 **WITH SPECIAL NEEDS.**

5 Section 1781c(d)(4) of title 10, United States Code,
6 as amended by section 572(3)(C) of this Act, is further
7 amended—

8 (1) in subparagraph (F), by striking “of an in-
9 dividualized services plan (medical and educational)”
10 and inserting “by an appropriate office of an indi-
11 vidualized services plan (whether medical, edu-
12 cational, or both)”;

13 (2) by redesignating subparagraphs (G), (H),
14 and (I) as subparagraph (H), (I), and (J), respec-
15 tively; and

16 (3) by inserting after subparagraph (F) the fol-
17 lowing new paragraph (G):

18 “(G) Procedures for the development of an indi-
19 vidualized services plan for military family members
20 with special needs who have requested family sup-
21 port services and have a completed family needs as-
22 sessment.”.

1 **SEC. 574. RESTATEMENT AND CLARIFICATION OF AUTHOR-**
2 **ITY TO REIMBURSE MEMBERS FOR SPOUSE**
3 **RELICENSING COSTS PURSUANT TO A PER-**
4 **MANENT CHANGE OF STATION.**

5 (a) IN GENERAL.—Section 453 of title 37, United
6 States Code, is amended by adding at the end the fol-
7 lowing new subsection:

8 “(g) REIMBURSEMENT OF QUALIFYING SPOUSE RE-
9 LICENSING COSTS INCIDENT TO A MEMBER’S PERMA-
10 NENT CHANGE OF STATION OR ASSIGNMENT.—(1) From
11 amounts otherwise made available for a fiscal year to pro-
12 vide travel and transportation allowances under this chap-
13 ter, the Secretary concerned may reimburse a member of
14 the armed forces for qualified relicensing costs of the
15 spouse of the member when—

16 “(A) the member is reassigned, either as a per-
17 manent change of station or permanent change of
18 assignment, between duty stations located in sepa-
19 rate jurisdictions with unique licensing or certifi-
20 cation requirements and authorities; and

21 “(B) the movement of the member’s dependents
22 is authorized at the expense of the United States
23 under this section as part of the reassignment.

24 “(2) Reimbursement provided to a member under
25 this subsection may not exceed \$1000 in connection with
26 each reassignment described in paragraph (1).

1 “(3) No reimbursement may be provided under this
2 subsection for qualified relicensing costs paid or incurred
3 after December 31, 2024.

4 “(4) In this subsection, the term ‘qualified relicensing
5 costs’ means costs, including exam, continuing education
6 courses, and registration fees, incurred by the spouse of
7 a member if—

8 “(A) the spouse was licensed or certified in a
9 profession during the member’s previous duty as-
10 signment and requires a new license or certification
11 to engage in that profession in a new jurisdiction be-
12 cause of movement described in paragraph (1)(B) in
13 connection with the member’s change in duty loca-
14 tion pursuant to reassignment described in para-
15 graph (1)(A); and

16 “(B) the costs were incurred or paid to secure
17 or maintain the license or certification from the new
18 jurisdiction in connection with such reassignment.”.

19 (b) REPEAL OF SUPERSEDED AUTHORITY.—Section
20 476 of such title is amended by striking subsection (p).

21 **SEC. 575. IMPROVEMENTS TO DEPARTMENT OF DEFENSE**
22 **TRACKING OF AND RESPONSE TO INCIDENTS**
23 **OF CHILD ABUSE INVOLVING MILITARY DE-**
24 **PENDENTS ON MILITARY INSTALLATIONS.**

25 (a) IMPROVEMENTS REQUIRED.—

1 (1) IN GENERAL.—The Secretary of Defense
2 shall, consistent with recommendations of the Comp-
3 troller General of the United States in Government
4 Accountability Office report GA0–20–110, take ac-
5 tions in accordance with this section in order to im-
6 prove the efforts of the Department of Defense to
7 track and respond to incidents of child abuse involv-
8 ing dependents of members of the Armed Forces
9 that occur on military installations (in this section
10 referred to as “covered incidents of child abuse”).

11 (2) CHILD ABUSE.—For purposes of this sec-
12 tion, child abuse includes any abuse of a child, in-
13 cluding sexual abuse, emotional abuse, and neglect.

14 (b) DATA COLLECTION AND TRACKING OF INCI-
15 DENTS OF CHILD ABUSE.—

16 (1) TRACKING OF NON-CAREGIVER ABUSE.—
17 The Secretary of Defense shall establish a process
18 for the Department of Defense Family Advocacy
19 Program to track reported covered incidents of child
20 abuse in which the alleged offender is not a parent,
21 guardian, or someone in a caregiving role at the
22 time of the incident. The information so tracked
23 shall comport with the information tracked by the
24 Department of Defense in reported covered incidents
25 of child abuse in which the alleged offender is a par-

1 ent, guardian, or someone in a caregiving role at the
2 time of the incident.

3 (2) CENTRALIZED DATABASE FOR TRACKING OF
4 INCIDENTS.—

5 (A) IN GENERAL.—The Secretary shall de-
6 velop and maintain in the Department of De-
7 fense a centralized database to track informa-
8 tion across the Department on all covered inci-
9 dents of child abuse that are reported to the
10 Family Advocacy Program or investigated by a
11 military criminal investigation organization, re-
12 gardless of whether the alleged offender was an-
13 other child, an adult, or someone in a non-
14 caregiving role at the time of an incident.

15 (B) ELEMENTS.—The centralized database
16 required by this paragraph shall include, for
17 each incident within the database, the following:

18 (i) Information pertinent to a deter-
19 mination by the Family Advocacy Program
20 whether such incident meets the criteria of
21 the Department for treatment as an inci-
22 dent of child abuse.

23 (ii) The results of any investigation of
24 such incident by a military criminal inves-
25 tigation organization.

1 (iii) Information on the ultimate dis-
2 position of the incident, if any, including
3 any administrative or prosecutorial action
4 taken.

5 (C) ANNUAL REPORTS ON INFORMA-
6 TION.—The information collected and main-
7 tained in the centralized database shall be re-
8 ported on an annual basis as part of the annual
9 reports from the Family Advocacy Program on
10 child abuse and domestic abuse in the military
11 as required by section 574 of the National De-
12 fense Authorization Act for Fiscal Year 2017
13 (Public Law 114–328; 130 Stat. 2141).

14 (D) BRIEFINGS.—Not later than March
15 31, 2021, and every six months thereafter until
16 the centralized database required by this para-
17 graph is fully operational, the Secretary shall
18 brief the Committees on Armed Services of the
19 Senate and the House of Representatives on the
20 status of the database.

21 (3) DEPARTMENT OF DEFENSE EDUCATION AC-
22 TIVITY GUIDANCE.—The Department of Defense
23 Education Activity (DoDEA) shall issue clarifica-
24 tions of its guidance on the incidents of child-on-
25 child abuse that qualify as serious incidents for pur-

1 poses of requirements for the reporting of such seri-
2 ous incidents by school administrators to Activity
3 leadership.

4 (c) RESPONSE PROCEDURES.—

5 (1) INCIDENT DETERMINATION COMMITTEE
6 MEMBERSHIP.—The Department of Defense Family
7 Advocacy Program shall ensure that the voting
8 membership of each Incident Determination Com-
9 mittee on a military installation includes medical
10 personnel with the requisite knowledge and expertise
11 to determine whether a reported covered incident of
12 abuse meets the criteria of the Department of De-
13 fense for treatment as child abuse.

14 (2) SCREENING REPORTED INCIDENTS OF
15 CHILD ABUSE.—

16 (A) DEVELOPMENT OF STANDARDIZED
17 PROCESS.—The Department of Defense Family
18 Advocacy Program shall develop a standardized
19 process by which the Family Advocacy Pro-
20 grams of the military departments screen re-
21 ported covered incidents of child abuse to deter-
22 mine whether to present such incident to an In-
23 cident Determination Committee.

24 (B) MONITORING.—The Secretary of each
25 military department shall develop a process to

1 monitor the manner in which reported covered
2 incidents of child abuse are screened by each in-
3 stallation under the jurisdiction of such Sec-
4 retary in order to ensure that such screening
5 complies with the standardized screening proc-
6 ess developed pursuant to subparagraph (A).

7 (3) REQUIRED NOTIFICATIONS.—

8 (A) DOCUMENTATION.—The Secretary of
9 each military department shall require that in-
10 stallation Family Advocacy Programs and mili-
11 tary criminal investigation organizations under
12 the jurisdiction of such Secretary document in
13 their respective databases the date on which
14 they notified the other of a reported covered in-
15 cident of child abuse.

16 (B) OVERSIGHT.—The Secretary of each
17 military department shall require that the Fam-
18 ily Advocacy Program of such military depart-
19 ment, and the headquarters of the military
20 criminal investigation organizations of such
21 military department, to develop processes to
22 oversee the documentation of notifications re-
23 quired by subparagraph (A) in order to ensure
24 that such notifications occur on a consistent
25 basis at installation level.

1 (4) CERTIFIED PEDIATRIC SEXUAL ASSAULT
2 FORENSIC EXAMINERS.—

3 (A) GEOGRAPHIC REGIONS FOR EXAM-
4 INERS.—The Under Secretary of Defense for
5 Personnel and Readiness shall specify geo-
6 graphic regions in which military families reside
7 for purposes of the availability of and access to
8 certified pediatric sexual assault examiners in
9 such regions.

10 (B) AVAILABILITY.—The Under Secretary
11 shall ensure that—

12 (i) one or more certified pediatric sex-
13 ual assault examiners are located in each
14 geographic region specified pursuant to
15 subparagraph (A); and

16 (ii) examiners so located serve as cer-
17 tified pediatric sexual assault examiners
18 throughout such region, without regard to
19 Armed Force or installation.

20 (5) REMOVAL OF CHILDREN FROM UNSAFE
21 HOMES OVERSEAS.—The Secretary of Defense shall,
22 in consultation with the Secretaries of the military
23 departments, issue policy that clarifies and stand-
24 ardizes across the Armed Forces the circumstances

1 under which a commander may remove a child from
2 a potentially unsafe home at an installation overseas.

3 (6) RESOURCE GUIDE FOR FAMILIES AFFECTED
4 BY CHILD ABUSE.—

5 (A) IN GENERAL.—The Secretary of each
6 military department shall develop and maintain
7 a comprehensive guide on resources available
8 through the Department of Defense and such
9 military department for military families under
10 this jurisdiction of such Secretary who are af-
11 fected by child abuse.

12 (B) ELEMENTS.—Each guide under this
13 paragraph shall include the following:

14 (i) Information on the response proc-
15 esses of the Family Advocacy Programs
16 and military criminal investigation organi-
17 zations of the military department con-
18 cerned.

19 (ii) Lists of available support services,
20 such as legal, medical, and victim advocacy
21 services, through the Department of De-
22 fense and the military department con-
23 cerned.

24 (C) DISTRIBUTION.—A resource guide
25 under this paragraph shall be presented to a

1 military family by an installation Family Advocacy Program and military criminal investigation personnel at the time a covered incident of child abuse involving a child in such family is reported.

2 (D) AVAILABILITY ON INTERNET.—A current version of each resource guide under this paragraph shall be available to the public on an Internet website of the military department concerned available to the public.

3 (d) COORDINATION AND COLLABORATION WITH NON-MILITARY RESOURCES.—

4 (1) COORDINATION WITH STATES.—The Secretary of Defense shall—

5 (A) continue the outreach efforts of the Department of Defense to the States in order to ensure that States are notified when a member of the Armed Forces or a military dependent is involved in a reported incident of child abuse off a military installation; and

6 (B) increase efforts at information sharing between the Department and the States on such incidents of child abuse, including entry into memoranda of understanding with State child

1 welfare agencies on information sharing in con-
2 nection with such incidents.

3 (2) COLLABORATION WITH NATIONAL CHIL-
4 DREN'S ALLIANCE.—

5 (A) MEMORANDA OF UNDERSTANDING.—

6 The Secretary of each military department shall
7 seek to enter into a memorandum of under-
8 standing with the National Children's Alliance
9 under which—

10 (i) the children's advocacy center serv-
11 ices of the Alliance are available to all in-
12 stallations in the continental United States
13 under the jurisdiction of such Secretary;
14 and

15 (ii) members of the Armed Forces
16 under the jurisdiction of such Secretary
17 are made aware of the nature and avail-
18 ability of such services.

19 (B) PARTICIPATION OF CERTAIN ENTI-
20 TIES.—Each memorandum of understanding
21 under this paragraph shall provide for the ap-
22 propriate participation of the Family Advocacy
23 Program and military criminal investigation or-
24 ganizations of the military department con-

1 cerned in activities under such memorandum of
2 understanding.

3 (C) BRIEFING.—Not later than one year
4 after the date of the enactment of this Act, the
5 Secretary of each military department shall pro-
6 vide to the Committees on Armed Services of
7 the Senate and the House of Representatives a
8 briefing on the status of the development of a
9 memorandum of understanding with the Na-
10 tional Children’s Alliance under this paragraph,
11 together with information on which installa-
12 tions, if any, under the jurisdiction of such Sec-
13 retary have entered into a written agreement
14 with a local children’s advocacy center with re-
15 spect to child abuse on such installations.

16 **SEC. 576. MILITARY CHILD CARE AND CHILD DEVELOP-**
17 **MENT CENTER MATTERS.**

18 (a) CENTER FEES MATTERS.—Section 1793 of title
19 10, United States Code, is amended by adding at the end
20 the following new subsections:

21 “(c) LIBERAL ISSUANCE OF HARDSHIP WAIVERS.—
22 The regulations prescribed pursuant to subsection (a)
23 shall require that installation commanders issue waivers
24 of fees otherwise established under the regulations for in-
25 ability to pay (commonly referred to as ‘hardship waivers’)

1 on a liberal basis in a manner consistent (as specified by
2 the Secretary in such regulations) with ensuring that fees
3 collected pursuant to subsection (a) meet the operating ex-
4 penses of the child development centers concerned.

5 “(d) FAMILY DISCOUNT.—In the case of a family
6 with two or more children attending a child development
7 center, the regulations prescribed pursuant to subsection
8 (a) shall require that installations commanders charge a
9 fee for attendance at the center of any child of the family
10 after the first child of the family in amount equal to 85
11 percent of the amount of the fee otherwise chargeable for
12 the attendance of such child at the center.”.

13 (b) CHILD CARE FEE ASSISTANCE PROGRAMS
14 THROUGHOUT THE ARMED FORCES.—

15 (1) PROGRAMS AUTHORIZED.—Each Secretary
16 of a military department may carry out a program
17 for each Armed Force under the jurisdiction of such
18 Secretary under which a member of the Armed
19 Forces who is obtaining child care services from a
20 civilian child care services provider located off a mili-
21 tary installation is paid (subject to any limitation es-
22 tablished by such Secretary) a monthly amount
23 equal to the amount, if any, by which—

24 (A) the monthly amount charged by such
25 provider for such services; exceeds

1 (B) the monthly amount the military de-
2 partment concerned pays or otherwise provides
3 members at such installation for child care serv-
4 ices on such installation.

5 (2) MODEL.—Any program carried out pursu-
6 ant to paragraph (1) shall be modeled after the
7 Army Fee Assistance Program, and incorporate such
8 modifications to that Program as the Secretary of
9 the military department concerned considers appro-
10 priate.

11 (3) SECRETARY OF DEFENSE APPROVAL.—Any
12 program of an Armed Force under paragraph (1)
13 shall be subject to the approval of the Secretary of
14 Defense.

15 (c) ADDITIONAL ACTIONS TO OBTAIN QUALIFIED
16 CHILD CARE EMPLOYEES.—

17 (1) IN GENERAL.—Section 1792 of title 10,
18 United States Code, is amended—

19 (A) by redesignating subsection (d) as sub-
20 section (e); and

21 (B) by inserting after subsection (c) the
22 following new subsection (d):

23 “(d) ADDITIONAL ACTIONS TO OBTAIN QUALIFIED
24 EMPLOYEES.—Each Secretary of a military department
25 may, with the approval of the Secretary of Defense, take

1 actions in addition to actions authorized by subsection (c)
2 to provide military child development centers under the
3 jurisdiction of such Secretary with a qualified and stable
4 civilian workforce, including actions as follows:

5 “(1) Enhanced marketing and recruitment for
6 employment.

7 “(2) Provision to employees of education-related
8 benefits, including tuition assistance and student
9 loan repayment programs.

10 “(3) Availability and enhancement of wellness
11 and physical fitness programs for employees.

12 “(4) Provision of such other competitive bene-
13 fits as the Secretary of the military department and
14 the Secretary of Defense jointly consider appro-
15 priate.”.

16 (2) REPORTS ON INSTALLATIONS WITH EX-
17 TREME IMBALANCE BETWEEN DEMAND FOR AND
18 AVAILABILITY OF CHILD CARE.—Not later than one
19 year after the date of the enactment of this Act,
20 each Secretary of a military department shall submit
21 to Congress a report on the military installations
22 under the jurisdiction of such Secretary with an ex-
23 treme imbalance between demand for child care and
24 availability of child care. Each report shall include,

1 for the military department covered by such report,
2 the following:

3 (A) The name of the five installations of
4 the military department experiencing the most
5 extreme imbalance between demand for child
6 care and availability of child care.

7 (B) For each installation named pursuant
8 to subparagraph (A), the following:

9 (i) An assessment whether civilian em-
10 ployees at child development centers at
11 such installation have rates of pay and
12 benefits that are competitive with other ci-
13 vilian employees on such installation and
14 with the civilian labor pool in the vicinity
15 of such installation.

16 (ii) A description and assessment of
17 various incentives to encourage military
18 spouses to become providers under the
19 Family Child Care program at such instal-
20 lation.

21 (iii) Such recommendations at the
22 Secretary of the military department con-
23 cerned considers appropriate to address
24 the imbalance between demand for child
25 care and availability of child care at such

1 installation, including recommendations to
2 enhance the competitiveness of civilian
3 child care positions at such installation
4 with other civilian positions at such instal-
5 lation and the civilian labor pool in the vi-
6 cinity of such installation.

7 **SEC. 577. EXPANSION OF FINANCIAL ASSISTANCE UNDER**
8 **MY CAREER ADVANCEMENT ACCOUNT PRO-**
9 **GRAM.**

10 Section 580F of the National Defense Authorization
11 Act for Fiscal Year 2020 (Public Law 116–92) is amend-
12 ed—

13 (1) by inserting “(a) PROFESSIONAL LICENSE
14 OR CERTIFICATION; ASSOCIATE’S DEGREE.—” be-
15 fore “The Secretary”;

16 (2) by inserting “or maintenance (including
17 continuing education courses)” after “pursuit”; and

18 (3) by adding at the end the following new sub-
19 section:

20 “(b) NATIONAL TESTING.—Financial assistance
21 under subsection (a) may be applied to the costs of na-
22 tional tests that may earn a participating military spouse
23 course credits required for a degree approved under the
24 program (including the College Level Examination Pro-
25 gram tests).”.

1 **Subtitle H—Other Matters**

2 **SEC. 586. REMOVAL OF PERSONALLY IDENTIFYING AND**
3 **OTHER INFORMATION OF CERTAIN PERSONS**
4 **FROM INVESTIGATIVE REPORTS, THE DE-**
5 **PARTMENT OF DEFENSE CENTRAL INDEX OF**
6 **INVESTIGATIONS, AND OTHER RECORDS AND**
7 **DATABASES.**

8 (a) **POLICY AND PROCESS REQUIRED.**—Not later
9 than October 1, 2021, the Secretary of Defense shall es-
10 tablish and maintain a policy and process through which
11 any covered person may request that the person’s name,
12 personally identifying information, and other information
13 pertaining to the person shall, in accordance with sub-
14 section (c), be corrected in, or expunged or otherwise re-
15 moved from, the following:

16 (1) A law enforcement or criminal investigative
17 report of the Department of Defense or any compo-
18 nent of the Department.

19 (2) An index item or entry in the Department
20 of Defense Central Index of Investigations (DCII).

21 (3) Any other record maintained in connection
22 with a report described in paragraph (1), or an
23 index item or entry described in paragraph (2), in
24 any system of records, records database, records

1 center, or repository maintained by or on behalf of
2 the Department.

3 (b) COVERED PERSONS.—For purposes of this sec-
4 tion, a covered person is any person whose name was
5 placed or reported, or is maintained—

6 (1) in the subject or title block of a law enforce-
7 ment or criminal investigative report of the Depart-
8 ment of Defense (or any component of the Depart-
9 ment);

10 (2) as an item or entry in the Department of
11 Defense Central Index of Investigations; or

12 (3) in any other record maintained in connec-
13 tion with a report described in paragraph (1), or an
14 index item or entry described in paragraph (2), in
15 any system of records, records database, records
16 center, or repository maintained by or on behalf of
17 the Department.

18 (c) ELEMENTS.—The policy and process required by
19 subsection (a) shall include the following elements:

20 (1) BASIS FOR CORRECTION OR
21 EXPUNGEMENT.—That the name, personally identi-
22 fying information, and other information of a cov-
23 ered person shall be corrected in, or expunged or
24 otherwise removed from, a report, item or entry, or

1 record described in paragraphs (1) through (3) of
2 subsection (a) in the following circumstances:

3 (A) Probable cause did not or does not
4 exist to believe that the offense for which the
5 person's name was placed or reported, or is
6 maintained, in such report, item or entry, or
7 record occurred, or insufficient evidence existed
8 or exists to determine whether or not such of-
9 fense occurred.

10 (B) Probable cause did not or does not
11 exist to believe that the person actually com-
12 mitted the offense for which the person's name
13 was so placed or reported, or is so maintained,
14 or insufficient evidence existed or exists to de-
15 termine whether or not the person actually com-
16 mitted such offense.

17 (C) Such other circumstances, or on such
18 other bases, as the Secretary may specify in es-
19 tablishing the policy and process, which cir-
20 cumstances and bases may not be inconsistent
21 with the circumstances and bases provided by
22 subparagraphs (A) and (B).

23 (2) CONSIDERATIONS.—While not dispositive as
24 to the existence of a circumstance or basis set forth
25 in paragraph (1), the following shall be considered

1 in the determination whether such circumstance or
2 basis applies to a covered person for purposes of this
3 section:

4 (A) The extent or lack of corroborating
5 evidence against the covered person concerned
6 with respect to the offense at issue.

7 (B) Whether adverse administrative, dis-
8 ciplinary, judicial, or other such action was ini-
9 tiated against the covered person for the offense
10 at issue.

11 (C) The type, nature, and outcome of any
12 action described in subparagraph (B) against
13 the covered person.

14 (3) PROCEDURES.—The policy and process re-
15 quired by subsection (a) shall include procedures as
16 follows:

17 (A) Procedures under which a covered per-
18 son may appeal a determination of the applica-
19 ble component of the Department of Defense
20 denying, whether in whole or in part, a request
21 for purposes of subsection (a).

22 (B) Procedures under which the applicable
23 component of the Department will correct, ex-
24 punge or remove, take other appropriate action
25 on, or assist a covered person in so doing, any

1 record maintained by a person, organization, or
2 entity outside of the Department to which such
3 component provided, submitted, or transmitted
4 information about the covered person, which in-
5 formation has or will be corrected in, or ex-
6 punged or removed from, Department records
7 pursuant to this section.

8 (C) The timeline pursuant to which the
9 Department, or a component of the Depart-
10 ment, as applicable, will respond to each of the
11 following:

12 (i) A request pursuant to subsection

13 (a).

14 (ii) An appeal under the procedures
15 required by subparagraph (A).

16 (iii) A request for assistance under
17 the procedures required by subparagraph
18 (B).

19 (D) Mechanisms through which the De-
20 partment will keep a covered person apprised of
21 the progress of the Department on a covered
22 person's request or appeal as described in sub-
23 paragraph (C).

24 (d) APPLICABILITY.—The policy and process re-
25 quired to be developed by the Secretary under subsection

1 (a) shall not be subject to the notice and comment rule-
2 making requirements under section 553 of title 5, United
3 States Code.

4 (e) REPORT.—Not later than October 1, 2021, the
5 Secretary shall submit to the Committees on Armed Serv-
6 ices of the Senate and the House of Representatives a re-
7 port on the actions taken to carry out this section, includ-
8 ing a comprehensive description of the policy and process
9 developed and implemented by the Secretary under sub-
10 section (a).

11 **SEC. 587. NATIONAL EMERGENCY EXCEPTION FOR TIMING**
12 **REQUIREMENTS WITH RESPECT TO CERTAIN**
13 **SURVEYS OF MEMBERS OF THE ARMED**
14 **FORCES.**

15 (a) MEMBERS OF REGULAR AND RESERVE COMPO-
16 NENTS.—Subsection (d) of section 481 of title 10, United
17 States Code, is amended to read as follows:

18 “(d) WHEN SURVEYS REQUIRED.—(1) The Armed
19 Forces Workplace and Gender Relations Surveys of the
20 Active Duty and the Armed Forces Workplace and Gender
21 Relations Survey of the Reserve Components shall each
22 be conducted once every two years. The surveys may be
23 conducted within the same year or in two separate years,
24 and shall be conducted in a manner designed to reduce
25 the burden of the surveys on members of the armed forces.

1 “(2) The two Armed Forces Workplace and Equal
2 Opportunity Surveys shall be conducted at least once every
3 four years. The surveys may be conducted within the same
4 year or in two separate years, and shall be conducted in
5 a manner designed to reduce the burden of the surveys
6 on members of the armed forces.

7 “(3)(A) The Secretary of Defense may postpone the
8 conduct of a survey under this section if the Secretary de-
9 termines that conducting such survey is not practicable
10 due to a war or national emergency declared by the Presi-
11 dent or Congress.

12 “(B) The Secretary shall ensure that a survey post-
13 poned under subparagraph (A) is conducted as soon as
14 practicable after the end of the period of war or national
15 emergency concerned, or earlier if the Secretary deter-
16 mines appropriate.

17 “(C) The Secretary shall notify Congress of a deter-
18 mination under subparagraph (A) not later than 30 days
19 after the date on which the Secretary makes such deter-
20 mination.”.

21 (b) CADETS AND MIDSHIPMEN.—

22 (1) UNITED STATES MILITARY ACADEMY.—Sec-
23 tion 7461(c) of title 10, United States Code, is
24 amended by adding at the end the following new
25 paragraph:

1 “(3)(A) The Secretary of Defense may postpone the
2 conduct of an assessment under this subsection if the Sec-
3 retary determines that conducting such assessment is not
4 practicable due to a war or national emergency declared
5 by the President or Congress.

6 “(B) The Secretary of Defense shall ensure that an
7 assessment postponed under subparagraph (A) is con-
8 ducted as soon as practicable after the end of the period
9 of war or national emergency concerned, or earlier if the
10 Secretary determines appropriate.

11 “(C) The Secretary of Defense shall notify Congress
12 of a determination under subparagraph (A) not later than
13 30 days after the date on which the Secretary makes such
14 determination.”.

15 (2) UNITED STATES NAVAL ACADEMY.—Section
16 8480(e) of such title is amended by adding at the
17 end the following new paragraph:

18 “(3)(A) The Secretary of Defense may postpone the
19 conduct of an assessment under this subsection if the Sec-
20 retary determines that conducting such assessment is not
21 practicable due to a war or national emergency declared
22 by the President or Congress.

23 “(B) The Secretary of Defense shall ensure that an
24 assessment postponed under subparagraph (A) is con-
25 ducted as soon as practicable after the end of the period

1 of war or national emergency concerned, or earlier if the
2 Secretary determines appropriate.

3 “(C) The Secretary of Defense shall notify Congress
4 of a determination under subparagraph (A) not later than
5 30 days after the date on which the Secretary makes such
6 determination.”.

7 (3) UNITED STATES AIR FORCE ACADEMY.—
8 Section 9461(e) of such title is amended by adding
9 at the end the following new paragraph:

10 “(3)(A) The Secretary of Defense may postpone the
11 conduct of an assessment under this subsection if the Sec-
12 retary determines that conducting such assessment is not
13 practicable due to a war or national emergency declared
14 by the President or Congress.

15 “(B) The Secretary of Defense shall ensure that an
16 assessment postponed under subparagraph (A) is con-
17 ducted as soon as practicable after the end of the period
18 of war or national emergency concerned, or earlier if the
19 Secretary determines appropriate.

20 “(C) The Secretary of Defense shall notify Congress
21 of a determination under subparagraph (A) not later than
22 30 days after the date on which the Secretary makes such
23 determination.”.

24 (c) DEPARTMENT OF DEFENSE CIVILIAN EMPLOY-
25 EES.—Section 481a of title 10, United States Code, is

1 amended by adding at the end the following new sub-
2 section:

3 “(d) POSTPONEMENT.—(1) The Secretary of Defense
4 may postpone the conduct of a survey under this section
5 if the Secretary determines that conducting such survey
6 is not practicable due to a war or national emergency de-
7 clared by the President or Congress.

8 “(2) The Secretary shall ensure that a survey post-
9 poned under paragraph (1) is conducted as soon as prac-
10 ticable after the end of the period of war or national emer-
11 gency concerned, or earlier if the Secretary determines ap-
12 propriate.

13 “(3) The Secretary shall notify Congress of a deter-
14 mination under paragraph (1) not later than 30 days after
15 the date on which the Secretary makes such determina-
16 tion.”.

17 **SEC. 588. SUNSET AND TRANSFER OF FUNCTIONS OF THE**
18 **PHYSICAL DISABILITY BOARD OF REVIEW.**

19 Section 1554a of title 10, United States Code, is
20 amended by adding at the end the following new sub-
21 section:

22 “(g) SUNSET.—(1) On or after October 1, 2020, the
23 Secretary of Defense may sunset the Physical Disability
24 Board of Review under this section.

1 “(2) If the Secretary sunsets the Physical Disability
2 Board of Review under paragraph (1), the Secretary shall
3 transfer any remaining requests for review pending at that
4 time, and shall assign any new requests for review under
5 this section, to a board for the correction of military
6 records operated by the Secretary concerned under section
7 1552 of this title..

8 “(3) Subsection (c)(4) shall not apply with respect
9 to any review conducted by a board for the correction of
10 military records under paragraph (2).”.

11 **SEC. 589. EXTENSION OF REPORTING DEADLINE FOR THE**
12 **ANNUAL REPORT ON THE ASSESSMENT OF**
13 **THE EFFECTIVENESS OF ACTIVITIES OF THE**
14 **FEDERAL VOTING ASSISTANCE PROGRAM.**

15 (a) **ELIMINATION OF REPORTS FOR NON-ELECTION**
16 **YEARS.**—Section 105A(b) of the Uniformed and Overseas
17 Citizens Absentee Voting Act (52 U.S.C. 20308(b)) is
18 amended, in the matter preceding paragraph (1)—

19 (1) by striking “March 31 of each year” and in-
20 serting “September 30 of each odd-numbered year”;
21 and

22 (2) by striking “the following information” and
23 inserting “the following information with respect to
24 the Federal elections held during the preceding cal-
25 endar year”.

1 (b) CONFORMING AMENDMENTS.—Subsection (b) of
2 section 105A of such Act (52 U.S.C. 20308(b)) is amend-
3 ed—

4 (1) in the subsection heading, by striking “AN-
5 NUAL REPORT” and inserting “BIENNIAL REPORT”;
6 and

7 (2) in paragraph (3), by striking “In the case
8 of” and all that follows through “a description” and
9 inserting “A description”.

10 **SEC. 590. PILOT PROGRAMS ON REMOTE PROVISION BY NA-**
11 **TIONAL GUARD TO STATE GOVERNMENTS**
12 **AND NATIONAL GUARDS OF OTHER STATES**
13 **OF CYBERSECURITY TECHNICAL ASSISTANCE**
14 **IN TRAINING, PREPARATION, AND RESPONSE**
15 **TO CYBER INCIDENTS.**

16 (a) PILOT PROGRAMS AUTHORIZED.—The Secretary
17 of the Army and the Secretary of the Air Force may each,
18 in consultation with the Chief of the National Guard Bu-
19 reau, conduct a pilot program to assess the feasibility and
20 advisability of the development of a capability within the
21 National Guard through which a National Guard of a
22 State remotely provides State governments and National
23 Guards of other States (whether or not in the same Armed
24 Force as the providing National Guard) with cybersecurity
25 technical assistance in training, preparation, and response

1 to cyber incidents. If such Secretary elects to conduct such
2 a pilot program, such Secretary shall be known as an “ad-
3 ministering Secretary” for purposes of this section, and
4 any reference in this section to “the pilot program” shall
5 be treated as a reference to the pilot program conducted
6 by such Secretary.

7 (b) ASSESSMENT PRIOR TO COMMENCEMENT.—For
8 purposes of evaluating existing platforms, technologies,
9 and capabilities under subsection (c), and for establishing
10 eligibility and participation requirements under subsection
11 (d), for purposes of the pilot program, an administering
12 Secretary, in consultation with the Chief of the National
13 Guard Bureau, shall, prior to commencing the pilot pro-
14 gram—

15 (1) conduct an assessment of—

16 (A) existing cyber response capacities of
17 the Army National Guard or Air National
18 Guard, as applicable, in each State; and

19 (B) any existing platform, technology, or
20 capability of a National Guard that provides the
21 capability described in subsection (a); and

22 (2) determine whether a platform, technology,
23 or capability described in paragraph (1)(B) is suit-
24 able for expansion for purposes of the pilot program.

1 (c) ELEMENTS.—A pilot program under subsection
2 (a) shall include the following:

3 (1) A technical capability that enables the Na-
4 tional Guard of a State to remotely provide cyberse-
5 curity technical assistance to State governments and
6 National Guards of other States, without the need to
7 deploy outside its home State.

8 (2) Policies, processes, procedures, and authori-
9 ties for use of such a capability, including with re-
10 spect to the following:

11 (A) The roles and responsibilities of both
12 requesting and deploying State governments
13 and National Guards with respect to such tech-
14 nical assistance, taking into account the mat-
15 ters specified in subsection (f).

16 (B) Necessary updates to the Defense
17 Cyber Incident Coordinating Procedure, or any
18 other applicable Department of Defense instruc-
19 tion, for purposes of implementing the capa-
20 bility.

21 (C) Program management and governance
22 structures for deployment and maintenance of
23 the capability.

1 (D) Security when performing remote sup-
2 port, including such in matters such as authen-
3 tication and remote sensing.

4 (3) The conduct, in coordination with the Chief
5 of the National Guard Bureau and the Secretary of
6 Homeland Security and in consultation with the Di-
7 rector of the Federal Bureau of Investigation, other
8 Federal agencies, and appropriate non-Federal enti-
9 ties, of at least one exercise to demonstrate the ca-
10 pability, which exercise shall include the following:

11 (A) Participation of not fewer than two
12 State governments and their National Guards.

13 (B) Circumstances designed to test and
14 validate the policies, processes, procedures, and
15 authorities developed pursuant to paragraph
16 (2).

17 (C) An after action review of the exercise.

18 (d) USE OF EXISTING TECHNOLOGY.—An admin-
19 istering Secretary may use an existing platform, tech-
20 nology, or capability to provide the capability described in
21 subsection (a) under the pilot program.

22 (e) ELIGIBILITY AND PARTICIPATION REQUIRE-
23 MENTS.—An administering Secretary shall, in consulta-
24 tion with the Chief of the National Guard Bureau, estab-
25 lish requirements with respect to eligibility and participa-

1 tion of State governments and their National Guards in
2 the pilot program.

3 (f) CONSTRUCTION WITH CERTAIN CURRENT AU-
4 THORITIES.—

5 (1) COMMAND AUTHORITIES.—Nothing in a
6 pilot program under subsection (a) may be construed
7 as affecting or altering the command authorities
8 otherwise applicable to any unit of the National
9 Guard unit participating in the pilot program.

10 (2) EMERGENCY MANAGEMENT ASSISTANCE
11 COMPACT.—Nothing in a pilot program may be con-
12 strued as affecting or altering any current agree-
13 ment under the Emergency Management Assistance
14 Compact, or any other State agreements, or as de-
15 terminative of the future content of any such agree-
16 ment.

17 (g) EVALUATION METRICS.—An administering Sec-
18 retary shall, in consultation with the Chief of the National
19 Guard Bureau and the Secretary of Homeland Security,
20 establish metrics to evaluate the effectiveness of the pilot
21 program.

22 (h) TERM.—A pilot program under subsection (a)
23 shall terminate on the date that is three years after the
24 date of the commencement of the pilot program.

25 (i) REPORTS.—

1 (1) INITIAL REPORT.—Not later than 180 days
2 after the date of the commencement of the pilot pro-
3 gram, the administering Secretary shall submit to
4 the appropriate committees of Congress a report set-
5 ting forth a description of the pilot program and
6 such other matters in connection with the pilot pro-
7 gram as the Secretary considers appropriate.

8 (2) FINAL REPORT.—Not later than 180 days
9 after the termination of the pilot program, the ad-
10 ministering Secretary shall submit to the appro-
11 priate committees of Congress a report on the pilot
12 program. The report shall include the following:

13 (A) A description of the pilot program, in-
14 cluding any partnerships entered into by the
15 Chief of the National Guard Bureau under the
16 pilot program.

17 (B) A summary of the assessment per-
18 formed prior to the commencement of the pilot
19 program in accordance with subsection (b).

20 (C) A summary of the evaluation metrics
21 established in accordance with subsection (g).

22 (D) An assessment of the effectiveness of
23 the pilot program, and of the capability de-
24 scribed in subsection (a) under the pilot pro-
25 gram.

1 (E) A description of costs associated with
2 the implementation and conduct of the pilot
3 program.

4 (F) A recommendation as to the termi-
5 nation or extension of the pilot program, or the
6 making of the pilot program permanent with an
7 expansion nationwide.

8 (G) An estimate of the costs of making the
9 pilot program permanent and expanding it na-
10 tionwide in accordance with the recommenda-
11 tion in subparagraph (F).

12 (H) Such recommendations for legislative
13 or administrative action as the Secretary con-
14 siders appropriate in light of the pilot program.

15 (3) APPROPRIATE COMMITTEES OF CONGRESS
16 DEFINED.—In this subsection, the term “appro-
17 priate committees of Congress” means—

18 (A) the Committee on Armed Services and
19 the Committee on Homeland Security and Gov-
20 ernmental Affairs of the Senate; and

21 (B) the Committee on Armed Services and
22 the Committee on Homeland Security of the
23 House of Representatives.

24 (j) STATE DEFINED.—In this section, the term
25 “State” means each of the several States, the District of

1 Columbia, the Commonwealth of Puerto Rico, American
2 Samoa, Guam, the United States Virgin Islands, and the
3 Commonwealth of the Northern Mariana Islands.

4 **SEC. 591. PLAN ON PERFORMANCE OF FUNERAL HONORS**
5 **DETAILS BY MEMBERS OF OTHER ARMED**
6 **FORCES WHEN MEMBERS OF THE ARMED**
7 **FORCE OF THE DECEASED ARE UNAVAIL-**
8 **ABLE.**

9 (a) BRIEFING ON PLAN.—

10 (1) IN GENERAL.—Not later than 180 days
11 after the date of the enactment of this Act, the Sec-
12 retary of Defense shall provide a briefing to the
13 Committees on Armed Services of the Senate and
14 the House of Representatives setting forth a plan for
15 the performance of a funeral honors detail at the fu-
16 neral of a deceased member of the Armed Forces by
17 one or more members of the Armed Forces from an
18 Armed Force other than that of the deceased
19 when—

20 (A) members of the Armed Force of the
21 deceased are unavailable for the performance of
22 the detail; and

23 (B) the performance of the detail by mem-
24 bers of other Armed Forces is requested by the
25 family of the deceased.

1 (2) REPEAL OF REQUIREMENT FOR ONE MEM-
2 BER OF ARMED FORCE OF DECEASED IN DETAIL.—
3 Section 1491(b)(2) of title 10, United States Code,
4 is amended in the first sentence by striking “, at
5 least one of whom shall be a member of the armed
6 force of which the veteran was a member”.

7 (3) PERFORMANCE.—The plan required by
8 paragraph (1) shall authorize the performance of fu-
9 neral honors details by members of the Army Na-
10 tional Guard and the Air National Guard under sec-
11 tion 115 of title 32, United States Code, and may
12 authorize the remainder of such details to consist of
13 members of veterans organizations or other organi-
14 zations approved for purposes of section 1491 of
15 title 10, United States Code, as provided for by sub-
16 section (b)(2) of such section 1491.

17 (b) ELEMENTS.—The briefing under subsection (a)
18 shall include a description in detail the authorities and re-
19 quirements for the implementation of the plan, including
20 administrative, logistical, coordination, and funding au-
21 thorities and requirements.

22 **SEC. 592. LIMITATION ON IMPLEMENTATION OF ARMY**
23 **COMBAT FITNESS TEST.**

24 The Secretary of the Army may not implement the
25 Army Combat Fitness Test until the Secretary receives

1 results of a study, conducted for purposes of this section
2 by an entity independent of the Department of Defense,
3 on the following:

4 (1) The extent, if any, to which the test would
5 adversely impact members of the Army stationed or
6 deployed to climates or areas with conditions that
7 make prohibitive the conduct of outdoor physical
8 training on a frequent or sustained basis.

9 (2) The extent, if any, to which the test would
10 affect recruitment and retention in critical support
11 military occupational specialties (MOS) of the Army,
12 such as medical personnel.

13 **TITLE VI—COMPENSATION AND**
14 **OTHER PERSONNEL BENEFITS**
15 **Subtitle A—Pay and Allowances**

16 **SEC. 601. REORGANIZATION OF CERTAIN ALLOWANCES**
17 **OTHER THAN TRAVEL AND TRANSPORTATION**
18 **ALLOWANCES.**

19 (a) PER DIEM FOR DUTY OUTSIDE THE CONTI-
20 NENTAL UNITED STATES.—

21 (1) TRANSFER TO CHAPTER 7.—Section 475 of
22 title 37, United States Code, is transferred to chap-
23 ter 7 of such title, inserted after section 403b, and
24 redesignated as section 405.

1 (B) by inserting after the item relating to
2 section 433a the following new item:

“435. Funeral honors duty: allowance.”.

3 (2) CHAPTER 8.—The table of sections at the
4 beginning of chapter 8 of such title is amended by
5 striking the items relating to sections 475 and 495.

6 **SEC. 602. HAZARDOUS DUTY PAY FOR MEMBERS OF THE**
7 **ARMED FORCES PERFORMING DUTY IN RE-**
8 **SPONSE TO THE CORONAVIRUS DISEASE 2019.**

9 (a) IN GENERAL.—The Secretary of the military de-
10 partment concerned shall pay hazardous duty pay under
11 this section to a member of a regular or reserve component
12 of the Armed Forces who—

13 (1) performs duty in response to the
14 Coronavirus Disease 2019 (COVID–19); and

15 (2) is entitled to basic pay under section 204 of
16 title 37, United States Code, or compensation under
17 section 206 of such title, for the performance of
18 such duty.

19 (b) REGULATIONS.—Hazardous duty pay shall be
20 payable under this section in accordance with regulations
21 prescribed by the Secretary of Defense. Such regulations
22 shall specify the duty in response to the Coronavirus Dis-
23 ease 2019 qualifying a member for payment of such pay
24 under this section.

1 (c) AMOUNT.—The amount of hazardous duty pay
2 paid a member under this section shall be such amount
3 per month, not less than \$150 per month, as the Secretary
4 of Defense shall specify in the regulations under sub-
5 section (b).

6 (d) MONTHLY PAYMENT; NO PRORATION.—

7 (1) MONTHLY PAYMENT.—Hazardous duty pay
8 under this section shall be paid on a monthly basis.

9 (2) NO PRORATION.—Hazardous duty pay is
10 payable to a member under this section for a month
11 if the member performs any duty in that month
12 qualifying the person for payment of such pay.

13 (e) MONTHS FOR WHICH PAYABLE.—Hazardous
14 duty pay is payable under this section for qualifying duty
15 performed in months occurring during the period—

16 (1) beginning on January 1, 2020; and

17 (2) ending on December 31, 2020.

18 (f) CONSTRUCTION WITH OTHER PAY.—Hazardous
19 duty pay payable to a member under this section is in ad-
20 dition to the following:

21 (1) Any other pay and allowances to which the
22 member is entitled by law.

23 (2) Any other hazardous duty pay to which the
24 member is entitled under section 351 of title 37,
25 United States Code (or any other provision of law),

1 for duty that also constitutes qualifying duty for
2 payment of such pay under this section.

3 (g) SENSE OF SENATE.—It is the sense of the Senate
4 that the Secretary of Defense should also authorize haz-
5 ardous duty pay for members of the Armed Forces not
6 under orders specific to the response to the Coronavirus
7 Disease 2019 who provide—

8 (1) healthcare in a military medical treatment
9 facility for individuals infected with the Coronavirus
10 Disease 2019; or

11 (2) technical or administrative support for the
12 provision of healthcare as described in paragraph

13 (1).

14 **Subtitle B—Bonuses and Special**
15 **and Incentive Pays**

16 **SEC. 611. ONE-YEAR EXTENSION OF CERTAIN EXPIRING**
17 **BONUS AND SPECIAL PAY AUTHORITIES.**

18 (a) AUTHORITIES RELATING TO RESERVE
19 FORCES.—Section 910(g) of title 37, United States Code,
20 relating to income replacement payments for reserve com-
21 ponent members experiencing extended and frequent mo-
22 bilization for active duty service, is amended by striking
23 “December 31, 2020” and inserting “December 31,
24 2021”.

1 (b) TITLE 10 AUTHORITIES RELATING TO HEALTH
2 CARE PROFESSIONALS.—The following sections of title
3 10, United States Code, are amended by striking “Decem-
4 ber 31, 2020” and inserting “December 31, 2021”:

5 (1) Section 2130a(a)(1), relating to nurse offi-
6 cer candidate accession program.

7 (2) Section 16302(d), relating to repayment of
8 education loans for certain health professionals who
9 serve in the Selected Reserve.

10 (c) AUTHORITIES RELATING TO NUCLEAR OFFI-
11 CERS.—Section 333(i) of title 37, United States Code, is
12 amended by striking “December 31, 2020” and inserting
13 “December 31, 2021”.

14 (d) AUTHORITIES RELATING TO TITLE 37 CONSOLI-
15 DATED SPECIAL PAY, INCENTIVE PAY, AND BONUS AU-
16 THORITIES.—The following sections of title 37, United
17 States Code, are amended by striking “December 31,
18 2020” and inserting “December 31, 2021”:

19 (1) Section 331(h), relating to general bonus
20 authority for enlisted members.

21 (2) Section 332(g), relating to general bonus
22 authority for officers.

23 (3) Section 334(i), relating to special aviation
24 incentive pay and bonus authorities for officers.

1 is amended by striking “\$30,000” and inserting
2 “\$100,000”.

3 (b) ACCESSION BONUS FOR CRITICALLY SHORT
4 WARTIME SPECIALTIES.—Subparagraph (B) of such sec-
5 tion is amended by striking “\$100,000” and inserting
6 “\$200,000”.

7 (c) RETENTION BONUS.—Subparagraph (C) of such
8 section is amended by striking “\$75,000” and inserting
9 “\$150,000”.

10 (d) INCENTIVE PAY.—Subparagraph (D) of such sec-
11 tion is amended—

12 (1) in clause (i), by striking “\$100,000” and
13 inserting “\$200,000”; and

14 (2) in clause (ii), by striking “\$15,000” and in-
15 serting “\$50,000”.

16 (e) BOARD CERTIFICATION PAY.—Subparagraph (E)
17 of such section is amended by striking “\$6,000” and in-
18 serting “\$15,000”.

19 (f) EFFECTIVE DATE.—The amendments made by
20 this section shall take effect on October 1, 2020, and shall
21 apply with respect to special bonus and incentive pays pay-
22 able under section 335 of title 37, United States Code,
23 pursuant to agreements entered into under that section
24 on or after that date.

1 **Subtitle C—Disability Pay, Retired**
2 **Pay, and Survivor Benefits**

3 **SEC. 621. INCLUSION OF DRILL OR TRAINING FOREGONE**
4 **DUE TO EMERGENCY TRAVEL OR DUTY RE-**
5 **STRICTIONS IN COMPUTATIONS OF ENTITLE-**
6 **MENT TO AND AMOUNTS OF RETIRED PAY**
7 **FOR NON-REGULAR SERVICE.**

8 (a) ENTITLEMENT TO RETIRED PAY.—Section
9 12732(a)(2) of title 10, United States Code, is amended—
10 (1) by inserting after subparagraph (E) the fol-
11 lowing new subparagraph:

12 “(F)(i) Subject to regulations prescribed
13 by the Secretary of Defense or the Secretary of
14 Homeland Security with respect to matters con-
15 cerning the Coast Guard when it is not oper-
16 ating as a service in the Department of the
17 Navy, one point for each day of active service
18 or one point for each drill or period of equiva-
19 lent instruction that was prescribed by the Sec-
20 retary concerned to be performed during the
21 covered emergency period, if such person was
22 prevented from performing such duty due to
23 travel or duty restrictions imposed by the Presi-
24 dent, the Secretary of Defense, or the Secretary

1 of Homeland Security with respect to the Coast
2 Guard.

3 “(ii) A person may not be credited more
4 than 35 points in a one-year period under this
5 subparagraph.

6 “(iii) In this subparagraph, the term ‘cov-
7 ered emergency period’ means the period begin-
8 ning on March 1, 2020, and ending on the day
9 that is 60 days after the date on which the
10 travel or duty restriction applicable to the per-
11 son concerned is lifted.”; and

12 (2) in the matter following subparagraph (F),
13 as inserted by paragraph (1), by striking “and (E)”
14 and inserting “(E), and (F)”.

15 (b) AMOUNT OF RETIRED PAY.—Section 12733(3) of
16 such title is amended in the matter preceding subpara-
17 graph (A), by striking “or (D)” and inserting “(D), or
18 (F)”.

19 **SEC. 622. MODERNIZATION AND CLARIFICATION OF PAY-**
20 **MENT OF CERTAIN RESERVES WHILE ON**
21 **DUTY.**

22 (a) CHANGE IN PRIORITY OF PAYMENTS FOR RE-
23 TIRED OR RETAINER PAY.—Subsection (a) of section
24 12316 of title 10, United States Code, is amended—

25 (1) in the matter preceding paragraph (1)—

1 (A) by striking “subsection (b)” and in-
2 serting “subsection (e)”; and

3 (B) by striking “his earlier military serv-
4 ice” and inserting “the Reserve’s earlier mili-
5 tary service”;

6 (C) by striking “a pension, retired or re-
7 tainer pay, or disability compensation” and in-
8 serting “retired or retainer pay”; and

9 (D) by striking “he is entitled” and insert-
10 ing “the Reserve is entitled”; and

11 (2) by striking paragraphs (1) and (2) and in-
12 serting the following new paragraphs:

13 “(1) the pay and allowances authorized by law
14 for the duty that the Reserve is performing; or

15 “(2) if the Reserve specifically waives those
16 payments, the retired or retainer pay to which the
17 Reserve is entitled because of the Reserve’s earlier
18 military service.”.

19 (b) PAYMENTS FOR PENSION OR DISABILITY COM-
20 PENSATION.—Such section is further amended—

21 (1) by redesignating subsection (b) as sub-
22 section (c); and

23 (2) by inserting after subsection (a) the fol-
24 lowing new subsection (b):

1 “(b) Except as provided by subsection (c), a Reserve
2 of the Army, Navy, Air Force, Marine Corps, or Coast
3 Guard who because of the Reserve’s earlier military serv-
4 ice is entitled to a pension or disability compensation, and
5 who performs duty for which the Reserve is entitled to
6 compensation, may elect to receive for that duty either—

7 “(1) the pension or disability compensation to
8 which the Reserve is entitled because of the Re-
9 serve’s earlier military service; or

10 “(2) if the Reserve specifically waives those
11 payments, the pay and allowances authorized by law
12 for the duty that the Reserve is performing.”.

13 (c) ADDITIONAL CONFORMING AND MODERNIZING
14 AMENDMENTS.—Subsection (c) of such section, as redes-
15 igned by subsection (b)(1) of this section, is amended—

16 (1) by striking “(a)(2)” both places it appears
17 and inserting “(a)(1) or (b)(2), as applicable,”;

18 (2) by striking “his earlier military service” the
19 first place it appears and inserting “a Reserve’s ear-
20 lier military service”;

21 (3) by striking “his earlier military service”
22 each other place it appears and inserting “the Re-
23 serve’s earlier military service”;

24 (4) by striking “he is entitled” and inserting
25 “the Reserve is entitled”; and

1 (5) by striking “the member or his dependents”
2 and inserting “the Reserve or the Reserve’s depend-
3 ents”.

4 (d) PROCEDURES.—Such section is further amended
5 by adding at the end the following new subsection:

6 “(d) The Secretary of Defense shall prescribe regula-
7 tions under which a Reserve of the Army, Navy, Air Force,
8 Marine Corps, or Coast Guard may waive the pay and al-
9 lowances authorized by law for the duty the Reserve is
10 performing under subsection (a)(2) or (b)(2).”.

11 (e) EFFECTIVE DATE.—The amendments made by
12 this section shall take effect 180 days after the date of
13 the enactment of this Act.

14 **Subtitle D—Other Matters**

15 **SEC. 631. PERMANENT AUTHORITY FOR AND ENHANCE-** 16 **MENT OF THE GOVERNMENT LODGING PRO-** 17 **GRAM.**

18 (a) PERMANENT AUTHORITY.—Section 914 of the
19 Carl Levin and Howard P. “Buck” McKeon National De-
20 fense Authorization Act for Fiscal Year 2015 (5 U.S.C.
21 5911 note) is amended—

22 (1) in subsection (a), by striking “, for the pe-
23 riod of time described in subsection (b),”; and

24 (2) by striking subsection (b).

1 (b) EXCLUSION OF CERTAIN SHIPYARD EMPLOY-
2 EES.—Such section is further amended by inserting after
3 subsection (a) the following new subsection (b):

4 “(b) EXCLUSION OF CERTAIN SHIPYARD EMPLOY-
5 EES.—In carrying out a Government lodging program
6 under the authority in subsection (a), the Secretary shall
7 exclude from the requirements of the program employees
8 who are traveling for the performance of mission functions
9 of a public shipyard of the Department if the purpose or
10 mission of such travel would be adversely affected by the
11 requirements of the program.”.

12 (c) CONFORMING AMENDMENT.—The heading of
13 such section is amended to read as follows:

14 **“SEC. 914. GOVERNMENT LODGING PROGRAM.”.**

15 **SEC. 632. APPROVAL OF CERTAIN ACTIVITIES BY RETIRED**
16 **AND RESERVE MEMBERS OF THE UNI-**
17 **FORMED SERVICES.**

18 (a) CLARIFICATION OF ACTIVITIES FOR WHICH AP-
19 PROVAL REQUIRED.—Section 908 of title 37, United
20 States Code, is amended—

21 (1) in subsection (a)—

22 (A) in the matter preceding paragraph

23 (1)—

24 (i) by striking “subsection (b)” and
25 inserting “subsections (b) and (c)”; and

1 (ii) by inserting “, accepting payment
2 for speeches, travel, meals, lodging, or reg-
3 istration fees, or accepting a non-cash
4 award,” after “that employment”); and

5 (B) in paragraph (2), by striking “armed
6 forces” and inserting “armed forces, except
7 members serving on active duty under a call or
8 order to active duty for a period in excess of 30
9 days”;

10 (2) in the heading of subsection (b), by insert-
11 ing “FOR EMPLOYMENT AND COMPENSATION” after
12 “APPROVAL REQUIRED”;

13 (3) by redesignating subsections (c) and (d) as
14 subsections (d) and (e), respectively; and

15 (4) by inserting after subsection (b) the fol-
16 lowing new subsection (c):

17 “(c) APPROVAL REQUIRED FOR CERTAIN PAYMENTS
18 AND AWARDS.—A person described in subsection (a) may
19 accept payment for speeches, travel, meals, lodging, or
20 registration fees described in that subsection, or accept a
21 non-cash award described in that subsection, only if the
22 Secretary concerned approves the payment or award.”.

23 (b) ANNUAL REPORTS ON APPROVALS.—Subsection
24 (d) of such section, as redesignated by subsection (a)(3)
25 of this section, is amended—

1 (1) by inserting “(1)” before “Not later than”;

2 (2) in paragraph (1), as designated by para-
3 graph (1) of this subsection, by inserting “, and
4 each approval under subsection (c) for a payment or
5 award described in subsection (a),” after “in sub-
6 section (a)”;

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

9 “(2) The report under paragraph (1) on an approval
10 described in that paragraph with respect to an officer shall
11 set forth the following:

12 “(A) The foreign government providing the em-
13 ployment or compensation or payment or award.

14 “(B) The duties, if any, to be performed in con-
15 nection with the employment or compensation or
16 payment or award.

17 “(C) The total amount of compensation, if any,
18 or payment to be provided.”.

19 (c) CONFORMING AMENDMENTS.—

20 (1) SECTION HEADING.—The heading of such
21 section is amended to read as follows:

1 **“§ 908. Reserves and retired members: acceptance of**
2 **employment, payments, and awards from**
3 **foreign governments”.**

4 (2) TABLE OF SECTIONS.—The table of sections
5 at the beginning of chapter 17 of such title is
6 amended by striking the item relating to section 908
7 and inserting the following new item:

“908. Reserves and retired members: acceptance of employment, payments, and
awards from foreign governments.”.

8 **TITLE VII—HEALTH CARE**
9 **PROVISIONS**
10 **Subtitle A—TRICARE and Other**
11 **Health Care Benefits**

12 **SEC. 701. AUTHORITY FOR SECRETARY OF DEFENSE TO**
13 **MANAGE PROVIDER TYPE REFERRAL AND SU-**
14 **PERVISION REQUIREMENTS UNDER TRICARE**
15 **PROGRAM.**

16 Section 1079(a)(12) of title 10, United States Code,
17 is amended, in the first sentence, by striking “or certified
18 clinical social worker,” and inserting “certified clinical so-
19 cial worker, or other class of provider as designated by
20 the Secretary of Defense,”.

1 **SEC. 702. REMOVAL OF CHRISTIAN SCIENCE PROVIDERS AS**
2 **AUTHORIZED PROVIDERS UNDER THE**
3 **TRICARE PROGRAM.**

4 (a) REPEAL.—Subsection (a) of section 1079 of title
5 10, United States Code, is amended by striking paragraph
6 (4).

7 (b) CONFORMING AMENDMENT.—Paragraph (12) of
8 such subsection is amended, in the first sentence, by strik-
9 ing “, except as authorized in paragraph (4)”.

10 **SEC. 703. WAIVER OF FEES CHARGED TO CERTAIN CIVIL-**
11 **SIANS FOR EMERGENCY MEDICAL TREATMENT**
12 **PROVIDED AT MILITARY MEDICAL TREAT-**
13 **MENT FACILITIES.**

14 Section 1079b of title 10, United States Code, is
15 amended—

16 (1) by redesignating subsection (b) as sub-
17 section (c); and

18 (2) by inserting after subsection (a) the fol-
19 lowing new subsection (b):

20 “(b) WAIVER OF FEES.—Under the procedures im-
21 plemented under subsection (a), a military medical treat-
22 ment facility may waive a fee charged under such proce-
23 dures to a civilian who is not a covered beneficiary if—

24 “(1) after insurance payments, if any, the civil-
25 ian is not able to pay for the trauma or other med-
26 ical care provided to the civilian; and

1 “(2) the provision of such care enhanced the
2 medical readiness of the health care provider or
3 health care providers furnishing such care.”.

4 **SEC. 704. MENTAL HEALTH RESOURCES FOR MEMBERS OF**
5 **THE ARMED FORCES AND THEIR DEPEND-**
6 **ENTS DURING THE COVID-19 PANDEMIC.**

7 (a) PLAN.—Not later than 180 days after the date
8 of the enactment of this Act, the Secretary of Defense
9 shall develop a plan to protect and promote the mental
10 health and well-being of members of the Armed Forces
11 and their dependents, which shall include the following:

12 (1) A strategy to combat existing stigma sur-
13 rounding mental health conditions that might deter
14 such individuals from seeking care.

15 (2) Guidance to commanding officers at all lev-
16 els on the mental health ramifications of the
17 COVID-19 crisis.

18 (3) Additional training and support for mental
19 health care professionals of the Department of De-
20 fense on supporting individuals who are concerned
21 for the health of themselves and their family mem-
22 bers, or grieving the loss of loved ones due to
23 COVID-19.

24 (4) A strategy to leverage telemedicine to en-
25 sure safe access to mental health services.

1 (b) OUTREACH.—The Secretary of Defense shall con-
2 duct outreach to the military community to identify re-
3 sources and health care services, including mental health
4 care services, available under the TRICARE program to
5 support members of the Armed Forces and their depend-
6 ents.

7 (c) DEFINITIONS.—In this section, the terms “de-
8 pendent” and “TRICARE program” have the meanings
9 given those terms in section 1072 of such title.

10 **SEC. 705. TRANSITIONAL HEALTH BENEFITS FOR CERTAIN**
11 **MEMBERS OF THE NATIONAL GUARD SERV-**
12 **ING UNDER ORDERS IN RESPONSE TO THE**
13 **CORONAVIRUS (COVID-19).**

14 (a) IN GENERAL.—The Secretary of Defense shall
15 provide to a member of the National Guard separating
16 from active service after serving on full-time National
17 Guard duty pursuant to section 502(f) of title 32, United
18 States Code, the health benefits authorized under section
19 1145 of title 10, United States Code, for a member of
20 a reserve component separating from active duty, as re-
21 ferred to in subsection (a)(2)(B) of such section 1145, if
22 the active service from which the member of the National
23 Guard is separating was in support of the whole of govern-
24 ment response to the coronavirus (COVID-19).

1 (b) DEFINITIONS.—In this section, the terms “active
2 duty”, “active service”, and “full-time National Guard
3 duty” have the meanings given those terms in section
4 101(d) of title 10, United States Code.

5 **SEC. 706. EXTRAMEDICAL MATERNAL HEALTH PROVIDERS**
6 **DEMONSTRATION PROJECT.**

7 (a) DEMONSTRATION PROJECT REQUIRED.—Not
8 later than one year after the date of the enactment of this
9 Act, the Secretary of Defense shall commence the conduct
10 of a demonstration project designed to evaluate the cost,
11 quality of care, and impact on maternal and fetal out-
12 comes of using extramedical maternal health providers
13 under the TRICARE program to determine the appro-
14 priateness of making coverage of such providers under the
15 TRICARE program permanent.

16 (b) ELEMENTS OF DEMONSTRATION PROJECT.—The
17 demonstration project under subsection (a) shall include,
18 for participants in the demonstration project, the fol-
19 lowing:

20 (1) Access to doulas.

21 (2) Access to lactation consultants who are not
22 otherwise authorized to provide services under the
23 TRICARE program.

24 (c) PARTICIPANTS.—The Secretary shall establish a
25 process under which covered beneficiaries may enroll in

1 the demonstration project in order to receive the services
2 provided under the demonstration project.

3 (d) DURATION.—The Secretary shall carry out the
4 demonstration project for a period of five years beginning
5 on the date on which notification of the commencement
6 of the demonstration project is published in the Federal
7 Register.

8 (e) SURVEY.—

9 (1) IN GENERAL.—Not later than one year
10 after the date of the enactment of this Act, and an-
11 nually thereafter for the duration of the demonstra-
12 tion project, the Secretary shall administer a survey
13 to determine—

14 (A) how many members of the Armed
15 Forces or spouses of such members give birth
16 while their spouse or birthing partner is unable
17 to be present due to deployment, training, or
18 other mission requirements;

19 (B) how many single members of the
20 Armed Forces give birth alone; and

21 (C) how many members of the Armed
22 Forces or spouses of such members use doula
23 support or lactation consultants.

1 (2) MATTERS COVERED BY THE SURVEY.—The
2 survey administered under paragraph (1) shall in-
3 clude an identification of the following:

4 (A) The race, ethnicity, age, sex, relation-
5 ship status, military service, military occupa-
6 tion, and rank, as applicable, of each individual
7 surveyed.

8 (B) If individuals surveyed were members
9 of the Armed Forces or the spouses of such
10 members, or both.

11 (C) The length of advanced notice received
12 by individuals surveyed that the member of the
13 Armed Forces would be unable to be present
14 during the birth, if applicable.

15 (D) Any resources or support that the in-
16 dividuals surveyed found useful during the
17 pregnancy and birth process, including doula or
18 lactation counselor support.

19 (f) REPORTS.—

20 (1) IMPLEMENTATION PLAN.—Not later than
21 180 days after the date of the enactment of this Act,
22 the Secretary shall submit to the Committees on
23 Armed Services of the Senate and the House of Rep-
24 resentatives a plan to implement the demonstration
25 project.

1 (2) ANNUAL REPORT.—

2 (A) IN GENERAL.—Not later than one year
3 after the commencement of the demonstration
4 project, and annually thereafter for the dura-
5 tion of the demonstration project, the Secretary
6 shall submit to the Committees on Armed Serv-
7 ices of the Senate and the House of Represent-
8 atives a report on the cost of the demonstration
9 project and the effectiveness of the demonstra-
10 tion project in improving quality of care and
11 the maternal and fetal outcomes of covered
12 beneficiaries enrolled in the demonstration
13 project.

14 (B) MATTERS COVERED.—Each report
15 submitted under subparagraph (A) shall ad-
16 dress, at a minimum, the following:

17 (i) The number of covered bene-
18 ficiaries who are enrolled in the demonstra-
19 tion project.

20 (ii) The number of enrolled covered
21 beneficiaries who have participated in the
22 demonstration project.

23 (iii) The results of the surveys under
24 subsection (f).

1 (iv) The cost of the demonstration
2 project.

3 (v) An assessment of the quality of
4 care provided to participants in the dem-
5 onstration project.

6 (vi) An assessment of the impact of
7 the demonstration project on maternal and
8 fetal outcomes.

9 (vii) An assessment of the effective-
10 ness of the demonstration project.

11 (viii) Recommendations for adjust-
12 ments to the demonstration project.

13 (ix) The estimated costs avoided as a
14 result of improved maternal and fetal
15 health outcomes due to the demonstration
16 project.

17 (x) Recommendations for extending
18 the demonstration project or implementing
19 permanent coverage under the TRICARE
20 program of extramedical maternal health
21 providers.

22 (xi) An identification of legislative or
23 administrative action necessary to make
24 the demonstration project permanent.

1 (C) FINAL REPORT.—The final report
2 under subparagraph (A) shall be submitted not
3 later than 90 days after the termination of the
4 demonstration project.

5 (g) EXPANSION OF DEMONSTRATION PROJECT.—

6 (1) REGULATIONS.—If the Secretary deter-
7 mines that the demonstration project is successful,
8 the Secretary may prescribe regulations to include
9 extramedical maternal health providers as health
10 care providers authorized to provide care under the
11 TRICARE program.

12 (2) CREDENTIALING AND OTHER REQUIRE-
13 MENTS.—The Secretary may establish credentialing
14 and other requirements for doulas and lactation con-
15 sultants through public notice and comment rule-
16 making for purposes of including doulas and lacta-
17 tion consultations as health care providers author-
18 ized to provide care under the TRICARE program
19 pursuant to regulations prescribed under paragraph
20 (1).

21 (h) DEFINITIONS.—In this section:

22 (1) EXTRAMEDICAL MATERNAL HEALTH PRO-
23 VIDER.—The term “extramedical maternal health
24 provider” means a doula or lactation consultant.

1 (2) COVERED BENEFICIARY; TRICARE PRO-
2 GRAM.—The terms “covered beneficiary” and
3 “TRICARE program” have the meanings given
4 those terms in section 1072 of title 10, United
5 States Code.

6 **SEC. 707. PILOT PROGRAM ON RECEIPT OF NON-GENERIC**
7 **PRESCRIPTION MAINTENANCE MEDICATIONS**
8 **UNDER TRICARE PHARMACY BENEFITS PRO-**
9 **GRAM.**

10 (a) REQUIREMENT.—The Secretary of Defense shall
11 carry out a pilot program under which eligible covered
12 beneficiaries may elect to receive non-generic prescription
13 maintenance medications selected under subsection (c)
14 through military treatment facility pharmacies, retail
15 pharmacies, or the national mail-order pharmacy program,
16 notwithstanding section 1074g(a)(9) of title 10, United
17 States Code.

18 (b) DURATION.—The Secretary shall carry out the
19 pilot program for a three-year period beginning not later
20 than March 1, 2021.

21 (c) SELECTION OF MEDICATION.—The Secretary
22 shall select non-generic prescription maintenance medica-
23 tions described in section 1074g(a)(9)(C)(i) of title 10,
24 United States Code, to be covered by the pilot program.

25 (d) USE OF VOLUNTARY REBATES.—

1 (1) REQUIREMENT.—In carrying out the pilot
2 program, the Secretary shall seek to renew and mod-
3 ify contracts described in paragraph (2) in a manner
4 that—

5 (A) includes for purposes of the pilot pro-
6 gram retail pharmacies as a point of sale for
7 the non-generic prescription maintenance medi-
8 cation covered by the contract; and

9 (B) provides the manufacturer with the op-
10 tion to provide voluntary rebates for such medi-
11 cations at retail pharmacies.

12 (2) CONTRACTS DESCRIBED.—The contracts
13 described in this paragraph are contracts for the
14 procurement of non-generic prescription mainte-
15 nance medications selected under subsection (c) that
16 are eligible for renewal during the period in which
17 the pilot program is carried out.

18 (e) NOTIFICATION.—In providing each eligible cov-
19 ered beneficiary with an explanation of benefits, the Sec-
20 retary shall notify the beneficiary of whether the medica-
21 tion that the beneficiary is prescribed is covered by the
22 pilot program.

23 (f) BRIEFING AND REPORTS.—

24 (1) BRIEFING.—Not later than 90 days after
25 the date of the enactment of this Act, the Secretary

1 shall brief the congressional defense committees on
2 the implementation of the pilot program.

3 (2) INTERIM REPORT.—Not later than 18
4 months after the commencement of the pilot pro-
5 gram, the Secretary shall submit to the congres-
6 sional defense committees a report on the pilot pro-
7 gram.

8 (3) COMPTROLLER GENERAL REPORT.—

9 (A) IN GENERAL.—Not later than March
10 1, 2024, the Comptroller General of the United
11 States shall submit to the congressional defense
12 committees a report on the pilot program.

13 (B) ELEMENTS.—The report required by
14 subparagraph (A) shall include the following:

15 (i) The number of eligible covered
16 beneficiaries who participated in the pilot
17 program and an assessment of the satisfac-
18 tion of such beneficiaries with the pilot
19 program.

20 (ii) The rate by which eligible covered
21 beneficiaries elected to receive non-generic
22 prescription maintenance medications at a
23 retail pharmacy pursuant to the pilot pro-
24 gram, and how such rate affected military

1 treatment facility pharmacies and the na-
2 tional mail-order pharmacy program.

3 (iii) The amount of cost savings real-
4 ized by the pilot program, including with
5 respect to—

6 (I) dispensing fees incurred at re-
7 tail pharmacies compared to the na-
8 tional mail-order pharmacy program
9 for brand name prescription drugs;

10 (II) administrative fees;

11 (III) any costs paid by the
12 United States for the drugs in addi-
13 tion to the procurement costs;

14 (IV) the use of military treat-
15 ment facilities; and

16 (V) copayments paid by eligible
17 covered beneficiaries.

18 (iv) A comparison of supplemental re-
19 bates between retail pharmacies and other
20 points of sale.

21 (g) RULE OF CONSTRUCTION.—Nothing in this sec-
22 tion may be construed to affect the ability of the Secretary
23 to carry out section 1074g(a)(9)(C) of title 10, United
24 States Code, after the date on which the pilot program
25 is completed.

1 (h) DEFINITIONS.—In this section:

2 (1) The term “eligible covered beneficiary” has
3 the meaning given that term in section 1074g(i) of
4 title 10, United States Code.

5 (2) The terms “military treatment facility phar-
6 macies”, “retail pharmacies”, and “the national
7 mail-order pharmacy program” mean the methods
8 for receiving prescription drugs as described in
9 clauses (i), (ii), and (iii), respectively, of section
10 1074g(a)(2)(E) of title 10, United States Code.

11 **Subtitle B—Health Care**
12 **Administration**

13 **SEC. 721. MODIFICATIONS TO TRANSFER OF ARMY MED-**
14 **ICAL RESEARCH AND DEVELOPMENT COM-**
15 **MAND AND PUBLIC HEALTH COMMANDS TO**
16 **DEFENSE HEALTH AGENCY.**

17 (a) DELAY OF TRANSFER.—

18 (1) IN GENERAL.—Section 1073c(e) of title 10,
19 United States Code, is amended, in the matter pre-
20 ceding paragraph (1), by striking “September 30,
21 2022” and inserting “September 30, 2024”.

22 (2) CONFORMING AMENDMENTS.—Section 737
23 of the National Defense Authorization Act for Fiscal
24 Year 2020 (Public Law 116–92) is amended, in sub-
25 sections (a) and (c), by striking “September 30,

1 2022” and inserting “September 30, 2024” each
2 place it appears.

3 (b) **MODIFICATION TO RESOURCES PRESERVED.**—

4 Such section 737 is amended—

5 (1) in the section heading, by striking “**RE-**
6 **SOURCES**” and inserting “**INFRASTRUCTURE**
7 **AND PERSONNEL**”; and

8 (2) in subsection (a)—

9 (A) by striking “resources” and inserting
10 “infrastructure and personnel”; and

11 (B) by striking “, which shall include man-
12 power and funding, at not less than the level of
13 such resources”.

14 (c) **ELIMINATION OF TRANSFER OF FUNDS.**—Such
15 section 737 is further amended by—

16 (1) striking subsection (b); and

17 (2) redesignating subsection (c) as subsection
18 (b).

19 (d) **CHANGE OF NAME OF COMMAND.**—

20 (1) **DELAY OF TRANSFER.**—Section
21 1073c(e)(1)(B) of title 10, United States Code, is
22 amended by striking “Materiel” and inserting “De-
23 velopment”.

24 (2) **PRESERVATION OF INFRASTRUCTURE AND**
25 **PERSONNEL.**—Section 737 of the National Defense

1 Authorization Act for Fiscal Year 2020 (Public Law
2 116–92) is amended—

3 (A) in the section heading, by striking
4 “**MATERIEL**” and inserting “**DEVELOP-**
5 **MENT**”; and

6 (B) by striking “Materiel” each place it
7 appears and inserting “Development”.

8 (e) CLERICAL AMENDMENT.—The table of contents
9 for the National Defense Authorization Act for Fiscal
10 Year 2020 is amended by striking the item relating to sec-
11 tion 737 and inserting the following new item:

“Sec. 737. Preservation of infrastructure and personnel of the Army Medical
Research and Development Command and continuation as Center of Excellence.”.

12 **SEC. 722. DELAY OF APPLICABILITY OF ADMINISTRATION**
13 **OF TRICARE DENTAL PLANS THROUGH FED-**
14 **ERAL EMPLOYEES DENTAL AND VISION IN-**
15 **SURANCE PROGRAM.**

16 Section 713(c) of the John S. McCain National De-
17 fense Authorization Act for Fiscal Year 2019 (Public Law
18 115–232; 5 U.S.C. 8951 note) is amended by striking
19 “January 1, 2022” and inserting “January 1, 2023”.

1 **SEC. 723. AUTHORITY OF SECRETARY OF DEFENSE TO**
2 **WAIVE REQUIREMENTS DURING NATIONAL**
3 **EMERGENCIES FOR PURPOSES OF PROVI-**
4 **SION OF HEALTH CARE.**

5 (a) IN GENERAL.—Chapter 55 of title 10, United
6 States Code, is amended by inserting after section 1073d
7 the following new section:

8 **“§ 1073e. Authority to waive requirements during na-**
9 **tional emergencies**

10 “(a) PURPOSE.—The purpose of this section is to en-
11 able the Secretary of Defense to ensure, to the maximum
12 extent feasible, in an emergency area during an emergency
13 period—

14 “(1) that sufficient authorized health care items
15 and services are available to meet the needs of cov-
16 ered beneficiaries in such area eligible for the pro-
17 grams under this chapter; and

18 “(2) that private sector health care providers
19 authorized under the TRICARE program that fur-
20 nish such authorized items and services in good faith
21 may be reimbursed for such items and services ab-
22 sent any determination of fraud or abuse.

23 “(b) AUTHORITY.—

24 “(1) IN GENERAL.—To the extent necessary to
25 accomplish the purpose specified in subsection (a),
26 the Secretary, subject to the provisions of this sec-

1 tion, may, for a period of 60 days, waive or modify
2 the application of the requirements of this chapter
3 or any regulation prescribed thereunder with respect
4 to health care items and services furnished by a
5 health care provider (or class of health care pro-
6 viders) in an emergency area (or portion of such
7 area) during an emergency period (or portion of
8 such period), including by deferring the termination
9 of status of a covered beneficiary.

10 “(2) RENEWAL.—The Secretary may renew a
11 waiver or modification under paragraph (1) for sub-
12 sequent 60-day periods during the duration of the
13 applicable emergency declaration.

14 “(c) IMPLEMENTATION.—The Secretary may imple-
15 ment any temporary waiver or modification made pursu-
16 ant to this section by program instruction or otherwise.

17 “(d) RETROACTIVE APPLICATION.—A waiver or
18 modification made pursuant to this section with respect
19 to an emergency period may, at the discretion of the Sec-
20 retary, be made retroactive to the beginning of the emer-
21 gency period or any subsequent date in such period speci-
22 fied by the Secretary.

23 “(e) SATISFACTION OF PRECONDITIONS FOR STATUS
24 AS COVERED BENEFICIARY.—A deferral under subsection
25 (b) of termination of status of a covered beneficiary may

1 be contingent upon retroactive satisfaction by such bene-
2 ficiary of any premium or enrollment fee payments or
3 other preconditions for such status.

4 “(f) CERTIFICATION.—

5 “(1) IN GENERAL.—Not later than two days be-
6 fore exercising a waiver or modification under sub-
7 section (b)(1) or renewing a waiver or modification
8 under subsection (b)(2), the Secretary shall submit
9 to the Committees on Armed Services of the Senate
10 and the House of Representatives a certification and
11 advance written notice regarding the authority to be
12 exercised.

13 “(2) MATTERS INCLUDED.—Certification and
14 advanced written notice required under paragraph
15 (1) shall include—

16 “(A) a description of—

17 “(i) the specific provisions of law that
18 will be waived or modified;

19 “(ii) the health care providers to
20 whom the waiver or modification will
21 apply;

22 “(iii) the geographic area in which the
23 waiver or modification will apply; and

24 “(iv) the period of time for which the
25 waiver or modification will be in effect; and

1 “(B) a certification that the waiver or
2 modification is necessary to carry out the pur-
3 pose specified in subsection (a).

4 “(g) TERMINATION OF WAIVER.—A waiver or modi-
5 fication of requirements pursuant to this section termi-
6 nates upon the termination of the applicable emergency
7 declaration.

8 “(h) REPORT.—Not later than one year after the end
9 of an emergency period during which the Secretary exer-
10 cised the authority under this section, the Secretary shall
11 submit to the Committees on Armed Services of the Sen-
12 ate and the House of Representatives a report on the ap-
13 proaches used to accomplish the purpose described in sub-
14 section (a), including an evaluation of such approaches
15 and recommendations for improved approaches should the
16 need for the exercise of such authority arise in the future.

17 “(i) DEFINITIONS.—In this section:

18 “(1) EMERGENCY AREA.—The term ‘emergency
19 area’ means a geographical area covered by an emer-
20 gency declaration.

21 “(2) EMERGENCY DECLARATION.—The term
22 ‘emergency declaration’ means—

23 “(A) an emergency or disaster declared by
24 the President pursuant to the National Emer-
25 gencies Act (50 U.S.C. 1601 et seq.) or the

1 Robert T. Stafford Disaster Relief and Emer-
2 gency Assistance Act (42 U.S.C. 5121 et seq.);
3 or

4 “(B) a public health emergency declared
5 pursuant to section 319 of the Public Health
6 Service Act (42 U.S.C. 247d).

7 “(3) EMERGENCY PERIOD.—The term ‘emer-
8 gency period’ means the period covered by an emer-
9 gency declaration.”.

10 (b) CLERICAL AMENDMENT.—The table of sections
11 at the beginning of chapter 55 of such title is amended
12 by inserting after the item relating to section 1073d the
13 following new item:

“1073e. Authority to waive requirements during national emergencies.”.

14 **Subtitle C—Reports and Other**
15 **Matters**

16 **SEC. 741. EXTENSION OF AUTHORITY FOR JOINT DEPART-**
17 **MENT OF DEFENSE-DEPARTMENT OF VET-**
18 **ERANS AFFAIRS MEDICAL FACILITY DEM-**
19 **ONSTRATION FUND.**

20 Section 1704(e) of the National Defense Authoriza-
21 tion Act for Fiscal Year 2010 (Public Law 111–84; 123
22 Stat. 2573), as most recently amended by section
23 732(4)(B) of the National Defense Authorization Act for
24 Fiscal Year 2020 (Public Law 116–92), is further amend-

1 ed by striking “September 30, 2021” and inserting “Sep-
2 tember 30, 2022”.

3 **SEC. 742. MEMBERSHIP OF BOARD OF REGENTS OF UNI-**
4 **FORMED SERVICES UNIVERSITY OF THE**
5 **HEALTH SCIENCES.**

6 (a) IN GENERAL.—Section 2113a(b) of title 10,
7 United States Code, is amended—

8 (1) by redesignating paragraphs (3) and (4) as
9 paragraphs (4) and (5), respectively; and

10 (2) by inserting after paragraph (2) the fol-
11 lowing new paragraph:

12 “(3) the Director of the Defense Health Agen-
13 cy, who shall be an ex officio member;”.

14 (b) RULE OF CONSTRUCTION.—The amendments
15 made by this section may not be construed to invalidate
16 any action taken by the Uniformed Services University of
17 the Health Sciences or its Board of Regents prior to the
18 effective date of this section.

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

21 **SEC. 743. MILITARY HEALTH SYSTEM CLINICAL QUALITY**
22 **MANAGEMENT PROGRAM.**

23 (a) IN GENERAL.—The Secretary of Defense, acting
24 through the Director of the Defense Health Agency, shall
25 implement a comprehensive program to be known as the

1 “Military Health System Clinical Quality Management
2 Program” (in this section referred to as the “Program”).

3 (b) ELEMENTS OF PROGRAM.—The Program shall
4 include, at a minimum, the following:

5 (1) The implementation of systematic proce-
6 dures to eliminate, to the maximum extent feasible,
7 risk of harm to patients at military medical treat-
8 ment facilities, including through identification, in-
9 vestigation, and analysis of events indicating a risk
10 of patient harm and corrective action plans to miti-
11 gate such risks.

12 (2) With respect to a potentially compensable
13 event (including those involving members of the
14 Armed Forces) at a military medical treatment facil-
15 ity—

16 (A) an analysis of such event, which shall
17 occur and be documented as soon as possible
18 after the event;

19 (B) use of such analysis for clinical quality
20 management; and

21 (C) reporting of such event to the National
22 Practitioner Data Bank in accordance with
23 guidelines of the Secretary of Health and
24 Human Services under the Health Care Quality
25 Improvement Act of 1986 (42 U.S.C. 11101 et

1 seq.), giving special emphasis to the results of
2 external peer reviews of the event.

3 (3) Validation of provider credentials and
4 granting of clinical privileges by the Director of the
5 Defense Health Agency for all health care providers
6 at a military medical treatment facility.

7 (4) Accreditation of military medical treatment
8 facilities by a recognized external accreditation body.

9 (5) Systematic measurement of indicators of
10 health care quality, emphasizing clinical outcome
11 measures, comparison of such indicators with bench-
12 marks from leading health care quality improvement
13 organizations, and transparency with the public of
14 appropriate clinical measurements for military med-
15 ical treatment facilities.

16 (6) Systematic activities emphasized by leader-
17 ship at all organizational levels to use all elements
18 of the Program to eliminate unwanted variance
19 throughout the health care system of the Depart-
20 ment of Defense and make constant improvements
21 in clinical quality.

22 (7) A full range of procedures for productive
23 communication between patients and health care
24 providers regarding actual or perceived adverse clin-

1 ical events at military medical treatment facilities,
2 including procedures—

3 (A) for full disclosure of such events (re-
4 specting the confidentiality of peer review infor-
5 mation under a medical quality assurance pro-
6 gram under section 1102 of title 10, United
7 States Code);

8 (B) providing an opportunity for the pa-
9 tient to be heard in relation to quality reviews;
10 and

11 (C) to resolve patient concerns by inde-
12 pendent, neutral healthcare resolution special-
13 ists.

14 (c) ADDITIONAL CLINICAL QUALITY MANAGEMENT
15 ACTIVITIES.—

16 (1) IN GENERAL.—In addition to the elements
17 of the Program set forth in subsection (b), the Sec-
18 retary shall establish and maintain clinical quality
19 management activities in relation to functions of the
20 health care system of the Department separate from
21 delivery of health care services in military medical
22 treatment facilities.

23 (2) HEALTH CARE DELIVERY OUTSIDE MILI-
24 TARY MEDICAL TREATMENT FACILITIES.—In car-
25 rying out paragraph (1), the Secretary shall main-

1 tain policies and procedures to promote clinical qual-
2 ity in health care delivery on ships and planes, in de-
3 ployed settings, and in all other circumstances not
4 covered by subsection (b), with the objective of im-
5 plementing standards and procedures comparable, to
6 the extent practicable, to those under such sub-
7 section.

8 (3) PURCHASED CARE SYSTEM.—In carrying
9 out paragraph (1), the Secretary shall maintain poli-
10 cies and procedures for health care services provided
11 outside the Department but paid for by the Depart-
12 ment, reflecting best practices by public and private
13 health care reimbursement and management sys-
14 tems.

15 (d) MILITARY MEDICAL TREATMENT FACILITY DE-
16 FINED.—In this section, the term “military medical treat-
17 ment facility” means any fixed facility or portion thereof
18 of the Department of Defense that is outside of a deployed
19 environment and used primarily for health care.

1 **SEC. 744. MODIFICATIONS TO PILOT PROGRAM ON CIVIL-**
2 **IAN AND MILITARY PARTNERSHIPS TO EN-**
3 **HANCE INTEROPERABILITY AND MEDICAL**
4 **SURGE CAPABILITY AND CAPACITY OF NA-**
5 **TIONAL DISASTER MEDICAL SYSTEM.**

6 Section 740 of the National Defense Authorization
7 Act for Fiscal Year 2020 (Public Law 116–92) is amend-
8 ed—

9 (1) in subsection (a)—

10 (A) by striking “The Secretary of Defense
11 may” and inserting “Beginning not later than
12 September 30, 2021, the Secretary of Defense
13 shall”; and

14 (B) by striking “health care organizations,
15 institutions, and entities” and inserting “health
16 care organizations, health care institutions,
17 health care entities, academic medical centers of
18 institutions of higher education, and hospitals”;
19 and

20 (C) by striking “in the vicinity of major
21 aeromedical and other transport hubs and logis-
22 tics centers of the Department of Defense”;

23 (2) by striking subsection (c) and inserting the
24 following new subsections:

25 “(c) **LEAD OFFICIAL FOR DESIGN AND IMPLEMEN-**
26 **TATION OF PILOT PROGRAM.—**

1 “(1) IN GENERAL.—The Assistant Secretary of
2 Defense for Health Affairs shall be the lead official
3 for design and implementation of the pilot program
4 under subsection (a).

5 “(2) RESOURCES.—The Assistant Secretary of
6 Defense for Health Affairs shall leverage the re-
7 sources of the Defense Health Agency for execution
8 of the pilot program under subsection (a) and shall
9 coordinate with the Chairman of the Joint Chiefs of
10 Staff throughout the planning and duration of the
11 pilot program.

12 “(d) LOCATIONS.—

13 “(1) IN GENERAL.—The Secretary of Defense
14 shall carry out the pilot program under subsection
15 (a) at not fewer than five locations in the United
16 States that are located at or near locations with es-
17 tablished expertise in disaster health preparedness
18 and response and trauma care that augment and en-
19 hance the effectiveness of the pilot program.

20 “(2) PHASED SELECTION OF LOCATIONS.—

21 “(A) INITIAL SELECTION.—Not later than
22 the earlier of the date that is 180 days after the
23 date of the enactment of this Act or March 31,
24 2021, the Assistant Secretary of Defense for
25 Health Affairs, in consultation with the Sec-

1 retary of Veterans Affairs, the Secretary of
2 Health and Human Services, the Secretary of
3 Homeland Security, and the Secretary of
4 Transportation, shall select not fewer than two
5 locations at which to carry out the pilot pro-
6 gram.

7 “(B) SUBSEQUENT SELECTION.—Not later
8 than the end of each one-year period following
9 selection of locations under subparagraph (A),
10 the Assistant Secretary of Defense for Health
11 Affairs, in consultation with the Secretary of
12 Veterans Affairs, the Secretary of Health and
13 Human Services, the Secretary of Homeland
14 Security, and the Secretary of Transportation,
15 shall select not fewer than two additional loca-
16 tions at which to carry out the pilot program
17 until not fewer than five locations are selected
18 in total.

19 “(3) CONSIDERATION AND PRIORITY FOR LOCA-
20 TIONS.—In selecting locations for the pilot program
21 under subsection (a), the Secretary shall—

22 “(A) consider—

23 “(i) the proximity of the location to
24 civilian or military transportation hubs, in-

1 including airports, railways, interstate high-
2 ways, or ports;

3 “(ii) the ability of the location to ac-
4 cept a redistribution of casualties during
5 times of war;

6 “(iii) the ability of the location to pro-
7 vide trauma care training opportunities for
8 medical personnel of the Department of
9 Defense; and

10 “(iv) the proximity of the location to
11 existing academic medical centers of insti-
12 tutions of higher education, facilities of the
13 Department, or other institutions that
14 have established expertise in the areas of—

15 “(I) highly infectious disease;

16 “(II) biocontainment;

17 “(III) quarantine;

18 “(IV) trauma care;

19 “(V) combat casualty care;

20 “(VI) the National Disaster Med-
21 ical System under section 2812 of the
22 Public Health Service Act (42 U.S.C.
23 300hh-11);

24 “(VII) disaster health prepared-
25 ness and response;

1 (ii) in subparagraph (B)—

2 (I) in clause (ii), by striking
3 “subsection (d)” and inserting “sub-
4 section (e)”;

5 (II) in clause (iii), by striking
6 “subsection (e)” and inserting “sub-
7 section (f)”;

8 (B) in paragraph (2)(B)(iv), by striking
9 “the authority for”; and

10 (5) by adding at the end the following new sub-
11 section:

12 “(h) INSTITUTION OF HIGHER EDUCATION DE-
13 FINED.—In this section, the term ‘institution of higher
14 education’ means a four-year institution of higher edu-
15 cation, as defined in section 101(a) of the Higher Edu-
16 cation Act of 1965 (20 U.S.C. 1001(a)).”

17 **SEC. 745. STUDY ON FORCE MIX OPTIONS AND SERVICE**
18 **MODELS TO ENHANCE READINESS OF MED-**
19 **ICAL FORCE OF THE ARMED FORCES TO PRO-**
20 **VIDE COMBAT CASUALTY CARE.**

21 (a) STUDY REQUIRED.—Not later than 30 days after
22 the date of the enactment of this Act, the Secretary of
23 Defense shall seek to enter into an agreement with a fed-
24 erally funded research and development center or other
25 independent entity to perform a study on force mix options

1 and service models (including traditional and nontradi-
2 tional active and reserve models) to optimize the readiness
3 of the medical force of the Armed Forces to deliver combat
4 care on the battlefield.

5 (b) ISSUES TO BE ADDRESSED.—The study required
6 by subsection (a) shall include, at a minimum—

7 (1) with respect to options relating to members
8 of the Armed Forces on active duty—

9 (A) a review of existing models for such
10 members who are medical professionals to sup-
11 port clinical readiness skills by serving in civil-
12 ian trauma centers;

13 (B) an assessment of the extent to which
14 existing models can be optimized, standardized,
15 and scaled to address current readiness short-
16 falls; and

17 (C) an evaluation of the cost and effective-
18 ness of alternative models for such members
19 who are medical professionals to serve in civil-
20 ian trauma centers; and

21 (2) with respect to options relating to members
22 of the reserve components of the Armed Forces—

23 (A) a review of existing models for such
24 members of the reserve components who are

1 medical professionals to support clinical readi-
2 ness skills by serving in civilian trauma centers;

3 (B) an assessment of the extent to which
4 existing models can be optimized, standardized,
5 and scaled to address current readiness short-
6 falls; and

7 (C) an evaluation of the cost and effective-
8 ness of alternative models for such members of
9 the reserve components who are medical profes-
10 sionals to serve in civilian trauma centers.

11 (c) REPORT.—Not later than 15 months after the
12 date of the enactment of this Act, the Secretary shall sub-
13 mit to the Committees on Armed Services of the Senate
14 and the House of Representatives a report on the findings
15 and recommendations of the independent study required
16 by subsection (a).

17 **SEC. 746. COMPTROLLER GENERAL STUDY ON DELIVERY**
18 **OF MENTAL HEALTH SERVICES TO MEMBERS**
19 **OF THE RESERVE COMPONENTS OF THE**
20 **ARMED FORCES.**

21 (a) IN GENERAL.—The Comptroller General of the
22 United States shall conduct a study on the delivery of Fed-
23 eral, State, and private mental health services to members
24 of the reserve components.

1 (b) ELEMENTS.—The study conducted under sub-
2 section (a) shall—

3 (1) identify all programs, coverage, and costs
4 associated with services described in such subsection;

5 (2) specify gaps or barriers to access that could
6 result in delayed or insufficient mental health care
7 support to members of the reserve components.

8 (3) evaluate the mental health screening re-
9 quirements for members of the reserve components
10 immediately before, during, and after—

11 (A) Federal deployment under title 10,
12 United States Code; or

13 (B) State deployment under title 32,
14 United States Code; and

15 (4) provide recommendations when practicable
16 to strengthen the reintegration of members of the
17 reserve components, including an assessment of the
18 effectiveness of making programming mandatory.

19 (c) REPORT.—Not later than one year after the date
20 of the enactment of this Act, the Comptroller General shall
21 submit to the Committees on Armed Services of the Sen-
22 ate and the House of Representatives a report on the
23 study conducted under subsection (a).

24 (d) RESERVE COMPONENT DEFINED.—In this sec-
25 tion, the term “reserve component” means a reserve com-

1 ponent of the Armed Forces named in section 10101 of
2 title 10, United States Code.

3 **SEC. 747. REVIEW AND REPORT ON PREVENTION OF SUI-**
4 **CIDE AMONG MEMBERS OF THE ARMED**
5 **FORCES STATIONED AT REMOTE INSTALLA-**
6 **TIONS OUTSIDE THE CONTIGUOUS UNITED**
7 **STATES.**

8 (a) REVIEW REQUIRED.—The Comptroller General
9 of the United States shall conduct a review of efforts by
10 the Department of Defense to prevent suicide among
11 members of the Armed Forces stationed at covered instal-
12 lations.

13 (b) ELEMENTS OF REVIEW.—The review conducted
14 under subsection (a) shall include an assessment of each
15 of the following:

16 (1) Current policy guidelines of the Armed
17 Forces on the prevention of suicide among members
18 of the Armed Forces stationed at covered installa-
19 tions.

20 (2) Current suicide prevention programs of the
21 Armed Forces and activities for members of the
22 Armed Forces stationed at covered installations and
23 their dependents, including programs provided by
24 the Defense Health Program and the Office of Sui-
25 cide Prevention.

1 (3) The integration of mental health screenings
2 and suicide risk and prevention efforts for members
3 of the Armed Forces stationed at covered installa-
4 tions and their dependents into the delivery of pri-
5 mary care for such members and dependents.

6 (4) The standards for responding to attempted
7 or completed suicides among members of the Armed
8 Forces stationed at covered installations and their
9 dependents, including guidance and training to as-
10 sist commanders in addressing incidents of at-
11 tempted or completed suicide within their units.

12 (5) The standards regarding data collection for
13 members of the Armed Forces stationed at covered
14 installations and their dependents, including related
15 factors such as domestic violence and child abuse.

16 (6) The means to ensure the protection of pri-
17 vacy of members of the Armed Forces stationed at
18 covered installations and their dependents who seek
19 or receive treatment related to suicide prevention.

20 (7) The availability of information from indige-
21 nous populations on suicide prevention for members
22 of the Armed Forces stationed at covered installa-
23 tions who are members of such a population.

24 (8) The availability of information from grad-
25 uate research programs of institutions of higher edu-

1 cation on suicide prevention for members of the
2 Armed Forces.

3 (9) Such other matters as the Comptroller Gen-
4 eral considers appropriate in connection with the
5 prevention of suicide among members of the Armed
6 Forces stationed at covered installations and their
7 dependents.

8 (c) BRIEFING AND REPORT.—The Comptroller Gen-
9 eral shall—

10 (1) not later than October 1, 2021, brief the
11 Committees on Armed Services of the Senate and
12 the House of Representatives on preliminary obser-
13 vations relating to the review conducted under sub-
14 section (a); and

15 (2) not later than March 1, 2022, submit to the
16 Committees on Armed Services of the Senate and
17 the House of Representatives a report containing the
18 results of such review.

19 (d) COVERED INSTALLATION DEFINED.—In this sec-
20 tion, the term “covered installation” means a remote in-
21 stallation of the Department of Defense outside the con-
22 tiguous United States.

1 **SEC. 748. AUDIT OF MEDICAL CONDITIONS OF TENANTS IN**
2 **PRIVATIZED MILITARY HOUSING.**

3 (a) IN GENERAL.—Not later than 90 days after the
4 date of the enactment of this Act, the Inspector General
5 of the Department of Defense shall commence the conduct
6 of an audit of the medical conditions of eligible individuals
7 and the association between adverse exposures of such in-
8 dividuals in unsafe or unhealthy housing units and the
9 health of such individuals.

10 (b) CONTENT OF AUDIT.—The audit conducted
11 under subsection (a) shall—

12 (1) determine the percentage of units of
13 privatized military housing that are unsafe or
14 unhealthy housing units;

15 (2) study the adverse exposures of eligible indi-
16 viduals that relate to residing in an unsafe or
17 unhealthy housing unit and the effect of such expo-
18 sures on the health of such individuals; and

19 (3) determine the association, to the extent per-
20 mitted by available scientific data, and provide quan-
21 tifiable data on such association, between such ad-
22 verse exposures and the occurrence of a medical con-
23 dition in eligible individuals residing in unsafe or
24 unhealthy housing units.

25 (c) CONDUCT OF AUDIT.—The Inspector General of
26 the Department shall conduct the audit under subsection

1 (a) using the same privacy preserving guidelines used by
2 the Inspector General in conducting other audits of health
3 records.

4 (d) SOURCE OF DATA.—In conducting the audit
5 under subsection (a), the Inspector General of the Depart-
6 ment shall use—

7 (1) de-identified data from electronic health
8 records of the Department;

9 (2) records of claims under the TRICARE pro-
10 gram (as defined in section 1072(7) of title 10,
11 United States Code); and

12 (3) such other data as determined necessary by
13 the Inspector General.

14 (e) SUBMITTAL AND PUBLIC AVAILABILITY OF RE-
15 PORT.—Not later than one year after the commencement
16 of the audit under subsection (a), the Inspector General
17 of the Department shall—

18 (1) submit to the Secretary of Defense and the
19 Committees on Armed Services of the Senate and
20 the House of Representatives a report on the results
21 of the audit conducted under subsection (a); and

22 (2) publish such report on a publicly available
23 internet website of the Department of Defense.

24 (f) DEFINITIONS.—In this section:

1 (1) ELIGIBLE INDIVIDUAL.—The term “eligible
2 individual” means a member of the Armed Forces or
3 a family member of a member of the Armed Forces
4 who has resided in an unsafe or unhealthy housing
5 unit.

6 (2) PRIVATIZED MILITARY HOUSING.—The
7 term “privatized military housing” means military
8 housing provided under subchapter IV of chapter
9 169 of title 10, United States Code.

10 (3) UNSAFE OR UNHEALTHY HOUSING UNIT.—
11 The term “unsafe or unhealthy housing unit” means
12 a unit of privatized military housing in which, at any
13 given time, at least one of the following hazards is
14 present:

15 (A) Physiological hazards, including the
16 following:

17 (i) Dampness or microbial growth.

18 (ii) Lead-based paint.

19 (iii) Asbestos or manmade fibers.

20 (iv) Ionizing radiation.

21 (v) Biocides.

22 (vi) Carbon monoxide.

23 (vii) Volatile organic compounds.

24 (viii) Infectious agents.

25 (ix) Fine particulate matter.

1 (B) Psychological hazards, including ease
2 of access by unlawful intruders or lighting
3 issues.

4 (C) Poor ventilation.

5 (D) Safety hazards.

6 (E) Other hazards as determined by the
7 Inspector General of the Department.

8 **SEC. 749. COMPTROLLER GENERAL STUDY ON PRENATAL**
9 **AND POSTPARTUM MENTAL HEALTH CONDI-**
10 **TIONS AMONG MEMBERS OF THE ARMED**
11 **FORCES AND THEIR DEPENDENTS.**

12 (a) STUDY.—

13 (1) IN GENERAL.—The Comptroller General of
14 the United States shall conduct a study on prenatal
15 and postpartum mental health conditions among
16 members of the Armed Forces and dependents of
17 such members.

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

20 (A) An assessment of the extent to which
21 beneficiaries under the TRICARE program, in-
22 cluding members of the Armed Forces and de-
23 pendents of such members, are diagnosed with
24 prenatal or postpartum mental health condi-
25 tions, including—

- 1 (i) prenatal or postpartum depression;
2 (ii) prenatal or postpartum anxiety
3 disorder;
4 (iii) prenatal or postpartum obsessive
5 compulsive disorder;
6 (iv) prenatal or postpartum psychosis;
7 and
8 (v) other relevant mood disorders.

9 (B) A demographic assessment of the pop-
10 ulation included in the study with respect to
11 race, ethnicity, sex, age, relationship status,
12 military service, military occupation, and rank,
13 where applicable.

14 (C) An assessment of the status of pre-
15 natal and postpartum mental health care for
16 beneficiaries under the TRICARE program, in-
17 cluding those who seek care at military medical
18 treatment facilities and those who rely on civil-
19 ian providers.

20 (D) An assessment of the ease or delay for
21 beneficiaries under the TRICARE program in
22 obtaining treatment for prenatal and
23 postpartum mental health conditions, includ-
24 ing—

1 (i) an assessment of wait times for
2 mental health treatment at each military
3 medical treatment facility; and

4 (ii) a description of the reasons such
5 beneficiaries may cease seeking such treat-
6 ment.

7 (E) A comparison of the rates of prenatal
8 or postpartum mental health conditions within
9 the military community to such rates in the ci-
10 vilian population, as reported by the Centers for
11 Disease Control and Prevention.

12 (F) An assessment of any effects of im-
13 plicit or explicit bias in prenatal and
14 postpartum mental health care under the
15 TRICARE program, or evidence of racial or so-
16 cioeconomic barriers to such care.

17 (b) REPORT.—Not later than one year after the date
18 of the enactment of this Act, the Comptroller General shall
19 submit to the Committees on Armed Services of the Sen-
20 ate and the House of Representatives a report on the find-
21 ings of the study conducted under subsection (a), includ-
22 ing—

23 (1) recommendations for actions to be taken by
24 the Secretary of Defense to improve prenatal and

1 postpartum mental health among members of the
2 Armed Forces and dependents of such members; and

3 (2) such other recommendations as the Comp-
4 troller General determines appropriate.

5 (c) DEFINITIONS.—In this section, the terms “de-
6 pendent” and “TRICARE program” have the meanings
7 given those terms in section 1072 of title 10, United
8 States Code.

9 **SEC. 750. PLAN FOR EVALUATION OF FLEXIBLE SPENDING**
10 **ACCOUNT OPTIONS FOR MEMBERS OF THE**
11 **UNIFORMED SERVICES AND THEIR FAMILIES.**

12 (a) IN GENERAL.—Not later than March 1, 2021, the
13 Secretary of Defense shall submit to the congressional de-
14 fense committees a plan to evaluate flexible spending ac-
15 count options that allow pre-tax payment of health and
16 dental insurance premiums, out-of-pocket health care ex-
17 penses, and dependent care expenses for members of the
18 uniformed services and their family members, including an
19 identification of any legislative or administrative barriers
20 to achieving the implementation of such options.

21 (b) UNIFORMED SERVICES DEFINED.—In this sec-
22 tion, the term “uniformed services” has the meaning given
23 that term in section 101 of title 37, United States Code.

1 **SEC. 751. ASSESSMENT OF RECEIPT BY CIVILIANS OF**
2 **EMERGENCY MEDICAL TREATMENT AT MILI-**
3 **TARY MEDICAL TREATMENT FACILITIES.**

4 (a) ASSESSMENT.—Not later than one year after the
5 date of the enactment of this Act, the Comptroller General
6 of the United States shall complete an assessment of the
7 provision by the Department of Defense of emergency
8 medical treatment to civilians who are not covered bene-
9 ficiaries at military medical treatment facilities during the
10 period beginning on October 1, 2015, and ending on Sep-
11 tember 30, 2020.

12 (b) ELEMENTS OF ASSESSMENT.—The assessment
13 completed under subsection (a) shall include, with respect
14 to civilians who received emergency medical treatment at
15 a military medical treatment facility during the period
16 specified in such paragraph, the following:

17 (1) The total fees charged to such civilians for
18 such treatment and the total fees collected.

19 (2) The amount of medical debt from such
20 treatment that was garnished from such civilians,
21 categorized by garnishment from Social Security
22 benefits, tax refunds, wages, or other financial asset.

23 (3) The number of such civilians from whom
24 medical debt from such treatment was garnished.

25 (4) The total fees for such treatment that were
26 waived for such civilians.

1 (5) With respect to medical debt incurred by
2 such civilians from such treatment—

3 (A) the amount of such debt that was col-
4 lected by the Department of Defense;

5 (B) the amount of such debt still owed to
6 the Department; and

7 (C) the amount of debt transferred from
8 the Department of Defense to the Department
9 of the Treasury for collection.

10 (6) The number of such civilians from whom
11 such medical debt was collected who did not possess
12 medical insurance at the time of such treatment.

13 (7) The number of such civilians from whom
14 such medical debt was collected who collected Social
15 Security benefits at the time of such treatment.

16 (8) The number of such civilians from whom
17 such medical debt was collected who, at the time of
18 such treatment, earned—

19 (A) less than the poverty line;

20 (B) less than 200 percent of the poverty
21 line;

22 (C) less than 300 percent of the poverty
23 line; and

24 (D) less than 400 percent of the poverty
25 line.

1 (9) An assessment of the process through which
2 military medical treatment facilities seek to recover
3 unpaid medical debt from such civilians, including
4 whether the Department of Defense contracts with
5 private debt collectors to recover such unpaid med-
6 ical debt.

7 (10) An assessment of the process, if any,
8 through which such civilians can apply to have med-
9 ical debt for such treatment waived, forgiven, can-
10 celed, or otherwise determined to not be a financial
11 obligation of the civilian.

12 (11) Such other information as the Comptroller
13 General determines appropriate.

14 (c) REPORT.—Not later than 180 days after the com-
15 pletion of the assessment under subsection (a), the Comp-
16 troller General shall submit to the Committees on Armed
17 Services of the Senate and the House of Representatives
18 a report containing the results of the assessment.

19 (d) DEFINITIONS.—In this section:

20 (1) CIVILIAN.—The term “civilian” means an
21 individual who is not—

22 (A) a member of the Armed Forces;

23 (B) a contractor of the Department of De-
24 fense; or

25 (C) a civilian employee of the Department.

1 (2) COVERED BENEFICIARY.—The term “cov-
2 ered beneficiary” has the meaning given that term
3 in section 1072(5) of title 10, United States Code.

4 (3) POVERTY LINE.—The term “poverty line”
5 has the meaning given that term in section 673 of
6 the Community Services Block Grant Act (42 U.S.C.
7 9902).

8 **TITLE VIII—ACQUISITION POL-**
9 **ICY, ACQUISITION MANAGE-**
10 **MENT, AND RELATED MAT-**
11 **TERS**

12 **Subtitle A—Industrial Base Matters**

13 **SEC. 801. POLICY RECOMMENDATIONS FOR IMPLEMENTA-**
14 **TION OF EXECUTIVE ORDER 13806 (ASSESS-**
15 **ING AND STRENGTHENING THE MANUFAC-**
16 **TURING AND DEFENSE INDUSTRIAL BASE**
17 **AND SUPPLY CHAIN RESILIENCY).**

18 (a) SUBMISSION OF RECOMMENDATIONS TO SEC-
19 RETARY OF DEFENSE.—In order to fully implement the
20 July 21, 2017, Presidential Executive Order on Assessing
21 and Strengthening the Manufacturing and Defense Indus-
22 trial Base and Supply Chain Resiliency of the United
23 States, not later than 540 days after the date of the enact-
24 ment of this Act, the Under Secretary of Defense for Ac-
25 quisition and Sustainment shall submit to the Secretary

1 of Defense a series of recommendations regarding United
2 States industrial policies. The recommendations shall con-
3 sist of specific executive actions, programmatic changes,
4 regulatory changes, and legislative proposals and changes,
5 as appropriate.

6 (b) SCOPE OF ASSESSMENT.—In developing the rec-
7 ommendations required under subsection (a), the Under
8 Secretary shall assess—

9 (1) direct subsidies and investment in the econ-
10 omy;

11 (2) direct provision of credit and purchases of
12 private sector bonds and equity;

13 (3) prize-based technology challenges for critical
14 research and development milestones;

15 (4) capital controls and dollar policy;

16 (5) trade policy, including export control policy,
17 government acquisition policy, and targeted protec-
18 tionist policies;

19 (6) export promotion policies;

20 (7) foreign talent attraction and retention;

21 (8) graduate education policy; and

22 (9) expansion of existing or establishment of
23 new public-private partnerships, including the Trust-
24 ed Capital Marketplace.

1 (c) OBJECTIVES.—The recommendations made pur-
2 suant to subsection (a) shall aim to—

3 (1) facilitate only high-value design, engineer-
4 ing, and manufacturing activities;

5 (2) expand the defense industrial base to in-
6 clude friendly and capable allies and partners;

7 (3) preserve the viability of domestic and inter-
8 national suppliers;

9 (4) include export and productivity incentives;

10 (5) accord with standing international trade
11 law; and

12 (6) strengthen the domestic national security
13 industrial base, especially in areas currently depend-
14 ent on foreign suppliers.

15 (d) CONSULTATION.—In assessing the areas specified
16 in subsection (b) and developing the recommendations re-
17 quired under subsection (a), the Under Secretary shall
18 consult or inaugurate studies with, as appropriate, the
19 Joint Industrial Base Working Group, the Defense
20 Science Board, the Defense Innovation Board, economists,
21 commercial industry, and federally funded research and
22 development centers.

23 (e) SUBMISSION OF RECOMMENDATIONS TO PRESI-
24 DENT.—Not later than 30 days after receiving the rec-
25 ommendations under subsection (a), the Secretary of De-

1 fense shall submit the recommendations, together with any
2 additional views or recommendations, to the President, the
3 Office of Management and Budget, the National Security
4 Council, and the National Economic Council.

5 (f) SUBMISSION OF RECOMMENDATIONS TO CON-
6 GRESS.—Not later than 30 days after submitting the rec-
7 ommendations to the President under section (e), the Sec-
8 retary of Defense shall submit the recommendations to
9 and brief the congressional defense committees on the rec-
10 ommendations.

11 **SEC. 802. ASSESSMENT OF NATIONAL SECURITY INNOVA-**
12 **TION BASE.**

13 (a) IN GENERAL.—Not later than 540 days after the
14 date of the enactment of this Act, the Deputy Secretary
15 of Defense shall submit to the Secretary of Defense an
16 assessment of the economic forces and structures shaping
17 the capacity of the national security innovation base and
18 policy recommendations pertaining to the outcome of such
19 assessment.

20 (b) ELEMENTS.—The assessment required under
21 subsection (a) shall review the following matters as they
22 pertain to the innovative and manufacturing capacity of
23 the national security innovation base:

24 (1) Competition and antitrust policy.

1 (2) Immigration policy, including the policies
2 germane to the attraction and retention of skilled
3 immigrants.

4 (3) Graduate education funding and policy.

5 (4) Demand stabilization and social safety net
6 policies.

7 (5) The structure and incentives of financial
8 markets and businesses' access to credit.

9 (6) Trade policy, including export control pol-
10 icy.

11 (7) The tax code and its effect on investment,
12 including the Federal research and development tax
13 credit.

14 (8) Deregulation in critical economic sectors,
15 land use, environment review, and construction and
16 manufacturing activities.

17 (9) National economic and manufacturing infra-
18 structure.

19 (10) Intellectual property reform.

20 (11) Federally funded investments in the econ-
21 omy, including research and development and ad-
22 vanced manufacturing.

23 (12) Federally funded procurement of goods
24 and services.

1 (A) IN GENERAL.—In developing the strat-
2 egy required by section 2501 of title 10, United
3 States Code, carrying out the analysis of the
4 national technology and industrial base required
5 by section 2503 of such title, and performing
6 the periodic assessments required under section
7 2505 of such title, the Secretary of Defense
8 shall, in consultation with the Under Secretary
9 of Defense for Acquisition and Sustainment and
10 the Under Secretary of Research and Engineer-
11 ing, assess the research and development, man-
12 ufacturing, and production capabilities of enti-
13 ties within the United States and non-United
14 States members of the national technology and
15 industrial base as well as other friendly nations.

16 (B) IDENTIFICATION OF SPECIFIC TECH-
17 NOLOGIES, COMPANIES, LABORATORIES, AND
18 FACTORIES.—The assessment shall include
19 identification of specific technologies, compa-
20 nies, laboratories, and factories of or located in
21 the United States and the non-United States
22 members of the national technology and indus-
23 trial base of potential value to current and fu-
24 ture Department of Defense plans and pro-
25 grams.

1 (2) POLICY AND GUIDANCE.—Consistent with
2 section 2440 of title 10, United States Code, the
3 Under Secretary of Defense for Acquisition and
4 Sustainment shall develop and promulgate to the
5 service and command acquisition executives, the
6 heads of the appropriate defense agencies and field
7 activities, and relevant program managers acquisition
8 policy and guidance germane to the use of the
9 research and development, manufacturing, and pro-
10 duction capabilities identified pursuant to paragraph
11 (1)(B) and the technologies, companies, laboratories,
12 and factories in specific Department of Defense re-
13 search and development, international cooperative
14 research, procurement, and sustainment activities.

15 (b) COOPERATIVE RESEARCH AND DEVELOPMENT.—

16 (1) AUTHORITY TO ENTER INTO COOPERATIVE
17 RESEARCH AND DEVELOPMENT PROJECTS WITH NA-
18 TIONS IN THE NATIONAL TECHNOLOGY AND INDUS-
19 TRIAL BASE.—Section 2350a(a)(2) of title 10,
20 United States Code, is amended by adding at the
21 end the following new subparagraph:

22 “(F) A nation in the National Technology and
23 Industrial Base, as defined by section 2500 of title
24 10, United States Code.”.

1 (2) REGULATIONS.—Not later than 120 days
2 after the date of the enactment of this Act, the Sec-
3 retary of Defense shall revise the Department of De-
4 fense Supplement to the Federal Acquisition Regula-
5 tion to conform with subparagraph (F) of section
6 2350a(a)(2) of title 10, United States Code, as
7 added by paragraph (1).

8 (c) REGULATORY COUNCIL.—Section 2502 of title
9 10, United States Code, is amended by inserting after sub-
10 section (d) the following new subsection:

11 “(e) NATIONAL TECHNOLOGY AND INDUSTRIAL
12 BASE REGULATORY COUNCIL.—

13 “(1) ESTABLISHMENT.—The Chairman of the
14 National Defense Technology and Industrial Base
15 Council shall work with the equivalent designees in
16 the countries that comprise the national technology
17 and industrial base to establish the National Tech-
18 nology and Industrial Base Regulatory Council.

19 “(2) MEETINGS.—The National Technology
20 and Industrial Base Regulatory Council shall meet
21 biannually to harmonize respective policies and regu-
22 lations, and to propose new legislation and regula-
23 tions that increase the integration between the poli-
24 cies, persons, and organizations comprising the na-
25 tional technology and industrial base.

1 “(3) DUTIES.—The National Technology and
2 Industrial Base Regulatory Council shall—

3 “(A) address and review issues related to
4 industrial security, supply chain security, cyber-
5 security, regulating foreign direct investment
6 and foreign ownership, control and influence
7 mitigation, market research, technology assess-
8 ment, and research cooperation within public
9 and private research and development organiza-
10 tions and universities, technology and export
11 control measures, acquisition processes and
12 oversight, and management best practices; and

13 “(B) establish a mechanism for national
14 technology and industrial base members to raise
15 disputes that arise within the national tech-
16 nology and industrial base at a government-to-
17 government level.”.

18 (d) RECOMMENDATIONS FOR ADDITIONAL MEMBERS
19 OF THE NATIONAL TECHNOLOGY AND INDUSTRIAL
20 BASE.—

21 (1) IN GENERAL.—The Secretary of Defense
22 shall establish a process to consider the inclusion of
23 additional member nations in the national tech-
24 nology and industrial base.

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

3 (A) analysis of the national security costs
4 and benefits to the United States and allies of
5 the inclusion of such additional member nation
6 in the national technology and industrial base;

7 (B) analysis of the economic costs and
8 benefits to entities within the United States and
9 allies of the inclusion of such additional mem-
10 ber nation into the national technology and in-
11 dustrial base, including an assessment of—

12 (i) specific shortfalls in the techno-
13 logical and industrial capacities of current
14 member nations of the national technology
15 and industrial base that would be ad-
16 dressed by inclusion of such additional
17 member nation; and

18 (ii) specific areas in the industrial
19 bases of current member nations of the na-
20 tional technology and industrial base that
21 would likely be impacted by additional
22 competition if such additional nation were
23 included in the national technology and in-
24 dustrial base; and

1 (C) analysis of other factors as determined
2 relevant by the Secretary.

3 (3) RECOMMENDED LEGISLATION.—

4 (A) IN GENERAL.—The Secretary of De-
5 fense may submit legislative proposals to Con-
6 gress to add new nations to the national tech-
7 nology and industrial base.

8 (B) ELEMENTS.—Proposals submitted
9 pursuant to subparagraph (A) shall include the
10 following elements:

11 (i) A summary of the analyses per-
12 formed pursuant to subsection (d)(2).

13 (ii) A set of metrics to assess the na-
14 tional security and economic benefits that
15 such inclusion is expected to accrue to en-
16 tities within the United States and allied
17 nations.

18 (4) REPORT.—Not later than 540 days after
19 the date of the enactment of this Act, the Secretary
20 shall submit to the congressional defense committees
21 a report with recommendations regarding whether to
22 include in the national technology and industrial
23 base each country with which the United States
24 maintains a mutual defense treaty, a reciprocal de-
25 fense procurement agreement, or other defense co-

1 operation agreement. The report shall be based on
2 assessments conducted using the process established
3 under paragraph (1) and shall include, for each
4 country recommended for inclusion, the information
5 specified in paragraph (3)(B).

6 **SEC. 804. MODIFICATION OF FRAMEWORK FOR MODERN-**
7 **IZING ACQUISITION PROCESSES TO ENSURE**
8 **INTEGRITY OF INDUSTRIAL BASE.**

9 Section 2509 of title 10, United States Code, as
10 added by section 845(a) of the National Defense Author-
11 ization Act for Fiscal Year 2020 (Public Law 116–92),
12 is amended—

13 (1) in subsection (b)(2)—

14 (A) in subparagraph (A)—

15 (i) by inserting “, such as those iden-
16 tified through the Department of Defense’s
17 supply chain risk management process and
18 by the Federal Acquisition Security Coun-
19 cil, and” after “supply chain risks”; and

20 (ii) in clause (ii), by striking “(other
21 than optical transmission components)”;

22 (B) in subparagraph (C)—

23 (i) in clause (x), by striking “; and”
24 and inserting a semicolon;

1 (ii) by redesignating clause (xi) as
2 clause (xii); and

3 (iii) by inserting after clause (x) the
4 following new clause:

5 “(xi) processes and procedures related to
6 supply chain risk management, including those
7 implemented pursuant to section 806 of the Ike
8 Skelton National Defense Authorization Act for
9 Fiscal Year 2011 (Public Law 111–383; 10
10 U.S.C. 2304 note); and”;

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

13 “(E) Characterization and assessment of indus-
14 trial base support policies, programs, and proce-
15 dures, including—

16 “(i) limitations and acquisition guidance
17 relevant to the national technology and indus-
18 trial base (as defined in section 2500(1) of this
19 title);

20 “(ii) limitations and acquisition guidance
21 relevant to section 2533a of this title;

22 “(iii) the Industrial Base Analysis and
23 Sustainment program, including direct support
24 and common design activities;

1 “(iv) the Small Business Innovation Re-
2 search program;

3 “(v) the Department of Defense Manufac-
4 turing Technology program;

5 “(vi) programs related to the Defense Pro-
6 duction Act of 1950 (50 U.S.C. 4511 et seq.);

7 “(vii) the Trusted Capital Marketplace
8 program; and

9 “(viii) programs in the military services.”;

10 and

11 (2) in subsection (f)(2), by inserting “, and
12 supporting policies, procedures, and guidance” after
13 “pursuant to subsection (b)”.

14 **SEC. 805. ASSESSMENTS OF INDUSTRIAL BASE CAPABILI-**
15 **TIES AND CAPACITY.**

16 (a) ASSESSMENTS.—The Secretary of Defense shall
17 define intelligence and other information requirements,
18 sources, and organizational responsibilities for assessing
19 foreign adversary technological and industrial bases and
20 conducting comparative analyses of such technological and
21 industrial bases. The requirements, sources, and respon-
22 sibilities shall include—

23 (1) examining the competitive advantages for-
24 eign adversaries are pursuing, including with respect

1 to regulation, raw materials, educational capacity,
2 labor, and capital accessibility;

3 (2) assessing relative cost, speed of product de-
4 velopment, age and value of the installed capital
5 base, leadership's technical competence and agility,
6 nationally imposed inhibiting conditions, the avail-
7 ability of human and material resources, and the
8 burdens of government oversight;

9 (3) a temporal evaluation of the competitive
10 strengths and weaknesses of United States industry
11 versus the directed priorities and capabilities of for-
12 eign adversary governments; and

13 (4) assessing any other issues that the Sec-
14 retary of Defense determines appropriate.

15 (b) **METHODOLOGY.**—The Deputy Assistant Sec-
16 retary of Defense for Industrial Policy shall incorporate
17 inputs pursuant to subsection (a) as part of a methodology
18 to continuously assess domestic and foreign industries,
19 markets, and companies of significance to military and in-
20 dustrial advantage to identify supply chain vulnerabilities.

21 (c) **REPORT.**—

22 (1) **IN GENERAL.**—Not later than March 15,
23 2021, the Secretary of Defense shall submit to the
24 congressional defense committees a report on efforts

1 to establish the continuous assessment activity re-
2 quired under subsections (a) and (b).

3 (2) ELEMENTS.—The report submitted under
4 paragraph (1) shall include a consideration of
5 whether it would be appropriate to task some of the
6 assessment work to an organization independent of
7 the Department, and any recommendations regard-
8 ing which organization should perform such work.

9 **SEC. 806. ANALYSES OF CERTAIN MATERIALS AND TECH-**
10 **NOLOGY SECTORS FOR ACTION TO ADDRESS**
11 **SOURCING AND INDUSTRIAL CAPACITY.**

12 (a) ANALYSES REQUIRED.—

13 (1) IN GENERAL.—The Secretary of Defense,
14 acting through the Undersecretary for Acquisition
15 and Sustainment and other appropriate officials,
16 shall review the materials, processes, and technology
17 sectors under subsection (c) to determine and de-
18 velop appropriate actions, consistent with the poli-
19 cies, programs, and activities required under chapter
20 148 of title 10, United States Code, including—

21 (A) restricting procurement, with appro-
22 priate waivers for cost, emergency require-
23 ments, and non-availability of suppliers, includ-
24 ing restricting procurement to—

25 (i) suppliers in the United States;

1 (ii) suppliers in the national tech-
2 nology and industrial base (as defined in
3 section 2500(1) of title 10, United States
4 Code);

5 (iii) suppliers in other allied nations;
6 or

7 (iv) other suppliers;

8 (B) increasing investment to expand capac-
9 ity or diversifying sources of supply or alter-
10 native approaches to addressing military re-
11 quirements, through use of research and devel-
12 opment or procurement activities and acquisi-
13 tion authorities;

14 (C) taking a combination of actions de-
15 scribed under subparagraphs (A) and (B); or

16 (D) taking no actions, restrictions, or addi-
17 tional investment.

18 (2) CONSIDERATIONS.—The analyses conducted
19 pursuant to paragraph (1) shall consider national se-
20 curity, economic, and treaty implications, as well as
21 impacts on current and potential suppliers of goods
22 and services.

23 (b) RECOMMENDATIONS.—The analyses conducted
24 pursuant to subsection (a) shall be used to inform policy,

1 agreements, guidance and reporting requirements under
2 chapter 148 of title 10, United States Code, including—

3 (1) the annual report to Congress required
4 under section 2504 of such title;

5 (2) the annual report on unfunded priorities of
6 the national technology and industrial base required
7 under section 2504a of such title;

8 (3) Department of Defense technology and in-
9 dustrial base policy guidance prescribed under sec-
10 tion 2506 of such title;

11 (4) activities to modernize acquisition processes
12 to ensure integrity of industrial base pursuant to
13 section 2509 of such title;

14 (5) defense memoranda of understanding and
15 related agreements considered in accordance with
16 section 2531 of such title;

17 (6) other requirements as appropriate.

18 (c) MATERIALS, TECHNOLOGIES, AND PROCESSES OF
19 INTEREST.—The Secretary of Defense shall prioritize un-
20 dertaking analyses and making recommendations under
21 this section for the following goods and services:

22 (1) Goods and services covered under existing
23 restrictions, where a domestic non-availability deter-
24 mination has been made.

1 (2) Critical technologies identified in the Na-
2 tional Defense Strategy.

3 (3) Technologies and sectors identified in re-
4 ports required regarding the defense industrial base.

5 (4) Microelectronics.

6 (5) Printed circuit boards and other electronics
7 components.

8 (6) Pharmaceuticals.

9 (7) Medical devices.

10 (8) Personal protective equipment.

11 (9) Rare earth materials.

12 (10) Synthetic graphite.

13 (11) Coal-based rayon carbon fibers.

14 **SEC. 807. MICROELECTRONICS MANUFACTURING STRAT-**
15 **EGY.**

16 (a) IN GENERAL.—Not later than January 1, 2021,
17 the Deputy Secretary of Defense, in consultation with the
18 Under Secretary of Defense for Acquisition and
19 Sustainment, the Under Secretary for Research and Engi-
20 neering, and the Director of the Defense Advanced Re-
21 search Projects Agency, shall submit to the Secretary of
22 Defense and the Chairman of the Joint Chiefs of Staff
23 a strategy to manufacture state-of-the art integrated cir-
24 cuits in the United States within a period of three to five
25 years that includes a plan to explore and evaluate options

1 for re-establishing microelectronics foundry services and
2 the industrial capabilities associated with such services.

3 (b) ELEMENTS.—In developing the strategy required
4 under subsection (a), the Under Secretary shall consider—

5 (1) multiple models of public-private partner-
6 ships to execute the strategy;

7 (2) processes and criteria for competitive selec-
8 tion of commercial companies, including companies
9 headquartered in allied and partner countries, to
10 provide design, foundry and assembly, and pack-
11 aging services and to build and operate the indus-
12 trial capabilities associated with such services;

13 (3) the role that the broader Federal Govern-
14 ment should play in organizing and supporting the
15 strategy, including any required direct or indirect
16 funding support, or legislative and regulatory ac-
17 tions, including restricting procurements to domestic
18 sources, and providing anti-trust and export control
19 relief; and

20 (4) all potential funding sources and mecha-
21 nisms for initial and sustaining investments.

22 (c) SUBMISSION OF STRATEGY TO PRESIDENT.—Not
23 later February 1, 2021, the Secretary of Defense shall
24 submit the strategy, together with any views and rec-
25 ommendations, and an estimated budget to implement the

1 strategy, to the President, the National Security Council,
2 and the National Economic Council.

3 (d) BRIEFING.—Not later than March 1, 2021, the
4 Secretary of Defense shall submit the strategy to and brief
5 the congressional defense committees on the strategy and
6 the Secretary's recommendations.

7 **SEC. 808. ADDITIONAL REQUIREMENTS PERTAINING TO**
8 **PRINTED CIRCUIT BOARDS.**

9 (a) PURCHASES.—Not later than one year after the
10 date of enactment of this Act, the Secretary of Defense
11 shall require for new contracts or other acquisition activi-
12 ties that contractors, or subcontractors at any tier, that
13 provide covered printed circuit boards for use by the De-
14 partment of Defense certify that, of the total value of the
15 covered printed circuit boards provided by the contractor
16 or subcontractor pursuant to a contract or subcontract
17 with the Department of Defense, not less than the per-
18 centages set forth in subsection (b) were manufactured
19 and assembled within a covered nation.

20 (b) IMPLEMENTATION.—

21 (1) ESTABLISHMENT OF REQUIRED PERCENT-
22 AGES.—In establishing the certification process
23 under subsection (a), the Secretary shall establish
24 and publish increasing percentages of values of the
25 covered printed circuit boards under subsection (a)

1 to be complied with by appropriate contractors and
2 subcontractors, based on—

3 (A) assessment of covered nation capacity
4 to supply printed circuit boards, over time;

5 (B) assessment of threats to national secu-
6 rity capabilities from use of printed circuit
7 boards from non-covered nations;

8 (C) economic benefits accrued by non-cov-
9 ered nations which would otherwise be accrued
10 by covered nations;

11 (D) achieving a goal of production of 100
12 percent of manufacture and assembly of printed
13 circuit boards in covered nations within ten
14 years; and

15 (E) other criteria as determined appro-
16 priate.

17 (2) MINIMUM PERCENTAGES.—The percentages
18 established by the Secretary under this subsection
19 shall, in any case, be equal to or greater than, unless
20 specifically directed by the Secretary for an indi-
21 vidual contract or subcontract—

22 (A) 25 percent by October 1, 2023;

23 (B) 50 percent by October 1, 2025;

24 (C) 75 percent by October 1, 2029; and

25 (D) 100 percent by October 1, 2032.

1 (3) LIMITED EXCEPTIONS.—If the Secretary of
2 Defense directs that a specific contract or sub-
3 contract is required to comply with a different per-
4 centage than those prescribed under this subsection,
5 the Secretary shall notify the congressional defense
6 committees not later than 30 days after such direc-
7 tion is issued, along with a rationale for the changed
8 percentage.

9 (c) REMEDIATION.—In the event that a contractor or
10 subcontractor is unable to complete the certification re-
11 quired under subsection (a), the Secretary may accept cov-
12 ered printed circuit boards from the contractor or subcon-
13 tractor for an appropriate time period, not to exceed 18
14 months over a five-year period, while requiring the con-
15 tractor to complete a remediation plan. Such a plan shall
16 be submitted to the congressional defense committees and
17 shall require the contractor or subcontractor to—

18 (1) audit its supply chain to identify any areas
19 of security vulnerability and compliance with section
20 224 of the National Defense Authorization Act for
21 Fiscal Year 2020 (Public Law 119–92); and

22 (2) meet the requirements of subsection (a)
23 within in an expedited fashion after the initial
24 missed certification deadline to address national se-
25 curity threats.

1 (d) WAIVER.—A contractor may request that the Sec-
2 retary of Defense waive the requirement for certification,
3 and the Secretary may grant such a waiver, if the Sec-
4 retary has conclusively determined that—

5 (1) there are no significant national security
6 concerns regarding counterfeiting, quality, or unau-
7 thORIZED access created by any covered printed cir-
8 cuit boards provided to the Department of Defense
9 by the contractor in the fiscal year under the certifi-
10 cation requirement or the previous fiscal year;

11 (2) the contractor is otherwise in compliance
12 with all relevant cybersecurity provisions relating to
13 members of the defense industrial base, including
14 section 244 of the National Defense Authorization
15 Act for Fiscal Year 2020; and

16 (3) the waiver is required to support national
17 security needs, particularly with respect to acquisi-
18 tions of commercial items.

19 (e) AVAILABILITY AND COST EXCEPTIONS.—Sub-
20 section (a) shall not apply to the extent that the Secretary
21 of Defense or the Secretary of the military department
22 concerned determines that covered printed circuit boards
23 of satisfactory quality and sufficient quantity, in the re-
24 quired form, cannot be procured as and when needed from
25 covered nations at reasonable cost, excluding comparisons

1 with non-market economies, or in time to meet an oper-
2 ational requirement.

3 (f) DEFINITIONS.—In this section—

4 (1) the term “covered printed circuit board”
5 means any printed circuit board that is a—

6 (A) noncommercial item; or

7 (B) commercial or commercially available
8 off-the-shelf item that transmits or stores na-
9 tional security sensitive information for—

10 (i) telecommunications;

11 (ii) data communications;

12 (iii) data storage;

13 (iv) medical applications;

14 (v) networking;

15 (vi) fifth-generation cellular commu-
16 nications;

17 (vii) computing;

18 (viii) radar;

19 (ix) munitions; or

20 (x) any other system that the Sec-
21 retary of Defense determines should be
22 covered under this section; and

23 (2) the term “covered nation” means—

24 (A) the United States;

1 (B) a member nation of the national tech-
2 nology and industrial base under section 2500
3 of title 10, United States Code; or

4 (C) a nation that has agreed, in compli-
5 ance with section 36 of the Arms Export Con-
6 trol Act (22 U.S.C. 2776) and section 2457 of
7 title 10, United States Code—

8 (i) to comply with agreements with
9 foreign governments requiring the United
10 States to purchase supplies from foreign
11 sources for the purposes of offsetting sales
12 made by the United States Government or
13 United States firms under approved pro-
14 grams serving defense requirements; or

15 (ii) along with the United States Gov-
16 ernment, to remove barriers to purchases
17 of supplies produced in the other country
18 or services performed by sources of the
19 other country; or

20 (D) any country, other than the People's
21 Republic of China, the Russian Federation,
22 Iran, or the Democratic People's Republic of
23 Korea, that the Secretary designates, upon a
24 determination to be published in the Federal

1 Register, that accepting covered printed circuit
2 boards from which—

3 (i) is in the national security interests
4 of the United States; and

5 (ii) does not pose a significant risk to
6 national security systems.

7 (g) RULE OF CONSTRUCTION.—Nothing in this sec-
8 tion shall be construed to prohibit the Department of De-
9 fense from entering into a contract with an entity that
10 connects to the facilities of a third party, for the purposes
11 of backhaul, roaming, or interconnection arrangements, on
12 the basis of the third party's noncompliance with the pro-
13 visions of this section.

14 **SEC. 809. STATEMENT OF POLICY WITH RESPECT TO SUP-**
15 **PLY OF STRATEGIC MINERALS AND METALS**
16 **FOR DEPARTMENT OF DEFENSE PURPOSES.**

17 (a) STATEMENT OF POLICY.—It is the policy of the
18 United States that the Department of Defense shall pur-
19 sue the following goals:

20 (1) Ensure, by 2030, secure sources of supply
21 of strategic minerals and metals that will—

22 (A) fully meet the demands of the domestic
23 defense industrial base;

1 (B) eliminate the dependence of the United
2 States on unsecure sources of supply of stra-
3 tegic minerals and metals; and

4 (C) ensure that the Department of Defense
5 is not reliant upon unsecure sources of supply
6 for the processing or manufacturing of any
7 strategic mineral and metal deemed essential to
8 national security by the Secretary of Defense.

9 (2) Provide incentives for the defense industrial
10 base to develop robust processing and manufacturing
11 capabilities in the United States to refine strategic
12 minerals and metals for Department of Defense pur-
13 poses.

14 (3) Maintain secure sources of supply of stra-
15 tegic minerals and metals required to maintain cur-
16 rent military requirements in the event that inter-
17 national supply chains are disrupted.

18 (4) Achieve the goals described in paragraphs
19 (1) through (3) through, among other methods—

20 (A) the continued and expanded use of ex-
21 isting programs, such as the National Defense
22 Stockpile administered by the Defense Logistics
23 Agency; and

1 (B) the continued use of authorities under
2 title III of the Defense Production Act of 1950
3 (50 U.S.C. 4531 et seq.).

4 (b) STRATEGIC MINERALS AND METALS.—For pur-
5 poses of this section, strategic minerals and metals include
6 critical minerals, as defined pursuant to Executive Order
7 13817.

8 **SEC. 810. REPORT ON STRATEGIC AND CRITICAL MINERALS**
9 **AND METALS.**

10 (a) REPORT REQUIRED.—Not later than June 30,
11 2021, the Secretary of Defense shall submit to the Com-
12 mittees on Armed Services of the Senate and the House
13 of Representatives a report on the results of a study, con-
14 ducted for purposes of this section, concerning strategic
15 and critical minerals and metals and vulnerabilities in sup-
16 ply chains of such minerals and metals.

17 (b) STRATEGIC AND CRITICAL MINERALS AND MET-
18 ALS.—For purposes of this section, strategic and critical
19 minerals and metals are minerals and metals, including
20 rare earth elements, that are necessary to meet national
21 defense and national security requirements, including sup-
22 ply chain resiliency, and for the economic security of the
23 United States.

24 (c) ELEMENTS.—The study required for purposes of
25 the report under subsection (a) shall do the following:

1 (1) Identify the strategic and critical minerals
2 and metals that are currently utilized by the Depart-
3 ment of Defense.

4 (2) To the extent practicable, identify the over-
5 all annual tonnage of each strategic or critical min-
6 eral or metal identified pursuant to paragraph (1)
7 that was utilized by the Department during the 10-
8 year period ending on December 31, 2020.

9 (3) Identify domestic and international sources
10 for the strategic and critical minerals and metals
11 identified pursuant to paragraph (1).

12 (4) Identify risks to access to the strategic and
13 critical minerals and metals identified pursuant to
14 paragraph (1) from supply chain disruptions due to
15 geopolitical, economic, and other vulnerabilities.

16 (5) Evaluate the benefits of a robust domestic
17 supply chain for providing strategic and critical min-
18 erals and metals to Department manufacturing sup-
19 ply chains in real time.

20 (6) Evaluate the effects of the use of waivers by
21 the Department of Defense Strategic Materials Pro-
22 tection Board on the domestic supply of strategic
23 and critical minerals and metals.

24 (7) Recommend policies and procedures for the
25 Department to ensure a capability to secure stra-

1 tegie and critical minerals and metals necessary for
2 emerging technologies such as anti-microbial prod-
3 ucts, minerals, and metals for use in medical equip-
4 ment among other technologies.

5 (8) Identify improvements required to the Na-
6 tional Defense Stockpile in order to ensure the De-
7 partment has access to the strategic and critical
8 minerals and metals identified pursuant to para-
9 graph (1).

10 (9) Evaluate the domestic processing and man-
11 ufacturing capacity needed to supply the Depart-
12 ment with the strategic and critical minerals and
13 metals identified pursuant to paragraph (1) in an
14 economic and secure manner.

15 (10) In consultation with the United States Ge-
16 ological Survey, identify domestic locations already
17 verified to contain large supplies of strategic and
18 critical minerals and metals identified pursuant to
19 paragraph (1) with existing commercial manufac-
20 turing interest.

21 (11) Address any other matter relating to stra-
22 tegic and critical minerals and metals that the Sec-
23 retary considers appropriate.

1 (d) FORM.—The report required by subsection (a)
2 shall be submitted in unclassified form, but may include
3 a classified annex.

4 **SEC. 811. STABILIZATION OF SHIPBUILDING INDUSTRIAL**
5 **BASE WORKFORCE.**

6 (a) SENSE OF CONGRESS.—It is the sense of Con-
7 gress that the Department of the Navy must explore and
8 identify solutions, in consultation with the Department of
9 Labor, to enhance shipbuilding workforce stability and en-
10 sure industry preparedness to construct the 355-ship fleet.

11 (b) WORKING GROUP TO STABILIZE SHIPBUILDING
12 INDUSTRIAL BASE WORKFORCE.—

13 (1) IN GENERAL.—The Secretary of the Navy
14 shall form a working group with the Secretary of
15 Labor for the purpose of enhancing integration of
16 programs, resources, and expertise to strengthen the
17 shipbuilding industrial base, as well as to provide
18 recommendations to Congress, to better stabilize the
19 shipbuilding industrial base workforce and determine
20 appropriate solutions for workforce fluctuations.

21 (2) DUTIES.—The working group shall carry
22 out the following activities related to the ongoing
23 challenges with workforce stability:

24 (A) Analyze existing Department of the
25 Navy contracts with the shipbuilding industry

1 and other relevant information to better antici-
2 pate future employment trends and tailor work-
3 force resources and opportunities for workers
4 most vulnerable to upcoming workforce fluctua-
5 tions.

6 (B) Identify existing Department of Labor
7 programs for unemployed, underemployed, and
8 furloughed employees that could benefit the
9 shipbuilding industrial base workforce during
10 times of workload fluctuations and workforce
11 instability, and explore potential partnerships to
12 connect employees with appropriate resources.

13 (C) Explore possible cost sharing agree-
14 ments to enable the Department of the Navy to
15 contribute funding to existing Department of
16 Labor workforce programs to support the ship-
17 building workforce.

18 (D) Examine possible programs that will
19 specifically assist furloughed employees who
20 may sporadically rely on unemployment bene-
21 fits.

22 (E) Explore opportunities for unemployed,
23 underemployed, or furloughed employees to pro-
24 vide workforce training through temporary
25 partnerships with States, technical schools,

1 community colleges, and other local workforce
2 development opportunities.

3 (F) Review existing training programs for
4 the shipbuilding workforce to maximize relevant
5 and necessary training opportunities that would
6 broaden employee skillset during times of un-
7 employment, underemployment, or furlough,
8 where applicable.

9 (G) Assess the possibility of shipbuilding
10 worker support programs to weather a period of
11 unemployment, underemployment, or furlough,
12 including compensation options, alternative em-
13 ployment, temporary stipends, or other worker
14 support opportunities.

15 (H) Study cross-State credentialing re-
16 quirements and identify any restrictions that in-
17 hibit the flexibility of the shipbuilding workforce
18 to seek employment opportunities across State
19 lines, and make recommendations to streamline
20 licensing, credentialing, certification, and quali-
21 fication requirements within the shipbuilding in-
22 dustry.

23 (I) Review additional or new contracting
24 authorities that could enable the Department of
25 the Navy to award short-term, flexible contracts

1 that will prioritize work for unemployed, under-
2 employed, or furloughed employees within the
3 shipbuilding workforce.

4 (J) Identify specific workforce support pro-
5 grams to support suppliers of all sizes within
6 the shipbuilding industrial base, and assess any
7 additional support from prime contractors that
8 would improve the stability of such suppliers.

9 (K) Assess whether greater collaboration
10 with the United States Coast Guard and its
11 shipbuilding contractors and subcontractors
12 would improve workforce stability by assessing
13 a totality of shipbuilding demands.

14 (L) Consider potential pilot programs that
15 will specifically address shipbuilding industrial
16 base workforce stability.

17 (M) Explore any additional opportunities
18 to invest in recruiting, retaining, and training a
19 skilled shipbuilding workforce.

20 (N) Consider and incorporate the findings
21 and recommendations, as appropriate, of the re-
22 port on shipbuilder training and the defense in-
23 dustrial base required under section 1037 of the
24 National Defense Authorization Act for Fiscal
25 Year 2020 (Public Law 116–92).

1 (3) NOTIFICATION REQUIREMENT REGARDING
2 ESTABLISHMENT AND STRUCTURE.—Not later than
3 90 days after the date of the enactment of this Act,
4 the Secretary of the Navy, in coordination with the
5 Secretary of Labor, shall notify the congressional de-
6 fense committees regarding the membership and
7 structure of the working group.

8 (4) REPORT.—Not later than one year after the
9 date of the enactment of this Act, the Secretary of
10 the Navy, in consultation with the Secretary of
11 Labor, shall submit to the congressional defense
12 committees, the Committee on Health, Education,
13 Labor, and Pensions of the Senate, and the Com-
14 mittee on Education and Labor of the House of
15 Representatives a report with the findings and rec-
16 ommendations of the working group.

17 **SEC. 812. MISCELLANEOUS LIMITATIONS ON THE PRO-**
18 **CUREMENT OF GOODS OTHER THAN UNITED**
19 **STATES GOODS.**

20 Section 2534 of title 10, United States Code, is
21 amended—

22 (1) in subsection (a)—

23 (A) by striking paragraphs (2) through
24 (5);

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

3 “(2) COMPONENTS FOR NAVAL VESSELS.—

4 “(A) Vessel propellers with a diameter of
5 six feet or more.

6 “(B) The following components of vessels,
7 to the extent they are unique to marine applica-
8 tions: gyrocompasses, electronic navigation
9 chart systems, steering controls, propulsion and
10 machinery control systems, and totally enclosed
11 lifeboats.”;

12 (C) by redesignating paragraph (6) as
13 paragraph (3); and

14 (D) in paragraph (3), as redesignated by
15 subparagraph (C), by striking “(k)” and insert-
16 ing “(j)”;

17 (2) in subsection (b)—

18 (A) by striking paragraph (2) and redesign-
19 ating paragraph (3) as paragraph (2); and

20 (B) in paragraph (2), as redesignated by
21 subparagraph (A), by striking “subsection
22 (a)(3)(A)(iii)” and inserting “subsection
23 (a)(2)(A)”;

24 (3) in subsection (c)—

1 (A) by striking “ITEMS.” and all that fol-
2 lows through “Subsection (a) does not apply”
3 in paragraph (1) and inserting “ITEMS.—Sub-
4 section (a) does not apply”; and

5 (B) by striking paragraphs (2) through (5);
6 (4) in subsection (g)—

7 (A) by striking “(1) This section” and in-
8 serting “This section”; and

9 (B) by striking paragraph (2);
10 (5) in subsection (h), by striking “subsection
11 (a)(3)(B)” and inserting “subsection (a)(2)(B)”;

12 (6) in subsection (i)(3), by striking “Acquisi-
13 tion, Technology, and Logistics” and inserting “Ac-
14 quisition and Sustainment”;

15 (7) by striking subsection (j); and

16 (8) by redesignating the first subsection des-
17 igned subsection (k) as subsection (j).

18 **SEC. 813. USE OF DOMESTICALLY SOURCED STAR TRACK-**

19 **ERS IN NATIONAL SECURITY SATELLITES.**

20 (a) IN GENERAL.— Except as provided in subsection
21 (a), any acquisition executive of the Department of De-
22 fense who approves a contract for a national security sat-
23 ellite after October 1, 2021, shall require any star tracker
24 system included in the design of such national security
25 satellite to be domestically sourced.

1 (b) EXCEPTIONS.— The application of subsection (a)
2 may be waived if the acquisition executive certifies in writ-
3 ing that—

4 (1) there is no available domestically sourced
5 star tracker system that meets the national security
6 satellite systems mission and design requirements;

7 (2) the cost of the available domestically
8 sourced star tracker system is unreasonably priced
9 based on a market survey; or

10 (3) an urgent and compelling national security
11 need exists to necessitate a foreign-made star track-
12 er.

13 (c) NATIONAL SECURITY SATELLITE DEFINED.— In
14 this section, “national security satellite” is a satellite the
15 principle purpose of which is to support the national secu-
16 rity needs of the United States Government.

17 **SEC. 814. MODIFICATION TO SMALL PURCHASE THRESH-**

18 **OLD EXCEPTION TO SOURCING REQUIRE-**

19 **MENTS FOR CERTAIN ARTICLES.**

20 Subsection (h) of section 2533a of title 10, United
21 States Code, is amended to read as follows:

22 “(h) EXCEPTION FOR SMALL PURCHASES.—Sub-
23 section (a) does not apply to purchases for amounts not
24 greater than \$150,000. A proposed purchase or contract
25 for an amount greater than \$150,000 may not be divided

1 into several purchases or contracts for lesser amounts in
2 order to qualify for this exception. On October 1 of each
3 year evenly divisible by 5, the Secretary of Defense may
4 adjust the dollar threshold in this subsection based on
5 changes in the Consumer Price Index. The Secretary shall
6 publish notice of any such adjustment in the Federal Reg-
7 ister, and the new price threshold shall take effect on the
8 date of publication.”.

9 **Subtitle B—Acquisition Policy and**
10 **Management**

11 **SEC. 831. REPORT ON ACQUISITION RISK ASSESSMENT AND**
12 **MITIGATION AS PART OF ADAPTIVE ACQUISSI-**
13 **TION FRAMEWORK IMPLEMENTATION.**

14 (a) SERVICE ACQUISITION EXECUTIVES INPUT.—
15 The Service Acquisition Executives shall report to the Sec-
16 retary of Defense, the Under Secretary of Defense for Ac-
17 quisition and Sustainment, the Under Secretary of De-
18 fense for Research and Engineering, and the Chief Infor-
19 mation Officer of the Department of Defense how they
20 are assessing, mitigating, and reporting on the following
21 risks in acquisition programs:

22 (1) Technical risks in engineering, software,
23 manufacturing and testing.

24 (2) Integration and interoperability risks, in-
25 cluding complications related to systems working

1 across multiple domains while using machine learn-
2 ing and artificial intelligence capabilities to continu-
3 ously change and optimize system performance.

4 (3) Operations and sustainment risks, including
5 as mediated by access to technical data and intellec-
6 tual property rights.

7 (4) Workforce and training risks, including con-
8 sideration of the role of contractors as part of the
9 total workforce.

10 (5) Supply chain risks, including cybersecurity,
11 foreign control and ownership of key elements of
12 supply chains, and the consequences a fragile and
13 weakening defense industrial base, combined with
14 barriers to industrial cooperation with allies and
15 partners pose for delivering systems and technologies
16 in a trusted and assured manner.

17 (b) REPORT TO CONGRESS.—Not later than March
18 31, 2021, the Under Secretary of Defense for Acquisition
19 and Sustainment shall submit to the congressional defense
20 committees a report including—

21 (1) the input received from the Service Acquisi-
22 tion Executives pursuant to subsection (a); and

23 (2) the views of the Under Secretary with re-
24 spect to the matters described in paragraphs (1)
25 through (5) of such subsection.

1 **SEC. 832. COMPTROLLER GENERAL REPORT ON IMPLE-**
2 **MENTATION OF SOFTWARE ACQUISITION RE-**
3 **FORMS.**

4 (a) IN GENERAL.—Not later than March 15, 2021,
5 the Comptroller General of the United States shall brief
6 the congressional defense committees on the implementa-
7 tion by the Department of Defense of required acquisition
8 reforms with respect to acquiring software for weapon sys-
9 tems, business systems, and other activities that are part
10 of the defense acquisition system, with a report, or re-
11 ports, to follow as agreed upon by the committees and the
12 Comptroller General.

13 (b) ELEMENTS.—The briefing and report, or reports,
14 required under subsection (a) shall include an assessment
15 of the extent to which the Department of Defense has im-
16 plemented requirements related to the following:

17 (1) Software acquisition studies and their im-
18 plementation, including pursuant to section 872 of
19 the National Defense Authorization Act for Fiscal
20 Year 2018 (Public Law 115–91; Defense Innovation
21 Board analysis of software acquisition regulations),
22 section 868 of the John S. McCain National Defense
23 Authorization Act for Fiscal Year 2019 (Public Law
24 115–232; implementation of recommendations of the
25 final report of the Defense Science Board Task

1 Force on the Design and Acquisition of Software for
2 Defense Systems).

3 (2) Software acquisition activities pursuant to
4 section 2322a of title 10, United States Code (re-
5 lated to consideration of certain matters during the
6 acquisition of noncommercial computer software),
7 section 875 of the National Defense Authorization
8 Act for Fiscal Year 2018 (Public Law 115–91; pilot
9 program for open source software), and section 800
10 of the National Defense Authorization Act for Fiscal
11 Year 2020 (Public Law 116–92, related to contin-
12 uous integration and delivery of software applica-
13 tions and upgrades to embedded systems).

14 (3) Software acquisition pilots, including the
15 pilot program pursuant to section 873 of the Na-
16 tional Defense Authorization Act for Fiscal Year
17 2018 (Public Law 115–91; relating to the use of
18 agile or iterative development methods to tailor
19 major software-intensive warfighting systems and
20 defense business systems) and the pilot program
21 pursuant to section 874 of such Act (relating to
22 using agile best practices for software development).

23 (c) ASSESSMENT OF ACQUISITION POLICY, GUID-
24 ANCE, AND PRACTICES.—Each report under subsection
25 (a) should include an assessment of the extent to which

1 Department of Defense software acquisition policy, guid-
2 ance, and practices reflect implementation of relevant rec-
3 ommendations from related studies, pilot programs, and
4 directives from the congressional defense committees.

5 (d) MODIFICATION OF REQUIREMENTS FOR COMP-
6 TROLLER GENERAL ASSESSMENT OF ACQUISITION PRO-
7 GRAMS AND INITIATIVES.—Section 2229b(b)(2) of title
8 10, United States Code, is amended by striking “a sum-
9 mary of organizational and legislative changes and emerg-
10 ing assessment methodologies since the last assessment,
11 and a discussion of the implications” and inserting “a dis-
12 cussion of selected organizational, policy, and legislative
13 changes, as determined appropriate by the Comptroller
14 General, and the potential implications”.

15 (e) DEFENSE ACQUISITION SYSTEM DEFINED.—In
16 this section, the term “defense acquisition system” has the
17 meaning given that term in section 2545(2) of title 10,
18 United States Code.

1 **Subtitle C—Amendments to Gen-**
2 **eral Contracting Authorities,**
3 **Procedures, and Limitations**

4 **SEC. 841. AUTHORITY TO ACQUIRE INNOVATIVE COMMER-**
5 **CIAL PRODUCTS AND SERVICES USING GEN-**
6 **ERAL SOLICITATION COMPETITIVE PROCE-**
7 **DURES.**

8 (a) AUTHORITY.—

9 (1) IN GENERAL.—Chapter 140 of title 10,
10 United States Code, is amended by adding at the
11 end the following new section:

12 **“§ 2380c. Authority to acquire innovative commercial**
13 **products and services using general solic-**
14 **itation competitive procedures**

15 “(a) AUTHORITY.—The Secretary of Defense may ac-
16 quire innovative commercial products and services through
17 a competitive selection of proposals resulting from a gen-
18 eral solicitation and the peer review of such proposals.

19 “(b) TREATMENT AS COMPETITIVE PROCEDURES.—
20 Use of general solicitation competitive procedures under
21 subsection (a) shall be considered to be use of competitive
22 procedures for purposes of chapter 137 of this title.

23 “(c) LIMITATIONS.—(1) The Secretary may not enter
24 into a contract or agreement in excess of \$100,000,000
25 using the authority under subsection (a) without a written

1 determination from the Under Secretary of Defense for
2 Acquisition and Sustainment or the relevant service acqui-
3 sition executive of the efficacy of the effort to meet mission
4 needs of the Department of Defense or the relevant mili-
5 tary department.

6 “(2) Contracts or agreements entered into using the
7 authority under subsection (a) shall be fixed-price, includ-
8 ing fixed-price incentive fee contracts.

9 “(3) Notwithstanding section 2376(1) of this title,
10 products and services acquired using the authority under
11 subsection (a) shall be treated as commercial products and
12 services.

13 “(d) CONGRESSIONAL NOTIFICATION REQUIRED.—
14 (1) Not later than 45 days after the award of a contract
15 for an amount exceeding \$100,000,000 using the author-
16 ity in subsection (a), the Secretary of Defense shall notify
17 the congressional defense committees of such award.

18 “(2) Notice of an award under paragraph (1) shall
19 include the following:

20 “(A) Description of the innovative commercial
21 product or service acquired.

22 “(B) Description of the requirement, capability
23 gap, or potential technological advancement with re-
24 spect to which the innovative commercial product or

1 service acquired provides a solution or a potential
2 new capability.

3 “(C) Amount of the contract awarded.

4 “(D) Identification of contractor awarded the
5 contract.

6 “(e) INNOVATIVE DEFINED.— In this section, the
7 term ‘innovative’ means—

8 “(1) any technology, process, or method, includ-
9 ing research and development, that is new as of the
10 date of submission of a proposal; or

11 “(2) any application that is new as of the date
12 of submission of a proposal of a technology, process,
13 or method existing as of such date.”.

14 (2) CLERICAL AMENDMENT.—The table of sec-
15 tions at the beginning of chapter 140 of title 10,
16 United States Code, is amended by inserting after
17 the item relating to section 2380b the following new
18 item:

“2380e. Authority to acquire innovative commercial products and services using
general solicitation competitive procedures.”.

19 (b) REPEAL OF OBSOLETE AUTHORITY.—Section
20 879 of the National Defense Authorization Act for Fiscal
21 Year 2017 (Public Law 114–328; 10 U.S.C. 2302 note)
22 is hereby repealed.

1 **SEC. 842. TRUTH IN NEGOTIATIONS ACT THRESHOLD FOR**
2 **DEPARTMENT OF DEFENSE CONTRACTS.**

3 Section 2306a(a)(1) of title 10, United States Code,
4 is amended—

5 (1) in subparagraph (B), by striking “contract
6 if” and all that follows through clause (iii) and in-
7 serting “contract if the price adjustment is expected
8 to exceed \$2,000,000.”;

9 (2) in subparagraph (C), by striking “section
10 and—” and all that follows through clause (iii) and
11 inserting “section and the price of the subcontract
12 is expected to exceed \$2,000,000.”; and

13 (3) in subparagraph (D), by striking “sub-
14 contract if—” and all that follows through clause
15 (ii) and inserting “subcontract if the price adjust-
16 ment is expected to exceed \$2,000,000.”.

17 **SEC. 843. REVISION OF PROOF REQUIRED WHEN USING AN**
18 **EVALUATION FACTOR FOR DEFENSE CON-**
19 **TRACTORS EMPLOYING OR SUBCON-**
20 **TRACTING WITH MEMBERS OF THE SE-**
21 **LECTED RESERVE OF THE RESERVE COMPO-**
22 **NENTS OF THE ARMED FORCES.**

23 Section 819 of the National Defense Authorization
24 Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat.
25 3385; 10 U.S.C. 2305 note) is amended—

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

1 (2) by redesignating subsection (c) as sub-
2 section (b).

3 **SEC. 844. CONTRACT AUTHORITY FOR ADVANCED DEVEL-**
4 **OPMENT OF INITIAL OR ADDITIONAL PROTO-**
5 **TYPE UNITS.**

6 (a) IN GENERAL.—Section 2302e of title 10, United
7 States Code, is amended—

8 (1) in the heading, by striking “**advanced**
9 **development**” and inserting “**development**
10 **and demonstration**”; and

11 (2) in subsection (a)(1), by striking “provision
12 of advanced component development, prototype,”
13 and inserting “development and demonstration”.

14 (b) CLERICAL AMENDMENT.—The table of sections
15 at the beginning of chapter 137 of title 10, United States
16 Code, is amended by striking the item relating to section
17 2302e and inserting the following new item:

“2302e. Contract authority for development and demonstration of initial or ad-
ditional prototype units.”.

18 **SEC. 845. DEFINITION OF BUSINESS SYSTEM DEFICIENCIES**
19 **FOR CONTRACTOR BUSINESS SYSTEMS.**

20 Section 893 of the Ike Skelton National Defense Au-
21 thorization Act for Fiscal Year 2011 (Public Law 111–
22 383; 10 U.S.C. 2302 note) is amended—

1 (1) by striking “significant deficiencies” both
2 places it appears and inserting “material weak-
3 nesses”;

4 (2) by striking “significant deficiency” each
5 place it appears and inserting “material weakness”;
6 and

7 (3) by amending paragraph (4) of subsection
8 (g) to read as follows:

9 “(4) The term ‘material weakness’ means a de-
10 ficiency, or combination of deficiencies, in internal
11 control over risks related to Government contract
12 compliance or other shortcomings in the system,
13 such that there is a reasonable possibility that a ma-
14 terial noncompliance will not be prevented, or de-
15 tected and corrected, on a timely basis. A reasonable
16 possibility exists when the likelihood of an event oc-
17 ccurring is either reasonably possible, meaning the
18 chance of the future event occurring is more than
19 remote but less than likely, or is probable.”.

20 **SEC. 846. REPEAL OF PILOT PROGRAM ON PAYMENT OF**
21 **COSTS FOR DENIED GOVERNMENT ACCOUNT-**
22 **ABILITY OFFICE BID PROTESTS.**

23 Section 827 of the National Defense Authorization
24 Act for Fiscal Year 2018 (Public Law 115–91) is re-
25 pealed.

1 **Subtitle D—Provisions Relating to**
2 **Major Defense Acquisition Pro-**
3 **grams**

4 **SEC. 861. IMPLEMENTATION OF MODULAR OPEN SYSTEMS**
5 **ARCHITECTURE REQUIREMENTS.**

6 (a) REQUIREMENTS FOR INTERFACE DELIVERY.—

7 (1) IN GENERAL.—Not later than one year
8 after the date of the enactment of this Act, the
9 Under Secretary of Defense for Acquisition and
10 Sustainment, in coordination with the Joint All Do-
11 main Command and Control Cross Functional Team
12 under the supervision of the Department of Defense
13 Chief Information Officer and the Joint Staff Direc-
14 tor for Command, Control, Communications, and
15 Computers/Cyber, shall prescribe regulations and
16 issue guidance to the military services, defense agen-
17 cies and field activities, and combatant commands,
18 as appropriate, in order to—

19 (A) facilitate the Department of Defense's
20 access to and utilization of system, major sub-
21 system, and major component software-defined
22 interfaces;

23 (B) fully meet the intent of chapter 144B
24 of title 10, United States Code; and

1 (C) advance the Department's efforts to
2 generate diverse and recomposable kill chains.

3 (2) ELEMENTS.—The regulations and guidance
4 required in subsection (a)(1) shall include, at a min-
5 imum—

6 (A) requirements that each relevant pro-
7 gram office characterizes the desired modularity
8 of the system for which it is responsible, either,
9 in the case of major defense acquisition pro-
10 grams, in the acquisition strategy required
11 under section 2431a of title 10, United States
12 Code, or, in the case of other programs, via
13 other documentation, including—

14 (i) specification of which system,
15 major subsystems, and major components
16 should be able to execute without requiring
17 coincident execution of other systems,
18 major subsystems, and major components;

19 (ii) a default configuration specifying
20 which systems, major subsystems, and
21 major components should communicate
22 with other systems, major subsystems, and
23 major components; and

24 (iii) specification of what information
25 should be communicated, the method of

1 the communication, and the desired func-
2 tion of the communication;

3 (B) requirements that relevant Depart-
4 ment of Defense contracts include mandates for
5 the delivery of system, major subsystem, and
6 major component software-defined interfaces
7 for systems, major subsystems, and major com-
8 ponents deemed relevant in the acquisition
9 strategy or documentation referred to in sub-
10 section (a)(2)(a), including—

11 (i) software-defined interface syntax
12 and properties, specifically governing how
13 values are validly passed and received be-
14 tween major subsystems and components,
15 in machine-readable format;

16 (ii) a machine-readable definition of
17 the relationship between the delivered
18 interface and existing common standards
19 or interfaces available in the interface re-
20 pository of subsection (c), if appropriate
21 and available, using interface field trans-
22 form technology developed under the De-
23 fense Advanced Research Projects Agency
24 System of Systems Technology Integration
25 Tool Chain for Heterogeneous Electronic

1 Systems (STITCHES) program or tech-
2 nology that is functionally similar; and

3 (iii) documentation with functional de-
4 scriptions of software-defined interfaces,
5 conveying semantic meaning of interface
6 elements, such as the function of a given
7 interface field;

8 (C) requirements that relevant program of-
9 fices, including those responsible for maintain-
10 ing and upgrading legacy systems, that have
11 awarded contracts that do not include the re-
12 quirements specified in subparagraph (B) of
13 paragraph (2) nevertheless acquire the items
14 specified in clauses (i) through (iii) of such sub-
15 paragraph, either through contractual updates,
16 separate negotiations or contracts, or program
17 management mechanisms; and

18 (D) requirements that program offices de-
19 liver these interfaces and the associated docu-
20 mentation to the controlled repository estab-
21 lished under subsection (c).

22 (3) APPLICABILITY OF REGULATIONS AND
23 GUIDANCE.—

24 (A) APPLICABILITY.—The regulations and
25 guidance required under subsection (a)(1) shall

1 apply, at a minimum, to program offices re-
2 sponsible for the prototyping, acquisition, or
3 sustainment of new or existing cyber-physical
4 weapon systems with software-defined inter-
5 faces, or with major subsystems or components
6 with software-defined interfaces, developed or to
7 be developed, wholly or in part with Federal
8 funds, including those applicable program of-
9 fices using other transaction authorities (OTA).

10 (B) EXTENSION OF SCOPE.—One year
11 after the promulgation of the regulations and
12 guidance required under subsection (a)(1) for
13 cyber-physical systems, the Under Secretary of
14 Defense for Acquisition and Sustainment shall
15 extend the regulations and guidance to apply to
16 purely software systems, including business sys-
17 tems and cybersecurity systems. The Secretary
18 may make the regulations and guidance appli-
19 cable, as practicable, to program offices respon-
20 sible for the acquisition of systems and capabili-
21 ties under part 12 of the Federal Acquisition
22 Regulation and commercially available off the-
23 the-shelf items.

24 (C) INCLUSION OF SUBSYSTEMS AND COM-
25 PONENTS.—The major subsystems and compo-

1 nents covered under paragraph (2)(A) shall in-
2 clude all subsystems and components covered by
3 contract line items.

4 (b) RIGHTS IN INTERFACE SOFTWARE.—

5 (1) REGULATIONS.—Not later than one year
6 after the date of the enactment of this Act, the
7 Under Secretary of Defense for Acquisition and
8 Sustainment shall prescribe regulations to define the
9 legitimate interest of the United States and of a
10 contractor or subcontractor in interface software.
11 The regulations shall be included in regulations of
12 the Department of Defense prescribed as part of the
13 Defense Supplement to the Federal Acquisition Reg-
14 ulation.

15 (2) LIMITATION ON REGULATIONS.—The regu-
16 lations prescribed pursuant to paragraph (1) may
17 not—

18 (A) impair any right of the United States
19 or of any contractor or subcontractor with re-
20 spect to patents or copyrights or any other
21 right in software otherwise established by law;
22 or

23 (B) impair the right of a contractor or
24 subcontractor to receive from a third party a
25 fee or royalty for the use of software pertaining

1 to an item or process developed exclusively at
2 private expense by the contractor or subcon-
3 tractor, except as otherwise specifically provided
4 by law.

5 (2) ELEMENTS.—Such regulations shall include
6 the following provisions:

7 (A) In the case of a software interface that
8 is developed by a contractor or subcontractor
9 exclusively with Federal funds (other than an
10 item developed under a contract or subcontract
11 to which regulations under section 9(j)(2) of
12 the Small Business Act (15 U.S.C. 638(j)(2))
13 apply), the United States shall have the unlim-
14 ited and non-expiring right to use the software
15 or release or disclose the software to persons
16 outside the government or permit the use of the
17 software by such persons.

18 (B) In the case of a software interface that
19 is developed in part with Federal funds and in
20 part at private expense and except in any case
21 in which the Secretary of Defense determines
22 that negotiation of different rights in such soft-
23 ware would be in the best interest of the United
24 States, the Government—

1 (i) shall have Government-purpose
2 rights to the software interface, and, in ad-
3 dition, may release or disclose the software
4 interface, or authorize others to do so, if—

5 (I) prior to release or disclosure,
6 the intended recipient is subject to an
7 exclusive for-Government-use and
8 non-disclosure agreement;

9 (II) the intended recipient is a
10 Government contractor receiving ac-
11 cess to the interface for the perform-
12 ance of a Government contract; and

13 (III) the intended use is for the
14 purpose of system, major subsystem,
15 and major component segregation,
16 interoperability, integration, or re-
17 integration; and

18 (ii) may not use, or authorize other
19 persons to use, interface software for com-
20 mercial purposes.

21 (C) In the case of a software interface that
22 is developed exclusively at private expense, the
23 Government shall negotiate with the contractor
24 or the subcontractor to best achieve, if prac-
25 tical, Government-purpose rights to the soft-

1 ware interface and rights to release or disclose
2 the software interface, or authorize others to do
3 so, if—

4 (i) prior to release or disclosure, the
5 intended recipient is subject to an exclusive
6 for-Government use and non-disclosure
7 agreement;

8 (ii) the intended recipient is a Govern-
9 ment contractor receiving access to the
10 interface for the performance of a Govern-
11 ment contract; and

12 (iii) the intended use is for the pur-
13 pose of system, major subsystem, and
14 major component segregation, interoper-
15 ability, integration and reintegration.

16 (c) INTERFACE REPOSITORY.—

17 (1) ESTABLISHMENT.—The Under Secretary of
18 Defense for Acquisition and Sustainment shall es-
19 tablish and maintain, at the appropriate classifica-
20 tion level, an interface repository for interfaces, syn-
21 tax and properties, documentation, and communica-
22 tion implementations delivered pursuant to the re-
23 quirements established under subsection (a)(2)(B)
24 and shall provide interfaces, access to interfaces, and
25 relevant documentation to the military services, de-

1 fense agencies and field activities, combatant com-
2 mands, and contractors, as appropriate, to facilitate
3 system, major subsystem, and major component seg-
4 regation and reintegration.

5 (2) DISTRIBUTION OF INTERFACES.—Con-
6 sistent with section 2320 of title 10, United States
7 Code, and in accordance with subsection (b), the
8 Under Secretary of Defense for Acquisition and
9 Sustainment may distribute interfaces, access to
10 interfaces, and relevant documentation to Govern-
11 ment entities and contractors. Any such protected
12 transfer or disclosure by the Government to a recipi-
13 ent is limited to only those data necessary for seg-
14 regation, interoperability, integration, or reintegra-
15 tion.

16 (d) SYSTEM OF SYSTEMS INTEGRATION TECH-
17 NOLOGY AND EXPERIMENTATION.—

18 (1) DEMONSTRATIONS AND ASSESSMENT.—No
19 later than one year after the date of the enactment
20 of this Act, the Joint Staff Director for Command,
21 Control, Communications, and Computers/Cyber and
22 Department of Defense Chief Information Officer,
23 through the Joint All Domain Command and Con-
24 trol Cross Functional Team, shall conduct dem-
25 onstrations and complete an assessment of the tech-

1 nologies developed under the Defense Advanced Re-
2 search Projects Agency's System of Systems Inte-
3 gration Technology and Experimentation program,
4 including the STITCHES technology, and their ap-
5 plicability to the Joint All-Domain Command and
6 Control architecture. The demonstrations and as-
7 sessment shall include—

8 (A) at least three demonstrations of the
9 use of the STITCHES technology to create,
10 under constrained schedules and budgets, novel
11 kill chains involving previously incompatible
12 weapon systems, sensors, and command, con-
13 trol, and communication systems from multiple
14 military services in cooperation with United
15 States Indo-Pacific Command or United States
16 European Command;

17 (B) an evaluation as to whether the com-
18 munications enabled via the STITCHES tech-
19 nology are sufficient for military missions and
20 whether the technology results in any substan-
21 tial performance loss in communication between
22 systems, major subsystems, and major compo-
23 nents;

24 (C) an evaluation as to whether the
25 STITCHES technology obviates the need to de-

1 velop, impose, and maintain strict adherence to
2 common communication and interface stand-
3 ards for Department of Defense systems;

4 (D) the appropriate roles and responsibil-
5 ities of the Department of Defense Chief Infor-
6 mation Officer, the Under Secretary of Defense
7 for Acquisition and Sustainment, the geo-
8 graphic combatant commands, the military
9 services, the Defense Advanced Research
10 Projects Agency, and the defense industrial
11 base in using and maintaining the STITCHES
12 technology to generate diverse and
13 recomposable kill chains as part of the Joint
14 All-Domain Command and Control architecture;
15 and

16 (E) coordination with the program man-
17 ager for the Time Sensitive Targeting Defeat
18 program under the Under Secretary of Defense
19 for Research and Engineering and the Under
20 Secretary of Defense for Intelligence.

21 (2) CHIEF INFORMATION OFFICER ASSESS-
22 MENT.—The Department of Defense Chief Informa-
23 tion Officer shall assess the technologies developed
24 under the Defense Advanced Research Projects
25 Agency's System of Systems Integration Technology

1 and Experimentation program, including the
2 STITCHES interface field transform technology,
3 and their applicability to the Department's business
4 systems and cybersecurity tools. This assessment
5 shall include—

6 (A) at least two demonstrations of the use
7 of the STITCHES technology in enabling com-
8 munication between business systems;

9 (B) in coordination with the Cross Func-
10 tional Team under the Principal Cyber Adviser
11 and the Integrated Adaptive Cyber Defense
12 program office of the National Security Agency,
13 at least two demonstrations of the use of the
14 STITCHES technology in enabling communica-
15 tion between and orchestration of previously in-
16 compatible cybersecurity tools; and

17 (C) an evaluation as to how the STITCH-
18 ES technology could be used in concert with or
19 instead of existing cybersecurity standards,
20 frameworks, and technologies designed to en-
21 able communication across cybersecurity tools.

22 (3) SUSTAINMENT OF STITCHES ENGINEERING
23 RESOURCES AND CAPABILITIES DEVELOPED BY
24 DARPA.—To conduct the demonstrations and assess-
25 ments required under this subsection and to execute

1 the Joint All Domain Command and Control pro-
2 gram, the Joint All Domain Command and Control
3 program office shall sustain the STITCHES engi-
4 neering resources and capabilities developed by the
5 Defense Advanced Research Projects Agency.

6 (e) TRANSFER OF RESPONSIBILITY FOR STITCH-
7 ES.—One year after the date of enactment of this Act,
8 the Secretary of Defense may transfer responsibility for
9 maintaining the STITCHES engineering capabilities to a
10 different organization.

11 (f) DEFINITIONS.—In this section:

12 (1) DESIRED MODULARITY.—The term “desired
13 modularity” means the desired degree to which sys-
14 tems, major constitutive subsystems and components
15 within a system, and major subsystems and compo-
16 nents across subsystems can function as modules
17 that can communicate across component boundaries
18 and through interfaces and can be separated and re-
19 combined to achieve various effects, missions, or ca-
20 pabilities.

21 (2) MACHINE-READABLE FORMAT.—The term
22 “machine-readable format” means a format that can
23 be easily processed by a computer without human
24 intervention.

1 **SEC. 862. SUSTAINMENT REVIEWS.**

2 (a) ANNUAL SUSTAINMENT REVIEWS.—Section
3 2441(a) of title 10, United States Code, is amended by
4 inserting “annually thereafter” before “throughout the life
5 cycle of the weapon system”.

6 (b) SUBMISSION TO CONGRESS OF SUSTAINMENT
7 REVIEWS.—Section 2441 of title 10, United States Code,
8 is amended by adding at the end the following new sub-
9 section:

10 “(d) SUBMISSION TO CONGRESS OF SUSTAINMENT
11 REVIEWS.—(1) The Secretary of each military department
12 shall submit no fewer than ten sustainment reviews re-
13 quired by this section to the congressional defense commit-
14 tees annually. The Secretary of each military department
15 shall select the ten reviews from among the systems with
16 the highest independent cost estimates for the remainder
17 of the life cycle of the program.

18 “(2) The Secretary shall submit the reviews required
19 under paragraph (1) to the congressional defense commit-
20 tees annually not later than 30 days after submission of
21 the President’s annual budget request to Congress under
22 section 1105 of title 31. The sustainment reviews shall be
23 posted on a publicly available website maintained by the
24 Director of the Cost Assessment and Program Evaluation
25 office and, for those systems with operating and support
26 cost growth, shall include comments from the military de-

1 departments regarding actions being taken to reduce the op-
2 erating and support costs. The reviews may include classi-
3 fied appendices, as appropriate.”.

4 (c) COMPTROLLER GENERAL STUDY.—Not later
5 than 180 days after the Secretaries of the military depart-
6 ments post the initial sustainment reviews required under
7 paragraph (1) of subsection (d) of section 2441 of title
8 10, United States Code (as added by subsection (b) of this
9 section) on a publicly available website as required under
10 paragraph (2) of such subsection (d), the Comptroller
11 General of the United States shall assess steps the mili-
12 tary departments are taking to quantify and address oper-
13 ating and support cost growth. The assessment shall in-
14 clude—

15 (1) an evaluation of—

16 (A) the causes of operating and support
17 cost growth for selected systems covered by the
18 sustainment reviews, as well as any other sys-
19 tems the Comptroller General determines ap-
20 propriate;

21 (B) the extent to which the Department
22 has mitigated operating and support cost
23 growth of these systems; and

1 (C) any other issues related to potential
2 operating and support cost growth the Comp-
3 troller General determines appropriate; and

4 (2) any recommendations of the Comptroller
5 General, including steps the military departments
6 could take to reduce operating and support cost
7 growth for fielded weapon systems, as well as lessons
8 learned to be incorporated in future weapon system
9 acquisitions.

10 **SEC. 863. RECOMMENDATIONS FOR FUTURE DIRECT SE-**
11 **LECTIONS.**

12 The Secretary of each military department shall pro-
13 vide to the congressional defense committees in the future-
14 years defense program submitted under section 221 of
15 title 10, United States Code, for fiscal year 2022 a list
16 of at least one acquisition program for which it would be
17 appropriate to have a large number of users provide direct
18 assessment of the outcome of a competitive contract
19 award.

20 **SEC. 864. DISCLOSURES FOR CERTAIN SHIPBUILDING**
21 **MAJOR DEFENSE ACQUISITION PROGRAM OF-**
22 **FERS.**

23 (a) IN GENERAL.—Chapter 137 of title 10, United
24 States Code, is amended by adding at the end the fol-
25 lowing new section:

1 **“§ 2339c. Disclosures for certain shipbuilding major**
2 **defense acquisition program offers**

3 “(a) GENERAL.—Any covered offeror seeking to be
4 awarded a shipbuilding construction contract as part of
5 a major defense acquisition program with funds from the
6 Shipbuilding and Conversion, Navy account shall disclose
7 with its offer and any subsequent offer revisions, including
8 the final proposal revision offer, whether any part of the
9 offeror’s planned contract performance will or is expected
10 to include foreign government subsidized performance, fi-
11 nancing, financial guarantees, or tax concessions.

12 “(b) DISCLOSURE.—An offeror shall make a disclo-
13 sure required under subsection (a) in a format prescribed
14 by the Secretary of the Navy and shall include therein a
15 specific description of the extent to which the offeror’s
16 planned contract performance will include, with or without
17 contingencies, any foreign government subsidized perform-
18 ance, financing, financial guarantees, or tax concessions.

19 “(c) CONGRESSIONAL NOTIFICATION.—Not later
20 than 5 days after awarding a contract described under
21 subsection (a) to an offeror that made a disclosure under
22 subsection (b), the Secretary of the Navy shall notify the
23 congressional defense committees and summarize such dis-
24 closure.

25 “(d) DEFINITIONS.—In this section:

1 “(1) COVERED OFFEROR.—The term ‘covered
2 offeror’ means any offeror that currently requires or
3 may reasonably be expected to require during the
4 period of contract performance a method to mitigate
5 or negate foreign ownership under subsection (f)(6)
6 of part 2004.34 of title 32, Code of Federal Regula-
7 tions.

8 “(2) FOREIGN GOVERNMENT SUBSIDIZED PER-
9 FORMANCE.—The term ‘foreign government sub-
10 sidized performance’ means any financial support,
11 materiel, services, or guarantees of support, services,
12 supply, performance, or intellectual property conces-
13 sions, that may be provided to or for the offeror or
14 the offeror’s Department of Defense customer by a
15 foreign government or entity effectively owned or
16 controlled by a foreign government, which may have
17 the effect of supplementing, supplying, servicing, or
18 reducing the cost or price of an end item, or sup-
19 porting, financing in whole or in part, or guaran-
20 teeing contract performance by the offeror.

21 “(3) MAJOR DEFENSE ACQUISITION PRO-
22 GRAM.—The term ‘major defense acquisition pro-
23 gram’ has the meaning given the term in section
24 2430 of this title.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
2 at the beginning of chapter 137 of title 10, United States
3 Code, is amended by inserting after the item relating to
4 section 2339b the following new item:

“2339e. Disclosures for certain shipbuilding major defense acquisition program offers.”.

5 **Subtitle E—Small Business Matters**

6 **SEC. 871. PROMPT PAYMENT OF CONTRACTORS.**

7 Section 2307(a)(2) of title 10, United States Code,
8 is amended—

9 (1) in subparagraph (A), by striking “if a spe-
10 cific payment date is not established by contract”;
11 and

12 (2) in subparagraph (B), by striking “if—” and
13 all that follows through “the prime contractor
14 agrees” in clause (ii) and inserting “if the prime
15 contractor agrees or proposes”.

16 **SEC. 872. EXTENSION OF PILOT PROGRAM FOR STREAM-** 17 **LINED AWARDS FOR INNOVATIVE TECH-** 18 **NOLOGY PROGRAMS.**

19 Section 873(f) of the National Defense Authorization
20 Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C.
21 2306a) is amended by striking “2020” and inserting
22 “2023”.

1 **Subtitle F—Provisions Related to**
2 **Software-Driven Capabilities**

3 **SEC. 881. INCLUSION OF SOFTWARE IN GOVERNMENT PER-**
4 **FORMANCE OF ACQUISITION FUNCTIONS.**

5 (a) INCLUSION OF SOFTWARE.—Section 1706(a) of
6 title 10, United States Code, is amended by adding at the
7 end the following new paragraph:

8 “(14) Program lead software.”.

9 (b) TECHNICAL AMENDMENTS.—Section 1706 of
10 such title is further amended—

11 (1) in subsection (a), by striking “for each
12 major defense acquisition program and each major
13 automated information system program” and insert-
14 ing “for each acquisition program”; and

15 (2) by striking subsection (c).

16 **SEC. 882. BALANCING SECURITY AND INNOVATION IN SOFT-**
17 **WARE DEVELOPMENT AND ACQUISITION.**

18 (a) REQUIREMENTS FOR SOLICITATIONS OF COM-
19 Mercial AND DEVELOPMENTAL SOLUTIONS.—The Under
20 Secretary of Defense for Acquisition and Sustainment, in
21 coordination with the Chief Information Officer of the De-
22 partment of Defense, shall develop requirements for inclu-
23 sion in solicitations for both commercial and develop-
24 mental solutions, and for the evaluation of bids, of appro-
25 priate software security criteria, including—

1 (1) delineation of what processes were or will be
2 used for a secure software development lifecycle, in-
3 cluding management of supply chain and third-party
4 software sources and component risks; and

5 (2) an associated vulnerability management
6 plan or tools.

7 (b) SECURITY REVIEW OF CODE.—The Under Sec-
8 retary of Defense for Acquisition and Sustainment, in co-
9 ordination with the Chief Information Officer of the De-
10 partment of Defense, shall develop processes for security
11 review of code for the purpose of publication and other
12 procedures necessary to fully implement the pilot program
13 required under section 875 of the National Defense Au-
14 thorization Act for Fiscal Year 2018 (Public Law 115–
15 91; 10 U.S.C. 2223 note).

16 (c) COORDINATION WITH SOFTWARE ACQUISITION
17 PATHWAY EFFORTS.—The requirements and procedures
18 required under subsections (a) and (b) shall be developed
19 in conjunction with the Department of Defense’s efforts
20 to incorporate input and finalize the procedures described
21 in the Interim Procedures for Operation of the Software
22 Acquisition Pathway.

1 **SEC. 883. COMPTROLLER GENERAL REPORT ON INTELLEC-**
2 **TUAL PROPERTY ACQUISITION AND LICENS-**
3 **ING.**

4 (a) IN GENERAL.—Not later than October 1, 2021,
5 the Comptroller General of the United States shall submit
6 to the congressional defense committees a report evalu-
7 ating the implementation of the Department of Defense’s
8 Instruction on Intellectual Property Acquisition and Li-
9 censing (DODI 5010.44), established under section 2322
10 of title 10, United States Code.

11 (b) ELEMENTS.—The report required under sub-
12 section (a) shall assess the following:

13 (1) The extent to which the Department of De-
14 fense is fulfilling the core principles established in
15 DODI 5010.44.

16 (2) The extent to which the Defense Acquisition
17 University, Department of Defense components, and
18 program offices are carrying out their responsibil-
19 ities under DODI 5010.44.

20 (3) The progress of the Department in estab-
21 lishing an IP Cadre, including the extent to which
22 such experts are executing their roles and respon-
23 sibilities.

24 (4) The performance of the Department in as-
25 sessing and demonstrating the implementation of

1 DODI 5010.44, including the effectiveness of the IP
2 Cadre;

3 (5) The effect implementation of DODI
4 5010.44 has had on particular acquisitions;

5 (6) Any other matters the Comptroller General
6 determines appropriate.

7 **Subtitle G—Other Matters**

8 **SEC. 891. SAFEGUARDING DEFENSE-SENSITIVE UNITED** 9 **STATES INTELLECTUAL PROPERTY, TECH-** 10 **NOLOGY, AND OTHER DATA AND INFORMA-** 11 **TION.**

12 (a) IN GENERAL.—The Secretary of Defense shall es-
13 tablish, enforce, and track actions being taken to protect
14 defense-sensitive United States intellectual property, tech-
15 nology, and other data and information, including hard-
16 ware and software, from acquisition by the Government
17 of the People’s Republic of China.

18 (b) LIST OF CRITICAL TECHNOLOGY.—The Secretary
19 of Defense shall establish and maintain a list of critical
20 national security technology.

21 (c) RESTRICTIONS ON EMPLOYMENT OF DEFENSE
22 INDUSTRIAL BASE EMPLOYEES WITH CHINESE COMPA-
23 NIES.—The Secretary of Defense shall provide for mecha-
24 nisms to restrict employees or former employees of the de-
25 fense industrial base that contribute to the technology ref-

1 erenced in subsection (b) from working directly for compa-
2 nies wholly owned by, or under the direction of, the Gov-
3 ernment of the Peoples Republic of China.

4 (d) REPORTS.—

5 (1) DEPARTMENT OF DEFENSE REPORT.—Not
6 later than May 1, 2021, the Secretary of Defense
7 shall submit to the congressional defense committees
8 a report on progress in implementing the measures
9 described in subsections (a) through (c).

10 (2) COMPTROLLER GENERAL REPORT.— Not
11 later than December 1, 2021, the Comptroller Gen-
12 eral of the United States shall submit to the con-
13 gressional defense committees a report reviewing the
14 report submitted under paragraph (1) and providing
15 an assessment of the effectiveness of the measures
16 implemented under this section.

17 (3) FORM.—The reports required under this
18 subsection shall be submitted in unclassified form
19 but may contain classified annexes.

20 **SEC. 892. DOMESTIC COMPARATIVE TESTING ACTIVITIES.**

21 Section 2350a(g)(1)(A) of title 10, United States
22 Code, is amended by inserting “and conventional defense
23 equipment, munitions, and technologies manufactured and
24 developed domestically” after “in subsection (a)(2)”.

1 **SEC. 893. REPEAL OF APPRENTICESHIP PROGRAM.**

2 (a) IN GENERAL.—Section 2870 of title 10, United
3 States Code, as added by section 865 of the National De-
4 fense Authorization Act for Fiscal Year 2020 (Public Law
5 116–92), is repealed.

6 (b) CONFORMING AMENDMENTS.—

7 (1) CLERICAL AMENDMENT.—The table of sec-
8 tions at the beginning of subchapter III of chapter
9 169 of title 10, United States Code, is amended by
10 striking the item relating to section 2870.

11 (2) OBSOLETE PROVISION.—Section 865 of the
12 National Defense Authorization Act for Fiscal Year
13 2020 (Public Law 116–92) is repealed.

14 **TITLE IX—DEPARTMENT OF DE-**
15 **FENSE ORGANIZATION AND**
16 **MANAGEMENT**

17 **Subtitle A—Office of the Secretary**
18 **of Defense and Related Matters**

19 **SEC. 901. ASSISTANT SECRETARY OF DEFENSE FOR SPE-**
20 **CIAL OPERATIONS AND LOW INTENSITY CON-**
21 **FLECT AND RELATED MATTERS.**

22 (a) IN GENERAL.—

23 (1) CLARIFICATION OF CHAIN OF ADMINISTRA-
24 TIVE COMMAND.—Section 138(b)(2) of title 10,
25 United States Code, is amended—

1 (A) by redesignating clauses (i), (ii), and
2 (iii) of subparagraph (B) as subclauses (I), (II),
3 and (III), respectively;

4 (B) by redesignating subparagraphs (A)
5 and (B) as clauses (i) and (ii), respectively;

6 (C) by inserting “(A)” after “(2)”;

7 (D) in clause (i) of subparagraph (A), as
8 redesignated by this paragraph, by inserting be-
9 fore the period at the end the following:
10 “through the administrative chain of command
11 specified in section 167(f) of this title;” and

12 (E) by adding at the end the following new
13 subparagraph:

14 “(B) In the discharge of the responsibilities specified
15 in subparagraph (A)(i), the Assistant Secretary is imme-
16 diately subordinate to the Secretary of Defense and the
17 Deputy Secretary of Defense. No officer below the Sec-
18 retary or the Deputy Secretary may intervene to exercise
19 authority, direction, or control over the Assistant Sec-
20 retary in the discharge of such responsibilities.”.

21 (2) TECHNICAL AMENDMENT.—Subparagraph
22 (A) of such section, as redesignated by paragraph
23 (2), is further amended in the matter preceding
24 clause (i), as so redesignated, by striking “section
25 167(j)” and inserting “section 167(k)”.

1 (b) FULFILLMENT OF SPECIAL OPERATIONS RE-
2 SPONSIBILITIES.—

3 (1) IN GENERAL.—Section 139b of title 10,
4 United States Code, is amended to read as follows:

5 **“§ 139b. Secretariat for Special Operations; Special**
6 **Operations Policy and Oversight Council**

7 “(a) SECRETARIAT FOR SPECIAL OPERATIONS.—

8 “(1) IN GENERAL.—In order to fulfill the re-
9 sponsibilities of the Assistant Secretary of Defense
10 for Special Operations and Low Intensity Conflict
11 specified in section 138(b)(2)(A)(i) of this title,
12 there shall be within the Office of the Assistant Sec-
13 retary of Defense for Special Operations and Low
14 Intensity Conflict an office to be known as the ‘Sec-
15 retariat for Special Operations’.

16 “(2) PURPOSE.—The purpose of the Secretariat
17 is to assist the Assistant Secretary in exercising au-
18 thority, direction, and control with respect to the
19 special operations-peculiar administration and sup-
20 port of the special operations command, including
21 the readiness and organization of special operations
22 forces, resources and equipment, and civilian per-
23 sonnel as specified in such section.

24 “(3) DIRECTOR.—The Director of the Secre-
25 tariat for Special Operations shall be appointed by

1 the Secretary of Defense from among individuals
2 qualified to serve as the Director. The Director shall
3 have a grade of Deputy Assistant Secretary of De-
4 fense.

5 “(4) ADMINISTRATIVE CHAIN OF COMMAND.—
6 For purposes of the support of the Secretariat for
7 the Assistant Secretary in the fulfillment of the re-
8 sponsibilities referred to in paragraph (1), the ad-
9 ministrative chain of command is as specified in sec-
10 tion 167(f) of this title. No officer below the Sec-
11 retary of Defense or the Deputy Secretary of De-
12 fense (other than the Assistant Secretary) may in-
13 tervene to exercise authority, direction, or control
14 over the Secretariat in its support of the Assistant
15 Secretary in the discharge of such responsibilities.

16 “(b) SPECIAL OPERATIONS POLICY AND OVERSIGHT
17 COUNCIL.—

18 “(1) IN GENERAL.—In order to fulfill the re-
19 sponsibilities specified in section 138(b)(2)(A)(i) of
20 this title, there shall also be within the Office of the
21 Assistant Secretary of Defense for Special Oper-
22 ations and Low Intensity Conflict a team known as
23 the ‘Special Operation Policy and Oversight Coun-
24 cil’. The team is lead by the Assistant Secretary of

1 Defense for Special Operations and Low Intensity
2 Conflict, or the Assistant Secretary's designee..

3 “(2) PURPOSE.—The purpose of the Council is
4 to integrate the functional activities of the head-
5 quarters of the Department of Defense in order to
6 most efficiently and effectively provide for special
7 operations forces and capabilities. In fulfilling this
8 purpose, the Council shall develop and continuously
9 improve policy, joint processes, and procedures that
10 facilitate the development, acquisition, integration,
11 employment, and sustainment of special operations
12 forces and capabilities.

13 “(3) MEMBERSHIP.—The Council shall include
14 the following:

15 “(A) The Assistant Secretary, who shall
16 act as leader of the Council.

17 “(B) Appropriate senior representatives of
18 each of the following:

19 “(i) The Under Secretary of Defense
20 for Research and Engineering.

21 “(ii) The Under Secretary of Defense
22 for Management and Support.

23 “(iii) The Under Secretary of Defense
24 (Comptroller).

1 “(iv) The Under Secretary of Defense
2 for Personnel and Readiness.

3 “(v) The Under Secretary of Defense
4 for Intelligence.

5 “(vi) The General Counsel of the De-
6 partment of Defense.

7 “(vii) The other Assistant Secretaries
8 of Defense under the Under Secretary of
9 Defense for Policy.

10 “(viii) The military departments.

11 “(ix) The Joint Staff.

12 “(x) The United States Special Oper-
13 ations Command.

14 “(xi) Such other officials or Agencies,
15 elements, or components of the Depart-
16 ment of Defense as the Secretary of De-
17 fense considers appropriate.

18 “(4) OPERATION.—The Council shall operate
19 continuously.”.

20 (2) CLERICAL AMENDMENT.—The table of sec-
21 tions at the beginning of chapter 4 of such title is
22 amended by striking the item relating to section
23 139b and inserting the following new item:

 “139b. Secretariat for Special Operations; Special Operations Policy and Over-
 sight Council.”.

1 (c) DoD DIRECTIVE ON RESPONSIBILITIES OF ASD
2 SOLIC.—

3 (1) IN GENERAL.—Not later than 180 days
4 after the date of the enactment of this Act, the Sec-
5 retary of Defense shall publish a Department of De-
6 fense directive establishing policy and procedures re-
7 lated to the exercise of authority, direction, and con-
8 trol of all special-operations peculiar administrative
9 matters relating to the organization, training, and
10 equipping of special operations forces by the Assist-
11 ant Secretary of Defense for Special Operations and
12 Low Intensity Conflict as specified by section
13 138(b)(2)(A)(i) of title 10, United States Code, as
14 amended by subsection (a)(1).

15 (2) MATTERS FOR INCLUDING.—The directive
16 required by paragraph (1) shall include the fol-
17 lowing:

18 (A) A specification of responsibilities for
19 coordination on matters affecting the organiza-
20 tion, training, and equipping of special oper-
21 ations forces.

22 (B) An identification and specification of
23 updates to applicable documents and instruc-
24 tions of the Department of Defense.

1 (C) Mechanisms to ensure the inclusion of
2 the Assistant Secretary in all Departmental
3 governance forums affecting the organization,
4 training, and equipping of special operations
5 forces.

6 (D) Such other matters as the Secretary
7 considers appropriate.

8 (3) APPLICABILITY.— The directive required by
9 paragraph (1) shall apply throughout the Depart-
10 ment of Defense to all components of the Depart-
11 ment of Defense.

12 (4) LIMITATION ON AVAILABILITY OF CERTAIN
13 FUNDING PENDING PUBLICATION.—Of the amounts
14 authorized to be appropriated by this Act for fiscal
15 year 2021 for operation and maintenance, Defense-
16 wide, and available for the Office of the Secretary of
17 Defense, not more than 75 percent may be obligated
18 or expended until the date that is 15 days after the
19 date on which the Secretary publishes the directive
20 required by paragraph (1).

21 **SEC. 902. REDESIGNATION AND CODIFICATION IN LAW OF**
22 **OFFICE OF ECONOMIC ADJUSTMENT.**

23 (a) REDESIGNATION.—

24 (1) IN GENERAL.—The Office of Economic Ad-
25 justment in the Office of the Secretary of Defense

1 is hereby redesignated as the “Office of Local De-
2 fense Community Cooperation”.

3 (2) REFERENCES.—Any reference in a law,
4 map, regulation, document, paper, or other record of
5 the United States to the office referred to in para-
6 graph (1) shall be deemed to be a reference to the
7 “Office of Local Defense Community Cooperation”.

8 (b) CODIFICATION IN LAW.—

9 (1) IN GENERAL.—Chapter 4 of title 10, United
10 States Code, is amended by adding at the end the
11 following new section:

12 **“§ 146. Office of Local Defense Community Coopera-**
13 **tion**

14 “(a) IN GENERAL.—There is an Office of Local De-
15 fense Community Cooperation in the Office of the Under
16 Secretary of Defense for Acquisition and Sustainment.

17 “(b) DIRECTOR.—The Office shall be headed by the
18 Director of the Office of Local Defense Community Co-
19 operation, who shall be assigned to such position by the
20 Under Secretary from among civilian employees of the De-
21 partment of Defense who are qualified to serve in the posi-
22 tion.

23 “(c) FUNCTIONS.—Subject to the authority, direc-
24 tion, and control of the Under Secretary, the Office
25 shall—

1 “(1) in cooperation with the other components,
2 of the Department of Defense be the primary office
3 within the Department for the provision of assist-
4 ance to States, counties, municipalities, regions, and
5 communities intended to—

6 “(A) foster greater cooperation with mili-
7 tary installations in order to enhance the mili-
8 tary mission, achieve facility and infrastructure
9 savings and reduced operating costs, address
10 encroachment and compatible land use issues,
11 support military families, and increase military,
12 civilian, and industrial readiness and resiliency;
13 and

14 “(B) address impacts caused by changes in
15 defense programs, including basing decisions,
16 defense industry expansions or contractions, in-
17 creases or reductions in Federal civilian or con-
18 tractor personnel, and expansions, realign-
19 ments, and closures of military installations;

20 “(2) provide support to the Economic Adjust-
21 ment Committee within the Executive Office of the
22 President, or any successor interagency coordination
23 body; and

24 “(3) perform such other functions as the Sec-
25 retary of Defense may prescribe.

1 “(d) ANNUAL REPORT TO CONGRESS.—Not later
2 than June 1 each year, the Director of the Office of Local
3 Defense Community Cooperation shall submit to the con-
4 gressional defense committees a report on the activities
5 of the Office during the preceding year, including the as-
6 sistance provided pursuant to subsection (c)(1) during
7 such year.”.

8 (2) CLERICAL AMENDMENT.—The table of sec-
9 tions at the beginning of chapter 4 of such title is
10 amended by adding at the end the following new
11 item:

“146. Office of Local Defense Community Cooperation.”.

12 **SEC. 903. MODERNIZATION OF PROCESS USED BY THE DE-**
13 **PARTMENT OF DEFENSE TO IDENTIFY, TASK,**
14 **AND MANAGE CONGRESSIONAL REPORTING**
15 **REQUIREMENTS.**

16 (a) ANALYSIS REQUIRED.—The Assistant Secretary
17 of Defense for Legislative Affairs shall conduct an analysis
18 of the process used by the Department of Defense to iden-
19 tify reports to Congress required by annual national de-
20 fense authorization Acts, assign responsibility for prepara-
21 tion of such reports, and manage the completion and deliv-
22 ery of such reports to Congress for the purpose of identi-
23 fying mechanisms to optimize and otherwise modernize the
24 process.

1 (b) CONSULTATION.—The Assistant Secretary shall
2 conduct the analysis required by subsection (a) with the
3 assistance of and in consultation with the Chief Data Offi-
4 cer of the Department of Defense and the Director of the
5 Defense Digital Service.

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

8 (1) A business process reengineering of the
9 process described in subsection (a).

10 (2) An assessment of applicable commercially
11 available analytics tools, technologies, and services in
12 connection with such business process reengineering.

13 (3) Such other actions as the Assistant Sec-
14 retary considers appropriate for purposes of the
15 analysis.

16 (d) BRIEFING.—Not later than November 15, 2020,
17 the Assistant Secretary shall brief the congressional de-
18 fense committees on the results of the analysis required
19 by subsection (a). The briefing shall address the following:

20 (1) The results of the analysis and of the busi-
21 ness process reengineering described in subsection
22 (c)(1).

23 (2) A description of the actions being taken,
24 and to be taken, to optimize and otherwise improve
25 the process described in subsection (a).

1 (3) Such recommendations for administrative
2 and legislative action as the Assistant Secretary con-
3 siders appropriate to facilitate the optimization and
4 improvement of the process described in subsection
5 (a) as a result of the analysis and the business proc-
6 ess reengineering.

7 (4) Such other matters as the Assistant Sec-
8 retary considers appropriate in connection with the
9 analysis, the business process reengineering and the
10 optimization and improvement of the process de-
11 scribed in subsection (a).

12 **SEC. 904. INCLUSION OF VICE CHIEF OF THE NATIONAL**
13 **GUARD BUREAU AS AN ADVISOR TO THE**
14 **JOINT REQUIREMENTS OVERSIGHT COUNCIL.**

15 Section 181(d)(3) of title 10, United States Code, is
16 amended—

17 (1) in the heading, by inserting “AND VICE
18 CHIEF OF THE NATIONAL GUARD BUREAU” after
19 “OF STAFF”;

20 (2) by striking “of the Chiefs of Staff” and in-
21 serting “of—

22 “(A) the Chiefs of Staff”;

23 (3) by striking the period at the end and insert-
24 ing “; and”; and

1 (4) by adding at the end the following new sub-
2 paragraph:

3 “(B) the Vice Chief of the National Guard
4 Bureau when matters involving non-Federalized
5 National Guard capabilities in support of home-
6 land defense or civil support missions are under
7 consideration by the Council.”.

8 **SEC. 905. ASSIGNMENT OF RESPONSIBILITY FOR THE ARC-**
9 **TIC REGION WITHIN THE OFFICE OF THE**
10 **SECRETARY OF DEFENSE.**

11 The Assistant Secretary of Defense for International
12 Security Affairs shall assign responsibility for the Arctic
13 region to the Deputy Assistant Secretary of Defense for
14 the Western Hemisphere or any other Deputy Assistant
15 Secretary of Defense the Secretary of Defense considers
16 appropriate.

17 **Subtitle B—Department of Defense**
18 **Management Reform**

19 **SEC. 911. TERMINATION OF POSITION OF CHIEF MANAGE-**
20 **MENT OFFICER OF THE DEPARTMENT OF DE-**
21 **FENSE.**

22 (a) TERMINATION.—

23 (1) IN GENERAL.—The position of Chief Man-
24 agement Officer of the Department of Defense is
25 terminated, effective on the date specified by the

1 Secretary of Defense, which date may not be later
2 than September 30, 2022.

3 (2) NOTICE.—The Secretary shall submit to the
4 Committees on Armed Services of the Senate and
5 the House of Representatives a notice on the effec-
6 tive date specified pursuant to paragraph (1).

7 (b) CONFORMING REPEAL OF ESTABLISHING AU-
8 THORITY.—

9 (1) IN GENERAL.—Section 132a of title 10,
10 United States Code, is repealed.

11 (2) TABLE OF SECTIONS.—The table of sections
12 at the beginning of chapter 4 of such title is amend-
13 ed by striking the item relating to section 132a.

14 (3) EFFECTIVE DATE.—The amendments made
15 by this subsection shall take effect on the effective
16 date specified pursuant to subsection (a)(1).

17 **SEC. 912. REPORT ON ASSIGNMENT OF RESPONSIBILITIES,**
18 **DUTIES, AND AUTHORITIES OF CHIEF MAN-**
19 **AGEMENT OFFICER TO OTHER OFFICERS OR**
20 **EMPLOYEES OF THE DEPARTMENT OF DE-**
21 **FENSE.**

22 (a) REPORT.—Not later than 45 days before the ef-
23 fective date specified pursuant to section 911(a)(1), the
24 Secretary of Defense shall submit to the Committees on

1 Armed Services of the Senate and the House of Represent-
2 atives a report setting forth the following:

3 (1) The position and title of each officer or em-
4 ployee of the Department of Defense, and the com-
5 ponent of such officer or employee, in whom the Sec-
6 retary will vest responsibility and authority to per-
7 form responsibilities and duties, and exercise au-
8 thorities, assigned to the Chief Management Officer
9 of the Department of Defense, whether by statute or
10 by directive, instruction, policy, or practice of the
11 Department of Defense, on the termination of the
12 position of Chief Management Officer under section
13 911.

14 (2) A description of the responsibilities, duties,
15 and authorities, if any, assigned to the Chief Man-
16 agement Officer by statute that the Secretary rec-
17 ommends for discontinuation or modification, and a
18 justification for such recommendation.

19 (3) A description of the responsibilities, duties,
20 and authorities, if any, assigned to the Chief Man-
21 agement Officer by directive, instruction, policy, or
22 practice of the Department that the Secretary rec-
23 ommends for discontinuation or modification, and a
24 justification for such recommendation.

1 (4) A description of the general process and
2 timeline for the effective transfer of each responsi-
3 bility, duty, and authority assigned to the Chief
4 Management Officer by statute or by policy, instruc-
5 tion, or practice of the Department to the officer or
6 employee in whom such responsibility, duty, and au-
7 thority will be vested as described in paragraph (1).

8 (5) A description of the manner and timeline in
9 which the resources of the Chief Management Offi-
10 cer, including funding and human capital, will be re-
11 aligned or repurposed to other organizations in the
12 Office of the Secretary of Defense or to other com-
13 ponents of the Department.

14 (6) A description of the general process and
15 timeline for the assignment of responsibility of each
16 issue under the jurisdiction of the Chief Manage-
17 ment Officer current identified by the Comptroller
18 General of the United States as “high risk” to an
19 officer or employee in the Department who is specifi-
20 cally charged by the Secretary to initiate and sustain
21 progress toward resolution of such issue.

22 (7) Such recommendations (including rec-
23 ommendations for legislative action) as the Secretary
24 considers appropriate for additional authorities and
25 resources (including funding and human capital re-

1 sources) necessary to ensure that each officer or em-
2 ployee, in whom the Secretary vests responsibility
3 and authority as described in paragraph (1) is capa-
4 ble of exercising such responsibility and authority ef-
5 fectively.

6 (8) Such other matters in connection with the
7 termination of the position of Chief Management Of-
8 ficer, and the transition of the responsibilities, du-
9 ties, and authorities of the Chief Management Offi-
10 cer in connection with such termination, as the Sec-
11 retary considers appropriate.

12 (b) VESTING OF CERTAIN RESPONSIBILITIES, DU-
13 TIES, AND AUTHORITIES IN PARTICULAR OFFICERS.—In
14 setting forth matters under paragraph (1) of subsection
15 (a), the report required by that subsection shall address,
16 in particular, the following:

17 (1) Vesting of responsibilities, duties, and au-
18 thorities of the Chief Management Officer in the
19 Deputy Secretary of Defense in the Deputy Sec-
20 retary's capacity as the Chief Operating Officer of
21 the Department of Defense for purposes of functions
22 specified in section 1123 of title 31, United States
23 Code.

24 (2) Vesting of responsibilities, duties, and au-
25 thorities of the Chief Management Officer in the

1 Performance Improvement Officer of the Depart-
2 ment of Defense under section 142a of title 10,
3 United States Code (as added by section 913 of this
4 Act), for purposes of functions specified in section
5 1124 of title 31, United States Code.

6 (c) OTHER RESPONSIBILITIES, DUTIES AND AU-
7 THORITIES.—In addition to any other responsibilities, du-
8 ties, and authorities of the Chief Management Officer, the
9 report required by subsection (a) shall specifically address
10 responsibilities, duties, and authorities of the Chief Man-
11 agement Officer with respect to the following:

12 (1) Establishment of policies for, and the direc-
13 tion and management of, enterprise business oper-
14 ations and shared business services of the Depart-
15 ment, as set forth in section 132a(b) of title 10,
16 United States Code, and section 921(b) of the John
17 S. McCain National Defense Authorization Act for
18 Fiscal Year 2019 (10 U.S.C. 2222 note).

19 (2) Exercise of authority, direction, and control
20 over the Defense Agencies and Department of De-
21 fense Field Activities for shared business services
22 and budget review, assessment, certification, and re-
23 porting, as set forth in subsections (b) and (c) of
24 section 132a of title 10, United States Code, and
25 section 192 of that title.

1 (3) Minimization of duplication of efforts, maxi-
2 mization of efficiency and effectiveness, and estab-
3 lishment of metrics for performance among and for
4 all components of the Department, as set forth in
5 section 132a(b) of title 10, United States Code.

6 (4) Issuance and maintenance of guidance on
7 covered defense business systems, development and
8 maintenance of the defense business enterprise ar-
9 chitecture, exercise of authorities and responsibilities
10 with respect to common enterprise data, leadership
11 of and matters within the Defense Business Council,
12 and service as the appropriate approval official in
13 the case of certain covered defense business systems
14 and programs, as set forth in section 2222 of title
15 10, United States Code.

16 (5) The Financial Improvement and Audit Re-
17 mediation Plan, as set forth in section 240b of title
18 10, United States Code.

19 (6) Receipt of audit reports, as set forth in sec-
20 tion 240d of title 10, United States Code.

21 (7) Discharge by the Department of the annual
22 reviews required by section 11319 of title 40, United
23 States Code.

24 (8) Business transformation efforts of the de-
25 fense commissary system and the exchange stores

1 system, as set forth in section 631 of the National
2 Defense Authorization Act for Fiscal Year 2020
3 (Public Law 116–92).

4 (9) Analysis of Department business manage-
5 ment and operations datasets, as set forth in section
6 922 of the John S. McCain National Defense Au-
7 thorization Act for Fiscal Year 2019 (10 U.S.C.
8 2222 note).

9 (10) Reviews, reports, and other actions re-
10 quired by sections 924, 925, 926, 927, and 1624 of
11 the John S. McCain National Defense Authorization
12 Act for Fiscal Year 2019, to the extent such reviews,
13 reports, and actions have not been completed as of
14 the date of the report under subsection (a).

15 (11) Science and technology activities in sup-
16 port of business systems information technology ac-
17 quisition as set forth in section 217 of the National
18 Defense Authorization Act for Fiscal Year 2016 (10
19 U.S.C. 2445a note).

20 (12) Relationships with the Chief Management
21 Officers of the military departments, and the devel-
22 opment and update of a strategic management plan
23 for the Department, as set forth in section 904 of
24 the National Defense Authorization Act for Fiscal

1 Year 2008 (Public Law 110–181) and the amend-
2 ments made by that section.

3 **SEC. 913. PERFORMANCE IMPROVEMENT OFFICER OF THE**
4 **DEPARTMENT OF DEFENSE.**

5 (a) PERFORMANCE IMPROVEMENT OFFICER.—

6 (1) IN GENERAL.—Chapter 4 of title 10, United
7 States Code, is amended by inserting after section
8 142 the following new section:

9 **“§ 142a. Performance Improvement Officer of the De-**
10 **partment of Defense**

11 “(a) There is an Performance Improvement Officer
12 of the Department of Defense, who is designated as pro-
13 vided in section 1124(a)(1) of title 31.

14 “(b) The Performance Improvement Officer shall—

15 “(1) perform the duties and responsibilities,
16 and exercise the powers set forth in section 1124 of
17 title 31; and

18 “(2) perform such additional duties and respon-
19 sibilities, and exercise such other powers, as the Sec-
20 retary of Defense and the Deputy Secretary of De-
21 fense may prescribe.

22 “(c) Subject to the authority, direction, and control
23 of the Secretary of Defense, the Performance Improve-
24 ment Officer reports, without intervening authority, di-
25 rectly to the Deputy Secretary of Defense, in the Deputy

1 Secretary's role as the Chief Operating Officer of the De-
2 partment of Defense under section 1123 of title 31.

3 “(d) The Performance Improvement Officer may
4 communicate views on matters within the responsibility of
5 the Officer directly to the Deputy Secretary of Defense,
6 without obtaining the approval or concurrence of any other
7 officer in the Department of Defense.”.

8 (2) CLERICAL AMENDMENT.—The table of sec-
9 tion at the beginning of chapter 4 of such title is
10 amended by inserting after the item relating to sec-
11 tion 142 the following new item:

“142a. Performance Improvement Officer of the Department of Defense.”.

12 (b) EFFECTIVE DATE.—

13 (1) IN GENERAL.—The amendments made by
14 subsection (a) shall take effect on such date as the
15 Secretary of Defense shall specify for purposes of
16 this section, which date may not be later than one
17 day before the effective date specified by the Sec-
18 retary pursuant to section 911(a)(1).

19 (2) NOTICE.—The Secretary shall submit to the
20 Committees on Armed Services of the Senate and
21 the House of Representatives a notice on the effec-
22 tive date specified pursuant to paragraph (1).

1 **SEC. 914. ASSIGNMENT OF CERTAIN RESPONSIBILITIES**
2 **AND DUTIES TO PARTICULAR OFFICERS OF**
3 **THE DEPARTMENT OF DEFENSE.**

4 (a) CERTAIN RESPONSIBILITIES AND DUTIES OF
5 DEPUTY SECRETARY OF DEFENSE.—

6 (1) CHIEF OPERATING OFFICER OF THE DE-
7 PARTMENT OF DEFENSE.—Section 132 of title 10,
8 United States Code, is amended—

9 (A) by redesignating subsections (c), (d),
10 and (e) as subsections (d), (e), and (f), respec-
11 tively; and

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

14 “(c)(1) In accordance with section 1123 of title 31,
15 the Deputy Secretary performs the duties, has the respon-
16 sibilities, and exercises the powers of the Chief Operating
17 Officer of the Department of Defense.

18 “(2) Subject to the authority, direction, and control
19 of the Secretary of Defense, the Deputy Secretary shall
20 supervise the Performance Improvement Officer of the De-
21 partment of Defense in the Officer’s performance of duties
22 and responsibilities specified in section 142a of this title.”.

23 (2) DESIGNATION OF PRIORITY DEFENSE BUSI-
24 NESS SYSTEMS.—Section 2222(h)(5)(B) of such title
25 is amended by striking “the Chief Management Offi-
26 cer of the Department of Defense” and inserting

1 “the Deputy Secretary of Defense, or such other of-
2 ficer of the Department of Defense as the Secretary
3 or the Deputy Secretary may designate,”.

4 (b) PERIODIC REVIEWS OF DEFENSE AGENCIES AND
5 DEPARTMENT OF DEFENSE FIELD ACTIVITIES IN CON-
6 NECTION WITH BUSINESS ENTERPRISE REFORM.—Sec-
7 tion 192(c) of such title is amended—

8 (1) by redesignating paragraph (3), as redesign-
9 nated by section 923(a)(1) of the John S. McCain
10 National Defense Authorization Act for Fiscal Year
11 2019 (Public Law 115–232; 132 Stat. 1930), as
12 paragraph (4);

13 (2) by redesignating paragraphs (1) and (2), as
14 added by section 923(a)(2) of the John S. McCain
15 National Defense Authorization Act for Fiscal Year
16 2019, as paragraphs (2) and (3), respectively;

17 (3) in paragraph (2), as redesignated by para-
18 graph (2) of this subsection—

19 (A) in subparagraph (A), by striking “the
20 Chief Management Officer of the Department
21 of Defense” and inserting “the Secretary, the
22 Deputy Secretary of Defense, or an officer of
23 the Department of Defense designated by the
24 Secretary or the Deputy Secretary”;

1 (B) in subparagraph (B), by striking “the
2 Chief Management Officer” and inserting “the
3 officer conducting such review”; and

4 (C) in subparagraph (C), by striking “the
5 Chief Management Officer” and inserting “the
6 Secretary”; and

7 (4) in paragraph (3), as so redesignated, by
8 striking “the Chief Management Officer” each place
9 it appears in subparagraphs (A) and (B) and insert-
10 ing “the officer conducting such review”.

11 (c) RESPONSIBILITY OF UNDER SECRETARY OF DE-
12 FENSE (COMPTROLLER) FOR FINANCIAL IMPROVEMENT
13 AND AUDIT REMEDIATION PLAN.—Subsection (a) of sec-
14 tion 240b of such title is amended to read as follows:

15 “(a) IN GENERAL.—The Under Secretary of Defense
16 (Comptroller) shall, together with such other officers and
17 employees of the Department of Defense as the Secretary
18 of Defense or the Deputy Secretary of Defense may des-
19 ignate, shall maintain a plan to be known as the ‘Financial
20 Improvement and Audit Remediation Plan’.”.

21 (d) PERFORMANCE IMPROVEMENT OFFICER FUNC-
22 TIONS FOR DEFENSE BUSINESS SYSTEMS.—Section 2222
23 of such title is amended—

24 (1) in subsection (e)(6)(C), by inserting “and
25 the Performance Improvement Officer of the De-

1 partment of Defense” after “The Director of Cost
2 Assessment and Program Evaluation”; and

3 (2) in subsection (f)(2)(B)—

4 (A) by redesignating clauses (i) through
5 (iii) as clauses (ii) through (iv), respectively;
6 and

7 (B) by inserting before clause (ii), as re-
8 designated by paragraph (1), the following new
9 clause (i):

10 “(i) The Performance Improvement
11 Officer of the Department of Defense.”.

12 (e) EFFECTIVE DATE.—The amendments made by
13 this section shall take effect on the effective date specified
14 in section 911(a)(1).

15 **SEC. 915. ASSIGNMENT OF RESPONSIBILITIES AND DUTIES**
16 **OF CHIEF MANAGEMENT OFFICER TO OFFI-**
17 **CERS OR EMPLOYEES OF THE DEPARTMENT**
18 **OF DEFENSE TO BE DESIGNATED.**

19 (a) TITLE 10, UNITED STATES CODE.—Title 10,
20 United States Code, is amended as follows:

21 (1) In section 240d(d)(1)(A), by striking “the
22 Chief Management Officer of the Department of De-
23 fense” and inserting “any other officer or employee
24 of the Department of Defense that the Secretary of

1 Defense or the Deputy Secretary of Defense may
2 designate for purposes of this section”.

3 (2) Section 2222 is amended—

4 (A) in subsection (c)(2)—

5 (i) by striking “the Chief Management
6 Officer of the Department of Defense,”;

7 and

8 (ii) by striking “and the Chief Man-
9 agement Officer of each of the military de-
10 partments” and inserting “the Chief Man-
11 agement Officer of each of the military de-
12 partments, and other appropriate officers
13 or employees of the Department and its
14 components”;

15 (B) in subsection (e)—

16 (i) in paragraph (1), by striking “the
17 Chief Management Officer of the Depart-
18 ment of Defense” and inserting “such offi-
19 cers or employees of the Department of
20 Defense as the Secretary shall designate”;

21 (ii) in paragraph (6)—

22 (I) in subparagraph (A)—

23 (aa) by striking “The Chief
24 Management Officer of the De-
25 partment of Defense” and insert-

1 ing “Such officers of the Depart-
2 ment of Defense as the Secretary
3 shall designate”; and

4 (bb) by striking “the Chief
5 Management Officer” and insert-
6 ing “such officers”; and

7 (II) in subparagraph (B), by
8 striking “The Chief Management Offi-
9 cer and the Under Secretary of De-
10 fense (Comptroller)” and inserting
11 “The Under Secretary of Defense
12 (Comptroller) and such other officers
13 of the Department as the Secretary
14 shall designate”;

15 (C) in subsection (f)(1), by striking “the
16 Chief Management Office and the Chief Infor-
17 mation Office of the Department of Defense”
18 and inserting “the Chief Information Officer of
19 the Department of Defense and such other offi-
20 cers or employees of the Department of Defense
21 as the Secretary may designate”; and

22 (D) in subsection (g)(2), by striking “the
23 Chief Management Officer of the Department
24 of Defense” each place it appears in subpara-
25 graphs (A) and (B)(ii) and inserting “an officer

1 or employee of the Department of Defense des-
2 ignated by the Secretary”.

3 (b) TITLE 40, UNITED STATES CODE.—Section
4 11319(d)(4) of title 40, United States Code, is amended
5 by striking “the Chief Management Officer of the Depart-
6 ment of Defense (of any successor to such Officer)” and
7 inserting “the officer of the Department of Defense des-
8 ignated by the Secretary of Defense or the Deputy Sec-
9 retary of Defense for such purpose”.

10 (c) PUBLIC LAW 116–92.—Section 631(a) of the Na-
11 tional Defense Authorization Act for Fiscal Year 2020
12 (Public Law 116–92) is amended by striking “the Chief
13 Management Officer of the Department of Defense” and
14 inserting “such officer of the Department of Defense as
15 the Secretary of Defense or the Deputy Secretary of De-
16 fense may designate”.

17 (d) PUBLIC LAW 115–232.—The John S. McCain
18 National Defense Authorization Act for Fiscal Year 2019
19 (Public Law 115–232) is amended as follows:

20 (1) In section 921(b)(1) (10 U.S.C. 2222
21 note)—

22 (A) in subparagraph (A), by striking “the
23 Chief Management Officer of the Department
24 of Defense” and inserting “such officer or em-
25 ployee of the Department of Defense as the

1 Secretary of Defense or the Deputy Secretary
2 of Defense shall designate”;

3 (B) in subparagraph (B)—

4 (i) in the subparagraph heading, by
5 striking “CMO”;

6 (ii) by striking “the Chief Manage-
7 ment Officer” the first place it appears
8 and inserting “the Secretary shall, acting
9 through such officer or employee of the
10 Department as the Secretary or the Dep-
11 uty Secretary shall designate”; and

12 (iii) by striking “by the Chief Man-
13 agement Officer”.

14 (2) In section 922 (10 U.S.C. 2222 note)—

15 (A) in subsection (a), by striking “The
16 Chief Management Officer of the Department
17 of Defense” and inserting “An officer or em-
18 ployee of the Department of Defense designated
19 by the Secretary of Defense or the Deputy Sec-
20 retary of Defense”; and

21 (B) in subsection (b)—

22 (i) in paragraph (1)—

23 (I) in the matter preceding sub-
24 paragraph (A), by striking “The Chief
25 Management Officer” and inserting

1 “The officer or employee designated
2 pursuant to subsection (a)”; and

3 (II) in subparagraph (B), by
4 striking “The Chief Management Offi-
5 cer” and inserting “such officer or
6 employee”; and

7 (ii) in paragraph (2), by striking “the
8 Chief Management Officer shall take ap-
9 propriate actions” and inserting “all ap-
10 propriate actions shall be taken”.

11 (3) In section 924 (10 U.S.C. 191 note)—

12 (A) in subsection (a), by striking “the
13 Chief Management Officer of the Department
14 of Defense” in the matter preceding paragraph
15 (1) and inserting “such officer of the Depart-
16 ment of Defense as the Secretary or Defense or
17 the Deputy Secretary of Defense shall des-
18 ignate”;

19 (B) in subsection (b)—

20 (i) in the matter preceding paragraph
21 (1), by striking “the Chief Management
22 Officer” and inserting “the officer des-
23 ignated pursuant to subsection (a)”; and

1 (ii) in subparagraph (B), by striking
2 “the Chief Management Officer” and in-
3 sserting “such officer”; and

4 (C) in subsection (c)—

5 (i) by striking “the Chief Management
6 Officer” the first place it appears and in-
7 sserting “the officer designated pursuant to
8 subsection (a)”; and

9 (ii) by striking “the Chief Manage-
10 ment Officer” the second place it appears
11 and inserting “such officer”.

12 (4) In section 925(a) (132 Stat. 1932), by
13 striking “the Chief Management Officer of the De-
14 partment of Defense” in the matter preceding para-
15 graph (1) and inserting “such officer of the Depart-
16 ment of Defense as the Secretary or Defense or the
17 Deputy Secretary of Defense shall designate”.

18 (5) In section 926(a) (132 Stat. 1932), by
19 striking “the Chief Management Officer of the De-
20 partment of Defense” in the matter preceding para-
21 graph (1) and inserting “such officer of the Depart-
22 ment of Defense as the Secretary or Defense or the
23 Deputy Secretary of Defense shall designate”.

24 (6) In section 927 (132 Stat. 1933)—

1 (A) in subsection (a), by striking “the
2 Chief Management Officer of the Department
3 of Defense” and inserting “such officer of the
4 Department of Defense as the Secretary or De-
5 fense or the Deputy Secretary of Defense shall
6 designate”; and

7 (B) in subsections (c) and (d), by striking
8 “the Chief Management Officer” each place it
9 appears and inserting “the officer designated
10 pursuant to subsection (a)”.

11 (7) In section 1624(a) (10 U.S.C. 2222 note)—

12 (A) in paragraph (1), by striking “the
13 Chief Management Officer of the Department
14 of Defense” and inserting “such officer of the
15 Department of Defense as the Secretary or De-
16 fense or the Deputy Secretary of Defense shall
17 designate”;

18 (B) by striking “the Chief Management
19 Officer” each place it appears in paragraphs
20 (2), (3), and (4) and inserting “the officer des-
21 ignated pursuant to paragraph (1)”;

22 (C) by inserting “and Security” after “for
23 Intelligence” each place it appears.

1 (e) PUBLIC LAW 114–92.—The National Defense
2 Authorization Act for Fiscal Year 2016 (Public Law 114–
3 92) is amended as follows:

4 (1) In section 217—

5 (A) in subsection (a), by striking “the
6 Deputy Chief Management Officer, and the
7 Chief Information Officer” and inserting “the
8 Chief Information Officer, and any other officer
9 of the Department of Defense designated by the
10 Secretary of Defense or the Deputy Secretary
11 of Defense for such purpose”; and

12 (B) in subsections (b), (f)(1)(A)(ii), and
13 (f)(2)(B), by striking “the Deputy Chief Man-
14 agement Officer” each place it appears and in-
15 serting “any officer designated pursuant to sub-
16 section (a)”.

17 (2) In section 881(a) (10 U.S.C. 2302 note), by
18 striking “the Deputy Chief Management Officer,”.

19 (f) PUBLIC LAW 110–81.—Section 904 of the Na-
20 tional Defense Authorization Act for Fiscal Year 2008
21 (Public Law 110–81; 122 Stat. 273) is amended—

22 (1) in subsection (b)(4), by striking “the Chief
23 Management Officer and Deputy Chief Management
24 Officer of the Department of Defense” and inserting
25 “such officer of the Department of Defense as the

1 Secretary of Defense or the Deputy Secretary of De-
2 fense shall designate”; and

3 (2) in subsection (d)—

4 (A) in paragraph (1), by striking “the
5 Chief Management Officer of the Department
6 of Defense” and inserting “such officer of the
7 Department of Defense as the Secretary of De-
8 fense or the Deputy Secretary of Defense may
9 designate for purposes of this subsection”; and

10 (B) in paragraph (3), by striking “the
11 Chief Management Officer” and inserting “the
12 officer designated pursuant to paragraph (1)”.

13 (g) EFFECTIVE DATE.—The amendments made by
14 this section shall take effect on the effective date specified
15 in section 911(a)(1).

16 **SEC. 916. DEFINITION OF ENTERPRISE BUSINESS OPER-**
17 **ATIONS FOR TITLE 10, UNITED STATES CODE.**

18 Effective on the effective date specified in section
19 911(a)(1) of this Act, section 101(e) of title 10, United
20 States Code, is amended by adding at the end the fol-
21 lowing new paragraph:

22 “(9) ENTERPRISE BUSINESS OPERATIONS.—

23 The term ‘enterprise business operations’—

24 “(A) means activities that constitute cross-
25 cutting business operations used by multiple

1 components of the Department of Defense, but
2 excludes activities that are directly tied to a sin-
3 gle military department or Department of De-
4 fense component; and

5 “(B) includes business-support functions
6 designated by the Secretary of Defense or the
7 Deputy Secretary of Defense, including aspects
8 of financial management, healthcare, acquisi-
9 tion and procurement, supply chain and logis-
10 tics, certain information technology, real prop-
11 erty, and human resources operations.”.

12 **SEC. 917. ANNUAL REPORT ON ENTERPRISE BUSINESS OP-**
13 **ERATIONS OF THE DEPARTMENT OF DE-**
14 **FENSE.**

15 (a) ANNUAL REPORT REQUIRED.—Not later than
16 March 31 each year, the Secretary of Defense shall submit
17 to Congress a report that includes the following:

18 (1) Each proposed budget for the enterprise
19 business operations of a Defense Agency or Depart-
20 ment of Defense Field Activity for the fiscal year be-
21 ginning in the year in which such report is sub-
22 mitted.

23 (2) An identification of each proposed budget
24 described in paragraph (1) that does not achieve re-

1 quired levels of efficiency and effectiveness for enter-
2 prise business operations.

3 (3) A discussion of the actions that the Sec-
4 retary proposes to take, including recommendations
5 for legislative action that the Secretary considers ap-
6 propriate, to address inadequate levels of efficiency
7 and effectiveness for enterprise business operations
8 achieved by the proposed budgets described in para-
9 graph (1).

10 (4) Any additional comments that the Secretary
11 considers appropriate regarding inadequate levels of
12 efficiency and effectiveness for enterprise business
13 operations achieved by the proposed budgets de-
14 scribed in paragraph (1).

15 (b) SUBMITTAL.—The Secretary may submit a report
16 required by subsection (a) through the Deputy Secretary
17 of Defense.

18 (c) ENTERPRISE BUSINESS OPERATIONS DE-
19 FINED.—In this section, the term “enterprise business op-
20 erations” has the meaning given that term in paragraph
21 (9) of section 101(e) of title 10, United States Code (as
22 added by section 916 of this Act).

23 **SEC. 918. CONFORMING AMENDMENTS.**

24 (a) TITLE 10, UNITED STATES CODE.—Title 10,
25 United States Code, is amended as follows:

1 (1) In section 131(b)—

2 (A) by striking paragraph (2);

3 (B) by redesignating paragraphs (3)
4 through (9) as paragraphs (2) through (8), re-
5 spectively; and

6 (C) in paragraph (7), as redesignated by
7 subparagraph (B)—

8 (i) by redesignating subparagraphs
9 (A) through (F) as subparagraphs (B)
10 through (G), respectively; and

11 (ii) by inserting before subparagraph
12 (B), as redesignated by clause (i), the fol-
13 lowing new subparagraph (A):

14 “(A) The Performance Improvement Officer of
15 the Department of Defense.”.

16 (2) In section 133a(c)—

17 (A) in paragraph (1), by striking “, the
18 Deputy Secretary of Defense, and the Chief
19 Management Officer of the Department of De-
20 fense” and inserting “and the Deputy Secretary
21 of Defense”; and

22 (B) in paragraph (2), by striking “the
23 Chief Management Officer,”.

24 (3) In section 133b(c)—

1 (A) in paragraph (1), by striking “the
2 Chief Management Officer of the Department
3 of Defense,”; and

4 (B) in paragraph (2), by striking “the
5 Chief Management Officer,”.

6 (4) In section 137a(d), by striking “the Chief
7 Management Officer of the Department of De-
8 fense,”.

9 (5) In section 138(d), by striking “the Chief
10 Management Officer of the Department of De-
11 fense,”.

12 (6) In section 240b(b)(1)(C)(ii), by striking “,
13 the Chief Management Officer,”.

14 (b) EXECUTIVE SCHEDULE LEVEL II.—Section 5313
15 of title 5, United States Code, is amended by striking the
16 item relating to the Chief Management Officer of the De-
17 partment of Defense.

18 (c) EFFECTIVE DATE.—The amendments made by
19 this section shall take effect on the effective date specified
20 in section 911(a)(1).

1 **Subtitle C—Space Force Matters**

2 **PART I—AMENDMENTS TO INTEGRATE THE**
3 **SPACE FORCE INTO LAW**

4 **SEC. 931. CLARIFICATION OF SPACE FORCE AND CHIEF OF**
5 **SPACE OPERATIONS AUTHORITIES.**

6 (a) COMPOSITION OF SPACE FORCE.—Section 9081
7 of title 10, United States Code, is amended by striking
8 subsection (b) and inserting the following new subsection
9 (b):

10 “(b) COMPOSITION.—The Space Force consists of—

11 “(1) the Regular Space Force;

12 “(2) all persons appointed or enlisted in, or
13 conscripted into, the Space Force, including those
14 not assigned to units, necessary to form the basis
15 for a complete and immediate mobilization for the
16 national defense in the event of a national emer-
17 gency; and

18 “(3) all Space Force units and other Space
19 Force organizations, including installations and sup-
20 porting and auxiliary combat, training, administra-
21 tive, and logistic elements.”.

22 (b) FUNCTIONS.—Section 9081 of title 10, United
23 States Code, is further amended—

24 (1) by striking subsection (c) and inserting the
25 following new subsection (c):

1 “(c) FUNCTIONS.—The Space Force shall be orga-
2 nized, trained, and equipped to—

3 “(1) provide freedom of operation for the
4 United States in, from, and to space;

5 “(2) conduct space operations; and

6 “(3) protect the interests of the United States
7 in space.”; and

8 (2) by striking subsection (d).

9 (c) CLARIFICATION OF CHIEF OF SPACE OPER-
10 ATIONS AUTHORITIES.—Section 9082 of title 10, United
11 States Code, is amended—

12 (1) in subsection (a)—

13 (A) in paragraph (1), by striking “general
14 officers of the Air Force” and inserting “gen-
15 eral, flag, or equivalent officers of the Space
16 Force”; and

17 (B) by adding at the end the following new
18 paragraphs:

19 “(3) The President may appoint an officer as Chief
20 of Space Operations only if—

21 “(A) the officer has had significant experience
22 in joint duty assignments; and

23 “(B) such experience includes at least one full
24 tour of duty in a joint duty assignment (as defined

1 in section 664(d) of this title) as a general, flag, or
2 equivalent officer of the Space Force.

3 “(4) The President may waive paragraph (3) in the
4 case of an officer if the President determines such action
5 is necessary in the national interest.”;

6 (2) in subsection (b), by striking “grade of gen-
7 eral” and inserting “grade in the Space Force equiv-
8 alent to the grade of general in the Army, Air Force,
9 and Marine Corps, or admiral in the Navy”; and

10 (3) in subsection (d)—

11 (A) in paragraph (4), by striking “and” at
12 the end;

13 (B) by redesignating paragraph (5) as
14 paragraph (6); and

15 (C) by inserting after paragraph (4) the
16 following new paragraph (5):

17 “(5) perform duties prescribed for the Chief of
18 Space Operations by sections 171 and 2547 of this
19 title and other provision of law; and”.

20 (d) REPEAL OF OFFICER CAREER FIELD FOR
21 SPACE.—Section 9083 of title 10, United States Code, is
22 repealed.

23 (e) REGULAR SPACE FORCE.—Chapter 908 of title
24 10, United States Code, as amended by subsection (d),

1 is further amended by adding at the end the following new
2 section 9083:

3 **“§ 9083. Regular Space Force: composition**

4 “(a) IN GENERAL.—The Regular Space Force is the
5 component of the Space Force that consists of persons
6 whose continuous service on active duty in both peace and
7 war is contemplated by law, and of retired members of
8 the Regular Space Force.

9 “(b) COMPOSITION.—The Regular Space Force in-
10 cludes—

11 “(1) the officers and enlisted members of the
12 Regular Space Force; and

13 “(2) the retired officers and enlisted members
14 of the Regular Space Force.”.

15 (f) TABLE OF SECTIONS.—The table of sections at
16 the beginning of chapter 908 of title 10, United States
17 Code, is amended by striking the item relating to section
18 9083 and inserting the following new item:

“9083. Regular Space Force: composition.”.

19 **SEC. 932. AMENDMENTS TO DEPARTMENT OF THE AIR**
20 **FORCE PROVISIONS IN TITLE 10, UNITED**
21 **STATES CODE.**

22 (a) SUBTITLE.—

23 (1) HEADING.—The heading of subtitle D of
24 title 10, United States Code, is amended to read as
25 follows:

1 **“Subtitle D—Air Force and Space**
2 **Force”.**

3 (2) TABLE OF SUBTITLES.—The table of sub-
4 titles at the beginning of such title is amended is
5 amended by striking the item relating to subtitle D
6 and inserting the following new item:

“D. Air Force and Space Force 9011”.

7 (b) ORGANIZATION.—

8 (1) SECRETARY OF THE AIR FORCE.—Section
9 9013 of title 10, United States Code, is amended—

10 (A) in subsection (f), by inserting “and of-
11 ficers of the Space Force” after “Officers of the
12 Air Force”; and

13 (B) in subsection (g)(1), by inserting “,
14 members of the Space Force,” after “members
15 of the Air Force”.

16 (2) OFFICE OF THE SECRETARY OF THE AIR
17 FORCE.—Section 9014 of such title is amended—

18 (A) in subsection (b), by striking para-
19 graph (4) and inserting the following new para-
20 graph (4)

21 “(4) The Inspector General of the Department
22 of the Air Force.”;

23 (B) in subsection (c)—

1 (i) in paragraph (1), by striking “and
2 the Air Staff” and inserting “, the Air
3 Staff, and the Office of the Chief of Space
4 Operations”;

5 (ii) in paragraph (2), by inserting “or
6 the Office of the Chief of Space Oper-
7 ations” after “the Air Staff”;

8 (iii) in paragraph (3), by striking “to
9 the Chief of Staff and to the Air Staff”
10 and all that follows through the end and
11 inserting “to the Chief of Staff of the Air
12 Force and the Air Staff, and to the Chief
13 of Space Operations and the Office of the
14 Chief of Space Operations, and shall en-
15 sure that each such office or entity pro-
16 vides the Chief of Staff and Chief of Space
17 Operations such staff support as the Chief
18 concerned considers necessary to perform
19 the Chief’s duties and responsibilities.”;
20 and

21 (iv) in paragraph (4)—

22 (I) by inserting “and the Office
23 of the Chief of Space Operations”
24 after “the Air Staff”; and

1 (II) by inserting “and the Chief
2 of Space Operations” after “Chief of
3 Staff”;

4 (C) in subsection (d)—

5 (i) in paragraph (1), by striking “and
6 the Air Staff” and inserting “, the Air
7 Staff, and the Office of the Chief of Space
8 Operations”;

9 (ii) in paragraph (2), by inserting
10 “and the Office of the Chief of Space Op-
11 erations” after “the Air Staff”; and

12 (iii) in paragraph (4), by striking “to
13 the Chief of Staff of the Air Force and to
14 the Air Staff” and all that follows through
15 the end and inserting “to the Chief of
16 Staff of the Air Force and the Air Staff,
17 and to the Chief of Space Operations and
18 the Office of the Chief of Space Oper-
19 ations, and shall ensure that each such of-
20 fice or entity provides the Chief of Staff
21 and Chief of Space Operations such staff
22 support as the Chief concerned considers
23 necessary to perform the Chief’s duties
24 and responsibilities.”; and

25 (D) in subsection (e)—

1 (i) by striking “and the Air Staff”
2 and inserting “, the Air Staff, and the Of-
3 fice of the Chief of Space Operations”; and

4 (ii) by striking “to the other” and in-
5 serting “to any of the others”.

6 (3) SECRETARY OF THE AIR FORCE: SUCCES-
7 SORS TO DUTIES.—Section 9017(4) of such title is
8 amended by inserting before the period the fol-
9 lowing: “of the Air Force and the Chief of Space
10 Operations, in the order prescribed by the Secretary
11 of the Air Force and approved by the Secretary of
12 Defense”.

13 (4) INSPECTOR GENERAL.—Section 9020 of
14 such title is amended—

15 (A) in subsection (a)—

16 (i) by inserting “Department of the”
17 after “Inspector General of the”; and

18 (ii) by inserting “or the general, flag,
19 or equivalent officers of the Space Force”
20 after “general officers of the Air Force”;

21 (B) in subsection (b)—

22 (i) in the matter preceding paragraph
23 (1), by striking “or the Chief of Staff” and
24 inserting “, the Chief of Staff of the Air
25 Force, or the Chief of Space Operations”;

1 (ii) in paragraph (1), by inserting
2 “Department of the” before “Air Force”;
3 and

4 (iii) in paragraph (2), by striking “or
5 the Chief of Staff” and inserting “, the
6 Chief of Staff, or the Chief of Space Oper-
7 ations” ; and

8 (C) in subsection (e), by inserting “or the
9 Space Force” before “for a tour of duty”.

10 (5) THE AIR STAFF: FUNCTION; COMPOSI-
11 TION.—Section 9031(b)(8) of such title is amended
12 by inserting “or the Space Force” after “of the Air
13 Force”.

14 (6) SURGEON GENERAL: APPOINTMENT; DU-
15 TIES.—Section 9036(b) of such title is amended—

16 (A) in paragraph (1), by striking “Sec-
17 retary of the Air Force and the Chief of Staff
18 of the Air Force on all health and medical mat-
19 ters of the Air Force” and inserting “Secretary
20 of the Air Force, the Chief of Staff of the Air
21 Force, and the Chief of Space Operations on all
22 health and medical matters of the Air Force
23 and the Space Force”; and

24 (B) in paragraph (2)—

1 (i) by inserting “and the Space
2 Force” after “of the Air Force” the first
3 place it appears; and

4 (ii) by inserting “and members of the
5 Space Force” after “of the Air Force” the
6 second place it appears.

7 (7) JUDGE ADVOCATE GENERAL, DEPUTY
8 JUDGE ADVOCATE GENERAL: APPOINTMENT; DU-
9 TIES.—Section 9037 of such title is amended—

10 (A) in subsection (e)(2)(B), by inserting
11 “or the Space Force” after “of the Air Force”;
12 and

13 (B) in subsection (f)(1), by striking “the
14 Secretary of the Air Force or the Chief of Staff
15 of the Air Force” and inserting “the Secretary
16 of the Air Force, the Chief of Staff of the Air
17 Force, or the Chief of Space Operations”.

18 (8) CHIEF OF CHAPLAINS: APPOINTMENT; DU-
19 TIES.—Section 9039(a) of such title is amended by
20 striking “in the Air Force” and inserting “for the
21 Air Force and the Space Force”.

22 (9) PROVISION OF CERTAIN PROFESSIONAL
23 FUNCTIONS FOR THE SPACE FORCE.—Section 9063
24 of such title is amended—

1 (A) in subsections (a) through (i), by strik-
2 ing “in the Air Force” each place it appears
3 and inserting “in the Air Force and the Space
4 Force”; and

5 (B) in subsection (i), as amended by sub-
6 paragraph (A), by inserting “or the Space
7 Force” after “members of the Air Force”.

8 (c) PERSONNEL.—

9 (1) GENDER-FREE BASIS FOR ACCEPTANCE OF
10 ORIGINAL ENLISTMENTS.—

11 (A) IN GENERAL.—Section 9132 of title
12 10, United States Code, is amended by insert-
13 ing “or the Regular Space Force” after “Reg-
14 ular Air Force”.

15 (B) HEADING.—The heading of such sec-
16 tion 9132 is amended to read as follows:

17 **“§ 9132. Regular Air Force and Regular Space Force:**
18 **gender-free basis for acceptance of origi-**
19 **nal enlistments”.**

20 (C) TABLE OF SECTIONS.—The table of
21 sections at the beginning of chapter 913 of such
22 title is amended by striking the item relating to
23 section 9132 and inserting the following new
24 item:

“9132. Regular Air Force and Regular Space Force: gender-free basis for ac-
ceptance of original enlistments.”.

1 (2) REENLISTMENT AFTER SERVICE AS AN OF-
2 FICER.—

3 (A) IN GENERAL.—Section 9138 of such
4 title is amended in subsection (a)—

5 (i) by inserting “or the Regular Space
6 Force” after “Regular Air Force” both
7 places it appears; and

8 (ii) by inserting “or the Space Force”
9 after “officer of the Air Force” both places
10 it appears.

11 (B) HEADING.—The heading of such sec-
12 tion 9132 is amended to read as follows:

13 **“§ 9132. Regular Air Force and Regular Space Force:
14 reenlistment after service as an officer”.**

15 (C) TABLE OF SECTIONS.—The table of
16 sections at the beginning of chapter 913 of such
17 title, as amended by paragraph (1)(C), is fur-
18 ther by striking the item relating to section
19 9138 and inserting the following new item:

 “9138. Regular Air Force and Regular Space Force: reenlistment after service
 as an officer.”.

20 (3) APPOINTMENTS IN THE REGULAR AIR
21 FORCE AND REGULAR SPACE FORCE.—

22 (A) IN GENERAL.—Section 9160 of such
23 title is amended—

1 (i) by inserting “or the Regular Space
2 Force” after “Regular Air Force”; and

3 (ii) by inserting “or the Space Force”
4 before the period.

5 (B) CHAPTER HEADING.—The heading of
6 chapter 915 of such title is amended to read as
7 follows:

8 **“CHAPTER 915—APPOINTMENTS IN THE**
9 **REGULAR AIR FORCE AND THE REG-**
10 **ULAR SPACE FORCE”.**

11 (C) TABLES OF CHAPTERS.—The table of
12 chapters at the beginning of subtitle D of such
13 title, and at the beginning of part II of subtitle
14 D of such title, are each amended by striking
15 the item relating to chapter 915 and inserting
16 the following new item:

“915. Appointments in the Regular Air Force and the
Regular Space Force 9151”.

17 (4) RETIRED COMMISSIONED OFFICERS: STA-
18 TUS.—Section 9203 of such title is amended by in-
19 serting “or the Space Force” after “the Air Force”.

20 (5) DUTIES: CHAPLAINS; ASSISTANCE RE-
21 QUIRED OF COMMANDING OFFICERS.—Section
22 9217(a) of such title is amended by inserting “or the
23 Space Force” after “the Air Force”.

1 (6) RANK: COMMISSIONED OFFICERS SERVING
2 UNDER TEMPORARY APPOINTMENTS.—Section 9222
3 of such title is amended by inserting “or the Space
4 Force” after “the Air Force” both places it appears.

5 (7) REQUIREMENT OF EXEMPLARY CONDUCT.—
6 Section 9233 of such title is amended—

7 (A) in the matter preceding paragraph (1),
8 by inserting “and in the Space Force” after
9 “the Air Force”; and

10 (B) in paragraphs (3) and (4), by inserting
11 “or the Space Force, respectively” after “the
12 Air Force”.

13 (8) ENLISTED MEMBERS: OFFICERS NOT TO
14 USE AS SERVANTS.—Section 9239 of such title is
15 amended by inserting “or the Space Force” after
16 “Air Force” both places it appears.

17 (9) PRESENTATION OF UNITED STATES FLAG
18 UPON RETIREMENT.—Section 9251(a) of such title
19 is amended by inserting “or the Space Force” after
20 “member of the Air Force”.

21 (10) SERVICE CREDIT: REGULAR ENLISTED
22 MEMBERS; SERVICE AS AN OFFICER TO BE COUNTED
23 AS ENLISTED SERVICE.—Section 9252 of such title
24 is amended—

1 (A) by inserting “or the Regular Space
2 Force” after “Regular Air Force”; and

3 (B) by inserting “in the Space Force,”
4 after “in the Air Force,”.

5 (11) WHEN SECRETARY MAY REQUIRE HOS-
6 PITALIZATION.—Section 9263 of such title is amend-
7 ed by inserting “or the Space Force” after “member
8 of the Air Force”.

9 (12) DECORATIONS AND AWARDS.—

10 (A) IN GENERAL.—Chapter 937 of such
11 title is amended by inserting “or the Space
12 Force” after “the Air Force” each place it ap-
13 pears in the following provisions:

14 (i) Section 9271.

15 (ii) Section 9272.

16 (iii) Section 9273.

17 (iv) Section 9276.

18 (v) Section 9281 other than the first
19 place it appears in subsection (a).

20 (vi) Section 9286(a) other than the
21 first place it appears.

22 (B) MEDAL OF HONOR; AIR FORCE CROSS;
23 DISTINGUISHED-SERVICE MEDAL: DELEGATION
24 OF POWER TO AWARD.—Section 9275 of such
25 title is amended by inserting before the period

1 at the end the following: “, or to an equivalent
2 commander of a separate space force or higher
3 unit in the field”.

4 (13) TWENTY YEARS OR MORE: REGULAR OR
5 RESERVE COMMISSIONED OFFICERS.—Section
6 9311(a) of such title is amended by inserting “or the
7 Space Force” after “officer of the Air Force”.

8 (14) TWENTY TO THIRTY YEARS: ENLISTED
9 MEMBERS.—Section 9314 of such title is amended
10 by inserting “or the Space Force” after “member of
11 the Air Force”.

12 (15) THIRTY YEARS OR MORE: REGULAR EN-
13 LISTED MEMBERS.—Section 9317 of such title is
14 amended by inserting “or the Space Force” after
15 “Air Force”.

16 (16) THIRTY YEARS OR MORE: REGULAR COM-
17 MISSIONED OFFICERS.—Section 9318 of such title is
18 amended by inserting “or the Space Force” after
19 “Air Force”.

20 (17) FORTY YEARS OR MORE: AIR FORCE OFFI-
21 CERS.—

22 (A) IN GENERAL.—Section 9324 of such
23 title is amended in subsections (a) and (b) by
24 inserting “or the Space Force” after “Air
25 Force”.

1 (B) HEADING.—The heading of such sec-
2 tion 9324 is amended to read as follows:

3 **“§ 9324. Forty years or more: Air Force officers and**
4 **Space Force officers”.**

5 (C) TABLE OF SECTIONS AMENDMENT.—
6 The table of sections at the beginning of chap-
7 ter 941 of such title is amended by striking the
8 item relating to section 9324 and inserting the
9 following new item:

“9324. Forty years or more: Air Force officers and Space Force officers.”.

10 (18) COMPUTATION OF YEARS OF SERVICE:
11 VOLUNTARY RETIREMENT; ENLISTED MEMBERS.—
12 Section 9325(a) of such title is amended by insert-
13 ing “or the Space Force” after “Air Force”.

14 (19) COMPUTATION OF YEARS OF SERVICE:
15 VOLUNTARY RETIREMENT; REGULAR AND RESERVE
16 COMMISSIONED OFFICERS.—

17 (A) IN GENERAL.—Section 9326(a) of
18 such title is amended—

19 (i) in the matter preceding paragraph
20 (1), by inserting “or the Space Force”
21 after “of the Air Force”; and

22 (ii) in paragraph (1), by striking “or
23 the Air Force” and inserting “, the Air
24 Force, or the Space Force”.

1 (B) TECHNICAL AMENDMENTS.—Such sec-
2 tion 9326(a) is further amended by striking
3 “his” each place it appears and inserting “the
4 officer’s”.

5 (20) COMPUTATION OF RETIRED PAY: LAW AP-
6 PPLICABLE.—Section 9329 of such title is amended
7 by inserting “or the Space Force” after “Air
8 Force”.

9 (21) RETIRED GRADE.—

10 (A) HIGHER GRADE AFTER 30 YEARS OF
11 SERVICE: WARRANT OFFICERS AND ENLISTED
12 MEMBERS.—Section 9344 of such title is
13 amended—

14 (i) in subsection (a), by inserting “or
15 the Space Force” after “member of the Air
16 Force”; and

17 (ii) in subsection (b)—

18 (I) in paragraphs (1) and (3), by
19 inserting “or the Space Force” after
20 “Air Force” each place it appears;
21 and

22 (II) in paragraph (2), by insert-
23 ing “or the Regular Space Force”
24 after “Regular Air Force”.

1 (B) RESTORATION TO FORMER GRADE: RE-
2 TIRED WARRANT OFFICERS AND ENLISTED
3 MEMBERS.—Section 9345 of such title is
4 amended by inserting “or the Space Force”
5 after “member of the Air Force”.

6 (C) RETIRED LISTS.—Section 9346 of
7 such title is amended—

8 (i) in subsections (a) and (d), by in-
9 serting “or the Regular Space Force” after
10 “Regular Air Force”;

11 (ii) in subsection (b)(1), by inserting
12 before the semicolon the following: “, or
13 for commissioned officers of the Space
14 Force other than of the Regular Space
15 Force”; and

16 (iii) in subsections (b)(2) and (e), by
17 inserting “or the Space Force” after “Air
18 Force”.

19 (22) RECOMPUTATION OF RETIRED PAY TO RE-
20 FLECT ADVANCEMENT ON RETIRED LIST.—Section
21 9362(a) of such title is amended by inserting “or the
22 Space Force” after “Air Force”.

23 (23) FATALITY REVIEWS.—Section 9381(a) of
24 such title is amended in paragraphs (1), (2), and (3)

1 by inserting “or the Space Force” after “Air
2 Force”.

3 (d) TRAINING.—

4 (1) MEMBERS OF AIR FORCE: DETAIL AS STU-
5 DENTS, OBSERVERS, AND INVESTIGATORS AT EDU-
6 CATIONAL INSTITUTIONS, INDUSTRIAL PLANTS, AND
7 HOSPITALS.—

8 (A) IN GENERAL.—Section 9401 of title
9 10, United States Code, is amended—

10 (i) in subsection (a), by inserting
11 “and members of the Space Force” after
12 “members of the Air Force”;

13 (ii) in subsection (b), by inserting “or
14 the Regular Space Force” after “Regular
15 Air Force”;

16 (iii) in subsection (c), by inserting “or
17 Reserve of the Space Force” after “Re-
18 serve of the Air Force”;

19 (iv) in subsection (e), by inserting “or
20 the Space Force” after “Air Force”; and

21 (v) in subsection (f)—

22 (I) by inserting “or the Regular
23 Space Force” after “Regular Air
24 Force”; and

1 (II) by inserting “or the Space
2 Force Reserve” after “the reserve
3 components of the Air Force”.

4 (B) TECHNICAL AMENDMENTS.—Sub-
5 section (e) of such section 9401 is further
6 amended—

7 (i) by striking “his” and inserting
8 “the Reserve’s”; and

9 (ii) by striking “he” and inserting
10 “the Reserve”,

11 (C) HEADING.—The heading of such sec-
12 tion 9401 is amended to read as follows:

13 **“§ 9401. Members of Air Force and Space Force: de-
14 tail as students, observers and investiga-
15 tors at educational institutions, indus-
16 trial plants, and hospitals”.**

17 (D) TABLE OF SECTIONS.—The table of
18 sections at the beginning of chapter 951 of such
19 title is amended by striking the item relating to
20 section 9401 and inserting the following new
21 item:

“9401. Members of Air Force and Space Force: detail as students, observers,
and investigators at educational institutions, industrial plants,
and hospitals.”.

22 (2) ENLISTED MEMBERS OF AIR FORCE:
23 SCHOOLS.—

1 (A) IN GENERAL.—Section 9402 of such
2 title is amended—

3 (i) in subsection (a)—

4 (I) in the first sentence, by in-
5 serting “and enlisted members of the
6 Space Force” after “members of the
7 Air Force”; and

8 (II) in the third sentence, by in-
9 serting “and Space Force officers”
10 after “Air Force officers”; and

11 (ii) in subsection (b), by inserting “or
12 the Space Force” after “Air Force” each
13 place it appears.

14 (B) HEADING.—The heading of such sec-
15 tion 9402 is amended to read as follows:

16 **“§ 9402. Enlisted members Air Force or Space Force:
17 schools”.**

18 (C) TABLE OF SECTIONS.—The table of
19 sections at the beginning of chapter 951 of such
20 title is amended by striking the item relating to
21 section 9402 and inserting the following new
22 item:

“9402. Enlisted members of Air Force or Space Force: schools.”.

23 (3) SERVICE SCHOOLS: LEAVES OF ABSENCE
24 FOR INSTRUCTORS.—Section 9406 of such title is

1 amended by inserting “or Space Force” after “Air
2 Force”.

3 (4) DEGREE GRANTING AUTHORITY FOR
4 UNITED STATES AIR FORCE INSTITUTE OF TECH-
5 NOLOGY.—Section 9414(d)(1) of such title is
6 amended by inserting “or the Space Force” after
7 “needs of the Air Force”.

8 (5) UNITED STATES AIR FORCE INSTITUTE OF
9 TECHNOLOGY: ADMINISTRATION.—Section
10 9414b(a)(2) is amended—

11 (A) by inserting “or the Space Force”
12 after “the Air Force” each place it appears;
13 and

14 (B) in subparagraph (B), by inserting “or
15 the equivalent grade in the Space Force” after
16 “brigadier general”.

17 (6) COMMUNITY COLLEGE OF THE AIR FORCE:
18 ASSOCIATE DEGREES.—Section 9415 of such title is
19 amended—

20 (A) in subsection (a) in the matter pre-
21 ceding paragraph (1), by striking “in the Air
22 Force” and inserting “in the Department of the
23 Air Force”; and

24 (B) in subsection (b)—

1 (i) in paragraph (1), by inserting “or
2 the Space Force” after “Air Force”;

3 (ii) in paragraph (2), by striking
4 “other than” and all that follows through
5 the end and inserting “other than the Air
6 Force or the Space Force who are serving
7 as instructors at Department of the Air
8 Force training schools.”; and

9 (iii) in paragraph (3), by inserting “or
10 the Space Force” after “Air Force”.

11 (7) AIR FORCE ACADEMY ESTABLISHMENT; SU-
12 PERINTENDENT; FACULTY.—Section 9431(a) of such
13 title is amended by striking “Air Force cadets” and
14 inserting “cadets”.

15 (8) AIR FORCE ACADEMY SUPERINTENDENT;
16 FACULTY: APPOINTMENT AND DETAIL.—Section
17 9433(a) of such title is amended by inserting “or the
18 Space Force” after “Air Force”.

19 (9) AIR FORCE ACADEMY PERMANENT PROFES-
20 SORS; DIRECTOR OF ADMISSIONS.—

21 (A) IN GENERAL.—Section 9436 of such
22 title is amended—

23 (i) in subsection (a)—

24 (I) in the first sentence, by in-
25 serting “in the Air Force or the equiv-

1 alent grade in the Space Force” after
2 “colonel”;

3 (II) in the second sentence, by
4 inserting “and a permanent professor
5 appointed from the Regular Space
6 Force has the grade equivalent to the
7 grade of colonel in the Regular Air
8 Force” after “grade of colonel”; and

9 (III) in the third sentence, by in-
10 serting “in the Air Force or the equiv-
11 alent grade in the Space Force” after
12 “lieutenant colonel”; and

13 (ii) in subsection (b)—

14 (I) in the first sentence, “in the
15 Air Force or the equivalent grade in
16 the Space Force” after “colonel” each
17 place it appears; and

18 (II) in the second sentence, by
19 inserting “and a person appointed
20 from the Regular Space Force has the
21 grade equivalent to the grade of colo-
22 nel in the Regular Air Force” after
23 “grade of colonel”.

24 (B) TECHNICAL AMENDMENTS.—Sub-
25 sections (a) and (b) of such section 9436 are

1 further amended by striking “he” each place it
2 appears and inserting “such person”.

3 (10) CADETS: APPOINTMENT; NUMBERS, TERRI-
4 TORIAL DISTRIBUTION.—

5 (A) IN GENERAL.—Section 9442 of such
6 title is amended—

7 (i) by striking “Air Force Cadets”
8 each place it appears and inserting “ca-
9 dets”; and

10 (ii) in subsection (b)(2), by inserting
11 “or the Regular Space Force” after “Reg-
12 ular Air Force”.

13 (B) TECHNICAL AMENDMENT.—Subsection
14 (b)(4) of such section 9442 is amended by
15 striking “him” and inserting “the Secretary”.

16 (11) CADETS: AGREEMENT TO SERVE AS OFFI-
17 CER.—Section 9448(a) of such title is amended—

18 (A) in paragraph (2)(A), by inserting “or
19 the Regular Space Force” after “Regular Air
20 Force”; and

21 (B) in paragraph (3)(A), by inserting be-
22 fore the semicolon the following: “or as a Re-
23 serve in the Space Force for service in the
24 Space Force Reserve”.

1 (12) CADETS: ORGANIZATION; SERVICE; IN-
2 STRUCTION.—Section 9449 of such title is amended
3 by striking subsection (d).

4 (13) CADETS: HAZING.—Section 9452(c) of
5 such title is amended—

6 (A) by striking “an Air Force cadet” and
7 inserting “a cadet”; and

8 (B) by striking “or Marine Corps” and in-
9 serting “Marine Corps, or Space Force”.

10 (14) CADETS: DEGREE AND COMMISSION ON
11 GRADUATION.—Section 9453(b) of such title is
12 amended by inserting “or in the equivalent grade in
13 the Regular Space Force” after “Regular Air
14 Force”.

15 (15) SUPPORT OF ATHLETIC PROGRAMS.—Sec-
16 tion 9462(c)(2) of such title is amended by striking
17 “personnel of the Air Force” and inserting “per-
18 sonnel of the Department of the Air Force”.

19 (16) SCHOOLS AND CAMPS: ESTABLISHMENT:
20 PURPOSE.—Section 9481 of such title is amended—

21 (A) by inserting “, the Space Force,” after
22 “members of the Air Force,”; and

23 (B) by inserting “or the Space Force Re-
24 serve” after “the Air Force Reserve”.

1 (17) SCHOOLS AND CAMPS: OPERATION.—Sec-
2 tion 9482 of such title is amended—

3 (A) in paragraph (4), by inserting “or the
4 Regular Space Force” after “Regular Air
5 Force”; and

6 (B) in paragraph (7), in the matter pre-
7 ceding subparagraph (A), by inserting “or
8 Space Force” after “Air Force”.

9 (e) SERVICE, SUPPLY, AND PROCUREMENT.—

10 (1) EQUIPMENT: BAKERIES, SCHOOLS, KITCH-
11 ENS, AND MESS HALLS.—Section 9536 of title 10,
12 United States Code, is amended in the matter pre-
13 ceding paragraph (1) by inserting “or the Space
14 Force” after “the Air Force”.

15 (2) RATIONS.—Section 9561 of such title is
16 amended—

17 (A) in subsection (a)—

18 (i) in the first sentence, by inserting
19 “and the Space Force ration” after “the
20 Air Force ration”; and

21 (ii) in the second sentence, by insert-
22 ing “or the Space Force” after “the Air
23 Force”; and

24 (B) in subsection (b), by inserting “or the
25 Space Force” after “the Air Force”.

1 (3) CLOTHING.—Section 9562 of such title is
2 amended by inserting “and members of the Space
3 Force” after “the Air Force”.

4 (4) CLOTHING: REPLACEMENT WHEN DE-
5 STROYED TO PREVENT CONTAGION.—Section 9563
6 of such title is amended by inserting “or the Space
7 Force” after “member of the Air Force”.

8 (5) COLORS, STANDARDS, AND GUIDONS OF DE-
9 MOBILIZED ORGANIZATIONS: DISPOSITION.—Section
10 9565 of such title is amended—

11 (A) in subsection (a), in the matter pre-
12 ceding paragraph (1), by inserting “or the
13 Space Force” after “organizations of the Air
14 Force”; and

15 (B) in subsection (b), by inserting “or the
16 Space Force” after “the Air Force”.

17 (6) UTILITIES: PROCEEDS FROM OVERSEAS OP-
18 ERATIONS.—Section 9591 of such title is amended
19 by inserting “or the Space Force” after “the Air
20 Force”.

21 (7) QUARTERS: HEAT AND LIGHT.—Section
22 9593 of such title is amended by inserting “and
23 members of the Space Force” after “the Air Force”.

1 (8) AIR FORCE MILITARY HISTORY INSTITUTE:
2 FEE FOR PROVIDING HISTORICAL INFORMATION TO
3 THE PUBLIC.—

4 (A) IN GENERAL.—Section 9594 of such
5 title is amended—

6 (i) in subsections (a) and (d), by in-
7 serting “Department of the” before “Air
8 Force Military History” each place it ap-
9 pears; and

10 (ii) in subsection (e)(1)—

11 (I) by inserting “Department of
12 the” before “Air Force Military His-
13 tory”; and

14 (II) by inserting “and the Space
15 Force” after “materials of the Air
16 Force”.

17 (B) HEADING.—The heading of such sec-
18 tion 9594 is amended to read as follows:

19 **“§ 9594. Department of the Air Force Military History**
20 **Institute: fee for providing historical in-**
21 **formation to the public”.**

22 (C) TABLE OF SECTIONS.—The table of
23 sections at the beginning of chapter 967 of such
24 title is amended by striking the item relating to

1 section 9594 and inserting the following new
2 item:

“9594. Department of the Air Force Military History Institute: fee for providing
historical information to the public.”.

3 (9) SUBSISTENCE AND OTHER SUPPLIES: MEM-
4 BERS OF ARMED FORCES; VETERANS; EXECUTIVE OR
5 MILITARY DEPARTMENTS AND EMPLOYEES;
6 PRICES.—Section 9621 of such title is amended—

7 (A) in subsection (a)—

8 (i) in paragraph (1), by inserting
9 “and members of the Space Force” after
10 “the Air Force”; and

11 (ii) in paragraph (2), by inserting
12 “and officers of the Space Force” after
13 “the Air Force”;

14 (B) in subsection (b), by inserting “or the
15 Space Force” after “the Air Force”;

16 (C) in subsection (c), by inserting “or the
17 Space Force” after “the Air Force”;

18 (D) in subsection (d), by striking “or Ma-
19 rine Corps” and inserting “Marine Corps, or
20 Space Force”;

21 (E) in subsection (e)—

22 (i) by inserting “or the Space Force”
23 after “the Air Force” the first place it ap-
24 pears; and

1 (ii) by inserting “or the Space Force,
2 respectively” after “the Air Force” the sec-
3 ond place it appears;

4 (F) in subsection (f), by inserting “or the
5 Space Force” after “the Air Force”; and

6 (G) in subsection (h)—

7 (i) by inserting “or the Space Force”
8 after “the Air Force” the first place it ap-
9 pears; and

10 (ii) by inserting “or members of the
11 Space Force” after “members of the Air
12 Force”.

13 (10) RATIONS: COMMISSIONED OFFICERS IN
14 FIELD.—Section 9622 of such title is amended by
15 inserting “and commissioned officers of the Space
16 Force” after “officers of the Air Force”.

17 (11) MEDICAL SUPPLIES: CIVILIAN EMPLOYEES
18 OF THE AIR FORCE.—Section 9624(a) of such title
19 is amended—

20 (A) by striking “air base” and inserting
21 “Air Force or Space Force military installa-
22 tion”; and

23 (B) by striking “Air Force when” and in-
24 serting “Department of the Air Force when”.

1 (12) ORDNANCE PROPERTY: OFFICERS OF
2 ARMED FORCES; CIVILIAN EMPLOYEES OF AIR
3 FORCE.—

4 (A) IN GENERAL.—Section 9625 of such
5 title is amended—

6 (i) in subsection (a), by inserting “or
7 the Space Force” after “officers of the Air
8 Force”; and

9 (ii) in subsection (b), by striking “the
10 Air Force” and inserting “the Department
11 of the Air Force”.

12 (B) HEADING.—The heading of such sec-
13 tion is amended to read as follows:

14 **“§ 9625. Ordnance property: officers of the armed**
15 **forces; civilian employees of the Depart-**
16 **ment of the Air Force; American National**
17 **Red Cross; educational institutions;**
18 **homes for veterans’ orphans”.**

19 (C) TABLE OF SECTIONS.—The table of
20 sections at the beginning of chapter 969 of such
21 title is amended by striking the item relating to
22 section 9625 and inserting the following new
23 item:

“9625. Ordnance property: officers of the armed forces; civilian employees of the
Department of the Air Force; American National Red Cross;
educational institutions; homes for veterans’ orphans.”.

1 (13) SUPPLIES: EDUCATIONAL INSTITUTIONS.—

2 Section 9627 of such title is amended—

3 (A) by inserting “or the Space Force”
4 after “for the Air Force”;

5 (B) by inserting “or the Space Force”
6 after “officer of the Air Force”; and

7 (C) by striking “air science and tactics”
8 and inserting “science and tactics”.

9 (14) SUPPLIES: MILITARY INSTRUCTION
10 CAMPS.—Section 9654 of such title is amended—

11 (A) by inserting “or Space Force” after
12 “an Air Force”; and

13 (B) by striking “air science and tactics”
14 and inserting “science and tactics”.

15 (15) DISPOSITION OF EFFECTS OF DECEASED
16 PERSONS BY SUMMARY COURT-MARTIAL.—Section
17 9712(a)(1) of such title is amended by inserting “or
18 the Space Force” after “the Air Force”.

19 (16) ACCEPTANCE OF DONATIONS: LAND FOR
20 MOBILIZATION, TRAINING, SUPPLY BASE, OR AVIA-
21 TION FIELD.—

22 (A) IN GENERAL.—Section 9771 of such
23 title is amended in paragraph (2) by inserting
24 “or space mission-related facility” after “avia-
25 tion field”.

1 (B) HEADING.—The heading of such sec-
2 tion 9771 is amended to read as follows:

3 **“§ 9771. Acceptance of donations: land for mobiliza-
4 tion, training, supply base, aviation field,
5 or space mission-related facility”.**

6 (C) TABLE OF SECTIONS.—The table of
7 sections at the beginning of chapter 979 of such
8 title is amended by striking the item relating to
9 section 9771 and inserting the following new
10 item:

“9771. Acceptance of donations: land for mobilization, training, supply base,
aviation field, or space mission-related facility.”.

11 (17) ACQUISITION AND CONSTRUCTION: AIR
12 BASES AND DEPOTS.—

13 (A) IN GENERAL.—Section 9773 of such
14 title is amended—

15 (i) in subsection (a)—

16 (I) by striking “permanent air
17 bases” and inserting “permanent Air
18 Force and Space Force military in-
19 stallations”;

20 (II) by striking “existing air
21 bases” and inserting “existing instal-
22 lations”; and

1 (III) by inserting “or the Space
2 Force” after “training of the Air
3 Force”;

4 (ii) in subsections (b) and (c), by
5 striking “air bases” each place it appears
6 and inserting “installations”;

7 (iii) in subsection (b)(7), by inserting
8 “or Space Force” after “Air Force”;

9 (iv) in subsection (c)—

10 (I) in paragraph (1), by inserting
11 “or Space Force” after “Air Force”;
12 and

13 (II) in paragraphs (3) and (4),
14 by inserting “or the Space Force”
15 after “the Air Force” both places it
16 appears; and

17 (v) in subsection (f), by striking “air
18 base” and inserting “installation”.

19 (B) HEADING.—The heading of such sec-
20 tion 9773 is amended to read as follows:

21 **“§ 9773. Acquisition and construction: installations
22 and depots”.**

23 (C) TABLE OF SECTIONS.—The table of
24 sections at the beginning of chapter 979 of such
25 title is amended by striking the item relating to

1 section 9773 and inserting the following new
2 item:

“9773. Acquisition and construction: installations and depots.”.

3 (18) EMERGENCY CONSTRUCTION: FORTIFICA-
4 TIONS.—Section 9776 of such title is amended by
5 striking “air base” and inserting “installation”.

6 (19) USE OF PUBLIC PROPERTY.—Section 9779
7 of such title is amended—

8 (A) in subsection (a), by inserting “or the
9 Space Force” after “economy of the Air
10 Force”; and

11 (B) in subsection (b), by inserting “or the
12 Space Force” after “support of the Air Force”.

13 (20) DISPOSITION OF REAL PROPERTY AT MIS-
14 SILE SITES.—Section 9781(a)(2) of such title is
15 amended—

16 (A) in the matter preceding subparagraph
17 (A), by striking “Air Force” and inserting “De-
18 partment of the Air Force”;

19 (B) in subparagraph (A), by striking “Air
20 Force” the first two places it appears and in-
21 serting “Department of the Air Force”; and

22 (C) in subparagraph (C), by striking “Air
23 Force” and inserting “Department of the Air
24 Force”.

1 (21) MAINTENANCE AND REPAIR OF REAL
2 PROPERTY.—Section 9782 of such title is amended
3 in subsections (c) and (d) by inserting “or the Space
4 Force” after “the Air Force” both places it appears.

5 (22) SETTLEMENT OF ACCOUNTS: REMISSION
6 OR CANCELLATION OF INDEBTEDNESS OF MEM-
7 BERS.—Section 9837(a) of such title is amended by
8 inserting “or the Space Force” after “member of the
9 Air Force”.

10 (23) FINAL SETTLEMENT OF OFFICER’S AC-
11 COUNTS.—

12 (A) IN GENERAL.—Section 9840 of such
13 title is amended by inserting “or the Space
14 Force” after “Air Force”.

15 (B) TECHNICAL AMENDMENTS.—Such sec-
16 tion 9840 is further amended—

17 (i) by striking “he” each place it ap-
18 pears and inserting “the officer”; and

19 (ii) by striking “his” each place it ap-
20 pears and inserting “the officer’s”.

21 (24) PAYMENT OF SMALL AMOUNTS TO PUBLIC
22 CREDITORS.—Section 9841 of such title is amended
23 by inserting “or Space Force” after “official of Air
24 Force”.

1 (25) SETTLEMENT OF ACCOUNTS OF LINE OF-
2 FICERS.—Section 9842 of such title is amended by
3 inserting “or the Space Force” after “Air Force”.

4 (f) SERVICE OF INCUMBENTS IN CERTAIN POSITIONS
5 WITHOUT REAPPOINTMENT.—

6 (1) IN GENERAL.—The individual serving in a
7 position under a provision of law specified in para-
8 graph (2) as of the date of the enactment of this Act
9 may continue to serve in such position after that
10 date without further appointment as otherwise pro-
11 vided by such provision of law, notwithstanding the
12 amendment of such provision of law by subsection
13 (b).

14 (2) PROVISIONS OF LAW.—The provisions of
15 law specified in this paragraph are the provisions of
16 title 10, United States Code, as follows:

17 (A) Section 9020, relating to the Inspector
18 General of the Department of the Air Force.

19 (B) Section 9036, relating to the Surgeon
20 General of the Air Force.

21 (C) Section 9037(a), relating to the Judge
22 Advocate General of the Air Force.

23 (D) Section 9037(d), relating to the Dep-
24 uty Judge Advocate General of the Air Force.

1 (E) Section 9039, relating to the Chief of
2 Chaplains for the Air Force and the Space
3 Force.

4 **SEC. 933. AMENDMENTS TO OTHER PROVISIONS OF TITLE**
5 **10, UNITED STATES CODE.**

6 (a) DEFINITIONS.—Section 101(b)(13) of title 10,
7 United States Code, is amended in paragraph (13), by
8 striking “or Marine Corps” and inserting “Marine Corps,
9 or Space Force”.

10 (b) OTHER PROVISIONS OF SUBTITLE A.—

11 (1) SPACE FORCE I.—Subtitle A of title 10,
12 United States Code, as amended by subsection (a),
13 is further amended by striking “and Marine Corps”
14 each place it appears and inserting “Marine Corps,
15 and Space Force” in the following provisions:

16 (A) Section 116(a)(1) in the matter pre-
17 ceding subparagraph (A).

18 (B) Section 533(a)(2).

19 (C) Section 646.

20 (D) Section 661(a).

21 (E) Section 712(a).

22 (F) Section 717(c)(1).

23 (G) Subsections (c) and (d) of section 741.

24 (H) Section 743.

25 (I) Section 1111(b)(4).

1 (J) Subsections (a)(2)(A) and (c)(2)(A)(ii)
2 of section 1143.

3 (K) Section 1174(j).

4 (L) Section 1463(a)(1).

5 (M) Section 1566.

6 (N) Section 2217(c)(2).

7 (O) Section 2259(a).

8 (P) Section 2640(j).

9 (2) SPACE FORCE II.—

10 (A) IN GENERAL.—Such subtitle is further
11 amended by striking “Marine Corps,” each
12 place it appears and inserting “Marine Corps,
13 Space Force,” in the following provisions:

14 (i) Section 123(a).

15 (ii) Section 172(a).

16 (iii) Section 518.

17 (iv) Section 747.

18 (v) Section 749.

19 (vi) Section 1552(c)(1).

20 (vii) Section 2632(c)(2)(A).

21 (viii) Section 2686(a).

22 (ix) Section 2733(a).

23 (B) HEADING.—The heading of section
24 747 of such title is amended to read as follows:

1 **“§ 747. Command: when different commands of Army,**
2 **Navy, Air Force, Marine Corps, Space**
3 **Force, and Coast Guard join”.**

4 (C) TABLE OF SECTIONS.—The table of
5 sections at the beginning of chapter 43 of such
6 title is amended by striking the item relating to
7 section 747 and inserting the following new
8 item:

“747. Command: when different commands of Army, Navy, Air Force, Marine
Corps, Space Force, and Coast Guard join.”.

9 (3) SPACE FORCE III.—Such subtitle is further
10 amended by striking “or Marine Corps” each place
11 it appears and inserting “Marine Corps, or Space
12 Force” in the following provisions:

13 (A) Section 125(b).

14 (B) Section 541(a).

15 (C) Section 601(a).

16 (D) Section 603(a).

17 (E) Section 619(a).

18 (F) Section 619a(a).

19 (G) Section 624(c).

20 (H) Section 625(b).

21 (I) Subsections (a) and (d) of section 631.

22 (J) Section 632(a).

23 (K) Section 637(a)(2).

24 (L) Section 638(a).

- 1 (M) Section 741(d).
2 (N) Section 771.
3 (O) Section 772.
4 (P) Section 773.
5 (Q) Section 1123.
6 (R) Section 1143(d).
7 (S) Section 1174(a)(2).
8 (T) Section 1251(a).
9 (U) Section 1252(a).
10 (V) Section 1253(a).
11 (W) Section 1375.
12 (X) Section 1413a(h).
13 (Y) Section 1551.
14 (Z) Section 1561(a).
15 (AA) Section 1731(a)(1)(A)(ii).
16 (BB) Section 2102(a).
17 (CC) Section 2103a(a)(2).
18 (DD) Section 2104(b)(5).
19 (EE) Section 2107.
20 (FF) Section 2421.
21 (GG) Section 2631(a).
22 (HH) Section 2787(a).

23 (4) REGULAR SPACE FORCE I.—Such subtitle is
24 further amended by striking “or Regular Marine
25 Corps” each place it appears and inserting “Regular

1 Marine Corps, or Regular Space Force” in the fol-
2 lowing provisions:

3 (A) Section 531(c).

4 (B) Section 532(a) in the matter preceding
5 paragraph (1).

6 (C) Subsections (a)(1), (b)(1), and (f) of
7 section 533.

8 (D) Section 633(a).

9 (E) Section 634(a).

10 (F) Section 635.

11 (G) Section 636(a).

12 (H) Section 647(c).

13 (I) Section 688(b)(1).

14 (J) Section 1181.

15 (5) REGULAR SPACE FORCE II.—Such subtitle
16 is further amended by striking “Regular Marine
17 Corps,” each place it appears and inserting “Reg-
18 ular Marine Corps, Regular Space Force,” in the
19 following provisions:

20 (A) Section 505.

21 (B) Section 506.

22 (C) Section 508.

23 (6) TRANSFER, ETC. OF FUNCTIONS, POWERS,
24 AND DUTIES.—Section 125(b) of such title, as
25 amended by paragraph (3)(A), is further amended

1 by striking “or 9062(c)” and inserting “9062(c), or
2 9081”.

3 (7) JOINT STAFF MATTERS.—

4 (A) APPOINTMENT OF CHAIRMAN; GRADE
5 AND RANK.—Section 152 of such title is
6 amended—

7 (i) in subsection (b)(1)(C), by striking
8 “or the Commandant of the Marine Corps”
9 and inserting “the Commandant of the
10 Marine Corps, or the Chief of Space Oper-
11 ations”; and

12 (ii) in subsection (c), by striking “or,
13 in the case of the Navy, admiral” and in-
14 serting “, in the case of the Navy, admiral,
15 or, in the case of an officer of the Space
16 Force, the equivalent grade,”.

17 (B) INCLUSION OF SPACE FORCE ON JOINT
18 STAFF.—Section 155(a) of such title is amend-
19 ed—

20 (i) in paragraph (2) by inserting “the
21 Space Force and” before “the Coast
22 Guard”;

23 (ii) by redesignating paragraph (3) as
24 paragraph (4); and

1 (iii) by inserting after paragraph (2)
2 the following new paragraph (3):

3 “(3) Officers of the Space Force assigned to serve
4 on the Joint Staff shall be selected by the Chairman in
5 a number that, to the extent practicable, bears the same
6 proportion to the numbers of officers of the armed forces
7 selected under paragraph (2) as the number of Regular
8 members of the Space Force bears to the number of Reg-
9 ular members of the armed forces specified in that para-
10 graph (with the Navy and the Marine Corps treated as
11 a single armed force for purposes of this paragraph).”.

12 (8) ARMED FORCES POLICY COUNCIL.—Section
13 171(a) of such title is amended—

14 (A) in paragraph (15), by striking “and”;

15 (B) in paragraph (16), by striking the pe-
16 riod and inserting “; and”; and

17 (C) by adding at the end the following new
18 paragraph:

19 “(17) the Chief of Space Operations.”.

20 (9) JOINT REQUIREMENTS OVERSIGHT COUN-
21 CIL.—Section 181(c)(1) of such title is amended by
22 adding at the end the following new subparagraph:

23 “(F) A Space Force officer in the grade
24 equivalent to the grade of general in the Army,

1 Air Force, or Marine Corps, or admiral in the
2 Navy.”.

3 (10) UNFUNDED PRIORITIES.—Section 222a(b)
4 of such title is amended—

5 (A) by redesignating paragraph (5) as
6 paragraph (6); and

7 (B) by inserting after paragraph (4) the
8 following new paragraph:

9 “(5) The Chief of Space Operations.”.

10 (11) THEATER SECURITY COOPERATION EX-
11 PENSES.—Section 312(b)(3) of such title is amended
12 by inserting “the Chief of Space Operations,” after
13 “the Commandant of the Marine Corps,”.

14 (12) WESTERN HEMISPHERE INSTITUTE.—Sec-
15 tion 343(e)(1)(E) of such title is amended by insert-
16 ing “or Space Force” after “for the Air Force”.

17 (13) ORIGINAL APPOINTMENTS OF COMMIS-
18 SIONED OFFICERS.—Section 531(a) of such title is
19 amended—

20 (A) in paragraph (1), by striking “and in
21 the grades of ensign, lieutenant (junior grade),
22 and lieutenant in the Regular Navy” and in-
23 serting “in the grades of ensign, lieutenant
24 (junior grade), and lieutenant in the Regular

1 Navy, and in the equivalent grades in the Reg-
2 ular Space Force”; and

3 (B) in paragraph (2), by striking “and in
4 the grades of lieutenant commander, com-
5 mander, and captain in the Regular Navy” and
6 inserting “in the grades of lieutenant com-
7 mander, commander, and captain in the Reg-
8 ular Navy, and in the equivalent grades in the
9 Regular Space Force”.

10 (14) SERVICE CREDIT UPON ORIGINAL AP-
11 POINTMENT AS A COMMISSIONED OFFICER.—Section
12 533(b)(2) of such title is amended by striking “or
13 captain in the Navy” and inserting “, captain in the
14 Navy, or an equivalent grade in the Space Force”.

15 (15) SENIOR JOINT OFFICER POSITIONS: REC-
16 OMMENDATIONS TO THE SECRETARY OF DE-
17 FENSE.—Section 604(a)(1)(A) of such title is
18 amended by inserting “and the name of at least one
19 Space Force officer” after “Air Force officer”.

20 (16) FORCE SHAPING AUTHORITY.—Section
21 647(a)(2) of such title is amended by striking “of
22 that armed force”.

23 (17) MEMBERS: REQUIRED SERVICE.—Section
24 651(b) of such title is amended by striking “of his
25 armed force”.

1 (18) CAREER FLEXIBILITY TO ENHANCE RE-
2 TENTION OF MEMBERS.—Section 710(c)(1) of such
3 title is amended by striking “the armed force con-
4 cerned” and inserting “an armed force”.

5 (19) SENIOR MEMBERS OF MILITARY STAFF
6 COMMITTEE OF UNITED NATIONS.—Section 711 of
7 such title is amended by inserting “or the Space
8 Force” after “Air Force”.

9 (20) RANK: CHIEF OF SPACE OPERATIONS.—

10 (A) IN GENERAL.—Section 743 of such
11 title is amended by striking “and the Com-
12 mandant of the Marine Corps” and inserting
13 “the Commandant of the Marine Corps, and
14 the Chief of Space Operations”.

15 (B) HEADING.—The heading of such sec-
16 tion 743 is amended to read as follows:

17 **“§ 743. Rank: Chief of Staff of the Army; Chief of**
18 **Naval Operations; Chief of Staff of the**
19 **Air Force; Commandant of the Marine**
20 **Corps; Chief of Space Operations”.**

21 (C) TABLE OF SECTIONS.—The table of
22 sections at the beginning of chapter 43 of such
23 title is amended by striking the item relating to
24 section 743 and inserting the following new
25 item:

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“743. Rank: Chief of Staff of the Army; Chief of Naval Operations; Chief of Staff of the Air Force; Commandant of the Marine Corps; Chief of Space Operations.”.

1 (21) UNIFORM CODE OF MILITARY JUSTICE.—

2 Chapter 47 of such title (the Uniform Code of Military Justice) is amended—

3 (A) in section 822(a)(7) (article 22(a)(7)),
4 by striking “Marine Corps” and inserting “Ma-
5 rine Corps, or the commanding officer of a cor-
6 responding unit of the Space Force”;

7 (B) in section 823(a) (article 23(a))—

8 (i) in paragraph (2)—

9 (I) by striking “Air Force base”
10 and inserting “Air Force or Space
11 Force military installation”; and

12 (II) by striking “or the Air
13 Force” and inserting “the Air Force,
14 or the Space Force”; and

15 (ii) in paragraph (4), by inserting “or
16 a corresponding unit of the Space Force”
17 after “Air Force”; and

18 (C) in section 824(a)(3) (article 24(a)(3)),
19 by inserting “or a corresponding unit of the
20 Space Force” after “Air Force”.

21 (22) SERVICE AS CADET OR MIDSHIPMAN NOT
22 COUNTED FOR LENGTH OF SERVICE.—Section
23 971(b)(2) of such title is amended by striking “or
24

1 Air Force” and inserting “, Air Force, or Space
2 Force”.

3 (23) REFERRAL BONUS.—Section 1030(h)(3) of
4 such title is amended by inserting “and the Space
5 Force” after “concerning the Air Force”.

6 (24) RETURN TO ACTIVE DUTY FROM TEM-
7 PORARY DISABILITY.—Section 1211(a) of such title
8 is amended—

9 (A) in the matter preceding paragraph (1),
10 by striking “or the Air Force” and inserting “,
11 the Air Force, or the Space Force”; and

12 (B) in paragraph (6)—

13 (i) by striking “or the Air Force,
14 who” and inserting “the Air Force, or the
15 Space Force who”; and

16 (ii) by striking “or the Air Force, as”
17 and inserting “the Air Force, or the Space
18 Force, as”.

19 (25) YEARS OF SERVICE.—Section 1405(c) of
20 such title is amended by striking “or Air Force” and
21 inserting “, Air Force, or Space Force”.

22 (26) RETIRED PAY BASE FOR PERSONS WHO
23 BECAME MEMBERS BEFORE SEPTEMBER 8, 1980.—
24 Section 1406 of such title is amended—

602

1 (A) in the heading of subsection (e), by in-
2 sserting “AND SPACE FORCE” after “AIR
3 FORCE”; and

4 (B) in subsection (i)(3)—

5 (i) in subparagraph (A)—

6 (I) by redesignating clause (v) as
7 clause (vi); and

8 (II) by inserting after clause (iv)
9 the following new clause (v):
10 “(v) Chief of Space Operations.”; and

11 (ii) in subparagraph (B)—

12 (I) by redesignating clause (v) as
13 clause (vi); and

14 (II) by inserting after clause (iv)
15 the following new clause (v):

16 “(v) The senior enlisted advisor of the
17 Space Force.”.

18 (27) SPECIAL REQUIREMENTS FOR MILITARY
19 PERSONNEL IN THE ACQUISITION FIELD.—

20 (A) IN GENERAL.—Section 1722a(a) of
21 such title is amended by striking “and the
22 Commandant of the Marine Corps (with respect
23 to the Army, Navy, Air Force, and Marine
24 Corps, respectively)” and inserting “, the Com-
25 mandant of the Marine Corps, and the Chief of

1 Space Operations (with respect to the Army,
2 Navy, Air Force, Marine Corps, and Space
3 Force, respectively)”.

4 (B) CLARIFYING AMENDMENT.—Such sec-
5 tion 1722a(a) is further amended by striking
6 “the Under Secretary of Defense for Acquisi-
7 tion, Technology, and Logistics” and inserting
8 “the Under Secretary of Defense for Acquisi-
9 tion and Sustainment”.

10 (28) SENIOR MILITARY ACQUISITION ADVI-
11 SORS.—Section 1725(e)(1)(C) of such title is
12 amended by inserting “and Space Force” before the
13 period.

14 (29) MILITARY FAMILY READINESS COUNCIL.—
15 Section 1781a(b)(1) of such title is amended by
16 striking “Marine Corps, and Air Force” each place
17 it appears and inserting “Air Force, Marine Corps,
18 and Space Force”.

19 (30) FINANCIAL ASSISTANCE PROGRAM FOR
20 SPECIALLY SELECTED MEMBERS.—Section 2107 of
21 such title is amended—

22 (A) in subsection (a)—

23 (i) by striking “or as a” and inserting
24 “, as a”; and

1 (ii) by inserting “or as an officer in
2 the equivalent grade in the Space Force”
3 after “Marine Corps,”;

4 (B) in subsection (b)—

5 (i) in paragraph (3), by striking “the
6 reserve component of the armed force in
7 which he is appointed as a cadet or mid-
8 shipman” and inserting “the reserve com-
9 ponent of an armed force”; and

10 (ii) in paragraph (5), by striking “re-
11 serve component of that armed force” each
12 place it appears and inserting “reserve
13 component of an armed force”; and

14 (C) in subsection (d), by striking “second
15 lieutenant or ensign” and inserting “second
16 lieutenant, ensign, or an equivalent grade in the
17 Space Force”.

18 (31) SPACE RAPID CAPABILITIES OFFICE.—Sec-
19 tion 2273a(d) of such title is amended by striking
20 paragraph (3).

21 (32) ACQUISITION-RELATED FUNCTIONS OF
22 CHIEFS OF THE ARMED FORCES.—Section 2547(a)
23 of such title is amended by striking “and the Com-
24 mandant of the Marine Corps” and inserting “the

1 Commandant of the Marine Corps, and the Chief of
2 Space Operations”.

3 (33) AGREEMENTS RELATED TO MILITARY
4 TRAINING, TESTING, AND OPERATIONS.—Section
5 2684a(i) of such title is amended by inserting
6 “Space Force,” before “or Defense-wide activities”
7 each place it appears.

8 (c) PROVISIONS OF SUBTITLE B.—

9 (1) IN GENERAL.—Subtitle B of title 10,
10 United States Code, is amended by striking “or Ma-
11 rine Corps” each place it appears and inserting
12 “Marine Corps, or Space Force” in the following
13 provisions:

14 (A) Section 7452(c).

15 (B) Section 7621(d).

16 (2) COMPUTATION OF YEARS OF SERVICE.—
17 Section 7326(a)(1) of such title is amended by strik-
18 ing “or the Air Force” and inserting “, the Air
19 Force, or the Space Force”.

20 (d) PROVISIONS OF SUBTITLE C.—

21 (1) CADETS; HAZING.—Section 8464(f) of title
22 10, United States Code, is amended by striking “or
23 Marine Corps” and inserting “Marine Corps, or
24 Space Force”.

25 (2) SALES PRICES.—

1 (A) IN GENERAL.—Section 8802 of such
2 title is amended by striking “or the Air Force”
3 and inserting “, the Air Force, or the Space
4 Force”.

5 (B) HEADING.—The heading of such sec-
6 tion 8802 is amended to read as follows:

7 **“§ 8802. Sales: members of Army, Air Force, and**
8 **Space Force; prices”.**

9 (C) TABLE OF SECTIONS.—The table of
10 sections at the beginning of chapter 879 of such
11 title is amended by striking the item relating to
12 section 8802 and inserting the following new
13 item:

“8802. Sales: members of Army, Air Force, and Space Force; prices.”.

14 (3) SALES TO CERTAIN VETERANS.—Section
15 8803 of such title is amended by striking “or the
16 Marine Corps” and inserting “the Marine Corps, or
17 the Space Force”.

18 (4) SUBSISTENCE AND OTHER SUPPLIES.—Sec-
19 tion 8806(d) of such title is amended by striking “or
20 Air Force or Marine Corps” and inserting “, Air
21 Force, Marine Corps, or Space Force”.

22 (5) SCOPE OF CHAPTER ON PRIZE.—Section
23 8851(a) of such title is amended by striking “or the
24 Air Force” and inserting “, the Air Force, or the
25 Space Force”.

1 **SEC. 934. AMENDMENTS TO PROVISIONS OF LAW RELATING**
2 **TO PAY AND ALLOWANCES.**

3 (a) DEFINITIONS.—Section 101 of title 37, United
4 States Code, is amended—

5 (1) in paragraphs (3) and (4), by inserting
6 “Space Force,” after “Marine Corps,” each place it
7 appears; and

8 (2) in paragraph (5)(C), by inserting “and the
9 Space Force” after “Air Force”.

10 (b) BASIC PAY RATES.—

11 (1) COMMISSIONED OFFICERS.—Footnote 2 of
12 the table titled “COMMISSIONED OFFICERS” in
13 section 601(c) of the John Warner National Defense
14 Authorization Act for Fiscal Year 2007 (Public Law
15 109–364; 37 U.S.C. 1009 note) is amended by in-
16 serting after “Commandant of the Marine Corps,”
17 the following: “Chief of Space Operations,”.

18 (2) ENLISTED MEMBERS.—Footnote 2 of the
19 table titled “ENLISTED MEMBERS” in section
20 601(c) of the John Warner National Defense Au-
21 thorization Act for Fiscal Year 2007 (Public Law
22 109–364; 37 U.S.C. 1009 note) is amended by in-
23 serting after “Sergeant Major of the Marine Corps,”
24 the following: “the senior enlisted advisor of the
25 Space Force,”.

1 (c) PAY GRADES: ASSIGNMENT TO; GENERAL
2 RULES.—Section 201(a) of title 37, United States Code,
3 is amended—

4 (1) by striking “(a) For the purpose” and in-
5 sserting “(a)(1) Subject to paragraph (2), for the
6 purpose”; and

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

9 “(2) For the purpose of computing their basic pay,
10 commissioned officers of the Space Force are assigned to
11 the pay grades in the table in paragraph (1) by grade or
12 rank in the Air Force that is equivalent to the grade or
13 rank in which such officers are serving in the Space
14 Force.”.

15 (d) PAY OF SENIOR ENLISTED MEMBERS.—Section
16 210(c) of title 37, United States Code, is amended—

17 (1) by redesignating paragraph (5) as para-
18 graph (6); and

19 (2) by inserting after paragraph (4) the fol-
20 lowing new paragraph (5):

21 “(5) The senior enlisted advisor of the Space
22 Force.”.

23 (e) ALLOWANCES OTHER THAN TRAVEL AND TRANS-
24 PORTATION ALLOWANCES.—

1 (1) PERSONAL MONEY ALLOWANCE.—Section
2 414 of title 37, United States Code, is amended—

3 (A) in subsection (a)(5), by inserting
4 “Chief of Space Operations,” after “Com-
5 mandant of the Marines Corps,”; and

6 (B) in subsection (b), by inserting “the
7 senior enlisted advisor of the Space Force,”
8 after “the Sergeant Major of the Marine
9 Corps,”.

10 (2) CLOTHING ALLOWANCE: ENLISTED MEM-
11 BERS.—Section 418(d) of such title is amended—

12 (A) in paragraph (1), by striking “or Ma-
13 rine Corps” and inserting “Marine Corps, or
14 Space Force”; and

15 (B) in paragraph (4), by striking “or the
16 Marine Corps” and inserting “the Marine
17 Corps, or the Space Force”.

18 (f) TRAVEL AND TRANSPORTATION ALLOWANCES:
19 PARKING EXPENSES.—Section 481i(b) of title 37, United
20 States Code, is amended by striking “or Marine Corps”
21 and inserting “Marine Corps, or Space Force”.

22 (g) LEAVE.—

23 (1) ADDITION OF SPACE FORCE.—Chapter 9 of
24 title 37, United States Code, is amended by insert-

1 ing “Space Force,” after “Marines Corps,” each
2 place it appears in the following provisions:

3 (A) Subsections (b)(1) and (e)(1) of sec-
4 tion 501.

5 (B) Section 502(a).

6 (C) Section 503(a).

7 (2) ADDITION OF REGULAR SPACE FORCE.—
8 Section 501(b)(5)(C) of such title is amended by
9 striking “or Regular Marine Corps” and inserting
10 “Regular Marine Corps, or Regular Space Force”.

11 (3) TECHNICAL AMENDMENTS.—Chapter 9 of
12 such title is further amended as follows:

13 (A) In section 501(b)(1)—

14 (i) by striking “his” each place it ap-
15 pears and inserting “the member’s”; and

16 (ii) by striking “he” and inserting
17 “the member”.

18 (B) In section 502—

19 (i) by striking “his designated rep-
20 resentative” each place it appears and in-
21 serting “the Secretary’s designated rep-
22 resentative”;

23 (ii) in subsection (a), by striking “he”
24 each place it appears and inserting “the
25 member”; and

1 (iii) in subsection (b), by striking
2 “his” and inserting “the member’s”.

3 (h) ALLOTMENT AND ASSIGNMENT OF PAY.—

4 (1) IN GENERAL.—Subsections (a), (c), and (d)
5 of section 701 of title 37, United States Code, are
6 each amended by striking “or Marine Corps” and
7 inserting “Marine Corps, or Space Force”.

8 (2) TECHNICAL AMENDMENTS.—Such section
9 701 is further amended—

10 (A) in subsection (a), by striking “his” and
11 inserting “the officer’s”;

12 (B) in subsection (b), by striking “his”
13 and inserting “the person’s”; and

14 (C) in subsection (c), by striking “his pay,
15 and if he does so” and inserting “the member’s
16 pay, and if the member does so”.

17 (3) HEADING.—The heading of such section
18 701 is amended to read as follows:

19 **“§ 701. Members of the Army, Navy, Air Force, Marine**
20 **Corps, and Space Force; contract sur-**
21 **geons”.**

22 (4) TABLE OF SECTIONS.—The table of sections
23 at the beginning of chapter 13 of such title is
24 amended by striking the item relating to section 701
25 and inserting the following new item:

“701. Members of the Army, Navy, Air Force, Marine Corps, and Space Force; contract surgeons.”.

1 (i) FORFEITURE OF PAY.—

2 (1) FORFEITURE FOR ABSENCE FOR INTEM-
3 PERATE USE OF ALCOHOL OR DRUGS.—

4 (A) IN GENERAL.—Section 802 of title 37,
5 United States Code, is amended by striking “or
6 Marine Corps” and inserting “Marine Corps, or
7 Space Force”.

8 (B) TECHNICAL AMENDMENTS.—Such sec-
9 tion 802 is further amended by striking “his”
10 each place it appears and inserting “the mem-
11 ber’s”.

12 (2) FORFEITURE WHEN DROPPED FROM
13 ROLLS.—

14 (A) IN GENERAL.—Section 803 of such
15 title is amended by striking “or the Air Force”
16 and inserting “, the Air Force, or the Space
17 Force”.

18 (B) HEADING.—The heading of such sec-
19 tion 803 is amended to read as follows:

20 **“§ 803. Commissioned officers of the Army, Air Force,**
21 **or Space Force: forfeiture of pay when**
22 **dropped from rolls”.**

23 (C) TABLE OF SECTIONS.—The table of
24 sections at the beginning of chapter 15 of such

1 title is amended by striking the item relating to
2 section 803 and inserting the following new
3 item:

“803. Commissioned officers of the Army, Air Force, or Space Force: forfeiture of pay when dropped from rolls.”.

4 (j) EFFECT ON PAY OF EXTENSION OF ENLIST-
5 MENT.—Section 906 of title 37, United States Code, is
6 amended by inserting “Space Force,” after “Marine
7 Corps,”.

8 (k) ADMINISTRATION OF PAY.—

9 (1) PROMPT PAYMENT REQUIRED.—

10 (A) IN GENERAL.—Section 1005 of title
11 37, United States Code, is amended by striking
12 “and of the Air Force” and inserting “, the Air
13 Force, and the Space Force”.

14 (B) HEADING.—The heading of such sec-
15 tion 1005 is amended to read as follows:

16 “§ 1005. **Army, Air Force, and Space Force: prompt**
17 **payments required”.**

18 (C) TABLE OF SECTIONS.—The table of
19 sections at the beginning of chapter 15 of such
20 title is amended by striking the item relating to
21 section 803 and inserting the following new
22 item:

“1005. Army, Air Force, and Space Force: prompt payments required.”.

23 (2) DEDUCTIONS FROM PAY.—

1 (A) IN GENERAL.—Section 1007 of such
2 title is amended—

3 (i) in subsections (b), (d), (f), and (g),
4 by striking “or the Air Force” and insert-
5 ing “, the Air Force, or the Space Force”;
6 and

7 (ii) in subsection (e), by striking “or
8 Marine Corps” and inserting “Marine
9 Corps, or Space Force”.

10 (B) TECHNICAL AMENDMENTS.—Such sec-
11 tion 1007 is further amended—

12 (i) in subsection (b), by striking
13 “him” and inserting “the member”;

14 (ii) in subsection (d), by striking
15 “his” each place it appears and inserting
16 “the member’s”; and

17 (iii) in subsection (f)—

18 (I) by striking “his” and insert-
19 ing “the officer’s”; and

20 (II) by striking “he” both places
21 it appears and inserting “the officer”.

22 **SEC. 935. AMENDMENTS RELATING TO PROVISIONS OF LAW**
23 **ON VETERANS’ BENEFITS.**

24 (a) ADDITION OF SPACE SERVICE TO REFERENCES
25 TO MILITARY, NAVAL, OR AIR SERVICE.—Title 38, United

1 States Code, is amended by striking “or air service” and
2 inserting “air, or space service” each place it appears in
3 the following provisions:

4 (1) Paragraphs (2), (5), (12), (16), (17), (18),
5 (24), and (32) of section 101.

6 (2) Section 105(a).

7 (3) Section 106(b).

8 (4) Section 701.

9 (5) Paragraphs (1) and (2)(A) of section 1101.

10 (6) Section 1103.

11 (7) Section 1110.

12 (8) Subsections (b)(1) and (c)(1) of section
13 1112.

14 (9) Section 1113(b).

15 (10) Section 1131.

16 (11) Section 1132.

17 (12) Section 1133.

18 (13) Section 1137.

19 (14) Section 1141.

20 (15) Section 1153.

21 (16) Section 1301.

22 (17) Subsections (a) and (b) of section 1302.

23 (18) Section 1310(b).

24 (19) Section 1521(j).

25 (20) Section 1541(h).

- 1 (21) Subsections (a)(2)(B) and (e)(3) of section
- 2 1710.
- 3 (22) Section 1712(a).
- 4 (23) Section 1712A(c).
- 5 (24) Section 1717(d)(1).
- 6 (25) Subsections (b) and (c) of section 1720A.
- 7 (26) Section 1720D(e)(3).
- 8 (27) Section 1720E(a).
- 9 (28) Section 1720G(a)(2)(B).
- 10 (29) Subsections (b)(2), (e)(1), and (e)(4) of
- 11 section 1720I.
- 12 (30) Section 1781(a)(3).
- 13 (31) Section 1783(b)(1).
- 14 (32) Section 1922(a).
- 15 (33) Section 2002(b)(1).
- 16 (34) Section 2101A(a)(1).
- 17 (35) Subsections (a)(1)(C) and (d) of section
- 18 2301.
- 19 (36) Section 2302(a).
- 20 (37) Section 2303(b)(2).
- 21 (38) Subsections (b)(4)(A) and (g)(2) of section
- 22 2306.
- 23 (39) Section 2402(a)(1).
- 24 (40) Section 3018B(a).
- 25 (41) Section 3102(a)(1)(A)(ii).

- 1 (42) Subsections (a) and (b)(2)(A) of section
2 3103.
- 3 (43) Section 3113(a).
- 4 (44) Section 3501(a).
- 5 (45) Section 3512(b)(1)(B)(iii).
- 6 (46) Section 3679(c)(2)(A).
- 7 (47) Section 3701(b)(2).
- 8 (48) Section 3712(e)(2).
- 9 (49) Section 3729(c)(1).
- 10 (50) Subparagraphs (A) and (B) of section
11 3901(1).
- 12 (51) Subsections (c)(1)(A) and (d)(2)(B) of sec-
13 tion 5103A.
- 14 (52) Section 5110(j).
- 15 (53) Section 5111(a)(2)(A).
- 16 (54) Section 5113(b)(3)(C).
- 17 (55) Section 5303(e).
- 18 (56) Section 6104(e).
- 19 (57) Section 6105(a).
- 20 (58) Subsections (a)(1) and (b)(3) of section
21 6301.
- 22 (59) Section 6303(b).
- 23 (60) Section 6304(b)(1).
- 24 (61) Section 8301.
- 25 (b) DEFINITIONS.—

1 (1) ARMED FORCES.—Paragraph (10) of sec-
2 tion 101 of title 38, United States Code, is amended
3 by inserting “Space Force,” after “Air Force,”.

4 (2) SECRETARY CONCERNED.—Paragraph
5 (25)(C) of such section is amended by inserting “or
6 the Space Force” before the semicolon.

7 (3) SPACE FORCE RESERVE.—Paragraph (27)
8 of such section is amended—

9 (A) by redesignating subparagraphs (E)
10 through (G) as subparagraphs (F) through (H),
11 respectively; and

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

14 “(E) the Space Force Reserve;”.

15 (c) PLACEMENT OF EMPLOYEES IN MILITARY IN-
16 STALLATIONS.—Section 701 of title 38, United States
17 Code, is amended by striking “and Air Force” and insert-
18 ing “Air Force, and Space Force”.

19 (d) CONSIDERATION TO BE ACCORDED TIME,
20 PLACE, AND CIRCUMSTANCES OF SERVICE.—Section
21 1154(b) of title 38, United States Code, is amended by
22 striking “or air organization” and inserting “air, or space
23 organization”.

1 (e) PREMIUM PAYMENTS.—Section 1908 of title 38,
2 United States Code, is amended by inserting “Space
3 Force,” after “Marine Corps,”.

4 (f) SECRETARY CONCERNED FOR GI BILL.—Section
5 3020(l)(3) of title 38, United States Code, is amended by
6 inserting “or the Space Force” before the semicolon.

7 (g) DEFINITIONS FOR POST-9/11 GI BILL.—Section
8 3301(2)(C) of title 38, United States Code, is amended by
9 inserting “or the Space Force” after “Air Force”.

10 (h) PROVISION OF CREDIT PROTECTION AND OTHER
11 SERVICES.—Section 5724(c)(2) of title 38, United States
12 Code, is amended by striking “or Marine Corps” and in-
13 serting “Marine Corps, or Space Force”.

14 **SEC. 936. AMENDMENTS TO OTHER PROVISIONS OF THE**
15 **UNITED STATES CODE.**

16 (a) TITLE 5; DEFINITION OF ARMED FORCES.—Sec-
17 tion 2101(2) of title 5, United States Code, is amended
18 by inserting after “Marine Corps,” the following: “Space
19 Force,”.

20 (b) TITLE 14.—

21 (1) VOLUNTARY RETIREMENT.—Section 2152
22 of title 14, United States Code, is amended by strik-
23 ing “or Marine Corps” and inserting “Marine Corps,
24 or Space Force”.

1 (2) COMPUTATION OF LENGTH OF SERVICE.—

2 Section 2513 of such title is amended by inserting
3 after “Air Force,” the following: “Space Force,”.

4 (c) TITLE 18; FIREARMS AS NONMAILABLE.—Sec-
5 tion 1715 of such title is amended by inserting “Space
6 Force,” after “Marine Corps,”.

7 (d) TITLE 31.—

8 (1) DEFINITIONS RELATING TO CLAIMS.—Sec-
9 tion 3701(a)(7) of title 31, United States Code, is
10 amended by inserting “Space Force,” after “Marine
11 Corps,”.

12 (2) COLLECTION AND COMPROMISE.—Section
13 3711(f) of such title is amended in paragraphs (1)
14 and (3) by inserting “Space Force,” after “Marine
15 Corps,” each place it appears.

16 (e) TITLE 41; HONORABLE DISCHARGE CERTIFI-
17 CATE IN LIEU OF BIRTH CERTIFICATE.—Section 6309(a)
18 of title 41, United States Code, is amended by inserting
19 “Space Force,” after “Marine Corps,”.

20 (f) TITLE 51; POWERS OF THE ADMINISTRATION IN
21 PERFORMANCE OF FUNCTIONS.—Section 20113(l) of title
22 51, United States Code, is amended—

23 (1) in the subsection heading, by striking
24 “SERVICES” and inserting “FORCES”; and

1 (2) by striking “and Marine Corps” and insert-
2 ing “Marine Corps, and Space Force”.

3 **SEC. 937. APPLICABILITY TO OTHER PROVISIONS OF LAW.**

4 (a) SECRETARY OF DEFENSE AUTHORITY.—The au-
5 thority of the Secretary of Defense with respect to the Air
6 Force or members of the Air Force under any covered pro-
7 vision of law may be exercised by the Secretary with re-
8 spect to the Space Force or members of the Space Force.

9 (b) SECRETARY OF THE AIR FORCE AUTHORITY.—
10 The authority of the Secretary of the Air Force with re-
11 spect to the Air Force or members of the Air Force under
12 any covered provision of law may be exercised with respect
13 to the Space Force or members of the Space Force.

14 (c) BENEFITS FOR MEMBERS.—A member of the
15 Space Force shall be eligible for any benefit under a cov-
16 ered provision of law that is available to a member of the
17 Air Force under the same terms and conditions as the pro-
18 vision of law applies to members of the Air Force.

19 (d) COVERED PROVISION OF LAW DEFINED.—In this
20 section, the term “covered provision of law” means a pro-
21 vision of law other than a provision of title 5, 10, 14, 18,
22 31, 37, 38, 41, or 51, United States Code.

1 **PART II—OTHER MATTERS**
2 **SEC. 941. MATTERS RELATING TO RESERVE COMPONENTS**
3 **FOR THE SPACE FORCE.**

4 (a) **LIMITATION ON ESTABLISHMENT OF SPACE NA-**
5 **TIONAL GUARD.—**

6 (1) **IN GENERAL.—**The Space National Guard
7 may not be established as a reserve component of
8 the Space Force until the Secretary of Defense cer-
9 tifies in writing, to the congressional defense com-
10 mittees that a Space National Guard is the organi-
11 zation best suited to discharge in an effective and ef-
12 ficient manner the missions intended to be assigned
13 to the Space National Guard.

14 (2) **BASIS FOR CERTIFICATION.—**The certifi-
15 cation must be based on the results of a study con-
16 ducted for purposes of this subsection by the Assist-
17 ant Secretary of the Air Force for Manpower and
18 Reserve Affairs.

19 (3) **PROPOSED MISSIONS.—**The certification
20 shall include a description of each mission proposed
21 to be assigned to the Space National Guard in con-
22 nection with the certification.

23 (b) **SPACE FORCE RESERVE.—**

24 (1) **INCLUSION WITHIN SPACE FORCE.—**Section
25 9081(b)(2) of title 10, United States Code, is
26 amended by inserting “, including the Regular Space

1 Force and the Space Force Reserve,” after “space
2 forces”.

3 (2) NAMED RESERVE COMPONENT.—Section
4 10101 of title 10, United States Code, is amended—

5 (A) by redesignating paragraph (7) as
6 paragraph (8); and

7 (B) by inserting after paragraph (6) the
8 following new paragraph (7):

9 “(7) The Space Force Reserve.”.

10 (3) COMPOSITION.—

11 (A) IN GENERAL.—Chapter 1003 of such
12 title is amended—

13 (i) by redesignating section 10114 as
14 section 10115; and

15 (ii) by inserting after section 10113
16 the following new section 10114:

17 **“§ 10114. Space Force Reserve: composition**

18 “The Space Force Reserve is a reserve component of
19 the Space Force to provide a reserve for active duty. It
20 consists of the members of the officers’ section of the
21 Space Force Reserve and of the enlisted section of the
22 Space Force Reserve.”.

23 (B) CLERICAL AMENDMENT.—The table of
24 sections at the beginning of chapter 1003 of
25 such title is amended by striking the item relat-

1 ing to section 10114 and inserting the following
2 new items:

“10114. Space Force Reserve: composition.
“10115. Coast Guard Reserve.”.

3 (4) SPACE FORCE RESERVE COMMAND.—

4 (A) IN GENERAL.—Chapter 1006 of such
5 title is amended by adding at the end the fol-
6 lowing new section:

7 **“§ 10175. Space Force Reserve Command**

8 “(a) ESTABLISHMENT OF COMMAND.—The Secretary
9 of the Air Force, with the advice and assistance of the
10 Chief of Space Operations, shall establish a Space Force
11 Reserve Command. The Space Force Reserve Command
12 shall be operated as a separate command of the Space
13 Force.

14 “(b) COMMANDER.—The Chief of Space Force Re-
15 serve is the Commander of the Space Force Reserve Com-
16 mand. The commander of the Space Force Reserve Com-
17 mand reports directly to the Chief of Space Operations.

18 “(c) ASSIGNMENT OF FORCES.—The Secretary of the
19 Air Force—

20 “(1) shall assign to the Space Force Reserve
21 Command all forces of the Space Force Reserve sta-
22 tioned in the continental United States other than
23 forces assigned to the unified combatant command

1 for special operations forces established pursuant to
2 section 167 of this title; and

3 “(2) except as otherwise directed by the Sec-
4 retary of Defense in the case of forces assigned to
5 carry out functions of the Secretary of the Air Force
6 specified in section 9013 of this title, shall assign to
7 the combatant commands all such forces assigned to
8 the Space Force Reserve Command under paragraph
9 (1) in the manner specified by the Secretary of De-
10 fense.”.

11 (B) CLERICAL AMENDMENT.—The table of
12 sections at the beginning of chapter 1006 of
13 such title is amended by adding at the end the
14 following new item:

“10175. Space Force Reserve Command.”.

15 (c) MILITARY PERSONNEL MANAGEMENT.—Any au-
16 thority in title 10, United States Code, may be applied
17 to a member of the Space Force Reserve in the same man-
18 ner as such authority is applied to a similarly situated
19 member of the Air Force Reserve. In the application of
20 such authority to a member of the Space Force Reserve,
21 any reference to a grade of a member of in the Air Force
22 or Air Force Reserve shall be deemed to refer to the equiv-
23 alent grade in the Space Force or Space Force Reserve.

24 (d) REPORT ON INTEGRATION OF SPACE FORCE RE-
25 SERVE INTO LAW.—Not later than 270 days after the

1 date of the enactment of this Act, the Secretary of Defense
2 shall submit to the Committees on Armed Services of the
3 Senate and the House of Representatives a report setting
4 forth the amendments to title 10, United States Code, and
5 any other laws, necessary to fully integrate the Space
6 Force Reserve into statutory authorities on the personnel,
7 activities, missions, and management of the Space Force.

8 **SEC. 942. TRANSFERS OF MILITARY AND CIVILIAN PER-**
9 **SONNEL TO THE SPACE FORCE.**

10 (a) PROHIBITION ON INVOLUNTARY TRANSFER.—A
11 member of the Armed Forces or civilian employee of the
12 Department of Defense may not be transferred to the mili-
13 tary or civilian part of the Space Force, as the case may
14 be, without the consent of such member or employee.

15 (b) STATUS WITHIN SPACE FORCE UPON TRANS-
16 FER.—Any member of the Armed Forces or civilian em-
17 ployee of the Department of Defense who is transferred
18 to the Space Force shall, after transfer, have the status
19 of member or civilian employee, as the case may be, of
20 the Space Force.

21 (c) DETAIL OR ASSIGNMENT OF MEMBERS.—

22 (1) PERMANENT NATURE OF DETAIL OR AS-
23 SIGNMENT.—The detail or assignment of any mem-
24 ber of the Armed Forces to the Space Force on or
25 after the date of the enactment of this Act shall be

1 permanent, and shall be treated as a transfer to
2 which subsection (b) applies.

3 (2) ACKNOWLEDGMENT OF NATURE.—Any
4 member undergoing a detail or assignment described
5 in paragraph (1) shall execute a written acknowledg-
6 ment, before undergoing such detail or assignment,
7 of the permanent nature of the detail or assignment
8 by reason of paragraph (1).

9 **SEC. 943. LIMITATION ON TRANSFER OF MILITARY INSTAL-**
10 **LATIONS TO THE JURISDICTION OF THE**
11 **SPACE FORCE.**

12 (a) LIMITATION.—A military installation (whether or
13 not under the jurisdiction of the Department of the Air
14 Force) may not be transferred to the jurisdiction or com-
15 mand of the Space Force until the Secretary of the Air
16 Force briefs the congressional defense committees on the
17 results of a business case analysis, conducted by the Sec-
18 retary in connection with the transfer, of the cost and effi-
19 cacy of the transfer.

20 (b) TIMING OF BRIEFING.—The briefing on a busi-
21 ness case analysis conducted pursuant to subsection (a)
22 shall be provided not later than 15 days after the date
23 of the completion of the business case analysis by the Sec-
24 retary.

1 **Subtitle D—Organization and Man-**
2 **agement of Other Department of**
3 **Defense Offices and Elements**

4 **SEC. 951. ANNUAL REPORT ON ESTABLISHMENT OF FIELD**
5 **OPERATING AGENCIES.**

6 (a) IN GENERAL.—Subchapter I of chapter 134 of
7 title 10, United States Code, is amended by inserting after
8 section 2245 the following new section:

9 **“§ 2246. Establishment of field operating agencies:**
10 **annual report**

11 “(a) ANNUAL REPORT REQUIRED.—Not later than
12 January 31 each year, the Secretary of Defense shall sub-
13 mit to the congressional defense committees a report on
14 each, if any, field operating agency established during the
15 preceding year.

16 “(b) ELEMENTS.—Each report under subsection (a)
17 shall include, for each field operating agency covered by
18 such report, the following:

19 “(1) The name of such agency.

20 “(2) The physical location of such agency.

21 “(3) The title and grade (whether military or
22 civilian) of the head of such agency.

23 “(4) The chain of command, supervision, or au-
24 thority through which the head of such agency re-
25 ports to the Office of the Secretary of Defense or

1 the military department or Armed Forces head-
2 quarters, as applicable.

3 “(5) The mission of such agency.

4 “(6) The number of personnel authorized to be
5 assigned to such agency, and the number of such au-
6 thORIZATIONS encumbered by military personnel and
7 civilian employees of the Department of Defense or
8 military department, as applicable.

9 “(7) The purpose underlying the establishment
10 of such agency.

11 “(8) Any cost savings or other efficiencies that
12 have accrued, or are anticipated to accrue, to the
13 Department of Defense or any of its components in
14 connection with the establishment and operation of
15 such agency.”.

16 (b) CLERICAL AMENDMENT.—The table of sections
17 at the beginning of subchapter I of chapter 134 of such
18 title is amended by inserting after the item relating to sec-
19 tion 2245 the following new item:

“2246. Establishment of field operating agencies: annual report.”.

20 **TITLE X—GENERAL PROVISIONS**

21 **Subtitle A—Financial Matters**

22 **SEC. 1001. GENERAL TRANSFER AUTHORITY.**

23 (a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

24 (1) AUTHORITY.—Upon determination by the
25 Secretary of Defense that such action is necessary in

1 the national interest, the Secretary may transfer
2 amounts of authorizations made available to the De-
3 partment of Defense in this division for fiscal year
4 2021 between any such authorizations for that fiscal
5 year (or any subdivisions thereof). Amounts of au-
6 thorizations so transferred shall be merged with and
7 be available for the same purposes as the authoriza-
8 tion to which transferred.

9 (2) LIMITATION.—Except as provided in para-
10 graph (3), the total amount of authorizations that
11 the Secretary may transfer under the authority of
12 this section may not exceed \$4,000,000,000.

13 (3) EXCEPTION FOR TRANSFERS BETWEEN
14 MILITARY PERSONNEL AUTHORIZATIONS.—A trans-
15 fer of funds between military personnel authoriza-
16 tions under title IV shall not be counted toward the
17 dollar limitation in paragraph (2).

18 (b) LIMITATIONS.—The authority provided by sub-
19 section (a) to transfer authorizations—

20 (1) may only be used to provide authority for
21 items that have a higher priority than the items
22 from which authority is transferred; and

23 (2) may not be used to provide authority for an
24 item that has been denied authorization by Con-
25 gress.

1 (c) EFFECT ON AUTHORIZATION AMOUNTS.—A
2 transfer made from one account to another under the au-
3 thority of this section shall be deemed to increase the
4 amount authorized for the account to which the amount
5 is transferred by an amount equal to the amount trans-
6 ferred.

7 (d) NOTICE TO CONGRESS.—The Secretary shall
8 promptly notify Congress of each transfer made under
9 subsection (a).

10 **SEC. 1002. APPLICATION OF FINANCIAL IMPROVEMENT**
11 **AND AUDIT REMEDIATION PLAN TO FISCAL**
12 **YEARS FOLLOWING FISCAL YEAR 2020.**

13 Section 240b(a)(2)(A)(iii) of title 10, United States
14 Code, is amended by striking “for fiscal year 2018” and
15 all that follows and inserting “for each fiscal year after
16 fiscal year 2020 occurs by not later than March 31 fol-
17 lowing such fiscal year;”.

1 **Subtitle B—Counterdrug Activities**

2 **SEC. 1011. CODIFICATION OF AUTHORITY FOR JOINT TASK**
3 **FORCES OF THE DEPARTMENT OF DEFENSE**
4 **TO SUPPORT LAW ENFORCEMENT AGENCIES**
5 **CONDUCTING COUNTERTERRORISM OR**
6 **COUNTER-TRANSNATIONAL ORGANIZED**
7 **CRIME ACTIVITIES.**

8 (a) CODIFICATION OF SECTION 1022 OF FY 2004
9 NDAA.—Chapter 15 of title 10, United States Code, is
10 amended by adding at the end a new section 285 con-
11 sisting of—

12 (1) a heading as follows:

13 **“§ 285. Authority for joint task forces to support law**
14 **enforcement agencies conducting**
15 **counterterrorism or counter-**
16 **transnational organized crime activities”;**
17 **and**

18 (2) a text consisting of the text of section 1022
19 of the National Defense Authorization Act for Fiscal
20 Year 2004 (10 U.S.C. 271 note).

21 (b) CONFORMING AMENDMENTS IN CONNECTION
22 WITH CODIFICATION.—Section 285 of title 10, United
23 States Code, as added by subsection (a), is amended—

1 (1) in subsection (b), by striking “During fiscal
2 years 2006 through 2022, funds for drug interdiction”
3 and inserting “Funds for drug interdiction”;

4 (2) in subsection (c), by striking “of each year
5 in which the authority in subsection (a) is in effect”
6 and inserting “each year”;

7 (3) in subsection (d)—

8 (A) in paragraph (1), by striking the para-
9 graph designation and all that follows through
10 “Support” in paragraph (2)(A) and inserting
11 “(1) Support”;

12 (B) by redesignating subparagraph (B) as
13 paragraph (2); and

14 (C) in paragraph (2), as so redesignated,
15 by striking “subparagraph (A)” and inserting
16 “paragraph (1)”;

17 (4) in subsection (e)—

18 (A) in paragraph (1), by striking “of title
19 10, United States Code” and inserting “of this
20 title”; and

21 (B) by striking the second paragraph (2).

22 (c) CLERICAL AMENDMENT.—The table of sections
23 at the beginning of chapter 15 of such title is amended
24 by adding at the end the following new item:

“285. Authority for joint task forces to support law enforcement agencies conducting counterterrorism or counter-transnational organized crime activities.”.

1 (d) CONFORMING REPEAL.—Section 1022 of the Na-
2 tional Defense Authorization Act for Fiscal Year 2004 is
3 repealed.

4 **Subtitle C—Naval Vessels and**
5 **Shipyards**

6 **SEC. 1021. MODIFICATION OF AUTHORITY TO PURCHASE**
7 **USED VESSELS WITH FUNDS IN THE NA-**
8 **TIONAL DEFENSE SEALIFT FUND.**

9 Section 2218(f)(3) of title 10, United States Code,
10 is amended—

- 11 (1) by striking subparagraphs (E) and (G); and
12 (2) by redesignating subparagraph (F) as sub-
13 paragraph (E).

14 **SEC. 1022. WAIVER DURING WAR OR THREAT TO NATIONAL**
15 **SECURITY OF RESTRICTIONS ON OVERHAUL,**
16 **REPAIR, OR MAINTENANCE OF VESSELS IN**
17 **FOREIGN SHIPYARDS.**

18 Section 8680 of title 10, United States Code, is
19 amended—

- 20 (1) by redesignating subsection (c) as sub-
21 section (d); and
22 (2) by inserting after subsection (b) the fol-
23 lowing new subsection: (c)

24 “(c) WAIVER.—(1) The Secretary of the Navy may
25 waive the restrictions in subsections (a) and (b) for the

1 duration of a period of threat to the national security in-
2 terests of the United States upon a written determination
3 by the Secretary that such a waiver is necessary in the
4 national security interest of the United States.

5 “(2) Not later than 15 days after making a deter-
6 mination under paragraph (1), the Secretary shall provide
7 to the congressional defense committees a written notifica-
8 tion on the determination.

9 “(3) In this subsection, the term ‘period of threat to
10 the national security interests of the United States’ means
11 the following:

12 “(A) A period of war.

13 “(B) Any other period determined by Secretary
14 of Defense in which the national security interests of
15 the United States are threatened by the application,
16 or the imminent danger of application, of physical
17 force by any foreign government or agency against
18 the United States, citizens of the United States, the
19 property of citizens of the United States, or the
20 commercial interests of citizens of the United
21 States.”.

1 **SEC. 1023. MODIFICATION OF WAIVER AUTHORITY ON PRO-**
2 **HIBITION ON USE OF FUNDS FOR RETIRE-**
3 **MENT OF CERTAIN LEGACY MARITIME MINE**
4 **COUNTERMEASURE PLATFORMS.**

5 (a) IN GENERAL.—Section 1046(b)(1) of the Na-
6 tional Defense Authorization Act for Fiscal Year 2018
7 (Public law 115–91; 131 Stat. 1556) is amended by strik-
8 ing “certifies” and inserting “, with the concurrence of
9 the Director of Operational Test and Evaluation, certifies
10 in writing”.

11 (b) EFFECTIVE DATE.—The amendment made by
12 subsection (a) shall take effect on the date of the enact-
13 ment of this Act, and shall apply with respect to waivers
14 under subsection (b)(1) of section 1046 of the National
15 Defense Authorization Act for Fiscal Year 2018 of the
16 prohibition under subsection (a) of that section that occur
17 on or after that date.

18 **SEC. 1024. EXTENSION OF AUTHORITY FOR REIMBURSE-**
19 **MENT OF EXPENSES FOR CERTAIN NAVY**
20 **MESS OPERATIONS AFLOAT.**

21 Section 1014(b) of the Duncan Hunter National De-
22 fense Authorization Act for Fiscal Year 2009 (Public Law
23 110–417; 122 Stat. 4585), as most recently amended by
24 section 1023(a) of the National Defense Authorization Act
25 for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 966),

1 is further amended by striking “September 30, 2020” and
2 inserting “September 30, 2025”.

3 **SEC. 1025. SENSE OF CONGRESS ON ACTIONS NECESSARY**
4 **TO ACHIEVE A 355-SHIP NAVY.**

5 It is the sense of Congress that to achieve the na-
6 tional policy of the United States to have available, as soon
7 as practicable, not fewer than 355 battle force ships—

8 (1) the Navy must be adequately resourced to
9 increase the size of the Navy in accordance with the
10 national policy, which includes the associated ships,
11 aircraft, personnel, sustainment, and munitions;

12 (2) across fiscal years 2021 through 2025, the
13 Navy should start construction on not fewer than—

- 14 (A) 12 Arleigh Burke-class destroyers;
15 (B) 10 Virginia-class submarines;
16 (C) 2 Columbia-class submarines;
17 (D) 3 San Antonio-class amphibious ships;
18 (E) 1 LHA-class amphibious ship;
19 (F) 6 John Lewis-class fleet oilers; and
20 (G) 5 guided missile frigates;

21 (3) new guided missile frigate construction
22 should increase to a rate of between two and four
23 ships per year once design maturity and construction
24 readiness permit;

1 (4) the Columbia-class submarine program
2 should be funded with additions to the Navy budget
3 significantly above the historical average, given the
4 critical single national mission that these vessels will
5 perform and the high priority of the shipbuilding
6 budget for implementing the National Defense
7 Strategy;

8 (5) stable shipbuilding rates of construction
9 should be maintained for each vessel class, utilizing
10 multi-year or block buy contract authorities when
11 appropriate, until a deliberate transition plan is
12 identified; and

13 (6) prototyping of potential new shipboard sub-
14 systems should be accelerated to build knowledge
15 systematically, and, to the maximum extent prac-
16 ticable, shipbuilding prototyping should occur at the
17 subsystem-level in advance of ship design.

18 **Subtitle D—Counterterrorism**

19 **SEC. 1031. EXTENSION OF PROHIBITION ON USE OF FUNDS** 20 **FOR TRANSFER OR RELEASE OF INDIVID-** 21 **UALS DETAINED AT UNITED STATES NAVAL** 22 **STATION, GUANTANAMO BAY, CUBA, TO THE** 23 **UNITED STATES.**

24 Section 1033 of the John S. McCain National De-
25 fense Authorization Act for Fiscal Year 2019 (Public Law

1 115–232; 132 Stat. 1953), as amended by section 1043
2 of the National Defense Authorization Act for Fiscal Year
3 2020 (Public Law 116–92), is further amended by strik-
4 ing “December 31, 2020” and inserting “December 31,
5 2021”.

6 **SEC. 1032. EXTENSION OF PROHIBITION ON USE OF FUNDS**
7 **TO CLOSE OR RELINQUISH CONTROL OF**
8 **UNITED STATES NAVAL STATION, GUANTA-**
9 **NAMO BAY, CUBA.**

10 Section 1036 of the National Defense Authorization
11 Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat.
12 1551), as most recently amended by section 1045 of the
13 National Defense Authorization Act for Fiscal Year 2020
14 (Public Law 116–92), is further amended by striking “fis-
15 cal year 2018, 2019, or 2020” and inserting “fiscal years
16 2018 through 2021”.

17 **SEC. 1033. EXTENSION OF PROHIBITION ON USE OF FUNDS**
18 **FOR TRANSFER OR RELEASE OF INDIVID-**
19 **UALS DETAINED AT UNITED STATES NAVAL**
20 **STATION, GUANTANAMO BAY, CUBA, TO CER-**
21 **TAIN COUNTRIES.**

22 Section 1035 of the John S. McCain National De-
23 fense Authorization Act for Fiscal Year 2019 (Public Law
24 115–232; 132 Stat. 1954), as amended by section 1042
25 of the National Defense Authorization Act for Fiscal Year

1 2020 (Public Law 116–92), is further amended by strik-
2 ing “December 31, 2020” and inserting “December 31,
3 2021”.

4 **SEC. 1034. EXTENSION OF PROHIBITION ON USE OF FUNDS**
5 **TO CONSTRUCT OR MODIFY FACILITIES IN**
6 **THE UNITED STATES TO HOUSE DETAINEES**
7 **TRANSFERRED FROM UNITED STATES NAVAL**
8 **STATION, GUANTANAMO BAY, CUBA.**

9 Section 1034(a) of the John S. McCain National De-
10 fense Authorization Act for Fiscal Year 2019 (Public Law
11 115–232; 132 Stat. 1954), as amended by section 1044
12 of the National Defense Authorization Act for Fiscal Year
13 2020 (Public Law 116–92), is further amended by strik-
14 ing “December 31, 2020” and inserting “December 31,
15 2021”.

16 **Subtitle E—Miscellaneous**
17 **Authorities and Limitations**

18 **SEC. 1041. INCLUSION OF DISASTER-RELATED EMERGENCY**
19 **PREPAREDNESS ACTIVITIES AMONG LAW EN-**
20 **FORCEMENT ACTIVITIES AUTHORITIES FOR**
21 **SALE OR DONATION OF EXCESS PERSONAL**
22 **PROPERTY OF THE DEPARTMENT OF DE-**
23 **FENSE.**

24 (a) INCLUSION.—Subsection (a)(1)(A) of section
25 2576a of title 10, United States Code, is amended by in-

1 serring “disaster-related emergency preparedness,” after
2 “counterterrorism,”.

3 (b) PREFERENCE IN TRANSFERS.—Subsection (d) of
4 such section is amended to read as follows:

5 “(d) PREFERENCE FOR CERTAIN TRANSFERS.—In
6 considering applications for the transfer of personal prop-
7 erty under this section, the Secretary shall give a pref-
8 erence to applications indicating that the transferred prop-
9 erty will be used in the counterdrug, counterterrorism, dis-
10 aster-related emergency preparedness, or border security
11 activities of the recipient agency. Applications that request
12 vehicles used for disaster-related emergency preparedness,
13 such as high-water rescue vehicles, should receive the
14 highest preference.”.

15 **SEC. 1042. EXPENDITURE OF FUNDS FOR DEPARTMENT OF**
16 **DEFENSE CLANDESTINE ACTIVITIES THAT**
17 **SUPPORT OPERATIONAL PREPARATION OF**
18 **THE ENVIRONMENT.**

19 (a) AUTHORITY.—Subject to subsections (b) through
20 (d), the Secretary of Defense may expend up to
21 \$15,000,000 in any fiscal year for clandestine activities
22 for any purpose the Secretary determines to be proper for
23 preparation of the environment for operations of a con-
24 fidential nature. Such a determination is final and conclu-
25 sive upon the accounting officers of the United States. The

1 Secretary may certify the amount of any such expenditure
2 authorized by the Secretary that the Secretary considers
3 advisable not to specify, and the Secretary's certificate is
4 sufficient voucher for the expenditure of that amount.

5 (b) FUNDS.—Funds for expenditures under this sec-
6 tion in a fiscal year shall be derived from amounts author-
7 ized to be appropriated for that fiscal year for operation
8 and maintenance, Defense-wide.

9 (c) LIMITATION ON DELEGATION.—The Secretary of
10 Defense may not delegate the authority under this section
11 with respect to any expenditure in excess of \$100,000.

12 (d) EXCLUSION OF INTELLIGENCE ACTIVITIES.—

13 (1) IN GENERAL.—This section does not con-
14 stitute authority to conduct, or expend funds for, in-
15 telligence, counterintelligence, or intelligence-related
16 activities.

17 (2) DEFINITIONS.—In this subsection, the
18 terms “intelligence” and “counterintelligence” have
19 the meaning given those terms in section 3 of the
20 National Security Act of 1947 (50 U.S.C. 3003).

21 (e) ANNUAL REPORT.—Not later than December 31
22 each year, the Secretary of Defense shall submit to the
23 congressional defense committees a report on expenditures
24 made under this section during the fiscal year preceding
25 the year in which the report is submitted. Each report

1 shall include, for each expenditure under this section dur-
2 ing the fiscal year covered by such report—

3 (1) the amount and date of such expenditure;

4 (2) a detailed description of the purpose for
5 which such expenditure was made;

6 (3) an explanation why other authorities avail-
7 able to the Department of Defense could not be used
8 for such expenditure; and

9 (4) any other matters the Secretary considers
10 appropriate.

11 **SEC. 1043. CLARIFICATION OF AUTHORITY OF MILITARY**
12 **COMMISSIONS UNDER CHAPTER 47A OF**
13 **TITLE 10, UNITED STATES CODE, TO PUNISH**
14 **CONTEMPT.**

15 (a) CLARIFICATION.—

16 (1) IN GENERAL.—Subchapter IV of chapter
17 47A of title 10, United States Code, is amended by
18 adding at the end the following new section:

19 **“§ 949o-1. Contempt**

20 “(a) AUTHORITY TO PUNISH.—(1) With respect to
21 any proceeding under this chapter, a judicial officer speci-
22 fied in paragraph (2) may punish for contempt any person
23 who—

1 “(A) uses any menacing word, sign, or gesture
2 in the presence of the judicial officer during the pro-
3 ceeding;

4 “(B) disturbs the proceeding by any riot or dis-
5 order; or

6 “(C) willfully disobeys a lawful writ, process,
7 order, rule, decree, or command issued with respect
8 to the proceeding.

9 “(2) A judicial officer referred to in paragraph (1)
10 is any of the following:

11 “(A) Any judge of the United States Court of
12 Military Commission Review.

13 “(B) Any military judge detailed to a military
14 commission or any other proceeding under this chap-
15 ter.

16 “(b) PUNISHMENT.—The punishment for contempt
17 under subsection (a) may not exceed confinement for 30
18 days, a fine of \$1,000, or both.

19 “(c) REVIEW.—(1) A punishment under this sec-
20 tion—

21 “(A) is not reviewable by the convening author-
22 ity of a military commission under this chapter;

23 “(B) if imposed by a military judge, shall con-
24 stitute a judgment, subject to review in the first in-
25 stance only by the United States Court of Military

1 Commission Review and then only by the United
2 States Court of Appeals for the District of Columbia
3 Circuit; and

4 “(C) if imposed by a judge of the United States
5 Court of Military Commission Review, shall con-
6 stitute a judgment of the court subject to review
7 only by the United States Court of Appeals for the
8 District of Columbia Circuit.

9 “(2) In reviewing a punishment for contempt imposed
10 under this section, the reviewing court shall affirm such
11 punishment unless the court finds that imposing such pun-
12 ishment was an abuse of the discretion of the judicial offi-
13 cer who imposed such punishment.

14 “(3) A petition for review of punishment for contempt
15 imposed under this section shall be filed not later than
16 60 days after the date on which the authenticated record
17 upon which the contempt punishment is based and any
18 contempt proceedings conducted by the judicial officer are
19 served on the person punished for contempt.

20 “(d) PUNISHMENT NOT CONVICTION.—Punishment
21 for contempt is not a conviction or sentence within the
22 meaning of section 949m of this title. The imposition of
23 punishment for contempt is not governed by other provi-
24 sions of this chapter applicable to military commissions,
25 except that the Secretary of Defense may prescribe proce-

1 dures for contempt proceedings and punishments, pursu-
2 ant to the authority provided in section 949a of this
3 title.”.

4 (2) CLERICAL AMENDMENT.—The table of sec-
5 tions at the beginning of subchapter IV of such
6 chapter is amended by adding at the end the fol-
7 lowing new item:

“949o–1. Contempt.”.

8 (b) CONFORMING AMENDMENTS.—Section 950t of
9 title 10, United States Code, is amended—

10 (1) by striking paragraph (31); and

11 (2) by redesignating paragraph (32) as para-
12 graph (31).

13 (c) RULE OF CONSTRUCTION.—The amendments
14 made by subsections (a) and (b) shall not be construed
15 to affect the lawfulness of any punishment for contempt
16 adjudged prior to the effective date of such amendments.

17 (d) APPLICABILITY.—The amendments made by sub-
18 sections (a) and (b) shall take effect on the date of the
19 enactment of this Act, and shall apply with respect to con-
20 duct by a person that occurs on or after such date.

1 **SEC. 1044. PROHIBITION ON ACTIONS TO INFRINGE UPON**
2 **FIRST AMENDMENT RIGHTS OF PEACEABLE**
3 **ASSEMBLY AND PETITION FOR REDRESS OF**
4 **GRIEVANCES.**

5 Amounts authorized to be appropriated by this Act
6 shall not be used for any program, project, or activity, or
7 any use of personnel, to conduct actions against United
8 States citizens that infringe upon their rights under the
9 First Amendment to the Constitution peaceably to assem-
10 ble and/or to petition the Government for a redress of
11 grievances.

12 **SEC. 1045. ARCTIC PLANNING, RESEARCH, AND DEVELOP-**
13 **MENT.**

14 (a) ARCTIC PLANNING AND IMPLEMENTATION.—

15 (1) IN GENERAL.—The Secretary of Defense
16 and the Chairman of the Joint Chiefs of Staff shall
17 begin planning and implementing such changes as
18 may be necessary for requirements, training, equip-
19 ment, doctrine, and capability development of the
20 Armed Forces should an expanded role of the Armed
21 Forces in the Arctic be determined by the Secretary
22 to be in the national security interests of the United
23 States.

24 (2) TRAINING.—In carrying out paragraph (1),
25 the Secretary shall direct the Armed Forces to carry

1 out training in the Arctic or training relevant to car-
2 rying out military operations in the Arctic.

3 (b) ARCTIC RESEARCH AND DEVELOPMENT PRO-
4 GRAM.—

5 (1) IN GENERAL.—If pursuant to subsection
6 (a), the Secretary of Defense determines that an ex-
7 panded role for the Armed Forces is in the national
8 security interests of the United States, the Secretary
9 shall establish a research and development program
10 on the current and future requirements and needs of
11 the Armed Forces for operations in the Arctic.

12 (2) ELEMENTS.—The program required by
13 paragraph (1) shall include the following:

14 (A) Development of materiel solutions for
15 operating in extreme weather environments of
16 the Arctic, including equipment for individual
17 members of the Armed Forces, ground vehicles,
18 and communications systems.

19 (B) Development of a plan for fielding fu-
20 ture weapons platforms able to operate in Arc-
21 tic conditions for surface combatants, sub-
22 marines, aviation platforms, assault craft unit
23 connectors, auxiliaries, littoral craft, unmanned
24 aerial vehicles, and any other systems that may
25 be needed in the Arctic.

1 (C) Development of capabilities to monitor,
2 assess, and predict environmental and weather
3 conditions in the Arctic and their effect on mili-
4 tary operations.

5 (D) Determining requirements for logistics
6 and sustainment of the Armed Forces operating
7 in the Arctic.

8 **SEC. 1046. CONSIDERATION OF SECURITY RISKS IN CER-**
9 **TAIN TELECOMMUNICATIONS ARCHITEC-**
10 **TURE FOR FUTURE OVERSEAS BASING DECI-**
11 **SIONS OF THE DEPARTMENT OF DEFENSE.**

12 The Secretary of Defense shall take into account the
13 security risks of 5G and 6G telecommunications network
14 architecture, including the use of telecommunications
15 equipment provided by at-risk vendors such as Huawei
16 Technologies Company, Ltd., and the Zhongxing Tele-
17 communications Equipment Corporation (ZTE), in all fu-
18 ture overseas stationing decisions of the Department of
19 Defense, including—

20 (1) security risks from threats to operational
21 and information security of United States military
22 personnel and equipment; and

23 (2) the sufficiency of potential mitigation by the
24 Department and the host nation concerned of such

1 security risks, including through cost-sharing agree-
2 ments related to such mitigation.

3 **SEC. 1047. FOREIGN MILITARY TRAINING PROGRAMS.**

4 (a) **SHORT TITLE.**—This section may be cited as the
5 “Secure United States Bases Act”.

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

7 (1) **APPROPRIATE DEFENSE COMMITTEES.**—
8 The term “appropriate defense committees”
9 means—

10 (A) the Committee on Armed Services of
11 the Senate; and

12 (B) the Committee on Armed Services of
13 the House of Representatives.

14 (2) **COVERED INDIVIDUALS.**—The term “cov-
15 ered individuals” means any foreign national (except
16 foreign nationals of Australia, Canada, New Zea-
17 land, and the United Kingdom who have been grant-
18 ed a security clearance that is reciprocally accepted
19 by the United States for access to classified informa-
20 tion) who—

21 (A) is seeking physical access to a Depart-
22 ment of Defense installation or facility within
23 the United States; and

24 (B)(i) is selected, nominated, or accepted
25 for training or education for a period of more

1 than 30 days occurring on a Department of De-
2 fense installation or facility within the United
3 States; or

4 (ii) is an immediate family member accom-
5 panying any foreign national who has been se-
6 lected, nominated, or accepted for such training
7 or education.

8 (3) IMMEDIATE FAMILY MEMBER.—The term
9 “immediate family member” means—

10 (A) spouse;

11 (B) parents and stepparents;

12 (C) siblings, stepsiblings, and half-siblings;

13 and

14 (D) children and stepchildren.

15 (4) UNITED STATES.—The term “United
16 States” means the several States, the District of Co-
17 lumbia, the Commonwealth of Puerto Rico, and
18 Guam.

19 (c) ESTABLISHMENT OF VETTING PROCEDURES;
20 MONITORING REQUIREMENTS FOR CERTAIN MILITARY
21 TRAINING.—

22 (1) ESTABLISHMENT OF VETTING PROCE-
23 DURES.—

24 (A) IN GENERAL.—Not later than 90 days
25 after the date of the enactment of this Act, the

1 Secretary of Defense shall establish procedures
2 to vet covered individuals for eligibility for
3 physical access to Department of Defense in-
4 stallations and facilities within the United
5 States, including—

6 (i) biographic and biometric screening
7 of covered individuals;

8 (ii) continuous review of whether cov-
9 ered individuals should continue to be au-
10 thorized such physical access;

11 (iii) biographic checks of the covered
12 individual's immediate family members;
13 and

14 (iv) any other measures that the Sec-
15 retary of Defense determines appropriate
16 for vetting.

17 (B) INFORMATION REQUIRED.—The Sec-
18 retary of Defense shall identify the information
19 required to conduct the vetting.

20 (C) COLLECTION OF INFORMATION.—The
21 Secretary of Defense shall—

22 (i) collect information to vet individ-
23 uals under the procedures established
24 under this subsection; and

1 (ii) as required for the effective imple-
2 mentation of this section, shall seek to
3 enter into agreements with the relevant
4 Federal departments and agencies to facili-
5 tate the sharing of information in the pos-
6 session of such departments and agencies
7 concerning the covered individuals.

8 (2) DETERMINATION AUTHORITY.—

9 (A) REVIEW.—The results of vetting—

10 (i) will be reviewed within the Depart-
11 ment of Defense by an organization with
12 an assigned security and counterintel-
13 ligence mission; and

14 (ii) will be the basis for that organiza-
15 tion's recommendation regarding whether
16 physical access should be authorized by the
17 appropriate authority.

18 (B) EFFECT OF DENIAL.—If the organiza-
19 tion recommends that a covered individual not
20 be authorized physical access to Department of
21 Defense installations and facilities within the
22 United States, such physical access may only be
23 authorized for such covered individual by the
24 Secretary of Defense or the Deputy Secretary
25 of Defense.

1 (C) NOTIFICATION.—The Secretary of
2 State shall be notified of any covered individ-
3 uals who are not authorized physical access
4 based on the results of the vetting under this
5 subsection.

6 (3) ADDITIONAL SECURITY MEASURES.—Begin-
7 ning on the date that is 181 days after the date of
8 the enactment of this Act, the Secretary of Defense
9 shall—

10 (A) ensure that all Department of Defense
11 Common Access Cards issued to foreign nation-
12 als in the United States—

13 (i) comply with the credentialing
14 standards issued by the Office of Personnel
15 Management; and

16 (ii) include a visual indicator, as re-
17 quired by the standard developed by the
18 National Institute of Standards and Tech-
19 nology;

20 (B) ensure that physical access by covered
21 individuals is limited, as appropriate, to De-
22 partment of Defense installations or facilities
23 within the United States that are directly asso-
24 ciated with their training or education or nec-
25 essary to access authorized benefits;

1 (C) establish a policy regarding the posses-
2 sion of firearms on Department of Defense
3 property by covered individuals; and

4 (D) ensure that covered individuals who
5 have been granted physical access are incor-
6 porated into the Department of Defense Insider
7 Threat Program.

8 (4) NOTIFICATION.—The Secretary of Defense
9 shall notify the appropriate congressional committees
10 of the establishment of the procedures required
11 under paragraph (1).

12 (d) REPORTING REQUIREMENTS.—

13 (1) BRIEFING.—Not later than 90 days after
14 the date of the enactment of this Act, the Secretary
15 of Defense shall provide a briefing to the appro-
16 priate congressional committees regarding the estab-
17 lishment of any Department of Defense policy or
18 guidance related to the implementation of this sec-
19 tion.

20 (2) REPORT.—Not later than 2 years after the
21 date of the enactment of this Act, the Secretary of
22 Defense shall submit a report to the appropriate
23 congressional committees regarding the impact and
24 effects of this section, including—

1 (A) any positive or negative impacts on the
2 training of foreign military students;

3 (B) the effectiveness of the vetting proce-
4 dures implemented in preventing harm to
5 United States military personnel or commu-
6 nities;

7 (C) how any of the negative impacts have
8 been mitigated; and

9 (D) a proposed plan to mitigate any ongo-
10 ing negative impacts to the vetting and training
11 of foreign military students by the Department
12 of Defense.

13 **SEC. 1048. REPORTING OF ADVERSE EVENTS RELATING TO**
14 **CONSUMER PRODUCTS ON MILITARY INSTAL-**
15 **LATIONS.**

16 (a) IN GENERAL.—The Secretary of Defense shall
17 ensure that any adverse event related to a consumer prod-
18 uct that occurs on a military installation is reported on
19 the internet website saferproducts.gov.

20 (b) DEFINITIONS.—In this section:

21 (1) ADVERSE EVENT.—The term “adverse
22 event” means—

23 (A) any event that indicates that a con-
24 sumer product—

1 (i) fails to comply with an applicable
2 consumer product safety rule or with a vol-
3 untary consumer product safety standard
4 upon which the Consumer Product Safety
5 Commission has relied under section 9 of
6 the Consumer Product Safety Act (15
7 U.S.C. 2058);

8 (ii) fails to comply with any other
9 rule, regulation, standard, or ban under
10 that Act or any other Act enforced by the
11 Commission;

12 (iii) contains a defect which could cre-
13 ate a substantial product hazard described
14 in section 15(a)(2) of the Consumer Prod-
15 uct Safety Act (15 U.S.C. 2064(a)(2)); or

16 (iv) creates an unreasonable risk of
17 serious injury or death; or

18 (B) any other harm described in subsection
19 (b)(1)(A) of section 6A of the Consumer Prod-
20 uct Safety Act (15 U.S.C. 2055a) and required
21 to be reported in the database established under
22 subsection (a) of that section.

23 (2) CONSUMER PRODUCT.—The term “con-
24 sumer product” has the meaning given that term in

1 section 3 of the Consumer Product Safety Act (15
2 U.S.C. 2052).

3 **SEC. 1049. INCLUSION OF UNITED STATES NAVAL SEA**
4 **CADET CORPS AMONG YOUTH AND CHARI-**
5 **TABLE ORGANIZATIONS AUTHORIZED TO RE-**
6 **CEIVE ASSISTANCE FROM THE NATIONAL**
7 **GUARD.**

8 Section 508(d) of title 32, United States Code, is
9 amended—

10 (1) by redesignating paragraph (14) as para-
11 graph (15); and

12 (2) by inserting after paragraph (13) the fol-
13 lowing new paragraph (14):

14 “(14) The United States Naval Sea Cadet
15 Corps.”.

16 **SEC. 1050. DEPARTMENT OF DEFENSE POLICY FOR THE**
17 **REGULATION OF DANGEROUS DOGS.**

18 (a) **IN GENERAL.**—Not later than 90 days after the
19 date of the enactment of this Act, the Secretary of De-
20 fense, through the Veterinary Service Activity of the De-
21 partment of Defense, shall establish a standardized policy
22 applicable across all military communities for the regula-
23 tion of dangerous dogs that is—

24 (1) breed-neutral; and

1 (2) consistent with advice from professional vet-
2 erinary and animal behavior experts in regard to ef-
3 fective regulation of dangerous dogs.

4 (b) REGULATIONS.—

5 (1) IN GENERAL.—Not later than 180 days
6 after the date of the enactment of this Act, the Sec-
7 retary shall prescribe regulations implementing the
8 policy established under subsection (a).

9 (2) BEST PRACTICES.—The regulations pre-
10 scribed under paragraph (1) shall include strategies,
11 for implementation within all military communities,
12 for the prevention of dog bites that are consistent
13 with the following best practices:

14 (A) Enforcement of comprehensive, non-
15 breed-specific regulations relating to dangerous
16 dogs, with emphasis on identification of dan-
17 gerous dog behavior and chronically irrespon-
18 sible owners.

19 (B) Enforcement of animal control regula-
20 tions, such as leash laws and stray animal con-
21 trol policies.

22 (C) Promotion and communication of re-
23 sources for pet spaying and neutering.

24 (D) Investment in community education
25 initiatives, such as teaching criteria for pet se-

1 lection, pet care best practices, owner respon-
2 sibilities, and safe and appropriate interaction
3 with dogs.

4 (c) **MILITARY COMMUNITIES DEFINED.**—In this sec-
5 tion, the term “military communities” means—

6 (1) all installations of the Department; and

7 (2) all military housing, including privatized
8 military housing under subchapter IV of chapter 169
9 of title 10, United States Code.

10 **SEC. 1051. SENSE OF CONGRESS ON THE BASING OF KC-46A**

11 **AIRCRAFT OUTSIDE THE CONTIGUOUS**
12 **UNITED STATES.**

13 It is the sense of Congress that the Secretary of the
14 Air Force, as part of the strategic basing process for KC-
15 46A aircraft at installations outside the contiguous United
16 States (OCONUS), should—

17 (1) consider the benefits derived from basing
18 such aircraft at locations that—

19 (A) support day-to-day air refueling oper-
20 ations, operations plans of multiple combatant
21 commands, and flexibility for contingency oper-
22 ations;

23 (B) have—

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1 (i) a strategic location that is essen-
2 tial to the defense of the United States
3 and its interests;

4 (ii) receivers for boom or probe-and-
5 drogue combat training opportunities with
6 joint and international partners; and

7 (iii) sufficient airfield and airspace
8 availability and capacity to meet require-
9 ments;

10 (C) possess facilities that take full advan-
11 tage of existing infrastructure to provide—

12 (i) runway, hangars, and aircrew and
13 maintenance operations; and

14 (ii) sufficient fuel receipt, storage, and
15 distribution for 5-day peacetime operating
16 stock; and

17 (D) minimize overall construction and
18 operational costs;

19 (2) prioritize United States responsiveness and
20 flexibility to continued long-term great power com-
21 petition and other major threats, as outlined in the
22 2017 National Security Strategy and the 2018 Na-
23 tional Defense Strategy; and

1 (3) take into account the advancement of adver-
2 sary weapons systems, with respect to both capacity
3 and range.

4 **Subtitle F—Studies and Reports**

5 **SEC. 1061. REPORT ON POTENTIAL IMPROVEMENTS TO** 6 **CERTAIN MILITARY EDUCATIONAL INSTITU-** 7 **TIONS OF THE DEPARTMENT OF DEFENSE.**

8 (a) REPORT REQUIRED.—

9 (1) IN GENERAL.—Not later than December 1,
10 2021, the Secretary of Defense shall submit to the
11 Committees on Armed Services of the Senate and
12 the House of Representatives a report setting forth
13 the results of a review and assessment, obtained by
14 the Secretary for purposes of the report, of the po-
15 tential effects on the military education provided by
16 the educational institutions of the Department of
17 Defense specified in subsection (b) of the actions de-
18 scribed in subsection (c).

19 (2) CONDUCTING ORGANIZATION.—The review
20 and assessment required for purposes of the report
21 shall be performed by an organization selected by
22 the Secretary from among organizations independent
23 of the Department that have expertise in the anal-
24 ysis of matters in connection with higher education.

1 (b) EDUCATIONAL INSTITUTIONS OF THE DEPART-
2 MENT OF DEFENSE.—The educational institutions of the
3 Department of Defense specified in this subsection are the
4 following:

5 (1) The senior level service schools and inter-
6 mediate level service schools (as such terms are de-
7 fined in section 2151(b) of title 10, United States
8 Code).

9 (2) The Air Force Institute of Technology.

10 (3) The National Defense University.

11 (4) The Joint Special Operations University.

12 (5) The Army Armament Graduate School.

13 (6) Any other military educational institution of
14 the Department specified by the Secretary for pur-
15 poses of this section.

16 (c) ACTIONS.—The actions described in this sub-
17 section with respect to the educational institutions of the
18 Department of Defense specified in subsection (b) are the
19 following:

20 (1) Modification of admission and graduation
21 requirements.

22 (2) Expansion of use of case studies in cur-
23 ricula for professional military education.

24 (3) Reduction or expansion of degree-granting
25 authority.

1 (4) Reduction or expansion of the acceptance of
2 research grants.

3 (5) Reduction of the number of attending stu-
4 dents generally.

5 (6) Modification of military personnel career
6 milestones in order to prioritize instructor positions.

7 (7) Increase in educational and performance re-
8 quirements for military personnel selected to be in-
9 structors.

10 (8) Expansion of “visiting” or “adjunct” fac-
11 ulty.

12 (9) Modification of civilian faculty management
13 practices, including employment practices.

14 (10) Reduction of the number of attending stu-
15 dents through the sponsoring of education of an in-
16 creased number of students at non-Department of
17 Defense institutions of higher education.

18 (11) Modification of enlisted personnel manage-
19 ment and career milestones to increase attendance
20 at non-Department of Defense institutions of higher
21 education

22 (d) **ADDITIONAL ELEMENTS.**—In addition to the
23 matters described in subsection (a), the review and report
24 under this section shall also include the following:

1 (1) A comparison of admission standards and
2 graduation requirements of the educational institu-
3 tions of the Department of Defense specified in sub-
4 section (b) with admission standards and graduation
5 requirements of public and private institutions of
6 higher education that are comparable to the edu-
7 cational institutions of the Department of Defense.

8 (2) A comparison of the goals and missions of
9 the educational institutions of the Department of
10 Defense specified in subsection (b) with the goals
11 and missions of such public and private institutions
12 of higher education.

13 (3) Any other matters the Secretary considers
14 appropriate for purposes of this section.

15 (e) JCS EVALUATION OF REVIEW AND ASSESS-
16 MENT.—Not later than 90 days after the date on which
17 the report required by subsection (a) is submitted to Con-
18 gress, the Chairman of the Joint Chiefs of Staff shall, in
19 consultation with the other members of the Joint Chiefs
20 of Staff, submit to the Committees on Armed Services of
21 the Senate and the House of Representatives a report set-
22 ting forth any evaluation by the Joint Chiefs of Staff of
23 the review and assessment covered by the report under
24 subsection (a).

1 **SEC. 1062. REPORTS ON STATUS AND MODERNIZATION OF**
2 **THE NORTH WARNING SYSTEM.**

3 (a) REPORT ON STATUS.—

4 (1) IN GENERAL.—Not later than 90 days after
5 the date of the enactment of this Act, the Secretary
6 of Defense shall submit to the congressional defense
7 committees a report on the status of the North
8 Warning System.

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

11 (A) A description and assessment of the
12 status and operational integrity of the infra-
13 structure of the North Warning System.

14 (B) An assessment of the technology cur-
15 rently used by the North Warning System com-
16 pared with the technology considered necessary
17 by the Commander of the North American
18 Aerospace Defense Command to detect current
19 and anticipated threats.

20 (C) An assessment of the infrastructure
21 and ability of the Alaska Radar System to inte-
22 grate into the broader North Warning System.

23 (D) An assessment of the ability of the
24 North Warning System to integrate with cur-
25 rent and anticipated space-based sensor plat-
26 forms.

1 (b) REPORT ON PLAN FOR MODERNIZATION.—

2 (1) IN GENERAL.—Not later than one year
3 after the date of the enactment of this Act, the Sec-
4 retary shall submit to the congressional defense com-
5 mittees a report setting forth a plan for the mod-
6 ernization of the capabilities provided by the current
7 North Warning System.

8 (2) ELEMENTS.—The plan under paragraph (1)
9 shall include the following:

10 (A) A detailed timeline for the moderniza-
11 tion of the North Warning System based on the
12 status of the system as reported pursuant to
13 subsection (a).

14 (B) The technological advancements nec-
15 essary for ground-based North Warning System
16 sites to address current and anticipated threats
17 (as specified by the Commander of the North
18 American Aerospace Defense Command).

19 (C) An assessment of the number of future
20 North Warning System sites required in order
21 to address current and anticipated threats (as
22 so specified).

23 (D) Any new or complementary tech-
24 nologies required to accomplish the mission of
25 the North Warning System.

1 (E) The cost and schedule, by year, of the
2 plan.

3 **SEC. 1063. STUDIES ON THE FORCE STRUCTURE FOR MA-**
4 **RINE CORPS AVIATION.**

5 (a) STUDIES REQUIRED.—The Secretary of Defense
6 shall provide for performance of three studies on the force
7 structure for Marine Corps aviation through 2030.

8 (b) RESPONSIBILITY FOR STUDIES.—One of the
9 three studies performed pursuant to subsection (a) shall
10 be performed by each of the following:

11 (1) The Secretary of the Navy, in consultation
12 with the Commandant of the Marine Corps.

13 (2) An appropriate Federally funded research
14 and development center (FFRDC), as selected by
15 the Secretary for purposes of this section.

16 (3) An appropriate organization described in
17 section 501(c)(3) of the Internal Revenue Code of
18 1986 which is exempt from taxation under section
19 501(a) of such code, as selected by the Secretary for
20 purposes of this section.

21 (c) PERFORMANCE.—

22 (1) INDEPENDENT PERFORMANCE.—Each
23 study performed pursuant to subsection (a) shall be
24 performed independently of each other such study,

1 (2) MATTERS TO BE CONSIDERED.—In per-
2 forming a study pursuant to subsection, the officer
3 or entity performing the study take into account,
4 within the context of the current force structure for
5 Marine Corps aviation, the following:

6 (A) The 2018 National Defense Strategy
7 and the 2018 National Military Strategy.

8 (B) The Marine Corps Force Design 2030.

9 (C) Potential roles and missions for Ma-
10 rine Corps aviation given new operating con-
11 cepts for the Marine Corps.

12 (D) The potential for increased require-
13 ments for survivable and dispersed strike air-
14 craft.

15 (E) The potential for increased require-
16 ments for tactical or intratheater lift, amphib-
17 ious lift, or surface connectors.

18 (d) STUDY RESULTS.—The results of each study per-
19 formed pursuant to subsection (a) shall include the fol-
20 lowing:

21 (1) The various force structures for Marine
22 Corps aviation through 2030 considered under such
23 study, together with the assumptions and possible
24 scenarios identified for each such force structure.

1 (2) A recommendation for the force structure
2 for Marine Corps aviation through 2030, including
3 the following in connection with such force structure:

4 (A) Numbers and type of aviation assets,
5 numbers and types of associated unmanned as-
6 sets, and basic capabilities of each such asset.

7 (B) A description and assessment of the
8 deviation of such force structure from the most
9 recent Marine Corps Aviation Plan.

10 (C) Any other information required for as-
11 sessment of such force structure, including sup-
12 porting analysis.

13 (3) A presentation and discussion of minority
14 views among participants in such study.

15 (e) REPORT.—

16 (1) IN GENERAL.—Not later than April 1,
17 2021, the Secretary of Defense shall submit to the
18 congressional defense committees a report setting
19 forth the results of each study performed pursuant
20 to subsection (a).

21 (2) FORM.—The report under this subsection
22 shall be submitted in unclassified form, but may in-
23 clude a classified annex.

1 **Subtitle G—Other Matters**

2 **SEC. 1081. DEPARTMENT OF DEFENSE STRATEGIC ARCTIC**
3 **PORTS.**

4 (a) REPORT.—Not later than March 1, 2021, the
5 Secretary of Defense shall submit to the congressional de-
6 fense committees a report setting forth an updated assess-
7 ment of the estimated cost of constructing, maintaining,
8 and operating a strategic port in the Arctic at each poten-
9 tial site evaluated in the report pursuant to section
10 1752(b) of the National Defense Authorization Act for
11 Fiscal Year 2020 (Public Law 116–92). The report under
12 this subsection shall include, for each potential site at
13 which construction of such a port could be completed by
14 2030, an estimate of the number of days per year that
15 such port would be usable by vessels of the Navy and the
16 Coast Guard.

17 (b) DESIGNATION OF STRATEGIC ARCTIC PORTS.—
18 Not later than 90 days after the date on which the report
19 required by subsection (a) is submitted, the Secretary of
20 Defense may, in consultation with the Chairman of the
21 Joint Chiefs of Staff, the Commanding General of the
22 United States Army Corps of Engineers, the Commandant
23 of the Coast Guard, and the Administrator of the Mari-
24 time Administration, designate one or more ports as De-

1 partment of Defense Strategic Arctic Ports from the sites
2 identified in the report referred to in subsection (a).

3 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
4 tion may be construed to authorize any additional appro-
5 priations for the Department of Defense for the establish-
6 ment of any port designated pursuant to this section.

7 (d) ARCTIC DEFINED.—In this section, the term
8 “Arctic” has the meaning given that term in section 112
9 of the Arctic Research and Policy Act of 1984 (15 U.S.C.
10 4111).

11 **SEC. 1082. PERSONAL PROTECTIVE EQUIPMENT MATTERS.**

12 (a) BRIEFINGS ON FIELDING OF NEWEST GENERA-
13 TIONS OF PPE TO THE ARMED FORCES.—

14 (1) BRIEFINGS REQUIRED.—Not later than
15 January 31, 2021, each Secretary of a military de-
16 partment shall submit to Congress a briefing on the
17 fielding of the newest generations of personal protec-
18 tive equipment (PPE) to the Armed Forces under
19 the jurisdiction of such Secretary.

20 (2) ELEMENTS.—Each briefing under para-
21 graph (1) shall include, for each Armed Force cov-
22 ered by such briefing, the following:

23 (A) A description and assessment of the
24 fielding of newest generations of personal pro-

1 tective equipment to members of such Armed
2 Force, including the following:

3 (i) The number (aggregated by total
4 number and by sex) of members of such
5 Armed Force issued the Army Soldiers
6 Protective System and the Modular Scal-
7 able Vest Generation II body armor as of
8 December 31, 2020.

9 (ii) The number (aggregated by total
10 number and by sex) of members of such
11 Armed Force issued Marine Corps Plate
12 Carrier Generation III (PC Gen III) body
13 armor as of that date.

14 (iii) The number (aggregated by total
15 number and by sex) of members of such
16 Armed Force fitted with legacy personal
17 protective equipment as of that date.

18 (B) A description and assessment of the
19 barriers, if any, to the fielding of such genera-
20 tions of equipment to such members.

21 (C) A description and assessment of chal-
22 lenges in the fielding of such generations of
23 equipment to such members, including cost
24 overruns, contractor delays, and other chal-
25 lenges.

1 (b) SYSTEM FOR TRACKING DATA ON INJURIES
2 AMONG MEMBERS OF THE ARMED FORCES IN USE OF
3 NEWEST GENERATION PPE.—

4 (1) SYSTEM REQUIRED.—

5 (A) IN GENERAL.—The Director of the
6 Defense Health Agency (DHA) shall develop
7 and maintain a system for tracking data on in-
8 juries among members of the Armed Forces in
9 and during the use of newest generation per-
10 sonal protective equipment.

11 (B) SCOPE OF SYSTEM.—The system re-
12 quired by this paragraph may, at the election of
13 the Director, be new for purposes of this sub-
14 section or within or a modification of an appro-
15 priate existing system (such as the Defense Oc-
16 cupational And Environmental Health Readiness
17 System (DOEHRS)).

18 (2) BRIEFING.—Not later than January 31,
19 2025, the Director shall submit to Congress a brief-
20 ing on the prevalence among members of the Armed
21 Forces of preventable injuries attributable to ill-fit-
22 ting or malfunctioning personal protective equip-
23 ment.

1 (c) ASSESSMENTS OF MEMBERS OF THE ARMED
2 FORCES OF INJURIES INCURRED IN CONNECTION WITH
3 ILL-FITTING OR MALFUNCTIONING PPE.—

4 (1) IN GENERAL.—Each health assessment
5 specified in paragraph (2) that is undertaken after
6 the date of the enactment of this Act shall include
7 the following:

8 (A) One or more questions on whether
9 members incurred an injury in connection with
10 ill-fitting or malfunctioning personal protective
11 equipment during the period covered by such
12 assessment, including the nature of such injury.

13 (B) In the case members who have so in-
14 curred such an injury, one or more elements of
15 self-evaluation of such injury by such members
16 for purposes of facilitating timely documenta-
17 tion and enhanced monitoring of such members
18 and injuries.

19 (2) ASSESSMENTS.—The health assessments
20 specified in this paragraph are the following:

21 (A) The annual Periodic Health Assess-
22 ment (PHA) of members of the Armed Forces.

23 (B) The post-deployment health assess-
24 ment of members of the Armed Forces.

1 **SEC. 1083. ESTIMATE OF DAMAGES FROM FEDERAL COM-**
2 **MUNICATIONS COMMISSION ORDER 20-48.**

3 (a) LIMITATION, ESTIMATE, AND CERTIFICATION.—

4 None of the funds authorized to be appropriated by this
5 Act for fiscal year 2021 may be used by the Secretary
6 of Defense to comply with the Order and Authorization
7 adopted by the Federal Communications Commission on
8 April 19, 2020 (FCC 20-48) until the Secretary—

9 (1) submits to the congressional defense com-
10 mittees an estimate of the extent of covered costs
11 and the range of eligible reimbursable costs associ-
12 ated with interference resulting from such order and
13 authorization to the Global Positioning System of
14 the Department of Defense; and

15 (2) certifies to the congressional defense com-
16 mittees that the estimate submitted under para-
17 graph (1) is accurate with a high degree of cer-
18 tainty.

19 (b) COVERED COSTS.—For purposes of this section,
20 covered costs include costs that would be incurred—

21 (1) to upgrade, repair, or replace potentially af-
22 fected receivers of the Federal Government;

23 (2) to modify, repair, or replace equipment,
24 spares, associated ancillary equipment, software, fa-
25 cilities, operating manuals, training, or compliance
26 with regulations, including with regard to the under-

1 lying platform or system in which a capability of the
2 Global Positioning System is embedded; and

3 (3) for personnel of the Department to engi-
4 neer, validate, and verify that any required remedi-
5 ation provides the Department with the same oper-
6 ational capability for the affected system prior to
7 terrestrial operation in the 1525 to 1559 megahertz
8 or 1626.5 to 1660.5 megahertz bands of electro-
9 magnetic spectrum.

10 (c) RANGE OF ELIGIBLE REIMBURSABLE COSTS.—

11 For purposes of this section, the range of eligible reim-
12 bursable costs includes—

13 (1) costs associated with engineering, equip-
14 ment, software, site acquisition, and construction;

15 (2) any transaction expense that the Secretary
16 determines is legitimate and prudent;

17 (3) costs relating to term-limited Federal civil
18 servant and contractor staff; and

19 (4) the costs of research, engineering studies, or
20 other expenses the Secretary determines reasonably
21 incurred.

22 **SEC. 1084. MODERNIZATION EFFORT.**

23 (a) DEFINITIONS.—In this section—

1 (1) the term “Assistant Secretary” means the
2 Assistant Secretary of Commerce for Communica-
3 tions and Information;

4 (2) the term “covered agency”—

5 (A) means any Federal entity that the As-
6 sistant Secretary determines is appropriate; and

7 (B) includes the Department of Defense;

8 (3) the term “Federal entity” has the meaning
9 given the term in section 113(l) of the National
10 Telecommunications and Information Administration
11 Organization Act (47 U.S.C. 923(l));

12 (4) the term “Federal spectrum” means fre-
13 quencies assigned on a primary basis to a covered
14 agency;

15 (5) the term “infrastructure” means informa-
16 tion technology systems and information tech-
17 nologies, tools, and databases; and

18 (6) the term “NTIA” means the National Tele-
19 communications and Information Administration.

20 (b) INITIAL INTERAGENCY SPECTRUM INFORMATION
21 TECHNOLOGY COORDINATION.—Not later than 90 days
22 after the date of enactment of this Act, the Assistant Sec-
23 retary, in consultation with the Policy and Plans Steering
24 Group, shall identify a process to establish goals, including
25 parameters to measure the achievement of those goals, for

1 the modernization of the infrastructure of covered agen-
2 cies relating to managing the use of Federal spectrum by
3 those agencies, which shall include—

4 (1) the standardization of data inputs, modeling
5 algorithms, modeling and simulation processes, anal-
6 ysis tools with respect to Federal spectrum, assump-
7 tions, and any other tool to ensure interoperability
8 and functionality with respect to that infrastructure;

9 (2) other potential innovative technological ca-
10 pabilities with respect to that infrastructure, includ-
11 ing cloud-based databases, artificial intelligence tech-
12 nologies, automation, and improved modeling and
13 simulation capabilities;

14 (3) ways to improve the management of covered
15 agencies' use of Federal spectrum through that in-
16 frastructure, including by—

17 (A) increasing the efficiency of that infra-
18 structure;

19 (B) addressing validation of usage with re-
20 spect to that infrastructure;

21 (C) increasing the accuracy of that infra-
22 structure;

23 (D) validating models used by that infra-
24 structure; and

1 (E) monitoring and enforcing requirements
2 that are imposed on covered agencies with re-
3 spect to the use of Federal spectrum by covered
4 agencies;

5 (4) ways to improve the ability of covered agen-
6 cies to meet mission requirements in congested envi-
7 ronments with respect to Federal spectrum, includ-
8 ing as part of automated adjustments to operations
9 based on changing conditions in those environments;

10 (5) the creation of a time-based automated
11 mechanism—

12 (A) to share Federal spectrum between
13 covered agencies to collaboratively and dynami-
14 cally increase access to Federal spectrum by
15 those agencies; and

16 (B) that could be scaled across Federal
17 spectrum; and

18 (6) the collaboration between covered agencies
19 necessary to ensure the interoperability of Federal
20 spectrum.

21 (c) SPECTRUM INFORMATION TECHNOLOGY MOD-
22 ERNIZATION.—

23 (1) IN GENERAL.—Not later than 240 days
24 after the date of enactment of this Act, the Assist-
25 ant Secretary shall submit to Congress a report that

1 contains the plan of the NTIA to modernize and
2 automate the infrastructure of the NTIA relating to
3 managing the use of Federal spectrum by covered
4 agencies so as to more efficiently manage that use.

5 (2) CONTENTS.—The report required under
6 paragraph (1) shall include—

7 (A) an assessment of the current, as of the
8 date on which the report is submitted, infra-
9 structure of the NTIA described in that para-
10 graph;

11 (B) an acquisition strategy for the modern-
12 ized infrastructure of the NTIA described in
13 that paragraph, including how that modernized
14 infrastructure will enable covered agencies to be
15 more efficient and effective in the use of Fed-
16 eral spectrum;

17 (C) a timeline for the implementation of
18 the modernization efforts described in that
19 paragraph;

20 (D) plans detailing how the modernized in-
21 frastructure of the NTIA described in that
22 paragraph will—

23 (i) enhance the security and reliability
24 of that infrastructure so that such infra-
25 structure satisfies the requirements of sub-

1 chapter II of chapter 35 of title 44, United
2 States Code;

3 (ii) improve data models and analysis
4 tools to increase the efficiency of the spec-
5 trum use described in that paragraph;

6 (iii) enhance automation and
7 workflows, and reduce the scope and level
8 of manual effort, in order to—

9 (I) administer the management
10 of the spectrum use described in that
11 paragraph; and

12 (II) improve data quality and
13 processing time; and

14 (iv) improve the timeliness of spec-
15 trum analyses and requests for informa-
16 tion, including requests submitted pursu-
17 ant to section 552 of title 5, United States
18 Code;

19 (E) an operations and maintenance plan
20 with respect to the modernized infrastructure of
21 the NTIA described in that paragraph;

22 (F) a strategy for coordination between the
23 covered agencies within the Policy and Plans
24 Steering Group, which shall include—

25 (i) a description of—

1 (I) those coordination efforts, as
2 in effect on the date on which the re-
3 port is submitted; and

4 (II) a plan for coordination of
5 those efforts after the date on which
6 the report is submitted, including with
7 respect to the efforts described in sub-
8 section (d);

9 (ii) a plan for standardizing—

10 (I) electromagnetic spectrum
11 analysis tools;

12 (II) modeling and simulation
13 processes and technologies; and

14 (III) databases to provide tech-
15 nical interference assessments that
16 are usable across the Federal Govern-
17 ment as part of a common spectrum
18 management infrastructure for cov-
19 ered agencies;

20 (iii) a plan for each covered agency to
21 implement a modernization plan described
22 in subsection (d)(1) that is tailored to the
23 particular timeline of the agency;

24 (G) identification of manually intensive
25 processes involved in managing Federal spec-

1 trum and proposed enhancements to those proc-
2 esses;

3 (H) metrics to evaluate the success of the
4 modernization efforts described in that para-
5 graph and any similar future efforts; and

6 (I) an estimate of the cost of the mod-
7 ernization efforts described in that paragraph
8 and any future maintenance with respect to the
9 modernized infrastructure of the NTIA de-
10 scribed in that paragraph, including the cost of
11 any personnel and equipment relating to that
12 maintenance.

13 (d) INTERAGENCY INPUTS.—

14 (1) IN GENERAL.—Not later than 1 year after
15 the date of enactment of this Act, the head of each
16 covered agency shall submit to the Assistant Sec-
17 retary and the Policy and Plans Steering Group a
18 report that describes the plan of the agency to mod-
19 ernize the infrastructure of the agency with respect
20 to the use of Federal spectrum by the agency so that
21 such modernized infrastructure of the agency is
22 interoperable with the modernized infrastructure of
23 the NTIA, as described in subsection (c).

1 (2) CONTENTS.—Each report submitted by the
2 head of a covered agency under paragraph (1)
3 shall—

4 (A) include—

5 (i) an assessment of the current, as of
6 the date on which the report is submitted,
7 management capabilities of the agency
8 with respect to the use of frequencies that
9 are assigned to the agency, which shall in-
10 clude a description of any challenges faced
11 by the agency with respect to that manage-
12 ment;

13 (ii) a timeline for completion of the
14 modernization efforts described in that
15 paragraph; and

16 (iii) a description of potential innova-
17 tive technological capabilities for the man-
18 agement of frequencies that are assigned
19 to the agency, as determined under sub-
20 section (b);

21 (iv) identification of agency-specific
22 requirements or constraints relating to the
23 infrastructure of the agency;

24 (v) identification of any existing, as of
25 the date on which the report is submitted,

1 systems of the agency that are duplicative
2 of the modernized infrastructure of the
3 NTIA, as proposed under subsection (c);
4 and

5 (vi) with respect to the report sub-
6 mitted by the Secretary of Defense—

7 (I) a strategy for the integration
8 of systems or the flow of data among
9 the Armed Forces, the military de-
10 partments, the Defense Agencies and
11 Department of Defense Field Activi-
12 ties, and other components of the De-
13 partment of Defense;

14 (II) a plan for the implementa-
15 tion of solutions to the use of Federal
16 spectrum by the Department of De-
17 fense involving information at multiple
18 levels of classification; and

19 (III) a strategy for addressing,
20 within the modernized infrastructure
21 of the Department of Defense de-
22 scribed in that paragraph, the ex-
23 change of information between the
24 Department of Defense and the NTIA
25 in order to accomplish required proc-

1 essing of all Department of Defense
2 domestic spectrum coordination and
3 management activities; and

4 (B) be submitted in an unclassified format,
5 with a classified annex, as appropriate.

6 (3) NOTIFICATION OF CONGRESS.—Upon sub-
7 mission of the report required under paragraph (1),
8 the head of each covered agency shall notify Con-
9 gress that the head of the covered agency has sub-
10 mitted the report.

11 (e) GAO OVERSIGHT.—The Comptroller General of
12 the United States shall—

13 (1) not later than 90 days after the date of en-
14 actment of this Act, conduct a review of the infra-
15 structure of covered agencies, as that infrastructure
16 exists on the date of enactment of this Act;

17 (2) after all of the reports required under sub-
18 section (d) have been submitted, conduct oversight
19 of the implementation of the modernization plans
20 submitted by the NTLA and covered agencies under
21 subsections (c) and (d), respectively;

22 (3) not later than 1 year after the date on
23 which the Comptroller General begins conducting
24 oversight under paragraph (2), and annually there-
25 after, submit a report regarding that oversight to—

1 (A) with respect to the implementation of
2 the modernization plan of the Department of
3 Defense, the Committee on Armed Services of
4 the Senate and the Committee on Armed Serv-
5 ices of the House of Representatives; and

6 (B) with respect to the implementation of
7 the modernization plans of all covered agencies,
8 including the Department of Defense, the Com-
9 mittee on Commerce, Science, and Transpor-
10 tation of the Senate and the Committee on En-
11 ergy and Commerce of the House of Represent-
12 atives; and

13 (4) provide regular briefings to—

14 (A) with respect to the application of this
15 section to the Department of Defense, the Com-
16 mittee on Armed Services of the Senate and the
17 Committee on Armed Services of the House of
18 Representatives; and

19 (B) with respect to the application of this
20 section to all covered agencies, including the
21 Department of Defense, the Committee on
22 Commerce, Science, and Transportation of the
23 Senate and the Committee on Energy and Com-
24 merce of the House of Representatives.

1 **TITLE XI—CIVILIAN PERSONNEL**
2 **MATTERS**

3 **Subtitle A—Department of Defense**
4 **Matters**

5 **SEC. 1101. ENHANCED PAY AUTHORITY FOR CERTAIN AC-**
6 **QUISITION AND TECHNOLOGY POSITIONS IN**
7 **THE DEPARTMENT OF DEFENSE.**

8 (a) IN GENERAL.—Subchapter I of chapter 87 of title
9 10, United States Code, is amended by inserting after sec-
10 tion 1701a the following new section:

11 **“§ 1701b. Enhanced pay authority for certain acquisi-**
12 **tion and technology positions**

13 “(a) IN GENERAL.—The Secretary of Defense may
14 carry out a program using the pay authority specified in
15 subsection (d) to fix the rate of basic pay for positions
16 described in subsection (c) in order to assist the Office
17 of the Secretary of Defense and the military departments
18 in attracting and retaining high-quality acquisition and
19 technology experts in positions responsible for managing
20 and developing complex, high-cost, technological acquisi-
21 tion efforts of the Department of Defense.

22 “(b) APPROVAL REQUIRED.—The program may be
23 carried out only with approval as follows:

24 “(1) Approval of the Under Secretary of De-
25 fense for Acquisition and Sustainment, in the case

1 of positions in the Office of the Secretary of De-
2 fense.

3 “(2) Approval of the service acquisition execu-
4 tive of the military department concerned, in the
5 case of positions in a military department.

6 “(c) POSITIONS.—The positions described in this
7 subsection are positions that—

8 “(1) require expertise of an extremely high level
9 in a scientific, technical, professional, or acquisition
10 management field; and

11 “(2) are critical to the successful accomplish-
12 ment of an important acquisition or technology de-
13 velopment mission.

14 “(d) RATE OF BASIC PAY.—The pay authority speci-
15 fied in this subsection is authority as follows:

16 “(1) Authority to fix the rate of basic pay for
17 a position at a rate not to exceed 150 percent of the
18 rate of basic pay payable for level I of the Executive
19 Schedule, upon the approval of the Under Secretary
20 of Defense for Acquisition and Sustainment or the
21 service acquisition executive concerned, as applica-
22 ble.

23 “(2) Authority to fix the rate of basic pay for
24 a position at a rate in excess of 150 percent of the
25 rate of basic pay payable for level I of the Executive

1 Schedule, upon the approval of the Secretary of De-
2 fense.

3 “(e) LIMITATIONS.—

4 “(1) IN GENERAL.—The authority in subsection
5 (a) may be used only to the extent necessary to com-
6 petitively recruit or retain individuals exceptionally
7 well qualified for positions described in subsection
8 (c).

9 “(2) NUMBER OF POSITIONS.—The authority in
10 subsection (a) may not be used with respect to more
11 than five positions in the Office of the Secretary of
12 Defense and more than five positions in each mili-
13 tary department at any one time.

14 “(3) TERM OF POSITIONS.—The authority in
15 subsection (a) may be used only for positions having
16 terms less than five years.”.

17 (b) CLERICAL AMENDMENT.—The table of sections
18 at the beginning of subchapter I of chapter 87 of such
19 title is amended by inserting after the item relating to sec-
20 tion 1701a the following new item:

“1701b. Enhanced pay authority for certain acquisition and technology posi-
tions.”.

21 (c) REPEAL OF PILOT PROGRAM.—

22 (1) IN GENERAL.—Section 1111 of the Na-
23 tional Defense Authorization Act for Fiscal Year
24 2016 (10 U.S.C. 1701 note) is repealed.

1 (2) CONTINUATION OF PAY.—The repeal in
2 paragraph (1) shall not be interpreted to prohibit
3 the payment of basic pay at rates fixed under such
4 section 1111 before the date of the enactment of this
5 Act for positions having terms that continue after
6 that date.

7 **SEC. 1102. ENHANCED PAY AUTHORITY FOR CERTAIN RE-**
8 **SEARCH AND TECHNOLOGY POSITIONS IN**
9 **THE SCIENCE AND TECHNOLOGY REINVEN-**
10 **TION LABORATORIES OF THE DEPARTMENT**
11 **OF DEFENSE.**

12 (a) IN GENERAL.—Chapter 139 of title 10, United
13 States Code, is amended by inserting after section 2358b
14 the following new section:

15 **“§ 2358c. Enhanced pay authority for certain re-**
16 **search and technology positions in**
17 **science and technology reinvention lab-**
18 **oratories**

19 “(a) IN GENERAL.—The Secretary of Defense may
20 carry out a program using the pay authority specified in
21 subsection (d) to fix the rate of basic pay for positions
22 described in subsection (c) in order to assist the military
23 departments in attracting and retaining high quality ac-
24 quisition and technology experts in positions responsible
25 for managing and performing complex, high-cost research

1 and technology development efforts in the science and
2 technology reinvention laboratories of the Department of
3 Defense.

4 “(b) APPROVAL REQUIRED.—The program may be
5 carried out in a military department only with the ap-
6 proval of the service acquisition executive of the military
7 department concerned.

8 “(c) POSITIONS.—The positions described in this
9 subsection are positions in the science and technology re-
10 invention laboratories of the Department of Defense
11 that—

12 “(1) require expertise of an extremely high level
13 in a scientific, technical, professional, or acquisition
14 management field; and

15 “(2) are critical to the successful accomplish-
16 ment of an important research or technology devel-
17 opment mission.

18 “(d) RATE OF BASIC PAY.—The pay authority speci-
19 fied in this subsection is authority as follows:

20 “(1) Authority to fix the rate of basic pay for
21 a position at a rate not to exceed 150 percent of the
22 rate of basic pay payable for level I of the Executive
23 Schedule, upon the approval of the service acquisi-
24 tion executive concerned.

1 “(2) Authority to fix the rate of basic pay for
2 a position at a rate in excess of 150 percent of the
3 rate of basic pay payable for level I of the Executive
4 Schedule, upon the approval of the Secretary of the
5 military department concerned.

6 “(e) LIMITATIONS.—

7 “(1) IN GENERAL.—The authority in subsection
8 (a) may be used only to the extent necessary to com-
9 petitively recruit or retain individuals exceptionally
10 well qualified for positions described in subsection
11 (c).

12 “(2) NUMBER OF POSITIONS.—The authority in
13 subsection (a) may not be used with respect to more
14 than five positions in each military department at
15 any one time.

16 “(3) TERM OF POSITIONS.—The authority in
17 subsection (a) may be used only for positions having
18 a term of less than five years.

19 “(f) SCIENCE AND TECHNOLOGY REINVENTION LAB-
20 ORATORIES OF THE DEPARTMENT OF DEFENSE DE-
21 FINED.—In this section, the term ‘science and technology
22 reinvention laboratories of the Department of Defense’
23 means the laboratories designated as science and tech-
24 nology reinvention laboratories by section 1105(a) of the

1 National Defense Authorization Act for Fiscal Year 2010
2 (10 U.S.C. 2358 note).”.

3 (b) CLERICAL AMENDMENT.—The table of sections
4 at the beginning of chapter 139 of such title is amended
5 by inserting after the item relating to section 2358b the
6 following new item:

“2358c. Enhanced pay authority for certain research and technology positions
in science and technology reinvention laboratories.”.

7 (c) REPEAL OF PILOT PROGRAM.—

8 (1) IN GENERAL.—Section 1124 of the Na-
9 tional Defense Authorization Act for Fiscal Year
10 2017 (Public Law 114–328; 130 Stat. 2456; 10
11 U.S.C. 2358 note) is repealed.

12 (2) CONTINUATION OF PAY.—The repeal in
13 paragraph (1) shall not be interpreted to prohibit
14 the payment of basic pay at rates fixed under such
15 section 1124 before the date of the enactment of this
16 Act for positions having terms that continue after
17 that date.

1 **SEC. 1103. EXTENSION OF ENHANCED APPOINTMENT AND**
2 **COMPENSATION AUTHORITY FOR CIVILIAN**
3 **PERSONNEL FOR CARE AND TREATMENT OF**
4 **WOUNDED AND INJURED MEMBERS OF THE**
5 **ARMED FORCES.**

6 Section 1599c(b) of title 10, United States Code, is
7 amended by striking “December 31, 2020” both places it
8 appears and inserting “December 31, 2025”.

9 **SEC. 1104. EXTENSION OF OVERTIME RATE AUTHORITY**
10 **FOR DEPARTMENT OF THE NAVY EMPLOYEES**
11 **PERFORMING WORK ABOARD OR DOCKSIDE**
12 **IN SUPPORT OF THE NUCLEAR-POWERED**
13 **AIRCRAFT CARRIER FORWARD DEPLOYED IN**
14 **JAPAN.**

15 Section 5542(a)(6)(B) of title 5, United States Code,
16 is amended by striking “September 30, 2021” and insert-
17 ing “September 30, 2023”.

18 **SEC. 1105. EXPANSION OF DIRECT HIRE AUTHORITY FOR**
19 **CERTAIN DEPARTMENT OF DEFENSE PER-**
20 **SONNEL TO INCLUDE INSTALLATION MILI-**
21 **TARY HOUSING OFFICE POSITIONS SUPER-**
22 **VISING PRIVATIZED MILITARY HOUSING.**

23 Section 9905(a) of title 5, United States Code, is
24 amended by adding at the end the following new para-
25 graph:

1 “(11) Any position in the military housing of-
2 fice of a military installation whose primary function
3 is supervision of military housing covered by sub-
4 chapter IV of chapter 169 of title 10.”.

5 **SEC. 1106. EXTENSION OF SUNSET OF INAPPLICABILITY OF**
6 **CERTIFICATION OF EXECUTIVE QUALIFICA-**
7 **TIONS BY QUALIFICATION CERTIFICATION**
8 **REVIEW BOARD OF OFFICE OF PERSONNEL**
9 **MANAGEMENT FOR INITIAL APPOINTMENTS**
10 **TO SENIOR EXECUTIVE SERVICE POSITIONS**
11 **IN DEPARTMENT OF DEFENSE.**

12 Section 1109(e) of the John S. McCain National De-
13 fense Authorization Act for Fiscal Year 2019 (Public Law
14 115–232; 132 Stat. 2010; 5 U.S.C. 3393 note) is amended
15 by striking “on the date” and all that follows and inserting
16 “on August 13, 2023.”

17 **SEC. 1107. PILOT PROGRAM ON ENHANCED PAY AUTHOR-**
18 **ITY FOR CERTAIN HIGH-LEVEL MANAGEMENT**
19 **POSITIONS IN THE DEPARTMENT OF DE-**
20 **FENSE.**

21 (a) **PILOT PROGRAM AUTHORIZED.**—The Secretary
22 of Defense may carry out a pilot program to assess the
23 feasibility and advisability of using the pay authority spec-
24 ified in subsection (d) to fix the rate of basic pay for posi-
25 tions described in subsection (c) in order to assist the De-

1 partment of Defense in attracting and retaining personnel
2 with significant experience in high-level management of
3 complex organizations and enterprise functions in order
4 to lead implementation by the Department of the National
5 Defense Strategy.

6 (b) APPROVAL REQUIRED.—The pilot program may
7 be carried out only with approval as follows:

8 (1) Approval of the Deputy Secretary of De-
9 fense, in the case of a position not under the author-
10 ity, direction, and control of an Under Secretary of
11 Defense and not under the authority, direction, and
12 control of the Under Secretary of a military depart-
13 ment.

14 (2) Approval of the applicable Under Secretary
15 of Defense, in the case of a position under the au-
16 thority, direction, and control of an Under Secretary
17 of Defense.

18 (3) Approval of the Under Secretary or an As-
19 sistant Secretary of the military department con-
20 cerned, in the case of a position in a military depart-
21 ment.

22 (c) POSITIONS.—The positions described in this sub-
23 section are positions that require expertise of an extremely
24 high level in innovative leadership and management of en-
25 terprise-wide business operations, including financial man-

1 agement, health care, supply chain and logistics, informa-
2 tion technology, real property stewardship, and human re-
3 sources, across a large and complex organization.

4 (d) RATE OF BASIC PAY.—The pay authority speci-
5 fied in this subsection is authority as follows:

6 (1) Authority to fix the rate of basic pay for a
7 position at a rate not to exceed 150 percent of the
8 rate of basic pay payable for level I of the Executive
9 Schedule, upon the approval of the applicable official
10 under subsection (b).

11 (2) Authority to fix the rate of basic pay for a
12 position at a rate in excess of 150 percent of the
13 rate of basic pay payable for level I of the Executive
14 Schedule, upon the approval of the Secretary of De-
15 fense.

16 (e) LIMITATIONS.—

17 (1) IN GENERAL.—The authority in subsection
18 (a) may be used only to the extent necessary to com-
19 petitively recruit or retain individuals exceptionally
20 well qualified for positions described in subsection
21 (c).

22 (2) NUMBER OF POSITIONS.—The authority in
23 subsection (a) may not be used with respect to—

24 (A) more than 10 positions in the Office of
25 the Secretary of Defense and components of the

700

1 Department of Defense other than the military
2 departments at any one time; and

3 (B) more than five positions in each mili-
4 tary department at any one time.

5 (3) TERM OF POSITIONS.—The authority in
6 subsection (a) may be used only for positions having
7 terms less than five years.

8 (4) PAST SERVICE.—An individual may not be
9 appointed to a position pursuant to the authority
10 provided by subsection (a) if the individual separated
11 or retired from Federal civil service or service as a
12 commissioned officer of an Armed Force on a date
13 that is less than five years before the date of such
14 appointment of the individual.

15 (f) TERMINATION.—

16 (1) IN GENERAL.—The authority to fix rates of
17 basic pay for a position under this section shall ter-
18minate on October 1, 2025.

19 (2) CONTINUATION OF PAY.—Nothing in para-
20graph (1) shall be construed to prohibit the payment
21 after October 1, 2025, of basic pay at rates fixed
22 under this section before that date for positions
23 whose terms continue after that date.

1 **SEC. 1108. PILOT PROGRAM ON EXPANDED AUTHORITY**
2 **FOR APPOINTMENT OF RECENTLY RETIRED**
3 **MEMBERS OF THE ARMED FORCES TO POSI-**
4 **TIONS IN THE DEPARTMENT OF DEFENSE.**

5 (a) PILOT PROGRAM REQUIRED.—The Secretary of
6 Defense shall carry out a pilot program to assess the feasi-
7 bility and advisability of expanding the use of the author-
8 ity in section 3326 of title 5, United States Code, to ap-
9 point retired members of the Armed Forces described in
10 subsection (b) of that section to positions in the Depart-
11 ment of Defense described in subsection (b) of this section.

12 (b) POSITIONS.—

13 (1) IN GENERAL.—The positions in the Depart-
14 ment described in this subsection are positions clas-
15 sified at or below GS–13 under the General Sched-
16 ule under subchapter III of chapter 53 of title 5,
17 United States Code, or an equivalent level under an-
18 other wage system, in the competitive service—

19 (A) to which appointments are authorized
20 using Direct Hire Authority or Expedited Hir-
21 ing Authority; and

22 (B) that have been certified by the Sec-
23 retary of the military department concerned as
24 lacking sufficient numbers of potential appli-
25 cants who are not retired members of the
26 Armed Forces.

1 (2) LIMITATION ON DELEGATION OF CERTIFI-
2 CATION.—The Secretary of a military department
3 may not delegate the authority to make a certifi-
4 cation described in paragraph (1)(B) to an indi-
5 vidual in a grade lower than colonel, captain in the
6 Navy, or an equivalent grade in the Space Force, or
7 an individual with an equivalent civilian grade.

8 (c) DURATION.—The duration of the pilot program
9 shall be three years.

10 (d) REPORT.—Not later than two years after the
11 commencement of the pilot program, the Secretary of De-
12 fense shall submit to the congressional defense committees
13 a report on the pilot program. The report shall include
14 the following:

15 (1) A description of the pilot program, includ-
16 ing the positions to which appointments are author-
17 ized to be made under the pilot program and the
18 number of retired members appointed to each such
19 position under the pilot program.

20 (2) Any other matters in connection with the
21 pilot program that the Secretary considers appro-
22 priate.

1 **SEC. 1109. DIRECT HIRE AUTHORITY AND RELOCATION IN-**
2 **CENTIVES FOR POSITIONS AT REMOTE LOCA-**
3 **TIONS.**

4 (a) IN GENERAL.—Chapter 81 of title 10, United
5 States Code, is amended by adding at the end the fol-
6 lowing new section:

7 **“§ 1599i. Direct hire authority and relocation incen-**
8 **tives for positions at remote locations**

9 “(a) DIRECT HIRE AUTHORITY.—

10 “(1) IN GENERAL.—The Secretary of Defense
11 may appoint, without regard to any provision of sub-
12 chapter I of chapter 33 of title 5, qualified appli-
13 cants to positions in the competitive service to fill
14 vacancies at covered locations.

15 “(2) COVERED LOCATIONS.—For purposes of
16 this section, a covered location is a location for
17 which the Secretary has determined that critical hir-
18 ing needs are not being met due to the geographic
19 remoteness or isolation or extreme climate conditions
20 of the location.

21 “(b) RELOCATION INCENTIVES.—

22 “(1) IN GENERAL.—An individual appointed to
23 a position pursuant to subsection (a) may be paid a
24 relocation incentive in connection with the relocation
25 of the individual to the location of the position.

1 “(2) AMOUNT.—The amount of a relocation in-
2 centive payable to an individual under this sub-
3 section may not exceed the amount equal to—

4 “(A) 25 percent of the annual rate of basic
5 pay of the employee for the position concerned
6 as of the date on which the service period in
7 such position agreed to by the individual under
8 paragraph (3) commences; multiplied by

9 “(B) the number of years (including frac-
10 tions of a year) of such service period (not to
11 exceed four years).

12 “(3) SERVICE AGREEMENT.—To receive a relo-
13 cation incentive under this subsection, an individual
14 appointed to a position under subsection (a) shall
15 enter into an agreement with the Secretary of De-
16 fense to complete a period of service at the covered
17 location. The period of obligated service of the indi-
18 vidual at such location under the agreement may not
19 exceed four years. The agreement shall include such
20 repayment or alternative employment obligations as
21 the Secretary considers appropriate for failure of the
22 individual to complete the period of obligated service
23 specified in the agreement.

24 “(4) RELATIONSHIP TO OTHER RELOCATION
25 PAY.—A relocation incentive paid to an individual

1 for a relocation under this subsection is in addition
2 to any other relocation incentive or payment payable
3 to the individual for such relocation by law.

4 “(c) SUNSET.—Effective on September 30, 2022, the
5 authority provided under subsection (a) and the authority
6 to provide relocation incentives under subsection (b) shall
7 expire.”.

8 (b) OUTCOME MEASUREMENTS.—The Secretary of
9 Defense shall develop outcome measurements to evaluate
10 the effect of the authority provided under subsection (a)
11 of section 1599i of title 10, United States Code, as added
12 by subsection (a), and any relocation incentives provided
13 under subsection (b) of such section.

14 (c) REPORT REQUIRED.—

15 (1) IN GENERAL.—Not later than March 1,
16 2022, the Secretary of Defense shall submit to the
17 congressional defense committees a report on the ef-
18 fect of the authority provided under subsection (a)
19 of section 1599i of title 10, United States Code, as
20 added by subsection (a), and any relocation incen-
21 tives provided under subsection (b) of such section.

22 (2) ELEMENTS.—The report required by para-
23 graph (1) shall include the following:

24 (A) A description and assessment of the ef-
25 fectiveness and achievements of the authority

1 and relocation incentives described in paragraph
2 (1), including—

3 (i) the number of employees hired to
4 covered locations described in section
5 1599i(a)(2) of title 10, United States
6 Code, as added by subsection (a); and

7 (ii) the cost-per-placement of such em-
8 ployees.

9 (B) A comparison of the effectiveness and
10 use of the authority and relocation incentives
11 described in paragraph (1) to authorities under
12 title 5, United States Code, used by the Depart-
13 ment of Defense before the date of the enact-
14 ment of this Act to support hiring at remote or
15 rural locations.

16 (C) An assessment of—

17 (i) the minority community outreach
18 efforts made in using the authority and
19 providing relocation incentives described in
20 paragraph (1); and

21 (ii) participation outcomes.

22 (D) Such other matters as the Secretary
23 considers appropriate.

24 (d) CLERICAL AMENDMENT.—The table of sections
25 at the beginning of chapter 81 of title 10, United States

1 Code, is amended by adding at the end the following new
2 item:

“1599i. Direct hire authority and relocation incentives for positions at remote
locations.”.

3 **SEC. 1110. MODIFICATION OF DIRECT HIRE AUTHORITY**
4 **FOR CERTAIN PERSONNEL INVOLVED WITH**
5 **DEPARTMENT OF DEFENSE MAINTENANCE**
6 **ACTIVITIES.**

7 Section 9905(a)(1) of title 5, United States Code, is
8 amended by striking “including” and all that follows and
9 inserting the following: “including—

10 “(A) depot-level maintenance and repair;

11 and

12 “(B) support functions for such activi-
13 ties.”.

14 **SEC. 1110A. FIRE FIGHTERS ALTERNATIVE WORK SCHED-**
15 **ULE DEMONSTRATION PROJECT FOR THE**
16 **NAVY REGION MID-ATLANTIC FIRE AND**
17 **EMERGENCY SERVICES.**

18 (a) IN GENERAL.—Not later than 180 days after the
19 date of the enactment of this Act, the Commander, Navy
20 Region Mid-Atlantic, shall establish and carry out, for a
21 period of not less than five years, a Fire Fighters Alter-
22 native Work Schedule demonstration project for the Navy
23 Region Mid-Atlantic Fire and Emergency Services. Such
24 demonstration project shall provide, with respect to each

1 employee of the Navy Region Mid-Atlantic Fire and Emer-
2 gency Services, that—

3 (1) assignments to tours of duty are scheduled
4 in advance over periods of not less than two weeks;

5 (2) tours of duty are scheduled using a regu-
6 larly recurring pattern of 48-hour shifts followed by
7 48 or 72 consecutive non-work hours, as determined
8 by mutual agreement between the Commander, Navy
9 Region Mid-Atlantic, and the exclusive employee rep-
10 resentative at each Navy Region Mid-Atlantic instal-
11 lation, in such a manner that each employee is regu-
12 larly scheduled for 144-hours in any two-week pe-
13 riod;

14 (3) for any such employee that is a fire fighter
15 working an alternative work schedule, such employee
16 shall earn overtime compensation in a manner con-
17 sistent with other applicable law and regulation;

18 (4) no right shall be established to any form of
19 premium pay, including night, Sunday, holiday, or
20 hazard duty pay; and

21 (5) leave accrual and use shall be consistent
22 with other applicable law and regulation.

23 (b) REPORT.—Not later than 180 days after the date
24 on which the demonstration project under this section ter-
25 minates, the Commander, Navy Region Mid-Atlantic, shall

1 submit to the Committees on Armed Services of the Sen-
2 ate and the House of Representatives a report detailing—

3 (1) any financial savings or expenses directly
4 and inseparably linked to the demonstration project;

5 (2) any intangible quality of life and morale im-
6 provements achieved by the demonstration project;

7 and

8 (3) any adverse impact of the demonstration
9 project occurring solely as the result of the transi-
10 tion to the demonstration project.

11 **Subtitle B—Government-Wide**
12 **Matters**

13 **SEC. 1111. ONE-YEAR EXTENSION OF TEMPORARY AUTHOR-**
14 **ITY TO GRANT ALLOWANCES, BENEFITS, AND**
15 **GRATUITIES TO CIVILIAN PERSONNEL ON OF-**
16 **FICIAL DUTY IN A COMBAT ZONE.**

17 Paragraph (2) of section 1603(a) of the Emergency
18 Supplemental Appropriations Act for Defense, the Global
19 War on Terror, and Hurricane Recovery, 2006 (Public
20 Law 109–234; 120 Stat. 443), as added by section 1102
21 of the Duncan Hunter National Defense Authorization
22 Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat.
23 4616) and as most recently amended by section 1104 of
24 the National Defense Authorization Act for Fiscal Year

1 2020 (Public Law 116–92), is further amended by strik-
2 ing “2021” and inserting “2022”.

3 **SEC. 1112. ONE-YEAR EXTENSION OF AUTHORITY TO WAIVE**
4 **ANNUAL LIMITATION ON PREMIUM PAY AND**
5 **AGGREGATE LIMITATION ON PAY FOR FED-**
6 **ERAL CIVILIAN EMPLOYEES WORKING OVER-**
7 **SEAS.**

8 Subsection (a) of section 1101 of the Duncan Hunter
9 National Defense Authorization Act for Fiscal Year 2009
10 (Public Law 110–417; 122 Stat. 4615), as most recently
11 amended by section 1105 of the National Defense Author-
12 ization Act for Fiscal Year 2020 (Public Law 116–92),
13 is further amended by striking “through 2020” and in-
14 serting “through 2021”.

15 **SEC. 1113. TECHNICAL AMENDMENTS TO AUTHORITY FOR**
16 **REIMBURSEMENT OF FEDERAL, STATE, AND**
17 **LOCAL INCOME TAXES INCURRED DURING**
18 **TRAVEL, TRANSPORTATION, AND RELOCA-**
19 **TION.**

20 (a) IN GENERAL.—Section 5724b(b) of title 5,
21 United States Code, is amended—

22 (1) by striking “or relocation expenses reim-
23 bursed” and inserting “and relocation expenses re-
24 imbursed”; and

1 (2) by striking “of chapter 41” and inserting
2 “or chapter 41”.

3 (b) **EFFECTIVE DATE.**—The amendments made by
4 subsection (a) shall take effect on January 1, 2018, imme-
5 diately after the coming into effect of the amendments
6 made by subsection (a) of section 1114 of the National
7 Defense Authorization Act for Fiscal Year 2020 (Public
8 Law 116–92), as provided for in subsection (c) of such
9 section 1114.

10 **TITLE XII—MATTERS RELATING**
11 **TO FOREIGN NATIONS**
12 **Subtitle A—Assistance and**
13 **Training**

14 **SEC. 1201. AUTHORITY TO BUILD CAPACITY FOR ADDI-**
15 **TIONAL OPERATIONS.**

16 Section 333(a) of title 10, United States Code, is
17 amended by adding at the end the following new para-
18 graph:

19 “(8) Cyberspace operations.”.

20 **SEC. 1202. AUTHORITY TO BUILD CAPACITY FOR AIR SOV-**
21 **EREIGNTY OPERATIONS.**

22 Section 333(a) of title 10, United States Code, as
23 amended by section 1201, is further amended—

24 (1) by redesignating paragraphs (7) and (8) as
25 paragraphs (8) and (9), respectively; and

1 (2) by inserting after paragraph (6) the fol-
2 lowing new paragraph (7):

3 “(7) Air sovereignty operations.”.

4 **SEC. 1203. MODIFICATION TO THE INTER-EUROPEAN AIR**
5 **FORCES ACADEMY.**

6 Section 350(b) of title 10, United States Code, is
7 amended by striking “that are” and all that follows
8 through the period at the end and inserting “that are—

9 “(1) members of the North Atlantic Treaty Or-
10 ganization;

11 “(2) signatories to the Partnership for Peace
12 Framework Documents; or

13 “(3)(A) within the United States Africa Com-
14 mand area of responsibility; and

15 “(B) eligible for assistance under chapter 5 of
16 part II of the Foreign Assistance Act of 1961 (22
17 U.S.C. 2347 et seq.).”.

18 **SEC. 1204. MODIFICATION TO SUPPORT OF SPECIAL OPER-**
19 **ATIONS FOR IRREGULAR WARFARE.**

20 Subsection (a) of section 1202 of the National De-
21 fense Authorization Act for Fiscal Year 2018 (Public Law
22 115–91; 131 Stat. 1639), as most recently amended by
23 section 1207 of the National Defense Authorization Act
24 for Fiscal Year 2020 (Public Law 116–92), is further

1 amended by striking “\$10,000,000” and inserting
2 “\$15,000,000”.

3 **SEC. 1205. EXTENSION AND MODIFICATION OF AUTHORITY**
4 **TO SUPPORT BORDER SECURITY OPER-**
5 **ATIONS OF CERTAIN FOREIGN COUNTRIES.**

6 (a) FUNDS AVAILABLE FOR SUPPORT.—Subsection
7 (b) of section 1226 of the National Defense Authorization
8 Act for Fiscal Year 2016 (22 U.S.C. 2151 note) is amend-
9 ed to read as follows:

10 “(b) FUNDS AVAILABLE FOR SUPPORT.—Amounts to
11 provide support under the authority of subsection (a) may
12 be derived only from amounts authorized to be appro-
13 priated and available for operation and maintenance, De-
14 fense-wide.”.

15 (b) EXTENSION.—Subsection (h) of such section is
16 amended by striking “December 31, 2021” and inserting
17 “December 31, 2023”.

18 **SEC. 1206. MODIFICATION OF AUTHORITY FOR PARTICIPA-**
19 **TION IN MULTINATIONAL CENTERS OF EX-**
20 **CELLENCE.**

21 (a) IN GENERAL.—Section 344 of title 10, United
22 States Code, is amended—

23 (1) in the section heading, by striking “**multi-**
24 **national military centers of excellence**”

1 and inserting “**multinational centers of ex-**
2 **cellence**”;

3 (2) by striking “multinational military center of
4 excellence” each place it appears and inserting “mul-
5 tinational center of excellence”;

6 (3) by striking “multinational military centers
7 of excellence” each place it appears and inserting
8 “multinational centers of excellence”;

9 (4) in subsection (b)(1), by inserting “or en-
10 tered into by the Secretary of State,” after “Sec-
11 retary of State,”;

12 (5) in subsection (e)—

13 (A) in the subsection heading, by striking
14 “MULTINATIONAL MILITARY CENTER OF EX-
15 CELLENCE ” and inserting “MULTINATIONAL
16 CENTER OF EXCELLENCE”;

17 (B) by redesignating paragraphs (1)
18 through (4) as subparagraphs (A) through (D),
19 respectively, and moving the subparagraphs two
20 ems to the right;

21 (C) in the matter preceding subparagraph
22 (A), as so redesignated, by striking “means an
23 entity” and inserting “means—
24 “(1) an entity”;

1 (D) in subparagraph (D), as so redesignig-
2 nated, by striking the period at the end and in-
3 serting “; and”; and

4 (E) by adding at the end the following new
5 paragraph:

6 “(2) the European Centre of Excellence for
7 Countering Hybrid Threats, established in 2017 and
8 located in Helsinki, Finland.”;

9 (6) by redesignating subsection (e) as sub-
10 section (f); and

11 (7) by inserting after subsection (d) the fol-
12 lowing new subsection (e):

13 “(e) NOTIFICATION.—Not later than 30 days before
14 the date on which the Secretary of Defense authorizes par-
15 ticipation under subsection (a) in a new multinational cen-
16 ter of excellence, the Secretary shall notify the congres-
17 sional defense committees of such participation.”.

18 (b) CONFORMING AMENDMENT.—Title 10, United
19 States Code, is amended, in the table of sections at the
20 beginning of subchapter V of chapter 16, by striking the
21 item relating to section 344 and inserting the following:

“344. Participation in multinational centers of excellence.”.

22 **SEC. 1207. IMPLEMENTATION OF THE WOMEN, PEACE, AND**
23 **SECURITY ACT OF 2017.**

24 (a) IN GENERAL.—During the period beginning on
25 the date of the enactment of this Act and ending on Sep-

1 tember 30, 2025, the Secretary of Defense shall undertake
2 activities consistent with the Women, Peace, and Security
3 Act of 2017 (Public Law 115–68; 131 Stat. 1202) and
4 with the guidance specified in this section, including—

5 (1) establishing Department of Defense-wide
6 policies and programs that advance the implementa-
7 tion of that Act, including military doctrine and De-
8 partment-specific and combatant command-specific
9 programs;

10 (2) ensuring the Department sufficient per-
11 sonnel to serve as gender advisors, including by hir-
12 ing and training full-time equivalent personnel, as
13 necessary, and establishing roles, responsibilities,
14 and requirements for gender advisors;

15 (3) the deliberate integration of gender analysis
16 into relevant training for members of the Armed
17 Forces across ranks, as described in the Women’s
18 Entrepreneurship and Economic Empowerment Act
19 of 2018 (Public Law 115–428; 132 Stat. 5509); and

20 (4) security cooperation activities that further
21 the implementation of the Women, Peace, and Secu-
22 rity Act of 2017 (Public Law 115–68; 131 Stat.
23 1202).

24 (b) BUILDING PARTNER DEFENSE INSTITUTION AND
25 SECURITY FORCE CAPACITY.—

1 (1) INCORPORATION OF GENDER ANALYSIS AND
2 PARTICIPATION OF WOMEN INTO SECURITY CO-
3 OPERATION ACTIVITIES.—Consistent with the
4 Women, Peace, and Security Act of 2017 (Public
5 Law 115–68; 131 Stat. 1202), the Secretary of De-
6 fense, in coordination with the Secretary of State,
7 shall seek to incorporate gender analysis and partici-
8 pation by women, as appropriate, into the institu-
9 tional and national security force capacity-building
10 activities of security cooperation programs carried
11 out under title 10, United States Code, including
12 by—

13 (A) incorporating gender analysis and
14 women, peace, and security priorities, including
15 sex-disaggregated data, into educational and
16 training materials and programs authorized by
17 section 333 of title 10, United States Code;

18 (B) advising on the recruitment, employ-
19 ment, development, retention, and promotion of
20 women in such national security forces, includ-
21 ing by—

22 (i) identifying existing military career
23 opportunities for women;

24 (ii) exposing women and girls to ca-
25 reers available in such national security

1 forces and the skills necessary for such ca-
2 reers; and

3 (iii) encouraging women's and girls'
4 interest in such careers by highlighting as
5 role models women of the United States
6 and applicable foreign countries in uni-
7 form;

8 (C) addressing sexual harassment and
9 abuse against women within such national secu-
10 rity forces;

11 (D) integrating gender analysis into secu-
12 rity sector policy, planning, and training for
13 such national security forces; and

14 (E) improving infrastructure to address
15 the requirements of women serving in such na-
16 tional security forces, including appropriate
17 equipment for female security and police forces.

18 (2) BARRIERS AND OPPORTUNITIES.—Partner
19 country assessments conducted in the course of De-
20 partment security cooperation activities to build the
21 capacity of the national security forces of foreign
22 countries shall include attention to the barriers and
23 opportunities with respect to strengthening recruit-
24 ment, employment, development, retention, and pro-

1 motion of women in the military forces of such part-
2 ner countries.

3 (c) DEPARTMENT-WIDE POLICIES ON WOMEN,
4 PEACE, AND SECURITY.—Not later than 90 days after the
5 date of the enactment of this Act, the Secretary of Defense
6 shall initiate a process to establish standardized policies
7 described in subsection (a)(1).

8 (d) FUNDING.—The Secretary of Defense may use
9 funds authorized to be appropriated in each fiscal year to
10 the Department of Defense for operation and maintenance
11 as specified in the table in section 4301 for carrying out
12 the full implementation of the Women, Peace, and Secu-
13 rity Act of 2017 (Public Law 115–68; 131 Stat. 1202)
14 and the guidance on the matters described in paragraphs
15 (1) through (4) of subsection (a) and subparagraphs (A)
16 through (E) of subsection (b)(1).

17 (e) ANNUAL REPORT.—Not later than one year after
18 the date of the enactment of this Act, and annually there-
19 after through 2025, the Secretary of Defense shall submit
20 to the appropriate committees of Congress a report on the
21 steps the Department has taken to implement the Women,
22 Peace, and Security Act of 2017 (Public Law 115–68; 131
23 Stat. 1202), including—

24 (1) a description of the progress made on each
25 matter described in paragraphs (1) through (4) of

1 subsection (a) and subparagraphs (A) through (E)
2 of subsection (b)(1); and

3 (2) an identification of the amounts used for
4 such purposes.

5 (f) APPROPRIATE COMMITTEES OF CONGRESS DE-
6 FINED.—In this section, the term “appropriate commit-
7 tees of Congress” means—

8 (1) the Committee on Armed Services and the
9 Committee on Foreign Relations of the Senate; and

10 (2) the Committee on Armed Services and the
11 Committee on Foreign Affairs of the House of Rep-
12 resentatives.

13 **SEC. 1208. TED STEVENS CENTER FOR ARCTIC SECURITY**
14 **STUDIES.**

15 (a) PLAN REQUIRED.—

16 (1) IN GENERAL.—Not later than 90 days after
17 the date of the enactment of this Act, the Secretary
18 of Defense, in coordination with the Secretary of
19 State, shall submit to the congressional defense com-
20 mittees a plan to establish a Department of Defense
21 Regional Center for Security Studies for the Arctic.

22 (2) ELEMENTS.—The plan required by para-
23 graph (1) shall include the following:

24 (A) A description of the benefits of estab-
25 lishing such a center, including the manner in

1 which the establishment of such a center would
2 benefit United States and Department interests
3 in the Arctic region.

4 (B) A description of the mission and pur-
5 pose of such a center, including specific policy
6 guidance from the Office of the Secretary of
7 Defense.

8 (C) An analysis of suitable reporting rela-
9 tionships with the applicable combatant com-
10 mands.

11 (D) An assessment of suitable locations for
12 such a center that are—

13 (i) in proximity to other academic in-
14 stitutions that study security implications
15 with respect to the Arctic region;

16 (ii) in proximity to the designated
17 lead for Arctic affairs of the United States
18 Northern Command;

19 (iii) in proximity to a central hub of
20 assigned Arctic-focused Armed Forces so
21 as to suitably advance relevant professional
22 development of skills unique to the Arctic
23 region; and

24 (iv) in a State located outside the con-
25 tiguous United States.

1 (E) A description of the establishment and
2 operational costs of such a center, including
3 for—

4 (i) military construction for required
5 facilities;

6 (ii) facility renovation;

7 (iii) personnel costs for faculty and
8 staff; and

9 (iv) other costs the Secretary of De-
10 fense considers appropriate.

11 (F) An evaluation of the existing infra-
12 structure, resources, and personnel available at
13 military installations and at universities and
14 other academic institutions that could reduce
15 the costs described in accordance with subpara-
16 graph (E).

17 (G) An examination of partnership oppor-
18 tunities with United States allies and partners
19 for potential collaboration and burden sharing.

20 (H) A description of potential courses and
21 programs that such a center could carry out,
22 including—

23 (i) core, specialized, and advanced
24 courses;

25 (ii) planning workshops;

- 1 (iii) seminars;
- 2 (iv) confidence-building initiatives;
- 3 and
- 4 (v) academic research.

5 (I) A description of any modification to
6 title 10, United States Code, necessary for the
7 effective operation of such a center.

8 (3) FORM.—The plan required by paragraph
9 (1) shall be submitted in unclassified form, but may
10 include a classified annex.

11 (b) ESTABLISHMENT.—

12 (1) IN GENERAL.—Not earlier than 30 days
13 after the submittal of the plan required by sub-
14 section (a), and subject to the availability of appro-
15 priations, the Secretary of Defense may establish
16 and administer a Department of Defense Regional
17 Center for Security Studies for the Arctic, to be
18 known as the “Ted Stevens Center for Arctic Secu-
19 rity Studies”, for the purpose described in section
20 342(a) of title 10, United States Code.

21 (2) LOCATION.—The Ted Stevens Center for
22 Arctic Security Studies may be located—

23 (A) in proximity to other academic institu-
24 tions that study security implications with re-
25 spect to the Arctic region;

1 (B) in proximity to the designated lead for
2 Arctic affairs of the United States Northern
3 Command;

4 (C) in proximity to a central hub of as-
5 signed Arctic-focused Armed Forces so as to
6 suitably advance relevant professional develop-
7 ment of skills unique to the Arctic region; and

8 (D) in a State located outside the contig-
9 uous United States.

10 **SEC. 1209. FUNCTIONAL CENTER FOR SECURITY STUDIES**

11 **IN IRREGULAR WARFARE.**

12 (a) REPORT REQUIRED.—

13 (1) IN GENERAL.—Not later than 90 days after
14 the date of the enactment of this Act, the Secretary
15 of Defense, in consultation with the Secretary of
16 State, shall submit to the congressional defense com-
17 mittees a report that assesses the merits and feasi-
18 bility of establishing and administering a Depart-
19 ment of Defense Functional Center for Security
20 Studies in Irregular Warfare.

21 (2) ELEMENTS.—The report required by para-
22 graph (1) shall include the following:

23 (A) A description of the benefits to the
24 United States, and the allies and partners of
25 the United States, of establishing such a func-

1 tional center, including the manner in which the
2 establishment of such a functional center would
3 enhance and sustain focus on, and advance
4 knowledge and understanding of, matters of ir-
5 regular warfare, including cybersecurity,
6 nonstate actors, information operations,
7 counterterrorism, stability operations, and the
8 hybridization of such matters.

9 (B) A detailed description of the mission
10 and purpose of such a functional center, includ-
11 ing applicable policy guidance from the Office
12 of the Secretary of Defense.

13 (C) An analysis of appropriate reporting
14 and liaison relationships between such a func-
15 tional center and—

16 (i) the geographic and functional com-
17 batant commands;

18 (ii) other Department of Defense
19 stakeholders; and

20 (iii) other government and nongovern-
21 ment entities and organizations.

22 (D) An enumeration and valuation of cri-
23 teria applicable to the determination of a suit-
24 able location for such a functional center.

1 (E) A description of the establishment and
2 operational costs of such a functional center, in-
3 cluding for—

4 (i) military construction for required
5 facilities;

6 (ii) facility renovation;

7 (iii) personnel costs for faculty and
8 staff; and

9 (iv) other costs the Secretary of De-
10 fense considers appropriate.

11 (F) An evaluation of the existing infra-
12 structure, resources, and personnel available at
13 military installations and at universities and
14 other academic and research institutions that
15 could reduce the costs described in subpara-
16 graph (E).

17 (G) An examination of partnership oppor-
18 tunities with United States allies and partners
19 for potential collaboration and burden sharing.

20 (H) A description of potential courses and
21 programs that such a functional center could
22 carry out, including—

23 (i) core, specialized, and advanced
24 courses;

1 (ii) planning workshops and struc-
2 tured after-action reviews or debriefs;

3 (iii) seminars;

4 (iv) initiatives on executive develop-
5 ment, relationship building, partnership
6 outreach, and any other matter the Sec-
7 retary of Defense considers appropriate;
8 and

9 (v) focused academic research and
10 studies in support of Department prior-
11 ities.

12 (I) A description of any modification to
13 title 10, United States Code, or any other pro-
14 vision of law, necessary for the effective estab-
15 lishment and administration of such a func-
16 tional center.

17 (3) FORM.—The report required by paragraph
18 (1) shall be submitted in unclassified form, but may
19 include a classified annex.

20 (b) ESTABLISHMENT.—

21 (1) IN GENERAL.—Not earlier than 30 days
22 after the submittal of the report required by sub-
23 section (a), and subject to the availability of appro-
24 priated funds, the Secretary of Defense may estab-
25 lish and administer a Department of Defense Func-

1 tional Center for Security Studies in Irregular War-
2 fare.

3 (2) TREATMENT AS A REGIONAL CENTER FOR
4 SECURITY STUDIES.—A Department of Defense
5 Functional Center for Security Studies in Irregular
6 Warfare established under paragraph (1) shall be
7 operated and administered in the same manner as
8 the Department of Defense Regional Centers for Se-
9 curity Studies under section 342 of title 10, United
10 States Code, and in accordance with such regula-
11 tions as the Secretary of Defense may prescribe.

12 (3) LIMITATION.—No other institution or ele-
13 ment of the Department may be designated as a De-
14 partment of Defense functional center, except by an
15 Act of Congress.

16 (4) LOCATION.—The location of a Department
17 of Defense Functional Center for Security Studies in
18 Irregular Warfare established under paragraph (1)
19 shall be selected based on an objective, criteria-driv-
20 en administrative or competitive award process, in
21 accordance with which the merits of locating such
22 functional center in Tempe, Arizona, may be evalu-
23 ated together with other suitable locations.

1 **Subtitle B—Matters Relating to**
2 **Afghanistan and Pakistan**

3 **SEC. 1211. EXTENSION AND MODIFICATION OF AUTHORITY**
4 **FOR REIMBURSEMENT OF CERTAIN COALI-**
5 **TION NATIONS FOR SUPPORT PROVIDED TO**
6 **UNITED STATES MILITARY OPERATIONS.**

7 (a) **EXTENSION.**—Subsection (a) of section 1233 of
8 the National Defense Authorization Act for Fiscal Year
9 2008 (Public Law 110–181; 122 Stat. 393), as most re-
10 cently amended by section 1217 of the National Defense
11 Authorization Act for Fiscal Year 2020 (Public Law 116–
12 92), is further amended by striking “beginning on October
13 1, 2019, and ending on December 31, 2020” and inserting
14 “beginning on October 1, 2020, and ending on December
15 31, 2021”.

16 (b) **MODIFICATION TO LIMITATION.**—Subsection
17 (d)(1) of such section is amended—

18 (1) by striking “beginning on October 1, 2019,
19 and ending on December 31, 2020” and inserting
20 “beginning on October 1, 2020, and ending on De-
21 cember 31, 2021”; and

22 (2) by striking “\$450,000,000” and inserting
23 “\$180,000,000”.

1 **SEC. 1212. EXTENSION AND MODIFICATION OF COM-**
2 **MANDERS' EMERGENCY RESPONSE PRO-**
3 **GRAM.**

4 Section 1201 of the National Defense Authorization
5 Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat.
6 1619), as most recently amended by section 1208(a) of
7 the National Defense Authorization Act for Fiscal Year
8 2020 (Public Law 116–92), is further amended—

9 (1) in subsection (a)—

10 (A) by striking “December 31, 2020” and
11 inserting “December 31, 2021”; and

12 (B) by striking “\$2,500,000” and insert-
13 ing “\$2,000,000”;

14 (2) in subsection (b), by striking the subsection
15 designation and heading and all that follows through
16 the period at the end of paragraph (1) and inserting
17 the following:

18 “(b) QUARTERLY REPORTS.—

19 “(1) IN GENERAL.—Beginning in fiscal year
20 2021, not later than 45 days after the end of each
21 quarter fiscal year, the Secretary of Defense shall
22 submit to the congressional defense committees a re-
23 port regarding the source of funds and the allocation
24 and use of funds during that quarter fiscal year that
25 were made available pursuant to the authority pro-
26 vided in this section or under any other provision of

1 law for the purposes of the program under sub-
2 section (a).”; and

3 (3) in subsection (f), by striking “December 31,
4 2020” and inserting “December 31, 2021”.

5 **SEC. 1213. EXTENSION AND MODIFICATION OF SUPPORT**
6 **FOR RECONCILIATION ACTIVITIES LED BY**
7 **THE GOVERNMENT OF AFGHANISTAN.**

8 (a) **MODIFICATION OF AUTHORITY TO PROVIDE COV-**
9 **ERED SUPPORT.**—Subsection (a) of section 1218 of the
10 National Defense Authorization Act for Fiscal Year 2020
11 (Public Law 116–92) is amended—

12 (1) by striking the subsection designation and
13 heading and all that follows through “The Secretary
14 of Defense” and inserting the following:

15 “(a) **AUTHORITY TO PROVIDE COVERED SUPPORT.**—

16 “(1) **IN GENERAL.**—Subject to paragraph (2),
17 the Secretary of Defense”; and

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

20 “(2) **LIMITATION ON USE OF FUNDS.**—Amounts
21 authorized to be appropriated or otherwise made
22 available for the Department of Defense by this Act
23 may not be obligated or expended to provide covered
24 support until the date on which the Secretary of De-

1 fense submits to the appropriate committees of Con-
2 gress the report required by subsection (b).”.

3 (b) PARTICIPATION IN RECONCILIATION ACTIVI-
4 TIES.—Such section is further amended—

5 (1) by redesignating subsections (i) through (k)
6 as subsections (j) through (l), respectively;

7 (2) by inserting after subsection (h) the fol-
8 lowing new subsection (i):

9 “(i) PARTICIPATION IN RECONCILIATION ACTIVI-
10 TIES.—Covered support may only be used to support a
11 reconciliation activity that—

12 “(1) includes the participation of members of
13 the Government of Afghanistan; and

14 “(2) does not restrict the participation of
15 women.”.

16 (c) EXTENSION.—Subsection (k) of such section, as
17 so redesignated, is amended by striking “December 31,
18 2020” and inserting “December 31, 2021”.

19 (d) EXCLUSIONS FROM COVERED SUPPORT.—Such
20 section is further amended in paragraph (2)(B) of sub-
21 section (l), as so redesignated—

22 (1) in clause (ii), by inserting “, reimbursement
23 for travel or lodging, and stipends or per diem pay-
24 ments” before the period at the end; and

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

3 “(iii) Any activity involving one or
4 more members of an organization des-
5 ignated as a foreign terrorist organization
6 pursuant to section 219 of the Immigra-
7 tion and Nationality Act (8 U.S.C. 1189)
8 or an individual designated as a specially
9 designated global terrorist pursuant to Ex-
10 ecutive Order 13224 (50 U.S.C. 1701
11 note; relating to blocking property and pro-
12 hibiting transactions with persons who
13 commit, threaten to commit, or support
14 terrorism).”.

15 **SEC. 1214. SENSE OF SENATE ON SPECIAL IMMIGRANT VISA**
16 **PROGRAM FOR AFGHAN ALLIES.**

17 It is the sense of the Senate that—

18 (1) the special immigrant visa program for Af-
19 ghan allies is critical to the mission in Afghanistan
20 and the long-term interests of the United States;

21 (2) maintaining a robust special immigrant visa
22 program for Afghan allies is necessary to support
23 United States Government personnel in Afghanistan
24 who need translation, interpretation, security, and
25 other services;

1 (3) Afghan allies routinely risk their lives to as-
2 sist United States military and diplomatic personnel;

3 (4) honoring the commitments made to Afghan
4 allies with respect to the special immigrant visa pro-
5 gram is essential to ensuring—

6 (A) the continued service and safety of
7 such allies; and

8 (B) the willingness of other like-minded in-
9 dividuals to provide similar services in any fu-
10 ture contingency;

11 (5) the Afghan Allies Protection Act of 2009 (8
12 U.S.C. 1101 note) states that all Government-con-
13 trolled processing of applications for special immi-
14 grant visas under that Act “should be completed not
15 later than 9 months after the date on which an eligi-
16 ble alien submits all required materials to complete
17 an application for such visa”;

18 (6) any backlog in processing special immigrant
19 visa applications should be addressed as quickly as
20 possible so as to honor the United States commit-
21 ment to Afghan allies as soon as possible;

22 (7) failure to process such applications in an
23 expeditious manner puts lives at risk and jeopardizes
24 a critical element of support to United States oper-
25 ations in Afghanistan; and

1 (8) to prevent harm to the operations of the
2 United States Government in Afghanistan, addi-
3 tional visas should be made available to principal
4 aliens who are eligible for special immigrant status
5 under that Act.

6 **SEC. 1215. SENSE OF SENATE AND REPORT ON UNITED**
7 **STATES PRESENCE IN AFGHANISTAN.**

8 (a) SENSE OF THE SENATE.—It is the sense of the
9 Senate that—

10 (1) the United States and our coalition partners
11 have made progress in the fight against al-Qaeda
12 and ISIS in Afghanistan; however, both groups—

13 (A) maintain an ability to operate in Af-
14 ghanistan;

15 (B) seek to undermine stability in the re-
16 gion; and

17 (C) threaten the security of Afghanistan,
18 the United States, and the allies of the United
19 States;

20 (2) the South Asia strategy correctly empha-
21 sizes the importance of a conditions-based United
22 States presence in Afghanistan; therefore, any deci-
23 sion to withdraw the Armed Forces of the United
24 States from Afghanistan should be done in an or-
25 derly manner in response to conditions on the

1 ground, and in coordination with the Government of
2 Afghanistan and United States allies and partners in
3 the Resolute Support mission, rather than arbitrary
4 timelines;

5 (3) a precipitous withdrawal of the Armed
6 Forces of the United States and United States diplo-
7 matic and intelligence personnel from Afghanistan
8 without effective, countervailing efforts to secure
9 gains in Afghanistan may allow violent extremist
10 groups to regenerate, threatening the security of the
11 Afghan people and creating a security vacuum that
12 could destabilize the region and provide ample safe
13 haven for extremist groups seeking to conduct exter-
14 nal attacks;

15 (4) ongoing diplomatic efforts to secure a
16 peaceful, negotiated solution to the conflict in Af-
17 ghanistan are the best path forward for establishing
18 long-term stability and eliminating the threat posed
19 by extremist groups in Afghanistan;

20 (5) the United States supports international
21 diplomatic efforts to facilitate peaceful, negotiated
22 resolution to the ongoing conflict in Afghanistan on
23 terms that respect the rights of innocent civilians
24 and deny safe havens to terrorists; and

1 (6) as part of such diplomatic efforts, and as a
2 condition to be met prior to withdrawal, the United
3 States should seek to secure the release of any
4 United States citizens being held against their will
5 in Afghanistan.

6 (b) REPORT.—

7 (1) IN GENERAL.—Not later than September 1,
8 2020, the Secretary of Defense shall submit to the
9 Committees on Armed Services of the Senate and
10 the House of Representative a report that includes—

11 (A) an assessment of—

12 (i) the external threat posed by ex-
13 tremist groups operating in Afghanistan to
14 the United States homeland and the home-
15 lands of United States allies;

16 (ii) the impact of cessation of United
17 States counterterrorism activities on the
18 size, strength, and external aims of such
19 groups; and

20 (iii) the international financial sup-
21 port the Afghan National Defense and Se-
22 curity Forces requires in order to maintain
23 current operational capabilities, including
24 force cohesion and combat effectiveness;

1 (B) a plan for the orderly transition of all
2 security-related tasks currently undertaken by
3 the Armed Forces of the United States in sup-
4 port of the Afghan National Defense and Secu-
5 rity Forces to Afghanistan, including—

6 (i) precision targeting of Afghanistan-
7 based terrorists;

8 (ii) combat-enabler support, such as
9 artillery and aviation assets; and

10 (iii) noncombat-enabler support, such
11 as intelligence, surveillance and reconnais-
12 sance, medical evacuation, and contractor
13 logistic support; and

14 (C) an update on the status of any United
15 States citizens detained in Afghanistan, and an
16 overview of Administration efforts to secure
17 their release.

18 (2) FORM.—The report required by paragraph
19 (1) shall be submitted in unclassified form but may
20 contain a classified annex.

1 **Subtitle C—Matters Relating to**
2 **Syria, Iraq, and Iran**

3 **SEC. 1221. EXTENSION OF AUTHORITY AND LIMITATION ON**
4 **USE OF FUNDS TO PROVIDE ASSISTANCE TO**
5 **COUNTER THE ISLAMIC STATE OF IRAQ AND**
6 **SYRIA.**

7 (a) **EXTENSION.**—Subsection (a) of section 1236 of
8 the Carl Levin and Howard P. “Buck” McKeon National
9 Defense Authorization Act for Fiscal Year 2015 (Public
10 Law 113–291; 128 Stat. 3558), as most recently amended
11 by section 1233(a) of the John S. McCain National De-
12 fense Authorization Act for Fiscal Year 2019 (Public Law
13 115–232; 132 Stat. 2039), is further amended, in the
14 matter preceding paragraph (1), by striking “December
15 31, 2020” and inserting “December 31, 2021”.

16 (b) **FUNDING.**—Subsection (g) of such section 1236,
17 as most recently amended by section 1221 of the National
18 Defense Authorization Act for Fiscal year 2020 (Public
19 Law 116–92), is amended to read as follows:

20 “(g) **FUNDING.**—

21 “(1) **IN GENERAL.**—Of the amounts authorized
22 to be appropriated for the Department of Defense
23 for Overseas Contingency Operations for fiscal year
24 2021, not more than \$322,500,000 may be used to
25 carry out this section.

1 “(2) LIMITATION AND REPORT.—

2 “(A) IN GENERAL.—Of the funds author-
3 ized to be appropriated under paragraph (1),
4 not more than 25 percent may be obligated or
5 expended until the date on which the Secretary
6 of Defense submits to the appropriate congres-
7 sional committees a report that includes the fol-
8 lowing:

9 “(i) An explanation of the manner in
10 which such support aligns with the objec-
11 tives contained in the national defense
12 strategy.

13 “(ii) A description of the manner in
14 which such support is synchronized with
15 larger whole-of-government funding efforts
16 to strengthen the bilateral relationship be-
17 tween the United States and Iraq.

18 “(iii) A description of—

19 “(I) actions taken by the Govern-
20 ment of Iraq to assert control over
21 popular mobilization forces; and

22 “(II) the role of popular mobili-
23 zation forces in the national security
24 apparatus of Iraq.

1 “(iv) A plan to fully transition secu-
2 rity assistance for the Iraqi Security
3 Forces from the Counter-Islamic State of
4 Iraq and Syria Train and Equip Fund to
5 standing security assistance authorities
6 managed by the Defense Security Coopera-
7 tion Agency and the Department of State
8 by not later than September 30, 2022.

9 “(B) FORM.—The report under subpara-
10 graph (A) shall be submitted in unclassified
11 form but may include a classified annex.”.

12 **SEC. 1222. EXTENSION AND MODIFICATION OF AUTHORITY**
13 **TO PROVIDE ASSISTANCE TO VETTED SYRIAN**
14 **GROUPS AND INDIVIDUALS.**

15 Section 1209 of the Carl Levin and Howard P.
16 “Buck” McKeon National Defense Authorization Act for
17 Fiscal Year 2015 (Public Law 113–291; 127 Stat. 3541),
18 as most recently amended by section 1222(a) of the Na-
19 tional Defense Authorization Act for Fiscal Year 2020
20 (Public Law 116–92), is further amended—

21 (1) in the section heading, by striking “**THE**
22 **VETTED SYRIAN OPPOSITION**” and inserting
23 “**VETTED SYRIAN GROUPS AND INDIVIDUALS**”;

1 (2) in subsection (a), in the matter preceding
2 paragraph (1), by striking “December 31, 2020”
3 and inserting “December 31, 2021”;

4 (3) by striking subsections (b) and (c);

5 (4) by redesignating subsections (d) through
6 (m) as subsections (b) through (k), respectively; and

7 (5) in paragraph (2) of subsection (b), as so re-
8 designated—

9 (A) in subparagraph (J)(iii), by redesign-
10 ating subclause (I) as subparagraph (M) and
11 moving the subparagraph four ems to the left;

12 (B) by redesignating subparagraphs (A)
13 through (F) and (G) through (J) as subpara-
14 graphs (B) through (G) and (I) through (L),
15 respectively;

16 (C) by inserting before subparagraph (B),
17 as so redesignated, the following new subpara-
18 graph (A):

19 “(A) An accounting of the obligation and
20 expenditure of authorized funding for the cur-
21 rent and preceding fiscal year.”;

22 (D) by inserting after subparagraph (G),
23 as so redesignated, the following new subpara-
24 graph (H):

1 “(H) The mechanisms and procedures that
2 will be used to monitor and report to the appro-
3 priate congressional committees and leadership
4 of the Senate and House of Representatives any
5 unauthorized end-use of provided training and
6 equipment or other violations of relevant law by
7 appropriately vetted recipients.”; and

8 (E) by adding at the end the following new
9 subparagraph:

10 “(N) Any other matter the Secretary con-
11 siders appropriate.”.

12 **SEC. 1223. EXTENSION AND MODIFICATION OF AUTHORITY**
13 **TO SUPPORT OPERATIONS AND ACTIVITIES**
14 **OF THE OFFICE OF SECURITY COOPERATION**
15 **IN IRAQ.**

16 (a) **LIMITATION ON AMOUNT.**—Subsection (c) of sec-
17 tion 1215 of the National Defense Authorization Act for
18 Fiscal Year 2015 (10 U.S.C. 113 note) is amended—

19 (1) by striking “fiscal year 2020” and inserting
20 “fiscal year 2021”; and

21 (2) by striking “\$30,000,000” and inserting
22 “\$15,000,000”.

23 (b) **SOURCE OF FUNDS.**—Subsection (d) of such sec-
24 tion is amended by striking “fiscal year 2020” and insert-
25 ing “fiscal year 2021”.

1 (c) ADDITIONAL AUTHORITY.—Subsection (f) of such
2 section is amended—

3 (1) in paragraph (1), in the matter preceding
4 subparagraph (A), by striking “fiscal year 2019”
5 and inserting “fiscal year 2021”; and

6 (2) in paragraph (3), by striking “the National
7 Defense Authorization Act for Fiscal Year 2020”
8 and inserting “the National Defense Authorization
9 Act for Fiscal Year 2021”.

10 (d) REPORT.—Subsection (g)(1) of such section is
11 amended by striking “September 30, 2020” and inserting
12 “March 1, 2021”.

13 (e) LIMITATION ON AVAILABILITY OF FUNDS.—Sub-
14 section (h) of such section is amended—

15 (1) in the matter preceding paragraph (1)—

16 (A) by striking “fiscal year 2020” and in-
17 serting “fiscal year 2021”; and

18 (B) by striking “\$20,000,000” and insert-
19 ing “\$10,000,000”;

20 (2) by striking paragraph (1);

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

23 (4) in paragraph (1), as so redesignated, by
24 striking “The development of a staffing plan” and

1 inserting “A progress report with respect to the de-
2 velopment of a staffing plan”; and

3 (5) in paragraph (2), as so redesignated, by
4 striking “The initiation” and inserting “A progress
5 report with respect to the initiation”.

6 **Subtitle D—Matters Relating to Eu-**
7 **rope and the Russian Federa-**
8 **tion**

9 **SEC. 1231. EXTENSION OF LIMITATION ON MILITARY CO-**
10 **OPERATION BETWEEN THE UNITED STATES**
11 **AND THE RUSSIAN FEDERATION.**

12 Section 1232(a) of the National Defense Authoriza-
13 tion Act for Fiscal Year 2017 (Public Law 114–328; 130
14 Stat. 2488), as most recently amended by section 1231
15 of the National Defense Authorization Act for Fiscal Year
16 2020 (Public Law 116–92), is further amended in the
17 matter preceding paragraph (1), by striking “, 2019, or
18 2020” and inserting “2019, 2020, or 2021”.

19 **SEC. 1232. PROHIBITION ON AVAILABILITY OF FUNDS RE-**
20 **LATING TO SOVEREIGNTY OF THE RUSSIAN**
21 **FEDERATION OVER CRIMEA.**

22 (a) PROHIBITION.—None of the funds authorized to
23 be appropriated by this Act for fiscal year 2021 for the
24 Department of Defense may be obligated or expended to,
25 and the Department may not, implement any activity that

1 recognizes the sovereignty of the Russian Federation over
2 Crimea.

3 (b) WAIVER.—The Secretary of Defense, with the
4 concurrence of the Secretary of State, may waive the pro-
5 hibition under subsection (a) if the Secretary of Defense—

6 (1) determines that a waiver is in the national
7 security interest of the United States; and

8 (2) on the date on which the waiver is invoked,
9 submits a notification of the waiver and a justifica-
10 tion of the reason for seeking the waiver to—

11 (A) the Committee on Armed Services and
12 the Committee on Foreign Relations of the Sen-
13 ate; and

14 (B) the Committee on Armed Services and
15 the Committee on Foreign Affairs of the House
16 of Representatives.

17 **SEC. 1233. MODIFICATION AND EXTENSION OF UKRAINE SE-**
18 **CURITY ASSISTANCE INITIATIVE.**

19 Section 1250 of the National Defense Authorization
20 Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat.
21 1068), as most recently amended by section 1244 of the
22 National Defense Authorization Act for Fiscal Year 2020
23 (Public Law 116–92), is further amended—

24 (1) in subsection (c)—

25 (A) in paragraph (2)(B)—

1 (i) in clause (iv), by striking “; and”
2 and inserting a semicolon;

3 (ii) in clause (v), by striking the pe-
4 riod at the end and inserting a semicolon;
5 and

6 (iii) by adding at the end the fol-
7 lowing:

8 “(vi) transformation of command and
9 control structures and roles in line with
10 North Atlantic Treaty Organization prin-
11 ciples; and

12 “(vii) improvement of human re-
13 sources management, including to support
14 career management reforms, enhanced so-
15 cial support to military personnel and their
16 families, and professional military edu-
17 cation systems.”; and

18 (B) by amending paragraph (5) to read as
19 follows:

20 “(5) LETHAL ASSISTANCE.—Of the funds avail-
21 able for fiscal year 2021 pursuant to subsection
22 (f)(6), \$125,000,000 shall be available only for le-
23 thal assistance described in paragraphs (2), (3),
24 (11), (12), (13), and (14) of subsection (b).”;

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

3 “(6) For fiscal year 2021, \$250,000,000.”; and

4 (3) in subsection (h), by striking “December
5 31, 2022” and inserting “December 31, 2024”.

6 **SEC. 1234. REPORT ON CAPABILITY AND CAPACITY RE-**
7 **QUIREMENTS OF MILITARY FORCES OF**
8 **UKRAINE AND RESOURCE PLAN FOR SECU-**
9 **RITY ASSISTANCE.**

10 (a) REPORT.—Not later than 180 days after the date
11 of the enactment of this Act, the Secretary of Defense and
12 the Secretary of State shall jointly submit to the appro-
13 priate committees of Congress a report on the capability
14 and capacity requirements of the military forces of
15 Ukraine, which shall include the following:

16 (1) An analysis of the capability gaps and ca-
17 pacity shortfalls of the military forces of Ukraine
18 that includes—

19 (A) an assessment of the requirements of
20 the navy of Ukraine to accomplish its assigned
21 missions; and

22 (B) an assessment of the requirements of
23 the air force of Ukraine to accomplish its as-
24 signed missions.

1 (2) An assessment of the relative priority as-
2 signed by the Government of Ukraine to addressing
3 such capability gaps and capacity shortfalls.

4 (3) An assessment of the capability gaps and
5 capacity shortfalls that—

6 (A) could be addressed in a sufficient and
7 timely manner by unilateral efforts of the Gov-
8 ernment of Ukraine; and

9 (B) are unlikely to be addressed in a suffi-
10 cient and timely manner solely through unilat-
11 eral efforts.

12 (4) An assessment of the capability gaps and
13 capacity shortfalls described in paragraph (3)(B)
14 that could be addressed in a sufficient and timely
15 manner by—

16 (A) the Ukraine Security Assistance Initia-
17 tive of the Department of Defense;

18 (B) Department of Defense security assist-
19 ance authorized by section 333 of title 10,
20 United States Code;

21 (C) the Foreign Military Financing and
22 Foreign Military Sales programs of the Depart-
23 ment of State; or

24 (D) the provision of excess defense articles.

1 (5) An assessment of the human resources re-
2 quirements of the Office of Defense Cooperation at
3 the United States Embassy in Kyiv and any gaps in
4 the capacity of such Office of Defense Cooperation
5 to provide security assistance to Ukraine.

6 (6) Any recommendations the Secretary of De-
7 fense and the Secretary of State consider appro-
8 priate concerning the coordination of security assist-
9 ance efforts of the Department of Defense and the
10 Department of State with respect to Ukraine.

11 (b) RESOURCE PLAN.—Not later than February 15,
12 2022, the Secretary of Defense and the Secretary of State
13 shall jointly submit to the appropriate committees of Con-
14 gress a resource plan for United States security assistance
15 with respect to Ukraine, which shall include the following:

16 (1) A plan to resource the following initiatives
17 and programs with respect to Ukraine in fiscal year
18 2023 and the four succeeding fiscal years to meet
19 the most critical capability gaps and capacity short-
20 falls of the military forces of Ukraine:

21 (A) The Ukraine Security Assistance Ini-
22 tiative of the Department of Defense.

23 (B) Department of Defense security assist-
24 ance authorized by section 333 of title 10,
25 United States Code.

1 (C) The Foreign Military Financing and
2 Foreign Military Sales programs of the Depart-
3 ment of State.

4 (D) The provision of excess defense arti-
5 cles.

6 (2) With respect to the navy of Ukraine, the
7 following:

8 (A) A capability development plan, with
9 milestones, detailing the manner in which the
10 United States will assist the Government of
11 Ukraine in meeting the requirements referred
12 to in subsection (a)(1)(A).

13 (B) A plan for United States cooperation
14 with third countries and international organiza-
15 tions that have the resources and ability to pro-
16 vide immediate assistance to the navy of
17 Ukraine while maintaining interoperability with
18 United States platforms to the extent feasible.

19 (C) A plan to prioritize the provision of ex-
20 cess defense articles for the navy of Ukraine to
21 the extent practicable during fiscal year 2023
22 and the four succeeding fiscal years.

23 (D) An assessment of the manner in which
24 United States security assistance to the navy of

1 Ukraine is in the national security interests of
2 the United States.

3 (3) With respect to the air force of Ukraine, the
4 following:

5 (A) A capability development plan, with
6 milestones, detailing the manner in which the
7 United States will assist the Government of
8 Ukraine in meeting the requirements referred
9 to in subsection (a)(1)(B).

10 (B) A plan for United States cooperation
11 with third countries and international organiza-
12 tions that have the resources and ability to pro-
13 vide immediate assistance to the air force of
14 Ukraine while maintaining interoperability with
15 United States platforms to the extent feasible.

16 (C) A plan to prioritize the provision of ex-
17 cess defense articles for the air force of Ukraine
18 to the extent practicable during fiscal year 2023
19 and the four succeeding fiscal years.

20 (D) An assessment of the manner in which
21 United States security assistance to the air
22 force of Ukraine is in the national security in-
23 terests of the United States.

24 (4) An assessment of progress on defense insti-
25 tutional reforms in Ukraine, including with respect

1 to the navy and air force of Ukraine, during fiscal
2 year 2023 and the four succeeding fiscal years that
3 will be essential for—

4 (A) enabling effective use and sustainment
5 of capabilities developed under security assist-
6 ance authorities described in this section;

7 (B) enhancing the defense of the sov-
8 ereignty and territorial integrity of Ukraine;

9 (C) achieving the stated goal of the Gov-
10 ernment of Ukraine of meeting North Atlantic
11 Treaty Organization standards; and

12 (D) allowing Ukraine to achieve its full po-
13 tential as a strategic partner of the United
14 States.

15 (e) FORM.—The report required by subsection (a)
16 and the resource plan required by subsection (b) shall each
17 be submitted in a classified form with an unclassified sum-
18 mary.

19 (d) APPROPRIATE COMMITTEES OF CONGRESS DE-
20 FINED.—In this section, the term “appropriate commit-
21 tees of Congress” means—

22 (1) the Committee on Armed Services, the
23 Committee on Foreign Relations, and the Committee
24 on Appropriations of the Senate; and

1 (2) the Committee on Armed Services, the
2 Committee on Foreign Affairs, and the Committee
3 on Appropriations of the House of Representatives.

4 **SEC. 1235. SENSE OF SENATE ON NORTH ATLANTIC TREATY**
5 **ORGANIZATION ENHANCED OPPORTUNITIES**
6 **PARTNER STATUS FOR UKRAINE.**

7 It is the sense of the Senate that—

8 (1) the United States should support the des-
9 ignation of Ukraine as an enhanced opportunities
10 partner as part of the Partnership Interoperability
11 Initiative of the North Atlantic Treaty Organization;

12 (2) the participation of Ukraine in the en-
13 hanced opportunities partner program is in the
14 shared security interests of Ukraine, the United
15 States, and the North Atlantic Treaty Organization
16 alliance;

17 (3) the unique experience, capabilities, and
18 technical expertise of Ukraine, especially with re-
19 spect to hybrid warfare, cybersecurity, and foreign
20 disinformation, would enable Ukraine to make a
21 positive contribution to the North Atlantic Treaty
22 Organization alliance through participation in the
23 enhanced opportunities partner program;

24 (4) while not a replacement for North Atlantic
25 Treaty Organization membership, participation in

1 the enhanced opportunities partner program would
2 have significant benefits for the security of Ukraine,
3 including—

4 (A) more regular consultations on security
5 matters;

6 (B) enhanced access to interoperability
7 programs and exercises;

8 (C) expanded information sharing; and

9 (D) improved coordination of crisis pre-
10 paredness and response; and

11 (5) progress on defense institutional reforms in
12 Ukraine, including defense institutional reforms in-
13 tended to align the military forces of Ukraine with
14 North Atlantic Treaty Organization standards, re-
15 mains essential for—

16 (A) a more effective defense of the sov-
17 ereignty and territorial integrity of Ukraine;

18 (B) allowing Ukraine to achieve its full po-
19 tential as a strategic partner of the United
20 States; and

21 (C) increased cooperation between Ukraine
22 and the North Atlantic Treaty Organization.

1 **SEC. 1236. EXTENSION OF AUTHORITY FOR TRAINING FOR**
2 **EASTERN EUROPEAN NATIONAL SECURITY**
3 **FORCES IN THE COURSE OF MULTILATERAL**
4 **EXERCISES.**

5 Subsection (h) of section 1251 of the National De-
6 fense Authorization Act for Fiscal Year 2016 (10 U.S.C.
7 333 note), as most recently amended by section 1247 of
8 the National Defense Authorization Act for Fiscal Year
9 2020 (Public Law 116–92) is further amended—

10 (1) in the first sentence, by striking “December
11 31, 2021” and inserting “December 31, 2023”; and

12 (2) in the second sentence, by striking “the pe-
13 riod beginning on October 1, 2015, and ending on
14 December 31, 2021” and inserting “the period be-
15 ginning on October 1, 2015, and ending on Decem-
16 ber 31, 2023”.

17 **SEC. 1237. SENSE OF SENATE ON KOSOVO AND THE ROLE**
18 **OF THE KOSOVO FORCE OF THE NORTH AT-**
19 **LANTIC TREATY ORGANIZATION.**

20 It is the sense of the Senate that—

21 (1) normalization of relations between Kosovo
22 and Serbia is in the interest of both countries and
23 would enhance security and stability in the Western
24 Balkans;

25 (2) the United States should continue to sup-
26 port the diplomatic efforts of Kosovo and Serbia to

1 reach a historic agreement to normalize relations be-
2 tween the two countries;

3 (3) mutual recognition should be a central ele-
4 ment of normalization of relations between Kosovo
5 and Serbia;

6 (4) both Kosovo and Serbia should refrain from
7 actions that would make an agreement more difficult
8 to achieve;

9 (5) the Kosovo Force of the North Atlantic
10 Treaty Organization continues to play an indispen-
11 sable role in maintaining security and stability,
12 which are the essential predicates for the success of
13 the diplomatic efforts of Kosovo and Serbia to
14 achieve normalization of relations;

15 (6) the participation of the United States
16 Armed Forces in the Kosovo Force is foundational
17 to the credibility and success of mission of the
18 Kosovo Force;

19 (7) with the North Atlantic Treaty Organiza-
20 tion allies and other European partners contributing
21 over 80 percent of the troops for the mission, the
22 Kosovo Force represents a positive example of bur-
23 den sharing;

24 (8) together with the allies and partners of the
25 United States, the United States should—

1 (A) maintain its commitment to the
2 Kosovo Force; and

3 (B) take all appropriate steps to ensure
4 that the Kosovo Force has the necessary per-
5 sonnel, capabilities, and resources to perform
6 its critical mission; and

7 (9) the United States should continue to sup-
8 port the gradual transition of the Kosovo Security
9 Force to a multi-ethnic army for the Republic of
10 Kosovo that is interoperable with North Atlantic
11 Treaty Organization members through an inclusive
12 and transparent process that—

13 (A) respects the rights and concerns of all
14 citizens of Kosovo;

15 (B) promotes regional security and sta-
16 bility; and

17 (C) supports the aspirations of Kosovo for
18 eventual full membership in the North Atlantic
19 Treaty Organization.

20 **SEC. 1238. SENSE OF SENATE ON STRATEGIC COMPETITION**
21 **WITH THE RUSSIAN FEDERATION AND RE-**
22 **LATED ACTIVITIES OF THE DEPARTMENT OF**
23 **DEFENSE.**

24 It is the sense of the Senate that—

1 (1) the 2018 National Defense Strategy affirms
2 the re-emergence of long-term strategic competition
3 with the Russian Federation as a principal priority
4 for the Department of Defense that requires sus-
5 tained investment due to the magnitude of the
6 threat posed to United States security, prosperity,
7 and alliances and partnerships;

8 (2) given the continued military modernization
9 of the Russian Federation, including the develop-
10 ment of long-range strike systems and other ad-
11 vanced capabilities, the United States should
12 prioritize efforts within the North Atlantic Treaty
13 Organization to implement timely measures to en-
14 sure that the deterrence and defense posture of the
15 North Atlantic Treaty Organization remains credible
16 and effective;

17 (3) the United States should reaffirm support
18 for the open-door policy of the North Atlantic Trea-
19 ty Organization;

20 (4) to enhance deterrence against aggression by
21 the Russian Federation, the Department of Defense
22 should—

23 (A) continue—

24 (i) to prioritize funding for the Euro-
25 pean Deterrence Initiative to address capa-

1 bility gaps, capacity shortfalls, and infra-
2 structure requirements of the Joint Force
3 in Europe;

4 (ii) to increase pre-positioned stocks
5 of equipment in Europe; and

6 (iii) rotational deployments of United
7 States forces to Romania and Bulgaria
8 while pursuing training opportunities at
9 military locations such as Camp Mihail
10 Kogalniceanu in Romania and Novo Selo
11 Training Area in Bulgaria;

12 (B) increase—

13 (i) focus and resources to address the
14 changing military balance in the Black Sea
15 region;

16 (ii) the frequency, scale, and scope of
17 North Atlantic Treaty Organization and
18 other multilateral exercises in the Black
19 Sea region, including with the participation
20 of Ukraine and Georgia; and

21 (iii) presence and activities in the Arc-
22 tic, including special operations training
23 and naval operations and training;

24 (C) maintain robust naval presence at
25 Souda Bay, Greece, and pursue opportunities

1 for increased United States presence at other
2 locations in Greece;

3 (D) enhance military-to-military engage-
4 ment among Western Balkan countries to pro-
5 mote interoperability with the North Atlantic
6 Treaty Organization and regional security co-
7 operation; and

8 (E) expand information sharing, improve
9 planning coordination, and increase the fre-
10 quency, scale, and scope of exercises with Swe-
11 den and Finland to deepen interoperability; and

12 (5) to counter Russian Federation activities
13 short of armed conflict, the Department of Defense
14 should—

15 (A) integrate with United States inter-
16 agency efforts to employ all elements of na-
17 tional power to counter Russian Federation hy-
18 brid warfare; and

19 (B) bolster the capabilities of allies and
20 partners to counteract Russian Federation coer-
21 cion, including through expanded cyber coopera-
22 tion and enhanced resilience against
23 disinformation and malign influence.

1 **SEC. 1239. REPORT ON RUSSIAN FEDERATION SUPPORT OF**
2 **RACIALLY AND ETHNICALLY MOTIVATED VIO-**
3 **LENT EXTREMISTS.**

4 (a) IN GENERAL.—Not later than 180 days after the
5 date of the enactment of this Act, the Secretary of De-
6 fense, in consultation with the head of any other relevant
7 Federal department or agency, shall submit to the appro-
8 priate committees of Congress a report on Russian Fed-
9 eration support of racially and ethnically motivated violent
10 extremist groups and networks in Europe and the United
11 States, including such support provided by agents and en-
12 tities of the Russian Federation acting at the direction or
13 for the benefit of the Government of the Russian Federa-
14 tion.

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

17 (1) A list of each racially or ethnically moti-
18 vated violent extremist group or network in Europe
19 or the United States known to meet, or suspected of
20 meeting, the following criteria:

21 (A) The group or network has been tar-
22 geted or recruited by the security services of the
23 Russian Federation.

24 (B) The group or network has received
25 support (including training, disinformation or
26 amplification on social media platforms, finan-

1 cial support, and any other support) from the
2 Russian Federation or an agent or entity of the
3 Russian Federation acting at the direction or
4 for the benefit of the Government of the Rus-
5 sian Federation.

6 (C) The group—

7 (i) has leadership or a base of oper-
8 ations located within the Russian Federa-
9 tion; and

10 (ii) operates or maintains a chapter or
11 network of the group in Europe or the
12 United States.

13 (2) An assessment of the manner in which Rus-
14 sian Federation support of such groups or networks
15 aligns with the strategic interests of the Russian
16 Federation with respect to Europe and the United
17 States.

18 (3) An assessment of the role of such groups or
19 networks in—

20 (A) assisting Russian Federation-backed
21 separatist forces in the Donbas region of
22 Ukraine; or

23 (B) destabilizing security on the Crimean
24 peninsula of Ukraine.

1 (4) An assessment of the manner in which Rus-
2 sian Federation support of such groups or networks
3 has—

4 (A) contributed to the destabilization of se-
5 curity in the Balkans; and

6 (B) threatened the support for the North
7 Atlantic Treaty Organization in Southeastern
8 Europe.

9 (5) A description of any relationship or affili-
10 ation between such groups or networks and
11 ultranationalist or extremist political parties in Eu-
12 rope and the United States, and an assessment of
13 the manner in which the Russian Federation may
14 use such a relationship or affiliation to advance the
15 strategic interests of the Russian Federation.

16 (6) A description of the use by the Russian
17 Federation of social media platforms to support or
18 amplify the presence or messaging of such groups or
19 networks, and an assessment of any effort in Europe
20 or the United States to counter such support or am-
21 plification.

22 (7) A description of the legal and political im-
23 plications of the designation of the Russian Imperial
24 Movement, and members of the leadership of the
25 Russian Imperial Movement, as specially designated

1 global terrorists pursuant to Executive Order 13224
2 (50 U.S.C. 1701 note; relating to blocking property
3 and prohibiting transactions with persons who com-
4 mit, threaten to commit, or support terrorism) and
5 the response of the Government of the Russian Fed-
6 eration to such designation.

7 (8) Recommendations of the Secretary of De-
8 fense, consistent with a whole-of-government ap-
9 proach to countering Russian Federation informa-
10 tion warfare and malign influence operations—

11 (A) to mitigate the security threat posed
12 by such groups or networks; and

13 (B) to reduce or counter Russian Federa-
14 tion support for such groups or networks.

15 (c) FORM.—The report required by subsection (a)
16 shall be submitted in unclassified form but may include
17 a classified annex.

18 (d) APPROPRIATE COMMITTEES OF CONGRESS DE-
19 FINED.—In this section, the term “appropriate commit-
20 tees of Congress” means—

21 (1) the Committee on Armed Services, the
22 Committee on Foreign Relations, and the Select
23 Committee on Intelligence of the Senate; and

24 (2) the Committee on Armed Services, the
25 Committee on Foreign Affairs, and the Permanent

1 Select Committee on Intelligence of the House of
2 Representatives.

3 **SEC. 1240. PARTICIPATION IN EUROPEAN PROGRAM ON**
4 **MULTILATERAL EXCHANGE OF SURFACE**
5 **TRANSPORTATION SERVICES.**

6 (a) IN GENERAL.—Subchapter II of chapter 138 of
7 title 10, United States Code, is amended by inserting after
8 subsection (l) the following new section 2350m:

9 **“§ 2350m. Participation in European program on mul-**
10 **tilateral exchange of surface transpor-**
11 **tation services**

12 “(a) PARTICIPATION AUTHORIZED.—

13 “(1) IN GENERAL.—The Secretary of Defense,
14 with the concurrence of the Secretary of State, may
15 authorize the participation of the Department of De-
16 fense in the Surface Exchange of Services program
17 (in this section referred to as the ‘SEOS program’)
18 of the Movement Coordination Centre Europe.

19 “(2) SCOPE OF PARTICIPATION.—Participation
20 of the Department of Defense in the SEOS program
21 under paragraph (1) may include—

22 “(A) the reciprocal exchange or transfer of
23 surface transportation on a reimbursable basis
24 or by replacement-in-kind; and

1 “(B) the exchange of surface transpor-
2 tation services of an equal value.

3 “(b) WRITTEN ARRANGEMENT OR AGREEMENT.—

4 “(1) IN GENERAL.—Participation of the De-
5 partment of Defense in the SEOS program shall be
6 in accordance with a written arrangement or agree-
7 ment entered into by the Secretary of Defense, with
8 the concurrence of the Secretary of State, and the
9 Movement Coordination Centre Europe.

10 “(2) NOTIFICATION.—The Secretary of Defense
11 shall provide to the congressional defense commit-
12 tees notification of any arrangement or agreement
13 entered into under paragraph (1).

14 “(3) FUNDING ARRANGEMENTS.—If Depart-
15 ment of Defense facilities, equipment, or funds are
16 used to support the SEOS program, the written ar-
17 rangement or agreement under paragraph (1) shall
18 specify the details of any equitable cost-sharing or
19 other funding arrangement.

20 “(4) OTHER ELEMENTS.—Any written arrange-
21 ment or agreement entered into under paragraph (1)
22 shall require that any accrued credits or liability re-
23 sulting from an unequal exchange or transfer of sur-
24 face transportation services shall be liquidated

1 through the SEOS program not less than once every
2 five years.

3 “(c) IMPLEMENTATION.—In carrying out any ar-
4 rangement or agreement entered into under subsection
5 (b), the Secretary of Defense may—

6 “(1) pay the equitable share of the Department
7 of Defense for the operating expenses of the Move-
8 ment Coordination Centre Europe and the SEOS
9 program from funds available to the Department of
10 Defense for operation and maintenance; and

11 “(2) assign members of the armed forces or De-
12 partment of Defense civilian personnel, within billets
13 authorized for the United States European Com-
14 mand, to duty at the Movement Coordination Centre
15 Europe as necessary to fulfill Department of De-
16 fense obligations under that arrangement or agree-
17 ment.

18 “(d) CREDITING OF RECEIPTS.—Any amount re-
19 ceived by the Department of Defense as part of the SEOS
20 program shall be credited, at the option of the Secretary
21 of Defense, to—

22 “(1) the appropriation, fund, or account used in
23 incurring the obligation for which such amount is re-
24 ceived; or

1 “(2) an appropriate appropriation, fund, or ac-
2 count currently available for the purposes for which
3 the expenditures were made.

4 “(e) ANNUAL REPORT.—

5 “(1) IN GENERAL.—Not later than 30 days
6 after the end of each fiscal year in which the author-
7 ity under this section is in effect, the Secretary of
8 Defense shall submit to the congressional defense
9 committees a report on Department of Defense par-
10 ticipation in the SEOS program during such fiscal
11 year.

12 “(2) ELEMENTS.—Each report required by
13 paragraph (1) shall include the following:

14 “(A) A description of the equitable share
15 of the costs and activities of the SEOS program
16 paid by the Department of Defense.

17 “(B) A description of any amount received
18 by the Department of Defense as part of such
19 program, including the country from which the
20 amount was received.

21 “(f) LIMITATION ON STATUTORY CONSTRUCTION.—
22 Nothing in this section may be construed to authorize the
23 use of foreign sealift in violation of section 2631.”.

24 (b) CLERICAL AMENDMENT.—The table of sections
25 at the beginning of such subchapter is amended by insert-

1 ing after the item relating to section 2350l the following
2 new item:

“2350m. Participation in European program on multilateral exchange of surface transportation services.”.

3 **SEC. 1241. PARTICIPATION IN PROGRAMS RELATING TO CO-**
4 **ORDINATION OR EXCHANGE OF AIR REFUEL-**
5 **ING AND AIR TRANSPORTATION SERVICES.**

6 (a) IN GENERAL.—Subchapter II of chapter 138 of
7 title 10, United States Code, as amended by section
8 1240(a), is further amended by adding at the end the fol-
9 lowing new section:

10 **“§ 2350o. Participation in programs relating to co-**
11 **ordination or exchange of air refueling**
12 **and air transportation services**

13 “(a) PARTICIPATION AUTHORIZED.—

14 “(1) IN GENERAL.—The Secretary of Defense,
15 with the concurrence of the Secretary of State, may
16 authorize the participation of the Department of De-
17 fense in programs relating to the coordination or ex-
18 change of air refueling and air transportation serv-
19 ices, including in the arrangement known as the Air
20 Transport and Air-to-Air Refueling and other Ex-
21 changes of Services program (in this section referred
22 to as the ‘ATARES program’).

1 “(2) SCOPE OF PARTICIPATION.—Participation
2 of the Department of Defense in programs referred
3 to in paragraph (1) may include—

4 “(A) the reciprocal exchange or transfer of
5 air refueling and air transportation services on
6 a reimbursable basis or by replacement-in-kind;
7 and

8 “(B) the exchange of air refueling and air
9 transportation services of an equal value.

10 “(3) LIMITATIONS WITH RESPECT TO PARTICI-
11 PATION IN ATARES PROGRAM.—

12 “(A) IN GENERAL.—The Department of
13 Defense balance of executed flight hours in par-
14 ticipation in the ATARES program under para-
15 graph (1), whether as credits or debits, may not
16 exceed a total of 500 hours.

17 “(B) AIR REFUELING.—The Department
18 of Defense balance of executed flight hours for
19 air refueling in participation in the ATARES
20 program under paragraph (1) may not exceed
21 200 hours.

22 “(b) WRITTEN ARRANGEMENT OR AGREEMENT.—
23 Participation of the Department of Defense in a program
24 referred to in subsection (a)(1) shall be in accordance with
25 a written arrangement or agreement entered into by the

1 Secretary of Defense, with the concurrence of the Sec-
2 retary of State.

3 “(c) IMPLEMENTATION.—In carrying out any ar-
4 rangement or agreement entered into under subsection
5 (b), the Secretary of Defense may—

6 “(1) pay the equitable share of the Department
7 of Defense for the recurring and nonrecurring costs
8 of the applicable program referred to in subsection
9 (a)(1) from funds available to the Department for
10 operation and maintenance; and

11 “(2) assign members of the armed forces or De-
12 partment of Defense civilian personnel to fulfill De-
13 partment obligations under that arrangement or
14 agreement.”.

15 (b) CLERICAL AMENDMENT.—The table of sections
16 at the beginning of such subchapter, as amended by sec-
17 tion 1240(b), is further amended by adding at the end
18 the following new item:

“2350o. Participation in programs relating to coordination or exchange of air
refueling and air transportation services.”.

19 (c) REPEAL.—Section 1276 of the National Defense
20 Authorization Act for Fiscal Year 2013 (10 U.S.C. 2350c
21 note) is repealed.

1 **Subtitle E—Matters Relating to the**
2 **Indo-Pacific Region**

3 **SEC. 1251. PACIFIC DETERRENCE INITIATIVE.**

4 (a) IN GENERAL.—The Secretary of Defense shall
5 carry out an initiative to ensure the effective implementa-
6 tion of the National Defense Strategy with respect to the
7 Indo-Pacific region, to be known as the “Pacific Deter-
8 rence Initiative” (in this section referred to as the “Initia-
9 tive”).

10 (b) PURPOSE.—The purpose of the Initiative is to
11 carry out only the following activities:

12 (1) Activities to increase the lethality of the
13 joint force in the Indo-Pacific region, including, but
14 not limited to—

15 (A) by improving active and passive de-
16 fenses against theater cruise, ballistic, and
17 hypersonic missiles for bases, operating loca-
18 tions, and other critical infrastructure at loca-
19 tions west of the International Date Line; and

20 (B) procurement and fielding of—

21 (i) long-range precision strike systems
22 to be stationed or pre-positioned west of
23 the International Date Line;

1 (ii) critical munitions to be pre-
2 tioned at locations west of the Inter-
3 national Date Line; and

4 (iii) command, control, communica-
5 tions, computers and intelligence, surveil-
6 lance, and reconnaissance systems intended
7 for stationing or operational use in the
8 Indo-Pacific region.

9 (2) Activities to enhance the design and posture
10 of the joint force in the Indo-Pacific region, includ-
11 ing, but not limited to, by—

12 (A) transitioning from large, centralized,
13 and unhardened infrastructure to smaller, dis-
14 persed, resilient, and adaptive basing at loca-
15 tions west of the International Date Line;

16 (B) increasing the number and capabilities
17 of expeditionary airfields and ports in the Indo-
18 Pacific region available for operational use at
19 locations west of the International Date Line;

20 (C) enhancing pre-positioned forward
21 stocks of fuel, munitions, equipment, and mate-
22 riel at locations west of the International Date
23 Line;

24 (D) increasing the availability of strategic
25 mobility assets in the Indo-Pacific region;

1 (E) improving distributed logistics and
2 maintenance capabilities in the Indo-Pacific re-
3 gion to ensure logistics sustainment while under
4 persistent multidomain attack; and

5 (F) increasing the presence of the Armed
6 Forces at locations west of the International
7 Date Line.

8 (3) Activities to strengthen alliances and part-
9 nerships, including, but not limited to, by—

10 (A) building capacity of allies and part-
11 ners; and

12 (B) improving—

13 (i) interoperability and information
14 sharing with allies and partners; and

15 (ii) information operations capabilities
16 in the Indo-Pacific region, with a focus on
17 reinforcing United States commitment to
18 allies and partners and countering malign
19 influence.

20 (4) Activities to carry out a program of exer-
21 cises, experimentation, and innovation for the joint
22 force in the Indo-Pacific region.

23 (c) PLAN REQUIRED.—Not later than February 15,
24 2021, the Secretary, in consultation with the Commander
25 of the United States Indo-Pacific Command, shall submit

1 to the congressional defense committees a plan to expend
2 not less than the amounts authorized to be appropriated
3 under subsection (e)(2).

4 (d) BUDGET DISPLAY INFORMATION.—The Sec-
5 retary shall include in the materials of the Department
6 of Defense in support of the budget of the President (sub-
7 mitted to Congress pursuant to section 1105 of title 31,
8 United States Code) for fiscal year 2022 and each fiscal
9 year thereafter a detailed budget display for the Initiative
10 that includes the following information:

11 (1) A future-years plan with respect to activi-
12 ties and resources for the Initiative for the applica-
13 ble fiscal year and not fewer than the four following
14 fiscal years.

15 (2) With respect to procurement accounts—

16 (A) amounts displayed by account, budget
17 activity, line number, line item, and line item
18 title; and

19 (B) a description of the requirements for
20 such amounts specific to the Initiative.

21 (3) With respect to research, development, test,
22 and evaluation accounts—

23 (A) amounts displayed by account, budget
24 activity, line number, program element, and
25 program element title; and

1 (B) a description of the requirements for
2 such amounts specific to the Initiative.

3 (4) With respect to operation and maintenance
4 accounts—

5 (A) amounts displayed by account title,
6 budget activity title, line number, and sub-
7 activity group title; and

8 (B) a description of the specific manner in
9 which such amounts will be used.

10 (5) With respect to military personnel ac-
11 counts—

12 (A) amounts displayed by account, budget
13 activity, budget subactivity, and budget sub-
14 activity title; and

15 (B) a description of the requirements for
16 such amounts specific to the Initiative.

17 (6) With respect to each project under military
18 construction accounts (including with respect to un-
19 specified minor military construction and amounts
20 for planning and design), the country, location,
21 project title, and project amount by fiscal year.

22 (7) With respect to the activities described in
23 subsection (b)—

1 (A) amounts displayed by account title,
2 budget activity title, line number, and sub-
3 activity group title; and

4 (B) a description of the specific manner in
5 which such amounts will be used.

6 (8) With respect to each military service—

7 (A) amounts displayed by account title,
8 budget activity title, line number, and sub-
9 activity group title; and

10 (B) a description of the specific manner in
11 which such amounts will be used.

12 (9) With respect to the amounts described in
13 each of paragraphs (2)(A), (3)(A), (4)(A), (5)(A),
14 (6), (7)(A), and (8)(A), a comparison between—

15 (A) the amount in the budget of the Presi-
16 dent for the following fiscal year; and

17 (B) the amount projected in the previous
18 budget of the President for the following fiscal
19 year.

20 (e) AUTHORIZATION OF APPROPRIATIONS.—There
21 are authorized to be appropriated to the Secretary to carry
22 out the activities of the Initiative described in subsection
23 (b) the following:

24 (1) For fiscal year 2021, \$1,406,417,000, as
25 specified in the funding table in section 4502.

1 (2) For fiscal year 2022, \$5,500,000,000.

2 (f) REPEAL.—Section 1251 of the National Defense
3 Authorization Act for Fiscal Year 2018 (Public Law 115–
4 91; 131 Stat. 1676), as most recently amended by section
5 1253 of the John S. McCain National Defense Authoriza-
6 tion Act for Fiscal Year 2019 (Public Law 115–232; 132
7 Stat. 2054), is repealed.

8 **SEC. 1252. SENSE OF SENATE ON THE UNITED STATES-VIET-**
9 **NAM DEFENSE RELATIONSHIP.**

10 In commemoration of the 25th anniversary of the
11 normalization of diplomatic relations between the United
12 States and Vietnam, the Senate—

13 (1) welcomes the historic progress and achieve-
14 ments in United States-Vietnam relations over the
15 last 25 years;

16 (2) congratulates Vietnam on its chairmanship
17 of the Association of Southeast Asian Nations and
18 its election as a nonpermanent member of the
19 United Nations Security Council, both of which sym-
20 bolize the positive leadership role of Vietnam in re-
21 gional and global affairs;

22 (3) commends the commitment of Vietnam to
23 resolve international disputes through peaceful
24 means on the basis of international law;

1 (4) affirms the commitment of the United
2 States—

3 (A) to respect the independence and sov-
4 ereignty of Vietnam; and

5 (B) to establish and promote friendly rela-
6 tions and work together on an equal footing for
7 mutual benefit with Vietnam;

8 (5) encourages the United States and Vietnam
9 to elevate their comprehensive partnership to a stra-
10 tegic partnership based on mutual understanding,
11 shared interests, and a common desire to promote
12 peace, cooperation, prosperity, and security in the
13 Indo-Pacific region;

14 (6) affirms the commitment of the United
15 States to continue to address war legacy issues, in-
16 cluding through dioxin remediation, unexploded ord-
17 nance removal, accounting for prisoners of war and
18 soldiers missing in action, and other activities; and

19 (7) supports deepening defense cooperation be-
20 tween the United States and Vietnam, including
21 with respect to maritime security, cybersecurity,
22 counterterrorism, information sharing, humanitarian
23 assistance and disaster relief, military medicine,
24 peacekeeping operations, defense trade, and other
25 areas.

1 **SEC. 1253. AUTHORITY TO TRANSFER FUNDS FOR BIEN HOA**
2 **DIOXIN CLEANUP.**

3 (a) **TRANSFER AUTHORITY.**—Notwithstanding sec-
4 tion 2215 of title 10, United States Code, the Secretary
5 of Defense may transfer to the Secretary of State, for use
6 by the United States Agency for International Develop-
7 ment, amounts to be used for the Bien Hoa dioxin cleanup
8 in Vietnam.

9 (b) **LIMITATION ON AMOUNT.**—Not more than
10 \$15,000,000 may be transferred in fiscal year 2021 under
11 the transfer authority in subsection (a).

12 (c) **ADDITIONAL TRANSFER AUTHORITY.**—The
13 transfer authority in subsection (a) is in addition to any
14 other transfer authority available to the Department of
15 Defense.

16 (d) **NOTICE ON EXERCISE OF AUTHORITY.**—If the
17 Secretary of Defense determines to use the transfer au-
18 thority in subsection (a), the Secretary shall notify the
19 congressional defense committee of that determination not
20 later than 30 days before the Secretary uses the transfer
21 authority.

22 **SEC. 1254. COOPERATIVE PROGRAM WITH VIETNAM TO AC-**
23 **COUNT FOR VIETNAMESE PERSONNEL MISS-**
24 **ING IN ACTION.**

25 (a) **IN GENERAL.**—The Secretary of Defense, in co-
26 operation with other appropriate Federal departments and

1 agencies, is authorized to carry out a cooperative program
2 with the Ministry of Defense of Vietnam to assist in ac-
3 counting for Vietnamese personnel missing in action.

4 (b) PURPOSE.—The purpose of the cooperative pro-
5 gram under subsection (a) is to carry out the following
6 activities:

7 (1) Collection, digitization, and sharing of ar-
8 chival information.

9 (2) Building the capacity of Vietnam to conduct
10 archival research, investigations, and excavations.

11 (3) Improving DNA analysis capacity.

12 (4) Increasing veteran-to-veteran exchanges.

13 (5) Other support activities the Secretary con-
14 siders necessary and appropriate.

15 **SEC. 1255. PROVISION OF GOODS AND SERVICES AT KWAJA-**
16 **LEIN ATOLL, REPUBLIC OF THE MARSHALL**
17 **ISLANDS.**

18 (a) IN GENERAL.—Chapter 767 of title 10, United
19 States Code, is amended by adding at the end the fol-
20 lowing new section:

21 **“§ 7596. Provision of goods and services at Kwajalein**
22 **Atoll**

23 “(a) AUTHORITY.—(1) Except as provided in para-
24 graph (2), the Secretary of the Army, with the concur-
25 rence of the Secretary of State, may provide goods and

1 services, including interatoll transportation, to the Govern-
2 ment of the Republic of the Marshall Islands and other
3 eligible patrons, as determined by the Secretary of the
4 Army, at Kwajalein Atoll.

5 “(2) The Secretary of the Army may not provide
6 goods or services under this section if doing so would be
7 inconsistent, as determined by the Secretary of State, with
8 the Compact of Free Association between the Government
9 of the United States and the Government of the Republic
10 of the Marshall Islands or any subsidiary agreement or
11 implementing arrangement.

12 “(b) REIMBURSEMENT.—(1) The Secretary of the
13 Army may collect reimbursement from the Government of
14 the Republic of the Marshall Islands and eligible patrons
15 for the provision of goods or services under subsection (a).

16 “(2) The amount collected for goods or services under
17 this subsection may not be greater than the total amount
18 of actual costs to the United States for providing the
19 goods or services.

20 “(c) NECESSARY EXPENSES.—Amounts appropriated
21 to the Department of the Army may be used for necessary
22 expenses associated with providing goods and services
23 under this section.

24 “(d) REGULATIONS.—The Secretary of the Army
25 shall issue regulations to carry out this section.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
2 at the beginning of such chapter is amended by adding
3 at the end the following new item:

“7596. Provision of goods and services at Kwajalein Atoll.”.

4 (c) BRIEFING.—Not later than December 31, 2021,
5 the Secretary of the Army shall provide to the congress-
6 sional defense committees a briefing on the use of the au-
7 thority under section 7596(a) of title 10, United States
8 Code, as added by subsection (a), in fiscal year 2021, in-
9 cluding a written summary describing the goods and serv-
10 ices provided on a reimbursable basis and the goods and
11 services provided on a nonreimbursable basis.

12 **SEC. 1256. AUTHORITY TO ESTABLISH A MOVEMENT CO-**
13 **ORDINATION CENTER PACIFIC IN THE INDO-**
14 **PACIFIC REGION AND PARTICIPATE IN AN**
15 **AIR TRANSPORT AND AIR-TO-AIR REFUELING**
16 **AND OTHER EXCHANGES OF SERVICES PRO-**
17 **GRAM.**

18 (a) IN GENERAL.—The Secretary of Defense, with
19 the concurrence of the Secretary of State, may author-
20 ize—

21 (1) the establishment of a Movement Coordina-
22 tion Center Pacific (in this section referred to as the
23 “Center”); and

24 (2) participation of the Department of Defense
25 in an Air Transport and Air-to-Air Refueling and

1 other Exchanges of Services program (in this section
2 referred to as the “ATARES program”) of the Cen-
3 ter.

4 (b) SCOPE OF PARTICIPATION.—Participation of the
5 Department in the ATARES program shall be limited
6 to—

7 (1) the reciprocal exchange or transfer of air
8 transportation and air refueling services on a reim-
9 bursable basis or by replacement-in-kind; and

10 (2) the exchange of air transportation or air re-
11 fueling services of equal value.

12 (c) LIMITATIONS.—

13 (1) TRANSPORTATION HOURS.—The Depart-
14 ment balance of executed transportation hours in the
15 ATARES program, whether as credits or debits,
16 may not exceed 500 hours.

17 (2) FLIGHT HOURS.—The Department balance
18 of executed flight hours for air refueling in the
19 ATARES program may not exceed 200 hours.

20 (d) WRITTEN ARRANGEMENT OR AGREEMENT.—

21 (1) IN GENERAL.—Participation of the Depart-
22 ment in the ATARES program shall be in accord-
23 ance with a written arrangement or agreement en-
24 tered into by the Secretary of Defense, with the con-
25 currence of the Secretary of State.

1 (2) FUNDING ARRANGEMENTS.—If Department
2 facilities, equipment, or funds are used to support
3 the ATARES program, the written arrangement or
4 agreement under paragraph (1) shall specify the de-
5 tails of any equitable cost-sharing or other funding
6 arrangement.

7 (3) OTHER ELEMENTS.—Any written arrange-
8 ment or agreement entered into under paragraph (1)
9 shall require any accrued credit or liability resulting
10 from an unequal exchange or transfer of air trans-
11 portation or air refueling services to be liquidated
12 through the ATARES program not less frequently
13 than once every five years.

14 (e) IMPLEMENTATION.—In carrying out any written
15 arrangement or agreement entered into under subsection
16 (d), the Secretary of Defense may—

17 (1) pay the equitable share of the Department
18 for the operating expenses of the Center and the
19 ATARES program from funds available to the De-
20 partment for operation and maintenance; and

21 (2) assign members of the Armed Forces or De-
22 partment civilian personnel, within billets authorized
23 for the United States Indo-Pacific Command, to
24 duty at the Center as necessary to fulfill Depart-

1 ment obligations under that arrangement or agree-
2 ment.

3 **SEC. 1257. TRAINING OF ALLY AND PARTNER AIR FORCES**
4 **IN GUAM.**

5 (a) SENSE OF SENATE.—It is the sense of the Senate
6 that—

7 (1) the memorandum of understanding agreed
8 to by the United States and the Republic of Singa-
9 pore on December 6, 2019, to establish a fighter jet
10 training detachment in Guam should be commended;

11 (2) such agreement is a manifestation of the
12 strong, enduring, and forward-looking partnership of
13 the United States and the Republic of Singapore;
14 and

15 (3) the permanent establishment of a fighter
16 detachment in Guam will further enhance the inter-
17 operability of the air forces of the United States and
18 the Republic of Singapore and provide training op-
19 portunities needed to maximize their readiness.

20 (b) REPORT.—Not later than one year after the date
21 of the enactment of this Act, the Secretary of Defense
22 shall submit to the congressional defense committees a re-
23 port assessing the merit and feasibility of entering into
24 agreements similar to the memorandum of understanding
25 referred to in subsection (a)(1) with other United States

1 allies and partners in the Indo-Pacific region, including
2 Japan, Australia, and India.

3 **SEC. 1258. STATEMENT OF POLICY AND SENSE OF SENATE**
4 **ON THE TAIWAN RELATIONS ACT.**

5 (a) STATEMENT OF POLICY.—It is the policy of the
6 United States—

7 (1) that the Taiwan Relations Act (Public Law
8 96–8; 22 U.S.C. 3301 et seq.) and the “Six Assur-
9 ances” provided by the United States to Taiwan in
10 July 1982 are the foundation for United States-Tai-
11 wan relations;

12 (2) that nothing in the Taiwan Relations Act
13 (Public Law 96–8; 22 U.S.C. 3301 et seq.) con-
14 strains deepening, to the extent possible, the exten-
15 sive, close, and friendly relations of the United
16 States and Taiwan, including defense relations;

17 (3) that the Taiwan Relations Act (Public Law
18 96–8; 22 U.S.C. 3301 et seq.) shall be implemented
19 and executed in a manner consistent with evolving
20 political, security, and economic dynamics and cir-
21 cumstances;

22 (4) that, as set forth in the Taiwan Relations
23 Act (Public Law 96–8; 22 U.S.C. 3301 et seq.), the
24 United States expects the “future of Taiwan will be
25 determined by peaceful means,” and that “any effort

1 to determine the future of Taiwan by other than
2 peaceful means” is “a threat to the peace and secu-
3 rity of the Western Pacific area and of grave con-
4 cern to the United States”;

5 (5) that the increasingly coercive and aggressive
6 behavior of the People’s Republic of China towards
7 Taiwan, including growing military maneuvers tar-
8 geting Taiwan, is contrary to the expectation of the
9 peaceful resolution of the future of Taiwan;

10 (6) that, as set forth in the Taiwan Relations
11 Act (Public Law 96–8; 22 U.S.C. 3301 et seq.), the
12 United States will support the development of capa-
13 ble, ready, and modern defense forces necessary for
14 Taiwan to maintain a sufficient self-defense capa-
15 bility, including by—

16 (A) supporting acquisition by Taiwan of
17 defense articles and services through foreign
18 military sales, direct commercial sales, and in-
19 dustrial cooperation, with an emphasis on capa-
20 bilities that support the asymmetric defense
21 strategy of Taiwan, including antiship, coastal
22 defense, antiarmor, air defense, undersea war-
23 fare, advanced command, control, communica-
24 tions, computers, intelligence, surveillance, and

1 reconnaissance, and resilient command and con-
2 trol capabilities;

3 (B) ensuring timely review of and response
4 to requests of Taiwan for defense articles and
5 services;

6 (C) conducting practical training and mili-
7 tary exercises with Taiwan, including, as appro-
8 priate, the Rim of the Pacific exercise, com-
9 bined training at the National Training Center
10 at Fort Erwin, and bilateral naval exercises and
11 training;

12 (D) examining the potential for expanding
13 professional military education and technical
14 training opportunities in the United States for
15 military personnel of Taiwan;

16 (E) pursuing a strategy of military engage-
17 ment with Taiwan that fully integrates ex-
18 changes at the strategic, policy, and functional
19 levels;

20 (F) increasing exchanges between senior
21 defense officials and general officers of the
22 United States and Taiwan consistent with the
23 Taiwan Travel Act (Public Law 115–135; 132
24 Stat. 341), especially for the purpose of enhanc-
25 ing cooperation on defense planning and im-

1 proving the interoperability of the military
2 forces of the United States and Taiwan;

3 (G) conducting military exchanges with
4 Taiwan specifically focused on improving the re-
5 serve force of Taiwan; and

6 (H) expanding cooperation in military
7 medicine and humanitarian assistance and dis-
8 aster relief, including through the participation
9 of medical vessels of Taiwan in appropriate ex-
10 ercises with the United States; and

11 (7) that, as set forth in the Taiwan Relations
12 Act (Public Law 96–8; 22 U.S.C. 3301 et seq.), the
13 United States will maintain the capacity “to resist
14 any resort to force or other forms of coercion that
15 would jeopardize the security, or the social or eco-
16 nomic system, of the people on Taiwan”, including
17 the capacity of the United States Armed Forces to
18 deny a “fait accompli” operation by the People’s Re-
19 public of China to rapidly seize control of Taiwan.

20 (b) SENSE OF SENATE.—It is the sense of the Senate
21 that the Secretary of Defense should—

22 (1) ensure that policy guidance to the Depart-
23 ment of Defense related to United States-Taiwan de-
24 fense relations is fully consistent with the statement
25 of policy set forth in subsection (a); and

1 (2) issue new policy guidance required to carry
2 out such policy.

3 **SEC. 1259. SENSE OF CONGRESS ON PORT CALLS IN TAI-**
4 **WAN WITH THE *USNS COMFORT* AND THE**
5 ***USNS MERCY*.**

6 It is the sense of Congress that the Department of
7 Defense should conduct port calls in Taiwan with the
8 *USNS Comfort* and the *USNS Mercy*—

9 (1) to continue the collaboration between the
10 United States and Taiwan on COVID–19 responses,
11 which has included—

12 (A) research and development of tests, vac-
13 cines, and medicines; and

14 (B) donations of face masks;

15 (2) to further improve the cooperation between
16 the United States and Taiwan on military medicine
17 and humanitarian assistance and disaster relief;

18 (3) to allow United States personnel to benefit
19 from the expertise of Taiwanese personnel, in light
20 of the successful response of Taiwan to COVID–19;
21 and

22 (4) to continue the mission of the *USNS Com-*
23 *fort* and the *USNS Mercy*, which have demonstrated
24 the value of the Department capacity to deploy mar-
25 itime medical capabilities worldwide and provide con-

1 tingency capacity in the United States during sig-
2 nificant crises.

3 **SEC. 1260. LIMITATION ON USE OF FUNDS TO REDUCE**
4 **TOTAL NUMBER OF MEMBERS OF THE**
5 **ARMED FORCES SERVING ON ACTIVE DUTY**
6 **WHO ARE DEPLOYED TO THE REPUBLIC OF**
7 **KOREA.**

8 None of the funds authorized to be appropriated by
9 this Act may be obligated or expended to reduce the total
10 number of members of the Armed Forces serving on active
11 duty and deployed to the Republic of Korea to fewer than
12 28,500 such members of the Armed Forces until 90 days
13 after the date on which the Secretary of Defense certifies
14 to the congressional defense committees that—

15 (1) such a reduction—

16 (A) is in the national security interest of
17 the United States; and

18 (B) will not significantly undermine the se-
19 curity of United States allies in the region; and

20 (2) the Secretary has appropriately consulted
21 with allies of the United States, including the Re-
22 public of Korea and Japan, regarding such a reduc-
23 tion.

1 **SEC. 1261. SENSE OF CONGRESS ON CO-DEVELOPMENT**
2 **WITH JAPAN OF A LONG-RANGE GROUND-**
3 **BASED ANTI-SHIP CRUISE MISSILE SYSTEM.**

4 It is the sense of Congress that—

5 (1) the Department of Defense should prioritize
6 consultations with the Ministry of Defense of Japan
7 to determine whether a ground-based, long-range
8 anti-ship cruise missile system would meet shared
9 defense requirements of the United States and
10 Japan; and

11 (2) if it is determined that a ground-based,
12 long-range anti-ship cruise missile system would
13 meet shared defense requirements, the United States
14 and Japan should consider co-development of such a
15 system.

16 **Subtitle F—Reports**

17 **SEC. 1271. REVIEW OF AND REPORT ON OVERDUE ACQUISI-**
18 **TION AND CROSS-SERVICING AGREEMENT**
19 **TRANSACTIONS.**

20 (a) REVIEW.—The Secretary of Defense, acting
21 through the official designated to provide oversight of ac-
22 quisition and cross-servicing agreements under section
23 2342(f) of title 10, United States Code, shall conduct a
24 review of acquisition and cross-servicing transactions for
25 which reimbursement to the United States is overdue
26 under section 2345 of that title.

1 (b) REPORT.—

2 (1) IN GENERAL.—Not later than March 1,
3 2021, the designated official described in subsection
4 (a) shall submit to the congressional defense com-
5 mittees a report on the results of the review.

6 (2) ELEMENTS.—The report required by para-
7 graph (1) shall include the following:

8 (A) For each acquisition and cross-serv-
9 icing transaction valued at \$1,000,000 or more
10 for which reimbursement to the United States
11 was overdue as of October 1, 2019—

12 (i) the total amount of the trans-
13 action;

14 (ii) the unreimbursed balance of the
15 transaction;

16 (iii) the date on which the original
17 transaction was made;

18 (iv) the date on which the most recent
19 request for payment was sent to the rel-
20 evant foreign partner; and

21 (v) a plan for securing reimbursement
22 from the foreign partner.

23 (B) A description of the steps taken to im-
24 plement the recommendations made in the re-
25 port of the Government Accountability Office

1 entitled “Defense Logistics Agreements: DOD
2 Should Improve Oversight and Seek Payment
3 from Foreign Partners for Thousands of Orders
4 It Identifies as Overdue” issued in March 2020,
5 including efforts to validate data reported under
6 this subsection and in the system of record for
7 acquisition and cross-servicing agreements of
8 the Department of Defense.

9 (C) The amount of reimbursement received
10 from foreign partners for each order—

11 (i) for which the reimbursement is re-
12 corded as overdue in the system of record
13 for acquisition and cross-servicing agree-
14 ments of the Department of Defense; and

15 (ii) that was authorized during the pe-
16 riod beginning in October 2013 and ending
17 in September 2020.

18 (D) A plan for improving recordkeeping of
19 acquisition and cross-servicing transactions and
20 ensuring timely reimbursement by foreign part-
21 ners.

22 (E) Any other matter considered relevant
23 by the designated official described in sub-
24 section (a).

1 **SEC. 1272. REPORT ON BURDEN SHARING CONTRIBUTIONS**
2 **BY DESIGNATED COUNTRIES.**

3 Section 2350j of title 10, United States Code, is
4 amended by adding at the end the following new sub-
5 section:

6 “(f) REPORT ON CONTRIBUTIONS RECEIVED FROM
7 DESIGNATED COUNTRIES.—

8 “(1) IN GENERAL.—Not later than January 15
9 each year, the Secretary of Defense shall submit to
10 the appropriate committees of Congress a report on
11 the burden sharing contributions received under this
12 section from designated countries.

13 “(2) ELEMENTS.—Each report required by
14 paragraph (1) shall include the following for the pre-
15 ceding fiscal year:

16 “(A) A list of all designated countries from
17 which burden sharing contributions were re-
18 ceived.

19 “(B) An explanation of the purpose for
20 which each such burden sharing contribution
21 was provided.

22 “(C) In the case of a written agreement
23 entered into with a designated country under
24 this section—

25 “(i) the date on which the agreement
26 was signed; and

1 “(ii) the names of the individuals who
2 signed the agreement.

3 “(D) For each designated country—

4 “(i) the amount provided by the des-
5 ignated country; and

6 “(ii) the amount of any remaining un-
7 obligated balance.

8 “(E) The amount of such burden sharing
9 contributions expended, by eligible category, in-
10 cluding compensation for local national employ-
11 ees, military construction projects, and supplies
12 and services of the Department of Defense.

13 “(F) An explanation of any other burden
14 sharing or in-kind contribution provided by a
15 designated country under an agreement or au-
16 thority other than the authority provided by
17 this section.

18 “(G) Any other matter the Secretary of
19 Defenses considers relevant.

20 “(3) APPROPRIATE COMMITTEES OF CONGRESS
21 DEFINED.—In this subsection, the term ‘appropriate
22 committees of Congress’ means—

23 “(A) the Committee on Armed Services,
24 the Committee on Foreign Relations, and the

1 Committee on Appropriations of the Senate;
2 and

3 “(B) the Committee on Armed Services,
4 the Committee on Foreign Affairs, and the
5 Committee on Appropriations of the House of
6 Representatives.”.

7 **SEC. 1273. REPORT ON RISK TO PERSONNEL, EQUIPMENT,**
8 **AND OPERATIONS DUE TO HUAWEI 5G ARCHI-**
9 **TECTURE IN HOST COUNTRIES.**

10 (a) IN GENERAL.—Not later than one year after the
11 date of the enactment of this Act, the Secretary of Defense
12 shall submit to the congressional defense committees a re-
13 port that contains an assessment of—

14 (1) the risk to personnel, equipment, and oper-
15 ations of the Department of Defense in host coun-
16 tries posed by the current or intended use by such
17 countries of 5G telecommunications architecture pro-
18 vided by Huawei Technologies Co., Ltd.; and

19 (2) measures required to mitigate the risk de-
20 scribed in paragraph (1), including the merit and
21 feasibility of the relocation of certain personnel or
22 equipment of the Department to another location
23 without the presence of 5G telecommunications ar-
24 chitecture provided by Huawei Technologies Co.,
25 Ltd.

1 (b) FORM.—The report required by subsection (a)
2 shall be submitted in classified form with an unclassified
3 summary.

4 **Subtitle G—Other Matters**

5 **SEC. 1281. RECIPROCAL PATIENT MOVEMENT AGREE-** 6 **MENTS.**

7 (a) IN GENERAL.—Subchapter II of chapter 138 of
8 title 10, United States Code, as amended by section
9 1241(a), is further amended by adding at the end the fol-
10 lowing new section:

11 **“§ 2350p. Reciprocal patient movement agreements**

12 “(a) AUTHORITY.—Subject to the availability of ap-
13 propriations, the Secretary of Defense, with the concur-
14 rence of the Secretary of State, may enter into a bilateral
15 or multilateral memorandum of understanding or other
16 formal agreement with one or more governments of part-
17 ner countries that provides for—

18 “(1) the interchangeable, nonreimbursable use
19 of patient movement personnel, either individually or
20 as members of a patient movement crew or team,
21 and equipment, belonging to one partner country to
22 perform patient movement services aboard the air-
23 craft, vessels, or vehicles of another partner country;

24 “(2) the reciprocal recognition and acceptance
25 of —

1 “(A) national professional credentials, cer-
2 tifications, and licenses of patient movement
3 personnel; and

4 “(B) national certifications, approvals, and
5 licenses of equipment used in the provision of
6 patient movement services; and

7 “(3) the acceptance of agreed-upon standards
8 for the provision of patient movement services by
9 aircraft, vessel, or vehicle, including, as determined
10 to be beneficial and otherwise permitted by law, the
11 harmonization of patient treatment standards and
12 procedures.

13 “(b) CERTIFICATION.—(1) Before entering into a
14 memorandum of understanding or other formal agreement
15 with the government of a partner country under this sec-
16 tion, the Secretary of Defense shall certify in writing that
17 the professional credentials, certifications, licenses, and
18 approvals for patient movement personnel and patient
19 movement equipment of the partner country—

20 “(A) meet or exceed the equivalent standards of
21 the United States for similar personnel and equip-
22 ment; and

23 “(B) will provide for a level of care comparable
24 to, or better than, the level of care provided by the
25 Department of Defense.

1 “(2) A certification under paragraph (1) shall be—

2 “(A) submitted to the appropriate committees
3 of Congress not later than 15 days after the date on
4 which the Secretary of Defense makes the certifi-
5 cation; and

6 “(B) reviewed and recertified by the Secretary
7 of Defense not less frequently than annually.

8 “(c) SUSPENSION.—If the Secretary of Defense is
9 unable to recertify a partner country as required by sub-
10 section (b)(2)(B), use of the personnel or equipment of
11 the partner country by the Department of Defense under
12 a memorandum of understanding or other formal agree-
13 ment concluded pursuant to subsection (a) shall be sus-
14 pended until the date on which the Secretary of Defense
15 is able to recertify the partner country.

16 “(d) DEFINITIONS.—In this section:

17 “(1) APPROPRIATE COMMITTEES OF CON-
18 GRESS.—The term ‘appropriate committees of Con-
19 gress’ means—

20 “(A) the congressional defense committees;
21 and

22 “(B) the Committee on Foreign Relations
23 of the Senate and the Committee on Foreign
24 Affairs of the House of Representatives.

1 “(2) PARTNER COUNTRY.—The term ‘partner
2 country’ means any of the following:

3 “(A) A member country of the North At-
4 lantic Treaty Organization.

5 “(B) Australia.

6 “(C) Japan.

7 “(D) New Zealand.

8 “(E) The Republic of Korea.

9 “(F) Any other country designated as a
10 partner country by the Secretary of Defense,
11 with the concurrence of the Secretary of State,
12 for purposes of this section.

13 “(3) PATIENT MOVEMENT.—The term ‘patient
14 movement’ means the act or process of moving
15 wounded, ill, injured, or other persons (including
16 contaminated, contagious, and potentially exposed
17 patients) to obtain medical, surgical, mental health,
18 or dental care or treatment.”.

19 (b) CLERICAL AMENDMENT.—The table of sections
20 at the beginning of such subchapter, as amended by sec-
21 tion 1241(b), is further amended by adding at the end
22 the following new item:

 “2350p. Reciprocal patient movement agreements.”.

1 **SEC. 1282. EXTENSION OF AUTHORIZATION OF NON-CON-**
2 **VENTIONAL ASSISTED RECOVERY CAPABILI-**
3 **TIES.**

4 Subsection (g) of section 943 of the National Defense
5 Authorization Act for Fiscal Year 2009 (Public Law 110–
6 417; 122 Stat. 4578), as most recently amended by sec-
7 tion 1282(a) of the National Defense Authorization Act
8 for Fiscal Year 2017 (Public Law 114–328; 130 Stat.
9 2542) and as redesignated by section 1051(n)(1) of the
10 National Defense Authorization Act for Fiscal Year 2018
11 (Public Law 115–91; 131 Stat. 1564), is further amended
12 by striking “2021” and inserting “2024”.

13 **SEC. 1283. EXTENSION OF DEPARTMENT OF DEFENSE SUP-**
14 **PORT FOR STABILIZATION ACTIVITIES IN NA-**
15 **TIONAL SECURITY INTEREST OF THE UNITED**
16 **STATES.**

17 Section 1210A(h) of the National Defense Authoriza-
18 tion Act for Fiscal Year 2020 (Public Law 116–92) is
19 amended by striking “December 31, 2020” and inserting
20 “December 31, 2021”.

21 **SEC. 1284. NOTIFICATION WITH RESPECT TO WITHDRAWAL**
22 **OF MEMBERS OF THE ARMED FORCES PAR-**
23 **TICIPATING IN THE MULTINATIONAL FORCE**
24 **AND OBSERVERS IN EGYPT.**

25 (a) IN GENERAL.—Not later than 30 days before a
26 reduction in the total number of members of the Armed

1 Forces deployed to the Multinational Force and Observers
2 in Egypt to fewer than 430 such members of the Armed
3 Forces, the Secretary of Defense shall submit to the ap-
4 propriate committees of Congress a notification that in-
5 cludes the following:

6 (1) A detailed accounting of the number of
7 members of the Armed Forces to be withdrawn from
8 the Multinational Force and Observers in Egypt and
9 the capabilities that such members of the Armed
10 Forces provide in support of the mission.

11 (2) An explanation of national security interests
12 of the United States served by such a reduction and
13 an assessment of the effect, if any, such a reduction
14 is expected to have on the security of United States
15 partners in the region.

16 (3) A description of consultations by the Sec-
17 retary with the other countries that contribute mili-
18 tary forces to the Multinational Force and Observ-
19 ers, including Australia, Canada, Colombia, the
20 Czech Republic, Fiji, France, Italy, Japan, New
21 Zealand, Norway, the United Kingdom, and Uru-
22 guay, with respect to the planned force reduction
23 and the results of such consultations.

24 (4) An assessment of whether other countries,
25 including the countries that contribute military

1 forces to the Multinational Force and Observers, will
2 increase their contributions of military forces to
3 compensate for the capabilities withdrawn by the
4 United States.

5 (5) An explanation of—

6 (A) any anticipated negative impact of
7 such a reduction on the ability of the Multi-
8 national Force and Observers in Egypt to fulfill
9 its mission of supervising the implementation of
10 the security provisions of the 1979 Treaty of
11 Peace between Egypt and Israel and employing
12 best efforts to prevent any violation of the
13 terms of such treaty; and

14 (B) the manner in which any such negative
15 impact will be mitigated.

16 (6) Any other matter the Secretary considers
17 appropriate.

18 (b) FORM.—The notification required by subsection
19 (a) shall be submitted in unclassified form, but may in-
20 clude a classified annex.

21 (c) APPROPRIATE COMMITTEES OF CONGRESS DE-
22 FINED.—In this section, the term “appropriate commit-
23 tees of Congress” means—

24 (1) the congressional defense committees; and

1 (2) the Committee on Foreign Relations of the
2 Senate and the Committee on Foreign Affairs of the
3 House of Representatives.

4 **SEC. 1285. MODIFICATION TO INITIATIVE TO SUPPORT PRO-**
5 **TECTION OF NATIONAL SECURITY ACADEMIC**
6 **RESEARCHERS FROM UNDUE INFLUENCE**
7 **AND OTHER SECURITY THREATS.**

8 Section 1286 of the John S. McCain National De-
9 fense Authorization Act for Fiscal Year 2019 (10 U.S.C.
10 2358 note) is amended—

11 (1) in subsection (c)(2)—

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

14 (B) in subparagraph (B), by striking the
15 period at the end and inserting “; and”; and

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

18 “(C) includes requirements for appropriate
19 senior officials of institutions of higher edu-
20 cation to receive from appropriate Government
21 agencies updated and periodic briefings that de-
22 scribe the espionage risks posed by technical in-
23 telligence gathering activities of near-peer stra-
24 tegic competitors.”; and

1 (2) in subsection (e)(2)(D), by striking “im-
2 prove” and inserting “improved”.

3 **SEC. 1286. ESTABLISHMENT OF UNITED STATES-ISRAEL OP-**
4 **ERATIONS-TECHNOLOGY WORKING GROUP.**

5 (a) SENSE OF SENATE.—It is the sense of the Senate
6 that—

7 (1) the United States Government has a re-
8 sponsibility to undertake all reasonable measures to
9 ensure that members of the Armed Forces never
10 confront a more technologically advanced foe;

11 (2) the United States and Israel have several
12 cooperative technology programs to develop and field
13 capabilities in missile defense, countertunneling, and
14 counterunmanned aerial systems; and

15 (3) building on positive ongoing efforts, the
16 United States and Israel should further institu-
17 tionalize and strengthen their defense innovation
18 partnership by establishing a United States-Israel
19 Operations-Technology Working Group to identify
20 and expeditiously field capabilities that the military
21 forces of both countries need to deter and defeat re-
22 spective adversaries.

23 (b) UNITED STATES-ISRAEL OPERATIONS-TECH-
24 NOLOGY WORKING GROUP.—

1 (1) IN GENERAL.—Not later than one year
2 after the date of the enactment of this Act, the Sec-
3 retary of Defense, in consultation with the Minister
4 of Defense of Israel, shall establish a United States-
5 Israel Operations-Technology Working Group (in
6 this subsection referred to as the “Working Group”)
7 for the following purposes:

8 (A) To provide a standing forum for the
9 United States and Israel to systematically share
10 intelligence-informed military capability require-
11 ments.

12 (B) To identify military capability require-
13 ments common to both the Department of De-
14 fense and the Ministry of Defense of Israel.

15 (C) To assist defense suppliers in the
16 United States and Israel, by incorporating rec-
17 ommendations from such defense suppliers,
18 with respect to conducting joint science, tech-
19 nology, research, development, test, evaluation,
20 and production efforts.

21 (D) To develop, as feasible and advisable,
22 combined United States-Israel plans to re-
23 search, develop, procure, and field weapons sys-
24 tems and military capabilities as quickly and
25 economically as possible to meet common capa-

1 bility requirements of the Department of De-
2 fense and the Ministry of Defense of Israel.

3 (2) WORKING GROUP LEADERSHIP.—

4 (A) UNITED STATES LEADERSHIP.—With
5 respect to the United States, the Working
6 Group shall be headed by—

7 (i) the Secretary, or a designee; and

8 (ii) the Chairman of the Joint Chiefs
9 of Staff, or a designee.

10 (B) ISRAEL LEADERSHIP.—The Secretary
11 shall invite the Government of Israel to des-
12 ignate the head of the appropriate office or of-
13 fices to head the Working Group with respect
14 to Israel.

15 (3) WORKING GROUP MEMBERSHIP.—

16 (A) UNITED STATES MEMBERSHIP.—The
17 Secretary, in consultation with other Cabinet
18 members, shall designate one or more individ-
19 uals to serve as members of the Working
20 Group.

21 (i) MANDATORY UNITED STATES MEM-
22 BERS.—The membership of the Working
23 Group shall consist of, at a minimum, rep-
24 resentatives from—

811

1 (I) the Office of the Secretary of
2 Defense;

3 (II) the Joint Staff;

4 (III) each of the military depart-
5 ments (including, as appropriate, sub-
6 ordinate entities such as Army Fu-
7 tures Command and research labora-
8 tories);

9 (IV) the defense agencies (includ-
10 ing the Defense Advanced Research
11 Projects Agency, the Defense Intel-
12 ligence Agency, and the Defense Secu-
13 rity Cooperation Agency);

14 (V) United States Central Com-
15 mand; and

16 (VI) United States European
17 Command.

18 (ii) RULE OF CONSTRUCTION.—Noth-
19 ing in this subparagraph shall be construed
20 as limiting the ability of the Secretary to
21 add members to the Working Group, as
22 considered appropriate.

23 (B) ISRAEL MEMBERSHIP.—The Secretary
24 shall invite such representatives of the Govern-
25 ment of Israel to designate individuals from the

1 Government of Israel to serve as members of
2 the Working Group, as the Secretary considers
3 appropriate.

4 (4) EXISTING EFFORTS.—

5 (A) IN GENERAL.—The Secretary shall de-
6 termine the most efficient and effective means
7 to integrate the Working Group into existing
8 United States science and technology efforts
9 and research, development, test, and evaluation
10 efforts with Israel.

11 (B) RULE OF CONSTRUCTION.—Nothing in
12 this subsection shall be construed as requiring
13 the termination of any existing United States
14 defense activity, group, program, or partnership
15 with Israel.

16 (5) MEMORANDUM OF UNDERSTANDING.—

17 (A) IN GENERAL.—The Secretary shall,
18 with the concurrence of the Minister of Defense
19 of Israel, establish a memorandum of under-
20 standing between the United States and Israel
21 establishing the United States-Israel Operations
22 Technology Working Group.

23 (B) MATTERS TO BE INCLUDED.—The
24 memorandum of understanding under subpara-
25 graph (A) shall set forth—

- 1 (i) the purposes of the Working
2 Group, consistent with paragraph (1);
3 (ii) the membership of the Working
4 Group, consistent with paragraph (3); and
5 (iii) any other matter considered ap-
6 propriate.

7 (6) REPORTS.—

8 (A) INITIAL REPORT.—

9 (i) IN GENERAL.—Not later than 180
10 days after the establishment of the Work-
11 ing Group, the Secretary shall submit to
12 the appropriate committees of Congress an
13 initial report on the Working Group.

14 (ii) ELEMENTS.—The report required
15 by clause (i) shall include the following:

16 (I) The finalized memorandum of
17 understanding under paragraph (5).

18 (II) The name of each individual
19 of the Government of the United
20 States and of the Government of
21 Israel designated to lead the Working
22 Group.

23 (III) The name of each member
24 of the Working Group designated

1 under subparagraph (A) or (B) of
2 paragraph (3).

3 (IV) A description of the manner
4 in which the Working Group is antici-
5 pated to complement and augment ex-
6 isting science and technology efforts
7 and research, development, test, and
8 evaluation efforts with Israel.

9 (V) A schedule for Working
10 Group meetings.

11 (VI) A description of key metrics
12 and milestones for the Working
13 Group.

14 (VII) A description of any au-
15 thority or authorization of appropria-
16 tions required for the Working Group
17 to carry out the purposes described in
18 paragraph (1).

19 (iii) FORM.—The report required by
20 clause (i) shall be submitted in unclassified
21 form, but may include a classified annex.

22 (B) ANNUAL REPORT.—

23 (i) IN GENERAL.—Not later than
24 March 15 of each year following the sub-
25 mittal of the initial report required by sub-

1 paragraph (A), the Secretary shall submit
2 to the appropriate committees of Congress
3 a report on the activities of the Working
4 Group during the preceding calendar year.

5 (ii) ELEMENTS.—The report required
6 by clause (i) shall include the following:

7 (I) A summary of the perform-
8 ance of the Working Group—

9 (aa) with respect to the first
10 annual report under this sub-
11 paragraph, the metrics and mile-
12 stones described in the initial re-
13 port in accordance with subpara-
14 graph (A)(ii)(VI); or

15 (bb) with respect to each
16 subsequent annual report under
17 this subparagraph, the metrics
18 and milestones described in the
19 preceding annual report under
20 subclause (VIII).

21 (II) A description of military ca-
22 pabilities needed by both the United
23 States and Israel.

24 (III) A description of any United
25 States, or any United States-Israel,

1 science and technology efforts, or re-
2 search, development, test, and evalua-
3 tion efforts, associated with the mili-
4 tary capabilities described under sub-
5 clause (II) carried out during the re-
6 porting period.

7 (IV) A description of any obsta-
8 cle or challenge associated with an ef-
9 fort described in subclause (III) and
10 the plan of the Working Group to ad-
11 dress such obstacle or challenge.

12 (V) A description of any request
13 to the Working Group made by a
14 United States or Israel defense sup-
15 plier for combined science and tech-
16 nology efforts or combined research,
17 development, test, and evaluation ef-
18 forts, including—

19 (aa) the date on which the
20 request was received;

21 (bb) the efforts made by the
22 Working Group to expeditiously
23 address the request; and

24 (cc) the status of any deci-
25 sion associated with the request.

1 (VI) A description of the efforts
2 of the Working Group to prevent the
3 People's Republic of China or the
4 Russian Federation from obtaining in-
5 tellectual property or military tech-
6 nology associated with combined
7 United States and Israel science and
8 technology efforts and research, devel-
9 opment, test, and evaluation efforts.

10 (VII) A description of any
11 science and technology effort, or re-
12 search, development, test, or evalua-
13 tion effort, facilitated by the Working
14 Group, including efforts that result in
15 a United States or Israel program of
16 record.

17 (VIII) A description of metrics
18 and milestones for the Working Group
19 for the following calendar year.

20 (iii) FORM.—Each report required by
21 clause (i) shall be submitted in unclassified
22 form and shall include a classified annex in
23 which the elements required under sub-
24 clauses (II) and (VI) of clause (ii) shall be
25 addressed.

1 (C) APPROPRIATE COMMITTEES OF CON-
2 GRESS DEFINED.—In this paragraph, the term
3 “appropriate committees of Congress” means—

4 (i) the Committee on Armed Services,
5 the Committee on Foreign Relations, and
6 the Select Committee on Intelligence of the
7 Senate; and

8 (ii) the Committee on Armed Services,
9 the Committee on Foreign Affairs, and the
10 Permanent Select Committee on Intel-
11 ligence of the House of Representatives.

12 **TITLE XIII—COOPERATIVE**
13 **THREAT REDUCTION**

14 **SEC. 1301. FUNDING ALLOCATIONS FOR DEPARTMENT OF**
15 **DEFENSE COOPERATIVE THREAT REDUC-**
16 **TION PROGRAM.**

17 (a) IN GENERAL.—Of the \$288,490,000 authorized
18 to be appropriated to the Department of Defense for fiscal
19 year 2021 in section 301 and made available by the fund-
20 ing table in division D for the Department of Defense Co-
21 operative Threat Reduction Program established under
22 section 1321 of the Department of Defense Cooperative
23 Threat Reduction Act (50 U.S.C. 3711), the following
24 amounts may be obligated for the purposes specified:

1 (1) For strategic offensive arms elimination,
2 \$2,924,000.

3 (2) For chemical security and elimination,
4 \$11,806,000.

5 (3) For global nuclear security, \$20,152,000.

6 (4) For biological threat reduction,
7 \$177,396,000.

8 (5) For proliferation prevention, \$52,064,000.

9 (6) For activities designated as Other Assess-
10 ments/Administrative Costs, \$24,148,000.

11 (b) AVAILABILITY OF FUNDS.—Funds appropriated
12 pursuant to the authorization of appropriations in section
13 301 and made available by the funding table in division
14 D for the Department of Defense Cooperative Threat Re-
15 duction Program shall be available for obligation for fiscal
16 years 2021, 2022, and 2023.

17 **TITLE XIV—OTHER**
18 **AUTHORIZATIONS**

19 **Subtitle A—Military Programs**

20 **SEC. 1401. WORKING CAPITAL FUNDS.**

21 Funds are hereby authorized to be appropriated for
22 fiscal year 2021 for the use of the Armed Forces and other
23 activities and agencies of the Department of Defense for
24 providing capital for working capital and revolving funds,
25 as specified in the funding table in section 4501.

1 **SEC. 1402. CHEMICAL AGENTS AND MUNITIONS DESTRUC-**
2 **TION, DEFENSE.**

3 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
4 are hereby authorized to be appropriated for the Depart-
5 ment of Defense for fiscal year 2021 for expenses, not oth-
6 erwise provided for, for Chemical Agents and Munitions
7 Destruction, Defense, as specified in the funding table in
8 section 4501.

9 (b) USE.—Amounts authorized to be appropriated
10 under subsection (a) are authorized for—

11 (1) the destruction of lethal chemical agents
12 and munitions in accordance with section 1412 of
13 the Department of Defense Authorization Act, 1986
14 (50 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
21 the Department of Defense for fiscal year 2021 for ex-
22 penses, not otherwise provided for, for Drug Interdiction
23 and Counter-Drug Activities, Defense-wide, as specified in
24 the funding table in section 4501.

1 **SEC. 1404. DEFENSE INSPECTOR GENERAL.**

2 Funds are hereby authorized to be appropriated for
3 the Department of Defense for fiscal year 2021 for ex-
4 penses, not otherwise provided for, for the Office of the
5 Inspector General of the Department of Defense, as speci-
6 fied in the funding table in section 4501.

7 **SEC. 1405. DEFENSE HEALTH PROGRAM.**

8 Funds are hereby authorized to be appropriated for
9 fiscal year 2021 for the Defense Health Program, as spec-
10 ified in the funding table in section 4501, for use of the
11 Armed Forces and other activities and agencies of the De-
12 partment of Defense in providing for the health of eligible
13 beneficiaries.

14 **Subtitle B—Armed Forces**
15 **Retirement Home**

16 **SEC. 1411. AUTHORIZATION OF APPROPRIATIONS FOR**
17 **ARMED FORCES RETIREMENT HOME.**

18 There is hereby authorized to be appropriated for fis-
19 cal year 2021 from the Armed Forces Retirement Home
20 Trust Fund the sum of \$64,300,000 for the operation of
21 the Armed Forces Retirement Home.

1 **SEC. 1412. PERIODIC INSPECTIONS OF ARMED FORCES RE-**
2 **TIREMENT HOME FACILITIES BY NATION-**
3 **ALLY RECOGNIZED ACCREDITING ORGANIZA-**
4 **TION.**

5 (a) IN GENERAL.—Section 1518 of the Armed
6 Forces Retirement Home Act of 1991 (24 U.S.C. 418)
7 is amended to read as follows:

8 **“SEC. 1518. PERIODIC INSPECTION OF RETIREMENT HOME**
9 **FACILITIES.**

10 “(a) INSPECTIONS.—The Chief Operating Officer
11 shall request the inspection of each facility of the Retire-
12 ment Home by a nationally recognized civilian accrediting
13 organization in accordance with section 1511(g) on a fre-
14 quency consistent with the standards of such organization.

15 “(b) AVAILABILITY OF STAFF AND RECORDS.—The
16 Chief Operating Officer and the Administrator of a facility
17 being inspected under this section shall make all staff,
18 other personnel, and records of the facility available to the
19 civilian accrediting organization in a timely manner for
20 purposes of inspections under this section.

21 “(c) REPORTS.—Not later than 60 days after receiv-
22 ing a report on an inspection from the civilian accrediting
23 organization under this section, the Chief Operating Offi-
24 cer shall submit to the Secretary of Defense, the Senior
25 Medical Advisor, and the Advisory Council a report con-
26 taining—

1 “(1) the results of the inspection; and

2 “(2) a plan to address any recommendations
3 and other matters set forth in the report.”.

4 (b) CONFORMING AMENDMENTS.—The Armed
5 Forces Retirement Home Act of 1991 (24 U.S.C. 401 et
6 seq.) is further amended as follows:

7 (1) In section 1513A(c)(2) (24 U.S.C.
8 413a(c)(2)), by striking “(including requirements
9 identified in applicable reports of the Inspector Gen-
10 eral of the Department of Defense)”.

11 (2) In section 1516(b)(3) (24 U.S.C.
12 416(b)(3))—

13 (A) by striking “shall—” and all that fol-
14 lows through “provide for” and inserting “shall
15 provide for”;

16 (B) by striking “; and” and inserting a pe-
17 riod; and

18 (C) by striking subparagraph (B).

19 (3) In section 1517(e)(2) (24 U.S.C.
20 417(e)(2)), by striking “the Inspector General of the
21 Department of Defense,”.

1 **SEC. 1413. EXPANSION OF ELIGIBILITY FOR RESIDENCE AT**
2 **THE ARMED FORCES RETIREMENT HOME.**

3 (a) **EXPANSION OF ELIGIBILITY.**—Section 1512(a) of
4 the Armed Forces Retirement Home Act of 1991 (24
5 U.S.C. 412(a)) is amended—

6 (1) in the matter preceding paragraph (1), by
7 striking “active” in the first sentence;

8 (2) in paragraph (1), by striking “are 60 years
9 of age or over and”; and

10 (3) by adding the following new paragraph:

11 “(5) Persons who are eligible for retired pay
12 under chapter 1223 of title 10, United States Code,
13 and—

14 “(A) are eligible for care under section
15 1710 of title 38, United States Code;

16 “(B) are enrolled in coverage under chap-
17 ter 55 of title 10, United States Code; or

18 “(C) are enrolled in a qualified health plan
19 acceptable to the Chief Operating Officer.”.

20 (b) **PARITY OF FEES AND DEDUCTIONS.**—Section
21 1514(c) of such Act (24 U.S.C. 414(c)) is amended—

22 (1) by striking paragraph (2) and inserting the
23 following new paragraph (2)

24 “(2)(A) The fee shall be fixed as a percentage of the
25 monthly income and monthly payments (including Federal
26 payments) received by a resident. The percentage shall be

1 the same for each facility of the Retirement Home. The
2 Secretary of Defense may make any adjustment in a per-
3 centage that the Secretary determines appropriate.

4 “(B) The calculation of monthly income and monthly
5 payments under subparagraph (A) for a resident eligible
6 under section 1512(a)(5) shall not be less than the retire-
7 ment pay for equivalent active duty service as determined
8 by the Chief Operating Officer, except as the Chief Oper-
9 ating Officer may provide because of compelling personal
10 circumstances.”; and

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

13 “(4) The Administrator of each facility of the Retire-
14 ment Home may collect a fee upon admission from a resi-
15 dent accepted under section 1512(a)(5) equal to the de-
16 ductions then in effect under section 1007(i)(1) of title
17 37, United States Code, for each year of non-regular serv-
18 ice, and shall deposit such fee in the Armed Forces Retire-
19 ment Home Trust Fund.”.

20 (c) CONFORMING AMENDMENT.—Section 1007(i)(3)
21 of title 37, United States Code, is amended by striking
22 “Armed Forces Retirement Home Board” and inserting
23 “Chief Operating Officer of the Armed Forces Retirement
24 Home”.

1 **Subtitle C—Other Matters**

2 **SEC. 1421. AUTHORITY FOR TRANSFER OF FUNDS TO JOINT**
3 **DEPARTMENT OF DEFENSE-DEPARTMENT OF**
4 **VETERANS AFFAIRS MEDICAL FACILITY DEM-**
5 **ONSTRATION FUND FOR CAPTAIN JAMES A.**
6 **LOVELL HEALTH CARE CENTER, ILLINOIS.**

7 (a) **AUTHORITY FOR TRANSFER OF FUNDS.**—Of the
8 funds authorized to be appropriated by section 1405 and
9 available for the Defense Health Program for operation
10 and maintenance, \$130,400,000 may be transferred by the
11 Secretary of Defense to the Joint Department of Defense—
12 Department of Veterans Affairs Medical Facility Dem-
13 onstration Fund established by subsection (a)(1) of sec-
14 tion 1704 of the National Defense Authorization Act for
15 Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2571).

16 (b) **TREATMENT OF TRANSFERRED FUNDS.**—For
17 purposes of subsection (a)(2) of such section 1704, any
18 funds transferred under subsection (a) shall be treated as
19 amounts authorized and appropriated specifically for the
20 purpose of such a transfer.

21 (c) **USE OF TRANSFERRED FUNDS.**—For purposes of
22 subsection (b) of such section 1704, facility operations for
23 which funds transferred under subsection (a) may be used
24 are operations of the Captain James A. Lovell Federal
25 Health Care Center, consisting of the North Chicago Vet-

1 erans Affairs Medical Center, the Navy Ambulatory Care
2 Center, and supporting facilities designated as a combined
3 Federal medical facility under an operational agreement
4 covered by section 706 of the Duncan Hunter National
5 Defense Authorization Act for Fiscal Year 2009 (Public
6 Law 110–417; 122 Stat. 4500).

7 **TITLE XV—AUTHORIZATION OF**
8 **ADDITIONAL APPROPRIA-**
9 **TIONS FOR OVERSEAS CON-**
10 **TINGENCY OPERATIONS**
11 **Subtitle A—Authorization of**
12 **Appropriations**

13 **SEC. 1501. PURPOSE.**

14 The purpose of this subtitle is to authorize appropria-
15 tions for the Department of Defense for fiscal year 2021
16 to provide additional funds for overseas contingency oper-
17 ations being carried out by the Armed Forces.

18 **SEC. 1502. OVERSEAS CONTINGENCY OPERATIONS.**

19 Funds are hereby authorized to be appropriated for
20 fiscal year 2021 for the Department of Defense for over-
21 seas contingency operations in such amounts as may be
22 designated as provided in section 251(b)(2)(A)(ii) of the
23 Balanced Budget and Emergency Deficit Control Act of
24 1985 (2 U.S.C. 901(b)(2)(A)(ii)).

1 **SEC. 1503. PROCUREMENT.**

2 Funds are hereby authorized to be appropriated for
3 fiscal year 2021 for procurement accounts for the Army,
4 the Navy and the Marine Corps, the Air Force, and De-
5 fense-wide activities, as specified in the funding table in
6 section 4102.

7 **SEC. 1504. RESEARCH, DEVELOPMENT, TEST, AND EVALUA-**
8 **TION.**

9 Funds are hereby authorized to be appropriated for
10 fiscal year 2021 for the use of the Department of Defense
11 for research, development, test, and evaluation, as speci-
12 fied in the funding table in section 4202.

13 **SEC. 1505. OPERATION AND MAINTENANCE.**

14 Funds are hereby authorized to be appropriated for
15 fiscal year 2021 for the use of the Armed Forces and other
16 activities and agencies of the Department of Defense for
17 expenses, not otherwise provided for, for operation and
18 maintenance, as specified in the funding table in section
19 4302.

20 **SEC. 1506. MILITARY PERSONNEL.**

21 Funds are hereby authorized to be appropriated for
22 fiscal year 2021 for the use of the Armed Forces and other
23 activities and agencies of the Department of Defense for
24 expenses, not otherwise provided for, for military per-
25 sonnel, as specified in the funding table in section 4402.

1 **SEC. 1507. WORKING CAPITAL FUNDS.**

2 Funds are hereby authorized to be appropriated for
3 fiscal year 2021 for the use of the Armed Forces and other
4 activities and agencies of the Department of Defense for
5 providing capital for working capital and revolving funds,
6 as specified in the funding table in section 4502.

7 **SEC. 1508. DRUG INTERDICTION AND COUNTER-DRUG AC-**
8 **TIVITIES, DEFENSE-WIDE.**

9 Funds are hereby authorized to be appropriated for
10 the Department of Defense for fiscal year 2021 for ex-
11 penses, not otherwise provided for, for Drug Interdiction
12 and Counter-Drug Activities, Defense-wide, as specified in
13 the funding table in section 4502.

14 **SEC. 1509. DEFENSE INSPECTOR GENERAL.**

15 Funds are hereby authorized to be appropriated for
16 the Department of Defense for fiscal year 2021 for ex-
17 penses, not otherwise provided for, for the Office of the
18 Inspector General of the Department of Defense, as speci-
19 fied in the funding table in section 4502.

20 **SEC. 1510. DEFENSE HEALTH PROGRAM.**

21 Funds are hereby authorized to be appropriated for
22 the Department of Defense for fiscal year 2021 for ex-
23 penses, not otherwise provided for, for the Defense Health
24 Program, as specified in the funding table in section 4502.

1 **Subtitle B—Financial Matters**

2 **SEC. 1521. TREATMENT AS ADDITIONAL AUTHORIZATIONS.**

3 The amounts authorized to be appropriated by this
4 title are in addition to amounts otherwise authorized to
5 be appropriated by this Act.

6 **SEC. 1522. SPECIAL TRANSFER AUTHORITY.**

7 (a) **AUTHORITY TO TRANSFER AUTHORIZATIONS.—**

8 (1) **AUTHORITY.**—Upon determination by the
9 Secretary of Defense that such action is necessary in
10 the national interest, the Secretary may transfer
11 amounts of authorizations made available to the De-
12 partment of Defense in this title for fiscal year 2021
13 between any such authorizations for that fiscal year
14 (or any subdivisions thereof). Amounts of authoriza-
15 tions so transferred shall be merged with and be
16 available for the same purposes as the authorization
17 to which transferred.

18 (2) **LIMITATION.**—The total amount of author-
19 izations that the Secretary may transfer under the
20 authority of this subsection may not exceed
21 \$2,000,000,000.

22 (b) **TERMS AND CONDITIONS.**—Transfers under this
23 section shall be subject to the same terms and conditions
24 as transfers under section 1001.

1 (c) ADDITIONAL AUTHORITY.—The transfer author-
2 ity provided by this section is in addition to the transfer
3 authority provided under section 1001.

4 **Subtitle C—Other Matters**

5 **SEC. 1531. AFGHANISTAN SECURITY FORCES FUND.**

6 (a) EXTENSION OF AVAILABILITY OF FUNDS FOR
7 SECURITY OF AFGHAN WOMEN.—Subsection (c)(1) of
8 section 1520 of the National Defense Authorization Act
9 for Fiscal Year 2020 (Public Law 116–92) is amended,
10 in the matter preceding subparagraph (A), by striking
11 “fiscal year 2020” and inserting “fiscal year 2021”.

12 (b) ASSESSMENT OF AFGHANISTAN PROGRESS ON
13 OBJECTIVES.—Subsection (d) of such section is amend-
14 ed—

15 (1) in paragraph (1)—

16 (A) in the matter preceding subparagraph
17 (A), by striking “June 1, 2020” and inserting
18 “March 1, 2021”;

19 (B) in subparagraph (A), by striking “;
20 and” and inserting “, including specific mile-
21 stones achieved since the date on which the
22 2020 progress report was submitted;”;

23 (C) in subparagraph (B), by striking the
24 period at the end and inserting “; and”; and

25 (D) by adding at the end the following:

1 “(C) the efforts of the Government of the
2 Islamic Republic of Afghanistan to fulfill the
3 commitments of the Government of the Islamic
4 Republic of Afghanistan under the Joint Dec-
5 laration between the Islamic Republic of Af-
6 ghanistan and the United States of America for
7 Bringing Peace to Afghanistan, issued on Feb-
8 ruary 29, 2020.”;

9 (2) by amending paragraph (2) to read as fol-
10 lows:

11 “(2) MATTERS TO BE INCLUDED.—In con-
12 ducting the assessment required by paragraph (1),
13 the Secretary of Defense shall include each of the
14 following:

15 “(A) The progress made by the Govern-
16 ment of the Islamic Republic of Afghanistan to-
17 ward increased accountability and the reduction
18 of corruption within the Ministry of Defense
19 and the Ministry of Interior of the Government
20 of the Islamic Republic of Afghanistan.

21 “(B) The extent to which the Government
22 of the Islamic Republic of Afghanistan has des-
23 ignated the appropriate staff, prioritized the de-
24 velopment of relevant processes, and provided
25 or requested the allocation of resources nec-

1 essary to support a peace and reconciliation
2 process in Afghanistan.

3 “(C) The extent to which the capability
4 and capacity of the Afghan National Defense
5 and Security Forces have improved as a result
6 of Afghanistan Security Forces Fund invest-
7 ment, including through training, and an ar-
8 ticulation of the metrics used to assess such im-
9 provements.

10 “(D) The extent to which the Afghan Na-
11 tional Defense and Security Forces have been
12 successful in—

13 “(i) defending territory, re-taking ter-
14 ritory, and disrupting attacks;

15 “(ii) reducing the use of Afghan Na-
16 tional Defense and Security Forces check-
17 points; and

18 “(iii) curtailing the use of Afghan
19 Special Security Forces for missions that
20 are better suited to general purpose forces.

21 “(E) The distribution practices of the Af-
22 ghan National Defense and Security Forces and
23 whether the Government of the Islamic Repub-
24 lic of Afghanistan is ensuring that supplies,
25 equipment, and weaponry supplied by the

1 United States are appropriately distributed to,
2 and employed by, security forces.

3 “(F) The progress made with respect to
4 the recruitment, integration, retention, training,
5 and treatment of women in the Afghan Na-
6 tional Defense and Security Forces.

7 “(G) The extent to which the Government
8 of the Islamic Republic of Afghanistan is adher-
9 ing to conditions for receiving assistance estab-
10 lished in annual financial commitment letters or
11 any other bilateral agreement with the United
12 States.

13 “(H) Such other factors as the Secretaries
14 consider appropriate.”; and

15 (3) by amending paragraph (4) to read as fol-
16 lows:

17 “(4) WITHHOLDING OF FUNDS FOR INSUFFI-
18 CIENT PROGRESS.—

19 “(A) CERTIFICATION.—Not later than De-
20 cember 31, 2020, the Secretary of Defense, in
21 coordination with the Secretary of State and
22 pursuant to the assessment under paragraph
23 (1), shall submit to the congressional defense
24 committees a certification indicating whether
25 the Government of the Islamic Republic of Af-

1 ghanistan has made sufficient progress in the
2 areas described in paragraph (2).

3 “(B) WITHHOLDING OF FUNDS.—If the
4 Secretary of Defense is unable under subpara-
5 graph (A) to certify that the Government of the
6 Islamic Republic of Afghanistan is making suf-
7 ficient progress in the areas described in para-
8 graph (2), the Secretary of Defense shall—

9 “(i) withhold from expenditure and
10 obligation an amount that is not less than
11 5 percent and not more than 15 percent of
12 the amounts made available for assistance
13 for the Afghan National Defense and Secu-
14 rity Forces for fiscal year 2021 until the
15 date on which the Secretary is able to so
16 certify; and

17 “(ii) notify the congressional defense
18 committees not later than 30 days before
19 withholding such funds and indicate the
20 specific areas of insufficient progress.

21 “(C) WAIVER.—If the Secretary of De-
22 fense determines that withholding such funds
23 would impede the national security objectives of
24 the United States by prohibiting, restricting,
25 delaying, or otherwise limiting the provision of

1 assistance to the Afghan National Defense and
2 Security Forces for fiscal year 2021, the Sec-
3 retary may waive the withholding requirement
4 under subparagraph (B) if the Secretary, in co-
5 ordination with the Secretary of State, certifies
6 such determination to the congressional defense
7 committees not later than 30 days before the
8 effective date of the waiver.”.

9 (c) ADDITIONAL REPORTING REQUIREMENTS.—Sub-
10 section (e) of such section is amended—

11 (1) in the matter preceding paragraph (1), by
12 striking “fiscal year 2021” and inserting “fiscal year
13 2022”;

14 (2) in paragraph (1), by striking “fiscal year
15 2019” and inserting “fiscal year 2020”;

16 (3) in paragraph (2), by striking “fiscal year
17 2020” and inserting “fiscal year 2021”; and

18 (4) by amending paragraph (3) to read as fol-
19 lows:

20 “(3) If the amounts described in paragraph (2)
21 exceed the amount described in paragraph (1)—

22 “(A) an explanation as to why such
23 amounts are greater; and

1 “(B) a detailed description of the specific
2 entities and purposes that were supported by
3 such increase.”.

4 (d) CONFORMING AMENDMENT.—Such section is fur-
5 ther amended by striking “Government of Afghanistan”
6 each place it appears and inserting “Government of the
7 Islamic Republic of Afghanistan”.

8 **SEC. 1532. TRANSITION AND ENHANCEMENT OF INSPECTOR**
9 **GENERAL AUTHORITIES FOR AFGHANISTAN**
10 **RECONSTRUCTION.**

11 (a) SENSE OF SENATE.—It is the sense of the Senate
12 to commend the Special Inspector General for Afghanistan
13 Reconstruction, and the Office of the Special Inspector
14 General for Afghanistan Reconstruction, for—

15 (1) dedicated and faithful service to the United
16 States since their establishment in the 2008; and

17 (2) promoting substantial efficiency and effec-
18 tiveness in the administration of programs and oper-
19 ations funded with amounts for the reconstruction of
20 Afghanistan.

21 (b) PURPOSES.—Subsection (a) of section 1229 of
22 the National Defense Authorization Act for Fiscal Year
23 2008 (5 U.S.C. app. 8G note) is amended—

24 (1) in paragraph (3), by inserting after “To
25 provide for” the following: “the transition to the

1 lead Inspector General for Operation Freedom’s
2 Sentinel designated pursuant to section 8L(d) of the
3 Inspector General Act of 1978 (50 U.S.C. app.
4 8L(d)) of all duties, responsibilities, and authorities
5 for serving”; and

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

8 “(4) To maximize coordination between the In-
9 spector General under this section and the lead In-
10 spector General for Operation Freedom’s Sentinel,
11 including through transparency and timely sharing
12 of data and information collected in relation to the
13 exercise of their respective duties, responsibilities,
14 and authorities, with emphasis on matters of signifi-
15 cant overlap between the Department of State, the
16 United States Agency for International Develop-
17 ment, and the Department of Defense.”.

18 (c) ASSISTANT INSPECTOR GENERAL FOR AUDIT-
19 ING.—Subsection (d)(1) of such section is amended by
20 striking “supported by” and inserting “funded with”.

21 (d) SUPERVISION.—Subsection (e)(2) of such section
22 is amended by inserting “authorized by this section” after
23 “any audit or investigation”.

24 (e) DUTIES.—Subsection (f) of such section is
25 amended—

1 (1) in paragraph (1)—

2 (A) in subparagraph (E), by adding “and”
3 at the end;

4 (B) by striking subparagraph (F);

5 (C) by redesignating subparagraph (G) as
6 subparagraph (F); and

7 (D) in subparagraph (F), as redesignated
8 by subparagraph (C) of this paragraph—

9 (i) by inserting “with such funds”
10 after “overpayments,”; and

11 (ii) by inserting “regarding such
12 funds,” after “or affiliated entities”;

13 (2) in paragraph (2)—

14 (A) by striking “The Inspector General”
15 and inserting “As specified in this section, the
16 Inspector General”; and

17 (B) by striking “as the Inspector General
18 considers appropriate” and inserting “as nec-
19 essary”; and

20 (3) by striking paragraph (4) and inserting the
21 following new paragraph (4):

22 “(4) SCOPE OF DUTIES AND RESPONSIBIL-
23 ITIES.—

24 “(A) NO EXTENSION TO PARTICULAR MAT-
25 TERS.—The duties and responsibilities of the

1 Inspector General under paragraphs (1)
2 through (3) shall not extend to the following:

3 “(i) Military operations or activities
4 (including security assistance or coopera-
5 tion), unless such operations or activities
6 are funded using a Fund or account speci-
7 fied in subsection (n)(1).

8 “(ii) Contracts for personal security.

9 “(B) ASSIGNMENT OF DUTIES AND RE-
10 SPONSIBILITIES FOR SUCH MATTERS.—Duties
11 and responsibilities of inspectors general with
12 respect to operations and activities and con-
13 tracts specified in subparagraph (A) shall be
14 discharged by the lead Inspector General for
15 Operation Freedom’s Sentinel designated pur-
16 suant to section 8L(d) of the Inspector General
17 Act of 1978.”.

18 (f) RESPONSIBILITY FOR COORDINATION OF EF-
19 FORTS VESTED IN LEAD IG FOR OPERATION FREEDOM’S
20 SENTINEL.—Such section is further amended—

21 (1) by redesignating subsections (g) through (o)
22 as subsections (h) through (p), respectively; and

23 (2) by inserting after subsection (f) the fol-
24 lowing new subsection (g):

1 “(g) COORDINATION AND DECONFLICTION OF EF-
2 FORTS.—

3 “(1) COORDINATION AND DECONFLICTION
4 THROUGH LEAD IG FOR OPERATION FREEDOM’S
5 SENTINEL.—The lead Inspector General for Oper-
6 ation Freedom’s Sentinel designated pursuant to
7 section 8L(d) of the Inspector General Act of 1978
8 shall exercise all duties, responsibilities, and authori-
9 ties for the coordination and deconfliction of inspec-
10 tor general activities in or in regard to Afghanistan.

11 “(2) COORDINATION IN DISCHARGE.—In car-
12 rying out duties, responsibilities, and authorities
13 under paragraph (1), the lead Inspector General re-
14 ferred to in that paragraph shall coordinate with, re-
15 ceive the cooperation of, and be responsible for
16 deconfliction among, the following:

17 “(A) Each Inspector General specified in
18 section 8L(c) of the Inspector General Act of
19 1978 who is not the lead Inspector General for
20 Operation Freedom’s Sentinel.

21 “(B) The Inspector General under this sec-
22 tion.”.

23 “(g) ASSISTANCE FROM FEDERAL AGENCIES.—Sub-
24 section (i) of such section, as redesignated by subsection
25 (f)(1) of this section, is amended—

1 (1) in paragraph (5)(A), by inserting “per-
2 taining to the exercise by the Inspector General of
3 duties, responsibilities, or authorities specified in
4 subsection (f)” after “information and assistance”;
5 and

6 (2) by striking paragraph (6).

7 (h) REPORTS.—Subsection (j) of such section, as re-
8 designated by subsection (f)(1) of this section, is amend-
9 ed—

10 (1) in paragraph (1)—

11 (A) by striking the matter preceding sub-
12 paragraph (A) and inserting the following new
13 matter:

14 “(1) SEMI-ANNUAL REPORTS.—Not later than
15 30 days after the end of the second quarter of each
16 fiscal year, and not later than 30 days after the end
17 of the fourth quarter of each fiscal year, the Inspec-
18 tor General shall submit to the appropriate congres-
19 sional committees a report setting forth a summary,
20 for the two fiscal year quarters ending before the
21 date on which such report is required to be sub-
22 mitted, of the activities of the Inspector General and
23 the activities under programs and operations funded
24 with amounts appropriated or otherwise made avail-
25 able for the reconstruction of Afghanistan. Each re-

1 port shall include, for the period covered by such re-
2 port, the following:”;

3 (B) by striking subparagraph (A) and in-
4 serting the following new subparagraph (A):

5 “(A) A detailed statement of all obligations
6 and expenditures of amounts appropriated or
7 otherwise made available for the reconstruction
8 of Afghanistan.”;

9 (C) in subparagraph (B), by inserting
10 “projects and programs funded by amounts ap-
11 propriated or otherwise made available” after
12 “costs incurred to date for”; and

13 (D) in subparagraphs (C) and (D), by
14 striking “funded by any department or agency
15 of the United States Government” each place it
16 appears and inserting “funded by amounts ap-
17 propriated or otherwise made available for the
18 reconstruction of Afghanistan”; and

19 (2) in paragraph (2), by striking “that involves
20 the use” and all that follows and inserting “that is
21 funded by amounts appropriated or otherwise made
22 available for the reconstruction of Afghanistan.”.

23 (i) REPORT COORDINATION.—Subsection (k) of such
24 section, as redesignated by subsection (f)(1) of this sec-
25 tion, is amended—

1 (1) in the subsection heading, by inserting “BY
2 INSPECTOR GENERAL FOR OPERATION FREEDOM’S
3 SENTINEL” after “REPORT COORDINATION”;

4 (2) in paragraph (1), by striking “and the Sec-
5 retary of Defense” and inserting “, the Secretary of
6 Defense, and the lead Inspector General for Oper-
7 ation Freedom’s Sentinel designated pursuant to
8 section 8L(d) of the Inspector General Act of 1978”;
9 and

10 (3) in paragraph (2), by striking “or the Sec-
11 retary of Defense” each place it appears and insert-
12 ing “, the Secretary of Defense, or the lead Inspec-
13 tor General referred to in paragraph (1)”.

14 (j) FUNDS SUBJECT TO OVERSIGHT RESPONSIBI-
15 LITY.—Paragraph (1) of subsection (n) of such section,
16 as redesignated by subsection (f)(1) of this section, is
17 amended to read as follows:

18 “(1) AMOUNTS APPROPRIATED OR OTHERWISE
19 MADE AVAILABLE FOR THE RECONSTRUCTION OF
20 AFGHANISTAN.—The term ‘amounts appropriated or
21 otherwise made available for the reconstruction of
22 Afghanistan’ means amounts appropriated or other-
23 wise made available for any fiscal year for the recon-
24 struction of Afghanistan under either of the fol-
25 lowing:

1 “(A) The Economic Support Fund.

2 “(B) The International Narcotics Control
3 and Law Enforcement account.

4 “(C) The Commanders Emergency Re-
5 sponse Program Fund.

6 “(D) The NATO Afghanistan National
7 Army Trust Fund.

8 “(E) The Drug Interdiction and Counter
9 Drug Activities Fund.

10 “(F) The Afghanistan Security Forces
11 Fund.”.

12 (k) TERMINATION.—Subsection (p) of such section,
13 as redesignated by subsection (f)(1) of this section, is
14 amended—

15 (1) by striking paragraph (2); and

16 (2) by adding at the end the following new
17 paragraphs.

18 “(2) ASSUMPTION OF DUTIES, RESPONSIBIL-
19 ITIES, AND AUTHORITIES IN TERMINATION.—

20 “(A) IN GENERAL.—Effective as of the
21 date provided for in subparagraph (B), the du-
22 ties, responsibilities, and authorities of the In-
23 spector General under this section shall be dis-
24 charged by the lead Inspector General for Oper-
25 ation Freedom’s Sentinel designated pursuant

1 to subsection (d) of section 8L of the Inspector
2 General Act of 1978.

3 “(B) EFFECTIVE DATE.—The effective
4 date provided for in this subparagraph shall be
5 such date after the date of the termination of
6 the Office of the Special Inspector General for
7 Afghanistan Reconstruction pursuant to para-
8 graph (1) as the Chair of the Council of Inspec-
9 tors General on Integrity and Efficiency under
10 subsection (a) of section 8L of the Inspector
11 General Act of 1978 shall specify, which date
12 may not be more than 180 days after the date
13 of such termination.

14 “(3) FINAL REPORT.—The final report of the
15 Inspector General under this section shall consist of
16 the semi-annual report required by subsection (j)(1)
17 for the last two fiscal year quarters ending before
18 the date of the termination of the Office of the Spe-
19 cial Inspector General for Afghanistan Reconstruc-
20 tion pursuant to paragraph (1).”.

21 (l) CONFORMING AND TECHNICAL AMENDMENTS.—

22 (1) IN GENERAL.—Subject to paragraph (2),
23 such section is further amended as follows:

24 (A) In subsection (a)(2)(A), by inserting a
25 comma after “economy”.

1 (B) Subsection (a)(3) is amended to read
2 as such subsection read as of the day before the
3 date of the enactment of this Act.

4 (C) Paragraph (4) of subsection (a) is re-
5 pealed.

6 (D) In subsection (f)(1)(E), by striking
7 “fund” and inserting “funds”.

8 (E) In subsections (l) and (m), as redesign-
9 ated by subsection (f)(1) of this section—

10 (i) by striking “subsection (i)” each
11 place it appears and inserting “subsection
12 (j)”; and

13 (ii) by striking “subsection (j)(2)”
14 each place it appears and inserting “sub-
15 section (k)(2)”.

16 (2) EFFECTIVE DATES.—The amendments
17 made by subparagraphs (A), (D) and (E) of para-
18 graph (1) shall take effect on the date of the enact-
19 ment of this Act. The amendment made by subpara-
20 graphs (B) and (C) of that paragraph shall take ef-
21 fect on the effective date provided for in section
22 1229(p)(2)(B) of the National Defense Authoriza-
23 tion Act for Fiscal Year 2008, as redesignated by
24 subsection (f)(1) and amended by subsection (k).

1 (m) CONFORMING AMENDMENT TO OTHER LAW.—
2 Section 842(c) of the National Defense Authorization Act
3 for Fiscal Year 2008 (Public Law 110–181; 122 Stat.
4 234; 10 U.S.C. 2302 note) is amended—

5 (1) by inserting “(1)” before “The Special In-
6 spector General for Iraq Reconstruction”; and

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

9 “(2) Upon the assumption by the lead Inspector Gen-
10 eral for Operation Freedom’s Sentinel designated pursu-
11 ant to section 8L(d) of the Inspector General Act of 1978
12 (5 U.S.C. app. 8L(d)) of duties, responsibilities, and au-
13 thorities under section 1229 of this Act, as provided for
14 in subsection (p)(2) of such section 1229, the requirement
15 in paragraph (1) to perform audits as required by sub-
16 section (a) with respect to Afghanistan shall be discharged
17 by such lead Inspector General.”.

18 **TITLE XVI—STRATEGIC PRO-**
19 **GRAMS, CYBER, AND INTEL-**
20 **LIGENCE MATTERS**

21 **Subtitle A—Space Activities**

22 **SEC. 1601. RESILIENT AND SURVIVABLE POSITIONING,**
23 **NAVIGATION, AND TIMING CAPABILITIES.**

24 (a) IN GENERAL.—Not later than two years after the
25 date of the enactment of this Act, consistent with the

1 timescale applicable to joint urgent operational needs
2 statements, the Secretary of Defense shall—

3 (1) prioritize and rank order the mission ele-
4 ments, platforms, and weapons systems most critical
5 for the operational plans of the combatant com-
6 mands;

7 (2) mature, test, and produce for such
8 prioritized mission elements sufficient equipment—

9 (A) to generate resilient and survivable al-
10 ternative positioning, navigation, and timing
11 signals; and

12 (B) to process resilient survivable data
13 provided by signals of opportunity and on-board
14 sensor systems; and

15 (3) integrate and deploy such equipment into
16 the prioritized operational systems, platforms, and
17 weapons systems.

18 (b) PLAN.—

19 (1) IN GENERAL.—Not later than 180 days
20 after the date of the enactment of this Act, the Sec-
21 retary shall submit to the congressional defense com-
22 mittees a plan to commence carrying out subsection
23 (a) in fiscal year 2021.

24 (2) REPROGRAMMING AND BUDGET PRO-
25 POSALS.—The plan submitted under paragraph (1)

1 **SEC. 1603. DEVELOPMENT EFFORTS FOR NATIONAL SECUR-**
2 **RITY SPACE LAUNCH PROVIDERS.**

3 (a) IN GENERAL.—The Secretary of the Air Force
4 shall establish a program to develop technologies and sys-
5 tems to enhance phase three National Security Space
6 Launch requirements and enable further advances in
7 launch capability associated with the insertion of national
8 security payloads into relevant classes of orbits.

9 (b) DURATION.—The duration of a project to develop
10 technologies and systems selected under the program shall
11 be not more than three years.

12 (c) PROGRAM EXPENSE CEILING.—The total amount
13 expended under the program shall not exceed
14 \$250,000,000.

15 (d) SUNSET.—The program established under this
16 section shall terminate on October 1, 2027.

17 **SEC. 1604. TIMELINE FOR NONRECURRING DESIGN VALIDA-**
18 **TION FOR RESPONSIVE SPACE LAUNCH.**

19 Not later than 540 days after the date on which the
20 Secretary of the Air Force selects two National Security
21 Space Launch providers in accordance with the phase two
22 acquisition strategy for the National Security Space
23 Launch program, the Secretary of Defense shall complete
24 the nonrecurring design validation of previously flown
25 launch hardware for National Security Space Launch pro-
26 viders that offer such hardware for use in the phase two

1 acquisition strategy or other national security space mis-
2 sions.

3 **SEC. 1605. TACTICALLY RESPONSIVE SPACE LAUNCH OPER-**
4 **ATIONS.**

5 The Secretary of the Air Force shall implement a
6 tactically responsive space launch program—

7 (1) to provide long-term continuity for tactically
8 responsive space launch operations across the fu-
9 ture-years defense program submitted to Congress
10 under section 221 of title 10, United States Code;

11 (2) to accelerate the development of—

12 (A) responsive launch concepts of oper-
13 ations;

14 (B) tactics;

15 (C) training; and

16 (D) procedures;

17 (3) to develop appropriate processes for
18 tactically responsive space launch, including—

19 (A) mission assurance processes; and

20 (B) command and control, tracking, telem-
21 etry, and communications; and

22 (4) to identify basing capabilities necessary to
23 enable tactically responsive space launch, including
24 mobile launch range infrastructure.

1 **SEC. 1606. CONFORMING AMENDMENTS RELATING TO RE-**
2 **ESTABLISHMENT OF SPACE COMMAND.**

3 (a) CERTIFICATIONS REGARDING INTEGRATED TAC-
4 TICAL WARNING AND ATTACK ASSESSMENT MISSION OF
5 THE AIR FORCE.—Section 1666(a) of National Defense
6 Authorization Act for Fiscal Year 2017 (Public Law 114–
7 328; 113 Stat. 2617) is amended by striking “Strategic
8 Command” and inserting “Space Command”.

9 (b) COUNCIL ON OVERSIGHT OF THE DEPARTMENT
10 OF DEFENSE POSITIONING, NAVIGATION, AND TIMING
11 ENTERPRISE.—Section 2279b of title 10, United States
12 Code, is amended—

13 (1) in subsection (b)—

14 (A) by redesignating paragraphs (7), (8),
15 (9), and (10) as paragraphs (8), (9), (10), and
16 (11), respectively; and

17 (B) by inserting after paragraph (6) the
18 following new paragraph (7):

19 “(7) The Commander of the United States
20 Space Command.”; and

21 (2) in subsection (f), by striking “Strategic
22 Command” each place it appears and inserting
23 “Space Command”.

24 (c) JOINT INTERAGENCY COMBINED SPACE OPER-
25 ATIONS CENTER.—Section 605(e) of the Intelligence Au-

1 thORIZATION Act for Fiscal Year 2017 (Public Law 115–
2 31; 131 Stat. 832) is amended—

3 (1) in the subsection heading, by striking
4 “JOINT INTERAGENCY COMBINED SPACE OPER-
5 ATIONS CENTER” and inserting “NATIONAL SPACE
6 DEFENSE CENTER”; and

7 (2) by striking “Strategic Command” each
8 place it appears and inserting “Space Command”;
9 and

10 (3) by striking “Joint Interagency Combined
11 Space Operations Center” each place it appears and
12 inserting “National Space Defense Center”.

13 (d) NATIONAL SECURITY SPACE SATELLITE RE-
14 PORTING POLICY.—Section 2278(a) of title 10, United
15 States Code, is amended by striking “Strategic Com-
16 mand” and inserting “Space Command”.

17 (e) SPACE-BASED INFRARED SYSTEM AND AD-
18 VANCED EXTREMELY HIGH FREQUENCY PROGRAM.—
19 Section 1612(a)(1) of the National Defense Authorization
20 Act for 2017 (Public Law 114–328; 130 Stat. 2590) is
21 amended by striking “Strategic Command” and inserting
22 “Space Command”.

1 **SEC. 1607. SPACE DEVELOPMENT AGENCY DEVELOPMENT**
2 **REQUIREMENTS AND TRANSFER TO SPACE**
3 **FORCE.**

4 (a) DEVELOPMENT.—The Director of the Space De-
5 velopment Agency shall lead—

6 (1) the development and demonstration of a re-
7 silient military space-based sensing, tracking, and
8 data transport architecture that primarily uses a
9 proliferated low-Earth orbit; and

10 (2) the integration of next-generation space ca-
11 pabilities, and sensor and tracking components (in-
12 cluding a hypersonic and ballistic missile-tracking
13 space sensor payload), into such architecture to ad-
14 dress the requirements and needs of the Armed
15 Forces and combatant commands for such capabili-
16 ties.

17 (b) ORGANIZATION.—On October 1, 2022, or earlier
18 if directed by the Secretary of Defense, the Space Develop-
19 ment Agency shall be transferred from the Office of the
20 Secretary of Defense to the United States Space Force
21 and shall maintain the same organizational reporting re-
22 quirements and acquisition authorities as the Space Rapid
23 Capability Office.

24 **SEC. 1608. SPACE LAUNCH RATE ASSESSMENT.**

25 Not later than 90 days after the date of the enact-
26 ment of this Act, and biennially thereafter for the fol-

1 lowing five-year period, the Secretary of the Air Force
2 shall submit to the congressional defense committees an
3 assessment that includes—

4 (1) the total number of space launches for all
5 national security and Federal civil agency entities
6 conducted in the United States during the preceding
7 two-year period; and

8 (2) the number of space launches by the same
9 sponsors projected to occur during the following
10 three-year period, including—

11 (A) the number of launches, disaggregated
12 by class of launch vehicle; and

13 (B) the number of payloads, disaggregated
14 by orbital destination.

15 **SEC. 1609. REPORT ON IMPACT OF ACQUISITION STRATEGY**
16 **FOR THE NATIONAL SECURITY SPACE**
17 **LAUNCH PROGRAM ON EMERGING FOREIGN**
18 **SPACE LAUNCH PROVIDERS.**

19 Not later than 90 days after the date of the enact-
20 ment of this Act, the Secretary of the Air Force shall sub-
21 mit to Congress a report on the impact of the acquisition
22 strategy for the National Security Space Launch program
23 on the potential for foreign countries, including the Peo-
24 ple's Republic of China, to enter the global commercial
25 space launch market.

1 **Subtitle B—Cyberspace-Related**
2 **Matters**

3 **SEC. 1611. MODIFICATION OF POSITION OF PRINCIPAL**
4 **CYBER ADVISOR.**

5 (a) IN GENERAL.—Subsection (c) of section 932 of
6 the National Defense Authorization Act for Fiscal Year
7 2014 (Public Law 113–66; 10 U.S.C. 2224 note) is
8 amended to read as follows:

9 “(c) PRINCIPAL CYBER ADVISOR.—

10 “(1) DESIGNATION.—The Secretary shall des-
11 ignate a Principal Cyber Advisor from among those
12 civilian officials of the Department of Defense who
13 have been appointed to the positions in which they
14 serve by the President, by and with the advice and
15 consent of the Senate.

16 “(2) RESPONSIBILITIES.—The Principal Cyber
17 Advisor shall be responsible for the following:

18 “(A) Acting as the principal advisor to the
19 Secretary on military cyber forces and activi-
20 ties.

21 “(B) Overall integration of Cyber Oper-
22 ations Forces activities relating to cyberspace
23 operations, including associated policy and oper-
24 ational considerations, resources, personnel,

1 technology development and transition, and ac-
2 quisition.

3 “(C) Assessing and overseeing the imple-
4 mentation of the cyber strategy of the Depart-
5 ment and execution of the cyber posture review
6 of the Department on behalf of the Secretary.

7 “(D) Coordinating activities pursuant to
8 subparagraphs (A) and (B) of subsection (c)(3)
9 with the Principal Information Operations Advi-
10 sor, the Chief Information Officer of the De-
11 partment, and other officials as determined by
12 the Secretary of Defense, to ensure the integra-
13 tion of activities in support of cyber, informa-
14 tion, and electromagnetic spectrum operations.

15 “(E) Such other matters relating to the of-
16 fensive military cyber forces of the Department
17 as the Secretary shall specify for the purposes
18 of this subsection.

19 “(3) CROSS-FUNCTIONAL TEAM.—Consistent
20 with section 911 of the National Defense Authoriza-
21 tion Act for Fiscal Year 2017 (Public Law 114–328;
22 10 U.S.C. 111 note), the Principal Cyber Advisor
23 shall—

24 “(A) integrate the cyber expertise and per-
25 spectives of appropriate organizations within

1 the Office of the Secretary of Defense, Joint
2 Staff, military departments, the Defense Agen-
3 cies and Field Activities, and combatant com-
4 mands, by establishing and maintaining a full-
5 time cross-functional team of subject matter ex-
6 perts from those organizations; and

7 “(B) select team members, and designate a
8 team leader, from among those personnel nomi-
9 nated by the heads of such organizations.”.

10 (b) DESIGNATION OF DEPUTY PRINCIPAL CYBER
11 ADVISOR.—Section 905(a)(1) of the National Defense Au-
12 thorization Act for Fiscal Year 2020 (Public Law 116–
13 92) is amended by striking “Under Secretary of Defense
14 for Policy” and inserting “Secretary of Defense”.

15 **SEC. 1612. FRAMEWORK FOR CYBER HUNT FORWARD OPER-**
16 **ATIONS.**

17 (a) FRAMEWORK REQUIRED.—Not later than Feb-
18 ruary 1, 2021, the Secretary of Defense shall develop a
19 standard, comprehensive framework to enhance the con-
20 sistency, execution, and effectiveness of cyber hunt for-
21 ward operations.

22 (b) ELEMENTS.—The framework developed pursuant
23 to subsection (a) shall include the following:

24 (1) Identification of the selection criteria for
25 proposed hunt forward operations, including speci-

1 fication of necessary thresholds for the justification
2 of operations and thresholds for partner cooperation.

3 (2) The roles and responsibilities of the fol-
4 lowing organizations in the support of the planning
5 and execution of hunt forward operations:

6 (A) United States Cyber Command.

7 (B) Service cyber components.

8 (C) The Office of the Under Secretary of
9 Defense for Policy.

10 (D) Geographic combatant commands.

11 (E) Cyber Operations-Integrated Planning
12 Elements and Joint Cyber Centers.

13 (F) Embassies and consulates of the
14 United States.

15 (3) Pre-deployment planning guidelines to
16 maximize the operational success of each unique op-
17 eration, including guidance that takes into account
18 the highly variable nature of the following aspects at
19 the tactical level:

20 (A) Team composition, including necessary
21 skillsets, recommended training, and guidelines
22 on team size and structure.

23 (B) Relevant factors to determine mission
24 duration in a country of interest.

1 (C) Agreements with partner countries re-
2 quired pre-deployment.

3 (D) Criteria for potential follow-on oper-
4 ations.

5 (E) Equipment and infrastructure required
6 to support the missions.

7 (4) Metrics to measure the effectiveness of each
8 operation, including means to evaluate the value of
9 discovered malware and infrastructure, the effect on
10 the adversary, and the potential for future engage-
11 ments with the partner country.

12 (5) Roles and responsibilities for United States
13 Cyber Command and the National Security Agency
14 in the analysis of relevant mission data.

15 (6) Such other matters as the Secretary deter-
16 mines relevant.

17 (c) BRIEFING.—

18 (1) IN GENERAL.—Not later than March 1,
19 2021, the Secretary of Defense shall provide to the
20 Committee on Armed Services of the Senate and the
21 Committee on Armed Services of the House of Rep-
22 resentatives a briefing on the framework developed
23 pursuant to subsection (a).

24 (2) CONTENTS.—The briefing required by para-
25 graph (1) shall include the following:

1 (A) An overview of the framework devel-
2 oped in subsection (a).

3 (B) An explanation of the tradeoffs associ-
4 ated with the use of Department of Defense re-
5 sources for hunt forward missions in the con-
6 text of competing priorities.

7 (C) Such recommendations as the Sec-
8 retary may have for legislative action to im-
9 prove the effectiveness of hunt forward mis-
10 sions.

11 **SEC. 1613. MODIFICATION OF SCOPE OF NOTIFICATION RE-**
12 **QUIREMENTS FOR SENSITIVE MILITARY**
13 **CYBER OPERATIONS.**

14 Subsection (c) of section 395 of title 10, United
15 States Code, is amended to read as follows:

16 “(c) SENSITIVE MILITARY CYBER OPERATION DE-
17 FINED.—(1) In this section, the term ‘sensitive military
18 cyber operation’ means an action described in paragraph
19 (2) that—

20 “(A) is carried out by the armed forces of the
21 United States;

22 “(B) is intended to achieve a cyber effect
23 against a foreign terrorist organization or a country,
24 including its armed forces and the proxy forces of
25 that country located elsewhere —

1 “(i) with which the armed forces of the
2 United States are not involved in hostilities (as
3 that term is used in section 4 of the War Pow-
4 ers Resolution (50 U.S.C. 1543)); or

5 “(ii) with respect to which the involvement
6 of the armed forces of the United States in hos-
7 tilities has not been acknowledged publicly by
8 the United States; and

9 “(C)(i) is determined to—

10 “(I) have a medium or high collateral ef-
11 fects estimate;

12 “(II) have a medium or high intelligence
13 gain or loss;

14 “(III) have a medium or high probability
15 of political retaliation, as determined by the po-
16 litical military assessment contained within the
17 associated concept of operations;

18 “(IV) have a medium or high probability of
19 detection when detection is not intended; or

20 “(V) result in medium or high collateral ef-
21 fects; or

22 “(ii) is a matter the Secretary determines to be
23 appropriate.

24 “(2) The actions described in this paragraph are the
25 following:

1 “(A) An offensive cyber operation.

2 “(B) A defensive cyber operation.”.

3 **SEC. 1614. MODIFICATION OF REQUIREMENTS FOR QUAR-**
4 **TERLY DEPARTMENT OF DEFENSE CYBER OP-**
5 **ERATIONS BRIEFINGS FOR CONGRESS.**

6 Section 484 of title 10, United States Code, is
7 amended by striking subsections (a) and (b) and inserting
8 the following new subsections:

9 “(a) **BRIEFINGS REQUIRED.**—The Under Secretary
10 of Defense for Policy, the Commander of United States
11 Cyber Command, and the Chairman of the Joint Chiefs
12 of Staff, or designees from each of their offices, shall pro-
13 vide to the congressional defense committees quarterly
14 briefings on all offensive and significant defensive military
15 operations in cyberspace, including clandestine cyber ac-
16 tivities, carried out by the Department of Defense during
17 the immediately preceding quarter.

18 “(b) **ELEMENTS.**—Each briefing under subsection
19 (a) shall include, with respect to the military operations
20 in cyberspace described in such subsection, the following:

21 “(1) An update, set forth separately for each
22 applicable geographic and functional command, that
23 describes the operations carried out in the area of
24 operations of that command or by that command.

1 “(2) An update, set forth for each applicable
2 geographic and functional command, that describes
3 defensive cyber operations executed to protect or de-
4 fend forces, networks, and equipment in the area of
5 operations of that command.

6 “(3) An update on relevant authorities and
7 legal issues applicable to operations, including any
8 presidential directives and delegations of authority
9 received since the last quarterly update.

10 “(4) An overview of critical operational chal-
11 lenges posed by major adversaries or encountered in
12 operational activities conducted since the last quar-
13 terly update.

14 “(5) An overview of the readiness of the Cyber
15 Mission Forces to perform assigned missions that—

16 “(A) addresses all of the abilities of such
17 Forces to conduct cyberspace operations based
18 on capability and capacity of personnel, equip-
19 ment, training, and equipment condition—

20 “(i) using both quantitative and quali-
21 tative metrics; and

22 “(ii) in a way that is common to all
23 military departments; and

24 “(B) is consistent with readiness reporting
25 pursuant to section 482 of this title.

1 “(6) Any other matters that the briefers deter-
2 mine to be appropriate.

3 “(c) DOCUMENTS.—Each briefing under subsection
4 (a) shall include a classified placemat, summarizing the
5 elements specified in paragraphs (1), (2), (3), and (5) of
6 subsection (b), and an unclassified memorandum, summa-
7 rizing the briefing’s contents.”.

8 **SEC. 1615. RATIONALIZATION AND INTEGRATION OF PAR-**
9 **ALLEL CYBERSECURITY ARCHITECTURES**
10 **AND OPERATIONS.**

11 (a) REVIEW REQUIRED.—The Commander of United
12 States Cyber Command, with support from the Chief In-
13 formation Officer of the Department of Defense, the Chief
14 Data Officer of the Department, the Principal Cyber Advi-
15 sor, the Vice Chairman of the Joint Chiefs of Staff, and
16 the Director of Cost Analysis and Program Evaluation,
17 shall conduct a review of the Cybersecurity Service Pro-
18 vider and Cyber Mission Force enterprises.

19 (b) ASSESSMENT AND IDENTIFICATION OF
20 REDUNDANCIES AND GAPS.—The review required by sub-
21 section (a) shall assess and identify—

22 (1) the optimal way to integrate the Joint
23 Cyber Warfighting Architecture and the Cybersecu-
24 rity Service Provider architectures, associated tools

1 and capabilities, and associated concepts of oper-
2 ations;

3 (2) redundancies and gaps in network sensor
4 deployment and data collection and analysis for
5 the—

6 (A) Big Data Platform;

7 (B) Joint Regional Security Stacks; and

8 (C) Security Information and Event Man-
9 agement capabilities;

10 (3) where integration, collaboration, and inter-
11 operability are not occurring that would improve
12 outcomes;

13 (4) baseline training, capabilities, competencies,
14 operational responsibilities, and joint concepts of op-
15 erations for the Joint Force Headquarters for the
16 Department of Defense Information Network, Cy-
17 bersecurity Service Providers, and Cyber Protection
18 Teams;

19 (5) the roles and responsibilities of the Prin-
20 cipal Cyber Advisor, Chief Information Officer, and
21 the Commander of United States Cyber Command
22 in establishing and overseeing the baselines assessed
23 and identified under paragraph (4);

1 (6) the optimal command structure for the mili-
2 tary services' and combatant commands' cybersecu-
3 rity service providers and cyber protection teams;

4 (7) the responsibilities of network owners and
5 cybersecurity service providers in mapping, config-
6 uring, instrumenting, and deploying sensors on net-
7 works to best support response of cyber protection
8 teams when assigned to defend unfamiliar networks;
9 and

10 (8) operational concepts and engineering
11 changes to enhance remote access and operations of
12 cyber protection teams on networks through tools
13 and capabilities of the Cybersecurity Service Pro-
14 viders.

15 (c) RECOMMENDATIONS FOR FISCAL YEAR 2023
16 BUDGET.—The Chief Information Officer, the Chief Data
17 Officer, the Commander of United States Cyber Com-
18 mand, and the Principal Cyber Advisor shall jointly de-
19 velop recommendations for the Secretary of Defense in
20 preparation of the budget justification materials to be sub-
21 mitted to Congress in support of the budget for the De-
22 partment of Defense for fiscal year 2023 (as submitted
23 with the budget of the President for such fiscal year under
24 section 1105(a) of title 31, United States Code).

1 (d) PROGRESS BRIEFING.—Not later than March 31,
2 2021, the Chief Information Officer, the Chief Data Offi-
3 cer, the Commander of United States Cyber Command,
4 and the Principal Cyber Advisor shall jointly provide a
5 briefing to the congressional defense committees on the
6 progress made in carrying out this section.

7 **SEC. 1616. MODIFICATION OF ACQUISITION AUTHORITY OF**
8 **COMMANDER OF UNITED STATES CYBER**
9 **COMMAND.**

10 Section 807 of the National Defense Authorization
11 Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C.
12 2224 note) is amended—

13 (1) by striking subsections (e) and (i); and

14 (2) by redesignating subsections (f) through (h)
15 as subsections (e) through (g), respectively.

16 **SEC. 1617. ASSESSMENT OF CYBER OPERATIONAL PLAN-**
17 **NING AND DECONFLICTION POLICIES AND**
18 **PROCESSES.**

19 (a) ASSESSMENT.—Not later than November 1,
20 2021, the Principal Cyber Advisor of the Department of
21 Defense and the Commander of United States Cyber Com-
22 mand shall jointly, in coordination with the Under Sec-
23 retary of Defense for Policy, the Under Secretary of De-
24 fense for Intelligence and Security, and the Chairman of
25 the Joint Chiefs of Staff, conduct and complete an assess-

1 ment on the operational planning and deconfliction poli-
2 cies and processes that govern cyber operations of the De-
3 partment of Defense.

4 (b) ELEMENTS.—The assessment required by sub-
5 section (a) shall include evaluations as to whether—

6 (1) the joint targeting cycle and relevant oper-
7 ational and targeting databases are suitable for the
8 conduct of timely and well-coordinated cyber oper-
9 ations;

10 (2) each of the policies and processes in effect
11 to facilitate technical, operational, and capability
12 deconfliction are appropriate for the conduct of
13 timely and effective cyber operations;

14 (3) intelligence gain-loss decisions made by
15 Cyber Command are sufficiently well-informed and
16 made in timely fashion;

17 (4) relevant intelligence data and products are
18 consistently available and distributed to relevant
19 planning and operational elements in Cyber Com-
20 mand;

21 (5) collection operations and priorities meet the
22 operational requirements of Cyber Command; and

23 (6) authorities relevant to intelligence, surveil-
24 lance, and reconnaissance and operational prepara-

1 tion of the environment are delegated to the appro-
2 priate level.

3 (c) BRIEFING.—Not later than February 1, 2022, the
4 Principal Cyber Advisor and the Commander of United
5 States Cyber Command shall provide to the Committee on
6 Armed Services of the Senate and the Committee on
7 Armed Services of the House of Representatives a briefing
8 on the findings of the assessment completed under sub-
9 section (a), including discussion of planned policy and
10 process changes, if any, relevant to cyber operations.

11 **SEC. 1618. PILOT PROGRAM ON CYBERSECURITY CAPA-**
12 **BILITY METRICS.**

13 (a) PILOT PROGRAM REQUIRED.—The Secretary of
14 Defense, acting through the Chief Information Officer of
15 the Department of Defense and the Commander of United
16 States Cyber Command, shall conduct a pilot program to
17 assess the feasibility and advisability of developing and
18 using speed-based metrics to measure the performance
19 and effectiveness of security operations centers and cyber
20 security service providers in the Department of Defense.

21 (b) REQUIREMENTS.—

22 (1) DEVELOPMENT OF METRICS.—(A) Not later
23 than July 1, 2021, the Chief Information Officer
24 and the Commander shall jointly develop metrics de-

1 scribed in subsection (a) to carry out the pilot pro-
2 gram under such subsection.

3 (B) The Chief Information Officer and the
4 Commander shall ensure that the metrics developed
5 under subparagraph (A) are commensurate with the
6 representative timelines of nation-state and non-na-
7 tion-state actors when gaining access to, and com-
8 promising, Department networks.

9 (2) USE OF METRICS.—(A) Not later than De-
10 cember 1, 2021, the Secretary shall, in carrying out
11 the pilot program required by subsection (a), begin
12 using the metrics developed under paragraph (1) of
13 this subsection to assess select security operations
14 centers and cyber security service providers, which
15 the Secretary shall select specifically for purposes of
16 the pilot program, for a period of not less than four
17 months.

18 (B) In carrying out the pilot program under
19 subsection (a), the Secretary shall evaluate the effec-
20 tiveness of operators, capabilities available to opera-
21 tors, and operators' tactics, techniques, and proce-
22 dures.

23 (c) AUTHORITIES.—In carrying out the pilot program
24 under subsection (a), the Secretary may—

1 (1) assess select security operations centers and
2 cyber security service providers—

3 (A) over the course of their mission per-
4 formance; or

5 (B) in the testing and accreditation of cy-
6 bersecurity products and services on test net-
7 works designated pursuant to section 1658 of
8 the National Defense Authorization Act for Fis-
9 cal Year 2020 (Public Law 116–92); and

10 (2) assess select elements’ use of security or-
11 chestration and response technologies, modern end-
12 point security technologies, Big Data Platform
13 instantiations, and technologies relevant to zero
14 trust architectures.

15 (d) BRIEFING.—

16 (1) IN GENERAL.—Not later than March 1,
17 2022, the Secretary shall brief the Committee on
18 Armed Services of the Senate and the Committee on
19 Armed Services of the House of Representatives on
20 the findings of the Secretary with respect to the
21 pilot program required by subsection (a).

22 (2) ELEMENTS.—The briefing provided under
23 paragraph (1) shall include the following:

24 (A) The pilot metrics developed under sub-
25 section (b)(1).

1 (B) The findings of the Secretary with re-
2 spect to the assessments carried out under sub-
3 section (b)(2).

4 (C) An analysis of the utility of speed-
5 based metrics in assessing security operations
6 centers and cyber security service providers.

7 (D) An analysis of the utility of the exten-
8 sion of the pilot metrics to or speed-based as-
9 sessment of the Cyber Mission Forces.

10 (E) An assessment of the technical and
11 procedural measures that would be necessary to
12 meet the speed-based metrics developed and ap-
13 plied in the pilot program.

14 **SEC. 1619. ASSESSMENT OF EFFECT OF INCONSISTENT TIM-**
15 **ING AND USE OF NETWORK ADDRESS TRANS-**
16 **LATION IN DEPARTMENT OF DEFENSE NET-**
17 **WORKS.**

18 (a) IN GENERAL.—Not later than March 1, 2021, the
19 Chief Information Officer of the Department of Defense
20 shall conduct comprehensive assessments as follows:

21 (1) TIMING VARIABILITY IN DEPARTMENT NET-
22 WORKS.—The Chief Information Officer shall char-
23 acterize—

24 (A) timing variability across Department
25 information technology and operational tech-

1 nology networks, appliances, devices, applica-
2 tions, and sensors that generate time-stamped
3 data and metadata used for cybersecurity pur-
4 poses;

5 (B) how timing variability affects current,
6 planned, and potential capabilities for detecting
7 network intrusions that rely on correlating
8 events and the sequence of events; and

9 (C) how to harmonize standard of timing
10 across Department networks.

11 (2) USE OF NETWORK ADDRESS TRANS-
12 LATION.—The Chief Information Officer shall char-
13 acterize—

14 (A) why and how the Department is using
15 Network Address Translation (NAT) and mul-
16 tiple layers and nesting of Network Address
17 Translation;

18 (B) how using Network Address Trans-
19 lation affects the ability to link malicious com-
20 munications detected at various network tiers to
21 specific endpoints or hosts to enable prompt ad-
22 ditional investigations, quarantine decisions,
23 and remediation activities; and

24 (C) what steps and associated cost and
25 schedule are necessary to eliminate the use of

1 Network Address Translation or to otherwise
2 provide transparency to network defenders, in-
3 cluding options to accelerate the transition from
4 Internet Protocol version 4 to Internet Protocol
5 version 6.

6 (b) RECOMMENDATION.—The Chief Information Of-
7 ficer and the Principal Cyber Advisor shall submit to the
8 Secretary of Defense a recommendation to address the as-
9 sessments conducted under subsection (a), including
10 whether and how to revise the cyber strategy of the De-
11 partment.

12 (c) BRIEFING.—Not later than April 1, 2021, the
13 Chief Information Officer shall brief the congressional de-
14 fense committees on the findings of the Chief Information
15 Officer with respect to the assessments conducted under
16 subsection (a) and the recommendation submitted under
17 subsection (b).

18 **SEC. 1620. MATTERS CONCERNING THE COLLEGE OF IN-**
19 **FORMATION AND CYBERSPACE AT NATIONAL**
20 **DEFENSE UNIVERSITY.**

21 (a) PROHIBITION.—The Secretary of Defense may
22 not eliminate, divest, downsize, or reorganize the College
23 of Information and Cyberspace of the National Defense
24 University, or seek to reduce the number of students edu-
25 cated at the College, until 30 days after the date on which

1 the congressional defense committees receive the report re-
2 quired by subsection (c).

3 (b) ASSESSMENT, DETERMINATION, AND REVIEW.—

4 The Under Secretary of Defense for Policy, in consultation
5 with the Under Secretary of Defense for Personnel and
6 Readiness, the Principal Cyber Advisor, the Principal In-
7 formation Operations Advisor of the Department of De-
8 fense, the Chief Information Officer of the Department,
9 the Chief Financial Officer of the Department, the Chair-
10 man of the Joint Chiefs of Staff, and the Commander of
11 United States Cyber Command, shall—

12 (1) assess requirements for joint professional
13 military education and civilian leader education in
14 the information environment and cyberspace domain
15 to support the Department and other national secu-
16 rity institutions of the Federal Government;

17 (2) determine whether the importance, chal-
18 lenges, and complexity of the modern information
19 environment and cyberspace domain warrant—

20 (A) a college at the National Defense Uni-
21 versity, or a college independent of the National
22 Defense University whose leadership is respon-
23 sible to the Office of the Secretary of Defense;
24 and

1 (B) the provision of resources, services,
2 and capacity at levels that are the same as, or
3 decreased or enhanced in comparison to, those
4 resources, services, and capacity in place at the
5 College of Information and Cyberspace on Jan-
6 uary 1, 2019;

7 (3) review the plan proposed by the National
8 Defense University for eliminating the College of In-
9 formation and Cyberspace and reducing and restruc-
10 turing the information and cyberspace faculty,
11 course offerings, joint professional military education
12 and degree and certificate programs, and other serv-
13 ices provided by the College; and

14 (4) assess the changes made to the College of
15 Information and Cyberspace since January 1, 2019,
16 and the actions necessary to reverse those changes,
17 including relocating the College and its associated
18 budget, faculty, staff, students, and facilities outside
19 of the National Defense University.

20 (c) REPORT REQUIRED.—Not later than February 1,
21 2021, the Secretary shall submit to the congressional de-
22 fense committees a report on—

23 (1) the findings of the Secretary with respect to
24 the assessments, determination, and review con-
25 ducted under subsection (b); and

1 (2) such recommendations as the Secretary may
2 have for higher education in the information envi-
3 ronment and cyberspace domain.

4 **SEC. 1621. MODIFICATION OF MISSION OF CYBER COM-**
5 **MAND AND ASSIGNMENT OF CYBER OPER-**
6 **ATIONS FORCES.**

7 Section 167b of title 10, United States Code, is
8 amended—

9 (1) in subsection (a)—

10 (A) in the first sentence, by inserting
11 “(1)” before “With the advice”;

12 (B) in paragraph (1), as designated by
13 subparagraph (A), by striking the second sen-
14 tence; and

15 (C) by adding at the end the following new
16 paragraph:

17 “(2) The principal mission of the cyber command is
18 to direct, synchronize, and coordinate cyber planning and
19 operations to defend and advance national interests in col-
20 laboration with domestic and international partners.”; and

21 (2) by amending subsection (b) to read as fol-
22 lows:

23 “(b) ASSIGNMENT OF FORCES.—(1) Active and re-
24 serve cyber forces of the armed forces shall be assigned

1 to the cyber command through the Global Force Manage-
2 ment Process, as approved by the Secretary of Defense.

3 “(2) Cyber forces not assigned to cyber command re-
4 main assigned to combatant commands or service-re-
5 tained.”.

6 **SEC. 1622. INTEGRATION OF DEPARTMENT OF DEFENSE**

7 **USER ACTIVITY MONITORING AND CYBERSE-**
8 **CURITY.**

9 (a) INTEGRATION OF PLANS, CAPABILITIES, AND
10 SYSTEMS.—The Secretary of Defense shall integrate the
11 plans, capabilities, and systems for user activity moni-
12 toring, and the plans, capabilities, and systems for end-
13 point cybersecurity and the collection of metadata on net-
14 work activity for cybersecurity to enable mutual support
15 and information sharing.

16 (b) REQUIREMENTS.—In carrying out subsection (a),
17 the Secretary shall—

18 (1) consider using the Big Data Platform in-
19 stances that host cybersecurity metadata for storage
20 and analysis of all user activity monitoring data col-
21 lected across the Department of Defense Informa-
22 tion Network at all security classification levels;

23 (2) develop policies and procedures governing
24 access to user activity monitoring data or data de-

1 rived from user activity monitoring by cybersecurity
2 operators; and

3 (3) develop processes and capabilities for using
4 metadata on host and network activity for user ac-
5 tivity monitoring in support of the insider threat
6 mission.

7 (c) CONGRESSIONAL BRIEFING.—Not later than Oc-
8 tober 1, 2021, the Secretary shall provide a briefing to
9 the congressional defense committees on actions taken to
10 carry out this section.

11 **SEC. 1623. DEFENSE INDUSTRIAL BASE CYBERSECURITY**
12 **SENSOR ARCHITECTURE PLAN.**

13 (a) PLAN REQUIRED.—Not later than February 1,
14 2021, the Principal Cyber Advisor of the Department of
15 Defense, in consultation with the Chief Information Offi-
16 cer of the Department, the Under Secretary of Defense
17 for Acquisition and Sustainment, the Under Secretary of
18 Defense for Intelligence and Security, and the Commander
19 of United States Cyber Command, shall develop a com-
20 prehensive plan for the deployment of commercial-off-the-
21 shelf solutions on supplier networks to monitor the public-
22 facing Internet attack surface in the defense industrial
23 base.

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

1 (1) Definition of an architecture, concept of op-
2 erations, and governance structure that—

3 (A) will allow for the instrumentation and
4 collection of cybersecurity data on the public-
5 facing Internet attack surfaces of defense in-
6 dustrial base contractors in a manner that is
7 compatible with the Department's existing or
8 future capabilities for analysis, and instrumen-
9 tation and collection, as appropriate, of cyberse-
10 curity data within the Department of Defense
11 Information Network;

12 (B) includes the expected scale, schedule,
13 and guiding principles of deployment;

14 (C) is consistent with the defense indus-
15 trial base cybersecurity policies and programs
16 of the Under Secretary of Defense for Acquisi-
17 tion and Sustainment and the Chief Informa-
18 tion Officer; and

19 (D) includes an acquisition strategy for
20 sensor capabilities that optimizes required capa-
21 bility, scalability, cost, and intelligence and cy-
22 bersecurity requirements.

23 (2) Roles and responsibilities of the persons re-
24 ferred to in subsection (a) in implementing and exe-
25 cuting the plan.

1 (c) CONSULTATION.—In developing the plan required
2 by subsection (a), the Principal Cyber Advisor shall ensure
3 that extensive consultation with representative companies
4 of the defense industrial base occurs so as to ensure that
5 prospective participants in the defense industrial base un-
6 derstand and agree that emerging solutions are accept-
7 able, practical, and effective.

8 (d) BRIEFING.—Not later than March 1, 2021, the
9 Principal Cyber Advisor shall provide a briefing to the
10 Committee on Armed Services of the Senate and the Com-
11 mittee on Armed Services of the House of Representatives
12 on the plan developed pursuant to subsection (a).

13 **SEC. 1624. EXTENSION OF CYBERSPACE SOLARIUM COM-**
14 **MISSION TO TRACK AND ASSESS IMPLEMEN-**
15 **TATION.**

16 Section 1652 of the John S. McCain National De-
17 fense Authorization Act for Fiscal Year 2019 (Public Law
18 115–232), as amended by section 1639 of the National
19 Defense Authorization Act for Fiscal Year 2020 (Public
20 Law 116–92), is further amended—

21 (1) in subsection (b)(1)(B)—

22 (A) in clause (i), by striking “under
23 clauses (iv) through (vii) of subparagraph (A)”
24 and inserting “under clauses (v) through (viii)
25 of subparagraph (A)”; and

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

3 “(iv) Effective on the date of the enact-
4 ment of the National Defense Authorization Act
5 for Fiscal Year 2021, the composition of the
6 Commission shall not include clauses (i)
7 through (iv) of subparagraph (A).”;

8 (2) in subsection (d)(2), by striking “Seven
9 members shall” and inserting “Seven members, dur-
10 ing the period beginning on the date of the establish-
11 ment of the Commission and ending on the day be-
12 fore the date of the enactment of the National De-
13 fense Authorization Act for Fiscal Year 2021, and
14 six members, during the period beginning on the
15 date of the enactment of such Act and ending on the
16 date of the termination of the Commission, shall”;

17 (3) in subsection (i)(1)(B)—

18 (A) by striking “Members of the Commis-
19 sion who” inserting “(i) During the period be-
20 ginning on the date of the establishment of the
21 Commission and ending on the day before the
22 date of the enactment of the National Defense
23 Authorization Act for Fiscal Year 2021, mem-
24 bers of the Commission who”; and

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

3 “(ii) During the period beginning on the date of
4 the enactment of such Act and ending on the date
5 of the termination of the Commission, members of
6 the Commission who are Members of Congress shall
7 receive no additional pay by reason of their service
8 on the Commission.”; and

9 (4) in subsection (k)(2)—

10 (A) in subparagraph (A), by striking “120
11 day period” and inserting “16 month period
12 with no further extensions permitted”;

13 (B) by amending subparagraph (B) to read
14 as follows:

15 “(B) The Commission may use the 16 month
16 period referred to in subparagraph (A) for the pur-
17 poses of—

18 “(i) collecting and assessing comments and
19 feedback from the Federal departments and
20 agencies, as well as published reviews, on the
21 analysis and recommendations contained in the
22 final report under paragraph (1);

23 “(ii) collecting and assessing any develop-
24 ments in cybersecurity that may affect the rec-
25 ommendations in such report;

1 “(iii) reviewing the implementation of the
2 recommendations contained in such report; and

3 “(iv) revising or amending recommenda-
4 tions based on the assessments and reviews con-
5 ducted under clauses (i) through (iii);

6 “(C) During the 16 month period referred to in
7 subparagraph (A), the Commission shall—

8 “(i) provide, in such manner and format as
9 the Commission considers appropriate, an an-
10 nual update on such report and any revisions or
11 amendments reached by the Commission under
12 subparagraph (B)(iv) to—

13 “(I) the Committee on Armed Serv-
14 ices, the Select Committee on Intelligence,
15 and the Committee on Homeland Security
16 and Governmental Affairs of the Senate;

17 “(II) the Committee on Armed Serv-
18 ices, the Permanent Select Committee on
19 Intelligence, and the Committee on Home-
20 land Security of the House of Representa-
21 tives;

22 “(III) the Director of National Intel-
23 ligence;

24 “(IV) the Secretary of Defense; and

1 “(V) the Secretary of Homeland Secu-
2 rity; and

3 “(ii) conclude its activities, including pro-
4 viding testimony to Congress concerning the
5 final report under paragraph (1) and dissemi-
6 nating such report.”; and

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

9 “(D) In the event that the Commission is ex-
10 tended, and the effective date of the extension comes
11 after the time set for the Commission’s termination,
12 the Commission shall be deemed reconstituted with
13 the same members and powers that existed at the
14 time of termination of the Commission, except
15 that—

16 “(i) a member of the Commission shall
17 only serve if the member’s position continues to
18 be authorized under subsection (b);

19 “(ii) no compensation or entitlements re-
20 lating to a person’s status with the Commission
21 shall be due for the period between the termi-
22 nation and reconstitution of the Commission;

23 “(iii) nothing in this paragraph shall be
24 deemed as requiring the extension or reemploy-

1 ment of any staff member or contractor work-
2 ing for the Commission;

3 “(iv) the staff of the commission—

4 “(I) shall be selected by the co-chairs
5 of the Commission in accordance with sub-
6 section (h)(1);

7 “(II) shall be comprised of not more
8 than four individuals, including a staff di-
9 rector;

10 “(III) shall be resourced in accord-
11 ance with subsection (g)(4)(A); and

12 “(IV) with the approval of the co-
13 chairs, may be provided by contract with a
14 nongovernmental organization;

15 “(v) any unexpended funds made available
16 for the use of the Commission shall continue to
17 be available for use for the life of the Commis-
18 sion, as well as any additional funds appro-
19 priated to the Department of Defense that are
20 made available to the Commission, provided
21 that the total such funds does not exceed
22 \$1,000,000 from the reconstitution of the Com-
23 mission to the completion of the Commission;
24 and

1 “(vi) the requirement for an annual assess-
2 ment of the final report in subsection (l) shall
3 be in effect until the termination of the Com-
4 mission.”.

5 **SEC. 1625. REVIEW OF REGULATIONS AND PROMULGATION**
6 **OF GUIDANCE RELATING TO NATIONAL**
7 **GUARD RESPONSES TO CYBER ATTACKS.**

8 (a) IN GENERAL.—Not later than December 31,
9 2021, the Secretary of Defense, in coordination with the
10 Secretary of Homeland Security, shall—

11 (1) review and, if the Secretary determines nec-
12 essary, update regulations promulgated under sec-
13 tion 903 of title 32, United States Code, to clarify
14 when and under what conditions the participation of
15 the National Guard in a response to a cyber attack
16 qualifies as a homeland defense activity that would
17 be compensated for by the Secretary of Defense
18 under section 902 of such title; and

19 (2) promulgate guidance on how units of the
20 National Guard shall collaborate with the Cybersecu-
21 rity and Infrastructure Security Agency and the
22 Federal Bureau of Investigation through multi-agen-
23 cy task forces, information-sharing groups, incident
24 response planning and exercises, State fusion cen-
25 ters, and other relevant forums and activities.

1 (b) ANNEX OF NATIONAL CYBER INCIDENT RE-
2 SPONSE PLAN.—Not later than December 31, 2021, the
3 Secretary of Homeland Security, in coordination with the
4 Secretary of Defense, shall develop an annex to the Na-
5 tional Cyber Incident Response Plan that details those
6 regulations and guidance reviewed, updated, and promul-
7 gated under paragraphs (1) and (2) of subsection (a).

8 **SEC. 1626. IMPROVEMENTS RELATING TO THE QUADREN-**
9 **NIAL CYBER POSTURE REVIEW.**

10 Section 1644(e) of the National Defense Authoriza-
11 tion Act for Fiscal Year 2018 (Public Law 115–91), as
12 amended by section 1635 of the National Defense Author-
13 ization Act for Fiscal Year 2020 (Public Law 116–92),
14 is further amended—

15 (1) by amending paragraph (1) to read as fol-
16 lows:

17 “(1) The assessment and definition of the role
18 of cyber forces in the national defense and military
19 strategies of the United States.”;

20 (2) by amending paragraph (2) to read as fol-
21 lows:

22 “(2) Review of the following:

23 “(A) The role of cyber operations in com-
24 batant commander warfighting plans.

1 “(B) The ability of combatant commanders
2 to respond to adversary cyber attacks.

3 “(C) The cyber capacity-building programs
4 of the Department.”;

5 (3) by amending paragraph (3) to read as fol-
6 lows:

7 “(3) A review of the law, policies, and authori-
8 ties relating to, and necessary for, the United States
9 to maintain a safe, reliable, and credible cyber pos-
10 ture for defending against and responding to cyber
11 attacks and for deterrence in cyberspace, including
12 the following:

13 “(A) An assessment of the need for further
14 delegation of cyber-related authorities, including
15 those germane to information warfare, to the
16 Commander of United States Cyber Command.

17 “(B) An evaluation of the adequacy of mis-
18 sion authorities for all cyber-related military
19 components, defense agencies, directorates, cen-
20 ters, and commands.”;

21 (4) in paragraph (4), by striking “A declara-
22 tory” and inserting “A review of the need for or for
23 updates to a declaratory”;

24 (5) in paragraph (5), by striking “Proposed”
25 and inserting “A review of”;

1 (6) by amending paragraph (6) to read as fol-
2 lows:

3 “(6) A review of a strategy to deter, degrade,
4 or defeat malicious cyber activity targeting the
5 United States (which may include activities, capa-
6 bility development, and operations other than cyber
7 activities, cyber capability development, and cyber
8 operations), including—

9 “(A) a review and assessment of various
10 approaches to competition and deterrence in
11 cyberspace, determined in consultation with ex-
12 perts from Government, academia, and indus-
13 try;

14 “(B) a comparison of the strengths and
15 weaknesses of the approaches identified pursu-
16 ant to subparagraph (A) relative to the threat
17 of each other; and

18 “(C) an assessment as to how the cyber
19 strategy will inform country-specific campaign
20 plans focused on key leadership of Russia,
21 China, Iran, North Korea, and any other coun-
22 try the Secretary considers appropriate.”;

23 (7) by striking paragraph (8) and inserting the
24 following new paragraph (8):

1 “(8) A comprehensive force structure assess-
2 ment of the Cyber Operations Forces of the Depart-
3 ment for the posture review period, including the fol-
4 lowing:

5 “(A) A determination of the appropriate
6 size and composition of the Cyber Mission
7 Forces to accomplish the mission requirements
8 of the Department.

9 “(B) An assessment of the Cyber Mission
10 Forces’ personnel, capabilities, equipment,
11 funding, operational concepts, and ability to
12 execute cyber operations in a timely fashion.

13 “(C) An assessment of the personnel, capa-
14 bilities, equipment, funding, and operational
15 concepts of Cybersecurity Service Providers and
16 other elements of the Cyber Operations
17 Forces.”;

18 (8) by redesignating paragraphs (9) through
19 (11) as subsections (12) through (15), respectively;
20 and

21 (9) by inserting after paragraph (8), the fol-
22 lowing new paragraphs:

23 “(9) An assessment of whether the Cyber Mis-
24 sion Force has the appropriate level of interoper-

1 ability, integration, and interdependence with special
2 operations and conventional forces.

3 “(10) An evaluation of the adequacy of mission
4 authorities for the Joint Force Provider and Joint
5 Force Trainer responsibilities of United States
6 Cyber Command, including the adequacy of the
7 units designated as Cyber Operations Forces to sup-
8 port such responsibilities.

9 “(11) An assessment of the missions and
10 resourcing of the combat support agencies in sup-
11 port of cyber missions of the Department.”.

12 **SEC. 1627. REPORT ON ENABLING UNITED STATES CYBER**
13 **COMMAND RESOURCE ALLOCATION.**

14 (a) IN GENERAL.—Not later than January 15, 2021,
15 the Secretary of Defense shall submit to the congressional
16 defense committees a report detailing the actions the Sec-
17 retary will undertake to implement clauses (ii) and (iii)
18 of section 167b(d)(2) of title 10, United States Code, in-
19 cluding actions to ensure that the Commander of United
20 States Cyber Command has enhanced authority, direction,
21 and control of the Cyber Operations Forces and the equip-
22 ment budget that enables Cyber Operations Forces’ oper-
23 ations and readiness, beginning with the budget to be sub-
24 mitted to Congress by the President under section 1105(a)
25 of title 31, United States Code, for fiscal year 2024, and

1 the budget justification materials for the Department of
2 Defense to be submitted to Congress in support of such
3 budget.

4 (b) ELEMENTS.—The report required by subsection
5 (a) shall address the following items:

6 (1) The procedures by which the Principal
7 Cyber Advisor (PCA) will exercise authority, direc-
8 tion, and oversight over the Commander of United
9 States Cyber Command, with respect to Cyber Oper-
10 ations Forces-peculiar equipment and resources.

11 (2) The procedures by which the Commander of
12 United States Cyber Command will—

13 (A) prepare and submit to the Secretary
14 program recommendations and budget pro-
15 posals for Cyber Operations Forces and for
16 other forces assigned to the Cyber Command;
17 and

18 (B) exercise authority, direction, and con-
19 trol over the expenditure of funds for—

20 (i) forces assigned to United States
21 Cyber Command; and

22 (ii) Cyber Operations Forces assigned
23 to other unified combatant commands.

24 (3) Recommendations for actions to enable the
25 Commander of United States Cyber Command to

1 execute the budget and acquisition responsibilities of
2 the Commander in excess of currently imposed limits
3 on the Cyber Operations Procurement Fund, includ-
4 ing potential increases in personnel to support the
5 Commander.

6 (4) The procedures by which the Secretary will
7 categorize and track funding obligated or expended
8 for Cyber Operations Forces-peculiar equipment and
9 capabilities.

10 (5) The methodology and criteria by which the
11 Secretary will characterize equipment as being Cyber
12 Operations Forces-peculiar.

13 **SEC. 1628. EVALUATION OF OPTIONS FOR ESTABLISHING A**
14 **CYBER RESERVE FORCE.**

15 (a) **EVALUATION REQUIRED.**—Not later than Decem-
16 ber 31, 2021, the Secretary of Defense shall conduct an
17 evaluation of options for establishing a cyber reserve force.

18 (b) **ELEMENTS.**—The evaluation conducted under
19 subsection (a) shall include assessment of the following:

20 (1) The capabilities and deficiencies in military
21 and civilian personnel with needed cybersecurity ex-
22 pertise, and the quantity of personnel with such ex-
23 pertise, within the Department.

1 (2) The potential for a uniformed, civilian, or
2 mixed cyber reserve force to remedy shortfalls in ex-
3 pertise and capacity.

4 (3) The ability of the Department to attract the
5 personnel with the desired expertise to either a uni-
6 formed or civilian cyber reserve force.

7 (4) The number of personnel, the level of fund-
8 ing, and the composition of a cyber reserve force
9 that would be required to meet the needs of the De-
10 partment.

11 (5) Alternative models for establishing a cyber
12 reserve force, including the following:

13 (A) A traditional uniformed military re-
14 serve component.

15 (B) A nontraditional uniformed military
16 reserve component, with respect to drilling and
17 other requirements such as grooming and phys-
18 ical fitness.

19 (C) Nontraditional civilian cyber reserve
20 options.

21 (6) The impact a uniformed military cyber re-
22 serve would have on active duty and existing reserve
23 forces, including the following:

24 (A) Recruiting.

25 (B) Promotion.

1 (C) Retention.

2 (7) The effect a civilian cyber reserve would
3 have on active duty and existing reserve forces, and
4 the private sector.

5 (c) REPORT.—Not later than February 1, 2022, the
6 Secretary shall submit to the congressional defense com-
7 mittees a report on the evaluation conducted under sub-
8 section (a).

9 **SEC. 1629. ENSURING CYBER RESILIENCY OF NUCLEAR**
10 **COMMAND AND CONTROL SYSTEM.**

11 (a) PLAN FOR IMPLEMENTATION OF FINDINGS AND
12 RECOMMENDATIONS FROM FIRST ANNUAL ASSESSMENT
13 OF CYBER RESILIENCY OF NUCLEAR COMMAND AND
14 CONTROL SYSTEM.—Not later than October 1, 2021, the
15 Secretary of Defense shall submit to the congressional de-
16 fense committees a comprehensive plan, including a sched-
17 ule and resourcing plan, for the implementation of the
18 findings and recommendations included in the first report
19 submitted under section 499(c)(3) of title 10, United
20 States Code.

21 (b) CONCEPT OF OPERATIONS AND OVERSIGHT
22 MECHANISM FOR CYBER DEFENSE OF NUCLEAR COM-
23 MAND AND CONTROL SYSTEM.—Not later than October
24 1, 2021, the Secretary shall develop and establish—

1 (1) a concept of operations for defending the
2 nuclear command and control system against cyber
3 attacks, including specification of the—

4 (A) roles and responsibilities of relevant
5 entities within the Office of the Secretary, the
6 military services, combatant commands, the De-
7 fense Agencies, and the Department of Defense
8 Field Activities; and

9 (B) cybersecurity capabilities to be ac-
10 quired and employed and operational tactics,
11 techniques, and procedures, including cyber
12 protection team and sensor deployment strate-
13 gies, to be used to monitor, defend, and miti-
14 gate vulnerabilities in nuclear command and
15 control systems; and

16 (2) an oversight mechanism or governance
17 model for overseeing the implementation of the con-
18 cept of operations developed and established under
19 paragraph (1), related development, systems engi-
20 neering, and acquisition activities and programs, and
21 the plan required by subsection (a), including speci-
22 fication of the—

23 (A) roles and responsibilities of relevant
24 entities within the Office of the Secretary, the
25 military services, combatant commands, the De-

1 fense Agencies, and the Department of Defense
2 Field Activities in overseeing the defense of the
3 nuclear command and control system against
4 cyber attacks;

5 (B) responsibilities and authorities of the
6 Strategic Cybersecurity Program in overseeing
7 and, as appropriate, executing—

8 (i) vulnerability assessments; and

9 (ii) development, systems engineering,
10 and acquisition activities; and

11 (C) processes for coordination of activities,
12 policies, and programs relating to the cyberse-
13 curity and defense of the nuclear command and
14 control system.

15 **SEC. 1630. MODIFICATION OF REQUIREMENTS RELATING**
16 **TO THE STRATEGIC CYBERSECURITY PRO-**
17 **GRAM AND THE EVALUATION OF CYBER**
18 **VULNERABILITIES OF MAJOR WEAPON SYS-**
19 **TEMS OF THE DEPARTMENT OF DEFENSE.**

20 (a) EVALUATION OF CYBER VULNERABILITIES OF
21 MAJOR WEAPON SYSTEMS OF THE DEPARTMENT OF DE-
22 FENSE.—

23 (1) IN GENERAL.—Section 1647 of the Na-
24 tional Defense Authorization Act for Fiscal Year
25 2016 (Public Law 114–92), as amended by section

1 1633 of the National Defense Authorization Act for
2 Fiscal Year 2020 (Public Law 116–92), is further
3 amended by adding at the end the following new
4 subsection:

5 “(i) ESTABLISHING REQUIREMENTS FOR PERIO-
6 DICITY OF VULNERABILITY REVIEWS.—The Secretary of
7 Defense shall establish policies and requirements for each
8 major weapon system, and the priority critical infrastruc-
9 ture essential to the proper functioning of major weapon
10 systems in broader mission areas, to be re-assessed for
11 cyber vulnerabilities, taking into account upgrades or
12 other modifications to systems and changes in the threat.

13 “(j) IDENTIFICATION OF SENIOR OFFICIAL.—Each
14 secretary of a military department shall identify a senior
15 official who shall be responsible for ensuring that cyber
16 vulnerability assessments and mitigations for weapon sys-
17 tems and critical infrastructure are planned, funded, and
18 carried out.”.

19 (2) TECHNICAL CORRECTION.—Such section
20 1647 of the National Defense Authorization Act for
21 Fiscal Year 2016 is further amended—

22 (A) by redesignating subsection (g) as sub-
23 section (h); and

24 (B) by redesignating the second subsection
25 (f), as added by section 1633 of the National

1 Defense Authorization Act for Fiscal Year
2 2020, as subsection (g).

3 (b) STRATEGIC CYBERSECURITY PROGRAM.—Section
4 1640 of the National Defense Authorization Act for Fiscal
5 Year 2018 (Public Law 115–91; 10 U.S.C. 2224 note),
6 is amended by striking subsections (a) through (e) and
7 inserting the following new subsections:

8 “(a) IN GENERAL.—Not later than August 1, 2021,
9 the Secretary of Defense shall, acting through the Direc-
10 tor of the National Security Agency and in coordination
11 with the Vice Chairman of the Joint Chiefs of Staff, estab-
12 lish a program to be known as the ‘Strategic Cybersecurity
13 Program’ (in this section referred to as the ‘Program’).

14 “(b) ELEMENTS.—

15 “(1) IN GENERAL.—The Program shall be com-
16 prised of personnel assigned to the Program by the
17 Secretary from among personnel, including regular
18 and reserve members of the Armed Forces, civilian
19 employees of the Department of Defense (including
20 the Defense intelligence agencies), and personnel of
21 the research laboratories of the Department of De-
22 fense and the Department of Energy, who have par-
23 ticular expertise in the areas of responsibility de-
24 scribed in subsection (c).

1 “(2) DEPARTMENT OF ENERGY PERSONNEL.—
2 Any personnel assigned to the Program from among
3 personnel of the Department of Energy shall be so
4 assigned with the concurrence of the Secretary of
5 Energy.

6 “(3) PROGRAM MANAGER.—The Secretary of
7 Defense shall designate a manager for the Program
8 (in this section referred to as the ‘Program man-
9 ager’).

10 “(c) RESPONSIBILITIES.—

11 “(1) IN GENERAL.—The Program manager and
12 the personnel assigned to the Program shall improve
13 the end-to-end cybersecurity of all of the systems,
14 critical infrastructure, kill chains, and processes that
15 make up the following military missions of the De-
16 partment of Defense:

17 “(A) Nuclear deterrence and strike.

18 “(B) Select long-range conventional strike
19 missions germane to the warfighting plans of
20 United States European Command and United
21 States Indo-Pacific Command.

22 “(C) Offensive cyber operations.

23 “(D) Homeland missile defense.

24 “(2) ASSESSING AND REMEDIATING
25 VULNERABILITIES IN MISSION EXECUTION.—In car-

1 rying out the activities described in paragraph (1),
2 the Program manager shall conduct end-to-end vul-
3 nerability assessments and undertake or oversee re-
4 mediation of identified vulnerabilities in the systems
5 and processes on which the successful execution of
6 the missions delineated in paragraph (1) depend.

7 “(3) ACQUISITION AND SYSTEMS ENGINEERING
8 REVIEW.—In carrying out paragraph (1), the Pro-
9 gram manager shall conduct appropriate reviews of
10 acquisition and systems engineering plans for pro-
11 posed systems and infrastructure. The review of an
12 acquisition plan for any proposed system or infra-
13 structure shall be carried out before Milestone B ap-
14 proval for such system or infrastructure.

15 “(d) INTEGRATION WITH OTHER EFFORTS.—The
16 Secretary shall ensure that the Program builds upon, and
17 does not duplicate, other efforts of the Department of De-
18 fense relating to cybersecurity, including the following:

19 “(1) The evaluation of cyber vulnerabilities of
20 major weapon systems of the Department of Defense
21 required under section 1647 of the National Defense
22 Authorization Act for Fiscal Year 2016 (Public Law
23 114–92).

24 “(2) The evaluation of cyber vulnerabilities of
25 Department of Defense critical infrastructure re-

1 quired under section 1650 of the National Defense
2 Authorization Act for Fiscal year 2017 (Public Law
3 114–328; 10 U.S.C. 2224 note).

4 “(3) The activities of the cyber protection
5 teams of the Department of Defense.

6 “(e) MISSION DEFINITION.—The Vice Chairman of
7 the Joint Chiefs of Staff shall coordinate with the Director
8 of the National Security Agency and the commanders of
9 the unified combatant commands to define the elements
10 of the missions that will be included in the Program, and
11 shall be responsible for updating those definitions as nec-
12 essary.

13 “(f) BRIEFING.—Not later than December 1, 2021,
14 the Secretary of Defense shall provide a briefing to the
15 congressional defense committees on the establishment of
16 the Program, and the plans, funding, and staffing of the
17 Program.”.

18 **SEC. 1631. DEFENSE INDUSTRIAL BASE PARTICIPATION IN**
19 **A CYBERSECURITY THREAT INTELLIGENCE**
20 **SHARING PROGRAM.**

21 (a) DEFENSE INDUSTRIAL BASE THREAT INTEL-
22 LIGENCE PROGRAM.—

23 (1) IN GENERAL.—The Secretary of Defense
24 shall establish a threat intelligence sharing program

1 to share threat intelligence with, and obtain threat
2 intelligence from, the defense industrial base.

3 (2) PROGRAM REQUIREMENTS.—At a minimum,
4 the Secretary shall ensure that the program estab-
5 lished pursuant to paragraph (1) includes the fol-
6 lowing:

7 (A) Cybersecurity incident reporting re-
8 quirements applicable to the defense industrial
9 base that—

10 (i) extend beyond mandatory incident
11 reporting requirements in effect on the day
12 before the date of the enactment of this
13 Act;

14 (ii) set specific timeframes for all cat-
15 egories of incident reporting;

16 (iii) establishes a single clearinghouse
17 for all mandatory incident reporting to the
18 Department of Defense, including incidents
19 involving covered unclassified information,
20 and classified information; and

21 (iv) provide that, unless authorized or
22 required by another provision of law or the
23 element of the defense industrial base
24 making the report consents, nonpublic in-
25 formation of which the Department be-

1 comes aware only because of a report pro-
2 vided pursuant to the program shall be dis-
3 seminated and used only for a cybersecu-
4 rity purpose, as defined in section 102 of
5 the Cybersecurity Information Sharing Act
6 of 2015 (6 U.S.C. 1501).

7 (B) A mechanism for developing a shared
8 and real-time picture of the threat environment.

9 (C) Joint, collaborative, and co-located
10 analytics.

11 (D) Investments in technology and capa-
12 bilities to support automated detection and
13 analysis across the defense industrial base.

14 (E) Coordinated intelligence tipping, shar-
15 ing, and deconfliction, as necessary, with rel-
16 evant government agencies with similar intel-
17 ligence sharing programs.

18 (b) THREAT INTELLIGENCE PROGRAM PARTICIPA-
19 TION.—

20 (1) PROCUREMENT.—The Secretary either may
21 require or shall encourage and provide incentive for
22 companies to participate in the threat intelligence
23 sharing program required by subsection (a).

24 (2) IMPLEMENTATION.—In implementing para-
25 graph (1), the Secretary shall—

1 (A) create tiers of requirements for partici-
2 pation within the program based on—

3 (i) the role of and relative threats re-
4 lated to entities within the defense indus-
5 trial base; and

6 (ii) Cybersecurity Maturity Model
7 Certification level; and

8 (B) prioritize available funding and tech-
9 nical support to assist affected businesses, insti-
10 tutions, and organizations as is reasonably nec-
11 essary for those affected entities to commence
12 participation in the threat intelligence sharing
13 program and to meet any applicable program
14 requirements.

15 (c) EXISTING INFORMATION SHARING PROGRAMS.—

16 The Secretary may utilize an existing Department infor-
17 mation sharing program to satisfy the requirement in sub-
18 section (a) if—

19 (1) the existing program includes, or is modi-
20 fied to include, two-way sharing of threat informa-
21 tion that is specifically relevant to the defense indus-
22 trial base; and

23 (2) such a program is coordinated with other
24 government agencies with existing intelligence shar-
25 ing programs where overlap occurs.

1 (d) REGULATIONS.—

2 (1) RULEMAKING AUTHORITY.—Not later than
3 December 15, 2021, the Secretary shall promulgate
4 such rules and regulations as are necessary to carry
5 out this section.

6 (2) CYBERSECURITY MATURITY MODEL CER-
7 TIFICATION PROGRAM HARMONIZATION.—The Sec-
8 retary shall ensure that any intelligence sharing re-
9 quirements set forth in the rules and regulations
10 promulgated pursuant to paragraph (1) consider an
11 entity's maturity and role within the defense indus-
12 trial base, consistent with the maturity certification
13 levels established in the Cybersecurity Maturity
14 Model Certification program of the Department.

15 (e) COMMUNITY CONSENT.—

16 (1) IN GENERAL.—As part of the program es-
17 tablished pursuant to subsection (a), the Secretary
18 either may require through contractual mechanisms
19 or shall encourage entities in the defense industrial
20 base to consent to queries of foreign intelligence col-
21 lection databases related to the entities, provided
22 that intelligence information provided to companies
23 is handled in a manner that protects sources and
24 methods.

1 (2) RULE OF CONSTRUCTION.—Nothing in this
2 subsection shall be construed to require that the ele-
3 ments of the intelligence community conduct queries
4 on defense industrial base companies to detect cyber-
5 security threats to such companies or to require that
6 information resulting from such queries be provided
7 to such companies.

8 (f) REPORT REQUIRED.—Not later than March 1,
9 2022, the Secretary shall submit to the congressional de-
10 fense committees a report that includes a description of—

11 (1) mandatory requirements levied on defense
12 industrial base entities regarding cyber incidents;

13 (2) Department procedures for ensuring the
14 confidentiality and security of data provided by such
15 entities to the Department on either a voluntary or
16 mandatory basis; and

17 (3) any other matters regarding the program
18 established under subsection (a) the Secretary con-
19 siders significant.

20 (g) DEFINITIONS.—In this section:

21 (1) The term “defense industrial base” means
22 the Department of Defense, Federal Government,
23 and private sector worldwide industrial complex with
24 capabilities to perform research and development,
25 design, produce, and maintain military weapon sys-

1 tems, subsystems, components, or parts to satisfy
2 military requirements.

3 (2) The term “intelligence community” has the
4 meaning given such term in section 3 of the Na-
5 tional Security Act of 1947 (50 U.S.C. 3003).

6 (3) The term “threat intelligence” means cyber-
7 security information collected and shared amongst
8 the defense industrial base.

9 **SEC. 1632. ASSESSMENT ON DEFENSE INDUSTRIAL BASE**
10 **CYBERSECURITY THREAT HUNTING.**

11 (a) **ASSESSMENT REQUIRED.**—Not later than De-
12 cember 1, 2021, the Secretary of Defense shall complete
13 an assessment of—

14 (1) the adequacy of the threat hunting elements
15 of the compliance-based Cybersecurity Maturity
16 Model Certification program of the Department of
17 Defense; and

18 (2) the need for continuous threat hunting op-
19 erations on defense industrial base networks con-
20 ducted by the Department of Defense, prime con-
21 tractors, or third-party cybersecurity vendors.

22 (b) **ELEMENTS.**—The assessment completed under
23 section (a) shall include evaluation of the following:

24 (1) The adequacy of the requirements at each
25 level of the Cybersecurity Maturity Model Certifi-

1 cation, including requirements germane to contin-
2 uous monitoring, discovery, and investigation of
3 anomalous activity indicative of a cybersecurity inci-
4 dent.

5 (2) The need for the establishment of a contin-
6 uous threat-hunting operational model, as a supple-
7 ment to the cyber hygiene requirements of the Cy-
8 bersecurity Maturity Model Certification, in which
9 network activity is comprehensively and continuously
10 monitored for signs of compromise.

11 (3) Whether the continuous threat-hunting op-
12 erations described in paragraph (2) should be con-
13 ducted by—

14 (A) United States Cyber Command;

15 (B) a component of the Department of De-
16 fense other than United States Cyber Com-
17 mand;

18 (C) qualified prime contractors or sub-
19 contractors;

20 (D) accredited third-party cybersecurity
21 vendors; or

22 (E) a combination of the entities specified
23 in subparagraphs (A) through (D).

24 (4) Criteria for the prime contractors and sub-
25 contractors that should be subject to continuous

1 threat-hunting operations as described in paragraph
2 (2).

3 (c) BRIEFING.—Not later than February 1, 2022, the
4 Secretary of Defense shall provide a briefing to the Com-
5 mittee on Armed Services of the Senate and the Com-
6 mittee on Armed Services of the House of Representatives
7 on—

8 (1) the findings of the Secretary with respect to
9 the assessment completed under subsection (a); and

10 (2) such implementation plans as the Secretary
11 may have arising out of the findings described in
12 paragraph (1).

13 **SEC. 1633. ASSESSING RISK TO NATIONAL SECURITY OF**
14 **QUANTUM COMPUTING.**

15 (a) COMPREHENSIVE ASSESSMENT AND REC-
16 OMMENDATIONS REQUIRED.—Not later than December
17 31, 2022, the Secretary of Defense shall—

18 (1) complete a comprehensive assessment of the
19 current and potential threats and risks posed by
20 quantum computing technologies to critical national
21 security systems, including—

22 (A) identification and prioritization of crit-
23 ical national security systems at risk;

24 (B) assessment of the standards of the Na-
25 tional Institute of Standards and Technology

1 for quantum resistant cryptography and their
2 applicability to cryptographic requirements of
3 the Department of Defense;

4 (C) feasibility of alternative quantum re-
5 sistant algorithms and features; and

6 (D) funding shortfalls in public and private
7 developmental efforts relating to quantum re-
8 sistant cryptography; and

9 (2) develop recommendations for research, de-
10 velopment, and acquisition activities, including
11 resourcing schedules, for securing the national secu-
12 rity systems identified in paragraph (1)(A) against
13 quantum computing code-breaking capabilities.

14 (b) BRIEFING.—Not later than February 1, 2023,
15 the Secretary shall brief the congressional defense commit-
16 tees on the assessment completed under paragraph (1) of
17 subsection (a) and the recommendations developed under
18 paragraph (2) of such subsection.

19 **SEC. 1634. APPLICABILITY OF REORIENTATION OF BIG**
20 **DATA PLATFORM PROGRAM TO DEPARTMENT**
21 **OF NAVY.**

22 (a) IN GENERAL.—Section 1651 of the National De-
23 fense Authorization Act for Fiscal Year 2020 (Public Law
24 116–92) is amended by adding at the end the following
25 new subsection:

1 “(e) APPLICABILITY.—The requirements of this sec-
2 tion shall apply in full to the Department of the Navy,
3 including the Sharkcage and associated programs.”.

4 (b) BRIEFING.—Not later than January 1, 2021, the
5 Secretary of the Navy, the program manager of the Uni-
6 fied Platform program, the Chief Information Officer, and
7 the Principal Cyber Advisor shall jointly brief the congres-
8 sional defense committees on the compliance of the De-
9 partment of the Navy with the requirements of such sec-
10 tion, as amended by paragraph (1).

11 **SEC. 1635. EXPANSION OF AUTHORITY FOR ACCESS AND IN-**
12 **FORMATION RELATING TO CYBER ATTACKS**
13 **ON OPERATIONALLY CRITICAL CONTRAC-**
14 **TORS OF THE ARMED FORCES.**

15 Section 391(c) of title 10, United States Code, is
16 amended—

17 (1) by amending paragraph (3) to read as fol-
18 lows:

19 “(3) ARMED FORCES ASSISTANCE AND ACCESS
20 TO EQUIPMENT AND INFORMATION BY MEMBERS OF
21 THE ARMED FORCES.—The procedures established
22 pursuant to subsection (a) shall—

23 “(A) include mechanisms for a member of
24 the armed forces—

1 “(i) if requested by an operationally
2 critical contractor, to assist the contractor
3 in detecting and mitigating penetrations;
4 or

5 “(ii) at the request of the Secretary of
6 Defense or the Commandant of the Coast
7 Guard, to obtain access to equipment or
8 information of an operationally critical
9 contractor necessary to conduct a forensic
10 analysis, in addition to any analysis con-
11 ducted by the contractor; and

12 “(B) provide that an operationally critical
13 contractor is only required to provide access to
14 equipment or information as described in sub-
15 paragraph (A) to determine whether—

16 “(i) information created by or for the
17 armed forces in connection with any pro-
18 gram of the armed forces was successfully
19 exfiltrated from or compromised on a net-
20 work or information system of such con-
21 tractor and, if so, what information was
22 exfiltrated or compromised; or

23 “(ii) the ability of the contractor to
24 provide operationally critical support has

1 been affected and, if so, how and to what
2 extent it has been affected.”;

3 (2) in paragraph (4), by inserting “, so as to
4 minimize delays in or any curtailing of the cyber re-
5 sponse or defensive actions of the Department or the
6 Coast Guard” after “specific person”; and

7 (3) in paragraph (5)(C), by inserting “or coun-
8 terintelligence activities” after “investigations”.

9 **SEC. 1636. REQUIREMENTS FOR REVIEW OF AND LIMITA-**
10 **TIONS ON THE JOINT REGIONAL SECURITY**
11 **STACKS ACTIVITY.**

12 (a) **BASELINE REVIEW.**—Not later than October 1,
13 2021, the Secretary of Defense shall undertake a baseline
14 review of the Joint Regional Security Stacks (JRSS) to
15 determine whether the activity—

16 (1) should proceed as a program of record, with
17 modifications as specified in section (b), for exclu-
18 sively the Non-Classified Internet Protocol Network
19 (NIPRNET) or for such network and the Secret
20 Internet Protocol Network (SIPRNET); or

21 (2) should be phased out across the Depart-
22 ment of Defense with each of the Joint Regional Se-
23 curity Stacks replaced through the institution of
24 cost-effective and capable networking and cybersecu-
25 rity technologies, architectures, and operational con-

1 cepts within five years of the date of the enactment
2 of this Act.

3 (b) PLAN TO TRANSITION TO PROGRAM OF
4 RECORD.—If the Secretary determines under subsection
5 (a) that the Joint Regional Security Stacks activity should
6 proceed, not later than October 1, 2021, the Secretary
7 shall develop a plan to transition such activity to a pro-
8 gram of record, governed by standard Department of De-
9 fense acquisition program requirements and practices, in-
10 cluding the following:

11 (1) Baseline operational requirements docu-
12 mentation.

13 (2) An acquisition strategy and baseline.

14 (3) A program office and responsible program
15 manager, under the oversight of the Under Sec-
16 retary of Defense for Acquisition and Sustainment
17 and the Chief Information Officer of the Depart-
18 ment of Defense, responsible for pertinent doctrine,
19 organization, training, materiel, leadership and edu-
20 cation, personnel, facilities and policy matters, and
21 the development of effective tactics, techniques, and
22 procedures;

23 (4) manning and training requirements docu-
24 mentation; and

25 (5) operational test planning.

1 (c) LIMITATIONS.—

2 (1) LIMITATION ON USE OF FUNDS.—None of
3 the funds authorized to be appropriated by this Act
4 may be used to field Joint Regional Security Stacks
5 on the Secret Internet Protocol Network in fiscal
6 year 2021.

7 (2) LIMITATION ON OPERATIONAL DEPLOY-
8 MENT.—The Secretary may not conduct an oper-
9 ational deployment of Joint Regional Security
10 Stacks to the Secret Internet Protocol Network in
11 fiscal year 2021.

12 (d) SUBMITTAL TO CONGRESS.—Not later than De-
13 cember 1, 2021, the Secretary shall submit to the congres-
14 sional defense committees—

15 (1) the findings of the Secretary with respect to
16 the baseline review conducted under subsection (a);

17 (2) the plan developed under subsection (b), if
18 any; and

19 (3) a proposal for the replacement of Joint Re-
20 gional Security Stacks, if the Secretary determines
21 under subsection (a) that it should be replaced.

22 **SEC. 1637. INDEPENDENT ASSESSMENT OF ESTABLISH-**
23 **MENT OF A NATIONAL CYBER DIRECTOR.**

24 (a) ASSESSMENT.—Not later than December 1,
25 2020, the Secretary of Defense, in coordination with the

1 Secretary of Homeland Security, shall seek to enter into
2 an agreement with an independent organization with rel-
3 evant expertise in cyber policy and governmental organiza-
4 tion to conduct and complete an assessment of the feasi-
5 bility and advisability of establishing a National Cyber Di-
6 rector.

7 (b) ELEMENTS.—The assessment required under
8 subsection (a) shall include a review of and development
9 of recommendations germane to the following, including
10 the development of proposed legislative text for the estab-
11 lishment of a National Cyber Director:

12 (1) The authorities necessary to bring capabili-
13 ties and capacities together across the interagency,
14 all levels of government, and the private sector.

15 (2) A definition of the roles of the National
16 Cyber Director in planning, preparing, and directing
17 integrated cyber operations in response to a major
18 cyber attack on the United States, including intel-
19 ligence operations, law enforcement actions, cyber ef-
20 fects operations, defensive operations, and incident
21 response operations.

22 (3) The authorities necessary to align resources
23 to cyber priorities.

24 (4) The structure of the office of the National
25 Cyber Director and position within government.

1 (c) REPORT.—

2 (1) IN GENERAL.—Not later than March 1,
3 2021, the Secretary of Defense shall submit to the
4 appropriate committees of Congress a report on—

5 (A) the findings of the independent organi-
6 zation with respect to the assessment carried
7 out under subsection (a); and

8 (B) the recommendations developed as
9 part of such assessment under subsection (b).

10 (2) FORM.—The report submitted under para-
11 graph (1) shall be submitted in a publicly releasable
12 and unclassified format, but may include a classified
13 annex.

14 (d) APPROPRIATE COMMITTEES OF CONGRESS DE-
15 FINED.—In this section, the term “appropriate commit-
16 tees of Congress” means—

17 (1) the Committee on Armed Services and the
18 Committee on Homeland Security and Governmental
19 Affairs of the Senate; and

20 (2) the Committee on Armed Services and the
21 Committee on Homeland Security of the House of
22 Representatives.

1 **SEC. 1638. MODIFICATION OF AUTHORITY TO USE OPER-**
2 **ATION AND MAINTENANCE FUNDS FOR**
3 **CYBER OPERATIONS-PECULIAR CAPABILITY**
4 **DEVELOPMENT PROJECTS.**

5 (a) IN GENERAL.—Section 1640 of the National De-
6 fense Authorization Act for Fiscal Year 2020 (Public Law
7 116–92) is amended—

8 (1) by redesignating subsections (b) and (c) as
9 subsections (c) and (d), respectively;

10 (2) in subsection (a)—

11 (A) by striking “The Secretary of De-
12 fense” and inserting “Subject to subsection (b),
13 the Commander of the United States Cyber
14 Command”;

15 (B) by striking “per service” and inserting
16 “per use”; and

17 (C) by striking “through 2022” and insert-
18 ing “through 2025”; and

19 (3) by inserting after subsection (a) the fol-
20 lowing:

21 “(b) LIMITATION.—(1) Each fiscal year, the Secre-
22 taries of the military departments concerned may each ob-
23 ligate and expend under subsection (a) not more than
24 \$20,000,000.

1 “(2) Each fiscal year, the Commander of the United
2 States Cyber Command may obligate and expend under
3 subsection (a) not more than \$6,000,000.”.

4 (b) CONFORMING AMENDMENT.—Subsection (c) of
5 such section is amended by striking “through 2022” and
6 inserting “through 2025”.

7 **SEC. 1639. PERSONNEL MANAGEMENT AUTHORITY FOR**
8 **COMMANDER OF UNITED STATES CYBER**
9 **COMMAND AND DEVELOPMENT PROGRAM**
10 **FOR OFFENSIVE CYBER OPERATIONS.**

11 (a) PERSONNEL MANAGEMENT AUTHORITY FOR
12 COMMANDER OF UNITED STATES CYBER COMMAND TO
13 ATTRACT EXPERTS IN SCIENCE AND ENGINEERING.—
14 Section 1599h of title 10, United States Code, as amended
15 by section 212 of National Defense Authorization Act for
16 Fiscal Year 2020 (Public Law 116–92)), is further
17 amended—

18 (1) in subsection (a), by adding at the end the
19 following:

20 “(7) UNITED STATES CYBER COMMAND.—The
21 Commander of United States Cyber Command may
22 carry out a program of personnel management au-
23 thority provided in subsection (b) in order to facili-
24 tate the recruitment of eminent experts in computer
25 science, data science, engineering, mathematics, and

1 computer network exploitation within the head-
2 quarters of United States Cyber Command and the
3 Cyber National Mission Force.”; and

4 (2) in subsection (b)(1)—

5 (A) in subparagraph (E), by striking “;
6 and” and inserting a semicolon;

7 (B) in subparagraph (F), by striking the
8 semicolon and inserting “; and”; and

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

11 “(G) in the case of United States Cyber
12 Command, appoint computer scientists, data
13 scientists, engineers, mathematicians, and com-
14 puter network exploitation specialists to a total
15 of not more than 10 scientific and engineering
16 positions in the Command;”.

17 (b) PROGRAM TO DEVELOP ACCESSES, DISCOVER
18 VULNERABILITIES, AND ENGINEER CYBER TOOLS AND
19 DEVELOP TACTICS, TECHNIQUES, AND PROCEDURES FOR
20 OFFENSIVE CYBER OPERATIONS.—

21 (1) IN GENERAL.—Pursuant to the authority
22 provided under section 1599h(a)(7) of such title, as
23 added by subsection (a), the Commander of United
24 States Cyber Command shall establish a program or
25 augment an existing program within the Command

1 to develop accesses, discover vulnerabilities, and en-
2 gineer cyber tools and develop tactics, techniques,
3 and procedures for the use of these assets and capa-
4 bilities in offensive cyber operations.

5 (2) ELEMENTS.—The program or augmented
6 program required by paragraph (1) shall—

7 (A) develop accesses, tools, vulnerabilities,
8 and tactics, techniques, and procedures fit for
9 Department of Defense military operations in
10 cyberspace, such as reliability, meeting short
11 development and operational timelines, low cost,
12 and expendability;

13 (B) aim to decrease the reliance of Cyber
14 Command on accesses, tools, and expertise pro-
15 vided by the intelligence community;

16 (C) be designed to provide technical and
17 operational expertise on par with that of pro-
18 grams of the intelligence community;

19 (D) enable the Commander to attract and
20 retain expertise resident in the private sector
21 and other technologically elite government orga-
22 nizations; and

23 (E) coordinate development activities with,
24 and, as appropriate, facilitate transition of ca-
25 pabilities from, the Defense Advanced Research

1 Projects Agency, the Strategic Capabilities Of-
2 fice, and components within the intelligence
3 community.

4 (3) INTELLIGENCE COMMUNITY DEFINED.—In
5 this subsection, the term “intelligence community”
6 has the meaning given such term in section 3 of the
7 National Security Act of 1947 (50 U.S.C. 3003).

8 **SEC. 1640. IMPLEMENTATION OF INFORMATION OPER-**
9 **ATIONS MATTERS.**

10 Of the amounts authorized to be appropriated for fis-
11 cal year 2021 by section 301 for operation and mainte-
12 nance and available for the Office of the Secretary of De-
13 fense for the travel of persons as specified in the table
14 in section 4301—

15 (1) not more than 25 percent shall be available
16 until the date on which the report required by sub-
17 section (h)(1) of section 1631 of the National De-
18 fense Authorization Act for Fiscal Year 2020 (Pub-
19 lic Law 116–92) is submitted to the Committee on
20 Armed Services of the Senate and the Committee on
21 Armed Services House of Representatives; and

22 (2) not more than 75 percent shall be available
23 until the date on which the strategy and posture re-
24 view required by subsection (g) of such section is
25 submitted to such committees.

1 **SEC. 1641. REPORT ON CYBER INSTITUTES PROGRAM.**

2 Section 1640 of the John S. McCain National De-
3 fense Authorization Act for Fiscal Year 2019 (Public Law
4 115–232; 132 Stat. 2310; 10 U.S.C. 2200 note) is amend-
5 ed by adding at the end the following:

6 “(g) REPORT TO CONGRESS.—Not later than Sep-
7 tember 30, 2021, the Secretary of Defense shall submit
8 to the Committees on Armed Services of the Senate and
9 the House of Representatives a report on the effectiveness
10 of the Cyber Institutes and on opportunities to expand the
11 Cyber Institutes to additional select institutions of higher
12 learning that have a Reserve Officers’ Training Corps pro-
13 gram.”.

14 **SEC. 1642. ASSISTANCE FOR SMALL MANUFACTURERS IN**
15 **THE DEFENSE INDUSTRIAL SUPPLY CHAIN**
16 **ON MATTERS RELATING TO CYBERSECURITY.**

17 (a) IN GENERAL.—Subject to the availability of ap-
18 propriations, the Secretary of Defense, in consultation
19 with the Director of the National Institute of Standards
20 and Technology, may award financial assistance to a Cen-
21 ter for the purpose of providing cybersecurity services to
22 small manufacturers.

23 (b) CRITERIA.—The Secretary, in consultation with
24 the Director, shall establish and publish on the grants.gov
25 website, or successor website, criteria for selecting recipi-
26 ents for financial assistance under this section.

1 (c) USE OF FINANCIAL ASSISTANCE.—Financial as-
2 sistance under this section—

3 (1) shall be used by a Center to provide small
4 manufacturers with cybersecurity services relating
5 to—

6 (A) compliance with the cybersecurity re-
7 quirements of the Department of Defense Sup-
8 plement to the Federal Acquisition Regulation,
9 including awareness, assessment, evaluation,
10 preparation, and implementation of cybersecu-
11 rity services; and

12 (B) achieving compliance with the Cyberse-
13 curity Maturity Model Certification framework
14 of the Department of Defense; and

15 (2) may be used by a Center to employ trained
16 personnel to deliver cybersecurity services to small
17 manufacturers.

18 (d) BIENNIAL REPORTS.—

19 (1) IN GENERAL.—Not less frequently than
20 once every two years, the Secretary shall submit to
21 the congressional defense committees, the Committee
22 on Commerce, Science, and Transportation of the
23 Senate, and the Committee on Science, Space, and
24 Technology of the House of Representatives a bien-

1 nial report on financial assistance awarded under
2 this section.

3 (2) CONTENTS.—To the extent practicable,
4 each report submitted under paragraph (1) shall in-
5 clude the following with respect to the years covered
6 by the report:

7 (A) The number of small manufacturing
8 companies assisted.

9 (B) A description of the cybersecurity serv-
10 ices provided.

11 (C) A description of the cybersecurity mat-
12 ters addressed.

13 (D) An analysis of the operational effec-
14 tiveness and cost-effectiveness of the cybersecu-
15 rity services provided.

16 (e) TERMINATION.—The authority of the Secretary
17 to award of financial assistance under this section shall
18 terminate on the date that is five years after the date of
19 the enactment of this Act.

20 (f) DEFINITIONS.—In this section:

21 (1) The term “Center” has the meaning given
22 such term in section 25(a) of the National Institute
23 of Standards and Technology Act (15 U.S.C.
24 278k(a)).

1 (2) The term “small manufacturer” has the
2 meaning given that term in section 1644(g) of the
3 John S. McCain National Defense Authorization Act
4 for Fiscal Year 2019 (Public Law 115–232; 10
5 U.S.C. 2224 note).

6 **Subtitle C—Nuclear Forces**

7 **SEC. 1651. MODIFICATION TO RESPONSIBILITIES OF NU-** 8 **CLEAR WEAPONS COUNCIL.**

9 Section 179(d) of title 10, United States Code, is
10 amended—

11 (1) by redesignating paragraphs (9) through
12 (12) as paragraphs (10) through (13), respectively;
13 and

14 (2) by inserting after paragraph (8) the fol-
15 lowing new paragraph (9):

16 “(9) Reviewing proposed capabilities, and estab-
17 lishing and validating performance requirements (as
18 defined in section 181(h) of this title), for nuclear
19 warhead programs.”.

20 **SEC. 1652. RESPONSIBILITY OF NUCLEAR WEAPONS COUN-** 21 **CIL IN PREPARATION OF NATIONAL NU-** 22 **CLEAR SECURITY ADMINISTRATION BUDGET.**

23 Paragraph (11) of section 179(d) of title 10, United
24 States Code, as redesignated by section 1651, is further
25 amended to read as follows:

1 “(11) As part of the planning, programming,
2 budgeting, and execution process of the National
3 Nuclear Security Administration—

4 “(A) providing guidance with respect to
5 the development of the annual budget proposals
6 of the Administration under section 3255 of the
7 National Nuclear Security Administration Act;

8 “(B) reviewing the adequacy of such pro-
9 posals under section 4717 of the Atomic Energy
10 Defense Act; and

11 “(C) preparing, coordinating, and approv-
12 ing such proposals, including before such pro-
13 posals are submitted to—

14 “(i) the Secretary of Energy;

15 “(ii) the Director of the Office of
16 Management and Budget;

17 “(iii) the President; or

18 “(iv) Congress (as submitted with the
19 budget of the President under section
20 1105(a) of title 31).”.

21 **SEC. 1653. MODIFICATION OF GOVERNMENT ACCOUNT-**
22 **ABILITY OFFICE REVIEW OF ANNUAL RE-**
23 **PORTS ON NUCLEAR WEAPONS ENTERPRISE.**

24 Section 492a(c) of title 10, United States Code, is
25 amended—

1 (1) in paragraph (1), by striking “review each
2 report” and inserting “periodically review reports
3 submitted”; and

4 (2) in paragraph (2), by striking “not later”
5 and all that follows through “submitted.”.

6 **SEC. 1654. 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
11 this Act for fiscal year 2021 for the Department of De-
12 fense may be obligated or expended for the following, and
13 the Department may not otherwise take any action to do
14 the following:

15 (1) Reduce, or prepare to reduce, the respon-
16 siveness or alert level of the intercontinental ballistic
17 missiles of the United States.

18 (2) Reduce, or prepare to reduce, the quantity
19 of 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
2 of intercontinental ballistic missiles.

3 **SEC. 1655. SENSE OF THE SENATE ON NUCLEAR COOPERA-**
4 **TION BETWEEN THE UNITED STATES AND**
5 **THE UNITED KINGDOM.**

6 It is the sense of the Senate that—

7 (1) the North Atlantic Treaty Organization
8 (NATO) continues to play an essential role in the
9 national security of the United States and the inde-
10 pendent nuclear deterrents of other NATO members,
11 such as the United Kingdom, have helped under-
12 write peace and security;

13 (2) the nuclear programs of the United States
14 and the United Kingdom have enjoyed significant
15 collaborative benefits as a result of the cooperative
16 relationship formalized in the Agreement for Co-
17 operation on the Uses of Atomic Energy for Mutual
18 Defense Purposes, signed at Washington July 3,
19 1958, and entered into force August 4, 1958 (9
20 UST 1028), between the United States and the
21 United Kingdom (commonly referred to as the “Mu-
22 tual Defense Agreement”);

23 (3) the unique partnership between the United
24 States and the United Kingdom has enhanced sov-
25 ereign military and scientific capabilities, strength-

1 ened bilateral ties, and shared costs, particularly on
2 such programs as the Trident II D-5 weapons sys-
3 tem and the common missile compartment for the
4 future Dreadnought and Columbia classes of sub-
5 marines;

6 (4) additionally, the extension of the nuclear de-
7 terrence commitments of the United Kingdom to
8 members of the NATO alliance strengthens collective
9 security while reducing the burden placed on United
10 States nuclear forces to deter potential adversaries
11 and assure allies of the United States and the
12 United Kingdom;

13 (5) as the international security environment
14 deteriorates and potential adversaries expand and
15 enhance their nuclear forces, the extended deter-
16 rence commitments of the United Kingdom play an
17 increasingly important role in supporting the secu-
18 rity interests of the United States and allies of the
19 United States and the United Kingdom;

20 (6) it is in the national security interest of the
21 United States to support the United Kingdom with
22 respect to the decision of the Government of the
23 United Kingdom to maintain its nuclear deterrent
24 until global security conditions warrant its elimi-
25 nation;

1 (7) as the United States must modernize its
2 aging nuclear forces to ensure its ability to continue
3 to field a nuclear deterrent that is safe, secure, and
4 effective, the United Kingdom faces a similar chal-
5 lenge;

6 (8) bilateral cooperation on the parallel develop-
7 ment of the W93/Mk7 warhead of the United States
8 and the replacement warhead of the United King-
9 dom, as well as associated components, will allow the
10 United States and the United Kingdom to respon-
11 sibly address challenges within their legacy nuclear
12 forces in a cost-effective manner that—

13 (A) preserves independent, sovereign con-
14 trol;

15 (B) is consistent with each country's obli-
16 gations under the Treaty on the Non-Prolifera-
17 tion of Nuclear Weapons, done at Washington,
18 London, and Moscow July 1, 1968 (21 UST
19 483) (commonly referred to as the “Nuclear
20 Non-Proliferation Treaty”); and

21 (C) supports nonproliferation objectives;
22 and

23 (9) continued cooperation between the nuclear
24 programs of United States and the United Kingdom,
25 including through the W93/Mk7 program, is essen-

1 tial to ensuring that the NATO alliance continues to
2 be supported by credible nuclear forces capable of
3 preserving peace, preventing coercion, and deterring
4 aggression.

5 **Subtitle D—Missile Defense**
6 **Programs**

7 **SEC. 1661. IRON DOME SHORT-RANGE ROCKET DEFENSE**
8 **SYSTEM AND ISRAELI COOPERATIVE MISSILE**
9 **DEFENSE PROGRAM CO-DEVELOPMENT AND**
10 **CO-PRODUCTION.**

11 (a) IRON DOME SHORT-RANGE ROCKET DEFENSE
12 SYSTEM.—

13 (1) AVAILABILITY OF FUNDS.—Of the funds
14 authorized to be appropriated by this Act for fiscal
15 year 2021 for procurement, Defense-wide, and avail-
16 able for the Missile Defense Agency, not more than
17 \$73,000,000 may be provided to the Government of
18 Israel to procure components for the Iron Dome
19 short-range rocket defense system through co-pro-
20 duction of such components in the United States by
21 industry of the United States.

22 (2) CONDITIONS.—

23 (A) AGREEMENT.—Funds described in
24 paragraph (1) for the Iron Dome short-range
25 rocket defense program shall be available sub-

1 ject to the terms and conditions in the Agree-
2 ment Between the Department of Defense of
3 the United States of America and the Ministry
4 of Defense of the State of Israel Concerning
5 Iron Dome Defense System Procurement,
6 signed on March 5, 2014, as amended to in-
7 clude co-production for Tamir interceptors.

8 (B) CERTIFICATION.—Not later than 30
9 days prior to the initial obligation of funds de-
10 scribed in paragraph (1), the Under Secretary
11 of Defense for Acquisition and Sustainment
12 shall submit to the appropriate congressional
13 committees—

14 (i) a certification that the amended bi-
15 lateral international agreement specified in
16 subparagraph (A) is being implemented as
17 provided in such agreement;

18 (ii) an assessment detailing any risks
19 relating to the implementation of such
20 agreement; and

21 (iii) for system improvements result-
22 ing in modified Iron Dome components
23 and Tamir interceptor sub-components, a
24 certification that the Government of Israel
25 has demonstrated successful completion of

1 Production Readiness Reviews, including
2 the validation of production lines, the
3 verification of component conformance,
4 and the verification of performance to
5 specification as defined in the Iron Dome
6 Defense System Procurement Agreement,
7 as further amended.

8 (b) ISRAELI COOPERATIVE MISSILE DEFENSE PRO-
9 GRAM, DAVID'S SLING WEAPON SYSTEM CO-PRODUC-
10 TION.—

11 (1) IN GENERAL.—Subject to paragraph (3), of
12 the funds authorized to be appropriated for fiscal
13 year 2021 for procurement, Defense-wide, and avail-
14 able for the Missile Defense Agency not more than
15 \$50,000,000 may be provided to the Government of
16 Israel to procure the David's Sling Weapon System,
17 including for co-production of parts and components
18 in the United States by United States industry.

19 (2) AGREEMENT.—Provision of funds specified
20 in paragraph (1) shall be subject to the terms and
21 conditions in the bilateral co-production agreement,
22 including—

23 (A) a one-for-one cash match is made by
24 Israel or in another matching amount that oth-

1 otherwise meets best efforts (as mutually agreed to
2 by the United States and Israel); and

3 (B) co-production of parts, components,
4 and all-up rounds (if appropriate) in the United
5 States by United States industry for the Da-
6 vid's Sling Weapon System is not less than 50
7 percent.

8 (3) CERTIFICATION AND ASSESSMENT.—The
9 Under Secretary of Defense for Acquisition and
10 Sustainment shall submit to the appropriate con-
11 gressional committees—

12 (A) a certification that the Government of
13 Israel has demonstrated the successful comple-
14 tion of the knowledge points, technical mile-
15 stones, and production readiness reviews re-
16 quired by the research, development, and tech-
17 nology agreement and the bilateral co-produc-
18 tion agreement for the David's Sling Weapon
19 System; and

20 (B) an assessment detailing any risks re-
21 lating to the implementation of such agreement.

22 (c) ISRAELI COOPERATIVE MISSILE DEFENSE PRO-
23 GRAM, ARROW 3 UPPER TIER INTERCEPTOR PROGRAM
24 CO-PRODUCTION.—

1 (1) IN GENERAL.—Subject to paragraph (2), of
2 the funds authorized to be appropriated for fiscal
3 year 2021 for procurement, Defense-wide, and avail-
4 able for the Missile Defense Agency not more than
5 \$77,000,000 may be provided to the Government of
6 Israel for the Arrow 3 Upper Tier Interceptor Pro-
7 gram, including for co-production of parts and com-
8 ponents in the United States by United States in-
9 dustry.

10 (2) CERTIFICATION.—The Under Secretary of
11 Defense for Acquisition and Sustainment shall sub-
12 mit to the appropriate congressional committees a
13 certification that—

14 (A) the Government of Israel has dem-
15 onstrated the successful completion of the
16 knowledge points, technical milestones, and pro-
17 duction readiness reviews required by the re-
18 search, development, and technology agreement
19 for the Arrow 3 Upper Tier Interceptor Pro-
20 gram;

21 (B) funds specified in paragraph (1) will
22 be provided on the basis of a one-for-one cash
23 match made by Israel or in another matching
24 amount that otherwise meets best efforts (as

1 mutually agreed to by the United States and
2 Israel);

3 (C) the United States has entered into a
4 bilateral international agreement with Israel
5 that establishes, with respect to the use of such
6 funds—

7 (i) in accordance with subparagraph
8 (D), the terms of co-production of parts
9 and components on the basis of the great-
10 est practicable co-production of parts, com-
11 ponents, and all-up rounds (if appropriate)
12 by United States industry and minimizes
13 nonrecurring engineering and facilitization
14 expenses to the costs needed for co-produc-
15 tion;

16 (ii) complete transparency on the re-
17 quirement of Israel for the number of
18 interceptors and batteries that will be pro-
19 cured, including with respect to the pro-
20 curement plans, acquisition strategy, and
21 funding profiles of Israel;

22 (iii) technical milestones for co-pro-
23 duction of parts and components and pro-
24 curement;

1 (iv) a joint affordability working
2 group to consider cost reduction initiatives;
3 and

4 (v) joint approval processes for third-
5 party sales; and

6 (D) the level of co-production described in
7 subparagraph (C)(i) for the Arrow 3 Upper
8 Tier Interceptor Program is not less than 50
9 percent.

10 (d) NUMBER.—In carrying out paragraph (2) of sub-
11 section (b) and paragraph (2) of subsection (c), the Under
12 Secretary may submit—

13 (1) one certification covering both the David's
14 Sling Weapon System and the Arrow 3 Upper Tier
15 Interceptor Program; or

16 (2) separate certifications for each respective
17 system.

18 (e) TIMING.—The Under Secretary shall submit to
19 the congressional defense committees the certification and
20 assessment under subsection (b)(3) and the certification
21 under subsection (c)(2) no later than 30 days before the
22 funds specified in paragraph (1) of subsections (b) and
23 (c) for the respective system covered by the certification
24 are provided to the Government of Israel.

1 (f) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
2 FINED.—In this section, the term “appropriate congres-
3 sional committees” means the following:

4 (1) The congressional defense committees.

5 (2) The Committee on Foreign Relations of the
6 Senate and the Committee on Foreign Affairs of the
7 House of Representatives.

8 **SEC. 1662. ACCELERATION OF THE DEPLOYMENT OF**
9 **HYPERSONIC AND BALLISTIC TRACKING**
10 **SPACE SENSOR PAYLOAD.**

11 (a) PRIMARY RESPONSIBILITY FOR DEVELOPMENT
12 AND DEPLOYMENT OF HYPERSONIC AND BALLISTIC
13 TRACKING SPACE SENSOR PAYLOAD.—

14 (1) IN GENERAL.—Not later than 15 days after
15 the date of the enactment of this Act, the Secretary
16 shall—

17 (A) assign the Director of the Missile De-
18 fense Agency with the principal responsibility
19 for the development and deployment of a
20 hypersonic and ballistic tracking space sensor
21 payload through the end of fiscal year 2022;
22 and

23 (B) submit to the congressional defense
24 committees certification of such assignment.

1 (2) TRANSITION.—Not later than 90 days after
2 the date of the enactment of this Act, the Secretary
3 shall submit to the congressional defense commit-
4 tees—

5 (A) a determination regarding whether re-
6 sponsibility for a hypersonic and ballistic track-
7 ing space sensor payload should be transitioned
8 to the United States Space Force at the end of
9 fiscal year 2022 or later; and

10 (B) if the Secretary so determines, a plan
11 for transition of primary responsibility that
12 minimizes disruption to the program and pro-
13 vides for sufficient funding as described in sub-
14 section (b)(1).

15 (b) CERTIFICATION REGARDING FUNDING OF
16 HYPERSONIC AND BALLISTIC TRACKING SPACE SENSOR
17 PROGRAM.—

18 (1) IN GENERAL.—At the same time that the
19 President submits to Congress pursuant to section
20 1105 of title 31, United States Code, the annual
21 budget request of the President for fiscal year 2022,
22 the Under Secretary of Defense Comptroller and the
23 Director for Cost Assessment and Program Evalua-
24 tion shall jointly submit to the congressional defense
25 committees a certification as to whether the

1 hypersonic and ballistic tracking space sensor pro-
2 gram is sufficiently funded in the future-years de-
3 fense program.

4 (2) FUNDING LIMITATION.—Of the funds au-
5 thorized to be appropriated by this Act for fiscal
6 year 2021 under the Operations and Maintenance,
7 Defense-Wide, account for the Office of Secretary of
8 Defense travel of persons assigned to the Office of
9 the Under Secretary of Defense for Research and
10 Engineering, not more than 50 percent of such
11 funds may be obligated or expended until the certifi-
12 cation required by paragraph (1) is submitted under
13 such paragraph.

14 (c) DEPLOYMENT DEADLINE.—Section 1683(a) of
15 the National Defense Authorization Act for Fiscal Year
16 2018 (Public Law 115–91; 10 U.S.C. 2431 note) is
17 amended—

18 (1) by striking “(a) IN GENERAL.—” and in-
19 serting the following:

20 “(a) DEVELOPMENT, TESTING, AND DEPLOY-
21 MENT.—

22 “(1) DEVELOPMENT.—”; and

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

1 “(2) TESTING AND DEPLOYMENT.—The Direc-
2 tor shall begin on-orbit testing of a hypersonic and
3 ballistic tracking space sensor no later than Decem-
4 ber 31, 2022, with full operational deployment as
5 soon as technically feasible thereafter.

6 “(3) WAIVER.—The Secretary of Defense may
7 waive the deadline for testing specified in paragraph
8 (2) if the Secretary submits to the congressional de-
9 fense committees a report containing—

10 “(A) the explanation why the Secretary
11 cannot meet such deadline;

12 “(B) the technical risks and estimated cost
13 of accelerating the program to attempt to meet
14 such deadline;

15 “(C) an assessment of threat systems that
16 could not be detected or tracked persistently
17 due to waiving such deadline; and

18 “(D) a plan, including a timeline, for be-
19 ginning the required testing.”.

20 (d) ASSESSMENT AND REPORT.—Not later than 120
21 days after the date of the enactment of this Act, the Chair
22 of the Joint Requirements Oversight Council established
23 under section 181 of title 10, United States Code, shall—

24 (1) complete an assessment on whether all ef-
25 forts being made by the Missile Defense Agency, the

1 Defense Advanced Research Projects Agency, the
2 Air Force, and the Space Development Agency relat-
3 ing to space-based sensing and tracking capabilities
4 for missile defense are aligned with the requirements
5 of United States Strategic Command, United States
6 Northern Command, United States European Com-
7 mand, and United States Indo-Pacific Command for
8 missile tracking and missile warning that have been
9 validated by the Joint Requirements Oversight
10 Council; and

11 (2) submit to the congressional defense commit-
12 tees a report on the findings of the Chair with re-
13 spect to the assessment conducted under paragraph
14 (1).

15 **SEC. 1663. EXTENSION OF PROHIBITION RELATING TO MIS-**
16 **SILE DEFENSE INFORMATION AND SYSTEMS.**

17 Section 130h(e) of title 10, United States Code, is
18 amended by striking “January 1, 2021” and inserting
19 “January 1, 2026”.

20 **SEC. 1664. REPORT ON AND LIMITATION ON EXPENDITURE**
21 **OF FUNDS FOR LAYERED HOMELAND MIS-**
22 **SILE DEFENSE SYSTEM.**

23 (a) REPORT REQUIRED.—

24 (1) IN GENERAL.—Not later than March 1,
25 2021, the Director of the Missile Defense Agency

1 shall submit to the congressional defense committees
2 a report on the proposal for a layered homeland mis-
3 sile defense system included in the budget justifica-
4 tion materials submitted to Congress in support of
5 the budget for the Department of Defense for fiscal
6 year 2021 (as submitted with the budget of the
7 President for such year under section 1105(a) of
8 title 31, United States Code).

9 (2) ELEMENTS REQUIRED.—The report re-
10 quired by paragraph (1) shall include the following:

11 (A) A description of the approved require-
12 ments for a layered homeland missile defense
13 system, based on an assessment by the intel-
14 ligence community of threats to be addressed at
15 the time of deployment of such a system.

16 (B) An assessment of how such require-
17 ments addressed by a layered homeland missile
18 defense system relate to those addressed by the
19 existing ground-based midcourse defense sys-
20 tem, including deployed ground-based intercept-
21 tors and planned upgrades to such ground-
22 based interceptors.

23 (C) An analysis of interceptor solutions to
24 meet such requirements, to include land-based
25 Standard Missile 3 (SM-3) Block IIA inter-

1 ceptor systems and the Terminal High Altitude
2 Area Defense (THAAD) system, with the num-
3 ber of locations required for deployment and
4 the production numbers of interceptors and re-
5 lated sensors.

6 (D) A site-specific fielding plan that in-
7 cludes possible locations, the number and type
8 of interceptors and radars in each location, and
9 any associated environmental or permitting con-
10 siderations, including an assessment of the loca-
11 tions evaluated pursuant to section 227(b) of
12 the National Defense Authorization Act for Fis-
13 cal Year 2013 (126 Stat. 1679; Public Law
14 112–239) for inclusion in the layered homeland
15 missile defense system.

16 (E) Relevant policy considerations for de-
17 ployment of such systems for defense against
18 intercontinental ballistic missiles in the conti-
19 nental United States.

20 (F) A cost estimate and schedule for op-
21 tions involving a land-based Standard Missile 3
22 Block IIA interceptor system and the Terminal
23 High Altitude Area Defense system, including
24 required environmental assessments.

1 (G) A feasibility assessment of the nec-
2 essary modifications to the Terminal High Altitude Area Defense system to address such re-
3 quirements.

4 (H) An assessment of the industrial base
5 capacity to support additional production of ei-
6 ther a land-based Standard Missile 3 Block IIA
7 interceptor system or the Terminal High Altitude Area Defense system.

8 (3) CONSULTATION.—In preparing the report
9 required by paragraph (1), the Director shall consult
10 with the following:

11 (A) The Under Secretary of Defense for
12 Policy.

13 (B) The Under Secretary of Defense for
14 Acquisition and Sustainment.

15 (C) The Vice Chairman of the Joint Chiefs
16 of Staff, in Vice Chairman's capacity as the
17 Chair of the Joint Requirements Oversight
18 Council.

19 (D) The Commander, United States Strategic Command.

20 (E) The Commander, United States Northern Command.

1 (b) LIMITATION ON USE OF FUNDS.—Not more than
2 50 percent of the amounts authorized to be appropriated
3 by this Act for fiscal year 2021 for the Missile Defense
4 Agency for the purposes of a layered homeland missile de-
5 fense system may be obligated or expended until the Di-
6 rector submits to the congressional defense committees the
7 report required by subsection (a).

8 (c) INTELLIGENCE COMMUNITY DEFINED.—In this
9 section, the term “intelligence community” has the mean-
10 ing given such term in section 3 of the National Security
11 Act of 1947 (50 U.S.C. 3003).

12 **SEC. 1665. EXTENSION OF REQUIREMENT FOR COMP-**
13 **TROLLER GENERAL REVIEW AND ASSESS-**
14 **MENT OF MISSILE DEFENSE ACQUISITION**
15 **PROGRAMS.**

16 Section 232(a) of the National Defense Authorization
17 Act for Fiscal Year 2012 (Public Law 112–81) is amend-
18 ed—

19 (1) in paragraph (1), by striking “through
20 2020” and inserting “through 2025”;

21 (2) in paragraph (2)—

22 (A) by striking “through 2021” and insert-
23 ing “through 2026”; and

24 (B) by striking “year. Each” and all that
25 follows through “appropriate.” and insert the

1 following: “, which shall include such findings
2 and recommendations as the Comptroller Gen-
3 eral considers appropriate.”; and

4 (3) by adding at the end the following new sub-
5 section:

6 “(3) REVIEW OF EMERGING ISSUES.—In car-
7 rying out this subsection, as the Comptroller General
8 determines is warranted, the Comptroller General
9 shall review emerging issues and, in consultation
10 with the congressional defense committees, brief
11 such committees or submit to such committees a re-
12 port on the findings of the Comptroller General with
13 respect to such review.”.

14 **SEC. 1666. REPEAL OF REQUIREMENT FOR REPORTING**
15 **STRUCTURE OF MISSILE DEFENSE AGENCY.**

16 Section 205 of title 10, United States Code, is
17 amended to read as follows:

18 **“§ 205. Missile Defense Agency**

19 “The Director of the Missile Defense Agency shall be
20 appointed for a six-year term.”.

21 **SEC. 1667. GROUND-BASED MIDCOURSE DEFENSE INTERIM**
22 **CAPABILITY.**

23 (a) SENSE OF CONGRESS.—It is the sense of Con-
24 gress that—

1 (1) the nuclear and ballistic missile threats
2 from rogue nations are increasing; and

3 (2) the Department of Defense should fully as-
4 sess development of an interim ground-based missile
5 defense capability while also pursuing the develop-
6 ment of a next generation interceptor capability.

7 (b) INTERIM GROUND-BASED INTERCEPTOR.—

8 (1) DEVELOPMENT.—Not later than 30 days
9 after the date of the enactment of this Act, the Sec-
10 retary of Defense, acting through the Director of the
11 Missile Defense Agency and in coordination with the
12 Under Secretary of Defense for Acquisition and
13 Sustainment, the Commander of the United States
14 Northern Command, and the Commander of the
15 United States Strategic Command, shall commence
16 carrying out a program to develop an interim
17 ground-based interceptor capability that will—

18 (A) use sound acquisition practices;

19 (B) address the majority of current and
20 near- to mid-term projected ballistic missile
21 threats to the United States homeland from
22 rogue nations;

23 (C) at minimum, meet the proposed capa-
24 bilities of the Redesigned Kill Vehicle program;

1 (D) leverage existing kill vehicle and boost-
2 er technology; and

3 (E) appropriately balance interceptor per-
4 formance with schedule of delivery.

5 (2) DEPLOYMENT.—The Secretary of Defense,
6 acting through the Director of the Missile Defense
7 Agency and in coordination with the Under Sec-
8 retary of Defense for Acquisition and Sustainment,
9 the Commander of the United States Northern Com-
10 mand, and the Commander of the United States
11 Strategic Command, shall—

12 (A) conduct rigorous flight testing of the
13 interim ground-based interceptor; and

14 (B) deliver 20 new ground-based intercep-
15 tors by 2026.

16 (3) WAIVER AUTHORITY.—(A) The Secretary of
17 Defense may waive the requirements under para-
18 graphs (1) and (2) if the Secretary certifies to the
19 congressional defense committees that—

20 (i) the technology development is not tech-
21 nically feasible;

22 (ii) the interim capability development is
23 not in the national security interest of the
24 United States; or

1 (iii) the next generation interceptor for the
2 ground-based midcourse defense system can de-
3 liver capability before the program otherwise re-
4 quired by this subsection.

5 (B) If the Secretary chooses to waive the re-
6 quirements under paragraphs (1) and (2), the Sec-
7 retary shall submit to the congressional defense com-
8 mittees along with the certification required by sub-
9 paragraph (A) of this paragraph—

10 (i) an explanation of the rationale for the
11 decision;

12 (ii) an estimate of projected rogue nation
13 threats to the United States homeland that will
14 not be defended against until the fielding of the
15 next generation interceptor for the ground-
16 based midcourse defense system; and

17 (iii) an updated schedule for development
18 and deployment of the next generation inter-
19 ceptor.

20 (C) The Secretary may not delegate the certifi-
21 cation described in subparagraphs (A) and (B) un-
22 less the Secretary is recused, in which case the Sec-
23 retary may delegate such certification to the Deputy
24 Secretary of Defense.

1 (c) CAPABILITIES AND CRITERIA.—The Director
2 shall ensure that the interim ground-based interceptor de-
3 veloped under subsection (c)(1) meets, at a minimum, the
4 following capabilities and criteria:

5 (1) Vehicle-to-vehicle communications, as appli-
6 cable.

7 (2) Vehicle-to-ground communications.

8 (3) Kill assessment capability.

9 (4) The ability to counter advanced counter
10 measures, decoys, and penetration aids.

11 (5) Producibility and manufacturability.

12 (6) Use of technology involving high technology
13 readiness levels.

14 (7) Options to integrate the new kill vehicle
15 onto other missile defense interceptor vehicles other
16 than the ground-based interceptors of the ground-
17 based midcourse defense system.

18 (8) Sound acquisition processes.

19 (d) REPORT ON FUNDING PROFILE.—The Director
20 shall include with the budget justification materials sub-
21 mitted to Congress in support of the budget of the Depart-
22 ment of Defense for fiscal year 2022 (as submitted with
23 the budget of the President under section 1105(a) of title
24 31, United States Code) a report on the funding profile

1 necessary for the interim ground-based interceptor pro-
2 gram to meet the objectives under subsection (c).

3 **DIVISION B—MILITARY CON-**
4 **STRUCTION AUTHORIZA-**
5 **TIONS**

6 **SEC. 2001. SHORT TITLE.**

7 This division may be cited as the “Military Construc-
8 tion Authorization Act for Fiscal Year 2021”.

9 **SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND**
10 **AMOUNTS REQUIRED TO BE SPECIFIED BY**
11 **LAW.**

12 (a) EXPIRATION OF AUTHORIZATIONS AFTER FIVE
13 YEARS.—Except as provided in subsection (b), all author-
14 izations contained in titles XXI through XXVII for mili-
15 tary construction projects, land acquisition, family housing
16 projects and facilities, and contributions to the North At-
17 lantic Treaty Organization Security Investment Program
18 (and authorizations of appropriations therefor) shall ex-
19 pire on the later of—

20 (1) October 1, 2025; or

21 (2) the date of the enactment of an Act author-
22 izing funds for military construction for fiscal year
23 2026.

24 (b) EXCEPTION.—Subsection (a) shall not apply to
25 authorizations for military construction projects, land ac-

1 quisation, family housing projects and facilities, and con-
2 tributions to the North Atlantic Treaty Organization Se-
3 curity Investment Program (and authorizations of appro-
4 priations therefor), for which appropriated funds have
5 been obligated before the later of—

6 (1) October 1, 2025; or

7 (2) the date of the enactment of an Act author-
8 izing funds for fiscal year 2026 for military con-
9 struction projects, land acquisition, family housing
10 projects and facilities, or contributions to the North
11 Atlantic Treaty Organization Security Investment
12 Program.

13 **SEC. 2003. EFFECTIVE DATE.**

14 Titles XXI through XXVII and title XXIX shall take
15 effect on the later of—

16 (1) October 1, 2020; or

17 (2) the date of the enactment of this Act.

18 **TITLE XXI—ARMY MILITARY**
19 **CONSTRUCTION**

20 **SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND**
21 **ACQUISITION PROJECTS.**

22 (a) **INSIDE THE UNITED STATES.**—Using amounts
23 appropriated pursuant to the authorization of appropria-
24 tions in section 2103(a) and available for military con-
25 struction projects inside the United States as specified in

1 the funding table in section 4601, the Secretary of the
 2 Army may acquire real property and carry out military
 3 construction projects for the installations or locations in-
 4 side the United States, and in the amounts, set forth in
 5 the following table:

Army: Inside the United States

State	Installation or Location	Amount
Alaska	Fort Wainwright	\$114,000,000
Arizona	Yuma Proving Ground	\$14,000,000
California	Military Ocean Terminal Concord	\$46,000,000
Colorado	Fort Carson	\$28,000,000
Georgia	Fort Gillem	\$71,000,000
	Fort Gordon	\$80,000,000
Hawaii	Aliamanu Military Reservation	\$71,000,000
	Schofield Barracks	\$39,000,000
	Wheeler Army Airfield	\$89,000,000
Louisiana	Fort Polk	\$25,000,000
Oklahoma	McAlester AAP	\$35,000,000
South Carolina	Fort Jackson	\$7,000,000
Virginia	Humphreys Engineer Center	\$51,000,000

6 (b) OUTSIDE THE UNITED STATES.—Using amounts
 7 appropriated pursuant to the authorization of appropria-
 8 tions in section 2103(a) and available for military con-
 9 struction projects outside the United States as specified
 10 in the funding table in section 4601, the Secretary of the
 11 Army may acquire real property and carry out military
 12 construction projects for the installation outside the
 13 United States, and in the amount, set forth in the fol-
 14 lowing table:

Army: Outside the United States

State	Installation	Amount
Italy	Casmera Renato Dal Din	\$10,200,000

1 **SEC. 2102. FAMILY HOUSING.**

2 (a) CONSTRUCTION AND ACQUISITION.—Using
 3 amounts appropriated pursuant to the authorization of ap-
 4 propriations in section 2103(a) and available for military
 5 family housing functions as specified in the funding table
 6 in section 4601, the Secretary of the Army 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, and in the amounts set forth in
 10 the following table:

Army: Family Housing

Country	Installation or Location	Units	Amount
Italy	Vicenza	Family Housing New Construc- tion	\$84,100,000
Kwajalein	Kwajalein Atoll	Family Housing Replacement Construction ...	\$32,000,000

11 (b) PLANNING AND DESIGN.—Using amounts appro-
 12 priated pursuant to the authorization of appropriations in
 13 section 2103(a) and available for military family housing
 14 functions as specified in the funding table in section 4601,
 15 the Secretary of the Army may carry out architectural and
 16 engineering services and construction design activities
 17 with respect to the construction or improvement of family
 18 housing units in an amount not to exceed \$3,300,000.

19 **SEC. 2103. AUTHORIZATION OF APPROPRIATIONS, ARMY.**

20 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
 21 are hereby authorized to be appropriated for fiscal years

1 beginning after September 30, 2020, for military con-
2 struction, land acquisition, and military family housing
3 functions of the Department of the Army as specified in
4 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 2101 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. 2104. MODIFICATION OF AUTHORITY TO CARRY OUT**
14 **FISCAL YEAR 2017 PROJECT AT CAMP WALK-**
15 **ER, KOREA.**

16 In the case of the authorization contained in the table
17 in section 2102(a) of the Military Construction Authoriza-
18 tion Act for Fiscal Year 2017 (division B of Public Law
19 114–92; 129 Stat. 1146) for Camp Walker, Korea, the
20 Secretary of the Army may construct an elevated walkway
21 between two existing parking garages to connect children’s
22 playgrounds using amounts available for Family Housing
23 New Construction, as specified in the funding table in sec-
24 tion 4601 of such Act (129 Stat. 1290).

1 **TITLE XXII—NAVY MILITARY**
 2 **CONSTRUCTION**

3 **SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND**
 4 **ACQUISITION PROJECTS.**

5 (a) INSIDE THE UNITED STATES.—Using amounts
 6 appropriated pursuant to the authorization of appropria-
 7 tions in section 2204(a) and available for military con-
 8 struction projects inside the United States as specified in
 9 the funding table in section 4601, the Secretary of the
 10 Navy may acquire real property and carry out military
 11 construction projects for the installations or locations in-
 12 side the United States, and in the amounts, set forth in
 13 the following table:

Navy: Inside the United States

State	Installation or Location	Amount
California	Camp Pendleton	\$115,530,000
	Lemoore	\$187,220,000
	Point Mugu	\$26,700,000
	Port Hueneme	\$43,500,000
	San Diego	\$128,500,000
	Seal Beach	\$46,800,000
	Twentynine Palms	\$76,500,000
Hawaii	Joint Base Pearl Harbor-Hickam	\$114,900,000
Maine	Kittery	\$715,000,000
	NCTAMS LANT Detachment Cutler	\$26,100,000
Nevada	Fallon	\$29,040,000
North Carolina	Cherry Point	\$51,900,000
Virginia	Norfolk	\$39,800,000

14 (b) OUTSIDE THE UNITED STATES.—Using amounts
 15 appropriated pursuant to the authorization of appropria-
 16 tions in section 2204(a) and available for military con-
 17 struction projects outside the United States as specified
 18 in the funding table in section 4601, the Secretary of the

1 Navy may acquire real property and carry out military
 2 construction projects for the installations or locations out-
 3 side the United States, and in the amounts, set forth in
 4 the following table:

Navy: Outside the United States

Country	Installation or Location	Amount
Bahrain Island	SW Asia	\$68,340,000
El Salvador	Comalapa	\$28,000,000
Greece	Souda Bay	\$50,180,000
Guam	Andersen Air Force Base	\$21,280,000
	Joint Region Marianas	\$546,550,000
Spain	Rota	\$60,110,000

5 **SEC. 2202. FAMILY HOUSING.**

6 Using amounts appropriated pursuant to the author-
 7 ization of appropriations in section 2204(a) and available
 8 for military family housing functions as specified in the
 9 funding table in section 4601, the Secretary of the Navy
 10 may carry out architectural and engineering services and
 11 construction design activities with respect to the construc-
 12 tion or improvement of family housing units in an amount
 13 not to exceed \$5,854,000.

14 **SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
 15 **UNITS.**

16 Subject to section 2825 of title 10, United States
 17 Code, and using amounts appropriated pursuant to the
 18 authorization of appropriations in section 2204(a) and
 19 available for military family housing functions as specified
 20 in the funding table in section 4601, the Secretary of the

1 Navy may improve existing military family housing units
2 in an amount not to exceed \$37,043,000.

3 **SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.**

4 (a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds
5 are hereby authorized to be appropriated for fiscal years
6 beginning after September 30, 2020, for military con-
7 struction, land acquisition, and military family housing
8 functions of the Department of the Navy, as specified in
9 the funding table in section 4601.

10 (b) **LIMITATION ON TOTAL COST OF CONSTRUCTION**
11 **PROJECTS.**—Notwithstanding the cost variations author-
12 ized by section 2853 of title 10, United States Code, and
13 any other cost variation authorized by law, the total cost
14 of all projects carried out under section 2201 of this Act
15 may not exceed the total amount authorized to be appro-
16 priated under subsection (a), as specified in the funding
17 table in section 4601.

18 **TITLE XXIII—AIR FORCE**
19 **MILITARY CONSTRUCTION**

20 **SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND**
21 **LAND ACQUISITION PROJECTS.**

22 (a) **INSIDE THE UNITED STATES.**—Using amounts
23 appropriated pursuant to the authorization of appropria-
24 tions in section 2304(a) and available for military con-
25 struction projects inside the United States as specified in

1 the funding table in section 4601, the Secretary of the
 2 Air Force may acquire real property and carry out mili-
 3 tary construction projects for the installations or locations
 4 inside the United States, and in the amounts, set forth
 5 in the following table:

Air Force: Inside the United States

State	Installation or Location	Amount
Colorado	United States Air Force Academy	\$49,000,000
New Jersey	Joint Base McGuire-Dix- Lakehurst.	\$22,000,000
South Dakota	Ellsworth Air Force Base	\$96,000,000
Texas	Joint Base San Antonio	\$19,500,000
Utah	Hill Air Force Base	\$132,000,000
Virginia	Joint Base Langley-Eustis	\$19,500,000

6 (b) OUTSIDE THE UNITED STATES.—Using amounts
 7 appropriated pursuant to the authorization of appropria-
 8 tions in section 2304(a) and available for military con-
 9 struction projects outside the United States as specified
 10 in the funding table in section 4601, the Secretary of the
 11 Air Force may acquire real property and carry out mili-
 12 tary construction projects for the installations or locations
 13 outside the United States, and in the amounts, set forth
 14 in the following table:

Air Force: Outside the United States

Country	Installation or Location	Amount
Guam	Andersen Air Force Base	\$56,000,000
Qatar	Al Udeid	\$26,000,000

15 **SEC. 2302. FAMILY HOUSING.**

16 Using amounts appropriated pursuant to the author-
 17 ization of appropriations in section 2304(a) and available
 18 for military family housing functions as specified in the

1 funding table in section 4601, the Secretary of the Air
2 Force may carry out architectural and engineering serv-
3 ices and construction design activities with respect to the
4 construction or improvement of family housing units in an
5 amount not to exceed \$2,969,000.

6 **SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
7 **UNITS.**

8 Subject to section 2825 of title 10, United States
9 Code, and using amounts appropriated pursuant to the
10 authorization of appropriations in section 2304(a) and
11 available for military family housing functions as specified
12 in the funding table in section 4601, the Secretary of the
13 Air Force may improve existing military family housing
14 units in an amount not to exceed \$94,245,000.

15 **SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR**
16 **FORCE.**

17 (a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds
18 are hereby authorized to be appropriated for fiscal years
19 beginning after September 30, 2020, for military con-
20 struction, land acquisition, and military family housing
21 functions of the Department of the Air Force, as specified
22 in the funding table in section 4601.

23 (b) **LIMITATION ON TOTAL COST OF CONSTRUCTION**
24 **PROJECTS.**—Notwithstanding the cost variations author-
25 ized by section 2853 of title 10, United States Code, and

1 any other cost variation authorized by law, the total cost
2 of all projects carried out under section 2301 of this Act
3 may not exceed the total amount authorized to be appro-
4 priated under subsection (a), as specified in the funding
5 table in section 4601.

6 **SEC. 2305. MODIFICATION OF AUTHORITY TO CARRY OUT**
7 **FISCAL YEAR 2018 PROJECT AT ROYAL AIR**
8 **FORCE LAKENHEATH.**

9 (a) IN GENERAL.—In the case of the authorization
10 contained in the table in section 2301(b) of the Military
11 Construction Authorization Act for Fiscal Year 2018 (di-
12 vision B of Public Law 115–91; 131 Stat. 1826) for Royal
13 Air Force Lakenheath, United Kingdom, the Secretary of
14 the Air Force may construct a 2,700 square meter consoli-
15 dated corrosion control and wash rack facility at such lo-
16 cation.

17 (b) INCREASE OF AMOUNT.—The table in section
18 4601 of such Act is amended in the item relating to a
19 Consolidated Corrosion Control Facility at Royal Air
20 Force Lakenheath, United Kingdom, by striking
21 “20,000,000” and inserting “55,300,000”.

22 **SEC. 2306. MODIFICATION OF AUTHORITY TO CARRY OUT**
23 **CERTAIN FISCAL YEAR 2019 PROJECTS.**

24 (a) EIELSON AIR FORCE BASE, ALASKA.—In the
25 case of the authorization contained in the table in section

1 2301(a) of the Military Construction Authorization Act
2 for Fiscal Year 2019 (division B of Public Law 115–232;
3 132 Stat. 2246) for Eielson Air Force Base, Alaska, the
4 Secretary of the Air Force may construct a 426 square
5 meter non-contained (outdoor) range with covered and
6 heated firing line for construction of an F–35 CATM
7 Range, as specified in the funding table in section 4601
8 of such Act (132 Stat. 2404).

9 (b) BARKSDALE AIR FORCE BASE, LOUISIANA.—

10 (1) IN GENERAL.—In the case of the authoriza-
11 tion contained in the table in section 2301(a) of the
12 Military Construction Authorization Act for Fiscal
13 Year 2019 (division B of Public Law 115–232; 132
14 Stat. 2246) for Barksdale Air Force Base, Lou-
15 isiana, the Secretary of the Air Force may construct
16 an entrance road and gate complex consistent with
17 the Unified Facilities Criteria relating to entry con-
18 trol facilities and the construction guidelines for the
19 Air Force, in the amount of \$48,000,000.

20 (2) DETAILS OF CONSTRUCTION.—In con-
21 structing the entrance road and gate complex under
22 paragraph (1), the Secretary of the Air Force may
23 construct a 190 square meter visitor control center,
24 a 44 square meter gate house, a 124 square meter
25 privately owned vehicle inspection facility, a 338

1 square meter truck inspection facility, and a 45
2 square meter gatehouse.

3 (3) CONSTRUCTION IN FLOOD PLAIN.—Con-
4 struction under paragraph (1) may be conducted in
5 a flood plain and appropriate mitigation measures
6 shall be included in the project.

7 (c) ROYAL AIR FORCE LAKENHEATH, UNITED KING-
8 DOM.—In the case of the authorization contained in the
9 table in section 2301(b) of the Military Construction Au-
10 thorization Act for Fiscal Year 2019 (division B of Public
11 Law 115–232; 132 Stat. 2247) for Royal Air Force
12 Lakenheath, United Kingdom, the Secretary of the Air
13 Force may construct a 1,206 square meter maintenance
14 facility for construction of an F–35A ADAL Conventional
15 Munitions MX, as specified in the funding table in section
16 4601 of such Act (132 Stat. 2400).

17 (d) FORCE PROTECTION AND SAFETY.—The table in
18 section 4601 of the Military Construction Authorization
19 Act for Fiscal Year 2019 (division B of Public Law 115–
20 232; 132 Stat. 2406) is amended in the item relating to
21 Force Protection and Safety, Air Force, Unspecified
22 Worldwide Locations, by striking “35,000” and inserting
23 “50,000”.

1 **SEC. 2307. MODIFICATION OF AUTHORITY TO CARRY OUT**
 2 **CERTAIN FISCAL YEAR 2020 FAMILY HOUSING**
 3 **PROJECTS.**

4 (a) CONSTRUCTION AND ACQUISITION.—Section
 5 2302 of the Military Construction Authorization Act for
 6 Fiscal Year 2020 (Public Law 116–92) is amended—

7 (1) by striking “Using amounts” and inserting
 8 “(a) PLANNING AND DESIGN.—Using amounts”;
 9 and

10 (2) by adding at the end the following new sub-
 11 section:

12 “(b) CONSTRUCTION AND ACQUISITION.—Using
 13 amounts appropriated pursuant to the authorization of ap-
 14 propriations in section 2304(a), the Secretary of the Air
 15 Force may construct or acquire family housing units (in-
 16 cluding land, acquisition, and supporting facilities) at the
 17 installation, in the number of units, and in the amounts
 18 set forth in the following table:

“Air Force: Family Housing

Country	Installation or Loca- tion	Purpose	Amount
Germany	Spangdahlem Air Base ...	76 Units	\$53,584,000”.

19 (b) FUNDING.—Section 2303 of the Military Con-
 20 struction Authorization Act for Fiscal Year 2020 (Public
 21 Law 116–92) is amended by striking “\$53,584,000” and
 22 inserting “\$46,638,000”.

1 **SEC. 2308. MODIFICATION OF AUTHORITY TO CARRY OUT**
2 **CERTAIN FISCAL YEAR 2020 PROJECTS.**

3 (a) TYNDALL AIR FORCE BASE, FLORIDA.—In the
4 case of the authorization contained in the table in section
5 2912(a) of the Military Construction Authorization Act
6 for Fiscal Year 2020 (division B of Public Law 116–92)
7 for Tyndall Air Force Base, Florida, the Secretary of the
8 Air Force may construct—

9 (1) not more than 4,770 square meters of air-
10 craft support equipment storage for construction of
11 an Auxiliary Ground Equipment Facility, as speci-
12 fied in the funding table in section 4603 of such Act;

13 (2) not more than 18,770 square meters of vis-
14 iting quarters for construction of Dorm Complex
15 Phase 1, as specified in such funding table;

16 (3) 2,127 square meters of squadron operations
17 and 2,875 square meters of aircraft maintenance
18 unit for construction of Ops/Aircraft Maintenance
19 Unit/Hangar #2, as specified in such funding table;

20 (4) 2,127 square meters of squadron operations
21 and 2,875 square meters of aircraft maintenance
22 unit for construction of Ops/Aircraft Maintenance
23 Unit/Hangar #3, as specified in such funding table;

24 (5) not more than 3,420 square meters of head-
25 quarters for construction of an Operations Group/

1 Maintenance Group HQ, as specified in such fund-
2 ing table;

3 (6) not more than 930 square meters of equip-
4 ment storage for construction of a Security Forces
5 Mobility Storage Facility, as specified in such fund-
6 ing table;

7 (7) not more than 7,000 meters of storm water
8 piping, box culverts, underground detention, and
9 grading for surface detention for construction of Site
10 Development, Utilities & Demo Phase 2, as specified
11 in such funding table; and

12 (8) not more than 12,471 meters of visiting
13 quarters for construction of Lodging Facilities
14 Phase 1, as specified in such funding table.

15 (b) OFFUTT AIR FORCE BASE, NEBRASKA.—In the
16 case of the authorization contained in the table in section
17 2912(a) of the Military Construction Authorization Act
18 for Fiscal Year 2020 (division B of Public Law 116–92)
19 for Offutt Air Force Base, Nebraska, the Secretary of the
20 Air Force may construct—

21 (1) seven 2.5-megawatt diesel engine genera-
22 tors, seven diesel exhaust fluid systems, 15-kilovolt
23 switchgear, two import/export inter-ties, five import-
24 only inter-ties, and 800 square meters of switchgear
25 facility for construction of an Emergency Power

1 Microgrid, as specified in the funding table in sec-
2 tion 4603 of such Act;

3 (2) 2,536 square meters of warehouse for con-
4 struction of a Logistics Readiness Squadron Cam-
5 pus, as specified in such funding table;

6 (3) 4,218 square meters of operations center
7 and 1,343 square meters of military working dog
8 kennel for construction of a Security Campus, as
9 specified in such funding table;

10 (4) 445 square meters of petroleum operations
11 center, 268 square meters of de-icing liquid storage,
12 and 173 square meters of warehouse for construc-
13 tion of a Flightline Hangars Campus, as specified in
14 such funding table; and

15 (5) 240 square meters of recreation complex
16 and 270 square meters of storage for construction of
17 a Lake Campus, as specified in such funding table.

18 (c) JOINT BASE LANGLEY-EUSTIS, VIRGINIA.—In
19 the case of the authorization contained in the table in sec-
20 tion 2912(a) of the Military Construction Authorization
21 Act for Fiscal Year 2020 (division B of Public Law 116–
22 92) for Joint Base Langley-Eustis, Virginia, the Secretary
23 of the Air Force may construct up to 6,720 square meters
24 of dormitory for construction of a Dormitory, as specified
25 in the funding table in section 4603 of such Act.

1 **TITLE XXIV—DEFENSE AGEN-**
 2 **CIES MILITARY CONSTRUC-**
 3 **TION**

4 **SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUC-**
 5 **TION AND LAND ACQUISITION PROJECTS.**

6 (a) INSIDE THE UNITED STATES.—Using amounts
 7 appropriated pursuant to the authorization of appropria-
 8 tions in section 2403(a) and available for military con-
 9 struction projects inside the United States as specified in
 10 the funding table in section 4601, the Secretary of De-
 11 fense may acquire real property and carry out military
 12 construction projects for the installations or locations in-
 13 side the United States, and in the amounts, set forth in
 14 the following table:

Defense Agencies: Inside the United States

State	Installation or Location	Amount
Alabama	Anniston Army Depot	\$18,000,000
Alaska	Fort Greely	\$48,000,000
Arizona	Fort Huachuca	\$33,728,000
	Yuma	\$49,500,000
California	Beale Air Force Base	\$22,800,000
Colorado	Fort Carson	\$15,600,000
CONUS Unspecified	CONUS Unspecified	\$14,400,000
Florida	Hurlburt Field	\$83,120,000
Kentucky	Fort Knox	\$69,310,000
New Mexico	Kirtland Air Force Base	\$46,600,000
North Carolina	Fort Bragg	\$113,800,000
Ohio	Wright-Patterson Air Force Base	\$23,500,000
Texas	Fort Hood	\$32,700,000
Virginia	Joint Expeditionary Base Little Creek-Fort Story	\$112,500,000
Washington	Joint Base Lewis-McChord	\$21,800,000
	Manchester	\$82,000,000

15 (b) OUTSIDE THE UNITED STATES.—Using amounts
 16 appropriated pursuant to the authorization of appropria-

1 tions in section 2403(a) and available for military con-
 2 struction projects outside the United States as specified
 3 in the funding table in section 4601, the Secretary of De-
 4 fense may acquire real property and carry out military
 5 construction projects for the installation or location out-
 6 side the United States, and in the amount, set forth in
 7 the following table:

Defense Agencies: Outside the United States

Country	Installation or Location	Amount
Japan	Def Fuel Support Point Tsurumi	\$49,500,000

8 **SEC. 2402. AUTHORIZED ENERGY RESILIENCE AND CON-**
 9 **SERVATION INVESTMENT PROGRAM**
 10 **PROJECTS.**

11 (a) **INSIDE THE UNITED STATES.**—Using amounts
 12 appropriated pursuant to the authorization of appropria-
 13 tions in section 2403(a) and available for energy conserva-
 14 tion projects as specified in the funding table in section
 15 4601, the Secretary of Defense may carry out energy con-
 16 servation projects under chapter 173 of title 10, United
 17 States Code, for the installations or locations inside the
 18 United States, and in the amounts, set forth in the fol-
 19 lowing table:

ERCIP Projects: Inside the United States

State	Installation or Location	Amount
Alabama	Fort Rucker	\$24,000,000
Arkansas	Fort Smith Air National Guard Base	\$2,600,000
District of Columbia	Joint Base Anacostia-Bolling	\$35,933,000
Georgia	Fort Benning	\$17,000,000
Mississippi	MTA Camp Shelby	\$30,000,000

ERCIP Projects: Inside the United States—Continued

State	Installation or Location	Amount
North Carolina	Fort Bragg	\$6,100,000
Ohio	Wright-Patterson Air Force Base	\$35,000,000
Tennessee	Memphis International Airport	\$4,780,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts
2 appropriated pursuant to the authorization of appropria-
3 tions in section 2403(a) and available for energy conserva-
4 tion projects as specified in the funding table in section
5 4601, the Secretary of Defense may carry out energy con-
6 servation projects under chapter 173 of title 10, United
7 States Code, for the installations or locations outside the
8 United States, and in the amounts, set forth in the fol-
9 lowing table:

ERCIP Projects: Outside the United States

Country	Installation or Location	Amount
Unspecified Worldwide	Unspecified Worldwide Locations	\$142,500,000

10 **SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DE-**
11 **FENSE AGENCIES.**

12 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
13 are hereby authorized to be appropriated for fiscal years
14 beginning after September 30, 2020, for military con-
15 struction, land acquisition, and military family housing
16 functions of the Department of Defense (other than the
17 military departments), as specified in the funding table
18 in section 4601.

1 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION
2 PROJECTS.—Notwithstanding the cost variations author-
3 ized by section 2853 of title 10, United States Code, and
4 any other cost variation authorized by law, the total cost
5 of all projects carried out under section 2401 of this Act
6 may not exceed the total amount authorized to be appro-
7 priated under subsection (a), as specified in the funding
8 table in section 4601.

9 **TITLE XXV—INTERNATIONAL**
10 **PROGRAMS**
11 **Subtitle A—North Atlantic Treaty**
12 **Organization Security Invest-**
13 **ment Program**

14 **SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND**
15 **ACQUISITION PROJECTS.**

16 The Secretary of Defense may make contributions for
17 the North Atlantic Treaty Organization Security Invest-
18 ment Program as provided in section 2806 of title 10,
19 United States Code, in an amount not to exceed the sum
20 of the amount authorized to be appropriated for this pur-
21 pose in section 2502 and the amount collected from the
22 North Atlantic Treaty Organization as a result of con-
23 struction previously financed by the United States.

1 **SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.**

2 (a) AUTHORIZATION.—Funds are hereby authorized
3 to be appropriated for fiscal years beginning after Sep-
4 tember 30, 2020, for contributions by the Secretary of De-
5 fense under section 2806 of title 10, United States Code,
6 for the share of the United States of the cost of projects
7 for the North Atlantic Treaty Organization Security In-
8 vestment Program authorized by section 2501 as specified
9 in the funding table in section 4601.

10 (b) AUTHORITY TO RECOGNIZE NATO AUTHORIZA-
11 TION AMOUNTS AS BUDGETARY RESOURCES FOR
12 PROJECT EXECUTION.—When the United States is des-
13 igned as the Host Nation for the purposes of executing
14 a project under the NATO Security Investment Program
15 (NSIP), the Department of Defense construction agent
16 may recognize the NATO project authorization amounts
17 as budgetary resources to incur obligations for the pur-
18 poses of executing the NSIP project.

19 **SEC. 2503. EXECUTION OF PROJECTS UNDER THE NORTH**
20 **ATLANTIC TREATY ORGANIZATION SECURITY**
21 **INVESTMENT PROGRAM.**

22 (a) IN GENERAL.—Subchapter II of chapter 138 of
23 title 10, United States Code, is amended by striking sec-
24 tion 2350m and inserting the following new section
25 2350m:

1 **“§ 2350m. Execution of projects under the North At-**
2 **lantic Treaty Organization Security In-**
3 **vestment Program**

4 “(a) AUTHORITY TO EXECUTE PROJECTS.—When
5 the United States is designated as the Host Nation for
6 purposes of executing a project under the North Atlantic
7 Treaty Organization Security Investment Program (in this
8 section referred to as the ‘Program’), the Secretary of De-
9 fense may accept such designation and carry out such
10 project consistent with the requirements of this section.

11 “(b) PROJECT FUNDING.—The Secretary of Defense
12 may fund authorized expenditures of projects accepted
13 under subsection (a) with—

14 “(1) contributions under subsection (c);

15 “(2) appropriations of the Department of De-
16 fense for the Program when directed by the North
17 Atlantic Treaty Organization to apply amounts of
18 such appropriations as part of the share of contribu-
19 tions of the United States for the Program; or

20 “(3) any combination of amounts described in
21 paragraphs (1) and (2).

22 “(c) AUTHORITY TO ACCEPT CONTRIBUTIONS.—(1)
23 The Secretary of Defense may accept contributions from
24 the North Atlantic Treaty Organization and member na-
25 tions of the North Atlantic Treaty Organization for the
26 purpose of carrying out a project under subsection (a).

1 “(2) Contributions accepted under paragraph (1)
2 shall be placed in an account established for the purpose
3 of carrying out the project for which the funds were pro-
4 vided and shall remain available until expended.

5 “(3)(A) If contributions are made under paragraph
6 (1) as reimbursement for a project or portion of a project
7 previously completed by the Department of Defense, such
8 contributions shall be credited to—

9 “(i) the appropriations used for the project or
10 portion thereof, if such appropriations have not yet
11 expired; or

12 “(ii) the appropriations for the Program, if the
13 appropriations described in clause (i) have expired.

14 “(B) Funding credited under subparagraph (A) shall
15 merge with and remain available for the same purposes
16 and duration as the appropriations to which credited.

17 “(d) OBLIGATION AUTHORITY.—The construction
18 agent of the Department of Defense designated by the
19 Secretary of Defense to execute a project under subsection
20 (a) may recognize the North Atlantic Treaty Organization
21 project authorization amounts as budgetary resources to
22 incur obligations against for the purposes of executing the
23 project.

24 “(e) INSUFFICIENT CONTRIBUTIONS.—(1) In the
25 event that the North Atlantic Treaty Organization does

1 not agree to contribute funding for all costs necessary for
2 the Department of Defense to carry out a project under
3 subsection (a), including necessary personnel costs of the
4 construction agent designated by the Department of De-
5 fense, contract claims, and any conjunctive funding re-
6 quirements that exceed the project authorization or stand-
7 ards of the North Atlantic Treaty Organization, the Sec-
8 retary of Defense, upon determination that completion of
9 the project is in the national interest of the United States,
10 may fund such costs using any funds available in appro-
11 priations for the Program.

12 “(2) The use of funds under paragraph (1) from ap-
13 propriations for the Program may be in addition to or in
14 place of any other funding sources otherwise available for
15 the purposes for which those funds are used.

16 “(f) AUTHORIZED EXPENDITURES DEFINED.—In
17 this section, the term ‘authorized expenditures’ means
18 project expenses for which the North Atlantic Treaty Or-
19 ganization has agreed to contribute funding.”.

20 (b) CLERICAL AMENDMENT.—The table of sections
21 at the beginning of subchapter II of chapter 138 of such
22 title is amended by striking the item relating to section
23 2350m and inserting the following new item:

“2350m. Execution of projects under the North Atlantic Treaty Organization
Security Investment Program.”.

24 (c) CONFORMING REPEALS.—

1 (1) 2019.—Section 2502 of the John S.
2 McCain National Defense Authorization Act for Fis-
3 cal Year 2019 (Public Law 115–232; 132 Stat.
4 2252) is amended—

5 (A) in subsection (a)—

6 (i) by striking “(a) AUTHORIZA-
7 TION.—Funds” and inserting “Funds”;
8 and

9 (ii) by striking the second sentence;
10 and

11 (B) by striking subsection (b).

12 (2) 2020.—Section 2502 of the National De-
13 fense Authorization Act for Fiscal Year 2020 (Pub-
14 lic Law 116–92) is amended—

15 (A) in subsection (a), by striking “(a) AU-
16 THORIZATION.—Funds” and inserting
17 “Funds”; and

18 (B) by striking subsection (b).

19 **Subtitle B—Host Country In-Kind**
20 **Contributions**

21 **SEC. 2511. REPUBLIC OF KOREA FUNDED CONSTRUCTION**
22 **PROJECTS.**

23 Pursuant to agreement with the Republic of Korea
24 for required in-kind contributions, the Secretary of De-
25 fense may accept military construction projects for the in-

- 1 stallations or locations in the Republic of Korea, and in
 2 the amounts, set forth in the following table:

Republic of Korea Funded Construction Projects

Component	Installation or Location	Project	Amount
Army	Camp Carroll	Site Development	\$49,000,000
Army	Camp Humphreys	Attack Reconnaissance Battalion Hangar	\$99,000,000
Army	Camp Humphreys	Hot Refuel Point	\$35,000,000
Navy	COMROKFLT Naval Base, Busan	Maritime Operations Center	\$26,000,000
Air Force	Daegu Air Base ..	AGE Facility and Parking Apron	\$14,000,000
Air Force	Kunsan Air Base	Backup Generator Plant ...	\$19,000,000
Air Force	Osan Air Base	Aircraft Corrosion Control Facility (Phase 3)	\$12,000,000
Air Force	Osan Air Base	Child Development Center	\$20,000,000
Air Force	Osan Air Base	Relocate Munitions Storage Area Delta (Phase 1)	\$84,000,000
Defense-Wide	Camp Humphreys	Elementary School	\$58,000,000

3 **SEC. 2512. QATAR FUNDED CONSTRUCTION PROJECTS.**

- 4 Pursuant to agreement with the State of Qatar for
 5 required in-kind contributions, the Secretary of Defense
 6 may accept military construction projects for the installa-
 7 tion in the State of Qatar, and in the amounts, set forth
 8 in the following table:

State of Qatar Funded Construction Projects

Component	Installation or Location	Project	Amount
Air Force	Al Udeid	Billet (A12)	\$63,000,000
Air Force	Al Udeid	Billet (B12)	\$63,000,000
Air Force	Al Udeid	Billet (D10)	\$77,000,000
Air Force	Al Udeid	Billet (009)	\$77,000,000
Air Force	Al Udeid	Billet (007)	\$77,000,000
Air Force	Al Udeid	Armory/Mount	\$7,200,000
Air Force	Al Udeid	Billet (A06)	\$77,000,000
Air Force	Al Udeid	Dining Facility	\$14,600,000
Air Force	Al Udeid	Billet (BOS)	\$77,000,000
Air Force	Al Udeid	Billet (B04)	\$77,000,000
Air Force	Al Udeid	Billet (A04)	\$77,000,000
Air Force	Al Udeid	Billet (AOS)	\$77,000,000
Air Force	Al Udeid	Dining Facility	\$14,600,000
Air Force	Al Udeid	MSG (Base Operations Support Facility)	\$9,300,000

State of Qatar Funded Construction Projects—Continued

Component	Installation or Location	Project	Amount
Air Force	Al Udeid	ITN (Communications Facility)	\$3,500,000

1 **TITLE XXVI—GUARD AND**
2 **RESERVE FORCES FACILITIES**
3 **SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CON-**
4 **STRUCTION AND LAND ACQUISITION**
5 **PROJECTS.**

6 Using amounts appropriated pursuant to the author-
7 ization of appropriations in section 2606 and available for
8 the National Guard and Reserve as specified in the fund-
9 ing table in section 4601, the Secretary of the Army may
10 acquire real property and carry out military construction
11 projects for the Army National Guard installations or lo-
12 cations inside the United States, and in the amounts, set
13 forth in the following table:

Army National Guard

State	Installation or Location	Amount
Arizona	Tucson	\$18,100,000
Arkansas	Fort Chaffee	\$15,000,000
California	Bakersfield	\$9,300,000
Colorado	Peterson Air Force Base	\$15,000,000
Indiana	Shelbyville	\$12,000,000
Kentucky	Frankfort	\$15,000,000
Mississippi	Brandon	\$10,400,000
Nebraska	North Platte	\$9,300,000
New Jersey	Joint Base McGuire-Dix-Lakehurst	\$15,000,000
Ohio	Columbus	\$15,000,000
Oklahoma	Ardmore	\$9,800,000
Oregon	Hermiston	\$25,035,000
Puerto Rico	Fort Allen	\$37,000,000
South Carolina	Joint Base Charleston	\$15,000,000
Tennessee	McMinnville	\$11,200,000
Texas	Fort Worth	\$13,800,000
Utah	Nephi	\$12,000,000
Virgin Islands	St. Croix	\$39,400,000
Wisconsin	Appleton	\$11,600,000

1 **SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION**
 2 **AND LAND ACQUISITION PROJECTS.**

3 Using amounts appropriated pursuant to the author-
 4 ization of appropriations in section 2606 and available for
 5 the National Guard and Reserve as specified in the fund-
 6 ing table in section 4601, the Secretary of the Army may
 7 acquire real property and carry out military construction
 8 projects for the Army Reserve installations or locations in-
 9 side the United States, and in the amounts, set forth in
 10 the following table:

Army Reserve

State	Installation or Location	Amount
Florida	Gainesville	\$36,000,000
Massachusetts	Devens Reserve Forces Training Area	\$8,700,000
North Carolina	Asheville	\$24,000,000
Wisconsin	Fort McCoy	\$17,100,000

11 **SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE**
 12 **CORPS RESERVE CONSTRUCTION AND LAND**
 13 **ACQUISITION PROJECTS.**

14 Using amounts appropriated pursuant to the author-
 15 ization of appropriations in section 2606 and available for
 16 the National Guard and Reserve as specified in the fund-
 17 ing table in section 4601, the Secretary of the Navy may
 18 acquire real property and carry out military construction
 19 projects for the Navy Reserve and Marine Corps Reserve
 20 installations or locations inside the United States, and in
 21 the amounts, set forth in the following table:

Navy Reserve and Marine Corps Reserve

State	Installation or Location	Amount
Maryland	Reisterstown	\$39,500,000
Minnesota	Naval Operational Support Center Minneapolis.	\$12,800,000
Utah	Hill Air Force Base	\$25,010,000

1 **SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUC-**
2 **TION AND LAND ACQUISITION PROJECTS.**

3 Using amounts appropriated pursuant to the author-
4 ization of appropriations in section 2606 and available for
5 the National Guard and Reserve as specified in the fund-
6 ing table in section 4601, the Secretary of the Air Force
7 may acquire real property and carry out military construc-
8 tion projects for the Air National Guard installations or
9 locations inside the United States, and in the amounts,
10 set forth in the following table:

Air National Guard

State	Installation or Location	Amount
Alabama	Montgomery Regional Airport	\$23,600,000
Guam	Joint Region Marianas	\$20,000,000
Maryland	Joint Base Andrews	\$9,400,000
North Dakota	Hector International Airport	\$17,500,000
Texas	Joint Base San Antonio	\$10,800,000

11 **SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUC-**
12 **TION AND LAND ACQUISITION PROJECTS.**

13 Using amounts appropriated pursuant to the author-
14 ization of appropriations in section 2606 and available for
15 the National Guard and Reserve as specified in the fund-
16 ing table in section 4601, the Secretary of the Air Force
17 may acquire real property and carry out military construc-

1 tion projects for the installation inside the United States,
 2 and in the amount, set forth in the following table:

Air Force Reserve

State	Installation	Amount
Texas	Joint Reserve Base Fort Worth	\$39,200,000

3 **SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, NA-**
 4 **TIONAL GUARD AND RESERVE.**

5 Funds are hereby authorized to be appropriated for
 6 fiscal years beginning after September 30, 2020, for the
 7 costs of acquisition, architectural and engineering services,
 8 and construction of facilities for the Guard and Reserve
 9 Forces, and for contributions therefor, under chapter
 10 1803 of title 10, United States Code (including the cost
 11 of acquisition of land for those facilities), as specified in
 12 the funding table in section 4601.

13 **SEC. 2607. MODIFICATION OF AUTHORITY TO CARRY OUT**
 14 **FISCAL YEAR 2020 PROJECT IN ALABAMA.**

15 In the case of the authorization contained in the table
 16 in section 2601 of the Military Construction Authorization
 17 Act for Fiscal Year 2020 (division B of Public Law 116–
 18 92) for Anniston Army Depot, Alabama, for construction
 19 of an Enlisted Transient Barracks as specified in the
 20 funding table in section 4601 of such Act, the Secretary
 21 of the Army may construct a training barracks at Fort
 22 McClellan, Alabama.

1 **TITLE XXVII—BASE REALIGN-**
2 **MENT AND CLOSURE ACTIVI-**
3 **TIES**

4 **SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR**
5 **BASE REALIGNMENT AND CLOSURE ACTIVI-**
6 **TIES FUNDED THROUGH DEPARTMENT OF**
7 **DEFENSE BASE CLOSURE ACCOUNT.**

8 Funds are hereby authorized to be appropriated for
9 fiscal years beginning after September 30, 2020, for base
10 realignment and closure activities, including real property
11 acquisition and military construction projects, as author-
12 ized by the Defense Base Closure and Realignment Act
13 of 1990 (part A of title XXIX of Public Law 101–510;
14 10 U.S.C. 2687 note) and funded through the Department
15 of Defense Base Closure Account established by section
16 2906 of such Act (as amended by section 2711 of the Mili-
17 tary Construction Authorization Act for Fiscal Year 2013
18 (division B of Public Law 112–239; 126 Stat. 2140)), as
19 specified in the funding table in section 4601.

20 **SEC. 2702. PROHIBITION ON CONDUCTING ADDITIONAL**
21 **BASE REALIGNMENT AND CLOSURE (BRAC)**
22 **ROUND.**

23 Nothing in this Act shall be construed to authorize
24 an additional Base Realignment and Closure (BRAC)
25 round.

1 **TITLE XXVIII—MILITARY CON-**
2 **STRUCTION AND GENERAL**
3 **PROVISIONS**

4 **Subtitle A—Military Construction**
5 **Program**

6 **SEC. 2801. RESPONSIBILITY OF NAVY FOR MILITARY CON-**
7 **STRUCTION REQUIREMENTS FOR CERTAIN**
8 **FLEET READINESS CENTERS.**

9 In the case in which a Fleet Readiness Center is a
10 tenant command aboard an installation of the Marine
11 Corps, the Navy shall be responsible for programming, re-
12 questing, and executing any military construction require-
13 ments for the Fleet Readiness Center.

14 **SEC. 2802. CONSTRUCTION OF GROUND-BASED STRATEGIC**
15 **DETERRENT LAUNCH FACILITIES AND**
16 **LAUNCH CENTERS FOR AIR FORCE.**

17 (a) **AUTHORITY TO CARRY OUT PROJECTS.**—Subject
18 to subsections (b) and (d) and within the amount appro-
19 priated for such purpose, the Secretary of the Air Force
20 may carry out military construction projects to convert
21 Minuteman III launch facilities and launch centers to
22 ground-based strategic deterrent configurations.

23 (b) **MASTER PLAN.**—

24 (1) **IN GENERAL.**—Prior to the authority under
25 subsection (a) being available for use, the Secretary

1 of the Air Force shall submit to the congressional
2 defense committees a master plan, broken out by
3 year and location, for the planned launch facilities
4 and launch centers to be converted to ground-based
5 strategic deterrent configurations pursuant to a
6 project under this section.

7 (2) SPENDING PLAN.—The master plan sub-
8 mitted under paragraph (1) shall include a spending
9 plan with estimated amounts to be requested with
10 respect to each planned location for conversion to
11 ground-based strategic deterrent configurations.

12 (c) MANAGEMENT OF DESIGN AND CONSTRUC-
13 TION.—The Secretary of the Air Force may select a single,
14 prime contractor to manage the design and construction
15 phases of projects carried out under subsection (a).

16 (d) CONGRESSIONAL NOTIFICATION.—

17 (1) REPORT.—When a decision is made to
18 carry out a project under subsection (a) and before
19 carrying out such project, the Secretary of the Air
20 Force shall submit to the congressional defense com-
21 mittees a report on that decision.

22 (2) ELEMENTS.—Subject to paragraph (3), the
23 report submitted under paragraph (1) with respect
24 to a project under subsection (a) shall include a jus-

1 tification for carrying out the project and a complete
2 Department of Defense Form 1391 for the project.

3 (3) SINGLE SUBMISSION.—The Secretary of the
4 Air Force may group multiple locations at which a
5 project is to be carried out under subsection (a) into
6 a single submission on a Department of Defense
7 Form 1391 to allow all included locations to be con-
8 sidered as a single project.

9 (e) FUNDING.—In fiscal year 2021, the Secretary of
10 the Air Force may expend amounts available to the Sec-
11 retary for research, development, test, and evaluation for
12 the purposes of planning and design to support the
13 projects described in subsection (a).

14 (f) EXISTING AUTHORITIES.—The Secretary of the
15 Air Force shall use existing authorities, as applicable, to
16 carry out this section, including sections 2304 and 2853
17 of title 10, United States Code.

18 **Subtitle B—Military Family**
19 **Housing**

20 **SEC. 2821. PROHIBITION ON SUBSTANDARD FAMILY HOUS-**
21 **ING UNITS.**

22 (a) IN GENERAL.—Subchapter II of chapter 169 of
23 title 10, United States Code, is amended by striking sec-
24 tion 2830 and inserting the following new section:

1 **“§ 2830. Prohibition on substandard family housing**
2 **units**

3 “The Secretary concerned may not lease a sub-
4 standard family housing unit to a member of a uniformed
5 service for occupancy by such member.”.

6 (b) CLERICAL AMENDMENT.—The table of sections
7 at the beginning of subchapter II of such chapter is
8 amended by striking the item relating to section 2830 and
9 inserting the following new item:

“2830. Prohibition on substandard family housing units.”.

10 (c) EFFECTIVE DATE.—The amendments made by
11 this section shall take effect on October 1, 2021.

12 **SEC. 2822. TECHNICAL CORRECTIONS TO PRIVATIZED MILI-**
13 **TARY HOUSING PROGRAM.**

14 (a) CHIEF HOUSING OFFICER.—Section 2890a of
15 title 10, United States Code—

16 (1) is amended—

17 (A) in subsection (a)(1), by striking “hous-
18 ing units” and inserting “all military housing”;
19 and

20 (B) in subsection (b)(1), in the matter pre-
21 ceding subparagraph (A), by striking “under
22 subchapter IV and this subchapter” and insert-
23 ing “by the Department of Defense under this
24 chapter”;

1 (2) is transferred so as to appear at the end of
2 subchapter III of chapter 169 of such title; and

3 (3) is redesignated as section 2870a.

4 (b) PRIVATIZED HOUSING REFORM.—Subchapter V
5 of chapter 169 of such title is amended—

6 (1) in section 2890—

7 (A) in subsection (b)(15), by striking “and
8 held in escrow”;

9 (B) in subsection (e)(2), in the matter pre-
10 ceding subparagraph (A), by inserting “a” be-
11 fore “landlord”; and

12 (C) in subsection (f)(2)—

13 (i) by striking “executed as” and in-
14 serting “executed—

15 “(A) as”;

16 (ii) in subparagraph (A), as des-
17 ignated by clause (i), by striking the period
18 at the end and inserting “; or”; and

19 (iii) by adding at the end the fol-
20 lowing new subparagraph:

21 “(B) to avoid litigation if the tenant has re-
22 tained legal counsel or has sought military legal as-
23 sistance under section 1044 of this title.”;

24 (2) in section 2891—

25 (A) in subsection (e)—

1 (i) in paragraph (1)—

2 (I) in the matter preceding sub-
3 paragraph (A), by inserting “unit”
4 after “different housing”;

5 (II) in subparagraph (B), by in-
6 serting “the” before “tenant”; and

7 (ii) in paragraph (2)(B), by inserting
8 “the” before “tenant”;

9 (3) in section 2891a—

10 (A) in subsection (b)(2), by adding a pe-
11 riod at the end;

12 (B) in subsection (d)(11)—

13 (i) by striking “A landlord” and in-
14 serting “Upon request by a prospective
15 tenant, a landlord”; and

16 (ii) by striking “prospective tenants to
17 housing units” and inserting “the prospec-
18 tive tenant to a housing unit”; and

19 (C) in subsection (e)(2)(B) by striking
20 “the any” and inserting “any”;

21 (4) in section 2892a—

22 (A) by striking “The Secretary concerned”
23 and inserting “(a) IN GENERAL.—The Sec-
24 retary concerned”;

1 (B) by striking “years. In this section”
2 and inserting “years.

3 “(b) MAINTENANCE DEFINED.—In this section”;

4 (C) in subsection (a), as designated by
5 subparagraph (A), by striking “housing unit,
6 before the prospective tenant” and all that fol-
7 lows through the period at the end and insert-
8 ing “housing unit—

9 “(1) not later than five business days before the
10 prospective tenant is asked to sign the lease, a sum-
11 mary of maintenance conducted with respect to that
12 housing unit for the previous seven years; and

13 “(2) not later than two business days after re-
14 quested by the prospective tenant, all information re-
15 garding maintenance conducted with respect to that
16 housing unit during such period.”; and

17 (D) in subsection (b), as designated by
18 subparagraph (B), by striking “such period”
19 and inserting “the period specified in subsection
20 (a)(1)”;

21 (5) in section 2893, by striking “propensity
22 for” and inserting “pattern of”; and

23 (6) in section 2894—

24 (A) in subsection (b), by adding at the end
25 the following new paragraph:

1 “(6) The dispute resolution process shall require the
2 installation or regional commander (as the case may be)
3 to record each dispute in the complaint database estab-
4 lished under section 2894a of this title.”;

5 (B) in subsection (c)—

6 (i) in paragraph (1), in the matter
7 preceding subparagraph (A), by striking
8 “24 hours” and inserting “two business
9 days”;

10 (ii) in paragraph (3)—

11 (I) by inserting “business” before
12 “days”; and

13 (II) by inserting “, such office”
14 before “shall complete”;

15 (iii) in paragraph (4), in the matter
16 preceding subparagraph (A), by inserting
17 “, at a minimum,” before “the following
18 persons”;

19 (iv) in paragraph (5)—

20 (I) by inserting “calendar” before
21 “days” each place it appears; and

22 (II) in subparagraph (B), by
23 striking “30-day period” and inserting
24 “30-calendar-day period”; and

1 (v) by striking paragraph (6) and in-
2 serting the following new paragraph (6):

3 “(6) Except as provided in paragraph (5)(B), a final
4 decision shall be transmitted to the tenant, landlord, and
5 the installation or regional commander (as the case may
6 be) not later than 30 calendar days after the request was
7 submitted.”; and

8 (C) in subsection (e)—

9 (i) by striking paragraph (3);

10 (ii) by redesignating paragraph (2) as
11 paragraph (3);

12 (iii) in paragraph (1), in the matter
13 preceding subparagraph (A), by striking “,
14 the tenant may” and all that follows
15 through “in which—” and inserting “re-
16 garding maintenance guidelines or proce-
17 dures or habitability, the tenant may re-
18 quest that all or part of the payments de-
19 scribed in paragraph (3) for lease of the
20 housing unit be segregated and not used
21 by the property owner, property manager,
22 or landlord pending completion of the dis-
23 pute resolution process.

1 “(2) The amount allowed to be withheld under para-
2 graph (1) shall be limited to amounts associated with the
3 period in which—”; and

4 (iv) in paragraph (3), as redesignated
5 by clause (ii), by striking “Paragraph (1)”
6 and inserting “This subsection”.

7 (c) REPORTS.—Section 2884(c)(10) of such title is
8 amended by striking “specific analysis” and all that fol-
9 lows through the period at the end and inserting “list of
10 dispute resolution cases by installation and the final out-
11 come of each such case.”.

12 (d) PAYMENT AUTHORITY.—Section 606(a) of the
13 John S. McCain National Defense Authorization Act for
14 Fiscal Year 2019 (Public Law 115–232; 10 U.S.C. 2871
15 note) is amended—

16 (1) in paragraph (1)(A), by inserting “month-
17 ly” before “payments”;

18 (2) in paragraph (2)(A), by striking “payments
19 to” and all that follows through “subparagraph (C)”
20 and inserting “monthly payments, under such terms
21 and in such amounts as determined by the Sec-
22 retary, to one of more lessors responsible for under-
23 funded MHPI housing projects identified pursuant
24 to subparagraph (C) under the jurisdiction of the
25 Secretary”; and

1 (3) in paragraph (3)(B), by inserting “that” be-
2 fore “require”.

3 (e) **SUSPENSION OF RESIDENT ENERGY CONSERVA-**
4 **TION PROGRAM.**—Section 3063(b) of the National De-
5 fense Authorization Act for Fiscal Year 2020 (Public Law
6 116–92) is amended—

7 (1) by striking “on the installation military
8 housing unit”; and

9 (2) by striking “on the” and inserting “covered
10 by a program suspended under subsection (a) on
11 that”.

12 (f) **CLERICAL AMENDMENTS.**—

13 (1) **CHIEF HOUSING OFFICER.**—

14 (A) **ADDITION.**—The table of sections at
15 the beginning of subchapter III of chapter 169
16 of title 10, United States Code, is amended by
17 inserting after the item relating to section 2870
18 the following new item:

“2870a. Chief Housing Officer.”.

19 (B) **REPEAL.**—The table of sections at the
20 beginning of subchapter V of chapter 169 of
21 such title is amended by striking the item relat-
22 ing to section 2890a.

23 (2) **DISCLOSURE OF PERSONALLY IDENTIFI-**
24 **ABLE INFORMATION.**—The table of sections at the
25 beginning of subchapter V of such title is amended

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1 by striking the item relating to section 2892b and
2 inserting the following new item:

“2892b. Prohibition on requirement to disclose personally identifiable information in requests for certain maintenance.”.

3 **SEC. 2823. REQUIREMENT THAT SECRETARY OF DEFENSE**
4 **IMPLEMENT RECOMMENDATIONS RELATING**
5 **TO MILITARY FAMILY HOUSING CONTAINED**
6 **IN REPORT BY INSPECTOR GENERAL OF DE-**
7 **PARTMENT OF DEFENSE.**

8 Not later than 90 days after the date of the enact-
9 ment of this Act, the Secretary of Defense shall implement
10 the recommendations of the Inspector General of the De-
11 partment of Defense contained in the report of the Inspec-
12 tor General dated April 30, 2020, and entitled “Evalu-
13 ation of the DoD’s Management of Health and Safety Haz-
14 ards in Government-Owned and Government-Controlled
15 Military Family Housing”.

16 **Subtitle C—Project Management**
17 **and Oversight Reforms**

18 **SEC. 2841. PROMOTION OF ENERGY RESILIENCE AND EN-**
19 **ERGY SECURITY IN PRIVATIZED UTILITY SYS-**
20 **TEMS.**

21 (a) UTILITY PRIVATIZATION CONTRACT RENEW-
22 ALS.—Section 2688(d)(2) of title 10, United States Code,
23 is amended—

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1 (1) in the first sentence, by inserting “or the
2 renewal of such a contract” after “paragraph (1)”;
3 and

4 (2) by adding at the end the following new sen-
5 tence: “A renewal of a contract pursuant to this
6 paragraph may be entered into only within the last
7 5 years of the existing contract term.”.

8 (b) USE OF ERCIP FUNDS ON PRIVATIZED UTILITY
9 SYSTEMS.—Section 2914 of such title is amended—

10 (1) by redesignating subsection (c) as sub-
11 section (d); and

12 (2) by inserting after subsection (b) the fol-
13 lowing new subsection (c):

14 “(c) USE OF CERTAIN OTHER AUTHORITIES.—A
15 project under this section may be—

16 “(1) carried out in conjunction with the au-
17 thorities provided in subsections (j), and (k) of sec-
18 tion 2688 of this title and section 2913 of this title,
19 notwithstanding that the United States does not own
20 a utility system covered by the project; or

21 “(2) included as a separate requirement in a
22 contract entered into pursuant to title VIII of the
23 National Energy Conservation Policy Act (42 U.S.C.
24 8287 et seq.).”.

1 **SEC. 2842. CONSIDERATION OF ENERGY SECURITY AND EN-**
2 **ERGY RESILIENCE IN LIFE-CYCLE COST FOR**
3 **MILITARY CONSTRUCTION.**

4 (a) IN GENERAL.—Subchapter I of chapter 169 of
5 title 10, United States Code, is amended by inserting after
6 section 2815 the following new section:

7 **“§ 2816. Consideration of energy security and energy**
8 **resilience in life-cycle cost for military**
9 **construction**

10 “(a) IN GENERAL.—(1) The Secretary concerned,
11 when evaluating the life-cycle designed cost of a covered
12 military construction project, shall include as a facility re-
13 quirement the long-term consideration of energy security
14 and energy resilience that would ensure that the resulting
15 facility is capable of continuing to perform its missions,
16 during the life of the facility, in the event of a natural
17 or human-caused disaster, an attack, or any other un-
18 planned event that would otherwise interfere with the abil-
19 ity of the facility to perform its missions.

20 “(2) A facility requirement under paragraph (1) shall
21 not be weighed, for cost purposes, against other facility
22 requirements in determining the design of the facility.

23 “(b) INCLUSION IN THE BUILDING LIFE-CYCLE COST
24 PROGRAM.—The Secretary shall include the requirements
25 of subsection (a) in applying the latest version of the
26 building life-cycle cost program, as developed by the Na-

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1 tional Institute of Standards and Technology, to consider
2 on-site distributed energy assets in a building design for
3 a covered military construction project.

4 “(c) COVERED MILITARY CONSTRUCTION PROJECT
5 DEFINED.—(1) In this section, the term ‘covered military
6 construction project’ means a military construction project
7 for a facility that is used to perform critical functions dur-
8 ing a natural or human-caused disaster, an attack, or any
9 other unplanned event.

10 “(2) For purposes of paragraph (1), the term ‘facil-
11 ity’ includes any of the following:

12 “(A) Operations centers.

13 “(B) Nuclear command and control facilities.

14 “(C) Integrated strategic and tactical warning
15 and attack assessment facilities.

16 “(D) Continuity of government facilities.

17 “(E) Missile defense facilities.

18 “(F) Air defense facilities.

19 “(G) Hospitals.

20 “(H) Armories and readiness centers of the Na-
21 tional Guard.

22 “(I) Communications facilities.

23 “(J) Satellite and missile launch and control fa-
24 cilities.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
2 at the beginning of subchapter I of such chapter is amend-
3 ed by inserting after the item relating to section 2815 the
4 following new item:

“2816. Consideration of energy security and energy resilience in life-cycle cost
for military construction.”.

5 **Subtitle D—Land Conveyances**

6 **SEC. 2861. RENEWAL OF FALLON RANGE TRAINING COM- 7 PLEX LAND WITHDRAWAL AND RESERVA- 8 TION.**

9 Notwithstanding section 3015 of the Military Lands
10 Withdrawal Act of 1999 (title XXX of Public Law 106–
11 65; 113 Stat. 892), the withdrawal and reservation of
12 lands (known as the Fallon Range Training Complex)
13 made by section 3011(a) of such Act (113 Stat. 885) shall
14 terminate on November 6, 2041.

15 **SEC. 2862. RENEWAL OF NEVADA TEST AND TRAINING 16 RANGE LAND WITHDRAWAL AND RESERVA- 17 TION.**

18 Notwithstanding section 3015 of the Military Lands
19 Withdrawal Act of 1999 (title XXX of Public Law 106–
20 65; 113 Stat. 892), the withdrawal and reservation of
21 lands (known as the Nevada Test and Training Range)
22 made by section 3011(b) of such Act (113 Stat. 886) shall
23 terminate on November 6, 2041.

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1 **SEC. 2863. TRANSFER OF LAND UNDER THE ADMINISTRA-**
2 **TIVE JURISDICTION OF THE DEPARTMENT**
3 **OF THE INTERIOR WITHIN NAVAL SUPPORT**
4 **ACTIVITY PANAMA CITY, FLORIDA.**

5 (a) **AUTHORITY.**—The Secretary of the Interior shall
6 transfer to the Secretary of the Navy, without consider-
7 ation, approximately 1.23 acres of land within Naval Sup-
8 port Activity Panama City, Florida, that are used on the
9 day before the date of the enactment of this Act by the
10 Department of the Navy pursuant to Executive Order
11 10355 (17 Fed. Reg. 4831; relating to delegating to the
12 Secretary of the Interior the authority of the President
13 to withdraw or reserve lands of the United States for pub-
14 lic purposes) and the public land order entitled “Public
15 Land Order 952” (19 Fed. Reg. 2085 (April 10, 1954)).

16 (b) **STATUS OF FEDERAL LAND AFTER TRANS-**
17 **FER.**—Upon completion of a transfer to the Secretary of
18 the Navy of a parcel of land under subsection (a), the par-
19 cel received by the Secretary of the Navy shall cease to
20 be public land and shall be treated as property (as defined
21 in section 102(9) of title 40, United States Code) under
22 the administrative jurisdiction of the Secretary of the
23 Navy.

24 (c) **REIMBURSEMENT.**—The Secretary of the Navy
25 shall reimburse the Secretary of the Interior for any costs
26 incurred by the Secretary of the Interior for preparing a

1 legal description of the land to be transferred under sub-
2 section (a).

3 **SEC. 2864. LAND CONVEYANCE, CAMP NAVAJO, ARIZONA.**

4 (a) CONVEYANCE AUTHORIZED.—The Secretary of
5 the Army (in this section referred to as the “Secretary”)
6 may convey, without consideration, to the State of Arizona
7 Department of Emergency and Military Affairs (in this
8 section referred to as the “State”), all right, title, and in-
9 terest of the United States in and to a parcel of real prop-
10 erty (in this section referred to as the “Property”), includ-
11 ing any improvements thereon, consisting of not more
12 than 3,000 acres at Camp Navajo, Arizona, for the pur-
13 pose of permitting the State to use the Property for—

14 (1) training the Arizona Army and Air National
15 Guard; and

16 (2) defense industrial base economic develop-
17 ment purposes that are compatible with the environ-
18 mental security and primary National Guard train-
19 ing purpose of Camp Navajo.

20 (b) CONDITIONS ON CONVEYANCE.—The conveyance
21 authorized by subsection (a) shall be subject to the fol-
22 lowing conditions:

23 (1) USE OF REVENUES.—The State shall use
24 all revenues generated by uses of the Property to
25 support the training requirements of the Arizona

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1 Army and Air National Guard, to include necessary
2 infrastructure maintenance and capital improve-
3 ments.

4 (2) AUDIT.—The United States Property and
5 Fiscal Office for the State of Arizona shall periodi-
6 cally audit all revenues generated by uses of the
7 Property and all uses of such revenue, and shall pro-
8 vide the audit results to the Chief of the National
9 Guard Bureau.

10 (c) REVERSIONARY INTEREST.—

11 (1) IN GENERAL.—If the Secretary determines
12 at any time that the Property is not being used in
13 accordance with the purpose of the conveyance au-
14 thorized by subsection (a), or that the State has not
15 complied with the conditions specified in subsection
16 (b), all right, title, and interest in and to the Prop-
17 erty, including any improvements thereto, shall, at
18 the option of the Secretary, revert to and become the
19 property of the United States, and the United States
20 shall have the right of immediate entry onto the
21 Property.

22 (2) RECORD.—A determination by the Sec-
23 retary under paragraph (1) shall be made on the
24 record after an opportunity for a hearing.

25 (d) ALTERNATIVE CONSIDERATION OPTION.—

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1 (1) CONSIDERATION OPTION.—In lieu of exer-
2 cising the reversionary interest under subsection (c),
3 the Secretary may accept an offer by the State to
4 pay to the United States an amount equal to the fair
5 market value of the Property, excluding the value of
6 any improvements on the Property constructed with-
7 out Federal funds after the date of the conveyance
8 authorized by subsection (a), as determined by the
9 Secretary.

10 (2) TREATMENT OF CONSIDERATION RE-
11 CEIVED.—Consideration received by the Secretary
12 under paragraph (1) shall be deposited in the special
13 account in the Treasury established for the Sec-
14 retary under subsection (e) of section 2667 of title
15 10, United States Code, and shall be available to the
16 Secretary for the same uses and subject to the same
17 limitations as provided in that section.

18 (e) PAYMENT OF COST OF CONVEYANCE.—

19 (1) PAYMENT REQUIRED.—

20 (A) IN GENERAL.—The Secretary shall re-
21 quire the State to cover costs to be incurred by
22 the Secretary, or to reimburse the Secretary for
23 such costs incurred by the Secretary, to carry
24 out the conveyance under subsection (a), includ-
25 ing survey costs, costs for environmental docu-

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1 mentation related to the conveyance, and any
2 other administrative costs related to the convey-
3 ance.

4 (B) REFUND OF EXCESS AMOUNTS.—If
5 amounts are collected from the State in ad-
6 vance of the Secretary incurring the actual
7 costs, and the amount collected exceeds the
8 costs actually incurred by the Secretary to carry
9 out the conveyance, the Secretary shall refund
10 the excess amount to the State.

11 (2) TREATMENT OF AMOUNTS RECEIVED.—
12 Amounts received as reimbursement under para-
13 graph (1)(A) shall be credited to the fund or account
14 that was used to cover those costs incurred by the
15 Secretary in carrying out the conveyance or, if the
16 period of availability for obligations for that appro-
17 priation has expired, to the appropriations or fund
18 that is currently available to the Secretary for the
19 same purpose. Amounts so credited shall be merged
20 with amounts in such fund or account, and shall be
21 available for the same purposes, and subject to the
22 same conditions and limitations, as amounts in such
23 fund or account.

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1 (f) DESCRIPTION OF PROPERTY.—The exact acreage
2 and legal description of the Property shall be determined
3 by a survey satisfactory to the Secretary.

4 (g) ADDITIONAL TERMS AND CONDITIONS.—The
5 Secretary may require such additional terms and condi-
6 tions in connection with the conveyance as the Secretary
7 considers appropriate to protect the interests of the
8 United States.

9 (h) ENVIRONMENTAL OBLIGATIONS.—Nothing in
10 this section shall be construed as alleviating, altering, or
11 affecting the responsibility of the United States for clean-
12 up and remediation of the Property in accordance with—

13 (1) the Defense Environmental Restoration
14 Program under section 2701(a)(1) of title 10,
15 United States Code; and

16 (2) the Comprehensive Environmental Re-
17 sponse, Compensation, and Liability Act of 1980 (42
18 U.S.C. 9601 et seq.).

19 **Subtitle E—Other Matters**

20 **SEC. 2881. MILITARY FAMILY READINESS CONSIDERATIONS**

21 **IN BASING DECISIONS.**

22 (a) TAKING OF CONSIDERATIONS INTO ACCOUNT
23 REQUIRED.—In determining whether to proceed with any
24 basing decision in the United States after the date of the
25 enactment of this Act, the Secretary of the military de-

1 partment concerned shall take into account, among such
2 other factors as such Secretary considers appropriate, the
3 military family readiness considerations specified in sub-
4 section (b).

5 (b) MILITARY FAMILY READINESS CONSIDER-
6 ATIONS.—The military family readiness considerations
7 specified in this subsection are the following:

8 (1) INTERSTATE PORTABILITY OF PROFES-
9 SIONAL LICENSURE AND CERTIFICATION CREDEN-
10 TIALS.—The extent to which the State in which the
11 installation subject to the basing decision is or will
12 be located accepts as valid professional licensure and
13 certification credentials obtained in other States, in-
14 cluding professional licensure and certification cre-
15 dentials in the following professional fields (and any
16 subfield of such field):

17 (A) Accounting.

18 (B) Cosmetology.

19 (C) Emergency medical service.

20 (D) Engineering.

21 (E) Law.

22 (F) Nursing.

23 (G) Physical therapy.

24 (H) Psychology.

25 (I) Teaching.

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1 (J) Such other professional fields (and
2 subfields of such fields) as the Secretary of De-
3 fense shall specify for purposes of this para-
4 graph.

5 (2) PUBLIC EDUCATION.—The extent to which
6 public education is available and accessible to de-
7 pendents of members of the Armed Forces in the
8 military housing area in which the installation sub-
9 ject to the basing decision is or will be located, in-
10 cluding with respect to the following:

11 (A) Academic performance of schools, in-
12 cluding student-to-teacher ratios and learning
13 rates and graduation rates.

14 (B) Social climate within schools, including
15 absenteeism rates and suspension rates.

16 (C) Availability, accessibility, and quality
17 of services, including pre-kindergarten, coun-
18 selors and mental health support, student-to-
19 nurse ratios, and services for military depend-
20 ents with special needs as required by law.

21 (3) HOUSING.—The extent to which housing
22 (including family housing) that meets Department of
23 Defense requirements is available and accessible to
24 members of the Armed Forces through the private
25 sector in the military housing area in which the in-

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1 stallation subject to the basing decision is or will be
2 located.

3 (4) HEALTH CARE.—The extent to which pri-
4 mary healthcare and specialty healthcare is available
5 and accessible to dependents of members of the
6 Armed Forces through the private sector in the local
7 community in which the installation subject to the
8 basing decision is or will be located, including care
9 for military dependents with special needs.

10 (5) INTERGOVERNMENTAL SUPPORT.—The ex-
11 tent to which the State in which the installation sub-
12 ject to the basing decision is or will be located, and
13 local governments in the vicinity of the installation,
14 have or will have intergovernmental support agree-
15 ments with the installation for the effective and effi-
16 cient provision of public services to the installation.

17 (6) OTHER CONSIDERATIONS.—Such other con-
18 siderations in connection with military family readi-
19 ness as the Secretary of Defense shall specify for
20 purposes of this subsection.

21 (c) ANALYTICAL FRAMEWORK.—The Secretary of a
22 military department shall take into account the consider-
23 ations specified in subsection (b), among such other fac-
24 tors as the Secretary considers appropriate, in deter-
25 mining whether to proceed with a basing decision under

1 subsection (a) using an analytical framework developed by
2 the Secretary for that purpose that uses criteria based on
3 quantitative data available to the Department of Defense
4 and on such reliable quantitative data from sources out-
5 side the Department as the Secretary considers appro-
6 priate.

7 (d) BASING DECISION SCORECARD.—

8 (1) IN GENERAL.—Each Secretary of a military
9 department shall establish and maintain a scorecard
10 on military installations under the jurisdiction of
11 such Secretary, and on States and localities in which
12 such installations are or may be located, relevant to
13 the taking into account of the considerations speci-
14 fied in subsection (b) in determinations of such Sec-
15 retary on basing decisions as required by subsection
16 (a).

17 (2) UPDATE.—Each Secretary shall update the
18 scorecard required of such Secretary by this sub-
19 section not less frequently than once each year in
20 order to keep the information in such scorecard as
21 current as is practicable.

22 (3) AVAILABILITY TO PUBLIC.—A current
23 version of each scorecard under this subsection shall
24 be available to the public through an Internet

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1 website of the military department concerned that is
2 accessible to the public.

3 (e) BRIEFINGS.—Not later than April 1 of each of
4 2021, 2022, and 2023, the Secretary of Defense shall brief
5 the Committees on Armed Services of the Senate and the
6 House of Representatives on actions taken pursuant to
7 this section, including a description and assessment of the
8 effect of the taking into account of the considerations
9 specified in subsection (b) on particular basing decisions
10 in the United States during the one-year period ending
11 on the date of the briefing.

12 (f) BASING DECISION DEFINED.—In this section, the
13 term “basing decision” means any of the following:

14 (1) The establishment of a new mission at a
15 military installation.

16 (2) The relocation of an existing mission from
17 a military installation to another military installa-
18 tion.

19 (3) The establishment of a new military instal-
20 lation.

1 **SEC. 2882. PROHIBITION ON USE OF FUNDS TO REDUCE AIR**
2 **BASE RESILIENCY OR DEMOLISH PROTECTED**
3 **AIRCRAFT SHELTERS IN THE EUROPEAN**
4 **THEATER WITHOUT CREATING A SIMILAR**
5 **PROTECTION FROM ATTACK.**

6 No funds authorized to be appropriated by this Act
7 or any other Act for the Department of Defense may be
8 obligated or expended to implement any activity that re-
9 duces air base resiliency or demolishes protected aircraft
10 shelters in the European theater, and the Department
11 may not otherwise implement any such activity, without
12 creating a similar protection from attack in the European
13 theater until such time as the Secretary of Defense cer-
14 tifies to the congressional defense committees that pro-
15 tected aircraft shelters are not required in the European
16 theater.

17 **SEC. 2883. PROHIBITIONS RELATING TO CLOSURE OR RE-**
18 **TURNING TO HOST NATION OF EXISTING**
19 **BASES UNDER THE EUROPEAN CONSOLIDA-**
20 **TION INITIATIVE.**

21 (a) PROHIBITION ON USE OF FUNDS.—No funds au-
22 thorized to be appropriated by this Act for fiscal year
23 2021 for the Department of Defense may be obligated or
24 expended to implement any activity that closes or returns
25 to the host nation any existing base under the European
26 Consolidation Initiative.

1 (b) PROHIBITION ON CLOSURE OR RETURN.—The
2 Secretary of Defense shall not implement any activity that
3 closes or returns to the host nation any existing base
4 under the European Consolidation Initiative until the Sec-
5 retary certifies that there is no longer a need for a rota-
6 tional military presence in the European theater.

7 **SEC. 2884. ENHANCEMENT OF AUTHORITY TO ACCEPT CON-**
8 **DITIONAL GIFTS OF REAL PROPERTY ON BE-**
9 **HALF OF MILITARY MUSEUMS.**

10 Section 2601(e)(1) of title 10, United States Code,
11 is amended by inserting “a military museum,” after “of-
12 fered to”.

13 **SEC. 2885. EQUAL TREATMENT OF INSURED DEPOSITORY**
14 **INSTITUTIONS AND CREDIT UNIONS OPER-**
15 **ATING ON MILITARY INSTALLATIONS.**

16 Section 2667 of title 10, United States Code, is
17 amended by adding at the end the following:

18 “(1) TREATMENT OF INSURED DEPOSITORY INSTITU-
19 TIONS.—(1) Each covered insured depository institution
20 operating on a military installation within the continental
21 United States may be allotted space or leased land on the
22 military installation without charge for rent or services in
23 the same manner as a credit union organized under State
24 law or a Federal credit union under section 124 of the

1 Federal Credit Union Act (12 U.S.C. 1770) if space is
2 available.

3 “(2) Each covered insured depository institution,
4 credit union organized under State law, and Federal credit
5 union operating on a military installation within the conti-
6 nental United States shall be treated equally with respect
7 to policies of the Department of Defense governing the
8 financial terms of leases, logistical support, services, and
9 utilities.

10 “(3) The Secretary concerned shall not be required
11 to provide no-cost office space or a no-cost land lease to
12 any covered insured depository institution, credit union or-
13 ganized under State law, or Federal credit union.

14 “(4) In this subsection:

15 “(A) The term ‘covered insured depository in-
16 stitution’ means an insured depository institution
17 that meets the requirements applicable to a credit
18 union organized under State law or a Federal credit
19 union under section 124 of the Federal Credit Union
20 Act (12 U.S.C. 1770). The depositors of an insured
21 depository institution shall be considered members
22 for purposes of the application of this subparagraph
23 to that section.

1 “(B) The term ‘Federal credit union’ has the
2 meaning given the term in section 101 of the Fed-
3 eral Credit Union Act (12 U.S.C. 1752).

4 “(C) The term ‘insured depository institution’
5 has the meaning given the term in section 3 of the
6 Federal Deposit Insurance Act (12 U.S.C. 1813).”.

7 **SEC. 2886. REPORT ON OPERATIONAL AVIATION UNITS IM-**
8 **PACTED BY NOISE RESTRICTIONS OR NOISE**
9 **MITIGATION MEASURES.**

10 (a) REPORT.—Not later than 90 days after the date
11 on which the Secretary of the Air Force or the Secretary
12 of the Navy determines that noise restrictions placed on
13 an operational aviation unit under the jurisdiction of the
14 Secretary concerned prohibit the unit from reaching a
15 combat ready or deployable status or prohibit the main-
16 taining of aircrew currency requirements or required noise
17 mitigation measures become cost prohibitive to the De-
18 partment of Defense, the Secretary concerned, in consulta-
19 tion with the Secretary of Defense, shall submit to the
20 congressional defense committees a report setting forth—

21 (1) recommendations to preserve or restore the
22 readiness of such unit; and

23 (2) appropriate steps to be taken by the Sec-
24 retary concerned to lower the cost of noise mitiga-
25 tion measures.

1 (b) COST PROHIBITIVE.—A required noise mitigation
 2 measure shall be considered cost prohibitive to the Depart-
 3 ment of Defense for purposes of subsection (a) if the cost
 4 to implement the measure at an installation exceeds 10
 5 percent of the annual budget for the installation for facili-
 6 ties sustainment, restoration, and modernization.

7 **TITLE XXIX—OVERSEAS CONTIN-**
 8 **GENY OPERATIONS MILI-**
 9 **TARY CONSTRUCTION**

10 **SEC. 2901. AUTHORIZED NAVY CONSTRUCTION AND LAND**
 11 **ACQUISITION PROJECTS.**

12 The Secretary of the Navy may acquire real property
 13 and carry out the military construction project for the in-
 14 stallation outside the United States, and in the amount,
 15 set forth in the following table:

Navy: Outside the United States

Country	Installation	Amount
Spain	Rota	\$59,230,000

16 **SEC. 2902. AUTHORIZED AIR FORCE CONSTRUCTION AND**
 17 **LAND ACQUISITION PROJECTS.**

18 The Secretary of the Air Force may acquire real
 19 property and carry out the military construction projects
 20 for the installations outside the United States, and in the
 21 amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation	Amount
Germany	Ramstein	\$36,345,000

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Air Force: Outside the United States—Continued

Country	Installation	Amount
Romania	Spangdahlem Air Base	\$25,824,000
	Campia Turzii	\$130,500,000

1 SEC. 2903. AUTHORIZATION OF APPROPRIATIONS.

2 Funds are hereby authorized to be appropriated for
3 fiscal years beginning after September 30, 2020, for the
4 military construction projects outside the United States
5 authorized by this title as specified in the funding table
6 in section 4602.

**7 SEC. 2904. REPLENISHMENT OF CERTAIN MILITARY CON-
8 STRUCTIONS FUNDS.**

9 (a) IN GENERAL.—Of the amount authorized to be
10 appropriated for fiscal year 2021 by section 2903 and
11 available as specified in the funding table in section 4602,
12 \$3,600,000,000 shall be available for replenishment of
13 funds that were authorized to be appropriated by military
14 construction authorization Acts for fiscal years before fis-
15 cal year 2021 for military construction projects authorized
16 by such Acts, but were used instead for military construc-
17 tion projects authorized by section 2808 of title 10, United
18 States Code, in connection with the national emergency
19 along the southern land border of the United States de-
20 clared in 2019 pursuant to the National Emergencies Act
21 (50 U.S.C. 1601 et seq.).

22 (b) REPLENISHMENT BY TRANSFER.—

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1 (1) IN GENERAL.—Any amounts available
2 under subsection (a) that are used for replenishment
3 of funds as described in that subsection shall be
4 transferred to the account that was the source of
5 such funds.

6 (2) INAPPLICABILITY TOWARD TRANSFER LIM-
7 TATIONS.—Any transfer of amounts under this sub-
8 section shall not count toward any limitation on
9 transfer of Department of Defense funds in section
10 1001 or 1512 or any other limitation on transfer of
11 Department of funds in law.

12 (3) SUNSET OF AUTHORITY.—The authority to
13 make transfers under this subsection shall terminate
14 on September 30, 2021.

15 (c) USE OF FUNDS.—

16 (1) IN GENERAL.—Amounts transferred under
17 subsection (b) for replenishment of funds as de-
18 scribed in subsection (a) may be used only for mili-
19 tary construction projects for which such funds were
20 originally authorized in a military construction au-
21 thorization Act described in subsection (a).

22 (2) NO INCREASE IN AUTHORIZED AMOUNT OF
23 PROJECTS.—The total amount of funds available for
24 a military construction project described in para-
25 graph (1) may not exceed the current amount au-

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1 for carrying out plant projects, the Secretary of Energy
2 may carry out new plant projects for the National Nuclear
3 Security Administration as follows:

4 Project 21–D–510, HE Synthesis, Formulation,
5 and Production, Pantex Plant, Amarillo, Texas,
6 \$31,000,000.

7 Project 21–D–511, Savannah River Plutonium
8 Processing Facility, Savannah River Site, Aiken,
9 South Carolina, \$241,900,000.

10 Project 21–D–512, Plutonium Pit Production
11 Project, Los Alamos National Laboratory, Los Ala-
12 mos, New Mexico, \$226,000,000.

13 Project 21–D–530, KL Steam and Condensate
14 Upgrades, Knolls Atomic Power Laboratory, Sche-
15 nectady, New York, \$4,000,000.

16 General Plant Project, U1a.03 Test Bed Facil-
17 ity Improvements, Nevada National Security Site,
18 Nevada, \$16,000,000.

19 General Plant Project, TA–15 DARHT Hydro
20 Vessel Repair Facility, Los Alamos National Lab-
21 oratory, New Mexico, \$16,500,000.

22 **SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.**

23 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
24 are hereby authorized to be appropriated to the Depart-
25 ment of Energy for fiscal year 2021 for defense environ-

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1 mental cleanup activities in carrying out programs as
2 specified in the funding table in section 4701.

3 (b) AUTHORIZATION OF NEW PLANT PROJECTS.—

4 From funds referred to in subsection (a) that are available
5 for carrying out plant projects, the Secretary of Energy
6 may carry out, for defense environmental cleanup activi-
7 ties, the following new plant project:

8 Project 21–D–401, Hoisting Capability Project,
9 Waste Isolation Pilot Plant, Carlsbad, New Mexico,
10 \$10,000,000.

11 **SEC. 3103. OTHER DEFENSE ACTIVITIES.**

12 Funds are hereby authorized to be appropriated to
13 the Department of Energy for fiscal year 2021 for other
14 defense activities in carrying out programs as specified in
15 the funding table in section 4701.

16 **SEC. 3104. NUCLEAR ENERGY.**

17 Funds are hereby authorized to be appropriated to
18 the Department of Energy for fiscal year 2021 for nuclear
19 energy as specified in the funding table in section 4701.

1 **Subtitle B—Budget of the National**
2 **Nuclear Security Administration**

3 **SEC. 3111. REVIEW OF ADEQUACY OF NUCLEAR WEAPONS**
4 **BUDGET.**

5 (a) IN GENERAL.—Subtitle A of title XVII of the
6 Atomic Energy Defense Act (50 U.S.C. 2741 et seq.) is
7 amended by adding at the end the following new section:

8 **“SEC. 4717. REVIEW OF ADEQUACY OF NUCLEAR WEAPONS**
9 **BUDGET.**

10 “(a) REVIEW OF ADEQUACY OF ADMINISTRATION
11 BUDGET BY NUCLEAR WEAPONS COUNCIL.—

12 “(1) TRANSMISSION TO COUNCIL.—The Sec-
13 retary of Energy shall transmit to the Nuclear
14 Weapons Council (in this section referred to as the
15 ‘Council’) a copy of the proposed budget request of
16 the Administration for each fiscal year before that
17 budget request is submitted to the Director of the
18 Office of Management and Budget in relation to the
19 preparation of the budget of the President to be sub-
20 mitted to Congress under section 1105(a) of title 31,
21 United States Code.

22 “(2) REVIEW AND DETERMINATION OF ADE-
23 QUACY.—

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1 “(A) REVIEW.—The Council shall review
2 each budget request transmitted to the Council
3 under paragraph (1).

4 “(B) DETERMINATION OF ADEQUACY.—

5 “(i) INADEQUATE REQUESTS.—If the
6 Council determines that a budget request
7 for a fiscal year transmitted to the Council
8 under paragraph (1) is inadequate, in
9 whole or in part, to implement the objec-
10 tives of the Department of Defense with
11 respect to nuclear weapons for that fiscal
12 year, the Council shall submit to the Sec-
13 retary of Energy a written description of
14 funding levels and specific initiatives that
15 would, in the determination of the Council,
16 make the budget request adequate to im-
17 plement those objectives.

18 “(ii) ADEQUATE REQUESTS.—If the
19 Council determines that a budget request
20 for a fiscal year transmitted to the Council
21 under paragraph (1) is adequate to imple-
22 ment the objectives described in clause (i)
23 for that fiscal year, the Council shall sub-
24 mit to the Secretary of Energy a written

1 statement confirming the adequacy of the
2 request.

3 “(iii) RECORDS.—The Council shall
4 maintain a record of each description sub-
5 mitted under clause (i) and each statement
6 submitted under clause (ii).

7 “(3) DEPARTMENT OF ENERGY RESPONSE.—

8 “(A) IN GENERAL.—If the Council submits
9 to the Secretary of Energy a written description
10 under paragraph (2)(B)(i) with respect to the
11 budget request of the Administration for a fis-
12 cal year, the Secretary shall include the funding
13 levels and initiatives identified in that descrip-
14 tion in the budget request before submitting the
15 budget request to the Director of the Office of
16 Management and Budget.

17 “(B) SUMMARY OF CHANGES.—The Sec-
18 retary shall include, as an appendix to the
19 budget request of the Administration submitted
20 to the Director under subparagraph (A)—

21 “(i) a summary of the changes made
22 to the budget request under subparagraph
23 (A); and

24 “(ii) any additional comments the
25 Secretary considers appropriate.

1 “(C) TRANSMISSION TO CONGRESS.—The
2 Secretary of Energy shall transmit to Congress,
3 with the budget justification materials sub-
4 mitted in support of the Department of Energy
5 budget for a fiscal year (as submitted with the
6 budget of the President under section 1105(a)
7 of title 31, United States Code), a copy of the
8 appendix described in subparagraph (B).

9 “(b) REVIEW AND CERTIFICATION OF DEPARTMENT
10 OF ENERGY BUDGET BY NUCLEAR WEAPONS COUNCIL.—

11 “(1) IN GENERAL.—At the time the Secretary
12 of Energy submits the budget request of the Depart-
13 ment of Energy for that fiscal year to the Director
14 of the Office of Management and Budget in relation
15 to the preparation of the budget of the President,
16 the Secretary shall transmit a copy of the budget re-
17 quest of the Department to the Council.

18 “(2) CERTIFICATION.—The Council shall—

19 “(A) review the budget request transmitted
20 to the Council under paragraph (1);

21 “(B) based on the review under subpara-
22 graph (A), make a determination with respect
23 to whether the budget request includes the
24 funding levels and initiatives described in sub-
25 section (a)(2)(B)(i); and

1 “(C) submit to Congress—

2 “(i)(I) a certification that the budget
3 request is adequate to implement the ob-
4 jectives described in subsection
5 (a)(2)(B)(i); or

6 “(II) a statement that the budget re-
7 quest is not adequate to implement those
8 objectives; and

9 “(ii) a copy of the written description
10 submitted by the Council to the Secretary
11 under subsection (a)(2)(B)(i), if any.”.

12 (b) CLERICAL AMENDMENT.—The table of contents
13 for such Act is amended by inserting after the item relat-
14 ing to section 4716 the following new item:

“Sec. 4717. Review of adequacy of nuclear weapons budget.”.

15 **SEC. 3112. TREATMENT OF BUDGET OF NATIONAL NU-**
16 **CLEAR SECURITY ADMINISTRATION.**

17 Section 3251(a) of the National Nuclear Security Ad-
18 ministration Act (50 U.S.C. 2451(a)) is amended to read
19 as follows:

20 “(a) PRESIDENT’S BUDGET.—In each budget sub-
21 mitted by the President to Congress under section 1105
22 of title 31, United States Code, amounts requested for the
23 Administration shall be set forth—

24 “(1) separately within the other amounts re-
25 quested for the Department of Energy; and

1 “(2) within a separate budget subfunction from
2 other atomic energy defense activities within the De-
3 partment of Energy.”.

4 **SEC. 3113. RESPONSIBILITY OF ADMINISTRATOR FOR NU-**
5 **CLEAR SECURITY FOR ENSURING NATIONAL**
6 **NUCLEAR SECURITY ADMINISTRATION BUDG-**
7 **ET SATISFIES NUCLEAR WEAPONS NEEDS OF**
8 **DEPARTMENT OF DEFENSE.**

9 Section 3252 of the National Nuclear Security Ad-
10 ministration Act (50 U.S.C. 2452) is amended by adding
11 at the end the following new subsection:

12 “(d) **RESPONSIBILITY OF ADMINISTRATOR FOR EN-**
13 **SURING ADMINISTRATION BUDGET SATISFIES DEPART-**
14 **MENT OF DEFENSE NEEDS.**—Subject to the direction of
15 the President, the Administrator shall, after consultation
16 with the Secretary of Defense, ensure that the budget of
17 the Administration is adequate to satisfy the nuclear
18 weapons needs of the Department of Defense, including
19 the nuclear weapons needs of the United States Strategic
20 Command, the military departments, and other compo-
21 nents of the Department of Defense, as appropriate.”.

1 **SEC. 3114. PARTICIPATION OF SECRETARY OF DEFENSE IN**
2 **PLANNING, PROGRAMMING, BUDGETING,**
3 **AND EXECUTION PROCESS OF NATIONAL NU-**
4 **CLEAR SECURITY ADMINISTRATION.**

5 (a) IN GENERAL.—Subtitle D of the National Nu-
6 clear Security Administration Act (50 U.S.C. 2451 et
7 seq.) is amended by adding at the end the following new
8 section:

9 **“SEC. 3255. PARTICIPATION OF SECRETARY OF DEFENSE IN**
10 **PLANNING, PROGRAMMING, BUDGETING,**
11 **AND EXECUTION PROCESS OF ADMINISTRA-**
12 **TION.**

13 **“(a) GUIDANCE WITH RESPECT TO DEVELOPMENT**
14 **OF BUDGET.—**

15 **“(1) IN GENERAL.—**The Secretary of Defense,
16 acting through the Nuclear Weapons Council, shall
17 provide to the Administrator guidance with respect
18 to the development of the budget of the Administra-
19 tion for each fiscal year.

20 **“(2) NATIONAL STRATEGIES.—**The guidance
21 provided under paragraph (1) shall support the na-
22 tional strategy of the United States as set forth in—

23 **“(A)** the most recent national defense
24 strategy under section 113(g) of title 10,
25 United States Code; and

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1 “(B) the most recent National Military
2 Strategy under section 153(b) of such title.

3 “(b) PARTICIPATION IN DEVELOPMENT OF BUDG-
4 ET.—The Secretary, acting through the Council, shall par-
5 ticipate in the development of the budget of the Adminis-
6 tration, including the preparation of the future-years nu-
7 clear security program under section 3253.

8 “(c) OVERSIGHT OF EXECUTION OF WEAPONS AC-
9 TIVITIES.—The Secretary, acting through the Council,
10 shall ensure the effective execution of the activities carried
11 out using amounts available to the Administration for
12 weapons activities.

13 “(d) BUDGET OF THE ADMINISTRATION DEFINED.—
14 In this section, the term ‘budget of the Administration’
15 means the budget of the Administration for a fiscal year,
16 as submitted to Congress with the budget of the President
17 for that fiscal year under section 1105(a) of title 31,
18 United States Code.”.

19 (b) CLERICAL AMENDMENT.—The table of contents
20 for the National Nuclear Security Administration Act is
21 amended by inserting after the item relating to section
22 3254 the following new item:

“Sec. 3255. Participation of Secretary of Defense in planning, programming,
budgeting, and execution process of Administration.”.

1 **SEC. 3115. REQUIREMENT FOR UPDATED PLANNING, PRO-**
2 **GRAMMING, BUDGETING, AND EXECUTION**
3 **GUIDANCE FOR NATIONAL NUCLEAR SECUR-**
4 **RITY ADMINISTRATION.**

5 (a) IN GENERAL.—Not later than February 15,
6 2021, the Administrator for Nuclear Security shall issue
7 updated guidance for the planning, programming, budg-
8 eting, and execution process of the National Nuclear Secu-
9 rity Administration to replace the guidance issued on De-
10 cember 9, 2019 (document number NAP 130.1).

11 (b) ELEMENTS.—The updated guidance required by
12 subsection (a) shall include the following:

13 (1) Specification of processes for coordination
14 with the Nuclear Weapons Council under section
15 179 of title 10, United States Code, and other offi-
16 cials of the Department of Defense at each stage of
17 the planning, programming, budgeting, and execu-
18 tion process of the National Nuclear Security Ad-
19 ministration, including coordination between—

20 (A) the Director for Cost Estimating and
21 Program Evaluation of the Administration and
22 the Director of Cost Assessment and Program
23 Evaluation of the Department;

24 (B) the Associate Administrator for Man-
25 agement and Budget and the Under Secretary
26 of Defense (Comptroller); and

1 (C) program managers of the Administra-
2 tion and program managers of the Department.

3 (2) Participation of appropriate officials of the
4 Department in decisionmaking at each stage of the
5 planning, programming, budgeting, and execution
6 process of the Administration, including participa-
7 tion of the Assistant Secretary of Defense for Nu-
8 clear, Chemical, and Biological Defense Programs as
9 a member of the Management Council of the Admin-
10 istration.

11 (3) Specification of incorporation into the plan-
12 ning, programming, budgeting, and execution proc-
13 ess of the Administration of planning documents of
14 the Department of Defense, including the most re-
15 cent national defense strategy under section 113(g)
16 of title 10, United States Code.

17 (4) A requirement for the Chairman of the Nu-
18 clear Weapons Council to jointly sign, with the Ad-
19 ministrator, the planning, programming, and fiscal
20 guidance documents of the Administration.

21 **SEC. 3116. CROSS-TRAINING IN BUDGET PROCESSES OF DE-**
22 **PARTMENT OF DEFENSE AND NATIONAL NU-**
23 **CLEAR SECURITY ADMINISTRATION.**

24 (a) IN GENERAL.—Not later than January 1, 2021,
25 the Secretary of Defense and the Administrator for Nu-

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1 clear Security shall jointly establish a program to provide
2 for the cross-training of the personnel specified in sub-
3 section (b) on the respective budgetary and programming
4 systems and processes of the Department of Defense and
5 the National Nuclear Security Administration.

6 (b) PERSONNEL SPECIFIED.—The personnel speci-
7 fied in this subsection are personnel of the following:

8 (1) The Office of the Under Secretary of De-
9 fense (Comptroller).

10 (2) The Office of Management and Budget of
11 the National Nuclear Security Administration.

12 (3) The Office of the Director of Cost Assess-
13 ment and Program Evaluation of the Department of
14 Defense.

15 (4) The Office of the Director of Cost Esti-
16 mation and Program Evaluation of the Administra-
17 tion.

18 (5) The Chairman of the Nuclear Weapons
19 Council established under section 179 of title 10,
20 United States Code.

21 (6) The Office of Administrator for Nuclear Se-
22 curity.

23 (c) REPORT REQUIRED.—Not later than February
24 15, 2021, the Secretary and the Administrator shall joint-

1 ly submit to the congressional defense committees a report
2 on the details of the program required by subsection (a).

3 **Subtitle C—Personnel Matters**

4 **SEC. 3121. NATIONAL NUCLEAR SECURITY ADMINISTRA-**
5 **TION PERSONNEL SYSTEM.**

6 (a) IN GENERAL.—Subtitle C of the National Nu-
7 clear Security Administration Act (50 U.S.C. 2441 et
8 seq.) is amended by adding at the end the following new
9 section:

10 **“SEC. 3248. ALTERNATIVE PERSONNEL SYSTEM.**

11 “(a) IN GENERAL.—The Administrator may adapt
12 the pay banding and performance-based pay adjustment
13 demonstration project carried out by the Administration
14 under the authority provided by section 4703 of title 5,
15 United States Code, into a permanent alternative per-
16 sonnel system for the Administration (to be known as the
17 ‘National Nuclear Security Administration Personnel Sys-
18 tem’) and implement that system with respect to employ-
19 ees of the Administration.

20 “(b) MODIFICATIONS.—In adapting the demonstra-
21 tion project described in subsection (a) into a permanent
22 alternative personnel system, the Administrator—

23 “(1) may, subject to paragraph (2), revise the
24 requirements and limitations of the demonstration
25 project to the extent necessary; and

1 “(2) shall—

2 “(A) ensure that the permanent alternative
3 personnel system is carried out in a manner
4 consistent with the final plan for the dem-
5 onstration project published in the Federal Reg-
6 ister on December 21, 2007 (72 Fed. Reg.
7 72776);

8 “(B) ensure that significant changes in the
9 system not take effect until revisions to the
10 plan for the demonstration project are approved
11 by the Office of Personnel Management and
12 published in the Federal Register;

13 “(C) ensure that procedural modifications
14 or clarifications to the final plan for the dem-
15 onstration project be made through local notifi-
16 cation processes;

17 “(D) authorize, and establish incentives
18 for, employees of the Administration to have ro-
19 tational assignments among different programs
20 of the Administration, the headquarters and
21 field offices of the Administration, and the
22 management and operating contractors of the
23 Administration; and

24 “(E) establish requirements for employees
25 of the Administration who are in the permanent

1 alternative personnel system described in sub-
2 section (a) to be promoted to senior-level posi-
3 tions in the Administration, including require-
4 ments with respect to—

5 “(i) professional training and con-
6 tinuing education; and

7 “(ii) a certain number and types of
8 rotational assignments under subpara-
9 graph (D), as determined by the Adminis-
10 trator.

11 “(c) APPLICATION TO NAVAL NUCLEAR PROPULSION
12 PROGRAM.—The Director of the Naval Nuclear Propul-
13 sion Program established pursuant to section 4101 of the
14 Atomic Energy Defense Act (50 U.S.C. 2511) and section
15 3216 of this Act may, with the concurrence of the Sec-
16 retary of the Navy, apply the alternative personnel system
17 under subsection (a) to—

18 “(1) all employees of the Naval Nuclear Propul-
19 sion Program in the competitive service (as defined
20 in section 2102 of title 5, United States Code); and

21 “(2) all employees of the Department of Navy
22 who are assigned to the Naval Nuclear Propulsion
23 Program and are in the excepted service (as defined
24 in section 2103 of title 5, United States Code)

1 (other than such employees in statutory excepted
2 service systems).”.

3 (b) BRIEFING.—

4 (1) IN GENERAL.—Not later than 180 days
5 after the date of the enactment of this Act, the Ad-
6 ministrator for Nuclear Security shall provide a
7 briefing to the appropriate congressional committees
8 on the implementation of section 3248 of the Na-
9 tional Nuclear Security Administration Act, as
10 added by subsection (a).

11 (2) APPROPRIATE CONGRESSIONAL COMMIT-
12 TEES DEFINED.—In this subsection, the term “ap-
13 propriate congressional committees” means—

14 (A) the congressional defense committees;

15 (B) the Committee on Energy and Natural
16 Resources of the Senate and the Committee on
17 Energy and Commerce of the House of Rep-
18 resentatives; and

19 (C) the Committee on Homeland Security
20 and Governmental Affairs of the Senate and the
21 Committee on Oversight and Government Re-
22 form of the House of Representatives.

23 (c) CONFORMING AMENDMENTS.—Section 3116 of
24 the National Defense Authorization Act for Fiscal Year

1 2018 (Public Law 115–91; 131 Stat. 1888; 50 U.S.C.
2 2441 note prec) is amended—

3 (1) by striking subsections (a) and (d); and

4 (2) by redesignating subsections (b) and (c) as
5 subsections (a) and (b), respectively.

6 (d) CLERICAL AMENDMENT.—The table of contents
7 for the National Nuclear Security Administration Act is
8 amended by inserting after the item relating to section
9 3247 the following new item:

“Sec. 3248. Alternative personnel system.”.

10 **SEC. 3122. INCLUSION OF CERTAIN EMPLOYEES AND CON-**
11 **TRACTORS OF DEPARTMENT OF ENERGY IN**
12 **DEFINITION OF PUBLIC SAFETY OFFICER**
13 **FOR PURPOSES OF CERTAIN DEATH BENE-**
14 **FITS.**

15 Section 1204(9) of title I of the Omnibus Crime Con-
16 trol and Safe Streets Act of 1968 (34 U.S.C. 10284(9))
17 is amended—

18 (1) in subparagraph (D), by striking “or” at
19 the end;

20 (2) in subparagraph (E)(ii), by striking the pe-
21 riod at the end and inserting “; or”; and

22 (3) by adding at the end the following:

23 “(F) an employee or contractor of the De-
24 partment of Energy who—

25 “(i) is—

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1 “(I) a nuclear materials courier
2 (as defined in section 8331(27) of
3 title 5, United States Code); or

4 “(II) designated by the Secretary
5 of Energy as a member of an emer-
6 gency response team; and

7 “(ii) is performing official duties of
8 the Department, pursuant to a deployment
9 order issued by the Secretary, to protect
10 the public, property, or the interests of the
11 United States by—

12 “(I) assessing, locating, identi-
13 fying, securing, rendering safe, or dis-
14 posing of weapons of mass destruction
15 (as defined in section 1403 of the De-
16 fense Against Weapons of Mass De-
17 struction Act of 1996 (50 U.S.C.
18 2302)); or

19 “(II) managing the immediate
20 consequences of a radiological release
21 or exposure.”.

22 **SEC. 3123. REIMBURSEMENT FOR LIABILITY INSURANCE**
23 **FOR NUCLEAR MATERIALS COURIERS.**

24 Section 636(c)(2) of division A of the Treasury, Post-
25 al Service, and General Government Appropriations Act,

1 1997 (Public Law 104–208; 5 U.S.C. prec. 5941 note)
2 is amended by striking “or under” and all that follows
3 and inserting the following: “a special agent under section
4 203 of the Omnibus Diplomatic Security and
5 Antiterrorism Act of 1986 (22 U.S.C. 4823), or a nuclear
6 materials courier (as defined in section 8331(27) of such
7 title 5);”.

8 **SEC. 3124. TRANSPORTATION AND MOVING EXPENSES FOR**
9 **IMMEDIATE FAMILY OF DECEASED NUCLEAR**
10 **MATERIALS COURIERS.**

11 Section 5724d(c)(1) of title 5, United States Code,
12 is amended—

13 (1) in subparagraph (B), by striking “; and”
14 and inserting a semicolon; and

15 (2) by adding at the end the following:

16 “(D) any nuclear materials courier, as de-
17 fined in section 8331(27); and”.

18 **SEC. 3125. EXTENSION OF AUTHORITY FOR APPOINTMENT**
19 **OF CERTAIN SCIENTIFIC, ENGINEERING, AND**
20 **TECHNICAL PERSONNEL.**

21 Section 4601(c) of the Atomic Energy Defense Act
22 (50 U.S.C. 2701(c)) is amended by striking “September
23 30, 2020” and inserting “September 30, 2021”.

1 **Subtitle D—Cybersecurity**

2 **SEC. 3131. REPORTING ON PENETRATIONS OF NETWORKS**
3 **OF CONTRACTORS AND SUBCONTRACTORS.**

4 (a) IN GENERAL.—Subtitle A of title XLV of the
5 Atomic Energy Defense Act (50 U.S.C. 2651 et seq.) is
6 amended by adding at the end the following new section:

7 **“SEC. 4511. REPORTING ON PENETRATIONS OF NETWORKS**
8 **OF CONTRACTORS AND SUBCONTRACTORS.**

9 “(a) PROCEDURES FOR REPORTING PENETRA-
10 TIONS.—The Administrator shall establish procedures
11 that require each contractor and subcontractor to report
12 to the Chief Information Officer when a covered network
13 of the contractor or subcontractor that meets the criteria
14 established pursuant to subsection (b) is successfully pene-
15 trated.

16 “(b) ESTABLISHMENT OF CRITERIA FOR COVERED
17 NETWORKS.—

18 “(1) IN GENERAL.—The Administrator shall, in
19 consultation with the officials specified in paragraph
20 (2), establish criteria for covered networks to be sub-
21 ject to the procedures for reporting penetrations
22 under subsection (a).

23 “(2) OFFICIALS SPECIFIED.—The officials spec-
24 ified in this paragraph are the following officials of
25 the Administration:

1 “(A) The Deputy Administrator for De-
2 fense Programs.

3 “(B) The Associate Administrator for Ac-
4 quisition and Project Management.

5 “(C) The Chief Information Officer.

6 “(D) Any other official of the Administra-
7 tion the Administrator considers necessary.

8 “(c) PROCEDURE REQUIREMENTS.—

9 “(1) RAPID REPORTING.—

10 “(A) IN GENERAL.—The procedures estab-
11 lished pursuant to subsection (a) shall require
12 each contractor or subcontractor to submit to
13 the Chief Information Officer a report on each
14 successful penetration of a covered network of
15 the contractor or subcontractor that meets the
16 criteria established pursuant to subsection (b)
17 not later than 60 days after the discovery of the
18 successful penetration.

19 “(B) ELEMENTS.—Subject to subpara-
20 graph (C), each report required by subpara-
21 graph (A) with respect to a successful penetra-
22 tion of a covered network of a contractor or
23 subcontractor shall include the following:

24 “(i) A description of the technique or
25 method used in such penetration.

1 “(ii) A sample of the malicious soft-
2 ware, if discovered and isolated by the con-
3 tractor or subcontractor, involved in such
4 penetration.

5 “(iii) A summary of information cre-
6 ated by or for the Administration in con-
7 nection with any program of the Adminis-
8 tration that has been potentially com-
9 promised as a result of such penetration.

10 “(C) AVOIDANCE OF DELAYS IN REPORT-
11 ING.—If a contractor or subcontractor is not
12 able to obtain all of the information required by
13 subparagraph (B) to be included in a report re-
14 quired by subparagraph (A) by the date that is
15 60 days after the discovery of a successful pene-
16 tration of a covered network of the contractor
17 or subcontractor, the contractor or subcon-
18 tractor shall—

19 “(i) include in the report all informa-
20 tion available as of that date; and

21 “(ii) provide to the Chief Information
22 Officer the additional information required
23 by subparagraph (B) as the information
24 becomes available.

1 “(2) ACCESS TO EQUIPMENT AND INFORMATION
2 BY ADMINISTRATION PERSONNEL.—Concurrent with
3 the establishment of the procedures pursuant to sub-
4 section (a), the Administrator shall establish proce-
5 dures to be used if information owned by the Admin-
6 istration was in use during or at risk as a result of
7 the successful penetration of a covered network—

8 “(A) in order to—

9 “(i) in the case of a penetration of a
10 covered network of a management and op-
11 erating contractor, enhance the access of
12 personnel of the Administration to Govern-
13 ment-owned equipment and information;
14 and

15 “(ii) in the case of a penetration of a
16 covered network of a contractor or subcon-
17 tractor that is not a management and op-
18 erating contractor, facilitate the access of
19 personnel of the Administration to the
20 equipment and information of the con-
21 tractor or subcontractor; and

22 “(B) which shall—

23 “(i) include mechanisms for personnel
24 of the Administration to, upon request, ob-
25 tain access to equipment or information of

1 a contractor or subcontractor necessary to
2 conduct forensic analysis in addition to any
3 analysis conducted by the contractor or
4 subcontractor;

5 “(ii) provide that a contractor or sub-
6 contractor is only required to provide ac-
7 cess to equipment or information as de-
8 scribed in clause (i) to determine whether
9 information created by or for the Adminis-
10 tration in connection with any program of
11 the Administration was successfully
12 exfiltrated from a network of the con-
13 tractor or subcontractor and, if so, what
14 information was exfiltrated; and

15 “(iii) provide for the reasonable pro-
16 tection of trade secrets, commercial or fi-
17 nancial information, and information that
18 can be used to identify a specific person.

19 “(3) DISSEMINATION OF INFORMATION.—The
20 procedures established pursuant to subsection (a)
21 shall allow for limiting the dissemination of informa-
22 tion obtained or derived through such procedures so
23 that such information may be disseminated only to
24 entities—

1 “(A) with missions that may be affected by
2 such information;

3 “(B) that may be called upon to assist in
4 the diagnosis, detection, or mitigation of cyber
5 incidents;

6 “(C) that conduct counterintelligence or
7 law enforcement investigations; or

8 “(D) for national security purposes, includ-
9 ing cyber situational awareness and defense
10 purposes.

11 “(d) DEFINITIONS.—In this section:

12 “(1) CHIEF INFORMATION OFFICER.—The term
13 ‘Chief Information Officer’ means the Associate Ad-
14 ministrators for Information Management and Chief
15 Information Officer of the Administration.

16 “(2) CONTRACTOR.—The term ‘contractor’
17 means a private entity that has entered into a con-
18 tract or contractual action of any kind with the Ad-
19 ministration to furnish supplies, equipment, mate-
20 rials, or services of any kind.

21 “(3) COVERED NETWORK.—The term ‘covered
22 network’ includes any network or information system
23 that accesses, receives, or stores—

24 “(A) classified information; or

1 “(1) appointed by the Administrator; and

2 “(2) responsible for the development and imple-
3 mentation of cybersecurity for all facilities of the
4 Administration.”.

5 (b) CONFORMING AMENDMENT.—Section 3232(b)(3)
6 of the National Nuclear Security Administration Act (50
7 U.S.C. 2422(b)(3)) is amended by striking “and cyber”.

8 (c) CLERICAL AMENDMENT.—The table of contents
9 for the National Nuclear Security Administration Act is
10 amended by inserting after the item relating to section
11 3236 the following new item:

“Sec. 3237. Chief Information Officer.”.

12 **Subtitle E—Defense Environmental**
13 **Cleanup**

14 **SEC. 3141. PUBLIC STATEMENT OF ENVIRONMENTAL LI-**
15 **ABILITIES FOR FACILITIES UNDERGOING DE-**
16 **FENSE ENVIRONMENTAL CLEANUP.**

17 (a) IN GENERAL.—Subtitle A of title XLIV of the
18 Atomic Energy Defense Act (50 U.S.C. 2581 et seq.) is
19 amended by adding at the end the following new section:

20 **“SEC. 4410. PUBLIC STATEMENT OF ENVIRONMENTAL LI-**
21 **ABILITIES.**

22 “Each year, at the same time that the Department
23 of Energy submits its annual financial report under sec-
24 tion 3516 of title 31, United States Code, the Secretary
25 of Energy shall make available to the public a statement

1 of environmental liabilities, as calculated for the most re-
2 cent audited financial statement of the Department under
3 section 3515 of that title, for each defense nuclear facility
4 at which defense environmental cleanup activities are oc-
5 ccurring.”.

6 (b) CLERICAL AMENDMENT.—The table of contents
7 for the Atomic Energy Defense Act is amended by insert-
8 ing after the item relating to section 4409 the following
9 new item:

“Sec. 4410. Public statement of environmental liabilities.”.

10 **SEC. 3142. INCLUSION OF MISSED MILESTONES IN FUTURE-**
11 **YEARS DEFENSE ENVIRONMENTAL CLEANUP**
12 **PLAN.**

13 Section 4402A(b)(3) of the Atomic Energy Defense
14 Act (50 U.S.C. 2582A(b)(3)) is amended by adding at the
15 end the following:

16 “(D) For any milestone that has been
17 missed, renegotiated, or postponed, a statement
18 of the current milestone, the original milestone,
19 and any interim milestones.”.

20 **SEC. 3143. CLASSIFICATION OF DEFENSE ENVIRONMENTAL**
21 **CLEANUP AS CAPITAL ASSET PROJECTS OR**
22 **OPERATIONS ACTIVITIES.**

23 (a) IN GENERAL.—The Assistant Secretary of En-
24 ergy for Environmental Management, in consultation with
25 other appropriate officials of the Department of Energy,

1 shall establish requirements for the classification of de-
2 fense environmental cleanup projects as capital asset
3 projects or operations activities.

4 (b) REPORT REQUIRED.—Not later than March 1,
5 2021, the Assistant Secretary shall submit to the congres-
6 sional defense committees a report—

7 (1) setting forth the requirements established
8 under subsection (a); and

9 (2) assessing whether any ongoing defense envi-
10 ronmental cleanup projects should be reclassified
11 based on those requirements.

12 **SEC. 3144. CONTINUED ANALYSIS OF APPROACHES FOR**
13 **SUPPLEMENTAL TREATMENT OF LOW-ACTIV-**
14 **ITY WASTE AT HANFORD NUCLEAR RESERVA-**
15 **TION.**

16 (a) IN GENERAL.—Not later than 120 days after the
17 date of the enactment of this Act, the Secretary of Energy
18 shall enter into an arrangement with a federally funded
19 research and development center to conduct a follow-on
20 analysis to the analysis required by section 3134 of the
21 National Defense Authorization Act for Fiscal Year 2017
22 (Public Law 114–328; 130 Stat. 2769) with respect to ap-
23 proaches for treating the portion of low-activity waste at
24 the Hanford Nuclear Reservation, Richland, Washington,
25 intended for supplemental treatment.

1 (b) COMPARISON OF ALTERNATIVES TO AID DECI-
2 SIONMAKING.—The analysis required by subsection (a)
3 shall be designed, to the greatest extent possible, to pro-
4 vide decisionmakers with the ability to make a direct com-
5 parison between approaches for the supplemental treat-
6 ment of low-activity waste at the Hanford Nuclear Res-
7 ervation based on criteria that are relevant to decision-
8 making and most clearly differentiate between approaches.

9 (c) ELEMENTS.—The analysis required by subsection
10 (a) shall include an assessment of the following:

11 (1) The most effective potential technology for
12 supplemental treatment of low-activity waste that
13 will produce an effective waste form, including an
14 assessment of the following:

15 (A) The maturity and complexity of the
16 technology.

17 (B) The extent of previous use of the tech-
18 nology.

19 (C) The life cycle costs and duration of use
20 of the technology.

21 (D) The effectiveness of the technology
22 with respect to immobilization.

23 (E) The performance of the technology ex-
24 pected under permanent disposal.

1 (2) The differences among approaches for the
2 supplemental treatment of low-activity waste consid-
3 ered as of the date of the analysis.

4 (3) The compliance of such approaches with the
5 technical standards described in section
6 3134(b)(2)(D) of section 3134 of the National De-
7 fense Authorization Act for Fiscal Year 2017.

8 (4) The differences among potential disposal
9 sites for the waste form produced through such
10 treatment, including mitigation of radionuclides, in-
11 cluding technetium-99, selenium-79, and iodine-129,
12 on a system level.

13 (5) Potential modifications to the design of fa-
14 cilities to enhance performance with respect to dis-
15 posal of the waste form to account for the following:

16 (A) Regulatory compliance.

17 (B) Public acceptance.

18 (C) Cost.

19 (D) Safety.

20 (E) The expected radiation dose to maxi-
21 mally exposed individuals over time.

22 (F) Differences among disposal environ-
23 ments.

24 (6) Approximately how much and what type of
25 pretreatment is needed to meet regulatory require-

1 ments regarding long-lived radionuclides and haz-
2 ardous chemicals to reduce disposal costs for radio-
3 nuclides described in paragraph (4).

4 (7) Whether the radionuclides can be left in the
5 waste form or economically removed and bounded at
6 a system level by the performance assessment of a
7 potential disposal site and, if the radionuclides can-
8 not be left in the waste form, how to account for the
9 secondary waste stream.

10 (8) Other relevant factors relating to the tech-
11 nology described in paragraph (1), including the fol-
12 lowing:

13 (A) The costs and risks in delays with re-
14 spect to tank performance over time.

15 (B) Consideration of experience with treat-
16 ment methods at other sites and commercial fa-
17 cilities.

18 (C) Outcomes of the test bed initiative of
19 the Office of Environmental Management at the
20 Hanford Nuclear Reservation.

21 (d) REVIEW, CONSULTATION, SUBMISSION, AND LIM-
22 ITATIONS.—The provision of subsections (c) through (f)
23 of section 3134 of the National Defense Authorization Act
24 for Fiscal Year 2017 shall apply with respect to the anal-
25 ysis required by subsection (a) to the same extent and in

1 the same manner that such provisions applied with respect
2 to the analysis required by subsection (a) of such section
3 3134, except that subsection (e) of such section shall be
4 applied and administered by substituting “the date of the
5 enactment of the National Defense Authorization Act for
6 Fiscal Year 2021” for “the date of the enactment of this
7 Act” each place it appears.

8 **Subtitle F—Other Matters**

9 **SEC. 3151. MODIFICATIONS TO ENHANCED PROCUREMENT**

10 **AUTHORITY TO MANAGE SUPPLY CHAIN**

11 **RISK.**

12 Section 4806 of the Atomic Energy Defense Act (50
13 U.S.C. 2786) is amended—

14 (1) in subsections (a) and (c), by inserting “or
15 special exclusion action” after “covered procurement
16 action” each place it appears;

17 (2) by redesignating subsections (e) and (f) as
18 subsections (f) and (g), respectively;

19 (3) by inserting after subsection (d) the fol-
20 lowing new subsection (e):

21 “(e) DELEGATION OF AUTHORITY.—The Secretary
22 may delegate the authority under this section to—

23 “(1) in the case of the Administration, the Ad-
24 ministrator; and

1 “(2) in the case of any other component of the
2 Department of Energy, the Senior Procurement Ex-
3 ecutive of the Department.”; and

4 (4) in subsection (f), as redesignated by para-
5 graph (2)—

6 (A) by redesignating paragraph (6) as
7 paragraph (7); and

8 (B) by inserting after paragraph (5) the
9 following new paragraph (6):

10 “(6) SPECIAL EXCLUSION ACTION.—The term
11 ‘special exclusion action’ means an action to pro-
12 hibit, for a period not to exceed two years, the
13 award of any contracts or subcontracts by the Ad-
14 ministration or any other component of the Depart-
15 ment of Energy related to any covered system to a
16 source the Secretary determines to represent a sup-
17 ply chain risk.”.

18 **SEC. 3152. LABORATORY- OR PRODUCTION FACILITY-DI-**
19 **RECTED RESEARCH AND DEVELOPMENT**
20 **PROGRAMS.**

21 (a) IN GENERAL.—Section 4811 of the Atomic En-
22 ergy Defense Act (50 U.S.C. 2791) is amended to read
23 as follows:

1 **“SEC. 4811. LABORATORY- OR PRODUCTION FACILITY-DI-**
2 **RECTED RESEARCH AND DEVELOPMENT**
3 **PROGRAMS.**

4 “(a) **AUTHORITY.**—The directors of the national se-
5 curity laboratories and the nuclear weapons production fa-
6 cilities are authorized to carry out laboratory- or produc-
7 tion facility-directed research and development.

8 “(b) **REGULATIONS.**—The Administrator shall pre-
9 scribe regulations for the conduct of laboratory- or produc-
10 tion facility-directed research and development at the na-
11 tional security laboratories and the nuclear weapons pro-
12 duction facilities.

13 “(c) **FUNDING.**—Of the funds provided by the Ad-
14 ministration to a national security laboratory or nuclear
15 weapons production facility for national security activities,
16 the Administrator shall provide a specific amount, of not
17 less than 5 percent and not more than 7 percent of such
18 funds, to be used by the laboratory or facility for
19 laboratory- or production facility-directed research and de-
20 velopment.

21 “(d) **DEFINITION.**—In this section, the term
22 ‘laboratory- or production facility-directed research and
23 development’ means research and development work of a
24 creative and innovative nature which, under the regula-
25 tions prescribed pursuant to subsection (b), is selected by
26 the director of a national security laboratory or nuclear

1 weapons production facility for the purpose of maintaining
2 the vitality of the laboratory or facility in defense-related
3 scientific disciplines.”.

4 (b) CLERICAL AMENDMENT.—The table of contents
5 for the Atomic Energy Defense Act is amended by striking
6 the item relating to section 4811 and inserting the fol-
7 lowing new item:

“Sec. 4811. Laboratory- or production facility-directed research and develop-
ment programs.”.

8 **SEC. 3153. PROHIBITION ON USE OF LABORATORY- OR PRO-**
9 **DUCTION FACILITY-DIRECTED RESEARCH**
10 **AND DEVELOPMENT FUNDS FOR GENERAL**
11 **AND ADMINISTRATIVE OVERHEAD COSTS.**

12 Section 4811 of the Atomic Energy Defense Act (50
13 U.S.C. 2791), as amended by section 3152, is further
14 amended—

15 (1) by redesignating subsection (d) as sub-
16 section (e); and

17 (2) by inserting after subsection (c) the fol-
18 lowing new subsection (d):

19 “(d) PROHIBITION ON USE OF FUNDS FOR OVER-
20 HEAD.—Funds provided to a national security laboratory
21 or nuclear weapons production facility for laboratory- or
22 production facility-directed research and development may
23 not be used to cover the costs of general and administra-
24 tive overhead for the laboratory or facility.”.

1 **SEC. 3154. MONITORING OF INDUSTRIAL BASE FOR NU-**
2 **CLEAR WEAPONS COMPONENTS, SUB-**
3 **SYSTEMS, AND MATERIALS.**

4 (a) DESIGNATION OF OFFICIAL.—Not later than
5 March 1, 2021, the Administrator for Nuclear Security
6 shall designate a senior official within the National Nu-
7 clear Security Administration to be responsible for moni-
8 toring the industrial base that supports the nuclear weap-
9 ons components, subsystems, and materials of the Admin-
10 istration, including—

11 (1) the consistent monitoring of the current sta-
12 tus of the industrial base;

13 (2) tracking of industrial base issues over time;
14 and

15 (3) proactively identifying gaps or risks in spe-
16 cific areas relating to the industrial base.

17 (b) PROVISION OF RESOURCES.—The Administrator
18 shall ensure that the official designated under subsection
19 (a) is provided with resources sufficient to conduct the
20 monitoring required by that subsection.

21 (c) CONSULTATIONS.—The Administrator, acting
22 through the official designated under subsection (a), shall,
23 to the extent practicable and beneficial, in conducting the
24 monitoring required by that subsection, consult with—

25 (1) officials of the Department of Defense who
26 are members of the Nuclear Weapons Council estab-

1 lished under section 179 of title 10, United States
2 Code;

3 (2) officials of the Department of Defense re-
4 sponsible for the defense industrial base; and

5 (3) other components of the Department of En-
6 ergy that rely on similar components, subsystems, or
7 materials.

8 (d) BRIEFINGS.—

9 (1) INITIAL BRIEFING.—Not later than April 1,
10 2021, the Administrator shall provide to the Com-
11 mittees on Armed Services of the Senate and the
12 House of Representatives a briefing on the designa-
13 tion of the official required by subsection (a), includ-
14 ing on—

15 (A) the responsibilities assigned to that of-
16 ficial; and

17 (B) the plan for providing that official with
18 resources sufficient to conduct the monitoring
19 required by subsection (a).

20 (2) SUBSEQUENT BRIEFINGS.—Not later than
21 April 1, 2022, and annually thereafter through
22 2024, the Administrator shall provide to the Com-
23 mittees on Armed Services of the Senate and the
24 House of Representatives a briefing on activities car-
25 ried out under this section that includes an assess-

1 ment of the progress made by the official designated
2 under subsection (a) in conducting the monitoring
3 required by that subsection.

4 **SEC. 3155. PROHIBITION ON USE OF FUNDS FOR ADVANCED**
5 **NAVAL NUCLEAR FUEL SYSTEM BASED ON**
6 **LOW-ENRICHED URANIUM.**

7 (a) IN GENERAL.—None of the funds authorized to
8 be appropriated for the National Nuclear Security Admin-
9 istration for fiscal year 2021 may be obligated or expended
10 to conduct research and development of an advanced naval
11 nuclear fuel system based on low-enriched uranium until
12 the following certifications are submitted to the congres-
13 sional defense committees:

14 (1) A joint certification of the Secretary of En-
15 ergy and the Secretary of Defense that the deter-
16 mination made by the Secretary of Energy and the
17 Secretary of the Navy pursuant to section
18 3118(c)(1) of the National Defense Authorization
19 Act for Fiscal Year 2016 (Public Law 114–92; 129
20 Stat. 1196) and submitted to the congressional de-
21 fense committees on March 25, 2018, that the
22 United States should not pursue such research and
23 development, no longer reflects the policy of the
24 United States.

1 **SEC. 3157. REVIEW OF FUTURE OF COMPUTING BEYOND**
2 **EXASCALE AT THE NATIONAL NUCLEAR SE-**
3 **CURITY ADMINISTRATION.**

4 (a) IN GENERAL.—The Administrator for Nuclear
5 Security, in consultation with the Secretary of Energy,
6 shall enter into an agreement with the National Academy
7 of Science to review the future of computing beyond
8 exascale computing to meet national security needs at the
9 National Nuclear Security Administration.

10 (b) ELEMENTS.—The review required by subsection
11 (a) shall address the following:

12 (1) Future computing needs of the National
13 Nuclear Security Administration that exascale com-
14 puting will not accomplish during the 20 years after
15 the date of the enactment of this Act.

16 (2) Computing architectures that potentially
17 can meet those needs, including—

18 (A) classical computing architectures em-
19 ployed as of such date of enactment;

20 (B) quantum computing architectures and
21 other novel computing architectures;

22 (C) hybrid combinations of classical and
23 quantum computing architectures; and

24 (D) other architectures as necessary.

25 (3) The development of software for the com-
26 puting architectures described in paragraph (2).

1 (4) The maturity of the computing architec-
2 tures described in paragraph (2) and the software
3 described in paragraph (3), with key obstacles that
4 must be overcome for the employment of such archi-
5 tectures and software.

6 (5) The secure industrial base that exists as of
7 the date of the enactment of this Act to meet the
8 unique needs of computing at the National Nuclear
9 Security Administration, including needs with re-
10 spect to—

11 (A) personnel;

12 (B) microelectronics; and

13 (C) other appropriate matters.

14 (c) INFORMATION AND CLEARANCES.—The Adminis-
15 trator shall ensure that personnel of the National Acad-
16 emy of Sciences overseeing the implementation of the
17 agreement required by subsection (a) or conducting the
18 review required by that subsection receive, in a timely
19 manner, access to information and necessary security
20 clearances to enable the conduct of the review.

21 (d) REPORT REQUIRED.—

22 (1) IN GENERAL.—Not later than 2 years after
23 the date of the enactment of this Act, the National
24 Academy of Sciences shall submit to the congres-

1 sional defense committees a report on the findings of
2 the review required by subsection (a).

3 (2) FORM.—The report required by paragraph
4 (1) shall be submitted in unclassified form but may
5 include a classified annex.

6 (e) EXASCALE COMPUTING DEFINED.—In this sec-
7 tion, the term “exascale computing” means computing
8 through the use of a computing machine that performs
9 near or above 10 to the 18th power floating point oper-
10 ations per second.

11 **SEC. 3158. APPLICATION OF REQUIREMENT FOR INDE-**
12 **PENDENT COST ESTIMATES AND REVIEWS TO**
13 **NEW NUCLEAR WEAPON SYSTEMS.**

14 Section 4217(b)(1) of the Atomic Energy Defense
15 Act (50 U.S.C. 2537(b)(1)) is amended—

16 (1) in subparagraph (A)—

17 (A) in clause (i), by inserting “, and each
18 new nuclear weapon system at the completion of
19 phase 2A” after “phase 6.2A”;

20 (B) in clause (ii), by inserting “, and each
21 new nuclear weapon system at the completion of
22 phase 3” after “phase 6.3”; and

23 (C) in clause (iii)—

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1 (i) by inserting “, and each new nu-
2 clear weapon system at the completion of
3 phase 4” after “phase 6.4”; and

4 (ii) by inserting “or 5, as applicable”
5 after “phase 6.5”; and

6 (2) in subparagraph (B), by inserting “, and
7 each new nuclear weapon system at the completion
8 of phase 2” after “phase 6.2”.

9 **SEC. 3159. EXTENSION AND EXPANSION OF LIMITATIONS**
10 **ON IMPORTATION OF URANIUM FROM RUS-**
11 **SIAN FEDERATION.**

12 (a) IN GENERAL.—Section 3112A of the USEC Pri-
13 vatization Act (42 U.S.C. 2297h–10a) is amended—

14 (1) in subsection (a)—

15 (A) by redesignating paragraph (7) as
16 paragraph (8); and

17 (B) by inserting after paragraph (6) the
18 following:

19 “(7) SUSPENSION AGREEMENT.—The term
20 ‘Suspension Agreement’ has the meaning given that
21 term in section 3102(13).”;

22 (2) in subsection (b)—

23 (A) by striking “United States to support”
24 and inserting the following: “United States—

25 “(1) to support”;

1 (B) by striking the period at the end and
2 inserting a semicolon; and

3 (C) by adding at the end the following:

4 “(2) that reliance on uranium imports raises
5 significant national security concerns;

6 “(3) to revive and strengthen the supply chain
7 for nuclear fuel produced and used in the United
8 States; and

9 “(4) to expand production of nuclear fuel in the
10 United States.”; and

11 (3) in subsection (c)—

12 (A) in paragraph (2)—

13 (i) in the matter preceding subpara-
14 graph (A), by striking “After” and insert-
15 ing “Except as provided in subparagraph
16 (B), after”;

17 (ii) in subparagraph (A)—

18 (I) in clause (vi), by striking “;
19 and” and inserting a semicolon;

20 (II) in clause (vii), by striking
21 the period at the end and inserting a
22 semicolon; and

23 (III) by adding at the end the
24 following:

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1 “(viii) in calendar year 2021, 422,038
2 kilograms;
3 “(ix) in calendar year 2022, 415,573
4 kilograms;
5 “(x) in calendar year 2023, 409,445
6 kilograms;
7 “(xi) in calendar year 2024, 404,469
8 kilograms;
9 “(xii) in calendar year 2025, 399,241
10 kilograms;
11 “(xiii) in calendar year 2026, 393,985
12 kilograms;
13 “(xiv) in calendar year 2027, 389,656
14 kilograms;
15 “(xv) in calendar year 2028, 389,656
16 kilograms;
17 “(xvi) in calendar year 2029, 384,905
18 kilograms;
19 “(xvii) in calendar year 2030,
20 375,882 kilograms;
21 “(xviii) in calendar year 2031,
22 372,171 kilograms;
23 “(xix) in calendar year 2032, 364,694
24 kilograms;

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1 “(xx) in calendar year 2033, 359,353
2 kilograms;

3 “(xxi) in calendar year 2034, 337,344
4 kilograms; and

5 “(xxii) in calendar year 2035,
6 333,296 kilograms.”;

7 (iii) by redesignating subparagraph
8 (B) as subparagraph (D); and

9 (iv) by inserting after subparagraph
10 (A) the following:

11 “(B) HARMONIZATION WITH SUSPENSION
12 AGREEMENT.—

13 “(i) IN GENERAL.—If, not later than
14 December 31, 2020, the Department of
15 Commerce and the Russian Federation fi-
16 nalize an amendment to the Suspension
17 Agreement to extend the Agreement, the
18 import limitations under subparagraph (A)
19 for a calendar year shall be superceded by
20 any export limitations, including the asso-
21 ciated calculation parameters, agreed to by
22 the Department of Commerce as part of
23 that amendment.

24 “(ii) TERMINATION OF SUSPENSION
25 AGREEMENT.—If the Suspension Agree-

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1 ment terminates or expires, the import lim-
2 itations specified in subparagraph (A)
3 shall—

4 “(I) take effect on the date on
5 which the Suspension Agreement ter-
6 minates or expires; and

7 “(II) apply in addition to any
8 antidumping duties imposed pursuant
9 to title VII of the Tariff Act of 1930
10 (19 U.S.C. 1671 et seq.) with respect
11 to low-enriched uranium produced in
12 the Russian Federation.

13 “(C) SEPARATIVE WORK UNITS REQUIRE-
14 MENT.—Not more than 25 percent of the quan-
15 tity of low-enriched uranium produced in the
16 Russian Federation and imported under sub-
17 paragraph (A) in any year may be imported
18 under contracts other than contracts exclusively
19 for separative work units.”;

20 (B) in paragraph (3), by striking “United
21 States—” and all that follows and inserting the
22 following: “United States for processing and to
23 be certified for reexportation and not for con-
24 sumption in the United States.”;

25 (C) in paragraph (5)—

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1 (i) in subparagraph (A)—

2 (I) by striking “reference data”
3 and all that follows through “2019”
4 and inserting the following: “lower
5 scenario data in the document of the
6 World Nuclear Association entitled
7 ‘Nuclear Fuel Report: Global Sce-
8 narios for Demand and Supply Avail-
9 ability 2019–2040’. In each of cal-
10 endar years 2023, 2027, and 2031”;
11 and

12 (II) by striking “report or a sub-
13 sequent report” and inserting “docu-
14 ment”;

15 (ii) by redesignating subparagraphs
16 (B) and (C) as subparagraphs (C) and (D),
17 respectively;

18 (iii) by inserting after subparagraph
19 (A) the following:

20 “(B) REPORT REQUIRED.—Not later than
21 one year after the date of the enactment of the
22 National Defense Authorization Act for Fiscal
23 Year 2021, and every 3 years thereafter, the
24 Secretary shall submit to Congress a report
25 that includes—

1 “(i) a recommendation on the use of
2 all publicly available data to ensure accu-
3 rate forecasting by scenario data to com-
4 port to actual demand for low-enriched
5 uranium for nuclear reactors in the United
6 States; and

7 “(ii) an identification of the steps to
8 be taken to adjust the import limitations
9 described in paragraph (2)(A) based on the
10 most accurate scenario data.”; and

11 (iv) in subparagraph (D), as redesign-
12 ated by clause (ii), by striking “subpara-
13 graph (B)” and inserting “subparagraph
14 (D)”;

15 (D) in paragraph (6), in the matter pre-
16 ceding subparagraph (A), by striking “the ad-
17 justment under paragraph (5)(A)” and insert-
18 ing “any adjustment under paragraph (2)(B) or
19 (5)(A)”;

20 (E) in paragraph (7)(A), by striking “0.3
21 percent” and inserting “0.22 percent”;

22 (F) in paragraph (9), by striking “2020”
23 and inserting “2035”;

24 (G) by striking “(2)(B)” each place it ap-
25 pears and inserting “(2)(D)”;

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1 (H) in paragraph (12)(B), by inserting “or
2 the Suspension Agreement” after “the Russian
3 HEU Agreement”.

4 (b) APPLICABILITY.—The amendments made by sub-
5 section (a) apply with respect to uranium imported from
6 the Russian Federation on or after January 1, 2021.

7 **SEC. 3160. INTEGRATION OF STOCKPILE STEWARDSHIP**
8 **AND NONPROLIFERATION MISSIONS.**

9 (a) SENSE OF SENATE.—It is the sense of the Senate
10 that, in recognition of the close relationships between the
11 nuclear weapons expertise and infrastructure of the na-
12 tional security laboratories (as defined in section 4002 of
13 the Atomic Energy Defense Act (50 U.S.C. 2501)), those
14 laboratories should continue to apply their capabilities to
15 assessing, understanding, and countering current and
16 emerging nuclear threats, including the nuclear capabili-
17 ties of adversaries of the United States.

18 (b) INTEGRATION.—The Secretary of Energy shall
19 ensure that the capabilities of the stockpile stewardship
20 program under section 4201 of the Atomic Energy De-
21 fense Act (50 U.S.C. 2521) are available to assess pro-
22 liferation challenges, nuclear capabilities of adversaries of
23 the United States, and related safeguards.

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1 **SEC. 3161. TECHNOLOGY DEVELOPMENT AND INTEGRA-**
2 **TION PROGRAM.**

3 The Administrator for Nuclear Security shall estab-
4 lish a technology development and integration program to
5 improve the safety and security of the nuclear weapons
6 stockpile, and to prevent proliferation, through research
7 and development, engineering, and integration of tech-
8 nologies applicable to multiple weapons systems in the
9 stockpile.

10 **SEC. 3162. ADVANCED MANUFACTURING DEVELOPMENT**
11 **PROGRAM.**

12 The Administrator for Nuclear Security shall estab-
13 lish an advanced manufacturing development program to
14 focus on the development, demonstration, and deployment
15 of next-generation processes and manufacturing tools to
16 ensure that the nuclear weapons stockpile is safe and se-
17 cure.

18 **SEC. 3163. MATERIALS SCIENCE PROGRAM.**

19 The Administrator for Nuclear Security shall estab-
20 lish a materials science program to develop new materials
21 to replace materials that are no longer available for weap-
22 ons sustainment.

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1 **SEC. 3164. MODIFICATIONS TO INERTIAL CONFINEMENT**
2 **FUSION IGNITION AND HIGH YIELD PRO-**
3 **GRAM.**

4 (a) **IN GENERAL.**—The Inertial Confinement Fusion
5 Ignition and High Yield Program of the National Nuclear
6 Security Administration (in this section referred to as the
7 “Program”) shall provide the scientific understanding and
8 experimental capabilities required to validate the safety
9 and effectiveness of the nuclear weapons stockpile.

10 (b) **RECOMMENDATIONS RELATING TO HIGH EN-**
11 **ERGY DENSITY PHYSICS.**—

12 (1) **ESTABLISHMENT OF WORKING GROUP.**—

13 The Administrator for Nuclear Security shall estab-
14 lish a working group to identify and implement any
15 recommendations issued by the National Academies
16 of Sciences, Engineering, and Medicine as required
17 by section 3137 of the National Defense Authoriza-
18 tion Act for Fiscal Year 2020 (Public Law 116–92).

19 (2) **REPORT REQUIRED.**—Not later than March
20 31, 2021, the Administrator shall submit to the con-
21 gressional defense committees a report on the
22 timelines for completing implementation of the rec-
23 ommendations described in paragraph (1).

1 **SEC. 3165. EARNED VALUE MANAGEMENT PROGRAM FOR**
2 **LIFE EXTENSION PROGRAMS.**

3 (a) IN GENERAL.—Subtitle A of title XLII of the
4 Atomic Energy Defense Act (50 U.S.C. 2521 et seq.) is
5 amended by adding at the end the following new section:

6 **“SEC. 4223. EARNED VALUE MANAGEMENT PROGRAM FOR**
7 **LIFE EXTENSION PROGRAMS.**

8 “(a) IN GENERAL.—The Administrator shall estab-
9 lish an earned value management program to establish
10 earned value management standards—

11 “(1) to ensure specific benchmarks are set for
12 technology readiness for life extension programs; and

13 “(2) to ensure that appropriate risk mitigation
14 measures are taken to meet the cost and schedule
15 requirements of such programs.

16 “(b) REVIEW OF CONTRACTOR EARNED VALUE MAN-
17 AGEMENT SYSTEMS.—The Administrator shall enter into
18 an arrangement with an independent entity under which
19 that entity shall review and determine whether the earned
20 value management standards of contractors of the Admin-
21 istration for life extension programs are consistent with
22 the standards established under subsection (a).

23 “(c) RECONCILIATION OF COST ESTIMATES.—The
24 Administrator shall ensure that key decisions of the Ad-
25 ministration concerning project milestones in life exten-
26 sion programs are based on a reconciliation of cost esti-

1 mates of the Administration with any independent cost es-
2 timates conducted by the Director of Cost Estimating and
3 Program Evaluation.”.

4 (b) CLERICAL AMENDMENT.—The table of contents
5 for the Atomic Energy Defense Act is amended by insert-
6 ing after the item relating to section 4222 the following
7 new item:

“Sec. 4223. Earned value management program for life extension programs.”.

8 **SEC. 3166. USE OF HIGH PERFORMANCE COMPUTING CAPA-**
9 **BILITIES FOR COVID-19 RESEARCH.**

10 The Secretary of Energy shall make the unclassified
11 high performance computing capabilities of the Depart-
12 ment of Energy available for research relating to the
13 coronavirus disease 2019 (commonly known as “COVID-
14 19”) so long as and to the extent that doing so does not
15 negatively affect the stockpile stewardship mission of the
16 National Nuclear Security Administration.

17 **SEC. 3167. AVAILABILITY OF STOCKPILE RESPONSIVENESS**
18 **FUNDS FOR PROJECTS TO REDUCE TIME**
19 **NECESSARY TO EXECUTE A NUCLEAR TEST.**

20 From amounts authorized to be appropriated by sec-
21 tion 3101 and available, as specified in the funding table
22 in section 4701, for the Stockpile Responsiveness Program
23 under section 4220 of the Atomic Energy Defense Act (50
24 U.S.C. 2538b), not less than \$10,000,000 shall be made

1 available to carry out projects related to reducing the time
2 required to execute a nuclear test if necessary.

3 **TITLE XXXII—DEFENSE NU-**
4 **CLEAR FACILITIES SAFETY**
5 **BOARD**

6 **SEC. 3201. AUTHORIZATION.**

7 There are authorized to be appropriated for fiscal
8 year 2021, \$28,836,000 for the operation of the Defense
9 Nuclear Facilities Safety Board under chapter 21 of the
10 Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

11 **SEC. 3202. NONPUBLIC COLLABORATIVE DISCUSSIONS BY**
12 **DEFENSE NUCLEAR FACILITIES SAFETY**
13 **BOARD.**

14 Section 313 of the Atomic Energy Act of 1954 (42
15 U.S.C. 2286b) is amended by adding at the end the fol-
16 lowing new subsection:

17 “(k) NONPUBLIC COLLABORATIVE DISCUSSIONS.—

18 “(1) IN GENERAL.—Notwithstanding section
19 552b of title 5, United States Code, a quorum of the
20 members of the Board may hold a meeting that is
21 not open to public observation to discuss official
22 business of the Board if—

23 “(A) no formal or informal vote or other
24 official action is taken at the meeting;

1 public under section 552b(c) of title 5,
2 United States Code.

3 “(B) INFORMATION ABOUT MATTERS
4 WITHHELD FROM PUBLIC.—If the Board prop-
5 erly determines under subparagraph (A)(ii) that
6 a matter may be withheld from the public under
7 section 552b(c) of title 5, United States Code,
8 the Board shall include in the summary re-
9 quired by that subparagraph as much general
10 information as possible with respect to the mat-
11 ter.

12 “(3) RULES OF CONSTRUCTION.—Nothing in
13 this subsection may be construed—

14 “(A) to limit the applicability of section
15 552b of title 5, United States Code, with re-
16 spect to—

17 “(i) a meeting of the members of the
18 Board other than a meeting described in
19 paragraph (1); or

20 “(ii) any information that is proposed
21 to be withheld from the public under para-
22 graph (2)(A)(ii); or

23 “(B) to authorize the Board to withhold
24 from any individual any record that is acces-

1 sible to that individual under section 552a of
2 title 5, United States Code.”.

3 **SEC. 3203. IMPROVEMENTS TO OPERATIONS OF DEFENSE**
4 **NUCLEAR FACILITIES SAFETY BOARD.**

5 (a) MISSION OF BOARD.—Section 312(a) of the
6 Atomic Energy Act of 1954 (42 U.S.C. 2286a(a)) is
7 amended by striking “employees and contractors at such
8 facilities” and inserting “workers at such facilities con-
9 ducting activities covered by part 830 of title 10, Code
10 of Federal Regulations (or any successor regulation)”.

11 (b) COOPERATION.—Section 314(a) of the Atomic
12 Energy Act of 1954 (42 U.S.C. 2286c(a)) is amended—

13 (1) by inserting “(1)” before “Except”; and

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

16 “(2) For purposes of this subsection, the term ‘unfet-
17 tered access’, with respect to a facility or personnel of or
18 information related to a facility, means access equivalent
19 to the access to the facility, personnel, or information pro-
20 vided to a regular employee of the facility, after proper
21 identification and compliance with applicable access con-
22 trol measures for security, radiological protection, and
23 personal safety.”.

1 **TITLE XXXV—MARITIME**
2 **ADMINISTRATION**

3 **SEC. 3501. MARITIME ADMINISTRATION.**

4 Section 109 of title 49, United States Code, is
5 amended to read as follows:

6 **“§ 109. Maritime Administration**

7 “(a) ORGANIZATION AND MISSION.—The Maritime
8 Administration is an administration in the Department of
9 Transportation. The mission of the Maritime Administra-
10 tion is to foster, promote, and develop the merchant mari-
11 time industry of the United States.

12 “(b) MARITIME ADMINISTRATOR.—The head of the
13 Maritime Administration is the Maritime Administrator,
14 who is appointed by the President by and with the advice
15 and consent of the Senate. The Administrator shall report
16 directly to the Secretary of Transportation and carry out
17 the duties prescribed by the Secretary.

18 “(c) DEPUTY MARITIME ADMINISTRATOR.—The
19 Maritime Administration shall have a Deputy Maritime
20 Administrator, who is appointed in the competitive service
21 by the Secretary, after consultation with the Adminis-
22 trator. The Deputy Administrator shall carry out the du-
23 ties prescribed by the Administrator. The Deputy Admin-
24 istrator shall be Acting Administrator during the absence
25 or disability of the Administrator and, unless the Sec-

1 retary designates another individual, during a vacancy in
2 the office of Administrator.

3 “(d) DUTIES AND POWERS VESTED IN SEC-
4 RETARY.—All duties and powers of the Maritime Adminis-
5 tration are vested in the Secretary.

6 “(e) REGIONAL OFFICES.—The Maritime Adminis-
7 tration shall have regional offices for the Atlantic, Gulf,
8 Great Lakes, and Pacific port ranges, and may have other
9 regional offices as necessary. The Secretary shall appoint
10 a qualified individual as Director of each regional office.
11 The Secretary shall carry out appropriate activities and
12 programs of the Maritime Administration through the re-
13 gional offices.

14 “(f) INTERAGENCY AND INDUSTRY RELATIONS.—
15 The Secretary shall establish and maintain liaison with
16 other agencies, and with representative trade organiza-
17 tions throughout the United States, concerned with the
18 transportation of commodities by water in the export and
19 import foreign commerce of the United States, for the pur-
20 pose of securing preference to vessels of the United States
21 for the transportation of those commodities.

22 “(g) DETAILING OFFICERS FROM ARMED FORCES.—
23 To assist the Secretary in carrying out duties and powers
24 relating to the Maritime Administration, not more than
25 five officers of the Armed Forces may be detailed to the

1 Secretary at any one time, in addition to details author-
2 ized by any other law. During the period of a detail, the
3 Secretary shall pay the officer an amount that, when
4 added to the officer's pay and allowances as an officer in
5 the Armed Forces, makes the officer's total pay and allow-
6 ances equal to the amount that would be paid to an indi-
7 vidual performing work the Secretary considers to be of
8 similar importance, difficulty, and responsibility as that
9 performed by the officer during the detail.

10 “(h) CONTRACTS, COOPERATIVE AGREEMENTS, AND
11 AUDITS.—

12 “(1) CONTRACTS AND COOPERATIVE AGREE-
13 MENTS.—In the same manner that a private cor-
14 poration may make a contract within the scope of its
15 authority under its charter, the Secretary may make
16 contracts and cooperative agreements for the United
17 States Government and disburse amounts to—

18 “(A) carry out the Secretary's duties and
19 powers under this section, subtitle V of title 46,
20 and all other Maritime Administration pro-
21 grams; and

22 “(B) protect, preserve, and improve collat-
23 eral held by the Secretary to secure indebted-
24 ness.

1 “(2) AUDITS.—The financial transactions of
2 the Secretary under paragraph (1) shall be audited
3 by the Comptroller General. The Comptroller Gen-
4 eral shall allow credit for an expenditure shown to
5 be necessary because of the nature of the business
6 activities authorized by this section or subtitle V of
7 title 46. At least once a year, the Comptroller Gen-
8 eral shall report to Congress any departure by the
9 Secretary from this section or subtitle V of title 46.

10 “(i) GRANT ADMINISTRATIVE EXPENSES.—Except as
11 otherwise provided by law, the administrative and related
12 expenses for the administration of any grant programs by
13 the Maritime Administrator may not exceed 3 percent.

14 “(j) AUTHORIZATION OF APPROPRIATIONS.—

15 “(1) IN GENERAL.—Except as otherwise pro-
16 vided in this subsection, there are authorized to be
17 appropriated such amounts as may be necessary to
18 carry out the duties and powers of the Secretary re-
19 lating to the Maritime Administration.

20 “(2) LIMITATIONS.—Only those amounts spe-
21 cifically authorized by law may be appropriated for
22 the use of the Maritime Administration for—

23 “(A) acquisition, construction, or recon-
24 struction of vessels;

1 “(B) construction-differential subsidies in-
2 cident to the construction, reconstruction, or re-
3 conditioning of vessels;

4 “(C) costs of national defense features;

5 “(D) payments of obligations incurred for
6 operating-differential subsidies;

7 “(E) expenses necessary for research and
8 development activities, including reimbursement
9 of the Vessel Operations Revolving Fund for
10 losses resulting from expenses of experimental
11 vessel operations;

12 “(F) the Vessel Operations Revolving
13 Fund;

14 “(G) National Defense Reserve Fleet ex-
15 penses;

16 “(H) expenses necessary to carry out part
17 B of subtitle V of title 46; and

18 “(I) other operations and training expenses
19 related to the development of waterborne trans-
20 portation systems, the use of waterborne trans-
21 portation systems, and general administra-
22 tion.”.

1 **DIVISION D—FUNDING TABLES**

2 **SEC. 4001. AUTHORIZATION OF AMOUNTS IN FUNDING TA-** 3 **BLES.**

4 (a) **IN GENERAL.**—Whenever a funding table in this
5 division specifies a dollar amount authorized for a project,
6 program, or activity, the obligation and expenditure of the
7 specified dollar amount for the project, program, or activ-
8 ity is hereby authorized, subject to the availability of ap-
9 propriations.

10 (b) **MERIT-BASED DECISIONS.**—A decision to com-
11 mit, obligate, or expend funds with or to a specific entity
12 on the basis of a dollar amount authorized pursuant to
13 subsection (a) shall—

14 (1) be based on merit-based selection proce-
15 dures in accordance with the requirements of sec-
16 tions 2304(k) and 2374 of title 10, United States
17 Code, or on competitive procedures; and

18 (2) comply with other applicable provisions of
19 law.

20 (c) **RELATIONSHIP TO TRANSFER AND PROGRAM-**
21 **MING AUTHORITY.**—An amount specified in the funding
22 tables in this division may be transferred or repro-
23 grammed under a transfer or reprogramming authority
24 provided by another provision of this Act or by other law.
25 The transfer or reprogramming of an amount specified in

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1 such funding tables shall not count against a ceiling on
2 such transfers or reprogrammings under section 1001 or
3 section 1522 of this Act or any other provision of law,
4 unless such transfer or reprogramming would move funds
5 between appropriation accounts.

6 (d) APPLICABILITY TO CLASSIFIED ANNEX.—This
7 section applies to any classified annex that accompanies
8 this Act.

9 (e) ORAL WRITTEN COMMUNICATIONS.—No oral or
10 written communication concerning any amount specified
11 in the funding tables in this division shall supersede the
12 requirements of this section.