James M. Inhofe National Defense Authorization Act for Fiscal Year 2023

[Public Law 117–263]

[As Amended Through P.L. 119–60, Enacted December 18, 2025]

[Currency: This publication is a compilation of the text of Public Law 117–263. It was last amended by the public law listed in the As Amended Through note above and below at the bottom of each page of the pdf version and reflects current law through the date of the enactment of the public law listed at https://www.govinfo.gov/app/collection/comps/]

[Note: While this publication does not represent an official version of any Federal statute, substantial efforts have been made to ensure the accuracy of its contents. The official version of Federal law is found in the United States Statutes at Large and in the United States Code. The legal effect to be given to the Statutes at Large and the United States Code is established by statute (1 U.S.C. 112, 204).]

AN ACT To authorize appropriations for fiscal year 2023 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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

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

(b) [10 U.S.C. 101 note] REFERENCES.—Any reference in this or any other Act to the "National Defense Authorization Act for Fiscal Year 2023" shall be deemed to be a reference to the "James M. Inhofe National Defense Authorization Act for Fiscal Year 2023".

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

(a) DIVISIONS.—This Act is organized into 11 divisions as follows:

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(2) Division B—Military Construction Authorizations.

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

(4) Division D—Funding Tables.

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

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(7) Division G—Homeland Security.

(8) Division H—Water Resources.

(9) Division I—Department of State Authorizations.

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(11) Division K—Don Young Coast Guard Authorization Act of 2022.

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

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Sec. 3. Congressional defense committees.
Sec. 4. Budgetary effects of this Act.
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Sec. 126. Procurement authority for Ship-to-Shore Connector program.
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SEC. 3. [10 U.S.C. 101 note] CONGRESSIONAL DEFENSE COMMITTEES.

In this Act, the term "congressional defense committees" has the meaning given that term in section 101(a)(16) of title 10, United States Code.

SEC. 4. BUDGETARY EFFECTS OF THIS ACT.

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

SEC. 5. EXPLANATORY STATEMENT.

The explanatory statement regarding this Act, printed in the House section of the Congressional Record on or about December 7, 2022, by the Chairman of the Committee on Armed Services of the House of Representatives and the Chairman of the Committee on Armed Services of the Senate, shall have the same effect with respect to the implementation of this Act as if it were a joint explanatory statement of a committee of conference.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Authorization of appropriations.

Subtitle B—Army Programs

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

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Sec. 121. Requirements relating to EA-18G aircraft of the Navy.
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Sec. 123. Extension of prohibition on availability of funds for Navy port waterborne security barriers.
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Sec. 125. Multiyear procurement authority for Arleigh Burke class destroyers.

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Sec. 161. Increase in Air Force and Navy use of used commercial dual-use parts in certain aircraft and engines.
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Sec. 163. Assessment and report on military rotary wing aircraft industrial base.
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Subtitle A—Authorization of Appropriations

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

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

Subtitle B—Army Programs

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

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

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

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

(3) include in any cost analysis or comparison—

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

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

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

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

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

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

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

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

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

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

(1) in the materials relating to the Extended Range Cannon Artillery program submitted in support of the budget of the President (as submitted to Congress under section 1105(a) of title 31, United States Code) for each fiscal year in which such program is carried out; and

(2) in any budget briefings concerning such program.

Subtitle C—Navy Programs

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

(a) LIMITATIONS AND MINIMUM INVENTORY REQUIREMENTS.—Section 8062 of title 10, United States Code, is amended—

(1) by redesignating subsection (f) as subsection (g); and

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

"(f)(1)(A) During the period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year

2023 and ending on September 30, 2027, the Secretary of the Navy may not—

"(i) retire an EA-18G aircraft;

"(ii) reduce funding for unit personnel or weapon system sustainment activities for EA-18G aircraft in a manner that presumes future congressional authority to divest such aircraft;

"(iii) place an EA-18G aircraft in active storage status or inactive storage status; or

"(iv) keep an EA-18G aircraft in a status considered excess to the requirements of the possessing command and awaiting disposition instructions.

"(B) The prohibition under subparagraph (A) shall not apply to individual EA-18G aircraft that the Secretary of the Navy determines, on a case-by-case basis, to be no longer mission capable and uneconomical to repair because of aircraft accidents or mishaps.

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

"(B) The Secretary of the Navy may reduce the number of EA-18G aircraft in the inventory of the Navy below the minimum number specified in subparagraph (A) if the Secretary determines, on a case-by-case basis, that an aircraft is no longer mission capable and uneconomical to repair because of aircraft accidents or mishaps.

"(C) In this paragraph, the term 'primary mission aircraft inventory' means aircraft assigned to meet the primary aircraft authorization—

"(i) to a unit for the performance of its wartime mission;

"(ii) to a training unit for technical and specialized training for crew personnel or leading to aircrew qualification;

"(iii) to a test unit for testing of the aircraft or its components for purposes of research, development, test, and evaluation, operational test and evaluation, or to support testing programs; or

"(iv) to meet requirements for missions not otherwise specified in clauses (i) through (iii).".

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

(1) the integration and utilization of both reserve and active duty component forces and resources within the Department of the Navy and the Department of the Air Force; and

(2) the establishment or continuation of one or more joint service expeditionary, land-based electronic attack squadrons

that equal or exceed the capacity and capability of such squadrons in effect as of the date of the enactment of this Act.

SEC. 122. NAVY SHIPBUILDING WORKFORCE DEVELOPMENT SPECIAL INCENTIVE.

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

"SEC. 8696. [10 U.S.C. 8696] NAVY SHIPBUILDING WORKFORCE DEVELOPMENT SPECIAL INCENTIVE

"(a) REQUIREMENT.—

"(1) IN GENERAL.—The Secretary of the Navy shall include in any solicitation for a covered contract a special incentive for workforce development that funds one or more workforce development activities described in subsection (c).

"(2) AMOUNT OF SPECIAL INCENTIVE.—The amount of a special incentive required under subsection (a)(1) shall be equal to not less than one quarter of one percent and not more than one percent of the estimated cost of the covered contract.

"(3) WAIVER.—

"(A) IN GENERAL.—The Secretary of the Navy may waive one or more of the requirements of this section if the Secretary determines—

"(i) unreasonable cost or delay would be incurred by complying with such requirements;

"(ii) existing workforce development initiatives are sufficient to meet workforce needs;

"(iii) there are minimal workforce development issues to be addressed; or

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

"(B) NOTICE TO CONGRESS.—Not less than 30 days prior to issuing a waiver under subparagraph (A), the Secretary of the Navy shall submit to the congressional defense committees written notice of the intent of the Secretary to issue such a waiver. Such notice shall specify the basis for such waiver and include a detailed explanation of the reasons for issuing the waiver.

"(b) MATCHING CONTRIBUTION REQUIREMENT.—

"(1) IN GENERAL.—Funds for a special incentive for workforce development required under subsection (a)(1) may be expended only—

"(A) on or after the date on which the service acquisition executive of the Navy receives a written commitment from one or more entities described in paragraph (2) of separate and distinct cumulative monetary contributions to be made on or after the date of such commitment for workforce development; and

"(B) in an amount that is equal to the aggregate amount of all monetary contributions from entities that made commitments under subparagraph (A) not to exceed the amount of funding made available for the special incentive under subsection (a)(2).

"(2) ENTITIES DESCRIBED.—The entities described in this paragraph are the following:

"(A) The prime contractor that was awarded a covered contract.

"(B) A qualified subcontractor.

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

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

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

"(F) An industry association, organization, or consortium that directly supports workforce development.

"(3) SPECIAL RULE.—In a case in which the aggregate amount of all monetary contributions from entities that made commitments under paragraph (1)(A) is less than the minimum amount specified for the special incentive under subsection (a)(2), funds for the special incentive may be expended in an amount equal to such lesser amount.

"(c) AUTHORIZED ACTIVITIES.—

"(1) IN GENERAL.—Funds for a special incentive for workforce development required under subsection (a)(1) may be obligated or expended only to provide for the activities described in paragraph (2) in support of the production and production support workforce of the prime contractor concerned or a qualified subcontractor concerned.

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

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

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

"(C) Investments in long-term outreach in middle school and high school programs, specifically career and technical education programs, to promote and develop manufacturing skills.

"(D) The development or modification of facilities for the primary purpose of workforce development.

"(E) Payment of direct costs attributable to workforce development.

"(F) Attraction and retention bonus programs.

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

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

"(1) provide the final approval of the use of funds for a special incentive for workforce development required under subsection (a)(1); and

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

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

"(B) the associated benefits to—

"(i) the Federal Government; and

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

"(e) DEFINITIONS.—In this section:

"(1) The term 'covered contract' means a prime contract for the construction of a naval vessel funded using amounts appropriated or otherwise made available for Shipbuilding and Conversion, Navy.

"(2) The term 'qualified subcontractor' means a subcontractor that will deliver the vessel or vessels awarded under a covered contract to the Navy.".

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

"8696. Navy shipbuilding workforce development special incentive.".

(c) [10 U.S.C. 8696 note] APPLICABILITY.—Section 8696 of title 10, United States Code, as added by subsection (a), shall apply with respect to—

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

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

SEC. 123. EXTENSION OF PROHIBITION ON AVAILABILITY OF FUNDS FOR NAVY PORT WATERBORNE SECURITY BARRIERS.

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

(b) TECHNICAL AMENDMENT.—Subsection (b)(4) of such section is amended by striking "section 2304" and inserting "sections 3201 through 3205".

SEC. 124. LIMITATION ON AUTHORITY TO MODIFY CAPABILITIES AND FLEET CONFIGURATION OF E-6B AIRCRAFT.

(a) LIMITATION.—Until the date on which the certification described in subsection (b) is submitted to the congressional defense committees, the Secretary of the Navy—

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

(2) shall maintain the fleet of E-6B aircraft in the configuration in effect as of the date of the enactment of this Act; and

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

(b) CERTIFICATION DESCRIBED.—The certification described in this subsection is a written certification from the Chair of the Joint Requirements Oversight Council indicating that the replacement capability for the E-6B aircraft—

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

(2) at the time such replacement capability achieves initial operational capability, will have the ability to meet the operational requirements of the combatant commands that have been, or that are expected to be, assigned to such replacement capability.

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

SEC. 125. MULTIYEAR PROCUREMENT AUTHORITY FOR ARLEIGH BURKE CLASS DESTROYERS.

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

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

(c) CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.—A contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2023 is subject to the availability of appropriations or funds for that purpose for such later fiscal year.

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

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

(2) DEFINITIONS.—In this subsection:

(A) The term "base quantity" means the quantity of destroyers to be procured under a contract entered into under subsection (a) excluding any quantity of destroyers that may be procured through the exercise of an option that may be part of such contract.

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

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

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

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

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

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

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

(c) CERTIFICATION REQUIRED.—A contract may not be entered into under subsection (a) unless the Secretary of the Navy certifies to the congressional defense committees, in writing, not later than 30 days before entry into the contract, each of the following, which shall be prepared by the milestone decision authority for the Ship-to-Shore Connector program:

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

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

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

(B) the estimated end cost and appropriated funds by fiscal year, by craft, with the authority provided in subsection (a);

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

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

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

(3) There is a reasonable expectation that throughout the contemplated contract period the Secretary of the Navy will request funding for the contract at the level required to avoid contract cancellation.

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

(5) The estimates of both the cost of the contract and the anticipated cost avoidance through the use of a contract authorized under subsection (a) are realistic, including a description of the basis for such estimates.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) There is a reasonable expectation that throughout the contemplated contract period the Secretary of Defense will request funding for the contract at the level required to avoid contract cancellation.

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

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

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

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

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

(a) CONTRACT AUTHORITY.—

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

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

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

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

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

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

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

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

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

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

(3) There is a reasonable expectation that throughout the contemplated contract period the Secretary of the Navy will request funding for the contract at the level required to avoid contract cancellation.

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

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

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

(7) During the fiscal year in which such contract is to be awarded, sufficient funds will be available to perform the contract in such fiscal year, and the future-years defense program (as defined under section 221 of title 10, United States Code) for such fiscal year will include the funding required to execute the program without cancellation.

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

(d) CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.—A contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year is subject to the availability of appropriations for that purpose for such fiscal year.

(e) MILESTONE DECISION AUTHORITY DEFINED.—In this section, the term "milestone decision authority" has the meaning given that term in section 4251(d) of title 10, United States Code.

SEC. 129. PROCUREMENT AUTHORITIES FOR CERTAIN AMPHIBIOUS SHIPBUILDING PROGRAMS.

(a) CONTRACT AUTHORITY.—

(1) PROCUREMENT AUTHORIZED.—The Secretary of the Navy may enter into one or more contracts for the procurement of up to five covered ships.

(2) PROCUREMENT IN CONJUNCTION WITH EXISTING CONTRACTS.—The ships authorized to be procured under paragraph (1) may be procured as additions to existing contracts covering programs for covered ships.

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

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

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

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

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

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

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

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

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

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

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

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

(c) AUTHORITY FOR ADVANCE PROCUREMENT ACROSS PROGRAMS.—The Secretary of the Navy may enter into one or more contracts for advance procurement across programs associated with a ship or ships for which authorization to enter into a contract is provided under subsection (a), and for systems and subsystems associated with such ships in economic order quantities when cost savings are achievable.

(d) AUTHORITY TO ENTER INTO ECONOMIC ORDER QUANTITY CONTRACTS.—The Secretary of the Navy may use funds made available to carry out this section to enter into contracts known as "economic order quantity contracts" with private shipyards and other commercial or government entities to achieve economic efficiencies based on production economies for major components or subsystems of covered ships. The authority under this subsection extends to the procurement of parts, components, and systems (including weapon systems) common with, and required for, covered ships under joint economic order quantity contracts.

(e) CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.—A contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year is subject to the availability of appropriations for that purpose for such fiscal year.

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

(g) DEFINITIONS.—In this section:

(1) The term "covered ship" means a San Antonio-class or America-class ship.

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

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

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

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

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

(B) may award such contracts to other contractors;

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

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

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

(1) using a common design tool; and

(2) sharing production lessons learned.

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

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

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

(3) To the maximum extent practicable, competitive solicitations for vessel procurement under the covered program.

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

(1) Section 131 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92; 133 Stat. 1237).

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

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

(f) DEFINITIONS.—In this section:

(1) The term "covered program" means the program of the Department of the Navy to procure DDG(X) destroyer class vessels.

(2) The term "eligible shipbuilder" means a prime contractor designated by the milestone decision authority to perform detailed design and construction of the covered program.

(3) The term "milestone decision authority" has the meaning given in section 4211 of title 10, United States Code.

SEC. 131. TOMAHAWK AND STANDARD MISSILE-6 CAPABILITY ON FFG-62 CLASS VESSELS.

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

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

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

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

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

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

(3) the value, cost, and feasibility of a two-year advance procurement period under a two-carrier acquisition strategy;

(4) the value, cost, and feasibility of a three-year advance procurement period under a two-carrier acquisition strategy; and

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

(c) DEFINITIONS.—In this section:

(1) The term "single-carrier acquisition strategy" means a strategy for the procurement of the aircraft carriers designated CVN-82 and CVN-83 pursuant to which each aircraft carrier is procured separately under a different contract.

(2) The term "two-carrier acquisition strategy" means a strategy for the procurement of the aircraft carriers designated CVN-82 and CVN-83 pursuant to which both aircraft carriers are procured together under one contract.

SEC. 133. QUARTERLY BRIEFINGS ON THE CH-53K KING STALLION HELICOPTER PROGRAM.

(a) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, and on a quarterly basis thereafter through the end of fiscal year 2024, the Secretary of the Navy shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on the progress of the CH-53K King Stallion helicopter program.

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

(1) An overview of the program schedule.

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

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

(4) An assessment of the flight testing that remains to be conducted under the program, including any testing required for validation of correction of technical deficiencies.

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

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

Subtitle D—Air Force Programs

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

(a) TOTAL FIGHTER AIRCRAFT INVENTORY REQUIREMENTS.—Section 9062(i)(1) of title 10, United States Code, is amended by striking "1,970" and inserting "1,800".

(b) A-10 MINIMUM INVENTORY REQUIREMENTS.—

(1) Section 134(d) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 130 Stat. 2038) is amended by striking "171" and inserting "153".

(2) Section 142(b)(2) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat. 755) is amended by striking "171" and inserting "153".

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

SEC. 142. INVENTORY AND OTHER REQUIREMENTS RELATING TO AIR REFUELING TANKER AIRCRAFT.

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

(1) by striking "effective October 1, 2019,"; and

(2) by striking "479" each place it appears and inserting "466".

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

(1) by striking subsection (b); and

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

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

(d) PROHIBITION ON REDUCTION OF KC-135 AIRCRAFT IN PMAI OF THE RESERVE COMPONENTS.—

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

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

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

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

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

"(A) retire an F-22 aircraft;

"(B) reduce funding for unit personnel or weapon system sustainment activities for F-22 aircraft in a manner that presumes future congressional authority to divest such aircraft;

"(C) keep an F-22 aircraft in a status considered excess to the requirements of the possessing command and awaiting disposition instructions (commonly referred to as 'XJ' status); or

"(D) decrease the total aircraft inventory of F-22 aircraft below 184 aircraft.

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

(b) REPORT REQUIRED.—

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

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

(A) address how the Air Force will avoid—

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

(ii) exacerbating F-22 aircraft availability concerns; and

(iii) complicating F-22 aircraft squadron maintenance operations; and

(B) include the plan of the Secretary for—

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

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

(I) the planned location of such units;

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

(III) and the number of F-22 aircraft that are expected to be assigned to such units.

(c) COMPTROLLER GENERAL AUDIT.—

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

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

(B) the estimated costs of such upgrades; and

(C) a schedule of milestones for such upgrades.

(2) AVAILABILITY OF INFORMATION.—At the request of the Comptroller General, the Secretary of the Air Force shall promptly provide to the Comptroller General any data or other information that may be needed to conduct the audit under paragraph (1), including any data or information it may be necessary to obtain from the original equipment manufacturer of the F-22 aircraft.

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

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

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

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

SEC. 145. REPEAL OF AIR FORCE E-8C FORCE PRESENTATION REQUIREMENT.

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

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

(a) MINIMUM INVENTORY REQUIREMENT.—

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

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

(3) COVERED PERIOD DEFINED.—In this subsection, the term "covered period" means the period—

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

(B) ending on September 30, 2026.

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

(1) IN GENERAL.—During the period of fiscal years 2023 through 2026, the Secretary of the Air Force may not reduce the total number of C-130 aircraft assigned to the National Guard below the number so assigned as of the date of the enactment of this Act.

(2) EXCEPTION.—The prohibition under paragraph (1) shall not apply to an individual C-130 aircraft that the Secretary of the Air Force determines, on a case-by-case basis, to be no longer mission capable because of a mishap or other damage.

SEC. 147. PROHIBITION ON AVAILABILITY OF FUNDS FOR RETIREMENT OF C-40 AIRCRAFT.

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

(b) EXCEPTION.—

(1) IN GENERAL.—The limitation under subsection (a) shall not apply to an individual C-40 aircraft that the Secretary of the Air Force determines, on a case-by-case basis, to be no longer mission capable because of a Class A mishap.

(2) CERTIFICATION REQUIRED.—If the Secretary determines under paragraph (1) that an aircraft is no longer mission capable, the Secretary shall submit to the congressional defense committees a certification that the status of such aircraft is due to a Class A mishap and not due to lack of maintenance or repairs or other reasons.

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

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

SEC. 149. PROHIBITION ON CERTAIN REDUCTIONS TO INVENTORY OF E-3 AIRBORNE WARNING AND CONTROL SYSTEM AIRCRAFT.

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

(b) EXCEPTION FOR ACQUISITION STRATEGY.—If the Secretary of the Air Force submits to the congressional defense committees an acquisition strategy for the E-7 Wedgetail aircraft approved by the Service Acquisition Executive of the Air Force, the prohibition under subsection (a) shall not apply to actions taken to reduce the total aircraft inventory for E-3 aircraft to 21 after the date on which the strategy is so submitted.

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

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

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

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

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

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

(A) a description of each proposed divestment by fiscal year and location;

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

(C) a description of the actions the Secretary intends to carry out—

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

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

(D) an assessment of how such divestments may affect the ability of the Air Force to maintain minimum tactical aircraft inventories; and

(E) for each F–15E aircraft that the Secretary plans to divest, a description of—

(i) each upgrade and modification made to such aircraft, including—

(I) the date of the upgrade or modification; and

(II) the cost of such upgrade or modification in current year dollars; and

(ii) the estimated remaining service-life (expressed as equivalent flight hours and years) of—

(I) the aircraft; and

(II) the onboard systems of the aircraft.

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

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

(c) ANNUAL UPDATES.—Not later than October 1, 2024, and not later than October 1 of each year thereafter through 2029, the Secretary of the Air Force shall—

(1) update the report required under subsection (b); and

(2) submit the updated report to the congressional defense committees.

(d) COVERED F-15 AIRCRAFT DEFINED.—In this section, the term "covered F-15 aircraft" means the following:

(1) F-15C aircraft.

(2) F-15D aircraft.

(3) F-15E aircraft.

(4) F-15EX aircraft.

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

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

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

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

SEC. 152. PROCUREMENT AUTHORITY FOR DIGITAL MISSION OPERATIONS PLATFORM FOR THE SPACE FORCE.

(a) PROCUREMENT AUTHORITY.—The Secretary of the Air Force is authorized to enter into one or more contracts for the procurement of a digital mission operations platform for the Space Force.

(b) REQUIRED CAPABILITIES.—A digital mission operations platform procured under subsection (a) shall include the following capabilities:

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

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

SEC. 153. DIGITAL TRANSFORMATION COMMERCIAL SOFTWARE ACQUISITION.

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

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

(c) REVIEW.—In carrying out subsection (a), the Secretary of the Air Force shall—

(1) review the market for commercial digital engineering and software tools; and

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

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

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

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

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

(a) REQUIREMENTS STUDY.—

(1) IN GENERAL.—The Secretary of the Air Force shall conduct a study to determine the requirements for the combat search and rescue mission of the Air Force in support of the objectives of the National Defense Strategy.

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

(A) Identification of anticipated combat search and rescue mission requirements necessary to meet the objectives of the most recent National Defense Strategy, including—

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

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

(iii) requirements relating to regions and specific geographic areas that are expected to have a need for combat search and rescue forces based on the combat-relevant range and penetration capability of United States air assets and associated weapon systems; and

(iv) the level of operational risk associated with each likely requirement and scenario.

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

(i) are needed to meet the requirements identified under subparagraph (A); and

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

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

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

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

(iii) any capability gaps attributable to unfunded requirements.

(D) Identification and assessment of key current, emerging, and future technologies with potential application to the combat search and rescue mission, including electric vertical takeoff and landing, unmanned aerial systems, armed air launched effects or similar armed capabilities, electric short take-off and landing, or a combination of such technologies.

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

(i) technology maturity;

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

(iii) range;

(iv) speed;

(v) payload capability and capacity;

(vi) radio frequency and infrared signatures;

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

(viii) survivability;

(ix) lethality;

(x) potential to support combat missions other than combat search and rescue; and

(xi) estimated cost.

(3) SUBMITTAL TO CONGRESS.—

(A) IN GENERAL.—Not later than April 30, 2023, the Secretary of the Air Force shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the results of the study under paragraph (1).

(B) FORM.—The report required under subparagraph (A) shall be submitted in unclassified form, but may include a classified annex.

(b) STRATEGY REQUIRED.—

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

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

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

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

(i) any amounts already budgeted for such capabilities as of the date of the strategy, including amounts already budgeted for emerging and future technologies; and

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

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

(D) A description of any requirements identified under subsection (a) that the Secretary of the Air Force does not expect to meet as part of the strategy and an explanation of the reasons such requirements cannot be met.

(3) SUBMITTAL TO CONGRESS.—

(A) IN GENERAL.—Not later than July 30, 2023, the Secretary of the Air Force shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the strategy developed under paragraph (1).

(B) FORM.—The report required under subparagraph (A) shall be submitted in unclassified form, but may include a classified annex.

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

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

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

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

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

(B) personnel; and

(2) any costs associated with the plan.

(c) DEFINITIONS.—In this section:

(1) The term "covered KC-135 aircraft" means a KC-135 aircraft that the Secretary of the Air Force is in the process of replacing with a KC-46A aircraft.

(2) The term "classic association" means a structure under which a regular Air Force unit retains principal responsibility for an aircraft and shares the aircraft with one or more reserve component units.

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

(a) ANNUAL REPORT.—Not later than March 1, 2023, and annually thereafter through 2033, the Assistant Secretary of the Air Force for Acquisition, Technology, and Logistics shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the acquisition efforts of the Air Force with respect to the T-7A Advanced Pilot Training System (including any associated aircraft and ground training systems).

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

(1) An overview of the Assistant Secretary's acquisition strategy for the T-7 Advanced Pilot Training System, including the current status of the acquisition strategy as of the date of the report.

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

(3) In the case of the initial report under this section, the key performance parameters or the equivalent requirements for the program. In the case of subsequent reports, any key performance parameters or the equivalent requirements for the program that have changed since the submission of the previous report under this section.

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

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

(A) the completion date of each event;

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

(i) the quantity of data points evaluated and subsequently considered complete and validated; and

(ii) the quantity of data points evaluated that remain incomplete or unvalidated and requiring further testing.

(6) The logistics and sustainment strategy for the program and a description of any activities carried out to implement such strategy as of the date of the report.

(7) An explanation of—

(A) the causes of any engineering, manufacturing, development, testing, production, delivery, acceptance, and fielding delays incurred by the program as of the date of the report;

(B) the effects of such delays; and

(C) any subsequent efforts to address such delays.

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

(9) A schedule risk assessment, conducted by the Secretary of the Air Force at the 80 percent confidence level, that includes risks associated with the overlap of the development, testing, and production phases of the program and risks related to contractor management.

(10) A plan for determining the conditions under which the Secretary of the Air Force may accept production work on the T–7A Advanced Pilot Training System that was completed by the contractor for the program in anticipation of the Air Force ordering additional systems, but which was not subject to typical production oversight because there was no contract for the procurement of such additional systems in effect when such work was performed.

(11) Any other matters regarding the acquisition of the T-7 Advanced Pilot Training System that the Assistant Secretary determines to be of critical importance to the long-term viability of the program.

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

SEC. 161. [10 U.S.C. 3453 note] INCREASE IN AIR FORCE AND NAVY USE OF COMMERCIAL DUAL-USE PARTS IN CERTAIN AIRCRAFT AND ENGINES.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Air Force, with respect to the Air Force, and the Secretary of the Navy, with respect to the Navy, shall develop and implement processes and procedures for—

(1) the acquisition of new, used, overhauled, reconditioned, and remanufactured commercial dual-use parts; and

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

(A) commercial derivative aircraft and engines; and

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

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

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

(2) only from suppliers that provide parts that possess an Authorized Release Certificate Federal Aviation Administration Form 8130-3 Airworthy Approval Tag from a certified repair station pursuant to part 145 of title 14, Code of Federal Regulations, or from a certified production approval holder pursuant to part 21 of title 14, Code of Federal Regulations.

(c) DEFINITIONS.—In this section:

(1) COMMERCIAL DERIVATIVE.—The term "commercial derivative" means an item procured by the Department of Defense that is or was produced using the same or similar pro-

duction facilities, a common supply chain, and the same or similar production processes that are used for the production of the item as predominantly used by the general public or by nongovernmental entities for purposes other than governmental purposes.

(2) COMMERCIAL DUAL-USE PART.—The term "commercial dual-use part" means a product that is—

(A) a commercial product;

(B) dual-use;

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

(D) not a life-limited part.

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

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

SEC. 162. [10 U.S.C. 130i note] ASSESSMENT AND STRATEGY FOR FIELDING CAPABILITIES TO COUNTER THREATS POSED BY UNMANNED AERIAL SYSTEM SWARMS.

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

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

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

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

(4) a review of the capabilities used by the Department of Defense to counter threats posed by unmanned aerial systems and an assessment of the effectiveness of such capabilities at countering the threat of unmanned aerial system swarms; and

(5) an overview of the efforts of the Department of Defense to develop and field test technologies that offer scalable, modular, and rapidly deployable capabilities with the ability to counter unmanned aerial system swarms.

(b) STRATEGY DEVELOPMENT AND IMPLEMENTATION REQUIRED.—

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

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

(A) The development of a comprehensive definition of "unmanned aerial system swarm".

(B) A plan to establish and incorporate requirements for the development, testing, and fielding of technologies and capabilities to counter unmanned aerial system swarms.

(C) A plan to acquire and field adequate capabilities to counter unmanned aerial system swarms in defense of the Armed Forces, infrastructure, and other assets of the United States across land, air, and maritime domains.

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

(E) An analysis, determination, and prioritization of legislative action required to ensure the Department of Defense has the ability to counter the threats posed by unmanned aerial system swarms.

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

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

(c) INFORMATION TO CONGRESS.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on—

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

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

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

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

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

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

(B) A description of any platform-specific or capability-specific facility or workforce technical skill requirements necessary for each program identified under subparagraph (A).

(2) Identification of—

(A) the rotary wing aircraft capabilities of each Armed Force anticipated for programming beyond the period covered by the most recent future-years defense program submitted to Congress under section 221 of title 10, United States Code (as of the date of the assessment); and

(B) the technologies, facilities, and workforce skills necessary for the development of such capabilities.

(3) An assessment of the military industrial base capacity and skills that are available (as of the date of the assessment) to design and manufacture the platforms and capabilities identified under paragraphs (1) and (2) and a list of any gaps in such capacity and skills.

(4)(A) Identification of each component, subcomponent, or equipment supplier in the military rotary wing aircraft industrial base that is the sole source within such industrial base

from which that component, subcomponent, or equipment may be obtained.

(B) An assessment of any risk resulting from the lack of other suppliers for such components, subcomponents, or equipment.

(5) Analysis of the likelihood of future consolidation, contraction, or expansion, within the rotary wing aircraft industrial base, including—

(A) identification of the most probable scenarios with respect to such consolidation, contraction, or expansion; and

(B) an assessment of how each such scenario may affect the ability of the Armed Forces to acquire military rotary wing aircraft in the future, including any effects on the cost and schedule of such acquisitions.

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

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

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

(2) based on such results, recommendations for reducing any risks identified with respect to the military rotary wing aircraft industrial base.

(d) ROTARY WING AIRCRAFT DEFINED.—In this section, the term "rotary wing aircraft" includes rotary wing and tiltrotor aircraft.

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

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

(b) ELEMENTS.—The audit conducted under subsection (a) shall include the following:

(1) An evaluation of the results of the business-case analysis conducted by the Director of the F-35 Joint Program Office, in which the Director assessed options to modernize the propulsion, power, and thermal management systems of the F-35 aircraft.

(2) An assessment of the costs associated with each modernization option assessed in the business-case analysis described in paragraph (1), including any costs associated with development, production, retrofit, integration, and installation of the option (including any aircraft modifications required to accommodate such option), and an assessment of the sustainment infrastructure requirements associated with that option for each variant of F-35 aircraft.

(3) An assessment of the progress made by the prototype engines developed under the Adaptive Engine Transition Program and the development and testing status of the other mod-

ernization options assessed in the business-case analysis described in paragraph (1).

(4) An assessment of the timeline associated with modernizing the propulsion, power, and thermal management systems of F-35 aircraft to meet the capability performance requirements of the full Block 4 suite upgrade planned for each variant of such aircraft.

(5) An assessment of the costs associated with modernizing the propulsion, power, and thermal management systems of F-35 aircraft to meet the capability performance requirements of the full Block 4 suite upgrade planned for each variant of such aircraft.

(6) An assessment of the potential effects of each modernization option assessed in the business-case analysis described in paragraph (1) on life-cycle sustainment costs and the costs of spare parts for F-35 aircraft, including any participatory effects on international partners and foreign military sales customers.

(c) BRIEFING.—Not later than February 28, 2023, the Comptroller General shall provide to the congressional defense committees a briefing on the preliminary results of the audit conducted under subsection (a).

(d) REPORT.—Following the briefing under subsection (c), at such time as is mutually agreed upon by the congressional defense committees and the Comptroller General, the Comptroller General shall submit to the congressional defense committees a report on the final results of the audit conducted under subsection (a), including the findings of the Comptroller General with respect to each element specified in subsection (b).

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.

Subtitle B—Program Requirements, Restrictions, and Limitations

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Sec. 223. Report and pilot program based on recommendations regarding defense research capacity at historically Black colleges and universities and other minority-serving institutions.
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Subtitle C—Plans, Reports, and Other Matters

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

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2023 for the use of the Department of Defense for research, development, test, and evaluation, as specified in the funding table in section 4201.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. MODIFICATION OF COOPERATIVE RESEARCH AND DEVELOPMENT PROJECT AUTHORITY.

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

"(F) The European Union, including the European Defence Agency, the European Commission, and the Council of the European Union, and their suborganizations.".

(c) [10 U.S.C. 2350a note] CONFORMING REGULATIONS.—Not later than 120 days after the date of the enactment of this Act, the

Secretary of Defense shall revise the Department of Defense Supplement to the Federal Acquisition Regulation to conform with section 2350a of title 10, United States Code, as amended by subsection (a).

SEC. 212. CLARIFICATION OF ROLE OF SENIOR OFFICIAL WITH PRINCIPAL RESPONSIBILITY FOR ARTIFICIAL INTELLIGENCE AND MACHINE LEARNING.

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

(1) in subsection (a)(6)—

(A) by striking "Director of the Joint Artificial Intelligence Center" and inserting "official designated under section 238(b) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232)";

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

(C) in the paragraph heading, by striking "Center";

(2) in subsection (b)(1)(F)—

(A) by striking "Joint Artificial Intelligence Center" and inserting "office of the official designated under section 136 STAT. 2467 238(b) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232)"; and

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

(3) in subsection (c)(2), by striking "Joint Artificial Intelligence Center" and inserting "the activities under section 238 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232)".

(b) REVIEW OF ARTIFICIAL INTELLIGENCE APPLICATIONS AND ESTABLISHMENT OF PERFORMANCE METRICS.—Section 226(b) of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117-81; 10 U.S.C. 4001 note) is amended—

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

(2) in paragraph (4), by striking "Director of the Joint Artificial Intelligence Center" and inserting "official designated under subsection (b) of section 238 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232; 10 U.S.C. note prec. 4061)"; and

(3) in paragraph (5), by striking "Director of the Joint Artificial Intelligence Center" and inserting "official designated under subsection (b) of section 238 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232; 10 U.S.C. note prec. 4061)".

(c) MODIFICATION OF THE JOINT COMMON FOUNDATION PROGRAM.—Section 227(a) of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117-81; 10 U.S.C. 4001 note) is

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

(d) PILOT PROGRAM ON DATA REPOSITORIES TO FACILITATE THE DEVELOPMENT OF ARTIFICIAL INTELLIGENCE CAPABILITIES FOR THE DEPARTMENT OF DEFENSE.—Section 232 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117-81; 10 U.S.C. 4001 note) is amended—

(1) in the section heading, by striking "pilot program on data repositories" and inserting "data repositories";

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

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

"(1) establish data repositories containing Department of Defense data sets relevant to the development of artificial intelligence software and technology; and

"(2) allow appropriate public and private sector organizations to access such data repositories for the purpose of developing improved artificial intelligence and machine learning software capabilities that may, as determined appropriate by the Secretary, be procured by the Department to satisfy Department requirements and technology development goals.";

(3) in subsection (b), by striking "If the Secretary of Defense carries out the pilot program under subsection (a), the data repositories established under the program" and inserting "The data repositories established under subsection (a)"; and

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

"(c) BRIEFING.—Not later than July 1, 2023, the Secretary of Defense shall provide to the congressional defense committees a briefing on—

"(1) the types of information the Secretary determines are feasible and advisable to include in the data repositories established under subsection (a); and

"(2) the progress of the Secretary in establishing such data repositories.".

(e) DIGITAL DEVELOPMENT INFRASTRUCTURE PLAN AND WORKING GROUP.—Section 1531(d)(2)(C) of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117-81; 135 Stat. 2051) is amended by striking "The Joint Artificial Intelligence Center (JAIC)" and inserting "The office of the official designated under subsection (b) of section 238 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232; 10 U.S.C. note prec. 4061)".

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

(1) in the section heading, by striking "joint artificial intelligence center" and inserting "office of the senior official with principal responsibility for artificial intelligence and machine learning";

(2) in subsection (a), by striking "Joint Artificial Intelligence Center" and inserting "office of the official designated under subsection (b) of section 238 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232; 10 U.S.C. note prec. 4061) (referred to in this section as the 'Official')";

(3) in subsection (b), by striking "Director" each place in appears and inserting "Official";

(4) in subsection (f), by striking "September 30, 2024" and inserting "September 30, 2026"; and

(5) in subsection (g)—

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

(B) by redesignating paragraph (4) as paragraph (2).

(g) APPLICATION OF ARTIFICIAL INTELLIGENCE TO THE DEFENSE REFORM PILLAR IN THE NATIONAL DEFENSE STRATEGY.—Section 234(b) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-283; 10 U.S.C. 113 note) is amended by striking "Director of the Joint Artificial Intelligence Center" and inserting "official designated under section 238(b) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232; 10 U.S.C. note prec. 4061)".

(h) PILOT PROGRAM ON THE USE OF ELECTRONIC PORTFOLIOS TO EVALUATE CERTAIN APPLICANTS FOR TECHNICAL POSITIONS.—Section 247(c) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-283; 10 U.S.C. note prec. 1580) is amended—

(1) in paragraph (1), by striking "the Joint Artificial Intelligence Center" and inserting "the office of the official designated under subsection (b) of section 238 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232; 10 U.S.C. note prec. 4061)";

(2) by striking paragraph (2); and

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

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

(1) in the section heading, by striking "the director of the joint artificial intelligence center" and inserting "the senior official with principal responsibility for artificial intelligence and machine learning";

(2) in subsection (a)—

(A) by striking "the Director of the Joint Artificial Intelligence Center" and inserting "the official designated under subsection (b) of section 238 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232; 10 U.S.C. note prec. 4061) (referred to in this section as the 'Official')"; and

(B) by striking "the Center" and inserting "the office of such official (referred to in this section as the 'Office')";

(3) in subsection (b)—

(A) in the subsection heading, by striking "JAIC";

(B) in paragraph (1)—

(i) in the matter preceding subparagraph (A),

(I) by striking "staff of the Director" and inserting "staff of the Official"; and

(II) by striking "the Director of the Center" and inserting "such Official";

(ii) in subparagraph (A), by striking "the Center" and inserting "the Office";

(iii) in subparagraph (B), by striking "the Center" and inserting "the Office";

(iv) in subparagraph (C), by striking "the Center" each place it appears and inserting "the Office"; and

(v) in subparagraph (D), by striking "the Center" each place it appears and inserting "the Office"; and

(C) in paragraph (2)—

(i) by striking "the Center" and inserting "the Office"; and

(ii) by striking "the Director" and inserting "the Official";

(4) in subsection (c)(1)—

(A) by striking "the Center" and inserting "the Office"; and

(B) by striking "the Director" and inserting "the Official";

(5) in subsection (d), by striking "the Director" and inserting "the Official";

(6) in subsection (e)—

(A) in paragraph (2)—

(i) in subparagraph (B), by striking "Center missions" and inserting "the missions of the Office"; and

(ii) in subparagraph (D), by striking "the Center" and inserting "the Office"; and

(B) in paragraph (3), by striking "the Center" and inserting "the Office";

(7) in subsection (f), by striking "the Director" and inserting "the Official"; and

(8) in subsection (g)—

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

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

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

(1) in the section heading, by striking "joint artificial intelligence center" and inserting "office of the senior official with principal responsibility for artificial intelligence and machine learning";

(2) in subsection (a)—

(A) by striking "2023" and inserting "2026"; and

(B) by striking "the Joint Artificial Intelligence Center (referred to in this section as the 'Center')" and inserting "the office of the official designated under subsection (b) of section 238 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232; 10 U.S.C. note prec. 4061) (referred to in this section as the 'Office')";

(3) in subsection (b)—

(A) by striking "Center" each place it appears and inserting "Office";

(B) in paragraph (2), by striking "the National Mission Initiatives, Component Mission Initiatives, and any other initiatives" and inserting "any initiatives"; and

(C) in paragraph (7), by striking "the Center's investments in the National Mission Initiatives and Component Mission Initiatives" and inserting "the Office's investments in its initiatives and other activities"; and

(4) by striking subsection (c).

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

(1) by striking paragraph (3); and

(2) by redesignating paragraph (4) as paragraph (3).

(l) JOINT ARTIFICIAL INTELLIGENCE RESEARCH, DEVELOPMENT, AND TRANSITION ACTIVITIES.—Section 238 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232; 10 U.S.C. note prec. 4061) is amended—

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

"(c) ORGANIZATION AND ROLES.—

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

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

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

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

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

"(D) officials of appropriate Defense Agencies; and

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

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

(3) by striking subsection (h).

(m) REFERENCES.—Any reference in any law, regulation, guidance, instruction, or other document of the Federal Government to the Director of the Joint Artificial Intelligence Center of the Department of Defense or to the Joint Artificial Intelligence Center

shall be deemed to refer to the official designated under section 238(b) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232; 10 U.S.C. note prec. 4061) or the office of such official, as the case may be.

SEC. 213. INCLUSION OF OFFICE OF UNDER SECRETARY OF DEFENSE FOR RESEARCH AND ENGINEERING IN PERSONNEL MANAGEMENT AUTHORITY TO ATTRACT EXPERTS IN SCIENCE AND ENGINEERING.

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

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

"(10) OFFICE OF THE UNDER SECRETARY OF DEFENSE FOR RESEARCH AND ENGINEERING.—The Under Secretary of Defense for Research and Engineering may carry out a program of personnel management authority provided in subsection (b) in order to facilitate recruitment of eminent experts in science or engineering for the Office of the Under Secretary."; and

(2) in subsection (b)(1)—

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

(B) in subparagraph (I), by striking the semicolon and inserting "; and"; and

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

"(J) in the case of the Office of the Under Secretary of Defense for Research and Engineering, appoint scientists and engineers to a total of not more than 10 scientific and engineering positions in the Office;".

SEC. 214. [50 U.S.C. 4531 note] MODIFICATION OF LIMITATION ON CANCELLATION OF DESIGNATION OF EXECUTIVE AGENT FOR A CERTAIN DEFENSE PRODUCTION ACT PROGRAM.

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

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

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

"(e) DESIGNATION OF OTHER EXECUTIVE AGENTS.—Notwithstanding the requirements of this section or section 1792 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (50 U.S.C. 4531 note), the Secretary of Defense may designate one or more Executive Agents within the Department of Defense (other than the Executive Agent described in subsection (a)) to implement Defense Production Act transactions entered into under the authority of sections 4021, 4022, and 4023 of title 10, United States Code.".

SEC. 215. [10 U.S.C. 4841 note] SUPPORT FOR RESEARCH AND DEVELOPMENT OF BIOINDUSTRIAL MANUFACTURING PROCESSES.

(a) AUTHORIZATION.—Subject to the availability of appropriations, the Secretary of Defense shall provide support for the development of a network of bioindustrial manufacturing facilities to conduct research and development to improve the ability of the industrial base to assess, validate, and scale new, innovative bioindustrial manufacturing processes for the production of chemicals,

materials, and other products necessary to support national security or secure fragile supply chains.

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

(1) providing funding to one or more existing facilities or the establishment of new facilities—

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

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

(2) the establishment of dedicated facilities within one or more bioindustrial manufacturing facilities to serve as regional hubs for the research, development, and the scaling of bioindustrial manufacturing processes and products to higher levels of production; or

(3) designating a bioindustrial manufacturing facility to serve as the lead entity responsible for integrating a network of pilot and intermediate scale bioindustrial manufacturing facilities.

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

(1) research on the use of bioindustrial manufacturing to create materials such as polymers, coatings, resins, commodity chemicals, pharmaceutical biologics and associated precursor materials, and other materials with fragile supply chains;

(2) demonstration projects to evaluate bioindustrial manufacturing processes and technologies;

(3) activities to scale bioindustrial manufacuring processes and products to higher levels of production;

(4) strategic planning for infrastructure and equipment investments for bioindustrial manufacturing of defense-related materials;

(5) analyses of bioindustrial manufactured products and validation of the application of biological material used as input to new and existing processes to aid in future investment strategies and the security of critical supply chains;

(6) the selection, construction, and operation of pilot and intermediate scale bioindustrial manufacturing facilities;

(7) development and management of a network of facilities to scale production of bioindustrial products;

(8) activities to address workforce needs in bioindustrial manufacturing;

(9) establishing an interoperable, secure, digital infrastructure for collaborative data exchange across entities in the bioindustrial manufacturing community, including government agencies, industry, and academia;

(10) developing and implementing digital tools, process security and assurance capabilities, cybersecurity protocols, and best practices for data storage, sharing and analysis; and

(11) such other activities as the Secretary of Defense determines appropriate.

(d) FUNDING.—Funds authorized to be appropriated or otherwise made available to the Department of Defense for research, development, test, and evaluation may be used to carry out the activities described in subsection (c), including the design and construction activities described in subsection (c).

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

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

(2) how to geographically distribute support to such facilities—

(A) to maximize access to biological material needed as an input to bioindustrial manufacturing processes;

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

(C) to leverage relevant domestic infrastructure required to secure supply chains for chemicals and other materials;

(D) to leverage access to venture capital and private sector finance expertise and funding instruments; and

(E) to complement the capabilities of similar facilities; and

(3) how the activities supported under this section can be coordinated with relevant activities of other departments and agencies of the Federal Government.

(f) INITIAL CONCEPT PLAN REQUIRED.—

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

(A) an assessment of capacity scaling needs to determine if, and what type of, additional bioindustrial manufacturing facilities may be needed to meet the needs of the Department of Defense;

(B) a description of types, relative sizes, and locations of the facilities the Secretary intends to establish or support under this section;

(C) a general description of the focus of each facility, including the types of bioindustrial manufacturing equipment, if any, that are expected to be procured for each such facility;

(D) a general description of how the facilities will work as a network to maximize the diversity of bioindustrial products available to be produced by the network;

(E) an explanation of how the network will support the establishment and maintenance of the bioindustrial manufacturing industrial base; and

(F) an explanation of how the Secretary intends to ensure that bioindustrial manufacturing activities conducted under this section are modernized digitally, including through—

(i) the use of data automation to represent processes and products as models and simulations; and

(ii) the implementation of measures to address cybersecurity and process assurance concerns.

(2) BRIEFINGS.—Not later than 180 days after the date of the submittal of the plan under paragraph (1), and annually thereafter for five years, the Secretary of Defense shall provide to the congressional defense committees a briefing on the Secretary's progress in implementing the plan.

(g) BIOINDUSTRIAL MANUFACTURING DEFINED.—In this section, the term "bioindustrial manufacturing" means the use of living organisms, cells, tissues, enzymes, or cell-free systems to produce materials and products for non-pharmaceutical applications.

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

(a) IN GENERAL.—Subject to the availability of appropriations for such purpose, the Secretary of the Air Force shall carry out activities to upgrade testing facilities of the Department of the Air Force that support the development of critical hypersonic weapons that—

(1) use air-breathing or rocket booster capabilities; and

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

(b) TIMELINE FOR COMPLETION.—The Secretary of the Air Force shall seek to complete any upgrade under subsection (a), subject to availability of appropriations for such upgrade, not later than 24 months after the upgrade is commenced.

SEC. 217. COMPETITIVELY AWARDED DEMONSTRATIONS AND TESTS OF ELECTROMAGNETIC WARFARE TECHNOLOGY.

(a) DEMONSTRATIONS AND TESTS REQUIRED.—Not later than 270 days after the date of the enactment of this Act, the Director of the Air Force Rapid Capabilities Office, in coordination with the Air Force Life Cycle Management Center, shall select one or more qualified entities under competitive processes to conduct demonstrations and tests of commercial electronics technology to determine whether technology currently exists that could enable the following electromagnetic warfare capabilities:

(1) The operation of multiple emitters and receivers in the same frequency at the same time and in the same location without mutual interference and without using adaptive beam forming or nulling.

(2) Protecting the reception of Global Positioning System and other vulnerable low-power signals from multiple high-power jammers at a level that is significantly better than the protection afforded by controlled reception pattern antennas.

(3) Simultaneous transmission from and reception of separate signals on the same platform wherein the signals lie in the same frequency and are transmitted and received at the same time without interference.

(4) Capabilities similar those described in paragraphs (1) through (3) in a live, virtual constructive simulation environment.

(5) Other capabilities that might satisfy or support needs set forth in the Electromagnetic Spectrum Superiority Strategy Implementation Plan released on August 5, 2021.

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

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

(2) review other applicable government or commercial demonstrations and tests; and

(3) not later than 30 days after the completion of the demonstrations and tests under subsection (a), advise the Chief Information Officer of the Department of Defense, the Under Secretary of Defense for Research and Engineering, and the Under Secretary of Defense for Acquisition and Sustainment of the outcomes of the demonstrations and tests.

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

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

(2) the Director of the Air Force Rapid Capabilities Office may begin engineering form, fit, and function development and integration to incorporate technologies demonstrated and tested under subsection (a) into specific Department of Defense platforms and applications; and

(3) not later than 90 days after the conclusion of the tests under subsection (a), the Director of the Air Force Rapid Capabilities Office, the Chief Information Officer, the Under Secretary of Defense for Research and Engineering, and the Under Secretary of Defense for Acquisition and Sustainment shall jointly provide to the congressional defense committees a briefing on any plans of the Department of Defense to further develop and deploy the technologies demonstrated and tested under subsection (a) to support the Electromagnetic Spectrum Superiority Strategy Implementation Plan released on August 5, 2021.

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

(e) COMMERCIAL ELECTRONICS TECHNOLOGY DEFINED.—The term "commercial electronics technology" means electronics technology that is—

(1) a commercial component (as defined in section 102 of title 41, United States Code);

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

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

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

SEC. 218. ADMINISTRATION OF THE ADVANCED SENSOR APPLICATIONS PROGRAM.

(a) RESOURCE SPONSORS.—

(1) IN GENERAL.—The Under Secretary of Defense for Intelligence and Security, acting through the Director of the Concepts, Development, and Management Office of the Air Force, shall serve as the resource sponsor for the Advanced Sensor Applications Program (commonly known as "ASAP" and in this section referred to as the "Program").

(2) RESPONSIBILITIES.—The resource sponsor of the Program, in consultation with the Commander of Naval Air Systems Command, shall be responsible for the following:

(A) Developing budget requests relating to the Program.

(B) Establishing priorities for the Program.

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

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

(b) LIMITATIONS.—Only the Under Secretary of Defense for Intelligence and Security and the Director of the Concepts, Development, and Management Office of the Air Force, in consultation with the Commander of Naval Air Systems Command, may—

(1) provide direction and management for the Program;

(2) set priorities for the Program;

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

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

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

(c) AUTHORITY FOR PROGRAM MANAGER.—The program manager for the Program may access, consider, act on, and apply information, at all levels of classification and from all sources and organizations, that is pertinent to the projects and activities that the Program is executing, or considering proposing for the future.

(d) QUARTERLY BRIEFINGS.—Not less frequently than once every three months, the program manager for the Program shall provide to the congressional defense committees and congressional intelligence committees (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)) a briefing on all aspects of the Program, including on the status of—

(1) the implementation of this section;

(2) the implementation of other congressional directives relating to the Program; and

(3) any direction and oversight of the Program exercised by the Under Secretary of Defense for Intelligence and Security, the Director of the Concepts, Development, and Management Office of the Air Force, or the Commander of Naval Air Systems Command.

(e) STRATEGIC RELATIONSHIP.—The program manager for the Program shall evaluate the feasibility and advisability of establishing a strategic relationship with the Naval Research Laboratory pursuant to which the Laboratory provides scientific and technical assistance and support for the Program.

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

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

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

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

SEC. 219. QUANTIFIABLE ASSURANCE CAPABILITY FOR SECURITY OF MICROELECTRONICS.

(a) DEVELOPMENT AND IMPLEMENTATION OF CAPABILITY.—The Secretary of Defense shall develop and implement a capability for quantifiable assurance to achieve practical, affordable, and risk-based objectives for security of microelectronics to enable the Department of Defense to access and apply state-of-the-art microelectronics for military purposes.

(b) ESTABLISHMENT OF REQUIREMENTS AND SCHEDULE OF SUPPORT FOR DEVELOPMENT, TEST, AND ASSESSMENT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Deputy Secretary of Defense shall, in consultation with the Under Secretary of Defense for Research and Engineering, establish requirements and a schedule for support from the National Security Agency to develop, test, assess, implement, and improve the capability required by subsection (a).

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

(3) BRIEFING.—Not later than 120 days after the date of the enactment of this Act, the Under Secretary of Defense for Research and Engineering and the Director of the National Security Agency shall jointly provide the congressional defense committees a briefing on the requirements and the schedule for support established under paragraph (1).

(c) ASSESSMENT.—

(1) IN GENERAL.—The Secretary of Defense shall assess whether the Department of Defense, to enable expanded use of unprogrammed application specific integrated circuits or other custom-designed integrated circuits manufactured by a supplier that is not using processes accredited by the Defense Microelectronics Activity for the purpose of enabling the Department to access commercial state-of-the-art microelectronics technology using risk-based quantifiable assurance security methodology, should—

(A) seek changes to the International Traffic in Arms Regulations under subchapter M of chapter I of title 22,

Code of Federal Regulations, and Department of Defense Instruction 5200.44 (relating to protection of mission critical functions to achieve trusted systems and networks); and

(B) expand the use of unprogrammed custom-designed integrated circuits that are not controlled by such regulations.

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

SEC. 220. GOVERNMENT-INDUSTRY-ACADEMIA WORKING GROUP ON MICROELECTRONICS.

(a) ESTABLISHMENT AND DESIGNATION.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall establish a working group to facilitate coordination among industry, academia, and the Department of Defense on issues of mutual interest relating to microelectronics as described in subsection (c).

(2) DESIGNATION.—The working group established under paragraph (1) shall be known as the "Government-Industry-Academia Working Group on Microelectronics" (referred to in this section as the "Working Group").

(b) COMPOSITION.—The Working Group shall be composed of representatives of organizations and elements of the Department of Defense, industry, and academia.

(c) SCOPE.—The Secretary shall ensure that the Working Group supports dialogue and coordination among industry, academia, and the Department of Defense on the following issues relating to microelectronics:

(1) Research needs.

(2) Infrastructure needs and shortfalls.

(3) Technical and process standards.

(4) Training and certification needs for the workforce.

(5) Supply chain issues.

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

(7) Technology transition issues and opportunities.

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

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

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

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

SEC. 221. [10 U.S.C. 4571 note] TARGET DATE FOR DEPLOYMENT OF 5G WIRELESS BROADBAND INFRASTRUCTURE AT ALL MILITARY INSTALLATIONS.

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

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

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

(b) ANNUAL REPORT.—Not later than December 31, 2023, and on an annual basis thereafter until the date specified in subsection (c), the Secretary of Defense shall submit to the congressional defense committees a report that includes—

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

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

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

SEC. 222. [10 U.S.C. 4144 note] OUTREACH TO HISTORICALLY BLACK COLLEGES AND UNIVERSITIES AND OTHER MINORITY-SERVING INSTITUTIONS REGARDING NATIONAL SECURITY INNOVATION NETWORK PROGRAMS THAT PROMOTE ENTREPRENEURSHIP AND INNOVATION AT INSTITUTIONS OF HIGHER EDUCATION.

(a) PILOT PROGRAM.—The Under Secretary of Defense for Research and Engineering, acting through the National Security Innovation Network, may carry out a pilot program under which the Under Secretary conducts activities, including outreach and technical assistance, to better connect historically Black colleges and universities and other minority-serving institutions to the commercialization, innovation, and entrepreneurial activities of the Department of Defense.

(b) BRIEFING.—Not later than one year after commencing a pilot program under subsection (a), the Under Secretary of Defense for Research and Engineering shall provide to the congressional defense committees a briefing on the program, including—

(1) an explanation of—

(A) the results of any outreach efforts conducted under the pilot program;

(B) the success of the pilot program in expanding National Security Innovation Network programs to historically Black colleges and universities and other minority-serving institutions; and

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

(2) recommendations for how the Department of Defense can support historically Black colleges and universities and other minority-serving institutions to enable such institutions to successfully participate in Department of Defense commercialization, innovation, and entrepreneurship programs.

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

(d) DEFINITIONS.—In this section:

(1) The term "historically Black college or university" means a part B institution (as defined in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061)).

(2) The term "other minority-serving institution" means an institution of higher education specified in paragraphs (2) through (7) of section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a)).

SEC. 223. [10 U.S.C. 4144 note] REPORT AND PILOT PROGRAM BASED ON RECOMMENDATIONS REGARDING DEFENSE RESEARCH CAPACITY AT HISTORICALLY BLACK COLLEGES AND UNIVERSITIES AND OTHER MINORITY-SERVING INSTITUTIONS.

(a) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the recommendations set forth in the publication of the National Academies of Sciences, Engineering, and Medicine titled "Defense Research Capacity at Historically Black Colleges and Universities and Other Minority Institutions: Transitioning from Good Intentions to Measurable Outcomes" and dated April 28, 2022.

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

(A) With respect to the recommendations and subrecommendations set forth in the publication described in paragraph (1)—

(i) a description of each recommendation and subrecommendation the Secretary has implemented as of the date of the report;

(ii) a description of each recommendation and subrecommendation the Secretary has commenced implementing as of the date of the report, including a justification for determining to commence implementing the recommendation; and

(iii) a description of each recommendation and subrecommendation the Secretary has not implemented or commenced implementing as of the date of the report and a determination as to whether or not to implement the recommendation.

(B) For each recommendation or subrecommendation the Secretary determines to implement under subparagraph (A)(iii)—

(i) a timeline for implementation;

(ii) a description of any additional resources or authorities required for implementation; and

(iii) the plan for implementation.

(C) For each recommendation or subrecommendation the Secretary determines not to implement under subpara-

graph (A)(iii), a justification for the determination not to implement the recommendation.

(3) FORMAT.—The report required under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(b) PROGRAM TO IMPLEMENT REPORT RECOMMENDATIONS AND SUBRECOMMENDATIONS.—

(1) PROGRAM REQUIRED.—The Secretary of Defense shall establish and carry out a program (referred to in this subsection as the "Program") under which the Secretary carries out activities to increase the capacity of eligible institutions to achieve very high research activity status.

(2) CONSIDERATIONS.—In establishing the Program the Secretary shall consider—

(A) the recommendations and subrecommendations to be implemented under subsection (a);

(B) the extent of nascent research capabilities and planned research capabilities at eligible institutions and the relevance of those capabilities to research areas of interest to the Department of Defense;

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

(D) how institutions participating in the Program will evaluate and assess progress toward achieving very high research activity status;

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

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

(3) CONSULTATION.—In designing the Program, the Secretary may consult with the President's Board of Advisors on historically Black colleges and universities.

(4) PROGRAM ACTIVITIES.—

(A) ACTIVITIES.—Under the Program, the Secretary shall carry out activities to build the capacity of eligible institutions to achieve very high research activity status, which may include—

(i) activities to support—

(I) faculty professional development;

(II) stipends for undergraduate and graduate students and post-doctoral scholars;

(III) recruitment and retention of faculty and graduate students;

(IV) the provision of laboratory equipment and instrumentation;

(V) communication and dissemination of research products produced during the Program;

(VI) construction, modernization, rehabilitation, or retrofitting of facilities for research purposes; and

(ii) such other activities as the Secretary determines appropriate.

(B) IDENTIFICATION OF PRIORITY AREAS.—The Secretary shall establish and update, on an annual basis, a list of research priorities for STEM and critical technologies appropriate for the Program to assist eligible institutions in identifying appropriate areas for research and related activities.

(5) TERMINATION.—The Program shall terminate 10 years after the date on which the Secretary commences the Program.

(6) EVALUATION.—Not later than two years after the date of the enactment of this Act and every two years thereafter until the date on which the Program terminates under paragraph (5), the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report providing an update on the Program, including—

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

(B) an analysis of any growth in very high research activity status indicators of eligible institutions that participated in the Program; and

(C) emerging research areas of interest to the Department of Defense that are being pursued by such institutions.

(7) REPORT TO CONGRESS.—Not later than 180 days after the date on which the program terminates under paragraph (5), the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the Program that includes the following:

(A) An analysis of the growth in very high research activity status indicators of eligible institutions that participated in the Program.

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

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

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

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

(F) Recommendations with respect to further activities and investments necessary to elevate the research status of historically Black colleges and universities and other minority-serving institutions.

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

(c) DEFINITIONS.—In this section:

(1) The term "eligible institution" means a historically Black college or university or other minority-serving institution that is classified as a high research activity status institution

at the time of participation in the program under subsection (b).

(2) The term "high research activity status" means R2 status, as classified by the Carnegie Classification of Institutions of Higher Education.

(3) The term "historically Black college or university" has the meaning given the term "part B institution" under section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061).

(4) The term "other minority-serving institution" means an institution of higher education specified in paragraphs (2) through (7) of section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a)).

(5) The term "Secretary" means the Secretary of Defense.

(6) The term "very high research activity status" means R1 status, as classified by the Carnegie Classification of Institutions of Higher Education.

(7) The term "very high research activity status indicators" means the categories used by the Carnegie Classification of Institutions of Higher Education to delineate which institutions have very high activity status, including—

(A) annual expenditures in science and engineering;

(B) per-capita (faculty member) expenditures in science and engineering;

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

(D) per-capita (faculty member) expenditures in non-science and engineering fields;

(E) doctorates awarded in science, technology, engineering, and mathematics fields;

(F) doctorates awarded in social science fields;

(G) doctorates awarded in the humanities;

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

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

(J) other doctorate-holding non-faculty researchers in science and engineering and per-capita (faculty) number of doctorate-level research staff including post-doctoral researchers; and

(K) other categories utilized to determine classification.

SEC. 224. [10 U.S.C. 8013 note] PILOT PROGRAM TO SUPPORT THE DEVELOPMENT OF PATENTABLE INVENTIONS IN THE DEPARTMENT OF THE NAVY.

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

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

(2) may have applicability in the civilian sector.

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

(1) expand outreach to covered personnel regarding the availability of patent-related training, legal assistance, and other support for personnel interested in developing patentable inventions;

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

(3) clarify and issue guidance detailing how covered personnel, including personnel outside of the laboratories and other research organizations of the Department of the Navy, may—

(A) seek and receive support for the development of patentable inventions; and

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

(4) carry out other such activities as the Secretary determines appropriate in accordance with the purposes of the pilot program.

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

(d) DEFINITIONS.—In this section:

(1) The term "covered personnel" means members of the Navy and Marine Corps and civilian employees of the Department of the Navy, including members and employees whose primary duties do not involve research and development.

(2) The term "patentable invention" means an invention that is patentable under title 35, United States Code.

SEC. 225. [10 U.S.C. 4001 note] PILOT PROGRAM TO FACILITATE THE DEVELOPMENT OF BATTERY TECHNOLOGIES FOR WARFIGHTERS.

(a) ESTABLISHMENT.—

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

(A) to facilitate the research and development of safe and secure battery technologies for existing and new or novel battery chemistry configurations, including through the research and development of new or updated manufacturing processes and technologies;

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

(C) to transition battery technologies, including technologies developed under other pilot programs, prototype projects, or other research and development programs, from the prototyping phase to manufacturing production.

(2) DESIGNATION.—The pilot program established under paragraph (1) shall be known as the "Warfighter Electric Battery Transition Project" (referred to in this section as the "Project").

(3) ADMINISTRATION.—The Under Secretary of Defense for Research and Engineering shall administer the Project.

(b) GRANTS, CONTRACTS, AND OTHER AGREEMENTS.—The Secretary of Defense may carry out the Project through the award of support, as described in subsection (a)(1), in the form of grants to, or contracts or other agreements with, battery producers.

(c) COORDINATION.—The Secretary of Defense shall ensure that activities under the Project are coordinated with the Strategic Environmental Research and Development Program under section 2901 of title 10, United States Code.

(d) USE OF GRANT AND CONTRACT AMOUNTS.—A battery producer who receives a grant, contract, or other agreement under the Project may use the amount of the grant, contract, or other agreement to carry out one or more of the following activities:

(1) Conducting research and development to validate new or novel battery chemistry configurations, including through—

(A) experimentation;

(B) prototyping;

(C) testing;

(D) adapting battery technology to integrate with other technologies and systems; or

(E) addressing manufacturing or other production challenges.

(2) Providing commercially available battery technologies to each Secretary of a military department and the commanders of the combatant commands to support utility assessments or other testing by warfighters.

(3) Expanding, validating, or assessing battery recycling capabilities that may provide operational utility to the Department of Defense.

(4) Building and strengthening relationships of the Department of Defense with nontraditional defense contractors in the technology industry that may have unused or underused solutions to specific operational challenges of the Department relating to battery technology.

(e) PRIORITY OF AWARDS.—In awarding grants, contracts, or other agreements under the Project, the Secretary shall give preference to battery producers that meet one or more of the following criteria:

(1) The producer manufactures, designs, or develops battery cells, packs, modules, or other related capabilities in the United States.

(2) The producer manufactures, designs, or develops battery cells, packs, modules, or other related capabilities in the national technology and industrial base (as defined in section 4801 of title 10, United States Code).

(3) The technology made available by the producer provides modularity to support diverse applications.

(4) The technology made available by the producer facilitates safety in tactical and combat applications by using battery chemistries and configurations that reduce thermal runaway and minimize oxygen liberation.

(5) The producer demonstrates new or novel battery chemistry configurations, safety characteristics, or form-factor configurations.

(6) The producer facilitates the domestic supply chain for raw materials needed for battery production.

(7) The producer offers battery-related commercial products or commercial services.

(f) PLANNING, REPORTING AND DATA COLLECTION.—

(1) PLAN REQUIRED BEFORE IMPLEMENTATION.—

(A) IN GENERAL.—The Secretary of Defense may not commence the Project until the Secretary has completed a plan for the implementation of the Project.

(B) ELEMENTS.—The plan under subparagraph (A) shall provide for—

(i) collecting, analyzing, and retaining Project data;

(ii) developing and sharing best practices for achieving the objectives of the Project;

(iii) identification of any policy or regulatory impediments inhibiting the execution of the Project; and

(iv) sharing results from the Project across the Department of Defense and with other departments and agencies of the Federal Government and Congress.

(C) SUBMITTAL TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees the implementation plan developed under subparagraph (A).

(2) FINAL REPORT.—Not later than one year after the date on which the Project terminates under subsection (g), the Secretary of Defense shall submit to the congressional defense committees a final report on the results of the Project. Such report shall include—

(A) a summary of the objectives achieved by the Project; and

(B) recommendations regarding the steps that may be taken to promote battery technologies that are not dependent on foreign competitors to meet the needs of the Armed Forces.

(g) TERMINATION.—The authority to carry out the Project shall terminate on December 31, 2028.

Subtitle C—Plans, Reports, and Other Matters

SEC. 231. MODIFICATION TO ANNUAL REPORTS OF THE DIRECTOR OF OPERATIONAL TEST AND EVALUATION.

Section 139(h)(3) of title 10, United States Code, is amended—

(1) by inserting "or controlled unclassified" after "classified"; and

(2) by striking "submit an unclassified version of the report to Congress" and inserting "submit to Congress a version of the

report that is unclassified and does not require safeguarding or dissemination controls".

SEC. 232. EXTENSION OF REQUIREMENT FOR QUARTERLY BRIEFINGS ON STRATEGY FOR FIFTH GENERATION INFORMATION AND COMMUNICATIONS TECHNOLOGIES.

Section 254(d)(1) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92; 10 U.S.C. 4571 note) is amended, in the matter preceding subparagraph (A), by striking "March 15, 2022" and inserting "December 1, 2026".

SEC. 233. [10 U.S.C. 4001 note] PLAN FOR INVESTMENTS TO SUPPORT THE DEVELOPMENT OF NOVEL PROCESSING APPROACHES FOR DEFENSE APPLICATIONS.

(a) INVESTMENT PLANS REQUIRED.—Not later than November 1, 2023, and not less frequently than once every three years thereafter until December 31, 2035, the Secretary of Defense shall submit to the congressional defense committees a plan for making investments to support the development of novel processing approaches for defense applications.

(b) ELEMENTS.—Each investment plan required by subsection (a) shall—

(1) identify any investments the Secretary has made, and any future investments the Secretary intends to make, in research and technology development to support the use and fielding of novel processing approaches for defense applications;

(2) identify any investments the Secretary has made, and any future investments the Secretary intends to make, to accelerate the development of novel processing approaches for defense applications, including investments in—

(A) personnel and workforce capabilities;

(B) facilities and infrastructure to host systems utilizing novel processing approaches;

(C) algorithm developments necessary to expand the functionality of each novel processing approach;

(D) other Federal agencies and federally funded laboratories; and

(E) appropriate international and commercial sector organizations and activities;

(3) describe mechanisms to coordinate and leverage investments in novel processing approaches within the Department and with non-Federal partners;

(4) describe the technical goals to be achieved and capabilities to be developed under the plan; and

(5) include recommendations for such legislative or administration actions as may support the effective execution of the investment plan.

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

(d) NOVEL PROCESSING APPROACHES DEFINED.—In this section, the term "novel processing approaches" means—

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

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

SEC. 234. PLANS TO ACCELERATE THE TRANSITION TO 5G INFORMATION AND COMMUNICATIONS TECHNOLOGY WITHIN THE MILITARY DEPARTMENTS.

(a) THREE-YEAR TRANSITION PLAN REQUIRED.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, each Assistant Secretary concerned shall develop and submit to the congressional defense committees a plan that specifies—

(A) the extent to which fifth generation information and communications technology (5G) infrastructure is expected to be implemented in the military department of the Assistant Secretary by the end of the three-year period following the date of the enactment of this Act; and

(B) how the implementation of such technology is expected to be achieved during such period.

(2) ELEMENTS.—Each plan required under paragraph (1) shall include—

(A) an operational needs assessment that identifies the highest priority areas in which the Assistant Secretary intends to implement fifth generation information and communications technologies during the three-year period described in paragraph (1);

(B) an explanation of—

(i) whether and to what extent the Assistant Secretary intends to use an open radio access network approach in implementing fifth generation information and communications technologies in the areas identified under subparagraph (A); and

(ii) if the Assistant Secretary does not intend to use such an open radio access network approach, an explanation of the reasons for such determination;

(C) an investment plan that includes funding estimates, by fiscal year and appropriation account, to accelerate—

(i) the maturation and acquisition of fifth generation information and communications capabilities that use the open radio access network approach; and

(ii) the deployment of such capabilities in the facilities and systems of the military department concerned;

(D) metrics and reporting mechanisms to ensure progress in achieving the objectives of the plan within the three-year period described in paragraph (1);

(E) identification and designation of a single point of contact at each military installation and within each armed force under the jurisdiction of the military department concerned to facilitate the deployment of fifth generation information and communications technologies;

(F) actions the Assistant Secretary intends to carry out to streamline the process for establishing fifth generation wireless coverage at military installations, including actions to reduce delays caused by policies and processes relating to contracting, communications, and the use of real property;

(G) identification of investments that are required to support the transition to fifth generation information and communications technology that uses an open radio access network approach; and

(H) such other matters as the Assistant Secretary considers appropriate.

(3) COORDINATION.—In developing the plans required under paragraph (1), each Assistant Secretary concerned shall coordinate with—

(A) the Chief Information Officer of the Department of Defense;

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

(C) the Under Secretary of Defense for Research and Engineering.

(4) FORM OF PLAN.—Each plan required under paragraph (1) shall be submitted in unclassified form.

(b) CROSS-FUNCTIONAL TEAM ASSESSMENT.—

(1) ASSESSMENT AND BRIEFING REQUIRED.—After all of the plans required by subsection (a)(1) have been submitted in accordance with such subsection and not later than 150 days after the date of the enactment of this Act, the cross-functional team established pursuant to section 224(c)(1) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-283; 10 U.S.C. 4571 note) shall assess such plans and provide to the congressional defense committees a briefing on the findings of the team with respect to such assessment.

(2) ELEMENTS.—The briefing provided under paragraph (1) shall include the following:

(A) Recommendations to further accelerate the deployment of fifth-generation information and communications technologies that use the open radio access network approach across the Department of Defense.

(B) Recommendations to standardize and streamline the process for establishing fifth generation wireless coverage at military installations, including recommendations for reducing delays caused by policies and processes relating to contracting, communications, and the use of real property.

(C) A plan for the inclusion of representatives of the Department of Defense in international wireless standards-setting bodies.

(D) Such other matters as the cross-functional team described in paragraph (1) considers appropriate.

(c) DEFINITIONS.—In this section:

(1) The term "Assistant Secretary concerned" means—

(A) the Assistant Secretary of the Army for Acquisition, Logistics, and Technology, with respect to matters concerning the Department of the Army;

(B) the Assistant Secretary of the Navy for Research, Development, and Acquisition, with respect to matters concerning the Department of the Navy; and

(C) the Assistant Secretary of the Air Force for Acquisition, Technology, and Logistics, with respect to matters concerning the Department of the Air Force.

(2) The term "open radio access network approach" means an approach to networking, such as the Open Radio Access Network (commonly known as "Open RAN"), that uses open protocols and interfaces within a network so that components provided by different vendors can be interoperable.

SEC. 235. PLAN FOR DEFENSE ADVANCED RESEARCH PROJECTS AGENCY INNOVATION FELLOWSHIP PROGRAM.

(a) IN GENERAL.—The Director of the Defense Advanced Research Projects Agency shall develop a plan for the establishment of a fellowship program (to be known as the "Innovation Fellowship Program") to expand opportunities for early career scientists to participate in the programs, projects, and other activities of the Agency.

(b) ELEMENTS.—In developing the plan under subsection (a), the Director of the Defense Advanced Research Projects Agency shall—

(1) review the types of programs, projects, and other activities of the Agency that may be open to participation from early career scientists to identify opportunities for the expansion of such participation;

(2) identify criteria for evaluating applicants to the fellowship program described in subsection (a);

(3) establish detailed plans for the implementation of the fellowship program;

(4) conduct an assessment of the potential costs of the fellowship program;

(5) define eligibility requirements for participants in the fellowship program; and

(6) address such other matters as the Director determines appropriate.

(c) SUBMITTAL TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Director of the Defense Advanced Research Projects Agency shall submit to the congressional defense committee a report that includes—

(1) the plan developed under subsection (a); and

(2) recommendations for expanding opportunities for early career scientists to participate in the programs, projects, and other activities of the Agency.

(d) EARLY CAREER SCIENTIST DEFINED.—The term "early career scientist" means a scientist who is in an early stage of career development according to criteria determined by the Director of the Defense Advanced Research Projects Agency for purposes of this section.

SEC. 236. [10 U.S.C. 4001 note] STRATEGY AND PLAN FOR FOSTERING AND STRENGTHENING THE DEFENSE INNOVATION ECOSYSTEM.

(a) STRATEGY AND IMPLEMENTATION PLAN REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, acting through the Under Secretary of Defense for Research and Engineering, shall develop—

(1) a strategy fostering and strengthening the defense innovation ecosystem; and

(2) a plan for implementing such strategy.

(b) PURPOSES.—

(1) STRATEGY.—The purpose of the strategy required by subsection (a)(1) is to provide a framework for identifying, assessing, and tracking innovation ecosystems that are beneficial to advancing the defense, national security, and warfighting missions of the Department of Defense.

(2) IMPLEMENTATION PLAN.—The purpose of the implementation plan required by subsection (a)(2) is to provide—

(A) concrete steps and measures of effectiveness to gauge the effect of the innovation ecosystems described in paragraph (1) on the Department; and

(B) a means for assessing the effectiveness of the strategy developed under subsection (a)(1), including the approaches taken by the Department to grow, foster, and sustain such innovation ecosystems.

(c) ELEMENTS.—The strategy and the implementation plan required by subsection (a) shall include the following elements:

(1) A process for defining, assessing, and selecting innovation ecosystems with potential to provide benefit to the Department of Defense.

(2) Metrics for measuring the performance and health of innovation ecosystems being supported by the Department, including identification of criteria to determine when to support or cease supporting identified ecosystems.

(3) Identification of the authorities and Department of Defense research, development, test, and evaluation assets that can be used to identify, establish, sustain, and expand innovation ecosystems.

(4) For each innovation ecosystem supported by the Department—

(A) a description of the core competencies or focus areas of the ecosystem;

(B) identification of any organizations or elements of the Department that engage with the ecosystem;

(C) identification of the private sector assets that are being used to support, sustain, and expand the identified innovation ecosystem; and

(D) a description of any challenges and successes associated with such ecosystem.

(5) Such other elements as the Secretary considers appropriate.

(d) INTERIM BRIEFING.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall provide

to the congressional defense committees a briefing on the strategy and implementation plan developed under subsection (a).

(e) SUBMITTAL OF STRATEGY AND PLAN.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees the strategy and implementation plan developed under subsection (a).

(f) QUADRENNIAL UPDATES.—Not later than March 1, 2027, and not less frequently than once ever four years thereafter until December 31, 2039, the Secretary shall—

(1) update the strategy and plan developed under subsection (a); and

(2) submit the updated strategy and plan to the congressional defense committees.

(g) DEFINITIONS.—In this section:

(1) The term "Department of Defense research, development, test, and evaluation assets" includes the following:

(A) The Department of Defense science and technology reinvention laboratories designated under section 4121 of title 10, United States Code.

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

(C) Department of Defense sponsored manufacturing innovation institutes.

(D) The organic industrial base.

(E) Defense Agencies and Department of Defense Field Activities (as defined in section 101(a) of title 10, United States Code) that carry out activities using funds appropriated for research, development, test, and evaluation.

(F) Any other organization or element of the Department of Defense that carries out activities using funds appropriated for research, development, test, and evaluation.

(2) The term "innovation ecosystem" refers to a regionally based network of private sector, academic, and government institutions in a network of formal and informal institutional relationships that contribute to technological and economic development in a defined technology sector or sectors.

SEC. 237. ASSESSMENT AND STRATEGY RELATING TO HYPERSONIC TESTING CAPACITY OF THE DEPARTMENT OF DEFENSE.

(a) ASSESSMENT.—The Secretary of Defense shall assess the capacity of the Department of Defense to test, evaluate, and qualify the hypersonic capabilities and related technologies of the Department.

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

(1) An assumption, for purposes of evaluating the capacity described in subsection (a), that the Department of Defense will conduct at least one full-scale, operationally relevant, live-fire, hypersonic weapon test of each hypersonic weapon system that is under development each year by each of the Air Force, the Army, and the Navy, once such system reaches initial operational capability.

(2) An identification of test facilities outside the Department of Defense that have potential to be used to expand the capacity described in subsection (a), including test facilities of

other departments and agencies of the Federal Government, academia, and commercial test facilities.

(3) An analysis of the capability of each test facility identified under paragraph (2) to simulate various individual and coupled hypersonic conditions to accurately simulate a realistic flight-like environment with all relevant aero-thermochemical conditions.

(4) An identification of the coordination, scheduling, reimbursement processes, and requirements needed for the potential use of test facilities of other departments and agencies of the Federal Government, as available.

(5) An analysis of the test frequency, scheduling lead time, test cost, and capacity of each test facility identified under paragraph (2).

(6) A review of test facilities identified under paragraph (2) that could enhance efforts to test flight vehicles of the Department in all phases of hypersonic flight, and other technologies, including sensors, communications, thermal protective shields and materials, optical windows, navigation, and environmental sensors.

(7) An assessment of any cost savings and time savings that could result from using technologies identified in the strategy under subsection (c).

(c) STRATEGY.—

(1) REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees a strategy to coordinate the potential use of test facilities and ranges identified under subsection (b)(2) to evaluate hypersonic technologies.

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

(A) be based on the assessment under subsection (a);

(B) address how the Secretary will coordinate with other departments and agencies of the Federal Government, including the National Aeronautics and Space Administration, to plan for and schedule the potential use of other Federal Government-owned test facilities and ranges, as available, to evaluate the hypersonic technologies of the Department of Defense;

(C) to the extent practicable, address in what cases the Secretary can use test facilities identified under subsection (b)(2) to fill any existing testing requirement gaps to enhance and accelerate flight qualification of critical hypersonic technologies of the Department;

(D) identify—

(i) the resources needed to improve the frequency and capacity for testing hypersonic technologies of the Department at ground-based test facilities and flight test ranges, including estimated costs for conducting at least one full-scale, operationally relevant, live-fire, hypersonic weapon test of each hypersonic weapon system that is under development each year by each of the Air Force, the Army, and the Navy, once such system reaches initial operational capability;

(ii) the resources needed to reimburse other departments and agencies of the Federal Government for the use of the test facilities and ranges of those departments or agencies to test the hypersonics technologies of the Department;

(iii) the requirements, approval processes, and resources needed to enhance, as appropriate, the testing capabilities and capacity of other Federal Government-owned test facilities and flight ranges, in coordination with the heads of the relevant departments and agencies;

(iv) investments that the Secretary can make to incorporate test facilities identified under subsection (b)(2) into the overall hypersonic test infrastructure of the Department of Defense; and

(v) the environmental conditions, testing sizes, and duration required for flight qualification of both hypersonic cruise and hypersonic boost-glide technologies of the Department; and

(E) address all advanced or emerging technologies that could shorten timelines and reduce costs for hypersonic missile testing, including with respect to—

(i) 3D printing of hypersonic test missile components including the frame, warhead, and propulsion systems;

(ii) reusable hypersonic test beds, including air-launched, sea-launched, and ground-launched options;

(iii) additive manufacturing solutions;

(iv) the potential use of airborne platforms other than the B-52 aircraft to improve flight schedules for such testing; and

(v) other relevant technologies.

(3) COORDINATION.—The Secretary of Defense shall develop the strategy under paragraph (1) in coordination with the Program Director of the Joint Hypersonics Transition Office, the Administrator of the National Aeronautics and Space Administration, the research laboratories of the military departments, and the Department of Defense Test Resource Management Center.

(4) BIENNIAL UPDATES.—

(A) IN GENERAL.—Not less frequently than once every two years after the submittal of the initial strategy under paragraph (1), the Secretary of Defense shall—

(i) revise and update the strategy; and

(ii) submit the revised and updated strategy to the appropriate congressional committees.

(B) SUNSET.—The requirement to prepare and submit updates under this paragraph shall terminate on December 31, 2030.

(d) REPORT ON ESTIMATED COSTS OF CONDUCTING A MINIMUM FREQUENCY OF HYPERSONIC WEAPONS TESTING.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees a report that includes an estimate of the costs of conducting

at least one full-scale, operationally relevant, live-fire, hypersonic weapon test of each hypersonic weapon system that is under development each year by each of the Air Force, the Army, and the Navy, once such system reaches initial operational capability.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—The term "appropriate congressional committees" means the following:

(1) The congressional defense committees.

(2) The Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

SEC. 238. ANNUAL REPORT ON STUDIES AND REPORTS OF FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS.

(a) ANNUAL REPORT REQUIRED.—On an annual basis, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report that identifies and provides information about the studies and reports undertaken for the Department of Defense by federally funded research and development centers.

(b) ELEMENTS.—Each report submitted under subsection (a) shall set forth the following:

(1) A list identifying each study and report undertaken by a federally funded research center for the Department of Defense—

(A) that has been completed during the period covered by the report under subsection (a); or

(B) that is in progress as of the date of the report under subsection (a).

(2) For each study and report listed under paragraph (1), the following:

(A) The title of the study or report.

(B) The federally funded research and development center undertaking the study or report.

(C) The amount of funding provided to the federally funded research and development center under the contract or other agreement pursuant to which the study or report is being produced or conducted.

(D) The completion date or anticipated completion date of the study or report.

(c) EXCEPTIONS.—The report required by subsection (a) shall not apply to the following:

(1) Classified reports or studies.

(2) Technical reports associated with scientific research or technical development activities.

(3) Any report or study undertaken pursuant to a contract or other agreement between a federally funded research and development center and an entity outside the Department of Defense.

(4) Reports or studies that are in draft form or that have not undergone a peer-review or prepublication security review process established by the federally funded research and development center concerned.

(d) SPECIAL RULE.—Each report under subsection (a) shall be generated using the products and processes generated pursuant to section 908 of the William M. (Mac) Thornberry National Defense

Authorization Act for Fiscal Year 2021 (Public Law 116-283; 10 U.S.C. 111 note).

(e) TERMINATION.—The requirement to submit annual reports under subsection (a) shall terminate on the date that is three years after the date of the enactment of this Act.

SEC. 239. REPORT ON RECOMMENDATIONS FROM ARMY FUTURES COMMAND RESEARCH PROGRAM REALIGNMENT STUDY.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a report on the recommendations set forth in the publication of the National Academies of Sciences, Engineering, and Medicine titled "Consensus Study Report: U.S. Army Futures Command Research Program Realignment" and dated April 23, 2022.

(b) CONTENTS.—The report submitted under subsection (a) shall include the following:

(1) A description of each recommendation described in such subsection that has already been implemented.

(2) A description of each recommendation described in such subsection that the Secretary has commenced implementing, including a justification for determining to commence implementing the recommendation.

(3) A description of each recommendation described in such subsection that the Secretary has not implemented or commenced implementing and a determination as to whether or not to implement the recommendation.

(4) For each recommendation under paragraph (3) the Secretary determines to implement, the following:

(A) A timeline for implementation.

(B) A description of any additional resources or authorities required for implementation.

(C) The plan for implementation.

(5) For each recommendation under paragraph (3) the Secretary determines not to implement, a justification for the determination not to implement.

(c) FORMAT.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SEC. 240. REPORT ON POTENTIAL FOR INCREASED UTILIZATION OF THE ELECTRONIC PROVING GROUNDS TESTING RANGE.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, acting through the Chair of the Electronic Warfare Executive Committee of the Department of Defense, shall submit to the congressional defense committees a report on the Electronic Proving Grounds testing range located at Fort Huachuca, Arizona.

(b) ELEMENTS.—The report under subsection (a) shall address—

(1) the amount and types of testing activities conducted at the Electronic Proving Grounds testing range;

(2) any shortfalls in the facilities and equipment of the range;

(3) the capacity of the range to be used for additional testing activities;

(4) the possibility of using the range for the testing activities of other Armed Forces, Federal agencies, and private-sector entities in the United States;

(5) the capacity of the range to be used for realistic electronic warfare training;

(6) electronic warfare training shortfalls at domestic military installations generally; and

(7) the feasibility and advisability of providing a dedicated training area for electronic warfare capabilities.

(c) CONSULTATION.—In preparing the report under subsection (a), the Chair of the Electronic Warfare Executive Committee shall consult with the following:

(1) The Under Secretary of Defense for Research and Engineering.

(2) The Chief Information Officer of the Department of Defense.

(3) The Director of Operational Test and Evaluation of the Department of Defense.

(4) The Commander of the United States Strategic Command.

(5) The Secretary of the Army.

(6) The Electromagnetic Spectrum Operations Cross-Functional Team established pursuant to section 911(c) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 10 U.S.C. 111 note).

(7) The governments of Cochise County and Sierra Vista, Arizona.

SEC. 241. STUDY ON COSTS ASSOCIATED WITH UNDERPERFORMING SOFTWARE AND INFORMATION TECHNOLOGY.

(a) STUDY REQUIRED.—The Secretary of Defense shall seek to enter into a contract or other agreement with an eligible entity to conduct an independent study on the challenges associated with the use of software and information technology in the Department of Defense, the effects of such challenges, and potential solutions to such challenges.

(b) ELEMENTS.—The independent study conducted under subsection (a) shall include the following:

(1) A survey of members of each Armed Force under the jurisdiction of a Secretary of a military department to identify the most important software and information technology challenges that result in lost working hours, including—

(A) an estimate of the number of working hours lost due to each challenge and the cost of such lost working hours;

(B) the effects of each challenge on servicemember and employee retention; and

(C) any negative effects of each challenge on a mission of the Armed Force or military department concerned.

(2) A summary of the policy or technical challenges that limit the ability of each Secretary of a military department to implement needed software and information technology reforms, which shall be determined based on interviews conducted with individuals who serve as a chief information officer (or an equivalent position) in a military department.

(3) Development of a framework for assessing underperforming software and information technology, with an emphasis on foundational information technology to standardize the measurement and comparison of programs across the Department of Defense and its component organizations. Such a framework shall enable the assessment of underperforming software and information technology based on—

(A) designs, interfaces, and functionality which prioritize user experience and efficacy;

(B) costs due to lost productivity;

(C) reliability and sustainability;

(D) comparisons between—

(i) outdated or outmoded information technologies, software, and applications; and

(ii) modern information technologies, software, and applications;

(E) overhead costs for software and information technology in the Department compared to the overhead costs for comparable software and information technology in the private sector;

(F) comparison of the amounts the Department planned to expend on software and information technology services versus the amounts actually spent for such software and services;

(G) the mean amount of time it takes to resolve technical problems reported by users;

(H) the average rate, expressed in time, for remediating or patching weaknesses or flaws in information technologies, software, and applications;

(I) workforce training time; and

(J) customer satisfaction.

(4) The development of recommendations—

(A) to address the challenges identified under paragraph (1); and

(B) to improve the processes through which the Secretary provides software and information technology throughout the Department, including through—

(i) business processes reengineering;

(ii) improvement of procurement or sustainment processes;

(iii) remediation of hardware and software technology gaps; and

(iv) the development of more detailed and effective cost estimates.

(c) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the eligible entity that conducts the study under subsection (a) shall submit to the Secretary of Defense and the congressional defense committees a report on the results of such study.

(d) DEFINITIONS.—In this section:

(1) The term "eligible entity" means an independent entity not under the direction or control of the Secretary of Defense, which may include a department or agency of the Federal Government outside the Department of Defense.

(2) The term "software and information technology" does not include embedded software and information technology used for weapon systems.

SEC. 242. STUDY AND REPORT ON SUFFICIENCY OF OPERATIONAL TEST AND EVALUATION RESOURCES SUPPORTING CERTAIN MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) STUDY.—The Director of Operational Test and Evaluation of the Department of Defense shall conduct a study of at least one major defense acquisition program within each covered Armed Force to determine the sufficiency of the operational test and evaluation resources supporting such program.

(b) ELEMENTS.—The study under subsection (a) shall include, with respect to each major defense acquisition program evaluated as part of the study, the following:

(1) Identification and assessment of the operational test and evaluation resources supporting the program—

(A) as of the date of the study;

(B) during the five-year period preceding the date of the study; and

(C) over the period covered by the most recent future-years defense program submitted to Congress under section 221 of title 10, United States Code.

(2) For any operational test and evaluation resources determined to be insufficient to meet the needs of the program, an evaluation of the amount of additional funding and any other support that may be required to ensure the sufficiency of such resources.

(3) The amount of Government-funded, contractor-provided operational test and evaluation resources—

(A) provided for the program as of the date of the study; and

(B) that are planned to be provided for the program after such date.

(4) Such other matters as the Director of Operational Test and Evaluation determines to be relevant to the study.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Director of Operational Test and Evaluation shall submit to the congressional defense committees a report on the results of the study conducted under subsection (a).

(d) DEFINITIONS.—In this section:

(1) The term "covered Armed Force" means the Army, the Navy, the Marine Corps, the Air Force, and the Space Force.

(2) The term "major defense acquisition program" has the meaning given that term in section 4201 of title 10, United States Code.

(3) The term "operational test and evaluation resources" means the facilities, specialized test assets, schedule, workforce, and any other resources supporting operational test and evaluation activities under a major defense acquisition program.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Authorization of appropriations.

Subtitle B—Energy and Environment

Sec. 311. Center for Excellence in Environmental Security.
Sec. 312. Participation in pollutant banks and water quality trading.
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Sec. 327. Analysis and plan for addressing heat island effect on military installations.
Sec. 328. Limitation on replacement of non-tactical vehicle fleet of Department of Defense with electric vehicles, advanced-biofuel-powered vehicles, or hydrogen-powered vehicles.

Subtitle C—Red Hill Bulk Fuel Storage Facility

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

Subtitle D—Treatment of Perfluoroalkyl Substances and Polyfluoroalkyl Substances

Sec. 341. Department of Defense research relating to perfluoroalkyl or polyfluoroalkyl substances.
Sec. 342. Increase of transfer authority for funding of study and assessment on health implications of per- and polyfluoroalkyl substances contamination in drinking water by Agency for Toxic Substances and Disease Registry.
Sec. 343. Prizes for development of non-PFAS-containing turnout gear.

Sec. 344. Modification of limitation on disclosure of results of testing for perfluoroalkyl or polyfluoroalkyl substances on private property.
Sec. 345. Restriction on procurement or purchasing by Department of Defense of turnout gear for firefighters containing perfluoroalkyl substances or polyfluoroalkyl substances.
Sec. 346. Annual report on PFAS contamination at certain military installations from sources other than aqueous film-forming foam.
Sec. 347. Report on critical PFAS uses; briefings on Department of Defense procurement of certain items containing PFOS or PFOA.

Subtitle E—Logistics and Sustainment

Sec. 351. Resources required for achieving materiel readiness metrics and objectives for major defense acquisition programs.
Sec. 352. Annual plan for maintenance and modernization of naval vessels.
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Sec. 354. Inapplicability of advance billing dollar limitation for relief efforts following major disasters or emergencies.
Sec. 355. Repeal of Comptroller General review on time limitations on duration of public-private competitions.
Sec. 356. Implementation of Comptroller General recommendations regarding Shipyard Infrastructure Optimization Plan of the Navy.
Sec. 357. Limitation on availability of funds for military information support operations.
Sec. 358. Notification of modification to policy regarding retention rates for Navy ship repair contracts.
Sec. 359. Research and analysis on capacity of private shipyards in United States and effect of those shipyards on Naval fleet readiness.
Sec. 360. Independent study relating to fuel distribution logistics across United States Indo-Pacific Command.
Sec. 361. Quarterly briefings on expenditures for establishment of fuel distribution points in United States Indo-Pacific Command area of responsibility.

Subtitle F—Matters Relating to Depots and Ammunition Production Facilities

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

Subtitle G—Other Matters

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

Sec. 392. Continued designation of Secretary of the Navy as executive agent for Naval Small Craft Instruction and Technical Training School.
Sec. 393. Prohibition on use of funds for retirement of legacy maritime mine countermeasures platforms.

Subtitle A—Authorization of Appropriations

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2023 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, as specified in the funding table in section 4301.

Subtitle B—Energy and Environment

SEC. 311. CENTER FOR EXCELLENCE IN ENVIRONMENTAL SECURITY.

Chapter 7 of title 10, United States Code, is amended by inserting after section 182 the following new section (and conforming the table of sections at the beginning of such chapter accordingly):

"SEC. 182a. [10 U.S.C. 182a] Center for Excellence in Environmental Security

"(a) ESTABLISHMENT.—The Secretary of Defense may operate a Center for Excellence in Environmental Security (in this section referred to as the 'Center').

"(b) MISSIONS.—(1) The Center shall be used to provide and facilitate education, training, and research in civil-military operations, particularly operations that require international assistance and operations that require coordination between the Department of Defense and other Federal agencies.

"(2) The Center shall be used to provide and facilitate education, training, interagency coordination, and research on the following additional matters:

"(A) Management of the consequences of environmental insecurity with respect to—

"(i) access to water, food, and energy;

"(ii) related health matters; and

"(iii) matters relating to when, how, and why environmental stresses to human safety, health, water, energy, and food will cascade to economic, social, political, or national security events.

"(B) Appropriate roles for the reserve components in response to environmental insecurity resulting from natural disasters.

"(C) Meeting requirements for information in connection with regional and global disasters, including through the use of advanced communications technology as a virtual library.

"(3) The Center shall perform such other missions as the Secretary of Defense may specify.

"(4) To assist the Center in carrying out the missions under this subsection, upon request of the Center, the head of

any Federal agency may grant to the Center access to the data, archives, and other physical resources (including facilities) of that agency, and may detail any personnel of that agency to the Center, for the purpose of enabling the development of global environmental indicators.

"(c) JOINT OPERATION WITH EDUCATIONAL INSTITUTION AUTHORIZED.—The Secretary of Defense may enter into an agreement with appropriate officials of an institution of higher education to provide for the operation of the Center. Any such agreement shall provide for the institution to furnish necessary administrative services for the Center, including by directly providing such services or providing the funds for such services.

"(d) ACCEPTANCE OF DONATIONS.—(1) Except as provided in paragraph (2), the Secretary of Defense may accept, on behalf of the Center, donations to be used to defray the costs of the Center or to enhance the operation of the Center. Such donations may be accepted from any agency of the Federal Government, any State or local government, any foreign government, any foundation or other charitable organization (including any that is organized or operates under the laws of a foreign country), or any other private source in the United States or a foreign country.

"(2) The Secretary may not accept a donation under paragraph (1) if the acceptance of the donation would compromise or appear to compromise—

"(A) the ability of the Department of Defense, any employee of the Department, or any member of the armed forces, to carry out any responsibility or duty of the Department or the armed forces in a fair and objective manner; or

"(B) the integrity of any program of the Department of Defense or of any person involved in such a program.

"(3) The Secretary shall prescribe written guidance setting forth the criteria to be used in determining whether or not the acceptance of a foreign donation under paragraph (1) would have a result described in paragraph (2).

"(4) Funds accepted by the Secretary under paragraph (1) as a donation on behalf of the Center shall be credited to appropriations available to the Department of Defense for the Center. Funds so credited shall be merged with the appropriations to which credited and shall be available for the Center for the same purposes and the same period as the appropriations with which merged.".

SEC. 312. PARTICIPATION IN POLLUTANT BANKS AND WATER QUALITY TRADING.

(a) IN GENERAL.—Chapter 159 of title 10, United States Code, is amended by inserting after section 2694c the following new section:

"SEC. 2694d. [10 U.S.C. 2694d] Participation in pollutant banks and water quality trading

"(a) AUTHORITY TO PARTICIPATE.—The Secretary of a military department, and the Secretary of Defense with respect to matters concerning a Defense Agency, when engaged in an authorized activity that may or will result in the discharge of pollutants, may

make payments to a pollutant banking program or water quality trading program approved in accordance with the Water Quality Trading Policy dated January 13, 2003, set forth by the Office of Water of the Environmental Protection Agency, or any successor administrative guidance or regulation.

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

"(c) DISCHARGE OF POLLUTANTS DEFINED.—In this section, the term 'discharge of pollutants' has the meaning given that term in section 502(12) of the Federal Water Pollution Control Act (33 U.S.C. 1362(12)) (commonly referred to as the 'Clean Water Act').".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2694c following new item:

"2694d. Participation in pollutant banks and water quality trading.".

SEC. 313. CONSIDERATION UNDER DEFENSE ENVIRONMENTAL RESTORATION PROGRAM FOR STATE-OWNED FACILITIES OF THE NATIONAL GUARD WITH PROVEN EXPOSURE OF HAZARDOUS SUBSTANCES AND WASTE.

(a) DEFINITION OF STATE-OWNED NATIONAL GUARD FACILITY.—Section 2700 of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(4) The term 'State-owned National Guard facility' includes land owned and operated by a State when such land is used for training the National Guard pursuant to chapter 5 of title 32 with funds provided by the Secretary of Defense or the Secretary of a military department, even though such land is not under the jurisdiction of the Department of Defense.".

(b) AUTHORITY FOR DEFENSE ENVIRONMENTAL RESTORATION PROGRAM.—Section 2701(a)(1) of such title is amended, in the first sentence, by inserting "and at State-owned National Guard facilities" before the period.

(c) RESPONSIBILITY FOR RESPONSE ACTIONS.—Section 2701(c)(1) of such title is amended by adding at the end the following new subparagraph:

"(D) Each State-owned National Guard facility being used for training the National Guard pursuant to chapter 5 of title 32 with funds provided by the Secretary of Defense or the Secretary of a military department at the time of actions leading to contamination by hazardous substances or pollutants or contaminants.".

SEC. 314. RENEWAL OF ANNUAL ENVIRONMENTAL AND ENERGY REPORTS OF DEPARTMENT OF DEFENSE.

(a) ENVIRONMENTAL REPORT.—Section 2711 of title 10, United States Code, is amended by striking subsections (a) and (b) and inserting the following new subsections:

"(a) REPORT REQUIRED.—Not later than March 31 of each year, the Secretary of Defense shall submit to Congress a report on progress made by environmental programs of the Department of Defense during the preceding fiscal year.

"(b) ELEMENTS.—Each report under subsection (a) shall include, for the year covered by the report, the following:

"(1) With respect to environmental restoration activities of the Department of Defense, and for each of the military departments, information on the Defense Environmental Restoration Program under section 2701 of this title, including—

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

"(B) the progress of remediation for sites that have not yet completed cleanup;

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

"(D) an assessment by the Secretary of Defense of the overall progress of such program.

"(2) An assessment by the Secretary of achievements for environmental conservation and planning by the Department.

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

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

"(5) An assessment by the Secretary of the progress made by the Department in achieving the objectives and goals of the Environmental Technology Program of the Department.

"(c) CONSOLIDATION.—The Secretary of Defense may consolidate, attach with, or otherwise include in any report required under subsection (a) any annual report or other requirement that is aligned or associated with, or would be better understood if presented as part of a consolidated report addressing environmental restoration, compliance, and resilience.".

(b) ENERGY REPORT.—

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

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

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

"(a) REPORT REQUIRED.—Not later than 240 days after the end of each fiscal year, the Secretary of Defense shall submit to the congressional defense committees a report detailing the fulfillment during that fiscal year of the authorities and requirements under sections 2688, 2911, 2912, 2920, and 2926 of this title, including progress on energy resilience at military installations and the use of operational energy in combat platforms and at contingency locations.

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

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

"(A) A description of the progress made to achieve the goals of the Energy Policy Act of 2005 (Public Law 109-58), section 2911(g) of this title, and the Energy Independence and Security Act of 2007 (Public Law 110-140).

"(B) A description of the energy savings, return on investment, and enhancements to installation mission assurance realized by the fulfillment of the goals described in subparagraph (A).

"(C) A description of and progress toward the energy security, resilience, and performance goals and master planning for the Department of Defense, including associated metrics pursuant to subsections (c) and (d) of section 2911 of this title and requirements under section 2688(g) of this title.

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

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

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

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

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

"(c) CLASSIFIED FORM.—If a report under subsection (a) is submitted in classified form, the Secretary of Defense shall, concurrently with such report, submit to the congressional defense committees an unclassified version of the report.

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

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter III of chapter 173 of such title is amended by striking the item relating to section 2925 and inserting the following new item:

"2925. Annual report on energy performance, resilience, and readiness of Department of Defense.".

(c) CONTINUATION OF REPORTING REQUIREMENTS.—

(1) [10 U.S.C. 111 note] IN GENERAL.—Section 1080(a) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat. 1000; 10 U.S.C. 111 note) does not apply to the following reports:

(A) The report required to be submitted to Congress under section 2711 of title 10, United States Code.

(B) The report required to be submitted to Congress under section 2925 of title 10, United States Code.

(2) CONFORMING REPEAL.—Section 1061(c) of National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 10 U.S.C. 111 note) is amended by striking paragraphs (51) and (54).

SEC. 315. AGGREGATION OF ENERGY CONSERVATION MEASURES AND FUNDING.

Section 2911 of title 10, United States Code, is amended by adding at the end the following new subsection:

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

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

"(A) appropriated funds, such as—

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

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

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

SEC. 316. ADDITIONAL SPECIAL CONSIDERATIONS FOR ENERGY PERFORMANCE GOALS AND ENERGY PERFORMANCE MASTER PLAN.

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

"(14) The reliability and security of energy resources in the event of a military conflict.

"(15) The value of resourcing energy from partners and allies of the United States.".

SEC. 317. PURCHASE OR LEASE OF ELECTRIC, ZERO EMISSION, ADVANCED-BIOFUEL-POWERED, OR HYDROGEN-POWERED VEHICLES FOR THE DEPARTMENT OF DEFENSE.

(a) REQUIREMENT.—Section 2922g of title 10, United States Code, is amended—

(1) in the heading, by striking "systems" and inserting "systems; purchase or lease of certain electric and other vehicles";

(2) in subsection (a), by striking "In leasing" and inserting "During the period preceding October 1, 2035, in leasing";

(3) in subsection (c), by inserting ", during the period specified in subsection (a)," after "from authorizing"; and

(4) by adding at the end the following new subsections:

"(d) REQUIREMENT.—Except as provided in subsection (e), beginning on October 1, 2035, each covered nontactical vehicle purchased or leased by or for the use of the Department of Defense shall be—

"(1) an electric or zero emission vehicle that uses a charging connector type (or other means to transmit electricity to the vehicle) that meets applicable industry accepted standards for interoperability and safety;

"(2) an advanced-biofuel-powered vehicle; or

"(3) a hydrogen-powered vehicle.

"(e) RELATION TO OTHER VEHICLE TECHNOLOGIES THAT REDUCE CONSUMPTION OF FOSSIL FUELS.—Notwithstanding the requirement under subsection (d), beginning on October 1, 2035, the Secretary of Defense may authorize the purchase or lease of a covered nontactical vehicle that is not described in such subsection if the Secretary determines, on a case-by-case basis, that—

"(1) the technology used in the vehicle to be purchased or leased reduces the consumption of fossil fuels compared to vehicles that use conventional internal combustion technology;

"(2) the purchase or lease of such vehicle is consistent with the energy performance goals and plan of the Department of Defense required by section 2911 of this title; and

"(3) the purchase or lease of a vehicle described in subsection (d) is impracticable under the circumstances.

"(f) WAIVER.—(1) The Secretary of Defense may waive the requirement under subsection (d).

"(2) The Secretary of Defense may not delegate the waiver authority under paragraph (1).

"(g) DEFINITIONS.—In this section:

"(1) The term 'advanced-biofuel-powered vehicle' includes a vehicle that uses a fuel described in section 9001(3)(A) of the Farm Security and Rural Investment Act of 2202 (7 U.S.C. 8101(3)(A)).

"(2) The term 'covered nontactical vehicle' means any vehicle—

"(A) that is not a tactical vehicle designed for use in combat; and

"(B) that is purchased or leased by the Department of Defense pursuant to a contract entered into, renewed, modified, or amended on or after October 1, 2035.

"(3) The term 'hydrogen-powered vehicle' means a vehicle that uses hydrogen as the main source of motive power, either through a fuel cell or internal combustion.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter II of chapter 173 of such title is amended by striking the item relating to section 2922g and inserting the following new item:

"2922g. Preference for motor vehicles using electric or hybrid propulsion systems; purchase or lease of certain electric and other vehicles.".

SEC. 318. CLARIFICATION AND REQUIREMENT FOR DEPARTMENT OF DEFENSE RELATING TO RENEWABLE BIOMASS AND BIOGAS.

Section 2924 of title 10, United States Code, is amended—

(1) in paragraph (6)—

(A) by redesignating subparagraphs (D) through (I) as subparagraphs (E) through (J), respectively; and

(B) by inserting after subparagraph (C) the following new subparagraph (D):

"(D) Biogas."; and

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

"(7) The term 'biomass' has the meaning given the term 'renewable biomass' in section 211(o)(1) of the Clean Air Act (42 U.S.C. 7545(o)(1)).

"(8) The term 'biogas' means biogas as such term is used in section 211(o)(1)(B)(ii)(V) of the Clean Air Act (42 U.S.C. 7545(o)(1)(B)(ii)(V)).".

SEC. 319. PROGRAMS OF MILITARY DEPARTMENTS ON REDUCTION OF FUEL RELIANCE AND PROMOTION OF ENERGY-AWARE BEHAVIORS.

(a) ESTABLISHMENT.—Subchapter III of chapter 173 of title 10, United States Code, is amended by adding at the end the following new section (and conforming the table of sections at the beginning of such subchapter accordingly):

"SEC. 2928. [10 U.S.C. 2928] Programs on reduction of fuel reliance and promotion of energy-aware behaviors

"(a) ESTABLISHMENT.—Each Secretary of a military department shall establish a program for the promotion of energy-aware behaviors and the reduction of unnecessary fuel consumption within that military department.

"(b) GOALS.—The goals of the programs established under subsection (a) shall be as follows:

"(1) To increase operational energy resiliency.

"(2) To decrease energy-related strategic vulnerabilities and enhance military readiness.

"(3) To integrate sustainability features for new and existing military installations and other facilities of the Department.

"(c) MINIMUM REQUIRED ELEMENTS.—Under the program of a military department under subsection (a), the Secretary of the military department shall carry out, with respect to the military department, and at a minimum, the following:

"(1) The development and implementation of a strategy for the collection and analysis of data on fuel consumption, to identify operational inefficiencies and enable data-driven decision making with respect to fuel logistics and the reduction of fuel consumption.

"(2) The fostering of an energy-aware culture across the military department to reduce fuel consumption, including through—

"(A) the incorporation of energy conservation and resiliency principles into training curricula and other training materials of the military department, including by updating such materials to include information on the effect of energy-aware behaviors on improving readiness and combat capability; and

"(B) the review of standard operating procedures, and other operational manuals and procedures, of the military

department, to identify procedures that increase fuel consumption with no operational benefit.

"(3) The integration of operational energy factors into the wargaming of the military department and related training activities that involve the modeling of scenarios, in accordance with subsection (d), to provide to participants in such activities realistic data on the risks and challenges relating to operational energy and fuel logistics.

"(4) The implementation of data-driven procedures, operations planning, and logistics, to optimize cargo transport and refueling operations within the military department.

"(d) WARGAMING ELEMENTS.—In integrating operational energy factors into the wargaming and related training activities of a military department under subsection (c)(3), the Secretary of the military department shall seek to ensure that the planning, design, and execution of such activities include—

"(1) coordination with the elements of the military department responsible for fuel and logistics matters, to ensure the modeling of energy demand and network risk during such activities are accurate, taking into account potential shortfalls and the direct and indirect effects of the efforts of foreign adversaries to target fuel supply chains; and

"(2) a focus on improving integrated life-cycle management processes and fuel supply logistics.".

(b) [10 U.S.C. 2928 note] DEADLINE FOR ESTABLISHMENT.—The programs required under section 2928 of title 10, United States Code, as added by subsection (a), shall be established by not later than 180 days after the date of the enactment of this Act.

(c) BRIEFING.—Not later than 180 days after the date of enactment of this Act, each Secretary of a military department shall provide to the congressional defense committees a briefing on the establishment of the program of the military department required under such section 2928.

SEC. 320. ESTABLISHMENT OF JOINT WORKING GROUP TO DETERMINE JOINT REQUIREMENTS FOR FUTURE OPERATIONAL ENERGY NEEDS OF DEPARTMENT OF DEFENSE.

Section 352 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117-81; 135 Stat. 1653) is amended by adding at the end the following new subsection:

"(e) ESTABLISHMENT OF JOINT WORKING GROUP TO DETERMINE JOINT REQUIREMENTS FOR FUTURE OPERATIONAL ENERGY NEEDS OF DEPARTMENT OF DEFENSE.—

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

"(2) EXECUTIVE AGENT.—The Secretary of the Air Force shall serve as the executive agent of the working group.

"(3) REQUIREMENTS SPECIFIED.—

"(A) IN GENERAL.—In determining joint requirements under paragraph (1), the working group shall address the operational energy needs of each military department and combatant command to meet energy needs in all domains

of warfare, including land, air, sea, space, cyberspace, subsea, and subterranean environments.

"(B) PRIORITY FOR CERTAIN SYSTEMS.—Priority for joint requirements under paragraph (1) shall be given to independent operational energy systems that—

"(i) are capable of operating in austere and isolated environments with quick deployment capabilities; and

"(ii) may reduce conventional air pollution and greenhouse gas emissions comparable to systems already in use.

"(4) EXISTING OR NEW PROGRAMS.—The working group shall address the feasibility of meeting joint requirements determined under paragraph (1) through the existing energy programs of the Department and make recommendations for new programs to meet such requirements.

"(5) FOCUS AREAS.—In carrying out the requirements under this subsection, the working group shall focus the efforts of the working group on operational energy, including—

"(A) micro-reactors and small modular reactors;

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

"(C) battery storage;

"(D) renewable energy sources;

"(E) retrofits to existing platforms that shall increase efficiencies; and

"(F) other technologies and resources that meet joint requirements determined under paragraph (1).

"(6) RECOMMENDED PLAN OF ACTION.—

"(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this subsection, the Secretary shall submit to the congressional defense committees a report, and provide to the congressional defense committees a classified briefing, outlining recommendations for programs to meet joint requirements for future operational energy needs of the Department of Defense by 2025, 2030, and 2040.

"(B) FOCUS ON READINESS AND FLEXIBILITY.—In submitting the report and providing the briefing under subparagraph (A), the Secretary shall—

"(i) address each element of the report or briefing, as the case may be, in the context of maintaining or increasing the readiness levels of the Armed Forces and the flexibility of operational elements within the Department; and

"(ii) disregard energy sources that do not increase such readiness and flexibility, with an explanation for the reason such sources were disregarded.

"(C) FORM.—The report under subparagraph (A) shall be submitted in unclassified form, but may include a classified annex.

"(7) DEFINITIONS.—In this subsection:

"(A) The term 'advanced nuclear reactor' has the meaning given that term in section 951(b) of the Energy Policy Act of 2005 (42 U.S.C. 16271(b)).

"(B) The term 'micro-reactor' means an advanced nuclear reactor that has an electric power production capacity that is not greater than 50 megawatts that can be transported via land, air, or sea transport and can be redeployed.

"(C) The term 'small modular reactor' means an advanced nuclear reactor—

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

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

SEC. 321. AMENDMENT TO BUDGETING OF DEPARTMENT OF DEFENSE RELATING TO EXTREME WEATHER.

Section 328(a) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92; 10 U.S.C. 221 note) is amended—

(1) in paragraph (1), by striking "; and" and inserting a semicolon;

(2) in paragraph (2), by striking the period at the end and inserting "; and"; and

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

"(3) a calculation of the annual costs to the Department for—

"(A) assistance that is—

"(i) provided to the Federal Emergency Management Agency or any Federal land management agency (as such term is defined in section 802 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6801)) pursuant to a request for such assistance and in consultation with the National Interagency Fire Center; or

"(ii) provided under title 10 or title 32, United States Code, to any State, territory, or possession of the United States, regarding extreme weather; and

"(B) resourcing required to support—

"(i) wildfire response, recovery, or restoration efforts occurring within military installations or other facilities of the Department; or

"(ii) any Federal agency other than the Department (including the Federal Emergency Management Agency and the National Interagency Fire Center) with respect to wildfire response, recovery, or restoration efforts, where such resourcing is not reimbursed.".

SEC. 322. [10 U.S.C. 2911 note] PROTOTYPE AND DEMONSTRATION PROJECTS FOR ENERGY RESILIENCE AT CERTAIN MILITARY INSTALLATIONS.

(a) IN GENERAL.—Subject to the availability of appropriations for such purpose, each Secretary of a military department shall ensure that covered prototype and demonstration projects are conducted at each military installation under the jurisdiction of that

Secretary that is designated by the Secretary of Defense as an "Energy Resilience Testbed" pursuant to subsection (b).

(b) SELECTION OF MILITARY INSTALLATIONS.—

(1) NOMINATION.—Each Secretary of a military department shall nominate military installations under the jurisdiction of that Secretary for selection under paragraph (2), and submit to the Secretary of Defense a list of such nominations.

(2) SELECTION.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall select, from among the lists of nominated military installations provided by the Secretaries of the military departments under paragraph (1), at least one such nominated military installation per military department for designation pursuant to paragraph (4).

(3) CONSIDERATIONS.—In selecting military installations under paragraph (2), the Secretary of Defense shall, to the extent practicable, take into consideration the following:

(A) The mission of the installation.

(B) The geographic terrain of the installation and of the community surrounding the installation.

(C) The energy resources available to support the installation.

(D) An assessment of any extreme weather risks or vulnerabilities at the installation and the community surrounding the installation.

(4) DESIGNATION AS ENERGY RESILIENCE TESTBED.—Each military installation selected under paragraph (2) shall be known as an "Energy Resilience Testbed".

(c) COVERED TECHNOLOGIES.—Covered prototype and demonstration projects conducted at military installations designated pursuant to subsection (b) shall include the prototype and demonstration of technologies in the following areas:

(1) Energy storage technologies, including long-duration energy storage systems.

(2) Technologies to improve building energy efficiency in a cyber-secure manner, such as advanced lighting controls, high-performance cooling systems, and technologies for waste heat recovery.

(3) Technologies to improve building energy management and control in a cyber-secure manner.

(4) Tools and processes for design, assessment, and decision making on the installation with respect to all hazards resilience and hazard analysis, energy use, management, and the construction of resilient buildings and infrastructure.

(5) Carbon sequestration technologies.

(6) Technologies relating to on-site resilient energy generation, including the following:

(A) Advanced geothermal technologies.

(B) Advanced nuclear technologies, including small modular reactors.

(C) Hydrogen creation, storage, and power generation technologies using natural gas or renewable electricity.

(7) Port electrification and surrounding defense community infrastructure.

(8) Tidal and wave power technologies.

(9) Distributed ledger technologies.

(d) BRIEFING.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretaries of the military departments, shall provide to the appropriate congressional committees a briefing on the conduct of covered prototype and demonstration projects at each military installation designated pursuant to subsection (b). Such briefing shall include the following:

(1) An identification of each military installation so designated.

(2) A justification as to why each military installation so designated was selected for such designation.

(3) A strategy for commencing the conduct of such projects at each military installation so designated by not later than one year after the date of the enactment of this Act.

(e) DEADLINE FOR COMMENCEMENT OF PROJECTS.—Beginning not later than one year after the date of the enactment of this Act, covered prototype and demonstration projects shall be conducted at, and such conduct shall be incorporated into the mission of, each military installation designated pursuant to subsection (b).

(f) RESPONSIBILITY FOR ADMINISTRATION AND OVERSIGHT.—Notwithstanding the responsibility of the Secretary of Defense to select each military installation for designation pursuant to subsection (b)(2), the administration and oversight of the conduct of covered prototype and demonstration projects at a military installation so designated, as required under subsection (a), shall be the responsibility of the Secretary of the military department with jurisdiction over that military installation.

(g) CONSORTIUMS.—

(1) IN GENERAL.—Each Secretary of a military department may enter into a partnership with, or seek to establish, a consortium of industry, academia, and other entities described in paragraph (2) to conduct covered prototype and demonstration projects at a military installation that is under the jurisdiction of that Secretary and designated by the Secretary of Defense pursuant to subsection (b).

(2) CONSORTIUM ENTITIES.—The entities described in this paragraph are as follows:

(A) National laboratories.

(B) Industry entities the primary work of which relates to technologies and business models relating to energy resilience and all hazards resilience.

(h) AUTHORITIES.—

(1) IN GENERAL.—Covered prototype and demonstration projects required under this section may be conducted as part of the program for operational energy prototyping established under section 324(c) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-283; 134 Stat. 3523; 10 U.S.C. 2911 note) (including by using funds available under the Operational Energy Prototyping Fund established pursuant to such section), using the other transactions authority under section 4021 or 4022 of title 10, United States Code, or using any other available authority

or funding source the Secretary of Defense determines appropriate.

(2) FOLLOW-ON PRODUCTION CONTRACTS OR TRANSACTIONS.—Each Secretary of a military department shall ensure that, to the extent practicable, any transaction entered into under the other transactions authority under section 4022 of title 10, United States Code, for the conduct of a covered prototype and demonstration project under this section shall provide for the award of a follow-on production contract or transaction pursuant to subsection (f) of such section 4022.

(i) INTERAGENCY COLLABORATION.—In carrying out this section, to the extent practicable, the Secretary of Defense shall collaborate with the Secretary of Energy and the heads of such other Federal departments and agencies as the Secretary of Defense may determine appropriate, including by entering into relevant memoranda of understanding.

(j) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as precluding any Secretary of a military department from carrying out any activity, including conducting a project or making an investment, relating to the improvement of energy resilience or all hazards resilience under an authority other than this section.

(k) DEFINITIONS.—In this section:

(1) The term "appropriate congressional committees" means—

(A) the Committee on Armed Services and the Committee on Energy and Commerce of the House of Representatives; and

(B) the Committee on Armed Services and the Committee on Energy and Natural Resources of the Senate.

(2) The term "community infrastructure" has the meaning given that term in section 2391(e) of title 10, United States Code.

(3) The term "covered prototype and demonstration project" means a project to prototype and demonstrate advanced technologies to enhance energy resilience, including with respect to energy supply disruptions, and all hazards resilience at a military installation.

(4) The term "military installation" has the meaning given that term in section 2867 of title 10, United States Code.

SEC. 323. [10 U.S.C. 2911 note] PILOT PROGRAM FOR DEVELOPMENT OF ELECTRIC VEHICLE CHARGING SOLUTIONS TO MITIGATE GRID STRESS.

(a) IN GENERAL.—The Secretary of Defense, in coordination with the Secretaries of the military departments, and in consultation with the Secretary of Energy, shall carry out a pilot program to develop and test covered infrastructure to mitigate grid stress caused by electric vehicles through the implementation and maintenance on certain military installations of charging stations, microgrids, and other covered infrastructure sufficient to cover the energy demand at such installations.

(b) SELECTION OF MILITARY INSTALLATIONS.—

(1) SELECTION.—Not later than 180 days after the date of the enactment of this Act, each Secretary of a military department shall—

(A) select at least one military installation of each Armed Force under the jurisdiction of that Secretary at which to carry out the pilot program under subsection (a); and

(B) submit to the Committees on Armed Services of the House of Representatives and the Senate a notification containing an identification of each such selected installation.

(2) CONSIDERATIONS.—In choosing a military installation for selection pursuant to paragraph (1), each Secretary of a military department shall take into account the following:

(A) A calculation of existing loads at the installation and the existing capacity of the installation for the charging of electric vehicles, including (as applicable) light duty trucks.

(B) Any required upgrades to covered infrastructure on the installation, including electrical wiring, anticipated by the Secretary.

(C) The ownership, financing, operation, and maintenance models of existing and planned covered infrastructure on the installation.

(D) An assessment of local grid needs, and any required updates relating to such needs anticipated by the Secretary.

(c) REPORT.—

(1) IN GENERAL.—Not later than one year after the date on which a Secretary of a military department submits a notification identifying a selected military installation under subsection (b), that Secretary shall submit to the Committee on Armed Services and the Committee on Energy and Commerce of the House of Representatives and the Committee on Armed Services of the Senate a report on—

(A) the covered infrastructure to be implemented under the pilot program at the installation;

(B) the methodology by which each type of covered infrastructure so implemented shall be assessed for efficacy and efficiency at providing sufficient energy to cover the anticipated energy demand of the electric vehicle fleet at the installation and mitigating grid stress; and

(C) the maintenance on the military installation of charging stations and other covered infrastructure, including a microgrid, that will be sufficient to—

(i) cover the anticipated electricity demand of such fleet; and

(ii) improve installation energy resilience.

(2) ELEMENTS.—Each report under paragraph (1) shall include, with respect to the selected military installation for which the report is submitted, the following:

(A) A determination of the type and number of charging stations to implement on the installation, taking into account the interoperability of chargers and the potential

future needs or applications for chargers, such as vehicle-to-grid or vehicle-to-building applications.

(B) A determination of the optimal ownership model to provide charging stations on the installation, taking into account the following:

(i) Use of Government-owned (purchased, installed, and maintained) charging stations.

(ii) Use of third-party financed, installed, operated, and maintained charging stations.

(iii) Use of financing models in which energy and charging infrastructure operations and maintenance are treated as a service.

(iv) Cyber and physical security considerations and best practices associated with different ownership, network, and control models.

(C) A determination of the optimal power source to provide charging stations at the installation, taking into account the following:

(i) Transformer and substation requirements.

(ii) Microgrids and distributed energy to support both charging requirements and energy storage.

(3) SOURCE OF SERVICES.—Each Secretary of a military department may use expertise within the military department or enter into a contract with a non-Department of Defense entity to make the determinations specified in paragraph (2).

(d) FINAL REPORT.—Not later than January 1, 2025, the Secretary of Defense shall submit to the congressional committees specified in subsection (c)(1) a final report on the pilot program under subsection (a). Such report shall include the observations and findings of the Department relating to the charging stations and other covered infrastructure implemented and maintained under such pilot program, including with respect to the elements specified in subsection (c)(2).

(e) DEFINITIONS.—In this section:

(1) The terms "Armed Forces" and "military departments" have the meanings given those terms in section 101 of title 10, United States Code.

(2) The term "charging station" means a collection of one or more electric vehicle supply equipment units serving the purpose of charging an electric vehicle battery.

(3) The term "covered infrastructure"—

(A) means infrastructure that the Secretary of Defense determines may be used to—

(i) charge electric vehicles, including by transmitting electricity to such vehicles directly; or

(ii) support the charging of electric vehicles, including by supporting the resilience of grids or other systems for delivering energy to such vehicles (such as through the mitigation of grid stress); and

(B) includes—

(i) charging stations;

(ii) batteries;

(iii) battery-swapping systems;

(iv) microgrids;

(v) off-grid charging systems; and

(vi) other apparatuses installed for the specific purpose of delivering energy to an electric vehicle or to a battery intended to be used in an electric vehicle, including wireless charging technologies.

(4) The term "electric vehicle" includes—

(A) a plug-in hybrid electric vehicle that uses a combination of electric and gas powered engine that can use either gasoline or electricity as a fuel source; and

(B) a plug-in electric vehicle that runs solely on electricity and does not contain an internal combustion engine or gas tank.

(5) The term "electric vehicle supply equipment unit" means the port that supplies electricity to one vehicle at a time.

(6) The term "microgrid" means a group of interconnected loads and distributed energy resources within clearly defined electrical boundaries that acts as a single controllable entity with respect to the grid.

(7) The term "military installation" has the meaning given that term in section 2801 of title 10, United States Code.

(8) The term "wireless charging" means the charging of a battery by inductive charging or by any means in which a battery is charged without a wire, or plug-in wire, connecting the power source and battery.

SEC. 324. PILOT PROGRAM ON USE OF SUSTAINABLE AVIATION FUEL.

(a) PILOT PROGRAM REQUIRED.—

(1) IN GENERAL.—Subject to the availability of appropriations for such purpose, the Secretary of Defense shall conduct a pilot program on the use of sustainable aviation fuel by the Department of Defense (in this section referred to as the "pilot program").

(2) DESIGN OF PROGRAM.—The pilot program shall be designed to—

(A) identify any logistical challenges with respect to the use of sustainable aviation fuel by the Department;

(B) promote understanding of the technical and performance characteristics of sustainable aviation fuel when used in a military setting; and

(C) engage nearby commercial airports to explore opportunities and challenges to partner on the increased use of sustainable aviation fuel.

(b) SELECTION OF FACILITIES.—

(1) SELECTION.—

(A) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall select not fewer than two geographically diverse facilities of the Department at which to carry out the pilot program.

(B) ONSITE REFINERY.—Not fewer than one facility selected under subparagraph (A) shall be a facility with an onsite refinery that is located in proximity to not fewer

than one major commercial airport that is also actively seeking to increase the use of sustainable aviation fuel.

(2) NOTICE TO CONGRESS.—Upon the selection of each facility under paragraph (1), the Secretary shall submit to the appropriate congressional committees notice of the selection, including an identification of the facility selected.

(c) USE OF SUSTAINABLE AVIATION FUEL.—

(1) PLANS.—For each facility selected under subsection (b), not later than one year after the selection of the facility, the Secretary shall—

(A) develop a plan on how to implement, by September 30, 2028, a target of exclusively using at the facility aviation fuel that is blended to contain not less than 10 percent sustainable aviation fuel;

(B) submit the plan developed under subparagraph (A) to the appropriate congressional committees; and

(C) provide to the appropriate congressional committees a briefing on such plan that includes, at a minimum—

(i) a description of any operational, infrastructure, or logistical requirements, and recommendations, for the blending and use of sustainable aviation fuel; and

(ii) a description of any stakeholder engagement in the development of the plan, including any consultations with nearby commercial airport owners or operators.

(2) IMPLEMENTATION OF PLANS.—For each facility selected under subsection (b), during the period beginning on a date that is not later than September 30, 2028, and for five years thereafter, the Secretary shall require, in accordance with the respective plan developed under paragraph (1), the exclusive use at the facility of aviation fuel that is blended to contain not less than 10 percent sustainable aviation fuel.

(d) CRITERIA FOR SUSTAINABLE AVIATION FUEL.—Sustainable aviation fuel used under the pilot program shall meet the following criteria:

(1) Such fuel shall be produced in the United States from domestic feedstock sources.

(2) Such fuel shall constitute drop-in fuel that meets all specifications and performance requirements of the Department of Defense and the Armed Forces.

(e) WAIVER.—The Secretary may waive the use of sustainable aviation fuel at a facility under the pilot program if the Secretary—

(1) determines such use is not feasible due to a lack of domestic availability of sustainable aviation fuel or a national security contingency; and

(2) submits to the congressional defense committees notice of such waiver and the reasons for such waiver.

(f) FINAL REPORT.—

(1) IN GENERAL.—At the conclusion of the pilot program, the Assistant Secretary of Defense for Energy, Installations, and Environment shall submit to the appropriate congressional committees a final report on the pilot program.

(2) ELEMENTS.—The report under paragraph (1) shall include each of the following:

(A) An assessment of the effect of using sustainable aviation fuel on the overall fuel costs of blended fuel.

(B) A description of any operational, infrastructure, or logistical requirements, and recommendations, for the blending and use of sustainable aviation fuel, with a focus on scaling up adoption of such fuel throughout the Armed Forces.

(C) Recommendations with respect to how military installations can leverage proximity to commercial airports and other jet fuel consumers to increase the rate of use of sustainable aviation fuel, for both military and non-military use, including potential collaboration on innovative financing or purchasing and shared supply chain infrastructure.

(D) A description of the effects on performance and operation of aircraft using sustainable aviation fuel, including—

(i) if used, considerations of various blending ratios and the associated benefits thereof;

(ii) efficiency and distance improvements of flights using sustainable aviation fuel;

(iii) weight savings on large transportation aircraft and other types of aircraft by using blended fuel with higher concentrations of sustainable aviation fuel;

(iv) maintenance benefits of using sustainable aviation fuel, including with respect to engine longevity;

(v) the effect of the use of sustainable aviation fuel on emissions and air quality;

(vi) the effect of the use of sustainable aviation fuel on the environment and on surrounding communities, including environmental justice factors that are created by the demand for and use of sustainable aviation fuel by the Department of Defense; and

(vii) benefits with respect to job creation in the sustainable aviation fuel production and supply chain.

(g) DEFINITIONS.—In this section:

(1) The term "appropriate congressional committees" means the following:

(A) The Committee on Armed Services and the Committee on Transportation and Infrastructure of the House of Representatives.

(B) The Committee on Armed Services and the Committee on Commerce, Science, and Transportation of the Senate.

(2) The term "sustainable aviation fuel" has the meaning given such term in section 40007(e) of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14' (Public Law 117-169).

SEC. 325. [10 U.S.C. 2577 note] POLICY TO INCREASE DISPOSITION OF SPENT ADVANCED BATTERIES THROUGH RECYCLING.

(a) POLICY REQUIRED.—Not later than one year after the date of the enactment of this Act, the Assistant Secretary of Defense for

Energy, Installations, and Environment, in coordination with the Director of the Defense Logistics Agency, shall establish a policy to increase the disposition of spent advanced batteries of the Department of Defense through recycling (including by updating the Department of Defense Manual 4160.21, titled "Defense Material Disposition: Disposal Guidance and Procedures", or such successor document, accordingly), for the purpose of supporting the reclamation and return of precious metals, rare earth metals, and elements of strategic importance (such as cobalt and lithium) into the supply chain or strategic reserves of the United States.

(b) CONSIDERATIONS.—In developing the policy under subsection (a), the Assistant Secretary shall consider, at a minimum, the following recycling methods:

(1) Pyroprocessing.

(2) Hydroprocessing.

(3) Direct cathode recycling, relithiation, and upcycling.

SEC. 326. [10 U.S.C. 2701 note] GUIDANCE AND TARGET GOAL RELATING TO FORMERLY USED DEFENSE SITES PROGRAMS.

(a) GUIDANCE RELATING TO SITE PRIORITIZATION.—The Assistant Secretary of Defense for Energy, Installations, and Environment shall issue guidance setting forth how, in prioritizing sites for activities funded under the "Environmental Restoration Account, Formerly Used Defense Sites" account established under section 2703(a)(5) of title 10, United States Code, the Assistant Secretary shall weigh the relative risk or other factors between Installation Restoration Program sites and Military Munitions Response Program sites.

(b) TARGET GOAL FOR MILITARY MUNITIONS RESPONSE PROGRAM.—The Assistant Secretary of Defense for Energy, Installations, and Environment shall establish a target goal for the completion of the cleanup of all Military Munitions Response Program sites.

SEC. 327. [10 U.S.C. 2911 note] ANALYSIS AND PLAN FOR ADDRESSING HEAT ISLAND EFFECT ON MILITARY INSTALLATIONS.

(a) INSTALLATION ANALYSIS.—Each Secretary of a military department shall conduct an analysis of the military installations under the jurisdiction of that Secretary to assess the extent to which heat islands affect readiness, infrastructure service life, and utilities costs. Each such analysis shall contain each of the following:

(1) An analysis of how heat islands exacerbate summer heat conditions and necessitate the increased use of air conditioning on the installations, including an estimate of the cost of such increased usage with respect to both utilities costs and shortened service life of air conditioning units.

(2) An assessment of any readiness effects related to heat islands, including the loss of training hours due to black flag conditions, and the corresponding cost of such effects.

(b) PLAN.—Based on the results of the analyses conducted under subsection (a), the Secretaries of the military departments shall jointly—

(1) develop a plan for mitigating the effects of heat islands at the most severely affected installations, including by in-

creasing tree coverage, installing cool roofs or green roofs, and painting asphalt; and

(2) promulgate best practices enterprise-wide for cost avoidance and reduction of the effects of heat islands.

(c) BRIEFING.—Not later than September 30, 2024, the Secretaries of the military departments shall jointly provide to the congressional defense committees a briefing on—

(1) the findings of each analysis conducted under subsection (a);

(2) the plan developed under subsection (b); and

(3) such other matters as the Secretaries determine appropriate.

(d) HEAT ISLAND DEFINED.—The term "heat island" means an area with a high concentration of structures (such as building, roads, and other infrastructure) that absorb and re-emit the sun's heat more than natural landscapes such as forests or bodies of water.

SEC. 328. LIMITATION ON REPLACEMENT OF NON-TACTICAL VEHICLE FLEET OF DEPARTMENT OF DEFENSE WITH ELECTRIC VEHICLES, ADVANCED-BIOFUEL-POWERED VEHICLES, OR HYDROGEN-POWERED VEHICLES.

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

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

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

(A) an estimated cost per unit and number of units to be procured of each type of electric non-tactical vehicle (such as trucks, buses, and vans);

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

(C) a lifecycle cost comparison between electric vehicles and combustion engine vehicles of each type (such as an electric truck versus a conventional truck);

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

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

(2) An assessment of the current and projected supply chain shortfalls, including critical minerals, for electric vehicles and combustion engine vehicles.

(3) An assessment of the security risks associated with data collection conducted with respect to electric vehicles, combustion engine vehicles, and the related computer systems for each.

(4) An assessment of the current range requirements for electric vehicles compared to combustion engine vehicles and the average life of vehicles of the Department necessary to maintain current readiness requirements of the Department.

(5) An identification of components for electric non-tactical vehicles, advanced-biofuel-powered vehicles, hydrogen-powered vehicles, and combustion engine vehicles that are currently being sourced from the People's Republic of China.

(6) An assessment of the mid- and long-term costs and benefits to the Department of falling behind industry trends related to the adoption of alternative fuel vehicles including electric vehicles, hydrogen-powered vehicles, and advanced-biofuel-powered vehicles.

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

(8) An assessment of the relative risks associated with parking and storing electric vehicles, hydrogen-powered vehicles, advanced-biofuel-powered vehicles, and combustion engine vehicles inside parking structures, including fire risk and water damage.

(c) [10 U.S.C. 2922g note] ADDITIONAL PROHIBITION.—None of the funds authorized to be appropriated by this Act or otherwise made available for the Department of Defense may be obligated or expended to procure non-tactical vehicles that are electric vehicles, advanced-biofuel-powered vehicles, or hydrogen-powered vehicles, or any components or spare parts associated with such vehicles, that are not in compliance with subpart 22.15 of the Federal Acquisition Regulation (or any successor regulations).

(d) DEFINITIONS.—In this section:

(1) The term "advanced-biofuel-powered vehicle" includes a vehicle that uses a fuel described in section 9001(3)(A) of the Farm Security and Rural Investment Act of 2202 (7 U.S.C. 8101(3)(A)).

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

(3) The term "electric grid requirements" means the power grid and infrastructure requirements needed to support plug-in electric vehicles and vehicle-to-grid requirements.

(4) The term "electric non-tactical vehicle" means a non-tactical vehicle that is an electric vehicle.

(5) The terms "electric vehicle" includes—

(A) a plug-in hybrid electric vehicle that uses a combination of electric and gas powered engine that can use either gasoline or electricity as a fuel source; and

(B) a plug-in electric vehicle that runs solely on electricity and does not contain an internal combustion engine or gas tank.

(6) The term "hydrogen-powered vehicle" means a vehicle that uses hydrogen as the main source of motive power, either through a fuel cell or internal combustion.

(7) The term "non-tactical vehicle" means a vehicle other than a tactical vehicle.

(8) The term "tactical vehicle" means a motor vehicle designed to military specification, or a commercial design motor vehicle modified to military specification, to provide direct transportation support of combat or tactical operations, or for the training of personnel for such operations.

Subtitle C—Red Hill Bulk Fuel Storage Facility

SEC. 331. DEFUELING OF RED HILL BULK FUEL STORAGE FACILITY.

(a) DEADLINE FOR COMPLETION OF DEFUELING.—

(1) IN GENERAL.—The Secretary of Defense shall complete the defueling of the Red Hill Bulk Fuel Storage Facility in a safe and expeditious manner by a deadline that is approved by the State of Hawaii Department of Health.

(2) REPORT.—Not later than 30 days after the date of the enactment of this Act, and quarterly thereafter until the completion of the defueling of the Red Hill Bulk Fuel Storage Facility, the Secretary of Defense shall submit to the congressional defense committees, and make publicly available on an appropriate website of the Department of Defense, a report on the status of such defueling.

(b) PLANNING AND IMPLEMENTATION OF DEFUELING.—The Secretary of Defense shall plan for and implement the defueling of the Red Hill Bulk Fuel Storage Facility in consultation with the Administrator of the Environmental Protection Agency and the State of Hawaii Department of Health.

(c) NOTIFICATION REQUIREMENT.—The Secretary of Defense may not begin the process of defueling the Red Hill Bulk Storage Facility until the date on which the Secretary submits to the congressional defense committees a notification that such defueling would not adversely affect the ability of the Department of Defense to provide fuel to support military operations in the area of responsibility of the United States Indo-Pacific Command.

SEC. 332. AUTHORIZATION OF CLOSURE OF UNDERGROUND STORAGE TANK SYSTEM AT RED HILL BULK FUEL STORAGE FACILITY.

(a) AUTHORIZATION.—The Secretary of Defense may close the underground storage tank system at the Red Hill Bulk Fuel Storage Facility of the Department of Defense located in Hawaii (in this section referred to as the "Facility").

(b) PLAN FOR FACILITY CLOSURE AND POST-CLOSURE CARE.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of the Navy shall sub-

mit to the Committees on Armed Services of the House of Representatives and the Senate a plan for—

(A) the closure of the Facility, along with a report on the cost projections for such closure;

(B) monitoring of the Facility following closure;

(C) corrective actions to mitigate fuel releases of groundwater at the Facility, including resources necessary for the Secretary of the Navy to conduct such actions at the Facility;

(D) coordination and communication with applicable Federal and State regulatory authorities, and surrounding communities, on release response and remediation activities conducted by the Secretary of the Navy at the Facility;

(E) improvements to processes, procedures, organization, training, leadership, education, facilities, and policy of the Department of Defense related to best practices for the remediation and closure of the Facility; and

(F) measures to ensure that future strategic level assets of the Department of Defense are properly maintained and critical environmental assets are protected.

(2) PREPARATION OF PLAN.—The Secretary of the Navy shall prepare the plan required under paragraph (1) in consultation with the following:

(A) The Environmental Protection Agency.

(B) The Hawaii Department of Health.

(C) The United States Geological Survey.

(D) Any other relevant Federal or State agencies the Secretary considers appropriate.

(c) IDENTIFICATION OF POINT OF CONTACT AT DEPARTMENT OF DEFENSE.—Not later than 60 days after the date of the enactment of this Act, to ensure clear and consistent communication relating to defueling, closure, and release response, the Secretary of Defense shall identify a single point of contact within the Office of the Secretary of Defense to oversee and communicate with the public and Members of Congress regarding the status of the Facility.

(d) WATER MONITORING BRIEFING.—Not later than 60 days after the date of the enactment of this Act, the Secretary of the Navy shall provide to the Committees on Armed Services of the House of Representatives and the Senate a briefing on the status of the ground water monitoring program—

(1) to monitor movement of the fuel plume in the aquifer surrounding the Facility;

(2) to monitor long-term impacts to such aquifer and local water bodies resulting from fuel releases from the Facility; and

(3) to coordinate with the Agency for Toxic Substances and Disease Registry of the Department of Health and Human Services as the Agency conducts a follow up to the previously conducted voluntary survey of individuals and entities potentially impacted by fuel releases from the Facility.

SEC. 333. REPORT ON BULK FUEL REQUIREMENTS APPLICABLE TO UNITED STATES INDO-PACIFIC COMMAND.

(a) LIMITATION.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2023 for the Office of the Secretary of Defense for administration and service-wide

activities, not more than 90 percent may be obligated or expended until the Secretary of Defense submits to the congressional defense committees a report that includes the following elements:

(1) The bulk fuel requirements of the United States Indo-Pacific Command associated with the operational plans of the command that involve the most stress on bulk fuel, disaggregated by theater component commander, as such term is defined in section 1513 of title 10, United States Code, implementing the requirement.

(2) The hardening requirements of the United States Indo-Pacific Command associated with the distribution of bulk fuel to support the proposed force laydown in the area of responsibility of such command.

(3) A bulk fuels connector strategy to reposition fuels within the area of responsibility of such command, which shall include a specific assessment of the following:

(A) The overall bulk fuel requirements for the force structure of the surface fleet tankers of the Navy and any specific requirements associated with the proposed force laydown specified in paragraph (2).

(B) The intra-theater connector strategy of the Department of Defense to logistically support theater-specific bulk fuel requirements.

(C) The bulk fuel requirements for light amphibious warfare ships.

(4) An identification of the funding mechanisms used, or proposed to be used, to meet each of the requirements specified in paragraphs (1) through (3), including programmed and unfunded requirements, and a description of any additional staffing or resources necessary to meet such requirements.

(5) A risk assessment of the potential risk associated with the denial of access to bulk fuel storage facilities located in foreign countries, including a specific assessment of clauses in contracts entered into by the Director of the Defense Logistics Agency that provide for surety of access to such storage facilities, taking into account the insurance sought with respect to such surety and the anticipated penalties for failing to provide such surety.

(b) INCLUSION IN SEPARATE REPORTS.—An element listed in paragraphs (1) through (5) of subsection (a) shall be deemed to be included in the report under subsection (a) if included in a separate report submitted to the congressional defense committees on or before the date of the submission of the report under such subsection.

(c) FORM.—The report under subsection (a) shall be submitted in an unclassified and publicly releasable form, but may contain a classified annex.

SEC. 334. PLACEMENT OF SENTINEL OR MONITORING WELLS IN PROXIMITY TO RED HILL BULK FUEL STORAGE FACILITY.

(a) IN GENERAL.—Not later than April 1, 2023, the Secretary of the Navy, in coordination with the Director of the United States Geological Survey and the Administrator of the Environmental Protection Agency, shall submit to the congressional defense committees a report on the placement of sentinel or monitoring wells in proximity to the Red Hill Bulk Fuel Storage Facility for the pur-

pose of monitoring and tracking the movement of fuel that has escaped the Facility. Such report shall include—

(1) the number and location of new wells that have been established during the 12-month period preceding the date of the submission of the report;

(2) an identification of any new wells proposed to be established;

(3) an analysis of the need for any other wells;

(4) the proposed number and location of any such additional wells; and

(5) the priority level of each proposed well based on—

(A) the optimal locations for new wells; and

(B) the capability of a proposed well to assist in monitoring and tracking the movement of fuel toward the Halawa shaft, the Halawa Well, and the Aiea Well.

(b) QUARTERLY BRIEFINGS.—Not later than 30 days after the submission of the report under subsection (a), and every 90 days thereafter for 12 months, the Secretary of the Navy shall provide to the congressional defense committees a briefing on the progress of the Department of the Navy toward installing the wells described in paragraphs (2) and (3) of subsection (a).

SEC. 335. STUDIES RELATING TO WATER NEEDS OF THE ARMED FORCES ON OAHU.

(a) STUDY ON FUTURE WATER NEEDS OF OAHU.—

(1) IN GENERAL.—Not later than July 31, 2023, the Secretary of Defense shall conduct a study on how the Department of Defense may best address the future water needs of the Armed Forces on the island of Oahu. Such study shall include consideration of—

(A) the construction of a new water treatment plant or plants;

(B) the construction of a new well for use by members of the Armed Forces and the civilian population;

(C) the construction of a new well for the exclusive use of members of the Armed Forces;

(D) transferring ownership and operation of existing Department of Defense utilities to a municipality or existing publicly owned utility;

(E) conveying certain Navy utilities to the Honolulu Board of Water Supply; and

(F) any other water solutions the Secretary of Defense determines appropriate.

(2) CONSULTATION.—In carrying out the study under paragraph (1), the Secretary of Defense shall consult with the Administrator of the Environmental Protection Agency, the State of Hawaii, the Honolulu Board of Water Supply, and any other entity the Secretary of Defense determines appropriate.

(3) REPORT; BRIEFING.—Upon completion of the study under paragraph (1), the Secretary of Defense shall—

(A) submit to the appropriate congressional committees a report on the findings of the study; and

(B) provide to the appropriate congressional committees a briefing on such findings.

(b) HYDROLOGICAL STUDIES.—

(1) GROUNDWATER FLOW MODEL STUDY.—Not later than July 31, 2023, the Secretary of the Navy, in consultation with the Administrator of the Environmental Protection Agency, the Director of the United States Geological Survey, and the State of Hawaii, shall commence the conduct of a new study, or continue an existing study, to further refine the modeling of groundwater flow in the area surrounding the Red Hill Bulk Fuel Storage Facility. Such study shall be designed to—

(A) seek to improve the understanding of the direction and rate of groundwater flow and dissolved fuel migration within the aquifers in the area surrounding the facility;

(B) reflect site-specific data, including available data of the heterogeneous subsurface geologic system of such area; and

(C) address previously identified deficiencies in existing groundwater flow models.

(2) DEADLINES FOR COMPLETION.—

(A) GROUNDWATER FLOW MODEL STUDY.—The study under paragraph (1) shall be completed by not later than one year after the date of the enactment of this Act.

(B) SUBSEQUENT STUDY.—Not later than one year after the date on which the study under paragraph (1) is completed, the Secretary of the Navy shall complete a subsequent study to model contaminant fate and transport in the area surrounding the Red Hill Bulk Fuel Storage Facility.

(3) REPORTS; BRIEFINGS.—Upon completion of a study under this subsection, the Secretary of the Navy shall—

(A) submit to the congressional defense committees a report on the findings of the study; and

(B) provide to the congressional defense committees a briefing on such findings.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means the following:

(1) The congressional defense committees.

(2) The Committee on Energy and Commerce of the House of Representatives.

(3) The Committee on Environment and Public Works of the Senate.

SEC. 336. STUDY ON ALTERNATIVE USES FOR RED HILL BULK FUEL STORAGE FACILITY.

(a) STUDY REQUIRED.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall seek to enter into an agreement with a federally funded research and development center that meets the criteria specified in paragraph (2) under which such center will conduct a study to determine the range of feasible alternative Department of Defense uses for the Red Hill Bulk Fuel Storage Facility and provide to the Secretary a report on the findings of the study. The conduct of such study shall include—

(A) engagement with stakeholders;

(B) a review of historical alternative uses of facilities with similar characteristics; and

(C) such other modalities as determined necessary to appropriately identify alternative use options, including data and information collected from various stakeholders and through site visits to physically inspect the facility.

(2) CRITERIA FOR FFRDC.—The federally funded research and development center with which the Secretary seeks to enter into an agreement under paragraph (1) shall meet the following criteria:

(A) A primary focus on studies and analysis.

(B) A record of conducting research and analysis using a multidisciplinary approach.

(C) Demonstrated specific competencies in—

(i) life cycle cost-benefit analysis;

(ii) military facilities and how such facilities support missions; and

(iii) the measurement of environmental impacts.

(D) A strong reputation for publishing publicly releasable analysis to inform public debate.

(b) COST-BENEFIT ANALYSIS.—An agreement entered into pursuant to subsection (a) shall specify that the study conducted under the agreement will include a cost-benefit analysis of the feasible Department of Defense alternative uses considered under the study. Such cost-benefit analysis shall cover each of the following for each such alternative use:

(1) The design and construction costs.

(2) Life-cycle costs, including the operation and maintenance costs of operating the facility, such as annual operating costs, predicted maintenance costs, and any disposal costs at the end of the useful life of the facility.

(3) Any potential military benefits.

(4) Any potential benefits for the local economy, including any potential employment opportunities for members of the community.

(5) A determination of environmental impact analysis requirements.

(6) The effects of the use on future mitigation efforts.

(7) Any additional factors determined to be relevant by the federally funded research and development center in consultation with the Secretary.

(c) DEADLINE FOR COMPLETION.—An agreement entered into pursuant to subsection (a) shall specify that the study conducted under the agreement shall be completed by not later than February 1, 2024.

(d) BRIEFING.—Upon completion of a study conducted under an agreement entered into pursuant to subsection (a), the Secretary shall provide to the Committees on Armed Services of the Senate and House of Representatives a briefing on the findings of the study.

(e) PUBLIC AVAILABILITY.—

(1) FFRDC.—An agreement entered into pursuant to subsection (a) shall specify that the federally funded research and development center shall make an unclassified version of the

report provided to the Secretary publicly available on an appropriate website of the center.

(2) DEPARTMENT OF DEFENSE.—Upon receipt of such report, the Secretary shall make an unclassified version of the report publicly available on an appropriate website of the Department of Defense.

SEC. 337. BRIEFING ON DEPARTMENT OF DEFENSE EFFORTS TO TRACK HEALTH IMPLICATIONS OF FUEL LEAKS AT RED HILL BULK FUEL STORAGE FACILITY.

(a) BRIEFING.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of Health and Human Services, shall provide to the congressional defense committees a briefing on the efforts of the Secretary of Defense to appropriately track the health implications of fuel leaks at the Red Hill Bulk Fuel Storage Facility for members of the Armed Forces and dependents thereof, including members of each Armed Force and dependents thereof. The briefing shall include each of the following:

(1) A plan to coordinate with the Director of the Centers for Disease Control and Prevention to align such efforts with the public health assessment and monitoring efforts of the Director.

(2) A description of any potential benefits of coordinating and sharing data with the State of Hawaii Department of Health.

(3) An analysis of the extent to which data from the State of Hawaii Department of Health and data from other non-Department of Defense sources can and should be used in any long-term health study relating to fuel leaks at the Red Hill Bulk Fuel Storage Facility.

(4) A description of the potential health implications of contaminants, including fuel, detected in the drinking water distribution system at the Red Hill Bulk Fuel Storage Facility during testing after the fuel leaks at such facility that occurred in May and November 2021, respectively.

(5) A description of any contaminants, including fuel, detected in the water supply at the Red Hill Bulk Fuel Storage Facility during the 12-month period preceding the fuel leak at such facility that occurred in November 2021.

(6) A description of any potential benefits of broadening the tracing window to include indications of contaminants, including fuel, in the drinking water supply at the Red Hill Bulk Fuel Storage Facility prior to May 2021.

(b) ARMED FORCES DEFINED.—In this section, the term "Armed Forces" has the meaning given that term in section 101 of title 10, United States Code.

Subtitle D—Treatment of Perfluoroalkyl Substances and Polyfluoroalkyl Substances

SEC. 341. DEPARTMENT OF DEFENSE RESEARCH RELATING TO PERFLUOROALKYL OR POLYFLUOROALKYL SUBSTANCES.

(a) [10 U.S.C. 2701 note] PUBLICATION OF INFORMATION.—

(1) IN GENERAL.—Beginning not later than 180 days after the date of the enactment of this Act, Secretary of Defense shall publish on the publicly available website established under section 331(b) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92; 10 U.S.C. 2701 note) timely and regularly updated information on the research efforts of the Department of Defense relating to perfluoroalkyl substances or polyfluoroalkyl substances, which shall include the following:

(A) A description of any research collaboration or data sharing by the Department with the Department of Veterans Affairs, the Agency for Toxic Substances and Disease Registry, or any other agency (as defined in section 551 of title 5, United States Code), State, academic institution, nongovernmental organization, or other entity.

(B) Regularly updated information on research projects supported or conducted by the Department of Defense pertaining to the development, testing, and evaluation of a fluorine-free firefighting foam or any other alternative to aqueous film forming foam that contains perfluoroalkyl substances or polyfluoroalkyl substances, excluding any proprietary information that is business confidential.

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

(D) Regularly updated information on research projects supported or conducted by the Department pertaining to treatment options for drinking water, surface water, ground water, and the safe disposal of perfluoroalkyl substances or polyfluoroalkyl substances.

(E) Budget information, including specific spending information for the research projects relating to perfluoroalkyl substances or polyfluoroalkyl substances that are supported or conducted by the Department.

(F) Such other matters as may be relevant to ongoing research projects supported or conducted by the Department to address the use of perfluoroalkyl substances or polyfluoroalkyl substances and the health effects of the use of such substances.

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

(3) DEFINITIONS.—In this subsection:

(A) The term "military installation" includes active, inactive, and former military installations.

(B) The term "perfluoroalkyl substance" means a man-made chemical of which all of the carbon atoms are fully fluorinated carbon atoms.

(C) The term "polyfluoroalkyl substance" means a man-made chemical containing a mix of fully fluorinated carbon atoms, partially fluorinated carbon atoms, and nonfluorinated carbon atoms.

(b) INCLUSION OF RESEARCH DUTIES IN PERFLUOROALKYL SUBSTANCES AND POLYFLUOROALKYL SUBSTANCES TASK FORCE.—Section 2714(e) of title 10, United States Code, is amended by adding at the end the following new paragraphs:

"(5) Supporting research efforts relating to perfluoroalkyl substances or polyfluoroalkyl substances.

"(6) Establishing practices to ensure the timely and complete dissemination of research findings and related data relating to perfluoroalkyl substances or polyfluoroalkyl substances to the general public.".

SEC. 342. INCREASE OF TRANSFER AUTHORITY FOR FUNDING OF STUDY AND ASSESSMENT ON HEALTH IMPLICATIONS OF PER- AND POLYFLUOROALKYL SUBSTANCES CONTAMINATION IN DRINKING WATER BY AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY.

Section 316(a)(2)(B) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91; 131 Stat. 1350), as amended by section 315(a) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232; 132 Stat. 1713), section 321 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92; 133 Stat. 1307), section 337 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-283; 134 Stat. 3533), and section 342 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117-81; 135 Stat. 1643), is further amended—

(1) in clause (ii), by striking "2023" and inserting "2022"; and

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

"(iii) Without regard to section 2215 of title 10, United States Code, the Secretary of Defense may transfer not more than $20,000,000 during fiscal year 2023 to the Secretary of Health and Human Services to pay for the study and assessment required by this section.".

SEC. 343. PRIZES FOR DEVELOPMENT OF NON-PFAS-CONTAINING TURNOUT GEAR.

Section 330 of the National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-283; 134 Stat. 3528; 10 U.S.C. 2661note prec.) is amended—

(1) in subsection (a)—

(A) by striking "of a non-PFAS-containing" and inserting "of the following:"

"(1) A non-PFAS-containing"; and

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

"(2) Covered personal protective firefighting equipment that does not contain an intentionally added perfluoroalkyl substance or polyfluoroalkyl substance."; and

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

"(f) DEFINITIONS.—In this section:

"(1) The term 'perfluoroalkyl substance' means a man-made chemical of which all of the carbon atoms are fully fluorinated carbon atoms.

"(2) The term 'polyfluoroalkyl substance' means a man-made chemical containing at least one fully fluorinated carbon atom and at least one non-fully fluorinated carbon atom.

"(3) The term 'covered personal protective firefighting equipment" means the following:

"(A) Turnout gear jacket or coat.

"(B) Turnout gear pants.

"(C) Turnout coveralls.

"(D) Any other personal protective firefighting equipment, as determined by the Secretary of Defense, in consultation with the Administrator of the United States Fire Administration.".

SEC. 344. MODIFICATION OF LIMITATION ON DISCLOSURE OF RESULTS OF TESTING FOR PERFLUOROALKYL OR POLYFLUOROALKYL SUBSTANCES ON PRIVATE PROPERTY.

Section 345(a)(2) of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117-81; 10 U.S.C. 2715 note) is amended by inserting "personally identifiable information in connection with" after "publicly disclose".

SEC. 345. RESTRICTION ON PROCUREMENT OR PURCHASING BY DEPARTMENT OF DEFENSE OF TURNOUT GEAR FOR FIREFIGHTERS CONTAINING PERFLUOROALKYL SUBSTANCES OR POLYFLUOROALKYL SUBSTANCES.

(a) PROHIBITION ON PROCUREMENT AND PURCHASING.—Subject to subsection (d), beginning on October 1, 2026, the Secretary of Defense may not enter into a contract to procure or purchase covered personal protective firefighting equipment for use by Federal or civilian firefighters unless such equipment meets the specifications set forth in the most recently published edition of the National Fire Protection Associate 1970 standard, including by not containing any substance on the restricted substances list in excess of the maximum acceptable levels of such substance.

(b) IMPLEMENTATION.—

(1) INCLUSION IN CONTRACTS.—The Secretary of Defense shall include the prohibition under subsection (a) in any contract entered into by the Department of Defense to procure covered personal protective firefighting equipment for use by Federal or civilian firefighters.

(2) NO OBLIGATION TO TEST.—In carrying out the prohibition under subsection (a), the Secretary shall not have an obligation to test covered personal protective firefighting equip-

ment to confirm the absence of perfluoroalkyl substances or polyfluoroalkyl substances.

(c) EXISTING INVENTORY.—Nothing in this section shall impact existing inventories of covered personal protective firefighting equipment.

(d) AVAILABILITY OF ALTERNATIVES.—

(1) IN GENERAL.—The requirement under subsection (a) shall be subject to the availability of sufficiently protective covered personal protective firefighting equipment that meets the specifications set forth in the most recently published edition of the National Fire Protection Associate 1970 standard, including by not containing any substance on the restricted substances list in excess of the maximum acceptable levels of such substance.

(2) EXTENSION OF EFFECTIVE DATE.—If the Secretary of Defense determines that no sufficiently protective covered personal protective firefighting equipment that meets the specifications set forth in the most recently published edition of the National Fire Protection Associate 1970 standard, including by not containing any substance on the restricted substances list in excess of the maximum acceptable levels of such substance, is available, the deadline under subsection (a) shall be extended until the Secretary determines that such covered personal protective firefighting equipment is available.

(e) DEFINITIONS.—In this section:

(1) The term "covered personal protective firefighting equipment" means—

(A) any product that provides protection to the upper and lower torso, arms, legs, head, hands, and feet; or

(B) any other personal protective firefighting equipment, as determined by the Secretary of Defense.

(2) The term "perfluoroalkyl substance" means a man-made chemical of which all of the carbon atoms are fully fluorinated carbon atoms.

(3) The term "polyfluoroalkyl substance" means a man-made chemical containing at least one fully fluorinated carbon atom and at least one non-fully fluorinated carbon atom.

SEC. 346. ANNUAL REPORT ON PFAS CONTAMINATION AT CERTAIN MILITARY INSTALLATIONS FROM SOURCES OTHER THAN AQUEOUS FILM-FORMING FOAM.

Not later than one year after the date of the enactment of this Act, and annually thereafter for the following four years, the Under Secretary of Defense for Acquisition and Sustainment shall submit to the congressional defense committees a report on any known or suspected contamination on or around military installations located in the United States resulting from the release of any perfluoroalkyl substance or polyfluoroalkyl substance originating from a source other than aqueous film-forming foam.

SEC. 347. REPORT ON CRITICAL PFAS USES; BRIEFINGS ON DEPARTMENT OF DEFENSE PROCUREMENT OF CERTAIN ITEMS CONTAINING PFOS OR PFOA.

(a) IDENTIFICATION OF CRITICAL USES.—Not later than June 1, 2023, the Secretary of Defense, in consultation with the Defense Critical Supply Chain Task Force and the Chemical and Material

Risk Management Program of the Department of Defense, shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report outlining the uses of perfluoroalkyl substances and polyfluoroalkyl substances that are critical to the national security of the United States, with a focus on such critical uses in—

(1) the sectors outlined in the February 2022 report of the Department of Defense titled "Securing Defense-Critical Supply Chains"; and

(2) sectors of strategic importance for domestic production and investment to build supply chain resilience, including kinetic capabilities, energy storage and batteries, and microelectronics and semiconductors.

(b) [10 U.S.C. 2701 note] ANNUAL BRIEFINGS.—Not later than 270 days after the date of the enactment of this Act, and annually thereafter, the Secretary of Defense shall provide to the Committees on Armed Services of the House of Representatives and the Senate a briefing that includes a description of each of the following:

(1) Steps taken to identify covered items procured by the Department of Defense that contain perfluorooctane sulfonate (PFOS) or perfluorooctanoic acid (PFOA).

(2) Steps taken to identify products and vendors of covered items that do not contain PFOS or PFOA.

(3) Steps taken to limit the procurement by the Department of covered items that contain PFOS or PFOA.

(4) Steps the Secretary intends to take to limit the procurement of covered items that contain PFOS or PFOA.

(c) [10 U.S.C. 2701 note] COVERED ITEM DEFINED.—In this section, the term "covered item" means—

(1) nonstick cookware or cooking utensils for use in galleys or dining facilities; and

(2) upholstered furniture, carpets, and rugs that have been treated with stain-resistant coatings.

Subtitle E—Logistics and Sustainment

SEC. 351. RESOURCES REQUIRED FOR ACHIEVING MATERIEL READINESS METRICS AND OBJECTIVES FOR MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) IN GENERAL.—Section 118 of title 10, United States Code, is amended:

(1) in subsection (d)(2), by striking "objectives" and inserting "objectives, such as infrastructure, workforce, or supply chain considerations";

(2) redesignating subsection (e) as subsection (f); and

(3) inserting after subsection (d) the following new subsection (e):

"(e) FUNDING ESTIMATES.—Not later than five days after the date on which the Secretary of Defense submits to Congress the materials in support of the budget of the President for a fiscal year, the Director of Cost Assessment and Performance Evaluation shall submit to the congressional defense committees a comprehensive estimate of the funds necessary to meet the materiel readiness ob-

jectives required by subsection (c) through the period covered by the most recent future-years defense program. At a minimum, the Director shall provide, for each major weapon system, by designated mission design series, variant, or class, a comprehensive estimate of the funds necessary to meet such objectives that—

"(1) have been obligated by subactivity group within the operation and maintenance accounts for the second fiscal year preceding the budget year;

"(2) the Director estimates will have been obligated by subactivity group within the operation and maintenance accounts by the end of the fiscal year preceding the budget year; and

"(3) have been budgeted and programmed across the future years defense program within the operation and maintenance accounts by subactivity group.".

(b) [10 U.S.C. 118 note] PHASED IMPLEMENTATION.—The Director of Cost Assessment and Performance Evaluation may meet the requirements of subsection (e) of section 118 of title 10, United States Code, as added by subsection (a), through a phased submission of the funding estimates required under such subsection. In conducting a phased implementation, the Director shall ensure that—

(1) for the budget request for fiscal year 2024, funding estimates are provided for a representative sample by military department of at least one-third of the major weapon systems;

(2) for the budget request for fiscal year 2025, funding estimates are provided for an additional one-third of the major weapon systems; and

(3) full implementation for all major weapons systems is completed not later than five days after the date on which the Secretary of Defense submits to Congress the materials in support of the budget of the President for fiscal year 2026.

SEC. 352. ANNUAL PLAN FOR MAINTENANCE AND MODERNIZATION OF NAVAL VESSELS.

(a) ANNUAL PLAN.—Section 231 of title 10, United States Code, is amended—

(1) in the heading, by inserting ", maintenance, and modernization" after "construction";

(2) by redesignating subsections (d) through (f) as subsections (e) through (g), respectively;

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

"(d) ANNUAL PLAN FOR MAINTENANCE AND MODERNIZATION OF NAVAL VESSELS.—In addition to the plan included under subsection (a)(1), the Secretary of Defense shall include with the defense budget materials for a fiscal year each of the following:

"(1) A plan for the maintenance and modernization of naval vessels that includes the following:

"(A) A forecast of the maintenance and modernization requirements for both the naval vessels in the inventory of the Navy and the vessels required to be delivered under the naval vessel construction plan under subsection (a)(1).

"(B) A description of the initiatives of the Secretary of the Navy to ensure that activities key to facilitating the maintenance and modernization of naval vessels (including

with respect to increasing workforce and industrial base capability and capacity, shipyard level-loading, and facility improvements) receive sufficient resourcing, and are including in appropriate planning, to facilitate the requirements specified in subparagraph (A).

"(2) A certification by the Secretary that both the budget for that fiscal year and the future-years defense program submitted to Congress in relation to such budget under section 221 of this title provide for funding for the maintenance and modernization of naval vessels at a level that is sufficient for such maintenance and modernization in accordance with the plan under paragraph (1)."; and

(4) in subsection (f), as redesignated by paragraph (2), by inserting " and the plan and certification under subsection (d)" after "subsection (a)".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 9 of title 10, United States Code, is amended by striking the item relating to section 231 and inserting the following new item:

"231. Budgeting for construction, maintenance, and modernization of naval vessels: annual plan and certification.".

SEC. 353. INCLUSION OF INFORMATION REGARDING JOINT MEDICAL ESTIMATES IN READINESS REPORTS.

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

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

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

"(11) A summary of the joint medical estimate under section 732(b)(1) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232; 132 Stat. 1817) prepared by the Joint Staff Surgeon, with a mitigation plan to correct any readiness problem or deficiency and the timeline, cost, and any legislative action required to correct any such problem or deficiency.".

SEC. 354. INAPPLICABILITY OF ADVANCE BILLING DOLLAR LIMITATION FOR RELIEF EFFORTS FOLLOWING MAJOR DISASTERS OR EMERGENCIES.

Section 2208(l)(3) of title 10, United States Code, is amended—

(1) by striking "The total" and inserting "(A) Except as provided in subparagraph (B), the total"; and

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

"(B) The dollar limitation under subparagraph (A) shall not apply with respect to advance billing for relief efforts following a declaration of a major disaster or emergency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).".

SEC. 355. REPEAL OF COMPTROLLER GENERAL REVIEW ON TIME LIMITATIONS ON DURATION OF PUBLIC-PRIVATE COMPETITIONS.

Section 322(c) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2252) is repealed.

SEC. 356. [10 U.S.C. 8013 note] IMPLEMENTATION OF COMPTROLLER GENERAL RECOMMENDATIONS REGARDING SHIPYARD INFRASTRUCTURE OPTIMIZATION PLAN OF THE NAVY.

(a) IN GENERAL.—Not later than March 1, 2023, the Secretary of the Navy shall—

(1) develop metrics for assessing progress of the Secretary toward improved shipyard capacity and performance in carrying out the Shipyard Infrastructure Optimization Plan of the Navy, including by measuring the effectiveness of capital investments;

(2) ensure that the shipyard optimization program office of the Navy—

(A) includes all costs, such as inflation, program office activities, utilities, roads, environmental remediation, historic preservation, and alternative workspace when developing a detailed cost estimate; and

(B) uses cost estimating best practices in developing a detailed cost estimate, including—

(i) a program baseline;

(ii) a work breakdown structure;

(iii) a description of the methodology and key assumptions;

(iv) a consideration of inflation;

(v) a full assessment of risk and uncertainty; and

(vi) a sensitivity analysis; and

(3) obtain independent cost estimates for projects under the shipyard optimization program that are estimated to exceed $250,000,000, to validate the cost estimates of the Navy developed for such projects pursuant to paragraph (2) and inform the prioritization of projects under such program.

(b) BRIEFING.—If the Secretary of the Navy is unable to implement the requirements under subsection (a) by March 1, 2023, the Secretary shall brief the Committees on Armed Services of the Senate and the House of Representatives before such date on—

(1) the current progress of the Secretary toward implementing those requirements;

(2) any hindrance to implementing those requirements; and

(3) any additional resources necessary to implement those requirements.

SEC. 357. LIMITATION ON AVAILABILITY OF FUNDS FOR MILITARY INFORMATION SUPPORT OPERATIONS.

Of the funds authorized to be appropriated by this Act or otherwise made available for Operation and Maintenance, Defense-Wide, for military information support operations, not more than 75 percent may be obligated or expended until the Secretary of Defense submits to the congressional defense committees a plan for—

(1) appropriately scoping and tailoring messaging activities to foreign target audiences;

(2) ensuring messages serve a valid military purpose;

(3) effectively managing risk associated with web-based military information support operations;

(4) maintaining alignment with policies and procedures of the Department of Defense;

(5) adequately overseeing and approving the work of contractors;

(6) ensuring alignment with policy guidance and procedures of the Department; and

(7) coordinating activities with the Global Engagement Center of the Department of State and other relevant non-Department of Defense entities.

SEC. 358. NOTIFICATION OF MODIFICATION TO POLICY REGARDING RETENTION RATES FOR NAVY SHIP REPAIR CONTRACTS.

(a) NOTIFICATION.—The Secretary of the Navy may not modify the general policy of the Department of the Navy regarding retention rates for contracts for Navy ship repair until a period of 15 days has elapsed following the date on which the Assistant Secretary of the Navy for Research, Development, and Acquisition submits to the congressional defense committees a notification that includes, with respect to such modification, the following information:

(1) An identification of any considerations that informed the decision to so modify.

(2) A description of the desired effect of the modification on the Navy ship repair industrial base.

(b) TERMINATION.—This section, and the requirements thereof, shall terminate on September 30, 2025.

SEC. 359. RESEARCH AND ANALYSIS ON CAPACITY OF PRIVATE SHIPYARDS IN UNITED STATES AND EFFECT OF THOSE SHIPYARDS ON NAVAL FLEET READINESS.

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of the Navy shall seek to enter into an agreement with a nonprofit entity or a federally funded research and development center to conduct research and analysis regarding the capacity and capability of private shipyards in the United States to repair, maintain, and modernize surface combatants and support ships of the Navy to ensure fleet readiness.

(b) ELEMENTS.—The research and analysis conducted under subsection (a) shall include the following:

(1) An assessment of the maintenance needs of the Navy during the five-year period preceding the date of the enactment of this Act, including the frequency of unplanned maintenance and the average time it takes to repair ships.

(2) An assessment of the projected maintenance needs of the Navy during the 10-year period following such date of enactment.

(3) An assessment of whether current private shipyards in the United States have the capacity to meet current and anticipated needs of the Navy to maintain and repair ships, including whether there are adequate ship repair facilities and a sufficiently trained workforce.

(4) An identification of barriers limiting the success of intermediate-level and depot-level maintenance availabilities, including constraints of adding private depot capacity and capability.

(5) Recommendations based on the findings of paragraphs (1) through (4) regarding actions the Secretary of the Navy can take to ensure there is an industrial base of private ship repair facilities to meet the needs of the Navy and ensure fleet readi-

ness, including whether the Secretary should institute a new force generation model, establish additional homeport facilities, or establish new hub-type maintenance facilities.

(c) INPUT FROM PRIVATE SHIPYARDS.—In conducting research and analysis under subsection (a), the nonprofit entity or federally funded research and development center with which the Secretary of the Navy enters into an agreement under subsection (a) shall consult with private shipyards regarding—

(1) the fleet maintenance needs of surface combatant and support ships of the Navy;

(2) private shipyard capacity, including workforce; and

(3) additional investment in private shipyards necessary to meet the needs of the Navy.

(d) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the nonprofit entity or federally funded research and development center with which the Secretary of the Navy enters into an agreement under subsection (a) shall submit to the Secretary a report on the results of the research and analysis undertaken under such subsection.

(2) SUBMISSION TO CONGRESS.—Not later than 30 days after the Secretary receives the report under paragraph (1), the Secretary shall submit to the congressional defense committees a copy of the report.

SEC. 360. INDEPENDENT STUDY RELATING TO FUEL DISTRIBUTION LOGISTICS ACROSS UNITED STATES INDO-PACIFIC COMMAND.

(a) STUDY.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall seek to enter into a contract with a federally funded research and development center that meets the criteria under subsection (b) to conduct a study on fuel distribution logistics in the area of responsibility of the United States Indo-Pacific Command.

(b) CRITERIA FOR FFRDC.—The criteria under this subsection are the following:

(1) A primary focus on the conduct of studies and analysis.

(2) A demonstrated record of conducting research and analysis using a multidisciplinary approach.

(3) A strong reputation for publishing publicly releasable analysis to inform public debate.

(c) IDA STRATEGIC FUEL ASSESSMENT.—In conducting the study pursuant to a contract under subsection (a), the federally funded research and development center shall use the results of the July 1, 2020, report of the Institute for Defense Analyses titled "INDOPACOM Strategic Fuel Assessment" as a baseline to inform its analysis of fuel distribution logistics in the area of responsibility of the United States Indo-Pacific Command.

(d) ELEMENTS.—A contract under subsection (a) shall provide that a study conducted under the contract shall include, with respect to the area of responsibility of the United States Indo-Pacific Command, the following:

(1) An evaluation of the vulnerabilities associated with the production, refinement, and distribution of fuel by the Armed Forces during periods of conflict and in contested logistics envi-

ronments within the area, including with respect to the capability of the Armed Forces to sustain operational flights by aircraft and joint force distributed operations.

(2) An assessment of potential adversary capabilities to disrupt such fuel distribution in the area through a variety of means, including financial means, cyber means, and conventional kinetic attacks.

(3) An assessment of any gaps in the capability or capacity of inter- or intra-theater fuel distribution, including any gaps relating to storage, transfer platforms, manning for platforms, command and control, or fuel handling.

(4) An evaluation of the positioning of defense fuel support points in the area, including with respect to operational suitability and vulnerability to a variety of kinetic threats.

(5) An assessment of the readiness of allies and partners of the United States to support the supply, storage, and distribution of fuel by the Armed Forces in the area, including a review of any relevant security cooperation agreements entered into between the United States and such allies and partners.

(6) An assessment of potential actions to mitigate any vulnerabilities identified pursuant to the study.

(e) REPORT.—

(1) SUBMISSION TO SECRETARY OF DEFENSE.—

(A) IN GENERAL.—A contract under subsection (a) shall provide that a study conducted under the contract shall require that the federally funded research and development center submit to the Secretary a report containing the findings of such study.

(B) FORM.—The report under subparagraph (A) shall be submitted in an unclassified and publicly releasable form, but may include a classified annex.

(2) SUBMISSION TO CONGRESS.—Not later than 30 days after the date on which the Secretary receives the report under paragraph (1)(A), the Secretary shall submit to the appropriate congressional committees a copy of such report, submitted without change.

(f) DEFINITIONS.—In this section:

(1) The term "appropriate congressional committees" means—

(A) the congressional defense committees;

(B) the Committee on Transportation and Infrastructure of the House of Representatives; and

(C) the Committee on Commerce, Science, and Transportation of the Senate.

(2) The term "contested logistics environment" has the meaning given such term in section 2926 of title 10, United States Code.

SEC. 361. QUARTERLY BRIEFINGS ON EXPENDITURES FOR ESTABLISHMENT OF FUEL DISTRIBUTION POINTS IN UNITED STATES INDO-PACIFIC COMMAND AREA OF RESPONSIBILITY.

(a) QUARTERLY BRIEFINGS.—On a quarterly basis until the date that is two years after the date of the enactment of this Act, the Commander of United States Indo-Pacific Command shall provide

to the congressional defense committees briefings on the use of the funds described in subsection (c).

(b) CONTENTS OF BRIEFINGS.—Each briefing under subsection (a) shall include an expenditure plan for the establishment of fuel distribution points in the area of responsibility of United States Indo-Pacific Command relating to the defueling and closure of the Red Hill Bulk Fuel Storage Facility.

(c) FUNDS DESCRIBED.—The funds described in this subsection are the amounts authorized to be appropriated or otherwise made available for fiscal year 2023 for Military Construction, Defense-wide for Planning and Design for United States Indo-Pacific Command.

Subtitle F—Matters Relating to Depots and Ammunition Production Facilities

SEC. 371. BUDGETING FOR DEPOT AND AMMUNITION PRODUCTION FACILITY MAINTENANCE AND REPAIR: ANNUAL REPORT.

Chapter 9 of title 10, United States Code, is amended by adding at the end the following new section (and conforming the table of sections at the beginning of such chapter accordingly):

"SEC. 239d. [10 U.S.C. 239d] Budgeting for depot and ammunition production facility maintenance and repair: annual report

"(a) ANNUAL REPORT.—The Secretary of Defense, in coordination with the Secretaries of the military departments, shall include with the defense budget materials for each fiscal year a report regarding the maintenance and repair of covered facilities.

"(b) ELEMENTS.—Each report required under subsection (a) shall include, at a minimum, the following (disaggregated by military department):

"(1) With respect to each of the three fiscal years preceding the fiscal year covered by the defense budget materials with which the report is included, revenue data for that fiscal year for the maintenance, repair, and overhaul workload funded at all the depots of the military department.

"(2) With respect to the fiscal year covered by the defense budget materials with which the report is included and each of the two fiscal years prior, an identification of the following:

"(A) The amount of appropriations budgeted for that fiscal year for depots, further disaggregated by the type of appropriation.

"(B) The amount budgeted for that fiscal year for working-capital fund investments by the Secretary of the military department for the capital budgets of the covered depots of the military department, shown in total and further disaggregated by whether the investment relates to the efficiency of depot facilities, work environment, equipment, equipment (non-capital investment program), or processes.

"(C) The total amount required to be invested by the Secretary of the military department for that fiscal year for the capital budgets of covered depots pursuant to section 2476(a) of this title.

"(D) A comparison of the budgeted amount identified under subparagraph (B) with the total required amount identified under subparagraph (C).

"(E) For each covered depot of the military department, of the total required amount identified under subparagraph (C), the percentage of such amount allocated, or projected to be allocated, to the covered depot for that fiscal year.

"(3) For each covered facility of the military department, the following:

"(A) Information on the average facility condition, average critical facility condition, restoration and maintenance project backlog, and average equipment age, including a description of any changes in such metrics from previous years.

"(B) Information on the status of the implementation at the covered facility of the plans and strategies of the Department of Defense relating to covered facility improvement, including, as applicable, the implementation of the strategy required under section 359 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92; 133 Stat. 1323; 10 U.S.C. 2460 note).

"(c) DEFINITIONS.—In this section:

"(1) The term 'ammunition production facility' means an ammunition organic industrial base production facility.

"(2) The terms 'budget' and 'defense budget materials' have the meaning given those terms in section 234 of this title.

"(3) The term 'covered depot' has the meaning given that term in section 2476 of this title.

"(4) The term 'covered facility' means a covered depot or an ammunition production facility.".

SEC. 372. EXTENSION OF AUTHORIZATION OF DEPOT WORKING CAPITAL FUNDS FOR UNSPECIFIED MINOR MILITARY CONSTRUCTION.

Section 2208(u)(4) of title 10, United States Code, is amended by striking "2023" and inserting "2025".

SEC. 373. FIVE-YEAR PLANS FOR IMPROVEMENTS TO DEPOT AND AMMUNITION PRODUCTION FACILITY INFRASTRUCTURE.

Chapter 146 of title 10, United States Code, is amended by inserting after section 2742 the following new section (and conforming the table of sections at the beginning of such chapter accordingly):

"SEC. 2473. [10 U.S.C. 2473] Annual five-year plans on improvement of depot infrastructure

"(a) SUBMISSION.—As part of the annual budget submission of the President under section 1105(a) of title 31, each Secretary of a military department shall submit to the congressional defense committees a plan describing the objectives of that Secretary to improve depot infrastructure during the five fiscal years following the fiscal year for which such budget is submitted.

"(b) ELEMENTS.—Each plan submitted by a Secretary of a military department under subsection (a) shall include the following:

"(1) With respect to the five-year period covered by the plan, an identification of the major lines of effort, milestones, and specific goals of the Secretary over such period relating to the improvement of depot infrastructure and a description of how such goals support the goals outlined in section 359(b)(1)(B) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92; 133 Stat. 1324; 10 U.S.C. 2476 note).

"(2) The estimated costs of necessary depot infrastructure improvements and a description of how such costs would be addressed by the Department of Defense budget request submitted during the same year as the plan and the applicable future-years defense program.

"(3) Information regarding the plan of the Secretary to initiate such environmental and engineering studies as may be necessary to carry out planned depot infrastructure improvements.

"(4) Detailed information regarding how depot infrastructure improvement projects will be paced and sequenced to ensure continuous operations.

"(c) INCORPORATION OF RESULTS-ORIENTED MANAGEMENT PRACTICES.—Each plan under subsection (a) shall incorporate the leading results-oriented management practices identified in the report of the Comptroller General of the United States titled 'Actions Needed to Improve Poor Conditions of Facilities and Equipment that Affect Maintenance Timeliness and Efficiency' (GAO-19-242), or any successor report, including—

"(1) analytically based goals;

"(2) results-oriented metrics;

"(3) the identification of required resources, risks, and stakeholders; and

"(4) regular reporting on progress to decision makers.".

SEC. 374. MODIFICATION TO MINIMUM CAPITAL INVESTMENT FOR CERTAIN DEPOTS.

(a) MODIFICATION.—Section 2476 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "Each fiscal year" and inserting "(1) Each fiscal year";

(B) by striking "six" and inserting "eight"; and

(C) by inserting after paragraph (1), as designated by subparagraph (A), the following new paragraph:

"(2) Of the amount required to be invested in the capital budgets of the covered depots of a military department under paragraph (1) for each fiscal year—

"(A) 75 percent shall be used for the modernization or improvement of the efficiency of depot facilities, equipment, work environment, or processes in direct support of depot operations; and

"(B) 25 percent shall be used for the sustainment, restoration, and modernization (as such terms are defined in the Department of Defense Financial Management Regulation 7000.14-R, or successor regulation) of existing facilities or infrastructure.";

(2) in subsection (b), by striking ", but does not include funds spent for sustainment of existing facilities, infrastructure, or equipment";

(3) by redesignating subsections (c) through (e) as subsections (d) through (f);

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

"(c) COMPLIANCE WITH CERTAIN REQUIREMENTS RELATING TO PERSONNEL AND TOTAL FORCE MANAGEMENT.—In identifying amounts to invest pursuant to the requirement under subsection (a)(1), the Secretary of a military department shall comply with all applicable requirements of sections 129 and 129a of this title."; and

(5) in subsection (e)(2), as redesignated by paragraph (3), by adding at the end the following new subparagraph:

"(F) A table enumerating, for the period covered by the report, the amounts invested to meet the requirement under subsection (a)(1), disaggregated by funding source and whether the amount is allocated pursuant to subparagraph (A) or subparagraph (B) of subsection (a)(2).".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Such section is further amended in subsections (d) and (e), as redesignated by subsection (a)(3), by striking "subsection (a)" and inserting "subsection (a)(1)" each place it appears.

(2) ADDITIONAL TECHNICAL AND CONFORMING AMENDMENTS.—Section 2861(b) of title 10, United States Code, is amended—

(A) by striking "subsection (e) of section 2476" and inserting "subsection (f) of section 2476"; and

(B) by striking "subsection (a) of such section" and inserting "subsection (a)(1) of such section".

(c) [10 U.S.C. 2476 note] APPLICABILITY.—The amendments made by this section shall apply with respect to fiscal years beginning on or after October 1, 2023.

SEC. 375. CONTINUATION OF REQUIREMENT FOR BIENNIAL REPORT ON CORE DEPOT-LEVEL MAINTENANCE AND REPAIR.

(a) [10 U.S.C. 111 note] IN GENERAL.—Section 1080(a) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat. 1000; 10 U.S.C. 111 note) does not apply to the report required to be submitted to Congress under section 2464(d) of title 10, United States Code.

(b) CONFORMING REPEAL.—Section 1061(c) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 130 Stat. 2401; 10 U.S.C. 111 note) is amended by striking paragraph (45).

SEC. 376. CONTINUATION OF REQUIREMENT FOR ANNUAL REPORT ON FUNDS EXPENDED FOR PERFORMANCE OF DEPOT-LEVEL MAINTENANCE AND REPAIR WORKLOADS.

(a) [10 U.S.C. 111 note] IN GENERAL.—Section 1080(a) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat. 1000; 10 U.S.C. 111 note) does not apply to the report required to be submitted to Congress under section 2466(d) of title 10, United States Code.

(b) CONFORMING REPEAL.—Section 1061(c) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 130 Stat. 2401; 10 U.S.C. 111 note) is amended by striking paragraph (46).

SEC. 377. [10 U.S.C. 2476 note] CLARIFICATION OF CALCULATION FOR CERTAIN WORKLOAD CARRYOVER OF DEPARTMENT OF THE ARMY.

For purposes of calculating the amount of workload carryover with respect to the depots and arsenals of the Department of the Army, the Secretary of Defense shall authorize the Secretary of the Army to use a calculation for such carryover that—

(1) applies a material end of period exclusion; and

(2) excludes from the calculated carryover amount the proceeds of any foreign military sale.

Subtitle G—Other Matters

SEC. 381. ANNUAL REPORTS BY DEPUTY SECRETARY OF DEFENSE ON ACTIVITIES OF JOINT SAFETY COUNCIL.

Section 184(k) of title 10, United States Codeis amended—

(1) by striking "Report.—The Chair" and inserting "Reports.—(1) The Chair"; and

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

"(2) Not later than March 31, 2023, and not later than December 31 of each year thereafter, the Deputy Secretary of Defense shall submit to the congressional defense committees a report containing—

"(A) a summary of the goals and priorities of the Deputy Secretary for the year following the date of the submission of the report with respect to the activities of the Council; and

"(B) an assessment by the Deputy Secretary of the activities of the Council carried out during the year preceding the date of such submission.".

SEC. 382. ACCOUNTABILITY FOR DEPARTMENT OF DEFENSE CONTRACTORS USING MILITARY WORKING DOGS.

(a) IN GENERAL.—Chapter 50 of title 10, United States Code, is amended by adding at the end the following new section (and conforming the table of sections at the beginning of such chapter accordingly):

"SEC. 995. [10 U.S.C. 995] Accountability for contractors using military working dogs

"(a) ANNUAL REPORTING REQUIREMENT FOR CONTRACTORS.—Each covered contract shall specify that the contractor is required to submit to the Under Secretary of Defense (Comptroller), on an annual basis for the duration of the covered contract, a report containing an identification of—

"(1) the number of military working dogs that are in the possession of the covered contractor and located outside of the continental United States in support of a military operation, if any; and

"(2) the primary location of any such military working dogs.

"(b) COVERED CONTRACT DEFINED.—In this section the term 'covered contract' means a contract that the Secretary of Defense determines involves military working dogs.".

(b) [10 U.S.C. 995 note] APPLICABILITY.—Section 995 of title 10, United States Code, as added by subsection (a), shall apply with respect to a contract entered into on or after the date of the enactment of this Act.

(c) BRIEFING REQUIREMENT.—Not later than March 1, 2023, and annually thereafter for each of the subsequent three years, the Secretary of Defense shall provide to the congressional defense committees a briefing on the implementation of section 995 of title 10, United States Code, as added by subsection (a).

(d) [10 U.S.C. 995 note] DEADLINE FOR GUIDANCE.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense (Comptroller) shall issue the guidance on the annual reporting requirement under section 995 of title 10, United States Code, as added by subsection (a).

(e) REGULATIONS TO PROHIBIT ABANDONMENT.—Not later than two years after the date of the enactment of this Act, the Secretary of Defense shall issue regulations to prohibit the abandonment of military working dogs used in support of a military operation outside of the continental United States.

SEC. 383. MEMBERSHIP OF COAST GUARD ON JOINT SAFETY COUNCIL.

Section 184(b)(1) of title 10, United States Code, is amended—

(1) by redesignating subparagraph (D) as subparagraph (E); and

(2) by inserting after subparagraph (C) the following new subparagraph:

"(D) During periods in which the Coast Guard is not operating as a service in the Department of the Navy, an officer of the Coast Guard, appointed by the Secretary of Homeland Security.".

SEC. 384. INCLUSION IN REPORT ON UNFUNDED PRIORITIES NATIONAL GUARD RESPONSIBILITIES IN CONNECTION WITH NATURAL AND MAN-MADE DISASTERS.

(a) IN GENERAL.—In the report required under section 222a of title 10, United States Code, for fiscal year 2024, the officer specified under subsection (b)(7) of such section shall include as part of the National Guard unfunded priorities described in subsection (c)(3) of such section unfunded priorities that relate to non-Federal National Guard responsibilities in connection with natural and man-made disasters.

(b) TECHNICAL AMENDMENT.—Section 222a(c)(3) of title 10, United States Code, is amended by striking "subsection (b)(6)" both places it appears and inserting "subsection (b)(7)".

SEC. 385. SUPPORT FOR TRAINING OF NATIONAL GUARD PERSONNEL ON WILDFIRE PREVENTION AND RESPONSE.

Section 351 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91; 131 Stat. 1367; 32 U.S.C. 501 note) is amended to read as follows:

"SEC. 351. TRAINING OF NATIONAL GUARD PERSONNEL ON WILDFIRE PREVENTION AND RESPONSE

"The Secretary of the Army and the Secretary of the Air Force, in consultation with the Chief of the National Guard Bureau, may provide support for the training of appropriate personnel of the National Guard on wildfire prevention and response. In carrying out this section, the Secretaries—

"(1) shall give a preference to personnel assigned to military installations with the highest wildfire suppression needs, as determined by the Secretaries; and

"(2) may consult with the Executive Board of the National Interagency Fire Center.".

SEC. 386. INTERAGENCY COLLABORATION AND EXTENSION OF PILOT PROGRAM ON MILITARY WORKING DOGS AND EXPLOSIVES DETECTION.

(a) EXTENSION OF PILOT PROGRAM.—Section 381(b) of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117-81; 135 Stat. 1672; 10 U.S.C. 3062 note) is amended by striking "2024" and inserting "2025".

(b) REVIEW OF RESEARCH EFFORTS OF DEPARTMENT OF DEFENSE AND DEPARTMENT OF HOMELAND SECURITY.—

(1) REVIEW.—The Secretary of Defense, in coordination with the Secretary of Homeland Security, shall conduct a review of the recent and ongoing research, testing, and evaluation efforts of the Department of Defense and the Department of Homeland Security, respectively, regarding explosives detection working dogs.

(2) MATTERS.—The review under paragraph (1) shall include an analysis of the following:

(A) Any recent or ongoing research efforts of the Department of Defense or the Department of Homeland Security, respectively, relating to explosives detection working dogs, and any similarities between such efforts.

(B) Any recent or ongoing veterinary research efforts of the Department of Defense or the Department of Homeland Security, respectively, relating to working dogs, canines, or other areas that may be relevant to the improvement of the breeding, health, performance, or training of explosives detection working dogs.

(C) Any research areas relating to explosives detection working dogs in which there is a need for ongoing research but no such ongoing research is being carried out by either the Secretary of Defense or the Secretary of Homeland Security, particularly with respect to the health, domestic breeding, and training of explosives detection working dogs.

(D) How the recent and ongoing research efforts of the Department of Defense and the Department of Homeland Security, respectively, may improve the domestic breeding of working dogs, including explosives detection working dogs, and the health outcomes and performance of such domestically bred working dogs, including through coordination with academic or industry partners with experience in research relating to working dogs.

(E) Potential opportunities for the Secretary of Defense to collaborate with the Secretary of Homeland Security on research relating to explosives detection working dogs.

(F) Any research partners of the Department of Defense or the Department of Homeland Security, or both, that may be beneficial in assisting with the research efforts and areas described in this subsection.

(c) PLAN REQUIRED.—Not later than 180 days of the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretary of Homeland Security, shall submit to the appropriate congressional committees a plan for the Secretary of Defense to collaborate, as appropriate, with the Secretary of Homeland Security on research relating to explosives detection working dogs and other relevant matters. Such plan shall include the following:

(1) An analysis of potential opportunities for collaboration between the Secretary of Defense and the Secretary of Homeland Security on the research efforts and areas described in subsection (a)(2).

(2) An identification of specific programs or areas of research for such collaboration.

(3) An identification of any additional agreements or authorities necessary for the Secretaries to carry out such collaboration.

(4) An identification of additional funding necessary to carry out such collaboration.

(5) An analysis of potential coordination on the research efforts and areas described in subsection (a)(2) with academic and industry partners with experience in research relating to working dogs, including an identification of potential opportunities for such coordination in carrying out the collaboration described in paragraph (1).

(6) A proposed timeline for the Secretary of Defense to engage in such collaboration, including specific proposed deadlines.

(7) A description of how programs carried out pursuant to this section seek to address the health and welfare issues identified by the Comptroller General of the United States in the report titled "Working Dogs: Federal Agencies Need to Better Address Health and Welfare" published on October 19, 2022 (GAO-23-104489).

(8) Any other matters the Secretary of Defense considers appropriate.

(d) DEFINITIONS.—In this section:

(1) The term "appropriate congressional committees" means the following:

(A) The congressional defense committees.

(B) The Committee on Homeland Security of the House of Representatives.

(C) The Committee on Homeland Security and Governmental Affairs of the Senate.

(2) The term "explosives detection working dog" means a canine that, in connection with the work duties of the canine

performed for a Federal department or agency, is certified and trained to detect odors indicating the presence of explosives in a given object or area, in addition to the performance of such other duties for the Federal department or agency as may be assigned.

SEC. 387. AMENDMENT TO THE SIKES ACT.

(a) USE OF NATURAL FEATURES.—Section 101(a)(3)(A) of the Sikes Act (16 U.S.C. 670a(a)(3)(A)) is amended—

(1) by redesignating clauses (ii) and (iii) as clauses (iii) and (iv), respectively; and

(2) by inserting after clause (i) the following:

"(ii) the use of natural and nature-based features to maintain or improve military installation resilience;".

(b) EXPANDING AND MAKING PERMANENT THE PROGRAM FOR INVASIVE SPECIES MANAGEMENT FOR MILITARY INSTALLATIONS.—Section 101(g) of the Sikes Act (16 U.S.C. 670a(g)) is amended—

(1) by striking the header and inserting "Program for Invasive Species Management for Military Installations"; and

(2) in paragraph (1)—

(A) by striking "During fiscal years 2009 through 2014, the" and inserting "The"; and

(B) by striking "in Guam".

SEC. 388. [10 U.S.C. 2661 note] NATIONAL STANDARDS FOR FEDERAL FIRE PROTECTION AT MILITARY INSTALLATIONS.

(a) STANDARDS REQUIRED.—Beginning not later than one year after the date of the enactment of this Act, the Secretary of Defense shall ensure that—

(1) members of the Armed Forces and employees of Defense Agencies who provide fire protection services to military installations comply with the national consensus standards developed by the National Fire Protection Association;

(2) the minimum staffing requirement for any firefighting vehicle responding to a structural building emergency at a military installation is not less than four firefighters per vehicle; and

(3) the minimum staffing requirement for any firefighting vehicle responding to an aircraft or airfield incident at a military installation is not less than three firefighters per vehicle.

(b) REPORTS REQUIRED.—Not later than 180 days after the date of the enactment of this Act, each Secretary of a military department shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report that—

(1) details each instance in which the standards of that military department deviate from the national consensus standards specified in subsection (a)(1), and at what military installation;

(2) includes, for each military installation under the jurisdiction of that Secretary, a detailed description of response times for emergency services and firefighting vehicle staffing levels; and

(3) includes an assessment of the feasibility of requiring compliance with the national consensus standards specified in subsection (a)(1) in accordance with such subsection at each

military installation under the jurisdiction of that Secretary (without exception), the cost of requiring such compliance, and the estimated timeline for that Secretary to implement such requirement.

(c) DEFINITIONS.—In this section:

(1) The terms "Armed Forces" and "Defense Agency" have the meanings given such terms in section 101 of title 10, United States Code.

(2) The term "firefighter" has the meaning given that term in section 707(b) of the National Defense Authorization Act for Fiscal Year 2020 (Pub. L. 116-92; 10 U.S.C. 1074m note).

(3) The term "military installation" has the meaning given that term in section 2801 of title 10, United States Code.

SEC. 389. [10 U.S.C. 7013 note] PILOT PROGRAMS FOR TACTICAL VEHICLE SAFETY DATA COLLECTION.

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

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

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

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

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

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

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

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

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

(1) High Mobility Multipurpose Wheeled Vehicles.

(2) Family of Medium Tactical Vehicles.

(3) Medium Tactical Vehicle Replacements.

(4) Heavy Expanded Mobility Tactical Trucks.

(5) Light Armored Vehicles.

(6) Stryker armored combat vehicles.

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

(e) CYBER RISK EXEMPTION.—The Secretary of the Army or the Secretary of the Navy, as the case may be, may exempt from a pilot program under this section a military tactical vehicle specified under subsection (d) if that Secretary submits to the Committees on Armed Services of the House of Representatives and the Senate a certification that, with respect to inclusion of the military tactical vehicle, there is a high potential of cyber risk as a result of the absence of a cross-domain solution capable of segregating classified and unclassified data.

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

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

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

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

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

(2) adjustments made, or to be made, to the implementation plans developed under subsection (f); and

(3) any other matters determined appropriate by the Secretaries.

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

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

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

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

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

SEC. 390. REQUIREMENTS RELATING TO REDUCTION OF OUT-OF-POCKET COSTS OF MEMBERS OF THE ARMED FORCES FOR UNIFORM ITEMS.

(a) TRACKING REQUIREMENT.—The Secretary of Defense shall take such steps as may be necessary to track the expected useful life of uniform items for officers and enlisted members of the Armed Forces, for the purposes of—

(1) estimating the rate at which such uniform items are replaced;

(2) determining the resulting out-of-pocket costs for such members over time;

(3) determining the necessity of establishing a uniform replacement allowance for officers of the Armed Forces, based on the replacement rate estimated pursuant to paragraph (1) and the out-of-pocket costs determined pursuant to paragraph (2); and

(4) determining the adequacy of the uniform allowance for enlisted members of the Armed Forces.

(b) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the expected useful life of required uniform items for members of the Armed Forces, projected changes to such required uniform items, and related costs anticipated by the Secretary (disaggregated by Armed Force). Such report shall include—

(1) pricing information for each such item, including items that are not considered uniquely military; and

(2) an assessment of the necessity of establishing a uniform replacement allowance for officers of the Armed Forces, as determined pursuant to subsection (a)(3).

SEC. 391. IMPLEMENTATION OF RECOMMENDATIONS RELATING TO ANIMAL FACILITY SANITATION AND PLAN FOR HOUSING AND CARE OF HORSES.

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

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

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

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

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

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

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

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

(E) a description of—

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

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

SEC. 392. CONTINUED DESIGNATION OF SECRETARY OF THE NAVY AS EXECUTIVE AGENT FOR NAVAL SMALL CRAFT INSTRUCTION AND TECHNICAL TRAINING SCHOOL.

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

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

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

SEC. 393. [10 U.S.C. 8754 note] PROHIBITION ON USE OF FUNDS FOR RETIREMENT OF LEGACY MARITIME MINE COUNTERMEASURES PLATFORMS.

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

(1) port security at Navy bases, known as Mark-6 systems; or

(2) mine search capabilities, known as Mark-7 systems.

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

(1) identified a replacement capability and the necessary quantity of such capability to meet all operational requirements currently being met by the Marine Mammal Program, including a detailed explanation of such capability and quantity;

(2) achieved initial operational capability of all capabilities referred to in paragraph (1), including a detailed explanation of such achievement; and

(3) deployed a sufficient quantity of capabilities referred to in paragraph (1) that have achieved initial operational capability to continue to meet or exceed all operational requirements currently being met by Marine Mammal Program, including a detailed explanation of such deployment.

TITLE IV—MILITARY PERSONNEL AUTHORIZATION

Subtitle A—Active Forces

Sec. 401. End strengths for active forces.
Sec. 402. End strength level matters.
Sec. 403. Additional authority to vary Space Force end strength.

Subtitle B—Reserve Forces

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

Subtitle C—Authorization of Appropriations

Sec. 421. Military personnel.

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The Armed Forces are authorized strengths for active duty personnel as of September 30, 2023, as follows:

(1) The Army, 452,000.
(2) The Navy, 354,000.
(3) The Marine Corps, 177,000.
(4) The Air Force, 325,344.
(5) The Space Force, 8,600.

SEC. 402. END STRENGTH LEVEL MATTERS.

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

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

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

(b) CERTAIN ACTIVE-DUTY AND SELECTED RESERVE STRENGTHS.—Section 115 of such title is amended—

(1) in subsection (f), by striking "increase" each place it appears and inserting "vary"; and

(2) in subsection (g)—

(A) in paragraph (1), by striking subparagraphs (A) and (B) and inserting the following new subparagraphs:

"(A) vary the end strength pursuant to subsection (a)(1)(A) for a fiscal year for the armed force or forces under the jurisdiction of that Secretary by a number not equal to more than two percent of such authorized end strength; and

"(B) vary the end strength pursuant to subsection (a)(2) for a fiscal year for the Selected Reserve of the reserve component of the armed force or forces under the jurisdiction of that Secretary by a number equal to not more than one percent of such authorized end strength.";

(B) in paragraph (2), by striking "increase" each place it appears and inserting "variance"; and

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

"(3) The Secretary of the military department concerned shall promptly notify the congressional defense committees if such Secretary exceeds a variance under paragraph (1), and at least once every 90 days thereafter for so long as such end strength is outside such variance. Each such notification shall include the following:

"(A) Modified projected end strengths for active and reserve components of the armed force or forces for which such Secretary exceeds such variance.

"(B) An identification of any budgetary effects projected as a result of such modified end strength projections.

"(C) An explanation of any effects on readiness resulting from such modified end strength projections.".

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

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

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

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

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

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

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

(1) The Army National Guard of the United States, 325,000.

(2) The Army Reserve, 177,000.

(3) The Navy Reserve, 57,000.

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

(5) The Air National Guard of the United States, 108,400.

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

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

(b) END STRENGTH REDUCTIONS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year; and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

(c) END STRENGTH INCREASES.—Whenever units or individual members of the Selected Reserve for any reserve component are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be increased proportionately by the total authorized strengths of such units and by the total number of such individual members.

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

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

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

(2) The Army Reserve, 16,511.

(3) The Navy Reserve, 10,077.

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

(5) The Air National Guard of the United States, 25,333.

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

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

(a) IN GENERAL.—The minimum number of military technicians (dual status) as of the last day of fiscal year 2023 for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

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

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

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

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

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

(c) LIMITATION.—Under no circumstances may a military technician (dual status) employed under the authority of this section be coerced by a State into accepting an offer of realignment or conversion to any other military status, including as a member of the Active, Guard, and Reserve program of a reserve component. If a military technician (dual status) declines to participate in such realign-

ment or conversion, no further action will be taken against the individual or the individual's position.

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

During fiscal year 2023, the maximum number of members of the reserve components of the Armed Forces who may be serving at any time on full-time operational support duty under section 115(b) of title 10, United States Code, is the following:

(1) The Army National Guard of the United States, 17,000.
(2) The Army Reserve, 13,000.
(3) The Navy Reserve, 6,200.
(4) The Marine Corps Reserve, 3,000.
(5) The Air National Guard of the United States, 16,000.
(6) The Air Force Reserve, 14,000.

Subtitle C—Authorization of Appropriations

SEC. 421. MILITARY PERSONNEL.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 2023 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for military personnel, as specified in the funding table in section 4401.

(b) CONSTRUCTION OF AUTHORIZATION.—The authorization of appropriations in subsection (a) supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2023.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

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

Subtitle B—Reserve Component Management

Sec. 511. Inclusion of additional information on the Senior Reserve Officers' Training Corps in reports accompanying the national defense strategy.
Sec. 512. Expansion of eligibility to serve as an instructor in the Junior Reserve Officers' Training Corps.
Sec. 513. Backdating of effective date of rank for reserve officers in the National Guard due to undue delays in Federal recognition.
Sec. 514. Inspections of the National Guard.
Sec. 515. Authority to waive requirement that performance of Active Guard and Reserve duty at the request of a Governor may not interfere with certain duties.
Sec. 516. Continued National Guard support for FireGuard program.
Sec. 517. Enhancement of National Guard Youth Challenge Program.
Sec. 518. Notice to Congress before certain actions regarding units of certain reserve components.
Sec. 519. Independent study on Federal recognition of National Guard officers.
Sec. 519A. Review and update of report on geographic dispersion of Junior Reserve Officers' Training Corps.
Sec. 519B. Briefing on duties of the Army Interagency Training and Education Center.

Subtitle C—General Service Authorities and Military Records

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

Subtitle D—Recruitment and Retention

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

Subtitle E—Military Justice and Other Legal Matters

Sec. 541. Matters in connection with special trial counsel.
Sec. 542. Technical corrections relating to special trial counsel.
Sec. 543. Randomization of court-martial panels.
Sec. 544. Jurisdiction of Courts of Criminal Appeals.
Sec. 545. Special trial counsel of the Department of the Air Force.

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

Subtitle F—Member Education

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

Subtitle G—Member Training and Transition

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

Subtitle H—Military Family Readiness and Dependents' Education

Sec. 571. Clarification and expansion of authorization of support for chaplain-led programs for members of the Armed Forces.
Sec. 572. Pilot program to expand eligibility for enrollment at domestic dependent elementary and secondary schools: extension; report.
Sec. 573. Commercial air waiver for next of kin regarding transportation of remains of casualties.
Sec. 574. Certain assistance to local educational agencies that benefit dependents of military and civilian personnel.
Sec. 575. Assistance to local educational agencies that benefit dependents of members of the Armed Forces with enrollment changes due to base closures, force structure changes, or force relocations.
Sec. 576. Pilot program on hiring of special needs inclusion coordinators for Department of Defense child development centers.
Sec. 577. Promotion of certain child care assistance.
Sec. 578. Industry roundtable on military spouse hiring.
Sec. 579. Recommendations for the improvement of the Military Interstate Children's Compact.
Sec. 579A. Feasibility of inclusion of au pairs in pilot program to provide financial assistance to members of the Armed Forces for in-home child care.
Sec. 579B. Briefing on policies regarding single parents serving as members of the Armed Forces.
Sec. 579C. Public reporting on certain military child care programs.
Sec. 579D. Briefing on verification of eligible federally connected children for purposes of Federal impact aid programs.
Sec. 579E. Sense of Congress on rights of parents of children attending schools operated by the Department of Defense Education Activity.

Subtitle I—Decorations, Awards, and Other Honors

Sec. 581. Clarification of procedure for boards for the correction of military records to review determinations regarding certain decorations.
Sec. 582. Authorizations for certain awards.

Sec. 583. Posthumous appointment of Ulysses S. Grant to grade of General of the Armies of the United States.
Sec. 584. Enhanced information related to awarding of the Purple Heart.

Subtitle J—Miscellaneous Reports and Other Matters

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

Subtitle A—Officer Personnel Policy

SEC. 501. AUTHORIZED STRENGTHS FOR SPACE FORCE OFFICERS ON ACTIVE DUTY IN GRADES OF MAJOR, LIEUTENANT COLONEL, AND COLONEL.

The table in subsection (a)(1) of section 523 of title 10, United States Code, is amended by inserting after the items relating to the Marine Corps new items relating to the total number of commissioned officers (excluding officers in categories specified in subsection (b) of such section) serving on active duty in the Space Force in the grades of major, lieutenant colonel, and colonel, respectively, as follows:

“3,900	1,016	782	234	???
4,300	1,135	873	262	???
5,000	1,259	845	315	???
7,000	1,659	1,045	415	???
10,000	2,259	1,345		565”

SEC. 502. DISTRIBUTION OF COMMISSIONED OFFICERS ON ACTIVE DUTY IN GENERAL OFFICER AND FLAG OFFICER GRADES.

Section 525 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking “as follows:” and inserting an em dash;

(B) in paragraph (4)(C), by striking the period at the end and inserting “; and”; and

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

“(5) in the Space Force, if that appointment would result in more than—

“(A) 2 officers in the grade of general;

“(B) 7 officers in a grade above the grade of major general; or

“(C) 6 officers in the grade of major general.”;”;

(2) in subsection (c)—

(A) in paragraph (1)(A), by striking "and Marine Corps" and inserting "Marine Corps, and Space Force"; and

(B) in paragraph (2), by striking "or Marine Corps" and inserting "Marine Corps, or Space Force"; and

(3) in subsection (d), by striking "or Commandant of the Marine Corps" and inserting "Commandant of the Marine Corps, or Chief of Space Operations".

SEC. 503. REDISTRIBUTION OF NAVAL OFFICERS SERVING ON ACTIVE DUTY IN THE GRADES OF O-8 AND O-9.

Subsection (a)(3) of section 525 of title 10, United States Code, as amended by section 502, is amended—

(1) in subparagraph (B), by striking "33" and inserting "34"; and

(2) in subparagraph (C), by striking "50" and inserting "49".

SEC. 504. AUTHORIZED STRENGTH AFTER DECEMBER 31, 2022: GENERAL OFFICERS AND FLAG OFFICERS ON ACTIVE DUTY.

Section 526a of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking "and Marine Corps" and inserting "Marine Corps, and Space Force";

(B) in paragraph (1), by striking "220" and inserting "218";

(C) in paragraph (2), by striking "151" and inserting "149";

(D) in paragraph (3), by striking "187" and inserting "170"; and

(E) by adding at the end the following new paragraph: "(5) For the Space Force, 21."; and

(2) in subsection (b)(2), by adding at the end the following new subparagraph:

"(E) For the Space Force, 6.".

SEC. 505. EXTENSION OF GRADE RETENTION FOR CERTAIN OFFICERS AWAITING RETIREMENT.

Section 601(b)(5) of title 10, United States Code, is amended by striking "retirement, but not for more than 60 days." and inserting the following:" retirement, but—

"(A) subject to subparagraph (B), not for more than 60 days; and

"(B) with respect to an officer awaiting retirement following not less than one year of consecutive deployment outside of the United States to a combat zone (as defined in section 112(c) of the Internal Revenue Code of 1986) or in support of a contingency operation, not for more than 90 days.".

SEC. 507. CONSTRUCTIVE SERVICE CREDIT FOR CERTAIN OFFICERS OF THE ARMED FORCES.

(a) CONSTRUCTIVE SERVICE CREDIT FOR WARRANT OFFICERS.—Section 572 of title 10, United States Code, is amended—

(1) by inserting "(a)" before "For the purposes"; and

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

"(b) The Secretary concerned shall credit a person who is receiving an original appointment as a warrant officer in the regular component of an armed force under the jurisdiction of such Secretary concerned, and who has advanced education or training or special experience, with constructive service for such education, training, or experience, as follows:

"(1) For special training or experience in a particular warrant officer field designated by the Secretary concerned, if such training or experience is directly related to the operational needs of the armed force concerned, as determined by such Secretary concerned.

"(2) For advanced education in a warrant officer field designated by the Secretary concerned, if such education is directly related to the operational needs of the armed force concerned, as determined by such Secretary concerned.".

(b) REPORT.—Not later than February 1, 2027, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the amendments made by subsection (a). Such report shall include—

(1) the evaluation of such amendments by the Secretary;

(2) the estimate of the Secretary regarding how many individuals are eligible for credit under subsection (b) of such section, as added by subsection (a); and

(3) the determination of the Secretary whether existing special pay for such members is adequate.

SEC. 508. IMPROVEMENTS TO THE SELECTION OF WARRANT OFFICERS IN THE MILITARY DEPARTMENTS FOR PROMOTION.

(a) PROMOTION BY SELECTION BOARDS: RECOMMENDATION; EXCLUSION FROM CONSIDERATION.—Section 575 of title 10, United States Code, is amended by adding at the end the following new subsections:

"(e)(1) In selecting the warrant officers to be recommended for promotion, a selection board shall, when authorized by the Secretary concerned, recommend warrant officers of particular merit, pursuant to guidelines and procedures prescribed by the Secretary concerned, from among those warrant officers selected for promotion, to be placed higher on the promotion list contained in the report of such board under section 576(c) of this title.

"(2) A selection board may recommend that a warrant officer be placed higher on a promotion list under paragraph (1) only if the warrant officer receives the recommendation of at least a majority of the members of the board, unless the Secretary concerned establishes an alternative requirement. Any such alternate requirement shall be furnished to the board as part of the guidelines furnished to the board under section 576 of this title.

"(3) For the warrant officers recommended to be placed higher on a promotion list under paragraph (1), the board shall recommend the order in which those warrant officers should be placed on the list.

"(f)(1) Upon the request of a warrant officer, the Secretary concerned may exclude the warrant officer from consideration for promotion under this section.

"(2) The Secretary concerned may approve a request of a warrant officer under paragraph (1) only if—

"(A) the basis for the request is to allow the officer to complete—

"(i) an assignment in support of career progression;

"(ii) advanced education;

"(iii) an assignment such Secretary determines is of significant value to the Armed Force concerned; or

"(iv) a career progression requirement delayed by an assignment or education;

"(B) such Secretary determines that such exclusion from consideration is in the best interest of the Armed Force concerned; and

"(C) the officer has not previously failed of selection for promotion to the grade for which the officer requests exclusion from consideration.".

(b) PRIORITY FOR PROMOTION OF WARRANT OFFICERS IN REPORT OF SELECTION BOARD.—Subsection (c) of section 576 of such title is amended to read as follows:

"(c) The names of warrant officers selected for promotion under this section shall be arranged in the report of such board in the following order of priority:

"(1) Warrant officers recommended under section 575(e) of this title to be placed higher on the promotion list, in the order in which the board determines.

"(2) Warrant officers otherwise recommended for promotion, in the order of seniority on the warrant officer active-duty list.".

(c) PROMOTIONS: HOW MADE; EFFECTIVE DATE.—Section 578(a) of such title is amended by striking "of the seniority of such officers on the warrant officer active-duty list" and inserting "set forth in section 576(c) of this title".

SEC. 509. ADVICE AND CONSENT REQUIREMENT FOR WAIVERS OF MANDATORY RETIREMENT FOR SUPERINTENDENTS OF MILITARY SERVICE ACADEMIES.

(a) UNITED STATES MILITARY ACADEMY.—Section 7321(b) of title 10, United States Code, is amended by adding at the end the following: "In the event a waiver under this subsection is granted, the subsequent nomination and appointment of such officer having served as Superintendent of the Academy to a further assignment in lieu of retirement shall be subject to the advice and consent of the Senate.".

(b) UNITED STATES NAVAL ACADEMY.—Section 8371(b) of title 10, United States Code, is amended by adding at the end the following: "In the event a waiver under this subsection is granted, the subsequent nomination and appointment of such officer having served as Superintendent of the Academy to a further assignment in lieu of retirement shall be subject to the advice and consent of the Senate.".

(c) UNITED STATES AIR FORCE ACADEMY.—Section 9321(b) of title 10, United States Code, is amended by adding at the end the following: "In the event a waiver under this subsection is granted, the subsequent nomination and appointment of such officer having

served as Superintendent of the Academy to a further assignment in lieu of retirement shall be subject to the advice and consent of the Senate.".

SEC. 509A. MODIFICATION OF REPORTS ON AIR FORCE PERSONNEL PERFORMING DUTIES OF A NUCLEAR AND MISSILE OPERATIONS OFFICER (13N).

Section 506(b) of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117-81; 135 Stat. 1682) is amended—

(1) by redesignating paragraph (8) as paragraph (9); and

(2) by inserting after paragraph (7) the following new paragraph (8):

"(8) A staffing plan for managing personnel in the 13N career field as the Air Force transitions from the Minuteman III weapon system to the Sentinel weapon system.".

SEC. 509B. ASSESSMENTS OF STAFFING IN THE OFFICE OF THE SECRETARY OF DEFENSE AND OTHER DEPARTMENT OF DEFENSE HEADQUARTERS OFFICES.

(a) OFFICE OF THE SECRETARY OF DEFENSE.—The Secretary of Defense shall conduct an assessment of staffing of the Office of the Secretary of Defense. Such assessment shall including the following elements:

(1) A validation of every military staff billet assigned to the Office of the Secretary of Defense against existing military personnel requirements.

(2) The estimated effect of returning 15 percent of such military staff billets to operational activities of the Armed Forces concerned, over a period of 36 months, would have on the office of the Secretary of Defense and other Department of Defense Headquarters Offices.

(3) A plan and milestones for how reductions described in paragraph (2) would occur, a schedule for such reductions, and the process by which the billets would be returned to the operational activities of the Armed Forces concerned.

(b) OFFICE OF THE JOINT CHIEFS OF STAFF.—The Chairman of the Joint Chiefs of Staff shall conduct an assessment of staffing of the Office of the Joint Chiefs of Staff. Such assessment shall including the following elements:

(1) A validation of every military staff billet assigned to the Office of the Joint Chiefs of Staff against existing military personnel requirements.

(2) The estimated effect of returning 15 percent of such military staff billets to operational activities of the Armed Forces concerned, over a period of 36 months, would have on the office of the Joint Staff and the Chairman's Controlled Activities and other related Joint Staff Headquarters Offices.

(3) A plan and milestones for how reductions described in paragraph (2) would occur, a schedule for such reductions, and the process by which the billets would be returned to the operational activities of the Armed Forces concerned.

(c) INTERIM BRIEFING AND REPORT.—

(1) INTERIM BRIEFING.—Not later than April 1, 2023, the Secretary shall provide to the Committees on Armed Services of the Senate and House of Representatives an interim briefing on the assessments under subsections (a) and (b).

(2) FINAL REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the assessments under subsections (a) and (b). Such report shall include the following:

(A) A validation of every military staff billet assigned to the Office of the Secretary of Defense and the Joint Staff to include the Chairman's Controlled Activities against existing military personnel requirements.

(B) The methodology and process through which such validation was performed.

(C) Relevant statistical analysis on military billet fill rates against validated requirements.

(D) An analysis of unvalidated military billets currently performing staff support functions,

(E) The rationale for why unvalidated military billets may be required.

(F) The cost of military staff filling both validated and unvalidated billets.

(G) Lessons learned through the military billet validation process and statistical analysis under subparagraphs (B) through (F).

(H) Any other matters the Secretary determines relevant to understanding the use of military staff billets described in subsections (a) and (b).

(I) Any legislative, policy or budgetary recommendations of the Secretary related to the subject matter of the report.

SEC. 509C. GAO REVIEW OF CERTAIN OFFICER PERFORMANCE EVALUATIONS.

(a) REVIEW REQUIRED.—Not later than one year after the enactment of this Act, the Comptroller General of the United States shall review the officer performance reports of each Armed Force under the jurisdiction of a Secretary of a military department in order to—

(1) study the fitness report systems used for the performance evaluation of officers; and

(2) provide to the Secretary of Defense and the Secretaries of the military departments recommendations regarding how to improve such systems.

(b) ELEMENTS.—The review required under subsection (a) shall include the following:

(1) An analysis of the effectiveness of the fitness report systems at evaluating and documenting the performance of officers.

(2) A comparison of the fitness report systems for officers of each Armed Force described in subsection (a) with best practices for performance evaluations used by public- and private-sector organizations.

(3) An analysis of the value of fitness reports in providing useful information to officer promotion boards.

(4) An analysis of the value of fitness reports in providing useful feedback to officers being evaluated.

(5) Recommendations to improve the fitness report systems to—

(A) increase its effectiveness at accurately evaluating and documenting the performance of officers;

(B) provide more useful information to officer promotion boards; and

(C) provide more useful feedback regarding evaluated officers.

(c) ACCESS TO DATA AND RECORDS.—The Secretaries of the military departments shall provide to the Comptroller General sufficient resources and access to technical data, individuals, organizations, and records that the Comptroller General requires to complete the review under this section.

(d) SUBMISSION TO SECRETARIES.—Upon completing the review under subsection (a), the Comptroller General shall submit to the Secretary of Defense and the Secretaries of the military departments a report on the results of the review.

(e) SUBMISSION TO CONGRESS.—Not later than 30 days after the date on which the Secretary of Defense and the Secretaries of the military departments receive the report under subsection (d), the Secretary of Defense shall submit to the congressional defense committees—

(1) an unaltered copy of such report; and

(2) any comments of the Secretary regarding such report.

SEC. 509D. STUDY OF CHAPLAINS.

(a) STUDY REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretaries of the military departments, shall submit to the Committees on Armed Services of the Senate and House of Representatives a study of the roles and responsibilities of chaplains.

(b) ELEMENTS.—The study under subsection (a) shall include the following:

(1) The resources (including funding, administrative support, and personnel) available to support religious programs.

(2) Inclusion of chaplains in resiliency, suicide prevention, wellness, and other related programs.

(3) The role of chaplains in embedded units, headquarters activities. and military treatment facilities.

(4) Recruitment and retention of chaplains.

(5) An analysis of the number of hours chaplains spend in roles including pastoral care, religious services, counseling, and administration.

(6) The results of any surveys that have assessed the roles, responsibilities and satisfaction of chaplains.

(7) A review of the personnel requirements for chaplains during fiscal years 2013 through 2022.

(8) Challenges to the abilities of chaplains to offer ministry services.

Subtitle B—Reserve Component Management

SEC. 511. INCLUSION OF ADDITIONAL INFORMATION ON THE SENIOR RESERVE OFFICERS' TRAINING CORPS IN REPORTS ACCOMPANYING THE NATIONAL DEFENSE STRATEGY.

Section 113(m) of title 10, United States Code, is amended—

(1) by redesignating the second paragraph (8) as paragraph (11);

(2) by redesignating the first paragraph (8), as paragraph (10);

(3) by redesignating paragraphs (5), (6), and (7) paragraphs (7), (8), and (9), respectively; and

(4) by inserting after paragraph (4) the following new paragraphs:

"(5) The number of Senior Reserve Officers' Training Corps scholarships awarded during the fiscal year covered by the report, disaggregated by gender, race, and ethnicity, for each military department.

"(6) The program completion rates and program withdrawal rates of Senior Reserve Officers' Training Corps scholarship recipients during the fiscal year covered by the report, disaggregated by gender, race, and ethnicity, for each military department.".

SEC. 512. EXPANSION OF ELIGIBILITY TO SERVE AS AN INSTRUCTOR IN THE JUNIOR RESERVE OFFICERS' TRAINING CORPS.

(a) IN GENERAL.—Section 2031 of title 10, United States Code, is amended—

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

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

"(f)(1) Instead of, or in addition to, detailing officers and noncommissioned officers on active duty under subsection (c)(1) or authorizing the employment of retired officers and noncommissioned officers under subsection (d) or (e), the Secretary of the military department concerned may authorize qualified institutions to employ as administrators and instructors in the program officers or noncommissioned officers who—

"(A)(i) receive honorable discharges—

"(I) after completing at least eight years of service; and

"(II) not longer than five years before applying for such employment; or

"(ii)(I) are in an active status; and

"(II) who are not yet eligible for retired pay; and

"(B) apply for such employment.

"(2) The Secretary of the military department concerned shall pay to the institution an amount equal to one-half of the amount to be paid to an instructor pursuant to the JROTC Instructor Pay Scale for any period.

"(3) Notwithstanding the limitation in paragraph (2), the Secretary of the military department concerned may pay to the institution more than one-half of the amount paid to the member by the institution if, as determined by such Secretary—

"(A) the institution is in an educationally and economically deprived area; and

"(B) such action is in the national interest.

"(4) Payments under this subsection shall be made from funds appropriated for that purpose.

"(5) The Secretary of the military department concerned may require an officer or noncommissioned officer employed under this subsection to transfer to the Individual Ready Reserve as a condition of such employment.".

(b) BRIEFING.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a briefing regarding—

(1) the number of instructors employed pursuant to the amendment made by subsection (a); and

(2) costs to the Federal Government arising from such employment.

SEC. 513. BACKDATING OF EFFECTIVE DATE OF RANK FOR RESERVE OFFICERS IN THE NATIONAL GUARD DUE TO UNDUE DELAYS IN FEDERAL RECOGNITION.

Paragraph (2) of section 14308(f) of title 10, United States Code, is amended to read as follows:

"(2) If there is a delay in extending Federal recognition in the next higher grade in the Army National Guard or the Air National Guard to a reserve commissioned officer of the Army or the Air Force that exceeds 100 days from the date the National Guard Bureau deems such officer's application for Federal recognition to be completely submitted by the State and ready for review at the National Guard Bureau, and the delay was not attributable to the action or inaction of such officer—

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

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

"(i) the date the National Guard Bureau deems such officer's application for Federal recognition to be completely submitted by the State and ready for review at the National Guard Bureau; and

"(ii) the date on which the officer occupies a billet in the next higher grade.".

SEC. 514. INSPECTIONS OF THE NATIONAL GUARD.

(a) ELEMENT.—Subsection (a) of section 105 of title 32, United States Code, is amended—

(1) in paragraph (6), by striking "; and" and inserting a semicolon;

(2) in paragraph (7), by striking the period at the end and inserting "; and"; and

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

"(8) the units and members of the Army National Guard or Air National Guard comply with Federal law and policy applicable to the National Guard, including policies issued by the Secretary of Defense, the Secretary of the military department concerned, or the Chief of the National Guard Bureau.".

(b) REPORT.—Not later than six months after the date of the enactment of this Act, the Secretary of the Army and the Secretary of the Air Force shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the implementation of paragraph (8) of such subsection, as added by subsection (a). Such report shall include the following:

(1) The number of inspections conducted that included determinations under such paragraph.

(2) With regard to each such inspection—

(A) the date;

(B) the unit of the Army National Guard or the Air National Guard inspected;

(C) the officer who conducted such inspection; and

(D) the determination of the officer whether the unit was in compliance with Federal law and policy applicable to the National Guard.

SEC. 515. AUTHORITY TO WAIVE REQUIREMENT THAT PERFORMANCE OF ACTIVE GUARD AND RESERVE DUTY AT THE REQUEST OF A GOVERNOR MAY NOT INTERFERE WITH CERTAIN DUTIES.

(a) IN GENERAL.—Section 328(b) of title 32, United States Code, is amended by adding at the end the following new subsection:

"(c) WAIVER AUTHORITY.—(1) Notwithstanding section 101(d)(6)(A) of title 10 and subsection (b) of this section, the Governor of a State or the Commonwealth of Puerto Rico, Guam, or the Virgin Islands, or the commanding general of the District of Columbia National Guard, as the case may be, may, at the request of the Secretary concerned, order a member of the National Guard to perform Active Guard and Reserve duty for purposes of performing training of the regular components of the armed forces as the primary duty.

"(2) Training performed under paragraph (1) must be in compliance with the requirements of section 502(f)(2)(B)(i) of this title.

"(3) No more than 100 personnel may be granted a waiver by a Secretary concerned under paragraph (1) at a time.

"(4) The authority under paragraph (1) shall terminate on October 1, 2024.".

(b) BRIEFING ON PERFORMANCE OF TRAINING AS PRIMARY DUTY.—Not later than March 1, 2023, the Secretary of the Army and the Secretary of the Air Force shall each submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a briefing describ-

ing how many members of the National Guard are performing Active Guard and Reserve duty for purposes of performing training of the regular components of the Armed Forces as primary duty.

(c) BRIEFING ON END STRENGTH REQUIREMENTS.—Not later than October 1, 2024, the Secretary of the Army and the Secretary of the Air Force shall each submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a briefing outlining the end strength requirement going forward for Active Guard and Reserve forces of the National Guard impacted by subsection (c) of section 328(b) of title 32, United States Code, as added by subsection (a) of this section.

SEC. 516. [32 U.S.C. 501 note] CONTINUED NATIONAL GUARD SUPPORT FOR FIREGUARD PROGRAM.

Section 515 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117-81), is amended—

(1) by inserting "(a) in general.—" before "Until";

(2) by striking "September 30, 2026" and inserting "September 30, 2029";

(3) by striking "support" and inserting "carry out";

(4) by striking "personnel of the California National Guard" and inserting "National Guard personnel (including from the 136 STAT. 2567 Colorado National Guard and the California National Guard)"; and

(5) by adding at the end the following:

"(b) TRANSFER.—Until the date specified in subsection (a), no component (including any analytical responsibility) of the FireGuard program may be transferred from the Department of Defense to another entity. If the Secretary seeks to make such a transfer, the Secretary shall, at least three years before such transfer, provide to the appropriate congressional committees a written report and briefing that detail—

"(1) plans of the Secretary for such transfer; and

"(2) how such transfer will sustain and improve detection and monitoring of wildfires.

"(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term 'appropriate congressional committees' means the following:

"(1) The Committee on Armed Services of the Senate.

"(2) The Committee on Armed Services of the House of Representatives.

"(3) The Select Committee on Intelligence of the Senate.

"(4) The Permanent Select Committee on Intelligence of the House of Representatives.".

SEC. 517. ENHANCEMENT OF NATIONAL GUARD YOUTH CHALLENGE PROGRAM.

Section 516 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117-81) is amended, in subsection (a), by striking "fiscal year 2022" and inserting "fiscal years 2022 and 2023".

SEC. 518. [10 U.S.C. 10101 note] NOTICE TO CONGRESS BEFORE CERTAIN ACTIONS REGARDING UNITS OF CERTAIN RESERVE COMPONENTS.

(a) NOTICE REQUIRED; ELEMENTS.—The Secretary of a military department may not take any covered action regarding a covered unit until the day that is 60 days after the Secretary of a military department submits to Congress notice of such covered action. Such notice shall include the following elements:

(1) An analysis of how the covered action would improve readiness.

(2) A description of how the covered action would align with the National Defense Strategy and the supporting strategies of each military departments.

(3) A description of any proposed organizational change associated with the covered action and how the covered action will affect the relationship of administrative, operational, or tactical control responsibilities of the covered unit.

(4) The projected cost and any projected long-term cost savings of the covered action.

(5) A detailed description of any requirements for new infrastructure or relocation of equipment and assets necessary for the covered action.

(6) A description of how the covered activity will affect the ability of the covered Armed Force to accomplish its current mission.

(b) APPLICABILITY.—This section shall apply to any step to perform covered action regarding a covered unit on or after the date of the enactment of this Act.

(c) DEFINITIONS.—In this section:

(1) The term "covered action" means any of the following:
- (A) To deactivate.
- (B) To reassign.
- (C) To move the home station.

(2) The term "covered Armed Force" means the following:
- (A) The Army.
- (B) The Navy.
- (C) The Marine Corps.
- (D) The Air Force.
- (E) The Space Force.

(3) The term "covered unit" means a unit of a reserve component of a covered Armed Force.

SEC. 519. INDEPENDENT STUDY ON FEDERAL RECOGNITION OF NATIONAL GUARD OFFICERS.

(a) INDEPENDENT STUDY.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall seek to enter into a contract with a federally funded research and development center to conduct a study on the National Guard commissioned officer and warrant officer promotion system and provide recommendations to the Department of Defense, the Department of the Air Force, the Department of the Army, the National Guard Bureau, and individual State National Guard commands.

(2) ELEMENTS.—The study referred to in paragraph (1) shall include a comprehensive review and assessment of the following:

(A) Reasons for delays in processing personnel actions for Federal recognition of State National Guard member promotions.

(B) The Federal recognition process used to extend Federal recognition to State promotions.

(C) Best practices among the various State National Guards for managing their requirements under the existing National Guard promotion system.

(D) Possible improvements to requirements, policies, procedures, workflow, or resources to reduce the processing time for Federal recognition of state promotions.

(E) An assessment of the feasibility of developing or adopting a commercially available solution for an integrated enterprise information technology system for managing National Guard officer and warrant officer promotions that allows seamless transition for promotions as they move through review at the National Guard Bureau, the Department of the Army, the Department of the Air Force, and the Department of Defense.

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

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

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

(3) REPORT.—

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

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

(b) REPORTING REQUIREMENT.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, and annually thereafter until the date specified in paragraph (3), the Secretary of Defense, in consultation with the Secretary of the Army and the Secretary of the Air Force as appropriate, shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report detailing the current status of the Federal recognition process for National Guard promotions.

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

(A) An update on efforts to transition to fully digital processes in accordance with recommendations made pursuant to subsection (a).

(B) The average processing time for personnel actions related to Federal recognition of reserve commissioned officer promotions in the Army and Air National Guards, respectively, including the time in days from the date at which the National Guard Bureau received the promotion until the date at which Federal recognition was granted.

(C) The average time it took during the previous fiscal year to extend Federal recognition.

(D) The number of Army and Air National Guard officers who experienced Federal recognition delays greater than 90 days in the previous fiscal year.

(E) A summary of any additional resources or authorities needed to further streamline the Federal recognition processes to reduce average Federal recognition processing time to 90 days or fewer.

(F) Any other information that the Secretaries concerned deem relevant.

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

SEC. 519A. REVIEW AND UPDATE OF REPORT ON GEOGRAPHIC DISPERSION OF JUNIOR RESERVE OFFICERS' TRAINING CORPS.

(a) REPORT: REVIEW; UPDATE.—The Secretary of Defense, in consultation with the Secretaries of the military departments, shall review and update the 2017 report from the RAND Corporation titled "Geographic and Demographic Representativeness of Junior Reserve Officer Training Corps" (Library of Congress Control Number: 2017950423).

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

(1) An assessment of whether there is adequate representation in, and reasonable access to, units of the Junior Reserve Officers' Training Corps (hereinafter, "JROTC") for students in all regions of the of the United States.

(2) The estimated cost and time to increase the number of units of JROTC to ensure adequate representation and reasonable access described in paragraph (1).

(3) Recommendations to increase adequate representation and reasonable access described in paragraph (1) in areas of the United States that the Secretary of Defense determines lack such adequate representation and reasonable access.

(c) SUBMISSION.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives the report updated under this section.

SEC. 519B. BRIEFING ON DUTIES OF THE ARMY INTERAGENCY TRAINING AND EDUCATION CENTER.

Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Assistant Secretary of Defense for Homeland Defense and Global Security and the Chief of the National Guard Bureau, shall submit to the Committees on Armed Services of the Senate and House of Representatives a briefing that includes—

(1) an organizational plan and an estimate of the annual costs necessary for the Army Interagency Training and Education Center to carry out duties assigned to it by the Chief of the National Guard Bureau; and

(2) the staffing requirements needed to adequately staff such duties.

Subtitle C—General Service Authorities and Military Records

SEC. 521. CONSIDERATION OF ADVERSE INFORMATION BY SPECIAL SELECTION REVIEW BOARDS.

Section 628a(a)(1) of title 10, United States Code, is amended—

(1) by inserting "(A)" before "If the Secretary concerned"; and

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

"(B) Nothing in this section shall be construed to prevent a Secretary concerned from deferring consideration of adverse information concerning an officer subject to this section until the next regularly scheduled promotion board applicable to such officer, in lieu of furnishing such adverse information to a special selection review board under this section.".

SEC. 522. EXPANSION OF ELIGIBILITY FOR DIRECT ACCEPTANCE OF GIFTS BY MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE AND COAST GUARD EMPLOYEES AND THEIR FAMILIES.

Section 2601a of title 10, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (2), by striking "; or" and inserting a semicolon;

(B) by redesignating paragraph (3) as paragraph (4); and

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

"(3) that results in enrollment in a Warriors in Transition program, as defined in section 738(e) of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239; 10 U.S.C. 1071 note); or"; and

(2) in subsection (c), by striking "paragraph (1), (2) or (3) of".

SEC. 523. LIMITATION OF EXTENSION OF PERIOD OF ACTIVE DUTY FOR A MEMBER WHO ACCEPTS A FELLOWSHIP, SCHOLARSHIP, OR GRANT.

(a) LIMITATION.—Subsection (b) of section 2603 of title 10, United States Code, is amended by striking "at least".

(b) MODERNIZATION.—Subsection (a) of such section is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking "or his designee" and inserting "(or an individual designated by the President)"; and

(B) by striking "him" and inserting "the member";

(2) in paragraph (1), by striking "his field" and inserting "the field of the member";

(3) in paragraph (3), by striking "his recognized potential for future career service" and inserting "the recognized potential for future career service of the member"; and

(4) in the matter following paragraph (3)—

(A) by striking "his" both places it appears and inserting "the member's"; and

(B) by striking "him" and inserting "the member".

SEC. 524. EXPANSION OF MANDATORY CHARACTERIZATIONS OF ADMINISTRATIVE DISCHARGES OF CERTAIN MEMBERS ON THE BASIS OF FAILURE TO RECEIVE COVID-19 VACCINE.

Section 736(a) of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117-81; 10 U.S.C. 1161 note) is amended—

(1) in the matter preceding paragraph (1), by striking "During the period of time beginning on August 24, 2021, and ending on the date that is two years after the date of the enactment of this Act, any" and inserting "Any";

(2) in paragraph (1) by striking "; or" and inserting a semicolon;

(3) in paragraph (2), by striking the period and inserting "; or"; and

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

"(3) in the case of a covered member receiving an administrative discharge before completing the first 180 continuous days of active duty, uncharacterized.".

SEC. 525. RESCISSION OF COVID-19 VACCINATION MANDATE.

Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall rescind the mandate that members of the Armed Forces be vaccinated against COVID-19 pursuant to the memorandum dated August 24, 2021, regarding "Mandatory Coronavirus Disease 2019 Vaccination of Department of Defense Service Members".

SEC. 526. [10 U.S.C. 517 note] TEMPORARY EXEMPTION FROM END STRENGTH GRADE RESTRICTIONS FOR THE SPACE FORCE.

Section 517 and section 523 (as amended by section 501 of this Act) of title 10, United States Code, shall not apply to the Space Force until January 1, 2024.

SEC. 527. NOTIFICATION TO NEXT OF KIN UPON THE DEATH OF A MEMBER OF THE ARMED FORCES: STUDY; UPDATE; TRAINING; REPORT.

(a) STUDY.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall conduct a study on the notification processes of the next of kin upon the death of a member of the Armed Forces. In conducting the study, the Secretary shall identify the following elements:

(1) The time it takes for such notification to occur after such death, recovery of remains, and identification of remains. Such time shall be determined through an analysis of data regarding cases involving such notifications.

(2) The effect of media (including social media) and other forms of communication on such processes.

(3) Means by which the Secretary may improve such processes to reduce the time described in paragraph (1).

(4) Any legislative recommendations of the Secretary to improve such processes to reduce the time described in paragraph (1).

(b) UPDATE.—Upon completion of the study under subsection (a), the Secretary shall review and update training and education materials regarding such processes, implementing means described in subsection (a)(3).

(c) OPERATIONAL TRAINING.—The Secretary of the military department concerned shall include a training exercise, using materials updated (including lessons learned) under subsection (b), regarding a death described in this section in each major exercise conducted by such Secretary or the Secretary of Defense.

(d) REPORT.—Not later one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing—

(1) the results of the study;

(2) a description of the update under subsection (b); and

(3) lessons learned, as described in subsection (c).

SEC. 528. [10 U.S.C. 7013 note] GENDER-NEUTRAL FITNESS PHYSICAL READINESS STANDARDS FOR MILITARY OCCUPATIONAL SPECIALTIES OF THE ARMY.

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

(1) establish gender-neutral physical readiness standards that ensure soldiers can perform the duties of their respective military occupational specialties; and

(2) provide to the Committees on Armed Services of the Senate and House of Representatives a briefing describing the methodology used to determine the standards established under paragraph (1).

SEC. 529. RECURRING REPORT REGARDING COVID-19 MANDATE.

(a) REPORT REQUIRED.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a recurring report regarding the requirement that a member of the Armed Forces shall receive a vaccination against COVID-19. Each such report may not contain any personally identifiable information, and shall contain the following:

(1) With regard to religious exemptions to such requirement—

(A) the number of such exemptions for which members applied;

(B) the number of such religious exemptions denied;

(C) the reasons for such denials;

(D) the number of members denied such a religious exemption who complied with the requirement; and

(E) the number of members denied such a religious exemption who did not comply with the requirement who were separated, and with what characterization.

(2) With regard to medical exemptions to such requirement—

(A) the number of such medical exemptions for which members applied;

(B) the number of such medical exemptions denied;

(C) the reasons for such denials;

(D) the number of members denied such a medical exemption who complied with the requirement; and

(E) the number of members denied such a medical exemption who did not comply with the requirement who were separated, and with what characterization.

(b) FREQUENCY; TERMINATION.—The Secretary shall submit the first such report not later than 90 days after the date of the enactment of this Act and every 90 days thereafter until the first of the following to occur:

(1) The Secretary of Defense lifts such requirement.

(2) The day that is two years after the date of the enactment of this Act.

SEC. 530. SENSE OF CONGRESS REGARDING WOMEN INVOLUNTARILY SEPARATED FROM THE ARMED FORCES DUE TO PREGNANCY OR PARENTHOOD.

(a) FINDINGS.—Congress finds the following:

(1) In June 1948, Congress enacted the Women's Armed Services Integration Act of 1948, which formally authorized the appointment and enlistment of women in the regular components of the Armed Forces.

(2) With the expansion of the Armed Forces to include women, the possibility arose for the first time that members of the regular components of the Armed Forces could become pregnant.

(3) The response to such possibilities and actualities was Executive Order 10240, signed by President Harry S. Truman in 1951, which granted the Armed Forces the authority to involuntarily separate or discharge a woman if she became pregnant, gave birth to a child, or became a parent by adoption or a stepparent.

(4) The Armed Forces responded to the Executive order by systematically discharging any woman in the Armed Forces who became pregnant.

(5) The Armed Forces were required to offer women who were involuntarily separated or discharged due to pregnancy the opportunity to request retention in the military.

(6) The Armed Forces may not have provided required separation benefits, counseling, or assistance to the members of the Armed Forces who were separated or discharged due to pregnancy.

(7) Thousands of members of the Armed Forces were involuntarily separated or discharged from the Armed Forces as a result of pregnancy.

(8) Such involuntary separation or discharge from the Armed Forces on the basis of pregnancy was challenged in Federal district court by Stephanie Crawford in 1975, whose legal argument stated that this practice violated her constitutional right to due process of law.

(9) The Court of Appeals for the Second Circuit ruled in Stephanie Crawford's favor in 1976 and found that Executive Order 10240 and any regulations relating to the Armed Forces that made separation or discharge mandatory due to pregnancy were unconstitutional.

(10) By 1976, all regulations that permitted involuntary separation or discharge of a member of the Armed Forces because of pregnancy or any form of parenthood were rescinded.

(11) Today, women comprise 17 percent of the Armed Forces, and many are parents, including 12 percent of whom are single parents.

(12) While military parents face many hardships, today's Armed Forces provide various lengths of paid family leave for mothers and fathers, for both birth and adoption of children.

(b) SENSE OF CONGRESS.—It is the sense of Congress that women who served in the Armed Forces before February 23, 1976, should not have been involuntarily separated or discharged due to pregnancy or parenthood.

Subtitle D—Recruitment and Retention

SEC. 531. TREATMENT OF PERSONALLY IDENTIFIABLE INFORMATION REGARDING PROSPECTIVE RECRUITS.

(a) TREATMENT OF PERSONALLY IDENTIFIABLE INFORMATION.—Section 503(a) of title 10, United States Code, is amendedadding at the end the following new paragraphs:

"(3) PII regarding a prospective recruit collected or compiled under this subsection shall be kept confidential, and a person who has had access to such PII may not disclose the information except for purposes of this section or other purpose authorized by law.

"(4) In the course of conducting a recruiting campaign, the Secretary concerned shall—

"(A) notify a prospective recruit of data collection policies of the armed force concerned; and

"(B) permit the prospective recruit to elect not to participate in such data collection.

"(5) In this subsection, the term 'PII' means personally identifiable information.".

(b) [10 U.S.C. 503 note] PILOT PROGRAM ON RECRUITING.—

(1) AUTHORITY.—The Secretary of Defense may conduct a pilot program (such a program shall be referred to as a "Military Recruiting Modernization Program") to evaluate the feasibility and effectiveness of collecting and using PRI with modern technologies to allow the Secretary to more effectively and efficiently use recruiting resources.

(2) TREATMENT OF PROSPECTIVE RECRUIT INFORMATION.—PRI collected under a pilot program under this subsection—

(A) may be used by the Armed Forces and entities into which the Secretary has entered into an agreement regarding military recruitment only for purposes of military recruitment;

(B) shall be kept confidential.

(C) may not be maintained more than three years after collection; and

(3) OPT-OUT.—A pilot program under this subsection may allow a prospective recruit to opt-out of the collection of PRI regarding such prospective recruit.

(4) TERMINATION.—Any such pilot program shall terminate three years after implementation.

(5) INTERIM BRIEFING.—Not later than 90 days after the implementing a pilot program under this subsection, the Secretary shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on the pilot program. Such briefing shall include the following:

(A) The definition, prescribed by the Secretary, of PRI.

(B) How the Secretary intends to handle privacy concerns related to the collection of PRI.

(C) Legal concerns over the collection, use, and maintenance of PRI.

(6) FINAL REPORT.—Not later than 120 days after the completion of a pilot program under this subsection, the Under Secretary of Defense for Personnel and Readiness shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the pilot program. Such report shall include the following:

(A) A summary of whether and how the pilot program modernized recruiting efforts.

(B) A description of any efficiencies identified under the pilot program.

(C) Any violations of privacy laws arising from the pilot program.

(D) Legislative recommendations of the Under Secretary arising from this pilot program.

(7) DEFINITIONS.—In this section:

(A) The term "PRI" means information, prescribed by the Secretary of Defense, regarding a prospective recruit.

(B) The term "prospective recruit" means an individual who is eligible to join the Armed Forces and is—

(i) 17 years of age or older; or

(ii) in the eleventh grade (or its equivalent) or higher.

SEC. 532. REVIVAL AND EXTENSION OF TEMPORARY AUTHORITY FOR TARGETED RECRUITMENT INCENTIVES.

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

(1) is revived to read as it did immediately before its expiration on December 31, 2020; and

(2) is amended—

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

(B) by striking "2020" and inserting "2025".

SEC. 533. REPORT ON RECRUITING EFFORTS OF CERTAIN ARMED FORCES.

(a) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this act, the Secretary of Defense, in coordination with the Secretaries of the military departments, shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on recruiting efforts of the covered Armed Forces.

(b) ELEMENTS.—The report shall contain, with regards to the covered Armed Forces during fiscal years 2018 through 2022, the following elements:

(1) A comparison of—

(A) the number of active duty enlistments from each geographic region;

(B) the number of recruiters stationed in each geographic region; and

(C) advertising dollars spent in each geographic region, including annual numbers and averages.

(2) A comparison of the number of active duty enlistments produced by each recruiting battalion, recruiting district, or recruiting region, the number of recruiters stationed in each battalion, and advertising dollars spent in support of each battalion, including annual numbers and averages.

(3) An analysis of the geographic dispersion of enlistments by military occupational specialty.

(4) An analysis of the amount of Federal funds spent on advertising per active duty enlistment by recruiting battalion, recruiting district, or recruiting region, and a ranked list of those battalions from most efficient to least efficient.

(5) A comparison of the race, religion, sex, education levels, military occupational specialties, and waivers for enlistment granted to enlistees by geographic region and recruiting battalion, recruiting district, or recruiting region of responsibility.

(6) An assessment of obstacles that recruiters face in the field, including access to schools and administrative support.

(7) Efforts the Secretary of the military department concerned is taking to mitigate obstacles described in paragraph (6).

(c) DEFINITIONS.—In this section:

(1) The term "covered Armed Force" means an Armed Force under the jurisdiction of the Secretary of a military department.

(2) The term "geographic region" means a region used for the 2020 decennial census.

SEC. 534. REVIEW OF MARKETING AND RECRUITING OF THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Not later that September 30, 2023, the Comptroller General of the United States, in consultation with experts determined by the Secretary of Defense, shall evaluate the marketing and recruiting efforts of the Department of Defense to determine how to use social media and other technology platforms to convey to young people the opportunities and benefits of service in the covered Armed Forces.

(b) COVERED ARMED FORCE DEFINED.—In this section, the term "covered Armed Force" means the following:

(1) The Army.
(2) The Navy.
(3) The Marine Corps.
(4) The Air Force.
(5) The Space Force.

SEC. 535. REPORT ON DEPARTMENT OF DEFENSE RECRUITMENT ADVERTISING TO RACIAL AND ETHNIC MINORITY COMMUNITIES.

Not later than June 1, 2023, the Secretary of Defense shall submit to the congressional defense committees a report on the efforts of the Department of Defense to increase marketing and advertising to adequately reach racial and ethnic minority communities.

SEC. 536. IMPROVING OVERSIGHT OF MILITARY RECRUITMENT PRACTICES IN PUBLIC SECONDARY SCHOOLS.

Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on military recruitment practices in public secondary schools during calendar years 2018 through 2022, including—

(1) the zip codes of public secondary schools visited by military recruiters; and

(2) the number of recruits from public secondary schools by zip code and local education agency.

SEC. 537. [10 U.S.C. 481 note] BEST PRACTICES FOR THE RETENTION OF CERTAIN FEMALE MEMBERS OF THE ARMED FORCES.

The Secretaries of the military departments shall share and implement best practices regarding the use of retention and exit survey data to identify barriers and lessons learned to improve the retention of female members of the Armed Forces under the jurisdiction of such Secretaries.

SEC. 538. [10 U.S.C. 167 note] REVIEW OF CERTAIN PERSONNEL POLICIES OF SPECIAL OPERATIONS FORCES.

(a) REVIEW REQUIRED.—The Secretary of Defense shall direct the covered officials to review (and, if a covered official determines it necessary, update guidance and processes) matters described in section 167(e)(2)(J) of title 10, United States Code. The covered officials shall complete such review (and update) not later than 180 days after the date of the enactment of this Act.

(b) ELEMENTS OF REVIEW.—The review and updates under subsection (a) shall address the respective roles of the military departments and the United States Special Operations Command with respect to the following:

(1) Coordination between special operations command and the military departments regarding recruiting and retention to ensure that personnel requirements of special operations forces and the military departments are met appropriately.

(2) Opportunities for members of special operations forces to enroll in professional military education.

(3) Promotion opportunities for members of special operations forces and an assessment of whether such opportunities are adequate to fulfill staffing requirements of special operations forces.

(4) Data sharing between the military departments and special operations command with respect to special operations forces personnel.

(5) Any other matter the Secretary of Defense determines appropriate.

(c) REPORT REQUIRED.—Not later than 90 days after completing the review (and any updates) under subsection (a), the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on such review and any resulting updates to guidance and processes. The report shall also include any recommendations of the Secretary regarding matters described in subsection (a) or (b).

(d) DEFINITIONS.—In this section:

(1) The term "covered officials" means—

(A) the Secretaries of the military departments;

(B) the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict; and

(C) the Commander of special operations command.

(2) The term "special operations command" has the meaning given that term in section 167(a) of title 10, United States Code.

(3) The term "special operations forces" means the forces described in section 167(j) of title 10, United States Code.

SEC. 539. SUPPORT FOR MEMBERS WHO PERFORM DUTIES REGARDING REMOTELY PILOTED AIRCRAFT: STUDY; REPORT.

(a) STUDY.—The Secretary of Defense shall conduct a study to identify opportunities to provide more support services to, and greater recognition of combat accomplishments of, RPA crew. Such study shall identify the following with respect to each covered Armed Force:

(1) Safety policies applicable to crew of traditional aircraft that apply to RPA crew.

(2) Personnel policies, including crew staffing and training practices, applicable to crew of traditional aircraft that apply to RPA crew.

(3) Metrics the Secretaries of the military departments use to evaluate the health of RPA crew.

(4) Incentive pay, retention bonuses, promotion rates, and career advancement opportunities for RPA crew.

(5) Combat zone compensation available to RPA crew.

(6) Decorations and awards for combat available to RPA crew.

(7) Mental health care available to crew of traditional aircraft and RPA crew who conduct combat operations.

(8) Whether RPA crew receive post-separation health (including mental health) care equivalent to crew of traditional aircraft.

(9) An explanation of any difference under paragraph (8).

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the following:

(1) The results of the study conducted under this section.

(2) Any policy recommendations of the Secretary regarding such results.

(3) Progress made by the Secretary of the Air Force in implementing the recommendations of the Comptroller General of the United States in the following reports:

(A) GAO-19-155, titled "Unmanned Aerial Systems: Air Force Pilot Promotion Rates Have Increased but Oversight Process of Some Positions Could Be Enhanced".

(B) GAO-20-320, titled "Unmanned Aerial Systems: Air Force Should Take Additional Steps to Improve Aircrew Staffing and Support".

(c) DEFINITIONS.—In this section:

(1) The term "covered Armed Force" means an Armed Force under the jurisdiction of the Secretary of a military department.

(2) The term "RPA crew" means members of covered Armed Forces who perform duties relating to remotely piloted aircraft.

(3) The term "traditional aircraft" means fixed or rotary wing aircraft operated by an onboard pilot.

SEC. 539A. RETENTION AND RECRUITMENT OF MEMBERS OF THE ARMY WHO SPECIALIZE IN AIR AND MISSILE DEFENSE SYSTEMS.

(a) STUDY.—The Comptroller General of the United States shall study efforts to retain and recruit members with military occupational specialties regarding air and missile defense systems of the Army.

(b) INTERIM BRIEFING.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the Committees on Armed Services of the Senate and House of Representatives a briefing on the status of the study.

(c) FINAL REPORT.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General shall submit to the Committees on Armed Services of the Senate and House of Representatives a report that identifies steps the Secretary of the Army may take to improve such retention and recruitment.

Subtitle E—Military Justice and Other Legal Matters

SEC. 541. MATTERS IN CONNECTION WITH SPECIAL TRIAL COUNSEL.

(a) DEFINITION OF COVERED OFFENSE.—

(1) IN GENERAL.—Section 801(17)(A) of title 10, United States Code (article 1(17)(A) of the Uniform Code of Military

Justice), as added by section 533 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117-81; 135 Stat. 1695), is amended by striking "section 920 (article 136 STAT. 2580 120)" and inserting "section 919a (article 119a), section 920 (article 120), section 920a (article 120a)".

(2) [10 U.S.C. 801 note] EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect immediately after the coming into effect of the amendments made by section 533 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117-81; 135 Stat. 1695) as provided in section 539C of that Act (10 U.S.C. 801 note) and shall apply with respect to offenses that occur after that date.

(b) INCLUSION OF SEXUAL HARASSMENT AS COVERED OFFENSE.—

(1) IN GENERAL.—Section 801(17)(A) of title 10, United States Code (article 1(17)(A) of the Uniform Code of Military Justice), as added by section 533 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117-81; 135 Stat. 1695) and amended by subsection (a) of this section, is further amended—

(A) by striking "or"; and

(B) by striking "of this title" and inserting ", or the standalone offense of sexual harassment punishable under section 934 (article 134) of this title in each instance in which a formal complaint is made and such formal complaint is substantiated in accordance with regulations prescribed by the Secretary concerned".

(2) [10 U.S.C. 810 note] EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2025, and shall apply with respect to offenses that occur after that date.

(c) [10 U.S.C. 824a note] RESIDUAL PROSECUTORIAL DUTIES AND OTHER JUDICIAL FUNCTIONS OF CONVENING AUTHORITIES IN COVERED CASES. The President shall prescribe regulations to ensure that residual prosecutorial duties and other judicial functions of convening authorities, including granting immunity, ordering depositions, and hiring experts, with respect to charges and specifications over which a special trial counsel exercises authority pursuant to section 824a of title 10, United States Code (article 24a of the Uniform Code of Military Justice) (as added by section 531 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117-81; 135 Stat. 1692)), are transferred to the military judge, the special trial counsel, or other authority as appropriate in such cases by no later than the effective date established in section 539C of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117-81; 10 U.S.C. 801 note), in consideration of due process for all parties involved in such a case.

(d) AMENDMENT TO THE RULES FOR COURTS-MARTIAL.—The President shall prescribe in regulation such modifications to Rule 813 of the Rules for Courts-Martial and other Rules as appropriate to ensure that at the beginning of each court-martial convened, the presentation of orders does not in open court specify the name, rank, or position of the convening authority convening such court,

unless such convening authority is the Secretary concerned, the Secretary of Defense, or the President.

(e) BRIEFING REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on the progress of the Department of Defense in implementing this section, including an identification of—

(1) the duties to be transferred under subsection (c);

(2) the positions to which those duties will be transferred; and

(3) any provisions of law or Rules for Courts Martial that must be amended or modified to fully complete the transfer.

(f) ADDITIONAL REPORTING RELATING TO IMPLEMENTATION OF SUBTITLE D OF TITLE V OF THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2022.—Not later than February 1, 2025, and annually thereafter for five years, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report assessing the holistic effect of the reforms contained in subtitle D of title V of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117-81) on the military justice system. The report shall include the following elements:

(1) An overall assessment of the effect such reforms have had on the military justice system and the maintenance of good order and discipline in the ranks.

(2) The percentage of caseload and courts-martial assessed as meeting, or having been assessed as potentially meeting, the definition of "covered offense" under section 801(17) of title 10, United States Code (article 1(17) of the Uniform Code of Military Justice) (as added by section 533 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117-81; 135 17 Stat. 1695)), disaggregated by offense and military service where possible.

(3) An assessment of prevalence and data concerning disposition of cases by commanders after declination of prosecution by special trial counsel, disaggregated by offense and military service when possible.

(4) Assessment of the effect, if any, the reforms contained in such subtitle have had on non-judicial punishment concerning covered and non-covered offenses.

(5) A description of the resources and personnel required to maintain and execute the reforms made by such subtitle during the reporting period relative to fiscal year 2022.

(6) A description of any other factors or matters considered by the Secretary to be important to a holistic assessment of those reforms on the military justice system.

SEC. 542. TECHNICAL CORRECTIONS RELATING TO SPECIAL TRIAL COUNSEL.

(a) TECHNICAL CORRECTIONS.—Section 824a(c)(3) of title 10, United States Code (article 24a(c)(3) of the Uniform Code of Military Justice), is amended—

(1) by striking "Subject to paragraph (4)" and inserting "Subject to paragraph (5)"; and

(2) in subparagraph (D), by striking "an ordered rehearing" and inserting "an authorized rehearing".

(b) [10 U.S.C. 824a note] EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect immediately after the coming into effect of the amendments made by section 531 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117-81; 135 Stat. 1692) as provided in section 539C of that Act (10 U.S.C. 801 note).

SEC. 543. RANDOMIZATION OF COURT-MARTIAL PANELS.

(a) IN GENERAL.—Section 825(e) of title 10, United States Code (article 25(e) of the Uniform Code of Military Justice), is amended by adding at the end the following new paragraph:

"(4) When convening a court-martial, the convening authority shall detail as members thereof members of the armed forces under such regulations as the President may prescribe for the randomized selection of qualified personnel, to the maximum extent practicable.".

(b) [10 U.S.C. 825 note] EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date that is two years after the date of the enactment of this Act and shall apply with respect to courts-martial convened on or after that effective date.

(c) [10 U.S.C. 825 note] REGULATIONS.—Not later than the effective date specified in subsection (b), the President shall prescribe regulations implementing the requirement under paragraph (4) of section 825(e) of title 10, United States Code (article 25(e) of the Uniform Code of Military Justice), as added by subsection (a) of this section.

SEC. 544. JURISDICTION OF COURTS OF CRIMINAL APPEALS.

(a) WAIVER OF RIGHT TO APPEAL; WITHDRAWAL OF APPEAL.—Section 861(d) of title 10, United States Code (article 61(d) of the Uniform Code of Military Justice), is amended by striking "A waiver" and inserting "Except as provided by section 869(c)(2) of this title (article 69(c)(2)), a waiver".

(b) JURISDICTION.—Section 866 of title 10, United States Code (article 66 of the Uniform Code of Military Justice), is amended—

(1) in subsection (b)(1), by striking "shall have jurisdiction over" and all that follows through the period at the end of subparagraph (D) and inserting the following:" shall have jurisdiction over—

"(A) a timely appeal from the judgment of a court-martial, entered into the record under section 860c(a) of this title (article 60c(a)), that includes a finding of guilty; and

"(B) a summary court-martial case in which the accused filed an application for review with the Court under section 869(d)(1) of this title (article 69(d)(1)) and for which the application has been granted by the Court."; and

(2) in subsection (c), by striking "is timely if" and all that follows through the period at the end of paragraph (2) and inserting the following:" is timely if—

"(1) in the case of an appeal under subparagraph (A) of such subsection, it is filed before the later of—

"(A) the end of the 90-day period beginning on the date the accused is provided notice of appellate rights under section 865(c) of this title (article 65(c)); or

"(B) the date set by the Court of Criminal Appeals by rule or order; and

"(2) in the case of an appeal under subparagraph (B) of such subsection, an application for review with the Court is filed not later than the earlier of the dates established under section 869(d)(2)(B) of this title (article 69(d)(2)(B)).".

(c) REVIEW BY JUDGE ADVOCATE GENERAL.—Section 869 of title 10, United States Code (article 69 of the Uniform Code of Military Justice), is amended—

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

"(a) IN GENERAL.—Upon application by the accused or receipt of the record pursuant to section 864(c)(3) of this title (article 64(c)(3)) and subject to subsections (b), (c), and (d), the Judge Advocate General may—

"(1) with respect to a summary court-martial, modify or set aside, in whole or in part, the findings and sentence; or

"(2) with respect to a general or special court-martial, order such court-martial to be reviewed under section 866 of this title (article 66)."; and

(2) in subsection (b)—

(A) by inserting "(1)" before "To qualify"; and

(B) by striking "not later than one year after" and all that follows through the period at the end and inserting the following:" not later than—

"(A) for a summary court-martial, one year after the date of completion of review under section 864 of this title (article 64); or

"(B) for a general or special court-martial, one year after the end of the 90-day period beginning on the date the accused is provided notice of appellate rights under section 865(c) of this title (article 65(c)), unless the accused submitted a waiver or withdrawal of appellate review under section 861 of this title (article 61) before being provided notice of appellate rights, in which case the application must be submitted to the Judge Advocate General not later than one year after the entry of judgment under section 860c of this title (article 60c).

"(2) The Judge Advocate General may, for good cause shown, extend the period for submission of an application, except that—

"(A) in the case of an application for review of a summary court martial, the Judge Advocate may not consider an application submitted more than three years after the completion date referred to in paragraph (1)(A); and

"(B) in case of an application for review of a general or special court-martial, the Judge Advocate may not consider an application submitted more than three years after the end of the applicable period under paragraph (1)(B).";

(3) in subsection (c)—

(A) in paragraph (1)(A), by striking "section 864 or 865(b) of this title (article 64 or 65(b))" and inserting "section 864 of this title (article 64)"; and

(B) in paragraph (2), by striking "the Judge Advocate General shall order appropriate corrective action under rules prescribed by the President" and inserting "the Judge Advocate General shall send the case to the Court of Criminal Appeals"; and

(4) in subsection (d)—

(A) in paragraph (1), by striking "under subsection (c)—" and all that follows through "(B) in a case submitted" and inserting "under subsection (c)(1) in a case submitted"; and

(B) in paragraph (2), in the matter preceding subparagraph (A), by striking "paragraph (1)(B)" and inserting "paragraph (1)".

(d) [10 U.S.C. 861 note] APPLICABILITY.—The amendments made by this section shall not apply to—

(1) any matter that was submitted before the date of the enactment of this Act to a Court of Criminal Appeals established under section 866 of title 10, United States Code (article 66 of the Uniform Code of Military Justice); or

(2) any matter that was submitted before the date of the enactment of this Act to a Judge Advocate General under section 869 of such title (article 69 of the Uniform Code of Military Justice).

SEC. 545. SPECIAL TRIAL COUNSEL OF THE DEPARTMENT OF THE AIR FORCE.

(a) IN GENERAL.—Section 1044f of title 10, United States Code, is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking "The policies shall" and inserting "Subject to subsection (c), the policies shall";

(2) by redesignating subsection (c) as subsection (d); and

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

"(c) SPECIAL TRIAL COUNSEL OF DEPARTMENT OF THE AIR FORCE.—In establishing policies under subsection (a), the Secretary of Defense shall—

"(1) in lieu of providing for separate offices for the Air Force and Space Force under subsection (a)(1), provide for the establishment of a single dedicated office from which office the activities of the special trial counsel of the Department of the Air Force shall be supervised and overseen; and

"(2) in lieu of providing for separate lead special trial counsels for the Air Force and Space Force under subsection (a)(2), provide for the appointment of one lead special trial counsel who shall be responsible for the overall supervision and oversight of the activities of the special trial counsel of the Department of the Air Force.".

(b) [10 U.S.C. 1044f note] EFFECTIVE DATE.—The amendments made subsection (a) shall take effect immediately after the coming into effect of the amendments made by section 532 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117-

81; 135 Stat. 1694) as provided in section 539C of that Act (10 U.S.C. 801 note).

SEC. 546. INDEPENDENT INVESTIGATION OF SEXUAL HARASSMENT.

(a) DEFINITIONS.—Subsection (e) of section 1561 of title 10, United States Code, as amended by section 543 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117-81; 135 Stat. 1709), is amended to read as follows:

"(e) DEFINITIONS.—In this section:

"(1) The term 'independent investigator' means a civilian employee of the Department of Defense or a member of the Army, Navy, Marine Corps, Air Force, or Space Force who—

"(A) is outside the immediate chain of command of the complainant and the subject of the investigation; and

"(B) is trained in the investigation of sexual harassment, as determined by—

"(i) the Secretary of Defense, in the case of a civilian employee of the Department of Defense;

"(ii) the Secretary of the Army, in the case of a member of the Army;

"(iii) the Secretary of the Navy, in the case of a member of the Navy or Marine Corps; or

"(iv) the Secretary of the Air Force, in the case of a member of the Air Force or Space Force.

"(2) The term 'sexual harassment' means conduct that constitutes the offense of sexual harassment as punishable under section 934 of this title (article 134) pursuant to the regulations prescribed by the Secretary of Defense for purposes of such section (article).".

(b) [10 U.S.C. 1561 note] EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect immediately after the coming into effect of the amendments made by section 543 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117-81; 135 Stat. 1709) as provided in subsection (c) of that section.

SEC. 547. PRIMARY PREVENTION RESEARCH AGENDA AND WORKFORCE.

(a) ANNUAL PRIMARY PREVENTION RESEARCH AGENDA.—Section 549A(c) of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117-81; 135 Stat. 1722) is amended—

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

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

"(2) include a focus on whether and to what extent subpopulations of the military community may be targeted for interpersonal violence more than others;

"(3) seek to identify factors that influence the prevention, perpetration, and victimization of interpersonal and self-directed violence;

"(4) seek to improve the collection and dissemination of data on hazing and bullying related to interpersonal and self-directed violence;"; and

(3) by amending paragraph (6), as redesignated by paragraph (1) of this section, to read as follows:

"(6) incorporate collaboration with other Federal departments and agencies, including the Department of Health and Human Services and the Centers for Disease Control and Prevention, State governments, academia, industry, federally funded research and development centers, nonprofit organizations, and other organizations outside of the Department of Defense, including civilian institutions that conduct similar data-driven studies, collection, and analysis; and".

(b) PRIMARY PREVENTION WORKFORCE.—Section 549B of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117-81; 135 Stat. 1722) is amended—

(1) in subsection (c)—

(A) in paragraph (2), by striking "subsection (a)" and inserting "paragraph (1)"; and

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

"(3) COMPTROLLER GENERAL REPORT.—Not later than one year after the date of the enactment of this paragraph, the Comptroller General of the United States shall submit to the congressional defense committees a report that—

"(A) compares the sexual harassment and prevention training of the Department of Defense with similar programs at other departments and agencies of the Federal Government; and

"(B) includes relevant data collected by colleges and universities and other relevant outside entities on hazing and bullying and interpersonal and self-directed violence."; and

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

"(e) INCORPORATION OF RESEARCH AND FINDINGS.—The Secretary of Defense shall ensure that the findings and conclusions from the primary prevention research agenda established under section 549A are regularly incorporated, as appropriate, within the primary prevention workforce established under subsection (a).".

SEC. 548. LIMITATION ON AVAILABILITY OF FUNDS FOR RELOCATION OF ARMY CID SPECIAL AGENT TRAINING COURSE.

(a) LIMITATION.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2023 for the Army may be obligated or expended to relocate an Army CID special agent training course until—

(1)(A) the Secretary of the Army submits to the Committees on Armed Services of the Senate and the House of Representatives—

(i) the evaluation and plan required by subsection (a) of section 549C of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117-81; 135 Stat. 1724);

(ii) the implementation plan required by subsection (b) of such section; and

(iii) a separate report on any plans of the Secretary to relocate an Army CID special agent training course, including an explanation of the business case for any transfer of training personnel proposed as part of such plan;

(B) the Secretary provides to the Committee on Armed Services of the House of Representatives a briefing on the contents of each report specified in subparagraph (A); and

(C) a period of 90 days has elapsed following the briefing under subparagraph (B); and

(2) the Secretary submits a written certification to the Committees on Armed Services of the Senate and the House of Representatives indicating that the Army has fully complied with subsection (c) of section 549C of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117-81; 135 Stat. 1724) with regard to locations at which military criminal investigative training is conducted.

(b) DEFINITIONS.—In this section:

(1) The term "relocate", when used with respect to an Army CID special agent training course, means the transfer of such course to a location different than the location used for such course as of the date of the enactment of this Act.

(2) The term "Army CID special agent training course" means a training course provided to members of the Army to prepare such members for service as special agents in the Army Criminal Investigation Division.

SEC. 549. [10 U.S.C. 1552 note] REVIEW OF TITLING AND INDEXING PRACTICES OF THE ARMY AND CERTAIN OTHER ORGANIZATIONS.

(a) REVIEW OF TITLING AN INDEXING DECISIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army shall review the case file of each member or former member of the Army, the Army Reserve, or the Army National Guard who was titled or indexed in connection with the Guard Recruiting Assistance Program, the Army Reserve Recruiting Assistance Program, or any related activity to determine the appropriateness of the titling or indexing decision that was made with respect to such member or former member.

(b) FACTORS TO BE CONSIDERED.—In reviewing a titling or indexing decision under subsection (a), the Secretary of the Army shall consider—

(1) the likelihood that the member or former member to whom the decision pertains will face future criminal prosecution or other adverse action on the basis of the facts in the record at the time of the review;

(2) the appropriate evidentiary standard to apply to the review of the decision; and

(3) such other circumstances or factors as the Secretary determines are in the interest of equity and fairness.

(c) NOTIFICATION AND APPEAL.—

(1) IN GENERAL.—Upon the completion of each review under subsection (a), the Secretary of the Army shall notify the member or former member concerned of such review, the disposition of the relevant instance of titling or indexing, and the mechanisms the member or former member may pursue to seek correction, removal, or expungement of that instance of titling or indexing.

(2) NOTIFICATION OF NEXT OF KIN.—In a case in which a member or former member required to be notified under para-

graph (1) is deceased, the Secretary of the Army shall provide the notice required under such paragraph to the primary next of kin of the member or former member.

(d) ACTIONS BY THE SECRETARY OF THE ARMY.—If the Secretary of the Army determines that correction, removal, or expungement of an instance of titling or indexing is appropriate after considering the factors under subsection (b), the Secretary of the Army may request that the name, personally identifying information, and other information relating to the individual to whom the titling or indexing pertains be corrected in, removed from, or expunged from, the following:

(1) A law enforcement or criminal investigative report of the Department of Defense or any component of the Department.

(2) An index item or entry in the Department of Defense Central Index of Investigations (DCII).

(3) Any other record maintained in connection with a report described in paragraph (1), or an index item or entry described in paragraph (2), in any system of records, records database, records center, or repository maintained by or on behalf of the Department, including entries in the Federal Bureau of Investigation's Interstate Identification Index or any successor system.

(e) REPORT OF SECRETARY OF THE ARMY.—Not later than 180 days after the completion of the review required by subsection (a), the Secretary of the Army shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the results of the review. The report shall include the following:

(1) The total number of instances of titling and indexing reviewed under such subsection.

(2) The number of cases in which action was taken to correct, remove, or expunge an instance of titling or indexing.

(3) The number of members and former members who remain titled after the conclusion of the review.

(4) The number of members and former members who remain indexed after the conclusion of the review.

(5) A brief description of the reasons the members and former members counted under paragraphs (3) and (4) remain titled or indexed.

(6) Such other matters as the Secretary determines appropriate.

(f) SECRETARY OF DEFENSE REVIEW AND REPORT.—

(1) REVIEW.—The Secretary of Defense shall conduct a review the titling and indexing practices of the criminal investigative organizations of the Armed Forces. Such review shall include—

(A) an assessment of the practices of titling and indexing and the continued relevance of such practices to the operation of such criminal investigative organizations;

(B) an evaluation of the suitability of the evidentiary requirements and related practices for titling and indexing in effect at the time of the review; and

(C) the development of recommendations, as appropriate, to improve the consistency, accuracy, and utility of the titling and indexing processes across such criminal investigative organizations.

(2) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the results of the review conducted under paragraph (1).

(g) DEFINITIONS.—In this section:

(1) The term "titling" means the practice of identifying an individual as the subject of a criminal investigation the records of a military criminal investigative organization and storing such information in a database or other records system.

(2) The term "indexing" means the practice of submitting an individual's name or other personally identifiable information to the Federal Bureau of Investigation's Interstate Identification Index, or any successor system.

SEC. 549A. BRIEFING AND REPORT ON RESOURCING REQUIRED FOR IMPLEMENTATION OF MILITARY JUSTICE REFORM.

(a) BRIEFING AND REPORT REQUIRED.—

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

(2) REPORT.—Not later than one year after the date of the enactment of this Act, each Secretary concerned shall submit to the appropriate congressional committees a report that details the resourcing necessary to implement subtitle D of title V of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117-81) and the amendments made by that subtitle.

(3) FORM OF BRIEFING AND REPORT.—The Secretaries concerned may provide the briefings and report required under paragraphs (1) and (2) jointly, or separately, as determined appropriate by such Secretaries.

(b) ELEMENTS.—The briefing and report required under subsection (a) shall address the following:

(1) The number of personnel and personnel authorizations (military and civilian) required by the Armed Forces to implement and execute the provisions of subtitle D of title V of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117-81) and the amendments made by that subtitle.

(2) The basis for the numbers provided pursuant to paragraph (1), including the following:

(A) A description of the organizational structure in which such personnel or groups of personnel are or will be aligned.

(B) The nature of the duties and functions to be performed by any such personnel or groups of personnel

across the domains of policy-making, execution, assessment, and oversight.

(C) The optimum caseload goal assigned to the following categories of personnel who are or will participate in the military justice process: criminal investigators of different levels and expertise, laboratory personnel, defense counsel, special trial counsel, military defense counsel, military judges, military magistrates, and paralegals.

(D) Any required increase in the number of personnel currently authorized in law to be assigned to the Armed Force concerned.

(3) The nature and scope of any contract required by the Armed Force concerned to implement and execute the provisions of subtitle D of title V of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117-81) and the amendments made by that subtitle.

(4) The amount and types of additional funding required by the Armed Force concerned to implement the provisions of subtitle D of title V of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117-81) and the amendments made by that subtitle.

(5) Any additional authorities required to implement the provisions of subtitle D of title V of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117-81) and the amendments made by that subtitle.

(6) Any additional information the Secretary concerned determines is necessary to ensure the manning, equipping, and resourcing of the Armed Forces to implement and execute the provisions of subtitle D of title V of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117-81) and the amendments made by that subtitle.

(c) DEFINITIONS.—In this section:

(1) The term "appropriate congressional committees" means—

(A) the Committee on Armed Services, the Committee on Commerce, Science, and Transportation, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Transportation and Infrastructure, and the Committee on Appropriations of the House of Representatives.

(2) The term "Secretary concerned" has the meaning given that term in section 101(a) of title 10, United States Code.

SEC. 549B. REPORT ON SHARING INFORMATION WITH COUNSEL FOR VICTIMS OF OFFENSES UNDER THE UNIFORM CODE OF MILITARY JUSTICE.

(a) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Defense Advisory Committee on Investigation, Prosecution, and Defense of Sexual Assault in the Armed Forces (referred to in this section as the "Advisory Committee") shall submit to the Committees on Armed Services of the Senate and the House of Representatives and each Secretary concerned a report on the feasibility and advisability of establishing a uniform policy for the sharing of the information described in subsection (c) with a Special Victims' Counsel, Victims' Legal Counsel,

or other counsel representing a victim of an offense under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice).

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

(1) An assessment of the feasibility and advisability of establishing the uniform policy described in subsection (a), including an assessment of the potential effects of such a policy on—

(A) the privacy of individuals;

(B) the criminal investigative process; and

(C) the military justice system generally.

(2) If the Advisory Committee determines that the establishment of such a policy is feasible and advisable, a description of—

(A) the stages of the military justice process at which the information described in subsection (c) should be made available to counsel representing a victim; and

(B) any circumstances under which some or all of such information should not be shared.

(3) Such recommendations for legislative or administrative action as the Advisory Committee considers appropriate.

(c) INFORMATION DESCRIBED.—The information described in this subsection is the following:

(1) Any recorded statements of the victim to investigators.

(2) The record of any forensic examination of the person or property of the victim, including the record of any sexual assault forensic exam of the victim that is in possession of investigators or the Government.

(3) Any medical record of the victim that is in the possession of investigators or the Government.

(d) SECRETARY CONCERNED DEFINED.—In this section, the term "Secretary concerned" has the meaning given that term in section 101(a)(9) of title 10, United States Code.

SEC. 549C. [10 U.S.C. 1565b note] DISSEMINATION OF CIVILIAN LEGAL SERVICES INFORMATION.

Not later than one year after the date of the enactment of this Act, the Secretary of Defense, acting through the head of the Sexual Assault Prevention and Response Office of the Department of Defense, shall ensure that information on the availability of legal resources from civilian legal service organizations is distributed to military-connected sexual assault victims in an organized and consistent manner.

Subtitle F—Member Education

SEC. 551. AUTHORIZATION OF CERTAIN SUPPORT FOR MILITARY SERVICE ACADEMY FOUNDATIONS.

(a) IN GENERAL.—Subchapter I of chapter 134 of title 10, United States Code, is amended by inserting after section 2245 the end the following new section:

"SEC. 2246. [10 U.S.C. 2246] Authorization of certain support for military service academy foundations

"(a) AUTHORITY.—Subject to subsection (b) and pursuant to regulations prescribed by the Secretary of Defense, the Superintendent of a Service Academy may authorize a covered foundation to use, on an unreimbursed basis, facilities or equipment of such Service Academy.

"(b) LIMITATIONS.—Use of facilities or equipment under subsection (a) may be provided only if such use—

"(1) is without any liability of the United States to the covered foundation;

"(2) does not affect the ability of any official or employee of the military department concerned, or any member of the armed forces, to carry out any responsibility or duty in a fair and objective manner;

"(3) does not compromise the integrity or appearance of integrity of any program of the military department concerned, or any individual involved in such a program;

"(4) does not include the participation of any cadet or midshipman, other than participation in an honor guard at an event of the covered foundation;

"(5) complies with the Joint Ethics Regulation; and

"(6) has been reviewed and approved by an attorney of the military department concerned.

"(c) BRIEFING.—In any fiscal year during which the Superintendent of a Service Academy exercises the authority under subsection (a), the Secretary of the military department concerned shall provide a briefing not later than the last day of that fiscal year to the Committees on Armed Services of the Senate and House of Representatives regarding the number of events or activities of a covered foundation supported by such exercise during such fiscal year.

"(d) DEFINITIONS.—In this section:

"(1) The term 'covered foundation' means a charitable, educational, or civic nonprofit organization under section 501(c)(3) of the Internal Revenue Code of 1986, that the Secretary concerned determines operates exclusively to support, with respect to a Service Academy, any of the following:

"(A) Recruiting.

"(B) Parent or alumni development.

"(C) Academic, leadership, or character development.

"(D) Institutional development.

"(E) Athletics.

"(2) The term 'Service Academy' has the meaning given such term in section 347 of this title.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to item 2245 the following new item:

"2246. Authorization of certain support for military service academy foundations.".

SEC. 552. INDIVIDUALS FROM THE DISTRICT OF COLUMBIA WHO MAY BE CONSIDERED FOR APPOINTMENT TO MILITARY SERVICE ACADEMIES.

(a) UNITED STATES MILITARY ACADEMY.—Section 7442 of title 10, United States Code, is amended, in subsection (b)(5), by strik-

ing "paragraphs (3) and (4)" and inserting "paragraphs (3) through (10)".

(b) UNITED STATES NAVAL ACADEMY.—Section 8454 of title 10, United States Code, is amended, in subsection (b)(5), by striking "paragraphs (3) and (4)" and inserting "paragraphs (3) through (10)".

(c) UNITED STATES AIR FORCE ACADEMY.—Section 9442 of title 10, United States Code, is amended, in subsection (b)(5), by striking "paragraphs (3) and (4)" and inserting "paragraphs (3) through (10)".

SEC. 553. AGREEMENT BY A CADET OR MIDSHIPMAN TO PLAY PROFESSIONAL SPORT CONSTITUTES A BREACH OF AGREEMENT TO SERVE AS AN OFFICER.

(a) UNITED STATES MILITARY ACADEMY.—Section 7448 of title 10, United States Code, is amended as follows:

(1) Paragraph (5) of subsection (a) is amended to read as follows:

"(5) That the cadet may not obtain employment as a professional athlete until two years after the cadet graduates from the Academy.".

(2) Subsection (b) is amended by adding at the end the following new paragraph:

"(4) A cadet who violates paragraph (5) of subsection (a) is not eligible for the alternative obligation under paragraph (1).".

(3) Subsection (c) is amended—

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

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

"(2) that a cadet who obtains employment as a professional athlete—

"(A) in violation of paragraph (5) of subsection (a) has breached an agreement under such subsection; and

"(B) at least two years after the cadet graduates from the Academy has not breached an agreement under subsection (a);".

(4) Subsection (d) is amended—

(A) by striking "with respect to an officer who is a graduate of the Academy" and inserting "with respect to a cadet"; and

(B) by striking "officer's" and inserting "cadet's".

(5) Subsection (f) is amended by striking "the terms" and inserting "each term".

(b) UNITED STATES NAVAL ACADEMY.—Section 8459 of title 10, United States Code, is amended as follows:

(1) Paragraph (5) of subsection (a) is amended to read as follows:

"(5) That the midshipman may not obtain employment as a professional athlete until two years after the midshipman graduates from the Academy.".

(2) Subsection (b) is amended by adding at the end the following new paragraph:

"(4) A midshipman who violates paragraph (5) of subsection (a) is not eligible for the alternative obligation under paragraph (1).".

(3) Subsection (c) is amended—

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

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

"(2) that a midshipman who obtains employment as a professional athlete—

"(A) in violation of paragraph (5) of subsection (a) has breached an agreement under such subsection; and

"(B) at least two years after the midshipman graduates from the Academy has not breached an agreement under subsection (a);".

(4) Subsection (d) is amended—

(A) by striking "with respect to an officer who is a graduate of the Academy" and inserting "with respect to a midshipman"; and

(B) by striking "officer's" and inserting "midshipman's".

(5) Subsection (f) is amended by striking "the terms" and inserting "each term".

(c) UNITED STATES AIR FORCE ACADEMY.—Section 9448 of title 10, United States Code, is amended as follows:

(1) Paragraph (5) of subsection (a) is amended to read as follows:

"(5) That the cadet may not obtain employment as a professional athlete until two years after the cadet graduates from the Academy.".

(2) Subsection (b) is amended by adding at the end the following new paragraph:

"(4) A cadet who violates paragraph (5) of subsection (a) is not eligible for the alternative obligation under paragraph (1).".

(3) Subsection (c) is amended—

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

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

"(2) that a cadet who obtains employment as a professional athlete—

"(A) in violation of paragraph (5) of subsection (a) has breached an agreement under such subsection; and

"(B) at least two years after the cadet graduates from the Academy has not breached an agreement under subsection (a);".

(4) Subsection (d) is amended—

(A) by striking "with respect to an officer who is a graduate of the Academy" and inserting "with respect to a cadet"; and

(B) by striking "officer's" and inserting "cadet's".

(5) Subsection (f) is amended by striking "the terms" and inserting "each term".

(d) APPLICABILITY.—The amendments made by this section shall only apply with respect to a cadet or midshipman who first enrolls in the United States Military Academy, the United States Naval Academy, or the United States Air Force Academy on or after June 1, 2021.

SEC. 554. NAVAL POSTGRADUATE SCHOOL AND UNITED STATES AIR FORCE INSTITUTE OF TECHNOLOGY: TERMS OF PROVOSTS AND CHIEF ACADEMIC OFFICERS.

(a) NAVAL POSTGRADUATE SCHOOL.—

(1) IN GENERAL.—Section 8543 of title 10, United States Code, is amended—

(A) by striking "Academic Dean" each place it appears and inserting "Chief Academic Officer";

(B) in subsection (a), by striking the second sentence and inserting "An individual selected by the Secretary of the Navy for the position of Provost and Chief Academic Officer shall serve in that position for a term of not more than five years and may be continued in that position for an additional term of up to five years."

(2) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) SECTION HEADING.—The heading of such section is amended by striking "Academic Dean" and inserting "Chief Academic Officer".

(B) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 855 of such title is amended by striking the item relating to section 8543 and inserting the following new item:

"8543. Provost and Chief Academic Officer.".

(C) CONFORMING AMENDMENT.—Section 8542(a)(4)(A)(ii)(II) of such title is amended by striking "permanently appointed to the position of Provost and Academic Dean" and inserting "selected for the position of Provost and Chief Academic Officer".

(b) UNITED STATES AIR FORCE INSTITUTE OF TECHNOLOGY.—Subsection (b) of section 9414b of such title is amended—

(1) in the heading, by striking "Academic Dean" and inserting "Chief Academic Officer";

(2) by striking "Academic Dean" each place it appears and inserting "Chief Academic Officer";

(3) in paragraph (1), by striking "appointed" and inserting "selected"; and

(4) by striking paragraph (2) and inserting the following:

"(2) TERM.—An individual selected for the position of Provost and Chief Academic Officer shall serve in that position for a term of not more than five years and may be continued in that position for an additional term of up to five years.".

SEC. 555. NAVAL POSTGRADUATE SCHOOL: ATTENDANCE BY ENLISTED MEMBERS.

(a) IN GENERAL.—Subsection (a)(2)(D)(iii) of section 8545 of title 10, United States Code, is amended by striking "only on a space-available basis".

(b) BRIEFING.—Six years after the date of the enactment of this Act, the Secretary of Defense shall brief the Committees on Armed

Services of the Senate and House of Representatives on the effects of increasing enrollment of enlisted members at the Naval Postgraduate School pursuant to the amendment made by subsection (a). Such briefing shall include the following elements:

(1) Any increase to the effectiveness, readiness, or lethality of the Armed Forces.

(2) Effects on rates of recruitment, promotion (including compensation to members), and retention.

SEC. 556. MODIFICATION OF ANNUAL REPORT ON DEMOGRAPHICS OF MILITARY SERVICE ACADEMY APPLICANTS.

Subsection (c)(2) of section 575 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-283; 10 U.S.C. 7442 note) is amended by adding at the end the following new subparagraph:

"(C) Anything the Secretary determines to be significant regarding gender, race, ethnicity, or other demographic information, described in subsection (b), of such individuals.".

SEC. 557. STUDY AND REPORT ON PROFESSIONAL MILITARY EDUCATION.

(a) REPORT.—Not later than December 1, 2025, the Secretary of Defense, in coordination with the Chairman of the Joint Chiefs of Staff and the Secretaries of the military departments, shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the effectiveness of PME in educating officers of the Armed Forces.

(b) ELEMENTS.—The Secretary of Defense shall include in the report the following elements:

(1) DEFINITIONS; PURPOSE STATEMENT.—In order to improve readiness and create a culture of lifelong learning for PME students and faculty—

(A) recommendations regarding whether to define PME, or to revise existing definitions in section 2151 of title 10, United States Code; and

(B) a purpose statement for PME.

(2) COURSE OF STUDY.—With regards to a course of study in PME—

(A) an analysis of, and legislative recommendations regarding, the existing three-phase approach to JPME under section 2154 of title 10, United States Code.

(B) legislative recommendations regarding developing a statutory three-phase approach for PME other than JPME, similar to such approach for JPME; and

(C) a proposed career learning plan, provided to an officer every two years, to track the progress of such officer in achieving PME and JPME outcomes and other career milestones.

(3) CURRICULUM EVALUATION.—An evaluation of curricula of institutions of PME, including—

(A) compliance with subject matter requirements under chapter 107 of title 10, United States Code;

(B) legislative recommendations regarding such subject matter requirements, including whether to include the national defense strategy in such requirements;

(C) the curriculum development process, including whether such process is responsive to changing global threats, and any ways to improve such process to be able to make rapid, relevant, and responsive curriculum updates;

(D) current modes of instruction and related recommendations, including the use of interactive seminars, war games, simulations, experiential learning, and iterative case studies;

(E) special areas of focus regarding innovation, including disruptive change, adaptive thinking, design thinking, cyber security, artificial intelligence, applied design for innovation, and other areas the Secretary determines appropriate; and

(F) the development and assessment of learning outcomes regarding lethality and strategic influence.

(4) SYSTEMS OF ACCOUNTABILITY AND PERFORMANCE.—An evaluation of the following accountability and performance systems:

(A) Student performance assessments.

(B) The documentation of student performance in military service records.

(C) Consideration of student performance records in the determination of assignments and promotions.

(D) Consideration of expertise or academic focus in the determination of assignments.

(5) ACADEMIC FACULTY AND STUDENT REVIEW SYSTEM.—A summary of current processes to review the following:

(A) The means by which faculty assigned to teach PME (including members of the Armed Forces and civilian personnel) are selected, managed, promoted, and evaluated.

(B) The academic freedom of faculty described in subparagraph (A).

(C) A review of how members are selected for residential and non-residential PME, including the consideration of student performance assessments during PME.

(6) INTERACTIONS OF WITH INSTITUTIONS OF PME CIVILIAN INSTITUTIONS.—

(A) PARTNERSHIPS.—A review of existing academic partnerships between institutions of PME and civilian institutions, including—

(i) the scopes, purposes, and lengths of such partnerships;

(ii) any research, curriculum development, or sharing of faculty or students between institutions; and

(iii) any collaborations or exchanges by faculties or students.

(B) CONSORTIUM.—An appraisal of a prospective consortium of institutions of PME and civilian institutions, including—

(i) the feasability and advisability of establishing such a consortium;

(ii) recommendations, if any, regarding potential consortium members;

(iii) the anticipated costs and timeline to establish such a consortium; and

(iii) whether the inclusion of the Naval Postgraduate School or Air Force Institute of Technology in such a consortium would require legislation.

(7) ORGANIZATION.—With regards to the organizational structure and lines of authority established pursuant to section 2152 of title 10, United States Code—

(A) an analysis; and

(B) any legislative recommendations.

(c) INTERIM BRIEFINGS AND FINAL REPORT.—

(1) INITIAL BRIEFING.—Not later than June 1, 2023, the Secretary of Defense shall provide to the Committees on Armed Services of the House of Representatives and the Senate an initial briefing on the progress of the Secretary in preparing the report.

(2) INTERIM BRIEFINGS.—Every six months after the initial briefing, the Secretary of Defense shall provide to the Committees on Armed Services of the House of Representatives and the Senate an interim briefing on the progress and contents of the report.

(3) FINAL BRIEFING.—Not later than December 1, 2025, in conjunction with issuance of the final report, the Secretary of Defense shall provide to the Committees on Armed Services of the Senate and House of Representatives a final briefing on the findings and recommendations in the report.

(d) DEFINITIONS.—In this section:

(1) The term "institutions of PME" means—

(A) the professional military education schools;

(B) the senior level service schools;

(C) the intermediate level service schools;

(D) the joint intermediate level service school;

(E) the Naval Postgraduate School; and

(F) the Air Force Institute of Technology.

(2) The terms "intermediate level service school", "joint intermediate level service school", and "senior level service school" have the meaning given such terms in section 2151 of title 10, United States Code.

(3) The term "JPME" means "joint professional military education" has the meaning given such term in section 2151 of title 10, United States Code.

(4) The term "PME" means professional military education, including JPME.

(5) The term "professional military education schools" means the schools specified in section 2162(b) of title 10, United States Code.

SEC. 558. REPORT ON TREATMENT OF CHINA IN CURRICULA OF PROFESSIONAL MILITARY EDUCATION.

(a) IN GENERAL.—Not later than December 1, 2023, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report regarding the treatment of China in the curricula of institutions of military education, including changes to such treatment implemented in the five years preceding the date of such report.

(b) DEFINITIONS.—In this section:

(1) The term "institutions of military education" means—

(A) the professional military education schools;

(B) the senior level service schools;

(C) the intermediate level service schools;

(D) the joint intermediate level service school;

(E) the Naval Postgraduate School; and

(F) the Air Force Institute of Technology.

(2) The terms "intermediate level service school", "joint intermediate level service school", and "senior level service school" have the meaning given such terms in section 2151 of title 10, United States Code.

(3) The term "professional military education schools" means the schools specified in section 2162 of title 10, United States Code.

Subtitle G—Member Training and Transition

SEC. 561. CODIFICATION OF SKILLBRIDGE PROGRAM.

(a) IN GENERAL.—Section 1143(e) of title 10, United States Code, is amended—

(1) in the heading, by adding "; Skillbridge" after "Training"; and

(2) in paragraph (1), by adding at the end "Such a program shall be known as 'Skillbridge'.".

(b) [10 U.S.C. 1143 note] REGULATIONS.—To carry out Skillbridge, the Secretary of Defense shall, not later than September 30, 2023—

(1) update Department of Defense Instruction 1322.29, titled "Job Training, Employment Skills Training, Apprenticeships, and Internships (JTEST-AI) for Eligible Service Members"; and

(2) develop a funding plan for Skillbridge that includes funding lines across the future-years defense program under section 221 of title 10, United States Code.

SEC. 562. PILOT PROGRAM ON REMOTE PERSONNEL PROCESSING IN THE ARMY.

(a) ESTABLISHMENT.—Not later than January 1, 2024, the Secretary of the Army shall implement a pilot program to expedite in-processing and out-processing at one or more military installations—

(1) under the jurisdiction of such Secretary; and

(2) located within the continental United States.

(b) FUNCTIONS.—The pilot program shall perform the following functions:

(1) Enable the remote in-processing and out-processing of covered personnel, including by permitting covered personnel to sign forms electronically.

(2) Reduce the number of hours required of covered personnel for in-processing and out-processing.

(3) Provide, to covered personnel and the commander of a military installation concerned, electronic copies of records related to in-processing and out-processing.

(c) TERMINATION.—The pilot program shall terminate on January 1st, 2027.

(d) REPORT.—Not later than January 1, 2026, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report regarding the pilot program, including the recommendation of the Secretary whether to make the pilot program permanent.

(e) DEFINITIONS.—In this section:

(1) The term "covered personnel" includes members of the Army and civilian employees of the Department of the Army.

(2) The term "in-processing" means the administrative activities that covered personnel undertake pursuant to a permanent change of station.

(3) The term "out-processing" means the administrative activities that covered personnel undertake pursuant to a permanent change of station, separation from the Army, or end of employment with the Department of the Army.

SEC. 563. ANNUAL REPORT ON MEMBERS SEPARATING FROM ACTIVE DUTY WHO FILE CLAIMS FOR DISABILITY BENEFITS.

(a) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, and not later than each January 1 thereafter through 2025, the Secretary of Defense, in consultation with the Secretary of Veterans Affairs, shall submit to the appropriate congressional committees a report on members of the Armed Forces who file claims for disability benefits.

(b) ELEMENTS.—The report under this section shall include, for the period beginning on October 1, 2019, through the month that ended most recently before the date of the report, the number of members serving on active duty, disaggregated by Armed Force, who filed a claim for disability benefits—

(1) more than 180 days before the discharge or release of such member from active duty;

(2) between 180 and 90 days before the discharge or release of such member from active duty;

(3) fewer than 90 days before the discharge or release of such member from active duty;

(4) before separation and was issued a decision letter before the discharge or release of such member from active duty;

(5) before separation and was issued a decision letter after the discharge or release of such member from active duty;

(6) completed a mental health evaluation before the discharge or release of such member from active duty; and

(7) did not complete a mental health evaluation before the discharge or release of such member from active duty.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means the following:

(1) The Committees on Armed Services of the Senate and House of Representatives.

(2) The Committees on Veterans' Affairs of the Senate and House of Representatives.

SEC. 564. FEMALE MEMBERS OF CERTAIN ARMED FORCES AND CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE IN STEM.

(a) STUDY ON MEMBERS AND CIVILIANS.—Not later than September 30, 2023, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a briefing containing the results of a study on how to increase participation of covered individuals in positions in the covered Armed Forces or Department of Defense and related to STEM.

(b) DEFINITIONS.—In this section:

(1) The term "covered Armed Force" means an Armed Force under the jurisdiction of the Secretary of a military department.

(2) The term "covered individual" means a female—

(A) member of a covered Armed Force; or

(B) civilian employee of the Department of Defense.

(3) The term "STEM" means science, technology, engineering, and mathematics.

Subtitle H—Military Family Readiness and Dependents' Education

SEC. 571. CLARIFICATION AND EXPANSION OF AUTHORIZATION OF SUPPORT FOR CHAPLAIN-LED PROGRAMS FOR MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Section 1789 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "chaplain-led programs" and inserting "a chaplain-led program";

(B) by striking "members of the armed forces" and all that follows through "status and their immediate family members," and inserting "a covered individual"; and

(C) by inserting ", or to support the resiliency, suicide prevention, or holistic wellness of such covered individual" after "structure";

(2) in subsection (b)—

(A) by striking "members of the armed forces and their family members" and inserting "a covered individual";

(B) by striking "programs" and inserting "a program"; and

(C) by striking "retreats and conferences" and inserting "a retreat or conference"; and

(3) by striking subsection (c) and inserting the following:

"(c) COVERED INDIVIDUAL DEFINED.—In this section, the term 'covered individual' means—

"(1) a member of the armed forces on active duty;

"(2) a member of the reserve components in an active status; or

"(3) a dependent of an individual described in subparagraph (A) or (B).".

(b) ANNUAL BRIEFINGS.—Not later than one year after the date of the enactment of this Act, and annually thereafter for five years, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a briefing on implementation of the amendments made by this section. Each such briefing shall include the following:

(1) The frequency with which the Secretaries of the military departments used the authority under such amendments in the year preceding the date of the briefing.

(2) Lessons learned from such usage.

SEC. 572. PILOT PROGRAM TO EXPAND ELIGIBILITY FOR ENROLLMENT AT DOMESTIC DEPENDENT ELEMENTARY AND SECONDARY SCHOOLS: EXTENSION; REPORT.

(a) EXTENSION.—Section 589C(e) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-283; 10 U.S.C. 2164 note) is amended by striking "four years after the date of the enactment of this Act" and inserting "on July 1, 2029".

(b) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than December 31, 2028, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the conduct of the pilot program under such section.

(2) ELEMENTS.—The report shall include a description of—

(A) the locations at which the pilot program is carried out;

(B) the number of students participating in the pilot program for each academic year by location; and

(C) the outcome measures used to gauge the value of the pilot program to the Department of Defense.

SEC. 573. [10 U.S.C. 1482note] COMMERCIAL AIR WAIVER FOR NEXT OF KIN REGARDING TRANSPORTATION OF REMAINS OF CASUALTIES.

Section 580A of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92) is amended by adding at the end the following:

"(c) TRANSPORTATION OF DECEASED MILITARY MEMBER.—In the event of a death that requires the Secretary concerned to provide a death benefit under subchapter II of chapter 75 of title 10, United States Code, such Secretary—

"(1) shall provide the next of kin or other appropriate person a commercial air travel use waiver for the transportation of deceased remains of military member who dies outside of—

"(A) the United States; and

"(B) a theater of combat operations; or

"(2) may provide the next of kin or other appropriate person a commercial air travel use waiver for the transportation of deceased remains of military member who dies inside a theater of combat operations.".

SEC. 574. CERTAIN ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MILITARY AND CIVILIAN PERSONNEL.

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

(1) ASSISTANCE TO SCHOOLS WITH SIGNIFICANT NUMBERS OF MILITARY DEPENDENT STUDENTS.—Of the amount authorized to be appropriated for fiscal year 2023 by section 301 and available for operation and maintenance for Defense-wide activities as specified in the funding table in section 4301, $50,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (a) of section 572 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 20 U.S.C. 7703b).

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

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

(1) IN GENERAL.—Of the amount authorized to be appropriated for fiscal year 2023 pursuant to section 301 and available for operation and maintenance for Defense-wide activities as specified in the funding table in section 4301, $10,000,000 shall be available for payments under section 363 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-77; 20 U.S.C. 7703a).

(2) ADDITIONAL AMOUNT.—Of the amount authorized to be appropriated for fiscal year 2023 pursuant to section 301 and available for operation and maintenance for Defense-wide activities as specified in the funding table in section 4301, $10,000,000 shall be available for use by the Secretary of Defense to make payments to local educational agencies determined by the Secretary to have higher concentrations of military dependent students with severe disabilities.

(3) REPORT.—Not later than March 31, 2023, the Secretary shall brief the Committees on Armed Services of the Senate and the House of Representatives on the evaluation of the Secretary of each local educational agency with higher concentrations of military dependent students with severe disabilities and subsequent determination of the amounts of impact aid each such agency shall receive.

SEC. 575. [20 U.S.C. 7703d] ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES WITH ENROLLMENT CHANGES DUE TO BASE CLOSURES, FORCE STRUCTURE CHANGES, OR FORCE RELOCATIONS.

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

the beginning of the school year immediately preceding that school year, the local educational agency had (as determined by the Secretary of Defense in consultation with the Secretary of Education) an overall increase or reduction of—

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

(2) not less than 500 military dependent students in average daily attendance in the schools of the local educational agency.

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

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

(2) in the case of assistance described in subsection (a)(1), the overall increase or reduction in military dependent students in schools of the local educational agency is the result of one or more of the following:

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

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

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

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

(E) A signed record of decision.

(c) CALCULATION OF AMOUNT OF ASSISTANCE.—

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

(A) the per-student rate determined under paragraph (2) for that fiscal year; by

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

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

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

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

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

(d) DURATION.—Assistance may not be provided under subsection (a) after September 30, 2028.

(e) NOTIFICATION.—Not later than June 30, 2023, and June 30 of each fiscal year thereafter for which funds are made available to carry out this section, the Secretary of Defense shall notify each local educational agency that is eligible for assistance under subsection (a) for that fiscal year of—

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

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

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

(g) BRIEFING REQUIRED.—Not later than March 1, 2023, the Secretary of Defense shall brief the Committees on Armed Services of the Senate and the House of Representatives on the estimated cost of providing assistance to local educational agencies under subsection (a) through September 30, 2028.

(h) FUNDING.—

(1) INCREASE.—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated in section 301 for Operation and Maintenance, Defense-wide, Department of Defense Education Activity, Line 390, as specified in the corresponding funding table in section 4301, is hereby increased by $15,000,000 for purposes of this section.

(2) OFFSET.—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated in section 301 for Operation and Maintenance, Defense-wide, for Washington Headquarters Services, Line 500, as specified in the corresponding funding table in section 4301, is hereby reduced by $15,000,000.

(i) DEFINITIONS.—In this section:

(1) The term "base closure process" means any base closure and realignment process conducted after the date of the enactment of this Act under section 2687 of title 10, United States Code, or any other similar law enacted after that date.

(2) The term "local educational agency" has the meaning given that term in section 7013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

(3) The term "military dependent students" means—

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

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

(4) The term "State" means each of the several States and the District of Columbia.

SEC. 576. [10 U.S.C. 1792 note] PILOT PROGRAM ON HIRING OF SPECIAL NEEDS INCLUSION COORDINATORS FOR DEPARTMENT OF DEFENSE CHILD DEVELOPMENT CENTERS.

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

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

(1) the number of dependent children enrolled in the Exceptional Family Member Program at the military installation on which the center in located;

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

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

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

(1) coordinate intervention and inclusion services at the center;

(2) provide direct classroom support; and

(3) provide guidance and assistance relating to the increased complexity of working with the behaviors of children with special needs.

(d) BRIEFINGS REQUIRED.—

(1) BRIEFING ON ANTICIPATED COSTS.—Not later than March 1, 2023, the Secretary of Defense shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on the anticipated costs for the pilot program required by subsection (a).

(2) BRIEFINGS ON IMPLEMENTATION.—Beginning on January 31, 2024, until the termination of the pilot program, the Secretary of Defense shall provide to the Committees on Armed Services of the Senate and the House of Representatives a biannual briefing on the implementation of the pilot program. Each such briefing shall include the following:

(A) The process for selecting child development centers under subsection (b).

(B) How a special needs inclusion coordinator hired under the pilot program coordinates with the head of the child development center concerned and the commander of the military installation concerned.

(C) How many special needs inclusion coordinators have been hired under the pilot program.

(3) BRIEFING ON EFFECTIVENESS OF PROGRAM.—Not later than September 30, 2025, the Secretary of Defense shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on the pilot program required by subsection (a) that includes—

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

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

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

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

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

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

(2) terminate on December 31, 2026.

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

SEC. 577. [10 U.S.C. 1798 note] PROMOTION OF CERTAIN CHILD CARE ASSISTANCE.

(a) IN GENERAL.—Each Secretary concerned shall promote, to members of the Armed Forces under the jurisdiction of such Secretary concerned, awareness of child care assistance available under—

(1) section 1798 of title 10, United States Code; and

(2) section 589 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-283; 10 U.S.C. 1791 note).

(b) REPORTING.—Not later than one year after the date of the enactment of this Act, each Secretary concerned shall submit to the Committees on Armed Services of the Senate and House of Representatives a report summarizing activities taken by such Secretary concerned to carry out subsection (a).

(c) SECRETARY CONCERNED DEFINED.—In this section, the term "Secretary concerned" has the meaning given such term in section 101 of title 10, United States Code.

SEC. 578. INDUSTRY ROUNDTABLE ON MILITARY SPOUSE HIRING.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Personnel and Readiness shall seek to convene an industry roundtable to discuss the hiring of military spouses. Such discussion shall include the following elements:

(1) The value of, and opportunities to, private entities that hire military spouses.

(2) Career opportunities for military spouses.

(3) Understanding the challenges that military spouses encounter in the labor market.

(4) Gaps and opportunities in the labor market for military spouses.

(5) Best hiring practices from industry leaders in human resources.

(6) The benefits of portable licenses and interstate licensure compacts for military spouses.

(b) PARTICIPANTS.—The participants in the roundtable shall include the following:

(1) The Under Secretary of Defense for Personnel and Readiness.

(2) The Assistant Secretary for Manpower and Reserve Affairs of each military department.

(3) The Director of the Defense Human Resources Activity.

(4) Other officials of the Department of Defense the Secretary of Defense determines appropriate.

(5) Private entities that elect to participate.

(c) NOTICE.—The Under Secretary shall publish notice of the roundtable in multiple private sector forums and the Federal Register to encourage participation in the roundtable by private entities and entities interested in the hiring of military spouses.

(d) BRIEFING.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall provide a briefing to the Committees on Armed Services of the Senate and House of Representatives on the lessons learned from the roundtable, including the recommendation of the Secretary whether to convene the roundtable annually.

SEC. 579. RECOMMENDATIONS FOR THE IMPROVEMENT OF THE MILITARY INTERSTATE CHILDREN'S COMPACT.

(a) RECOMMENDATIONS REQUIRED.—The Secretaries concerned, in consultation with States through the Defense-State Liaison Office, shall develop recommendations to improve the Military Interstate Children's Compact.

(b) CONSIDERATIONS.—In carrying out subsection (a), the Secretaries concerned shall—

(1) identify any barriers—

(A) to the ability of a parent of a transferring military-connected child to enroll the child, in advance, in an elementary or secondary school in the State in which the child is transferring, without requiring the parent or child to be physically present in the State; and

(B) to the ability of a transferring military-connected child who receives special education services to gain access to such services and related supports in the State to which the child transfers within the timeframes required under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.);

(2) consider the feasibility and advisability of—

(A) tracking and reporting the number of families who use advanced enrollment in States that offer advanced enrollment to military-connected children;

(B) States clarifying in legislation that eligibility for advanced enrollment requires only written evidence of a permanent change of station order, and does not require a parent of a military-connected child to produce a rental agreement or mortgage statement; and

(C) the Secretary of Defense, in coordination with the Military Interstate Children's Compact, developing a letter or other memorandum that military families may present to local educational agencies that outlines the protections

afforded to military-connected children by the Military Interstate Children's Compact; and

(3) identify any other actions that may be taken by the States (acting together or separately) to improve the Military Interstate Children's Compact.

(c) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretaries concerned shall submit to the Committees on Armed Services of the Senate and House of Representatives, and to the States, a report setting forth the recommendations developed under subsection (a).

(d) DEFINITIONS.—In this section:

(1) The terms "armed forces", "active duty" and "congressional defense committees" have the meanings given those terms in section 101 of title 10, United States Code.

(2) The terms "child", "elementary school", "local educational agency", "secondary school", "parent", and "State" have the meanings given those terms in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(3) The term "Military Interstate Children's Compact" means the Interstate Compact on Educational Opportunity for Military Children as described in Department of Defense Instruction 1342.29, dated January 31, 2017 (or any successor to such instruction).

(4) The term "Secretary concerned" means—

(A) the Secretary of Defense, with respect to matters concerning the Department of Defense; and

(B) the Secretary of the department in which the Coast Guard is operating, with respect to matters concerning the Coast Guard when it is not operating as a service in the Department of the Navy.

(5) The term "transferring military-connected child" means the child of a parent who—

(A) is serving on active duty in the Armed Forces;

(B) is changing duty locations due to a permanent change of station order; and

(C) has not yet established an ongoing physical presence in the State to which the parent is transferring.

SEC. 579A. FEASIBILITY OF INCLUSION OF AU PAIRS IN PILOT PROGRAM TO PROVIDE FINANCIAL ASSISTANCE TO MEMBERS OF THE ARMED FORCES FOR IN-HOME CHILD CARE.

Not later than one year after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretary of State, shall submit, to the Committees on Armed Services of the Senate and House of Representatives, a briefing containing the assessment of the Secretary of Defense of the feasibility, advisability, and considerations of expanding eligibility for the pilot program under section 589 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-283; 10 U.S.C. 1791 note) to members of the Armed Forces who participate in an exchange visitor program under section 62.31 of title 22, Code of Federal Regulations, or successor regulation.

SEC. 579B. BRIEFING ON POLICIES REGARDING SINGLE PARENTS SERVING AS MEMBERS OF THE ARMED FORCES.

Not later than September 30, 2023, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a briefing on regulations and rules of the Department of Defense regarding single parents serving as members of the Armed Forces. Such briefing shall include ways the Secretary has determined to improve such regulations and rules.

SEC. 579C. [10 U.S.C. 1791 note] PUBLIC REPORTING ON CERTAIN MILITARY CHILD CARE PROGRAMS.

Not later than September 30, 2023, and each calendar quarter thereafter, the Secretary of Defense shall post, on a publicly accessible website of the Department of Defense, information regarding the Military Child Care in Your Neighborhood and Military Child Care in Your Neighborhood-Plus programs, disaggregated by State, ZIP code, and Armed Force. Such information shall include whether each such provider is nationally accredited or rated by the Quality Rating and Improvement System of the State.

SEC. 579D. BRIEFING ON VERIFICATION OF ELIGIBLE FEDERALLY CONNECTED CHILDREN FOR PURPOSES OF FEDERAL IMPACT AID PROGRAMS.

Not later than February 1, 2023, the Secretary of Defense, in consultation with the Secretaries of the military departments, shall brief the Committees on Armed Services of the Senate and House of Representatives on the following:

(1) The feasibility of developing a process whereby the commander of a military installation may certify the information contained in impact aid source check forms received by such commander from local educational agencies as of the date of such certification.

(2) An estimate of resources, per military installation concerned, necessary to implement such a process, including personnel, information technology, and other costs.

(3) The estimated time required to implement such a process, including time for the Secretary of Defense to develop guidance regarding such a process.

(4) The possible benefits of working with local educational agencies to ensure that impact aid source check forms are submitted appropriately to enable such certification.

SEC. 579E. SENSE OF CONGRESS ON RIGHTS OF PARENTS OF CHILDREN ATTENDING SCHOOLS OPERATED BY THE DEPARTMENT OF DEFENSE EDUCATION ACTIVITY.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the parent of a child who attends a school operated by the Department of Defense Education Activity has parental rights as previously established by the Activity, including the following:

(1) The right to information about the curriculum and instructional materials of the school.

(2) The right to be informed if the school or Department of Defense Education Activity alters the school's academic standards or learning benchmarks.

(3) The right to meet with each teacher of their child not less than twice during each school year, including meetings in the form of parent-teacher conferences.

(4) The right to information about the budget of the school.

(5) The right to request information regarding the professional qualifications of their child's classroom teacher.

(6) The right to address the school advisory committee or the school board.

(7) The right to information about the school's discipline policy, including policies related to responding to any violent activity in the school.

(8) The right to information about any plans to eliminate gifted and talented programs or accelerated coursework at the school.

(9) The right to be informed of the results of environmental testing and safety at school facilities.

(b) REPORT.—Not later than six months after the date of the enactment of this Act and consistent with the parental rights specified in subsection (a), the Director of the Department of Defense Education Activity shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the parental rights specified in such subsection. The report shall include, with respect to the schools operated by the Department of Defense Education Activity, an explanation of—

(1) how and where a parent may access information about their rights;

(2) the accessibility of that information;

(3) how such schools inform parents of their rights and the means to access such rights; and

(4) the uniformity of parental rights across such schools.

(c) DEFINITION.—In this section, the term "school operated by the Department of Defense Education Activity" means—

(1) a Department of Defense domestic dependent elementary or secondary school, as described in section 2164 of title 10, United States Code; or

(2) any other elementary or secondary school or program for dependents operated by the Department of Defense Education Activity.

Subtitle I—Decorations, Awards, and Other Honors

SEC. 581. CLARIFICATION OF PROCEDURE FOR BOARDS FOR THE CORRECTION OF MILITARY RECORDS TO REVIEW DETERMINATIONS REGARDING CERTAIN DECORATIONS.

Section 1552 of title 10, United States Code, is amended—

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

(2) by inserting, after subsection (i), the following new subsection:

"(j) For a recommendation to award or upgrade a military decoration or award submitted pursuant to section 1130 of this title, a board determination in favor of the claimant shall allow such a recommendation to proceed, and an award or upgrade to be made by the applicable award authority, without regard to the statutory time limitation contained in section 7274, section 8298, or section 9274 of this title, as the case may be.".

SEC. 582. AUTHORIZATIONS FOR CERTAIN AWARDS.

(a) AUTHORIZATION FOR AWARD OF THE MEDAL OF HONOR TO FRED MCGEE FOR ACTS OF VALOR ON JUNE 16, 1952.—

(1) AUTHORIZATION.—Notwithstanding the time limitations specified in section 7274 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the President may award the Medal of Honor under section 7272 of such title to Fred McGee for the acts of valor described in the paragraph (2).

(2) ACTS OF VALOR DESCRIBED.—The acts of valor described in this paragraph are the actions of Fred McGee as a corporal in the Army on June 16, 1952, for which he was previously awarded the Silver Star.

(b) AUTHORIZATION FOR AWARD OF THE MEDAL OF HONOR TO DAVID R. HALBRUNER FOR ACTS OF VALOR ON SEPTEMBER 11-12, 2012.—

(1) AUTHORIZATION.—Notwithstanding the time limitations specified in section 7274 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the President may award the Medal of Honor under section 7272 of such title to David R. Halbruner for the acts of valor described in the paragraph (2).

(2) ACTS OF VALOR DESCRIBED.—The acts of valor described in this paragraph are the actions of David R. Halbruner as a master sergeant in the Army on September 11-12, 2012, for which he was previously awarded the Distinguished-Service Cross.

SEC. 583. POSTHUMOUS APPOINTMENT OF ULYSSES S. GRANT TO GRADE OF GENERAL OF THE ARMIES OF THE UNITED STATES.

The President is authorized to appoint Ulysses S. Grant posthumously to the grade of General of the Armies of the United States, equal to the rank and precedence held by General John J. Pershing pursuant to the Act titled "An Act Relating to the creation of the office of General of the Armies of the United States", approved September 3, 1919 (41 Stat. 283, ch. 56).

SEC. 584. ENHANCED INFORMATION RELATED TO AWARDING OF THE PURPLE HEART.

(a) [10 U.S.C. 1129 note] PUBLICATION OF AWARD CRITERIA.—Not later than 180 days after the date of the enactment of this Act, each Chief of an Armed Force shall publish on a publicly available website of such Armed Force includes a link to—

(1) a description of the background of the Purple Heart;

(2) the eligibility criteria for awarding the Purple Heart; and

(3) contact information for the awards and decorations liaison of such Armed Force to facilitate confirmation, by a veteran or a veteran's next of kin, whether a veteran was awarded the Purple Heart after December 31, 2002.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, each Chief of an Armed Force shall submit to

the congressional defense committees a report on implementation of the requirements under subsection (a). The report shall—

(1) provide background on the website described in such subsection;

(2) include the number of requests received by the Armed Force related to confirming the award of a Purple Heart;

(3) describe the average response time for confirming the award of a Purple Heart in response to an inquiry from a veteran or next of kin; and

(4) include recommendations for decreasing the amount of time taken to respond to such inquiries.

Subtitle J—Miscellaneous Reports and Other Matters

SEC. 591. REPORT ON NON-CITIZEN MEMBERS OF THE ARMED FORCES.

Section 115a of title 10, United States Code, is amended by adding at the end the following new subsection:

"(h) Not later than April 1 each year, the Secretary shall submit to Congress a report that sets forth the following with respect to personnel:

"(1) The number of members of the Armed Forces who are not citizens of the United States during the year covered by such report.

"(2) The immigration status of such members.

"(3) The number of such members naturalized.".

SEC. 592. NOTIFICATION ON MANNING OF AFLOAT NAVAL FORCES: MODIFICATIONS; CODIFICATION.

(a) REPEALS.—

(1) SUNSET.—Subsection (e) of section 597 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92; 10 U.S.C. 8013 note) is repealed.

(2) OBSOLETE PROVISION.—Subsection (f) of such section is repealed.

(b) DEFINITIONS: ADDITION; CLERICAL IMPROVEMENTS.—Subsection (d) of such section—

(1) is amended—

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

(B) by striking the heading of each such paragraph; and

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

"(4) The term 'surface combatant vessel' means any littoral combat ship (including the LCS-1 and LCS-2 classes), frigate (including the FFG-62 class), destroyer (excluding the DDG-1000 class), or cruiser (including the CG-47 class).''; and

(2) is redesignated as subsection (e).

(c) ESTABLISHMENT OF CERTAIN CREWING REQUIREMENT.—Such section is amended by inserting, after subsection (c), the following new subsection (d):

"(d) CREWING OF A SURFACE COMBATANT VESSEL: PROHIBITION; EXCEPTION.—(1) Beginning on October 1, 2025, the Secretary of the

Navy may not assign more than one crew to a covered ship that is a surface combatant vessel if any surface combatant vessel was included in a notification under subsection (a) during the 12 months preceding such assignment.

"(2) The prohibition under paragraph (1) shall not apply to a littoral combat ship configured to conduct mine countermeasures if the Secretary of the Navy submits to the congressional defense committees a certification and detailed explanation that such ship is unable to meet operational requirements regarding mine countermeasures, determined by the commander of a combatant command concerned, with only one crew.".

(d) CODIFICATION.—

(1) [10 U.S.C. 8013note] IN GENERAL.—Such section, as amended by this section, is transferred to chapter 825 of title 10, United States Code, inserted after section 8226, and redesignated as section 8227.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding, after the item relating to section 8226, the following new item:

"8227. Notifications on manning of afloat naval forces.".

SEC. 593. CLARIFICATION OF AUTHORITY OF NCMAF TO UPDATE CHAPLAINS HILL AT ARLINGTON NATIONAL CEMETERY.

Section 584(a) of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117-81; 38 U.S.C. 2409 note) is amended by adding at the end the following new paragraph:

"(4) AUTHORITY OF SECRETARY OF THE ARMY.—The Secretary of the Army may permit NCMAF to carry out any action authorized by this subsection without regard to the time limitation under section 2409(b)(2)(C) of title 38, United States Code.".

SEC. 594. DISINTERMENT OF REMAINS OF ANDREW CHABROL FROM ARLINGTON NATIONAL CEMETERY.

(a) DISINTERMENT.—Not later than September 30, 2023, the Secretary of the Army shall disinter the remains of Andrew Chabrol from Arlington National Cemetery.

(b) NOTIFICATION.—The Secretary of the Army may not carry out subsection (a) until after notifying the next of kin of Andrew Chabrol.

(c) DISPOSITION.—After carrying out subsection (a), the Secretary of the Army shall—

(1) relinquish the remains to the next of kin described in subsection (b); or

(2) if no such next of kin responds to notification under subsection (b), arrange for disposition of the remains as the Secretary of the Army determines appropriate.

SEC. 595. [10 U.S.C. 2672 note] PILOT PROGRAM ON SAFE STORAGE OF PERSONALLY OWNED FIREARMS.

(a) ESTABLISHMENT.—The Secretary of Defense shall establish a pilot program to promote the safe storage of personally owned firearms.

(b) ELEMENTS.—Under the pilot program under subsection (a), the Secretary of Defense shall furnish to members of the Armed

Forces who are participating in the pilot program at military installations selected under subsection (e) locking devices or firearm safes, or both, for the purpose of securing personally owned firearms when not in use (including by directly providing, subsidizing, or otherwise making available such devices or safes).

(c) PARTICIPATION.—

(1) VOLUNTARY PARTICIPATION.—Participation by members of the Armed Forces in the pilot program under subsection (a) shall be on a voluntary basis.

(2) LOCATION OF PARTICIPANTS.—A member of the Armed Forces may participate in the pilot program under subsection (a) carried out at a military installation selected under subsection (e) regardless of whether the member resides at the military installation.

(d) PLAN.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a plan for the implementation of the pilot program under subsection (a).

(e) SELECTION OF INSTALLATIONS.—Not later than two years after the date of the enactment of this Act, the Secretary of Defense shall select not fewer than five military installations at which to carry out the pilot program under subsection (a).

(f) EFFECT ON EXISTING POLICIES.—Nothing in this section shall be construed to circumvent or undermine any existing safe storage policies, laws, or regulations on military installations.

(g) REPORT.—Upon the termination under subsection (h) of the pilot program under subsection (a), the Secretary of Defense shall submit to the congressional defense committees a report containing the following information:

(1) The number and type of locking devices and firearm safes furnished to members of the Armed Forces under the pilot program.

(2) The cost of carrying out the pilot program.

(3) An analysis of the effect of the pilot program on suicide prevention.

(4) Such other information as the Secretary may determine appropriate, which shall exclude any personally identifiable information about participants in the pilot program.

(h) TERMINATION.—The pilot program under subsection (a) shall terminate on the date that is six years after the date of the enactment of this Act.

SEC. 596. [10 U.S.C. 2632 note] PILOT PROGRAM ON CAR SHARING ON REMOTE OR ISOLATED MILITARY INSTALLATIONS.

(a) DETERMINATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall determine whether it is feasible and advisable to carry out a pilot program to allow car sharing on more than two remote or isolated military installations.

(b) AUTHORITY.—If the Secretary determines that such a pilot program is feasible and advisable, the Secretary shall submit to the congressional defense committees a plan to carry out the pilot program not later than 90 days after such determination.

(c) PROGRAM ELEMENTS.—To carry out a pilot program under this section, the Secretary shall take steps including the following:

(1) Seek to enter into an agreement with an entity that—

(A) provides car sharing services; and

(B) is capable of serving the selected military installations.

(2) Provide to members assigned to such military installations the resources the Secretary determines necessary to participate in such pilot program.

(3) Promote such pilot program to such members as the Secretary determines.

(d) DURATION.—A pilot program under this section shall terminate two years after the Secretary commences such pilot program.

(e) REPORT.—Upon the termination of a pilot program under this section, the Secretary of Defense shall submit to the congressional defense committees a report containing the following information:

(1) The number of individuals who used car sharing services offered pursuant to the pilot program.

(2) The cost to the United States of the pilot program.

(3) An analysis of the effect of the pilot program on mental health and community connectedness of members described in subsection (b)(2).

(4) Other information the Secretary determines appropriate.

(f) MILITARY INSTALLATION DEFINED.—In this section, the term "military installation" has the meaning given such term in section 2801 of title 10, United States Code.

SEC. 597. BRIEFING ON THE EFFECTS OF ECONOMIC INFLATION ON MEMBERS OF THE ARMED FORCES.

The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a briefing on the extent to which economic inflation has affected members of the Armed Forces.

SEC. 598. STUDY ON IMPROVEMENT OF ACCESS TO VOTING FOR MEMBERS OF THE ARMED FORCES OVERSEAS.

(a) STUDY REQUIRED.—The Director of the Federal Voting Assistance Program of the Department of Defense shall conduct a study on means of improving access to voting for members of the Armed Forces overseas.

(b) REPORT.—Not later than September 30, 2024, the Director shall submit to Congress a report on the results of the study conducted under subsection (a). The report shall include the following:

(1) The results of a survey, undertaken for purposes of the study, of Voting Assistance Officers and members of the Armed Forces overseas on means of improving access to voting for such members, including through the establishment of unit-level assistance mechanisms or permanent voting assistance offices.

(2) An estimate of the costs and requirements in connection with an expansion of the number of Voting Assistance Officers in order to fully meet the needs of members of the Armed Forces overseas for access to voting.

(3) A description and assessment of various actions to be undertaken under the Federal Voting Assistance Program in order to increase the capabilities of the Voting Assistance Officer program.

SEC. 599. REPORT ON INCIDENCE OF MILITARY SUICIDES BY MILITARY JOB CODE.

(a) REPORT.—Not later than December 31, 2023, the Secretary of Defense, in coordination with the Secretary of Homeland Security with regards to the Coast Guard, shall conduct a review and submit to the Committees on Armed Services of the Senate and House of Representatives a report on the rates of suicides in the Armed Forces, beginning after September 11, 2001, disaggregated by—

(1) year;

(2) military job code (Army military occupational specialty, Navy enlisted classification or billet, Marine Corps military occupational specialty, Air Force specialty code, or Coast Guard rating); and

(3) whether the member was serving on active duty, in the National Guard, or as a Reserve.

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

(1) A compilation of suicide data by military job code to determine which military career fields have a higher per capita suicide rate compared to—

(A) other military career fields for the same period;

(B) the overall suicide rate for each Armed Force for the same period;

(C) the overall suicide rate for the Department of Defense for the same period; and

(D) the national suicide rate for the same period.

(2) A disaggregation of suicide data by age categories consistent with the age categories used in the Department of Defense Annual Suicide Report.

(c) INTERIM BRIEFING.—Not later than June 1, 2023, the Secretary of Defense shall provide to the Committees on Armed Services of the Senate and House of Representatives a briefing on the preliminary findings of the review conducted under this section.

SEC. 599A. REPORT ON EFFORTS TO PREVENT AND RESPOND TO DEATHS BY SUICIDE IN THE NAVY.

(a) REVIEW REQUIRED.—The Inspector General of the Department of Defense shall conduct a review of the efforts by the Secretary of the Navy to—

(1) prevent incidents of deaths by suicide, suicide attempts, and suicidal ideation among covered members; and

(2) respond to such incidents.

(b) ELEMENTS OF REVIEW.—The study conducted under subsection (a) shall include an assessment of each of the following:

(1) The extent of data collected regarding incidents of deaths by suicide, suicide attempts, and suicidal ideation among covered members, including data regarding whether such covered members are assigned to sea duty or shore duty at the time of such incidents.

(2) The means used by commanders to prevent and respond to incidents of deaths by suicide, suicide attempts, and suicidal ideation among covered members.

(3) Challenges related to—

(A) the prevention of incidents of deaths by suicide, suicide attempts, and suicidal ideation among members of the Navy assigned to sea duty; and

(B) the development of a response to such incidents.

(4) The capacity of teams providing mental health services to covered members to respond to incidents of suicidal ideation or suicide attempts among covered members in the respective unit each such team serves.

(5) The means used by such teams to respond to such incidents, including the extent to which post-incident programs are available to covered members.

(6) Such other matters as the Inspector General considers appropriate in connection with the prevention of deaths by suicide, suicide attempts, and suicidal ideation among covered members.

(c) REPORT REQUIRED.—Not later than September 30, 2024, the Inspector General of the Department of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report that includes a summary of the results of the review conducted under subsection (a).

(d) COVERED MEMBER DEFINED.—In this section the term "covered member" means a member of the Navy assigned to sea duty or shore duty.

SEC. 599B. REPORT ON OFFICER PERSONNEL MANAGEMENT AND THE DEVELOPMENT OF THE PROFESSIONAL MILITARY ETHIC OF THE SPACE FORCE.

(a) REPORT REQUIRED.—Not later than June 1, 2023, the Secretary of the Air Force shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on officer personnel management and the development of the professional military ethic of the Space Force.

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

(1) A description of issues related to officer development in the Space Force, including—

(A) the professional military education model for professional education of, and continual learning for, officers of the Space Force;

(B) the career development model for officers of the Space Force, including key knowledge, skills, and attributes expected of Space Force officers at each of the company grade, field grade, and general officer levels;

(C) desired career trajectories for Space Force officers, including key assignments throughout identified Space Force career tracks and how the flexibility of the Space Force Component proposal will be used to achieve these desired career paths;

(D) how proposed constructive credit for civilian education and non-military experience in related space indus-

try or government sectors will align with the proposed PME and career development models; and

(E) how the Space Force Component proposal will enable officers to achieve joint qualifications required for promotion to general officer.

(2) A description of issues related to officer accessions of the Space Force, including—

(A) the expected sources of commissioning for officers of the Space Force, including the desired proportions of officer assessments from the Reserve Officer Training Corps, military service academies, Officer Training School, and direct commissions at each grade above O-1;

(B) the role of proposed constructive credit for civilian education and non-military experience in accessing officers at each grade above O-1 and the extent to which the Space Force plans to grant constructive credit in determining an officer's entry grade at each grade above O-1; and

(C) the role of targeted recruiting, as described in the Guardian Ideal, for officer accessions, including how it will work, how frequently it will be used, for what positions, and how it will fit into overall officer accessions.

(3) A description of issues related to the professional military ethic of the Space Force, including—

(A) how the proposed talent management system, career development model, PME model, and proposed Space Force Component structure will affect the development of a unique military culture of the Space Force as an Armed Force with space as a warfighting domain;

(B) the role of the professional military ethic in the Space Force, including expectations of commissioned officers as public servants and military leaders;

(C) the expected role of civilian employees of the Space Force in the development and stewardship of the Space Force as an Armed Force, and how such employees are distinct from members of the Space Force;

(D) the ethical implications of creating a force that is designed to "partner effectively with other space-interested entities," as described in the Guardian Ideal, and how the Space Force intends to address any ethical conflicts arising from its desired close partnership with non-military and non-governmental entities in private industry; and

(E) the specific barriers between officers, enlisted members, and civilian employees that are described as "unnecessary" in the Guardian Ideal, how and why such barriers are unnecessary for the Space Force, and any statutory or policy changes the Space Force proposes to remove such barriers, including any proposed changes to the Uniform Code of Military Justice.

(4) Any other issues related to personnel management and professional development of officers of the Space Force that the Secretary of the Air Force determines appropriate.

(c) DEFINITIONS.—In this section:

(1) The term "Guardian Ideal" means the document with that title, dated September 17, 2021, and issued by the Chief of Space Operations.

(2) The term "PME" means professional military education.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Bonus and Incentive Pays

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

Subtitle B—Allowances Other Than Travel and Transportation Allowances

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

Subtitle C—Travel and Transportation Allowances

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

Subtitle D—Leave

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

Subtitle E—Family and Survivor Benefits

Sec. 641. Claims relating to the return of personal effects of a deceased member of the Armed Forces.
Sec. 642. Extension of parent fee discount to child care employees.
Sec. 643. Survivor Benefit Plan open season.

Sec. 644. Military installations with limited child care: briefing.
Sec. 645. Food insecurity among military families: data collection; training; report.

Subtitle F—Defense Resale Matters

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

Subtitle G—Miscellaneous Studies, Briefings and Reports

Sec. 661. Study on basic pay.
Sec. 662. Report on accuracy of basic allowance for housing.
Sec. 663. Review of dislocation and relocation allowances.
Sec. 664. Complex overhaul pay: briefing.
Sec. 665. Studies on compensation for DOD child care providers.
Sec. 666. Barriers to home ownership for members of the Armed Forces: study; report.

Subtitle A—Bonus and Incentive Pays

SEC. 601. ONE-YEAR EXTENSION OF CERTAIN EXPIRING BONUS AND SPECIAL PAY AUTHORITIES.

(a) AUTHORITIES RELATING TO RESERVE FORCES.—Section 910(g) of title 37, United States Code, relating to income replacement payments for reserve component members experiencing extended and frequent mobilization for active duty service, is amended by striking "December 31, 2022" and inserting "December 31, 2023".

(b) TITLE 10 AUTHORITIES RELATING TO HEALTH CARE PROFESSIONALS.—The following sections of title 10, United States Code, are amended by striking "December 31, 2022" and inserting "December 31, 2023":

(1) Section 2130a(a)(1), relating to nurse officer candidate accession program.

(2) Section 16302(d), relating to repayment of education loans for certain health professionals who serve in the Selected Reserve.

(c) AUTHORITIES RELATING TO NUCLEAR OFFICERS.—Section 333(i) of title 37, United States Code, is amended by striking "December 31, 2022" and inserting "December 31, 2023".

(d) AUTHORITIES RELATING TO TITLE 37 CONSOLIDATED SPECIAL PAY, INCENTIVE PAY, AND BONUS AUTHORITIES.—The following sections of title 37, United States Code, are amended by striking "December 31, 2022" and inserting "December 31, 2023":

(1) Section 331(h), relating to general bonus authority for enlisted members.

(2) Section 332(g), relating to general bonus authority for officers.

(3) Section 334(i), relating to special aviation incentive pay and bonus authorities for officers.

(4) Section 335(k), relating to special bonus and incentive pay authorities for officers in health professions.

(5) Section 336(g), relating to contracting bonus for cadets and midshipmen enrolled in the Senior Reserve Officers' Training Corps.

(6) Section 351(h), relating to hazardous duty pay.

(7) Section 352(g), relating to assignment pay or special duty pay.

(8) Section 353(i), relating to skill incentive pay or proficiency bonus.

(9) Section 355(h), relating to retention incentives for members qualified in critical military skills or assigned to high priority units.

(e) AUTHORITY TO PROVIDE TEMPORARY INCREASE IN RATES OF BASIC ALLOWANCE FOR HOUSING.—Section 403(b) of title 37, United States Code, is amended—

(1) in paragraph (7)(E), by striking "December 31, 2022" and inserting "December 31, 2023"; and

(2) in paragraph (8)(C), by striking "September 30, 2022" and inserting "December 31, 2023".

SEC. 602. INCREASE TO MAXIMUM AMOUNTS OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES.

(a) GENERAL BONUS AUTHORITY FOR ENLISTED MEMBERS.—Section 331(c)(1) of title 37, United States Code, is amended—

(1) in subparagraph (A), by striking "$50,000" and inserting "$75,000"; and

(2) in subparagraph (B), by striking "$30,000" and inserting "$50,000".

(b) SPECIAL BONUS AND INCENTIVE PAY AUTHORITIES FOR NUCLEAR OFFICERS.—Section 333(d)(1)(A) of title 37, United States Code, is amended by striking "$50,000" and inserting "$75,000".

(c) SPECIAL AVIATION INCENTIVE PAY AND BONUS AUTHORITIES FOR OFFICERS.—Section 334(c)(1) of title 37, United States Code, is amended—

(1) in subparagraph (A), by striking "$1,000" and inserting "$1,500"; and

(2) in subparagraph (B), by striking "$35,000" and inserting "$50,000".

(d) SKILL INCENTIVE PAY OR PROFICIENCY BONUS.—Section 353(c)(1)(A) of title 37, United States Code, is amended by striking "$1,000" and inserting "$1,750".

SEC. 603. COLD WEATHER DUTY: AUTHORIZATION OF ASSIGNMENT OR SPECIAL DUTY PAY; TRAVEL ALLOWANCE FOR MEMBERS OF THE ARMED FORCES ASSIGNED TO ALASKA.

(a) PAY.—Section 352(a)(2) of title 37, United States Code, is amended by inserting "(including a cold weather location)" after "location".

(b) TRAVEL ALLOWANCE.—

(1) ESTABLISHMENT.—During the period specified in paragraph (5), the Secretary of a military department shall reimburse an eligible member of the armed forces for the cost of airfare for that member to travel to the home of record of the member.

(2) ELIGIBLE MEMBERS.—A member of the armed forces is eligible for a reimbursement under paragraph (1) if—

(A) the member is—

(i) assigned to a duty location in Alaska for a period of not less than one year; and

(ii) unaccompanied by dependents in such duty location; and

(B) an officer in a grade above O-5 in the chain of command of the member authorizes the travel of the member.

(3) TREATMENT OF TIME AS LEAVE.—The time during which an eligible member is absent from duty for travel reimbursable under paragraph (1) shall be treated as leave for purposes of section 704 of title 10, United States Code.

(4) BRIEFING REQUIRED.—Not later than February 1, 2024, the Secretary shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on—

(A) the use and effectiveness of reimbursements under paragraph (1);

(B) the calculation and use of the cost of living allowance for a member assigned to a duty location in Alaska; and

(C) the use of special pays and other allowances as incentives for cold weather proficiency or duty location.

(5) PERIOD SPECIFIED.—The period specified in this paragraph is the period—

(A) beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2026; and

(B) ending on December 31, 2027.

SEC. 604. [37 U.S.C. 301b note] AIR FORCE RATED OFFICER RETENTION DEMONSTRATION PROGRAM.

(a) PROGRAM REQUIREMENT.—The Secretary shall establish and carry out within the Department of the Air Force a demonstration program to assess and improve retention on active duty in the Air Force of rated officers described in subsection (b).

(b) RATED OFFICERS DESCRIBED.—Rated officers described in this subsection are rated officers serving on active duty in the Air Force, excluding rated officers with a reserve appointment in the Air National Guard or Air Force Reserve—

(1) whose continued service on active duty would be in the best interest of the Department of the Air Force, as determined by the Secretary; and

(2) who have not more than three years and not less than one year remaining on an active duty service obligation under section 653 of title 10, United States Code.

(c) WRITTEN AGREEMENT.—

(1) IN GENERAL.—Under the demonstration program required under subsection (a), the Secretary shall offer retention incentives under subsection (d) to a rated officer described in subsection (b) who executes a written agreement to remain on active duty in a regular component of the Air Force for not less than four years after the completion of the active duty service obligation of the officer under section 653 of title 10, United States Code.

(2) EXCEPTION.—If the Secretary of the Air Force determines that an assignment previously guaranteed under subsection (d)(1) to a rated officer described in subsection (b) cannot be fulfilled, the agreement of the officer under paragraph (1) to remain on active duty shall expire not later than one year after that determination.

(d) RETENTION INCENTIVES.—

(1) GUARANTEE OF FUTURE ASSIGNMENT LOCATION.—Under the demonstration program required under subsection (a), the

Secretary may offer to a rated officer described in subsection (b) a guarantee of future assignment locations based on the preference of the officer.

(2) AVIATION BONUS.—Under the demonstration program required under subsection (a), notwithstanding section 334(c) of title 37, United States Code, the Secretary may pay to a rated officer described in subsection (b) an aviation bonus not to exceed an average annual amount of $50,000 (subject to paragraph (3)(B)).

(3) COMBINATION OF INCENTIVES.—The Secretary may offer to a rated officer described in subsection (b) a combination of incentives under paragraphs (1) and (2).

(e) ANNUAL BRIEFING.—Not later than December 31, 2023, and annually thereafter until the termination of the demonstration program required under subsection (a), the Secretary shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing describing the use of such demonstration program and its effects on the retention on active duty in the Air Force of rated officers described in subsection (b).

(f) DEFINITIONS.—In this section:

(1) RATED OFFICER.—The term "rated officer" means an officer specified in section 9253 of title 10, United States Code.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Air Force.

(g) TERMINATION.—This section shall terminate on December 31, 2028.

Subtitle B—Allowances Other Than Travel and Transportation Allowances

SEC. 611. INCREASES IN MAXIMUM ALLOWABLE INCOME FOR PURPOSES OF ELIGIBILITY FOR BASIC NEEDS ALLOWANCE.

(a) IN GENERAL.—Section 402b of title 37, United States Code, is amended—

(1) in subsection (b)(2)—

(A) by inserting "(A)" before "the gross";

(B) by striking "130 percent" and inserting "150 percent";

(C) by striking "; and" and inserting "; or"; and

(D) by inserting at the end the following:

"(B) if the Secretary concerned determines it appropriate (based on location, household need, or special circumstance), the gross household income of the member during the most recent calendar year did not exceed an amount equal to 200 percent of the Federal poverty guidelines of the Department of Health and Human Services for the location of the member and the number of individuals in the household of the member for such year; and"; and

(2) in subsection (c)(1)(A), by striking "130 percent" and inserting "150 percent (or, in the case of a member described in subsection (b)(2)(B), 200 percent)".

(b) [37 U.S.C. 402b note] IMPLEMENTATION.—Not later than January 1, 2024, the Secretary concerned (as defined in section 101

of title 37, United States Code) shall modify the calculation of the basic needs allowance under section 402b of title 37, United States Code, to implement the amendments made by subsection (a).

SEC. 612. EXTENSION OF AUTHORITY TO TEMPORARILY ADJUST BASIC ALLOWANCE FOR HOUSING IN CERTAIN AREAS.

Section 403(b)(8)(C) of title 37, United States Code, is amended by striking "2022" and inserting "2024".

SEC. 613. TEMPORARY CONTINUATION OF RATE OF BASIC ALLOWANCE FOR HOUSING FOR MEMBERS OF THE ARMED FORCES WHOSE SOLE DEPENDENT DIES WHILE RESIDING WITH THE MEMBER.

(a) AUTHORITY.—Section 403 of title 37, United States Code, as amended by section 612, is further amended—

(1) by redesignating subsections (m) through (p) as subsections (n) through (q); and

(2) by inserting after subsection (l) the following new subsection (m):

"(m) TEMPORARY CONTINUATION OF RATE OF BASIC ALLOWANCE FOR MEMBERS OF THE ARMED FORCES WHOSE SOLE DEPENDENT DIES WHILE RESIDING WITH THE MEMBER.—(1) Notwithstanding subsection (a)(2) or any other section of law, the Secretary of Defense or the Secretary of the Department in which the Coast Guard is operating, may, after the death of the sole dependent of a member of the armed forces, continue to pay a basic allowance for housing to such member at the rate paid to such member on the date of such death if—

"(A) such sole dependent dies—

"(i) while the member is on active duty; and

"(ii) while residing with the member, unless separated by the necessity of military service or to receive institutional care as a result of disability or incapacitation or under such other circumstances as the Secretary concerned may by regulation prescribe; and

"(B) the member is not occupying a housing facility under the jurisdiction of the Secretary concerned on the date of the death of the sole dependent.

"(2) The continuation of the rate of an allowance under this subsection shall terminate upon the earlier of the following to occur:

"(A) The day that is one year after the date of the death of the sole dependent.

"(B) The permanent change of station, or permanent change of assignment with movement of personal property and household goods under section 453(c) of this title, of the member.".

(b) CONFORMING AMENDMENT.—Section 2881a(c) of title 10, United States Code, is amended by striking "section 403(n)" and inserting "section 403(o)".

SEC. 614. BASIC ALLOWANCE FOR HOUSING FOR MEMBERS WITHOUT DEPENDENTS WHEN HOME PORT CHANGE WOULD FINANCIALLY DISADVANTAGE MEMBER.

Subsection (p) of section 403 of title 37, United States Code, as redesignated by section 612, is further amended in subsection (p)—

(1) in the subsection heading, by striking "Low-cost and No-cost" and inserting "Certain";

(2) by inserting "(1)" before "In the case of a member who is assigned"; and

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

"(2)(A) In the case of a member without dependents who is assigned to a unit that undergoes a change of home port or a change of permanent duty station, if the Secretary concerned determines that it would be inequitable to base the member's entitlement to, and amount of, a basic allowance for housing on the new home port or permanent duty station, the Secretary concerned may—

"(i) waive the requirement to base the member's entitlement to, and amount of, a basic allowance for housing on the new home port or permanent duty station member; and

"(ii) treat that member for the purposes of this section as if the unit to which the member is assigned did not undergo such a change.

"(B) The Secretary concerned may grant a waiver under subparagraph (A) to not more than 100 members in a calendar year.

"(C) Not later than March 1 of each calendar year, the Secretary concerned shall provide a briefing to the Committees on Armed Services of the Senate and the House of Representatives on the use of the authority provided by subparagraph (A) during the preceding calendar year that includes—

"(i) the number of members granted a waiver under subparagraph (A) during that year; and

"(ii) for each such waiver, an identification of—

"(I) the grade of the member;

"(II) the home port or permanent duty station of the unit to which the member is assigned before the change described in subparagraph (A); and

"(III) the new home port or permanent duty station of that unit.

"(D) This paragraph shall cease to be effective on December 31, 2027.".

SEC. 615. REVIVAL AND REDESIGNATION OF PROVISION ESTABLISHING BENEFITS FOR CERTAIN MEMBERS ASSIGNED TO THE DEFENSE INTELLIGENCE AGENCY.

(a) REVIVAL.—Section 491 of title 37, United States Code—

(1) is revived to read as it did immediately before its repeal under section 604 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117-81); and

(2) **[**37 U.S.C. 491**]** is redesignated as section 431 of such title.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of such title is amended by inserting, after the item relating to section 427, the following new item:

"431. Benefits for certain members assigned to the Defense Intelligence Agency.".

SEC. 616. EXTENSION OF ONE-TIME UNIFORM ALLOWANCE FOR OFFICERS WHO TRANSFER TO THE SPACE FORCE.

Subsection (d)(1) of section 606 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-283; 134 Stat. 3672; 37 U.S.C. 416 note) is amended by striking "September 30, 2022" and inserting "September 30, 2023".

SEC. 617. [37 U.S.C. 403b note] OCONUS COST OF LIVING ALLOWANCE: ADJUSTMENTS; NOTICE TO CERTAIN CONGRESSIONAL COMMITTEES.

(a) REDUCTIONS.—The Secretary of Defense may reduce an OCONUS COLA in accordance with this subsection.

(1) FREQUENCY.—The Secretary may not announce a reduction to an OCONUS COLA for a location outside the continental United States more than twice per calendar year.

(2) MAXIMUM REDUCTION.—A reduction to an OCONUS COLA may not exceed the lesser of—

(A) 10 OCONUS COLA index points; or

(B) the number of OCONUS COLA index points by which the cost of living of the permanent duty station of the covered member exceeds the average cost of living index in the continental United States.

(3) LIMITATIONS.—Paragraphs (1) and (2) shall not apply to a reduction on the basis of—

(A) a change in the rate of exchange of foreign currencies; or

(B) a permanent change of station for a covered member.

(4) IMPLEMENTATION.—The Secretary may phase in a reduction under this subsection.

(b) INCREASES.—The Secretary may increase an OCONUS COLA at any time.

(c) REPORTING.—Not later than February 1 of each year, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report regarding reductions and increases to OCONUS COLAs during the previous calendar year. Such report shall include the following elements:

(1) The areas outside the continental United States subject to such a reduction or increase.

(2) The previous and new amounts of an adjusted OCONUS COLA for a member with three dependents, 10 years of service, and in grade—

(A) E-6; and

(B) O-4.

(3) The number of OCONUS COLA index points by which a new OCONUS COLA index differs from such previous index.

(4) The number of members of the uniformed services affected by each such reduction or increase.

(5) The assessment of the Secretary of the calculation of an OCONUS COLA. In making such assessment, the Secretary shall consider factors including—

(A) Costs of local transportation in the area surrounding the duty station of a member.

(B) Costs of travel from such duty station to the United States.

(C) Other costs the Secretary determines appropriate.

(d) DEFINITIONS.—In this section:

(1) The term "continental United States" has the meaning given such term in section 101 of title 37, United States Code.

(2) The term "covered member" means a member of the uniformed services—

(A) who is assigned to a permanent duty station located outside the continental United States; or

(B) whose dependents reside outside the continental United States but not withing the vicinity to permanent duty station of such member.

(3) The term "OCONUS COLA" means a cost-of-living allowance paid to a member of the uniformed services on the basis that such member is a covered member.

(4) The term "OCONUS COLA index" means the index computed by the Secretary of the weighted average prices of goods and services (excluding housing costs) in a location outside the continental United States, relative to the weighted average of prices of the same goods and services in the continental United States.

(5) The term "OCONUS COLA index point" means 1 percent of the OCONUS COLA index for the weighted average prices of goods and services (excluding housing costs) in a location in the continental United States.

Subtitle C—Travel and Transportation Allowances

SEC. 621. ALLOWABLE TRAVEL AND TRANSPORTATION ALLOWANCES: COMPLEX OVERHAUL.

Section 452 of title 37, United States Code, is amended, in subsection (b)—

(1) by redesignating the second paragraph (18) as paragraph (21); and

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

"(22) Permanent change of assignment to or from a naval vessel undergoing nuclear refueling or defueling and any concurrent complex overhaul, even if such assignment is within the same area as the current assignment of the member.

"(23) Current assignment to a naval vessel entering or exiting nuclear refueling or defueling and any concurrent complex overhaul.".

SEC. 622. EXPANSION OF AUTHORITY TO REIMBURSE A MEMBER OF THE UNIFORMED SERVICES FOR SPOUSAL BUSINESS COSTS ARISING FROM A PERMANENT CHANGE OF STATION.

(a) IN GENERAL.—Section 453 of title 37, United States Code, is amended, in subsection (g)—

(1) in the heading, by inserting "or Business Costs" after "Relicensing Costs";

(2) in paragraph (1), by inserting "or qualified business costs" after "qualified relicensing costs";

(3) in paragraph (2)—

(A) by inserting "(A)" before "Reimbursement";

(B) by inserting "for qualified relicensing costs" after "subsection";

(C) by striking "$1000" and inserting "$1,000"; and

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

"(B) Reimbursement provided to a member under this subsection for qualified business costs may not exceed $1,000 in connection with each reassignment described in paragraph (1).";

(4) in paragraph (3), by inserting "or qualified business costs" after "qualified relicensing costs";

(5) in paragraph (4)—

(A) in the matter preceding subparagraph (A), by inserting "business license, permit," after "courses,";

(B) in subparagraph (A)—

(i) by inserting ", or owned a business," before "during";

(ii) by inserting "professional" before "license"; and

(iii) by inserting ", or business license or permit," after "certification"; and

(C) in subparagraph (B)—

(i) by inserting "professional" before "license"; and

(ii) by inserting ", or business license or permit," after "certification"; and

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

"(5) In this subsection, the term 'qualified business costs' means costs, including moving services for equipment, equipment removal, new equipment purchases, information technology expenses, and inspection fees, incurred by the spouse of a member if—

"(A) the spouse owned a business during the member's previous duty assignment and the costs result from a movement described in paragraph (1)(B) in connection with the member's change in duty location pursuant to reassignment described in paragraph (1)(A); and

"(B) the costs were incurred or paid to move such business to a new location in connection with such reassignment.".

(b) BRIEFING.—Not later than one year after the date of the enactment of this Act, each Secretary of a military department shall submit to the Committees on Armed Services of the Senate and House of Representatives a briefing regarding implementation of the amendments made by subsection (a), including—

(1) the number of times such Secretary used the authority under such amendments; and

(2) the costs to the Federal Government arising from such usage.

SEC. 623. EXTENSION OF AUTHORITY TO REIMBURSE MEMBERS FOR SPOUSE RELICENSING COSTS PURSUANT TO A PERMANENT CHANGE OF STATION.

Section 453 of title 37, United States Code, as amended by section 622, is further amended, in subsection (g)(3), by striking "December 31, 2024" and inserting "December 31, 2029".

SEC. 624. REIMBURSEMENT OF A MEMBER OF THE UNIFORMED SERVICES FOR COSTS TO RELOCATE A PET THAT ARISE FROM A PERMANENT CHANGE OF STATION.

Section 453 of title 37, United States Code, as amended by sections 622, and 623, is further amended by adding at the end the following new subsection:

"(h) REIMBURSEMENT FOR TRANSPORTATION OF PETS ARISING FROM CERTAIN PERMANENT CHANGES OF STATIONS.—(1) The Secretary concerned may reimburse a member for any cost related to the relocation of a pet that arises from a permanent change of station of such member within the continental United States. Such reimbursement may not exceed $550 for each such permanent change of station.

"(2) The Secretary concerned may reimburse a member for any cost related to the relocation of a pet that arises from a permanent change of station of such member to or from a duty station located outside the continental United States. Such reimbursement may not exceed $4,000 for each such permanent change of station.".

SEC. 625. TRAVEL AND TRANSPORTATION ALLOWANCES FOR CERTAIN MEMBERS OF THE ARMED FORCES WHO ATTEND A PROFESSIONAL MILITARY EDUCATION INSTITUTION OR TRAINING CLASSES.

Section 453 of title 37, United States Code, as amended by sections 622, 623, and 624, is further amended by adding at the end the following new subsection:

"(i) ATTENDANCE AT PROFESSIONAL MILITARY EDUCATION INSTITUTION OR TRAINING CLASSES.—

"(1) The Secretary of the military department concerned may authorize temporary duty status, and travel and transportation allowances payable to a member in such status, for a member under the jurisdiction of such Secretary who is reassigned—

"(A) between duty stations located within the United States;

"(B) for a period of not more than one year;

"(C) for the purpose of participating in professional military education or training classes,

"(D) with orders to return to the duty station where the member maintains primary residence and the dependents of such member reside.

"(2) If the Secretary of the military department concerned assigns permanent duty status to a member described in paragraph (1), such member shall be eligible for travel and transportation allowances including the following:

"(A) Transportation, including mileage at the same rate paid for a permanent change of station.

"(B) Per diem while traveling between the permanent duty station and professional military education institution or training site.

"(C) Per diem paid in the same manner and amount as temporary lodging expenses.

"(D) Per diem equal to the amount of the basic allowance for housing under section 403 of this title paid to a member—

"(i) in the grade of such member;

"(ii) without dependents;

"(iii) who resides in the military housing area in which the professional military education institution or training site is located.

"(E) Movement of household goods in an amount determined under applicable regulations.".

SEC. 626. CONFORMING AMENDMENTS TO UPDATE REFERENCES TO TRAVEL AND TRANSPORTATION AUTHORITIES.

(a) BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT OF 1985.—Section 256(g)(2)(B)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 906(g)(2)(B)(ii)) is amended by striking "sections 403a and 475" and inserting "sections 403b and 405".

(b) TITLE 5.—Title 5, United States Code, is amended—

(1) in section 4109(a)(2)—

(A) in subparagraph (A), by striking "sections 474 and 475" and inserting "sections 405 and 452"; and

(B) in subparagraph (B), by striking "sections 476 and 479" and inserting "sections 452 and 453(c)";

(2) in section 5725(c)(2)(B), by striking "section 476(b)(1)(H)(iii)" and inserting "subsections (c) and (d) of section 453"; and

(3) in section 5760—

(A) in subsection (c), by striking "section 481h(b)" and inserting "section 451(a)"; and

(B) in subsection (d)—

(i) in paragraph (2), by striking "section 474(d)" and inserting "section 464"; and

(ii) in paragraph (3), by striking "section 481h(d)(1)" and inserting "section 452(d)".

(c) TITLE 10.—Title 10, United States Code, is amended—

(1) in section 710—

(A) in subsection (f)(4)(A), in the matter preceding clause (i), by striking "section 474" and inserting "section 452"; and

(B) in subsection (h)(4), by striking "section 481f" and inserting "section 453(f)";

(2) in section 1174a(b)(2)(B), by striking "sections 474 and 476" and inserting "sections 452 and 453(c)";

(3) in section 1175(j), by striking "sections 474 and 476" and inserting "sections 452 and 453(c)";

(4) in section 1175a(e)(2)(B), by striking "sections 474 and 476" and inserting "sections 452 and 453(c)";

(5) in section 1491(d)(3), by striking "section 495(a)(2)" and inserting "section 435(a)(2)";

(6) in section 2013(b)(2)—

(A) in subparagraph (A), by striking "sections 474 and 475" and inserting "sections 405 and 452"; and

(B) in subparagraph (B), by striking "sections 476 and 479" and inserting "sections 452 and 453(c)";

(7) in section 2493(a)(4)(B)(ii), by striking "section 481f(d)" and inserting "section 453(f)";

(8) in section 2613(g), by striking "section 481h(b)" and inserting "section 451(a)"; and

(9) in section 12503—

(A) in subsection (a), in the second sentence, by striking "sections 206 and 495" and inserting "sections 206 and 435";

(B) in subsection (b)(2)(A), by striking "section 495" and inserting "section 435"; and

(C) in subsection (c), by striking "chapter 7" and inserting "section 452".

(d) TITLE 14.—Section 2764 of title 14, United States Code, is amended, in the first and third sentences, by striking "subsection (b) of section 476" and inserting "section 453(c)".

(e) TITLE 32.—Section 115 of title 32, United States Code, is amended—

(1) in subsection (a), in the third sentence, by striking "sections 206 and 495" and inserting "sections 206 and 435";

(2) in subsection (b)(2)(A), by striking "section 495" and inserting "section 435"; and

(3) in subsection (c), by striking "chapter 7" and inserting "section 452".

(f) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION COMMISSIONED OFFICER CORPS ACT OF 2002.—Section 236(f)(4)(A) of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3036(f)(4)(A)) is amended, in the matter preceding clause (i), by striking "section 474" and inserting "section 452".

(g) TITLE 36.—Section 2101(b)(2) of title 36, United States Code, is amended by striking "section 475" and inserting "section 405".

(h) TITLE 37.—Title 37, United States Code, is amended—

(1) in section 403—

(A) in subsection (d)(2)(A), by striking "section 476" and inserting "section 452"; and

(B) in subsection (g)—

(i) in paragraph (2), in the second sentence, by striking "section 474" and inserting "section 452"; and

(ii) in paragraph (3), by striking "section 476" and inserting "section 453(c)";

(2) in section 420(b), by striking "sections 474-481" and inserting "section 452";

(3) in section 422(a), by striking "section 480" and inserting "section 452";

(4) in section 427—

(A) in subsection (a)(1)(A), by striking "section 476" and inserting "section 452"; and

(B) in subsection (c)(1), by striking "section 476" and inserting "section 452";

(5) in section 433(b), by striking "section 474(d)(2)(A)" and inserting "section 452";

(6) in section 451(a)(2)(H)—

(A) in clause (i), by striking "section 481f" and inserting "section 453(f)";

(B) in clause (ii), by striking "section 481h" and inserting "section 452(b)(12)";

(C) in clause (iii), by striking "section 481j" and inserting "section 452(b)(13)";

(D) in clause (iv), by striking "section 481k" and inserting "section 452(b)(14)"; and

(E) in clause (v), by striking "section 481l" and inserting "section 452(b)(15)";

(7) in section 1002(b)(1), by striking "section 474(a)-(d), and (f)," and inserting "section 452";

(8) in section 1003, by striking "sections 402-403b, 474-477, 479-481, and 414" and inserting "sections 402 through 403b, 405, 414, 452, and 453"; and

(9) in section 1006(g)—

(A) by striking "section 477" and inserting "section 452(c)(2)"; and

(B) by striking "section 475a(a)" and inserting "section 452(b)(11)".

(i) CHILD NUTRITION ACT OF 1966.—Section 17(d)(2)(B)(ii) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(d)(2)(B)(ii)) is amended by striking "section 475" and inserting "section 405".

SEC. 627. [37 U.S.C. 454 note] PILOT PROGRAM TO REIMBURSE MEMBERS OF THE ARMED FORCES FOR CERTAIN CHILD CARE COSTS INCIDENT TO A PERMANENT CHANGE OF STATION OR ASSIGNMENT.

(a) ESTABLISHMENT.—The Secretary of Defense shall carry out a pilot program to reimburse members of the Armed Forces for certain child care costs incident to a permanent change of station or assignment.

(b) TRAVEL AND TRANSPORTATION ALLOWANCES.—Under the pilot program, the Secretary of Defense shall treat a designated child care provider as an authorized traveler if child care is not available to a member of the Armed Forces at a military child development center at the permanent duty location of such member not later than 30 days after the member arrives at such location.

(c) REIMBURSEMENT OF CERTAIN CHILD CARE COSTS.—

(1) AUTHORITY.—Under the pilot program, the Secretary of Defense may reimburse a member of the Armed Forces for travel expenses for a designated child care provider when—

(A) the member is reassigned, either as a permanent change of station or permanent change of assignment, to a new duty station;

(B) the movement of the member's dependents is authorized at the expense of the United States under section 451 of title 37, United States Code, as part of the reassignment;

(C) child care is not available at a military child development center at such duty station not later than 30 days after the member arrives at such duty station; and

(D) the dependent child is on the wait list for child care at such military child development center.

(2) MAXIMUM AMOUNTS.—Reimbursement provided to a member under this subsection may not exceed—

(A) $500 for a reassignment between duty stations within the continental United States; and

(B) $1,500 for a reassignment involving a duty station outside of the continental United States.

(3) DEADLINE.—A member may not apply for reimbursement under this subsection later than one year after a reassignment described in paragraph (1).

(4) CONCURRENT RECEIPT PROHIBITED.—In the event a household contains more than one member eligible for reimbursement under this subsection, reimbursement may be paid to one member among such members as such members shall jointly elect.

(d) REPORT.—Not later than January 1, 2027, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the pilot program, including the recommendation of the Secretary whether to make the pilot program permanent.

(e) TERMINATION.—The pilot program shall terminate on September 30, 2028.

(f) DEFINITIONS.—In this section:

(1) The term "authorized traveler" has the meaning given such term in section 451 of title 37, United States Code.

(2) The term "designated child care provider" means an adult selected by a member of the armed forces to provide child care to a dependent child of such member.

(3) The term "military child development center" has the meaning given such term in section 1800 of title 10, United States Code.

Subtitle D—Leave

SEC. 631. TECHNICAL AMENDMENTS TO LEAVE ENTITLEMENT AND ACCUMULATION.

(a) REPEAL OF OBSOLETE AUTHORITY.—Section 701 of title 10, United States Code, is amended—

(1) by striking subsection (d); and

(2) by redesignating subsections (e) through (m) as subsections (d) through (l).

(b) CONFORMING AMENDMENTS TO SECTION 701 OF TITLE 10.—Section 701 of title 10, United States Code, is amended—

(1) in subsection (b), by striking "subsections (d), (f), and (g)" and inserting "subsections (e) and (f)";

(2) in subsection (f), as redesignated by subsection (a)(2), in the first sentence, by striking "subsections (b), (d), and (f)" and inserting "subsections (b) and (e)"; and

(3) in subsection (i), as so redesignated, in the first sentence, by striking "subsections (b), (d), and (f)" and inserting "subsections (b) and (e)".

(c) CONFORMING AMENDMENTS TO OTHER PROVISIONS OF LAW.—

(1) TITLE 14.—Section 2508(a) of title 14, United States Code, is amended by striking "section 701(f)(2)" and inserting "section 701(e)".

(2) TITLE 37.—Title 37, United States Code, is amended—

(A) in section 501—

(i) in subsection (b)(6), by striking "120 days of leave under section 701(f)(1)" and inserting "90 days of leave under section 701(e)"; and

(ii) in subsection (h), by striking "section 701(g)" and inserting "section 701(f)"; and

(B) in section 502(b), by striking "section 701(h)" and inserting "section 701(g)".

(d) [10 U.S.C. 701 note] EFFECTIVE DATE.—The amendments made by this section take effect on January 1, 2023.

SEC. 632. MODIFICATION OF AUTHORITY TO ALLOW MEMBERS OF THE ARMED FORCES TO ACCUMULATE LEAVE IN EXCESS OF 60 DAYS.

(a) IN GENERAL.—Section 701 of title 10, United States Code, as amended by section 631, is further amended by striking subsection (e) and inserting the following:

"(e)(1) The Secretary concerned, under uniform regulations to be prescribed by the Secretary of Defense, may authorize a member described in paragraph (2) to retain not more than 30 days of excess leave.

"(2) A member described in this paragraph is a member who—

"(A)(i) serves on active duty for a continuous period of at least 120 days for which the member is entitled to special pay under section 310(a) of title 37; or

"(ii) is assigned to a deployable ship or mobile unit or to other duty designated for the purposes of this section;

"(B) except for this subsection, would lose any excess leave at the end of the fiscal year; and

"(C) receives, from the first officer in a grade above O-6 in the chain of command of such member, written authorization to retain such excess leave.

"(3) Excess leave retained by a member under this subsection shall be forfeited unless used before the end of the second fiscal year after the end of the fiscal year in which the service or assignment described in paragraph (2)(A) terminated.

"(4) In this subsection, the term 'excess leave' means leave accrued by a member in excess of the number of days of leave authorized to be accumulated under subsection (b).".

(b) [10 U.S.C. 701 note] TRANSITION RULE.—Leave in excess of 90 days, accumulated by a member of the Armed Forces under section 701 of such title before the effective date under subsection (c), is forfeited unless—

(1) used by the member on or before September 30, 2026; or

(2) the retention of such leave is otherwise authorized by law.

(c) [10 U.S.C. 701 note] EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on January 1, 2023.

SEC. 633. CONVALESCENT LEAVE FOR A MEMBER OF THE ARMED FORCES.

(a) IN GENERAL.—Section 701 of title 10, United States Code, as amended by sections 631 and 632, is further amended by adding at the end the following new subsection:

"(m)(1) Except as provided by subsection (h)(3), and under regulations prescribed by the Secretary of Defense, a member of the armed forces diagnosed with a medical condition is allowed convalescent leave if—

"(A) the medical or behavioral health provider of the member—

"(i) determines that the member is not yet fit for duty as a result of that condition; and

"(ii) recommends such leave for the member to provide for the convalescence of the member from that condition; and

"(B) the commanding officer of the member or the commander of the military medical treatment facility authorizes such leave for the member.

"(2) A member may take not more than 30 days of convalescent leave under paragraph (1) with respect to a condition described in that paragraph unless—

"(A) such leave in excess of 30 days is authorized by—

"(i) the Secretary concerned; or

"(ii) an individual at the level designated by the Secretary concerned, but not below the grade of O-5 or the civilian equivalent; or

"(B) the member is authorized to receive convalescent leave under subsection (h)(3) in conjunction with the birth of a child.

"(3)(A) Convalescent leave may be authorized under paragraph (1) only for a medical condition of a member and may not be authorized for a member in connection with a condition of a dependent or other family member of the member.

"(B) In authorizing convalescent leave for a member under paragraph (1) with respect to a condition described in that paragraph, the commanding officer of the member or the commander of the military medical treatment facility, as the case may be, shall—

"(i) limit the duration of such leave to the minimum necessary in relation to the diagnosis, prognosis, and probable final disposition of the condition of the member; and

"(ii) authorize leave tailored to the specific medical needs of the member rather than (except for convalescent leave provided for under subsection (h)(3)) authorizing leave based on a predetermined formula.

"(4) A member taking convalescent leave under paragraph (1) shall not have the member's leave account reduced as a result of taking such leave.

"(5) In this subsection, the term 'military medical treatment facility' means a facility described in subsection (b), (c), or (d) of section 1073d of this title.".

(b) TREATMENT OF CONVALESCENT LEAVE FOR BIRTH OF CHILD.—Paragraph (4) of subsection (h) of such section, as redesignated by section 632, is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(2) by inserting "(A)" after "(4)"; and

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

"(B) Convalescent leave may be authorized under subparagraph (A) only for a medical condition of a member and may not be authorized for a member in connection with a condition of a dependent or other family member of the member.".

(c) [10 U.S.C. 701 note] EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2023.

Subtitle E—Family and Survivor Benefits

SEC. 641. CLAIMS RELATING TO THE RETURN OF PERSONAL EFFECTS OF A DECEASED MEMBER OF THE ARMED FORCES.

Section 1482(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(11)(A) Delivery of personal effects of a decedent to the next of kin or other appropriate person.

"(B) If the Secretary concerned enters into an agreement with an entity to carry out subparagraph (A), the Secretary concerned may, at the request of the person described in such subparagraph, pursue a claim against such entity that arises from the failure of such entity to substantially perform such subparagraph.

"(C) If an entity described in subparagraph (B) fails to substantially perform subparagraph (A) by damaging, losing, or destroying the personal effects of a decedent, the Secretary concerned shall reimburse the person designated under subsection (c) the greater of $1,000 or the fair market value of such damage, loss, or destruction. The Secretary concerned may request, from the person designated under subsection (c), proof of fair market value and ownership of the personal effects.".

SEC. 642. EXTENSION OF PARENT FEE DISCOUNT TO CHILD CARE EMPLOYEES.

Section 1793 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(d) CHILD CARE EMPLOYEE DISCOUNT.—The Secretary of Defense may, to support recruitment and retention initiatives, charge a child care employee, whose child attends a military child development center, a reduced fee for such attendance.".

SEC. 643. [10 U.S.C. 1448 note] SURVIVOR BENEFIT PLAN OPEN SEASON.

(a) ELECTIONS BY PERSONS NOT CURRENTLY PARTICIPATING IN SURVIVOR BENEFIT PLAN.—

(1) ELECTION OF SBP COVERAGE.—An eligible retired or former member may elect to participate in the Survivor Benefit Plan during the open season described in subsection (e).

(2) ELIGIBLE RETIRED OR FORMER MEMBERS.—For purposes of paragraph (1), an eligible retired or former member is a member or former member of the uniformed services who, on or before the day before the first day of the open season described in subsection (e)—

(A) is entitled to retired pay; or

(B) would be entitled to retired pay under chapter 1223 of title 10, United States Code (or chapter 67 of such title as in effect before October 5, 1994), but for the fact that such member or former member is under 60 years of age.

(3) STATUS UNDER SBP OF PERSONS MAKING ELECTIONS.—

(A) STANDARD ANNUITY.—A person making an election under paragraph (1) by reason of eligibility under paragraph (2)(A) shall be treated for all purposes as providing a standard annuity under the Survivor Benefit Plan.

(B) RESERVE-COMPONENT ANNUITY.—A person making an election under paragraph (1) by reason of eligibility under paragraph (2)(B) shall be treated for all purposes as providing a reserve-component annuity under the Survivor Benefit Plan.

(4) PREMIUMS FOR OPEN SEASON.—

(A) PREMIUMS TO BE CHARGED.—The Secretary of Defense shall prescribe in regulations premiums that a person who makes an election under paragraph (1) shall be required to pay for participating in the Survivor Benefit Plan pursuant to the election.

(B) AMOUNT OF PREMIUMS.—The total amount of the premiums to be paid by a person under the regulations prescribed under subparagraph (A) shall be equal to the sum of—

(i) the total amount by which the retired pay of the person would have been reduced before the effective date of the election under subsection (d) if the person had elected to participate in the Survivor Benefit Plan (for the same base amount specified in the election) at the first opportunity that was afforded the person to participate under chapter 73 of title 10, United States Code;

(ii) interest on the amount by which the retired pay of the person would have been so reduced, computed from the date on which the retired pay would have been so reduced at such rate or rates and according to such methodology as the Secretary determines reasonable; and

(iii) any additional amount that the Secretary determines necessary to protect the actuarial soundness of the Department of Defense Military Retirement

Fund against any increased risk for the fund that is associated with the election.

(C) PREMIUMS TO BE CREDITED TO RETIREMENT FUND.—Premiums paid under the regulations prescribed under subparagraph (A) shall be credited to the Department of Defense Military Retirement Fund.

(b) ELECTIONS BY PERSONS CURRENTLY PARTICIPATING IN SURVIVOR BENEFIT PLAN.—

(1) ELECTION OF TO DISCONTINUE SBP PARTICIPATION.—A person participating in the Survivor Benefit Plan on the day before the first day of the open season described in subsection (e) may elect to discontinue such participation during the open season.

(2) CONSENT OF BENEFICIARIES.—

(A) IN GENERAL.—Except as provided in subparagraph (B), a person described in paragraph (1) may not make an election under that paragraph without the concurrence of—

(i) each designated beneficiary of such person under the Survivor Benefit Plan; and

(ii) the spouse of such person, if such person is married.

(B) EXCEPTION WHEN BENEFICIARY UNAVAILABLE.—A person may make an election under paragraph (1) without a concurrence required under subparagraph (2) if the person establishes to the satisfaction of the Secretary concerned—

(i) that the whereabouts of the spouse or beneficiary, as the case may be, cannot be determined; or

(ii) that, due to exceptional circumstances, requiring the person to seek the consent of the spouse or beneficiary, as the case may be, would otherwise be inappropriate.

(3) TREATMENT OF PREMIUMS.—

(A) DISCONTINUATION OF REDUCTIONS IN PAY.—As of the effective date under subsection (d) of an election by a person under paragraph (1), the Secretary concerned shall discontinue the reduction being made in the retired pay of the person arising from participation in the Survivor Benefit Plan or, in the case of a person who has been required to make deposits in the Treasury on account of participation in the Survivor Benefit Plan, that person may discontinue making such deposits effective on such effective date.

(B) TREATMENT OF PREVIOUS REDUCTIONS.—A person who makes an election under paragraph (1) is not entitled to a refund of any reduction or deposit described in subparagraph (A) made before such effective date.

(c) MANNER OF MAKING ELECTIONS.—

(1) IN GENERAL.—An election under subsection (a) or (b) shall be made in writing, signed by the person making the election, and received by the Secretary concerned before the end of the open season described in subsection (e).

(2) CONDITIONS.—Except as provided in paragraph (3), an election under subsection (a) shall be made subject to the same conditions, and with the same opportunities for designation of beneficiaries and specification of base amount, that apply under the Survivor Benefit Plan.

(3) ELECTION MUST BE VOLUNTARY.—An election under subsection (a) or (b) is not effective unless the person making the election declares the election to be voluntary. An election under subsection (a) or (b) to participate or not to participate in the Survivor Benefit Plan may not be required by any court. An election by a person under subsection (a) to participate in the Survivor Benefit Plan is not subject to the concurrence of a spouse or former spouse of the person.

(4) DESIGNATION WITH RESPECT TO RESERVE-COMPONENT ANNUITY.—A person making an election under subsection (a) to provide a reserve-component annuity shall make a designation described in section 1448(e) of title 10, United States Code.

(d) EFFECTIVE DATE FOR ELECTIONS.—An election under subsection (a) or (b) shall be effective on the first day of the first calendar month following the month in which the election is received by the Secretary concerned.

(e) OPEN SEASON DESCRIBED.—The open season described in this subsection is the period beginning on the date of the enactment of this Act and ending on January 1, 2024.

(f) APPLICABILITY OF CERTAIN PROVISIONS OF LAW.—The provisions of sections 1449, 1453, and 1454 of title 10, United States Code, are applicable to a person making an election, and to an election, under subsection (a) or (b) in the same manner as if the election were made under the Survivor Benefit Plan.

(g) DEFINITIONS.—In this section:

(1) The terms "base amount", "reserve-component annuity", and "standard annuity" have the meanings given those terms in section 1447 of title 10, United States Code.

(2) The term "Department of Defense Military Retirement Fund" means the fund established under section 1461(a) of title 10, United States Code.

(3) The term "retired pay" includes retainer pay.

(4) The terms "Secretary concerned" and "uniformed services" have the meanings given those terms in section 101 of title 37, United States Code.

(5) The term "Survivor Benefit Plan" means the program established under subchapter II of chapter 73 of title 10, United States Code.

SEC. 644. MILITARY INSTALLATIONS WITH LIMITED CHILD CARE: BRIEFING.

(a) BRIEFING.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a briefing regarding child care at military installations of the covered Armed Forces—

(1) that are not served by a military child development center; or

(2) where the military child development center has few available spots.

(b) ELEMENTS.—The briefing under subsection (a) shall include the following elements:

(1) With regards to each military installation described in such subsection:

(A) The current and maximum possible enrollment at the military child development center (if one exists).

(B) Plans of the Secretary to expand an existing, or construct a new, military child development center.

(C) The resulting capacity of each military child development center described in subparagraph (B).

(D) The median cost of services at accredited child care facilities located near such military installation compared to the amount of assistance provided by the Secretary of the military department concerned to members for child care services.

(2) Any policy recommendations of the Secretary of Defense—

(A) to address the rising cost of child care near military installations; and

(B) regarding the rates of child care fee assistance provided to members of the covered Armed Forces.

(c) DEFINITIONS.—In this section:

(1) The term "covered Armed Force" means the following:

(A) The Army.

(B) The Navy.

(C) The Marine Corps.

(D) The Air Force.

(E) The Space Force.

(2) The term "military child development center" has the meaning given such term in section 1800 of title 10, United States Code.

SEC. 645. [10 U.S.C. 1060a note] FOOD INSECURITY AMONG MILITARY FAMILIES: DATA COLLECTION; TRAINING; REPORT.

(a) DATA COLLECTION.—Not later than one year after the date of the enactment of this Act, the Under Secretary of Defense for Personnel and Readiness, in coordination with the Under Secretary for Food, Nutrition, and Consumer Services of the Department of Agriculture, shall—

(1) develop a survey, in collaboration with the Department of Agriculture, to determine how many members of the Armed Forces serving on active duty, and dependents of such members, are food insecure;

(2) issue the survey to such members and dependents;

(3) collect data related to the number of such members and dependents who—

(A) are eligible for the basic needs allowance under section 402b of title 37, United States Code;

(B) receive such basic needs allowance; and

(C) are surveyed on the use, by such members and dependents, of Federal nutrition assistance programs, including—

(i) the supplemental nutrition assistance program under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.);

(ii) the special supplemental nutrition program for women, infants, and children under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786); and

(iii) the school lunch program under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), and the school breakfast program under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773);

(4) develop and carry out a plan to train and designate an individual who will assist members at military installations on how and where to refer such members and their dependents for participation in Federal nutrition assistance programs described in paragraph (3)(C); and

(5) coordinate efforts of the Department of Defense to address food insecurity and nutrition.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, and annually thereafter for the four subsequent years, the Under Secretary of Defense for Personnel & Readiness shall submit to the congressional defense committees, the Committees on Agriculture and Education and Labor of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry of the Senate, a report including the following:

(1) The number of members of the Armed Forces serving on active duty and their dependents who are food insecure.

(2) The number of such members and their dependents who use the Federal nutrition assistance programs described in subsection (a)(3).

(3) The number of such members and their dependents described in subsection (a)(3).

(4) The status of implementation of the plan under subsection (a)(5).

Subtitle F—Defense Resale Matters

SEC. 651. PROHIBITION OF THE SALE OF CERTAIN GOODS FROM THE XINJIANG UYGHUR AUTONOMOUS REGION IN COMMISSARIES AND EXCHANGES.

(a) PROHIBITION.—Subchapter III of chapter 147 of title 10, United States Code, is amended by adding at the end the following new section:

"SEC. 2496. [10 U.S.C. 2496] Sale of certain goods from the Xinjiang Uyghur Autonomous Region prohibited

"(a) PROHIBITION.—The Secretary of Defense may not knowingly permit the sale, at a commissary store or military exchange, of any good, ware, article, or merchandise—

"(1) containing any product mined, produced, or manufactured, wholly or in part, by forced labor from the XUAR; or

"(2) from an entity that has used labor from within or transferred from XUAR as part of a 'poverty alleviation' or 'pairing assistance' program.

"(b) DEFINITIONS.—In this section:

"(1) The term 'forced labor' means any work or service that is exacted from any person under the menace of any penalty

for nonperformance and that the worker does not offer to perform.

"(2) The term 'XUAR' means the Xinjiang Uyghur Autonomous Region of the People's Republic of China.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

"2496. Sale of certain goods from the Xinjiang Uyghur Autonomous Region prohibited.".

Subtitle G—Miscellaneous Studies, Briefings and Reports

SEC. 661. STUDY ON BASIC PAY.

(a) IN GENERAL.—The Secretary of Defense shall seek to enter into an agreement with a nonprofit entity or a federally funded research and development center to conduct research and analysis on the value of basic pay for members of the Armed Forces. The Secretary may include such research and analysis in the next quadrennial review of military compensation.

(b) ELEMENTS.—The research and analysis conducted under subsection (a) shall include the following:

(1) An assessment of the model used to determine the basic pay in the current basic pay tables, including—

(A) an analysis of whether to update the current model to meet the needs of the 2023 employment market;

(B) a historical understanding of when the current model was established and how frequently it has been during the last 10 years;

(C) an understanding of the assumptions on which the model is based and how such assumptions are validated;

(D) an analysis of time-in-grade requirements and how they may affect retention and promotion; and

(E) an assessment of how recruiting and retention information is used to adjust the model.

(2) An assessment of whether to modify current basic pay tables to consider higher rates of pay for specialties the Secretary determines are in critical need of personnel.

(3) An analysis of—

(A) how basic pay has compared with civilian pay since the 70th percentile benchmark for basic pay was established; and

(B) whether to change the 70th percentile benchmark.

(4) An assessment of whether—

(A) to adjust the annual increase in basic pay, currently guided by changes in the Employment Cost Index as a measure of the growth in private-sector employment costs; or

(B) to use a different index, such as the Defense Employment Cost Index.

(5) Legislative and policy recommendations regarding basic pay table based on analyses and assessments under paragraphs (1) through (4).

(c) BRIEFINGS AND PROGRESS REPORT.—

(1) INTERIM BRIEFING.—Not later than April 1, 2023, the Secretary shall provide to the appropriate congressional committees an interim briefing on the elements described in subsection (b).

(2) PROGRESS REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a progress report on the study under this section.

(3) FINAL BRIEFING.—Not later than two years after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a final briefing on the study under this section.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means the following:

(1) The Committee on Armed Services of the House of Representatives.

(2) The Committee on Armed Services of the Senate.

SEC. 662. REPORT ON ACCURACY OF BASIC ALLOWANCE FOR HOUSING.

(a) REPORT; ELEMENTS.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of the department in which the Coast Guard is operating, shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on BAH. Such report shall contain the following elements:

(1) The evaluation of the Secretary—

(A) of the efficiency and accuracy of the current system used to calculate BAH;

(B) the appropriateness of using mean and median housing costs in such calculation;

(C) of existing MHAs, in relation to choices in, and availability of, housing to servicemembers;

(D) of the suitability of the six standard housing profiles in relation to the average family sizes of servicemembers, disaggregated by uniformed service, rank, and MHA;

(E) of the flexibility of BAH to respond to changes in real estate markets; and

(F) of residential real estate processes to determine rental rates.

(2) The recommendation of the Secretary—

(A) regarding the feasibility of including information, furnished by Federal entities, regarding school districts, in calculating BAH;

(B) whether to calculate BAH more frequently, including in response to a sudden change in the housing market;

(C) whether to enter into an agreement with a covered entity, to compile data and develop an enterprise grade, objective, data-driven algorithm to calculate BAH;

(D) whether to publish the methods used by the Secretary to calculate BAH on a publicly accessible website of the Department of Defense; and

(E) whether BAH calculations appropriately account for increased housing costs associated with Coast Guard facilities.

(b) DEFINITIONS.—In this section:

(1) The term "BAH" means the basic allowance for housing for members of the uniformed services under section 403 of title 37, United States Code.

(2) The term "covered entity" means a nationally recognized entity in the field of commercial real estate that has data on local rental rates in real estate markets across the United States.

(3) The term "MHA" means military housing area.

(4) The term "servicemember" has the meaning given such term in section 101 of the Servicemembers Civil Relief Act (50 U.S.C. 3911).

SEC. 663. REVIEW OF DISLOCATION AND RELOCATION ALLOWANCES.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report—

(1) reviewing the adequacy of the amounts of dislocation and relocation allowances paid under section 452 of title 37, United States Code, to members of the covered Armed Forces, in connection with changes in such members' temporary or permanent duty assignment locations, taking into consideration the rising costs of moving, challenges in the housing market, and other expenses incurred by such members;

(2) assessing the effects of delays in the issuance of orders relating to changes to temporary or permanent duty assignment locations on the timing of dislocation and relocation allowances paid to members of the covered Armed Forces;

(3) assessing the feasibility and advisability of paying dislocation or relocation allowances to members of the covered Armed Forces who are permanently assigned from one unit to another with no change of permanent duty station when the units are within the same metropolitan area; and

(4) making recommendations with respect to the matters described in paragraphs (1), (2), and (3).

(b) COVERED ARMED FORCES DEFINED.—In this section, the term "covered Armed Forces" means the Army, Navy, Marine Corps, Air Force, and Space Force.

SEC. 664. COMPLEX OVERHAUL PAY: BRIEFING.

(a) BRIEFING.—Not later than six months after the date of the enactment of this Act, the Secretary of the Navy shall submit to the Committees on Armed Services of the Senate and House of Representatives a briefing regarding the feasibility and advisability of establishing complex overhaul pay.

(b) COMPLEX OVERHAUL PAY DEFINED.—In this section, the term "complex overhaul pay" means a special monthly pay—

(1) established pursuant to regulations prescribed under section 352 of title 37, United States Code;

(2) paid to a member of the Armed Forces assigned to a naval vessel undergoing nuclear refueling or defueling, and any concurrent complex overhaul;

(3) in addition to any other pay or allowance to which a member is entitled; and

(4) in an amount equal to $200 per month.

SEC. 665. STUDIES ON COMPENSATION FOR DOD CHILD CARE PROVIDERS.

(a) IN GENERAL.—

(1) STUDIES REQUIRED.—The Secretary of Defense shall, for each geographic area in which the Secretary of a military department operates a military child development center, conduct a study—

(A) comparing the total compensation, including all pay and benefits, of child care employees of each military child development center in the geographic area to the total compensation of similarly credentialed employees in such geographic area; and

(B) estimating the difference in average pay and the difference in average benefits between such child care employees.

(2) SCHEDULE.—The Secretary of Defense shall complete the studies required under paragraph (1)—

(A) for the geographic areas containing the military installations with the 25 longest wait lists for child care services at military child development centers, not later than one year after the date of the enactment of this Act; and

(B) for geographic areas other than geographic areas described in subparagraph (A), not later than two years after the date of the enactment of this Act.

(3) REPORTS.—

(A) INTERIM REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report summarizing the results of the studies required under paragraph (1) that have been completed as of the date of the submission of such report.

(B) FINAL REPORT.—Not later than 120 days after the completion of all the studies required under paragraph (1), the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report summarizing the results of such studies.

(b) DEFINITIONS.—In this section:

(1) The term "benefits" includes—

(A) retirement benefits;

(B) any insurance premiums paid by an employer;

(C) education benefits, including tuition reimbursement and student loan repayment; and

(D) any other compensation an employer provides to an employee for service performed as an employee (other than pay), as determined appropriate by the Secretary of Defense.

(2) The terms "child care employee" and "military child development center" have the meanings given such terms in section 1800 of title 10, United States Code.

(3) The term "pay" includes the basic rate of pay of an employee and any additional payments an employer pays to an employee for service performed as an employee.

SEC. 666. BARRIERS TO HOME OWNERSHIP FOR MEMBERS OF THE ARMED FORCES: STUDY; REPORT.

(a) STUDY.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall seek to enter into an agreement with a federally funded research and development center or non-profit entity to conduct a study on the unique barriers to home ownership for members of the Armed Forces.

(b) REPORT.—At the conclusion of the study under subsection (a), the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the results of such study.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—TRICARE and Other Health Care Benefits

Sec. 701. Improvements to TRICARE dental program.
Sec. 702. Health benefits for members of the National Guard following required training or other duty to respond to a national emergency.
Sec. 703. Improvement of referrals for specialty care under TRICARE Prime during permanent changes of station.
Sec. 704. Confidentiality requirements for mental health care services for members of the Armed Forces.
Sec. 705. Audit of behavioral health care network providers listed in TRICARE directory.
Sec. 706. Independent analysis of quality and patient safety review process under direct care component of TRICARE program.
Sec. 707. Study on providing benefits under TRICARE Reserve Select and TRICARE dental program to members of the Selected Reserve and dependents thereof.
Sec. 708. GAO study on certain contracts relating to TRICARE program and oversight of such contracts.
Sec. 709. GAO study on coverage of mental health services under TRICARE program and relationship to certain mental health parity laws.

Subtitle B—Health Care Administration

Sec. 711. Accountability for wounded warriors undergoing disability evaluation.
Sec. 712. Inclusion of level three trauma care capabilities in requirements for medical centers.
Sec. 713. Centers of excellence for specialty care in military health system.
Sec. 714. Maintenance of Core Casualty Receiving Facilities to improve medical force readiness.
Sec. 715. Congressional notification requirement to modify scope of services provided at military medical treatment facilities.
Sec. 716. Improvements to processes to reduce financial harm caused to civilians for care provided at military medical treatment facilities.
Sec. 717. Authority to carry out studies and demonstration projects relating to delivery of health and medical care through use of other transaction authority.
Sec. 718. Licensure requirement for certain health-care professionals providing services as part of mission relating to emergency, humanitarian, or refugee assistance.
Sec. 719. Authorization of permanent program to improve opioid management in the military health system.
Sec. 720. Modification of requirement to transfer research and development and public health functions to Defense Health Agency.
Sec. 721. Access to certain dependent medical records by remarried former spouses.
Sec. 722. Authority for Department of Defense program to promote early literacy among certain young children.

Sec. 723. Plan for Accountable Care Organization demonstration.
Sec. 724. Feasibility study and plan on establishing a Military Health System Medical Logistics Directorate and Military Health System Education and Training Directorate.

Subtitle C—Reports and Other Matters

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

Subtitle A—TRICARE and Other Health Care Benefits

SEC. 701. IMPROVEMENTS TO TRICARE DENTAL PROGRAM.

(a) IN GENERAL.—Section 1076a of title 10, United States Code, is amended—

(1) in subsection (b)—

(A) by striking "The plans" and inserting the following:

"(1) IN GENERAL.—The plans"; and

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

"(2) PREMIUM SHARING PLANS.—Effective as of January 1, 2026, the regulations prescribed pursuant to paragraph (1) shall include, with respect to premium sharing plans referred to in subsection (d)(1), the following elements:

"(A) A third party administrator shall manage the administrative features of such plans, including eligibility, enrollment, plan change and premium payment processes,

submission of qualifying life events changes, and address changes.

"(B) Such plans shall include the following three enrollment options:

"(i) Self.

"(ii) Self plus one.

"(iii) Family.

"(C) In the United States, to the extent practicable, individuals eligible to enroll in such a plan shall be offered options to enroll in plans of not fewer than two and not more than four dental insurance carriers.

"(D) To the extent practicable, each carrier described in subparagraph (C)—

"(i) shall manage dental care delivery matters, including claims adjudication (with required electronic submission of claims), coordination of benefits, covered services, enrollment verification, and provider networks;

"(ii) shall, in addition to offering a standard option plan, offer a non-standard option plan;

"(iii) may offer a non-standard option plan managed as a dental health maintenance organization plan;

"(iv) shall establish and operate dental provider networks that provide—

"(I) accessible care with a prevention or wellness focus;

"(II) continuity of care;

"(III) coordinated care (including appropriate dental and medical referrals);

"(IV) patient-centered care (including effective communications, individualized care, and shared decision-making); and

"(V) high-quality, safe care;

"(v) shall develop and implement adult and pediatric dental quality measures, including effective measurements for—

"(I) access to care;

"(II) continuity of care;

"(III) cost;

"(IV) adverse patient events;

"(V) oral health outcomes; and

"(VI) patient experience; and

"(vi) may conduct in the provider networks established and operated by the carrier under clause (iv), to the extent practicable, pilot programs on the development of a model of care based on the model of care commonly referred to as patient-centered dental homes.";

(2) in subsection (d)(1)—

(A) in subparagraph (B), by striking "The member's" and inserting "During the period preceding January 1, 2026, the member's";

(B) in subparagraph (C), by striking "of each year," and inserting "of each year during the period preceding January 1, 2026,";

(C) in subparagraph (D), by striking "The Secretary of Defense" and inserting "During the period preceding January 1, 2026, the Secretary of Defense"; and

(D) by adding at the end the following new subparagraphs:

"(E) Beginning on January 1, 2026, the amount of the premium required under subparagraph (A)—

"(i) for standard option plans, shall be established by the Secretary annually such that in the aggregate (taking into account the adjustments under subparagraph (F) and subsection (e)(3), the Secretary's share of each premium is 60 percent of the premium for each enrollment category (self, self plus one, and family, respectively) of each standard option plan; and

"(ii) for non-standard option plans, shall be equal to the amount determined under clause (i) plus 100 percent of the additional premium amount applicable to such non-standard option plan.

"(F) Beginning on January 1, 2026, the Secretary of Defense shall reduce the monthly premium required to be paid under paragraph (1) in the case of enlisted members in pay grade E-1, E-2, E-3, or E-4.";

(3) in subsection (e), by adding at the end the following new paragraph:

"(3) Beginning on January 1, 2026, the Secretary of Defense shall reduce copayments required to be paid under paragraph (1) in the case of enlisted members in pay grade E-1, E-2, E-3, or E-4.";

(4) in subsection (j), by striking "The Secretary of Defense may not reduce benefits provided under a plan established under this section until" and inserting "During the period preceding January 1, 2026, the Secretary of Defense may not reduce benefits provided under a plan established under this section, and on or after January 1, 2026, the Secretary may not reduce benefits provided under a standard option plan under this section, until"; and

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

"(l) DEFINITIONS.—In this section:

"(1) The term 'non-standard option plan' means a high option dental insurance plan that includes covered services in addition to, or provides greater coverage with respect to, services covered under a standard option plan.

"(2) The term 'standard option plan' means a dental insurance plan that provides for the coverage of preventive services, basic restorative services, and specialty dental care services at a level that is at least commensurate with the coverage of the same services provided under the premium sharing plans under this section during the period preceding January 1, 2026.".

(b) [10 U.S.C. 1076a note] RULEMAKING.—Pursuant to the authority under section 1076a(b)(1) of title 10, United States Code, as amended by subsection (a), the Secretary of Defense shall—

(1) not later than January 1, 2026, prescribe an interim final rule to carry out the amendments made by subsection (a); and

(2) after prescribing the interim final rule under subparagraph (A) and considering public comments with respect to such interim final rule, prescribe a final rule, effective on January 1, 2027, to carry out such amendments.

(c) BRIEFINGS.—Not later than January 1 of each of 2024, 2025, 2026, and 2027, the Secretary of Defense shall provide to the Committees on Armed Services of the House of Representatives and the Senate a briefing on the status of the implementation of the amendments made by subsection (a).

SEC. 702. HEALTH BENEFITS FOR MEMBERS OF THE NATIONAL GUARD FOLLOWING REQUIRED TRAINING OR OTHER DUTY TO RESPOND TO A NATIONAL EMERGENCY.

(a) TRANSITIONAL HEALTH CARE.—Subsection (a)(2) of section 1145 of title 10, United States Code, is amended by adding at the end the following new subparagraph:

"(G) A member of the National Guard who is separated from full-time National Guard Duty to which called or ordered under section 502(f) of title 32 for a period of active service of more than 30 days to perform duties that are authorized by the President or the Secretary of Defense for the purpose of responding to a national emergency declared by Congress or the President and supported by Federal funds.".

(b) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (a)—

(A) in paragraph (1), in the matter preceding subparagraph (A), by striking "active duty" and inserting "active service";

(B) in paragraph (3), by striking "paragraph (2)(B)" and inserting "subparagraph (B) or (G) of paragraph (2)";

(C) in paragraph (4)—

(i) by striking "active duty" each place it appears and inserting "active service"; and

(ii) in the second sentence, by striking "or (D)" and inserting "(D), or (G)";

(D) in paragraph (5), in subparagraphs (A) and (B), by striking "active duty" each place it appears and inserting "active service"; and

(E) in paragraph (7)(A)—

(i) by striking "service on active duty" and inserting "active service"; and

(ii) by striking "active duty for" and inserting "active service for";

(2) in subsection (b)(1), by striking "active duty" and inserting "active service"; and

(3) in subsection (d)(1)(A), by striking "active duty" and inserting "active service".

SEC. 703. IMPROVEMENT OF REFERRALS FOR SPECIALTY CARE UNDER TRICARE PRIME DURING PERMANENT CHANGES OF STATION.

(a) IN GENERAL.—Section 714 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232; 10 U.S.C. 1095f note) is amended—

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

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

"(e) IMPROVEMENT OF SPECIALTY CARE REFERRALS DURING PERMANENT CHANGES OF STATION.—In conducting evaluations and improvements under subsection (d) to the referral process described in subsection (a), the Secretary shall ensure beneficiaries enrolled in TRICARE Prime who are undergoing a permanent change of station receive referrals from their primary care manager to such specialty care providers in the new location as the beneficiary may need before undergoing the permanent change of station.".

(b) BRIEFING.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on the contractual and technical barriers preventing record sharing between civilian provider networks under the TRICARE program that lead to increased wait times for care for members of the Armed Forces and the dependents thereof undergoing permanent changes of station across provider network regions.

SEC. 704. [10 U.S.C. 1090b note] CONFIDENTIALITY REQUIREMENTS FOR MENTAL HEALTH CARE SERVICES FOR MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—In order to reinforce the policies of eliminating stigma in obtaining mental health care services and further encouraging help-seeking behavior by members of the Armed Forces, not later than July 1, 2023, the Secretary of Defense shall—

(1) update and reissue Department of Defense Instruction 6490.08, titled "Command Notification Requirements to Dispel Stigma in Providing Mental Health Care to Service Members" and issued on August 17, 2011, taking into account—

(A) experience implementing the Instruction; and

(B) opportunities to more effectively dispel stigma in obtaining mental health care services and encourage help-seeking behavior; and

(2) develop standards within the Department of Defense that—

(A) ensure, except in a case in which there is an exigent circumstance, the confidentiality of mental health care services provided to members who voluntarily seek such services;

(B) include a model for making determinations with respect to exigent circumstances that clarifies the responsibilities regarding the determination of the effect on military function and the prevention of self-harm by the individual; and

(C) in a case in which there is an exigent circumstance, prevent health care providers from disclosing more than the minimum amount of information necessary to address the exigent circumstance.

(b) ELEMENTS.—The standards required by subsection (a)(2) shall include the following elements:

(1) Requirements for confidentiality regarding the request and receipt by a member of the Armed Forces of mental health care services under the self-initiated referral process under section 1090a(e) of title 10, United States Code.

(2) Requirements for confidentiality regarding the results of any drug testing incident to such mental health care services.

(3) Procedures that reflect best practices of the mental health profession with respect to suicide prevention.

(4) A prohibition against retaliating against a member of the Armed Forces who requests mental health care services.

(5) Such other elements as the Secretary determines will most effectively support the policies of—

(A) eliminating stigma in obtaining mental health care services; and

(B) encouraging help-seeking behavior by members of the Armed Forces.

(c) JOINT POLICY WITH THE SECRETARY OF VETERANS AFFAIRS.—

(1) IN GENERAL.—Not later than July 1, 2023, the Secretary of Defense and the Secretary of Veterans Affairs shall issue a joint policy that provides, except in a case in which there is an exigent circumstance, for the confidentiality of mental health care services provided by the Secretary of Veterans Affairs to members of the Armed Forces, including the reserve components, under section 1712A, 1720F, 1720H, or 1789 of title 38, United States Code, or other applicable law.

(2) ELEMENTS.—The joint policy issued under paragraph (1) shall, to the extent practicable, include standards comparable to the standards developed under subsection (a)(2).

(d) REPORT.—Not later than July 1, 2023, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a copy of the standards developed under subsection (a)(2) and the joint policy issued under subsection (c).

(e) EXIGENT CIRCUMSTANCE DEFINED.—In this section, the term "exigent circumstance" means a circumstance in which the Secretary of Defense determines the need to prevent serious harm to an individual or essential military function clearly outweighs the need for confidentiality of information obtained by a health care provider incident to mental health care services voluntarily sought by a member of the Armed Forces.

SEC. 705. AUDIT OF BEHAVIORAL HEALTH CARE NETWORK PROVIDERS LISTED IN TRICARE DIRECTORY.

(a) AUDIT REQUIRED.—The Comptroller General of the United States shall conduct an audit of the behavioral health care providers listed in the TRICARE directory.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report on the findings of the audit under subsection (a). Such report shall include the following:

(1) An identification of the following, disaggregated by provider specialty and TRICARE provider network region:

(A) The number of such behavioral health care providers with respect to which there are duplicate listings in the TRICARE directory.

(B) The number of such behavioral health care providers that, as of the commencement of the audit, were listed in the TRICARE directory as available and accepting new TRICARE patients.

(C) The number of such behavioral health care providers that, as a result of the audit, the Comptroller General determines are no longer available or accepting new TRICARE patients.

(D) The number of such behavioral health care providers that were not previously listed in the TRICARE directory as available and accepting new TRICARE patients but that, as a result of the audit, the Comptroller General determines are so available and accepting.

(E) The number of behavioral health care providers listed in the TRICARE directory that are no longer practicing.

(F) The number of behavioral health care providers that, in conducting the audit, the Comptroller General could not reach for purposes of verifying information relating to availability or status.

(2) An identification of the number of TRICARE beneficiaries in each TRICARE region, disaggregated by beneficiary category.

(3) A description of the methods by which the Secretary of Defense measures the following:

(A) The accessibility and accuracy of the TRICARE directory, with respect to behavioral health care providers listed therein.

(B) The adequacy of behavioral health care providers under the TRICARE program.

(4) A description of the efforts of the Secretary of Defense to recruit and retain behavioral health care providers.

(5) Recommendations by the Comptroller General, based on the findings of the audit, on how to improve the availability of behavioral health care providers that are network providers under the TRICARE program, including through the inclusion of specific requirements in the next generation of TRICARE contracts.

(c) DEFINITIONS.—In this section:

(1) The term "TRICARE directory" means the directory of network providers under the TRICARE program.

(2) The term "TRICARE program" has the meaning given such term in section 1072 of title 10, United States Code.

SEC. 706. INDEPENDENT ANALYSIS OF QUALITY AND PATIENT SAFETY REVIEW PROCESS UNDER DIRECT CARE COMPONENT OF TRICARE PROGRAM.

(a) AGREEMENT.—

(1) IN GENERAL.—The Secretary of Defense shall seek to enter into an agreement with a federally funded research and development center for the federally funded research and development center to carry out the activities described in subsections (b) and (c).

(2) TIMING.—The Secretary shall seek to enter into the agreement described in paragraph (1) not later October 1, 2023.

(b) ANALYSIS BY FFRDC.—

(1) ANALYSIS.—Under an agreement between the Secretary and a federally funded research and development center entered into pursuant to subsection (a), the federally funded research and development center shall conduct an analysis of the quality and patient safety review process for health care provided under the direct care component of the TRICARE program and develop recommendations for the Secretary based on such analysis.

(2) ELEMENTS.—The analysis conducted and recommendations developed under paragraph (1) shall include, with respect to the direct care component of the TRICARE program, an assessment of the following:

(A) The procedures under such component regarding credentialing and privileging for health care providers (and an assessment of compliance with such procedures).

(B) The processes under such component for quality assurance, standard of care, and incident review (and an assessment of compliance with such processes).

(C) The accountability processes under such component for health care providers who are found to have not met a required standard of care.

(D) The transparency activities carried out under such component, including an assessment of the publication of clinical quality metrics (at the level of military medical treatment facilities and other operational medical units of the Department of Defense), and a comparison with similar metrics for non-Department health care entities.

(E) The standardization activities carried under such component, including activities aimed at eliminating unwarranted variation in clinical quality metrics at the level of military medical treatment facilities and other operational medical units of the Department.

(F) The implementation under such component of the requirements of section 744 of the National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-283; 134 Stat. 3708; 10 U.S.C. 1071 note), including with respect to health care delivery on ships and planes, in deployed settings, and in all other circumstances outside of military medical treatment facilities.

(G) The organizational roles and responsibilities of military health system entities involved in clinical quality

management functions under such component, including the Assistant Secretary of Defense for Health Affairs, the Director of the Defense Health Agency, and the Surgeons General of the Army, Navy, and Air Force, each of whom shall conduct and submit to the federally funded research and development center an internal assessment of the respective entity regarding each element set forth under this paragraph.

(3) INFORMATION ACCESS AND PRIVACY.—

(A) ACCESS TO RECORDS.—Notwithstanding section 1102 of title 10, United States Code, the Secretary shall provide the federally funded research and development center with access to such records of the Department of Defense as the Secretary may determine necessary for purposes of the federally funded research and development center conducting the analysis and developing the recommendations under paragraph (1).

(B) PRIVACY OF INFORMATION.—In conducting the analysis and developing the recommendations under paragraph (1), the federally funded research and development center—

(i) shall maintain any personally identifiable information in records accessed by the federally funded research and development center pursuant to subparagraph (A) in accordance with applicable laws, protections, and best practices regarding the privacy of information; and

(ii) may not permit access to such information by any individual or entity not engaged in conducting such analysis or developing such recommendations.

(c) BRIEFING AND REPORTS.—

(1) INTERIM BRIEFING.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the House of Representatives and the Senate an interim briefing on—

(A) the selection of a federally funded research and development center with which the Secretary shall seek to enter into an agreement with under subsection (a);

(B) any related guidance issued by the Secretary; and

(C) the methodology for conducting the study to be used by such federally funded research and development center.

(2) REPORT TO SECRETARY.—Under an agreement entered into between the Secretary and a federally funded research and development center under subsection (a), the federally funded research and development center, not later than one year after the date of the execution of the agreement, shall submit to the Secretary a report on the findings of the federally funded research and development center with respect to the analysis conducted and recommendations developed under subsection (b).

(3) REPORT TO CONGRESS.—Not later than 120 days after the date on which the Secretary receives the report of the federally funded research and development center under para-

graph (1), the Secretary shall submit to the Committees on Armed Services of the House of Representatives and the Senate such report, along with an assessment by the Secretary of the analysis, findings, and recommendations contained therein and the plan of the Secretary for strengthening clinical quality management in the military health system.

(4) PUBLICATION.—The Secretary shall make the report under paragraph (2) available on a public website in unclassified form.

(d) TRICARE PROGRAM DEFINED.—In this section, the term "TRICARE program" has the meaning given such term in section 1072 of title 10, United States Code.

SEC. 707. STUDY ON PROVIDING BENEFITS UNDER TRICARE RESERVE SELECT AND TRICARE DENTAL PROGRAM TO MEMBERS OF THE SELECTED RESERVE AND DEPENDENTS THEREOF.

(a) STUDY.—The Secretary of Defense may conduct a study on the feasibility, potential cost effects to the budget of the Department of Defense, changes in out-of-pocket costs to beneficiaries, and effects on other Federal programs of expanding eligibility for TRICARE Reserve Select and the TRICARE dental program to include all members of the Selected Reserve of the Ready Reserve of a reserve component of the Armed Forces, the dependents thereof, and the non-dependent children thereof under the age of 26.

(b) SPECIFICATIONS.—If the Secretary conducts the study under subsection (a), the Secretary shall include in the study an assessment of the following:

(1) Cost-shifting to the Department of Defense to support the expansion of TRICARE Reserve Select and the TRICARE dental program from—

(A) health benefit plans under chapter 89 of title 5, United States Code;

(B) employer-sponsored health insurance;

(C) private health insurance;

(D) insurance under a State health care exchange; and

(E) the Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(2) New costs for the Department of Defense to enroll in TRICARE Reserve Select and the TRICARE dental program members of the Selected Reserve of the Ready Reserve of a reserve component of the Armed Forces who were previously uninsured.

(3) The resources needed to implement TRICARE Reserve Select and the TRICARE dental program for all such members, the dependents thereof, and the non-dependent children thereof under the age of 26.

(4) Cost-savings, if any, resulting from the expansion of TRICARE Reserve Select and the TRICARE dental program with regard to increased training days performed in support of mass medical events during battle assemblies of the reserve components, including an assessment of the impact of such expansion on—

(A) medical readiness;

(B) overall deployability rates;

(C) deployability timelines;

(D) fallout rates at mobilization sites;

(E) cross-leveling of members of the reserve components to backfill medical fallouts at mobilization sites; and

(F) any other readiness metrics affected by such expansion.

(5) Any effect of such expansion on recruitment and retention of members of the Armed Forces, including members of the Ready Reserve of the reserve components of the Armed Forces.

(6) Cost-savings, if any, in contracts that implement the Reserve Health Readiness Program of the Department of Defense.

(c) DETERMINATION OF COST EFFECTS.—If the Secretary conducts the study under subsection (a), the Secretary shall include in such study an assessment of the potential cost effects to the budget of the Department of Defense for scenarios of expanded eligibility for TRICARE Reserve Select and the TRICARE dental program as follows:

(1) Premium free for members of the Selected Reserve of the Ready Reserve of a reserve component of the Armed Forces, the dependents thereof, and the non-dependent children thereof under the age of 26.

(2) Premium free for such members and subsidized premiums for such dependents and non-dependent children.

(3) Subsidized premiums for such members, dependents, and non-dependent children.

(d) USE OF A FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTER. The Secretary may enter into a contract with a federally funded research and development center the Secretary determines is qualified and appropriate to conduct the study under subsection (a).

(e) BRIEFING; REPORT.—

(1) BRIEFING.—If the Secretary conducts the study under subsection (a), not later than one year after the date of the enactment of this Act, the Secretary shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on the methodology and approach of the study.

(2) REPORT.—If the Secretary conducts the study under subsection (a), not later than two years after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the results of the study.

(f) DEFINITIONS.—In this section:

(1) The term "TRICARE dental program" means dental benefits under section 1076a of title 10, United States Code.

(2) The term "TRICARE Reserve Select" means health benefits under section 1076d of such title.

SEC. 708. GAO STUDY ON CERTAIN CONTRACTS RELATING TO TRICARE PROGRAM AND OVERSIGHT OF SUCH CONTRACTS.

(a) STUDY.—The Comptroller General of the United States shall conduct a study on certain contracts relating to the TRICARE

program and the oversight provided by the Director of the Defense Health Agency with respect to such contracts.

(b) MATTERS.—The study under subsection (a) shall include an assessment of the following:

(1) TRICARE MANAGED CARE SUPPORT CONTRACTS.—With respect to TRICARE managed care support contracts (including the TRICARE managed care support contract for which the Director of the Defense Health Agency published a request for proposals on April 15, 2021, commonly referred to as "T-5"), the process used in awarding such contracts.

(2) OTHER CONTRACTS.—With respect to each contract relating to the TRICARE program other than a contract specified in paragraph (1) entered into by the Director of the Defense Health Agency during the period beginning on October 1, 2017, and ending on September 30, 2022, where the value of such contract is greater than $500,000,000, the following:

(A) The total number of such contracts, disaggregated by fiscal year, contract type, type of product or service procured, and total expenditure under each such contract by fiscal year.

(B) The total number of bid protests filed with respect to such contracts, and the outcome of such protests.

(C) The total number of such contracts awarded through means other than full and open competition.

(3) DEFENSE HEALTH AGENCY CONTRACT OVERSIGHT.—With respect to the period beginning on October 1, 2017, and ending on September 30, 2022, the following:

(A) The staff of the Defense Health Agency responsible for performing oversight of the contracts specified in paragraphs (1) and (2), including the following:

(i) The number of such staff.

(ii) Any professional training requirements for such staff.

(iii) Any acquisition certifications or accreditations held by such staff.

(B) Any office or other element of the Defense Health Agency responsible for contract award, administration, or oversight with respect to the TRICARE program, including the organizational structure, responsibilities, authorities, and key roles of each such office or element.

(C) The process used by the Director of the Defense Health Agency for determining staffing needs and competencies relating to contract award, administration, or oversight with respect to the TRICARE program.

(c) INTERIM BRIEFING; REPORT.—

(1) INTERIM BRIEFING.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall provide to the Committees on Armed Services of the House of Representatives and the Senate an interim briefing on the study under subsection (a).

(2) REPORT.—Not later than two years after the date of the enactment of this Act, the Comptroller General shall submit to the Committees on Armed Services of the House of Representa-

tives and the Senate a report containing the results of the study under subsection (a).

SEC. 709. GAO STUDY ON COVERAGE OF MENTAL HEALTH SERVICES UNDER TRICARE PROGRAM AND RELATIONSHIP TO CERTAIN MENTAL HEALTH PARITY LAWS.

(a) STUDY AND REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall—

(1) conduct a study to describe—

(A) coverage of mental health services under the TRICARE program;

(B) any limits on such coverage that are not also imposed on health services other than mental health services under the TRICARE program; and

(C) the efforts of the Department of Defense to align coverage of mental health services under the TRICARE program with coverage requirements under mental health parity laws; and

(2) submit to the Secretary of Defense, the congressional defense committees, and (with respect to any findings concerning the Coast Guard when it is not operating as a service in the Department of the Navy), the Secretary of Homeland Security, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate a report containing the findings of such study.

(b) DEFINITIONS.—In this section:

(1) The term "mental health parity laws" means—

(A) section 2726 of the Public Health Service Act (42 U.S.C. 300gg-26);

(B) section 712 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185a);

(C) section 9812 of the Internal Revenue Code of 1986 (26 U.S.C. 9812); or

(D) any other Federal law that applies the requirements under any of the sections described in subparagraph (A), (B), or (C), or requirements that are substantially similar to those provided under any such section, as determined by the Comptroller General.

(2) The term "TRICARE program" has the meaning given such term in section 1072 of title 10, United States Code.

Subtitle B—Health Care Administration

SEC. 711. [10 U.S.C. 1071 note] ACCOUNTABILITY FOR WOUNDED WARRIORS UNDERGOING DISABILITY EVALUATION.

(a) POLICY.—Not later than April 1, 2023, the Secretary of Defense, in consultation with the Secretaries concerned, shall establish a policy to ensure accountability for actions taken under the authorities of the Defense Health Agency and the Armed Forces, respectively, concerning wounded, ill, and injured members of the Armed Forces during the integrated disability evaluation system process. Such policy shall include the following:

(1) A restatement of the requirement that, in accordance with section 1216(b) of title 10, United States Code, a determination of fitness for duty of a member of the Armed Forces under chapter 61 of title 10, United States Code, is the responsibility of the Secretary concerned.

(2) A description of the role of the Director of the Defense Health Agency in supporting the Secretaries concerned in carrying out determinations of fitness for duty as specified in paragraph (1).

(3) A description of how the medical evaluation board processes of the Armed Forces are integrated with the Defense Health Agency, including with respect to case management, appointments, and other relevant matters.

(4) A requirement that, in determining fitness for duty of a member of the Armed Forces under chapter 61 of title 10, United States Code, the Secretary concerned shall consider the results of any medical evaluation of the member provided under the authority of the Defense Health Agency pursuant to section 1073c of title 10, United States Code.

(5) A description of how the Director of the Defense Health Agency adheres to the medical evaluation processes of the Armed Forces, including an identification of each applicable regulation or policy to which the Director is required to so adhere.

(6) An assessment of the feasibility of affording various additional due process protections to members of the Armed Forces undergoing the medical evaluation board process.

(7) A restatement of the requirement that wounded, ill, and injured members of the Armed Forces may not be denied any due process protection afforded under applicable law or regulation of the Department of Defense or the Armed Forces.

(8) A description of the types of due process protections specified in paragraph (7), including an identification of each specific due process protection.

(b) CLARIFICATION OF RESPONSIBILITIES REGARDING MEDICAL EVALUATION BOARDS.—Section 1073c of title 10, United States Code, is amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following new subsection (h):

"(h) RULE OF CONSTRUCTION REGARDING SECRETARIES CONCERNED AND MEDICAL EVALUATION BOARDS.—Nothing in this section shall be construed as transferring to the Director of the Defense Health Agency, or otherwise revoking, any authority or responsibility of the Secretary concerned under chapter 61 of this title with respect to a member of the armed forces (including with respect to the administration of morale and welfare and the determination of fitness for duty for the member) while the member is being considered by a medical evaluation board.".

(c) BRIEFING.—Not later than February 1, 2023, the Secretary of Defense shall provide to the Committees on Armed Services of the House of Representatives and the Senate a briefing on the status of the implementation of subsections (a) and (b).

(d) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report on the implementation of subsections (a) and (b), lessons learned as a result of such implementation, and the recommendations of the Secretary relating to the policy on wounded, ill, and injured members of the Armed Forces undergoing the integrated disability evaluation system process.

(e) SECRETARY CONCERNED DEFINED.—In this section, the term "Secretary concerned" has the meaning given that term in section 101 of title 10, United States Code.

SEC. 712. INCLUSION OF LEVEL THREE TRAUMA CARE CAPABILITIES IN REQUIREMENTS FOR MEDICAL CENTERS.

Section 1073d(b)(3) of title 10, United States Code, is amended by striking "or level two" and inserting ", level two, or level three".

SEC. 713. CENTERS OF EXCELLENCE FOR SPECIALTY CARE IN MILITARY HEALTH SYSTEM.

(a) CENTERS OF EXCELLENCE.—Section 1073d(b)(4) of title 10, United States Code, is amended to read as follows:

"(4)(A) The Secretary shall designate certain major medical centers as regional centers of excellence for the provision of specialty care services in the areas of specialty care described in subparagraph (D). A major medical center may be designated as a center of excellence under this subparagraph for more than one such area of specialty care.

"(B) The Secretary may designate certain medical centers as satellite centers of excellence for the provision of specialty care services for specific conditions, such as the following:

"(i) Post-traumatic stress.

"(ii) Traumatic brain injury.

"(iii) Such other conditions as the Secretary determines appropriate.

"(C) Centers of excellence designated under this paragraph shall serve the purposes of—

"(i) ensuring the military medical force readiness of the Department of Defense and the medical readiness of the armed forces;

"(ii) improving the quality of health care furnished by the Secretary to eligible beneficiaries; and

"(iii) improving health outcomes for eligible beneficiaries.

"(D) The areas of specialty care described in this subparagraph are as follows:

"(i) Oncology.

"(ii) Burn injuries and wound care.

"(iii) Rehabilitation medicine.

"(iv) Psychological health and traumatic brain injury.

"(v) Amputations and prosthetics.

"(vi) Neurosurgery.

"(vii) Orthopedic care.

"(viii) Substance abuse.

"(ix) Infectious diseases and preventive medicine.

"(x) Cardiothoracic surgery.

"(xi) Such other areas of specialty care as the Secretary determines appropriate.

"(E)(i) Centers of excellence designated under this paragraph shall be the primary source within the military health system for the receipt by eligible beneficiaries of specialty care.

"(ii) Eligible beneficiaries seeking a specialty care service through the military health system shall be referred to a center of excellence designated under subparagraph (A) for that area of specialty care or, if the specialty care service sought is unavailable at such center, to an appropriate specialty care provider in the private sector.

"(F) Not later than 90 days prior to the designation of a center of excellence under this paragraph, the Secretary shall notify the Committees on Armed Services of the House of Representatives and the Senate of such designation.

"(G) In this paragraph, the term 'eligible beneficiary' means any beneficiary under this chapter.".

(b) [10 U.S.C. 1073d note] DEADLINE.—The Secretary of Defense shall designate certain major medical centers as regional centers of excellence in accordance with section 1073d(b)(4)(A) of title 10, United States Code, as added by subsection (a), by not later than one year after the date of the enactment of this Act.

(c) REPORT.—

(1) SUBMISSION.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report that sets forth the plan of the Department of Defense to designate centers of excellence under section 1073d(b)(4) of title 10, United States Code, as added by subsection (a).

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

(A) A list of the centers of excellence to be designated under such section 1073d(b)(4) and the locations of such centers.

(B) A description of the specialty care services to be provided at each such center and a staffing plan for each such center.

(C) A description of how each such center shall improve—

(i) the military medical force readiness of the Department and the medical readiness of the Armed Forces;

(ii) the quality of care received by eligible beneficiaries; and

(iii) the health outcomes of eligible beneficiaries.

(D) A comprehensive plan for the referral of eligible beneficiaries for specialty care services at centers of excel-

lence designated under such section 1073d(b)(4) and appropriate specialty care providers in the private sector.

(E) A plan to assist eligible beneficiaries with travel and lodging, if necessary, in connection with the receipt of specialty care services at centers of excellence designated under such section 1073d(b)(4) or appropriate specialty care providers in the private sector.

(F) A plan to transfer specialty care providers of the Department to centers of excellence designated under such section 1073d(b)(4), in a number as determined by the Secretary to be required to provide specialty care services to eligible beneficiaries at such centers.

(G) A plan to monitor access to care, beneficiary satisfaction, experience of care, and clinical outcomes to understand better the impact of such centers on the health care of eligible beneficiaries.

(d) ELIGIBLE BENEFICIARY DEFINED.—In this section, the term "eligible beneficiary" means any beneficiary under chapter 55 of title 10, United States Code.

SEC. 714. MAINTENANCE OF CORE CASUALTY RECEIVING FACILITIES TO IMPROVE MEDICAL FORCE READINESS.

(a) IN GENERAL.—Section 1073d(b) of title 10, United States Code, as amended by section 713, is further amended by adding at the end the following new paragraph:

"(5)(A) The Secretary of Defense shall designate and maintain certain military medical treatment facilities as core casualty receiving facilities, to ensure the medical capability and capacity required to diagnose, treat, and rehabilitate large volumes of combat casualties and, as may be directed by the President or the Secretary, provide a medical response to events the President determines or declares as natural disasters, mass casualty events, or other national emergencies.

"(B) The Secretary shall ensure that the military medical treatment facilities selected for designation pursuant to subparagraph (A) are geographically located to facilitate the aeromedical evacuation of casualties from theaters of operations.

"(C) The Secretary—

"(i) shall ensure that the Secretaries of the military departments assign military personnel to core casualty receiving facilities designated under subparagraph (A) at not less than 90 percent of the staffing level required to maintain the operating bed capacity necessary to support operation planning requirements;

"(ii) may augment the staffing of military personnel at core casualty receiving facilities under subparagraph (A) with civilian employees of the Department of Defense to fulfil the staffing requirement under clause (i); and

"(iii) shall ensure that each core casualty receiving facility under subparagraph (A) is staffed with a civilian Chief Financial Officer and a civilian Chief Operating Officer with experience in the management of ci-

vilian hospital systems, for the purpose of ensuring continuity in the management of the facility.

"(D) In this paragraph:

"(i) The term 'core casualty receiving facility' means a Role 4 medical treatment facility that serves as a medical hub for the receipt and treatment of casualties, including civilian casualties, that may result from combat or from an event the President determines or declares as a natural disaster, mass casualty event, or other national emergency.

"(ii) The term 'Role 4 medical treatment facility' means a medical treatment facility that provides the full range of preventative, curative, acute, convalescent, restorative, and rehabilitative care.".

(b) [10 U.S.C. 1073d note] TIMELINE FOR ESTABLISHMENT.—

(1) DESIGNATION.—Not later than October 1, 2024, the Secretary of Defense shall designate four military medical treatment facilities as core casualty receiving facilities under section 1073d(b)(5) of title 10, United States Code (as added by subsection (a)).

(2) OPERATIONAL.—Not later than October 1, 2025, the Secretary shall ensure that each such designated military medical treatment facility is fully staffed and operational as a core casualty receiving facility, in accordance with the requirements of such section 1073d(b)(5).

SEC. 715. CONGRESSIONAL NOTIFICATION REQUIREMENT TO MODIFY SCOPE OF SERVICES PROVIDED AT MILITARY MEDICAL TREATMENT FACILITIES.

Section 1073d of title 10, United States Code, as amended by section 714, is further amended by adding at the end the following new subsection:

"(f) NOTIFICATION REQUIRED TO MODIFY SCOPE OF SERVICES PROVIDED AT MILITARY MEDICAL TREATMENT FACILITIES.—(1) The Secretary of Defense may not modify the scope of medical care provided at a military medical treatment facility, or the beneficiary population served at the facility, unless—

"(A) the Secretary submits to the Committees on Armed Services of the House of Representatives and the Senate a notification of the proposed modification in scope;

"(B) a period of 180 days has elapsed following the date on which the Secretary submits such notification; and

"(C) if the proposed modification in scope involves the termination or reduction of inpatient capabilities at a military medical treatment facility located outside the United States, the Secretary has provided to each member of the armed forces or covered beneficiary receiving services at such facility a transition plan for the continuity of health care for such member or covered beneficiary.

"(2) Each notification under paragraph (1) shall contain information demonstrating, with respect to the military medical treatment facility for which the modification in scope has been proposed, the extent to which the commander of the military installation at which the facility is located has been consulted regarding such modification, to ensure that the proposed modi-

fication in scope would have no impact on the operational plan for such installation.".

SEC. 716. IMPROVEMENTS TO PROCESSES TO REDUCE FINANCIAL HARM CAUSED TO CIVILIANS FOR CARE PROVIDED AT MILITARY MEDICAL TREATMENT FACILITIES.

(a) CLARIFICATION OF FEE WAIVER PROCESS.—Section 1079b of title 10, United States Code, is amended—

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

"(b) WAIVER OF FEES.—The Director of the Defense Health Agency may issue a waiver for a fee that would otherwise be charged under the procedures implemented under subsection (a) to a civilian provided medical care who is not a covered beneficiary if the provision of such care enhances the knowledge, skills, and abilities of health care providers, as determined by the Director of the Defense Health Agency."; and

(2) by redesignating subsection (c) as subsection (d).

(b) MODIFIED PAYMENT PLAN FOR CERTAIN CIVILIANS.—Such section is further amended—

(1) by inserting after subsection (b), as amended by subsection (a), the following:

"(c) MODIFIED PAYMENT PLAN FOR CERTAIN CIVILIANS.—(1)(A) If a civilian specified in subsection (a) is covered by a covered payer at the time care under this section is provided, the civilian shall only be responsible to pay the standard copays, coinsurance, deductibles, or nominal fees that are otherwise applicable under the covered payer plan.

"(B) Except with respect to the copays, coinsurance, deductibles, and nominal fees specified in subparagraph (A)—

"(i) the Secretary of Defense may bill only the covered payer for care provided to a civilian described in subparagraph (A); and

"(ii) payment received by the Secretary from the covered payer of a civilian for care provided under this section that is provided to the civilian shall be considered payment in full for such care.

"(2) If a civilian specified in subsection (a) does not meet the criteria under paragraph (1), is underinsured, or has a remaining balance and is at risk of financial harm, the Director of the Defense Health Agency shall reduce each fee that would otherwise be charged to the civilian under this section according to a sliding fee discount program, as prescribed by the Director of the Defense Health Agency.

"(3) If a civilian specified in subsection (a) does not meet the criteria under paragraph (1) or (2), the Director of the Defense Health Agency shall implement an additional catastrophic waiver to prevent severe financial harm.

"(4) The modified payment plan under this subsection may not be administered by a Federal agency other than the Department of Defense."; and

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

"(e) DEFINITIONS.—In this section:

"(1) The term 'covered payer' means a third-party payer or other insurance, medical service, or health plan.

"(2) The terms 'third-party payer' and 'insurance, medical service, or health plan' have the meaning given those terms in section 1095(h) of this title.".

(c) [10 U.S.C. 1079b note] APPLICABILITY.—The amendments made by subsections (a) and (b) shall apply with respect to care provided on or after the date that is 180 days after the date of the enactment of this Act.

SEC. 717. AUTHORITY TO CARRY OUT STUDIES AND DEMONSTRATION PROJECTS RELATING TO DELIVERY OF HEALTH AND MEDICAL CARE THROUGH USE OF OTHER TRANSACTION AUTHORITY.

(a) IN GENERAL.—Section 1092(b) of title 10, United States Code, is amended by inserting "or transactions (other than contracts, cooperative agreements, and grants)" after "contracts".

(b) BRIEFING.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on how the Secretary intends to use the authority to enter into transactions under section 1092(b) of title 10, United States Code, as amended by subsection (a).

SEC. 718. LICENSURE REQUIREMENT FOR CERTAIN HEALTH-CARE PROFESSIONALS PROVIDING SERVICES AS PART OF MISSION RELATING TO EMERGENCY, HUMANITARIAN, OR REFUGEE ASSISTANCE.

Section 1094(d)(2) of title 10, United States Code, is amended by inserting " contractor not covered under section 1091 of this title who is providing medical treatment as part of a mission relating to emergency, humanitarian, or refugee assistance," after "section 1091 of this title,".

SEC. 719. AUTHORIZATION OF PERMANENT PROGRAM TO IMPROVE OPIOID MANAGEMENT IN THE MILITARY HEALTH SYSTEM.

Section 716 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232; 10 U.S.C. 1090 note), is amended—

(1) in subsection (a)(1), by striking "Beginning not" and inserting "Except as provided in subsection (e), beginning not";

(2) by redesignating subsection (e) as subsection (f); and

(3) by inserting after subsection (d) the following new subsection (e):

"(e) ALTERNATIVE INITIATIVE TO IMPROVE OPIOID MANAGEMENT.—As an alternative to the pilot program under this section, the Director of the Defense Health Agency, not later than January 1, 2023—

"(1) may implement a permanent program to improve opioid management for beneficiaries under the TRICARE program; and

"(2) if the Director decides to implement such a permanent program, shall submit to the Committees on Armed Services of the Senate and the House of Representatives the specifications of and reasons for implementing such program.".

SEC. 720. [10 U.S.C. 1073c note] MODIFICATION OF REQUIREMENT TO TRANSFER RESEARCH AND DEVELOPMENT AND PUBLIC HEALTH FUNCTIONS TO DEFENSE HEALTH AGENCY.

(a) TEMPORARY RETENTION.—Notwithstanding section 1073c(e) of title 10, United States Code, at the discretion of the Secretary of Defense, a military department may retain, until not later than February 1, 2024, a covered function if the Secretary of Defense determines the covered function—

(1) addresses a need that is unique to the military department; and

(2) is in direct support of operating forces and necessary to execute strategies relating to national security and defense.

(b) BRIEFING.—

(1) IN GENERAL.—Not later than March 1, 2023, the Secretary of Defense shall provide to the Committees on Armed Services of the House of Representatives and the Senate a briefing on any covered function that the Secretary has determined should be retained by a military department pursuant to subsection (a).

(2) ELEMENTS.—The briefing required by paragraph (1) shall address the following:

(A) A description of each covered function that the Secretary has determined should be retained by a military department pursuant to subsection (a).

(B) The rationale for each such determination.

(C) Recommendations for amendments to section 1073c of title 10, United States Code, to authorize the ongoing retention of covered functions by military departments.

(c) MODIFICATION TO NAMES OF PUBLIC HEALTH COMMANDS.—Section 1073c(e)(2)(B) of title 10, United States Code, is amended by striking "Army Public Health Command, the Navy-Marine Corps Public Health Command" and inserting "Army Public Health Center, the Navy-Marine Corps Public Health Center".

(d) COVERED FUNCTION DEFINED.—In this section, the term "covered function" means—

(1) a function relating to research and development that would otherwise be transferred to the Defense Health Agency Research and Development pursuant to section 1073c(e)(1) of title 10, United States Code; or

(2) a function relating to public health that would otherwise be transferred to the Defense Health Agency Public Health pursuant to section 1073c(e)(2) of such title.

SEC. 721. [10 U.S.C. 1071 note] ACCESS TO CERTAIN DEPENDENT MEDICAL RECORDS BY REMARRIED FORMER SPOUSES.

(a) ACCESS.—The Secretary of Defense may authorize a remarried former spouse who is a custodial parent of a dependent child to retain electronic access to the privileged medical records of such dependent child, notwithstanding that the former spouse is no longer a dependent under section 1072(2) of title 10, United States Code.

(b) DEFINITIONS.—In this section:

(1) The term "dependent" has the meaning given that term in section 1072 of title 10, United States Code.

(2) The term "dependent child" means a dependent child of a remarried former spouse and a member or former member of a uniformed service.

(3) The term "remarried former spouse" means a remarried former spouse of a member or former member of a uniformed service.

SEC. 722. [10 U.S.C. 1791 note] AUTHORITY FOR DEPARTMENT OF DEFENSE PROGRAM TO PROMOTE EARLY LITERACY AMONG CERTAIN YOUNG CHILDREN.

(a) AUTHORITY.—The Secretary of Defense may carry out a program to promote early literacy among young children in child development centers and libraries located on installations of the Department of Defense.

(b) ACTIVITIES.—Activities under the program under subsection (a) shall include the following:

(1) The provision of training on early literacy promotion to appropriate personnel of the Department.

(2) The purchase and distribution of age-appropriate books to covered caregivers assigned to or serving at an installation of the Department with a child development center or library at which the Secretary is carrying out the program.

(3) The dissemination to covered caregivers of education materials on early literacy.

(4) Such other activities as the Secretary determines appropriate.

(c) LOCATIONS.—In carrying out the program under subsection (a), the Secretary may conduct the activities under subsection (b) at any child development center or library located on an installation of the Department.

(d) BRIEFING.—Not later than one year after the date of the enactment of this Act, the Secretary shall provide to the Committees on Armed Services of the House of Representatives and the Senate a briefing on the extent to which the authority under subsection (a) is used, including—

(1) a description of any activities carried out under the program so authorized; and

(2) an evaluation of the potential expansion of such program to be included as a part of the pediatric primary care of young children and to be carried out in military medical treatment facilities.

(b) DEFINITIONS.—In this section:

(1) The term "covered caregiver" means a member of the Armed Forces who is a caregiver of a young child.

(2) The term "young child" means any child from birth to the age of five years old, inclusive.

SEC. 723. PLAN FOR ACCOUNTABLE CARE ORGANIZATION DEMONSTRATION.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, acting through the Director of the Defense Health Agency, shall submit to the Committees on Armed Services of the House of Representatives and the Senate a plan for the conduct of the Accountable Care Organization demonstration, notice of which was published in the Federal Reg-

ister on August 16, 2019 (84 Fed. Reg. 41974), (in this section referred to as the "Demonstration").

(b) ELEMENTS.—The plan under subsection (a) shall include, the following:

(1) A description of how the Demonstration shall be conducted to deliver improved health outcomes, improved quality of care, and lower costs under the TRICARE program.

(2) A description of the results for the TRICARE program that the Secretary plans to achieve through the Demonstration, with respect to the following outcome measures:

(A) Clinical performance.
(B) Utilization improvement.
(C) Beneficiary engagement.
(D) Membership growth and retention.
(E) Case management.
(F) Continuity of care.
(G) Use of telehealth.

(3) A description of how the Demonstration shall be conducted to shift financial risk from the Department of Defense to civilian health care providers.

(4) A description of how investment in the Demonstration shall serve as a bridge to future competitive demonstrations of the Department of Defense with accountable care organizations.

(5) A detailed description of the geographic locations at which the Secretary plans to conduct such future competitive demonstrations.

(6) A description of how a third-party administrator shall manage the administrative components of the Demonstration, including with respect to eligibility, enrollment, premium payment processes, submission of qualifying life events changes, and mailing address changes.

(c) TRICARE PROGRAM DEFINED.—In this section, the term "TRICARE program" has the meaning given that term in section 1072 of title 10, United States Code.

SEC. 724. FEASIBILITY STUDY AND PLAN ON ESTABLISHING A MILITARY HEALTH SYSTEM MEDICAL LOGISTICS DIRECTORATE AND MILITARY HEALTH SYSTEM EDUCATION AND TRAINING DIRECTORATE.

(a) STUDY AND PLAN.—The Secretary of Defense, in consultation with the Secretaries of the military departments and the Joint Chiefs of Staff, shall—

(1) conduct a study on the feasibility of the establishment within the Defense Health Agency of two subordinate organizations, to be known as the Military Health System Medical Logistics Directorate and the Military Health System Education and Training Directorate, respectively; and

(2) develop a plan for such establishment.

(b) ELEMENTS.—The plan under subsection (a)(2) shall include the following:

(1) MILITARY HEALTH SYSTEM MEDICAL LOGISTICS DIRECTORATE.—With respect to the Military Health System Medical Logistics Directorate, the following:

(A) A description of the organizational structure of the Directorate (including any subordinate organizations), including the incorporation into the Directorate of existing organizations of the military departments that provide operational theater medical materiel support.

(B) A description of the resourcing by the Secretary of the executive leadership of the Directorate.

(C) A description of the geographic location, or multiple such locations, of the elements of the Directorate.

(D) A description of how the head of the medical research and development organization within the Defense Health Agency shall coordinate with the Directorate.

(E) A description of the ability of the Directorate to address the medical logistics requirements of the military departments, the combatant commands, and the Joint Staff.

(F) A description of any additional funding required to establish the Directorate.

(G) A description of any additional legislative authorities required to establish the Directorate, including any such authorities required for the leadership and direction of the Directorate.

(H) A description of any military department-specific capabilities, requirements, or best practices relating to medical logistics necessary to be considered prior to the establishment of the Directorate.

(I) Such other matters relating to the establishment, operations, or activities of the Directorate as the Secretary may determine appropriate.

(2) MILITARY HEALTH SYSTEM EDUCATION AND TRAINING DIRECTORATE.—With respect to the Military Health System Education and Training Directorate, the following:

(A) A description of the organizational structure of the Directorate (including any subordinate organizations), including the incorporation into the Directorate of existing organizations that provide relevant medical education and training, such as the following:

(i) The Uniformed Services University of the Health Sciences.

(ii) The College of Allied Health Sciences of the Uniformed Services University of the Health Sciences.

(iii) The Medical Education and Training Campus of the Department of Defense.

(iv) The medical education and training commands and organizations of the military departments.

(v) The medical training programs of the military departments affiliated with civilian academic institutions.

(B) A description of the resourcing by the Secretary of the executive leadership of the Directorate.

(C) A description of the geographic location, or multiple such locations, of the elements of the Directorate.

(D) A description of the ability of the Directorate to address the medical education and training requirements of the military departments.

(E) A description of any additional funding required for the establishment the Directorate.

(F) A description of any additional legislative authorities required for the establishment of the Directorate, including any such authorities required for the leadership and direction of the Directorate.

(G) Such other matters relating to the establishment, operations, or activities of the Directorate as the Secretary may determine appropriate.

(c) SUBMISSION.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the House of Representatives and the Senate—

(1) the results of the study under subsection (a)(1); and

(2) the plan under subsection (a)(2).

Subtitle C—Reports and Other Matters

SEC. 731. BRIEFING AND REPORT ON REDUCTION OR REALIGNMENT OF MILITARY MEDICAL MANNING AND MEDICAL BILLETS.

Section 731(a)(2)(A) of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117-81; 135 Stat. 1796) is amended to read as follows:

"(A) BRIEFING; REPORT.—The Comptroller General of the United States shall—

"(i) not later than February 1, 2023, provide to the Committees on Armed Services of the House of Representatives and the Senate a briefing on preliminary observations regarding the analyses used to support any reduction or realignment of military medical manning, including any reduction or realignment of medical billets of the military departments; and

"(ii) not later than May 31, 2023, submit to the Committees on Armed Services of the House of Representatives and the Senate a report on such analyses.".

SEC. 732. INDEPENDENT ANALYSIS OF DEPARTMENT OF DEFENSE COMPREHENSIVE AUTISM CARE DEMONSTRATION PROGRAM.

Section 737 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117-81; 135 Stat. 1800) is amended—

(1) in subsection (b)(2)—

(A) in subparagraph (A)—

(i) by inserting "broadly" after "disorder"; and

(ii) by striking "demonstration project" and inserting "demonstration program";

(B) in subparagraph (B), by striking "demonstration project" and inserting "demonstration program";

(C) in subparagraph (C), by inserting "parental involvement in applied behavioral analysis treatment, and" after "including";

(D) in subparagraph (D), by striking "for an individual who has" and inserting ", including mental health outcomes, for individuals who have";

(E) in subparagraph (E), by inserting "since its inception" after "demonstration program";

(F) in subparagraph (F), by inserting "cost effectiveness, program effectiveness, and clinical" after "measure the";

(G) in subparagraph (G), by inserting "than in the general population" after "families";

(H) by redesignating subparagraph (H) as subparagraph (I); and

(I) by inserting after subparagraph (G) the following new subparagraph (H):

"(H) An analysis of whether the diagnosis and treatment of autism is higher among the children of military families than in the general population."; and

(2) in subsection (c), in the matter preceding paragraph (1), by striking "nine" and inserting "31".

SEC. 733. CLARIFICATION OF MEMBERSHIP REQUIREMENTS AND COMPENSATION AUTHORITY FOR INDEPENDENT SUICIDE PREVENTION AND RESPONSE REVIEW COMMITTEE.

Section 738 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117-81; 135 Stat. 1801) is amended—

(1) in subsection (b)(3), by striking "none of whom may be" and all that follows through the closing period and inserting "none of whom may be—"

"(A) a member of an Armed Force; or

"(B) a civilian employee of the Department of Defense, unless the individual is a former member of an Armed Force.".

(2) by redesignating subsections (f) through (h) as subsections (g) through (i), respectively; and

(3) by inserting after subsection (e) the following new subsection (f):

"(f) COMPENSATION.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary may compensate members of the committee established under subsection (a) for the work of such members for the committee.

"(2) EXCEPTION.—A member of the committee established under subsection (a) who is a civilian employee of the Department of Defense and a former member of an Armed Force may not receive compensation under paragraph (1).

"(3) TREATMENT OF COMPENSATION.—A member of the committee established under subsection (a) who receives compensation under paragraph (1) shall not be considered a civilian employee of the Department of Defense for purposes of subsection (b)(3)(B).".

SEC. 734. TERMINATION OF VETERANS' ADVISORY BOARD ON RADIATION DOSE RECONSTRUCTION.

Section 601 of the Veterans Benefit Act of 2003 (Public Law 108-183; 38 U.S.C. 1154 note) is amended—

(1) in subsection (b), by striking ", including the establishment of the advisory board required by subsection (c)"; and

(2) by striking subsection (c).

SEC. 735. [10 U.S.C. 1071 note] BRAIN HEALTH INITIATIVE OF DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—The Secretary of Defense, in consultation with the Secretaries concerned, shall establish a comprehensive initiative for brain health to be known as the "Warfighter Brain Health Initiative" (in this section referred to as the "Initiative") for the purpose of unifying efforts and programs across the Department of Defense to improve the cognitive performance and brain health of members of the Armed Forces.

(b) OBJECTIVES.—The objectives of the Initiative shall be the following:

(1) To enhance, maintain, and restore the cognitive performance of members of the Armed Forces through education, training, prevention, protection, monitoring, detection, diagnosis, treatment, and rehabilitation, including through the following activities:

(A) The establishment of a program to monitor cognitive brain health across the Department of Defense, with the goal of detecting any need for cognitive enhancement or restoration resulting from potential brain exposures of members of Armed Forces, to mitigate possible evolution of injury or disease progression.

(B) In accordance with subsection (c), the identification and dissemination of thresholds for blast exposure and overpressure safety and associated emerging scientific evidence that—

(i) cover brain injury and impulse noise;

(ii) measure impact over 24-hour, 72-hour to 96-hour, monthly, annual, and lifetime periods;

(iii) are designed to prevent cognitive deficits after firing;

(iv) account for the cumulative impact of firing multiple weapon systems during the same period;

(v) include minimum safe distances and levels of exposure for observers and instructors; and

(vi) address shoulder-fired heavy weapons.

(C) The modification of high-risk training and operational activities to mitigate the negative effects of repetitive blast exposure.

(D) The identification of individuals who perform high-risk training or occupational activities, for purposes of increased monitoring of the brain health of such individuals.

(E) The development and operational fielding of non-invasive, portable, point-of-care medical devices, to inform the diagnosis and treatment of traumatic brain injury.

(F) The establishment of a standardized monitoring program that documents and analyzes blast exposures that may affect the brain health of members of the Armed Forces.

(G) The consideration of the findings and recommendations of the report of the National Academies of

Science, Engineering, and Medicine titled "Traumatic Brain Injury: A Roadmap for Accelerating Progress" and published in 2022 (relating to the acceleration of progress in traumatic brain injury research and care), or any successor report, in relation to the activities of the Department relating to brain health, as applicable.

(H) The establishment of a standardized treatment program based on interventions that have shown benefit to individuals with brain health issues after a brain injury and the provision of that treatment program to individuals with brain health issues after a brain injury resulting from a potential brain exposure described in subparagraph (A) or high-risk training or occupational activities described in subparagraph (D).

(I) The establishment of policies to encourage members of the Armed Forces to seek medical treatment for brain health when needed, prevent retaliation against such members who seek such medical treatment, and address other barriers to seeking medical treatment for brain health due to the impact of blast exposure, blast overpressure, or traumatic brain injury.

(J) The modification of existing weapons systems to reduce blast exposure of the individual using the weapon and those within the minimum safe distance.

(2) To harmonize and prioritize the efforts of the Department of Defense into a single approach to brain health.

(c) THRESHOLDS FOR BLAST EXPOSURE AND OVERPRESSURE SAFETY.—

(1) TIMING.—

(A) INITIAL THRESHOLDS.—Not later than January 1, 2027, the Secretary of Defense shall identify and disseminate the thresholds for blast exposure and overpressure safety under subsection (b)(1)(B).

(B) PERIODIC UPDATES.—On a quinquennial basis, the Secretary shall review and, as necessary, update the thresholds for blast exposure and overpressure safety under subsection (b)(1)(B).

(2) FORMAL TRAINING REQUIREMENT.—The Secretary shall ensure that training on the thresholds for blast exposure and overpressure safety is provided to members of the Armed Forces before training, deployment, or entering other high-risk environments where exposure to blast overpressure is likely.

(3) CENTRAL REPOSITORY.—Not later than January 1, 2027, the Secretary shall establish a central repository of blast-related characteristics, such as pressure profiles and common blast loads associated with specific systems and the environments in which the systems are used.

(4) WAIVERS.—

(A) PROTOCOLS.—The Secretary may waive the thresholds for blast exposure and overpressure safety under subsection (b)(1)(B) for operational or training requirements that the Secretary determines are essential to national security. The Secretary shall include in each such waiver a justification for exceeding such thresholds.

(B) TRACKING SYSTEM.—The Secretary shall establish a Department of Defense-wide tracking system for waivers issued under subparagraph (A) that includes data contributed by the Secretary of each military department.

(C) REPORT ON WAIVERS.—Not later than one year after issuing a waiver under subparagraph (A) and annually thereafter for a period of five years, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on such waivers that includes—

(i) the number of waivers issued, disaggregated by military department; and

(ii) a description of actions taken by the Secretary concerned to track the health effects of exceeding thresholds for blast exposure and overpressure safety on members of the Armed Forces, document such effects in medical records, and provide care to such members.

(d) PILOT PROGRAM RELATING TO MONITORING OF BLAST COVERAGE.—

(1) AUTHORITY.—The Director of the Defense Health Agency may conduct, as part of the Initiative, a pilot program under which the Director shall monitor blast overpressure exposure through the use of commercially available, off-the-shelf, wearable sensors or other remote measurement technology, and document and evaluate data collected as a result of such monitoring.

(2) LOCATIONS.—Monitoring activities under a pilot program conducted pursuant to paragraph (1) shall be carried out in each training environment that the Director determines poses a risk for blast overpressure exposure.

(3) DOCUMENTATION AND SHARING OF DATA.—If the Director conducts a pilot program pursuant to paragraph (1), the Director shall—

(A) ensure that any data collected pursuant to such pilot program that is related to the health effects of the blast overpressure exposure of a member of the Armed Forces who participated in the pilot program is documented and maintained by the Secretary of Defense in an electronic health record for the member; and

(B) to the extent practicable, and in accordance with applicable provisions of law relating to data privacy, make data collected pursuant to such pilot program available to other academic and medical researchers for the purpose of informing future research and treatment options.

(4) WEAPONS USE.—Monitoring activities under a pilot program conducted pursuant to paragraph (1) shall be carried out for any member of the Armed Forces firing tier 1 weapons in training or combat, as identified by the Secretary of Defense.

(e) REPORTS ON WARFIGHTER BRAIN HEALTH INITIATIVE.—Not later than December 31, 2025, and not less frequently than annually thereafter for a period of five years, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate

and the House of Representatives a report that includes the following:

(1) A description of the activities taken under the Initiative and resources expended under the Initiative during the prior fiscal year.

(2) The number of members of the Armed Forces impacted by blast overpressure and blast exposure in the prior fiscal year, including—

(A) the number of members who reported adverse health effects from blast overpressure or blast exposure;

(B) the number of members exposed to blast overpressure or blast exposure;

(C) the number of members who received treatment for injuries related to blast overpressure or blast exposure, including at facilities of the Department of Defense and at facilities in the private sector; and

(D) the type of care that members receive from facilities of the Department of Defense and the type of care that members receive from facilities in the private sector.

(3) A summary of the progress made during the prior fiscal year with respect to the objectives of the Initiative under subsection (b).

(4) A description of the steps the Secretary is taking to ensure that activities under the Initiative are being implemented across the Department of Defense and the military departments.

(f) SECRETARY CONCERNED DEFINED.—In this section, the term "Secretary concerned" has the meaning given that term in section 101 of title 10, United States Code.

SEC. 736. [10 U.S.C. 1071 note] ESTABLISHMENT OF PARTNERSHIP PROGRAM BETWEEN UNITED STATES AND UKRAINE FOR MILITARY TRAUMA CARE AND RESEARCH.

Not later than February 24, 2023, the Secretary of Defense shall seek to enter into a partnership with the appropriate counterpart from the Government of Ukraine for the establishment of a joint program on military trauma care and research. Such program shall consist of the following:

(1) The sharing of relevant lessons learned from the Russo-Ukraine War.

(2) The conduct of relevant joint conferences and exchanges with military medical professionals from Ukraine and the United States.

(3) Collaboration with the armed forces of Ukraine on matters relating to health policy, health administration, and medical supplies and equipment, including through knowledge exchanges.

(4) The conduct of joint research and development on the health effects of new and emerging weapons.

(5) The entrance into agreements with military medical schools of Ukraine for reciprocal education programs under which students at the Uniformed Services University of the Health Sciences receive specialized military medical instruction at the such military medical schools of Ukraine and military medical personnel of Ukraine receive specialized military

medical instruction at the Uniformed Services University of the Health Sciences, pursuant to section 2114(f) of title 10, United States Code.

(6) The provision of support to Ukraine for the purpose of facilitating the establishment in Ukraine of a program substantially similar to the Wounded Warrior Program in the United States.

(7) The provision of training and support to Ukraine for the treatment of individuals with extremity trauma, amputations, post-traumatic stress disorder, traumatic brain injuries, and any other mental health conditions associated with post-traumatic stress disorder or traumatic brain injuries, including—

(A) the exchange of subject matter expertise;

(B) training and support relating to advanced clinical skills development; and

(C) training and support relating to clinical case management support.

(8) The provision of training to the armed forces of Ukraine in the following areas:

(A) Health matters relating to chemical, biological, radiological, nuclear and explosive weapons.

(B) Preventive medicine and infectious disease.

(C) Post traumatic stress disorder.

(D) Suicide prevention.

(9) The maintenance of a list of medical supplies and equipment needed.

(10) Such other elements as the Secretary of Defense may determine appropriate.

SEC. 737. IMPROVEMENTS RELATING TO BEHAVIORAL HEALTH CARE AVAILABLE UNDER MILITARY HEALTH SYSTEM.

(a) STUDY RELATING TO UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCE.—

(1) STUDY.—The Secretary of Defense shall conduct a study on the feasibility and advisability of the following:

(A) Establishing graduate degree-granting programs in counseling and social work at the Uniformed Services University of the Health Sciences.

(B) Expanding the clinical psychology graduate program of the Uniformed Services University of the Health Sciences.

(2) MATTERS.—The study under paragraph (1) shall include a description of—

(A) the process by which, as a condition of enrolling in a degree-granting program specified in such paragraph, a civilian student would be required to commit to post-award employment obligations; and

(B) the processes and consequences that would apply if such obligations are not met.

(3) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report containing the findings of the study under paragraph (1).

(b) PILOT PROGRAM ON SCHOLARSHIP-FOR-SERVICE FOR CIVILIAN BEHAVIORAL HEALTH PROVIDERS.—

(1) PILOT PROGRAM.—Not later than two years after the date of the enactment of this Act, the Secretary of Defense shall commence the conduct of a pilot program under which—

(A) the Secretary may provide—

(i) scholarships to cover tuition and related fees at an institution of higher education to an individual enrolled in a program of study leading to a graduate degree in clinical psychology, social work, counseling, or a related field (as determined by the Secretary); and

(ii) student loan repayment assistance to a credentialed behavioral health provider who has a graduate degree in clinical psychology, social work, counseling, or a related field (as determined by the Secretary); and

(B) in exchange for such assistance, the recipient shall commit to work as a covered civilian behavioral health provider in accordance with paragraph (2).

(2) POST-AWARD EMPLOYMENT OBLIGATIONS.—

(A) IN GENERAL.—Subject to subparagraph (B), as a condition of receiving assistance under paragraph (1), the recipient of such assistance shall enter into an agreement with the Secretary of Defense pursuant to which the recipient agrees to work on a full-time basis as a covered civilian behavioral health provider for a period of a duration that is at least equivalent to the period during which the recipient received assistance under such paragraph.

(B) OTHER TERMS AND CONDITIONS.—An agreement entered into pursuant to subparagraph (A) may include such other terms and conditions as the Secretary of Defense may determine necessary to protect the interests of the United States or otherwise appropriate for purposes of this section, including terms and conditions providing for limited exceptions from the post-award employment obligation specified in such subparagraph.

(3) REPAYMENT.—

(A) IN GENERAL.—An individual who receives assistance under paragraph (1) and does not complete the employment obligation required under the agreement entered into pursuant to paragraph (2) shall repay to the Secretary of Defense a prorated portion of the financial assistance received by the individual under paragraph (1).

(B) DETERMINATION OF AMOUNT.—The amount of any repayment required under subparagraph (A) shall be determined by the Secretary.

(4) DURATION.—The authority to carry out the pilot program under paragraph (1) shall terminate on the date that is 10 years after the date on which such pilot program commences.

(5) IMPLEMENTATION PLAN.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the

House of Representatives and the Senate a plan for the implementation of this section.

(6) REPORTS.—

(A) IN GENERAL.—Not later than each of one year and five years after the commencement of the pilot program under paragraph (1), the Secretary of Defense shall submit to the Committees on Armed Services of the House of Representative and the Senate a report on the pilot program.

(B) ELEMENTS.—Each report under subparagraph (A) shall include, with respect to the pilot program under subsection (1), the following:

(i) The number of students receiving scholarships under the pilot program.

(ii) The institutions of higher education at which such students are enrolled.

(iii) The total amount of financial assistance expended under the pilot program per academic year.

(iv) The average scholarship amount per student under the pilot program.

(v) The number of students hired as covered behavioral health providers pursuant to the pilot program.

(vi) Any recommendations for terminating the pilot program, extending the pilot program, or making the pilot program permanent.

(c) REPORT ON BEHAVIORAL HEALTH WORKFORCE.—

(1) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall conduct an analysis of the behavioral health workforce under the direct care component of the military health system and submit to the Committees on Armed Services of the House of Representatives and the Senate a report containing the results of such analysis. Such report shall include, with respect to such workforce, the following:

(A) The number of positions authorized for military behavioral health providers within such workforce, and the number of such positions filled, disaggregated by the professions described in paragraph (2).

(B) The number of positions authorized for civilian behavioral health providers within such workforce, and the number of such positions filled, disaggregated by the professions described in paragraph (2).

(C) For each military department, the ratio of military behavioral health providers assigned to military medical treatment facilities compared to civilian behavioral health providers so assigned, disaggregated by the professions described in paragraph (2).

(D) For each military department, the number of military behavioral health providers authorized to be embedded within an operational unit, and the number of such positions filled, disaggregated by the professions described in paragraph (2).

(E) Data on the historical demand for behavioral health services by members of the Armed Forces.

(F) An estimate of the number of health care providers necessary to meet the demand by such members for behavioral health care services under the direct care component of the military health system, disaggregated by provider type.

(G) An identification of any shortfall between the estimated number under subparagraph (F) and the total number of positions for behavioral health providers filled within such workforce.

(H) Such other information as the Secretary may determine appropriate.

(2) PROVIDER TYPES.—The professions described in this paragraph are as follows:

(A) Clinical psychologists.

(B) Social workers.

(C) Counselors.

(D) Such other professions as the Secretary may determine appropriate.

(3) BEHAVIORAL HEALTH WORKFORCE AT REMOTE LOCATIONS.—In conducting the analysis of the behavioral health workforce under paragraph (1), the Secretary of Defense shall ensure such behavioral health workforce at remote locations (including Guam and Hawaii) and any shortfalls thereof, is taken into account.

(d) PLAN TO ADDRESS SHORTFALLS IN BEHAVIORAL HEALTH WORKFORCE.—Not later than one year after the date on which the report under subsection (c) is submitted, the Secretary of Defense shall submit to the Committees on Armed Services of the House of Representatives and the Senate a plan to address any shortfall of the behavioral health workforce identified under paragraph (1)(G) of such subsection. Such plan shall address the following:

(1) With respect to any such shortfall of military behavioral health providers (addressed separately with respect to such providers assigned to military medical treatment facilities and such providers assigned to be embedded within operational units), the recruitment, accession, retention, special pay and other aspects of compensation, workload, role of the Uniformed Services University of the Health Sciences and the Armed Forces Health Professions Scholarship Program under chapter 105 of title 10, United States Code, any additional authorities or resources necessary for the Secretary to increase the number of such providers, and such other considerations as the Secretary may consider appropriate.

(2) With respect to addressing any such shortfall of civilian behavioral health providers, the recruitment, hiring, retention, pay and benefits, workload, educational scholarship programs, any additional authorities or resources necessary for the Secretary to increase the number of such providers, and such other considerations as the Secretary may consider appropriate.

(3) A recommendation as to whether the number of military behavioral health providers in each military department should be increased, and if so, by how many.

(4) A plan to ensure that remote installations are prioritized for the assignment of military behavioral health providers.

(5) Updated access standards for behavioral health care under the military health system, taking into account—

(A) the duration of time between a patient receiving a referral for such care and the patient receiving individualized treatment (following an initial intake assessment) from a behavioral health provider; and

(B) the frequency of regular follow-up appointments subsequent to the first appointment at which a patient receives such individualized treatment.

(6) A plan to expand access to behavioral health care under the military health system using telehealth.

(e) DEFINITIONS.—In this section:

(1) The term "behavioral health" includes psychiatry, clinical psychology, social work, counseling, and related fields.

(2) The term "civilian behavioral health provider" means a behavioral health provider who is a civilian employee of the Department of Defense.

(3) The term "counselor" means an individual who holds—

(A) a master's or doctoral degree from an accredited graduate program in—

(i) marriage and family therapy; or

(ii) clinical mental health counseling; and

(B) a current license or certification from a State that grants the individual the authority to provide counseling services as an independent practitioner in the respective field of the individual.

(4) The term "covered civilian behavioral health provider" means a civilian behavioral health provider whose employment by the Secretary of Defense involves the provision of behavioral health services at a military medical treatment facility.

(5) The term "institution of higher education" has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(6) The term "military behavioral health provider" means a behavioral health provider who is a member of the Armed Forces.

(7) The term "military installation" has the meaning given that term in section 2801 of title 10, United States Code.

(8) The term "military medical treatment facility" means a facility specified in section 1073d of such title.

(9) The term "remote installation" means a military installation that the Secretary determines to be in a remote location.

(10) The term "State" means each of the several States, the District of Columbia, and each commonwealth, territory or possession of the United States.

SEC. 738. [10 U.S.C. 2113 note] CERTIFICATION PROGRAM IN PROVISION OF MENTAL HEALTH SERVICES TO MEMBERS OF THE ARMED FORCES AND MILITARY FAMILIES.

(a) IN GENERAL.—The Secretary of Defense, in consultation with the President of the Uniformed Services University of the Health Sciences, shall develop a curriculum and certification pro-

gram to provide civilian mental health professionals and students in mental health-related disciplines with the specialized knowledge and skills necessary to address the unique mental health needs of members of the Armed Forces and military families.

(b) IMPLEMENTATION.—Not later than 90 days after completing the development of the curriculum and certification program under subsection (a), the Secretary of Defense shall implement such curriculum and certification program in the Uniformed Services University of the Health Sciences.

(c) AUTHORITY TO DISSEMINATE BEST PRACTICES.—The Secretary of Defense may disseminate best practices based on the curriculum and certification program developed and implemented under this section to other institutions of higher education, as such term is defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002).

(d) TERMINATION.—The authority to carry out the curriculum and certification program under this section shall terminate on the date that is five years after the date of the enactment of this Act.

(e) BRIEFING.—Not later than 180 days after the termination date specified in subsection (d), the Secretary of Defense shall provide to the Committees on Armed Services of the House of Representatives and the Senate a briefing on the results of the curriculum and certification program developed and implemented under this section.

SEC. 739. STANDARDIZATION OF POLICIES RELATING TO SERVICE IN ARMED FORCES BY INDIVIDUALS DIAGNOSED WITH HBV.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretaries concerned, shall—

(1) review regulations, establish policies, and issue guidance relating to service in the Armed Forces by individuals diagnosed with HBV, consistent with the health care standards and clinical guidelines of the Department of Defense; and

(2) identify areas where the regulations, policies, and guidance of the Department relating to individuals diagnosed with HBV (including with respect to enlistments, assignments, deployments, and retention standards) may be standardized across the Armed Forces.

(b) DEFINITIONS.—In this section:

(1) The term "HBV" means the Hepatitis B Virus.

(2) The term "Secretary concerned" has the meaning given that term in section 101 of title 10, United States Code.

SEC. 740. [10 U.S.C. 101 note] SUICIDE CLUSTER: STANDARDIZED DEFINITION FOR USE BY DEPARTMENT OF DEFENSE; CONGRESSIONAL NOTIFICATION.

(a) STANDARDIZATION OF DEFINITION.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretaries concerned, shall develop, for use across the Armed Forces, a standardized definition for the term "suicide cluster".

(b) NOTIFICATION REQUIRED.—Beginning not later than one year after the date of the enactment of this Act, whenever the Secretary determines the occurrence of a suicide cluster (as that term is defined pursuant to subsection (a)) among members of the

Armed Forces, the Secretary shall submit to the Committees on Armed Services of the House of Representatives and the Senate a notification of such determination.

(c) BRIEFING.—Not later than April 1, 2023, the Secretary of Defense shall provide to the Committees on Armed Services of the House of Representatives and the Senate a briefing on the following:

(1) The methodology being used in the development of the definition under subsection (a).

(2) The progress made towards the development of the process for submitting required notifications under subsection (b).

(3) An estimated timeline for the implementation of this section.

(d) COORDINATION REQUIRED.—In developing the definition under subsection (a) and the process for submitting required notifications under subsection (b), the Secretary of Defense shall coordinate with the Secretaries concerned.

(e) SECRETARY CONCERNED DEFINED.—In this section, the term "Secretary concerned" has the meaning given that term in section 101 of title 10, United States Codes.

SEC. 741. LIMITATION ON REDUCTION OF MILITARY MEDICAL MANNING END STRENGTH: CERTIFICATION REQUIREMENT AND OTHER REFORMS.

(a) [10 U.S.C. 129c note] LIMITATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), and in addition to the limitation under section 719 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92; 133 Stat. 1454), as most recently amended by section 731 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117-81; 135 Stat. 1795), during the 10-year period beginning on the date of the enactment of this Act, neither the Secretary of Defense nor a Secretary concerned may reduce military medical end strength authorizations, and following such period, neither may reduce such authorizations unless the Secretary of Defense issues a waiver pursuant to paragraph (6).

(2) EXCEPTION.—The limitation under paragraph (1) shall not apply with respect to the following:

(A) Administrative billets of a military department that have remained unfilled since at least October 1, 2018.

(B) Billets identified as non-clinical in the budget of the President for fiscal year 2020 submitted to Congress pursuant to section 1105(a) of title 31, United States Code, except that the number of such billets may not exceed 1,700.

(C) Medical headquarters billets of the military departments not assigned to, or providing direct support to, operational commands.

(3) REPORT ON COMPOSITION OF MILITARY MEDICAL WORKFORCE REQUIREMENTS.—The Secretary of Defense, in coordination with the Secretaries of the military departments, shall conduct an assessment of current military medical manning requirements (taking into consideration factors including future

operational planning, training, and beneficiary healthcare) and submit to the Committees on Armed Services of the House of Representatives and the Senate a report containing the findings of such assessment. Such assessment shall be informed by the following:

(A) The National Defense Strategy submitted under section 113(g) of title 10, United States Code.

(B) The National Military Strategy prepared under section 153(b) of such title.

(C) The campaign plans of the combatant commands.

(D) Theater strategies.

(E) The joint medical estimate under section 732 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232; 132 Stat. 1817).

(F) The plan of the Department of Defense on integrated medical operations, as updated pursuant to paragraph (1) of section 724(a) of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117-81; 135 Stat. 1793; 10 U.S.C. 1096 note).

(G) The plan of the Department of Defense on global patient movement, as updated pursuant to paragraph (2) of such section 724(a).

(H) The biosurveillance program of the Department of Defense established pursuant to Department of Defense Directive 6420.02 (relating to biosurveillance).

(I) Requirements for graduate medical education.

(J) The report of the COVID-19 Military Health System Review Panel under section 731 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-283; 134 Stat. 3698).

(K) The report of the Inspector General of the Department of Defense titled "Evaluation of Department of Defense Military Medical Treatment Facility Challenges During the Coronavirus Disease-2019 (COVID-19) Pandemic in Fiscal Year 2021 (DODIG-2022-081)" and published on April 5, 2022.

(L) Reports of the Comptroller General of the United States relating to military health system reforms undertaken on or after January, 1, 2017, including any such reports relating to military medical manning and force composition mix.

(M) Such other reports as may be determined appropriate by the Secretary of Defense.

(4) CERTIFICATION.—The Secretary of Defense shall submit to the Committees on Armed Services of the House of Representatives and the Senate a certification containing the following:

(A) A certification of the completion of a comprehensive review of military medical manning, including with respect to the medical corps (or other health- or medical-related component of a military department), designator, profession, occupation, and rating of medical personnel.

(B) A justification for any proposed increase, realignment, reduction, or other change to the specialty or occu-

pational composition of military medical end strength authorizations, which may include compliance with a requirement or recommendation set forth in a strategy, plan, or other matter specified in paragraph (3).

(C) A certification that, in the case that any change to such specialty or occupational composition is required, a vacancy resulting from such change may not be filled with a position other than a health- or medical-related position until such time as there are no military medical billets remaining to fill the vacancy.

(D) A risk analysis associated with the potential realignment or reduction of any military medical end strength authorizations.

(E) An identification of any plans of the Department to backfill military medical personnel positions with civilian personnel.

(F) A plan to address persistent vacancies for civilian personnel in health- or medical-related positions, and a risk analysis associated with the hiring, onboarding, and retention of such civilian personnel, taking into account provider shortfalls across the United States.

(G) A comprehensive plan to mitigate any risk identified pursuant to subparagraph (D) or (F), including with respect to funding necessary for such mitigation across fiscal years.

(5) PROCESS REQUIRED.—The Secretaries of the military departments, in coordination with the Secretary of Defense and the Chairman of the Joint Chiefs of Staff, shall develop and submit to the Committees on Armed Services of the House of Representatives and the Senate a process for the authorization of proposed modifications to the composition of the medical manning force mix across the military departments while maintaining compliance with the limitation under paragraph (1). Such process shall—

(A) take into consideration the funding required for any such proposed modification; and

(B) include distinct processes for proposed increases and proposed decreases, respectively, to the medical manning force mix of each military department.

(6) WAIVER.—

(A) IN GENERAL.—Following the conclusion of the 10-year period specified in paragraph (1), the Secretary of Defense may waive the prohibition under such subsection if—

(i) the report requirement under paragraph (3), the certification requirement under paragraph (4), and the process requirement under paragraph (5) have been completed;

(ii) the Secretary determines that the waiver is necessary and in the interests of the national security of the United States; and

(iii) the waiver is issued in writing.

(B) NOTIFICATION TO CONGRESS.—Not later than five days after issuing a waiver under subparagraph (A), the Secretary of Defense shall submit to the Committees on

Armed Services of the House of Representatives and the Senate a notification of the waiver (including the text of the waiver and a justification for the waiver) and provide to such committees a briefing on the components of the waiver.

(b) TEMPORARY SUSPENSION OF IMPLEMENTATION OF PLAN FOR RESTRUCTURE OR REALIGNMENT OF MILITARY MEDICAL TREATMENT FACILITIES.—The Secretary of Defense may not implement the plan under section 703(d)(1) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 130 Stat. 2199) until the later of the following:

(1) The date that is one year after the date of the enactment of this Act.

(2) The date on which the Secretary of Defense completes the following:

(A) A risk analysis for each military medical treatment facility to be realigned, restructured, or otherwise affected under the implementation plan under such section 703(d)(1), including an assessment of the capacity of the TRICARE network of providers in the area of such military medical treatment facility to provide care to the TRICARE Prime beneficiaries that would otherwise be assigned to such military medical treatment facility.

(B) An identification of the process by which the assessment conducted under subsection (a)(3) and the certification required under subsection (a)(4) shall be linked to any restructuring or realignment of military medical treatment facilities.

(c) BRIEFINGS; FINAL REPORT.—

(1) INITIAL BRIEFING.—Not later than April 1, 2023, the Secretary of Defense shall provide to the Committees on Armed Services of the House of Representatives and the Senate a briefing on—

(A) the method by which the Secretary plans to meet the report requirement under subsection (a)(3), the certification requirement under subsection (a)(4), and the process requirement under subsection (a)(5); and

(B) the matters specified in subparagraphs (A) and (B) of subsection (b)(2).

(2) BRIEFING ON PROGRESS.—During each of 2024 and 2029, the Secretary of Defense shall provide to the Committees on Armed Services of the House of Representatives and the Senate a briefing on the progress made towards completion of the requirements specified in paragraph (1)(A).

(3) FINAL BRIEFING.—Not later than December 31, 2030, the Secretary of Defense shall provide to the Committees on Armed Services of the House of Representatives and the Senate a final briefing on the completion of such requirements.

(4) FINAL REPORT.—Not later than December 31, 2030, the Secretary of Defense shall submit to the Committees on Armed Services of the House of Representatives and the Senate a final report on the completion of such requirements. Such final report shall be in addition to the report, certification, and process

submitted under paragraphs (3), (4), and (5) of subsection (a), respectively.

(d) [10 U.S.C. 129c note] DEFINITIONS.—In this section:

(1) The term "medical personnel" has the meaning given such term in section 115a(e) of title 10, United States Code.

(2) The term "Secretary concerned" has the meaning given that term in section 101(a) of such title.

(3) The term "theater strategy" means an overarching construct outlining the vision of a combatant commander for the integration and synchronization of military activities and operations with other national power instruments to achieve the strategic objectives of the United States.

SEC. 742. FEASIBILITY STUDY ON ESTABLISHMENT OF DEPARTMENT OF DEFENSE INTERNSHIP PROGRAMS RELATING TO CIVILIAN BEHAVIORAL HEALTH PROVIDERS.

(a) FEASIBILITY STUDY.—The Secretary of Defense shall conduct a study on the feasibility of establishing paid pre-doctoral and post-doctoral internship programs for the purpose of training clinical psychologists to work as covered civilian behavioral health providers.

(b) ELEMENTS.—The feasibility study under subsection (a) shall assess, with respect to the potential internship programs specified in such subsection, the following:

(1) A model under which, as a condition of participating in such an internship program, the participant would enter into an agreement with the Secretary under which the participant agrees to work on a full-time basis as a covered civilian behavioral health provider for a period of a duration that is at least equivalent to the period of participation in such internship program.

(2) Methods by which the Secretary may address scenarios in which an individual who participates in such an internship program does not complete the employment obligation required under the agreement referred to in paragraph (1), including by requiring the individual to repay to the Secretary a prorated portion of the cost of administering such program (to be determined by the Secretary) with respect to such individual and of any payment received by the individual under such program.

(3) The methods by which the Secretary may adjust the workload and staffing of behavioral health providers in military medical treatment facilities to ensure sufficient capacity to supervise participants in such internship programs.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report containing the findings of the feasibility study under subsection (a).

(d) DEFINITIONS.—In this section:

(1) The term "behavioral health" includes psychiatry, clinical psychology, social work, counseling, and related fields.

(2) The term "behavioral health provider" includes the following:

(A) A licensed professional counselor.

(B) A licensed mental health counselor.

(C) A licensed clinical professional counselor.

(D) A licensed professional clinical counselor of mental health.

(E) A licensed clinical mental health counselor.

(F) A licensed mental health practitioner.

(3) The term "covered civilian behavioral health provider" means a civilian behavioral health provider whose employment by the Secretary of Defense involves the provision of behavioral health services at a military medical treatment facility.

(4) The term "civilian behavioral health provider" means a behavioral health provider who is a civilian employee of the Department of Defense.

(5) The term "military medical treatment facility" means a facility specified in section 1073d of title 10, United States Code.

SEC. 743. UPDATES TO PRIOR FEASIBILITY STUDIES ON ESTABLISHMENT OF NEW COMMAND ON DEFENSE HEALTH.

(a) UPDATES.—The Secretary of Defense shall update prior studies regarding the feasibility of establishing a new defense health command under which the Defense Health Agency would be a joint component. In conducting such updates, the Secretary shall consider for such new command each of the following potential structures:

(1) A unified combatant command.

(2) A specified combatant command.

(3) Any other command structure the Secretary determines is appropriate for consideration.

(b) MATTERS.—The updates under subsection (a) shall include, with respect to the new command specified in such subsection, the following:

(1) An assessment of the potential organizational structure of the new command sufficient for the new command to carry out the responsibilities described in subsection (c), including a description of the following:

(A) The potential reporting relationship between the commander of the new command, the Assistant Secretary of Defense for Health Affairs, and the Under Secretary of Defense for Personnel and Readiness.

(B) The potential relationship of the new command to the military departments, the combatant commands, and the Joint Staff.

(C) The potential responsibilities of the commander of the new command and how such responsibilities would differ from the responsibilities of the Director of the Defense Health Agency.

(D) The potential chain of command between such commander and the Secretary of Defense.

(E) The potential roles of the Surgeons General of the Army, Navy, and Air Force, with respect to such commander.

(F) Any organizations that support the Defense Health Agency, such as the medical departments and medical logistics organizations of each military department.

(G) The potential organizational structure of the new command, including any subordinate commands.

(H) The geographic location, or multiple such locations, of the headquarters of the new command and any subordinate commands.

(I) How the Defense Health Agency currently serves as a provider of optimally trained and clinically proficient health care professionals to support combatant commands.

(J) How the new command may further serve as a provider of optimally trained and clinically proficient health care professionals to support combatant commands.

(2) An assessment of any additional funding necessary to establish the new command.

(3) An assessment of any additional legislative authorities necessary to establish the new command, including with respect to the executive leadership and direction of the new command.

(4) An assessment of the required resourcing of the executive leadership of the new command.

(5) If the Secretary makes the determination to establish the new command, a timeline for such establishment.

(6) If the Secretary defers such determination pending further implementation of other organizational reforms to the military health system, a timeline for such future determination.

(7) Such other matters relating to the establishment, operations, or activities of the new command as the Secretary may determine appropriate.

(c) RESPONSIBILITIES DESCRIBED.—The responsibilities described in this subsection are as follows:

(1) The conduct of health operations among operational units of the Armed Forces.

(2) The administration of military medical treatment facilities.

(3) The administration of the TRICARE program.

(4) Serving as the element of the Armed Forces with the primary responsibility for the following:

(A) Medical treatment, advanced trauma management, emergency surgery, and resuscitative care.

(B) Emergency and specialty surgery, intensive care, medical specialty care, and related services.

(C) Preventive, acute, restorative, curative, rehabilitative, and convalescent care.

(5) Collaboration with medical facilities participating in the National Disaster Medical System established pursuant to section 2812 of the Public Health Service Act (42 U.S.C. 300hh-11), the Veterans Health Administration, and such other Federal departments and agencies and nongovermental organizations as may be determined appropriate by the Secretary, including with respect to the care services specified in paragraph (4)(C).

(6) The conduct of existing research and education activities of the Department of Defense in the field of health sciences.

(7) The conduct of public health and global health activities not otherwise assigned to the Armed Forces.

(8) The administration of the Defense Health Program Account under section 1100 of title 10, United States Code.

(d) INTERIM BRIEFING.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall provide to the Committees on Armed Services of the House of Representatives and the Senate a briefing on the method by which the Secretary intends to update prior studies as required pursuant to subsection (a).

(e) FINAL BRIEFING; REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall—

(1) provide to the Committees on Armed Services of the House of Representatives and the Senate a final briefing on the implementation of this section; and

(2) submit to the Committees on Armed Services of the House of Representatives and the Senate a report containing the updates to prior studies required pursuant to subsection (a), including each of the elements specified in subsection (b).

SEC. 744. CAPABILITY ASSESSMENT AND ACTION PLAN WITH RESPECT TO EFFECTS OF EXPOSURE TO OPEN BURN PITS AND OTHER ENVIRONMENTAL HAZARDS.

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

(1) conduct a capability assessment of potential improvements to activities of the Department of Defense to reduce the effects of environmental exposures with respect to members of the Armed Forces; and

(2) develop an action plan to implement such improvements assessed under paragraph (1) as the Secretary considers appropriate.

(b) ELEMENTS.—The capability assessment required by subsection (a)(1) shall include the following elements:

(1) With respect to the conduct of periodic health assessments, the following:

(A) An assessment of the feasibility and advisability of adding additional screening questions relating to environmental and occupational exposures to current health assessments of members of the Armed Forces conducted by the Secretary of Defense, including pre- and post-deployment assessments and pre-separation assessments.

(B) An assessment of the potential value and feasibility of regularly requiring spirometry or other pulmonary function testing pre- and post-deployment for all members, or selected members, of the Armed Forces.

(2) With respect to the conduct of outreach and education, the following:

(A) An evaluation of clinician training on the health effects of airborne hazards and how to document exposure information in health records maintained by the Department of Defense and the Department of Veterans Affairs.

(B) An assessment of the adequacy of current actions by the Secretary of Defense and the Secretary of Veterans Affairs to increase awareness among members of the

Armed Forces and veterans of the purposes and uses of the Airborne Hazards and Open Burn Pit Registry and the effect of a potential requirement that individuals meeting applicable criteria be automatically enrolled in the registry unless such individuals opt out of enrollment.

(C) An assessment of operational plans for deployment with respect to the adequacy of educational activities for, and evaluations of, performance of command authorities, medical personnel, and members of the Armed Forces on deployment on anticipated environmental exposures and potential means to minimize and mitigate any adverse health effects of such exposures, including through the use of monitoring, personal protective equipment, and medical responses.

(D) An evaluation of potential means to improve the education of health care providers of the Department of Defense with respect to the diagnosis and treatment of health conditions associated with environmental exposures.

(3) With respect to the monitoring of exposure during deployment operations, the following:

(A) An evaluation of potential means to strengthen tactics, techniques, and procedures used in deployment operations to document—

(i) specific locations where members of the Armed Forces served;

(ii) environmental exposures in such locations; and

(iii) any munitions involved during such service in such locations.

(B) An assessment of potential improvements in the acquisition and use of wearable monitoring technology and remote sensing capabilities to record environmental exposures by geographic location.

(C) An analysis of the potential value and feasibility of maintaining a repository of frozen soil samples from each deployment location to be later tested as needed when concerns relating to environmental exposures are identified.

(4) With respect to the use of the Individual Longitudinal Exposure Record, the following:

(A) An assessment of feasibility and advisability of recording individual clinical diagnosis and treatment information in the Individual Longitudinal Exposure Record to be integrated with exposure data.

(B) An evaluation of—

(i) the progress toward making the Individual Longitudinal Exposure Record operationally capable and accessible to members of the Armed Forces and veterans by 2023; and

(ii) the integration of data from the Individual Longitudinal Exposure Record with the electronic health records of the Department of Defense and the Department of Veterans Affairs.

(C) An assessment of the feasibility and advisability of making such data accessible to the surviving family members of members of the Armed Forces and veterans.

(5) With respect to the conduct of research, the following:

(A) An assessment of the potential use of the Airborne Hazards and Open Burn Pit Registry for research on monitoring and identifying the health consequences of exposure to open burn pits.

(B) An analysis of options for increasing the amount and the relevance of additional research into the health effects of open burn pits and effective treatments for such health effects.

(C) An evaluation of potential research of biomarker monitoring to document environmental exposures during deployment or throughout the military career of a member of the Armed Forces.

(D) An analysis of potential organizational strengthening with respect to the management of research on environmental exposure hazards, including the establishment of a joint program executive office for such management.

(E) An assessment of the findings and recommendations of the 2020 report by the National Academies of Science, Engineering, and Medicine titled "Respiratory Health Effects of Airborne Hazards Exposures in the Southwest Asia Theater of Military Operations".

(6) An evaluation of such other matters as the Secretary of Defense determines appropriate to ensure a comprehensive review of activities relating to the effects of exposure to open burn pits and other environmental hazards.

(c) SUBMISSION OF PLAN AND BRIEFING.—Not later than 240 days after the date of the enactment of this Act, the Secretary of Defense shall—

(1) submit to the Committees on Armed Services of the House of Representatives and the Senate the action plan required by subsection (a)(2); and

(2) provide to such committees a briefing on the results of the capability assessment required by subsection (a)(1).

(d) DEFINITIONS.—In this section:

(1) The term "Airborne Hazards and Open Burn Pit Registry" means the registry established under section 201 of the Dignified Burial and Other Veterans' Benefits Improvement Act of 2012 (Public Law 112-260; 38 U.S.C. 527 note).

(2) The term "environmental exposure" means an exposure to an open burn pit or other environmental hazard, as determined by the Secretary of Defense.

(3) The term "open burn pit" has the meaning given that term in section 201(c) of the Dignified Burial and Other Veterans' Benefits Improvement Act of 2012 (Public Law 112-260; 38 U.S.C. 527 note).

SEC. 745. KYLE MULLEN NAVY SEAL MEDICAL TRAINING REVIEW.

(a) REVIEW.—The Inspector General of the Department of Defense shall conduct a comprehensive review of the medical training for health care professionals furnishing medical care to individuals

undergoing Navy Sea, Air, and Land (SEAL) training, the quality assurance mechanisms in place with respect to such care, and the efforts to mitigate health stress of individuals undergoing such training.

(b) ELEMENTS.—The review under subsection (a) shall include the following elements:

(1) A review of the policies for improved medical care of individuals undergoing Navy SEAL training and quality assurance with respect to such care.

(2) A review of sleep deprivation practices implemented with respect to Navy SEAL training, including an identification of when such practices were initially implemented and how frequently such practices are updated.

(3) An assessment of the policies and rules relating to the use of performance enhancing drugs by individuals undergoing Navy SEAL training.

(4) An assessment of the oversight of health care professionals (including enlisted and officer medical personnel, civilian employees of the Department of Defense, and contractors of the Department) with respect to the provision by such professionals of health care services to individuals undergoing Navy SEAL training.

(5) A review and assessment of deaths, occurring during the twenty-year period preceding the date of the review, of individuals who were undergoing Navy SEAL training at the time of death.

(6) A review of ongoing efforts and initiatives to ensure the safety of individuals undergoing Navy SEAL training and to prevent the occurrence of long-term injury, illness, and death among such individuals.

(7) An assessment of the role of nutrition in Navy SEAL training.

(c) INTERIM BRIEFING.—Not later than March 1, 2023, the Inspector General of the Department of Defense shall provide to the Committees on Armed Services of the House of Representatives and the Senate a briefing on how the Inspector General plans to conduct the review under subsection (a), including with respect to each element specified in subsection (b).

(d) FINAL REPORT.—Not later than one year after the date of the enactment of this Act, the Inspector General of the Department of Defense shall submit to the Committees on Armed Services of the House of Representatives and the Senate a final report on the completion of the review under subsection (a), including recommendations of the Inspector General developed as a result of such review.

SEC. 746. REPORTS ON COMPOSITION OF MEDICAL PERSONNEL OF EACH MILITARY DEPARTMENT AND RELATED MATTERS.

(a) REPORTS.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter for three years, the Secretary of Defense, in coordination with the Secretaries of the military departments, shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report on the composition of the medical personnel of each military department and related matters.

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

(1) With respect to each military department, the following:

(A) An identification of the number of medical personnel of the military department who are officers in a grade above O-6.

(B) An identification of the number of such medical personnel who are officers in a grade below O-7.

(C) A description of any plans of the Secretary to—

(i) reduce the total number of such medical personnel; or

(ii) eliminate any covered position for such medical personnel.

(D) A recommendation by the Secretary for the number of covered positions for such medical personnel that should be required for purposes of maximizing medical readiness (without regard to current statutory limitations, or potential future statutory limitations, on such number), presented as a total number for each military department and disaggregated by grade.

(2) An assessment of the grade for the position of the Medical Officer of the Marine Corps, including—

(A) a comparison of the effects of filling such position with an officer in the grade of O-6 versus an officer in the grade of O-7;

(B) an assessment of potential issues associated with the elimination of such position; and

(C) a description of any potential effects of such elimination with respect to medical readiness.

(3) An assessment of all covered positions for medical personnel of the military departments, including the following:

(A) The total number of authorizations for such covered positions, disaggregated by—

(i) whether the authorization is for a position in a reserve component; and

(ii) whether the position so authorized is filled or vacant.

(B) A description of any medical- or health-related specialty requirements for such covered positions.

(C) For each such covered position, an identification of the title and geographic location of, and a summary of the responsibility description for, the position.

(D) For each such covered position, an identification of the span of control of the position, including with respect to the highest grade at which each such position has been filled.

(E) An identification of any downgrading, upgrading, or other changes to such covered positions occurring during the 10-year period preceding the date of the report, and an assessment of whether any such changes have resulted in the transfer of responsibilities previously assigned to such a covered position to—

(i) a position in the Senior Executive Service or another executive personnel position; or

(ii) a position other than a covered position.

(F) A description of any officers in a grade above O-6 assigned to the Defense Health Agency, the Office of the Assistant Secretary of Defense for Health Affairs, the Joint Staff, or any other position within the military health system.

(G) A description of the process by which the positions specified in subparagraph (F) are validated against military requirements or similar billet justification processes.

(H) A side-by-side comparison demonstrating, across the military departments, the span of control and the responsibilities of covered positions for medical personnel of each military department.

(c) DISAGGREGATION OF CERTAIN DATA.—The data specified in subparagraphs (A) and (B) of subsection (b)(1) shall be presented as a total number and disaggregated by each medical component of the respective military department.

(d) DEFINITIONS.—In this section:

(1) The term "covered position" means a position for an officer in a grade above O-6.

(2) The term "officer" has the meanings given that term in section 101(b) of title 10, United States Code.

(3) The term "medical component" means—

(A) in the case of the Army, the Medical Corps, Dental Corps, Nurse Corps, Medical Service Corps, Veterinary Corps, and Army Medical Specialist Corps;

(B) in the case of the Air Force, members designated as medical officers, dental officers, Air Force nurses, medical service officers, and biomedical science officers; and

(C) in the case of the Navy, the Medical Corps, Dental Corps, Nurse Corps, and Medical Service Corps.

(4) The term "medical personnel" has the meaning given such term in section 115a(e) of title 10, United States Code.

(5) The term "military department" has the meaning given that term in section 101(a) of such title.

SEC. 747. REPORT ON EFFECTS OF LOW RECRUITMENT AND RETENTION ON OPERATIONAL TEMPO AND PHYSICAL AND MENTAL HEALTH OF MEMBERS OF THE ARMED FORCES.

(a) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretaries of the military departments, shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report on the effects of low recruitment and retention on the Armed Forces.

(b) MATTERS.—The report under subsection (a) shall include an assessment of the following:

(1) The effect of low recruitment on the tempo for operational units during the previous five years, including with respect to deployed units and units in pre-deployment training.

(2) Whether the rate of operational tempo during the pervious five years has affected the retention of members of the

Armed Forces, including with respect to deployed units and units in pre-deployment training.

(3) How the rate of operational tempo during the previous five years has affected the number of mental health visits of members of the Armed Forces serving in such units.

(4) How the rate of operational tempo during the pervious five years has affected the number of suicides occurring within such units.

(5) Whether the rate of operational tempo during the pervious five years has affected the number of musculoskeletal and related injuries incurred by members of the Armed Forces serving in such units.

(6) The type or types of military occupational specialties most affected by low recruitment.

(7) Lessons learned in the process of gathering data for the report under this section.

(8) Any policy or legislative recommendations to mitigate the effect of low recruitment on the operational tempo of the Armed Forces.

SEC. 748. [10 U.S.C. 1074 note] GUIDANCE FOR ADDRESSING HEALTHY RELATIONSHIPS AND INTIMATE PARTNER VIOLENCE THROUGH TRICARE PROGRAM.

(a) GUIDANCE.—The Secretary of Defense shall disseminate guidance on the implementation through the TRICARE program of—

(1) education on healthy relationships and intimate partner violence; and

(2) protocols for—

(A) the routine assessment of intimate partner violence and sexual assault; and

(B) the promotion of, and strategies for, trauma-informed care plans.

(b) BRIEFING.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall provide to the Committees on Armed Services of the House of Representatives and the Senate a briefing on the implementation of this section.

SEC. 749. BRIEFING ON SUICIDE PREVENTION REFORMS FOR MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Not later than March 1, 2023, the Secretary of Defense shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on the following:

(1) The feasibility and advisability of implementing reforms related to suicide prevention among members of the Armed Forces as follows:

(A) Eliminating mental health history as a disqualifier for service in the Armed Forces, including by eliminating restrictions related to mental health history that are specific to military occupational specialties.

(B) Requiring comprehensive and in-person annual mental health assessments of members of the Armed Forces.

(C) Requiring behavioral health providers under the TRICARE program, including providers contracted through

such program, to undergo evidence-based and suicide-specific training.

(D) Requiring leaders at all levels of the Armed Forces to be trained on the following:

(i) Total wellness.

(ii) Suicide warning signs and risk factors.

(iii) Evidence-based, suicide-specific interventions.

(iv) Effectively communicating with medical and behavioral health providers.

(v) Communicating with family members, including extended family members who are not co-located with a member of the Armed Forces, on support and access to resources for members of the Armed Forces and the dependents thereof.

(E) Requiring mandatory referral to Warriors in Transition programs, or other transitional programs, for members of the Armed Forces who are eligible for such programs.

(2) Recommendations for additional legislative actions necessary to further enhance or expand suicide prevention efforts of the Department of Defense.

(b) DEFINITIONS.—In this section—

(1) The term "TRICARE program" has the meaning given that term in section 1072 of title 10, United States Code.

(2) The term "Warriors in Transition program" has the meaning given that term in section 738(e) of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239; 10 U.S.C. 1071 note).

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

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

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Subtitle G—Other Matters

Sec. 881. Technical correction to effective date of the transfer of certain title 10 acquisition provisions.
Sec. 882. Security clearance bridge pilot program. [Sec. 883 was repealed]
Sec. 884. Incorporation of controlled unclassified information guidance into program classification guides and program protection plans.

Subtitle A—Acquisition Policy and Management

SEC. 801. WRITING AWARD TO ENCOURAGE CURIOSITY AND PERSISTENCE IN OVERCOMING OBSTACLES IN ACQUISITION.

(a) IN GENERAL.—Chapter 87 of title 10, United States Code, is amended by inserting after section 1742 the following new section:

"SEC. 1743. [10 U.S.C. 1743] Awards to recognize members of the acquisition workforce

"(a) ESTABLISHMENT.—The President of the Defense Acquisition University shall establish two programs to provide awards to recognize members of the acquisition workforce as follows:

"(1) An award of not more than $5,000 to such members who use an iterative writing process to document a first-hand account of using independent judgment to overcome an obstacle the member faced while working within the defense acquisition system (as defined in section 3001 of this title).

"(2) An award of not more than $5,000 to such members who make the best use of the flexibilities and authorities granted by the Federal Acquisition Regulation and Department of Defense Instruction 5000.02 (Operation of the Defense Acquisition System).

"(b) NUMBER OF AWARDS.—

"(1) IN GENERAL.—The President of the Defense Acquisition University may make not more than five awards under subsection (a)(1) and one award under subsection (a)(2) each year.

"(2) LIMITATION.—A member of the acquisition workforce may receive one award each year.

"(c) REQUIREMENTS FOR WRITING AWARD.—

"(1) SUBMISSION REQUIRED.—A member of the acquisition workforce desiring an award under subsection (a)(1) shall submit to the President of the Defense Acquisition University the first-hand account described in such subsection. Such first-hand account shall demonstrate—

"(A) an original and engaging idea documenting the use of independent judgment to overcome an obstacle the recipient faced while working within the defense acquisition system; and

"(B) the use of an iterative writing process, including evidence of—

"(i) critical thinking;

"(ii) incorporation of feedback from diverse perspectives; and

"(iii) editing to achieve plain writing (as defined in section 3 of the Plain Writing Act of 2010 (5 U.S.C. 301 note)).

"(2) WEBSITE.—The President of the Defense Acquisition University shall establish and maintain a website to serve as a repository for submissions made under paragraph (1). Such website shall allow for public comments and discussion.

"(d) REQUIREMENTS FOR FLEXIBILITY AWARD.—A member of the acquisition workforce desiring an award under subsection (a)(2) shall submit to the President of the Defense Acquisition University documentation that such member uses approaches to program management that emphasize innovation and local adaptation, including the use of—

"(1) simplified acquisition procedures;

"(2) inherent flexibilities within the Federal Acquisition Regulation;

"(3) commercial contracting approaches;

"(4) public-private partnership agreements and practices;

"(5) cost-sharing arrangements;

"(6) innovative contractor incentive practices; or

"(7) other innovative implementations of acquisition flexibilities.

"(e) FUNDING.—The Secretary of Defense shall use funds from the Defense Acquisition Workforce Development Account to carry out this section.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after section 1742 the following new item:

"1743. Awards to recognize members of the acquisition workforce.".

(c) CONFORMING AMENDMENT.—Section 834 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 130 Stat. 2285; 10 U.S.C. 1701a note) is repealed.

SEC. 802. TASK AND DELIVERY ORDER CONTRACTING FOR ARCHITECTURAL AND ENGINEERING SERVICES.

Section 3406 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(h) ARCHITECTURAL AND ENGINEERING SERVICES.—

"(1) QUALIFICATION-BASED SELECTIONS REQUIRED.—Task or delivery orders for architectural and engineering services issued under section 3403 or 3405 of this title shall be qualification-based selections executed in accordance with chapter 11 of title 40.

"(2) MULTIPLE AWARD CONTRACTS.—When issuing a task or delivery order for architectural and engineering services under a multiple award contract, the head of an agency may not routinely request additional information relating to qualifications from the contractor for such multiple award contract.".

SEC. 803. DATA REQUIREMENTS FOR COMMERCIAL PRODUCTS FOR MAJOR WEAPON SYSTEMS.

(a) AMENDMENTS RELATING TO SUBSYSTEMS OF MAJOR WEAPONS SYSTEMS.—Section 3455(b) of title 10, United States Codeis amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B);

(2) by inserting "(1)" before "A subsystem of a major weapon system"; and

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

"(2)(A) For a subsystem proposed as commercial (as defined in section 103(1) of title 41) and that has not been previously determined commercial in accordance with section 3703(d) of this title, the offeror shall—

"(i) identify the comparable commercial product the offeror sells to the general public or nongovernmental entities that serves as the basis for the 'of a type' assertion;

"(ii) submit to the contracting officer a comparison necessary to serve as the basis of the 'of a type' assertion of the physical characteristics and functionality between the subsystem and the comparable commercial product identified under clause (i); and

"(iii) provide to the contracting officer the National Stock Number for both the comparable commercial product identified under clause (i), if one is assigned, and the subsystem, if one is assigned.

"(B) If the offeror does not sell a comparable commercial product to the general public or nongovernmental entities for purposes other than governmental purposes that can serve as the basis for an 'of a type' assertion with respect to the subsystem—

"(i) the offeror shall—

"(I) notify the contracting officer in writing that it does not so sell such a comparable commercial product; and

"(II) provide to the contracting officer a comparison necessary to serve as the basis of the 'of a type' assertion of the physical characteristics and functionality between the subsystem and the most comparable commercial product in the commercial marketplace, to the extent reasonably known by the offeror; and

"(ii) subparagraph (A) shall not apply with respect to the offeror for such subsystem.".

(b) AMENDMENT RELATING TO COMPONENTS AND SPARE PARTS.—Section 3455(c)(2) of such title is amended to read as follows:

"(2)(A) For a component or spare part proposed as commercial (as defined in section 103(1) of title 41) and that has not previously been determined commercial in accordance with section 3703(d) of this title, the offeror shall—

"(i) identify the comparable commercial product the offeror sells to the general public or nongovern-

mental entities that serves as the basis for the 'of a type' assertion;

"(ii) submit to the contracting officer a comparison necessary to serve as the basis of the 'of a type' assertion of the physical characteristics and functionality between the component or spare part and the comparable commercial product identified under clause (i); and

"(iii) provide to the contracting officer the National Stock Number for both the comparable commercial product identified under clause (i), if one is assigned, and the component or spare part, if one is assigned.

"(B) If the offeror does not sell a comparable commercial product to the general public or nongovernmental entities for purposes other than governmental purposes that can serve as the basis for an 'of a type' assertion with respect to the component or spare part—

"(i) the offeror shall—

"(I) notify the contracting officer in writing that it does not so sell such a comparable commercial product; and

"(II) provide to the contracting officer a comparison necessary to serve as the basis of the 'of a type' assertion of the physical characteristics and functionality between the component or spare part and the most comparable commercial product in the commercial marketplace, to the extent reasonably known by the offeror; and

"(ii) subparagraph (A) shall not apply with respect to the offeror for such component or spare part.".

(c) AMENDMENTS RELATING TO INFORMATION SUBMITTED.—Section 3455(d) of such title is amended—

(1) in the subsection heading, by inserting after "Submitted" the following: "for Procurements That Are Not Covered by the Exceptions in Section 3703(a)(1) of This Title";

(2) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking "the contracting officer shall require the offeror to submit—" and inserting "the offeror shall, in accordance with paragraph (4), submit to the contracting officer or provide the contracting officer access to—";

(B) in subparagraph (A)—

(i) by inserting "a representative sample, as determined by the contracting officer, of the" before "prices paid"; and

(ii) by inserting ", and the terms and conditions of such sales" after "Government and commercial customers";

(C) in subparagraph (B), by striking "information on—" and all that follows and inserting the following: "a representative sample, as determined by the contracting officer, of the prices paid for the same or similar commercial

products sold under different terms and conditions, and the terms and conditions of such sales; and"; and

(D) in subparagraph (C)—

(i) by inserting "only" before "if the contracting officer"; and

(ii) by inserting after "reasonableness of price" the following: "because either the comparable commercial products provided by the offeror are not a valid basis for a price analysis or the contracting officer determines the proposed price is not reasonable after evaluating sales data, and the contracting officer receives the approval described in paragraph (5)"; and

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

"(4)(A) An offeror may redact data information submitted or made available under subparagraph (A) or (B) of paragraph (1) with respect to sales of an item acquired under this section only to the extent necessary to remove information individually identifying government customers, commercial customers purchasing such item for governmental purposes, and commercial customers purchasing such item for commercial, mixed, or unknown purposes.

"(B) Before an offeror may exercise the authority under subparagraph (A) with respect to a customer, the offeror shall certify in writing to the contracting officer whether the customer is a government customer, a commercial customer purchasing the item for governmental purpose, or a commercial customer purchasing the item for a commercial, mixed, or unknown purpose.

"(5) A contracting officer may not require an offeror to submit or make available information under paragraph (1)(C) without approval from a level above the contracting officer.

"(6) Nothing in this subsection shall relieve an offeror of other obligations under any other law or regulation to disclose and support the actual rationale of the offeror for the price proposed by the offeror to the Government for any good or service.".

(d) APPLICABILITY.—Section 3455 of such title is amended by adding at the end the following new subsection:

"(g) APPLICABILITY.—

"(1) IN GENERAL.—Subsections (b) and (c) shall apply only with respect to subsystems described in subsection (b) and components or spare parts described in subsection (c), respectively, that the Department of Defense acquires through—

"(A) a prime contract;

"(B) a modification to a prime contract; or

"(C) a subcontract described in paragraph (2).

"(2) SUBCONTRACT DESCRIBED.—A subcontract described in this paragraph is a subcontract through which the Department of Defense acquires a subsystem or component or spare part proposed as commercial (as defined in section 103(1) of title 41) under this section and that has not previously been determined commercial in accordance with section 3703(d).".

SEC. 804. REVISION OF AUTHORITY FOR PROCEDURES TO ALLOW RAPID ACQUISITION AND DEPLOYMENT OF CAPABILITIES NEEDED UNDER SPECIFIED HIGH-PRIORITY CIRCUMSTANCES.

(a) REVISION AND CODIFICATION OF RAPID ACQUISITION AUTHORITY.—Chapter 253 of part V of title 10, United States Code, is amended to read as follows:

"CHAPTER 253— RAPID ACQUISITION PROCEDURES

"3601. Procedures for urgent acquisition and deployment of capabilities needed in response to urgent operational needs or vital national security interest.

"SEC. 3601. [10 U.S.C. 3601] Procedures for urgent acquisition and deployment of capabilities needed in response to urgent operational needs or vital national security interest

"(a) PROCEDURES.—

"(1) IN GENERAL.—The Secretary of Defense shall prescribe procedures for the urgent acquisition and deployment of capabilities needed in response to urgent operational needs. The capabilities for which such procedures may be used in response to an urgent operational need are those—

"(A) that, subject to such exceptions as the Secretary considers appropriate for purposes of this section—

"(i) can be fielded within a period of two to 24 months;

"(ii) do not require substantial development effort;

"(iii) are based on technologies that are proven and available; and

"(iv) can appropriately be acquired under fixed-price contracts; or

"(B) that can be developed or procured under a section 804 rapid acquisition pathway.

"(2) DEFINITION.—In this section, the term 'section 804 rapid acquisition pathway' means the rapid fielding acquisition pathway or the rapid prototyping acquisition pathway authorized under section 804 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 10 U.S.C. 3201 prec.).

"(b) MATTERS TO BE INCLUDED.—The procedures prescribed under subsection (a) shall include the following:

"(1) A process for streamlined communications between the Chairman of the Joint Chiefs of Staff, the acquisition community, and the research and development community, including—

"(A) a process for the commanders of the combatant commands and the Chairman of the Joint Chiefs of Staff to communicate their needs to the acquisition community and the research and development community; and

"(B) a process for the acquisition community and the research and development community to propose capabilities that meet the needs communicated by the combatant commands and the Chairman of the Joint Chiefs of Staff.

"(2) Procedures for demonstrating, rapidly acquiring, and deploying a capability proposed pursuant to paragraph (1)(B), including—

"(A) a process for demonstrating and evaluating for current operational purposes the performance of the capability;

"(B) a process for developing an acquisition and funding strategy for the deployment of the capability; and

"(C) a process for making deployment and utilization determinations based on information obtained pursuant to subparagraphs (A) and (B).

"(3) A process to determine the disposition of a capability, including termination (demilitarization or disposal), continued sustainment, or transition to a program of record.

"(4) Specific procedures in accordance with the guidance developed under section 804(a) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 10 U.S.C. 3201 prec.).

"(c) RESPONSE TO COMBAT EMERGENCIES AND CERTAIN URGENT OPERATIONAL NEEDS.—

"(1) DETERMINATION OF NEED FOR URGENT ACQUISITION AND DEPLOYMENT.—(A) In the case of any capability that, as determined in writing by the Secretary of Defense, is urgently needed to eliminate a documented deficiency that has resulted in combat casualties, or is likely to result in combat casualties, the Secretary may use the procedures developed under this section in order to accomplish the urgent acquisition and deployment of the needed capability.

"(B) In the case of any capability that, as determined in writing by the Secretary of Defense, is urgently needed to eliminate a documented deficiency that impacts an ongoing or anticipated contingency operation and that, if left unfulfilled, could potentially result in loss of life or critical mission failure, the Secretary may use the procedures developed under this section in order to accomplish the urgent acquisition and deployment of the needed capability.

"(C)(i) In the case of any cyber capability that, as determined in writing by the Secretary of Defense, is urgently needed to eliminate a deficiency that as the result of a cyber attack has resulted in critical mission failure, the loss of life, property destruction, or economic effects, or if left unfilled is likely to result in critical mission failure, the loss of life, property destruction, or economic effects, the Secretary may use the procedures developed under this section in order to accomplish the urgent acquisition and deployment of the needed offensive or defensive cyber capability.

"(ii) In this subparagraph, the term 'cyber attack' means a deliberate action to alter, disrupt, deceive, degrade, or destroy computer systems or networks or the information or programs resident in or transiting these systems or networks.

"(2) DESIGNATION OF SENIOR OFFICIAL RESPONSIBLE.—(A)(i) Except as provided under clause (ii), whenever the Secretary of Defense makes a determination under subparagraph (A), (B), or (C) of paragraph (1) that a capability is urgently needed to eliminate a deficiency described in that subparagraph, the Sec-

retary shall designate a senior official of the Department of Defense to ensure that the needed capability is acquired and deployed as quickly as possible, with a goal of awarding a contract for the acquisition of the capability within 15 days.

"(ii) Clause (i) does not apply to an acquisition initiated in the case of a determination by the Secretary of Defense that funds are necessary to immediately initiate a project under a section 804 rapid acquisition pathway if the designated official for acquisitions using such pathway is a service acquisition executive.

"(B) Upon designation of a senior official under subparagraph (A) with respect to a needed capability, the Secretary shall authorize that senior official to waive any provision of law or regulation described in subsection (d) that such senior official determines in writing would unnecessarily impede the urgent acquisition and deployment of such capability. In a case in which such capability cannot be acquired without an extensive delay, the senior official shall require that an interim solution be implemented and deployed using the procedures developed under this section to minimize adverse consequences resulting from the urgent need.

"(3) USE OF FUNDS.—(A) Subject to subparagraph (C), in any fiscal year in which the Secretary of Defense makes a determination described in subparagraph (A), (B), or (C) of paragraph (1) with respect to a capability, or upon the Secretary making a determination that funds are necessary to immediately initiate a project under a section 804 rapid acquisition pathway based on a compelling national security need, the Secretary may use any funds available to the Department of Defense to urgently acquire and deploy such capability or immediately initiate such project, respectively, if the determination includes a written finding that the use of such funds is necessary to address in a timely manner the deficiency documented or identified under such subparagraph (A), (B), or (C) or the compelling national security need identified for purposes of such section 804 pathway, respectively.

"(B) The authority provided by this section may only be used to acquire capability—

"(i) in the case of determinations by the Secretary under paragraph (1)(A), in an amount aggregating not more than $200,000,000 during any fiscal year;

"(ii) in the case of determinations by the Secretary under paragraph (1)(B), in an amount aggregating not more than $200,000,000 during any fiscal year;

"(iii) in the case of determinations by the Secretary under paragraph (1)(C), in an amount aggregating not more than $200,000,000 during any fiscal year; and

"(iv) in the case of a determination by the Secretary that funds are necessary to immediately initiate a project under a section 804 rapid acquisition pathway, in an amount aggregating not more than $50,000,000 during any fiscal year.

"(C) In exercising the authority under this section—

"(i) none of the amounts appropriated for Operation and Maintenance may be used to carry out this section except for amounts appropriated for—

"(I) Operation and Maintenance, Defense-wide;

"(II) Operation and Maintenance, Army;

"(III) Operation and Maintenance, Navy;

"(IV) Operation and Maintenance, Marine Corps;

"(V) Operation and Maintenance, Air Force; or

"(VI) Operation and Maintenance, Space Force; and

"(ii) when funds are utilized for sustainment purposes, this authority may not be used for more than 2 years.

"(4) NOTIFICATION TO CONGRESSIONAL DEFENSE COMMITTEES.—(A) In the case of a determination by the Secretary of Defense under subparagraph (A) or (C) of paragraph (1), the Secretary shall notify the congressional defense committees of the determination within 15 days after the date of the determination.

"(B) In the case of a determination by the Secretary under paragraph (1)(B), the Secretary shall notify the congressional defense committees of the determination at least 10 days before the date on which the determination is effective.

"(C) In the case of a determination by the Secretary under paragraph (3)(A) that funds are necessary to immediately initiate a project under a section 804 rapid acquisition pathway, the Secretary shall notify the congressional defense committees of the determination within 10 days after the date of the use of such funds.

"(D) A notice under this paragraph shall include the following:

"(i) Identification of the capability to be acquired.

"(ii) The amount anticipated to be expended for the acquisition.

"(iii) The source of funds for the acquisition.

"(E) A notice under this paragraph shall fulfill any requirement to provide notification to Congress for a program (referred to as a 'new start program') that has not previously been specifically authorized by law or for which funds have not previously been appropriated.

"(F) A notice under this paragraph shall be provided in consultation with the Director of the Office of Management and Budget.

"(5) LIMITATION ON OFFICERS WITH AUTHORITY.—The authority to make determinations under subparagraph (A), (B), or (C) of paragraph (1) and under paragraph (3)(A) that funds are necessary to immediately initiate a project under a section 804 rapid acquisition pathway, to designate a senior official responsible under paragraph (3), and to provide notification to the congressional defense committees under paragraph (4) may

be exercised only by the Secretary of Defense or the Deputy Secretary of Defense.

"(d) AUTHORITY TO WAIVE CERTAIN LAWS AND REGULATIONS.—

"(1) AUTHORITY.—Following a determination described in subsection (c)(1), the senior official designated in accordance with subsection (c)(2), with respect to that designation, may waive any provision of law or regulation addressing—

"(A) the establishment of a requirement or specification for the capability to be acquired;

"(B) the research, development, test, and evaluation of the capability to be acquired;

"(C) the production, fielding, and sustainment of the capability to be acquired; or

"(D) the solicitation, selection of sources, and award of the contracts for procurement of the capability to be acquired.

"(2) LIMITATIONS.—Nothing in this subsection authorizes the waiver of—

"(A) the requirements of this section;

"(B) any provision of law imposing civil or criminal penalties; or

"(C) any provision of law governing the proper expenditure of appropriated funds.

"(e) OPERATIONAL ASSESSMENTS.—

"(1) IN GENERAL.—The process prescribed under subsection (b)(2)(A) for demonstrating and evaluating for current operational purposes the performance of a capability proposed pursuant to subsection (b)(1)(B) shall include the following:

"(A) An operational assessment in accordance with procedures prescribed by the Director of Operational Test and Evaluation.

"(B) A requirement to provide information about any deficiency of the capability in meeting the original requirements for the capability (as stated in a statement of the urgent operational need or similar document) to the deployment decision-making authority.

"(2) LIMITATION.—The process prescribed under subsection (b)(2)(A) may not include a requirement for any deficiency of capability identified in the operational assessment to be the determining factor in deciding whether to deploy the capability.

"(3) DIRECTOR OF OPERATIONAL TEST AND EVALUATION ACCESS.—If a capability is deployed under the procedures prescribed pursuant to this section, or under any other authority, before operational test and evaluation of the capability is completed, the Director of Operational Test and Evaluation shall have access to operational records and data relevant to such capability in accordance with section 139(e)(3) of this title for the purpose of completing operational test and evaluation of the capability. Such access shall be provided in a time and manner determined by the Secretary of Defense consistent with requirements of operational security and other relevant operational requirements.".

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of subtitle A, and at the beginning of part V of subtitle A, of

title 10, United States Code, are each amended by striking the item relating to chapter 253 and inserting the following:

"**253. Rapid Acquisition Procedures** ..... "

(c) CONFORMING REPEALS.—The following provisions of law are repealed:

(1) Section 804 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 10 U.S.C. 3201note prec.).

(2) Section 806 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314; 10 U.S.C. 3201note prec.).

(d) ADDITIONAL CONFORMING AMENDMENTS.—

(1) Section 2216a(c) of title 10, United States Code, is amended by striking "section 804(b) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (10 U.S.C. 2302 note)" and inserting "Department of Defense Instruction 5000.81 (or any successor instruction), dated December 31, 2019, and titled 'Urgent Capability Acquisition' ".

(2) Section 8074 of title VIII of the Department of Defense Appropriations Act, 2022 (division C of Public Law 117-103; 136 Stat. 193) is amended by striking "under section 806(c)(4) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (10 U.S.C. 2302 note)" and inserting "under section 3601(c)(4) of title 10, United States Code,".

(3) Section 851(f) of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291; 10 U.S.C 3201note prec.) is amended by striking "under section 806 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314; 10 U.S.C. 2302 note)" and inserting "under section 3601 of title 10, United States Code".

(4) Section 231(c)(1)(A) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 10 U.S.C. 139 note) is amended by striking "section 806 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (10 U.S.C. 2302 note)" and inserting "section 3601 of title 10, United States Code".

SEC. 805. TREATMENT OF CERTAIN CLAUSES IMPLEMENTING EXECUTIVE ORDERS.

(a) IN GENERAL.—Section 3862 of title 10, United States Code, is amended—

(1) in the section heading, by striking ": certification";

(2) by redesignating subsection (c) as subsection (d);

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

"(c) TREATMENT OF CERTAIN CLAUSES IMPLEMENTING EXECUTIVE ORDERS.—The unilateral insertion of a covered clause into an existing Department of Defense contract, order, or other transaction by a contracting officer shall be treated as a change directed by the contracting officer pursuant to, and subject to, the Changes clause of the underlying contract, order, or other transaction."; and

(4) in subsection (d), as redesignated by paragraph (2)—

(A) in the subsection heading, by striking "Definition" and inserting "Definitions";

(B) by striking "section, the term" and inserting the following:" section:

"(1) The term"; and

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

"(2) The term 'Changes clause' means the clause described in part 52.243-4 of the Federal Acquisition Regulation or any successor regulation.

"(3) The term 'covered clause' means any clause implementing the requirements of an Executive order issued by the President.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 281 of title 10, United States Code, is amended by striking the item relating to section 3862 and inserting the following:

"3862. Requests for equitable adjustment or other relief.".

(c) [10 U.S.C. 3862 note] CONFORMING REGULATIONS.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall revise the Department of Defense Supplement to the Federal Acquisition Regulation to implement the requirements of section 3862 of title 10, United States Code, as amended by subsection (a).

(d) [10 U.S.C. 3862 note] CONFORMING POLICY GUIDANCE.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall revise applicable policy guidance on other transactions to implement the requirements of section 3862 of title 10, United States Code, as amended by subsection (a).

SEC. 806. LIFE CYCLE MANAGEMENT AND PRODUCT SUPPORT.

(a) IN GENERAL.—Section 4324(b) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (1), (2), (3), (4), (5), (6), (7), and (8) as subparagraphs (A), (B), (C), (D), (E), (F), (G), and (J), respectively;

(2) by designating the matter preceding subparagraph (A), as so redesignated, as paragraph (1);

(3) in paragraph (1), as so designated—

(A) in the matter preceding subparagraph (A), as so redesignated—

(i) by inserting "In general.—" before "Before granting"; and

(ii) by inserting "for which the milestone decision authority has received views from appropriate materiel, logistics, or fleet representatives" after "approved life cycle sustainment plan";

(B) by amending subparagraph (G), as so redesignated, to read as follows:

"(G) an intellectual property management plan for product support, including requirements for technical data, software, and modular open system approaches (as defined in section 4401 of this title);";

(C) by inserting after subparagraph (G), as so redesignated, the following new subparagraphs:

"(H) an estimate of the number of personnel needed to operate and maintain the covered system, including military personnel, Federal employees, contractors, and host nation support personnel (as applicable);

"(I) a description of opportunities for foreign military sales; and"; and

(4) by adding at the end of paragraph (1), as so designated, the following new paragraph:

"(2) SUBSEQUENT PHASES.—Before granting Milestone C approval (or the equivalent) for the covered system, the milestone decision authority shall ensure that the life cycle sustainment plan required by paragraph (1) for such covered system has been updated to include views received by the milestone decision authority from appropriate materiel, logistics, or fleet representatives.".

(b) MILESTONE C APPROVAL DEFINED.—Section 4324(d) of title 10, United States Code, is amended—

(1) by redesignating paragraph (7) as paragraph (8); and

(2) by inserting after paragraph (6) the following new paragraph:

"(7) MILESTONE C APPROVAL.—The term 'Milestone C approval' has the meaning given that term in section 4172(e)(8) of this title.".

SEC. 807. AMENDMENTS TO CONTRACTOR EMPLOYEE PROTECTIONS FROM REPRISAL FOR DISCLOSURE OF CERTAIN INFORMATION.

(a) DEFENSE CONTRACTS.—Section 4701 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2)(G), by striking "or subcontractor" and inserting ", subcontractor, grantee, subgrantee, or personal services contractor"; and

(B) in paragraph (3)(A), by striking "or subcontractor" and inserting ", subcontractor, grantee, subgrantee, or personal services contractor";

(2) in subsection (b)(1), by striking "contractor concerned" and inserting "contractor, subcontractor, grantee, subgrantee, or personal services contractor concerned";

(3) in subsection (c)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking "contractor concerned" and inserting "contractor, subcontractor, grantee, subgrantee, or personal services contractor concerned";

(ii) in subparagraph (A), by inserting ", subcontractor, grantee, subgrantee, or personal services contractor" after "contractor";

(iii) in subparagraph (B), by inserting ", subcontractor, grantee, subgrantee, or personal services contractor" after "contractor";

(iv) in subparagraph (C), by inserting ", subcontractor, grantee, subgrantee, or personal services contractor" after "contractor"; and

(v) by inserting at the end the following new subparagraph:

"(D) Consider disciplinary or corrective action against any official of the Department of Defense."; and

(B) in paragraph (2), by inserting ", subcontractor, grantee, subgrantee, or personal services contractor" after "contractor";

(4) in subsection (d), by striking "and subcontractors" and inserting ", subcontractors, grantees, subgrantees, or personal services contractors";

(5) in subsection (e)(2)—

(A) in the matter preceding subparagraph (A), by striking "or grantee of" and inserting "grantee, subgrantee, or personal services contractor of"; and

(B) in subparagraph (B), by striking "or grantee" and inserting "grantee, or subgrantee"; and

(6) in subsection (g)(5), by inserting "or grants" after "contracts".

(b) CIVILIAN CONTRACTS.—Section 4712 of title 41, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "or subgrantee" and inserting "subgrantee,";

(B) in paragraph (2), by striking "or subgrantee" and inserting "subgrantee, or personal services contractor"; and

(C) in paragraph (3), by striking "or subgrantee" and inserting "subgrantee, or personal services contractor";

(2) in subsection (b)(1), by striking "or subgrantee concerned" and inserting "subgrantee, or personal services contractor concerned";

(3) in subsection (c)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking "or subgrantee concerned" and inserting "subgrantee, or personal services contractor concerned";

(ii) in subparagraph (A), by striking "or subgrantee" and inserting "subgrantee, or personal services contractor";

(iii) in subparagraph (B), by striking "or subgrantee" and inserting "subgrantee, or personal services contractor";

(iv) in subparagraph (C), by striking "or subgrantee" and inserting "subgrantee, or personal services contractor"; and

(v) by inserting at the end the following new subparagraph:

"(D) Consider disciplinary or corrective action against any official of the executive agency, if appropriate."; and

(B) in paragraph (2), by striking "or subgrantee" and inserting "subgrantee, or personal services contractor";

(4) in subsection (d), by striking "and subgrantees" and inserting "subgrantees, and personal services contractors"; and

(5) in subsection (f), by striking "or subgrantee" each place it appears and inserting "subgrantee, or personal services contractor".

SEC. 808. USE OF FIXED-PRICE TYPE CONTRACTS FOR CERTAIN MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) IN GENERAL.—Section 818 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364) is amended by adding at the end the following new subsection:

"(f) CONDITIONS WITH RESPECT TO CERTAIN LOW-RATE INITIAL PRODUCTION.—

"(1) IN GENERAL.—The number of low-rate initial production lots associated with a major defense acquisition program may not be more than one if—

"(A) the milestone decision authority authorizes the use of a fixed-price type contract at the time of a decision on Milestone B approval; and

"(B) the scope of the work of the fixed-price type contract includes both the development and low-rate initial production of items for such major defense acquisition program.

"(2) WAIVER.—The limitation in paragraph (1) may be waived by the applicable service acquisition executive or a designee of such executive if—

"(A) such waiver authority is not delegated to the level of the contracting officer; and

"(B) written notification of a granted waiver, including the associated rationale, is provided to the congressional defense committees not later than 30 days after issuance of the waiver.

"(3) DEFINITIONS.—In this subsection:

"(A) The term 'low-rate initial production' has the meaning given under section 4231 of title 10, United States Code.

"(B) The term 'milestone decision authority' has the meaning given in section 4211 of title 10, United States Code.

"(C) The term 'major defense acquisition program' has the meaning given in section 4201 of title 10, United States Code.

"(D) The term 'Milestone B approval' has the meaning given in section 4172(e) of title 10, United States Code.".

(b) MODIFICATION OF REGULATIONS.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall revise the Department of Defense Supplement to the Federal Acquisition Regulation and any applicable regulations regarding the use of fixed-price type contracts for a major defense acquisition program (as defined in section 4201 of title 10, United States Code) to carry out this section and the amendments made by this section.

SEC. 809. ACQUISITION REPORTING SYSTEM.

(a) [10 U.S.C. 4351 note] IN GENERAL.—The Secretary of Defense shall institute a defense acquisition reporting system to replace the requirements of section 4351 of title 10, United States Code, as soon as practicable but not later than June 30, 2023.

(b) ELEMENTS.—The reporting system required under subsection (a) shall—

(1) produce the information necessary to carry out the actions specified in chapter 325 of title 10, United States Code;

(2) produce the information necessary to carry out the actions specified in sections 6125 and 6161 of title 10, United States Code;

(3) incorporate—

(A) the lessons learned from the demonstration carried out under subsection (b) of section 805 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117-81; 135 Stat. 1816); and

(B) the plans required under subsection (c) of such section (Public Law 117-81; 135 Stat. 1817);

(4) provide the congressional defense committees and other designated Government entities with access to acquisition reporting that is updated on a not less than quarterly basis; and

(5) include such other information and functions as the Secretary of Defense determines appropriate to support the acquisition reporting needs of the Department of Defense.

(c) CONFORMING AMENDMENTS.—The Atomic Energy Defense Act (50 U.S.C. 2501 et seq.) is amended—

(1) [50 U.S.C. 2537] in section 4217(a)(2), by inserting "or any successor system," after "United States Code,"; and

(2) [50 U.S.C. 2577] in section 4311(a)(2), by inserting "or any successor system," after "United States Code,".

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

SEC. 811. INCLUSION IN BUDGET JUSTIFICATION MATERIALS OF ENHANCED REPORTING ON PROPOSED CANCELLATIONS AND MODIFICATIONS TO MULTIYEAR CONTRACTS.

Section 239c(b) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (1) through (4) as paragraphs (2) through (5), respectively; and

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

"(1) A detailed explanation of the rationale for the proposed cancellation or covered modification of the multiyear contract.".

SEC. 812. COMPTROLLER GENERAL ASSESSMENT OF ACQUISITION PROGRAMS AND RELATED EFFORTS.

(a) IN GENERAL.—Section 3072 of title 10, United States Code, is amended—

(1) in the section heading, by striking "initiatives" and inserting "efforts";

(2) by striking "initiatives" each place it appears and inserting "efforts";

(3) in subsection (a), by striking "through 2023" and inserting "through 2026"; and

(4) in subsection (c), in the subsection heading, by striking "Initiatives" and inserting "Efforts".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 203 of title 10, United States Code, is amended in the item relating to section 3072 by striking "initiatives" and inserting "efforts".

SEC. 813. EXTENSION OF DEFENSE MODERNIZATION ACCOUNT AUTHORITY.

Section 3136 of title 10, United States Code, is amended by striking subsection (j).

SEC. 814. CLARIFICATION TO FIXED-PRICE INCENTIVE CONTRACT REFERENCES.

(a) AUTHORITY TO ACQUIRE INNOVATIVE COMMERCIAL PRODUCTS AND COMMERCIAL SERVICES USING GENERAL SOLICITATION COMPETITIVE PROCEDURES.—Section 3458(c)(2) of title 10, United States Code, is amended by striking "fixed-price incentive fee contracts" and inserting "fixed-price incentive contracts".

(b) CONTRACTOR INCENTIVES TO ACHIEVE SAVINGS AND IMPROVE MISSION PERFORMANCE.—Section 832 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 10 U.S.C. 1746 note) is amended by striking "fixed-price incentive fee contracts" and inserting "fixed-price incentive contracts".

SEC. 815. MODIFICATION OF REPORTING REQUIREMENT IN CONNECTION WITH REQUESTS FOR MULTIYEAR PROCUREMENT AUTHORITY FOR LARGE DEFENSE ACQUISITIONS.

Section 3501(i)(2) of title 10, United States Code, is amended—

(1) by striking "shall include" and all that follows through "(A) A report" and inserting "shall include in the request a report"; and

(2) by striking subparagraph (B).

SEC. 816. MODIFICATION OF PROVISION RELATING TO DETERMINATION OF CERTAIN ACTIVITIES WITH UNUSUALLY HAZARDOUS RISKS.

Section 1684 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117-81) is amended—

(1) in subsection (a), by striking "2022 and 2023" and inserting "2022 through 2024"; and

(2) in subsection (b), by striking "September 30, 2023" and inserting "September 30, 2024".

SEC. 817. MODIFICATION TO PROHIBITION ON OPERATION OR PROCUREMENT OF FOREIGN-MADE UNMANNED AIRCRAFT SYSTEMS.

(a) IN GENERAL.—Section 848 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92; 10 U.S.C. 4871 note) is amended—

(1) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively;

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

"(b) PROHIBITION ON CERTAIN CONTRACTS.—The Secretary of Defense may not enter into a contract (or extend or renew a contract) on or after October 1, 2024, with an entity that operates (as determined by the Secretary or the Secretary's designee) equipment from a covered unmanned aircraft system company in the performance of a Department of Defense contract.";

(3) in subsection (c) (as so redesignated), by striking "the restriction under subsection (a) if the operation or procurement" and inserting "any restrictions under subsection (a) or (b) if the operation, procurement, or contracting action";

(4) in subsection (d) (as so redesignated)—

(A) by inserting "(or the Secretary's designee)" after "The Secretary of Defense";

(B) by striking "the restriction" and all that follows through "basis"inserting "any restrictions under subsections (a) or (b)"; and

(C) by striking "operation or procurement" and inserting "operation, procurement, or contracting action"; and

(5) in subsection (e) (as so redesignated)—

(A) by amending paragraph (1) to read as follows:

"(1) COVERED FOREIGN COUNTRY.—The term 'covered foreign country' means any of the following:

"(A) the People's Republic of China.

"(B) The Russian Federation.

"(C) The Islamic Republic of Iran.

"(D) The Democratic People's Republic of Korea."; and

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

"(3) COVERED UNMANNED AIRCRAFT SYSTEM COMPANY.—The term 'covered unmanned aircraft system company' means any of the following:

"(A) Da-Jiang Innovations (or any subsidiary or affiliate of Da-Jiang Innovations).

"(B) Any entity that produces or provides unmanned aircraft systems and is included on Consolidated Screening List maintained by the International Trade Administration of the Department of Commerce.

"(C) Any entity that produces or provides unmanned aircraft systems and—

"(i) is domiciled in a covered foreign country; or

"(ii) is subject to unmitigated foreign ownership, control or influence by a covered foreign country, as determined by the Secretary of Defense unmitigated foreign ownership, control or influence in accordance with the National Industrial Security Program (or any successor to such program).".

(b) [10 U.S.C. 4871 note] POLICY REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall issue policy to—

(1) implement the requirements of section 848 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92; 10 U.S.C. 4871 note), as amended by this section, including by establishing a due diligence process for the Department of Defense to make determinations required by sub-

section (b) of such section 848 (as amended by this section); and

(2) establish an appeal process for any offerors or awardees with which the Secretary has not entered into a contract or has not extended or renewed a contract pursuant to subsection (b) of such section 848 (as amended by this section).

SEC. 818. EXTENSION OF PILOT PROGRAM TO ACCELERATE CONTRACTING AND PRICING PROCESSES.

Section 890 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232), as most recently amended by section 1831(j)(7) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-238; 134 Stat. 4217), is further amended—

(1) in subsection (a)(2), by striking "of" before "chapter 271"; and

(2) in subsection (c), by striking "January 2, 2023" and inserting "January 2, 2024".

SEC. 819. EXTENSION OF PILOT PROGRAM FOR DISTRIBUTION SUPPORT AND SERVICES FOR WEAPONS SYSTEMS CONTRACTORS.

Section 883 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 10 U.S.C. 4292note prec.) is amended—

(1) in subsection (a), by striking "six-year pilot program" and inserting "seven-year pilot program"; and

(2) in subsection (g), by striking "six years" and inserting "seven years".

SEC. 820. EXTENSION AND MODIFICATION OF NEVER CONTRACT WITH THE ENEMY.

Subtitle E of title VIII of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291; 10 U.S.C. 4871note prec.) is amended—

(1) in section 841—

(A) in subsection (i)(1)—

(i) in the matter preceding subparagraph (A), by striking "2016, 2017, and 2018" and inserting "2023, and annually thereafter"; and

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

"(C) Specific examples where the authorities under this section can not be used to mitigate national security threats posed by vendors supporting Department operations because of the restriction on using such authorities only with respect to contingency operations.

"(D) A description of the policies ensuring that oversight of the use of the authorities in this section is effectively carried out by a single office in the Office of the Under Secretary of Defense for Acquisition and Sustainment."; and

(B) in subsection (n), by striking "December 31, 2023" and inserting "December 31, 2025"; and

(2) in section 842(b)(1), by striking "2016, 2017, and 2018" and inserting "2023, 2024, and 2025".

SEC. 821. REPEAL OF REQUIREMENT FOR INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE TO CONDUCT CERTAIN REVIEWS.

Section 847(b) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 10 U.S.C. 1701 note) is amended—

(1) by striking "Requirement.—" and all that follows through "Each request" and inserting "Requirement.—Each request"; and

(2) by striking paragraph (2).

SEC. 822. MODIFICATION OF CONTRACTS TO PROVIDE EXTRAORDINARY RELIEF DUE TO INFLATION IMPACTS.

(a) CONTRACT MODIFICATION AUTHORITY.—The first section of Public Law 85-804 (50 U.S.C. 1431) is amended—

(1) by striking "That the President" and inserting the following:

"SEC. 1. (a) That the President";

(2) by striking "an amount in excess of $50,000" and inserting "an amount in excess of $500,000";

(3) by striking "any amount in excess of $25,000,000" and inserting "an amount in excess of $150,000,000"; and

(4) by inserting after subsection (a) (as added by paragraph (1)) the following new subsections:

"(b) TEMPORARY AUTHORITY TO MODIFY CERTAIN CONTRACTS AND OPTIONS BASED ON THE IMPACTS OF INFLATION.—Only amounts specifically provided by an appropriations Act for the purposes detailed in subsections (c) and (d) of this section may be used by the Secretary of Defense to carry out such subsections.

"(c)(1) The Secretary of Defense, acting pursuant to a Presidential authorization under subsection (a) and in accordance with subsection (b)—

"(A) may, notwithstanding subsection (e) of section 2 of this Act (50 U.S.C. 1432(e)), make an amendment or modification to an eligible contract when, due solely to economic inflation, the cost to a prime contractor of performing such eligible contract is greater than the price of such eligible contract; and

"(B) may not request consideration from such prime contractor for such amendment or modification.

"(2) A prime contractor may submit to the Secretary of Defense a request for an amendment or modification to an eligible contract pursuant to subsection (a) when, due solely to economic inflation, the cost to a covered subcontractor of performing an eligible subcontract is greater than the price of such eligible subcontract. Such request shall include a certification that the prime contractor—

"(A) will remit to such covered subcontractor the difference, if any, between the original price of such eligible contract and the price of such eligible contract if the Secretary of Defense makes an amendment or modification pursuant to subsection (a); and

"(B) will not require such covered subcontractor to pay additional consideration or fees related to such amendment or modification.

"(3) If a prime contractor does not make the request described in paragraph (2), a covered subcontractor may submit to a contracting officer of the Department of Defense a request for an amendment or modification to an eligible subcontract when, due solely to economic inflation, the cost to such covered subcontractor of performing such eligible subcontract is greater than the price of such eligible subcontract.

"(d) Any adjustment or modification made pursuant to subsection (c) to an eligible contract or an eligible subcontract shall—

"(1) be contingent upon the continued performance, as applicable, of such eligible contract or such eligible subcontract; and

"(2) account only for the actual cost of performing such eligible contract or such eligible subcontract, but may account for indirect costs of performance, as the Secretary of Defense determines appropriate.

"(e) The authority under subsections (c) and (d) shall be effective during the period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2023 and ending on December 31, 2023.

"(f) In this section:

"(1) The term 'covered subcontractor' means a subcontractor who has entered into an eligible subcontract with a prime contractor.

"(2) The term 'eligible contract' means a contract awarded to a prime contractor by the Secretary of Defense pursuant to subsection (a).

"(3) The term 'eligible subcontract' means a subcontract made under an eligible contract to a covered subcontractor.".

(b) [50 U.S.C. 1431 note] GUIDANCE.—Not later than 90 days after the date of the enactment of an Act providing appropriations to carry out section 1 of Public Law 85-804 (50 U.S.C. 1431) (as added by subsection (a)), the Under Secretary of Defense for Acquisition and Sustainment shall issue guidance implementing the authority under subsections (b) through (d) of section 1 of Public Law 85-804 (50 U.S.C. 1431) (as added by subsection (a)).

Subtitle C—Provisions Relating to Acquisition Workforce

SEC. 831. KEY EXPERIENCES AND ENHANCED PAY AUTHORITY FOR ACQUISITION WORKFORCE EXCELLENCE.

(a) PARTICIPATION IN THE PUBLIC-PRIVATE TALENT EXCHANGE PROGRAM.—

(1) IN GENERAL.—Section 1701a(b) of title 10, United States Code, is amended—

(A) in paragraph (9)(C), by striking "and" at the end;

(B) in paragraph (10), by striking the period at the end and inserting "; and"; and

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

"(11) ensure the participation in the public-private talent exchange program established under section 1599g of this title

of up to 250 members of the acquisition workforce in each fiscal year.".

(2) TECHNICAL AMENDMENT.—Section 1701a(b)(2) of title 10, United States Code, is further amended by striking "as defined" and all that follows through "this title" and inserting "as defined in section 3001 of this title".

(b) ENHANCED PAY AUTHORITY FOR POSITIONS IN DEPARTMENT OF DEFENSE FIELD ACTIVITIES AND DEFENSE AGENCIES.—Section 1701b(e)(2) of title 10, United States Code, is amended to read as follows:

"(2) NUMBER OF POSITIONS.—The authority in subsection (a) may not be used at any one time with respect to—

"(A) more than five positions, in total, in Department of Defense Field Activities and Defense Agencies;

"(B) more than five positions in the Office of the Secretary of Defense; and

"(C) more than five positions in each military department.".

(c) REPORT ON PUBLIC-PRIVATE TALENT EXCHANGES.—Section 1599g of title 10, United States Code, is amended by adding at the end the following new subsection:

"(k) REPORT.—Each member of the acquisition workforce that participates in the program established under this section shall, upon completion of such participation, submit to the President of the Defense Acquisition University for inclusion in the report required under section 1746a(e) a description and evaluation of such participation.".

SEC. 832. DEFENSE ACQUISITION UNIVERSITY REFORMS.

(a) IN GENERAL.—Section 1746 of title 10, United States Code, is amended—

(1) in subsection (b)—

(A) by amending paragraph (2) to read as follows:

"(2) The Secretary of Defense shall ensure the defense acquisition university structure includes relevant expert lecturers from extramural institutions (as defined in section 1746a(g) of this title), industry, or federally funded research and development centers to advance acquisition workforce competence regarding commercial business interests, acquisition process-related innovations, and other relevant leading practices of the private sector.";

(B) by striking paragraph (3); and

(C) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively;

(2) in subsection (c), by striking "commercial training providers" and inserting "extramural institutions (as defined in section 1746a(g) of this title)"; and

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

"(e) PRESIDENT APPOINTMENT.—(1) The Under Secretary of Defense for Acquisition and Sustainment shall appoint the President of the Defense Acquisition University.

"(2) When determining who to appoint under paragraph (1), the Under Secretary of Defense for Acquisition and Sustainment shall, in consultation with the Under Secretary of

Defense for Research and Engineering and the service acquisition executives, prioritize highly qualified candidates who demonstrate a combination of the following:

"(A) Leadership abilities.

"(B) Experience using leading practices to develop talent in the private sector.

"(C) Other qualifying factors, including experience with and an understanding of the defense acquisition system (as defined in section 3001 of this title), an understanding of emerging technologies and the defense applications of such technologies, experience partnering with States, national associations, and academia, and experience with learning technologies.

"(3) The term of the President of the Defense Acquisition University shall be not more than five years, unless the Under Secretary of Defense for Acquisition and Sustainment determines it necessary to extend the term for up to an additional five years. The preceding sentence does not apply to the President of the Defense Acquisition University serving on January 1, 2022.".

(b) [10 U.S.C. 1746 note] IMPLEMENTATION REPORT.—Not later than March 1, 2023, the Secretary of Defense shall submit to the congressional defense committees a plan to modify the defense acquisition university structure to comply with section 1746(b)(2) of title 10, United States Code, as amended by subsection (a). Such plan shall establish a date of not later than March 1, 2026, for such modification to be completed.

SEC. 833. MODIFICATIONS TO DEFENSE CIVILIAN TRAINING CORPS.

Section 2200g of title 10, United States Code, is amended—

(1) by striking "For the purposes of" and all that follows through "establish and maintain" and inserting the following: "The Secretary of Defense, acting through the Under Secretary for Defense for Acquisition and Sustainment, shall establish and maintain";

(2) by designating the text of such section, as amended by paragraph (1), as subsection (a); and

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

"(b) PURPOSE.—The purpose of the Defense Civilian Training Corps is to target critical skills gaps necessary to achieve the objectives of the national defense strategies required by section 113(g) of this title and the national security strategies required by section 108 of the National Security Act of 1947 (50 U.S.C. 3043) by preparing students selected for the Defense Civilian Training Corps for Department of Defense careers relating to acquisition, digital technologies, critical technologies, science, engineering, finance, and other civilian occupations determined by the Secretary of Defense.

"(c) USE OF RESOURCES AND PROGRAMS.—The Under Secretary of Defense for Acquisition and Sustainment may leverage the resources and programs of the acquisition research organization within a civilian college or university that is described under section 4142(a) of this title (commonly referred to as the 'Acquisition

Innovation Research Center') to carry out the requirements of this chapter.".

SEC. 834. [10 U.S.C. 1701 note] ACQUISITION WORKFORCE INCENTIVES RELATING TO TRAINING ON, AND AGREEMENTS WITH, CERTAIN START-UP BUSINESSES.

(a) TRAINING.—

(1) CURRICULA.—Not later than one year after the date of the enactment of this Act, the Director of the Acquisition Innovation Research Center shall make recommendations on one or more curricula for members of the acquisition workforce on financing and operations of start-up businesses, which may include the development of new curricula, the modification of existing curricula, or the adoption of curricula from another agency, academia, or the private sector.

(2) ELEMENTS.—Courses under curricula recommended under paragraph (1) shall be offered with varying course lengths and level of study.

(3) INCENTIVES.—The Secretary of Defense shall develop a program to offer incentives to a member of the acquisition workforce that completes a curriculum developed, modified, or adopted under paragraph (1).

(4) ADDITIONAL TRAINING MATERIALS.—In recommending curricula under paragraph (1), the Director of the Acquisition Innovation Research Center shall consider and incorporate appropriate training materials from university, college, trade-school, or private-sector curricula in business, law, or public policy.

(b) EXCHANGES.—

(1) IN GENERAL.—The Secretary of Defense shall establish a pilot program under which the Secretary shall, in accordance with section 1599g of title 10, United States Code, arrange for the temporary assignment of—

(A) one or more members of the acquisition workforce to a start-up business; or

(B) an employee of a start-up business to an office of the Department of Defense.

(2) PRIORITY.—The Secretary shall prioritize for participation in the pilot program described under paragraph (1)(A) members of the acquisition workforce who have completed a curriculum required under paragraph (1).

(3) TERMINATION.—The Secretary may not carry out the pilot program authorized by this subsection after the date that is three years after the date of the enactment of this Act.

(c) CONFERENCES.—The Secretary of Defense shall identify existing conferences sponsored by the Department of Defense that might be expanded to include opportunities for sharing knowledge and best practices on software acquisition issues. Such opportunities shall maximize participation between members of the acquisition workforce, employees of start-up businesses, and investors in start-up businesses.

(d) PILOT PROGRAM.—

(1) ESTABLISHMENT.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Defense shall establish a pilot program to test the feasibility of innova-

tive approaches to negotiating and establishing intellectual property and data rights in agreements with start-up businesses for the procurement of software and software-embedded systems.

(2) AUTHORITY.—To the maximum extent practicable, the Secretary shall—

(A) ensure that a member of the acquisition workforce who has completed a curriculum required under subsection (a) is able to exercise authority to apply an approach described in paragraph (1); and

(B) provide incentives to such member to exercise such authority.

(3) ELEMENTS.—An approach described in paragraph (1) shall include the following:

(A) Flexible and tailored requirements relating to the acquisition and licensing of intellectual property and data rights in the software and software-embedded systems to be acquired under the agreement.

(B) An identification and definition of the technical interoperability standards required for such software and software-embedded systems.

(C) Flexible mechanisms for access and delivery of code for such software, including documentation of the costs and benefits of each such mechanism.

(4) TERMINATION.—The Secretary may not carry out the pilot program authorized by this subsection after the date that is 5 years after the date of the enactment of this Act.

(e) DEFINITIONS.—In this section:

(1) The term "Acquisition Innovation Research Center" means the acquisition research organization within a civilian college or university that is described under section 4142(a) of title 10, United States Code.

(2) The term "acquisition workforce" has the meaning given in section 101 of title 10, United States Code.

(3) The term "start-up business" means a small business that has been in existence for 5 years or less.

SEC. 835. [10 U.S.C. 1746 note] CURRICULA ON SOFTWARE ACQUISITIONS AND CYBERSECURITY SOFTWARE OR HARDWARE ACQUISITIONS FOR COVERED INDIVIDUALS.

(a) CURRICULA.—The President of the Defense Acquisition University, shall supplement existing training curricula related to software acquisitions and cybersecurity software or hardware acquisitions and offer such curricula to covered individuals to increase digital literacy related to such acquisitions by developing the ability of such covered individuals to use technology to identify, critically evaluate, and synthesize data and information related to such acquisitions.

(b) ELEMENTS.—Curricula developed pursuant to subsection (a) shall provide information on—

(1) cybersecurity, information technology systems, computer networks, cloud computing, artificial intelligence, machine learning, distributed ledger technologies, and quantum technologies;

(2) cybersecurity threats and capabilities;

(3) activities that encompass the full range of threat reduction, vulnerability reduction, deterrence, incident response, resiliency, and recovery policies and activities, including activities relating to computer network operations, information assurance, military missions, and intelligence missions to the extent such activities relate to the security and stability of cyberspace; and

(4) the industry best practices relating to software acquisitions and cybersecurity software or hardware acquisitions.

(c) PLAN.—Not later than 180 days after enactment of this Act, the Secretary of Defense, in consultation with the President of the Defense Acquisition University, shall submit to Congress a comprehensive plan to implement the curricula developed under subsection (a) that includes a comparison with similar existing training curricula. Such plan shall include a list of resources required for and costs associated with such implementation, including—

(1) curriculum development;

(2) hiring instructors to teach the curriculum;

(3) facilities; or

(4) website development.

(d) IMPLEMENTATION.—Not later than one year after the date on which the plan described in subsection (d) is submitted to the Committees on Armed Services of the Senate and House of Representatives, the President of the Defense Acquisition University shall offer the curricula developed under subsection (a) to covered individuals.

(e) REPORT.—Not later than one year after the date on which the plan described in subsection (d) is submitted to the Committees on Armed Services of the Senate and House of Representatives, the Secretary of Defense, in consultation with the President of the Defense Acquisition University, shall submit to Congress a report assessing the costs and benefits of requiring all covered individuals to complete the curricula developed under subsection (a).

(f) COVERED INDIVIDUALS DEFINED.—In this section, the term "covered individuals" means an individual serving in a position designated under section 1721(b) of title 10, United States Code, who is regularly consulted for software acquisitions or cybersecurity software or hardware acquisitions.

SEC. 836. [10 U.S.C. 4811 note] DEPARTMENT OF DEFENSE NATIONAL IMPERATIVE FOR INDUSTRIAL SKILLS PROGRAM.

(a) IN GENERAL.—The Secretary of Defense, acting through the Industrial Base Analysis and Sustainment program of the Department of Defense, shall evaluate and further develop workforce development training programs (as defined by the Secretary of Defense) for training the skilled industrial workers (as defined by the Secretary of Defense) that are needed in the defense industrial base through the National Imperative for Industrial Skills program of the Department of Defense (or a successor program).

(b) PRIORITIES.—In carrying out this section, the Secretary shall prioritize workforce development training programs that—

(1) are innovative, lab-based, or experientially-based;

(2) rapidly train skilled industrial workers for employment with entities in the defense industrial base faster than traditional workforce development training programs and at the

scale needed to measurably reduce, as rapidly as possible, the shortages of skilled industrial workers in the defense industrial base, including modernization of required equipment and training curricula;

(3) recruit skilled industrial workers who are manufacturing workers from underrepresented communities;

(4) provide students and skilled industrial workers with the support needed to successfully participate in the defense industrial base;

(5) address the specific manufacturing requirements and skills that are unique to critical industrial sectors of the defense industrial base as defined by the Secretary of Defense, such as naval shipbuilding; and

(6) with respect to Federal workforce development training programs in existence on or before the date of the enactment of this Act—

(A) maximize the use of such Federal workforce development training programs; or

(B) expand on the activities of such Federal workforce development training programs.

Subtitle D—Provisions Relating to Software and Technology

SEC. 841. GUIDELINES AND RESOURCES ON THE ACQUISITION OR LICENSING OF INTELLECTUAL PROPERTY.

Section 3791 of title 10, United States Code, is amended—

(1) in the section heading, by striking "department of defense" and inserting "Department of Defense"; and

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

"(c) GUIDELINES AND RESOURCES.—

"(1) IN GENERAL.—The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition and Sustainment, shall develop guidelines and resources on the acquisition or licensing of intellectual property, including—

"(A) intellectual property strategies and other mechanisms supporting the use of modular open system approaches (as defined in section 4401(b) of this title);

"(B) evaluation and negotiation of intellectual property licenses in competitive and non-competitive awards;

"(C) models and best practices for specially negotiated licenses, including specially negotiated licenses described in section 3774(c) of this title; and

"(D) definitions, key terms, examples, and case studies that clarify differences between—

"(i) detailed manufacturing and process data;

"(ii) form, fit, and function data;

"(iii) data required for operations, maintenance, installation, and training;

"(iv) modular system interfaces (as defined in section 4401(b) of this title); and

"(v) technical data pertaining to an interface between an item or process and other items or processes

necessary for the segregation of an item or process from, or the reintegration of that item or process (or a functionally equivalent item or process) with, other items or processes.

"(2) GUIDELINES AND RESOURCES LIMIT.—The guidelines and resources developed under paragraph (1) may not alter or affect any authority or duty under this section or section 1707 of this title.

"(3) REVIEW AND CONSULTATION.—In developing the guidelines and resources described in paragraph (1), the Secretary shall—

"(A) review the applicable statutory and regulatory history, including among the definitions and key terms in section 3771 of this title, to ensure consistency; and

"(B) regularly consult with appropriate government and industry persons and organizations.

"(4) TRAINING.—The Secretary of Defense shall ensure that the acquisition workforce receives training on the guidelines and resources developed under paragraph (1).".

SEC. 842. MODIFICATION OF AUTHORITY OF THE DEPARTMENT OF DEFENSE TO CARRY OUT CERTAIN PROTOTYPE PROJECTS.

Section 4022 of title 10, United States Code, is amended—

(1) in subsection (a)(2)—

(A) by striking ", and any follow-on production contract or transaction that is awarded pursuant to subsection (f)," both places it appears;

(B) in subparagraph (A)(ii), by striking "; and" and inserting a semicolon;

(C) in subparagraph (B)(ii), by striking the period at the end and inserting "; and"; and

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

"(C) may be exercised for a transaction for a follow-on production contract or transaction that is awarded pursuant to subsection (f) and expected to cost the Department of Defense in excess of $100,000,000 (including all options) only if a covered official—

"(i) determines in writing that—

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

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

"(ii) notifies the congressional defense committees in writing of the determinations required under clause (i) at the time such authority is exercised.";

(2) in subsection (e)—

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

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

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

"(A) a service acquisition executive;

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

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

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

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

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

"(3) The term 'service acquisition executive' has the meaning given that term in section 101(a) of this title."; and

(3) in subsection (f)(2), in the matter preceding subparagraph (A), by striking "of section 2304 of this title," and inserting the following: "of chapter 221 of this title and even if explicit notification was not listed within the request for proposal for the transaction".

SEC. 843. OTHER TRANSACTION AUTHORITY CLARIFICATION.

Section 4022 of title 10, United States Code, as amended by section 842, is further amended—

(1) in subsection (a)(1), by striking "military personnel and the supporting" and inserting "personnel of the Department of Defense or improving";

(2) in subsection (e), by adding at the end the following new paragraph:

"(5) The term 'prototype project' includes a project that addresses—

"(A) a proof of concept, model, or process, including a business process;

"(B) reverse engineering to address obsolescence;

"(C) a pilot or novel application of commercial technologies for defense purposes;

"(D) agile development activity;

"(E) the creation, design, development, or demonstration of operational utility; or

"(F) any combination of subparagraphs (A) through (E).."; and

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

"(i) PILOT AUTHORITY FOR USE OF OTHER TRANSACTIONS FOR INSTALLATION OR FACILITY PROTOTYPING.—

"(1) IN GENERAL.—The Secretary of Defense or the Secretary of a military department may establish a pilot program under which the Secretary may, under the authority of this section, carry out prototype projects that are directly relevant to enhancing the ability of the Department of Defense to prototype the design, development, or demonstration of new construction techniques or technologies to improve military installations or facilities (as such terms are defined in section 2801 of this title).

"(2) LIMITS.—In carrying out prototype projects under the pilot program established under paragraph (1)—

"(A) not more than two prototype projects may begin to be carried out per fiscal year under such pilot program; and

"(B) the aggregate value of all transactions entered into under such pilot program may not exceed $200,000,000.

"(3) SUNSET.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the authority to carry out prototype projects under the pilot program established under paragraph (1) shall terminate on September 30, 2025.

"(B) ONGOING PROJECT EXCEPTION.—Subparagraph (A) shall not apply with respect to prototype projects being carried out under the pilot program established under paragraph (1) on the date described in subparagraph (A).".

SEC. 844. PRIZES FOR ADVANCED TECHNOLOGY ACHIEVEMENTS.

Section 4025 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "that have" and inserting "that—"

"(1) have";

(B) by striking "Defense." and inserting "Defense; or"; and

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

"(2) demonstrate management practices that improve the schedule or performance, reduce the costs, or otherwise support the transition of technology into acquisition programs or operational use.";

(2) in subsection (b), by striking "of research results, technology developments, and prototypes";

(3) in subsection (d), by striking "to acquire, support, or stimulate basic, advanced and applied research, technology development, or prototype projects";

(4) in subsection (f), by striking "section 2304" and inserting "chapter 221"; and

(5) in subsection (g)(2)—

(A) by redesignating subparagraphs (B) and (C) as subparagraphs (D) and (E), respectively; and

(B) by inserting after subparagraph (A) the following new subparagraphs:

"(B) if applicable, a summary of the management practice that contributed to an improvement to schedule or performance or a reduction in cost relating to the transition of technology;

"(C) an identification of any program executive officer (as defined in section 1737 of this title) responsible for implementation or oversight of research results, technology development, prototype development, or management practices (as applicable) for which an award was made under this section, and a brief summary of lessons learned by such program executive officer in carrying out such implementation or oversight;".

SEC. 845. CONGRESSIONAL NOTIFICATION FOR PILOT PROGRAM TO ACCELERATE THE PROCUREMENT AND FIELDING OF INNOVATIVE TECHNOLOGIES.

Section 834 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117-81; 135 Stat. 1835; 10 U.S.C. 4061 note) is amended—

(1) by redesignating subsection (f) as subsection (g); and

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

"(f) CONGRESSIONAL NOTIFICATION.—The Secretary of Defense shall notify the congressional defense committees within 30 days after funding has been provided for a proposal selected for an award under the pilot program established under this section.".

SEC. 846. REPORT ON SOFTWARE DELIVERY TIMES.

(a) REPORT.—Not later than one year after the date of the enactment of this Act, and annually thereafter until December 31, 2028, the Under Secretary of Defense for Acquisition and Sustainment, in consultation with the Chief Information Officer of the Department of Defense and the Chief Digital and Artificial Intelligence Officer, shall submit to the congressional defense committees a report on the following:

(1) A description of covered software delivered during the fiscal year preceding the date of the report that is being developed using iterative development, including a description of the capabilities delivered for operational use.

(2) For such covered software not developed using iterative development, an explanation for not using iterative development and a description of the development method used.

(3) For such covered software being developed using iterative development, the frequency with which capabilities of such covered software were delivered, disaggregated as follows:

(A) Covered software for which capabilities were delivered during period of less than three months.

(B) Covered software for which capabilities were delivered during period of more than three months and less than six months.

(C) Covered software for which capabilities were delivered during period of more than six months and less than nine months.

(D) Covered software for which capabilities were delivered during period of more than nine months and less than 12 months.

(4) With respect to covered software described in paragraph (3) for which capabilities of such covered software were not delivered in fewer than 12 months, an explanation of why such delivery was not possible.

(b) DEFINITIONS.—In this section:

(1) The term "Chief Digital and Artificial Intelligence Officer" means—

(A) the official designated as the Chief Digital and Artificial Intelligence Officer of the Department of Defense pursuant to the memorandum of the Secretary of Defense titled "Establishment of the Chief Digital and Artificial Intelligence Officer" dated December 8, 2021; or

(B) if there is no official designated as such Officer, the official within the Office of the Secretary of Defense with primary responsibility for digital and artificial intelligence matters.

(2) The term "covered software" means software that is being developed that—

(A) was acquired using a software acquisition pathway established under section 800 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92); or

(B) is a covered defense business system, as defined in section 2222(i) of title 10, United States Code.

(3) The term "iterative development" has the meaning given the term "agile or iterative development" in section 891 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 10 115-91; 131 Stat. 1509; 10 U.S.C. 1746 note).

Subtitle E—Industrial Base Matters

SEC. 851. MODIFICATION TO THE NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.

Section 4801(1) of title 10, United States Code, is amended by inserting "New Zealand," after "Australia,".

SEC. 852. MODIFICATION TO MISCELLANEOUS LIMITATIONS ON THE PROCUREMENT OF GOODS OTHER THAN UNITED STATES GOODS.

Section 4864 of title 10, United States Code, as amended by section 853, is further amended by adding at the end the following new subsection:

"(l) PERIODIC REVIEW.—

"(1) RECOMMENDATION.—Not later than November 1, 2024, and every five years thereafter, the Under Secretary of Defense for Acquisition and Sustainment shall review each item described in subsections (a) and (e) of this section and submit to the congressional defense committees, in writing, one of the following recommendations:

"(A) Recommend continued inclusion of the item under this section.

"(B) Recommend continued inclusion of the item under this section with modifications.

"(C) Recommend discontinuing inclusion of the item under this section.

"(2) ELEMENTS.—Each review required under paragraph (1) shall include, with respect to the five-year period preceding the date of submission of the written determination related to such a review, the following elements:

"(A) The criticality of the item reviewed to a military unit's mission accomplishment or other national security objectives.

"(B) The extent to which such item is fielded in current programs of record.

"(C) The number of such items to be procured by current programs of record.

"(D) The extent to which cost and pricing data for such item has been deemed fair and reasonable.

"(3) JUSTIFICATION.—The written determination required under paragraph (1) shall also include the findings of the applicable review conducted under such paragraph and any key justifications for the recommendation.".

SEC. 853. REQUIREMENTS FOR THE PROCUREMENT OF CERTAIN COMPONENTS FOR CERTAIN NAVAL VESSELS AND AUXILIARY SHIPS.

(a) REQUIREMENT THAT CERTAIN AUXILIARY SHIP COMPONENTS BE MANUFACTURED IN THE NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.—

(1) TECHNICAL AMENDMENT.—Section 4864 of title 10, United States Code, is amended by redesignating subsection (l) (relating to "Implementation of auxiliary ship component limitation") as subsection (k).

(2) COMPONENTS FOR AUXILIARY SHIPS.—Paragraph (4) of section 4864(a) of title 10, United States Code, is amended—

(A) in the subsection heading, by inserting "and T-ARC" after "T-AO 205"; and

(B) by inserting "and T-ARC" after "T-AO 205".

(b) [10 U.S.C. 4864 note] REGULATIONS.—Not later than June 1, 2023, the Secretary of Defense shall issue regulations for carrying out section 4864(j) of title 10, United States Code.

SEC. 854. MODIFICATIONS TO THE PROCUREMENT TECHNICAL ASSISTANCE PROGRAM.

(a) ADMINISTRATIVE AND OTHER LOGISTICAL COSTS.—Section 4961 of title 10, United States Code, is amended—

(1) in the matter preceding paragraph (1), by striking "Director of the Defense Logistics Agency" and inserting "Secretary";

(2) in paragraph (1), by striking "three" and inserting "four"; and

(3) in paragraph (2)—

(A) in the matter preceding subparagraph (A) by striking "Director" and inserting "Secretary"; and

(B) in subparagraph (A), by inserting ", including meetings of an association recognized under section 4954(f)," after "meetings".

(b) COOPERATIVE AGREEMENTS.—Section 4954 of title 10, United States Code, is amended by adding at the end the following new subsections:

"(f) ASSOCIATION RECOGNITION AND DUTIES.—Eligible entities that provide procurement technical assistance pursuant to this chapter may form an association to pursue matters of common concern. If more than a majority of such eligible entities are members of such an association, the Secretary shall—

"(1) recognize the existence and activities of such an association; and

"(2) jointly develop with such association a model cooperative agreement that may be used at the option of the Secretary and an eligible entity.".

(c) REGULATIONS.—Section 4953 of title 10, United States Code, is amended by inserting ", and shall consult with an association

recognized under section 4954(f) regarding any revisions to such regulations" before the period at the end.

(d) FUNDING.—Section 4955(a)(1) of title 10, United States Code, is amended by striking "$1,000,000" and inserting "$1,500,000".

SEC. 855. CODIFICATION OF PROHIBITION ON CERTAIN PROCUREMENTS FROM THE XINJIANG UYGHUR AUTONOMOUS REGION.

(a) REPEAL.—Section 848 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117-81; 10 U.S.C. 4651note prec.) is repealed.

(b) PROHIBITION ON CERTAIN PROCUREMENTS FROM THE XINJIANG UYGHUR AUTONOMOUS REGION.—Chapter 363 of title 10, United States Code, is amended by adding at the end the following new section:

"SEC. 4661. [10 U.S.C. 4661] Prohibition on certain procurements from the Xinjiang Uyghur Autonomous Region

"(a) PROHIBITION ON THE AVAILABILITY OF FUNDS FOR CERTAIN PROCUREMENTS FROM XUAR.—None of the funds authorized to be appropriated by a national defense authorization Act or any other Act, or otherwise made available for any fiscal year for the Department of Defense, may be obligated or expended to knowingly procure any products mined, produced, or manufactured wholly or in part by forced labor from XUAR or from an entity that has used labor from within or transferred from XUAR as part of a 'poverty alleviation' or 'pairing assistance' program.

"(b) DEFINITIONS.—In this section, the terms 'forced labor' and 'XUAR' have the meanings given, respectively, in section 2496 of this title.".

(c) CLERICAL AMENDMENT.—The table of contents for such chapter is amended by adding at the end the following new item:

"4661. Prohibition on certain procurements from the Xinjiang Uyghur Autonomous Region.".

(d) [10 U.S.C. 4661 note] POLICY REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall issue a policy to require that an offeror or awardee of a Department of Defense contract shall make a good faith effort to determine that forced labor from XUAR, as described in section 4661 of title 10, United States Code (as amended by subsection (b)), will not be used in the performance of such contract.

SEC. 856. CODIFICATION OF THE DEPARTMENT OF DEFENSE MENTOR-PROTEGE PROGRAM.

(a) [10 U.S.C. 4902] IN GENERAL.—Section 831 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 4901note prec.) is transferred to subchapter I of chapter 387 of title 10, United States Code, inserted after section 4901, and redesignated as section 4902.

(b) AMENDMENTS.—Section 4902 of title 10, United States Code, as so transferred and redesignated, is amended—

(1) in the section heading, by striking "mentor-protege pilot" and inserting "department of defense mentor-protege";

(2) in the heading for subsection (a), by striking "Pilot";

(3) in subsections (a) and (c), by striking "pilot" each place it appears;

(4) in subsection (d)(1)(B)(iii)—

(A) in subclause (I), by striking "$100,000,000" and inserting "$25,000,000"; and

(B) in subclause (II), by striking "subsection (k)" and inserting "subsection (j)";

(5) in subsection (e)(2), by striking "two years" each place it appears and inserting "three years";

(6) in subsection (f)—

(A) in paragraph (1)(B), by inserting "manufacturing, test and evaluation," after "inventory control,"; and

(B) in paragraph (6)(B), by striking "pursuant to" and all that follows through the semicolon at the end and inserting "pursuant to chapter 388 of this title;";

(7) in subsection (g)(3)(C), by striking "subsection (k)" and inserting "subsection (j)";

(8) by striking subsections (j) and (n);

(9) by redesignating subsections (k) through (m) as subsections (j) through (l), respectively;

(10) by redesignating subsection (o) as subsection (n);

(11) in subsection (j), as so redesignated—

(A) by striking "pilot" each place it appears;

(B) by striking "by which mentor firms" and inserting "by which the parties"; and

(C) by striking "The Secretary shall publish" and all that follows through "270 days after the date of the enactment of this Act.";

(12) in paragraph (7)(B) of subsection (k), as so redesignated, by striking "pursuant to" and all that follows through "; or" and inserting "pursuant to chapter 388 of this title; or";

(13) in subsection (l), as so redesignated, by striking "subsection (l)" and inserting "subsection (k)";

(14) by inserting after subsection (l), as so redesignated, the following new subsection:

"(m) ANNUAL COLLECTION OF PERFORMANCE DATA.—The Director of the Office of Small Business Programs shall—

"(1) maintain outcome-based performance goals and annually collect data through an automated information system (if practicable) assessing such goals; and

"(2) conduct an independent review of the Mentor-Protege Program established under this section at least once every three years."; and

(15) by amending subsection (n), as so redesignated, to read as follows:

"(n) DEFINITIONS.—In this section:

"(1) The term 'affiliation', with respect to a relationship between a mentor firm and a protege firm, means a relationship described under section 121.103 of title 13, Code of Federal Regulations (or any successor regulation).

"(2) The term 'disadvantaged small business concern' means a firm that is not more than the size standard corresponding to its primary North American Industry Classification System code, is not owned or managed by individuals or

entities that directly or indirectly have stock options or convertible securities in the mentor firm, and is—

"(A) a small business concern owned and controlled by socially and economically disadvantaged individuals;

"(B) a business entity owned and controlled by an Indian tribe as defined by section 8(a)(13) of the Small Business Act (15 U.S.C. 637(a)(13));

"(C) a business entity owned and controlled by a Native Hawaiian Organization as defined by section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(15));

"(D) a qualified organization employing severely disabled individuals;

"(E) a small business concern owned and controlled by women, as defined in section 8(d)(3)(D) of the Small Business Act (15 U.S.C. 637(d)(3)(D));

"(F) a small business concern owned and controlled by service-disabled veterans (as defined in section 8(d)(3) of the Small Business Act (15 U.S.C. 637(d)(3)));

"(G) a qualified HUBZone small business concern (as defined in section 31(b) of the Small Business Act (15 U.S.C. 657a(b))); or

"(H) a small business concern that—

"(i) is a nontraditional defense contractor, as such term is defined in section 3014 of this title; or

"(ii) currently provides goods or services in the private sector that are critical to enhancing the capabilities of the defense supplier base and fulfilling key Department of Defense needs.

"(3) The term 'historically Black college and university' means any of the historically Black colleges and universities referred to in section 2323 of this title, as in effect on March 1, 2018.

"(4) The term 'minority institution of higher education' means an institution of higher education with a student body that reflects the composition specified in section 312(b)(3), (4), and (5) of the Higher Education Act of 1965 (20 U.S.C. 1058(b)(3), (4), and (5)).

"(5) The term 'qualified organization employing the severely disabled' means a business entity operated on a for-profit or nonprofit basis that—

"(A) uses rehabilitative engineering to provide employment opportunities for severely disabled individuals and integrates severely disabled individuals into its workforce;

"(B) employs severely disabled individuals at a rate that averages not less than 20 percent of its total workforce;

"(C) employs each severely disabled individual in its workforce generally on the basis of 40 hours per week; and

"(D) pays not less than the minimum wage prescribed pursuant to section 6 of the Fair Labor Standards Act (29 U.S.C. 206) to those employees who are severely disabled individuals.

"(6) The term 'severely disabled individual' means an individual who is blind (as defined in section 8501 of title 41) or a severely disabled individual (as defined in such section).

"(7) The term 'small business concern' has the meaning given such term under section 3 of the Small Business Act (15 U.S.C. 632).

"(8) The term 'small business concern owned and controlled by socially and economically disadvantaged individuals' has the meaning given such term in section 8(d)(3)(C) of the Small Business Act (15 U.S.C. 637(d)(3)(C)).

"(9) The term 'subcontracting participation goal', with respect to a Department of Defense contract, means a goal for the extent of the participation by disadvantaged small business concerns in the subcontracts awarded under such contract, as established pursuant to section 8(d) of the Small Business Act (15 U.S.C. 637(d)).".

(c) CLERICAL AMENDMENT.—The table of sections for subchapter I of chapter 387 of title 10, United States Code, is amended by adding at the end the following new item:

"4902. Department of Defense Mentor-Protege Program.".

(d) [10 U.S.C. 4902 note] PROTEGE TECHNICAL REIMBURSEMENT PILOT PROGRAM.—

(1) IN GENERAL.—Not later than July 1, 2023, the Director of the Office of Small Business Programs of the Department of Defense (as appointed pursuant to section 144 of title 10, United States Code) shall establish a pilot program under which a protege firm may receive up to 25 percent of the reimbursement for which the mentor firm of such protege firm is eligible under the Mentor-Protege Program for a covered activity described in paragraph (2).

(2) ACTIVITY DESCRIBED.—A covered activity under this paragraph is an engineering, software development, or manufacturing customization that the protege firm implements in order to ensure that a technology developed by the protege firm will be ready for integration with a program or system of the Department of Defense.

(3) DEFINITIONS.—In this subsection:

(A) The terms "mentor firm", "protege firm" have the meanings given under section 4902 of title 10, United States Code, as amended by this section.

(B) The term "Mentor-Protege Program" means the Mentor-Protege Program established under section 4902 of title 10, United States Code, as amended by this section.

(4) TERMINATION.—The pilot program established under paragraph (1) shall terminate on the date that is five years after the date on which the pilot program is established.

(e) CONFORMING AMENDMENTS.—

(1) BUY INDIAN ACT.—Section 23(a)(2) of the Act of June 25, 1910 (commonly known as the "Buy Indian Act") (36 Stat. 861, 25 U.S.C. 47(a)(2)) is amended by striking "section 831(c) of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2302 note; Public Law 101-510)" and inserting "section 4902(c) of title 10, United States Code".

(2) SMALL BUSINESS ACT.—Section 8(d)(12) of the Small Business Act (15 U.S.C. 637(d)(12)) is amended—

(A) by striking "the pilot Mentor-Protege Program established pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 10 U.S.C. 2301 note)" and inserting "the Mentor-Protege Program established under section 4902 of title 10, United States Code,"; and

(B) by striking "subsection (g)" and inserting "subsection (f)".

(f) REGULATIONS.—Not later than December 31, 2023, the Secretary of Defense shall issue regulations for carrying out section 4902 of title 10, United States Code, as amended by this section.

(g) [10 U.S.C. 4902 note] AGREEMENTS UNDER PILOT PROGRAM.—The amendments made by this section shall not apply with respect to any agreement entered into under the program as established under section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1607) before the date of the enactment of this Act.

SEC. 857. PROCUREMENT REQUIREMENTS RELATING TO RARE EARTH ELEMENTS AND STRATEGIC AND CRITICAL MATERIALS.

(a) [10 U.S.C. 4811 note] DISCLOSURES CONCERNING RARE EARTH ELEMENTS AND STRATEGIC AND CRITICAL MATERIALS BY CONTRACTORS OF DEPARTMENT OF DEFENSE.—

(1) REQUIREMENT.—Beginning on the effective date of this subsection, the Secretary of Defense shall—

(A) require that any contractor that provides to the Department of Defense a system with a permanent magnet that contains rare earth elements or strategic and critical materials disclose, after undertaking a commercially reasonable inquiry and along with delivery of the system, the provenance of the magnet; and

(B) safeguard such disclosures in accordance with applicable classification level required by the associated programs.

(2) ELEMENTS.—A disclosure under paragraph (1) shall include an identification of the country or countries in which—

(A) any rare earth elements and strategic and critical materials used in the magnet were mined;

(B) such elements and minerals were refined into oxides;

(C) such elements and minerals were made into metals and alloys; and

(D) the magnet was sintered or bonded and magnetized.

(3) IMPLEMENTATION OF SUPPLY CHAIN TRACKING SYSTEM.—If a contractor cannot make the disclosure required by paragraph (1) with respect to a system described in that paragraph, the Secretary shall require the contractor to establish and implement a supply chain tracking system in order to make the disclosure to the fullest extent possible not later than 180 days after the contractor provides the system to the Department of Defense. The tracking system shall—

(A) include a description of the efforts taken by the contractor to date to make the disclosure required by paragraph (1);

(B) take into account the possible refusal of certain foreign entities to provide the contractor the information necessary to make the disclosure required by paragraph (1); and

(C) require the contractor to report to the Secretary the name, location, and other identifying information of any entities which refuse to provide the contractor with the information necessary to make the disclosure required by paragraph (1).

(4) WAIVERS.—

(A) IN GENERAL.—The Secretary may waive a requirement under paragraph (1) or (3) with respect to a system described in paragraph (1) for a period of not more than 180 days if the Secretary certifies to the Committees on Armed Services of the Senate and the House of Representatives that—

(i) the continued procurement of the system is necessary to meet the demands of a national emergency declared under section 201 of the National Emergencies Act (50 U.S.C. 1621); or

(ii) a contractor that cannot currently make the disclosure required by paragraph (1) is making significant efforts to comply with the requirements of that paragraph.

(B) WAIVER RENEWALS.—The Secretary may renew a waiver as many times as the Secretary considers appropriate, provided that the Secretary submits an updated certification to the committees.

(C) LIMITATION.—The Secretary may not delegate this waiver authority below the level of Assistant Secretary of Defense, a senior acquisition executive (as defined in section 101(a) of title 10, United States Code), or a command acquisition executive (as described in section 167(e)(4)(C) of title 10, United States Code) or equivalent.

(5) BRIEFING REQUIRED.—

(A) IN GENERAL.—Not later than 30 days after the submission of each report required by subsection (c)(3), the Secretary of Defense shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing that includes—

(i) a summary of the disclosures made under this subsection;

(ii) an assessment of the extent of reliance by the United States on foreign countries, and especially countries that are not allies of the United States, for rare earth elements and strategic and critical materials;

(iii) a determination with respect to which systems described in paragraph (1) are of the greatest concern for interruptions of supply chains with respect

to rare earth elements and strategic and critical materials; and

(iv) any suggestions for legislation or funding that would mitigate security gaps in such supply chains.

(B) FORM.—To the extent practicable, each briefing required under subparagraph (A) shall be in an unclassified form, but may contain a classified annex.

(6) EFFECTIVE DATE.—The requirements described in this subsection shall take effect—

(A) not earlier than 30 months after the date of enactment of this Act; and

(B) after the Secretary of Defense certifies to the Committees on Armed Services of the Senate and the House of Representatives that the Department has established a process to ensure that the information collection requirements of this subsection present no national security risks, or that any such risks have been fully mitigated.

(b) EXPANSION OF RESTRICTIONS ON PROCUREMENT OF MILITARY AND DUAL-USE TECHNOLOGIES BY CHINESE MILITARY COMPANIES.—Section 1211 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 10 U.S.C. 4651note prec.) is amended—

(1) in the section heading, by striking "communist chinese military companies" and inserting "chinese military companies";

(2) in subsection (a), by inserting after "military company" the following: ", any Chinese military company, any Non-SDN Chinese military-industrial complex company, or any other covered company";

(3) by amending subsection (b) to read as follows:

"(b) GOODS AND SERVICES COVERED.—

"(1) IN GENERAL.—For purposes of subsection (a), and except as provided in paragraph (2), the goods and services described in this subsection are goods and services—

"(A) on the munitions list of the International Traffic in Arms Regulations; or

"(B) on the Commerce Control List that—

"(i) are classified in the 600 series; or

"(ii) contain strategic and critical materials, rare earth elements, or energetic materials used to manufacture missiles or munitions.

"(2) EXCEPTIONS.—Goods and services described in this subsection do not include goods or services procured—

"(A) in connection with a visit by a vessel or an aircraft of the United States Armed Forces to the People's Republic of China;

"(B) for testing purposes; or

"(C) for purposes of gathering intelligence."; and

(4) in subsection (e)—

(A) by striking paragraph (3);

(B) by redesignating paragraphs (1) and (2) as paragraphs (3) and (5), respectively;

(C) by inserting before paragraph (3), as redesignated by subparagraph (B), the following:

"(1) The term 'Chinese military company' has the meaning given that term by section 1260H(d)(1) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-283; 10 U.S.C. 113 note).

"(2) The term 'Commerce Control List' means the list maintained by the Bureau of Industry and Security and set forth in Supplement No. 1 to part 774 of the Export Administration Regulations.";

(D) by inserting after paragraph (3), as so redesignated, the following:

"(4) The term 'Export Administration Regulations' has the meaning given that term in section 1742 of the Export Control Reform Act of 2018 (50 U.S.C. 4801)."; and

(E) by adding at the end the following:

"(6) The term 'Non-SDN Chinese military-industrial complex company' means any entity on the Non-SDN Chinese Military-Industrial Complex Companies List—

"(A) established pursuant to Executive Order 13959 (50 U.S.C. 1701 note; relating to addressing the threat from securities investments that finance Communist Chinese military companies), as amended before, on, or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2023; and

"(B) maintained by the Office of Foreign Assets Control of the Department of the Treasury.

"(7) The term 'other covered company' means a company that—

"(A) is owned or controlled by the government of the People's Republic of China; and

"(B) is certified by the Secretary of Defense to the congressional defense committees to be a company that must be covered by this section for national security reasons.

"(8) The term 'strategic and critical materials' means materials designated as strategic and critical under section 3(a) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98b(a))."; and

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

"(f) EFFECTIVE DATE.—With respect to goods and services described in clause (ii) of subparagraph (b)(1)(B), the prohibition shall take effect 180 days after the date on which the Secretary of Defense certifies to the congressional defense committees that a sufficient number of commercially viable providers exist outside of the People's Republic of China that collectively can provide the Department of Defense with satisfactory quality and sufficient quantity of such goods or services as and when needed at United States market prices.".

(c) REVIEW OF COMPLIANCE WITH CONTRACTING REQUIREMENTS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, and periodically thereafter until the termination date specified in paragraph (5), the Comptroller General of the United States shall assess the extent of the efforts of the Secretary of Defense to comply with the requirements of—

(A) subsection (a);

(B) section 1211 of the National Defense Authorization Act for Fiscal Year 2006, as amended by subsection (b); and

(C) section 4872 of title 10, United States Code.

(2) BRIEFING REQUIRED.—

(A) IN GENERAL.—The Comptroller General shall periodically, until the termination date specified in paragraph (5), provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on the results of the assessments conducted under paragraph (1) that includes an assessment of—

(i) the inclusion by the Department of Defense of necessary contracting clauses in relevant contracts to meet the requirements described in subparagraphs (A), (B), and (C) of paragraph (1); and

(ii) the efforts of the Department of Defense to assess the compliance of contractors with such clauses.

(B) FORM.—To the extent practicable, each briefing required under subparagraph (A) shall be in an unclassified form, but may contain a classified annex.

(3) REPORT REQUIRED.—

(A) IN GENERAL.—The Comptroller General shall, not less frequently than every 2 years until the termination date specified in paragraph (5), submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the results of the assessments conducted under paragraph (1).

(B) FORM.—To the extent practicable, each report required under subparagraph (A) shall be in an unclassified form, but may contain a classified annex.

(4) REFERRAL.—If, in conducting an assessment under paragraph (1), the Comptroller General determines that a contractor has willfully or recklessly failed to comply with any of the requirements described in subparagraphs (A), (B), and (C) of paragraph (1), the Comptroller General may refer the matter, as appropriate, for further examination and possible enforcement actions.

(5) TERMINATION.—The requirements of this subsection shall terminate on the date that is 5 years after the date of the enactment of this Act.

(d) [10 U.S.C. 4811 note] STRATEGIC AND CRITICAL MATERIALS DEFINED.—In this section, the term "strategic and critical materials" means materials designated as strategic and critical under section 3(a) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98b(a)).

SEC. 858. [10 U.S.C. 4811 note] ANALYSES OF CERTAIN ACTIVITIES FOR ACTION TO ADDRESS SOURCING AND INDUSTRIAL CAPACITY.

(a) ANALYSIS REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition and Sustainment and other appropriate officials, shall review the items under subsection (c) to determine and develop appro-

priate actions, consistent with the policies, programs, and activities required under subpart I of part V of subtitle A of title 10, United States Code, chapter 83 of title 41, United States Code, and the Defense Production Act of 1950 (50 U.S.C. 4501 et seq.), including—

(A) restricting procurement, with appropriate waivers for cost, emergency requirements, and non-availability of suppliers, including restricting procurement to—

(i) suppliers in the United States;

(ii) suppliers in the national technology and industrial base (as defined in section 4801 of title 10, United States Code);

(iii) suppliers in other allied nations; or

(iv) other suppliers;

(B) increasing investment through use of research and development or procurement activities and acquisition authorities to—

(i) expand production capacity;

(ii) diversify sources of supply; or

(iii) promote alternative approaches for addressing military requirements;

(C) prohibiting procurement from selected sources or nations;

(D) taking a combination of actions described under subparagraphs (A), (B), and (C); or

(E) taking no action.

(2) CONSIDERATIONS.—The analyses conducted pursuant to paragraph (1) shall consider national security, economic, and treaty implications, as well as impacts on current and potential suppliers of goods and services.

(b) REPORTING ON ANALYSES, RECOMMENDATIONS, AND ACTIONS.—

(1) BRIEFING REQUIRED.—Not later than January 15, 2024, the Secretary of Defense shall submit to the congressional defense committees, in writing—

(A) a summary of the findings of the analyses undertaken for each item pursuant to subsection (a);

(B) relevant recommendations resulting from the analyses; and

(C) descriptions of specific activities undertaken as a result of the analyses, including schedule and resources allocated for any planned actions.

(2) REPORTING.—The Secretary of Defense shall include the analyses conducted under subsection (a), and any relevant recommendations and descriptions of activities resulting from such analyses, as appropriate, in each of the following during the 2024 calendar year:

(A) The annual report on unfunded priorities of the national technology and industrial base required under section 4815 of such title.

(B) Department of Defense technology and industrial base policy guidance prescribed under section 4811(c) of such title.

(C) Activities to modernize acquisition processes to ensure the integrity of the industrial base pursuant to section 4819 of such title.

(D) Defense memoranda of understanding and related agreements considered in accordance with section 4851 of such title.

(E) Industrial base or acquisition policy changes.

(F) Legislative proposals for changes to relevant statutes which the Department shall consider, develop, and submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives not less frequently than once per fiscal year.

(G) Other actions as the Secretary of Defense determines appropriate.

(c) LIST OF GOODS AND SERVICES FOR ANALYSES, RECOMMENDATIONS, AND ACTIONS.—The items described in this subsection are the following:

(1) Solar components for satellites.

(2) Satellite ground station service contracts.

(3) Naval vessel shafts and propulsion system components (including reduction gears and propellers).

(4) Infrastructure or equipment for a passenger boarding bridge at a military airport designated by the Secretary of Transportation under section 47118(a) of title 49, United States Code.

(5) Flags of the United States.

(6) Natural rubber from herbaceous plants for military applications.

(7) Alternative proteins as sustainable and secure food sources.

(8) Carbon fiber.

SEC. 859. [10 U.S.C. 4811 note] DEMONSTRATION EXERCISE OF ENHANCED PLANNING FOR INDUSTRIAL MOBILIZATION AND SUPPLY CHAIN MANAGEMENT.

(a) DEMONSTRATION EXERCISE REQUIRED.—Not later than December 31, 2024, the Secretary of Defense shall conduct a demonstration exercise of industrial mobilization and supply chain management planning capabilities in support of one or more operational or contingency plan use cases, as selected in consultation with the Chairman of the Joint Chiefs of Staff and the Under Secretary of Defense for Acquisition and Sustainment.

(b) ELEMENTS.—The demonstration exercise required under subsection (a) shall include the following elements:

(1) Use of a current program that is both fielded and still in production from each military department, Defense Agency, and Department of Defense Field Activity in order to model a notional plan for mobilization or supply chain management, as associated with the selected operational or contingency plans.

(2) The exercise of processes and authorities that support the Department of Defense for industrial mobilization in support of declared hostilities or other contingency operations.

(3) The identification of process improvements or gaps in resources, capabilities, or authorities that require remediation,

including those related to government or contractor production facilities, tooling, or workforce development.

(4) The implementation of analytical tools and processes to monitor and assess the health of the industrial base and to use near real-time data and visualization capabilities in making production and distribution decisions, with an emphasis on identifying, assessing, and demonstrating commercially available tools.

(5) The establishment and tracking of goals and metrics to support institutionalization of defense industrial base health assessment and planning.

(c) BRIEFING REQUIRED.—Not later than November 1, 2023, the Secretary shall provide to the congressional defense committees an interim briefing on the demonstration exercise required under subsection (a), including—

(1) an identification of the programs and use cases to be demonstrated;

(2) a description of methodology for executing the demonstration exercise, including analytical tools or metrics identified to support the process; and

(3) any preliminary findings.

(d) ASSESSMENT.—Not later than March 1, 2025, the Secretary shall submit to the congressional defense committees a report assessing the demonstration exercise required under subsection (a), including a description of—

(1) the programs and use cases considered in this demonstration exercise;

(2) the outcomes of the activities required under subsection (b);

(3) outcomes and conclusions;

(4) lessons learned; and

(5) any recommendations for legislative action that may be required as a result.

(e) DEFINITIONS.—In this section, the terms "military department", "Defense Agency", and "Defense Field Activity" have the meanings given those terms in section 101 of title 10, United States Code.

SEC. 860. RISK MANAGEMENT FOR DEPARTMENT OF DEFENSE PHARMACEUTICAL SUPPLY CHAINS.

(a) RISK MANAGEMENT FOR ALL DEPARTMENT OF DEFENSE PHARMACEUTICAL SUPPLY CHAINS.—Not later than one year after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition and Sustainment shall—

(1) develop and issue implementing guidance for risk management for Department of Defense supply chains for pharmaceutical materiel for the Department;

(2) identify, in coordination with the Secretary of Health and Human Services, supply chain information gaps regarding the Department's reliance on foreign suppliers of drugs, including active pharmaceutical ingredients and final drug products; and

(3) submit to the Committees on Armed Services of the Senate and the House of Representatives a report regarding—

(A) existing information streams, if any, that may be used to assess the reliance by the Department of Defense on high-risk foreign suppliers of drugs;

(B) vulnerabilities in the drug supply chains of the Department of Defense; and

(C) any recommendations to address—

(i) information gaps identified under paragraph (2); and

(ii) any risks related to such reliance on foreign suppliers.

(b) RISK MANAGEMENT FOR DEPARTMENT OF DEFENSE PHARMACEUTICAL SUPPLY CHAIN.—The Director of the Defense Health Agency shall—

(1) not later than one year after the issuance of the guidance required under subsection (a)(1), develop and publish implementing guidance for risk management for the Department of Defense supply chain for pharmaceuticals; and

(2) establish a working group—

(A) to assess risks to the Department's pharmaceutical supply chain;

(B) to identify the pharmaceuticals most critical to beneficiary care at military treatment facilities; and

(C) to establish policies for allocating scarce pharmaceutical resources of the Department of Defense in case of a supply disruption.

SEC. 861. STRATEGY FOR INCREASING COMPETITIVE OPPORTUNITIES FOR CERTAIN CRITICAL TECHNOLOGIES.

(a) STRATEGY.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a comprehensive strategy to—

(1) increase competitive opportunities available for appropriate United States companies to transition critical technologies into major weapon systems and other programs of record; and

(2) enhance the integrity and diversity of the defense industrial base.

(b) ELEMENTS.—The strategy required under subsection (a) shall include the following:

(1) A description of methods to increase opportunities for appropriate United States companies to develop end items of critical technologies for major weapon systems, rapidly prototype such end items, and conduct activities that would support the transition of such end items into major weapon systems and programs of record, including—

(A) continuous experimentation or military utility assessments to improve such end items;

(B) evaluation of how to integrate existing commercial capabilities relating to such end items of appropriate United States companies or entities in the defense industrial base into major weapon systems and programs of record in the Department of Defense;

(C) efforts that improve the ability of appropriate United States companies or entities in the defense indus-

trial base to maintain, afford, or manufacture major weapon systems or components for such systems; and

(D) development of alternative supply sources for components of a major weapon system to ensure the availability of component parts and to support supply chain diversity.

(2) Processes to improve coordination by the military departments and other elements of the Department of Defense to carry out the strategy required by this section.

(c) DEFINITIONS.—In this section:

(1) The term "appropriate United States company" means—

(A) a nontraditional defense contractor, as defined in section 3014 of title 10, United States Code; or

(B) a prime contractor that has entered into a cooperative agreement with a nontraditional defense contractor with the express intent to pursue funding authorized by sections 4021 and 4022 of title 10, United States Code, in the development, testing, or prototyping of critical technologies.

(2) The term "major weapon system" has the meaning given in section 3455 of title 10, United States Code.

(3) The term "critical technology" means a technology identified as critical by the Secretary of Defense, which shall include the following:

(A) Biotechnology.
(B) Quantum science technology.
(C) Advanced materials.
(D) Artificial intelligence and machine learning.
(E) Microelectronics.
(F) Space technology.
(G) Advanced computing and software.
(H) Hypersonics.
(I) Integrated sensing and cybersecurity.
(J) Autonomous systems.
(K) Unmanned systems.
(L) Advanced sensing systems.
(M) Advanced communications systems.

SEC. 862. [10 U.S.C. 4811 note] KEY ADVANCED SYSTEM DEVELOPMENT INDUSTRY DAYS.

(a) IN GENERAL.—Not later than March 1, 2023, and every 180 days thereafter, the each Secretary of a military department shall ensure that such military department conducts an outreach event to—

(1) collaborate with the private sector on present current and future opportunities with respect to key advanced system development areas;

(2) raise awareness within the private sector of—

(A) key advanced system development areas; and

(B) capability needs and existing and potential requirements related to the key advanced system development areas; and

(3) raise awareness within such military department of potential material solutions for capability needs and existing and

potential requirements related to key advanced system development areas.

(b) RESPONSIBILITIES.—

(1) SERVICE CHIEFS.—For each event a military department conducts under subsection (a), the Service Chief concerned shall, for each key advanced system development area, perform the following:

(A) Identify related and potentially related existing, planned, or potential military requirements, including urgent and emergent operational needs.

(B) Identify and describe related and potentially related needs or gaps in the capabilities of the military department to carry out the missions of the military department, including warfighting and combat support capabilities.

(C) Identify and describe related and potentially related exercise, demonstration, or experimentation opportunities.

(2) ACQUISITION EXECUTIVES.—For each event a military department conducts under subsection (a), the service acquisition executive of the military department conducting the event shall, for each key advanced system development area, perform the following:

(A) Identify and describe related and potentially related existing, planned, or potential acquisition plans and strategies.

(B) Identify and describe related and potentially related existing, planned, or potential funding opportunities, including—

(i) broad agency announcements;

(ii) requests for information;

(iii) funding opportunity announcements;

(iv) special program announcements;

(v) requests for proposals;

(vi) requests for quotes;

(vii) special notices;

(viii) transactions pursuant to sections 4004, 4021, and 4022 of title 10, United States Code;

(ix) unsolicited proposals; and

(x) other funding opportunities as determined appropriate by the service acquisition executive.

(3) DELEGATION.—Each Service Chief concerned and each service acquisition executive may delegate the authority to carry out the tasks for which such individuals are responsible under this subsection.

(4) REVIEWS AND COORDINATION.—

(A) INDUSTRY DAY REVIEWS.—Promptly after an event conducted by a military department under subsection (a), the service acquisition executive of such military department shall—

(i) disseminate a written review of such event as broadly as practicable within the Department of Defense; and

(ii) make such review publicly available on a website of the military department.

(B) CONSOLIDATION.—The Secretary of Defense and the Chairman of the Joint Chiefs of Staff shall, periodically, jointly review and consolidate the reviews required by subparagraph (A) to identify trends, eliminate redundancy, and enhance efficiency with respect to events conducted under subsection (a).

(c) FORM.—With respect to each event conducted under subsection (a), the Secretary concerned shall seek to maximize industry and government participation, while minimizing cost to the maximum extent practicable, by—

(1) holding the event at an unclassified security level to the extent practicable;

(2) making the event publicly accessible through teleconference or other virtual means; and

(3) making supporting materials for the event publicly available on a website.

(d) DEFINITIONS.—In this section:

(1) MILITARY DEPARTMENTS; SECRETARY CONCERNED; SERVICE ACQUISITION EXECUTIVE.—The terms "military departments", "Secretary concerned", and "service acquisition executive" have the meanings given such terms in section 101(a) of title 10, United States Code.

(2) KEY ADVANCED SYSTEM DEVELOPMENT AREA.—The term "key advanced system development area" means the following:

(A) For the Department of the Navy—

(i) unmanned surface vessels;

(ii) unmanned underwater vessels;

(iii) unmanned deployable mobile ocean systems;

(iv) unmanned deployable fixed ocean systems; and

(v) autonomous unmanned aircraft systems.

(B) For the Department of the Air Force, autonomous unmanned aircraft systems.

(C) For the Department of the Army, autonomous unmanned aircraft systems.

(3) SERVICE CHIEF.—The term "Service Chief concerned" means—

(A) the Chief of Staff of the Army, with respect to matters concerning the Department of the Army;

(B) the Chief of Naval Operations and the Commandant of the Marine Corps, with respect to matters concerning the Department of the Navy;

(C) the Chief of Staff of the Air Force, with respect to matters concerning the Department of the Air Force; and

(D) the Chief of Space Operations, with respect to matters concerning the Space Force.

Subtitle F—Small Business Matters

SEC. 871. CODIFICATION OF SMALL BUSINESS ADMINISTRATION SCORECARD.

(a) IN GENERAL.—Subsection (b) of section 868 of the National Defense Authorization Act for Fiscal Year 2016 (15 U.S.C. 644 note) is transferred to section 15 of the Small Business Act (15 U.S.C. 644), inserted after subsection (x), redesignated as subsection (y), and amended—

(1) by striking paragraphs (1), (6), and (7);

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

(3) by redesignating paragraph (8) as paragraph (6);

(4) in paragraph (1) (as so redesignated), by striking "Beginning in" and all that follows through "to evaluate" and inserting "The Administrator shall use a scorecard to annually evaluate";

(5) in paragraph (2) (as so redesignated)—

(A) by striking "the Federal agency" each place it appears and inserting "a Federal agency or the Federal Government, as applicable,";

(B) in the matter preceding subparagraph (A)—

(i) by striking "developed under paragraph (1)"; and

(ii) by inserting "and Governmentwide" after "each Federal agency"; and

(C) in subparagraph (A), by striking "section 15(g)(1)(B) of the Small Business Act (15 U.S.C. 644(g)(1)(B))" and inserting"subsection (g)(1)(B)";

(6) in paragraph (3) (as so redesignated)—

(A) in subparagraph (A), by striking "paragraph (3)(A)" and inserting "paragraph (2)(A)"; and

(B) in subparagraph (B), by striking "paragraph (3)" and inserting "paragraph (2)";

(7) by inserting after paragraph (3) (as so redesignated) the following new paragraph:

"(4) ADDITIONAL REQUIREMENTS FOR SCORECARDS.—The scorecard shall include, for each Federal agency and Governmentwide, the following information with respect to prime contracts:

"(A) The number (expressed as a percentage) and total dollar amount of awards made to small business concerns owned and controlled by women through sole source contracts and competitions restricted to small business concerns owned and controlled by women under section 8(m).

"(B) The number (expressed as a percentage) and total dollar amount of awards made to small business concerns owned and controlled by qualified HUBZone small business concerns through sole source contracts and competitions restricted to qualified HUBZone small business concerns under section 31(c)(2).

"(C) The number (expressed as a percentage) and total dollar amount of awards made to small business concerns

owned and controlled by service-disabled veterans through sole source contracts and competitions restricted to small business concerns owned and controlled by service-disabled veterans under section 36.

"(D) The number (expressed as a percentage) and total dollar amount of awards made to socially and economically disadvantaged small business concerns under section 8(a) through sole source contracts and competitions restricted to socially and economically disadvantaged small business concerns, disaggregated by awards made to such concerns that are owned and controlled by individuals and awards made to such concerns that are owned and controlled by an entity.";

(8) in paragraph (5), by striking "section 15(h)(2) of the Small Business Act (15 U.S.C. 644(h)(2))" and inserting "subsection (h)(2)"; and

(9) by amending paragraph (6) (as so redesignated) to read as follows:

"(6) SCORECARD DEFINED.—In this subsection, the term 'scorecard' means any summary using a rating system to evaluate the efforts of a Federal agency to meet goals established under subsection (g)(1)(B) that—

"(A) includes the measures described in paragraph (2); and

"(B) assigns a score to each Federal agency evaluated.".

(b) CONFORMING AMENDMENT.—Section 15(x)(2) of the Small Business Act (15 U.S.C. 644(x)(2)) is amended by striking "scorecard described in section 868(b) of the National Defense Authorization Act for Fiscal Year 2016 (15 U.S.C. 644 note)"and inserting "scorecard (as defined in subsection (y))".

SEC. 872. MODIFICATIONS TO THE SBIR AND STTR PROGRAMS.

(a) CORRECTION TO STTR DISCLOSURE REQUIREMENTS.—Section 9(g)(13)(D) of the Small Business Act (15 U.S.C. 638(g)(13)(D)) is amended by striking "of concern".

(b) [15 U.S.C. 638 note] DUE DILIGENCE PROGRAM.—

(1) IN GENERAL.—Until the date on which the Under Secretary of Defense for Research and Engineering makes the certification described in paragraph (2), in carrying out the due diligence program required under subsection (vv) of section 9 of the Small Business Act (15 U.S.C. 638), the Secretary of Defense and each Secretary of a military department shall perform the assessments required under such due diligence program—

(A) only with respect to small business concerns selected by the applicable Secretary as the presumptive recipient of an award described in such subsection (vv); and

(B) prior to notifying the small business concern that the small business concern has been selected to receive such an award.

(2) FULL IMPLEMENTATION.—On the date on which the Under Secretary of Defense for Research and Engineering certifies to the Committees on Armed Services of the Senate and

the House of Representatives that an automated capability for performing the assessments required under the due diligence program required under subsection (vv) of section 9 of the Small Business Act (15 U.S.C. 638) with respect to all small business concerns seeking an award described in such subsection is operational, paragraph (1) of this subsection shall sunset.

SEC. 873. ACCESS TO DATA ON BUNDLED OR CONSOLIDATED CONTRACTS.

(a) IN GENERAL.—Section 15(p) of the Small Business Act (15 U.S.C. 644(p)) is amended—

(1) by amending paragraph (1) to read as follows:

"(1) BUNDLED OR CONSOLIDATED CONTRACT DEFINED.—In this subsection, the term 'bundled or consolidated contract' has the meaning given in subsection (s).";

(2) in paragraph (4)—

(A) in the paragraph heading, by striking "contract bundling" and inserting "bundled or consolidated contracts";

(B) in subparagraph (A), by striking "contract bundling" and inserting "bundled or consolidated contracts";

(C) in subparagraph (B)—

(i) in clause (i), by striking "bundled contracts" and inserting "bundled or consolidated contracts"; and

(ii) in clause (ii)—

(I) in the matter preceding subclause (I), by striking "bundled contracts" and inserting "bundled or consolidated contracts";

(II) in subclause (I), by striking "were bundled" and inserting "were included in bundled or consolidated contracts"; and

(III) in subclause (II)—

(aa) in the matter preceding item (aa), by striking "bundled contract" and inserting "bundled or consolidated contract";

(bb) in items (aa), (dd), and (ee) by inserting "or the consolidation of contract requirements (as applicable)" after "bundling of contract requirements" each place it appears;

(cc) in item (bb), by striking "bundling the contract requirements" and inserting "the bundling of contract requirements or the 136 STAT. 2741 consolidation of contract requirements (as applicable)";

(dd) in item (cc), by striking "the bundled status of contract requirements" and inserting "contract requirements in a bundled or consolidated contract"; and

(ee) in item (ee), by striking "consolidated requirements" and inserting "contract"; and

(3) in paragraph (5)(B), by striking "provide, upon request" and all that follows through the period at the end and inserting the following: "provide to the Administrator data and information described in paragraphs (2) and (4).".

(b) TECHNICAL AMENDMENT.—Section 15(p)(2) of the Small Business Act (15 U.S.C. 644(p)) is amended—

(1) by striking "Database" in the paragraph heading and all that follows through "Not later" and inserting "Database.—Not later"; and

(2) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively.

SEC. 874. [10 U.S.C. 4901 note] SMALL BUSINESS INTEGRATION WORKING GROUP.

(a) IN GENERAL.—Not later than 60 days after the enactment of this Act, the Secretary of Defense shall issue a charter to establish a small business integration working group that—

(1) ensures the integration and synchronization of the activities of the military departments and other components of the Department of Defense with respect to small business concerns; and

(2) convenes not fewer than four times per year.

(b) MEMBERSHIP.—The small business integration working group chartered under subsection (a) shall be comprised of representatives from each of the following organizations:

(1) The small business office of each military department.

(2) The Small Business Innovation Research Program and the Small Business Technology Transfer Program (as such terms are defined in section 9(e) of the Small Business Act (15 U.S.C. 638(e))) of each military department.

(3) The office of the Under Secretary of Defense for Acquisition and Sustainment.

(4) The office of the Under Secretary of Defense for Research and Engineering.

(5) Any other office the Secretary of Defense determines appropriate.

(c) BRIEFING REQUIRED.—Not later than March 1, 2023, the Secretary of Defense shall brief the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives on the establishment and activities of the small business integration working group chartered under subsection (a), the policies enacted by the small business integration working group to allow for the sharing of best practices for maximizing the contributions of small business concerns in the defense industrial base and in acquisitions by the Department of Defense, and practices for conducting oversight of the activities of the military departments and other components of the Department of Defense with respect to small business concerns.

(d) DEFINITIONS.—In this section:

(1) MILITARY DEPARTMENT.—The term "military department" has the meaning given such term in section 101(a) of title 10, United States Code.

(2) SMALL BUSINESS CONCERN.—The term "small business concern" has the meaning given such term under section 3 of the Small Business Act (15 U.S.C. 632).

SEC. 875. [10 U.S.C. 4901 note] DEMONSTRATION OF COMMERCIAL DUE DILIGENCE FOR SMALL BUSINESS PROGRAMS.

(a) DEMONSTRATION REQUIRED.—Not later than December 31, 2027, the Secretary of Defense shall establish a program to carry out a demonstration of commercial due diligence tools, techniques, and processes in order to support small businesses in identifying attempts by malicious foreign actors to gain undue access to, or foreign ownership, control, or influence over—

(1) the small business; or

(2) any technology a small business is developing pursuant to a contract or other agreement with the Department of Defense.

(b) ELEMENTS.—The program required under subsection (a) shall include the following:

(1) The identification of one or more entities to be responsible for the commercial due diligence tools, techniques, and processes that are part of a demonstration under the program and a description of the interactions required between such entity, small businesses, and the government agencies that enforce such tools, techniques, and processes.

(2) An assessment of commercial due diligence tools, techniques, and processes already in use by each Office of Small Business Programs.

(3) The development of methods to analyze the commercial due diligence tools, techniques, and processes that are part of a demonstration under the program to—

(A) monitor and assess attempts described in subsection (a);

(B) provide information on such attempts to applicable small businesses; and

(C) allow small businesses that are subject to such attempts to provide information about such attempts to the Secretary of Defense.

(4) The development of training and resources for small businesses that can be shared directly with such businesses or through a procurement technical assistance program established under chapter 388 of title 10, United States Code.

(5) The implementation of performance measures to assess the effectiveness of such program.

(c) BRIEFING REQUIRED.—Not later than April 1, 2023, the Secretary of Defense shall provide to the congressional defense committees an interim briefing on the program required under subsection (a) that includes the following:

(1) An identification of any entity described in subsection (b)(1).

(2) A description of the methodology for executing any demonstrations under the program, including any analytical tools or metrics identified to support such a demonstration.

(3) A description of any identified instances of attempts described in subsection (a).

(4) An identification of improvements or gaps in resources, capabilities, or authorities, and other lessons learned from any demonstrations under the program.

(d) ASSESSMENT.—Not later than March 1, 2028, the Secretary shall submit to the congressional defense committees a report on the program required under subsection (a), including any identified instances of attempts described in such subsection, any lessons learned, and any recommendations for legislative action related to such program.

(e) DEFINITIONS.—In this section:

(1) The term "foreign ownership, control, or influence" has the meaning given in section 847 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92; 133 Stat. 1505; 10 U.S.C. 4819 note).

(2) The term "Office of Small Business Programs" means—

(A) the Office of Small Business Programs of the Department of Defense established under section 144 of title 10, United States Code;

(B) the Office of Small Business Programs of the Department of the Army established under section 7024 of such title;

(C) the Office of Small Business Programs of the Department of the Navy established under section 8028 of such title; and

(D) the Office of Small Business Programs of the Department of the Air Force established under section 9024 of such title.

SEC. 876. DEVELOPMENT AND ASSESSMENT OF MISSION EFFECTIVENESS METRICS.

(a) IN GENERAL.—The Secretary of Defense, in coordination with the service acquisition executives (as defined in section 101(a) of title 10, United States Code), shall conduct a study on the metrics necessary to assess the effectiveness of the SBIR and STTR programs of the Department of Defense in meeting the mission needs of the Department, including by developing metrics and collecting and assessing longitudinal data necessary for evaluation of those metrics.

(b) ELEMENTS.—The study required under subsection (a) shall include the following:

(1) An assessment of the measurable ways in which the SBIR and STTR programs of the Department of Defense support the mission needs of the Department.

(2) The development of recurring, quantifiable metrics for measuring the ability of the SBIR and STTR programs of the Department to deliver products and services that meet the mission needs of the Department.

(3) An evaluation of currently available data to support the assessment of the metrics described in paragraph (2), including the identification of areas where gaps in the availability of such data exist that may require collecting new data or modifying existing data.

(4) The identification of current means and methods available to the Department for collecting data in an automated fashion, including the identification of areas where gaps in the automated collection of data exist that may require new means for collecting or visualizing data.

(5) The development of an analysis and assessment methodology framework to make tradeoffs between the metrics described in paragraph (2) and existing commercialization benchmarks of the Department to enhance the decision-making of the Department regarding the benefits of the SBIR and STTR programs of the Department.

(c) BRIEFINGS.—

(1) INTERIM BRIEFING.—Not later than six months after the enactment of this Act, the Secretary of Defense shall provide to the Committees on Armed Services of the Senate and House of Representatives a briefing on the development of the metrics described in subsection (a) for the study required under such subsection.

(2) FINAL BRIEFING.—Not later than one year after the enactment of this Act, the Secretary of Defense shall provide to the Committees on Armed Services of the Senate and House of Representatives a briefing on the results of the study required under subsection (a).

Subtitle G—Other Matters

SEC. 881. TECHNICAL CORRECTION TO EFFECTIVE DATE OF THE TRANSFER OF CERTAIN TITLE 10 ACQUISITION PROVISIONS.

(a) [10 U.S.C. 4027 note] IN GENERAL.—The amendments made by section 1701(e) and paragraphs (1) and (2) of section 802(b) of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117-81) shall be deemed to have taken effect immediately before the amendments made by section 1881 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-283; 134 Stat. 4293).

(b) [10 U.S.C. 4027 note] TREATMENT OF SECTION 4027 REQUIREMENTS.—An individual or entity to which the requirements under section 4027 of title 10, United States Code, were applicable during the period beginning on January 1, 2022, and ending on the date of the enactment of this Act pursuant to subsection (a) shall be deemed to have complied with such requirements during such period.

SEC. 882. [10 U.S.C. 1564 note] SECURITY CLEARANCE BRIDGE PILOT PROGRAM.

(a) IN GENERAL.—The Secretary of Defense, in consultation with the Director of National Intelligence, shall conduct a pilot program to allow the Defense Counterintelligence and Security Agency to sponsor the personal security clearances of the employees of innovative technology companies that are performing a contract of the Department of Defense while the Government completes the adjudication of the facility clearance application of such a innovative technology company.

(b) ADDITIONAL REQUIREMENTS.—

(1) PERSONAL SECURITY CLEARANCE AUTHORITY.—

(A) IN GENERAL.—Under the pilot program, the Defense Counterintelligence and Security Agency may nomi-

nate and sponsor the personal security clearances of the employees of an innovative technology company.

(B) LIMITATION.—Under the pilot program, the Defense Counterintelligence and Security Agency may sponsor the personal security clearances of employees of not more than 75 innovative technology companies.

(2) ADJUDICATION OF THE FACILITY CLEARANCE APPLICATION.—Any adjudication of a facility clearance application of an innovative technology company described in subsection (a) shall include an assessment and mitigation of foreign ownership, control, or influence of the innovative technology company, as applicable.

(c) CLEARANCE TRANSFER.—

(1) IN GENERAL.—Not later than 30 days after an innovative technology company is granted facility clearance, the Defense Counterintelligence and Security Agency shall transfer any personal clearances of employees of the innovative technology company held by the Defense Counterintelligence and Security Agency under the pilot program back to the innovative technology company.

(2) DENIAL OF FACILITY CLEARANCE.—Not later than 10 days after an innovative technology company is denied facility clearance, the Defense Counterintelligence and Security Agency shall release any personal clearances of employees of the innovative technology company held by the Defense Counterintelligence and Security Agency under the pilot program.

(d) PARTICIPANT SELECTION.—The Under Secretary of Defense for Research and Engineering, in consultation with the Under Secretary of Defense for Acquisition and Sustainment and the service acquisition executive of the military department concerned (as such terms are defined, respectively, in section 101 of title 10, United States Code), shall select innovative technology companies to participate in the pilot program.

(e) SUNSET.—The pilot program shall terminate on December 31, 2028.

(f) DEFINITIONS.—In this section:

(1) FACILITY CLEARANCE.—The term "facility clearance" has the meaning given the term "Facility Clearance" in section 95.5 of title 10, Code of Federal Regulations, or any successor regulation.

(2) FOREIGN OWNERSHIP, CONTROL, OR INFLUENCE.—The term "foreign ownership, control, or influence" has the meaning given in section 847 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92; 133 Stat. 1505; 10 U.S.C. 4819 note).

(3) INNOVATIVE TECHNOLOGY COMPANY.—The term "innovative technology company" means a nontraditional defense contractor (as defined in section 3014 of title 10, United States Code) that—

(A) provides goods or services related to—

(i) one or more of the 14 critical technology areas described in the memorandum by the Under Secretary of Defense for Research and Engineering issued on

February 1, 2022, entitled "USD(R&E) Technology Vision for an Era of Competition"; or

(ii) information technology, software, or hardware that is unavailable from any other entity that possesses a facility clearance; and

(B) is selected by the Under Secretary of Defense for Research and Engineering under subsection (d) to participate in the pilot program.

(4) PERSONAL SECURITY CLEARANCE.—The term "personal security clearance" means the security clearance of an individual who has received approval from the Department of Defense to access classified information.

(5) PILOT PROGRAM.—The term "pilot program" means the pilot program established under subsection (a).

[Section 883 was repealed by section 811(b)(1) of division A of Public Law 119–60.]

SEC. 884. INCORPORATION OF CONTROLLED UNCLASSIFIED INFORMATION GUIDANCE INTO PROGRAM CLASSIFICATION GUIDES AND PROGRAM PROTECTION PLANS.

(a) UPDATES REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall, acting through the Under Secretary of Defense for Intelligence and Security and the Under Secretary of Defense for Research and Engineering, ensure that all program classification guides (for classified programs) and all program protection plans (for unclassified programs) include guidance for the proper marking for controlled unclassified information at their next regularly scheduled update.

(2) ELEMENTS.—Guidance under paragraph (1) shall include the following:

(A) A requirement to use document portion markings for controlled unclassified information.

(B) A process to ensure controlled unclassified information document portion markings are used properly and consistently.

(b) MONITORING OF PROGRESS.—In tracking the progress in carrying out subsection (a), the Under Secretary of Defense for Intelligence and Security and the Under Secretary of Defense for Research and Engineering shall implement a process for monitoring progress that includes the following:

(1) Tracking of all program classification guides and program protection plans so they include document portion marking for controlled unclassified information, and the dates when controlled unclassified information guidance updates are completed.

(2) Updated training in order to ensure that all government and contractor personnel using the guides described in subsection (a)(1) receive instruction, as well as periodic spot checks, to ensure that training is sufficient and properly implemented to ensure consistent application of document portion marking guidance.

(3) A process for feedback to ensure that any identified gaps or lessons learned are incorporated into guidance and training instructions.

(c) REQUIRED COMPLETION.—The Secretary shall ensure that the updates required by subsection (a) are completed before January 1, 2029.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

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

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

Subtitle B—Other Department of Defense Organization and Management Matters

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

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

SEC. 901. INCREASE IN AUTHORIZED NUMBER OF ASSISTANT AND DEPUTY ASSISTANT SECRETARIES OF DEFENSE.

(a) ASSISTANT SECRETARY OF DEFENSE FOR CYBER POLICY.—Section 138(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(8) One of the Assistant Secretaries is the Assistant Secretary of Defense for Cyber Policy. The principal duty of the Assistant Secretary shall be the overall supervision of policy of the Department of Defense for cyber. The Assistant Secretary is the Principal Cyber Advisor described in section 392a(a) of this title.".

(b) INCREASE IN AUTHORIZED NUMBER OF ASSISTANT SECRETARIES OF DEFENSE.—

(1) INCREASE.—Section 138(a)(1) of title 10, United States Code, is amended by striking "15" and inserting "19".

(2) CONFORMING AMENDMENT.—Section 5315 of title 5, United States Code, is amended by striking "Assistant Secretaries of Defense (14)." and inserting "Assistant Secretaries of Defense (19).".

(c) INCREASE IN AUTHORIZED NUMBER OF DEPUTY ASSISTANT SECRETARIES OF DEFENSE.—

(1) INCREASE.—Section 138 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(e) The number of Deputy Assistant Secretaries of Defense may not exceed 60.".

(2) CONFORMING REPEAL.—Section 908 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91; 131 Stat. 1514; 10 U.S.C. 138 note) is repealed.

(d) ADDITIONAL AMENDMENTS.—Section 138(b) of title 10, United States Code, is amended—

(1) in paragraph (2)(A)—

(A) in the second sentence in the matter preceding clause (i), by striking "He shall have as his principal duty" and inserting "The principal duty of the Assistant Secretary shall be"; and

(B) in clause (ii), by striking subclause (III);

(2) in paragraph (3), in the second sentence, by striking "He shall have as his principal duty" and inserting "The principal duty of the Assistant Secretary shall be";

(3) in paragraph (4)—

(A) in subparagraph (A), by striking the semicolon and inserting "; and";

(B) in subparagraph (B), by striking "; and"inserting a period; and

(C) by striking subparagraph (C); and

(4) in paragraph (6), by striking "shall—" and all that follows and inserting "shall advise the Under Secretary of Defense for Acquisition and Sustainment on industrial base policies.".

(e) EVALUATION AND REVIEW.—Section 1504 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117-81; 135 Stat. 2022) is amended—

(1) in subsection (a), by striking "Not later than 180 days after the date of the enactment of this Act" and inserting "Not later than April 1, 2023"; and

(2) in subsection (b)—

(A) in paragraph (13), by striking "and" at the end;

(B) by redesignating paragraph (14) as paragraph (17); and

(C) by inserting after paragraph (13) the following new paragraphs:

"(14) assess the need to retain or modify the relationships, authorities, roles, and responsibilities of the Principal Cyber Advisor described in section 392a(a) of title 10, United States Code;

"(15) assess the organizational construct of the Department of Defense and how authorities, roles, and responsibilities for matters relating to cyber activities are distributed among the Under Secretaries, Assistant Secretaries, and Deputy Assistant Secretaries of Defense and among civilian officials within the military departments with roles and responsibilities relating to cyber activities;

"(16) make recommendations for changes to statutes affecting the organizational construct of the Department of Defense to improve the oversight, management, and coordination of—

"(A) policies, programs, and strategies relating to cyber activities;

"(B) the execution of the authorities of the United States Cyber Command; and

"(C) other matters relating to cyber activities; and".

SEC. 902. CONFORMING AMENDMENTS RELATING TO REPEAL OF POSITION OF CHIEF MANAGEMENT OFFICER.

Section 2222 of title 10, United States Code, is amended—

(1) in subsection (c)(2), by striking "the Chief Management Officer of the Department of Defense, the Under Secretary of Defense for Acquisition and Sustainment, the Chief Information Officer, and the Chief Management Officer" and inserting "the Chief Information Officer of the Department of Defense, the Under Secretary of Defense for Acquisition and Sustainment, and the Chief Information Officer";

(2) in subsection (e)—

(A) in paragraph (1), by striking "the Chief Management Officer" and inserting "the Chief Information Officer"; and

(B) in paragraph (6)—

(i) in subparagraph (A), in the matter preceding clause (i)—

(I) in the first sentence, by striking "The Chief Management Officer of the Department of Defense" and inserting "The Chief Information Officer of the Department of Defense, in coordination with the Chief Data and Artificial Intelligence Officer,"; and

(II) in the second sentence, by striking "the Chief Management Officer shall" and inserting "the Chief Information Officer shall"; and

(ii) in subparagraph (B), in the matter preceding clause (i), by striking "The Chief Management Officer" and inserting "The Chief Information Officer";

(3) in subsection (f)—

(A) in paragraph (1), in the second sentence, by striking "the Chief Management Officer and"; and

(B) in paragraph (2)—

(i) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively;

(ii) by inserting before subparagraph (B), as redesignated by clause (i), the following new subparagraph (A):

"(A) The Chief Information Officers of the military departments, or their designees."; and

(iii) in subparagraph (C), as so redesignated, by adding at the end the following new clause:

"(iv) The Chief Data and Artificial Intelligence Officer of the Department of Defense.";

(4) in subsection (g)(2), by striking "the Chief Management Officer" each place it appears and inserting "the Chief Information Officer"; and

(5) in subsection (i)(5)(B), by striking "the Chief Management Officer" and inserting "the Chief Information Officer".

SEC. 903. LIMITATION ON USE OF FUNDS PENDING DEMONSTRATION OF PRODUCT TO IDENTIFY, TASK, AND MANAGE CONGRESSIONAL REPORTING REQUIREMENTS.

Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2023 for operation and maintenance, Defense-wide, for the Office of the Secretary of Defense, not more than 90 percent may be obligated or expended until the Secretary of Defense demonstrates a minimum viable product—

(1) to optimize and modernize the process described in section 908(a) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-283; 10 U.S.C. 111 note) for identifying reports to Congress required by annual national defense authorization Acts, assigning responsibility for preparation of such reports, and managing the completion and delivery of such reports to Congress; and

(2) that includes capabilities to enable—

(A) direct access by the congressional defense committees to the follow-on system to that process using secure credentials;

(B) rapid automatic ingestion of data provided by those committees with respect to reports and briefings required to be submitted to Congress in a comma-separated value spreadsheet;

(C) sortable and exportable database views for tracking and research purposes;

(D) automated notification of relevant congressional staff and archival systems; and

(E) integration with Microsoft Office.

SEC. 904. LIMITATION ON USE OF FUNDS PENDING COMPLIANCE WITH REQUIREMENTS RELATING TO ALIGNMENT OF CLOSE COMBAT LETHALITY TASK FORCE.

Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2023 for operation and maintenance, Defense-wide, for the Office of the Secretary of Defense, not more than 75 percent may be obligated or expended until the Department of Defense complies with the requirements of section 911 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117-81; 135 Stat. 1878) (relating to alignment of the Close Combat Lethality Task Force).

Subtitle B—Other Department of Defense Organization and Management Matters

SEC. 911. UPDATES TO MANAGEMENT REFORM FRAMEWORK.

Section 125a of title 10, United States Code, is amended—

(1) in subsection (c)—

(A) in paragraph (1), by striking "2022" and inserting "2023"; and

(B) in paragraph (3), by inserting "the Director for Administration and Management of the Department of Defense," after "the Chief Information Officer of the Department of Defense,"; and

(2) in subsection (d)—

(A) by redesignating paragraph (6) as paragraph (9); and

(B) by inserting after paragraph (5) the following new paragraphs:

"(6) Development and implementation of a uniform methodology for tracking and assessing cost savings and cost avoidance from reform initiatives.

"(7) Implementation of reform-focused research to improve management and administrative science.

"(8) Tracking and implementation of technological approaches to improve management decision-making, such as artificial intelligence tools.".

SEC. 912. BRIEFING ON CHANGES TO UNIFIED COMMAND PLAN.

Paragraph (2) of section 161(b) of title 10, United States Code, is amended to read as follows:

"(2) Except during time of hostilities or imminent threat of hostilities, the President shall—

"(A) not more than 60 days after establishing a new combatant command—

"(i) notify Congress of the establishment of such command; and

"(ii) provide to Congress a briefing on the establishment of such command; and

"(B) not more than 60 days after significantly revising the missions, responsibilities, or force structure of an existing combatant command—

"(i) notify Congress of such revisions; and

"(ii) provide to Congress a briefing on such revisions.".

SEC. 913. CLARIFICATION OF PEACETIME FUNCTIONS OF THE NAVY.

Section 8062(a) of title 10, United States Code, is amended—

(1) in the second sentence, by striking "primarily" and inserting "for the peacetime promotion of the national security interests and prosperity of the United States and"; and

(2) in the third sentence, by striking "for the effective prosecution of war" and inserting "for the duties described in the preceding sentence".

SEC. 914. RESPONSIBILITIES AND FUNCTIONS RELATING TO ELECTROMAGNETIC SPECTRUM OPERATIONS.

Section 1053(g) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232; 10 U.S.C. 113 note) is amended—

(1) in the subsection heading, by striking "Transfer of Responsibilities and Functions Relating to Electromagnetic Spectrum Operations" and inserting "Report on Appropriate Align-

ment of Responsibilities and Functions Relating to Electromagnetic Spectrum Operations; Evaluations";

(2) by striking paragraphs (1), (2), and (5);

(3) by inserting the following new paragraph (1):

"(1) REPORT REQUIRED.—

"(A) IN GENERAL.—Not later than March 31, 2023, the Secretary of Defense shall submit to the congressional defense committees a report on the appropriate alignment of electromagnetic spectrum operations responsibilities and functions.

"(B) CONSIDERATIONS.—In developing the report required by subparagraph (A), the Secretary of Defense shall consider the following:

"(i) The appropriate role of each existing organization and element of the Department of Defense with responsibilities or functions relating to electromagnetic spectrum operations and the potential establishment of a new entity dedicated electromagnetic spectrum operations within one or more of those organizations or elements.

"(ii) Whether the organizational structure responsible for electromagnetic spectrum operations within the Department—

"(I) should be a unitary structure, in which a single organization or element is primarily responsible for all aspects of such operations; or

"(II) a hybrid structure, in which separate organizations or elements are responsible for different aspects of electromagnetic spectrum operations.

"(iii) The resources required to fulfill the specified responsibilities and functions."; and

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

SEC. 915. [10 U.S.C. 132 note] JOINT ALL DOMAIN COMMAND AND CONTROL.

(a) DIRECTION AND CONTROL OF JOINT ALL DOMAIN COMMAND AND CONTROL.—The Deputy Secretary of Defense, in coordination with the Vice Chairman of the Joint Chiefs of Staff, shall oversee joint all domain command and control (commonly known as "JADC2") to ensure—

(1) close collaboration with the Joint Requirements Oversight Council, the combatant commands, and the military services regarding operational requirements and requirements satisfaction relating to joint all domain command and control; and

(2) objective assessments to the Deputy Secretary and Vice Chairman about the progress of the Department of Defense in achieving the objectives of joint all domain command and control.

(b) DEMONSTRATIONS AND FIELDING OF MISSION THREADS.—

(1) IN GENERAL.—The Deputy Secretary and Vice Chairman shall take the following actions in support of the objectives described in paragraph (2):

(A) In consultation with the Commander of the United States Indo-Pacific Command and the commanders of such other combatant commands as may be designated by the Deputy Secretary—

(i) identify a prioritized list of difficult mission-critical operational challenges specific to the area of operations of the designated commands;

(ii) design and recommend resourcing options, through the Office of Cost Analysis and Program Evaluation and the Management Action Group of the Deputy Secretary, a series of multi-domain, multi-service and multi-agency, multi-platform, and multisystem end-to-end integrated kinetic and non-kinetic mission threads, including necessary battle management functions, to solve the operational challenges identified in clause (i);

(iii) demonstrate the ability to execute the integrated mission threads identified in clause (ii) in realistic conditions on a repeatable basis, including the ability to achieve, through mission integration software, interoperability among effects chain components that do not conform to common interface standards, including the use of the System of Systems Technology Integration Tool Chain for Heterogeneous Electronic Systems (commonly known as "STITCHES") managed by the 350th Spectrum Warfare Wing of the Department of the Air Force; and

(iv) create a plan to deploy the mission threads to the area of operations of the United States Indo-Pacific Command and such other combatant commands as may be designated by Deputy Secretary, and execute the mission threads at the scale and pace required to solve the identified operational challenges, including necessary logistics and sustainment capabilities.

(B) Designate organizations to serve as transition partners for integrated mission threads and ensure such integrated mission threads are maintained and exercised as operational capabilities in the United States Indo-Pacific Command and such other combatant commands as may be designated by Deputy Secretary.

(C) Designate organizations and elements of the Department of Defense as the Deputy Secretary determines appropriate to be responsible for—

(i) serving as mission managers for composing and demonstrating the integrated mission threads under the mission management pilot program established by section 871 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117-81; 10 U.S.C. 191 note);

(ii) providing continuing support and sustainment for, and training and exercising of, the integrated mission threads under the operational command of the Commander of United States Indo-Pacific Command

and such other combatant commands as may be designated by Deputy Secretary;

(iii) planning and executing experimentation and demonstrations with—

(I) Joint data integration approaches;

(II) mission integration capabilities, especially software; and

(III) Joint tactics, techniques, and procedures;

(iv) assisting in fielding mission integration software to encourage the development and employment of such software on a larger scale, especially at the designated combatant commands;

(v) assessing and integrating, as appropriate, the capabilities of Assault Breaker II, developed by the Defense Advanced Research Projects Agency, and related developmental efforts as those efforts transition to operational deployment; and

(vi) integrating joint all domain command and control mission threads and mission command and control, including in conflicts that arise with minimal warning, and exercising other joint all domain command and control capabilities and functions.

(D) Integrate the planning and demonstrations of the mission threads with—

(i) the Production, Exploitation, and Dissemination Center in the United States Indo-Pacific Command;

(ii) the Family of Integrated Targeting Cells; and

(iii) the tactical dissemination and information sharing systems for the Armed Forces and allies of the United States, including the Mission Partner Environment and the Maven Smart System.

(2) OBJECTIVES DESCRIBED.—The objectives described in this paragraph are the following—

(A) to support the emphasis of the National Defense Strategy on adversary-specific deterrence postures;

(B) to support actions that can be taken within the period covered by the future-years defense program focused on—

(i) critical mission threads, such as kinetic kill chains and non-kinetic effects chains; and

(ii) integrated concepts of operation;

(C) to support demonstrations and experimentation; and

(D) to achieve the objectives of the Joint All Domain Command and Control Strategy and Implementation Plan approved by the Deputy Secretary of Defense.

(c) PERFORMANCE GOALS.—The Deputy Secretary, the Vice Chairman, and the commanders of such other combatant commands as may be designated by the Deputy Secretary shall seek to—

(1) beginning in the third quarter of fiscal year 2023, demonstrate new integrated mission threads on a regularly recurring basis multiple times each year; and

(2) include such demonstrations, as feasible, in the Rapid Defense Experimentation Reserve campaign of experimentation, Valiant Shield, Northern Edge, the Large Scale Global Exercise, the quarterly Scarlet Dragon exercises, the Global Information Dominance Experiments, and annual force exercises in the area of responsibility of the United States Indo-Pacific Command.

(d) DEFINITIONS.—In this section:

(1) The term "Deputy Secretary" means the Deputy Secretary of Defense.

(2) The term "Family of Integrated Targeting Cells" means the Maritime Targeting Cell-Afloat, the Maritime Targeting Cell-Expeditionary, the Tactical Intelligence Targeting Access Node, Tactical Operations Center Medium/Light, and other interoperable command and control nodes that are able to task the collection of, receive, process, and disseminate track and targeting information from many sensing systems in disconnected, denied, intermittent or limited bandwidth conditions.

(3) The term "joint all domain command and control" refers to the warfighting capabilities that support commander decision making at all echelons from campaigning to conflict, across all domains, and with partners, to deliver information advantage.

(4) The term "mission command" is the employment of military operations through decentralized execution based upon mission-type orders and the intent of commanders.

(5) The terms "mission thread", "kill chain", and "effects chain" have the meanings given those terms in the publication of the Office of the Under Secretary of Defense for Research and Engineering titled "Mission Engineering Guide" and dated November 2020.

(6) The term "Vice Chairman" means the Vice Chairman of the Joint Chiefs of Staff.

SEC. 916. [10 U.S.C. 125a note] STRATEGIC MANAGEMENT DASHBOARD DEMONSTRATION.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall conduct a demonstration of a strategic management dashboard to automate the data collection and data visualization of the primary management goals of the Department of Defense.

(b) ELEMENTS.—The Secretary of Defense shall ensure that the strategic management dashboard demonstrated under subsection (a) includes the following:

(1) The capability for real-time monitoring of the performance of the Department of Defense in meeting the management goals of the Department.

(2) An integrated analytics capability, including the ability to dynamically add or upgrade new capabilities when needed.

(3) Integration with the framework required by subsection (c) of section 125a of title 10, United States Code, for measuring the progress of the Department toward covered elements of reform (as defined in subsection (d) of that section).

(4) Incorporation of the elements of the strategic management plan required by section 904(d) of the National Defense

Authorization Act of Fiscal Year 2008 (Public Law 110-181; 10 U.S.C. note prec. 2201), as derived from automated data feeds from existing information systems and databases.

(5) Incorporation of the elements of the most recent annual performance plan of the Department required by section 1115(b) of title 31, United States Code, and the most recent update on performance of the Department required by section 1116 of that title.

(6) Use of artificial intelligence and machine learning tools to improve decision making and assessment relating to data analytics.

(7) Adoption of leading and lagging indicators for key strategic management goals.

(c) AUTHORITIES.—

(1) IN GENERAL.—In conducting the demonstration required by subsection (a), the Secretary of Defense may use the authorities described in paragraph (2), and such other authorities as the Secretary considers appropriate—

(A) to help accelerate the development of innovative technological or process approaches; and

(B) to attract new entrants to solve the data management and visualization challenges of the Department.

(2) AUTHORITIES DESCRIBED.—The authorities described in this paragraph are the authorities provided under the following provisions of law:

(A) Section 4025 of title 10, United States Code (relating to prizes for advanced technology achievements).

(B) Section 217 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 10 U.S.C. 2222 note) (relating to science and technology activities to support business systems information technology acquisition programs).

(C) Section 908 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117-81; 10 U.S.C. 129a note) (relating to management innovation activities).

(d) USE OF BEST PRACTICES.—In conducting the demonstration required by subsection (a), the Secretary of Defense shall leverage commercial best practices in management and leading research in management and data science.

(e) STRATEGIC MANAGEMENT DASHBOARD DEFINED.—In this section, the term "strategic management dashboard" means a system for dynamically displaying management metrics, performance goals, and other information necessary for Department of Defense leadership to make strategic decisions related to the management of the Department using modern, commercial practices for data visualization and drawn from existing automated information systems available to the Department.

SEC. 917. [10 U.S.C. 2223 note] DEMONSTRATION PROGRAM FOR COMPONENT CONTENT MANAGEMENT SYSTEMS.

(a) IN GENERAL.—Not later than July 1, 2023, the Chief Information Officer of the Department of Defense, in coordination with the official designated under section 238(b) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232; 10 U.S.C. note prec. 4061), shall complete a pilot pro-

gram to demonstrate the application of component content management systems to a distinct set of data of the Department.

(b) SELECTION OF DATA SET.—In selecting a distinct set of data of the Department for purposes of the pilot program required by subsection (a), the Chief Information Officer shall consult with, at a minimum, the following:

(1) The Office of the Secretary of Defense, with respect to directives, instructions, and other regulatory documents of the Department.

(2) The Office of the Secretary of Defense and the Joint Staff, with respect to execution orders.

(3) The Office of the Under Secretary of Defense for Research and Engineering and the military departments, with respect to technical manuals.

(4) The Office of the Under Secretary of Defense for Acquisition and Sustainment, with respect to Contract Data Requirements List documents.

(c) AUTHORITY TO ENTER INTO CONTRACTS.—Subject to the availability of appropriations, the Secretary of Defense may enter into contracts or other agreements with public or private entities to conduct studies and demonstration projects under the pilot program required by subsection (a).

(c) BRIEFING REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Chief Information Officer shall provide to the congressional defense committees a briefing on plans to implement the pilot program required by subsection (a).

(d) COMPONENT CONTENT MANAGEMENT SYSTEM DEFINED.—In this section, the term "component content management system" means any content management system that enables the management of content at a component level instead of at the document level.

SEC. 918. REPORT ON POTENTIAL TRANSITION OF ALL MEMBERS OF THE SPACE FORCE INTO A SINGLE COMPONENT.

(a) REPORT REQUIRED.—Not later than March 1, 2023, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the proposal of the Air Force to transition the Space Force into a single component (in this section referred to as the Space Component)—

(1) that consists of all members of the Space Force, without regard to whether such a member is, under laws in effect at the time of the report, in the active or reserve component of the Space Force; and

(2) in which such members may transfer between duty statuses more freely than would otherwise be allowed under the laws in effect at the time of the report.

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

(1) A plan that describes any rules, regulations, policies, guidance, and statutory provisions that may be implemented to govern—

(A) the ability of a member of the Space Component to transfer between duty statuses, the number of members authorized to make such transfers, and the timing of such transfers;

(B) the retirement of members of the Space Component, including the determination of a member's eligibility for retirement and the calculation of the retirement benefits (including benefits under laws administered by the Secretary of Veterans Affairs) to which the member would be entitled based on a career consisting of service in duty statuses of the Space Component; and

(C) the composition and operation of promotion selection boards with respect to members of the Space Component, including the treatment of general officers by such boards.

(2) A comprehensive analysis of how such proposal may affect the ability of departments and agencies of the Federal Government (including departments and agencies outside the Department of Defense and the Department of Veterans Affairs) to accurately calculate the pay or determine the benefits, including health care benefits under chapter 55 of title 10, United States Code, to which a member or former member of the Space Component is entitled at any given time.

(3) Draft legislative text, prepared by the Office of Legislative Counsel within the Office of the General Counsel of the Department of Defense, that comprehensively sets forth all amendments and modifications to Federal statutes needed to effectively implement the proposal described in subsection (a), including—

(A) amendments and modifications to titles 10, 37, and 38, United States Code;

(B) amendments and modifications to Federal statutes outside of such titles; and

(C) an analysis of each provision of Federal statutory law that refers to the duty status of a member of an Armed Force, or whether such member is in an active or reserve component, and, for each such provision—

(i) a written determination indicating whether such provision requires amendment or other modification to clarify its applicability to a member of the Space Component; and

(ii) if such an amendment or modification is required, draft legislative text for such amendment or modification.

(4) An assessment of the feasibility and advisability of—

(A) exempting the proposed Space Component from the existing "up or out" system of officer career advancement first established by the amendments to title 10, United States Code, made by the Defense Officer Personnel Management Act (Public Law 96-513; 94 Stat. 2835);

(B) combining active and reserve components in a new, single Space Component and whether a similar outcome could be achieved using the existing active and reserve component frameworks with modest statutory changes to allow reserve officers to serve on sustained active duty; and

(C) creating career flexibility for reserve members of the Space Component, including in shifting retirement points earned from one year to the next and allowing members of the Space Component to move back and forth between active and reserve status for prolonged periods of time across a career.

(5) An assessment of the implications of the proposed reorganization of the Space Force on the development of space as a warfighting domain in the profession of arms, particularly with respect to officer leadership, development, and stewardship of the profession.

(6) A determination of whether existing government ethics regulations are adequate to address potential conflicts of interest for Space Component officers who seek to move back and forth between sustained active duty and working for private sector organizations in the space industry as reserve officers in the Space Component.

(7) An analysis of the following:

(A) Whether the proposed Space Component framework is consistent with the joint service requirements of chapter 38 of title 10, United States Code.

(B) Budgetary implications of the establishment of the Space Component.

(C) The nature of the relationship with private industry and civilian employers that would be required and consistent with professional ethics to successfully implement the Space Component.

(D) The effect of establishing a Space Component on diversity and inclusion within the Space Force.

TITLE X—GENERAL PROVISIONS

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Sec. 1066. Reports on United States military force presence in Europe.
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Sec. 1068. Report on strategy and improvement of community engagement efforts of Armed Forces in Hawaii.
Sec. 1069. Report on Department of Defense military capabilities in the Caribbean.

Sec. 1070. Quarterly briefings on Department of Defense support for civil authorities to address immigration at the southwest border.
Sec. 1071. Annual report on procurement of equipment by State and local governments through the Department of Defense.
Sec. 1072. Briefing on financial oversight of certain educational institutions receiving Department of Defense funds.
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Sec. 1091. Integration of electronic warfare into Tier 1 and Tier 2 joint training exercises.
Sec. 1092. National Commission on the Future of the Navy.
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Subtitle A—Financial Matters

SEC. 1001. GENERAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2023 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—Except as provided in paragraph (3), the total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $6,000,000,000.

(3) EXCEPTION FOR TRANSFERS BETWEEN MILITARY PERSONNEL AUTHORIZATIONS.—A transfer of funds between military personnel authorizations under title IV shall not be counted toward the dollar limitation in paragraph (2).

(b) LIMITATIONS.—The authority provided by subsection (a) to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

SEC. 1002. SENSE OF CONGRESS RELATING TO THE CORRECTIVE ACTION PLANS REVIEW PROCESS.

It is the sense of Congress that the Under Secretary of Defense (Comptroller) should—

(1) take appropriate steps to improve the corrective action plans review process, including by linking notices of findings and recommendations with the corrective action plans to address such notices; and

(2) update Department of Defense guidance to instruct the Department and its components to document root cause analysis when needed to address deficiencies auditors have identified.

SEC. 1003. ANNUAL REPORTS ON BUDGETARY EFFECTS OF INFLATION.

(a) ANNUAL REPORT.—Not later than 30 days after the date of the submission of the President's budget for a fiscal year under section 1105 of title 31, United States Code, the Secretary of Defense shall deliver to the congressional defense committees a report on observed and anticipated budgetary effects related to inflation, including—

(1) for each Department of Defense appropriation account—

(A) the amount appropriated for the fiscal year preceding the fiscal year during which the report is submitted, the amount appropriated for the fiscal year during which the report is submitted, and the amount requested for the fiscal year for which the budget is submitted;

(B) the relevant inflation index applied to each such account at the time of the budget submission for the fiscal year preceding the fiscal year during which the report is submitted, the fiscal year during which the report is submitted, and the fiscal year for which the budget is submitted;

(C) the actual inflationary budgetary effects on each such account for the fiscal year preceding the fiscal year during which the report is submitted;

(D) the estimated inflationary budgetary effects for the fiscal year during which the report is submitted and the fiscal year for which the budget is submitted; and

(E) a calculation of estimated budgetary effects due to inflation using the estimated indices for the fiscal year during which the report is submitted compared to the estimated indices for the fiscal year for the budget is submitted.

(2) for the fiscal year preceding the fiscal year during which the report is submitted, the fiscal year during which the report is submitted, and the fiscal year for which the budget is submitted, a summary of any requests for equitable adjustment, exercising of economic price adjustment (hereinafter referred to as "EPA") clauses, or bilateral contract modifications to include an EPA, including the contract type and fiscal year and the type and amount of appropriated funds used for the contract;

(3) a summary of any methodological changes in Department of Defense cost estimation practices for inflationary budgetary effects for the fiscal year during which the report is submitted and the fiscal year for which the budget is submitted; and

(4) any other matters the Secretary determines appropriate.

(b) PERIODIC BRIEFING.—Not later than 60 days after the conclusion of the Department of Defense budget mid-year review, the Secretary of Defense shall provide the congressional defense committees with a briefing on—

(1) any changes in the observed or anticipated inflation indices included in the report required under subsection (a);

(2) any actions taken by the Department of Defense to respond to changes discussed in such report, with specific dollar value figures; and

(3) any requests for equitable adjustment received by the Department of Defense, economic price adjustment clauses exercised, or bilateral contract modifications to include an EPA made since the submission of the report required under subsection (a).

(c) TERMINATION.—The requirement to submit a report under subsection (a) and the requirement to provide a briefing under subsection (b) shall terminate on the date that is five years after the date of the enactment of this Act.

Subtitle B—Counterdrug Activities

SEC. 1011. EXTENSION OF AUTHORITY TO SUPPORT A UNIFIED COUNTERDRUG AND COUNTERTERRORISM CAMPAIGN IN COLOMBIA.

Section 1021 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 118 Stat. 2042), as most recently amended by section 1007 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117-81; 135 Stat. 1889), is further amended—

(1) in subsection (a)(1), by striking "2023" and inserting "2025"; and

(2) in subsection (c), by striking "2023" and inserting "2025"; and

(3) by adding at the end the following:

"(h) ANNUAL REPORT ON PLAN COLOMBIA.—Not later than 30 days after the end of each fiscal year from 2023 to 2025, the Secretary of Defense shall submit to the congressional defense committees and the Committee on Foreign Relations of the Senate and the

Committee on Foreign Affairs of the House of Representatives a report that includes the following:

"(1) An assessment of the threat to Colombia from narcotics trafficking and activities by organizations designated as foreign terrorist organizations under section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)).

"(2) A description of the plan of the Government of Colombia for the unified campaign described in subsection (a).

"(3) A description of the activities supported using the authority provided by subsection (a).

"(4) An assessment of the effectiveness of the activities described in paragraph (3) in addressing the threat described in paragraph (1).".

Subtitle C—Naval Vessels and Shipyards

SEC. 1021. MODIFICATION TO ANNUAL NAVAL VESSEL CONSTRUCTION PLAN.

Section 231(b)(2) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

"(J) For any class of battle force ship for which the procurement of the final ship of the class is proposed in the relevant future-years defense program submitted under section 221 of this title—

"(i) a description of the expected specific effects on the Navy shipbuilding industrial base of—

"(I) the termination of the production program for the ship and the transition to a new or modified production program, or

"(II) the termination of the production program for the ship without a new or modified production program to replace it; and

"(ii) in the case of any such production program for which a replacement production program is proposed, a detailed schedule for the replacement production program with planned decision points, solicitations, and contract awards.".

SEC. 1022. NAVY CONSULTATION WITH MARINE CORPS ON MAJOR DECISIONS DIRECTLY CONCERNING MARINE CORPS AMPHIBIOUS FORCE STRUCTURE AND CAPABILITY.

(a) IN GENERAL.—Section 8026 of title 10, United States Code, is amended by inserting "or amphibious force structure and capability" after "Marine Corps aviation".

(b) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended by inserting "or amphibious force structure and capability" after "aviation".

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 803 of such title is amended by striking the item relating to section 8026 and inserting the following new item:

"8026. Consultation with Commandant of the Marine Corps on major decisions directly concerning Marine Corps aviation or amphibious force structure and capability.".

SEC. 1023. AMPHIBIOUS WARSHIP FORCE STRUCTURE.

Section 8062 of title 10, United States Code, is amended—

(1) in subsection (b)—

(A) in the first sentence, by inserting "and not less than 31 operational amphibious warfare ships, of which not less than 10 shall be amphibious assault ships" before the period; and

(B) in the second sentence—

(i) by inserting "or amphibious warfare ship" before "includes"; and

(ii) by inserting "or amphibious warfare ship" before "that is temporarily unavailable"; and

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

"(g) In this section, the term 'amphibious warfare ship' means a ship that is classified as an amphibious assault ship (general purpose) (LHA), an amphibious assault ship (multi-purpose) (LHD), an amphibious transport dock (LPD), or a dock landing ship (LSD).".

SEC. 1024. MODIFICATION TO LIMITATION ON DECOMMISSIONING OR INACTIVATING BATTLE FORCE SHIPS BEFORE END OF EXPECTED SERVICE LIFE.

(a) IN GENERAL.—Section 8678a(b) of title 10, United States Code, is amended—

(1) in paragraph (1), by inserting "by not later than three days after the date on which the President submits the budget materials under section 1105(a) of title 31 for the fiscal year in which such waiver is sought" after "such ship"; and

(2) in paragraph (2), by striking "such certification was submitted" and inserting "the National Defense Authorization Act for such fiscal year is enacted".

(b) [10 U.S.C. 8678a note] NO EFFECT ON CERTAIN SHIPS.—The amendments made by subsection (a) do not apply to a battle force ship (as such term is defined in section 8678a(e)(1) of title 10, United States Code) that is proposed to be decommissioned or inactivated during fiscal year 2023.

SEC. 1025. AMPHIBIOUS WARFARE SHIP ASSESSMENT AND REQUIREMENTS.

Section 8695 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(e) AMPHIBIOUS WARFARE SHIPS.—In preparing each assessment and requirement under subsection (a), the Commandant of the Marine Corps shall be specifically responsible for developing the requirements relating to amphibious warfare ships.".

SEC. 1026. BATTLE FORCE SHIP EMPLOYMENT, MAINTENANCE, AND MANNING BASELINE PLANS.

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

"SEC. 8696. [10 U.S.C. 8696] Battle force ship employment, maintenance, and manning baseline plans

"(a) IN GENERAL.—Not later than 45 days after the date of the delivery of the first ship in a new class of battle force ships, the

Secretary of the Navy shall submit to the congressional defense committees a report on the employment, maintenance, and manning baseline plans for the class, including a description of the following:

"(1) The sustainment and maintenance plans for the class that encompass the number of years the class is expected to be in service, including—

"(A) the allocation of maintenance tasks among organizational, intermediate, depot, or other activities;

"(B) the planned duration and interval of maintenance for all depot-level maintenance availabilities; and

"(C) the planned duration and interval of drydock maintenance periods.

"(2) Any contractually required integrated logistics support deliverables for the ship, including technical manuals, and an identification of—

"(A) the deliverables provided to the Government on or before the delivery date; and

"(B) the deliverables not provided to the Government on or before the delivery date and the expected dates those deliverables will be provided to the Government.

"(3) The planned maintenance system for the ship, including—

"(A) the elements of the system, including maintenance requirement cards, completed on or before the delivery date;

"(B) the elements of the system not completed on or before the delivery date and the expected completion date of those elements; and

"(C) the plans to complete planned maintenance from the delivery date until all elements of the system have been completed.

"(4) The coordinated shipboard allowance list for the class, including—

"(A) the items on the list onboard on or before the delivery date; and

"(B) the items on the list not onboard on or before the delivery date and the expected arrival date of those items.

"(5) The ship manpower document for the class, including—

"(A) the number of officers by grade and designator; and

"(B) the number of enlisted personnel by rate and rating.

"(6) The personnel billets authorized for the ship for the fiscal year in which the ship is delivered and each of the four fiscal years thereafter, including—

"(A) the number of officers by grade and designator; and

"(B) the number of enlisted personnel by rate and rating.

"(7) Programmed funding for manning and end strength on the ship for the fiscal year in which the ship is delivered and each of the four fiscal years thereafter, including—

"(A) the number of officers by grade and designator; and

"(B) the number of enlisted personnel by rate and rating.

"(8) Personnel assigned to the ship on the delivery date, including—

"(A) the number of officers by grade and designator; and

"(B) the number of enlisted personnel by rate and rating.

"(9) For each critical hull, mechanical, electrical, propulsion, and combat system of the class as so designated by the Senior Technical Authority pursuant to section 8669b(c)(2)(C) of this title, the following:

"(A) The Government-provided training available for personnel assigned to the ship at the time of delivery, including the nature, objectives, duration, and location of the training.

"(B) The contractor-provided training available for personnel assigned to the ship at the time of delivery, including the nature, objectives, duration, and location of the training.

"(C) Plans to adjust how the training described in subparagraphs (A) and (B) will be provided to personnel after delivery, including the nature and timeline of those adjustments.

"(10) The notional employment schedule of the ship for each month of the fiscal year in which the ship is delivered and each of the four fiscal years thereafter, including an identification of time spent in the following phases:

"(A) Basic.

"(B) Integrated or advanced.

"(C) Deployment.

"(D) Maintenance.

"(E) Sustainment.

"(b) NOTIFICATION REQUIRED.—Not less than 30 days before implementing a significant change to the baseline plans described in subsection (a) or any subsequent significant change, the Secretary of the Navy shall submit to the congressional defense committees written notification of the change, including for each such change the following:

"(1) An explanation of the change.

"(2) The desired outcome.

"(3) The rationale.

"(4) The duration.

"(5) The operational effects.

"(6) The budgetary effects, including—

"(A) for the year in which the change is made;

"(B) over the five years thereafter; and

"(C) over the expected service life of the relevant class of battle force ships.

"(7) The personnel effects, including—

"(A) for the year in which the change is made;

"(B) over the five years thereafter; and

"(C) over the expected service life of the relevant class of battle force ships.

"(8) The sustainment and maintenance effects, including—

"(A) for the year in which the change is made;

"(B) over the five years thereafter; and

"(C) over the expected service life of the relevant class of battle force ships.

"(c) TREATMENT OF CERTAIN SHIPS.—(1) For the purposes of this section, the Secretary of the Navy shall treat as the first ship in a new class of battle force ships the following:

"(A) U.S.S. John F. Kennedy (CVN-79).

"(B) U.S.S. Michael Monsoor (DDG-1001).

"(C) U.S.S. Jack H. Lucas (DDG-125).

"(2) For each ship described in paragraph (1), the Senior Technical Authority shall identify critical systems for the purposes of subsection (a)(9).

"(d) DEFINITIONS.—In this section:

"(1) The term 'battle force ship' means the following:

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

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

"(2) The term 'delivery' has the meaning provided for in section 8671 of this title.

"(3) The term 'Senior Technical Authority' has the meaning provided for in section 8669b of this title.".

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

"8696. Battle force ship employment, maintenance, and manning baseline plans.".

SEC. 1027. WITHHOLDING OF CERTAIN INFORMATION ABOUT SUNKEN MILITARY CRAFTS.

Section 1406 of the Sunken Military Craft Act (title XIV of Public Law 108-375; 10 U.S.C. 113 note) is amended by adding at the end the following new subsection:

"(j) WITHHOLDING OF CERTAIN INFORMATION.—Pursuant to subparagraphs (A)(ii) and (B) of section 552(b)(3) of title 5 United States Code, the Secretary concerned may withhold from public disclosure information and data about the location or related artifacts of a sunken military craft under the jurisdiction of the Secretary, if such disclosure would increase the risk of the unauthorized disturbance of one or more sunken military craft.".

SEC. 1028. BUSINESS CASE ANALYSES ON DISPOSITION OF CERTAIN GOVERNMENT-OWNED DRY-DOCKS.

(a) AFDM-10.—Not later than June 1, 2023, the Secretary of the Navy shall submit to the congressional defense committees the results of a business case analysis for Auxiliary Floating Dock, Medium-10 (in this section referred to as "AFDM-10") that compares the following options:

(1) The continued use of AFDM-10, in the same location and under the same lease authorities in effect on the date of the enactment of this Act.

(2) The relocation of AFDM-10 to Naval Station Everett, including all infrastructure support requirement costs and anticipated operating costs.

(3) The relocation and use of AFDM-10 in alternate locations under the same lease authorities in effect on the date of the enactment of this Act, including all infrastructure support requirement costs and anticipated operating costs.

(4) The relocation and use of AFDM-10 in alternate locations under alternative lease authorities.

(5) The conveyance of AFDM-10 at a fair market rate to an appropriate non-Government entity with expertise in the non-nuclear ship repair industry.

(6) Such other options as the Secretary determines appropriate.

(b) GRAVING DOCK AT NAVAL BASE, SAN DIEGO.—Not later than June 1, 2023, the Secretary of the Navy shall submit to the congressional defense committees the results of a business case analysis for the Government-owned graving dock at Naval Base San Diego, California, that compares the following options:

(1) The continued use of such graving dock, in accordance with the utilization strategy described in the May 25, 2022 report to Congress entitled "Navy Dry Dock Strategy for Surface Ship Maintenance and Repair".

(2) Such other options as the Secretary determines appropriate.

(c) MATTERS FOR EVALUATION.—The business case analyses required under subsections (a) and (b) shall each include an evaluation of each of the following:

(1) The extent to which the Secretary plans to execute a consistent and balanced docking strategy that ensures the health of private sector maintenance and repair capability and capacity.

(2) Legal, regulatory, and other requirements applicable to each of the options considered under each such analysis, including environmental documentation, and the effect that such requirements are projected to have on the cost and schedule of such option.

(3) The extent to which the Secretary is considering adding dry dock capacity, including an analysis of the projected cost of adding such capacity and the potential effects of adding such capacity on private sector repair and maintenance facilities.

(4) The projected use by the Navy of Government and non-Government dry docks assets through fiscal year 2027.

(5) For each option considered under each such analysis, the projected implementation timeline and costs.

(6) For each option considered under each such analysis, the relative maintenance capacity and output.

SEC. 1029. PROHIBITION ON RETIREMENT OF CERTAIN NAVAL VESSELS.

(a) IN GENERAL.—None of the funds authorized to be appropriated by this Act for fiscal year 2023 may be obligated or expended to retire, prepare to retire, or place in storage—

(1) any of the naval vessels referred to in subsection (b); or

(2) more than four Littoral Combat Ships.

(b) NAVAL VESSELS.—The naval vessels referred to in this subsection are the following:

(1) USS Vicksburg (CG 69).
(2) USS Germantown (LSD 42).
(3) USS Gunston Hall (LSD 44).
(4) USS Tortuga (LSD 46).
(5) USS Ashland (LSD 48).
(6) USNS Montford Point (T-ESD 1).
(7) USNS John Glenn (T-ESD 2).

(c) LITTORAL COMBAT SHIPS.—In the case of any Littoral Combat Ship that is retired, prepared to retire, or placed in storage using funds authorized to be appropriated by this Act for fiscal year 2023, the Secretary of Defense shall ensure that such vessel is evaluated for potential transfer to the military forces of a nation that is an ally or partner of the United States.

Subtitle D—Counterterrorism

SEC. 1031. EXTENSION OF PROHIBITION ON USE OF FUNDS FOR TRANSFER OR RELEASE OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, TO THE UNITED STATES.

Section 1033 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232; 132 Stat. 1953), as most recently amended by section 1033 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117-81; 135 Stat. 1901), is further amended by striking "December 31, 2022" and inserting "December 31, 2023".

SEC. 1032. EXTENSION OF PROHIBITION ON USE OF FUNDS TO CONSTRUCT OR MODIFY FACILITIES IN THE UNITED STATES TO HOUSE DETAINEES TRANSFERRED FROM UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

Section 1034(a) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232; 132 Stat. 1954), as most recently amended by section 1034 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117-81; 135 Stat. 1901), is further amended by striking "December 31, 2022" and inserting "December 31, 2023".

SEC. 1033. MODIFICATION AND EXTENSION OF PROHIBITION ON USE OF FUNDS FOR TRANSFER OR RELEASE OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, TO CERTAIN COUNTRIES.

Section 1035 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232; 132 Stat. 1954), as most recently amended by section 1032 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117-81; 135 Stat. 1901), is further amended—

(1) by striking "December 31, 2022" and inserting "December 31, 2023";

(2) by redesignating paragraphs (1) through (4) as paragraphs (2) through (5), respectively; and

(3) by inserting before paragraph (2), as so redesignated, the following new paragraph:

"(1) Afghanistan.".

SEC. 1034. EXTENSION OF PROHIBITION ON USE OF FUNDS TO CLOSE OR RELINQUISH CONTROL OF UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

Section 1036 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91; 131 Stat. 1551), as most recently amended by section 1035 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117-81; 135 Stat. 1901), is further amended by striking "2022" and inserting "2023".

Subtitle E—Miscellaneous Authorities and Limitations

SEC. 1041. SUBMISSION OF NATIONAL DEFENSE STRATEGY IN CLASSIFIED AND UNCLASSIFIED FORM.

Section 113(g)(1)(D) of title 10, United States Code, is amended by striking "in classified form with an unclassified summary." and inserting "in both classified and unclassified form. The unclassified form may not be a summary of the classified document.".

SEC. 1042. DEPARTMENT OF DEFENSE SUPPORT FOR FUNERALS AND MEMORIAL EVENTS FOR MEMBERS AND FORMER MEMBERS OF CONGRESS.

(a) IN GENERAL.—Chapter 3 of title 10, United States Code, is amended by inserting after section 130 the following new section:

"SEC. 130a. [10 U.S.C. 130a] Department of Defense support for funerals and memorial events for Members and former Members of Congress

"(a) SUPPORT FOR FUNERALS.—Subject to subsection (b), the Secretary of Defense may provide such support as the Secretary considers appropriate for a funeral or memorial event for a Member or former Member of Congress, including support with respect to transportation to and from such a funeral or memorial event, in accordance with this section.

"(b) REQUESTS FOR SUPPORT; SECRETARY DETERMINATION.—The Secretary may provide support under this section—

"(1) upon request from the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the Majority Leader of the Senate, or the Minority Leader of the Senate; or

"(2) if the Secretary determines such support is necessary to carry out duties or responsibilities of the Department of Defense.

"(c) USE OF FUNDS.—The Secretary may use funds authorized to be appropriated for operation and maintenance to provide support under this section.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 130 the following new item:

"130a. Department of Defense support for funerals and memorial events for Members and former Members of Congress.".

SEC. 1043. MODIFICATION OF AUTHORITY FOR HUMANITARIAN DEMINING ASSISTANCE AND STOCKPILED CONVENTIONAL MUNITIONS ASSISTANCE.

(a) LOCATION OF ASSISTANCE.—Section 407 of title 10, United States Code, is amended—

(1) in subsection (a)(1)—

(A) in the matter preceding subparagraph (A)—

(i) by striking "carry out" and inserting "provide"; and

(ii) by striking "in a country" and inserting "to a country"; and

(B) in subparagraph (A), by striking "in which the activities are to be carried out" and inserting "to which the assistance is to be provided"; and

(2) in subsection (d)—

(A) in paragraph (1)—

(i) by striking "in which" and inserting "to which"; and

(ii) by striking "carried out" and inserting "provided";

(B) in paragraph (2), by striking "carried out in" and inserting "provided to";

(C) in paragraph (3)—

(i) by striking "in which" and inserting "to which"; and

(ii) by striking "carried out" and inserting "provided"; and

(D) in paragraph (4), by striking "in carrying out such assistance in each such country" and inserting "in providing such assistance to each such country".

(b) EXPENSES.—Subsection (c) of such section 407 is amended—

(1) in paragraph (2), by adding at the end the following new subparagraph:

"(C) Travel, transportation, and subsistence expenses of foreign personnel to attend training provided by the Department of Defense under this section."; and

(2) by striking paragraph (3).

(c) REPORT.—Subsection (d) of such section 407, as amended by subsection (a)(2) of this section, is further amended in the matter preceding paragraph (1), by striking "include in the annual report under section 401 of this title a separate discussion of" and inserting "submit to the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives a report on".

SEC. 1044. MODIFICATION OF PROVISIONS RELATING TO ANOMALOUS HEALTH INCIDENTS.

(a) CROSS-FUNCTIONAL TEAM.—Section 910 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117-81; 10 U.S.C. 111 note) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking "and any other" and all that follows through "necessary; and" and inserting ",

including the causation, attribution, mitigation, identification, and treatment for such incidents;";

(B) in paragraph (2)—

(i) by inserting "and deconflict" after "integrate";

(ii) by striking "agency" and inserting "agencies"; and

(iii) by striking the period at the end and inserting "; and"; and

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

"(3) any other efforts regarding such incidents that the Secretary considers appropriate."; and

(2) in subsection (e)(2), by striking "90 days" and all that follows through "of enactment" and inserting "March 1, 2023, and not less frequently than once every 180 days thereafter until March 1, 2026".

(b) ACCESS TO CERTAIN FACILITIES OF DEPARTMENT OF DEFENSE.—Section 732 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117-81; 135 Stat. 1797; 10 U.S.C. 1071 note) is amended—

(1) in the section heading, by striking "united states government employees and their family members" and inserting "covered individuals";

(2) in subsection (a), by striking "employees of the United States Government and their family members who" and inserting "covered individuals whom";

(3) in subsection (c), by striking "employees from those agencies and their family members" and inserting "covered individuals";

(4) in subsection (d)—

(A) by striking "employees of the United States Government and their family members" and inserting "covered individuals"; and

(B) by striking "subject to an agreement by the employing agency and the consent of the employee" and inserting "subject to the consent of the covered individual and, if applicable, an agreement with the employing agency"; and

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

"(e) COVERED INDIVIDUALS DEFINED.—In this section, the term 'covered individuals' means—

"(1) current and former employees of the United States Government and their family members; and

"(2) current and former members of the Armed Forces and their family members.".

SEC. 1045. [10 U.S.C. 1564 note] SECURITY CLEARANCES FOR RECENTLY SEPARATED MEMBERS OF THE ARMED FORCES AND CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE.

(a) IMPROVEMENTS.—

(1) IN GENERAL.—No later than September 30, 2023, the Secretary of Defense, in coordination with the Director of National Intelligence when acting as the Security Executive Agent, shall establish a process to—

(A) determine, on the date on which a covered individual separates from the Armed Forces or the Department of Defense (as the case may be), whether the covered individual held an eligibility to access classified information or to occupy a sensitive position immediately prior to such separation and requires an eligibility of an equal or lower level for employment as a covered contractor, except as provided in subsection (b);

(B) ensure that the re-establishment of trust of a covered individual's eligibility to occupy a sensitive position takes place expeditiously, in accordance with applicable laws, Executive Orders, or Security Executive Agent policy; and

(C) ensure that any additional security processing required to re-establish trust to reinstate a covered individual's eligibility to access classified information or occupy a sensitive position takes place expeditiously.

(2) COAST GUARD.—In the case of a member of the Armed Forces who is a member of the Coast Guard, the Secretary of Defense shall carry out paragraph (1) in consultation with the Secretary of the Department in which the Coast Guard is operating.

(b) EXCEPTIONS.—

(1) IN GENERAL.—Subsection (a) shall not apply with respect to a covered individual—

(A) whose previously held security clearance is, or was as of the date of separation of the covered individual, under review as a result of one or more potentially disqualifying factors or conditions that have not been fully investigated or mitigated; or

(B) in the case of a member of the Armed Forces, who separated from the Armed Forces under other than honorable conditions.

(2) CLARIFICATION OF REVIEW EXCEPTION.—The exception specified in paragraph (1)(A) shall not apply with respect to a routine periodic reinvestigation or a continuous vetting investigation in which no potentially disqualifying factors or conditions have been found.

(c) DEFINITIONS.—In this section:

(1) The term "covered contractor" means an individual who is employed by an entity that carries out work under a contract with the Department of Defense or an element of the intelligence community.

(2) The term "covered individual" means a former member of the Armed Forces or a former civilian employee of the Department of Defense.

(3) The term "intelligence community" has the meaning given that term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

SEC. 1046. [10 U.S.C. 111 note] INTEGRATED AND AUTHENTICATED ACCESS TO DEPARTMENT OF DEFENSE SYSTEMS FOR CERTAIN CONGRESSIONAL STAFF FOR OVERSIGHT PURPOSES.

(a) IN GENERAL.—The Secretary of Defense shall develop processes and procedures under which the Secretary shall issue access tokens to staff of the congressional defense committees to facilitate the performance of required congressional oversight activities. Such access tokens shall—

(1) provide designated and authenticated staff with access to designated Department of Defense information systems, including—

(A) the reporting system described in section 805(b) of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117-81) that will replace the Selected Acquisition Report requirements under section 4351 of title 10, United States Code; and

(B) the process referred to in section 908 of the William (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-283) that is used by the Department of Defense to identify reports to Congress required by annual national defense authorization Acts, assign responsibility for preparation of such reports, and manage the completion and delivery of such reports to Congress;

(2) to the extent feasible, be integrated with the provision of Pentagon Facilities Alternative Credentials; and

(3) to the extent feasible, be integrated with software used by the Department of Defense Parking Management Office to validate parking requests.

(b) IMPLEMENTATION.—The Secretary shall implement the processes and procedures developed under subsection (a) not later than 180 days after the date of the enactment of this Act.

(c) INTERIM BRIEFING.—Not later than 90 days after the date of the enactment of the Act, the Secretary of Defense shall provide to the congressional defense committees an interim briefing on the status of the processes and procedures required to be developed under subsection (a), including any updates to applicable policies, instructions, and guidance issued by the Department.

SEC. 1047. [10 U.S.C. 113 note] INTRODUCTION OF ENTITIES IN TRANSACTIONS CRITICAL TO NATIONAL SECURITY.

(a) IN GENERAL.—The Secretary of Defense shall facilitate the introduction of entities for the purpose of discussing a covered transaction that the Secretary has determined is in the national security interests of the United States.

(b) COVERED TRANSACTION DEFINED.—The term "covered transaction" means a transaction that the Secretary has reason to believe would likely involve an entity affiliated with a strategic competitor unless an alternative transaction were to occur.

SEC. 1048. JOINT TRAINING PIPELINE BETWEEN UNITED STATES NAVY AND ROYAL AUSTRALIAN NAVY.

(a) EXCHANGE PROGRAM.—Beginning in 2023, the Secretary of Defense, in consultation with the Secretary of Energy, may carry out an exchange program for Australian submarine officers to im-

plement one or more agreements entered into under the enhanced trilateral security partnership referred to as "AUKUS". Under such a program, to the extent consistent with one or more AUKUS agreements—

(1) a minimum of two Australian submarine officers may participate in the United States Navy officer training program for officers who are assigned to duty on nuclear powered submarines; and

(2) following the successful completion of all aspects of such training, such officers may be assigned to duty on an operational United States submarine.

(b) BRIEFING.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall provide the congressional defense committees with a briefing on a notional exchange program for Australian submarine officers that includes initial, follow-on, and recurring training that could be provided to Australian submarine officers in order prepare such officers for command of nuclear-powered Australian submarines.

SEC. 1049. STANDARDIZATION OF SECTIONAL BARGE CONSTRUCTION FOR DEPARTMENT OF DEFENSE USE ON RIVERS AND INTERCOASTAL WATERWAYS.

With respect to the procurement of a sectional barge for the Department of Defense on or after December 31, 2023, the Secretary of Defense shall, to the extent practicable—

(1) ensure the solicitation for such sectional barge includes a requirement for a design that has been approved by the American Bureau of Shipping, using its rule set for building and classing steel vessels, for service on rivers and intercoastal waterways; or

(2) prioritize prime contractors that are in compliance with ISO 9001:2015 of the International Organization for Standardization (or successor standard) in awarding contracts pursuant to such procurement.

SEC. 1050. EXECUTIVE BRANCH SUPPORT FOR RECENTLY ENACTED COMMISSIONS.

(a) ASSISTANCE FROM DEPARTMENT OF DEFENSE.—At the request of a covered commission, the Secretary of Defense may provide to the covered commission, on a reimbursable basis, such services, funds, facilities, staff, and other support services as necessary for the performance of the functions of the commission. Amounts provided to a covered commission pursuant to this section may be provided from amounts appropriated for the Department of Defense, as provided in advance in appropriations Acts.

(b) PROVISION OF TRAVEL SUPPORT TO CERTAIN COMMISSIONS.—For the purpose of providing support to facilitate overseas travel requests from a legislative branch commission, or any commission so designated for support under this subsection jointly by the Majority Leader of the Senate, the Speaker of the House of Representatives, the Minority Leader of the Senate, and the Minority Leader of the House of Representatives, the Secretary of Defense and the Secretary of State shall consider such requests as equivalent to a request from Congress, and apply the same standards in determining the extent to which such support may be provided under law and regulation. Any support so provided shall be

funded out of amounts appropriated for the operation of such commission.

(c) COVERED COMMISSION DEFINED.—In this section, the term "covered commission" means a commission established pursuant to any of the following sections of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117-81):

(1) Section 1004 (Commission on Planning, Programming, Budgeting, and Execution Reform).

(2) section 1091 (National Security Commission on Emerging Biotechnology).

(3) section 1094 (Afghanistan War Commission).

(4) section 1095 (Commission on the National Defense Strategy).

(5) section 1687 (Congressional Commission on the Strategic Posture of the United States).

Subtitle F—Studies and Reports

SEC. 1051. MODIFICATION OF ANNUAL REPORT ON UNFUNDED PRIORITIES.

Section 222a of title 10, United States Code, is amended—

(1) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking "to be achieved" and inserting "outlined in the national defense strategy required under section 113(g) of this title and the National Military Strategy required under section 139(b) of this title to be advanced"; and

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

"(D) A detailed assessment of each specific risk that would be reduced in executing the national defense strategy required under section 113(g) of this title and the National Military Strategy required under section 139(b) of this title if such priority is funded (whether in whole or in part)."; and

(B) in paragraph (2)(A), by inserting "according to the amount of risk reduced" after "priority";

(2) by addingredesignating subsection (d) as subsection (e); and

(3) by inserting after subsection (c) the following new subsection (d):

"(d) PRIORITIZATION.—Not later than 10 days after the receipt of the all of the reports referred to in subsection (a), the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, shall submit to the congressional defense committees a report that prioritizes each specific unfunded priority across all unfunded priorities submitted by officers specified in (b) according to the risk reduced in executing the national defense strategy required under section 113(g) of this title and the National Military Strategy required under section 139(b) of this title.".

SEC. 1052. CONGRESSIONAL NOTIFICATION OF MILITARY INFORMATION SUPPORT OPERATIONS IN THE INFORMATION ENVIRONMENT.

(a) IN GENERAL.—Chapter 19 of title 10, United States Code, is amended by adding at the end the following new section:

"SEC. 398. [10 U.S.C. 398] Military information support operations in information environment

"(a) CONGRESSIONAL NOTIFICATION REQUIREMENT.—(1) Not later than 48 hours after the execution of any new military information support operation plan (in this section referred to as a 'MISO plan') approved by the commander of a combatant command, or any change in scope of any existing MISO plan, including any underlying MISO supporting plan, the Secretary of Defense shall promptly submit to the congressional defense committees notice in writing of such approval or execution of change in scope.

"(2) A notification under paragraph (1) with respect to a MISO plan shall include each of the following:

"(A) A description of the military information support operation program (in this section referred to as a 'MISO program') supported by the MISO plan.

"(B) A description of the objectives of the MISO plan.

"(C) A description of the intended target audience for military information support operation activities under the MISO plan.

"(D) A description of the tactics, techniques, and procedures to be used in executing the MISO plan.

"(E) A description of the personnel engaged in supporting or facilitating the operation.

"(F) The amount of funding anticipated to be obligated and expended to execute the MISO plan during the current and subsequent fiscal years.

"(G) The expected duration and desired outcome of the MISO plan.

"(H) Any other elements the Secretary determines appropriate.

"(3) To the maximum extent practicable, the Secretary shall ensure that the congressional defense committees are notified promptly of any unauthorized disclosure of a clandestine military support operation covered by this section. A notification under this subsection may be verbal or written, but in the event of a verbal notification, the Secretary shall provide a written notification by not later than 48 hours after the provision of the verbal notification.

"(b) ANNUAL REPORT.—Not later than 90 days after the last day of any fiscal year during which the Secretary conducts a MISO plan, the Secretary shall submit to the congressional defense committees a report on all such MISO plans conducted during such fiscal year. Such report shall include each of the following:

"(1) A list of each MISO program and the combatant command responsible for the program.

"(2) For each MISO plan—

"(A) a description of the plan and any supporting plans, including the objectives for the plan;

"(B) a description of the intended target audience for the activities carried out under the plan and the means of distribution; and

"(C) the cost of executing the plan.

"(c) PROHIBITION ON CLANDESTINE OPERATIONS DESIGNED TO INFLUENCE OPINIONS AND POLITICS IN UNITED STATES.—None of the funds authorized to be appropriated or otherwise made available for the Department of Defense for any fiscal year may be used to conduct a clandestine military information support operation that is designed to influence—

"(1) any political process taking place in the United States;

"(2) the opinions of United States persons;

"(3) United States policies; or

"(4) media produced by United States entities for United States persons.".

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

"398. Military information support operations in information environment.".

SEC. 1053. MODIFICATION AND CONTINUATION OF REPORTING REQUIREMENT RELATING TO HUMANITARIAN ASSISTANCE.

(a) MODIFICATION.—Section 2561(c)(3) of title 10, United States Code, is amended—

(1) in subparagraph (A), by striking "relief" and inserting "assistance"; and

(2) by striking subparagraphs (B) and (C) and inserting the following new subparagraphs:

"(B) A comprehensive list of humanitarian assistance efforts for which support was provided under this section, disaggregated by foreign partner country, amount obligated, and purpose specified in subsection (b).

"(C) A description of the manner in which such efforts address—

"(i) the humanitarian needs of the foreign partner country; and

"(ii) Department of Defense objectives and broader United States national security objectives.

"(D) A description of any transfer of nonlethal excess supplies of the Department of Defense made available for humanitarian relief purposes under section 2557 of this title, including, for each such transfer—

"(i) the date of the transfer;

"(ii) the entity to which the transfer is made; and

"(iii) the quantity of items transferred.".

(b) CONTINUATION OF REPORTING REQUIREMENT.—

(1) [10 U.S.C. 111 note] IN GENERAL.—Section 1080(a) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat. 1000; 10 U.S.C. 111 note) does not apply to the report required to be submitted to Congress under section 2561(c) of title 10, United States Code.

(2) CONFORMING REPEAL.—Section 1061(c) of National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-

328; 10 U.S.C. 111 note) is amended by striking paragraph (48).

SEC. 1054. BRIEFING ON GLOBAL FORCE MANAGEMENT ALLOCATION PLAN.

Section 1074(c) of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117-81) is amended by adding at the end the following new paragraph:

"(4) For each major modification to global force allocation made during the preceding fiscal year that deviated from the Global Force Management Allocation Plan for that fiscal year—

"(A) an analysis of the costs of such modification;

"(B) an assessment of the risks associated with such modification, including strategic risks, operational risks, and risks to readiness; and

"(C) a description of any strategic trade-offs associated with such modification.".

SEC. 1055. [10 U.S.C. 221 note] REPORT AND BUDGET DETAILS REGARDING OPERATION SPARTAN SHIELD.

Section 1225(b) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-283) is amended—

(1) in paragraph (6) by striking "; and" and inserting a semicolon;

(2) by redesignating paragraph (7) as paragraph (11); and

(3) by inserting after paragraph (6), the following new paragraphs:

"(7) a list of all countries in which Task Force Spartan operated during the prior fiscal year;

"(8) a description of activities conducted pursuant to the operation to build the military readiness of partner forces during the prior fiscal year, including—

"(A) training exercises;

"(B) joint exercises; and

"(C) bilateral or multilateral exchanges;

"(9) an assessment of the extent to which the activities described in paragraph (8) improved—

"(A) the military readiness of such partner forces;

"(B) the national security of the United States; and

"(C) the national security of allies and partners of the United States;

"(10) a description of criteria used to make the assessment required under paragraph (9); and".

SEC. 1056. ANNUAL REPORT ON CIVILIAN CASUALTIES IN CONNECTION WITH UNITED STATES MILITARY OPERATIONS.

(a) [10 U.S.C. 113 note] IN GENERAL.—Section 1057(b) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91) is amended—

(1) in paragraph (1), by striking "that were confirmed, or reasonably suspected, to have resulted in civilian casualties" and inserting "that resulted in civilian casualties that have been confirmed or are reasonably suspected to have occurred";

(2) in paragraph (2)—

(A) in subparagraph (B), by inserting ", including, to the extent practicable, the closest town, city, or identifiable place" after "location";

(B) in subparagraph (D), by inserting before the period the following: ", including the specific justification or use of authority for each strike conducted";

(C) in subparagraph (E), by inserting before the period at the end the following: ", formulated as a range, if necessary, and including, to the extent practicable, information regarding the number of men, women, and children involved"; and

(D) by adding at the end the following new subparagraphs:

"(F) A summary of the determination of each completed civilian casualty assessment or investigation.

"(G) For each assessment or investigation of an incident that resulted in civilian casualties—

"(i) whether the Department conducted any witness interviews or site visits occurred, and if not, an explanation of why not; and

"(ii) whether information pertaining to the incident that was collected by one or more non-governmental entities was considered, if such information exists."; and

(3) by striking paragraph (4) and inserting the following new paragraph (4):

"(4) A description of any new or updated civilian harm policies and procedures implemented by the Department of Defense.".

(b) [10 U.S.C. 113 note] APPLICABILITY.—The amendments made by this section shall apply as follows:

(1) Except as provided in paragraph (2), the amendments made by this section shall apply with respect to a report submitted on or after May 1, 2024.

(2) The amendments made by subparagraphs (A) and (B) of subsection (a)(2) shall apply with respect to a report submitted after the date of the enactment of this Act.

SEC. 1057. EXTENSION OF CERTAIN REPORTING DEADLINES.

(a) COMMISSION ON PLANNING, PROGRAMMING, BUDGETING, AND EXECUTION REFORM.—Section 1004(g) of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117-81; 135 Stat. 1886) is amended—

(1) in paragraph (1), by striking "February 6, 2023" and inserting "August 6, 2023"; and

(2) in paragraph (2), by striking "September 1, 2023" and inserting "March 1, 2024".

(b) NATIONAL SECURITY COMMISSION ON EMERGING BIOTECHNOLOGY.—Section 1091(g) of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117-81; 135 Stat. 1931) is amended—

(1) in paragraph (1), by striking "2 years after" and inserting "3 years after"; and

(2) in paragraph (2), by striking "1 year after" and inserting "2 years after".

(c) COMMISSION ON THE NATIONAL DEFENSE STRATEGY.—Section 1095(g) of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117-81; 135 Stat. 1945) is amended—

(1) in paragraph (1), by striking "one year after" and inserting "two years after"; and

(2) in paragraph (2), by striking "180 days after" and inserting "one year after".

(d) CONGRESSIONAL COMMISSION ON THE STRATEGIC POSTURE OF THE UNITED STATES.—Section 1687(d) of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117-81; 135 Stat. 2128) is amended—

(1) in paragraph (1), by striking "December 31, 2022" and inserting "July 31, 2023"; and

(2) in paragraph (3), by striking "180 days after" and inserting "one year after".

SEC. 1058. [10 U.S.C. 271 note] EXTENSION AND MODIFICATION OF REPORTING REQUIREMENT REGARDING ENHANCEMENT OF INFORMATION SHARING AND COORDINATION OF MILITARY TRAINING BETWEEN DEPARTMENT OF HOMELAND SECURITY AND DEPARTMENT OF DEFENSE.

Section 1014(d) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328) is amended—

(1) in paragraph (1)(B)(iv)—

(A) by striking "(iii)—" and inserting "(iii), the following:"; and

(B) by adding at the end the following new subclauses:

"(VIII) The methodology used for making cost estimates in the evaluation of a request for assistance.

"(IX) The extent to which the fulfillment of the request for assistance affected readiness of the Armed Forces, including members of the reserve components."; and

(2) in paragraph (3), by striking "December 31, 2023" and inserting "December 31, 2024".

SEC. 1059. CONTINUATION OF REQUIREMENT FOR ANNUAL REPORT ON NATIONAL GUARD AND RESERVE COMPONENT EQUIPMENT.

(a) [10 U.S.C. 111 note] IN GENERAL.—Section 1080(a) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat. 1000; 10 U.S.C. 111 note) does not apply to the report required to be submitted to Congress under section 10541 of title 10, United States Code.

(b) CONFORMING REPEAL.—Section 1061(c) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328); 130 Stat. 2402; 10 U.S.C. 111 note) is amended by striking paragraph (62).

SEC. 1060. MODIFICATION OF AUTHORITY OF SECRETARY OF DEFENSE TO TRANSFER EXCESS AIRCRAFT TO OTHER DEPARTMENTS OF THE FEDERAL GOVERNMENT AND AUTHORITY TO TRANSFER EXCESS AIRCRAFT TO STATES.

Section 1091 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239; 10 U.S.C. 2576 note) is amended—

(1) in the section heading, by inserting "and to states" after "federal government";

(2) in subsection (a), in the first sentence, by striking "and the Secretary of Homeland Security for use by the Forest Service and the United States Coast Guard" and inserting "for use by the Forest Service, to the Secretary of Homeland Security for use by the United States Coast Guard, and to the Governor of a State";

(3) in subsection (b)—

(A) in paragraph (1), by striking "or the United States Coast Guard as a suitable platform to carry out their respective missions" and inserting ", the United States Coast Guard, or the Governor of a State, as the case may be, as a suitable platform to carry out wildfire suppression, search and rescue, or emergency operations pertaining to wildfires";

(B) in paragraph (3), by striking "; and" and inserting a semicolon;

(C) in paragraph (4), by striking the period at the end and inserting "; and"; and

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

"(5) in the case of aircraft to be transferred to the Governor of a State, acceptable for use by the State, as determined by the Governor.";

(4) by striking subsection (c);

(5) by redesignating subsections (d) through (g) as subsections (c) through (f), respectively;

(6) in subsection (c), as so redesignated—

(A) in paragraph (1)—

(i) by striking "up to seven"; and

(ii) by inserting "the Governor of a State or to" after "offered to"; and

(B) by amending paragraph (2) to read as follows:

"(2) EXPIRATION OF RIGHT OF REFUSAL.—A right of refusal afforded the Secretary of Agriculture or the Secretary of Homeland Security under paragraph (1) with regards to an aircraft shall expire upon official notice of such Secretary to the Secretary of Defense that such Secretary declines such aircraft.";

(7) in subsection (d), as so redesignated—

(A) in the matter preceding paragraph (1), by inserting "or to the Governor of a State" after "the Secretary of Agriculture";

(B) in paragraph (1), by striking "wildfire suppression purposes" and inserting "purposes of wildfire suppression, search and rescue, or emergency operations pertaining to wildfires"; and

(C) in paragraph (2)—

(i) by inserting ", search and rescue, emergency operations pertaining to wildfires," after "efforts"; and

(ii) by inserting "or Governor of the State, as the case may be," after "Secretary of Agriculture";

(8) in subsection (e), as so redesignated, by striking "or the Secretary of Homeland Security" and inserting ", the Secretary of Homeland Security, or the Governor of a State";

(9) in subsection (f), as so redesignated, by striking "and the Secretary of Homeland Security" and inserting ", the Secretary of Homeland Security, or the Governor of the State to which such aircraft is transferred using only State funds"; and

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

"(g) REPORTING.—Not later than December 1, 2022, and annually thereafter, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on aircraft transferred, during the fiscal year preceding the date of such report, to—

"(1) the Secretary of Agriculture, the Secretary of Homeland Security, or the Governor of a State under this section;

"(2) the chief executive officer of a State under section 112 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1318); or

"(3) the Secretary of the Air Force or the Secretary of Agriculture under section 1098 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66; 127 Stat. 881).".

SEC. 1061. COMBATANT COMMAND RISK ASSESSMENT FOR AIRBORNE INTELLIGENCE, SURVEILLANCE, AND RECONNAISSANCE.

(a) IN GENERAL.—Not later than 90 days after the date on which the Secretary of Defense submits to Congress the materials in support of the budget for any fiscal year, or the date on which any of the military departments otherwise proposes to retire, cancel, or otherwise divest any airborne intelligence, surveillance, and reconnaissance capabilities, the Vice Chairman of the Joint Chiefs of Staff, in coordination with the commanders of each of the geographic combatant commands, shall submit to the congressional defense committees a report containing an assessment of the level of operational risk to each such command posed by the proposed retirement, cancellation, or divestment with respect to the capability of the command to meet near-, mid-, and far-term contingency and steady-state requirements against adversaries in support of the objectives of the national defense strategy under section 113(g) of title 10, United States Code.

(b) RISK ASSESSMENT.—In assessing levels of operational risk for the purposes of subsection (a), the Vice Chairman and the commanders of the geographic combatant commands shall use the military risk matrix of the Chairman of the Joint Chiefs of Staff, as described in CJCS Instruction 3401.01E, or any successor instruction.

(c) GEOGRAPHIC COMBATANT COMMAND.—In this section, the term "geographic combatant command" means any of the following:

(1) United States European Command.

(2) United States Indo-Pacific Command.

(3) United States Africa Command.

(4) United States Southern Command.
(5) United States Northern Command.
(6) United States Central Command.

(d) TERMINATION.—The requirement to submit a report under this section shall terminate on December 31, 2032.

SEC. 1062. STUDY ON MILITARY TRAINING ROUTES AND SPECIAL USE AIR SPACE NEAR WIND TURBINES.

(a) STUDY AND REPORT.—

(1) IN GENERAL.—The Secretary of Defense shall seek to enter into an agreement with a federally funded research and development center to conduct a study to identify low-level military training routes and special use airspace that may be used by the Department of Defense to conduct realistic training over and near wind turbines.

(2) ELEMENTS.—As part of the study under paragraph (1), the federally funded research and development center that conducts the study shall—

(A) identify and define the requirements for military airspace that may be used for the training described in paragraph (1), taking into consideration—

(i) the operational and training needs of the Armed Forces; and

(ii) the threat environments of adversaries of the United States, including the People's Republic of China;

(B) identify possibilities for combining live, virtual, and constructive flight training near wind projects, both onshore and offshore;

(C) describe the airspace inventory required for low-level training proficiency given current and projected force structures;

(D) provide recommendations for redesigning and properly sizing special use air space and military training routes to combine live and synthetic training in a realistic environment;

(E) describe ongoing research and development programs being utilized to mitigate effects of wind turbines on low-level training routes; and

(F) identify current training routes affected by wind turbines, any previous training routes that are no longer in use because of wind turbines, and any training routes projected to be lost due to wind turbines.

(3) CONSULTATION.—In carrying out paragraph (1), the Secretary of Defense shall consult with—

(A) the Under Secretary of Defense for Personnel and Readiness;

(B) the Department of Defense Policy Board on Federal Aviation; and

(C) the Federal Aviation Administration.

(4) SUBMITTAL TO DOD.—

(A) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the federally funded research and development center that conducts the study

under paragraph (1) shall submit to the Secretary of Defense a report on the results of the study.

(B) FORM.—The report under paragraph (1) shall be submitted in unclassified form but may include a classified annex.

(5) SUBMITTAL TO CONGRESS.—Not later than 60 days after the date on which the Secretary of Defense receives the report under paragraph (4), the Secretary shall submit to the appropriate congressional committees an unaltered copy of the report together with any comments the Secretary may have with respect to the report.

(b) DEFINITIONS.—In this section:

(1) The term "appropriate congressional committees" means the following:

(A) The congressional defense committees.

(B) The Committee on Transportation and Infrastructure of the House of Representatives.

(C) The Committee on Commerce, Science, and Transportation of the Senate.

(2) The term "affected by wind turbines" means a situation in which the presence of wind turbines in the area of a low-level military training route or special use airspace—

(A) prompted the Department of Defense to alter a testing and training mission or to reduce previously planned training activities; or

(B) prevented the Department from meeting testing and training requirements.

SEC. 1063. ANNUAL REPORTS ON SAFETY UPGRADES TO THE HIGH MOBILITY MULTIPURPOSE WHEELED VEHICLE FLEETS.

(a) ANNUAL REPORTS.—Not later than March 1, 2023, and annually thereafter until the date specified in subsection (c), the Secretaries of the Army, Navy, and Air Force shall each submit to the Committees on Armed Services of the Senate and House of Representatives a report on the installation of safety upgrades to the high mobility multipurpose wheeled vehicle fleets under the jurisdiction of the Secretary concerned, including anti-lock brakes, electronic stability control, and fuel tanks.

(b) MATTERS FOR INCLUSION.—Each report required under subsection (a) shall include, for the year covered by the report, each of the following:

(1) The total number of safety upgrades necessary for the high mobility multipurpose wheeled vehicle fleets under the jurisdiction of the Secretary concerned.

(2) The total cumulative number of such upgrades completed prior to the year covered by the report.

(3) A description of any such upgrades that were planned for the year covered by the report.

(4) A description of any such upgrades that were made during the year covered by the report and, if the number of such upgrades was less than the number of upgrades planned for such year, an explanation of the variance.

(5) If the total number of necessary upgrades has not been made, a description of the upgrades planned for each year subsequent to the year covered by the report.

(c) TERMINATION.—No report shall be required under this section after March 1, 2026.

SEC. 1064. DEPARTMENT OF DEFENSE DELAYS IN PROVIDING COMMENTS ON GOVERNMENT ACCOUNTABILITY OFFICE REPORTS.

(a) REPORTS REQUIRED.—Not later than 180 days after the date of the enactment of this Act, and once every 180 days thereafter until the date that is 2 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report on the extent to which the Department of Defense provided comments and sensitivity and security reviews (for drafts tentatively identified as containing controlled unclassified information or classified information) in a timely manner and in accordance with the protocols of the Government Accountability Office during the 180-day period preceding the date of the submittal of the report.

(b) REQUIREMENTS FOR GAO REPORT.—Each report under subsection (a) shall include the following information for the period covered by the report:

(1) The number of draft Government Accountability Office reports for which the Government Accountability Office requested comments from the Department of Defense, including an identification of the reports for which a sensitivity or security review was requested (separated by reports potentially containing only controlled unclassified information and reports potentially containing classified information) and the reports for which such a review was not requested.

(2) The median and average number of days between the date of the request for Department of Defense comments and the receipt of such comments.

(3) The average number of days between the date of the request for a Department of Defense sensitivity or security review and the receipt of the results of such review.

(4) In the case of any such draft report for which the Department of Defense failed to provide such comments or review within 30 days of the request for such comments or review—

(A) the number of days between the date of the request and the receipt of such comments or review; and

(B) a unique identifier, for purposes of identifying the draft report.

(5) In the case of any such draft report for which the Government Accountability Office provided an extension to the Department of Defense—

(A) whether the Department provided the comments or review within the time period of the extension; and

(B) a unique identifier, for purposes of identifying the draft report.

(6) Any other information the Comptroller General determines appropriate.

(c) DOD RESPONSES.—Not later than 30 days after the Comptroller General submits a report under subsection (a), the Secretary of Defense shall submit to the congressional defense committees a response to such report that includes each of the following:

(1) An identification of factors that contributed to any delays identified in the report with respect to Department of Defense comments and sensitivity or security reviews requested by the Government Accountability Office.

(2) A description of any actions the Department of Defense has taken or plans to take to address such factors.

(3) A description of any improvements the Department has made in the ability to track timeliness in providing such comments and sensitivity or security reviews.

(4) Any other information the Secretary determines relevant to the information contained in the report submitted by the Comptroller General.

SEC. 1065. [10 U.S.C. 113 note] JUSTIFICATION FOR TRANSFER OR ELIMINATION OF CERTAIN FLYING MISSIONS.

Prior to the relocation or elimination of any flying mission that involves 50 personnel or more assigned to a unit performing that mission, either with respect to an active or reserve component of a military department, the Secretary of Defense shall submit to the congressional defense committees a report describing the justification of the Secretary for the decision to relocate or eliminate such flying mission. Such report shall include each of the following:

(1) A description of how the decision supports the national defense strategy, the national military strategy, the North American Aerospace Defense Command strategy, and other relevant strategies.

(2) A specific analysis and metrics supporting such decision.

(3) An analysis and metrics to show that the elimination or relocation of the flying mission would not negatively affect broader mission sets, such as the homeland defense mission.

(4) A plan for how the Department of Defense intends to fulfill or continue to meet the mission requirements of the eliminated or relocated flying mission.

(5) An assessment of the effect of the elimination or relocation on the national defense strategy, the national military strategy, the North American Aerospace Defense Command strategy, and broader mission sets, such as the homeland defense mission.

(6) An analysis and metrics to show that the elimination or relocation of the flying mission and its secondary and tertiary impacts would not degrade capabilities and readiness of the Joint Force.

(7) An analysis and metrics to show that the elimination or relocation of the flying mission would not negatively affect the continental United States national airspace system.

SEC. 1066. REPORTS ON UNITED STATES MILITARY FORCE PRESENCE IN EUROPE.

(a) REPORT ON UNITED STATES MILITARY FORCE POSTURE AND RESOURCING REQUIREMENTS IN EUROPE.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report containing an assessment of the United States military force pos-

ture requirements for the United States European Command to support the following objectives:

(A) Implementation of the national defense strategy under section 113(g) of title 10, United States Code, with respect to the area of responsibility of the United States European Command.

(B) Fulfillment of the commitments of the United States to NATO operations, missions, and activities, as modified and agreed upon at the 2022 Madrid Summit.

(C) Reduction of the risk of executing the contingency plans of the Department of Defense.

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

(A) For the Army, the Navy, the Air Force, the Marine Corps, and the Space Force and for each warfighting domain, a description of the force structure and posture of assigned and allocated forces in Europe, including consideration of the balance of permanently stationed forces and forces rotating from the United States, to support the objectives described in paragraph (1).

(B) An assessment of the military training and all domain exercises to support such objectives, including—

(i) training and exercises on interoperability; and

(ii) joint activities with allies and partners.

(C) An assessment of logistics requirements, including personnel, equipment, supplies, pre-positioned storage, host country support and agreements, and maintenance needs, to support such objectives.

(D) An identification of required infrastructure, facilities, and military construction investments to support such objectives.

(E) A description of the requirements for United States European Command integrated air and missile defense throughout the area of responsibility of the United States European Command.

(F) An assessment of United States security cooperation activities and resources required to support such objectives.

(G) A detailed assessment of the resources necessary to address the elements described in subparagraphs (A) through (F), categorized by the budget accounts for—

(i) procurement;

(ii) research, development, test, and evaluation;

(iii) operation and maintenance;

(iv) military personnel; and

(v) military construction.

(H) The projected timeline to achieve fulfillment of each such element.

(I) Any other information the Secretary considers relevant.

(3) FORM.—The report required under paragraph (1) may be submitted in classified form, but, if so, it shall include an unclassified summary.

(b) QUARTERLY REPORTS ON EXPENDITURES FOR PLANNING AND DESIGN OF INFRASTRUCTURE TO SUPPORT PERMANENT UNITED STATES FORCE PRESENCE ON EUROPE'S EASTERN FLANK.—

(1) IN GENERAL.—The Commander of United States European Command shall submit to the congressional defense committees quarterly reports on the use of the funds described in paragraph (3) until the date on which all such funds are expended.

(2) CONTENTS.—Each report required under paragraph (1) shall include an expenditure plan for the establishment of infrastructure to support a permanent United States force presence in the covered region.

(3) FUNDS DESCRIBED.—The funds described in this paragraph are the amounts authorized to be appropriated or otherwise made available for fiscal year 2023 for—

(A) Operation and Maintenance, Air Force, for Advanced Planning for Infrastructure to Support Presence on NATO's Eastern Flank;

(B) Operation and Maintenance, Army, for Advanced Planning for Infrastructure to Support Presence on NATO's Eastern Flank; and

(C) Military Construction, Defense-wide, Planning & Design: EUCOM-Infrastructure to Support Presence on NATO's Eastern Flank.

(D) Military Construction, Defense-wide, Exercise-related Minor Construction: EUCOM.

(4) COVERED REGION.—In this subsection, the term "covered region" means Romania, Poland, Lithuania, Latvia, Estonia, Hungary, Bulgaria, the Czech Republic, and Slovakia.

SEC. 1067. REPORT ON DEPARTMENT OF DEFENSE PRACTICES REGARDING DISTINCTION BETWEEN COMBATANTS AND CIVILIANS IN UNITED STATES MILITARY OPERATIONS.

(a) REPORT.—The Civilian Protection Center of Excellence of the Department of Defense, as established under section 184 of title 10, United States Code, as added by section 1082 of this Act, shall seek to enter into an agreement with an appropriate federally funded research and development center to develop an independent report on Department of Defense practices regarding distinguishing between combatants and civilians in United States military operations.

(b) ELEMENTS.—The report required under subsection (a) shall include the following matters:

(1) A description of how the Department of Defense has differentiated between combatants and civilians in both ground and air operations since 2001, including in Afghanistan, Iraq, Syria, Somalia, Libya, and Yemen, including—

(A) relevant policy and legal standards and how these standards were implemented in practice; and

(B) target engagement criteria.

(2) A description of how the Department of Defense has differentiated between combatants and civilians when assessing allegations of civilian casualties since 2001, including in Afghanistan, Iraq, Syria, Somalia, Libya, and Yemen, including—

(A) relevant policy and legal standards and the factual indicators these standards were applied to in assessing claims of civilian casualties; and

(B) any other matters the Secretary of Defense determines appropriate.

(c) SUBMISSION OF REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth an unaltered copy of the federally funded research and development center assessment required under this section, together with the views of the Secretary on the assessment.

(d) DEFINITION OF UNITED STATES MILITARY OPERATION.—In this section, the term "United States military operations" includes any mission, strike, engagement, raid, or incident involving the United States Armed Forces.

SEC. 1068. REPORT ON STRATEGY AND IMPROVEMENT OF COMMUNITY ENGAGEMENT EFFORTS OF ARMED FORCES IN HAWAII.

(a) IN GENERAL.—In an effort to better meet the future force posture needs within the Indo-Pacific area of responsibility, the Commander of the United States Indo-Pacific Command, in collaboration with the Assistant Secretary of Defense for Energy, Installations, and Environment, installation commanders, and the relevant theater component commanders, shall—

(1) develop and implement a holistic strategy to—

(A) improve, standardize, and coordinate the engagement efforts of the military with the local community in Hawaii; and

(B) effectively communicate with such community for the purpose of enhancing readiness; and

(2) enhance coordinated community engagement efforts (as described in section 587 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117-81)) in Hawaii.

(b) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Commander shall submit to the congressional defense committees a report on the strategy and enhanced engagement efforts implemented pursuant to subsection (a). Such report shall include each of the following:

(1) The plan of the Commander for conducting education and training programs relating to consultation and engagement with the local and native Hawaiian community, including—

(A) a description of the outreach activities conducted during fiscal years 2023 and 2024; and

(B) a description of the extent to which members of the local and native Hawaiian community have been involved in development of curricula, tentative dates, locations, required attendees, and topics for the education and training programs.

(2) A list of all local and native Hawaiian community groups involved or expected to be consulted in the process of updating Department of Defense Instruction 4710.03 (or any successor document).

(3) Recommendations for improving Department of Defense Instruction 4710.03 to reflect best practices and provide continuity across the military departments with respect to the practices, policies, training, and personnel related to consultation with the local and native Hawaiian community.

(4) A timeline for issuing the next update or successor document to Department of Defense Instruction 4710.03.

(5) Recommendations for the enhancement and expansion of—

(A) Department of Defense education and training programs relating to consultation and engagement with the local and Native Hawaiian community; and

(B) outreach activities for all commands and installations in Hawaii.

(c) THEATER COMPONENT COMMANDER.—In this section, the term "theater component commander" has the meaning given such term in section 1513(8) of title 10, United States Code.

SEC. 1069. REPORT ON DEPARTMENT OF DEFENSE MILITARY CAPABILITIES IN THE CARIBBEAN.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State and the Secretary of Homeland Security, shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on United States military posture and capabilities in the Caribbean basin, particularly in and around Puerto Rico and the United States Virgin Islands.

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

(1) An assessment of United States military force posture and capabilities in the Caribbean basin.

(2) An assessment of the feasibility, desirability, and cost of increasing United States military posture and capabilities in the Caribbean basin to—

(A) enhance access and influence and provide forward-deployed capabilities to effectively implement the national defense strategy and support strategic competition with China and Russia;

(B) ensure, to the greatest extent possible, that United States Northern Command and United States Southern Command have the necessary assets to support the defense of the United States homeland;

(C) confront the threats posed by transnational criminal organizations and illicit trafficking in the Caribbean basin, including by supporting interagency partners in disrupting and degrading illicit trafficking into the United States;

(D) improve surveillance capabilities and maximize the effectiveness of counter-trafficking operations in the Caribbean region;

(E) ensure, to the greatest extent possible, that United States Northern Command and United States Southern Command have the assets necessary to detect, interdict, disrupt, or curtail illicit narcotics and weapons trafficking

activities within their respective areas of operations in the Caribbean basin;

(F) respond to malign influences of foreign governments, particularly including non-market economies, in the Caribbean basin that harm United States national security and regional security interests in the Caribbean basin and in the Western Hemisphere; and

(G) strengthen the ability of the security sector of partner nations in the Caribbean basin to respond to, and become more resilient in the face of, major humanitarian or natural disasters, including to ensure critical infrastructure and ports can come back online rapidly following disasters.

(c) FORM OF REPORT.—The report required under subsection (a) shall be submitted in unclassified form without any designation relating to dissemination control, but may include a classified annex.

SEC. 1070. QUARTERLY BRIEFINGS ON DEPARTMENT OF DEFENSE SUPPORT FOR CIVIL AUTHORITIES TO ADDRESS IMMIGRATION AT THE SOUTHWEST BORDER.

Not later than 30 days after the date of the enactment of this Act, and every 90 days thereafter through December 31, 2026, the Assistant Secretary of Defense for Homeland Defense or another Assistant Secretary of Defense, as appropriate, shall provide an unclassified briefing to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives, with a classified component, if necessary, regarding—

(1) Department of Defense planning to address current and anticipated border support mission requirements as part of the Department of Defense's annual planning, programming, budgeting, and execution process;

(2) any Department of Defense risk assessment with respect to the safety of Department of Defense personnel conducted in evaluating any request for assistance from the Department of Homeland Security during the quarter covered by the briefing;

(3) any Department of Defense efforts, or updates to existing efforts, to cooperate with Mexico with respect to border security;

(4) the type of support that is currently being provided by the Department of Defense along the southwest border of the United States;

(5) the effect of such efforts and support on National Guard readiness; and

(6) any recommendations of the Department of Defense regarding the modification of the support provided by the Department of Defense to the Department of Homeland Security at the southwest border.

SEC. 1071. ANNUAL REPORT ON PROCUREMENT OF EQUIPMENT BY STATE AND LOCAL GOVERNMENTS THROUGH THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—The Secretary of Defense, in coordination with the Administrator of General Services, shall submit to the Committees on Armed Services of the Senate and House of Representatives an annual report that includes current information on

the purchase of equipment under the procedures established under section 281(a) of title 10, United States Code, and the recipients of such equipment.

(b) MATTERS FOR INCLUSION.—Each report under subsection (a) shall include the following for the year covered by the report:

(1) The catalog of equipment available for purchase under subsection (c) of section 281 of title 10, United States Code.

(2) For each purchase of equipment under the procedures established under subsection (a) of such section—

(A) the recipient State or unit of local government;

(B) the type of equipment;

(C) the cost of the equipment; and

(D) the administrative costs under subsection (b) of such section.

(3) Such other information the Secretary determines is necessary.

(c) TERMINATION.—The requirement to submit a report under subsection (a) shall terminate on the date that is five years after the date of the enactment of this Act.

SEC. 1072. BRIEFING ON FINANCIAL OVERSIGHT OF CERTAIN EDUCATIONAL INSTITUTIONS RECEIVING DEPARTMENT OF DEFENSE FUNDS.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on the methods used to assess the eligibility of educational institutions for the receipt of payments under the payment method described in section 668.162(d) of title 34, Code of Federal Regulations (as in effect on the date of the enactment of this Act).

SEC. 1073. REPORT ON EFFECTS OF CERTAIN ETHICS REQUIREMENTS ON DEPARTMENT OF DEFENSE HIRING, RETENTION, AND OPERATIONS.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of Defense shall seek to enter into an agreement with a federally funded research and development center under which the center shall conduct a study to assess whether the covered ethics requirements have had an effect on—

(A) the hiring or retention of personnel at the Department of Defense, particularly those persons with specialized experience or training; and

(B) the ability of the Department of Defense to detect, deter, prevent, and redress violations of the Standards of Ethical Conduct for Employees of the Executive Branch and applicable statutory and regulatory ethics requirements, including conflicts of interest, by Department of Defense personnel.

(2) ELEMENTS.—A study conducted pursuant to paragraph (1) shall include the following elements:

(A) An examination of how the covered ethics requirements are inconsistent or incongruent with ethics statutes, and any implementing regulations, that apply to all executive branch employees.

(B) An examination of the relative degrees of risk associated with the potential for violations of ethical standards at the Department of Defense and those associated with the potential for such violations at other Federal agencies, and an analysis of whether ethical standards that are applied exclusively to Department of Defense personnel are justified.

(C) An examination of how covered ethics requirements have affected, or are likely to affect, the hiring and retention of personnel, particularly those persons with specialized experience or training, at the Department of Defense in comparison to other Federal agencies that are not subject to such requirements. The examination shall account for any relevant differences between the Department of Defense and other Federal departments and agencies within the executive branch and shall use analytical methods to control for any variables that may affect the comparative results.

(D) An examination of how any confusion in the interpretation of the requirement referred to in paragraph (3)(B) may have affected, or is likely to affect—

(i) the hiring or retention of personnel, particularly those persons with specialized experience or training, at the Department of Defense; and

(ii) the ability of the Department of Defense to detect, deter, prevent, and redress violations of ethical standards, including conflicts of interest, by Department of Defense personnel.

(E) An examination of how the ethics requirements referred to in subparagraphs (B) and (C) of paragraph (3) may affect the ability of the Department of Defense to obtain expertise from industry and other groups in support of technology development, supply chain security, and other national security matters.

(F) An examination of whether the removal or alteration of any covered ethics requirement may adversely affect the ability of the Department of Defense to detect, deter, prevent, and redress violations of ethical standards, including conflicts of interest, by Department of Defense personnel.

(G) An examination of whether the removal or alteration of any covered ethics requirement may adversely affect the ability of the Department of Defense to negotiate and effectuate arms-length transactions.

(H) Any suggested changes to any covered ethics requirement to further the establishment and maintenance of ethical standards, while also supporting the ability of the Department of Defense to hire and retain personnel and obtain expertise from academia, think tanks, industry, and other groups to support national security.

(3) COVERED ETHICS REQUIREMENTS.—In this section, the term "covered ethics requirement" means each of the requirements under the following provisions of law:

(A) Section 847 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 10 U.S.C. 1701 note).

(B) Section 1045 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91; 10 U.S.C. 971 note prec.).

(C) Section 1117 of the National Defense Authorization Act for Fiscal Year 2022 (10 U.S.C. 971 note prec.).

(D) Section 988 of title 10, United States Code.

(b) REPORT.—

(1) IN GENERAL.—An agreement entered into under subsection (a) shall provide that the federally funded research and development center shall submit to the Secretary a report containing the results of the study conducted under the agreement by not later than one year after the date of the enactment of this Act.

(2) TRANSMITTAL TO CONGRESS.—Not later than 30 days after the Secretary receives the report under paragraph (1), the Secretary shall transmit a copy of the report to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.

(3) SECRETARY OF DEFENSE EVALUATION.—The Secretary shall submit with the report transmitted pursuant to paragraph (2) an evaluation of each change suggested pursuant to subsection (a)(2)(H). The evaluation shall include—

(A) a determination of whether the Secretary concurs with each suggested change;

(B) an assessment of the potential effects of each suggested change on the ability of the Department of Defense to hire or retain personnel at the Department of Defense, particularly those persons with specialized experience or training;

(C) an assessment of the potential effects of each suggested change on the ability of the Department of Defense to detect, deter, prevent, or redress violations of ethical standards, including conflicts of interest; and

(D) any other information that the Secretary determines to be appropriate.

SEC. 1074. [10 U.S.C. 113 note] JOINT CONCEPT FOR COMPETING.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall develop a Joint Concept for Competing.

(b) PURPOSES.—The purposes of the Joint Concept for Competing are to—

(1) define the roles and missions of the Department of Defense in long-term strategic competition with specific competitors;

(2) conceptualize the employment of joint forces capabilities to deter adversarial military action by strategic competitors;

(3) describe the manner in which the Department of Defense will use its forces, capabilities, posture, indications and warning systems, and authorities to protect United States na-

tional interests in the course of participating in long-term strategic competition, including through—

(A) departmental efforts to integrate Department of Defense roles and missions with other instruments of national power;

(B) security cooperation with partners and allies; and

(C) operations relating to long-term strategic competition, particularly below the threshold of traditional armed conflict;

(4) identify priority lines of effort and assign responsibility to relevant Armed Forces, combatant commands, and other elements of the Department of Defense for each specified line of effort in support of the Joint Concept for Competing; and

(5) provide means for integrating and continuously improving the ability of the Department to engage in long-term strategic competition.

(c) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter for two years, the Secretary of Defense shall submit to the congressional defense committees a report on the implementation of the Joint Concept for Competing.

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

(A) A detailed description of any actions taken by the Department of Defense relative to the purposes specified under subsection (b).

(B) An articulation of any new concepts or strategies necessary to support the Joint Concept for Competing.

(C) An articulation of any capabilities, resources, or authorities necessary to implement the Joint Concept for Competing.

(D) An explanation of the manner in which the Joint Concept for Competing relates to and integrates with the Joint Warfighting Concept.

(E) An explanation of the manner in which the Joint Concept for Competing synchronizes and integrates with efforts of other departments and agencies of the United States Government to address long-term strategic competition.

(F) Any other matters the Secretary of Defense determines relevant.

SEC. 1075. ANALYSIS OF FEASIBILITY AND ADVISABILITY OF RELOCATING MAJOR UNITS OF THE UNITED STATES ARMED FORCES TO CERTAIN EUROPEAN COUNTRIES.

(a) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the feasibility and advisability of relocating major units of the United States Armed Forces to a covered country. Such report shall include—

(1) a description of commitments made by a covered country to provide host nation support, including funding for construction and maintenance of Department of Defense facilities and other actions that might reduce costs to the Department

of Defense associated with hosting major units of the Armed Forces in such covered country;

(2) an estimate of the expenses associated with the relocation of major units of the Armed Forces from current host nation locations, as well as a description of any benefits that would be derived from colocating such units with existing United States or multinational forces at current host nation locations;

(3) a description of the extent to which positioning major units of the Armed Forces in covered countries would provide greater operational benefit than keeping such units in current locations, including an analysis of—

(A) the geographic significance of covered countries;

(B) any capabilities the host nation may offer, such as air defense or base security or terms under which the United States may use facilities on their territory; and

(C) an analysis of the risks associated with the relocation of such units to covered countries;

(4) a description of any engagements at the Under Secretary level or higher with an official of a covered country with respect to anticipated major unit movements in the area of responsibility of the United States European Command during the period covered by the future-years defense program most recently submitted to Congress pursuant to section 221 of title 10, United States Code, including—

(A) a description of the engagement with each covered country during the calendar year preceding the calendar during which the report is submitted;

(B) a description of any specific requirements identified in order to host a major unit; and

(C) in the case of a covered country has been determined to be unsuitable for hosting a major unit of the Armed Forces, a description of why it was determined unsuitable; and

(5) any other matter the Secretary determines is relevant.

(b) DEFINITIONS.—In this section:

(1) The term "covered country" means Romania, Poland, Lithuania, Latvia, Estonia, Hungary, Bulgaria, the Czech Republic, or Slovakia.

(2) The term "major unit" means an organizational unit composed of more than 500 military personnel.

SEC. 1076. REPORT ON EFFECTS OF STRATEGIC COMPETITOR NAVAL FACILITIES IN AFRICA.

(a) IN GENERAL.—Not later than May 15, 2023, the Secretary of Defense shall submit to the congressional defense committees a report on the effects of current or planned covered naval facilities in Africa on the interests of the Department of Defense.

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

(1) An identification of—

(A) any location in Africa where a covered naval facility has been established; and

(B) any location in Africa where a covered naval facility is planned for construction.

(2) A detailed description of—

(A) any agreement entered into between China or Russia and a country or government in Africa providing for or enabling the establishment or operation of a covered naval facility in Africa; and

(B) any efforts by the Department of Defense to change force posture, deployments, or other activities in Africa as a result of current or planned covered naval facilities in Africa.

(3) An assessment of—

(A) the effect that each current covered naval facility has had on Department of Defense interests in and around Africa, including Department of Defense operational plans in the areas of responsibility of geographic combatant commands other than United States Africa Command;

(B) the effect that each planned covered naval facility is expected to have on Department of Defense interests in and around Africa, including Department of Defense operational plans in the areas of responsibility of geographic combatant commands other than United States Africa Command;

(C) the policy objectives of China and Russia in establishing current and future covered naval facilities at the locations identified under paragraph (1); and

(D) the specific military capabilities supported by each current or planned covered naval facility.

(c) FORM OF REPORT.—The report required under subsection (a) shall be submitted in unclassified form without any designation relating to dissemination control, but may include a classified annex.

(d) DEFINITIONS.—In this section:

(1) The term "Africa" means all countries in the area of operations of United States Africa Command and Egypt.

(2) The term "covered naval facility" means a naval facility owned, operated, or otherwise controlled by the People's Republic of China or the Russian Federation.

(3) The term "naval facility" means a naval base, civilian sea port with dual military uses, or other facility intended for the use of warships or other naval vessels for refueling, refitting, resupply, force projection, or other military purposes.

Subtitle G—Other Matters

SEC. 1081. TECHNICAL AND CONFORMING AMENDMENTS.

(a) TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) The table of chapters at the beginning of subtitle A is amended by striking the item relating to the second chapter 19 (relating to cyber matters).

(2) Section 113 is amended—

(A) in subsection (l)(2)(F), by inserting a period after "inclusion in the armed forces"; and

(B) in subsection (m), by redesignating the second paragraph (8) as paragraph (9).

(3) The section heading for section 2691 is amended by striking "state" and inserting "State".

(4) Section 3014 is amended by striking "section 4002(a) or 4003" and inserting "section 4021(a) or 4022".

(5) Section 4423(e) is amended by striking "section 4003" and inserting "section 4022".

(6) Section 4831(a) is amended by striking "section 4002" and inserting "section 4021".

(7) Section 4833(c) is amended by striking "section 4002" and inserting "section 4021".

(b) [10 U.S.C. 113 note] NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2022. Effective as of December 27, 2021, and as if included therein as enacted, section 907(a) of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117-81) is amended by striking "116-283" and inserting "115-232".

(c) [10 U.S.C. 391 note] NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2020. Effective as of December 20, 2019, and as if included therein as enacted, section 905(a)(2) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92; 10 U.S.C. 391 note) is amended by inserting a period at the end.

(d) [10 U.S.C. 2224 note] NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2014. Effective as of December 26, 2013, and as if included therein as enacted, section 932(c)(2)(D) of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66; 10 U.S.C. 2224 note) is amended by striking "subsection (c)(3)" and inserting "paragraph (3)".

(e) AUTOMATIC EXECUTION OF CONFORMING CHANGES TO TABLES OF SECTIONS, TABLES OF CONTENTS, AND SIMILAR TABULAR ENTRIES IN DEFENSE LAWS.—

(1) ELIMINATION OF NEED FOR SEPARATE CONFORMING AMENDMENT.—Chapter 1 of title 10, United States Code, is amended by adding at the end the following new section:

"SEC. 102. [10 U.S.C. 102] Effect of certain amendments on conforming changes to tables of sections, tables of contents, and similar tabular entries

"(a) AUTOMATIC EXECUTION OF CONFORMING CHANGES.—When an amendment to a covered defense law adds a section or larger organizational unit to the covered defense law, repeals or transfers a section or larger organizational unit in the covered defense law, or amends the designation or heading of a section or larger organizational unit in the covered defense law, that amendment also shall have the effect of amending any table of sections, table of contents, or similar tabular entries in the covered defense law to alter the table to conform to the changes made by the amendment.

"(b) EXCEPTIONS.—Subsection (a) shall not apply to an amendment described in such subsection when—

"(1) the amendment or a clerical amendment enacted at the same time expressly amends a table of sections, table of contents, or similar tabular entries in the covered defense law to alter the table to conform to the changes made by the amendment; or

"(2) the amendment otherwise expressly exempts itself from the operation of this section.

"(c) COVERED DEFENSE LAW.—In this section, the term 'covered defense law' means—

"(1) this title;

"(2) titles 32 and 37;

"(3) any national defense authorization Act that authorizes funds to be appropriated for a fiscal year to the Department of Defense; and

"(4) any other law designated in the text thereof as a covered defense law for purposes of application of this section.".

(2) CONFORMING AMENDMENT.—The heading of chapter 1 of title 10, United States Code, is amended to read as follows:

"CHAPTER 1—DEFINITIONS, RULES OF CONSTRUCTION, CROSS REFERENCES, AND RELATED MATTERS".

(3) [10 U.S.C. 102 note] APPLICATION OF AMENDMENT.—Section 102 of title 10, United States Code, as added by paragraph (1), shall apply to the amendments made by this section and other amendments made by this Act.

(f) [10 U.S.C. 102 note] COORDINATION WITH OTHER AMENDMENTS MADE BY THIS ACT.—For purposes of applying amendments made by provisions of this Act other than this section, the amendments made by this section shall be treated as having been enacted immediately before any such amendments by other provisions of this Act.

SEC. 1082. DEPARTMENT OF DEFENSE CIVILIAN PROTECTION CENTER OF EXCELLENCE.

(a) CIVILIAN PROTECTION CENTER OF EXCELLENCE.—

(1) IN GENERAL.—Chapter 7 of title 10, United States Code, is amended by inserting after section 183a the following new section:

"SEC. 184. [10 U.S.C. 184] Civilian Protection Center of Excellence

"(a) ESTABLISHMENT.—The Secretary of Defense shall operate the Civilian Protection Center of Excellence. The purpose of the Center shall be to—

"(1) serve as the focal point for matters related to civilian casualties and other forms of civilian harm resulting from military operations involving the United States Armed Forces; and

"(2) institutionalize and advance knowledge, practices, and tools for preventing, mitigating, and responding to civilian harm.

"(b) PURPOSE.—The Center shall be used to—

"(1) develop standardized civilian-harm operational reporting and data management processes to improve data collection, sharing, and learning across the Department of Defense;

"(2) develop, recommend, and review guidance, and the implementation of guidance, on how the Department responds to civilian harm;

"(3) develop recommended guidance for addressing civilian harm across the full spectrum of armed conflict and for use in doctrine and operational plans;

"(4) recommend training and exercises for the prevention and investigation of civilian harm;

"(5) develop a repository of civilian casualty and civilian harm information;

"(6) capture lessons learned from assessments and investigations of civilian casualty incidents and supporting institutionalization of such lessons learned within policy, doctrine, training, exercises, and tactics, techniques, and procedures of the Department of Defense;

"(7) support the coordination and synchronization of efforts across combatant commands, the Department of State, and other relevant United States Government departments and agencies to prevent, mitigate, and respond to incidents of civilian harm;

"(8) engage with nongovernmental organizations and civilian casualty experts; and

"(9) perform such other functions as the Secretary of Defense may specify.

"(c) ANNUAL REPORT.—The Secretary of Defense shall submit to the congressional defense committees, and make publicly available on an appropriate website of the Department, an annual report on the activities of the Center.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 183a the following new item:

"184. Civilian Protection Center of Excellence.".

(b) [10 U.S.C. 184 note] DEADLINE FOR ESTABLISHMENT.—The Civilian Protection Center of Excellence, as required under section 184 of title 10, United States Code, as added by subsection (a), shall be established by not later than 90 days after the date of the enactment of this Act.

(c) REPORT TO CONGRESS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the establishment of such Civilian Protection Center of Excellence.

SEC. 1083. RONALD V. DELLUMS MEMORIAL FELLOWSHIP IN STEM.

Section 4093(f) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(3) In coordination with the efforts under paragraph (2), the Secretary of Defense shall additionally establish a program, which shall be known as the 'Ronald V. Dellums Memorial Fellowship in STEM', to provide financial assistance under this section to at least 30 students from communities that are underrepresented in the Department of Defense STEM workforce, not fewer of 50 percent of whom shall attend historically Black colleges and universities and minority-serving institutions. As part of such program, the Secretary shall establish an internship program that provides each student who is awarded a fellowship under this paragraph with an internship in an organization or element of the Department of Defense, and to the extent practicable, each such student shall be paired with a mid-level or a senior-level official of the relevant organization or element of the Department of Defense who shall serve as a mentor during the internship.".

SEC. 1084. AMENDMENT TO MEMORIAL FOR MEMBERS OF THE ARMED FORCES KILLED IN ATTACK ON HAMID KARZAI INTERNATIONAL AIRPORT.

Section 1087 of National Defense Authorization Act for Fiscal Year 2022 (40 U.S.C. 8903 note) is amended by striking "The Secretary of Defense may" and inserting "The Secretary of Defense shall, not later than 1 year after the date of enactment of the National Defense Authorization Act for Fiscal Year 2023,".

SEC. 1085. [10 U.S.C. 122a note] PUBLIC AVAILABILITY OF COST OF CERTAIN MILITARY OPERATIONS.

Section 1090 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328) is amended—

(1) by inserting "(a) Publication of Information.—" before "The Secretary of Defense";

(2) by striking "of each of the wars in Afghanistan, Iraq, and Syria." and inserting "of any contingency operation conducted by the United States Armed Forces on or after September 18, 2001."; and

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

"(b) DISPLAY OF INFORMATION.—The information required to be posted under subsection (a) shall, to the extent practicable—

"(1) be posted directly on the website of the Department of Defense, in an accessible and clear format;

"(2) include corresponding documentation as links or attachments; and

"(3) include, for each contingency operation, a list of countries where the contingency operation has taken place.

"(c) UPDATES.—The Secretary shall ensure that all the information required to be posted under subsection (a) is updated by not later than 90 days after the last day of each fiscal year.

"(d) CONTINGENCY OPERATION DEFINED.—In this section, the term 'contingency operation' has the meaning given such term in section 101(a)(13) of title 10, United States Code.".

SEC. 1086. [10 U.S.C. 2911 note] COMBATING MILITARY RELIANCE ON RUSSIAN ENERGY.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) reliance on Russian energy poses a critical challenge for national security activities in the area of responsibility of the United States European Command; and

(2) in order to reduce the vulnerability of United States military facilities to disruptions caused by reliance on Russian energy, the Department of Defense should establish and implement plans to reduce reliance on Russian energy for all operating bases in the area of responsibility of the United States European Command.

(b) ELIMINATING USE OF RUSSIAN ENERGY.—It shall be the goal of the Department of Defense to eliminate the use of Russian energy on each operating base in the area of responsibility of the United States European Command by not later than five years after the date of the completion of an installation energy plan for such base, as required under this section.

(c) INSTALLATION ENERGY PLANS FOR OPERATING BASES.—

(1) IDENTIFICATION OF INSTALLATIONS.—The Secretary of Defense shall submit to the congressional defense committees

a list of operating bases within the area of responsibility of the United States European Command ranked according to mission criticality and vulnerability to energy disruption as follows:

(A) In the case of a main operating base, by not later than June 1, 2023.

(B) In the case of any operating base other than a main operating base, by not later than June 1, 2024.

(2) SUBMITTAL OF PLANS.—

(A) MAIN OPERATING BASES; FEASIBILITY ASSESSMENT.—Not later than December 23, 2023, the Secretary of Defense shall submit to the congressional defense committees—

(i) an installation energy plan for each main operating base on the list submitted under paragraph (1)(A); and

(ii) an assessment of the feasibility of reaching the goal for the elimination of the use of Russian energy pursuant to subsection (b) on that base, including—

(I) a description of the steps that would be required to meet such goal; and

(II) an analysis of the effects such steps would have on the national security of the United States.

(B) US EUROPEAN COMMAND OPERATING BASES.—Not later than one year after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2025, the Secretary of Defense shall submit to the congressional defense committees an installation energy plan for each operating base within the area of responsibility of the United States European Command.

(d) CONTENT OF PLANS.—Each installation energy plan for an operating base shall include each of the following with respect to that base:

(1) An assessment of the energy resilience requirements, resiliency gaps, and energy-related cybersecurity requirements of the base, including with respect to operational technology, control systems, and facilities-related control systems.

(2) An identification of investments in technology required to improve energy resilience, reduce demand, strengthen energy conservation, and support mission readiness.

(3) An identification of investments in infrastructure, including microgrids, required to strengthen energy resilience and mitigate risk due to grid disturbance.

(4) Recommendations related to opportunities for the use of renewable energy, clean energy, nuclear energy, and energy storage projects to reduce dependence on natural gas.

(5) An assessment of how the requirements and recommendations included pursuant to paragraphs (2) through (4) interact with the energy policies of the country where the base is located, both at present and into the future.

(e) IMPLEMENTATION OF PLANS.—

(1) DEADLINE FOR IMPLEMENTATION.—Not later than 30 days after the date on which the Secretary submits an installa-

tion energy plan for a base under subsection (c)(2), the Secretary shall—

(A) begin implementing the plan; and

(B) provide to the congressional defense committees a briefing on the contents of the plan and the strategy of the Secretary for implementing the mitigation measures identified in the plan.

(2) PRIORITIZATION OF CERTAIN PROJECTS.—In implementing an installation energy plan for a base under this section, the Secretary shall prioritize projects requested under section 2914 of title 10, United States Code, to mitigate assessed risks and improve energy resilience, energy security, and energy conservation at the base.

(3) NONAPPLICATION OF CERTAIN OTHER AUTHORITIES.—Subsection (d) of section 2914 of title 10, United States Code, shall not apply with respect to any project carried out pursuant to this section or pursuant to an installation energy plan for a base under this section.

(f) POLICY FOR FUTURE BASES.—The Secretary of Defense shall establish a policy to ensure that any new military base in the area of responsibility of the United States European Command is established in a manner that proactively includes the consideration of energy security, energy resilience, and mitigation of risk due to energy disruption.

(g) ANNUAL CONGRESSIONAL BRIEFINGS.—The Secretary of Defense shall provide to the congressional defense committees annual briefings on the installation energy plans required under this section. Such briefings shall include an identification of each of the following:

(1) The actions each operating base is taking to implement the installation energy plan for that base.

(2) The progress that has been made toward reducing the reliance of United States bases on Russian energy.

(3) The steps being taken and planned across the future-years defense program to meet the goal of eliminating reliance on Russian energy.

(h) LIMITATION.—Of the funds authorized to be appropriated by the National Defense Authorization Act for Fiscal Year 2025 or otherwise made available for fiscal year 2025 for the Office of the Secretary of Defense for travel, not more than 75 percent may be obligated or expended until the submission of the installation energy plans and assessment required under subsection (c)(2)(A).

(i) DEFINITION OF OPERATING BASE.—In this section, the term "operating base" has the meaning of that term as used in the most recently submitted Global Defense Posture Report, as required to be submitted under section 113(g)(4)(A)(iii) of title 10, United States Code.

SEC. 1087. [10 U.S.C. 161 note] ESTABLISHMENT OF JOINT FORCE HEADQUARTERS IN AREA OF OPERATIONS OF UNITED STATES INDO-PACIFIC COMMAND.

(a) ESTABLISHMENT.—Not later than October 1, 2024, the Secretary of Defense shall establish a joint force headquarters in the area of operations of United States Indo-Pacific Command, in ac-

cordance with the implementation plan required under subsection (b).

(b) IMPLEMENTATION PLAN AND ESTABLISHMENT OF JOINT FORCE HEADQUARTERS.—

(1) IMPLEMENTATION PLAN.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees an implementation plan for the establishment of a joint force headquarters in the area of operations of United States Indo-Pacific Command to serve as an operational command. Such plan shall include—

(A) the integration of joint all domain command and control effects chains and mission command and control, including in conflicts that arise with minimal warning;

(B) the integration of the capabilities of Assault Breaker II, developed by the Defense Advanced Research Projects Agency, and related developmental efforts as they transition to operational deployment;

(C) the exercise of other joint all domain command and control capabilities and functions; and

(D) such other missions and operational tasks as the Secretary determines appropriate.

(2) ELEMENTS.—The plan required by paragraph (1) shall include each of the following with respect to the joint force headquarters to be established:

(A) A description of the operational chain of command.

(B) An identification of the manning and resourcing required, relative to assigned missions, particularly the sources of personnel required.

(C) A description of the mission and lines of effort.

(D) A description of the relationship with existing entities in United States Indo-Pacific Command, including an assessment of complementary and duplicative activities with such entities and the joint force headquarters.

(E) An identification of supporting infrastructure required.

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

(c) SUPPORT FOR JOINT FORCE HEADQUARTERS.—The commander of the joint force headquarters established under this section shall be supported by the United States Indo-Pacific Command subordinate unified commands, subordinate component commands, standing joint task force, and the Armed Forces.

(d) ANNUAL REPORT REQUIRED.—

(1) IN GENERAL.—Not later than one year after the date of the establishment of the joint force headquarters required under subsection (a), and not less frequently than once each year thereafter until December 31, 2028, the Secretary of Defense shall submit to the congressional defense committees an annual report on the joint force headquarters established under this section.

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

(A) A description of the mission and lines of effort of the joint force headquarters.

(B) An accounting of the personnel and other resources supporting the joint force headquarters, including support external to the headquarters.

(C) A description of the operational chain of command of the joint force headquarters.

(D) An assessment of the manning and resourcing of the joint force headquarters, relative to assigned missions.

(E) A description of the relationship with existing entities in Indo-Pacific Command, including an assessment of complementary and duplicative activities with such entities and the joint force headquarters.

(3) FORM.—Each report submitted under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

SEC. 1088. NATIONAL TABLETOP EXERCISE.

(a) REQUIREMENT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall conduct a tabletop exercise designed to assess the resiliency of United States domestic critical infrastructure supporting United States military requirements in the event of a military contingency involving Taiwan.

(b) ELEMENTS.—A tabletop exercise under this section shall be designed to evaluate the following elements:

(1) The resilience of domestic critical infrastructure and logistical chokepoints necessary for the United States Armed Forces to respond to a contingency involving Taiwan, including an assessment of the mobility of the United States Armed Forces in the event of attacks upon such infrastructure.

(2) Federal Government response options to ensure the viability of domestic critical infrastructure in the event of a military contingency involving Taiwan.

(3) The ability of the United States Armed Forces, with the armed forces of United States allies and partners, to resist any resort to force or other form of coercion by an aggressor in the event of a military contingency involving Taiwan, if domestic critical infrastructure is compromised.

(4) The importance of nonmilitary actions, including economic and financial measures, by the United States, with United States allies and partners, to deter and, if necessary, respond to a contingency involving Taiwan.

(c) CONSULTATION REQUIREMENT.—In carrying out this section, the Secretary shall consult with the heads of other appropriate Federal departments and agencies, as the Secretary determines appropriate.

(d) BRIEFING.—

(1) IN GENERAL.—Not later than 90 days after the date on which a tabletop exercise is conducted under this section, the Secretary shall provide to the appropriate congressional committees a briefing on the exercise.

(2) CONTENTS.—A briefing under paragraph (1) shall include—

(A) an assessment of the decision-making, capability, and response gaps observed in the tabletop exercise; and

(B) recommendations to improve the resiliency of, and reduce vulnerabilities in, the domestic critical infrastructure of the United States in the event of a military contingency involving Taiwan.

(e) DEFINITIONS.—In this section:

(1) The term "appropriate congressional committees" means—

(A) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Oversight and Reform of the House of Representatives; and

(B) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Homeland Security and Government Affairs of the Senate.

(2) The term "tabletop exercise" means an activity—

(A) in which key personnel assigned high-level roles and responsibilities are gathered to deliberate various simulated emergency or rapid response situations; and

(B) that is designed to be used to assess the adequacy of plans, policies, procedures, training, resources, and relationships or agreements that guide prevention of, response to, and recovery from a defined event.

SEC. 1089. PERSONNEL SUPPORTING THE OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE FOR SPECIAL OPERATIONS AND LOW INTENSITY CONFLICT.

(a) PLAN REQUIRED.—Not later than 30 days after the date of the completion of the manpower study required by the Joint Explanatory Statement accompanying the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117-81), the Secretary of Defense shall submit to the congressional defense committees a plan for adequately staffing the Office of the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict to fulfill the requirements of section 138(b)(2)(A)(i) of title 10, United States Code, for exercising authority, direction, and control of all special-operations peculiar administrative matters relating to the organization, training, and equipping of special operations forces.

(b) ADDITIONAL INFORMATION.—The Secretary shall ensure the plan required under subsection (a) is informed by the manpower study required by the Joint Explanatory Statement accompanying the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117-81).

(c) ELEMENTS.—The plan required under subsection (a) shall include the following elements:

(1) A validated number of personnel necessary to fulfill the responsibilities of the Secretariat for Special Operations outlined in section 139b of title 10, United States Code, and associated funding across the future-years defense program submitted to Congress under section 221 of title 10, United States Code.

(2) A hiring plan with milestones for gradually increasing the number of required personnel.

(3) A breakdown of the optimal mix of required military, civilian, and contractor personnel.

(4) An analysis of the feasibility and advisability of assigning a member of the Senior Executive Service to serve as the Deputy Director of the Secretariat for Special Operations.

(5) An identification of any anticipated funding shortfalls for personnel supporting the Secretariat for Special Operations across the future-years defense program submitted to Congress under section 221 of title 10, United States Code.

(6) Any other matters the Secretary determines relevant.

SEC. 1090. SENSE OF CONGRESS ON REDESIGNATION OF THE AFRICA CENTER FOR STRATEGIC STUDIES AS THE JAMES M. INHOFE CENTER FOR AFRICA STRATEGIC STUDIES.

It is the sense of Congress that—

(1) Senator James M. Inhofe—

(A) has, during his more than three decades of service in the United States Congress—

(i) demonstrated a profound commitment to strengthening United States-Africa relations; and

(ii) been one of the foremost leaders in Congress on matters related to United States-Africa relations;

(B) was a key advocate for the establishment of United States Africa Command; and

(C) has conducted 170 visits to countries in Africa; and

(2) as a recognition of Senator Inhofe's long history of engaging with, and advocating for, Africa, the Department of Defense Africa Center for Strategic Studies should be renamed the James M. Inhofe Center for Africa Strategic Studies.

SEC. 1091. INTEGRATION OF ELECTRONIC WARFARE INTO TIER 1 AND TIER 2 JOINT TRAINING EXERCISES.

(a) IN GENERAL.—During fiscal years 2023 through 2027, the Chairman of the Joint Chiefs of Staff shall require that offensive and defensive electronic warfare capabilities be integrated into Tier 1 and Tier 2 joint training exercises.

(b) REQUIREMENT TO INCLUDE OPPOSING FORCE.—The Chairman shall require exercises conducted under subsection (a) to include an opposing force design based on a current intelligence assessment of the electromagnetic order of battle and capabilities of an adversary.

(c) WAIVER.—The Chairman may waive the requirements under subsections (a) and (b) with respect to an exercise if the Chairman determines that—

(1) the exercise does not require—

(A) a demonstration of electronic warfare capabilities; or

(B) a militarily significant threat from electronic warfare attack; or

(2) the integration of offensive and defensive electronic warfare capabilities into the exercise is cost prohibitive or not technically feasible based on the overall goals of the exercise.

(d) BRIEFING REQUIRED.—Concurrent with the submission of the budget of the President to Congress pursuant to section 1105(a) of title 31, United States Code, for each of fiscal years 2023 through 2027, the Chairman shall provide to the congressional defense committees a briefing on exercises conducted under subsection (a) that includes—

(1) a description of such exercises planned and included in the budget submission for that fiscal year; and

(2) the results of each such exercise conducted in the preceding fiscal year, including—

(A) the extent to which offensive and defensive electronic warfare capabilities were integrated into the exercise;

(B) an evaluation and assessment of the exercise to determine the impact of the opposing force on the participants in the exercise, including—

(i) joint lessons learned;

(ii) high interest training issues; and

(iii) high interest training requirements; and

(C) whether offensive and defensive electronic warfare capabilities were part of an overall joint fires and, if so, a description of how such capabilities were incorporated into the joint fires.

(e) DEFINITIONS.—In this section:

(1) The term "electromagnetic order of battle" has the meaning given that term in Joint Publication 3-85 titled "Joint Electromagnetic Spectrum Operations", dated May 2020.

(2) The terms "high interest training issue", "high interest training requirement", "Tier 1", and "Tier 2" have the meanings given those terms in the Joint Training Manual for the Armed Forces of the United States (Document No. CJCSM 3500.03E), dated April 20, 2015.

(3) The term "joint fires" has the meaning given that term in the publication of the Joint Staff titled "Insights and Best Practices Focus Paper on Integration and Synchronization of Joint Fires", dated July 2018.

SEC. 1092. NATIONAL COMMISSION ON THE FUTURE OF THE NAVY.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established an independent commission in the legislative branch to be known as the "Commission on the Future of the Navy" (in this section referred to as the "Commission").

(2) DUTIES OF COMMISSION.—

(A) STUDY ON NAVAL FORCE STRUCTURE.—

(i) IN GENERAL.—The Commission shall undertake a comprehensive study of the structure of the Navy and policy assumptions related to the size and force mixture of the Navy, in order—

(I) to make recommendations on the size and force mixture of ships; and

(II) to make recommendations on the size and force mixture of naval aviation.

(ii) CONSIDERATIONS.—In undertaking the study required by this subsection, the Commission shall carry out each of the following:

(I) An evaluation and identification of a structure for the Navy that—

(aa) has the depth and scalability to meet current and anticipated requirements of the combatant commands;

(bb) assumes four different funding levels of: fiscal year 2023 appropriated plus inflation; fiscal year 2023 appropriated with 3-5 percent real growth; such as is necessary to build, man, maintain and modernize the fleet required by section 1025 of the National Defense Authorization Act for 2018 (Public Law 115-91); and notionally unconstrained to meet the needs of the National Defense Strategy including a particular focus on the areas of responsibility of United States Indo-Pacific Command and United States European Command;

(cc) ensures that the Navy has the capacity needed to support current and anticipated homeland defense and disaster assistance missions in the United States;

(dd) provides for sufficient numbers of members of the Navy to ensure a 115 percent manning level of all deployed ships and not less than a 90 percent manning level at any point in time;

(ee) provides a sustainable force generation model with the associated rotational presence, personnel, training, and maintenance assumptions;

(ff) identifies forward basing and stationing requirements; and

(gg) identifies potential strategic and operational risk tradeoffs and makes recommendations among readiness, efficiency, effectiveness, capability, and affordability.

(II) An evaluation and identification of combatant command demand and fleet size, including recommendations to support—

(aa) readiness;

(bb) training;

(cc) routine ship maintenance;

(dd) personnel;

(ee) forward presence;

(ff) depot level ship maintenance; and

(gg) fleet modernization.

(III) A detailed review of the cost of the recapitalization of the Nuclear Triad in the Department of Defense and its effect on the Navy's budget.

(IV) A review of Navy personnel policies and training to determine changes needed across all personnel activities to improve training effectiveness and force tactical readiness and reduce operational stress.

(B) STUDY ON SHIPBUILDING AND INNOVATION.—

(i) IN GENERAL.—The Commission shall conduct a study on shipbuilding, new construction, and repair shipyards, and opportunities to better integrate advanced technologies such as augmented reality and artificial intelligence in the fleet.

(ii) CONSIDERATIONS.—In conducting the study required under this subsection, the Commission shall consider the following:

(I) Recommendations for specific changes to the Navy's Shipyard Infrastructure Optimization Program, which may include legislative changes such as providing multi-year appropriations or expanded use of innovative technology.

(II) Recommendations for changes to the ship design and build program that could reduce technical and schedule risk, reduce cost, accelerate build timelines, and prioritize an incremental approach to introducing change.

(III) Recommendations for changes to the ship depot maintenance program in order to reduce overhaul timelines, integrate current technologies into ships, and reduce costs.

(3) POWERS OF COMMISSION.—

(A) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out its duties under this section.

(B) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out its duties under this section. Upon request of the Co-Chairs of the Commission, the head of such department or agency shall furnish such information to the Commission.

(C) USE OF POSTAL SERVICE.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(D) AUTHORITY TO ACCEPT GIFTS.—

(i) IN GENERAL.—The Commission may accept, use, and dispose of gifts or donations of services, goods, and property from non-Federal entities for the purposes of aiding and facilitating the work of the Commission. The authority under this paragraph does not extend to gifts of money.

(ii) DOCUMENTATION; CONFLICTS OF INTEREST.—The Commission shall document gifts accepted under the authority provided by clause (i) and shall avoid conflicts of interest or the appearance of conflicts of interest.

(iii) COMPLIANCE WITH CONGRESSIONAL ETHICS RULES.—Except as specifically provided in this section, a member of the Commission shall comply with rules

set forth by the Select Committee on Ethics of the Senate and the Committee on Ethics of the House of Representatives governing employees of the Senate and the House of Representatives, respectively.

(4) REPORT REQUIRED.—Not later than July 1, 2027, the Commission shall submit to the Committees on Armed Services of the Senate and House of Representatives an unclassified report, with classified annexes if necessary, that includes the findings and conclusions of the Commission as a result of the studies required under this section, together with its recommendations for such legislative actions as the Commission considers appropriate in light of the results of the studies.

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Commission shall be composed of 8 members, of whom—

(A) one shall be appointed by the Speaker of the House of Representatives;

(B) one shall be appointed by the Minority Leader of the House of Representatives;

(C) one shall be appointed by the Majority Leader of the Senate;

(D) one shall be appointed by the Minority Leader of the Senate;

(E) one shall be appointed by the Chairman of the Committee on Armed Services of the Senate;

(F) one shall be appointed by the Ranking Member of the Committee on Armed Services of the Senate;

(G) one shall be appointed by the Chairman of the Committee on Armed Services of the House of Representatives; and

(H) one shall be appointed by the Ranking Member of the Committee on Armed Services of the House of Representatives.

(2) CO-CHAIRS.—There shall be two Co-Chairs of the Commission. The Republican leadership of the Senate and House of Representatives shall jointly select one Co-Chair, and the Democratic leadership of the Senate and House of Representatives shall jointly select the other.

(3) APPOINTMENT DATE; NOTIFICATIONS.—

(A) Members shall be appointed to the commission under paragraph (1) by not later than 90 days after the date of enactment of this Act.

(B) Individuals making appointments under paragraph (1) shall provide notice of the appointments to the Secretary of Defense (in this section referred to as the "Secretary").

(4) QUALIFICATIONS AND EXPERTISE.—

(A) IN GENERAL.—In making appointments under this subsection, consideration shall be given to individuals with expertise in—

(i) United States naval policy and strategy;

(ii) naval forces capability;

(iii) naval nuclear propulsion and weapons;

(iv) naval force structure design, organization, and employment;

(v) Navy personnel matters;

(vi) Navy acquisition and sustainment;

(vii) Navy shipbuilding;

(viii) naval aviation aircraft procurement; and

(ix) Navy ship and aircraft depot maintenance.

(B) RESTRICTION ON APPOINTMENT.—Officers or employees of the Federal Government (other than experts or consultants the services of which are procured under section 3109 of title 5, United States Code) may not be appointed as members of the Commission.

(C) RESTRICTION ON MEMBERS OF CONGRESS.—Members of Congress may not serve on the Commission.

(5) PERIOD OF APPOINTMENT; VACANCIES; REMOVAL OF MEMBERS.—

(A) APPOINTMENT DURATION.—Members shall be appointed for the life of the Commission.

(B) VACANCIES.—Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(C) REMOVAL OF MEMBERS.—A member may be removed from the Commission for cause by the individual serving in the position responsible for the original appointment of such member under subsection (b)(1), provided that notice has first been provided to such member of the cause for removal and voted and agreed upon by three quarters of the members serving. A vacancy created by the removal of a member under this subsection shall not affect the powers of the Commission, and shall be filled in the same manner as the original appointment was made.

(D) QUORUM.—.A majority of the members serving on the Commission shall constitute a quorum.

(E) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed as published in the Congressional Record, the Commission shall hold its initial meeting.

(c) PERSONNEL MATTERS.—

(1) STATUS AS FEDERAL EMPLOYEES.—Notwithstanding the requirements of section 2105 of title 5, United States Code, including the required supervision under subsection (a)(3) of such section, members of the Commission shall be deemed to be Federal employees in the legislative branch subject to all the laws and policies applicable to legislative branch employees.

(2) OATH OF OFFICE.—Notwithstanding the provision of section 2903(b) of title 5, United States Code, an employee of an Executive Branch agency, otherwise authorized to administer oaths under section 2903 of title 5, United States Code, may administer the oath of office to Commissioners for the purpose of their service to the Commission.

(3) SECURITY CLEARANCES.—The appropriate Federal departments or agencies shall cooperate with the Commission in expeditiously providing to the Commission members and staff

appropriate security clearances to the extent possible pursuant to existing procedures and requirements, except that no person may be provided with access to classified information under this Act without the appropriate security clearances. The commission may request access to special access programs. The commission may employ personnel and obtain detailees who hold the security clearances necessary to review classified information.

(4) PAY FOR MEMBERS.—Each member of the Commission may be compensated at a rate not to exceed the daily equivalent of the annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation additional to that received for their services as officers or employees of the United States.

(5) STAFF.—

(A) EXECUTIVE DIRECTOR.—The Co-Chairs of the Commission may appoint and fix the rate of basic pay for an Executive Director in accordance with section 3161 of title 5, United States Code.

(B) COMMISSION STAFF.—The Executive Director may appoint and fix the rate of basic pay for additional personnel as staff of the Commission in accordance with section 3161 of title 5, United States Code.

(C) DETAILEES AUTHORIZED.—On a reimbursable or non-reimbursable basis, the heads of departments and agencies of the Federal Government may provide, and the Commission may accept personnel detailed from such departments and agencies, including active-duty military personnel.

(D) TRAVEL EXPENSES.—The members and staff of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(d) SUPPORT.—

(1) ASSISTANCE FROM DEPARTMENT OF DEFENSE.—

(A) IN GENERAL.—Of the amounts authorized to be appropriated for the Department of Defense for support of the Commission, the Secretary may make transfers to the Commission for commission expenses, including compensation of commission members, officers, and employees, and provision of other such services, funds, facilities, and other support services as necessary for the performance of the Commission's functions. Funds made available to support and provide assistance to the Commission may be used for payment of compensation of members, officers, and employees of the Commission without transfer under this subparagraph. Amounts transferred under this subpara-

graph shall remain available until expended. Transfer authority provided by this subparagraph is in addition to any other transfer authority provided by law. Section 2215 of title 10, United States Code, shall not apply to a transfer of funds under this subparagraph.

(B) TREASURY ACCOUNT AUTHORIZED.—The Secretary of the Treasury may establish an account or accounts for the Commission from which any amounts transferred under this clause may be used for activities of the Commission.

(2) LIAISON.—The Secretary shall designate at least one officer or employee of the Department of Defense to serve as a liaison officer between the Department and the Commission.

(3) ADDITIONAL SUPPORT.—To the extent that funds are available for such purpose, or on a reimbursable basis, the Secretary may, at the request of the Co-Chairs of the Commission—

(A) enter into contracts for the acquisition of administrative supplies and equipment for use by the Commission; and

(B) make available the services of a Federal funded research and development center or an independent, nongovernmental organization, described under section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code.

(4) PRELIMINARY ADMINISTRATIVE SUPPORT AUTHORIZED.—Upon the appointment of the Co-Chairs under subsection (b), the Secretary may provide administrative support authorized under this section necessary to facilitate the standing up of the Commission.

(e) TERMINATION OF COMMISSION.—The Commission shall terminate 180 days after the submission of the report required under subsection (a).

SEC. 1093. [49 U.S.C. 40103 note] DYNAMIC AIRSPACE PILOT PROGRAM.

(a) PILOT PROGRAM.—

(1) PILOT PROGRAM REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration, in coordination with the Secretary of Defense, shall establish a pilot program for the purpose of developing, testing, and assessing dynamic scheduling and management of special activity airspace in order to accommodate emerging military testing and training requirements, including—

(A) special activity airspace for use by the Department of Defense for emerging military testing and training requirements of infrequent or limited durations; and

(B) streamlining the process for the Department of Defense to request the designation of special activity airspace for activities described in subparagraph (A).

(2) DEVELOPMENT, TEST, AND ASSESSMENT OF DYNAMIC AIRSPACE.—Under the pilot program established under paragraph (1), the Administrator and the Secretary shall jointly test not less than two use cases concerning temporary or permanent

special activity airspace established by the Federal Aviation Administration for use by the Department of Defense that develop, test, and assess—

(A) the availability of such airspace on an infrequent or limited duration necessary to accommodate the Department of Defense's emerging military testing and training requirements; and

(B) whether the processes for the Department of Defense to request special activity airspace for infrequent or limited duration military testing and training events meet Department of Defense testing and training requirements.

(b) REQUIREMENTS.—The pilot program established by subsection (a) shall not interfere with—

(1) the public's right of transit consistent with national security;

(2) the use of airspace necessary to ensure the safety of aircraft within the National Airspace System;

(3) the use of airspace necessary to ensure the efficient use of the National Airspace System; and

(4) Department of Defense use of special activity airspace that is established through means other than the pilot program established by subsection (a).

(c) REPORT BY THE ADMINISTRATOR.—

(1) IN GENERAL.—Not later than two years after the date of the establishment of the pilot program under subsection (a)(1), the Administrator shall submit to the appropriate committees of Congress a report on the interim findings of the Administrator with respect to the pilot program.

(2) ELEMENTS.—The report submitted under paragraph (1) shall include an analysis of the following:

(A) How the pilot program established under subsection (a)(1) affected policies on establishing and scheduling special activity airspace with an emphasis on the impact of allocation and utilization policies to other nonparticipating aviation users of the National Airspace System.

(B) Whether the streamlined processes for dynamic scheduling and management of special activity airspace involved in the pilot program established under subsection (a)(1) contributed to—

(i) the public's right of transit consistent with national security;

(ii) the use of airspace necessary to ensure the safety of aircraft within the National Airspace System; and

(iii) the use of airspace necessary to ensure the efficient use of the National Airspace System.

(d) REPORT BY THE SECRETARY OF DEFENSE.—Not later than two years after the date of the establishment of the pilot program under subsection (a)(1), the Secretary shall submit to the appropriate committees of Congress a report on the interim findings of the Secretary with respect to the pilot program. Such report shall include an analysis of how the pilot program affected military testing and training.

(e) DEFINITIONS.—In this section:

(1) The term "appropriate committees of Congress" means—

(A) the Committee on Commerce, Science, and Transportation, the Committee on Armed Services, and the Committee on Appropriations of the Senate; and

(B) the Committee on Transportation and Infrastructure, the Committee on Science, Space, and Technology, the Committee on Armed Services, and the Committee on Appropriations of the House of Representatives.

(2) The term "special activity airspace" means the following airspace with defined dimensions within the National Airspace System wherein limitations may be imposed upon aircraft operations:

(A) Restricted areas.

(B) Military operations areas.

(C) Air traffic control assigned airspace.

(D) Warning areas.

(3) The term "use cases" means a compendium of airspace utilization data collected from the development, testing, and assessment conducted under subsection (a)(1), and other test points or metrics as agreed to by the Administrator and the Secretary, within a specific geographic region as determined by the Administrator and Secretary.

(f) DURATION.—The pilot program under subsection (a)(1) shall continue for not more than three years after the date on which it is established.

TITLE XI—CIVILIAN PERSONNEL MATTERS

Sec. 1101. Restricted reporting option for Department of Defense civilian employees choosing to report experiencing adult sexual assault.
Sec. 1102. Modification and extension of authority to waive annual limitation on premium pay and aggregate limitation on pay for Federal civilian employees working overseas.
Sec. 1103. One-year extension of temporary authority to grant allowances, benefits, and gratuities to civilian personnel on official duty in a combat zone.
Sec. 1104. Standardized credentials for law enforcement officers of the Department of Defense.
Sec. 1105. Temporary extension of authority to provide security for former Department of Defense officials.
Sec. 1106. Enhanced pay authority for certain research and technology positions in science and technology reinvention laboratories.
Sec. 1107. Flexible workplace programs.
Sec. 1108. Eligibility of Department of Defense employees in time-limited appointments to compete for permanent appointments.
Sec. 1109. Modification to personnel management authority to attract experts in science and engineering.
Sec. 1110. Modification and extension of pilot program on dynamic shaping of the workforce to improve the technical skills and expertise at certain department of defense laboratories.
Sec. 1111. Modification of temporary expansion of authority for noncompetitive appointments of military spouses by federal agencies.
Sec. 1112. Modification to pilot program for the temporary assignment of cyber and information technology personnel to private sector organizations.

SEC. 1101. RESTRICTED REPORTING OPTION FOR DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES CHOOSING TO REPORT EXPERIENCING ADULT SEXUAL ASSAULT.

(a) IN GENERAL.—Chapter 81 of title 10, United States Code, is amended by adding at the end the following new section:

"SEC. 1599j. [10 U.S.C. 1599j] Restricted reports of incidents of adult sexual assault

"(a) RESTRICTED REPORTS.—The Secretary of Defense may provide a civilian employee of the Department of Defense an opportunity to submit to an individual described in subsection (d) a restricted report of an alleged incident of adult sexual assault for the purpose of assisting the employee in obtaining information and access to authorized victim support services provided by the Department.

"(b) RESTRICTIONS ON DISCLOSURES AND INITIATING INVESTIGATIONS.—Unless the Secretary determines that a disclosure is necessary to prevent or mitigate a serious and imminent safety threat to the employee submitting the report or to another person, a restricted report submitted pursuant to subsection (a) shall not—

"(1) be disclosed to the supervisor of the employee or any other management official; or

"(2) cause the initiation of a Federal civil or criminal investigation.

"(c) DUTIES UNDER OTHER LAWS.—The receipt of a restricted report submitted under subsection (a) shall not be construed as imputing actual or constructive knowledge of an alleged incident of sexual assault to the Department of Defense for any purpose.

"(d) INDIVIDUALS AUTHORIZED TO RECEIVE RESTRICTED REPORTS.—An individual described in this subsection is an individual who performs victim advocate duties under a program for one or more of the following purposes (or any other program designated by the Secretary):

"(1) Sexual assault prevention and response.

"(2) Victim advocacy.

"(3) Equal employment opportunity.

"(4) Workplace violence prevention and response.

"(5) Employee assistance.

"(6) Family advocacy.

"(e) DEFINITIONS.—In this section:

"(1) CIVILIAN EMPLOYEE.—The term 'civilian employee' has the meaning given the term 'employee' in section 2105 of title 5.

"(2) SEXUAL ASSAULT.—The term 'sexual assault' has the meaning given that term in section 920 of this title (article 120 of the Uniform Code of Military Justice), and includes penetrative offenses and sexual contact offenses.".

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

"1599j. Restricted reports of incidents of adult sexual assault.".

SEC. 1102. MODIFICATION AND EXTENSION OF AUTHORITY TO WAIVE ANNUAL LIMITATION ON PREMIUM PAY AND AGGREGATE LIMITATION ON PAY FOR FEDERAL CIVILIAN EMPLOYEES WORKING OVERSEAS.

Subsection (a) of section 1101 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4615), as most recently amended by section 1112 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117-81; 135 Stat. 1953), is further amended—

(1) by striking "that is in the area of responsibility" and all that follows through "United States Africa Command," and

(2) by striking "through 2022" and inserting "through 2023".

SEC. 1103. ONE-YEAR EXTENSION OF TEMPORARY AUTHORITY TO GRANT ALLOWANCES, BENEFITS, AND GRATUITIES TO CIVILIAN PERSONNEL ON OFFICIAL DUTY IN A COMBAT ZONE.

Paragraph (2) of section 1603(a) of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109-234; 120 Stat. 443), as added by section 1102 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4616) and as most recently amended by section 1114 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117-81; 135 Stat. 1954), is further amended by striking "2023" and inserting "2024".

SEC. 1104. [10 U.S.C. 2672 note] STANDARDIZED CREDENTIALS FOR LAW ENFORCEMENT OFFICERS OF THE DEPARTMENT OF DEFENSE.

(a) STANDARDIZED CREDENTIALS REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall ensure that—

(1) the Secretary of each military department develops standardized credentials for Defense law enforcement officers under their respective authority;

(2) the Secretary of each military department issues such credential to each such officer at no cost to such officer; and

(3) any Department of Defense common access card issued to such an officer clearly identifies the officer as a Defense law enforcement officer.

(b) DEFENSE LAW ENFORCEMENT OFFICER DEFINED.—In this section, the term "Defense law enforcement officer" means a member of the Armed Forces or civilian employee of the Department of Defense who—

(1) is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law;

(2) has statutory powers of arrest or apprehension under section 807(b) of title 10, United States Code (article 7(b) of the Uniform Code of Military Justice); and

(3) is authorized by the Department to carry a firearm.

SEC. 1105. [10 U.S.C. 714 note] TEMPORARY EXTENSION OF AUTHORITY TO PROVIDE SECURITY FOR FORMER DEPARTMENT OF DEFENSE OFFICIALS.

During the period beginning on the date of enactment of this Act and ending on January 1, 2024, subsection (b) of section 714 of title 10, United States Code, shall be applied—

(1) in paragraph (1)(A), by substituting "a serious and credible threat" for "an imminent and credible threat";

(2) in paragraph (2)(B), by substituting "three years" for "two years"; and

(3) in paragraph (6)(A), by substituting—

(A) "congressional leadership and the congressional defense committees" for "the congressional defense committees"; and

(B) by substituting "the justification for such determination, scope of the protection, and the anticipated cost and duration of such protection" for "the justification for such determination".

SEC. 1106. ENHANCED PAY AUTHORITY FOR CERTAIN RESEARCH AND TECHNOLOGY POSITIONS IN SCIENCE AND TECHNOLOGY REINVENTION LABORATORIES.

(a) IN GENERAL.—Chapter 303 of title 10, United States Code, is amended by inserting after section 4093 the following new section:

"SEC. 4094. [10 U.S.C. 4094] Enhanced pay authority for certain research and technology positions in science and technology reinvention laboratories

"(a) IN GENERAL.—The Secretary of Defense may carry out a program using the pay authority specified in subsection (d) to fix the rate of basic pay for positions described in subsection (c) in order to assist the military departments in attracting and retaining high quality acquisition and technology experts in positions responsible for managing and performing complex, high-cost research and technology development efforts in the science and technology reinvention laboratories of the Department of Defense.

"(b) APPROVAL REQUIRED.—The program may be carried out in a military department only with the approval of the service acquisition executive of the military department concerned.

"(c) POSITIONS.—The positions described in this subsection are positions in the science and technology reinvention laboratories of the Department of Defense that—

"(1) require expertise of an extremely high level in a scientific, technical, professional, or acquisition management field; and

"(2) are critical to the successful accomplishment of an important research or technology development mission.

"(d) RATE OF BASIC PAY.—The pay authority specified in this subsection is authority as follows:

"(1) Authority to fix the rate of basic pay for a position at a rate not to exceed 150 percent of the rate of basic pay payable for level I of the Executive Schedule, upon the approval of the service acquisition executive concerned.

"(2) Authority to fix the rate of basic pay for a position at a rate in excess of 150 percent of the rate of basic pay payable

for level I of the Executive Schedule, upon the approval of the Secretary of the military department concerned.

"(e) LIMITATIONS.—

"(1) IN GENERAL.—The authority in subsection (a) may be used only to the extent necessary to competitively recruit or retain individuals exceptionally well qualified for positions described in subsection (c).

"(2) NUMBER OF POSITIONS.—The authority in subsection (a) may not be used with respect to more than five positions in each military department at any one time, unless the Under Secretary of Defense for Research and Engineering, in concurrence with the Secretaries of the military departments concerned, authorizes the transfer of positions from one military department to another.

"(3) TERM OF POSITIONS.—The authority in subsection (a) may be used only for positions having a term of less than five years.

"(f) SCIENCE AND TECHNOLOGY REINVENTION LABORATORIES OF THE DEPARTMENT OF DEFENSE DEFINED.—In this section, the term 'science and technology reinvention laboratories of the Department of Defense' means the laboratories designated as science and technology reinvention laboratories by section 4121(b) of this title.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 303 of such title is amended by inserting after the item relating to section 4093 the following new item:

"4094. Enhanced pay authority for certain research and technology positions in science and technology reinvention laboratories.".

(c) [10 U.S.C. 4094 note] APPLICATION.—This section shall take effect immediately after section 881 of this Act.

SEC. 1107. FLEXIBLE WORKPLACE PROGRAMS.

Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall promulgate guidance to the military departments to promote consistency in policies relating to flexible workplace programs. Such guidance shall address at a minimum the conditions under which an employee is allowed to perform all or a portion of assigned duties—

(1) at a telecommuting center established pursuant to statute; or

(2) through the use of flexible workplace services agreements.

SEC. 1108. ELIGIBILITY OF DEPARTMENT OF DEFENSE EMPLOYEES IN TIME-LIMITED APPOINTMENTS TO COMPETE FOR PERMANENT APPOINTMENTS.

Section 3304 of title 5, United States Code, is amended by adding at the end the following:

"(g) ELIGIBILITY OF DEPARTMENT OF DEFENSE EMPLOYEES IN TIME-LIMITED APPOINTMENTS TO COMPETE FOR PERMANENT APPOINTMENTS.—

"(1) DEFINITIONS.—In this subsection—

"(A) the term 'Department' means the Department of Defense; and

"(B) the term 'time-limited appointment' means a temporary or term appointment in the competitive service.

"(2) ELIGIBILITY.—Notwithstanding any other provision of this chapter or any other provision of law relating to the examination, certification, and appointment of individuals in the competitive service, an employee of the Department serving under a time-limited appointment is eligible to compete for a permanent appointment in the competitive service when the Department is accepting applications from individuals within its own workforce, or from individuals outside its own workforce, under merit promotion procedures, if—

"(A) the employee was appointed initially under open, competitive examination under subchapter I of this chapter to the time-limited appointment;

"(B) the employee has served under 1 or more time-limited appointments within the Department for a period or periods totaling more than 2 years without a break of 2 or more years; and

"(C) the employee's performance has been at an acceptable level of performance throughout the period or periods referred to in subparagraph (B).

"(3) CAREER-CONDITIONAL STATUS; COMPETITIVE STATUS.—An individual appointed to a permanent position under this section—

"(A) becomes a career-conditional employee, unless the employee has otherwise completed the service requirements for career tenure; and

"(B) acquires competitive status upon appointment.

"(4) FORMER EMPLOYEES.—If the Department is accepting applications as described in paragraph (2), a former employee of the Department who served under a time-limited appointment and who otherwise meets the requirements of this section shall be eligible to compete for a permanent position in the competitive service under this section if—

"(A) the employee applies for a position covered by this section not later than 2 years after the most recent date of separation; and

"(B) the employee's most recent separation was for reasons other than misconduct or performance.

"(5) REGULATIONS.—The Office of Personnel Management shall prescribe regulations necessary for the administration of this subsection.".

SEC. 1109. MODIFICATION TO PERSONNEL MANAGEMENT AUTHORITY TO ATTRACT EXPERTS IN SCIENCE AND ENGINEERING.

Section 4092 of title 10, united states code, is amended—

(1) in subsection (a)(8), in the second sentence, by striking "December 31, 2025" and inserting "December 31, 2030";

(2) in subsection (b)—

(A) in paragraph (1)(H)—

(i) by striking "10 positions" and inserting "15 positions"; and

(ii) by striking "3 such positions" and inserting "5 such positions"; and

(B) in paragraph (2)(A)—

(i) in the matter preceding clause (i), by striking "paragraph (1)(B)" and inserting "subparagraphs (B) and (H) of paragraph (1)";

(ii) in clause (i)—

(I) by striking "to any of" and inserting "to any of the"; and

(II) by inserting "and any of the 5 positions designated by the Director of the Space Development Agency" after "Projects Agency"; and

(iii) in clause (ii), by striking "the Director" and inserting "the Director of the Defense Advanced Research Projects Agency or the Director of the Space Development Agency"; and

(3) in subsection (c)(2), by inserting "the Space Development Agency," after "Intelligence Center,".

SEC. 1110. MODIFICATION AND EXTENSION OF PILOT PROGRAM ON DYNAMIC SHAPING OF THE WORKFORCE TO IMPROVE THE TECHNICAL SKILLS AND EXPERTISE AT CERTAIN DEPARTMENT OF DEFENSE LABORATORIES.

(a) REPEAL OF OBSOLETE PROVISION.—Section 1109(b)(1) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92) is amended by striking subparagraph (D).

(b) EXTENSION OF AUTHORITY.—Section 1109(d)(1) of such Act is amended by striking "December 31, 2023" and inserting "December 31, 2027".

SEC. 1111. MODIFICATION OF TEMPORARY EXPANSION OF AUTHORITY FOR NONCOMPETITIVE APPOINTMENTS OF MILITARY SPOUSES BY FEDERAL AGENCIES.

(a) EXTENSION OF SUNSET.—Subsection (e) of section 573 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232; 5 U.S.C. 3330d note) is amended, in the matter preceding paragraph (1), by striking "the date that is 5 years after the date of the enactment of this Act" and inserting "December 31, 2028".

(b) REPEAL OF OPM LIMITATION AND REPORTS.—Subsection (d) of such section is repealed.

SEC. 1112. MODIFICATION TO PILOT PROGRAM FOR THE TEMPORARY ASSIGNMENT OF CYBER AND INFORMATION TECHNOLOGY PERSONNEL TO PRIVATE SECTOR ORGANIZATIONS.

Section 1110(d) of the National Defense Authorization Act for Fiscal Year 2010 (5 U.S.C. 3702 note; Public Law 111-84) is amended by striking "September 30, 2022" and inserting "December 31, 2026".

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

Subtitle A—Assistance and Training

Sec. 1201. Payment of personnel expenses necessary for participation in training program conducted by Colombia under the United States-Colombia Action Plan for Regional Security.

Sec. 1202. Modifications to Reports on Security Cooperation.

Sec. 1203. Modification of authority for participation in multinational centers of excellence.
Sec. 1204. Modification of existing authorities to provide for an Irregular Warfare Center and a Regional Defense Fellowship Program.
Sec. 1205. Modification to authority to provide support for conduct of operations.
Sec. 1206. Extension and modification of authority for reimbursement of certain coalition nations for support provided to United States military operations.
Sec. 1207. Modification and extension of authority to support border security operations of certain foreign countries.
Sec. 1208. Security cooperation programs with foreign partners to advance women, peace, and security.
Sec. 1209. Review of implementation of prohibition on use of funds for assistance to units of foreign security forces that have committed a gross violation of human rights.
Sec. 1210. Independent assessment of United States efforts to train, advise, assist, and equip the military forces of Somalia.
Sec. 1211. Security cooperation activities at Counter-UAS University.
Sec. 1212. Defense Operational Resilience International Cooperation Pilot Program.

Subtitle B—Matters Relating to Afghanistan and Pakistan

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

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

Sec. 1231. Modification of annual report on the military capabilities of Iran and related activities.
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Subtitle E—Matters Relating to the Indo-Pacific Region

Sec. 1251. Modification to annual report on military and security developments involving the People's Republic of China.
Sec. 1252. Modification of Indo-Pacific Maritime Security Initiative to authorize use of funds for the Coast Guard.

Sec. 1253. Modification of prohibition on participation of the People's Republic of China in rim of the Pacific (RIMPAC) naval exercises to include cessation of genocide by China.
Sec. 1254. Extension and modification of Pacific Deterrence Initiative.
Sec. 1255. Extension of authority to transfer funds for Bien Hoa dioxin cleanup.
Sec. 1256. Enhanced indications and warning for deterrence and dissuasion.
Sec. 1257. Prohibition on use of funds to support entertainment projects with ties to the Government of the People's Republic of China.
Sec. 1258. Reporting on institutions of higher education domiciled in the People's Republic of China that provide support to the People's Liberation Army.
Sec. 1259. Review of port and port-related infrastructure purchases and investments made by the Government of the People's Republic of China and entities directed or backed by the Government of the People's Republic of China.
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Sec. 1261. Pilot program to develop young civilian defense leaders in the Indo-Pacific region.
Sec. 1262. Report on bilateral agreements supporting United States military posture in the Indo-Pacific region.
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Sec. 1265. Sense of Congress on defense alliances and partnerships in the Indo-Pacific region.

Subtitle F—Other Matters

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

Subtitle A—Assistance and Training

SEC. 1201. PAYMENT OF PERSONNEL EXPENSES NECESSARY FOR PARTICIPATION IN TRAINING PROGRAM CONDUCTED BY COLOMBIA UNDER THE UNITED STATES-COLOMBIA ACTION PLAN FOR REGIONAL SECURITY.

(a) IN GENERAL.—Subchapter IV of chapter 16 of title 10, United States Code, is amended by adding at the end the following:

"SEC. 335. [10 U.S.C. 335] Payment of personnel expenses necessary for participation in training program conducted by Colombia under the United States-Colombia Action Plan for Regional Security

"(a) AUTHORITY.—The Secretary of Defense may pay the expendable training supplies, travel, subsistence, and similar personnel expenses of, and special compensation for, the following that the Secretary considers necessary for participation in the training program conducted by Colombia under the United States-Colombia Action Plan for Regional Security:

"(1) Defense personnel of friendly foreign governments.

"(2) With the concurrence of the Secretary of State, other personnel of friendly foreign governments and nongovernmental personnel.

"(b) LIMITATION.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the authority provided in subsection (a) may only be used for the payment of such expenses of, and special compensation for, such personnel from developing countries.

"(2) EXCEPTION.—The Secretary may authorize the payment of such expenses of, and special compensation for, such personnel from a country other than a developing country if the Secretary determines that such payment is—

"(A) necessary to respond to extraordinary circumstances; and

"(B) in the national security interest of the United States.".

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of subchapter IV of chapter 16 of title 10, United States Code, is amended by adding at the end the following new item:

"335. Payment of personnel expenses necessary for participation in training program conducted by Colombia under the United States-Colombia Action Plan for Regional Security.".

SEC. 1202. MODIFICATIONS TO REPORTS ON SECURITY COOPERATION.

(a) SUPPORT TO FRIENDLY FOREIGN COUNTRIES FOR CONDUCT OPERATIONS.—Section 331(d)(2) of title 10, United States Code, is amended—

(1) by redesignating subparagraph (E) as subparagraph (F); and

(2) by inserting after subparagraph (D) the following new subparagraph:

"(E) A description of each entity with which the applicable friendly foreign country is engaged in hostilities and whether each such entity is covered by an authorization for the use of military force.".

(b) DEFENSE INSTITUTION CAPACITY BUILDING.—Section 332(b)(2) of title 10, United States Code, is amended—

(1) by striking "quarter" each place it appears; and

(2) by striking "Each fiscal year" and inserting "Not later than February 1 of each year".

(c) AUTHORITY TO BUILD CAPACITY OF FOREIGN FORCES.—Section 333(f) of title 10, United States Code, is amended—

(1) in the heading, by striking "Quarterly" and inserting "Semi-Annual";

(2) in the matter preceding paragraph (1)—

(A) by striking "a quarterly" and inserting "a semi-annual"; and

(B) by striking "calendar quarter" and inserting "180 days".

(d) ANNUAL REPORT ON SECURITY COOPERATION ACTIVITIES.—Section 386 of title 10, United States Code, is amended to read as follows:

"SEC. 386. Annual report

"(a) ANNUAL REPORT REQUIRED.—Not later than March 31 of each year, the Secretary of Defense shall submit to the appropriate congressional committees a report that sets forth, on a country-by-country basis, an overview of security cooperation activities carried out by the Department of Defense during the fiscal year in which such report is submitted, using the authorities specified in subsection (b).

"(b) ELEMENTS OF REPORT.—Each report required under subsection (a) shall include, with respect to each country and for the entirety of the period covered by such report, the following:

"(1) A narrative summary that provides—

"(A) a brief overview of the primary security cooperation objectives for the activities encompassed by the report; and

"(B) a description of how such activities advance the theater security cooperation strategy of the relevant geographic combatant command.

"(2) A table that includes an aggregated amount with respect to each of the following:

"(A) With respect to amounts made available for section 332(a) of this title, the Department of Defense cost to provide any Department personnel as advisors to a ministry of defense.

"(B) With respect to amounts made available for section 332(b) of this title, the Department of Defense incremental execution costs to conduct activities under such section.

"(C) With respect to section 333 of this title, the value of all programs for which notice is required by such section.

"(D) With respect to section 335 of this title, the total Department of Defense costs to fund expenses to attend training provided by the Government of Colombia that began during the period of the report.

"(E) With respect to amounts made available for section 341 of this title, the Department of Defense manpower and travel costs to conduct bi-lateral state partnership program engagements with the partner country.

"(F) With respect to amounts made available for section 342 of this title, the Department of Defense-funded, foreign-partner travel costs to attend a regional center activity that began during the period of the report.

"(G) With respect to amounts made available for section 345 of this title, the estimated Department of Defense execution cost to complete all training that began during the period of the report.

"(H) With respect to amounts made available for section 2561 of this title, the planned execution cost of completing humanitarian assistance activities for the partner country that were approved for the period of the report.

"(3) A table that includes aggregated totals for each of the following:

"(A) Pursuant to section 311 of this title, the number of personnel from a partner country assigned to a Department of Defense organization.

"(B) Pursuant to section 332(a) of this title, the number of Department of Defense personnel assigned as advisors to a ministry of defense.

"(C) Pursuant to section 332(b) of this title, the number of activities conducted by the Department of Defense.

"(D) The number of new programs carried out during the period of the report that required notice under section 333 of this title.

"(E) With respect to section 335 of this title, the number of partner country officials who participated in training provided by the Government of Colombia that began during the period of the report.

"(F) With respect to section 341 of this title, the number of Department of Defense bilateral state partnership program engagements with the partner country that began during the period of the report.

"(G) With respect to section 342 of this title, the number of partner country officials who participated in regional center activity that began during the period of the report.

"(H) Pursuant to the authorities under sections 343, 345, 348, 349, 350 and 352 of this title, the total number of partner country personnel who began training during the period of the report.

"(I) Pursuant to section 347 of this title, the number of cadets from the partner country that were enrolled in the Service Academies during the period of the report.

"(J) Pursuant to amounts made available to carry out section 2561 of this title, the number of new humanitarian assistance projects funded through the Overseas Humanitarian Disaster and Civic Aid account that were approved during the period of the required report.

"(4) A table that includes the following:

"(A) For each person from the partner country assigned to a Department of Defense organization pursuant to section 311 of this title—

"(i) whether the person is a member of the armed forces or a civilian;

"(ii) the rank of the person (if applicable); and

"(iii) the component of the Department of Defense and location to which such person is assigned.

"(B) With respect to each civilian employee of the Department of Defense or member of the armed forces that was assigned, pursuant to section 332(a) of this title, as an advisor to a ministry of defense during the period of the report, a description of the object of the Department of Defense for such support and the name of the ministry or regional organization to which the employee or member was assigned.

"(C) With respect to each activity commenced under section 332(b) of this title during the period of the report—

"(i) the name of the supported ministry or regional organization;

"(ii) the component of the Department of Defense that conducted the activity;

"(iii) the duration of the activity; and

"(iv) a description of the objective of the activity.

"(D) For each program that required notice to Congress under section 333 of this title during the period of the report—

"(i) the units of the national security forces of the foreign country to which assistance was provided;

"(ii) the type of operation capability assisted;

"(iii) a description of the nature of the assistance being provided; and

"(iv) the estimated cost included in the notice provided for such assistance.

"(E) With respect to each Government of Colombia training activity which included Department of Defense funded participants under section 335 of this title that commenced during the period of the report—

"(i) the units of the defense personnel of the friendly foreign country to which the Department of Defense funded assistance was provided;

"(ii) the units of the Government of Colombia that conducted the training activity;

"(iii) the duration of the training activity provided by the Government of Colombia;

"(iv) a description of the objective of the training activity provided by the Government of Colombia.

"(F) With respect to each activity commenced under section 341 of this title during the period of the report—

"(i) a description of the activity;

"(ii) the duration of the activity;

"(iii) the number of participating members of the National Guard; and

"(iv) the number of participating personnel of foreign country.

"(G) With respect to each activity of a Regional Center for Security Studies commenced under section 342 of this title during the period of the report—

"(i) a description of the activity;

"(ii) the name of the Regional Center that sponsored the activity;

"(iii) the location and duration of the training; and

"(iv) the number of officials from the foreign country who participated the activity.

"(H) With respect to each training event that commenced under sections 343, 345, 348, 349, 350, or 352 of this title during the period of the report—

"(i) a description of the training;

"(ii) the location and duration of the training; and

"(iii) the number of personnel of the foreign country trained.

"(I) With respect to each new project approved under section 2561 of this title during the period of the report and funded through the Overseas Humanitarian Disaster and Civic Aid account—

"(i) the title of the project;

"(ii) a description of the assistance to be provided; and

"(iii) the anticipated costs to provide such assistance.".

(e) [10 U.S.C. 386 note] APPLICABILITY OF AMENDMENT TO ANNUAL REPORT REQUIREMENTS. With respect to a report that was required to be submitted under section 386 of title 10, United States Code, prior to the date of the enactment of this Act, that has not been submitted as of such date and relates to a year preceding fiscal year 2023, such a report may be submitted in accordance with—

(1) the requirements of such section 386 as amended by subsection (d); or

(2) the requirements of such section 386 as in effect on the day before the date of the enactment of this Act.

SEC. 1203. MODIFICATION OF AUTHORITY FOR PARTICIPATION IN MULTINATIONAL CENTERS OF EXCELLENCE.

Section 344(f) of title 10, United States Code, is amended—

(1) in paragraph (1)(D), by striking "and" at the end;

(2) in paragraph (2), by striking the period at the end and inserting "; and"; and

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

"(3) the International Special Training Centre, established in 1979 and located in Pfullendorf, Germany.".

SEC. 1204. MODIFICATION OF EXISTING AUTHORITIES TO PROVIDE FOR AN IRREGULAR WARFARE CENTER AND A REGIONAL DEFENSE FELLOWSHIP PROGRAM.

(a) IN GENERAL.—Section 345 of title 10, United States Code, is amended—

(1) by amending the section heading to read as follows: "Irregular Warfare Center and Regional Defense Fellowship Program";

(2) in subsection (a)—

(A) in the subsection heading, by striking "Program Authorized" and inserting "Authorities";

(B) by amending paragraph (1) to read as follows:

"(1) IN GENERAL.—The Secretary of Defense may—

"(A) operate and administer a Center for Strategic Studies in Irregular Warfare, to be known as the 'Irregular Warfare Center', in accordance with the requirements described in subsection (c); and

"(B) carry out a program, to be known as the 'Regional Defense Fellowship Program', to provide for the education and training of foreign personnel described in paragraph (2) at military or civilian educational institutions, the Irregular Warfare Center, regional centers, conferences, seminars, or other training programs conducted for purposes of regional defense in connection with irregular warfare or combating terrorism.";

(C) by striking paragraphs (2) and (3); and

(D) by inserting after paragraph (1) (as amended) the following:

"(2) COVERED COSTS.—The Secretary may pay the following costs associated with exercising the authorities under this section:

"(A) Costs of travel, subsistence, and similar personnel expenses of, and special compensation for—

"(i) defense personnel of friendly foreign governments to attend activities of the Irregular Warfare Center or attend the Regional Defense Fellowship Program;

"(ii) with the concurrence of the Secretary of State, other personnel of friendly foreign governments and non-governmental personnel to attend activities of the Irregular Warfare Center or attend the Regional Defense Fellowship Program; and

"(iii) foreign personnel and United States Government personnel necessary for the administration and execution of the authorities under this section.

"(B) Costs associated with the administration and operation of the Irregular Warfare Center, including costs associated with—

"(i) research, communication, the exchange of ideas, curriculum development and review, and training of military and civilian participants of the United States and other countries, as the Secretary considers necessary; and

"(ii) maintaining an international network of irregular warfare policymakers and practitioners to achieve the objectives of the Department of Defense and the Department of State.

"(C) Costs associated with strategic engagement with alumni of the Regional Defense Fellowship Program to address Department of Defense objectives and planning on irregular warfare and combating terrorism topics.";

(3) in subsection (b)—

(A) in the subsection heading, by striking "Regulations" and inserting "Regulations for Regional Defense Fellowship Program"; and

(B) in paragraph (1), by striking "The program authorized by subsection (a)" and inserting "The authorities granted to the Secretary of Defense under subsection (a)(1)(B)";

(4) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively;

(5) by inserting after subsection (b) the following:

"(c) IRREGULAR WARFARE CENTER.—

"(1) MISSION.—The mission of the Irregular Warfare Center shall be to serve as a central mechanism for developing the irregular warfare knowledge of the Department of Defense and advancing the understanding of irregular warfare concepts and doctrine, in collaboration with key partners and allies, by—

"(A) coordinating and aligning Department education curricula, standards, and objectives related to irregular warfare;

"(B) facilitating research on irregular warfare, strategic competition, and the role of the Department in supporting interagency activities relating to irregular warfare;

"(C) engaging and coordinating with Federal departments and agencies and with academia, nongovernmental organizations, civil society, and international partners to discuss and coordinate efforts on security challenges in irregular warfare;

"(D) developing curriculum and conducting training and education of military and civilian participants of the United States and other countries, as determined by the Secretary of Defense; and

"(E) serving as a coordinating body and central repository for irregular warfare resources, including educational activities and programs, and lessons learned across components of the Department.

"(2) EMPLOYMENT AND COMPENSATION OF FACULTY.—With respect to the Irregular Warfare Center—

"(A) the Secretary of Defense may, subject to the availability of appropriations, employ a Director, a Deputy Director, and such civilians as professors, instructors, and lecturers, as the Secretary considers necessary; and

"(B) compensation of individuals employed under this section shall be as prescribed by the Secretary.

"(3) PARTNERSHIP WITH INSTITUTION OF HIGHER EDUCATION.—

"(A) IN GENERAL.—In operating the Irregular Warfare Center, to promote integration throughout the United States Government and civil society across the full spectrum of irregular warfare competition and conflict challenges, the Secretary of Defense may partner with an institution of higher education (as such term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)).

"(B) TYPES OF PARTNERSHIPS.—The Secretary may establish a partnership under subparagraph (A) by—

"(i) entering into an intergovernmental support agreement pursuant to section 2679 of this title; or

"(ii) entering into a contract or cooperative agreement or awarding a grant through the Defense Security Cooperation University.

"(C) DETERMINATION REQUIRED.—The Secretary of Defense shall make a determination with respect to the desirability of partnering with an institution of higher education in a Government-owned, contractor-operated partnership, such as the partnership structure used by the Department of Defense for University Affiliated Research Centers, for meeting the mission requirements of the Irregular Warfare Center.

"(4) ROLES AND RESPONSIBILITIES.—The Secretary of Defense shall prescribe guidance for the roles and responsibilities

of the relevant components of the Department of Defense in the administration, operation, and oversight of the Irregular Warfare Center, which shall include the roles and responsibilities of the following:

"(A) The Under Secretary of Defense for Policy and the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict in policy oversight and governance structure of the Center.

"(B) The Director of the Defense Security Cooperation Agency, as the Executive Agent in support of the operation of the Center.

"(C) Any other official of the Department of Defense, as determined by the Secretary.";

(6) in subsection (d) (as redesignated), by striking "subsection (a)" each place it appears and inserting "subsection (a)(1)(B)";

(7) in subsection (e) (as redesignated)—

(A) in paragraph (3), by striking "subsection (a)" and inserting "subsection (a)(1)(B)"; and

(B) by adding at the end the following:

"(6) A discussion of how the training from the previous year incorporated lessons learned from ongoing conflicts."; and

(8) by inserting after subsection (e) (as redesignated) the following:

"(f) ANNUAL REVIEW OF IRREGULAR WARFARE CENTER.—Not later than December 1, 2024, and annually thereafter, the Secretary of Defense—

"(1) shall conduct a review of the structure and activities of the Irregular Warfare Center to determine whether such structure and activities are appropriately aligned with the strategic priorities of the Department of Defense and the applicable combatant commands; and

"(2) may, after an annual review under paragraph (1), revise the relevant structure and activities so as to more appropriately align such structure and activities with the strategic priorities and combatant commands.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter V of chapter 16 of title 10, United States Code, is amended by striking the item relating to section 345 and inserting the following:

"345. Irregular Warfare Center and Regional Defense Fellowship Program.".

(c) REPEAL OF TREATMENT AS REGIONAL CENTER FOR SECURITY STUDIES.—Section 1299L(b) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-283; 134 Stat. 4012; 10 U.S.C. 342 note) is amended—

(1) by striking paragraph (2); and

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

(d) SENSE OF CONGRESS.—It is the sense of Congress that a Center for Security Studies in Irregular Warfare established under section 345 of title 10, United States Code, as amended by subsection (a), should be known as the "John S. McCain III Center for Security Studies in Irregular Warfare".

(e) PLAN FOR IRREGULAR WARFARE CENTER.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a plan for establishing the structure, operations, and administration of the Irregular Warfare Center described in section 345(a)(1) of title 10, United States Code, as amended by subsection (a)(2)(B).

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

(A) a timeline and milestones for the establishment of the Irregular Warfare Center; and

(B) steps to enter into partnerships and resource agreements with academic institutions of the Department of Defense or other academic institutions, including any agreement for hosting or operating the Irregular Warfare Center.

SEC. 1205. MODIFICATION TO AUTHORITY TO PROVIDE SUPPORT FOR CONDUCT OF OPERATIONS.

Notwithstanding subsection (g)(1) of section 331 of title 10, United States Code, the aggregate value of all logistic support, supplies, and services provided under paragraphs (1), (4), and (5) of subsection (c) of such section 331—

(1) in each of fiscal years 2023 and 2024 may not exceed $950,000,000; and

(2) in each of fiscal years 2025 and 2026 may not exceed $750,000,000.

SEC. 1206. EXTENSION AND MODIFICATION OF AUTHORITY FOR REIMBURSEMENT OF CERTAIN COALITION NATIONS FOR SUPPORT PROVIDED TO UNITED STATES MILITARY OPERATIONS.

Section 1233 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 393) is amended—

(1) in subsection (a), by striking "for the period beginning on October 1, 2021, and ending on December 31, 2022" and inserting "for the period beginning on October 1, 2022, and ending on December 31, 2023"; and

(2) in subsection (d)—

(A) by striking "during the period beginning on October 1, 2021, and ending on December 31, 2022" and inserting "during the period beginning on October 1, 2022, and ending on December 31, 2023"; and

(B) by striking "$60,000,000" and inserting "$30,000,000".

SEC. 1207. MODIFICATION AND EXTENSION OF AUTHORITY TO SUPPORT BORDER SECURITY OPERATIONS OF CERTAIN FOREIGN COUNTRIES.

(a) MODIFICATION.—Subsection (e) of section 1226 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat. 1056; 22 U.S.C. 2151 note) is amended by striking paragraph (4).

(b) EXTENSION.—Subsection (h) of such section is amended by striking "December 31, 2023" and inserting "December 31, 2025".

SEC. 1208. [10 U.S.C. 301 note] SECURITY COOPERATION PROGRAMS WITH FOREIGN PARTNERS TO ADVANCE WOMEN, PEACE, AND SECURITY.

(a) IN GENERAL.—During fiscal years 2023 through 2027, the Secretary of Defense, in coordination with the Secretary of State, may conduct or support security cooperation programs and activities involving the national military forces or national-level security forces of a foreign country, or other covered personnel, to advise, train, and educate such forces or personnel with respect to—

(1) the recruitment, employment, development, retention, promotion, and meaningful participation in decisionmaking of women;

(2) sexual harassment, sexual assault, domestic abuse, and other forms of violence that disproportionately impact women;

(3) the requirements of women, including providing appropriate equipment and facilities; and

(4) the implementation of activities described in this subsection, including the integration of such activities into security-sector policy, planning, exercises, and training, as appropriate.

(b) ANNUAL REPORT.—Not later than 90 days after the end of each of fiscal years 2023 through 2027, the Secretary of Defense shall submit to the congressional defense committees a report detailing the assistance provided under this section and specifying the recipients of such assistance.

(c) OTHER COVERED PERSONNEL DEFINED.—In this section, the term "other covered personnel" means personnel of the ministry of defense or other governmental entity carrying out similar functions of a foreign country.

SEC. 1209. REVIEW OF IMPLEMENTATION OF PROHIBITION ON USE OF FUNDS FOR ASSISTANCE TO UNITS OF FOREIGN SECURITY FORCES THAT HAVE COMMITTED A GROSS VIOLATION OF HUMAN RIGHTS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the promotion of human rights is a critical element of Department of Defense security cooperation programs and activities that advance United States national security interests and values.

(b) REVIEW.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the commanders of the geographic combatant commands, shall initiate a review of the policies, guidance, and processes for Department of Defense-wide implementation of section 362 of title 10, United States Code.

(2) ELEMENTS.—The review required by paragraph (1) shall include an assessment of the following:

(A) The standards and procedures by which the Secretary, before making a decision to provide assistance to a unit of a foreign security force under section 362 of title 10, United States Code, gives full consideration to credible information that the unit has committed a gross violation of human rights, including credible information available to the Department of State relating to human rights violations by such unit.

(B) The roles and responsibilities of Department of Defense components in implementing such section, including the Under Secretary of Defense for Policy, the Deputy Assistant Secretary of Defense for Global Partnerships, the geographic combatant commands, and the Office of the General Counsel, and whether such components are adequately funded, resourced, and manned to carry out their respective roles and responsibilities.

(C) The standards and procedures by which the Secretary implements the exception under subsection (b) of such section based on a determination that all necessary corrective steps have been taken.

(D) The standards and procedures by which the Secretary exercises the waiver authority under subsection (c) of such section based on a determination that a waiver is required by extraordinary circumstances.

(E) The policies, standards, and processes for the remediation of units of foreign security forces described in such section and resumption of assistance consistent with such section, and the effectiveness of such remediation process.

(F) The process by which the Secretary determines whether a unit of a foreign security force designated to receive training, equipment, or other assistance under such section is new or fundamentally different from its predecessor for which there was determined to be credible information that the unit had committed a gross violation of human rights.

(c) REPORTS.—

(1) FINDINGS OF REVIEW.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the findings of the review conducted under subsection (b) that includes any recommendations or corrective actions necessary with respect to the policies, guidance, and processes for Department of Defense-wide implementation of section 362 of title 10, United States Code.

(2) REMEDIATION PROCESS.—

(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter through fiscal year 2025, the Secretary shall submit to the appropriate committees of Congress a report on the remediation process under section 362 of title 10, United States Code, and resumption of assistance consistent with such section.

(B) ELEMENTS.—Each report required by subparagraph (A) shall include the following:

(i) An identification of the units of foreign security forces that currently have been determined under section 362 of title 10, United States Code, to be ineligible to receive Department of Defense training, equipment, or other assistance.

(ii) With respect to each unit identified under clause (i), the date on which such determination was made.

(iii) The number of requests submitted by geographic combatant commands for review by a remediation review panel with respect to resumption of assistance to a unit of a foreign security force that has been denied assistance under such section, disaggregated by geographic combatant command.

(iv) For the preceding reporting period, the number of—

(I) remediation review panels convened; and

(II) cases resolved.

(C) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this paragraph, the term "appropriate committees of Congress" means—

(i) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(ii) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

SEC. 1210. INDEPENDENT ASSESSMENT OF UNITED STATES EFFORTS TO TRAIN, ADVISE, ASSIST, AND EQUIP THE MILITARY FORCES OF SOMALIA.

(a) IN GENERAL.—The Secretary of Defense shall provide for an independent assessment of Department of Defense efforts to train, advise, assist, and equip the military forces of Somalia.

(b) CONDUCT OF ASSESSMENT.—To conduct the assessment required by subsection (a), the Secretary shall select—

(1) a federally funded research and development center; or

(2) an independent, nongovernmental institute described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code that has recognized credentials and expertise in national security and military affairs appropriate for the assessment.

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

(1) The evolution of United States approaches to training, advising, assisting, and equipping the military forces of Somalia.

(2) The extent to which—

(A) the Department has an established plan, with objectives and milestones, for the effort to train, advise, assist, and equip such forces;

(B) advisory efforts are meeting objectives, including whether and the manner in which—

(i) advisors track the operational effectiveness of such forces; and

(ii) any such data informs future training and advisory efforts;

(C) the Department sufficiently engages, collaborates, and deconflicts with—

(i) other Federal departments and agencies that conduct assistance and advisory engagements with such forces; and

(ii) international and multilateral entities that conduct assistance and advisory engagements with such forces; and

(D) the Department has established and enforced a policy, processes, and procedures for accountability relating to equipment provided by the United States to such forces.

(3) Factors that have hindered, or may in the future hinder, the development of professional, sustainable, and capable such forces.

(4) With respect to the effort to train, advise, assist, and equip such forces, the extent to which the December 2020 decision to reduce and reposition outside Somalia the majority of the members of the United States Armed Forces assigned to carry out the effort has impacted the effectiveness of the effort.

(d) REPORT.—Not later than December 31, 2023, the entity selected to conduct the assessment required by subsection (a) shall submit to the Secretary and the congressional defense committees a report containing the findings of the assessment.

(e) FUNDING.—Of the amounts authorized to be appropriated for fiscal year 2023 and available for operation and maintenance for Defense-wide activities, up to $1,000,000 shall be made available for the assessment required by subsection (a).

SEC. 1211. SECURITY COOPERATION ACTIVITIES AT COUNTER-UAS UNIVERSITY.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall brief the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives on how the Department of Defense intends to bolster security cooperation activities with allies and partners at the C-UAS University, including an identification of any shortfalls in resourcing or gaps in authorities that could inhibit these security cooperation efforts.

SEC. 1212. [10 U.S.C. 311 note] DEFENSE OPERATIONAL RESILIENCE INTERNATIONAL COOPERATION PILOT PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Defense, in consultation with the Secretary of State and in coordination with the commanders of the geographic combatant commands, may establish a pilot program, to be known as the "Defense Operational Resilience International Cooperation Pilot Program" (in this section referred to as the "pilot program") to support engagement with national security forces of partner countries on defense-related environmental and operational energy issues in support of the theater campaign plans of the geographic combatant commands.

(b) DURATION.—The Secretary of Defense may carry out the pilot program during the period beginning on the date of the enactment of this Act and ending on December 31, 2027.

(c) LIMITATIONS.—

(1) PURPOSES.—The pilot program shall be limited to the following purposes:

(A) To build relationships with the national security forces of partner countries in support of the efforts of the Department of Defense to engage in long-term strategic competition.

(B) To sustain the mission capability and forward posture of the Armed Forces of the United States.

(C) To enhance the capability, capacity, and resilience of the national security forces of partner countries.

(2) PROHIBITED ASSISTANCE.—The Secretary may not use the pilot program to provide assistance that is in violation of section 362 of title 10, United States Code, or otherwise prohibited by law.

(3) SECURITY COOPERATION.—The Secretary shall plan and prioritize assistance, training, and exercises with partner countries pursuant to the pilot program in a manner that is consistent with applicable guidance relating to security cooperation program and activities of the Department of Defense.

(4) SUSTAINMENT AND NON-LETHAL ASSISTANCE.—A program under subsection (a) may include the provision of sustainment and non-lethal assistance, including training, defense services, and supplies (including consumables).

(d) FUNDING.—Of amounts authorized to be appropriated by this Act for each of fiscal years 2023 through 2027 and available for operation and maintenance, the Secretary may make available $15,000,000 to support the pilot program.

(e) PRIORITIZATION.—In providing security cooperation for the purposes described in section (c)(1), the Secretary shall prioritize efforts based on—

(1) the priorities of the commanders of the geographic combatant commands;

(2) the operational relevance of the effort;

(3) the need of the foreign partner; and

(4) programs in less developed countries.

(f) ANNUAL REPORT.—

(1) IN GENERAL.—With respect to each year the Secretary carries out the pilot program, the Secretary shall submit to the congressional defense committees a report on obligations and expenditures made to carry out the pilot program during the fiscal year that precedes the year during which each such report is submitted.

(2) DEADLINE.—The Secretary shall submit each such report not later than March 1 of each year during which the Secretary has authority to carry out the pilot program.

(3) ELEMENTS.—Each such report shall include the following:

(A) An accounting of each obligation and expenditure made to carry out the pilot program, disaggregated, where applicable, by partner country and national security forces of a partner country.

(B) An explanation of the manner in which each such obligation or expenditure—

(i) supports the national defense of the United States; and

(ii) is in accordance with limitations described in subsection (c).

(C) Any other matter the Secretary determines to be relevant.

(g) TEMPORARY CESSATION OF AUTHORIZATION.—No funds authorized to be appropriated or otherwise made available for any of fiscal years 2023 through 2027 for the Department of Defense may be made available for the "Defense Environmental International Cooperation Program". During the period specified in subsection (b), all activities and functions of the "Defense Environmental International Cooperation Program" may only be carried out under the pilot program.

(h) DEFINITIONS.—In this section the terms "defense services", "national security forces", and "training" have the meaning given those terms in section 301 of title 10, United States Code.

Subtitle B—Matters Relating to Afghanistan and Pakistan

SEC. 1221. EXTENSION OF AUTHORITY FOR CERTAIN PAYMENTS TO REDRESS INJURY AND LOSS.

Section 1213(a) of the National Defense Authorization Act for Fiscal Year 2020 (10 U.S.C. 2731 note) is amended by striking "December 31, 2023" and inserting "December 31, 2033".

SEC. 1222. ADDITIONAL MATTERS FOR INCLUSION IN REPORTS ON OVERSIGHT IN AFGHANISTAN.

Section 1069(a) of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117-81; 135 Stat. 1912) is amended—

(1) by redesignating paragraphs (9) through (16) as paragraphs (14) through (21), respectively;

(2) by inserting after paragraph (8) the following new paragraphs:

"(9) An assessment of the status of—

"(A) defense intelligence assets dedicated to Afghanistan and used by the Department of Defense, including the types and amounts of intelligence, surveillance, and reconnaissance coverage over Afghanistan during the period covered by the report; and

"(B) the ability of the United States to detect emerging threats emanating from Afghanistan against the United States, its allies, and its partners.

"(10) An assessment of local or indigenous counterterrorism partners of the Department of Defense.

"(11) An assessment of risks to the mission and risks to United States military personnel involved in over-the-horizon counterterrorism operations.

"(12) An update on Department of Defense efforts to secure new basing or access agreements with countries in Central Asia.

"(13) An update on the policy guidance for counterterrorism operations of the Department of Defense in Afghanistan."; and

(3) in paragraph (18), as so redesignated, by striking "Afganistan" and inserting "Afghanistan".

SEC. 1223. PROHIBITION ON TRANSPORTING CURRENCY TO THE TALIBAN AND THE ISLAMIC EMIRATE OF AFGHANISTAN.

None of the amounts authorized to be appropriated by this Act or otherwise made available to the Department of Defense may be made available for the operation of any aircraft of the Department of Defense to transport currency or other items of value to the Taliban, the Islamic Emirate of Afghanistan, or any subsidiary, agent, or instrumentality of either the Taliban or the Islamic Emirate of Afghanistan.

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

SEC. 1231. [10 U.S.C. 113 note] MODIFICATION OF ANNUAL REPORT ON THE MILITARY CAPABILITIES OF IRAN AND RELATED ACTIVITIES.

Section 1245(b)(3) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84) is amended—

(1) in subparagraph (B), by striking "and regional militant groups" and all that follows and inserting ", regional militant groups, and Iranian-linked proxy groups, in particular those forces as having been assessed as to be willing to carry out terrorist operations on behalf of Iran or in response to a military attack by another country on Iran;";

(2) by redesignating subparagraphs (C) through (G) as subparagraphs (E) through (I), respectively;

(3) by inserting after subparagraph (B) the following:

"(C) the types and amount of support to be assessed under subparagraph (B) shall include support provided to Lebanese Hezbollah, Hamas, Palestinian Islamic Jihad, the Popular Front for the Liberation of Palestine, Asa'ib ahl al-Haq, Harakat Hezbollah al-Nujaba, Kata'ib Sayyid al-Shuhada, Kata'ib al-Imam Ali, Kata'ib Hezbollah, the Badr Organization, the Fatemiyoun, the Zainabiyoun, and Ansar Allah (also known as the 'Houthis');

"(D) the threat from Special Groups in Iraq, including Kata'ib Hezbollah and Asa'ib Ahl al-Haq, to United States and coalition forces located in Iraq and Syria;"; and

(4) in subparagraph (I), as redesignated, by striking the period at the end and inserting "; and"; and

(5) by adding at the end the following:

"(J) all formal or informal agreements involving a strategic military or security partnership with the Russian Federation, the People's Republic of China, or any proxies of either such country.".

SEC. 1232. EXTENSION OF AUTHORITY TO SUPPORT OPERATIONS AND ACTIVITIES OF THE OFFICE OF SECURITY COOPERATION IN IRAQ.

(a) SOURCE OF FUNDS.—Subsection (d) of section 1215 of the National Defense Authorization Act for Fiscal Year 2012 (Public

Law 114-92; 129 Stat. 1045; 10 U.S.C. 113 note) is amended by striking "fiscal year 2022" and inserting "fiscal year 2023".

(b) LIMITATION ON AVAILABILITY OF FUNDS.—Of the amounts authorized to be appropriated by this Act or otherwise made available for fiscal year 2023 for the Office of the Secretary of the Air Force for travel expenses, not more than 90 percent may be obligated or expended until the date on which a staffing plan for the Office of Security Cooperation in Iraq is implemented.

(c) WAIVER.—The Secretary of Defense may waive the restriction on the obligation or expenditure of funds imposed by subsection (b) if the Secretary of Defense determines that implementation of such a staffing plan is not feasible and submits to the congressional defense committees, at the time the waiver is invoked, a notification of the waiver that includes a justification detailing the reasons for which such a plan cannot be implemented.

SEC. 1233. EXTENSION OF AUTHORITY TO PROVIDE ASSISTANCE TO VETTED SYRIAN GROUPS AND INDIVIDUALS.

(a) EXTENSION.—Subsection (a) of section 1209 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291; 128 Stat. 3541) is amended, in the matter preceding paragraph (1), by striking "December 31, 2022" and inserting "December 31, 2023".

(b) LIMITATION ON COST OF CONSTRUCTION AND REPAIR PROJECTS.—Subsection (l)(3)(D) of such section is amended by striking "December 31, 2022" and inserting "December 31, 2023".

SEC. 1234. EXTENSION AND MODIFICATION OF AUTHORITY TO PROVIDE ASSISTANCE TO COUNTER THE ISLAMIC STATE OF IRAQ AND SYRIA.

(a) IN GENERAL.—Subsection (a) of section 1236 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291; 128 Stat. 3558) is amended, in the matter preceding paragraph (1), by striking "December 31, 2022" and inserting "December 31, 2023".

(b) FUNDING.—Subsection (g) of such section is amended—

(1) by striking "fiscal year 2022" and inserting "fiscal year 2023"; and

(2) by striking "$345,000,000" and inserting "$358,000,000".

(c) LIMITATION ON COST OF CONSTRUCTION AND REPAIR PROJECTS.—Subsection (o)(5) of such section is amended by striking "December 31, 2022" and inserting "December 31, 2023".

SEC. 1235. [10 U.S.C. 2241 note] PROHIBITION ON TRANSFERS TO IRAN.

None of the amounts authorized to be appropriated by this Act or otherwise made available to the Department of Defense may be made available to transfer or facilitate a transfer of pallets of currency, currency, or other items of value to the Government of Iran, any subsidiary of such Government, or any agent or instrumentality of Iran.

SEC. 1236. REPORT ON ISLAMIC REVOLUTIONARY GUARD CORPS-AFFILIATED OPERATIVES ABROAD.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in consultation with

the Secretary of Defense, shall submit to the appropriate congressional committees a report that includes a detailed description of—

(1) all Islamic Revolutionary Guard Corps-affiliated operatives serving in diplomatic and consular posts abroad; and

(2) the ways in which the Department of State and the Department of Defense are working with partner countries to inform them of the threat posed by Islamic Revolutionary Guard Corps-affiliated officials serving in diplomatic and consular roles in third party countries.

(b) FORM.—The report required under subsection (a) shall be submitted in unclassified form but may contain a classified annex.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1237. ASSESSMENT OF SUPPORT TO IRAQI SECURITY FORCES AND KURDISH PESHMERGA FORCES TO COUNTER AIR AND MISSILE THREATS.

(a) IN GENERAL.—Not later than April 1, 2023, the Secretary of Defense shall submit to the congressional defense committees a report on support to Iraqi Security Forces and Kurdish Peshmerga Forces to counter air and missile threats.

(b) CONTENTS.—The report submitted under subsection (a) shall include the following:

(1) An assessment of the threat from missiles, rockets, and unmanned aerial systems (UAS) to United States and coalition armed forces located in Iraq, including the Iraqi Kurdistan Region.

(2) An assessment of the current state of air defense capabilities of United States and coalition armed forces located in Iraq, including the Iraqi Kurdistan Region.

(3) Identification of perceived gaps in air defense capabilities of United States and coalition armed forces and the implications for the security of such forces in Iraq, including the Iraqi Kurdistan Region.

(4) Recommendations for training or equipment needed to overcome the assessed air defense deficiencies of United States and coalition armed forces in Iraq, including the Iraqi Kurdistan Region.

(5) An assessment of the current state of the air defense capabilities of partner armed forces in Iraq, including the Iraqi Security Forces and Kurdish Peshmerga Forces.

(6) An assessment of the perceived gaps in air defense capabilities of partner armed forces in Iraq, including the Iraqi Security Forces and Kurdish Peshmerga Forces.

(7) An assessment of recommended training and equipment and available level of equipment to maximize air defense capabilities of partner armed forces in Iraq, including the Iraqi Security Forces and Kurdish Peshmerga Forces.

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

SEC. 1238. INTERAGENCY STRATEGY TO DISRUPT AND DISMANTLE NARCOTICS PRODUCTION AND TRAFFICKING AND AFFILIATED NETWORKS LINKED TO THE REGIME OF BASHAR AL-ASSAD IN SYRIA.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Captagon trade linked to the regime of Bashar al-Assad in Syria is a transnational security threat; and

(2) the United States should develop and implement an interagency strategy to deny, degrade, and dismantle Assad-linked narcotics production and trafficking networks.

(b) DEFINED TERM.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Armed Services of the Senate;

(2) the Committee on Appropriations of the Senate;

(3) the Committee on the Judiciary of the Senate;

(4) the Committee on Foreign Relations of the Senate;

(5) the Committee on Banking, Housing, and Urban Affairs of the Senate;

(6) the Select Committee on Intelligence of the Senate;

(7) the Committee on Armed Services of the House of Representatives;

(8) the Committee on Appropriations of the House of Representatives;

(9) the Committee on the Judiciary of the House of Representatives;

(10) the Committee on Foreign Affairs of the House of Representatives;

(11) the Committee on Financial Services of the House of Representatives; and

(12) the Permanent Select Committee on Intelligence of the House of Representatives.

(c) STRATEGY REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of Defense, the Secretary of the Treasury, the Administrator of the Drug Enforcement Administration, the Director of National Intelligence, the Director of the Office of National Drug Control Policy, and the heads of other appropriate Federal agencies, shall provide a written strategy (with a classified annex, if necessary), to the appropriate congressional committees for disrupting and dismantling narcotics production and trafficking and affiliated networks linked to the regime of Bashar al-Assad in Syria.

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

(A) a detailed plan for—

(i) targeting, disrupting and degrading networks that directly and indirectly support the narcotics infrastructure of the Assad regime, particularly through diplomatic and intelligence support to law enforcement investigations; and

(ii) building counter-narcotics capacity to partner countries through assistance and training to law enforcement services in countries (other than Syria) that are receiving or transiting large quantities of Captagon;

(B)(i) the identification of the countries that are receiving or transiting large shipments of Captagon;

(ii) an assessment of the counter-narcotics capacity of such countries to interdict or disrupt the smuggling of Captagon; and

(iii) an assessment of current United States assistance and training programs to build such capacity in such countries;

(C) the use of sanctions, including sanctions authorized under section the Caesar Syria Civilian Protection Act of 2019 (22 U.S.C. 8791 note; title LXXIV of division F of Public Law 116-92), and associated actions to target individuals and entities directly or indirectly associated with the narcotics infrastructure of the Assad regime;

(D) the use of global diplomatic engagements associated with the economic pressure campaign against the Assad regime to target its narcotics infrastructure;

(E) leveraging multilateral institutions and cooperation with international partners to disrupt the narcotics infrastructure of the Assad regime; and

(F) mobilizing a public communications campaign to increase awareness of the extent of the connection of the Assad regime to the illicit narcotics trade.

SEC. 1239. [10 U.S.C. 2241 note] PROHIBITION ON TRANSFERS TO BADR ORGANIZATION.

None of the amounts authorized to be appropriated by this Act or otherwise made available to the Department of Defense may be made available, directly or indirectly, to the Badr Organization.

SEC. 1240. REPORT ON UNITED NATIONS ARMS EMBARGO ON IRAN.

Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of Defense, shall submit to the Committees on Armed Services of the Senate and the House of Representatives, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives an unclassified report, which may include a classified annex, that includes—

(1) a detailed assessment of whether and how Iranian arms proliferation, particularly drone proliferation, has increased following the expiration of the United Nations arms embargo on Iran in October 2020; and

(2) a description of the measures that the Departments of State and Defense are taking to constrain Iran's ability to supply, sell, or transfer, directly or indirectly, arms or related materiel, including spare parts, to include Iranian proliferation of drones.

Subtitle D—Matters Relating to Russia

SEC. 1241. MODIFICATION AND EXTENSION OF UKRAINE SECURITY ASSISTANCE INITIATIVE.

(a) AUTHORITY TO PROVIDE ASSISTANCE.—Subsection (a) of section 1250 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat. 1608) is amended to read as follows:

"(a) AUTHORITY TO PROVIDE ASSISTANCE.—

"(1) IN GENERAL.—Amounts available for a fiscal year under subsection (f) shall be available to the Secretary of Defense, with the concurrence of the Secretary of State, to provide, for the purposes described in paragraph (2), appropriate security assistance and intelligence support, including training, equipment, and logistics support, supplies and services, salaries and stipends, and sustainment, to—

"(A) the military and national security forces of Ukraine; and

"(B) other forces or groups recognized by, and under the authority of, the Government of Ukraine, including governmental entities within Ukraine that are engaged in resisting Russian aggression.

"(2) PURPOSES DESCRIBED.—The purposes described in this paragraph are as follows:

"(A) To enhance the capabilities of the military and other security forces of the Government of Ukraine to defend against further aggression.

"(B) To assist Ukraine in developing the combat capability to defend its sovereignty and territorial integrity.

"(C) To support the Government of Ukraine in defending itself against actions by Russia and Russian-backed separatists.".

(b) APPROPRIATE SECURITY ASSISTANCE AND INTELLIGENCE SUPPORT.—Subsection (b) of such section is amended in paragraph (4) to read as follows:

"(4) Manned and unmanned aerial capabilities, including tactical surveillance systems and fixed and rotary-wing aircraft, such as attack, strike, airlift, and surveillance aircraft.".

(c) AVAILABILITY OF FUNDS.—Subsection (c) of such section is amended—

(1) in paragraph (1), by striking "funds available for fiscal year 2022 pursuant to subsection (f)(7)" and inserting "funds available for fiscal year 2023 pursuant to subsection (f)(8)";

(2) in paragraph (3), by striking "fiscal year 2022" and inserting "fiscal year 2023";

(3) by striking paragraph (5); and

(4) by adding at the end the following:

"(6) WAIVER OF CERTIFICATION REQUIREMENT.—The Secretary of Defense, with the concurrence of the Secretary of the State, may waive the certification requirement in paragraph (2) if the Secretary submits to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Rep-

resentatives a written certification, not later than 5 days after exercising the waiver, that doing so is in the national interest of the United States due to exigent circumstances caused by the Russian invasion of Ukraine.".

(d) UNITED STATES INVENTORY AND OTHER SOURCES.—Subsection (d) of such section is amended—

(1) in paragraph (1), by inserting ", and to recover or dispose of such weapons or other defense articles, or to make available such weapons or articles to ally and partner governments to replenish comparable stocks which ally or partner governments have provided to the Government of Ukraine," after "and defense services"; and

(2) by adding at the end the following:

"(3) CONGRESSIONAL NOTIFICATION.—Not later than 10 days before providing replenishment to an ally or partner government pursuant to paragraph (1), the Secretary of Defense shall transmit to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a notification containing the following:

"(A) An identification of the recipient foreign country.

"(B) A detailed description of the articles to be provided, including the dollar value, origin, and capabilities associated with the articles.

"(C) A detailed description of the articles provided to Ukraine to be replenished, including the dollar value, origin, and capabilities associated with the articles.

"(D) The impact on United States stocks and readiness of transferring the articles.

"(E) An assessment of any security, intellectual property, or end use monitoring issues associated with transferring the articles.".

(e) FUNDING.—Subsection (f) of such section is amended by adding at the end the following:

"(8) For fiscal year 2023, $800,000,000.".

(f) TERMINATION OF AUTHORITY.—Subsection (h) of such section is amended by striking "December 31, 2023" and inserting "December 31, 2024".

(g) WAIVER OF CERTIFICATION REQUIREMENT.—Such section is amended—

(1) by redesignating the second subsection (g) as subsection (i); and

(2) by adding at the end the following:

"(j) EXPEDITED NOTIFICATION REQUIREMENT.—Not later than 15 days before providing assistance or support under subsection (a), or as far in advance as is practicable if the Secretary of Defense determines, on a case-by-case basis, that extraordinary circumstances exist that impact the national security of the United States, the Secretary shall transmit to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a notification containing a detailed description of the assistance or support to be provided, including—

"(1) the objectives of such assistance or support;

"(2) the budget for such assistance or support; and

"(3) the expected or estimated timeline for delivery of such assistance or support.".

SEC. 1242. EXTENSION OF LIMITATION ON MILITARY COOPERATION BETWEEN THE UNITED STATES AND RUSSIA.

Section 1232(a) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 130 Stat. 2488), is amended by striking "2021, or 2022" and inserting "2021, 2022, 2023, 2024, 2025, 2026, or 2027".

SEC. 1243. MODIFICATION TO ANNUAL REPORT ON MILITARY AND SECURITY DEVELOPMENTS INVOLVING THE RUSSIAN FEDERATION.

Section 1234 of the National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-283; 134 Stat. 3936) is amended—

(1) in subsection (b)—

(A) by redesignating paragraph (24) as paragraph (26); and

(B) by inserting after paragraph (23) the following:

"(24) The impacts of United States sanctions on improvements to the Russian military and its proxies, including an assessment of the impacts of the maintenance or revocation of such sanctions.

"(25) A detailed description of—

"(A) how Russian private military companies are being utilized to advance the political, economic, and military interests of the Russian Federation;

"(B) the direct or indirect threats Russian private military companies present to United States security interests; and

"(C) how sanctions that are currently in place to impede or deter Russian private military companies from continuing their malign activities have impacted the Russian private military companies' behavior."; and

(2) in subsection (e)—

(A) in paragraph (1), by inserting ", the Permanent Select Committee on Intelligence," after "the Committee on Armed Services"; and

(B) in paragraph (2), by inserting ", the Select Committee on Intelligence," after "the Committee on Armed Services".

SEC. 1244. TEMPORARY AUTHORIZATIONS RELATED TO UKRAINE, TAIWAN, ISRAEL, AND THE UNITED STATES DEFENSE INDUSTRIAL BASE.

(a) TEMPORARY AUTHORIZATIONS FOR COVERED AGREEMENTS RELATED TO UKRAINE.—

(1) COVERED AGREEMENT DEFINED.—In this subsection, the term "covered agreement" includes a contract, subcontract, transaction, or modification of a contract, subcontract, or transaction awarded by the Department of Defense—

(A) to build or replenish the stocks of critical munitions and other defense articles of the Department;

(B) to provide materiel and related services to foreign allies and partners that have provided support to Ukraine,

Taiwan, Israel, or the United States defense industrial base; or

(C) to provide materiel and related services to Ukraine, Taiwan, Israel, or the United States defense industrial base.

(2) PUBLIC INTEREST.—

(A) IN GENERAL.—A covered agreement may be presumed to be in the public interest for purposes of meeting the requirements of subsection (a)(7) of section 3204 of title 10, United States Code.

(B) PROCEDURES.—Notwithstanding the provisions of subsection (a)(7) of section 3204 of title 10, United States Code, with respect to a covered agreement—

(i) the head of an agency may delegate the authority under that subsection to an officer or employee who—

(I) in the case of an officer or employee who is a member of the Armed Forces, is serving in a grade at or above brigadier general or rear admiral (lower half); or

(II) in the case of a civilian officer or employee, is serving in a position with a grade under the General Schedule (or any other schedule for civilian officers or employees) that is equivalent to or higher than the grade of brigadier general or rear admiral (lower half); and

(ii) not later than 7 days before using the applicable procedures under section 3204 of title 10, United States Code, the head of an agency, or a designee of the head of an agency, shall submit to the congressional defense committees a written notification of the use of such procedures.

(C) DOCUMENTATION.—Consistent with paragraph (4)(C) of subsection (e) of section 3204 of title 10, United States Code, the documentation otherwise required by paragraph (1) of such subsection is not required in the case of a covered agreement.

(3) PROCUREMENT AUTHORITIES.—The special emergency procurement authorities provided under subsections (b) and (c) of section 1903 of title 41, United States Code, may be used by the Department of Defense for a covered agreement.

(4) UNDEFINITIZED CONTRACTUAL ACTIONS.—The head of an agency may waive the provisions of subsections (a) and (c) of section 3372 of title 10, United States Code, for a covered agreement.

(5) TECHNICAL DATA PACKAGES FOR LARGE-CALIBER CANNON.—The requirements of section 7542 of title 10, United States Code, do not apply to the transfer of technical data to an international partner for the production of large-caliber cannons and associated parts produced for—

(A) the replacement of defense articles from stocks of the Department of Defense provided to—

(i) the Ukraine, Taiwan, Israel, or the United States defense industrial base; or

(ii) foreign countries that have provided support to Ukraine, Taiwan, Israel, or the United States defense industrial base;

(B) the Department of Defense to provide materiel directly to Ukraine, Taiwan, Israel, or the United States defense industrial base; or

(C) use by Ukraine, Taiwan, Israel, or the United States defense industrial base.

(6) TEMPORARY EXEMPTION FROM CERTIFIED COST AND PRICING DATA REQUIREMENTS.—

(A) IN GENERAL.—At the discretion of the Secretary of Defense, the requirements under section 3702 of title 10, United States Code, shall not apply to a covered agreement.

(B) APPLICATION.—An exemption under subparagraph (A) shall also apply to subcontracts under prime contracts that are exempt under this paragraph.

(C) PRICE REASONABLENESS.—In awarding or modifying a covered agreement pursuant to a waiver under subparagraph (A), the Secretary of Defense shall base price reasonableness determinations on actual cost and pricing data for purchases of the same or similar products for the Department of Defense.

(7) NOTIFICATION.—Not later than 7 days after the exercise of authority under subsection (a) the Secretary of Defense shall notify the congressional defense committees of the specific authority exercised, the relevant contract, and the estimated reductions in schedule.

(8) TERMINATION OF TEMPORARY AUTHORIZATIONS.—The provisions of this subsection shall terminate on September 30, 2028.

(b) MODIFICATION OF COOPERATIVE LOGISTIC SUPPORT AGREEMENTS: NATO COUNTRIES.—Section 2350d of title 10, United States Code, is amended—

(1) in the section heading, by striking "logistic support" and inserting "acquisition and logistics support";

(2) in subsection (a)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking "logistics support" and inserting "acquisition and logistics support"; and

(ii) in subparagraph (B), by striking "logistic support" and inserting "acquisition and logistics support"; and

(B) in paragraph (2)(B), by striking "logistics support" and inserting "armaments and logistics support"; and

(3) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking "Partnership Agreement" and inserting "Partnership Agreement or Arrangement";

(B) in paragraph (1)—

(i) by striking "supply and acquisition of logistics support in Europe for requirements" and inserting

"supply, services, support, and acquisition, including armaments for requirements"; and

(ii) by striking "supply and acquisition are appropriate" and inserting "supply, services, support, and acquisition are appropriate"; and

(C) in paragraph (2), by striking "logistics support" each place it appears and inserting "acquisition and logistics support".

(c) MULTIYEAR PROCUREMENT AUTHORITY FOR CERTAIN MUNITIONS.—

(1) AUTHORITY FOR MULTIYEAR PROCUREMENT.—Subject to the provisions of section 3501 of title 10, United States Code, set forth in paragraph (3), the head of an agency may enter into one or more multiyear contracts for systems, items, services, and logistics support associated with the systems identified in this paragraph (1), beginning in fiscal year 2023 or fiscal year 2024, for the procurement of up to—

(A) 864,000 XM1128, XM1113, M107, and M795 (155mm rounds);

(B) 12,000 AGM-179 Joint Air-to-Ground Missiles (JAGM);

(C) 700 M142 High Mobility Artillery Rocket Systems (HIMARS);

(D) 1,700 MGM-140 Army Tactical Missile Systems (ATACMS);

(E) 2,600 Harpoons;

(F) 1,250 Naval Strike Missiles;

(G) 106,000 Guided Multiple Launch Rocket Systems (GMLRS);

(H) 3,850 PATRIOT Advanced Capability-3 (PAC-3) Missile Segment Enhancement (MSE);

(I) 5,600 FIM-92 Stinger;

(J) 28,300 FGM-148 Javelin;

(K) 5,100 AIM-120 Advanced Medium-Range Air-to-Air Missile (AMRAAM);

(L) 2,250,000 Modular Artillery Charge System (MACS);

(M) 12,050 155m Excalibur M982A1;

(N) 950 Long Range Anti-Ship Missiles (LRASM);

(O) 3,100 Joint Air-to-Surface Standoff Missiles (JASSM);

(P) 1,500 Standard Missle-6 Missiles (SM-6);

(Q) 5,100 Sidewinder Missiles (AIM-9X);

(R) 3,300 Tomahawk Cruise Missiles;

(S) 1,100 Precision Strike Missiles (PrSM);

(T) 550 Mark 48 Torpedoes;

(U) 1,650 RIM–162 Evolved Sea Sparrow Missiles (ESSM);

(V) 1,980 RIM–116 Rolling Airframe Missiles (RAM); and

(W) 11,550 Small Diameter Bomb IIs (SDB–II).

(2) PROCUREMENT IN CONJUNCTION WITH EXISTING CONTRACTS.—The systems authorized to be procured under para-

graph (1) may be procured as additions to existing contracts covering such programs.

(3) LIMITED APPLICABILITY OF OTHER LAW.—In applying section 3501 of title 10, United States Code, to paragraph (1), only the following provisions of that section shall apply:

(A) Subsection (f).

(B) Subsection (g), in which the term "contract described in subsection (a)" shall mean a contract awarded pursuant to the authority of this subsection.

(C) Subsection (i)(1).

(D) Subsection (l)(3).

(4) AUTHORITY FOR ADVANCE PROCUREMENT.—To the extent and in such amounts as specifically provided in advance in appropriations Acts for the purposes described in paragraph (1), the head of an agency may enter into one or more contracts for advance procurement associated with a program for which authorization to enter into a contract is provided under paragraph (1) and for systems and subsystems associated with such program in economic order quantities when cost savings are achievable.

(5) CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.—A contract entered into under paragraph (1) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2023 is subject to the availability of appropriations for that purpose for such later fiscal year.

(d) DEFINITION.—In this section, the term "head of an agency" means—

(1) the Secretary of Defense;

(2) the Secretary of the Army;

(3) the Secretary of the Navy; or

(4) the Secretary of the Air Force.

SEC. 1245. PROHIBITION ON AVAILABILITY OF FUNDS RELATING TO SOVEREIGNTY OF THE RUSSIAN FEDERATION OVER INTERNATIONALLY RECOGNIZED TERRITORY OF UKRAINE.

(a) PROHIBITION.—None of the funds authorized to be appropriated for fiscal year 2023, 2024, 2025, or 2026 for the Department of Defense may be obligated or expended to implement any activity that recognizes the sovereignty of the Russian Federation over territory internationally recognized to be the sovereign territory of Ukraine, including Crimea and the territory Russia claims to have annexed in Kherson Oblast, Zaporizhzia Oblast, Donetsk Oblast, and Luhansk Oblast.

(b) WAIVER.—The Secretary of Defense, with the concurrence of the Secretary of State, may waive the prohibition under subsection (a) if the Secretary of Defense—

(1) determines that the waiver is in the national security interest of the United States; and

(2) on the date on which the waiver is invoked, submits a notification of the waiver and a justification of the reason for seeking the waiver to—

(A) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1246. REPORT ON DEPARTMENT OF DEFENSE PLAN FOR THE PROVISION OF SHORT AND MEDIUM-TERM SECURITY ASSISTANCE TO UKRAINE.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the heads of other relevant Federal agencies, shall submit to the congressional defense committees a report outlining in detail the plan of the Department of Defense for the provision of security assistance to the armed forces of Ukraine.

(b) MATTERS TO BE INCLUDED.—The report required by subsection (a) shall include—

(1) primary focus areas for the provision of security assistance to the armed forces of Ukraine by the Department of Defense, including priority capabilities, the funding streams used, and a plan to fulfill training, maintenance, and sustainment requirements associated with such assistance—

(A) over the next 3 to 6 months; and

(B) over the next 12 to 24 months; and

(2) any other matters the Secretary determines appropriate.

SEC. 1247. OVERSIGHT OF UNITED STATES ASSISTANCE TO UKRAINE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) continued assistance to Ukraine as it fights against the unjust and unprovoked attack by Russia is of critical importance to United States national security interests, and oversight and transparency for such assistance is essential to ensure effective and sustained support;

(2) the executive branch has established the interagency Ukraine Oversight Working Group, which focuses on conducting comprehensive oversight, and issued the interagency U.S. Plan to Counter Illicit Diversion of Certain Advanced Conventional Weapons in Eastern Europe, a whole-of-government effort to advance accountability and end-use monitoring of weapons provided in response to the Ukraine crisis, and continued attention and regular briefings to relevant congressional oversight committees on such efforts is imperative;

(3) each United States department and agency providing or facilitating assistance to Ukraine should continue to implement and institutionalize appropriate transparency, accountability, and end-use monitoring measures, including exploring creative approaches to overcoming the challenges associated with delivering assistance during an active armed conflict, as is detailed in the interagency Plan to Counter Illicit Diversion;

(4) Inspectors General must continue to carry out comprehensive oversight and conduct reviews, audits, investigations, and inspections of United States support and activities carried out in response to Russia's further invasion of Ukraine, and provide regular briefings to the appropriate congressional committees on their findings;

(5) the United States and its allies and partners should continue to support Ukrainian anti-corruption institutions and

e-platforms, including the National Agency for Corruption Prevention, the National Anti-Corruption Bureau of Ukraine, and the Specialized Anti-Corruption Prosecutor's Office, in their work to ensure effective assistance delivery and prevent incidents of waste, fraud, and abuse; and

(6) Ukrainian authorities should also continue to establish new transparency, accountability, and end-use monitoring initiatives both independently and in partnership with relevant United States departments and agencies and other international partners, and the United States should continue to work with counterparts in Ukraine and other countries supporting their efforts to further mutual efforts to strengthen and institutionalize accountability measures and mechanisms.

(b) REPORT.—

(1) IN GENERAL.—Not later than April 1, 2023, the Inspector General of the Department of Defense, in conjunction with the Inspector General of the Department of State and the Inspector General of the United States Agency for International Development and in consultation with other Inspectors General as appropriate, shall submit to the appropriate congressional committees a report on the oversight framework established with respect to United States assistance to Ukraine.

(2) MATTERS TO BE INCLUDED.—The report required by this subsection shall include the following:

(A) The framework the relevant Inspectors General are currently using or plan to adopt to oversee assistance to Ukraine in the immediate and longer term, including an identification of the United States departments and agencies providing or facilitating such assistance.

(B) Whether there are any gaps in oversight over the activities and funds for assistance to Ukraine.

(C) An assessment of any failures by United States, bilateral, or multilateral organizations to work with such Inspectors General in a timely and transparent manner.

(D) A description of the footprint in Europe of such Inspectors General for purposes of oversight of assistance to Ukraine, including presence and access in Ukraine.

(E) To the extent practicable and appropriate, a description of any known incidents of the misuse of assistance to Ukraine, including incidents of waste, fraud, abuse, diversion, or corruption.

(F) Any lessons learned from the manner in which oversight over assistance to Ukraine has been conducted.

(G) Any findings or recommendations with respect to assistance to Ukraine.

(c) DEFINITION.—In this section, the term "appropriate congressional committees" means—

(1) the congressional defense committees; and

(2) the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

Subtitle E—Matters Relating to the Indo-Pacific Region

SEC. 1251. MODIFICATION TO ANNUAL REPORT ON MILITARY AND SECURITY DEVELOPMENTS INVOLVING THE PEOPLE'S REPUBLIC OF CHINA.

Section 1202(b) of the National Defense Authorization Act for Fiscal Year 2000 (10 U.S.C. 113 note) is amended as follows:

(1) In paragraph (5)—

(A) in subparagraph (A), by inserting "special operations," after "theater-level commands,"; and

(B) in subparagraph (B), by striking "A summary" and inserting "a summary".

(2) In paragraph (7)(B)—

(A) in clause (ii), by striking "and" at the end;

(B) in clause (iii), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(iv) the Middle East.".

(3) In paragraph (8), by adding at the end the following:

"(F) Special operations capabilities.".

SEC. 1252. MODIFICATION OF INDO-PACIFIC MARITIME SECURITY INITIATIVE TO AUTHORIZE USE OF FUNDS FOR THE COAST GUARD.

Section 1263 of the National Defense Authorization Act for Fiscal Year 2016 (10 U.S.C. 333 note) is amended by striking subsection (f) and inserting the following new subsection (f):

"(f) AVAILABILITY OF FUNDS FOR COAST GUARD PERSONNEL AND CAPABILITIES.—The Secretary of Defense may use funds made available under this section to facilitate the participation of Coast Guard personnel in, and the use of Coast Guard capabilities for, training, exercises, and other activities with foreign countries under this section.".

SEC. 1253. MODIFICATION OF PROHIBITION ON PARTICIPATION OF THE PEOPLE'S REPUBLIC OF CHINA IN RIM OF THE PACIFIC (RIMPAC) NAVAL EXERCISES TO INCLUDE CESSATION OF GENOCIDE BY CHINA.

Section 1259(a)(1) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (10 U.S.C. 321 note) is amended—

(1) in subparagraph (B), by striking "and" at the end;

(2) in subparagraph (C), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(D) ceased committing genocide in China, as articulated in the Department of State's Country Report on Human Rights Practices released on April 12, 2022, and engaged in a credible justice and accountability process for all victims of such genocide.".

SEC. 1254. EXTENSION AND MODIFICATION OF PACIFIC DETERRENCE INITIATIVE.

(a) EXTENSION.—Subsection (c) of section 1251 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (10 U.S.C. 113 note) is amended—

(1) by striking "the National Defense Authorization Act for Fiscal Year 2022" and inserting "the National Defense Authorization Act for Fiscal Year 2023"; and

(2) by striking "fiscal year 2022" and inserting "fiscal year 2023".

(b) REPORT ON RESOURCING UNITED STATES DEFENSE REQUIREMENTS FOR THE INDO-PACIFIC REGION AND STUDY ON COMPETITIVE STRATEGIES.—Subsection (d)(1) of such section is amended—

(1) in subparagraph (A), by striking "fiscal years 2023 and 2024" and inserting "fiscal years 2024 and 2025"; and

(2) in subparagraph (B)—

(A) in clause (v), by striking "security cooperation activities or resources" and inserting "security cooperation authorities, activities, or resources";

(B) in clause (vi)(I)(aa)—

(i) in subitem (AA), by striking "to modernize and strengthen the" and inserting "to improve the posture and"; and

(ii) in subitem (FF)—

(I) by striking "to improve" and inserting "to modernize and improve"; and

(II) by striking the semicolon at the end and inserting "; and"; and

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

"(vii) A budget display, prepared with the assistance of the Under Secretary of Defense (Comptroller), that compares the independent assessment of the Commander of the United States Indo-Pacific Command with the amounts contained in the budget display for the applicable fiscal year under subsection (f).".

SEC. 1255. EXTENSION OF AUTHORITY TO TRANSFER FUNDS FOR BIEN HOA DIOXIN CLEANUP.

Section 1253(b) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-283; 134 Stat. 3955) is amended by striking "fiscal year 2022" and inserting "fiscal year 2023".

SEC. 1256. ENHANCED INDICATIONS AND WARNING FOR DETERRENCE AND DISSUASION.

(a) ESTABLISHMENT OF PROGRAM FOR ENHANCED INDICATIONS AND WARNING.—

(1) AUTHORITY.—The Director of the Defense Intelligence Agency may establish a program to increase warning time of potential aggression by adversary nation states, focusing especially on the United States Indo-Pacific Command and United States European Command areas of operations.

(2) DESIGNATION.—If the Director establishes the program under paragraph (1), the program shall be known as the "Pro-

gram for Enhanced Indications and Warning" (in this section referred to as the "Program").

(3) PURPOSE.—The purpose of the Program that may be established under paragraph (1) is to gain increased warning time to provide time for the Department of Defense to mount deterrence and dissuasion actions to persuade adversaries to refrain from aggression, including through potential revelations or demonstrations of capabilities and actions to create doubt in the minds of adversary leaders regarding the prospects for military success.

(b) HEAD OF PROGRAM.—

(1) APPOINTMENT.—If the Director establishes the Program, the Director shall appoint a defense intelligence officer to serve as the mission manager for the Program.

(2) DESIGNATION.—The mission manager for the Program shall be known as the "Program Manager for Enhanced Indications and Warning" (in this section referred to as the "Program Manager").

(c) SOURCES OF INFORMATION AND ANALYSIS.—If the Director establishes the Program, the Program Manager shall ensure that the Program makes use of all available sources of information, from public, commercial, and classified sources across the intelligence community and the Department of Defense, and advanced analytics, including artificial intelligence, to establish a system capable of discerning deviations from normal patterns of behavior and activity that may indicate preparations for military actions.

(d) INTEGRATION WITH OTHER PROGRAMS.—

(1) SUPPORT.—If the Director establishes the Program, the Program shall be supported, as appropriate, by the Chief Digital and Artificial Intelligence Officer, the Maven project, by capabilities sponsored by the Office of the Under Secretary of Defense for Intelligence and Security, and programs already underway within the Defense Intelligence Agency.

(2) AGREEMENTS.—If the Director establishes the Program, the Director shall seek to engage in agreements to integrate information and capabilities from other components of the intelligence community to facilitate the purpose of the Program.

(e) BRIEFINGS.—If the Director establishes the Program, not later than 180 days after the date of the enactment of this Act and not less frequently than once each year thereafter through 2027, the Program Manager shall provide the appropriate committees of Congress a briefing on the status of the activities of the Program.

(f) DEFINITIONS.—In this section:

(1) The term "appropriate committees of Congress" means—

(A) the congressional defense committees; and

(B) the congressional intelligence committees (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)).

(2) The term "intelligence community" has the meaning given such term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

SEC. 1257. PROHIBITION ON USE OF FUNDS TO SUPPORT ENTERTAINMENT PROJECTS WITH TIES TO THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA.

(a) IN GENERAL.—None of the funds authorized to be appropriated by this Act may be used to knowingly provide active and direct support to any film, television, or other entertainment project if the Secretary of Defense has demonstrable evidence that the project has complied or is likely to comply with a demand from the Government of the People's Republic of China or the Chinese Communist Party, or an entity under the direction of the People's Republic of China or the Chinese Communist Party, to censor the content of the project in a material manner to advance the national interest of the People's Republic of China.

(b) WAIVER.—The Secretary of Defense may waive the prohibition under subsection (a) if the Secretary submits to the Committees on Armed Services of the Senate and House of Representatives a written certification that such a waiver is in the national interest of the United States.

(c) [10 U.S.C. 2241 note] POLICY REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall issue a policy that describes how the Department of Defense will review requests to provide active or direct support to any film, television, or other entertainment project. The policy shall include ways to assess Chinese influence or potential influence over the content of a film, television, or other entertainment project, actions the Department can take to prevent Chinese censorship of a project, and criteria the Department shall use when evaluating requests to support a project.

(d) LIMITATION.—Of the amounts authorized to be appropriated by this Act for the official travel expenses of the Office of the Secretary of Defense, not more than 95 percent may be obligated or expended until the policy required by subsection (c) is released and transmitted to the congressional defense committees.

SEC. 1258. REPORTING ON INSTITUTIONS OF HIGHER EDUCATION DOMICILED IN THE PEOPLE'S REPUBLIC OF CHINA THAT PROVIDE SUPPORT TO THE PEOPLE'S LIBERATION ARMY.

(a) DETERMINATION.—

(1) IN GENERAL.—The Secretary of Defense, in consultation with the Director of National Intelligence, shall identify each entity that is an institution of higher education domiciled in the People's Republic of China that provides material support to the People's Liberation Army.

(2) FACTORS.—In making a determination under paragraph (1) with respect to an entity, the Secretary shall consider the following factors:

(A) Material support to the implementation of the military-civil fusion strategy of China.

(B) Material relationship with the Chinese State Administration for Science, Technology, and Industry for the National Defense.

(D) Funding received from any organization subordinate to the Central Military Commission of the Chinese Communist Party.

(E) Supporting or enabling relationship with any security, defense, or police forces within the Government of China or the Chinese Communist Party.

(F) Any other factor the Secretary determines is appropriate.

(b) REPORT.—Not later than September 30, 2023, the Secretary shall submit to the appropriate congressional committees a list of each entity identified pursuant to subsection (a) in unclassified form, with a classified annex, if necessary.

(c) DEFINITIONS.—In this section:

(1) The term "appropriate congressional committees" means—

(A) the Committee on Armed Services and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) The term "People's Liberation Army" means the land, naval, and air military services, the People's Armed Police, the Strategic Support Force, the Rocket Force, and any other related security element within the Government of China or the Chinese Communist Party that the Secretary determines is appropriate.

SEC. 1259. REVIEW OF PORT AND PORT-RELATED INFRASTRUCTURE PURCHASES AND INVESTMENTS MADE BY THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA AND ENTITIES DIRECTED OR BACKED BY THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA.

(a) IN GENERAL.—The Secretary of State, in coordination with the Director of National Intelligence, the Secretary of Defense, and the head of any other agency the Secretary of State considers necessary, shall conduct a review of port and port-related infrastructure purchases and investments critical to the interests and national security of the United States made by—

(1) the Government of the People's Republic of China;

(2) entities directed or backed by the Government of the People's Republic of China; and

(3) entities with beneficial owners that include the Government of the People's Republic of China or a private company controlled by the Government of the People's Republic of China.

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

(1) A list of port and port-related infrastructure purchases and investments described in that subsection, prioritized in order of the purchases or investments that pose the greatest threat to United States economic, defense, and foreign policy interests.

(2) An analysis of the effects the consolidation of such investments, or the assertion of control by the Government of the People's Republic of China over entities described in paragraph (2) or (3) of that subsection, would have on Department of State and Department of Defense contingency plans.

(3) A description of the integration into ports of technologies developed and produced by the Government of the People's Republic of China or entities described in paragraphs (2) or (3) of that subsection, and the data and cyber security risks posed by such integration.

(4) A description of past and planned efforts by the Secretary of State and the Secretary of Defense, with the support of the Director of National Intelligence, to address such purchases, investments, and consolidation of investments or assertion of control.

(c) COORDINATION WITH OTHER FEDERAL AGENCIES.—In conducting the review required by subsection (a), the Secretary of State may coordinate with the head of any other Federal agency, as the Secretary considers appropriate.

(d) REPORT.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate committees of Congress a report on the results of the review under subsection (a).

(2) FORM.—The report required by paragraph (1) shall be submitted in unclassified form, but may contain a classified annex.

(e) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term "appropriate committees of Congress" means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) PORT.—The term "port" means—

(A) any port—

(i) on the navigable waters of the United States; or

(ii) that is considered by the Secretary of State to be critical to United States interests; and

(B) any harbor, marine terminal, or other shoreside facility used principally for the movement of goods on inland waters that the Secretary of State considers critical to United States interests.

(3) PORT-RELATED INFRASTRUCTURE.—The term "port-related infrastructure" includes—

(A) crane equipment;

(B) logistics, information, and communications systems; and

(C) any other infrastructure the Secretary of State considers appropriate.

SEC. 1260. ENHANCING MAJOR DEFENSE PARTNERSHIP WITH INDIA.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State, shall direct appropriate personnel within the Department of Defense to seek to engage appropriate

counterparts within the Ministry of Defence of India for the purpose of expanding cooperation on emerging technologies, readiness, and logistics.

(b) TOPICS.—At a minimum, the personnel described in subsection (a) shall seek to engage their counterparts in the Ministry of Defense of India on the following topics:

(1) Intelligence collection capabilities.
(2) Unmanned aerial vehicles.
(3) Fourth and fifth generation aircraft.
(4) Depot-level maintenance.
(5) Joint research and development.
(6) Fifth generation wireless communication and Open Radio Access Network technologies.
(7) Defensive cyber capabilities.
(8) Cold-weather capabilities.
(9) Critical and emerging technologies.
(10) Any other matters the Secretary considers relevant.

(c) BRIEFING.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall provide a briefing to the appropriate committees of Congress that includes—

(1) an assessment of the feasibility and advisability of expanding cooperation with the Ministry of Defence of India on the topics described in subsection (b);
(2) a description of other opportunities to expand cooperation with the Ministry of Defence of India on topics other than the topics described in such subsection;
(3) a description of any challenges, including agreements, authorities, and resourcing, that need to be addressed so as to expand cooperation with the Ministry of Defence of India on the topics described in such subsection;
(4) an articulation of security considerations to ensure the protection of research and development, intellectual property, and United States-provided equipment from being stolen or exploited by adversaries;
(5) an identification of opportunities for academia and private industry to participate in expanded cooperation with the Ministry of Defence of India;
(6) a discussion of opportunities and challenges related to reducing India's reliance on Russian-built weapons and defense systems; and
(7) any other matter the Secretary considers relevant.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the Senate; and
(2) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1261. [10 U.S.C. 311 note] PILOT PROGRAM TO DEVELOP YOUNG CIVILIAN DEFENSE LEADERS IN THE INDO-PACIFIC REGION.

(a) IN GENERAL.—The Secretary of Defense may establish, using existing authorities of the Department of Defense, a pilot

program to enhance engagement of the Department with young civilian defense and security leaders in the Indo-Pacific region.

(b) PURPOSES.—The activities of the pilot program under subsection (a) shall include training of, and engagement with, young civilian leaders from foreign partner ministries of defense and other appropriate ministries with a defense-related national security mission in the Indo-Pacific region for purposes of—

(1) enhancing bilateral and multilateral cooperation between—

(A) civilian leaders in the Department; and

(B) civilian leaders in foreign partner ministries of defense and other appropriate ministries with a defense-related national security mission; and

(2) building the capacity of young civilian leaders in foreign partner ministries of defense and other appropriate ministries with a defense-related national security mission to promote civilian control of the military, respect for human rights, and adherence to the law of armed conflict.

(c) PRIORITY.—In carrying out the pilot program under subsection (a), the Secretary of Defense shall prioritize engagement with civilian leaders in foreign partner ministries of defense and other appropriate ministries with a defense-related national security mission who are 40 years of age or younger.

(d) BRIEFINGS.—

(1) DESIGN OF PILOT PROGRAM.—Not later than June 1, 2023, the Secretary of Defense, in consultation with the Secretary of State, shall provide a briefing to the appropriate committees of Congress on the design of the pilot program under subsection (a).

(2) PROGRESS BRIEFING.—Not later than December 31, 2023, and annually thereafter until the date on which the pilot program terminates under subsection (e), the Secretary of Defense, in consultation with the Secretary of State, shall provide a briefing to the appropriate committees of Congress on the pilot program that includes—

(A) a description of the activities conducted and the results of such activities;

(B) an identification of existing authorities used to carry out the pilot program;

(C) any recommendations related to new authorities or modifications to existing authorities necessary to more effectively achieve the objectives of the pilot program; and

(D) any other matter the Secretary of Defense considers relevant.

(e) TERMINATION.—The pilot program under subsection (a) shall terminate on December 31, 2026.

(f) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1262. REPORT ON BILATERAL AGREEMENTS SUPPORTING UNITED STATES MILITARY POSTURE IN THE INDO-PACIFIC REGION.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretary of State, shall submit to the appropriate congressional committees a report on the adequacy of existing bilateral defense and security agreements between the United States and foreign governments that support the existing and planned military posture of the United States in the Indo-Pacific region.

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

(1) An accounting of existing bilateral defense and security agreements that support the military posture of the United States in the Indo-Pacific region, by country and type.

(2) An articulation of the need for new bilateral defense and security agreements, by country and type, to support a more distributed United States military posture in the Indo-Pacific region, as outlined by the Global Force Posture Review, including agreements necessary—

(A) to establish new cooperative security locations, forward operating locations, and other locations in support of distributed operations; and

(B) to enable exercises and a more rotational force presence.

(3) A description of the relative priority of the agreements articulated under paragraph (2).

(4) Any specific request, financial or otherwise, made by a foreign government or a Federal agency other than the Department of Defense that complicates the completion of such agreements.

(5) A description of Department activities planned for the current and subsequent fiscal year that are intended to contribute to the completion of such agreements.

(6) A description of the manner in which the necessity for such agreements is communicated to, and coordinated with, the Secretary of State.

(7) Any other matter the Secretary of Defense considers relevant.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

SEC. 1263. [22 U.S.C. 3357a] STATEMENT OF POLICY ON TAIWAN.

(a) STATEMENT OF POLICY.—Consistent with the Taiwan Relations Act (22 U.S.C. 3301 et. seq.), it shall be the policy of the United States to maintain the capacity of the United States to resist a fait accompli that would jeopardize the security of the people on Taiwan.

(b) FAIT ACCOMPLI DEFINED.—In this section, the term "fait accompli" refers to the resort to force by the People's Republic of China to invade and seize control of Taiwan before the United States can respond effectively.

SEC. 1264. SENSE OF CONGRESS ON JOINT EXERCISES WITH TAIWAN.

It is the sense of Congress that—

(1) joint military exercises with Taiwan are an important component of improving military readiness;

(2) the Commander of United States Indo-Pacific Command possesses the authority to carry out such joint military exercises, including those that—

(A) involve multiple warfare domains and exercise secure communications between the forces of the United States, Taiwan, and other foreign partners;

(B) incorporate the participation of multiple combatant and subordinate unified commands; and

(C) present complex military challenges, including the multi-domain capabilities of a capable adversary;

(3) the United States should seek to use existing authorities more effectively to improve the readiness of the military forces of the United States and Taiwan; and

(4) the naval forces of Taiwan should be invited to participate in the Rim of the Pacific exercise, as appropriate, conducted in 2024.

SEC. 1265. SENSE OF CONGRESS ON DEFENSE ALLIANCES AND PARTNERSHIPS IN THE INDO-PACIFIC REGION.

It is the sense of Congress that the Secretary of Defense should continue efforts that strengthen United States defense alliances and partnerships in the Indo-Pacific region so as to further the comparative advantage of the United States in strategic competition with the People's Republic of China, including by—

(1) enhancing cooperation with Japan, consistent with the Treaty of Mutual Cooperation and Security Between the United States of America and Japan, signed at Washington, January 19, 1960, including by developing advanced military capabilities, fostering interoperability across all domains, and improving sharing of information and intelligence;

(2) reinforcing the United States alliance with the Republic of Korea, including by maintaining the presence of approximately 28,500 members of the United States Armed Forces deployed to the country and affirming the United States commitment to extended deterrence using the full range of United States defense capabilities, consistent with the Mutual Defense Treaty Between the United States and the Republic of Korea, signed at Washington, October 1, 1953, in support of the shared objective of a peaceful and stable Korean Peninsula;

(3) fostering bilateral and multilateral cooperation with Australia, consistent with the Security Treaty Between Australia, New Zealand, and the United States of America, signed at San Francisco, September 1, 1951, and through the partnership among Australia, the United Kingdom, and the United States (commonly known as "AUKUS")—

(A) to advance shared security objectives;

(B) to accelerate the fielding of advanced military capabilities; and

(C) to build the capacity of emerging partners;

(4) advancing United States alliances with the Philippines and Thailand and United States partnerships with other partners in the Association of Southeast Asian Nations to enhance maritime domain awareness, promote sovereignty and territorial integrity, leverage technology and promote innovation, and support an open, inclusive, and rules-based regional architecture;

(5) broadening United States engagement with India, including through the Quadrilateral Security Dialogue—

(A) to advance the shared objective of a free and open Indo-Pacific region through bilateral and multilateral engagements and participation in military exercises, expanded defense trade, and collaboration on humanitarian aid and disaster response; and

(B) to enable greater cooperation on maritime security and the threat of global pandemics, including COVID-19;

(6) strengthening the United States partnership with Taiwan, consistent with the Three Communiques, the Taiwan Relations Act (Public Law 96-8; 22 U.S.C. 3301 et seq.), and the Six Assurances, with the goal of improving Taiwan's defensive military capabilities and promoting peaceful cross-strait relations;

(7) reinforcing the status of the Republic of Singapore as a Major Security Cooperation Partner of the United States and continuing to strengthen defense and security cooperation between the military forces of the Republic of Singapore and the Armed Forces of the United States, including through participation in combined exercises and training;

(8) engaging with the Federated States of Micronesia, the Republic of the Marshall Islands, the Republic of Palau, and other Pacific Island countries, with the goal of strengthening regional security and addressing issues of mutual concern, including protecting fisheries from illegal, unreported, and unregulated fishing;

(9) collaborating with Canada, the United Kingdom, France, and other members of the European Union and the North Atlantic Treaty Organization to build connectivity and advance a shared vision for the region that is principled, long-term, and anchored in democratic resilience; and

(10) investing in enhanced military posture and capabilities in the area of responsibility of the United States Indo-Pacific Command, identified by the Department of Defense as its priority theater, and strengthening cooperation in bilateral relationships, multilateral partnerships, and other international fora to uphold global security and shared principles, with the goal of ensuring the maintenance of a free and open Indo-Pacific region.

Subtitle F—Other Matters

SEC. 1271. NORTH ATLANTIC TREATY ORGANIZATION SPECIAL OPERATIONS HEADQUARTERS.

(a) IN GENERAL.—Subchapter II of chapter 138 of title 10, United States Code, is amended by adding at the end the following new section 2350r:

"SEC. 2350r. [10 U.S.C. 2350r] North Atlantic Treaty Organization Special Operations Headquarters

"(a) AUTHORIZATION.—Of the amounts authorized to be appropriated for each fiscal year for operation and maintenance for the Army, the Secretary of Defense is authorized to use up to $50,000,000, to be derived from amounts made available for support of North Atlantic Treaty Organization (referred to in this section as 'NATO') operations, for each such fiscal year for the purposes set forth in subsection (b).

"(b) PURPOSES.—The Secretary shall provide funds for the NATO Special Operations Headquarters—

"(1) to improve coordination and cooperation between the special operations forces of NATO countries and countries approved by the North Atlantic Council as NATO partners;

"(2) to facilitate joint operations by the special operations forces of NATO countries and such NATO partners;

"(3) to support special operations forces peculiar command, control, and communications capabilities;

"(4) to promote special operations forces intelligence and informational requirements within the NATO structure; and

"(5) to promote interoperability through the development of common equipment standards, tactics, techniques, and procedures, and through execution of a multinational education and training program.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter II of chapter 138 of title 10, United States Code, is amended by adding at the end the following new item:

"2350r. North Atlantic Treaty Organization Special Operations Headquarters.".

(c) [22 U.S.C. 1928 note] REPEAL.—Section 1244 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2541) is repealed.

SEC. 1272. SENSE OF CONGRESS ON NATO AND UNITED STATES DEFENSE POSTURE IN EUROPE.

It is the sense of Congress as follows:

(1) The Russian Federation's further invasion of Ukraine poses a grave threat to United States security and interests around the globe and to the rules-based international order, including the North Atlantic Treaty Organization (NATO).

(2) The Russian Federation has demonstrated a complete disregard for the safety of civilians during its unlawful and unprovoked invasion of Ukraine, which has involved indiscriminate bombing of civilian areas and executions of noncombatants.

(3) The United States stands with the people of Ukraine and condemns the heinous acts committed by the Russian Federation against them, and Congress strongly supports contin-

ued assistance to Ukraine to sustain its ability to repel Russian invasion forces and continue to retake its sovereign territory.

(4) NATO remains the strongest and most successful military alliance in the world, founded on a commitment by its members to uphold the principles of democracy, individual liberty, and the rule of law. The NATO alliance has grown more robust and more united in response to Russia's 2022 further invasion of Ukraine, as allies have enhanced their deterrence and defense posture, and continued to send military aid to bolster Ukraine's defenses.

(5) The United States—

(A) strongly supports the path of Sweden and Finland toward NATO membership, as evidenced by the overwhelming bipartisan Senate vote providing advice and consent to the ratification of the Protocols of the North Atlantic Treaty of 1949 on the Accession of the Republic of Finland and the Kingdom of Sweden;

(B) urges all NATO allies who have not ratified their accession to do so as soon as possible;

(C) reaffirms its ironclad commitment to NATO as the foundation of transatlantic security and to upholding its obligations under the North Atlantic Treaty, including Article 5; and

(D) encourages NATO members to move swiftly to meet their commitments made at the June 2022 NATO Summit to expand NATO's multinational battle groups and enhance military posture on NATO's eastern flank, and to urgently continue progress on meeting their Wales Pledge commitments, capability targets, contributions to NATO missions and operations, and resilience commitments.

(6) America's European allies and partners have—

(A) made significant contributions to Ukraine's defense against the Russian invasion, including critical military, economic, and humanitarian aid, sanctions, and export controls, to erode Russia's ability to sustain its aggression; and

(B) welcomed millions of Ukrainian refugees forced to flee their homeland.

(7) The United States must continue to work with these allies and partners to sustain this support, to collectively reconstitute weapons stocks, and to maintain unified resolve to reduce threats to critical infrastructure ranging from Russia's weaponization of energy to China's predatory investments in transportation and telecommunications infrastructure.

(8) The United States should develop and implement a long-term plan to adapt United States posture in Europe to the altered threat environment. The elevated United States posture currently in Europe is crucial in the current threat environment, and the United States posture changes announced during the June 2022 NATO Summit are important steps, including the establishment of the first permanently stationed headquarters in Poland, the commitment to maintain a rota-

tional brigade combat team and headquarters in Romania, enhanced rotations to the Baltic countries, and the forward-stationing of two additional destroyers in Rota, Spain.

(9) European Deterrence Initiative (EDI) investments have proven crucial to United States and NATO abilities to rapidly reinforce the European theater leading up to and during Russia's further invasion of Ukraine. The United States should continue robust investments through EDI, including further enhancing United States posture in Europe and maintaining a committed schedule of exercises with allies.

(10) The Black Sea is critical to United States interests and to the security of NATO in the region, given Russia's unprovoked and unjustified war in Ukraine and Russia's attempts to directly intimidate, coerce, and otherwise influence countries in this region. These allies' and partners' security will have major consequences for broader European security and collective efforts to enhance Black Sea countries' defense and resilience capabilities are essential. In addition, the United States and NATO should consider adopting robust intergovernmental and interagency strategies for the Black Sea, to facilitate further collaboration among all countries in the region.

(11) Estonia, Latvia, and Lithuania play a critical role in strategic efforts to continue to deter Russia.

(12) The United States should continue to pursue efforts consistent with the comprehensive, multilateral Baltic Defense Assessment conducted by the Department of Defense. Robust support to accomplish United States strategic objectives, including by providing continued assistance to the Baltic countries through security cooperation, including cooperation referred to as the Baltic Security Initiative pursuant to sections 332 and 333 of title 10, United States Code, should continue to be prioritized in the years to come. Specifically, such assistance should include the continuation of—

(A) enhancements to critical capabilities that will strengthen Baltic security as well as strengthen NATO's deterrence and defense posture, including integrated air and missile defense, maritime domain awareness, long-range precision fires, and command and control;

(B) efforts to enhance interoperability among Estonia, Latvia, and Lithuania and with NATO;

(C) infrastructure and other host-country support improvements that will enhance United States and allied military mobility across the region;

(D) efforts to improve resilience to hybrid and cyber threats in Estonia, Latvia, and Lithuania; and

(E) support for planning and budgeting efforts of Estonia, Latvia, and Lithuania that are regionally synchronized.

(13) It is in the United States interest to support efforts to enhance security and stability in the Western Balkans. The United States should continue its efforts to work with Western Balkans allies and partners to build interoperability and support institutional reforms. The United States should also sup-

port those countries' efforts to resist disinformation campaigns, predatory investments, and other means by which Russia and China may seek to influence this region.

(14) The United States should continue to work closely with European allies and partners to counter growing malign activities by the People's Republic of China across Europe, in the Indo-Pacific, and beyond.

SEC. 1273. REPORT ON FIFTH FLEET CAPABILITIES UPGRADES.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on—

(1) capabilities upgrades necessary to enable the Fifth Fleet to address emerging threats in its area of responsibility; and

(2) any costs associated with such upgrades.

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

(1) An assessment of seaborne threats posed by Iran, and groups linked to Iran, to the military forces of United States allies and partners operating in the waters in and around the broader Middle East.

(2) A description of any capabilities upgrades necessary to enable the Fifth Fleet to address such threats.

(3) An estimate of the costs associated with any such upgrades.

(4) A description of any United States plan to deepen cooperation with other member countries of the Combined Maritime Forces at the strategic, policy, and functional levels for the purpose of addressing such threats, including by—

(A) enhancing coordination on defense planning;

(B) improving intelligence sharing; and

(C) deepening maritime interoperability.

(c) BROADER MIDDLE EAST DEFINED.—In this section, the term "broader Middle East" means—

(1) the land around the southern and eastern shores of the Mediterranean Sea;

(2) the Arabian Peninsula;

(3) Iran; and

(4) North Africa.

SEC. 1274. REPORT ON USE OF SOCIAL MEDIA BY FOREIGN TERRORIST ORGANIZATIONS.

(a) REPORT.—Not later than one year after the date of the enactment of this Act, the Director of National Intelligence, in coordination with the Secretary of State and the Secretary of Defense, shall submit to the appropriate congressional committees a report on—

(1) the use of online social media platforms by entities designated as foreign terrorist organizations by the Secretary of State for recruitment, fundraising, and the dissemination of information; and

(2) the threat posed to the national security of the United States by the online radicalization of terrorists and violent extremists with ties to foreign governments or elements thereof,

foreign organizations, or foreign persons, or international terrorist activities.

(b) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate.

SEC. 1275. REPORT AND FEASIBILITY STUDY ON COLLABORATION TO MEET SHARED NATIONAL SECURITY INTERESTS IN EAST AFRICA.

(a) REPORT ON FOREIGN ASSISTANCE AND OTHER ACTIVITIES IN SOMALILAND.—

(1) DEFINED TERM.—In this subsection, the term "appropriate congressional committees" means—

(A) the Committee on Foreign Relations of the Senate; and

(B) the Committee on Foreign Affairs of the House of Representatives.

(2) REPORT.—

(A) IN GENERAL.—Not later than September 30, 2023, and annually thereafter until the date that is 5 years after the date of the enactment of this Act, the Secretary of State, in consultation with the Administrator of the United States Agency for International Development, shall submit to the appropriate congressional committees a report that, with respect to the most recently concluded 12-month period—

(i) describes assistance provided by the Department of State and the United States Agency for International Development to Somaliland, including—

(I) the value of such assistance (in United States dollars);

(II) the source from which such assistance was funded;

(III) the names of the programs through which such assistance was administered;

(IV) the implementing partners through which such assistance was provided;

(V) the sponsoring bureau of the Department of State or the United States Agency for International Development; and

(VI) if the assistance broadly targeted the Federal Republic of Somalia, the portion of such assistance that was—

(aa) explicitly intended to support Somaliland; and

(bb) ultimately employed in Somaliland;

(ii) details the staffing and responsibilities of the Department of State and the United States Agency for International Development supporting foreign assistance, diplomatic engagement, and security initiatives

in Somaliland, including the location of such personnel (duty station) and their corresponding bureau;

(iii) provides—

(I) a detailed account of travel to Somaliland by employees of the Department of State and the United States Agency for International Development, if any, including the position, duty station, and trip purpose for each such trip; or

(II) the justification for not traveling to Somaliland if no such personnel traveled during the reporting period; and

(iv) if the Department of State has provided training to security forces of the Federal Member States (FMS), and Somaliland, including—

(I) where such training has occurred;

(II) the extent to which FMS and Somaliland security forces have demonstrated the ability to absorb previous training; and

(III) the ability of FMS and Somaliland security forces to maintain and appropriately utilize such training, as applicable.

(B) FORM.—The report required under subparagraph (A) shall be submitted in unclassified form, but may contain a classified annex.

(b) FEASIBILITY STUDY.—

(1) DEFINED TERM.—In this subsection, the term "appropriate congressional committees" means—

(A) the Committee on Foreign Relations and the Committee on Armed Services of the Senate; and

(B) the Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatives.

(2) FEASIBILITY STUDY.—The Secretary of State, in consultation with the Secretary of Defense, shall conduct a feasibility study that—

(A) determines whether opportunities exist for greater collaboration in the pursuit of United States national security interests in the Horn of Africa, the Gulf of Aden, and the Indo-Pacific region with the Federal Government of Somalia and Somaliland; and

(B) identifies the practicability and advisability of improving the professionalization and capacity of security sector actors within the Federal Member States (FMS) and Somaliland.

(3) REPORT TO CONGRESS.—Not later than June 15, 2023, the Secretary of State, in consultation with the Secretary of Defense and the heads of other relevant Federal departments and agencies, shall submit a classified report to the appropriate congressional committees that contains the results of the feasibility study required under paragraph (2).

(c) RULE OF CONSTRUCTION.—Nothing in this Act, including the reporting requirement under subsection (a) and the conduct of the feasibility study under subsection (b), may be construed to convey United States recognition of Somalia's FMS or Somaliland as an independent entity.

SEC. 1276. ASSESSMENT OF CHALLENGES TO IMPLEMENTATION OF THE PARTNERSHIP AMONG AUSTRALIA, THE UNITED KINGDOM, AND THE UNITED STATES.

(a) IN GENERAL.—The Secretary of Defense shall seek to enter into an agreement with a federally funded research and development center for the conduct of an independent assessment of resourcing, policy, and process challenges to implementing the partnership among Australia, the United Kingdom, and United States (commonly known as the "AUKUS partnership") announced on September 21, 2021.

(b) MATTERS TO BE CONSIDERED.—In conducting the assessment required by subsection (a), the federally funded research and development center shall consider the following with respect to each of Australia, the United Kingdom, and the United States:

(1) Potential resourcing and personnel shortfalls.

(2) Information sharing, including foreign disclosure policy and processes.

(3) Statutory, regulatory, and other policies and processes.

(4) Intellectual property, including patents.

(5) Export controls, including technology transfer and protection.

(6) Security protocols and practices, including personnel, operational, physical, facility, cybersecurity, counterintelligence, marking and classifying information, and handling and transmission of classified material.

(7) Industrial base implications specifically including options to expand the United States submarine and nuclear power industrial base to meet United States and Australia requirements.

(8) Alternatives that would significantly accelerate Australia's national security, including—

(A) interim submarine options to include leasing or conveyance of legacy United States submarines for Australia's use; or

(B) the conveyance of B-21 bombers.

(9) Any other matter the Secretary considers appropriate.

(c) RECOMMENDATIONS.—The federally funded research and development center selected to conduct the assessment under this section shall include, as part of such assessment, recommendations for improvements to resourcing, policy, and process challenges to implementing the AUKUS partnership.

(d) REPORT.—

(1) IN GENERAL.—Not later than January 1, 2024, the Secretary shall submit to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a report that includes an unaltered copy of such assessment, together with the views of the Secretary on the assessment and on the recommendations included in the assessment pursuant to subsection (c).

(2) FORM OF REPORT.—The report required by paragraph (1) shall be submitted in unclassified form but may contain a classified annex.

SEC. 1277. MODIFICATION AND EXTENSION OF UNITED STATES-ISRAEL COOPERATION TO COUNTER UNMANNED AERIAL SYSTEMS.

(a) AUTHORITY TO ESTABLISH CAPABILITIES TO COUNTER UNMANNED AERIAL SYSTEMS.—Subsection (a)(1) of section 1278 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92; 133 Stat. 1702; 22 U.S.C. 8606 note) is amended in the first sentence by inserting after "to establish capabilities for countering unmanned aerial systems" the following ", including directed energy capabilities,".

(b) SUPPORT IN CONNECTION WITH THE PROGRAM.—Subsection (b) of such section is amended—

(1) in paragraph (3)(B), by inserting at the end before the period the following: ", including directed energy capabilities"; and

(2) in paragraph (4), by striking "$25,000,000" and inserting "$40,000,000".

(c) SUNSET.—Subsection (f) of such section is amended by striking "December 31, 2024" and inserting "December 31, 2026".

SEC. 1278. SENSE OF CONGRESS AND BRIEFING ON MULTINATIONAL FORCE AND OBSERVERS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Multinational Force and Observers has helped strengthen stability and kept the peace in Sinai Peninsula; and

(2) the United States should continue to maintain its strong support for the Multinational Force and Observers.

(b) BRIEFING.—Not later than 60 days before the implementation of any plan to move a Multinational Force and Observer site, the Secretary of Defense shall brief the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives and the Committee on Armed Services and the Committee on Foreign Relations of the Senate on the resulting impacts of such plan on existing security arrangements between Israel and Egypt.

SEC. 1279. BRIEFING ON DEPARTMENT OF DEFENSE PROGRAM TO PROTECT UNITED STATES STUDENTS AGAINST FOREIGN AGENTS.

Not later than 240 days after the date of the enactment of this Act, the Secretary of Defense shall provide a briefing to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives on the program described in section 1277 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91), including an assessment on whether the program is beneficial to students interning, working part time, or in a program that will result in employment post-graduation with Department of Defense components and contractors.

TITLE XIV—OTHER AUTHORIZATIONS

Subtitle A—Military Programs

Sec. 1401. Working capital funds.
Sec. 1402. Chemical agents and munitions destruction, defense.

Sec. 1403. Drug interdiction and counter-drug activities, defense-wide.
Sec. 1404. Defense Inspector General.
Sec. 1405. Defense health program.

Subtitle B—National Defense Stockpile

Sec. 1411. Reform of the Strategic and Critical Materials Stock Piling Act.
Sec. 1412. Modification of acquisition authority under Strategic and Critical Materials Stock Piling Act.
Sec. 1413. Briefings on shortfalls in National Defense Stockpile.
Sec. 1414. Authority to acquire materials for the National Defense Stockpile.
Sec. 1415. Department of Defense readiness to support prolonged conflict.

Subtitle C—Other Matters

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

Subtitle A—Military Programs

SEC. 1401. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2023 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds, as specified in the funding table in section 4501.

SEC. 1402. CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2023 for expenses, not otherwise provided for, for Chemical Agents and Munitions Destruction, Defense, as specified in the funding table in section 4501.

(b) USE.—Amounts authorized to be appropriated under subsection (a) are authorized for—

(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(2) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

SEC. 1403. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2023 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, as specified in the funding table in section 4501.

SEC. 1404. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2023 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, as specified in the funding table in section 4501.

SEC. 1405. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for fiscal year 2023 for the Defense Health Program for use of the Armed Forces

and other activities and agencies of the Department of Defense for providing for the health of eligible beneficiaries, as specified in the funding table in section 4501.

Subtitle B—National Defense Stockpile

SEC. 1411. REFORM OF THE STRATEGIC AND CRITICAL MATERIALS STOCK PILING ACT.

(a) REPEAL OF STRATEGIC MATERIALS PROTECTION BOARD.—Section 187 of title 10, United States Code, is repealed.

(b) STRATEGIC AND CRITICAL MATERIALS BOARD OF DIRECTORS.—Section 10 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h-1) is amended to read as follows:

"SEC. 10. STRATEGIC AND CRITICAL MATERIALS BOARD OF DIRECTORS

"(a) ESTABLISHMENT.—There is established a Strategic and Critical Materials Board of Directors (in this Act referred to as the 'Board').

"(b) MEMBERS.—The Board shall be composed, at a minimum, of the following:

"(1) The Assistant Secretary of Defense for Industrial Base Policy, who shall serve as chairman of the Board.

"(2) One designee of each of the Secretary of Commerce, the Secretary of State, the Secretary of Energy, and the Secretary of the Interior.

"(3) One designee of each of the Chairman and Ranking Member of the Readiness Subcommittee of the House Committee on Armed Services.

"(4) One designee of each of the Chairman and Ranking Member of the Readiness Subcommittee of the Senate Committee on Armed Services.

"(5) Four designees of the chairman of the Board, who shall have expertise relating to military affairs, defense procurement, production of strategic and critical materials, finance, or any other disciplines deemed necessary by the chairman to conduct the business of the Board.

"(c) DUTIES OF THE BOARD.—In addition to other matters assigned to it by the chairman, the Board shall conduct the following, without power of delegation:

"(1) Adopt by-laws that ensure sufficient oversight, governance, and effectiveness of the National Defense Stockpile program.

"(2) Elect or remove Board members.

"(3) Advise the National Defense Stockpile Manager.

"(4) Establish performance metrics and conduct an annual performance review of the National Defense Stockpile Manager.

"(5) Set compensation for the National Defense Stockpile Manager.

"(6) Review and approve the annual budget of the National Defense Stockpile program and conduct appropriate reviews of annual financial statements.

"(7) Re-allocate budget resources within the annual budget of the National Defense Stockpile program.

"(8) Review and approve the Annual Materials and Operations Plan required by section 11(a)(2) of this Act, including a review of the projected domestic and foreign economic effects of proposed actions to be taken under the Annual Materials and Operations Plan.

"(9) Complete and submit the annual Board Report, in accordance with section 11(b)(2) of this Act.

"(10) Recommend to the Secretary of Defense—

"(A) a strategy to ensure a secure supply of materials designated as critical to national security; and

"(B) such other strategies as the Board considers appropriate to strengthen the industrial base with respect to materials critical to national security.

"(d) BOARD MEETINGS.—The Board shall meet as determined necessary by the chairman but not less frequently than once every year to fulfill the duties described in subsection (c).

"(e) APPLICATION OF FEDERAL ADVISORY COMMITTEE ACT.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Board.

"(f) DEFINITIONS.—In this section:

"(1) MATERIALS CRITICAL TO NATIONAL SECURITY.—The term 'materials critical to national security' means materials—

"(A) upon which the production or sustainment of military equipment is dependent; and

"(B) the supply of which could be restricted by actions or events outside the control of the Government of the United States.

"(2) MILITARY EQUIPMENT.—The term 'military equipment' means equipment used directly by the Armed Forces to carry out military operations.

"(3) SECURE SUPPLY.—The term 'secure supply', with respect to a material, means the availability of a source or sources for the material, including the full supply chain for the material and components containing the material.".

(c) REPORTS.—Section 11 of such Act (50 U.S.C. 98h-2) is amended to read as follows:

"SEC. 11. REPORTS

"(a) REPORTS TO THE BOARD.—The National Defense Stockpile Manager shall submit to the Board the following:

"(1) Not later than 40 calendar days after the last day of each of the first three fiscal quarters in each fiscal year, unaudited financial statements and a Manager's Discussion and Analysis for the immediately preceding fiscal quarter.

"(2) Not later than 60 calendar days after the conclusion of the fourth quarter of each fiscal year—

"(A) audited financial statements and a Manager's Discussion and Analysis for the immediately preceding fiscal year; and

"(B) an Annual Materials and Operations Plan for the forthcoming year.

"(b) REPORTS TO CONGRESS.—

"(1) REPORTS BY NATIONAL DEFENSE STOCKPILE MANAGE.—Not later than 90 days after the conclusion of the fourth quarter of each fiscal year, the National Defense Stockpile Manager shall submit to the congressional defense committees (as defined in section 101(a) of title 10, United States Code) a report that shall include—

"(A) information with respect to foreign and domestic purchases of materials for the stockpile during the preceding fiscal year;

"(B) information with respect to the acquisition and disposal of materials under this Act by barter, during such fiscal year;

"(C) information with respect to the activities by the National Defense Stockpile Manager to encourage the conservation, substitution, and development of strategic and critical materials;

"(D) information with respect to the research and development activities conducted under section 8 of this Act;

"(E) audited annual financial statements for the Strategic and Critical Materials Fund;

"(F) other pertinent information on the administration of this Act as will enable the Congress to evaluate the effectiveness of the program;

"(G) details of all planned expenditures from the Strategic and Critical Materials Fund over the Future Years' Defense Program and anticipated receipts from proposed disposals of stockpile materials; and

"(H) the report required by paragraph (2).

"(2) REPORT BY THE BOARD.—The Board shall prepare a written report to accompany the report required by paragraph (1) which shall include—

"(A) the activities of the Board to carry out the duties listed in section 10(c) of this Act; and

"(B) the most recent Annual Materials and Operations Plan submitted under subsection (a)(2)(B).".

(d) CONFORMING AMENDMENTS.—

(1) STRATEGIC AND CRITICAL MATERIALS STOCK PILING ACT.—The Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98et seq.) is amended—

(A) ⟦50 U.S.C. 98d⟧ in section 5(a)(2)—

(i) by striking "certain stockpile transactions" and all that follows through "submitted the President proposes"; and

(ii) by striking "any such transaction" and inserting the following: "any stockpile transactions proposed in the Annual Materials and Operations Plan for such fiscal year after the Board submits the report under section 11(b)(2) containing such plan"; and

(B) ⟦50 U.S.C. 98h-6⟧ in section 15—

(i) in subsection (c)(1), by striking "annual materials plan" and inserting "Annual Materials and Operations Plan"; and

(ii) in subsection (e)—

(I) by inserting ", acting through the National Defense Stockpile Manager," after "The President"; and

(II) by striking "section 11(a)" and inserting "section 11(b)(1)".

(2) TITLE 10.—Title 10 of the United States Codeis amended—

(A) in section 4863(g), by striking "Strategic Materials Protection Board pursuant to section 187 of this title" and inserting "Strategic and Critical Materials Board of Directors pursuant to section 10 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h-1)"; and

(B) in section 4872(c)(3)(B), by striking " Strategic Materials Protection Board pursuant to section 187 of this title" and inserting "Strategic and Critical Materials Board of Directors pursuant to section 10 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h-1)".

SEC. 1412. MODIFICATION OF ACQUISITION AUTHORITY UNDER STRATEGIC AND CRITICAL MATERIALS STOCK PILING ACT.

(a) IN GENERAL.—Section 5 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98d) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in the first sentence, by inserting "under the authority of paragraph (3) of this section or" after "Except for acquisitions made"; and

(ii) in the second sentence, by striking "for such acquisition" and inserting "for any acquisition of materials under this Act"; and

(B) by adding at the end the following:

"(3) Using funds appropriated for acquisition of materials under this Act, the National Defense Stockpile Manager may acquire materials determined to be strategic and critical under section 3(a) without regard to the requirement of the first sentence of paragraph (1) if the Stockpile Manager determines there is a shortfall of such materials in the stockpile."; and

(2) in subsection (c), by striking "to carry out the purposes for which appropriated for a period of two fiscal years, if so provided in appropriation Acts" and inserting "until expended, unless otherwise provided in appropriations Acts".

(b) INCREASE IN QUANTITIES OF MATERIALS TO BE STOCKPILED.—Section 3(c)(2) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98b(c)(2)) is amended—

(1) by amending the first sentence to read as follows: "The President shall notify Congress in writing of any increase proposed to be made in the quantity of any material to be stockpiled that involves the acquisition of additional materials for the stockpile.";

(2) in the second sentence, by striking "the change after the end of the 45-day period" and inserting "the increase after the end of the 30-day period"; and

(3) in the third sentence, by striking "change" and inserting "increase".

SEC. 1413. BRIEFINGS ON SHORTFALLS IN NATIONAL DEFENSE STOCKPILE.

Section 14 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h-5) is amended by adding at the end the following new subsection:

"(f)(1) Not later than March 1 each year, the National Defense Stockpile Manager shall provide to the congressional defense committees a briefing on strategic and critical materials that—

"(A) are determined to be in shortfall in the most recent report on stockpile requirements submitted under subsection (a); and

"(B) the acquisition or disposal of which is included in the Annual Materials and Operations Plan for the operation of the stockpile during the next fiscal year submitted under section 11(b).

"(2) Each briefing required by paragraph (1) shall include—

"(A) a description of each material described in that paragraph, including the objective to be achieved if funding is provided, in whole or in part, for the acquisition of the material to remedy the shortfall;

"(B) an estimate of additional amounts required to provide such funding, if any; and

"(C) an assessment of the supply chain for each such material, including any assessment of any relevant risk in any such supply chain.".

SEC. 1414. AUTHORITY TO ACQUIRE MATERIALS FOR THE NATIONAL DEFENSE STOCKPILE.

(a) ACQUISITION AUTHORITY.—Of the funds appropriated into the National Defense Stockpile Transaction Fund pursuant to the authorization of appropriations under subsection (c), the National Defense Stockpile Manager may use up to $1,003,500,000 for acquisition of the following materials determined to be strategic and critical materials required to meet the defense, industrial, and essential civilian needs of the United States:

(1) Neodymium oxide, praseodymium oxide, and neodymium iron boron (NdFeB) magnet block.

(2) Titanium.

(3) Energetic materials.

(4) Iso-molded graphite.

(5) Grain-oriented electric steel.

(6) Tire cord steel.

(7) Cadmium zinc telluride.

(8) Any additional materials identified as stockpile requirements in the most recent report submitted to Congress under section 14 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h-5).

(b) FISCAL YEAR LIMITATION.—The authority under subsection (a) is available for purchases during fiscal years 2023 through 2032.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the National Defense Stockpile Transaction Fund $1,003,500,000 for the acquisition of strategic and critical

materials under section 6(a) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98e(a)).

(d) COMPLIANCE WITH STRATEGIC AND CRITICAL MATERIALS STOCK PILING ACT.—Any acquisition using funds appropriated pursuant to the authorization of appropriations under subsection (c) shall be carried out in accordance with the provisions of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98et seq.).

SEC. 1415. [50 U.S.C. 98d note] DEPARTMENT OF DEFENSE READINESS TO SUPPORT PROLONGED CONFLICT.

(a) STUDIES REQUIRED.—

(1) IN GENERAL.—For each report required by section 14(a) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h-5(a)), the National Defense Stockpile Manager shall—

(A) conduct a study on the strategic materials required by the Department of Defense to sustain combat operations for not less than one year against the pacing threat identified in the National Defense Strategy; and

(B) not later than January 15, 2024, submit to the congressional defense committees a report on such study in a classified form with an unclassified summary.

(2) ENERGY STORAGE AND ELECTRONIC COMPONENTS.—

(A) IN GENERAL.—The Under Secretary of Defense for Acquisition and Sustainment shall conduct a study of the energy storage and electronic components necessary to sustain combat operations for not less than one year against the pacing threat identified in the National Defense Strategy.

(B) REPORT.——

(i) IN GENERAL.—Not later than January 15, 2024, the Under Secretary of Defense for Acquisition and Sustainment shall submit to the congressional defense committees a report on the study required under subparagraph (A).

(ii) FORM.—The report required by clause (i) shall be submitted in an unclassified form but may contain a classified annex.

(iii) ELEMENTS.—The report required by clause (i) shall include the following:

(I) A description of the specific number and type of energy storage and electronic components that the Department of Defense requires for the manufacture of munitions, combat support items, and weapon systems to sustain combat operations.

(II) A description of the specific number and type of energy storage and electronic components that the Department of Defense requires to replenish or replace munitions, combat support items, and weapon systems that are lost or expended during the execution and sustainment of the relevant operational plan.

(III) A description of supply chain vulnerabilities during the sustainment and execu-

tion period, such as sole sources of supply, war damage, and shipping interdiction.

(IV) A description of supply chain vulnerabilities prior to the sustainment and execution period and the replenishment and replacement period, such as reliance on sole sources of supply, geographic proximity to strategic competitors, and diminishing manufacturing sources.

(V) An identification of alternative sources of supply for energy and electronics components that are domestic or are from allies or partners of the United States.

(VI) An assessment of the technical and economic feasibility of the preparedness and response programs of the Department of Defense, such as the National Defense Stockpile, the Warstopper program, war reserves and pre-positioned stocks, contract options, or other methods to mitigate postulated shortfalls to Department of Defense requirements.

(VII) Any other such elements deemed appropriate by the Under Secretary of Defense for Acquisition and Sustainment.

(C) ENERGY STORAGE AND ELECTRONIC COMPONENT DEFINED.—In this paragraph, the term "energy storage and electronic component" includes—

(i) an item that operates by controlling the flow of electrons or other electrically charged particles in circuits, using interconnections of electrical devices such as resistors, inductors, capacitors, diodes, switches, transistors, or integrated circuits; and

(ii) battery cells, battery modules, battery packs, and other related components related to batteries.

(b) ACQUISITION PRIORITY.—Consistent with the authority in section 5 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98d) and subject to the availability of appropriations, the National Defense Stockpile Manager shall acquire the highest priority strategic and critical materials identified in the report submitted under subsection (a)(1).

(c) STRATEGIC AND CRITICAL MATERIALS DEFINED.—In this section, the term "strategic and critical materials" has the meaning given such term in section 12 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h-3).

Subtitle C—Other Matters

SEC. 1421. AUTHORITY FOR TRANSFER OF FUNDS TO JOINT DEPARTMENT OF DEFENSE-DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITY DEMONSTRATION FUND FOR CAPTAIN JAMES A. LOVELL HEALTH CARE CENTER, ILLINOIS.

(a) AUTHORITY FOR TRANSFER OF FUNDS.—Of the funds authorized to be appropriated for section 1405 and available for the Defense Health Program for operation and maintenance, $168,000,000 may be transferred by the Secretary of Defense to the Joint De-

partment of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund established by subsection (a)(1) of section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2571). For purposes of subsection (a)(2) of such section 1704, any funds so transferred shall be treated as amounts authorized and appropriated specifically for the purpose of such a transfer.

(b) USE OF TRANSFERRED FUNDS.—For the purposes of subsection (b) of such section 1704, facility operations for which funds transferred under subsection (a) may be used are operations of the Captain James A. Lovell Federal Health Care Center, consisting of the North Chicago Veterans Affairs Medical Center, the Navy Ambulatory Care Center, and supporting facilities designated as a combined Federal medical facility under an operational agreement covered by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4500).

SEC. 1422. AUTHORIZATION OF APPROPRIATIONS FOR ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 2023 from the Armed Forces Retirement Home Trust Fund the sum of $152,360,000 of which—

(1) $75,360,000 is for operation, maintenance, construction and renovation; and

(2) $77,000,000 is for major construction.

TITLE XV—CYBER AND INFORMATION OPERATIONS MATTERS

Subtitle A—Cyber Matters

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

Subtitle B—Information Operations

Sec. 1521. Requirement to notify Chief of Mission of military operation in the information environment.
Sec. 1522. Assessment and optimization of Department of Defense information and influence operations conducted through cyberspace.
Sec. 1523. Joint information operations course.

Sec. 1524. Limitation on availability of certain funds until submission of joint lexicon for terms related to information operations.
Sec. 1525. Limitation on availability of funds pending submittal of information operations strategy and posture review.
Sec. 1526. Limitation on availability of certain funds until submission of assessments relating to cybersecurity of the defense industrial base.

Subtitle C—Personnel

Sec. 1531. Cyber operations-peculiar awards.
Sec. 1532. Establishment of Cyber Operations Designator and rating for the Navy.
Sec. 1533. Total force generation for the Cyberspace Operations Forces.
Sec. 1534. Correcting cyber mission force readiness shortfalls.
Sec. 1535. Department of Defense Cyber and Digital Service Academy.
Sec. 1536. Report on recommendations from Navy Civilian Career Path study.
Sec. 1537. Study to determine optimal strategy for structuring and manning elements of Joint Force Headquarters-Cyber Organizations, Joint Mission Operations Centers, and Cyber Operations-Integrated Planning Elements.
Sec. 1538. Manning review of Space Force cyber squadrons.
Sec. 1539. Independent review of posture and staffing levels of Office of the Chief Information Officer.
Sec. 1540. Independent assessment of Civilian Cybersecurity Reserve for Department of Defense.
Sec. 1541. Comprehensive review of Cyber Excepted Service.

Subtitle D—Reports and Other Matters

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

Subtitle A—Cyber Matters

SEC. 1501. IMPROVEMENTS TO PRINCIPAL CYBER ADVISORS.

(a) CERTIFICATION AUTHORITY FOR CYBERSPACE OPERATIONS.—Subsection (c) of section 932 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66; 10 U.S.C. 2224 note) is amended by adding at the end the following:

"(4) BUDGET REVIEW.—(A) The Secretary of Defense, acting through the Under Secretary of Defense (Comptroller), shall require the Secretaries of the military departments and the heads of the Defense agencies with responsibilities associated with any activity specified in paragraph (2) to transmit the proposed budget for such activities for a fiscal year and for the period covered by the future-years defense program submitted to Congress under section 221 of this title for that fiscal year to the Principal Cyber Advisor for review under subparagraph

(B) before submitting the proposed budget to the Under Secretary of Defense (Comptroller).

"(B) The Principal Cyber Advisor shall review each proposed budget transmitted under subparagraph (A) and, not later than January 31 of the year preceding the fiscal year for which the budget is proposed, shall submit to the Secretary of Defense a report containing the comments of the Principal Cyber Advisor with respect to all such proposed budgets, together with the certification of the Principal Cyber Advisor regarding whether each proposed budget is adequate.

"(C) Not later than March 31 of each year, the Secretary of Defense shall submit to Congress a report specifying each proposed budget that the Principal Cyber Advisor did not certify to be adequate. The report of the Secretary shall include the following matters:

"(i) A discussion of the actions that the Secretary proposes to take, together with any recommended legislation that the Secretary considers appropriate, to address the inadequacy of the proposed budgets specified in the report.

"(ii) Any additional comments that the Secretary considers appropriate regarding the inadequacy of the proposed budgets.".

(b) CODIFICATION OF PRINCIPAL CYBER ADVISORS.—

(1) TITLE 10.—Chapter 19 of title 10, United States Code, is amended by inserting after section 392 the following new section (and conforming the table of sections at the beginning of such chapter accordingly):

"SEC. 392a. [10 U.S.C. 392a] Principal Cyber Advisors".

(2) PRINCIPAL CYBER ADVISOR TO SECRETARY OF DEFENSE.—Subsection (c) of section 932 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66; 10 U.S.C. 2224 note), as amended by subsection (a), is—

(A) transferred to section 392a of title 10, United States Code, as added by paragraph (1);

(B) redesignated as subsection (a);

(C) amended by striking paragraph (1) and inserting the following:

"(1) ESTABLISHMENT.—There is a Principal Cyber Advisor in the Department of Defense."; and

(D) amended in the subsection heading by inserting "to Secretary of Defense" after "Advisor".

(3) DEPUTY CYBER ADVISOR.—Section 905 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92; 10 U.S.C. 391 note) is—

(A) transferred to chapter 19 of title 10, United States Code, designated as subsection (b) of section 392a, as added by paragraph (1), and amended by redesignating each subordinate provision and the margins thereof accordingly; and

(B) amended—

(i) by striking "this subsection" each place it appears and inserting "this paragraph"; and

(ii) by striking "subsection (a)" each place it appears and inserting "paragraph (1)".

(4) PRINCIPAL CYBER ADVISORS TO SECRETARIES OF MILITARY DEPARTMENTS.—Section 1657 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92; 10 U.S.C. 391 note) is—

(A) transferred to chapter 19 of title 10, United States Code, designated as subsection (c) of section 392a, as added by paragraph (1), and amended by redesignating each subordinate provision and the margins thereof accordingly; and

(B) amended—

(i) by striking "subparagraph (B)" and inserting "clause (ii)";

(ii) by striking "paragraph (1)" each place it appears and inserting "subparagraph (A)";

(iii) by striking "paragraph (2)" each place it appears and inserting "subparagraph (B)";

(iv) by striking "subsection (a)(1)" and inserting "paragraph (1)(A)";

(v) by striking "subsection (a)" each place it appears and inserting "paragraph (1)";

(vi) by striking "subsection (b)" each place it appears and inserting "paragraph (2)"; and

(vii) by striking paragraph (6) (as redesignated pursuant to subparagraph (A)).

(c) CONFORMING AMENDMENTS.—

(1) TITLE 10.—Section 167b(d)(2)(A) of title 10, United States Code, is amended by inserting "to the Secretary of Defense under section 392a(a) of this title" after "Principal Cyber Advisor".

(2) FY22 NDAA.—Section 1528(e)(2) of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117-81; 10 U.S.C. 2224 note) is amended by striking "section 1657(d) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92; 10 U.S.C. 391 note)"and inserting "section 392a(c)(4) of title 10, United States Code".

(3) FY17 NDAA.—Section 1643(b) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 10 U.S.C. 2224 note) is amended by striking "The Principal Cyber Advisor, acting through the cross-functional team established by section 932(c)(3) of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66; 10 U.S.C. 2224 note)" and inserting "The Principal Cyber Advisor to the Secretary of Defense, acting through the cross-functional team under section 392a(a)(3) of title 10, United States Code,".

SEC. 1502. ANNUAL REPORTS ON SUPPORT BY MILITARY DEPARTMENTS FOR UNITED STATES CYBER COMMAND.

(a) ANNUAL REPORTS.—Chapter 19 of title 10, United States Code, is amended by inserting after section 391 the following new section (and conforming the table of sections at the beginning of such chapter accordingly):

"SEC. 391a. [10 U.S.C. 391a] Annual reports on support by military departments for United States Cyber Command

"(a) REPORTS.—Not later than 15 days after the date on which the Secretary of Defense submits to Congress the defense budget materials (as defined in section 239 of this title) for a fiscal year, the Commander of the United States Cyber Command shall submit to the congressional defense committees a report containing the following:

"(1) An evaluation of whether each military department is meeting the requirements established by the Commander and validated by the Office of the Secretary of Defense, and is effectively implementing the plan required by section 1534 of the National Defense Authorization Act for Fiscal Year 2023, and the requirements established pursuant to section 1533 of such Act.

"(2) For each military department evaluated under paragraph (1)—

"(A) a certification that the military department is meeting such requirements; or

"(B) a detailed explanation regarding how the military department is not meeting such requirements.

"(b) ELEMENTS OF EVALUATION.—Each evaluation under subsection (a)(1) shall include, with respect to the military department being evaluated, the following:

"(1) The adequacy of the policies, procedures, and execution of manning, training, and equipping personnel for employment within the Cyber Mission Force.

"(2) The sufficiency and robustness of training curricula for personnel to be assigned to either the Cyber Mission Force or units within the cyberspace operations forces, and the compliance by the military department with training standards.

"(3) The adequacy of the policies and procedures relating to the assignment and assignment length of members of the Army, Navy, Air Force, Marine Corps, or Space Force to the Cyber Mission Force.

"(4) The efficacy of the military department in filling key work roles within the Cyber Mission Force, including the proper force mix of civilian, military, and contractor personnel, and the means necessary to meet requirements established by the Commander and validated by the Secretary of Defense.

"(5) The adequacy of the investment to advance cyber-peculiar science and technology, particularly with respect to capability development for the Cyber Mission Force.

"(6) The sufficiency of the policies, procedures, and investments relating to the establishment and management of military occupational specialty, designator, rating, or Air Force specialty code for personnel responsible for cyberspace operations, including an assessment of the effectiveness of the combination of policies determining availability and retention of sufficient numbers of proficient personnel in key work roles, including length of service commitment, the use of bonuses and special pays, alternative compensation mechanisms, and consecutive tours in preferred assignments.

"(7) In coordination with the Principal Cyber Advisor of the Department of Defense, an evaluation of the use by the military department of the shared lexicon of the Department of Defense specific to cyberspace activities.

"(8) The readiness of personnel serving in the Cyber Mission Force and the cyberspace operations forces to accomplish assigned missions.

"(9) The adequacy of actions taken during the period of evaluation by the military department to respond to findings from any previous years' evaluations.

"(10) Any other element determined relevant by the Commander.".

(b) [10 U.S.C. 391a note] FIRST REPORT.—The Commander of the United States Cyber Command shall submit to the congressional defense committees the first report under section 391a of title 10, United States Code, as added by subsection (a), as soon as practicable after the date of the submission of the defense budget materials for fiscal year 2024.

SEC. 1503. MODIFICATION OF OFFICE OF PRIMARY RESPONSIBILITY FOR STRATEGIC CYBERSECURITY PROGRAM.

Paragraph (2) of section 1640(c) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91; 10 U.S.C. 2224 note) is amended to read as follows:

"(2) OFFICE OF PRIMARY RESPONSIBILITY.—Not later than 30 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2023, the Secretary of Defense shall designate a principal staff assistant from within the Office of the Secretary of Defense whose office shall serve as the office of primary responsibility for the Program, providing policy, direction, and oversight regarding the execution of the responsibilities of the program manager described in paragraph (5).".

SEC. 1504. TAILORED CYBERSPACE OPERATIONS ORGANIZATIONS.

Section 1723 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116- 283; 10 U.S.C. 394 note) is amended by adding at the end the following new subsections:

"(e) IMPLEMENTATION.—Not later than May 1, 2023, the Commanding Officer of Navy Cyber Warfare Development Group shall submit to the congressional defense committees an independent review of the study under subsection (a). The review shall include, at a minimum, evaluations of—

"(1) the value of the study to the Navy Cyber Warfare Development Group and to the Navy;

"(2) any recommendations not considered or included as part of the study;

"(3) the implementation of subsection (b); and

"(4) other matters as determined by the Commanding Officer.

"(f) UPDATE TO CONGRESS.—Not later than July 1, 2023, the Secretaries of the military departments and the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict shall provide to the congressional defense committees a briefing on

activities taken during the period following the date of the briefing provided under subsection (d), including an examination of establishing Tailored Cyberspace Operations Organizations and use of the authority provided pursuant to subsection (c).

"(g) AIR FORCE ACTIONS.—Not later than July 1, 2023, the Secretary of the Air Force shall submit to the congressional defense committees a review of the activities of the Navy Cyber Warfare Development Group, including with respect to the authorities of the Group. The review shall include the following:

"(1) An assessment of whether such authorities shall be conferred on the 90th Cyberspace Operations Squadron of the Air Force.

"(2) A consideration of whether the 90th Cyberspace Operations Squadron should be designated a controlled tour, as defined by the Secretary.".

SEC. 1505. ESTABLISHMENT OF SUPPORT CENTER FOR CONSORTIUM OF UNIVERSITIES THAT ADVISE SECRETARY OF DEFENSE ON CYBERSECURITY MATTERS.

Section 1659 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92; 10 U.S.C. 391 note) is amended by adding at the end the following new subsection:

"(f) SUPPORT CENTER.—

"(1) ESTABLISHMENT.—The Secretary shall establish a center to provide support to the consortium established under subsection (a).

"(2) COMPOSITION.—

"(A) REQUIREMENT.—The center established under paragraph (1) shall be composed of one or two universities, as the Secretary considers appropriate, that—

"(i) have been designated as centers of academic excellence by the Director of the National Security Agency or the Secretary of Homeland Security; and

"(ii) are eligible for access to classified information.

"(B) PUBLICATION.—The Secretary shall publish in the Federal Register the process for selection of universities to serve as the center established under paragraph (1).

"(3) FUNCTIONS.—The functions of the center established under paragraph (1) are as follows:

"(A) To promote the consortium established under subsection (a).

"(B) To distribute on behalf of the Department requests for information or assistance to members of the consortium.

"(C) To collect and assemble responses from requests distributed under subparagraph (B).

"(D) To provide additional administrative support for the consortium.".

SEC. 1506. ALIGNMENT OF DEPARTMENT OF DEFENSE CYBER INTERNATIONAL STRATEGY WITH NATIONAL DEFENSE STRATEGY AND DEPARTMENT OF DEFENSE CYBER STRATEGY.

(a) ALIGNMENT REQUIRED.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense, acting through the Under Secretary of Defense for Policy and in coordina-

tion with the commanders of the combatant commands and the Director of the Joint Staff, shall undertake efforts to align the cybersecurity cooperation enterprise of the Department of Defense and the cyberspace operational partnerships of the Department with—

(1) the national defense strategy published in 2022 pursuant to section 113(g) of title 10, United States Code;

(2) the Cyber Strategy of the Department published during fiscal year 2023; and

(3) the current International Cyberspace Security Cooperation Guidance of the Department, as of the date of the enactment of this Act.

(b) ELEMENTS.—The alignment efforts under subsection (a) shall include the following efforts within the Department of Defense:

(1) Efforts to build the internal capacity of the Department to support international strategy policy engagements with allies and partners of the United States.

(2) Efforts to coordinate and align cyberspace operations with foreign partners of the United States, including alignment between hunt-forward missions and other cyber international strategy activities conducted by the Department, including identification of processes, working groups, and methods to facilitate coordination between geographic combatant commands and the United States Cyber Command.

(3) Efforts to deliberately cultivate operational and intelligence-sharing partnerships with key allies and partners of the United States to advance the cyberspace operations objectives of the Department.

(4) Efforts to identify key allied and partner networks, infrastructure, and systems that the Joint Force will rely upon for warfighting and to—

(A) support the cybersecurity and cyber defense of those networks, infrastructure, and systems;

(B) build partner capacity to actively defend those networks, infrastructure, and systems;

(C) eradicate malicious cyber activity that has compromised those networks, infrastructure, and systems, such as when identified through hunt-forward operations; and

(D) leverage the commercial and military cybersecurity technology and services of the United States to harden and defend those networks, infrastructure, and systems.

(5) Efforts to secure the environments and networks of mission partners of the United States used to hold intelligence and information originated by the United States.

(6) Prioritization schemas, funding requirements, and efficacy metrics to drive cyberspace security investments in the tools, technologies, and capacity-building efforts that will have the greatest positive impact on the resilience and ability of the Department to execute its operational plans and achieve integrated deterrence.

(c) ORGANIZATION.—The Under Secretary of Defense for Policy shall lead efforts to implement this section. In doing so, the Under Secretary shall consult with the Secretary of State, the National

Cyber Director, the Director of the Cybersecurity and Infrastructure Security Agency, and the Director of the Federal Bureau of Investigation, to align plans and programs as appropriate.

(d) ANNUAL BRIEFINGS.—

(1) REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, and not less frequently than once each fiscal year until September 30, 2025, the Under Secretary of Defense for Policy shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on the implementation of this section.

(2) CONTENTS.—Each briefing under paragraph (1) shall include the following:

(A) An overview of efforts undertaken pursuant to this section.

(B) An accounting of all the security cooperation activities of the Department germane to cyberspace and changes made pursuant to implementation of this section.

(C) A detailed schedule with target milestones and required expenditures for all planned activities related to the efforts described in subsection (b).

(D) Interim and final metrics for building the cyberspace security cooperation enterprise of the Department.

(E) Identification of such additional funding, authorities, and policies, as the Under Secretary determines may be required.

(F) Such recommendations as the Under Secretary may have for legislative action to improve the effectiveness of cyberspace security cooperation of the Department with foreign partners and allies.

(e) ANNUAL REPORT.—Not later than 90 days after the date of the enactment of this Act and not less frequently than once each year thereafter until January 1, 2025, the Under Secretary of Defense for Policy shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report summarizing the cyber international strategy activities of the Department, including within the cybersecurity cooperation enterprise of the Department and the cyber operational partnerships of the Department.

SEC. 1507. ENHANCEMENT OF CYBERSPACE TRAINING AND SECURITY COOPERATION.

(a) ENHANCED TRAINING.—

(1) REQUIREMENT.—The Under Secretary of Defense for Intelligence and Security and the Under Secretary of Defense for Policy, in coordination with the Commander of United States Cyber Command, the Director of the Defense Security Cooperation Agency, and the Director of the Defense Intelligence Agency, shall develop enhanced guidance for and implement training on cyberspace security cooperation at the Defense Security Cooperation University and the Joint Military Attaché School.

(2) TIMING.—The Under Secretaries shall develop the enhanced guidance and implement the training under paragraph (1)—

(A) by not later than one year after the date of the enactment of this Act with respect to the Joint Military Attaché School; and

(B) by not later than September 30, 2025, with respect to the Defense Security Cooperation University.

(3) ELEMENTS.—The Under Secretaries shall ensure that the training on cyberspace security cooperation under paragraph (1)—

(A) is tailored to the trainees' anticipated embassy role and functions; and

(B) provides familiarity with—

(i) the different purposes of cyberspace engagements with partners and allies of the United States, including threat awareness, cybersecurity, mission assurance, and operations;

(ii) the types of cyberspace security cooperation programs and activities available for partners and allies of the United States, including bilateral and multilateral cyberspace engagements, information and intelligence sharing, training, and exercises;

(iii) the United States Cyber Command cyberspace operations with partners, including an overview of the Hunt Forward mission and process;

(iv) the roles and responsibilities of the United States Cyber Command, the geographic combatant commands, and the Defense Security Cooperation Agency for cybersecurity cooperation within the Department of Defense; and

(v) such other matters as the Under Secretaries, in coordination with the Commander of United States Cyber Command, consider appropriate.

(4) REQUIREMENTS.—The baseline familiarization training developed under subsection (a) shall be a required element for all participants in the Defense Security Cooperation University, the Attaché Training Program, and the Attaché Staff Training Program of the Joint Military Attaché School.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Intelligence and Security and the Under Secretary of Defense for Policy, in coordination with the Commander of the United States Cyber Command, the Director of the Defense Security Cooperation Agency, and the Director of the Defense Intelligence Agency, shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the requirements and considerations to implement enhanced training and coordination to advance cyberspace security cooperation with foreign partners. The study may consider such areas as the following:

(1) Sufficiency of the training provided in the Defense Security Cooperation University and the Joint Military Attaché School.

(2) Additional training requirements, familiarization requirements, or both such requirements necessary for officers assigned to particular locations or positions.

(3) Areas for increased cooperation.

(4) A plan for completing the activities required by subsection (a).

(5) Additional resources required to complete such activities.

(c) BRIEFING.—Not later than 30 days after the date on which the Under Secretary of Defense for Intelligence and Security and the Under Secretary of Defense for Policy submit the report under subsection (b), the Under Secretaries, in coordination with the Commander of the United States Cyber Command, the Director of the Defense Security Cooperation Agency, and the Director of the Defense Intelligence Agency, shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on the findings from the report on enhancing training and coordination to advance cyberspace security cooperation described in such subsection. Such briefing shall include a discussion on the enhanced training meeting the elements under subsection (a)(3) and a plan for future updates and sustainment of such training.

SEC. 1508. [10 U.S.C. 333 note] MILITARY CYBERSECURITY COOPERATION WITH HASHEMITE KINGDOM OF JORDAN.

(a) REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, acting through the Under Secretary of Defense for Policy, in concurrence with the Secretary of State and in coordination with the Commander of the United States Cyber Command and the Commander of the United States Central Command, shall seek to engage the Ministry of Defense of the Hashemite Kingdom of Jordan for the purpose of expanding cooperation of military cybersecurity activities.

(b) COOPERATION EFFORTS.—In expanding the cooperation of military cybersecurity activities between the Department of Defense and the Ministry of Defense of the Hashemite Kingdom of Jordan under subsection (a), the Secretary of Defense may carry out the following efforts:

(1) Bilateral cybersecurity training activities and exercises.

(2) Efforts to—

(A) actively defend military networks, infrastructure, and systems;

(B) eradicate malicious cyber activity that has compromised those networks, infrastructure, and systems; and

(C) leverage United States commercial and military cybersecurity technology and services to harden and defend those networks, infrastructure, and systems.

(3) Establishment of a regional cybersecurity center.

(c) BRIEFINGS.—

(1) REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretary of State, shall provide to the appropriate congressional committees a briefing on the implementation of this section.

(2) CONTENTS.—The briefing under paragraph (1) shall include the following:

(A) An overview of efforts undertaken pursuant to this section.

(B) A description of the feasibility and advisability of expanding the cooperation of military cybersecurity activi-

ties between the Department of Defense and the Ministry of Defense of the Hashemite Kingdom of Jordan.

(C) Identification of any challenges and resources that need to be addressed so as to expand such cooperation.

(D) Any other matter the Secretary determines relevant.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1509. [10 U.S.C. 167b note] MANAGEMENT AND OVERSIGHT OF JOINT CYBER WARFIGHTING ARCHITECTURE.

(a) ESTABLISHMENT OF OFFICES.—

(1) REQUIREMENT.—The Secretary of Defense, in consultation with the Commander of the United States Cyber Command, shall establish within the United States Cyber Command—

(A) a program executive office; and

(B) one or more subordinate program management offices under the program executive office.

(2) RESPONSIBILITIES.—The offices established pursuant to paragraph (1) shall—

(A) oversee, manage, and execute the Joint Cyber Warfighting Architecture;

(B) oversee, manage, and execute the programs designated, or to be designated, as part of the Joint Cyber Warfighting Architecture;

(C) conduct mission engineering, architecting, and design of the Joint Cyber Warfighting Architecture system of systems, and any successor effort;

(D) maintain a validated Joint Cyber Warfighting Architecture system of systems mission architecture, updated regularly to inform the current and future constituent programs of the Joint Cyber Warfighting Architecture, and the continuous delivery pipelines of such programs;

(E) ensure that the Joint Cyber Warfighting Architecture component solution architectures align with and support the Joint Cyber Warfighting Architecture system of systems mission architecture;

(F) support integration of mission-specific capabilities, including mission-specific data, analytics, defensive tools, offensive tools, and intelligence systems, acquired through non-Joint Cyber Warfighting Architecture programs; and

(G) carry out any other responsibilities determined appropriate by the Secretary of Defense, including the acquisition of cyber operations capabilities beyond the Joint Cyber Warfighting Architecture.

(3) APPORTIONMENT OF RESPONSIBILITIES.—The Commander shall apportion the responsibilities under paragraph (2) across the offices established pursuant to paragraph (1).

(4) AUTHORITY.—The Secretary shall ensure that the offices established pursuant to paragraph (1) are empowered with the authority necessary to compel and enforce compliance with decisions and directives issued pursuant to the responsibilities under paragraph (2).

(b) ARCHITECTURE COMPONENTS.—The Commander shall serve as the sole sponsor and requirements manager for the Joint Cyber Warfighting Architecture and the constituent programs of such architecture, as determined by the Commander.

(c) ORGANIZATION OF PROGRAM EXECUTIVE OFFICE.—

(1) HEAD.—

(A) REPORTING.—The head of the program executive office established under subsection (a)(1)(A) shall report to the Command Acquisition Executive of the United States Cyber Command.

(B) ADDITIONAL OVERSIGHT.—In addition to the oversight of the head of the program executive office provided by the Command Acquisition Executive under subparagraph (A), the Under Secretary of Defense for Acquisition and Sustainment, the Under Secretary of Defense for Research and Engineering, and the Principal Cyber Advisor of the Department of Defense shall provide oversight of the head.

(2) RESPONSIBILITIES.—The head of the program executive office shall—

(A) exercise central technical authority for the Joint Cyber Warfighting Architecture;

(B) manage and provide oversight of the implementation and integration of the Architecture; and

(C) provide direction to subordinate program offices, as determined appropriate by the Commander.

(d) PERSONNEL.—

(1) NECESSARY POSITIONS.—The Commander of the United States Cyber Command shall ensure that the program executive office or any subordinate program management office established pursuant to subsection (a)(1) includes in the staff of the respective office a chief architect, a systems engineer, and a chief talent officer to—

(A) develop a mission-driven Joint Cyber Warfighting Architecture optimized for execution of missions of the United States Cyber Command;

(B) ensure the office is properly and effectively staffed; and

(C) advise the head of the office with respect to the execution of—

(i) the central technical authority for the Joint Cyber Warfighting Architecture;

(ii) the management of the implementation and integration of the Joint Cyber Warfighting Architecture; and

(iii) technical direction provided to subordinates responsible for individual Joint Cyber Warfighting Architecture programs.

(2) STAFFING.—

(A) IN GENERAL.—The Secretary of Defense, in coordination with the Commander of the United States Cyber Command, shall ensure that the offices established pursuant to subsection (a)(1) are appropriately staffed with expert talent, including from the following organizations, as appropriate:

(i) The headquarters staff of the United States Cyber Command, the Cyber National Mission Force, the Joint Force Headquarters-Cyber, and the Cyber Mission Force.

(ii) The Capabilities Directorate of the National Security Agency.

(iii) The military departments.

(iv) The Cyber Capabilities Support Office of the Air Force.

(v) The Defense Advanced Research Projects Agency.

(vi) The Strategic Capabilities Office.

(vii) Research laboratories of the military departments.

(viii) The Defense Information Systems Agency.

(B) TECHNICAL TALENT.—In addition to the requirement under subparagraph (A), to support the permanent staffing of the offices established pursuant to subsection (a)(1), the Commander of the United States Cyber Command shall ensure that the offices deliberately hire and use technical talent resident in the defense industrial base, commercial technology industry, federally funded research and development centers, university affiliated research centers, and the rest of the Federal Government.

(e) BUDGET EXECUTION CONTROL.—The Secretary shall provide to the United States Cyber Command the resources necessary to support the program executive office established under subsection (a)(1)(A) and the Commander of the United States Cyber Command shall exercise budget execution control over component programs of the Joint Cyber Warfighting Architecture that are subject to the responsibilities assigned to the Commander by section 1507 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117-81; 10 U.S.C. 167b note).

(f) CONSTELLATION PROGRAM.—The Director of the Defense Advanced Research Projects Agency and the head of the program executive office established under subsection (a)(1)(A) shall plan and carry out the Constellation program by entering into transactions under section 4021 of title 10, United States Code. In carrying out the preceding sentence, the Secretary shall establish an effective framework and pipeline system for maturing cyber operations-relevant technologies developed by the Agency, integrating the technologies into Joint Cyber Warfighting Architecture capabilities, and transitioning the technologies into operational use by the United States Cyber Command.

(g) TRANSITION.—The Secretary of Defense, in coordination with the Commander of the United States Cyber Command, shall transition responsibilities for the management and execution of Joint Cyber Warfighting Architecture programs from the military

departments to the offices established pursuant to subsection (a)(1) by the earlier of the following:

(1) The date on which—

(A) the offices are appropriately staffed and resourced; and

(B) the Commander determines that the transition is appropriate.

(2) The date that is five years after the date of the enactment of this Act.

(h) REVIEW.—Not later than one year after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition and Sustainment and the Commander of the United States Cyber Command, in coordination with the Under Secretary of Defense for Research and Engineering, the Principal Cyber Advisor of the Department of Defense, the Secretaries of the military departments, the Director of the Defense Advanced Research Projects Agency, and the Director of the National Security Agency, shall submit to the congressional defense committees an integrated review of the Joint Cyber Warfighting Architecture and all other capabilities required for the execution of the missions of the United States Cyber Command to determine the following:

(1) The extent to which capabilities of the United States Cyber Command and the National Security Agency should be joint, mutually available, integrated, or interoperable.

(2) Whether each of the Joint Cyber Warfighting Architecture capabilities has been effectively designed and architected to enable each of the missions of the United States Cyber Command.

(3) How the Joint Cyber Warfighting Architecture will support defense of the Department of Defense Information Network and its relation to existing datasets, sensors, tools, firewalls, and capabilities deployed at each echelon of the Department of Defense Information Network.

(4) What data, capabilities, and technologies external to the current Joint Cyber Warfighting Architecture programs, as of the date of the review, should be acquired as part of the Joint Cyber Warfighting Architecture and under the control of the offices established pursuant to subsection (a)(1).

(5) What mission-specific data, capabilities, and technologies external to the current Joint Cyber Warfighting Architecture programs should integrate with or be interoperable with the Joint Cyber Warfighting Architecture system of systems.

(6) The organization and staffing of such offices, including—

(A) whether the program executive office should be responsible for overseeing the acquisition of the cyber operations capabilities of the United States Cyber Command generally or the Joint Cyber Warfighting Architecture specifically;

(B) what subordinate program management offices should be established under the program executive office;

(C) whether the Joint Cyber Warfighting Architecture programs should be consolidated within a single program management office; and

(D) which personnel should be appointed to such offices pursuant to subsection (d)(1).

(7) The timeline for the execution of the transition under subsection (g).

(8) The acquisition strategy of the Department for procuring the Joint Cyber Warfighting Architecture and related capabilities, including relevant enterprise strategic initiatives and contracting strategies.

(9) The responsibilities of the United States Cyber Command J2, J3, J5, J6, J8, and J9 in acquiring, authorizing, and managing cyber capabilities.

(10) The physical locations of the offices established pursuant to subsection (a)(1).

(i) BRIEFING REQUIRED.—Not later than 540 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition and Sustainment and the Commander of the United States Cyber Command shall jointly provide to the congressional defense committees a briefing on the status of the implementation of this section.

(j) REPEAL.—Section 1645 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 10 U.S.C. 4571note prec.) is repealed.

(k) JOINT CYBER WARFIGHTING ARCHITECTURE DEFINED.—In this section, the term "Joint Cyber Warfighting Architecture" means the range of joint cyber warfighting systems and capabilities that support the full spectrum of military cyber operations, as designated by the Commander of the United States Cyber Command, and includes any such successor effort.

SEC. 1510. [10 U.S.C. 113 note] INTEGRATED NON-KINETIC FORCE DEVELOPMENT.

(a) FORCE DEVELOPMENT.—

(1) IN GENERAL.—The Secretary of Defense shall establish forces, capabilities, and information support to enable the delivery of non-kinetic effects that provide increased survivability and effectiveness of military forces within a defense planning scenario.

(2) FORCE PLANNING.—To support the development of the forces, capabilities, and information support under paragraph (1), the Secretary shall establish a force planning activity to identify and define the relevant forces, capabilities, and information support required to develop and deliver non-kinetic effects within a defense planning scenario. The Secretary shall ensure that the force planning activity identifies—

(A) desired operational effects within such scenario;

(B) the gaps that limit the ability to access important targets, the development of capabilities, the conduct of mission planning, and the execution of operations to deliver such effects;

(C) the collection systems, analytic expertise and capacity, analytic tools and processes, foreign materiel, and

product lines required to support development and delivery of such effects;

(D) the forces required to deliver such effects, including associated doctrine, training, expertise, organization, authorities, and command and control arrangements; and

(E) the cyber, electronic warfare, sensing, and communications capabilities, and delivery platforms and mechanisms, required to achieve such effects and the extent to which such capabilities, platforms, and mechanisms should be integrated with each other.

(3) INITIAL ORGANIZATION STRUCTURE.—During an initial period of not less than 24 months, the Under Secretary of Defense for Research and Engineering shall organize the force planning activity established under paragraph (2). The Under Secretary shall designate a planning official from the Office of the Under Secretary for Research and Engineering to lead development and execution of the force planning activity, in coordination with staff designated by the Director of the Joint Staff of the Joint Chiefs of Staff. The designated planning official shall select a lead technical director. After such initial period, the Secretary may re-assign the force planning activity to another organization under different leadership.

(4) PLAN FOR FOLLOW-ON ACTIVITIES.—Not later than 270 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a plan for follow-on activities regarding the delivery of non-kinetic effects described in paragraph (1). The Secretary shall ensure the plan—

(A) includes the identification of dedicated resources to be controlled by the designated planning official described in paragraph (3) and an approach under which the planning official apportions such resources across the Department of Defense to establish, augment, and accelerate new and ongoing activities described in paragraph (1) and subsections (b), (c), and (d); and

(B) identifies—

(i) a dedicated program element for non-kinetic force development;

(ii) the suitability of the mission management authorities established through the pilot program under section 871 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117-81; 10 U.S.C. 191 note);

(iii) the utility of using joint capability technology demonstrations to drive prototyping, experimentation, and technical integration of non-kinetic capabilities;

(iv) how the Rapid Defense Experimentation Reserve might drive prototyping, experimentation, and technical integration of non-kinetic capabilities; and

(v) alignment with other experimentation activities with the appropriate combatant commands.

(5) IMPLEMENTATION.—During the initial period specified in paragraph (3), the designated planning official described in such paragraph shall report directly to the Deputy Secretary of

Defense, to whom the official shall provide updates and recommendations not less frequently than quarterly. The Secretary shall ensure that the force planning activity established under paragraph (2) is supported by representatives from the military services, relevant combatant commands, the Strategic Capabilities Office, the Defense Advanced Research Projects Agency, and other elements within the Department of Defense, as appropriate.

(b) FORCES.—In order to generate the forces identified in subsection (a)(2)(D), the Secretary of Defense shall—

(1) through the Secretaries of the military departments and the heads of other Department of Defense components, as appropriate, establish appropriate forces and accompanying doctrine, training, and tradecraft;

(2) acting through the Vice Chairman of the Joint Chiefs of Staff, serving as the Chairman of the Joint Requirements Oversight Council, ensure that appropriate requirements exist to guide the development and fielding of forces and means to deliver non-kinetic effects within a defense planning scenario;

(3) through the Under Secretary of Defense for Policy, in coordination with the Chairman of the Joint Chiefs of Staff and the combatant commands, establish appropriate command and control structures and relationships governing such forces; and

(4) determine the appropriate responsibilities of—

(A) Cyber Mission Force of the United States Cyber Command;

(B) cyber, electronic warfare, and space forces provided to other combatant commands; and

(C) other operational entities within the Department of Defense in delivering non-kinetic effects.

(c) CAPABILITIES.—In order to develop the capabilities identified in subsection (a)(2)(E), the Secretary of Defense, acting through the Director of the Defense Advanced Research Projects Agency, the Director of the Strategic Capabilities Office, the Secretaries of the military departments, and the heads of other elements of the Department of Defense, shall develop the capabilities required for the delivery of non-kinetic effects within a defense planning scenario.

(d) POLICY.—The Secretary of Defense, acting through the Under Secretary of Defense for Policy and in coordination with the Chairman of the Joint Chiefs of Staff, shall develop policy governing the delivery of non-kinetic effects within a defense planning scenario.

(e) BRIEFING.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall provide to the congressional defense committees a briefing on the status of the implementation of this section.

(f) NON-KINETIC EFFECTS DEFINED.—In this section, the term "non-kinetic effects" means effects achieved through radio-frequency transmission of integrated cyber and electronic warfare techniques and other related and supporting technical measures.

SEC. 1511. [10 U.S.C. 394 note] PROTECTION OF CRITICAL INFRASTRUCTURE.

(a) IN GENERAL.—In the event that the President determines that there is an active, systematic, and ongoing campaign of attacks in cyberspace by a foreign power against the Government or the critical infrastructure of the United States, the President may authorize the Secretary of Defense, acting through the Commander of the United States Cyber Command, to conduct military cyber activities or operations pursuant to section 394 of title 10, United States Code, in foreign cyberspace to deter, safeguard, or defend against such attacks.

(b) AFFIRMATION OF SCOPE OF CYBER ACTIVITIES OR OPERATIONS.—Congress affirms that the cyber activities or operations referred to in subsection (a), when appropriately authorized, shall be conducted consistent with section 394 of title 10, United States Code.

(c) DEFINITION OF CRITICAL INFRASTRUCTURE.—In this section, the term "critical infrastructure" has the meaning given that term in subsection (e) of the Critical Infrastructure Protection Act of 2001 (42 U.S.C. 5195c(e)).

SEC. 1512. [10 U.S.C. 221 note] BUDGET DISPLAY FOR CRYPTOGRAPHIC MODERNIZATION ACTIVITIES FOR CERTAIN SYSTEMS OF THE DEPARTMENT OF DEFENSE.

(a) DISPLAY REQUIRED.—Beginning with fiscal year 2024, and for each fiscal year thereafter, the Secretary of Defense shall include with the budget justification materials submitted to Congress in support of the budget of the Department of Defense for that fiscal year (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) a consolidated cryptographic modernization budget justification display for each Department of Defense system or asset that is protected by cryptography and subject to certification by the National Security Agency (in this section, referred to as "covered items").

(b) ELEMENTS.—Each display included under subsection (a) for a fiscal year shall include the following:

(1) CRYPTOGRAPHIC MODERNIZATION ACTIVITIES.—(A) Whether, in accordance with the schedule established under section 153(a) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-283; 10 U.S.C. 142 note), the cryptographic modernization for each covered item is pending, in progress, complete, or, pursuant to paragraph (2) of such section, extended.

(B) The funding required for the covered fiscal year and for each subsequent fiscal year of the Future Years Defense Program to complete the pending or in progress cryptographic modernization by the required replacement date of each covered item.

(C)(i) A description of deviations between the funding annually required to complete the modernization prior to the required replacement date and the funding requested and planned within the Future Years Defense Program.

(ii) An explanation—

(I) justifying the deviations; and

(II) of whether or how any delays resulting from a deviation shall be overcome to meet the required replacement date.

(D) A description of operational or security risks resulting from each deviation from the modernization schedule required to meet replacement dates, including a current intelligence assessment of adversary progress on exploiting the covered item.

(E) For any covered item that remains in service past its required replacement date, a description of the number of times the covered item has been extended and the circumstances attending each such extension.

(2) MITIGATION ACTIVITIES FOR COVERED ITEMS.—(A) Whether activities to mitigate the risks associated with projected failure to replace a covered item by the required replacement date are planned, in progress, or complete.

(B) The funding required for the covered fiscal year and for each subsequent fiscal year for required mitigation activities to complete any planned, pending, or in progress mitigation activities for a covered item.

(C) A description of the activities planned in the covered fiscal year and each subsequent fiscal year to complete mitigation activities and an explanation of the efficacy of the mitigations.

(c) FORM.—The display required by subsection (a) shall be included in unclassified form, but may include a classified annex.

SEC. 1513. [10 U.S.C. 4001 note] ESTABLISHING PROJECTS FOR DATA MANAGEMENT, ARTIFICIAL INTELLIGENCE, AND DIGITAL SOLUTIONS.

(a) ESTABLISHMENT OF PRIORITY PROJECTS.—The Deputy Secretary of Defense shall—

(1) establish priority enterprise projects for data management, artificial intelligence, and digital solutions for both business efficiency and warfighting capabilities intended to accelerate decision advantage; and

(2) assign responsibilities for execution and funding of the projects established under paragraph (1).

(b) ACTIONS REQUIRED.—To ensure implementation of the priority projects of the Deputy Secretary of Defense under subsection (a), and to instill data science and technology as a core discipline in the Department of Defense, the Deputy Secretary shall—

(1) hold the heads of components accountable for—

(A) making their component's data available for use pursuant to the memorandum of the Deputy Secretary of Defense dated May 5, 2021, and titled "Creating Data Advantage", in accordance with plans developed and approved by the head of the component and the Deputy Secretary;

(B) developing, implementing, and reporting measurable actions to acquire, preserve, and grow the population of government and contractor personnel with expertise in data management, artificial intelligence, and digital solutions;

(C) making their components use data management practices, analytics processes, enterprise cloud computing environments, and operational test environments that are made available and specifically approved by the head of the component and the Deputy Secretary;

(D) identifying and reporting on an annual basis for Deputy Secretary approval those ongoing programs and activities and new initiatives within their components to which the component head determines should be applied advanced analytics, digital technology, and artificial intelligence; and

(E) developing and implementing cybersecurity and artificial intelligence security solutions, including preventative and mitigative technical solutions, red team assessments, to protect artificial intelligence systems, data, development processes, and applications from adversary actions;

(2) require the Chief Digital and Artificial Intelligence Officer, in coordination with the heads of components, to develop and report on an actionable plan for the Deputy Secretary to reform the technologies, policies, and processes used to support accreditation and authority to operate decisions to enable rapid deployment into operational environments of newly developed government, contractor, and commercial data management, artificial intelligence, and digital solutions software;

(3) require the Under Secretary of Defense for Personnel and Readiness, in coordination with the Chief Digital and Artificial Intelligence Officer and heads of components to define and establish career paths, work roles, and occupational specialties for civilian and military personnel in the fields of data management, artificial intelligence, and digital solutions for the Deputy Secretary's approval; and

(4) establish a Departmental management reform goal for adoption and integration artificial intelligence or machine learning into business and warfighting processes, including the tracking of metrics, milestones, and initiatives to measure the progress of the Department in meeting that goal.

(c) BRIEFINGS REQUIRED.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter until December 31, 2025, the Deputy Secretary shall provide to the congressional defense committees a briefing on directives issued by the Deputy Secretary to implement the requirements of this section and the status of implementation actions.

(d) COMPONENT DEFINED.—In this section, the term "component" means a military department, a combatant command, or a Defense Agency of the Department of Defense.

SEC. 1514. [10 U.S.C. 2224 note] OPERATIONAL TESTING FOR COMMERCIAL CYBERSECURITY CAPABILITIES.

(a) DEVELOPMENT AND SUBMISSION OF PLANS.—Not later than February 1, 2024, the Chief Information Officer of the Department of Defense and the Chief Information Officers of the military departments shall develop and submit plans described in subsection (b) to the Director of Operational Test and Evaluation who may approve the implementation of the plans pursuant to subsection (c).

(b) PLANS DESCRIBED.—The plans described in this subsection are plans that—

(1) ensure covered cybersecurity capabilities are appropriately tested, evaluated, and proven operationally effective, suitable, and survivable prior to operation on a Department of Defense network; and

(2) specify how test results will be expeditiously provided to the Director of Operational Test and Evaluation.

(c) ASSESSMENT.—In reviewing the plans submitted under subsection (a), the Director of Operational Test and Evaluation shall conduct an assessment that includes consideration of the following:

(1) Threat-realistic operational testing, including representative environments, variation of operational conditions, and inclusion of a realistic opposing force.

(2) The use of Department of Defense cyber red teams, as well as any enabling contract language required to permit threat-representative red team assessments.

(3) Collaboration with the personnel using the commercial cybersecurity capability regarding the results of the testing to improve operators' ability to recognize and defend against cyberattacks.

(4) The extent to which additional resources may be needed to remediate any shortfalls in capability to make the commercial cybersecurity capability effective, suitable, and cyber survivable in an operational environment of the Department.

(5) Identification of training requirements, and changes to training, sustainment practices, or concepts of operation or employment that may be needed to ensure the effectiveness, suitability, and cyber survivability of the commercial cybersecurity capability.

(d) POLICIES AND REGULATIONS.—Not later than February 1, 2024, the Secretary of Defense shall issue such policies and guidance and prescribe such regulations as the Secretary determines necessary to carry out this section.

(e) REPORTS.—Not later than January 31, 2025, and not less frequently than annually thereafter until January 31, 2030, the Director shall include in each annual report required by section 139(h) of title 10, United States Code, the following:

(1) The status of the plans developed under subsection (a).

(2) The number and type of test and evaluation events completed in the past year for such plans, disaggregated by component of the Department, and including resources devoted to each event.

(3) The results from such test and evaluation events, including any resource shortfalls affecting the number of commercial cybersecurity capabilities that could be assessed.

(4) A summary of identified categories of common gaps and shortfalls found during testing.

(5) The extent to which entities responsible for developing and testing commercial cybersecurity capabilities have responded to recommendations made by the Director in an effort to gain favorable determinations.

(6) Any identified lessons learned that would impact training, sustainment, or concepts of operation or employment deci-

sions relating to the assessed commercial cybersecurity capabilities.

(f) DEFINITION.—In this section, the term "covered cybersecurity capabilities" means any of the following:

(1) Commercial products (as defined in section 103 of title 41, United States Code) acquired and deployed by the Department of Defense to satisfy the cybersecurity requirements of one or more Department components.

(2) Commercially available off-the-shelf items (as defined in section 104 of title 41, United States Code) acquired and deployed by the Department of Defense to satisfy the cybersecurity requirements of one or more Department components.

(3) Noncommercial items acquired through the Adaptive Acquisition Framework and deployed by the Department of Defense to satisfy the cybersecurity requirements of one or more Department components.

Subtitle B—Information Operations

SEC. 1521. REQUIREMENT TO NOTIFY CHIEF OF MISSION OF MILITARY OPERATION IN THE INFORMATION ENVIRONMENT.

Chapter 19 of title 10, United States Code, as amended by section 1551, is further amended by adding at the end the following new section (and conforming the table of sections at the beginning of such chapter accordingly):

"SEC. 399. [10 U.S.C. 399] Notifications relating to military operations in the information environment: requirement to notify Chief of Mission

"The Secretary may not authorize a military operation in the information environment under this title intended to cause an effect in a country unless the Secretary fully informs the chief of mission for that country under section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927) of the planned operation.".

SEC. 1522. [10 U.S.C. 397 note] ASSESSMENT AND OPTIMIZATION OF DEPARTMENT OF DEFENSE INFORMATION AND INFLUENCE OPERATIONS CONDUCTED THROUGH CYBERSPACE.

(a) ASSESSMENT AND PLAN.—Not later than 90 days after the date of the enactment of this Act, the Principal Information Operations Advisor and the Principal Cyber Advisor to the Secretary of Defense shall complete both an assessment and an optimization plan for information and influence operations conducted through cyberspace.

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

(1) An inventory of the components of the Department of Defense conducting information and influence operations conducted through cyberspace.

(2) An examination of sufficiency of resources allocated for information and influence operations conducted through cyberspace.

(3) An evaluation of the command and control, oversight, and management of matters related to information and influ-

ence operations conducted through cyberspace across the Office of the Secretary of Defense and the Joint Staff.

(4) An evaluation of the existing execution, coordination, synchronization, deconfliction, and consultative procedures and mechanisms for information and influence operations conducted through cyberspace.

(5) Any other matters determined relevant by the Principal Information Operations Advisor and the Principal Cyber Advisor to the Secretary of Defense.

(c) OPTIMIZATION PLAN.—The optimization plan under subsection (a) shall include the following:

(1) Actions that the Department will implement to improve the execution, coordination, synchronization, deconfliction, and consultative procedures and mechanisms for information and influence operations conducted through cyberspace.

(2) An evaluation of potential organizational changes required to optimize information and influence operations conducted through cyberspace.

(3) Any other matters determined relevant by the Principal Information Operations Advisor and the Principal Cyber Advisor to the Secretary of Defense.

(d) BRIEFINGS.—Not later than 30 days after completing the assessment and optimization plan under subsection (a), the Principal Information Operations Advisor and the Principal Cyber Advisor to the Secretary of Defense shall provide to the congressional defense committees a briefing on the assessment and plan.

(e) IMPLEMENTATION.—Not later than 180 days after the date on which the briefing is provided under subsection (d), the Secretary of Defense shall implement the optimization plan under subsection (a).

SEC. 1523. JOINT INFORMATION OPERATIONS COURSE.

(a) JOINT INFORMATION OPERATIONS COURSE.—The Secretary of Defense shall develop and provide to members of the Army, Navy, Air Force, Marine Corps, and Space Force a course to prepare the members to plan and conduct information operations in a joint environment pursuant to title 10, United States Code. Such course shall include—

(1) standardized qualifications and procedures to enable the joint and synchronized employment of information-related capabilities in the information environment;

(2) joint methods to implement information operations in a battlefield environment under any ground force chain of command; and

(3) a curriculum covering applicable assets, core information operations concepts, integration of effects with a specific focus on information-related effects, operational methodology, multi-dimensional targeting space, other information-related capabilities defined by governing policy, instruction, publications, and doctrine, and any other topics or areas determined necessary by the Secretary.

(b) CONSIDERATION OF ONGOING EFFORTS.—The Secretary shall ensure that the course under subsection (a) is developed in light of the information operations posture review, gap analysis, strategy

update, and designation of a Joint Force Trainer, occurring as of the date of the enactment of this Act.

(c) SEMIANNUAL REPORTS.—Subsequent to the development of the course under subsection (a), on a semiannual basis through January 1, 2028, the Secretary shall submit to the congressional defense committees a report on the course. Each report shall include, with respect to the period covered by the report—

(1) the number of members described in subsection (a) who attended the course; and

(2) an assessment of the value of the course in—

(A) conducting joint operations in the information environment; and

(B) the synchronized employment of information-related capabilities in the information environment.

SEC. 1524. LIMITATION ON AVAILABILITY OF CERTAIN FUNDS UNTIL SUBMISSION OF JOINT LEXICON FOR TERMS RELATED TO INFORMATION OPERATIONS.

Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2023 for operation and maintenance, Defense-wide, and available for the Office of the Secretary of Defense for the travel of persons, not more than 75 percent may be obligated or expended until the date on which the Secretary submits to the Committees on Armed Services of the House of Representatives and the Senate the joint lexicon for terms related to information operations required by section 1631(g)(1)(D) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92; 10 U.S.C. 397 note).

SEC. 1525. LIMITATION ON AVAILABILITY OF FUNDS PENDING SUBMITTAL OF INFORMATION OPERATIONS STRATEGY AND POSTURE REVIEW.

Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2023 for operation and maintenance, Defense-wide, for the Office of the Secretary of Defense for the travel of persons, not more than 75 percent may be obligated or expended until the date that is 15 days after the date on which the Secretary of Defense submits to the Committees on Armed Services of the Senate and the House of Representatives the information operations strategy and posture review, including the designation of Information Operations Force Providers and Information Operations Joint Force Trainers for the Department of Defense, as required by section 1631(g) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92; 10 U.S.C. 397 note).

SEC. 1526. LIMITATION ON AVAILABILITY OF CERTAIN FUNDS UNTIL SUBMISSION OF ASSESSMENTS RELATING TO CYBERSECURITY OF THE DEFENSE INDUSTRIAL BASE.

(a) LIMITATION.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2023 for operation and maintenance, Defense-wide, and available for the Office of the Secretary of Defense, not more than 75 percent may be obligated or expended until the Deputy Secretary of Defense—

(1) conducts the assessments under subsection (b); and

(2) provides to the congressional defense committees the briefing under subsection (c).

(b) ASSESSMENTS.—The Deputy Secretary shall conduct the following assessments:

(1) An assessment of the framework for cybersecurity of the defense industrial base required by section 1648 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92; 10 U.S.C. 2224 note) to determine whether—

(A) the current framework and plans for defense industrial base cybersecurity are sufficient; and

(B) alternative or additional courses of action should be considered or adopted, including—

(i) establishing a secure software development environment in a cloud environment inside the cybersecurity perimeter of the Department for contractors to perform their development work;

(ii) establishing a secure cloud environment through which contractors may access the data of the Department needed for their contract work;

(iii) enabling contractors to access cybersecurity-as-a-service offerings, including cybersecurity services provided by the Department;

(iv) limiting the amount of program information held at tiers of subcontractors to that which is necessary for contract performance; and

(v) mechanisms and processes to rationalize and integrate the many separately managed defense industrial base cybersecurity programs and activities conducted across the Department of Defense.

(2) An assessment of past and future planned activities of the Department of Defense in furtherance of section 1724 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-283; 10 U.S.C. 2224), including a detailed review of roles and responsibilities, and supporting instructions and policy documents, for the Principal Cyber Advisor of the Department of Defense, the Chief Information Officer of the Department of Defense, the Under Secretary of Defense for Acquisition and Sustainment, the Under Secretary of Defense for Policy, and the Under Secretary of Defense for Intelligence and Security, and the Under Secretary of Defense (Comptroller).

(c) BRIEFING.—The Deputy Secretary shall provide to the congressional defense committees a briefing on the assessments conducted under subsection (b) and any decisions of and directions by the Deputy Secretary for improving the cybersecurity of the defense industrial base.

Subtitle C—Personnel

SEC. 1531. CYBER OPERATIONS-PECULIAR AWARDS.

Chapter 57 of title 10, United States Code, is amended by inserting after section 1124 the following new section:

"SEC. 1124a. [10 U.S.C. 1124a] Cyber operations-peculiar awards

"(a) AUTHORITY.—The Secretary of Defense and the Secretaries of the military departments may authorize the payment of a cash

award to, and incur necessary expense for the honorary recognition of, a member of the covered armed forces whose novel actions, invention, or technical achievement enables or ensures operational outcomes in or through cyberspace against threats to national security.

"(b) ACTIONS DURING SERVICE.—An award under this section may be paid notwithstanding the member's death, separation, or retirement from the covered armed forces. However, the novel action, invention, or technical achievement forming the basis for the award must have been made while the member was on active duty or in an active reserve status and not otherwise eligible for an award under chapter 45 of title 5.

"(c) PAYMENT.—Awards to, and expenses for the honorary recognition of, members of the covered armed forces under this section may be paid from—

"(1) the funds or appropriations available to the activity primarily benefiting from the novel action, invention, or technical achievement; or

"(2) the several funds or appropriations of the various activities benefiting from the novel action, invention, or technical achievement.

"(d) AMOUNTS.—The total amount of the award, or awards, made under this section for a novel action, invention, or technical achievement may not exceed $2,500, regardless of the number of persons who may be entitled to share therein.

"(e) REGULATIONS.—Awards under this section shall be made under regulations to be prescribed by the Secretary of Defense or by the Secretaries of the military departments.

"(f) COVERED ARMED FORCES DEFINED.—In this section, the term 'covered armed forces' means the Army, Navy, Air Force, Marine Corps, and Space Force.".

SEC. 1532. [10 U.S.C. 8013 note] ESTABLISHMENT OF CYBER OPERATIONS DESIGNATOR AND RATING FOR THE NAVY.

(a) MILITARY CAREER FIELD.—

(1) OFFICERS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Navy, in coordination with the Chief of Naval Operations, shall establish a cyber warfare operations designator for officers (including an intended billet base, functions, and training pipeline), which shall be a separate designator from the cryptologic warfare officer designator.

(2) ENLISTED.—Not later than 90 days after the date of the enactment of this Act, the Secretary, in coordination with the Chief, shall establish a cyber warfare rating for enlisted personnel (including an intended billet base, functions, and training pipeline), which shall be a separate rating from the cryptologic technician enlisted rating.

(3) PLAN.—Not later than 90 days after the date of the enactment of this Act, the Secretary, in coordination with the Chief, shall submit to the Committees on Armed Services of the House of Representatives and the Senate an implementation plan to carry out paragraphs (1) and (2).

(b) REQUIREMENT.—

(1) DEADLINE.—Except as provided by paragraphs (2) and (3), the Secretary shall ensure that, beginning October 1, 2025, members of the Navy assigned to the cyber mission force shall be qualified with either the designator or rating established under subsection (a), as the case may be.

(2) EXCEPTION.—The requirement under paragraph (1) shall not apply to—

(A) a member of the Navy who is assigned to the cyber mission force under orders issued before October 1, 2025; or

(B) a position whose primary function is the provision of intelligence, foreign language, or administrative support to the cyber mission force.

(3) WAIVER.—The Secretary may waive, on a case-by-case basis, the requirement under paragraph (1), except that the total number of such waivers made during a fiscal year may not exceed 10 percent of the total number of members of the Navy assigned to the cyber mission force (not counting members assigned to a position described in paragraph (2)(B)).

(c) RESERVE MATTERS.—Not later than 180 days after the date of the enactment of this Act, the Secretary, in coordination with the Chief, shall direct the Chief of Navy Reserve to establish, and retain, a cadre of members of the Navy Reserve with the designator and rating established under subsection (a).

(d) OFFICER QUALIFICATIONS AND TRAINING.—The Secretary, in coordination with the Chief of Naval Operations and in consultation with the Commander of the United States Cyber Command, shall ensure that the designator established under subsection (a)(1) includes the development and execution of a training curriculum and qualification standards commensurate with those of the cyber officers of the Army and the Air Force.

(e) COMMUNITY MANAGEMENT.—Not later than 270 days after the date of the enactment of this Act, the Secretary, acting through the Principal Cyber Advisor of the Navy, shall submit to the congressional defense committees, and provide to such committees a briefing on, the findings of a study on whether the designator and rating established under subsection (a), along with the Maritime Space Officer and the Cyberspace Warfare Engineer, should continue to be considered part of the information warfare community.

(f) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the House of Representatives and Senate a report certifying that the following actions have been carried out or are in the process of being completed (including detailed explanations):

(1) An identification by the Chief of Naval Operations of the resource manager within the Office of the Chief of Naval Operations for the designator and rating established under subsection (a).

(2) An identification by the Chief of the type command at United States Fleet Forces Command responsible for manning and training the designator and rating established under subsection (a).

(3) An inventory of those billets within the Cyber Mission Force, or any other service or joint assignment that requires personnel (both officer and enlisted) to conduct operations through cyberspace.

(4) An inventory and position description of the those positions within the Cyber Mission Force that have been identified under subsection (b)(2)(B).

(5) A funding profile detailing the complete costs associated with the designator and rating established under subsection (a), including costs associated with meeting the training requirements of the United States Cyber Command for the period covered by the most recent future-years defense program submitted to Congress under section 221 of title 10, United States Code.

(6) An inventory of all flag officer positions at joint and naval components and commands conducting or managing cyberspace operations and activities, including with respect to—

(A) the United States Cyber Command;

(B) the Fleet Cyber Command;

(C) Joint Forces Headquarters-Cyber, Navy;

(D) 10th Fleet;

(E) the Deputy Chief of Naval Operations for Information Warfare and the Director of Naval Intelligence; and

(F) Naval Information Forces.

(7) An update to the plan required under subsection (a)(3), including timelines and procedures, for filling the positions within the cyber mission force for which the Secretary is responsible.

(8) Any anticipated changes to the end-strength of the Navy by reason of establishing the designator and rating under subsection (a).

(9) The implementation of the designator and rating established under subsection (a) within the Navy Reserve.

(10) The development and execution of the training curriculum and qualification standards under subsection (d).

(g) LEADERSHIP QUALIFICATIONS.—The Secretary shall ensure that flag officers with the cyber warfare operations designator established under subsection (a) are primarily employed in billets identified under subsection (f)(6).

(h) DETERMINATION BY CYBER COMMAND.—Not later than 60 days after the date on which the Secretary submits the report under subsection (f), the Commander of the United States Cyber Command shall submit to the Committees on Armed Services of the House of Representatives and Senate a determination with respect to whether the matters contained in the report satisfy the requirements of the United States Cyber Command.

SEC. 1533. [10 U.S.C. 167b note] TOTAL FORCE GENERATION FOR THE CYBERSPACE OPERATIONS FORCES.

(a) STUDY.—

(1) REQUIREMENT.—Not later than June 1, 2024, the Secretary of Defense shall complete a study on the responsibilities of the military services for organizing, training, and presenting the total force to United States Cyber Command.

(2) ELEMENTS.—The study under paragraph (1) shall assess the following:

(A) Which military services should man, train, equip, and organize the forces necessary to execute the functions and missions of the Cyber Mission Force and the Cyberspace Operations Forces for assignment, allocation, and apportionment to, or under the directive authority of, the United States Cyber Command.

(B) The sufficiency of the military service accession and training model to provide forces to the Cyberspace Operations Forces and the sufficiency of the accessions and personnel resourcing of the supporting command and control staffs necessary as a component to the United States Cyber Command.

(C) The organization of the Cyber Mission Forces and whether the total forces or elements of the forces function best as a collection of independent teams or through a different model.

(D) How to correct chronic shortages of proficient personnel in key work roles.

(E) The need for additional work roles or skills to enable effective infrastructure management and generate access to targets.

(F) What unique or training-intensive expertise is required for each of the work roles identified in subparagraph (E) and whether native talents to master unique and training-intensive work roles can be identified and how personnel with those talents can be developed, retained, and employed across the active and reserve components.

(G) The appropriate pay scales, rotation or force management policies, career paths and progression, expertise-based grading, talent management practices, and training for each of those work roles, given expected operational requirements.

(H) Whether a single military service should be responsible for basic, intermediate, and advanced training for the Cyber Mission Force.

(I) The level of training required before an individual should be assigned, allocated, or apportioned to the United States Cyber Command.

(J) Whether or how the duties of the Director of the National Security Agency and the duties of the Commander of United States Cyber Command, resting with a single individual, enable each respective organization, and whether technical directors and intelligence experts of the National Security Agency should serve rotations in the Cyber Mission Force.

(K) How nonmilitary personnel, such as civilian government employees, contracted experts, commercial partners, and domain or technology-specific experts in industry or the intelligence community can serve in, augment, or support Cyber Mission Force teams.

(L) What work roles in the Cyberspace Operations Forces can only be filled by military personnel, which work roles can be filled by civilian employees or contractors, and which work roles should be filled partially or fully by civilians due to the need for longevity of service to achieve required skill levels or retention rates.

(M) How specialized cyber experience, developed and maintained in the reserve component, can be more effectively leveraged to support the Cyberspace Operations Forces through innovative force generation models.

(N) Whether the Department of Defense should create a separate service to perform the functions and missions currently performed by Cyber Mission Force units generated by multiple military services.

(O) Whether the Department of Defense is maximizing partnerships with industry and other nontraditional sources of expertise and capacity in the areas of critical infrastructure protection and information sharing.

(P) Whether the Defense Readiness Reporting System of the Department of Defense is sufficient to capture Cyber Mission Force readiness metrics.

(3) CONSIDERATIONS.—The study required by paragraph (1) shall consider existing models for total force generation practices and programs, as well as nontraditional and creative alternatives.

(b) RECOMMENDATIONS.—

(1) IN GENERAL.—Not later than June 1, 2024, the Principal Cyber Advisor of the Department of Defense and the Commander of the United States Cyber Command shall submit to the Secretary of Defense one or more recommendations, respectively, as to the future total force generation model for both the Cyber Mission Force and the Cyberspace Operations Forces.

(2) MATTERS ADDRESSED.—The recommendations under paragraph (1) shall address, at a minimum, each of the elements identified in subsection (a)(2).

(c) ESTABLISHMENT OF A REVISED MODEL REQUIRED.—

(1) IN GENERAL.—Not later than December 31, 2024, the Secretary of Defense shall establish a revised total force generation model for the Cyberspace Operations Forces.

(2) ELEMENTS.—In establishing a revised total force generation model under paragraph (1), the Secretary shall explicitly determine the following:

(A) Whether the Navy should no longer be responsible for developing and presenting forces to the United States Cyber Command as part of the Cyber Mission Force or Cyberspace Operations Forces, including recommendations for corresponding transfer of responsibilities and associated resources and personnel for the existing and future year programmed Cyberspace Operations Forces or Cyber Mission Force resources.

(B) Whether a single military service should be responsible for organizing, training, and equipping the Cyberspace Operations Forces, or if different services

should be responsible for different components of the Cyberspace Operations Forces.

(C) Whether modification of United States Cyber Command enhanced budget control authorities are necessary to further improve total force generation for Cyberspace Operations Forces.

(D) Implications of low service retention rates for critical roles within the Cyber Mission Force, and the mix of actions necessary to correct them, including multiple rotations in critical work roles, length of service commitments, repeat tours within the Cyber Mission Force, retention incentives across the entire Cyberspace Operations Forces, and best practices for generating the future force.

(d) IMPLEMENTATION PLAN.—Not later than June 1, 2025, the Secretary shall submit to the congressional defense committees an implementation plan for effecting the revised total force generation model required under subsection (c).

(e) PROGRESS BRIEFING.—Not later than 90 days after the date of the enactment of this Act, and not less frequently than once every 180 days thereafter until receipt of the plan required by subsection (d), the Secretary shall provide the congressional defense committees with a briefing on the progress made in carrying out this section.

(f) ADDITIONAL CONSIDERATIONS.—The Secretary shall ensure that subsections (a) through (c) are carried out with consideration to matters relating to the following:

(1) The cybersecurity service providers, local defenders, and information technology personnel who own, operate, and defend the information networks of the Department of Defense.

(2) Equipping the Cyberspace Operations Forces to include infrastructure management.

(3) Providing intelligence support to the Cyberspace Operations Forces.

(4) The resources, including billets, needed to account for any recommended changes.

SEC. 1534. [10 U.S.C. 167b note] CORRECTING CYBER MISSION FORCE READINESS SHORTFALLS.

(a) PLAN AND BRIEFING REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and the Secretaries of the military departments shall jointly—

(1) develop a near-term plan to correct readiness shortfalls in the Cyber Mission Forces over the period covered by the most recent future-years defense program submitted to Congress under section 221 of title 10, United States Code;

(2) develop recommendations for such legislative action as the Secretary of Defense, the Chairman, and the Secretaries of the military departments jointly consider appropriate to correct the readiness shortfalls described in paragraph (1); and

(3) provide to the congressional defense committees a briefing on the plan under paragraph (1) and the recommendations under paragraph (2).

(b) IMPLEMENTATION.—Not later than 30 days after the date of the briefing provided under paragraph (3) of subsection (a), the

Secretary of Defense and the Chairman shall commence implementation of the aspects of the plan developed under paragraph (1) of such subsection that are not dependent upon legislative action.

(c) MATTERS TO BE ADDRESSED.—In developing the plan under paragraph (1) of subsection (a), the Secretary of Defense, the Chairman, and the Secretaries of the military departments shall consider and explicitly address through analysis the following potential courses of action, singly and in combination, to increase the availability of personnel in key work roles:

(1) Determining the correct number of personnel necessary to fill key work roles, including the proper force mix of civilian, military, and contractor personnel, and the means necessary to meet those requirements.

(2) Employing civilians rather than military personnel in key work roles.

(3) Expanding training capacity.

(4) Modifying or creating new training models.

(5) Maximizing use of compensation and incentive authorities, including increasing bonuses and special pays, and alternative compensation mechanisms.

(6) Modifying career paths and service policies to permit consecutive assignments in key work roles without jeopardizing promotion opportunities.

(7) Increasing service commitments following training commensurate with the value of the key work role training.

(8) Standardizing compensation models across the services.

(9) Requiring multiple rotations within the Cyber Mission Forces for key work roles.

(10) Adopting and implementing what are known as "rank in person" policies that enable civilian personnel to be promoted on the basis of skills and abilities demonstrated in a given position.

(11) A review of departmental guidance and processes consistent with section 167b(d)(2)(A)(x) of title 10, United States Code, with respect to the authority of the Commander of United States Cyber Command to monitor the promotions of certain cyber operations forces and coordinate with the Secretaries regarding the assignment, retention, training, professional military education, and special and incentive pays of certain cyber operations forces, including—

(A) the recruiting, retention, professional military education, and promotion of certain cyber operations personnel;

(B) the sharing of personnel data between the military departments and the United States Cyber Command; and

(C) structures, departmental guidance, and processes developed between the military departments and the United States Special Operations Command with respect to the authority of the Commander of the United States Special Operations Command described in section 167(e)(2)(J) of title 10, United States Code, that could be used as a model for the United States Cyber Command.

(d) KEY WORK ROLES DEFINED.—In this section, the term "key work roles" means work roles that consist of access development, tool development, and exploitation analysis.

SEC. 1535. [10 U.S.C. 2200 note] DEPARTMENT OF DEFENSE CYBER SERVICE ACADEMY.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary of Defense, in consultation with the Secretary of Homeland Security, the heads of the elements of the intelligence community, and the Director of the Office of Personnel and Management, shall establish a program to provide financial support for pursuit of programs of education at institutions of high education in covered disciplines.

(2) COVERED DISCIPLINES.—For purposes of the Program, a covered discipline is a discipline that the Secretary of Defense determines is critically needed and is cyber- or digital technology-related, including the following:

(A) Computer-related arts and sciences.

(B) Cyber-related engineering.

(C) Cyber-related law and policy.

(D) Applied analytics related sciences, data management, and digital engineering, including artificial intelligence and machine learning.

(E) Such other disciplines relating to cyber, cybersecurity, digital technology, or supporting functions as the Secretary of Defense considers appropriate.

(3) DESIGNATION.—The program established under paragraph (1) shall be known as the "Department of Defense Cyber Service Academy" (in this section referred to as the "Program").

(b) PROGRAM DESCRIPTION AND COMPONENTS.—The Program shall—

(1) provide scholarships through institutions of higher education to students who are enrolled in programs of education at such institutions leading to degrees or specialized program certifications in covered disciplines; and

(2) prioritize the placement of scholarship recipients fulfilling the post-award employment obligation under this section.

(c) SCHOLARSHIP AMOUNTS.—

(1) AMOUNT OF ASSISTANCE.—(A) Each scholarship under the Program shall be in such amount as the Secretary determines necessary—

(i) to pay all educational expenses incurred by that person, including tuition, fees, cost of books, and laboratory expenses, for the pursuit of the program of education for which the assistance is provided under the Program; and

(ii) to provide a stipend for room and board.

(B) The Secretary shall ensure that expenses paid are limited to those educational expenses normally incurred by students at the institution of higher education involved.

(2) SUPPORT FOR INTERNSHIP ACTIVITIES.—The financial assistance for a person under this section may also be provided

to support internship activities of the person in the Department of Defense and combat support agencies in periods between the academic years leading to the degree or specialized program certification for which assistance is provided the person under the Program.

(3) PERIOD OF SUPPORT.—Each scholarship under the Program shall be for not more than 5 years.

(4) ADDITIONAL STIPEND.—Students demonstrating financial need, as determined by the Secretary, may be provided with an additional stipend under the Program.

(5) MINIMUM NUMBER OF SCHOLARSHIP AWARDS.—

(A) IN GENERAL.—The Secretary of Defense shall award not fewer than 1,000 scholarships under the Program in fiscal year 2026 and in each fiscal year thereafter.

(B) WAIVER.—The Secretary of Defense may award fewer than the number of scholarships required under subparagraph (A) in a fiscal year if the Secretary determines and notifies the congressional defense committees that fewer scholarships are necessary to address workforce needs.

(d) POST-AWARD EMPLOYMENT OBLIGATIONS.—Each scholarship recipient, as a condition of receiving a scholarship under the Program, shall enter into an agreement under which the recipient agrees to work for a period equal to the length of the scholarship, following receipt of the student's degree or specialized program certification, in the cyber- and digital technology-related missions of the Department or an element of the intelligence community, in accordance with the terms and conditions specified by the head concerned in regulations the head concerned shall promulgate to carry out this subsection.

(e) HIRING AUTHORITY.—In carrying out this section, specifically with respect to enforcing the obligations and conditions of employment under subsection (d), the head concerned may use any authority otherwise available to the head concerned for the recruitment, employment, and retention of civilian personnel within the Department, including authority under section 1599f of title 10, United States Code, or within an element of the intelligence community, as the case may be.

(f) ELIGIBILITY.—To be eligible to receive a scholarship under the Program, an individual shall—

(1) be a citizen or lawful permanent resident of the United States;

(2) demonstrate a commitment to a career in improving the security of information technology or advancing the development and application of digital technology;

(3) have demonstrated a high level of competency in relevant knowledge, skills, and abilities, as defined by the national cybersecurity awareness and education program under section 303 of the Cybersecurity Enhancement Act of 2014 (15 U.S.C. 7443);

(4) be a full-time student, or have been accepted as a full-time student, in a program leading to a degree or specialized program certification in a covered discipline at an institution of higher education;

(5) enter into an agreement accepting and acknowledging the post award employment obligations, pursuant to section (d);

(6) accept and acknowledge the conditions of support under section (g); and

(7) meet such other requirements for a scholarship as determined appropriate by the Secretary.

(g) CONDITIONS OF SUPPORT.—

(1) IN GENERAL.—As a condition of receiving a scholarship under this section, a recipient shall agree to provide the Office of Personnel Management (in coordination with the Department of Defense) and the institutions of higher education described in subsection (a)(1) with annual verifiable documentation of post-award employment and up-to-date contact information.

(2) TERMS.—A scholarship recipient under the Program shall be liable to the United States as provided in subsection (i) if the individual—

(A) fails to maintain an acceptable level of academic standing at the applicable institution of higher education, as determined by the Secretary;

(B) is dismissed from the applicable institution of higher education for disciplinary reasons;

(C) withdraws from the eligible degree program before completing the Program;

(D) declares that the individual does not intend to fulfill the post-award employment obligation under this section;

(E) fails to maintain or fulfill any of the post-graduation or post-award obligations or requirements of the individual; or

(F) fails to fulfill the requirements of paragraph (1).

(h) MONITORING COMPLIANCE.—As a condition of participating in the Program, an institution of higher education shall—

(1) enter into an agreement with the head concerned to monitor the compliance of scholarship recipients with respect to their post-award employment obligations; and

(2) provide to the head concerned and the Director of the Office of Personnel Management, on an annual basis, the post-award employment documentation required under subsection (g)(1) for scholarship recipients through the completion of their post-award employment obligations.

(i) AMOUNT OF REPAYMENT.—

(1) LESS THAN 1 YEAR OF SERVICE.—If a circumstance described in subsection (g)(2) occurs before the completion of 1 year of a post-award employment obligation under the Program, the total amount of scholarship awards received by the individual under the Program shall be considered a debt to the Government and repaid in its entirety.

(2) 1 OR MORE YEARS OF SERVICE.—If a circumstance described in subparagraph (D) or (E) of subsection (g)(2) occurs after the completion of 1 or more years of a post-award employment obligation under the Program, the total amount of scholarship awards received by the individual under the Program,

reduced by the ratio of the number of years of service completed divided by the number of years of service required, shall be considered a debt to the Government and repaid in accordance with subsection (j).

(j) REPAYMENTS.—A debt described subsection (i) shall be subject to repayment, together with interest thereon accruing from the date of the scholarship award, in accordance with terms and conditions specified by the head concerned in regulations promulgated to carry out this subsection.

(k) COLLECTION OF REPAYMENT.—

(1) IN GENERAL.—In the event that a scholarship recipient is required to repay the scholarship award under the Program, the institution of higher education providing the scholarship shall—

(A) determine the repayment amounts and notify the recipient, the head concerned, and the Director of the Office of Personnel Management of the amounts owed; and

(B) collect the repayment amounts within a period of time as determined by the head concerned.

(2) RETURNED TO TREASURY.—Except as provided in paragraph (3), any repayment under this subsection shall be returned to the Treasury of the United States.

(3) RETAIN PERCENTAGE.—An institution of higher education may retain a percentage of any repayment the institution collects under this subsection to defray administrative costs associated with the collection. The head concerned shall establish a single, fixed percentage that will apply to all eligible entities.

(l) PUBLIC INFORMATION.—

(1) EVALUATION.—The Secretary, in coordination with the Director of the Office of Personnel Management, shall periodically evaluate and make public, in a manner that protects the personally identifiable information of scholarship recipients, information on the success of recruiting individuals for scholarships under the Program and on hiring and retaining those individuals in the Department of Defense workforce, including information on—

(A) placement rates;

(B) where students are placed, including job titles and descriptions;

(C) salary ranges for students not released from obligations under this section;

(D) how long after graduation students are placed;

(E) how long students stay in the positions they enter upon graduation;

(F) how many students are released from obligations; and

(G) what, if any, remedial training is required.

(2) REPORTS.—The Secretary, in consultation with the Office of Personnel Management, shall submit, not less frequently than once every two years, to Congress a report, including—

(A) the results of the evaluation under paragraph (1);

(B) the disparity in any reporting between scholarship recipients and their respective institutions of higher education; and

(C) any recent statistics regarding the size, composition, and educational requirements of the relevant Department of Defense workforce.

(3) RESOURCES.—The Secretary, in coordination with the Director of the Office of Personnel Management, shall provide consolidated and user-friendly online resources for prospective scholarship recipients, including, to the extent practicable—

(A) searchable, up-to-date, and accurate information about participating institutions of higher education and job opportunities relating to covered disciplines; and

(B) a modernized description of careers in covered disciplines.

(m) ALLOCATION OF FUNDING.—

(1) IN GENERAL.—Not less than 50 percent of the amount available for financial assistance under this section for a fiscal year shall be available only for providing financial assistance for the pursuit of programs of education referred to in subsection (b)(1) at institutions of higher education that have established, improved, or are administering programs of education in disciplines under the grant program established in section 2200b of title 10, United States Code, as determined by the Secretary.

(2) ASSOCIATE DEGREES.—Not less than five percent of the amount available for financial assistance under this section for a fiscal year shall be available for providing financial assistance for the pursuit of an associate degree at an institution described in paragraph (1).

(n) BOARD OF DIRECTORS.—In order to help identify workforce needs and trends relevant to the Program, the Secretary may establish a board of directors for the Program that consists of representatives of Federal departments and agencies.

(o) COMMENCEMENT OF PROGRAM.—The Secretary shall commence the Program as early as practicable, with the first scholarships awarded under the Program for the academic year beginning no later than the fall semester of 2024.

(p) DISCHARGE THROUGH DIRECTOR [1].—In carrying out this section, the Secretary of Defense shall act through the Director of the office established under section 2192c of title 10, United States Code.

(p) INTERAGENCY CONSIDERATIONS [1].—

(1) IN GENERAL.—Subject to paragraph (2), a scholarship recipient may satisfy their post-award employment obligation under this section by working for an element of the intelligence community that is not part of the Department of Defense only if—

(A) the Secretary of Defense has entered into an agreement with the head of that element authorizing the

[1] Duplicate subsection (p)'s so in law. See amendments in sections 1531(c)(6) and 1533(6) in Public Law 118-31.

placement of scholarship recipients under the Program in positions within that element;

(B) under such agreement, the head of that element has agreed to reimburse the Department of Defense for the scholarship program costs associated with any scholarship recipient so placed; and

(C) the scholarship recipient has satisfied appropriate hiring criteria and security clearance requirements applicable to that element.

(2) LIMITATION ON PERCENTAGE PER GRADUATING CLASS.—Not more than 10 percent of each graduating class of scholarship recipients under the Program may be placed in positions not within the Department of Defense unless the Secretary of Defense submits to the congressional defense committees a certification that the Department of Defense is unable to facilitate placements in positions within the Department of Defense for such excess percentage.

(q) DEFINITIONS.—In this section:

(1) The term "head concerned" means—

(A) The Secretary of Defense, with respect to matters concerning the Department of Defense; or

(B) the head of an element of the intelligence community, with respect to matters concerning that element.

(2) The term "intelligence community" has the meaning given such term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

SEC. 1536. REPORT ON RECOMMENDATIONS FROM NAVY CIVILIAN CAREER PATH STUDY.

(a) REPORT.—

(1) REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees a report on the recommendations made in the report submitted to the congressional defense committees under section 1653(a)(2) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92; 133 Stat. 1763) relating to improving cyber career paths in the Navy.

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

(A) A description of each recommendation described in such paragraph that has already been implemented.

(B) A description of each recommendation described in such paragraph that the Secretary has commenced implementing, including a justification for determining to commence implementing the recommendation.

(C) A description of each recommendation described in such paragraph that the Secretary has not implemented or commenced implementing and a determination as to whether or not to implement the recommendation.

(D) For each recommendation under subparagraph (C) that the Secretary determines to implement—

(i) a timeline for implementation;

(ii) a description of any additional resources or authorities required for implementation; and

(iii) the plan for implementation.

(E) For each recommendation under subparagraph (C) that the Secretary determines not to implement, a justification for the determination not to implement.

(3) FORMAT.—The report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(b) REVIEW BY COMPTROLLER GENERAL OF THE UNITED STATES.—

(1) REVIEW.—Not later than 180 days after the date on which the Secretary submits the report under subsection (a), the Comptroller General of the United States shall conduct a review of such report.

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

(A) The extent to which the Secretary has implemented the recommendations described in subsection (a)(1).

(B) Additional recommended actions for the Secretary to take to improve the readiness and retention of the cyber workforce of the Navy.

(3) INTERIM BRIEFING.—Not later than 90 days after the date on which the Secretary submits the report under subsection (a), the Comptroller General shall provide to the congressional defense committees a briefing on the preliminary findings of the Comptroller General with respect to the review conducted under paragraph (1).

(4) FINAL REPORT.—The Comptroller General shall submit to the congressional defense committees a report on the findings of the Comptroller General with respect to the review under paragraph (1) at such time and in such format as is mutually agreed upon by the committees and the Comptroller General at the time of the briefing under paragraph (3).

SEC. 1537. STUDY TO DETERMINE OPTIMAL STRATEGY FOR STRUCTURING AND MANNING ELEMENTS OF JOINT FORCE HEADQUARTERS-CYBER ORGANIZATIONS, JOINT MISSION OPERATIONS CENTERS, AND CYBER OPERATIONS-INTEGRATED PLANNING ELEMENTS.

(a) STUDY.—

(1) REQUIREMENT.—The Principal Cyber Advisor of the Department of Defense, in coordination with the commanders of the combatant commands, shall conduct a study to determine the optimal strategy for structuring and manning elements of the following:

(A) Joint Force Headquarters Cyber Organizations.

(B) Joint Mission Operations Centers.

(C) Cyber Operations-Integrated Planning Elements.

(D) Joint Cyber Centers.

(2) ELEMENTS.—The study under paragraph (1) shall include an assessment of each of the following:

(A) Operational effects on the military services if each of the entities listed in subparagraphs (A) through (C) of paragraph (1) are restructured from organizations that are components of the military services to joint organizations.

(B) Existing barriers or impediments to designate positions within each of the entities listed in such subparagraphs (A), (B), and (C) as joint billets for joint qualification purposes.

(C) Operational and organizational effects on the military services, the United States Cyber Command, other combatant commands, and the Joint Staff if the entities listed in subparagraphs (A) through (D) of paragraph (1) are realigned, restructured, or consolidated.

(D) Operational and organizational effects and advisement of standardizing a minimum set of roles and responsibilities of the Joint Cyber Centers, or the equivalent entity, of the combatant commands.

(E) Clarification of the relationship and differentiation between Cyber Operations-Integrated Planning Elements and Joint Cyber Centers of the combatant commands.

(F) A complete inventory of mission essential tasks for the entities listed in such subparagraphs (A) through (D).

(G) A description of cyber activities in geographic and functional combatant command campaign plans and resources aligned to those activities.

(b) BRIEFINGS.—Not later than 180 days after the date of the enactment of this Act, and not less frequently than once every 120 days until March 31, 2024, the Principal Cyber Advisor of the Department shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on the status of the study under subsection (a).

(c) REPORT.—

(1) REQUIREMENT.—Not later than March 31, 2024, the Principal Cyber Advisor of the Department shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the study under subsection (a).

(2) CONTENTS.—The report under paragraph (1) shall contain the following:

(A) The findings of the Principal Cyber Advisor with respect to the study under subsection (a).

(B) Details of the operational and organizational effects assessed under paragraph (2) of such subsection.

(C) A plan to carry out the transfer described in subparagraph (B) of such paragraph and the associated costs, as appropriate.

(D) A plan to realign, restructure, or consolidate the entities listed in subparagraphs (A) through (D) of subsection (a)(1).

(E) Such other matters as the Principal Cyber Advisor considers appropriate.

SEC. 1538. MANNING REVIEW OF SPACE FORCE CYBER SQUADRONS.

(a) REQUIREMENT.—Not later than 210 days after the date of the enactment of this Act, the Secretary of the Air Force, in coordination with the Chief of Space Operations, shall submit to the congressional defense committees a review of the manning required to fully staff the current and planned cyber squadrons of the Space Force.

(b) MATTERS INCLUDED.—

(1) ELEMENTS.—The review under subsection (a) shall include considerations of the following:

(A) The specific sourcing of existing billets of the Space Force optimally postured for transfer to cyber squadrons.

(B) The administrative processes required to shift billets and existing funding to cyber squadrons.

(C) The responsibilities and functions performed by military personnel and civilian personnel.

(D) The benefits and risks to the Space Force approach of transferring billets to cyber squadrons.

(2) ROADMAP.—The review under subsection (a) shall include a transition roadmap that outlines a comprehensive transition for the transfer of billets described in paragraph (1) by not later than September 30, 2024.

SEC. 1539. INDEPENDENT REVIEW OF POSTURE AND STAFFING LEVELS OF OFFICE OF THE CHIEF INFORMATION OFFICER.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall seek to enter into an agreement with an appropriate non-Department of Defense entity for the conduct of a comprehensive review of the posture and adequacy of the staffing levels of the Office of the Chief Information Officer of the Department of Defense, as of the date of the enactment of this Act.

(b) MATTERS FOR CONSIDERATION.—An agreement under subsection (a) shall specify that the review conducted under the agreement shall include the evaluation of each of the following:

(1) Any limitations or constraints of the Office of the Chief Information Officer in performing the entirety of the responsibilities specified in section 142(b) of title 10, United States Code, and responsibilities assigned by the Secretary of Defense, based on the staffing levels of the Office as of the date of the enactment of this Act.

(2) The composition of civilian, military, and contractor personnel assigned to the Office of the Chief Information Officer, as of such date, including the occupational series and military occupational specialties of such personnel, relative to the responsibilities specified in paragraph (1).

(3) The organizational construct of the Office of the Chief Information Officer, as of such date.

(c) RECOMMENDATIONS.—An agreement under subsection (a) shall specify that the review conducted under the agreement shall include recommendations for the Chief Information Officer and the congressional defense committees, including recommendations derived from the matters for consideration specified under subsection (b).

(d) SUBMISSION.—Not later than 30 days after the date of the completion of the review under subsection (a), the Secretary of Defense shall submit to the congressional defense committees a copy of the review.

SEC. 1540. INDEPENDENT ASSESSMENT OF CIVILIAN CYBERSECURITY RESERVE FOR DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary of Defense shall seek to enter into an agreement with a nonprofit entity or a federally funded research and development center with expertise in cybersecurity and workforce management to conduct an assessment of the feasibility and advisability of creating and maintaining a civilian cybersecurity reserve corps to enable the Department of Defense and military services to provide qualified civilian manpower to the Department of Defense to effectively respond to significant cyber incidents or to assist in solving other exceptionally difficult cyber workforce-related challenges.

(b) CONSIDERATION OF PRIOR REPORT.—

(1) IN GENERAL.—In conducting the assessment required by subsection (a), the entity or center shall take into consideration the results of the evaluation of nontraditional cyber support to the Department of Defense required by section 1730 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-283).

(2) LIMITATION ON AVAILABILITY OF FUNDS PENDING SUBMISSION OF REPORT.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2023 for the Under Secretary of Defense for Policy, not more than 75 percent may be obligated or expended until the date on which the Principal Cyber Advisor submits the report referenced in paragraph (1).

(c) ELEMENTS.—The assessment conducted under subsection (a) shall include analysis of the following matters:

(1) The feasibility of the concept of a civilian cybersecurity reserve program, including an analysis of the available talent pool, potential impact on employers, and propensity to serve.

(2) The likelihood of utilizing civilian cybersecurity reservists to augment the existing Department of Defense workforce, including an assessment of the duration of periods of activation.

(3) The result of outreach conducted with industry and State and Federal Government agencies employing individuals likely to meet qualification criteria for service in such a program.

(4) The necessity for participants to access classified information, and the need to maintain appropriate security clearances as a participant in the program, including while not in Federal service.

(5) Appropriate compensation and benefits for members of such a program.

(6) Activities that members may undertake as part of their duties.

(7) Methods for identifying and recruiting members, including alternative methods to traditional qualifications requirements.

(8) Methods for preventing conflicts of interest or other ethical concerns as a result of participation in such a program.

(9) Resources, including funding levels, necessary to carry out such a program.

(10) Potential penalties or other adverse action taken against individuals who do not respond to activation when called.

(11) Any other matters the Secretary considers relevant for the purpose of this assessment.

(d) REPORTS.—

(1) IN GENERAL.—Not later than 270 days after the date on which the Secretary enters into the agreement described in subsection (a), such entity or center shall submit to the Secretary a report on the results of the research and analysis under such subsection.

(2) SUBMISSION TO CONGRESS.—Not later than one year after the date of enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives each of the following:

(A) A copy of the report submitted under paragraph (1) without change.

(B) Any comments, changes, recommendations, or other information provided by the Secretary of Defense relating to the research and analysis conducted under subsection (a) and contained in such report, including a specific recommendation on whether a civilian cybersecurity reserve should be established, as described in such subsection, or with modification.

SEC. 1541. COMPREHENSIVE REVIEW OF CYBER EXCEPTED SERVICE.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Chief Information Officer of the Department of Defense and the Under Secretary of Defense for Personnel and Readiness, in coordination with the Chief Digital and Artificial Intelligence Officer and the Principal Cyber Advisor of the Department, shall conduct a comprehensive review of the Cyber Excepted Service established pursuant to section 1599f of title 10, United States Code.

(b) ELEMENTS.—The review required under subsection (a) shall include the following:

(1) An assessment of barriers to participation in Cyber Excepted Service positions, including—

(A) criteria for eligibility of potential Department of Defense components and entities for participation in the Cyber Excepted Service;

(B) potential and structural limitations of the Cyber Excepted Service, including impediments to mobility or advancement by civilian employees currently in billets coded for Cyber Excepted Service;

(C) challenges to transition between competitive and excepted service;

(D) matters relating to pay disparity and challenges with compensation relative to the skill sets and value of such civilian employees in the private sector;

(E) differences between compensation, incentives, benefits, and access to career-broadening experiences;

(F) the eligibility for participation in the Cyber Excepted Service of civilian employees who are assigned to the Office of the Chief Digital and Artificial Intelligence Officer;

(G) the current and necessary mechanisms to deconflict occasions when individuals can be considered eligible for two or more excepted service systems; and

(H) any other barriers as determined by the Secretary.

(2) An evaluation of the process used in accepting applications, assessing candidates, and the process for and effect of adhering to provisions of law establishing preferences for hiring eligible veterans, and selecting applicants for vacancies to be filled by an individual for a Cyber Excepted Service position.

(3) An evaluation of current efforts to recruit and retain employees in Cyber Excepted Service positions.

(4) A description of current performance metrics used in evaluating the Cyber Excepted Service.

(5) An assessment of how current efforts to develop, sustain, and improve the Cyber Excepted Service are integrated into the strategic workforce planning of the Department.

(6) Current metrics for—

(A) the number of employees in Cyber Excepted Service positions, disaggregated by occupation, grade, and level or pay band;

(B) the placement of employees in Cyber Excepted Service positions, disaggregated by military department, Defense agency, or other component within the Department;

(C) the total number of veterans hired;

(D) the number of separations of employees in Cyber Excepted Service positions, disaggregated by occupation, grade, and level or pay band;

(E) the number of retirements of employees in Cyber Excepted Service positions, disaggregated by occupation, grade, and level or pay band;

(F) the number and amounts of recruitment, relocation, and retention incentives paid to employees in Cyber Excepted Service positions, disaggregated by occupation, grade, and level or pay band; and

(G) the number of employees who declined transition to qualified Cyber Excepted Service positions.

(7) An assessment of the training provided to supervisors of employees in Cyber Excepted Service positions on the use of the new authorities.

(8) An assessment of the implementation of section 1599f(a)(1)(A) of title 10, United States Code, including—

(A) how each military department, Defense agency, or other component within the Department is incorporating or intends to incorporate Cyber Excepted Service personnel in their cyber mission workforce; and

(B) how the Cyber Excepted Service has allowed each military department, Defense agency, or other component

within the Department to establish, recruit and retain personnel to fill cyber mission workforce needs.

(9) Recommendations for the Secretary of Defense and the congressional defense committees with respect to the improvement of the Cyber Excepted Service, including recommendations derived from the consideration of the elements specified in paragraphs (1) through (8).

(c) SUBMISSION.—Not later than 30 days after the completion of the review under subsection (a), the Chief Information Officer shall submit to the congressional defense committees a copy of the review.

(d) ANNUAL UPDATE.—Not later than one year after the submission of the review under subsection (c), and not less frequently than once each year thereafter until September 30, 2028, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives an update on progress made in enacting recommendations identified pursuant to paragraph (9) of subsection (b) and a detailed report on Cyber Excepted Service positions during the most recent one-year period, including—

(1) the metrics described in paragraph (6) of such subsection;

(2) an updated assessment under paragraph (8) of such subsection from the current reporting period;

(3) an updated assessment on the effect of section 1599f of title 10, United States Code, on the ability of the Department to recruit, retain, and develop cyber professionals in the Department over the current reporting period;

(4) an updated assessment on the barriers to participation described in paragraph (1) of subsection (b) from the current reporting period;

(5) proposed modifications to the Cyber Excepted Service; and

(6) such other matters as the Secretary considers appropriate.

(e) DEFINITIONS.—In this section:

(1) The term "Cyber Excepted Service" consists of those positions established under section 1599f(a)(1)(A) of title 10, United States Code.

(2) The term "Cyber Excepted Service position" means a position in the Cyber Excepted Service.

Subtitle D—Reports and Other Matters

SEC. 1551. PILOT PROGRAM FOR SHARING CYBER CAPABILITIES AND RELATED INFORMATION WITH FOREIGN OPERATIONAL PARTNERS.

(a) AUTHORIZATION.—Chapter 19 of title 10, United States Code, is amended by adding at the end the following new section:

"SEC. 398. [10 U.S.C. 398] Pilot program for sharing cyber capabilities and related information with foreign operational partners

"(a) AUTHORITY TO ESTABLISH PILOT PROGRAM TO SHARE CYBER CAPABILITIES.—The Secretary of Defense may, with the con-

currence of the Secretary of State, provide cyber capabilities and related information developed or procured by the Department of Defense to foreign countries or organizations described in subsection (b) without compensation, to meet operational imperatives if the Secretary of Defense determines that the provision of such cyber capabilities is in the national security interests of the United States.

"(b) LIST OF FOREIGN COUNTRIES.—The Secretary of Defense, with the concurrence of the Secretary of State, shall—

"(1) establish—

"(A) a list of foreign countries that the Secretary of Defense considers suitable for sharing of cyber capabilities and related information under the authority established under paragraph (a); and

"(B) criteria for establishing the list under subparagraph (A);

"(2) not later than 14 days after establishing the list required by paragraph (a), submit to the appropriate committees of Congress such list; and

"(3) notify the appropriate committees of Congress in writing of any changes to the list established under clause (1) at least 14 days prior to the adoption of any such changes.

"(c) PROCEDURES.—Prior to the first use of the authority provided by subsection (a), the Secretaries of Defense and State shall—

"(1) establish and submit to the appropriate committees of Congress procedures for a coordination process for subsection (a) that is consistent with the operational timelines required to support the national security of the United States; and

"(2) notify the appropriate committees of Congress in writing of any changes to the procedures established under paragraph (1) at least 14 days prior to the adoption of any such changes.

"(d) NOTIFICATION REQUIRED.—(1) The Secretary of Defense and Secretary of State jointly shall promptly submit to the appropriate committees of Congress notice in writing of any use of the authority provided by subsection (a) no later than 48 hours following the use of the authority.

"(2) Notification under paragraph (1) shall include a certification that the provision of the cyber capabilities was in the national security interests of the United States.

"(3) The notification under paragraph (1) shall include an analysis of whether the transfer and the underlying operational imperative could have been met using another authority.

"(e) TERMINATION.—The authority established under paragraph (a) shall terminate on the date that is 3 years after the date on which this authority becomes law.

"(f) DEFINITIONS.—In this section:

"(1) The term 'appropriate committees of Congress' means—

"(A) the congressional defense committees;

"(B) the Committee on Foreign Relations of the Senate; and

"(C) Committee on Foreign Affairs of the House of Representatives.

"(2) The term 'cyber capability' means a device or computer program, including any combination of software, firmware, or hardware, designed to create an effect in or through cyberspace.

"(g) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as amending, diminishing, or otherwise impacting reporting or other obligations under the War Powers Resolution.".

(b) TABLE OF SECTIONS AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"398. Pilot program for sharing cyber capabilities and related information with foreign operational partners.".

SEC. 1552. [10 U.S.C. 238 note] DEMONSTRATION PROGRAM FOR CYBER AND INFORMATION TECHNOLOGY BUDGET DATA ANALYTICS.

(a) DEMONSTRATION PROGRAM.—

(1) REQUIREMENT.—Not later than February 1, 2024, the Chief Information Officer of the Department of Defense shall, in coordination with the Chief Digital and Artificial Intelligence Officer, complete a pilot program to demonstrate the application of advanced data analytics to the fiscal year 2024 budget data of a military department for the purpose of identifying total cyber and information technology spending and the distribution of such resources across budget line items that are and are not identified, labeled, or categorized in a manner that would indicate that funds included in such line items will be expended on cyber and information technology activities.

(2) COORDINATION WITH MILITARY DEPARTMENTS.—In carrying out the demonstration program under subsection (a), the Chief Information Officer shall, in coordination with the Secretary of the Air Force, the Secretary of the Army, and the Secretary of the Navy, select a military department for participation in the demonstration program.

(b) ELEMENTS.—The demonstration program under subsection (a) shall include—

(1) efforts to identify planned expenditures for cyber and information technology that are not captured in the total figures for cyber and information technology reported annually to Congress in support of the President's budget submission and in budget documents and briefings to Congress on the cyber and information technology programs and activities;

(2) efforts to improve transparency in cyber and information technology budget information to identify cyber and information technology activities funded out of noncyber and non-information technology budget lines, including by the use of qualitative techniques such as semantic analysis or natural language processing technologies;

(3) metrics developed to assess the effectiveness of the demonstration program;

(4) a cost tradeoff analysis of implementing these cyber and information technology data analytics across the entire budget of the Department of Defense;

(5) existing or planned efforts to use these data analytics to make budget decisions; and

(6) existing or planned efforts to incorporate these data analytics into materials presented to Congress through the budget submission process.

(c) BRIEFING.—

(1) INITIAL BRIEFING.—Not later than 120 days after the date of the enactment of this Act, the Chief Information Officer shall provide the Committees on Armed Services of the Senate and the House of Representatives a briefing on the plans and status of the Chief Information Officer with respect to the demonstration program under subsection (a).

(2) FINAL BRIEFING.—Not later than March 1, 2024, the Chief Information Officer shall provide the Committees on Armed Services of the Senate and the House of Representatives a briefing on the results and findings of the Chief Information Officer with respect to the demonstration program under subsection (a), including the following:

(A) Recommendations for expansion of the demonstration program to the entire cyber and information technology budget of the Department.

(B) Plans for incorporating data analytics into the congressional budget submission process for the cyber and information technology budget of the Department.

SEC. 1553. [10 U.S.C. 2224 note] PLAN FOR COMMERCIAL CLOUD TEST AND EVALUATION.

(a) POLICY AND PLAN.—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense, in consultation with commercial industry, shall implement a policy and plan for test and evaluation of the cybersecurity of the clouds of commercial cloud service providers that provide, or are intended to provide, storage or computing of classified data of the Department of Defense.

(b) CONTENTS.—The policy and plan under subsection (a) shall include the following:

(1) A requirement that, beginning on the date of the enactment of this Act, future contracts with cloud service providers for storage or computing of classified data of the Department include provisions that permit the Secretary to conduct independent, threat-realistic assessments of the commercial cloud infrastructure, including with respect to—

(A) the storage, compute, and enabling elements, including the control plane and virtualization hypervisor for mission elements of the Department supported by the cloud provider; and

(B) the supporting systems used in the fulfillment, facilitation, or operations relating to the mission of the Department under the contract, including the interfaces with these systems.

(2) An explanation as to how the Secretary intends to proceed on amending existing contracts with cloud service providers to permit the same level of assessments required for future contracts under paragraph (1).

(3) Identification and description of any proposed tiered test and evaluation requirements aligned with different impact and classification levels.

(c) WAIVER AUTHORITY.—The Secretary may include in the policy and plan under subsection (a) an authority to waive any requirement under subsection (b) if the waiver is jointly approved by the Chief Information Officer of the Department of Defense and the Director of Operational Test and Evaluation.

(d) SUBMISSION.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives the policy and plan under subsection (a).

(e) THREAT-REALISTIC ASSESSMENT DEFINED.—In this section, the term "threat-realistic assessments" means, with respect to commercial cloud infrastructure, activities that—

(1) are designed to accurately emulate cyber threats from advanced nation state adversaries, such as Russia and China; and

(2) include cooperative penetration testing and no-notice threat-emulation activities where personnel of the Department of Defense attempt to penetrate and gain control of the cloud-provider facilities, networks, systems, and defenses associated with, or which enable, the supported missions of the Department.

SEC. 1554. ROADMAP AND IMPLEMENTATION PLAN FOR CYBER ADOPTION OF ARTIFICIAL INTELLIGENCE.

(a) ROADMAP AND IMPLEMENTATION PLAN REQUIRED.—Not later than 270 days after the date of the enactment of this Act, the Commander of the United States Cyber Command and the Chief Information Officer of the Department of Defense, in coordination with the Chief Digital and Artificial Intelligence Officer of the Department, the Director of the Defense Advanced Research Projects Agency, the Director of the National Security Agency, and the Under Secretary of Defense for Research and Engineering, shall jointly develop a five-year roadmap and implementation plan for rapidly adopting and acquiring artificial intelligence systems, applications, and supporting data and data management processes for the Cyberspace Operations Forces of the Department of Defense.

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

(1) Identification and prioritization of artificial intelligence systems, applications, data identification, and processing to cyber missions within the Department, and ameliorating threats to, and from, artificial intelligence systems, including—

(A) advancing the cybersecurity of Department systems with artificial intelligence;

(B) uses of artificial intelligence for cyber effects operations;

(C) assessing and mitigating vulnerabilities of artificial intelligence systems supporting cybersecurity and cyber operations to attacks; and

(D) defending against adversary artificial intelligence-based cyber attacks.

(2) A plan to develop, acquire, adopt, and sustain the artificial intelligence systems, applications, data, and processing identified in paragraph (1).

(3) Roles and responsibilities for the following for adopting and acquiring artificial intelligence systems, applications, and data to cyber missions within the Department:

(A) The Commander of the United States Cyber Command.

(B) The Commander of Joint-Force Headquarters Department of Defense Information Networks.

(C) The Chief Information Officer of the Department.

(D) The Chief Digital and Artificial Intelligence Officer of the Department.

(E) The Under Secretary of Defense for Research and Engineering.

(F) The Secretaries of the military departments.

(G) The Director of the National Security Agency.

(4) Identification of currently deployed, adopted, and acquired artificial intelligence systems, applications, ongoing prototypes, and data.

(5) Identification of current capability and skill gaps that must be addressed prior to the development and adoption of artificial intelligence applications identified in paragraph (1).

(6) Identification of opportunities to solicit operator utility feedback through inclusion into research and development processes and wargaming or experimentation events by developing a roadmap for such processes and events, as well as a formalized process for capturing and tracking lessons learned from such events to inform the development community.

(7) Identification of long-term technology gaps for fulfilling the Department's cyber warfighter mission to be addressed by research relating to artificial intelligence by the science and technology enterprise within the Department.

(8) Definition of a maturity model describing desired cyber capabilities, agnostic of the enabling technology solutions, including phases in the maturity model or identified milestones and clearly identified areas for collaboration with relevant commercial off the shelf and government off the shelf developers to address requirements supporting capability gaps.

(9) Assessment, in partnership with the Director of the Defense Intelligence Agency, of the threat posed by adversaries' use of artificial intelligence to the cyberspace operations and the security of the networks and artificial intelligence systems of the Department in the next five years, including a net technical assessment of United States and adversary activities to apply artificial intelligence to cyberspace operations, and actions planned to address that threat.

(10) A detailed schedule with target milestones, investments, and required expenditures.

(11) Interim and final metrics of adoption of artificial intelligence for each activity identified in the roadmap.

(12) Identification of such additional funding, authorities, and policies as the Commander and the Chief Information Officer jointly determine may be required.

(13) Such other topics as the Commander and the Chief Information Officer jointly consider appropriate.

(c) SYNCHRONIZATION.—The Commander and the Chief Information Officer shall ensure that the roadmap and implementation plan under subsection (a) are synchronized and coordinated to be consistent with section 1509.

(d) BRIEFING.—Not later than 30 days after the date on which the Commander and the Chief Information Officer complete development of the roadmap and implementation plan under subsection (a), the Commander and the Chief Information Officer shall provide to the congressional defense committees a classified briefing on the roadmap and implementation plan.

SEC. 1555. REVIEW OF DEPARTMENT OF DEFENSE IMPLEMENTATION OF RECOMMENDATIONS FROM DEFENSE SCIENCE BOARD CYBER REPORT.

(a) REVIEW.—

(1) REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall complete a review of the findings and recommendations presented in the June 2018 Defense Science Board report titled "Cyber as a Strategic Capability".

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

(A) Identification of, and description of implementation for, recommendations that have been implemented by the Secretary.

(B) Identification of recommendations that have not yet been fully implemented by the Secretary.

(C) Identification of the reasons why the recommendations identified under subparagraph (B) were not implemented.

(D) Identification of such legislative or administrative action as the Secretary determines necessary to implement the recommendations identified under subparagraph (B).

(b) REPORT.—

(1) REQUIREMENT.—Not later than 30 days after the date on which the review is completed under paragraph (1) of subsection (a), the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the review, including a disclosure of the matters identified and developed under paragraph (2) of such subsection.

(2) FORM.—The report submitted under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

SEC. 1556. ANNUAL BRIEFING ON RELATIONSHIP BETWEEN NATIONAL SECURITY AGENCY AND UNITED STATES CYBER COMMAND.

(a) ANNUAL BRIEFINGS REQUIRED.—Not later than March 1, 2023, and not less frequently than once each year thereafter until March 1, 2028, the Secretary of Defense shall provide the congressional defense committees a briefing on the relationship between the National Security Agency and United States Cyber Command.

(b) ELEMENTS.—Each briefing provided under subsection (a) shall include an annual assessment of the following:

(1) The resources, authorities, activities, missions, facilities, and personnel used to conduct the relevant missions at the National Security Agency as well as the cyber offense and defense missions of United States Cyber Command.

(2) The processes used to manage risk, balance tradeoffs, and work with partners to execute operations.

(3) An assessment of the operating environment and the continuous need to balance tradeoffs to meet mission necessity and effectiveness.

(4) An assessment of the operational effects resulting from the relationship between the National Security Agency and United States Cyber Command, including a list of specific operations conducted over the previous year that were enabled by or benefitted from the relationship.

(5) Such other topics as the Director of the National Security Agency and the Commander of United States Cyber Command may consider appropriate.

SEC. 1557. [10 U.S.C. 167b note] REVIEW OF DEFINITIONS ASSOCIATED WITH CYBERSPACE OPERATIONS FORCES.

(a) REVIEW.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense, acting through the Principal Cyber Advisor of the Department of Defense and the Principal Cyber Advisors of the military departments, shall—

(1) review—

(A) the memorandum of the Secretary of Defense dated December 12, 2019, concerning the definition of the term "Department of Defense Cyberspace Operations Forces (DoD COF)"; and

(B) the responsibilities of the Commander of the United States Cyber Command as the Cyberspace Joint Force Provider and Cyberspace Joint Force Trainer, with respect to forces included and excluded from the Cyberspace Operations Forces; and

(2) update such memorandum and, as appropriate, update such responsibilities.

(b) ELEMENTS.—The review under subsection (a) shall include the following:

(1) A comprehensive assessment of units and components of the Department of Defense conducting defensive cyberspace operations which are not currently included in the definition specified in paragraph (1)(A) of such subsection.

(2) Consideration of options for participation in the Cyberspace Operations Forces by forces without regard to whether the forces are included in such definition, including options under which—

(A) forces currently excluded from the Cyberspace Operations Forces because of such definition may access training, resources, and expertise of the Cyberspace Operations Forces;

(B) the Commander of the United States Cyber Command may issue advisory tasking to forces that are not

Cyberspace Operations Forces pursuant to such definition; and

(C) forces that are not Cyberspace Operations Forces pursuant to such definition are subject to training standards established by the Commander as the Cyberspace Joint Force Trainer.

SEC. 1558. ANNUAL ASSESSMENTS AND REPORTS ON ASSIGNMENT OF CERTAIN BUDGET CONTROL RESPONSIBILITY TO COMMANDER OF UNITED STATES CYBER COMMAND.

(a) ANNUAL ASSESSMENTS.—

(1) REQUIREMENT.—During fiscal year 2023, and not less frequently than once each fiscal year thereafter through fiscal year 2028, the Commander of the United States Cyber Command, in coordination with the Principal Cyber Advisor of the Department of Defense, shall assess the implementation of the transition of responsibilities assigned to the Commander by section 1507(a)(1) of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117-81).

(2) ELEMENTS.—Each assessment carried out under paragraph (1) shall include the following:

(A) An assessment of the operational and organizational effect of section 1507(a)(1) of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117-81) on the training, equipping, operation, sustainment, and readiness of the Cyber Mission Forces.

(B) An inventory description of the cyber systems, activities, capabilities, resources, and functions that have been transferred from the military departments to control of the Commander and those that have not been transitioned pursuant to such section 1507(a)(1).

(C) An opinion by the Commander as to whether the cyber systems, activities, capabilities, resources, and functions that have not been so transitioned should be transitioned pursuant to such section 1507(a)(1).

(D) An assessment of the adequacy of resources, authorities, and policies required to implement such section 1507(a)(1), including organizational, functional, and personnel matters.

(E) An assessment of the reliance on resources, authorities, policies, or personnel external to United States Cyber Command in support of the budget control of the Commander.

(F) Identification of any outstanding areas for transition pursuant to such section 1507(a)(1).

(G) An assessment of the organization established under section 1509 and its performance relative to the requirements of the Command.

(H) A review of investments in artificial intelligence capabilities, including an assessment of the alignment of such investments with the milestones of the roadmap required by section 1554(a) and the current and planned uses of such capabilities by the Department of Defense.

(I) Such other matters as the Commander considers appropriate.

(b) ANNUAL REPORTS.—Not later than March 1, 2023, and annually thereafter through 2030, the Commander shall submit to the congressional defense committees a report and briefing on the findings of the Commander with respect to the assessments under subsection (a).

SEC. 1559. [10 U.S.C. 2224 note] ASSESSMENTS OF WEAPONS SYSTEMS VULNERABILITIES TO RADIO-FREQUENCY ENABLED CYBER ATTACKS.

(a) ASSESSMENTS.—The Secretary of Defense shall ensure that the activities required by and conducted pursuant to section 1647 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat. 1118) and the amendments made by section 1712 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-283; 134 Stat. 4087) include regular assessments of the vulnerabilities to and mission risks presented by radio-frequency enabled cyber attacks with respect to the operational technology embedded in weapons systems, aircraft, ships, ground vehicles, space systems, sensors, and datalink networks of the Department of Defense.

(b) ELEMENTS.—The assessments under subsection (a) with respect to vulnerabilities and risks described in such subsection shall include—

(1) identification of such vulnerabilities and risks;

(2) ranking of vulnerability, severity, and priority;

(3) development and selection of options, with associated costs and schedule, to correct such vulnerabilities, including installation of intrusion detection capabilities;

(4) an evaluation of the cybersecurity sufficiency for Military Standard 1553; and

(5) development of integrated risk-based plans to implement the corrective actions selected.

(c) DEVELOPMENT OF CORRECTIVE ACTIONS.—In developing corrective actions under subsection (b)(3), the assessments under subsection (a) shall—

(1) consider the missions supported by the assessed weapons systems, aircraft, ships, ground vehicles, space systems, sensors, or datalink networks, as the case may be, to ensure that the corrective actions focus on the vulnerabilities that create the greatest risks to the missions;

(2) be shared and coordinated with the principal staff assistant with primary responsibility for the strategic cybersecurity program; and

(3) address requirements for deployed and nondeployed members of the Armed Forces to analyze data collected on the weapons systems and respond to attacks.

(d) INTELLIGENCE INFORMED ASSESSMENTS.—The assessments under subsection (a) shall be informed by intelligence, if available, and technical judgment regarding potential threats to embedded operational technology during operations of the Armed Forces.

(e) COORDINATION.—

(1) COORDINATION AND INTEGRATION OF ACTIVITIES.—The assessments under subsection (a) shall be fully coordinated and integrated with activities described in such subsection.

(2) COORDINATION OF ORGANIZATIONS.—The Secretary shall ensure that the organizations conducting the assessments under subsection (a) in the military departments, the United States Special Operations Command, and the Defense Agencies coordinate with each other and share best practices, vulnerability analyses, and technical solutions with the principal staff assistant with primary responsibility for the Strategic Cybersecurity Program.

SEC. 1560. BRIEFING ON DEPARTMENT OF DEFENSE PLAN TO DETER AND COUNTER ADVERSARIES IN THE INFORMATION ENVIRONMENT.

(a) BRIEFING.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall provide to the congressional defense committees a briefing on the following:

(1) The status of the strategy and posture review required by section 1631(g) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92; 10 U.S.C. 397 note).

(2) A description of efforts of the Department of Defense, including such efforts conducted in consultation with relevant departments and agencies of the Federal Government, to effectively deter and counter foreign adversaries in the information environment, including—

(A) recent updates or modifications to existing policies to more effectively deter and counter adversaries;

(B) a description of funding priorities and impacts to future budget requests;

(C) recent updates to personnel policies to ensure the recruitment, promotion, retention, and compensation for individuals with the necessary skills in the information environment; and

(D) a description of improvements required to the collection, prioritization, and analysis of intelligence, in particular open-source intelligence, to better inform the understanding of foreign adversaries in the information environment.

(3) A description of any initiatives that are being taken, in cooperation with relevant departments and agencies of the Federal Government, to assist and incorporate allies and partner countries of the United States into efforts to effectively deter and counter foreign adversaries in the information environment.

(4) A description of any additional actions the Secretary determines necessary to further ensure that the Department of Defense is appropriately postured to effectively deter and counter foreign adversaries in the information environment.

(5) Any other matters the Secretary of Defense determines appropriate.

(b) INFORMATION ENVIRONMENT DEFINED.—In this section, the term "information environment" has the meaning given in the publication of the Department of Defense titled "Joint Concept for Operating in the Information Environment (JCOIE)" dated July 25, 2018.

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

Subtitle A—Space Activities

Sec. 1601. Requirements for protection of satellites.
Sec. 1602. Strategy on protection of satellites.
Sec. 1603. Modification of reports on integration of acquisition and capability delivery schedules for segments of major satellite acquisitions programs and funding for such programs.
Sec. 1604. Tactically responsive space capability.
Sec. 1605. Extension of annual report on Space Command and Control.
Sec. 1606. Allied responsive space capabilities.
Sec. 1607. Applied research and educational activities to support space technology development.
Sec. 1608. Review of Space Development Agency exemption from Joint Capabilities Integration and Development System.
Sec. 1609. Update to plan to manage Integrated Tactical Warning and Attack Assessment System and multi-domain sensors.
Sec. 1610. Report on space debris.

Subtitle B—Defense Intelligence and Intelligence-Related Activities

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

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Sec. 1633. Improvements to Nuclear Weapons Council.
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Sec. 1636. Modification and extension of annual assessment of cyber resilience of nuclear command and control system.
Sec. 1637. Modification of reports on Nuclear Posture Review implementation.
Sec. 1638. Establishment of intercontinental ballistic missile site activation task force for Sentinel program.
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Subtitle D—Missile Defense Programs

Sec. 1651. Biannual briefing on missile defense and related activities.
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Sec. 1657. Fire control architectures.
Sec. 1658. Middle East integrated air and missile defense.
Sec. 1659. Iron Dome short-range rocket defense system and Israeli cooperative missile defense program co-development and co-production.
Sec. 1660. Integrated air and missile defense architecture for defense of Guam.
Sec. 1661. Limitation on availability of certain funds until submission of report on implementation of the cruise missile defense architecture for the homeland.

Sec. 1662. Strategy to use asymmetric capabilities to defeat hypersonic missile threats.
Sec. 1663. Plan on delivering Shared Early Warning System data to certain allies and partners of the United States.
Sec. 1664. Reports on ground-based interceptors.
Sec. 1665. Report on missile defense interceptor site in contiguous United States.

Subtitle E—Other Matters

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

Subtitle A—Space Activities

SEC. 1601. REQUIREMENTS FOR PROTECTION OF SATELLITES.

Chapter 135 of title 10, United States Code, is amended by inserting after section 2275 the following new section (and conforming the table of sections at the beginning of such chapter accordingly):

"SEC. 2275a. [10 U.S.C. 2275a] Requirements for protection of satellites

"(a) ESTABLISHMENT OF REQUIREMENTS.—Before a major satellite acquisition program achieves Milestone A approval, or equivalent, the Chief of Staff of the Space Force, in consultation with the Commander of the United States Space Command, shall establish requirements for the defense and resilience of the satellites under that program against the capabilities of adversaries to target, degrade, or destroy the satellites.

"(b) DEFINITIONS.—In this section:

"(1) The term 'major satellite acquisition program' has the meaning given that term in section 2275 of this title.

"(2) The term 'Milestone A approval' has the meaning given that term in section 4251 of this title 10.".

SEC. 1602. STRATEGY ON PROTECTION OF SATELLITES.

(a) STRATEGY.—

(1) REQUIREMENT. Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Director of National Intelligence, shall make publicly available a strategy containing the actions that will be taken to defend and protect on-orbit satellites of the Department of Defense and the intelligence community from the capabilities of adversaries to target, degrade, or destroy satellites.

(2) FORMS.—The Secretary shall—

(A) make the strategy under paragraph (1) publicly available in unclassified form; and

(B) submit to the appropriate congressional committees an annex, which may be submitted in classified form, containing supporting documents to the strategy.

(b) DEFINITIONS.—In this section:

(1) The term "appropriate congressional committees" means—

(A) the congressional defense committees; and

(B) the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

(2) The term "intelligence community" has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)).

SEC. 1603. MODIFICATION OF REPORTS ON INTEGRATION OF ACQUISITION AND CAPABILITY DELIVERY SCHEDULES FOR SEGMENTS OF MAJOR SATELLITE ACQUISITIONS PROGRAMS AND FUNDING FOR SUCH PROGRAMS.

Section 2275(f) of title 10, United States Code, is amended by striking paragraph (3).

SEC. 1604. TACTICALLY RESPONSIVE SPACE CAPABILITY.

(a) PROGRAM.—Subsection (a) of section 1609 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-283; 10 U.S.C. 2271 note) is amended to read as follows:

"(a) PROGRAM.—The Secretary of the Air Force shall ensure that the Space Force has a tactically responsive space capability that—

"(1) addresses all lifecycle elements; and

"(2) addresses rapid deployment and reconstitution requirements—

"(A) to provide long-term continuity for tactically responsive space capabilities across the future-years defense program submitted to Congress under section 221 of title 10, United States Code;

"(B) to continue the development of concepts of operations, including with respect to tactics, training, and procedures;

"(C) to develop appropriate processes for tactically responsive space launch, including—

"(i) mission assurance processes; and

"(ii) command and control, tracking, telemetry, and communications; and

"(D) to identify basing requirements necessary to enable tactically responsive space capabilities.".

(b) REQUIREMENTS.—Such section is further amended—

(1) by redesignating subsection (b) as subsection (c); and

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

"(b) REQUIREMENTS.—The Chief of Space Operations shall establish tactically responsive requirements for all national security space capabilities, if applicable, carried out under title 10, United States Code.".

(c) SUPPORT.—Subsection (c) of such section, as redesignated by subsection (b), is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking "launch program" and inserting "space program"; and

(B) by striking subparagraph (B) and inserting the following new subparagraph:

"(B) The entire end-to-end tactically responsive space capability, including with respect to the launch vehicle, ground infrastructure, bus, payload, operations and on-orbit sustainment."; and

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A)—

(i) by striking "for fiscal year 2023" and inserting "for each of fiscal years 2023 through 2026"; and

(ii) by striking "tactically responsive launch program" and inserting "tactically responsive space program";

(B) in subparagraph (A), by striking "launches" and inserting "capabilities"; and

(C) in subparagraph (C), by striking "tactically responsive launch program" and inserting "tactically responsive space program".

(d) CONFORMING AMENDMENT.—The heading of such section is amended in the heading by striking "launch operations" and inserting "space capability".

SEC. 1605. EXTENSION OF ANNUAL REPORT ON SPACE COMMAND AND CONTROL.

Section 1613(a)(2) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92; 133 Stat. 1731) is amended by striking "2025" and inserting "2030".

SEC. 1606. [10 U.S.C. 2271 note] ALLIED RESPONSIVE SPACE CAPABILITIES.

(a) INITIATIVES.—The Secretary of the Defense and the Secretary of State shall jointly ensure that responsive space capabilities of the Department of Defense align with initiatives by Five Eyes countries, member states of the North Atlantic Treaty Organization, and other allies to promote a globally responsive space architecture.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of State, in coordination with the Commander of the United States European Command, the Commander of the United States Indo-Pacific Command, and the Commander of the United States Space Command, shall jointly submit to the congressional defense committees, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate a report assessing current investments and partnerships by the United States with allies of the United States with respect to responsive space efforts. The report shall include the following:

(1) An assessment of the benefits of leveraging allied and partner spaceports for responsive launch.

(2) A discussion of current and future plans to engage with allies and partners with respect to activities ensuring rapid reconstitution or augmentation of the space capabilities of the United States and allies.

(3) An assessment of the shared costs and technology between the United States and allies, including if investments from the Pacific Deterrence Initiative and the European Deterrence Initiative could be considered for allied spaceports.

(c) FIVE EYES COUNTRIES DEFINED.—In this section, the term "Five Eyes countries" means the following:

(1) Australia.
(2) Canada.
(3) New Zealand.
(4) The United Kingdom.
(5) The United States.

SEC. 1607. [10 U.S.C. 9081 note] APPLIED RESEARCH AND EDUCATIONAL ACTIVITIES TO SUPPORT SPACE TECHNOLOGY DEVELOPMENT.

(a) IN GENERAL.—The Secretary of the Air Force and the Chief of Space Operations, in coordination with the Chief Technology and Innovation Office of the Space Force, may carry out applied research and educational activities to support space technology development.

(b) ACTIVITIES.—Activities carried out under subsection (a) shall support the applied research, development, and demonstration needs of the Space Force, including by addressing and facilitating the advancement of capabilities related to—

(1) space domain awareness;
(2) positioning, navigation, and timing;
(3) communications;
(4) hypersonics;
(5) cybersecurity; and
(6) any other matter the Secretary of the Air Force considers relevant.

(c) EDUCATION AND TRAINING.—Activities carried out under subsection (a) shall—

(1) promote education and training for students so as to support the future national security space workforce of the United States; and
(2) explore opportunities for international collaboration.

(d) TERMINATION.—The authority provided by this section shall expire on December 31, 2027.

SEC. 1608. [10 U.S.C. 9086 note] REVIEW OF SPACE DEVELOPMENT AGENCY EXEMPTION FROM JOINT CAPABILITIES INTEGRATION AND DEVELOPMENT SYSTEM.

(a) REVIEW.—Not later than March 31, 2023, the Secretary of Defense shall complete a review regarding whether the Space Development Agency should be exempt from the Joint Capabilities Integration and Development System.

(b) RECOMMENDATION.—Not later than 30 days after the date on which the review under subsection (a) is completed, the Secretary of Defense shall submit to the congressional defense committees a recommendation as to whether the exemption described in such subsection should apply to the Space Development Agency.

(c) IMPLEMENTATION.—Not later than 60 days after the date on which the recommendation is submitted under subsection (b), the Secretary of the Air Force and the Director of the Space Development Agency shall implement the recommendation.

SEC. 1609. UPDATE TO PLAN TO MANAGE INTEGRATED TACTICAL WARNING AND ATTACK ASSESSMENT SYSTEM AND MULTI-DOMAIN SENSORS.

(a) UPDATE REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of the Air Force shall update the plan that was developed pursuant to section 1669 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91).

(b) COORDINATION WITH OTHER AGENCIES.—In developing the update required by subsection (a), the Secretary shall—

(1) coordinate with the Secretary of the Army, the Secretary of the Navy, the Director of the Missile Defense Agency, the Director of the National Reconnaissance Office, and the Director of the Space Development Agency; and

(2) solicit comments on the plan, if any, from the Commander of United States Strategic Command, the Commander of United States Northern Command, and the Commander of United States Space Command.

(c) SUBMITTAL TO CONGRESS.—Not later than 90 days after the update required by subsection (a) is complete, the Secretary of the Air Force shall submit to the congressional defense committees—

(1) the plan updated pursuant to subsection (a); and

(2) the comments from the Commander of United States Strategic Command, the Commander of United States Northern Command, and the Commander of United States Space Command, if any, solicited under subsection (b)(2).

SEC. 1610. REPORT ON SPACE DEBRIS.

(a) REQUIREMENT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees the portion of the report on the risks posed by man-made space debris in low-Earth orbit described in the explanatory statement accompanying the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117-81) that pertains to the Department of Defense. The portion of the report shall include—

(1) an explanation of such risks to defense and national security space assets;

(2) recommendations with respect to the remediation of such risks to defense and national security assets; and

(3) outlines of plans to reduce the incident of such space debris to defense and national security assets.

(b) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Armed Services and the Committee on Science, Space, and Technology of the House of Representatives; and

(2) the Committee on Armed Services and Committee on Commerce, Science, and Transportation of the Senate.

Subtitle B—Defense Intelligence and Intelligence-Related Activities

SEC. 1621. CONGRESSIONAL OVERSIGHT OF CLANDESTINE ACTIVITIES THAT SUPPORT OPERATIONAL PREPARATION OF THE ENVIRONMENT.

Section 127f of title 10, United States Code, is amended—

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

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

"(e) QUARTERLY BRIEFING.—On a quarterly basis, the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict, in coordination with elements of the Department of Defense that the Assistant Secretary determines appropriate, shall provide to the congressional defense committees a briefing outlining the clandestine activities carried out pursuant to subsection (a) during the period covered by the briefing, including—

"(1) an update on such activities carried out in each geographic combatant command and a description of how such activities support the respective theater campaign plan;

"(2) an overview of the authorities and legal issues, including limitations, relating to such activities; and

"(3) any other matters the Assistant Secretary considers appropriate.".

Subtitle C—Nuclear Forces

SEC. 1631. BIANNUAL BRIEFING ON NUCLEAR WEAPONS AND RELATED ACTIVITIES.

Chapter 24 of title 10, United States Code, is amended by inserting after section 492a the following new section (and conforming the table of sections at the beginning of such chapter accordingly):

"SEC. 492b. [10 U.S.C. 492b] BIANNUAL BRIEFING ON NUCLEAR WEAPONS AND RELATED ACTIVITIES

"(a) IN GENERAL.—On or about May 1 and November 1 of each year, the officials specified in subsection (b) shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on matters relating to nuclear weapons policies, operations, technology development, and other similar topics as requested by such committees.

"(b) OFFICIALS SPECIFIED.—The officials specified in this subsection are the following:

"(1) The Assistant Secretary of Defense for Acquisition.

"(2) The Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs.

"(3) The Assistant Secretary of Defense for Space Policy.

"(4) The Deputy Administrator for Defense Programs of the National Nuclear Security Administration.

"(5) The Director for Strategy, Plans, and Policy of the Joint Staff.

"(6) The Director for Capability and Resource Integration for the United States Strategic Command.

"(c) DELEGATION.—An official specified in subsection (b) may delegate the authority to provide a briefing under subsection (a) to a member of the Senior Executive Service who reports to the official.

"(d) TERMINATION.—The requirement to provide a briefing under subsection (a) shall terminate on January 1, 2028.".

SEC. 1632. INDUSTRIAL BASE MONITORING FOR B-21 AND SENTINEL PROGRAMS.

Chapter 24 of title 10, United States Code, is amended by inserting after section 493 the following new section (and conforming the table of sections at the beginning of such chapter accordingly):

"SEC. 493a. [10 U.S.C. 493a] Industrial base monitoring for B-21 and Sentinel programs

"(a) DESIGNATION.—The Secretary of the Air Force, acting through the Assistant Secretary of the Air Force for Acquisition, Technology, and Logistics, shall designate a senior official, who shall report to the Assistant Secretary, to monitor the combined industrial base supporting the acquisition of—

"(1) B-21 aircraft; and

"(2) the Sentinel intercontinental ballistic missile weapon system.

"(b) REQUIREMENTS FOR MONITORING.—In monitoring the combined industrial base described in subsection (a), the senior official designated under such subsection shall—

"(1) have the authority to select staff to assist the senior official from among civilian employees of the Department and members of the armed forces, who may provide such assistance concurrently while serving in another position;

"(2) monitor the acquisition by the combined industrial base of—

"(A) materials, technologies, and components associated with nuclear weapons systems; and

"(B) commodities purchased on a large scale;

"(3) monitor the hiring or contracting by the combined industrial base of personnel with critical skills; and

"(4) assess whether personnel with critical skills and knowledge, intellectual property on manufacturing processes, and facilities and equipment necessary to design, develop, manufacture, repair, and support a program are available and affordable within the scopes of the B-21 aircraft program and the Sentinel intercontinental ballistic missile weapon system program.

"(c) ANNUAL REPORT.—At the same time as the submission of the budget of the President pursuant to section 1105(a) of title 31 for a fiscal year, the Secretary shall submit to the congressional defense committees a report with respect to the status of the combined industrial base described in subsection (a).".

SEC. 1633. IMPROVEMENTS TO NUCLEAR WEAPONS COUNCIL.

(a) RESPONSIBILITIES.—Subsection (d) of section 179 of title 10, United States Code, is amended—

(1) in paragraph (9), by inserting ", in coordination with the Joint Requirements Oversight Council," after "capabilities, and";

(2) by redesignating paragraphs (10), (11), and (12) as paragraphs (11), (12), and (13), respectively;

(3) by inserting after paragraph (9) the following new paragraph (10):

"(10) With respect to nuclear warheads—

"(A) reviewing military requirements, performance requirements, and planned delivery schedules to evaluate whether such requirements and schedules create significant risks to cost, schedules, or other matters regarding production, surveillance, research, and other programs relating to nuclear weapons within the National Nuclear Security Administration; and

"(B) if any such risk exists, proposing and analyzing adjustments to such requirements and schedules."; and

(4) by striking paragraph (13), as so redesignated, and inserting the following new paragraph (13):

"(13) Coordinating risk management efforts between the Department of Defense and the National Nuclear Security Administration relating to the nuclear weapons stockpile, the nuclear security enterprise (as defined in section 4002 of the Atomic Energy Defense Act (50 U.S.C. 2501)), and the delivery platforms for nuclear weapons, including with respect to identifying and analyzing risks and proposing actions to mitigate risks.".

(b) PLANS AND BUDGET.—Subsection (f) of such section is amended to read as follows:

"(f) BUDGET AND FUNDING MATTERS.—(1) The Council shall annually review the plans and budget of the National Nuclear Security Administration and assess whether such plans and budget meet the current and projected requirements relating to nuclear weapons.

"(2)(A) The Council shall review each budget request transmitted by the Secretary of Energy to the Council under section 4717 of the Atomic Energy Defense Act (50 U.S.C. 2757) and make a determination under subparagraph (B) regarding the adequacy of each such request. Not later than 30 days after making such a determination, the Council shall notify the congressional defense committees that such a determination has been made.

"(B)(i) If the Council determines that a budget request for a fiscal year transmitted to the Council under section 4717 of the Atomic Energy Defense Act (50 U.S.C. 2757) is inadequate, in whole or in part, to implement the objectives of the Department of Defense with respect to nuclear weapons for that fiscal year, the Council shall submit to the Secretary of Energy a written description of funding levels and specific initiatives that would, in the determination of the Council, make the budget request adequate to implement those objectives.

"(ii) If the Council determines that a budget request for a fiscal year transmitted to the Council

under section 4717 of the Atomic Energy Defense Act (50 U.S.C. 2757) is adequate to implement the objectives described in clause (i) for that fiscal year, the Council shall submit to the Secretary of Energy a written statement confirming the adequacy of the request.

"(iii) The Council shall maintain a record of each description submitted under clause (i) and each statement submitted under clause (ii).

"(3) Not later than 30 days after the President submits to Congress the budget for a fiscal year under section 1105(a) of title 31, the Council shall submit to the congressional defense committees a report containing the following:

"(A) The results of the assessment conducted under paragraph (1) with respect to that budget.

"(B) An evaluation of—

"(i) whether the funding requested for the National Nuclear Security Administration in such budget—

"(I) enables the Administrator for Nuclear Security to meet requirements relating to nuclear weapons for such fiscal year; and

"(II) is adequate to implement the objectives of the Department of Defense with respect to nuclear weapons for that fiscal year; and

"(ii) whether the plans and budget reviewed under paragraph (1) will enable the Administrator to meet—

"(I) the requirements to produce war reserve plutonium pits under section 4219(a) of such Act (50 U.S.C. 2538a(a)); and

"(II) any other requirements under Federal law.

"(C) If the evaluation under subparagraph (B)(ii) determines that the plans and budget reviewed under paragraph (1) will not enable the Administrator to meet the requirements to produce war reserve plutonium pits under section 4219(a) of the Atomic Energy Defense Act (50 U.S.C. 2538a(a))—

"(i) an explanation for why the plans and budget will not enable the Administrator to meet such requirements; and

"(ii) proposed alternative plans, budget, or requirements by the Council to meet such requirements.

"(4) If a member of the Council does not concur in any assessment or evaluation under this subsection, the report or other information required to be submitted to the congressional defense committees regarding such assessment or evaluation shall include a written explanation from the non-concurring member describing the reasons for the member's nonconcurrence.

"(5)(A) Not later than 30 days after the President submits to Congress the budget for a fiscal year under section 1105(a) of title 31, the Commander of the United States Strategic Command shall submit to the Chairman of the Joint Chiefs of Staff an assessment of—

"(i) whether such budget allows the Federal Government to meet the nuclear stockpile and stockpile stewardship program requirements during the fiscal year covered by the budget and the four subsequent fiscal years; and

"(ii) if the Commander determines that such budget does not allow the Federal Government to meet such requirements, a description of the steps being taken to meet such requirements.

"(B) Not later than 30 days after the date on which the Chairman of the Joint Chiefs of Staff receives the assessment of the Commander of the United States Strategic Command under subparagraph (A), the Chairman shall submit to the congressional defense committees—

"(i) such assessment as it was submitted to the Chairman; and

"(ii) any comments of the Chairman.

"(6) In this subsection, the term 'budget' has the meaning given that term in section 231(f) of this title.".

(c) MODIFICATION OF BUDGET REVIEW BY NUCLEAR WEAPONS COUNCIL.—Section 4717 of the Atomic Energy Defense Act (50 U.S.C. 2757) is amended—

(1) in subsection (a)—

(A) by striking paragraph (2) and inserting the following:

"(2) REVIEW.—The Council shall review each budget request transmitted to the Council under paragraph (1) in accordance with section 179(f) of title 10, United States Code."; and

(B) in paragraph (3)(A)—

(i) in the matter preceding clause (i), by striking "paragraph (2)(B)(i)" and inserting "section 179(f)(2)(B)(i) of title 10, United States Code,"; and

(ii) in clause (i), by striking "the description under paragraph (2)(B)(i)" and inserting "that description"; and

(2) in subsection (b)—

(A) by striking "Council.—" in the heading and all that follows through "At the time" and inserting "Council.—At the time"; and

(B) by striking paragraph (2).

(d) UPDATES ON MEETINGS.—Section 179(g)(1)(A) of title 10, United States Code, is amended by inserting "and the members who attended each meeting" before the semicolon.

(e) REPEAL OF TERMINATION OF NUCLEAR WEAPONS COUNCIL CERTIFICATION AND REPORTING REQUIREMENT.—Section 1061(c) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 10 U.S.C. 111 note) is amended by striking paragraph (10).

SEC. 1634. PORTFOLIO MANAGEMENT FRAMEWORK FOR NUCLEAR FORCES.

(a) IN GENERAL.—Chapter 24 of title 10, United States Code, is amended by adding at the end the following new section (and

conforming the table of sections at the beginning of such chapter accordingly):

"SEC. 499c. [10 U.S.C. 499c] Portfolio management framework for nuclear forces

"(a) REQUIREMENT.—Not later than January 1, 2024, the Secretary of Defense shall—

"(1) implement a portfolio management framework for nuclear forces of the United States that—

"(A) specifies the portfolio of nuclear forces covered by the framework;

"(B) establishes a portfolio governance structure for such forces that takes advantage of, or is modeled on, an existing portfolio governance structure, such as the Deputy's Management Action Group described in Department of Defense Directive 5105.79;

"(C) outlines the approach of the Secretary for identifying and managing risk relating to such forces and prioritizing the efforts among such forces, including how the Secretary, acting through the Under Secretary of Defense for Acquisition and Sustainment, will coordinate such identification, management, and prioritization with the Administrator for Nuclear Security using the coordination processes of the Nuclear Weapons Council; and

"(D) incorporates the findings and recommendations identified by the Comptroller General of the United States in the report titled 'Nuclear Enterprise: DOD and NNSA Could Further Enhance How They Manage Risk and Prioritize Efforts' (GAO-22-104061) and dated January 2022; and

"(2) complete a comprehensive assessment of the portfolio management capabilities required to identify and manage risk in the portfolio of nuclear forces, including how to draw upon public and private sector resources and the program management expertise within the Defense Acquisition University.

"(b) ANNUAL BRIEFINGS; NOTIFICATIONS.—(1) In conjunction with the submission of the budget of the President to Congress pursuant to section 1105 of title 31 for fiscal year 2025 and each fiscal year thereafter through the date specified in subsection (c), the Secretary shall provide to the congressional defense committees a briefing on identifying and managing risk relating to nuclear forces and prioritizing the efforts among such forces, including, with respect to the period covered by the briefing—

"(A) the current and projected operational requirements for nuclear forces that were used for such identification, management, and prioritization;

"(B) key areas of risk identified; and

"(C) a description of the actions proposed or carried out to mitigate such risk.

"(2) The Secretary may provide the briefings under paragraph (1) in classified form.

"(3) If a House of Congress adopts a bill authorizing or appropriating funds that, as determined by the Secretary, provides funds in an amount that will result in a significant delay in the nuclear certification or delivery of nuclear forces, the

Secretary shall notify the congressional defense committees of the determination.

"(c) TERMINATION.—The requirements of this section shall terminate 90 days after the date on which the Secretary certifies to the congressional defense committees that each of the following have achieved full operational capability:

"(1) The LGM-35A Sentinel intercontinental ballistic missile weapon system.

"(2) The Columbia-class ballistic missile submarine program.

"(3) The long-range standoff weapon program.

"(4) The B-21 Raider bomber aircraft program.

"(5) The F-35A dual-capable aircraft program.

"(d) NUCLEAR FORCES DEFINED.—In this section, the term 'nuclear forces' includes, at a minimum—

"(1) nuclear weapons;

"(2) the delivery platforms and systems for nuclear weapons;

"(3) nuclear command, control, and communications systems; and

"(4) the infrastructure and facilities of the Department of Defense and the National Nuclear Security Administration that support nuclear weapons, the delivery platforms and systems for nuclear weapons, and nuclear command, control, and communications systems, including with respect to personnel, construction, operation, and maintenance.".

(b) INITIAL BRIEFING.—

(1) REQUIREMENT.—Not later than June 1, 2023, the Secretary of Defense shall provide to the congressional defense committees a briefing on the progress of the Secretary to—

(A) develop the portfolio management framework for nuclear forces under section 499c of title 10, United States Code, as added by subsection (a); and

(B) complete the assessment described in subsection (a)(2) of such section.

(2) FORM.—The Secretary may provide the briefing under paragraph (1) in classified form.

SEC. 1635. EXTENSION OF REQUIREMENT TO REPORT ON NUCLEAR WEAPONS STOCKPILE.

Section 492a(a)(1) of title 10, United States Code, is amended by striking "2024" and inserting "2029".

SEC. 1636. MODIFICATION AND EXTENSION OF ANNUAL ASSESSMENT OF CYBER RESILIENCE OF NUCLEAR COMMAND AND CONTROL SYSTEM.

(a) QUARTERLY BRIEFINGS.—Subsection (d) of section 499 of title 10, United States Code, is amended to read as follows:

"(d) QUARTERLY BRIEFINGS.—(1) Not less than once every quarter, the Deputy Secretary of Defense and the Vice Chairman of the Joint Chiefs of Staff shall jointly provide to the Committees on Armed Services of the House of Representatives and the Senate—

"(A) a briefing on any intrusion or anomaly in the nuclear command, control, and communications system that was identified during the previous quarter, including—

"(i) an assessment of any known, suspected, or potential impacts of such intrusions and anomalies to the mission effectiveness of military capabilities as of the date of the briefing; and

"(ii) with respect to cyber intrusions of contractor networks known or suspected to have resulted in the loss or compromise of design information regarding the nuclear command, control, and communications system; or

"(B) if no such intrusion or anomaly occurred with respect to the quarter to be covered by that briefing, a notification of such lack of intrusions and anomalies.

"(2) In this subsection:

"(A) The term 'anomaly' means a malicious, suspicious or abnormal cyber incident that potentially threatens the national security or interests of the United States, or that is likely to result in demonstrable harm to the national security of the United States.

"(B) The term 'intrusion' means an unauthorized and malicious cyber incident that compromises a nuclear command, control, and communications system by breaking the security of such a system or causing it to enter into an insecure state.".

(b) EXTENSION.—Subsection (e) of such section is amended by striking "December 31, 2027" and inserting "December 31, 2032".

(c) CONFORMING REPEAL.—Section 171a of title 10, United States Code, is amended—

(1) by striking subsection (h); and

(2) by redesignating subsections (i) through (l) as subsections (h) through (k), respectively.

SEC. 1637. MODIFICATION OF REPORTS ON NUCLEAR POSTURE REVIEW IMPLEMENTATION.

Section 491(c) of title 10, United States Codeis amended—

(1) in the heading, by striking "2010";

(2) in the matter preceding paragraph (1)—

(A) by striking "2012 through 2021" and inserting "2022 through 2031"; and

(B) by striking "2010" and inserting "a"; and

(3) by striking paragraph (1) and inserting the following new paragraph (1.):

"(1) ensure that the report required by section 492a of this title is transmitted to Congress, if so required under such section;".

SEC. 1638. ESTABLISHMENT OF INTERCONTINENTAL BALLISTIC MISSILE SITE ACTIVATION TASK FORCE FOR SENTINEL PROGRAM.

(a) ESTABLISHMENT.—

(1) TASK FORCE.—There is established within the Air Force Global Strike Command a directorate to be known as the Sentinel Intercontinental Ballistic Missile Site Activation Task Force (in this section referred to as the "Task Force").

(2) SITE ACTIVATION TASK FORCE.—The Task Force shall serve as the Site Activation Task Force (as that term is defined in Air Force Instruction 10-503, updated October 14, 2020) for

purposes of overseeing and coordinating the construction of fixed facilities and emplacements and the installation and checkout of supporting subsystems and equipment leading to the deployment and achievement of full operational capability of the LGM-35A Sentinel intercontinental ballistic missile weapon system at each intercontinental ballistic missile wing for use by the Air Force Global Strike Command in support of plans and operations of the United States Strategic Command.

(b) DIRECTOR.—

(1) HEAD.—The Task Force shall be headed by the Director of Intercontinental Ballistic Missile Modernization, who shall report directly to the Commander of Air Force Global by striking Command.

(2) APPOINTMENT.—

(A) IN GENERAL.—The Secretary of the Air Force shall appoint the Director from among the general officers of the Air Force.

(B) QUALIFICATIONS.—In appointing the Director, the Secretary shall give preference to individuals with expertise in intercontinental ballistic missile operations and large construction projects.

(3) TERM OF OFFICE.—

(A) TERM.—The Director shall be appointed for a term of three years. The Secretary may reappoint the Director for one additional three-year term.

(B) REMOVAL.—The Secretary may remove the Director for cause at any time.

(4) DUTIES.—

(A) IN GENERAL.—The Director shall—

(i) oversee and coordinate the activities of the Air Force in support of—

(I) the deployment of the LGM-35A Sentinel intercontinental ballistic missile weapon system; and

(II) the retirement of the LGM-30G Minuteman III intercontinental ballistic missile weapon system; and

(ii) subject to the authority, direction, and control of the Commander of the Air Force Global Strike Command, the Chief of Staff of the Air Force, and the Secretary of the Air Force, prepare, justify, and execute the personnel, operation and maintenance, and construction budgets for such deployment and retirement.

(B) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to supersede or otherwise alter the organizational relationships and responsibilities regarding oversight and management of the LGM-35A Sentinel as a Major Capability Acquisition Program, as outlined in Department of Defense Instruction 5000.85, "Major Capability Acquisition", dated November 4, 2021.

(c) REPORTS.—

(1) REPORT TO SECRETARIES.—Not later than one year after the date of the enactment of this Act, and annually thereafter until the date specified in subsection (e), the Director, in con-

sultation with the milestone decision authority (as defined in section 4251(d) of title 10, United States Code) for the LGM-35A Sentinel intercontinental ballistic missile program, shall submit to the Secretary of Defense and the Secretary of the Air Force a report on the progress of the Air Force in achieving initial and full operational capability for the LGM-35A Sentinel intercontinental ballistic missile weapon system.

(2) REPORT TO CONGRESS.—Not later than 30 days after receiving a report under paragraph (1), the Secretary of Defense and the Secretary of the Air Force shall jointly submit to the congressional defense committees the report.

(3) FORM.—The report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(4) QUARTERLY BRIEFING.—Not later than one year after the date of the enactment of this Act, and every 90 days thereafter until the date specified in subsection (e), the Secretary of the Air Force shall provide to the congressional defense committees a briefing regarding the progress made on activities by the Task Force to bring the LGM-35A Sentinel intercontinental ballistic missile weapon system to operational capability at each intercontinental ballistic missile wing.

(d) WEAPON SYSTEM DESIGNATION.—

(1) WEAPON SYSTEM.—For purposes of nomenclature and acquisition life cycle activities ranging from development through sustainment and demilitarization, each wing level configuration of the LGM–35A Sentinel intercontinental ballistic missile shall be a weapon system.

(2) DEFINITIONS.—In this subsection:

(A) The term "weapon system" has the meaning given the term in Department of the Air Force Pamphlet 63-128, updated February 3, 2021.

(B) The term "wing level configuration" means the complete arrangement of subsystems and equipment of the LGM-35A Sentinel intercontinental ballistic missile required to function as a wing.

(e) DELEGATION OF AUTHORITY.—The Secretary of Defense shall—

(1) not later than 120 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2024, delegate to the Commander of the Air Force Global Strike Command such tasking and oversight authorities as the Secretary considers necessary with respect to other components of the Department of Defense participating in the Task Force; and

(2) not later than 30 days after the date of such delegation of authority, notify the congressional defense committees of the delegation.

(f) TERMINATION.—The Task Force shall terminate not later than 90 days after the date on which the Commander of the United States Strategic Command and the Commander of the Air Force Global Strike Command (or the heads of successor agencies of the United States Strategic Command and the Air Force Global Strike Command) jointly declare that the LGM-35A Sentinel interconti-

nental ballistic missile weapon system has achieved full operational capability.

SEC. 1639. PROHIBITION ON REDUCTION OF THE INTERCONTINENTAL BALLISTIC MISSILES OF THE UNITED STATES.

(a) PROHIBITION.—Except as provided in subsection (b), none of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2023 for the Department of Defense may be obligated or expended for the following, and the Department may not otherwise take any action to do the following:

(1) Reduce, or prepare to reduce, the responsiveness or alert level of the intercontinental ballistic missiles of the United States.

(2) Reduce, or prepare to reduce, the quantity of deployed intercontinental ballistic missiles of the United States to a number less than 400.

(b) EXCEPTION.—The prohibition in subsection (a) shall not apply to any of the following activities:

(1) The maintenance or sustainment of intercontinental ballistic missiles.

(2) Ensuring the safety, security, or reliability of intercontinental ballistic missiles.

(3) Facilitating the transition from the Minuteman III intercontinental ballistic missile to the Sentinel intercontinental ballistic missile (previously referred to as the "ground-based strategic deterrent weapon").

SEC. 1640. PLAN FOR DEVELOPMENT OF REENTRY VEHICLES.

(a) PLAN.—The Under Secretary of Defense for Acquisition and Sustainment, in consultation with the Administrator for Nuclear Security and the Under Secretary of Defense for Research and Engineering, shall produce a plan for the development, during the 20-year period beginning on the date of the enactment of this Act, of—

(1) the Mark 21A reentry vehicle for the Air Force;

(2) the Mark 7 reentry vehicle for the Navy; and

(3) any other reentry vehicles for—

(A) the Sentinel intercontinental ballistic missile weapon system;

(B) the Trident II (D5) submarine-launched ballistic missile, or subsequent missile; and

(C) any other long-range ballistic or hypersonic strike missile that may rely upon technologies similar to the technologies used in the missiles described in subparagraphs (A) and (B).

(b) ELEMENTS.—The plan under subsection (a) shall—

(1) with respect to the development of each reentry vehicle described in such subsection, describe—

(A) timed phases of production for the reentry aeroshell and the planned production and fielding of the reentry vehicle;

(B) the required developmental and operational testing capabilities and capacities, including such capabilities and capacities of the reentry vehicle;

(C) the technology development and manufacturing capabilities that may require use of authorities under the

Defense Production Act of 1950 (50 U.S.C. 4501 et seq.); and

(D) the industrial base capabilities and capacities, including the availability of sufficient critical materials and staffing to ensure adequate competition between entities developing the reentry vehicle;

(2) provide estimated cost projections for the development of the first operational reentry vehicle and the production of subsequent reentry vehicles to meet the requirements of the Navy and Air Force; and

(3) provide for the coordination with and account for the needs of the development by the Department of Defense of hypersonic systems using materials, staffing, and an industrial base similar to that required for the development of reentry vehicles described in subsection (a).

(c) ASSESSMENTS.—

(1) COST PROJECTIONS.—The Director of the Office of Cost Assessment and Program Evaluation of the Department of Defense, in coordination with the Director of the Office of Cost Estimating and Program Evaluation of the National Nuclear Security Administration, shall conduct an assessment of the costs of the plan under subsection (a).

(2) TECHNOLOGY AND MANUFACTURING READINESS.—Not later than 90 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition and Sustainment shall seek to enter into an agreement with a federally funded research and development center to conduct an assessment of the technology and manufacturing readiness levels with respect to the plan under subsection (a).

(d) SUBMISSION TO CONGRESS.—Not later than one year after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition and Sustainment shall submit to the congressional defense committees the plan under subsection (a) and the assessments under subsection (c).

SEC. 1641. TREATMENT OF NUCLEAR MODERNIZATION AND HYPERSONIC MISSILE PROGRAMS WITHIN DEFENSE PRIORITIES AND ALLOCATIONS SYSTEM.

(a) REVIEW AND BRIEFING.—Not later than January 1, 2023, and annually thereafter until January 1, 2028, the Secretary of Defense and the Secretary of Energy shall jointly provide to the congressional defense committees a briefing, with respect to each nuclear weapons delivery system, missile warning system, hypersonic boost-glide missile system program, and weapon program or nuclear security enterprise infrastructure project of the National Nuclear Security Administration, on—

(1) which such programs or projects have been reviewed or considered for a determination of DX priority rating under part 700 of title 15, Code of Federal Regulations;

(2) which, if any, such programs or projects have been assigned a DX priority rating, or have been determined to require such rating and a timeline for assignment;

(3) any such programs or projects that have sought DX rating but have been denied assignment, including a rationale for denial;

(4) any such program or project which had previously obtained a DX rating and the designation was unassigned; and

(5) other related matters the Secretaries determine appropriate, including the potential impacts and risks to other programs.

(b) MILESTONE REVIEW REQUIREMENT.—With respect to any program or project that the Secretary of Defense and the Secretary of Energy identify under subsection (a)(1) as not having been reviewed or considered for a determination of DX priority rating under part 700 of title 15, Code of Federal Regulations, the respective Secretary shall—

(1) conduct an assessment regarding the need for such a DX priority rating not less frequently than prior to the program or project achieving Milestone A approval, Milestone B approval, and Milestone C approval, or equivalent; and

(2) document such assessment within the acquisition decision memorandum, or equivalent, for the program or project.

SEC. 1642. MATTERS RELATING TO NUCLEAR-CAPABLE SEA-LAUNCHED CRUISE MISSILE.

(a) REPORT ON DETERRENCE.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that describes the approach by the Department of Defense for deterring theater nuclear employment by Russia, China, and North Korea, including—

(1) an assessment of the current and future theater nuclear capabilities and doctrines of Russia, China, and North Korea;

(2) an explanation of the strategy and capabilities of the United States for deterring theater nuclear employment; and

(3) a comparative assessment of options for strengthening deterrence of theater nuclear employment, including pursuit of the nuclear-capable sea-launched cruise missile and other potential changes to the nuclear and conventional posture and capabilities of the United States.

(b) CONCEPT OF OPERATIONS AND OPERATIONAL IMPLICATIONS.—

(1) CONCEPT OF OPERATIONS.—Not later than 150 days after the date of the enactment of this Act, the Vice Chairman of the Joint Chiefs of Staff, in coordination with the Chief of Naval Operations, the Under Secretary of Defense for Policy, the Commander of the United States Strategic Command, the Commander of the United States European Command, and the Commander of the United States Indo-Pacific Command, shall develop and validate a concept of operations for a nuclear-capable sea-launched cruise missile that provides options for, at a minimum—

(A) regularly deploying the missile in relevant operational theaters; and

(B) maintaining the missile in reserve and deploying as needed to relevant operational theaters.

(2) OPERATIONAL IMPLICATIONS.—Not later than 270 days after the date of the enactment of this Act, and based upon the concept of operations developed pursuant to paragraph (1), the

Chief of Naval Operations, in coordination with the Vice Chairman of the Joint Chiefs of Staff, the Commander of the United States Strategic Command, the Commander of the United States European Command, and the Commander of the United States Indo-Pacific Command, shall submit to the congressional defense committees a report that describes the operational implications associated with deploying nuclear-capable sea-launched cruise missiles on naval vessels, including—

(A) anticipated effects on the deterrence of regional nuclear use by Russia, China, and North Korea from such deployment;

(B) expected adjustments in the regional balances of nuclear forces between the United States and Russia, China, and North Korea respectively, based on the anticipated effects under subparagraph (A);

(C) anticipated operational and deterrence implications of allocating missile or torpedo tubes from conventional munitions to nuclear munitions if additional vessels beyond current planning are not available;

(D) anticipated operational constraints and trade-offs associated with reserving or limiting naval vessels, if applicable, on account of nuclear mission requirements;

(E) adjustments to posture and operationally available capabilities that may be required if the Navy is not provided with additional resources to support tactical nuclear operations, including potential costs and constraints relating to nuclear certification, modifications to port infrastructure, personnel training, and other factors; and

(F) any other issues identified by the Chief, Vice Chairman, and Commanders.

(c) REPORT ON DEVELOPMENT.—Not later than 270 days after the date of the enactment of this Act, the Administrator for Nuclear Security shall submit to the congressional defense committees a report that describes the cost and timeline of developing and producing a variation of the W80–4 ALT or an alternative warhead for a nuclear-capable sea-launched cruise missile, including—

(1) the cost of developing, producing, and sustaining the warhead;

(2) the timeline for the design, production, and fielding of the warhead; and

(3) an assessment of how the pursuit of a variant of the W80–4 ALT or an alternative warhead may affect other planned warhead activities of the National Nuclear Security Administration, including whether there would be risk to the cost and schedule of other warhead programs of the Administration if the Nuclear Weapons Council added a nuclear-capable sea-launched cruise missile warhead to the portfolio of such programs.

(d) SPEND PLAN.—Not later than 45 days after the date of the enactment of this Act, the Secretary of the Navy and the Administrator for Nuclear Security shall submit to the congressional defense committees the anticipated spend plans for the research and development of a nuclear-capable sea-launched cruise missile and

the associated warhead for the missile with respect to each of the following:

(1) The funds for such research and development appropriated by the Consolidated Appropriations Act, 2022 (Public Law 117-103).

(2) The funds for such research and development authorized to be appropriated by this Act.

(e) CONSOLIDATED REPORT.—The reports required by subsections (a) and (b)(2) may be submitted in one consolidated report.

(f) PREFERRED COURSE OF ACTION.—To inform the reports under this section, not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall identify one or more preferred courses of action from among the actions identified in the analysis of alternatives for a nuclear-capable sea-launched cruise missile.

(g) LIMITATION.—

(1) IN GENERAL.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2023 for the Department of Defense or the National Nuclear Security Administration may be obligated or expended for a purpose specified in paragraph (2) until each of the reports under this section and a detailed, unclassified summary of the analysis of alternatives regarding the nuclear-capable sea-launched cruise missile have been submitted to the congressional defense committees.

(2) FUNDS SPECIFIED.—The purposes specified in this paragraph are the following:

(A) With respect to the Department of Defense, system development and demonstration of a nuclear-capable sea-launched cruise missile.

(B) With respect to the National Nuclear Security Administration, development engineering for a modified, altered, or new warhead for a sea-launched cruise missile.

(h) DEFINITIONS.—In this section:

(1) The term "development engineering" means activities under phase 3 of the joint nuclear weapons life cycle (as defined in section 4220 of the Atomic Energy Defense Act (50 U.S.C. 2538b) or phase 6.3 of a nuclear weapons life extension program.

(2) The term "system development and demonstration" means the activities occurring in the phase after a program achieves Milestone B approval (as defined in section 4172 of title 10, United States Code).

Subtitle D—Missile Defense Programs

SEC. 1651. BIANNUAL BRIEFING ON MISSILE DEFENSE AND RELATED ACTIVITIES.

Chapter 23 of title 10, United States Code, is amended by inserting after section 486 the following new section (and conforming the table of sections at the beginning of such chapter accordingly):

"SEC. 487. [10 U.S.C. 487] Biannual briefing on missile defense and related activities

"(a) IN GENERAL.—On or about June 1 and December 1 of each year, the officials specified in subsection (b) shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on matters relating to missile defense policies, operations, technology development, and other similar topics as requested by such committees.

"(b) OFFICIALS SPECIFIED.—The officials specified in this subsection are the following:

"(1) The Assistant Secretary of Defense for Acquisition.

"(2) The Assistant Secretary of Defense for Space Policy.

"(3) The Director of the Missile Defense Agency.

"(4) The Director for Strategy, Plans, and Policy of the Joint Staff.

"(c) DELEGATION.—An official specified in subsection (b) may delegate the authority to provide a briefing required by subsection (a) to a member of the Senior Executive Service who reports to the official.

"(d) TERMINATION.—The requirement to provide a briefing under subsection (a) shall terminate on January 1, 2028.".

SEC. 1652. IMPROVEMENTS TO ACQUISITION ACCOUNTABILITY REPORTS ON THE BALLISTIC MISSILE DEFENSE SYSTEM.

(a) ELEMENTS OF BASELINES.—Subsection (b) of section 225 of title 10, United States Code, is amended—

(1) in paragraph (1)(C), by striking "and flight" and inserting ", flight, and cybersecurity";

(2) in paragraph (2), by striking subparagraph (C) and inserting the following new subparagraph (C):

"(C) how the proposed capability satisfies a capability requirement or performance attribute identified through—

"(i) the missile defense warfighter involvement process, as governed by United States Strategic Command Instruction 538-03, or such successor document; or

"(ii) processes and products approved by the Joint Chiefs of Staff or Joint Requirements Oversight Council;"; and

(3) in paragraph (3)—

(A) in subparagraph (C), by striking "; and" and inserting a semicolon;

(B) in subparagraph (D), by striking the period at the end and inserting "; and"; and

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

"(E) an explanation for why a program joint cost analysis requirements description has not been prepared and approved, and, if a program joint cost analysis requirements description is not applicable, the rationale for such inapplicability.".

(b) ANNUAL REPORTS ON ACQUISITION BASELINES.—Subsection (c) of such section is amended—

(1) in paragraph (2)(B)(ii)—

(A) in subclause (I)—

(i) by striking "initial" and inserting "original"; and

(ii) by striking "; and" and inserting a semicolon;

(B) in subclause (II), by striking the period at the ending and inserting "; and"; and

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

"(III) the most recent adjusted or revised acquisition baseline for such program element or major subprogram under subsection (d).";

(2) by redesignating paragraph (3) as paragraph (4);

(3) by inserting after paragraph (3) the following new paragraph:

"(3)(A) Each report under paragraph (1) shall include the total system costs for each element described in subparagraph (B) that comprises the missile defense system, without regard to funding source or management control (such as the Missile Defense Agency, a military department, or other element of the Department of Defense).

"(B) The elements described in this subparagraph shall include the following:

"(i) Research and development.

"(ii) Procurement.

"(iii) Military construction.

"(iv) Operations and sustainment.

"(v) Disposal."; and

(4) by inserting after paragraph (4) the following new paragraph (5):

"(5) In this subsection:

"(A) The term 'original acquisition baseline' means, with respect to a program element or major subprogram, the first acquisition baseline created for the program element or major subprogram that has no previous iterations and has not been adjusted or revised, including any adjustments or revisions pursuant to subsection (d).

"(B) The term 'total system costs' means, with respect to each element that comprises the missile defense system—

"(i) all combined costs from closed, canceled, and active acquisition baselines;

"(ii) any costs shifted to or a part of future efforts without an established acquisition baseline; and

"(iii) any costs under the responsibility of a military department or other Department entity.".

(c) OPERATIONS AND SUSTAINMENT COST ESTIMATES.—Subsection (e) of such section is amended—

(1) in paragraph (1), by striking "; and" and inserting a semicolon;

(2) in paragraph (2), by striking the period at the end and inserting a semicolon; and

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

"(3) the amount of operations and sustainment costs (dollar value and base year) for which the military department or other element of the Department of Defense is responsible; and

"(4)(A) a citation to the source (such as a joint cost estimate or one or more military department estimates) that captures the operations and sustainment costs for which a military department or other element of the Department of Defense is responsible;

"(B) the date the source was prepared; and

"(C) if and when the source was independently verified by the Office for Cost Assessment and Program Evaluation.".

SEC. 1653. MAKING PERMANENT PROHIBITIONS RELATING TO MISSILE DEFENSE INFORMATION AND SYSTEMS.

Section 130h of title 10, United States Code, is amended by striking subsection (e).

SEC. 1654. NEXT GENERATION INTERCEPTORS FOR MISSILE DEFENSE OF UNITED STATES HOMELAND.

(a) MODIFICATION TO CONGRESSIONAL NOTIFICATION OF CANCELLATION.—Section 1668(c) of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117-81) is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking "30 days prior to any" and inserting "90 days prior to implementation of a"; and

(B) by striking "Director" and inserting "Secretary of Defense"; and

(2) in paragraph (2), by striking "Director" and inserting "Secretary".

(b) FUNDING PROFILE FOR INCREASED DEPLOYMENT.—Not later than 180 days after the date of the enactment of this Act, the Director of the Missile Defense Agency shall submit to the congressional defense committees a report on the funding profile necessary, by fiscal year, to acquire no fewer than 64 operational next generation interceptors for the next generation interceptor program.

SEC. 1655. TERMINATION OF REQUIREMENT TO TRANSITION BALLISTIC MISSILE DEFENSE PROGRAMS TO THE MILITARY DEPARTMENTS.

Section 1676(b) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91; 10 U.S.C. 4205 note) is amended—

(1) in paragraph (1), by striking "Not" and inserting "Except as provided by paragraph (4), not"; and

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

"(4) TERMINATION OF REQUIREMENT.—The requirement in paragraph (1) to transfer the authorities specified in such paragraph shall terminate on the date that is 60 days after the date on which the Secretary of Defense submits to the congressional defense committees the report under section 1675(b) of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117-81; 135 Stat. 2117).".

SEC. 1656. PERSISTENT CYBERSECURITY OPERATIONS FOR BALLISTIC MISSILE DEFENSE SYSTEMS AND NETWORKS.

(a) PLAN.—Not later than May 1, 2023, the Director of the Missile Defense Agency and the Director of Operational Test and Evaluation, in coordination with the Chairman of the Joint Chiefs of

Staff, the Commander of the United States Cyber Command, and other commanders of combatant commands and functions of the Joint Staff as appropriate, shall jointly develop a plan to allow for persistent cybersecurity operations across all networks and information systems supporting the missile defense system.

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

(1) An inventory of all networks and information systems that support the missile defense system, including information about which components or elements of the networks and information systems are currently configured for persistent cybersecurity operations.

(2) A strategy—

(A) for coordinating with the applicable combatant commands on persistent cybersecurity operations; and

(B) in which the Director for Operational Test and Evaluation monitors and reviews such operations and provides independent assessments of the adequacy and sufficiency of the operations.

(3) A plan for how the Director of the Missile Defense Agency will respond to cybersecurity testing recommendations made by the Director for Operational Test and Evaluation.

(4) The timeline required to execute the plan.

(c) BRIEFINGS.—The Director of the Missile Defense Agency and the Director for Operational Test and Evaluation shall jointly provide to the congressional defense committees a briefing—

(1) not later than May 15, 2023, on the plan developed under subsection (a); and

(2) not later than December 30, 2023, on progress made toward implementing such plan.

SEC. 1657. FIRE CONTROL ARCHITECTURES.

(a) FIRE CONTROL QUALITY DATA REQUIREMENT.—In carrying out the analysis of candidate fire control architectures, the Secretary of the Air Force shall ensure that the Director of the Space Warfighting Analysis Center of the Space Force, at a minimum, maintains the requirements needed for the missile defense command and control, battle management, and communications system to pass the needed quality data within the timelines needed for current and planned interceptor systems to support engagements of ballistic and hypersonic threats as described in section 1645 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-283; 134 Stat. 4062).

(b) BRIEFING.—Not later than 14 days after the date on which the Director of the Space Warfighting Analysis Center concludes the analysis of candidate fire control architectures, the Director shall provide to the Committees on Armed Services of the House of Representatives and the Senate a briefing on the results of the analysis, including the findings of the Director and the architecture recommended by the Director for a future fire control architecture to support engagement of ballistic and hypersonic threats.

SEC. 1658. MIDDLE EAST INTEGRATED AIR AND MISSILE DEFENSE.

(a) IN GENERAL.—The Secretary of Defense, in consultation with the Secretary of State and the Director of the Defense Intel-

ligence Agency, shall seek to cooperate with allies and partners in the Middle East with respect to implementing an integrated air and missile defense architecture to protect the people, infrastructure, and territory of such countries from cruise and ballistic missiles, manned and unmanned aerial systems, and rocket attacks from Iran and groups linked to Iran.

(b) STRATEGY.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary, in consultation with the Secretary of State, shall submit to the appropriate congressional committees a strategy on cooperation with allies and partners in the area of responsibility of the United States Central Command to implement a multinational integrated air and missile defense architecture to protect the people, infrastructure, and territory of such countries from cruise and ballistic missiles, manned and unmanned aerial systems, and rocket attacks from Iran and groups linked to Iran.

(2) CONTENTS.—The strategy submitted under paragraph (1) shall include the following:

(A) An assessment of the threat of ballistic and cruise missiles, manned and unmanned aerial systems, and rocket attacks from Iran and groups linked to Iran to allies and partners within the area of responsibility of the United States Central Command.

(B) A description of current efforts to coordinate indicators and warnings from such attacks with allies and partners within such area of responsibility.

(C) An analysis of current integrated air and missile defense systems to defend against attacks, in coordination with allies and partners within such area of responsibility.

(D) An explanation of how a multinational integrated air and missile defense architecture would improve collective security in such area of responsibility.

(E) A description of efforts to engage specified foreign partners in establishing such an architecture.

(F) An identification of elements of the multinational integrated air and missile defense architecture that—

(i) can be acquired and operated by specified foreign partners; and

(ii) can only be provided and operated by members of the Armed Forces.

(G) An identification of any challenges in establishing a multinational integrated air and missile defense architecture with specified foreign partners, including assessments of the capacity and capability of specified foreign partners and their ability to independently operate key technical components of such an architecture, including radars and interceptor systems.

(H) A description of relevant consultation with the Secretary of State and the ways in which such an architecture advances United States regional diplomatic goals and objectives.

(I) Recommendations for addressing the challenges identified in subparagraph (G) so that the strategy can be implemented effectively.

(J) Such other matters as the Secretary considers relevant.

(3) PROTECTION OF SENSITIVE INFORMATION.—Any activity carried out under paragraph (1) shall be conducted in a manner that is consistent with protection of intelligence sources and methods and appropriately protects sensitive information and the national security interests of the United States.

(4) FORMAT.—The strategy submitted under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means the following:

(1) The congressional defense committees.

(2) The Committee on Foreign Affairs and the Permanent Select Committee on Intelligence of the House of Representatives.

(3) The Committee on Foreign Relations and the Select Committee on Intelligence of the Senate.

SEC. 1659. IRON DOME SHORT-RANGE ROCKET DEFENSE SYSTEM AND ISRAELI COOPERATIVE MISSILE DEFENSE PROGRAM CO-DEVELOPMENT AND CO-PRODUCTION.

(a) IRON DOME SHORT-RANGE ROCKET DEFENSE SYSTEM.—

(1) AVAILABILITY OF FUNDS.—Of the funds authorized to be appropriated by this Act for fiscal year 2023 for procurement, Defense-wide, and available for the Missile Defense Agency, not more than $80,000,000 may be provided to the Government of Israel to procure components for the Iron Dome short-range rocket defense system through co-production of such components in the United States by industry of the United States.

(2) CONDITIONS.—

(A) AGREEMENT.—Funds described in paragraph (1) for the Iron Dome short-range rocket defense program shall be available subject to the terms and conditions in the Agreement Between the Department of Defense of the United States of America and the Ministry of Defense of the State of Israel Concerning Iron Dome Defense System Procurement, signed on March 5, 2014, as amended to include co-production for Tamir interceptors.

(B) CERTIFICATION.—Not later than 30 days prior to the initial obligation of funds described in paragraph (1), the Under Secretary of Defense for Acquisition and Sustainment shall submit to the appropriate congressional committees—

(i) a certification that the amended bilateral international agreement specified in subparagraph (A) is being implemented as provided in such agreement;

(ii) an assessment detailing any risks relating to the implementation of such agreement; and

(iii) for system improvements resulting in modified Iron Dome components and Tamir interceptor

sub-components, a certification that the Government of Israel has demonstrated successful completion of Production Readiness Reviews, including the validation of production lines, the verification of component conformance, and the verification of performance to specification as defined in the Iron Dome Defense System Procurement Agreement, as further amended.

(b) ISRAELI COOPERATIVE MISSILE DEFENSE PROGRAM, DAVID'S SLING WEAPON SYSTEM CO-PRODUCTION.—

(1) IN GENERAL.—Subject to paragraph (3), of the funds authorized to be appropriated for fiscal year 2023 for procurement, Defense-wide, and available for the Missile Defense Agency not more than $40,000,000 may be provided to the Government of Israel to procure the David's Sling Weapon System, including for co-production of parts and components in the United States by United States industry.

(2) AGREEMENT.—Provision of funds specified in paragraph (1) shall be subject to the terms and conditions in the bilateral co-production agreement, including—

(A) a one-for-one cash match is made by Israel or in another matching amount that otherwise meets best efforts (as mutually agreed to by the United States and Israel); and

(B) co-production of parts, components, and all-up rounds (if appropriate) in the United States by United States industry for the David's Sling Weapon System is not less than 50 percent.

(3) CERTIFICATION AND ASSESSMENT.—The Under Secretary of Defense for Acquisition and Sustainment shall submit to the appropriate congressional committees—

(A) a certification that the Government of Israel has demonstrated the successful completion of the knowledge points, technical milestones, and Production Readiness Reviews required by the research, development, and technology agreement and the bilateral co-production agreement for the David's Sling Weapon System; and

(B) an assessment detailing any risks relating to the implementation of such agreement.

(c) ISRAELI COOPERATIVE MISSILE DEFENSE PROGRAM, ARROW 3 UPPER TIER INTERCEPTOR PROGRAM CO-PRODUCTION.—

(1) IN GENERAL.—Subject to paragraph (2), of the funds authorized to be appropriated for fiscal year 2023 for procurement, Defense-wide, and available for the Missile Defense Agency not more than $80,000,000 may be provided to the Government of Israel for the Arrow 3 Upper Tier Interceptor Program, including for co-production of parts and components in the United States by United States industry.

(2) CERTIFICATION.—The Under Secretary of Defense for Acquisition and Sustainment shall submit to the appropriate congressional committees a certification that—

(A) the Government of Israel has demonstrated the successful completion of the knowledge points, technical milestones, and Production Readiness Reviews required by

the research, development, and technology agreement for the Arrow 3 Upper Tier Interceptor Program;

(B) funds specified in paragraph (1) will be provided on the basis of a one-for-one cash match made by Israel or in another matching amount that otherwise meets best efforts (as mutually agreed to by the United States and Israel);

(C) the United States has entered into a bilateral international agreement with Israel that establishes, with respect to the use of such funds—

(i) in accordance with subparagraph (D), the terms of co-production of parts and components on the basis of the greatest practicable co-production of parts, components, and all-up rounds (if appropriate) by United States industry and minimizes nonrecurring engineering and facilitization expenses to the costs needed for co-production;

(ii) complete transparency on the requirement of Israel for the number of interceptors and batteries that will be procured, including with respect to the procurement plans, acquisition strategy, and funding profiles of Israel;

(iii) technical milestones for co-production of parts and components and procurement;

(iv) a joint affordability working group to consider cost reduction initiatives; and

(v) joint approval processes for third-party sales; and

(D) the level of co-production described in subparagraph (C)(i) for the Arrow 3 Upper Tier Interceptor Program is not less than 50 percent.

(d) NUMBER.—In carrying out paragraph (2) of subsection (b) and paragraph (2) of subsection (c), the Under Secretary may submit—

(1) one certification covering both the David's Sling Weapon System and the Arrow 3 Upper Tier Interceptor Program; or

(2) separate certifications for each respective system.

(e) TIMING.—The Under Secretary shall submit to the congressional defense committees the certification and assessment under subsection (b)(3) and the certification under subsection (c)(2) no later than 30 days before the funds specified in paragraph (1) of subsections (b) and (c) for the respective system covered by the certification are provided to the Government of Israel.

(f) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means the following:

(1) The congressional defense committees.

(2) The Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1660. INTEGRATED AIR AND MISSILE DEFENSE ARCHITECTURE FOR DEFENSE OF GUAM.

(a) REVIEW OF INTEGRATED AIR AND MISSILE DEFENSE ARCHITECTURE TO DEFEND GUAM.—

(1) REQUIREMENT.—Not later than 60 days after the date of enactment of this Act, the Secretary of Defense shall seek to enter into a contract with a federally funded research and development center to conduct an independent assessment of the integrated air and missile defense architecture to defend Guam.

(2) ELEMENTS.—The assessment under paragraph (1) shall include an analysis of each of the following:

(A) The proposed architecture capability to address non-ballistic and ballistic missile threats to Guam, including the sensor, command and control, and interceptor systems being proposed.

(B) The development and integration risk of the proposed architecture.

(C) The manning required to operate the proposed architecture, including the availability of housing and infrastructure on Guam to support the needed manning levels.

(3) SUBMISSION.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees the assessment under paragraph (1), without change.

(b) DESIGNATION OF OFFICIAL RESPONSIBLE FOR MISSILE DEFENSE OF GUAM.—

(1) DESIGNATION.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall designate a senior official of the Department of Defense who shall be responsible for the missile defense of Guam during the period preceding the date specified in paragraph (5).

(2) DUTIES.—The duties of the official designated under paragraph (1) shall include the following:

(A) Designing the architecture of the missile defense system for defending Guam.

(B) Overseeing development of an integrated missile defense acquisition strategy for the missile defense of Guam.

(C) Ensuring the military department and Defense Agency budgets are appropriate for the strategy described in subparagraph (B).

(D) Siting the integrated missile defense system described in subparagraph (B).

(E) Overseeing long-term acquisition and sustainment of the missile defense system for Guam.

(F) Such other duties as the Secretary determines appropriate.

(3) PROGRAM TREATMENT.—The integrated missile defense system referred to in paragraph (2) shall be designated as special interest acquisition category 1D program and shall be managed as consistent with Department of Defense Instruction 5000.85 "Major Capability Acquisition".

(4) REPORT.—Concurrent with the submission of each budget of the President under section 1105(a) of title 31, United States Code, during the period preceding the date specified in paragraph (5), the official designated under paragraph (1) shall submit to the congressional defense committees a report on the actions taken by the official to carry out the duties set forth under paragraph (2).

(5) TERMINATION.—The authority of this subsection shall terminate on the date that is three years after the date on which the official designated under paragraph (1) determines that the integrated missile defense system described in paragraph (2) has achieved initial operational capability.

(c) PROCUREMENT.—

(1) REQUIREMENT.—Except as provided by paragraph (2), not later than December 31, 2023, the Secretary of Defense, acting through the Director of the Missile Defense Agency, shall rapidly procure and field up to three vertical launching systems that can accommodate planned interceptors operated by the Navy (that do not require major modification or integration into the existing missile defense system), as of the date of enactment of this Act.

(2) WAIVER.—The Secretary may waive the requirement under paragraph (1) if—

(A) the Secretary determines that the waiver is in the best interest of the national security of the United States;

(B) the Secretary submits to the congressional defense committees a notification of such waiver, including a justification; and

(C) a period of 120 days has elapsed following the date of such notification.

SEC. 1661. LIMITATION ON AVAILABILITY OF CERTAIN FUNDS UNTIL SUBMISSION OF REPORT ON IMPLEMENTATION OF THE CRUISE MISSILE DEFENSE ARCHITECTURE FOR THE HOMELAND.

(a) FINDING.—Congress finds that the Deputy Secretary of Defense made the determination that the Department of the Air Force has acquisition authority with respect to the capability to defend the homeland from cruise missiles, as required by section 1684(e) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 10 U.S.C. 4205 note).

(b) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of the Air Force, in coordination with the Commander of the United States Northern Command, shall submit to the congressional defense committees a report on the implementation of the cruise missile defense architecture for the homeland, including—

(1) the architecture planned to meet the requirements of the United States Northern Command and the North American Aerospace Defense Command, including a schedule for capabilities being developed and deployed;

(2) a list of all programs of record of the Air Force that contribute to such architecture; and

(3) funding profile by year across the most recent future-years defense program submitted to Congress under section

221 of title 10, United States Code, to develop, deploy, operate, and sustain such architecture.

(c) LIMITATION.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2023 for the Department of the Air Force for travel by the Secretary of the Air Force, not more than 95 percent may be obligated or expended until the date on which the Secretary of the Air Force submits the report under subsection (b).

SEC. 1662. STRATEGY TO USE ASYMMETRIC CAPABILITIES TO DEFEAT HYPERSONIC MISSILE THREATS.

(a) REQUIREMENT.—Not later than March 1, 2023, the Secretary of Defense, acting through the Director of the Missile Defense Agency, shall submit to the congressional defense committees a comprehensive layered strategy to use asymmetric capabilities to defeat hypersonic missile threats.

(b) ELEMENTS.—The strategy under subsection (a) shall—

(1) address all asymmetric capabilities of the United States, including with respect to—

(A) directed energy, as described in section 1664 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117-81; 10 U.S.C. 205 note) and including short-pulse laser technology;

(B) microwave systems;

(C) cyber capabilities; and

(D) any other capabilities determined appropriate by the Secretary and Director; and

(2) identify the funding required to implement the strategy during the period covered by the future-years defense program submitted to Congress under section 221 of title 10, United States Code, in 2023.

SEC. 1663. PLAN ON DELIVERING SHARED EARLY WARNING SYSTEM DATA TO CERTAIN ALLIES AND PARTNERS OF THE UNITED STATES.

(a) PLAN.—The Secretary of Defense, with the concurrence of the Secretary of State and the Director of National Intelligence, shall develop a technical fielding plan to deliver information under the Shared Early Warning System regarding a current or imminent missile threat to allies and partners of the United States that, as of the date of the plan, do not receive such information.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees a report on how rapid technical fielding of the Shared Early Warning System could be provided to allies and partners of the United States that—

(1) are not member states of the North Atlantic Treaty Organization; and

(2) are under current or imminent hostile aggression and threat of missile attack.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means the following:

(1) The congressional defense committees.

(2) The Committee on Foreign Affairs and the Permanent Select Committee on Intelligence of the House of Representatives.

(3) The Committee on Foreign Relations and the Select Committee on Intelligence of the Senate.

SEC. 1664. REPORTS ON GROUND-BASED INTERCEPTORS.

Not later than 30 days after the date of the enactment of this Act, and on a quarterly basis thereafter until the date on which the next generation interceptor achieves initial operating capability, the Director of the Missile Defense Agency, with the concurrence of the Commander of the United States Northern Command, shall submit to the congressional defense committees a report that includes the following:

(1) An identification of the number of ground-based interceptors operationally available to the Commander.

(2) If such number is different from the report previously submitted under this section, the reasons for such difference.

(3) Any anticipated changes to such number during the period covered by the report.

SEC. 1665. REPORT ON MISSILE DEFENSE INTERCEPTOR SITE IN CONTIGUOUS UNITED STATES.

Not later than March 31, 2023, the Secretary of Defense, acting through the Director of the Missile Defense Agency and in coordination with the Commander of the United States Northern Command, shall submit to the congressional defense committees a report containing—

(1) an updated assessment of the requirement for a missile defense interceptor site in the contiguous United States; and

(2) a funding profile, by year, of the total costs for the development and construction of such site, considering the designation of Fort Drum, New York, as the conditionally designated preferred site.

Subtitle E—Other Matters

SEC. 1671. COOPERATIVE THREAT REDUCTION FUNDS.

(a) FUNDING ALLOCATION.—Of the $354,394,000 authorized to be appropriated to the Department of Defense for fiscal year 2023 in section 301 and made available by the funding table in division D for the Department of Defense Cooperative Threat Reduction Program established under section 1321 of the Department of Defense Cooperative Threat Reduction Act (50 U.S.C. 3711), the following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination, $6,859,000.

(2) For chemical security and elimination, $14,998,000.

(3) For global nuclear security, $18,088,000.

(4) For biological threat reduction, $225,000,000.

(5) For proliferation prevention, $45,890,000.

(6) For activities designated as Other Assessments/Administration Costs, $30,763,000.

(b) SPECIFICATION OF COOPERATIVE THREAT REDUCTION FUNDS.—Funds appropriated pursuant to the authorization of appropriations in section 301 and made available by the funding table

in division D for the Department of Defense Cooperative Threat Reduction Program shall be available for obligation for fiscal years 2023, 2024, and 2025.

SEC. 1672. DEPARTMENT OF DEFENSE SUPPORT FOR REQUIREMENTS OF THE WHITE HOUSE MILITARY OFFICE.

(a) MEMBERSHIP ON COUNCIL ON OVERSIGHT OF THE NATIONAL LEADERSHIP COMMAND, CONTROL, AND COMMUNICATIONS SYSTEM.—Section 171a(b) of title 10, United States Code, is amended by—

(1) redesignating paragraph (7) as paragraph (8); and

(2) inserting after paragraph (6) the following new paragraph (7):

"(7) The Director of the White House Military Office.".

(b) [10 U.S.C. 133b note] PORTFOLIO MANAGER.—The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition and Sustainment, shall designate a senior official to coordinate and advocate for the portfolio of national level programs of the Department of Defense that are either or both—

(1) in direct support of requirements from the White House Military Office; or

(2) operationally relevant to the mission areas of the White House Military Office.

(c) ACCESSIBILITY OF INFORMATION.—The programmatic and budgetary information required to assess the efficacy of the national level programs covered by subsection (b) shall be provided to the senior official designated under such subsection by the following officials:

(1) The Secretary of each military department.

(2) The Under Secretary of Defense for Policy.

(3) The Under Secretary of Defense for Research and Engineering.

(4) The Chairman of the Joint Chiefs of Staff.

(5) The Director of Cost Assessment and Program Evaluation.

(d) ANNUAL BRIEFING.—Not later than 30 days after the date on which the President submits to Congress a budget for each of fiscal years 2024 through 2027 pursuant to section 1105(a) of title 31, United States Code, the Under Secretary of Defense for Acquisition and Sustainment, acting through the senior official designated under subsection (b), and the personnel of the White House Military Office that the Director of the White House Military Office determines appropriate shall jointly provide to the congressional defense committees a briefing on acquisition programs, plans, and other activities supporting the requirements of the White House Military Office.

SEC. 1673. [50 U.S.C. 3373b] UNIDENTIFIED ANOMALOUS PHENOMENA REPORTING PROCEDURES.

(a) MECHANISM FOR AUTHORIZED REPORTING.—

(1) ESTABLISHMENT.—The Secretary of Defense, acting through the head of the Office and in consultation with the Director of National Intelligence, shall establish a secure mechanism for authorized reporting of—

(A) any event relating to unidentified anomalous phenomena; and

(B) any activity or program by a department or agency of the Federal Government or a contractor of such a department or agency relating to unidentified anomalous phenomena, including with respect to material retrieval, material analysis, reverse engineering, research and development, detection and tracking, developmental or operational testing, and security protections and enforcement.

(2) PROTECTION OF SYSTEMS, PROGRAMS, AND ACTIVITY.—The Secretary shall ensure that the mechanism for authorized reporting established under paragraph (1) prevents the unauthorized public reporting or compromise of classified military and intelligence systems, programs, and related activity, including all categories and levels of special access and compartmented access programs.

(3) ADMINISTRATION.—The Secretary shall ensure that the mechanism for authorized reporting established under paragraph (1) is administered by designated and appropriately cleared employees of the Department of Defense or elements of the intelligence community or contractors of the Department or such elements assigned to the Office.

(4) SHARING OF INFORMATION.—

(A) PROMPT SHARING WITHIN OFFICE.—The Secretary shall ensure that the mechanism for authorized reporting established under paragraph (1) provides for the sharing of an authorized disclosure to personnel and supporting analysts and scientists of the Office (regardless of the classification of information contained in the disclosure or any nondisclosure agreements), unless the employees or contractors administering the mechanism under paragraph (3) conclude that the preponderance of information available regarding the disclosure indicates that the observed object and associated events and activities likely relate to a special access program or compartmented access program that, as of the date of the disclosure, has been explicitly and clearly reported to the congressional defense committees or the congressional intelligence committees, and is documented as meeting those criteria.

(B) CONGRESSIONAL NOTIFICATION.—Not later than 72 hours after determining that an authorized disclosure relates to a restricted access activity, a special access program, or a compartmented access program that has not been explicitly and clearly reported to the congressional defense committees or the congressional intelligence committees, the Secretary shall report such disclosure to such committees and the congressional leadership.

(5) INITIAL REPORT AND PUBLICATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary, acting through the head of the Office and in consultation with the Director of National Intelligence, shall—

(A) submit to the congressional defense committees, the congressional intelligence committees, and the congressional leadership a report detailing the mechanism for authorized reporting established under paragraph (1); and

(B) issue clear public guidance for how to securely access the mechanism for authorized reporting.

(b) PROTECTION FOR INDIVIDUALS MAKING AUTHORIZED DISCLOSURES.—

(1) AUTHORIZED DISCLOSURES.—An authorized disclosure—

(A) shall not be subject to a nondisclosure agreement entered into by the individual who makes the disclosure;

(B) shall be deemed to comply with any regulation or order issued under the authority of Executive Order 13526 (50 U.S.C. 3161 note; relating to classified national security information) or chapter 18 of the Atomic Energy Act of 1954 (42 U.S.C. 2271 et seq.); and

(C) is not a violation of section 798 of title 18, United States Code, or other provision of law relating to the disclosure of information.

(2) PROHIBITION ON REPRISALS.—

(A) PROTECTION.—An employee of a department or agency of the Federal Government, or of a contractor, subcontractor, grantee, subgrantee, or personal services contractor of such a department or agency, who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority, take or fail to take, or threaten to take or fail to take, a personnel action, including the revocation or suspension of security clearances, or termination of employment, with respect to any individual as a reprisal for any authorized disclosure.

(B) PROCEDURES.—The Secretary of Defense and the Director of National Intelligence shall establish procedures for the enforcement of subparagraph (A) consistent with, as appropriate, section 1034 of title 10, United States Code, section 1104 of the National Security Act of 1947 (50 U.S.C. 3234), or other similar provisions of law regarding prohibited personnel actions.

(3) NONDISCLOSURE AGREEMENTS.—

(A) IDENTIFICATION.—The Secretary of Defense, the Director of National Intelligence, the Secretary of Homeland Security, the heads of such other departments and agencies of the Federal Government that have supported investigations of the types of events covered by subparagraph (A) of subsection (a)(1) and activities and programs described in subparagraph (B) of such subsection, and contractors of the Federal Government that have supported or are supporting such activities and programs, shall conduct comprehensive searches of all records relating to nondisclosure orders relating to the types of events described in subsection (a) and provide copies of such orders, agreements, or obligations to the Office.

(B) SUBMISSION TO CONGRESS.—The head of the Office shall—

(i) make the records compiled under subparagraph (A) accessible to the congressional defense committees, the congressional intelligence committees, and the congressional leadership; and

(ii) not later than September 30, 2023, and at least once each fiscal year thereafter through fiscal year 2026, provide to such committees and congressional leadership briefings and reports on such records.

(c) ANNUAL REPORTS.—Section 1683 of the National Defense Authorization Act for Fiscal Year 2022 (50 U.S.C. 3373) is amended—

(1) by striking "aerial" each place it appears and inserting "anomalous";

(2) in subsection (h)—

(A) in paragraph (1), by inserting "and the congressional leadership" after "appropriate congressional committees"; and

(B) in paragraph (2), by adding at the end the following new subparagraph:

"(Q) A summary of the reports received using the mechanism for authorized reporting established under section 1673 of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023."; and

(3) in subsection (l)—

(A) by redesignating paragraphs (2) through (5) as paragraphs (3) through (6), respectively; and

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

"(2) The term 'congressional leadership' means—

"(A) the majority leader of the Senate;

"(B) the minority leader of the Senate;

"(C) the Speaker of the House of Representatives; and

"(D) the minority leader of the House of Representatives.".

(d) DEFINITIONS.—In this section:

(1) The term "authorized disclosure" means a report of any information through, and in compliance with, the mechanism for authorized reporting established pursuant to subsection (a)(1).

(2) The term "congressional intelligence committees" has the meaning given such term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

(3) The term "congressional leadership" means—

(A) the majority leader of the Senate;

(B) the minority leader of the Senate;

(C) the Speaker of the House of Representatives; and

(D) the minority leader of the House of Representatives.

(4) The term "intelligence community" has the meaning given such term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

(5) The term "nondisclosure agreement" means any written or oral nondisclosure agreement, order, or other instrumentality or means entered into by an individual that could be interpreted as a legal constraint on the individual making an authorized disclosure.

(6) The term "Office" means the All-domain Anomaly Resolution Office established pursuant to section 1683(a) of the National Defense Authorization Act for Fiscal Year 2022 (50 U.S.C. 3373(a)).

(7) The term "personnel action" has the meaning given such term in section 1104(a) of the National Security Act of 1947 (50 U.S.C. 3234(a)).

(8) The term "unidentified anomalous phenomena" has the meaning given such term in section 1683(n) of the National Defense Authorization Act for Fiscal Year 2022 (50 U.S.C. 3373(l)).

SEC. 1674. STUDY OF WEAPONS PROGRAMS THAT ALLOW ARMED FORCES TO ADDRESS HARD AND DEEPLY BURIED TARGETS.

(a) STUDY.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Chairman of the Joint Chiefs of Staff, the Commander of the United States Strategic Command, and the Administrator for Nuclear Security, and in consultation with the Director of National Intelligence, shall submit to the congressional defense committees a study on options to hold at risk hard and deeply buried targets.

(b) ELEMENTS.—The study under subsection (a) shall include the following:

(1) An analysis of the current and emerging hard and deeply buried target mission set and associated military requirements, including—

(A) the number and locations of the targets, including facilities designed for the storage or manufacture of nuclear, chemical, or biological weapons and the precursors of such weapons;

(B) an identification of likely future trajectories in the worldwide use and proliferation of hard and deeply buried targets;

(C) the associated military requirements, including the importance of effectively holding hard and deeply buried targets at risk in order to meet the national security objectives of the United States; and

(D) an evaluation of the sufficiency of current and planned nuclear and nonnuclear military capabilities to satisfy such requirements.

(2) An evaluation of weapons programs that would allow the Armed Forces to effectively hold hard and deeply buried targets at risk, including—

(A) any nuclear or nonnuclear weapon and delivery system the Secretary determines appropriate, including the cost, timeline for fielding, and likely effectiveness of any capability under consideration; and

(B) an assessment of a service life extension or modification program of the B83 nuclear gravity bomb as one of the options.

(3) A proposed strategy for fielding such capabilities in sufficient quantities and making other adjustments to the strategy and plans of the United States to account for the growing hard and deeply buried target set, including—

(A) the resources, research and development efforts, and capability options needed; and

(B) a five-year funding profile for, at a minimum—

(i) a preferred capability; and

(ii) an alternative capability evaluated under paragraph (2) that meets the requirements under paragraph (1).

(c) FORM.—The study under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(d) BRIEFING.—Not later than 30 days after the date on which the Secretary completes the study under subsection (a), the Secretary shall provide the Committees on Armed Services of the House of Representatives and the Senate a briefing on the findings and recommendations of the study.

(e) LIMITATION ON USE OF FUNDS.—Except as provided by subsection (f), none of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2023 or fiscal year 2024 for the Department of Defense or the Department of Energy for the deactivation, dismantlement, or retirement of the B83-1 nuclear gravity bomb may be obligated or expended to deactivate, dismantle, or retire more than 25 percent of the B83-1 nuclear gravity bombs that were in the active stockpile as of September 30, 2022, until 90 days after the Secretary submits to the Committees on Armed Services of the Senate and the House of Representatives the study under subsection (a).

(f) EXCEPTION.—The limitation on the use of funds under subsection (e) shall not apply to the deactivation, dismantling, or retirement of B83-1 nuclear gravity bombs for the purpose of supporting safety and surveillance, sustainment, life extension, or modification programs for the B83-1 or other weapons currently in, or planned to become part of, the nuclear weapons stockpile of the United States.

(g) AUTHORIZATION.—For fiscal year 2024, the Secretary of Energy may carry out activities related to the development and modification of a nuclear weapon to provide near-term capabilities that address portions of the strategy required by subsection (b)(3) using amounts authorized and appropriated for the sustainment of the B83-1 nuclear gravity bomb.

TITLE XVII—MUNITIONS REPLENISHMENT AND FUTURE PROCUREMENT

TITLE XVII—MUNITIONS REPLENISHMENT AND FUTURE PROCUREMENT

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

SEC. 1701. ANNUAL REPORT ON INDUSTRIAL BASE CONSTRAINTS FOR MUNITIONS.

(a) BRIEFING ON FULFILLMENT OF MUNITIONS REQUIREMENTS.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense and the Chairman of the Joint Chiefs of Staff shall provide to the congressional defense committees a briefing regarding the current process for fulfilling the requirements of section 222c of title 10, United States Code, including a description of the timeliness of the process and any standardization of such process across the Department of Defense.

(b) BRIEFING ON REVISION OF REQUIREMENTS.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense and the Chairman of the Joint Chiefs of Staff shall provide to the congressional defense committees a briefing regarding the timeline for revision of munitions requirements generated by section 222c of title 10, United States Code as a result of actions taken in response to the conflict in Ukraine.

(c) ADDITIONAL REPORT REQUIREMENTS ON OUT-YEAR UNCONSTRAINED TOTAL MUNITIONS REQUIREMENTS AND OUT-YEAR INVENTORY NUMBERS.—Section 222c of title 10, United States Code, is amended—

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

"(8) Requirement for Protracted Warfare Scenarios, calculated by doubling the duration of each applicable operation plan.";

(2) by redesignating subsection (e) as subsection (f); and

(3) by inserting after subsection (d) the following new subsection:

"(e) ADDITIONAL REQUIREMENTS.—Each report required under subsection (a) shall include the following:

"(1) The number of years required to meet the Out-Year Unconstrained Total Munitions Requirement at the rate requested for the fiscal year covered by the report.

"(2) The average rate of procurement during the three-year period preceding the date of the submission of the report, and the number of years required to meet the Out-Year Unconstrained Total Munitions Requirement at such three-year average rate.

"(3) The additional amount of funding that would be required, for each fiscal year, to meet the Out-Year Unconstrained Total Munitions Requirement for each munition by the end of the period covered by the most recent future-years defense program submitted to Congress pursuant to section 221 of this title.".

(d) ANNUAL REPORT ON INDUSTRIAL BASE CONSTRAINTS FOR MUNITIONS.—

(1) IN GENERAL.—Chapter 9 of title 10, United States Code, is amended by inserting after section 222c the following new section:

"SEC. 222d. [10 U.S.C. 222d] Annual report on industrial base constraints for munitions

"(a) IN GENERAL.—Not later than 30 days after the submission of all reports required under section 222c(a) of this title, the Under

Secretary of Defense for Acquisition and Sustainment, in coordination with the service acquisition executive of each military department, shall submit to the congressional defense committees a report detailing the industrial base constraints for each munition identified in the Out-Year Unconstrained Total Munitions Requirement.

"(b) ELEMENTS.—The report required under subsection (a) shall include the following elements, broken down by munition:

"(1) Programmed purchase quantities per year.

"(2) Average procurement unit cost per year.

"(3) Contract type.

"(4) Current minimum sustaining rate of production per month and year.

"(5) Current maximum rate of production per month and year.

"(6) Expected date to meet the Out-Year Unconstrained Total Munitions Requirement in section 222c of this title under the programmed purchase quantities established for the period covered by the report.

"(7) A description of industrial base constraints on increased production of each munition, including any supply chain weaknesses.

"(8) A description of investments or policy changes made by a defense contractor or by the United States Government to increase production, enable more efficient production, or mitigate significant loss of stability in potential production.

"(9) A description of potential investments or policy changes identified by a defense contractor or the United States Government to increase munitions production, enable more efficient production, or mitigate significant loss of stability in potential production, including—

"(A) direct investments in test and tooling equipment, workforce development, or improvements to existing production facilities;

"(B) a pool of rotable critical components or subcomponents for munitions;

"(C) multiyear contracts or other contracting strategies;

"(D) direct investments in components, subcomponents, or raw materials commonly used across the industrial base;

"(E) direct investments in additive manufacturing or expeditionary manufacturing capabilities;

"(F) direct investments in simplification of supply chains; and

"(G) direct investments in technologies or methods to enable increased scalability and reduced complexity of production processes for current or future munitions.

"(10) A list of each contract for a munition with a priority rating of 'critical to national defense' (commonly referred to as a 'DO-rated order') or a priority rating of 'highest national defense urgency' (commonly referred to as a 'DX-rated order') in the Defense Priorities and Allocation System pursuant to part

700 of title 15, Code of Federal Regulations (or any successor regulation).

"(11) A prioritized list of munitions judged to have high value for export for which additional investments would be necessary to enable export, including a description of such investments required.

"(12) A list of munitions subject to the requirements of chapter 2 of the Arms Export Control Act (22 U.S.C. 2761 et seq.) relating to foreign military sales that are anticipated to be exported based on developments in the conflict in Ukraine.

"(c) MUNITION DEFINED.—In this section, the term 'munition' has the meaning given by the Under Secretary of Defense for Acquisition.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 9 of title 10, United States Code, is amended by inserting after the item relating to section 222c the following new item:

"222d. Annual report on industrial base constraints for munitions.".

SEC. 1702. MODIFICATION TO SPECIAL DEFENSE ACQUISITION FUND.

Section 114(c)(1) of title 10, United States Code, is amended by striking "$2,500,000,000" and inserting "$3,500,000,000".

SEC. 1703. QUARTERLY BRIEFINGS ON REPLENISHMENT AND REVITALIZATION OF WEAPONS PROVIDED TO UKRAINE.

(a) BRIEFINGS ON COVERED SYSTEMS.—The Secretary of Defense shall provide to the congressional defense committees quarterly briefings on the progress of the Department of Defense toward—

(1) replenishing the inventory of covered systems;

(2) expanding the production capacity of covered systems; and

(3) increasing the resilience of the production capacity of covered systems.

(b) GROUPING OF COVERED SYSTEMS.—For each briefing required under subsection (a), the Secretary of Defense may group covered systems together based on the relevant capabilities of such covered systems.

(c) ELEMENTS.—Each briefing required under subsection (a) shall include, with respect to the period covered by such briefing, the following:

(1) A description of any reprogramming carried out in accordance with established procedures for each covered system, with appropriate notation for—

(A) the number of the replenishment tranche; and

(B) a determination of whether each such reprogramming—

(i) replaces covered systems;

(ii) expands production capacity of covered systems; or

(iii) increases the resilience of the production capacity of covered systems.

(2) A description of obligations applied to each covered system and expected timeline for future obligations.

(3) A description of current and future production capacity for each covered system, broken down by month and calendar year.

(4) A description of expected delivery of covered systems to the Department of Defense.

(5) To the extent practicable, with respect to the total number of covered systems provided during the period covered by the briefing, an estimate for the timing of the delivery of at least 50 percent of the replenishment articles for a covered system and the delivery of 100 percent of such replenishment articles, compared to the number of covered systems provided.

(6) A description of overall actual and expected obligation rates for all reprogrammings applied to covered systems.

(7) A description of any other investments made that significantly affect the replenishment timeline or production capacity of the covered systems.

(8) A description of remaining industrial base risks or opportunities for increased competition for each covered system and detailed options to mitigate such risks or expand competition, including any changes necessary to authorities to enable risk reduction or expanded competition.

(9) To the extent practicable, a comparison of the expected inventory of covered systems over the next 5 years compared to the requirements set forth under section 222c of title 10, United States Code.

(d) BRIEFINGS ON STOCKS OF ALLIES AND PARTNERS.—The Secretary of Defense shall provide to the congressional defense committees, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate quarterly briefings that include the following:

(1) A timeline and budgetary estimate for developing and procuring replacement stocks of covered systems for allies and partner countries of the United States.

(2) An update on the efforts of the Department to work with such allies and partner countries to advance the replenishment of munitions stocks for such allies and partners that have provided, or are contemplating providing, such stocks to Ukraine.

(e) TERMINATION.—This section and the requirements of this section shall terminate on December 31, 2026.

(f) COVERED SYSTEM DEFINED.—In this section, the term "covered system" means any system provided to the Government of Ukraine pursuant to any of the following:

(1) Section 506 of the Foreign Assistance Act of 1961 (22 U.S.C. 2318).

(2) Section 614 of the Foreign Assistance Act of 1961 (22 U.S.C. 2364).

(3) The Ukraine Security Assistance Initiative established under section 1250 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat. 1068), including as amended by this Act, if such system was provided to Ukraine after February 24, 2022.

SEC. 1704. ASSESSMENT OF REQUIREMENTS AND ACQUISITION OBJECTIVES FOR PATRIOT AIR AND MISSILE DEFENSE BATTALIONS.

(a) ASSESSMENT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of the Army shall assess and validate the current and projected battalion and interceptor requirements and acquisition objectives for the Patriot air and missile defense system and Patriot advanced capability-3 missile segment enhancement missiles to determine whether such requirements and objectives are sufficient to meet the requests for forces, war plans, and contingency requirements of the commanders of the geographic combatant commands.

(b) REPORT.—Not later than 30 days after the date on which the Secretary completes the assessment under subsection (a), the Secretary shall submit to the congressional defense committees a report on the assessment, including whether the requirements and acquisition objectives described in such subsection—

(1) are sufficient to meet the requests for forces, war plans, and contingency requirements of the commanders of the geographic combatant commands; and

(2) are valid or should be modified.

(c) AUTHORITY.—Subject to the availability of appropriations for such purpose, the Secretary of the Army may procure up to four additional Patriot air and missile defense battalions to achieve a total of up to 20 such battalions.

SEC. 1705. INDEPENDENT ASSESSMENT OF DEPARTMENT OF DEFENSE CAPABILITY AND CAPACITY NEEDS FOR MUNITIONS PRODUCTION AND STOCKPILING.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall seek to enter into an agreement with an appropriate federally funded research and development center for the conduct of a detailed independent analysis of the extent to which the process used by the chief of staff of an armed force to implement the Out-Year Unconstrained Total Munitions Requirement required under section 222c of title 10, United States Code, properly accounts for current and future requirements for the weapons described in subsection (c). Such an agreement shall provide that an analysis conducted pursuant to the agreement shall be completed within 180 days after the date on which such agreement was entered into.

(b) MATTERS FOR CONSIDERATION.—An analysis conducted pursuant to an agreement under subsection (a) shall include a consideration of each of the following with respect to each weapon described in subsection (c):

(1) The sufficiency of efforts to implement section 222c of title 10, United States Code, including—

(A) whether the views of the commanders of each combatant command are adequately represented;

(B) whether contributions by allies and partner countries are adequately represented;

(C) whether excursions beyond the operational plans, including the potential of protracted warfare, are adequately represented;

(D) the potential of simultaneous conflicts; and

(E) the degree to which the elements of section 222c(c) of title 10, United States Code, are appropriate functional categories.

(2) Any recommendations that could be beneficial to the overall implementation of such section 222c.

(c) WEAPONS DESCRIBED.—The weapons described in this subsection are the following:

(1) Evolved sea sparrow missile.

(2) MK-48 heavyweight torpedo.

(3) Standard missile variants (including standard missile-6, standard missile-3 block IIA, and standard missile-3 block IIA).

(4) Patriot guided missiles.

(5) Terminal high altitude area defense interceptors.

(6) Guided and ballistic missiles fired from the multiple-launch rocket system (MLRS) or the high mobility artillery rocket system (HIMARS).

(7) Javelin missile.

(8) Stinger missile.

(9) Air intercept missile (AIM)-9X-Sidewinder.

(10) AIM-120D—Advanced medium range air-to-air missile (AMRAAM).

(11) Air to ground (AGM)-114—hellfire missile.

(12) Joint direct attack munition.

(13) Tomahawk land attack missile.

(14) Maritime strike tomahawk.

(15) Long range anti-ship missile.

(16) Naval strike missile.

(17) Joint air-to-surface standoff missile extended range.

(18) Harpoon anti-ship missile.

(19) Naval mines.

(20) Any other weapon that the Secretary of Defense or the federally funded research and development center determine should be included in the analysis.

(d) REPORT.—

(1) IN GENERAL.—Not later than 210 days after entering into an agreement under subsection (a), the Secretary of Defense shall submit to the congressional defense committees—

(A) a complete independent assessment of the analysis completed pursuant to the agreement; and

(B) any views from the Department of Defense the Secretary chooses to include.

(2) FORM.—The report required under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division and title XLVI of division D may be cited as the "Military Construction Authorization Act for Fiscal Year 2023".

SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVII for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2025; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2026.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 2025; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2026 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Security Investment Program.

SEC. 2803. EFFECTIVE DATE AND AUTOMATIC EXECUTION OF CONFORMING CHANGES TO TABLES OF SECTIONS, TABLES OF CONTENTS, AND SIMILAR TABULAR ENTRIES.

(a) [10 U.S.C. 2687 note] EFFECTIVE DATE.—Titles XXI through XXVII shall take effect on the later of—

(1) October 1, 2022; or

(2) the date of the enactment of this Act.

(b) [10 U.S.C. 102 note] ELIMINATION OF NEED FOR CERTAIN SEPARATE CONFORMING AMENDMENTS.—

(1) AUTOMATIC EXECUTION OF CONFORMING CHANGES.—When an amendment made by a provision of this division to a covered defense law adds a section or larger organizational unit to the covered defense law, repeals or transfers a section or larger organizational unit in the covered defense law, or amends the designation or heading of a section or larger organizational unit in the covered defense law, that amendment also shall have the effect of amending any table of sections, table of contents, or similar table of tabular entries in the covered defense law to alter the table to conform to the changes made by the amendment.

(2) EXCEPTIONS.—Paragraph (1) shall not apply to an amendment described in such paragraph when—

(A) the amendment, or a separate clerical amendment enacted at the same time as the amendment, expressly amends a table of sections, table of contents, or similar table of tabular entries in the covered defense law to alter the table to conform to the changes made by the amendment; or

(B) the amendment otherwise expressly exempts itself from the operation of this section.

(3) COVERED DEFENSE LAW DEFINED.—In this subsection, the term "covered defense law" means—

(A) titles 10, 32, and 37 of the United States Code;

(B) any national defense authorization Act or military construction authorization Act that authorizes funds to be appropriated for a fiscal year to the Department of Defense; and

(C) any other law designated in the text thereof as a covered defense law for purposes of application of this section.

TITLE XXI—ARMY MILITARY CONSTRUCTION

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

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2103(a) and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

State	Installation or Location	Amount
Alabama	Redstone Arsenal	$102,000,000
Alaska	Fort Wainwright	$99,000,000
Colorado	Fort Carson	$14,200,000
Hawaii	Fort Shafter	$33,000,000
	Schofield Barracks	$159,000,000
	Tripler Army Medical Center	$38,000,000
Louisiana	Fort Polk	$32,000,000
Maryland	Aberdeen Proving Ground	$85,000,000
Mississippi	Engineer Research and Development Center.	$20,000,000
New Jersey	Picatinny Arsenal	$15,654,000
New York	Fort Drum	$3,600,000
North Carolina	Fort Bragg	$34,000,000
Pennsylvania	Letterkenny Army Depot	$38,000,000
Texas	Corpus Christi Army Depot	$103,000,000
	Fort Bliss	$15,000,000
	Fort Hood	$19,000,000
Washington	Joint Base Lewis-McChord	$49,000,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2103(a) and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the installations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

State	Installation	Amount
Germany	East Camp Grafenwoehr	$168,000,000
Japan	Kadena Air Force Base	$80,000,000
Kwajalein	Kwajalein Atoll	$69,000,000

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2103(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Army may construct or acquire family housing units (including land acquisition and supporting facilities) at the installation, in the number of units or for the purpose, and in the amount set forth in the following table:

Country	Installation or Location	Units	Amount
Germany	Baumholder	Family Housing New Construction	$81,000,000
Italy	Vincenza	Family Housing New Construction	$95,000,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2103(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $17,339,000.

SEC. 2103. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2022, for military construction, land acquisition, and military family housing functions of the Department of the Army as specified in the funding table in section 4601.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation author-

ized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed the total amount authorized to be appropriated under subsection (a), as specified in the funding table in section 4601.

SEC. 2104. DEMOLITION OF DISTRICT OF COLUMBIA FORT MCNAIR QUARTERS 13, 14, AND 15.

Not later than one year after the date on which all the individuals occupying District of Columbia Fort McNair Quarters 13, 14, and 15, as of the date of the enactment of this Act, have moved out of such Quarters, the Secretary of the Army shall demolish such Quarters.

SEC. 2105. MODIFICATION OF AUTHORITY TO CARRY OUT FISCAL YEAR 2019 PROJECT AT CAMP TANGO, KOREA.

In the case of the authorization contained in the table in section 2101(b) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (division B of Public Law 115-232; 132 Stat. 2242) for Camp Tango, Korea, for construction of a command and control facility at the installation, the Secretary of the Army may increase scope for a dedicated, enclosed egress pathway out of the underground facility to facilitate safe escape in case of fire.

SEC. 2106. EXTENSION AND MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2018 PROJECTS.

(a) EXTENSION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2018 PROJECTS.—

(1) EXTENSION.—(A) Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2018 (division B of Public Law 115-91; 131 Stat. 1817), the authorization set forth in the table in subparagraph (B), as provided in section 2101(b) of that Act (131 Stat. 1819), shall remain in effect until October 1, 2023, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2024, whichever is later.

(B) The table referred to in subparagraph (A) is as follows:

Country	Installation or Location	Project	Original Authorized Amount
Korea	Kunsan Air Base ..	Unmanned Aerial Vehicle Hangar	$53,000,000

(2) ARMY FAMILY HOUSING.—(A) Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2018 (division B of Public Law 115-91; 131 Stat. 1817), the authorization set forth in the table in subparagraph (B), as provided in section 2102 of that Act (131 Stat. 1820), shall remain in effect until October 1, 2023, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2024, whichever is later.

(B) The table referred to in subparagraph (A) is as follows:

Country	Installation or Location	Project	Original Authorized Amount
Kwajalein ...	Kwajalein Atoll	Family Housing Replacement Construction	$31,000,000

(b) MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2018 PROJECTS.—

(1) KUNSAN AIR BASE, KOREA.—In the case of the authorization contained in the table in section 2101(b) of the Military Construction Authorization Act for Fiscal Year 2018 (division B of Public Law 115-91; 131 Stat. 1819) for Kunsan Air Base, Korea, for construction of an Unmanned Aerial Vehicle Hangar at the installation, the Secretary of the Army may—

(A) construct the hangar at Camp Humphries, Korea; and

(B) remove primary scope associated with the relocation of the air defense artillery battalion facilities to include a ground based missile defense equipment area, fighting positions, a missile resupply area air defense artillery facility, a ready building and command post, a battery command post area, a safety shelter, and a guard booth.

(2) KWAJALEIN ATOLL, HWAJALEIN.—Section 2879(a)(1)(A) of the Military Construction Authorization Act for Fiscal Year 2018 (division B of Public Law 115-91; 131 Stat. 1874) is amended by striking "at least 26 family housing units" and inserting "not more than 26 family housing units".

TITLE XXII—NAVY MILITARY CONSTRUCTION

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

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2203(a) and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside

the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State or Territory	Installation or Location	Amount
California	Marine Corps Air Ground Combat Center Twentynine Palms	$137,235,000
	Marine Corps Base Camp Pendleton	$145,079,000
	Marine Corps Recruit Depot San Diego	$94,848,000
	Naval Air Station Lemoore	$247,633,000
	Naval Base Point Loma Annex	$64,353,000
	Naval Base San Diego	$151,278,000
	Naval Surface Warfare Center Corona Division	$17,100,000
Connecticut	Naval Submarine Base New London	$17,686,000
Florida	Naval Air Station Jacksonville	$100,570,000
	Naval Air Station Whiting Field	$228,001,000
Georgia	Naval Submarine Base Kings Bay	$309,102,000
Guam	Marine Corps Base Camp Blaz	$419,745,000
Hawaii	Joint Base Pearl Harbor-Hickam	$3,780,475,000
	Marine Corps Base Kaneohe Bay	$100,206,000
Maryland	Naval Surface Warfare Center Carderock Division	$2,363,000
	Naval Surface Warfare Center Indian Head Division	$10,155,000
Nevada	Naval Air Station Fallon	$159,866,000
North Carolina	Marine Corps Air Station Cherry Point	$44,830,000
	Marine Corps Air Station New River	$240,084,000
	Marine Corps Base Camp Lejeune	$54,122,000
Pennsylvania	Naval Surface Warfare Center Philadelphia Division	$92,547,000
South Carolina	Marine Corps Recruit Depot Parris Island	$166,930,000
Virginia	Naval Station Norfolk	$19,224,000
	Naval Surface Warfare Center Dahlgren Division	$2,853,000
Washington	Naval Air Station Whidbey Island	$120,340,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2203(a) and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or Location	Amount
Australia	Royal Australian Air Force Base Darwin	$258,831,000
Djibouti	Camp Lemonnier	$122,107,000
Japan	Kadena Air Base	$222,756,000
Spain	Naval Station Rota	$92,323,000

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2203(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Navy may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations,

in the number of units or for the purposes, and in the amounts set forth in the following table:

Location	Installation	Units or Purpose	Amount
Guam	Naval Support Activity Anderson.	Family housing new construction	$289,776,000
.....		.....	.....

(b) IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.—Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2203(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $74,540,000.

(c) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2203(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $14,123,000.

SEC. 2203. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2022, for military construction, land acquisition, and military family housing functions of the Department of the Navy, as specified in the funding table in section 4601.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed the total amount authorized to be appropriated under subsection (a), as specified in the funding table in section 4601.

SEC. 2204. EXTENSION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2018 PROJECT.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2018 (division B of Public Law 115-91; 131 Stat. 1817), the authorization set forth in the table in subsection (a), as provided in section 2201(a) of that Act (131 Stat. 1822), shall remain in effect until October 1, 2023, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2024, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Country	Installation or Location	Project	Original Authorized Amount
Guam	Joint Region Marianas	Navy-Commercial Tie-in Hardening	$37,180,000

TITLE XXIII—AIR FORCE MILITARY CONSTRUCTION

Sec. 2301. Authorized Air Force construction and land acquisition projects.
Sec. 2302. Family housing.
Sec. 2303. Authorization of appropriations, Air Force.
Sec. 2304. Extension of authority to carry out certain fiscal year 2018 projects.
Sec. 2305. Modification of authority to carry out certain fiscal year 2021 project.
Sec. 2306. Modification of authority to carry out certain military construction projects at Tyndall Air Force Base, Florida.

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2303(a) and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

State	Installation or Location	Amount
Alabama	Maxwell Air Force Base	$15,000,000
Alaska	Clear Space Force Station	$72,080,000
.....	Joint Base Elmendorf-Richardson ..	$5,200,000
Arizona	Davis-Monthan Air Force Base	$7,500,000
California	Travis Air Force Base	$7,500,000
.....	Vandenberg Space Force Base	$136,000,000
Florida	Patrick Space Force Base	$97,000,000
Hawaii	Air Force Research Laboratory - Maui Experimental Site #1	$89,000,000
Illinois	Scott Air Force Base	$19,893,000
New York	Air Force Research Laboratory - Rome Research Site	$4,200,000
Ohio	Wright Patterson Air Force Base ...	$29,000,000
Oklahoma	Altus Air Force Base	$4,750,000
.....	Tinker Air Force Base	$252,016,000
South Carolina	Shaw Air Force Base	$15,000,000
South Dakota	Ellsworth Air Force Base	$335,900,000
Tennessee	Arnold Air Force Base	$46,000,000
Texas	Joint Base San Antonio-Randolph	$29,000,000

State	Installation or Location	Amount
Utah	Hill Air Force Base	$96,900,000
Washington	Fairchild Air Force Base	$8,000,000
Wyoming	F.E. Warren Air Force Base	$241,920,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2303(a) and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Country	Installation or Location	Amount
Hungary	Pápa Air Base	$75,260,000
Iceland	Naval Air Station Keflavik	$102,500,000
Italy	Aviano Air Base	$51,615,000
Japan	Kadena Air Base	$307,000,000
Jordan	Muwaffaq Salti Air Base	$53,000,000
Norway	Rygge Air Station	$9,700,000
Spain	Moron Air Base	$32,500,000

SEC. 2302. FAMILY HOUSING.

(a) IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.—Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2303(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $233,858,000.

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2303(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $17,730,000.

SEC. 2303. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2022, for military construction, land acquisition, and military family housing functions of the Department of the Air Force, as specified in the funding table in section 4601.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 of this Act may not exceed the total amount authorized to be

appropriated under subsection (a), as specified in the funding table in section 4601.

SEC. 2304. EXTENSION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2018 PROJECTS.

(a) EXTENSION.—

(1) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2018 (division B of Public Law 115-91; 131 Stat. 1817), the authorizations set forth in the table in paragraph (2), as provided in section 2301(a) of that Act (131 Stat. 1825), shall remain in effect until October 1, 2023, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2024, whichever is later.

(2) TABLE.—The table referred to in paragraph (1) is as follows:

State	Installation or Location	Project	Original Authorized Amount
Florida	Tyndall Air Force Base	Fire Station	$17,000,000
Texas	Joint Base San Antonio	BMT Classrooms/Dining	$38,000,000
.....	Joint Base San Antonio	Camp Bullis Dining Facility	$18,500,000
Wyoming	F. E. Warren Air Force Base	Consolidated Helo/TRF Ops/AMU and Alert Fac.	$62,000,000

(b) OVERSEAS CONTINGENCY OPERATIONS.—

(1) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2018 (division B of Public Law 115-91; 131 Stat. 1817), the authorizations set forth in the table in paragraph (2), as provided in section 2903 of that Act (131 Stat. 1876), shall remain in effect until October 1, 2023, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2024, whichever is later.

(2) TABLE.—The table referred to in paragraph (1) is as follows:

Country	Installation or Location	Project	Original Authorized Amount
Hungary	Kecskemet Air Base	ERI: Airfield Upgrades	$12,900,000
.....	Kecskemet Air Base	ERI: Construct Parallel Taxiway	$30,000,000
.....	Kecskemet Air Base	ERI: Increase POL Storage Capacity	$12,500,000
Luxembourg	Sanem	ERI: ECAOS Deployable Airbase System Storage ..	$67,400,000
Slovakia	Malacky	ERI: Airfield Upgrades	$4,000,000
.....	Malacky	ERI: Increase POL Storage Capacity	$20,000,000
.....	ERI: Airfield Upgrades	Construct Combat Arms Training and Maintenance Facility	$22,000,000

SEC. 2305. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2021 PROJECT.

In the case of the authorization contained in the table in section 2301(a) of the Military Construction Authorization Act for Fiscal Year 2021 (division B of Public Law 116-283; 134 Stat. 4299) for Hill Air Force Base, Utah, for construction of GBSD Organic Software Sustainment Center, the Secretary of the Air Force may construct—

(1) up to 7,526 square meters of Surface Parking Lot in lieu of constructing a 13,434 square meters vehicle parking garage; and

(2) up to 402 square meters of Storage Igloo.

SEC. 2306. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN MILITARY CONSTRUCTION PROJECTS AT TYNDALL AIR FORCE BASE, FLORIDA.

In the case of the authorization contained in section 2912(a) of the Military Construction Authorization Act for Fiscal Year 2020 (division B of Public Law 116-92; 133 Stat. 1913) for Tyndall Air Force Base, Florida—

(1) for construction of Lodging Facilities Phases 1-2, as specified in such funding table and modified by section

2306(a)(7) of the Military Construction Authorization Act for Fiscal Year 2021 (division B of Public Law 116-283; 134 Stat. 4302), the Secretary of the Air Force may construct two emergency backup generators;

(2) for construction of Dorm Complex Phases 1-2, as specified in such funding table and modified by section 2306(a)(8) of the Military Construction Authorization Act for Fiscal Year 2021 (division B of Public Law 116-283; 134 Stat. 4302), the Secretary of the Air Force may construct an emergency backup generator;

(3) for construction of Site Development, Utilities, and Demo Phase 2, as specified in such funding table and modified by section 2306(a)(6) of the Military Construction Authorization Act for Fiscal Year 2021 (division B of Public Law 116-283; 134 Stat. 4302), the Secretary of the Air Force may construct—

(A) up to 6,248 lineal meters of storm water utilities;

(B) up to 55,775 square meters of roads;

(C) up to 4,334 lineal meters of gas pipeline; and

(D) up to 28,958 linear meters of electrical;

(4) for construction of Tyndall AFB Gate Complex, as specified in such funding table and modified by section 2306(a)(9) of the Military Construction Authorization Act for Fiscal Year 2021 (division B of Public Law 116-283; 134 Stat. 4302), the Secretary of the Air Force may construct up to 55,694 square meters of roadway with serpentines; and

(5) for construction of Deployment Center/Flight Line Dining/AAFES, as specified in such funding table and modified by section 2306(a)(11) of the Military Construction Authorization Act for Fiscal Year 2021 (division B of Public Law 116-283; 134 Stat. 4303), the Secretary of the Air Force may construct up to 164 square meters of AAFES (Shoppette).

TITLE XXIV—DEFENSE AGENCIES MILITARY CONSTRUCTION

Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
Sec. 2402. Authorized energy resilience and conservation investment program projects.
Sec. 2403. Authorization of appropriations, defense agencies.
Sec. 2404. Extension of authority to carry out certain fiscal year 2018 projects.

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a) and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Inside the United States

State	Installation or Location	Amount
Alabama	Redstone Arsenal	$151,000,000
California	Naval Base Coronado	$75,712,000
Florida	Hurlburt Field	$9,100,000
	MacDill Air Force Base	$50,000,000
North Carolina	Fort Bragg	$34,470,000
Texas	Joint Base San Antonio	$58,600,000
Virginia	Dam Neck	$26,600,000
	Pentagon	$18,000,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a) and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Outside the United States

Country	Installation or Location	Amount
Germany	Baumholder	$184,723,000
	Wiesbaden	$104,779,000
Japan	Yokota Air Base	$72,154,000

SEC. 2402. AUTHORIZED ENERGY RESILIENCE AND CONSERVATION INVESTMENT PROGRAM PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a) and available for energy conservation projects as specified in the funding table in section 4601, the Secretary of Defense may carry out energy conservation projects under chapter 173 of title 10, United States Code, for the installations or locations inside the United States, and in the amounts, set forth in the following table:

ERCIP Projects: Inside the United States

State or Territory	Installation or Location	Amount
Alabama	Redstone Arsenal	$10,700,000
California	Marine Corps Mountain Warfare Training Center	$30,672,000
	Naval Base Ventura County	$16,032,000
Florida	Naval Air Station Jacksonville	$2,880,000
	Patrick Space Force Base	$15,700,000
Georgia	Fort Stewart-Hunter Army Airfield	$25,400,000
	Naval Submarine Base Kings Bay	$13,440,000
Guam	Naval Base Guam	$34,360,000
Hawaii	Joint Base Pearl Harbor-Hickam	$30,000,000
Kansas	Fort Riley	$25,780,000
Maryland	National Security Agency-Washington, Fort Meade	$23,310,000
Texas	Fort Hood	$31,500,000
	U.S. Army Reserve Center, Conroe	$9,600,000
Virginia	National Geospatial-Intelligence Agency Campus East, Fort Belvoir	$1,100,000
	Naval Support Activity Hampton Roads	$26,880,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a) and available for energy conservation projects as specified in the funding table in section 4601, the Secretary of Defense may carry out energy conservation projects under chapter 173 of title 10, United States Code, for the installations or locations outside the United States, and in the amounts, set forth in the following table:

ERCIP Projects: Outside the United States

Country	Installation or Location	Amount
Djibouti	Camp Lemonnier	$28,800,000
Japan	Kadena Air Base	$780,000
Kuwait	Camp Arifjan	$26,850,000

SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2022, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), as specified in the funding table in section 4601.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed the total amount authorized to be appropriated under subsection (a), as specified in the funding table in section 4601.

SEC. 2404. EXTENSION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2018 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2018 (division B of Public Law 115-91; 131 Stat. 1817), the authorization set forth in the table in subsection (b), as provided in section 2401(b) of that Act (131 Stat. 1829), for the projects specified in that table shall remain in effect until October 1, 2023, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2024, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Country	Installation or Location	Project	Original Authorized Amount
Japan	Iwakuni	Construct Bulk Storage Tanks PH 1	$30,800,000
Puerto Rico	USCG Station; Punta Borinquen	Ramey Unit School Replacement	$61,071,000

TITLE XXV—INTERNATIONAL PROGRAMS

Subtitle A—North Atlantic Treaty Organization Security Investment Program

Sec. 2501. Authorized NATO construction and land acquisition projects.
Sec. 2502. Authorization of appropriations, NATO.

Subtitle B—Host Country In-Kind Contributions

Sec. 2511. Republic of Korea funded construction projects.
Sec. 2512. Repeal of authorized approach to certain construction project.

Subtitle A—North Atlantic Treaty Organization Security Investment Program

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2022, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment Program authorized by section 2501 as specified in the funding table in section 4601.

Subtitle B—Host Country In-Kind Contributions

SEC. 2511. REPUBLIC OF KOREA FUNDED CONSTRUCTION PROJECTS.

Pursuant to agreement with the Republic of Korea for required in-kind contributions, the Secretary of Defense may accept military construction projects for the installations or locations in the Republic of Korea, and in the amounts, set forth in the following table:

Component	Installation or Location	Project	Amount
Army	Camp Humphreys	Quartermaster Laundry/Dry Cleaner Facility	$24,000,000

Component	Installation or Location	Project	Amount
Army	Camp Humphreys	MILVAN CONNEX Storage Yard	$20,000,000
Navy	Camp Mujuk	Replace Ordnance Storage Magazines	$150,000,000
Navy	Fleet Activities Chinhae	Water Treatment Plant Relocation	$6,000,000
Air Force	Gimhae Air Base	Refueling Vehicle Shop	$8,800,000
Air Force	Osan Air Base	Combined Air and Space Operations Intelligence Center	$306,000,000
Air Force	Osan Air Base	Upgrade Electrical Distribution West, Phase 3	$235,000,000

SEC. 2512. REPEAL OF AUTHORIZED APPROACH TO CERTAIN CONSTRUCTION PROJECT.

Section 2511 of the Military Construction Authorization Act for Fiscal Year 2022 (division B of Public Law 117-81; 135 Stat. 2177) is amended—

(1) by striking "(a) Authority to Accept Projects.—"; and

(2) by striking subsection (b).

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

Sec. 2601. Authorized Army National Guard construction and land acquisition projects.
Sec. 2602. Authorized Army Reserve construction and land acquisition projects.
Sec. 2603. Authorized Navy Reserve and Marine Corps Reserve construction and land acquisition projects.
Sec. 2604. Authorized Air National Guard construction and land acquisition projects.
Sec. 2605. Authorized Air Force Reserve construction and land acquisition projects.
Sec. 2606. Authorization of appropriations, National Guard and Reserve.
Sec. 2607. Corrections to authority to carry out certain fiscal year 2022 projects.
Sec. 2608. Extension of authority to carry out certain fiscal year 2018 projects.

SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the Army National Guard locations inside the United States, and in the amounts, set forth in the following table:

Army National Guard

State or Territory	Location	Amount
Alaska	Joint Base Elmendorf-Richardson	$63,000,000
Arkansas	Camp Robinson	$9,500,000
Delaware	River Road Training Site	$16,000,000
Florida	Camp Blanding	$24,700,000
	Gainesville	$21,000,000
	Palm Coast Flagler RC FMS 9	$12,000,000
Hawaii	Kalaeloa	$29,000,000
Indiana	Atlanta Readiness Center	$20,000,000
Iowa	West Des Moines Armory	$15,000,000
Michigan	Grayling Airfield	$16,000,000
Minnesota	New Ulm Armory and FMS	$17,000,000
Nevada	Harry Reid Training Center	$18,000,000
New York	Glenmore RD Armory/FMS 17	$17,000,000
North Carolina	McLeansville Camp Burton Road	$15,000,000
Oregon	Camp Umatilla	$14,243,000
Puerto Rico	Arroyo Readiness Center	$46,602,000
	Camp Santiago Joint Maneuver Training Center	$136,500,000
West Virginia	Buckhannon Brushy Fork	$14,000,000
Wyoming	Camp Guernsey	$19,500,000
	TS NG Sheridan	$14,800,000

SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the Army Reserve locations inside the United States, and in the amounts, set forth in the following table:

Army Reserve

State or Territory	Location	Amount
California	Camp Pendleton	$13,000,000
Florida	Perrine	$46,000,000
Ohio	Wright-Patterson Air Force Base	$16,000,000
Puerto Rico	Fort Buchanan	$24,000,000
Washington	Yakima	$22,000,000
Wisconsin	Fort McCoy	$64,000,000

SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE CORPS RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out military construction projects for the Navy Reserve and Marine Corps Reserve locations inside the United States, and in the amounts, set forth in the following table:

Navy Reserve and Marine Corps Reserve

State	Location	Amount
Hawaii	Marine Corps Base Kaneohe Bay	$116,964,000
Michigan	Marine Forces Reserve Battle Creek	$27,702,000
Virginia	Marine Forces Reserve Dam Neck Virginia Beach.	$11,856,000

SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air National Guard locations inside the United States, and in the amounts, set forth in the following table:

Air National Guard

State	Location	Amount
Alabama	Montgomery Regional Airport	$9,200,000
Arizona	Morris Air National Guard Base	$12,000,000
	Tucson International Airport	$11,700,000
Florida	Jacksonville International Airport	$30,000,000
Indiana	Fort Wayne International Airport	$16,500,000
Ohio	Rickenbacker Air National Guard Base	$8,000,000
Rhode Island	Quonset State Airport	$46,000,000
Tennessee	McGhee-Tyson Airport	$31,000,000
West Virginia	McLaughlin Air National Guard Base	$12,500,000

SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air Force Reserve locations inside the United States, and in the amounts, set forth in the following table:

Air Force Reserve

State	Location	Amount
Arizona	Davis-Monthan Air Force Base	$8,000,000
Mississippi	Keesler Air Force Base	$10,000,000
Oklahoma	Tinker Air Force Base	$12,500,000
Virginia	Langley Air Force Base	$10,500,000

SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, NATIONAL GUARD AND RESERVE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2022, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the

cost of acquisition of land for those facilities), as specified in the funding table in section 4601.

SEC. 2607. CORRECTIONS TO AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2022 PROJECTS.

The authorization table in section 2601 of the Military Construction Authorization Act for Fiscal Year 2022 (division B of Public Law 117-81; 135 Stat. 2178) is amended—

(1) in the item relating to Redstone Arsenal, Alabama, by striking "Redstone Arsenal" and inserting "Huntsville Readiness Center";

(2) in the item relating to Jerome National Guard Armory, Idaho, by striking "Jerome National Guard Armory" and inserting "Jerome County Regional Site";

(3) in the item relating to Nickell Memorial Armory Topeka, Kansas, by striking "Nickell Memorial Armory Topeka" and inserting "Topeka Forbes Field";

(4) in the item relating to Lake Charles National Guard Readiness Center, Louisiana, by striking "Lake Charles National Guard Readiness Center" and inserting "Lake Charles Chennault Airport NGLA";

(5) in the item relating to Camp Grayling, Michigan, by striking "Camp Grayling" and inserting "Grayling Airfield";

(6) in the item relating to Butte Military Entrance Testing Site, Montana, by striking "Butte Military Entrance Testing Site" and inserting "Silver Bow Readiness Center Land";

(7) in the item relating to Mead Army National Guard Readiness Center, Nebraska, by striking "Mead Army National Guard Readiness Center" and inserting "Mead TS/FMS 06/ Utes 02";

(8) in the item relating to Dickinson National Guard Armory, North Dakota, by striking "Dickinson National Guard Armory" and inserting "Dickinson Complex";

(9) in the item relating to Bennington National Guard Armory, Vermont, by striking "Bennington National Guard Armory" and inserting "Bennington"; and

(10) in the item relating to Camp Ethan Allen Training Site, Vermont, by striking "Camp Ethan Allen Training Site" and inserting "National Guard Ethan Allen Air Force Base Training Site".

SEC. 2608. EXTENSION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2018 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2018 (division B of Public Law 115-91; 131 Stat. 1817), the authorizations set forth in the table in subsection (b), as provided in section 2604 of that Act (131 Stat. 1836), shall remain in effect until October 1, 2023, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2024, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

State	Installation or Location	Project	Original Authorized Amount
Indiana	Hulman Regional Airport	Construct Small Arms Range ..	$8,000,000
South Dakota.	Joe Foss Field	Aircraft Maintenance Shops ..	$12,000,000
Wisconsin ...	Dane County Regional/Airport Truax Field	Construct Small Arms Range ..	$8,000,000

TITLE XXVII—BASE REALIGNMENT AND CLOSURE ACTIVITIES

Sec. 2701. Authorization of appropriations for base realignment and closure activities funded through Department of Defense Base Closure Account.
Sec. 2702. Authorization to fund certain demolition and removal activities through Department of Defense Base Closure Account.
Sec. 2703. Prohibition on conducting additional base realignment and closure (BRAC) round.

SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR BASE REALIGNMENT AND CLOSURE ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2022, for base realignment and closure activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account established by section 2906 of such Act (as amended by section 2711 of the Military Construction Authorization Act for Fiscal Year 2013 (division B of Public Law 112-239; 126 Stat. 2140)), as specified in the funding table in section 4601.

SEC. 2702. AUTHORIZATION TO FUND CERTAIN DEMOLITION AND REMOVAL ACTIVITIES THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT.

(a) IN GENERAL.—Section 2906(c)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note) is amended by adding at the end the following new subparagraph:

> "(E) To carry out the demolition or removal of any building or structure under the control of the Secretary of the Navy that is not designated as historic under a Federal, State, or local law and is located on a military installation closed or realigned under a base closure law (as such term is defined in section 101 of title 10, United States Code) at which the sampling or remediation of

radiologically contaminated materials has been the subject of substantiated allegations of fraud, without regard to—

"(i) whether the building or structure is radiologically impacted; or

"(ii) whether such demolition or removal is carried out, as part of a response action or otherwise, under the Defense Environmental Restoration Program specified in subparagraph (A) or CERCLA (as such term is defined in section 2700 of title 10, United States Code).".

(b) FUNDING.—The amendment made by this section may only be carried out using funds authorized to be appropriated in the table in section 4601.

SEC. 2703. PROHIBITION ON CONDUCTING ADDITIONAL BASE REALIGNMENT AND CLOSURE (BRAC) ROUND.

Nothing in this Act shall be construed to authorize an additional Base Realignment and Closure (BRAC) round.

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

Subtitle A—Military Construction Program

Sec. 2801. Temporary increase of amounts in connection with authority to carry out unspecified minor military construction.
Sec. 2802. Modification of annual locality adjustment of dollar thresholds applicable to unspecified minor military construction authorities.
Sec. 2803. Permanent authority for defense laboratory modernization program.
Sec. 2804. Elimination of sunset of authority to conduct unspecified minor military construction for lab revitalization.
Sec. 2805. Military construction projects for innovation, research, development, test, and evaluation.
Sec. 2806. Supervision of large military construction projects.
Sec. 2807. Specification of Assistant Secretary of Defense for Energy, Installations, and Environment as Chief Housing Officer.
Sec. 2808. Clarification of exceptions to limitations on cost variations for military construction projects and military family housing projects.
Sec. 2809. Use of operation and maintenance funds for certain construction projects outside the United States.
Sec. 2810. Consideration of installation of integrated solar roofing to improve energy resiliency of military installations.
Sec. 2811. Revision of Unified Facilities Guide Specifications and Unified Facilities Criteria to include specifications on use of gas insulated switchgear and criteria and specifications on microgrids and microgrid converters.
Sec. 2812. Determination and notification relating to Executive orders that impact cost and scope of work of military construction projects.
Sec. 2813. Requirement for inclusion of Department of Defense Forms 1391 with annual budget submission by President.
Sec. 2814. Use of integrated project delivery contracts.

Subtitle B—Military Housing Reforms

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

Subtitle C—Real Property and Facilities Administration

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

Subtitle D—Land Conveyances

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

Subtitle E—Miscellaneous Studies and Reports

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

Subtitle F—Other Matters

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

Subtitle A—Military Construction Program

SEC. 2802. MODIFICATION OF ANNUAL LOCALITY ADJUSTMENT OF DOLLAR THRESHOLDS APPLICABLE TO UNSPECIFIED MINOR MILITARY CONSTRUCTION AUTHORITIES.

Section 2805(f)(2) of title 10, United States Code, as amended by this Act, is further amended—

(1) by striking "or the Commonwealth" and inserting "Wake Island, the Commonwealth"; and

(2) by inserting ", or a former United States Trust Territory now in a Compact of Free Association with the United States" after "Mariana Islands".

SEC. 2803. PERMANENT AUTHORITY FOR DEFENSE LABORATORY MODERNIZATION PROGRAM.

(a) IN GENERAL.—Section 2805 of title 10, United States Code, as amended by this Act, is further amended by adding at the end the following new subsection:

"(g) DEFENSE LABORATORY MODERNIZATION PROGRAM.—(1) Using amounts appropriated or otherwise made available to the Department of Defense for research, development, test, and evaluation, the Secretary of Defense may fund a military construction project described in paragraph (4) at any of the following:

"(A) A Department of Defense science and technology reinvention laboratory (as designated under section 4121(b) of this title).

"(B) A Department of Defense federally funded research and development center that functions primarily as a research laboratory.

"(C) A Department of Defense facility in support of a technology development program that is consistent with the fielding of offset technologies as described in section 218 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 10 U.S.C. note 4811).

"(D) A Department of Defense research, development, test, and evaluation facility that is not designated as a science and technology reinvention laboratory, but nonetheless is involved with developmental test and evaluation.

"(2) Subject to the condition that a military construction project under paragraph (1) be authorized in a Military Construction Authorization Act, the authority to carry out the military construction project includes authority for—

"(A) surveys, site preparation, and advanced planning and design;

"(B) acquisition, conversion, rehabilitation, and installation of facilities;

"(C) acquisition and installation of equipment and appurtenances integral to the project; acquisition and installation of supporting facilities (including utilities) and appurtenances incident to the project; and

"(D) planning, supervision, administration, and overhead expenses incident to the project.

"(3)(A) The Secretary of Defense shall include military construction projects proposed to be carried out under paragraph (1) in the budget justification documents for the Department of Defense submitted to Congress in connection with the budget for a fiscal year submitted under 1105 of title 31.

"(B) Not less than 14 days prior to the first obligation of funds described in paragraph (1) for a military construction project to be carried out under such paragraph, the Secretary of Defense shall submit to the congressional defense committees a notification providing an updated con-

struction description, cost, and schedule for the project and any other matters regarding the project as the Secretary considers appropriate.

"(4) The authority provided by paragraph (1) to fund military construction projects using amounts appropriated or otherwise made available for research, development, test, and evaluation is limited to military construction projects that the Secretary of Defense, in the budget justification documents exhibits submitted pursuant to paragraph (3)(A), determines—

"(A) will support research and development activities at laboratories described in paragraph (1);

"(B) will establish facilities that will have significant potential for use by entities outside the Department of Defense, including universities, industrial partners, and other Federal agencies;

"(C) are endorsed for funding by more than one military department or Defense Agency; and

"(D) cannot be fully funded within the thresholds otherwise specified in this section.

"(5) The maximum amount of funds appropriated or otherwise made available for research, development, test, and evaluation that may be obligated in any fiscal year for military construction projects under paragraph (1) is $150,000,000.

"(6)(A) In addition to the authority provided to the Secretary of Defense under paragraph (1) to use amounts appropriated or otherwise made available for research, development, test, and evaluation for a military construction project referred to in such subsection, the Secretary of the military department concerned may use amounts appropriated or otherwise made available for research, development, test, and evaluation to obtain architectural and engineering services and to carry out construction design in connection with such a project.

"(B) In the case of architectural and engineering services and construction design to be undertaken under this paragraph for which the estimated cost exceeds $1,000,000, the Secretary concerned shall notify the appropriate committees of Congress of the scope of the proposed project and the estimated cost of such services before the initial obligation of funds for such services. The Secretary may then obligate funds for such services only after the end of the 14-day period beginning on the date on which the notification is received by the committees in an electronic medium pursuant to section 480 of this title.".

(b) [10 U.S.C. 2805 note] APPLICABILITY.—Subsection (g) of section 2805 of title 10, United States Code, as added by subsection (a), shall apply with respect only to amounts appropriated after the date of the enactment of this Act.

(c) CONFORMING REPEAL.—Section 2803 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 10 U.S.C. note prec. 4121) is repealed.

SEC. 2804. ELIMINATION OF SUNSET OF AUTHORITY TO CONDUCT UNSPECIFIED MINOR MILITARY CONSTRUCTION FOR LAB REVITALIZATION.

Section 2805(d) of title 10, United States Code, as amended by this Act, is further amended by striking paragraph (5).

SEC. 2805. MILITARY CONSTRUCTION PROJECTS FOR INNOVATION, RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

(a) IN GENERAL.—Subchapter I of chapter 169 of title 10, United States Code, is amended by inserting after section 2809 the following new section:

"SEC. 2810. [10 U.S.C. 2810] Military construction projects for innovation, research, development, test, and evaluation

"(a) PROJECT AUTHORIZATION REQUIRED.—The Secretary of Defense may carry out such military construction projects for innovation, research, development, test, and evaluation as are authorized by law, using funds appropriated or otherwise made available for that purpose.

"(b) SUBMISSION OF PROJECT PROPOSALS.—As part of the defense budget materials for each fiscal year, the Secretary of Defense shall include the following information for each military construction project covered by subsection (a):

"(1) The project title.

"(2) The location of the project.

"(3) A brief description of the scope of work.

"(4) A completed Department of Defense Form 1391 budget justification that includes the original project cost estimate.

"(5) A current working cost estimate, if different that the cost estimate contained in such Form 1391.

"(6) Such other information as the Secretary considers appropriate.

"(c) BUDGET JUSTIFICATION DISPLAY.—The Secretary of Defense shall include with the defense budget materials for each fiscal year a consolidated budget justification display that individually identifies each military construction project covered by subsection (a) and the amount requested for such project for such fiscal year.

"(d) APPLICATION TO MILITARY CONSTRUCTION PROJECTS.—This section shall apply to military construction projects covered by subsection (a) for which a Department of Defense Form 1391 is submitted to the appropriate committees of Congress in connection with the budget of the Department of Defense for fiscal year 2023 and thereafter.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 2809 the following new item:

"2810. Military construction projects for innovation, research, development, test, and evaluation.".

SEC. 2806. SUPERVISION OF LARGE MILITARY CONSTRUCTION PROJECTS.

(a) SUPERVISION OF LARGE MILITARY CONSTRUCTION PROJECTS.—Section 2851 of title 10, United States Code, is amended—

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

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

"(d) REPORT ON SUPERVISION OF LARGE MILITARY CONSTRUCTION PROJECTS.—Before the award of a contract of a value greater than $500,000,000 in connection with a military construction project, the individual directing and supervising such military construction project under subsection (a) or the individual designated pursuant to subsection (b) (as applicable) shall submit to the appropriate committees of Congress a report on the intended supervision, inspection, and overhead plan to manage such military construction project. Each such report shall include the following:

"(1) A determination of the overall funding intended to manage the supervision, inspection, and overhead of the military construction project.

"(2) An assessment of whether a Department of Defense Field Activity directly reporting to such individual should be established.

"(3) A description of the quality assurance approach to the military construction project.

"(4) The independent cost estimate described in section 3221(b)(6)(A) of this title.

"(5) The overall staffing approach to oversee the military construction project for each year of the contract term.".

(b) CONFORMING AMENDMENT TO DUTIES OF THE DIRECTOR OF COST ASSESSMENT AND PROGRAM EVALUATION.—Section 3221(b)(6)(A) of title 10, United States Code, is amended—

(1) in clause (iii), by striking "and" at the end; and

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

"(v) any decision to enter into a contract in connection with a military construction project of a value greater than $500,000,000; and".

(c) [10 U.S.C. 2851 note] APPLICABILITY.—This section and the amendments made by this section shall apply to contracts entered into on or after the date of the enactment of this Act.

SEC. 2807. SPECIFICATION OF ASSISTANT SECRETARY OF DEFENSE FOR ENERGY, INSTALLATIONS, AND ENVIRONMENT AS CHIEF HOUSING OFFICER.

Subsection (a) of section 2851a of title 10, United States Code, is amended to read as follows:

"(a) IN GENERAL.—The Assistant Secretary of Defense for Energy, Installations, and Environment shall serve as the Chief Housing Officer, who shall oversee family housing and military unaccompanied housing under the jurisdiction of the Department of Defense or acquired or constructed under subchapter IV of this chapter (in this section referred to as 'covered housing units').".

SEC. 2808. CLARIFICATION OF EXCEPTIONS TO LIMITATIONS ON COST VARIATIONS FOR MILITARY CONSTRUCTION PROJECTS AND MILITARY FAMILY HOUSING PROJECTS.

Subparagraph (D) of section 2853(c)(1) of title 10, United States Code, is amended to read as follows:

"(D) The Secretary concerned may not use the authority provided by subparagraph (A) to waive the cost limitation applicable to a military construction project with a total authorized cost greater than $500,000,000 or a military family housing project with a total authorized cost greater than $500,000,000 if that waiver would increase

the project cost by more than 50 percent of the total authorized cost of the project.".

SEC. 2809. USE OF OPERATION AND MAINTENANCE FUNDS FOR CERTAIN CONSTRUCTION PROJECTS OUTSIDE THE UNITED STATES.

(a) [10 U.S.C. 2804 note] PERMANENT AUTHORITY.—Section 2808 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108-136; 117 Stat. 1723), as most recently amended by section 2806 of the Military Construction Authorization Act for Fiscal Year 2022 (division B of Public Law 117-81; 135 Stat. 2190), is further amended—

(1) in subsection (a)—

(A) by striking ", inside the area of responsibility of the United States Central Command or certain countries in the area of responsibility of the United States Africa Command,";

(B) by inserting "outside the United States" after "construction project"; and

(C) in paragraph (2), by striking ", unless the military installation is located in Afghanistan, for which projects using this authority may be carried out at installations deemed as supporting a long-term presence"; and

(2) in subsection (c)(1), by striking subparagraph (A) and redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively.

(b) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (b), by striking "subsection (f)" and inserting "subsection (d)";

(2) [10 U.S.C. 2805 note] by striking subsection (e);

(3) [10 U.S.C. 2804 note] by redesignating subsections (f) and (g) as subsections (d) and (e), respectively;

(4) in subsection (e), as so redesignated, by striking "subsection (f)" and inserting "subsection (d)"; and

(5) by striking subsections (h) and (i).

(c) CLERICAL AMENDMENTS.—Such section is further amended as follows:

(1) The section heading for such section is amended—

(A) by striking "temporary, limited authority" and inserting "authority"; and

(B) by inserting "certain" before "construction projects".

(2) The subsection heading for subsection (a) of such section is amended by striking "Temporary Authority" and inserting "In General".

(d) [10 U.S.C. 2804 note] CLASSIFICATION.—The Law Revision Counsel is directed to classify section 2808 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108-136; 117 Stat. 1723), as amended by subsection (a), as a note following section 2804 of title 10, United States Code.

SEC. 2810. [10 U.S.C. 2802 note] CONSIDERATION OF INSTALLATION OF INTEGRATED SOLAR ROOFING TO IMPROVE ENERGY RESILIENCY OF MILITARY INSTALLATIONS.

The Secretary of Defense shall amend the Unified Facilities Criteria/DoD Building Code (UFC 1-200-01) to require that planning and design for military construction projects inside the United States include consideration of the feasibility and cost-effectiveness of installing integrated solar roofing as part of the project, for the purpose of—

(1) promoting on-installation energy security and energy resilience;

(2) providing grid support to avoid energy disruptions; and

(3) facilitating implementation and greater use of the authority provided by subsection (h) of section 2911 of title 10, United States Code.

SEC. 2811. [10 U.S.C. 2802 note] REVISION OF UNIFIED FACILITIES GUIDE SPECIFICATIONS AND UNIFIED FACILITIES CRITERIA TO INCLUDE SPECIFICATIONS ON USE OF GAS INSULATED SWITCHGEAR AND CRITERIA AND SPECIFICATIONS ON MICROGRIDS AND MICROGRID CONVERTERS.

(a) GAS INSULATED SWITCHGEAR.—Not later than one year after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition and Sustainment shall modify the Unified Facilities Guide Specifications to include a distinct specification for medium voltage gas insulated switchgear.

(b) MICROGRIDS.—Not later than one year after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition and Sustainment shall—

(1) modify the Unified Facilities Criteria to include criteria for microgrids; and

(2) modify the Unified Facilities Guide Specifications to include specifications for microgrids and microgrid controllers.

SEC. 2812. [10 U.S.C. 2802 note] DETERMINATION AND NOTIFICATION RELATING TO EXECUTIVE ORDERS THAT IMPACT COST AND SCOPE OF WORK OF MILITARY CONSTRUCTION PROJECTS.

(a) DETERMINATION AND UPDATE OF FORM 1391.—Not later than 30 days after the date on which an Executive order is signed by the President, the Secretary concerned shall—

(1) determine whether implementation of the Executive order would cause a cost or scope of work variation for a military construction project under the jurisdiction of the Secretary concerned;

(2) assess the potential for life-cycle cost savings associated with implementation of the Executive order for such a project; and

(3) update the Department of Defense Form 1391 for each such project that has not been submitted for congressional consideration, where such implementation would affect such cost or scope of work variation, including—

(A) projects to be commenced in the next fiscal year beginning after the date on which the Executive order was signed; and

(B) projects covered by the future-years defense program submitted under section 221 of title 10, United States Code.

(b) NOTIFICATION TO CONGRESS.—Not later than 10 days after determining under subsection (a)(1) that implementation of an Executive order would cause a cost or scope of work variation for a military construction project, the Secretary concerned shall submit to the congressional defense committees a report indicating the estimated cost increases, scope of work increases, life-cycle costs, and any other impacts of such implementation.

(c) CERTIFICATION.—Along with the submission to Congress of the budget of the President for a fiscal year under section 1105(a) of title 31, United States Code, each Secretary concerned shall certify to Congress that each Department of Defense Form 1391 provided to Congress for that fiscal year for a military construction project has been updated with any cost or scope of work variation specified in subsection (a)(1) with respect to an Executive order signed during the four-year period preceding such certification, including an indication of any cost increases for such project that is directly attributable to such Executive order.

(d) SECRETARY CONCERNED DEFINED.—In this section, the term "Secretary concerned" has the meaning given that term in section 101 of title 10, United States Code.

SEC. 2813. [10 U.S.C. 2802 note] REQUIREMENT FOR INCLUSION OF DEPARTMENT OF DEFENSE FORMS 1391 WITH ANNUAL BUDGET SUBMISSION BY PRESIDENT.

Concurrently with the submission to Congress by the President of the annual budget of the Department of Defense for a fiscal year under section 1105(a) of title 31, United States Code, the President shall include each Department of Defense Form 1391, or successor similar form, for a military construction project to be carried out during that fiscal year.

SEC. 2814. USE OF INTEGRATED PROJECT DELIVERY CONTRACTS.

(a) IN GENERAL.—In fiscal year 2023, the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force shall each enter into at least one integrated project delivery contract for the delivery of a military construction project.

(b) INTEGRATED PROJECT DELIVERY CONTRACT DEFINED.—In this section, the term "integrated project delivery contract" means a single contract for the delivery of a whole project that—

(1) includes, at a minimum, the Secretary concerned, builder, and architect-engineer as parties that are subject to the terms of the contract;

(2) aligns the interests of all the parties to the contract with respect to the project costs and project outcomes; and

(3) includes processes to ensure transparency and collaboration among all parties to the contract relating to project costs and project outcomes.

Subtitle B—Military Housing Reforms

SEC. 2821. STANDARDIZATION OF MILITARY INSTALLATION HOUSING REQUIREMENTS AND MARKET ANALYSES.

(a) IN GENERAL.—Subchapter II of chapter 169 of title 10, United States Code, is amended by inserting after section 2836 the following new section:

"SEC. 2837. [10 U.S.C. 2837] Housing Requirements and Market Analysis

"(a) IN GENERAL.—Not less frequently than once every five years and in accordance with the requirements of this section, the Secretary concerned shall conduct a Housing Requirements and Market Analysis (in this section referred to as an 'HRMA') for each military installation under the jurisdiction of the Secretary concerned that is located in the United States.

"(b) PRIORITIZATION OF INSTALLATIONS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary concerned shall prioritize the conduct of HRMAs for military installations—

"(A) for which an HRMA has not been conducted during the five-year period preceding the date of the enactment of this section; or

"(B) in locations with housing shortages.

"(2) EXISTING 5-YEAR REQUIREMENT.—Paragraph (1) shall not apply to a military department that required an HRMA to be conducted for each military installation not less frequently than once every five years before the date of the enactment of this section.

"(c) SUBMITTAL TO CONGRESS.—The Secretary of Defense shall include with the budget materials for the Department of Defense for fiscal year 2024 and each subsequent fiscal year (as submitted to Congress pursuant to section 1105 of title 31, United States Code) a list of the military installations for which the Secretary concerned plans to conduct an HRMA during the fiscal year covered by such budget materials.

"(d) HOUSING REQUIREMENTS AND MARKET ANALYSIS.—The term 'Housing Requirements and Market Analysis'or 'HRMA' means, with respect to a military installation, a structured analytical process under which an assessment is made of both the suitability and availability of the private sector rental housing market using assumed specific standards related to affordability, location, features, physical condition, and the housing requirements of the total military population of such installation.".

(b) [10 U.S.C. 2837 note] TIME FRAME.—

(1) IN GENERAL.—During each of fiscal years 2023 through 2027, the Secretary concerned shall conduct an HRMA for 20 percent of the military installations under the jurisdiction of the Secretary concerned located in the United States.

(2) SUBMITTAL OF INFORMATION TO CONGRESS.—Not later than January 15, 2023, the Secretary concerned shall submit to the congressional defense committees a list of military installations for which the Secretary concerned plans to conduct an HRMA during fiscal year 2023.

(c) DEFINITIONS.—In this section:

(1) The term "HRMA" means, with respect to a military installation, a structured analytical process under which an assessment is made of both the suitability and availability of the private sector rental housing market using assumed specific standards related to affordability, location, features, physical condition, and the housing requirements of the total military population of such installation.

(2) The term "military installation" has the meaning given in section 2801 of title 10, United States Code.

(3) The term "Secretary concerned" has the meaning given that term in section 101(a) of title 10, United States Code.

SEC. 2822. NOTICE REQUIREMENT FOR MHPI GROUND LEASE EXTENSIONS.

Section 2878 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(f) NOTICE OF LEASE EXTENSIONS.—(1) The Secretary concerned shall provide to the congressional defense committees notice in writing and a briefing—

"(A) not later than 60 days after beginning negotiations with a lessor for the extension of the term of any ground lease of property or facilities under this section; and

"(B) not later than 90 days before extending the term of any ground lease of property or facilities under this section.

"(2) A notice and briefing required under paragraph (1) shall include each of the following:

"(A) A description of any material differences between the extended ground lease and the original ground lease, including with respect to—

"(i) the length of the term of the lease, as extended; and

"(ii) any new provisions that materially affect the rights and responsibilities of the ground lessor or the ground lessee under the original ground lease.

"(B) The number of housing units or facilities subject to the ground lease that, during the lease extension, are to be—

"(i) constructed;

"(ii) demolished; or

"(iii) renovated.

"(C) The source of any additional financing the lessor has obtained, or intends to obtain, during the term of the ground lease extension that will be used for the development of the property or facilities subject to the ground lease.

"(D) The following information, displayed annually, for the five-year period preceding the date of the notice and briefing:

"(i) The debt-to-net operating income ratio for the property or facility subject to the ground lease.

"(ii) The occupancy rates for the housing units subject to the ground lease.

"(iii) An report on maintenance response times and completion of maintenance requests for the housing units subject to the ground lease.

"(iv) The occupancy rates and debt-to-net operating income ratios of any other military privatized housing initiative projects managed by a company that controls, or that is under common control with, the ground lessee entering into the lease extension.".

SEC. 2823. ANNUAL BRIEFINGS ON MILITARY HOUSING PRIVATIZATION PROJECTS.

Section 2884 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(d) ANNUAL BRIEFINGS.—Not later than February 1 of each year, each Secretary concerned shall provide to the Committees on Armed Services of the Senate and House of Representatives a briefing on military housing privatization projects under the jurisdiction of the Secretary. Such briefing shall include, for the 12-month period preceding the date of the briefing, each of the following:

"(1) The information described in paragraphs (1) through (14) of subsection (c) with respect to all military housing privatization projects under the jurisdiction of the Secretary.

"(2) A review of any such project that is expected to require the restructuring of a loan, including any public or private loan.

"(3) For any such project expected to require restructuring, a timeline for when such restructuring is expected to occur.

"(4) Such other information as the Secretary determines appropriate.".

SEC. 2824. MOLD INSPECTION OF VACANT HOUSING UNITS.

Section 2891a of title 10, United States Code, is amended—

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

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

"(e) REQUIREMENTS FOR SECRETARY CONCERNED.—The Secretary concerned shall be responsible for—

"(1) providing for a mold inspection of each vacant housing unit before any new tenant moves into the unit; and

"(2) providing to the new tenant the results of the inspection.".

SEC. 2825. [10 U.S.C. 2891a note] IMPLEMENTATION OF RECOMMENDATIONS FROM AUDIT OF MEDICAL CONDITIONS OF RESIDENTS IN PRIVATIZED MILITARY HOUSING.

Not later than March 1, 2023, the Secretary of Defense shall implement the recommendations contained in the report of the Inspector General of the Department of Defense published on April 1, 2022, and titled "Audit of Medical Conditions of Residents in Privatized Military Housing" (DODIG-2022-078).

Subtitle C—Real Property and Facilities Administration

SEC. 2831. AUTHORIZED LAND AND FACILITIES TRANSFER TO SUPPORT CONTRACTS WITH FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS.

(a) IN GENERAL.—Chapter 159 of title 10, United States Code, is amended by inserting after section 2668a the following new section:

"SEC. 2669. [10 U.S.C. 2669] Transfer of land and facilities to support contracts with federally funded research and development centers

"(a) LEASE OF LAND, FACILITIES, AND IMPROVEMENTS.—(1) The Secretary of a military department may lease, for no consideration, land, facilities, infrastructure, and improvements to a covered FFRDC if the lease is to further the purposes of a contract between the Department of Defense and the covered FFRDC.

"(2) A lease entered into under paragraph (1) shall terminate on the earlier of the following dates:

"(A) The date that is 50 years after the date on which the Secretary enters into the lease.

"(B) The date of the termination or non-renewal of the contract between the Department of Defense and the covered FFRDC related to the lease.

"(b) CONVEYANCE OF FACILITIES AND IMPROVEMENTS.—(1) The Secretary of a military department may convey, for no consideration, ownership of facilities and improvements located on land leased to a covered FFRDC to further the purposes of a contract between the Department of Defense and the covered FFRDC.

"(2) The ownership of any facilities and improvements conveyed by the Secretary of a military department or any improvements made to the leased land by the covered FFRDC under this subsection shall, as determined by the Secretary of a military department, revert or transfer to the United States upon the termination or non-renewal of the underlying land lease.

"(3) Any facilities and improvements conveyed by the Secretary of a military department shall be demolished by the covered FFDRC as determined by such Secretary.

"(c) CONSTRUCTION STANDARDS.—A lease entered into under this section may provide that any facilities constructed on the leased land may be constructed using commercial standards in a manner that provides force protection safeguards appropriate to the activities conducted in, and the location of, such facilities.

"(d) INAPPLICABILITY OF CERTAIN PROPERTY MANAGEMENT LAWS.—(1) The conveyance or lease of property or facilities, improvements, and infrastructure under this section shall not be subject to the following provisions of law:

"(A) Section 2667 of this title.

"(B) Section 1302 of title 40.

"(C) Section 501 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11411).

"(2) Sections 2662 and 2802 of this title shall not apply to any improvements or facilities constructed by the covered FFRDC on land leased or conveyed to a covered FFRDC described in subsection (a) or (b).

"(e) COMPETITIVE PROCEDURES FOR SELECTION OF CERTAIN LESSEES; EXCEPTION.—If a proposed lease under this section is with respect to a covered FFRDC, the use of competitive procedures for the selection of the lessee is not required and the provisions of chapter 33 of title 41, United States Code, or chapter 221 of title 10, United States Code, and the related provisions of the Federal Acquisition Regulation shall not apply.

"(f) COVERED FFRDC DEFINED.—In this section, the term 'covered FFRDC' means a federally funded research and development center that is sponsored by, and has entered into a contract with, the Department of Defense.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 159 of title 10, United States Code, is amended by inserting after the item relating to section 2668a and inserting the following new item:

"2669. Transfer of land and facilities to support contracts with federally funded research and development centers.".

SEC. 2832. LIMITATION ON USE OF FUNDS PENDING COMPLETION OF MILITARY INSTALLATION RESILIENCE COMPONENT OF MASTER PLANS FOR AT-RISK MAJOR MILITARY INSTALLATIONS.

Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2023 for the Office of the Secretary of Defense for administration and service-wide activities, not more than 50 percent may be obligated or expended until the date on which each Secretary of a military department has satisfied the requirements of section 2833 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117-81; 10 U.S.C. 2864 note).

SEC. 2833. PHYSICAL ENTRANCES TO CERTAIN MILITARY INSTALLATIONS.

The Secretary of Defense shall ensure that, to the extent practicable that—

(1) each military installation in the United States has a designated main entrance that, at all times, is manned by at least one member of the Armed Forces or civilian employee of the Department of Defense;

(2) the location of each such designated main entrance is published on a publicly accessible internet website of the Department;

(3) in the case of a military installation in the United States that has any additional entrance designated for commercial deliveries to the military installation, the location of such entrance (and any applicable days or hours of operation for such entrance) is published on the same internet website as the website referred to in paragraph (2); and

(4) the information required to be published on the internet website under paragraph (2) is reviewed and, as necessary, updated on a basis that is not less frequent than annually.

Subtitle D—Land Conveyances

SEC. 2841. EXTENSION OF TIME FRAME FOR LAND CONVEYANCE, SHARPE ARMY DEPOT, LATHROP, CALIFORNIA.

Section 2833(g) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-283) is amended by striking "one year" and inserting "three years".

SEC. 2842. LAND CONVEYANCE, JOINT BASE CHARLESTON, SOUTH CAROLINA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force (in this section referred to as the "Secretary") may convey to the City of North Charleston, South Carolina (in this section referred to as the "City") all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 26 acres known as the Old Navy Yard at Joint Base Charleston, South Carolina, for the purpose of permitting the City to use the property for economic development.

(b) CONSIDERATION.—

(1) IN GENERAL.—As consideration for the conveyance under subsection (a), the City shall pay to the Secretary an amount equal to not less than the fair market value, as determined by the Secretary, based on an appraisal of the property to be conveyed under such subsection, which may consist of cash payment, in-kind consideration as described under paragraph (3), or a combination thereof.

(2) SUFFICIENCY OF CONSIDERATION.—

(A) IN GENERAL.—Consideration paid to the Secretary under paragraph (1) shall be in an amount sufficient, as determined by the Secretary, to provide replacement space for, and for the relocation of, any personnel, furniture, fixtures, equipment, and personal property of any kind belonging to any military department located upon the property to be conveyed under subsection (a).

(B) COMPLETION PRIOR TO CONVEYANCE.—Any cash consideration shall be paid in full and any in-kind consideration shall be complete, useable, and delivered to the satisfaction of the Secretary at or prior to the conveyance under subsection (a).

(3) IN-KIND CONSIDERATION.—In-kind consideration provided by the City under paragraph (1) may include the acquisition, construction, provision, improvement, maintenance, repair, or restoration (including environmental restoration), or combination thereof, of any facilities or infrastructure with proximity to Joint Base Charleston Weapons Station (South Annex) and located on Joint Base Charleston, that the Secretary considers acceptable.

(4) TREATMENT OF CASH CONSIDERATION RECEIVED.—Any cash consideration received by the Secretary under paragraph (1) shall be deposited in the special account in the Treasury under subparagraph (A) of section 572(b)(5) of title 40, United States Code, and shall be available in accordance with subparagraph (B)(ii) of such section.

(c) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—

(A) IN GENERAL.—The Secretary may require the City to cover all costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, appraisal costs, costs related to environmental documentation, and any other administrative costs related to the conveyance.

(B) REFUND OF AMOUNTS.—If amounts paid by the City to the Secretary in advance exceed the costs actually incurred by the Secretary to carry out the conveyance under subsection (a), the Secretary shall refund the excess amount to the City.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received under paragraph (1) as reimbursement for costs incurred by the Secretary to carry out the conveyance under subsection (a) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance or to an appropriate fund or account currently available to the Secretary for the purposes for which the costs were paid. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and to the same conditions and limitations, as amounts in such fund or account.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(e) CONDITION OF CONVEYANCE.—The conveyance under subsection (a) shall be subject to all valid existing rights and the City shall accept the property (and any improvements thereon) in its condition at the time of the conveyance (commonly known as a conveyance "as is").

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

(g) OLD NAVY YARD DEFINED.—In this section, the term "Old Navy Yard" includes the facilities used by the Naval Information Warfare Center Atlantic, including buildings 1602, 1603, 1639, 1648, and such other facilities, infrastructure, and land along or near the Cooper River waterfront at Joint Base Charleston as the Secretary considers appropriate.

SEC. 2843. LAND CONVEYANCE, NAVAL AIR STATION OCEANA, DAM NECK ANNEX, VIRGINIA BEACH, VIRGINIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey to the Hampton Roads Sanitation District (in this section referred to as the "HRSD") all right, title, and interest of the United States in and to a parcel of installation real property, including any improvements thereon, consisting of approximately 7.9 acres located at Naval Air Station Oceana in Dam Neck Annex, Virginia Beach, Virginia. The Secretary may void any land use restrictions associated with the property to be conveyed under this subsection.

(b) CONSIDERATION.—

(1) AMOUNT AND DETERMINATION.—As consideration for the conveyance under subsection (a), the HRSD shall pay to the Secretary of the Navy an amount that is not less than the fair market value of the property conveyed, as determined by the Secretary. Such determination of fair market value shall be final. In lieu of all or a portion of cash payment of consideration, the Secretary may accept in-kind consideration.

(2) TREATMENT OF CASH CONSIDERATION.—The Secretary of the Navy shall deposit any cash payment received under paragraph (1) in the special account in the Treasury established for the Secretary of the Navy under of paragraph (1) of section 2667(e) of title 10, United States Code. The entire amount deposited shall be available for use in accordance with subparagraph (D) of such paragraph.

(c) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary of the Navy shall require the HRSD to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and any other administrative costs related to the conveyance. If amounts are collected in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the HRSD.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover those costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the parcel of real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Navy.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Navy may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2844. LAND EXCHANGE, MARINE RESERVE TRAINING CENTER, OMAHA, NEBRASKA.

(a) LAND EXCHANGE AUTHORIZED.—The Secretary of the Navy may convey to the Metropolitan Community College Area, a political subdivision of the State of Nebraska (in this section referred to as the "College"), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, known as the Marine Reserve Training Center in Omaha, Nebraska.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the College shall convey to the Secretary of

the Navy real property interests, either adjacent or proximate, to Offutt Air Force Base, Nebraska.

(c) LAND EXCHANGE AGREEMENT.—The Secretary of the Navy and the College may enter into a land exchange agreement to implement this section.

(d) VALUATION.—The value of each property interest to be exchanged by the Secretary of the Navy and the College described in subsections (a) and (b) shall be determined—

(1) by an independent appraiser selected by the Secretary; and

(2) in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards of Professional Appraisal Practice.

(e) CASH EQUALIZATION PAYMENTS.—

(1) TO THE SECRETARY.—If the value of the property interests described in subsection (a) is greater than the value of the property interests described in subsection (b), the values shall be equalized through either of the following or a combination thereof:

(A) A cash equalization payment from the College to the Department of the Navy.

(B) In-kind consideration provided by the College, which may include the acquisition, construction, provision, improvement, maintenance, repair, or restoration (including environmental restoration), or combination thereof, of any facilities or infrastructure, or delivery of services relating to the needs of Marine Corps Reserve Training Center Omaha.

(2) NO EQUALIZATION.—If the value of the property interests described in subsection (b) is greater than the value of the property interests described in subsection (a), the Secretary may not make a cash equalization payment to equalize the values.

(f) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary of the Navy shall require the College to pay all costs to be incurred by the Secretary to carry out the exchange of property interests under this section, including such costs related to land survey, environmental documentation, real estate due diligence such as appraisals, and any other administrative costs related to the exchange of property interests, including costs incurred preparing and executing a land exchange agreement authorized under subsection (c). If amounts are collected from the College in advance of the Secretary incurring the actual costs and the amount collected exceeds the costs actually incurred by the Secretary to carry out the exchange of property interests, the Secretary shall refund the excess amount to the College.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received by the Secretary of the Navy under paragraph (1) shall be used in accordance with section 2695(c) of title 10, United States Code.

(g) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property interests to be exchanged under this

section shall be determined by surveys that are satisfactory to the Secretary of the Navy.

(h) CONVEYANCE AGREEMENT.—The exchange of real property interests under this section shall be accomplished using an appropriate legal instrument and upon terms and conditions mutually satisfactory to the Secretary of the Navy and the College, including such additional terms and conditions as the Secretary considers appropriate to protect the interests of the United States.

(i) EXEMPTION FROM SCREENING REQUIREMENTS FOR ADDITIONAL FEDERAL USE.—The authority under this section is exempt from the screening process required under section 2696(b) of title 10, United States Code.

SEC. 2845. LAND CONVEYANCE, STARKVILLE, MISSISSIPPI.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army (in this section referred to as the "Secretary") may convey to the City of Starkville, Mississippi (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately five acres, located at 343 Highway 12, Starkville, Mississippi 39759, to be used for economic development purposes.

(b) CONSIDERATION.—

(1) IN GENERAL.—As consideration for the conveyance of property under subsection (a), the City shall pay to the United States an amount equal to the fair market value of the property to be conveyed. The Secretary shall determine the fair market value of the property using an independent appraisal based on the highest and best use of the property.

(2) DETERMINATION OF FAIR MARKET VALUE.—The Secretary shall determine the fair market value of the property to be conveyed under subsection (a) using an independent appraisal based on the highest and best use of the property.

(3) TREATMENT OF CONSIDERATION RECEIVED.—Consideration received under paragraph (1) shall be deposited in the special account in the Treasury established under subsection (b) of section 572 of title 40, United States Code, and shall be available in accordance with paragraph (5)(B) of such subsection.

(c) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT.—

(A) IN GENERAL.—The Secretary may require the City to cover all costs (except costs for environmental remediation of the property under the Comprehensive Environmental Response, Compensation and Liability Act 1980 (42 U.S.C. 9601 et seq.)) to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs for environmental documentation, and any other administrative costs related to the conveyance.

(B) REFUND.—If amounts are collected from the City under subparagraph (A) in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the

conveyance under subsection (a), the Secretary shall refund the excess amount to the City.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received under paragraph (1) as reimbursement for costs incurred by the Secretary to carry out the conveyance under subsection (a) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance, or to an appropriate fund or account currently available to the Secretary for the purposes for which the costs were paid. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

Subtitle E—Miscellaneous Studies and Reports

SEC. 2851. STUDY ON PRACTICES WITH RESPECT TO DEVELOPMENT OF MILITARY CONSTRUCTION PROJECTS.

(a) STUDY REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall seek to enter into an agreement with a federally funded research and development center for the conduct of a study on the practices of the Department of Defense with respect to the development of military construction projects.

(b) ELEMENTS.—An agreement under subsection (a) shall specify that the study conducted pursuant to the agreement shall address each of the following:

(1) Practices with respect to adoption of Unified Facilities Criteria changes and the inclusion of such changes into advanced planning, Department of Defense Form 1391 documentation, and planning and design.

(2) Practices with respect to how sustainable materials, such as mass timber and low carbon concrete, are assessed and included in advanced planning, Department of Defense Form 1391 documentation, and planning and design.

(3) Barriers to incorporating innovative techniques, including 3D printed building techniques.

(4) Whether the Strategic Environmental Research and Development Program (established under section 2901 of title 10, United States Code) or the Environmental Security Technology Certification Program could be used to validate such sustainable materials and innovative techniques to encourage the use of such sustainable materials and innovative techniques by the Army Corps of Engineers and the Naval Facilities Engineering Systems Command.

(c) REPORT TO CONGRESS.—Not later than 60 days after the completion of the study described in this section, the Secretary of Defense shall submit to the congressional defense committees a report on the results of the study.

SEC. 2852. REPORT ON CAPACITY OF DEPARTMENT OF DEFENSE TO PROVIDE SURVIVORS OF NATURAL DISASTERS WITH EMERGENCY SHORT-TERM HOUSING.

Not later than 220 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report analyzing the capacity of the Department of Defense to provide survivors of natural disasters with emergency short-term housing.

SEC. 2853. [10 U.S.C. 2711 note] REPORTING ON LEAD SERVICE LINES AND LEAD PLUMBING.

(a) INITIAL REPORT.—Not later than January 1, 2025, the Under Secretary of Defense for Acquisition and Sustainment shall submit to the congressional defense committees a report that includes—

(1) a list of military installations (including Government-owned family housing facilities), military housing, and privatized military housing projects that, as of the date of the report, are being serviced by lead service lines or lead plumbing for the purposes of receiving drinking water;

(2) an evaluation of whether military installations and privatized military housing projects are in compliance with the Lead and Copper Rule and, to the extent that such installations and projects are not in compliance, an identification of—

(A) the name and location of each such installation or project that is not in compliance; and

(B) the timeline and plan for bringing each such installation or project into compliance; and

(3) an identification of steps and resources needed to remove any remaining lead plumbing from military installations and housing.

(b) INCLUSION OF INFORMATION IN ANNUAL REPORT.—If, after reviewing the initial report required under subsection (a), the Secretary of Defense finds that any military installation or privatized family housing project is not in compliance with the Lead and Copper Rule, the Secretary shall include in the annual report on defense environmental programs required under section 2711 of title 10, United States Code, for each year after the year in which the initial report is submitted, an update on the efforts of the Secretary, including negotiations with privatized military family housing providers, to fully comply with the Lead and Copper Rule.

SEC. 2854. BRIEFING ON ATTEMPTS TO ACQUIRE LAND NEAR UNITED STATES MILITARY INSTALLATIONS BY THE PEOPLE'S REPUBLIC OF CHINA.

The Under Secretary of Defense for Acquisition and Sustainment, in consultation with the head of the Department of the Air Force Office of Special Investigations, shall provide a briefing to the Committees on Armed Services of the Senate and the House of Representatives not later than June 1, 2023, that details—

(1) attempts by the People's Republic of China to acquire land that is located in close proximity (as determined by the Secretary of Defense) to a United States military installation; and

(2) ongoing Department of Defense efforts to counter such attempts.

Subtitle F—Other Matters

SEC. 2861. REQUIRED CONSULTATION WITH STATE AND LOCAL ENTITIES FOR NOTIFICATIONS RELATED TO THE BASING DECISION-MAKING PROCESS.

Section 483(c) of title 10, United States Code, is amended by adding at the end a new paragraph:

"(6) With respect to any decision of the Secretary concerned that would result in a significant increase in the number of members of the Armed Forces assigned to a military installation, a description of the consultation with appropriate State and local entities regarding the basing decision to ensure consideration of matters affecting the local community, including requirements for transportation, utility infrastructure, housing, education, and family support activities.".

SEC. 2862. INCLUSION IN DEFENSE COMMUNITY INFRASTRUCTURE PILOT PROGRAM OF CERTAIN PROJECTS FOR ROTC TRAINING.

Section 2391 of title 10, United States Code, is further amended—

(1) in subsection (d)(1)(B)—

(A) by redesignating clauses (ii) and (iii) as clauses (iii) and (iv), respectively; and

(B) by inserting after clause (i) the following new clause (ii):

"(ii) Projects that will contribute to the training of cadets enrolled in an independent Reserve Officer Training Corps program at a covered educational institution."; and

(2) in subsection (e), by adding at the end the following new paragraph:

"(6) The term 'covered educational institution' means a college or university that is—

"(A) a part B institution, as defined in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061);

"(B) an 1890 Institution, as defined in section 2 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7601);

"(C) not affiliated with a consortium; and

"(D) located at least 40 miles from a major military installation.".

SEC. 2863. INCLUSION OF INFRASTRUCTURE IMPROVEMENTS IDENTIFIED IN THE REPORT ON STRATEGIC SEAPORTS IN DEFENSE COMMUNITY INFRASTRUCTURE PILOT PROGRAM.

Section 2391(d) of title 10, United States Code, as amended by this Act, is further amended—

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

(2) by inserting after paragraph (2) the following new paragraph (3):

"(3) In selecting community infrastructure projects to receive assistance under this subsection, the Secretary shall consider infrastructure improvements identified in the report on strategic seaports required by section 3515 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92; 133 Stat. 1985).".

SEC. 2864. INCLUSION OF CERTAIN PROPERTY FOR PURPOSES OF DEFENSE COMMUNITY INFRASTRUCTURE PILOT PROGRAM.

Section 2391(e)(4)(A)(i) of title 10, United States Code, as amended by this Act, is further amended by inserting "or on property under the jurisdiction of a Secretary of a military department that is subject to a real estate agreement (including a lease or easement)" after "installation".

SEC. 2865. EXPANSION OF PILOT PROGRAM ON INCREASED USE OF SUSTAINABLE BUILDING MATERIALS IN MILITARY CONSTRUCTION TO INCLUDE LOCATIONS THROUGHOUT THE UNITED STATES.

Section 2861(b)(2) of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117-81; 10 U.S.C. 2802 note) is amended in the matter preceding subparagraph (A) by striking "continental".

SEC. 2866. BASING DECISION SCORECARD CONSISTENCY AND TRANSPARENCY.

Section 2883(h) of the Military Construction Authorization Act for Fiscal Year 2021 (Public Law 116-283; 10 U.S.C. 1781b note) is amended—

(1) by amending paragraph (3) to read as follows:

"(3) AVAILABILITY.—

"(A) IN GENERAL.—A current version of each scorecard established under this subsection shall be available to the public through an Internet website of the military department concerned.

"(B) METHODOLOGY AND CRITERIA.—

"(i) AVAILABILITY.—Each Secretary of a military department shall publish on the website described in subparagraph (A) the methodology and criteria each time such Secretary establishes or updates a scorecard.

"(ii) PUBLIC COMMENT.—Each Secretary of a military department shall establish a 60-day public comment period beginning on each date of publication of such methodology and criteria."; and

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

"(4) COORDINATION.—In establishing or updating a scorecard under this subsection, each Secretary of the military department concerned shall coordinate with the Secretary of Defense to ensure consistency across the military departments.".

SEC. 2867. TEMPORARY AUTHORITY FOR ACCEPTANCE AND USE OF FUNDS FOR CERTAIN CONSTRUCTION PROJECTS IN THE REPUBLIC OF KOREA.

Section 2863 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92; 133 Stat. 1899) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking "cash"; and

(ii) in subparagraph (B), by inserting "and construction" after "The design"; and

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

"(3) METHOD OF CONTRIBUTION.—Contributions may be accepted under this subsection in any of the forms referred to in section 2350k(c) of title 10, United States Code."; and

(2) in subsection (b), by striking "Contributions" and inserting "Cash contributions".

SEC. 2868. REPEAL OF REQUIREMENT FOR INTERAGENCY COORDINATION GROUP OF INSPECTORS GENERAL FOR GUAM REALIGNMENT.

Section 2835 of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111-84; 10 U.S.C. 2687 note) is repealed.

SEC. 2869. LEASE OR USE AGREEMENT FOR CATEGORY 3 SUBTERRANEAN TRAINING FACILITY.

(a) IN GENERAL.—The Secretary of Defense may seek to enter into a lease or use agreement with a category 3 subterranean training facility that—

(1) is located in close proximity (as determined by the Secretary of Defense) to the home station of an air assault unit or a special operations force; and

(2) has the capacity to—

(A) provide brigade or large full-mission profile training;

(B) rapidly replicate full-scale underground venues;

(C) support helicopter landing zones; and

(D) support underground live fire.

(b) USE OF FACILITY.—A lease or use agreement entered into pursuant to subsection (a) shall provide that the category 3 subterranean training facility shall be made available for—

(1) hosting of training and testing exercises for—

(A) members of the Armed Forces, including members a special operations force;

(B) personnel of combat support agencies, including the Defense Threat Reduction Agency; and

(C) such other personnel as the Secretary of Defense determines appropriate; and

(2) such other purposes as the Secretary of Defense determines appropriate.

(c) DURATION.—The duration of any lease or use agreement entered into pursuant to subsection (a) shall be for a period of not less than 5 years.

(d) CATEGORY 3 SUBTERRANEAN TRAINING FACILITY DEFINED.—In this section, the term "category 3 subterranean training facility" means an underground structure designed and built—

(1) to be unobserved and to provide maximum protection; and

(2) to serve as a command and control, operations, storage, production, and protection facility.

(e) CONFORMING REPEAL.—Section 375 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117-81; 10 U.S.C. 2001note prec.) is repealed.

SEC. 2870. LIMITATION ON USE OF FUNDS FOR CLOSURE OF COMBAT READINESS TRAINING CENTERS.

(a) LIMITATION.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2023 for the Air Force may be obligated or expended to close, or prepare to close, any combat readiness training center.

(b) WAIVER.—The Secretary of the Air Force may waive the limitation under subsection (a) with respect to a combat readiness training center if the Secretary submits to the congressional defense committees the following:

(1) A certification that—

(A) the closure of the center would not be in violation of section 2687 of title 10, United States Code; and

(B) the support capabilities provided by the center will not be diminished as a result of the closure of the center.

(2) A report that includes—

(A) a detailed business case analysis for the closure of the center; and

(B) an assessment of the effects the closure of the center would have on training units of the Armed Forces, including any active duty units that may use the center.

SEC. 2871. REQUIRED INVESTMENTS IN IMPROVING CHILD DEVELOPMENT CENTERS.

(a) INVESTMENTS IN CHILD DEVELOPMENT CENTERS.—Of the total amount authorized to be appropriated for fiscal year 2023 for the Department of Defense for Facilities Sustainment, Restoration, and Modernization activities of a military department, the Secretary of that military department shall reserve an amount greater than or equal to one percent of the estimated replacement cost for fiscal year 2023 of the total inventory of child development centers under the jurisdiction of that Secretary for the purpose of carrying out projects for the improvement of child development centers.

(b) CHILD DEVELOPMENT CENTER DEFINED.—In this section, the term "child development center" has meaning given the term "military child development center" in section 1800(1) of title 10, United States Code.

SEC. 2872. [10 U.S.C. 2864 note] INTERAGENCY REGIONAL COORDINATOR FOR RESILIENCE PILOT PROJECT.

(a) PILOT PROJECT.—The Secretary of Defense shall carry out a pilot program under which the Secretary shall establish within the Department of Defense four Interagency Regional Coordinators. Each Interagency Regional Coordinator shall be responsible for improving the resilience of a community that supports a military installation and serving as a model for enhancing community resilience before disaster strikes.

(b) SELECTION.—Each Interagency Regional Coordinator shall support military installations and surrounding communities within a geographic area, with at least one such Coordinator serving each of the East, West, and Gulf coasts. For purposes of the project, the Secretary shall select geographic areas—

(1) with significant sea level rise and recurrent flooding that prevents members of the Armed Forces from reaching their posts or jeopardizes military readiness; and

(2) where communities have collaborated on multi-jurisdictional climate adaptation planning efforts, including such collaboration with the Army Corps of Engineers Civil Works Department and through Joint Land Use Studies.

(c) COLLABORATION.—In carrying out the pilot project, the Secretary shall build on existing efforts through collaboration with State and local entities, including emergency management, transportation, planning, housing, community development, natural resource managers, and governing bodies and with the heads of appropriate Federal departments and agencies.

SEC. 2873. ACCESS TO MILITARY INSTALLATIONS FOR HOMELAND SECURITY INVESTIGATIONS PERSONNEL IN GUAM.

The commander of a military installation located in Guam shall grant to an officer or employee of Homeland Security Investigations the same access to such military installation such commander grants to an officer or employee of U.S. Customs and Border Protection or of the Federal Bureau of Investigation.

SEC. 2874. PROHIBITION ON JOINT USE OF HOMESTEAD AIR RESERVE BASE WITH CIVIL AVIATION.

On or before September 30, 2034, the Secretary of the Air Force may not enter into an agreement that would provide for or permit the joint use of Homestead Air Reserve Base, Homestead, Florida, by the Air Force and civil aircraft.

SEC. 2875. [10 U.S.C. 2802 note] ELECTRICAL CHARGING CAPABILITY CONSTRUCTION REQUIREMENTS RELATING TO PARKING FOR FEDERAL GOVERNMENT MOTOR VEHICLES.

(a) IN GENERAL.—If the Secretary concerned develops plans for a project to construct any facility that includes or will include parking for covered motor vehicles, the Secretary concerned shall include in any Department of Defense Form 1391, or successor form, submitted to Congress for that project—

(1) the provision of electric vehicle charging capability at the facility adequate to provide electrical charging, concurrently, for not less than 15 percent of all covered motor vehicles planned to be parked at the facility;

(2) the inclusion of the cost of constructing such capability in the overall cost of the project; and

(3) an analysis of whether a parking structure or lot will be the primary charging area for covered motor vehicles or if another area, such as public works or the motor pool, will be the primary charging area.

(b) DEFINITIONS.—In this section:

(1) The term "covered motor vehicle" means a Federal Government motor vehicle, including a motor vehicle leased by the Federal Government.

(2) The term "Secretary concerned" means—

(A) the Secretary of a military department with respect to facilities under the jurisdiction of that Secretary; and

(B) the Secretary of Defense with respect to matters concerning the Defense Agencies and facilities of a reserve component owned by a State rather than the United States.

TITLE XXIX—FALLON RANGE TRAINING COMPLEX

Subtitle A—Fallon Range Training Complex

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

Subtitle B—Lander County Economic Development and Conservation

Sec. 2911. Definitions.

PART I—LANDER COUNTY PUBLIC PURPOSE LAND CONVEYANCES

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

PART II—LANDER COUNTY WILDERNESS AREAS

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

Subtitle A—Fallon Range Training Complex

SEC. 2901. MILITARY LAND WITHDRAWAL FOR FALLON RANGE TRAINING COMPLEX.

The Military Land Withdrawals Act of 2013 (Public Law 113-66; 127 Stat. 1025) is amended by adding at the end the following:

"SEC. 2988. RESOLUTION OF WALKER RIVER PAIUTE TRIBE CLAIMS

"(a) PAYMENT TO TRIBE.—Not later than 1 year after the date of enactment of this subtitle and subject to the availability of appropriations, the Secretary of the Navy shall transfer $20,000,000 of amounts appropriated to the Secretary of the Navy for operation and maintenance to an account designated by the Walker River Paiute Tribe (referred to in this section as the 'Tribe') to resolve the claims of the Tribe against the United States for the contamination, impairment, and loss of use of approximately 6,000 acres of land that is within the boundaries of the reservation of the Tribe.

"(b) LIMITATION ON USE OF LAND PRIOR TO COMPLETION OF PAYMENT.—The Secretary of the Navy shall not make operational use of the expanded areas of the B-16, B-17, and B-20 Ranges that were not subject to previous withdrawals comprising the Fallon Range Training Complex and that are withdrawn and reserved by section 2981 until the date on which the amount is transferred under subsection (a).

"(c) ADDITIONAL TRUST LAND.—

"(1) ENVIRONMENTAL SITE ASSESSMENT.—Not later than 1 year after the date of enactment of this subtitle and prior to taking the land described in paragraph (4) into trust for the benefit of the Tribe under paragraph (3)(A), the Director of the Bureau of Indian Affairs (referred to in this subsection as the 'Director') shall complete an environmental site assessment to determine with respect to the land—

"(A) the likelihood of the presence of hazardous substance-related or other environmental liability; and

"(B) if the Director determines the presence of hazardous substance-related or other environmental liability is likely under subparagraph (A)—

"(i) the extent of the contamination caused by such hazardous substance or other environmental liability; and

"(ii) whether that liability can be remediated by the United States.

"(2) CONTAMINATED LAND.—

"(A) IN GENERAL.—If the Director determines pursuant to the environmental site assessment completed under paragraph (1) that there is a likelihood of the presence of hazardous substance-related or other environmental liability on the land described in paragraph (4), the Director shall consult with the Tribe on whether the land is still suitable for transfer into trust for the benefit of the Tribe.

"(B) DETERMINATION.—If the Tribe determines land identified as contaminated under subparagraph (A) is still suitable to take into trust for the benefit of the Tribe, the Director, notwithstanding any other provision of law, shall take the land into trust for the benefit of the Tribe in accordance with paragraph (3).

"(3) LAND TO BE HELD IN TRUST FOR THE TRIBE; IDENTIFICATION OF ALTERNATIVE LAND.—

"(A) IN GENERAL.—If the Tribe determines pursuant to paragraph (2) that the land described in paragraph (4) should be taken into trust for the benefit of the Tribe (including if such land is determined to be contaminated), subject to valid existing rights, all right, title, and interest of the United States in and to the land shall be—

"(i) held in trust by the United States for the benefit of the Tribe; and

"(ii) made part of the existing reservation of the Tribe.

"(B) IDENTIFICATION OF SUITABLE AND COMPARABLE ALTERNATIVE LAND. If the Tribe determines pursuant to paragraph (2), due to discovered environmental issues that the land described in paragraph (4) is not suitable to be taken into trust for the benefit of the Tribe, not later than 1 year after the date on which the Tribe makes that determination, the Director and the Tribe shall enter into an agreement to identify suitable and comparable alternative land in relative distance and located in the same county as the

land described in paragraph (4) to be withdrawn from Federal use and taken into trust for the benefit of the Tribe.

"(C) ENVIRONMENTAL LIABILITY.—

"(i) IN GENERAL.—Notwithstanding any other provision of law, the United States shall not be liable for any soil, surface water, groundwater, or other contamination resulting from the disposal, release, or presence of any environmental contamination on any portion of the land described in paragraph (4) that occurred on or before the date on which the land was taken into trust for the benefit of the Tribe. The United States shall not fund or take any action to remediate such land after such land has been so taken into trust.

"(ii) ENVIRONMENTAL CONTAMINATION DESCRIPTION.—An environmental contamination described in clause (i) includes any oil or petroleum products, hazardous substances, hazardous materials, hazardous waste, pollutants, toxic substances, solid waste, or any other environmental contamination or hazard as defined in any Federal law or law of the State of Nevada.

"(4) LAND DESCRIBED.—Subject to paragraph (5), the land to be held in trust for the benefit of the Tribe under paragraph (3)(A) is the approximately 8,170 acres of Bureau of Land Management and Bureau of Reclamation land located in Churchill and Mineral Counties, Nevada, as generally depicted on the map entitled 'Walker River Paiute Trust Lands' and dated April 19, 2022, and more particularly described as follows:

"(A) FERNLEY EAST PARCEL.—The following land in Churchill County, Nevada:

"(i) All land held by the Bureau of Reclamation in T. 20 N., R. 26 E., sec. 28, Mount Diablo Meridian.

"(ii) All land held by the Bureau of Reclamation in T. 20 N., R. 26 E., sec. 36, Mount Diablo Meridian.

"(B) WALKER LAKE PARCEL.—The following land in Mineral County, Nevada:

"(i) All land held by the Bureau of Land Management in T. 11 N., R. 29 E., secs. 35 and 36, Mount Diablo Meridian.

"(ii) All land held by the Bureau of Reclamation in T. 10 N., R. 30 E., secs. 4, 5, 6, 8, 9, 16, 17, 20, 21, 28, 29, 32, and 33, Mount Diablo Meridian.

"(iii) All land held by the Bureau of Land Management in T. 10.5 N., R. 30 E., secs. 31 and 32, Mount Diablo Meridian.

"(5) ADMINISTRATION.—

"(A) SURVEY.—Not later than 180 days after the date of enactment of this subtitle, the Secretary of the Interior (referred to in this paragraph as the 'Secretary') shall complete a survey to fully describe, and adequately define the boundaries of, the land described in paragraph (4).

"(B) LEGAL DESCRIPTION.—

"(i) IN GENERAL.—Upon completion of the survey required under subparagraph (A), the Secretary shall publish in the Federal Register a legal description of the land described in paragraph (4).

"(ii) TECHNICAL CORRECTIONS.—Before the date of publication of the legal description under this subparagraph, the Secretary may correct any technical or clerical errors in the legal description as the Secretary determines appropriate.

"(iii) EFFECT.—Effective beginning on the date of publication of the legal description under this subparagraph, the legal description shall be considered to be the official legal description of the land to be held in trust for the benefit of the Tribe under paragraph (3)(A).

"(6) USE OF TRUST LAND.—The land taken into trust under paragraph (3)(A) shall not be eligible, or considered to have been taken into trust, for class II gaming or class III gaming (as those terms are defined in section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703)).

"(d) ELIGIBILITY FOR FEDERAL AND FEDERALLY FUNDED PROGRAMS.—Funds paid to the Tribe pursuant to this section, including any interest or investment income earned, may not be treated as income or resources or otherwise used as the basis for denying or reducing the basis for Federal financial assistance or other Federal benefit (including under the Social Security Act (42 U.S.C. 301 et seq.)) to which the Tribe, a member of the Tribe, or a household would otherwise be entitled.

"SEC. 2989. LAND TO BE HELD IN TRUST FOR THE FALLON PAIUTE SHOSHONE TRIBE

"(a) LAND TO BE HELD IN TRUST.—

"(1) IN GENERAL.—Subject to valid existing rights, all right, title, and interest of the United States in and to the land described in paragraph (2) shall be—

"(A) held in trust by the United States for the benefit of the Fallon Paiute Shoshone Tribe; and

"(B) made part of the reservation of the Fallon Paiute Shoshone Tribe.

"(2) DESCRIPTION OF LAND.—The land referred to in paragraph (1) is the approximately 10,000 acres of land administered by the Bureau of Land Management and the Bureau of Reclamation, as generally depicted as 'Reservation Expansion Land' on the map entitled 'Churchill County Proposed Fallon Range Training Complex Modernization and Lands Bill' and dated November 30, 2022.

"(3) SURVEY.—Not later than 180 days after the date of enactment of this subtitle, the Secretary of the Interior shall complete a survey of the boundary lines to establish the boundaries of the land taken into trust under paragraph (1).

"(4) USE OF TRUST LAND.—The land taken into trust under this section shall not be eligible, or considered to have been taken into trust, for class II gaming or class III gaming (as those terms are defined in section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703)).

"(5) COOPERATIVE AGREEMENT.—On request by the Fallon Paiute Shoshone Tribe, the Secretary of the Interior shall enter into a cooperative agreement with the Fallon Paiute Shoshone Tribe to provide assistance in the management of the land taken into trust under this section for cultural protection and conservation management purposes.

"SEC. 2990. NUMU NEWE CULTURAL CENTER

"(a) IN GENERAL.—Subject to the availability of appropriations from amounts appropriated to the Secretary of the Navy for operation and maintenance, the Secretary of the Navy shall provide financial assistance to a cultural center established and operated by the Fallon Paiute Shoshone Tribe and located on the Reservation of the Fallon Paiute Shoshone Tribe, the purpose of which is to help sustain Numu Newe knowledge, culture, language, and identity associated with aboriginal land and traditional ways of life for the Fallon Paiute Shoshone Tribe and other affected Indian tribes (referred to in this section as the 'Center').

"(b) STUDIES AND INVENTORIES.—The Center shall integrate information developed in the cultural resources inventories and ethnographic studies carried out under section 2987.

"(c) TRANSFER.—Not later than 1 year after the date of enactment of this subtitle and subject to the availability of appropriations, the Secretary of the Navy shall transfer to an account designated by the Fallon Paiute Shoshone Tribe—

"(1) $10,000,000 for the development and construction of the Center; and

"(2) $10,000,000 to endow operations of the Center.

"(d) LIMITATION ON USE OF LAND PRIOR TO COMPLETION OF PAYMENT.—The Secretary of the Navy shall not make operational use of the expanded areas of the B-16, B-17, and B-20 Ranges that were not subject to previous withdrawals comprising the Fallon Range Training Complex and that are withdrawn and reserved by section 2981 until the date on which the amounts are transferred under subsection (c).

"SEC. 2991. ROAD RECONSTRUCTION AND TREATMENT OF EXISTING ROADS AND RIGHTS-OF-WAY

"(a) ROAD RECONSTRUCTION.—Subject to the availability of appropriations, the Secretary of the Navy shall be responsible for the timely—

"(1) reconstruction of—

"(A) Lone Tree Road leading to the B-16 Range; and

"(B) State Highway 361; and

"(2) relocation of—

"(A) Sand Canyon and Red Mountain Roads, consistent with alternative 2A, as described in the Final FRTC Road Realignment Study dated March 14, 2022; and

"(B) Pole Line Road, consistent with alternative 3B, as described in the Final FRTC Road Realignment Study dated March 14, 2022.

"(b) LIMITATION ON USE OF LAND PRIOR TO COMPLETION OF REQUIREMENTS. In accordance with section 2982(c)(1), the Secretary of the Navy shall not make operational use of the expanded areas of the B-16, B-17, and B-20 Ranges that were not subject to previous

withdrawals comprising the Fallon Range Training Complex and that are withdrawn and reserved by section 2981 until the date on which the Secretary of the Navy determines that each of the requirements of subsection (a) have been met.

"(c) EXISTING ROADS AND RIGHTS-OF-WAY; ACCESS.—

"(1) IN GENERAL.—The withdrawal and reservation of land made by section 2981 shall not be construed to affect the following roads and associated rights-of-way:

"(A) United States Highways 50 and 95.

"(B) State Routes 121 and 839.

"(C) The Churchill County, Nevada, roads identified as Simpson Road, East County Road, Earthquake Fault Road, and Fairview Peak Road.

"(2) ACCESS.—Any road identified on the map described in section 2981(b) as an existing minor county road shall be available for managed access consistent with the purposes of the withdrawal.

"(d) NEW RIGHTS-OF-WAY.—The Secretary of the Navy, in coordination with the Secretary of the Interior, shall be responsible for the timely grant of new rights-of-way for Sand Canyon and Red Mountain Road, Pole Line Road, and East County Road to the appropriate County.

"(e) I-11 CORRIDORS.—The Secretary of the Interior shall manage the land located within the 'Churchill County Preferred I-11 Corridor' and 'NDOT I-11 Corridor' as depicted on the map entitled 'Churchill County Proposed Fallon Range Training Complex Modernization and Lands Bill' and dated November 30, 2022, in accordance with this section.

"(f) PUBLIC AVAILABILITY OF MAP.—A copy of the map described in section 2981(b) shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

"(g) WITHDRAWAL OF LAND.—Subject to any valid rights in existence on the date of enactment of this subtitle, the land located within the corridors depicted as 'Utility and Infrastructure Corridors' on the map entitled 'Churchill County Proposed Fallon Range Training Complex Modernization and Lands Bill' and dated November 30, 2022, is withdrawn from—

"(1) location and entry under the mining laws; and

"(2) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

"(h) TERMINATION OF WITHDRAWAL.—A withdrawal under subsection (g) shall terminate on the date on which—

"(1) the Secretary of the Interior, in coordination with Churchill County, Nevada, terminates the withdrawal; or

"(2) the applicable corridor or land is patented.

"(i) REVISED STATUTES SECTION 2477 CLAIMS.—The withdrawal and reservation of land by section 2981 shall not affect the ability of Churchill County, Nevada, to seek adjudication of claims under section 2477 of the Revised Statutes (43 U.S.C. 932), as in effect prior to being repealed by section 706(a) of the Federal Land Policy and Management Act of 1976 (Public Law 94-579; 90 Stat. 2793).

"(j) TREATMENT OF THE WEST-WIDE ENERGY CORRIDOR.—

"(1) IN GENERAL.—Nothing in section 2981 shall be construed to restrict the development of high voltage electrical power utility lines within the portion of the designated West-Wide Energy Corridor that is located outside of the B-16 Range.

"(2) TRANSMISSION LINE.—The Secretary of the Navy shall allow 1 transmission line within that portion of the designated West-Wide Energy Corridor that is located within the B-16 Range nearest the existing transmission line adjacent to the western boundary of the B-16 Range.

"(3) FUTURE TRANSMISSION LINE.—If the Secretary of the Navy and the Secretary of the Interior determine that additional transmission lines cannot be accommodated outside of the B-16 Range, to the extent practicable, the Secretary of the Navy shall allow the construction of a new transmission line as close as practicable to the existing transmission line.

"SEC. 2992. SAGE GROUSE STUDY

"(a) IN GENERAL.—The Secretary of the Navy, in consultation with the Secretary of the Interior and the State of Nevada, shall conduct a study to further assess greater sage grouse reactions to military overflights within the Fallon Range Training Complex.

"(b) DETERMINATION.—If the Secretary of the Navy determines under the study under subsection (a) that greater sage grouse in the Fallon Range Training Complex are significantly impacted by aircraft overflights, the Secretary of the Navy shall implement adaptive management activities, in coordination with the State of Nevada and the United States Fish and Wildlife Service.

"SEC. 2993. TREATMENT OF LIVESTOCK GRAZING PERMITS

"(a) IN GENERAL.—The Secretary of the Navy shall notify holders of grazing allotments impacted by the withdrawal and reservation of land by section 2981 and, if practicable, assist the holders of the grazing allotments in obtaining replacement forage.

"(b) REVISIONS TO ALLOTMENT PLANS.—The Secretary of the Navy shall reimburse the Secretary of the Interior for grazing program-related administrative costs reasonably incurred by the Bureau of Land Management due to the withdrawal and reservation of land by section 2981.

"(c) ALTERNATIVE TO REPLACEMENT FORAGE.—If replacement forage cannot be identified under subsection (a), the Secretary of the Navy shall make full and complete payments to Federal grazing permit holders for all losses suffered by the permit holders as a result of the withdrawal or other use of former Federal grazing land for national defense purposes pursuant to the Act of June 28, 1934 (commonly known as the 'Taylor Grazing Act') (48 Stat. 1269, chapter 865; 43 U.S.C. 315 et seq.).

"(d) NOTIFICATION AND PAYMENT.—The Secretary of the Navy shall—

"(1) notify, by certified mail, holders of grazing allotments that are terminated; and

"(2) compensate the holders of grazing allotments described in paragraph (1) for authorized permanent improvements associated with the allotments.

"(e) PAYMENT.—For purposes of calculating and making a payment to a Federal grazing permit holder under this section (including the conduct of any appraisals required to calculate the amount of the payment)—

"(1) the Secretary of the Navy shall consider the permanent loss of the applicable Federal grazing permit; and

"(2) the amount of the payment shall not be limited to the remaining term of the existing Federal grazing permit.

"SEC. 2994. TRANSFER OF LAND UNDER THE ADMINISTRATIVE JURISDICTION OF THE DEPARTMENT OF THE NAVY

"(a) TRANSFER REQUIRED.—Subject to subsection (b), the Secretary of the Navy shall transfer to the Secretary of the Interior, at no cost, administrative jurisdiction of the approximately 86 acres of a noncontiguous parcel of land as depicted on the map entitled 'Churchill County Proposed Fallon Range Training Complex Modernization and Lands Bill' and dated November 30, 2022, acquired by the Department of the Navy in Churchill County, Nevada, for inclusion in the Sand Mountain Recreation Area.

"(b) CERTIFICATION WITH RESPECT TO ENVIRONMENTAL HAZARDS.—Prior to transferring land under subsection (a), the Secretary of the Navy shall certify that the land to be transferred under that subsection is free from environmental hazards.

"SEC. 2995. REDUCTION OF IMPACT OF FALLON RANGE TRAINING COMPLEX MODERNIZATION

"(a) IN GENERAL.—Consistent with the Record of Decision for the Fallon Range Training Complex Modernization Final Environmental Impact Statement dated March 12, 2020, the Secretary of the Navy shall carry out the following additional mitigations and other measures not otherwise included in other sections of this Act to reduce the impact of the modernization of the Fallon Range Training Complex by the Secretary of the Navy on the land and local community:

"(1) Develop Memoranda of Agreement or other binding protocols, in coordination with agencies, affected Indian tribes, and other stakeholders, for—

"(A) management of that portion of Bureau of Reclamation infrastructure in the B-16 and B-20 Ranges that will be closed to public access but will continue to be managed for flood control; and

"(B) access for research, resource management, and other activities within the B-16, B-17, B-19, and B-20 Ranges.

"(2) Establish wildlife-friendly configured four-wire fencing, on coordination with the Nevada Department of Wildlife, to restrict access to the smallest possible area necessary to ensure public safety and to minimize impacts on wildlife from fencing.

"(3) Subject to the availability of appropriations—

"(A) purchase the impacted portion of the Great Basin Transmission Company (formerly named the 'Paiute Pipeline Company') pipeline within the B-17 Range; and

"(B) pay for the relocation of the pipeline acquired under subparagraph (A) to a location south of the B-17 Range.

"(4) Accommodate permitting and construction of additional utility and infrastructure projects within 3 corridors running parallel to the existing north-south power line in proximity to Nevada Route 121, existing east-west power line north of Highway 50, and the area immediately north of Highway 50 as shown on the map entitled 'Churchill County Proposed Fallon Range Training Complex Modernization and Lands Bill' and dated November 30, 2022, subject to the requirement that any project authorized under this paragraph shall complete appropriate Federal and State permitting requirements prior to the accommodation under this paragraph.

"(5)(A) Notify holders of mining claims impacted by the modernization by certified mail.

"(B) Make payments to the holders of mining claims described in subparagraph (A), subject to the availability of appropriations.

"(6) Allow a right-of-way to accommodate I-11 (which could also include a transmission line) if a route is chosen by Churchill County, Nevada, or the State of Nevada that overlaps the northeast corner of the withdrawal area for the B-16 Range.

"(7) Revise the applicable range operations manual—

"(A) to include Crescent Valley and Eureka as noise-sensitive areas; and

"(B) to implement a 5-nautical-mile buffer around the towns of Crescent Valley and Eureka.

"(8) Implement a 3-nautical-mile airspace exclusion zone over the Gabbs, Eureka, and Crescent Valley airports.

"(9) Extend the Visual Flight Rules airspace corridor through the newly established Military Operations Areas on the east side of the Dixie Valley Training Area.

"(10) Notify affected water rights holders by certified mail and, if water rights are adversely affected by the modernization and cannot be otherwise mitigated, acquire existing and valid State water rights.

"(11) Allow Nevada Department of Wildlife access for spring and wildlife guzzler monitoring and maintenance.

"(12) Implement management practices and mitigation measures specifically designed to reduce or avoid potential impacts on surface water and groundwater, such as placing targets outside of washes.

"(13) Develop and implement a wildland fire management plan with the State of Nevada to ensure wildland fire prevention, suppression, and restoration activities are addressed, as appropriate, for the entire expanded range complex.

"(14) To the maximum extent practicable and if compatible with mission training requirements, avoid placing targets in biologically sensitive areas identified by the Nevada Department of Wildlife.

"(15) Fund 2 conservation law enforcement officer positions at Naval Air Station Fallon.

"(16) Post signs warning the public of any contamination, harm, or risk associated with entry into the withdrawal land.

"(17) Enter into an agreement for compensation from the Secretary of the Navy to Churchill County, Nevada, and the counties of Lyon, Nye, Mineral, and Pershing in the State of Nevada to offset any reductions made in payments in lieu of taxes.

"(18) Review, in consultation with affected Indian tribes, and disclose any impacts caused by the activities of the Secretary of the Navy at Fox Peak, Medicine Rock, and Fairview Mountain.

"(19) Consult with affected Indian tribes to mitigate, to the maximum extent practicable, any impacts disclosed under paragraph (18).

"(b) LIMITATION ON USE OF LAND PRIOR TO COMPLETION OF REQUIREMENTS.—In accordance with section 2982(c)(1), the Secretary of the Navy shall not make operational use of the expanded areas of the B-16, B-17, and B-20 Ranges that were not subject to previous withdrawals comprising the Fallon Range Training Complex and that are withdrawn and reserved by section 2981 until the date on which the Secretary of the Navy determines that each of the requirements of subsection (a) have been met.

"SEC. 2996. DIXIE VALLEY WATER PROJECT

"(a) CONTINUATION OF PROJECT.—The withdrawal of land authorized by section 2981(a)(2) shall not interfere with the Churchill County Dixie Valley Water Project.

"(b) PERMITTING.—On application by Churchill County, Nevada, the Secretary of the Navy shall concur with the Churchill County Dixie Valley Water Project and, in collaboration with the Secretary of the Interior, complete any permitting necessary for the Dixie Valley Water Project, subject to the public land laws and environmental review, including regulations.

"(c) COMPENSATION.—Subject to the availability of appropriations, the Secretary of the Navy shall compensate Churchill County, Nevada, for any cost increases for the Dixie Valley Water Project that result from any design features required by the Secretary of the Navy to be included in the Dixie Valley Water Project.

"SEC. 2997. EXPANSION OF INTERGOVERNMENTAL EXECUTIVE COMMITTEE ON JOINT USE BY DEPARTMENT OF THE NAVY AND DEPARTMENT OF THE INTERIOR OF FALLON RANGE TRAINING COMPLEX

"The Secretary of the Navy and the Secretary of the Interior shall expand the membership of the Fallon Range Training Complex Intergovernmental Executive Committee directed by section 3011(a)(5) of the Military Lands Withdrawal Act of 1999 (title XXX of Public Law 106-65; 113 Stat. 885; 134 Stat. 4349) relating to the management of the natural and cultural resources of the withdrawal land to include representatives of Eureka County, Nevada, the Nevada Department of Agriculture, and the Nevada Division of Minerals.

"SEC. 2998. TRIBAL LIAISON OFFICE

"The Secretary of the Navy shall establish and maintain a dedicated Tribal liaison position at Naval Air Station Fallon.

"SEC. 2999. TERMINATION OF PRIOR WITHDRAWAL

"Notwithstanding section 2842 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-283) and section 3015 of the Military Lands Withdrawal Act of 1999 (title XXX of Public Law 106-65), the withdrawal and reservation under section 3011(a) of that Act is terminated.

"SEC. 2999A. DURATION OF WITHDRAWAL AND RESERVATION

"The withdrawal and reservation of public land by section 2981 shall terminate on November 6, 2047.".

"SUBTITLE G—FALLON RANGE TRAINING COMPLEX, NEVADA

"SEC. 2981. WITHDRAWAL AND RESERVATION OF PUBLIC LAND

"(a) WITHDRAWAL.—

"(1) BOMBING RANGES.—Subject to valid rights in existence on the date of enactment of this subtitle, and except as otherwise provided in this subtitle, the land established as the B-16, B-17, B-19, and B-20 Ranges, as referred to in subsection (b), and all other areas within the boundary of such land as depicted on the map entitled 'Churchill County Proposed Fallon Range Training Complex Modernization and Lands Bill' and dated November 30, 2022, which may become subject to the operation of the public land laws, are withdrawn from all forms of—

"(A) entry, appropriation, or disposal under the public land laws;

"(B) location, entry, and patent under the mining laws; and

"(C) disposition under all laws relating to mineral and geothermal leasing or mineral materials.

"(2) DIXIE VALLEY TRAINING AREA.—The land and interests in land within the boundaries established at the Dixie Valley Training Area, as referred to in subsection (b), are withdrawn from all forms of—

"(A) entry, appropriation, or disposal under the public land laws; and

"(B) location, entry, and patent under the mining laws.

"(b) DESCRIPTION OF LAND.—The public land and interests in land withdrawn and reserved by this section comprise approximately 790,825 acres of land in Churchill County, Lyon County, Mineral County, Pershing County, and Nye County, Nevada, as generally depicted as 'Proposed FRTC Modernization' and 'Existing Navy Withdrawal Areas' on the map entitled 'Churchill County Proposed Fallon Range Training Complex Modernization and Lands Bill', dated November 30, 2022, and filed in accordance with section 2912. The ranges in the Fallon Range Training Complex described in this subsection are identified as B-16, B-17, B-19, B-20, Dixie Valley Training Area and the Shoal Site.

"(c) PURPOSE OF WITHDRAWAL AND RESERVATION.—

"(1) BOMBING RANGES.—The land withdrawn by subsection (a)(1) is reserved for use by the Secretary of the Navy for—

"(A) aerial testing and training, bombing, missile firing, electronic warfare, tactical combat maneuvering, and air support;

"(B) ground combat tactical maneuvering and firing; and

"(C) other defense-related purposes that are—

"(i) consistent with the purposes specified in the preceding paragraphs; and

"(ii) authorized under section 2914.

"(2) DIXIE VALLEY TRAINING AREA.—The land withdrawn by subsection (a)(2) is reserved for use by the Secretary of the Navy for—

"(A) aerial testing and training, electronic warfare, tactical combat maneuvering, and air support; and

"(B) ground combat tactical maneuvering.

"(d) INAPPLICABILITY OF GENERAL PROVISIONS.—Notwithstanding section 2911(a) and except as otherwise provided in this subtitle, sections 2913 and 2914 shall not apply to the land withdrawn by subsection (a)(2).

"SEC. 2982. MANAGEMENT OF WITHDRAWN AND RESERVED LAND

"(a) MANAGEMENT BY THE SECRETARY OF THE NAVY.—During the duration of the withdrawal under section 2981, the Secretary of the Navy shall manage the land withdrawn and reserved comprising the B-16, B-17, B-19, and B-20 Ranges for the purposes described in section 2981(c)—

"(1) in accordance with—

"(A) an integrated natural resources management plan prepared and implemented under title I of the Sikes Act (16 U.S.C. 670a et seq.);

"(B) a written agreement between the Secretary of the Navy and the Governor of Nevada that provides for a minimum of 15 days annually for big game hunting on portions of the B-17 Range consistent with military training requirements;

"(C) a programmatic agreement between the Secretary of the Navy and the Nevada State Historic Preservation Officer and other parties, as appropriate, regarding management of historic properties as the properties relate to operation, maintenance, training, and construction at the Fallon Range Training Complex;

"(D) written agreements between the Secretary of the Navy and affected Indian tribes and other stakeholders to accommodate access by Indian tribes and State and local governments to the B-16, B-17, B-19, and B-20 Ranges consistent with military training requirements and public safety;

"(E) a written agreement entered into by the Secretary of the Navy and affected Indian tribes that provides for regular, guaranteed access, consisting of a minimum of 4 days per month, for affected Indian tribes; and

"(F) any other applicable law; and

"(2) in a manner that—

"(A) provides that any portion of the land withdrawn by section 2981(a) that is located outside of the Weapons Danger Zone, as determined by the Secretary of the Navy, shall be relinquished to the Secretary of the Interior and managed under all applicable public land laws;

"(B) ensures that the Secretary of the Navy avoids target placement and training within—

"(i) biologically sensitive areas, as mapped in the Record of Decision for the Fallon Range Training Complex Modernization Final Environmental Impact Statement dated March 12, 2020; and

"(ii) to the maximum extent practicable, areas that have cultural, religious, and archaeological resources of importance to affected Indian tribes;

"(C) ensures that access is provided for special events, administrative, cultural, educational, wildlife management, and emergency management purposes; and

"(D) provides that within the B-17 Range the placement of air to ground ordnance targets shall be prohibited throughout the entirety of the withdrawal in the areas identified as the 'Monte Cristo Range Protection Area' on the map entitled 'Churchill County Proposed Fallon Range Training Complex Modernization and Lands Bill' and dated November 30, 2022.

"(b) MANAGEMENT BY THE SECRETARY OF THE INTERIOR.—

"(1) IN GENERAL.—During the duration of the withdrawal under section 2981, the Secretary of the Interior shall manage the land withdrawn and reserved comprising the Dixie Valley Training Area and the Shoal Site for the applicable purposes described in section 2981(c) in accordance with—

"(A) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

"(B) the Record of Decision for the Fallon Range Training Complex Modernization Final Environmental Impact Statement dated March 12, 2020;

"(C) this subtitle; and

"(D) any other applicable law.

"(2) CONSULTATION WITH SECRETARY OF THE NAVY.—Prior to authorizing any use of the land comprising the Dixie Valley Training Area or Shoal Site withdrawn and reserved by section 2981, the Secretary of the Interior shall consult with the Secretary of the Navy. Such consultation shall include—

"(A) informing the Secretary of the Navy of the pending authorization request so that the Secretary of the Navy and the Secretary of the Interior may work together to preserve the training environment; and

"(B) prior to authorizing any installation or use of mobile or stationary equipment used to transmit and receive radio signals, obtaining permission from the Secretary of the Navy to authorize the use of such equipment.

"(3) AGREEMENT.—The Secretary of the Navy and the Secretary of the Interior shall enter into an agreement describing the roles and responsibilities of each Secretary with respect to the management and use of the Dixie Valley Training Area

and Shoal Site to ensure no closure of an existing county road and no restrictions or curtailment on public access for the duration of the withdrawal while preserving the training environment and in accordance with this subsection.

"(4) ACCESS.—The land comprising the Dixie Valley Training Area withdrawn and reserved by section 2981(a)(2) shall remain open for public access for the duration of the withdrawal.

"(5) AUTHORIZED USES.—Subject to applicable laws and policy, the following uses are permitted in the Dixie Valley Training Area for the duration of the withdrawal:

"(A) Livestock grazing.

"(B) Geothermal exploration and development west of State Route 121, as managed by the Bureau of Land Management in coordination with the Secretary of the Navy.

"(C) Exploration and development of salable minerals or other fluid or leasable minerals, as managed by the Bureau of Land Management in coordination with the Secretary of the Navy.

"(6) INFRASTRUCTURE.—The Secretary of the Navy and the Secretary of the Interior shall allow water and utility infrastructure within the Dixie Valley Training Area withdrawn by section 2981(a)(2) as described in sections 2995(a)(4) and 2996.

"(c) LIMITATION ON USE OF LAND PRIOR TO COMPLETION OF COMMITMENTS.—

"(1) IN GENERAL.—The Secretary of the Navy shall not make operational use of the expanded area of the B-16, B-17, or B-20 Ranges, as depicted on the map entitled 'Churchill County Proposed Fallon Range Training Complex Modernization and Lands Bill' and dated November 30, 2022, that were not subject to previous withdrawals comprising the Fallon Range Training Complex which are withdrawn and reserved by section 2981 until the Secretary of the Navy and the Secretary of the Interior certify in writing to the Committee on Armed Services, the Committee on Energy and Natural Resources, and the Committee on Indian Affairs of the Senate and the Committee on Armed Services and the Committee on Natural Resources of the House of Representatives on the completion of the commitments pertaining to each range from the Record of Decision for the Fallon Range Training Complex Modernization Final Environmental Impact Statement dated March 12, 2020, and the provisions of this subtitle. The Secretary of the Navy and the Secretary of the Interior may submit certifications for individual ranges to allow operational use of a specific range prior to completion of commitments related to other ranges.

"(2) PUBLIC ACCESS.—Public access to the existing Pole Line Road shall be maintained until completion of construction of an alternate route as specified by section 2991(a)(2)(B).

"(3) PAYMENT.—Not later than 1 year after the date of enactment of this subtitle, subject to the availability of appropriations, from amounts appropriated to the Secretary of the Navy for operation and maintenance, the Secretary of the Navy shall transfer to Churchill County, Nevada, $20,000,000 for deposit in an account designated by Churchill County, Nevada, to re-

solve the loss of public access and multiple use within Churchill County, Nevada.

"SEC. 2983. ORDNANCE LANDING OUTSIDE TARGET AREAS

"The Secretary of the Navy, in the administration of an Operational Range Clearance program, shall ensure that tracked ordnance (bombs, missiles, and rockets) known to have landed outside a target area in the B-17 and B-20 Ranges is removed within 180 days of the event and, to the extent practicable, tracked ordnance known to have landed within the Monte Cristo Range Protection Area described in section 2982(a)(2)(D) shall be removed within 45 days of the event. The Secretary of the Navy shall report to the Fallon Range Training Complex Intergovernmental Executive Committee directed by section 3011(a)(5) of the Military Lands Withdrawal Act of 1999 (title XXX of Public Law 106-65; 113 Stat. 885; 134 Stat. 4349) not less frequently than annually, instances in which ordnance land outside target areas and the status of efforts to clear such ordnance.

"SEC. 2984. RELATIONSHIP TO OTHER RESERVATIONS

"(a) B-16 AND B-20 RANGES.—To the extent the withdrawal and reservation made by section 2981 for the B-16 and B-20 Ranges withdraws land currently withdrawn and reserved for use by the Bureau of Reclamation, the reservation made by section 2981 shall be the primary reservation for public safety management actions only, and the existing Bureau of Reclamation reservation shall be the primary reservation for all other management actions. The Secretary of the Navy shall enter into an agreement with the Secretary of the Interior to ensure continued access to the B-16 and B-20 Ranges by the Bureau of Reclamation to conduct management activities consistent with the purposes for which the Bureau of Reclamation withdrawal was established.

"(b) SHOAL SITE.—The Secretary of Energy shall remain responsible and liable for the subsurface estate and all activities of the Secretary of Energy at the Shoal Site withdrawn and reserved by Public Land Order Number 2771, as amended by Public Land Order Number 2834.

"SEC. 2985. INTEGRATED NATURAL RESOURCES MANAGEMENT PLAN

"(a) PREPARATION REQUIRED.—

"(1) PREPARATION; DEADLINE.—Within 2 years after the date of enactment of this subtitle, the Secretary of the Navy shall update the current integrated natural resources management plan for the land withdrawn and reserved by section 2981.

"(2) COORDINATION.—The Secretary of the Navy shall prepare the integrated natural resources management plan in coordination with the Secretary of the Interior, the State of Nevada, Churchill County, Nevada, other impacted counties in the State of Nevada, and affected Indian tribes.

"(b) RESOLUTION OF CONFLICTS.—

"(1) IN GENERAL.—Any disagreement among the parties referred to in subsection (a) concerning the contents or implementation of the integrated natural resources management plan prepared under that subsection or an amendment to the management plan shall be resolved by the Secretary of the

Navy, the Secretary of the Interior, and the State of Nevada, acting through—

"(A) the State Director of the Nevada State Office of the Bureau of Land Management;

"(B) the Commanding Officer of Naval Air Station Fallon, Nevada;

"(C) the State Director of the Nevada Department of Wildlife;

"(D) if appropriate, the Regional Director of the Pacific Southwest Region of the United States Fish and Wildlife Service; and

"(E) if appropriate, the Regional Director of the Western Region of the Bureau of Indian Affairs.

"(2) CONSULTATION.—Prior to the resolution of any conflict under paragraph (1), the Secretary of the Navy shall consult with the Intergovernmental Executive Committee in accordance with section 3011(a)(5) of the Military Lands Withdrawal Act of 1999 (title XXX of Public Law 106-65; 113 Stat. 885; 134 Stat. 4349).

"(c) ELEMENTS OF PLAN.—Subject to subsection (b), the integrated natural resources management plan under subsection (a)—

"(1) shall be prepared and implemented in accordance with the Sikes Act (16 U.S.C. 670 et seq.);

"(2) shall include provisions for—

"(A) proper management and protection of the natural resources of the land; and

"(B) sustainable use by the public of such resources to the extent consistent with the military purposes for which the land is withdrawn and reserved;

"(3) shall coordinate access with the Nevada Department of Wildlife to manage hunting, fishing, and trapping on the land where compatible with the military mission;

"(4) shall provide for livestock grazing and agricultural out-leasing on the land, if appropriate—

"(A) in accordance with section 2667 of title 10, United States Code; and

"(B) at the discretion of the Secretary of the Navy;

"(5) shall identify current test and target impact areas and related buffer or safety zones on the land;

"(6) shall provide that the Secretary of the Navy—

"(A) shall take necessary actions to prevent, suppress, manage, and rehabilitate brush and range fires occurring on land withdrawn or owned within the Fallon Range Training Complex and fires resulting from military activities outside the withdrawn or owned land of the Fallon Range Training Complex; and

"(B) notwithstanding section 2465 of title 10, United States Code—

"(i) may obligate funds appropriated or otherwise available to the Secretary of the Navy to enter into memoranda of understanding, cooperative agreements, and contracts for fire management; and

"(ii) shall reimburse the Secretary of the Interior for costs incurred under this paragraph;

"(7) shall provide that all gates, fences, and barriers constructed after the date of enactment of this subtitle shall be designed and erected, to the maximum extent practicable and consistent with military security, safety, and sound wildlife management use, to allow for wildlife access;

"(8) if determined appropriate by the Secretary of the Navy, the Secretary of the Interior, and the State of Nevada after review of any existing management plans applicable to the land, shall incorporate the existing management plans;

"(9) shall include procedures to ensure that—

"(A) the periodic reviews of the integrated natural resources management plan required by the Sikes Act (16 U.S.C. 670 et seq.) are conducted jointly by the Secretary of the Navy, the Secretary of the Interior, and the State of Nevada; and

"(B) affected counties and affected Indian tribes and the public are provided a meaningful opportunity to comment on any substantial revisions to the plan that may be proposed pursuant to such a review;

"(10) shall provide procedures to amend the integrated natural resources management plan as necessary;

"(11) shall allow access to, and ceremonial use of, Tribal sacred sites to the extent consistent with the military purposes for which the land is withdrawn and reserved by section 2981(a); and

"(12) shall provide for timely consultation with affected Indian tribes.

"SEC. 2986. USE OF MINERAL MATERIALS

"Notwithstanding any other provision of this subtitle or of the Act of July 31, 1947 (commonly known as the Materials Act of 1947; 30 U.S.C. 601 et seq.), the Secretary of the Navy may use sand, gravel, or similar mineral materials resources of the type subject to disposition under that Act from land withdrawn and reserved by this subtitle if use of such resources is required for construction needs on the land.

"SEC. 2987. TRIBAL ACCESS AGREEMENT AND CULTURAL RESOURCES SURVEY

"(a) TRIBAL ACCESS AGREEMENT.—

"(1) IN GENERAL.—Not later than 120 days after the date of enactment of this subtitle, the Secretary of the Navy and the Secretary of the Interior shall enter into an agreement with each affected Indian tribe for the purpose of establishing continued, regular, and timely access to the land withdrawn and reserved by section 2981, including all land subject to previous withdrawals under section 3011(a) of the Military Lands Withdrawal Act of 1999 (title XXX of Public Law 106-65; 113 Stat. 885), for cultural, religious, gathering and ceremonial uses by affected Indian tribes.

"(2) ACCESS.—The Secretary of the Navy shall—

"(A) provide access in accordance with the agreement entered into under paragraph (1); and

"(B) to the extent practicable and consistent with operational, safety, and security needs, seek to minimize notice

from the affected Indian tribe and chaperoning requirements for Tribal access.

"(3) RESOLUTION OF CONFLICTS.—If an affected Indian tribe provides written comments to the Secretary of the Navy or the Secretary of the Interior proposing changes or additions to the agreement entered into under paragraph (1) and the proposals are not incorporated in the final agreement, the Secretary concerned shall—

"(A) respond in writing to the affected Indian tribe explaining a clear, identifiable rationale why the proposed change was not incorporated; and

"(B) share the written responses under subparagraph (A) with the Committee on Armed Services of the House of Representatives, the Committee on Natural Resources of the House of Representatives, the Committee on Armed Services of the Senate, and the Committee on Indian Affairs of the Senate.

"(b) ETHNOGRAPHIC STUDY.—The Secretary of the Navy, in consultation with the State of Nevada and appropriate Tribal governments, shall conduct an ethnographic study of the expanded Fallon Range Training Complex to assess the importance of that area to Indian tribes and the religious and cultural practices of those Indian tribes.

"(c) CULTURAL RESOURCES SURVEY.—

"(1) SURVEY.—The Secretary of the Navy, after consultation with affected Indian tribes and review of data, studies, and reports in the possession of such Indian tribes, shall conduct a cultural resources survey of the land withdrawn and reserved by section 2981 for each of the expanded areas of the B-16, B-17, and B-20 Ranges that were not subject to previous surveys in support of the Record of Decision for the Fallon Range Training Complex Modernization Final Environmental Impact Statement dated March 12, 2020, and previous withdrawals comprising the Fallon Range Training Complex that includes pedestrian field surveys and the inventory and identification of specific sites containing cultural, religious, and archaeological resources of importance to affected Indian tribes.

"(2) RESULTS.—Not later than 2 years after the date of enactment of this subtitle, the Secretary of the Navy shall provide the results of the survey conducted under paragraph (1) to affected Indian tribes for review and comment prior to concluding survey activities.

"(3) INCLUSION IN AGREEMENT.—The agreement under subsection (a) shall include access to the specific sites identified by the survey conducted under paragraph (1) by affected Indian tribes, including proper disposition or protection of, and any requested access to, any identified burial sites, in accordance with the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.).

"(4) LIMITATION ON USE OF LAND PRIOR TO COMPLETION OF SURVEY.—The Secretary of the Navy shall not make operational use of the expanded areas of the B-16, B-17, and B-20 Ranges that were not subject to previous withdrawals com-

prising the Fallon Range Training Complex until the date of completion of the survey required by paragraph (1).

"(d) PARTICIPATION OF AFFECTED INDIAN TRIBES.—In conducting an ethnographic study or cultural resources survey under subsection (b) or (c), the Secretary of the Navy shall coordinate with, and provide for the participation of, each applicable affected Indian tribe.

"(e) AGREEMENT TO MITIGATE ADVERSE EFFECTS.—The Secretary of the Navy, the Secretary of the Interior, and affected Indian tribes shall enter into an agreement consistent with section 306108 of title 54, United States Code, that identifies actions to avoid, minimize, or mitigate adverse effects to sites identified in subsection (c), including adverse effects from noise. Using the results of surveys conducted under subsection (c), the Navy shall, in coordination with affected Indian tribes and to the extent practicable, avoid placing targets or other range infrastructure in culturally sensitive areas. The Navy shall avoid placement of targets in known sensitive habitat, cultural, or historic areas within the Monte Cristo Mountains.

"(f) REPORT.—Not later than 1 year after the date on which each of the agreements required under this section have been entered into and the survey and study required under this section have been completed, the Secretary of the Navy and the Secretary of the Interior shall jointly submit to Congress a report describing—

"(1) the access protocols established by the agreement under subsection (a);

"(2) the results of the ethnographic study conducted under subsection (b);

"(3) the results of the cultural resources survey under subsection (c); and

"(4) actions to be taken to avoid, minimize, or mitigate adverse effects to sites on the land withdrawn and reserved by section 2981.

"(g) PUBLIC AVAILABILITY.—Information concerning the nature and specific location of a cultural resource shall be exempt from disclosure under section 552 of title 5 and any other law unless the Secretary of the Navy, in consultation with affected Indian tribes, determines that disclosure would—

"(1) further the purposes of this section;

"(2) not create risk of harm to or theft or destruction of the cultural resource or the site containing the cultural resource; and

"(3) be in accordance with other applicable laws.".

SEC. 2902. [16 U.S.C. 460gggg] NUMU NEWE SPECIAL MANAGEMENT AREA.

(a) DEFINITIONS.—In this section:

(1) MANAGEMENT PLAN.—The term "management plan" means the management plan for the Special Management Area developed under subsection (d).

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(3) SPECIAL MANAGEMENT AREA.—The term "Special Management Area" means the Numu Newe Special Management Area established by subsection (b).

(b) ESTABLISHMENT.—To protect, conserve, and enhance the unique and nationally important historic, cultural, archaeological, natural, and educational resources of the Numu Newe traditional homeland, subject to valid existing rights, there is established in Churchill and Mineral Counties, Nevada, the Numu Newe Special Management Area, to be administered by the Secretary.

(c) AREA INCLUDED.—The Special Management Area shall consist of the approximately 209,181 acres of public land in Churchill and Mineral Counties, Nevada, administered by the Bureau of Land Management, as depicted on the map entitled "Churchill County Proposed Fallon Range Training Complex Modernization and Lands Bill" and dated November 30, 2022.

(d) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall develop a comprehensive management plan for the long-term management of the Special Management Area.

(2) CONSULTATION.—In developing and implementing the management plan, the Secretary shall consult with—

(A) appropriate Federal, Tribal, State, and local governmental entities; and

(B) interested members of the public.

(3) REQUIREMENTS.—The management plan shall—

(A) describe the appropriate uses of the Special Management Area;

(B) with respect to any land within the Special Management Area that is withdrawn and reserved for military uses, ensure that management of the Special Management Area is consistent with the purposes under section 2981(c)(2) of the Military Land Withdrawals Act of 2013 (as added by section 2901 of this title) for which the land is withdrawn and reserved;

(C) authorize the use of motor vehicles in the Special Management Area, where appropriate, including providing for the maintenance of existing roads;

(D) incorporate any provision of an applicable land and resource management plan that the Secretary considers to be appropriate;

(E) ensure, to the maximum extent practicable, the protection and preservation of traditional cultural and religious sites within the Special Management Area;

(F) to the maximum extent practicable, carefully and fully integrate the traditional and historical knowledge and special expertise of the Fallon Paiute Shoshone Tribe and other affected Indian tribes;

(G) consistent with subparagraph (D), ensure public access to Federal land within the Special Management Area for hunting, fishing, and other recreational purposes;

(H) not affect the allocation, ownership, interest, or control, as in existence on the date of enactment of this

Act, of any water, water right, or any other valid existing right; and

(I) be reviewed not less frequently than annually by the Secretary to ensure the management plan is meeting the requirements of this section.

(e) MILITARY OVERFLIGHTS.—Nothing in this section restricts or precludes—

(1) low-level overflights of military aircraft over the Special Management Area, including military overflights that can be seen or heard within the Special Management Area;

(2) flight testing and evaluation; or

(3) the designation or creation of new units of special use airspace, or the establishment of military flight training routes, over the Special Management Area.

SEC. 2903. NATIONAL CONSERVATION AREAS.

(a) [16 U.S.C. 460hhhh] NUMUNAA NOBE NATIONAL CONSERVATION AREA.—

(1) DEFINITIONS.—In this subsection:

(A) CONSERVATION AREA.—The term "Conservation Area" means the Numunaa Nobe National Conservation Area established by paragraph (2).

(B) MANAGEMENT PLAN.—The term "management plan" means the management plan for the Conservation Area developed under paragraph (3)(B).

(C) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(2) ESTABLISHMENT.—

(A) IN GENERAL.—To conserve, protect, and enhance for the benefit and enjoyment of present and future generations the cultural, archaeological, natural, wilderness, scientific, geological, historical, biological, wildlife, educational, recreational, and scenic resources of the Conservation Area, subject to valid existing rights, there is established the Numunaa Nobe National Conservation Area in the State of Nevada, to be administered by the Secretary.

(B) AREA INCLUDED.—

(i) IN GENERAL.—The Conservation Area shall consist of approximately 160,224 acres of public land in Churchill County, Nevada, as generally depicted on the map entitled "Churchill County Proposed Fallon Range Training Complex Modernization and Lands Bill" and dated November 30, 2022.

(ii) AVAILABILITY OF MAP.—The map described in clause (i) shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(3) MANAGEMENT.—

(A) IN GENERAL.—The Secretary shall administer the Conservation Area in a manner that conserves, protects, and enhances the resources of the Conservation Area—

(i) in accordance with—

(I) this subsection;

(II) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(III) any other applicable law; and

(ii) as a component of the National Landscape Conservation System.

(B) MANAGEMENT PLAN.—

(i) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall develop a management plan for the Conservation Area.

(ii) CONSULTATION.—In developing the management plan, the Secretary shall consult with—

(I) appropriate Federal, State, Tribal, and local governmental entities; and

(II) members of the public.

(iii) REQUIREMENTS.—The management plan shall—

(I) describe the appropriate uses of the Conservation Area;

(II) in accordance with paragraph (5), authorize the use of motor vehicles in the Conservation Area, where appropriate, including for the maintenance of existing roads; and

(III) incorporate any provision of an applicable land and resource management plan that the Secretary considers to be appropriate, to include the Search and Rescue Training Cooperative Agreement between the Bureau of Land Management and the Naval Strike and Air Warfare Training Center dated July 6, 1998, and the Carson City District BLM Administrative Guide to Military Activities on and Over the Public Lands dated January 25, 2012.

(4) USES. The Secretary shall allow only those uses of the Conservation Area that the Secretary determines would further the purposes of the Conservation Area.

(5) MOTORIZED VEHICLES.—Except as needed for administrative purposes, planned military activities authorized by paragraph (3)(B)(iii)(III), or to respond to an emergency, the use of motorized vehicles in the Conservation Area shall be permitted only on roads and trails designated for the use of motorized vehicles by the management plan.

(6) WITHDRAWAL.—

(A) IN GENERAL.—Subject to valid existing rights, all public land in the Conservation Area is withdrawn from—

(i) all forms of entry, appropriation, and disposal under the public land laws;

(ii) location, entry, and patent under the mining laws; and

(iii) disposition under all laws relating to mineral and geothermal leasing or mineral materials.

(B) ADDITIONAL LAND.—If the Secretary acquires mineral or other interests in a parcel of land within the Conservation Area after the date of enactment of this Act, the parcel is withdrawn from operation of the laws referred to

in subparagraph (A) on the date of acquisition of the parcel.

(7) HUNTING, FISHING, AND TRAPPING.—

(A) IN GENERAL.—Subject to subparagraph (B), nothing in this subsection affects the jurisdiction of the State of Nevada with respect to fish and wildlife, including hunting, fishing, and trapping in the Conservation Area.

(B) LIMITATIONS.—

(i) REGULATIONS.—The Secretary may designate by regulation areas in which, and establish periods during which, no hunting, fishing, or trapping will be permitted in the Conservation Area, for reasons of public safety, administration, or compliance with applicable laws.

(ii) CONSULTATION REQUIRED.—Except in an emergency, the Secretary shall consult with the appropriate State agency and notify the public before taking any action under clause (i).

(8) GRAZING.—In the case of land included in the Conservation Area on which the Secretary permitted, as of the date of enactment of this Act, livestock grazing, the livestock grazing shall be allowed to continue, subject to applicable laws (including regulations).

(9) NO BUFFER ZONES.—

(A) IN GENERAL.—Nothing in this subsection creates a protective perimeter or buffer zone around the Conservation Area.

(B) ACTIVITIES OUTSIDE CONSERVATION AREA.—The fact that an activity or use on land outside the Conservation Area can be seen or heard within the Conservation Area shall not preclude the activity or use outside the boundary of the Conservation Area.

(10) MILITARY OVERFLIGHTS.—Nothing in this subsection restricts or precludes—

(A) low-level overflights of military aircraft over the Conservation Area, including military overflights that can be seen or heard within the Conservation Area;

(B) flight testing and evaluation; or

(C) the designation or creation of new units of special use airspace, or the establishment of military flight training routes, over the Conservation Area.

(10) EFFECT ON WATER RIGHTS.—Nothing in this subsection constitutes an express or implied reservation of any water rights with respect to the Conservation Area.

(b) [16 U.S.C. 460iiii] PISTONE-BLACK MOUNTAIN NATIONAL CONSERVATION AREA.—

(1) DEFINITIONS.—In this subsection:

(A) CONSERVATION AREA.—The term "Conservation Area" means the Pistone-Black Mountain National Conservation Area established by paragraph (2)(A).

(B) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(C) TRIBE.—The term "Tribe" means the Walker River Paiute Tribe.

(2) ESTABLISHMENT.—

(A) IN GENERAL.—To protect, conserve, and enhance the unique and nationally important historic, cultural, archaeological, natural, and educational resources of the Pistone Site on Black Mountain, subject to valid existing rights, there is established in Mineral County, Nevada, the Pistone-Black Mountain National Conservation Area.

(B) AREA INCLUDED.—

(i) IN GENERAL.—The Conservation Area shall consist of the approximately 3,415 acres of public land in Mineral County, Nevada, administered by the Bureau of Land Management, as depicted on the map entitled "Black Mountain/Pistone Archaeological District" and dated May 12, 2020.

(ii) AVAILABILITY OF MAP.—The map described in clause (i) shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(3) MANAGEMENT.—

(A) IN GENERAL.—The Secretary shall manage the Conservation Area—

(i) in a manner that conserves, protects, and enhances the resources and values of the Conservation Area, including the resources and values described in paragraph (2)(A);

(ii) in accordance with—

(I) this subsection;

(II) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(III) any other applicable law; and

(iii) as a component of the National Landscape Conservation System.

(B) USES.—The Secretary shall allow only those uses of the Conservation Area that the Secretary determines would further the purposes of the Conservation Area.

(C) TRIBAL CULTURAL RESOURCES.—In administering the Conservation Area, the Secretary shall provide for—

(i) access to and use of cultural resources by the Tribe at the Conservation Area; and

(ii) the protection from disturbance of the cultural resources and burial sites of the Tribe located in the Conservation Area.

(D) COOPERATIVE AGREEMENTS.—The Secretary may, in a manner consistent with this subsection, enter into cooperative agreements with the State of Nevada, affected Indian tribes, and institutions and organizations to carry out the purposes of this subsection, subject to the requirement that the Tribe shall be a party to any cooperative agreement entered into under this subparagraph.

(4) MANAGEMENT PLAN.—

(A) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall develop a management plan for the Conservation Area.

(B) CONSULTATION.—In developing the management plan required under subparagraph (A), the Secretary shall consult with—

(i) appropriate State, Tribal, and local governmental entities; and

(ii) members of the public.

(C) REQUIREMENTS.—The management plan developed under subparagraph (A) shall—

(i) describe the appropriate uses and management of the Conservation Area;

(ii) incorporate, as appropriate, decisions contained in any other management or activity plan for the land in or adjacent to the Conservation Area;

(iii) take into consideration any information developed in studies of the land and resources in or adjacent to the Conservation Area; and

(iv) provide for a cooperative agreement with the Tribe to address the historical, archaeological, and cultural values of the Conservation Area.

(5) WITHDRAWAL.—

(A) IN GENERAL.—Subject to valid existing rights, all public land in the Conservation Area is withdrawn from—

(i) all forms of entry, appropriation, and disposal under the public land laws;

(ii) location, entry, and patent under the mining laws; and

(iii) disposition under all laws relating to mineral and geothermal leasing or mineral materials.

(B) ADDITIONAL LAND.—If the Secretary acquires mineral or other interests in a parcel of land within the Conservation Area after the date of enactment of this Act, the parcel is withdrawn from operation of the laws referred to in subparagraph (A) on the date of acquisition of the parcel.

(6) HUNTING, FISHING, AND TRAPPING.—

(A) IN GENERAL.—Subject to subparagraph (B), nothing in this subsection affects the jurisdiction of the State of Nevada with respect to fish and wildlife, including hunting, fishing, and trapping in the Conservation Area.

(B) LIMITATIONS.—

(i) REGULATIONS.—The Secretary may designate by regulation areas in which, and establish periods during which, no hunting, fishing, or trapping will be permitted in the Conservation Area, for reasons of public safety, administration, or compliance with applicable laws.

(ii) CONSULTATION REQUIRED.—Except in an emergency, the Secretary shall consult with the appropriate State agency and notify the public before taking any action under clause (i).

(7) GRAZING.—In the case of land included in the Conservation Area on which the Secretary permitted, as of the date of enactment of this Act, livestock grazing, the livestock

grazing shall be allowed to continue, subject to applicable laws (including regulations).

(8) NO BUFFER ZONES.—

(A) IN GENERAL.—Nothing in this subsection creates a protective perimeter or buffer zone around the Conservation Area.

(B) ACTIVITIES OUTSIDE CONSERVATION AREA.—The fact that an activity or use on land outside the Conservation Area can be seen or heard within the Conservation Area shall not preclude the activity or use outside the boundary of the Conservation Area.

(9) MILITARY OVERFLIGHTS.—Nothing in this subsection restricts or precludes—

(A) low-level overflights of military aircraft over the Conservation Area, including military overflights that can be seen or heard within the Conservation Area;

(B) flight testing and evaluation; or

(C) the designation or creation of new units of special use airspace, or the establishment of military flight training routes, over the Conservation Area.

(10) EFFECT ON WATER RIGHTS.—Nothing in this subsection constitutes an express or implied reservation of any water rights with respect to the Conservation Area.

SEC. 2904. COLLABORATION WITH STATE AND COUNTY.

It is the sense of Congress that the Secretary of the Navy and Secretary of the Interior should collaborate with the State of Nevada, Churchill County, Nevada, the city of Fallon, Nevada, and affected Indian tribes with the goal of preventing catastrophic wildfire and resource damage in the land withdrawn or owned within the Fallon Range Training Complex.

SEC. 2905. WILDERNESS AREAS IN CHURCHILL COUNTY, NEVADA.

(a) DEFINITIONS.—In this section:

(1) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(2) WILDERNESS AREA.—The term "wilderness area" means a wilderness area designated by subsection (b)(1).

(b) ADDITIONS TO NATIONAL WILDERNESS PRESERVATION SYSTEM.—

(1) ADDITIONS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following parcels of Federal land in Churchill County, Nevada, are designated as wilderness and as components of the National Wilderness Preservation System:

(A) CLAN ALPINE MOUNTAINS WILDERNESS.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 128,362 acres, as generally depicted on the map entitled "Churchill County Proposed Fallon Range Training Complex Modernization and Lands Bill" and dated November 30, 2022, which shall be known as the "Clan Alpine Mountains Wilderness".

(B) DESATOYA MOUNTAINS WILDERNESS.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 32,537 acres, as generally depicted on the map entitled "Churchill County Proposed

Fallon Range Training Complex Modernization and Lands Bill" and dated November 30, 2022, which shall be known as the "Desatoya Mountains Wilderness".

(C) CAIN MOUNTAIN WILDERNESS.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 7,664 acres, as generally depicted on the map entitled "Churchill County Proposed Fallon Range Training Complex Modernization and Lands Bill" and dated November 30, 2022, which shall be known as the "Cain Mountain Wilderness".

(2) BOUNDARY.—The boundary of any portion of a wilderness area that is bordered by a road shall be at least 150 feet from the edge of the road.

(3) MAP AND LEGAL DESCRIPTION.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall prepare a map and legal description of each wilderness area.

(B) EFFECT.—Each map and legal description prepared under subparagraph (A) shall have the same force and effect as if included in this section, except that the Secretary may correct clerical and typographical errors in the map or legal description.

(C) AVAILABILITY.—Each map and legal description prepared under subparagraph (A) shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(4) WITHDRAWAL.—Subject to valid existing rights, each wilderness area is withdrawn from—

(A) all forms of entry, appropriation, and disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) operation of the mineral leasing and geothermal leasing laws.

(c) MANAGEMENT.—Subject to valid existing rights, each wilderness area shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(1) any reference in that Act to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act; and

(2) any reference in that Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary of the Interior.

(d) LIVESTOCK.—The grazing of livestock in a wilderness area administered by the Bureau of Land Management, if established as of the date of enactment of this Act, shall be allowed to continue, subject to such reasonable regulations, policies, and practices as the Secretary considers necessary, in accordance with—

(1) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(2) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (House Report 101-405).

(e) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land or interest in land within the boundaries of a wilderness area that is acquired by the United States after the date of enactment of this Act shall be added to and administered as part of the wilderness area within which the acquired land or interest is located.

(f) WATER RIGHTS.—

(1) FINDINGS.—Congress finds that—

(A) the wilderness areas—

(i) are located in the semiarid region of the Great Basin region; and

(ii) include ephemeral and perennial streams;

(B) the hydrology of the wilderness areas is predominantly characterized by complex flow patterns and alluvial fans with impermanent channels;

(C) the subsurface hydrogeology of the region in which the wilderness areas are located is characterized by—

(i) groundwater subject to local and regional flow gradients; and

(ii) unconfined and artesian conditions;

(D) the wilderness areas are generally not suitable for use or development of new water resource facilities; and

(E) because of the unique nature and hydrology of the desert land in the wilderness areas, it is possible to provide for proper management and protection of the wilderness areas and other values of land in ways different from those used in other laws.

(2) STATUTORY CONSTRUCTION.—Nothing in this subsection—

(A) constitutes an express or implied reservation by the United States of any water or water rights with respect to the wilderness areas;

(B) affects any water rights in the State of Nevada (including any water rights held by the United States) in existence on the date of enactment of this Act;

(C) establishes a precedent with regard to any future wilderness designations;

(D) affects the interpretation of, or any designation made under, any other Act; or

(E) limits, alters, modifies, or amends any interstate compact or equitable apportionment decree that apportions water among and between the State of Nevada and other States.

(3) NEVADA WATER LAW.—The Secretary shall follow the procedural and substantive requirements of Nevada State law in order to obtain and hold any water rights not in existence on the date of enactment of this Act with respect to the wilderness areas.

(4) NEW PROJECTS.—

(A) DEFINITION OF WATER RESOURCE FACILITY.—

(i) IN GENERAL.—In this paragraph, the term "water resource facility" means irrigation and pumping facilities, reservoirs, water conservation works, aqueducts, canals, ditches, pipelines, wells, hydropower projects, transmission and other ancillary facili-

ties, and other water diversion, storage, and carriage structures.

(ii) EXCLUSION.—In this paragraph, the term "water resource facility" does not include wildlife guzzlers.

(B) RESTRICTION ON NEW WATER RESOURCE FACILITIES.—Except as otherwise provided in this section, on and after the date of enactment of this Act, neither the President nor any other officer, employee, or agent of the United States shall fund, assist, authorize, or issue a license or permit for the development of any new water resource facility within a wilderness area.

(g) WILDFIRE, INSECTS, AND DISEASE.—In accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)), the Secretary may take such measures in a wilderness area as are necessary for the control of fire, insects, and diseases (including, as the Secretary determines to be appropriate, the coordination of the activities with a State or local agency).

(h) DATA COLLECTION.—Subject to such terms and conditions as the Secretary may prescribe, nothing in this section precludes the installation and maintenance of hydrologic, meteorological, or climatological collection devices in a wilderness area, if the Secretary determines that the devices and access to the devices are essential to flood warning, flood control, or water reservoir operation activities.

(i) MILITARY OVERFLIGHTS.—Nothing in this section restricts or precludes—

(1) low-level overflights of military aircraft over a wilderness area, including military overflights that can be seen or heard within a wilderness area;

(2) flight testing and evaluation; or

(3) the designation or creation of new units of special use airspace, or the establishment of military flight training routes, over a wilderness area.

(j) WILDLIFE MANAGEMENT.—

(1) IN GENERAL.—In accordance with section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this chapter affects or diminishes the jurisdiction of the State of Nevada with respect to fish and wildlife management, including the regulation of hunting, fishing, and trapping, in the wilderness areas.

(2) MANAGEMENT ACTIVITIES.—In furtherance of the purposes and principles of the Wilderness Act (16 U.S.C. 1131 et seq.), the Secretary may conduct any management activities in the wilderness areas that are necessary to maintain or restore fish and wildlife populations and the habitats to support the populations, if the activities are carried out—

(A) consistent with relevant wilderness management plans; and

(B) in accordance with—

(i) the Wilderness Act (16 U.S.C. 1131 et seq.); and

(ii) appropriate policies, such as those set forth in Appendix B of the report of the Committee on Interior

and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (House Report 101-405), including the occasional and temporary use of motorized vehicles, if the use, as determined by the Secretary, would promote healthy, viable, and more naturally distributed wildlife populations that would enhance wilderness values with the minimal impact necessary to reasonably accomplish those tasks.

(3) EXISTING ACTIVITIES.—In accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)) and in accordance with appropriate policies such as those set forth in Appendix B of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (House Report 101-405), the State may continue to use aircraft (including helicopters) to survey, capture, transplant, monitor, and provide water for wildlife populations.

(4) WILDLIFE WATER DEVELOPMENT PROJECTS.—Subject to subsection (f), the Secretary shall authorize structures and facilities, including existing structures and facilities, for wildlife water development projects, including guzzlers, in the wilderness areas if—

(A) the structures and facilities would, as determined by the Secretary, enhance wilderness values by promoting healthy, viable, and more naturally distributed wildlife populations; and

(B) the visual impacts of the structures and facilities on the wilderness areas can reasonably be minimized.

(5) HUNTING, FISHING, AND TRAPPING.—

(A) IN GENERAL.—The Secretary may designate areas in which, and establish periods during which, for reasons of public safety, administration, or compliance with applicable laws, no hunting, fishing, or trapping will be permitted in the wilderness areas.

(B) CONSULTATION.—Except in emergencies, the Secretary shall consult with the appropriate State agency and notify the public before taking any action under subparagraph (A).

(6) COOPERATIVE AGREEMENT.—

(A) IN GENERAL.—The State of Nevada, including a designee of the State, may conduct wildlife management activities in the wilderness areas—

(i) in accordance with the terms and conditions specified in the cooperative agreement between the Secretary and the State entitled "Memorandum of Understanding between the Bureau of Land Management and the Nevada Department of Wildlife Supplement No. 9" and signed November and December 2003, including any amendments to the cooperative agreement agreed to by the Secretary and the State of Nevada; and

(ii) subject to all applicable laws (including regulations).

(B) REFERENCES.—For the purposes of this subsection, any references to Clark County, Nevada, in the cooperative agreement described this paragraph shall be considered to be a reference to Churchill or Lander County, Nevada, as applicable.

SEC. 2906. RELEASE OF WILDERNESS STUDY AREAS.

(a) FINDING.—Congress finds that, for the purposes of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)), the public land in Churchill County, Nevada, that is administered by the Bureau of Land Management in the following areas has been adequately studied for wilderness designation:

(1) The Stillwater Range Wilderness Study Area.

(2) The Job Peak Wilderness Study Area.

(3) The Clan Alpine Mountains Wilderness Study Area.

(4) That portion of the Augusta Mountains Wilderness Study Area located in Churchill County, Nevada.

(5) That portion of the Desatoya Mountains Wilderness Study Area located in Churchill County, Nevada.

(6) Any portion of any other wilderness study area located in Churchill County, Nevada, that is not a wilderness area.

(b) RELEASE.—The portions of the public land described in subsection (a) not designated as wilderness by section 2905(b)—

(1) are no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(2) shall be managed in accordance with—

(A) land management plans adopted under section 202 of that Act (43 U.S.C. 1712); and

(B) existing cooperative conservation agreements.

SEC. 2907. LAND CONVEYANCES AND EXCHANGES.

(a) DEFINITIONS.—In this section:

(1) CITY.—The term "City" means the city of Fallon, Nevada.

(2) PUBLIC PURPOSE.—The term "public purpose" includes any of the following:

(A) The construction and operation of a new fire station for Churchill County, Nevada.

(B) The operation or expansion of an existing wastewater treatment facility for Churchill County, Nevada.

(C) The operation or expansion of existing gravel pits and rock quarries of Churchill County, Nevada.

(D) The operation or expansion of an existing City landfill.

(b) PUBLIC PURPOSE CONVEYANCES.—

(1) IN GENERAL.—Notwithstanding section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712), the Secretary of the Interior shall convey, subject to valid existing rights and paragraph (2), for no consideration, all right, title, and interest of the United States in approximately 6,892 acres of Federal land to Churchill County, Nevada, and 212 acres of land to the City identified as "Public Purpose Conveyances to Churchill County and City of Fallon"

on the map entitled "Churchill County Proposed Fallon Range Training Complex Modernization and Lands Bill" and dated November 30, 2022.

(2) USE.—Churchill County, Nevada, and the City shall use the Federal land conveyed under paragraph (1) for public purposes and the construction and operation of public recreational facilities.

(3) REVERSIONARY INTEREST.—If a parcel of Federal land conveyed to Churchill County, Nevada, under paragraph (1) ceases to be used for public recreation or other public purposes consistent with the Act of June 14, 1926 (commonly known as the "Recreation and Public Purposes Act"; 43 U.S.C. 869 et seq.), the parcel of Federal land shall, at the discretion of the Secretary of the Interior, revert to the United States.

(4) GRAVEL PIT AND ROCK QUARRY ACCESS.—Churchill County, Nevada, shall provide at no cost to the Department of the Interior access to and use of any existing gravel pits and rock quarries conveyed to Churchill County, Nevada, under this section.

(c) EXCHANGE.—The Secretary of the Interior shall seek to enter into an agreement for an exchange with Churchill County, Nevada, for the land identified as "Churchill County Conveyance to the Department of Interior" in exchange for the land administered by the Secretary of the Interior identified as "Department of Interior Conveyance to Churchill County" on the map entitled "Churchill County Proposed Fallon Range Training Complex Modernization and Lands Bill" and dated November 30, 2022.

SEC. 2908. CHECKERBOARD RESOLUTION.

(a) IN GENERAL.—The Secretary of the Interior, in consultation with Churchill County, Nevada, and landowners in Churchill County, Nevada, and after providing an opportunity for public comment, shall seek to consolidate Federal land and non-Federal land ownership in Churchill County, Nevada.

(b) LAND EXCHANGES.—

(1) LAND EXCHANGE AUTHORITY.—To the extent practicable, the Secretary of the Interior shall offer to exchange land identified for exchange under paragraph (3) for private land in Churchill County, Nevada, that is adjacent to Federal land in Churchill County, Nevada, if the exchange would consolidate land ownership and facilitate improved land management in Churchill County, Nevada, as determined by the Secretary of the Interior.

(2) APPLICABLE LAW.—Except as otherwise provided in this section, a land exchange under this section shall be conducted in accordance with—

(A) section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716); and

(B) any other applicable law.

(3) IDENTIFICATION OF FEDERAL LAND FOR EXCHANGE.—The Secretary of the Interior shall identify appropriate Federal land in Churchill County, Nevada, to offer for exchange from Federal land identified as potentially suitable for disposal in an applicable resource management plan and managed by—

(A) the Commissioner of Reclamation; or

(B) the Director of the Bureau of Land Management.

(c) EQUAL VALUE LAND EXCHANGES.—

(1) IN GENERAL.—Land to be exchanged under this section shall be of equal value, based on appraisals prepared in accordance with—

(A) the Uniform Standards for Professional Land Acquisitions; and

(B) the Uniform Standards of Professional Appraisal Practice.

(2) USE OF MASS APPRAISALS.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary of the Interior may use a mass appraisal to determine the value of land to be exchanged under this section, if the Secretary of the Interior determines that the land to be subject to the mass appraisal is of similar character and value.

(B) EXCLUSION.—The Secretary of the Interior shall exclude from a mass appraisal under subparagraph (A) any land, the value of which is likely to exceed $250 per acre, as determined by the Secretary of the Interior.

(C) AVAILABILITY.—The Secretary of the Interior shall make the results of a mass appraisal conducted under subparagraph (A) available to the public.

(d) FUNDING ELIGIBILITY.—Section 4(e)(3)(A) of the Southern Nevada Public Land Management Act of 1998 (Public Law 105-263; 31 U.S.C. 6901 note) is amended—

(1) in clause (iv) by inserting "Churchill," after "Lincoln,";

(2) in clause (x) by striking "Nevada; and" and inserting "Nevada;";

(3) in clause (xi) by striking "paragraph (2)(A)." and inserting "paragraph (2)(A); and"; and

(4) by adding at the end the following:

"(xii) reimbursement of costs incurred by the Secretary in the identification, implementation, and consolidation of Federal and non-Federal lands in Churchill County in accordance with section 2908 of division B of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023.".

Subtitle B—Lander County Economic Development and Conservation

SEC. 2911. DEFINITIONS.

In this subtitle:

(1) COUNTY.—The term "County" means Lander County, Nevada.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(3) STATE.—The term "State" means the State of Nevada.

PART I—LANDER COUNTY PUBLIC PURPOSE LAND CONVEYANCES

SEC. 2921. DEFINITIONS.

In this part:

(1) MAP.—The term "Map" means the map entitled "Lander County Selected Lands" and dated August 4, 2020.

(2) SECRETARY CONCERNED.—The term "Secretary concerned" means—

(A) the Secretary, with respect to land under the jurisdiction of the Secretary; and

(B) the Secretary of Agriculture, acting through the Chief of the Forest Service, with respect to National Forest System land.

SEC. 2922. CONVEYANCES TO LANDER COUNTY, NEVADA.

(a) CONVEYANCE FOR WATERSHED PROTECTION, RECREATION, AND PARKS.—Notwithstanding the land use planning requirements of sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), not later than 60 days after the date on which the County identifies and selects the parcels of Federal land for conveyance to the County from among the parcels identified on the Map as "Lander County Parcels BLM and USFS" and dated August 4, 2020, the Secretary concerned shall convey to the County, subject to valid existing rights and for no consideration, all right, title, and interest of the United States in and to the identified parcels of Federal land (including mineral rights) for use by the County for watershed protection, recreation, and parks.

(b) CONVEYANCE FOR AIRPORT FACILITY.—

(1) IN GENERAL.—Notwithstanding the land use planning requirements of sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), the Secretary concerned shall convey to the County, subject to valid existing rights, including mineral rights, all right, title, and interest of the United States in and to the parcels of Federal land identified on the Map as "Kingston Airport" for the purpose of improving the relevant airport facility and related infrastructure.

(2) COSTS.—The only costs for the conveyance to be paid by the County under paragraph (1) shall be the survey costs relating to the conveyance.

(c) SURVEY.—The exact acreage and legal description of any parcel of Federal land to be conveyed under subsection (a) or (b) shall be determined by a survey satisfactory to the Secretary concerned and the County.

(d) REVERSIONARY INTEREST.—If a parcel of Federal land conveyed to the County under subsections (a) or (b) ceases to be used for public recreation or other public purposes consistent with the Act of June 14, 1926 (commonly known as the "Recreation and Public Purposes Act"; 43 U.S.C. 869 et seq.), the parcel of Federal land shall, at the discretion of the Secretary of the Interior, revert to the United States.

(e) MAP, ACREAGE ESTIMATES, AND LEGAL DESCRIPTIONS.—

(1) MINOR ERRORS.—The Secretary concerned and the County may, by mutual agreement—

(A) make minor boundary adjustments to the parcels of Federal land to be conveyed under subsection (a) or (b); and

(B) correct any minor errors in—

(i) the Map; or

(ii) an acreage estimate or legal description of any parcel of Federal land conveyed under subsection (a) or (b).

(2) CONFLICT.—If there is a conflict between the Map, an acreage estimate, or a legal description of Federal land conveyed under subsection (a) or (b), the Map shall control unless the Secretary concerned and the County mutually agree otherwise.

(3) AVAILABILITY.—The Secretary shall make the Map available for public inspection in—

(A) the Office of the Nevada State Director of the Bureau of Land Management; and

(B) the Bureau of Land Management Battle Mountain Field Office.

PART II—LANDER COUNTY WILDERNESS AREAS

SEC. 2931. DEFINITIONS.

In this part:

(1) MAP.—The term "Map" means the map entitled "Lander County Wilderness Areas Proposal" and dated April 19, 2021.

(2) WILDERNESS AREA.—The term "wilderness area" means a wilderness area designated by section 2932(a).

SEC. 2932. DESIGNATION OF WILDERNESS AREAS.

(a) IN GENERAL.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following land in the State of Nevada is designated as wilderness and as components of the National Wilderness Preservation System:

(1) CAIN MOUNTAIN WILDERNESS.—Certain Federal land managed by the Director of the Bureau of Land Management, comprising approximately 6,386 acres, generally depicted as "Cain Mountain Wilderness" on the Map, which shall be part of the Cain Mountain Wilderness designated by section 2905(b) of this title.

(2) DESATOYA MOUNTAINS WILDERNESS.—Certain Federal land managed by the Director of the Bureau of Land Management, comprising approximately 7,766 acres, generally depicted as "Desatoya Mountains Wilderness" on the Map, which shall be part of the Desatoya Mountains Wilderness designated by section 2905(b) of this title.

(b) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file with, and make available for inspection in, the appropriate offices of the Bu-

reau of Land Management, a map and legal description of each wilderness area.

(2) EFFECT.—Each map and legal description filed under paragraph (1) shall have the same force and effect as if included in this chapter, except that the Secretary may correct clerical and typographical errors in the map or legal description.

(c) ADMINISTRATION OF WILDERNESS AREAS.—The wilderness areas designated in subsection (a) shall be administered in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and the wilderness management provisions in section 2905 of this title.

SEC. 2933. RELEASE OF WILDERNESS STUDY AREAS.

(a) FINDING.—Congress finds that, for the purposes of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)), the following public land in the County has been adequately studied for wilderness designation:

(1) The approximately 10,777 acres of the Augusta Mountain Wilderness Study Area within the County that has not been designated as wilderness by section 2902(a) of this title.

(2) The approximately 1,088 acres of the Desatoya Wilderness Study Area within the County that has not been designated as wilderness by section 2902(a) of this title.

(b) RELEASE.—The public land described in subsection (a)—

(1) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(2) shall be managed in accordance with the applicable land use plans adopted under section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712).

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs and Authorizations

Sec. 3101. National Nuclear Security Administration.
Sec. 3102. Defense environmental cleanup.
Sec. 3103. Other defense activities.
Sec. 3104. Nuclear energy.

Subtitle B—Program Authorizations, Restrictions, and Limitations

Sec. 3111. Requirements for specific request for new or modified nuclear weapons.
Sec. 3112. Modifications to long-term plan for meeting national security requirements for unencumbered uranium.
Sec. 3113. Modification of minor construction threshold for plant projects.
Sec. 3114. Update to plan for deactivation and decommissioning of nonoperational defense nuclear facilities.
Sec. 3115. Use of alternative technologies to eliminate proliferation threats at vulnerable sites.

Sec. 3116. Unavailability for overhead costs of amounts specified for laboratory-directed research and development.
Sec. 3117. Workforce enhancement for National Nuclear Security Administration.
Sec. 3118. Modification of cost baselines for certain projects.
Sec. 3119. Purchase of real property options.
Sec. 3120. Prohibition on availability of funds to reconvert or retire W76-2 warheads. [Sec. 3121 was repealed]
Sec. 3122. Assistance by the National Nuclear Security Administration to the Air Force for the development of the Mark 21A fuse.
Sec. 3123. Determination of standardized indirect cost elements. [Sec. 3124 was repealed]
Sec. 3125. National Nuclear Security Administration facility advanced manufacturing development. [Sec. 3126 was repealed]

Subtitle C—Reports and Other Matters

Sec. 3131. Modification to certain reporting requirements.
Sec. 3132. Repeal of obsolete provisions of the Atomic Energy Defense Act and other provisions.

Subtitle A—National Security Programs and Authorizations

SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2023 for the activities of the National Nuclear Security Administration in carrying out programs as specified in the funding table in section 4701.

(b) AUTHORIZATION OF NEW PLANT PROJECTS.—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out new plant projects for the National Nuclear Security Administration as follows:

Project 23-D-516, Energetic Materials Characterization Facility, Los Alamos National Laboratory, Los Alamos, New Mexico, $19,000,000.

Project 23-D-517, Electrical Power Capacity Upgrade, Los Alamos National Laboratory, Los Alamos, New Mexico, $24,000,000.

Project 23-D-518, Plutonium Modernization Operations & Waste Management Office Building, Los Alamos National Laboratory, Los Alamos, New Mexico, $48,500,000.

Project 23-D-519, Special Materials Facility, Y-12 National Security Complex, Oak Ridge, Tennessee, $49,500,000.

Project 23-D-533, Component Test Complex Project, Bettis Atomic Power Laboratory, West Mifflin, Pennsylvania, $57,420,000.

SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2023 for defense environmental cleanup activities in carrying out programs as specified in the funding table in section 4701.

(b) AUTHORIZATION OF NEW PLANT PROJECTS.—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out, for defense environmental cleanup activities, the following new plant projects:

Project 23-D-402, Calcine Construction, Idaho National Laboratory, Idaho Falls, Idaho, $10,000,000.

Project 23-D-403, Hanford 200 West Area Tank Farms Risk Management Project, Office of River Protection, Richland, Washington, $4,408,000.

Project 23-D-404, 181D Export Water System Reconfiguration and Upgrade, Hanford Site, Richland, Washington, $6,770,000.

Project 23-D-405, 181B Export Water System Reconfiguration and Upgrade, Hanford Site, Richland, Washington, $480,000.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2023 for other defense activities in carrying out programs as specified in the funding table in section 4701.

SEC. 3104. NUCLEAR ENERGY.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2023 for nuclear energy as specified in the funding table in section 4701.

Subtitle B—Program Authorizations, Restrictions, and Limitations

SEC. 3111. REQUIREMENTS FOR SPECIFIC REQUEST FOR NEW OR MODIFIED NUCLEAR WEAPONS.

Section 4209 of the Atomic Energy Defense Act (50 U.S.C. 2529) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting "beyond phase 1 or phase 6.1 (as the case may be) of the nuclear weapon acquisition process" after "modified nuclear weapon"; and

(B) in paragraph (2), by striking "research and development which could lead to the production" both places it appears and inserting "research and development for the production";

(2) by striking subsection (b) and inserting the following new subsection:

"(b) BUDGET REQUEST FORMAT.—In a request for funds under subsection (a), the Secretary shall include a dedicated line item for each activity described in subsection (a)(2) for a new nuclear weapon or modified nuclear weapon that is in phase 2 or higher or phase 6.2 or higher (as the case may be) of the nuclear weapon acquisition process."; and

(3) by striking subsection (c) and inserting the following new subsection:

"(c) NOTIFICATION AND BRIEFING OF NONCOVERED ACTIVITIES.—In any fiscal year after fiscal year 2022, the Secretary of Energy, acting through the Administrator, in conjunction with the annual submission of the budget of the President to Congress pursuant to section 1105 of title 31, United States Code, shall notify the congressional defense committees of—

"(1) any activities described in subsection (a)(2) relating to the development of a new nuclear weapon or modified nuclear weapon that, during the calendar year prior to the budget submission, were carried out prior to phase 2 or phase 6.2 (as the case may be) of the nuclear weapon acquisition process; and

"(2) any plans to carry out, prior to phase 2 or phase 6.2 (as the case may be) of the nuclear weapon acquisition process, activities described in subsection (a)(2) relating to the development of a new nuclear weapon or modified nuclear weapon during the fiscal year covered by that budget.".

SEC. 3112. MODIFICATIONS TO LONG-TERM PLAN FOR MEETING NATIONAL SECURITY REQUIREMENTS FOR UNENCUMBERED URANIUM.

(a) TIMING.—Subsection (a) of section 4221 of the Atomic Energy Defense Act (50 U.S.C. 2538c) is amended—

(1) by striking "each even-numbered year through 2026" and inserting "each odd-numbered year through 2031"; and

(2) by striking "2065" and inserting "2070".

(b) PLAN REQUIREMENTS.—Subsection (b) of such section is amended—

(1) in paragraph (3), by inserting "through 2070" after "unencumbered uranium";

(2) by redesignating paragraphs (4) through (8) as paragraphs (5) through (9), respectively;

(3) by inserting after paragraph (3) the following new paragraph (4):

"(4) An assessment of current and projected unencumbered uranium production by private industry in the United States that could support future defense requirements."; and

(4) by striking paragraphs (8) and (9), as so redesignated, and inserting the following new paragraphs:

"(8) An assessment of—

"(A) when additional enrichment of uranium will be required to meet national security requirements; and

"(B) the options the Secretary is considering to meet such requirements, including an estimated cost and timeline for each option and a description of any changes to policy or law that the Secretary determines would be required for each option.

"(9) An assessment of how options to provide additional enriched uranium to meet national security requirements could, as an additional benefit, contribute to the establishment of a sustained domestic enrichment capacity and allow the commercial sector of the United States to reduce reliance on importing uranium from adversary countries.".

(c) COMPTROLLER GENERAL REVIEW.—Such section is further amended—

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

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

"(d) COMPTROLLER GENERAL BRIEFING.—Not later than 180 days after the date on which the congressional defense committees receive each plan under subsection (a), the Comptroller General of the United States shall provide to the Committees on Armed Serv-

ices of the House of Representatives and the Senate a briefing that includes an assessment of the plan.".

SEC. 3113. MODIFICATION OF MINOR CONSTRUCTION THRESHOLD FOR PLANT PROJECTS.

(a) THRESHOLD.—Paragraph (2) of section 4701 of the Atomic Energy Defense Act (50 U.S.C. 2741(2)) is amended to read as follows:

"(2)(A) Except as provided by subparagraphs (B) and (C), the term 'minor construction threshold' means $30,000,000.

"(B) During the period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2023 and ending on November 30, 2025, the Administrator may calculate the amount specified in subparagraph (A) based on fiscal year 2022 constant dollars if the Administrator—

"(i) submits to the congressional defense committees a report on the method used by the Administrator to calculate the adjustment;

"(ii) a period of 30 days elapses following the date of such submission; and

"(iii) publishes the adjusted amount in the Federal Register.

"(C) Beginning on December 1, 2025, the term 'minor construction threshold' means—

"(i) $30,000,000; or

"(ii) if the Administrator calculated a different amount pursuant to subparagraph (B), the last such calculated amount as published in the Federal Register under clause (iii) of such subparagraph.".

(b) REPORTS.—Section 4703(b) of such Act (50 U.S.C. 2743) is amended by adding at the end the following: "The report shall include with respect to each project the following:"

"(1) The estimated original total project cost and the estimated original date of completion.

"(2) The percentage of the project that is complete.

"(3) The current estimated total project cost and estimated date of completion.".

SEC. 3114. UPDATE TO PLAN FOR DEACTIVATION AND DECOMMISSIONING OF NONOPERATIONAL DEFENSE NUCLEAR FACILITIES.

Section 4423 of the Atomic Energy Defense Act (50 U.S.C. 2603) is amended—

(1) in subsection (a), by striking "during each even-numbered year beginning in 2016"; and inserting "every four years beginning in 2025";

(2) in subsection (c)—

(A) by striking "2016" and inserting "2025";

(B) by striking "2019" and inserting "2029"; and

(C) by striking "determines—" and all that follows and inserting "determines are nonoperational as of September 30, 2024.";

(3) in subsection (d)—

(A) by striking "Not later than March 31 of each even-numbered year beginning in 2016" and inserting "Not later than March 31, 2025, and every four years thereafter,";

(B) by striking "submitting during 2016" and inserting "submitted during 2025"; and

(C) by striking paragraph (4) and inserting the following new paragraph:

"(4) a description of the deactivation and decommissioning actions taken at each nonoperational defense nuclear facility during the period following the date on which the previous report required by this section was submitted."; and

(4) in subsection (e), by striking "2026" and inserting "2033".

SEC. 3115. USE OF ALTERNATIVE TECHNOLOGIES TO ELIMINATE PROLIFERATION THREATS AT VULNERABLE SITES.

Section 4306B of the Atomic Energy Defense Act (50 U.S.C. 2569) is amended—

(1) in subsection (c)(1)(M)(ii), by inserting "(including through the use of alternative technologies)" after "convert"; and

(2) in subsection (g), by adding at the end the following new paragraph:

"(7) The term 'alternative technologies' means technologies, such as accelerator-based equipment, that do not use radiological materials.".

SEC. 3116. UNAVAILABILITY FOR OVERHEAD COSTS OF AMOUNTS SPECIFIED FOR LABORATORY-DIRECTED RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—Section 4812 of the Atomic Energy Defense Act (50 U.S.C. 2792) is amended by adding at the end the following new subsection:

"(c) LIMITATION ON USE OF FUNDS FOR OVERHEAD.—A national security laboratory may not use funds made available under section 4811(c) to cover the costs of general and administrative overhead for the laboratory.".

(b) REPEAL OF PILOT PROGRAM.—Section 3119 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 50 U.S.C. 2791 note) is repealed.

SEC. 3117. WORKFORCE ENHANCEMENT FOR NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) ELIMINATION OF CAP ON FULL-TIME EQUIVALENT EMPLOYEES OF THE NATIONAL NUCLEAR SECURITY ADMINISTRATION.—Section 3241A of the National Nuclear Security Administration Act (50 U.S.C. 2441a) is amended—

(1) by striking subsections (a) and (c);

(2) by redesignating subsections (d), (e), and (f) as subsections (a), (b), and (c), respectively; and

(3) by redesignating the first subsection (b) as subsection (d) and moving the subsection so as to appear after subsection (c), as redesignated by paragraph (2).

(b) ANNUAL BRIEFING.—Subsection (c) of such section, as so redesignated, is amended to read as follows:

"(c) ANNUAL BRIEFING.—In conjunction with the submission of the budget of the President to Congress pursuant to section 1105 of title 31, United States Code, the Administrator shall provide to the congressional defense committees a briefing containing the following information:

"(1) A projection of the expected number of employees of the Office of the Administrator, as counted under subsection (d), for the fiscal year covered by the budget and the four subsequent fiscal years, broken down by the office in which the employees are projected to be assigned.

"(2) With respect to the most recent fiscal year for which data is available—

"(A) the number of service support contracts of the Administration and whether such contracts are funded using program or program direction funds;

"(B) the number of full-time equivalent contractor employees working under each contract identified under subparagraph (A);

"(C) the number of full-time equivalent contractor employees described in subparagraph (B) that have been employed under such a contract for a period greater than two years;

"(D) with respect to each contract identified under subparagraph (A)—

"(i) identification of each appropriations account that supports the contract; and

"(ii) the amount obligated under the contract during the fiscal year, listed by each such account; and

"(E) with respect to each appropriations account identified under subparagraph (D)(i), the total amount obligated for contracts identified under subparagraph (A).".

(c) CONFORMING AMENDMENT.—Subsection (d) of such section, as redesignated by subsection (a), is amended by striking "under subsection (a)" each place it appears and inserting "under subsection (c)".

SEC. 3118. MODIFICATION OF COST BASELINES FOR CERTAIN PROJECTS.

Section 4713(a) of the Atomic Energy Defense Act (50 U.S.C. 2753(a)) is amended—

(1) in paragraph (2)(D), by striking "$750,000,000" and inserting "$800,000,000";

(2) in paragraph (3)(A)(i), by striking "$50,000,000" and inserting "$65,000,000"; and

(3) in paragraph (4)(A)(i), by striking "$50,000,000" and inserting "$65,000,000".

SEC. 3119. PURCHASE OF REAL PROPERTY OPTIONS.

Subtitle E of the National Nuclear Security Administration Act (50 U.S.C. 2461 et seq.) is amended by adding at the end the following new section (and conforming the table of contents at the beginning of such Act accordingly):

"SEC. 3265. [50 U.S.C. 2466] USE OF FUNDS FOR THE PURCHASE OF OPTIONS TO PURCHASE REAL PROPERTY

"(a) AUTHORITY.—Subject to the limitation in subsection (b), funds authorized to be appropriated for the Administration for the purchase of real property may be expended to purchase options for the purchase of real property.

"(b) LIMITATION ON PRICE OF OPTIONS.—The price of any option purchased pursuant to subsection (a) may not exceed the minor construction threshold (as defined in section 4701 of the Atomic Energy Defense Act (50 U.S.C. 2741)).

"(c) NOTICE.—Not later than 14 days after the date an option is purchased pursuant to subsection (a), the Administrator shall submit to the congressional defense committees—

"(1) a notification of such purchase; and

"(2) a summary of the rationale for such purchase.".

SEC. 3120. PROHIBITION ON AVAILABILITY OF FUNDS TO RECONVERT OR RETIRE W76-2 WARHEADS.

(a) PROHIBITION.—Except as provided in subsection (b), none of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2023 for the National Nuclear Security Administration may be obligated or expended to reconvert or retire a W76-2 warhead.

(b) WAIVER.—The Administrator for Nuclear Security may waive the prohibition in subsection (a) if the Administrator, in consultation with the Secretary of Defense and the Chairman of the Joint Chiefs of Staff, certifies in writing to the congressional defense committees—

(1) that Russia and China do not possess naval capabilities similar to the W76-2 warhead in the active stockpiles of the respective country; and

(2) that the Department of Defense does not have a valid military requirement for the W76-2 warhead.

[Section 3121 was repealed by section 3111(b)(11) of division C of Public Law 119–60.]

SEC. 3122. ASSISTANCE BY THE NATIONAL NUCLEAR SECURITY ADMINISTRATION TO THE AIR FORCE FOR THE DEVELOPMENT OF THE MARK 21A FUSE.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Administrator for Nuclear Security shall enter into an agreement with the Secretary of the Air Force under which the Administrator shall support the Air Force by reviewing and validating the development and sustainment of a fuse for the Mark 21A reentry vehicle to support the W87-1 warhead over the projected lifetime of the warhead, including by—

(1) acting as an external reviewer of the Mark 21A fuse, including by reviewing—

(A) the design of the fuse;

(B) the quality of manufacturing and parts; and

(C) the life availability of components;

(2) advising and supporting the Air Force on strategies to mitigate technical and schedule fuse risks; and

(3) otherwise ensuring the expertise of the National Nuclear Security Administration in fuse and warhead design and

manufacturing is available to support successful development and sustainment of the fuse over its lifetime.

(b) BUDGET REQUEST.—The Administrator shall include, in the budget justification materials submitted to Congress in support of the budget of the Department of Energy for fiscal year 2024 (as submitted with the budget of the President under section 1105(a) of title 31, United States Code), a request for amounts sufficient to ensure that the assistance provided to the Air Force under the agreement under subsection (a) does not negatively affect ongoing nuclear modernization programs of the Administration.

(c) NUCLEAR WEAPONS COUNCIL REVIEW.—During the life of the agreement under subsection (a), the Nuclear Weapons Council established under section 179 of title 10, United States Code, shall review the agreement as part of the annual review by the Council of the budget of the National Nuclear Security Administration and ensure that assistance provided under such agreement aligns with ongoing programs of record between the Department of Defense and the National Nuclear Security Administration.

(d) TRANSMITTAL OF AGREEMENT.—Not later than 120 days after the date of the enactment of this Act, the Nuclear Weapons Council shall transmit to the congressional defense committees the agreement under subsection (a) and any comments that the Council considers appropriate.

SEC. 3123. DETERMINATION OF STANDARDIZED INDIRECT COST ELEMENTS.

(a) IN GENERAL.—Not later than March 31, 2025, the Deputy Chief Financial Officer of the Department of Energy shall, in consultation with the Administrator for Nuclear Security and the Director of the Office of Science, determine standardized indirect cost elements to be reported by contractors to the Administrator.

(b) REPORT.—Not later than 90 days after the date that the determination required by subsection (a) is made, the Deputy Chief Financial Officer shall, in coordination with the Administrator and the Director, submit to the congressional defense committees a report describing the standardized indirect cost elements determined under subsection (a) and a plan to require contractors to report, beginning in fiscal year 2026, such standardized indirect cost elements to the Administrator.

(c) STANDARDIZED INDIRECT COST ELEMENTS DEFINED.—In this section, the term "standardized indirect cost elements" means the categories of indirect costs incurred by management and operating contractors that receive funds to perform work for the National Nuclear Security Administration.

[Section 3124 was repealed by section 3111(b)(11) of division C of Public Law 119–60.]

SEC. 3125. NATIONAL NUCLEAR SECURITY ADMINISTRATION FACILITY ADVANCED MANUFACTURING DEVELOPMENT.

(a) IN GENERAL.—Of the funds authorized to be appropriated by this Act for fiscal year 2023 for the National Nuclear Security Administration for nuclear weapons production facilities, the Administrator for Nuclear Security may authorize an amount, not to exceed 5 percent of such funds, to be used by the director of each such facility to engage in research, development, and demonstra-

tion activities in order to maintain and enhance the engineering and manufacturing capabilities at such facility.

(b) NUCLEAR WEAPONS PRODUCTION FACILITY DEFINED.—In this section, the term "nuclear weapons production facility" has the meaning given that term in section 4002 of the Atomic Energy Defense Act (50 U.S.C. 2501).

[Section 3126 was repealed by section 3111(b)(11) of division C of Public Law 119–60.]

Subtitle C—Reports and Other Matters

SEC. 3131. MODIFICATION TO CERTAIN REPORTING REQUIREMENTS.

(a) REPORTS ON NUCLEAR WARHEAD ACQUISITION PROCESS.—Section 4223 of the Atomic Energy Defense Act (50 U.S.C. 2538e) is amended—

(1) in subsection (a)(2)(A), by striking "submit to the congressional defense committees a plan" and inserting "provide to the congressional defense committees a briefing on a plan"; and

(2) in subsection (b)—

(A) in paragraph (1), by striking "certify to the congressional defense committees that" and inserting "provide to the congressional defense committees a briefing that includes certifications that—"; and

(B) in paragraph (2)—

(i) by inserting ", or provide to such committees a briefing on," after "a report containing"; and

(ii) by inserting "or briefing, as the case may be" after "date of the report".

(b) REPORTS ON TRANSFERS OF CIVIL NUCLEAR TECHNOLOGY.—Section 3136 of the National Defense Authorization Act for Fiscal Year 2016 (42 U.S.C. 2077a) is amended—

(1) by redesignating subsection (i) as subsection (j); and

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

"(i) COMBINATION OF REPORTS.—The Secretary of Energy may submit the annual reports required by subsections (a), (d), and (e) as a single annual report, including by providing portions of the information so required as an annex to the single annual report.".

(c) CONFORMING AMENDMENT.—Section 161 n. of the Atomic Energy Act of 1954 (50 U.S.C. 2201(n)) is amended by striking "section 3136(i) of the National Defense Authorization Act for Fiscal Year 2016 (42 U.S.C. 2077a(i)))"and inserting "section 3136 of the National Defense Authorization Act for Fiscal Year 2016 (42 U.S.C. 2077a))".

SEC. 3132. REPEAL OF OBSOLETE PROVISIONS OF THE ATOMIC ENERGY DEFENSE ACT AND OTHER PROVISIONS.

(a) REPEAL OF PROVISIONS OF THE ATOMIC ENERGY DEFENSE ACT.—

(1) IN GENERAL.—The Atomic Energy Defense Act (50 U.S.C. 2501 et seq.) is amended—

(A) in title XLII—

(i)

[50 U.S.C. 2535] in subtitle A, by striking section 4215; and

(ii)

[50 U.S.C. 2545] in subtitle B, by striking section 4235; and

(B) in title XLIV—

(i)

[50 U.S.C. 2583] in subtitle A, by striking section 4403;

(ii)

[50 U.S.C. 2624-2626] in subtitle C, by striking sections 4444, 4445, and 4446; and

(iii)

[50 U.S.C. 2638] in subtitle D, by striking section 4454.

(2) CLERICAL AMENDMENT.—The table of contents for the Atomic Energy Defense Act is amended by striking the items relating to sections 4215, 4235, 4403, 4444, 4445, 4446, and 4454.

(b) REPEAL OF OTHER PROVISIONS.—

(1) AUTHORITY TO USE INTERNATIONAL NUCLEAR MATERIALS PROTECTION AND COOPERATION PROGRAM FUNDS OUTSIDE THE FORMER SOVIET UNION.—Section 3124 of the National Defense Authorization Act for Fiscal Year 2004 (50 U.S.C. 2568) is repealed.

(2) SILK ROAD INITIATIVE; NUCLEAR NONPROLIFERATION FELLOWSHIPS.—Sections 3133 and 3134 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (50 U.S.C. 2570, 2571) are repealed.

(3) REQUIREMENT FOR RESEARCH AND DEVELOPMENT PLAN AND REPORT WITH RESPECT TO NUCLEAR FORENSICS CAPABILITIES.—Section 3114 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (50 U.S.C. 2574) is repealed.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Sec. 3201. Authorization.
Sec. 3202. Continuation of functions and powers during loss of quorum.

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 2023, $41,401,400 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

SEC. 3202. CONTINUATION OF FUNCTIONS AND POWERS DURING LOSS OF QUORUM.

Section 311(e) of the Atomic Energy Act of 1954 (42 U.S.C. 2286(e)) is amended—

(1) by striking "Three members" and inserting "(1) Three members"; and

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

"(2) In accordance with paragraph (4), during a covered period, the Chairperson, in consultation with an eligible member, may carry out the functions and powers of the Board under sections 312 through 316, notwithstanding that a quorum does not exist.

"(3) Not later than 30 days after a covered period begins, the Chairperson shall notify the congressional defense committees that a quorum does not exist.

"(4) The Chairperson may make recommendations to the Secretary of Energy and initiate investigations into defense nuclear facilities under section 312 pursuant to paragraph (2) only if—

"(A) a period of 30 days elapses following the date on which the Chairperson submits the notification required under paragraph (3);

"(B) not later than 30 days after making any such recommendation or initiating any such investigation, the Chairperson notifies the congressional defense committees of such recommendation or investigation; and

"(C) any eligible member concurs with such recommendation or investigation.

"(5) In this subsection:

"(A) The term 'congressional defense committees' has the meaning given such term in section 101(a) of title 10, United States Code.

"(B) The term 'covered period' means a period beginning on the date on which a quorum specified in paragraph (1) does not exist by reason of either or both a vacancy in the membership of the Board or the incapacity of a member of the Board and ending on the earlier of—

"(i) the date that is one year after such beginning date; or

"(ii) the date on which a quorum exists.

"(C) The term 'eligible member' means a member of the Board, other than the Chairperson, serving during a covered period and who is not incapacitated.".

TITLE XXXIV—NAVAL PETROLEUM RESERVES

Sec. 3401. Authorization of appropriations.

SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.

(a) AMOUNT.—There are hereby authorized to be appropriated to the Secretary of Energy $13,004,000 for fiscal year 2023 for the purpose of carrying out activities under chapter 869 of title 10, United States Code, relating to the naval petroleum reserves.

(b) PERIOD OF AVAILABILITY.—Funds appropriated pursuant to the authorization of appropriations in subsection (a) shall remain available until expended.

TITLE XXXV—MARITIME ADMINISTRATION

Subtitle A—Maritime Administration

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

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

Subtitle B—Merchant Marine Academy

Sec. 3511. Exemption of certain students from requirement to obtain merchant mariner license.
Sec. 3512. Board of Visitors.
Sec. 3513. Protection of cadets from sexual assault onboard vessels.
Sec. 3514. Service academy faculty parity of use of United States Government works.
Sec. 3515. Reports on matters relating to the United States Merchant Marine Academy.
Sec. 3516. Study on Capital Improvement Program at the USMMA.
Sec. 3517. Requirements relating to training of Merchant Marine Academy cadets on certain vessels.

Subtitle C—Maritime Infrastructure

Sec. 3521. United States marine highway program.
Sec. 3522. Port infrastructure development grants.
Sec. 3523. Project selection criteria for port infrastructure development program.
Sec. 3524. Infrastructure improvements identified in the report on strategic seaports.
Sec. 3525. GAO review of Government efforts to promote growth and modernization of United States Merchant Fleet.
Sec. 3526. GAO review of Federal efforts to enhance port infrastructure resiliency and disaster preparedness.
Sec. 3527. Study on foreign investment in shipping.
Sec. 3528. Report on alternate marine fuel bunkering facilities at ports.
Sec. 3529. Study of cybersecurity and national security threats posed by foreign manufactured cranes at United States ports.

Subtitle D—Maritime Workforce

Sec. 3531. Improving Protections for Midshipmen.
Sec. 3532. Maritime Technical Advancement Act.
Sec. 3533. Ensuring diverse mariner recruitment.
Sec. 3534. Low emissions vessels training.

Subtitle E—Other Matters

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

Subtitle A—Maritime Administration

SEC. 3501. AUTHORIZATION OF APPROPRIATIONS FOR THE MARITIME ADMINISTRATION.

(a) MARITIME ADMINISTRATION.—There are authorized to be appropriated to the Department of Transportation for fiscal year 2023, for programs associated with maintaining the United States Merchant Marine, the following amounts:

(1) For expenses necessary to support the United States Merchant Marine Academy, $112,848,000, of which—

(A) $87,848,000 shall be for Academy operations;

(B) $22,000,000 shall be for facilities maintenance and repair and equipment; and

(C) $3,000,000 shall be for training, staffing, retention, recruiting, and contract management for United States Merchant Marine Academy capital improvement projects.

(2) For expenses necessary to support the State maritime academies, $53,780,000, of which—

(A) $2,400,000 shall be for the Student Incentive Program;

(B) $6,000,000 shall be for direct payments for State maritime academies;

(C) $6,800,000 shall be for training ship fuel assistance;

(D) $8,080,000 shall be for offsetting the costs of training ship sharing; and

(E) $30,500,000 shall be for maintenance and repair of State maritime academy training vessels.

(3) For expenses necessary to support the National Security Multi-Mission Vessel Program, including funds for construction and necessary expenses to construct shoreside infrastructure to support such vessels, $75,000,000.

(4) For expenses necessary to support Maritime Administration operations and programs, $131,433,000, of which—

(A) $15,000,000 shall be for the Maritime Environmental and Technical Assistance program authorized under section 50307 of title 46, United States Code;

(B) $30,000,000 shall be for shall be for the Maritime Centers of Excellence, including to make grants authorized under Section 51706 of title 46, United States Code;

(C) $15,000,000 shall be for the Marine Highways Program, including to make grants as authorized under section 55601 of title 46, United States Code;

(D) $67,433,000 shall be for headquarters operations expenses;

(E) $2,000,000 shall be for expenses necessary to provide for sealift contested environment evaluation;

(F) $800,000 shall be for expenses necessary to provide for National Defense Reserve Fleet resiliency; and

(G) $1,200,000 shall be for expenses necessary to provide for a comprehensive evaluation to assess the requirements for the training ship State of Michigan.

(5) For expenses necessary for the disposal of obsolete vessels in the National Defense Reserve Fleet of the Maritime Administration, $6,000,000.

(6) For expenses necessary to maintain and preserve a United States flag merchant marine to serve the national security needs of the United States under chapter 531 of title 46, United States Code, $318,000,000.

(7) For expenses necessary for the loan guarantee program authorized under chapter 537 of title 46, United States Code, $33,000,000, of which—

(A) $30,000,000 may be for the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5))) of loan guarantees under the program; and

(B) $3,000,000 may be used for administrative expenses relating to loan guarantee commitments under the program.

(8) For expenses necessary to provide assistance to small shipyards and for maritime training programs authorized under section 54101 of title 46, United States Code, $30,000,000.

(9) For expenses necessary to implement the Port Infrastructure Development Program, as authorized under section 54301 of title 46, United States Code, $750,000,000, to remain available until expended, except that no such funds authorized under this title for this program may be used to provide a grant to purchase fully automated cargo handling equipment that is remotely operated or remotely monitored with or without the exercise of human intervention or control, if the Secretary of Transportation determines such equipment would result in a net loss of jobs within a port or port terminal. If such a determination is made, the data and analysis for such determination shall be reported to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives not later than 3 days after the date of the determination.

(b) TANKER SECURITY PROGRAM.—

(1) FUNDING.—Section 53411 of title 46, United States Code, is amended by striking "through 2035" and inserting "and 2023, and $120,000,000 for fiscal years 2024 through 2035".

(2) INCREASE IN NUMBER OF VESSELS.—Section 53403(c) of title 46, United States Code, is amended—

(A) by striking "For any fiscal year, the Secretary" and inserting "The Secretary";

(B) by striking "more than 10 vessels" and inserting "more than—"; and

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

"(1) for each of fiscal years 2022 and 2023, 10 vessels; and

"(2) for any subsequent fiscal year, 20 vessels.".

(c) REPORT.—Not later than June 30, 2023, the Maritime Administrator shall prepare and submit to the Committees on Armed Services of the House of Representatives and of the Senate, to the Committee on Transportation and Infrastructure of the House of Representatives, and to the Committee on Commerce, Science, and Transformation of the Senate a report that includes the following:

(1) An assessment of industry capacity to support an expansion of the Tanker Security Program pursuant to section 53411 of title 46, United States Code, as amended by subsection (b)(1), and section 53403(c) of title 46, United States Code, as amended by subsection (b)(2).

(2) An implementation timeline for entering 10-vessels into the Tanker Security Program not later than September 30, 2023, including all vessel conversion requirements, and crew training requirements.

(3) An implementation timeline for entering 20-vessels into the Tanker Security Program not later than September 30, 2024, including all vessel conversion requirements, and crew training requirements.

(4) An assessment of whether the $6,000,000 per-vessel stipend meets requirements to attract and sustain the full 20-vessel requirement for the Tanker Security Program.

(5) An assessment of the need for additional authorities to offset the costs associated with converting vessels into CONSOL-capable vessels, and to offset the costs associated with training the crews to operate such vessels.

(6) Other matters the Administrator deems appropriate.

SEC. 3502. SECRETARY OF TRANSPORTATION RESPONSIBILITY WITH RESPECT TO CARGOES PROCURED, FURNISHED, OR FINANCED BY OTHER FEDERAL DEPARTMENTS AND AGENCIES.

(a) [46 U.S.C. 55305 note] IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the Administrator of the Maritime Administration shall issue a final rule to implement and enforce section 55305(d) of title 46, United States Code.

(b) PROGRAMS OF OTHER AGENCIES.—Section 55305(d)(2)(A) of title 46, United States Code, is amended by inserting after "section" the following: "and annually submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the administration of such programs".

Subtitle B—Merchant Marine Academy

SEC. 3511. EXEMPTION OF CERTAIN STUDENTS FROM REQUIREMENT TO OBTAIN MERCHANT MARINER LICENSE.

Section 51309 of title 46, United States Code, is amended—

(1) in subsection (a)(2)—

(A) by inserting "able or" before "allowed";

(B) by striking "only because of physical disqualification may" and inserting "solely due to a documented medical or psychological condition shall"; and

(C) in the paragraph heading, by inserting "or psychological" after "physical"; and

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

"(d) DEFINITION OF DOCUMENTED MEDICAL OR PSYCHOLOGICAL CONDITION.—In this section the term 'documented medical or psychological condition' means, with respect to an individual, a physical disqualification or psychological condition, including a mental health condition arising from sexual assault or sexual harassment, for which the individual has been treated or is being treated by a medical or psychological provider.".

SEC. 3512. BOARD OF VISITORS.

Section 51312 of title 46, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (2)—

(i) by redesignating subparagraph (C) as subparagraph (D);

(ii) in subparagraph (D), as so redesignated, by striking "flag-rank who" and inserting "flag-rank";

(iii) in subparagraph (B), by striking "and" after the semicolon; and

(iv) by inserting after subparagraph (B) the following:

"(C) at least 1 shall be a representative of a maritime labor organization; and"; and

(B) in paragraph (3), by adding at the end the following:

"(C) REPLACEMENT.—If a member of the Board is replaced, not later than 60 days after the date of the replacement, the Designated Federal Officer selected under subsection (g)(2) shall notify that member.";

(2) in subsection (d)—

(A) in paragraph (1), by inserting "and 2 additional meetings, which may be held in person or virtually" after "Academy"; and

(B) by adding at the end the following:

"(3) SCHEDULING; NOTIFICATION.—When scheduling a meeting of the Board, the Designated Federal Officer shall coordinate, to the greatest extent practicable, with the members of the Board to determine the date and time of the meeting. Members of the Board shall be notified of the date of each meeting not less than 30 days prior to the meeting date.";

(3) in subsection (e), by adding at the end the following:

"(4) STAFF.—One or more staff of each member of the Board may accompany them on Academy visits.

"(5) SCHEDULING; NOTIFICATION.—When scheduling a visit to the Academy, the Designated Federal Officer shall coordinate, to the greatest extent practicable, with the members of the Board to determine the date and time of the visit. Members of the Board shall be notified of the date of each visit not less than 30 days prior to the visit date."; and

(4) in subsection (h)—

(A) by inserting "and ranking member" after "chairman" each place the term appears; and

(B) by adding at the end the following: "Such staff may attend meetings and may visit the Academy.".

SEC. 3513. PROTECTION OF CADETS FROM SEXUAL ASSAULT ONBOARD VESSELS.

(a) IN GENERAL.—Section 51322 of title 46, United States Code, is amended—

(1) by striking subsection (a) and inserting the following:

"(a) SAFETY CRITERIA.—The Maritime Administrator, after consulting with the Commandant of the Coast Guard, shall establish—

"(1) criteria, to which an owner or operator of a vessel engaged in commercial service shall adhere prior to carrying a cadet performing their Sea Year service from the United States Merchant Marine Academy, that addresses prevention of, and response to, sexual harassment, dating violence, domestic violence, sexual assault, and stalking; and

"(2) a process for collecting pertinent information from such owners or operators and verifying their compliance with the criteria.

"(b) MINIMUM STANDARDS.—At a minimum, the criteria established under subsection (a) shall require the vessel owners or operators to have policies that address—

"(1) communication between a cadet and an individual ashore who is trained in responding to incidents of sexual harassment, dating violence, domestic violence, sexual assault, and stalking;

"(2) the safety and security of cadet staterooms while a cadet is onboard the vessel;

"(3) requirements for crew to report complaints or incidents of sexual assault, sexual harassment, dating violence, domestic violence, and stalking consistent with the requirements in section 10104;

"(4) the maintenance of records of reports of sexual harassment, dating violence, domestic violence, sexual assault, and stalking onboard a vessel carrying a cadet;

"(5) the maintenance of records of sexual harassment, dating violence, domestic violence, sexual assault, and stalking training as required under subsection (f);

"(6) a requirement for the owner or operator provide each cadet a copy of the policies and procedures related to sexual harassment, dating violence, domestic violence, sexual assault, and stalking policies that pertain to the vessel on which they will be employed; and

"(7) any other issues the Maritime Administrator determines necessary to ensure the safety of cadets during Sea Year training.

"(c) SELF-CERTIFICATION BY OWNERS OR OPERATORS.—The Maritime Administrator shall require the owner or operator of any commercial vessel that is carrying a cadet from the United States Merchant Marine Academy to annually certify that—

"(1) the vessel owner or operator is in compliance with the criteria established under subsection (a); and

"(2) the vessel is in compliance with the International Convention of Safety of Life at Sea, 1974 (32 UST 47) and sections 8106 and 70103(c).

"(d) INFORMATION, TRAINING, AND RESOURCES.—The Maritime Administrator shall ensure that a cadet participating in Sea Year—

"(1) receives training specific to vessel safety, including sexual harassment, dating violence, domestic violence, sexual assault, and stalking prevention and response training, prior to the cadet boarding a vessel for Sea Year training;

"(2) is equipped with an appropriate means of communication and has been trained on its use;

"(3) has access to a helpline to report incidents of sexual harassment, dating violence, domestic violence, sexual assault, or stalking that is monitored by trained personnel; and

"(4) is informed of the legal requirements for vessel owners and operators to provide for the security of individuals onboard, including requirements under section 70103(c) and chapter 81.";

(2) by redesignating subsections (b) through (d) as subsections (e) through (g), respectively;

(3) in subsection (e), as so redesignated, by striking paragraph (2) and inserting the following new paragraphs:

"(2) ACCESS TO INFORMATION.—The vessel operator shall make available to staff conducting a vessel check such information as the Maritime Administrator determines is necessary to determine whether the vessel is being operated in compliance with the criteria established under subsection (a).

"(3) REMOVAL OF STUDENTS.—If staff of the Academy or staff of the Maritime Administration determine that a commercial vessel is not in compliance with the criteria established under subsection (a), the staff—

"(A) may remove a cadet of the Academy from the vessel; and

"(B) shall report such determination of non-compliance to the owner or operator of the vessel.";

(4) in subsection (f), as so redesignated, by striking "or the seafarer union" and inserting "and the seafarer union"; and

(5) by adding at the end the following:

"(h) NONCOMMERCIAL VESSELS.—

"(1) IN GENERAL.—A public vessel (as defined in section 2101) shall not be subject to the requirements of this section.

"(2) REQUIREMENTS FOR PARTICIPATION.—The Maritime Administrator may establish criteria and requirements that the operators of public vessels shall meet to participate in the Sea Year program of the United States Merchant Marine Academy that addresses prevention of, and response to, sexual harassment, dating violence, domestic violence, sexual assault, and stalking.

"(i) SHARING OF BEST PRACTICES.—The Maritime Administrator shall share with State maritime academies best practices for, and lessons learned with respect to, the prevention of, and response to, sexual harassment, dating violence, domestic violence, sexual assault, and stalking.".

(b) **[**46 U.S.C. 51322 note**]** REGULATIONS.—

(1) IN GENERAL.—The Maritime Administrator may prescribe rules necessary to carry out the amendments made by this section.

(2) INTERIM RULES.—The Maritime Administrator may prescribe interim rules necessary to carry out the amendments made by this section. For this purpose, the Maritime Administrator in prescribing rules under paragraph (1) is excepted from compliance with the notice and comment requirements of section 553 of title 5, United States Code. All rules prescribed under the authority of the amendments made by this section shall remain in effect until superseded by a final rule.

(c) CONFORMING AMENDMENTS.—

(1) SEA YEAR COMPLIANCE.—Section 3514 of the National Defense Authorization Act for Fiscal Year 2017 (46 U.S.C. 51318 note) is repealed.

(2) ACCESS OF ACADEMY CADETS TO DOD SAFE OR EQUIVALENT HELPLINE.—Section 3515 of the National Defense Authorization Act for Fiscal Year 2018 (46 U.S.C. 51518 note) is

amended by striking subsection (b) and redesignating subsection (c) as subsection (b).

SEC. 3514. SERVICE ACADEMY FACULTY PARITY OF USE OF UNITED STATES GOVERNMENT WORKS.

Section 105 of title 17, United States Code, is amended—

(1) in the heading of subsection (b), by striking "Certain of Works " and inserting "Certain Works";

(2) in the first subsection (c) (relating to "Use by Federal Government") by striking "The Secretary of Defense" and inserting "A covered Secretary";

(3) by redesignating the second subsection (c) (relating to "Definitions") as subsection (d); and

(4) in subsection (d), as redesignated by paragraph (3),

(A) in paragraph (2), by adding at the end the following:

"(M) United States Merchant Marine Academy.";

(B) by redesignating paragraph (3) as paragraph (4); and

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

"(3) The term 'covered Secretary' means—

"(A) the Secretary of Transportation, with respect to the United States Merchant Marine Academy;

"(B) the Secretary of Homeland Security, with respect to the United States Coast Guard Academy; or

"(C) the Secretary of Defense, with respect to any other covered institution under paragraph (2).".

SEC. 3515. [46 U.S.C. 51301 note] REPORTS ON MATTERS RELATING TO THE UNITED STATES MERCHANT MARINE ACADEMY.

(a) REPORT ON IMPLEMENTATION OF NAPA RECOMMENDATIONS.—

(1) IN GENERAL.—In accordance with paragraph (3), the Secretary of Transportation shall submit to the appropriate congressional committees reports on the status of the implementation of the recommendations specified in paragraph (4).

(2) ELEMENTS.—Each report under paragraph (1) shall include the following:

(A) A description of the status of the implementation of each recommendation specified in paragraph (4), including whether the Secretary—

(i) concurs with the recommendation;

(ii) partially concurs with the recommendation;

(iii) does not concur with the recommendation; or

(iv) determines the recommendation is not applicable to the Department of Transportation.

(B) An explanation of—

(i) with respect to a recommendation with which the Secretary concurs, the actions the Secretary intends to take to implement such recommendation, including—

(I) any rules, regulations, policies, or other guidance that have been issued, revised, changed,

or cancelled as a result of the implementation of the recommendation; and

(II) any impediments to the implementation of the recommendation;

(ii) with respect to a recommendation with which the Secretary partially concurs, the actions the Secretary intends to take to implement the portion of such recommendation with which the Secretary concurs, including—

(I) intermediate actions, milestone dates, and the expected completion date for the implementation of the portion of the recommendation; and

(II) any rules, regulations, policies, or other guidance that are expected to be issued, revised, changed, or cancelled as a result of the implementation of the portion of the recommendation;

(iii) with respect to a recommendation with which the Secretary does not concur, an explanation of why the Secretary does not concur with such recommendation;

(iv) with respect to a recommendation that the Secretary determines is not applicable to the Department of Transportation, an explanation of the reasons for the determination; and

(v) any statutory changes that may be necessary—

(I) to fully implement the recommendations specified in paragraph (4) with which the Secretary concurs; or

(II) to partially implement the recommendations specified in such paragraph with which the Secretary partially concurs.

(C) A visual depiction of the status of the completion of the recommendations specified in paragraph (4).

(3) TIMING OF REPORTS.—The Secretary of Transportation shall submit an initial report under paragraph (1) not later than 180 days after the date of the enactment of this Act. Following the submittal of the initial report, the Secretary shall submit updated versions of the report not less frequently than once every 180 days until the date on which the Secretary submits to the appropriate congressional committees a certification that each recommendation specified in paragraph (4)—

(A) with which the Secretary concurs—

(i) has been fully implemented; or

(ii) cannot be fully implemented, including an explanation of why; and

(B) with which the Secretary partially concurs—

(i) has been partially implemented; or

(ii) cannot be partially implemented, including an explanation of why.

(4) RECOMMENDATIONS SPECIFIED.—The recommendations specified in this paragraph are the recommendations set forth in the report prepared by a panel of the National Academy of Public Administration pursuant to section 3513 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law

116-92; 133 Stat. 1979) titled "Organizational Assessment of the U.S. Merchant Marine Academy: A Path Forward", dated November 2021.

(b) REPORT ON IMPLEMENTATION OF POLICY RELATING TO SEXUAL HARASSMENT AND OTHER MATTERS.—Not later than one year after the date of the enactment of this Act, the Secretary of Transportation shall submit to the appropriate congressional committees a report on the status of the implementation of the policy on sexual harassment, dating violence, domestic violence, sexual assault, and stalking at the United States Merchant Marine Academy, as required under section 51318 of title 46, United States Code.

(c) INSPECTOR GENERAL AUDIT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Inspector General of the Department of Transportation shall initiate an audit of the actions taken by the Maritime Administration to address only the following recommendations identified by a National Academy of Public Administration panel in the November 2021 report titled "Organizational Assessment of the United States Merchant Marine Academy: A Path Forward":

(A) Recommendations 4.1 through 4.3.

(B) Recommendations 4.7 through 4.11.

(C) Recommendations 5.1 through 5.4.

(D) Recommendations 5.6, 5.7, 5.11, 5.14, 5.15, 5.16, 6.6, and 6.7.

(E) Recommendations 6.1 through 6.4.

(2) REPORT.—After the completion of the audit required under paragraph (1), the Inspector General shall submit to the appropriate congressional committees, and make publicly available, a report containing the results of the audit.

(d) IMPLEMENTATION OF RECOMMENDATIONS FROM THE NATIONAL ACADEMY OF PUBLIC ADMINISTRATION.—

(1) AGREEMENT FOR STUDY BY NATIONAL ACADEMY OF PUBLIC ADMINISTRATION.—

(A) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary of Transportation shall seek to enter into an agreement with the National Academy of Public Administration (referred to in this section as the "Academy") under which the Academy shall provide support for—

(i) prioritizing and addressing the recommendations referred to subsection (c)(1) and establishing a process for prioritizing other recommendations in the future;

(ii) the development of—

(I) long-term processes and a timeframe for long-term process improvements; and

(II) corrective actions and best practice criteria that can be implemented in the medium- and near-term;

(iii) the establishment of a clear assignment of responsibility for the implementation of each recommendation referred to in subsection (c)(1), and a

strategy for assigning other recommendations in the future; and

(iv) a performance measurement system, including data collection and tracking and evaluating progress toward goals of the Merchant Marine Academy.

(B) REPORT OF PROGRESS.—Not later than one year after the date of an agreement entered into pursuant to subparagraph (A), the Secretary of Transportation, in consultation with the Administrator of the Merchant Marine Academy, shall submit to the Maritime Administrator and the appropriate congressional committees a report on the progress made in implementing the recommendations referred to in subsection (c)(1).

(2) PRIORITIZATION AND IMPLEMENTATION PLAN.—

(A) IN GENERAL.—Not later than one year after the date of enactment of this Act, the Maritime Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Armed Services of the House of Representatives a prioritization and implementation plan to assess, prioritize, and address the recommendations identified by the National Academy of Public Administration panel in the November 2021 report titled "Organizational Assessment of the United States Merchant Marine Academy: A Path Forward" that Superintendent of the Merchant Marine Academy determines are relevant to the Maritime Administration, including the recommendations referred to in subsection (c)(1). The prioritization and implementation plan shall—

(i) be developed using the strategies, processes, and systems developed pursuant to an agreement entered into under paragraph (1);

(ii) include estimated timelines and cost estimates for the implementation of priority goals;

(iii) include summaries of stakeholder and interagency engagement used to assess goals and timelines;

(iv) with respect to any recommendation the Superintendent determines is not relevant to the Maritime Administration, include an explanation for the determination; and

(v) submitted to the Inspector General of the Department of Transportation and the appropriate congressional committees and made publicly available.

(B) AUDIT AND REPORT.—The Inspector General of the Department of Transportation shall—

(i) not later than 180 days after the date on which the prioritization and implementation plan described in subparagraph (A) is made publicly available, initiate an audit of the actions taken by the Maritime Administration to address such plan;

(ii) monitor the actions taken by the Maritime Administration to implement recommendations contained in the audit required under clause (i) and in prior audits of the Maritime Administration's implementation of National Academy of Public Administration rec-

ommendations and periodically initiate subsequent audits of the continued actions taken by the Maritime Administration to address the prioritization and implementation plan, as the Inspector General determines necessary; and

(iii) after the completion of the audit required under clause (i), submit to the Administrator of the Maritime Administration and the appropriate congressional committees, and make publicly available, a report containing the results of the audit.

(C) REPORT OF PROGRESS.—Not later than 180 days after the date on which the report required under clause (ii) is made publicly available, and annually thereafter, the Administrator of the Maritime Administration shall submit to the Inspector General of the Department of Transportation and the appropriate congressional committees a report that includes a description of—

(i) the actions planned to be taken by the Maritime Administration, and estimated timeframes, to implement any open or unresolved recommendation—

(I) included in the report of the Inspector General required under subsection (B)(iii); or

(II) referred to in subsection (c)(1); and

(ii) an identification of any recommendation referred to in clause (i) for which the Maritime Administration failed to meet a target action date, or for which the Maritime Administration requested an extension of time, and the reasons why such an extension was necessary.

(3) AGREEMENT FOR PLAN ON CAPITAL IMPROVEMENTS.—Not later than 90 days after the date of the enactment of this Act, the Maritime Administrator shall seek to enter into an agreement with a Federal construction agent for the development of a plan to execute capital improvements at the United States Merchant Marine Academy.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Commerce, Science, and Transportation of the Senate;

(2) the Subcommittee on Transportation, Housing and Urban Development, and Related Agencies of the Committee on Appropriations of the Senate;

(3) the Committee on Transportation and Infrastructure of the House of Representatives;

(4) the Subcommittee on Transportation, Housing and Urban Development, and Related Agencies of the Committee on Appropriations of the House of Representatives; and

(5) the Committee on Armed Services of the House of Representatives.

SEC. 3516. STUDY ON CAPITAL IMPROVEMENT PROGRAM AT THE USMMA.

(a) STUDY.—The Comptroller General of the United States shall conduct a study of the United States Merchant Marine Acad-

emy Capital Improvement Program. The study shall include an evaluation of—

(1) the actions the United States Merchant Marine Academy has taken to bring the buildings, infrastructure, and other facilities on campus into compliance with applicable building codes and the further actions required for full compliance;

(2) how the approach that the United States Merchant Marine Academy uses to manage its capital assets compares with national leading practices;

(3) how cost estimates prepared for capital asset projects compares with cost estimating leading practices;

(4) whether the United States Merchant Marine Academy has adequate staff who are trained to identify needed capital projects, estimate the cost of those projects, perform building maintenance, and manage capital improvement projects; and

(5) how the United States Merchant Marine Academy identifies and prioritizes capital construction needs, and how the prioritization of such needs relates to the safety, education, and wellbeing of midshipmen.

(b) REPORT.—Not later than 18 months after the date of the enactment of this section, the Comptroller General shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure and the Committee on Armed Services of the House of Representatives a report containing the findings of the study conducted under subsection (a).

SEC. 3517. REQUIREMENTS RELATING TO TRAINING OF MERCHANT MARINE ACADEMY CADETS ON CERTAIN VESSELS.

(a) REQUIREMENTS RELATING TO PROTECTION OF CADETS FROM SEXUAL ASSAULT ONBOARD VESSELS.—

(1) IN GENERAL.—Subsection (b) of section 51307 of title 46, United States Code, is amended to read as follows:

"(b) SEA YEAR CADETS ON CERTAIN VESSELS.—

"(1) REQUIREMENTS.—The Secretary shall require an operator of a vessel participating in the Maritime Security Program under chapter 531 of this title, the Cable Security Fleet under chapter 532 of this title, or the Tanker Security Fleet under chapter 534 of this title to—

"(A) carry on each Maritime Security Program vessel, Cable Security Fleet vessel, or Tanker Security Fleet vessel 2 United States Merchant Marine Academy cadets, if available, on each voyage; and

"(B) implement and adhere to policies, programs, criteria, and requirements established pursuant to section 51322 of this title.

"(2) FAILURE TO IMPLEMENT OR ADHERE TO REQUIREMENTS. Failure to implement or adhere to the policies, programs, criteria, and requirements referred to in paragraph (1) may, as determined by the Maritime Administrator, constitute a violation of an operating agreement entered into under chapter 531, 532, or 534 of this title and the Maritime Administrator may—

"(A) require the operator to take corrective actions; or

"(B) withhold payment due to the operator until the violation, as determined by the Maritime Administrator, has been remedied.

"(3) WITHHELD PAYMENTS.—Any payment withheld pursuant to paragraph (2)(B) may be paid, upon a determination by the Maritime Administrator that the operator is in compliance with the policies, programs, criteria, and requirements referred to in paragraph (1).".

(2) [46 U.S.C. 51307 note] APPLICABILITY.—Paragraph (2) of subsection (b) of section 51307, as amended by paragraph (1), shall apply with respect to any failure to implement or adhere to the policies, programs, criteria, and requirements referred to in paragraph (1)(B) of such subsection that occurs on or after the date that is one year after the date of the enactment of this Act.

(b) CONFORMING AMENDMENTS.—Title 46, United States Code, is further amended—

(1) in section 53106(a)(2), by inserting "or section 51307(b)" after "this section";

(2) in section 53206(a)(2), by inserting "or section 51307(b)" after "this section"; and

(3) in section 53406(a), by inserting "or section 51307(b)" after "this section".

Subtitle C—Maritime Infrastructure

SEC. 3521. UNITED STATES MARINE HIGHWAY PROGRAM.

(a) UNITED STATES MARINE HIGHWAY PROGRAM.—

(1) IN GENERAL.—Section 55601 of title 46, United States Code, is amended to read as follows:

"SEC. 55601. United States marine highway program

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—There is in the Department of Transportation a program, to be known as the 'United States marine highway program'.

"(2) ADDITIONAL PROGRAM ACTIVITIES.—In carrying out the program established under this subsection, the Secretary of Transportation may—

"(A) coordinate with ports, State departments of transportation, localities, other public agencies, and appropriate private sector entities on the development of landside facilities and infrastructure to support marine highway transportation; and

"(B) develop performance measures for the program.

"(b) MARINE HIGHWAY TRANSPORTATION ROUTES.—

"(1) DESIGNATION.—The Secretary may designate a route as a marine highway transportation route, or modify such a designation, if—

"(A) such route—

"(i) provides a coordinated and capable alternative to landside transportation;

"(ii) mitigates or relieves landside congestion;

"(iii) promotes marine highway transportation; or

"(iv) uses vessels documented under chapter 121; and

"(B) such designation or modification is requested by—

"(i) the government of a State or territory;

"(ii) a metropolitan planning organization;

"(iii) a port authority;

"(iv) a non-Federal navigation district; or

"(v) a Tribal government.

"(2) DETERMINATION.—Not later than 180 days after the date on which the Maritime Administrator receives a request for the designation or modification of a marine highway route under paragraph (1), the Maritime Administrator shall make a determination of whether to make the requested designation or modification.

"(3) NOTIFICATION.—Not later than 14 days after the date on which the Maritime Administrator makes a determination under paragraph (2), the Maritime Administrator shall notify the requester of the determination.

"(c) MAP OF MARINE HIGHWAY PROGRAM ROUTES.—

"(1) IN GENERAL.—The Maritime Administrator shall make publicly available a map showing the location of marine highway routes, including such routes along the coasts, in the inland waterways, and at sea and update that map when a marine highway route is designated or modified pursuant to subsection (b).

"(2) COORDINATION.—The Maritime Administrator shall coordinate with the Administrator of the National Oceanic and Atmospheric Administration to incorporate the map referred to in paragraph (1) into the Marine Cadastre.

"(d) ASSISTANCE.—

"(1) IN GENERAL.—The Secretary may make grants to, or enter into contracts or cooperative agreements with, eligible entities to implement a marine highway transportation project or a component of such a project if the Secretary determines that the project or component—

"(A) meets the criteria referred to in subsection (b)(1)(A); and

"(B) develops, expands, or promotes—

"(i) marine highway transportation; or

"(ii) shipper use of marine highway transportation.

"(2) APPLICATION.—

"(A) IN GENERAL.—To be eligible to receive a grant or to enter into a contract or cooperative agreement under this subsection, an eligible entity shall submit to the Secretary an application in such form and manner, and at such time, as the Secretary may require. Such an application shall include the following:

"(i) A comprehensive description of—

"(I) the marine highway route to be served by the marine highway transportation project;

"(II) the supporters of the marine highway transportation project, which may include business affiliations, private sector stakeholders, State

departments of transportation, metropolitan planning organizations, municipalities, or other governmental entities (including Tribal governments), as applicable;

"(III) the need for such project; and

"(IV) the performance measure for the marine highway transportation project, such as volumes of cargo or passengers moved, or contribution to environmental mitigation, safety, reduced vehicle miles traveled, or reduced maintenance and repair costs.

"(ii) A demonstration, to the satisfaction of the Secretary, that—

"(I) the marine highway transportation project is financially viable; and

"(II) the funds or other assistance provided under this subsection will be spent or used efficiently and effectively.

"(iii) Such other information as the Secretary may require.

"(B) PRE-PROPOSAL.—

"(i) IN GENERAL.—Prior to accepting a full application under subparagraph (A), the Secretary may require that an eligible entity first submit a pre-proposal that contains a brief description of the item referred to in clauses (i) through (iii) of such subparagraph.

"(ii) FEEDBACK.—Not later than 30 days after receiving a pre-proposal under clause (i) from an eligible entity, the Secretary shall provide to the eligible entity feedback to encourage or discourage the eligible entity from submitting a full application. An eligible entity may still submit a full application even if that eligible entity is not encouraged to do so after submitting a pre-proposal.

"(C) PROHIBITION.—The Secretary may not require separate applications for project designation and for assistance under this section.

"(D) GRANT APPLICATION FEEDBACK.—Following the award of assistance under this subsection for a particular fiscal year, the Secretary may provide feedback to an applicant to help such applicant improve future applications if the feedback is requested by that applicant.

"(3) TIMING.—

"(A) NOTICE OF FUNDING OPPORTUNITY.—The Secretary shall post a notice of funding opportunity regarding grants, contracts, or cooperative agreements under this subsection not more than 60 days after the date of the enactment of the appropriations Act for the fiscal year concerned.

"(B) AWARDING OF ASSISTANCE.—The Secretary shall award grants, contracts, or cooperative agreements under this subsection not later than 270 days after the date of the enactment of the appropriations Act for the fiscal year concerned.

"(4) NON-FEDERAL SHARE.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), not more than 80 percent of the funding for any project for which funding is provided under this subsection may come from Federal sources.

"(B) TRIBAL GOVERNMENTS AND RURAL AREAS.—The Secretary may increase the Federal share of funding for the project to an amount above 80 percent in the case of an award of assistance under this subsection—

"(i) to an eligible entity that is a Tribal government; or

"(ii) for a project located in a rural area.

"(5) PREFERENCE FOR FINANCIALLY VIABLE PROJECTS.—In awarding grants or entering into contracts or cooperative agreements under this subsection, the Secretary shall give a preference to a project or component of a project that presents the most financially viable transportation service and require the lowest percentage of Federal share of the funding.

"(6) TREATMENT OF UNEXPENDED FUNDS.—Notwithstanding paragraph (3)(B), amounts awarded under this subsection that are not expended by the recipient within five years after obligation of funds or that are returned shall remain available to the Secretary to make grants and enter into contracts and cooperative agreements under this subsection.

"(7) CONDITIONS ON PROVISION OF ASSISTANCE.—The Secretary may not provide assistance to an eligible entity under this subsection unless the Secretary determines that—

"(A) sufficient funding is available to meet the non-Federal share requirement under paragraph (4);

"(B) the marine highway project for which such assistance is provided will be completed without unreasonable delay; and

"(C) the eligible entity has the authority to implement the proposed marine highway project.

"(8) PROHIBITED USES.—Assistance provided under this subsection may not be used—

"(A) to improve port or land-based infrastructure outside the United States; or

"(B) unless the Secretary determines that such activities are necessary to carry out the marine highway project for which such assistance is provided, to raise sunken vessels, construct buildings or other physical facilities, or acquire land.

"(9) GEOGRAPHIC DISTRIBUTION.—In making grants, contracts, and cooperative agreements under this section the Secretary shall take such measures so as to ensure an equitable geographic distribution of funds.

"(10) ELIGIBLE ENTITY.—In this subsection, the term 'eligible entity' means—

"(A) a State, a political subdivision of a State, or a local government;

"(B) a United States metropolitan planning organization;

"(C) a United States port authority;

"(D) a Tribal government; or

"(E) a United States private sector operator of marine highway projects or private sector owners of facilities, including an Alaska Native Corporation, with an endorsement letter from the requester of a marine highway route designation or modification referred to in subsection (b)(1)(B).".

(2) CLERICAL AMENDMENT.—The analysis for chapter 556 of title 46, United States Code, is amended by striking the item relating to section 55601 and inserting the following:

"55601. United States marine highway program.".

(b) MULTISTATE, STATE, TRIBAL, AND REGIONAL TRANSPORTATION PLANNING.—

(1) IN GENERAL.—Chapter 556 of title 46, United States Code, is amended by inserting after section 55602 the following:

"SEC. 55603. [46 U.S.C. 55603] Multistate, State, Tribal, and regional transportation planning

"(a) IN GENERAL.—The Secretary, in consultation with Federal entities, State and local governments, Tribal governments, and appropriate private sector entities, may develop strategies to encourage the use of marine highway transportation for transportation of passengers and cargo.

"(b) STRATEGIES.—If the Secretary develops strategies under subsection (a), the Secretary may—

"(1) assess the extent to which States, local governments, and Tribal governments include marine highway transportation and other marine transportation solutions in transportation planning;

"(2) encourage State and Tribal departments of transportation to develop strategies, where appropriate, to incorporate marine highway transportation, ferries, and other marine transportation solutions for regional and interstate transport of freight and passengers in transportation planning; and

"(3) encourage groups of States, Tribal governments, and multistate transportation entities to determine how marine highways can address congestion, bottlenecks, and other interstate transportation challenges.".

(2) CLERICAL AMENDMENT.—The analysis for chapter 556 of title 46, United States Code, is amended by striking the item relating to section 55603 and inserting the following:

"55603. Multistate, State, Tribal, and regional transportation planning.".

(c) RESEARCH ON MARINE HIGHWAY TRANSPORTATION.—Section 55604 of title 46, United States Code, is amended—

(1) by redesignating paragraphs (1) through (3) as paragraphs (3) through (5), respectively; and

(2) by inserting before paragraph (3), as redesignated by paragraph (1), the following new paragraphs:

"(1) the economic effects of marine highway transportation on the United States economy;

"(2) the effects of marine highway transportation, including with respect to the provision of additional transportation options, on rural areas;".

(d) DEFINITIONS.—

(1) IN GENERAL.—Section 55605 of title 46, United States Code, is amended to read as follows:

"SEC. 55605. Definitions

"In this chapter:

"(1) The term 'marine highway transportation' means the carriage by a documented vessel of cargo (including such carriage of cargo and passengers), if such cargo—

"(A) is—

"(i) contained in intermodal cargo containers and loaded by crane on the vessel;

"(ii) loaded on the vessel by means of wheeled technology, including roll-on roll-off cargo;

"(iii) shipped in discrete units or packages that are handled individually, palletized, or unitized for purposes of transportation;

"(iv) bulk, liquid, or loose cargo loaded in tanks, holds, hoppers, or on deck; or

"(v) freight vehicles carried aboard commuter ferry boats; and

"(B) is—

"(i) loaded at a port in the United States and unloaded either at another port in the United States or at a port in Canada or Mexico; or

"(ii) loaded at a port in Canada or Mexico and unloaded at a port in the United States.

"(2) The term 'Tribal government' means the recognized governing body of any Indian or Alaska Native Tribe, band, nation, pueblo, village, community, component band, or component reservation, individually identified (including parenthetically) in the list published most recently, as of the date of enactment of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023, pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131).

"(3) The term 'Alaska Native Corporation' has the meaning given the term 'Native Corporation' under section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602).".

(2) CLERICAL AMENDMENT.—The analysis for chapter 556 of title 46, United States Code, is amended by striking the item relating to section 55605 and inserting the following:

"55605. Definitions.".

(e) REPORT ON MARITIME HIGHWAY TRANSPORTATION IN GULF OF MEXICO AND PUGET SOUND.—Not later than one year after the date of the enactment of this Act, the Maritime Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science and Transportation of the Senate a report on opportunities for maritime highway transportation, as that term is defined section 55605(1) of title 46, United States Code, as amended by this section, in the Gulf of Mexico, Puget Sound, and Salish Sea System by vessels documented under chapter 121 of title 46, united States Code.

(f) [46 U.S.C. 55601 note] DEADLINE FOR PUBLIC AVAILABILITY OF MAP.—Not later than 120 days after the date of the enactment of this Act, the Maritime Administration shall make publicly available the map of marine highway program routes required to be made publicly available under subsection (c) of section 55601 of title 46, United States Code, as amended by this section.

SEC. 3522. PORT INFRASTRUCTURE DEVELOPMENT GRANTS.

(a) IN GENERAL.—In making port infrastructure development grants under section 54301 of title 46, United States Code, for fiscal year 2023, the Secretary of Transportation shall treat a project described in subsection (b) as an eligible project under section 54301(a)(3) of such title for purposes of making grants under section 54301(a) of such title.

(b) PROJECT DESCRIBED.—A project described in this subsection is a project to provide shore power at a port that services—

(1) passenger vessels described in section 3507(k) of title 46, United States Code; and

(2) vessels that move goods or freight.

SEC. 3523. PROJECT SELECTION CRITERIA FOR PORT INFRASTRUCTURE DEVELOPMENT PROGRAM.

In making port infrastructure development grants under section 54301 of title 46, United States Code, for fiscal year 2023, in considering the criteria under subparagraphs (A)(ii) and (B)(ii) of paragraph (6) of subsection (a) with respect to a project described in paragraph (3) of such subsection that is located in a noncontiguous State or territory, the Secretary may take into account—

(1) the geographic isolation of the State or territory; and

(2) the economic dependence of the State or territory on the proposed project.

SEC. 3524. INFRASTRUCTURE IMPROVEMENTS IDENTIFIED IN THE REPORT ON STRATEGIC SEAPORTS.

In making port infrastructure development grants under section 54301 of title 46, United States Code, for fiscal year 2023, the Secretary may consider infrastructure improvements identified in the report on strategic seaports required by section 3515 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92; 133 Stat. 1985) that would improve the commercial operations of those seaports.

SEC. 3525. GAO REVIEW OF GOVERNMENT EFFORTS TO PROMOTE GROWTH AND MODERNIZATION OF UNITED STATES MERCHANT FLEET.

(a) REVIEW.—The Comptroller General of the United States shall conduct a review of the efforts of the United States Government to promote the growth and modernization of the United States maritime industry and the vessels of the United States, as defined in section 116 of title 46, United States Code, including the overall efficacy of United States Government financial support and policies, including the Capital Construction Fund, Construction Reserve Fund, and other relevant loan, grant, or other programs.

(b) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation

and Infrastructure of the House of Representatives a report that includes the results of a review required under subsection (a).

SEC. 3526. GAO REVIEW OF FEDERAL EFFORTS TO ENHANCE PORT INFRASTRUCTURE RESILIENCY AND DISASTER PREPAREDNESS.

(a) REVIEW.—The Comptroller General of the United States shall conduct a review of Federal efforts to assist ports in enhancing the resiliency of key intermodal connectors to weather-related disasters. The review shall include an analysis of the following:

(1) Actions being undertaken at various ports to better identify critical land-side connectors that may be vulnerable to disruption in the event of a natural disaster, including how to communicate such information during a disaster when communications systems may be compromised, and the level of Federal involvement in such actions.

(2) The extent to which the Department of Transportation and other Federal agencies are working in line with recent recommendations from key resiliency reports, including the National Academies of Science study on strengthening supply chain resilience, to establish a framework for ports to follow to increase resiliency to major weather-related disruptions before such disruptions happen.

(3) The extent to which the Department of Transportation or other Federal agencies have provided funds to ports for resiliency-related projects.

(4) The extent to which Federal agencies have a coordinated approach to helping ports and the multiple State, local, Tribal, and private stakeholders involved, to improve resiliency prior to weather-related disasters.

(b) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report containing the results of the review required under subsection (a).

SEC. 3527. STUDY ON FOREIGN INVESTMENT IN SHIPPING.

(a) ASSESSMENT.—Subject to the availability of appropriations, the Under Secretary of Commerce for International Trade (referred to in this section as the "Under Secretary"), in coordination with the Maritime Administrator, the Commissioner of the Federal Maritime Commission, and the heads of other relevant agencies, shall conduct an assessment of subsidies, indirect state support, and other financial infrastructure or benefits provided by foreign states that control more than one percent of the world merchant fleet to entities or individuals building, owning, chartering, operating, or financing vessels not documented under the laws of the United States that are engaged in foreign commerce.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Under Secretary shall submit to the appropriate committees of Congress, as defined in section 3515(e), a report on the assessment conducted under subsection (a). Such report shall include—

(1) the amount, in United States dollars, of subsidies, indirect state support, and other financial infrastructure or benefits provided by a foreign state described in subsection (a) to—

(A) the shipping industry of each country as a whole;

(B) the shipping industry as a percent of gross domestic product of each country; and

(C) each ship on average, by ship type for cargo, tanker, and bulk;

(2) the amount, in United States dollars, of subsidies, indirect state support, and other financial infrastructure or benefits provided by a foreign state described in subsection (a) to the shipping industry of another foreign state, including favorable financial arrangements for ship construction;

(3) a description of the shipping industry activities of state-owned enterprises of a foreign state described in subsection (a);

(4) a description of the type of support provided by a foreign state described in subsection (a), including tax relief, direct payment, indirect support of state-controlled financial entities, or other such support, as determined by the Under Secretary; and

(5) a description of how the subsidies provided by a foreign state described in subsection (a) may be disadvantaging the competitiveness of vessels documented under the laws of the United States that are engaged in foreign commerce and the national security of the United States.

(c) DEFINITIONS.—In this section:

(1) The term "foreign commerce" means—

(A) commerce or trade between the United States, its territories or possessions, or the District of Columbia, and a foreign country;

(B) commerce or trade between foreign countries; or

(C) commerce or trade within a foreign country.

(2) The term "foreign state" has the meaning given the term in section 1603(a) of title 28, United States Code.

(3) The term "shipping industry" means the construction, ownership, chartering, operation, or financing of vessels engaged in foreign commerce.

SEC. 3528. REPORT ON ALTERNATE MARINE FUEL BUNKERING FACILITIES AT PORTS.

(a) IN GENERAL.—Not later than one year after the date of enactment of this Act, the Maritime Administrator shall make publicly available on an appropriate website a report on the necessary port-related infrastructure needed to support bunkering facilities for liquefied natural gas, hydrogen, ammonia, or other new marine fuels under development.

(b) CONTENTS.—The report required under subsection (a) shall include—

(1) information about the existing United States infrastructure, in particular the storage facilities, bunkering vessels, and transfer systems to support bunkering facilities for liquefied natural gas, hydrogen, ammonia, or other new marine fuels under development;

(2) a review of the needed upgrades to United States infrastructure, including storage facilities, bunkering vessels, and transfer systems, to support bunkering facilities for liquefied natural gas, hydrogen, ammonia, or other new marine fuels under development;

(3) an assessment of the estimated Government investment in this infrastructure and the duration of that investment; and

(4) in consultation with the heads of other relevant Federal agencies, information on the relevant Federal agencies that would oversee the permitting and construction of bunkering facilities for liquefied natural gas, hydrogen, ammonia, or other new marine fuels, as well as the Federal funding grants or formula programs that could be used for such marine fuels.

SEC. 3529. STUDY OF CYBERSECURITY AND NATIONAL SECURITY THREATS POSED BY FOREIGN MANUFACTURED CRANES AT UNITED STATES PORTS.

(a) STUDY.—The Maritime Administrator, in consultation with the Secretary of Homeland Security, the Secretary of Defense, and the Director of the Cybersecurity and Infrastructure Security Agency, shall conduct a study to assess whether there are cybersecurity or national security threats posed by foreign manufactured cranes at United States ports.

(b) REPORT.—

(1) IN GENERAL.—Not later than one year after the date of enactment of this Act, the Maritime Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Armed Services of the Senate, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Armed Services of the House of Representatives a report containing the results of the study required under subsection (a).

(2) FORM OF REPORT.—The report required under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

Subtitle D—Maritime Workforce

SEC. 3531. IMPROVING PROTECTIONS FOR MIDSHIPMEN.

(a) SUPPORTING THE UNITED STATES MERCHANT MARINE ACADEMY.—Chapter 513 of title 46, United States Code, is amended by adding at the end the following:

"SEC. 51325. [46 U.S.C. 51325] Sexual assault and sexual harassment prevention information management system

"(a) INFORMATION MANAGEMENT SYSTEM.—

"(1) IN GENERAL.—Not later than January 1, 2023, the Maritime Administrator shall establish within the United States Merchant Marine Academy Sexual Assault prevention and Response Program, an information management system to track and maintain, in such a manner that patterns can be

reasonably identified, information regarding claims and incidents involving cadets that are reportable pursuant to subsection (d) of section 51318 of this chapter.

"(2) INFORMATION MAINTAINED IN THE SYSTEM.—Information maintained in the system established under paragraph (1) shall include the following information, to the extent that information is available:

"(A) The overall number of sexual assault or sexual harassment incidents per fiscal year.

"(B) The location of each such incident, including vessel name and the name of the company operating the vessel, if applicable.

"(C) The standardized job title or position of the individuals involved in each such incident.

"(D) The general nature of each such incident, to include copies of any associated reports completed on the incidents.

"(E) The type of inquiry made into each such incident.

"(F) A record of whether each such incident was substantiated by the relevant investigative process.

"(3) PAST INFORMATION INCLUDED.—The information management system under this section shall include the relevant data listed in this subsection related to sexual assault and sexual harassment that the Maritime Administrator possesses, and shall not be limited to data collected after January 1, 2023.

"(4) PRIVACY PROTECTIONS.—The Maritime Administrator and the Chief Information Officer of the Department of Transportation shall coordinate to ensure that the information management system under this section shall—

"(A) be established and maintained in a secure fashion to ensure the protection of the privacy of any individuals whose information is entered in such system; and

"(B) be free of personally identifiable information and maintain only the data required to satisfy the statistical purpose of such system.

"(5) CYBERSECURITY AUDIT.—Ninety days after the implementation of the information management system, the Office of Inspector General of the Department of Transportation shall commence an audit of the cybersecurity of the system and shall submit a report containing the results of that audit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

"(6) CORRECTING RECORDS.—In establishing the information management system, the Maritime Administrator shall create a process to ensure that if any incident report results in a final agency action or final judgement that acquits an individual of wrongdoing, all personally identifiable information about the acquitted individual is removed from that incident report in the system.

"(b) SEA YEAR PROGRAM.—The Maritime Administrator shall provide for the establishment of in-person and virtual confidential exit interviews, to be conducted by personnel who are not involved

in the assignment of the midshipmen to a Sea Year vessel, for midshipmen from the Academy upon completion of Sea Year and following completion by the midshipmen of the survey under section 51322(d).

"(c) DATA-INFORMED DECISIONMAKING.—The data maintained in the data management system under subsection (a) and through the exit interviews under subsection (b) shall be affirmatively referenced and used to inform the creation of new policy or regulation, or changes to any existing policy or regulation, in the areas of sexual harassment, dating violence, domestic violence, sexual assault, and stalking.

"SEC. 51326. [46 U.S.C. 51326] Student advisory board at the United States Merchant Marine Academy

"(a) IN GENERAL.—The Maritime Administrator shall establish at the United States Merchant Marine Academy an advisory board to be known as the Advisory Board to the Secretary of Transportation (referred to in this section as the 'Advisory Board').

"(b) MEMBERSHIP.—The Advisory Board shall be composed of not fewer than 12 midshipmen of the Merchant Marine Academy who are enrolled at the Merchant Marine Academy at the time of the appointment, including not fewer than 3 cadets from each class.

"(c) APPOINTMENT; TERM.—Midshipmen shall serve on the Advisory Board pursuant to appointment by the Maritime Administrator. Appointments shall be made not later than 60 days after the date of the swearing in of a new class of midshipmen at the Academy. The term of membership of a midshipmen on the Advisory Board shall be 1 academic year.

"(d) REAPPOINTMENT.—The Maritime Administrator may reappoint not more than 6 cadets from the previous term to serve on the Advisory Board for an additional academic year if the Maritime Administrator determines such reappointment to be in the best interests of the Merchant Marine Academy.

"(e) MEETINGS.—The Advisory Board shall meet with the Secretary of Transportation not less than once each academic year to discuss the activities of the Advisory Board. The Advisory Board shall meet in person with the Maritime Administrator not less than 2 times each academic year to discuss the activities of the Advisory Board.

"(f) DUTIES.—The Advisory Board shall—

"(1) identify health and wellbeing, diversity, and sexual assault and harassment challenges and other topics considered important by the Advisory Board facing midshipmen at the Merchant Marine Academy, off campus, and while aboard ships during Sea Year or other training opportunities;

"(2) discuss and propose possible solutions, including improvements to culture and leadership development at the Merchant Marine Academy; and

"(3) periodically review the efficacy of the program in section 51325(b), as appropriate, and provide recommendations to the Maritime Administrator for improvement.

"(g) WORKING GROUPS.—The Advisory Board may establish one or more working groups to assist the Advisory Board in carrying out its duties, including working groups composed in part of mid-

shipmen at the Merchant Marine Academy who are not current members of the Advisory Board.

"(h) REPORTS AND BRIEFINGS.—The Advisory Board shall regularly provide the Secretary of Transportation and the Maritime Administrator reports and briefings on the results of its duties, including recommendations for actions to be taken in light of such results. Such reports and briefings may be provided in writing, in person, or both.

"SEC. 51327. [46 U.S.C. 51327] Sexual Assault Advisory Council

"(a) ESTABLISHMENT.—The Secretary of Transportation shall establish a Sexual Assault Advisory Council (in this section referred to as the 'Council').

"(b) MEMBERSHIP.—

"(1) IN GENERAL.—The Council shall be composed of not fewer than 8 and not more than 14 individuals selected by the Secretary of Transportation who are alumni that have graduated within the last 4 years or current midshipmen of the United States Merchant Marine Academy (including midshipmen or alumni who were victims of sexual assault, to the maximum extent practicable, and midshipmen or alumni who were not victims of sexual assault) and governmental and nongovernmental experts and professionals in the sexual assault field.

"(2) EXPERTS INCLUDED.—The Council shall include—

"(A) not less than 1 member who is licensed in the field of mental health and has prior experience working as a counselor or therapist providing mental health care to survivors of sexual assault in a victim services agency or organization; and

"(B) not less than 1 member who has prior experience developing or implementing sexual assault or sexual harassment prevention and response policies in an academic setting.

"(3) RULES REGARDING MEMBERSHIP.—No employee of the Department of Transportation shall be a member of the Council. The number of governmental experts appointed to the Council shall not exceed the number of nongovernmental experts.

"(c) DUTIES; AUTHORIZED ACTIVITIES.—

"(1) IN GENERAL.—The Council shall meet not less often than semiannually to—

"(A) review—

"(i) the policies on sexual harassment, dating violence, domestic violence, sexual assault, and stalking under section 51318 of this title;

"(ii) the trends and patterns of data contained in the system described under section 51325 of this title; and

"(iii) related matters the Council views as appropriate; and

"(B) develop recommendations designed to ensure that such policies and such matters conform, to the extent prac-

ticable, to best practices in the field of sexual assault and sexual harassment response and prevention.

"(2) AUTHORIZED ACTIVITIES.—To carry out this subsection, the Council may—

"(A) interview current and former midshipmen of the United States Merchant Marine Academy (to the extent that such midshipmen provide the Department of Transportation express consent to be interviewed by the Council); and

"(B) review surveys under section 51322(d).

"(3) PERSONALLY IDENTIFIABLE INFORMATION.—In carrying out this subsection, the Council shall comply with the obligations of the Department of Transportation to protect personally identifiable information.

"(d) REPORTS.—On an annual basis for each of the 5 years after the date of enactment of this section, and at the discretion of the Council thereafter, the Council shall submit, to the President and the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives, a report on the Council's findings based on the reviews conducted pursuant to subsection (c) and related recommendations.

"(e) EMPLOYEE STATUS.—Members of the Council shall not be considered employees of the United States Government for any purpose and shall not receive compensation other than reimbursement of travel expenses and per diem allowance in accordance with section 5703 of title 5.

"(f) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Council.

"SEC. 51328. [46 U.S.C. 51328] Student support

"The Maritime Administrator shall—

"(1) require a biannual survey of midshipmen, faculty, and staff of the Academy assessing the environment of the Academy; and

"(2) require an annual survey of faculty and staff of the Academy assessing the Sea Year program.".

(b) REPORT TO CONGRESS.—Not later than 30 days after the date of enactment of this section, the Maritime Administrator shall provide Congress with a briefing on the resources necessary to properly implement section 51328 of title 46, United States Code, as added by this section.

(c) CONFORMING AMENDMENTS.—The chapter analysis for chapter 513 of title 46, United States Code, is amended by adding at the end the following:

"51325. Sexual assault and sexual harassment prevention information management system.
"51326. Student advisory board at the United States Merchant Marine Academy.
"51327. Sexual Assault Advisory Council.
"51328. Student support.".

(d) [46 U.S.C. 51328 note] UNITED STATES MERCHANT MARINE ACADEMY STUDENT SUPPORT PLAN.—

(1) STUDENT SUPPORT PLAN.—Not later than January 1, 2023, the Maritime Administrator shall issue a Student Sup-

port Plan for the United States Merchant Marine Academy, in consultation with relevant mental health professionals in the Federal Government or experienced with the maritime industry or related industries. Such plan shall—

(A) address the mental health resources available to midshipmen, both on-campus and during Sea Year;

(B) establish a tracking system for suicidal ideations and suicide attempts of midshipmen, which excludes personally identifiable information;

(C) create an option for midshipmen to obtain assistance from a professional care provider virtually; and

(D) require an annual survey of faculty and staff assessing the adequacy of mental health resources for midshipmen of the Academy, both on campus and during Sea Year.

(2) REPORT TO CONGRESS.—Not later than 30 days after the date of enactment of this section, the Maritime Administrator shall provide Congress with a report on the resources necessary to properly implement this subsection.

(e) SPECIAL VICTIMS ADVISOR.—Section 51319 of title 46, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d);

(2) by inserting after subsection (b) the following:

"(c) SPECIAL VICTIMS ADVISOR.—

"(1) IN GENERAL.—The Secretary shall designate an attorney (to be known as the 'Special Victims Advisor') for the purpose of providing legal assistance to any cadet of the Academy who is the victim of an alleged sex-related offense regarding administrative and criminal proceedings related to such offense, regardless of whether the report of that offense is restricted or unrestricted.

"(2) SPECIAL VICTIMS ADVISORY.—The Secretary shall ensure that the attorney designated as the Special Victims Advisor has knowledge of the Uniform Code of Military Justice, as well as criminal and civil law.

"(3) PRIVILEGED COMMUNICATIONS.—Any communications between a victim of an alleged sex-related offense and the Special Victim Advisor, when acting in their capacity as such, shall have the same protection that applicable law provides for confidential attorney-client communications."; and

(3) by adding at the end the following:

"(e) UNFILLED VACANCIES.—The Administrator of the Maritime Administration may appoint qualified candidates to positions under subsections (a) and (d) of this section without regard to sections 3309 through 3319 of title 5.".

(f) CATCH A SERIAL OFFENDER ASSESSMENT.—

(1) ASSESSMENT.—Not later than one year after the date of enactment of this section, the Commandant of the Coast Guard, in coordination with the Maritime Administrator, shall conduct an assessment of the feasibility and process necessary, and appropriate responsible entities to establish a program for the United States Merchant Marine Academy and United States Merchant Marine modeled on the Catch a Serial Offender program of the Department of Defense using the infor-

mation management system required under subsection (a) of section 51325 of title 46, United States Code, and the exit interviews under subsection (b) of such section.

(2) LEGISLATIVE CHANGE PROPOSALS.—If, as a result of the assessment required by paragraph (1), the Commandant or the Administrator determines that additional authority is necessary to implement the program described in paragraph (1), the Commandant or the Administrator, as applicable, shall provide appropriate legislative change proposals to Congress.

(g) SHIPBOARD TRAINING.—Section 51322(a) of title 46, United States Code, is amended by adding at the end the following:

"(3) TRAINING.—

"(A) IN GENERAL.—As part of training that shall be provided not less than semiannually to all midshipmen of the Academy, pursuant to section 51318, the Maritime Administrator shall develop and implement comprehensive in-person sexual assault risk-reduction and response training that, to the extent practicable, conforms to best practices in the sexual assault prevention and response field and includes appropriate scenario-based training.

"(B) DEVELOPMENT AND CONSULTATION WITH EXPERTS.—In developing the sexual assault risk-reduction and response training under subparagraph (A), the Maritime Administrator shall consult with and incorporate, as appropriate, the recommendations and views of experts in the sexual assault field.".

SEC. 3532. MARITIME TECHNICAL ADVANCEMENT ACT.

(a) IN GENERAL.—Section 51706 of title 46, United States Code, is amended—

(1) by striking subsection (a) and inserting the following:

"(a) DESIGNATION.—The Secretary of Transportation may designate as a center of excellence for domestic maritime workforce training and education an entity which is a covered training entity.";

(2) by striking subsection (b) and inserting the following:

"(b) GRANT PROGRAM.—

"(1) IN GENERAL.—The Secretary may award a maritime career training grant to a center of excellence designated under subsection (a) for the purpose of developing, offering, or improving career and technical education or training programs related to the United States maritime industry for United States workers.

"(2) GRANT PROPOSAL.—To be eligible to receive a grant under this subsection, a center of excellence designated under subsection (a) shall submit to the Secretary a grant proposal that includes a detailed description of—

"(A) the specific project proposed to be funded by the grant, including a description of the manner in which the grant will be used to develop, offer, or improve a career and technical education or training program that is suited to United States maritime industry workers;

"(B) the extent to which the project for which the grant proposal is submitted will meet the educational or

career training needs of United States maritime industry workers;

"(C) any previous experience of the center of excellence in providing United States maritime industry career and technical education or training programs;

"(D) how the project proposed to be funded by the grant would address shortcomings in existing educational or career training opportunities available to United States maritime industry workers; and

"(E) the extent to which employers, including small and medium-sized firms, have demonstrated a commitment to employing United States maritime industry workers who would benefit from the project for which the grant proposal is submitted.

"(3) CRITERIA FOR AWARD OF GRANTS.—Subject to the appropriation of funds to carry out this section, the Secretary shall award grants under this subsection to centers of excellence based on—

"(A) an determination of the merits of a grant proposal submitted under paragraph (2) to develop, offer, or improve career and technical education or training programs to be made available to United States maritime industry workers;

"(B) an evaluation of the likely employment opportunities available to United States maritime industry workers who complete a maritime career and technical education or training program that a center proposes to develop, offer, or improve; and

"(C) an evaluation of prior demand for training programs by workers served by centers of excellence designated under subsection (a), as well as the availability and capacity of existing maritime training programs to meet future demand for training programs.

"(4) COMPETITIVE AWARDS.—

"(A) IN GENERAL.—The Secretary shall award grants under this subsection to centers of excellence designated under subsection (a) on a competitive basis.

"(B) TIMING OF GRANT NOTICE.—The Secretary shall post a Notice of Funding Opportunity regarding grants awarded under this subsection not more than 90 days after the date of the enactment of the appropriations Act for the fiscal year concerned.

"(C) TIMING OF GRANTS.—The Secretary shall award grants under this subsection not later than 270 days after the date of the enactment of the appropriations Act for the fiscal year concerned.

"(D) REUSE OF UNEXPENDED GRANT FUNDS.—Notwithstanding subparagraph (C), amounts awarded as a grant under this subsection that are not expended by the grantee shall remain available to the Secretary for use for grants under this subsection.

"(E) ADMINISTRATIVE COSTS.—Not more than 3 percent of amounts made available to carry out this subsection

may be used for the necessary costs of grant administration.

"(F) PROHIBITED USE.—A center of excellence designated under subsection (a) that has received funds awarded under section 54101(a)(2) for training purposes for a fiscal year shall not be eligible for grants under this subsection during the same fiscal year."; and

(3) in subsection (c)—

(A) by striking paragraph (1) and inserting the following:

"(1) COVERED TRAINING ENTITY.—The term 'covered training entity' means an entity that—

"(A) is located in a State that borders on the—

"(i) Gulf of Mexico;

"(ii) Atlantic Ocean;

"(iii) Long Island Sound;

"(iv) Pacific Ocean;

"(v) Great Lakes; or

"(vi) Mississippi River System;

"(B) is—

"(i) a postsecondary educational institution (as such term is defined in section 3(39) of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302));

"(ii) a postsecondary vocational institution (as such term is defined in section 102(c) of the Higher Education Act of 1965 (20 U.S.C. 1002(c));

"(iii) a public or private nonprofit entity that offers one or more other structured experiential learning training programs for United States workers in the United States maritime industry, including a program that is offered by a labor organization or conducted in partnership with a nonprofit organization or one or more employers in the United States maritime industry;

"(iv) an entity sponsoring an apprenticeship program registered with the Office of Apprenticeship of the Employment and Training Administration of the Department of Labor or a State apprenticeship agency recognized by the Office of Apprenticeship pursuant to the Act of August 16, 1937 (commonly known as the 'National Apprenticeship Act'; 50 Stat. 664, chapter 663; 29 U.S.C. 50et seq.); or

"(v) a maritime training center designated prior to the date of enactment of the National Defense Authorization Act for Fiscal Year 2023; and

"(C) has a demonstrated record of success in maritime workforce training and education."; and

(B) by adding at the end the following:

"(3) CAREER AND TECHNICAL EDUCATION.—The term 'career and technical education' has the meaning given such term in section 3(5) of the Carl D. Perkins Career and Technical Education Act (20 U.S.C. 2302).

"(4) SECRETARY.—The term 'Secretary' means the Secretary of Transportation.

"(5) TRAINING PROGRAM.—The term 'training program' means a program that provides training services, as described in section 134(c)(3)(D) of the Workforce Innovation and Opportunity Act (Public Law 113-128; 29 U.S.C. 3174).

"(6) UNITED STATES MARITIME INDUSTRY.—The term 'United States maritime industry' means the design, construction, repair, operation, manning, and supply of vessels in all segments of the maritime transportation system of the United States, including—

"(A) the domestic and foreign trade;

"(B) the coastal, offshore, and inland trade;

"(C) non-commercial maritime activities, including—

"(i) recreational boating; and

"(ii) oceanographic and limnological research as described in section 2101(24).".

(b) PUBLICLY AVAILABLE REPORT.—Not later than December 15 in each of calendar years 2022 through 2024, the Secretary of Transportation shall make publicly available on an appropriate website a report, and provide to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a briefing, on the implementation of the amendments under this section. Such report and briefing shall include—

(1) a description of each grant awarded under subsection (b) of section 51706 of title 46, United States Code, as amended by subsection (a), during the fiscal year preceding the fiscal year during which the report is submitted; and

(2) an assessment of the effects of each such grant under this subsection on workers who received training provided pursuant to the grant during the fiscal year preceding the fiscal year during which the report was submitted.

(c) [46 U.S.C. 51706 note] GUIDELINES.—Not later than one year after the date of enactment of this Act, the Secretary of Transportation shall—

(1) prescribe guidelines for the submission of grant proposals under section 51706(b) of title 46, United States Code, as amended by subsection (a); and

(2) publish and maintain such guidelines on the website of the Department of Transportation.

(d) ASSISTANCE FOR SMALL SHIPYARDS.—Section 54101(e) of title 46, United States Code, is amended by striking paragraph (2) and inserting the following:

"(2) ALLOCATION OF FUNDS.—

"(A) IN GENERAL.—The Administrator may not award more than 25 percent of the funds made available to carry out this section for any fiscal year to any small shipyard in one geographic location that has more than 600 employees.

"(B) INELIGIBILITY.—A maritime training center that has received funds awarded under section 51706 of title 46, United States Code, shall not be eligible for grants

under this subsection for training purposes in the same fiscal year.".

SEC. 3533. ENSURING DIVERSE MARINER RECRUITMENT.

Not later than six months after the date of the enactment of this Act, the Secretary of Transportation shall develop and deliver to Congress a strategy to assist State maritime academies and the United States Merchant Marine Academy in improving the representation in the next generation of the mariner workforce of women and underrepresented communities, including each of the following:

(1) Black and African American.
(2) Hispanic and Latino.
(3) Asian.
(4) American Indian, Alaska Native, and Native Hawaiian.
(5) Pacific Islander.

SEC. 3534. LOW EMISSIONS VESSELS TRAINING.

(a) DEVELOPMENT OF STRATEGY.—The Secretary of Transportation, in consultation with the United States Merchant Marine Academy, State maritime academies, civilian nautical schools, and the Secretary of the department in which Coast Guard is operating, shall develop a strategy to ensure there is an adequate supply of trained United States citizen mariners sufficient to meet the operational requirements of low and zero emission vessels. Implementation of the strategy shall aim to increase the supply of trained United States citizen mariners sufficient to meet the needs of the maritime industry and ensure continued investment in training for mariners serving on conventional fuel vessels.

(b) REPORT.—Not later than six months after the date the Secretary of Transportation determines that there is commercially viable technology for low and zero emission vessels, the Secretary of Transportation shall—

(1) submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the strategy developed under subsection (a) and plans for its implementation; and

(2) make such report publicly available.

Subtitle E—Other Matters

SEC. 3541. WAIVER OF NAVIGATION AND VESSEL INSPECTION LAWS.

Section 501 of title 46, United States Code, is amended—

(1) in subsection (b)—

(A) by striking paragraph (1) and inserting the following:

"(1) IN GENERAL.—Upon a determination by the President that a waiver of the navigation or vessel-inspection laws is necessary in the interest of national defense, the head of an agency responsible for the administration of such laws, may waive compliance with such laws—

"(A) following a determination in accordance with the requirements of paragraph (3) by the Maritime Adminis-

trator, acting in the Administrator's capacity as Director, National Shipping Authority, of the non-availability of qualified United States flag capacity to meet national defense requirements;

"(B) not earlier than 48 hours after a waiver request is published under paragraph (6)(A); and

"(C) on a vessel specific basis to the extent, in the manner, and on the terms the head of such agency, in consultation with the Administrator, acting in such capacity, prescribes.";

(B) in paragraph (2)(B) by striking "determinations referred to in paragraph (1)" and inserting "determination referred to in paragraph (1)(A)";

(C) in paragraph (3) by striking subparagraph (A) and inserting the following:

"(A) for each determination referred to in paragraph (1)(A)—

"(i) identify any actions that could be taken to enable qualified United States flag capacity to meet national defense requirements prior to the issuance of a waiver; and

"(ii) not assess the non-availability of qualified United States flag capacity to meet national defense requirements retrospectively after the date on which a waiver is requested;"; and

(D) by adding at the end the following:

"(5) PROSPECTIVE APPLICATION.—No waiver shall be issued for a vessel if, at the time of the waiver request under this section, such vessel is laden with merchandise that, pursuant to the requested waiver, could be unladen at points or places to which the coastwise laws apply.

"(6) PUBLICATION REQUIREMENTS.—

"(A) PUBLICATION OF WAIVER REQUESTS.—Upon receiving a request for a waiver under this subsection, the head of an agency referred to in paragraph (1) shall publish such request on the website of such agency.

"(B) PUBLICATION OF WAIVER DENIAL.—Not later than 48 hours after denying a waiver requested under this subsection, the head of an agency referred to in paragraph (1) shall publish on the website of such agency an explanation for denying such waiver, including applicable findings to support the denial."; and

(2) in subsection (c)(1)—

(A) in the matter preceding subparagraph (A) by inserting "and the individual requesting such waiver (if not the owner or operator of the vessel)" before "shall submit";

(B) in subparagraph (C) by striking "and" at the end;

(C) by redesignating subparagraphs (B), (C), and (D) as subparagraphs (C), (D), and (G), respectively;

(D) by inserting after subparagraph (A) the following:

"(B) the name of the owner and operator of the vessel;"; and

(E) by inserting after subparagraph (D), as so redesignated, the following:

"(E) a description of the cargo carried;

"(F) an explanation as to why the waiver was in the interest of national defense; and".

SEC. 3542. NATIONAL MARITIME STRATEGY.

(a) STUDY TO INFORM A NATIONAL MARITIME STRATEGY.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Transportation and the Secretary of the department in which the Coast Guard is operating shall seek to enter into an agreement with a studies and analysis federally funded research and development center under which such center shall conduct a study to identify the key elements needed for a national maritime strategy that is designed to—

(A) achieve the objectives described in section 50101 of title 46, United States Code; and

(B) ensure—

(i) a capable, commercially viable, militarily useful fleet of a sufficient number of merchant vessels documented under chapter 121 of title 46, United States Code;

(ii) a robust United States mariner workforce, as described in section 50101 of title 46, United States Code;

(iii) strong United States domestic shipbuilding infrastructure, and related shipbuilding trades amongst skilled workers in the United States; and

(iv) that the Navy Fleet Auxiliary Force, the National Defense Reserve Fleet, the Military Sealift Command, the Maritime Security Program under chapter 531 of title 46, United States Code, the Cable Security Program under chapter 532 of title 46, United States Code, and the Tanker Security Program under chapter 534 of title 46, United States Code currently meet the economic and national security needs of the United States and would reliably continue to meet those needs under future economic or national security emergencies.

(2) DEADLINE FOR COMPLETION.—An agreement entered into pursuant to paragraph (1) shall specify that the federally funded research and development center shall complete the study by not later than one year after the date of the enactment of this Act.

(3) INPUT.—An agreement entered into pursuant to paragraph (1) shall specify that, in carrying out the study, the federally funded research and development center shall solicit input from—

(A) relevant Federal departments and agencies;

(B) nongovernmental organizations;

(C) United States companies;

(D) maritime labor organizations;

(E) commercial industries that depend on United States mariners;

(F) domestic shipyards regarding shipbuilding and repair capacity, and the associated skilled workforce, such as the workforce required for transportation, offshore wind, fishing, and aquaculture;

(G) providers of maritime workforce training; and

(H) any other relevant organizations.

(4) REQUIREMENTS OF AGREEMENT.—An agreement entered into pursuant to paragraph (1) shall specify that, in carrying out the study, the federally funded research and development center shall consult with the Secretary of Transportation, the Secretary of Defense, the Secretary of the Department in which the Coast Guard is operating, the Adminstrator of the National Oceanic and Atmospheric Administration, and the heads of other relevant Federal agencies, in the identification and evaluation of—

(A) incentives, including regulatory changes, needed to continue to meet the shipbuilding and ship maintenance needs of the United States for commercial and national security purposes, including through a review of—

(i) the loans and guarantees program carried out under chapter 537 of title 46, United States Code, and how the development of new offshore commercial industries, such as wind energy, could be supported through modification of such program or other Federal programs, and thus also support the United States sealift in the future;

(ii) the barriers to participation in the loans and guarantees program carried out under chapter 537 of title 46, United States Code, and how the program may be improved to facilitate additional shipbuilding activities in the United States;

(iii) the needed resources, human and financial, for such incentives; and

(iv) the current and anticipated number of shipbuilding and ship maintenance contracts at United States shipyards through 2032, to the extent practicable;

(B) incentives, including regulatory changes, needed to maintain a commercially viable United States-documented fleet, including—

(i) an examination of how the preferences under section 2631 of title 10, United States Code, and chapters 531, 532, 534, and 553 of title 46, United States Code, should be used to further maintain and grow a United States-documented fleet;

(ii) an identification of other incentives that could be used that may not be authorized at the time of the study;

(iii) an estimate of the number and type of commercial ships needed over the next 30 years; and

(iv) estimates of the needed human and financial resources for such incentives;

(C) the availability of United States mariners, and future needs, including—

(i) the number of mariners needed for the United States commercial and national security needs over the next 30 years;

(ii) the policies and programs (at the time of the study) to recruit, train, and retain United States mariners to support the United States maritime workforce needs during peace time and at war;

(iii) how those programs could be improved to grow the number of maritime workers trained each year, including how potential collaboration between the uniformed services, the United States Merchant Marine Academy, State maritime academies, maritime labor training centers, and the Centers of Excellence for Domestic Maritime Workforce Training under section 51706 of title 46, United States Code, could be used most effectively; and

(iv) estimates of the necessary resources, human and financial, to implement such programs in each relevant Federal agency over the next 30 years; and

(D) the interaction among the elements described under subparagraphs (A) through (C).

(5) PUBLIC AVAILABILITY.—The Secretary of Transportation shall make publicly available on a website of the Department of Transportation a study completed pursuant to paragraph (1).

(b) NATIONAL MARITIME STRATEGY.—

(1) IN GENERAL.—Chapter 501 of title 46, United States Code, is amended by inserting after section 50113 the following new section:

"SEC. 50114. [46 U.S.C. 50114] National maritime strategy

"(a) IN GENERAL.—The Secretary of Transportation, in consultation with the Secretary of the department in which the Coast Guard is operating and the Commander of United States Transportation Command, shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate—

"(1) a national maritime strategy; and

"(2) not less often than once every five years after the submission of such strategy, an update to the strategy.

"(b) CONTENTS.—The strategy required under subsection (a) shall include each of the following:

"(1) An identification of—

"(A) international policies and Federal regulations and policies that reduce the competitiveness of United States-documented vessels with foreign vessels in domestic and international transportation markets; and

"(B) the impact of reduced cargo flow due to reductions in the number of members of the United States Armed Forces stationed or deployed outside of the United States.

"(2) Recommendations to—

"(A) make United States-documented vessels more competitive in shipping routes between United States and foreign ports;

"(B) increase the use of United States-documented vessels to carry cargo imported to and exported from the United States;

"(C) ensure compliance by Federal agencies with chapter 553;

"(D) increase the use of short sea transportation routes, including routes designated under section 55601(b), to enhance intermodal freight movements;

"(E) enhance United States shipbuilding capability;

"(F) invest in, and identify gaps in, infrastructure needed to facilitate the movement of goods at ports and throughout the transportation system, including innovative physical and information technologies;

"(G) enhance workforce training and recruitment for the maritime workforce, including training on innovative physical and information technologies;

"(H) increase the resilience of ports and the marine transportation system;

"(I) increase the carriage of government-impelled cargo on United States-documented vessels pursuant to chapter 553 of title 46, section 2631 of title 10, or otherwise; and

"(J) maximize the cost effectiveness of Federal funding for carriage of non-defense government impelled cargo for the purposes of maintaining a United States flag fleet for national and economic security.

"(c) UPDATE.—Upon the release of a strategy or update under subsection (a), the Secretary of Transportation shall make such strategy or update publicly available on the website of the Department of Transportation.

"(d) IMPLEMENTATION PLAN.—Not later than six months after the submission of a strategy or update under subsection (a), the Secretary of Transportation, in consultation with the Secretary of the department in which the Coast Guard is operating and the Secretary of Defense, shall make publicly available on an appropriate website an implementation plan for such strategy or update.".

(2) CONFORMING REPEALS; DEADLINE.—

(A) RESCISSION OF SUPERCEDED STRATEGY.—Effective on the date on which the Secretary of Transportation submits the national maritime strategy under section 50114(a)(1) of title 46, United States Code, as added by paragraph (1)—

(i) the national maritime strategy prepared pursuant to section 603 of the Howard Coble Coast Guard and Maritime Transportation Act of 2014 (Public Law 113-281) is rescinded; and

(ii) section 603 of the Howard Coble Coast Guard and Maritime Transportation Act of 2014 (Public Law 113-281) is repealed.

(B) [46 U.S.C. 50114 note] DEADLINE FOR SUBMISSION OF STRATEGY.—The Secretary shall submit the national maritime strategy required under section 50114(a)(1) of title 46, United States Code, as added by paragraph (1), not later than six months after the date on which the Secretary receives the study under subsection (a).

(3) CLERICAL AMENDMENT.—The analysis for chapter 501 of title 46, United States Code, is amended by inserting after the item relating to section 50113 the following new item:

"50114. National maritime strategy.".

SEC. 3543. MARITIME ENVIRONMENTAL AND TECHNICAL ASSISTANCE PROGRAM.

(a) IN GENERAL.—Section 50307 of title 46, United States Code, is amended—

(1) by striking the subsection (a) enumerator and all that follows through "Transportation" and inserting the following:

"(a) EMERGING MARINE TECHNOLOGIES AND PRACTICES.—

"(1) IN GENERAL.—The Secretary of Transportation";

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by redesignating subparagraphs (A) through (D) as clauses (i) through (iv), respectively and adjusting the margins accordingly; and

(ii) in clause (iv), as redesignated by clause (i), by striking "propeller cavitation" and inserting "incidental vessel-generated underwater noise, such as noise from propeller cavitation or hydrodynamic flow";

(B) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively and adjusting the margins accordingly;

(3) in subsection (c), by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively and adjusting the margins accordingly;

(4) by redesignating subsections (b) through (d) as paragraphs (2) through (4), respectively and adjusting the margins accordingly;

(5) by redesignating subsection (e) as subsection (b);

(6) by striking subsection (f);

(7) in subsection (a)—

(A) in paragraph (1), as designated under paragraph (1) of this section—

(i) by inserting "or support" after "engage in";

(ii) by striking "the use of public" and all that follows through the end of the sentence and inserting "eligible entities.";

(B) in paragraph (2), as redesignated under paragraph (4) of this section—

(i) by striking "this section" and inserting "this subsection";

(ii) by striking "or improve" and inserting "improve, or support efforts related to,";

(C) in paragraph (3), as redesignated by paragraph (4) of this section, by striking "under subsection (b)(2) 136 STAT. 3099 may include" and inserting "with other Federal agencies or with State, local, or Tribal governments, as appropriate, under paragraph (2)(B) may include";

(D) in paragraph (4), as redesignated by paragraph (4) of this section—

(i) by striking "academic, public, private, and nongovernmental entities and facilities" and inserting "eligible entities"; and

(ii) by striking "subsection (a)" and inserting "this subsection"; and

(E) by adding at the end the following:

"(5) GRANTS.—Subject to the availability of appropriations, the Maritime Administrator, may establish and carry out a competitive grant program to award grants to eligible entities for projects in the United States consistent with the goals of this subsection to study, evaluate, test, demonstrate, or apply technologies and practices to improve environmental performance.";

(8) in subsection (b), as redesignated by paragraph (5) of this section, by striking "subsection (b)(1)" and inserting "this section"; and

(9) by adding at the end the following:

"(c) VESSELS.—Activities carried out under a grant or cooperative agreement made under this section may be conducted on public vessels under the control of the Maritime Administration, upon approval of the Maritime Administrator.

"(d) ELIGIBLE ENTITY DEFINED.—In this section, the term 'eligible entity' means—

"(1) a private entity, including a nonprofit organization;

"(2) a State, regional, or local government or entity, including special districts;

"(3) an Indian Tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)) or a consortium of Indian Tribes;

"(4) an institution of higher education as defined under section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002); or

"(5) a partnership or collaboration of entities described in paragraphs (1) through (4).

"(e) CENTER FOR MARITIME INNOVATION.—

"(1) IN GENERAL.—The Secretary of Transportation shall, through a cooperative agreement, establish a United States Center for Maritime Innovation (referred to in this subsection as the 'Center') to support the study, research, development, assessment, and deployment of emerging marine technologies and practices related to the maritime transportation system.

"(2) SELECTION.—The Center shall be—

"(A) selected through a competitive process of eligible entities, and if a private entity, a domestic entity;

"(B) based in the United States with technical expertise in emerging marine technologies and practices related to the maritime transportation system; and

"(C) located in close proximity to eligible entities with expertise in United States emerging marine technologies and practices, including the use of alternative fuels and the development of both vessel and shoreside infrastructure.

"(3) COORDINATION.—The Secretary of Transportation shall coordinate with other agencies critical for science, research,

and regulation of emerging marine technologies for the maritime sector, including the Department of Energy, the Environmental Protection Agency, the National Science Foundation, and the Coast Guard, when establishing the Center.

"(4) FUNCTIONS.—The Center shall—

"(A) support eligible entities regarding the development and use of clean energy and necessary infrastructure to support the deployment of clean energy on vessels of the United States;

"(B) monitor and assess, on an ongoing basis, the current state of knowledge regarding emerging marine technologies in the United States;

"(C) identify any significant gaps in emerging marine technologies research specific to the United States maritime industry, and seek to fill those gaps;

"(D) conduct research, development, testing, and evaluation for equipment, technologies, and techniques to address the components under subsection (a)(2);

"(E) provide—

"(i) guidance on best available technologies;

"(ii) technical analysis;

"(iii) assistance with understanding complex regulatory requirements; and

"(iv) documentation of best practices in the maritime industry, including training and informational webinars on solutions for the maritime industry; and

"(F) work with academic and private sector response training centers and Domestic Maritime Workforce Training and Education Centers of Excellence to develop maritime strategies applicable to various segments of the United States maritime industry, including the inland, deep water, and coastal fleets.".

(b) [46 U.S.C. 50307 note] DEADLINE FOR IMPLEMENTATION.—The Secretary of Transportation shall establish the United States Center for Maritime Innovation under subsection (e) of section 50307 of title 46, United States Code, as added by subsection (a), by not later than one year after the date of the enactment of this Act.

SEC. 3544. DEFINITION OF QUALIFIED VESSEL.

Section 53501(5)(A)(iii) of title 46, United States Code, is amended by striking "United States foreign, Great Lakes, noncontiguous domestic, or short sea transportation trade" and inserting "foreign or domestic trade of the United States".

SEC. 3545. ESTABLISHING A CAPITAL CONSTRUCTION FUND.

Section 53503(b) of title 46, United States Code, is amended by striking "United States foreign, Great Lakes, noncontiguous domestic, or short sea transportation trade" and inserting "foreign or domestic trade of the United States".

SEC. 3546. [46 U.S.C. 57100 note] RECAPITALIZATION OF NATIONAL DEFENSE RESERVE FLEET.

(a) IN GENERAL.—

(1) VESSEL CONSTRUCTION.—Subject to the availability of appropriations, the Secretary of Transportation, in consultation

with the Chief of Naval Operations and the Commandant of the Coast Guard, shall complete the design of a sealift vessel for the National Defense Reserve Fleet to allow for the construction of such vessel to begin in fiscal year 2025.

(2) AGREEMENT WITH VESSEL CONSTRUCTION MANAGER.—Notwithstanding section 8679 of title 10, United States Code, and subject to the availability of appropriations made specifically available for reimbursements to the Ready Reserve Force, Maritime Administration account of the Department of Transportation for programs, projects, activities, and expenses related to the National Defense Reserve Fleet, the Secretary of the Transportation, in consultation with the Secretary of the Navy, shall seek to enter into an agreement with an appropriate vessel construction manager under which the vessel construction manager shall enter into a contract for the construction of not more than ten such vessels in accordance with this section.

(b) CONSTRUCTION AND DOCUMENTATION REQUIREMENTS.—A vessel constructed pursuant to this section shall meet the requirements for, and be issued a certificate of, documentation and a coastwise endorsement under chapter 121 of title 46, United States Code.

(c) DESIGN STANDARDS AND CONSTRUCTION PRACTICES.—Subject to subsection (b), a vessel constructed pursuant to this section shall be constructed using commercial design standards and commercial construction practices that are consistent with the best interests of the Federal Government.

(d) CONSULTATION WITH OTHER FEDERAL ENTITIES.—The Secretary of Transportation shall consult and coordinate with the Secretary of the Navy and may consult with the heads of other appropriate Federal agencies regarding the vessel described in subsection (a) and activities associated with such vessel.

(e) LIMITATION ON USE OF FUNDS FOR USED VESSELS.—None of the funds authorized to be appropriated by this Act or otherwise made available to carry out this section may be used for the procurement of any used vessel.

(f) LIMITATION.—Of the amounts authorized to be appropriated by this Act or otherwise made available for fiscal year 2024 for the Secretary of the Navy for travel expenses, not more than 50 percent may be obligated or expended until the Secretary of the Navy submits to the congressional defense committees a report that includes a detailed description of the acquisition strategy for the execution of the authority under subsection (a).

SEC. 3547. SENSE OF CONGRESS ON MERCHANT MARINE.

It is the sense of Congress that the United States Merchant Marine is a critical part of the national infrastructure of the United States, and the men and women of the United States Merchant Marine are essential workers.

SEC. 3548. ANALYSIS OF EFFECTS OF CHEMICALS IN STORMWATER RUNOFF ON PACIFIC SALMON AND STEELHEAD.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Under Secretary of Commerce for Oceans and Atmosphere, in coordination with the Secretary of Transpor-

tation and the Administrator of the Environmental Protection Agency, and in consultation with the Director of the United States Fish and Wildlife Service, shall commence an analysis of—

(1) the science relating to tire-related chemicals in stormwater runoff at ports and the effects of such chemicals on Pacific salmon and steelhead; and

(2) the challenges of studying tire-related chemicals in stormwater runoff at ports and the effects of such chemicals on Pacific salmon and steelhead.

(b) REPORT.—Not later than 18 months after commencing the analysis required under subsection (a), the Under Secretary of Commerce for Oceans and Atmosphere, in coordination with the Secretary of Transportation and the Administrator of the Environmental Protection Agency, shall submit to the appropriate congressional committees, and make publicly available, a report that includes—

(1) the findings of the analysis; and

(2) recommendations—

(A) to improve the monitoring of stormwater and research related to run-off for tire-related chemicals and the effects of such chemicals on Pacific salmon and steelhead at ports; and

(B) based on the best available science on relevant management approaches at ports under their respective jurisdictions.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works of the Senate; and

(2) the Committee on Transportation and Infrastructure and the Committee on Natural Resources of the House of Representatives.

SEC. 3549. REPORT ON EFFECTIVE VESSEL QUIETING MEASURES.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Administrator of the Maritime Administration, in consultation with the Under Secretary of Commerce for Oceans and Atmosphere and the Secretary of the Department in which the Coast Guard is operating, shall submit to the appropriate congressional committees, and make publicly available on an appropriate website of the Department of Transportation, a report that includes each of the following:

(1) An identification of technology-based controls and best management practices for reducing vessel-generated underwater noise.

(2) For each technology-based control or best management practice identified under paragraph (1), an evaluation of—

(A) the applicability of each control and practice to various vessel types;

(B) the technical feasibility and economic achievability of each control or practice; and

(C) the co-benefits and trade-offs of each control or practice.

(3) Such other matters as the Administrator determines appropriate.

(b) COMMITTEES.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Commerce, Science, and Transportation of the Senate; and

(2) the Committee on Natural Resources and the Committee on Transportation and Infrastructure of the House of Representatives.

DIVISION D—FUNDING TABLES

SEC. 4001. AUTHORIZATION OF AMOUNTS IN FUNDING TABLES.

(a) IN GENERAL.—Whenever a funding table in this division specifies a dollar amount authorized for a project, program, or activity, the obligation and expenditure of the specified dollar amount for the project, program, or activity is hereby authorized, subject to the availability of appropriations.

(b) MERIT-BASED DECISIONS.—

(1) IN GENERAL.—A decision to commit, obligate, or expend funds with or to a specific entity on the basis of a dollar amount authorized pursuant to subsection (a) shall—

(A) except as provided in paragraph (2), be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(B) comply with other applicable provisions of law.

(2) EXCEPTION.—Paragraph (1)(A) does not apply to a decision to commit, obligate, or expend funds on the basis of a dollar amount authorized pursuant to subsection (a) if the project, program, or activity involved—

(A) is listed in section 4201; and

(B) is identified as Community Project Funding through the inclusion of the abbreviation "CPF" immediately before the name of the project, program, or activity.

(c) RELATIONSHIP TO TRANSFER AND PROGRAMMING AUTHORITY.—An amount specified in the funding tables in this division may be transferred or reprogrammed under a transfer or reprogramming authority provided by another provision of this Act or by other law. The transfer or reprogramming of an amount specified in such funding tables shall not count against a ceiling on such transfers or reprogrammings under section 1001 of this Act or any other provision of law, unless such transfer or reprogramming would move funds between appropriation accounts.

(d) APPLICABILITY TO CLASSIFIED ANNEX.—This section applies to any classified annex that accompanies this Act.

(e) ORAL AND WRITTEN COMMUNICATIONS.—No oral or written communication concerning any amount specified in the funding tables in this division shall supersede the requirements of this section.

[Titles XLI, XLII, XLIII, XLIV, XLV, XLVI, and XLVII—Tables —Omitted]

DIVISION E—NON-DEPARTMENT OF DEFENSE MATTERS

TITLE LI—VETERANS AFFAIRS MATTERS

Subtitle A—Advisory Committees

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

Subtitle B—Studies and Reports

Sec. 5111. Secretary of Veterans Affairs study on dissemination of information on Department of Veterans Affairs home loan benefits.
Sec. 5112. GAO study on post-market surveillance of medical devices by Department of Veterans Affairs.
Sec. 5113. Department of Veterans Affairs report on supportive services and housing insecurity.
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Subtitle C—Other Matters

Sec. 5121. Improved application of employment and reemployment rights of all members of uniformed services.
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Sec. 5125. Improving pilot program on acceptance by the Department of Veterans Affairs of donated facilities and related improvements.
Sec. 5126. Improvement of Vet Centers at Department of Veterans Affairs.
Sec. 5127. Information on certain veterans with prior medical occupations; program on intermediate care technicians of Department of Veterans Affairs.

Subtitle A—Advisory Committees

SEC. 5101. ANNUAL REPORT FROM ADVISORY COMMITTEE ON WOMEN VETERANS.

Section 542(c)(1) of title 38, United States Code, is amended by striking "even-numbered year" and inserting "year".

SEC. 5102. DEPARTMENT OF VETERANS AFFAIRS ADVISORY COMMITTEE ON UNITED STATES OUTLYING AREAS AND FREELY ASSOCIATED STATES.

(a) ESTABLISHMENT OF ADVISORY COMMITTEE.—Subchapter III of chapter 5 of title 38, United States Code, is amended by adding at the end the following new section (and conforming the table of sections at the beginning of such chapter accordingly):

"SEC. 548. [38 U.S.C. 548] Advisory Committee on United States Outlying Areas and Freely Associated States

"(a) ESTABLISHMENT.—The Secretary shall establish an advisory committee, to be known as the 'Advisory Committee on United States Outlying Areas and Freely Associated States', to provide advice and guidance to the Secretary on matters relating to covered veterans.

"(b) DUTIES.—The duties of the Committee shall be the following:

"(1) To advise the Secretary on matters relating to covered veterans, including how the Secretary may improve the programs and services of the Department to better serve such veterans.

"(2) To identify for the Secretary evolving issues of relevance to covered veterans.

"(3) To propose clarifications, recommendations, and solutions to address issues raised by covered veterans.

"(4) To provide a forum for covered veterans, veterans service organizations serving covered veterans, and the Department to discuss issues and proposals for changes to regulations, policies, and procedures of the Department.

"(5) To identify priorities for and provide advice to the Secretary on appropriate strategies for consultation with veterans service organizations serving covered veterans.

"(6) To encourage the Secretary to work with the heads of other Federal departments and agencies, and Congress, to ensure covered veterans are provided the full benefits of their status as covered veterans.

"(7) To highlight contributions of covered veterans in the Armed Forces.

"(8) To conduct other duties as determined appropriate by the Secretary.

"(c) MEMBERSHIP.—(1) The Committee shall be comprised of 15 voting members appointed by the Secretary.

"(2) In appointing members pursuant to paragraph (1), the Secretary shall ensure the following:

"(A) At least one member is appointed to represent covered veterans in each of the following areas:

"(i) American Samoa.

"(ii) Guam.

"(iii) Puerto Rico.

"(iv) The Commonwealth of the Northern Mariana Islands.

"(v) The Virgin Islands of the United States.

"(vi) The Federated States of Micronesia.

"(vii) The Republic of the Marshall Islands.

"(viii) The Republic of Palau.

"(B) Not fewer than half of the members appointed are covered veterans, unless the Secretary determines that an insufficient number of qualified covered veterans are available.

"(C) Each member appointed resides in an area specified in subparagraph (A).

"(3) In appointing members pursuant to paragraph (1), the Secretary may consult with any Member of Congress who represents an area specified in paragraph (2)(A).

"(4) In addition to the members appointed pursuant to paragraph (1), the Committee shall be comprised of such ex officio members as the Secretary of State and the Secretary of the Interior shall appoint from among employees of the Department of State and the Department of the Interior, respectively.

"(d) TERMS; VACANCIES.—(1) A member of the Committee—

"(A) shall be appointed for a term of two years; and

"(B) may be reappointed to serve an additional two-year term.

"(2) Not later than 180 days after the Secretary (or in the case of an ex officio member, the Secretary of State or the Secretary of the Interior, as the case may be) receives notice of a vacancy in the Committee, the vacancy shall be filled in the same manner as the original appointment.

"(e) MEETING FORMAT AND FREQUENCY.—(1) Except as provided in paragraph (2), the Committee shall meet in-person with the Secretary not less frequently than once each year and hold monthly conference calls as necessary.

"(2) Meetings held under paragraph (1) may be conducted virtually if determined necessary based on—

"(A) Department protocols; and

"(B) timing and budget considerations.

"(f) ADDITIONAL REPRESENTATION.—(1) Representatives of relevant Federal departments and agencies may attend meetings of the Committee and provide information to the Committee.

"(2) One representative of the Department shall attend each meeting of the Committee.

"(3) Representatives attending meetings under this subsection—

"(A) may not be considered voting members of the Committee; and

"(B) may not receive additional compensation for services performed with respect to the Committee.

"(g) SUBCOMMITTEES.—(1) The Committee may establish subcommittees.

"(2) The Secretary may, in consultation with the Committee, appoint a member to a subcommittee established under paragraph (1) who is not a member of the Committee.

"(3) A subcommittee established under paragraph (1) may enhance the function of the Committee, but may not supersede the authority of the Committee or provide direct advice or work products to the Secretary.

"(h) REPORTS.—(1) Not less frequently than once every two years, the Committee shall submit to the Secretary and the appropriate congressional committees a report—

"(A) containing such recommendations as the Committee may have for legislative or administrative action; and

"(B) describing the activities of the Committee during the previous two years.

"(2) Not later than 120 days after the date on which the Secretary receives a report under paragraph (1), the Secretary shall submit to the appropriate congressional committees a written response to the report after—

"(A) giving the Committee an opportunity to review such written response; and

"(B) including in such written response any comments the Committee considers appropriate.

"(3) The Secretary shall make publicly available on an internet website of the Department—

"(A) each report the Secretary receives under paragraph (1); and

"(B) each written response the Secretary submits under paragraph (2).

"(i) COMMITTEE PERSONNEL MATTERS.—A member of the Committee shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5 while away from the home or regular place of business of the member in the performance of the duties of the Committee.

"(j) CONSULTATION.—In carrying out this section, the Secretary shall consult with veterans service organizations serving covered veterans.

"(k) TERMINATION.—The Committee shall terminate on the date that is 10 years after the date of the enactment of this section.

"(l) DEFINITIONS.—In this section:

"(1) The term 'appropriate congressional committees' means—

"(A) the Committee on Veterans' Affairs of the House of Representatives; and

"(B) the Committee on Veterans' Affairs of the Senate.

"(2) The term 'Committee' means the Advisory Committee on United States Outlying Areas and Freely Associated States established under subsection (a).

"(3) The term 'covered veteran' means a veteran residing in an area specified in subsection (c)(2)(A).

"(4) The term 'veterans service organization serving covered veterans' means any organization that—

"(A) serves the interests of covered veterans;

"(B) has covered veterans in substantive and policy-making positions within the organization; and

"(C) has demonstrated experience working with covered veterans.".

(b) [38 U.S.C. 548 note] DEADLINE FOR ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall establish the advisory committee required by section 548 of title 38, United States Code, as added by subsection (a) of this section.

(c) DEADLINE FOR INITIAL APPOINTMENTS.—Not later than 90 days after the date on which the Secretary establishes the advisory committee required by such section 548, the members of such advisory committee shall be appointed.

(d) INITIAL MEETING.—Not later than 180 days after the date on which the Secretary establishes the advisory committee required by such section 548, such advisory committee shall hold its first meeting.

Subtitle B—Studies and Reports

SEC. 5111. SECRETARY OF VETERANS AFFAIRS STUDY ON DISSEMINATION OF INFORMATION ON DEPARTMENT OF VETERANS AFFAIRS HOME LOAN BENEFITS.

(a) STUDY.—The Secretary of Veterans Affairs shall conduct a study to identify the means by which the Secretary informs lenders and veterans about the availability of loans guaranteed by the Department of Veterans Affairs under chapter 37 of title 38, United States Code, for any purpose described in section 3710(a) of such title.

(b) REPORT.—Not later than six months after the date of the enactment of this Act, the Secretary of Veterans Affairs shall—

(1) submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the results of the study conducted under subsection (a); and

(2) make such report publicly available on an appropriate website of the Department of Veterans Affairs.

SEC. 5112. GAO STUDY ON POST-MARKET SURVEILLANCE OF MEDICAL DEVICES BY DEPARTMENT OF VETERANS AFFAIRS.

(a) STUDY.—The Comptroller General of the United States shall conduct a study on the efforts of the Under Secretary of Veterans Affairs for Health relating to post-market surveillance of implantable medical devices.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to the Committees on Veterans' Affairs of the House of Representatives and the Senate a report on the findings of the study under subsection (a). Such report shall include the following:

(1) A description of the process used by the Under Secretary of Veterans Affairs for Health for documenting implantable medical devices issued to patients.

(2) An evaluation of the capability of the Under Secretary of Veterans Affairs for Health to identify, in a timely manner, adverse events and safety issues relating to implantable medical devices.

(3) An evaluation of the process for, and potential barriers to, the Under Secretary of Veterans Affairs for Health notifying patients of an implantable medical device recall.

(4) An evaluation of the accessibility of the adverse event reporting systems of the Veterans Health Administration for patients with disabilities.

(5) Recommendations to address gaps in such adverse event reporting systems, to better identify adverse events and safety issues from implantable medical devices.

SEC. 5113. DEPARTMENT OF VETERANS AFFAIRS REPORT ON SUPPORTIVE SERVICES AND HOUSING INSECURITY.

Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs, in coordination with the Secretary of Housing and Urban Development and the Secretary of Labor, shall submit to Congress a report on how often and what type of supportive services (including career transition and mental

health services and services for elderly veterans) are being offered to and used by veterans, and any correlation between a lack of supportive services programs and the likelihood of veterans falling back into housing insecurity. The Secretary of Veterans Affairs shall ensure that any medical information included in the report is de-identified.

SEC. 5114. REPORT ON HANDLING OF CERTAIN RECORDS OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) REPORT.—Not later than one year after the date of the enactment of this Act, the Inspector General of the Department of Veterans Affairs, in coordination with the Secretary of Defense, shall submit to Congress a report on the extent to which the procedures outlined in provision M21-1 III.ii.2.F.1 of the Adjudication Procedures Manual of the Department of Veterans Affairs, or any successor document, are followed in assisting veterans obtain or reconstruct service records or medical information damaged or destroyed in the fire that occurred at the National Processing Records Center in St. Louis, Missouri, in July of 1973.

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

(1) The determination of the Inspector General as to whether employees of the Department of Veterans Affairs receive sufficient training on the procedures specified in such subsection.

(2) The determination of the Inspector General as to whether veterans are informed of actions necessary to adhere to such procedures.

(3) The percentage of cases regarding such service records and medical information in which employees of the Department of Veterans Affairs follow such procedures.

(4) The average duration of time to resolve an issue using such procedures.

(5) Recommendations on how to improve the implementation of such procedures.

Subtitle C—Other Matters

SEC. 5121. IMPROVED APPLICATION OF EMPLOYMENT AND REEMPLOYMENT RIGHTS OF ALL MEMBERS OF UNIFORMED SERVICES.

(a) IN GENERAL.—Paragraph (5) of section 4303 of title 38, United States Code, is amended to read as follows:

"(5) The term 'Federal executive agency'—

"(A) except as provided in subparagraph (B), includes—

"(i) the United States Postal Service;

"(ii) the Postal Regulatory Commission;

"(iii) any nonappropriated fund instrumentality of the United States;

"(iv) any Executive agency (as defined in section 105 of title 5); and

"(v) any military department (as defined in section 102 of title 5) with respect to the civilian employees of that department; and

"(B) does not include—

"(i) an agency referred to in section 2302(a)(2)(C)(ii) of title 5;

"(ii) the National Oceanic and Atmospheric Administration with respect to members of the commissioned officer corps of the National Oceanic and Atmospheric Administration; or

"(iii) the Public Health Service with respect to members of the Commissioned Corps of the Public Health Service serving on active duty, active duty for training, or inactive duty training.".

(b) TECHNICAL CORRECTION.—Paragraph (17) of such section is amended by striking "commissioned corps of the Public Health Service" and inserting "Commissioned Corps of the Public Health Service".

SEC. 5122. COMPETITIVE PAY FOR HEALTH CARE PROVIDERS OF DEPARTMENT OF VETERANS AFFAIRS.

Section 7451(c) of title 38, United States Code, is amended by adding at the end the following new paragraph:

"(4)(A) The director of each medical center of the Department shall submit to the Secretary an annual locality pay survey and rates of basic pay for covered positions at such medical center to ensure that pay rates remain competitive in the local labor market.

"(B) Not less than once per fiscal year, the Secretary shall submit to the Committees on Veterans' Affairs of the House of Representatives and the Senate a report on rates of basic pay for covered positions at medical centers of the Department.".

SEC. 5123. DEFINITION OF LAND USE REVENUE UNDER WEST LOS ANGELES LEASING ACT OF 2016.

Section 2(d)(2) of the West Los Angeles Leasing Act of 2016 (Public Law 114-226) is amended—

(1) in subparagraph (A), by striking "; and" and inserting a semicolon;

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following new subparagraph:

"(B) to the extent specified in advance in an appropriations Act for a fiscal year, any funds received as compensation for an easement described in subsection (e); and".

SEC. 5124. TECHNICAL CORRECTIONS TO HONORING OUR PACT ACT OF 2022.

(a) PRESUMPTION OF SERVICE CONNECTION FOR CERTAIN DISEASES ASSOCIATED WITH EXPOSURE TO BURN PITS AND OTHER TOXINS.—Section 1120(b)(2) of title 38, United States Code, is amended—

(1) by striking subparagraph (G); and

(2) by redesignating subparagraphs (H) through (K) as subparagraphs (G) through (J), respectively.

(b) [38 U.S.C. 8104] CONGRESSIONAL APPROVAL OF CERTAIN MEDICAL FACILITY ACQUISITIONS.—Section 703(c)(5)(C) of the Honoring our PACT Act of 2022 (Public Law 117-168; 136 Stat. 1797) is amended to read as follows:

"(C) by striking 'or a major medical facility lease (as defined in subsection (a)(3)(B))';".

(c) USE OF COMPETITIVE PROCEDURES TO ACQUIRE SPACE FOR THE PURPOSE OF PROVIDING HEALTH-CARE RESOURCES TO VETERANS.—Section 8103(h)(1) of title 38, United States Code, is amended by striking "section 2304 of title 10" and inserting "section 3301 of title 41".

(d) [38 U.S.C. 1120 note] EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Honoring our PACT Act of 2022 (Public Law 117-168).

SEC. 5125. IMPROVING PILOT PROGRAM ON ACCEPTANCE BY THE DEPARTMENT OF VETERANS AFFAIRS OF DONATED FACILITIES AND RELATED IMPROVEMENTS.

(a) IN GENERAL.—Section 2 of the Communities Helping Invest through Property and Improvements Needed for Veterans Act of 2016 (Public Law 114-294; 38 U.S.C. 8103 note) is amended—

(1) in subsection (b)(1)(A), by inserting before the semicolon the following: "or for which funds are available from the Construction, Minor Projects, or Construction, Major Projects appropriations accounts";

(2) in subsection (e)(1)—

(A) in subparagraph (A)—

(i) by striking "The Secretary" and inserting "Except as otherwise provided in this paragraph, the Secretary"; and

(ii) by inserting "or funds already generally available in the Construction, Minor Projects, or Construction, Major Projects appropriations accounts" after "that are in addition to the funds appropriated for the facility";

(B) in subparagraph (B), by striking "subparagraph (A)" and inserting "this paragraph";

(C) by redesignating subparagraph (B) as subparagraph (F); and

(D) by inserting after subparagraph (A) the following new subparagraphs:

"(B) UNOBLIGATED AMOUNTS.—The Secretary may provide additional funds to help an entity described in subsection (a)(2) finance, design, or construct a facility in connection with real property and improvements to be donated under the pilot program and proposed to be accepted by the Secretary under subsection (b)(1)(B) if—

"(i) the Secretary determines that doing so is in the best interest of the Department and consistent with the mission of the Department; and

"(ii) funding provided under this subparagraph—

"(I) is in addition to amounts that have been appropriated for the facility before the date on

which the Secretary and the entity enter into a formal agreement under subsection (c) for the construction and donation of the real property and improvements; and

"(II) is derived only from amounts that—

"(aa) are unobligated balances available in the Construction, Minor Projects, or Construction, Major Projects appropriations accounts of the Department that—

"(AA) are not associated with a specific project; or

"(BB) are amounts that are associated with a specific project, but are unobligated because they are the result of bid savings; and

"(bb) were appropriated to such an account before the date described in subclause (I).

"(C) ESCALATION CLAUSES.—

"(i) IN GENERAL.—The Secretary may include an escalation clause in a formal agreement under subsection (c) that authorizes an escalation of not more than an annual amount based on a rate established in the formal agreement and mutually agreed upon by the Secretary and an entity to account for inflation for an area if the Secretary determines, after consultation with the head of an appropriate Federal entity that is not part of the Department, that such escalation is necessary and in the best interest of the Department.

"(ii) USE OF EXISTING AMOUNTS.—The Secretary may obligate funds pursuant to clause (i) in connection with a formal agreement under subsection (c) using amounts that—

"(I) are unobligated balances available in the Construction, Minor Projects, or Construction, Major Projects appropriations accounts of the Department that—

"(aa) are not associated with a specific project; or

"(bb) are amounts that are associated with a specific project, but are unobligated because they are the result of bid savings; and

"(II) were appropriated to such an account before the date on which the Secretary and the entity entered into the formal agreement.

"(D) AVAILABILITY.—Unobligated amounts shall be available pursuant to subparagraphs (B) and (C) only to the extent and in such amounts as provided in advance in appropriations Acts subsequent to the date of the enactment of this subparagraph, subject to subparagraph (E).

"(E) LIMITATION.—Unobligated amounts made available pursuant to subparagraphs (B) and (C) may not exceed 40 percent of the amount appropriated for the facility

before the date on which the Secretary and the entity entered into a formal agreement under subsection (c).''; and

(3) in subsection (j)—

(A) by striking ''Rule'' and inserting ''Rules'';

(B) by striking ''Nothing in'' and inserting the following:

''(1) ENTERING ARRANGEMENTS AND AGREEMENTS.—Nothing in''; and

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

''(2) TREATMENT OF ASSISTANCE.—Nothing provided under this section shall be treated as Federal financial assistance as defined in section 200.40 of title 2, Code of Federal Regulations, as in effect on February 21, 2021.''.

(b) [38 U.S.C. 8103 note] AMENDMENTS TO EXISTING AGREEMENTS.—Each agreement entered into under section (2)(c) of such Act before the date of the enactment of this Act that was in effect on the date of the enactment of this Act may be amended to incorporate terms authorized by subparagraphs (B) and (C) of section 2(e)(1) of such Act, as added by subsection (a)(2)(D) of this section.

SEC. 5126. [38 U.S.C. 7309 note] IMPROVEMENT OF VET CENTERS AT DEPARTMENT OF VETERANS AFFAIRS.

(a) PRODUCTIVITY EXPECTATIONS FOR READJUSTMENT COUNSELORS OF VET CENTERS.—

(1) EVALUATION OF PRODUCTIVITY EXPECTATIONS.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall evaluate productivity expectations for readjustment counselors of Vet Centers, including by obtaining systematic feedback from counselors on such expectations, including with respect to following:

(A) Any potential effects of productivity expectations, whether positive or negative, on client care and the welfare of readjustment counselors.

(B) Distances readjustment counselors may travel to appointments, especially with respect to serving rural veterans.

(C) The possibility that some veterans may not want to use nor benefit from telehealth or group counseling.

(D) Availability and access of veteran populations to broadband and telehealth.

(E) Any effect of productivity expectations on readjustment counselors, including with respect to recruitment, retention, and welfare.

(F) Whether productivity expectations provide incentives or pressure to inaccurately report client visits.

(G) Whether directors and readjustment counselors of Vet Centers need additional training or guidance on how productivity expectations are calculated.

(H) Such other criteria as the Secretary considers appropriate.

(2) SYSTEMATIC FEEDBACK.—

(A) IN GENERAL.—The Secretary shall—

(i) make every effort to ensure that all readjustment counselors of Vet Centers are given the opportunity to fully provide feedback, positive or negative,

including through a survey containing open- and close-ended questions, on all items under paragraph (1);

(ii) in obtaining feedback under paragraph (1), ensure that the items under paragraph (1) are adequately and completely addressed in a way that permits responses to be relevant to the evaluation of productivity expectations;

(iii) collect and safely store the feedback obtained under paragraph (1)—

(I) in an electronic database that cannot be altered by any party;

(II) in an anonymized manner, in order to protect the privacy of each respondent; and

(III) in a manner that allows for evaluation by third parties of the feedback, such as audit of the feedback by the Government Accountability Office; and

(iv) provide the feedback obtained under paragraph (1) in an anonymized manner to the working group established under subsection (c).

(B) GOVERNMENT ACCOUNTABILITY OFFICE AUDIT.—Not less frequently than once each year during the five-year period beginning on the date of the enactment of this Act, the Comptroller General of the United States shall audit the feedback obtained from readjustment counselors of Vet Centers under paragraph (1).

(3) IMPLEMENTATION OF CHANGES.—Not later than 90 days after the date of the completion of the evaluation required by paragraph (1), the Secretary shall implement any needed changes to the productivity expectations described in such paragraph in order to ensure—

(A) quality of care and access to care for veterans; and

(B) the welfare of readjustment counselors.

(4) REPORT TO CONGRESS.—Not later than 180 days after the date of the completion of the evaluation required by paragraph (1), the Secretary shall submit to Congress a report on—

(A) the findings of the evaluation; and

(B) any planned or implemented changes described in paragraph (3).

(5) PLAN FOR REASSESSMENT AND IMPLEMENTATION.—

(A) PLAN.—Not later than one year after the date of the enactment of this Act, the Secretary shall develop and implement a plan for—

(i) reassessing productivity expectations for readjustment counselors of Vet Centers, in consultation with such counselors; and

(ii) implementing any needed changes to such expectations, as the Secretary determines appropriate.

(B) REASSESSMENTS.—Under the plan required by subparagraph (A), the Secretary shall conduct a reassessment described in such paragraph not less frequently than once each year.

(b) STAFFING MODEL FOR VET CENTERS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall develop and implement a staffing model for Vet Centers that incorporates key practices in the design of such staffing model.

(2) ELEMENTS.—In developing the staffing model under paragraph (1), the Secretary shall—

(A) involve key stakeholders, including readjustment counselors, outreach specialists, and directors of Vet Centers;

(B) incorporate key work activities and the frequency and time required to conduct such activities;

(C) ensure the data used in the model is high quality to provide assurance that staffing estimates are reliable; and

(D) incorporate—

(i) risk factors, including case complexity;

(ii) geography;

(iii) availability, advisability, and willingness of veterans to use telehealth or group counseling; and

(iv) such other factors as the Secretary considers appropriate.

(3) PLAN FOR ASSESSMENTS AND UPDATES.—Not later than one year after the date of the enactment of this Act, the Secretary shall develop a plan for—

(A) assessing and updating the staffing model developed and implemented under paragraph (1) not less frequently than once every four years; and

(B) implementing any needed changes to such model, as the Secretary determines appropriate.

(c) WORKING GROUP OF READJUSTMENT COUNSELORS, OUTREACH SPECIALISTS, AND DIRECTORS OF VET CENTERS.—

(1) IN GENERAL.—In conducting the evaluation of productivity expectations under subsection (a) (1) and developing the staffing model for Vet Centers under subsection (b)(1), the Secretary of Veterans Affairs shall establish a working group to assess—

(A) the efficacy, impact, and composition of performance metrics for such expectations with respect to—

(i) quality of care and access to care for veterans; and

(ii) the welfare of readjustment counselors and other employees of Vet Centers; and

(B) key considerations for the development of such staffing model, including with respect to—

(i) quality of care and access to care for veterans and other individuals eligible for care through Vet Centers; and

(ii) recruitment, retention, and welfare of employees of Vet Centers.

(2) MEMBERSHIP.—The working group established under paragraph (1) shall be composed of readjustment counselors, outreach specialists, and directors of Vet Centers.

(3) FEEDBACK AND RECOMMENDATIONS.—The working group established under paragraph (1) shall provide to the Secretary—

(A) feedback from readjustment counselors, outreach specialists, and directors of Vet Centers; and

(B) recommendations on how to improve—

(i) quality of care and access to care for veterans; and

(ii) the welfare of readjustment counselors and other employees of Vet Centers.

(d) IMPROVEMENTS OF HIRING PRACTICES AT VET CENTERS.—

(1) STANDARDIZATION OF POSITION DESCRIPTIONS.—

(A) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall standardize descriptions of position responsibilities at Vet Centers.

(B) REPORTING REQUIREMENT.—In each of the first two annual reports submitted under section 7309(e) of title 38, United States Code, after the date of the enactment of this Act, the Secretary shall include a description of the actions taken by the Secretary to carry out subparagraph (A).

(2) EXPANSION OF REPORTING REQUIREMENTS ON READJUSTMENT COUNSELING TO INCLUDE ACTIONS TO REDUCE STAFFING VACANCIES AND TIME TO HIRE.—Section 7309(e)(2) of title 38, United States Code, is amended by adding at the end the following new subparagraph:

"(D) A description of actions taken by the Secretary to reduce—

"(i) vacancies in counselor positions in the Readjustment Counseling Service; and

"(ii) the time it takes to hire such counselors.".

(e) REPORT BY GOVERNMENT ACCOUNTABILITY OFFICE ON VET CENTER INFRASTRUCTURE AND FUTURE INVESTMENTS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on physical infrastructure and future investments with respect to Vet Centers.

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

(A) An assessment of—

(i) the condition of the physical infrastructure of all assets of Vet Centers, whether owned or leased by the Department of Veterans Affairs; and

(ii) the short-, medium-, and long-term plans of the Department to maintain and upgrade the physical infrastructure of Vet Centers to address the operational needs of Vet Centers as of the date of the submittal of the report and future needs.

(B) An assessment of management and strategic planning for the physical infrastructure of Vet Centers, including whether the Department should buy or lease existing or additional locations in areas with stable or growing populations of veterans.

(C) An assessment of whether, as of the date of the submittal of the report, Vet Center buildings, mobile Vet Centers, community access points, and similar infrastructure are sufficient to care for veterans or if such infrastructure is negatively affecting care due to limited space for veterans and Vet Center personnel or other factors.

(D) An assessment of the areas with the greatest need for investments in—

(i) improved physical infrastructure, including upgraded Vet Centers; or

(ii) additional physical infrastructure for Vet Centers, including new Vet Centers owned or leased by the Department.

(E) A description of the authorities and resources that may be required for the Secretary to make such investments.

(F) A review of all annual reports submitted under 7309(e) of title 38, United States Code, before the date of the submittal of the report under paragraph (1).

(f) PILOT PROGRAM TO COMBAT FOOD INSECURITY AMONG VETERANS AND FAMILY MEMBERS OF VETERANS.—

(1) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Veterans Affairs shall establish a pilot program to award grants to eligible entities to support partnerships that address food insecurity among veterans and family members of veterans who receive services through Vet Centers or other facilities of the Department as determined by the Secretary.

(2) DURATION OF PILOT.—The Secretary shall carry out the pilot program for a three-year period beginning on the date of the establishment of the pilot program.

(3) TRAINING AND TECHNICAL ASSISTANCE.—The Secretary may provide eligible entities receiving grant funding under the pilot program with training and technical assistance on the provision of food insecurity assistance services to veterans and family members of veterans.

(4) ELIGIBLE ENTITIES.—For purposes of the pilot program, an eligible entity is—

(A) a nonprofit organization;

(B) an organization recognized by the Secretary for the representation of veterans under section 5902 of title 38, United States Code;

(C) a public agency;

(D) a community-based organization; or

(E) an institution of higher education.

(5) APPLICATION.—An eligible entity seeking a grant under the pilot program shall submit to the Secretary an application therefor at such time, in such manner, and containing such information and commitments as the Secretary may require.

(6) SELECTION.—The Secretary shall select eligible entities that submit applications under paragraph (5) for the award of grants under the pilot program using a competitive process that takes into account the following:

(A) Capacity of the applicant entity to serve veterans and family members of veterans.

(B) Demonstrated need of the population the applicant entity would serve.

(C) Demonstrated need of the applicant entity for assistance from the grant.

(D) Such other criteria as the Secretary considers appropriate.

(7) DISTRIBUTION.—The Secretary shall ensure, to the extent practicable, an equitable geographic distribution of grants awarded under this subsection.

(8) MINIMUM PROGRAM REQUIREMENTS.—Any grant awarded under this subsection shall be used—

(A) to coordinate with the Secretary with respect to the provision of assistance to address food insecurity among veterans and family members of veterans described in paragraph (1);

(B) to increase participation in nutrition counseling programs and provide educational materials and counseling to veterans and family members of veterans to address food insecurity and healthy diets among those individuals;

(C) to increase access to and enrollment in Federal assistance programs, including the supplemental nutrition assistance program under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), the special supplemental nutrition program for women, infants, and children established by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), the low-income home energy assistance program established under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.), and any other assistance program that the Secretary considers advisable; and

(D) to fulfill such other criteria as the Secretary considers appropriate to further the purpose of the grant and serve veterans.

(9) PROVISION OF INFORMATION.—Each entity that receives a grant under this subsection shall provide to the Secretary, at least once each year during the duration of the grant term, data on—

(A) the number of veterans and family members of veterans screened for, and enrolled in, programs described in subparagraphs (B) and (C) of paragraph (8);

(B) other services provided by the entity to veterans and family members of veterans using funds from the grant; and

(C) such other data as the Secretary may require.

(10) REPORT ON DATA COLLECTED.—For each year of operation of the pilot program, the Secretary shall submit to the appropriate committees of Congress a report on the data collected under paragraph (9) during such year.

(11) GOVERNMENT ACCOUNTABILITY OFFICE REPORT.—

(A) IN GENERAL.—Not later than one year after the date on which the pilot program terminates, the Comp-

troller General of the United States shall submit to Congress a report evaluating the effectiveness and outcomes of the activities carried out under this subsection in reducing food insecurity among veterans and family members of veterans.

(B) ELEMENTS.—The report required by subparagraph (A) shall include the following:

(i) A summary of the activities carried out under this subsection.

(ii) An assessment of the effectiveness and outcomes of the grants awarded under this subsection, including with respect to eligibility screening contacts, application assistance consultations, and changes in food insecurity among the population served by the grant.

(iii) Best practices regarding the use of partnerships to improve the effectiveness and outcomes of public benefit programs to address food insecurity among veterans and family members of veterans.

(iv) An assessment of the feasibility and advisability of making the pilot program permanent and expanding to other locations.

(12) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—There is authorized to be appropriated to carry out the pilot program established under paragraph (1) $15,000,000 for each fiscal year in which the program is carried out, beginning with the fiscal year in which the program is established.

(B) ADMINISTRATIVE EXPENSES.—Of the amounts authorized to be appropriated under subparagraph (A), not more than ten percent may be used for administrative expenses of the Department of Veterans Affairs associated with administering grants under this subsection.

(13) DEFINITIONS.—In this subsection:

(A) The term "appropriate committees of Congress" means—

(i) the Committee on Veterans' Affairs, the Committee on Appropriations, and the Committee on Agriculture, Nutrition, and Forestry of the Senate; and

(ii) the Committee on Veterans' Affairs, the Committee on Appropriations, and the Committee on Agriculture of the House of Representatives.

(B) The term "facilities of the Department" has the meaning given that term in section 1701(3) of title 38, United States Code.

(C) The term "institution of higher education" has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(D) The term "public agency" means a department, agency, other unit, or instrumentality of Federal, State, Tribal, or local government.

(E) The term "State" has the meaning given that term in section 101(20) of title 38, United States Code.

(F) The term "veteran" means an individual who served in the Armed Forces, including an individual who served in a reserve component of the Armed Forces, and who was discharged or released therefrom, regardless of the conditions of such discharge or release.

(g) DEFINITION OF VET CENTER.—In this section, the term "Vet Center" has the meaning given that term in section 1712A(h) of title 38, United States Code.

SEC. 5127. [38 U.S.C. 7302 note] INFORMATION ON CERTAIN VETERANS WITH PRIOR MEDICAL OCCUPATIONS; PROGRAM ON INTERMEDIATE CARE TECHNICIANS OF DEPARTMENT OF VETERANS AFFAIRS.

(a) UPDATE OF WEB PORTAL TO IDENTIFY CERTAIN VETERANS.—

(1) UPDATE.—The Secretary of Veterans Affairs shall update web portals of the Department of Veterans Affairs to provide for a method by which a veteran who served in a medical occupation while serving as a member of the Armed Forces may elect to provide the information described in paragraph (2).

(2) INFORMATION IN PORTAL.—The information described in this paragraph is the following:

(A) Contact information for the veteran.

(B) A history of the medical experience and trained competencies of the veteran.

(3) INCLUSIONS IN HISTORY.—To the extent practicable, the history of a veteran provided under paragraph (2)(B) shall include individual critical task lists specific to the military occupational specialty of the veteran that align with standard occupational codes maintained by the Commissioner of the Bureau of Labor Statistics.

(4) SHARING OF INFORMATION.—For purposes of facilitating civilian medical credentialing and hiring opportunities for veterans seeking to respond to a national emergency, including a public health emergency declared by the Secretary of Health and Human Services under section 319 of the Public Health Service Act (42 U.S.C. 247d), the Secretary of Veterans Affairs, in coordination with the Secretary of Defense and the Secretary of Labor, shall establish a program to share the information described in paragraph (2) with the following:

(A) State departments of veterans affairs.

(B) Veterans service organizations.

(C) State credentialing bodies.

(D) State homes.

(E) Other stakeholders involved in State-level credentialing, as determined appropriate by the Secretary of Veterans Affairs.

(b) PROGRAM ON TRAINING OF INTERMEDIATE CARE TECHNICIANS OF DEPARTMENT OF VETERANS AFFAIRS.—

(1) ESTABLISHMENT.—The Secretary of Veterans Affairs shall establish a program to train, certify, and employ covered veterans as intermediate care technicians of the Department of Veterans Affairs.

(2) LOCATIONS.—The Secretary of Veterans Affairs may assign an intermediate care technician of the Department of Vet-

erans Affairs trained under the program under paragraph (1) to any medical center of the Department of Veterans Affairs, giving priority to locations with a significant staffing shortage.

(3) INCLUSION OF INFORMATION IN TRANSITION ASSISTANCE PROGRAM.—As part of the Transition Assistance Program under sections 1142 and 1144 of title 10, United States Code, the Secretary of Veterans Affairs shall conduct a communications campaign to convey to appropriate members of the Armed Forces separating from active duty opportunities for training, certification, and employment under the program under paragraph (1).

(4) REPORT ON EXPANSION OF PROGRAM.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the House of Representatives and the Senate a report on whether the program under paragraph (1) may be replicated for other medical positions within the Department of Veterans Affairs.

(c) NOTIFICATION OF OPPORTUNITIES FOR VETERANS.—The Secretary of Veterans Affairs shall notify veterans service organizations and, in coordination with the Secretary of Defense, members of the reserve components of the Armed Forces of opportunities for veterans under this section.

(d) DEFINITIONS.—In this section:

(1) The term "covered veteran" means a veteran whom the Secretary of Veterans Affairs determines served as a basic health care technician while serving in the Armed Forces.

(2) The terms "State home" and "veteran" have the meanings given those terms in section 101 of title 38, United States Code.

(3) The term "veterans service organization" means an organization that provides services to veterans, including organizations recognized by the Secretary of Veterans Affairs under section 5902 of title 38, United States Code.

TITLE LII—INSPECTOR GENERAL INDEPENDENCE AND EMPOWERMENT MATTERS

Subtitle A—Inspector General Independence

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

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

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

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

Sec. 5231. Short title.
Sec. 5232. Additional information to be included in requests and reports to Congress.

Sec. 5233. Availability of information to Congress on certain allegations of wrongdoing closed without referral.
Sec. 5234. Semiannual report.
Sec. 5235. Additional reports.
Sec. 5236. Requirement to report final disposition to Congress.
Sec. 5237. Investigations of Offices of Inspector General of establishments by the Integrity Committee.

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

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

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

Sec. 5251. CIGIE report on expenditures.

Subtitle F—Notice of Refusal to Provide Inspectors General Access

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

Subtitle G—Training Resources for Inspectors General and Other Matters

Sec. 5271. Training resources for Inspectors General.
Sec. 5272. Definition of appropriate congressional committees.
Sec. 5273. Semiannual reports.
Sec. 5274. Submission of reports that specifically identify non-governmental organizations or business entities.
Sec. 5275. Review relating to vetting, processing, and resettlement of evacuees from Afghanistan and the Afghanistan special immigrant visa program.

Subtitle A—Inspector General Independence

SEC. 5201. SHORT TITLE.

This subtitle may be cited as the "Securing Inspector General Independence Act of 2022".

SEC. 5202. REMOVAL OR TRANSFER OF INSPECTORS GENERAL; PLACEMENT ON NON-DUTY STATUS.

(a) IN GENERAL.—The Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in section 3(b)—

(A) by inserting "(1)(A)" after "(b)";

(B) in paragraph (1), as so designated—

(i) in subparagraph (A), as so designated, in the second sentence—

(I) by striking "reasons" and inserting the following: "substantive rationale, including detailed and case-specific reasons,"; and

(II) by inserting "(including to the appropriate congressional committees)" after "Houses of Congress"; and

(ii) by adding at the end the following:

"(B) If there is an open or completed inquiry into an Inspector General that relates to the removal or transfer of the Inspector General under subparagraph (A), the written communication required under that subparagraph shall—

"(i) identify each entity that is conducting, or that conducted, the inquiry; and

"(ii) in the case of a completed inquiry, contain the findings made during the inquiry."; and

(C) by adding at the end the following:

"(2)(A) Subject to the other provisions of this paragraph, only the President may place an Inspector General on non-duty status.

"(B) If the President places an Inspector General on non-duty status, the President shall communicate in writing the substantive rationale, including detailed and case-specific reasons, for the change in status to both Houses of Congress (including to the appropriate congressional committees) not later than 15 days before the date on which the change in status takes effect, except that the President may submit that communication not later than the date on which the change in status takes effect if—

"(i) the President has made a determination that the continued presence of the Inspector General in the workplace poses a threat described in any of clauses (i) through (iv) of section 6329b(b)(2)(A) of title 5, United States Code; and

"(ii) in the communication, the President includes a report on the determination described in clause (i), which shall include—

"(I) a specification of which clause of section 6329b(b)(2)(A) of title 5, United States Code, the President has determined applies under clause (i) of this subparagraph;

"(II) the substantive rationale, including detailed and case-specific reasons, for the determination made under clause (i);

"(III) an identification of each entity that is conducting, or that conducted, any inquiry upon which the determination under clause (i) was made; and

"(IV) in the case of an inquiry described in subclause (III) that is completed, the findings made during that inquiry.

"(C) The President may not place an Inspector General on non-duty status during the 30-day period preceding the date on which the Inspector General is removed or transferred under paragraph (1)(A) unless the President—

"(i) has made a determination that the continued presence of the Inspector General in the workplace poses a threat described in any of clauses (i) through (iv) of section 6329b(b)(2)(A) of title 5, United States Code; and

"(ii) not later than the date on which the change in status takes effect, submits to both Houses of Congress (including to the appropriate congressional committees) a written communication that contains the information required under subparagraph (B), including

the report required under clause (ii) of that subparagraph.

"(D) For the purposes of this paragraph—

"(i) the term 'Inspector General'—

"(I) means an Inspector General who was appointed by the President, without regard to whether the Senate provided advice and consent with respect to that appointment; and

"(II) includes the Inspector General of an establishment, the Special Inspector General for Afghanistan Reconstruction, the Special Inspector General for the Troubled Asset Relief Program, and the Special Inspector General for Pandemic Recovery; and

"(ii) a reference to the removal or transfer of an Inspector General under paragraph (1), or to the written communication described in that paragraph, shall be considered to be—

"(I) in the case of the Special Inspector General for Afghanistan Reconstruction, a reference to section 1229(c)(6) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 378);

"(II) in the case of the Special Inspector General for the Troubled Asset Relief Program, a reference to section 121(b)(4) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5231(b)(4)); and

"(III) in the case of the Special Inspector General for Pandemic Recovery, a reference to section 4018(b)(3) of the CARES Act (15 U.S.C. 9053(b)(3)).";

(2) in section 8G(e)—

(A) in paragraph (1), by inserting "or placement on non-duty status" after "a removal";

(B) in paragraph (2)—

(i) by inserting "(A)" after "(2)";

(ii) in subparagraph (A), as so designated, in the first sentence—

(I) by striking "reasons" and inserting the following: "substantive rationale, including detailed and case-specific reasons,"; and

(II) by inserting "(including to the appropriate congressional committees)" after "Houses of Congress"; and

(iii) by adding at the end the following:

"(B) If there is an open or completed inquiry into an Inspector General that relates to the removal or transfer of the Inspector General under subparagraph (A), the written communication required under that subparagraph shall—

"(i) identify each entity that is conducting, or that conducted, the inquiry; and

"(ii) in the case of a completed inquiry, contain the findings made during the inquiry."; and

(C) by adding at the end the following:

"(3)(A) Subject to the other provisions of this paragraph, only the head of the applicable designated Federal entity (referred to in this paragraph as the 'covered official') may place an Inspector General on non-duty status.

"(B) If a covered official places an Inspector General on non-duty status, the covered official shall communicate in writing the substantive rationale, including detailed and case-specific reasons, for the change in status to both Houses of Congress (including to the appropriate congressional committees) not later than 15 days before the date on which the change in status takes effect, except that the covered official may submit that communication not later than the date on which the change in status takes effect if—

"(i) the covered official has made a determination that the continued presence of the Inspector General in the workplace poses a threat described in any of clauses (i) through (iv) of section 6329b(b)(2)(A) of title 5, United States Code; and

"(ii) in the communication, the covered official includes a report on the determination described in clause (i), which shall include—

"(I) a specification of which clause of section 6329b(b)(2)(A) of title 5, United States Code, the covered official has determined applies under clause (i) of this subparagraph;

"(II) the substantive rationale, including detailed and case-specific reasons, for the determination made under clause (i);

"(III) an identification of each entity that is conducting, or that conducted, any inquiry upon which the determination under clause (i) was made; and

"(IV) in the case of an inquiry described in subclause (III) that is completed, the findings made during that inquiry.

"(C) A covered official may not place an Inspector General on non-duty status during the 30-day period preceding the date on which the Inspector General is removed or transferred under paragraph (2)(A) unless the covered official—

"(i) has made a determination that the continued presence of the Inspector General in the workplace poses a threat described in any of clauses (i) through (iv) of section 6329b(b)(2)(A) of title 5, United States Code; and

"(ii) not later than the date on which the change in status takes effect, submits to both Houses of Congress (including to the appropriate congressional committees) a written communication that contains the information required under subparagraph (B), including

the report required under clause (ii) of that subparagraph.

"(D) Nothing in this paragraph may be construed to limit or otherwise modify—

"(i) any statutory protection that is afforded to an Inspector General; or

"(ii) any other action that a covered official may take under law with respect to an Inspector General.";

(3) in section 103H(c) of the National Security Act (50 U.S.C. 3033(c))—

(A) in paragraph (4)—

(i) by inserting "(A)" after "(4)";

(ii) in subparagraph (A), as so designated, in the second sentence, by striking "reasons" and inserting "substantive rationale, including detailed and case-specific reasons,"; and

(iii) by adding at the end the following:

"(B) If there is an open or completed inquiry into the Inspector General that relates to the removal or transfer of the Inspector General under subparagraph (A), the written communication required under that subparagraph shall—

"(i) identify each entity that is conducting, or that conducted, the inquiry; and

"(ii) in the case of a completed inquiry, contain the findings made during the inquiry."; and

(B) by adding at the end the following:

"(5)(A) Subject to the other provisions of this paragraph, only the President may place the Inspector General on nonduty status.

"(B) If the President places the Inspector General on nonduty status, the President shall communicate in writing the substantive rationale, including detailed and case-specific reasons, for the change in status to the congressional intelligence committees not later than 15 days before the date on which the change in status takes effect, except that the President may submit that communication not later than the date on which the change in status takes effect if—

"(i) the President has made a determination that the continued presence of the Inspector General in the workplace poses a threat described in any of clauses (i) through (iv) of section 6329b(b)(2)(A) of title 5, United States Code; and

"(ii) in the communication, the President includes a report on the determination described in clause (i), which shall include—

"(I) a specification of which clause of section 6329b(b)(2)(A) of title 5, United States Code, the President has determined applies under clause (i);

"(II) the substantive rationale, including detailed and case-specific reasons, for the determination made under clause (i);

"(III) an identification of each entity that is conducting, or that conducted, any inquiry upon which the determination under clause (i) was made; and

"(IV) in the case of an inquiry described in subclause (III) that is completed, the findings made during that inquiry.

"(C) The President may not place the Inspector General on nonduty status during the 30-day period preceding the date on which the Inspector General is removed or transferred under paragraph (4)(A) unless the President—

"(i) has made a determination that the continued presence of the Inspector General in the workplace poses a threat described in any of clauses (i) through (iv) of section 6329b(b)(2)(A) of title 5, United States Code; and

"(ii) not later than the date on which the change in status takes effect, submits to the congressional intelligence committees a written communication that contains the information required under subparagraph (B), including the report required under clause (ii) of that subparagraph."; and

(4) in section 17(b) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3517(b))—

(A) in paragraph (6)—

(i) by inserting "(A)" after "(6)";

(ii) in subparagraph (A), as so designated, in the second sentence, by striking "reasons" and inserting "substantive rationale, including detailed and case-specific reasons,"; and

(iii) by adding at the end the following:

"(B) If there is an open or completed inquiry into the Inspector General that relates to the removal or transfer of the Inspector General under subparagraph (A), the written communication required under that subparagraph shall—

"(i) identify each entity that is conducting, or that conducted, the inquiry; and

"(ii) in the case of a completed inquiry, contain the findings made during the inquiry."; and

(B) by adding at the end the following:

"(7)(A) Subject to the other provisions of this paragraph, only the President may place the Inspector General on nonduty status.

"(B) If the President places the Inspector General on nonduty status, the President shall communicate in writing the substantive rationale, including detailed and case-specific reasons, for the change in status to the congressional intelligence committees not later than 15 days before the date on which the change in status takes effect, except that the President may submit that communication not later than the date on which the change in status takes effect if—

"(i) the President has made a determination that the continued presence of the Inspector General in the workplace poses a threat described in any of clauses (i) through (iv) of section 6329b(b)(2)(A) of title 5, United States Code; and

"(ii) in the communication, the President includes a report on the determination described in clause (i), which shall include—

"(I) a specification of which clause of section 6329b(b)(2)(A) of title 5, United States Code, the President has determined applies under clause (i);

"(II) the substantive rationale, including detailed and case-specific reasons, for the determination made under clause (i);

"(III) an identification of each entity that is conducting, or that conducted, any inquiry upon which the determination under clause (i) was made; and

"(IV) in the case of an inquiry described in subclause (III) that is completed, the findings made during that inquiry.

"(C) The President may not place the Inspector General on non-duty status during the 30-day period preceding the date on which the Inspector General is removed or transferred under paragraph (6)(A) unless the President—

"(i) has made a determination that the continued presence of the Inspector General in the workplace poses a threat described in any of clauses (i) through (iv) of section 6329b(b)(2)(A) of title 5, United States Code; and

"(ii) not later than the date on which the change in status takes effect, submits to the congressional intelligence committees a written communication that contains the information required under subparagraph (B), including the report required under clause (ii) of that subparagraph.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 12(3) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by inserting "except as otherwise expressly provided," before "the term".

SEC. 5203. VACANCY IN POSITION OF INSPECTOR GENERAL.

(a) IN GENERAL.—Section 3 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by adding at the end the following:

"(h)(1) In this subsection—

"(A) the term 'first assistant to the position of Inspector General' means, with respect to an Office of Inspector General—

"(i) an individual who, as of the day before the date on which the Inspector General dies, resigns, or otherwise becomes unable to perform the functions and duties of that position—

"(I) is serving in a position in that Office; and

"(II) has been designated in writing by the Inspector General, through an order of succession or otherwise, as the first assistant to the position of Inspector General; or

"(ii) if the Inspector General has not made a designation described in clause (i)(II)—

"(I) the Principal Deputy Inspector General of that Office, as of the day before the date on which the Inspector General dies, resigns, or otherwise becomes unable to perform the functions and duties of that position; or

"(II) if there is no Principal Deputy Inspector General of that Office, the Deputy Inspector General of that Office, as of the day before the date on which the Inspector General dies, resigns, or otherwise becomes unable to perform the functions and duties of that position; and

"(B) the term 'Inspector General'—

"(i) means an Inspector General who is appointed by the President, by and with the advice and consent of the Senate; and

"(ii) includes the Inspector General of an establishment, the Special Inspector General for the Troubled Asset Relief Program, and the Special Inspector General for Pandemic Recovery.

"(2) If an Inspector General dies, resigns, or is otherwise unable to perform the functions and duties of the position—

"(A) section 3345(a) of title 5, United States Code, and section 103(e) of the National Security Act of 1947 (50 U.S.C. 3025(e)) shall not apply;

"(B) subject to paragraph (4), the first assistant to the position of Inspector General shall perform the functions and duties of the Inspector General temporarily in an acting capacity subject to the time limitations of section 3346 of title 5, United States Code; and

"(C) notwithstanding subparagraph (B), and subject to paragraphs (4) and (5), the President (and only the President) may direct an officer or employee of any Office of an Inspector General to perform the functions and duties of the Inspector General temporarily in an acting capacity subject to the time limitations of section 3346 of title 5, United States Code, only if—

"(i) during the 365-day period preceding the date of death, resignation, or beginning of inability to serve of the Inspector General, the officer or employee served in a position in an Office of an Inspector General for not less than 90 days, except that—

"(I) the requirement under this clause shall not apply if the officer is an Inspector General; and

"(II) for the purposes of this subparagraph, performing the functions and duties of an Inspector General temporarily in an acting capacity does

not qualify as service in a position in an Office of an Inspector General;

"(ii) the rate of pay for the position of the officer or employee described in clause (i) is equal to or greater than the minimum rate of pay payable for a position at GS-15 of the General Schedule;

"(iii) the officer or employee has demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations; and

"(iv) not later than 30 days before the date on which the direction takes effect, the President communicates in writing to both Houses of Congress (including to the appropriate congressional committees) the substantive rationale, including the detailed and case-specific reasons, for such direction, including the reason for the direction that someone other than the individual who is performing the functions and duties of the Inspector General temporarily in an acting capacity (as of the date on which the President issues that direction) perform those functions and duties temporarily in an acting capacity.

"(3) Notwithstanding section 3345(a) of title 5, United States Code, and subparagraphs (B) and (C) of paragraph (2), and subject to paragraph (4), during any period in which an Inspector General is on non-duty status—

"(A) the first assistant to the position of Inspector General shall perform the functions and duties of the position temporarily in an acting capacity subject to the time limitations of section 3346 of title 5, United States Code; and

"(B) if the first assistant described in subparagraph (A) dies, resigns, or becomes otherwise unable to perform those functions and duties, the President (and only the President) may direct an officer or employee in that Office of Inspector General to perform those functions and duties temporarily in an acting capacity, subject to the time limitations of section 3346 of title 5, United States Code, if—

"(i) that direction satisfies the requirements under clauses (ii), (iii), and (iv) of paragraph (2)(C); and

"(ii) that officer or employee served in a position in that Office of Inspector General for not fewer than 90 of the 365 days preceding the date on which the President makes that direction.

"(4) An individual may perform the functions and duties of an Inspector General temporarily and in an acting capacity under subparagraph (B) or (C) of paragraph (2), or under paragraph (3), with respect to only 1 Inspector General position at any given time.

"(5) If the President makes a direction under paragraph (2)(C), during the 30-day period preceding the date on which the direction of the President takes effect, the functions and duties of the position of the applicable Inspector General shall be performed by—

"(A) the first assistant to the position of Inspector General; or

"(B) the individual performing those functions and duties temporarily in an acting capacity, as of the date on which the President issues that direction, if that individual is an individual other than the first assistant to the position of Inspector General.".

(b) AMENDMENT TO NATIONAL SECURITY ACT.—Section 103H(c) of the National Security Act (50 U.S.C. 3033(c)), as amended by section 5202, is further amended by adding at the end the following:

"(6)(A) In this subsection, the term 'first assistant to the position of Inspector General' has the meaning given in section 3 of the Inspector General Act of 1978 (5 U.S.C. App.).

"(B) If the Inspector General dies, resigns, or is otherwise unable to perform the functions and duties of the position—

"(i) section 3345(a) of title 5, United States Code, and section 103(e) of the National Security Act of 1947 (50 U.S.C. 3025(e)) shall not apply;

"(ii) subject to subparagraph (D), the first assistant to the position of Inspector General shall perform the functions and duties of the Inspector General temporarily in an acting capacity subject to the time limitations of section 3346 of title 5, United States Code; and

"(iii) notwithstanding clause (ii), and subject to subparagraphs (D) and (E), the President (and only the President) may direct an officer or employee of any Office of an Inspector General to perform the functions and duties of the Inspector General temporarily in an acting capacity subject to the time limitations of section 3346 of title 5, United States Code, only if—

"(I) during the 365-day period preceding the date of death, resignation, or beginning of inability to serve of the Inspector General, the officer or employee served in a position in an Office of an Inspector General for not less than 90 days, except that—

"(aa) the requirement under this subclause shall not apply if the officer is an Inspector General; and

"(bb) for the purposes of this clause, performing the functions and duties of an Inspector General temporarily in an acting capacity does not qualify as service in a position in an Office of an Inspector General;

"(II) the rate of pay for the position of the officer or employee described in subclause (I) is equal to or greater than the minimum rate of pay payable for a position at GS-15 of the General Schedule;

"(III) the officer or employee has demonstrated ability in accounting, auditing, financial

analysis, law, management analysis, public administration, or investigations; and

"(IV) not later than 30 days before the date on which the direction takes effect, the President communicates in writing to the congressional intelligence committees the substantive rationale, including the detailed and case-specific reasons, for such direction, including the reason for the direction that someone other than the individual who is performing the functions and duties of the Inspector General temporarily in an acting capacity (as of the date on which the President issues that direction) perform those functions and duties temporarily in an acting capacity.

"(C) Notwithstanding section 3345(a) of title 5, United States Code, section 103(e) of the National Security Act of 1947 (50 U.S.C. 3025(e)), and clauses (ii) and (iii) of subparagraph (B), and subject to subparagraph (D), during any period in which the Inspector General is on nonduty status—

"(i) the first assistant to the position of Inspector General shall perform the functions and duties of the position temporarily in an acting capacity subject to the time limitations of section 3346 of title 5, United States Code; and

"(ii) if the first assistant described in clause (i) dies, resigns, or becomes otherwise unable to perform those functions and duties, the President (and only the President) may direct an officer or employee in the Office of Inspector General to perform those functions and duties temporarily in an acting capacity, subject to the time limitations of section 3346 of title 5, United States Code, if—

"(I) that direction satisfies the requirements under subclauses (II), (III), and (IV) of subparagraph (B)(iii); and

"(II) that officer or employee served in a position in that Office of Inspector General for not fewer than 90 of the 365 days preceding the date on which the President makes that direction.

"(D) An individual may perform the functions and duties of the Inspector General temporarily and in an acting capacity under clause (ii) or (iii) of subparagraph (B), or under subparagraph (C), with respect to only 1 Inspector General position at any given time.

"(E) If the President makes a direction under subparagraph (B)(iii), during the 30-day period preceding the date on which the direction of the President takes effect, the functions and duties of the position of the Inspector General shall be performed by—

"(i) the first assistant to the position of Inspector General; or

"(ii) the individual performing those functions and duties temporarily in an acting capacity, as of the date

on which the President issues that direction, if that individual is an individual other than the first assistant to the position of Inspector General.".

(c) AMENDMENT TO CENTRAL INTELLIGENCE AGENCY ACT.—Section 17(b) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3517(b)), as amended by section 5202, is further amended by adding at the end the following:

"(8)(A) In this subsection, the term 'first assistant to the position of Inspector General' has the meaning given in section 3 of the Inspector General Act of 1978 (5 U.S.C. App.).

"(B) If the Inspector General dies, resigns, or is otherwise unable to perform the functions and duties of the position—

"(i) section 3345(a) of title 5, United States Code shall not apply;

"(ii) subject to subparagraph (D), the first assistant to the position of Inspector General shall perform the functions and duties of the Inspector General temporarily in an acting capacity subject to the time limitations of section 3346 of title 5, United States Code; and

"(iii) notwithstanding clause (ii), and subject to subparagraphs (D) and (E), the President (and only the President) may direct an officer or employee of any Office of an Inspector General to perform the functions and duties of the Inspector General temporarily in an acting capacity subject to the time limitations of section 3346 of title 5, United States Code, only if—

"(I) during the 365-day period preceding the date of death, resignation, or beginning of inability to serve of the Inspector General, the officer or employee served in a position in an Office of an Inspector General for not less than 90 days, except that—

"(aa) the requirement under this subclause shall not apply if the officer is an Inspector General; and

"(bb) for the purposes of this clause, performing the functions and duties of an Inspector General temporarily in an acting capacity does not qualify as service in a position in an Office of an Inspector General;

"(II) the rate of pay for the position of the officer or employee described in subclause (I) is equal to or greater than the minimum rate of pay payable for a position at GS-15 of the General Schedule;

"(III) the officer or employee has demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations; and

"(IV) not later than 30 days before the date on which the direction takes effect, the President communicates in writing to the congressional in-

telligence committees the substantive rationale, including the detailed and case-specific reasons, for such direction, including the reason for the direction that someone other than the individual who is performing the functions and duties of the Inspector General temporarily in an acting capacity (as of the date on which the President issues that direction) perform those functions and duties temporarily in an acting capacity.

"(C) Notwithstanding section 3345(a) of title 5, United States Code and clauses (ii) and (iii) of subparagraph (B), and subject to subparagraph (D), during any period in which the Inspector General is on nonduty status—

"(i) the first assistant to the position of Inspector General shall perform the functions and duties of the position temporarily in an acting capacity subject to the time limitations of section 3346 of title 5, United States Code; and

"(ii) if the first assistant described in clause (i) dies, resigns, or becomes otherwise unable to perform those functions and duties, the President (and only the President) may direct an officer or employee in the Office of Inspector General to perform those functions and duties temporarily in an acting capacity, subject to the time limitations of section 3346 of title 5, United States Code, if—

"(I) that direction satisfies the requirements under subclauses (II), (III), and (IV) of subparagraph (B)(iii); and

"(II) that officer or employee served in a position in that Office of Inspector General for not fewer than 90 of the 365 days preceding the date on which the President makes that direction.

"(D) An individual may perform the functions and duties of the Inspector General temporarily and in an acting capacity under clause (ii) or (iii) of subparagraph (B), or under subparagraph (C), with respect to only 1 Inspector General position at any given time.

"(E) If the President makes a direction under subparagraph (B)(iii), during the 30-day period preceding the date on which the direction of the President takes effect, the functions and duties of the position of the Inspector General shall be performed by—

"(i) the first assistant to the position of Inspector General; or

"(ii) the individual performing those functions and duties temporarily in an acting capacity, as of the date on which the President issues that direction, if that individual is an individual other than the first assistant to the position of Inspector General.".

(d) RULE OF CONSTRUCTION.—Nothing in the amendment made by subsection (a) may be construed to limit the applicability of sections 3345 through 3349d of title 5, United States Code (commonly

known as the "Federal Vacancies Reform Act of 1998"), other than with respect to section 3345(a) of that title.

(e) EFFECTIVE DATE.—

(1) DEFINITION.—In this subsection, the term "Inspector General" has the meaning given the term in subsection (h)(1)(B) of section 3 of the Inspector General Act of 1978 (5 U.S.C. App.), as added by subsection (a) of this section.

(2) APPLICABILITY.—

(A) IN GENERAL.—Except as provided in subparagraph (B), this section, and the amendments made by this section, shall take effect on the date of enactment of this Act.

(B) EXISTING VACANCIES.—If, as of the date of enactment of this Act, an individual is performing the functions and duties of an Inspector General temporarily in an acting capacity, this section, and the amendments made by this section, shall take effect with respect to that Inspector General position on the date that is 30 days after the date of enactment of this Act.

SEC. 5204. OFFICE OF INSPECTOR GENERAL WHISTLEBLOWER COMPLAINTS.

(a) WHISTLEBLOWER PROTECTION COORDINATOR.—Section 3(d)(1)(C) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in clause (i), in the matter preceding subclause (I), by inserting ", including employees of that Office of Inspector General" after "employees"; and

(2) in clause (iii), by inserting "(including the Integrity Committee of that Council)" after "and Efficiency".

(b) COUNCIL OF THE INSPECTORS GENERAL ON INTEGRITY AND EFFICIENCY.—Section 11(c)(5)(B) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking ", allegations of reprisal," and inserting the following: "and allegations of reprisal (including the timely and appropriate handling and consideration of protected disclosures and allegations of reprisal that are internal to an Office of Inspector General)".

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

SEC. 5221. PRESIDENTIAL EXPLANATION OF FAILURE TO NOMINATE AN INSPECTOR GENERAL.

(a) IN GENERAL.—Subchapter III of chapter 33 of title 5, United States Code, is amended by inserting after section 3349d the following:

"SEC. 3349e. [5 U.S.C. 3349e] Presidential explanation of failure to nominate an inspector general

"If the President fails to make a formal nomination for a vacant inspector general position that requires a formal nomination by the President to be filled within the period beginning on the later of the date on which the vacancy occurred or on which a nomination is rejected, withdrawn, or returned, and ending on the day that is 210 days after that date, the President shall communicate, within 30 days after the end of such period and not later than June

1 of each year thereafter, to the appropriate congressional committees, as defined in section 12 of the Inspector General Act of 1978 (5 U.S.C. App.)—

"(1) the reasons why the President has not yet made a formal nomination; and

"(2) a target date for making a formal nomination.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for subchapter III of chapter 33 of title 5, United States Code, is amended by inserting after the item relating to section 3349d the following:

"3349e. Presidential explanation of failure to nominate an Inspector General.".

(c) [5 U.S.C. 3349e note] EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect—

(1) on the date of enactment of this Act with respect to any vacancy first occurring on or after that date; and

(2) on the day that is 210 days after the date of enactment of this Act with respect to any vacancy that occurred before the date of enactment of this Act.

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

SEC. 5231. SHORT TITLE.

This subtitle may be cited as the "Integrity Committee Transparency Act of 2022".

SEC. 5232. ADDITIONAL INFORMATION TO BE INCLUDED IN REQUESTS AND REPORTS TO CONGRESS.

Section 11(d) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in paragraph (5)(B)(ii), by striking the period at the end and inserting ", the length of time the Integrity Committee has been evaluating the allegation of wrongdoing, and a description of any previous written notice provided under this clause 136 STAT. 3235 with respect to the allegation of wrongdoing, including the description provided for why additional time was needed."; and

(2) in paragraph (8)(A)(ii), by inserting "or corrective action" after "disciplinary action".

SEC. 5233. AVAILABILITY OF INFORMATION TO CONGRESS ON CERTAIN ALLEGATIONS OF WRONGDOING CLOSED WITHOUT REFERRAL.

Section 11(d)(5)(B) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by adding at the end the following:

"(iii) AVAILABILITY OF INFORMATION TO CONGRESS ON CERTAIN ALLEGATIONS OF WRONGDOING CLOSED WITHOUT REFERRAL.—With respect to an allegation of wrongdoing made by a member of Congress that is closed by the Integrity Committee without referral to the Chairperson of the Integrity Committee to initiate an investigation, the Chairperson of the Integrity Committee shall, not later than 60 days after closing

the allegation of wrongdoing, provide a written description of the nature of the allegation of wrongdoing and how the Integrity Committee evaluated the allegation of wrongdoing to—

"(I) the Chair and Ranking Minority Member of the Committee on Homeland Security and Governmental Affairs of the Senate; and

"(II) the Chair and Ranking Minority Member of the Committee on Oversight and Reform of the House of Representatives.".

SEC. 5234. SEMIANNUAL REPORT.

Section 11(d)(9) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended to read as follows:

"(9) SEMIANNUAL REPORT.—On or before May 31, 2023, and every 6 months thereafter, the Council shall submit to Congress and the President a report on the activities of the Integrity Committee during the immediately preceding 6-month periods ending March 31 and September 30, which shall include the following with respect to allegations of wrongdoing that are made against Inspectors General and staff members of the various Offices of Inspector General described in paragraph (4)(C):

"(A) An overview and analysis of the allegations of wrongdoing disposed of by the Integrity Committee, including—

"(i) analysis of the positions held by individuals against whom allegations were made, including the duties affiliated with such positions;

"(ii) analysis of the categories or types of the allegations of wrongdoing; and

"(iii) a summary of disposition of all the allegations.

"(B) The number of allegations received by the Integrity Committee.

"(C) The number of allegations referred to the Department of Justice or the Office of Special Counsel, including the number of allegations referred for criminal investigation.

"(D) The number of allegations referred to the Chairperson of the Integrity Committee for investigation, a general description of the status of such investigations, and a summary of the findings of investigations completed.

"(E) An overview and analysis of allegations of wrongdoing received by the Integrity Committee during any previous reporting period, but remained pending during some part of the six months covered by the report, including—

"(i) analysis of the positions held by individuals against whom allegations were made, including the duties affiliated with such positions;

"(ii) analysis of the categories or types of the allegations of wrongdoing; and

"(iii) a summary of disposition of all the allegations.

"(F) The number and category or type of pending investigations.

"(G) For each allegation received—

"(i) the date on which the investigation was opened;

"(ii) the date on which the allegation was disposed of, as applicable; and

"(iii) the case number associated with the allegation.

"(H) The nature and number of allegations to the Integrity Committee closed without referral, including the justification for why each allegation was closed without referral.

"(I) A brief description of any difficulty encountered by the Integrity Committee when receiving, evaluating, investigating, or referring for investigation an allegation received by the Integrity Committee, including a brief description of—

"(i) any attempt to prevent or hinder an investigation; or

"(ii) concerns about the integrity or operations at an Office of Inspector General.

"(J) Other matters that the Council considers appropriate.".

SEC. 5235. ADDITIONAL REPORTS.

Section 5 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) by redesignating subsections (e) and (f) as subsections (g) and (h), respectively; and

(2) by inserting after subsection (d) the following:

"(e) ADDITIONAL REPORTS.—

"(1) REPORT TO INSPECTOR GENERAL.—The Chairperson of the Integrity Committee of the Council of the Inspectors General on Integrity and Efficiency shall, immediately whenever the Chairperson of the Integrity Committee becomes aware of particularly serious or flagrant problems, abuses, or deficiencies relating to the administration of programs and operations of an Office of Inspector General for which the Integrity Committee may receive, review, and refer for investigation allegations of wrongdoing under section 11(d), submit a report to the Inspector General who leads the Office at which the serious or flagrant problems, abuses, or deficiencies were alleged.

"(2) REPORT TO PRESIDENT, CONGRESS, AND THE ESTABLISHMENT.—Not later than 7 days after the date on which an Inspector General receives a report submitted under paragraph (1), the Inspector General shall submit to the President, the appropriate congressional committees, and the head of the establishment—

"(A) the report received under paragraph (1); and

"(B) a report by the Inspector General containing any comments the Inspector General determines appropriate.".

SEC. 5236. REQUIREMENT TO REPORT FINAL DISPOSITION TO CONGRESS.

Section 11(d)(8)(B) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by inserting "and the appropriate congressional committees" after "Integrity Committee".

SEC. 5237. INVESTIGATIONS OF OFFICES OF INSPECTOR GENERAL OF ESTABLISHMENTS BY THE INTEGRITY COMMITTEE.

Section 11(d)(7)(B)(i)(V) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by inserting ", and that an investigation of an Office of Inspector General of an establishment is conducted by another Office of Inspector General of an establishment" after "size".

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

SEC. 5241. NOTICE OF ONGOING INVESTIGATIONS WHEN THERE IS A CHANGE IN STATUS OF INSPECTOR GENERAL.

Section 5 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by inserting after subsection (e), as added by section 5625 of this title, the following:

"(f)(1) Except as provided in paragraph (2), not later than 15 days after an Inspector General is removed, placed on paid or unpaid nonduty status, or transferred to another position or location within an establishment, the officer or employee performing the functions and duties of the Inspector General temporarily in an acting capacity shall submit to the appropriate congressional committees information regarding work being conducted by the Office as of the date on which the Inspector General was removed, placed on paid or unpaid non-duty status, or transferred, which shall include—

"(A) for each investigation—

"(i) the type of alleged offense;

"(ii) the fiscal quarter in which the Office initiated the investigation;

"(iii) the relevant Federal agency, including the relevant component of that Federal agency for any Federal agency listed in section 901(b) of title 31, United States Code, under investigation or affiliated with the individual or entity under investigation; and

"(iv) whether the investigation is administrative, civil, criminal, or a combination thereof, if known; and

"(B) for any work not described in subparagraph (A)—

"(i) a description of the subject matter and scope;

"(ii) the relevant agency, including the relevant component of that Federal agency, under review;

"(iii) the date on which the Office initiated the work; and

"(iv) the expected time frame for completion.

"(2) With respect to an inspector general of an element of the intelligence community specified in section 8G(d)(2) of the Inspector General Act of 1978 (5 U.S.C. App.), the submission

required by paragraph (1) shall only be made to the committees of Congress specified in section 8G(d)(2)(E).".

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

SEC. 5251. CIGIE REPORT ON EXPENDITURES.

Section 11(c)(3) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by adding at the end the following:

"(D) REPORT ON EXPENDITURES.—Not later than November 30 of each year, the Chairperson shall submit to the appropriate committees or subcommittees of Congress, including the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives, a report on the expenditures of the Council for the preceding fiscal year, including from direct appropriations to the Council, interagency funding pursuant to subparagraph (A), a revolving fund pursuant to subparagraph (B), or any other source.".

Subtitle F—Notice of Refusal to Provide Inspectors General Access

SEC. 5261. NOTICE OF REFUSAL TO PROVIDE INFORMATION OR ASSISTANCE TO INSPECTORS GENERAL.

Section 6(c) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by adding at the end the following:

"(3) If the information or assistance that is the subject of a report under paragraph (2) is not provided to the Inspector General by the date that is 30 days after the report is made, the Inspector General shall submit a notice that the information or assistance requested has not been provided by the head of the establishment involved or the head of the Federal agency involved, as applicable, to the appropriate congressional committees.".

Subtitle G—Training Resources for Inspectors General and Other Matters

SEC. 5271. TRAINING RESOURCES FOR INSPECTORS GENERAL.

Section 11(c)(1) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) by redesignating subparagraphs (E) through (I) as subparagraphs (F) through (J), respectively; and

(2) by inserting after subparagraph (D) the following:

"(E) support the professional development of Inspectors General, including by providing training opportunities on the duties, responsibilities, and authorities under this Act and on topics relevant to Inspectors General and the

work of Inspectors General, as identified by Inspectors General and the Council.".

SEC. 5272. DEFINITION OF APPROPRIATE CONGRESSIONAL COMMITTEES.

The Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in section 5—

(A) in subsection (b), in the matter preceding paragraph (1), by striking "committees or subcommittees of the Congress" and inserting "congressional committees"; and

(B) in subsection (d), by striking "committees or subcommittees of Congress" and inserting "congressional committees";

(2) in section 6(h)(4)—

(A) in subparagraph (B), by striking "Government"; and

(B) by amending subparagraph (C) to read as follows:

"(C) Any other relevant congressional committee or subcommittee of jurisdiction.";

(3) in section 8—

(A) in subsection (b)—

(i) in paragraph (3), by striking "the Committees on Armed Services and Governmental Affairs of the Senate and the Committee on Armed Services and the Committee on Government Reform and Oversight of the House of Representatives and to other appropriate committees or subcommittees of the Congress" and inserting "the appropriate congressional committees, including the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives"; and

(ii) in paragraph (4), by striking "and to other appropriate committees or subcommittees"; and

(B) in subsection (f)—

(i) in paragraph (1), by striking "the Committees on Armed Services and on Homeland Security and Governmental Affairs of the Senate and the Committees on Armed Services and on Oversight and Government Reform of the House of Representatives and to other appropriate committees or subcommittees of Congress" and inserting "the appropriate congressional 136 STAT. 3240 committees, including the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives"; and

(ii) in paragraph (2), by striking "committees or subcommittees of the Congress" and inserting "congressional committees";

(4) in section 8D—

(A) in subsection (a)(3), by striking "Committees on Governmental Affairs and Finance of the Senate and the Committees on Government Operations and Ways and Means of the House of Representatives, and to other appropriate committees or subcommittees of the Congress"

and inserting "appropriate congressional committees, including the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives"; and

(B) in subsection (g)—

(i) in paragraph (1)—

(I) by striking "committees or subcommittees of the Congress" and inserting "congressional committees"; and

(II) by striking "Committees on Governmental Affairs and Finance of the Senate and the Committees on Government Reform and Oversight and Ways and Means of the House of Representatives" and inserting "Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives"; and

(ii) in paragraph (2), by striking "committees or subcommittees of Congress" and inserting "congressional committees";

(5) in section 8E—

(A) in subsection (a)(3), by striking "Committees on Governmental Affairs and Judiciary of the Senate and the Committees on Government Operations and Judiciary of the House of Representatives, and to other appropriate committees or subcommittees of the Congress" and inserting "appropriate congressional committees, including the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives"; and

(B) in subsection (c)—

(i) by striking "committees or subcommittees of the Congress" and inserting "congressional committees"; and

(ii) by striking "Committees on the Judiciary and Governmental Affairs of the Senate and the Committees on the Judiciary and Government Operations of the House of Representatives" and inserting "Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives";

(6) in section 8G(f)(3)—

(A) in subparagraph (A)(iii), by striking "Committee on Governmental Affairs of the Senate and the Committee on Government Reform and Oversight of the House of Representatives, and to other appropriate committees or 136 STAT. 3241 subcommittees of the Congress" and inserting "the appropriate congressional committees"; and

(B) by striking subparagraph (C);

(7) in section 8I—

(A) in subsection (a)(3), in the matter preceding subparagraph (A), by striking "committees and subcommittees of Congress" and inserting "congressional committees"; and

(B) in subsection (d), by striking "committees and subcommittees of Congress" each place it appears and inserting "congressional committees";

(8) in section 8N(b), by striking "committees of Congress" and inserting "congressional committees";

(9) in section 11—

(A) in subsection (b)(3)(B)(viii)—

(i) by striking subclauses (III) and (IV);

(ii) in subclause (I), by adding "and" at the end; and

(iii) by amending subclause (II) to read as follows:

"(II) the appropriate congressional committees."; and

(B) in subsection (d)(8)(A)(iii), by striking "to the" and all that follows through "jurisdiction" and inserting "to the appropriate congressional committees"; and

(10) in section 12—

(A) in paragraph (4), by striking "and" at the end;

(B) in paragraph (5), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(6) the term 'appropriate congressional committees' means—

"(A) the Committee on Homeland Security and Governmental Affairs of the Senate;

"(B) the Committee on Oversight and Reform of the House of Representatives; and

"(C) any other relevant congressional committee or subcommittee of jurisdiction.".

SEC. 5273. SEMIANNUAL REPORTS.

The Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in section 4(a)(2)—

(A) by inserting ", including" after "to make recommendations"; and

(B) by inserting a comma after "section 5(a)";

(2) in section 5—

(A) in subsection (a)—

(i) by striking paragraphs (1) through (12) and inserting the following:

"(1) a description of significant problems, abuses, and deficiencies relating to the administration of programs and operations of the establishment and associated reports and recommendations for corrective action made by the Office;

"(2) an identification of each recommendation made before the reporting period, for which corrective action has not been completed, including the potential costs savings associated with the recommendation;

"(3) a summary of significant investigations closed during the reporting period;

"(4) an identification of the total number of convictions during the reporting period resulting from investigations;

"(5) information regarding each audit, inspection, or evaluation report issued during the reporting period, including—

"(A) a listing of each audit, inspection, or evaluation;

"(B) if applicable, the total dollar value of questioned costs (including a separate category for the dollar value of unsupported costs) and the dollar value of recommendations that funds be put to better use, including whether a management decision had been made by the end of the reporting period;

"(6) information regarding any management decision made during the reporting period with respect to any audit, inspection, or evaluation issued during a previous reporting period;";

(ii) by redesignating paragraphs (13) through (22) as paragraphs (7) through (16), respectively;

(iii) by amending paragraph (13), as so redesignated, to read as follows:

"(13) a report on each investigation conducted by the Office where allegations of misconduct were substantiated involving a senior Government employee or senior official (as defined by the Office) if the establishment does not have senior Government employees, which shall include—

"(A) the name of the senior Government employee, if already made public by the Office; and

"(B) a detailed description of—

"(i) the facts and circumstances of the investigation; and

"(ii) the status and disposition of the matter, including—

"(I) if the matter was referred to the Department of Justice, the date of the referral; and

"(II) if the Department of Justice declined the referral, the date of the declination;"; and

(iv) by amending paragraph (15), as so redesignated, to read as follows:

"(15) information related to interference by the establishment, including—

"(A) a detailed description of any attempt by the establishment to interfere with the independence of the Office, including—

"(i) with budget constraints designed to limit the capabilities of the Office; and

"(ii) incidents where the establishment has resisted or objected to oversight activities of the Office or restricted or significantly delayed access to information, including the justification of the establishment for such action; and

"(B) a summary of each report made to the head of the establishment under section 6(c)(2) during the reporting period;"; and

(B) in subsection (b)—

(i) by striking paragraphs (2) and (3) and inserting the following:

"(2) where final action on audit, inspection, and evaluation reports had not been taken before the commencement of the reporting period, statistical tables showing—

"(A) with respect to management decisions—

"(i) for each report, whether a management decision was made during the reporting period;

"(ii) if a management decision was made during the reporting period, the dollar value of disallowed costs and funds to be put to better use as agreed to in the management decision; and

"(iii) total number of reports where a management decision was made during the reporting period and the total corresponding dollar value of disallowed costs and funds to be put to better use as agreed to in the management decision; and

"(B) with respect to final actions—

"(i) whether, if a management decision was made before the end of the reporting period, final action was taken during the reporting period;

"(ii) if final action was taken, the dollar value of—

"(I) disallowed costs that were recovered by management through collection, offset, property in lieu of cash, or otherwise;

"(II) disallowed costs that were written off by management;

"(III) disallowed costs and funds to be put to better use not yet recovered or written off by management;

"(IV) recommendations that were completed; and

"(V) recommendations that management has subsequently concluded should not or could not be implemented or completed; and

"(iii) total number of reports where final action was not taken and total number of reports where final action was taken, including the total corresponding dollar value of disallowed costs and funds to be put to better use as agreed to in the management decisions;";

(ii) by redesignating paragraph (4) as paragraph (3);

(iii) in paragraph (3), as so redesignated, by striking "subsection (a)(20)(A)" and inserting "subsection (a)(14)(A)"; and

(iv) by striking paragraph (5) and inserting the following:

"(4) a statement explaining why final action has not been taken with respect to each audit, inspection, and evaluation report in which a management decision has been made but final action has not yet been taken, except that such statement—

"(A) may exclude reports if—

"(i) a management decision was made within the preceding year; or

"(ii) the report is under formal administrative or judicial appeal or management of the establishment has agreed to pursue a legislative solution; and

"(B) shall identify the number of reports in each category so excluded.";

(C) by redesignating subsection (h), as so redesignated by section 5625 of this title, as subsection (i); and

(D) by inserting after subsection (g), as so redesignated by section 5625 of this title, the following:

"(h) If an Office has published any portion of the report or information required under subsection (a) to the website of the Office or on oversight.gov, the Office may elect to provide links to the relevant webpage or website in the report of the Office under subsection (a) in lieu of including the information in that report.".

SEC. 5274. SUBMISSION OF REPORTS THAT SPECIFICALLY IDENTIFY NON-GOVERNMENTAL ORGANIZATIONS OR BUSINESS ENTITIES.

(a) IN GENERAL.—Section 5(g) of the Inspector General Act of 1978 (5 U.S.C. App.), as so redesignated by section 5625 of this title, is amended by adding at the end the following:

"(6)(A) Except as provided in subparagraph (B), if an audit, evaluation, inspection, or other non-investigative report prepared by an Inspector General specifically identifies a specific non-governmental organization or business entity, whether or not the non-governmental organization or business entity is the subject of that audit, evaluation, inspection, or non-investigative report—

"(i) the Inspector General shall notify the non-governmental organization or business entity;

"(ii) the non-governmental organization or business entity shall have—

"(I) 30 days to review the audit, evaluation, inspection, or non-investigative report beginning on the date of publication of the audit, evaluation, inspection, or non-investigative report; and

"(II) the opportunity to submit a written response for the purpose of clarifying or providing additional context as it directly relates to each instance wherein an audit, evaluation, inspection, or non-investigative report specifically identifies that non-governmental organization or business entity; and

"(iii) if a written response is submitted under clause (ii)(II) within the 30-day period described in clause (ii)(I)—

"(I) the written response shall be attached to the audit, evaluation, inspection, or non-investigative report; and

"(II) in every instance where the report may appear on the public-facing website of the Inspector General, the website shall be updated in order to access a version of the audit, evaluation, inspection, or non-investigative report that includes the written response.

"(B) Subparagraph (A) shall not apply with respect to a non-governmental organization or business entity that refused to provide information or assistance sought by an Inspector General during the creation of the audit, evaluation, inspection, or non-investigative report.

"(C) An Inspector General shall review any written response received under subparagraph (A) for the purpose of preventing the improper disclosure of classified information or other non-public information, consistent with applicable laws, rules, and regulations, and, if necessary, redact such information.".

(b) RETROACTIVE APPLICABILITY.—During the 30-day period beginning on the date of enactment of this Act—

(1) the amendment made by subsection (a) shall apply upon the request of a non-governmental organization or business entity named in an audit, evaluation, inspection, or other non-investigative report prepared on or after January 1, 2019; and

(2) any written response submitted under clause (iii) of section 5(g)(6)(A) of the Inspector General Act of 1978 (5 U.S.C. App.), as added by subsection (a), with respect to such an audit, evaluation, inspection, or other non-investigative report shall attach to the original report in the manner described in that clause.

SEC. 5275. REVIEW RELATING TO VETTING, PROCESSING, AND RESETTLEMENT OF EVACUEES FROM AFGHANISTAN AND THE AFGHANISTAN SPECIAL IMMIGRANT VISA PROGRAM.

(a) IN GENERAL.—In accordance with the Inspector General Act of 1978 (5 U.S.C. App.), the Inspector General of the Department of Homeland Security, jointly with the Inspector General of the Department of State, and in coordination with the Inspector General of the Department of Defense and any appropriate Inspector General established by that Act or section 103H of the National Security Act of 1947 (50 U.S.C. 3033), shall conduct a thorough review of efforts to support and process evacuees from Afghanistan and the Afghanistan special immigrant visa program.

(b) ELEMENTS.—The review required by subsection (a) shall include an assessment of the systems, staffing, policies, and programs used—

(1) to screen and vet such evacuees, including—

(A) an assessment of whether personnel conducting such screening and vetting were appropriately authorized and provided with training, including training in the detection of fraudulent personal identification documents;

(B) an analysis of the degree to which such screening and vetting deviated from United States law, regulations, policy, and best practices relating to the screening and vetting of parolees, refugees, and applicants for United States visas that have been in use at any time since January 1, 2016, particularly for individuals from countries containing any active terrorist organizations; and

(C) an identification of any risk to the national security of the United States posed by any such deviations;

(D) an analysis of the processes used for evacuees traveling without personal identification records, including the creation or provision of any new identification records to such evacuees; and

(E) an analysis of the degree to which such screening and vetting process was capable of detecting—

(i) instances of human trafficking and domestic abuse;

(ii) evacuees who are unaccompanied minors; and

(iii) evacuees with a spouse who is a minor;

(2) to admit and process such evacuees at United States ports of entry;

(3) to temporarily house such evacuees prior to resettlement;

(4) to account for the total number of individuals evacuated from Afghanistan in 2021 with support of the United States Government, disaggregated by—

(A) country of origin;

(B) citizenship, only if different from country of origin;

(C) age;

(D) gender;

(E) the number of individuals who were holders of a special immigrant visa issued pursuant to the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note; Public Law 111-8) or section 1059 of the National Defense Authorization Act for Fiscal Year 2006 (8 U.S.C. 1101 note; Public Law 109-163) at the time of evacuation;

(F) the number of individuals who were applicants for a special immigrant visas pursuant to the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note; Public Law 111-8) or section 1059 of the National Defense Authorization Act for Fiscal Year 2006 (8 U.S.C. 1101 note; Public Law 109-163) at the time of evacuation;

(G) the number who were in possession of a valid nonimmigrant visa to enter the United States at the time of evacuation; and

(H) familial relationship to individuals described in subparagraphs (E) through (G).

(c) INTERIM REPORTING.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Inspector General of the Department of Homeland Security and the Inspector General of the Department of State shall submit to the appropriate congressional committees not fewer than one interim report on the review conducted under this section.

(2) FORM.—Any report submitted under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(3) DEFINITIONS.—In this subsection:

(A) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(i) the Committee on Homeland Security and Governmental Affairs, the Committee on Armed Services, the Committee on Foreign Relations, the Select Committee on Intelligence, and the Committee on the Judiciary of the Senate; and

(ii) the Committee on Oversight and Reform, the Committee on Armed Services, the Committee on Foreign Affairs, the Permanent Select Committee on In-

telligence, and the Committee on the Judiciary of the House of Representatives.

(B) SCREEN; SCREENING.—The terms "screen" and "screening", with respect to an evacuee, mean the process by which a Federal official determines—

(i) the identity of the evacuee;

(ii) whether the evacuee has a valid identification documentation; and

(iii) whether any database of the United States Government contains derogatory information about the evacuee.

(C) VET; VETTING.—The term "vet" and "vetting", with respect to an evacuee, means the process by which a Federal official interviews the evacuee to determine whether the evacuee is who they purport to be, including whether the evacuee poses a national security risk.

(d) DISCHARGE OF RESPONSIBILITIES.—The Inspector General of the Department of Homeland Security and the Inspector General of the Department of State shall discharge the responsibilities under this section in a manner consistent with the authorities and requirements of the Inspector General Act of 1978 (5 U.S.C. App.) and the authorities and requirements applicable to the Inspector General of the Department of Homeland Security and the Inspector General of the Department of State under that Act.

(e) COORDINATION.—Upon request of an Inspector General for information or assistance under subsection (a), the head of any Federal agency involved shall, insofar as is practicable and not in contravention of any existing statutory restriction or regulation of the Federal agency from which the information is requested, furnish to such Inspector General, or to an authorized designee, such information or assistance.

(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the ability of the Inspector General of the Department of Homeland Security or the Inspector General of the Department of State to enter into agreements to conduct joint audits, inspections, or investigations in the exercise of the oversight responsibilities of the Inspector General of the Department of Homeland Security and the Inspector General of the Department of State, in accordance with the Inspector General Act of 1978 (5 U.S.C. App.), with respect to oversight of the evacuation from Afghanistan, the selection, vetting, and processing of applicants for special immigrant visas and asylum, and any resettlement in the United States of such evacuees.

TITLE LIII—OVERSIGHT AND REFORM MATTERS

Subtitle A—General Provisions

Sec. 5301. Access for Veterans to Records.
Sec. 5302. ONDCP supplemental strategies.
Sec. 5303. Performance Enhancement.

Sec. 5304. Appeals to merit systems protection board relating to FBI reprisal allegations; salary of Special Counsel.
Sec. 5305. Fairness for Federal firefighters.

Subtitle B—PLUM Act of 2022

Sec. 5321. Short title.
Sec. 5322. Establishment of public website on government policy and supporting positions.

Subtitle A—General Provisions

SEC. 5301. [44 U.S.C. 2902 note] ACCESS FOR VETERANS TO RECORDS.

(a) PLAN TO ELIMINATE RECORDS BACKLOG AT THE NATIONAL PERSONNEL RECORDS CENTER.—

(1) PLAN REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Archivist of the United States shall submit to the appropriate congressional committees a comprehensive plan for reducing the backlog of requests for records from the National Personnel Records Center and improving the efficiency and responsiveness of operations at the National Personnel Records Center, that includes, at a minimum, the following:

(A) An estimate of the number of backlogged record requests for veterans.

(B) Target timeframes to reduce the backlog.

(C) A detailed plan for using existing funds to improve the information technology infrastructure, including secure access to appropriate agency Federal records, to prevent future backlogs.

(D) Actions to improve customer service for requesters.

(E) Measurable goals with respect to the comprehensive plan and metrics for tracking progress toward such goals.

(F) Strategies to prevent future record request backlogs, including backlogs caused by an event that prevents employees of the Center from reporting to work in person.

(2) UPDATES.—Not later than 90 days after the date on which the comprehensive plan is submitted under paragraph (1), and biannually thereafter until the response rate by the National Personnel Records Center reaches 90 percent of all requests in 20 days or less, not including any request involving a record damaged or lost in the National Personnel Records Center fire of 1973 or any request that is subject to a fee that has not been paid in a timely manner by the requestor (provided the National Personnel Records Center issues an invoice within 20 days after the date on which the request is made), the Archivist of the United States shall submit to the appropriate congressional committees an update of such plan that—

(A) describes progress made by the National Personnel Records Center during the preceding 90-day period with respect to record request backlog reduction and efficiency and responsiveness improvement;

(B) provides data on progress made toward the goals identified in the comprehensive plan; and

(C) describes any changes made to the comprehensive plan.

(3) CONSULTATION REQUIREMENT.—In carrying out paragraphs (1) and (2), the Archivist of the United States shall consult with the Secretary of Veterans Affairs.

(4) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term "appropriate congressional committees" means—

(A) the Committee on Oversight and Reform, the Committee on Veterans' Affairs, and the Committee on Appropriations of the House of Representatives; and

(B) the Committee on Homeland Security and Governmental Affairs, the Committee on Veterans' Affairs, and the Committee on Appropriations of the Senate.

(b) ADDITIONAL FUNDING TO ADDRESS RECORDS BACKLOG.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts otherwise available, there is authorized to be appropriated to the National Archives and Records Administration, $60,000,000 to address backlogs in responding to requests from veterans for military personnel records, improve cybersecurity, improve digital preservation and access to archival Federal records, and address backlogs in requests made under section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act). Such amounts may also be used for the Federal Records Center Program.

(2) REQUIREMENT TO MAINTAIN IN-PERSON STAFFING LEVELS.—Subject to the availability of appropriations, and not later than 30 days after the date of the enactment of this Act, the Archivist of the United States shall ensure, to the extent practicable, that the National Personnel Records Center maintains staffing levels and telework arrangements that enable the maximum processing of records requests possible in order to achieve the performance goal of responding to 90 percent of all requests in 20 days or less, not including any request involving a record damaged or lost in the National Personnel Records Center fire of 1973 or any request that is subject to a fee that has not been paid in a timely manner by the requestor (provided the National Personnel Records Center issues an invoice within 20 days after the date on which the request is made).

(3) INSPECTOR GENERAL REPORTING.—The Inspector General for the National Archives and Records Administration shall, for two years following the date of the enactment of this Act, include in every semiannual report submitted to Congress pursuant to the Inspector General Act of 1978 (5 U.S.C. App.), a detailed summary of—

(A) efforts taken by the National Archives and Records Administration to address the backlog of records requests at the National Personnel Records Center; and

(B) any recommendations for action proposed by the Inspector General related to reducing the backlog of records requests at the National Personnel Records Center and the status of compliance with those recommendations by the National Archives and Records Administration.

SEC. 5302. ONDCP SUPPLEMENTAL STRATEGIES.

Section 706(h) of the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1705(h)) is amended—

(1) in paragraph (5), by striking "; and" and inserting a semicolon;

(2) in paragraph (6), by striking the period at the end and inserting "; and"; and

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

"(7) develops performance measures and targets for the National Drug Control Strategy for supplemental strategies (the Southwest Border, Northern Border, and Caribbean Border Counternarcotics Strategies) to effectively evaluate region-specific goals, to the extent the performance measurement system does not adequately measure the effectiveness of the strategies, as determined by the Director, such strategies may evaluate interdiction efforts at and between ports of entry, interdiction technology, intelligence sharing, diplomacy, and other appropriate metrics, specific to each supplemental strategies region, as determined by the Director.".

SEC. 5303. PERFORMANCE ENHANCEMENT.

(a) [31 U.S.C. 1101 note] SHORT TITLE.—This section may be cited as the "Performance Enhancement Reform Act".

(b) IN GENERAL.—Section 1115 of title 31, United States Code, is amended—

(1) by amending subsection (b)(5) to read as follows:

"(5) provide a description of how the performance goals are to be achieved, including—

"(A) the human capital, training, data and evidence, information technology, and skill sets required to meet the performance goals;

"(B) the technology modernization investments, system upgrades, staff technology skills and expertise, stakeholder input and feedback, and other resources and strategies needed and required to meet the performance goals;

"(C) clearly defined milestones;

"(D) an identification of the organizations, program activities, regulations, policies, operational processes, and other activities that contribute to each performance goal, both within and external to the agency;

"(E) a description of how the agency is working with other agencies and the organizations identified in subparagraph (D) to measure and achieve its performance goals as well as relevant Federal Government performance goals; and

"(F) an identification of the agency officials responsible for the achievement of each performance goal, who shall be known as goal leaders;"; and

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

"(g) PREPARATION OF PERFORMANCE PLAN.—The Performance Improvement Officer of each agency (or the functional equivalent) shall collaborate with the Chief Human Capital Officer (or the functional equivalent), the Chief Information Officer (or the functional equivalent), the Chief Data Officer (or the functional equivalent), and the Chief Financial Officer (or the functional equivalent)

of that agency to prepare that portion of the annual performance plan described under subsection (b)(5) for that agency.".

SEC. 5304. APPEALS TO MERIT SYSTEMS PROTECTION BOARD RELATING TO FBI REPRISAL ALLEGATIONS; SALARY OF SPECIAL COUNSEL.

(a) APPEALS TO MSPB.—Section 2303 of title 5, United States Code, is amended by adding at the end the following:

"(d)(1) An employee of the Federal Bureau of Investigation who makes an allegation of a reprisal under regulations promulgated under this section may appeal a final determination or corrective action order by the Bureau under those regulations to the Merit Systems Protection Board pursuant to section 1221.

"(2) If no final determination or corrective action order has been made or issued for an allegation described in paragraph (1) before the expiration of the 180-day period beginning on the date on which the allegation is received by the Federal Bureau of Investigation, the employee described in that paragraph may seek corrective action directly from the Merit Systems Protection Board pursuant to section 1221.".

(b) SPECIAL COUNSEL SALARY.—

(1) IN GENERAL.—Subchapter II of chapter 53 of title 5, United States Code, is amended—

(A) in section 5314, by adding at the end the following new item: "Special Counsel of the Office of Special Counsel."; and

(B) in section 5315, by striking "Special Counsel of the Merit Systems Protection Board.".

(2) [5 U.S.C. 5314 note] APPLICATION.—The rate of pay applied under the amendments made by paragraph (1) shall begin to apply on the first day of the first pay period beginning after date of enactment of this Act.

SEC. 5305. FAIRNESS FOR FEDERAL FIREFIGHTERS.

(a) CERTAIN ILLNESSES AND DISEASES PRESUMED TO BE WORK-RELATED CAUSE OF DISABILITY OR DEATH FOR FEDERAL EMPLOYEES IN FIRE PROTECTION ACTIVITIES.—

(1) PRESUMPTION RELATING TO EMPLOYEES IN FIRE PROTECTION ACTIVITIES.—

(A) IN GENERAL.—Subchapter I of chapter 81 of title 5, United States Code, is amended by inserting after section 8143a the following:

"SEC. 8143b. [5 U.S.C. 8143b] Employees in fire protection activities

"(a) DEFINITIONS.—In this section:

"(1) EMPLOYEE IN FIRE PROTECTION ACTIVITIES.—The term 'employee in fire protection activities' means an employee employed as a firefighter (including a wildland firefighter), paramedic, emergency medical technician, rescue worker, ambulance personnel, or hazardous material worker who—

"(A) is trained in fire suppression;

"(B) has the legal authority and responsibility to engage in fire suppression;

"(C) is engaged in the prevention, control, or extinguishment of fires or response to emergency situations in which life, property, or the environment is at risk, includ-

ing the prevention, control, suppression, or management of wildland fires; and

"(D) performs the activities described in subparagraph (C) as a primary responsibility of the job of the employee.

"(2) RULE.—The term 'rule' has the meaning given the term in section 804.

"(3) SECRETARY.—The term 'Secretary' means the Secretary of Labor.

"(b) CERTAIN ILLNESSES AND DISEASED DEEMED TO BE PROXIMATELY CAUSED BY EMPLOYMENT IN FIRE PROTECTION ACTIVITIES.—

"(1) IN GENERAL.—For a claim under this subchapter of disability or death of an employee who has been employed for not less than 5 years in aggregate as an employee in fire protection activities, an illness or disease specified on the list established under paragraph (2) shall be deemed to be proximately caused by the employment of that employee, if the employee is diagnosed with that illness or disease not later than 10 years after the last activedate of employment as an employee in fire protection activities.

"(2) ESTABLISHMENT OF INITIAL LIST.—There is established under this section the following list of illnesses and diseases:

"(A) Bladder cancer.

"(B) Brain cancer.

"(C) Chronic obstructive pulmonary disease.

"(D) Colorectal cancer.

"(E) Esophageal cancer.

"(F) Kidney cancer.

"(G) Leukemias.

"(H) Lung cancer.

"(I) Mesothelioma.

"(J) Multiple myeloma.

"(K) Non-Hodgkin lymphoma.

"(L) Prostate cancer.

"(M) Skin cancer (melanoma).

"(N) A sudden cardiac event or stroke suffered while, or not later than 24 hours after, engaging in the activities described in subsection (a)(1)(C).

"(O) Testicular cancer.

"(P) Thyroid cancer.

"(3) ADDITIONS TO THE LIST.—

"(A) IN GENERAL.—

"(i) PERIODIC REVIEW.—The Secretary shall—

"(I) in consultation with the Director of the National Institute for Occupational Safety and Health and any advisory committee determined appropriate by the Secretary, periodically review the list established under paragraph (2); and

"(II) if the Secretary determines that the weight of the best available scientific evidence warrants adding an illness or disease to the list established under paragraph (2), as described in subparagraph (B) of this paragraph, make such an

addition through a rule that clearly identifies that scientific evidence.

"(ii) CLASSIFICATION.—A rule issued by the Secretary under clause (i) shall be considered to be a major rule for the purposes of chapter 8.

"(B) BASIS FOR DETERMINATION.—The Secretary shall add an illness or disease to the list established under paragraph (2) based on the weight of the best available scientific evidence that there is a significant risk to employees in fire protection activities of developing that illness or disease.

"(C) AVAILABLE EXPERTISE.—In determining significant risk for purposes of subparagraph (B), the Secretary may accept as authoritative, and may rely upon, recommendations, risk assessments, and scientific studies (including analyses of National Firefighter Registry data pertaining to Federal firefighters) by the National Institute for Occupational Safety and Health, the National Toxicology Program, the National Academies of Sciences, Engineering, and Medicine, and the International Agency for Research on Cancer.".

(B) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for subchapter I of chapter 81 of title 5, United States Code, is amended by inserting after the item relating to section 8143a the following:

"8143b. Employees in fire protection activities.".

(C) [5 U.S.C. 8143b note] APPLICATION.—The amendments made by this paragraph shall apply to claims for compensation filed on or after the date of enactment of this Act.

(2) [5 U.S.C. 8143b note] RESEARCH COOPERATION.—Not later than 120 days after the date of enactment of this Act, the Secretary of Labor (referred to in this subsection as the "Secretary") shall establish a process by which an employee in fire protection activities, as defined in subsection (a) of section 8143b of title 5, United States Code, as added by paragraph (1) of this subsection (referred to in this subsection as an "employee in fire protection activities") filing a claim under chapter 81 of title 5, United States Code, as amended by this subsection, relating to an illness or disease on the list established under subsection (b)(2) of such section 8143b (referred to in this subsection as " 'the list") as the list may be updated under such section 8143b, shall be informed about, and offered the opportunity to contribute to science by voluntarily enrolling in, the National Firefighter Registry or a similar research or public health initiative conducted by the Centers for Disease Control and Prevention.

(3) [5 U.S.C. 8143b note] AGENDA FOR FURTHER REVIEW.—Not later than 3 years after the date of enactment of this Act, the Secretary shall—

(A) evaluate the best available scientific evidence of the risk to an employee in fire protection activities of developing breast cancer, gynecological cancers, and rhabdomyolysis;

(B) add breast cancer, gynecological cancers, and rhabdomyolysis to the list, by rule in accordance with subsection (b)(3) of section 8143b of title 5, United States Code, as added by paragraph (1) of this subsection, if the Secretary determines that such evidence supports that addition; and

(C) submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Education and Labor of the House of Representatives a report containing—

(i) the findings of the Secretary after making the evaluation required under subparagraph (A); and

(ii) the determination of the Secretary under subparagraph (B).

(4) REPORT ON FEDERAL WILDLAND FIREFIGHTERS.—

(A) DEFINITION.—In this paragraph, the term "Federal wildland firefighter" means an individual occupying a position in the occupational series developed pursuant to section 40803(d)(1) of the Infrastructure Investment and Jobs Act (16 U.S.C. 6592(d)(1)).

(B) STUDY.—The Secretary of the Interior and the Secretary of Agriculture, in consultation with the Director of the National Institute for Occupational Safety and Health and the Secretary, shall conduct a comprehensive study on long-term health effects that Federal wildland firefighters who are eligible to receive compensation for work injuries under chapter 81 of title 5, United States Code, as amended by this subsection, experience after being exposed to fires, smoke, and toxic fumes when in service.

(C) REQUIREMENTS.—The study required under subparagraph (B) shall include—

(i) the race, ethnicity, age, gender, and time of service of the Federal wildland firefighters participating in the study; and

(ii) recommendations to Congress regarding what legislative actions are needed to support the Federal wildland firefighters described in clause (i) in preventing health issues from the toxic exposure described in subparagraph (B), similar to veterans who are exposed to burn pits.

(D) SUBMISSION AND PUBLICATION.—The Secretary of the Interior and the Secretary of Agriculture shall submit the results of the study conducted under this paragraph to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Education and Labor of the House of Representatives and make those results publicly available.

(5) [5 U.S.C. 8152 note] REPORT ON AFFECTED EMPLOYEES.—Beginning on the date that is 1 year after the date of enactment of this Act, with respect to each annual report required under section 8152 of title 5, United States Code, the Secretary—

(A) shall include in the report the total number of, and demographics regarding, employees in fire protection ac-

tivities with illnesses and diseases described in the list (as the list may be updated under this subsection and the amendments made by this subsection), as of the date on which that annual report is submitted, which shall be disaggregated by the specific illness or disease for the purposes of understanding the scope of the problem facing those employees; and

(B) may—

(i) include in the report any information with respect to employees in fire protection activities that the Secretary determines to be necessary; and

(ii) as appropriate, make recommendations in the report for additional actions that could be taken to minimize the risk of adverse health impacts for employees in fire protection activities.

(b) SUBROGATION OF CONTINUATION OF PAY.—

(1) SUBROGATION OF THE UNITED STATES.—Section 8131 of title 5, United States Code, is amended—

(A) in subsection (a), in the matter preceding paragraph (1), by inserting "continuation of pay or" before "compensation"; and

(B) in subsection (c), in the second sentence, by inserting "continuation of pay or" before "compensation already paid".

(2) ADJUSTMENT AFTER RECOVER FROM THIRD PERSON.—Section 8132 of title 5, United States Code, is amended—

(A) in the first sentence—

(i) by inserting "continuation of pay or" before "compensation is payable";

(ii) by inserting "continuation of pay or" before "compensation from the United States";

(iii) by striking "in his behalf" and inserting "on his behalf"; and

(iv) by inserting "continuation of pay or" before " 'compensation paid by the United States"; and

(B) by striking the fourth sentence and inserting the following: "If continuation of pay or compensation has not been paid to the beneficiary, the money or property shall be credited against continuation of pay or compensation payable to him by the United States for the same injury.".

(c) [5 U.S.C. 8121 note] INCREASE IN TIME-PERIOD FOR FECA CLAIMANT SUPPLY SUPPORTING DOCUMENTATION TO OFFICE OF WORKER'S COMPENSATION. Not later than 16 days after the date of enactment of this Act, the Secretary of Labor shall—

(1) amend section 10.121 of title 20, Code of Federal Regulations, or any successor regulation, by striking "30 days" and inserting "60 days"; and

(2) modify the Federal Employees' Compensation Act manual to reflect the changes made by the Secretary pursuant to paragraph (1).

Subtitle B—PLUM Act of 2022

SEC. 5321. [5 U.S.C. 101 note] SHORT TITLE.

This subtitle may be cited as the "Periodically Listing Updates to Management Act of 2022" or the "PLUM Act of 2022".

SEC. 5322. ESTABLISHMENT OF PUBLIC WEBSITE ON GOVERNMENT POLICY AND SUPPORTING POSITIONS.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Subchapter I of chapter 33 of title 5, United States Code, is amended by adding at the end the following:

"SEC. 3330f. [5 U.S.C. 3330f] Government policy and supporting position data

"(a) DEFINITIONS.—In this section:

"(1) AGENCY.—The term 'agency' means—

"(A) any Executive agency, the United States Postal Service, and the Postal Regulatory Commission;

"(B) the Architect of the Capitol, the Government Accountability Office, the Government Publishing Office, and the Library of Congress; and

"(C) the Executive Office of the President and any component within that Office (including any successor component), including—

"(i) the Council of Economic Advisors;

"(ii) the Council on Environmental Quality;

"(iii) the National Security Council;

"(iv) the Office of the Vice President;

"(v) the Office of Policy Development;

"(vi) the Office of Administration;

"(vii) the Office of Management and Budget;

"(viii) the Office of the United States Trade Representative;

"(ix) the Office of Science and Technology Policy;

"(x) the Office of National Drug Control Policy; and

"(xi) the White House Office, including the White House Office of Presidential Personnel.

"(2) APPOINTEE.—The term 'appointee'—

"(A) means an individual serving in a policy and supporting position; and

"(B) includes an individual serving in such a position temporarily in an acting capacity in accordance with—

"(i) sections 3345 through 3349d (commonly referred to as the 'Federal Vacancies Reform Act of 1998');

"(ii) any other statutory provision described in section 3347(a)(1); or

"(iii) a Presidential appointment described in section 3347(a)(2).

"(3) COVERED WEBSITE.—The term 'covered website' means the website established and maintained by the Director under subsection (b).

"(4) DIRECTOR.—The term 'Director' means the Director of the Office of Personnel Management.

"(5) POLICY AND SUPPORTING POSITION.—The term 'policy and supporting position'—

"(A) means any position at an agency, as determined by the Director, that, but for this section and section 2(b)(3) of the PLUM Act of 2022, would be included in the publication entitled 'United States Government Policy and Supporting Positions', (commonly referred to as the 'Plum Book'); and

"(B) may include—

"(i) a position on any level of the Executive Schedule under subchapter II of chapter 53, or another position with an equivalent rate of pay;

"(ii) a general position (as defined in section 3132(a)(9)) in the Senior Executive service;

"(iii) a position in the Senior Foreign Service;

"(iv) a position of a confidential or policy-determining character under schedule C of subpart C of part 213 of title 5, Code of Federal Regulations, or any successor regulation; and

"(v) any other position classified at or above level GS-14 of the General Schedule (or equivalent) that is excepted from the competitive service by law because of the confidential or policy-determining nature of the position duties.

"(b) ESTABLISHMENT OF WEBSITE.—Not later than 1 year after the date of enactment of the PLUM Act of 2022, the Director shall establish, and thereafter the Director shall maintain, a public website containing the following information for the President in office on the date of establishment and for each subsequent President:

"(1) Each policy and supporting position in the Federal Government, including any such position that is vacant.

"(2) The name of each individual who—

"(A) is serving in a position described in paragraph (1); or

"(B) previously served in a position described in such paragraph under the applicable President.

"(3) Information on—

"(A) any Government-wide or agency-wide limitation on the total number of positions in the Senior Executive Service under section 3133 or 3134 or the total number of positions under schedule C of subpart C of part 213 of title 5, Code of Federal Regulations; and

"(B) the total number of individuals occupying such positions.

"(c) CONTENTS.—With respect to any policy and supporting position listed on the covered website, the Director shall include—

"(1) the agency, and agency component, (including the agency and bureau code used by the Office of Management and Budget) in which the position is located;

"(2) the name of the position;

"(3) the name of the individual occupying the position (if any);

"(4) the geographic location of the position, including the city, State or province, and country;

"(5) the pay system under which the position is paid;

"(6) the level, grade, or rate of pay;

"(7) the term or duration of the appointment (if any);

"(8) the expiration date, in the case of a time-limited appointment;

"(9) a unique identifier for each appointee;

"(10) whether the position is vacant; and

"(11) for any position that is vacant—

"(A) for a position for which appointment is required to be made by the President, by and with the advice and consent of the Senate, the name of the acting official; and

"(B) for other positions, the name of the official performing the duties of the vacant position.

"(d) CURRENT DATA.—For each agency, the Director shall indicate in the information on the covered website the date that the agency last updated the data.

"(e) FORMAT.—The Director shall make the data on the covered website available to the public at no cost over the internet in a searchable, sortable, downloadable, and machine-readable format so that the data qualifies as an open Government data asset, as defined in section 3502 of title 44.

"(f) AUTHORITY OF DIRECTOR.—

"(1) INFORMATION REQUIRED.—Each agency shall provide to the Director any information that the Director determines necessary to establish and maintain the covered website, including the information uploaded under paragraph (4).

"(2) REQUIREMENTS FOR AGENCIES.—Not later than 1 year after the date of enactment of the PLUM Act of 2022, the Director shall issue instructions to agencies with specific requirements for the provision or uploading of information required under paragraph (1), including—

"(A) specific data standards that an agency shall follow to ensure that the information is complete, accurate, and reliable;

"(B) data quality assurance methods; and

"(C) the timeframe during which an agency shall provide or upload the information, including the timeframe described under paragraph (4).

"(3) PUBLIC ACCOUNTABILITY.—The Director shall identify on the covered website any agency that has failed to provide—

"(A) the information required by the Director;

"(B) complete, accurate, and reliable information; or

"(C) the information during the timeframe specified by the Director.

"(4) ANNUAL UPDATES.—

"(A) IN GENERAL.—Not later than 90 days after the date on which the covered website is established, and not less than once during each year thereafter, the head of each agency shall upload to the covered website updated information (if any) on—

"(i) the policy and supporting positions in the agency;

"(ii) the appointees occupying such positions in the agency; and

"(iii) the former appointees who served in such positions in the agency under the President then in office.

"(B) SUPPLEMENT NOT SUPPLANT.—Information provided under subparagraph (A) shall supplement, not supplant, previously provided information under that subparagraph.

"(5) OPM HELP DESK.—The Director shall establish a central help desk, to be operated by not more than 1 full-time employee, to assist any agency with implementing this section.

"(6) COORDINATION.—The Director may designate 1 or more agencies to participate in the development, establishment, operation, and support of the covered website. With respect to any such designation, the Director may specify the scope of the responsibilities of the agency so designated.

"(7) DATA STANDARDS AND TIMING.—The Director shall make available on the covered website information regarding data collection standards, quality assurance methods, and time frames for reporting data to the Director.

"(8) REGULATIONS.—The Director may prescribe regulations necessary for the administration of this section.

"(g) RESPONSIBILITY OF AGENCIES.—

"(1) PROVISION OF INFORMATION.—Each agency shall comply with the instructions and guidance issued by the Director to carry out this section, and, upon request of the Director, shall provide appropriate assistance to the Director to ensure the successful operation of the covered website in the manner and within the timeframe specified by the Director under subsection (f)(2).

"(2) ENSURING COMPLETENESS, ACCURACY, AND RELIABILITY.—With respect to any submission of information described in paragraph (1), the head of an agency shall include—

"(A) an explanation of how the agency ensured the information is complete, accurate, and reliable; and

"(B) a certification that the information is complete, accurate, and reliable.

"(h) INFORMATION VERIFICATION.—

"(1) CONFIRMATION.—

"(A) IN GENERAL.—On the date that is 90 days after the date on which the covered website is established, the Director, in coordination with the White House Office of Presidential Personnel, shall confirm that the information on the covered website is complete, accurate, reliable, and up-to-date.

"(B) CERTIFICATION.—On the date on which the Director makes a confirmation under subparagraph (A), the Director shall publish on the covered website a certification that the confirmation has been made.

"(2) AUTHORITY OF DIRECTOR.—In carrying out paragraph (1), the Director may—

"(A) request additional information from an agency; and

"(B) use any additional information provided to the Director or the White House Office of Presidential Personnel for the purposes of verification.

"(3) PUBLIC COMMENT.—The Director shall establish a process under which members of the public may provide feedback regarding the accuracy of the information on the covered website.

"(i) DATA ARCHIVING.—

"(1) IN GENERAL.—As soon as practicable after a transitional inauguration day (as defined in section 3349a), the Director, in consultation with the Archivist of the United States, shall archive the data that was compiled on the covered website for the preceding presidential administration.

"(2) PUBLIC AVAILABILITY.—The Director shall make the data described in paragraph (1) publicly available over the internet—

"(A) on, or through a link on, the covered website;

"(B) at no cost; and

"(C) in a searchable, sortable, downloadable, and machine-readable format.".

(2) CLERICAL AMENDMENT.—The table of sections for subchapter I of chapter 33 of title 5, United States Code, is amended by adding at the end the following:

"3330f. Government policy and supporting position data.".

(b) [5 U.S.C. 3330f note] OTHER MATTERS.—

(1) DEFINITIONS.—In this subsection, the terms "agency", "covered website", "Director", and "policy and supporting position" have the meanings given those terms in section 3330f of title 5, United States Code, as added by subsection (a).

(2) GAO REVIEW AND REPORT.—Not later than 1 year after the date on which the Director establishes the covered website, the Comptroller General of the United States shall conduct a review of, and issue a briefing or report on, the implementation of this subtitle and the amendments made by this subtitle, which shall include—

(A) the quality of data required to be collected and whether the data is complete, accurate, timely, and reliable;

(B) any challenges experienced by agencies in implementing this subtitle and the amendments made by this subtitle; and

(C) any suggestions or modifications to enhance compliance with this subtitle and the amendments made by this subtitle, including best practices for agencies to follow.

(3) SUNSET OF PLUM BOOK.—Beginning on January 1, 2026—

(A) the covered website shall serve as the public directory for policy and supporting positions in the Government; and

(B) the publication entitled "United States Government Policy and Supporting Positions", commonly referred

to as the "Plum Book", shall no longer be issued or published.

(4) FUNDING.—

(A) IN GENERAL.—No additional amounts are authorized to be appropriated to carry out this subtitle or the amendments made by this subtitle.

(B) OTHER FUNDING.—The Director shall carry out this subtitle and the amendments made by this subtitle using amounts otherwise available to the Director.

TITLE LIV—21ST CENTURY ASSISTIVE TECHNOLOGY ACT

Sec. 5401. Short title.
Sec. 5402. Reauthorization.
Sec. 5403. Effective date.

SEC. 5401. [29 U.S.C. 3001 note] SHORT TITLE.

This title may be cited as the "21st Century Assistive Technology Act".

SEC. 5402. REAUTHORIZATION.

The Assistive Technology Act of 1998 (29 U.S.C. 3001 et seq.) is amended to read as follows:

"SEC. 1. SHORT TITLE; TABLE OF CONTENTS

"(a) SHORT TITLE.—This Act may be cited as the 'Assistive Technology Act of 1998'.

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

"Sec. 1. Short title; table of contents.
"Sec. 2. Purposes.
"Sec. 3. Definitions.
"Sec. 4. Grants for State assistive technology programs.
"Sec. 5. Grants for protection and advocacy services related to assistive technology.
"Sec. 6. Technical assistance and data collection support.
"Sec. 7. Projects of national significance.
"Sec. 8. Administrative provisions.
"Sec. 9. Authorization of appropriations; reservations and distribution of funds.

"SEC. 2. PURPOSES

"The purposes of this Act are to—

"(1) to support State efforts to improve the provision of assistive technology to individuals with disabilities of all ages, including underrepresented populations, through comprehensive statewide programs of technology-related assistance that are designed to—

"(A) increase the availability of, funding for, access to, provision of, and education about assistive technology devices and assistive technology services;

"(B) increase the ability of individuals with disabilities to secure and maintain possession of assistive technology devices as such individuals make the transition between services offered by educational or human service agencies or between settings of daily living (for example, between home and work);

"(C) increase the capacity of public agencies and private entities to provide and pay for assistive technology devices and assistive technology services on a statewide basis for individuals with disabilities;

"(D) increase the involvement of individuals with disabilities and, if appropriate, their family members, guardians, advocates, and authorized representatives, in decisions related to the provision of assistive technology devices and assistive technology services;

"(E) increase and promote coordination among and between State and local agencies and private entities (such as managed care providers), that are involved in carrying out activities under this Act;

"(F) increase the awareness and facilitate the change of laws, regulations, policies, practices, procedures, and organizational structures that facilitate the availability or provision of assistive technology devices and assistive technology services; and

"(G) increase awareness and knowledge of the benefits of assistive technology devices and assistive technology services among targeted individuals and entities and the general population; and

"(2) to provide States and protection and advocacy systems with financial assistance that supports programs designed to maximize the ability of individuals with disabilities and their family members, guardians, advocates, and authorized representatives to obtain assistive technology devices and assistive technology services.

"SEC. 3. DEFINITIONS

"In this Act:

"(1) ADULT SERVICE PROGRAM.—The term 'adult service program' means a program that provides services to, or is otherwise substantially involved with the major life functions of, individuals with disabilities. Such term includes—

"(A) a program providing residential, supportive, or employment-related services, to individuals with disabilities;

"(B) a program carried out by a center for independent living, such as a center described in part C of title VII of the Rehabilitation Act of 1973 (29 U.S.C. 796f et seq.);

"(C) a program carried out by an employment support agency connected to adult vocational rehabilitation, such as a one-stop partner, as defined in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102); and

"(D) a program carried out by another organization or vender licensed or registered by the designated State agency, as defined in section 7 of the Rehabilitation Act of 1973 (29 U.S.C. 705).

"(2) AMERICAN INDIAN CONSORTIUM.—The term 'American Indian consortium' means an entity that is an American Indian Consortium (as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42

U.S.C. 15002)), and that is established to provide protection and advocacy services for purposes of receiving funding under subtitle C of title I of such Act (42 U.S.C. 15041 et seq.).

"(3) ASSISTIVE TECHNOLOGY.—The term 'assistive technology' means technology designed to be utilized in an assistive technology device or assistive technology service.

"(4) ASSISTIVE TECHNOLOGY DEVICE.—The term 'assistive technology device' means any item, piece of equipment, or product system, whether acquired commercially, modified, or customized, that is used to increase, maintain, or improve functional capabilities of individuals with disabilities.

"(5) ASSISTIVE TECHNOLOGY SERVICE.—The term 'assistive technology service' means any service that directly assists an individual with a disability in the selection, acquisition, or use of an assistive technology device. Such term includes—

"(A) the evaluation of the assistive technology needs of an individual with a disability, including a functional evaluation of the impact of the provision of appropriate assistive technology devices and services to the individual in the customary environment of the individual;

"(B) a service consisting of purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by individuals with disabilities;

"(C) a service consisting of selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, replacing, or donating assistive technology devices;

"(D) coordination and use of necessary therapies, interventions, or services with assistive technology devices, such as therapies, interventions, or services associated with education and rehabilitation plans and programs;

"(E) instruction or technical assistance for an individual with a disability or, where appropriate, the family members, guardians, advocates, or authorized representatives of such an individual;

"(F) instruction or technical assistance for professionals (including individuals providing education and rehabilitation services and entities that manufacture or sell assistive technology devices), employers, providers of employment and training services, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of individuals with disabilities; and

"(G) a service consisting of expanding the availability of access to technology, including electronic and information technology, to individuals with disabilities.

"(6) CAPACITY BUILDING AND ADVOCACY ACTIVITIES.—The term 'capacity building and advocacy activities' means efforts that—

"(A) result in laws, regulations, policies, practices, procedures, or organizational structures that promote consumer-responsive programs or entities; and

"(B) facilitate and increase access to, provision of, and funding for assistive technology devices and assistive technology services, in order to empower individuals with dis-

abilities to achieve greater independence, productivity, and integration and inclusion within the community and the workforce.

"(7) COMPREHENSIVE STATEWIDE PROGRAM OF TECHNOLOGY-RELATED ASSISTANCE.—The term 'comprehensive statewide program of technology-related assistance' means a consumer-responsive program of technology-related assistance for individuals with disabilities that—

"(A) is implemented by a State;

"(B) is equally available to all individuals with disabilities residing in the State, regardless of their type of disability, age, income level, or location of residence in the State, or the type of assistive technology device or assistive technology service required; and

"(C) incorporates all the activities described in section 4(e) (unless excluded pursuant to section 4(e)(5)).

"(8) CONSUMER-RESPONSIVE.—The term 'consumer-responsive'—

"(A) with regard to policies, means that the policies are consistent with the principles of—

"(i) respect for individual dignity, personal responsibility, self-determination, and pursuit of meaningful careers, based on informed choice, of individuals with disabilities;

"(ii) respect for the privacy, rights, and equal access (including the use of accessible formats) of such individuals;

"(iii) inclusion, integration, and full participation of such individuals in society;

"(iv) support for the involvement in decisions of a family member, a guardian, an advocate, or an authorized representative, if an individual with a disability requests, desires, or needs such involvement; and

"(v) support for individual and systems advocacy and community involvement; and

"(B) with respect to an entity, program, or activity, means that the entity, program, or activity—

"(i) is easily accessible to, and usable by, individuals with disabilities and, when appropriate, their family members, guardians, advocates, or authorized representatives;

"(ii) responds to the needs of individuals with disabilities in a timely and appropriate manner; and

"(iii) facilitates the full and meaningful participation of individuals with disabilities and their family members, guardians, advocates, and authorized representatives, in—

"(I) decisions relating to the provision of assistive technology devices and assistive technology services to such individuals; and

"(II) decisions related to the maintenance, improvement, and evaluation of the comprehensive statewide program of technology-related assist-

ance, including decisions that affect capacity building and advocacy activities.

"(9) DISABILITY.—The term 'disability' has the meaning given the term under section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102).

"(10) INDIVIDUAL WITH A DISABILITY.—The term 'individual with a disability' means any individual—

"(A) who has a disability; and

"(B) who is or would be enabled by an assistive technology device or an assistive technology service to minimize deterioration in functioning, to maintain a level of functioning, or to achieve a greater level of functioning in any major life activity.

"(11) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given such term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)), and includes a community college receiving funding under the Tribally Controlled Colleges and Universities Assistance Act of 1978 (25 U.S.C. 1801 et seq.).

"(12) PROTECTION AND ADVOCACY SERVICES.—The term 'protection and advocacy services' means services that—

"(A) are described in subtitle C of title I of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15041 et seq.), the Protection and Advocacy for Individuals with Mental Illness Act (42 U.S.C. 10801 et seq.), or section 509 of the Rehabilitation Act of 1973 (29 U.S.C. 794e); and

"(B) assist individuals with disabilities with respect to assistive technology devices and assistive technology services.

"(13) SECRETARY.—The term 'Secretary' means the Secretary of Health and Human Services, acting through the Administrator of the Administration for Community Living.

"(14) STATE.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'State' means each of the 50 States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

"(B) OUTLYING AREAS.—In section 4(b):

"(i) OUTLYING AREA.—The term 'outlying area' means the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

"(ii) STATE.—The term 'State' does not include the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

"(15) STATE ASSISTIVE TECHNOLOGY PROGRAM.—The term 'State assistive technology program' means a program authorized under section 4.

"(16) TARGETED INDIVIDUALS AND ENTITIES.—The term 'targeted individuals and entities' means—

"(A) individuals with disabilities and their family members, guardians, advocates, and authorized representatives;

"(B) underrepresented populations;

"(C) individuals who work for public or private entities (including centers for independent living described in part C of title VII of the Rehabilitation Act of 1973 (29 U.S.C. 796f et seq.), insurers, or managed care providers) that have contact with, or provide services to, individuals with disabilities;

"(D) educators and related services personnel, including personnel in elementary, secondary, and postsecondary schools, and in vocational and early intervention programs;

"(E) technology experts (including web designers and procurement officials);

"(F) health, allied health, and rehabilitation professionals, and employees of hospitals, skilled nursing, intermediate care, and assisted living facilities (including discharge planners);

"(G) employers, especially small business employers, and providers of employment and training services;

"(H) entities that manufacture or sell assistive technology devices;

"(I) entities that carry out community programs designed to develop essential community services in rural and urban areas; and

"(J) other appropriate individuals and entities, including public and private entities involved in housing and transportation, as determined for a State by the State.

"(17) UNDERREPRESENTED POPULATION.—The term 'underrepresented population' means a population that is typically underrepresented in service provision, and includes populations such as individuals who have low-incidence disabilities, racial and ethnic minorities, low income individuals, homeless individuals (including children and youth), children in foster care, individuals with limited English proficiency, individuals living in institutions seeking to transition to the community from institutional settings, youth with disabilities aging into adulthood, older individuals, or individuals living in rural areas.

"(18) UNIVERSAL DESIGN.—The term 'universal design' means a concept or philosophy for designing and delivering products and services that are usable by people with the widest possible range of functional capabilities, which include products and services that are directly accessible (without requiring assistive technologies) and products and services that are interoperable with assistive technologies.

"SEC. 4. GRANTS FOR STATE ASSISTIVE TECHNOLOGY PROGRAMS

"(a) GRANTS TO STATES.—The Secretary shall award grants under subsection (b) to States to maintain a comprehensive statewide program of assistive technology-related assistance described in subsection (e) through State assistive technology programs that are designed to—

"(1) maximize the ability of individuals with disabilities across the human lifespan and across the wide array of disabilities, and their family members, guardians, advocates, and authorized representatives, to obtain assistive technology; and

"(2) increase access to assistive technology.

"(b) AMOUNT OF FINANCIAL ASSISTANCE.—

"(1) IN GENERAL.—From funds made available to carry out this section, the Secretary shall award a grant to each State, and outlying area, that meets the requirements of this section from an allotment determined in accordance with paragraph (2).

"(2) CALCULATION OF STATE GRANTS.—

"(A) BASE YEAR.—Except as provided in subparagraphs (B) and (C), the Secretary shall allot to each State and outlying area for a fiscal year an amount that is not less than the amount the State or outlying area received under the grants provided under section 4 of this Act (as in effect on the day before the effective date of the 21st Century Assistive Technology Act) for fiscal year 2022.

"(B) RATABLE REDUCTION.—

"(i) IN GENERAL.—If funds made available to carry out this section for any fiscal year are insufficient to make the allotments required for each State and outlying area under subparagraph (A) for such fiscal year, the Secretary shall ratably reduce the allotments for such fiscal year.

"(ii) ADDITIONAL FUNDS.—If, after the Secretary makes the reductions described in clause (i), additional funds become available to carry out this section for the fiscal year, the Secretary shall ratably increase the allotments, until the Secretary has allotted the entire base year amount under subparagraph (A).

"(C) APPROPRIATION HIGHER THAN BASE YEAR AMOUNT.—For a fiscal year for which the amount of funds made available to carry out this section is greater than the base year amount under subparagraph (A) and no greater than $40,000,000, the Secretary shall—

"(i) make the allotments described in subparagraph (A);

"(ii) from a portion of the remainder of the funds after the Secretary makes the allotments described in clause (i), the Secretary shall—

"(I) from 50 percent of the portion, allot to each State an equal amount; and

"(II) from 50 percent of the portion, allot to each State an amount that bears the same relationship to such 50 percent as the population of the State bears to the population of all States,until each State has received an allotment of not less than $410,000 under clause (i) and this clause; and

"(iii) from the remainder of the funds after the Secretary makes the allotments described in clause (ii), the Secretary shall—

"(I) from 80 percent of the remainder, allot to each State an amount that bears the same relationship to such 80 percent as the population of the State bears to the population of all States; and

"(II) from 20 percent of the remainder, allot to each State an equal amount.

"(D) APPROPRIATION HIGHER THAN THRESHOLD AMOUNT.—For a fiscal year for which the amount of funds made available to carry out this section is $40,000,000 or greater, the Secretary shall—

"(i) make the allotments described in subparagraph (A);

"(ii) from the funds remaining after the allotment described in clause (i), allot to each outlying area an amount of such funds until each outlying area has received an allotment of exactly $150,000 under clause (i) and this clause;

"(iii) from a portion of the remainder of the funds after the Secretary makes the allotments described in clauses (i) and (ii), the Secretary shall—

"(I) from 50 percent of the portion, allot to each State an equal amount; and

"(II) from 50 percent of the portion, allot to each State an amount that bears the same relationship to such 50 percent as the population of the State bears to the population of all States,until each State has received an allotment of not less than $450,000 under clause (i) and this clause; and

"(iv) from the remainder of the funds after the Secretary makes the allotments described in clause (iii), the Secretary shall—

"(I) from 80 percent of the remainder, allot to each State an amount that bears the same relationship to such 80 percent as the population of the State bears to the population of all States; and

"(II) from 20 percent of the remainder, allot to each State an equal amount.

"(3) AVAILABILITY OF FUNDS.—Amounts made available for a fiscal year under this section shall be available for the fiscal year and the year following the fiscal year.

"(c) LEAD AGENCY, IMPLEMENTING ENTITY, AND ADVISORY COUNCIL.—

"(1) LEAD AGENCY AND IMPLEMENTING ENTITY.—

"(A) LEAD AGENCY.—

"(i) IN GENERAL.—The Governor of a State shall designate a public agency as a lead agency—

"(I) to control and administer the funds made available through the grant awarded to the State under this section; and

"(II) to submit the application described in subsection (d) on behalf of the State, to ensure conformance with Federal and State accounting requirements.

"(ii) DUTIES.—The duties of the lead agency shall include—

"(I) preparing the application described in subsection (d) and carrying out State activities described in that application, including making programmatic and resource allocation decisions necessary to implement the comprehensive statewide program of technology-related assistance;

"(II) coordinating the activities of the comprehensive statewide program of technology- related assistance among public and private entities, including coordinating efforts related to entering into interagency agreements and maintaining and evaluating the program; and

"(III) coordinating efforts, in a way that acknowledges the demographic characteristics of individuals, related to the active, timely, and meaningful participation by individuals with disabilities and their family members, guardians, advocates, or authorized representatives, and other appropriate individuals, with respect to activities carried out through the grant.

"(B) IMPLEMENTING ENTITY.—The Governor may designate an agency, office, or other entity to carry out State activities under this section (referred to in this section as the 'implementing entity'), if such implementing entity is different from the lead agency. The implementing entity shall carry out responsibilities under this Act through a subcontract or another administrative agreement with the lead agency.

"(C) CHANGE IN AGENCY OR ENTITY.—

"(i) IN GENERAL.—On obtaining the approval of the Secretary—

"(I) the Governor may redesignate the lead agency of a State, if the Governor shows to the Secretary, in accordance with subsection (d)(2)(B), good cause why the agency designated as the lead agency should not serve as that agency; and

"(II) the Governor may redesignate the implementing entity of a State, if the Governor shows to the Secretary in accordance with subsection (d)(2)(B), good cause why the entity designated as the implementing entity should not serve as that entity.

"(ii) CONSTRUCTION.—Nothing in this paragraph shall be construed to require the Governor of a State to change the lead agency or implementing entity of the State to an agency other than the lead agency or implementing entity of such State as of the date of enactment of the '21st Century Assistive Technology Act'.

"(2) ADVISORY COUNCIL.—

"(A) IN GENERAL.—There shall be established an advisory council to provide consumer-responsive, consumer-

driven advice to the State for planning, implementation, and evaluation of the activities carried out through the grant, including setting the measurable goals described in subsection (d)(3)(C).

"(B) COMPOSITION AND REPRESENTATION.—

"(i) COMPOSITION.—The advisory council shall be composed of—

"(I) individuals with disabilities who use assistive technology or the family members or guardians of the individuals;

"(II) a representative of the designated State agency, as defined in section 7 of the Rehabilitation Act of 1973 (29 U.S.C. 705);

"(III) a representative of the designated State agency for individuals who are blind or that provides assistance or services to adults who are blind (within the meaning of section 101 of that Act (29 U.S.C. 721)), if such agency is separate from the agency described in subclause (II);

"(IV) a representative of a State center for independent living described in part C of title VII of the Rehabilitation Act of 1973 (29 U.S.C. 796f et seq.), or the Statewide Independent Living Council established under section 705 of such Act (29 U.S.C. 796d);

"(V) a representative of the State workforce development board established under section 101 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3111);

"(VI) a representative of the State educational agency, as defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801);

"(VII) a representative of an alternative financing program for assistive technology if—

"(aa) there is an alternative financing program for assistive technology in the State;

"(bb) such program is separate from the State assistive technology program supported under subsection (e)(2); and

"(cc) the program described in item (aa) is operated by a nonprofit entity;

"(VIII) a representative of 1 or more of—

"(aa) the agency responsible for administering the State Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

"(bb) the designated State agency for purposes of section 124 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15024);

"(cc) the State agency designated under section 305(a)(1) of the Older Americans Act of 1965 (42 U.S.C. 3025(a)(1)), or an organiza-

tion that receives assistance under such Act (42 U.S.C. 3001 et seq.);

"(dd) an organization representing disabled veterans;

"(ee) a University Center for Excellence in Developmental Disabilities Education, Research, and Service designated under section 151(a) of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15061(a));

"(ff) the State protection and advocacy system established in accordance with section 143 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15043); or

"(gg) the State Council on Developmental Disabilities established under section 125 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15025); and

"(IX) representatives of other State agencies, public agencies, or private organizations, as determined by the State.

"(ii) MAJORITY.—

"(I) IN GENERAL.—Not less than 51 percent of the members of the advisory council shall be members appointed under clause (i)(I), a majority of whom shall be individuals with disabilities.

"(II) REPRESENTATIVES OF AGENCIES.—Members appointed under subclauses (II) through (IX) of clause (i) shall not count toward the majority membership requirement established in subclause (I).

"(iii) REPRESENTATION.—The advisory council shall be geographically representative of the State and reflect the diversity of the State with respect to race, ethnicity, age, and types of disabilities, and users of types of services that an individual with a disability may receive, including home and community-based services (as defined in section 9817(a)(2) of the American Rescue Plan Act of 2021 (42 U.S.C. 1396d note)), vocational rehabilitation services (as defined in section 7 of the Rehabilitation Act of 1973 (29 U.S.C. 705)), and services through the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

"(C) EXPENSES.—The members of the advisory council shall receive no compensation for their service on the advisory council, but shall be reimbursed for reasonable and necessary expenses actually incurred in the performance of official duties for the advisory council.

"(D) IMPACT ON EXISTING STATUTES, RULES, OR POLICIES.—Nothing in this paragraph shall be construed to affect State statutes, rules, or official policies relating to advisory bodies for State assistive technology programs or re-

quire changes to governing bodies of incorporated agencies that carry out State assistive technology programs.

"(d) APPLICATION.—

"(1) IN GENERAL.—Any State that desires to receive a grant under this section shall submit an application to the Secretary, at such time, in such manner, and containing such information as the Secretary may require.

"(2) LEAD AGENCY AND IMPLEMENTING ENTITY.—

"(A) IN GENERAL.—The application shall contain—

"(i) information identifying and describing the lead agency referred to in subsection (c)(1)(A);

"(ii) information identifying and describing the implementing entity referred to in subsection (c)(1)(B), if the Governor of the State designates such an entity; and

"(iii) a description of how individuals with disabilities were involved in the development of the application and will be involved in the implementation of the activities to be carried out through the grant and through the advisory council established in accordance with subsection (c)(2).

"(B) CHANGE IN LEAD AGENCY OR IMPLEMENTING ENTITY.—In any case where—

"(i) the Governor requests to redesignate a lead agency, the Governor shall include in, or amend, the application to request the redesignation and provide a written description of the rationale for the requested change; or

"(ii) the Governor requests to redesignate an implementing entity, the Governor shall include in, or amend, the application to request the redesignation and provide a written description of the rationale for the requested change.

"(3) STATE PLAN.—The application under this subsection shall include a State plan for assistive technology consisting of—

"(A) a description of how the State will carry out a comprehensive statewide program that provides assistive technology activities described in subsection (e) (unless excluded by the State pursuant to subsection (e)(5));

"(B) a description of how the State will allocate and utilize grant funds to implement the activities described in subparagraph (A), including describing proposed budget allocations and planned procedures for tracking expenditures for the activities;

"(C) measurable goals, and a timeline for meeting the goals, that the State has set for addressing the assistive technology needs of individuals with disabilities in the State related to—

"(i) education, including goals involving the provision of assistive technology to individuals with disabilities who receive services under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.);

"(ii) employment, including goals involving the State vocational rehabilitation program carried out under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.);

"(iii) access to teleassistive technology to aid in the access of health care services, including mental health and substance use disorder services;

"(iv) accessible information and communication technology instruction for individuals with disabilities receiving assistive technology under this section; and

"(v) community living;

"(D) information describing how the State will quantifiably measure the goals, in a manner consistent with the data submitted through the progress reports under subsection (f), to determine whether the goals have been achieved; and

"(E) a description of any activities described in subsection (e) that the State will support with State or other non-Federal funds.

"(4) INVOLVEMENT OF PUBLIC AND PRIVATE ENTITIES.—The application shall describe how various public and private entities, including individuals with disabilities and their families, were involved in the development of the application, including the measurable goals and timeline described in paragraph (3)(C) and the description of how the goals will be quantifiably measured described in paragraph (3)(D), and will be involved in the implementation of the activities to be carried out through the grant, including—

"(A) in cases determined to be appropriate by the State, a description of the nature and extent of resources that will be committed by public and private partners to assist in accomplishing identified goals; and

"(B) a description of the mechanisms established to ensure coordination of activities and collaboration between the implementing entity, if any, and the State.

"(5) ASSURANCES.—The application shall include assurances that—

"(A) the State will annually collect data related to the required activities implemented by the State under this section in order to prepare the progress reports required under subsection (f);

"(B) funds received through the grant—

"(i) will be expended in accordance with this section; and

"(ii) will be used to supplement, and not supplant, funds available from other sources for technology-related assistance, including the provision of assistive technology devices and assistive technology services;

"(C) the lead agency will control and administer the funds received through the grant;

"(D) the State will adopt such fiscal control and accounting procedures as may be necessary to ensure proper disbursement of and accounting for the funds received through the grant;

"(E) the physical facility of the lead agency and implementing entity, if any, meets the requirements of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) regarding accessibility for individuals with disabilities;

"(F) a public agency or an individual with a disability holds title to any property purchased with funds received under the grant and administers that property;

"(G) activities carried out in the State that are authorized under this Act, and supported by Federal funds received under this Act, will comply with the standards established by the Architectural and Transportation Barriers Compliance Board under section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d); and

"(H) the State will—

"(i) prepare reports to the Secretary in such form and containing such information as the Secretary may require to carry out the Secretary's functions under this Act; and

"(ii) keep such records and allow access to such records as the Secretary may require to ensure the correctness and verification of information provided to the Secretary under this subparagraph.

"(e) USE OF FUNDS.—

"(1) REQUIRED ACTIVITIES.—

"(A) IN GENERAL.—Except as provided in subparagraph (B) and paragraph (5), any State that receives a grant under this section shall—

"(i) use a portion of not more than 40 percent of the funds made available through the grant to carry out all activities described in paragraph (3), of which not less than 5 percent of such portion shall be available for activities described in paragraph (3)(A)(iii); and

"(ii) use a portion of the funds made available through the grant to carry out all of the activities described in paragraph (2).

"(B) STATE OR OTHER NON-FEDERAL FINANCIAL SUPPORT.—A State receiving a grant under this section shall not be required to use grant funds to carry out the category of activities described in subparagraph (A), (B), (C), or (D) of paragraph (2) in that State if, for such category of activities, financial support is provided in that State—

"(i) from State or other non-Federal resources or entities; and

"(ii) in an amount that is comparable to, or greater than, the amount of the portion of the funds made available through the grant that the State would have expended for such category of activities, in the absence of this subparagraph.

"(2) STATE-LEVEL ACTIVITIES.—

"(A) STATE FINANCING ACTIVITIES.—The State shall support State financing activities to increase access to, and funding for, assistive technology devices and assistive tech-

nology services (which shall not include direct payment for such a device or service for an individual with a disability but may include support and administration of a program to provide such payment), including development of systems to provide and pay for such devices and services, for targeted individuals and entities described in section 3(16)(A), including—

"(i) support for the development of systems for the purchase, lease, or other acquisition of, or payment for, assistive technology devices and assistive technology services;

"(ii) another mechanism that is approved by the Secretary; or

"(iii) support for the development of a State-financed or privately financed alternative financing program engaged in the provision of assistive technology devices, such as—

"(I) a low-interest loan fund;

"(II) an interest buy-down program;

"(III) a revolving loan fund; or

"(IV) a loan guarantee or insurance program.

"(B) DEVICE REUTILIZATION PROGRAMS.—The State shall directly, or in collaboration with public or private entities, carry out assistive technology device reutilization programs that provide for the exchange, repair, recycling, or other reutilization of assistive technology devices, which may include redistribution through device sales, loans, rentals, or donations.

"(C) DEVICE LOAN PROGRAMS.—The State shall directly, or in collaboration with public or private entities, carry out device loan programs that provide short-term loans of assistive technology devices to individuals, employers, public agencies, or others seeking to meet the needs of targeted individuals and entities, including others seeking to comply with the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).

"(D) DEVICE DEMONSTRATIONS.—

"(i) IN GENERAL.—The State shall directly, or in collaboration with public and private entities, such as one-stop partners, as defined in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102), demonstrate a variety of assistive technology devices and assistive technology services (including assisting individuals in making informed choices regarding, and providing experiences with, the devices and services), using personnel who are familiar with such devices and services and their applications.

"(ii) COMPREHENSIVE INFORMATION.—The State shall directly, or through referrals, provide to individuals, to the extent practicable, comprehensive information about State and local assistive technology venders, providers, and repair services.

"(3) STATE LEADERSHIP ACTIVITIES.—

"(A) EDUCATIONAL ACTIVITIES AND TECHNICAL ASSISTANCE.—

"(i) IN GENERAL.—The State shall, directly or through the provision of support to public or private entities with demonstrated expertise in collaborating with public or private agencies that serve individuals with disabilities, develop and disseminate training materials, conduct educational activities, and provide technical assistance, for individuals statewide, including representatives of State and local educational agencies, State vocational rehabilitation programs, other State and local agencies, early intervention programs, adult service programs, hospitals and other health care facilities, institutions of higher education, and businesses.

"(ii) AUTHORIZED ACTIVITIES.—In carrying out activities under clause (i), the State shall carry out activities that enhance the knowledge, skills, and competencies of individuals from local settings described in such clause, which may include—

"(I) raising awareness and providing instruction on the benefits of assistive technology and the Federal, State, and private funding sources available to assist targeted individuals and entities in acquiring assistive technology;

"(II) skills development in assessing the need for assistive technology devices and assistive technology services;

"(III) instruction to ensure the appropriate application and use of assistive technology devices, assistive technology services, and accessible information and communication technology for e-government functions;

"(IV) instruction in the importance of multiple approaches to assessment and implementation necessary to meet the individualized needs of individuals with disabilities; and

"(V) technical instruction on integrating assistive technology into the development and implementation of service plans, including any education, health, discharge, Olmstead, employment, or other plan required under Federal or State law.

"(iii) TRANSITION ASSISTANCE TO INDIVIDUALS WITH DISABILITIES.—The State shall (directly or through the provision of support to public or private entities) develop and disseminate educational materials, conduct educational activities, facilitate access to assistive technology, and provide technical assistance, to assist—

"(I) students with disabilities, within the meaning of the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), that receive transition services; and

"(II) adults who are individuals with disabilities maintaining or transitioning to community living.

"(B) PUBLIC-AWARENESS ACTIVITIES.—

"(i) IN GENERAL.—The State shall conduct public-awareness activities designed to provide information to targeted individuals and entities relating to the availability, benefits, appropriateness, and costs of assistive technology devices and assistive technology services, including—

"(I) the development of procedures for providing direct communication between providers of assistive technology and targeted individuals and entities, which may include partnerships with entities in the statewide and local workforce development systems established under the Workforce Innovation and Opportunity Act (29 U.S.C. 3101 et seq.), State vocational rehabilitation programs, public and private employers, centers for independent living described in part C of title VII of the Rehabilitation Act of 1973 (29 U.S.C. 796f et seq.), Aging and Disability Resource Centers (as defined in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002)), or elementary schools and secondary schools (as defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801));

"(II) the development and dissemination, to targeted individuals and entities, of information about State efforts related to assistive technology; and

"(III) the distribution of materials to appropriate public and private agencies that provide social, medical, educational, employment, housing, and transportation services to individuals with disabilities.

"(ii) STATEWIDE INFORMATION AND REFERRAL SYSTEM.—

"(I) IN GENERAL.—The State shall directly, or in collaboration with public or private entities (including nonprofit organizations), provide for the continuation and enhancement of a statewide information and referral system designed to meet the needs of targeted individuals and entities.

"(II) CONTENT.—The system shall deliver information on assistive technology devices, assistive technology services (with specific data regarding provider availability within the State), and the availability of resources, including funding through public and private sources, to obtain assistive technology devices and assistive technology services. The system shall also deliver information on the benefits of assistive technology devices and assistive technology services with respect to en-

hancing the capacity of individuals with disabilities to perform activities of daily living.

"(C) COORDINATION AND COLLABORATION.—The State shall coordinate activities described in paragraph (2) and this paragraph, among public and private entities that are responsible for policies, procedures, or funding for the provision of assistive technology devices and assistive technology services to improve access to such devices and services in the State.

"(4) FUNDING RULES.—

"(A) PROHIBITION.—Funds made available through a grant to a State under this section shall not be used for direct payment for an assistive technology device for an individual with a disability.

"(B) FEDERAL PARTNER COLLABORATION.—In order to coordinate efforts regarding the availability of funding to access and acquire assistive technology through device demonstration, loan, reuse, and State financing activities, a State receiving a grant under this section shall ensure that the lead agency or implementing entity is conducting outreach to and, as appropriate, collaborating with, other State agencies that receive Federal funding for assistive technology, including—

"(i) the State educational agency receiving assistance under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.);

"(ii) the State vocational rehabilitation agency receiving assistance under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.);

"(iii) the agency responsible for administering the State Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

"(iv) the State agency receiving assistance under the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.); and

"(v) any other agency in a State that funds assistive technology.

"(C) INDIRECT COSTS.—Not more than 10 percent of the funds made available through a grant to a State under this section may be used for indirect costs.

"(5) STATE FLEXIBILITY.—

"(A) IN GENERAL.—Notwithstanding paragraph (1)(A) and subject to subparagraph (B), a State may use funds that the State receives under a grant awarded under this section to carry out any 2 or more of the activities described in paragraph (2).

"(B) SPECIAL RULE.—Notwithstanding paragraph (1)(A), any State that exercises its authority under subparagraph (A)—

"(i) shall carry out each of the required activities described in paragraph (3); and

"(ii) shall use not more than 30 percent of the funds made available through the grant to carry out such activities.

"(6) ASSISTIVE TECHNOLOGY DEVICE DISPOSITION.—Notwithstanding other equipment disposition policy under Federal law, an assistive technology device purchased to be used in activities authorized under this section may be reutilized to the maximum extent possible and then donated to a public agency, private nonprofit agency, or individual with a disability in need of such device.

"(f) ANNUAL PROGRESS REPORTS.—

"(1) DATA COLLECTION.—Each State receiving a grant under this section shall participate in data collection as required by law, including data collection required for preparation of the reports described in paragraph (2).

"(2) REPORTS.—

"(A) IN GENERAL.—Each State shall prepare and submit to the Secretary an annual progress report on the activities carried out by the State in accordance with subsection (e), including activities funded by State or other non-Federal sources under subsection (e)(1)(B) at such time, and in such manner, as the Secretary may require.

"(B) CONTENTS.—The report shall include data collected pursuant to this section. The report shall document, with respect to activities carried out under this section in the State—

"(i) the type of State financing activities described in subsection (e)(2)(A) used by the State;

"(ii) the amount and type of assistance given to consumers of the State financing activities described in subsection (e)(2)(A) (which shall be classified by type of assistive technology device or assistive technology service financed through the State financing activities, and geographic distribution within the State), including—

"(I) the number of applications for assistance received;

"(II) the number of applications—

"(aa) approved;

"(bb) denied; or

"(cc) withdrawn;

"(III) the number, percentage, and dollar amount of defaults for the financing activities;

"(IV) the range and average interest rate for the financing activities;

"(V) the range and average income of approved applicants for the financing activities; and

"(VI) the types and dollar amounts of assistive technology financed;

"(iii) the number, type, and length of time of loans of assistive technology devices provided to individuals with disabilities, employers, public agencies, or public accommodations through the device loan program described in subsection (e)(2)(C), and an analysis of the types of such devices provided through the program, and how each device benefitted the individual who received such device;

"(iv) the number, type, estimated value, and scope of assistive technology devices exchanged, repaired, recycled, or reutilized (including redistributed through device sales, loans, rentals, or donations) through the device reutilization program described in subsection (e)(2)(B), and an analysis of the individuals with disabilities who have benefited from the device reutilization program;

"(v) the number and type of device demonstrations and referrals provided under subsection (e)(2)(D), and an analysis of individuals with disabilities who have benefited from the demonstrations and referrals;

"(vi)(I) the number and general characteristics of individuals who participated in educational activities under subsection (e)(3)(A) (such as individuals with disabilities, parents, educators, employers, providers of employment services, health care workers, counselors, other service providers, or venders) and the topics of such educational activities; and

"(II) to the extent practicable, the geographic distribution of individuals who participated in the educational activities;

"(vii) the frequency of provision and nature of technical assistance provided to State and local agencies and other entities;

"(viii) the number of individuals assisted through the statewide information and referral system described in subsection (e)(3)(B)(ii) and descriptions of the public awareness activities under subsection (e)(3)(B);

"(ix) the outcomes of any improvement initiatives carried out by the State as a result of activities funded under this section, including a description of any written policies, practices, and procedures that the State has developed and implemented regarding access to, provision of, and funding for, assistive technology devices, and assistive technology services, in the contexts of education, health care, employment, community living, and accessible information and communication technology, including e-government;

"(x) the source of leveraged funding or other contributed resources, including resources provided through subcontracts or other collaborative resource-sharing agreements, from and with public and private entities to carry out State activities described in subsection (e)(3)(C), the number of individuals served with the contributed resources for which information is not reported under clauses (i) through (ix) or clause (xi), and other outcomes accomplished as a result of such activities carried out with the contributed resources; and

"(xi) the level of customer satisfaction with the services provided.

"SEC. 5. GRANTS FOR PROTECTION AND ADVOCACY SERVICES RELATED TO ASSISTIVE TECHNOLOGY

"(a) GRANTS.—

"(1) IN GENERAL.—The Secretary shall make grants under subsection (b) to protection and advocacy systems in each State for the purpose of enabling such systems to assist in the acquisition, utilization, or maintenance of assistive technology devices or assistive technology services for individuals with disabilities.

"(2) GENERAL AUTHORITIES.—In providing the assistance described under paragraph (1), protection and advocacy systems shall have the same general authorities as the systems are afforded under subtitle C of title I of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15041 et seq.).

"(b) RESERVATION; DISTRIBUTION.—

"(1) RESERVATION.—For each fiscal year, the Secretary shall reserve, from the amounts made available to carry out this section under section 9(b)(2)(B), such sums as may be necessary to carry out paragraph (4).

"(2) POPULATION BASIS.—From the amounts appropriated to carry out this section for a fiscal year that remain after the reservation required under paragraph (1) has been made, the Secretary shall make a grant to a protection and advocacy system within each State in an amount bearing the same ratio to the remaining amounts as the population of the State bears to the population of all States.

"(3) MINIMUMS.—Subject to the availability of appropriations and paragraph (5), the amount of a grant to a protection and advocacy system under paragraph (2) for a fiscal year shall—

"(A) in the case of a protection and advocacy system located in American Samoa, Guam, the United States Virgin Islands, or the Commonwealth of the Northern Mariana Islands, not be less than $30,000; and

"(B) in the case of a protection and advocacy system located in a State not described in subparagraph (A), not be less than $50,000.

"(4) PAYMENT TO THE SYSTEM SERVING THE AMERICAN INDIAN CONSORTIUM.—

"(A) IN GENERAL.—The Secretary shall make grants to the protection and advocacy system serving the American Indian consortium to provide services in accordance with this section.

"(B) AMOUNT OF GRANTS.—The amount of a grant under subparagraph (A) shall be the same as the amount provided under paragraph (3)(A).

"(5) ADJUSTMENTS.—For each fiscal year for which the total amount appropriated under section 9(b)(2)(B) to carry out this section is $8,000,000 or more and such appropriated amount exceeds the total amount appropriated to carry out this section for the preceding fiscal year, the Secretary shall increase each of the minimum grant amounts described in subparagraphs (A) and (B) of paragraph (3) and paragraph (4)(B)

by a percentage equal to the percentage increase in the total amount appropriated under section 9 to carry out this section for the preceding fiscal year and such total amount for the fiscal year for which the determination is being made.

"(c) DIRECT PAYMENT.—Notwithstanding any other provision of law, the Secretary shall pay directly to any protection and advocacy system that complies with this section, the total amount of the grant made for such system under this section, unless the system provides otherwise for payment of the grant amount.

"(d) CARRYOVER; PROGRAM INCOME.—

"(1) CARRYOVER.—Any amount paid to a protection and advocacy system for a fiscal year under this section that remains unobligated at the end of such fiscal year shall remain available to such system for obligation during the subsequent fiscal year.

"(2) PROGRAM INCOME.—Program income generated from any amount paid to a protection and advocacy system for a fiscal year shall—

"(A) remain available to the protection and advocacy system for 5 additional fiscal years after the year in which such amount was paid to the protection and advocacy system and be considered an addition to the grant; and

"(B) only be used to improve the awareness of individuals with disabilities about the accessibility of assistive technology and assist such individuals in the acquisition, utilization, or maintenance of assistive technology devices or assistive technology services.

"(e) REPORT TO SECRETARY.—A protection and advocacy system that receives a grant under this section shall annually prepare and submit to the Secretary a report that contains documentation of the progress of the protection and advocacy system in—

"(1) conducting consumer-responsive activities, including activities that will lead to increased access for individuals with disabilities to funding for assistive technology devices and assistive technology services;

"(2) engaging in informal advocacy to assist in securing assistive technology devices and assistive technology services for individuals with disabilities;

"(3) engaging in formal representation for individuals with disabilities to secure systems change, and in advocacy activities to secure assistive technology devices and assistive technology services for individuals with disabilities;

"(4) developing and implementing strategies to enhance the long-term abilities of individuals with disabilities and their family members, guardians, advocates, and authorized representatives to advocate the provision of assistive technology devices and assistive technology services to which the individuals with disabilities are entitled under law other than this Act;

"(5) coordinating activities with protection and advocacy services funded through sources other than this Act, and coordinating activities with the capacity building and advocacy activities carried out by the lead agency; and

"(6) effectively allocating funds made available under this section to improve the awareness of individuals with disabilities about the accessibility of assistive technology and assist such individuals in the acquisition, utilization, or maintenance of assistive technology devices or assistive technology services.

"(f) REPORTS AND UPDATES TO STATE AGENCIES.—A protection and advocacy system that receives a grant under this section shall prepare and submit to the lead agency of the State designated under section 4(c)(1) the report described in subsection (e) and quarterly updates concerning the activities described in such subsection.

"(g) COORDINATION.—On making a grant under this section to a protection and advocacy system in a State, the Secretary shall solicit and consider the opinions of the lead agency of the State with respect to efforts at coordination of activities, collaboration, and promoting outcomes between the lead agency and the protection and advocacy system that receives the grant under this section.

"SEC. 6. TECHNICAL ASSISTANCE AND DATA COLLECTION SUPPORT

"(a) DEFINITIONS.—In this section:

"(1) QUALIFIED DATA COLLECTION AND REPORTING ENTITY.—The term 'qualified data collection and reporting entity' means an entity with demonstrated expertise in data collection and reporting as described in section 4(f)(2)(B), in order to—

"(A) provide recipients of grants under this Act with instruction and technical assistance; and

"(B) assist such recipients with data collection and data requirements.

"(2) QUALIFIED PROTECTION AND ADVOCACY SYSTEM TECHNICAL ASSISTANCE PROVIDER.—The term 'qualified protection and advocacy system technical assistance provider' means an entity that has experience in—

"(A) working with protection and advocacy systems established in accordance with section 143 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15043); and

"(B) providing technical assistance to protection and advocacy agencies.

"(3) QUALIFIED TECHNICAL ASSISTANCE PROVIDER.—The term 'qualified technical assistance provider' means an entity with demonstrated expertise in assistive technology and that has (directly or through grant or contract)—

"(A) experience and expertise in administering programs, including developing, implementing, and administering all of the activities described in section 4(e); and

"(B) documented experience in and knowledge about—

"(i) assistive technology device loan and demonstration;

"(ii) assistive technology device reuse;

"(iii) financial loans and microlending, including the activities of alternative financing programs for assistive technology; and

"(iv) State leadership activities.

"(b) TECHNICAL ASSISTANCE AND DATA COLLECTION SUPPORT AUTHORIZED.—

"(1) SUPPORT FOR ASSISTIVE TECHNOLOGY EDUCATIONAL ACTIVITIES AND TECHNICAL ASSISTANCE.—From amounts made available under section 9(b)(1), the Secretary shall award, on a competitive basis, grants, contracts, or cooperative agreements—

"(A) to qualified technical assistance providers to support activities described in subsection (d)(1) for States receiving grants under section 4; and

"(B) to qualified protection and advocacy system technical assistance providers to support activities described in subsection (d)(1) for protection and advocacy systems receiving grants under section 5.

"(2) SUPPORT FOR DATA COLLECTION AND REPORTING ASSISTANCE.—From amounts made available under section 9(b)(1), the Secretary shall award, on a competitive basis, grants, contracts, or cooperative agreements—

"(A) to qualified data collection and reporting entities, to enable the qualified data collection and reporting entities to carry out the activities described in subsection (d)(2) for States receiving grants under section 4; and

"(B) to qualified protection and advocacy system technical assistance providers, to enable the providers to carry out the activities described in subsection (d)(2) for protection and advocacy systems receiving grants under section 5.

"(c) APPLICATION.—

"(1) IN GENERAL.—To be eligible to receive a grant, contract, or cooperative agreement under this section, an entity shall submit an application to the Secretary at such time, in such manner, and containing the following information:

"(A) A description of the activities such entity will carry out with the grant, contract, or cooperative agreement under subsection (d).

"(B) A description of the expertise such entity has to carry out such activities.

"(C) In the case of an entity applying to receive a grant, contract, or cooperative agreement under subsection (b)(1), a description of such entity's plan for complying with the requirements described in subsection (d)(1)(B).

"(D) A description of such entity's plan to comply with all relevant State and Federal laws, regulations, and policies with respect to data privacy and security.

"(E) Such other information as the Secretary may require.

"(2) INPUT.—In developing grants, contracts, or cooperative agreements under this section, the Secretary shall consider the input of the recipients of grants under sections 4 and 5 and other individuals the Secretary determines to be appropriate, especially—

"(A) individuals with disabilities who use assistive technology and understand the barriers to the acquisition of such technology and assistive technology services;

"(B) family members, guardians, advocates, and authorized representatives of such individuals;

"(C) relevant employees from Federal departments and agencies, other than the Department of Health and Human Services;

"(D) representatives of businesses; and

"(E) venders and public and private researchers and developers.

"(d) AUTHORIZED ACTIVITIES.—

"(1) USE OF FUNDS FOR ASSISTIVE TECHNOLOGY TECHNICAL ASSISTANCE.—

"(A) TECHNICAL ASSISTANCE EFFORTS.—A qualified technical assistance provider or qualified protection and advocacy system technical assistance provider receiving a grant, contract, or cooperative agreement under subsection (b)(1) shall support a technical assistance program for States or protection and advocacy systems receiving a grant under section 4 or 5, respectively, that—

"(i) addresses State-specific information requests concerning assistive technology from entities funded under this Act and public entities not funded under this Act, including—

"(I) effective approaches to Federal-State coordination of programs for individuals with disabilities related to improving funding for or access to assistive technology devices and assistive technology services for individuals with disabilities;

"(II) model State and local laws, regulations, policies, practices, procedures, and organizational structures, that facilitate, and overcome barriers to, funding for, and access to, assistive technology devices and assistive technology services;

"(III) effective approaches to developing, implementing, evaluating, and sustaining activities described in section 4 or 5, as the case may be, and related to improving acquisition and access to assistive technology devices and assistive technology services for individuals with disabilities, and requests for assistance in developing corrective action plans;

"(IV) policies, practices, procedures, regulations, or judicial decisions related to access to and acquisition of assistive technology devices and assistive technology services for individuals with disabilities;

"(V) effective approaches to the development of consumer-controlled systems that increase access to, funding for, and awareness of, assistive technology devices and assistive technology services; and

"(VI) other requests for information and technical assistance from entities funded under this Act; and

"(ii) in the case of a program that will serve States receiving grants under section 4—

"(I) assists targeted individuals and entities by disseminating information and responding to requests relating to assistive technology by providing referrals to recipients of grants under section 4 or other public or private resources; and

"(II) provides State-specific, regional, and national technical assistance concerning assistive technology to entities funded under this Act, and public and private entities not funded under this Act, including—

"(aa) annually providing a forum for exchanging information concerning, and promoting program and policy improvements in, required activities of the State assistive technology programs;

"(bb) facilitating onsite and electronic information sharing using state-of-the-art internet technologies such as real-time online discussions, multipoint video conferencing, and web-based audio or video broadcasts, on emerging topics that affect State assistive technology programs;

"(cc) convening experts from State assistive technology programs to discuss and make recommendations with regard to national emerging issues of importance to individuals with assistive technology needs;

"(dd) sharing best practice and evidence-based practices among State assistive technology programs;

"(ee) developing or maintaining an accessible, national, and public website that includes information, tools, and resources on assistive technology devices and assistive technology services and links to State assistive technology programs, appropriate Federal departments and agencies, and private resources;

"(ff) developing a resource that connects individuals from a State with the State assistive technology program in their State;

"(gg) providing access to experts in the State-level activities described in section 4(e)(2) through site visits, teleconferences, and other means, to ensure access to information for entities that are carrying out new programs or programs that are not making progress in achieving the objectives of the programs; and

"(hh) supporting and coordinating activities designed to reduce the financial costs of purchasing assistive technology for the activi-

ties described in section 4(e), and reducing duplication of activities among State assistive technology programs.

"(B) COLLABORATION.—In developing and providing technical assistance under this paragraph, a qualified technical assistance provider or qualified protection and advocacy system technical assistance provider receiving a grant, contract, or cooperative agreement under subsection (b)(1) shall—

"(i) collaborate with—

"(I) organizations representing individuals with disabilities;

"(II) national organizations representing State assistive technology programs;

"(III) organizations representing State officials and agencies engaged in the delivery of assistive technology;

"(IV) other qualified protection and advocacy system technical assistance providers and qualified technical assistance providers;

"(V) providers of State financing activities, including alternative financing programs for assistive technology;

"(VI) providers of device loans, device demonstrations, and device reutilization; and

"(VII) any other organizations determined appropriate by the provider or the Secretary; and

"(ii) in the case of a qualified technical assistance provider, include activities identified as priorities by State advisory councils and lead agencies and implementing entities for grants under section 4.

"(2) USE OF FUNDS FOR ASSISTIVE TECHNOLOGY DATA COLLECTION AND REPORTING ASSISTANCE.—A qualified data collection and reporting entity or a qualified protection and advocacy system technical assistance provider receiving a grant, contract, or cooperative agreement under subsection (b)(2) shall assist States or protection and advocacy systems receiving a grant under section 4 or 5, respectively, to develop and implement effective and accessible data collection and reporting systems that—

"(A) focus on quantitative and qualitative data elements;

"(B) help measure the impact of the activities to individuals who need assistive technology;

"(C) in the case of systems that will serve States receiving grants under section 4—

"(i) measure the outcomes of all activities described in section 4(e) and the progress of the States toward achieving the measurable goals described in section 4(d)(3)(C); and

"(ii) provide States with the necessary information required under this Act or by the Secretary for reports described in section 4(f)(2); and

"(D) are in full compliance with all relevant State and Federal laws, regulations, and policies with respect to data privacy and security.

"SEC. 7. PROJECTS OF NATIONAL SIGNIFICANCE

"(a) DEFINITION OF PROJECT OF NATIONAL SIGNIFICANCE.—In this section, the term 'project of national significance'—

"(1) means a project that—

"(A) increases access to, and acquisition of, assistive technology; and

"(B) creates opportunities for individuals with disabilities to directly and fully contribute to, and participate in, all facets of education, employment, community living, and recreational activities; and

"(2) may—

"(A) develop and expand partnerships between State Medicaid agencies and recipients of grants under section 4 to reutilize durable medical equipment;

"(B) increase collaboration between the recipients of grants under section 4 and States receiving grants under the Money Follows the Person Rebalancing Demonstration under section 6071 of the Deficit Reduction Act of 2005 (42 U.S.C. 1396a note);

"(C) increase collaboration between recipients of grants under section 4 and area agencies on aging, as such term is defined in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002), which may include collaboration on emergency preparedness, safety equipment, or assistive technology toolkits;

"(D) provide aid to assist youth with disabilities to transition from school to adult life, especially in—

"(i) finding employment and postsecondary education opportunities; and

"(ii) upgrading and changing any assistive technology devices that may be needed as a youth matures;

"(E) increase access to and acquisition of assistive technology addressing the needs of aging individuals and aging caregivers in the community;

"(F) increase effective and efficient use of assistive technology as part of early intervention for infants and toddlers with disabilities from birth to age 3;

"(G) increase awareness of and access to the Disability Funds-Financial Assistance funding provided by the Community Development Financial Institutions Fund that supports acquisition of assistive technology; and

"(H) increase awareness of and access to assistive technology, such as through models described in subclauses (I) through (IV) of section 4(e)(2)(A)(iii) and other Federally funded disability programs.

"(b) PROJECTS AUTHORIZED.—If funds are available pursuant to section 9(c) to carry out this section for a fiscal year, the Secretary may award, on a competitive basis, grants, contracts, and coopera-

tive agreements to public or private nonprofit entities to enable the entities to carry out projects of national significance.

"(c) APPLICATION.—A public or private nonprofit entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing a description of the project of national significance the entity proposes to carry out under this section.

"(d) AWARD PREFERENCE.—For each grant award period, the Secretary may give preference for 1 or more categories of projects of national significance described in subparagraphs (A) through (H) of subsection (a)(2).

"(e) MINIMUM FUNDING LEVEL REQUIRED.—The Secretary may only award grants, contracts, or cooperative agreements under this section if the amount made available under section 9 to carry out sections 4, 5, and 6 is equal to or greater than $49,000,000.

"SEC. 8. ADMINISTRATIVE PROVISIONS

"(a) GENERAL ADMINISTRATION.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, the Administrator of the Administration for Community Living of the Department of Health and Human Services (referred to in this section as the 'Administrator') shall be responsible for the administration of this Act.

"(2) COLLABORATION.—The Administrator shall consult with the Office of Special Education Programs of the Department of Education, the Rehabilitation Services Administration of the Department of Education, the Office of Disability Employment Policy of the Department of Labor, and other appropriate Federal entities in the administration of this Act.

"(3) ADMINISTRATION.—

"(A) IN GENERAL.—In administering this Act, the Administrator shall ensure that programs funded under this Act will address—

"(i) the needs of individuals with all types of disabilities and across the lifespan; and

"(ii) the use of assistive technology in all potential environments, including employment, education, and community living.

"(B) FUNDING LIMITATIONS.—For each fiscal year, not more than 1/2 of 1 percent of the total funding appropriated for this Act shall be used by the Administrator to support the administration of this Act.

"(b) REVIEW OF PARTICIPATING ENTITIES.—

"(1) IN GENERAL.—The Secretary shall assess the extent to which entities that receive grants under this Act are complying with the applicable requirements of this Act and achieving measurable goals that are consistent with the requirements of the grant programs under which the entities received the grants.

"(2) PROVISION OF INFORMATION.—To assist the Secretary in carrying out the responsibilities of the Secretary under this section, the Secretary may require States to provide relevant information, including the information required under subsection (d).

"(c) CORRECTIVE ACTION AND SANCTIONS.—

"(1) CORRECTIVE ACTION.—If the Secretary determines that an entity that receives a grant under this Act fails to substantially comply with the applicable requirements of this Act, or to make substantial progress toward achieving the measurable goals described in subsection (b)(1) with respect to the grant program, the Secretary shall assist the entity, through technical assistance funded under section 6 or other means, within 90 days after such determination, to develop a corrective action plan.

"(2) SANCTIONS.—If the entity fails to develop and comply with a corrective action plan described in paragraph (1) during a fiscal year, the entity shall be subject to 1 of the following corrective actions selected by the Secretary:

"(A) Partial or complete termination of funding under the grant program, until the entity develops and complies with such a plan.

"(B) Ineligibility to participate in the grant program in the following fiscal year.

"(C) Reduction in the amount of funding that may be used for indirect costs under section 4 for the following fiscal year.

"(D) Required redesignation of the lead agency designated under section 4(c)(1) or an entity responsible for administering the grant program.

"(3) APPEALS PROCEDURES.—The Secretary shall establish appeals procedures for entities that are determined to be in noncompliance with the applicable requirements of this Act, or have not made substantial progress toward achieving the measurable goals described in subsection (b)(1).

"(4) SECRETARIAL ACTION.—As part of the annual report required under subsection (d), the Secretary shall describe each such action taken under paragraph (1) or (2) and the outcomes of each such action.

"(5) PUBLIC NOTIFICATION.—Not later than 30 days after taking an action under paragraph (1) or (2), the Secretary shall notify the public, by posting on an easily accessible portion of the internet website of the Department of Health and Human Services, notification of each action taken by the Secretary under paragraph (1) or (2). As a part of such notification, the Secretary shall describe each such action taken under paragraph (1) or (2) and the outcomes of each such action.

"(d) ANNUAL REPORT TO CONGRESS.—

"(1) IN GENERAL.—Not later than December 31 of each year, the Secretary shall prepare and submit to the President, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Education and Labor of the House of Representatives a report on the activities funded under this Act to improve the access of assistive technology devices and assistive technology services to individuals with disabilities.

"(2) CONTENTS.—Each report described in paragraph (1) shall include—

"(A) a compilation and summary of the information provided by the States in annual progress reports submitted under section 4(f); and

"(B) a summary of the State applications described in section 4(d) and an analysis of the progress of the States in meeting the measurable goals established in State applications under section 4(d)(3)(C).

"(e) CONSTRUCTION.—Nothing in this section shall be construed to affect the enforcement authority of the Secretary, another Federal officer, or a court under any other applicable law.

"(f) EFFECT ON OTHER ASSISTANCE.—This Act may not be construed as authorizing a Federal or State agency to reduce medical or other assistance available, or to alter eligibility for a benefit or service, under any other Federal law.

"SEC. 9. [29 U.S.C. 3008] AUTHORIZATION OF APPROPRIATIONS; RESERVATIONS AND DISTRIBUTION OF FUNDS

"(a) IN GENERAL.—There are authorized to be appropriated to carry out this Act—

"(1) $44,000,000 for fiscal year 2023;

"(2) $45,980,000 for fiscal year 2024;

"(3) $48,049,100 for fiscal year 2025;

"(4) $50,211,310 for fiscal year 2026; and

"(5) $52,470,819 for fiscal year 2027.

"(b) RESERVATIONS AND DISTRIBUTION OF FUNDS.—Subject to subsection (c), for each fiscal year for which funds are made available under subsection (a) to carry out this Act, the Secretary shall—

"(1) reserve an amount equal to 3 percent of the funds made available for each such fiscal year to carry out paragraphs (1) and (2) of section 6(b); and

"(2) from the amounts remaining after making the reservation under paragraph (1)—

"(A) use 85.5 percent of such amounts to carry out section 4; and

"(B) use 14.5 percent of such amounts to carry out section 5.

"(c) LIMIT FOR PROJECTS OF NATIONAL SIGNIFICANCE.—For any fiscal year for which the amount made available under subsection (a) exceeds $49,000,000 the Secretary may—

"(1) reserve for section 7, an amount of such available funds that does not exceed the lesser of—

"(A) the excess amount made available; or

"(B) $2,000,000; and

"(2) make the reservation under paragraph (1) before carrying out subsection (b).".

SEC. 5403. [29 U.S.C. 3001 note] EFFECTIVE DATE.

This title, and the amendments made by this title, shall take effect on the day that is 6 months after the date of enactment of this Act.

TITLE LV—FOREIGN AFFAIRS MATTERS

TITLE LV—FOREIGN AFFAIRS MATTERS

Subtitle A—Taiwan Enhanced Resilience Act

Sec. 5501. Short title.

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Sec. 5503. Increase in annual regional contingency stockpile additions and support for Taiwan.
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PART 5—SANCTIONS EXCEPTION RELATING TO IMPORTATION OF GOODS

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Sec. 5599A. Feasibility study on United States support for and participation in the international counterterrorism academy in Côte d'Ivoire.
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Sec. 5599G. Sense of Congress regarding development of nuclear weapons by Iran.

Subtitle A—Taiwan Enhanced Resilience Act

SEC. 5501. [22 U.S.C. 3351 note] SHORT TITLE.

This subtitle may be cited as the "Taiwan Enhanced Resilience Act".

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

SEC. 5502. [22 U.S.C. 3351] MODERNIZING TAIWAN'S SECURITY CAPABILITIES TO DETER AND, IF NECESSARY, DEFEAT AGGRESSION BY THE PEOPLE'S REPUBLIC OF CHINA.

(a) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Foreign Relations of the Senate;

(2) the Committee on Armed Services of the Senate;

(3) the Committee on Appropriations of the Senate;

(4) the Committee on Foreign Affairs of the House of Representatives;

(5) the Committee on Armed Services of the House of Representatives; and

(6) the Committee on Appropriations of the House of Representatives.

(b) TAIWAN SECURITY PROGRAMS.—The Secretary of State, in consultation with the Secretary of Defense, shall use the authorities under this section to strengthen the United States-Taiwan defense relationship, and to support the acceleration of the modernization of Taiwan's defense capabilities, consistent with the Taiwan Relations Act (Public Law 96-8).

(c) PURPOSE.—In addition to the purposes otherwise authorized for Foreign Military Financing programs under the Arms Export Control Act (22 U.S.C. 2751 et seq.), a purpose of the Foreign Military Financing Program should be to provide assistance, including equipment, training, and other support, to build the civilian and defensive military capabilities of Taiwan—

(1) to accelerate the modernization of capabilities that will enable Taiwan to delay, degrade, and deny attempts by People's Liberation Army forces—

(A) to conduct coercive or grey zone activities;

(B) to blockade Taiwan; or

(C) to secure a lodgment on any islands administered by Taiwan and expand or otherwise use such lodgment to seize control of a population center or other key territory in Taiwan; and

(2) to prevent the People's Republic of China from decapitating, seizing control of, or otherwise neutralizing or rendering ineffective Taiwan's civilian and defense leadership.

(d) REGIONAL CONTINGENCY STOCKPILE.—Of the amounts authorized to be appropriated pursuant to subsection (h), not more than $100,000,000 may be used during each of the fiscal years 2023 through 2032 to maintain a stockpile (if established pursuant to section 5503(b)), in accordance with section 514 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h).

(e) AVAILABILITY OF FUNDS.—

(1) ANNUAL SPENDING PLAN.—Not later than March 1, 2023, and annually thereafter, the Secretary of State, in coordination with the Secretary of Defense, shall submit a plan to the appropriate congressional committees describing how

amounts authorized to be appropriated pursuant to subsection (h), if made available, would be used to achieve the purpose described in subsection (c).

(2) CERTIFICATION.—

(A) IN GENERAL.—Amounts authorized to be appropriated for each fiscal year pursuant to subsection (h) are authorized to be made available after the Secretary of State, in coordination with the Secretary of Defense, certifies not later than 1 year after the date of enactment of the National Defense Authorization Act for Fiscal Year 2024 and not less than annually to the appropriate committees of Congress that Taiwan has increased its defense spending relative to Taiwan's defense spending in its prior fiscal year, which includes support for an asymmetric strategy, excepting accounts in Taiwan's defense budget related to personnel expenditures, (other than military training and education and any funding related to the All-Out Defense Mobilization Agency).

(B) WAIVER.—The Secretary of State may waive the certification requirement under subparagraph (A) if the Secretary, in consultation with the Secretary of Defense, certifies to the appropriate congressional committees that for any given year—

(i) Taiwan is unable to increase its defense spending relative to its defense spending in its prior fiscal year due to severe hardship; and

(ii) making available the amounts authorized under subparagraph (A) is in the national interests of the United States.

(3) REMAINING FUNDS.—Amounts authorized to be appropriated for a fiscal year pursuant to subsection (h) that are not obligated and expended during such fiscal year shall be added to the amount that may be used for Foreign Military Financing to Taiwan in the subsequent fiscal year.

(f) ANNUAL REPORT ON ADVANCING THE DEFENSE OF TAIWAN.—

(1) INITIAL REPORT.—Concurrently with the first certification required under subsection (e)(2), the Secretary of State and the Secretary of Defense shall jointly submit a report to the appropriate congressional committees that describes steps taken to enhance the United States-Taiwan defense relationship and Taiwan's modernization of its defense capabilities.

(2) MATTERS TO BE INCLUDED.—Each report required under paragraph (1) shall include—

(A) an assessment of the commitment of Taiwan to implement a military strategy that will deter and, if necessary, defeat military aggression by the People's Republic of China, including the steps that Taiwan has taken and the steps that Taiwan has not taken towards such implementation;

(B) an assessment of the efforts of Taiwan to acquire and employ within its forces counterintervention capabilities, including—

(i) long-range precision fires;

(ii) integrated air and missile defense systems;

(iii) anti-ship cruise missiles;
(iv) land-attack cruise missiles;
(v) coastal defense;
(vi) anti-armor;
(vii) undersea warfare, including manned and unmanned systems;
(viii) survivable swarming maritime assets;
(ix) manned and unmanned aerial systems;
(x) mining and countermining capabilities;
(xi) intelligence, surveillance, and reconnaissance capabilities;
(xii) command and control systems;
(xiii) defensive cybersecurity capabilities; and
(xiv) any other defense capabilities that the United States determines, including jointly with Taiwan, are crucial to the defense of Taiwan, consistent with the joint consultative mechanism with Taiwan created pursuant to section 5506;

(C) an evaluation of the balance between conventional and counter intervention capabilities in the defense force of Taiwan as of the date on which the report is submitted;

(D) an assessment of steps taken by Taiwan to enhance the overall readiness of its defense forces, including—

(i) the extent to which Taiwan is requiring and providing regular and relevant training to such forces;
(ii) the extent to which such training is realistic to the security environment that Taiwan faces; and
(iii) the sufficiency of the financial and budgetary resources Taiwan is putting toward readiness of such forces;

(E) an assessment of steps taken by Taiwan to ensure that the Taiwan's reserve forces and All-Out Defense Mobilization Agency can recruit, train, equip, and mobilize its forces;

(F) an evaluation of—

(i) the severity of manpower shortages in the military of Taiwan, including in the reserve forces;
(ii) the impact of such shortages in the event of a conflict scenario; and
(iii) the efforts made by Taiwan to address such shortages;

(G) an assessment of the efforts made by Taiwan to boost its civilian defenses, including any informational campaigns to raise awareness among the population of Taiwan of the risks Taiwan faces;

(H) an assessment of the efforts made by Taiwan to secure its critical infrastructure, including in transportation, telecommunications networks, satellite communications, and energy;

(I) an assessment of the efforts made by Taiwan to enhance its cybersecurity, including the security and survivability of official civilian and military networks;

(J) an assessment of the efforts made by Taiwan to improve the image and prestige of its defense forces among the population of Taiwan;

(K) an assessment of any significant gaps in any of the matters described in subparagraphs (A) through (J) with respect to which the United States assesses that additional action is needed;

(L) a description of cooperative efforts between the United States and Taiwan on the matters described in subparagraphs (A) through (K);

(M) a description of any challenge in Taiwan to—

(i) implement the matters described in subparagraphs (A) through (J); or

(ii) United States support or engagement with regard to such matters;

(N) a description of actions taken to establish or expand a comprehensive training program with Taiwan pursuant to section 5504;

(O) a description of actions taken to establish a joint consultative mechanism with appropriate officials of Taiwan, and the multi-year plan to provide for the acquisition of appropriate defensive capabilities by Taiwan, pursuant to section 5506; and

(P) the list compiled pursuant to section 5507(a), and a description of actions taken pursuant to sections 5507(b) and 5507(c).

(3) SUBSEQUENT REPORTS.—Concurrently with subsequent certifications required under subsection (e)(2), the Secretary of State and the Secretary of Defense shall jointly submit updates to the initial report required under paragraph (1) that provides a description of changes and developments that occurred in the prior year.

(4) FORM.—The reports required under paragraphs (1) and (3) shall be submitted in an unclassified form, but may contain a classified annex.

(5) SHARING OF SUMMARY.—The Secretary of State and the Secretary of Defense shall jointly share any unclassified portions of the reports, pursuant to paragraph (4), with Taiwan, as appropriate.

(g) FOREIGN MILITARY FINANCING LOAN AND LOAN GUARANTEE AUTHORITY.—

(1) DIRECT LOANS.—

(A) IN GENERAL.—Notwithstanding section 23(c)(1) of the Arms Export Control Act (22 U.S.C. 2763), during fiscal years 2023 through 2027, the Secretary of State is authorized to make direct loans available for Taiwan pursuant to section 23 of such Act.

(B) MAXIMUM OBLIGATIONS.—Gross obligations for the principal amounts of loans authorized under subparagraph (A) may not exceed $2,000,000,000.

(C) SOURCE OF FUNDS.—

(i) DEFINED TERM.—In this subparagraph, the term "cost"—

(I) has the meaning given such term in section 502(5) of the Congressional Budget Act of 1974 (2 U.S.C. 661a(5));

(II) shall include the cost of modifying a loan authorized under subparagraph (A); and

(III) may include the costs of selling, reducing, or cancelling any amounts owed to the United States or to any agency of the United States.

(ii) IN GENERAL.—Amounts authorized to be appropriated pursuant to subsection (g) may be made available to pay for the cost of loans authorized under subparagraph (A).

(D) FEES AUTHORIZED.—

(i) IN GENERAL.—The Government of the United States may charge processing and origination fees for a loan made pursuant to subparagraph (A), not to exceed the cost to the Government of making such loan, which shall be collected from borrowers through a financing account (as defined in section 502(7) of the Congressional Budget Act of 1974 (2 U.S.C. 661a(7)).

(ii) LIMITATION ON FEE PAYMENTS.—Amounts made available under any appropriations Act for any fiscal year may not be used to pay any fees associated with a loan authorized under subparagraph (A).

(E) REPAYMENT.—Loans made pursuant to subparagraph (A) shall be repaid not later than 12 years after the loan is received by the borrower, including a grace period of not more than 1 year on repayment of principal.

(F) INTEREST.—

(i) IN GENERAL.—Notwithstanding section 23(c)(1) of the Arms Export Control Act (22 U.S.C. 2763(c)(1)), interest for loans made pursuant to subparagraph (A) may be charged at a rate determined by the Secretary of State, except that such rate may not be less than the prevailing interest rate on marketable Treasury securities of similar maturity.

(ii) TREATMENT OF LOAN AMOUNTS USED TO PAY INTEREST.—Amounts made available under this paragraph for interest costs shall not be considered assistance for the purposes of any statutory limitation on assistance to a country.

(2) LOAN GUARANTEES.—

(A) IN GENERAL.—Amounts authorized to be appropriated pursuant to subsection (g) may be made available for the costs of loan guarantees for Taiwan under section 24 of the Arms Export Control Act (22 U.S.C. 2764) for Taiwan to subsidize gross obligations for the principal amount of commercial loans and total loan principal, any part of which may be guaranteed, not to exceed $2,000,000,000.

(B) MAXIMUM AMOUNTS.—A loan guarantee authorized under subparagraph (A)—

(i) may not guarantee a loan that exceeds $2,000,000,000; and

(ii) may not exceed 80 percent of the loan principal with respect to any single borrower.

(C) SUBORDINATION.—Any loan guaranteed pursuant to subparagraph (A) may not be subordinated to—

(i) another debt contracted by the borrower; or

(ii) any other claims against the borrower in the case of default.

(D) REPAYMENT.—Repayment in United States dollars of any loan guaranteed under this paragraph shall be required not later than 12 years after the loan agreement is signed.

(E) FEES.—Notwithstanding section 24 of the Arms Export Control Act (22 U.S.C. 2764), the Government of the United States may charge processing and origination fees for a loan guarantee authorized under subparagraph (A), not to exceed the cost to the Government of such loan guarantee, which shall be collected from borrowers, or from third parties on behalf of such borrowers, through a financing account (as defined in section 502(7) of the Congressional Budget Act of 1974 (2 U.S.C. 661a(7)).

(F) TREATMENTS OF LOAN GUARANTEES.—Amounts made available under this paragraph for the costs of loan guarantees authorized under subparagraph (A) shall not be considered assistance for the purposes of any statutory limitation on assistance to a country.

(3) NOTIFICATION REQUIREMENT.—Amounts authorized to be appropriated to carry out this subsection may not be expended without prior notification of the appropriate committees of Congress.

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts otherwise authorized to be appropriated for Foreign Military Financing, there is authorized to be appropriated to the Department of State for Taiwan Foreign Military Finance grant assistance up to $2,000,000,000 for each of the fiscal years 2023 through 2027.

(2) TRAINING AND EDUCATION.—Of the amounts authorized to be appropriated under paragraph (1), the Secretary of State should use not less than $2,000,000 per fiscal year for one or more blanket order Foreign Military Financing training programs related to the defense needs of Taiwan.

(3) DIRECT COMMERCIAL CONTRACTING.—The Secretary of State may use amounts authorized to be appropriated under paragraph (1) for the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act (22 U.S.C. 2751 et seq.).

(4) PROCUREMENT IN TAIWAN.—Of the amounts authorized to be appropriated for Foreign Military Financing and made available for Taiwan, not more than 15 percent of the amount made available for each fiscal year may be available for the procurement by Taiwan in Taiwan of defense articles and defense services, including research and development, as agreed by the United States and Taiwan.

(i) SUNSET PROVISION.—Assistance may not be provided under this section after September 30, 2032.

SEC. 5503. INCREASE IN ANNUAL REGIONAL CONTINGENCY STOCKPILE ADDITIONS AND SUPPORT FOR TAIWAN.

(a) IN GENERAL.—Section 514(b)(2)(A) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h(b)(2)(A)) is amended by striking "$200,000,000" and all that follows and inserting "$500,000,000 for any of the fiscal years 2023, 2024, or 2025.".

(b) [22 U.S.C. 3352] ESTABLISHMENT.—Subject to section 514 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h), the President may establish a regional contingency stockpile for Taiwan that consists of munitions and other appropriate defense articles.

(c) INCLUSION OF TAIWAN AMONG OTHER ALLIES ELIGIBLE FOR DEFENSE ARTICLES.—Chapter 2 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2311 et seq.) is amended—

(1) in section 514(c)(2) (22 U.S.C. 2321h(c)(2)), by inserting "Taiwan," after "Thailand,"; and

(2) in section 516(c)(2) (22 U.S.C. 2321j(c)(2)), by inserting "to Taiwan," after "major non-NATO allies on such southern and southeastern flank,".

(d) ANNUAL BRIEFING.—Not later than 1 year after the date of enactment of this Act, and annually thereafter for 7 years, the President shall provide a briefing to the appropriate committees of Congress regarding the status of a regional contingency stockpile established under subsection (b).

(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In subsection (d), the term "appropriate committees of Congress" means—

(1) the congressional defense committees; and

(2) the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

SEC. 5504. [22 U.S.C. 3353] INTERNATIONAL MILITARY EDUCATION AND TRAINING COOPERATION WITH TAIWAN.

(a) IN GENERAL.—The Secretary of State and the Secretary of Defense shall establish or expand a comprehensive training program with Taiwan designed to—

(1) enhance interoperability and capabilities for joint operations between the United States and Taiwan;

(2) enhance rapport and deepen partnership between the militaries of the United States and Taiwan, and foster understanding of the United States among individuals in Taiwan;

(3) improve Taiwan's defense capabilities; and

(4) train future leaders of Taiwan, promote professional military education, civilian control of the military, and protection of human rights.

(b) ELEMENTS.—The training program required by subsection (a) should prioritize relevant and realistic training, including as necessary joint United States-Taiwan contingency tabletop exercises, war games, full-scale military exercises, and an enduring rotational United States military presence that assists Taiwan in maintaining force readiness and utilizing United States defense articles and services transferred from the United States to Taiwan.

(c) AUTHORIZATION OF PARTICIPATION OF TAIWAN IN THE INTERNATIONAL MILITARY EDUCATION AND TRAINING PROGRAM.—The Secretary of State is authorized to provide training and education to relevant entities in Taiwan through the International Military Education and Training program authorized under chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq).

SEC. 5505. ADDITIONAL AUTHORITIES TO SUPPORT TAIWAN.

(a) DRAWDOWN AUTHORITY.—Section 506(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2318(a)) is amended by adding at the end the following paragraph:

"(3) In addition to amounts already specified in this section, the President may direct the drawdown of defense articles from the stocks of the Department of Defense, defense services of the Department of Defense, and military education and training, of an aggregate value of not to exceed $1,000,000,000 per fiscal year, to be provided to Taiwan.".

(b) EMERGENCY AUTHORITY.—Section 552(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2348a(c)) is amended by adding at the end the following: "In addition to the aggregate value of $25,000,000 authorized in paragraph (2) of the preceding sentence, the President may direct the drawdown of commodities and services from the inventory and resources of any agency of the United States Government for the purposes of providing necessary and immediate assistance to Taiwan of a value not to exceed $25,000,000 in any fiscal year.".

(c) [22 U.S.C. 3354] USE OF SPECIAL DEFENSE ACQUISITION FUND.—The Secretary of Defense, in consultation with the Secretary of State, shall seek to utilize the Special Defense Acquisition Fund established under chapter 5 of the Arms Export Control Act (22 U.S.C. 2795 et seq.) to expedite the procurement and delivery of defense articles and defense services for the purpose of assisting and supporting the armed forces of Taiwan.

SEC. 5506. [22 U.S.C. 3355] MULTI-YEAR PLAN TO FULFILL DEFENSIVE REQUIREMENTS OF MILITARY FORCES OF TAIWAN.

(a) MULTI-YEAR PLAN.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of State, in consultation with the Director of National Intelligence, shall engage for the purposes of establishing a joint consultative mechanism with appropriate officials of Taiwan to develop and implement a multi-year plan to provide for the acquisition of appropriate defensive capabilities by Taiwan and to engage with Taiwan in a series of combined training, exercises, and planning activities consistent with the Taiwan Relations Act (Public Law 96-8; 22 U.S.C. 3301 et seq.).

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

(1) An identification of the defensive military capability gaps and capacity shortfalls of Taiwan that are required to—

(A) allow Taiwan to respond effectively to aggression by the People's Liberation Army or other actors from the People's Republic of China; and

(B) advance a strategy of denial, reduce the threat of conflict, thwart an invasion, and mitigate other risks to the United States and Taiwan.

(2) An assessment of the relative priority assigned by appropriate departments and agencies of Taiwan to include its military to address such capability gaps and capacity shortfalls.

(3) An explanation of the annual resources committed by Taiwan to address such capability gaps and capacity shortfalls.

(4) A description and justification of the relative importance of overcoming each identified capability gap and capacity shortfall for deterring, delaying, or defeating military aggression by the People's Republic of China;

(5) An assessment of—

(A) the capability gaps and capacity shortfalls that could be addressed in a sufficient and timely manner by Taiwan; and

(B) the capability gaps and capacity shortfalls that are unlikely to be addressed in a sufficient and timely manner solely by Taiwan.

(6) An assessment of the capability gaps and capacity shortfalls described in paragraph (5)(B) that could be addressed in a sufficient and timely manner by—

(A) the Foreign Military Financing, Foreign Military Sales, and Direct Commercial Sales programs of the Department of State;

(B) Department of Defense security assistance authorized by chapter 16 of title 10, United States Code;

(C) Department of State training and education programs authorized by chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.);

(D) section 506 of the Foreign Assistance Act of 1961 (22 U.S.C. 2318);

(E) the provision of excess defense articles pursuant to the requirements of the Arms Export Control Act (22 U.S.C. 2751 et seq.); or

(F) any other authority available to the Secretary of Defense or the Secretary of State.

(7) A description of United States or Taiwan engagement with other countries that could assist in addressing in a sufficient and timely manner the capability gaps and capacity shortfalls identified pursuant to paragraph (1).

(8) An identification of opportunities to build interoperability, combined readiness, joint planning capability, and shared situational awareness between the United States, Taiwan, and other foreign partners and allies, as appropriate, through combined training, exercises, and planning events, including—

(A) table-top exercises and wargames that allow operational commands to improve joint and combined planning for contingencies involving a well-equipped adversary in a counter-intervention campaign;

(B) joint and combined exercises that test the feasibility of counter-intervention strategies, develop interoper-

ability across services, and develop the lethality and survivability of combined forces against a well-equipped adversary;

(C) logistics exercises that test the feasibility of expeditionary logistics in an extended campaign with a well-equipped adversary;

(D) service-to-service exercise programs that build functional mission skills for addressing challenges posed by a well-equipped adversary in a counter-intervention campaign; and

(E) any other combined training, exercises, or planning with Taiwan's military forces that the Secretary of Defense and Secretary of State consider relevant.

(9) An identification of options for the United States to use, to the maximum extent practicable, existing authorities or programs to expedite military assistance to Taiwan in the event of a crisis or conflict, including—

(A) a list of defense articles of the United States that may be transferred to Taiwan during a crisis or conflict;

(B) a list of authorities that may be used to provide expedited military assistance to Taiwan during a crisis or conflict;

(C) an assessment of methods that could be used to deliver such assistance to Taiwan during a crisis or conflict, including—

(i) the feasibility of employing such methods in different scenarios; and

(ii) recommendations for improving the ability of the Armed Forces to deliver such assistance to Taiwan; and

(D) an assessment of any challenges in providing such assistance to Taiwan in the event of a crisis or conflict and recommendations for addressing such challenges.

(c) RECURRENCE.—The joint consultative mechanism required in subsection (a) shall convene on a recurring basis and not less than annually.

SEC. 5507. [22 U.S.C. 3356] FAST-TRACKING SALES TO TAIWAN UNDER FOREIGN MILITARY SALES PROGRAM.

(a) PRECLEARANCE OF CERTAIN FOREIGN MILITARY SALES ITEMS.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary of State, in coordination with the Secretary of Defense, and in conjunction with coordinating entities such as the National Disclosure Policy Committee, the Arms Transfer and Technology Release Senior Steering Group, and other appropriate entities, shall compile a list of available and emerging military platforms, technologies, and equipment that are precleared and prioritized for sale and release to Taiwan through the Foreign Military Sales program.

(2) RULES OF CONSTRUCTION.—

(A) SELECTION OF ITEMS.—The list compiled pursuant to paragraph (1) shall not be construed as limiting the type, timing, or quantity of items that may be requested

by, or sold to, Taiwan under the Foreign Military Sales program.

(B) NOTIFICATIONS REQUIRED.—Nothing in this Act may be construed to supersede congressional notification requirements under the Arms Export Control Act (22 U.S.C. 2751 et. seq.).

(b) PRIORITIZED PROCESSING OF FOREIGN MILITARY SALES REQUESTS FROM TAIWAN.—

(1) REQUIREMENT.—The Secretary of State and the Secretary of Defense shall prioritize and expedite the processing of requests from Taiwan under the Foreign Military Sales program, and may not delay the processing of requests for bundling purposes.

(2) DURATION.—The requirement under paragraph (1) shall continue until the Secretary of State determines and certifies to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives that the threat to Taiwan has significantly abated.

(c) INTERAGENCY POLICY.—The Secretary of State and the Secretary of Defense shall jointly review and update interagency policies and implementation guidance related to Foreign Military Sales requests from Taiwan, including incorporating the preclearance provisions of this section.

SEC. 5508. ARMS EXPORTS DELIVERY SOLUTIONS FOR TAIWAN AND UNITED STATES ALLIES IN THE INDO-PACIFIC.

(a) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committee on Foreign Relations and the Committee on Armed Services of the Senate; and

(2) the Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatives.

(b) REPORT REQUIRED.—Not later than March 1, 2023, and annually thereafter for a period of 5 years, the Secretary of State, in coordination with the Secretary of Defense, shall transmit to the appropriate committees of Congress a report with respect to the transfer of all defense articles or defense services that have yet to be completed pursuant to the authorities provided by—

(1) section 3, 21, or 36 of the Arms Export Control Act (22 U.S.C. 2753, 2761, or 2776); or

(2) section 516(c)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(c)(2)).

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

(1) A list of all approved transfers of defense articles and services authorized by Congress pursuant to sections 25 and 36 of the Arms Export Control Act (22 U.S.C. 2765, 2776) with a total value of $25,000,000 or more, to Taiwan, Japan, South Korea, Australia, the Philippines, Thailand, or New Zealand, that have not been fully delivered by the start of the fiscal year in which the report is being submitted.

(2) The estimated start and end dates of delivery for each approved and incomplete transfer listed pursuant to paragraph (1), including additional details and dates for any transfers that involve multiple tranches of deliveries.

(3) With respect to each approved and incomplete transfer listed pursuant to paragraph (1), a detailed description of—

(A) any changes in the delivery dates of defense articles or services relative to the dates anticipated at the time of congressional approval of the transfer, including specific reasons for any delays related to the United States Government, defense suppliers, or a foreign partner;

(B) the feasibility and advisability of providing the partner subject to such delayed delivery with an interim capability or solution, including drawing from United States stocks, and the mechanisms under consideration for doing so as well as any challenges to implementing such a capability or solution;

(C) authorities, appropriations, or waiver requests that Congress could provide to improve delivery timelines or authorize the provision of interim capabilities or solutions identified pursuant to subparagraph (B); and

(D) a description of which countries are ahead of Taiwan for delivery of each item listed pursuant to paragraph (1).

(4) A description of ongoing interagency efforts to support attainment of operational capability of the corresponding defense articles and services once delivered, including advance training with United States or armed forces of partner countries on the systems to be received. The description of any such training shall also include an identification of the training implementer.

(5) If a transfer listed pursuant to paragraph (1) has been terminated prior to the date of the submission of the report for any reason—

(A) the case information for such transfer, including the date of congressional notification, delivery date of the Letter of Offer and Acceptance (LOA), final signature of the LOA, and information pertaining to delays in delivering LOAs for signature;

(B) a description of the reasons for which the transfer is no longer in effect; and

(C) the impact this termination will have on the intended end-user and the consequent implications for regional security, including the impact on deterrence of military action by countries hostile to the United States, the military balance in the Taiwan Strait, and other factors.

(6) A separate description of the actions the United States is taking to expedite and prioritize deliveries of defense articles and services to Taiwan, including—

(A) a description of what actions the Department of State and the Department of Defense have taken or are planning to take to prioritize Taiwan's Foreign Military Sales cases;

(B) current procedures or mechanisms for determining that a Foreign Military Sales case for Taiwan should be prioritized above a sale to another country of the same or similar item; and

(C) whether the United States intends to divert defense articles from United States stocks to provide an interim capability or solution with respect to any delayed deliveries to Taiwan and the plan, if applicable, to replenish any such diverted stocks.

(7) A description of other actions already undertaken by or currently under consideration by the Department of State and the Department of Defense to improve delivery timelines for the transfers listed pursuant to paragraph (1).

(d) FORM.—The report required by subsection (b) shall be submitted in unclassified form but may include a classified annex.

SEC. 5509. ASSESSMENT OF TAIWAN'S NEEDS FOR CIVILIAN DEFENSE AND RESILIENCE.

(a) ASSESSMENT REQUIRED.—Not later than 120 days after the date of enactment of this Act, the Secretary of State and the Secretary of Defense, in coordination with the Director of National Intelligence, shall submit a written assessment, with a classified annex, of Taiwan's needs in the areas of civilian defense and resilience to—

(1) the Committee on Foreign Relations, the Committee on Armed Services, and Select Committee on Intelligence of the Senate; and

(2) the Committee on Foreign Affairs, the Committee on Armed Services, and the Permanent Select Committee on Intelligence of the House of Representatives.

(b) MATTERS TO BE INCLUDED.—The assessment required under subsection (a) shall—

(1) analyze the potential role of Taiwan's public and civilian assets in defending against various scenarios for foreign militaries to coerce or conduct military aggression against Taiwan;

(2) carefully analyze Taiwan's needs for enhancing its defensive capabilities through the support of civilians and civilian sectors, including—

(A) greater utilization of Taiwan's high tech labor force;

(B) the creation of clear structures and logistics support for civilian defense role allocation;

(C) recruitment and skills training for Taiwan's defense and civilian sectors; and

(D) other defense needs and considerations at the provincial, city, and neighborhood levels;

(3) analyze Taiwan's needs for enhancing resiliency among its people and in key economic sectors;

(4) identify opportunities for Taiwan to enhance communications at all levels to strengthen trust and understanding between the military, other government departments, civilian agencies and the general public, including—

(A) communications infrastructure necessary to ensure reliable communications in response to a conflict or crisis; and

(B) a plan to effectively communicate to the general public in response to a conflict or crisis;

(5) identify the areas and means through which the United States could provide training, exercises, and assistance at all levels to support the needs discovered through the assessment and fill any critical gaps where capacity falls short of such needs; and

(6) review existing United States Government and non-United States Government programmatic and funding modalities that are meant to support Taiwan's civilian defense professionals in pursuing professional development, educational, and cultural exchanges in the United States, including—

(A) opportunities through Department of State-supported programs, such as the International Visitor Leaders Program;

(B) opportunities offered through non-governmental institutions, such as think tanks, to the extent the review can practicably make such an assessment;

(C) a description of the frequency that civilian defense professionals from Taiwan pursue or are selected for the programs reviewed in subparagraph (A);

(D) an analysis of any funding, policy, administrative, or other barriers preventing greater participation from Taiwan's civilian defense professionals in the opportunities identified in subparagraph (A);

(E) an evaluation of the value expanding the opportunities reviewed in subparagraph (A) would offer for strengthening Taiwan's existing civilian defense community, and for increasing the perceived value of the field for young professionals in Taiwan;

(F) an assessment of options the United States Government could take individually, with partners in Taiwan, or with foreign governments or non-governmental partners, to expand the opportunities reviewed in subparagraph (A); and

(G) a description of additional resources and authorities that may be required to execute the options described in subparagraph (E).

(c) SHARING OF REPORT.—The assessment required by subsection (a) shall be shared with appropriate officials of Taiwan to facilitate cooperation, as appropriate.

SEC. 5510. ANNUAL REPORT ON TAIWAN DEFENSIVE MILITARY CAPABILITIES AND INTELLIGENCE SUPPORT.

Section 1248 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117-81; 135 Stat. 1988) is amended to read as follows:

"SEC. 1248. ANNUAL REPORT ON TAIWAN CAPABILITIES AND INTELLIGENCE SUPPORT

"(a) IN GENERAL.—Through fiscal year 2027, the Secretary of State and the Secretary of Defense, in coordination with the Director of National Intelligence and the heads of other relevant Federal departments and agencies, shall jointly perform an annual assessment, consistent with the Taiwan Relations Act (Public Law 96-8; 22 U.S.C. 3302(c)), of security matters related to Taiwan, including intelligence matters, Taiwan's defensive military capabilities, and

how defensive shortcomings or vulnerabilities of Taiwan could be mitigated through cooperation, modernization, or integration. At a minimum, the assessment shall include the following:

"(1) An intelligence assessment regarding—

"(A) conventional military and nuclear threats to Taiwan from the People's Republic of China, including exercises, patrols, and presence intended to intimidate or coerce Taiwan; and

"(B) irregular warfare activities, including influence operations, conducted by the People's Republic of China to interfere in or undermine the peace and stability of the Taiwan Strait.

"(2) The current military capabilities of Taiwan and the ability of Taiwan to defend itself from external conventional and irregular military threats across a range of scenarios.

"(3) The interoperability of current and future defensive capabilities of Taiwan with the military capabilities of the United States and its allies and partners.

"(4) The plans, tactics, techniques, and procedures underpinning an effective defense strategy for Taiwan, including how addressing identified capability gaps and capacity shortfalls will improve the effectiveness of such strategy.

"(5) A description of additional personnel, resources, and authorities in Taiwan or in the United States that may be required to meet any shortcomings in the development of Taiwan's military capabilities identified pursuant to this section.

"(6) With respect to materiel capabilities and capacities the Secretary of Defense and Secretary of State jointly assess to be most effective in deterring, defeating, or delaying military aggression by the People's Republic of China, a prioritized list of capability gaps and capacity shortfalls of the military forces of Taiwan, including—

"(A) an identification of—

"(i) any United States, Taiwan, or ally or partner country defense production timeline challenge related to potential materiel and solutions to such capability gaps;

"(ii) the associated investment costs of enabling expanded production for items currently at maximum production;

"(iii) the associated investment costs of, or mitigation strategies for, enabling export for items currently not exportable; and

"(iv) existing stocks of such capabilities in the United States and ally and partner countries;

"(B) the feasibility and advisability of procuring solutions to such gaps and shortfalls through United States allies and partners, including through co-development or co-production;

"(C) the feasibility and advisability of assisting Taiwan in the domestic production of solutions to capability gaps, including through—

"(i) the transfer of intellectual property; and

"(ii) co-development or co-production arrangements;

"(D) the estimated costs, expressed in a range of options, of procuring sufficient capabilities and capacities to address such gaps and shortfalls;

"(E) an assessment of the relative priority assigned by appropriate officials of Taiwan to each such gap and shortfall; and

"(F) a detailed explanation of the extent to which Taiwan is prioritizing the development, production, or fielding of solutions to such gaps and shortfalls within its overall defense budget.

"(7) The applicability of Department of State and Department of Defense authorities for improving the defensive military capabilities of Taiwan in a manner consistent with the Taiwan Relations Act.

"(8) A description of any security assistance provided or Foreign Military Sales and Direct Commercial Sales activity with Taiwan over the past year.

"(9) A description of each engagement between the United States and Taiwan personnel related to planning over the past year.

"(10) With respect to each to training and exercises—

"(A) a description of each such instance over the past year;

"(B) a description of how each such instance—

"(i) sought to achieve greater interoperability, improved readiness, joint planning capability, and shared situational awareness between the United States and Taiwan, or among the United States, Taiwan, and other countries;

"(ii) familiarized the militaries of the United States and Taiwan with each other; and

"(iii) improved Taiwan's defense capabilities.

"(11) A description of the areas and means through which the United States is assisting and supporting training, exercises, and assistance to support Taiwan's requirements related to civilian defense and resilience, and how the United States is seeking to assist Taiwan in addressing any critical gaps where capacity falls short of meeting such requirements, including those elements identified in the assessment required by section 5502(f) of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023.

"(12) An assessment of the implications of current levels of pre-positioned war reserve materiel on the ability of the United States to respond to a crisis or conflict involving Taiwan with respect to—

"(A) providing military or non-military aid to Taiwan; and

"(B) sustaining military installations and other infrastructure of the United States in the Indo-Pacific region.

"(13) An assessment of the current intelligence, surveillance, and reconnaissance capabilities of Taiwan, including any

existing gaps in such capabilities and investments in such capabilities by Taiwan since the preceding report.

"(14) A summary of changes to pre-positioned war reserve materiel of the United States in the Indo-Pacific region since the preceding report.

"(15) Any other matters the Secretary of Defense or the Secretary of State considers appropriate.

"(b) PLAN.—The Secretary of Defense and the Secretary of State shall jointly develop a plan for assisting Taiwan in improving its defensive military capabilities and addressing vulnerabilities identified pursuant to subsection (a) that includes—

"(1) recommendations, if any, for new Department of State or Department of Defense authorities, or modifications to existing Department of State or Department of Defense authorities, necessary to improve the defensive military capabilities of Taiwan in a manner consistent with the Taiwan Relations Act (Public Law 96-8; 22 U.S.C. 3301 et seq.);

"(2) an identification of opportunities for key leader and subject matter expert engagement between Department personnel and military and civilian counterparts in Taiwan; and

"(3) an identification of challenges and opportunities for leveraging authorities, resources, and capabilities outside the Department of Defense and the Department of State to improve the defensive capabilities of Taiwan in accordance with the Taiwan Relations Act.

"(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter through fiscal year 2027, the Secretary of State and the Secretary of Defense, in consultation with the Director of National Intelligence, shall jointly submit to the appropriate committees of Congress—

"(1) a report on the results of the assessment required by subsection (a);

"(2) the plan required by subsection (b); and

"(3) a report on—

"(A) the status of efforts to develop and implement the joint multi-year plan required under section 5506 of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 to provide for the acquisition of appropriate defensive military capabilities by Taiwan and to engage with Taiwan in a series of combined training and planning activities consistent with the Taiwan Relations Act (Public Law 96-8; 22 U.S.C. 3301 et seq.); and

"(B) any other matters the Secretary of State and the Secretary of Defense consider necessary.

"(d) FORM.—The reports required by subsection (c) shall be submitted in unclassified form, but may include a classified annex.

"(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—For purposes of this section, the term 'appropriate committees of Congress' means—

"(1) the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

"(2) the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.".

SEC. 5511. [22 U.S.C. 3357] FINDINGS AND STATEMENT OF POLICY.

(a) FINDINGS.—Congress finds the following:

(1) Advancing peace and stability in the Indo-Pacific has been a central element of United States foreign policy toward the region.

(2) The Government of the People's Republic of China (PRC), especially since the election of Tsai Ing-Wen in 2016, has conducted a coordinated campaign to weaken Taiwan diplomatically, economically, and militarily in a manner that threatens to erode United States policy and create a fait accompli on questions surrounding Taiwan's future.

(3) To secure United States interests and preserve the ability of the people of Taiwan to determine their own future, it is necessary to reinforce Taiwan's diplomatic, economic, and territorial space.

(b) STATEMENT OF POLICY.—It is the policy of the United States to—

(1) maintain the position that peace and stability in the Western Pacific are in the political, security, and economic interests of the United States, and are matters of international concern; and

(2) work with allies and partners to promote peace and stability in the Indo-Pacific and deter military acts or other forms of coercive behavior that would undermine regional stability.

SEC. 5512. [22 U.S.C. 3351 note] SENSE OF CONGRESS ON TAIWAN DEFENSE RELATIONS.

It is the sense of Congress that—

(1) the Taiwan Relations Act (Public Law 96-8; 22 U.S.C. et seq.) and the Six Assurances provided by the United States to Taiwan in July 1982 are the foundation for United States-Taiwan relations;

(2) as set forth in the Taiwan Relations Act, the United States decision to establish diplomatic relations with the People's Republic of China rests upon the expectation that the future of Taiwan will be determined by peaceful means, and that any effort to determine the future of Taiwan by other than peaceful means, including boycotts and embargoes, is of grave concern to the United States;

(3) the increasingly coercive and aggressive behavior of the People's Republic of China toward Taiwan is contrary to the expectation of the peaceful resolution of the future of Taiwan;

(4) as set forth in the Taiwan Relations Act, the capacity to resist any resort to force or other forms of coercion that would jeopardize the security, or the social or economic system, of the people on Taiwan should be maintained;

(5) the United States should continue to support the development of capable, ready, and modern defense forces necessary for Taiwan to maintain sufficient defensive capabilities, including by—

(A) supporting acquisition by Taiwan of defense articles and services through foreign military sales, direct commercial sales, and industrial cooperation, with an emphasis on capabilities that support an asymmetric strategy;

(B) ensuring timely review of and response to requests of Taiwan for defense articles and services;

(C) conducting practical training and military exercises with Taiwan that enable Taiwan to maintain sufficient defensive capabilities, as described in the Taiwan Relations Act;

(D) exchanges between defense officials and officers of the United States and Taiwan at the strategic, policy, and functional levels, consistent with the Taiwan Travel Act (Public Law 115-135; 132 Stat. 341), especially for the purposes of—

(i) enhancing cooperation on defense planning;

(ii) improving the interoperability of the military forces of the United States and Taiwan; and

(iii) improving the reserve force of Taiwan;

(E) cooperating with Taiwan to improve its ability to employ military capabilities in asymmetric ways, as described in the Taiwan Relations Act; and

(F) expanding cooperation in humanitarian assistance and disaster relief; and

(6) the United States should increase its support to a free and open society in the face of aggressive efforts by the Government of the People's Republic of China to curtail or influence the free exercise of rights and democratic franchise.

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

SEC. 5513. [22 U.S.C. 3361] STRATEGY TO RESPOND TO INFLUENCE AND INFORMATION OPERATIONS TARGETING TAIWAN.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act and annually thereafter for the following 5 years, the Secretary of State, in coordination with the Director of National Intelligence, shall develop and implement a strategy to respond to—

(1) covert, coercive, and corrupting activities carried out to advance the Chinese Communist Party's "United Front" work related to Taiwan, including activities directed, coordinated, or otherwise supported by the United Front Work Department or its subordinate or affiliated entities; and

(2) information and disinformation campaigns, cyber attacks, and nontraditional propaganda measures supported by the Government of the People's Republic of China and the Chinese Communist Party that are directed toward persons or entities in Taiwan.

(b) ELEMENTS.—The strategy required under subsection (a) shall include descriptions of—

(1) the proposed response to propaganda and disinformation campaigns by the People's Republic of China and cyber-intrusions targeting Taiwan, including—

(A) assistance in building the capacity of Taiwan's public and private-sector entities to document and expose propaganda and disinformation supported by the Government of the People's Republic of China, the Chinese Communist Party, or affiliated entities;

(B) assistance to enhance Taiwan's ability to develop a holistic strategy to respond to sharp power operations, including election interference; and

(C) media training for Taiwan officials and other Taiwan entities targeted by disinformation campaigns;

(2) the proposed response to political influence operations that includes an assessment of the extent of influence exerted by the Government of the People's Republic of China and the Chinese Communist Party in Taiwan on local political parties, financial institutions, media organizations, and other entities;

(3) support for exchanges and other technical assistance to strengthen the Taiwan legal system's ability to respond to sharp power operations; and

(4) programs carried out by the Global Engagement Center to expose misinformation and disinformation in the Chinese Communist Party's propaganda.

SEC. 5514. [22 U.S.C. 3362] TASK FORCE TO COUNTER ECONOMIC COERCION BY THE PEOPLE'S REPUBLIC OF CHINA.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the People's Republic of China's (PRC) increasing use of economic coercion against foreign governments, companies, organizations, other entities, and individuals requires that the United States devise a comprehensive, effective, and multilateral response;

(2) the private sector is a crucial partner in helping the United States Government respond to the PRC's coercive economic practices and hold the PRC accountable;

(3) improved engagement and communication with the private sector, including receiving information from the United States private sector about the PRC's coercive economic practices would help the United States Government and private sector stakeholders conduct early assessments of potential pressure points and vulnerabilities; and

(4) PRC coercive economic practices create pressures for the private sector to behave in ways antithetical to United States national interests and competitiveness.

(b) ESTABLISHMENT OF TASK FORCE.—Not later than 180 days after the date of the enactment of this Act, the President shall establish an interagency task force to be known as the "Countering Economic Coercion Task Force" (referred to in this section as the "Task Force").

(c) DUTIES.—

(1) IN GENERAL.—The Task Force shall—

(A) oversee the development and implementation of an integrated United States Government strategy to respond

to People's Republic of China (PRC) coercive economic practices, which shall include—

(i) systematically monitoring and evaluating—

(I) the costs of such practices on United States businesses and overall United States economic performance;

(II) instances in which such practices taken against a non-PRC entity has benefitted other parties; and

(III) the impacts such practices have had on United States national interests; and

(ii) facilitating coordination among Federal departments and agencies when responding to such practices as well as proactively deterring such economic coercion, including by clarifying the roles for Federal departments and agencies identified in subsection (d) in implementing the strategy; and

(iii) forming policy recommendations for the implementation of relevant United States authorities to respond to instances of PRC coercive economic practices;

(B) consult with United States allies and partners on the feasibility and desirability of collectively identifying, assessing, and responding to PRC coercive economic practices, as well as actions that could be taken to expand coordination with the goal of ensuring a consistent, coherent, and collective response to such practices and establishing long-term deterrence of such practices;

(C) effectively engage the United States private sector, particularly sectors, groups, or other entities that are susceptible to such PRC coercive economic practices, on concerns related to such practices; and

(D) develop and implement a process for regularly sharing relevant information, including classified information to the extent appropriate and practicable, on such PRC coercive economic practices with United States allies, partners, and the private sector.

(2) CONSULTATION.—In carrying out its duties under this subsection, the Task Force should regularly consult, to the extent necessary and appropriate, with the following:

(A) Relevant stakeholders in the private sector.

(B) Federal departments and agencies that are not represented on the Task Force.

(C) United States allies and partners.

(d) MEMBERSHIP.—The President shall—

(1) appoint the chair of the Task Force from among the staff of the National Security Council;

(2) appoint the vice chair of the Task Force from among the staff of the National Economic Council; and

(3) determine the Federal departments and agencies that will serve on the task force, and direct the head of those agencies to appoint personnel at the level of Assistant Secretary or above to participate in the Task Force.

(e) REPORTS.—

(1) INITIAL REPORT.—Not later than 1 year after the date of the enactment of this Act, the Task Force shall submit to Congress a report that includes the following elements:

(A) A comprehensive review of the array of economic tools the Government of the People's Republic of China (PRC) employs or could employ in the future to coerce other governments and non-PRC companies (including United States companies) including the Government of the PRC's continued efforts to codify informal practices into its domestic law.

(B) The strategy required by subsection (c)(1)(A).

(C) An interagency definition of PRC coercive economic practices that captures both—

(i) the use of informal or extralegal PRC coercive economic practices; and

(ii) the inappropriate use of economic tools, including those authorized under the laws and regulations of the PRC.

(D) A comprehensive review of the array of tools the United States Government employs or could employ to respond to economic coercion against the government, companies, and other entities of the United States or its allies and partners.

(E) A list of unilateral or multilateral—

(i) preemptive practices to defend or deter against PRC coercive economic practices; and

(ii) actions taken in response to the Government of the PRC's general use of coercive economic practices, including the imposition of costs on the PRC.

(F) An assessment of United States allies and partners key vulnerabilities to PRC coercive economic practices.

(G) A description of gaps in existing resources or capabilities for United States Government departments and agencies to respond effectively to PRC coercive economic practices directed at United States entities and assist United States allies and partners in their responses to PRC coercive economic practices.

(H) An analysis of the circumstances under which the PRC employs different types of economic coercion and against what kinds of targets.

(I) An assessment of United States and international rules and norms as well as any treaty obligations the PRC has stretched, circumvented, or broken through its economically coercive practices and the United States response in each instance.

(2) INTERIM REPORTS.—

(A) FIRST INTERIM REPORT.—Not later than 1 year after the date on which the report required by paragraph (1) is submitted to Congress, the Task Force shall submit to Congress a report that includes the following elements:

(i) Updates to information required by subparagraphs (A) through (G) of paragraph (1).

(ii) A description of activities conducted by the Task Force to implement the strategy required by subsection (c)(1)(A).

(iii) An assessment of the implementation and effectiveness of the strategy, lessons learned from the past year and planned changes to the strategy.

(B) SECOND INTERIM REPORT.—Not later than 1 year after the date on which the report required by subparagraph (A) is submitted to Congress, the Task Force shall submit to the appropriate congressional committees a report that includes an update to the elements required under the report required by subparagraph (A).

(3) FINAL REPORT.—Not later than 30 days after the date on which the report required by paragraph (2)(B) is submitted to Congress, the Task Force shall submit to Congress a final report that includes the following elements:

(A) An analysis of PRC coercive economic practices and the cost of such coercive practices to United States businesses.

(B) A description of areas of possible vulnerability for United States businesses and businesses of United States partners and allies.

(C) Recommendations on how to continue the effort to counter PRC coercive economic practices, including through further coordination with United States allies and partners.

(D) Illustrative examples.

(4) FORM.—The reports required by this subsection shall be submitted in classified form, but may include an unclassified summary.

(f) SUNSET.—

(1) IN GENERAL.—The Task Force shall terminate at the end of the 60-day period beginning on the date on which the final report required by subsection (e)(3) is submitted to Congress.

(2) ADDITIONAL ACTIONS.—The Task force may use the 60-day period referred to in paragraph (1) for the purposes of concluding its activities, including providing testimony to Congress concerning the final report required by subsection (e)(3).

(g) ASSISTANCE FOR COUNTRIES AND ENTITIES TARGETED BY THE PEOPLE'S REPUBLIC OF CHINA FOR ECONOMIC COERCION.—The Secretary of State, the Administrator of the United States Agency for International Development, the United States International Development Finance Corporation, the Secretary of Commerce, and the Secretary of the Treasury shall provide appropriate assistance to countries and entities that are subject to coercive economic practices by the People's Republic of China.

SEC. 5515. [22 U.S.C. 3363] CHINA CENSORSHIP MONITOR AND ACTION GROUP.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Foreign Relations, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Foreign Affairs, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) QUALIFIED RESEARCH ENTITY.—The term "qualified research entity" means an entity that—

(A) is a nonpartisan research organization or a Federally funded research and development center;

(B) has appropriate expertise and analytical capability to write the report required under subsection (c); and

(C) is free from any financial, commercial, or other entanglements, which could undermine the independence of such report or create a conflict of interest or the appearance of a conflict of interest, with—

(i) the Government of the People's Republic of China;

(ii) the Chinese Communist Party;

(iii) any company incorporated in the People's Republic of China or a subsidiary of such company; or

(iv) any company or entity incorporated outside of the People's Republic of China that is believed to have a substantial financial or commercial interest in the People's Republic of China.

(3) UNITED STATES PERSON.—The term "United States person" means—

(A) a United States citizen or an alien lawfully admitted for permanent residence to the United States; or

(B) an entity organized under the laws of the United States or any jurisdiction within the United States, including a foreign branch of such an entity.

(b) CHINA CENSORSHIP MONITOR AND ACTION GROUP.—

(1) IN GENERAL.—The President shall establish an interagency task force, which shall be known as the "China Censorship Monitor and Action Group" (referred to in this subsection as the "Task Force").

(2) MEMBERSHIP.—The President shall take the following actions with respect to the membership of, and participation in, the Task Force:

(A) Appoint the chair of the Task Force from among the staff of the National Security Council.

(B) Appoint the vice chair of the Task Force from among the staff of the National Economic Council.

(C) Determine the Federal departments and agencies that will serve on the Task Force, and direct the head of those agencies to appoint personnel at the level of Assistant Secretary or above to participate in the Task Force.

(3) RESPONSIBILITIES.—The Task Force shall—

(A) oversee the development and execution of an integrated Federal Government strategy to monitor and address the impacts of efforts directed, or directly supported, by the Government of the People's Republic of China to censor or intimidate, in the United States or in any of its

possessions or territories, any United States person, including United States companies that conduct business in the People's Republic of China, which are exercising their right to freedom of speech; and

(B) submit the strategy developed pursuant to subparagraph (A) to the appropriate congressional committees not later than 120 days after the date of the enactment of this Act.

(4) MEETINGS.—The Task Force shall meet not less frequently than twice per year.

(5) CONSULTATIONS.—The Task Force should regularly consult, to the extent necessary and appropriate, with—

(A) Federal agencies that are not represented on the Task Force;

(B) independent agencies of the United States Government that are not represented on the Task Force;

(C) relevant stakeholders in the private sector and the media; and

(D) relevant stakeholders among United States allies and partners facing similar challenges related to censorship or intimidation by the Government of the People's Republic of China.

(6) REPORTING REQUIREMENTS.—

(A) ANNUAL REPORT.—The Task Force shall submit an annual report to the appropriate congressional committees that describes, with respect to the reporting period—

(i) the strategic objectives and policies pursued by the Task Force to address the challenges of censorship and intimidation of United States persons while in the United States or any of its possessions or territories, which is directed or directly supported by the Government of the People's Republic of China;

(ii) the activities conducted by the Task Force in support of the strategic objectives and policies referred to in clause (i); and

(iii) the results of the activities referred to in clause (ii) and the impact of such activities on the national interests of the United States.

(B) FORM OF REPORT.—Each report submitted pursuant to subparagraph (A) shall be unclassified, but may include a classified annex.

(C) CONGRESSIONAL BRIEFINGS.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the Task Force shall provide briefings to the appropriate congressional committees regarding the activities of the Task Force to execute the strategy developed pursuant to paragraph (3)(A).

(c) REPORT ON CENSORSHIP AND INTIMIDATION OF UNITED STATES PERSONS BY THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA.—

(1) REPORT.—

(A) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall select and seek to enter into an agreement with a

qualified research entity that is independent of the Department of State to write a report on censorship and intimidation in the United States and its possessions and territories of United States persons, including United States companies that conduct business in the People's Republic of China, which is directed or directly supported by the Government of the People's Republic of China.

(B) MATTERS TO BE INCLUDED.—The report required under subparagraph (A) shall—

(i) assess major trends, patterns, and methods of the Government of the People's Republic of China's efforts to direct or directly support censorship and intimidation of United States persons, including United States companies that conduct business in the People's Republic of China, which are exercising their right to freedom of speech;

(ii) assess, including through the use of illustrative examples, as appropriate, the impact on and consequences for United States persons, including United States companies that conduct business in the People's Republic of China, that criticize—

(I) the Chinese Communist Party;

(II) the Government of the People's Republic of China;

(III) the authoritarian model of government of the People's Republic of China; or

(IV) a particular policy advanced by the Chinese Communist Party or the Government of the People's Republic of China;

(iii) identify the implications for the United States of the matters described in clauses (i) and (ii);

(iv) assess the methods and evaluate the efficacy of the efforts by the Government of the People's Republic of China to limit freedom of expression in the private sector, including media, social media, film, education, travel, financial services, sports and entertainment, technology, telecommunication, and internet infrastructure interests;

(v) include policy recommendations for the United States Government, including recommendations regarding collaboration with United States allies and partners, to address censorship and intimidation by the Government of the People's Republic of China; and

(vi) include policy recommendations for United States persons, including United States companies that conduct business in China, to address censorship and intimidation by the Government of the People's Republic of China.

(C) APPLICABILITY TO UNITED STATES ALLIES AND PARTNERS.—To the extent practicable, the report required under subparagraph (A) should identify implications and policy recommendations that are relevant to United States allies and partners facing censorship and intimidation di-

rected or directly supported by the Government of the People's Republic of China.

(2) SUBMISSION OF REPORT.—

(A) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of State shall submit the report written by the qualified research entity selected pursuant to paragraph (1)(A) to the appropriate congressional committees.

(B) PUBLICATION.—The report referred to in subparagraph (A) shall be made accessible to the public online through relevant United States Government websites.

(d) SUNSET.—This section shall terminate on the date that is 5 years after the date of enactment of this Act.

PART 3—INCLUSION OF TAIWAN IN INTERNATIONAL ORGANIZATIONS

SEC. 5516. [22 U.S.C. 3371] FINDINGS.

Congress makes the following findings:

(1) Since 2016, the Gambia, Sao Tome and Principe, Panama, the Dominican Republic, Burkina Faso, El Salvador, the Solomon Islands, and Kiribati have severed diplomatic relations with Taiwan in favor of diplomatic relations with China.

(2) Taiwan was invited to participate in the World Health Assembly (WHA), the decision-making body of the World Health Organization (WHO), as an observer annually between 2009 and 2016. Since the 2016 election of President Tsai, the PRC has increasingly resisted Taiwan's participation in the WHA. Taiwan was not invited to attend the WHA in 2017, 2018, 2019, 2020, or 2021.

(3) The Taipei Flight Information Region reportedly served 1,750,000 flights and 68,900,000 passengers in 2018, and is home to Taiwan Taoyuan International Airport, the eleventh busiest airport in the world. Taiwan has been excluded from participating at the International Civil Aviation Organization (ICAO) since 2013.

(4) United Nations (UN) General Assembly Resolution 2758 does not address the issue of representation of Taiwan and its people at the United Nations, nor does it give the PRC the right to represent the people of Taiwan.

SEC. 5517. SENSE OF CONGRESS ON TAIWAN'S MEANINGFUL PARTICIPATION IN THE INTERNATIONAL COMMUNITY.

It is the sense of Congress that—

(1) Taiwan is an important contributor to the global community, as a model for democracy, and by providing expertise in global health, international aviation security, emerging technology development, and high environmental standards;

(2) multiple United States Government administrations of both political parties have taken important steps to advance Taiwan's meaningful participation in international organizations;

(3) existing efforts to enhance United States cooperation with Taiwan to provide global public goods, including through

development assistance, humanitarian assistance, and disaster relief, in trilateral and multilateral fora are laudable and should continue;

(4) nonetheless, significant structural, policy, and legal barriers remain to advancing Taiwan's meaningful participation in the international community; and

(5) efforts to share Taiwan's expertise with other parts of the global community could be further enhanced through a systematic approach, along with greater attention from Congress and the American public to such efforts.

SEC. 5518. [22 U.S.C. 3372] STRATEGY TO SUPPORT TAIWAN'S MEANINGFUL PARTICIPATION IN INTERNATIONAL ORGANIZATIONS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in consultation with other Federal departments and agencies as appropriate, shall submit to the appropriate congressional committees a strategy—

(1) to advance Taiwan"s meaningful participation in a prioritized set of international organizations (IOs); and

(2) that responds to growing pressure from the PRC on foreign governments, IOs, commercial actors, and civil society organizations to comply with its "One-China Principle", with respect to Taiwan.

(b) MATTERS TO BE INCLUDED.—The strategy required under subsection (a) should include the following elements:

(1) An assessment of the methods the PRC uses to coerce actors to into adhering to its "One-China Principle." The methods should include those employed against governments, IOs, and civil society organizations. The assessment should also include pressure on commercial actors, to the extent it is relevant in the context of Taiwan's meaningful participation in IOs.

(2) An assessment of the policies of foreign governments toward the PRC and Taiwan, to identify likeminded allies and partners who might become public or private partners in the strategy.

(3) A systematic analysis of all IOs, as practicable, to identify IOs that best lend themselves to advancing Taiwan's participation.

(4) A plan to expand economic, security, and diplomatic engagement with nations that have demonstrably strengthened, enhanced, or upgraded relations with Taiwan, in accordance with United States interests.

(5) A survey of IOs that have allowed Taiwan's meaningful participation, including an assessment of whether any erosion in Taiwan's engagement has occurred within those organizations and how Taiwan's participation has positively strengthened the capacity and activity of these organizations, thereby providing positive models for Taiwan's inclusion in other similar forums.

(6) A list of no more than 20 IOs at which the United States Government will prioritize for using its voice, vote, and influence to advance Taiwan's meaningful participation over the three-year period following the date of enactment of this

Act. The list should be derived from the IOs identified in paragraph (3).

(7) A description of the diplomatic strategies and the coalitions the United States Government plans to develop to implement paragraph (6).

(c) FORM OF REPORT.—The strategy required in subsection (a) shall be classified, but it may include an unclassified summary.

(d) SUPPORT FOR MEANINGFUL PARTICIPATION.—The Permanent Representative of the United States to the United Nations and other relevant United States officials shall actively support Taiwan's meaningful participation in all appropriate international organizations.

SEC. 5519. [22 U.S.C. 3373] MEANINGFUL PARTICIPATION OF TAIWAN IN THE INTERNATIONAL CIVIL AVIATION ORGANIZATION.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the International Civil Aviation Organization (ICAO) should allow Taiwan to meaningfully participate in the organization, including in ICAO triennial assembly sessions, conferences, technical working groups, meetings, activities, and mechanisms;

(2) Taiwan is a global leader and hub for international aviation, with a range of expertise, information, and resources and the fifth busiest airport in Asia (Taoyuan International Airport), and its meaningful participation in ICAO would significantly enhance the ability of ICAO to ensure the safety and security of global aviation; and

(3) coercion by the Chinese Communist Party and the People's Republic of China has ensured the systematic exclusion of Taiwan from meaningful participation in ICAO, significantly undermining the ability of ICAO to ensure the safety and security of global aviation.

(b) PLAN FOR TAIWAN'S MEANINGFUL PARTICIPATION IN THE INTERNATIONAL CIVIL AVIATION ORGANIZATION.—The Secretary of State, in coordination with the Secretary of Commerce and the Secretary of Transportation, is authorized—

(1) to initiate a United States plan to secure Taiwan's meaningful participation in ICAO, including in ICAO triennial assembly sessions, conferences, technical working groups, meetings, activities, and mechanisms; and

(2) to instruct the United States representative to the ICAO to—

(A) use the voice and vote of the United States to ensure Taiwan's meaningful participation in ICAO, including in ICAO triennial assembly sessions, conferences, technical working groups, meetings, activities, and mechanisms; and

(B) seek to secure a vote at the next ICAO triennial assembly session on the question of Taiwan's participation in that session.

(c) REPORT CONCERNING TAIWAN'S MEANINGFUL PARTICIPATION IN THE INTERNATIONAL CIVIL AVIATION ORGANIZATION.—Not later than 90 days after the date of the enactment of this Act, and not later than April 1 of each year thereafter for the following 6 years, the Secretary of State, in coordination with the Secretary of Commerce, shall submit to the Committee on Foreign Relations and the

Committee on Commerce, Science, and Transportation of the Senate and the Committee on Foreign Affairs, the Committee on Transportation and Infrastructure, and the Committee on Energy and Commerce of the House of Representatives an unclassified report that—

(1) describes the United States plan to ensure Taiwan's meaningful participation in ICAO, including in ICAO triennial assembly sessions, conferences, technical working groups, meetings, activities, and mechanisms;

(2) includes an account of the efforts made by the Secretary of State and the Secretary of Commerce to ensure Taiwan's meaningful participation in ICAO, including in ICAO triennial assembly sessions, conferences, technical working groups, meetings, activities, and mechanisms; and

(3) identifies the steps the Secretary of State and the Secretary of Commerce will take in the next year to ensure Taiwan's meaningful participation in ICAO, including in ICAO triennial assembly sessions, conferences, technical working groups, meetings, activities, and mechanisms.

PART 4—MISCELLANEOUS PROVISIONS

SEC. 5520. REPORT ON TAIWAN TRAVEL ACT.

(a) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committee on Foreign Relations of the Senate;

(2) the Committee on Armed Services of the Senate;

(3) the Committee on Appropriations of the Senate;

(4) the Committee on Foreign Affairs of the House of Representatives;

(5) the Committee on Armed Services of the House of Representatives; and

(6) the Committee on Appropriations of the House of Representatives.

(b) LIST OF HIGH-LEVEL VISITS.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter for 5 years, the Secretary of State, in accordance with the Taiwan Travel Act (Public Law 115-135), shall submit to the appropriate committees of Congress—

(1) a list of high-level officials from the United States Government who have traveled to Taiwan on or after the date of the enactment of the Taiwan Travel Act; and

(2) a list of high-level officials of Taiwan who have entered the United States on or after such date of enactment.

(c) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter for 5 years, the Secretary of State shall submit to the appropriate committees of Congress a report on the implementation of the Taiwan Travel Act (Public Law 115-135; 132 Stat. 341), including a discussion of its positive effects on United States interests in the region.

(2) FORM.—The report required under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

SEC. 5521. AMENDMENTS TO THE TAIWAN ALLIES INTERNATIONAL PROTECTION AND ENHANCEMENT INITIATIVE (TAIPEI) ACT OF 2019.

The Taiwan Allies International Protection and Enhancement Initiative (TAIPEI) Act of 2019 (Public Law 116-135) is amended—

(1) in section 2(5), by striking "and Kiribati" and inserting "Kiribati, and Nicaragua,";

(2) in section 4—

(A) in the matter preceding paragraph (1), by striking "should be" and inserting "is";

(B) in paragraph (2), by striking "and" at the end;

(C) in paragraph (3), by striking the period at the end and inserting "; and"; and

(D) by adding at the end the following:

"(4) to support Taiwan's diplomatic relations with governments and countries"; and

(3) in section 5—

(A) in subsection (a)—

(i) in paragraph (2), by striking "and" at the end;

(ii) in paragraph (3), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(4) identify why governments and countries have altered their diplomatic status vis-a-vis Taiwan and make recommendations to mitigate further deterioration in Taiwan's diplomatic relations with governments and countries.";

(B) in subsection (b), by striking "1 year after the date of the enactment of this Act, and annually thereafter for five years, the Secretary of State shall report" and inserting "90 days after the date of the enactment of the Taiwan Enhanced Resilience Act, and annually thereafter for the following 7 years, the Secretary of State shall submit an unclassified report, with a classified annex,";

(C) by redesignating subsection (c) as subsection (d); and

(D) by inserting after subsection (b) the following:

"(c) BRIEFINGS.—Not later than 90 days after the date of the enactment of the Taiwan Enhanced Resilience Act, and annually thereafter for the following 7 years, the Secretary of State shall provide briefings to the appropriate congressional committees on the steps taken in accordance with section (a). The briefings required under this subsection shall take place in an unclassified setting, but may be accompanied by an additional classified briefing.".

SEC. 5522. REPORT ON ROLE OF PEOPLE'S REPUBLIC OF CHINA'S NUCLEAR THREAT IN ESCALATION DYNAMICS.

(a) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Foreign Relations of the Senate;

(2) the Committee on Armed Services of the Senate;

(3) the Select Committee on Intelligence of the Senate;

(4) the Committee on Foreign Affairs of the House of Representatives;

(5) the Committee on Armed Services of the House of Representatives; and

(6) the Permanent Select Committee on Intelligence of the House of Representatives.

(b) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of Defense and the Director of National Intelligence, shall submit to the appropriate congressional committees a report assessing the role of the increasing nuclear threat of the People's Republic of China in escalation dynamics with respect to Taiwan.

(c) FORM.—The report required by subsection (b) shall be submitted in classified form, but may include an unclassified summary.

SEC. 5523. REPORT ANALYZING THE IMPACT OF RUSSIA'S WAR AGAINST UKRAINE ON THE OBJECTIVES OF THE PEOPLE'S REPUBLIC OF CHINA WITH RESPECT TO TAIWAN.

(a) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Foreign Relations of the Senate;

(2) the Committee on Armed Services of the Senate;

(3) the Committee on Appropriations of the Senate;

(4) the Select Committee on Intelligence of the Senate;

(5) the Committee on Banking, Housing, and Urban Affairs of the Senate;

(6) the Committee on Commerce, Science, and Transportation of the Senate;

(7) the Committee on Foreign Affairs of the House of Representatives;

(8) the Committee on Armed Services of the House of Representatives;

(9) the Committee on Appropriations of the House of Representatives;

(10) the Permanent Select Committee on Intelligence of the House of Representatives;

(11) the Committee on Financial Services of the House of Representatives; and

(12) the Committee on Energy and Commerce of the House of Representatives.

(b) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of Defense and the Director of National Intelligence, shall submit a report to the appropriate congressional committees that analyzes the impact of Russia's war against Ukraine on the PRC's diplomatic, military, economic, and propaganda objectives with respect to Taiwan.

(c) ELEMENTS.—The report required by subsection (b) shall describe—

(1) adaptations or known changes to PRC strategies and military doctrine that the United States assesses are a direct result of the Russian invasion of Ukraine or that the United States assesses represent lessons learned by the People's Re-

public of China in light of Russia's invasion of Ukraine, including changes—

(A) to PRC behavior in international forums;

(B) within the People's Liberation Army, with respect to the size of forces, the makeup of leadership, weapons procurement, equipment upkeep, the doctrine on the use of specific weapons, such as weapons banned under the international law of armed conflict, efforts to move weapons supply chains onto mainland PRC, or any other changes in its military strategy with respect to Taiwan;

(C) in economic planning, such as sanctions evasion, efforts to minimize exposure to sanctions, or moves in support of the protection of currency or other strategic reserves;

(D) to propaganda, disinformation, and other information operations originating in the PRC; and

(E) to the PRC's strategy for the use of force against Taiwan, including any information on preferred scenarios or operations to secure its objectives in Taiwan, adjustments based on how the Russian military has performed in Ukraine, and other relevant matters; and

(2) United States plans to adapt policies and military planning in response to the changes referred to in paragraph (1).

(d) FORM.—The report required by subsection (b) shall be submitted in classified form.

(e) COORDINATION WITH ALLIES AND PARTNERS.—The Secretary of State shall share information contained in the report required by subsection (b), as appropriate, with appropriate officials of allied and partners, including Taiwan and other partners in Europe and in the Indo-Pacific.

SEC. 5524. EXPANDING UNITED STATES-TAIWAN DEVELOPMENT COOPERATION.

(a) IN GENERAL.—No later than 120 days following the date of enactment of this Act, the Secretary of State, in consultation with the Administrator of the United States Agency for International Development (USAID), the United States International Development Finance Corporation (DFC), and the heads of other relevant Federal departments and agencies that provide international economic assistance and other support, shall submit to Congress a report on cooperation with Taiwan on trilateral and multilateral development initiatives through the American Institute in Taiwan as appropriate.

(b) MATTERS TO BE INCLUDED.—The report required by subsection (a) shall include the following elements:

(1) A comprehensive review of existing cooperation mechanisms and initiatives among USAID, DFC, other relevant Federal agencies that provide international economic assistance and other support, and relevant departments and agencies in Taiwan, including Taiwan's International Cooperation and Development Fund (ICDF).

(2) An assessment of how United States development cooperation with relevant departments and agencies in Taiwan compares to comparable cooperation with partners of similar economic size and foreign assistance capacity to Taiwan.

(3) An analysis of the opportunities and challenges the cooperation reviewed in paragraph (1) has offered to date. The analysis shall include—

(A) opportunities that collaboration has offered to expand the United States Government's ability to deliver support, assistance, and other international financial products into a wider range communities;

(B) sectors where USAID, DFC, ICDF, other relevant Federal agencies that provide international economic assistance and other support in both Taiwan and the United States, or the organizations' implementing partners have a comparative advantage in providing assistance;

(C) opportunities to transition capacity building events with relevant departments and agencies in Taiwan, through the Global Cooperation and Training Framework as well as other forums, into enduring forms of development cooperation.

(4) An assessment of any legal, policy, logistical, financial, or administrative barriers to expanding cooperation in trilateral or multilateral development. The analysis shall include—

(A) availability of personnel at the American Institute in Taiwan responsible for coordinating development assistance cooperation;

(B) volume of current cooperation initiatives and barriers to expanding them;

(C) diplomatic, policy, or legal barriers facing the United States or other partners to including Taiwan in formal and informal multilateral development cooperation mechanisms;

(D) resource or capacity barriers to expanding cooperation facing the United States or Taiwan; and

(E) geopolitical barriers that complicate United States-Taiwan cooperation in third countries.

(5) Recommendations to address the challenges identified in paragraph (4).

(6) A description of any additional resources or authorities that expanding cooperation might require.

(c) FORM OF REPORT.—The strategy required under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SEC. 5525. SENSE OF CONGRESS ON EXPANDING UNITED STATES ECONOMIC RELATIONS WITH TAIWAN.

It is the sense of the Congress that—

(1) expanding United States economic relations with Taiwan has benefitted the people of both the United States and Taiwan, as Taiwan is now the United States 10th largest goods trading partner, 13th largest export market, 13th largest source of imports, and a key destination for United States agricultural exports;

(2) further integration would benefit both peoples and is in the strategic and diplomatic interests of the United States; and

(3) the United States should explore opportunities to expand economic agreements between Taiwan and the United

States, through dialogue, and by developing the legal templates required to support potential future agreements.

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

SEC. 5526. [22 U.S.C. 3351 note] SHORT TITLE.

This part may be cited as the "Taiwan Fellowship Act".

SEC. 5527. [22 U.S.C. 3381] FINDINGS.

Congress makes the following findings:

(1) The Taiwan Relations Act (Public Law 96-8; 22 U.S.C. 3301 et seq.) affirmed United States policy "to preserve and promote extensive, close, and friendly commercial, cultural, and other relations between the people of the United States and the people on Taiwan, as well as the people on the China mainland and all other peoples of the Western Pacific area".

(2) Consistent with the Asia Reassurance Initiative Act of 2018 (Public Law 115-409), the United States has grown its strategic partnership with Taiwan's vibrant democracy of 23,000,000 people.

(3) The creation of a United States fellowship program with Taiwan would support—

(A) a key priority of expanding people-to-people exchanges, which was outlined in President Donald J. Trump's 2017 National Security Strategy;

(B) President Joseph R. Biden's commitment to Taiwan, "a leading democracy and a critical economic and security partner", as expressed in his March 2021 Interim National Security Strategic Guidance; and

(C) April 2021 guidance from the Department of State based on a review required under the Taiwan Assurance Act of 2020 (subtitle B of title III of division FF of Public Law 116-260) to "encourage U.S. government engagement with Taiwan that reflects our deepening unofficial relationship".

SEC. 5528. [22 U.S.C. 3382] PURPOSES.

The purposes of this part are—

(1) to further strengthen the United States-Taiwan strategic partnership and broaden understanding of the Indo-Pacific region by temporarily assigning officials of any agencies of the United States Government to Taiwan for intensive study in Mandarin and placement as Fellows in a Taiwanese civic institution;

(2) to provide for eligible United States personnel—

(A) to learn or strengthen Mandarin Chinese language skills; and

(B) to expand their understanding of the political economy of Taiwan and the Indo-Pacific region; and

(3) to better position the United States to advance its economic, security, and human rights interests and values in the Indo-Pacific region.

SEC. 5529. [22 U.S.C. 3383] DEFINITIONS.

In this part:

(1) AGENCY HEAD.—The term "agency head" means, in the case of the executive branch of United States Government or a legislative branch agency described in paragraph (2), the head of the respective agency.

(2) AGENCY OF THE UNITED STATES GOVERNMENT.—The term "agency of the United States Government" includes the Government Accountability Office, the Congressional Budget Office, and the Congressional Research Service of the legislative branch, as well as any agency of the executive branch.

(3) APPROPRIATE COMMITTEES OF CONGRESS.—The term "appropriate committees of Congress" means—

(A) the Committee on Foreign Relations of the Senate;

(B) the Committee on Appropriations of the Senate;

(C) the Committee on Foreign Affairs of the House of Representatives; and

(D) the Committee on Appropriations of the House of Representatives.

(4) DETAILEE.—The term "detailee" means—

(A) an employee of an agency of the United States Government on loan to the American Institute in Taiwan, without a change of position from the agency at which the employee is employed; and

(B) a legislative branch employee from the Government Accountability Office, Congressional Budget Office, or the Congressional Research Service.

(5) IMPLEMENTING PARTNER.—The term "implementing partner" means any United States organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that—

(A) performs logistical, administrative, and other functions, as determined by the Department of State and the American Institute of Taiwan in support of the Taiwan Fellowship Program; and

(B) enters into a cooperative agreement with the American Institute in Taiwan to administer the Taiwan Fellowship Program.

(6) PROGRAM.—The term "Program" means the Taiwan Fellowship Program established pursuant to section 5530.

SEC. 5530. [22 U.S.C. 3384] TAIWAN FELLOWSHIP PROGRAM.

(a) ESTABLISHMENT.—The Secretary of State shall establish the Taiwan Fellowship Program (referred to in this section as the "Program") to provide a fellowship opportunity in Taiwan of up to 2 years for eligible United States citizens. The Department of State, in consultation with the American Institute in Taiwan and the implementing partner, may modify the name of the Program.

(b) COOPERATIVE AGREEMENT.—

(1) IN GENERAL.—The American Institute in Taiwan should use amounts appropriated pursuant to section 5533(a) to enter into an annual or multi-year cooperative agreement with an appropriate implementing partner.

(2) FELLOWSHIPS.—The Department of State or the American Institute in Taiwan, in consultation with, as appropriate,

the implementing partner, should award to eligible United States citizens, subject to available funding—

(A) approximately 5 fellowships during the first 2 years of the Program; and

(B) approximately 10 fellowships during each of the remaining years of the Program.

(c) AMERICAN INSTITUTION IN TAIWAN AGREEMENT; IMPLEMENTING PARTNER.—Not later than 30 days after the date of the enactment of this Act, the American Institute in Taiwan, in consultation with the Department of State, should—

(1) begin negotiations with the Taipei Economic and Cultural Representative Office, or with another appropriate entity, for the purpose of entering into an agreement to facilitate the placement of fellows in an agency of Taiwan; and

(2) begin the process of selecting an implementing partner, which—

(A) shall agree to meet all of the legal requirements required to operate in Taiwan; and

(B) shall be composed of staff who demonstrate significant experience managing exchange programs in the Indo-Pacific region.

(d) CURRICULUM.—

(1) FIRST YEAR.—During the first year of each fellowship under this section, each fellow should study—

(A) the Mandarin Chinese language;

(B) the people, history, and political climate on Taiwan; and

(C) the issues affecting the relationship between the United States and the Indo-Pacific region.

(2) SECOND YEAR.—During the second year of each fellowship under this section, each fellow, subject to the approval of the Department of State, the American Institute in Taiwan, and the implementing partner, and in accordance with the purposes of this subtitle, should work in—

(A) a parliamentary office, ministry, or other agency of Taiwan; or

(B) an organization outside the public sector in Taiwan, whose interests are associated with the interests of the fellow and the agency of the United States Government from which the fellow is or had been employed.

(e) PROGRAM REQUIREMENTS.—

(1) ELIGIBILITY REQUIREMENTS.—A United States citizen is eligible for a fellowship under this section if the citizen—

(A) is an employee of the United States Government;

(B) has received at least one exemplary performance review in his or her current United States Government role within at least the last three years prior to beginning the fellowship;

(C) has at least 2 years of experience in any branch of the United States Government;

(D) has a demonstrated professional or educational background in the relationship between the United States and countries in the Indo-Pacific region; and

(E) has demonstrated his or her commitment to further service in the United States Government.

(2) RESPONSIBILITIES OF FELLOWS.—Each recipient of a fellowship under this section shall agree, as a condition of such fellowship—

(A) to maintain satisfactory progress in language training and appropriate behavior in Taiwan, consistent with United States Government policy toward Taiwan, as determined by the Department of State, the American Institute in Taiwan and, as appropriate, its implementing partner;

(B) to refrain from engaging in any intelligence or intelligence-related activity on behalf of the United States Government; and

(C) to continue Federal Government employment for a period of not less than 4 years after the conclusion of the fellowship or for not less than 2 years for a fellowship that is 1 year or shorter.

(3) RESPONSIBILITIES OF IMPLEMENTING PARTNER.—

(A) SELECTION OF FELLOWS.—The implementing partner, with the concurrence of the Department of State and the American Institute in Taiwan, shall—

(i) make efforts to recruit fellowship candidates who reflect the diversity of the United States;

(ii) select fellows for the Taiwan Fellowship Program based solely on merit, with appropriate supervision from the Department of State and the American Institute in Taiwan; and

(iii) prioritize the selection of candidates willing to serve in a fellowship lasting 1 year or longer.

(B) FIRST YEAR.—The implementing partner should provide each fellow in the first year (or shorter duration, as jointly determined by the Department of State and the American Institute in Taiwan for those who are not serving a 2-year fellowship) with—

(i) intensive Mandarin Chinese language training; and

(ii) courses in the politics, culture, and history of Taiwan, China, and the broader Indo-Pacific.

(C) WAIVER OF FIRST-YEAR TRAINING.—The Department of State, in coordination with the American Institute in Taiwan and, as appropriate, the implementing partner, may waive any of the training required under paragraph (2) to the extent that a fellow has Mandarin language skills, knowledge of the topic described in subparagraph (B)(ii), or for other related reasons approved by the Department of State and the American Institute in Taiwan. If any of the training requirements are waived for a fellow serving a 2-year fellowship, the training portion of his or her fellowship may be shortened to the extent appropriate.

(D) OFFICE; STAFFING.—The implementing partner, in consultation with the Department of State and the American Institute in Taiwan, may maintain an office and at least 1 full-time staff member in Taiwan—

(i) to liaise with the American Institute in Taiwan and institutions of Taiwan; and

(ii) to serve as the primary in-country point of contact for the recipients of fellowships under this part and their dependents.

(E) OTHER FUNCTIONS.—The implementing partner may perform other functions in association with support of the Taiwan Fellowship Program, including logistical and administrative functions, as prescribed by the Department of State and the American Institute in Taiwan.

(4) NONCOMPLIANCE.—

(A) IN GENERAL.—Any fellow who fails to comply with the requirements under this section shall reimburse the American Institute in Taiwan, or the appropriate United States Government agency for—

(i) the Federal funds expended for the fellow's participation in the fellowship, as set forth in subparagraphs (B) and (C); and

(ii) interest accrued on such funds (calculated at the prevailing rate).

(B) FULL REIMBURSEMENT.—Any fellow who violates subparagraph (A) or (B) of paragraph (2) shall reimburse the American Institute in Taiwan, or the appropriate United States Government agency, in an amount equal to the sum of—

(i) all of the Federal funds expended for the fellow's participation in the fellowship; and

(ii) interest on the amount specified in subparagraph (A), which shall be calculated at the prevailing rate.

(C) PRO RATA REIMBURSEMENT.—Any fellow who violates subparagraph (C) of paragraph (2) shall reimburse the American Institute in Taiwan, or the appropriate United States Government agency, in an amount equal to the difference between—

(i) the amount specified in subparagraph (B); and

(ii) the product of—

(I) the amount the fellow received in compensation during the final year of the fellowship, including the value of any allowances and benefits received by the fellow; multiplied by

(II) the percentage of the period specified in paragraph (2)(C) during which the fellow did not remain employed by the Federal Government.

(f) FLEXIBLE FELLOWSHIP DURATION.—Notwithstanding any requirement under this section, the Secretary of State, in consultation with the American Institute in Taiwan and, as appropriate, the implementing partner, may award fellowships that have a duration of less than 2 years, and may alter the curriculum requirements under subsection (d) for such purposes.

(g) SUNSET.—The fellowship program under this part shall terminate 7 years after the date of the enactment of this Act.

SEC. 5531. [22 U.S.C. 3385] REPORTS AND AUDITS.

(a) ANNUAL REPORT.—Not later than 90 days after the selection of the first class of fellows under this part, and annually thereafter for 7 years, the Department of State shall offer to brief the appropriate committees of Congress regarding the following issues:

(1) An assessment of the performance of the implementing partner in fulfilling the purposes of this part.

(2) The names and sponsoring agencies of the fellows selected by the implementing partner and the extent to which such fellows represent the diversity of the United States.

(3) The names of the parliamentary offices, ministries, other agencies of Taiwan, and nongovernmental institutions to which each fellow was assigned during the second year of the fellowship.

(4) Any recommendations, as appropriate, to improve the implementation of the Taiwan Fellowship Program, including added flexibilities in the administration of the program.

(5) An assessment of the Taiwan Fellowship Program's value upon the relationship between the United States and Taiwan or the United States and Asian countries.

(b) ANNUAL FINANCIAL AUDIT.—

(1) IN GENERAL.—The financial records of any implementing partner shall be audited annually in accordance with generally accepted government auditing standards by independent certified public accountants or independent licensed public accountants who are certified or licensed by a regulatory authority of a State or another political subdivision of the United States.

(2) LOCATION.—Each audit under paragraph (1) shall be conducted at the place or places where the financial records of the implementing partner are normally kept.

(3) ACCESS TO DOCUMENTS.—The implementing partner shall make available to the accountants conducting an audit under paragraph (1)—

(A) all books, financial records, files, other papers, things, and property belonging to, or in use by, the implementing partner that are necessary to facilitate the audit; and

(B) full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians.

(4) REPORT.—

(A) IN GENERAL.—Not later than 270 days after the end of each fiscal year, the implementing partner shall provide a report of the audit conducted for such fiscal year under paragraph (1) to the Department of State and the American Institute in Taiwan.

(B) CONTENTS.—Each audit report shall—

(i) set forth the scope of the audit;

(ii) include such statements, along with the auditor's opinion of those statements, as may be necessary to present fairly the implementing partner's assets and liabilities, surplus or deficit, with reasonable detail;

(iii) include a statement of the implementing partner's income and expenses during the year; and

(iv) include a schedule of—

(I) all contracts and cooperative agreements requiring payments greater than $5,000; and

(II) any payments of compensation, salaries, or fees at a rate greater than $5,000 per year.

(C) COPIES.—Each audit report shall be produced in sufficient copies for distribution to the public.

SEC. 5532. [22 U.S.C. 3386] TAIWAN FELLOWS ON DETAIL FROM GOVERNMENT SERVICE.

(a) IN GENERAL.—

(1) DETAIL AUTHORIZED.—With the approval of the Secretary of State, an agency head may detail, for a period of not more than 2 years, an employee of the agency of the United States Government who has been awarded a fellowship under this part, to the American Institute in Taiwan for the purpose of assignment to Taiwan or an organization described in section 5530(d)(2)(B).

(2) AGREEMENT.—Each detailee shall enter into a written agreement with the Federal Government before receiving a fellowship, in which the fellow shall agree—

(A) to continue in the service of the sponsoring agency at the end of fellowship for a period of at least 4 years (or at least 2 years if the fellowship duration is 1 year or shorter) unless the detailee is involuntarily separated from the service of such agency; and

(B) to pay to the American Institute in Taiwan, or the United States Government agency, as appropriate, any additional expenses incurred by the Federal Government in connection with the fellowship if the detailee voluntarily separates from service with the sponsoring agency before the end of the period for which the detailee has agreed to continue in the service of such agency.

(3) EXCEPTION.—The payment agreed to under paragraph (2)(B) may not be required from a detailee who leaves the service of the sponsoring agency to enter into the service of another agency of the United States Government unless the head of the sponsoring agency notifies the detailee before the effective date of entry into the service of the other agency that payment will be required under this subsection.

(b) STATUS AS GOVERNMENT EMPLOYEE.—A detailee—

(1) is deemed, for the purpose of preserving allowances, privileges, rights, seniority, and other benefits, to be an employee of the sponsoring agency;

(2) is entitled to pay, allowances, and benefits from funds available to such agency, which is deemed to comply with section 5536 of title 5, United States Code; and

(3) may be assigned to a position with an entity described in section 5530(d)(2)(A) if acceptance of such position does not involve—

(A) the taking of an oath of allegiance to another government; or

(B) the acceptance of compensation or other benefits from any foreign government by such detailee.

(c) RESPONSIBILITIES OF SPONSORING AGENCY.—

(1) IN GENERAL.—The Federal agency from which a detailee is detailed should provide the fellow allowances and benefits that are consistent with Department of State Standardized Regulations or other applicable rules and regulations, including—

(A) a living quarters allowance to cover the cost of housing in Taiwan;

(B) a cost of living allowance to cover any possible higher costs of living in Taiwan;

(C) a temporary quarters subsistence allowance for up to 7 days if the fellow is unable to find housing immediately upon arriving in Taiwan;

(D) an education allowance to assist parents in providing the fellow's minor children with educational services ordinarily provided without charge by public schools in the United States;

(E) moving expenses to transport personal belongings of the fellow and his or her family in their move to Taiwan, which is comparable to the allowance given for American Institute in Taiwan employees assigned to Taiwan; and

(F) an economy-class airline ticket to and from Taiwan for each fellow and the fellow's immediate family.

(2) MODIFICATION OF BENEFITS.—The American Institute in Taiwan and its implementing partner, with the approval of the Department of State, may modify the benefits set forth in paragraph (1) if such modification is warranted by fiscal circumstances.

(d) NO FINANCIAL LIABILITY.—The American Institute in Taiwan, the implementing partner, and Taiwan or non-public sector entities in Taiwan at which a fellow is detailed during the second year of the fellowship may not be held responsible for the pay, allowances, or any other benefit normally provided to the detailee.

(e) REIMBURSEMENT.—Fellows may be detailed under subsection (a)(1) without reimbursement to the United States by the American Institute in Taiwan.

(f) ALLOWANCES AND BENEFITS.—Detailees may be paid by the American Institute in Taiwan for the allowances and benefits listed in subsection (c).

SEC. 5533. [22 U.S.C. 3387] FUNDING.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the American Institute in Taiwan—

(1) for fiscal year 2023, $2,900,000, of which—

(A) $500,000 should be used to launch the Taiwan Fellowship Program through a competitive cooperative agreement with an appropriate implementing partner;

(B) $2,300,000 should be used to fund a cooperative agreement with an appropriate implementing partner; and

(C) $100,000 should be used for management expenses of the American Institute in Taiwan related to the management of the Taiwan Fellowship Program; and

(2) for fiscal year 2024, and each succeeding fiscal year, $2,400,000, of which—

(A) $2,300,000 should be used for a cooperative agreement to the appropriate implementing partner; and

(B) $100,000 should be used for management expenses of the American Institute in Taiwan related to the management of the Taiwan Fellowship Program.

(b) PRIVATE SOURCES.—The implementing partner selected to implement the Taiwan Fellowship Program may accept, use, and dispose of gifts or donations of services or property in carrying out such program, subject to the review and approval of the American Institute in Taiwan.

SEC. 5534. STUDY AND REPORT.

Not later than 1 year prior to the sunset of the fellowship program under section 5530(g), the Comptroller General of the United States shall conduct a study and submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House a report that includes—

(1) an analysis of the United States Government participants in this program, including the number of applicants and the number of fellowships undertaken, the place of employment, and an assessment of the costs and benefits for participants and for the United States Government of such fellowships;

(2) an analysis of the financial impact of the fellowship on United States Government offices which have provided fellows to participate in the program; and

(3) recommendations, if any, on how to improve the fellowship program.

SEC. 5535. [22 U.S.C. 3388] SUPPORTING UNITED STATES EDUCATIONAL AND EXCHANGE PROGRAMS WITH TAIWAN.

(a) ESTABLISHMENT OF THE UNITED STATES-TAIWAN CULTURAL EXCHANGE FOUNDATION.—The Secretary of State should consider establishing an independent nonprofit entity that—

(1) is dedicated to deepening ties between the future leaders of Taiwan and the future leaders of the United States; and

(2) works with State and local school districts and educational institutions to send high school and university students to Taiwan to study the Chinese language, culture, history, politics, and other relevant subjects.

(b) PARTNER.—State and local school districts and educational institutions, including public universities, are encouraged to partner with the Taipei Economic and Cultural Representative Office in the United States to establish programs to promote more educational and cultural exchanges.

PART 6—UNITED STATES-TAIWAN PUBLIC HEALTH PROTECTION

SEC. 5536. SHORT TITLE.

This part may be cited as "United States-Taiwan Public Health Protection Act".

SEC. 5537. DEFINITIONS.

In this part:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—For the purposes of this part, the term "appropriate congressional committees" means—

(A) the Committee on Foreign Relations of the Senate;

(B) the Committee on Health, Education, Labor, and Pensions of the Senate;

(C) the Committee on Appropriations of the Senate;

(D) the Committee on Foreign Affairs of the House of Representatives;

(E) the Committee on Energy and Commerce of the House of Representatives; and

(F) the Committee on Appropriations of the House of Representatives.

(2) CENTER.—The term "Center" means the Infectious Disease Monitoring Center described in section 5538(a)(2).

SEC. 5538. STUDY ON AN INFECTIOUS DISEASE MONITORING CENTER.

(a) STUDY.—Not later than one year after the date of the enactment of this Act, the Secretary of State and the Secretary of Health and Human Services, in consultation with the heads of other relevant Federal departments and agencies, shall submit to appropriate congressional committees a study that includes the following:

(1) A description of ongoing cooperation between the United States Government and Taiwan related to public health, including public health activities supported by the United States in Taiwan.

(2) A description how the United States and Taiwan can promote further cooperation and expand public health activities, including the feasibility and utility of establishing an Infectious Disease Monitoring Center within the American Institute of Taiwan in Taipei, Taiwan to—

(A) regularly monitor, analyze, and disseminate open-source material from countries in the region, including viral strains, bacterial subtypes, and other pathogens;

(B) engage in people-to-people contacts with medical specialists and public health officials in the region;

(C) provide expertise and information on infectious diseases to the United States Government and Taiwanese officials; and

(D) carry out other appropriate activities, as determined by the Director of the Center.

(b) ELEMENTS.—The study required by subsection (a) shall include—

(1) a plan on how such a Center would be established and operationalized, including—

(A) the personnel, material, and funding requirements necessary to establish and operate the Center; and

(B) the proposed structure and composition of Center personnel, which may include—

(i) infectious disease experts from the Department of Health and Human Services, who are recommended to serve as detailees to the Center; and

(ii) additional qualified persons to serve as detailees to or employees of the Center, including—

(I) from any other relevant Federal department or agencies, to include the Department of State and the United States Agency for International Development;

(II) qualified foreign service nationals or locally engaged staff who are considered citizens of Taiwan; and

(III) employees of the Taiwan Centers for Disease Control;

(2) an evaluation, based on the factors in paragraph (1), of whether to establish the Center; and

(3) a description of any consultations or agreements between the American Institute in Taiwan and the Taipei Economic and Cultural Representative Office in the United States regarding the establishment and operation of the Center, including—

(A) the role that employees of the Taiwan Centers for Disease Control would play in supporting or coordinating with the Center; and

(B) whether any employees of the Taiwan Centers for Disease Control would be detailed to, or co-located with, the Center.

(c) CONSULTATION.—The Secretary of State and the Secretary of Health and Human Services shall consult with the appropriate congressional committees before full completion of the study.

PART 7—RULES OF CONSTRUCTION

SEC. 5539. [22 U.S.C. 3391] RULE OF CONSTRUCTION.

Nothing in this subtitle may be construed—

(1) to restore diplomatic relations with the Republic of China; or

(2) to alter the United States Government's position with respect to the international status of the Republic of China.

SEC. 5540. [22 U.S.C. 3392] RULE OF CONSTRUCTION REGARDING THE USE OF MILITARY FORCE.

Nothing in this title may be construed as authorizing the use of military force or the introduction of United States forces into hostilities.

Subtitle B—United States-Ecuador Partnership Act of 2022

SEC. 5541. [22 U.S.C. 2151 note] SHORT TITLE.

This subtitle may be cited as the "United States-Ecuador Partnership Act of 2022".

SEC. 5542. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the United States should take additional steps to strengthen its bilateral partnership with Ecuador, including by providing for robust trade and investment, increasing law enforcement cooperation, renewing the activities of the United States Agency for International Development in Ecuador, and supporting Ecuador's response to and recovery from the COVID-19 pandemic, as necessary and appropriate; and

(2) strengthening the United States-Ecuador partnership presents an opportunity to advance core United States national security interests and work with other democratic partners to maintain a prosperous, politically stable, and democratic Western Hemisphere that is resilient to malign foreign influence.

SEC. 5543. FACILITATING ECONOMIC AND COMMERCIAL TIES.

The Secretary of State, in coordination with the Secretary of Commerce, the United States Trade Representative, the Secretary of the Treasury, and the heads of other relevant Federal departments and agencies, as appropriate, shall develop and implement a strategy to strengthen commercial and economic ties between the United States and Ecuador by—

(1) promoting cooperation and information sharing to encourage awareness of and increase trade and investment opportunities between the United States and Ecuador;

(2) supporting efforts by the Government of Ecuador to promote a more open, transparent, and competitive business environment, including by lowering trade barriers, implementing policies to reduce trading times, and improving efficiencies to expedite customs operations for importers and exporters of all sizes, in all sectors, and at all ports of entry in Ecuador;

(3) establishing frameworks or mechanisms to review the long term financial sustainability and security implications of foreign investments in Ecuador in strategic sectors or services;

(4) establishing competitive and transparent infrastructure project selection and procurement processes in Ecuador that promote transparency, open competition, financial sustainability, and robust adherence to global standards and norms;

(5) developing programs to help the Government of Ecuador improve efficiency and transparency in customs administration, including through support for the Government of Ecuador's ongoing efforts to digitize its customs process and accept electronic documents required for the import, export, and transit of goods under specific international standards, as well as related training to expedite customs, security, efficiency, and competitiveness;

(6) spurring digital transformation that would advance—

(A) the provision of digitized government services with the greatest potential to improve transparency, lower business costs, and expand citizens' access to public services and public information; and

(B) best practices to mitigate the risks to digital infrastructure by doing business with communication networks and communications supply chains with equipment and services from companies with close ties to or susceptible to pressure from governments or security services without reliable legal checks on governmental powers; and

(7) identifying, as appropriate, a role for the United States International Development Finance Corporation, the Millennium Challenge Corporation, the United States Agency for International Development, and the United States private sector in supporting efforts to increase private sector investment and strengthen economic prosperity.

SEC. 5544. PROMOTING INCLUSIVE ECONOMIC DEVELOPMENT.

The Administrator of the United States Agency for International Development, in coordination with the Secretary of State and the heads of other relevant Federal departments and agencies, as appropriate, shall develop and implement a strategy and related programs to support inclusive economic development across Ecuador's national territory by—

(1) facilitating increased access to public and private financing, equity investments, grants, and market analysis for small and medium-sized businesses;

(2) providing technical assistance to local governments to formulate and enact local development plans that invest in Indigenous and Afro-Ecuadorian communities;

(3) connecting rural agricultural networks, including Indigenous and Afro-Ecuadorian agricultural networks, to consumers in urban centers and export markets, including through infrastructure construction and maintenance programs that are subject to audits and carefully designed to minimize potential environmental harm;

(4) partnering with local governments, the private sector, and local civil society organizations, including organizations representing marginalized communities and faith-based organizations, to provide skills training and investment in support of initiatives that provide economically viable, legal alternatives to participating in illegal economies; and

(5) connecting small scale fishing enterprises to consumers and export markets, in order to reduce vulnerability to organized criminal networks.

SEC. 5545. COMBATING ILLICIT ECONOMIES, CORRUPTION, AND NEGATIVE FOREIGN INFLUENCE.

The Secretary of State, in coordination with the Secretary of the Treasury, shall develop and implement a strategy and related programs to increase the capacity of Ecuador's justice system and law enforcement authorities to combat illicit economies, corruption, transnational criminal organizations, and the harmful influence of malign foreign and domestic actors by—

(1) providing technical assistance and material support (including, as appropriate, radars, vessels, and communications equipment) to vetted specialized units of Ecuador's national police and the armed services to disrupt, degrade, and dismantle organizations involved in illicit narcotics trafficking, transnational criminal activities, illicit mining, and illegal, unregulated, and unreported fishing, among other illicit activities;

(2) providing technical assistance to address challenges related to Ecuador's penitentiary and corrections system;

(3) strengthening the regulatory framework of mining through collaboration with key Ecuadorian institutions, such as the Interior Ministry's Special Commission for the Control of Illegal Mining and the National Police's Investigative Unit on Mining Crimes, and providing technical assistance in support of their law enforcement activities;

(4) providing technical assistance to judges, prosecutors, and ombudsmen to increase capacity to enforce laws against human smuggling and trafficking, illicit mining, illegal logging, illegal, unregulated, and unreported (IUU) fishing, and other illicit economic activities;

(5) providing support to the Government of Ecuador to prevent illegal, unreported, and unregulated fishing, including through expanding detection and response capabilities, and the use of dark vessel tracing technology;

(6) supporting multilateral efforts to stem illegal, unreported, and unregulated fishing with neighboring countries in South America and within the South Pacific Regional Fisheries Management Organisation;

(7) assisting the Government of Ecuador's efforts to protect defenders of internationally recognized human rights, including through the work of the Office of the Ombudsman of Ecuador, and by encouraging the inclusion of Indigenous and Afro-Ecuadorian communities and civil society organizations in this process;

(8) supporting efforts to improve transparency, uphold accountability, and build capacity within the Office of the Comptroller General;

(9) enhancing the institutional capacity and technical capabilities of defense and security institutions of Ecuador to conduct national or regional security missions, including through regular bilateral and multilateral cooperation, foreign military financing, international military education, and training programs, consistent with applicable Ecuadorian laws and regulations;

(10) enhancing port management and maritime security partnerships to disrupt, degrade, and dismantle transnational criminal networks and facilitate the legitimate flow of people, goods, and services; and

(11) strengthening cybersecurity cooperation—

(A) to effectively respond to cybersecurity threats, including state-sponsored threats;

(B) to share best practices to combat such threats;

(C) to help develop and implement information architectures that respect individual privacy rights and reduce the risk that data collected through such systems will be exploited by malign state and non-state actors;

(D) to strengthen resilience against cyberattacks; and

(E) to strengthen the resilience of critical infrastructure.

SEC. 5546. STRENGTHENING DEMOCRATIC GOVERNANCE.

(a) STRENGTHENING DEMOCRATIC GOVERNANCE.—The Secretary of State, in coordination with the Administrator of the United States Agency for International Development, should develop and implement initiatives to strengthen democratic governance in Ecuador by supporting—

(1) measures to improve the capacity of national and subnational government institutions to govern through transparent, inclusive, and democratic processes;

(2) efforts that measurably enhance the capacity of political actors and parties to strengthen democratic institutions and the rule of law;

(3) initiatives to strengthen democratic governance, including combating political, administrative, and judicial corruption and improving transparency of the administration of public budgets; and

(4) the efforts of civil society organizations and independent media—

(A) to conduct oversight of the Government of Ecuador and the National Assembly of Ecuador;

(B) to promote initiatives that strengthen democratic governance, anti-corruption standards, and public and private sector transparency; and

(C) to foster political engagement between the Government of Ecuador, including the National Assembly of Ecuador, and all parts of Ecuadorian society, including women, indigenous communities, and Afro-Ecuadorian communities.

(b) LEGISLATIVE STRENGTHENING.—The Administrator of the United States Agency for International Development, working through the Consortium for Elections and Political Process Strengthening or any equivalent or successor mechanism, shall develop and implement programs to strengthen the National Assembly of Ecuador by providing training and technical assistance to—

(1) members and committee offices of the National Assembly of Ecuador, including the Ethics Committee and Audit Committee;

(2) assist in the creation of entities that can offer comprehensive and independent research and analysis on legislative and oversight matters pending before the National Assembly, including budgetary and economic issues; and

(3) improve democratic governance and government transparency, including through effective legislation.

(c) BILATERAL LEGISLATIVE COOPERATION.—To the degree practicable, in implementing the programs required under subsection (b), the Administrator of the United States Agency for Inter-

national Development should facilitate meetings and collaboration between members of the United States Congress and the National Assembly of Ecuador.

SEC. 5547. FOSTERING CONSERVATION AND STEWARDSHIP.

The Administrator of the United States Agency for International Development, in coordination with the Secretary of State and the heads of other relevant Federal departments and agencies, shall develop and implement programs and enhance existing programs, as necessary and appropriate, to improve ecosystem conservation and enhance the effective stewardship of Ecuador's natural resources by—

(1) providing technical assistance to Ecuador's Ministry of the Environment to safeguard national parks and protected forests and protected species, while promoting the participation of Indigenous communities in this process;

(2) strengthening the capacity of communities to access the right to prior consultation, encoded in Article 57 of the Constitution of Ecuador and related laws, executive decrees, administrative acts, and ministerial regulations;

(3) supporting Indigenous and Afro-Ecuadorian communities as they raise awareness of threats to biodiverse ancestral lands, including through support for local media in such communities and technical assistance to monitor illicit activities;

(4) partnering with the Government of Ecuador in support of reforestation and improving river, lake, and coastal water quality;

(5) providing assistance to communities affected by illegal mining and deforestation; and

(6) fostering mechanisms for cooperation on emergency preparedness and rapid recovery from natural disasters, including by—

(A) establishing regional preparedness, recovery, and emergency management centers to facilitate rapid response to survey and help maintain planning on regional disaster anticipated needs and possible resources; and

(B) training disaster recovery officials on latest techniques and lessons learned from United States experiences.

SEC. 5548. AUTHORIZATION TO TRANSFER EXCESS COAST GUARD VESSELS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the United States should undertake efforts to expand cooperation with the Government of Ecuador to—

(1) ensure protections for the Galápagos Marine Reserve;

(2) deter illegal, unreported, and unregulated fishing; and

(3) increase interdiction of narcotics trafficking and other forms of illicit trafficking.

(b) AUTHORITY TO TRANSFER EXCESS COAST GUARD VESSELS TO THE GOVERNMENT OF ECUADOR.—The President shall conduct a joint assessment with the Government of Ecuador to ensure sufficient capacity exists to maintain Island class cutters. Upon completion of a favorable assessment, the President is authorized to trans-

fer up to two ISLAND class cutters to the Government of Ecuador as excess defense articles pursuant to the authority of section 516 of the Foreign Assistance Act (22 U.S.C. 2321j).

(c) GRANTS NOT COUNTED IN ANNUAL TOTAL OF TRANSFERRED EXCESS DEFENSE ARTICLES.—The value of a vessel transferred to another country on a grant basis pursuant to authority provided by subsection (b) shall not be counted against the aggregate value of excess defense articles transferred in any fiscal year under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j).

(d) COSTS OF TRANSFERS.—Any expense incurred by the United States in connection with a transfer authorized by this section shall be charged to the recipient notwithstanding section 516(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(e)).

(e) REPAIR AND REFURBISHMENT IN UNITED STATES SHIPYARDS.—To the maximum extent practicable, the President shall require, as a condition of the transfer of a vessel under this section, that the recipient to which the vessel is transferred have such repair or refurbishment of the vessel as is needed, before the vessel joins the naval forces of that recipient, performed at a shipyard located in the United States.

(f) EXPIRATION OF AUTHORITY.—The authority to transfer a vessel under this section shall expire at the end of the 3-year period beginning on the date of the enactment of this Act.

SEC. 5549. REPORTING REQUIREMENTS.

(a) SECRETARY OF STATE.—The Secretary of State, in coordination with the heads of other relevant Federal departments and agencies as described in sections 5543, 5545, and 5546(a), shall—

(1) not later than 180 days after the date of the enactment of this Act, submit to the appropriate congressional committees a comprehensive strategy to address the requirements described in sections 5543, 5545, and 5546(a); and

(2) not later than 2 years and 4 years after submitting the comprehensive strategy under paragraph (1), submit to the appropriate congressional committees a report describing the implementation of the strategy.

(b) ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.—The Administrator of the United States Agency for International Development, in coordination with the heads of other relevant Federal departments and agencies as described in sections 5544, 5546(b), and 5547, shall—

(1) not later than 180 days after the date of the enactment of this Act, submit to appropriate congressional committees a comprehensive strategy to address the requirements described in sections 5544, 5546(b) and 5547; and

(2) not later than 2 years and 4 years after submitting the comprehensive strategy under paragraph (1), submit to the appropriate congressional committees a report describing the implementation of the strategy.

(c) SUBMISSION.—The strategies and reports required under subsections (a) and (b) may be submitted to the appropriate congressional committees as joint strategies and reports.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this subtitle, the term "appropriate congressional committees" means the

Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs and the Committee on Energy and Commerce of the House of Representatives.

SEC. 5550. SUNSET.

This subtitle shall terminate on the date that is 5 years after the date of the enactment of this Act.

Subtitle C—FENTANYL Results Act

SEC. 5551. [22 U.S.C. 2151 note] SHORT TITLE.

This subtitle may be cited as the "Fighting Emerging Narcotics Through Additional Nations to Yield Lasting Results Act" or the "FENTANYL Results Act".

SEC. 5552. [22 U.S.C. 2291l] PRIORITIZATION OF EFFORTS OF THE DEPARTMENT OF STATE TO COMBAT INTERNATIONAL TRAFFICKING IN COVERED SYNTHETIC DRUGS.

(a) IN GENERAL.—The Secretary of State shall prioritize efforts of the Department of State to combat international trafficking of covered synthetic drugs by carrying out programs and activities to include the following:

(1) Supporting increased data collection by the United States and foreign countries through increased drug use surveys among populations, increased use of wastewater testing where appropriate, and multilateral sharing of that data.

(2) Engaging in increased consultation and partnership with international drug agencies, including the European Monitoring Centre for Drugs and Drug Addiction, regulatory agencies in foreign countries, and the United Nations Office on Drugs and Crime.

(3) Carrying out programs to provide technical assistance and equipment, as appropriate, to strengthen the capacity of foreign law enforcement agencies with respect to covered synthetic drugs, as required by section 5553.

(4) Carrying out exchange programs for governmental and nongovernmental personnel in the United States and in foreign countries to provide educational and professional development on demand reduction matters relating to the illicit use of covered synthetic drugs and other drugs, as required by section 5554.

(b) REPORT.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report on the implementation of this section.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term "appropriate congressional committees" means—

(A) the Committee on Foreign Relations, the Committee on Appropriations, and the Committee on the Judiciary of the Senate; and

(B) the Committee on Foreign Affairs, the Committee on Appropriations, and the Committee on the Judiciary of the House of Representatives.

SEC. 5553. [22 U.S.C. 2291m] PROGRAM TO PROVIDE ASSISTANCE TO BUILD THE CAPACITY OF FOREIGN LAW ENFORCEMENT AGENCIES WITH RESPECT TO COVERED SYNTHETIC DRUGS.

(a) IN GENERAL.—Notwithstanding section 660 of the Foreign Assistance Act of 1961 (22 U.S.C. 2420), the Secretary of State shall establish a program to provide assistance to strengthen the capacity of law enforcement agencies of the countries described in subsection (c) to help such agencies to identify, track, and improve their forensics detection capabilities with respect to covered synthetic drugs.

(b) PRIORITY.—The Secretary of State shall prioritize technical assistance, and the provision of equipment, as appropriate, under subsection (a) among those countries described in subsection (c) in which such assistance and equipment would have the most impact in reducing illicit use of covered synthetic drugs in the United States.

(c) COUNTRIES DESCRIBED.—The foreign countries described in this subsection are—

(1) countries that are producers of covered synthetic drugs;

(2) countries whose pharmaceutical and chemical industries are known to be exploited for development or procurement of precursors of covered synthetic drugs; or

(3) major drug-transit countries for covered synthetic drugs as defined by the Secretary of State.

(d) EXCEPTION.—No assistance may be provided to the People's Republic of China or to any of its law enforcement agencies pursuant to the program authorized by this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of State to carry out this section $4,000,000 for each of fiscal years 2023 through 2027.

SEC. 5554. [22 U.S.C. 2291n] EXCHANGE PROGRAM ON DEMAND REDUCTION MATTERS RELATING TO ILLICIT USE OF COVERED SYNTHETIC DRUGS.

(a) IN GENERAL.—The Secretary of State shall establish or continue and strengthen, as appropriate, an exchange program for governmental and nongovernmental personnel in the United States and in foreign countries to provide educational and professional development on demand reduction matters relating to the illicit use of covered synthetic drugs and other drugs.

(b) PROGRAM REQUIREMENTS.—The program required by subsection (a)—

(1) shall be limited to individuals who have expertise and experience in matters described in subsection (a);

(2) in the case of inbound exchanges, may be carried out as part of exchange programs and international visitor programs administered by the Bureau of Educational and Cultural Affairs of the Department of State, including the International Visitor Leadership Program, in coordination with the Bureau of International Narcotics and Law Enforcement Affairs; and

(3) shall include outbound exchanges for governmental or nongovernmental personnel in the United States.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of State to carry out this section $1,000,000 for each of fiscal years 2023 through 2027.

SEC. 5555. AMENDMENTS TO INTERNATIONAL NARCOTICS CONTROL PROGRAM.

(a) INTERNATIONAL NARCOTICS CONTROL STRATEGY REPORT.—Section 489(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291h(a)) is amended—

(1) by redesignating the second paragraph (10) as paragraph (11); and

(2) by adding at the end the following:

"(12) COVERED SYNTHETIC DRUGS AND NEW PSYCHOACTIVE SUBSTANCES.—

"(A) COVERED SYNTHETIC DRUGS.—Information that contains an assessment of the countries significantly involved in the manufacture, production, transshipment, or trafficking of covered synthetic drugs, to include the following:

"(i) The scale of legal domestic production and any available information on the number of manufacturers and producers of such drugs in such countries.

"(ii) Information on any law enforcement assessments of the scale of illegal production of such drugs, including a description of the capacity of illegal laboratories to produce such drugs.

"(iii) The types of inputs used and a description of the primary methods of synthesis employed by illegal producers of such drugs.

"(iv) An assessment of the policies of such countries to regulate licit manufacture and interdict illicit manufacture, diversion, distribution, shipment, and trafficking of such drugs and an assessment of the effectiveness of the policies' implementation.

"(B) NEW PSYCHOACTIVE SUBSTANCES.—Information on, to the extent practicable, any policies of responding to new psychoactive substances, to include the following:

"(i) Which governments have articulated policies on scheduling of such substances.

"(ii) Any data on impacts of such policies and other responses to such substances.

"(iii) An assessment of any policies the United States could adopt to improve its response to new psychoactive substances.

"(C) DEFINITIONS.—In this paragraph, the terms 'covered synthetic drug' and 'new psychoactive substance' have the meaning given those terms in section 5558 of the FENTANYL Results Act.".

(b) DEFINITION OF MAJOR ILLICIT DRUG PRODUCING COUNTRY.—Section 481(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(e)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (C), by striking "; or" and inserting a semicolon;

(B) in subparagraph (D), by striking the semicolon at the end and inserting "; or"; and

(C) by adding at the end the following:

"(E) that is a significant direct source of covered synthetic drugs or psychotropic drugs or other controlled substances, including precursor chemicals when those chemicals are used in the production of such drugs and substances, significantly affecting the United States;";

(2) by amending paragraph (5) to read as follows:

"(5) the term 'major drug-transit country' means a country through which are transported covered synthetic drugs or psychotropic drugs or other controlled substances significantly affecting the United States;";

(3) in paragraph (7), by striking "; and" and inserting a semicolon;

(4) in paragraph (8), by striking the period at the end and inserting "; and"; and

(5) by adding at the end the following:

"(9) the term 'covered synthetic drug' has the meaning given that term in section 5558 of the FENTANYL Results Act.".

SEC. 5556. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the President should direct the United States Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations to advocate for more transparent assessments of countries by the International Narcotics Control Board; and

(2) bilateral, plurilateral, and multilateral international cooperation is essential to combating the trafficking of covered synthetic drugs.

SEC. 5557. [22 U.S.C. 2291l note] RULE OF CONSTRUCTION.

Nothing in this subtitle or the amendments made by this subtitle shall be construed to affect the prioritization of extradition requests.

SEC. 5558. [22 U.S.C. 2291l note] DEFINITIONS.

In this subtitle:

(1) CONTROLLED SUBSTANCE; CONTROLLED SUBSTANCE ANALOGUE.—The terms "controlled substance" and "controlled substance analogue" have the meanings given those terms in section 102 of the Controlled Substances Act (21 U.S.C. 802).

(2) COVERED SYNTHETIC DRUG.—The term "covered synthetic drug" means—

(A) a synthetic controlled substance or synthetic controlled substance analogue, including fentanyl or a fentanyl analogue; or

(B) a new psychoactive substance.

(3) NEW PSYCHOACTIVE SUBSTANCE.—The term "new psychoactive substance" means a substance of abuse, or any preparation thereof, that—

(A) is not—

(i) included in any schedule as a controlled substance under the Controlled Substances Act (21 U.S.C. 801 et seq.); or

(ii) controlled by the Single Convention on Narcotic Drugs, done at New York March 30, 1961, or the Convention on Psychotropic Substances, done at Vienna February 21, 1971;

(B) is new or has reemerged on the illicit market; and

(C) poses a threat to the public health and safety.

Subtitle D—International Pandemic Preparedness

SEC. 5559. [22 U.S.C. 2151b note] SHORT TITLE.

This subtitle may be cited as the "Global Health Security and International Pandemic Prevention, Preparedness and Response Act of 2022".

SEC. 5560. DEFINITIONS.

In this subtitle:

(1) The term "appropriate congressional committees" means—

(A) the Committee on Foreign Relations of the Senate;

(B) the Committee on Appropriations of the Senate;

(C) the Committee on Foreign Affairs of the House of Representatives; and

(D) the Committee on Appropriations of the House of Representatives.

(2) The terms "Global Health Security Agenda" and "GHSA" mean the multi-sectoral initiative launched in 2014, and renewed in 2018, that brings together countries, regions, international organizations, nongovernmental organizations, and the private sector—

(A) to elevate global health security as a national-level priority;

(B) to share best practices; and

(C) to facilitate national capacity to comply with and adhere to—

(i) the International Health Regulations (2005);

(ii) the international standards and guidelines established by the World Organisation for Animal Health;

(iii) United Nations Security Council Resolution 1540 (2004);

(iv) the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological and Toxin Weapons and on their Destruction, done at Washington, London, and Moscow, April 10, 1972 (commonly referred to as the "Biological Weapons Convention");

(v) the Global Health Security Agenda 2024 Framework; and

(vi) other relevant frameworks that contribute to global health security.

(3) The term "Global Health Security Index" means the comprehensive assessment and benchmarking of health security and related capabilities across the countries that make up the States Parties to the International Health Regulations (2005).

(4) The term "Global Health Security Initiative" means the informal network of countries and organizations that came together in 2001, to undertake concerted global action to strengthen public health preparedness and response to chemical, biological, radiological, and nuclear threats, including pandemic influenza.

(5) The term "IHR (2005) Monitoring and Evaluation Framework" means the framework through which the World Health Organization and the State Parties to the International Health Regulations, as amended in 2005, review, measure, and assess core country public health capacities and ensure mutual accountability for global health security under the International Health Regulations (2005), including through the Joint External Evaluations, simulation exercises, and after-action reviews.

(6) The term "Joint External Evaluation" means the voluntary, collaborative, multi-sectoral process facilitated by the World Health Organization—

(A) to assess country capacity to prevent, detect, and rapidly respond to public health risks occurring naturally or due to deliberate or accidental events;

(B) to assess progress in achieving the targets under the International Health Regulations (2005); and

(C) to recommend priority actions.

(7) The term "key stakeholders" means actors engaged in efforts to advance global health security programs and objectives, including—

(A) national and local governments in partner countries;

(B) other bilateral donors;

(C) international, regional, and local organizations, including private, voluntary, nongovernmental, and civil society organizations, including faith-based and indigenous organizations;

(D) international, regional, and local financial institutions;

(E) representatives of historically marginalized groups, including women, youth, and indigenous peoples;

(F) the private sector, including medical device, technology, pharmaceutical, manufacturing, logistics, and other relevant companies; and

(G) public and private research and academic institutions.

(8) The term "One Health approach" means the collaborative, multi-sectoral, and transdisciplinary approach toward achieving optimal health outcomes in a manner that recognizes

the interconnection between people, animals, plants, and their shared environment.

(9) The term "pandemic preparedness" refers to the actions taken to establish and sustain the capacity and capabilities necessary to rapidly identify, prevent, protect against, and respond to the emergence, reemergence, and spread of pathogens of pandemic potential.

(10) The term "partner country" means a foreign country in which the relevant Federal departments and agencies are implementing United States foreign assistance for global health security and pandemic prevention, preparedness, and response under this subtitle.

(11) The term "relevant Federal departments and agencies" means any Federal department or agency implementing United States policies and programs relevant to the advancement of United States global health security and diplomacy overseas, which may include—

(A) the Department of State;

(B) the United States Agency for International Development;

(C) the Department of Health and Human Services;

(D) the Department of Defense;

(E) the Defense Threat Reduction Agency;

(F) the Millennium Challenge Corporation;

(G) the Development Finance Corporation;

(H) the Peace Corps; and

(I) any other department or agency that the President determines to be relevant for these purposes.

(12) The term "resilience" means the ability of people, households, communities, systems, institutions, countries, and regions to reduce, mitigate, withstand, adapt to, and quickly recover from shocks and stresses in a manner that reduces chronic vulnerability to the emergence, reemergence, and spread of pathogens of pandemic potential and facilitates inclusive growth.

(13) The terms "respond" and "response" mean the actions taken to counter an infectious disease.

(14) The term "USAID" means the United States Agency for International Development.

SEC. 5561. ENHANCING THE UNITED STATES' INTERNATIONAL RESPONSE TO PANDEMICS.

(a) LEVERAGING UNITED STATES BILATERAL GLOBAL HEALTH PROGRAMS FOR INTERNATIONAL PANDEMIC RESPONSE.—Subject to the notification requirements under section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394-1), amounts authorized to be appropriated or otherwise made available to carry out section 104 of the Foreign Assistance Act (22 U.S.C. 2151b) may be used in countries receiving such United States foreign assistance for the purpose of—

(1) strengthening vaccine readiness;

(2) reducing vaccine hesitancy;

(3) delivering and administering vaccines;

(4) strengthening health systems and global supply chains as necessary for global health security and pandemic preparedness, prevention, and response;

(5) supporting global health workforce planning, training, and management for pandemic preparedness, prevention, and response;

(6) enhancing transparency, quality, and reliability of public health data;

(7) increasing bidirectional testing, including screening for symptomatic and asymptomatic cases; and

(8) building laboratory capacity.

(b) ROLES OF THE DEPARTMENT OF STATE, USAID, AND THE DEPARTMENT OF HEALTH AND HUMAN SERVICES IN INTERNATIONAL PANDEMIC RESPONSE.—

(1) FINDING.—Congress finds that different outbreaks of infectious disease threats may require flexibility and changes to the designated roles and responsibilities of relevant Federal departments and agencies.

(2) LEAD AGENCIES FOR COORDINATION OF THE UNITED STATES' INTERNATIONAL RESPONSE TO INFECTIOUS DISEASE OUTBREAKS WITH SEVERE OR PANDEMIC POTENTIAL.—The President shall identify the relevant Federal departments and agencies, including the Department of State, USAID, and the Department of Health and Human Services (including the Centers for Disease Control and Prevention), leading specific aspects of the United States international operational response to outbreaks of emerging high-consequence infectious disease threats in accordance with federal law.

(3) NOTIFICATION.—Not later than 120 days after the date of the enactment of this Act, and regularly thereafter as appropriate, the President shall notify the appropriate congressional committees, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Energy and Commerce of the House of Representatives of the roles and responsibilities of each relevant Federal department and agency with respect to the international operational response to the outbreak of an emerging high-consequence infectious disease threat.

(c) USAID DISASTER SURGE CAPACITY.—

(1) DISASTER SURGE CAPACITY.—The Administrator of the USAID is authorized to expend funds made available to carry out part I and chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 and 2346), including funds made available for "Assistance for Europe, Eurasia and Central Asia", in addition to amounts otherwise made available for such purposes, for the cost (including support costs) of individuals detailed to or employed by USAID whose primary responsibility is to carry out programs to address global health emergencies and natural or manmade disasters.

(2) NOTIFICATION.—Not later than 15 days before making funds available to address manmade disasters pursuant to paragraph (1), the Secretary of State or the Administrator of the USAID shall notify the appropriate congressional committees of such intended action.

SEC. 5562. INTERNATIONAL PANDEMIC PREVENTION AND PREPAREDNESS.

(a) UNITED STATES INTERNATIONAL ACTIVITIES TO ADVANCE GLOBAL HEALTH SECURITY AND DIPLOMACY STRATEGY AND REPORT.—

(1) IN GENERAL.—The President shall develop, update, maintain, and advance a comprehensive strategy for improving United States global health security and diplomacy for pandemic prevention, preparedness, and response which, consistent with the purposes of this subtitle, shall—

(A) clearly articulate United States policy goals related to pandemic prevention, preparedness, and response, including through actions to strengthen diplomatic leadership and the effectiveness of United States foreign policy and international preparedness assistance for global health security through advancement of a One Health approach, the Global Health Security Agenda, the International Health Regulations (2005), and other relevant frameworks that contribute to pandemic prevention and preparedness;

(B) establish specific and measurable goals, benchmarks, timetables, performance metrics, and monitoring and evaluation plans for United States foreign policy and assistance for global health security that promote learning and adaptation and reflect international best practices relating to global health security, transparency, and accountability;

(C) establish transparent mechanisms to improve coordination and avoid duplication of effort between and among the relevant Federal departments and agencies, partner countries, donor countries, the private sector, multilateral organizations, and other key stakeholders;

(D) prioritize working with partner countries with—

(i) demonstrated need, as identified through the Joint External Evaluation process, the Global Health Security Index classification of health systems, national action plans for health security, Global Health Security Agenda, other risk-based assessments, and complementary or successor indicators of global health security and pandemic preparedness; and

(ii) demonstrated commitment to transparency, including budget and global health data transparency, complying with the International Health Regulations (2005), investing in domestic health systems, and achieving measurable results;

(E) reduce long-term reliance upon United States foreign assistance for global health security by—

(i) ensuring that United States global health assistance authorized under this subtitle is strategically planned and coordinated in a manner that delivers immediate impact and contributes to enduring results, including through efforts to enhance community capacity and resilience to infectious disease threats and emergencies; and

(ii) ensuring partner country ownership of global health security strategies, data, programs, and outcomes and improved domestic resource mobilization, co-financing, and appropriate national budget allocations for global health security and pandemic prevention, preparedness, and response;

(F) assist partner countries in building the technical capacity of relevant ministries, systems, and networks to prepare, execute, monitor, and evaluate national action plans for global health security and pandemic prevention, preparedness, and response that are developed with input from key stakeholders, including mechanism to enhance budget and global health data transparency, as necessary and appropriate;

(G) support and align United States foreign assistance authorized under this subtitle with such national action plans for health security and pandemic prevention, preparedness, and response, as appropriate;

(H) facilitate communication and collaboration, as appropriate, among local stakeholders in support of country-led strategies and initiatives to better identify and prevent health impacts related to the emergence, reemergence, and spread of zoonoses;

(I) support the long-term success of programs by building the pandemic preparedness capacity of local organizations and institutions in target countries and communities;

(J) develop community resilience to infectious disease threats and emergencies;

(K) support global health budget and workforce planning in partner countries, consistent with the purposes of this subtitle, including training in financial management and budget and global health data transparency;

(L) strengthen linkages between complementary bilateral and multilateral foreign assistance programs, including efforts of the World Bank, the World Health Organization, the Global Fund to Fight AIDS, Tuberculosis, and Malaria, and Gavi, the Vaccine Alliance, that contribute to the development of more resilient health systems and global supply chains for global health security and pandemic prevention, preparedness, and response in partner countries with the capacity, resources, and personnel required to prevent, detect, and respond to infectious disease threats; and

(M) support innovation and partnerships with the private sector, health organizations, civil society, nongovernmental, faith-based and indigenous organizations, and health research and academic institutions to improve pandemic prevention, preparedness, and response, including for the development and deployment of effective and accessible infectious disease tracking tools, diagnostics, therapeutics, and vaccines.

(2) SUBMISSION OF STRATEGY.—

(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the President, in con-

sultation with the heads of the relevant Federal departments and agencies, shall submit the strategy required under paragraph (1) to—

(i) the appropriate congressional committees;

(ii) the Committee on Health, Education, Labor, and Pensions of the Senate; and

(iii) the Committee on Energy and Commerce of the House of Representatives.

(B) AGENCY-SPECIFIC PLANS.—The strategy required under paragraph (1) shall include specific implementation plans from each relevant Federal department and agency that describe—

(i) the anticipated contributions of the Federal department or agency, including technical, financial, and in-kind contributions, to implement the strategy; and

(ii) the efforts of the Federal department or agency to ensure that the activities and programs carried out pursuant to the strategy are designed to achieve maximum impact and long-term sustainability.

(3) ANNUAL REPORT.—

(A) IN GENERAL.—Not later than 1 year after the submission of the strategy pursuant to paragraph (2)(A), and not later than October 1 of each year thereafter, the President shall submit to the committees listed in such paragraph a report that describes the status of the implementation of such strategy.

(B) CONTENTS.—Each report submitted pursuant to subparagraph (A) shall—

(i) identify any substantial changes made to the strategy during the preceding calendar year;

(ii) describe the progress made in implementing the strategy, including specific information related to the progress toward improving countries' ability to detect, prevent, and respond to infectious disease threats;

(iii) identify—

(I) the indicators used to establish benchmarks and measure results over time; and

(II) the mechanisms for reporting such results in an open and transparent manner;

(iv) contain a transparent, open, and detailed accounting of obligations by relevant Federal departments and agencies to implement the strategy, including, to the extent practicable, for each such Federal department and agency, the statutory source of obligated funds, the amounts obligated, implementing partners and sub-partners, targeted beneficiaries, and activities supported;

(v) the efforts of the relevant Federal department or agency to ensure that the activities and programs carried out pursuant to the strategy are designed to achieve maximum impact and enduring results, including through specific activities to strengthen health

systems for global health security and pandemic prevention, preparedness, and response, as appropriate;

(vi) assess efforts to coordinate United States global health security programs, activities, and initiatives with key stakeholders;

(vii) incorporate a plan for regularly reviewing and updating strategies, partnerships, and programs and sharing lessons learned with a wide range of stakeholders in an open, transparent manner; and

(viii) describe the progress achieved and challenges concerning the United States Government's ability to advance the Global Health Security Agenda and pandemic preparedness, including data disaggregated by priority country using indicators that are consistent on a year-to-year basis and recommendations to resolve, mitigate, or otherwise address the challenges identified through such indicators.

(C) FORM.—The strategy and reports required under this subsection shall be submitted in unclassified form, but may contain a classified annex.

(b) UNITED STATES COORDINATOR FOR GLOBAL HEALTH SECURITY.—The President shall designate an appropriate senior official to be the United States Coordinator for Global Health Security, who shall be responsible for the coordination of the Global Health Security Agenda Interagency Review Council and who should—

(1) have significant background and expertise in public health, health security, and emergency response management;

(2) coordinate, through a whole-of-government approach, the efforts of relevant Federal departments and agencies to implement the strategy under subsection (a); and

(3) seek to fully use the unique capabilities of each relevant Federal department and agency and ensure effective and appropriate United States representation at relevant international forums, while collaborating with and leveraging the contributions of other key stakeholders.

(c) AMBASSADOR-AT-LARGE FOR GLOBAL HEALTH SECURITY AND DIPLOMACY.—

(1) ESTABLISHMENT.—There is established, within the Department of State, the position of Ambassador-At-Large for Global Health Security and Diplomacy (referred to in this section as the "Ambassador-At-Large").

(2) APPOINTMENT; QUALIFICATIONS.—The Ambassador-At-Large—

(A) shall be appointed by the President, by and with the advice and consent of the Senate;

(B) shall report to the Secretary of State; and

(C) shall have—

(i) demonstrated knowledge and experience in the field of health security, development, public health, epidemiology, or medicine; and

(ii) relevant diplomatic, policy, and political expertise.

(3) AUTHORITIES.—The Ambassador-At-Large may—

(A) operate internationally to carry out the purposes of this section;

(B) ensure effective coordination, management, and oversight of United States foreign policy, diplomatic efforts, and foreign assistance funded with amounts authorized to be appropriated pursuant to section 5564(a) that are used by the Department of State to advance the relevant elements of the United States global health security and diplomacy strategy developed pursuant to subsection (a) by—

(i) developing and updating, as appropriate, in collaboration with the Administrator of the USAID and the Secretary of Health and Human Services, related policy guidance and unified auditing, monitoring, and evaluation plans;

(ii) avoiding duplication of effort and collaborating with other relevant Federal departments and agencies;

(iii) leading, in collaboration with the Secretary of Health and Human Services, the Administrator of the USAID, and other relevant Federal departments and agencies, diplomatic efforts to identify and address current and emerging threats to global health security;

(iv) working to enhance coordination with, and transparency among, the governments of partner countries and key stakeholders, including the private sector;

(v) promoting greater donor and national investment in partner countries to build health systems and supply chains for global health security and pandemic prevention and preparedness;

(vi) securing bilateral and multilateral financing commitments to advance the Global Health Security Agenda, in coordination with relevant Federal departments and agencies, including through funding for the Financial Intermediary Fund for Pandemic Prevention, Preparedness, and Response; and

(vii) providing regular updates to the appropriate congressional committees, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Energy and Commerce of the House of Representatives regarding the fulfillment of the activities described in this paragraph;

(C) ensure, in collaboration with the Secretary of the Treasury, the Secretary of Health and Human Services, and the Administrator of the USAID, effective representation of the United States in the Financial Intermediary Fund for Pandemic Prevention, Preparedness, and Response;

(D) use detailees, on a reimbursable or nonreimbursable basis, from relevant Federal departments and agencies and hire personal service contractors, who may operate domestically and internationally, to ensure that the Ambassador-At-Large has access to the highest quality ex-

perts available to the United States Government to carry out the functions under this subtitle; and

(E) perform such other functions as the Secretary of State may assign.

(d) STRENGTHENING HEALTH SYSTEMS FOR GLOBAL HEALTH SECURITY AND PANDEMIC PREVENTION AND PREPAREDNESS.—

(1) STATEMENT OF POLICY.—It is the policy of the United States to ensure that bilateral global health assistance programs are effectively managed and coordinated, as necessary and appropriate to achieve the purposes of this subtitle, to contribute to the strengthening of health systems for global health security and pandemic prevention, preparedness, and response in each country in which such programs are carried out.

(2) COORDINATION.—The Administrator of the USAID shall work with the Global Malaria Coordinator, the Coordinator of United States Government Activities to Combat HIV/AIDS Globally, the Ambassador-at-Large for Global Health Security and Diplomacy at the Department of State, and the Secretary of Health and Human Services, to identify areas of collaboration and coordination in countries with global health programs and activities undertaken by the USAID pursuant to the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (Public Law 108-25) and other relevant provisions of law, to ensure that such activities contribute to the strengthening of health systems for global health security and pandemic prevention and preparedness.

(e) COORDINATION FOR INTERNATIONAL PANDEMIC EARLY WARNING NETWORK.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Health and Human Services, in coordination with the Secretary of State, the USAID Administrator, the Director of the Centers for Disease Control and Prevention, and the heads of the other relevant Federal departments and agencies, should work with the World Health Organization and other key stakeholders to establish or strengthen effective early warning systems, at the partner country, regional, and international levels, that utilize innovative information and analytical tools and robust review processes to track, document, analyze, and forecast infectious disease threats with epidemic and pandemic potential.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter for the following 4 years, the Secretary of Health and Human Services, in coordination with the Secretary of State and the heads of the other relevant Federal departments and agencies, shall submit a report to the appropriate congressional committees, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Energy and Commerce of the House of Representatives that describes United States Government efforts and opportunities to establish or strengthen effective early warning systems to detect infectious disease threats internationally.

(f) INTERNATIONAL EMERGENCY OPERATIONS.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that it is essential to enhance the capacity of key stakeholders to effectively operationalize early warning and execute multi-sectoral emergency operations during an infectious disease outbreak, particularly in countries and areas that deliberately withhold critical global health data and delay access during an infectious disease outbreak, in advance of the next infectious disease outbreak with pandemic potential.

(2) PUBLIC HEALTH EMERGENCIES OF INTERNATIONAL CONCERN.—The Secretary of Health and Human Services, in coordination with the Secretary of State, should work with the World Health Organization and like-minded member states to adopt an approach toward assessing infectious disease threats under the International Health Regulations (2005) for the World Health Organization to identify and transparently communicate, on an ongoing basis, varying levels of risk leading up to a declaration by the Director General of the World Health Organization of a Public Health Emergency of International Concern for the duration and in the aftermath of such declaration.

(3) EMERGENCY OPERATIONS.—The Secretary of Health and Human Services, in coordination with the Secretary of State, the Administrator of the USAID, the Director of the Centers for Disease Control and Prevention, and the heads of other relevant Federal departments and agencies and consistent with the requirements under the International Health Regulations (2005) and the objectives of the World Health Organization's Health Emergencies Programme, the Global Health Security Agenda, and national actions plans for health security, should work, in cooperation with the World Health Organization, with partner countries, and other key stakeholders, to support the establishment, strengthening, and rapid response capacity of global health emergency operations centers, at the partner country and international levels, including efforts—

(A) to collect and share de-identified public health data, assess risk, and operationalize early warning;

(B) to secure, including through utilization of stand-by arrangements and emergency funding mechanisms, the staff, systems, and resources necessary to execute cross-sectoral emergency operations during the 48-hour period immediately following an infectious disease outbreak with pandemic potential; and

(C) to organize and conduct emergency simulations.

SEC. 5563. FINANCIAL INTERMEDIARY FUND FOR PANDEMIC PREVENTION, PREPAREDNESS, AND RESPONSE.

(a) IN GENERAL.—

(1) FINDING.—Congress finds that the Financial Intermediary Fund for Pandemic Prevention, Preparedness, and Response (referred to in this section as the "Fund") was established in September 2022 by donor countries, relevant United Nations agencies, including the World Health Organization, and other key multilateral stakeholders as a multilateral, catalytic financing mechanism for pandemic prevention and preparedness.

(2) OBJECTIVES.—The objectives of the Fund are—

(A) closing critical gaps in pandemic prevention and preparedness; and

(B) working with, and building the capacity of, eligible partner countries in the areas of global health security, infectious disease control, and pandemic prevention and preparedness in order to—

(i) prioritize capacity building and financing availability in eligible partner countries;

(ii) incentivize countries to prioritize the use of domestic resources for global health security and pandemic prevention and preparedness;

(iii) leverage governmental, nongovernmental, and private sector investments;

(iv) regularly respond to and evaluate progress based on clear metrics and benchmarks, such as those developed through the IHR (2005) Monitoring and Evaluation Framework and the Global Health Security Index;

(v) align with and complement ongoing bilateral and multilateral efforts and financing, including through the World Bank, the World Health Organization, the Global Fund to Fight AIDS, Tuberculosis, and Malaria, the Coalition for Epidemic Preparedness and Innovation, and Gavi, the Vaccine Alliance; and

(vi) help countries accelerate and achieve compliance with the International Health Regulations (2005) and fulfill the Global Health Security Agenda 2024 Framework not later than 8 years after the date on which the Fund is established, in coordination with the ongoing Joint External Evaluation national action planning process.

(3) GOVERNING BOARD.—

(A) IN GENERAL.—The Fund should be governed by a transparent, representative, and accountable body (referred to in this section as the "Governing Board"), which should—

(i) function as a partnership with, and through full engagement by, donor governments, eligible partner countries, and independent civil society; and

(ii) be composed of not more than 25 representatives of governments, foundations, academic institutions, independent civil society, indigenous people, vulnerable communities, frontline health workers, and the private sector with demonstrated commitment to carrying out the purposes of the Fund and upholding transparency and accountability requirements.

(B) DUTIES.—The Governing Board should—

(i) be charged with approving strategies, operations, and grant making authorities such that it is able to conduct effective fiduciary, monitoring, and evaluation efforts, and other oversight functions;

(ii) determine operational procedures to enable the Fund to effectively fulfill its mission;

(iii) provide oversight and accountability for the Fund in collaboration with a qualified and independent Inspector General;

(iv) develop and utilize a mechanism to obtain formal input from eligible partner countries, independent civil society, and implementing entities relative to program design, review, and implementation and associated lessons learned; and

(v) coordinate and align with other multilateral financing and technical assistance activities, and with the activities of the United States and other nations leading pandemic prevention, preparedness, and response activities in partner countries, as appropriate.

(C) COMPOSITION.—The Governing Board should include—

(i) representatives of the governments of founding member countries who, in addition to meeting the requirements under subparagraph (A), qualify based upon—

(I) meeting an established initial contribution threshold, which should be not less than 10 percent of the country's total initial contributions; and

(II) demonstrating a commitment to supporting the International Health Regulations (2005);

(ii) a geographically diverse group of members from donor countries, academic institutions, independent civil society, including faith-based and indigenous organizations, and the private sector who are selected on the basis of their experience and commitment to innovation, best practices, and the advancement of global health security objectives; and

(iii) representatives of the World Health Organization, to serve in an observer status.

(D) CONTRIBUTIONS.—Each government or private sector foundation or for-profit entity represented on the Governing Board should agree to make annual contributions to the Fund in an amount that is not less than the minimum amount determined by the Governing Board.

(E) QUALIFICATIONS.—Individuals appointed to the Governing Board should have demonstrated knowledge and experience across a variety of sectors, including human and animal health, agriculture, development, defense, finance, research, and academia.

(F) CONFLICTS OF INTEREST.—All Governing Board members should be required to recuse themselves from matters presenting conflicts of interest, including financing decisions relating to such countries, bodies, and institutions.

(G) REMOVAL PROCEDURES.—The Fund should establish procedures for the removal of members of the Governing Board who—

(i) engage in a consistent pattern of human rights abuses;

(ii) fail to uphold global health data transparency requirements; or

(iii) otherwise violate the established standards of the Fund, including in relation to corruption.

(b) AUTHORITY FOR UNITED STATES PARTICIPATION.—

(1) FOUNDING MEMBER.—The United States is authorized to participate in the Fund and shall be represented on the Governing Board by an officer or employee of the United States Government who has been appointed by the President (referred in this section as the "FIF Representative").

(2) EFFECTIVE DATE; TERMINATION DATE.—

(A) EFFECTIVE DATE.—This subsection shall take effect on the date on which the Secretary of State submits to Congress a certified copy of the agreement establishing the Fund.

(B) TERMINATION DATE.—The membership authorized under paragraph (1) shall terminate on the date on which the Fund is terminated.

(3) ENFORCEABILITY.—Any agreement concluded under the authorities provided under this subsection shall be legally effective and binding upon the United States, in accordance with the terms of the agreement—

(A) upon the enactment of appropriate implementing legislation that provides for the approval of the specific agreement or agreements, including attachments, annexes, and supporting documentation, as appropriate; or

(B) if concluded and submitted as a treaty, upon the approval by the Senate of the resolution of ratification of such treaty.

(c) IMPLEMENTATION OF PROGRAM OBJECTIVES.—In carrying out the objectives described in subsection (a)(2), the Fund should work to eliminate duplication and waste by upholding strict transparency and accountability standards and coordinating its programs and activities with key partners working to advance pandemic prevention and preparedness.

(d) PRIORITY COUNTRIES.—In providing assistance under this section, the Fund should give priority to low- and lower middle-income countries with—

(1) low scores on the Global Health Security Index classification of health systems;

(2) measurable gaps in global health security and pandemic prevention and preparedness identified under the IHR (2005) Monitoring and Evaluation Framework and national action plans for health security;

(3) demonstrated political and financial commitment to pandemic prevention and preparedness; and

(4) demonstrated commitment to—

(A) upholding global health budget and data transparency and accountability standards;

(B) complying with the International Health Regulations (2005);

(C) investing in domestic health systems; and

(D) achieving measurable results.

(e) ACCOUNTABILITY; CONFLICTS OF INTEREST; CRITERIA FOR PROGRAMS.—The FIF Representative shall—

(1) take such actions as may be necessary to ensure that the Fund will have in effect adequate procedures and standards to account for and monitor the use of funds contributed to the Fund, including the cost of administering the Fund, by—

(A) engaging Fund stakeholders; and

(B) actively promoting transparency and accountability of Fund governance and operations;

(2) seek to ensure there is agreement to put in place a conflict of interest policy to ensure fairness and a high standard of ethical conduct in the Fund's decision-making processes, including proactive procedures to screen staff for conflicts of interest and measures to address any conflicts, such as—

(A) potential divestments of interests;

(B) prohibition from engaging in certain activities;

(C) recusal from certain decision-making and administrative processes; and

(D) representation by an alternate board member; and

(3) seek agreement on the criteria that should be used to determine the programs and activities that should be assisted by the Fund.

(f) SELECTION OF PARTNER COUNTRIES, PROJECTS, AND RECIPIENTS.—The Governing Board should establish—

(1) eligible partner country selection criteria, including transparent metrics to measure and assess global health security and pandemic prevention and preparedness strengths and vulnerabilities in countries seeking assistance;

(2) minimum standards for ensuring eligible partner country ownership and commitment to long-term results, including requirements for domestic budgeting, resource mobilization, and co-investment;

(3) criteria for the selection of projects to receive support from the Fund;

(4) standards and criteria regarding qualifications of recipients of such support; and

(5) such rules and procedures as may be necessary—

(A) for cost-effective management of the Fund; and

(B) to ensure transparency and accountability in the grant-making process.

(g) ADDITIONAL TRANSPARENCY AND ACCOUNTABILITY REQUIREMENTS.—

(1) INSPECTOR GENERAL.—The FIF Representative shall seek to ensure that the Fund maintains an independent Office of the Inspector General that—

(A) is fully enabled to operate independently and transparently;

(B) is supported by and with the requisite resources and capacity to regularly conduct and publish, on a publicly accessible website, rigorous financial, programmatic, and reporting audits and investigations of the Fund and its grantees, including subgrantees; and

(C) establishes an investigative unit that—

(i) develops an oversight mechanism to ensure that grant funds are not diverted to illicit or corrupt purposes or activities; and

(ii) submits an annual report to the Governing Board describing its activities, investigations, and results.

(2) SENSE OF CONGRESS ON CORRUPTION.—It is the sense of Congress that—

(A) corruption within global health programs contribute directly to the loss of human life and cannot be tolerated; and

(B) in making financial recoveries relating to a corrupt act or criminal conduct committed by a grant recipient, as determined by the Inspector General described in paragraph (1), the responsible grant recipient should be assessed at a recovery rate of up to 150 percent of such loss.

(3) ADMINISTRATIVE EXPENSES; FINANCIAL TRACKING SYSTEMS.—The FIF Representative shall seek to ensure that the Fund establishes, maintains, and makes publicly available a system to track—

(A) the administrative and management costs of the Fund on a quarterly basis; and

(B) the amount of funds disbursed to each grant recipient and subrecipient during each grant's fiscal cycle.

(4) EXEMPTION FROM DUTIES AND TAXES.—The FIF Representative should seek to ensure that the Fund adopts rules that condition grants upon agreement by the relevant national authorities in an eligible partner country to exempt from duties and taxes all products financed by such grants, including procurements by any principal or subrecipient for the purpose of carrying out such grants.

(h) REPORTS TO CONGRESS.—

(1) ANNUAL REPORT.—

(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter for the duration of the Fund, the Secretary of State, in collaboration with the Administrator of the USAID and the heads of other relevant Federal departments and agencies, shall submit a report on the activities of the Fund to the appropriate congressional committees.

(B) REPORT ELEMENTS.—Each report required under subparagraph (A) shall describe—

(i) the goals of the Fund;

(ii) the programs, projects, and activities supported by the Fund;

(iii) private and governmental contributions to the Fund; and

(iv) the criteria utilized to determine the programs and activities that should be assisted by the Fund, including baselines, targets, desired outcomes, measurable goals, and extent to which those goals are being achieved.

(2) GAO REPORT ON EFFECTIVENESS.—Not later than 2 years after the date on which the Fund is established, the

Comptroller General of the United States shall submit a report to the appropriate congressional committees that evaluates the effectiveness of the Fund, including—

(A) the effectiveness of the programs, projects, and activities supported by the Fund; and

(B) an assessment of the merits of continued United States participation in the Fund.

(i) UNITED STATES CONTRIBUTIONS.—

(1) IN GENERAL.—Subject to paragraph (4)(C), the President may provide contributions to the Fund.

(2) NOTIFICATION.—The Secretary of State, the Administrator of the USAID, or the head of any other relevant Federal department or agency shall submit a notification to the appropriate congressional committees not later than 15 days before making a contribution to the Fund that identifies—

(A) the amount of the proposed contribution;

(B) the total of funds contributed by other donors; and

(C) the national interests served by United States participation in the Fund.

(3) LIMITATION.—During the 5-year period beginning on the date of the enactment of this Act, the cumulative total of United States contributions to the Fund may not exceed 33 percent of the total contributions to the Fund from all sources.

(4) WITHHOLDINGS.—

(A) SUPPORT FOR ACTS OF INTERNATIONAL TERRORISM.—If the Secretary of State determines that the Fund has provided assistance to a country, the government of which the Secretary of State has determined, for purposes of section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371) has repeatedly provided support for acts of international terrorism, the United States shall withhold from its contribution to the Fund for the next fiscal year an amount equal to the amount expended by the Fund to the government of such country.

(B) EXCESSIVE SALARIES.—If the Secretary of State determines that the salary during any of the first 5 fiscal years beginning after the date of the enactment of this Act of any individual employed by the Fund exceeds the salary of the Vice President of the United States for such fiscal year, the United States should withhold from its contribution for the following fiscal year an amount equal to the aggregate difference between the 2 salaries.

(C) ACCOUNTABILITY CERTIFICATION REQUIREMENT.—The Secretary of State may withhold not more than 20 percent of planned United States contributions to the Fund until the Secretary certifies to the appropriate congressional committees that the Fund has established procedures to provide access by the Office of Inspector General of the Department of State, as cognizant Inspector General, the Inspector General of the Department of Health and Human Services, the USAID Inspector General, and the Comptroller General of the United States to the Fund's financial data and other information relevant to United States contributions to the Fund (as determined by

the Inspector General of the Department of State, in consultation with the Secretary of State).

SEC. 5564. GENERAL PROVISIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated $5,000,000,000 for the 5-year period beginning on October 1, 2022 to carry out the purposes of sections 5562 and 5563, which may be in addition to amounts otherwise made available for such purposes, in consultation with the appropriate congressional committees and subject to the requirements under chapters 1 and 10 of part I and section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.).

(2) EXCEPTION.—Section 110 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107) shall not apply with respect to assistance made available under this subtitle.

(b) COMPLIANCE WITH THE FOREIGN AID TRANSPARENCY AND ACCOUNTABILITY ACT OF 2016.—Section 2(3) of the Foreign Aid Transparency and Accountability Act of 2016 (Public Law 114-191; 22 U.S.C. 2394c note) is amended—

(1) in subparagraph (D), by striking "and" at the end;

(2) in subparagraph (E), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(F) the Global Health Security and International Pandemic Prevention, Preparedness and Response Act of 2022.".

SEC. 5565. SUNSET.

This subtitle shall cease to be effective on September 30, 2027.

SEC. 5566. RULE OF CONSTRUCTION.

Nothing in this subtitle may be construed to impair or otherwise affect the authorities granted to the Administrator of the USAID, the Secretary of Health and Human Services, or the head of any other Federal department or agency under any applicable law.

Subtitle E—Burma Act of 2022

SEC. 5567. [22 U.S.C. 10201 note] SHORT TITLE.

This subtitle may be cited as the "Burma Unified through Rigorous Military Accountability Act of 2022" or the "BURMA Act of 2022".

SEC. 5568. [22 U.S.C. 10201] DEFINITIONS.

In this subtitle:

(1) BURMESE MILITARY.—The term "Burmese military"—

(A) means the Armed Forces of Burma, including the army, navy, and air force; and

(B) includes security services under the control of the Armed Forces of Burma, such as the police and border guards.

(2) EXECUTIVE ORDER 14014.—The term "Executive Order 14014" means Executive Order 14014 (86 Fed. Reg. 9429; relat-

ing to blocking property with respect to the situation in Burma).

(3) GENOCIDE.—The term "genocide" means any offense described in section 1091(a) of title 18, United States Code.

(4) WAR CRIME.—The term "war crime" has the meaning given the term in section 2441(c) of title 18, United States Code.

PART 1—MATTERS RELATING TO THE CONFLICT IN BURMA

SEC. 5569. [22 U.S.C. 10211] STATEMENT OF POLICY.

It is the policy of the United States to—

(1) continue to support the people of Burma in their struggle for democracy, human rights, and justice;

(2) support the efforts of the National Unity Government (NUG), the National Unity Consultative Council (NUCC), the Committee Representing Pyidaungsu Hluttaw (CRPH), the Burmese Civil Disobedience Movement, and other entities in Burma and in other countries to oppose the Burmese military and bring about an end to the military junta's rule;

(3) support a credible process for the restoration of civilian government in Burma, with a reformed Burmese military under civilian control and the enactment of constitutional, political, and economic reform that protects the rights of minority groups and furthers a federalist form of government;

(4) hold accountable perpetrators of human rights violations committed against ethnic groups in Burma and the people of Burma, including through the February 2022 coup d'etat;

(5) hold accountable the Russian Federation and the People's Republic of China for their support of the Burmese military;

(6) continue to provide humanitarian assistance to populations impacted by violence perpetrated by the Burmese military wherever they may reside, and coordinate efforts among like-minded governments and other international donors to maximize the effectiveness of assistance and support for the people of Burma;

(7) secure the unconditional release of all unlawfully detained individuals in Burma, including those detained for the exercise of their fundamental freedoms; and

(8) provide humanitarian assistance to the people of Burma in Burma, Bangladesh, Thailand, and the surrounding region without going through the Burmese military.

PART 2—SANCTIONS AND POLICY COORDINATION WITH RESPECT TO BURMA

SEC. 5570. [22 U.S.C. 10221] DEFINITIONS.

In this part:

(1) ADMITTED; ALIEN.—The terms "admitted" and "alien" have the meanings given those terms in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Foreign Relations and the Committee on Banking, Housing, and Urban Affairs of the Senate; and

(B) the Committee on Foreign Affairs and the Committee on Financial Services of the House of Representatives.

(3) CORRESPONDENT ACCOUNT; PAYABLE-THROUGH ACCOUNT.—The terms "correspondent account" and "payable-through account" have the meanings given those terms in section 5318A of title 31, United States Code.

(4) FOREIGN FINANCIAL INSTITUTION.—The term "foreign financial institution" has the meaning of that term as determined by the Secretary of the Treasury by regulation.

(5) FOREIGN PERSON.—The term "foreign person" means a person that is not a United States person.

(6) KNOWINGLY.—The term "knowingly", with respect to conduct, a circumstance, or a result, means that a person has actual knowledge, or should have known, of the conduct, the circumstance, or the result.

(7) PERSON.—The term "person" means an individual or entity.

(8) SUPPORT.—The term "support", with respect to the Burmese military, means to knowingly have materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of the Burmese military.

(9) UNITED STATES PERSON.—The term "United States person" means—

(A) a United States citizen or an alien lawfully admitted to the United States for permanent residence;

(B) an entity organized under the laws of the United States or any jurisdiction within the United States, including a foreign branch of such an entity; or

(C) any person in the United States.

SEC. 5571. [22 U.S.C. 10222] IMPOSITION OF SANCTIONS WITH RESPECT TO HUMAN RIGHTS ABUSES AND PERPETRATION OF A COUP IN BURMA.

(a) MANDATORY SANCTIONS.—Not later than 180 days after the date of the enactment of this Act, the President shall impose the sanctions described in subsection (d) with respect to any foreign person that the President determines—

(1) is a senior official of—

(A) the Burmese military or security forces of Burma;

(B) the State Administration Council, the military-appointed cabinet at the level of Deputy Minister or higher, or a military-appointed minister of a Burmese state or region; or

(C) an entity that primarily operates in the defense sector of the Burmese economy; or

(2) is a Burmese state-owned commercial enterprise (other than an entity described in subsections (c)(1) and (c)(2)) that—

(A) is operating in the industrial or extractive sectors; and

(B) significantly financially benefits the Burmese military.

(b) ADDITIONAL MEASURE RELATING TO FACILITATION OF TRANSACTIONS.—The Secretary of the Treasury may, in consultation with the Secretary of State, prohibit or impose strict conditions on the opening or maintaining in the United States of a correspondent account or payable-through account by a foreign financial institution that the President determines has, on or after the date of the enactment of this Act, knowingly conducted or facilitated a significant transaction or transactions on behalf of a foreign person subject to sanctions under this section imposed pursuant to subsection (a).

(c) ADDITIONAL SANCTIONS.—The President may impose the sanctions described in subsection (d) with respect to—

(1) the Myanma Oil and Gas Enterprise;

(2) any Burmese state-owned enterprise that—

(A) is not operating in the industrial or extractive sectors; and

(B) significantly financially benefits the Burmese military;

(3) a spouse or adult child of any person described in subsection (a)(1);

(4) any foreign person that, leading up to, during, and since the February 1, 2021, coup d'etat in Burma, is responsible for or has directly and knowingly engaged in—

(A) actions or policies that significantly undermine democratic processes or institutions in Burma;

(B) actions or policies that significantly threaten the peace, security, or stability of Burma;

(C) actions or policies by a Burmese person that—

(i) significantly prohibit, limit, or penalize the exercise of freedom of expression or assembly by people in Burma; or

(ii) limit access to print, online, or broadcast media in Burma; or

(D) the orchestration of arbitrary detention or torture in Burma or other serious human rights abuses in Burma; or

(5) any Burmese entity that provides materiel to the Burmese military.

(d) SANCTIONS DESCRIBED.—The sanctions described in this subsection are the following:

(1) PROPERTY BLOCKING.—The President may exercise all powers granted to the President by the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to the extent necessary to block and prohibit all transactions in all property and interests in property of the foreign person if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(2) FOREIGN EXCHANGE.—The President may, pursuant to such regulations as the President may prescribe, prohibit any

transactions in foreign exchange that are subject to the jurisdiction of the United States and in which the foreign person has any interest.

(3) VISAS, ADMISSION, OR PAROLE.—

(A) IN GENERAL.—An alien who is described in subsection (a) or (c) is—

(i) inadmissible to the United States;

(ii) ineligible for a visa or other documentation to enter the United States; and

(iii) otherwise ineligible to be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(B) CURRENT VISAS REVOKED.—

(i) IN GENERAL.—The issuing consular officer, the Secretary of State, or the Secretary of Homeland Security (or a designee of one of such Secretaries) shall, in accordance with section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)), revoke any visa or other entry documentation issued to an alien described in subparagraph (A) regardless of when the visa or other entry documentation is issued.

(ii) EFFECT OF REVOCATION.—A revocation under clause (i)—

(I) shall take effect immediately; and

(II) shall automatically cancel any other valid visa or entry documentation that is in the alien's possession.

(e) ASSESSMENT AND REPORT ON SANCTIONS WITH RESPECT TO BURMESE STATE-OWNED ENTERPRISE OPERATING IN THE ENERGY SECTOR.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the President shall conduct an assessment with respect to the Burmese state-owned enterprise described in subsection (c)(1), including relevant factors pertaining to the possible application of sanctions on such enterprise.

(2) REPORT REQUIRED.—Upon making the determination required by paragraph (1), the President shall submit to the appropriate congressional committees a report on the assessment.

(3) FORM OF REPORT.—The report required by paragraph (2) shall be submitted in unclassified form but may include a classified annex.

(f) EXCEPTIONS.—

(1) EXCEPTION FOR INTELLIGENCE, LAW ENFORCEMENT, AND NATIONAL SECURITY ACTIVITIES.—Sanctions under this section shall not apply to any authorized intelligence, law enforcement, or national security activities of the United States.

(2) EXCEPTION TO COMPLY WITH INTERNATIONAL OBLIGATIONS.—Sanctions under subsection (d)(3) shall not apply with respect to the admission of an alien if admitting or paroling the alien into the United States is necessary to permit the United States to comply with the Agreement regarding the

Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, or other applicable international obligations.

(3) EXCEPTION RELATING TO THE PROVISION OF HUMANITARIAN ASSISTANCE.—Sanctions under this section may not be imposed with respect to transactions or the facilitation of transactions for—

(A) the sale of agricultural commodities, food, medicine, or medical devices to Burma;

(B) the provision of humanitarian assistance to the people of Burma;

(C) financial transactions relating to humanitarian assistance or for humanitarian purposes in Burma; or

(D) transporting goods or services that are necessary to carry out operations relating to humanitarian assistance or humanitarian purposes in Burma.

(4) EXCEPTION RELATING TO WIND-DOWN OF PROJECTS.—Sanctions under this section shall not be imposed with respect to transactions or the facilitation of transactions related to the disposition of investments pursuant to—

(A) agreements entered into between United States persons and the Government of Burma prior to May 21, 1997;

(B) the exercise of rights pursuant to such agreements; or

(C) transactions related to the subsequent operation of the assets encompassed by such disposed investments.

(g) WAIVER.—The President may, on a case-by-case basis waive the application of sanctions or restrictions imposed with respect to a foreign person under this section if the President certifies to the appropriate congressional committees at the time such waiver is to take effect that the waiver is in the national interest of the United States.

(h) IMPLEMENTATION; PENALTIES.—

(1) IMPLEMENTATION.—The President may exercise all authorities provided to the President under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out this section.

(2) PENALTIES.—The penalties provided for in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) shall apply to a person that violates, attempts to violate, conspires to violate, or causes a violation of this section or any regulations promulgated under this section to the same extent that such penalties apply to a person that commits an unlawful act described in section 206(a) of that Act.

(i) REPORT.—Not later than 90 days after the date of the enactment of this Act and annually thereafter for 8 years, the Secretary of State, in consultation with the Secretary of the Treasury, shall submit to the appropriate congressional committees a classified report that—

(1) describes the primary sources of income to which the Burmese military has access and that the United States has been unable to reach using sanctions authorities; and

(2) assesses the impact of the sanctions imposed pursuant to the authorities under this section on the Burmese people and the Burmese military.

SEC. 5572. [22 U.S.C. 10223] SANCTIONS AND POLICY COORDINATION FOR BURMA.

(a) IN GENERAL.—The head of the Office of Sanctions Coordination in the Department of State should develop a comprehensive strategy for the implementation of the full range of United States diplomatic capabilities to implement Burma-related sanctions in order to promote human rights and the restoration of civilian government in Burma.

(b) MATTERS TO BE INCLUDED.—The strategy described in subsection (a) should include plans and steps to—

(1) coordinate the sanctions policies of the United States with relevant bureaus and offices in the Department of State and other relevant United States Government agencies;

(2) conduct relevant research and vetting of entities and individuals that may be subject to sanctions and coordinate with other United States Government agencies and international financial intelligence units to assist in efforts to enforce anti-money laundering and anti-corruption laws and regulations;

(3) promote a comprehensive international effort to impose and enforce multilateral sanctions with respect to Burma;

(4) support interagency United States Government efforts, including efforts of the United States Chief of Mission to Burma, the United States Ambassador to ASEAN, and the United States Permanent Representative to the United Nations, relating to—

(A) identifying opportunities to exert pressure on the governments of the People's Republic of China and the Russian Federation to support multilateral action against the Burmese military; and

(B) working with like-minded partners to impose a coordinated arms embargo on the Burmese military and targeted sanctions on the economic interests of the Burmese military, including through the introduction and adoption of a United Nations Security Council resolution; and

(5) provide timely input for reporting on the impacts of the implementation of sanctions on the Burmese military and the people of Burma.

SEC. 5573. [22 U.S.C. 10224] SUPPORT FOR GREATER UNITED NATIONS ACTION WITH RESPECT TO BURMA.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United Nations Security Council has not taken adequate steps to condemn the February 1, 2021, coup in Burma, pressure the Burmese military to cease its violence against civilians, or secure the release of those unjustly detained;

(2) countries, such as the People's Republic of China and the Russian Federation, that are directly or indirectly shield-

ing the Burmese military from international scrutiny and action, should be obliged to endure the reputational damage of doing so by taking public votes on resolutions related to Burma that apply greater pressure on the Burmese military to restore Burma to its democratic path; and

(3) the United Nations Secretariat and the United Nations Security Council should take concrete steps to address the coup and ongoing crisis in Burma consistent with United Nations General Assembly resolution 75/287, "The situation in Myanmar," which was adopted on June 18, 2021.

(b) SUPPORT FOR GREATER ACTION.—The President shall direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States to spur greater action by the United Nations and the United Nations Security Council with respect to Burma by—

(1) pushing the United Nations Security Council to consider a resolution condemning the February 1, 2021, coup and calling on the Burmese military to cease its violence against the people of Burma and release without preconditions the journalists, pro-democracy activists, and political officials that it has unjustly detained;

(2) pushing the United Nations Security Council to consider a resolution that immediately imposes a global arms embargo against Burma to ensure that the Burmese military is not able to obtain weapons and munitions from other nations to further harm, murder, and oppress the people of Burma;

(3) pushing the United Nations and other United Nations authorities to cut off assistance to the Government of Burma while providing humanitarian assistance directly to the people of Burma through United Nations bodies and civil society organizations, particularly such organizations working with ethnic minorities that have been adversely affected by the coup and the Burmese military's violent crackdown; and

(4) spurring the United Nations Security Council to consider multilateral sanctions against the Burmese military for its atrocities against Rohingya and individuals of other ethnic and religious minorities, its coup, and the atrocities it has and continues to commit in the coup's aftermath.

(c) SENSE OF CONGRESS.—It is the sense of Congress that the United States Permanent Representative to the United Nations should use the voice, vote, and influence of the United States to—

(1) object to the appointment of representatives to the United Nations and United Nations bodies such as the Human Rights Council that are sanctioned by the Burmese military; and

(2) work to ensure the Burmese military is not recognized as the legitimate government of Burma in any United Nations body.

SEC. 5574. [22 U.S.C. 10225] SUNSET.

(a) IN GENERAL.—The authority to impose sanctions and the sanctions imposed under this part shall terminate on the date that is 8 years after the date of the enactment of this Act.

(b) CERTIFICATION FOR EARLY SUNSET OF SANCTIONS.—Sanctions imposed under this part may be removed before the date specified in subsection (a), if the President submits to the appropriate congressional committees a certification that—

(1) the Burmese military has released all political prisoners taken into custody on or after February 1, 2021, or is providing legal recourse to those that remain in custody;

(2) the elected government of Burma has been reinstated or new free and fair elections have been held;

(3) all legal charges against those winning election in November 2020 are dropped; and

(4) the 2008 constitution of Burma has been amended or replaced to place the Burmese military under civilian oversight and ensure that the Burmese military no longer automatically receives 25 percent of seats in Burma's state, regional, and national Hluttaws.

(c) NOTIFICATION FOR EARLY SUNSET OF SANCTIONS ON INDIVIDUALS.—

(1) IN GENERAL.—The President may terminate the application of sanctions under this part with respect to specific individuals if the President submits to the appropriate congressional committees—

(A) a notice of and justification for the termination; and

(B) a notice that the individual is not engaging in the activity or is no longer occupying the position that was the basis for the sanctions or has taken significant verifiable steps toward stopping the activity.

(2) FORM.—The notice required by paragraph (1) shall be submitted in unclassified form but may include a classified annex.

PART 3—AUTHORIZATIONS OF APPROPRIATIONS FOR ASSISTANCE FOR BURMA

SEC. 5575. [22 U.S.C. 10241] GENERAL AUTHORIZATION OF APPROPRIATIONS.

During each of the fiscal years 2023 through 2027, following consultation with the appropriate congressional committees and subject to the limitations described in section 5576, funds authorized to be made available to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 may be made available, notwithstanding any other provision of law, for—

(1) programs to strengthen federalism in and among ethnic states in Burma, including for non-lethal assistance for Ethnic Armed Organizations in Burma;

(2) the administrative operations and programs of entities in Burma, including the political entities and affiliates of Ethnic Armed Organizations and pro-democracy movement organizations, that support efforts to establish an inclusive and representative democracy in Burma;

(3) technical support and non-lethal assistance for Burma's Ethnic Armed Organizations, People's Defense Forces, and pro-democracy movement organizations to strengthen communica-

tions and command and control, and coordination of international relief and other operations between and among such entities;

(4) programs and activities relating to former members of the Burmese military that have condemned the February 1, 2022, coup d'etat and voiced support for the restoration of civilian rule;

(5) programs to assist civil society organizations to investigate and document atrocities in Burma for the purposes of truth, justice, and accountability;

(6) programs to assist civil society organizations in Burma that support individuals that who are unlawfully detained in Burma for exercising their fundamental freedoms; and

(7) programs to assist civil society organizations and ethnic groups with reconciliation activities related to Burma.

SEC. 5576. [22 U.S.C. 10242] LIMITATIONS.

Except as provided for by this part, none of the funds authorized to be appropriated for assistance for Burma by this part may be made available to—

(1) the State Administrative Council or any organization or entity controlled by, or an affiliate of, the Burmese military, or to any individual or organization that has committed a gross violation of human rights or advocates violence against ethnic or religious groups or individuals in Burma, as determined by the Secretary of State for programs administered by the Department of State and the United States Agency for International Development, or President of the National Endowment for Democracy (NED) for programs administered by NED; and

(2) the Burmese military.

SEC. 5577. [22 U.S.C. 10243] APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.

In this part, the term "appropriate congressional committees" means—

(1) the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Appropriations of the Senate; and

(2) the Committee on Foreign Affairs, the Committee on Armed Services, and the Committee on Appropriations of the House of Representatives.

PART 4—EFFORTS AGAINST HUMAN RIGHTS ABUSES

SEC. 5578. [22 U.S.C. 10251] AUTHORIZATION TO PROVIDE TECHNICAL ASSISTANCE FOR EFFORTS AGAINST HUMAN RIGHTS ABUSES.

(a) IN GENERAL.—The Secretary of State is authorized to provide assistance to support appropriate civilian or international entities that—

(1) identify suspected perpetrators of war crimes, crimes against humanity, and genocide in Burma;

(2) collect, document, and protect evidence of crimes in Burma and preserving the chain of custody for such evidence;

(3) conduct criminal investigations of such crimes; and

(4) support investigations related to Burma conducted by other countries, and by entities mandated by the United Nations, such as the Independent Investigative Mechanism for Myanmar.

(b) AUTHORIZATION FOR TRANSITIONAL JUSTICE MECHANISMS.—The Secretary of State, taking into account any relevant findings in the report submitted under section 5941, is authorized to provide support for the establishment and operation of transitional justice mechanisms, including a hybrid tribunal, to prosecute individuals suspected of committing war crimes, crimes against humanity, or genocide in Burma.

PART 5—SANCTIONS EXCEPTION RELATING TO IMPORTATION OF GOODS

SEC. 5579. [22 U.S.C. 10261] SANCTIONS EXCEPTION RELATING TO IMPORTATION OF GOODS.

(a) IN GENERAL.—The authorities and requirements to impose sanctions under this subtitle shall not include the authority or requirement to impose sanctions on the importation of goods.

(b) GOOD DEFINED.—In this section, the term "good" means any article, natural or man-made substance, material, supply, or manufactured product, including inspection and test equipment, and excluding technical data.

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

SEC. 5580. [22 U.S.C. 7801 note] SHORT TITLE.

This subtitle may be cited as the "Otto Warmbier Countering North Korean Censorship and Surveillance Act of 2022".

SEC. 5581. [22 U.S.C. 7814 note] FINDINGS; SENSE OF CONGRESS.

(a) FINDINGS.—Congress makes the following findings:

(1) The information landscape in North Korea is the most repressive in the world, consistently ranking last or near-last in the annual World Press Freedom Index.

(2) Under the brutal rule of Kim Jung Un, the country's leader since 2012, the North Korean regime has tightened controls on access to information, as well as enacted harsh punishments for consumers of outside media, including sentencing to time in a concentration camp and a maximum penalty of death.

(3) Such repressive and unjust laws surrounding information in North Korea resulted in the death of 22-year-old United States citizen and university student Otto Warmbier, who had traveled to North Korea in December 2015 as part of a guided tour.

(4) Otto Warmbier was unjustly arrested, sentenced to 15 years of hard labor, and severely mistreated at the hands of North Korean officials. While in captivity, Otto Warmbier suffered a serious medical emergency that placed him into a comatose state. Otto Warmbier was comatose upon his release in June 2017 and died 6 days later.

(5) Despite increased penalties for possession and viewership of foreign media, the people of North Korean have increased their desire for foreign media content, according to a survey of 200 defectors concluding that 90 percent had watched South Korean or other foreign media before defecting.

(6) On March 23, 2021, in an annual resolution, the United Nations General Assembly condemned "the long-standing and ongoing systematic, widespread and gross violations of human rights in the Democratic People's Republic of Korea" and expressed grave concern at, among other things, "the denial of the right to freedom of thought, conscience, and religion... and of the rights to freedom of opinion, expression, and association, both online and offline, which is enforced through an absolute monopoly on information and total control over organized social life, and arbitrary and unlawful state surveillance that permeates the private lives of all citizens".

(7) In 2018, Typhoon Yutu caused extensive damage to 15 broadcast antennas used by the United States Agency for Global Media in Asia, resulting in reduced programming to North Korea. The United States Agency for Global Media has rebuilt 5 of the 15 antenna systems as of June 2021.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) in the event of a crisis situation, particularly where information pertaining to the crisis is being actively censored or a false narrative is being put forward, the United States should be able to quickly increase its broadcasting capability to deliver fact-based information to audiences, including those in North Korea; and

(2) the United States International Broadcasting Surge Capacity Fund is already authorized under section 316 of the United States International Broadcasting Act of 1994 (22 U.S.C. 6216), and expanded authority to transfer unobligated balances from expired accounts of the United States Agency for Global Media would enable the Agency to more nimbly respond to crises.

SEC. 5582. [22 U.S.C. 7814 note] STATEMENT OF POLICY.

It is the policy of the United States—

(1) to provide the people of North Korea with access to a diverse range of fact-based information;

(2) to develop and implement novel means of communication and information sharing that increase opportunities for audiences in North Korea to safely create, access, and share digital and non-digital news without fear of repressive censorship, surveillance, or penalties under law; and

(3) to foster and innovate new technologies to counter North Korea's state-sponsored repressive surveillance and cen-

sorship by advancing internet freedom tools, technologies, and new approaches.

SEC. 5583. UNITED STATES STRATEGY TO COMBAT NORTH KOREA'S REPRESSIVE INFORMATION ENVIRONMENT.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the President shall develop and submit to Congress a strategy on combating North Korea's repressive information environment.

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

(1) An assessment of the challenges to the free flow of information into North Korea created by the censorship and surveillance technology apparatus of the Government of North Korea.

(2) A detailed description of the agencies and other government entities, key officials, and security services responsible for the implementation of North Korea's repressive laws regarding foreign media consumption.

(3) A detailed description of the agencies and other government entities and key officials of foreign governments that assist, facilitate, or aid North Korea's repressive censorship and surveillance state.

(4) A review of existing public-private partnerships that provide circumvention technology and an assessment of the feasibility and utility of new tools to increase free expression, circumvent censorship, and obstruct repressive surveillance in North Korea.

(5) A description of and funding levels required for current United States Government programs and activities to provide access for the people of North Korea to a diverse range of fact-based information.

(6) An update of the plan required by section 104(a)(7)(A) of the North Korean Human Rights Act of 2004 (22 U.S.C. 7814(a)(7)(A)).

(7) A description of Department of State programs and funding levels for programs that promote internet freedom in North Korea, including monitoring and evaluation efforts.

(8) A description of grantee programs of the United States Agency for Global Media in North Korea that facilitate circumvention tools and broadcasting, including monitoring and evaluation efforts.

(9) A detailed assessment of how the United States International Broadcasting Surge Capacity Fund authorized under section 316 of the United States International Broadcasting Act of 1994 (22 U.S.C. 6216) has operated to respond to crisis situations in the past, and how authority to transfer unobligated balances from expired accounts would help the United States Agency for Global Media in crisis situations in the future.

(10) A detailed plan for how the authorization of appropriations under section 5584 will operate alongside and augment existing programming from the relevant Federal agencies and facilitate the development of new tools to assist that programming.

(11) A detailed plan for engagement and coordination with the Republic of Korea, as appropriate, necessary for implementing the objectives of the strategy required by subsection (a), including—

(A) with regard to any new or expanded activities contemplated under paragraphs (9) and (10); and

(B) any cooperation with or approval from the Government of the Republic of Korea required to carry out such activities.

(c) FORM OF STRATEGY.—The strategy required by subsection (a) shall be submitted in unclassified form, but may include the matters required by paragraphs (2) and (3) of subsection (b) in a classified annex.

SEC. 5584. PROMOTING FREEDOM OF INFORMATION AND COUNTERING CENSORSHIP AND SURVEILLANCE IN NORTH KOREA.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the United States Agency for Global Media an additional $10,000,000 for each of fiscal years 2024 through 2027 to provide increased broadcasting and grants for the following purposes:

(1) To promote the development of internet freedom tools, technologies, and new approaches, including both digital and non-digital means of information sharing related to North Korea.

(2) To explore public-private partnerships to counter North Korea's repressive censorship and surveillance state.

(3) To develop new means to protect the privacy and identity of individuals receiving media from the United States Agency for Global Media and other outside media outlets from within North Korea.

(4) To bolster existing programming from the United States Agency for Global Media by restoring the broadcasting capacity of damaged antennas caused by Typhoon Yutu in 2018.

(b) ANNUAL REPORTS.—Section 104(a)(7)(B) of the North Korean Human Rights Act of 2004 (22 U.S.C. 7814(a)(7)(B)) is amended—

(1) in the matter preceding clause (i)—

(A) by striking "1 year after the date of the enactment of this paragraph" and inserting "September 30, 2022"; and

(B) by striking "Broadcasting Board of Governors" and inserting "Chief Executive Officer of the United States Agency for Global Media"; and

(2) in clause (i), by inserting after "this section" the following: "and sections 5583 and 5584 of the Otto Warmbier Countering North Korean Censorship and Surveillance Act of 2022".

Subtitle G—Other Matters

SEC. 5585. CONGRESSIONAL NOTIFICATION FOR REWARDS PAID USING CRYPTOCURRENCIES.

(a) IN GENERAL.—Section 36(e)(6) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708(e)(6)) is amended by adding at the end the following new sentence:"Not later than 15 days before making a reward in a form that includes cryptocurrency, the Secretary of State shall notify the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate of such form for the reward.".

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report on the use of cryptocurrency as a part of the Department of State Rewards program established under section 36(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708(a)) that—

(1) justifies any determination of the Secretary to make rewards under such program in a form that includes cryptocurrency;

(2) lists each cryptocurrency payment made under such program as of the date of the submission of the report;

(3) provides evidence of the manner and extent to which cryptocurrency payments would be more likely to induce whistleblowers to come forward with information than rewards paid out in United States dollars or other forms of money or nonmonetary items; and

(4) examines whether the Department's use of cryptocurrency could provide bad actors with additional hard-to-trace funds that could be used for criminal or illicit purposes.

SEC. 5586. SECURE ACCESS TO SANITATION FACILITIES FOR WOMEN AND GIRLS.

Subsection (a) of section 501 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 2601 note) is amended—

(1) by redesignating paragraphs (6) through (11) as paragraphs (7) through (12), respectively; and

(2) by inserting after paragraph (5) the following:

"(6) the provision of safe and secure access to sanitation facilities, with a special emphasis on women and children;".

SEC. 5587. REAUTHORIZATION OF THE TROPICAL FOREST AND CORAL REEF CONSERVATION ACT OF 1998.

Section 806(d) of the Tropical Forest and Coral Reef Conservation Act of 1998 (22 U.S.C. 2431d(d)) is amended by adding at the end the following new paragraphs:

"(9) $20,000,000 for fiscal year 2023.
"(10) $20,000,000 for fiscal year 2024.
"(11) $20,000,000 for fiscal year 2025.
"(12) $20,000,000 for fiscal year 2026.
"(13) $20,000,000 for fiscal year 2027.".

SEC. 5588. GLOBAL FOOD SECURITY REAUTHORIZATION ACT OF 2022.

(a) FINDINGS.—Section 2 of the Global Food Security Act of 2016 (22 U.S.C. 9301) is amended by striking "Congress makes" and all that follows through "(3) A comprehensive" and inserting "Congress finds that a comprehensive".

(b) STATEMENT OF POLICY OBJECTIVES; SENSE OF CONGRESS.—Section 3(a) of such Act (22 U.S.C. 9302(a)) is amended—

(1) in the matter preceding paragraph (1), by striking "programs, activities, and initiatives that" and inserting "comprehensive, multi-sectoral programs, activities, and initiatives that consider agriculture and food systems in their totality and that".

(2) in paragraph (1), by striking "and economic freedom through the coordination" and inserting ", economic freedom, and security through the phasing, sequencing, and coordination";

(3) by striking paragraphs (3) and (4) and inserting the following:

"(3) increase the productivity, incomes, and livelihoods of small-scale producers and artisanal fishing communities, especially women in these communities, by working across terrestrial and aquatic food systems and agricultural value chains, including by—

"(A) enhancing local capacity to manage agricultural resources and food systems effectively and expanding producer access to, and participation in, local, regional, and international markets;

"(B) increasing the availability and affordability of high quality nutritious and safe foods and clean water;

"(C) creating entrepreneurship opportunities and improving access to business development related to agriculture and food systems, including among youth populations, linked to local, regional, and international markets; and

"(D) enabling partnerships to facilitate the development of and investment in new agricultural technologies to support more resilient and productive agricultural practices;

"(4) build resilience to agriculture and food systems shocks and stresses, including global food catastrophes in which conventional methods of agriculture are unable to provide sufficient food and nutrition to sustain the global population, among vulnerable populations and households through inclusive growth, while reducing reliance upon emergency food and economic assistance;";

(4) by amending paragraph (6) to read as follows:

"(6) improve the nutritional status of women, adolescent girls, and children, with a focus on reducing child stunting and incidence of wasting, including through the promotion of highly nutritious foods, diet diversification, large-scale food fortification, and nutritional behaviors that improve maternal and child health and nutrition, especially during the first 1,000-day window until a child reaches 2 years of age;"; and

(5) in paragraph (7)—

(A) by striking "science and technology," and inserting "combating fragility, resilience, science and technology, natural resource management"; and

(B) by inserting ", including deworming," after "nutrition,".

(c) DEFINITIONS.—Section 4 of the Global Food Security Act of 2016 (22 U.S.C. 9303) is amended—

(1) in paragraph (2), by inserting ", including in response to shocks and stresses to food and nutrition security" before the period at the end;

(2) by redesignating paragraphs (4) through (12) as paragraphs (5) through (13), respectively;

(3) by inserting after paragraph (3) the following:

"(4) FOOD SYSTEM.—The term 'food system' means the intact or whole unit made up of interrelated components of people, behaviors, relationships, and material goods that interact in the production, processing, packaging, transporting, trade, marketing, consumption, and use of food, feed, and fiber through aquaculture, farming, wild fisheries, forestry, and pastoralism that operates within and is influenced by social, political, economic, and environmental contexts.";

(4) in paragraph (6), as redesignated, by amending subparagraph (H) to read as follows:

"(H) local agricultural producers, including farmer and fisher organizations, cooperatives, small-scale producers, youth, and women; and";

(5) in paragraph (7), as redesignated, by inserting "the Inter-American Foundation," after "United States African Development Foundation,";

(6) in paragraph (9), as redesignated—

(A) by inserting "agriculture and food" before "systems"; and

(B) by inserting ", including global food catastrophes," after "food security";

(7) in paragraph (10), as redesignated, by striking "fishers" and inserting "artisanal fishing communities";

(8) in paragraph (11), as redesignated, by amending subparagraphs (D) and (E) to read as follows:

"(D) is a marker of an environment deficient in the various needs that allow for a child's healthy growth, including nutrition; and

"(E) is associated with long-term poor health, delayed motor development, impaired cognitive function, and decreased immunity.";

(9) in paragraph (13), as redesignated, by striking "agriculture and nutrition security" and inserting "food and nutrition security and agriculture-led economic growth"; and

(10) by adding at the end the following:

"(14) WASTING.—The term 'wasting' means—

"(A) a life-threatening condition attributable to poor nutrient intake or disease that is characterized by a rapid deterioration in nutritional status over a short period of time; and

"(B) in the case of children, is characterized by low weight for height and weakened immunity, increasing their risk of death due to greater frequency and severity of common infection, particularly when severe.".

(d) COMPREHENSIVE GLOBAL FOOD SECURITY STRATEGY.—Section 5(a) of the Global Food Security Act of 2016 (22 U.S.C. 9304) is amended—

(1) in paragraph (4), by striking "country-owned agriculture, nutrition, and food security policy and investment plans" and inserting "partner country-led agriculture, nutrition, regulatory, food security, and water resources management policy and investment plans and governance systems";

(2) by amending paragraph (5) to read as follows:

"(5) support the locally-led and inclusive development of agriculture and food systems, including by enhancing the extent to which small-scale food producers, especially women, have access to and control over the inputs, skills, resource management capacity, networking, bargaining power, financing, market linkages, technology, and information needed to sustainably increase productivity and incomes, reduce poverty and malnutrition, and promote long-term economic prosperity;";

(3) in paragraph (6)—

(A) by inserting ", adolescent girls," after "women"; and

(B) by inserting "and preventing incidence of wasting" after "reducing child stunting";

(4) in paragraph (7), by inserting "poor water resource management and" after "including";

(5) in paragraph (8)—

(A) by striking "the long-term success of programs" and inserting "long-term impact"; and

(B) by inserting ", including agricultural research capacity," after "institutions";

(6) in paragraph (9), by striking "integrate resilience and nutrition strategies into food security programs, such that chronically vulnerable populations are better able to" and inserting "coordinate with and complement relevant strategies to ensure that chronically vulnerable populations are better able to adapt,";

(7) by redesignating paragraph (17) as paragraph (22);

(8) by redesignating paragraphs (12) through (16) as paragraphs (14) through (18), respectively;

(9) by striking paragraphs (10) and (11) and inserting the following:

"(10) develop community and producer resilience and adaptation strategies to disasters, emergencies, and other shocks and stresses to food and nutrition security, including conflicts, droughts, flooding, pests, and diseases, that adversely impact agricultural yield and livelihoods;

"(11) harness science, technology, and innovation, including the research and extension activities supported by the private sector, relevant Federal departments and agencies, Feed the Future Innovation Labs or any successor entities, and

international and local researchers and innovators, recognizing that significant investments in research and technological advances will be necessary to reduce global poverty, hunger, and malnutrition;

"(12) use evidenced-based best practices, including scientific and forecasting data, and improved planning and coordination by, with, and among key partners and relevant Federal departments and agencies to identify, analyze, measure, and mitigate risks, and strengthen resilience capacities;

"(13) ensure scientific and forecasting data is accessible and usable by affected communities and facilitate communication and collaboration among local stakeholders in support of adaptation planning and implementation, including scenario planning and preparedness using seasonal forecasting and scientific and local knowledge;";

(10) in paragraph (15), as redesignated, by inserting "nongovernmental organizations, including" after "civil society,";

(11) in paragraph (16), as redesignated, by inserting "and coordination, as appropriate," after "collaboration";

(12) in paragraph (18), as redesignated, by striking "section 8(b)(4); and" and inserting "section 8(a)(4);"; and

(13) by inserting after paragraph (18), as redesignated, the following:

"(19) improve the efficiency and resilience of agricultural production, including management of crops, rangelands, pastures, livestock, fisheries, and aquacultures;

"(20) ensure investments in food and nutrition security consider and integrate best practices in the management and governance of natural resources and conservation, especially among food insecure populations living in or near biodiverse ecosystems;

"(21) be periodically updated in a manner that reflects learning and best practices; and".

(e) PERIODIC UPDATES.—Section 5 of the Global Food Security Act of 2016 (22 U.S.C. 9304), as amended by subsection (d), is further amended by adding at the end the following:

"(d) PERIODIC UPDATES.—Not less frequently than quinquennially through fiscal year 2030, the President, in consultation with the head of each relevant Federal department and agency, shall submit to the appropriate congressional committees updates to the Global Food Security Strategy required under subsection (a) and the agency-specific plans described in subsection (c)(2).".

(f) AUTHORIZATION OF APPROPRIATIONS TO IMPLEMENT THE GLOBAL FOOD SECURITY STRATEGY.—Section 6(b) of such Act (22 U.S.C. 9305(b)) is amended—

(1) by striking "$1,000,600,000 for each of fiscal years 2017 through 2023" and inserting "$1,200,000,000 for each of the fiscal years 2024 through 2028"; and

(2) by adding at the end the following: "Amounts authorized to appropriated under this subsection should be prioritized to carry out programs and activities in target countries.".

(g) EMERGENCY FOOD SECURITY PROGRAM.—

(1) IN GENERAL.—Section 7 of the Global Food Security Act of 2016 (22 U.S.C. 9306) is amended by striking "(a) Sense of Congress.—" and all that follows through "It shall be" and inserting "It shall be".

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 492(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2292a(a)) is amended by striking "$2,794,184,000 for each of fiscal years 2017 through 2023, of which up to $1,257,382,000" and inserting "$3,905,460,000 for each of the fiscal years 2024 through 2028, of which up to $1,757,457,000".

(h) REPORTS.—Section 8(a) of the Global Food Security Act of 2016 (22 U.S.C. 9307) is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking "During each of the first 7 years after the date of the submission of the strategy required under section 5(c)," and inserting "For each of the fiscal years through 2028,";

(B) by striking "reports that describe" and inserting "a report that describes"; and

(C) by striking "at the end of the reporting period" and inserting "during the preceding year";

(2) in paragraph (2), by inserting ", including any changes to the target countries selected pursuant to the selection criteria described in section 5(a)(2) and justifications for any such changes" before the semicolon at the end;

(3) in paragraph (3), by inserting "identify and" before "describe";

(4) by redesignating paragraphs (12) through (14) as paragraphs (15) through (17), respectively;

(5) by redesignating paragraphs (5) through (11) as paragraphs (7) through (13), respectively;

(6) by striking paragraph (4) and inserting the following:

"(4) identify and describe the priority quantitative metrics used to establish baselines and performance targets at the initiative, country, and zone of influence levels;

"(5) identify such established baselines and performance targets at the country and zone of influence levels;

"(6) identify the output and outcome benchmarks and indicators used to measure results annually, and report the annual measurement of results for each of the priority metrics identified pursuant to paragraph (4), disaggregated by age, gender, and disability, to the extent practicable and appropriate, in an open and transparent manner that is accessible to the people of the United States;";

(7) in paragraph (7), as redesignated, by striking "agriculture" and inserting "food";

(8) in paragraph (8), as redesignated—

(A) by inserting "quantitative and qualitative" after "how"; and

(B) by inserting "at the initiative, country, and zone of influence levels, including longitudinal data and key uncertainties" before the semicolon at the end;

(9) in paragraph (9), as redesignated, by inserting "within target countries, amounts and justification for any spending outside of target countries" after "amounts spent";

(10) in paragraph (13), as redesignated, by striking "and the impact of private sector investment" and inserting "and efforts to encourage financial donor burden sharing and the impact of such investment and efforts";

(11) by inserting after paragraph (13), as redesignated, the following:

"(14) describe how agriculture research is prioritized within the Global Food Security Strategy to support agriculture-led growth and eventual self-sufficiency and assess efforts to coordinate research programs within the Global Food Security Strategy with key stakeholders;";

(12) in paragraph (16), as redesignated, by striking "and" at the end;

(13) in paragraph (17), as redesignated—

(A) by inserting ", including key challenges or missteps," after "lessons learned"; and

(B) by striking the period at the end and inserting "; and"; and

(14) by adding at the end the following:

"(18) during the final year of each strategy required under section 5, complete country graduation reports to determine whether a country should remain a target country based on quantitative and qualitative analysis.".

SEC. 5589. EXTENSION AND MODIFICATION OF CERTAIN EXPORT CONTROLS.

(a) EXTENSION OF EXPORT PROHIBITION ON MUNITIONS ITEMS TO THE HONG KONG POLICE FORCE.—Section 3 of the Act entitled "An Act to prohibit the commercial export of covered munitions items to the Hong Kong Police Force", approved November 27, 2019 (Public Law 116-77; 133 Stat. 1173), is amended by striking "shall expire" and all that follows and inserting "shall expire on December 31, 2024.".

(b) MODIFICATION OF AUTHORITY OF PRESIDENT UNDER EXPORT CONTROL REFORM ACT OF 2018.—Section 1753(a)(2)(F) of the Export Control Reform Act of 2018 (50 U.S.C. 4812(a)(2)(F)) is amended by inserting ", security, or" before "intelligence".

SEC. 5590. [22 U.S.C. 9521 note] IMPOSITION OF SANCTIONS WITH RESPECT TO THE SALE, SUPPLY, OR TRANSFER OF GOLD TO OR FROM RUSSIA.

(a) IDENTIFICATION.—Not later than 90 days after the date of the enactment of this Act, and periodically as necessary thereafter, the President—

(1) shall submit to Congress a report identifying foreign persons that knowingly participated in a significant transaction—

(A) for the sale, supply, or transfer (including transportation) of gold, directly or indirectly, to or from the Russian Federation or the Government of the Russian Federation, including from reserves of the Central Bank of the Russian Federation held outside the Russian Federation; or

(B) that otherwise involved gold in which the Government of the Russian Federation had any interest; and

(2) shall impose the sanctions described in subsection (b)(1) with respect to each such person; and

(3) may impose the sanctions described in subsection (b)(2) with respect to any such person that is an alien.

(b) SANCTIONS DESCRIBED.—The sanctions described in this subsection are the following:

(1) BLOCKING OF PROPERTY.—The exercise of all powers granted to the President by the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to the extent necessary to block and prohibit all transactions in all property and interests in property of a foreign person identified in the report required by subsection (a)(1) if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(2) INELIGIBILITY FOR VISAS, ADMISSION, OR PAROLE.—

(A) VISAS, ADMISSION, OR PAROLE.—An alien described in subsection (a)(1) is—

(i) inadmissible to the United States;

(ii) ineligible to receive a visa or other documentation to enter the United States; and

(iii) otherwise ineligible to be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(B) CURRENT VISAS REVOKED.—

(i) IN GENERAL.—The issuing consular officer, the Secretary of State, or the Secretary of Homeland Security (or a designee of one of such Secretaries) shall, in accordance with section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)), revoke any visa or other entry documentation issued to an alien described in subsection (a)(1).

(ii) IMMEDIATE EFFECT.—The revocation under clause (i) of a visa or other entry documentation issued to an alien shall—

(I) take effect immediately; and

(II) automatically cancel any other valid visa or entry documentation that is in the alien's possession.

(c) IMPLEMENTATION; PENALTIES.—

(1) IMPLEMENTATION.—The President may exercise all authorities provided under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out this section.

(2) PENALTIES.—A person that violates, attempts to violate, conspires to violate, or causes a violation of this section or any regulation, license, or order issued to carry out this section shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as a person

that commits an unlawful act described in subsection (a) of that section.

(d) NATIONAL INTEREST WAIVER.—The President may waive the imposition of sanctions under this section with respect to a person if the President—

(1) determines that such a waiver is in the national interests of the United States; and

(2) submits to Congress a notification of the waiver and the reasons for the waiver.

(e) TERMINATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the requirement to impose sanctions under this section, and any sanctions imposed under this section, shall terminate on the earlier of—

(A) the date that is 3 years after the date of the enactment of this Act; or

(B) the date that is 30 days after the date on which the President certifies to Congress that—

(i) the Government of the Russian Federation has ceased its destabilizing activities with respect to the sovereignty and territorial integrity of Ukraine; and

(ii) such termination in the national interests of the United States.

(2) TRANSITION RULES.—

(A) CONTINUATION OF CERTAIN AUTHORITIES.—Any authorities exercised before the termination date under paragraph (1) to impose sanctions with respect to a foreign person under this section may continue to be exercised on and after that date if the President determines that the continuation of those authorities is in the national interests of the United States.

(B) APPLICATION TO ONGOING INVESTIGATIONS.—The termination date under paragraph (1) shall not apply to any investigation of a civil or criminal violation of this section or any regulation, license, or order issued to carry out this section, or the imposition of a civil or criminal penalty for such a violation, if—

(i) the violation occurred before the termination date; or

(ii) the person involved in the violation continues to be subject to sanctions pursuant to subparagraph (A).

(f) EXCEPTIONS.—

(1) EXCEPTIONS FOR AUTHORIZED INTELLIGENCE AND LAW ENFORCEMENT AND NATIONAL SECURITY ACTIVITIES.—This section shall not apply with respect to activities subject to the reporting requirements under title V of the National Security Act of 1947 (50 U.S.C. 3091 et seq.) or any authorized intelligence, law enforcement, or national security activities of the United States.

(2) EXCEPTION TO COMPLY WITH INTERNATIONAL AGREEMENTS.—Sanctions under subsection (b)(2) may not apply with respect to the admission of an alien to the United States if such admission is necessary to comply with the obligations of

the United States under the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, or the Convention on Consular Relations, done at Vienna April 24, 1963, and entered into force March 19, 1967, or other international obligations.

(3) HUMANITARIAN EXEMPTION.—The President shall not impose sanctions under this section with respect to any person for conducting or facilitating a transaction for the sale of agricultural commodities, food, medicine, or medical devices or for the provision of humanitarian assistance.

(4) EXCEPTION RELATING TO IMPORTATION OF GOODS.—

(A) IN GENERAL.—The requirement or authority to impose sanctions under this section shall not include the authority or a requirement to impose sanctions on the importation of goods.

(B) GOOD DEFINED.—In this paragraph, the term "good" means any article, natural or manmade substance, material, supply, or manufactured product, including inspection and test equipment, and excluding technical data.

(g) DEFINITIONS.—In this section:

(1) The terms "admission", "admitted", "alien", and "lawfully admitted for permanent residence" have the meanings given those terms in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

(2) The term "foreign person" means an individual or entity that is not a United States person.

(3) The term "knowingly", with respect to conduct, a circumstance, or a result, means that a person has actual knowledge, or should have known, of the conduct, the circumstance, or the result.

(4) The term "United States person" means—

(A) a United States citizen or an alien lawfully admitted for permanent residence to the United States;

(B) an entity organized under the laws of the United States or any jurisdiction within the United States, including a foreign branch of such an entity; or

(C) any person in the United States.

SEC. 5591. RENEGOTIATION OF COMPACTS OF FREE ASSOCIATION.

(a) SENSE OF CONGRESS.—It is the sense of Congress as follows:

(1) The United States shares deep ties, history and interests with the Freely Associated States of the Republic of the Marshall Islands, Federated States of Micronesia, and Palau and continues a special, unique and mutually beneficial relationship with them under the decades-old Compacts of Free Association.

(2) Under the Compacts, the United States has undertaken the responsibility and obligation to provide and ensure the security and defense of the Freely Associated States.

(3) The Compacts are critical to the national security of the United States and its allies and partners and are the bedrock of the United States role in the Pacific.

(4) Renewal of key provisions of the Compacts, now being renegotiated with each nation, is critical for regional security.

(5) Maintaining and strengthening the Compacts supports both United States national security and the United States responsibility for the security and defense of the Freely Associated States.

(b) BRIEFING ON RENEGOTIATIONS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, in coordination with the Secretary of Defense and the Secretary of the Interior, shall brief the following committees on the status of the renegotiations of the Compacts of Free Association described in subsection (a) and opportunities to expand its support for the renegotiations:

(1) The congressional defense committees.

(2) The Committee on Foreign Affairs and the Committee on Natural Resources of the House of Representatives.

(3) The Committee on Foreign Relations and the Committee on Energy and Natural Resources of the Senate.

SEC. 5592. [22 U.S.C. 8756] SECRETARY OF STATE ASSISTANCE FOR PRISONERS IN ISLAMIC REPUBLIC OF IRAN.

(a) STATEMENT OF POLICY.—It is the policy of the United States that—

(1) the Islamic Republic of Iran should allow the United Nations Special Rapporteur on the Situation of Human Rights in the Islamic Republic of Iran unimpeded access to facilitate the full implementation of the mandate of the United Nations Special Rapporteur, including—

(A) investigating alleged violations of human rights that are occurring or have occurred both within prisons and elsewhere;

(B) transmitting urgent appeals and letters to the Islamic Republic of Iran regarding alleged violations of human rights; and

(C) engaging with relevant stakeholders in the Islamic Republic of Iran and the surrounding region;

(2) the Islamic Republic of Iran should immediately end violations of the human rights of political prisoners or persons imprisoned for exercising the right to freedom of speech, including—

(A) torture;

(B) denial of access to health care; and

(C) denial of a fair trial;

(3) all prisoners of conscience and political prisoners in the Islamic Republic of Iran should be unconditionally and immediately released;

(4) all diplomatic tools of the United States should be invoked to ensure that all prisoners of conscience and political prisoners in the Islamic Republic of Iran are released, including raising individual cases of particular concern; and

(5) all officials of the government of the Islamic Republic of Iran who are responsible for human rights abuses in the

form of politically motivated imprisonment should be held to account, including through the imposition of sanctions pursuant to the Global Magnitsky Human Rights Accountability Act (22 U.S.C. 10101 et seq.) and other applicable statutory authorities of the United States.

(b) ASSISTANCE FOR PRISONERS.—The Secretary of State is authorized to continue to provide assistance to civil society organizations that support prisoners of conscience and political prisoners in the Islamic Republic of Iran, including organizations that—

(1) work to secure the release of such prisoners;

(2) document violations of human rights with respect to such prisoners;

(3) support international advocacy to raise awareness of issues relating to such prisoners;

(4) support the health, including mental health, of such prisoners; and

(5) provide post-incarceration assistance to enable such prisoners to resume normal lives, including access to education, employment, or other forms of reparation.

(c) DEFINITIONS.—In this section:

(1) The term "political prisoner" means a person who has been detained or imprisoned on politically motivated grounds.

(2) The term "prisoner of conscience" means a person who—

(A) is imprisoned or otherwise physically restricted solely in response to the peaceful exercise of the human rights of such person; and

(B) has not used violence or advocated violence or hatred.

SEC. 5593. [22 U.S.C. 8701 note] IRAN NUCLEAR WEAPONS CAPABILITY AND TERRORISM MONITORING ACT OF 2022.

(a) SHORT TITLE.—This section may be cited as the "Iran Nuclear Weapons Capability and Terrorism Monitoring Act of 2022".

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) an Islamic Republic of Iran that possesses a nuclear weapons capability would be a serious threat to the national security of the United States, Israel, and other allies and partners;

(2) the Islamic Republic of Iran has been less than cooperative with international inspectors from the International Atomic Energy Agency and has obstructed their ability to inspect facilities as well as data and recordings collected by surveillance equipment across Iran;

(3) the Islamic Republic of Iran continues to advance missile and drone programs, which are a threat to the national security of the United States, Israel, and other allies and partners;

(4) the Islamic Republic of Iran continues to support proxies in the Middle East in a manner that—

(A) undermines the sovereignty of regional governments;

(B) threatens the safety of United States citizens;

(C) threatens United States allies and partners; and

(D) directly undermines the national security interests of the United States;

(5) the Islamic Republic of Iran has engaged in assassination plots against former United States officials and has been implicated in plots to kidnap United States citizens within the United States;

(6) the Islamic Republic of Iran is engaged in unsafe and unprofessional maritime activity that threatens the movement of naval vessels of the United States and the free flow of commerce through strategic maritime chokepoints in the Middle East and North Africa;

(7) the Islamic Republic of Iran has delivered hundreds of armed drones to the Russian Federation, which will enable Vladimir Putin to continue the assault against Ukraine in direct opposition of the national security interests of the United States; and

(8) the United States must—

(A) ensure that the Islamic Republic of Iran does not acquire a nuclear weapons capability;

(B) protect against aggression from the Islamic Republic of Iran manifested through its missiles and drone programs; and

(C) counter regional and global terrorism of the Islamic Republic of Iran in a manner that minimizes the threat posed by state and non-state actors to the interests of the United States.

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Foreign Relations, the Committee on Appropriations, the Committee on Armed Services, the Committee on Energy and Natural Resources, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Foreign Affairs, the Committee on Appropriations, the Committee on Armed Services, the Committee on Energy and Commerce, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) COMPREHENSIVE SAFEGUARDS AGREEMENT.—The term "Comprehensive Safeguards Agreement" means the Agreement between the Islamic Republic of Iran and the International Atomic Energy Agency for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons, done at Vienna June 19, 1973.

(3) INTELLIGENCE COMMUNITY.—The term "intelligence community" has the meaning given the term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

(4) TASK FORCE.—The term "task force" means the task force established under subsection (d).

(5) UNMANNED AIRCRAFT SYSTEM.—The term "unmanned aircraft system" has the meaning given the term in section 44801 of title 49, United States Code.

(d) ESTABLISHMENT OF INTERAGENCY TASK FORCE ON NUCLEAR ACTIVITY AND GLOBAL REGIONAL TERRORISM OF THE ISLAMIC REPUBLIC OF IRAN.—

(1) ESTABLISHMENT.—The Secretary of State shall establish a task force to coordinate and synthesize efforts by the United States Government regarding—

(A) nuclear activity of the Islamic Republic of Iran or its proxies; and

(B) regional and global terrorism activity by the Islamic Republic of Iran or its proxies.

(2) COMPOSITION.—

(A) CHAIRPERSON.—The Secretary of State shall be the Chairperson of the task force.

(B) MEMBERSHIP.—

(i) IN GENERAL.—The task force shall be composed of individuals, each of whom shall be an employee of and appointed to the task force by the head of one of the following agencies:

(I) The Department of State.

(II) The Department of Defense.

(III) The Department of Energy.

(ii) ADDITIONAL MEMBERS.—The Chairperson may appoint to the task force additional individuals from other Federal agencies, as the Chairperson considers necessary.

(iii) INTELLIGENCE COMMUNITY SUPPORT.—The Director of National Intelligence shall ensure that the task force receives all appropriate support from the intelligence community.

(3) SUNSET.—The task force shall terminate on December 31, 2028.

(e) ASSESSMENTS.—

(1) INTELLIGENCE ASSESSMENT ON NUCLEAR ACTIVITY.—

(A) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, and every 180 days thereafter until December 31, 2028, the Director of National Intelligence shall submit to the appropriate congressional committees an assessment regarding any uranium enrichment, nuclear weapons development, delivery vehicle development, and associated engineering and research activities of the Islamic Republic of Iran.

(B) CONTENTS.—The assessment required by subparagraph (A) shall include—

(i) a description and location of current fuel cycle activities for the production of fissile material being undertaken by the Islamic Republic of Iran, including—

(I) research and development activities to procure or construct additional advanced IR-2, IR-6 and other model centrifuges and enrichment cascades, including for stable isotopes;

(II) research and development of reprocessing capabilities, including—

(aa) reprocessing of spent fuel; and

(bb) extraction of medical isotopes from irradiated uranium targets;

(III) activities with respect to designing or constructing reactors, including—

(aa) the construction of heavy water reactors;

(bb) the manufacture or procurement of reactor components, including the intended application of such components; and

(cc) efforts to rebuild the original reactor at Arak;

(IV) uranium mining, concentration, conversion, and fuel fabrication, including—

(aa) estimated uranium ore production capacity and annual recovery;

(bb) recovery processes and ore concentrate production capacity and annual recovery;

(cc) research and development with respect to, and the annual rate of, conversion of uranium; and

(dd) research and development with respect to the fabrication of reactor fuels, including the use of depleted, natural, and enriched uranium; and

(V) activities with respect to—

(aa) producing or acquiring plutonium or uranium (or their alloys);

(bb) conducting research and development on plutonium or uranium (or their alloys);

(cc) uranium metal; or

(dd) casting, forming, or machining plutonium or uranium;

(ii) with respect to any activity described in clause (i), a description, as applicable, of—

(I) the number and type of centrifuges used to enrich uranium and the operating status of such centrifuges;

(II) the number and location of any enrichment or associated research and development facility used to engage in such activity;

(III) the amount of heavy water, in metric tons, produced by such activity and the acquisition or manufacture of major reactor components, including, for the second and subsequent assessments, the amount produced since the last assessment;

(IV) the number and type of fuel assemblies produced by the Islamic Republic of Iran, including failed or rejected assemblies; and

(V) the total amount of—

(aa) uranium-235 enriched to not greater than 5 percent purity;

(bb) uranium-235 enriched to greater than 5 percent purity and not greater than 20 percent purity;

(cc) uranium-235 enriched to greater than 20 percent purity and not greater than 60 percent purity;

(dd) uranium-235 enriched to greater than 60 percent purity and not greater than 90 percent purity; and

(ee) uranium-235 enriched greater than 90 percent purity;

(iii) a description of any weaponization plans and weapons development capabilities of the Islamic Republic of Iran, including—

(I) plans and capabilities with respect to—

(aa) weapon design, including fission, warhead miniaturization, and boosted and early thermonuclear weapon design;

(bb) high yield fission development;

(cc) design, development, acquisition, or use of computer models to simulate nuclear explosive devices;

(dd) design, development, fabricating, acquisition, or use of explosively driven neutron sources or specialized materials for explosively driven neutron sources; and

(ee) design, development, fabrication, acquisition, or use of precision machining and tooling that could enable the production of nuclear explosive device components;

(II) the ability of the Islamic Republic of Iran to deploy a working or reliable delivery vehicle capable of carrying a nuclear warhead;

(III) the estimated breakout time for the Islamic Republic of Iran to develop and deploy a nuclear weapon, including a crude nuclear weapon; and

(IV) the status and location of any research and development work site related to the preparation of an underground nuclear test;

(iv) an identification of any clandestine nuclear facilities;

(v) an assessment of whether the Islamic Republic of Iran maintains locations to store equipment, research archives, or other material previously used for a weapons program or that would be of use to a weapons program that the Islamic Republic of Iran has not declared to the International Atomic Energy Agency;

(vi) any diversion by the Islamic Republic of Iran of uranium, carbon-fiber, or other materials for use in an undeclared or clandestine facility;

(vii) an assessment of activities related to developing or acquiring the capabilities for the production of nuclear weapons, conducted at facilities controlled

by the Ministry of Defense and Armed Forces Logistics of Iran, the Islamic Revolutionary Guard Corps, and the Organization of Defensive Innovation and Research, including an analysis of gaps in knowledge;

(viii) a description of activities between the Islamic Republic of Iran and other countries or persons with respect to sharing information on, or providing other forms of support for, the acquisition of a nuclear weapons capability or activities related to weaponization;

(ix) with respect to any new ballistic, cruise, or hypersonic missiles being designed and tested by the Islamic Republic of Iran or any of its proxies, a description of—

(I) the type of missile;

(II) the range of such missiles;

(III) the capability of such missiles to deliver a nuclear warhead;

(IV) the number of such missiles; and

(V) any testing of such missiles;

(x) an assessment of whether the Islamic Republic of Iran or any of its proxies possesses an unmanned aircraft system or other military equipment capable of delivering a nuclear weapon; and

(xi) an assessment of the extent to which the Islamic Republic of Iran is providing drones, missiles, or related technology from other countries to its proxies or partners.

(2) ASSESSMENT ON SUPPORT FOR REGIONAL AND GLOBAL TERRORISM OF THE ISLAMIC REPUBLIC OF IRAN.—

(A) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, and annually thereafter until December 31, 2028, the Director of National Intelligence shall submit to the appropriate congressional committees an assessment regarding the regional and global terrorism of the Islamic Republic of Iran.

(B) CONTENTS.—The assessment required by subparagraph (A) shall include—

(i) a description of the lethal support of the Islamic Republic of Iran, including training, equipment, and associated intelligence support, to regional and global non-state terrorist groups and proxies;

(ii) a description of the lethal support of the Islamic Republic of Iran, including training and equipment, to state actors;

(iii) an assessment of financial support of the Islamic Republic of Iran to non-state terrorist groups and proxies and associated Iranian revenue streams funding such support;

(iv) an assessment of the threat posed by the Islamic Republic of Iran and Iranian-supported groups to members of the Armed Forces, diplomats, and military and diplomatic facilities of the United States;

(v) a description of attacks by, or sponsored by, the Islamic Republic of Iran against members of the Armed Forces, diplomats, and military and diplomatic facilities of the United States and the associated response by the United States Government in the previous year;

(vi) a description of attacks by, or sponsored by, the Islamic Republic of Iran against United States partners or allies and the associated response by the United States Government in the previous year;

(vii) an assessment of interference by the Islamic Republic of Iran into the elections and political processes of sovereign countries in the Middle East and North Africa in an effort to create conditions for or shape agendas more favorable to the policies of the Government of the Islamic Republic of Iran;

(viii) a description of any plots by the Islamic Republic of Iran against former and current United States officials;

(ix) a description of any plots by the Islamic Republic of Iran against United States citizens both abroad and within the United States; and

(x) a description of maritime activity of the Islamic Republic of Iran and associated impacts on the free flow of commerce and the national security interests of the United States.

(3) FORM; PUBLIC AVAILABILITY; DUPLICATION.—

(A) FORM.—Each assessment required by this subsection shall be submitted in unclassified form but may include a classified annex for information that, if released, would be detrimental to the national security of the United States. In addition, any classified portion may contain an additional annex provided to the congressional intelligence committees that details information and analysis that would otherwise disclose sensitive sources and methods.

(B) PUBLIC AVAILABILITY.—The unclassified portion of an assessment required by this subsection shall be made available to the public on an internet website of the Office of the Director of National Intelligence.

(C) DUPLICATION.—For any assessment required by this subsection, the Director of National Intelligence may rely upon existing products that reflect the current analytic judgment of the intelligence community, including reports or products produced in response to congressional mandate or requests from executive branch officials.

(f) DIPLOMATIC STRATEGY TO ADDRESS IDENTIFIED NUCLEAR, BALLISTIC MISSILE, AND TERRORISM THREATS TO THE UNITED STATES.—

(1) IN GENERAL.—Not later than 30 days after the submission of the initial assessment under subsection (e)(1), and annually thereafter until December 31, 2028, the Secretary of State, in consultation with the task force, shall submit to the appropriate congressional committees a diplomatic strategy that outlines a comprehensive plan for engaging with partners

and allies of the United States regarding uranium enrichment, nuclear weaponization, missile development, and drone-related activities and regional and global terrorism of the Islamic Republic of Iran.

(2) CONTENTS.—The diplomatic strategy required by paragraph (1) shall include—

(A) an assessment of whether the Islamic Republic of Iran—

(i) is in compliance with the Comprehensive Safeguards Agreement and modified Code 3.1 of the Subsidiary Arrangements to the Comprehensive Safeguards Agreement as well as the nuclear related commitments endorsed in United Nations Security Council Resolution 2231 (2015); and

(ii) has denied access to sites that the International Atomic Energy Agency has sought to inspect during previous 1-year period;

(B) a description of any dual-use item (as defined under section 730.3 of title 15, Code of Federal Regulations or listed on the List of Nuclear-Related Dual-Use Equipment, Materials, Software, and Related Technology issued by the Nuclear Suppliers Group or any successor list) the Islamic Republic of Iran is using to further the nuclear weapon, missile, or drone program;

(C) a description of efforts of the United States to counter efforts of the Islamic Republic of Iran to project political and military influence into the Middle East;

(D) a description of efforts to address the increased threat that new or evolving uranium enrichment, nuclear weaponization, missile, or drone development activities by the Islamic Republic of Iran pose to United States citizens, the diplomatic presence of the United States in the Middle East, and the national security interests of the United States;

(E) a description of efforts to address the threat that terrorism by, or sponsored by, the Islamic Republic of Iran poses to United States citizens, the diplomatic presence of the United States in the Middle East, and the national security interests of the United States;

(F) a description of efforts to address the impact of the influence of the Islamic Republic of Iran on sovereign governments on the safety and security of United States citizens, the diplomatic presence of the United States in the Middle East, and the national security interests of the United States;

(G) a description of a coordinated whole-of-government approach to use political, economic, and security related tools to address such activities; and

(H) a comprehensive plan for engaging with allies and regional partners in all relevant multilateral fora to address such activities.

(3) UPDATED STRATEGY RELATED TO NOTIFICATION.—Not later than 45 days after the Chairperson determines that there has been a significant development in the nuclear weapons ca-

pability or nuclear weapons delivery systems capability of the Islamic Republic of Iran, the Secretary of State shall submit to the appropriate congressional committees an update to the most recent diplomatic strategy submitted under paragraph (1).

Subtitle H—Reports

SEC. 5594. MODIFICATION TO PEACEKEEPING OPERATIONS REPORT.

Section 6502 of the National Defense Authorization Act for Fiscal Year 2022 (22 U.S.C. 2348 note) is amended—

(1) in subsection (a)—

(A) by amending paragraph (4) to read as follows:

"(4) As applicable, a description of specific training on monitoring and adhering to international human rights and humanitarian law provided to the foreign country or entity receiving the assistance."; and

(B) by striking paragraphs (7) and (8);

(2) in subsection (b)—

(A) in the subsection heading, by striking "on Programs Under Peacekeeping Operations Account"; and

(B) in paragraph (1), in the matter preceding subparagraph (A)—

(i) by inserting "authorized under section 551 of the Foreign Assistance Act of 1961 (22 U.S.C. 2348) and" after "security assistance"; and

(ii) by striking "foreign countries" and all that follows through the colon and inserting "foreign countries for any of the following purposes:";

(3) by redesignating subsection (c) as subsection (d); and

(4) by inserting after subsection (b), as amended, the following:

"(c) COORDINATION OF SUBMISSION.—The Secretary of State is authorized to integrate the elements of the report required by subsection (b) into other reports required to be submitted annually to the appropriate congressional committees.".

SEC. 5595. REPORT ON INDO-PACIFIC REGION.

(a) IN GENERAL.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Assistant Secretary of State for the Bureau of East Asian and Pacific Affairs, in coordination with the Assistant Secretary of State for the Bureau of South and Central Asian Affairs and Assistant Administrator for the Bureau for Asia of the United States Agency for International Development (USAID), shall submit to the congressional foreign affairs committees a report that contains a 2-year strategy assessing the resources and activities required to achieve the policy objectives described in subsection (c).

(2) SUBMISSION AND UPDATE.—The report and strategy required by this subsection shall—

(A) be submitted at the same time as the submission of the budget of the President (submitted to Congress pur-

suant to section 1105 of title 31, United States Code) for fiscal year 2024; and

(B) be updated and submitted at the same time as the submission of the budget of the President (submitted to Congress pursuant to section 1105 of title 31, United States Code) for fiscal years 2026, 2028, and 2030.

(b) CRITERIA.—The report and strategy required in subsection (a) shall be developed in accordance with the following criteria:

(1) It shall reflect the objective, autonomous, and independent assessment of the activities, resources, and costs required to achieve objectives detailed in subsection (c) by the principals, the subordinate and parallel offices providing input into the assessment.

(2) It shall cover a period of five fiscal years, beginning with the fiscal year following the fiscal year in which the report is submitted.

(3) It shall incorporate input from United States Ambassadors in the Indo-Pacific region provided explicitly for the required report.

(4) It may include information gathered through consultation with program offices and subject matter experts in relevant functional bureaus, as deemed necessary by the principals.

(5) It shall not be subject to fiscal guidance or global strategic tradeoffs associated with the annual President's budget request.

(c) POLICY OBJECTIVES.—The report and strategy required in subsection (a) shall assess the activities and resources required to achieve the following policy objectives:

(1) Implementing the Interim National Security Strategic Guidance, or the most recent National Security Strategy, with respect to the Indo-Pacific region.

(2) Implementing the 2022 Indo-Pacific Strategy, or successor documents, that set forth the United States Government strategy toward the Indo-Pacific region.

(3) Implementing the State-USAID Joint Strategic Plan with respect to the Indo-Pacific region.

(4) Enhancing meaningful diplomatic and economic relations with allies and partners in the Indo-Pacific and demonstrate an enduring United States commitment to the region.

(5) Securing and advancing United States national interests in the Indo-Pacific, including through countering the malign influence of the Government of the People's Republic of China.

(d) MATTERS TO BE INCLUDED.—The report and strategy required under subsection (a) shall include the following:

(1) A description of the Bureaus' bilateral and multilateral goals for the period covered in the report that the principals deem necessary to accomplish the objectives outlined in subsection (c), disaggregated by country and forum.

(2) A timeline with annual benchmarks for achieving the objectives described in subsection (c).

(3) An assessment of the sufficiency of United States diplomatic personnel and facilities currently available in the Indo-

Pacific region to achieve the objectives outlined in subsection (c), through consultation with United States embassies in the region. The assessment shall include:

(A) A list, in priority order, of locations in the Indo-Pacific region that require additional diplomatic personnel or facilities.

(B) A description of locations where the United States may be able to collocate diplomatic personnel at allied or partner embassies and consulates.

(C) A discussion of embassies or consulates where diplomatic staff could be reduced within the Indo-Pacific region, where appropriate.

(D) A detailed description of the fiscal and personnel resources required to fill gaps identified.

(4) A detailed plan to expand United States diplomatic engagement and foreign assistance presence in the Pacific Island nations within the next five years, including a description of "quick impact" programs that can be developed and implemented within the first fiscal year of the period covered in the report.

(5) A discussion of the resources needed to enhance United States strategic messaging and spotlight coercive behavior by the People's Republic of China.

(6) A detailed description of the resources and policy tools needed to expand the United States ability to offer high-quality infrastructure projects in strategically significant parts of the Indo-Pacific region, with a particular focus on expanding investments in Southeast Asia and the Pacific Islands.

(7) A gap assessment of security assistance by country, and of the resources needed to fill those gaps.

(8) A description of the resources and policy tools needed to facilitate continued private sector investment in partner countries in the Indo-Pacific.

(9) A discussion of any additional bilateral or regional assistance resources needed to achieve the objectives outlined in subsection (c), as deemed necessary by the principals.

(e) FORM.—The report required under subsection (a) shall be submitted in an unclassified form, but may include a classified annex.

(f) AVAILABILITY.—Not later than February 1 each year, the Assistant Secretary for East Asian and Pacific Affairs shall make the report and strategy available to the Secretary of State, the Administrator of the USAID, the Deputy Secretary of State, the Deputy Secretary of State for Management and Resources, the Deputy Administrator for Policy and Programming, the Deputy Administrator for Management and Resources, the Under Secretary of State for Political Affairs, the Director of the Office of Foreign Assistance at the Department of State, the Director of the Bureau of Foreign Assistance at the USAID, and the Director of Policy Planning.

(g) DEFINITIONS.—In this section:

(1) INDO-PACIFIC REGION.—The term "Indo-Pacific region" means the countries under the jurisdiction of the Bureau for East Asian and Pacific Affairs, as well as the countries of Ban-

gladesh, Bhutan, India, Maldives, Nepal, Pakistan, and Sri Lanka.

(2) FOREIGN AFFAIRS COMMITTEES.—The term "foreign affairs committees" means—

(A) the Committee on Foreign Relations and the Subcommittee on State, Foreign Operations, and Related Programs of the Committee on Appropriations of the Senate; and

(B) the Committee on Foreign Affairs and the Subcommittee on State, Foreign Operations, Related Programs of the Committee on Appropriations of the House of Representatives.

(3) PRINCIPALS.—The term "principals" means the Assistant Secretary of State for the Bureau of East Asian and Pacific Affairs, the Assistant Secretary of State for the Bureau of South and Central Asian Affairs, and the Assistant Administrator for the Bureau for Asia of the United States Agency for International Development.

SEC. 5596. REPORT ON HUMANITARIAN SITUATION AND FOOD SECURITY IN LEBANON.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of Defense and in coordination with the Administrator of the United States Agency for International Development, shall submit to the appropriate congressional committees a report that contains an evaluation of the humanitarian situation in Lebanon, as well as the impact of the deficit of wheat imports due to Russia's further invasion of Ukraine, initiated on February 24, 2022.

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

(1) The projected increase in malnutrition in Lebanon.

(2) The estimated increase in the number of food insecure individuals in Lebanon.

(3) The estimated number of individuals who will be faced with acute malnutrition due to food price inflation in Lebanon.

(4) Actions United States Government allies and partners are taking to address the matters described in paragraphs (1), (2), and (3).

(5) The potential impact of food insecurity in Lebanon on Department of Defense goals and objectives in Lebanon.

(c) FORM OF REPORT.—The report required by subsection (a) shall be submitted in an unclassified form, but may contain a classified annex.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

SEC. 5597. STATEMENT OF POLICY AND REPORT ON ENGAGING WITH NIGER.

(a) [22 U.S.C. 2151 note] STATEMENT OF POLICY.—It is the policy of the United States to—

(1) continue to support Niger's efforts to advance democracy, good governance, human rights, and regional security within its borders through bilateral assistance and multilateral initiatives;

(2) enhance engagement and cooperation with the Nigerien Government at all levels as a key component of stabilizing the Sahel, where frequent coups and other anti-democratic movements, food insecurity, violent extremism, and armed conflict threaten to further weaken governments throughout the region; and

(3) work closely with partners and allies throughout the international community to elevate Niger, which experienced its first democratic transition of power in 2021, as an example of transitioning from longstanding military governance and a cycle of coups to a democratic, civilian-led form of government.

(b) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in consultation with the heads of relevant departments and agencies, shall submit to the appropriate congressional committees a report on interagency efforts to enhance United States engagement with Niger as a key component of the United States Strategy toward the Sahel. Such report shall also include the following information with respect to the 2 fiscal years preceding the date of the submission of the report:

(1) A description of United States efforts to promote democracy, political pluralism, fiscal transparency and other good governance initiatives, human rights and the rule of law, and a robust and engaged civil society.

(2) A full, detailed breakdown of United States assistance provided to help the Nigerien Government develop a comprehensive national security strategy, including to counter terrorism, regional and transnational organized crime, intercommunal violence, and other forms of armed conflict, criminal activity, and other threats to United States and Nigerien national security.

(3) An analysis of relevant resources at the United States Embassy in Niamey, including whether staff in place by the end of the current fiscal year will be sufficient to meet various country and regional strategic objectives.

(4) An overview of foreign partner support for Niger's intelligence and security sector.

(5) A detailed description of United States and international efforts to address food insecurity in Niger, including that which is caused by deforestation, desertification, and other climate change-related issues.

(6) A breakdown of United States funds obligated for humanitarian assistance in Niger, and an analysis of how the security situation in Niger has affected humanitarian operations and diplomatic engagement throughout the country.

(7) An assessment of foreign malign influence in Niger, with a specific focus on the People's Republic of China, the Russian Federation, and their proxies.

(c) FORM.—The report required by subsection (b) shall be submitted in unclassified form, and may include a classified annex.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Foreign Affairs and the Committee on Financial Services of the House of Representatives; and

(2) the Committee on Foreign Relations and the Committee on Banking, Housing, and Urban Affairs of the Senate.

SEC. 5598. REPORT ON BILATERAL SECURITY AND LAW ENFORCEMENT COOPERATION WITH MEXICO.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report that includes the following:

(1) A description of past and current bilateral security and law enforcement cooperation with Mexico, including through United States Northern Command, the Department of Homeland Security, the Department of Justice (including the Drug Enforcement Administration), and the Department of State (including the Bureau of International Narcotics and Law Enforcement Affairs), including over the preceding 10 years.

(2) A summary of efforts of the Government of Mexico to reduce impunity and strengthen judicial processes for violent crimes and cartels across Mexico and along the United States-Mexico border.

(3) A description and mapping of increasing cartel control over Mexican territory and its impacts on United States national security.

(4) An assessment of any changes in Mexico's electoral and democratic institutions, including their ability to ensure accountability for human rights violations, and its impacts on national security.

(b) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex. The unclassified portion of such report shall be published on a publicly available website of the Federal government.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the congressional defense committees;

(2) the Committee on Foreign Relations, the Select Committee on Intelligence, the Committee on Homeland Security and Governmental Affairs, and the Committee on the Judiciary of the Senate; and

(3) the Committee on Foreign Affairs, the Permanent Select Committee on Intelligence, the Committee on Homeland Security, and the Committee on the Judiciary of the House of Representatives.

SEC. 5599. REPORT ON CHINESE SUPPORT TO RUSSIA WITH RESPECT TO ITS UNPROVOKED INVASION OF AND FULL-SCALE WAR AGAINST UKRAINE.

(a) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, and every 90 days thereafter until the sunset specified in subsection (d), the Secretary of State, in consultation with the Secretary of Commerce and the Director of National Intelligence as appropriate, shall submit to the appropriate congressional committees a report on whether and how the People's Republic of China (PRC), including the Government of the PRC, the Chinese Communist Party, any PRC state-owned enterprise, and any other PRC entity, has provided support to the Russian Federation with respect to its unprovoked invasion of and full-scale war against Ukraine.

(b) MATTERS TO BE INCLUDED.—The report required by subsection (a) shall include a discussion of the support provided by the PRC to the Russian Federation with respect to—

(1) helping the Government of Russia or Russian entities evade or circumvent United States sanctions or multilateral sanctions and export controls;

(2) deliberately inhibiting on-site United States Government export control end-use checks, including interviews and investigations, in the PRC;

(3) providing Russia with any technology, including semiconductors classified as EAR99, that supports Russian intelligence or military capabilities;

(4) establishing economic or financial arrangements that will have the effect of alleviating the impact of United States sanctions or multilateral sanctions;

(5) furthering Russia's disinformation and propaganda efforts;

(6) coordinating to hinder the response of multilateral organizations, including the United Nations, to provide assistance to the people or Government of Ukraine, to condemn Russia's war, to hold Russia accountable for the invasion and its prosecution of the war, or to hold those complicit accountable; and

(7) providing any material, technical, or logistical support, including to Russian military or intelligence agencies and state-owned or state-linked enterprises.

(c) FORM.—

(1) IN GENERAL.—The report required by subsection (a) shall be submitted in unclassified form and published on a publicly available website of the Department of State.

(2) EXCEPTION.—If the Secretary, in consultation with the Director of National Intelligence, certifies to the appropriate congressional committees that the Secretary is unable to include an element required under any of paragraphs (1) through (7) of subsection (b) in an unclassified manner, the Secretary shall provide in unclassified form an affirmative or negative determination with respect to whether the People's Republic of China is supporting the Russian Federation in the manner described in each applicable such paragraph and concurrently provide the discussion of that element to the appropriate con-

gressional committees at the lowest possible classification level, consistent with the protection of sources and methods.

(d) SUNSET.—The requirement to submit the report under subsection (a) shall terminate on the earlier of—

(1) the date on which the Secretary of State determines the conflict in Ukraine has ended; or

(2) the date that is 2 years after the date of the enactment of this Act.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the congressional defense committees;

(2) the Committee on Foreign Relations, the Committee on Banking, Housing, and Urban Affairs, and the Select Committee on Intelligence of the Senate; and

(3) the Committee on Foreign Affairs, the Committee on Ways and Means, and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 5599A. FEASIBILITY STUDY ON UNITED STATES SUPPORT FOR AND PARTICIPATION IN THE INTERNATIONAL COUNTERTERRORISM ACADEMY IN CÔTE D'IVOIRE.

(a) [22 U.S.C. 2151 note] STATEMENT OF POLICY.—It is the policy of the United States to partner with West African governments where possible to mitigate and counter growing regional insecurity resulting from the spread of armed conflict and terrorism, including by providing assistance to train, equip, and mentor West African security services to counter threats to regional and national security through a whole-of-government approach.

(b) FEASIBILITY STUDY.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of Defense, shall conduct a feasibility study regarding the provision of United States assistance for infrastructure, training, equipment, and other forms of support to institutionalize the International Counterterrorism Academy (Académie Internationale de Lutte Contre le Terrorisme or AILCT) in Jacqueville, Côte d'Ivoire that—

(1) provides a legal analysis of existing authorities to provide United States foreign assistance dedicated to the development and establishment of AILCT programs, initiatives, and infrastructure for the purposes of training, equipping, and mentoring eligible West African security services bilaterally or in coordination with partners and allies;

(2) identifies opportunities for the United States to leverage and support the AILCT facility to pursue national security interests in West Africa, the Sahel, sub-Saharan Africa, and the strategic Atlantic Ocean coastal and maritime environments, including through training and research activities, infrastructure development, combatting transnational terrorist and organized crime threats, and countering foreign malign influence throughout the region; and

(3) assesses any planned and pledged contributions from other countries to ensure appropriate sustainment of the facilities and burden sharing.

(c) FORMS.—The feasibility study required by subsection (b) shall be submitted in unclassified form, but may contain a classified annex.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Appropriations of the Senate; and

(2) the Committee on Foreign Affairs, the Committee on Armed Services, and the Committee on Appropriations of the House of Representatives.

SEC. 5599B. [22 U.S.C. 7817 note] CONSULTATIONS ON REUNITING KOREAN AMERICANS WITH FAMILY MEMBERS IN NORTH KOREA.

(a) CONSULTATIONS.—

(1) CONSULTATIONS WITH SOUTH KOREA.—The Secretary of State, or a designee of the Secretary, should consult with officials of South Korea, as appropriate, on potential opportunities to reunite Korean American families with family members in North Korea from which such Korean American families were divided after the signing of the Korean War Armistice Agreement, including potential opportunities for video reunions for Korean Americans with such family members.

(2) CONSULTATIONS WITH KOREAN AMERICANS.—The Special Envoy on North Korean Human Rights Issues of the Department of State should regularly consult with representatives of Korean Americans who have family members in North Korea with respect to efforts to reunite families divided after the signing of the Korean War Armistice Agreement, including potential opportunities for video reunions for Korean Americans with such family members.

(b) REPORT.—Not later than 120 days after the date of the enactment of this Act, and annually thereafter for three years, the Secretary of State, acting through the Special Envoy on North Korean Human Rights Issues or other appropriate designee, shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report on the consultations conducted pursuant to this section during the preceding year.

Subtitle I—Sense of Congress Provisions

SEC. 5599C. SENSE OF CONGRESS REGARDING THE STATUS OF CHINA.

It is the sense of Congress that—

(1) the People's Republic of China is a fully industrialized nation and no longer a developing nation; and

(2) any international agreement that provides or accords China a favorable status or treatment as a "developing nation" should be updated to reflect the status of China.

SEC. 5599D. SENSE OF CONGRESS REGARDING ISRAEL.

It is the sense of Congress that—

(1) since 1948, Israel has been one of the strongest friends and allies of the United States;

(2) Israel is a stable, democratic country in a region often marred by turmoil;

(3) it is essential to the strategic interest of the United States to continue to offer security assistance and related support to Israel; and

(4) such assistance and support is especially vital as Israel confronts a number of potential challenges at the present time, including continuing threats from Iran.

SEC. 5599E. SENSE OF CONGRESS RELATING TO THE NATO PARLIAMENTARY ASSEMBLY.

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

(1) proactively engage with the North Atlantic Treaty Organization (NATO) Parliamentary Assembly (PA) and its member delegations;

(2) communicate with and educate the public on the benefits and importance of NATO and NATO PA; and

(3) support increased inter-democracy and inter-parliamentary cooperation on countering misinformation and disinformation.

SEC. 5599F. CONDEMNING DETENTION AND INDICTMENT OF RUSSIAN OPPOSITION LEADER VLADIMIR VLADIMIROVICH KARA-MURZA.

(a) FINDINGS.—Congress finds the following:

(1) Vladimir Vladimirovich Kara-Murza (referred to in this section as "Mr. Kara-Murza") has tirelessly worked for decades to advance the cause of freedom, democracy, and human rights for the people of the Russian Federation.

(2) In retaliation for his advocacy, two attempts have been made on Mr. Kara-Murza's life, as—

(A) on May 26, 2015, Mr. Kara-Murza fell ill with symptoms indicative of poisoning and was hospitalized; and

(B) on February 2, 2017, he fell ill with similar symptoms and was placed in a medically induced coma.

(3) Independent investigations conducted by Bellingcat, the Insider, and Der Spiegel found that the same unit of the Federal Security Service of the Russian Federation responsible for poisoning Mr. Kara-Murza was responsible for poisoning Russian opposition leader Alexei Navalny and activists Timur Kuashev, Ruslan Magomedragimov, and Nikita Isayev.

(4) On February 24, 2022, Vladimir Putin launched another unprovoked, unjustified, and illegal invasion into Ukraine in contravention of the obligations freely undertaken by the Russian Federation to respect the territorial integrity of Ukraine under the Budapest Memorandum of 1994, the Minsk protocols of 2014 and 2015, and international law.

(5) On March 5, 2022, Vladimir Putin signed a law criminalizing the distribution of truthful statements about the invasion of Ukraine by the Russian Federation and mandating up to 15 years in prison for such offenses.

(6) Since February 24, 2022, Mr. Kara-Murza has used his voice and platform to join more than 15,000 citizens of the

Russian Federation in peacefully protesting the war against Ukraine and millions more who silently oppose the war.

(7) On April 11, 2022, five police officers arrested Mr. Kara-Murza in front of his home and denied his right to an attorney, and the next day Mr. Kara-Murza was sentenced to 15 days in prison for disobeying a police order.

(8) On April 22, 2022, the Investigative Committee of the Russian Federation charged Mr. Kara-Murza with violations under the law signed on March 5, 2022, for his fact-based statements condemning the invasion of Ukraine by the Russian Federation.

(9) Mr. Kara-Murza was then placed into pretrial detention and ordered to be held until at least June 12, 2022.

(10) If convicted of those charges, Mr. Kara-Murza faces detention in a penitentiary system that human rights nongovernmental organizations have criticized for widespread torture, ill-treatment, and suspicious deaths of prisoners.

(b) SENSE OF CONGRESS.—It is the sense of Congress that Congress—

(1) condemns the unjust detention and indicting of Russian opposition leader Vladimir Vladimirovich Kara-Murza, who has courageously stood up to oppression in the Russian Federation;

(2) expresses solidarity with Vladimir Vladimirovich Kara-Murza, his family, and all individuals in the Russian Federation imprisoned for exercising their fundamental freedoms of speech, assembly, and belief;

(3) urges the United States Government and other allied governments to work to secure the immediate release of Vladimir Vladimirovich Kara-Murza, Alexei Navalny, and other citizens of the Russian Federation imprisoned for opposing the regime of Vladimir Putin and the war against Ukraine; and

(4) calls on the President to increase support provided by the United States Government for those advocating for democracy and independent media in the Russian Federation, which Vladimir Vladimirovich Kara-Murza has worked to advance.

SEC. 5599G. SENSE OF CONGRESS REGARDING DEVELOPMENT OF NUCLEAR WEAPONS BY IRAN.

Congress—

(1) reiterates its commitment to ensuring Iran will never acquire a nuclear weapon;

(2) supports the important work of the International Atomic Energy Agency (IAEA) in safeguarding nuclear material around the globe;

(3) condemns Iran for its lack of transparency and meaningful cooperation with the IAEA on the unresolved matter of uranium particles discovered at undeclared sites in Iran and additional escalatory actions related to its nuclear program; and

(4) applauds the IAEA Board of Governors' resolution urging Iran's full cooperation with the IAEA on outstanding safeguards issues on an urgent basis.

TITLE LVI—TRANSPORTATION AND INFRASTRUCTURE

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

SEC. 5601. DESIGNATION OF SMALL STATE AND RURAL ADVOCATE.

(a) IN GENERAL.—Section 326(c) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5165d) is amended—

(1) by striking "and" at the end of paragraph (2);

(2) by redesignating paragraph (3) as paragraph (4); and

(3) by inserting after paragraph (2) the following:

"(3) assist States in the collection and presentation of material in the disaster or emergency declaration request relevant to demonstrate severe localized impacts within the State for a specific incident, including—

"(A) the per capita personal income by local area, as calculated by the Bureau of Economic Analysis;

"(B) the disaster impacted population profile, as reported by the Bureau of the Census, including—

"(i) the percentage of the population for whom poverty status is determined;

"(ii) the percentage of the population already receiving Government assistance such as Supplemental Security Income and Supplemental Nutrition Assistance Program benefits;

"(iii) the pre-disaster unemployment rate;

"(iv) the percentage of the population that is 65 years old and older;

"(v) the percentage of the population 18 years old and younger;

"(vi) the percentage of the population with a disability;

"(vii) the percentage of the population who speak a language other than English and speak English less than 'very well'; and

"(viii) any unique considerations regarding American Indian and Alaskan Native Tribal populations raised in the State's request for a major disaster declaration that may not be reflected in the data points referenced in this subparagraph;

"(C) the impact to community infrastructure, including—

"(i) disruptions to community life-saving and life-sustaining services;

"(ii) disruptions or increased demand for essential community services; and

"(iii) disruptions to transportation, infrastructure, and utilities; and

"(D) any other information relevant to demonstrate severe local impacts; and".

(b) GAO REVIEW OF A FINAL RULE.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a review of the Federal Emergency Management Agency's implementation of its final rule, published on March 21, 2019, amendingsection 206.48(b) of title 44, Code of Federal Regulations (regarding factors considered when evaluating a Governor's request for a major disaster declaration), which revised the factors that the Agency considers when evaluating a Governor's request for a major disaster declaration authorizing individual assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq).

(2) SCOPE.—The review required under paragraph (1) shall include the following:

(A) An assessment of the criteria used by the Agency to assess individual assistance requests following a major disaster declaration authorizing individual assistance.

(B) An assessment of the consistency with which the Agency uses the updated Individual Assistance Declaration Factors when assessing the impact of individual communities after a major disaster declaration.

(C) An assessment of the impact, if any, of using the updated Individual Assistance Declaration Factors has had on equity in disaster recovery outcomes.

(D) Recommendations to improve the use of the Individual Assistance Declaration Factors to increase equity in disaster recovery outcomes.

(3) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the review required under this section.

SEC. 5602. FLEXIBILITY.

(a) IN GENERAL.—Section 1216(a) of the Disaster Recovery Reform Act of 2018 (42 U.S.C. 5174a(a)) is amended—

(1) by amending paragraph (2)(A) to read as follows:

"(A) except as provided in subparagraph (B), shall—

"(i) waive a debt owed to the United States related to covered assistance provided to an individual or household if the covered assistance was distributed based on an error by the Agency and such debt shall be construed as a hardship; and

"(ii) waive a debt owed to the United States related to covered assistance provided to an individual or household if such assistance is subject to a claim or legal action, including in accordance with section of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5160); and"; and

(2) in paragraph (3)(B)—

(A) by striking "Removal of" and inserting "Report on"; and

(B) in clause (ii) by striking "the authority of the Administrator to waive debt under paragraph (2) shall no longer be effective" and inserting "the Administrator shall report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate actions that the Administrator will take to reduce the error rate".

(b) REPORT TO CONGRESS.—The Administrator of the Federal Emergency Management Agency shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report containing a description of the internal processes used to make decisions regarding the distribution of covered assistance under section 1216 of the Disaster Recovery and Reform Act of 2018 (42 U.S.C. a) and any changes made to such processes.

SEC. 5603. [42 U.S.C. 5170 note] PRELIMINARY DAMAGE ASSESSMENT.

(a) FINDINGS.—Congress finds the following:

(1) Preliminary damage assessments play a critical role in assessing and validating the impact and magnitude of a disaster.

(2) Through the preliminary damage assessment process, representatives from the Federal Emergency Management Agency validate information gathered by State and local officials that serves as the basis for disaster assistance requests.

(3) Various factors can impact the duration of a preliminary damage assessment and the corresponding submission of a major disaster request, however, the average time between when a disaster occurs, and the submission of a corresponding disaster request has been found to be approximately twenty days longer for flooding disasters.

(4) With communities across the country facing increased instances of catastrophic flooding and other extreme weather events, accurate and efficient preliminary damage assessments have become critically important to the relief process for impacted States and municipalities.

(b) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency shall submit to Congress a report describing the preliminary damage assessment process, as supported by the Federal Emergency Management Agency in the 5 years before the date of enactment of this Act.

(2) CONTENTS.—The report described in paragraph (1) shall contain the following:

(A) The process of the Federal Emergency Management Agency for deploying personnel to support preliminary damage assessments.

(B) The number of Agency staff participating on disaster assessment teams.

(C) The training and experience of such staff described in subparagraph (B).

(D) A calculation of the average amount of time disaster assessment teams described in subparagraph (A) are deployed to a disaster area.

(E) The efforts of the Agency to maintain a consistent liaison between the Agency and State, local, tribal, and territorial officials within a disaster area.

(c) PRELIMINARY DAMAGE ASSESSMENT.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency shall convene an advisory panel consisting of emergency management personnel employed by State, local, territorial, or tribal authorities, and the representative organizations of such personnel to assist the Agency in improving critical components of the preliminary damage assessment process.

(2) MEMBERSHIP.—

(A) IN GENERAL.—This advisory panel shall consist of at least 2 representatives from national emergency management organizations and at least 1 representative from each of the 10 regions of the Federal Emergency Management Agency, selected from emergency management personnel employed by State, local, territorial, or tribal authorities within each region.

(B) INCLUSION ON PANEL.—To the furthest extent practicable, representation on the advisory panel shall include emergency management personnel from both rural and urban jurisdictions.

(3) CONSIDERATIONS.—The advisory panel convened under paragraph (1) shall—

(A) consider—

(i) establishing a training regime to ensure preliminary damage assessments are conducted and reviewed under consistent guidelines;

(ii) utilizing a common technological platform to integrate data collected by State and local governments with data collected by the Agency; and

(iii) assessing instruction materials provided by the Agency for omissions of pertinent information or language that conflicts with other statutory requirements; and

(B) identify opportunities for streamlining the consideration of preliminary damage assessments by the Agency, including eliminating duplicative paperwork requirements and ensuring consistent communication and decision making among Agency staff.

(4) INTERIM REPORT.—Not later than 18 months after the date of enactment of this Act, the Administrator shall submit to Congress a report regarding the findings of the advisory panel, steps that will be undertaken by the Agency to implement the findings of the advisory panel, and additional legislation that may be necessary to implement the findings of the advisory panel.

(5) RULEMAKING AND FINAL REPORT.—Not later than 2 years after the date of enactment of this Act, the Administrator shall issue such regulations as are necessary to implement the recommendations of the advisory panel and submit to Congress a report discussing—

(A) the implementation of recommendations from the advisory panel;

(B) the identification of any additional challenges to the preliminary damage assessment process, including whether specific disasters result in longer preliminary damage assessments; and

(C) any additional legislative recommendations necessary to improve the preliminary damage assessment process.

SEC. 5604. [49 U.S.C. 44701 note] LETTER OF DEVIATION AUTHORITY.

A flight instructor, registered owner, lessor, or lessee of an aircraft shall not be required to obtain a letter of deviation authority from the Administrator of the Federal Aviation Administration to allow, conduct or receive flight training, checking, and testing in an experimental aircraft if—

(1) the flight instructor is not providing both the training and the aircraft;

(2) no person advertises or broadly offers the aircraft as available for flight training, checking, or testing; and

(3) no person receives compensation for use of the aircraft for a specific flight during which flight training, checking, or testing was received, other than expenses for owning, operating, and maintaining the aircraft.

SEC. 5605. RECOGNIZING FEMA SUPPORT.

Congress finds the following:

(1) The Federal Emergency Management Agency provides vital support to communities and disaster survivors in the aftermath of major disasters, including housing assistance for individuals and families displaced from their homes.

(2) The Federal Emergency Management Agency should be encouraged to study the idea integrating collapsible shelters for appropriate non-congregate sheltering needs into the disaster preparedness stockpile.

TITLE LVII—FINANCIAL SERVICES MATTERS

TITLE LVII—FINANCIAL SERVICES MATTERS

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

SEC. 5701. UNITED STATES POLICY ON WORLD BANK GROUP AND ASIAN DEVELOPMENT BANK ASSISTANCE TO THE PEOPLE'S REPUBLIC OF CHINA.

(a) IN GENERAL.—Title XVI of the International Financial Institutions Act (22 U.S.C. 262p et seq.) is amended by adding at the end the following:

"SEC. 1632. [22 U.S.C. 262p-16] UNITED STATES POLICY ON WORLD BANK GROUP AND ASIAN DEVELOPMENT BANK ASSISTANCE TO THE PEOPLE'S REPUBLIC OF CHINA

"(a) IN GENERAL.—The Secretary of the Treasury shall instruct the United States Executive Director at each international financial institution of the World Bank Group and at the Asian Development Bank to use the voice and vote of the United States at the respective institution to vote against the provision of any loan, extension of financial assistance, or technical assistance to the People's Republic of China unless the Secretary of the Treasury has certified to the appropriate congressional committees that—

"(1) the Government of the People's Republic of China and any lender owned or controlled by the Government of the People's Republic of China have demonstrated a commitment—

"(A) to the rules and principles of the Paris Club, or of other similar coordinated multilateral initiatives on debt relief and debt restructuring in which the United States participates, including with respect to debt transparency and appropriate burden-sharing among all creditors;

"(B) to the practice of presumptive public disclosure of the terms and conditions on which they extend credit to other governments (without regard to the form of any such extension of credit);

"(C) not to enforce any agreement terms that may impair their own or the borrowers' capacity fully to implement any commitment described in subparagraph (A) or (B); and

"(D) not to enter into any agreement containing terms that may impair their own or the borrowers' capacity fully to implement any commitment described in subparagraph (A) or (B); or

"(2) the loan or assistance is important to the national interest of the United States, as described in a detailed explanation by the Secretary to accompany the certification.

"(b) DEFINITIONS.—In this section:

"(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means the Committee on Financial Services of the House of Representatives and the Committee on Foreign Relations of the Senate.

"(2) WORLD BANK GROUP.—The term 'World Bank Group' means the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, and the Multilateral Investment Guarantee Agency.".

(b) [22 U.S.C. 262p-16] SUNSET.—The amendment made by subsection (a) is repealed effective on the date that is 7 years after the effective date of this section.

SEC. 5702. SUPPORT FOR INTERNATIONAL INITIATIVES TO PROVIDE DEBT RESTRUCTURING OR RELIEF TO DEVELOPING COUNTRIES WITH UNSUSTAINABLE LEVELS OF DEBT.

(a) IN GENERAL.—Title XVI of the International Financial Institutions Act (22 U.S.C. 262p et seq.), as amended by section 5701, is further amended by adding at the end the following:

"SEC. 1633. [22 U.S.C. 262p-17] SUPPORT FOR INTERNATIONAL INITIATIVES TO PROVIDE DEBT RESTRUCTURING OR RELIEF TO DEVELOPING COUNTRIES WITH UNSUSTAINABLE LEVELS OF DEBT

"(a) DEBT RELIEF.—The Secretary of the Treasury, in consultation with the Secretary of State, shall—

"(1) engage with international financial institutions, the G20, and official and commercial creditors to advance support for prompt and effective implementation and improvement of the Common Framework for Debt Treatments beyond the DSSI (in this section referred to as the 'Common Framework'), or any successor framework or similar coordinated international debt treatment process in which the United States participates through the establishment and publication of clear and accountable—

"(A) debt treatment benchmarks designed to achieve debt sustainability for each participating debtor;

"(B) standards for appropriate burden-sharing among all creditors with material claims on each participating debtor, without regard for their official, private, or hybrid status;

"(C) robust debt disclosure by creditors, including the People's Republic of China, and debtor countries, including inter-creditor data-sharing and, to the maximum extent practicable, public disclosure of material terms and conditions of claims on participating debtors;

"(D) expansion of Common Framework country eligibility to lower middle-income countries who otherwise meet the existing criteria;

"(E) improvements to the Common Framework process with the aim of ensuring access to debt relief in a timely manner for those countries eligible and who request treatment; and

"(F) consistent enforcement and improvement of the policies of multilateral institutions relating to asset-based and revenue-based borrowing by participating debtors, and coordinated standards on restructuring collateralized debt;

"(2) engage with international financial institutions and official and commercial creditors to advance support, as the Secretary finds appropriate, for debt restructuring or debt relief for each participating debtor, including, on a case-by- case basis, a debt standstill, if requested by the debtor country through the Common Framework process from the time of conclusion of a staff-level agreement with the International Monetary Fund, and until the conclusion of a memorandum of understanding with its creditor committee pursuant to the Common Framework, or any successor framework or similar coordinated international debt treatment process in which the United States participates; and

"(3) instruct the United States Executive Director at the International Monetary Fund and the United States Executive Director at the World Bank to use the voice and vote of the United States to advance the efforts described in paragraphs (1) and (2).

"(b) REPORTING REQUIREMENT.—Not later than 120 days after the date of the enactment of this section, and annually thereafter, the Secretary of the Treasury, in coordination with the Secretary of State, shall submit to the Committees on Banking, Housing, and Urban Affairs and Foreign Relations of the Senate and the Committees on Financial Services and Foreign Affairs of the House of Representatives a report that describes—

"(1) any actions that have been taken, in coordination with international financial institutions, by official creditors, including the government of, and state-owned enterprises in, the People's Republic of China, and relevant commercial creditor groups to advance debt restructuring or relief for countries with unsustainable debt that have sought restructuring or relief under the Common Framework, any successor framework or mechanism, or under any other coordinated international arrangement for sovereign debt restructuring in which the United States participates;

"(2) any implementation challenges that hinder the ability of the Common Framework to provide timely debt restructuring for any country with unsustainable debt that seeks debt restructuring or debt payment relief, including any refusal of a creditor to participate in appropriate burden-sharing, including failure to share (or publish, as appropriate) all material information needed to assess debt sustainability; and

"(3) recommendations on how to address any challenges identified in paragraph (2).".

(b) ⟦22 U.S.C. 262p-17⟧ SUNSET.—The amendment made by subsection (a) is repealed effective on the date that is 5 years after the effective date of this section.

SEC. 5703. UKRAINE DEBT PAYMENT RELIEF.

(a) SUSPENSION OF MULTILATERAL DEBT PAYMENTS OF UKRAINE.—

(1) UNITED STATES POSITION IN THE INTERNATIONAL FINANCIAL INSTITUTIONS.—The Secretary of the Treasury shall instruct the United States Executive Director at each international financial institution (as defined in section 1701(c)(2) of the International Financial Institutions Act) to use the voice, vote, and influence of the United States to advocate that the respective institution immediately provide appropriate debt service relief to Ukraine.

(2) OFFICIAL BILATERAL AND COMMERCIAL DEBT SERVICE PAYMENT RELIEF.—The Secretary of the Treasury, working in coordination with the Secretary of State, shall commence immediate efforts with other governments and commercial creditor groups, through the Paris Club of Official Creditors and other bilateral and multilateral frameworks, both formal and informal, to pursue comprehensive debt payment relief for Ukraine.

(3) MULTILATERAL FINANCIAL SUPPORT FOR UKRAINE.—The Secretary of the Treasury shall direct the United States Executive Director at each international financial institution (as defined in section 1701(c)(2) of the International Financial Institutions Act) to use the voice and vote of the United States to support, to the extent practicable, the provision of concessional financial assistance for Ukraine.

(4) MULTILATERAL FINANCIAL SUPPORT FOR REFUGEES.—The Secretary of the Treasury shall direct the United States Executive Director at each international financial institution (as defined in section 1701(c)(2) of the International Financial Institutions Act) to use the voice and vote of the United States to seek to provide economic support for refugees from Ukraine, including refugees of African and Asian descent, and for countries receiving refugees from Ukraine that are eligible for assistance from the multilateral development banks.

(b) REPORT TO THE CONGRESS.—Not later than December 31 of each year, the President shall—

(1) submit to the Committees on Financial Services, on Appropriations, and on Foreign Affairs of the House of Representatives and the Committees on Foreign Relations and on Appropriations of the Senate, a report on the activities undertaken under this section; and

(2) make public a copy of the report.

(c) WAIVER AND TERMINATION.—

(1) WAIVER.—The President may waive the application of this section if the President determines that a waiver is in the national interest of the United States and reports to the Congress an explanation of the reasons therefor.

(2) TERMINATION.—This section shall have no force or effect on the earlier of—

(A) the date that is 7 years after the date of the enactment of this Act; or

(B) the date that is 30 days after the date on which the President reports to Congress that the Government of the Russian Federation has ceased its destabilizing activities with respect to the sovereignty and territorial integrity of Ukraine.

SEC. 5704. [22 U.S.C. 9522 note] ISOLATE RUSSIAN GOVERNMENT OFFICIALS ACT OF 2022.

(a) STATEMENT OF POLICY.—It is the policy of the United States to seek to exclude government officials of the Russian Federation, to the maximum extent practicable, from participation in meetings, proceedings, and other activities of the following organizations:

(1) Group of 20.

(2) Bank for International Settlements.

(3) Basel Committee for Banking Standards.

(4) Financial Stability Board.

(5) International Association of Insurance Supervisors.

(6) International Organization of Securities Commissions.

(b) IMPLEMENTATION.—The Secretary of the Treasury, the Board of Governors of the Federal Reserve System, and the Securi-

ties and Exchange Commission, as the case may be, shall take all necessary steps to advance the policy set forth in subsection (a).

(c) TERMINATION.—This section shall have no force or effect on the earlier of—

(1) the date that is 5 years after the date of the enactment of this Act; or

(2) the date that is 30 days after the date on which the President reports to Congress that the Government of the Russian Federation has ceased its destabilizing activities with respect to the sovereignty and territorial integrity of Ukraine.

(d) WAIVER.—The President may waive the application of this section if the President reports to the Congress that the waiver is in the national interest of the United States and includes an explanation of the reasons therefor.

SEC. 5705. FAIR HIRING IN BANKING.

(a) FEDERAL DEPOSIT INSURANCE ACT.—Section 19 of the Federal Deposit Insurance Act (12 U.S.C. 1829) is amended—

(1) by inserting after subsection (b) the following:

"(c) EXCEPTIONS.—

"(1) CERTAIN OLDER OFFENSES.—

"(A) IN GENERAL.—With respect to an individual, subsection (a) shall not apply to an offense if—

"(i) it has been 7 years or more since the offense occurred; or

"(ii) the individual was incarcerated with respect to the offense and it has been 5 years or more since the individual was released from incarceration.

"(B) OFFENSES COMMITTED BY INDIVIDUALS 21 OR YOUNGER.—For individuals who committed an offense when they were 21 years of age or younger, subsection (a) shall not apply to the offense if it has been more than 30 months since the sentencing occurred.

"(C) LIMITATION.—This paragraph shall not apply to an offense described under subsection (a)(2).

"(2) EXPUNGEMENT AND SEALING.—With respect to an individual, subsection (a) shall not apply to an offense if—

"(A) there is an order of expungement, sealing, or dismissal that has been issued in regard to the conviction in connection with such offense; and

"(B) it is intended by the language in the order itself, or in the legislative provisions under which the order was issued, that the conviction shall be destroyed or sealed from the individual's State, Tribal, or Federal record, even if exceptions allow the record to be considered for certain character and fitness evaluation purposes.

"(3) DE MINIMIS EXEMPTION.—

"(A) IN GENERAL.—Subsection (a) shall not apply to such de minimis offenses as the Corporation determines, by rule.

"(B) CONFINEMENT CRITERIA.—In issuing rules under subparagraph (A), the Corporation shall include a requirement that the offense was punishable by a term of three

years or less confined in a correctional facility, where such confinement—

"(i) is calculated based on the time an individual spent incarcerated as a punishment or a sanction, not as pretrial detention; and

"(ii) does not include probation or parole where an individual was restricted to a particular jurisdiction or was required to report occasionally to an individual or a specific location.

"(C) BAD CHECK CRITERIA.—In setting the criteria for de minimis offenses under subparagraph (A), if the Corporation establishes criteria with respect to insufficient funds checks, the Corporation shall require that the aggregate total face value of all insufficient funds checks across all convictions or program entries related to insufficient funds checks is $2,000 or less.

"(D) DESIGNATED LESSER OFFENSES.—Subsection (a) shall not apply to certain lesser offenses (including the use of a fake ID, shoplifting, trespass, fare evasion, driving with an expired license or tag, and such other low-risk offenses as the Corporation may designate) if 1 year or more has passed since the applicable conviction or program entry."; and

(2) by adding at the end the following:

"(f) CONSENT APPLICATIONS.—

"(1) IN GENERAL.—The Corporation shall accept consent applications from an individual and from an insured depository institution or depository institution holding company on behalf of an individual that are filed separately or contemporaneously with a regional office of the Corporation.

"(2) SPONSORED APPLICATIONS FILED WITH REGIONAL OFFICES.—Consent applications filed at a regional office of the Corporation by an insured depository institution or depository institution holding company on behalf of an individual—

"(A) shall be reviewed by such office;

"(B) may be approved or denied by such office, if such authority has been delegated to such office by the Corporation; and

"(C) may only be denied by such office if the general counsel of the Corporation (or a designee) certifies that the denial is consistent with this section.

"(3) INDIVIDUAL APPLICATIONS FILED WITH REGIONAL OFFICES.—Consent applications filed at a regional office by an individual—

"(A) shall be reviewed by such office; and

"(B) may be approved or denied by such office, if such authority has been delegated to such office by the Corporation, except with respect to—

"(i) cases involving an offense described under subsection (a)(2); and

"(ii) such other high-level security cases as may be designated by the Corporation.

"(4) NATIONAL OFFICE REVIEW.—The national office of the Corporation shall—

"(A) review any consent application with respect to which a regional office is not authorized to approve or deny the application; and

"(B) review any consent application that is denied by a regional office, if the individual requests a review by the national office.

"(5) FORMS AND INSTRUCTIONS.—

"(A) AVAILABILITY.—The Corporation shall make all forms and instructions related to consent applications available to the public, including on the website of the Corporation.

"(B) CONTENTS.—The forms and instructions described under subparagraph (A) shall provide a sample cover letter and a comprehensive list of items that may accompany the application, including clear guidance on evidence that may support a finding of rehabilitation.

"(6) CONSIDERATION OF CRIMINAL HISTORY.—

"(A) REGIONAL OFFICE CONSIDERATION.—In reviewing a consent application, a regional office shall—

"(i) primarily rely on the criminal history record of the Federal Bureau of Investigation; and

"(ii) provide such record to the applicant to review for accuracy.

"(B) CERTIFIED COPIES.—The Corporation may not require an applicant to provide certified copies of criminal history records unless the Corporation determines that there is a clear and compelling justification to require additional information to verify the accuracy of the criminal history record of the Federal Bureau of Investigation.

"(7) CONSIDERATION OF REHABILITATION.—Consistent with title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.), the Corporation shall—

"(A) conduct an individualized assessment when evaluating consent applications that takes into account evidence of rehabilitation, the applicant's age at the time of the conviction or program entry, the time that has elapsed since conviction or program entry, and the relationship of individual's offense to the responsibilities of the applicable position;

"(B) consider the individual's employment history, letters of recommendation, certificates documenting participation in substance abuse programs, successful participating in job preparation and educational programs, and other relevant mitigating evidence; and

"(C) consider any additional information the Corporation determines necessary for safety and soundness.

"(8) SCOPE OF EMPLOYMENT.—With respect to an approved consent application filed by an insured depository institution or depository institution holding company on behalf of an individual, if the Corporation determines it appropriate, such approved consent application shall allow the individual to work for the same employer (without restrictions on the location) and across positions, except that the prior consent of the Corporation (which may require a new application) shall be re-

quired for any proposed significant changes in the individual's security-related duties or responsibilities, such as promotion to an officer or other positions that the employer determines will require higher security screening credentials.

"(9) COORDINATION WITH THE NCUA.—In carrying out this section, the Corporation shall consult and coordinate with the National Credit Union Administration as needed to promote consistent implementation where appropriate.

"(g) DEFINITIONS.—In this section:

"(1) CONSENT APPLICATION.—The term 'consent application' means an application filed with Corporation by an individual (or by an insured depository institution or depository institution holding company on behalf of an individual) seeking the written consent of the Corporation under subsection (a)(1).

"(2) CRIMINAL OFFENSE INVOLVING DISHONESTY.—The term 'criminal offense involving dishonesty'—

"(A) means an offense under which an individual, directly or indirectly—

"(i) cheats or defrauds; or

"(ii) wrongfully takes property belonging to another in violation of a criminal statute;

"(B) includes an offense that Federal, State, or local law defines as dishonest, or for which dishonesty is an element of the offense; and

"(C) does not include—

"(i) a misdemeanor criminal offense committed more than one year before the date on which an individual files a consent application, excluding any period of incarceration; or

"(ii) an offense involving the possession of controlled substances.

"(3) PRETRIAL DIVERSION OR SIMILAR PROGRAM.—The term 'pretrial diversion or similar program' means a program characterized by a suspension or eventual dismissal or reversal of charges or criminal prosecution upon agreement by the accused to restitution, drug or alcohol rehabilitation, anger management, or community service.".

(b) FEDERAL CREDIT UNION ACT.—Section 205(d) of the Federal Credit Union Act (12 U.S.C. 1785(d)) is amended by adding at the end the following:

"(4) EXCEPTIONS.—

"(A) CERTAIN OLDER OFFENSES.—

"(i) IN GENERAL.—With respect to an individual, paragraph (1) shall not apply to an offense if—

"(I) it has been 7 years or more since the offense occurred; or

"(II) the individual was incarcerated with respect to the offense and it has been 5 years or more since the individual was released from incarceration.

"(ii) OFFENSES COMMITTED BY INDIVIDUALS 21 OR YOUNGER.—For individuals who committed an offense when they were 21 years of age or younger, paragraph

(1) shall not apply to the offense if it has been more than 30 months since the sentencing occurred.

"(iii) LIMITATION.—This subparagraph shall not apply to an offense described under paragraph (1)(B).

"(B) EXPUNGEMENT AND SEALING.—With respect to an individual, paragraph (1) shall not apply to an offense if—

"(i) there is an order of expungement, sealing, or dismissal that has been issued in regard to the conviction in connection with such offense; and

"(ii) it is intended by the language in the order itself, or in the legislative provisions under which the order was issued, that the conviction shall be destroyed or sealed from the individual's State, Tribal, or Federal record, even if exceptions allow the record to be considered for certain character and fitness evaluation purposes.

"(C) DE MINIMIS EXEMPTION.—

"(i) IN GENERAL.—Paragraph (1) shall not apply to such de minimis offenses as the Board determines, by rule.

"(ii) CONFINEMENT CRITERIA.—In issuing rules under clause (i), the Board shall include a requirement that the offense was punishable by a term of three years or less confined in a correctional facility, where such confinement—

"(I) is calculated based on the time an individual spent incarcerated as a punishment or a sanction, not as pretrial detention; and

"(II) does not include probation or parole where an individual was restricted to a particular jurisdiction or was required to report occasionally to an individual or a specific location.

"(iii) BAD CHECK CRITERIA.—In setting the criteria for de minimis offenses under clause (i), if the Board establishes criteria with respect to insufficient funds checks, the Board shall require that the aggregate total face value of all insufficient funds checks across all convictions or program entries related to insufficient funds checks is $2,000 or less.

"(iv) DESIGNATED LESSER OFFENSES.—Paragraph (1) shall not apply to certain lesser offenses (including the use of a fake ID, shoplifting, trespass, fare evasion, driving with an expired license or tag, and such other low-risk offenses as the Board may designate) if 1 year or more has passed since the applicable conviction or program entry.

"(5) CONSENT APPLICATIONS.—

"(A) IN GENERAL.—The Board shall accept consent applications from an individual and from an insured credit union on behalf of an individual that are filed separately or contemporaneously with a regional office of the Board.

"(B) SPONSORED APPLICATIONS FILED WITH REGIONAL OFFICES.—Consent applications filed at a regional office of

the Board by an insured credit union on behalf of an individual—

"(i) shall be reviewed by such office;

"(ii) may be approved or denied by such office, if such authority has been delegated to such office by the Board; and

"(iii) may only be denied by such office if the general counsel of the Board (or a designee) certifies that the denial is consistent with this section.

"(C) INDIVIDUAL APPLICATIONS FILED WITH REGIONAL OFFICES.—Consent applications filed at a regional office by an individual—

"(i) shall be reviewed by such office; and

"(ii) may be approved or denied by such office, if such authority has been delegated to such office by the Board, except with respect to—

"(I) cases involving an offense described under paragraph (1)(B); and

"(II) such other high-level security cases as may be designated by the Board.

"(D) NATIONAL OFFICE REVIEW.—The national office of the Board shall—

"(i) review any consent application with respect to which a regional office is not authorized to approve or deny the application; and

"(ii) review any consent application that is denied by a regional office, if the individual requests a review by the national office.

"(E) FORMS AND INSTRUCTIONS.—

"(i) AVAILABILITY.—The Board shall make all forms and instructions related to consent applications available to the public, including on the website of the Board.

"(ii) CONTENTS.—The forms and instructions described under clause (i) shall provide a sample cover letter and a comprehensive list of items that may accompany the application, including clear guidance on evidence that may support a finding of rehabilitation.

"(F) CONSIDERATION OF CRIMINAL HISTORY.—

"(i) REGIONAL OFFICE CONSIDERATION.—In reviewing a consent application, a regional office shall—

"(I) primarily rely on the criminal history record of the Federal Bureau of Investigation; and

"(II) provide such record to the applicant to review for accuracy.

"(ii) CERTIFIED COPIES.—The Board may not require an applicant to provide certified copies of criminal history records unless the Board determines that there is a clear and compelling justification to require additional information to verify the accuracy of the criminal history record of the Federal Bureau of Investigation.

"(G) CONSIDERATION OF REHABILITATION.—Consistent with title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.), the Board shall—

"(i) conduct an individualized assessment when evaluating consent applications that takes into account evidence of rehabilitation, the applicant's age at the time of the conviction or program entry, the time that has elapsed since conviction or program entry, and the relationship of individual's offense to the responsibilities of the applicable position;

"(ii) consider the individual's employment history, letters of recommendation, certificates documenting participation in substance abuse programs, successful participating in job preparation and educational programs, and other relevant mitigating evidence; and

"(iii) consider any additional information the Board determines necessary for safety and soundness.

"(H) SCOPE OF EMPLOYMENT.—With respect to an approved consent application filed by an insured credit union on behalf of an individual, if the Board determines it appropriate, such approved consent application shall allow the individual to work for the same employer (without restrictions on the location) and across positions, except that the prior consent of the Board (which may require a new application) shall be required for any proposed significant changes in the individual's security-related duties or responsibilities, such as promotion to an officer or other positions that the employer determines will require higher security screening credentials.

"(I) COORDINATION WITH FDIC.—In carrying out this subsection, the Board shall consult and coordinate with the Federal Deposit Insurance Corporation as needed to promote consistent implementation where appropriate.

"(6) DEFINITIONS.—In this subsection:

"(A) CONSENT APPLICATION.—The term 'consent application' means an application filed with Board by an individual (or by an insured credit union on behalf of an individual) seeking the written consent of the Board under paragraph (1)(A).

"(B) CRIMINAL OFFENSE INVOLVING DISHONESTY.—The term 'criminal offense involving dishonesty'—

"(i) means an offense under which an individual, directly or indirectly—

"(I) cheats or defrauds; or

"(II) wrongfully takes property belonging to another in violation of a criminal statute;

"(ii) includes an offense that Federal, State, or local law defines as dishonest, or for which dishonesty is an element of the offense; and

"(iii) does not include—

"(I) a misdemeanor criminal offense committed more than one year before the date on which an individual files a consent application, excluding any period of incarceration; or

"(II) an offense involving the possession of controlled substances.

"(C) PRETRIAL DIVERSION OR SIMILAR PROGRAM.—The term 'pretrial diversion or similar program' means a program characterized by a suspension or eventual dismissal or reversal of charges or criminal prosecution upon agreement by the accused to restitution, drug or alcohol rehabilitation, anger management, or community service.".

(c) REVIEW AND REPORT TO CONGRESS.—Not later than the end of the 2-year period beginning on the date of enactment of this Act, the Federal Deposit Insurance Corporation and the National Credit Union Administration shall—

(1) review the rules issued to carry out this Act and the amendments made by this Act on—

(A) the application of section 19 of the Federal Deposit Insurance Act (12 U.S.C. 1829) and section 205(d) of the Federal Credit Union Act (12 U.S.C. 1785(d));

(B) the number of applications for consent applications under such sections; and

(C) the rates of approval and denial for consent applications under such sections;

(2) make the results of the review required under paragraph (1) available to the public; and

(3) issue a report to Congress containing any legislative or regulatory recommendations for expanding employment opportunities for those with a previous minor criminal offense.

SEC. 5706. [50 U.S.C. 1701 note] BANKING TRANSPARENCY FOR SANCTIONED PERSONS ACT OF 2022.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary of the Treasury shall issue a report to the Committees on Financial Services and Foreign Affairs of the House of Representatives and the Committees on Banking, Housing, and Urban Affairs and Foreign Relations of the Senate that includes a list of specific licenses issued by the Secretary in the preceding 365 days that authorizes a U.S. financial institution (as defined under section 561.309 of title 31, Code of Federal Regulations) to provide financial services to any of the following:

(1) The government of a state sponsor of terrorism.

(2) A person sanctioned pursuant to any of the following:

(A) Section 404 of the Russia and Moldova Jackson-Vanik Repeal and Sergei Magnitsky Rule of Law Accountability Act of 2012 (Public Law 112-208).

(B) Subtitle F of title XII of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328, the Global Magnitsky Human Rights Accountability Act).

(C) Executive Order No. 13818.

(b) SUBMISSION OF COPIES OF LICENSES ON REQUEST.—The Secretary of the Treasury shall expeditiously provide a copy of any license identified in a report required by subsection (a) to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate if an appropriate Member of Congress requests a copy of that license not later than 60 days after submission of the report.

(c) BUSINESS CONFIDENTIAL INFORMATION.—

(1) IN GENERAL.—The Secretary of the Treasury shall, in the report under subsection (a) and any submissions under subsection (b), identify any proprietary information submitted by any private sector representative and mark such information as "business confidential information".

(2) TREATMENT AS TRADE SECRETS.—Business confidential information described under paragraph (1) shall be considered to be a matter falling within the meaning of trade secrets and commercial or financial information exemption under section 552(b)(4) of title 5, United States Code, and shall be exempt from disclosure under such section 552 of such title without the express approval of the private party.

(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out the activities authorized under this section, there is authorized to be appropriated to the Secretary of the Treasury $1,000,000.

(e) SUNSET.—The section shall cease to have any force or effect after the end of the 5-year period beginning on the date of enactment of this Act.

(f) FORM OF REPORT AND SUBMISSIONS.—A report or submission required under this section shall be submitted in unclassified form but may contain a classified annex.

(g) APPROPRIATE MEMBER OF CONGRESS DEFINED.—In this section, the term "appropriate Member of Congress" has the meaning given that term under section 7132(d) of the National Defense Authorization Act for Fiscal Year 2020.

SEC. 5707. FLEXIBILITY IN ADDRESSING RURAL HOMELESSNESS.

Subsection (a) of section 423 of subtitle C of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11383(a)) is amended by adding at the end the following:

"(13) Projects in rural areas that consist of one or more of the following activities:

"(A) Payment of short-term emergency lodging, including in motels or shelters, directly or through vouchers.

"(B) Repairs to units—

"(i) in which homeless individuals and families will be housed; or

"(ii) which are currently not fit for human habitation.

"(C) Staff training, professional development, skill development, and staff retention activities.".

SEC. 5708. MASTER ACCOUNT AND SERVICES DATABASE.

The Federal Reserve Act is amended by inserting after section 11B (12 U.S.C. 248b et seq.) the following:

"SEC. 11C. [12 U.S.C. 248c] MASTER ACCOUNT AND SERVICES DATABASE

"(a) DEFINITIONS.—In this section:

"(1) ACCESS REQUEST.—The term 'access request' means a request to a Federal reserve bank for access to a reserve bank master account and services, including any written documentation or formal indication that an entity intends to seek access to a reserve bank master account and services.

"(2) OFFICIAL ACCOUNTHOLDER.—The term 'official accountholder' means—

"(A) a foreign state, as defined in section 25B;

"(B) a central bank, as defined in section 25B, other than a commercial bank;

"(C) a public international organization entitled to enjoy privileges, exemptions, and immunities as an international organization under the International Organizations Immunities Act (22 U.S.C. 288 et seq.); and

"(D) any governmental entity for which the Secretary of the Treasury has directed a Federal reserve bank to receive deposits as fiscal agent of the United States under section 15.

"(3) RESERVE BANK MASTER ACCOUNT AND SERVICES.—The term 'reserve bank master account and services' means an account in which a Federal reserve bank—

"(A) receives deposits for an entity other than an official accountholder; or

"(B) provides any service under section 11A(b) to an entity other than an official accountholder.

"(b) PUBLISHING MASTER ACCOUNT AND ACCESS INFORMATION.—

"(1) ONLINE DATABASE.—The Board shall create and maintain a public, online, and searchable database that contains—

"(A) a list of every entity that currently has access to a reserve bank master account and services, including the date on which the access was granted to the extent the date is knowable;

"(B) a list of every entity that submits an access request for a reserve bank master account and services after enactment of this section (or that has submitted an access request that is pending on the date of enactment of this section), including whether, and the dates on which, a request—

"(i) was submitted; and

"(ii) was approved, rejected, pending, or withdrawn; and

"(C) for each list described in subparagraph (A) or (B), the type of entity that holds or submitted an access request for a reserve bank master account and services, including whether such entity is—

"(i) an insured depository institution, as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813);

"(ii) an insured credit union, as defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752); or

"(iii) a depository institution that is not an insured depository institution or an insured credit union.

"(2) UPDATES.—Not less frequently than once every quarter, the Board shall update the database to add any new information required under paragraph (1).

"(3) DEADLINE.—Not later than 180 days after the date of enactment of this section, the Board shall publish the database with the information required under paragraph (1).".

TITLE LVIII—FINANCIAL DATA TRANSPARENCY

Sec. 5801. Short title.

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

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

Subtitle B—Securities and Exchange Commission

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

Subtitle C—Federal Deposit Insurance Corporation

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

Subtitle D—Office of the Comptroller of the Currency

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

Subtitle E—Bureau of Consumer Financial Protection

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

Subtitle F—Federal Reserve System

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

Subtitle G—National Credit Union Administration

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

Subtitle H—Federal Housing Finance Agency

Sec. 5881. Data standards requirements for the Federal Housing Finance Agency.
Sec. 5882. Open data publication by the Federal Housing Finance Agency.

Sec. 5883. Rulemaking.
Sec. 5884. No new disclosure requirements.

Subtitle I—Miscellaneous

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

SEC. 5801. [15 U.S.C. 78 note] SHORT TITLE.

This title may be cited as the "Financial Data Transparency Act of 2022".

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

SEC. 5811. DATA STANDARDS.

(a) IN GENERAL.—Subtitle A of the Financial Stability Act of 2010 (12 U.S.C. 5321 et seq.) is amended by adding at the end the following:

"SEC. 124. [12 U.S.C. 5334] DATA STANDARDS

"(a) DEFINITIONS.—In this section—

"(1) the term 'covered agencies' means—

"(A) the Department of the Treasury;

"(B) the Board of Governors;

"(C) the Office of the Comptroller of the Currency;

"(D) the Bureau;

"(E) the Commission;

"(F) the Corporation;

"(G) the Federal Housing Finance Agency;

"(H) the National Credit Union Administration Board; and

"(I) any other primary financial regulatory agency designated by the Secretary;

"(2) the terms 'data asset', 'machine-readable', 'metadata', and 'open license' have the meanings given the terms in section 3502 of title 44, United States Code; and

"(3) the term 'data standard' means a standard that specifies rules by which data is described and recorded.

"(b) RULES.—

"(1) PROPOSED RULES.—Not later than 18 months after the date of enactment of this section, the heads of the covered agencies shall jointly issue proposed rules for public comment that establish data standards for—

"(A) the collections of information reported to each covered agency by financial entities under the jurisdiction of the covered agency; and

"(B) the data collected from covered agencies on behalf of the Council.

"(2) FINAL RULES.—Not later than 2 years after the date of enactment of this section, the heads of the covered agencies shall jointly promulgate final rules that establish the data standards described in paragraph (1).

"(c) DATA STANDARDS.—

"(1) COMMON IDENTIFIERS; QUALITY.—The data standards established in the final rules promulgated under subsection (b)(2) shall—

"(A) include common identifiers for collections of information reported to covered agencies or collected on behalf of the Council, which shall include a common nonproprietary legal entity identifier that is available under an open license for all entities required to report to covered agencies; and

"(B) to the extent practicable—

"(i) render data fully searchable and machine-readable;

"(ii) enable high quality data through schemas, with accompanying metadata documented in machine-readable taxonomy or ontology models, which clearly define the semantic meaning of the data, as defined by the underlying regulatory information collection requirements;

"(iii) ensure that a data element or data asset that exists to satisfy an underlying regulatory information collection requirement be consistently identified as such in associated machine-readable metadata;

"(iv) be nonproprietary or made available under an open license;

"(v) incorporate standards developed and maintained by voluntary consensus standards bodies; and

"(vi) use, be consistent with, and implement applicable accounting and reporting principles.

"(2) CONSULTATION; INTEROPERABILITY.—In establishing data standards in the final rules promulgated under subsection (b)(2), the heads of the covered agencies shall—

"(A) consult with other Federal departments and agencies and multi-agency initiatives responsible for Federal data standards; and

"(B) seek to promote interoperability of financial regulatory data across members of the Council.

"(d) EFFECTIVE DATE.—The data standards established in the final rules promulgated under subsection (b)(2) shall take effect not later than 2 years after the date on which those final rules are promulgated under that subsection.".

(b) CLERICAL AMENDMENT.—The table of contents under section 1(b) of the Dodd-Frank Wall Street Reform and Consumer Protection Act is amended by inserting after the item relating to section 123 the following:

"Sec. 124. Data standards.".

SEC. 5812. OPEN DATA PUBLICATION BY THE DEPARTMENT OF THE TREASURY.

(a) IN GENERAL.—Subtitle A of the Financial Stability Act of 2010 (12 U.S.C. 5321 et seq.), as amended by section 5811(a), is further amended by adding at the end the following:

"SEC. 125. [12 U.S.C. 5335] OPEN DATA PUBLICATION

"All public data assets published by the Secretary under this subtitle shall be—

"(1) made available as an open Government data asset (as defined in section 3502 of title 44, United States Code);

"(2) freely available for download;

"(3) rendered in a human-readable format; and

"(4) accessible via application programming interface where appropriate.".

(b) CLERICAL AMENDMENT.—The table of contents under section 1(b) of the Dodd-Frank Wall Street Reform and Consumer Protection Act, as amended by section 5811(b), is further amended by inserting after the item relating to section 124 the following:

"Sec. 125. Open data publication.".

(c) [12 U.S.C. 5335 note] RULEMAKING.—

(1) IN GENERAL.—The Secretary of the Treasury shall issue rules to carry out the amendments made by this section, which shall take effect not later than 2 years after the date on which final rules are promulgated under section 124(b)(2) of the Financial Stability Act of 2010, as added by section 5811(a) of this title.

(2) DELEGATION.—Notwithstanding any other provision of law, the Secretary of the Treasury may delegate the functions required under the amendments made by this subtitle to an appropriate office within the Department of the Treasury.

SEC. 5813. [12 U.S.C. 5334 note] NO NEW DISCLOSURE REQUIREMENTS.

Nothing in this subtitle, or the amendments made by this subtitle, shall be construed to require the Secretary of the Treasury to collect or make publicly available additional information under the Financial Stability Act of 2010 (12 U.S.C. 5311 et seq.), beyond information that was collected or made publicly available under that Act, as of the day before the date of enactment of this Act.

Subtitle B—Securities and Exchange Commission

SEC. 5821. DATA STANDARDS REQUIREMENTS FOR THE SECURITIES AND EXCHANGE COMMISSION.

(a) DATA STANDARDS FOR INVESTMENT ADVISERS' REPORTS UNDER THE INVESTMENT ADVISERS ACT OF 1940.—Section 204 of the Investment Advisers Act of 1940 (15 U.S.C. 80b-4) is amended—

(1) by redesignating the second subsection (d) (relating to "Records of Persons With Custody of Use") as subsection (e); and

(2) by adding at the end the following:

"(f) DATA STANDARDS FOR REPORTS FILED UNDER THIS SECTION.—

"(1) REQUIREMENT.—The Commission shall, by rule, adopt data standards for all reports filed by investment advisers with the Commission under this section.

"(2) CONSISTENCY.—The data standards required under paragraph (1) shall incorporate, and ensure compatibility with (to the extent feasible), all applicable data standards established in the rules promulgated under section 124 of the Finan-

cial Stability Act of 2010, including, to the extent practicable, by having the characteristics described in clauses (i) through (vi) of subsection (c)(1)(B) of such section 124.".

(b) DATA STANDARDS FOR REGISTRATION STATEMENTS AND REPORTS UNDER THE INVESTMENT COMPANY ACT OF 1940.—The Investment Company Act of 1940 (15 U.S.C. 80a-1 et seq.) is amended—

(1) in section 8 (15 U.S.C. 80a-8), by adding at the end the following:

"(g) DATA STANDARDS FOR REGISTRATION STATEMENTS.—

"(1) REQUIREMENT.—The Commission shall, by rule, adopt data standards for all registration statements required to be filed with the Commission under this section, except that the Commission may exempt exhibits, signatures, and certifications from those data standards.

"(2) CONSISTENCY.—The data standards required under paragraph (1) shall incorporate, and ensure compatibility with (to the extent feasible), all applicable data standards established in the rules promulgated under section 124 of the Financial Stability Act of 2010, including, to the extent practicable, by having the characteristics described in clauses (i) through (vi) of subsection (c)(1)(B) of such section 124."; and

(2) in section 30 (15 U.S.C. 80a-29), by adding at the end the following:

"(k) DATA STANDARDS FOR REPORTS.—

"(1) REQUIREMENT.—The Commission shall, by rule, adopt data standards for all reports required to be filed with the Commission under this section, except that the Commission may exempt exhibits, signatures, and certifications from those data standards.

"(2) CONSISTENCY.—The data standards required under paragraph (1) shall incorporate, and ensure compatibility with (to the extent feasible), all applicable data standards established in the rules promulgated under section 124 of the Financial Stability Act of 2010, including, to the extent practicable, by having the characteristics described in clauses (i) through (vi) of subsection (c)(1)(B) of such section 124.".

(c) DATA STANDARDS FOR INFORMATION REQUIRED TO BE SUBMITTED OR PUBLISHED BY NATIONALLY RECOGNIZED STATISTICAL RATING ORGANIZATIONS.—Section 15E of the Securities Exchange Act of 1934 (15 U.S.C. 78o-7) is amended by adding at the end the following:

"(w) DATA STANDARDS FOR INFORMATION REQUIRED TO BE SUBMITTED OR PUBLISHED UNDER THIS SECTION.—

"(1) REQUIREMENT.—The Commission shall, by rule, adopt data standards for all collections of information required to be submitted or published by a nationally recognized statistical rating organization under this section.

"(2) CONSISTENCY.—The data standards required under paragraph (1) shall incorporate, and ensure compatibility with (to the extent feasible), all applicable data standards established in the rules promulgated under section 124 of the Financial Stability Act of 2010, including, to the extent practicable,

by having the characteristics described in clauses (i) through (vi) of subsection (c)(1)(B) of such section 124.".

(d) DATA STANDARDS FOR ASSET-BACKED SECURITIES DISCLOSURES.—Section 7(c) of the Securities Act of 1933 (15 U.S.C. 77g(c)) is amended by adding at the end the following:

"(3) DATA STANDARDS FOR ASSET-BACKED SECURITIES DISCLOSURES.—

"(A) REQUIREMENT.—The Commission shall, by rule, adopt data standards for all disclosures required under this subsection.

"(B) CONSISTENCY.—The data standards required under subparagraph (A) shall incorporate, and ensure compatibility with (to the extent feasible), all applicable data standards established in the rules promulgated under section 124 of the Financial Stability Act of 2010, including, to the extent practicable, by having the characteristics described in clauses (i) through (vi) of subsection (c)(1)(B) of such section 124.".

(e) DATA STANDARDS FOR CORPORATE DISCLOSURES UNDER THE SECURITIES ACT OF 1933.—Title I of the Securities Act of 1933 (15 U.S.C. 77a et seq.) is amended by adding at the end the following:

"SEC. 29. [15 U.S.C. 77z-4] DATA STANDARDS

"(a) REQUIREMENT.—The Commission shall, by rule, adopt data standards for all registration statements, and for all prospectuses included in registration statements, required to be filed with the Commission under this title, except that the Commission may exempt exhibits, signatures, and certifications from those data standards.

"(b) CONSISTENCY.—The data standards required under subsection (a) shall incorporate, and ensure compatibility with (to the extent feasible), all applicable data standards established in the rules promulgated under section 124 of the Financial Stability Act of 2010, including, to the extent practicable, by having the characteristics described in clauses (i) through (vi) of subsection (c)(1)(B) of such section 124.".

(f) DATA STANDARDS FOR PERIODIC AND CURRENT CORPORATE DISCLOSURES UNDER THE SECURITIES EXCHANGE ACT OF 1934.—Section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m) is amended by adding at the end the following:

"(s) DATA STANDARDS.—

"(1) REQUIREMENT.—The Commission shall, by rule, adopt data standards for all collections of information with respect to periodic and current reports required to be filed or furnished under this section or under section 15(d), except that the Commission may exempt exhibits, signatures, and certifications from those data standards.

"(2) CONSISTENCY.—The data standards required under paragraph (1) shall incorporate, and ensure compatibility with (to the extent feasible), all applicable data standards established in the rules promulgated under section 124 of the Financial Stability Act of 2010, including, to the extent practicable, by having the characteristics described in clauses (i) through (vi) of subsection (c)(1)(B) of such section 124.".

(g) DATA STANDARDS FOR CORPORATE PROXY AND CONSENT SOLICITATION MATERIALS UNDER THE SECURITIES EXCHANGE ACT OF 1934.—Section 14 of the Securities Exchange Act of 1934 (15 U.S.C. 78n) is amended by adding at the end the following:

"(k) DATA STANDARDS FOR PROXY AND CONSENT SOLICITATION MATERIALS.—

"(1) REQUIREMENT.—The Commission shall, by rule, adopt data standards for all information contained in any proxy or consent solicitation material prepared by an issuer for an annual meeting of the shareholders of the issuer, except that the Commission may exempt exhibits, signatures, and certifications from those data standards.

"(2) CONSISTENCY.—The data standards required under paragraph (1) shall incorporate, and ensure compatibility with (to the extent feasible), all applicable data standards established in the rules promulgated under section 124 of the Financial Stability Act of 2010, including, to the extent practicable, by having the characteristics described in clauses (i) through (vi) of subsection (c)(1)(B) of such section 124.".

(h) DATA STANDARDS FOR SECURITY-BASED SWAP REPORTING.—The Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) is amended by adding at the end the following:

"SEC. 41. [15 U.S.C. 78rr] DATA STANDARDS FOR SECURITY-BASED SWAP REPORTING

"(a) REQUIREMENT.—The Commission shall, by rule, adopt data standards for all reports related to security-based swaps that are required under this Act.

"(b) CONSISTENCY.—The data standards required under subsection (a) shall incorporate, and ensure compatibility with (to the extent feasible), all applicable data standards established in the rules promulgated under section 124 of the Financial Stability Act of 2010, including, to the extent practicable, by having the characteristics described in clauses (i) through (vi) of subsection (c)(1)(B) of such section 124.".

(i) [15 U.S.C. 77g note] RULEMAKING.—

(1) IN GENERAL.—The rules that the Securities and Exchange Commission are required to issue under the amendments made by this section shall take effect not later than 2 years after the date on which final rules are promulgated under section 124(b)(2) of the Financial Stability Act of 2010, as added by section 5811(a) of this title.

(2) SCALING OF REGULATORY REQUIREMENTS; MINIMIZING DISRUPTION.—In issuing the rules required under the amendments made by this section, as described in paragraph (1), the Securities and Exchange Commission—

(A) may scale data reporting requirements in order to reduce any unjustified burden on emerging growth companies, lending institutions, accelerated filers, smaller reporting companies, and other smaller issuers, as determined by any study required under section 5825(b), while still providing searchable information to investors; and

(B) shall seek to minimize disruptive changes to the persons affected by those rules.

SEC. 5822. OPEN DATA PUBLICATION BY THE SECURITIES AND EXCHANGE COMMISSION.

Section 4 of the Securities Exchange Act of 1934 (15 U.S.C. 78d) is amended by adding at the end the following:

"(k) OPEN DATA PUBLICATION.—All public data assets published by the Commission under the securities laws and the Dodd-Frank Wall Street Reform and Consumer Protection Act (Public Law 111-203; 124 Stat. 1376) shall be—

"(1) made available as an open Government data asset (as defined in section 3502 of title 44, United States Code);

"(2) freely available for download;

"(3) rendered in a human-readable format; and

"(4) accessible via application programming interface where appropriate.".

SEC. 5823. DATA TRANSPARENCY RELATING TO MUNICIPAL SECURITIES.

(a) IN GENERAL.—Section 15B(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78o-4(b)) is amended by adding at the end the following:

"(8)(A) The Commission shall adopt data standards for information submitted to the Board.

"(B) Any data standards adopted under subparagraph (A) shall incorporate, and ensure compatibility with (to the extent feasible), all applicable data standards established in the rules promulgated under section 124 of the Financial Stability Act of 2010, including, to the extent practicable, by having the characteristics described in clauses (i) through (vi) of subsection (c)(1)(B) of such section 124.

"(C) The Commission shall consult market participants in establishing data standards under subparagraph (A).

"(D) Nothing in this paragraph may be construed to affect the operation of paragraph (1) or (2) of subsection (d).".

(b) [15 U.S.C. 78o-4 note] RULEMAKING.—

(1) IN GENERAL.—Not later than 2 years after the date on which final rules are promulgated under section 124(b)(2) of the Financial Stability Act of 2010, as added by section 5811(a) of this title, the Securities and Exchange Commission shall issue rules to adopt the data standards required under paragraph (8) of section 15B(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78o-4(b)), as added by subsection (a) of this section.

(2) SCALING OF REGULATORY REQUIREMENTS; MINIMIZING DISRUPTION.—In issuing the rules described in paragraph (1) that adopt the data standards described in that paragraph, the Securities and Exchange Commission—

(A) may scale those data standards in order to reduce any unjustified burden on smaller regulated entities; and

(B) shall seek to minimize disruptive changes to the persons affected by those rules.

SEC. 5824. DATA TRANSPARENCY AT NATIONAL SECURITIES ASSOCIATIONS.

(a) IN GENERAL.—Section 15A of the Securities Exchange Act of 1934 (15 U.S.C. 78o-3) is amended by adding at the end the following:

"(n) DATA STANDARDS.—

"(1) REQUIREMENT.—A national securities association registered pursuant to subsection (a) shall adopt data standards for all information that is regularly filed with or submitted to the association.

"(2) CONSISTENCY.—The data standards required under paragraph (1) shall incorporate, and ensure compatibility with (to the extent feasible), all applicable data standards established in the rules promulgated under section 124 of the Financial Stability Act of 2010, including, to the extent practicable, by having the characteristics described in clauses (i) through (vi) of subsection (c)(1)(B) of such section 124.".

(b) [15 U.S.C. 78o-3 note] RULEMAKING.—

(1) IN GENERAL.—Not later than 2 years after the date on which final rules are promulgated under section 124(b)(2) of the Financial Stability Act of 2010, as added by section 5811(a) of this title, each national securities association registered pursuant to section 15A(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78o-3(a)) shall issue rules to adopt the standards required under subsection (n) of section 15A of the Securities Exchange Act of 1934 (15 U.S.C. 78o-3), as added by subsection (a) of this section.

(2) SCALING OF REGULATORY REQUIREMENTS; MINIMIZING DISRUPTION.—In issuing the rules required under paragraph (1), a national securities association described in that paragraph—

(A) may scale data reporting requirements in order to reduce any unjustified burden on smaller regulated entities; and

(B) shall seek to minimize disruptive changes to the persons affected by those standards.

SEC. 5825. [15 U.S.C. 77g note] SHORTER-TERM BURDEN REDUCTION AND DISCLOSURE SIMPLIFICATION AT THE SECURITIES AND EXCHANGE COMMISSION; SUNSET.

(a) BETTER ENFORCEMENT OF THE QUALITY OF CORPORATE FINANCIAL DATA SUBMITTED TO THE SECURITIES AND EXCHANGE COMMISSION.—

(1) DATA QUALITY IMPROVEMENT PROGRAM.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Securities and Exchange Commission shall establish a program to improve the quality of corporate financial data filed or furnished by issuers under the Securities Act of 1933 (15 U.S.C. 77a et seq.), the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.), and the Investment Company Act of 1940 (15 U.S.C. 80a-1 et seq.).

(B) CONTENTS.—The program established under subparagraph (A) shall include the following:

(i) The designation of an official in the Office of the Chairman of the Securities and Exchange Commission responsible for the improvement of the quality of data filed with or furnished to the Commission by issuers.

(ii) The issuance by the Division of Corporation Finance of the Securities and Exchange Commission of comment letters requiring correction of errors in data filings and submissions, where necessary.

(2) GOALS.—In establishing the program required under this subsection, the Securities and Exchange Commission shall seek to—

(A) improve the quality of data filed with or furnished to the Commission to a commercially acceptable level; and

(B) make data filed with or furnished to the Commission useful to investors.

(b) REPORT ON THE USE OF MACHINE-READABLE DATA FOR CORPORATE DISCLOSURES.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, and once every 180 days thereafter, the Securities and Exchange Commission shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report regarding the public and internal use of machine-readable data for corporate disclosures.

(2) CONTENT.—Each report required under paragraph (1) shall include—

(A) an identification of which corporate disclosures required under section 7 of the Securities Act of 1933 (15 U.S.C. 77g), section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m), and section 14 of the Securities Exchange Act of 1934 (15 U.S.C. 78n) are expressed as machine-readable data and which are not;

(B) an analysis of the costs and benefits of the use of machine-readable data in corporate disclosure to investors, markets, the Securities and Exchange Commission, and issuers;

(C) a summary of enforcement actions that result from the use or analysis of machine-readable data collected under the provisions of law described in subparagraph (A); and

(D) an analysis of how the Securities and Exchange Commission uses the machine-readable data collected by the Commission.

(c) SUNSET.—Beginning on the date that is 7 years after the date of enactment of this Act, this section shall have no force or effect.

SEC. 5826. [15 U.S.C. 77g note] NO NEW DISCLOSURE REQUIREMENTS.

Nothing in this subtitle, or the amendments made by this subtitle, shall be construed to require the Securities and Exchange Commission, the Municipal Securities Rulemaking Board, or any national securities association to collect or make publicly available additional information under the provisions of law amended by this

subtitle (or under any provision of law referenced in an amendment made by this subtitle), beyond information that was collected or made publicly available under any such provision, as of the day before the date of enactment of this Act.

Subtitle C—Federal Deposit Insurance Corporation

SEC. 5831. DATA STANDARDS REQUIREMENTS FOR THE FEDERAL DEPOSIT INSURANCE CORPORATION.

The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) is amended by adding at the end the following:

"SEC. 52. [12 U.S.C. 1831cc] DATA STANDARDS

"(a) DEFINITION.—In this section, the term 'financial company' has the meaning given the term in section 201(a) of the Dodd-Frank Wall Street Reform and Consumer Protection Act (12 U.S.C. 5381(a)).

"(b) REQUIREMENT.—The Corporation shall, by rule, adopt data standards for all collections of information with respect to information received by the Corporation from any depository institution or financial company under this Act or under title II of the Dodd-Frank Wall Street Reform and Consumer Protection Act (12 U.S.C. 5381 et seq.).

"(c) CONSISTENCY.—The data standards required under subsection (b) shall incorporate, and ensure compatibility with (to the extent feasible), all applicable data standards established in the rules promulgated under section 124 of the Financial Stability Act of 2010, including, to the extent practicable, by having the characteristics described in clauses (i) through (vi) of subsection (c)(1)(B) of such section 124.".

SEC. 5832. OPEN DATA PUBLICATION BY THE FEDERAL DEPOSIT INSURANCE CORPORATION.

The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.), as amended by section 5831, is further amended by adding at the end the following:

"SEC. 53. [12 U.S.C. 1831dd] OPEN DATA PUBLICATION

"All public data assets published by the Corporation under this Act or under the Dodd-Frank Wall Street Reform and Consumer Protection Act (Public Law 111-203; 124 Stat. 1376) shall be—

"(1) made available as an open Government data asset (as defined in section 3502 of title 44, United States Code);

"(2) freely available for download;

"(3) rendered in a human-readable format; and

"(4) accessible via application programming interface where appropriate.".

SEC. 5833. [12 U.S.C. 1831cc note] RULEMAKING.

(a) IN GENERAL.—The Federal Deposit Insurance Corporation shall issue rules to carry out the amendments made by this subtitle, which shall take effect not later than 2 years after the date on which final rules are promulgated under section 124(b)(2) of the

Financial Stability Act of 2010, as added by section 5811(a) of this title.

(b) SCALING OF REGULATORY REQUIREMENTS; MINIMIZING DISRUPTION.—In issuing the rules required under subsection (a), the Federal Deposit Insurance Corporation—

(1) may scale data reporting requirements in order to reduce any unjustified burden on smaller regulated entities; and

(2) shall seek to minimize disruptive changes to the persons affected by those regulations.

SEC. 5834. [12 U.S.C. 1831cc note] NO NEW DISCLOSURE REQUIREMENTS.

Nothing in this title, or the amendments made by this title, shall be construed to require the Federal Deposit Insurance Corporation to collect or make publicly available additional information under the Acts amended by this title (or under any provision of law referenced in an amendment made by this title), beyond information that was collected or made publicly available under any such provision, as of the day before the date of enactment of this Act.

Subtitle D—Office of the Comptroller of the Currency

SEC. 5841. DATA STANDARDS AND OPEN DATA PUBLICATION REQUIREMENTS FOR THE OFFICE OF THE COMPTROLLER OF THE CURRENCY.

The Revised Statutes of the United States is amended by inserting after section 332 (12 U.S.C. 14) the following:

"SEC. 333. [12 U.S.C. 14a] DATA STANDARDS; OPEN DATA PUBLICATION

"(a) DATA STANDARDS.—

"(1) REQUIREMENT.—The Comptroller of the Currency shall, by rule, adopt data standards for all collections of information that are regularly filed with or submitted to the Comptroller of the Currency by any entity with respect to which the Office of the Comptroller of the Currency is the appropriate Federal banking agency (as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)).

"(2) CONSISTENCY.—The data standards required under paragraph (1) shall incorporate, and ensure compatibility with (to the extent feasible), all applicable data standards established in the rules promulgated under section 124 of the Financial Stability Act of 2010, including, to the extent practicable, by having the characteristics described in clauses (i) through (vi) of subsection (c)(1)(B) of such section 124.

"(b) OPEN DATA PUBLICATION.—All public data assets published by the Comptroller of the Currency under title LXII or the Dodd-Frank Wall Street Reform and Consumer Protection Act (Public Law 111-203; 124 Stat. 1376) shall be—

"(1) made available as an open Government data asset (as defined in section 3502 of title 44, United States Code);

"(2) freely available for download;

"(3) rendered in a human-readable format; and

"(4) accessible via application programming interface where appropriate.".

SEC. 5842. [12 U.S.C. 14a note] RULEMAKING.

(a) IN GENERAL.—The Comptroller of the Currency shall issue rules to carry out the amendments made by section 5841, which shall take effect not later than 2 years after the date on which final rules are promulgated under section 124(b)(2) of the Financial Stability Act of 2010, as added by section 5811(a) of this title.

(b) SCALING OF REGULATORY REQUIREMENTS; MINIMIZING DISRUPTION.—In issuing the rules required under subsection (a), the Comptroller of the Currency—

(1) may scale data reporting requirements in order to reduce any unjustified burden on smaller regulated entities; and

(2) shall seek to minimize disruptive changes to the persons affected by those regulations.

SEC. 5843. [12 U.S.C. 14a note] NO NEW DISCLOSURE REQUIREMENTS.

Nothing in this subtitle, or the amendments made by this subtitle, shall be construed to require the Comptroller of the Currency to collect or make publicly available additional information under the Revised Statutes of the United States (or under any other provision of law referenced in an amendment made by this subtitle), beyond information that was collected or made publicly available under any such provision of law, as of the day before the date of enactment of this Act.

Subtitle E—Bureau of Consumer Financial Protection

SEC. 5851. DATA STANDARDS AND OPEN DATA PUBLICATION REQUIREMENTS FOR THE BUREAU OF CONSUMER FINANCIAL PROTECTION.

(a) IN GENERAL.—Subtitle A of the Consumer Financial Protection Act of 2010 (12 U.S.C. 5491 et seq.) is amended by—

(1) redesignating section 1018 (12 U.S.C. 5491 note) as section 1020; and

(2) by inserting after section 1017 (12 U.S.C. 5497) the following:

"SEC. 1018. [12 U.S.C. 5498] DATA STANDARDS

"(a) REQUIREMENT.—The Bureau shall, by rule, adopt data standards for all collections of information that are regularly filed with or submitted to the Bureau.

"(b) CONSISTENCY.—The data standards required under subsection (a) shall incorporate, and ensure compatibility with (to the extent feasible), all applicable data standards established in the rules promulgated under section 124 of the Financial Stability Act of 2010, including, to the extent practicable, by having the characteristics described in clauses (i) through (vi) of subsection (c)(1)(B) of such section 124.

"SEC. 1019. [12 U.S.C. 5499] OPEN DATA PUBLICATION

"All public data assets published by the Bureau shall be—

"(1) made available as an open Government data asset (as defined in section 3502 of title 44, United States Code);

"(2) freely available for download;

"(3) rendered in a human-readable format; and

"(4) accessible via application programming interface where appropriate.".

(b) CLERICAL AMENDMENT.—The table of contents under section 1(b) of the Dodd-Frank Wall Street Reform and Consumer Protection Act is amended by striking the item relating to section 1018 and inserting the following:

"Sec. 1018. Data standards.
"Sec. 1019. Open data publication.
"Sec. 1020. Effective date.".

SEC. 5852. [12 U.S.C. 5498 note] RULEMAKING.

(a) IN GENERAL.—The Director of the Bureau of Consumer Financial Protection shall issue rules to carry out the amendments made by section 5851, which shall take effect not later than 2 years after the date on which final rules are promulgated under section 124(b)(2) of the Financial Stability Act of 2010, as added by section 5811(a) of this title.

(b) SCALING OF REGULATORY REQUIREMENTS; MINIMIZING DISRUPTION.—In issuing the rules required under subsection (a), the Director of the Bureau of Consumer Financial Protection—

(1) may scale data reporting requirements in order to reduce any unjustified burden on smaller regulated entities; and

(2) shall seek to minimize disruptive changes to the persons affected by those regulations.

SEC. 5853. [12 U.S.C. 5498 note] NO NEW DISCLOSURE REQUIREMENTS.

Nothing in this subtitle, or the amendments made by this subtitle, shall be construed to require the Bureau of Consumer Financial Protection to collect or make publicly available additional information under the Consumer Financial Protection Act of 2010 (12 U.S.C. 5481 et seq.), beyond information that was collected or made publicly available under that Act, as of the day before the date of enactment of this Act.

Subtitle F—Federal Reserve System

SEC. 5861. DATA STANDARDS REQUIREMENTS FOR THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

(a) DATA STANDARDS FOR INFORMATION FILED OR SUBMITTED BY NONBANK FINANCIAL COMPANIES.—Section 161(a) of the Financial Stability Act of 2010 (12 U.S.C. 5361(a)) is amended by adding at the end the following:

"(4) DATA STANDARDS FOR REPORTS UNDER THIS SUBSECTION.—

"(A) IN GENERAL.—The Board of Governors shall adopt data standards for all information that, through a collection of information, is regularly filed with or submitted to the Board of Governors under this subsection by any nonbank financial company supervised by the Board of Governors or any subsidiary thereof.

"(B) CONSISTENCY.—The data standards required under subparagraph (A) shall incorporate, and ensure compatibility with (to the extent feasible), all applicable data standards established in the rules promulgated under section 124, including, to the extent practicable, by having the characteristics described in clauses (i) through (vi) of subsection (c)(1)(B) of section 124.".

(b) DATA STANDARDS FOR INFORMATION FILED OR SUBMITTED BY SAVINGS AND LOAN HOLDING COMPANIES.—Section 10 of the Home Owners' Loan Act (12 U.S.C. 1467a) is amended by adding at the end the following:

"(u) DATA STANDARDS.—

"(1) REQUIREMENT.—The Board shall adopt data standards for all information that, through a collection of information, is regularly filed with or submitted to the Board by any savings and loan holding company, or subsidiary of a savings and loan holding company, other than a depository institution, under this section.

"(2) CONSISTENCY.—The data standards required under paragraph (1) shall incorporate, and ensure compatibility with (to the extent feasible), all applicable data standards established in the rules promulgated under section 124 of the Financial Stability Act of 2010, including, to the extent practicable, by having the characteristics described in clauses (i) through (vi) of subsection (c)(1)(B) of such section 124.".

(c) DATA STANDARDS FOR INFORMATION FILED OR SUBMITTED BY BANK HOLDING COMPANIES.—Section 5 of the Bank Holding Company Act of 1956 (12 U.S.C. 1844) is amended by adding at the end the following:

"(h) DATA STANDARDS.—

"(1) REQUIREMENT.—The Board shall adopt data standards for all information that, through a collection of information, is regularly filed with or submitted to the Board by any bank holding company in a report under subsection (c).

"(2) CONSISTENCY.—The data standards required under paragraph (1) shall incorporate, and ensure compatibility with (to the extent feasible), all applicable data standards established in the rules promulgated under section 124 of the Financial Stability Act of 2010, including, to the extent practicable, by having the characteristics described in clauses (i) through (vi) of subsection (c)(1)(B) of such section 124.".

(d) DATA STANDARDS FOR INFORMATION SUBMITTED BY FINANCIAL MARKET UTILITIES OR INSTITUTIONS UNDER THE PAYMENT, CLEARING, AND SETTLEMENT SUPERVISION ACT OF 2010.—Section 809 of the Payment, Clearing, and Settlement Supervision Act of 2010 (12 U.S.C. 5468) is amended by adding at the end the following:

"(h) DATA STANDARDS.—

"(1) REQUIREMENT.—The Board of Governors shall adopt data standards for all information that, through a collection of information, is regularly filed with or submitted to the Board or the Council by any financial market utility or financial institution under subsection (a) or (b).

"(2) CONSISTENCY.—The data standards required under paragraph (1) shall incorporate, and ensure compatibility with (to the extent feasible), all applicable data standards established in the rules promulgated under section 124 of the Financial Stability Act of 2010, including, to the extent practicable, by having the characteristics described in clauses (i) through (vi) of subsection (c)(1)(B) of such section 124.".

SEC. 5862. OPEN DATA PUBLICATION BY THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

The Federal Reserve Act (12 U.S.C. 226 et seq.) is amended by adding at the end the following:

"SEC. 32. [12 U.S.C. 253] OPEN DATA PUBLICATION BY THE BOARD OF GOVERNORS

"All public data assets published by the Board of Governors under this Act, the Bank Holding Company Act of 1956 (12 U.S.C. 1841 et seq.), the Financial Stability Act of 2010 (12 U.S.C. 5311 et seq.), the Home Owners' Loan Act (12 U.S.C. 1461 et seq.), the Payment, Clearing, and Settlement Supervision Act of 2010 (12 U.S.C. 5461 et seq.), or the Enhancing Financial Institution Safety and Soundness Act of 2010 (title III of Public Law 111-203) (or any provision of law amended by that Act) shall be—

"(1) made available as an open Government data asset (as defined in section 3502 of title 44, United States Code);

"(2) freely available for download;

"(3) rendered in a human-readable format; and

"(4) accessible via application programming interface where appropriate.".

SEC. 5863. [12 U.S.C. 253 note] RULEMAKING.

(a) IN GENERAL.—The Board of Governors of the Federal Reserve System shall issue rules to carry out the amendments made by this subtitle, which shall take effect not later than 2 years after the date on which final rules are promulgated under section 124(b)(2) of the Financial Stability Act of 2010, as added by section 5811(a) of this title.

(b) SCALING OF REGULATORY REQUIREMENTS; MINIMIZING DISRUPTION.—In issuing the rules required under subsection (a), the Board of Governors of the Federal Reserve System—

(1) may scale data reporting requirements in order to reduce any unjustified burden on smaller regulated entities; and

(2) shall seek to minimize disruptive changes to the persons affected by those regulations.

SEC. 5864. [12 U.S.C. 253 note] NO NEW DISCLOSURE REQUIREMENTS.

Nothing in this subtitle, or the amendments made by this subtitle, shall be construed to require the Board of Governors of the Federal Reserve System to collect or make publicly available additional information under any Act amended by this subtitle, any Act referenced in an amendment made by this subtitle, or any Act amended by an Act referenced in an amendment made by this subtitle, beyond information that was collected or made publicly available under any such provision of law, as of the day before the date of enactment of this Act.

Subtitle G—National Credit Union Administration

SEC. 5871. DATA STANDARDS.

Title I of the Federal Credit Union Act (12 U.S.C. 1752 et seq.) is amended by adding at the end the following:

"SEC. 132. [12 U.S.C. 1772e] DATA STANDARDS

"(a) REQUIREMENT.—The Board shall, by rule, adopt data standards for all collections of information and reports regularly filed with or submitted to the Administration under this Act.

"(b) CONSISTENCY.—The data standards required under subsection (a) shall incorporate, and ensure compatibility with (to the extent feasible), all applicable data standards established in the rules promulgated under section 124 of the Financial Stability Act of 2010, including, to the extent practicable, by having the characteristics described in clauses (i) through (vi) of subsection (c)(1)(B) of such section 124.".

SEC. 5872. OPEN DATA PUBLICATION BY THE NATIONAL CREDIT UNION ADMINISTRATION.

Title I of the Federal Credit Union Act (12 U.S.C. 1752 et seq.), as amended by section 5701, is further amended by adding at the end the following:

"SEC. 133. [12 U.S.C. 1772f] OPEN DATA PUBLICATION

"All public data assets published by the Administration under this title shall be—

"(1) made available as an open Government data asset (as defined in section 3502 of title 44, United States Code);

"(2) freely available for download;

"(3) rendered in a human-readable format; and

"(4) accessible via application programming interface where appropriate.".

SEC. 5873. [12 U.S.C. 1772e note] RULEMAKING.

(a) IN GENERAL.—The National Credit Union Administration Board shall issue rules to carry out the amendments made by this subtitle, which shall take effect not later than 2 years after the date on which final rules are promulgated under section 124(b)(2) of the Financial Stability Act of 2010, as added by section 5811(a) of this title.

(b) SCALING OF REGULATORY REQUIREMENTS; MINIMIZING DISRUPTION.—In issuing the rules required under subsection (a), the National Credit Union Administration Board—

(1) may scale data reporting requirements in order to reduce any unjustified burden on smaller regulated entities; and

(2) shall seek to minimize disruptive changes to the persons affected by those regulations.

SEC. 5874. [12 U.S.C. 1772e note] NO NEW DISCLOSURE REQUIREMENTS.

Nothing in this subtitle, or the amendments made by this subtitle, shall be construed to require the National Credit Union Administration Board to collect or make publicly available additional information under the Federal Credit Union Act (12 U.S.C. 1751 et seq.), beyond information that was collected or made publicly avail-

able under that Act, as of the day before the date of enactment of this Act.

Subtitle H—Federal Housing Finance Agency

SEC. 5881. DATA STANDARDS REQUIREMENTS FOR THE FEDERAL HOUSING FINANCE AGENCY.

Part 1 of subtitle A of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4511 et seq.) is amended by adding at the end the following:

"SEC. 1319H. [12 U.S.C. 4527] DATA STANDARDS

"(a) REQUIREMENT.—The Agency shall, by rule, adopt data standards for all collections of information that are regularly filed with or submitted to the Agency.

"(b) CONSISTENCY.—The data standards required under subsection (a) shall incorporate, and ensure compatibility with (to the extent feasible), all applicable data standards established in the rules promulgated under section 124 of the Financial Stability Act of 2010, including, to the extent practicable, by having the characteristics described in clauses (i) through (vi) of subsection (c)(1)(B) of such section 124.".

SEC. 5882. OPEN DATA PUBLICATION BY THE FEDERAL HOUSING FINANCE AGENCY.

Part 1 of subtitle A of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4511 et seq.), as amended by section 5801, is further amended by adding at the end the following:

"SEC. 1319I. [12 U.S.C. 4528] OPEN DATA PUBLICATION

"All public data assets published by the Agency shall be—

"(1) made available as an open Government data asset (as defined in section 3502 of title 44, United States Code);

"(2) freely available for download;

"(3) rendered in a human-readable format; and

"(4) accessible via application programming interface where appropriate.".

SEC. 5883. [12 U.S.C. 4527 note] RULEMAKING.

(a) IN GENERAL.—The Director of the Federal Housing Finance Agency shall issue rules to carry out the amendments made by this subtitle, which shall take effect not later than 2 years after the date on which final rules are promulgated under section 124(b)(2) of the Financial Stability Act of 2010, as added by section 5811(a) of this title.

(b) MINIMIZING DISRUPTION.—In issuing the regulations required under subsection (a), the Director of the Federal Housing Finance Agency shall seek to minimize disruptive changes to the persons affected by those rules.

SEC. 5884. [12 U.S.C. 4527 note] NO NEW DISCLOSURE REQUIREMENTS.

Nothing in this subtitle, or the amendments made by this subtitle, shall be construed to require the Federal Housing Finance Agency to collect or make publicly available additional information

under the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4501 et seq.), beyond information that was collected or made publicly available under that Act, as of the day before the date of enactment of this Act.

Subtitle I—Miscellaneous

SEC. 5891. [12 U.S.C. 5334 note] RULES OF CONSTRUCTION.

(a) NO EFFECT ON INTELLECTUAL PROPERTY.—Nothing in this title, or the amendments made by this title, may be construed to alter the legal protections, as in effect on the day before the date of enactment of this Act, of copyrighted material or other intellectual property rights of any non-Federal person.

(b) NO EFFECT ON MONETARY POLICY.—Nothing in this title, or the amendments made by this title, may be construed to apply to activities conducted, or data standards used, in connection with monetary policy proposed or implemented by the Board of Governors of the Federal Reserve System or the Federal Open Market Committee.

(c) PRESERVATION OF AGENCY AUTHORITY TO TAILOR REQUIREMENTS.—Nothing in this title, or the amendments made by this title, may be construed to prohibit the head of a covered agency, as defined in section 124(a) of the Financial Stability Act of 2010, as added by section 5811(a) of this title, from tailoring those standards when those standards are adopted under this title and the amendments made by this title.

SEC. 5892. [12 U.S.C. 5334 note] CLASSIFIED AND PROTECTED INFORMATION.

(a) IN GENERAL.—Nothing in this title, or the amendments made by this title, shall require the disclosure to the public of—

(1) information that would be exempt from disclosure under section 552 of title 5, United States Code (commonly known as the "Freedom of Information Act"); or

(2) information protected under—

(A) section 552a of title 5, United States Code (commonly known as the "Privacy Act of 1974");

(B) section 6103 of the Internal Revenue Code of 1986; or

(C) any law administered, or regulation promulgated, by the Financial Crimes Enforcement Network of the Department of the Treasury.

(b) EXISTING AGENCY REGULATIONS.—Nothing in this title, or the amendments made by this title, shall be construed to require the Secretary of the Treasury, the Securities and Exchange Commission, the Federal Deposit Insurance Corporation, the Comptroller of the Currency, the Director of the Bureau of Consumer Financial Protection, the Board of Governors of the Federal Reserve System, the National Credit Union Administration Board, the Director of the Federal Housing Finance Agency, or the head of any other primary financial regulatory agency (as defined in section 2 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (12 U.S.C. 5301)) designated by the Secretary of the Treasury to amend regulations and procedures, as in effect on the day before

the date of enactment of this Act, regarding the sharing and disclosure of nonpublic information, including confidential supervisory information.

(c) DATA PRIVACY AND PERSONALLY IDENTIFIABLE INFORMATION.—Nothing in this title, or the amendments made by this title, shall be construed to require the Secretary of the Treasury, the Securities and Exchange Commission, the Federal Deposit Insurance Corporation, the Comptroller of the Currency, the Director of the Bureau of Consumer Financial Protection, the Board of Governors of the Federal Reserve System, the National Credit Union Administration Board, the Director of the Federal Housing Finance Agency, or the head of any other primary financial regulatory agency (as defined in section 2 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (12 U.S.C. 5301)) designated by the Secretary of the Treasury to disclose to the public any information that can be used to distinguish or trace the identity of an individual, either alone or when combined with other personal or identifying information that is linked or linkable to a specific individual.

SEC. 5893. REPORT.

Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the feasibility, costs, and potential benefits of building upon the taxonomy established by this title, and the amendments made by this title, to arrive at a Federal Government-wide regulatory compliance standardization mechanism similar to Standard Business Reporting.

TITLE LIX—OTHER MATTERS

Subtitle A—Judiciary Matters

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

Subtitle B—Science, Space, and Technology Matters

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

Subtitle C—FedRamp Authorization Act

Sec. 5921. FedRAMP Authorization Act.

Subtitle D—Judicial Security and Privacy

Sec. 5931. Short title.
Sec. 5932. Findings and purpose.
Sec. 5933. Definitions.
Sec. 5934. Protecting covered information in public records.
Sec. 5935. Training and education.
Sec. 5936. Vulnerability management capability.

Sec. 5937. Rules of construction.
Sec. 5938. Severability.
Sec. 5939. Effective date.

Subtitle E—Other Matters

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

Subtitle A—Judiciary Matters

SEC. 5901. EXTENSION OF ADMISSION TO GUAM OR THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS FOR CERTAIN NONIMMIGRANT H-2B WORKERS.

Section 6(b)(1)(B) of the Joint Resolution entitled "A Joint Resolution to approve the 'Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America', and for other purposes", approved March 24, 1976 (48 U.S.C. 1806(b)(1)(B)), is amended, in the matter preceding clause (i), by striking "December 31, 2023" and inserting "December 31, 2024".

SEC. 5902. ELIGIBILITY OF PORTUGUESE TRADERS AND INVESTORS FOR E-1 AND E-2 NONIMMIGRANT VISAS.

(a) [8 U.S.C. 1101 note] NONIMMIGRANT TRADERS AND INVESTORS.—For purposes of clauses (i) and (ii) of section 101(a)(15)(E) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(E)), Portugal shall be considered to be a foreign state described in such section if the Government of Portugal provides similar nonimmigrant status to nationals of the United States.

(b) MODIFICATION OF ELIGIBILITY CRITERIA FOR E VISAS.—Section 101(a)(15)(E) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(E)) is amended—

(1) in the matter preceding clause (i)—

(A) by inserting "(or, in the case of an alien who acquired the relevant nationality through a financial investment and who has not previously been granted status under this subparagraph, the foreign state of which the alien is a national and in which the alien has been domiciled for a continuous period of not less than 3 years at any point before applying for a nonimmigrant visa under this subparagraph)" before ", and the spouse"; and

(B) by striking "him" and inserting "such alien"; and

(2) by striking "he" each place such term appears and inserting "the alien".

SEC. 5903. INCENTIVES FOR STATES TO CREATE SEXUAL ASSAULT SURVIVORS' BILL OF RIGHTS.

(a) INCENTIVES FOR STATES TO CREATE SEXUAL ASSAULT SURVIVORS' BILL OF RIGHTS.—

(1) [34 U.S.C. 10441 note] DEFINITION OF COVERED FORMULA GRANT.—In this subsection, the term "covered formula grant" means a grant under part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10441 et seq.) (commonly referred to as the "STOP Violence Against Women Formula Grant Program").

(2) GRANT INCREASE.—The Attorney General shall increase the amount of the covered formula grant provided to a State in accordance with this subsection if the State has in effect a law that provides to sexual assault survivors the rights, at a minimum, under section 3772 of title 18, United States Code.

(3) APPLICATION.—A State seeking an increase to a covered formula grant under this subsection shall submit an application to the Attorney General at such time, in such manner, and containing such information as the Attorney General may reasonably require, including information about the law described in paragraph (2).

(4) PERIOD OF INCREASE.—The Attorney General may not provide an increase in the amount of the covered formula grant provided to a State under this subsection more than 4 times.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $20,000,000 for each of fiscal years 2023 through 2027 to carry out this subsection.

(b) REAUTHORIZATION OF THE MISSING AMERICANS ALERT PROGRAM.—Section 240001(d) of the Violent Crime Control and Law Enforcement Act of 1994 (34 U.S.C. 12621(d)) is amended by striking "2018 through 2022" and inserting "2023 through 2027".

SEC. 5904. EXTENDING THE STATUTE OF LIMITATIONS FOR CERTAIN MONEY LAUNDERING OFFENSES.

(a) IN GENERAL.—Section 1956 of title 18, United States Code, is amended by adding at the end the following:

"(j) SEVEN-YEAR LIMITATION.—Notwithstanding section 3282, no person shall be prosecuted, tried, or punished for a violation of this section or section 1957 if the specified unlawful activity constituting the violation is the activity defined in subsection (c)(7)(B) of this section, unless the indictment is found or the information is instituted not later than 7 years after the date on which the offense was committed.".

(b) [18 U.S.C. 1956 note] EFFECTIVE DATE.—The amendments made by this section shall apply to—

(1) conduct that occurred before the date of enactment of this Act for which the applicable statute of limitations has not expired; and

(2) conduct that occurred on or after the date of enactment of this Act.

Subtitle B—Science, Space, and Technology Matters

SEC. 5911. FINANCIAL ASSISTANCE FOR CONSTRUCTION OF TEST BEDS AND SPECIALIZED FACILITIES.

Section 34 of the National Institute of Standards and Technology Act (15 U.S.C. 278s) is amended—

(1) by redesignating subsections (f) through (l) as subsections (g) through (m), respectively; and

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

"(f) AUTHORITY TO AWARD FINANCIAL ASSISTANCE FOR CONSTRUCTION OF TEST BEDS AND SPECIALIZED FACILITIES.—

"(1) IN GENERAL.—The Secretary may, acting through the Director, award financial assistance for the construction of test beds and specialized facilities by Manufacturing USA institutes established or supported under subsection (e) as the Secretary considers appropriate to carry out the purposes of the Program.

"(2) REQUIREMENTS.—The Secretary shall exercise authority under paragraph (1) in a manner and with requirements consistent with paragraphs (3) through (8) of subsection (e).

"(3) PRIORITY.—The Secretary shall establish preferences in selection criteria for proposals for financial assistance under this subsection from Manufacturing USA institutes that integrate as active members one or more covered entities as described in section 10262 of the Research and Development, Competition, and Innovation Act (Public Law 117-167).".

SEC. 5912. REPORTS ON ARCTIC RESEARCH, BUDGET, AND SPENDING.

(a) CROSSCUT REPORT ON ARCTIC RESEARCH PROGRAMS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of the Office of Science and Technology Policy, in coordination with the Director of the Office of Management and Budget, shall submit a detailed report to Congress regarding all existing Federal programs relating to Arctic research and research-related activities, including observation, modeling, monitoring, and prediction, and research infrastructure. The report shall include—

(A) the goals of each such program;

(B) the funding levels for each such program for each of the 5 immediately preceding fiscal years;

(C) the anticipated funding levels for each such program for each of the 5 following fiscal years; and

(D) the total funding appropriated for the current fiscal year for such programs.

(2) DISTRIBUTION.—Not later than 30 days after submitting the report to Congress pursuant to subsection (a), the Director of the Office of Science and Technology Policy shall make a report available on a public website.

(b) [15 U.S.C. 4112] ANNUAL AGENCY BUDGET AND SPENDING REPORT.—

(1) ANNUAL AGENCY BUDGETS.—Each agency represented on the Interagency Arctic Research Policy Committee shall each include in their agency's annual budget request to Congress a description of their agency's projected Arctic research activities and associated budget for the fiscal year covered by the budget request.

(2) REPORT TO CONGRESS.—Beginning with fiscal year 2025 and annually thereafter until fiscal year 2034, not later than 60 days after the President's budget request for such fiscal year is submitted to Congress, the Office of Science and Technology Policy shall submit an annual report to Congress sum-

marizing each agency's budget request related to Arctic research activities per the information submitted in accordance with paragraph (1).

SEC. 5913. [42 U.S.C. 19222] NATIONAL RESEARCH AND DEVELOPMENT STRATEGY FOR DISTRIBUTED LEDGER TECHNOLOGY.

(a) DEFINITIONS.—In this section:

(1) DIRECTOR.—Except as otherwise expressly provided, the term "Director" means the Director of the Office of Science and Technology Policy.

(2) DISTRIBUTED LEDGER.—The term "distributed ledger" means a ledger that—

(A) is shared across a set of distributed nodes, which are devices or processes, that participate in a network and store a complete or partial replica of the ledger;

(B) is synchronized between the nodes;

(C) has data appended to it by following the ledger's specified consensus mechanism;

(D) may be accessible to anyone (public) or restricted to a subset of participants (private); and

(E) may require participants to have authorization to perform certain actions (engaging) or require no authorization (permissionless).

(3) DISTRIBUTED LEDGER TECHNOLOGY.—The term "distributed ledger technology" means technology that enables the operation and use of distributed ledgers.

(4) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(5) RELEVANT CONGRESSIONAL COMMITTEES.—The term "relevant congressional committees" means—

(A) the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Science, Space, and Technology of the House of Representatives.

(6) SMART CONTRACT.—The term "smart contract" means a computer program stored in a distributed ledger system that is executed when certain predefined conditions are satisfied and wherein the outcome of any execution of the program may be recorded on the distributed ledger.

(b) NATIONAL DISTRIBUTED LEDGER TECHNOLOGY RESEARCH AND DEVELOPMENT STRATEGY.—

(1) IN GENERAL.—The Director, or a designee of the Director, shall, in coordination with the National Science and Technology Council, and the heads of such other relevant Federal agencies and entities as the Director considers appropriate, which may include the National Academies, and in consultation with such nongovernmental entities as the Director considers appropriate, develop a national strategy for the research and development of distributed ledger technologies and their applications, including applications of public and permissionless distributed ledgers. In developing the national strategy, the Director shall consider the following:

(A) Current efforts and coordination by Federal agencies to invest in the research and development of distributed ledger technologies and their applications, including through programs like the Small Business Innovation Research program, the Small Business Technology Transfer program, and the National Science Foundation's Innovation Corps programs.

(B)(i) The potential benefits and risks of applications of distributed ledger technologies across different industry sectors, including their potential to—

(I) lower transactions costs and facilitate new types of commercial transactions;

(II) protect privacy and increase individuals' data sovereignty;

(III) reduce friction to the interoperability of digital systems;

(IV) increase the accessibility, auditability, security, efficiency, and transparency of digital services;

(V) increase market competition in the provision of digital services;

(VI) enable dynamic contracting and contract execution through smart contracts;

(VII) enable participants to collaborate in trustless and disintermediated environments;

(VIII) enable the operations and governance of distributed organizations;

(IX) create new ownership models for digital items; and

(X) increase participation of populations historically underrepresented in the technology, business, and financial sectors.

(ii) In consideration of the potential risks of applications of distributed ledger technologies under clause (i), the Director shall take into account, where applicable—

(I) additional risks that may emerge from distributed ledger technologies, as identified in reports submitted to the President pursuant to Executive Order 14067, that may be addressed by research and development;

(II) software vulnerabilities in distributed ledger technologies and smart contracts;

(III) limited consumer literacy on engaging with applications of distributed ledger technologies in a secure way;

(IV) the use of distributed ledger technologies in illicit finance and their use in combating illicit finance;

(V) manipulative, deceptive, and fraudulent practices that harm consumers engaging with applications of distributed ledger technologies;

(VI) the implications of different consensus mechanisms for digital ledgers and governance

and accountability mechanisms for applications of distributed ledger technologies, which may include decentralized networks;

(VII) foreign activities in the development and deployment of distributed ledger technologies and their associated tools and infrastructure; and

(VIII) environmental, sustainability, and economic impacts of the computational resources required for distributed ledger technologies.

(C) Potential uses for distributed ledger technologies that could improve the operations and delivery of services by Federal agencies, taking into account the potential of digital ledger technologies to—

(i) improve the efficiency and effectiveness of privacy-preserving data sharing among Federal agencies and with State, local, territorial, and Tribal governments;

(ii) promote government transparency by improving data sharing with the public;

(iii) introduce or mitigate risks that may threaten individuals' rights or broad access to Federal services;

(iv) automate and modernize processes for assessing and ensuring regulatory compliance; and

(v) facilitate broad access to financial services for underserved and underbanked populations.

(D) Ways to support public and private sector dialogue on areas of research that could enhance the efficiency, scalability, interoperability, security, and privacy of applications using distributed ledger technologies.

(E) The need for increased coordination of the public and private sectors on the development of voluntary standards in order to promote research and development, including standards regarding security, smart contracts, cryptographic protocols, virtual routing and forwarding, interoperability, zero-knowledge proofs, and privacy, for distributed ledger technologies and their applications.

(F) Applications of distributed ledger technologies that could positively benefit society but that receive relatively little private sector investment.

(G) The United States position in global leadership and competitiveness across research, development, and deployment of distributed ledger technologies.

(2) CONSULTATION.—

(A) IN GENERAL.—In carrying out the Director's duties under this subsection, the Director shall consult with the following:

(i) Private industry.

(ii) Institutions of higher education, including minority-serving institutions.

(iii) Nonprofit organizations, including foundations dedicated to supporting distributed ledger technologies and their applications.

(iv) State governments.

(v) Such other persons as the Director considers appropriate.

(B) REPRESENTATION.—The Director shall ensure consultations with the following:

(i) Rural and urban stakeholders from across the Nation.

(ii) Small, medium, and large businesses.

(iii) Subject matter experts representing multiple industrial sectors.

(iv) A demographically diverse set of stakeholders.

(3) COORDINATION.—In carrying out this subsection, the Director shall, for purposes of avoiding duplication of activities, consult, cooperate, and coordinate with the programs and policies of other relevant Federal agencies, including the interagency process outlined in section 3 of Executive Order 14067 (87 Fed. Reg. 14143; relating ensuring responsible development of digital assets).

(4) NATIONAL STRATEGY.—Not later than 1 year after the date of enactment of this Act, the Director shall submit to the relevant congressional committees and the President a national strategy that includes the following:

(A) Priorities for the research and development of distributed ledger technologies and their applications.

(B) Plans to support public and private sector investment and partnerships in research and technology development for societally beneficial applications of distributed ledger technologies.

(C) Plans to mitigate the risks of distributed ledger technologies and their applications.

(D) An identification of additional resources, administrative action, or legislative action recommended to assist with the implementation of such strategy.

(5) RESEARCH AND DEVELOPMENT FUNDING.—The Director shall, as the Director considers necessary, consult with the Director of the Office of Management and Budget and with the heads of such other elements of the Executive Office of the President as the Director considers appropriate, to ensure that the recommendations and priorities with respect to research and development funding, as expressed in the national strategy developed under this subsection, are incorporated in the development of annual budget requests for Federal research agencies.

(c) DISTRIBUTED LEDGER TECHNOLOGY RESEARCH.—

(1) IN GENERAL.—Subject to the availability of appropriations, the Director of the National Science Foundation shall make awards, on a competitive basis, to institutions of higher education, including minority-serving institutions, or nonprofit organizations (or consortia of such institutions or organizations) to support research, including interdisciplinary research, on distributed ledger technologies, their applications, and other issues that impact or are caused by distributed ledger technologies, which may include research on—

(A) the implications on trust, transparency, privacy, accessibility, accountability, and energy consumption of

different consensus mechanisms and hardware choices, and approaches for addressing these implications;

(B) approaches for improving the security, privacy, resiliency, interoperability, performance, and scalability of distributed ledger technologies and their applications, which may include decentralized networks;

(C) approaches for identifying and addressing vulnerabilities and improving the performance and expressive power of smart contracts;

(D) the implications of quantum computing on applications of distributed ledger technologies, including long-term protection of sensitive information (such as medical or digital property), and techniques to address them;

(E) game theory, mechanism design, and economics underpinning and facilitating the operations and governance of decentralized networks enabled by distributed ledger technologies;

(F) the social behaviors of participants in decentralized networks enabled by distributed ledger technologies;

(G) human-centric design approaches to make distributed ledger technologies and their applications more usable and accessible;

(H) use cases for distributed ledger technologies across various industry sectors and government, including applications pertaining to—

(i) digital identity, including trusted identity and identity management;

(ii) digital property rights;

(iii) delivery of public services;

(iv) supply chain transparency;

(v) medical information management;

(vi) inclusive financial services;

(vii) community governance;

(viii) charitable giving;

(ix) public goods funding;

(x) digital credentials;

(xi) regulatory compliance;

(xii) infrastructure resilience, including against natural disasters; and

(xiii) peer-to-peer transactions; and

(I) the social, behavioral, and economic implications associated with the growth of applications of distributed ledger technologies, including decentralization in business, financial, and economic systems.

(2) ACCELERATING INNOVATION.—The Director of the National Science Foundation shall consider continuing to support startups that are in need of funding, would develop in and contribute to the economy of the United States, leverage distributed ledger technologies, have the potential to positively benefit society, and have the potential for commercial viability, through programs like the Small Business Innovation Research program, the Small Business Technology Transfer program, and, as appropriate, other programs that promote broad and diverse participation.

(3) CONSIDERATION OF NATIONAL DISTRIBUTED LEDGER TECHNOLOGY RESEARCH AND DEVELOPMENT STRATEGY.—In making awards under paragraph (1), the Director of the National Science Foundation shall take into account the national strategy, as described in subsection (b)(4).

(4) FUNDAMENTAL RESEARCH.—The Director of the National Science Foundation shall consider continuing to make awards supporting fundamental research in areas related to distributed ledger technologies and their applications, such as applied cryptography and distributed systems.

(d) DISTRIBUTED LEDGER TECHNOLOGY APPLIED RESEARCH PROJECT.—

(1) APPLIED RESEARCH PROJECT.—Subject to the availability of appropriations, the Director of the National Institute of Standards and Technology, may carry out an applied research project to study and demonstrate the potential benefits and unique capabilities of distributed ledger technologies.

(2) ACTIVITIES.—In carrying out the applied research project, the Director of the National Institute of Standards and Technology shall—

(A) identify potential applications of distributed ledger technologies, including those that could benefit activities at the Department of Commerce or at other Federal agencies, considering applications that could—

(i) improve the privacy and interoperability of digital identity and access management solutions;

(ii) increase the integrity and transparency of supply chains through the secure and limited sharing of relevant supplier information;

(iii) facilitate broader participation in distributed ledger technologies of populations historically underrepresented in technology, business, and financial sectors; or

(iv) be of benefit to the public or private sectors, as determined by the Director in consultation with relevant stakeholders;

(B) solicit and provide the opportunity for public comment relevant to potential projects;

(C) consider, in the selection of a project, whether the project addresses a pressing need not already addressed by another organization or Federal agency;

(D) establish plans to mitigate potential risks, including those outlined in subsection (b)(1)(B)(ii), if applicable, of potential projects;

(E) produce an example solution leveraging distributed ledger technologies for 1 of the applications identified in subparagraph (A);

(F) hold a competitive process to select private sector partners, if they are engaged, to support the implementation of the example solution;

(G) consider hosting the project at the National Cybersecurity Center of Excellence; and

(H) ensure that cybersecurity best practices consistent with the Cybersecurity Frame work of the National Insti-

tute of Standards and Technology are demonstrated in the project.

(3) BRIEFINGS TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Director of the National Institute of Standards and Technology shall offer a briefing to the relevant congressional committees on the progress and current findings from the project under this subsection.

(4) PUBLIC REPORT.—Not later than 12 months after the completion of the project under this subsection, the Director of the National Institute of Standards and Technology shall make public a report on the results and findings from the project.

SEC. 5914. TECHNICAL CORRECTIONS.

The Energy Policy Act of 2005 is amended—

(1) in section 952(a)(2)(A) (42 U.S.C. 16272(a)(2)(A)), by striking "shall evaluate the technical and economic feasibility of the establishment of" and inserting "shall evaluate the technical and economic feasibility of establishing and, if feasible, is authorized to establish"; and

(2) in section 954(a)(5) (42 U.S.C. 16274(a)(5)), by—

(A) redesignating subparagraph (E) as subparagraph (F); and

(B) by inserting after subparagraph (D) the following:

"(E) FUEL SERVICES.—The Research Reactor Infrastructure subprogram within the Radiological Facilities Management program of the Department, as authorized by paragraph (6), shall be expanded to provide fuel services to research reactors established by this paragraph.".

Subtitle C—FedRamp Authorization Act

SEC. 5921. FEDRAMP AUTHORIZATION ACT.

(a) [44 U.S.C. 101 note] SHORT TITLE.—This section may be cited as the "FedRAMP Authorization Act".

(b) AMENDMENT.—Chapter 36 of title 44, United States Code, is amended by adding at the end the following:

"SEC. 3607. [44 U.S.C. 3607] Definitions

"(a) IN GENERAL.—Except as provided under subsection (b), the definitions under sections 3502 and 3552 apply to this section through section 3616.

"(b) ADDITIONAL DEFINITIONS.—In this section through section 3616:

"(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of General Services.

"(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Reform of the House of Representatives.

"(3) AUTHORIZATION TO OPERATE; FEDERAL INFORMATION.—The terms 'authorization to operate' and 'Federal information' have the meaning given those term in Circular A-130 of the

Office of Management and Budget entitled 'Managing Information as a Strategic Resource', or any successor document.

"(4) CLOUD COMPUTING.—The term 'cloud computing' has the meaning given the term in Special Publication 800-145 of the National Institute of Standards and Technology, or any successor document.

"(5) CLOUD SERVICE PROVIDER.—The term 'cloud service provider' means an entity offering cloud computing products or services to agencies.

"(6) FEDRAMP.—The term 'FedRAMP' means the Federal Risk and Authorization Management Program established under section 3608.

"(7) FEDRAMP AUTHORIZATION.—The term 'FedRAMP authorization' means a certification that a cloud computing product or service has—

"(A) completed a FedRAMP authorization process, as determined by the Administrator; or

"(B) received a FedRAMP provisional authorization to operate, as determined by the FedRAMP Board.

"(8) FEDRAMP AUTHORIZATION PACKAGE.—The term 'FedRAMP authorization package' means the essential information that can be used by an agency to determine whether to authorize the operation of an information system or the use of a designated set of common controls for all cloud computing products and services authorized by FedRAMP.

"(9) FEDRAMP BOARD.—The term 'FedRAMP Board' means the board established under section 3610.

"(10) INDEPENDENT ASSESSMENT SERVICE.—The term 'independent assessment service' means a third-party organization accredited by the Administrator to undertake conformity assessments of cloud service providers and the products or services of cloud service providers.

"(11) SECRETARY.—The term 'Secretary' means the Secretary of Homeland Security.

"SEC. 3608. [44 U.S.C. 3608] Federal Risk and Authorization Management Program

"There is established within the General Services Administration the Federal Risk and Authorization Management Program. The Administrator, subject to section 3614, shall establish a Government-wide program that provides a standardized, reusable approach to security assessment and authorization for cloud computing products and services that process unclassified information used by agencies.

"SEC. 3609. [44 U.S.C. 3609] Roles and responsibilities of the General Services Administration

"(a) ROLES AND RESPONSIBILITIES.—The Administrator shall—

"(1) in consultation with the Secretary, develop, coordinate, and implement a process to support agency review, reuse, and standardization, where appropriate, of security assessments of cloud computing products and services, including, as appropriate, oversight of continuous monitoring of cloud computing products and services, pursuant to guidance issued by the Director pursuant to section 3614;

"(2) establish processes and identify criteria consistent with guidance issued by the Director under section 3614 to make a cloud computing product or service eligible for a FedRAMP authorization and validate whether a cloud computing product or service has a FedRAMP authorization;

"(3) develop and publish templates, best practices, technical assistance, and other materials to support the authorization of cloud computing products and services and increase the speed, effectiveness, and transparency of the authorization process, consistent with standards and guidelines established by the Director of the National Institute of Standards and Technology and relevant statutes;

"(4) establish and update guidance on the boundaries of FedRAMP authorization packages to enhance the security and protection of Federal information and promote transparency for agencies and users as to which services are included in the scope of a FedRAMP authorization;

"(5) grant FedRAMP authorizations to cloud computing products and services consistent with the guidance and direction of the FedRAMP Board;

"(6) establish and maintain a public comment process for proposed guidance and other FedRAMP directives that may have a direct impact on cloud service providers and agencies before the issuance of such guidance or other FedRAMP directives;

"(7) coordinate with the FedRAMP Board, the Director of the Cybersecurity and Infrastructure Security Agency, and other entities identified by the Administrator, with the concurrence of the Director and the Secretary, to establish and regularly update a framework for continuous monitoring under section 3553;

"(8) provide a secure mechanism for storing and sharing necessary data, including FedRAMP authorization packages, to enable better reuse of such packages across agencies, including making available any information and data necessary for agencies to fulfill the requirements of section 3613;

"(9) provide regular updates to applicant cloud service providers on the status of any cloud computing product or service during an assessment process;

"(10) regularly review, in consultation with the FedRAMP Board—

"(A) the costs associated with the independent assessment services described in section 3611; and

"(B) the information relating to foreign interests submitted pursuant to section 3612;

"(11) in coordination with the Director, the Secretary, and other stakeholders, as appropriate, determine the sufficiency of underlying requirements to identify and assess the provenance of the software in cloud services and products;

"(12) support the Federal Secure Cloud Advisory Committee established pursuant to section 3616; and

"(13) take such other actions as the Administrator may determine necessary to carry out FedRAMP.

"(b) WEBSITE.—

"(1) IN GENERAL.—The Administrator shall maintain a public website to serve as the authoritative repository for FedRAMP, including the timely publication and updates for all relevant information, guidance, determinations, and other materials required under subsection (a).

"(2) CRITERIA AND PROCESS FOR FEDRAMP AUTHORIZATION PRIORITIES.—The Administrator shall develop and make publicly available on the website described in paragraph (1) the criteria and process for prioritizing and selecting cloud computing products and services that will receive a FedRAMP authorization, in consultation with the FedRAMP Board and the Chief Information Officers Council.

"(c) EVALUATION OF AUTOMATION PROCEDURES.—

"(1) IN GENERAL. The Administrator, in coordination with the Secretary, shall assess and evaluate available automation capabilities and procedures to improve the efficiency and effectiveness of the issuance of FedRAMP authorizations, including continuous monitoring of cloud computing products and services.

"(2) MEANS FOR AUTOMATION.—Not later than 1 year after the date of enactment of this section, and updated regularly thereafter, the Administrator shall establish a means for the automation of security assessments and reviews.

"(d) METRICS FOR AUTHORIZATION.—The Administrator shall establish annual metrics regarding the time and quality of the assessments necessary for completion of a FedRAMP authorization process in a manner that can be consistently tracked over time in conjunction with the periodic testing and evaluation process pursuant to section 3554 in a manner that minimizes the agency reporting burden.

"SEC. 3610. [44 U.S.C. 3610] FedRAMP Board

"(a) ESTABLISHMENT.—There is established a FedRAMP Board to provide input and recommendations to the Administrator regarding the requirements and guidelines for, and the prioritization of, security assessments of cloud computing products and services.

"(b) MEMBERSHIP.—The FedRAMP Board shall consist of not more than 7 senior officials or experts from agencies appointed by the Director, in consultation with the Administrator, from each of the following:

"(1) The Department of Defense.

"(2) The Department of Homeland Security.

"(3) The General Services Administration.

"(4) Such other agencies as determined by the Director, in consultation with the Administrator.

"(c) QUALIFICATIONS.—Members of the FedRAMP Board appointed under subsection (b) shall have technical expertise in domains relevant to FedRAMP, such as—

"(1) cloud computing;

"(2) cybersecurity;

"(3) privacy;

"(4) risk management; and

"(5) other competencies identified by the Director to support the secure authorization of cloud services and products.

"(d) DUTIES.—The FedRAMP Board shall—

"(1) in consultation with the Administrator, serve as a resource for best practices to accelerate the process for obtaining a FedRAMP authorization;

"(2) establish and regularly update requirements and guidelines for security authorizations of cloud computing products and services, consistent with standards and guidelines established by the Director of the National Institute of Standards and Technology, to be used in the determination of FedRAMP authorizations;

"(3) monitor and oversee, to the greatest extent practicable, the processes and procedures by which agencies determine and validate requirements for a FedRAMP authorization, including periodic review of the agency determinations described in section 3613(b);

"(4) ensure consistency and transparency between agencies and cloud service providers in a manner that minimizes confusion and engenders trust; and

"(5) perform such other roles and responsibilities as the Director may assign, with concurrence from the Administrator.

"(e) DETERMINATIONS OF DEMAND FOR CLOUD COMPUTING PRODUCTS AND SERVICES.—The FedRAMP Board may consult with the Chief Information Officers Council to establish a process, which may be made available on the website maintained under section 3609(b), for prioritizing and accepting the cloud computing products and services to be granted a FedRAMP authorization.

"SEC. 3611. [44 U.S.C. 3611] Independent assessment

"The Administrator may determine whether FedRAMP may use an independent assessment service to analyze, validate, and attest to the quality and compliance of security assessment materials provided by cloud service providers during the course of a determination of whether to use a cloud computing product or service.

"SEC. 3612. [44 U.S.C. 3612] Declaration of foreign interests

"(a) IN GENERAL.—An independent assessment service that performs services described in section 3611 shall annually submit to the Administrator information relating to any foreign interest, foreign influence, or foreign control of the independent assessment service.

"(b) UPDATES.—Not later than 48 hours after there is a change in foreign ownership or control of an independent assessment service that performs services described in section 3611, the independent assessment service shall submit to the Administrator an update to the information submitted under subsection (a).

"(c) CERTIFICATION.—The Administrator may require a representative of an independent assessment service to certify the accuracy and completeness of any information submitted under this section.

"SEC. 3613. [44 U.S.C. 3613] Roles and responsibilities of agencies

"(a) IN GENERAL.—In implementing the requirements of FedRAMP, the head of each agency shall, consistent with guidance issued by the Director pursuant to section 3614—

"(1) promote the use of cloud computing products and services that meet FedRAMP security requirements and other risk-

based performance requirements as determined by the Director, in consultation with the Secretary;

"(2) confirm whether there is a FedRAMP authorization in the secure mechanism provided under section 3609(a)(8) before beginning the process of granting a FedRAMP authorization for a cloud computing product or service;

"(3) to the extent practicable, for any cloud computing product or service the agency seeks to authorize that has received a FedRAMP authorization, use the existing assessments of security controls and materials within any FedRAMP authorization package for that cloud computing product or service; and

"(4) provide to the Director data and information required by the Director pursuant to section 3614 to determine how agencies are meeting metrics established by the Administrator.

"(b) ATTESTATION.—Upon completing an assessment or authorization activity with respect to a particular cloud computing product or service, if an agency determines that the information and data the agency has reviewed under paragraph (2) or (3) of subsection (a) is wholly or substantially deficient for the purposes of performing an authorization of the cloud computing product or service, the head of the agency shall document as part of the resulting FedRAMP authorization package the reasons for this determination.

"(c) SUBMISSION OF AUTHORIZATIONS TO OPERATE REQUIRED.—Upon issuance of an agency authorization to operate based on a FedRAMP authorization, the head of the agency shall provide a copy of its authorization to operate letter and any supplementary information required pursuant to section 3609(a) to the Administrator.

"(d) SUBMISSION OF POLICIES REQUIRED.—Not later than 180 days after the date on which the Director issues guidance in accordance with section 3614(1), the head of each agency, acting through the chief information officer of the agency, shall submit to the Director all agency policies relating to the authorization of cloud computing products and services.

"(e) PRESUMPTION OF ADEQUACY.—

"(1) IN GENERAL.—The assessment of security controls and materials within the authorization package for a FedRAMP authorization shall be presumed adequate for use in an agency authorization to operate cloud computing products and services.

"(2) INFORMATION SECURITY REQUIREMENTS.—The presumption under paragraph (1) does not modify or alter—

"(A) the responsibility of any agency to ensure compliance with subchapter II of chapter 35 for any cloud computing product or service used by the agency; or

"(B) the authority of the head of any agency to make a determination that there is a demonstrable need for additional security requirements beyond the security requirements included in a FedRAMP authorization for a particular control implementation.

"SEC. 3614. [44 U.S.C. 3614] Roles and responsibilities of the Office of Management and Budget

"The Director shall—

"(1) in consultation with the Administrator and the Secretary, issue guidance that—

"(A) specifies the categories or characteristics of cloud computing products and services that are within the scope of FedRAMP;

"(B) includes requirements for agencies to obtain a FedRAMP authorization when operating a cloud computing product or service described in subparagraph (A) as a Federal information system; and

"(C) encompasses, to the greatest extent practicable, all necessary and appropriate cloud computing products and services;

"(2) issue guidance describing additional responsibilities of FedRAMP and the FedRAMP Board to accelerate the adoption of secure cloud computing products and services by the Federal Government;

"(3) in consultation with the Administrator, establish a process to periodically review FedRAMP authorization packages to support the secure authorization and reuse of secure cloud products and services;

"(4) oversee the effectiveness of FedRAMP and the FedRAMP Board, including the compliance by the FedRAMP Board with the duties described in section 3610(d); and

"(5) to the greatest extent practicable, encourage and promote consistency of the assessment, authorization, adoption, and use of secure cloud computing products and services within and across agencies.

"SEC. 3615. [44 U.S.C. 3615] Reports to Congress; GAO report

"(a) REPORTS TO CONGRESS.—Not later than 1 year after the date of enactment of this section, and annually thereafter, the Director shall submit to the appropriate congressional committees a report that includes the following:

"(1) During the preceding year, the status, efficiency, and effectiveness of the General Services Administration under section 3609 and agencies under section 3613 and in supporting the speed, effectiveness, sharing, reuse, and security of authorizations to operate for secure cloud computing products and services.

"(2) Progress towards meeting the metrics required under section 3609(d).

"(3) Data on FedRAMP authorizations.

"(4) The average length of time to issue FedRAMP authorizations.

"(5) The number of FedRAMP authorizations submitted, issued, and denied for the preceding year.

"(6) A review of progress made during the preceding year in advancing automation techniques to securely automate FedRAMP processes and to accelerate reporting under this section.

"(7) The number and characteristics of authorized cloud computing products and services in use at each agency con-

sistent with guidance provided by the Director under section 3614.

"(8) A review of FedRAMP measures to ensure the security of data stored or processed by cloud service providers, which may include—

"(A) geolocation restrictions for provided products or services;

"(B) disclosures of foreign elements of supply chains of acquired products or services;

"(C) continued disclosures of ownership of cloud service providers by foreign entities; and

"(D) encryption for data processed, stored, or transmitted by cloud service providers.

"(b) GAO REPORT.—Not later than 180 days after the date of enactment of this section, the Comptroller General of the United States shall report to the appropriate congressional committees an assessment of the following:

"(1) The costs incurred by agencies and cloud service providers relating to the issuance of FedRAMP authorizations.

"(2) The extent to which agencies have processes in place to continuously monitor the implementation of cloud computing products and services operating as Federal information systems.

"(3) How often and for which categories of products and services agencies use FedRAMP authorizations.

"(4) The unique costs and potential burdens incurred by cloud computing companies that are small business concerns (as defined in section 3(a) of the Small Business Act (15 U.S.C. 632(a)) as a part of the FedRAMP authorization process.

"SEC. 3616. [44 U.S.C. 3616] Federal Secure Cloud Advisory Committee

"(a) ESTABLISHMENT, PURPOSES, AND DUTIES.—

"(1) ESTABLISHMENT.—There is established a Federal Secure Cloud Advisory Committee (referred to in this section as the 'Committee') to ensure effective and ongoing coordination of agency adoption, use, authorization, monitoring, acquisition, and security of cloud computing products and services to enable agency mission and administrative priorities.

"(2) PURPOSES.—The purposes of the Committee are the following:

"(A) To examine the operations of FedRAMP and determine ways that authorization processes can continuously be improved, including the following:

"(i) Measures to increase agency reuse of FedRAMP authorizations.

"(ii) Proposed actions that can be adopted to reduce the burden, confusion, and cost associated with FedRAMP authorizations for cloud service providers.

"(iii) Measures to increase the number of FedRAMP authorizations for cloud computing products and services offered by small businesses concerns (as defined by section 3(a) of the Small Business Act (15 U.S.C. 632(a)).

"(iv) Proposed actions that can be adopted to reduce the burden and cost of FedRAMP authorizations for agencies.

"(B) Collect information and feedback on agency compliance with and implementation of FedRAMP requirements.

"(C) Serve as a forum that facilitates communication and collaboration among the FedRAMP stakeholder community.

"(3) DUTIES.—The duties of the Committee include providing advice and recommendations to the Administrator, the FedRAMP Board, and agencies on technical, financial, programmatic, and operational matters regarding secure adoption of cloud computing products and services.

"(b) MEMBERS.—

"(1) COMPOSITION.—The Committee shall be comprised of not more than 15 members who are qualified representatives from the public and private sectors, appointed by the Administrator, in consultation with the Director, as follows:

"(A) The Administrator or the Administrator's designee, who shall be the Chair of the Committee.

"(B) At least 1 representative each from the Cybersecurity and Infrastructure Security Agency and the National Institute of Standards and Technology.

"(C) At least 2 officials who serve as the Chief Information Security Officer within an agency, who shall be required to maintain such a position throughout the duration of their service on the Committee.

"(D) At least 1 official serving as Chief Procurement Officer (or equivalent) in an agency, who shall be required to maintain such a position throughout the duration of their service on the Committee.

"(E) At least 1 individual representing an independent assessment service.

"(F) At least 5 representatives from unique businesses that primarily provide cloud computing services or products, including at least 2 representatives from a small business concern (as defined by section 3(a) of the Small Business Act (15 U.S.C. 632(a))).

"(G) At least 2 other representatives of the Federal Government as the Administrator determines necessary to provide sufficient balance, insights, or expertise to the Committee.

"(2) DEADLINE FOR APPOINTMENT.—Each member of the Committee shall be appointed not later than 90 days after the date of enactment of this section.

"(3) PERIOD OF APPOINTMENT; VACANCIES.—

"(A) IN GENERAL.—Each non-Federal member of the Committee shall be appointed for a term of 3 years, except that the initial terms for members may be staggered 1-, 2-, or 3-year terms to establish a rotation in which one-third of the members are selected each year. Any such member may be appointed for not more than 2 consecutive terms.

"(B) VACANCIES.—Any vacancy in the Committee shall not affect its powers, but shall be filled in the same manner in which the original appointment was made. Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has taken office.

"(c) MEETINGS AND RULES OF PROCEDURES.—

"(1) MEETINGS.—The Committee shall hold not fewer than 3 meetings in a calendar year, at such time and place as determined by the Chair.

"(2) INITIAL MEETING.—Not later than 120 days after the date of enactment of this section, the Committee shall meet and begin the operations of the Committee.

"(3) RULES OF PROCEDURE.—The Committee may establish rules for the conduct of the business of the Committee if such rules are not inconsistent with this section or other applicable law.

"(d) EMPLOYEE STATUS.—

"(1) IN GENERAL.—A member of the Committee (other than a member who is appointed to the Committee in connection with another Federal appointment) shall not be considered an employee of the Federal Government by reason of any service as such a member, except for the purposes of section 5703 of title 5, relating to travel expenses.

"(2) PAY NOT PERMITTED.—A member of the Committee covered by paragraph (1) may not receive pay by reason of service on the Committee.

"(e) APPLICABILITY TO THE FEDERAL ADVISORY COMMITTEE ACT.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Committee.

"(f) DETAIL OF EMPLOYEES.—Any Federal Government employee may be detailed to the Committee without reimbursement from the Committee, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

"(g) POSTAL SERVICES.—The Committee may use the United States mails in the same manner and under the same conditions as agencies.

"(h) REPORTS.—

"(1) INTERIM REPORTS.—The Committee may submit to the Administrator and Congress interim reports containing such findings, conclusions, and recommendations as have been agreed to by the Committee.

"(2) ANNUAL REPORTS.—Not later than 540 days after the date of enactment of this section, and annually thereafter, the Committee shall submit to the Administrator and Congress a report containing such findings, conclusions, and recommendations as have been agreed to by the Committee.".

(c) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 36 of title 44, United States Code, is amended by adding at the end the following new items:

"3607. Definitions.

"3608. Federal Risk and Authorization Management Program.
"3609. Roles and responsibilities of the General Services Administration.
"3610. FedRAMP Board.
"3611. Independent assessment.
"3612. Declaration of foreign interests.
"3613. Roles and responsibilities of agencies.
"3614. Roles and responsibilities of the Office of Management and Budget.
"3615. Reports to Congress; GAO report.
"3616. Federal Secure Cloud Advisory Committee.".

(d) SUNSET.—

(1) [44 U.S.C. 3607] IN GENERAL.—Effective on the date that is 5 years after the date of enactment of this Act, chapter 36 of title 44, United States Code, is amended by striking sections 3607 through 3616.

(2) CONFORMING AMENDMENT.—Effective on the date that is 5 years after the date of enactment of this Act, the table of sections for chapter 36 of title 44, United States Code, is amended by striking the items relating to sections 3607 through 3616.

(e) [44 U.S.C. 3607 note] RULE OF CONSTRUCTION.—Nothing in this section or any amendment made by this section shall be construed as altering or impairing the authorities of the Director of the Office of Management and Budget or the Secretary of Homeland Security under subchapter II of chapter 35 of title 44, United States Code.

Subtitle D—Judicial Security and Privacy

SEC. 5931. [28 U.S.C. 601 note] SHORT TITLE.

This subtitle may be cited as the "Daniel Anderl Judicial Security and Privacy Act of 2022".

SEC. 5932. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) Members of the Federal judiciary perform the important function of interpreting the Constitution of the United States and administering justice in a fair and impartial manner.

(2) In recent years, partially as a result of the rise in the use of social media and online access to information, members of the Federal judiciary have been exposed to an increased number of personal threats in connection to their role. The ease of access to free or inexpensive sources of covered information has considerably lowered the effort required for malicious actors to discover where individuals live and where they spend leisure hours and to find information about their family members. Such threats have included calling a judge a traitor with references to mass shootings and serial killings, a murder attempt on a justice of the Supreme Court of the United States, calling for an "angry mob" to gather outside a home of a judge and, in reference to a judge on the court of appeals of the United States, stating how easy it would be to "get them".

(3) Between 2015 and 2019, threats and other inappropriate communications against Federal judges and other judiciary personnel increased from 926 in 2015 to approximately 4,449 in 2019.

(4) Over the past decade, several members of the Federal judiciary have experienced acts of violence against themselves or a family member in connection to their Federal judiciary role, including the murder in 2005 of the family of Joan Lefkow, a judge for the United States District Court for the Northern District of Illinois.

(5) On Sunday July 19, 2020, an assailant went to the home of Esther Salas, a judge for the United States District Court for the District of New Jersey, impersonating a package delivery driver, opening fire upon arrival, and killing Daniel Anderl, the 20-year-old only son of Judge Salas, and seriously wounding Mark Anderl, her husband.

(6) In the aftermath of the recent tragedy that occurred to Judge Salas and in response to the continuous rise of threats against members of the Federal judiciary, there is an immediate need for enhanced security procedures and increased availability of tools to protect Federal judges and their families.

(b) PURPOSE.—The purpose of this subtitle is to improve the safety and security of Federal judges, including senior, recalled, or retired Federal judges, and their immediate family members to ensure Federal judges are able to administer justice fairly without fear of personal reprisal from individuals affected by the decisions they make in the course of carrying out their public duties.

SEC. 5933. DEFINITIONS.

In this subtitle:

(1) AT-RISK INDIVIDUAL.—The term "at-risk individual" means—

(A) a Federal judge;

(B) a senior, recalled, or retired Federal judge;

(C) any individual who is the spouse, parent, sibling, or child of an individual described in subparagraph (A) or (B);

(D) any individual to whom an individual described in subparagraph (A) or (B) stands in loco parentis; or

(E) any other individual living in the household of an individual described in subparagraph (A) or (B).

(2) COVERED INFORMATION.—The term "covered information"—

(A) means—

(i) a home address, including primary residence or secondary residences;

(ii) a home or personal mobile telephone number;

(iii) a personal email address;

(iv) a social security number or driver's license number;

(v) a bank account or credit or debit card information;

(vi) a license plate number or other unique identifiers of a vehicle owned, leased, or regularly used by an at-risk individual;

(vii) the identification of children of an at-risk individual under the age of 18;

(viii) the full date of birth;

(ix) information regarding current or future school or day care attendance, including the name or address of the school or day care, schedules of attendance, or routes taken to or from the school or day care by an at-risk individual; or

(x) information regarding the employment location of an at-risk individual, including the name or address of the employer, employment schedules, or routes taken to or from the employer by an at-risk individual; and

(B) does not include information regarding employment with a Government agency.

(3) DATA BROKER.—

(A) IN GENERAL.—The term "data broker" means an entity that collects and sells or licenses to third parties the personal information of an individual with whom the entity does not have a direct relationship..

(B) EXCLUSION.—The term "data broker" does not include a commercial entity engaged in the following activities:

(i) Engaging in reporting, news-gathering, speaking, or other activities intended to inform the public on matters of public interest or public concern.

(ii) Providing 411 directory assistance or directory information services, including name, address, and telephone number, on behalf of or as a function of a telecommunications carrier.

(iii) Using personal information internally, providing access to businesses under common ownership or affiliated by corporate control, or selling or providing data for a transaction or service requested by or concerning the individual whose personal information is being transferred.

(iv) Providing publicly available information via real-time or near-real-time alert services for health or safety purposes.

(v) A consumer reporting agency subject to the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.).

(vi) A financial institution subject to the Gramm-Leach-Bliley Act (Public Law 106-102) and regulations implementing that title.

(vii) A covered entity for purposes of the privacy regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d-2 note).

(viii) The collection and sale or licensing of covered information incidental to conducting the activities described in clauses (i) through (vii).

(4) FEDERAL JUDGE.—The term "Federal judge" means—

(A) a justice of the United States or a judge of the United States, as those terms are defined in section 451 of title 28, United States Code;

(B) a bankruptcy judge appointed under section 152 of title 28, United States Code;

(C) a United States magistrate judge appointed under section 631 of title 28, United States Code;

(D) a judge confirmed by the United States Senate and empowered by statute in any commonwealth, territory, or possession to perform the duties of a Federal judge;

(E) a judge of the United States Court of Federal Claims appointed under section 171 of title 28, United States Code;

(F) a judge of the United States Court of Appeals for Veterans Claims appointed under section 7253 of title 38, United States Code;

(G) a judge of the United States Court of Appeals for the Armed Forces appointed under section 942 of title 10, United States Code;

(H) a judge of the United States Tax Court appointed under section 7443 of the Internal Revenue Code of 1986; and

(I) a special trial judge of the United States Tax Court appointed under section 7443A of the Internal Revenue Code of 1986.

(5) GOVERNMENT AGENCY.—The term "Government agency" includes—

(A) an Executive agency, as defined in section 105 of title 5, United States Code; and

(B) any agency in the judicial branch or legislative branch.

(6) IMMEDIATE FAMILY MEMBER.—The term "immediate family member" means—

(A) any individual who is the spouse, parent, sibling, or child of an at-risk individual;

(B) any individual to whom an at-risk individual stands in loco parentis; or

(C) any other individual living in the household of an at-risk individual.

(7) INTERACTIVE COMPUTER SERVICE.—The term "interactive computer service" has the meaning given the term in section 230 of the Communications Act of 1934 (47 U.S.C. 230).

(8) TRANSFER.—The term "transfer" means to sell, license, trade, or exchange for consideration the covered information of an at-risk individual or immediate family member.

SEC. 5934. PROTECTING COVERED INFORMATION IN PUBLIC RECORDS.

(a) GOVERNMENT AGENCIES.—

(1) IN GENERAL.—Each at-risk individual may—

(A) file written notice of the status of the individual as an at-risk individual, for themselves and immediate family members, with each Government agency that includes information necessary to ensure compliance with this section; and

(B) request that each Government agency described in subparagraph (A) mark as private their covered information and that of their immediate family members.

(2) NO PUBLIC POSTING.—Government agencies shall not publicly post or display publicly available content that includes covered information of an at-risk individual or immediate family member. Government agencies, upon receipt of a written request under paragraph (1)(A), shall remove the covered information of the at-risk individual or immediate family member from publicly available content not later than 72 hours after such receipt.

(3) EXCEPTIONS.—Nothing in this section shall prohibit a Government agency from providing access to records containing the covered information of a Federal judge to a third party if the third party—

(A) possesses a signed release from the Federal judge or a court order;

(B) is subject to the requirements of title V of the Gramm-Leach-Bliley Act (15 U.S.C. 6801 et seq.); or

(C) executes a confidentiality agreement with the Government agency.

(b) DELEGATION OF AUTHORITY.—

(1) IN GENERAL.—An at-risk individual may directly, or through an agent designated by the at-risk individual, make any notice or request required or authorized by this section on behalf of the at-risk individual. The notice or request shall be in writing and contain information necessary to ensure compliance with this section, including information expressly referencing the prohibition on the posting or transfer of covered information, information regarding redress and penalties for violations provided in subsection (f), and contact information to allow the recipient to verify the accuracy of any notice or request and answer questions by the recipient of the notice or request.

(2) AUTHORIZATION OF GOVERNMENT AGENCIES TO MAKE REQUESTS.—

(A) ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS.—Upon written request of an at-risk individual described in subparagraphs (A) through (E) of section 5933(4), the Director of the Administrative Office of the United States Courts is authorized to make any notice or request required or authorized by this section on behalf of the at-risk individual. The notice or request shall include information necessary to ensure compliance with this section, as determined by the Administrative Office of the United States Courts. The Director may delegate this authority under section 602(d) of title 28, United States Code. Any notice or request made under this subsection shall be deemed to have been made by the at-risk individual and comply with the notice and request requirements of this section.

(B) UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS.—Upon written request of an at-risk individual described in section 5933(4)(F), the chief judge of the United States Court of Appeals for Veterans Claims is authorized to make any notice or request required or authorized by this section on behalf of the at-risk individual. Any notice

or request made under this subsection shall be deemed to have been made by the at-risk individual and comply with the notice and request requirements of this section.

(C) UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES.—Upon written request of an at-risk individual described in section 5933(4)(G), the chief judge of the United States Court of Appeals for the Armed Forces is authorized to make any notice or request required or authorized by this section on behalf of the at-risk individual. Any notice or request made under this subsection shall be deemed to have been made by the at-risk individual and comply with the notice and request requirements of this section.

(D) UNITED STATES TAX COURT.—Upon written request of an at-risk individual described in subparagraph (H) or (I) of section 5933(4), the chief judge of the United States Tax Court is authorized to make any notice or request required or authorized by this section on behalf of the at-risk individual. Any notice or request made under this subsection shall be deemed to have been made by the at-risk individual and comply with the notice and request requirements of this section.

(c) STATE AND LOCAL GOVERNMENTS.—

(1) GRANT PROGRAM TO PREVENT DISCLOSURE OF PERSONAL INFORMATION OF AT-RISK INDIVIDUALS OR IMMEDIATE FAMILY MEMBERS.—

(A) AUTHORIZATION.—The Attorney General may make grants to prevent the release of covered information of at-risk individuals and immediate family members (in this subsection referred to as "judges' covered information") to the detriment of such individuals or their immediate family members to an entity that—

(i) is—

(I) a State or unit of local government, as defined in section 901 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10251); or

(II) an agency of a State or unit of local government; and

(ii) operates a State or local database or registry that contains covered information.

(B) APPLICATION.—An entity seeking a grant under this subsection shall submit to the Attorney General an application at such time, in such manner, and containing such information as the Attorney General may reasonably require.

(2) SCOPE OF GRANTS.—Grants made under this subsection may be used to create or expand programs designed to protect judges' covered information, including through—

(A) the creation of programs to redact or remove judges' covered information, upon the request of an at-risk individual, from public records in State agencies, including hiring a third party to redact or remove judges' covered information from public records;

(B) the expansion of existing programs that the State may have enacted in an effort to protect judges' covered information;

(C) the development or improvement of protocols, procedures, and policies to prevent the release of judges' covered information;

(D) the defrayment of costs of modifying or improving existing databases and registries to ensure that judges' covered information is covered from release; and

(E) the development of confidential opt out systems that will enable at-risk individuals to make a single request to keep judges' covered information out of multiple databases or registries.

(3) REPORT.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and biennially thereafter, the Comptroller General of the United States, shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives an annual report that includes—

(i) a detailed amount spent by States and local governments on protecting judges' covered information;

(ii) where the judges' covered information was found; and

(iii) the collection of any new types of personal data found to be used to identify judges who have received threats, including prior home addresses, employers, and institutional affiliations such as nonprofit boards.

(B) STATES AND LOCAL GOVERNMENTS.—States and local governments that receive funds under this subsection shall submit to the Comptroller General of the United States a report on data described in clauses (i) and (ii) of subparagraph (A) to be included in the report required under that subparagraph.

(d) DATA BROKERS AND OTHER BUSINESSES.—

(1) PROHIBITIONS.—

(A) DATA BROKERS.—It shall be unlawful for a data broker to knowingly sell, license, trade for consideration, transfer, or purchase covered information of an at-risk individual or immediate family members.

(B) OTHER PERSONS AND BUSINESSES.—

(i) IN GENERAL.—Except as provided in clause (ii), no person, business, or association shall publicly post or publicly display on the internet covered information of an at-risk individual or immediate family member if the at-risk individual has made a written request to that person, business, or association not to disclose or acquire the covered information of the at-risk individual or immediate family member.

(ii) EXCEPTIONS.—Clause (i) shall not apply to—

(I) the display on the internet of the covered information of an at-risk individual or immediate

family member if the information is relevant to and displayed as part of a news story, commentary, editorial, or other speech on a matter of public concern;

(II) covered information that the at-risk individual voluntarily publishes on the internet after the date of enactment of this Act; or

(III) covered information lawfully received from a Federal Government source (or from an employee or agent of the Federal Government).

(2) REQUIRED CONDUCT.—

(A) IN GENERAL.—After receiving a written request under paragraph (1)(B), the person, business, or association shall—

(i) remove within 72 hours the covered information identified in the written request from the internet and ensure that the information is not made available on any website or subsidiary website controlled by that person, business, or association and identify any other instances of the identified information that should also be removed; and

(ii) assist the sender to locate the covered information of the at-risk individual or immediate family member posted on any website or subsidiary website controlled by that person, business, or association.

(B) TRANSFER.—

(i) IN GENERAL.—Except as provided in clause (ii), after receiving a written request under paragraph (1)(B), the person, business, or association shall not transfer the covered information of the at-risk individual or immediate family member to any other person, business, or association through any medium.

(ii) EXCEPTIONS.—Clause (i) shall not apply to—

(I) the transfer of the covered information of the at-risk individual or immediate family member if the information is relevant to and displayed as part of a news story, commentary, editorial, or other speech on a matter of public concern;

(II) covered information that the at-risk individual or immediate family member voluntarily publishes on the internet after the date of enactment of this Act; or

(III) a transfer made at the request of the at-risk individual or that is necessary to effectuate a request to the person, business, or association from the at-risk individual.

(e) DATA SECURITY.—

(1) RECIPIENTS.—Any interactive computer service shall implement and maintain reasonable security procedures and practices to protect any information collected or received to comply with the requirements of this subtitle from unauthorized use, disclosure, access, destruction, or modification.

(2) GOVERNMENT CUSTODIANS.—The Administrative Office of the United States Courts and the administrators of the

courts described in this subtitle shall implement and maintain reasonable security procedures and practices to protect any information they collect, receive, or transmit pursuant to the provisions of this subtitle.

(f) REDRESS AND PENALTIES.—

(1) IN GENERAL.—If the covered information of an at-risk individual described in subparagraphs (A) through (E) of section 5933(4) or their immediate family is made public as a result of a violation of this subtitle, the Director of the Administrative Office of the United States Courts, or the designee of the Director, may file an action seeking injunctive or declaratory relief in any court of competent jurisdiction, through the Department of Justice.

(2) AUTHORITY.—The respective chief judge for judges described in subparagraphs (B), (C), and (D) of section 5934(b)(2) shall have the same authority as the Director under this paragraph for at-risk individuals in their courts or their immediate family members.

(3) PENALTIES AND DAMAGES.—If a person, business, or association knowingly violates an order granting injunctive or declarative relief under paragraph (1), the court issuing such order may—

(A) if the person, business, or association is a government agency—

(i) impose a fine not greater than $4,000; and

(ii) award to the at-risk individual or their immediate family, as applicable, court costs and reasonable attorney's fees; and

(B) if the person, business, or association is not a government agency, award to the at-risk individual or their immediate family, as applicable—

(i) an amount equal to the actual damages sustained by the at-risk individual or their immediate family; and

(ii) court costs and reasonable attorney's fees.

SEC. 5935. TRAINING AND EDUCATION.

Amounts appropriated to the Federal judiciary for fiscal year 2022, and each fiscal year thereafter, may be used for biannual judicial security training for active, senior, or recalled Federal judges described in subparagraph (A), (B), (C), (D), or (E) of section 5933(4) and their immediate family members, including—

(1) best practices for using social media and other forms of online engagement and for maintaining online privacy;

(2) home security program and maintenance;

(3) understanding removal programs and requirements for covered information; and

(4) any other judicial security training that the United States Marshals Services and the Administrative Office of the United States Courts determines is relevant.

SEC. 5936. VULNERABILITY MANAGEMENT CAPABILITY.

(a) AUTHORIZATION.—

(1) VULNERABILITY MANAGEMENT CAPABILITY.—The Federal judiciary is authorized to perform all necessary functions con-

sistent with the provisions of this subtitle and to support existing threat management capabilities within the United States Marshals Service and other relevant Federal law enforcement and security agencies for active, senior, recalled, and retired Federal judges described in subparagraphs (A), (B), (C), (D), and (E) of section 5933(4), including—

(A) monitoring the protection of at-risk individuals and judiciary assets;

(B) managing the monitoring of websites for covered information of at-risk individuals and immediate family members and remove or limit the publication of such information;

(C) receiving, reviewing, and analyzing complaints by at-risk individuals of threats, whether direct or indirect, and report such threats to law enforcement partners; and

(D) providing training described in section 5935.

(2) VULNERABILITY MANAGEMENT FOR CERTAIN ARTICLE I COURTS.—The functions and support authorized in paragraph (1) shall be authorized as follows:

(A) The chief judge of the United States Court of Appeals for Veterans Claims is authorized to perform such functions and support for the Federal judges described in section 5933(4)(F).

(B) The United States Court of Appeals for the Armed Forces is authorized to perform such functions and support for the Federal judges described in section 5933(4)(G).

(C) The United States Tax Court is authorized to perform such functions and support for the Federal judges described in subparagraphs (H) and (I) of section 5933(4).

(3) TECHNICAL AND CONFORMING AMENDMENT.—Section 604(a) of title 28, United States Codeis amended—

(A) in paragraph (23), by striking "and" at the end;

(B) in paragraph (24) by striking "him" and inserting "the Director";

(C) by redesignating paragraph (24) as paragraph (25); and

(D) by inserting after paragraph (23) the following:

"(24) Establish and administer a vulnerability management program in the judicial branch; and".

(b) EXPANSION OF CAPABILITIES OF OFFICE OF PROTECTIVE INTELLIGENCE.—

(1) IN GENERAL.—The United States Marshals Service is authorized to expand the current capabilities of the Office of Protective Intelligence of the Judicial Security Division to increase the workforce of the Office of Protective Intelligence to include additional intelligence analysts, United States deputy marshals, and any other relevant personnel to ensure that the Office of Protective Intelligence is ready and able to perform all necessary functions, consistent with the provisions of this subtitle, in order to anticipate and deter threats to the Federal judiciary, including—

(A) assigning personnel to State and major urban area fusion and intelligence centers for the specific purpose of

identifying potential threats against the Federal judiciary and coordinating responses to such potential threats;

(B) expanding the use of investigative analysts, physical security specialists, and intelligence analysts at the 94 judicial districts and territories to enhance the management of local and distant threats and investigations; and

(C) increasing the number of United States Marshal Service personnel for the protection of the Federal judicial function and assigned to protective operations and details for the Federal judiciary.

(2) INFORMATION SHARING.—If any of the activities of the United States Marshals Service uncover information related to threats to individuals other than Federal judges, the United States Marshals Service shall, to the maximum extent practicable, share such information with the appropriate Federal, State, and local law enforcement agencies.

(c) REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Department of Justice, in consultation with the Administrative Office of the United States Courts, the United States Court of Appeals for Veterans Claims, the United States Court of Appeals for the Armed Forces, and the United States Tax Court, shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the security of Federal judges arising from Federal prosecutions and civil litigation.

(2) DESCRIPTION.—The report required under paragraph (1) shall describe—

(A) the number and nature of threats and assaults against at-risk individuals handling prosecutions and other matters described in paragraph (1) and the reporting requirements and methods;

(B) the security measures that are in place to protect at-risk individuals handling prosecutions described in paragraph (1), including threat assessments, response procedures, the availability of security systems and other devices, firearms licensing such as deputations, and other measures designed to protect the at-risk individuals and their immediate family members; and

(C) for each requirement, measure, or policy described in subparagraphs (A) and (B), when the requirement, measure, or policy was developed and who was responsible for developing and implementing the requirement, measure, or policy.

(3) PUBLIC POSTING.—The report described in paragraph (1) shall, in whole or in part, be exempt from public disclosure if the Attorney General determines that such public disclosure could endanger an at-risk individual.

SEC. 5937. RULES OF CONSTRUCTION.

(a) IN GENERAL.—Nothing in this subtitle shall be construed—

(1) to prohibit, restrain, or limit—

(A) the lawful investigation or reporting by the press of any unlawful activity or misconduct alleged to have been committed by an at-risk individual or their immediate family member; or

(B) the reporting on an at-risk individual or their immediate family member regarding matters of public concern;

(2) to impair access to decisions and opinions from a Federal judge in the course of carrying out their public functions;

(3) to limit the publication or transfer of covered information with the written consent of the at-risk individual or their immediate family member; or

(4) to prohibit information sharing by a data broker to a Federal, State, Tribal, or local government, or any unit thereof.

(b) PROTECTION OF COVERED INFORMATION.—This subtitle shall be broadly construed to favor the protection of the covered information of at-risk individuals and their immediate family members.

SEC. 5938. SEVERABILITY.

If any provision of this subtitle, an amendment made by this subtitle, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this subtitle and the amendments made by this subtitle, and the application of the remaining provisions of this subtitle and amendments to any person or circumstance shall not be affected.

SEC. 5939. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this subtitle shall take effect on the date of enactment of this Act.

(b) EXCEPTION.—Subsections (c)(1), (d), and (e) of section 5934 shall take effect on the date that is 120 days after the date of enactment of this Act.

Subtitle E—Other Matters

SEC. 5941. SECRETARY OF AGRICULTURE REPORT ON IMPROVING SUPPLY CHAIN SHORTFALLS AND INFRASTRUCTURE NEEDS AT WHOLESALE PRODUCE MARKETS.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Agriculture shall submit to the appropriate congressional committees a report on—

(1) the 5 largest wholesale produce markets by annual sales and volume over the preceding 4 calendar years; and

(2) a representative sample of 8 wholesale produce markets that are not among the largest wholesale produce markets.

(b) CONTENTS.—The report under subsection (a) shall contain the following:

(1) An analysis of the supply chain shortfalls in each wholesale produce market identified under subsection (a), which shall include an analysis of the following:

(A) State of repair of infrastructure, including roads, food storage units, and refueling stations.

(B) Disaster preparedness, including with respect to cyber attacks, weather events, and terrorist attacks.

(C) Disaster recovery systems, including coordination with State and Federal agencies.

(2) A description of any actions the Secretary recommends be taken as a result of the analysis under paragraph (1).

(3) Recommendations, as appropriate, for wholesale produce market owners and operators, and State and local entities to improve the supply chain shortfalls identified under paragraph (1).

(4) Proposals, as appropriate, for legislative actions and funding needed to improve the supply chain shortfalls.

(c) CONSULTATION.—In completing the report under subsection (a), the Secretary of Agriculture shall consult with the Secretary of Transportation, the Secretary of Homeland Security, wholesale produce market owners and operators, State and local entities, and other agencies or stakeholders, as determined appropriate by the Secretary.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES.—For the purposes of this section, the term "appropriate congressional committees" means the Committee on Agriculture, the Committee on Homeland Security, and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Technology, the Committee on Homeland Security and Governmental Affairs, and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

SEC. 5942. EXTENSION OF DEADLINE FOR TRANSFER OF PARCELS OF LAND IN NEW MEXICO.

Section 3120 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (42 U.S.C. 2391 note) is amended by striking "2022" each place that it appears and inserting "2032".

SEC. 5943. ENDING GLOBAL WILDLIFE POACHING AND TRAFFICKING.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States Government should continue to work with international partners, including nations, nongovernmental organizations, and the private sector, to identify longstanding and emerging areas of concern in wildlife poaching and trafficking related to global supply and demand; and

(2) the activities and required reporting of the Presidential Task Force on Wildlife Trafficking, as established by Executive Order 13648 (78 Fed. Reg. 40621) and modified by sections 201 and 301 of the Eliminate, Neutralize, and Disrupt Wildlife Trafficking Act of 2016 (16 U.S.C. 7621 and 7631), should be reauthorized to minimize the disruption of the work of such Task Force.

(b) DEFINITIONS.—Section 2 of the Eliminate, Neutralize, and Disrupt Wildlife Trafficking Act of 2016 (16 U.S.C. 7601) is amended—

(1) in paragraph (3), by inserting "involving local communities" after "approach to conservation";

(2) by amending paragraph (4) to read as follows:

"(4) COUNTRY OF CONCERN.—The term 'country of concern' means a foreign country specially designated by the Secretary of State pursuant to section 201(b) as a major source of wildlife trafficking products or their derivatives, a major transit point

of wildlife trafficking products or their derivatives, or a major consumer of wildlife trafficking products, in which—

"(A) the government has actively engaged in, or knowingly profited from, the trafficking of protected species; or

"(B) the government facilitates such trafficking through conduct that may include a persistent failure to make serious and sustained efforts to prevent and prosecute such trafficking."; and

(3) in paragraph (11), by striking "section 201" and inserting "section 301".

(c) FRAMEWORK FOR INTERAGENCY RESPONSE AND REPORTING.—

(1) REAUTHORIZATION OF REPORT ON MAJOR WILDLIFE TRAFFICKING COUNTRIES.—Section 201 of the Eliminate, Neutralize, and Disrupt Wildlife Trafficking Act of 2016 (16 U.S.C. 7621) is amended—

(A) in subsection (a), by striking "annually thereafter" and inserting "biennially thereafter by June 1 of each year in which a report is required";

(B) in subsection (b), by striking "shall identify" and all that follows through the end of the subsection and inserting "shall also list each country determined by the Secretary of State to be a country of concern within the meaning of this Act"; and

(C) by striking subsection (c) and inserting the following:

"(c) PROCEDURE FOR REMOVING COUNTRIES FROM LIST.—Concurrently with the first report required under this section and submitted after the date of the enactment of this subsection, the Secretary of State, in consultation with the Secretary of the Interior and the Secretary of Commerce, shall publish in the Federal Register a procedure for removing from the list described in subsection (b) any country that no longer meets the definition of country of concern under section 2(4).

"(d) SUNSET.—This section shall cease to have force or effect on September 30, 2028.".

(2) PRESIDENTIAL TASK FORCE ON WILDLIFE TRAFFICKING RESPONSIBILITIES.—Section 301(a) of the Eliminate, Neutralize, and Disrupt Wildlife Trafficking Act of 2016 (16 U.S.C. 7631(a)) is amended—

(A) in paragraph (4), by striking "and" at the end;

(B) by redesignating paragraph (5) as paragraph (9); and

(C) by inserting after paragraph (4) the following:

"(5) pursue programs and develop a strategy—

"(A) to expand the role of technology for anti-poaching and anti-trafficking efforts, in partnership with the private sector, foreign governments, academia, and nongovernmental organizations (including technology companies and the transportation and logistics sectors); and

"(B) to enable local governments to develop and use such technologies;

"(6) consider programs and initiatives that address the expansion of the illegal wildlife trade to digital platforms, includ-

ing the use of digital currency and payment platforms for transactions by collaborating with the private sector, academia, and nongovernmental organizations, including social media, e-commerce, and search engine companies, as appropriate;

"(7)(A) implement interventions to address the drivers of poaching, trafficking, and demand for illegal wildlife and wildlife products in focus countries and countries of concern;

"(B) set benchmarks for measuring the effectiveness of such interventions; and

"(C) consider alignment and coordination with indicators developed by the Task Force;

"(8) consider additional opportunities to increase coordination between law enforcement and financial institutions to identify trafficking activity; and".

(3) PRESIDENTIAL TASK FORCE ON WILDLIFE TRAFFICKING STRATEGIC REVIEW.—Section 301 of the Eliminate, Neutralize, and Disrupt Wildlife Trafficking Act of 2016 (16 U.S.C. 7631), as amended by paragraph (2), is further amended—

(A) in subsection (d)—

(i) in the matter preceding paragraph (1), by striking "annually" and inserting "biennially";

(ii) in paragraph (4), by striking "and" at the end;

(iii) in paragraph (5), by striking the period at the end and inserting "; and"; and

(iv) by adding at the end the following:

"(6) an analysis of the indicators developed by the Task Force, and recommended by the Government Accountability Office, to track and measure inputs, outputs, law enforcement outcomes, and the market for wildlife products for each focus country listed in the report, including baseline measures, as appropriate, for each indicator in each focus country to determine the effectiveness and appropriateness of such indicators to assess progress and whether additional or separate indicators, or adjustments to indicators, may be necessary for focus countries."; and

(B) in subsection (e), by striking "5 years after" and all that follows and inserting "on September 30, 2028".

SEC. 5944. COST-SHARING REQUIREMENTS APPLICABLE TO CERTAIN BUREAU OF RECLAMATION DAMS AND DIKES.

Section 4309 of the America's Water Infrastructure Act of 2018 (43 U.S.C. 377b note; Public Law 115-270) is amended—

(1) in the section heading, by inserting "dams and" before "dikes";

(2) in subsection (a), by striking "effective beginning on the date of enactment of this section, the Federal share of the operations and maintenance costs of a dike described in subsection (b)" and inserting "effective during the one-year period beginning on the date of the enactment of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023, the Federal share of the dam safety modifications costs of a dam or dike described in subsection (b), including repairing or replacing a gate or ancillary gate components,"; and

(3) in subsection (b)—

(A) in the subsection heading, by inserting "Dams and " before "Dikes";

(B) in the matter preceding paragraph (1), by inserting "dam or" before "dike" each place it appears; and

(C) in paragraph (2), by striking "December 31, 1945" and inserting "December 31, 1948".

SEC. 5945. TRANSFER OF NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION PROPERTY IN NORFOLK, VIRGINIA.

Section 1 of Public Law 110-393is amended to read as follows:

"SEC. 1. TRANSFER OF NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION PROPERTY IN NORFOLK, VIRGINIA

"(a) IN GENERAL.—The Secretary shall convey all right, title, and interest of the United States in and to the Norfolk Property to the City, to be used by the City for the purposes of flood management and control, such that—

"(1) the property described in subsection (k)(3)(A) shall be conveyed to the City not later than 90 days after the date of the enactment of this section; and

"(2) the property described in subsection (k)(3)(B) shall be conveyed to the City not later than the earlier of—

"(A) the date on which the Secretary has transferred all of the employees of the Administration from the facilities at the Norfolk Property; or

"(B) 8 years after the date of the enactment of this section.

"(b) CONSIDERATION.—

"(1) IN GENERAL.—As consideration for the conveyance of the Norfolk Property, the City shall pay to the United States an amount equal to not less than the fair market value of the Norfolk Property, as determined by the Secretary, based on the appraisal described in subsection (g), which may consist of cash payment, in-kind consideration as described in paragraph (3), or a combination thereof.

"(2) SUFFICIENCY OF CONSIDERATION.—

"(A) IN GENERAL.—Consideration paid to the Secretary under paragraph (1) must be sufficient, as determined by the Secretary, to provide replacement space for and relocation of any personnel, furniture, fixtures, equipment, and personal property of any kind belonging to the Administration and located upon the Norfolk Property.

"(B) COMPLETION PRIOR TO CONVEYANCE.—Any cash consideration must be paid in full and any in-kind consideration must be complete, useable, and delivered to the satisfaction of the Secretary at or prior to the time of the conveyance of the Norfolk Property.

"(3) IN-KIND CONSIDERATION.—In-kind consideration paid by the City under paragraph (1) may include the acquisition, construction, provision, improvement, maintenance, repair, or restoration (including environmental restoration), or combination thereof, of any facilities or infrastructure with proximity to the Norfolk Property that the Secretary considers acceptable.

"(4) TREATMENT OF CASH CONSIDERATION RECEIVED.—Any cash consideration received by the United States under paragraph (1) shall be deposited in the special account in the Treasury under subparagraph (A) of section 572(b)(5) of title 40, United States Code, and shall be available in accordance with subparagraph (B)(ii) of such section.

"(c) COSTS OF CONVEYANCE.—All reasonable and necessary costs, including real estate transaction and environmental documentation costs, associated with the conveyance of the Norfolk Property to the City under this section may be shared equitably by the Secretary and the City, as determined by the Secretary, including by the City providing in-kind contributions for any or all of such costs.

"(d) PROCEEDS.—Any proceeds from a conveyance of the Norfolk Property under this section shall—

"(1) be credited as discretionary offsetting collections to the currently applicable appropriations accounts, or funds of the Administration; or

"(2) cover costs associated with the conveyance of the Norfolk Property and related relocation efforts, and shall be made available for such purposes only to the extent and in the amounts provided in advance in appropriations Acts.

"(e) SURVEY.—The exact acreage and legal description of the Norfolk Property shall be determined by a survey or surveys satisfactory to the Secretary.

"(f) CONDITION; QUITCLAIM DEED.—The Norfolk Property shall be conveyed—

"(1) in an 'as is, where is' condition; and

"(2) via a quitclaim deed.

"(g) FAIR MARKET VALUE.—

"(1) IN GENERAL.—The fair market value of the Norfolk Property shall be—

"(A) determined by an appraisal that—

"(i) is conducted by an independent appraiser selected by the Secretary; and

"(ii) meets the requirements of paragraph (2); and

"(B) adjusted, at the discretion of the Secretary, based on the factors described in paragraph (3).

"(2) APPRAISAL REQUIREMENTS.—An appraisal conducted under paragraph (1)(A) shall be conducted in accordance with nationally recognized appraisal standards, including the Uniform Standards of Professional Appraisal Practice.

"(3) FACTORS.—The factors described in this paragraph are—

"(A) matters of equity and fairness;

"(B) actions taken by the City regarding the Norfolk Property, including—

"(i) comprehensive waterfront planning, site development, and other redevelopment activities supported by the City in proximity to the Norfolk Property in furtherance of the flood management and control efforts of the City;

"(ii) in-kind contributions made to facilitate and support use of the Norfolk Property by governmental agencies; and

"(iii) maintenance expenses, capital improvements, or emergency expenditures necessary to ensure public safety and access to and from the Norfolk Property; and

"(C) such other factors as the Secretary determines appropriate.

"(h) COMPLIANCE WITH COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT OF 1980.—In carrying out this section, the Secretary shall comply with section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)).

"(i) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance of the Norfolk Property as the Secretary determines appropriate to protect the interests of the United States.

"(j) TERMINATION.—Notwithstanding any other provision of law, the Secretary, acting through the Under Secretary and Administrator of the Administration, is authorized to enter into a land lease with Mobile County, Alabama for a period of not less than 40 years, on such terms and conditions as the Administration deems appropriate, for purposes of construction of a Gulf of Mexico Disaster Response Center facility, provided that the lease is at no cost to the government. The Administration may enter into agreements with State, local, or county governments for purposes of joint use, operations, and occupancy of such facility.

"(k) DEFINITIONS.—In this section:

"(1) ADMINISTRATION.—The term 'Administration' means the National Oceanic and Atmospheric Administration.

"(2) CITY.—The term 'City' means the City of Norfolk, Virginia.

"(3) NORFOLK PROPERTY.—The term 'Norfolk Property' means—

"(A) the real property under the administrative jurisdiction of the Administration, including land and improvements thereon, located at 538 Front Street, Norfolk, Virginia, consisting of approximately 3.78 acres; and

"(B) the real property under the administrative jurisdiction of the Administration, including land and improvements thereon, located at 439 W. York Street, Norfolk, Virginia, consisting of approximately 2.5231 acres.

"(4) SECRETARY.—The term 'Secretary' means the Secretary of Commerce.".

SEC. 5946. OTHER MATTERS.

(a) BRENNAN REEF.—

(1) DESIGNATION.—The reef described in paragraph (2) shall be known and designated as "Brennan Reef" in honor of the late Rear Admiral Richard T. Brennan of the National Oceanic and Atmospheric Administration.

(2) REEF DESCRIBED.—The reef referred to in paragraph (1) is—

(A) between the San Miguel and Santa Rosa Islands on the north side of the San Miguel Passage in the Channel Island National Marine Sanctuary; and

(B) centered at 34 degrees, 03.12 minutes North and 120 degrees, 15.95 minutes West.

(3) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the reef described in paragraph (2) shall be deemed to be a reference to Brennan Reef.

(b) [16 U.S.C. 1857 note] PROHIBITION ON SALE OF SHARK FINS.—

(1) PROHIBITION.—Except as provided in paragraph (3), no person shall possess, acquire, receive, transport, offer for sale, sell, or purchase a shark fin or a product containing a shark fin.

(2) PENALTY.—A violation of paragraph (1) shall be treated as an act prohibited by section 307 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1857) and shall be penalized pursuant to section 308 of that Act (16 U.S.C. 1858).

(3) EXCEPTIONS.—A person may possess a shark fin that was taken lawfully pursuant to a Federal, State, or territorial license or permit to take or land sharks if the shark fin was separated after the first point of landing in a manner consistent with the license or permit and is—

(A) destroyed or disposed of immediately upon separation from the carcass;

(B) used for noncommercial subsistence purposes in accordance with Federal, State, or territorial law; or

(C) used solely for display or research purposes by a museum, college, or university pursuant to a Federal, State, or territorial permit to conduct noncommercial scientific research.

(4) DOGFISH EXEMPTION.—

(A) IN GENERAL.—It shall not be a violation of paragraph (1) for a person to possess, acquire, receive, transport, offer for sale, sell, or purchase a shark fin of a smooth dogfish (*Mustelus canis*) or a spiny dogfish (*Squalus acanthias*).

(B) REPORT.—

(i) IN GENERAL.—Not later than January 1, 2027, the Secretary of Commerce shall review the exemption provided by subparagraph (A) and submit to Congress a report regarding such exemption that includes a recommendation to continue or terminate the exemption.

(ii) FACTORS.—In carrying out clause (i), the Secretary of Commerce shall analyze factors including—

(I) the impact of continuation and termination of the exemption on the economic viability of dogfish fisheries;

(II) the impact of continuation and termination of the exemption on ocean ecosystems;

(III) the impact of the exemption on the enforcement of the prohibition described in paragraph (1); and

(IV) the impact of the exemption on shark conservation.

(5) ENFORCEMENT.—This subsection, and any regulations issued pursuant thereto, shall be enforced by the Secretary of Commerce, who may use by agreement, with or without reimbursement, the personnel, services, equipment, and facilities of another Federal agency or of a State agency or Indian Tribe for the purpose of enforcing this subsection.

(6) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to preclude, deny, or limit any right of a State or territory to adopt or enforce any regulation or standard that is more stringent than a regulation or standard in effect under this subsection.

(7) SEVERABILITY.—If any provision of this subsection, or the application thereof to any person or circumstance, is held invalid, the validity of the remainder of the subsection and of the application of any such provision to other persons and circumstances shall not be affected thereby.

(8) SHARK FIN DEFINED.—In this subsection, the term "shark fin" means the unprocessed, dried, or otherwise processed detached fin or tail of a shark.

SEC. 5947. ENHANCING TRANSPARENCY ON INTERNATIONAL AGREEMENTS AND NON-BINDING INSTRUMENTS.

(a) SECTION 112B OF TITLE 1, UNITED STATES CODE.—

(1) IN GENERAL.—Section 112b of title 1, United States Code, is amended to read as follows:

"SEC. 112b. United States international agreements and non-binding instruments; transparency provisions

"(a)(1) Not less frequently than once each month, the Secretary shall provide in writing to the Majority Leader of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, and the appropriate congressional committees the following:

"(A)(i) A list of all international agreements and qualifying non-binding instruments signed, concluded, or otherwise finalized during the prior month.

"(ii) The text of all international agreements and qualifying non-binding instruments described in clause (i).

"(iii) A detailed description of the legal authority that, in the view of the Secretary, provides authorization for each international agreement and that, in the view of the appropriate department or agency, provides authorization for each qualifying non-binding instrument provided under clause (ii) to become operative. If multiple authorities are relied upon in relation to an international agreement, the Secretary shall cite all such authorities, and if multiple authorities are relied upon in relation to a qualifying non-binding instrument, the appropriate department or agency shall

cite all such authorities. All citations to the Constitution of the United States, a treaty, or a statute shall include the specific article or section and subsection reference whenever available and, if not available, shall be as specific as possible. If the authority relied upon is or includes article II of the Constitution of the United States, the Secretary or appropriate department or agency shall explain the basis for that reliance.

"(B)(i) A list of all international agreements that entered into force and qualifying non-binding instruments that became operative for the United States or an agency of the United States during the prior month.

"(ii) The text of all international agreements and qualifying non-binding instruments described in clause (i) if such text differs from the text of the agreement or instrument previously provided pursuant to subparagraph (A)(ii).

"(iii) A statement describing any new or amended statutory or regulatory authority anticipated to be required to fully implement each proposed international agreement and qualifying non-binding instrument included in the list described in clause (i).

"(2) The information and text required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

"(b)(1) Not later than 120 days after the date on which an international agreement enters into force, the Secretary shall make the text of the agreement, and the information described in subparagraphs (A)(iii) and (B)(iii) of subsection (a)(1) relating to the agreement, available to the public on the website of the Department of State.

"(2) Not less frequently than once every 120 days, the Secretary shall make the text of each qualifying non-binding instrument that became operative during the preceding 120 days, and the information described in subparagraphs (A)(iii) and (B)(iii) of subsection (a)(1) relating to each such instrument, available to the public on the website of the Department of State.

"(3) The requirements under paragraphs (1) and (2) shall not apply to the following categories of international agreements or qualifying non-binding instruments, or to information described in subparagraphs (A)(iii) and (B)(iii) of subsection (a)(1) relating to such agreements or qualifying non-binding instruments:

"(A) International agreements and qualifying non-binding instruments that contain information that has been given a national security classification pursuant to Executive Order 13526 (50 U.S.C. 3161 note; relating to classified national security information) or any predecessor or successor order, or that contain any information that is otherwise exempt from public disclosure pursuant to United States law.

"(B) International agreements and qualifying non-binding instruments that address military operations, military exercises, acquisition and cross servicing, logistics support, military personnel exchange or education programs, or the provision of health care to military personnel on a reciprocal basis.

"(C) International agreements and qualifying non-binding instruments that establish the terms of grant or other similar assistance, including in-kind assistance, financed with foreign assistance funds pursuant to the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) or the Food for Peace Act (7 U.S.C. 1691 et seq.).

"(D) International agreements and qualifying non-binding instruments, such as project annexes and other similar instruments, for which the principal function is to establish technical details for the implementation of a specific project undertaken pursuant to another agreement or qualifying non-binding instrument that has been published in accordance with paragraph (1) or (2).

"(E) International agreements and qualifying non-binding instruments that have been separately published by a depositary or other similar administrative body, except that the Secretary shall make the information described in subparagraphs (A)(iii) and (B)(iii) of subsection (a)(1), relating to such agreements or qualifying non-binding instruments, available to the public on the website of the Department of State within the timeframes required by paragraph (1) or (2).

"(c) For any international agreement or qualifying non-binding instrument for which an implementing agreement or arrangement, or any document of similar purpose or function to the aforementioned regardless of the title of the document, is not otherwise required to be submitted to the Majority Leader of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, and the appropriate congressional committees under subparagraphs (A)(ii) or (B)(ii) of subsection (a)(1), not later than 30 days after the date on which the Secretary receives a written communication from the Chair or Ranking Member of either of the appropriate congressional committees requesting the text of any such implementing agreements or arrangements, whether binding or non-binding, the Secretary shall submit such implementing agreements or arrangements to the Majority Leader of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, and the appropriate congressional committees.

"(d) Any department or agency of the United States Government that enters into any international agreement or qualifying non-binding instrument on behalf of itself or the United States shall—

"(1) provide to the Secretary the text of each international agreement not later than 15 days after the date on which such agreement is signed or otherwise concluded;

"(2) provide to the Secretary the text of each qualifying non-binding instrument not later than 15 days after the date on which such instrument is concluded or otherwise becomes finalized;

"(3) provide to the Secretary a detailed description of the legal authority that provides authorization for each qualifying non-binding instrument to become operative not later than 15 days after such instrument is signed or otherwise becomes finalized; and

"(4) on an ongoing basis, provide any implementing material to the Secretary for transmittal to the Majority Leader of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, and the appropriate congressional committees as needed to satisfy the requirements described in subsection (c).

"(e)(1) Each department or agency of the United States Government that enters into any international agreement or qualifying non-binding instrument on behalf of itself or the United States shall designate a Chief International Agreements Officer, who shall—

"(A) be selected from among employees of such department or agency;

"(B) serve concurrently as the Chief International Agreements Officer; and

"(C) subject to the authority of the head of such department or agency, have department- or agency-wide responsibility for efficient and appropriate compliance with this section.

"(2) There shall be a Chief International Agreements Officer who serves at the Department of State with the title of International Agreements Compliance Officer.

"(f) The substance of oral international agreements shall be reduced to writing for the purpose of meeting the requirements of subsections (a) and (b).

"(g) Notwithstanding any other provision of law, an international agreement may not be signed or otherwise concluded on behalf of the United States without prior consultation with the Secretary. Such consultation may encompass a class of agreements rather than a particular agreement.

"(h)(1) Not later than 3 years after the date of the enactment of this section, and not less frequently than once every 3 years thereafter during the 9-year period beginning on the date of the enactment of this section, the Comptroller General of the United States shall conduct an audit of the compliance of the Secretary with the requirements of this section.

"(2) In any instance in which a failure by the Secretary to comply with such requirements is determined by the Comptroller General to have been due to the failure or refusal of another agency to provide information or material to the Department of State, or the failure to do so in a timely manner, the Comptroller General shall engage such other agency to determine—

"(A) the cause and scope of such failure or refusal;

"(B) the specific office or offices responsible for such failure or refusal; and

"(C) recommendations for measures to ensure compliance with statutory requirements.

"(3) The Comptroller General shall submit to the Majority Leader of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, and the appropriate congressional committees in writing the results of each audit required by paragraph (1).

"(4) The Comptroller General and the Secretary shall make the results of each audit required by paragraph (1) publicly available on the websites of the Government Accountability Office and the Department of State, respectively.

"(i) The President shall, through the Secretary, promulgate such rules and regulations as may be necessary to carry out this section.

"(j) It is the sense of Congress that the executive branch should not prescribe or otherwise commit to or include specific legislative text in a treaty, executive agreement, or non-binding instrument unless Congress has authorized such action.

"(k) In this section:

"(1) The term 'appropriate congressional committees' means—

"(A) the Committee on Foreign Relations of the Senate; and

"(B) the Committee on Foreign Affairs of the House of Representatives.

"(2) The term 'appropriate department or agency' means the department or agency of the United States Government that negotiates and enters into a qualifying non-binding instrument on behalf of itself or the United States.

"(3) The term 'intelligence community' has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)).

"(4) The term 'international agreement' includes—

"(A) any treaty that requires the advice and consent of the Senate, pursuant to article II of the Constitution of the United States; and

"(B) any other international agreement to which the United States is a party and that is not subject to the advice and consent of the Senate.

"(5) The term 'qualifying non-binding instrument'—

"(A) except as provided in subparagraph (B), means a non-binding instrument that—

"(i) is or will be under negotiation, is signed or otherwise becomes operative, or is implemented with one or more foreign governments, international organizations, or foreign entities, including non-state actors; and

"(ii)(I) could reasonably be expected to have a significant impact on the foreign policy of the United States; or

"(II) is the subject of a written communication from the Chair or Ranking Member of either of the appropriate congressional committees to the Secretary; and

"(B) does not include any non-binding instrument that is signed or otherwise becomes operative or is implemented pursuant to the authorities relied upon by the Department of Defense, the Armed Forces of the United States, or any element of the intelligence community.

"(6) The term 'Secretary' means the Secretary of State.

"(7)(A) The term 'text' with respect to an international agreement or qualifying non-binding instrument includes—

"(i) any annex, appendix, codicil, side agreement, side letter, or any document of similar purpose or function to the aforementioned, regardless of the title of the document, that is entered into contemporaneously and in conjunction with the international agreement or qualifying non-binding instrument; and

"(ii) any implementing agreement or arrangement, or any document of similar purpose or function to the aforementioned regardless of the title of the document, that is entered into contemporaneously and in conjunction with the international agreement or qualifying non-binding instrument.

"(B) As used in subparagraph (A), the term 'contemporaneously and in conjunction with'—

"(i) shall be construed liberally; and

"(ii) may not be interpreted to require any action to have occurred simultaneously or on the same day.

"(l) Nothing in this section may be construed—

"(1) to authorize the withholding from disclosure to the public of any record if such disclosure is required by law; or

"(2) to require the provision of any implementing agreement or arrangement, or any document of similar purpose or function regardless of its title, which was entered into by the Department of Defense, the Armed Forces of the United States, or any element of the intelligence community or any implementing material originating with the aforementioned agencies, if such implementing agreement, arrangement, document, or material was not required to be provided to the Majority Leader of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, or the appropriate congressional committees prior to the date of the enactment of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 2 of title 1, United States Code, is amended by striking the item relating to section 112b and inserting the following:

"112b. United States international agreements and non-binding instruments; transparency provisions.".

(3) TECHNICAL AND CONFORMING AMENDMENT RELATING TO AUTHORITIES OF THE SECRETARY OF STATE.—Section 317(h)(2) of

the Homeland Security Act of 2002 (6 U.S.C. 195c(h)(2)) is amended by striking "Section 112b(c)" and inserting "Section 112b(g)".

(4) [1 U.S.C. 112b note] MECHANISM FOR REPORTING.—Not later than 270 days after the date of the enactment of this Act, the Secretary of State shall establish a mechanism for personnel of the Department of State who become aware or who have reason to believe that the requirements under section 112b of title 1, United States Code, as amended by paragraph (1), have not been fulfilled with respect to an international agreement or qualifying non-binding instrument (as such terms are defined in such section) to report such instances to the Secretary.

(5) [1 U.S.C. 112b note] RULES AND REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the President, through the Secretary of State, shall promulgate such rules and regulations as may be necessary to carry out section 112b of title 1, United States Code, as amended by paragraph (1).

(6) [1 U.S.C. 112b note] CONSULTATION AND BRIEFING REQUIREMENT.—

(A) CONSULTATION.—The Secretary of State shall consult with the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives on matters related to the implementation of this section and the amendments made by this section before and after the effective date described in subsection (c).

(B) BRIEFING.—Not later than 90 days after the date of the enactment of this Act, and once every 90 days thereafter for 1 year, the Secretary shall brief the Committee on Foreign Relations of the Senate, the Committee on Appropriations of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Appropriations of the House of Representatives regarding the status of efforts to implement this section and the amendments made by this section.

(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department of State $1,000,000 for each of the fiscal years 2023 through 2027 for purposes of implementing the requirements of section 112b of title 1, United States Code, as amended by paragraph (1).

(b) SECTION 112A OF TITLE 1, UNITED STATES CODE.—Section 112a of title 1, United States Code, is amended—

(1) by striking subsections (b), (c), and (d); and

(2) by inserting after subsection (a) the following:

"(b) Copies of international agreements and qualifying non-binding instruments in the possession of the Department of State, but not published, other than the agreements described in section 112b(b)(3)(A), shall be made available by the Department of State upon request.".

(c) [1 U.S.C. 112a note] EFFECTIVE DATE OF AMENDMENTS.—The amendments made by this section shall take effect on the date that is 270 days after the date of the enactment of this Act.

SEC. 5948. [22 U.S.C. 8902 note] UKRAINE INVASION WAR CRIMES DETERRENCE AND ACCOUNTABILITY ACT.

(a) SHORT TITLE.—This section may be cited as the "Ukraine Invasion War Crimes Deterrence and Accountability Act".

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) in its premeditated, unprovoked, unjustified, and unlawful full-scale invasion of Ukraine that commenced on February 24, 2022, the military of the Government of the Russian Federation under the direction of President Vladimir Putin has committed war crimes that include but are not limited to—

(A) the deliberate targeting of civilians and injuring or killing of noncombatants;

(B) the deliberate targeting and attacking of hospitals, schools, and other non-military buildings dedicated to religion, art, science, or charitable purposes, such as the bombing of a theater in Mariupol that served as a shelter for noncombatants and had the word "children" written clearly in the Russian language outside;

(C) the indiscriminate bombardment of undefended dwellings and buildings;

(D) the wanton destruction of property not justified by military necessity;

(E) unlawful civilian deportations;

(F) the taking of hostages; and

(G) rape, or sexual assault or abuse;

(2) the use of chemical weapons by the Government of the Russian Federation in Ukraine would constitute a war crime, and engaging in any military preparations to use chemical weapons or to develop, produce, stockpile, or retain chemical weapons is prohibited by the Chemical Weapons Convention, to which the Russian Federation is a signatory;

(3) Vladimir Putin has a long record of committing acts of aggression, systematic abuses of human rights, and acts that constitute war crimes or other atrocities both at home and abroad, and the brutality and scale of these actions, including in the Russian Federation republic of Chechnya, Georgia, Syria, and Ukraine, demonstrate the extent to which his regime is willing to flout international norms and values in the pursuit of its objectives;

(4) Vladimir Putin has previously sanctioned the use of chemical weapons at home and abroad, including in the poisonings of Russian spy turned double agent Sergei Skripal and his daughter Yulia and leading Russian opposition figure Aleksey Navalny, and aided and abetted the use of chemical weapons by President Bashar al-Assad in Syria; and

(5) in 2014, the Government of the Russian Federation initiated its unprovoked war of aggression against Ukraine which resulted in its illegal occupation of Crimea, the unrecognized declaration of independence by the so-called "Donetsk People's Republic" and "Luhansk People's Republic" by Russia-backed proxies, and numerous human rights violations and deaths of civilians in Ukraine.

(c) STATEMENT OF POLICY.—It is the policy of the United States—

(1) to collect, analyze, and preserve evidence and information related to war crimes and other atrocities committed during the full-scale Russian invasion of Ukraine that began on February 24, 2022, for use in appropriate domestic, foreign, and international courts and tribunals prosecuting those responsible for such crimes consistent with applicable law, including with the American Service Members' Protection Act of 2002 (22 U.S.C. 7421 et seq.);

(2) to help deter the commission of war crimes and other atrocities in Ukraine by publicizing to the maximum possible extent, including among Russian and other foreign military commanders and troops in Ukraine, efforts to identify and prosecute those responsible for the commission of war crimes during the full-scale Russian invasion of Ukraine that began on February 24, 2022; and

(3) to continue efforts to identify, deter, and pursue accountability for war crimes and other atrocities committed around the world and by other perpetrators, and to leverage international cooperation and best practices in this regard with respect to the current situation in Ukraine.

(d) REPORT ON UNITED STATES EFFORTS.—Not later than 90 days after the date of the enactment of this Act, and consistent with the protection of intelligence sources and methods, the President shall submit to the appropriate congressional committees a report, which may include a classified annex, describing in detail the following:

(1) United States Government efforts to collect, analyze, and preserve evidence and information related to war crimes and other atrocities committed during the full-scale Russian invasion of Ukraine since February 24, 2022, including a description of—

(A) the respective roles of various agencies, departments, and offices, and the interagency mechanism established for the coordination of such efforts;

(B) the types of information and evidence that are being collected, analyzed, and preserved to help identify those responsible for the commission of war crimes or other atrocities during the full-scale Russian invasion of Ukraine in 2022; and

(C) steps taken to coordinate with, and support the work of, allies, partners, international institutions and organizations, and nongovernmental organizations in such efforts.

(2) Media, public diplomacy, and information operations to make Russian military commanders, troops, political leaders and the Russian people aware of efforts to identify and prosecute those responsible for the commission of war crimes or other atrocities during the full-scale Russian invasion of Ukraine in 2022, and of the types of acts that may be prosecutable.

(3) The process for a domestic, foreign, or international court or tribunal to request and obtain from the United States Government information related to war crimes or other atroc-

ities committed during the full-scale Russian invasion of Ukraine in 2022.

(e) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Foreign Affairs, the Committee on the Judiciary, the Committee on Armed Services, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(B) the Committee on Foreign Relations, the Committee on the Judiciary, the Committee on Armed Services, and the Select Committee on Intelligence of the Senate.

(2) ATROCITIES.—The term "atrocities" has the meaning given that term in section 6(2) of the Elie Wiesel Genocide and Atrocities Prevention Act of 2018 (Public Law 115-441; 22 U.S.C. 2656 note).

(3) WAR CRIME.—The term "war crime" has the meaning given that term in section 2441(c) of title 18, United States Code.

SEC. 5949. [41 U.S.C. 4713 note] PROHIBITION ON CERTAIN SEMICONDUCTOR PRODUCTS AND SERVICES.

(a) PROHIBITION ON USE OR PROCUREMENT.—

(1) IN GENERAL.—The head of an executive agency may not—

(A) procure or obtain, or extend or renew a contract to procure or obtain, any electronic parts, products, or services that include covered semiconductor products or services; or

(B) enter into a contract (or extend or renew a contract) with an entity to procure or obtain electronic parts or products that use any electronic parts or products that include covered semiconductor products or services.

(2) RULE OF CONSTRUCTION.—

(A) IN GENERAL.—Nothing in paragraph (1) shall be construed—

(i) to require any covered semiconductor products or services resident in equipment, systems, or services as of the day before the applicable effective date specified in subsection (c) to be removed or replaced;

(ii) to prohibit or limit the utilization of such covered semiconductor products or services throughout the lifecycle of such existing equipment;

(iii) to require the recipient of a Federal contract, grant, loan, or loan guarantee to replace covered semiconductor products or services resident in equipment, systems, or services before the effective date specified in subsection (c); or

(iv) to require the Federal Communications Commission to designate covered semiconductor products or services to its Covered Communications Equipment or Services List maintained under section 2 of the Secured and Trusted Communications Networks Act of 2019 (47 U.S.C. 1603).

(B) CONTRACTING PROHIBITION.—Nothing in paragraph (1)(B) shall be construed to cover products or services that include covered semiconductor products or services in a system that is not a critical system.

(b) WAIVER AUTHORITY.—

(1) SECRETARY OF DEFENSE.—The Secretary of Defense may provide a waiver on a date later than the effective date described in subsection (c) if the Secretary determines the waiver is in the critical national security interests of the United States.

(2) DIRECTOR OF NATIONAL INTELLIGENCE.—The Director of National Intelligence may provide a waiver on a date later than the effective date described in subsection (c) if the Director determines the waiver is in the critical national security interests of the United States.

(3) SECRETARY OF COMMERCE.—The Secretary of Commerce, in consultation with the Director of National Intelligence or the Secretary of Defense, may provide a waiver on a date later than the effective date described in subsection (c) if the Secretary determines the waiver is in the critical national security interests of the United States.

(4) SECRETARY OF HOMELAND SECURITY.—The Secretary of Homeland Security, in consultation with the Director of National Intelligence or the Secretary of Defense, may provide a waiver on a date later than the effective date described in subsection (c) if the Secretary determines the waiver is in the critical national security interests of the United States.

(5) SECRETARY OF ENERGY.—The Secretary of Energy, in consultation with the Director of National Intelligence or the Secretary of Defense, may provide a waiver on a date later than the effective date described in subsection (c) if the Secretary determines the waiver is in the critical national security interests of the United States.

(6) EXECUTIVE AGENCIES.—The head of an executive agency may waive, for a renewable period of not more than two years per waiver, the prohibitions under subsection (a) if—

(A) the head of the agency, in consultation with the Secretary of Commerce, determines that no compliant product or service is available to be procured as, and when, needed at United States market prices or a price that is not considered prohibitively expensive; and

(B) the head of the agency, in consultation with the Secretary of Defense or the Director of National Intelligence, determines that such waiver could not reasonably be expected to compromise the critical national security interests of the United States.

(7) REPORT TO CONGRESS.—Not later than 30 days after granting a waiver under this subsection, the head of the executive agency granting such waiver shall submit to the appropriate committees of Congress and leadership a report with a notification of such waiver, including a justification for the waiver.

(c) EFFECTIVE DATES AND REGULATIONS.—

(1) EFFECTIVE DATE.—The prohibitions under subsection (a) shall take effect five years after the date of the enactment of this Act.

(2) REGULATIONS.—Not later than three years after the date of the enactment of this Act, the Federal Acquisition Regulatory Council shall prescribe regulations implementing the prohibitions under subsection (a), including a requirement for prime contractors to incorporate the substance of such prohibitions and applicable implementing contract clauses into contracts for the supply of electronic parts or products.

(d) OFFICE OF MANAGEMENT AND BUDGET REPORT AND BRIEFING.—Not later than 270 days after the effective date described in subsection (c)(1), the Director of the Office of Management and Budget, in coordination with the Director of National Intelligence and the National Cyber Director, shall provide to the appropriate committees of Congress and leadership a report and briefing on—

(1) the implementation of the prohibitions under subsection (a), including any challenges in the implementation; and

(2) the effectiveness and utility of the waiver authority under subsection (b).

(e) ANALYSIS, ASSESSMENT, AND STRATEGY.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Commerce, in coordination with the Secretary of Defense, the Secretary of Homeland Security, the Director of National Intelligence, and the Secretary of Energy and, to the greatest extent practicable, leveraging relevant previous analyses and assessments, shall—

(1) conduct an analysis of semiconductor design and production capacity domestically and by allied or partner countries required to meet the needs of the Federal Government, including analyses regarding—

(A) semiconductors critical to national security, as determined by the Secretary of Commerce, in consultation with the Secretary of Defense and the Director of National Intelligence, in accordance with section 9902(a)(6)(A)(i) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-283); and

(B) semiconductors classified as legacy semiconductors pursuant to section 9902(a)(6)(A)(i) of William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-283);

(2) assess the risk posed by the presence of covered semiconductor products or services in Federal systems;

(3) assess the risk posed by the presence of covered semiconductor products or services in the supply chains of Federal contractors and subcontractors, including for non-Federal systems;

(4) develop a strategy to—

(A) improve the availability of domestic semiconductor design and production capacity required to meet the requirements of the Federal Government;

(B) support semiconductor product and service suppliers seeking to contract with domestic, allied, or partner

semiconductor producers and to improve supply chain traceability, including to meet the prohibitions under subsection (a); and

(C) either certify the feasibility of implementing such prohibitions or exercising waiver authorities under subsection (b), to ensure uninterrupted Federal Government access to required semiconductor products and services; and

(5) provide the results of the analysis, assessment, and strategy developed under paragraphs (1) through (4) to the Federal Acquisition Security Council.

(f) GOVERNMENTWIDE TRACEABILITY AND DIVERSIFICATION INITIATIVE.—

(1) IN GENERAL.—Not later than two years after the date of the enactment of this Act, the Secretary of Commerce, in coordination with the Secretary of Homeland Security, the Secretary of Defense, the Director of National Intelligence, the Director of the Office of Management and Budget, and the Director of the Office of Science and Technology Policy, and in consultation with industry, shall establish a microelectronics traceability and diversification initiative to coordinate analysis of and response to the Federal Government microelectronics supply chain vulnerabilities.

(2) ELEMENTS.—The initiative established under paragraph (1) shall include the following elements:

(A) Sharing best practices, refining microelectronics standards, such as those established pursuant to section 224 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92), and developing recommendations to identify and mitigate, through diversification efforts, microelectronics supply chain concerns.

(B) Developing an assessment framework to inform Federal decisions on sourcing microelectronics, considering—

(i) chain of custody and traceability, including origin and location of design, manufacturing, distribution, shipping, and quantities;

(ii) confidentiality, including protection, verification, and validation of intellectual property included in microelectronics;

(iii) integrity, including—

(I) security weaknesses and vulnerabilities that include potential supply chain attacks;

(II) risk analysis and consequence to system;

(III) risk of intentional or unintentional modification or tampering; and

(IV) risk of insider threats, including integrity of people and processes involved in the design and manufacturing of microelectronics; and

(iv) availability, including—

(I) potential supply chain disruptions, including due to natural disasters or geopolitical events;

(II) prioritization of parts designed and manufactured in the United States and in allied or

partner countries to support and sustain the defense and technology industrial base;

(III) risk associated with sourcing parts from suppliers outside of the United States and allied and partner countries, including long-term impacts on availability of microelectronics produced domestically or in allied or partner countries; and

(IV) obsolescence management and counterfeit avoidance and detection.

(C) Developing a process for provenance and traceability from design to disposal of microelectronics components and intellectual property contained therein implementable across the Federal acquisition system to improve reporting, data analysis, and tracking.

(D) Developing and implementing policies and plans to support the following:

(i) Development of domestic design and manufacturing capabilities to replace covered semiconductor products or services.

(ii) Utilization of the assessment framework developed under subparagraph (B).

(iii) Implementation of the strategy required under subsection (e)(4) as applicable.

(iv) Identification of and integration with existing information reporting and data visualization systems in the Federal Government, including modification to such systems to track the information.

(v) A requirement to document microelectronics used in systems and subsystems, including origin and location of design and manufacturing, technologies used, and quantities procured.

(vi) Elimination from Federal Government supply chains of microelectronics from entities included on the Consolidated Screening List maintained by the International Trade Administration of the Department of Commerce.

(3) COORDINATION REQUIRED.—In carrying out this subsection, the Secretary of Commerce shall coordinate, as necessary, with the following entities:

(A) The National Science and Technology Council Subcommittee on Microelectronics Leadership.

(B) The Department of Commerce semiconductor industrial advisory committee established under subsection 9906(b) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-283).

(C) The White House Coordinator for CHIPS Implementation.

(D) The Federal Acquisition Security Council (FASC).

(E) The Government-Industry Working Group on Microelectronics.

(F) The Joint Defense Manufacturing Technology Panel (JDMTP).

(G) Standards development organizations.

(g) FEDERAL ACQUISITION SECURITY COUNCIL.—Not later than two years after the date of the enactment of this Act, the Federal Acquisition Security Council, in consultation with the Secretary of Commerce, the Secretary of Defense, the Secretary of Homeland Security, the Director of National Intelligence, and the Secretary of Energy, and after engagement with the private sector and other nongovernmental stakeholders in accordance with section 1323 of title 41, United States Code, shall—

(1) issue recommendations to mitigate supply chain risks relevant to Federal Government acquisition of semiconductor products and services, considering—

(A) the analysis, assessment, and strategy developed under subsection (e) and any related updates;

(B) the standards provided under section 224 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92), including any tiers of trust, levels of security, or risk-based approaches established under such section;

(C) the extent to which such recommendations would enhance the security of critical systems;

(D) the extent to which such recommendations would impact Federal access to commercial technologies; and

(E) any risks to the Federal Government from contracting with microelectronics suppliers that include covered semiconductor products or services in non-Federal supply chains; and

(2) make recommendations to the Federal Acquisition Regulatory Council and the heads of executive agencies for any needed regulations to mitigate supply chain risks.

(h) APPLICABILITY AND RESPONSIBILITIES OF COVERED ENTITIES AND CONTRACTORS.—The regulations prescribed pursuant to subsection (c)(2) shall—

(1) provide that contractors who supply a Federal agency with electronic parts or products are responsible for—

(A) certifying to the non-use of covered semiconductor products or services in such parts or products;

(B) detecting and avoiding the use or inclusion of such covered semiconductor products or services in such parts or products; and

(C) any rework or corrective action that may be required to remedy the use or inclusion of such covered semiconductor products or services in such parts or products;

(2) require covered entities to disclose to direct customers the inclusion of a covered semiconductor product or service in electronic parts, products, or services included in electronic parts, products, or services subject to the contracting prohibition under subsection (a) as to whether such supplied parts, products, or services include covered semiconductors products or services;

(3) provide that a covered entity that fails to disclose the inclusion to direct customers of a covered semiconductor product or service in electronic parts, products, or services procured or obtained by an executive agency in contravention of subsection (a) shall be responsible for any rework or corrective ac-

tion that may be required to remedy the use or inclusion of such covered semiconductor product or service;

(4) provide that the costs of covered semiconductor products or services, suspect semiconductor products, and any rework or corrective action that may be required to remedy the use or inclusion of such products are not allowable costs for Federal contracts;

(5) provide that—

(A) any covered entity or Federal contractor or subcontractor who becomes aware, or has reason to suspect, that any end item, component, or part of a critical system purchased by the Federal Government, or purchased by a Federal contractor or subcontractor for delivery to the Federal Government for any critical system, that contains covered semiconductor products or services shall notify appropriate Federal authorities in writing within 60 days; and

(B) the Federal authorities shall report such information to the appropriate committees of Congress and leadership within 120 days;

(6) provide that Federal bidders and contractors—

(A) may reasonably rely on the certifications of compliance from covered entities and subcontractors who supply electronic parts, products, or services when providing proposals to the Federal Government; and

(B) are not required to conduct independent third party audits or other formal reviews related to such certifications;

(7) provide that a Federal contractor or subcontractor that provides a notification under paragraph (5) that does not regard electronic parts or products manufactured or assembled by such Federal contractor or subcontractor shall not be subject to civil liability nor determined to not be a presently responsible contractor on the basis of such notification; and

(8) provide that a Federal contractor or subcontractor that provides a notification under paragraph (5) that regards electronic parts or products manufactured or assembled by such Federal contractor or subcontractor shall not be subject to civil liability nor determined to not be a presently responsible contractor on the basis of such notification if the Federal contractor or subcontractor makes a comprehensive and documentable effort to identify and remove covered semiconductor products or services from the Federal supply.

(i) REPORTS.—

(1) SECRETARY OF COMMERCE.—Not later than 60 days after completing the assessment required under subsection (e), the Secretary of Commerce shall submit to the appropriate committees of Congress and leadership—

(A) a report of the findings and recommendations of the analyses, assessment, and strategy developed under such subsection; and

(B) a report on development of the microelectronics traceability and diversification initiative under subsection (f)(1).

(2) FEDERAL ACQUISITION SECURITY COUNCIL.—Not later than one year after the date of the enactment of this Act, and annually thereafter for ten years, the Federal Acquisition Security Council shall include in the annual report submitted under section 1325 of title 41, United States Code, a description of—

(A) the development of recommendations under subsection (g), including the considerations described in paragraph (1) of such subsection; and

(B) as applicable, the impact of any recommendations or regulations implemented.

(j) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS AND LEADERSHIP.—The term "appropriate committees of Congress and leadership" means—

(A) the Committee on Armed Services, the Committee on Commerce, Science, and Transportation, the Committee on Homeland Security and Governmental Affairs, the Committee on Energy and Natural Resources, the Committee on Foreign Relations, the Committee on Banking, Housing, and Urban Affairs, the Select Committee on Intelligence, and the majority and minority leaders of the Senate; and

(B) the Committee on Armed Services, the Committee on Energy and Commerce, the Committee on Science, Space, and Technology, the Committee on Oversight and Reform, the Committee on Foreign Affairs, the Committee on Homeland Security, the Permanent Select Committee on Intelligence, and the Speaker, the majority leader, and the minority leader of the of the House of Representatives.

(2) COVERED ENTITY.—The term "covered entity" means an entity that—

(A) develops, domestically or abroad, a design of a semiconductor that is the direct product of United States origin technology or software; and

(B) purchases covered semiconductor products or services from an entity described in subparagraph (A) or (C) of paragraph (3).

(3) COVERED SEMICONDUCTOR PRODUCT OR SERVICES.—The term "covered semiconductor product or services" means any of the following:

(A) A semiconductor, a semiconductor product, a product that incorporates a semiconductor product, or a service that utilizes such a product, that is designed, produced or provided by, Semiconductor Manufacturing International Corporation (SMIC) (or any subsidiary, affiliate, or successor of such entity).

(B) A semiconductor, a semiconductor product, a product that incorporates a semiconductor product, or a service that utilizes such a product, that is designed, produced, or provided by ChangXin Memory Technologies (CXMT) or Yangtze Memory Technologies Corp (YMTC) (or any subsidiary, affiliate, or successor of such entities).

(C) A semiconductor, semiconductor product, or semiconductor service produced or provided by an entity that

the Secretary of Defense or the Secretary of Commerce, in consultation with the Director of the National Intelligence or the Director of the Federal Bureau of Investigation, determines to be an entity owned or controlled by, or otherwise connected to, the government of a foreign country of concern, provided that the determination with respect to such entity is published in the Federal Register.

(4) CRITICAL SYSTEM.—The term "critical system"—

(A) has the meaning given the term "national security system" in section 11103(a)(1) of title 40, United States Code;

(B) shall include additional systems identified by the Federal Acquisition Security Council;

(C) shall include additional systems identified by the Department of Defense, consistent with guidance provided under section 224 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92); and

(D) shall not include a system to be used for routine administrative and business applications (including payroll, finance, logistics, and personnel management applications).

(5) FOREIGN COUNTRY OF CONCERN.—The term "foreign country of concern" has the meaning given the term in paragraph (7) of section 9901 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (15 U.S.C. 4651), as added by section 103(a)(4) of the CHIPS Act of 2022 (division A of Public Law 117-167).

(k) EXTENSION OF FEDERAL ACQUISITION SECURITY SUPPLY CHAIN ACT OF 2018.—

(1) SUBCHAPTER III OF CHAPTER 13 OF TITLE 41, UNITED STATES CODE.—Section 1328 of title 41, United States Code, is amended by striking "the date that is 5 years after the date of the enactment of the Federal Acquisition Supply Chain Security Act of 2018" and inserting "December 31, 2033".

(2) SECTION 4713 OF TITLE 41, UNITED STATES CODE.—Section 4713(j) of title 41, United States Code, is amended by striking "the date that is 5 years after the date of the enactment of the Federal Acquisition Supply Chain Security Act of 2018" and inserting "December 31, 2033".

(l) AUTHORIZATION OF APPROPRIATIONS FOR FEDERAL ACQUISITION SECURITY COUNCIL.—

(1) IN GENERAL.—There is authorized to be appropriated $3,000,000 for each of fiscal years 2023 through 2033 for the Office of Management and Budget to support the activities of the Federal Acquisition Security Council.

(2) TRANSFER AUTHORITY.—The Director of the Office of Management and Budget may transfer funds authorized to be appropriated under paragraph (1) to other Federal agencies for the performance of work for which the funds were authorized.

DIVISION F—INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2023

SEC. 6001. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the "Intelligence Authorization Act for Fiscal Year 2023".

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

DIVISION F—INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2023

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

TITLE LXI—INTELLIGENCE ACTIVITIES

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

TITLE LXII—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Sec. 6201. Authorization of appropriations.

TITLE LXIII—GENERAL INTELLIGENCE COMMUNITY MATTERS

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

TITLE LXIV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

Subtitle A—Office of the Director of National Intelligence

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

Subtitle B—Central Intelligence Agency

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

Subtitle C—Elements of the Defense Intelligence Enterprise

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

Subtitle D—Other Elements

Sec. 6431. Modification of advisory board in National Reconnaissance Office.
Sec. 6432. Establishment of advisory board for National Geospatial-Intelligence Agency.
Sec. 6433. Elevation of the commercial and business operations office of the National Geospatial-Intelligence Agency. [Section 6435 was repealed by section 7317 of division G of Public Law 118-31.]
Sec. 6436. Briefing on coordination between intelligence community and Bureau of Industry and Security.

TITLE LXV—MATTERS RELATING TO FOREIGN COUNTRIES

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

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

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Sec. 6601. Improving onboarding of personnel in intelligence community.
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Sec. 6716. Compliance by intelligence community with requirements of Federal Acquisition Regulation relating to commercially available off-the-shelf items and commercial services.
Sec. 6717. Policy on required user adoption metrics in certain contracts for artificial intelligence and emerging technology software products.
Sec. 6718. Certification relating to information technology and software systems.

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

Subtitle D—Talent, Education, and Training

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

Subtitle E—Other Matters

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

TITLE LXVIII—OTHER MATTERS

Sec. 6801. Improvements relating to continuity of Privacy and Civil Liberties Oversight Board membership.
Sec. 6802. Modification of requirement for office to address unidentified anomalous phenomena.
Sec. 6803. Comptroller General of the United States audits and briefings on unidentified anomalous phenomena historical record report.
Sec. 6804. Report on precursor chemicals used in the production of synthetic opioids.
Sec. 6805. Assessment and report on mass migration in the Western Hemisphere.
Sec. 6806. Report on international norms, rules, and principles applicable in space.
Sec. 6807. Assessments of the effects of sanctions imposed with respect to the Russian Federation's invasion of Ukraine.
Sec. 6808. Assessment of impact of Russia's invasion of Ukraine on food security.
Sec. 6809. Pilot program for Director of Federal Bureau of Investigation to undertake an effort to identify International Mobile Subscriber Identity-catchers.
Sec. 6810. Department of State Bureau of Intelligence and Research assessment of anomalous health incidents.
Sec. 6811. Repeal and modification of certain reporting and briefing requirements.
Sec. 6812. Increased intelligence-related engineering, research, and development capabilities of minority institutions.
Sec. 6813. Reports on personnel vetting processes and progress under Trusted Workforce 2.0 initiative.
Sec. 6814. Reports relating to programs of record of National Geospatial-Intelligence Agency.
Sec. 6815. Plan regarding Social Media Data and Threat Analysis Center.
Sec. 6816. Report on use of publicly available social media information in personnel vetting determinations.
Sec. 6817. Report on strengthening workforce diversity planning and oversight.
Sec. 6818. Report on transition of National Reconnaissance Office to digital engineering environment.
Sec. 6819. Briefing on Department of Homeland Security intelligence activities.
Sec. 6820. Report on declassification efforts of Central Intelligence Agency.
Sec. 6821. Report on National Space Intelligence Center.
Sec. 6822. Report on implementation of Executive Order 13556, regarding controlled unclassified information.
Sec. 6823. National Museum of Intelligence and Special Operations.
Sec. 6824. Technical corrections.

SEC. 6002. [50 U.S.C. 3003 note] DEFINITIONS.

In this division:

(1) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term "congressional intelligence committees" has the meaning given such term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

(2) INTELLIGENCE COMMUNITY.—The term "intelligence community" has the meaning given such term in such section.

SEC. 6003. EXPLANATORY STATEMENT.

The explanatory statement regarding this division, printed in the House section of the Congressional Record by the Chairman of the Permanent Select Committee on Intelligence of the House of Representatives and in the Senate section of the Congressional Record by the Chairman of the Select Committee on Intelligence of the Senate, shall have the same effect with respect to the implementation of this division as if it were a joint explanatory statement of a committee of conference.

TITLE LXI—INTELLIGENCE ACTIVITIES

SEC. 6101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2023 for the conduct of the intelligence and intelligence-related activities of the Federal Government.

SEC. 6102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS.—The amounts authorized to be appropriated under section 6101 for the conduct of the intelligence activities of the Federal Government are those specified in the classified Schedule of Authorizations prepared to accompany this division.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—

(1) AVAILABILITY.—The classified Schedule of Authorizations referred to in subsection (a) shall be made available to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, and to the President.

(2) DISTRIBUTION BY THE PRESIDENT.—Subject to paragraph (3), the President shall provide for suitable distribution of the classified Schedule of Authorizations referred to in subsection (a), or of appropriate portions of such Schedule, within the executive branch of the Federal Government.

(3) LIMITS ON DISCLOSURE.—The President shall not publicly disclose the classified Schedule of Authorizations or any portion of such Schedule except—

(A) as provided in section 601(a) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (50 U.S.C. 3306(a));

(B) to the extent necessary to implement the budget; or

(C) as otherwise required by law.

SEC. 6103. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Intelligence Community Management Account of the Director of National Intelligence for fiscal year 2023 the sum of $664,445,000.

(b) CLASSIFIED AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated for the Intelligence Community Management Account by subsection (a), there are authorized to be appropriated for the Intelligence Community Management Account for fiscal year 2023 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 6102(a).

SEC. 6104. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this division shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

SEC. 6105. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this division for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

TITLE LXII—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 6201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund $514,000,000 for fiscal year 2023.

TITLE LXIII—GENERAL INTELLIGENCE COMMUNITY MATTERS

SEC. 6301. MODIFICATION OF REQUIREMENTS FOR CERTAIN EMPLOYMENT ACTIVITIES BY FORMER INTELLIGENCE OFFICERS AND EMPLOYEES.

(a) IN GENERAL.—Subsections (a) and (b) of section 304 of the National Security Act of 1947 (50 U.S.C. 3073a) are amended to read as follows:

"(a) POST-EMPLOYMENT RESTRICTIONS.—

"(1) COVERED POST-SERVICE POSITION.—

"(A) PERMANENT RESTRICTION.—Except as provided by paragraph (2)(A)(i), an employee of an element of the intelligence community who occupies a covered intelligence position may not occupy a covered post-service position for a designated prohibited foreign country following the date on which the employee ceases to occupy a covered intelligence position.

"(B) TEMPORARY RESTRICTION.—Except as provided by paragraph (2)(A)(ii), an employee of an element of the intelligence community who occupies a covered intelligence position may not occupy a covered post-service position during the 30-month period following the date on which the employee ceases to occupy a covered intelligence position.

"(2) WAIVER.—

"(A) AUTHORITY TO GRANT TEMPORARY WAIVER.—

"(i) WAIVERS OF PERMANENT RESTRICTION.—On a case-by-case basis, the Director of National Intelligence may temporarily waive the restriction in paragraph (1)(A) with respect to an employee or former employee who is subject to that restriction only after—

"(I) the employee or former employee submits to the Director a written application for such

waiver in such form and manner as the Director determines appropriate;

"(II) the Director determines that not granting such waiver would result in a grave detrimental impact to current or future intelligence operations of the United States; and

"(III) the Director provides the congressional intelligence committees with a detailed justification stating why not granting such waiver would result in a grave detrimental impact to current or future intelligence operations of the United States.

"(ii) WAIVERS OF TEMPORARY RESTRICTION.—On a case-by-case basis, the Director may temporarily waive the restriction in paragraph (1)(B) with respect to an employee or former employee who is subject to that restriction only after—

"(I) the employee or former employee submits to the Director a written application for such waiver in such form and manner as the Director determines appropriate; and

"(II) the Director determines that such waiver is necessary to advance the national security interests of the United States.

"(B) PERIOD OF WAIVER.—A waiver issued under subparagraph (A) shall apply for a period not exceeding 5 years. The Director may renew such a waiver.

"(C) REVOCATION.—The Director may revoke a waiver issued under subparagraph (A) to an employee or former employee, effective on the date that is 60 days after the date on which the Director provides the employee or former employee written notice of such revocation.

"(D) TOLLING.—The 30-month restriction in paragraph (1)(B) shall be tolled for an employee or former employee during the period beginning on the date on which a waiver is issued under subparagraph (A) and ending on the date on which the waiver expires or on the effective date of a revocation under subparagraph (C), as the case may be.

"(E) NOTIFICATION.—Not later than 30 days after the date on which the Director issues a waiver under subparagraph (A) or a revocation of a waiver under subparagraph (C), the Director shall submit to the congressional intelligence committees written notification of the waiver or revocation, as the case may be. Such notification shall include the following:

"(i) With respect to a waiver issued to an employee or former employee—

"(I) the details of the application, including the covered intelligence position held or formerly held by the employee or former employee;

"(II) the nature of the activities of the employee or former employee after ceasing to occupy a covered intelligence position;

"(III) a description of the national security interests that will be advanced by reason of issuing such waiver; and

"(IV) the specific reasons why the Director determines that issuing such waiver will advance such interests.

"(ii) With respect to a revocation of a waiver issued to an employee or former employee—

"(I) the details of the waiver, including any renewals of such waiver, and the dates of such waiver and renewals; and

"(II) the specific reasons why the Director determined that such revocation is warranted.

"(b) COVERED POST-SERVICE EMPLOYMENT REPORTING.—

"(1) REQUIREMENT.—During the period described in paragraph (2), an employee who ceases to occupy a covered intelligence position shall—

"(A) report covered post-service employment to the head of the element of the intelligence community that employed such employee in such covered intelligence position upon accepting such covered post-service employment; and

"(B) annually (or more frequently if the head of such element considers it appropriate) report covered post-service employment to the head of such element.

"(2) PERIOD DESCRIBED.—The period described in this paragraph is the period beginning on the date on which an employee ceases to occupy a covered intelligence position.

"(3) REGULATIONS.—The head of each element of the intelligence community shall issue regulations requiring, as a condition of employment, each employee of such element occupying a covered intelligence position to sign a written agreement requiring the regular reporting of covered post-service employment to the head of such element pursuant to paragraph (1).".

(b) DEFINITION OF DESIGNATED PROHIBITED FOREIGN COUNTRY.—Subsection (g) of such section is amended—

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

(2) by inserting after paragraph (3) the following:

"(4) DESIGNATED PROHIBITED FOREIGN COUNTRY.—The term 'designated prohibited foreign country' means the following:

"(A) The People's Republic of China.

"(B) The Russian Federation.

"(C) The Democratic People's Republic of Korea.

"(D) The Islamic Republic of Iran.

"(E) The Republic of Cuba.

"(F) The Syrian Arab Republic.".

(c) ADDITIONAL WRITTEN NOTICE.—

(1) IN GENERAL.—Subsection (d) of such section is amended by adding at the end the following:

"(3) WRITTEN NOTICE ABOUT RESTRICTIONS.—The head of each element of the intelligence community shall provide written notice of the restrictions under subsection (a) to any person who may be subject to such restrictions on or after the date of

enactment of the Intelligence Authorization Act for Fiscal Year 2023—

"(A) when the head of the element determines that such person may become subject to such covered intelligence position restrictions; and

"(B) before the person ceases to occupy a covered intelligence position.".

(2) CONFORMING AMENDMENT.—Paragraph (2) of such subsection is amended in the paragraph heading by adding "about reporting requirements" after "Written notice".

(d) [50 U.S.C. 3073a note] REVISED REGULATIONS.—

(1) DEFINITION OF COVERED INTELLIGENCE POSITION.—In this subsection, the term "covered intelligence position" has the meaning given such term by such section 304.

(2) SUBMISSION.—Not later than 30 days after the date of the enactment of this Act, the head of each element of the intelligence community shall submit to the congressional intelligence committees new or updated regulations issued to carry out such section 304, as amended by subsections (a), (b), and (c) of this section.

(3) REQUIREMENTS.—The regulations issued under paragraph (1) shall—

(A) include provisions that advise personnel of the intelligence community of the appropriate manner in which such personnel may opt out of positions that—

(i) have been designated as covered intelligence positions before the effective date established in subsection (e) of this section; or

(ii) may be designated as covered intelligence provisions before such designation becomes final; and

(B) establish a period of not fewer than 30 days and not more than 60 days after receipt of the written notice required under paragraph (3) of subsection (d) of such section 304, as added by subsection (c)(1) of this section, within which such personnel may opt out of a covered intelligence position and the accompanying obligations imposed by subsection (a)(1)(A) of such section 304, as amended by subsection (a) of this section.

(4) CERTIFICATION.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees—

(A) a written certification for each head of an element of the intelligence community who has issued new or updated regulations pursuant to paragraph (2); and

(B) for each head of an element of the intelligence community who has not issued such new or updated regulations, an explanation for the failure to issue such new or updated regulations.

(e) EFFECTIVE DATE OF PERMANENT RESTRICTIONS.—Subsection (a)(1)(A) of such section 304, as amended by subsection (a) of this section, shall apply only to persons who occupy a covered intelligence position on or after the date that is 45 days after the date

on which new or updated regulations are issued under subsection (d)(2) of this section.

(f) [50 U.S.C. 3519a note] REPEAL.—Section 402 of the Intelligence Authorization Act for Fiscal Year 1997 (Public Law 104-293) is hereby repealed.

SEC. 6302. COUNTERINTELLIGENCE AND NATIONAL SECURITY PROTECTIONS FOR INTELLIGENCE COMMUNITY GRANT FUNDING.

(a) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 3021 et seq.) is amended by adding at the end the following:

"SEC. 121. [50 U.S.C. 3061] COUNTERINTELLIGENCE AND NATIONAL SECURITY PROTECTIONS FOR INTELLIGENCE COMMUNITY GRANT FUNDING

"(a) DISCLOSURE AS CONDITION FOR RECEIPT OF GRANT.—The head of an element of the intelligence community may not award a grant to a person or entity unless the person or entity has certified to the head of the element that the person or entity has disclosed to the head of the element any material financial or material in-kind support that the person or entity knows, or should have known, derives from the People's Republic of China, the Russian Federation, the Islamic Republic of Iran, the Democratic People's Republic of Korea, or the Republic of Cuba, during the 5-year period ending on the date of the person or entity's application for the grant.

"(b) PROCESS FOR REVIEW OF GRANT APPLICANTS PRIOR TO AWARD.—

"(1) IN GENERAL.—The head of an element of the intelligence community may not award a grant to a person or entity who submitted a certification under subsection (a) until such certification is received by the head of an element of the intelligence community and submitted to the Director of National Intelligence pursuant to the process set forth in paragraph (2).

"(2) PROCESS.—

"(A) IN GENERAL.—The Director of National Intelligence, in coordination with such heads of elements of the intelligence community as the Director considers appropriate, shall establish a process to review the awarding of a grant to an applicant who submitted a certification under subsection (a).

"(B) ELEMENTS.—The process established under subparagraph (A) shall include the following:

"(i) The immediate transmission of a copy of each applicant's certification made under subsection (a) to the Director of National Intelligence.

"(ii) The review of the certification and any accompanying disclosures submitted under subsection (a) as soon as practicable.

"(iii) Authorization for the heads of the elements of the intelligence community to take such actions as may be necessary, including denial or revocation of a grant, to ensure a grant does not pose an unacceptable risk of—

"(I) misappropriation of United States intellectual property, research and development, and innovation efforts; or

"(II) other counterintelligence threats.

"(c) ANNUAL REPORT REQUIRED.—Not later than 1 year after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2023 and not less frequently than once each year thereafter, the Director of National Intelligence shall submit to the congressional intelligence committees an annual report identifying the following for the 1-year period covered by the report:

"(1) The number of applications for grants received by each element of the intelligence community.

"(2) The number of such applications that were reviewed using the process established under subsection (b)(2), disaggregated by element of the intelligence community.

"(3) The number of such applications that were denied and the number of grants that were revoked, pursuant to the process established under subsection (b)(2), disaggregated by element of the intelligence community.".

(b) [50 U.S.C. 3061 note] APPLICABILITY.—Subsections (a) and (b) of section 121 of such Act, as added by subsection (a), shall apply only with respect to grants awarded by an element of the intelligence community after the date of the enactment of this Act.

(c) CLERICAL AMENDMENT.—The table of contents preceding section 2 of such Act is amended by inserting after the item relating to section 120 the following:

"Sec. 121. Counterintelligence and national security protections for intelligence community grant funding.".

SEC. 6303. EXTENSION OF CENTRAL INTELLIGENCE AGENCY LAW ENFORCEMENT JURISDICTION TO FACILITIES OF OFFICE OF DIRECTOR OF NATIONAL INTELLIGENCE.

(a) IN GENERAL.—Section 15(a) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3515(a)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (C), by striking "; and" and inserting a semicolon;

(B) by redesignating subparagraph (D) as subparagraph (E);

(C) by inserting after subparagraph (C) the following:

"(D) within an installation owned, or contracted to be occupied for a period of one year or longer, by the Office of the Director of National Intelligence; and"; and

(D) in subparagraph (E), as redesignated by subparagraph (B), by inserting "or (D)" after "in subparagraph (C)";

(2) in paragraph (2), by striking "or (D)" and inserting "or (E)"; and

(3) in paragraph (4), by striking "in subparagraph (A) or (C)" and inserting "in subparagraph (A), (C), or (D)".

(b) CONFORMING AMENDMENT.—Section 5(a)(4) of such Act (50 U.S.C. 3506(a)(4)) is amended by inserting "and Office of the Director of National Intelligence" after "protection of Agency".

SEC. 6304. ANNUAL REPORTS ON STATUS OF RECOMMENDATIONS OF COMPTROLLER GENERAL OF THE UNITED STATES FOR THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) DEFINITION OF OPEN RECOMMENDATIONS.—In this section, the term "open recommendations" refers to recommendations of the Comptroller General of the United States that the Comptroller General has not yet designated as closed.

(b) ANNUAL LISTS BY COMPTROLLER GENERAL OF THE UNITED STATES.—Not later than September 30, 2023, and each September 30 thereafter through 2028, the Comptroller General of the United States shall submit to the congressional intelligence committees and the Director of National Intelligence a list of all open recommendations made to the Director, disaggregated by report number and recommendation number.

(c) ANNUAL REPORTS BY DIRECTOR OF NATIONAL INTELLIGENCE.—Not later than 120 days after the date on which the Director receives a list under subsection (b), the Director shall submit to the congressional intelligence committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives a report on the actions taken by the Director and actions the Director intends to take, alone or in coordination with the heads of other Federal agencies, in response to each open recommendation identified in the list, including open recommendations the Director determines are closed and recommendations the Director determines do not require further action, as well as the basis for such determinations.

SEC. 6305. TIMELY SUBMISSION OF CLASSIFIED INTELLIGENCE BUDGET JUSTIFICATION MATERIALS.

Title V of the National Security Act of 1947 (50 U.S.C. 3091 et seq.) is amended by inserting after section 506I the following new section (and conforming the table of contents at the beginning of such Act accordingly):

"SEC. 506J. CLASSIFIED INTELLIGENCE BUDGET JUSTIFICATION MATERIALS

"(a) DEFINITIONS.—In this section:

"(1) BUDGET.—The term 'budget' has the meaning given the term 'budget of the President' in section 506A.

"(2) CLASSIFIED INTELLIGENCE BUDGET JUSTIFICATION MATERIALS.—The term 'classified intelligence budget justification materials' means, with respect to a fiscal year, the materials submitted to Congress by the Director of National Intelligence in support of the budget for that fiscal year that are classified or otherwise protected from public disclosure.

"(b) TIMELY SUBMISSION.—Not later than 5 days after the date on which the President submits to Congress the budget for each fiscal year pursuant to section 1105(a) of title 31, United States Code, the Director of National Intelligence shall submit to the congressional intelligence committees the classified intelligence budget justification materials for the element for that budget.".

SEC. 6306. COPYRIGHT PROTECTION FOR CIVILIAN FACULTY OF THE NATIONAL INTELLIGENCE UNIVERSITY.

Section 105 of title 17, United States Code, is amended—

(1) by redesignating the second subsection (c) as subsection (d);

(2) by striking subsection (c) and inserting the following:

"(c) USE BY FEDERAL GOVERNMENT.—

"(1) SECRETARY OF DEFENSE AUTHORITY.—With respect to a covered author who produces a covered work in the course of employment at a covered institution described in subparagraphs (A) through (L) of subsection (d)(2), the Secretary of Defense may direct the covered author to provide the Federal Government with an irrevocable, royalty-free, worldwide, nonexclusive license to reproduce, distribute, perform, or display such covered work for purposes of the United States Government.

"(2) DIRECTOR OF NATIONAL INTELLIGENCE AUTHORITY.—With respect to a covered author who produces a covered work in the course of employment at the covered institution described in subsection (d)(2)(M), the Director of National Intelligence may direct the covered author to provide the Federal Government with an irrevocable, royalty-free, world-wide, nonexclusive license to reproduce, distribute, perform, or display such covered work for purposes of the United States Government."; and

(3) in paragraph (2) of subsection (d), as so redesignated, by adding at the end the following:

"(M) National Intelligence University.".

SEC. 6307. MODIFICATIONS TO FOREIGN MALIGN INFLUENCE RESPONSE CENTER.

(a) RENAMING.—

(1) IN GENERAL.—Section 119C of the National Security Act of 1947 (50 U.S.C. 3059) is amended—

(A) in the section heading, by striking "response"; and

(B) in subsection (a), by striking "Response".

(2) CLERICAL AMENDMENT.—The table of contents in the matter preceding section 2 of such Act is amended by striking the item relating to section 119C and inserting the following:

"Sec. 119C. Foreign Malign Influence Center.".

(3) CONFORMING AMENDMENT.—Section 589E(d)(2) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-283; 10 U.S.C. 2001note prec.) is amended by striking "Response".

(4) [50 U.S.C. 3059 note] REFERENCE.—Any reference in law, regulation, map, document, paper, or other record of the United States to the "Foreign Malign Influence Response Center" shall be deemed to be a reference to the Foreign Malign Influence Center.

(b) DIRECTOR OF NATIONAL INTELLIGENCE AUTHORITY TO TERMINATE.—Section 119C of such Act (50 U.S.C. 3059) is further amended—

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

(2) by inserting after subsection (d) the following:

"(e) TERMINATION.—After December 31, 2028, the Director of National Intelligence may terminate the Center, but only if the Director of National Intelligence submits to the congressional intelligence committees, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense

of the Committee on Appropriations of the House of Representatives a determination that the termination of the Center is appropriate, which includes—

"(1) a detailed description that other offices or entities within the intelligence community—

"(A) have the capabilities to perform the functions of the Center; and

"(B) will exercise the functions of the Center upon the termination of the Center; and

"(2) a detailed description of—

"(A) the actions the Director of National Intelligence will take to conduct an orderly wind-down of the activities of the Center; and

"(B) the proposed timeline for such actions.".

(c) REPORT.—

(1) DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.—In this subsection, the term "appropriate committees of Congress" means—

(A) the congressional intelligence committees;

(B) the Committee on Homeland Security and Governmental Affairs, the Committee on Foreign Relations, the Committee on Armed Services, and the Subcommittee on Defense of the Committee on Appropriations of the Senate; and

(C) the Committee on Homeland Security, the Committee on Foreign Affairs, the Committee on Armed Services, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

(2) IN GENERAL.—Not later than December 31, 2025, the Director of National Intelligence shall submit to the appropriate committees of Congress a report assessing the continued need for operating the Foreign Malign Influence Center.

SEC. 6308. REQUIREMENT TO OFFER CYBER PROTECTION SUPPORT FOR PERSONNEL OF INTELLIGENCE COMMUNITY IN POSITIONS HIGHLY VULNERABLE TO CYBER ATTACK.

(a) IN GENERAL.—Section 6308(b) of the Damon Paul Nelson and Matthew Young Pollard Intelligence Authorization Act for Fiscal Years 2018, 2019, and 2020 (50 U.S.C. 3334d(b)) is amended—

(1) in paragraph (1)—

(A) by striking "may provide" and inserting "shall offer";

(B) by inserting "and shall provide such support to any such personnel who request" before the period at the end; and

(2) in the subsection heading, by striking "Authority" and inserting "Requirement".

(b) PLAN.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives an implementation plan for providing the support described section 6308(b) of the Damon Paul Nelson and Matthew Young Pollard Intelligence Authorization Act for Fiscal Years 2018, 2019, and 2020 (50 U.S.C. 3334d(b)), as

amended by subsection (a), including a description of the training and resources needed to implement the support and the methodology for determining the personnel described in paragraph (2) of such section.

SEC. 6309. [44 U.S.C. 3557 note] ENFORCEMENT OF CYBERSECURITY REQUIREMENTS FOR NATIONAL SECURITY SYSTEMS.

(a) DEFINITIONS.—In this section:

(1) CYBERSECURITY REQUIREMENTS FOR NATIONAL SECURITY SYSTEMS.—The term "cybersecurity requirements for national security systems" means the minimum cybersecurity requirements established by the National Manager, consistent with the direction of the President and in consultation with the Director of National Intelligence, that applies to all national security systems operated by, on the behalf of, or administered by the head of an element of the intelligence community.

(2) NATIONAL MANAGER.—The term "National Manager" means the National Manager for National Security Systems designated by the President.

(3) NATIONAL SECURITY SYSTEMS.—The term "national security systems" includes—

(A) national security systems (as defined in section 3552(b) of title 44, United States Code); and

(B) information systems described in paragraph (2) or (3) of section 3553(e) of such title.

(b) IMPLEMENTATION DEADLINE.—The cybersecurity requirements for national security systems shall include appropriate deadlines by which all elements of the intelligence community shall have fully implemented the requirements.

(c) REEVALUATION AND UPDATES.—Not less frequently than once every 2 years, the National Manager shall reevaluate and update the cybersecurity requirements for national security systems.

(d) RESOURCES.—Each head of an element of the intelligence community that owns or operates a national security system shall update plans of the element to prioritize resources in such a manner as to fully implement the cybersecurity requirements for national security systems by the deadline established pursuant to subsection (b) for the next 10 fiscal years.

(e) IMPLEMENTATION REPORT.—Each head of an element of the intelligence community that owns or operates a national security system shall submit to the congressional intelligence committees not later than 90 days after the date of the enactment of this subsection a plan detailing the cost and schedule requirements necessary to meet all of the cybersecurity requirements for national security systems by the end of fiscal year 2026.

(f) EXEMPTIONS.—

(1) IN GENERAL.—The head of an element of the intelligence community may exempt a national security system owned or operated by the element from the cybersecurity requirements for national security systems if done so in accordance with the procedures established under paragraph (2).

(2) EXEMPTION PROCEDURES.—The National Manager shall, consistent with the direction of the President, establish procedures that govern—

(A) the circumstances under which the head of an element of the intelligence community may exempt a national security system under paragraph (1); and

(B) the process for implementing the exemption.

(3) ANNUAL REPORTS ON EXEMPTIONS.—

(A) IN GENERAL.—Each year, the National Manager and the Director of National Intelligence shall—

(i) submit to the congressional intelligence committees an annual report documenting all exemptions made under paragraph (1) during the period covered by the report, along with the justifications for the exemptions; and

(ii) in the case of an exemption made by the Assistant Secretary of State for Intelligence and Research under such paragraph, submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a separate report describing the exemption and the justification for it.

(B) MANNER.—Each report submitted under subparagraph (A) shall be submitted with such classification as the Director considers appropriate and with due regard for the protection of sensitive intelligence sources and methods.

SEC. 6310. REVIEW AND BRIEFING ON INTELLIGENCE COMMUNITY ACTIVITIES UNDER EXECUTIVE ORDER 12333.

(a) REVIEW AND BRIEFING REQUIRED.—No later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall—

(1) conduct a review to ascertain the feasibility and advisability of compiling and making public information relating to activities of the intelligence community under Executive Order 12333 (50 U.S.C. 3001 note; relating to United States intelligence activities); and

(2) provide the congressional intelligence committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives with a briefing on the findings of the Director with respect to the review conducted under paragraph (1).

(b) MATTERS ADDRESSED.—The review and briefing required by subsection (a) shall address the feasibility and advisability of making available to the public information relating to the following:

(1) Data on activities described in subsection (a)(1), including the following:

(A) The amount of United States person information collected pursuant to such activities.

(B) Queries of United States persons pursuant to such activities.

(C) Dissemination of United States person information pursuant to such activities, including masking and unmasking.

(D) The use of United States person information in criminal proceedings.

(2) Quantitative data and qualitative descriptions of incidents in which the intelligence community violated Executive Order 12333 and associated guidelines and procedures.

(c) CONSIDERATIONS.—In conducting the review under subsection (a)(1), the Director shall consider—

(1) the public transparency associated with the use by the intelligence community of the authorities provided under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), including relevant data and compliance incidents; and

(2) the application of the transparency model developed in connection with such Act to activities conducted under Executive Order 12333.

(d) DISAGGREGATION FOR PUBLIC RELEASE.—In conducting the review under subsection (a)(1), the Director shall address whether the relevant data and compliance incidents associated with the different intelligence community entities can be disaggregated for public release.

SEC. 6311. [50 U.S.C. 3367 note] ASSESSING INTELLIGENCE COMMUNITY OPEN-SOURCE SUPPORT FOR EXPORT CONTROLS AND FOREIGN INVESTMENT SCREENING.

(a) PILOT PROGRAM TO ASSESS OPEN SOURCE SUPPORT FOR EXPORT CONTROLS AND FOREIGN INVESTMENT SCREENING.—

(1) PILOT PROGRAM AUTHORIZED.—The Director of National Intelligence shall designate an element of the intelligence community to carry out a pilot program to assess the feasibility and advisability of providing enhanced intelligence support, including intelligence derived from open source, publicly and commercially available information—

(A) to the Department of Commerce to support the export control and investment screening functions of the Department; and

(B) to the Department of Homeland Security to support the export control functions of the Department.

(2) AUTHORITY.—In carrying out the pilot program required by paragraph (1), the element designated by the Director under such paragraph—

(A) shall establish a process for the provision of information as described in such paragraph; and

(B) may—

(i) acquire and prepare data, consistent with applicable provisions of law and Executive orders;

(ii) modernize analytic systems, including through the acquisition, development, or application of automated tools; and

(iii) establish standards and policies regarding the acquisition, treatment, and sharing of open source, publicly and commercially available information.

(3) DURATION.—The pilot program required by paragraph (1) shall be carried out during a 3-year period.

(b) PLAN AND REPORT REQUIRED.—

(1) DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.—In this subsection, the term "appropriate committees of Congress" means—

(A) the Select Committee on Intelligence, the Committee on Banking, Housing, and Urban Affairs, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

(B) the Permanent Select Committee on Intelligence, the Committee on Foreign Affairs, the Committee on Financial Services, the Committee on Homeland Security, and the Committee on Appropriations of the House of Representatives.

(2) PLAN.—

(A) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Director shall, in coordination with the Secretary of Commerce and the Secretary of Homeland Security, submit to the appropriate committees of Congress a plan to carry out the pilot program required by subsection (a)(1).

(B) CONTENTS.—The plan submitted under subparagraph (A) shall include the following:

(i) A list, developed in consultation with the Secretary of Commerce and the Secretary of Homeland Security, of the activities of the Department of Commerce and the Department of Homeland Security that will be supported by the pilot program.

(ii) A plan for measuring the effectiveness of the pilot program and the value of open source, publicly and commercially available information to the export control and investment screening missions.

(3) REPORT.—

(A) IN GENERAL.—Not later than 540 days after the date on which the Director submits the plan under paragraph (2)(A), the Director shall submit to the appropriate committees of Congress a report on the findings of the Director with respect to the pilot program.

(B) CONTENTS.—The report submitted under subparagraph (A) shall include the following:

(i) An assessment of the feasibility and advisability of providing information as described in subsection (a)(1).

(ii) An assessment of the value of open source, publicly and commercially available information to the export control and investment screening missions, using the measures of effectiveness under paragraph (2)(B)(ii).

(iii) Identification of opportunities for and barriers to more effective use of open source, publicly and commercially available information by the intelligence community.

SEC. 6312. [50 U.S.C. 3364 note] ANNUAL TRAINING REQUIREMENT AND REPORT REGARDING ANALYTIC STANDARDS.

(a) POLICY FOR TRAINING PROGRAM REQUIRED.—Consistent with sections 1019 and 1020 of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3364 and 3364 note), the Director of National Intelligence shall issue a policy that requires each head of an element of the intelligence community, that has

not already done so, to create, before the date that is 180 days after the date of the enactment of this Act, an annual training program on the standards set forth in Intelligence Community Directive 203, Analytic Standards (or successor directive).

(b) CONDUCT OF TRAINING.—Training required pursuant to the policy required by subsection (a) shall—

(1) be a dedicated, stand-alone training; and

(2) include instruction on how to report concerns regarding lack of objectivity, bias, politicization, or other issues relating to the standards set forth in Intelligence Community Directive 203, Analytic Standards (or any successor directive).

(c) CERTIFICATION OF COMPLETION OF TRAINING.—Each year, each head of an element of the intelligence community shall submit to the congressional intelligence committees a certification as to whether all of the analysts of that element have completed the training required pursuant to the policy required by subsection (a) and if the analysts have not, an explanation of why the training has not been completed.

(d) REPORTS.—

(1) ANNUAL REPORT.—Not later than February 1 each year, the Director shall submit to the congressional intelligence committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives a report on the compliance incidents reported to intelligence community analytic ombudspersons relating to the standards set forth in Intelligence Community Directive 203 (relating to analytic standards), or successor directive, including the number and themes of such incidents and a list of each intelligence product reported during the preceding 1-year period to the Analytic Ombudsman of the Office of the Director of National Intelligence or other designated official specified in law or policy to receive complaints related to, or review compliance with, analytic standards.

(2) REPORT ON PERFORMANCE EVALUATION.—Not later than 90 days after the date of the enactment of this Act, the head of analysis at each element of the intelligence community that conducts all-source analysis shall submit to the congressional intelligence committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives a report describing how compliance with the standards set forth in Intelligence Community Directive 203 (relating to analytic standards), or successor directive, is considered in the performance evaluations and consideration for merit pay, bonuses, promotions, and any other personnel actions for analysts within the element.

(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit the Director from providing training described in this section as a service of common concern.

(f) SUNSET.—This section shall cease to be effective on the date that is 5 years after the date of the enactment of this Act.

SEC. 6313. REVIEW OF JOINT INTELLIGENCE COMMUNITY COUNCIL.

(a) IN GENERAL.—The Director of National Intelligence shall conduct a review of the Joint Intelligence Community Council es-

tablished by section 101A of the National Security Act of 1947 (50 U.S.C. 3022).

(b) ELEMENTS.—The review conducted under subsection (a) shall cover the following:

(1) The number of meetings the Council has held, by year.

(2) An analysis of the issues the Council has addressed.

(3) The effect the Council has had on the decisionmaking of the Director of National Intelligence.

(4) Potential revision to the membership or functions of the Council.

(c) BRIEFING.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall provide the congressional intelligence committees and the subcommittees on defense of the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives a briefing on the review conducted pursuant to subsection (a).

SEC. 6314. REQUIRED POLICY FOR MINIMUM INSIDER THREAT STANDARDS.

(a) REQUIREMENT.—Section 102A(f) of the National Security Act of 1947 (50 U.S.C. 3024(f)) is amended—

(1) by redesignating paragraphs (8) and (9) as paragraphs (9) and (10), respectively; and

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

"(8) The Director of National Intelligence shall ensure there is established a policy for minimum insider threat standards for the intelligence community and ensure compliance by the elements of the intelligence community with that policy.".

(b) COMPLIANCE AND REPORTING.—Title III of such Act (50 U.S.C. 3071 et seq.) is amended by adding at the end the following new section:

"SEC. 313. [50 U.S.C. 3079] INSIDER THREAT POLICY COMPLIANCE AND REPORTING

"The head of each element of the intelligence community shall—

"(1) implement the policy established in accordance with section 102A(f)(8); and

"(2) concurrent with the submission to Congress of budget justification materials in support of the budget of the President for a fiscal year that is submitted to Congress under section 1105(a) of title 31, United States Code, submit to Congress a certification as to whether the element is in compliance with such policy.".

(c) CONFORMING AMENDMENT.—Section 102A(x)(3) of such Act (50 U.S.C. 3024(x)(3)) is amended by inserting ", including the policy under subsection (f)(8)," after "policies of the intelligence community".

(d) CLERICAL AMENDMENT.—The table of contents preceding section 2 of such Act is amended by inserting after the item relating to section 312 the following new item:

"Sec. 313. Insider threat policy compliance and reporting.".

SEC. 6315. UNFUNDED PRIORITIES OF THE INTELLIGENCE COMMUNITY.

Title V of the National Security Act of 1947 (50 U.S.C. 3091 et seq.) is amended by adding at the end the following new section (and conforming the table of contents at the beginning of such Act accordingly):

"SEC. 514. [50 U.S.C. 3113] UNFUNDED PRIORITIES OF THE INTELLIGENCE COMMUNITY: ANNUAL REPORT

"(a) ANNUAL REPORT.—Not later than 10 days after the date on which the budget of the President for a fiscal year is submitted to Congress pursuant to section 1105 of title 31, United States Code, the head of each element of the intelligence community shall submit to the Director of National Intelligence, the congressional intelligence committees, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives a report on the unfunded priorities of the programs under the jurisdiction of such head.

"(b) ELEMENTS.—

"(1) IN GENERAL.—Each report under subsection (a) shall specify, for each unfunded priority covered by such report, the following:

"(A) A summary description of such priority, including the objectives to be achieved if such priority is funded (whether in whole or in part).

"(B) Whether such priority will satisfy a covert action or support collection against requirements identified in the National Intelligence Priorities Framework of the Office of the Director of National Intelligence (or any successor mechanism established for the prioritization of programs and activities), including a description of such requirements and the related prioritization level.

"(C) The additional amount of funds recommended in connection with the objectives under subparagraph (A).

"(D) Budget information with respect to the unfunded priority, including—

"(i) the appropriation account;

"(ii) the expenditure center; and

"(iii) the project and, if applicable, subproject.

"(2) PRIORITIZATION OF PRIORITIES.—Each report shall present the unfunded priorities covered by such report in overall order of urgency of priority among unfunded priorities.

"(c) UNFUNDED PRIORITY DEFINED.—In this section, the term 'unfunded priority', in the case of a fiscal year, means a program, activity, or mission requirement of an element of the intelligence community that—

"(1) is not funded in the budget of the President for the fiscal year as submitted to Congress pursuant to section 1105 of title 31, United States Code;

"(2) is necessary to fulfill a covert action or to satisfy an information requirement associated with the collection, analysis, or dissemination of intelligence that has been documented within the National Intelligence Priorities Framework; and

"(3) would have been recommended for funding by the head of the element of the intelligence community if—

"(A) additional resources had been available for the budget to fund the program, activity, or mission requirement; or

"(B) the program, activity, or mission requirement has emerged since the budget was formulated.".

SEC. 6316. SUBMISSION OF COVERED DOCUMENTS AND CLASSIFIED ANNEXES.

(a) REQUIREMENT.—Title V of the National Security Act of 1947 (50 U.S.C. 3091 et seq.), as amended by section 6315, is further amended by adding at the end the following new section (and conforming the table of contents at the beginning of such Act accordingly):

"SEC. 515. SUBMISSION OF COVERED DOCUMENTS AND CLASSIFIED ANNEXES

"(a) COVERED DOCUMENT DEFINED.—In this section, the term 'covered document' means any executive order, memorandum, or policy directive issued by the President, including national security Presidential memoranda and Presidential policy directives, or such successor memoranda and directives.

"(b) REQUIREMENT.—Not later than 7 days after the date on which the President issues or amends a covered document, the President, acting through the Director of National Intelligence, shall submit to the congressional intelligence committees, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives the covered document and any classified annex accompanying that document if such covered document or annex contains a direction to, establishes a requirement for, or includes a restriction on any element of the intelligence community.".

(b) [50 U.S.C. 3114 note] INITIAL SUBMISSION.—Not later than 60 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives each covered document and classified annex required under section 515 of the National Security Act of 1947, as added by subsection (a), in effect as of the date of enactment of this Act.

(c) REPEAL.—Section 310 of the Intelligence Authorization Act for Fiscal Year 2017 (Public Law 115-31; 50 U.S.C. 3312) is hereby repealed.

SEC. 6317. IMPROVEMENTS TO PROGRAM ON RECRUITMENT AND TRAINING.

Section 1022 of the National Security Act of 1947 (50 U.S.C. 3222) is amended to read as follows:

"SEC. 1022. PROGRAM ON RECRUITMENT AND TRAINING

"(a) PROGRAM.—

"(1) REQUIREMENT.—The Director of National Intelligence, in consultation with the heads of the elements of the intelligence community, shall carry out a program to ensure that

selected individuals are provided funds for academic training (including with respect to both undergraduate and post-graduate education), or to reimburse for academic training previously obtained—

"(A) in capabilities, missions, or skillsets, especially in the fields of science, technology, math, and engineering, to address workforce requirements in which the intelligence community is deficient or likely to be deficient in the future; or

"(B) for such individuals who have backgrounds or experiences that the Director has identified as—

"(i) contributing to capabilities, missions, or skillsets in which the intelligence community is deficient or likely to be deficient in future; and

"(ii) being underrepresented in the intelligence community or likely to be underrepresented in the future.

"(2) COMMITMENT.—An individual selected for participation in the program shall commit to employment with an element of the intelligence community for a period that the Director determines is commensurate with the amount of funding provided to the individual under the program and under such terms and conditions as the Director considers appropriate.

"(3) DESIGNATION.—The program shall be known as the Pat Roberts Intelligence Scholars Program.

"(4) OUTREACH.—The Director, in consultation with the heads of the elements of the intelligence community, shall maintain a publicly available internet website on the program that describes—

"(A) the intent of the program;

"(B) the conditions and requirements for selection and participation;

"(C) application instructions;

"(D) the areas covered by the program pursuant to the review conducted under subsection (b)(2); and

"(E) any other details the Director determines appropriate.

"(b) ELEMENTS.—In carrying out the program under subsection (a), the Director shall—

"(1) establish such requirements relating to the academic training of participants as the Director considers appropriate to ensure that participants are prepared for employment as intelligence professionals; and

"(2) on an annual basis, review the areas that will contribute to the capabilities, missions, and skillsets in which the intelligence community is deficient or is likely to be deficient in the future.

"(c) USE OF FUNDS.—Funds made available for the program under subsection (a) shall be used—

"(1) to provide a monthly stipend for each month that a participant is pursuing a course of study;

"(2) to pay the partial or full tuition of a participant for the completion of such course of study;

"(3) to reimburse a participant for tuition paid by the participant before becoming an employee of an element of the intelligence community, including with respect to providing payments for student loans used for such tuition;

"(4) to pay for books and materials that the participant requires or required to complete such course of study;

"(5) to pay the expenses of the participant for travel requested by an element of the intelligence community in relation to such program; or

"(6) for such other purposes the Director considers reasonably appropriate to carry out such program.".

SEC. 6318. MEASURES TO MITIGATE COUNTERINTELLIGENCE THREATS FROM PROLIFERATION AND USE OF FOREIGN COMMERCIAL SPYWARE.

(a) DEFINITIONS.—In this section:

(1) COVERED DEVICE.—The term "covered device" means any electronic mobile device including smartphones, tablet computing devices, or laptop computing devices, that is issued by an element of the intelligence community for official use.

(2) FOREIGN COMMERCIAL SPYWARE; FOREIGN COMPANY; SPYWARE.—The terms "foreign commercial spyware", "foreign company", and "spyware" have the meanings given those terms in section 1102A of the National Security Act of 1947 (50 U.S.C. 3231 et seq.), as added by this section.

(b) [50 U.S.C. 3232a note] STATEMENT OF POLICY.—It shall be the policy of the United States to act decisively against counterintelligence threats posed by foreign commercial spyware, as well as the individuals who lead entities selling foreign commercial spyware and who are reasonably believed to be involved, have been involved, or pose a significant risk to being or becoming involved, in activities contrary to the national security or foreign policy interests of the United States.

(c) MEASURES TO MITIGATE COUNTERINTELLIGENCE THREATS.—Title XI of the National Security Act of 1947 (50 U.S.C. 3231 et seq.) is amended by inserting after section 1102 the following new section (and conforming the table of contents at the beginning of such Act accordingly):

"SEC. 1102A. [50 U.S.C. 3232a] MEASURES TO MITIGATE COUNTERINTELLIGENCE THREATS FROM PROLIFERATION AND USE OF FOREIGN COMMERCIAL SPYWARE

"(a) DEFINITIONS.—In this section:

"(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means—

"(A) the Select Committee on Intelligence, the Committee on Foreign Relations, the Committee on Armed Services, the Committee on Banking, Housing, and Urban Affairs, the Committee on the Judiciary, the Committee on Appropriations, and the Committee on Homeland Security and Governmental Affairs of the Senate; and

"(B) the Permanent Select Committee on Intelligence, the Committee on Foreign Affairs, the Committee on Armed Services, the Committee on Financial Services, the Committee on the Judiciary, the Committee on Appropriations, the Committee on Homeland Security, and the Com-

mittee on Oversight and Reform of the House of Representatives.

"(2) COVERED ENTITY.—The term 'covered entity' means any foreign company that either directly or indirectly develops, maintains, owns, operates, brokers, markets, sells, leases, licenses, or otherwise makes available spyware.

"(3) FOREIGN COMMERCIAL SPYWARE.—The term 'foreign commercial spyware' means spyware that is developed (solely or in partnership with a foreign company), maintained, sold, leased, licensed, marketed, sourced (in whole or in part), or otherwise provided, either directly or indirectly, by a foreign company.

"(4) FOREIGN COMPANY.—The term 'foreign company' means a company that is incorporated or domiciled outside of the United States, including any subsidiaries or affiliates wherever such subsidiaries or affiliates are domiciled or incorporated.

"(5) SPYWARE.—The term 'spyware' means a tool or set of tools that operate as an end-to-end system of software to provide an unauthorized user remote access to information stored on or transiting through an electronic device connected to the Internet and not owned or operated by the unauthorized user, including end-to-end systems that—

"(A) allow an unauthorized user to remotely infect electronic devices with malicious software, including without any action required by the user of the device;

"(B) can record telecommunications or other audio captured on a device not owned by the unauthorized user;

"(C) undertake geolocation, collect cell site location information, or otherwise track the location of a device or person using the internal sensors of an electronic device not owned by the unauthorized user;

"(D) allow an unauthorized user access to and the ability to retrieve information on the electronic device, including text messages, files, e-mails, transcripts of chats, contacts, photos, and browsing history; or

"(E) any additional criteria described in publicly available documents published by the Director of National Intelligence, such as whether the end-to-end system is used outside the context of a codified lawful intercept system.

"(b) ANNUAL ASSESSMENTS OF COUNTERINTELLIGENCE THREATS.—

"(1) REQUIREMENT.—Not later than 90 days after the enactment of the Intelligence Authorization Act for Fiscal Year 2023, and annually thereafter, the Director of National Intelligence, in coordination with the Director of the Central Intelligence Agency, the Director of the National Security Agency, and the Director of the Federal Bureau of Investigation, shall submit to the appropriate congressional committees a report with an accompanying classified annex containing an assessment of the counterintelligence threats and other risks to the national security of the United States posed by the proliferation of foreign commercial spyware. The assessment shall incorporate all credible data, including open-source information.

"(2) ELEMENTS.—Each report under paragraph (1) shall include the following, if known:

"(A) A list of the most significant covered entities.

"(B) A description of the foreign commercial spyware marketed by the covered entities identified under subparagraph (A) and an assessment by the intelligence community of the foreign commercial spyware.

"(C) An assessment of the counterintelligence risk to the intelligence community or personnel of the intelligence community posed by foreign commercial spyware.

"(D) For each covered entity identified in subparagraph (A), details of any subsidiaries, resellers, or other agents acting on behalf of the covered entity.

"(E) Details of where each covered entity identified under subparagraphs (A) and (D) is domiciled.

"(F) A description of how each covered entity identified under subparagraphs (A) and (D) is financed, where the covered entity acquired its capital, and the organizations and individuals having substantial investments or other equities in the covered entity.

"(G) An assessment by the intelligence community of any relationship between each covered entity identified in subparagraphs (A) and (D) and any foreign government, including any export controls and processes to which the covered entity is subject.

"(H) A list of the foreign customers of each covered entity identified in subparagraphs (A) and (D), including the understanding by the intelligence community of the organizations and end-users within any foreign government.

"(I) With respect to each foreign customer identified under subparagraph (H), an assessment by the intelligence community regarding how the foreign customer is using the spyware, including whether the foreign customer has targeted personnel of the intelligence community.

"(J) With respect to the first report required under paragraph (1), a mitigation plan to reduce the exposure of personnel of the intelligence community to foreign commercial spyware.

"(K) With respect to each report following the first report required under paragraph (1), details of steps taken by the intelligence community since the previous report to implement measures to reduce the exposure of personnel of the intelligence community to foreign commercial spyware.

"(3) CLASSIFIED ANNEX.—In submitting the report under subsection (2), the Director shall also include an accompanying but separate classified annex, providing a watchlist of companies selling, leasing, or otherwise providing foreign commercial spyware that the Director determines are engaged in activities that pose a counterintelligence risk to personnel of the intelligence community.

"(4) FORM.—Each report under paragraph (1) shall be submitted in classified form.

"(5) DISSEMINATION.—The Director of National Intelligence shall separately distribute each report under paragraph (1) and each annex under paragraph (3) to the President, the heads of all elements of the intelligence community, the Secretary of State, the Attorney General, the Secretary of Commerce, the Secretary of Homeland Security, the National Cyber Director, and the heads of any other departments or agencies the Director of National Intelligence determines appropriate.

"(c) AUTHORITY TO PROHIBIT PURCHASE OR USE BY INTELLIGENCE COMMUNITY.—

"(1) FOREIGN COMMERCIAL SPYWARE.—

"(A) IN GENERAL.—The Director of National Intelligence may prohibit any element of the intelligence community from procuring, leasing, or otherwise acquiring on the commercial market, or extending or renewing a contract to procure, lease, or otherwise acquire, foreign commercial spyware.

"(B) CONSIDERATIONS.—In determining whether and how to exercise the authority under subparagraph (A), the Director of National Intelligence shall consider—

"(i) the assessment of the intelligence community of the counterintelligence threats or other risks to the United States posed by foreign commercial spyware;

"(ii) the assessment of the intelligence community of whether the foreign commercial spyware has been used to target United States Government personnel.

"(iii) whether the original owner or developer retains any of the physical property or intellectual property associated with the foreign commercial spyware;

"(iv) whether the original owner or developer has verifiably destroyed all copies of the data collected by or associated with the foreign commercial spyware;

"(v) whether the personnel of the original owner or developer retain any access to data collected by or associated with the foreign commercial spyware;

"(vi) whether the use of the foreign commercial spyware requires the user to connect to an information system of the original owner or developer or information system of a foreign government; and

"(vii) whether the foreign commercial spyware poses a counterintelligence risk to the United States or any other threat to the national security of the United States.

"(2) COMPANY THAT HAS ACQUIRED FOREIGN COMMERCIAL SPYWARE.—

"(A) AUTHORITY.—The Director of National Intelligence may prohibit any element of the intelligence community from entering into any contract or other agreement for any purpose with a company that has acquired, in whole or in part, any foreign commercial spyware.

"(B) CONSIDERATIONS.—In considering whether and how to exercise the authority under subparagraph (A), the Director of National Intelligence shall consider—

"(i) whether the original owner or developer of the foreign commercial spyware retains any of the physical property or intellectual property associated with the spyware;

"(ii) whether the original owner or developer of the foreign commercial spyware has verifiably destroyed all data, and any copies thereof, collected by or associated with the spyware;

"(iii) whether the personnel of the original owner or developer of the foreign commercial spyware retain any access to data collected by or associated with the foreign commercial spyware;

"(iv) whether the use of the foreign commercial spyware requires the user to connect to an information system of the original owner or developer or information system of a foreign government; and

"(v) whether the foreign commercial spyware poses a counterintelligence risk to the United States or any other threat to the national security of the United States.

"(3) NOTIFICATIONS OF PROHIBITION.—Not later than 30 days after the date on which the Director of National Intelligence exercises the authority to issue a prohibition under subsection (c), the Director of National Intelligence shall notify the congressional intelligence committees of such exercise of authority. Such notice shall include—

"(A) a description of the circumstances under which the prohibition was issued;

"(B) an identification of the company or product covered by the prohibition;

"(C) any information that contributed to the decision of the Director of National Intelligence to exercise the authority, including any information relating to counterintelligence or other risks to the national security of the United States posed by the company or product, as assessed by the intelligence community; and

"(D) an identification of each element of the intelligence community to which the prohibition has been applied.

"(4) WAIVER AUTHORITY.—

"(A) IN GENERAL.—The head of an element of the intelligence community may request from the Director of National Intelligence the waiver of a prohibition made under paragraph (1) or (2).

"(B) DIRECTOR OF NATIONAL INTELLIGENCE DETERMINATION.—The Director of National Intelligence, upon receiving the waiver request in subparagraph (A), may issue a waiver for a period not to exceed one year in response to the request from the head of an element of the intelligence community if such waiver is in the national security interest of the United States.

"(C) NOTICE.—Not later than 30 days after approving a waiver request pursuant to subparagraph (B), the Director of National Intelligence shall submit to the congres-

sional intelligence committees, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives a written notification. The notification shall include—

"(i) an identification of the head of the element of the intelligence community that requested the waiver;

"(ii) the details of the waiver request, including the national security interests of the United States;

"(iii) the rationale and basis for the determination that the waiver is in the national security interests of the United States;

"(iv) the considerations that informed the ultimate determination of the Director of National Intelligence to issue the wavier; and

"(v) and any other considerations contributing to the determination, made by the Director of National Intelligence.

"(D) WAIVER TERMINATION.—The Director of National Intelligence may revoke a previously granted waiver at any time. Upon revocation of a waiver, the Director of National Intelligence shall submit a written notification to the congressional intelligence committees, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives not later than 30 days after making a revocation determination.

"(5) TERMINATION OF PROHIBITION.—The Director of National Intelligence may terminate a prohibition made under paragraph (1) or (2) at any time. Upon termination of a prohibition, the Director of National Intelligence shall submit a notification of the termination to the congressional intelligence committees, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives not later than 30 days after terminating a prohibition, detailing the basis for the termination, including any United States national security interests that may be affected by such termination.".

(d) PROTECTION OF COVERED DEVICES.—

(1) [50 U.S.C. 3232a note] REQUIREMENT.—Not later than 120 days after the date of the enactment of this Act, the Director of National Intelligence shall—

(A) issue standards, guidance, best practices, and policies for elements of the intelligence community to protect covered devices from being compromised by foreign commercial spyware;

(B) survey elements of the intelligence community regarding the processes used by the elements to routinely monitor covered devices for indicators of compromise associated with foreign commercial spyware; and

(C) submit to the congressional intelligence committees a report on the sufficiency of the measures in place to

routinely monitor covered devices for indicators of compromise associated with foreign commercial spyware.

(2) FORM.—The report under paragraph (1)(C) may be submitted in classified form.

(3) COUNTERINTELLIGENCE NOTIFICATIONS.—Not later than 30 days after the date on which an element of the intelligence community becomes aware that a covered device was targeted or compromised by foreign commercial spyware, the Director of National Intelligence, in coordination with the Director of the Federal Bureau of Investigation, shall notify the congressional intelligence committees, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives of such determination, including—

(A) the component of the element and the location of the personnel whose covered device was targeted or compromised;

(B) the number of covered devices compromised or targeted;

(C) an assessment by the intelligence community of the damage to national security of the United States resulting from any loss of data or sensitive information;

(D) an assessment by the intelligence community of any foreign government, or foreign organization or entity, and, to the extent possible, the foreign individuals, who directed and benefitted from any information acquired from the targeting or compromise; and

(E) as appropriate, an assessment by the intelligence community of the capacity and will of such governments or individuals to continue targeting personnel of the United States Government.

(4) PRIVATE SECTOR PARTNERSHIPS.—Section 904(d)(7) of the Counterintelligence Enhancement Act of 2002 (50 U.S.C. 3383(d)(7)) is amended by adding at the end the following new paragraph:

"(E) VULNERABILITIES FROM FOREIGN COMMERCIAL SPYWARE.—

"(i) CONSULTATION.—In carrying out efforts to secure covered devices, to consult with the private sector of the United States and reputable third-party researchers to identify vulnerabilities from foreign commercial spyware (as defined in section 1102A(a) of the National Security Act of 1947) and maintain effective security measures for such devices.

"(ii) COVERED DEVICE DEFINED.—In this subparagraph, the term 'covered device' means any electronic mobile device including smartphones, tablet computing devices, or laptop computing devices, that is issued by an element of the intelligence community for official use.".

(e) [50 U.S.C. 3232a note] NO ENHANCED AUTHORITIES.—Nothing in this section or an amendment made by this section shall be construed as enhancing, or otherwise changing, the au-

thorities of the intelligence community to target, collect, process, or disseminate information regarding United States Government personnel.

(f) REPORT ON HARMONIZATION AMONG ALLIED COUNTRIES.—

(1) REQUIREMENT.—Not later than 30 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives a report on the potential for the United States to lead an effort to devise and implement a common approach with allied countries as the Director determines appropriate, including the Five Eyes Partnership, to mitigate the counterintelligence risks posed by the proliferation of foreign commercial spyware, including by seeking commitments to implement measures similar to the requirements under this section and section 1102A of the National Security Act of 1947 (50 U.S.C. 3231 et seq.), as added by this section.

(2) FORM.—The report under paragraph (1) shall be submitted in unclassified form, but may contain a classified annex, consistent with the protection of intelligence sources and methods.

SEC. 6319. PERSONNEL VETTING PERFORMANCE MEASURES.

(a) DEFINITIONS OF CONTINUING VETTING; COUNCIL; SECURITY EXECUTIVE AGENT.—In this section, the terms "continuous vetting", "Council", and "Security Executive Agent" have the meanings given those terms in section 6601 of the Damon Paul Nelson and Matthew Young Pollard Intelligence Authorization Act for Fiscal Years 2018, 2019, and 2020 (50 U.S.C. 3352).

(b) MEASURES.—Not later than 180 days after the date of the enactment of this Act and consistent with section 807 of the Intelligence Authorization Act for Fiscal Year 2022 (Public Law 117-103), the Director of National Intelligence, acting as the Security Executive Agent, and in coordination with the Chair and other principals of the Council, shall develop performance measures to assess the vetting of personnel, including measures to assess continuous vetting and the quality of each phase of the personnel vetting process, including the initiation, investigation, and adjudication phases.

(c) REPORT.—

(1) REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report describing the performance measures developed under subsection (b).

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

(A) A description of how departments and agencies of the United States Government have implemented Security Executive Agent Directive 6 titled "Continuous Evaluation" and related personnel vetting performance measures to ensure that implementation is efficient and effective, including the resources expended by each department or

agency for continuous vetting and whether departments and agencies are identifying security-relevant information in a timely manner.

(B) A description of the performance measures the Director of National Intelligence and the Secretary of Defense use to assess the quality of each phase of the personnel vetting process, including initiation, investigation, adjudication, reinvestigation, and continuous vetting.

(C) How such performance measures meet key attributes for successful performance measures as described in the report of the Comptroller General of the United States titled "Personnel Vetting: Actions Needed to Implement Reforms, Address Challenges, and Improve Planning" (GAO-22-104093).

(D) Any impediments or constraints relating to the implementation of Security Executive Agent Directive 6 or the development of such performance measures to assess the quality of the personnel vetting process.

SEC. 6320. PROACTIVE CYBERSECURITY.

(a) SURVEY OF ELEMENTS.—Pursuant to section 103G(b)(1) of the National Security Act (50 U.S.C. 3032(b)(1)), not later than 1 year after the date of the enactment of this Act, the Chief Information Officer of the Intelligence Community shall conduct a survey of each element of the intelligence community on the use by that element of proactive cybersecurity initiatives, continuous activity security testing, and active defense techniques.

(b) REPORT BY CHIEF INFORMATION OFFICER.—

(1) REPORT.—Not later than 1 year after the date of the completion of the survey under subsection (a), the Chief Information Officer of the Intelligence Community shall submit to the congressional intelligence committees, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives a report on proactive cybersecurity initiatives, continuous activity security testing, and active defense techniques. Such report shall include the following:

(A) The results of the survey of each element of the intelligence community conducted under subsection (a), including—

(i) examples of any successes against attackers who breached an information system of an element of the intelligence community; and

(ii) concerns, limitations, and associated recommendations relating to innovative uses of proactive cybersecurity initiatives.

(B) An analysis of the feasibility, costs, and benefits of consolidating oversight and implementation of such methods within the intelligence community, including whether such consolidation would significantly enhance defense.

(C) An analysis of any statutory or policy limitations on the ability of the Director of National Intelligence, or the head of any element of the intelligence community, to

carry out such methods on behalf of an element of the intelligence community or multiple such elements.

(D) An analysis of the relationships between and among the intelligence community, the Department of Defense, the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security, national laboratories, and the private sector, and whether such relationships should be enhanced to protect national security systems of the intelligence community through proactive cybersecurity measures.

(E) With respect to active defense techniques, a discussion of the effectiveness of such techniques to protect the information systems of the elements of the intelligence community, any constraints that hinder such techniques, and associated recommendations.

(F) With respect to continuous activity security testing, a discussion of—

(i) how an information system operates under normal and intended use, compared to how such system operates under a variety of adverse conditions and scenarios; and

(ii) the feasibility of the adoption of continuous activity security testing among the intelligence community.

(G) Recommendations for legislative action and further resources relating to the successful use of proactive cybersecurity initiatives, deception environments, and continuous activity security testing.

(2) FORM.—The report under paragraph (1) may be submitted in classified form.

(c) DEFINITIONS.—In this section:

(1) ACTIVE DEFENSE TECHNIQUE.—The term "active defense technique" means an action taken on an information system of an element of the intelligence community to increase the security of such system against an attacker, including—

(A) the use of a deception technology or other purposeful feeding of false or misleading information to an attacker accessing such system; or

(B) proportional action taken in response to an unlawful breach.

(2) CONTINUOUS ACTIVITY SECURITY TESTING.—The term "continuous activity security testing" means continuous experimentation conducted by an element of the intelligence community on an information system of such element to evaluate the resilience of such system against a malicious attack or condition that could compromise such system for the purpose of improving design, resilience, and incident response with respect to such system.

(3) DECEPTION TECHNOLOGY.—The term "deception technology" means an isolated digital environment, system, or platform containing a replication of an active information system with realistic data flows to attract, mislead, and observe an attacker.

(4) INTELLIGENCE COMMUNITY INFORMATION ENVIRONMENT.—The term "intelligence community information environment" has the meaning given the term in Intelligence Community Directive 121, or any successor document.

(5) NATIONAL LABORATORY.—The term "national laboratory" has the meaning given that term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

(6) NATIONAL MANAGER FOR NATIONAL SECURITY SYSTEMS.—The term "National Manager for National Security Systems" means the Director of National Security, or successor official, serving as the National Manager for National Security Systems pursuant to National Security Directive 42, or any successor document.

(7) NATIONAL SECURITY SYSTEM.—The term "national security system" has the meaning given that term in section 3552 of title 44, United States Code.

(8) PROACTIVE CYBERSECURITY INITIATIVES.—The term "proactive cybersecurity initiatives" means actions performed periodically and continuously within an organization, focused on identifying and eliminating vulnerabilities within the network infrastructure, preventing security breaches, and evaluating the effectiveness of the business security posture in real-time, including threat hunting, endpoint and network monitoring, and cybersecurity awareness and training.

TITLE LXIV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

Subtitle A—Office of the Director of National Intelligence

SEC. 6401. MODIFICATIONS TO RESPONSIBILITIES AND AUTHORITIES OF DIRECTOR OF NATIONAL INTELLIGENCE.

Section 102A of the National Security Act of 1947 (50 U.S.C. 3024), as amended by section 6314, is further amended—

(1) in subsection (c)(5)(C), by striking "may" and inserting "shall";

(2) in subsection (h)—

(A) in paragraph (1)(A)—

(i) by striking "encourage" and inserting "require"; and

(ii) by inserting ", independent of political considerations," after "tradecraft"; and

(B) by amending paragraph (3) to read as follows;

"(3) ensure that substantial differences in analytic judgment are fully considered, brought to the attention of policymakers, and documented in analytic products; and";

(3) in subsection (i)—

(A) in paragraph (1), by inserting ", and shall establish and enforce policies to protect," after "protect";

(B) in paragraph (2), by striking "guidelines" and inserting "requirements"; and

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

"(4)(A) Each head of an element of the intelligence community shall ensure that any congressionally mandated report submitted to Congress by the head, other than such a report submitted solely to the congressional intelligence committees, shall be consistent with the protection of intelligence sources and methods in accordance with the policies established by the Director under paragraph (1), regardless of whether the provision of law mandating the report explicitly requires such protection.

"(B) Nothing in this paragraph shall be construed to alter any congressional leadership's or congressional committee's jurisdiction or access to information from any element of the intelligence community under the rules of either chamber of Congress."; and

(4) in subsection (x), in the matter preceding paragraph (1), by striking "the head of each department of the Federal Government that contains an element of the intelligence community and the Director of the Central Intelligence Agency" and inserting "the heads of the elements of the intelligence community".

SEC. 6402. ANNUAL SUBMISSION TO CONGRESS OF NATIONAL INTELLIGENCE PRIORITIES FRAMEWORK.

Section 102A(p) of the National Security Act of 1947 (50 U.S.C. 3024(p)) is amended by inserting at the end the following new paragraph:

"(3) Not later than October 1 of each year, the President, acting through the Director of National Intelligence, shall submit to the congressional intelligence committees, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives a copy of the most recently updated National Intelligence Priorities Framework of the Office of the Director of National Intelligence (or any such successor mechanism).".

SEC. 6403. DISPOSITION OF RECORDS OF OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

Section 1096(a) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 50 U.S.C. 3001 note) is amended—

(1) by inserting "(1)" before "Upon";

(2) by adding at the end the following new sentence: "Any records of the Office of the Director of National Intelligence that are maintained by the agency as a service for the Office of the Director of National Intelligence under section 1535 of title 31, United States Code, (popularly known as the 'Economy Act') may be treated as the records of the agency when dispositioned as required by law, and any disclosure of such records between the two agencies shall not be subject to any otherwise applicable legal consent requirements or disclosure accounting requirements."; and

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

"(2) The records of the Office of the Director of National Intelligence may not be dispositioned pursuant to paragraph (1) without the authorization of the Director of National Intelligence.".

Subtitle B—Central Intelligence Agency

SEC. 6411. CLARIFICATION REGARDING PROTECTION OF CENTRAL INTELLIGENCE AGENCY FUNCTIONS.

Section 6 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3507) is amended by striking ", functions" and inserting "or functions of the Agency, or of the".

SEC. 6412. [50 U.S.C. 3519b note] EXPANSION OF REPORTING REQUIREMENTS RELATING TO AUTHORITY TO PAY PERSONNEL OF CENTRAL INTELLIGENCE AGENCY FOR CERTAIN INJURIES TO THE BRAIN.

Section 2(d)(1) of the Helping American Victims Afflicted by Neurological Attacks Act of 2021 (Public Law 117-46) is amended—

(1) in subparagraph (A), by inserting "and not less frequently than once each year thereafter for 5 years" after "Not later than 365 days after the date of the enactment of this Act";

(2) in subparagraph (B), by adding at the end the following:

"(iv) Detailed information about the number of covered employees, covered individuals, and covered dependents who reported experiencing vestibular, neurological, or related injuries, including those broadly termed 'anomalous health incidents'.

"(v) The number of individuals who have sought benefits under any provision of section 19A of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3519b).

"(vi) The number of covered employees, covered individuals, and covered dependents who are unable to perform all or part of their professional duties as a result of injuries described in clause (iv).

"(vii) An updated analytic assessment coordinated by the National Intelligence Council regarding the potential causes and perpetrators of anomalous health incidents, as well as any and all dissenting views within the intelligence community, which shall be included as appendices to the assessment."; and

(3) in subparagraph (C), by striking "The" and inserting "Each".

SEC. 6413. [50 U.S.C. 3506 note] HISTORICAL ADVISORY PANEL OF CENTRAL INTELLIGENCE AGENCY.

(a) SENSE OF CONGRESS.—It is the sense of Congress that Congress expresses its appreciation—

(1) to the Director of the Central Intelligence Agency for reconstituting the Historical Advisory Panel; and

(2) for the important work of the Historical Advisory Panel, especially for—

(A) the efforts of the Panel to aid with the declassification of materials that enrich the historical national security record; and

(B) the assistance of the Panel in liaison with the scholarly community.

(b) REPORTING REQUIREMENT.—The Historical Advisory Panel shall report directly to the Director of the Central Intelligence Agency.

(c) HISTORICAL ADVISORY PANEL DEFINED.—The term "Historical Advisory Panel" means the panel of the Central Intelligence Agency, regardless of the name of the panel, that assists in conducting declassification reviews and providing other assistance with respect to matters of historical interest.

SEC. 6414. AUTHORITY OF CENTRAL INTELLIGENCE AGENCY TO PROVIDE PROTECTION FOR CERTAIN PERSONNEL.

(a) AUTHORITY.—Paragraph (4) of section 5(a) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3506(a)), as amended by section 6303, is further amended to read as follows:

"(4) Authorize personnel designated by the Director to carry firearms to the extent necessary for the performance of the Agency's authorized functions, except that, within the United States, such authority shall be limited to the purposes of—

"(A) the training of Agency personnel and other authorized persons in the use of firearms;

"(B) the protection of classified materials and information;

"(C) the protection of installations and property of the Agency;

"(D) the protection of—

"(i) current and former Agency personnel and their immediate families;

"(ii) individuals nominated by the President to the position of Director (including with respect to an individual whom a President-elect (as defined in section 3(c) of the Presidential Transition Act of 1963 (3 U.S.C. 102 note) has declared an intent to nominate) and their immediate families; and

"(iii) defectors and their immediate families, and other persons in the United States under Agency auspices; and

"(E) with respect to the Office of the Director of National Intelligence, the protection of—

"(i) installations and property of the Office of the Director of National Intelligence;

"(ii) the Director of National Intelligence and the immediate family of the Director;

"(iii) current and former personnel of the Office of the Director of National Intelligence and their immediate families as the Director of National Intelligence may designate; and

"(iv) individuals nominated by the President to the position of Director of National Intelligence (including with respect to an individual whom a Presi-

dent-elect has declared an intent to nominate) and their immediate families;".

(b) CONFORMING AMENDMENT.—Section 15(d)(1) of such Act (50 U.S.C. 3515(d)(1)) is amended by striking "designated by the Director under section 5(a)(4) to carry firearms for the protection of current or former Agency personnel and their immediate families, defectors and their immediate families, and other persons in the United States under Agency auspices," and inserting the following: "designated by the Director to carry firearms under subparagraph (D) or (E) of section 5(a)(4),".

(c) TECHNICAL AMENDMENT.—Paragraphs (7) and (8) of section 5(a) of such Act (50 U.S.C. 3506(a)) are amended by adjusting the margins to conform with the other paragraphs in such section.

SEC. 6415. NOTIFICATION OF USE OF CERTAIN EXPENDITURE AUTHORITIES.

(a) CIA.—Section 8 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3510) is amended by adding at the end the following new subsection:

"(c) NOTIFICATION.—Not later than 30 days after the date on which the Director makes a novel and significant expenditure pursuant to subsection (a), the Director shall notify the Permanent Select Committee on Intelligence of the House of Representatives, the Select Committee on Intelligence of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives of such expenditure.".

(b) OTHER ELEMENTS.—Section 102A of the National Security Act of 1947 (50 U.S.C. 3024), as amended by section 6402, is further amended—

(1) in subsection (m)(1), by inserting before the period at the end the following: ", including with respect to the notification requirement under section 8(c) of such Act (50 U.S.C. 3510(c))"; and

(2) in subsection (n), by adding at the end the following new paragraph:

"(5) Any authority provided to the Director of National Intelligence or the head of an element of the intelligence community pursuant to this subsection to make an expenditure referred to in subsection (a) of section 8 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3510) is subject to the notification requirement under subsection (c) of such section. If the Director of National Intelligence is required to make a notification for a specific expenditure pursuant to both this paragraph and paragraph (4)(G), the Director may make a single notification.".

SEC. 6416. OFFICE SUPPORTING CENTRAL INTELLIGENCE AGENCY WORKFORCE WELLBEING.

(a) ESTABLISHMENT.—The Central Intelligence Agency Act of 1949 (50 U.S.C. 3501 et seq.) is amended by adding at the end the following new section:

"SEC. 29. [50 U.S.C. 3530] OFFICE OF WELLNESS AND WORKFORCE SUPPORT

"(a) ESTABLISHMENT.—The Director shall establish within the Agency an office (in this section referred to as the 'Office') to provide support for the physical health, mental health, and wellbeing of eligible individuals under subsection (d).

"(b) CHIEF WELLBEING OFFICER; ASSIGNED STAFF.—

"(1) CHIEF WELLBEING OFFICER.—The head of the Office is the Chief Wellbeing Officer, who shall provide to the Director regular updates on the operations of the Office.

"(2) ASSIGNED STAFF.—To assist in performing the functions under subsection (c), the Director shall assign to the Office a sufficient number of individuals, who shall have no official duties other than duties related to the Office while so assigned.

"(c) FUNCTIONS OF OFFICE.—

"(1) FUNCTIONS.—The Director shall establish the functions and role of the Office, which shall include the following:

"(A) Providing to eligible individuals under subsection (d) advice and assistance on health and wellbeing, including with respect to—

"(i) physical health and access to physical health care;

"(ii) mental health and access to mental health care; and

"(iii) other related programs and benefits for which the individual may be eligible.

"(B) In providing advice and assistance to individuals under subparagraph (A), assisting such individuals who are applying for, and navigating the process to obtain, benefits furnished by the United States Government for which the individual is eligible, including, at a minimum—

"(i) health care and benefits described in such subparagraph; and

"(ii) benefits furnished pursuant to section 19A.

"(C) Maintaining, and making available to eligible individuals under subsection (d), the following:

"(i) A list of physicians and mental health care providers (including from the private sector, as applicable), who have experience with the physical and mental health care needs of the Agency workforce.

"(ii) A list of chaplains and religious counselors who have experience with the needs of the Agency workforce, including information regarding access to the Chaplain Corps established under section 26.

"(iii) Information regarding how to select and retain private attorneys who have experience with the legal needs of the Agency workforce, including detailed information on the process for the appropriate sharing of information with retained private attorneys.

"(D) Any other functions the Director determines appropriate.

"(2) RULE OF CONSTRUCTION.—The inclusion of any person on a list maintained or made available pursuant to paragraph

(1)(C) shall not be construed as an endorsement of such person (or any service furnished by such person), and the Director shall not be liable, as a result of such inclusion, for any portion of compensable injury, loss, or damage attributable to such person or service.

"(3) CONFIDENTIALITY.—

"(A) REQUIREMENT.—The Director shall ensure that, to the extent permitted by law, the advice and assistance provided by the Office to eligible individuals under subsection (d) is provided in a confidential manner.

"(B) REGULATIONS.—The Director may prescribe regulations regarding the requirement for confidentiality under this paragraph. The Director shall submit to the congressional intelligence committees (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)), the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives any such regulations not later than 30 days after prescribing such regulations.

"(d) ELIGIBILITY.—

"(1) IN GENERAL.—An individual described in paragraph (2) may receive a service under the Office at the election of the individual.

"(2) INDIVIDUALS DESCRIBED.—An individual described in this paragraph is—

"(A) a current or former officer or employee of the Agency; or

"(B) an individual affiliated with the Agency, as determined by the Director.".

(b) [50 U.S.C. 3530 note] DEADLINE FOR ESTABLISHMENT.—The Director of the Central Intelligence Agency shall establish the Office under section 29 of the Central Intelligence Agency Act of 1949 (as added by subsection (a)) (in this section referred to as the "Office") by not later than 120 days after the date of the enactment of this Act.

(c) BIANNUAL BRIEFINGS.—On a biannual basis during the three-year period beginning on the date of the establishment of the Office, the Director shall provide to the congressional intelligence committees, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives a briefing on the status of the Office, including on—

(1) the number of individuals assigned to the Office pursuant to subsection (b)(2) of section 29 of the Central Intelligence Agency Act of 1949 (as added by subsection (a)); and

(2) the number of eligible individuals under subsection (d) of such section 29 who have received services under the Office, and the type of services so received.

Subtitle C—Elements of the Defense Intelligence Enterprise

SEC. 6421. INCLUSION OF SPACE FORCE AS ELEMENT OF INTELLIGENCE COMMUNITY.

Section 3(4)(H) of the National Security Act of 1947 (50 U.S.C. 3003(4)(H)) is amended by inserting "the Space Force," after "the Marine Corps,".

SEC. 6422. [50 U.S.C. 3334l] OVERSIGHT OF DEFENSE INTELLIGENCE AGENCY CULTURE.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term "appropriate committees of Congress" means—

(A) the congressional intelligence committees;

(B) the Committee on Armed Services of the Senate;

(C) the Subcommittee on Defense of the Committee on Appropriations of the Senate;

(D) the Committee on Armed Services of the House of Representatives; and

(E) the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

(2) WORKFORCE CLIMATE SURVEY.—The term "workforce climate survey"—

(A) means a workforce engagement or climate survey conducted at the agency, directorate, career field, or integrated intelligence center level, without regard to whether the survey is conducted on an annual or ad-hoc basis; and

(B) does not include an exit survey specified in subsection (c).

(b) FINDINGS.—Congress finds that the Defense Intelligence Agency has committed to improving Agency culture and leadership; however, actions taken by the Agency as of the date of the enactment of this Act have not enabled a full assessment of the extent of workforce culture issues and potential management abuses, and require additional congressional oversight to ensure concerns are both understood and addressed.

(c) MANDATORY PROVISION OF EXIT SURVEY OR INTERVIEW.—

(1) IN GENERAL.—The Director of the Defense Intelligence Agency shall ensure that each employee of such Agency who leaves employment with such Agency (but not including any detail assignment) completes an exit survey or exit interview prior to such departure, to the extent practicable.

(2) ANNUAL SUBMISSIONS TO CONGRESS.—On an annual basis during the 3-year period beginning on the date of the enactment of this Act, the Director of the Defense Intelligence Agency shall submit to the appropriate committees of Congress a written analysis of the results of the exit surveys or exit interviews completed pursuant to paragraph (1) during the year covered by the report together with a plan of the Director to address any issues identified pursuant to such results to improve retention and culture.

(d) CONGRESSIONAL OVERSIGHT RELATING TO WORKFORCE CLIMATE SURVEYS.—

(1) NOTIFICATIONS OF AD-HOC WORKFORCE CLIMATE SURVEYS.—Not later than 14 days after the date on which the Director of the Defense Intelligence Agency conducts an ad-hoc workforce climate survey (including in response to a specific incident or concern), the Director shall notify the appropriate committees of Congress.

(2) REPORTS ON FINAL RESULTS.—Not later than 90 days after the date on which the Director of the Defense Intelligence Agency concludes the conduct of any workforce climate survey, the Director shall submit to the appropriate committees of Congress a report containing the final results of such workforce climate survey. Such report shall include the following:

(A) The topic of the workforce climate survey, and the workforce level surveyed.

(B) The rationale for conducting the workforce climate survey.

(C) The measures in place to ensure the accessibility of the workforce climate survey.

(D) The lead official or entity conducting the workforce climate survey.

(E) Any actions the Director intends to take, or is considering, in response to the results of the workforce climate survey.

(3) ACCESSIBILITY OF WORKFORCE CLIMATE SURVEYS.—The Director of the Defense Intelligence Agency shall ensure that, to the extent practicable, and consistent with the protection of intelligence sources and methods, workforce climate surveys are accessible to employees of such Agency on classified and unclassified systems.

(e) FEASIBILITY REPORT.—Not later than 270 days after the date of enactment of this Act, the Director of the Defense Intelligence Agency shall submit to the appropriate committees of Congress a report containing an analysis of the feasibility (including the anticipated cost, personnel requirements, necessary authorities, and such other matters as may be determined appropriate by the Director for purposes of analyzing feasibility) of—

(1) conducting 360-degree performance reviews among employees of the Defense Intelligence Agency; and

(2) including leadership suitability assessments (including personality evaluations, communication style assessments, and emotional intelligence aptitude assessments) for promotions of such employees to a position within grade GS-14 or above of the General Schedule.

Subtitle D—Other Elements

SEC. 6431. MODIFICATION OF ADVISORY BOARD IN NATIONAL RECONNAISSANCE OFFICE.

Section 106A(d) of the National Security Act of 1947 (50 U.S.C. 3041a(d)) is amended—

(1) in paragraph (3)(A)(i), by inserting ", in consultation with the Director of National Intelligence and the Secretary of Defense," after "Director"; and

(2) in paragraph (7), by striking "the date that is 3 years after the date of the first meeting of the Board" and inserting "September 30, 2024".

SEC. 6432. [10 U.S.C. 441 note] ESTABLISHMENT OF ADVISORY BOARD FOR NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY.

(a) ESTABLISHMENT.—There is established in the National Geospatial-Intelligence Agency an advisory board (in this section referred to as the "Board").

(b) DUTIES.—The Board shall—

(1) study matters relating to the mission of the National Geospatial-Intelligence Agency, including with respect to integration of commercial capabilities, promoting innovation, advice on next generation tasking, collection, processing, exploitation, and dissemination capabilities, strengthening functional management, acquisition, and such other matters as the Director of the National Geospatial-Intelligence Agency considers appropriate; and

(2) advise and report directly to the Director with respect to such matters.

(c) MEMBERS.—

(1) NUMBER AND APPOINTMENT.—

(A) IN GENERAL.—The Board shall be composed of 6 members appointed by the Director from among individuals with demonstrated academic, government, business, or other expertise relevant to the mission and functions of the Agency.

(B) NOTIFICATION.—Not later than 30 days after the date on which the Director appoints a member to the Board, the Director shall notify the congressional intelligence committees and the congressional defense committees (as defined in section 101(a) of title 10, United States Code) of such appointment.

(C) INITIAL APPOINTMENTS.—Not later than 180 days after the date of the enactment of this Act, the Director shall appoint the initial 6 members to the Board.

(2) TERMS.—Each member shall be appointed for a term of 3 years.

(3) VACANCY.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term.

(4) CHAIR.—The Board shall have a Chair, who shall be appointed by the Director from among the members.

(5) TRAVEL EXPENSES.—Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(6) EXECUTIVE SECRETARY.—The Director may appoint an executive secretary, who shall be an employee of the Agency, to support the Board.

(d) MEETINGS.—The Board shall meet not less than quarterly, but may meet more frequently at the call of the Director.

(e) REPORTS.—Not later than March 31 of each year, the Board shall submit to the Director and to the congressional intelligence

committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives a report on the activities and significant findings of the Board during the preceding year.

(f) NONAPPLICABILITY OF CERTAIN REQUIREMENTS.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Board.

(g) TERMINATION.—The Board shall terminate on the date that is 5 years after the date of the first meeting of the Board.

SEC. 6433. [10 U.S.C. 441 note] ELEVATION OF THE COMMERCIAL AND BUSINESS OPERATIONS OFFICE OF THE NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY.

Beginning not later than 90 days after the date of the enactment of this Act, the head of the commercial and business operations office of the National Geospatial-Intelligence Agency shall report directly to the Director of the National Geospatial-Intelligence Agency.

SEC. 6436. BRIEFING ON COORDINATION BETWEEN INTELLIGENCE COMMUNITY AND BUREAU OF INDUSTRY AND SECURITY.

(a) DEFINITION OF APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term "appropriate congressional committees" means—

(1) the congressional intelligence committees;

(2) the Committee on Foreign Relations, the Committee on Armed Services, the Committee on Banking, Housing, and Urban Affairs, the Committee on Commerce, Science, and Transportation, and the Subcommittee on Defense of the Committee on Appropriations of the Senate; and

(3) the Committee on Foreign Affairs, the Committee on Armed Services, the Committee on Financial Services, the Committee on Energy and Commerce, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

(b) CLASSIFIED BRIEFING.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence and the Secretary of Commerce, or their designees, shall jointly provide a classified briefing to the appropriate congressional committees regarding—

(1) coordination between the intelligence community and the Bureau of Industry and Security of the Department of Commerce;

(2) existing processes of the Bureau for the access to, storage of, transmission of, and use of information provided to the Bureau by an element of the intelligence community; and

(3) such recommendations as the Director and the Secretary may have to enhance such access, storage, transmission, and use.

TITLE LXV—MATTERS RELATING TO FOREIGN COUNTRIES

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

SEC. 6501. REPORT ON WEALTH AND CORRUPT ACTIVITIES OF THE LEADERSHIP OF THE CHINESE COMMUNIST PARTY.

Not later than 1 year after the date of the enactment of this Act, the Director of National Intelligence, in consultation with the Secretary of State, shall make available to the public an unclassified report on the wealth and corrupt activities of the leadership of the Chinese Communist Party, including the General Secretary of the Chinese Communist Party and senior leadership officials in the Central Committee, the Politburo, the Politburo Standing Committee, and any other regional Party Secretaries.

SEC. 6502. IDENTIFICATION AND THREAT ASSESSMENT OF COMPANIES WITH INVESTMENTS BY THE PEOPLE'S REPUBLIC OF CHINA.

(a) DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term "appropriate committees of Congress" means—

(1) the congressional intelligence committees;

(2) the Committee on Commerce, Science, and Transportation and the Subcommittee on Defense of the Committee on Appropriations of the Senate; and

(3) the Committee on Energy and Commerce and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

(b) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with such heads of elements of the intelligence community as the Director considers appropriate, the Chairperson of the Federal Communication Commission, and the Administrator of the National Telecommunications and Information Administration, shall provide to the appropriate committees of Congress a report on the risk to national security of the use of—

(1) telecommunications companies with a 10% or greater direct or indirect foreign investment by an entity or person owned or controlled by, or subject to the jurisdiction or direction of, the People's Republic of China that is operating in the United States or providing services to affiliates and personnel of the intelligence community; and

(2) hospitality and conveyance companies with substantial investment by the People's Republic of China by affiliates and personnel of the intelligence community for travel on behalf of the United States Government.

SEC. 6503. INTELLIGENCE COMMUNITY WORKING GROUP FOR MONITORING THE ECONOMIC AND TECHNOLOGICAL CAPABILITIES OF THE PEOPLE'S REPUBLIC OF CHINA.

(a) IN GENERAL.—The Director of National Intelligence, in consultation with such heads of elements of the intelligence commu-

nity as the Director considers appropriate, shall establish a cross-intelligence community analytical working group (in this section referred to as the "working group") on the economic and technological capabilities of the People's Republic of China.

(b) MONITORING AND ANALYSIS.—The working group shall monitor and analyze—

(1) the economic and technological capabilities of the People's Republic of China;

(2) the extent to which those capabilities rely on exports, financing, or services from the United States and other foreign countries;

(3) the links of those capabilities to the military-industrial complex of the People's Republic of China; and

(4) the threats those capabilities pose to the national security and values of the United States.

(c) ANNUAL ASSESSMENT.—

(1) DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.—In this subsection, the term "appropriate committees of Congress" means—

(A) the congressional intelligence committees;

(B) the Committee on Foreign Relations, the Committee on Banking, Housing, and Urban Affairs, the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, the Committee on Commerce, Science, and Transportation, the Committee on Energy and Natural Resources, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

(C) the Committee on Foreign Affairs, the Committee on Financial Services, the Committee on Armed Services, the Committee on Homeland Security, the Committee on Energy and Commerce, the Committee on Ways and Means, the Committee on Oversight and Accountability, and the Committee on Appropriations of the House of Representatives.

(2) IN GENERAL.—Not less frequently than once each year, the working group shall submit to the appropriate committees of Congress an assessment of the economic and technological strategy, efforts, and progress of the People's Republic of China to become the dominant military, technological, and economic power in the world and undermine the rules-based world order.

(3) ELEMENTS.—Each assessment required by paragraph (2) shall include the following:

(A) An unclassified overview of the major goals, strategies, and policies of the People's Republic of China to control, shape, or develop self-sufficiency in key technologies and control related supply chains and ecosystems, including—

(i) efforts to acquire United States and other foreign technology and recruit foreign talent in technology sectors of the People's Republic of China, including the extent to which those efforts relate to the military-industrial complex of the People's Republic of China;

(ii) efforts related to incentivizing offshoring of United States and foreign manufacturing to China, influencing global supply chains, and creating supply chain vulnerabilities for the United States, including China's financing or potential financing in foreign countries to create monopolies in the processing and exporting of rare earth and other critical materials necessary for renewable energy, including cobalt, lithium, and nickel;

(iii) related tools and market access restrictions or distortions imposed by the People's Republic of China on foreign firms and laws and regulations of the People's Republic of China that discriminate against United States and other foreign firms; and

(iv) efforts of the People's Republic of China to attract or restrict financing from the United States and other foreign countries to build self-sufficient national defense capabilities, an evaluation of the relative contribution of foreign financing to China's economic support for such capabilities, and the type of capital flows from the United States into China's national defense capabilities from the specific actions taken by the Government of the People's Republic of China to attract or restrict financing to the outcome of such efforts for entities and persons of the People's Republic of China.

(B) An unclassified assessment of the progress of the People's Republic of China to achieve its goals, disaggregated by economic sector.

(C) An unclassified assessment of the impact of the transfer of capital, technology, data, talent, and technical expertise from the United States to China on the economic, technological, and military capabilities of the People's Republic of China.

(D) An unclassified list of all the known businesses, academic and research institutions, or other entities of the People's Republic of China that are—

(i) developing, producing, or exporting to other countries the technologies that are strategically important to the People's Republic of China or supporting entities of the People's Republic of China that are subject to sanctions imposed by the United States;

(ii) supporting the military-civil fusion program or the military industrial complex of the People's Republic of China; or

(iii) otherwise supporting the goals and efforts of the Chinese Communist Party and Chinese government entities, including the Ministry of State Security, the Ministry of Public Security, and the People's Liberation Army.

(E) An unclassified list of the top 100 development, infrastructure, or other strategic projects that the People's Republic of China is financing abroad that—

(i) advance the technology goals and strategies of the Chinese Communist Party; or

(ii) evade financial sanctions, export controls, or import restrictions imposed by the United States.

(F) An unclassified list of the top 100 businesses, research institutions, or other entities of the People's Republic of China that are developing surveillance, smart cities, or related technologies that are—

(i) exported to other countries, undermining democracy worldwide; or

(ii) provided to the security services of the People's Republic of China, enabling them to commit severe human rights abuses in China.

(G) An unclassified list of the top 100 businesses or other entities of the People's Republic of China that are—

(i) operating in the genocide zone in Xinjiang; or

(ii) supporting the Xinjiang Public Security Bureau, the Xinjiang Bureau of the Ministry of State Security, the People's Armed Police, or the Xinjiang Production and Construction Corps.

(H) A list of investment funds, public companies, or private or early-stage firms of the People's Republic of China that have received more than $100,000,000 in capital flows from the United States during the 10-year period preceding the date on which the assessment is submitted.

(I) A detailed assessment, prepared in consultation with all elements of the working group—

(i) of the investments made by the People's Republic of China in—

(I) artificial intelligence;

(II) next-generation energy technologies, especially small modular reactors and advanced batteries; and

(III) biotechnology; and

(ii) that identifies—

(I) competitive practices of the People's Republic of China relating to the technologies described in clause (i);

(II) opportunities to counter the practices described in subclause (I);

(III) countries the People's Republic of China is targeting for exports of civil nuclear technology;

(IV) countries best positioned to utilize civil nuclear technologies from the United States in order to facilitate the commercial export of those technologies;

(V) United States vulnerabilities in the supply chain of these technologies; and

(VI) opportunities to counter the export by the People's Republic of China of civil nuclear technologies globally.

(J) An identification and assessment of any unmet resource or authority needs of the working group that affect the ability of the working group to carry out this section.

(4) PREPARATION OF ASSESSMENTS.—In preparing each assessment required by paragraph (2), the working group shall

use open source documents in Chinese language and commercial databases.

(5) FORMAT.—An assessment required by paragraph (2) may be submitted in the format of a National Intelligence Estimate.

(6) FORM.—Each assessment required by paragraph (2) shall be submitted in unclassified form, but may include a classified annex.

(7) PUBLICATION.—The unclassified portion of each assessment required by paragraph (2) shall be published on the publicly accessible website of the Director of National Intelligence.

(d) BRIEFINGS TO CONGRESS.—Not less frequently than quarterly, the working group shall provide to Congress a classified briefing on the economic and technological goals, strategies, and progress of the People's Republic of China, especially on the information that cannot be disclosed in the unclassified portion of an assessment required by subsection (c)(2).

(e) CLASSIFIED ANALYSES.—Each classified annex to an assessment required by subsection (c)(2) or corresponding briefing provided under subsection (d) shall include an analysis of—

(1) the vulnerabilities of the People's Republic of China, disaggregated by economic sector, industry, and entity; and

(2) the technological or supply chain chokepoints of the People's Republic of China that provide leverage to the United States.

(f) SUNSET.—This section shall cease to be effective on the date that is 5 years after the date of the enactment of this Act.

SEC. 6504. ANNUAL REPORT ON CONCENTRATED REEDUCATION CAMPS IN THE XINJIANG UYGHUR AUTONOMOUS REGION OF THE PEOPLE'S REPUBLIC OF CHINA.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term "appropriate committees of Congress" means—

(A) the congressional intelligence committees;

(B) the Committee on Foreign Relations, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Appropriations of the Senate; and

(C) the Committee on Foreign Affairs, the Committee on Financial Services, and the Committee on Appropriations of the House of Representatives.

(2) COVERED CAMP.—The term "covered camp" means a detention camp, prison, forced labor camp, or forced labor factory located in the Xinjiang Uyghur Autonomous Region of the People's Republic of China, referred to by the Government of the People's Republic of China as "concentrated reeducation camps" or "vocational training centers".

(b) ANNUAL REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, and annually thereafter for 5 years, the Director of National Intelligence, in consultation with such heads of elements of the intelligence community as the Director considers appropriate, shall submit to the appropriate committees of Congress a report on the status of covered camps.

(c) ELEMENTS.—Each report required by subsection (b) shall include the following:

(1) An identification of the number and geographic location of covered camps and an estimate of the number of victims detained in covered camps.

(2) A description of—

(A) the types of personnel and equipment in covered camps;

(B) the funding received by covered camps from the Government of the People's Republic of China; and

(C) the role of the security services of the People's Republic of China and the Xinjiang Production and Construction Corps in enforcing atrocities at covered camps.

(3) A comprehensive list of—

(A) the entities of the Xinjiang Production and Construction Corps, including subsidiaries and affiliated businesses, with respect to which sanctions have been imposed by the United States;

(B) commercial activities of those entities outside of the People's Republic of China; and

(C) other Chinese businesses, including in the artificial intelligence, biotechnology, and surveillance technology sectors, that are involved with the atrocities in Xinjiang or supporting the policies of the People's Republic of China in the region.

(d) FORM.—Each report required by subsection (b) shall be submitted in unclassified form, but may include a classified annex.

(e) PUBLICATION.—The unclassified portion of each report required by subsection (b) shall be published on the publicly accessible website of the Office of the Director of National Intelligence.

SEC. 6505. ASSESSMENTS OF PRODUCTION OF SEMICONDUCTORS BY THE PEOPLE'S REPUBLIC OF CHINA.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term "appropriate committees of Congress" means—

(A) the congressional intelligence committees;

(B) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Banking, Housing, and Urban Affairs, the Committee on Commerce, Science, and Transportation, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

(C) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Financial Services, the Committee on Science, Space, and Technology, the Committee on Energy and Commerce, the Committee on Homeland Security, and the Committee on Appropriations of the House of Representatives.

(2) LEGACY SEMICONDUCTOR.—The term "legacy semiconductor" has the meaning given such term in section 9902(a)(6)(A) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (15 U.S.C. 4652(a)(6)(A)).

(b) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, and annually thereafter for 3 years, the Director of National Intelligence shall submit to the appropriate com-

mittees of Congress an assessment of progress by the People's Republic of China in global competitiveness in the production of semiconductors by Chinese firms, including any subsidiary, affiliate, or successor of such firms.

(c) CONSULTATION.—In carrying out subsection (b), the Director shall consult with the Secretary of Commerce and the heads of such other Federal agencies as the Director considers appropriate.

(d) ELEMENTS.—Each assessment submitted under subsection (b) shall include the following:

(1) The progress of the People's Republic of China toward self-sufficiency in the supply of semiconductors, including globally competitive Chinese firms competing in the fields of artificial intelligence, cloud computing, autonomous vehicles, next-generation and renewable energy, advanced life sciences and biotechnology, and high-performance computing.

(2) The progress of the People's Republic of China in developing indigenously or accessing foreign sources of intellectual property critical to the design and manufacturing of leading edge process nodes, including electronic design automation technology.

(3) Activity of Chinese firms with respect to the production of semiconductors that are not legacy semiconductors, including any identified export diversion to evade export controls.

(4) Any observed stockpiling efforts by Chinese firms with respect to semiconductor manufacturing equipment, substrate materials, silicon wafers, or other necessary inputs for semiconductor production.

(5) An analysis of the relative market share of different Chinese semiconductor manufacturers at different process nodes and the estimated increase or decrease of market share by that manufacturer in each product category during the preceding year.

(6) A comprehensive summary of recruitment activity of the People's Republic of China targeting semiconductor manufacturing engineers and managers from non-Chinese firms.

(7) An analysis of the capability of the workforce of the People's Republic of China to design, produce, and manufacture of semiconductors that are not legacy semiconductors and relevant equipment.

(e) FORM OF ASSESSMENTS.—Each assessment submitted under subsection (b) shall be submitted in unclassified form and include a classified annex.

(f) ADDITIONAL REPORTING.—Each assessment submitted under subsection (b) shall also be transmitted to the Secretary of Commerce, to inform, among other activities of the Department of Commerce, implementation of section 103 of the CHIPS Act of 2022 (Public Law 117-167) and title XCIX of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (15 U.S.C. 4651 et seq.).

Subtitle B—Miscellaneous Authorities, Requirements, and Limitations

SEC. 6511. NOTICE OF DEPLOYMENT OR TRANSFER OF CONTAINERIZED MISSILE SYSTEMS BY RUSSIA, CHINA, OR IRAN.

Section 501 of the Intelligence Authorization Act for Fiscal Year 2016 (division M of Public Law 114-113; 129 Stat. 2923) is amended—

(1) by striking "the Russian Federation" each place it appears and inserting "a covered country";

(2) by striking "Club-K container missile system" each place it appears and inserting "missile launcher disguised as or concealed in a shipping container";

(3) in subsection (a)(1)—

(A) by striking "deploy, the" and inserting "deploy, a"; and

(B) by striking "the Russian military" and inserting "the military of the covered country";

(4) by striking subsection (c) and inserting the following new subsection:

"(c) DEFINITIONS.—In this section:

"(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means the following:

"(A) The congressional intelligence committees.

"(B) The Committees on Armed Services of the House of Representatives and the Senate.

"(C) The Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

"(D) The Subcommittee on Defense of the Committee on Appropriations of the House of Representatives and the Subcommittee on Defense of the Committee on Appropriations of the Senate.

"(2) COVERED COUNTRY.—The term 'covered country' means the following:

"(A) Russia.

"(B) China.

"(C) Iran.

"(D) North Korea."; and

(5) in the heading, by striking "club-k container missile system by the russian federation" and inserting "containerized missile system by russia or certain other countries".

SEC. 6512. [50 U.S.C. 3025 note] INTELLIGENCE COMMUNITY COORDINATOR FOR RUSSIAN ATROCITIES ACCOUNTABILITY.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term "appropriate committees of Congress" means—

(A) the congressional intelligence committees;

(B) the Subcommittee on Defense of the Committee on Appropriations of the Senate; and

(C) the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

(2) ATROCITY.—The term "atrocity" means a war crime, crime against humanity, or genocide.

(3) COMMIT.—The term "commit", with respect to an atrocity, includes the planning, committing, aiding, and abetting of such atrocity.

(4) FOREIGN PERSON.—The term "foreign person" means a person that is not a United States person.

(5) RUSSIAN ATROCITY.—The term "Russian atrocity" means an atrocity that is committed by an individual who is—

(A) a member of the armed forces, or the security or other defense services, of the Russian Federation;

(B) an employee of any other element of the Russian Government; or

(C) an agent or contractor of an individual specified in subparagraph (A) or (B).

(6) UNITED STATES PERSON.—The term "United States person" has the meaning given that term in section 105A(c) of the National Security Act of 1947 (50 U.S.C. 3039).

(b) INTELLIGENCE COMMUNITY COORDINATOR FOR RUSSIAN ATROCITIES ACCOUNTABILITY.—

(1) DESIGNATION.—Not later than 30 days after the date of the enactment of this Act, the Director of National Intelligence shall designate a senior official of the Office of the Director of National Intelligence to serve as the intelligence community coordinator for Russian atrocities accountability (in this section referred to as the "Coordinator").

(2) DUTIES.—The Coordinator shall oversee the efforts of the intelligence community relating to the following:

(A) Identifying, and (as appropriate) disseminating within the United States Government, intelligence relating to the identification, location, or activities of foreign persons suspected of playing a role in committing Russian atrocities in Ukraine, including with respect to the forcible transfer and deportation of Ukrainian children.

(B) Identifying analytic and other intelligence needs and priorities of the intelligence community with respect to the commitment of such Russian atrocities.

(C) Addressing any gaps in intelligence collection relating to the commitment of such Russian atrocities and developing recommendations to address any gaps so identified, including by recommending the modification of the priorities of the intelligence community with respect to intelligence collection.

(D) Collaborating with appropriate counterparts across the intelligence community to ensure appropriate coordination on, and integration of the analysis of, the commitment of such Russian atrocities.

(E) Identifying intelligence and other information that may be relevant to preserve evidence of potential war crimes by Russia, consistent with the public commitments of the United States to support investigations into the conduct of Russia.

(F) Ensuring the Atrocities Early Warning Task Force and other relevant departments and agencies of the United

States Government receive appropriate support from the intelligence community with respect to the collection, analysis, preservation, and, as appropriate, dissemination, of intelligence related to Russian atrocities in Ukraine.

(3) PLAN REQUIRED.—Not later than 30 days after the date of enactment of this Act, the Director of National Intelligence shall submit to the appropriate committees of Congress—

(A) the name of the official designated as the Coordinator pursuant to paragraph (1); and

(B) the strategy of the intelligence community for the collection of intelligence related to Russian atrocities in Ukraine, including a detailed description of how the Coordinator shall support, and assist in facilitating the implementation of, such strategy.

(4) ANNUAL REPORT TO CONGRESS.—

(A) REPORTS REQUIRED.—Not later than May 1, 2023, and annually thereafter until May 1, 2028, the Director of National Intelligence shall submit to the appropriate committees of Congress a report detailing, for the year covered by the report—

(i) the analytical findings and activities of the intelligence community with respect to Russian atrocities in Ukraine; and

(ii) the recipients of information shared pursuant to this section for the purpose of ensuring accountability for such Russian atrocities, and the date of any such sharing.

(B) FORM.—Each report submitted under subparagraph (A) may be submitted in classified form, consistent with the protection of intelligence sources and methods.

(C) SUPPLEMENT.—The Director of National Intelligence may supplement an existing reporting requirement with the information required under subparagraph (A) on an annual basis to satisfy that requirement with prior notification of intent to do so to the appropriate committees of Congress.

(c) SUNSET.—This section shall cease to have effect on December 31, 2028. The Director and Coordinator shall carry out this section before such date regardless of any ceasefire or cessation of armed hostilities by Russia in Ukraine occurring before such date.

SEC. 6513. LEAD INTELLIGENCE COMMUNITY COORDINATOR FOR COUNTERING AND NEUTRALIZING PROLIFERATION OF IRAN-ORIGIN UNMANNED AIRCRAFT SYSTEMS.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term "appropriate committees of Congress" means—

(A) the congressional intelligence committees;

(B) the Committee on Armed Services, the Committee on Foreign Relations, and the Subcommittee on Defense of the Committee on Appropriations of the Senate; and

(C) the Committee on Armed Services, the Committee on Foreign Affairs, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

(2) FIVE EYES PARTNERSHIP.—The term "Five Eyes Partnership" means the intelligence alliance comprising Australia, Canada, New Zealand, the United Kingdom, and the United States.

(3) UNMANNED AIRCRAFT SYSTEM.—The term "unmanned aircraft system" includes an unmanned powered aircraft (including communication links and the components that control the unmanned aircraft), that—

(A) does not carry a human operator;

(B) may fly autonomously or be piloted remotely;

(C) may be expendable or recoverable; and

(D) may carry a lethal payload or explode upon reaching a designated location.

(b) COORDINATOR.—

(1) DESIGNATION.—Not later than 30 days after the date of enactment of this Act, the Director of National Intelligence shall designate an official from an element of the intelligence community to serve as the lead intelligence community coordinator for countering and neutralizing the proliferation of Iran-origin unmanned aircraft systems (in this section referred to as the "Coordinator").

(2) PLAN.—Not later than 120 days after the date on which the Coordinator is designated under paragraph (1), the Coordinator shall—

(A) develop a comprehensive plan of action, driven by intelligence information, for countering and neutralizing the threats posed by the proliferation of Iran-origin unmanned aircraft systems; and

(B) provide to appropriate committees of Congress a briefing on such plan of action.

(3) FINAL REPORT.—

(A) SUBMISSION.—Not later than January 1, 2024, the Director of National Intelligence shall submit to the appropriate committees of Congress a final report on the activities and findings of the Coordinator.

(B) MATTERS.—The report under subparagraph (A) shall include the following:

(i) An assessment of the threats posed by Iran-origin unmanned aircraft systems, including the threat to facilities and personnel of the United States Government in the greater Middle East, particularly in the areas of such region that are located within the area of responsibility of the Commander of the United States Central Command.

(ii) A detailed description of intelligence sharing efforts, as well as other joint efforts driven by intelligence information, with allies and partners of the United States, to assist in countering and neutralizing of such threats.

(iii) Recommendations for any changes in United States policy or legislative authorities to improve the capacity of the intelligence community to assist in countering and neutralizing such threats.

(C) FORM.—The report under subparagraph (A) may be submitted in classified form.

(D) ANNEX.—In submitting the report under subparagraph (A) to the congressional intelligence committees, the Director shall also include an accompanying annex, which shall be classified, that separately details all efforts supported exclusively by National Intelligence Program funds.

(c) COLLABORATION WITH FIVE EYES PARTNERSHIP AND ISRAEL.—Taking into account the findings of the final report under subsection (b)(3), the Director of National Intelligence shall seek to—

(1) develop and implement a common approach among the Five Eyes Partnership toward countering the threats posed by Iran-origin unmanned aircraft systems, including by leveraging the unique intelligence capabilities and information of the members of the Five Eyes Partnership; and

(2) intensify cooperation with Israel for the purpose of countering Iran-origin unmanned aircraft systems, including by strengthening and expanding existing cooperative efforts conducted pursuant to section 1278 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92; 133 Stat. 1702; 22 U.S.C. 8606 note).

(d) SUNSET.—This section shall cease to have effect on the date on which the final report is submitted under subsection (b)(3).

SEC. 6514. [50 U.S.C. 3370b] COLLABORATION BETWEEN INTELLIGENCE COMMUNITY AND DEPARTMENT OF COMMERCE TO COUNTER FOREIGN COMMERCIAL THREATS.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the congressional intelligence committees;

(B) the Committee on Commerce, Science, and Transportation, the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(C) the Committee on Energy and Commerce, the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

(2) FOREIGN COMMERCIAL THREAT.—

(A) IN GENERAL.—The term "foreign commercial threat" means a rare commercial item or service that is produced by, offered by, sold by, licensed by, or otherwise distributed under the control of a strategic competitor or foreign adversary in a manner that may provide the strategic competitor or foreign adversary leverage over an intended recipient.

(B) DETERMINATIONS BY WORKING GROUP.—In determining whether an item or service is a foreign commercial threat, the Working Group shall consider whether the strategic competitor or foreign adversary could—

(i) withhold, or threaten to withhold, the rare commercial item or service;

(ii) create reliance on the rare commercial item or service as essential to the safety, health, or economic wellbeing of the intended recipient; or

(iii) have its rare commercial item or service easily replaced by a United States entity or an entity of an ally or partner of the United States.

(3) RARE COMMERCIAL ITEM OR SERVICE.—The term "rare commercial item or service" means a good, service, or intellectual property that is not widely available for distribution.

(b) WORKING GROUP.—

(1) ESTABLISHMENT.—Unless the Director of National Intelligence and the Secretary of Commerce make the joint determination specified in subsection (c), the Director and the Secretary, in consultation with the Secretary of State, shall jointly establish a working group to counter foreign commercial threats (in this section referred to as the "Working Group").

(2) MEMBERSHIP.—The composition of the Working Group may include any officer or employee of a department or agency of the United States Government determined appropriate by the Director or the Secretary.

(3) DUTIES.—The duties of the Working Group shall be the following:

(A) To identify current foreign commercial threats.

(B) To identify probable future foreign commercial threats.

(C) To identify goods, services, or intellectual property that, if produced by entities within the United States, or allies or partners of the United States, would mitigate foreign commercial threats.

(4) MEETINGS.—Not later than 30 days after the date of the enactment of this Act, and on a regular basis that is not less frequently than quarterly thereafter until the date of termination under paragraph (5), the Working Group shall meet.

(5) TERMINATION.—Beginning on the date that is 2 years after the date of the establishment under paragraph (1), the Working Group may be terminated upon the Director of National Intelligence and the Secretary of Commerce jointly—

(A) determining that termination of the Working Group is appropriate; and

(B) submitting to the appropriate congressional committees a notification of such determination (including a description of the justification for such determination).

(6) REPORTS.—

(A) SUBMISSION TO CONGRESS.—Not later than 60 days after the date of the enactment of this Act, and biannually thereafter until the date of termination under paragraph (5), the Working Group shall submit to the appropriate congressional committees a report on the activities of the Working Group.

(B) MATTERS.—Each report under subparagraph (A) shall include a description of the following:

(i) Any current or future foreign commercial threats identified by the Working Group.

(ii) The strategy of the United States Government, if any, to mitigate any current foreign commercial threats or future foreign commercial threats so identified.

(iii) The plan of the intelligence community to provide to the Department of Commerce and other nontraditional customers of the intelligence community support in addressing foreign commercial threats.

(iv) Any other significant activity of the Working Group.

(c) OPTION TO DISCHARGE OBLIGATION THROUGH OTHER MEANS.—If the Director of National Intelligence and the Secretary of Commerce make a joint determination that the requirements of the Working Group under subsection (b) (including the duties under paragraph (3) and the reporting requirement under paragraph (6) of such subsection) may be appropriately filled by an existing entity or structure, and submit to the congressional intelligence committees a notification of such determination (including a description of the justification for such determination), the Director and Secretary may task such entity or structure with such requirements in lieu of establishing the Working Group.

SEC. 6515. INTELLIGENCE ASSESSMENT ON FOREIGN WEAPONIZATION OF ADVERTISEMENT TECHNOLOGY DATA.

(a) DEFINITIONS.—In this section:

(1) ADVERTISEMENT TECHNOLOGY DATA.—The term "advertisement technology data" means commercially available data derived from advertisement technology that is used, or can be used, to geolocate individuals or gain other targeting information on individuals.

(2) APPROPRIATE COMMITTEES OF CONGRESS.—The term "appropriate committees of Congress" means—

(A) the congressional intelligence committees;

(B) the Committee on Armed Services of the Senate;

(C) the Subcommittee on Defense of the Committee on Appropriations of the Senate;

(D) the Committee on Armed Services of the House of Representatives; and

(E) the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

(b) ASSESSMENT.—The Director of National Intelligence shall conduct an intelligence assessment of the counterintelligence risks of, and the exposure of intelligence community and Department of Defense personnel and activities to, tracking by foreign adversaries through advertisement technology data.

(c) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Director shall submit to the appropriate committees of Congress a report on the intelligence assessment under subsection (b).

SEC. 6516. INTELLIGENCE COMMUNITY ASSESSMENT REGARDING RUSSIAN GRAY ZONE ASSETS.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term "appropriate committees of Congress" means—

(A) the congressional intelligence committees;

(B) the Committee on Armed Services of the Senate;

(C) the Subcommittee on Defense of the Committee on Appropriations of the Senate;

(D) the Committee on Armed Services of the House of Representatives; and

(E) the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

(2) GRAY ZONE ACTIVITY.—The term "gray zone activity" has the meaning given that term in section 825 of the Intelligence Authorization Act for Fiscal Year 2022 (Public Law 117-103).

(3) GRAY ZONE ASSET.—The term "gray zone asset"—

(A) means an entity or proxy that is controlled, in whole or in part, by a foreign adversary of the United States and is used by such foreign adversary in connection with a gray zone activity; and

(B) includes a state-owned enterprise of a foreign adversary that is so used.

(b) INTELLIGENCE COMMUNITY ASSESSMENT REGARDING RUSSIAN GRAY ZONE ASSETS.—

(1) INTELLIGENCE COMMUNITY ASSESSMENT.—The Director of National Intelligence, acting through the National Intelligence Council, shall produce an intelligence community assessment that contains—

(A) a description of the gray zone assets of Russia;

(B) an identification of any opportunities to hold such gray zone assets at risk, as a method of influencing the behavior of Russia; and

(C) an assessment of the risks and potential benefits, with respect to the interests of the United States, that may result from the seizure of such gray zone assets to hold the assets at risk.

(2) CONSIDERATIONS.—In identifying opportunities to hold a gray zone asset of Russia at risk under paragraph (1)(B), the National Intelligence Council shall consider the following:

(A) The effect on civilians of holding the gray zone asset at risk.

(B) The extent to which the gray zone asset is substantially state-owned or substantially controlled by Russia.

(C) The likelihood that holding the gray zone asset at risk will influence the behavior of Russia.

(D) The likelihood that holding the gray asset at risk, or degrading the asset, will affect any attempt of Russia to use force to change existing borders or undermine the political independence or territorial integrity of any state, including Ukraine.

(E) Such other factors as the National Intelligence Council may determine appropriate.

(3) APPENDIX.—The intelligence community assessment under paragraph (1) shall include an appendix that contains a list of the categories of gray zone assets of Russia, with specific examples of—

(A) gray zone assets in each category; and

(B) for each such gray zone asset listed, the ways in which Russia uses the asset to advance its gray zone activities.

(4) SUBMISSION.—The Director, consistent with the protection of sources and methods, shall submit to the appropriate committees of Congress the intelligence community assessment under paragraph (1).

(5) FORM.—The intelligence community assessment under paragraph (1) shall be submitted in unclassified form, but may contain a classified annex.

Subtitle C—Reports and Other Matters

SEC. 6521. REPORT ON ASSESSING WILL TO FIGHT.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the following:

(A) The congressional intelligence committees.

(B) The Committee on Foreign Relations, the Committee on Armed Services, and the Subcommittee on Defense of the Committee on Appropriations of the Senate.

(C) The Committee on Foreign Affairs, the Committee on Armed Services, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

(2) MILITARY WILL TO FIGHT.—The term "military will to fight" means, with respect to the military of a country, the disposition and decision to fight, act, or persevere as needed.

(3) NATIONAL WILL TO FIGHT.—The term "national will to fight" means, with respect to the government of a country, the resolve to conduct sustained military and other operations for an objective even when the expectation of success decreases or the need for significant political, economic, and military sacrifices increases.

(b) FINDINGS.—Congress finds the following:

(1) According to a study by the RAND corporation, "will to fight" is poorly analyzed and the least understood aspect of war.

(2) In testimony before the Select Committee on Intelligence of the Senate in May 2022, top intelligence officials of the United States indicated that although the intelligence community accurately anticipated Russia's invasion of Ukraine, the intelligence community did not accurately assess the will of Ukrainian forces to fight in opposition to a Russian invasion or that the Ukrainian forces would succeed in averting a rapid Russian military occupation of Kyiv.

(3) According to the RAND corporation, the intelligence community estimated that the Afghan government's forces could hold out against the Taliban for as long as 2 years if all ground forces of the United States were withdrawn. This estimate was revised in June 2021 to reflect an intelligence community view that Afghanistan's military collapse could come in

6 to 12 months. In August 2021, the Afghan government fell within days after the ground forces of the United States were withdrawn.

(4) Similarly, the rapid advance of the Islamic State in Iraq and Syria and near-total collapse of the Iraqi Security Forces in 2014 appeared to take the policymakers of the United States by surprise.

(5) The apparent gaps in these analyses had important implications for policy decisions of the United States toward Russia and Afghanistan, and suggest a need for further examination of how the intelligence community assesses a foreign military's will to fight.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence, acting through the National Intelligence Council and in coordination with the heads of the elements of the intelligence community that the Director determines appropriate, shall submit to the appropriate congressional committees a report examining the extent to which analyses of the military will to fight and the national will to fight informed the all-source analyses of the intelligence community regarding how the armed forces and governments of Ukraine, Afghanistan, and Iraq would perform at key junctures.

(d) ELEMENTS.—The report under subsection (c) shall include the following:

(1) The methodology of the intelligence community for measuring the military will to fight and the national will to fight of a foreign country.

(2) The extent to which analysts of the intelligence community applied such methodology when assessing the military will to fight and the national will to fight of—

(A) Afghanistan following the April 2021 announcement of the full withdrawal of the United States Armed Forces;

(B) Iraq in the face of the rapid emergence and advancement in 2014 of Islamic State in Iraq and Syria; and

(C) Ukraine and Russia during the initial phase of the invasion and march toward Kyiv by Russia in February 2022.

(3) The extent to which—

(A) the assessments described in paragraph (2) depended on the observations of personnel of the United States Armed Forces who had trained Afghan, Iraqi, and Ukrainian armed forces; and

(B) such observations reflected any standardized, objective methodology.

(4) Whether shortcomings in assessing the military will to fight and the national will to fight may have affected the capacity of the intelligence community to provide "early warning" about the collapse of government forces in Iraq and Afghanistan.

(5) The extent to which "red teaming" was used to test the assessments described in paragraph (2).

(6) The extent to which dissenting opinions of intelligence analysts were highlighted in final written products presented to senior policymakers of the United States.

(7) The extent to which analysts and supervisors adhered to the policies, procedures, directives, and best practices of the intelligence community.

(8) Recommendations for analyses by the intelligence community going forward to incorporate lessons learned and enhance the quality of future analytical products to more accurately reflect the military will to fight and the national will to fight and improve the capacity of the intelligence community to accurately predict the success or failure of the armed forces of a foreign country.

(e) ANNEX.—In submitting the report under subsection (c) to the congressional intelligence committees, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives, the Director shall also include an accompanying annex, which shall be classified, providing an inventory of the following:

(1) Collection gaps and challenges that may have affected the analysis of the collapse of government forces in Iraq and Afghanistan.

(2) Actions that the Director of National Intelligence has taken to mitigate such gaps and challenges.

(f) FORM.—The report under subsection (c) may be submitted in classified form, but if so submitted, shall include an unclassified summary of key findings, consistent with the protection of intelligence sources and methods.

SEC. 6522. REPORT ON THREAT FROM HYPERSONIC WEAPONS.

(a) DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term "appropriate committees of Congress" means—

(1) the congressional intelligence committees;

(2) the Committee on Armed Services, the Committee on Foreign Relations, and the Subcommittee on Defense of the Committee on Appropriations of the Senate; and

(3) the Committee on Armed Services, the Committee on Foreign Affairs, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the appropriate committees of Congress a report containing an assessment of the threat to the United States, and to allies and partners of the United States, from hypersonic weapons in light of the use of such weapons by Russia in Ukraine.

(c) ELEMENTS.—The assessment under subsection (b) shall include the following:

(1) The information learned by the United States regarding the hypersonic weapons capabilities of Russia.

(2) Insights into the doctrine of Russia regarding the use of hypersonic weapons.

(3) An assessment of how allies and partners of the United States view the threat of hypersonic weapons.

(4) An assessment of the degree to which the development of missiles with similar capabilities as hypersonic weapons used by Russia would enhance or reduce the ability of the United States to deter Russia from threatening the national security of the United States.

(d) FORM.—The report under subsection (b) may be submitted in classified form.

SEC. 6523. REPORT ON ORDNANCE OF RUSSIA AND CHINA.

(a) REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Director of the Defense Intelligence Agency shall submit to the congressional intelligence committees and the congressional defense committees a report on ordnance of Russia and China, including the technical specificity required for the safe handling and disposal of such ordnance.

(b) COORDINATION.—The Director shall carry out subsection (a) in coordination with the head of any element of the Defense Intelligence Enterprise that the Director determines appropriate.

(c) DEFINITIONS.—In this section:

(1) CONGRESSIONAL DEFENSE COMMITTEES.—The term "congressional defense committees" has the meaning given that term in section 101(a) of title 10, United States Code.

(2) DEFENSE INTELLIGENCE ENTERPRISE.—The term "Defense Intelligence Enterprise" has the meaning given that term in section 426(b) of title 10, United States Code.

SEC. 6524. REPORT ON ACTIVITIES OF CHINA AND RUSSIA TARGETING LATIN AMERICA AND THE CARIBBEAN.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term "appropriate committees of Congress" means—

(A) the congressional intelligence committees;

(B) the Committee on Foreign Relations, the Committee on Armed Services, and the Subcommittee on Defense of the Committee on Appropriations of the Senate; and

(C) the Committee on Foreign Affairs, the Committee on Armed Services, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

(2) FOREIGN MALIGN INFLUENCE.—The term "foreign malign influence" means any hostile effort undertaken by, at the direction of, or on behalf of or with the substantial support of, the government of a foreign country with the objective of influencing, through overt or covert means—

(A) the political, military, economic, or other policies or activities of the government of the country that is the target of the hostile effort, including any election within such target country; or

(B) the public opinion within such target country.

(3) LATIN AMERICA AND THE CARIBBEAN.—The term "Latin America and the Caribbean" means the countries and non-

United States territories of South America, Central America, the Caribbean, and Mexico.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence, acting through the National Intelligence Council and in coordination with the Secretary of State, shall submit to the appropriate committees of Congress a report on activities undertaken by China and Russia in Latin America and the Caribbean that are intended to increase the influence of China and Russia, respectively, therein. Such report shall include a description of the following:

(1) Foreign malign influence campaigns by China and Russia targeting Latin America and the Caribbean.

(2) Financial investments intended to increase Chinese or Russian influence in Latin America and the Caribbean.

(3) Efforts by China and Russia to expand diplomatic, military, or other ties to Latin America and the Caribbean.

(4) Any other activities determined appropriate by the Director.

(c) MATTERS.—With respect to the description of foreign malign influence campaigns under subsection (b), the report shall include an assessment of the following:

(1) The objectives of any such campaign.

(2) The themes and messaging used in any such campaign.

(3) The scale and nature of the threat posed by any such campaign.

(4) The effect of such threat on the national security, diplomatic, military, or economic interests of the United States.

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

SEC. 6525. REPORT ON SUPPORT PROVIDED BY CHINA TO RUSSIA.

(a) DEFINITION OF APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term "appropriate congressional committees" means—

(1) the congressional intelligence committees;

(2) the Committee on Foreign Relations, the Committee on Banking, Housing, and Urban Affairs, the Committee on Armed Services, and the Subcommittee on Defense of the Committee on Appropriations of the Senate; and

(3) the Committee on Foreign Affairs, the Committee on Financial Services, the Committee on Armed Services, the Committee on Ways and Means, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

(b) REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter, consistent with the protection of intelligence sources and methods, the Director of National Intelligence, in consultation with the heads of elements of the intelligence community that the Director determines appropriate, shall submit to the appropriate congressional committees a report on whether and how China, including with respect to the Government of the People's Republic of China, the Chinese Communist Party, any Chinese state-owned enterprise, and any other Chinese entity, has provided support to Russia with respect

to the unprovoked invasion of and full-scale war by Russia against Ukraine.

(c) MATTERS INCLUDED.—The report under subsection (b) shall include a discussion of support provided by China to Russia with respect to—

(1) helping the Government of Russia or Russian entities evade or circumvent sanctions by the United States or multilateral sanctions and export controls;

(2) deliberately inhibiting onsite United States Government export control end-use checks, including interviews and investigations, in China;

(3) providing Russia with any technology, including semiconductors classified as EAR99, that supports Russian intelligence or military capabilities;

(4) establishing economic or financial arrangements that will have the effect of alleviating the effect of sanctions by the United States or multilateral sanctions; and

(5) providing any material, technical, or logistical support, including to Russian military or intelligence agencies and state-owned or state-linked enterprises.

(d) FORM.—The report under subsection (c) shall be submitted in unclassified form, but may contain a classified annex.

(e) SUNSET.—The requirement to submit the report under subsection (b) shall terminate on the earlier of—

(1) the date on which the Director of National Intelligence determines the conflict in Ukraine has ended; or

(2) the date that is 2 years after the date of the enactment of this Act.

SEC. 6526. REPORT ON GLOBAL CCP FINANCING OF PORT INFRASTRUCTURE.

(a) DEFINITION OF APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term "appropriate congressional committees" means—

(1) the congressional intelligence committees;

(2) the Committee on Armed Services, the Committee on Foreign Relations, and the Subcommittee on Defense of the Committee on Appropriations of the Senate; and

(3) the Committee on Armed Services, the Committee on Foreign Affairs, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

(b) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with the Secretary of State and the Secretary of Defense, shall submit to the appropriate congressional committees a report documenting all Chinese financing of port infrastructure globally, during the period beginning on January 1, 2012, and ending on the date of the submission of the report, and the commercial and economic implications of such investments. The report shall also include the following:

(1) A review of existing and potential or planned future Chinese financing, including financing by government entities, and state-owned enterprises, in port infrastructure at such ports.

(2) Any known Chinese interest in establishing a military or intelligence presence at or near such ports.

(3) An assessment of China's current and potential future ability to leverage commercial ports for military or intelligence collection purposes and the implications of such ability for the national security of the United States and allies and partners of the United States.

(4) A description of activities undertaken by the United States and allies and partners of the United States to help identify and provide alternatives to Chinese investments in port infrastructure.

(c) FORM.—The report required by subsection (b) shall be submitted in unclassified form but may include a classified annex produced consistent with the protection of sources and methods.

SEC. 6527. SENSE OF CONGRESS ON PROVISION OF SUPPORT BY INTELLIGENCE COMMUNITY FOR ATROCITY PREVENTION AND ACCOUNTABILITY.

(a) DEFINITIONS.—In this section:

(1) ATROCITIES.—The term "atrocities" has the meaning given that term in section 6 of the Elie Wiesel Genocide and Atrocities Prevention Act of 2018 (Public Law 115-441; 132 Stat. 5586).

(2) ATROCITY CRIME SCENE.—The term "atrocity crime scene" means 1 or more locations that are relevant to the investigation of an atrocity, including buildings or locations (including bodies of water) where physical evidence may be collected relating to the perpetrators, victims, and events of the atrocity, such as mass graves and other sites containing deceased individuals.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the efforts of the United States Government regarding atrocity prevention and response through interagency coordination, such as the Atrocity Warning Task Force, are critically important and that the Director of National Intelligence and the Secretary of Defense should, as appropriate and in compliance with the American Servicemembers' Protection Act of 2002 (22 U.S.C. 7421 et seq.), do the following:

(1) Require each element of the intelligence community to support the Atrocity Warning Task Force in its mission to prevent genocide and atrocities through policy formulation and program development by—

(A) collecting and analyzing intelligence identified as an atrocity, as defined in the Elie Wiesel Genocide and Atrocities Prevention Act of 2018 (Public Law 115-441; 132 Stat. 5586);

(B) preparing unclassified intelligence data and geospatial imagery products for coordination with appropriate domestic, foreign, and international courts and tribunals prosecuting persons responsible for crimes for which such imagery and intelligence may provide evidence (including genocide, crimes against humanity, and war crimes, including with respect to missing persons and suspected atrocity crime scenes); and

(C) reassessing archived geospatial imagery containing indicators of war crimes, other atrocities, forced disappearances, and atrocity crime scenes.

(2) Continue to make available inputs to the Atrocity Warning Task Force for the development of the Department of State Atrocity Early Warning Assessment and share open-source data to support pre-atrocity and genocide indicators and warnings to the Atrocity Warning Task Force.

(3) Provide the President and Congress with recommendations to improve policies, programs, resources, and tools relating to atrocity intelligence collection and interagency coordination.

(4) Regularly consult and participate with designated interagency representatives of relevant agencies and departments of the United States Government.

(5) Ensure resources are made available for the policies, programs, and tools relating to atrocity intelligence collection and coordination with the Atrocity Warning Task Force.

TITLE LXVI—INTELLIGENCE COMMUNITY WORKFORCE MATTERS

SEC. 6601. [50 U.S.C. 3024 note] IMPROVING ONBOARDING OF PERSONNEL IN INTELLIGENCE COMMUNITY.

(a) DEFINITION OF ONBOARD PERIOD.—In this section, the term "onboard period" means the period beginning on the date on which an individual submits an application for employment and ending on—

(1) the date on which the individual is offered one or more entrance on duty dates; or

(2) the date on which the individual enters on duty.

(b) POLICY GUIDANCE.—The Director of National Intelligence shall establish policy guidance appropriate for all elements of the intelligence community that can be used to measure, consistently and reliably, the onboard period.

(c) REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Director shall submit to the congressional intelligence committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives a report on the time it takes to onboard personnel in the intelligence community.

(2) ELEMENTS.—The report submitted under paragraph (1) shall cover the mean and median time it takes to onboard personnel in the intelligence community, disaggregated by mode of onboarding and element of the intelligence community.

(d) PLAN.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director, in coordination with the heads of the elements of the intelligence community, shall submit to the congressional intelligence committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives a plan to re-

duce the onboard period for personnel in the intelligence community, for elements of the intelligence community that currently have median onboarding times that exceed 180 days.

(2) ELEMENTS.—The plan submitted under paragraph (1) shall include milestones to achieve certain specific goals with respect to the mean, median, and mode time it takes to onboard personnel in the elements of the intelligence community described in such paragraph, disaggregated by element of the intelligence community.

(e) IMPLEMENTATION.—The heads of the elements of the intelligence community, including the Director of the Central Intelligence Agency, shall implement the plan submitted under subsection (d) and take all such actions each head considers appropriate and necessary to ensure that by December 31, 2023, the median duration of the onboard period for new employees at each element of the intelligence community is equal to less than 180 days.

SEC. 6602. REPORT ON LEGISLATIVE ACTION REQUIRED TO IMPLEMENT TRUSTED WORKFORCE 2.0 INITIATIVE.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Deputy Director for Management of the Office of Management and Budget shall, in the Deputy Director's capacity as the Chair of the Security, Suitability, and Credentialing Performance Accountability Council pursuant to section 2.4 of Executive Order 13467 (50 U.S.C. 3161 note; relating to reforming processes related to suitability for Government employment, fitness for contractor employees, and eligibility for access to classified national security information), submit to Congress a report on the legislative action required to implement the Trusted Workforce 2.0 initiative.

(b) CONTENTS.—The report submitted under subsection (a) shall include the following:

(1) Specification of the statutes that require amendment in order to implement the initiative described in subsection (a).

(2) For each statute specified under paragraph (1), an indication of the priority for enactment of an amendment.

(3) For each statute specified under paragraph (1), a description of the consequences if the statute is not amended.

SEC. 6603. INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY ASSESSMENT OF ADMINISTRATION OF POLYGRAPHS IN INTELLIGENCE COMMUNITY.

(a) ASSESSMENT REQUIRED.—The Inspector General of the Intelligence Community shall conduct an assessment of the administration of polygraph evaluations that are needed in the intelligence community to meet current annual personnel hiring requirements.

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

(1) Identification of the number of polygraphers currently available at each element of the intelligence community to meet the requirements described in subsection (a).

(2) If the demand described in subsection (a) cannot be met, an identification of the number of polygraphers that would need to be hired and certified to meet it.

(3) A review of the effectiveness of alternatives to the polygraph, including methods being researched by the National Center for Credibility Assessment.

(c) BRIEFING.—Not later than 180 days after the date of the enactment of this Act, the Inspector General of the Intelligence Community shall brief the congressional intelligence committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives on the preliminary findings of the Inspector General with respect to the assessment conducted pursuant to subsection (a).

(d) REPORT.—Not later than one year after the date of the enactment of this Act, the Inspector General of the Intelligence Community shall submit to the committees described in subsection (c) a report on the findings of the Inspector General with respect to the assessment conducted pursuant to subsection (a).

SEC. 6604. [50 U.S.C. 3162a note] TIMELINESS IN THE ADMINISTRATION OF POLYGRAPHS.

(a) STANDARDS REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall, in the Director's capacity as the Security Executive Agent pursuant to section 803(a) of the National Security Act of 1947 (50 U.S.C. 3162a(a)), issue standards for timeliness for Federal agencies to administer polygraphs conducted for the purpose of—

(A) adjudicating decisions regarding eligibility for access to classified information (as defined in the procedures established pursuant to section 801(a) of the National Security Act of 1947 (50 U.S.C. 3161(a))); and

(B) granting reciprocity pursuant to Security Executive Agent Directive 2, or successor directive.

(2) PUBLICATION.—The Director shall publish the standards issued under paragraph (1) in the Federal Register or such other venue as the Director considers appropriate.

(b) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Director shall submit to Congress a report on how Federal agencies will comply with the standards issued under subsection (a). Such plan shall specify the resources required by Federal agencies to comply with such standards and the timeline for doing so.

SEC. 6605. [50 U.S.C. 3162a note] POLICY ON SUBMITTAL OF APPLICATIONS FOR ACCESS TO CLASSIFIED INFORMATION FOR CERTAIN PERSONNEL.

Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall, in the Director's capacity as the Security Executive Agent pursuant to section 803(a) of the National Security Act of 1947 (50 U.S.C. 3162a(a)), issue a policy that allows a private person to submit a certain number or proportion of applications, on a nonreimbursable basis, for employee access to classified information for personnel who perform key management and oversight functions who may not merit an application due to their work under any one contract.

SEC. 6606. [50 U.S.C. 3352f note] TECHNICAL CORRECTION REGARDING FEDERAL POLICY ON SHARING OF COVERED INSIDER THREAT INFORMATION.

Section 806(b) of the Intelligence Authorization Act for Fiscal Year 2022 (Public Law 117-103) is amended by striking "contracting agency" and inserting "contractor that employs the contractor employee".

SEC. 6607. INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY REPORT ON USE OF SPACE CERTIFIED AS SENSITIVE COMPARTMENTED INFORMATION FACILITIES.

Not later than 180 days after the date of the enactment of this Act, the Inspector General of the Intelligence Community shall submit to the congressional intelligence committees a report on the utilization of space owned or sponsored by an element of the intelligence community, located in the continental United States, that is certified as a sensitive compartmented information facility under intelligence community or Department of Defense policy.

SEC. 6608. IMPROVING PROHIBITION OF CERTAIN PERSONNEL PRACTICES IN INTELLIGENCE COMMUNITY WITH RESPECT TO CONTRACTOR EMPLOYEES.

Section 1104(c)(1)(A) of the National Security Act of 1947 (50 U.S.C. 3234(c)(1)(A)) is amended—

(1) by striking "a supervisor of the contracting agency" and inserting "a supervisor of the employing or contracting agency or employing contractor";

(2) by striking "contracting agency (or an employee designated by the head of that agency for such purpose)" and inserting "employing or contracting agency (or an employee designated by the head of that agency for that purpose) or employing contractor"; and

(3) by striking "appropriate inspector general of the contracting agency" and inserting "appropriate inspector general of the employing or contracting agency".

SEC. 6609. DEFINITIONS REGARDING WHISTLEBLOWER COMPLAINTS AND INFORMATION OF URGENT CONCERN RECEIVED BY INSPECTORS GENERAL OF THE INTELLIGENCE COMMUNITY.

(a) NATIONAL SECURITY ACT OF 1947.—Section 103H(k)(5)(G)(i)(I) of the National Security Act of 1947 (50 U.S.C. 3033(k)(5)(G)(i)(I)) is amended by striking "within the" and all that follows through "policy matters." and inserting the following:" of the Federal Government that is—

"(aa) a matter of national security; and

"(bb) not a difference of opinion concerning public policy matters.".

(b) INSPECTOR GENERAL ACT OF 1978.—Section 8H(h)(1)(A)(i) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking "involving" and all that follows through "policy matters." and inserting the following:" of the Federal Government that is—

"(I) a matter of national security; and

"(II) not a difference of opinion concerning public policy matters.".

(c) CENTRAL INTELLIGENCE AGENCY ACT OF 1949.—Section 17(d)(5)(G)(i)(I)(aa) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3517(d)(5)(G)(i)(I)(aa)) is amended by striking "involv-

ing" and all that follows through "policy matters." and inserting the following:" of the Federal Government that is—

"(AA) a matter of national security; and

"(BB) not a difference of opinion concerning public policy matters.".

TITLE LXVII—MATTERS RELATING TO EMERGING TECHNOLOGIES

Subtitle A—General Matters

SEC. 6701. [50 U.S.C. 3024 note] DEFINITIONS.

In this title:

(1) ARTIFICIAL INTELLIGENCE.—The term "artificial intelligence" has the meaning given that term in section 5002 of the National Artificial Intelligence Initiative Act of 2020 (15 U.S.C. 9401).

(2) AUTHORIZATION TO OPERATE.—The term "authorization to operate" has the meaning given that term in Circular Number A-130 of the Office of Management and Budget, "Managing Information as a Strategic Resource", or any successor document.

(3) CODE-FREE ARTIFICIAL INTELLIGENCE ENABLEMENT TOOLS.—The term "code-free artificial intelligence enablement tools" means software that provides an environment in which visual drag-and-drop applications, or similar tools, allow one or more individuals to program applications without linear coding.

(4) COMMERCIAL PRODUCT.—The term "commercial product" has the meaning given that term in section 103 of title 41, United States Code.

(5) COMMERCIAL SERVICE.—The term "commercial service" has the meaning given that term in section 103a of title 41, United States Code.

(6) COVERED ITEM OR SERVICE.—The term "covered item or service" means a product, system, or service that is not a commercially available off-the-shelf item, a commercial service, or a nondevelopmental item, as those terms are defined in title 41, United States Code.

(7) COVERED PRODUCT.—The term "covered product" means a commercial software product that involves emerging technologies or artificial intelligence.

(8) EMERGING TECHNOLOGY.—The term "emerging technology" means—

(A) technology that is in a developmental stage or that may be developed during the subsequent 10-year period; or

(B) any technology included in the Critical and Emerging Technologies List published by the White House in February 2022, or any successor document.

SEC. 6702. [50 U.S.C. 3334m] ADDITIONAL RESPONSIBILITIES OF DIRECTOR OF NATIONAL INTELLIGENCE FOR ARTIFICIAL INTELLIGENCE POLICIES, STANDARDS, AND GUIDANCE FOR THE INTELLIGENCE COMMUNITY.

(a) RESPONSIBILITIES OF DIRECTOR OF NATIONAL INTELLIGENCE.—The Director of National Intelligence, in consultation with the heads of the elements of the intelligence community or the Chief Artificial Intelligence Officers designated under subsection (e), shall—

(1) establish, and periodically conduct reviews of, policies, standards, and procedures relating to the acquisition, adoption, development, use, coordination, and maintenance of artificial intelligence capabilities and associated data, frameworks, computing environments, and other enablers by the intelligence community (including by incorporating and updating such policies based on emerging technology capabilities), to accelerate and increase the adoption of artificial intelligence capabilities within the intelligence community;

(2) ensure policies established or updated pursuant to paragraph (1) are consistent with—

(A) the principles outlined in the guidance of the Office of the Director of National Intelligence titled "Principles of Artificial Intelligence Ethics for the Intelligence Community and its Artificial Intelligence Ethics Framework for the Intelligence Community", or any successor guidance; and

(B) any other principles developed by the Director relating to the governance, documentation, auditability, or evaluation of artificial intelligence systems or the accurate, secure, ethical, and reliable adoption or use of artificial intelligence; and

(3) provide to the heads of the elements of the intelligence community guidance for developing the National Intelligence Program budget pertaining to such elements to facilitate the acquisition, adoption, development, use, and maintenance of element-specific artificial intelligence capabilities, and to ensure the associated data, frameworks, computing environments, and other enablers are appropriately prioritized.

(b) POLICIES.—

(1) IN GENERAL.—In carrying out subsection (a)(1), not later than 1 year after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2024, the Director of National Intelligence, in consultation with the heads of the elements of the intelligence community, the Director of the Office of Management and Budget, and such other officials as the Director of National Intelligence determines appropriate, shall establish the policies described in paragraph (2).

(2) POLICIES DESCRIBED.—The policies described in this paragraph are policies for the acquisition, adoption, development, use, coordination, and maintenance of artificial intelligence capabilities that—

(A) establish a lexicon relating to the use of machine learning and artificial intelligence developed or acquired by elements of the intelligence community;

(B) establish minimum guidelines for evaluating the performance of models developed or acquired by elements of the intelligence community, such as by—

(i) specifying conditions for the continuous monitoring of artificial intelligence capabilities for performance, including the conditions for retraining or retiring models based on performance;

(ii) documenting performance objectives, including specifying how performance objectives shall be developed and contractually enforced for capabilities procured from third parties;

(iii) specifying the manner in which models should be audited, as necessary, including the types of documentation that should be provided to any auditor; and

(iv) specifying conditions under which models used by elements of the intelligence community should be subject to testing and evaluation for vulnerabilities to techniques meant to undermine the availability, integrity, or privacy of an artificial intelligence capability;

(C) establish minimum guidelines for tracking dependencies in adjacent systems, capabilities, or processes impacted by the retraining or sunsetting of any model described in subparagraph (B);

(D) establish minimum documentation requirements for capabilities procured from third parties, aligning such requirements, as necessary, with existing documentation requirements applicable to capabilities developed by elements of the intelligence community;

(E) establish minimum standards for the documentation of imputed, augmented, or synthetic data used to train any model developed, procured, or used by an element of the intelligence community; and

(F) provide guidance on the acquisition and usage of models that have previously been trained by a third party for subsequent modification and usage by such an element.

(3) POLICY REVIEW AND REVISION.—The Director of National Intelligence shall annually review or revise each policy established under paragraph (1).

(c) APPLICATION OF POLICIES TO PUBLICLY AVAILABLE MODELS HOSTED IN CLASSIFIED ENVIRONMENTS.—In carrying out subsections (a) and (b), the Director shall ensure that the policies established under such subsections apply to the greatest extent possible to artificial intelligence models generally available to the public and hosted in classified environments.

(d) TESTING STANDARDS AND BENCHMARKS.—

(1) ESTABLISHMENT.—The Chief Artificial Intelligence Officer of the Intelligence Community, or any officer designated by the Director of National Intelligence, shall establish standards for testing of artificial intelligence models in proportion to risk, including benchmarks and methodologies for the performance, efficacy, safety, fairness, transparency, accountability, appropriateness, lawfulness, and trustworthiness of artificial intelligence models across common use cases, including machine translation, object detection, and object recognition.

(2) IDENTIFICATION OF COMPUTING MODEL.—The Chief Artificial Intelligence Officer of the Intelligence Community, in coordination with the Chief Artificial Intelligence Officers of the elements of the intelligence community, shall set standards for an appropriate secure computing environment, at a level (or multiple levels) of classification deemed appropriate, for elements of the intelligence community to engage in testing and evaluation of models prior to acquisition.

(e) DESIGNATED CHIEF ARTIFICIAL INTELLIGENCE OFFICERS WITHIN EACH ELEMENT OF THE INTELLIGENCE COMMUNITY.—Each head of an element of the intelligence community, in coordination with the Director of National Intelligence, shall identify a senior official within the element to serve as the designated Chief Artificial Intelligence Officer, with lead responsibility for overseeing and coordinating efforts relating to artificial intelligence, including through the integration of the acquisition, technology, human capital, and financial management aspects necessary for the adoption of artificial intelligence solutions. Such designated Chief Artificial Intelligence Officers shall meet regularly to consult and coordinate with the Director of National Intelligence regarding the implementation of this section and this title.

SEC. 6703. DIRECTOR OF SCIENCE AND TECHNOLOGY.

(a) [50 U.S.C. 3030 note] EMERGING TECHNOLOGY ADOPTION.—The Director of Science and Technology may—

(1) conduct reviews of the policies, standards, and procedures of the intelligence community that relate to emerging technologies and, as appropriate, recommend to the Director of National Intelligence changes to such policies, standards, and procedures, to accelerate and increase the adoption of emerging technologies by the intelligence community;

(2) make recommendations, in coordination with the heads of the elements of the intelligence community, to the Director of National Intelligence with respect to the budgets of such elements, to accelerate and increase the adoption of emerging technologies by such elements; and

(3) coordinate with the Under Secretary of Defense for Research and Engineering on initiatives, policies, and programs carried out jointly between the intelligence community and the Department of Defense to accelerate and increase the adoption of emerging technologies.

(b) APPOINTMENT CRITERIA.—Section 103E(b) of the National Security Act of 1947 (50 U.S.C. 3030(b)) is amended by adding at the end the following: "In making such appointment, the Director of National Intelligence may give preference to an individual with experience outside of the United States Government.".

SEC. 6704. INTELLIGENCE COMMUNITY CHIEF DATA OFFICER.

Title I of the National Security Act of 1947 (50 U.S.C. 3021 et seq.) is amended by inserting after section 103J the following new section (and conforming the table of contents at the beginning of such Act accordingly):

"SEC. 103K. [50 U.S.C. 3034b] INTELLIGENCE COMMUNITY CHIEF DATA OFFICER

"(a) INTELLIGENCE COMMUNITY CHIEF DATA OFFICER.—There is an Intelligence Community Chief Data Officer within the Office of the Director of National Intelligence who shall be appointed by the Director of National Intelligence.

"(b) REQUIREMENT RELATING TO APPOINTMENT.—An individual appointed as the Intelligence Community Chief Data Officer shall have a professional background and experience appropriate for the duties of the Intelligence Community Chief Data Officer. In making such appointment, the Director of National Intelligence may give preference to an individual with experience outside of the United States Government.

"(c) DUTIES.—The Intelligence Community Chief Data Officer shall—

"(1) act as the chief representative of the Director of National Intelligence for data issues within the intelligence community;

"(2) coordinate, to the extent practicable and advisable, with the Chief Data Officer of the Department of Defense to ensure consistent data policies, standards, and procedures between the intelligence community and the Department of Defense;

"(3) assist the Director of National Intelligence regarding data elements of the budget of the Office of the Director of National Intelligence; and

"(4) perform other such duties as may be prescribed by the Director of National Intelligence or specified in law.".

Subtitle B—Improvements Relating to Procurement

SEC. 6711. ADDITIONAL TRANSACTION AUTHORITY.

(a) ANNUAL REPORTS; FEASIBILITY AND ADVISABILITY STUDY.—

(1) REPORTS.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter for 5 years, the Director of National Intelligence shall submit to the congressional intelligence committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives a report on the use of the authority under paragraph (5) of section 102A(n) of the National Security Act of 1947 (50 U.S.C. 3024(n)), as added by subsection (b).

(2) FEASIBILITY AND ADVISABILITY STUDY.—

(A) STUDY.—The Director of National Intelligence shall conduct a feasibility and advisability study on whether to provide to the heads of the elements of the intelligence community an additional transaction authority that is not restricted only to basic, applied, and advanced research projects and prototype projects (similar to such less restrictive additional transaction authorities of the Transportation Security Administration and the National Aeronautics and Space Administration).

(B) SUBMISSION.—Not later than 1 year after the date of the enactment of this Act, the Director shall submit to the congressional intelligence committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives the findings of the study conducted under subparagraph (A), including, if the Director determines a less restrictive additional transaction authority is advisable pursuant to such study, an identification of any legislative solutions or other actions necessary to implement such authority.

(b) ADDITIONAL TRANSACTION AUTHORITY.—Section 102A(n) of the National Security Act of 1947 (50 U.S.C. 3024(n)) is amended by adding at the end the following:

"(5) OTHER TRANSACTION AUTHORITY.—

"(A) IN GENERAL.—In addition to other acquisition authorities, the Director of National Intelligence may exercise the acquisition authorities referred to in sections 4021 and 4022 of title 10, United States Code, subject to the provisions of this paragraph.

"(B) DELEGATION.—(i) The Director shall delegate the authorities provided by subparagraph (A) to the heads of elements of the intelligence community.

"(ii) The heads of elements of the intelligence community shall, to the maximum extent practicable, delegate the authority delegated under clause (i) to the official of the respective element of the intelligence community responsible for decisions with respect to basic, applied, or advanced research activities or the adoption of such activities within such element.

"(C) INTELLIGENCE COMMUNITY AUTHORITY.—(i) For purposes of this paragraph, the limitation in section 4022(a)(1) of title 10, United States Code, shall not apply to elements of the intelligence community.

"(ii) Subject to section 4022(a)(2) of such title, the Director may enter into transactions and agreements (other than contracts, cooperative agreements, and grants) of amounts not to exceed $75,000,000 under this paragraph to carry out basic, applied, and advanced research projects and prototype projects in support of intelligence activities.

"(iii) For purposes of this paragraph, the limitations specified in section 4022(a)(2) of such title shall apply to the intelligence community in lieu of the Department of Defense, and the Director shall—

"(I) identify appropriate officials who can make the determinations required in subparagraph (B)(i) of such section for the intelligence community; and

"(II) brief the congressional intelligence committees, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives in

lieu of the congressional defense committees, as specified in subparagraph (B)(ii) of such section.

"(iv) For purposes of this paragraph, the limitation in section 4022(a)(3) of such title shall not apply to elements of the intelligence community.

"(v) In carrying out this paragraph, section 4022(d)(1) of such title shall be applied by substituting 'Director of National Intelligence' for 'Secretary of Defense'.

"(vi) For purposes of this paragraph, the limitations in section 4022(d)(2) of such title shall not apply to elements of the intelligence community.

"(vii) In addition to the follow-on production contract criteria in section 4022(f)(2) of such title, the following additional criteria shall apply:

"(I) The authorizing official of the relevant element of the intelligence community determines that Government users of the proposed production product or production service have been consulted.

"(II) In the case of a proposed production product that is software, there are mechanisms in place for Government users to provide ongoing feedback to participants to the follow-on production contract.

"(III) In the case of a proposed production product that is software, there are mechanisms in place to promote the interoperability and accessibility with and between Government and commercial software providers, including by the promotion of open application programming interfaces and requirement of appropriate software documentation.

"(IV) The award follows a documented market analysis as mandated by the Federal Acquisition Regulations surveying available and comparable products.

"(V) In the case of a proposed production product that is software, the follow-on production contract includes a requirement that, for the duration of such contract (or such other period of time as may be agreed to as a term of such contract)—

"(aa) the participants provide the most up-to-date version of the product that is available in the commercial marketplace and is consistent with security requirements;

"(bb) there are mechanisms in place for the participants to provide timely updates to the production product; and

"(cc) the authority specified in section 4022(f)(5) of such title shall be exercised by the Director in lieu of the Secretary of Defense.

"(D) IMPLEMENTATION POLICY.—The Director, in consultation with the heads of the elements of the intelligence community, shall—

"(i) not later than 180 days after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2023, establish and implement an intelligence community-wide policy prescribing the use and limitations of the authority under this paragraph, particularly with respect to the application of subparagraphs (B) and (C);

"(ii) periodically review and update the policy established under clause (i); and

"(iii) submit to the congressional intelligence committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives the policy when established under clause (i) or updated under clause (ii).

"(E) ANNUAL REPORT.—

"(i) IN GENERAL.—Not less frequently than annually, the Director shall submit to the congressional intelligence committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives a report detailing the use by the intelligence community of the authority provided by this paragraph.

"(ii) ELEMENTS.—

"(I) REQUIRED ELEMENTS.—Each report required by clause (i) shall detail the following:

"(aa) The number of transactions.

"(bb) The participants to such transactions.

"(cc) The purpose of the transaction.

"(dd) The amount of each transaction.

"(ee) Concerns with the efficiency of the policy.

"(ff) Any recommendations for how to improve the process.

"(II) OTHER ELEMENTS.—Each report required by clause (i) may describe such transactions which have been awarded follow-on production contracts either pursuant to the authority provided by this paragraph or another acquisition authority available to the intelligence community.".

SEC. 6712. [50 U.S.C. 3024 note] IMPLEMENTATION PLAN AND ADVISABILITY STUDY FOR OFFICES OF COMMERCIAL INTEGRATION.

(a) PLAN AND STUDY.—

(1) SUBMISSION.—Not later than 1 year after the date of the enactment of this Act, the Director of National Intelligence, in coordination with the heads of the elements of the intelligence community, shall submit to the congressional intelligence committees, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee

on Defense of the Committee on Appropriations of the House of Representatives—

(A) a plan for the establishment of a centralized office or offices within each appropriate element of the intelligence community, to be known as the "Office of Commercial Integration", for the purpose of—

(i) assisting persons desiring to submit an offer for a contract with the intelligence community; and

(ii) assisting with the procurement of commercial products and commercial services; and

(B) the findings of a study conducted by the Director into the advisability of implementing such plan, including an assessment of—

(i) whether there should be a single Office of Commercial Integration for the intelligence community or whether each element of the intelligence community shall establish such an Office;

(ii) the costs and benefits of the implementation of such plan; and

(iii) whether there is within any element of the intelligence community an existing office or program similar to the proposed Office of Commercial Integration.

(2) ELEMENTS.—The materials submitted under paragraph (1) shall include the following:

(A) A recommendation by the Director, based on the findings of the study under paragraph (1)(B), on—

(i) how the plan under paragraph (1)(A) compares to specific alternative actions of the intelligence community that could be taken to assist persons desiring to submit an offer for a contract with the intelligence community and assist with the procurement of commercial products and commercial services; and

(ii) whether to implement such plan.

(B) A proposal for the designation of a senior official of the Office of the Director of National Intelligence who would be responsible for the coordination across the intelligence community or across the Offices of Commercial Integration, depending on the findings of the study under paragraph (1)(B).

(C) Draft guidelines that would require the coordination and sharing of best practices and other information across the intelligence community.

(D) A timeline of the steps that would be necessary to establish each Office of Commercial Integration by the date that is not later than 2 years after the date of the enactment of this Act.

(E) An assessment of the personnel requirements, and any other resource requirements, that would be necessary to establish the Office or Offices of Commercial Integration by such date, including—

(i) the amount of personnel necessary for the establishment of the Office or Offices of Commercial Integration; and

(ii) the necessary qualifications of any such personnel.

(F) Policies regarding the types of assistance that, if an Office or Offices of Commercial Integration were to be established, could be provided to contractors by the Director of such Office, taking into account the role of such assistance as an incentive for emerging technology companies to enter into contracts with the heads of the elements of the intelligence community.

(G) Eligibility criteria for determining the types of offerors or contractors that would be eligible to receive assistance provided by each Office of Commercial Integration.

(H) Policies regarding outreach efforts that would be required to be conducted by the Office or Offices of Commercial Integration with respect to eligible contractors.

(I) Policies regarding how the intelligence community would coordinate with the Director of the Federal Bureau of Investigation to provide proactive counterintelligence risk analysis and assistance to entities in the private sector.

(J) Draft guidelines that would require the Office or Offices of Commercial Integration to appoint and assign personnel with expertise in a range of disciplines necessary for the accelerated integration of commercial technologies into the intelligence community (as determined by the Office or Offices of Commercial Integration), including expertise in the following:

(i) Authorizations to operate.

(ii) Contracting.

(iii) Facility clearances.

(iv) Security clearances.

(K) Such other intelligence community-wide policies as the Director of National Intelligence may prescribe relating to the improvement of commercial integration (and the coordination of such improvements) by and among the elements of the intelligence community.

(b) PUBLIC WEBSITE ON COMMERCIAL INTEGRATION.—

(1) ESTABLISHMENT.—Not later than 1 year after the date of the date of enactment of this Act, the Director of National Intelligence, in coordination with the head of the relevant elements of the intelligence community (as determined by the Director) and the designated element leads under section 6702(c), shall establish a publicly accessible website that includes relevant information necessary for offerors or contractors to conduct business with each element of the intelligence community.

(2) INCLUSION OF CERTAIN INFORMATION.—If there is established an Office or Offices of Commercial Integration in accordance with subsection (a), the website under paragraph (1) shall include—

(A) information, as appropriate, on the elements under subsection (a)(2) relating to that Office; and

(B) contact information for the relevant senior officers of the Office or Offices.

SEC. 6713. [50 U.S.C. 3024 note] PILOT PROGRAM ON DESIGNATED EMERGING TECHNOLOGY TRANSITION PROJECTS.

(a) PILOT PROGRAM.—The Director of National Intelligence shall carry out a pilot program to more effectively transition promising prototypes or products in a developmental stage to a production stage, through designating eligible projects as "Emerging Technology Transition Projects".

(b) DESIGNATION.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall issue guidelines to implement the pilot program under subsection (a).

(2) REQUIREMENTS.—The guidelines issued pursuant to paragraph (1) shall include the following requirements:

(A) Each head of an element of the intelligence community shall submit to the Director of National Intelligence a prioritized list of not more than 10 eligible projects per year to be considered for designation by the Director of National Intelligence as Emerging Technology Transition Projects during the budget formulation process.

(B) The Director of National Intelligence shall designate not more than 10 eligible projects per year as Emerging Technology Transition Projects.

(C) No eligible project may be designated by the Director of National Intelligence as an Emerging Technology Transition Project unless the head of an element of the intelligence community includes the project in the prioritized list under subparagraph (A) and submits to the Director of National Intelligence, with respect to the project, each of the following:

(i) A justification of why the product was nominated for transition, including a description of the importance of the proposed product to the mission of the intelligence community and the nominating agency.

(ii) A certification that the project provides new technologies or processes, or new applications of existing technologies, that shall enable more effective alternatives to existing programs, systems, or initiatives of the intelligence community.

(iii) A certification that the project provides future cost savings, significantly reduces the time to deliver capabilities to the intelligence community, or significantly improves a capability of the intelligence community.

(iv) A certification that funding is not proposed for the project in the budget request of the respective covered element for the fiscal year following the fiscal year in which the project is submitted for consideration.

(v) A certification in writing by the nominating head that the project meets all applicable criteria and requirements of the respective covered element for transition to production and that the nominating head

would fund the project if additional funds were made available for such purpose.

(vi) A description of the means by which the proposed production product shall be incorporated into the activities and long-term budget of the respective covered element following such transition.

(vii) A description of steps taken to ensure that the use of the product shall reflect commercial best practices, as applicable.

(D) A clear description of the selection of eligible projects, including specific criteria, that shall include, at a minimum, the requirements specified in subparagraph (C).

(E) The designation of an official responsible for implementing this section and coordinating with the heads of the elements of the intelligence community with respect to the guidelines issued pursuant to paragraph (1) and overseeing the awards of funds to Emerging Technology Transition Projects with respect to that element.

(3) REVOCATION OF DESIGNATION.—The designation of an Emerging Technology Transition Project under subsection (b) may be revoked at any time by—

(A) the Director of National Intelligence; or

(B) the relevant head of a covered element of the intelligence community that previously submitted a project under subsection (b), in consultation with the Director of National Intelligence.

(c) BENEFITS OF DESIGNATION.—

(1) INCLUSION IN MULTIYEAR NATIONAL INTELLIGENCE PROGRAM PLAN.—The Director of National Intelligence shall include in the relevant multiyear national intelligence program plan submitted to Congress under section 1403 of the National Defense Authorization Act for Fiscal Year 1991 (50 U.S.C. 3301) the planned expenditures, if any, of each designated project during the period of its designation.

(2) INCLUSION UNDER SEPARATE EXHIBIT.—The heads of elements of the intelligence community shall ensure that each designated project is included in a separate budget exhibit in the relevant multiyear national intelligence program plan submitted to Congress under such section 1403 of the National Defense Authorization Act for Fiscal Year 1991 (50 U.S.C. 3301) for the period of the designation of such project.

(3) CONSIDERATION IN PROGRAMMING AND BUDGETING.—Each designated project shall be taken into consideration by the nominating head in the programming and budgeting phases of the intelligence planning, programming, budgeting, and evaluation process during the period of its designation.

(d) REPORTS TO CONGRESS.—

(1) ANNUAL REPORTS.—On an annual basis for each fiscal year during which the pilot program under subsection (a) is carried out, concurrently with the submission of the budget of the President for that fiscal year under section 1105(a) of title 31, United States Code, the Director of National Intelligence shall submit to the congressional intelligence committees and

the Committees on Appropriations of the House of Representatives and the Senate a report that includes the following:

(A) A description of each designated project.

(B) A summary of the potential of each designated project, as specified in subsection (b)(2)(C).

(C) For each designated project, a description of the progress made toward delivering on such potential.

(D) A description of any funding proposed for the designated project in the future-years intelligence program, including by program, appropriation account, expenditure center, and project.

(E) Such other information on the status of such pilot program as the Director considers appropriate.

(2) FINAL REPORT.—In the final report submitted under paragraph (1) prior to the date of termination under subsection (e), the Director of National Intelligence shall include a recommendation on whether to extend the pilot program under subsection (a) and the appropriate duration of such extension, if any.

(e) TERMINATION DATE.—The authority to carry out the pilot program under subsection (a) shall terminate on December 31, 2027.

(f) DEFINITION OF COVERED ELEMENT OF THE INTELLIGENCE COMMUNITY.—In this section, the term "covered element of the intelligence community" means the following:

(1) The Office of the Director of National Intelligence.

(2) The Central Intelligence Agency.

(3) The National Security Agency.

(4) The National Geospatial-Intelligence Agency.

(5) The National Reconnaissance Office.

(6) The Defense Intelligence Agency.

SEC. 6714. [50 U.S.C. 3024 note] HARMONIZATION OF AUTHORIZATIONS TO OPERATE.

(a) DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term "appropriate committees of Congress" means—

(1) the congressional intelligence committees;

(2) the Committee on Armed Services of the Senate;

(3) the Committee on Appropriations of the Senate;

(4) the Committee on Armed Services of the House of Representatives; and

(5) the Committee on Appropriations of the House of Representatives.

(b) PROTOCOL.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence, in coordination with the Secretary of Defense and the heads of the elements of the intelligence community, shall develop and submit to the appropriate committees of Congress a single protocol setting forth policies and procedures relating to authorizations to operate for Department of Defense or intelligence community systems held by industry providers.

(c) LIMITATION.—The protocol under subsection (b) shall be limited to authorizations to operate for Department of Defense and intelligence community systems.

(d) ELEMENTS.—The protocol under subsection (b) shall include, at a minimum, the following:

(1) A policy for reciprocal recognition, as appropriate, among the elements of the intelligence community and the Department of Defense of authorizations to operate held by commercial providers. Such reciprocal recognition shall be limited to authorizations to operate for systems that collect, process, maintain, use, share, disseminate, or dispose of data classified at an equal or lower classification level than the original authorization.

(2) Procedures under which, subject to such criteria as may be prescribed by the Director of National Intelligence jointly with the Secretary of Defense, a provider that holds an authorization to operate for a Department of Defense or intelligence community system may provide to the head of an element of the intelligence community or the Department of Defense the most recently updated version of any software, data, or application for use on such system without being required to submit an application for new or renewed authorization.

(3) Procedures for the review, renewal, and revocation of authorizations to operate held by commercial providers, including procedures for maintaining continuous authorizations to operate, subject to such conditions as may be prescribed by the Director of National Intelligence, in coordination with the Secretary of Defense. Such procedures may encourage greater use of modern security practices already being adopted by the Department of Defense and other Federal agencies, such as continuous authorization with system security focused on continuous monitoring of risk and security controls, active system defense, and the use of an approved mechanism for secure and continuous delivery of software (commonly referred to as "DevSecOps").

(4) A policy for the harmonization of documentation requirements for commercial providers submitting applications for authorizations to operate, with the goal of a uniform requirement across the Department of Defense and the elements of the intelligence community (subject to exceptions established by the Director and the Secretary). Such policy shall include the following requirements:

(A) A requirement for the full disclosure of evidence in the reciprocity process across the Department of Defense and the elements of the intelligence community.

(B) With respect to a system with an existing authorization to operate, a requirement for approval by the Chief Information Officer or a designated official (as the head of the respective element of the intelligence community determines appropriate) for such system to operate at an equal or higher level classification level, to be granted prior to the performance of an additional security assessment with respect to such system, and regardless of which element of the intelligence community or Department of Defense granted the original authorization.

(5) A requirement to establish a joint secure portal of the Office of the Director of National Intelligence and the Depart-

ment of Defense for the maintenance of records, applications, and system requirements for authorizations to operate.

(6) A plan to examine, and if necessary, address, the shortage of intelligence community and Department of Defense personnel authorized to support and grant an authorization to operate. Such plan shall include—

(A) a report on the current average wait times for authorizations to operate and backlogs, disaggregated by each element of the intelligence community and the Department of Defense;

(B) appropriate recommendations to increase pay or implement other incentives to recruit and retain such personnel; and

(C) a plan to leverage independent third-party assessment organizations to support assessments of applications for authorizations to operate.

(7) Procedures to ensure data security and safety with respect to the implementation of the protocol.

(8) A proposed timeline for the implementation of the protocol by the deadline specified in subsection (g).

(e) COORDINATING OFFICIALS.—Not later than 60 days after the date of the enactment of this Act—

(1) the Director of National Intelligence shall designate an official of the Office of the Director of National Intelligence responsible for implementing this section on behalf of the Director and leading coordination across the intelligence community for such implementation;

(2) the Secretary of Defense shall designate an official of the Department of Defense responsible for implementing this section on behalf of the Secretary and leading coordination across the Department of Defense for such implementation; and

(3) each head of an element of the intelligence community shall designate an official of that element responsible for implementing this section and overseeing implementation of the protocol under subsection (b) with respect to the element.

(f) DOCUMENTATION REQUIREMENTS.—Under the protocol under subsection (b), no head of a Federal agency may commence the operation of a system using an authorization to operate granted by another Federal agency without possessing documentation of the original authorization to operate.

(g) IMPLEMENTATION REQUIRED.—The protocol under subsection (b) shall be implemented not later than January 1, 2025.

SEC. 6715. PLAN TO EXPAND SENSITIVE COMPARTMENTED INFORMATION FACILITY ACCESS BY CERTAIN CONTRACTORS; REPORTS ON EXPANSION OF SECURITY CLEARANCES FOR CERTAIN CONTRACTORS.

(a) PLAN; BRIEFING.—

(1) IN GENERAL.—Not later than 180 days after the date of the date of enactment of this Act, the Director of National Intelligence, in consultation with the Secretary of Defense and the heads of such other elements of the intelligence community as the Director of National Intelligence may determine appropriate, shall—

(A) develop a plan to expand access by contractors of small emerging technology companies to sensitive compartmented information facilities for the purpose of providing such contractors with a facility to securely perform work; and

(B) provide to the congressional intelligence committees, the Committee on Armed Services and the Committee on Appropriations of the Senate, and the Committee on Armed Services and the Committee on Appropriations of the House of Representatives a briefing on such plan.

(2) MATTERS.—The plan under paragraph (1) shall include the following:

(A) An overview of the existing sensitive compartmented information facilities, if any, that may be available for the purpose specified in paragraph (1).

(B) An assessment of the feasibility of building additional sensitive compartmented information facilities for such purpose.

(C) An assessment of the relative costs and benefits of repurposing existing, or building additional, sensitive compartmented information facilities for such purpose.

(D) The eligibility criteria for determining which contractors under this section may be granted access to sensitive compartmented information facilities for such purpose.

(E) An estimate of the maximum number of contractors that may be provided access to sensitive compartmented information facilities for such purpose, taking into account the matters specified in subparagraphs (A) and (B).

(F) Policies to ensure the efficient and narrow use of sensitive compartmented information facilities for such purpose, including a timeline for the length of such use by a contractor under this section and a detailed description of the process to terminate access to the sensitive compartmented information facility by such contractor upon—

(i) the expiration of the contract or agreement of the contractor; or

(ii) a determination that the contractor no longer has a need for such access to fulfill the terms of such contract or agreement.

(G) Pricing structures for the use of sensitive compartmented information facilities by contractors for the purpose specified in paragraph (1). Such pricing structures—

(i) may include free use (for the purpose of incentivizing future contracts), with the potential for pricing to increase dependent on the length of the contract or agreement, the size of the contractor, and the need for such use; and

(ii) shall ensure that the cumulative cost for a contractor to rent and independently certify a sensitive compartmented information facility for such purpose does not exceed the market average for the Director of National Intelligence or the Secretary of Defense to

build, certify, and maintain a sensitive compartmented information facility.

(H) A security plan for vetting each contractor prior to the access of a sensitive compartmented information facility by the contractor for the purpose specified in paragraph (1), and an assessment of potential security concerns regarding such access.

(I) A proposed timeline for the expansion of access to sensitive compartmented information facilities in accordance with paragraph (1).

(J) Such other matters as the Director of National Intelligence or the Secretary of Defense considers relevant to such expansion.

(b) ELIGIBILITY CRITERIA FOR CONTRACTORS.—Unless the Director of National Intelligence determines the source of the financing of a contractor poses a national security risk, such source of financing may not be taken into consideration in making a determination as to the eligibility of the contractor in accordance with subsection (a)(2)(D).

(c) PROPOSAL CONCURRENT WITH BUDGET SUBMISSION.—At the time that the President submits to Congress the budget for fiscal year 2024 pursuant to section 1105 of title 31, United States Code, the Director of National Intelligence shall submit to the congressional intelligence committees a proposal to improve the capacity of the workforce responsible for the investigation and adjudication of security clearances, with the goal of reducing the period of time specified in subsection (c)(2)(A) to fewer than 60 days. Such proposal shall include an identification of any resources the Director of National Intelligence determines necessary to expand the number of individuals authorized to conduct polygraphs on behalf of the intelligence community, including by furnishing necessary training to such individuals.

(d) APPLICABILITY.—The plan, briefing, reports, and proposal required by this section shall apply only with respect to the intelligence community and the Department of Defense.

SEC. 6716. [50 U.S.C. 3024 note] COMPLIANCE BY INTELLIGENCE COMMUNITY WITH REQUIREMENTS OF FEDERAL ACQUISITION REGULATION RELATING TO COMMERCIALLY AVAILABLE OFF-THE-SHELF ITEMS AND COMMERCIAL SERVICES.

(a) COMPLIANCE POLICY.—

(1) REQUIREMENT.—Not later than 1 year after the date of the enactment of this Act, the Director of National Intelligence shall implement a policy to ensure that each element of the intelligence community complies with parts 10 and 12 of the Federal Acquisition Regulation with respect to any Federal Acquisition Regulation-based procurements.

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

(A) Written criteria for an element of the intelligence community to evaluate when a procurement of a covered item or service is permissible, including—

(i) requiring the element to conduct an independent market analysis to determine whether a com-

mercially available off-the-shelf item, nondevelopmental item, or commercial service is viable; and

(ii) a description of the offeror for such covered item or service and how the covered item or service to be acquired will be integrated into existing systems of the intelligence community.

(B) A detailed set of performance measures for the acquisition personnel of the intelligence community that—

(i) prioritizes adherence to parts 10 and 12 of the Federal Acquisition Regulation;

(ii) encourages acquisition of commercially available off-the-shelf items, nondevelopmental items, or commercial services; and

(iii) incentivizes such personnel of the intelligence community that enter into contracts for covered items or services only when necessary.

(3) SUBMISSION.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives—

(A) the policy developed pursuant to paragraph (1); and

(B) the plan to implement such policy by not later than 1 year after the date of such enactment.

(4) MARKET ANALYSIS.—In carrying out the independent market analysis pursuant to paragraph (2)(A)(i), the Director may enter into a contract with an independent market research group with qualifications and expertise to find available commercial products or commercial services to meet the needs of the intelligence community.

(b) ANNUAL REPORTS.—

(1) REQUIREMENT.—Not later than 2 years after the date of the enactment of this Act, and annually thereafter for 3 years, the Director, in consultation with the head of each element of the intelligence community, shall submit to the congressional intelligence committees, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives a report on the policy developed under subsection (a).

(2) ELEMENTS.—Each report under paragraph (1) shall include, with respect to the period covered by the report, the following:

(A) An evaluation of the success of the policy, including with respect to the progress the elements have made in complying with parts 10 and 12 of the Federal Acquisition Regulation.

(B) A description of how any market analyses are conducted pursuant to subsection (a)(2)(A)(i).

(C) Any recommendations to improve compliance with such parts 10 and 12.

SEC. 6717. [50 U.S.C. 3024 note] POLICY ON REQUIRED USER ADOPTION METRICS IN CERTAIN CONTRACTS FOR ARTIFICIAL INTELLIGENCE AND EMERGING TECHNOLOGY SOFTWARE PRODUCTS.

(a) POLICY.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall establish a policy regarding user adoption metrics for contracts and other agreements for the procurement of covered products as follows:

(1) With respect to a contract or other agreement entered into between the head of an element of the intelligence community and a commercial provider for the procurement of a covered product for users within the intelligence community, a requirement that each such contract or other agreement include, as a term of the contract or agreement, an understanding of the anticipated use of the covered product with a clear metric for success and for collecting user adoption metrics, as appropriate, for assessing the adoption of the covered product by such users.

(2) Such exceptions to the requirements under paragraph (1) as may be determined appropriate pursuant to guidance established by the Director of National Intelligence.

(3) A requirement that prior to the procurement of, or the continuation of the use of, any covered product procured by the head of an element of the intelligence community, the head has determined a method for assessing the success of the covered product from user adoption metrics.

(b) SUBMISSION.—Not later than 60 days after the date on which the policy under subsection (a) is established, the Director of National Intelligence shall submit to the congressional intelligence committees, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives such policy.

SEC. 6718. [50 U.S.C. 3334n] CERTIFICATION RELATING TO INFORMATION TECHNOLOGY AND SOFTWARE SYSTEMS.

(a) CERTIFICATIONS REQUIRED.—Prior to the date on which the head of an element of the intelligence community enters into, renews, or extends a contract for the acquisition of an information technology or software system, the head shall certify to the Director of National Intelligence the following:

(1) That the information technology or software system is the most up-to-date version of the system available or, if it is not, why a more out of date version was chosen.

(2) That the information technology or software system is compatible with integrating new and emerging technologies, such as artificial intelligence.

(3) That the information technology or software system was thoroughly reviewed and alternative products are not superior to meet the requirements of the element.

(b) EXEMPTION.—The Director of National Intelligence may exempt elements of the intelligence community, as appropriate, from the requirements under (a) if meeting such requirements may pose security or operational risks.

(c) GUIDANCE.—The Director shall issue to the heads of the elements of the intelligence community, and submit to the congressional intelligence committees, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives, guidance to—

(1) establish guidelines that the heads of the relevant elements of the intelligence community shall use to evaluate the criteria required for the certifications under subsection (a);

(2) incentivize each such head to adopt and integrate new and emerging technology within information technology and software systems of the element and to decommission and replace outdated systems, including through potential funding enhancements; and

(3) incentivize, and hold accountable, personnel of the intelligence community with respect to the integration of new and emerging technology within such systems, including through the provision of appropriate training programs and evaluations.

Subtitle C—Reports

SEC. 6721. REPORTS ON INTEGRATION OF ARTIFICIAL INTELLIGENCE WITHIN INTELLIGENCE COMMUNITY.

(a) REPORTS BY ELEMENTS OF INTELLIGENCE COMMUNITY.—Not later than 180 days after the date of the enactment of this Act, each senior official within an element of the intelligence community identified as a designated element lead pursuant to section 6702(b) shall submit to the congressional intelligence committees, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives a report on the efforts of that element to develop, acquire, adopt, and maintain artificial intelligence to improve intelligence collection and analysis and optimize internal work flows. Each such report shall include the following:

(1) A description of the authorities of the element relating to the use of artificial intelligence.

(2) A list of any resource or authority necessary to accelerate the adoption by the element of artificial intelligence solutions, including commercial products, or personnel authorities.

(3) A description of the element's roles, responsibilities, and authorities for accelerating the adoption by the element of artificial intelligence solutions.

(4) The application of the policies and principles described in section 6702(a)(2) to paragraphs (1), (2), and (3).

(b) AUDITS BY INSPECTORS GENERAL.—

(1) AUDITS.—Not later than 2 years after the date of the enactment of this Act, each inspector general with oversight responsibility for an element of the intelligence community shall conduct and audit, and brief congressional intelligence committees, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of

the Committee on Appropriations of the House of Representatives the findings of the audit, to evaluate the following:

(A) The efforts of such element to develop, acquire, adopt, and maintain artificial intelligence capabilities for the purpose of improving intelligence collection and analysis in a timely manner and the extent to which such efforts are consistent with the policies and principles described in section 6702(a)(2);

(B) The degree to which the element has implemented each of the provisions of this title.

(C) Any administrative or technical barriers to the accelerated adoption of artificial intelligence by such element.

(2) INPUT REQUIRED.—The results of each audit under paragraph (1) shall be disaggregated by, and include input from, organizational units of the respective element of the intelligence community that focus on the following:

(A) Acquisitions and contracting.

(B) Personnel and workforce matters.

(C) Financial management and budgeting.

(D) Operations and capabilities.

(3) AUDIT OF OFFICE OF DIRECTOR OF NATIONAL INTELLIGENCE.—With respect to the audit of the Office of the Director of National Intelligence conducted by the Inspector General of the Intelligence Community under paragraph (1), the Inspector General shall also audit the extent to which the Director of National Intelligence coordinates across the intelligence community for the purpose of ensuring the adoption of best practices, the use of shared contracting vehicles for products and services that meet common requirements, the sharing of information, and the efficient use of resources, relating to artificial intelligence.

(c) ANNUAL REPORT BY DIRECTOR OF NATIONAL INTELLIGENCE.—

(1) REPORTS.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter for 3 years, the Director of National Intelligence, in consultation with the heads of the elements of the intelligence community, shall submit to the congressional intelligence committees, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives a report on the progress of the adoption of artificial intelligence within the intelligence community.

(2) MATTERS.—Each report under paragraph (1) shall include, with respect to the year covered by the report, the following:

(A) A detailed description of the progress of each element of the intelligence community in the adoption and maintenance of artificial intelligence during such year, including a detailed description of any—

(i) artificial intelligence programs or systems adopted by the element;

(ii) contracts entered into by the head of the element with small- or medium-sized emerging technology companies for commercial products involving artificial intelligence; and

(iii) relevant positions established or filled within the element.

(B) A description of any policies of the intelligence community issued during such year that relate to the adoption of artificial intelligence within the intelligence community, including an assessment of the compliance with such policies by the elements of the intelligence community.

(C) A list of recommendations for the efficient, accelerated, and comprehensive adoption of artificial intelligence across the intelligence community during the year following the year covered by the report, including any technological advances in artificial intelligence that the intelligence community should leverage from industry actors.

(D) An overview of the advances of foreign adversaries in the field of artificial intelligence, and steps that may be taken to ensure the United States Government outpaces foreign adversaries in such field.

(E) Any gaps in resource or authorities, or other administrative or technical barriers, to the adoption of artificial intelligence by the intelligence community.

(F) Such other matters as the Director may determine appropriate.

(3) FORM.—Each report under paragraph (1) may be submitted in classified form.

(4) ENTRY BY CHIEF DATA OFFICER.—Each report under paragraph (1) shall include an entry by the Intelligence Community Chief Data Officer that addresses each of the matters specified in paragraph (2) with respect to the organization of data for the accelerated adoption of artificial intelligence solutions.

SEC. 6722. REPORT ON POTENTIAL BENEFITS OF ESTABLISHMENT OF ICWERX.

(a) REPORT.—Not later than 180 days after the date of enactment of this Act, the Director of National Intelligence, in coordination with the Director of the Central Intelligence Agency and the Director of the National Security Agency, shall submit to the congressional intelligence committees, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives an assessment of whether the intelligence community would benefit from the establishment of a new organization to be known as "ICWERX", the mission and activities of which would incorporate lessons learned from AFWERX of the Air Force (or such successor program), the Defense Innovation Unit of the Department of Defense, In-Q-Tel, and other programs sponsored by the Federal Government with a focus on accelerating the adoption of emerging technologies for mission-relevant applications or innovation.

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

(1) A review of the existing avenues for small- and medium-sized emerging technology companies to provide to the intelligence community artificial intelligence or other technology solutions, including an identification, for each of the 5 years preceding the year in which the report is submitted, of the annual number of such companies that have provided the intelligence community with such solutions.

(2) A review of the existing processes by which the heads of the elements of the intelligence community acquire and transition commercial research of small- and medium-sized emerging technology companies in a prototype or other early developmental stage.

(3) An assessment of—

(A) whether the intelligence community is currently postured to incorporate the technological innovations of emerging technology companies, including in software and hardware; and

(B) any areas in which the intelligence community lacks resources, authorities, personnel, expertise, or institutional mechanisms necessary for such incorporation.

(4) An assessment of whether a potential ICWERX would be positioned to—

(A) assist small emerging technology companies, and potentially medium-sized emerging technology companies, in accelerating the procurement and fielding of innovative technologies; and

(B) provide the intelligence community with greater access to innovative companies at the forefront of emerging technologies.

(5) An assessment of the potential costs and benefits associated with the establishment of ICWERX in accordance with subsection (a).

SEC. 6723. [50 U.S.C. 3334o] REQUIREMENTS AND REPORT ON WORKFORCE NEEDS OF INTELLIGENCE COMMUNITY RELATING TO SCIENCE, TECHNOLOGY, ENGINEERING, AND MATH, AND RELATED AREAS.

(a) REQUIREMENTS.—The Director of National Intelligence, in coordination with the heads of human capital from each element of the intelligence community, shall—

(1) develop a plan for the recruitment and retention of personnel to positions the primary duties of which involve the integration, maintenance, or use of artificial intelligence (and the retention and training of personnel serving in such positions), including with respect to the authorities and requirements under section 6732(b);

(2) develop a plan for the review and evaluation, on a continuous basis, of the expertise necessary to accelerate the adoption of artificial intelligence and other emerging technology solutions; and

(3) coordinate and share information and best practices relating to such recruitment and retention within the element and across the intelligence community.

(b) REPORT.—

(1) SUBMISSION.—Not later than January 1, 2024, the Director of National Intelligence, in coordination with heads of human capital from each element of the intelligence community, shall submit to the congressional intelligence committees, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives a single report on the workforce needs of each element of the intelligence community relating to emerging technologies, with a specific focus on artificial intelligence.

(2) ELEMENTS.—The report under paragraph (1) shall include, with respect to each element of the intelligence community, the following:

(A) A description of the number and types of personnel in work roles whose primary official duties include artificial intelligence responsibilities.

(B) A detailed description of the plans for each element developed pursuant to subsection (a).

(3) OTHER MATTERS.—The report under paragraph (1) shall also include an assessment of the quality and sustainability of the talent pipeline of the intelligence community with respect to talent in emerging technologies, including artificial intelligence. Such assessment shall include the following:

(A) A description of the education, recruitment, and retention programs (including skills-based training and career and technical educational programs) available to personnel of the intelligence community, regardless of whether such programs are administered by the head of an element of the intelligence community or the head of another Federal department or agency, and an analysis of how such programs support the quality and sustainability of such talent pipeline.

(B) A description of the relevant authorities available to the heads of the elements of the intelligence community to promote the quality and sustainability of such talent pipeline.

(C) An assessment of any gaps in authorities, resources, recruitment or retention incentives, skills-based training, or educational programs, that may negatively affect the quality or sustainability of such talent pipeline.

(4) FORM.—The report under paragraph (1) shall be submitted in classified or unclassified form, as appropriate.

(c) INFORMATION ACCESS.—The heads of the elements of the intelligence community shall furnish to the Director of National Intelligence such information as may be necessary for the development of the report under subsection (b).

Subtitle D—Talent, Education, and Training

SEC. 6731. REPORT ON ESTABLISHMENT OF TECHNOLOGY ACQUISITION CADRE.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives a report containing a feasibility and advisability study on establishing a cadre of personnel who are experts in emerging technologies, software development, systems integration, and acquisition, to improve the adoption of commercial solutions for emerging technologies across the intelligence community, particularly as the technologies relate to artificial intelligence.

(b) ELEMENTS.—The study under subsection (a) shall include the following:

(1) An examination regarding whether a cadre of personnel described in subsection (a) would be an effective and efficient means to substantially improve and accelerate the adoption of commercial artificial intelligence and other emerging technology products and services in support of the missions of the intelligence community if the cadre has the capacity and relevant expertise to—

(A) accelerate the adoption of emerging technologies, including with respect to artificial intelligence;

(B) assist with software development and acquisition; and

(C) develop training requirements for acquisition professionals within the elements of the intelligence community.

(2) An assessment of—

(A) whether the establishment of the cadre would require additional statutory authorities or resources, including to recruit, hire, and retain the talent and expertise needed to establish the cadre;

(B) the benefits, costs, and risks associated with the establishment of a cadre;

(C) a recommendation on whether to establish the cadre; and

(D) if a recommendation to establish the cadre is made, a plan for implementation of the cadre, including the proposed size of the cadre, how the cadre would be resourced, managed, and organized, and whether the cadre should be centrally managed or reside at individual elements of the intelligence community.

SEC. 6732. [50 U.S.C. 3024 note] EMERGING TECHNOLOGY EDUCATION AND TRAINING.

(a) TRAINING CURRICULUM.—

(1) REQUIREMENT.—No later than 270 days after the date of the enactment of this Act, the Director of National Intelligence and the Secretary of Defense, in consultation with the

President of the Defense Acquisition University and the heads of the elements of the intelligence community that the Director and Secretary determine appropriate, shall jointly establish a training curriculum for members of the acquisition workforce in the Department of Defense (as defined in section 101 of title 10, United States Code) and the acquisition officials within the intelligence community focused on improving the understanding and awareness of contracting authorities and procedures for the acquisition of emerging technologies.

(2) PROVISION OF TRAINING.—The Director shall ensure that the training curriculum under paragraph (1) is made available to each element of the intelligence community not later than 60 days after the completion of the curriculum.

(3) REPORT.—Not later than January 1, 2024, the Director and Secretary shall jointly submit to the congressional intelligence committees, the Committee on Armed Services and the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Committee on Armed Services and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives a report containing an update on the status of the curriculum under paragraph (1).

(b) AGREEMENTS OFFICERS.—Not later than October 1, 2024, the Director of National Intelligence shall ensure that at least 75 percent of the contracting staff within the intelligence community whose primary responsibilities include the acquisition of emerging technologies shall have received the appropriate training to become warranted as agreements officers who are given authority to execute and administer the transactions authorized by paragraph (6) of section 102A(n) of the National Security Act of 1947 (50 U.S.C. 3024(n)), as added by section 6711. The training shall include—

(1) the appropriate courses offered by the Defense Acquisition University;

(2) the training curriculum established under subsection (a); and

(3) best practices for monitoring, identifying, and procuring emerging technologies with potential benefit to the intelligence community, including commercial services and products.

(c) ESTABLISHMENT OF EMERGING TECHNOLOGY TRAINING ACTIVITIES.—

(1) REQUIREMENT.—Not later than January 1, 2024, the Director of National Intelligence, in coordination with the heads of the elements of the intelligence community that the Director determines relevant, shall establish and implement training activities designed for appropriate mid-career and senior managers across the intelligence community to train the managers on how to identify, acquire, implement, and manage emerging technologies as such technologies may be applied to the intelligence community.

(2) CERTIFICATION.—Not later than 2 years after the date on which the Director establishes the training activities under paragraph (1), each head of an element of the intelligence community shall certify to the Director whether the managers of the element described in paragraph (1) have successfully completed the education activities.

(3) BRIEFING.—Not later than January 1, 2024, the Director of National Intelligence shall provide to the congressional intelligence committees, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives a briefing regarding the training activities established under paragraph (1), including—

(A) an overview of—

(i) the managers described in paragraph (1) who participated in the training activities; and

(ii) what technologies were included in the training activities; and

(B) an identification of other incentives, activities, resources, or programs the Director determines may be necessary to ensure the managers are generally trained in the most emerging technologies and able to retain and incorporate such technologies across the intelligence community.

Subtitle E—Other Matters

SEC. 6741. [50 U.S.C. 3024 note] IMPROVEMENTS TO USE OF COMMERCIAL SOFTWARE PRODUCTS.

(a) POLICY REGARDING PROCUREMENT OF COMMERCIAL SOFTWARE PRODUCTS.—Not later than 1 year after the date of the enactment of this Act, the Director of National Intelligence, in consultation with the heads of the elements of the intelligence community and appropriate nongovernmental experts that the Director determines relevant, shall issue an intelligence community-wide policy to ensure the procurement of commercial software products by the intelligence community is carried out—

(1) using, to the extent practicable, standardized terminology; and

(2) in accordance with acquisition and operation best practices reflecting modern software as a service capabilities.

(b) ELEMENTS.—The policy issued under subsection (a) shall include the following:

(1) Guidelines for the heads of the elements of the intelligence community to determine which contracts for commercial software products are covered by the policy, including with respect to agreements, authorizations to operate, and other acquisition activities.

(2) Guidelines for using standardized terms in such contracts, modeled after commercial best practices, including common procedures and language regarding—

(A) terms for the responsible party and timelines for system integration under the contract;

(B) a mechanism included in each contract to ensure the ability of the vendor to provide, and the United States Government to receive, continuous updates and version control for the software, subject to appropriate security considerations;

(C) automatic technological mechanisms for security and data validation, including security protocols that are predicated on commercial best practices; and

(D) procedures to provide incentives, and a technical framework, for system integration for new commercial software solutions to fit within existing workflows and information technology infrastructure.

(3) Guidelines and a timeline for enforcing the policy.

(c) REPORT.—Not later than January 1, 2025, and annually thereafter through 2028, the Director of National Intelligence, in coordination with the heads of the elements of the intelligence community, shall submit to the congressional intelligence committees, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives a report on the policy issued under subsection (a), including the following with respect to the period covered by the report:

(1) An evaluation of compliance with such policy by each of the elements of the intelligence community.

(2) Additional recommendations to better coordinate system integration throughout the intelligence community using best practices.

SEC. 6742. CODE-FREE ARTIFICIAL INTELLIGENCE ENABLEMENT TOOLS POLICY.

(a) DRAFT POLICY.—Not later than 1 year after the date of the enactment of this Act, the Director of National Intelligence, in consultation with the Director of the Central Intelligence Agency, the Director of the National Security Agency, the Director of the National Reconnaissance Office, the Director of the National Geospatial-Intelligence Agency, and the Director of the Defense Intelligence Agency, and any additional heads of the elements of the intelligence community that the Director of National Intelligence determines appropriate, shall draft a potential policy to promote the intelligence community-wide use of code-free artificial intelligence enablement tools.

(b) ELEMENTS.—The draft policy under subsection (a) shall include the following:

(1) The objective for the use by the intelligence community of code-free artificial intelligence enablement tools.

(2) A detailed set of incentives for using code-free artificial intelligence enablement tools.

(3) A plan to ensure coordination throughout the intelligence community, including consideration of designating an official of each element of the intelligence community to oversee implementation of the policy and such coordination.

(c) SUBMISSION.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives the following:

(1) The draft policy under subsection (a).

(2) A recommendation regarding the feasibility and advisability of implementing the draft policy, including an assess-

ment of the costs and advantages and disadvantages of such implementation.

(3) An assessment of whether any element of the intelligence community already has a similar existing policy.

(4) A specific plan and timeline of the steps that would be necessary to implement the draft policy.

(5) An assessment of the personnel requirements, budget requirements, and any other resource requirements, that would be necessary to implement the draft policy in the timeline identified in paragraph (4).

TITLE LXVIII—OTHER MATTERS

SEC. 6801. IMPROVEMENTS RELATING TO CONTINUITY OF PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD MEMBERSHIP.

Paragraph (4) of section 1061(h) of the Intelligence Reform and Terrorism Prevention Act of 2004 (42 U.S.C. 2000ee(h)) is amended to read as follows:

"(4) TERM.—

"(A) COMMENCEMENT.—Each member of the Board shall serve a term of 6 years, commencing on the date of the appointment of the member to the Board.

"(B) REAPPOINTMENT.—A member may be reappointed to one or more additional terms.

"(C) VACANCY.—A vacancy on the Board shall be filled in the manner in which the original appointment was made.

"(D) EXTENSION.—Upon the expiration of the term of office of a member, the member may continue to serve for up to one year after the date of expiration, at the election of the member—

"(i) during the period preceding the reappointment of the member pursuant to subparagraph (B); or

"(ii) until the member's successor has been appointed and qualified.".

SEC. 6802. MODIFICATION OF REQUIREMENT FOR OFFICE TO ADDRESS UNIDENTIFIED ANOMALOUS PHENOMENA.

(a) IN GENERAL.—Section 1683 of the National Defense Authorization Act for Fiscal Year 2022 (50 U.S.C. 3373), as amended by title XVI of this Act, is amended to read as follows:

"SEC. 1683. ESTABLISHMENT OF ALL-DOMAIN ANOMALY RESOLUTION OFFICE

"(a) ESTABLISHMENT OF OFFICE.—

"(1) IN GENERAL.—Not later than 120 days after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2023, the Secretary of Defense, in coordination with the Director of National Intelligence, shall establish an office within a component of the Office of the Secretary of Defense, or within a joint organization of the Department of Defense and the Office of the Director of National Intelligence, to carry out the duties of the Unidentified Aerial Phenomena Task Force, as in effect on December 26, 2021, and such other duties

as are required by this section, including those pertaining to unidentified anomalous phenomena.

"(2) DESIGNATION.—The office established under paragraph (1) shall be known as the 'All-domain Anomaly Resolution Office' (in this section referred to as the 'Office').

"(b) DIRECTOR AND DEPUTY DIRECTOR OF THE OFFICE.—

"(1) APPOINTMENT OF DIRECTOR.—The head of the Office shall be the Director of the All-domain Anomaly Resolution Office (in this section referred to as the 'Director of the Office'), who shall be appointed by the Secretary of Defense in consultation with the Director of National Intelligence.

"(2) APPOINTMENT OF DEPUTY DIRECTOR.—The Deputy Director of the Office shall be appointed by the Director of National Intelligence in coordination with the Secretary of Defense.

"(3) REPORTING.—

"(A) IN GENERAL.—The Director of the Office shall report directly to the Deputy Secretary of Defense and the Principal Deputy Director of National Intelligence.

"(B) ADMINISTRATIVE AND OPERATIONAL AND SECURITY MATTERS.—The Director of the Office shall report—

"(i) to the Under Secretary of Defense for Intelligence and Security on all administrative matters of the Office; and

"(ii) to the Deputy Secretary of Defense and the Principal Deputy Director of National Intelligence on all operational and security matters of the Office.

"(c) DUTIES.—The duties of the Office shall include the following:

"(1) Developing procedures to synchronize and standardize the collection, reporting, and analysis of incidents, including adverse physiological effects, regarding unidentified anomalous phenomena across the Department of Defense and the intelligence community, in coordination with the Director of National Intelligence, which shall be provided to the congressional defense committees, the congressional intelligence committees, and congressional leadership.

"(2) Developing processes and procedures to ensure that such incidents from each component of the Department and each element of the intelligence community are reported and stored in an appropriate manner that allows for the integration of analysis of such information.

"(3) Establishing procedures to require the timely and consistent reporting of such incidents.

"(4) Evaluating links between unidentified anomalous phenomena and adversarial foreign governments, other foreign governments, or nonstate actors.

"(5) Evaluating the threat that such incidents present to the United States.

"(6) Coordinating with other departments and agencies of the Federal Government, as appropriate, including the Federal Aviation Administration, the National Aeronautics and Space Administration, the Department of Homeland Security, the Na-

tional Oceanic and Atmospheric Administration, the National Science Foundation, and the Department of Energy.

"(7) As appropriate, and in coordination with the Secretary of State, the Secretary of Defense, and the Director of National Intelligence, consulting with allies and partners of the United States to better assess the nature and extent of unidentified anomalous phenomena.

"(8) Preparing reports for Congress, in both classified and unclassified form, including under subsection (j).

"(d) RESPONSE TO AND FIELD INVESTIGATIONS OF UNIDENTIFIED ANOMALOUS PHENOMENA.—

"(1) DESIGNATION.—The Secretary of Defense and the Director of National Intelligence shall jointly designate from within their respective organizations an official, to be under the direction of the Director of the Office, responsible for ensuring the appropriate expertise, authorities, accesses, data, systems, platforms, and capabilities are available for the rapid response to, and support for, the conduct of field investigations of incidents involving unidentified anomalous phenomena.

"(2) ABILITY TO RESPOND.—The Secretary of Defense and the Director of National Intelligence shall ensure field investigations are supported by personnel with the requisite expertise, equipment, transportation, and other resources necessary to respond rapidly to incidents or patterns of observations involving unidentified anomalous phenomena.

"(e) SCIENTIFIC, TECHNOLOGICAL, AND OPERATIONAL ANALYSES OF DATA ON UNIDENTIFIED ANOMALOUS PHENOMENA.—

"(1) DESIGNATION.—The Secretary of Defense, in coordination with the Director of National Intelligence, shall designate one or more line organizations that will be primarily responsible for scientific, technical, and operational analysis of data gathered by field investigations conducted pursuant to subsection (d) and data from other sources, including with respect to the testing of materials, medical studies, and development of theoretical models, to better understand and explain unidentified anomalous phenomena.

"(2) AUTHORITY.—The Secretary of Defense and the Director of National Intelligence shall each issue such directives as are necessary to ensure that each line organization designated under paragraph (1) has authority to draw on the special expertise of persons outside the Federal Government with appropriate security clearances.

"(f) DATA; INTELLIGENCE COLLECTION.—

"(1) AVAILABILITY OF DATA AND REPORTING ON UNIDENTIFIED ANOMALOUS PHENOMENA.—

"(A) AVAILABILITY OF DATA.—The Director of National Intelligence, in coordination with the Secretary of Defense, shall ensure that each element of the intelligence community with data relating to unidentified anomalous phenomena makes such data available immediately to the Office.

"(B) REPORTING.—The Director of National Intelligence and the Secretary of Defense shall each, in coordination with one another, ensure that military and civilian

personnel of the Department of Defense or an element of the intelligence community, and contractor personnel of the Department or such an element, have access to procedures by which the personnel shall report incidents or information, including adverse physiological effects, involving or associated with unidentified anomalous phenomena directly to the Office.

"(2) INTELLIGENCE COLLECTION AND ANALYSIS PLAN.—The Director of the Office, acting in coordination with the Secretary of Defense and the Director of National Intelligence, shall supervise the development and execution of an intelligence collection and analysis plan to gain as much knowledge as possible regarding the technical and operational characteristics, origins, and intentions of unidentified anomalous phenomena, including with respect to the development, acquisition, deployment, and operation of technical collection capabilities necessary to detect, identify, and scientifically characterize unidentified anomalous phenomena.

"(3) USE OF RESOURCES AND CAPABILITIES.—In developing the plan under paragraph (2), the Director of the Office shall consider and propose, as appropriate, the use of any resource, capability, asset, or process of the Department and the intelligence community.

"(g) SCIENCE PLAN.—The Director of the Office, on behalf of the Secretary of Defense and the Director of National Intelligence, shall supervise the development and execution of a science plan to develop and test, as practicable, scientific theories to—

"(1) account for characteristics and performance of unidentified anomalous phenomena that exceed the known state of the art in science or technology, including in the areas of propulsion, aerodynamic control, signatures, structures, materials, sensors, countermeasures, weapons, electronics, and power generation; and

"(2) provide the foundation for potential future investments to replicate or otherwise better understand any such advanced characteristics and performance.

"(h) ASSIGNMENT OF PRIORITY.—The Director of National Intelligence, in consultation with and with the recommendation of the Secretary of Defense, shall assign an appropriate level of priority within the National Intelligence Priorities Framework to the requirement to understand, characterize, and respond to unidentified anomalous phenomena.

"(i) DETAILEES FROM ELEMENTS OF THE INTELLIGENCE COMMUNITY.—The heads of the Central Intelligence Agency, the Defense Intelligence Agency, the National Security Agency, the Department of Energy, the National Geospatial-Intelligence Agency, the intelligence elements of the Army, the Navy, the Air Force, the Marine Corps, and the Coast Guard, the Department of Homeland Security, and such other elements of the intelligence community as the Director of the Office considers appropriate may provide to the Office a detailee of the element to be physically located at the Office.

"(j) HISTORICAL RECORD REPORT.—

"(1) REPORT REQUIRED.—

"(A) IN GENERAL.—Not later than 540 days after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2023, the Director of the Office shall submit to the congressional defense committees, the congressional intelligence committees, and congressional leadership a written report detailing the historical record of the United States Government relating to unidentified anomalous phenomena, including—

"(i) the records and documents of the intelligence community;

"(ii) oral history interviews;

"(iii) open source analysis;

"(iv) interviews of current and former Government officials;

"(v) classified and unclassified national archives including any records any third party obtained pursuant to section 552 of title 5, United States Code; and

"(vi) such other relevant historical sources as the Director of the Office considers appropriate.

"(B) OTHER REQUIREMENTS.—The report submitted under subparagraph (A) shall—

"(i) focus on the period beginning on January 1, 1945, and ending on the date on which the Director of the Office completes activities under this subsection; and

"(ii) include a compilation and itemization of the key historical record of the involvement of the intelligence community with unidentified anomalous phenomena, including—

"(I) any program or activity that was protected by restricted access that has not been explicitly and clearly reported to Congress;

"(II) successful or unsuccessful efforts to identify and track unidentified anomalous phenomena; and

"(III) any efforts to obfuscate, manipulate public opinion, hide, or otherwise provide incorrect unclassified or classified information about unidentified anomalous phenomena or related activities.

"(2) ACCESS TO RECORDS OF THE NATIONAL ARCHIVES AND RECORDS ADMINISTRATION.—The Archivist of the United States shall make available to the Office such information maintained by the National Archives and Records Administration, including classified information, as the Director of the Office considers necessary to carry out paragraph (1).

"(k) ANNUAL REPORTS.—

"(1) REPORTS FROM DIRECTOR OF NATIONAL INTELLIGENCE AND SECRETARY OF DEFENSE.—

"(A) REQUIREMENT.—Not later than 180 days after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2023, and annually thereafter for four years, the Director of National Intelligence and the Secretary of Defense shall jointly submit to the appropriate

congressional committees a report on unidentified anomalous phenomena.

"(B) ELEMENTS.—Each report submitted under subparagraph (A) shall include, with respect to the year covered by the report, the following information:

"(i) All reported unidentified anomalous phenomena-related events that occurred during the one-year period.

"(ii) All reported unidentified anomalous phenomena-related events that occurred during a period other than that one-year period but were not included in an earlier report.

"(iii) An analysis of data and intelligence received through each reported unidentified anomalous phenomena-related event.

"(iv) An analysis of data relating to unidentified anomalous phenomena collected through—

"(I) geospatial intelligence;

"(II) signals intelligence;

"(III) human intelligence; and

"(IV) measurement and signature intelligence.

"(v) The number of reported incidents of unidentified anomalous phenomena over restricted airspace of the United States during the one-year period.

"(vi) An analysis of such incidents identified under clause (v).

"(vii) Identification of potential aerospace or other threats posed by unidentified anomalous phenomena to the national security of the United States.

"(viii) An assessment of any activity regarding unidentified anomalous phenomena that can be attributed to one or more adversarial foreign governments.

"(ix) Identification of any incidents or patterns regarding unidentified anomalous phenomena that indicate a potential adversarial foreign government may have achieved a breakthrough aerospace capability.

"(x) An update on the coordination by the United States with allies and partners on efforts to track, understand, and address unidentified anomalous phenomena.

"(xi) An update on any efforts underway on the ability to capture or exploit discovered unidentified anomalous phenomena.

"(xii) An assessment of any health-related effects for individuals that have encountered unidentified anomalous phenomena.

"(xiii) The number of reported incidents, and descriptions thereof, of unidentified anomalous phenomena associated with military nuclear assets, including strategic nuclear weapons and nuclear-powered ships and submarines.

"(xiv) In consultation with the Administrator for Nuclear Security, the number of reported incidents, and descriptions thereof, of unidentified anomalous

phenomena associated with facilities or assets associated with the production, transportation, or storage of nuclear weapons or components thereof.

"(xv) In consultation with the Chairman of the Nuclear Regulatory Commission, the number of reported incidents, and descriptions thereof, of unidentified anomalous phenomena or drones of unknown origin associated with nuclear power generating stations, nuclear fuel storage sites, or other sites or facilities regulated by the Nuclear Regulatory Commission.

"(xvi) The names of the line organizations that have been designated to perform the specific functions under subsections (d) and (e), and the specific functions for which each such line organization has been assigned primary responsibility.

"(xvii) A summary of the reports received using the mechanism for authorized reporting established under section 1673 of the National Defense Authorization Act for Fiscal Year 2023.

"(2) FORM.—Each report submitted under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

"(l) SEMIANNUAL BRIEFINGS.—

"(1) REQUIREMENT.—Not later than December 31, 2022, and not less frequently than semiannually thereafter until December 31, 2026, the Director of the Office shall provide to the appropriate congressional committees classified briefings on unidentified anomalous phenomena.

"(2) FIRST BRIEFING.—The first briefing provided under paragraph (1) shall include all incidents involving unidentified anomalous phenomena that were reported to the Unidentified Aerial Phenomena Task Force or to the Office established under subsection (a) after June 24, 2021, regardless of the date of occurrence of the incident.

"(3) SUBSEQUENT BRIEFINGS.—Each briefing provided subsequent to the first briefing described in paragraph (2) shall include, at a minimum, all events relating to unidentified anomalous phenomena that occurred during the previous 180 days, and events relating to unidentified anomalous phenomena that were not included in an earlier briefing.

"(4) INSTANCES IN WHICH DATA WAS NOT SHARED.—For each briefing period, the Director of the Office shall jointly provide to the chairman or chair and the ranking member or vice chairman of the congressional committees specified in subparagraphs (A) and (D) of subsection (n)(1) an enumeration of any instances in which data relating to unidentified anomalous phenomena was not provided to the Office because of classification restrictions on that data or for any other reason.

"(m) TASK FORCE TERMINATION.—Not later than the date on which the Secretary of Defense establishes the Office under subsection (a), the Secretary shall terminate the Unidentified Aerial Phenomena Task Force.

"(n) DEFINITIONS.—In this section:

"(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means the following:

"(A) The Committees on Armed Services of the Senate and the House of Representatives.

"(B) The Committees on Appropriations of the Senate and the House of Representatives.

"(C) The Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

"(D) The Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

"(E) The Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives.

"(F) The Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives.

"(2) CONGRESSIONAL DEFENSE COMMITTEES.—The term 'congressional defense committees' has the meaning given such term in section 101(a) of title 10, United States Code.

"(3) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term 'congressional intelligence committees' has the meaning given such term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

"(4) CONGRESSIONAL LEADERSHIP.—The term 'congressional leadership' means—

"(A) the majority leader of the Senate;

"(B) the minority leader of the Senate;

"(C) the Speaker of the House of Representatives; and

"(D) the minority leader of the House of Representatives.

"(5) INTELLIGENCE COMMUNITY.—The term 'intelligence community' has the meaning given such term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

"(6) LINE ORGANIZATION.—The term 'line organization' means, with respect to a department or agency of the Federal Government, an organization that executes programs and activities to directly advance the core functions and missions of the department or agency to which the organization is subordinate, but, with respect to the Department of Defense, does not include a component of the Office of the Secretary of Defense.

"(7) TRANSMEDIUM OBJECTS OR DEVICES.—The term 'transmedium objects or devices' means objects or devices that are—

"(A) observed to transition between space and the atmosphere, or between the atmosphere and bodies of water; and

"(B) not immediately identifiable.

"(8) UNIDENTIFIED ANOMALOUS PHENOMENA.—The term 'unidentified anomalous phenomena' means—

"(A) airborne objects that are not immediately identifiable;

"(B) transmedium objects or devices; and

"(C) submerged objects or devices that are not immediately identifiable and that display behavior or performance characteristics suggesting that the objects or devices may be related to the objects described in subparagraph (A).".

(b) CLERICAL AMENDMENT.—The table of contents in section 2(b) of such Act is amended by striking the item relating to section 1683 of division A and inserting the following new item:

"Sec. 1683. Establishment of All-domain Anomaly Resolution Office.".

SEC. 6803. [50 U.S.C. 3373 note] COMPTROLLER GENERAL OF THE UNITED STATES AUDITS AND BRIEFINGS ON UNIDENTIFIED ANOMALOUS PHENOMENA HISTORICAL RECORD REPORT.

(a) DEFINITIONS.—In this section, the terms "congressional leadership" and "Office" have the meanings given such terms in section 1683 of the National Defense Authorization Act for Fiscal Year 2022 (50 U.S.C. 3373), as amended by section 6802.

(b) AUDIT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Comptroller General of the United States shall identify appropriately cleared personnel of the Government Accountability Office to audit the historical record report process described in section 1683 of the National Defense Authorization Act for Fiscal Year 2022 (50 U.S.C. 3373), as amended by section 6802, including personnel to conduct work on-site as appropriate.

(2) PROVISION OF INFORMATION.—On a quarterly basis until the date that is 90 days after the delivery of the final volume of the Historical Record Report, and as appropriate and consistent with Government Auditing Standards, the Comptroller General of the United States shall provide the Office with information on the findings of any audits conducted by the personnel identified under paragraph (1).

(c) VERBAL BRIEFINGS.—Not later than 180 days after the date of the enactment of this Act, and semiannually thereafter until the date that is 180 days after the delivery of the final volume of the Historical Record Report, the Comptroller General of the United States shall verbally brief the congressional intelligence committees, the congressional defense committees, and congressional leadership on the progress of the Office with respect to the historical record report described in section 1683 of the National Defense Authorization Act for Fiscal Year 2022 (50 U.S.C. 3373), as amended by section 6802, and compliance with legislative requirements.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to restrict access of a committee of Congress under section 719(f) of title 31, United States Code, to an audit under subsection (b).

SEC. 6804. REPORT ON PRECURSOR CHEMICALS USED IN THE PRODUCTION OF SYNTHETIC OPIOIDS.

(a) DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term "appropriate committees of Congress" means—

(1) the congressional intelligence committees;

(2) the Committee on the Judiciary, the Committee on Homeland Security and Governmental Affairs, the Committee on Foreign Relations, the Committee on Commerce, Science, and Transportation, and the Committee on Appropriations of the Senate; and

(3) the Committee on the Judiciary, the Committee on Homeland Security, the Committee on Foreign Affairs, the Committee on Energy and Commerce, and the Committee on Appropriations of the House of Representatives.

(b) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the appropriate committees of Congress a report on licit precursor chemicals originating abroad, including in the People's Republic of China and any other country the Director considers appropriate, that are bound for use in the illicit production of synthetic opioids intended for distribution in the United States.

(c) FORM OF REPORT.—The report submitted under subsection (b) shall be submitted in unclassified form, but may include a classified annex produced consistent with the protection of sources and methods.

SEC. 6805. ASSESSMENT AND REPORT ON MASS MIGRATION IN THE WESTERN HEMISPHERE.

(a) DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term "appropriate committees of Congress" means—

(1) the congressional intelligence committees;

(2) the Committee on Foreign Relations, the Committee on the Judiciary, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

(3) the Committee on Foreign Affairs, the Committee on the Judiciary, the Committee on Homeland Security, and the Committee on Appropriations of the House of Representatives.

(b) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall assess, and submit to the appropriate committees of Congress a report on—

(1) the threats to the interests of the United States created or enhanced by, or associated with, the mass migration of people within the Western Hemisphere, particularly to the southern border of the United States; and

(2) the use of or the threat of using mass migration in the Western Hemisphere by the regimes of Daniel Ortega in Nicaragua, Nicolás Maduro in Venezuela, and the regime of Miguel Díaz-Canel and Raúl Castro in Cuba—

(A) to effectively curate populations so that people who remain in those countries are powerless to meaningfully dissent; and

(B) to enable the increase of remittances from migrants residing in the United States as a result of the mass migration to help finance the regimes in Nicaragua, Venezuela, and Cuba.

(c) FORM OF REPORT.—The report submitted under subsection (b) shall be submitted in unclassified form, but may include a classified annex.

SEC. 6806. REPORT ON INTERNATIONAL NORMS, RULES, AND PRINCIPLES APPLICABLE IN SPACE.

(a) DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term "appropriate committees of Congress" means—

(1) the congressional intelligence committees;

(2) the congressional defense committees;

(3) the Committee on Foreign Relations and the Committee on Commerce, Science, and Transportation of the Senate; and

(4) the Committee on Foreign Affairs, the Committee on Science, Space, and Technology, and the Committee on Energy and Commerce of the House of Representatives.

(b) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Chair of the National Space Council, in consultation with the Director of National Intelligence, the Secretary of State, the Secretary of Defense, the Secretary of Commerce, the Administrator of the National Aeronautics and Space Administration, and the heads of any other agencies as the Chair considers necessary, shall submit to the appropriate committees of Congress a report on voluntary, non-legally binding responsible international norms, rules, and principles applicable in space.

(c) ELEMENTS.—The report submitted under subsection (b) shall—

(1) identify threats to the interests of the United States in space that may be mitigated by voluntary, non-legally binding responsible international norms, rules, and principles;

(2) identify opportunities for the United States to influence voluntary, non-legally binding responsible international norms, rules, and principles applicable in space, including through bilateral and multilateral engagement;

(3) assess the willingness of space faring foreign nations to adhere to voluntary, non-legally-binding responsible international norms, rules, or principles applicable in space;

(4) include a list and description of known or suspected adversary offensive weapon systems that could be used to degrade or destroy satellites in orbit during the previous five years;

(5) include a list and description of known or suspected adversary offensive weapon systems in development that could be used to degrade or destroy satellites that are anticipated to be put operational during the course of the next five years; and

(6) include an analysis of the extent to which adversary space faring foreign nations use civilian and commercial space assets, and civilian and commercial space relationship, to advance military and intelligence programs and activities.

(d) INPUT FROM COMMERCIAL SPACE SECTOR.—In identifying threats under subsection (c)(1), the Chair of the National Space Council shall obtain input from the commercial space sector.

(e) FORM.—The report submitted under subsection (b) shall be submitted in unclassified form, but may include a classified annex.

SEC. 6807. ASSESSMENTS OF THE EFFECTS OF SANCTIONS IMPOSED WITH RESPECT TO THE RUSSIAN FEDERATION'S INVASION OF UKRAINE.

(a) DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term "appropriate committees of Congress" means—

(1) the congressional intelligence committees;

(2) the Committee on Foreign Relations, the Committee on Banking, Housing, and Urban Affairs, the Committee on Armed Services, and the Committee on Appropriations of the Senate; and

(3) the Committee on Foreign Affairs, the Committee on Financial Services, the Committee on Armed Services, the Committee on Ways and Means, and the Committee on Appropriations of the House of Representatives.

(b) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter for 2 years, the Director of National Intelligence shall, in coordination with the Secretary of State, the Secretary of the Treasury, and the heads of such other government agencies as the Director considers appropriate, submit to the appropriate committees of Congress an assessment of the cumulative and material effects of the sanctions imposed by the United States, European countries, and the international community with respect to the Russian Federation in response to the February 24, 2022, full-scale invasion of Ukraine and subsequent actions by the Russian Federation.

(c) ELEMENTS.—Each assessment submitted under subsection (b) shall include the following:

(1) A description of efforts by the Russian Federation to evade or circumvent sanctions imposed by the United States, European countries, or the international community through direct or indirect engagement or direct or indirect assistance from—

(A) the regimes in Cuba and Nicaragua and the regime of Nicolás Maduro in Venezuela;

(B) the People's Republic of China;

(C) the Islamic Republic of Iran; and

(D) any other country the Director considers appropriate.

(2) An assessment of the cumulative effect of the efforts described in paragraph (1), including on the Russian Federation's strategic relationship with the regimes and countries described in such paragraph.

(3) A description of the material effect of the sanctions described in subsection (b), including the effect of those sanctions on individual sectors of the economy of Russia, senior leadership, senior military officers, state-sponsored actors, and other state-affiliated actors in the Russian Federation that are either directly or incidentally subject to such sanctions. Such description shall include a discussion of those sanctions that had significant effects, as well as those that had no observed effects.

(4) Methodologies for assessing the effects of different categories of financial and economic sanctions on the targets of

such action, including with respect to specific industries, entities, individuals, and transactions.

(5) A description of evasion techniques, including the use of digital assets, used by the Government of Russia, entities and persons covered by the sanctions, and by other governments, entities, and persons who have assisted in the use of such techniques, in response to the sanctions.

(6) A description of any developments by other countries in creating alternative payment systems as a result of the invasion of Ukraine.

(7) An assessment of how countries have assessed the risk of holding reserves in United States dollars since the February 24, 2022, invasion of Ukraine.

(8) If sufficient collection allows, an assessment of the impact of any general licenses issued in relation to the sanctions described in subsection (b), including—

(A) the extent to which authorizations for internet-based communications have enabled continued monetization by Russian influence actors, while not silencing human-right activists and independent media; and

(B) the extent to which licenses authorizing energy-related transactions have affected the Russian Federation's ability to earn hard currency.

(d) FORM OF ASSESSMENTS.—Each assessment submitted under subsection (b) shall be submitted in unclassified form and include a classified annex.

SEC. 6808. ASSESSMENT OF IMPACT OF RUSSIA'S INVASION OF UKRAINE ON FOOD SECURITY.

(a) DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term "appropriate committees of Congress" means—

(1) the congressional intelligence committees;

(2) the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Appropriations of the Senate; and

(3) the Committee on Foreign Affairs, the Committee on Armed Services, and the Committee on Appropriations of the House of Representatives.

(b) ASSESSMENT.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Director of National Intelligence shall, in coordination with the Assistant Secretary of State for Intelligence and Research and such other heads of elements of the intelligence community as the Director determines appropriate, submit to the appropriate committees of Congress an assessment of the current and potential impact of the invasion by Russia of Ukraine on global food security.

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

(A) An assessment of the current and potential impact of the invasion by Russia of Ukraine on food security, disaggregated by region.

(B) An analysis of the potential for political instability and security crises to occur as a result of such food insecurity, disaggregated by region.

(C) A description of the factors that could reduce or increase the effects of such food insecurity on political stability and security, disaggregated by region.

(D) An assessment of the efforts of Russia to steal grain from illegally occupied territories in Ukraine and a list of customers who have purchased such stolen grain.

(E) An assessment of whether Russia has taken intentional steps to cause a global food shortage.

(3) FORM.—The assessment under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(c) BRIEFING.—Not later than 30 days after the date on which the assessment prepared under subsection (b)(1) is completed, the Director of National Intelligence shall brief the appropriate committees of Congress on the findings of the Director with respect to the assessment.

SEC. 6809. PILOT PROGRAM FOR DIRECTOR OF FEDERAL BUREAU OF INVESTIGATION TO UNDERTAKE AN EFFORT TO IDENTIFY INTERNATIONAL MOBILE SUBSCRIBER IDENTITY-CATCHERS.

Section 5725 of the Damon Paul Nelson and Matthew Young Pollard Intelligence Authorization Act for Fiscal Years 2018, 2019, and 2020 (50 U.S.C. 3024 note; Public Law 116-92) is amended—

(1) in subsection (a), in the matter before paragraph (1)—

(A) by striking "The Director of National Intelligence and the Director of the Federal Bureau of Investigation" and inserting "The Director of the Federal Bureau of Investigation";

(B) by inserting "the Director of National Intelligence," before "the Under Secretary"; and

(C) by striking "Directors determine" and inserting "Director of the Federal Bureau of Investigation determines";

(2) by redesignating subsections (b) and (c) as subsections (d) and (e), respectively;

(3) by inserting after subsection (a) the following:

"(b) PILOT PROGRAM.—

"(1) IN GENERAL.—The Director of the Federal Bureau of Investigation, in collaboration with the Director of National Intelligence, the Under Secretary of Homeland Security for Intelligence and Analysis, and the heads of such other Federal, State, or local agencies as the Director of the Federal Bureau of Investigation determines appropriate, and in accordance with applicable law and policy, shall conduct a pilot program designed to implement subsection (a)(1)(A) with respect to the National Capital Region.

"(2) COMMENCEMENT; COMPLETION.—The Director of the Federal Bureau of Investigation shall—

"(A) commence carrying out the pilot program required by paragraph (1) not later than 180 days after the date of

the enactment of the Intelligence Authorization Act for Fiscal Year 2023; and

"(B) complete the pilot program not later than 2 years after the date on which the Director commences carrying out the pilot program under subparagraph (A).

"(c) NOTIFICATIONS REQUIRED.—The Director of the Federal Bureau of Investigation shall notify the majority leader of the Senate, the minority leader of the Senate, the Speaker of the House of Representatives, the minority leader of the House of Representatives, and the Capitol Police Board of—

"(1) the placement of sensors designed to identify International Mobile Subscriber Identity-catchers capable of conducting surveillance against the United States Capitol or associated buildings and facilities; and

"(2) the discovery of any International Mobile Subscriber Identity-catchers capable of conducting surveillance against the United States Capitol or associated buildings and facilities and any countermeasures against such International Mobile Subscriber Identity-catchers."; and

(4) in subsection (d), as redesignated by paragraph (2)—

(A) in the matter before paragraph (1), by striking "Prior" and all that follows through "Investigation" and inserting "Not later than 180 days after the date on which 136 STAT. 3600 the Director of the Federal Bureau of Investigation determines that the pilot program required by subsection (b)(1) is operational, the Director";

(B) in paragraph (1), by striking "within the United States"; and

(C) in paragraph (2), by striking "by the intelligence community" and inserting "deployed by the Federal Bureau of Investigation".

SEC. 6810. DEPARTMENT OF STATE BUREAU OF INTELLIGENCE AND RESEARCH ASSESSMENT OF ANOMALOUS HEALTH INCIDENTS.

(a) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the congressional intelligence committees;

(2) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(3) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

(b) ASSESSMENT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Assistant Secretary of State for Intelligence and Research shall submit to the appropriate committees of Congress an assessment of the findings relating to the events that have been collectively labeled as "anomalous health incidents".

(c) CONTENTS.—The assessment submitted under subsection (b) shall include the following:

(1) Any diplomatic reporting or other relevant information on the causation of anomalous health incidents.

(2) Any diplomatic reporting or other relevant information on any person or entity who may be responsible for such incidents.

(3) Detailed plans, including metrics, timelines, and measurable goals, for the Bureau of Intelligence and Research to understand anomalous health incidents and share findings with other elements of the intelligence community.

SEC. 6811. REPEAL AND MODIFICATION OF CERTAIN REPORTING AND BRIEFING REQUIREMENTS.

(a) REPORTS ON SECURITY SERVICES OF THE PEOPLE'S REPUBLIC OF CHINA IN THE HONG KONG SPECIAL ADMINISTRATIVE REGION.—Section 1107A of the National Security Act of 1947 (50 U.S.C. 3237a) is repealed.

(b) ANNUAL UPDATE TO REPORT ON FOREIGN WEAPONIZATION OF DEEPFAKES AND DEEPFAKE TECHNOLOGY.—Section 5709 of the National Defense Authorization Act for Fiscal Year 2020 (50 U.S.C. 3369a) is amended—

(1) by striking subsection (d); and

(2) by redesignating subsection (e) as subsection (d).

(c) INFORMATION SHARING PERFORMANCE MANAGEMENT REPORTS.—

(1) IN GENERAL.—Section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485) is amended—

(A) by striking subsection (h); and

(B) by redesignating subsections (i) through (l) as subsections (h) through (k), respectively.

(2) CONFORMING AMENDMENT.—Section 210(b) of the Homeland Security Act of 2002 (6 U.S.C. 124g(b)) is amended by striking "section 1016(i) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485(i))"and inserting "section 1016(h) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485(h))".

(d) PERIODIC REPORTS ON ACTIVITIES OF PRIVACY OFFICERS AND CIVIL LIBERTIES OFFICERS.—Section 1062(f)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (42 U.S.C. 2000ee-1(f)(1)) is amended, in the matter preceding subparagraph (A), by striking "semiannually" and inserting "annually".

(e) [50 U.S.C. 1701 note] BRIEFING ON HIZBALLAH'S ASSETS AND ACTIVITIES RELATED TO FUNDRAISING, FINANCING, AND MONEY LAUNDERING WORLD-WIDE.—Section 204(b) of the Hizballah International Financing Prevention Act of 2015 (Public Law 114-102; 129 Stat. 2212) is amended by striking "every 180 days" and inserting "annually".

(f) INSPECTORS GENERAL REPORTS ON CLASSIFICATION.—Section 6721(a) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92; 133 Stat. 2231) is amended by striking "per year in each of the three" and inserting "every two years in each of the six".

(g) [22 U.S.C. 2778 note] REPORT ON EFFORTS OF STATE SPONSORS OF TERRORISM, OTHER FOREIGN COUNTRIES, OR ENTITIES TO ILLICITLY ACQUIRE SATELLITES AND RELATED ITEMS.—Section 1261(e)(1) of the National Defense Authorization Act for Fiscal

Year 2013 (Public Law 112-239; 126 Stat. 2019) is amended by striking "annually" and inserting "once every two years".

(h) REPORTS AND BRIEFINGS ON DIRECTOR OF NATIONAL INTELLIGENCE PROGRAM ON USE OF INTELLIGENCE RESOURCES IN EFFORTS TO SANCTION FOREIGN OPIOID TRAFFICKERS.—Section 7231(c) of the National Defense Authorization Act for Fiscal Year 2020 (21 U.S.C. 2331(c)) is amended—

(1) in the subsection heading, by inserting "and Briefings" after "Reports"; and

(2) in paragraph (1)—

(A) by striking "(1) Quarterly reports on program.—Not later than" and inserting the following:

"(1) REPORTS AND BRIEFINGS ON PROGRAM.—

"(A) ANNUAL REPORTS.—Not later than";

(B) in subparagraph (A), as designated by subparagraph (A) of this paragraph—

(i) by striking "every 90 days" and inserting "annually";

(ii) by striking "90-day period" and inserting "year"; and

(iii) by striking "under this paragraph" and inserting "under this subparagraph"; and

(C) by adding at the end the following:

"(B) SEMIANNUAL BRIEFINGS.—On a semiannual basis, the Director of National Intelligence and the Director of the Office of National Drug Control Policy shall jointly brief the appropriate congressional committees and leadership on the status and accomplishments of the program required by subsection (a).".

SEC. 6812. [50 U.S.C. 3334p] INCREASED INTELLIGENCE-RELATED ENGINEERING, RESEARCH, AND DEVELOPMENT CAPABILITIES OF MINORITY INSTITUTIONS.

(a) PLAN.—

(1) REQUIREMENT.—The Director of National Intelligence shall develop a plan to promote intelligence-related engineering, research, and development activities at covered institutions for the purpose of contributing toward the research necessary to achieve the intelligence advantage of the United States.

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

(A) An assessment of opportunities to support engineering, research, and development at covered institutions in computer sciences, including artificial intelligence, quantum computing, and machine learning, and synthetic biology and an assessment of opportunities to support the associated workforce and physical research infrastructure of such institutions.

(B) An assessment of opportunities to enhance the ability of covered institutions—

(i) to participate in intelligence-related engineering, research, and development activities; and

(ii) to effectively compete for intelligence-related engineering, research and development contracts in

support of the most urgent research requirements of the intelligence community.

(C) An assessment of the activities and investments the Director determines necessary—

(i) to expand opportunities for covered institutions to partner with other research organizations and educational institutions that the intelligence community frequently partners with to conduct research; and

(ii) to increase participation of covered institutions in intelligence-related engineering, research, and development activities.

(D) Recommendations identifying actions that may be taken by the Director, Congress, covered institutions, and other organizations to increase participation of such institutions in intelligence-related engineering, research, and development activities and contracts.

(E) Specific goals, incentives, and metrics to increase and measure the capacity of covered institutions to address the engineering, research, and development needs of the intelligence community.

(3) CONSULTATION.—In developing the plan under paragraph (1), the Director shall consult with covered institutions and other departments or agencies of the United States Government or private sector organizations that the Director determines appropriate.

(4) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Director shall submit to the congressional intelligence committees, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives, and make publicly available on the internet website of the Director, a report containing the plan under paragraph (1).

(b) ACTIVITIES TO SUPPORT RESEARCH AND ENGINEERING CAPACITY.—Subject to the availability of appropriations for such purpose, the Director may establish a program to award contracts, grants, or other agreements, on a competitive basis, and to perform other appropriate activities, for any of the following purposes:

(1) Developing the capability, including the workforce and the research infrastructure, for covered institutions to more effectively compete for intelligence-related engineering, research, and development activities and contracts.

(2) Any other purposes the Director determines appropriate to enhance the capabilities of covered institutions to carry out intelligence-related engineering, research, and development activities and contracts.

(c) INCREASED PARTNERSHIPS BETWEEN IARPA AND COVERED INSTITUTIONS.—The Director shall establish goals and incentives to encourage the Intelligence Advanced Research Projects Activity to—

(1) partner with covered institutions to advance the research and development needs of the intelligence community through partnerships and collaborations with the Intelligence Advanced Research Projects Activity; and

(2) if the Director determines appropriate, foster the establishment of similar relationships between such institutions and other organizations that have partnerships with the Intelligence Advanced Research Projects Activity.

(d) COVERED INSTITUTION DEFINED.—In this section, the term "covered institution" means the following:

(1) A part B institution (as defined in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061)).

(2) An institution of higher education (as defined in section 101 of the Higher Education Act of 1965(20 U.S.C. 1001)) not covered by paragraph (1) at which not less than 50 percent of the total student enrollment consists of students from ethnic groups that are underrepresented in the fields of science and engineering, as determined by the Director of National Intelligence.

SEC. 6813. REPORTS ON PERSONNEL VETTING PROCESSES AND PROGRESS UNDER TRUSTED WORKFORCE 2.0 INITIATIVE.

(a) DEFINITIONS.—In this section:

(1) AUTHORIZED ADJUDICATIVE AGENCY; AUTHORIZED INVESTIGATIVE AGENCY; PERSONNEL SECURITY INVESTIGATION; PERIODIC REINVESTIGATION.—The terms "authorized adjudicative agency", "authorized investigative agency", "personnel security investigation", and "periodic reinvestigation" have the meanings given those terms in section 3001(a) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341(a)).

(2) CONTINUOUS VETTING; COUNCIL; SECURITY EXECUTIVE AGENT.—The terms "continuous vetting", "Council", and "Security Executive Agent" have the meanings given those terms in section 6601 of the Damon Paul Nelson and Matthew Young Pollard Intelligence Authorization Act for Fiscal Years 2018, 2019, and 2020 (50 U.S.C. 3352).

(b) REPORTS.—Not later than September 30, 2023, and annually thereafter until September 30, 2027, the Security Executive Agent, in coordination with the Chair and other Principals of the Council, shall submit to Congress a report on the personnel vetting processes of the United States Government.

(c) ELEMENTS.—Each report under subsection (b) shall include, with respect to the preceding fiscal year, the following:

(1) An analysis of the timeliness, costs, and other related information for the initiations, investigations (including initial investigations and any required periodic reinvestigations), and adjudications for personnel vetting purposes. Such analysis shall include the following:

(A) The average periods of time taken (from the date of an agency's receipt of a completed security clearance application to the date of the ultimate disposition and notification to the subject and the employer of the subject) by each authorized investigative agency and authorized adjudicative agency, to the greatest extent practicable, to initiate investigations, conduct investigations, and adjudicate security clearances, as compared with established timeliness objectives.

(B) The number of initial investigations and periodic reinvestigations initiated and adjudicated by each author-

ized investigative agency and authorized adjudicative agency, to the extent practicable.

(C) The number of initial investigations and periodic reinvestigations carried over to the fiscal year covered by the report from a prior fiscal year by each authorized investigative agency and authorized adjudicative agency, to the greatest extent practicable.

(D) The number of initial investigations and periodic reinvestigations that resulted in a denial or revocation of a security clearance by each authorized adjudicative agency.

(E) The costs to the executive branch relating to personnel security clearance initiations, investigations, adjudications, revocations, and continuous vetting with respect to such clearances.

(F) A discussion of any impediments, including with respect to resources, personnel, or authorities, to the timely processing of personnel security clearances.

(G) The number of individuals who hold a personnel security clearance and are enrolled in a program of continuous vetting with respect to such clearance, and the numbers and types of adverse actions taken by each authorized adjudicative agency as a result of such continuous vetting.

(H) The number of personnel security clearances awaiting or under investigation (including initial investigation and periodic reinvestigation) by the Director of the Defense Counterintelligence and Security Agency and each authorized investigative agency.

(I) Such other information as the Security Executive Agent may determine appropriate, including any recommendations to improve the effectiveness, timeliness, and efficiency of personnel security clearance initiations, investigations, and adjudications.

(2) An analysis of the status of the implementation of the Trusted Workforce 2.0 initiative sponsored by the Council, including the following:

(A) A list of the policies issued by the Council for the Trusted Workforce 2.0 initiative, and a list of expected issuance dates for planned policies of the Council for such initiative.

(B) A list of the departments and agencies of the executive branch that have identified a senior implementation official to be accountable for the implementation of the Trusted Workforce 2.0 initiative, in accordance with the memorandum on transforming Federal personnel vetting issued by the Assistant to the President for National Security Affairs on December 14, 2021, including an identification of the position of such senior implementation official within the respective department or agency.

(C) A list of the departments and agencies of the executive branch that have submitted implementation plans, and subsequent progress reports, with respect to the Trusted Workforce 2.0 initiative, as required by the memorandum specified in subparagraph (B).

(D) A summary of the progress that the departments and agencies of the executive branch have made implementing the Trusted Workforce 2.0 initiative.

(3) An analysis of the transfers between, and reciprocal recognition among, the heads of the departments and agencies of the executive branch of security clearance background investigations and determinations and other investigations and determinations relating to personnel vetting (including with respect to trust, suitability, fitness, credentialing, and access). Such analysis shall include, with respect to such investigations and determinations, the following:

(A) The number of employees for whom a prior such investigation or determination was recognized and accepted by the head of a department or agency without the head requiring additional investigative or adjudicative steps, disaggregated by department or agency, to the greatest extent practicable.

(B) The number of employees for whom a prior such investigation or determination was not recognized or accepted by the head of a department or agency without the head requiring additional investigative or adjudicative steps, disaggregated by department or agency, to the greatest extent practicable.

(C) The reasons most frequently cited by such heads for the failure to recognize or accept a prior such investigation or determination, disaggregated by department or agency.

(D) The average number of days for the head of a department or agency to recognize and accept a prior such investigation or determination (from the date the head initiates the process to consider the prior investigation or determination for recognition and acceptance, to the date the head makes a final determination on such recognition and acceptance), disaggregated by agency, to the greatest extent practicable.

(4) A discussion of any impediments, constraints, and opportunities relating to—

(A) the timeliness of the personnel security clearance process across the United States Government;

(B) the implementation of the Trusted Workforce 2.0 initiative;

(C) the transfer and reciprocal recognition of determinations relating to personnel vetting between and among departments and agencies; and

(D) the completeness and provision of data from elements of the intelligence community, pursuant to paragraphs (1), (2), and (3) of this subsection.

SEC. 6814. REPORTS RELATING TO PROGRAMS OF RECORD OF NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY.

(a) FINDINGS.—Congress finds the following:

(1) The comprehensive identification of National Geospatial-Intelligence Agency programs and activities, to include significant, enduring programs determined by the Agency to be "programs of record", is a critical element for enabling

budget auditability and oversight by the Office of the Director of National Intelligence, the Office of Management and Budget, and the congressional intelligence committees.

(2) In order to improve how the National Geospatial-Intelligence Agency justifies and oversees resources in support of core missions and authorities, the Agency has committed to establish a deliberate acquisition structure, modeled after Department of Defense best practices, with programs and activities aligned under a Program Executive Office structure.

(3) Establishing an effective Program Executive Office structure at the National Geospatial-intelligence Agency will ensure clearly articulated acquisition efforts that have defined requirements and program scope with traceability from capabilities to deliverables to Programs of Record to budget materials.

(b) REPORTS REQUIRED.—

(1) REPORTS TO CONGRESSIONAL INTELLIGENCE COMMITTEES AND DEFENSE SUBCOMMITTEES OF CONGRESSIONAL APPROPRIATIONS COMMITTEES.—Not later than February 1, 2023, the Director of the National Geospatial-Intelligence Agency, consistent with the protection of intelligence sources and methods, shall submit to the congressional intelligence committees, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives reports on the programs and activities of the Agency. Such reports shall include, at a minimum, the following:

(A) An identification of any definition for the term "program of record" used by the Agency during the period beginning October 1, 2017, and ending on the date of the submission of the report.

(B) A detailed description of each current program and activity of the Agency, including each current program of record of the Agency.

(C) A detailed explanation of how funding and other information relating to each such program of record or other program or activity may be located within the budget justification materials submitted to Congress.

(D) An in-process review of the program element office planning and implementation efforts.

(E) Identification of limitations and additional support required by the Agency to implement program element offices and related changes to financial management systems.

(2) REPORT TO CONGRESSIONAL INTELLIGENCE AND DEFENSE COMMITTEES.—

(A) DEFINITION OF APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term "appropriate congressional committees" means—

(i) the congressional intelligence committees; and

(ii) the Committee on Armed Services and the Subcommittee on Defense of the Committee on Appropriations of the Senate; and

(iii) the Committee on Armed Services and Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

(B) REPORT REQUIRED.—Not later than February 1, 2023, the Director of the National Geospatial-Intelligence Agency, consistent with the protection of intelligence sources and methods, shall submit to the appropriate congressional committees a report on the programs and activities of the Agency that are funded in full or in part under the Military Intelligence Program. Such report shall include, at a minimum, the following:

(i) An identification of any definition for the term "program of record" used by the Agency during the period beginning October 1, 2017 and ending on the date of the submission of the report.

(ii) A detailed description of each current program and activity of the Agency funded in full or in part under the Military Intelligence Program, including each current program of record of the Agency funded in full or in part under the Military Intelligence Program.

(iii) A detailed explanation of how funding and other information relating to each such program of record or other program or activity funded in full or in part under the Military Intelligence Program may be located within the budget justification materials submitted to Congress.

(3) FORM.—Each report under this subsection may be submitted in classified form.

SEC. 6815. PLAN REGARDING SOCIAL MEDIA DATA AND THREAT ANALYSIS CENTER.

(a) DEFINITION OF APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term "appropriate congressional committees" has the meaning given that term in section 5323(h) of the Damon Paul Nelson and Matthew Young Pollard Intelligence Authorization Act for Fiscal Years 2018, 2019, and 2020 (50 U.S.C. 3369(h)).

(b) PLAN.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the appropriate congressional committees a plan to operationalize the Social Media Data and Threat Analysis Center in accordance with section 5323 of the Damon Paul Nelson and Matthew Young Pollard Intelligence Authorization Act for Fiscal Years 2018, 2019, and 2020 (50 U.S.C. 3369).

(c) ELEMENTS.—The plan under subsection (b) shall include a description of how the Social Media Data and Threat Analysis Center shall—

(1) coordinate with social media companies, independent organizations and researchers, and other public-facing internet-based platforms to determine—

(A) what categories of data and metadata are useful indicators of internet-based foreign malign influence activities; and

(B) how such data and metadata may be shared effectively with the Center and with independent organizations and researchers while protecting the privacy and civil liberties of United States users of social media platforms and other public-facing internet-based platforms; and

(2) develop criteria under which social media companies and other public-facing internet-based platforms share indicators of internet-based foreign malign influence activities with the Center and independent organizations and researchers, including a description of—

(A) the timeliness and consistency of such sharing of indicators;

(B) the categories of indicators to be shared; and

(C) the protection, in consultation with the head of the Office of Civil Liberties, Privacy, and Transparency as may be appropriate, of privacy, civil liberties, and constitutionally protected activities of users of social media platforms and other public-facing internet-based platforms.

SEC. 6816. REPORT ON USE OF PUBLICLY AVAILABLE SOCIAL MEDIA INFORMATION IN PERSONNEL VETTING DETERMINATIONS.

(a) DEFINITIONS OF CONTINUOUS VETTING, COUNCIL, AND SECURITY EXECUTIVE AGENT.—In this section, the terms "continuous vetting", "Council", and "Security Executive Agent" have the meanings given those terms in section 6601 of the Damon Paul Nelson and Matthew Young Pollard Intelligence Authorization Act for Fiscal Years 2018, 2019, and 2020 (50 U.S.C. 3352).

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence, in coordination with other heads of the elements of the intelligence community that the Director determines appropriate, and in consultation with the other principal members of the Council, shall submit to Congress a report regarding the current and planned use of publicly available social media information in the personnel vetting and security clearance processes.

(c) ELEMENTS.—The report under subsection (b) shall include the following:

(1) A description of how departments and agencies of the United States Government have implemented Security Executive Agent Directive 5 titled "Collection, Use, and Retention of Publicly Available Social Media Information in Personnel Security Background Investigations and Adjudications", and relevant agency implementing guidance, including Department of Defense Instruction 1325.06 titled "Handling Protest, Extremist, and Criminal Gang Activities among Members of the Armed Forces".

(2) A description of how the use of publicly available social media in personnel vetting determinations and security clearance investigations and adjudications is, or will be, captured in the National Background Investigation Services system and other information technology systems used in the personnel vetting process.

(3) A description of how publicly available social media information is used, and will be used, in continuous vetting and security clearances processes and insider threat programs.

(4) A description of any privacy or civil liberties concerns with the use of publicly available social media information in personnel vetting or security clearance determinations, including a discussion of the risks, benefits, and drawbacks of allowing for the voluntary provision of, or voluntary access to, non-publicly available social media information in the regular course of personnel vetting and security clearance processes.

(5) A discussion of the extent to which officials and entities of the United States Government responsible for privacy and civil liberties matters, including the Chief of the Office of Civil Liberties, Privacy, and Transparency of the Office of the Director of National Intelligence and the civil liberties officers of departments and agencies of the United States Government, are involved in the development and operation of programs to use social media information in personnel vetting and security clearance processes.

(6) A discussion of any impediments, constraints, risks, or drawbacks relating to the use of publicly available social media information in personnel vetting and security clearance processes, including—

(A) challenges associated with implementation of Security Executive Agent Directive 5, Department of Defense Instruction 1325.06, and other relevant guidance;

(B) the resources required, including with respect to personnel, funding, and information systems, to gather, assess, and make use of such information; and

(C) an analysis of the costs and benefits of the use of publicly available social media information.

(7) An implementation plan for the future use of publicly available social media information, based on relevant findings under paragraphs (1) through (6).

SEC. 6817. REPORT ON STRENGTHENING WORKFORCE DIVERSITY PLANNING AND OVERSIGHT.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence, in coordination with the heads of the elements of the intelligence community, shall submit to the congressional intelligence committees, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives a report discussing steps to enhance the strategic planning for, measure the progress of, and assess barriers to workforce diversity in the intelligence community.

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

(1) A discussion of existing, updated, or new guidance requiring all elements of the intelligence community to maintain current and complete diversity strategic plans that contain specific objectives, timeframes, and responsibilities.

(2) A discussion of progress made by individual elements toward maintaining such plans.

(3) A discussion of existing, updated, or new guidance to ensure individual elements develop performance measures to assess the contribution of activities toward achieving diversity goals and overall progress.

(4) A discussion of progress made by individual elements toward developing measures to assess progress toward achieving diversity management efforts.

(5) A discussion of existing, updated, or new guidance ensuring that each element routinely identifies and takes steps toward eliminating barriers to workforce diversity.

(6) A discussion of steps taken by the Director to ensure that individual elements are routinely completing required assessments to identify and eliminate barriers to diversity.

(7) A discussion of steps taken by the Director to establish specific implementation objectives and timeframes for the elements that support intelligence community-wide diversity goals to ensure the elements are held accountable for making progress.

SEC. 6818. REPORT ON TRANSITION OF NATIONAL RECONNAISSANCE OFFICE TO DIGITAL ENGINEERING ENVIRONMENT.

(a) FINDINGS.—Congress finds the following:

(1) Potential foreign adversaries are outpacing the United States in the fielding of new generations of space systems that dull the edge the United States has enjoyed in space.

(2) A digital engineering environment, also known as digital systems engineering, reduces the time to field new space systems.

(3) Digital engineering environment tools enable the rapid iterations of requirements and architectures into digital system depictions capable of use by private industry to further the design and development of space systems.

(b) SENSE OF CONGRESS.—It is the sense of Congress that, to maintain a competitive advantage in space, the National Reconnaissance Office should transition to a digital engineering environment by not later than 3 years after the date of the enactment of this Act.

(c) REPORT.—

(1) SUBMISSION.—Not later than 180 days after the date of the enactment of this Act, the Director of the National Reconnaissance Office shall submit to the appropriate congressional committees a report that contains the following:

(A) A plan for the transition of the National Reconnaissance Office to a digital engineering environment.

(B) An identification of the date by which such transition shall be completed.

(C) A description of the metrics the Director plans to use to measure progress made with respect to such transition and resulting efficiencies gained.

(D) A description of the initial pilot programs of the National Reconnaissance Office relating to digital engineering and the plans to expand such pilot programs in scale and scope with respect to acquisition carried out under such pilot programs.

(E) A description of any training requirements or certifications necessary to advance a digital engineering environment within the National Reconnaissance Office.

(F) A description of how the Director plans to incorporate input and best practices from private industry to facilitate and accelerate the transition of the National Reconnaissance Office to a digital engineering environment.

(2) FORM.—The report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the congressional intelligence committees; and

(2) the congressional defense committees (as defined in section 101(a)(16) of title 10, United States Code).

SEC. 6819. [6 U.S.C. 125 note] BRIEFING ON DEPARTMENT OF HOMELAND SECURITY INTELLIGENCE ACTIVITIES.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the following:

(A) The congressional intelligence committees.

(B) The Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate.

(C) The Committee on Homeland Security and the Committee on Appropriations of the House of Representatives.

(2) COMPONENT OF THE DEPARTMENT OF HOMELAND SECURITY.—The term "component of the Department of Homeland Security" means the following components of the Department of Homeland Security:

(A) The Cybersecurity and Infrastructure Security Agency Threat Management Division.

(B) The Federal Emergency Management Agency Protection and National Preparedness, Office of Counterterrorism and Security Preparedness.

(C) The Transportation Security Administration Office of Intelligence and Analysis.

(D) The United States Citizenship and Immigration Services Fraud Detection and National Security Directorate, Field Operations Directorate, and Collateral Duty Intelligence.

(E) The United States Customs and Border Protection Office of Intelligence.

(F) The United States Immigration and Customs Enforcement Homeland Security Investigations, Office of Intelligence, and Special Agent in Charge Intelligence Program.

(3) INTELLIGENCE ACTIVITY.—The term "intelligence activity" shall be interpreted consistent with how such term is used in section 502 of the National Security Act of 1947 (50 U.S.C. 3092).

(b) BRIEFING ON INTELLIGENCE ACTIVITIES.—Consistent with section 501 of the National Security Act of 1947 (50 U.S.C. 3091),

not later than 30 days after the date of the enactment of this Act, the Chief Intelligence Officer of the Department of Homeland Security shall provide the appropriate congressional committees a briefing on the intelligence activities of elements of the Department of Homeland Security that are not elements of the intelligence community. Such briefing shall include the following:

(1) A comprehensive description of all intelligence activities conducted during the period beginning on January 1, 2018, and ending on the date of the briefing, by any component of the Department of Homeland Security that conducts intelligence activities.

(2) With respect to each such intelligence activity, a description of the activity, including, at a minimum—

(A) the nature of the activity;

(B) the component undertaking the activity;

(C) the legal authority for such activity; and

(D) the source of funding for such activity.

(3) A description and the quantity of any types of finished intelligence products, or intelligence information reports, produced or contributed to by a component of the Department of Homeland Security that conducts intelligence activities during the period specified in paragraph (1).

(4) An identification of any external or internal guidelines, policies, processes, practices, or programs governing the collection, retention, analysis, or dissemination by such a component of information regarding United States citizens, lawful permanent residents of the United States, or individuals located within the United States.

(c) FORM.—The briefing under subsection (b) may be provided in classified form.

(d) ADDITIONAL BRIEFINGS.—Not later than 1 year after the date on which the Chief Intelligence Officer provides the briefing under subsection (b) and not less frequently than once each year thereafter, the Chief Intelligence Officer shall provide the appropriate congressional committees a briefing on any new intelligence activities commenced by any component of the Department of Homeland Security and any that have been terminated.

SEC. 6820. REPORT ON DECLASSIFICATION EFFORTS OF CENTRAL INTELLIGENCE AGENCY.

Not later than 270 days after the date of the enactment of this Act, the Inspector General of the Central Intelligence Agency shall submit to the congressional intelligence committees, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives a report on the declassification efforts of the Central Intelligence Agency. Such report shall include—

(1) an identification of the resources that are dedicated to such efforts; and

(2) an assessment as to whether such resources are sufficient.

SEC. 6821. REPORT ON NATIONAL SPACE INTELLIGENCE CENTER.

(a) REPORT.—Not later than March 1, 2023, the Director of National Intelligence, in coordination with the Chief of Space Operations, shall submit to the appropriate congressional committees a report on the National Space Intelligence Center.

(b) MATTERS INCLUDED.—The report under subsection (a) shall include the following:

(1) A description of the status of the National Space Intelligence Center since the activation of the Center and the implications of the Center being aligned under a Field Command rather than a field operating agency aligned to the Director of Intelligence, Surveillance, and Reconnaissance of the Space Force.

(2) A review of the ability of the Center to address the full set of national space intelligence analytical demands (including with respect to acquisition and operational mission requirements of the Space Force, the Department of Defense, the intelligence community, and other national customers) while being assigned as a subordinate to Space Operations Command, a Field Command, including—

(A) an assessment of the ability of the Center to respond to the broadest space intelligence requirements as compared to a service specific need; and

(B) a review specifically addressing any perceived mission misalignment, potential mitigating measures, or other structural organization concerns.

(3) An assessment of—

(A) the current resourcing posture, including any additional personnel required as a result of subordination to a Field Command; and

(B) the resourcing posture if the Center were aligned to the Director of Intelligence, Surveillance, and Reconnaissance of the Space Force as described in paragraph (1).

(4) Lessons learned since unit activation, including with respect to—

(A) organizational efficiencies and inefficiencies;

(B) financial implications;

(C) organizational redundancy;

(D) parity mismatch and synergies with other service intelligence centers; and

(E) lessons learned through comparisons to other service intelligence centers organized as a field operating agency and aligned under the senior intelligence officer of the respective Armed Force.

(c) FORM.—The report under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term "appropriate congressional committees" means the following:

(1) The congressional intelligence committees.

(2) The congressional defense committees (as defined in section 101(a)(16) of title 10, United States Code).

SEC. 6822. REPORT ON IMPLEMENTATION OF EXECUTIVE ORDER 13556, REGARDING CONTROLLED UNCLASSIFIED INFORMATION.

(a) DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term "appropriate committees of Congress" means—

(1) the congressional intelligence committees;

(2) the Committee on Armed Services and the Subcommittee on Defense of the Committee on Appropriations of the Senate; and

(3) the Committee on Armed Services and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence and the Under Secretary of Defense for Intelligence and Security, in coordination with the heads of other elements of the intelligence community, shall submit to the appropriate committees of Congress a report on the implementation by the intelligence community of Executive Order 13556 (44 U.S.C. 3501 note; relating to controlled unclassified information).

(c) SENSE OF CONGRESS.—It is the sense of Congress that the National Security Council should accelerate the process of revising or replacing Executive Order 13556.

SEC. 6823. NATIONAL MUSEUM OF INTELLIGENCE AND SPECIAL OPERATIONS.

(a) RECOGNITION.—The privately-funded museum to honor the intelligence community and special operations forces that is planned to be constructed in Ashburn, Virginia, may be recognized, upon completion, as the "National Museum of Intelligence and Special Operations".

(b) PURPOSES.—The purpose of recognizing the National Museum of Intelligence and Special Operations under subsection (a) are to—

(1) commemorate the members of the intelligence community and special operations forces who have been critical to securing the Nation against enemies of the United States for nearly a century;

(2) preserve and support the historic role that the intelligence community and special operations forces have played, and continue to play, both in secrecy as well as openly, to keep the United States and its values and way of life secure; and

(3) foster a greater understanding of the intelligence community and special operations forces to ensure a common understanding, dispel myths, recognize those who are not otherwise able to be publicly recognized, and increase science, technology, engineering, and math education through museum programs designed to promote more interest and greater diversity in recruiting with respect to the intelligence and special operations career field.

SEC. 6824. TECHNICAL CORRECTIONS.

(a) NATIONAL SECURITY ACT OF 1947.—The National Security Act of 1947 (50 U.S.C. 3001 et seq.), as amended by this Act, is further amended as follows:

(1) In section 105(a)(1) (50 U.S.C. 3038(a)(1)), by striking "chairman" and inserting "Chairman".

(2) In section 113B(b) (50 U.S.C. 3049a(b))—

(A) in paragraph (1)(A), by striking "Under Secretary of Defense for Intelligence" and inserting "Under Secretary of Defense for Intelligence and Security"; and

(B) in paragraph (4), by striking "section 226 of the Homeland Security Act of 2002 (6 U.S.C. 147)"and inserting "section 2208 of the Homeland Security Act of 2002 (6 U.S.C. 658)".

(3) In section 118(a) (50 U.S.C. 3055(a)), by striking "a annual" and inserting "an annual".

(4) In section 301(j) (50 U.S.C. 3071(j)), by striking "and includes" and inserting "and including".

(5) In section 506G(c) (50 U.S.C. 3103(c)), by striking "pursuant section" and inserting "pursuant to section".

(6) In section 507(a)(1) (50 U.S.C. 3106(a)(1)), by striking "Generals" and inserting "General".

(7) In section 1024(g)(7)(A) (50 U.S.C. 3224(g)(7)(A)), by striking "places" and inserting "place".

(8) In section 1104(b)(1)(B) (50 U.S.C. 3234(b)(1)(B)), by striking the period at the end and inserting a semicolon.

(b) DAMON PAUL NELSON AND MATTHEW YOUNG POLLARD INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEARS 2018, 2019, AND 2020.—The Damon Paul Nelson and Matthew Young Pollard Intelligence Authorization Act for Fiscal Years 2018, 2019, and 2020 (division E of Public Law 116-92) is amended—

(1) in section 5704(b)(1) (50 U.S.C. 3334b(b)(1)), by striking ", and subject to paragraph (3)";

(2) in section 6316 (50 U.S.C. 3334b note), by striking "congressional committees" and inserting "congressional intelligence committees"; and

(3) in section 6604 (50 U.S.C. 3352c), by striking "subsections (b) and (c)" both places it appears and inserting "subsections (a) and (b)".

(c) INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2012.—Section 309(a)(5) of the Intelligence Authorization Act for Fiscal Year 2012 (50 U.S.C. 3334e) is amended by striking "section 3542(b)" and inserting "section 3552".

(d) PUBLIC INTEREST DECLASSIFICATION ACT OF 2000.—The Public Interest Declassification Act of 2000 (50 U.S.C. 3355 et seq.) is amended—

(1) in section 703(a)(2) (50 U.S.C. 3355a(a)(2)), by striking "Executive Order 12958" and inserting "Executive Order 13526";

(2) in section 704(e)(3) (50 U.S.C. 3355b(e)(3)), by striking the comma before "shall";

(3) in section 705(c) (50 U.S.C. 3355c(c)), by striking "section 103(c)(6) of the National Security Act of 1947 (50 U.S.C. 403-3(c)(6))" and inserting "section 102A(i) of the National Security Act of 1947 (50 U.S.C. 3024(i))"; and

(4) in section 706 (50 U.S.C. 3355d), by striking "Executive Order No. 12958" both places it appears and inserting "Executive Order 13526".

DIVISION G—HOMELAND SECURITY

TITLE LXXI—HOMELAND SECURITY MATTERS

Subtitle A—Strengthening Security in Our Communities

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

Subtitle B—Strengthening DHS Management, Policymaking, and Operations

Sec. 7111. Joint Task Forces of the Department of Homeland Security.
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Sec. 7113. Daily public report of covered contract awards.
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Sec. 7115. Department of Homeland Security mentor-protégé program.
Sec. 7116. DHS economic security council.

Subtitle C—Enhancing Cybersecurity Training and Operations

Sec. 7121. President's Cup Cybersecurity Competition.
Sec. 7122. Industrial control systems cybersecurity training.
Sec. 7123. National Computer Forensics Institute reauthorization.
Sec. 7124. Report on cybersecurity roles and responsibilities of the Department of Homeland Security.

Subtitle D—Enhancing Transportation and Border Security Operations

Sec. 7131. TSA reaching across nationalities, societies, and languages to advance traveler education.
Sec. 7132. One-stop pilot program.
Sec. 7133. Report on efforts of the Department of Homeland Security to deter vehicular terrorist attacks (Darren Drake).
Sec. 7134. DHS illicit cross-border tunnel defense.
Sec. 7135. Providing training for U.S. Customs and Border Protection personnel on the use of containment devices to prevent secondary exposure to fentanyl and other potentially lethal substances.
Sec. 7136. Reports, evaluations, and research regarding drug interdiction at and between ports of entry.

Subtitle E—Technical Corrections, Conforming Changes, and Improvements

Sec. 7141. Quadrennial homeland security review technical corrections.
Sec. 7142. Technical, conforming, and clerical amendments.
Sec. 7143. CISA technical corrections and improvements.

Subtitle A—Strengthening Security in Our Communities

SEC. 7101. ENHANCEMENTS TO FUNDING AND ADMINISTRATION OF NONPROFIT SECURITY GRANT PROGRAM OF THE DEPARTMENT OF HOMELAND SECURITY.

(a) IN GENERAL.—Section 2009 of the Homeland Security Act of 2002 (6 U.S.C. 609a) is amended—

(1) in subsection (a), by inserting "or other threats" before the period at the end;

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking "(a)"; and

(B) by amending paragraph (2) to read as follows:

"(2) determined by the Secretary to be at risk of terrorist attacks or other threats.";

(3) in subsection (c)—

(A) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (E), respectively, and moving such subparagraphs, as so redesignated, two ems to the right;

(B) in the matter preceding subparagraph (A), as so redesignated, by striking "The recipient" and inserting the following:

"(1) IN GENERAL.—The recipient";

(C) in subparagraph (A), as so redesignated, by striking "equipment and inspection and screening systems" and inserting "equipment, inspection and screening systems, and alteration or remodeling of existing buildings or physical facilities";

(D) by inserting after subparagraph (B), as so redesignated, the following new subparagraphs:

"(C) Facility security personnel costs.

"(D) Expenses directly related to the administration of the grant, except that those expenses may not exceed 5 percent of the amount of the grant."; and

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

"(2) RETENTION.—Each State through which a recipient receives a grant under this section may retain not more than 5 percent of each grant for expenses directly related to the administration of the grant.

"(3) OUTREACH AND TECHNICAL ASSISTANCE.—

"(A) IN GENERAL.—If the Administrator establishes target allocations in determining award amounts under the Program, a State may request a project to use a portion of the target allocation for outreach and technical assistance if the State does not receive enough eligible applications from nonprofit organizations located outside high-risk urban areas.

"(B) PRIORITY.—Any outreach or technical assistance described in subparagraph (A) should prioritize underserved communities and nonprofit organizations that are traditionally underrepresented in the Program.

"(C) PARAMETERS.—In determining grant guidelines under subsection (g), the Administrator may determine the parameters for outreach and technical assistance.";

(4) in subsection (e)—

(A) by striking "2020 through 2024" and inserting "2022 through 2028";

(B) by striking "on the expenditure" and inserting" on the following:

"(1) The expenditure"; and

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

"(2) The number of applications submitted by eligible nonprofit organizations to each State.

"(3) The number of applications submitted by each State to the Administrator.

"(4) The operations of the program office of the Program, including staffing resources and efforts with respect to subparagraphs (A) through (D) of subsection (c)(1)."; and

(5) by striking subsection (f) and inserting the following new subsections:

"(f) ADMINISTRATION.—Not later than 120 days after the date of enactment of this subsection, the Administrator shall ensure that within the Federal Emergency Management Agency a program office for the Program (in this subsection referred to as the 'program office') shall—

"(1) be headed by a senior official of the Agency; and

"(2) administer the Program (including, where appropriate, in coordination with States), including relating to—

"(A) outreach, engagement, education, and technical assistance and support to eligible nonprofit organizations described in subsection (b), with particular attention to those organizations in underserved communities, before, during, and after the awarding of grants, including web-based training videos for eligible nonprofit organizations that provide guidance on preparing an application and the environmental planning and historic preservation process;

"(B) the establishment of mechanisms to ensure program office processes are conducted in accordance with constitutional, statutory, and regulatory requirements that protect civil rights and civil liberties and advance equal access for members of underserved communities;

"(C) the establishment of mechanisms for the Administrator to provide feedback to eligible nonprofit organizations that do not receive grants;

"(D) the establishment of mechanisms to identify and collect data to measure the effectiveness of grants under the Program;

"(E) the establishment and enforcement of standardized baseline operational requirements for States, including requirements for States to eliminate or prevent any administrative or operational obstacles that may impact eligible nonprofit organizations described in subsection (b) from receiving grants under the Program;

"(F) carrying out efforts to prevent waste, fraud, and abuse, including through audits of grantees; and

"(G) promoting diversity in the types and locations of eligible nonprofit organizations that are applying for grants under the Program.

"(g) GRANT GUIDELINES.—For each fiscal year, before awarding grants under this section, the Administrator—

"(1) shall publish guidelines, including a notice of funding opportunity or similar announcement, as the Administrator determines appropriate; and

"(2) may prohibit States from closing application processes before the publication of those guidelines.

"(h) PAPERWORK REDUCTION ACT.—Chapter 35 of title 44, United States Code (commonly known as the 'Paperwork Reduction Act'), shall not apply to any changes to the application materials, Program forms, or other core Program documentation intended to enhance participation by eligible nonprofit organizations in the Program.

"(i) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There is authorized to be appropriated $360,000,000 for each of fiscal years 2023 through 2028 for grants under this section, of which—

"(A) $180,000,000 each such fiscal year shall be for recipients in high-risk urban areas that receive funding under section 2003; and

"(B) $180,000,000 each such fiscal year shall be for recipients in jurisdictions that do not so receive such funding.

"(2) OPERATIONS AND SUPPORT.—There is authorized to be appropriated $18,000,000 for each of fiscal years 2023 through 2028 for Operations and Support at the Federal Emergency Management Agency for costs incurred for the management and administration (including evaluation) of this section.".

(b) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall seek to enter into a contract or other agreement with an independent research organization pursuant to which the organization will conduct a study that analyzes and reports on the following:

(A) The effectiveness of the Nonprofit Security Grant Program established under section 2009(a) of the Homeland Security Act 2002 (6 U.S.C. 609a(a)), as amended by subsection (a), for preparedness against terrorist attacks or other threats.

(B) The risk-based formula and allocations under such Program.

(C) The risk profile of and any identifiable factors leading to the low participation of traditionally underrepresented groups and States under such Program.

(2) SUBMISSION.—The report required under paragraph (1) shall be submitted to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Homeland Security of the House of Representatives, and the Committees on Appropriations of the Senate and the House of Representatives.

(3) FUNDING.—The Administrator may use funding authorized under subsection (j) of section 2009 of the Homeland Security Act of 2002 (6 U.S.C. 609a)), as amended by subsection (a), to carry out this subsection.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—Section 2008 of the Homeland Security Act of 2002 (6 U.S.C. 609) is amended—

(1) in subsection (c) by striking "sections 2003 and 2004" and inserting "sections 2003, 2004, and 2009"; and

(2) in subsection (e), by striking "section 2003 or 2004" and inserting "section 2003, 2004, or 2009".

SEC. 7102. PRESERVATION OF HOMELAND SECURITY CAPABILITIES.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Federal Emergency Management Agency.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives.

(3) COVERED HOMELAND SECURITY CAPABILITY.—The term "covered homeland security capability" means a homeland security capability related to preventing, preparing for, protecting against, or responding to acts of terrorism that—

(A) was developed or otherwise supported through grant funding under the UASI before the current fiscal year; and

(B) is at risk of being reduced or eliminated without additional Federal financial assistance.

(4) COVERED URBAN AREA.—The term "covered urban area" means an urban area that—

(A) during the current fiscal year did not receive grant funding under the UASI; and

(B) requires continued Federal assistance for the purpose of preserving a covered homeland security capability.

(5) SECRETARY.—The term "Secretary" means the Secretary of Homeland Security.

(6) UASI.—The term "UASI" means the Urban Area Security Initiative under section 2003 of the Homeland Security Act of 2002 (6 U.S.C. 604).

(b) REPORT AND PROPOSAL.—

(1) SUBMISSION TO CONGRESS.—Not later than 18 months after the date of the enactment of this Act, the Secretary, acting through the Administrator, shall submit to the appropriate congressional committees a report regarding covered homeland security capabilities, including a proposal relating to providing Federal assistance to covered urban areas to preserve such capabilities that is informed by the survey information collected pursuant to subsection (c)—

(A) under which the Administrator would make Federal financial assistance available for at least three consecutive fiscal years to covered urban areas; and

(B) that would allow covered urban areas to transition to other sources funding for such covered homeland security capabilities.

(2) REQUIREMENTS RELATING TO UASI FUNDS.—The proposal required under paragraph (1) shall contain the following:

(A) A prohibition on a covered urban area that receives Federal financial assistance described in paragraph (1)(A) during a fiscal year from also receiving funds under the UASI during such fiscal year.

(B) A requirement for a covered urban area to submit to the Administrator notice of whether such covered urban area would elect to receive—

(i) Federal financial assistance under paragraph (1)(A); or

(ii) funding under the UASI.

(3) ANALYSIS.—The report required under paragraph (1) shall include the following:

(A) An analysis of whether providing additional Federal financial assistance, as described in paragraph (1)(A), would allow covered urban areas to preserve covered homeland security capabilities on a long-term basis.

(B) An analysis of whether legislative changes to the UASI are necessary to ensure urban areas receiving funds under the UASI are able to preserve covered homeland security capabilities on a long-term basis.

(4) OTHER CONTENTS OF PROPOSAL.—The proposal required under paragraph (1) shall—

(A) set forth eligibility criteria for covered urban areas to receive Federal assistance described in paragraph (1)(A);

(B) identify annual funding levels that would be required to provide such Federal assistance, in accordance with the survey required under subsection (c); and

(C) consider a range of approaches to make such Federal assistance available to covered urban areas, including—

(i) modifications to the UASI in a manner that would not affect the availability of funding to urban areas under the UASI;

(ii) the establishment of a competitive grant program;

(iii) the establishment of a formula grant program; and

(iv) a timeline for the implementation of any such approach and, if necessary, a legislative proposal to authorize any such approach.

(c) SURVEY.—In developing the proposal required under subsection (b), the Administrator shall, to ascertain the scope of Federal financial assistance required, survey the following:

(1) Urban areas that did not receive grant funding under the UASI during the current fiscal year concerning covered homeland security capabilities that are at risk of being reduced or eliminated without additional Federal financial assistance.

(2) Urban areas that received grant funding under the UASI during the current fiscal year, but did not receive such funding during at least one fiscal year of the seven fiscal years immediately preceding the current fiscal year.

(3) Any other urban areas the Secretary determines appropriate.

(d) EXEMPTION.—The Secretary may exempt the Administrator from the requirements of subchapter I of chapter 35 of title 44, United States Code (commonly referred to as the "Paperwork Reduction Act"), for purposes of carrying out subsection (c) if the Secretary determines that complying with such requirements would delay the development of the proposal required under subsection (b).

(e) RULE OF CONSTRUCTION.—Nothing in this section may be construed as directing or authorizing the Administrator to implement the proposal required under subsection (b).

SEC. 7103. [6 U.S.C. 665l] SCHOOL AND DAYCARE PROTECTION.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act and annually thereafter, the Secretary of Homeland Security shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report regarding the following:

(1) The Department of Homeland Security's activities, policies, and plans to enhance the security of early childhood education programs, elementary schools, and secondary schools during the preceding year that includes information on the Department's activities through the Federal School Safety Clearinghouse.

(2) Information on all structures or efforts within the Department intended to bolster coordination among departmental components and offices involved in carrying out paragraph (1) and, with respect to each structure or effort, specificity on which components and offices are involved and which component or office leads such structure or effort.

(3) A detailed description of the measures used to ensure privacy rights, civil rights, and civil liberties protections in carrying out these activities.

(b) BRIEFING.—Not later than 30 days after the submission of each report required under subsection (a), the Secretary of Homeland Security shall provide to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a briefing regarding such report and the status of efforts to carry out plans included in such report for the preceding year.

(c) DEFINITIONS.—In this section, the terms "early childhood education program", "elementary school", and "secondary school" have the meanings given such terms in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

SEC. 7104. CYBERSECURITY GRANTS FOR SCHOOLS.

(a) IN GENERAL.—Section 2220 of the Homeland Security Act of 2002 (6 U.S.C. 665f) is amended by adding at the end the following new subsection:

"(e) GRANTS AND COOPERATIVE AGREEMENTS.—The Director may award financial assistance in the form of grants or cooperative agreements to States, local governments, institutions of higher education (as such term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)), nonprofit organizations, and other non-Federal entities as determined appropriate by the Director for the purpose of funding cybersecurity and infrastructure security education and training programs and initiatives to—

"(1) carry out the purposes of CETAP; and

"(2) enhance CETAP to address the national shortfall of cybersecurity professionals.".

(b) BRIEFINGS.—Paragraph (2) of subsection (c) of section 2220 of the Homeland Security Act of 2002 (6 U.S.C. 665f) is amended—

(1) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E) respectively; and

(2) by inserting after subparagraph (B) the following new subparagraph:

"(C) information on any grants or cooperative agreements made pursuant to subsection (e), including how any such grants or cooperative agreements are being used to enhance cybersecurity education for underserved populations or communities;".

SEC. 7105. TRANSNATIONAL CRIMINAL INVESTIGATIVE UNIT STIPEND.

(a) [6 U.S.C. 101 note] SHORT TITLE.—This section may be cited as the "Transnational Criminal Investigative Unit Stipend Act".

(b) STIPENDS FOR TRANSNATIONAL CRIMINAL INVESTIGATIVE UNITS.—

(1) IN GENERAL.—Subtitle H of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 451 et seq.) is amended by adding at the end the following:

"SEC. 890C. [6 U.S.C. 475] TRANSNATIONAL CRIMINAL INVESTIGATIVE UNITS

"(a) IN GENERAL.—The Secretary, with the concurrence of the Secretary of State, shall operate Transnational Criminal Investigative Units within Homeland Security Investigations.

"(b) COMPOSITION.—Each Transnational Criminal Investigative Unit shall be composed of trained foreign law enforcement officials who shall collaborate with Homeland Security Investigations to investigate and prosecute individuals involved in transnational criminal activity.

"(c) VETTING REQUIREMENT.—

"(1) IN GENERAL.—Before entry into a Transnational Criminal Investigative Unit, and at periodic intervals while serving in such a unit, foreign law enforcement officials shall be required to pass certain security evaluations, which may include a background check, a polygraph examination, a urinalysis test, or other measures that the Secretary determines to be appropriate.

"(2) LEAHY VETTING REQUIRED.—No member of a foreign law enforcement unit may join a Transnational Criminal Investigative Unit if the Secretary, in coordination with the Secretary of State, has credible information that such foreign law enforcement unit has committed a gross violation of human rights, consistent with the limitations set forth in section 620M of the Foreign Assistance Act of 1961 (22 U.S.C. 2378d).

"(3) APPROVAL AND CONCURRENCE.—The establishment and continued support of the Transnational Criminal Investigative Units who are assigned under paragraph (1)—

"(A) shall be performed with the approval of the chief of mission to the foreign country to which the personnel are assigned;

"(B) shall be consistent with the duties and powers of the Secretary of State and the chief of mission for a foreign country under section 103 of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4802) and

section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927), respectively; and

"(C) shall not be established without the concurrence of the Assistant Secretary of State for International Narcotics and Law Enforcement Affairs.

"(4) REPORT.—The Executive Associate Director of Homeland Security Investigations shall submit a report to the Committee on Foreign Relations of the Senate, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on the Judiciary of the Senate, the Committee on Foreign Affairs of the House of Representatives, the Committee on Homeland Security of the House of Representatives, and the Committee on the Judiciary of the House of Representatives that describes—

"(A) the procedures used for vetting Transnational Criminal Investigative Unit members to include compliance with the vetting required under this subsection; and

"(B) any additional measures that should be implemented to prevent personnel in vetted units from being compromised by criminal organizations.

"(d) MONETARY STIPEND.—The Executive Associate Director of Homeland Security Investigations is authorized to pay vetted members of a Transnational Criminal Investigative Unit a monetary stipend in an amount associated with their duties dedicated to unit activities.

"(e) ANNUAL BRIEFING.—The Executive Associate Director of Homeland Security Investigations, during the 5-year period beginning on the date of the enactment of this section, shall provide an annual unclassified briefing to the congressional committees referred to in subsection (c)(4), which may include a classified session, if necessary, that identifies—

"(1) the number of vetted members of Transnational Criminal Investigative Unit in each country;

"(2) the amount paid in stipends to such members, disaggregated by country;

"(3) relevant enforcement statistics, such as arrests and progress made on joint investigations, in each such country; and

"(4) whether any vetted members of the Transnational Criminal Investigative Unit in each country were involved in any unlawful activity, including human rights abuses or significant acts of corruption.".

(2) CLERICAL AMENDMENT.—The table of contents for the Homeland Security Act of 2002 (Public Law 107-296) is amended by inserting after the item relating to section 890B the following:

"Sec. 890C. Transnational Criminal Investigative Units.".

SEC. 7106. CHEMICAL SECURITY ANALYSIS CENTER.

(a) IN GENERAL.—Title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.) is amended by adding at the end the following new section:

"SEC. 323. [6 U.S.C. 195i] CHEMICAL SECURITY ANALYSIS CENTER

"(a) IN GENERAL.—The Secretary, acting through the Under Secretary for Science and Technology, shall designate the laboratory described in subsection (b) as an additional laboratory pursuant to the authority under section 308(c)(2), which shall be used to conduct studies, analyses, and research to assess and address domestic chemical security events.

"(b) LABORATORY DESCRIBED.—The laboratory described in this subsection is the laboratory known, as of the date of enactment of this section, as the Chemical Security Analysis Center.

"(c) LABORATORY ACTIVITIES.—Pursuant to the authority under section 302(4), the Chemical Security Analysis Center shall—

"(1) identify and develop approaches and mitigation strategies to domestic chemical security threats, including the development of comprehensive, research-based definable goals relating to such approaches and mitigation strategies;

"(2) provide an enduring science-based chemical threat and hazard analysis capability;

"(3) provide expertise regarding risk and consequence modeling, chemical sensing and detection, analytical chemistry, acute chemical toxicology, synthetic chemistry and reaction characterization, and nontraditional chemical agents and emerging chemical threats;

"(4) staff and operate a technical assistance program that provides operational support and subject matter expertise, design and execute laboratory and field tests, and provide a comprehensive knowledge repository of chemical threat information that is continuously updated with data from scientific, intelligence, operational, and private sector sources;

"(5) consult, as appropriate, with the Countering Weapons of Mass Destruction Office of the Department to mitigate, prepare, and respond to threats, hazards, and risks associated with domestic chemical security events; and

"(6) carry out such other activities authorized under this section as the Secretary determines appropriate.

"(d) SPECIAL RULE.—Nothing in this section amends, alters, or affects—

"(1) the responsibilities of the Countering Weapons of Mass Destruction Office of the Department; or

"(2) the activities or requirements authorized to other entities within the Federal Government, including the activities and requirements of the Environmental Protection Agency under section 112(r) of the Clean Air Act (42 U.S.C. 7412(r)), theToxic Substances Control Act (15 U.S.C. 2601 et seq.), and the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (commonly referred to as 'Superfund'; 42 U.S.C. 9601 et seq.).".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 322 the following new item:

"Sec. 323. Chemical Security Analysis Center.".

Subtitle B—Strengthening DHS Management, Policymaking, and Operations

SEC. 7111. JOINT TASK FORCES OF THE DEPARTMENT OF HOMELAND SECURITY.

(a) [6 U.S.C. 101 note] SHORT TITLE.—This section may be cited as the "DHS Joint Task Forces Reauthorization Act of 2022".

(b) DHS JOINT TASK FORCES.—Subsection (b) of section 708 of the Homeland Security Act of 2002 (6 U.S.C. 348) is amended—

(1) by amending paragraph (8) to read as follows:

"(8) JOINT TASK FORCE STAFF.—

"(A) IN GENERAL.—Each Joint Task Force shall have a staff, composed of personnel from relevant components and offices of the Department, to assist the Director of such Joint Task Force in carrying out the mission and responsibilities of such Joint Task Force.

"(B) REPORT.—The Secretary shall include in the report submitted under paragraph (6)(F)—

"(i) the number of personnel of each component or office permanently assigned to each Joint Task Force; and

"(ii) the number of personnel of each component or office assigned on a temporary basis to each Joint Task Force.";

(2) in paragraph (9)—

(A) in the heading, by striking "establishment" and inserting "mission; establishment";

(B) by amending subparagraph (A) to read as follows:

"(A) using leading practices in performance management and lessons learned by other law enforcement task forces and joint operations, establish—

"(i) the mission, strategic goals, and objectives of each Joint Task Force;

"(ii) the criteria for terminating each Joint Task Force; and

"(iii) outcome-based and other appropriate performance metrics for evaluating the effectiveness of each Joint Task Force with respect to the mission, strategic goals, and objectives established pursuant to clause (i), including—

"(I) targets for each Joint Task Force to achieve by not later than one and three years after such establishment; and

"(II) a description of the methodology used to establish such metrics;";

(C) in subparagraph (B)—

(iii) by striking "date of the enactment of this section" and insert "date of the enactment of the DHS Joint Task Forces Reauthorization Act of 2022";

(iv) by inserting "mission, strategic goals, objectives, and" before "metrics"; and

(v) by striking the period at the end and inserting "; and"; and

(D) by amending subparagraph (C) to read as follows:

"(C) not later than one year after the date of the enactment of the DHS Joint Task Forces Reauthorization Act of 2022 and annually thereafter, submit to the committees specified in subparagraph (B) a report that contains information on the progress in implementing the outcome-based and other appropriate performance metrics established pursuant to subparagraph (A)(iii).";

(3) in paragraph (11)—

(A) in the heading, by inserting "or termination" after "formation"; and

(B) by amending subparagraph (A) to read as follows:

"(A) IN GENERAL.—Not later than seven days after establishing or terminating a Joint Task Force under this subsection, the Secretary shall submit to the majority leader of the Senate, the minority leader of the Senate, the Speaker of the House of Representatives, the majority leader of the House of Representatives, the minority leader of the House of Representatives, and the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Commerce, Science, and Transportation of the Senate a notification regarding such establishment or termination, as the case may be. The contents of any such notification shall include the following:

"(i) The criteria and conditions required to establish or terminate the Joint Task Force at issue.

"(ii) The primary mission, strategic goals, objectives, and plan of operations of such Joint Task Force.

"(iii) If such notification is a notification of termination, information on the effectiveness of such Joint Task Force as measured by the outcome-based performance metrics and other appropriate performance metrics established pursuant to paragraph (9)(A)(iii).

"(iv) The funding and resources required to establish or terminate such Joint Task Force.

"(v) The number of personnel of each component or office permanently assigned to such Joint Task Force.

"(vi) The number of personnel of each component and office assigned on a temporary basis to such Joint Task Force.

"(vii) If such notification is a notification of establishment, the anticipated costs of establishing and operating such Joint Task Force.

"(viii) If such notification is a notification of termination, funding allocated in the immediately preceding fiscal year to such Joint Task Force for—

"(I) operations, notwithstanding such termination; and

"(II) activities associated with such termination.

"(ix) The anticipated establishment or actual termination date of such Joint Task Force, as the case may be.";

(4) in paragraph (12)—

(A) in subparagraph (A)—

(i) by striking "January 31, 2018, and January 31, 2021, the Inspector General of the Department" and inserting "one year after the date of the enactment of the DHS Joint Task Forces Reauthorization Act of 2022, the Comptroller General of the United States"; and

(ii) by inserting "an assessment of the effectiveness of the Secretary's utilization of the authority provided under this section for the purposes specified in subsection (b)(2) as among the range of options available to the Secretary to conduct joint operations among departmental components and offices and" before "a review of the Joint Task Forces"; and

(B) in subparagraph (B)—

(i) in the matter preceding clause (i), by striking "reviews" and inserting "review"; and

(ii) by amending clauses (i) and (ii) to read as follows:

"(i) an assessment of methodology utilized to determine whether to establish or terminate each Joint Task Force; and

"(ii) an assessment of the effectiveness of oversight over each Joint Task Force, with specificity regarding the Secretary's utilization of outcome-based or other appropriate performance metrics (established pursuant to paragraph (9)(A)(iii)) to evaluate the effectiveness of each Joint Task Force in measuring progress with respect to the mission, strategic goals, and objectives (established pursuant to paragraph (9)(A)(i)) of such Joint Task Force."; and

(5) in paragraph (13), by striking "2022" and inserting "2024".

SEC. 7112. HOMELAND PROCUREMENT REFORM ACT.

(a) IN GENERAL.—Subtitle D of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 391 et seq.) is amended by adding at the end the following new section:

"SEC. 836. [6 U.S.C. 397] REQUIREMENTS TO BUY CERTAIN ITEMS RELATED TO NATIONAL SECURITY INTERESTS

"(a) DEFINITIONS.—In this section:

"(1) COVERED ITEM.—The term 'covered item' means any of the following:

"(A) Footwear provided as part of a uniform.

"(B) Uniforms.

"(C) Holsters and tactical pouches.

"(D) Patches, insignia, and embellishments.

"(E) Chemical, biological, radiological, and nuclear protective gear.

"(F) Body armor components intended to provide ballistic protection for an individual, consisting of 1 or more of the following:

"(i) Soft ballistic panels.

"(ii) Hard ballistic plates.

"(iii) Concealed armor carriers worn under a uniform.

"(iv) External armor carriers worn over a uniform.

"(G) Any other item of clothing or protective equipment as determined appropriate by the Secretary.

"(2) FRONTLINE OPERATIONAL COMPONENT.—The term 'frontline operational component' means any of the following entities of the Department:

"(A) U.S. Customs and Border Protection.

"(B) U.S. Immigration and Customs Enforcement.

"(C) The United States Secret Service.

"(D) The Transportation Security Administration.

"(E) The Federal Protective Service.

"(F) The Federal Emergency Management Agency.

"(G) The Federal Law Enforcement Training Centers.

"(H) The Cybersecurity and Infrastructure Security Agency.

"(b) REQUIREMENTS.—

"(1) IN GENERAL.—The Secretary shall ensure that any procurement of a covered item for a frontline operational component meets the following criteria:

"(A)(i) To the maximum extent possible, not less than one-third of funds obligated in a specific fiscal year for the procurement of such covered items shall be covered items that are manufactured or supplied in the United States by entities that qualify as small business concerns, as such term is described under section 3 of the Small Business Act (15 U.S.C. 632).

"(ii) Covered items may only be supplied pursuant to subparagraph (A) to the extent that United States entities that qualify as small business concerns—

"(I) are unable to manufacture covered items in the United States; and

"(II) meet the criteria identified in subparagraph (B).

"(B) Each contractor with respect to the procurement of such a covered item, including the end-item manufacturer of such a covered item—

"(i) is an entity registered with the System for Award Management (or successor system) administered by the General Services Administration; and

"(ii) is in compliance with ISO 9001:2015 of the International Organization for Standardization (or successor standard) or a standard determined appropriate by the Secretary to ensure the quality of products and adherence to applicable statutory and regulatory requirements.

"(C) Each supplier of such a covered item with an insignia (such as any patch, badge, or emblem) and each

supplier of such an insignia, if such covered item with such insignia or such insignia, as the case may be, is not produced, applied, or assembled in the United States, shall—

"(i) store such covered item with such insignia or such insignia in a locked area;

"(ii) report any pilferage or theft of such covered item with such insignia or such insignia occurring at any stage before delivery of such covered item with such insignia or such insignia; and

"(iii) destroy any such defective or unusable covered item with insignia or insignia in a manner established by the Secretary, and maintain records, for three years after the creation of such records, of such destruction that include the date of such destruction, a description of the covered item with insignia or insignia destroyed, the quantity of the covered item with insignia or insignia destroyed, and the method of destruction.

"(2) WAIVER.—

"(A) IN GENERAL.—In the case of a national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.) or a major disaster declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), the Secretary may waive a requirement in subparagraph (A), (B) or (C) of paragraph (1) if the Secretary determines there is an insufficient supply of a covered item that meets such requirement.

"(B) NOTICE.—Not later than 60 days after the date on which the Secretary determines a waiver under subparagraph (A) is necessary, the Secretary shall provide to the Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate and the Committee on Homeland Security, the Committee on Oversight and Reform, and the Committee on Appropriations of the House of Representatives notice of such determination, which shall include the following:

"(i) Identification of the national emergency or major disaster declared by the President.

"(ii) Identification of the covered item for which the Secretary intends to issue the waiver.

"(iii) A description of the demand for the covered item and corresponding lack of supply from contractors able to meet the criteria described in subparagraph (B) or (C) of paragraph (1).

"(c) PRICING.—The Secretary shall ensure that covered items are purchased at a fair and reasonable price, consistent with the procedures and guidelines specified in the Federal Acquisition Regulation.

"(d) REPORT.—Not later than one year after the date of the enactment of this section and annually thereafter, the Secretary shall provide to the Committee on Homeland Security, the Committee on Oversight and Reform, the Committee on Small Business, and the

Committee on Appropriations of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs, the Committee on Small Business and Entrepreneurship, and the Committee on Appropriations of the Senate a briefing on instances in which vendors have failed to meet deadlines for delivery of covered items and corrective actions taken by the Department in response to such instances.

"(e) EFFECTIVE DATE.—This section applies with respect to a contract entered into by the Department or any frontline operational component on or after the date that is 180 days after the date of the enactment of this section.".

(b) STUDY.—

(1) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a study of the adequacy of uniform allowances provided to employees of frontline operational components (as such term is defined in section 836 of the Homeland Security Act of 2002, as added by subsection (a)).

(2) REQUIREMENTS.—The study conducted under paragraph (1) shall—

(A) be informed by a Department-wide survey of employees from across the Department of Homeland Security who receive uniform allowances that seeks to ascertain what, if any, improvements could be made to the current uniform allowances and what, if any, impacts current allowances have had on employee morale and retention;

(B) assess the adequacy of the most recent increase made to the uniform allowance for first year employees; and

(C) consider increasing by 50 percent, at minimum, the annual allowance for all other employees.

(c) ADDITIONAL REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall provide a report with recommendations on how the Department of Homeland Security could procure additional items from domestic sources and bolster the domestic supply chain for items related to national security to—

(A) the Committee on Homeland Security and Governmental Affairs, the Committee on Small Business and Entrepreneurship, and the Committee on Appropriations of the Senate; and

(B) the Committee on Homeland Security, the Committee on Oversight and Reform, the Committee on Small Business, and the Committee on Appropriations of the House of Representatives.

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

(A) A review of the compliance of the Department of Homeland Security with the requirements under section 604 of title VI of division A of the American Recovery and

Reinvestment Act of 2009 (6 U.S.C. 453b) to buy certain items related to national security interests from sources in the United States.

(B) An assessment of the capacity of the Department of Homeland Security to procure the following items from domestic sources:

(i) Personal protective equipment and other items necessary to respond to a pandemic such as that caused by COVID-19.

(ii) Helmets that provide ballistic protection and other head protection and components.

(iii) Rain gear, cold weather gear, and other environmental and flame resistant clothing.

(d) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107-296; 116 Stat. 2135) is amended by inserting after the item relating to section 835 the following:

"Sec. 836. Requirements to buy certain items related to national security interests.".

SEC. 7113. [6 U.S.C. 112 note] DAILY PUBLIC REPORT OF COVERED CONTRACT AWARDS.

(a) DAILY CONTRACT REPORTING REQUIREMENTS.—

(1) REPORT.—

(A) IN GENERAL.—The Secretary shall post, maintain, and update in accordance with paragraph (2), on a publicly available website of the Department, a daily report of all covered contract awards.

(B) CONTENTS.—Each report under this paragraph shall include, for each covered contract award, information relating to the following:

(i) The contract number, modification number, or delivery order number.

(ii) The contract type.

(iii) The amount obligated for the award.

(iv) The total contract value for the award, including all options.

(v) The description of the purpose for the award.

(vi) The number of proposals or bids received.

(vii) The name and address of the vendor, and whether the vendor is a small business.

(viii) The period and primary place of performance for the award.

(ix) Whether the award is multiyear.

(x) The contracting office.

(2) UPDATE.—The Secretary shall make updates referred to in paragraph (1) not later than five business days after the date on which a covered contract is authorized or modified.

(3) EFFECTIVE DATE.—Paragraph (1) shall take effect on the date that is 180 days after the date of the enactment of this Act.

(b) UNDEFINITIZED CONTRACT ACTION OR DEFINITIZED AMOUNT.—If a covered contract award reported under subsection (a) includes an undefinitized contract action, the Secretary shall—

(1) report the estimated total contract value for the award and the amount obligated upon award; and

(2) once there is a definitized amount for the award, update the total contract value and amount obligated.

(c) EXEMPTION.—Each report required under subsection (a) shall not include covered contract awards for which synopsis was exempted under section 5.202(a)(1) of the Federal Acquisition Regulation, or any successor thereto.

(d) DEFINITIONS.—In this section:

(1) COVERED CONTRACT AWARD.—The term "covered contract award"—

(A) means a contract action of the Department with a total contract value of not less than $4,000,000, including unexercised options; and

(B) includes—

(i) contract awards governed by the Federal Acquisition Regulation;

(ii) modifications to a contract award that increase the total value, expand the scope of work, or extend the period of performance;

(iii) orders placed on a multiple-award or multiple-agency contract that includes delivery or quantity terms that are indefinite;

(iv) other transaction authority agreements; and

(v) contract awards made with other than full and open competition.

(2) DEFINITIZED AMOUNT.—The term "definitized amount" means the final amount of a covered contract award after agreement between the Department and the contractor at issue.

(3) DEPARTMENT.—The term "Department" means the Department of Homeland Security.

(4) SECRETARY.—The term "Secretary" means the Secretary of Homeland Security.

(5) SMALL BUSINESS.—The term "small business" means an entity that qualifies as a small business concern, as defined under section 3 of the Small Business Act (15 U.S.C. 632).

(6) TOTAL CONTRACT VALUE.—The term "total contract value" means the total amount of funds expected to be provided to the contractor at issue under the terms of the contract through the full period of performance.

(7) UNDEFINITIZED CONTRACT ACTION.—The term "undefinitized contract action" means any contract action for which the contract terms, specifications, or price is not established prior to the start of the performance of the covered contract award.

(e) SUNSET.—This section shall cease to have force or effect on the date that is five years after the date of the enactment of this Act.

SEC. 7114. PREFERENCE FOR UNITED STATES INDUSTRY.

Section 308 of the Homeland Security Act of 2002 (6 U.S.C. 188) is amended by adding at the end the following new subsection:

"(d) PREFERENCE FOR UNITED STATES INDUSTRY.—

"(1) DEFINITIONS.—In this subsection:

"(A) COUNTRY OF CONCERN.—The term 'country of concern' means a country that—

"(i) is a covered nation, as such term is defined in section 4872(d) of title 10, United States Code; or

"(ii) the Secretary determines is engaged in conduct that is detrimental to the national security of the United States.

"(B) NONPROFIT ORGANIZATION; SMALL BUSINESS FIRM; SUBJECT INVENTION.—The terms 'nonprofit organization', 'small business firm', and 'subject invention' have the meanings given such terms in section 201 of title 35, United States Code.

"(C) MANUFACTURED SUBSTANTIALLY IN THE UNITED STATES.—The term 'manufactured substantially in the United States' means an item is a domestic end product.

"(D) DOMESTIC END PRODUCT.—The term 'domestic end product' has the meaning given such term in section 25.003 of title 48, Code of Federal Regulations, or any successor thereto.

"(3) WAIVERS.—

"(A) IN GENERAL.—Subject to subparagraph (B), in individual cases, the requirements under section 204 of title 35, United States Code, may be waived by the Secretary upon a showing by the small business firm, nonprofit organization, or assignee that reasonable but unsuccessful efforts have been made to grant licenses on similar terms to potential licensees that would be likely to manufacture substantially in the United States or that under the circumstances domestic manufacture is not commercially feasible.

"(B) CONDITIONS ON WAIVERS GRANTED BY DEPARTMENT.—

"(i) BEFORE GRANT OF WAIVER.—Before granting a waiver under subparagraph (A), the Secretary shall comply with the procedures developed and implemented by the Department pursuant to section 70923(b)(2) of the Build America, Buy America Act (enacted as subtitle A of title IX of division G of Public Law 117-58).

"(ii) PROHIBITION ON GRANTING CERTAIN WAIVERS.—The Secretary may not grant a waiver under subparagraph (A) if, as a result of such waiver, products embodying the applicable subject invention, or produced through the use of the applicable subject invention, would be manufactured substantially in a country of concern.".

SEC. 7115. DEPARTMENT OF HOMELAND SECURITY MENTOR-PROTÉGÉ PROGRAM.

(a) IN GENERAL.—Subtitle H of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 451 et seq.), as amended by subtitle A, is further amended by adding at the end the following new section:

"SEC. 890D. [6 U.S.C. 475a]

"MENTOR-PROTÉGÉ PROGRAM.

"(a) ESTABLISHMENT.—There is established in the Department a mentor-protégé program (in this section referred to as the 'Program') under which a mentor firm enters into an agreement with a protégé firm for the purpose of assisting the protégé firm to compete for prime contracts and subcontracts of the Department.

"(b) ELIGIBILITY.—The Secretary shall establish criteria for mentor firms and protégé firms to be eligible to participate in the Program, including a requirement that a firm is not included on any list maintained by the Federal Government of contractors that have been suspended or debarred.

"(c) PROGRAM APPLICATION AND APPROVAL.—

"(1) APPLICATION.—The Secretary, acting through the Office of Small and Disadvantaged Business Utilization of the Department, shall establish a process for submission of an application jointly by a mentor firm and the protégé firm selected by the mentor firm. The application shall include each of the following:

"(A) A description of the assistance to be provided by the mentor firm, including, to the extent available, the number and a brief description of each anticipated subcontract to be awarded to the protégé firm.

"(B) A schedule with milestones for achieving the assistance to be provided over the period of participation in the Program.

"(C) An estimate of the costs to be incurred by the mentor firm for providing assistance under the Program.

"(D) Attestations that Program participants will submit to the Secretary reports at times specified by the Secretary to assist the Secretary in evaluating the protégé firm's developmental progress.

"(E) Attestations that Program participants will inform the Secretary in the event of a change in eligibility or voluntary withdrawal from the Program.

"(2) APPROVAL.—Not later than 60 days after receipt of an application pursuant to paragraph (1), the head of the Office of Small and Disadvantaged Business Utilization shall notify applicants of approval or, in the case of disapproval, the process for resubmitting an application for reconsideration.

"(3) RESCISSION.—The head of the Office of Small and Disadvantaged Business Utilization may rescind the approval of an application under this subsection if it determines that such action is in the best interest of the Department.

"(d) PROGRAM DURATION.—A mentor firm and protégé firm approved under subsection (c) shall enter into an agreement to participate in the Program for a period of not less than 36 months.

"(e) PROGRAM BENEFITS.—A mentor firm and protégé firm that enter into an agreement under subsection (d) may receive the following Program benefits:

"(1) With respect to an award of a contract that requires a subcontracting plan, a mentor firm may receive evaluation credit for participating in the Program.

"(2) With respect to an award of a contract that requires a subcontracting plan, a mentor firm may receive credit for a protégé firm performing as a first tier subcontractor or a subcontractor at any tier in an amount equal to the total dollar value of any subcontracts awarded to such protégé firm.

"(3) A protégé firm may receive technical, managerial, financial, or any other mutually agreed upon benefit from a mentor firm, including a subcontract award.

"(f) REPORTING.—Not later than one year after the date of the enactment of this section and annually thereafter, the head of the Office of Small and Disadvantaged Business Utilization shall submit to the Committee on Homeland Security and Governmental Affairs and the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Homeland Security and the Committee on Small Business of the House of Representatives a report that—

"(1) identifies each agreement between a mentor firm and a protégé firm entered into under this section, including the number of protégé firm participants that are—

"(A) small business concerns;

"(B) small business concerns owned and controlled by veterans;

"(C) small business concerns owned and controlled by service-disabled veterans;

"(D) qualified HUBZone small business concerns;

"(E) small business concerns owned and controlled by socially and economically disadvantaged individuals;

"(F) small business concerns owned and controlled by women;

"(G) historically Black colleges and universities; and

"(H) minority-serving institutions;

"(2) describes the type of assistance provided by mentor firms to protégé firms;

"(3) identifies contracts within the Department in which a mentor firm serving as the prime contractor provided subcontracts to a protégé firm under the Program; and

"(4) assesses the degree to which there has been—

"(A) an increase in the technical capabilities of protégé firms; and

"(B) an increase in the quantity and estimated value of prime contract and subcontract awards to protégé firms for the period covered by the report.

"(g) RULE OF CONSTRUCTION.—Nothing in this section may be construed to limit, diminish, impair, or otherwise affect the authority of the Department to participate in any program carried out by or requiring approval of the Small Business Administration or adopt or follow any regulation or policy that the Administrator of the Small Business Administration may promulgate, except that, to the extent that any provision of this section (including subsection (h)) conflicts with any other provision of law, regulation, or policy, this section shall control.

"(h) DEFINITIONS.—In this section:

"(1) HISTORICALLY BLACK COLLEGE OR UNIVERSITY.—The term 'historically Black college or university' has the meaning

given the term 'part B institution' in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061).

"(2) MENTOR FIRM.—The term 'mentor firm' means a for-profit business concern that is not a small business concern that—

"(A) has the ability to assist and commits to assisting a protégé to compete for Federal prime contracts and subcontracts; and

"(B) satisfies any other requirements imposed by the Secretary.

"(3) MINORITY-SERVING INSTITUTION.—The term 'minority-serving institution' means an institution of higher education described in section 317 of the Higher Education Act of 1965 (20 U.S.C. 1067q(a)).

"(4) PROTÉGÉ FIRM.—The term 'protégé firm' means a small business concern, a historically Black college or university, or a minority-serving institution that—

"(A) is eligible to enter into a prime contract or subcontract with the Department; and

"(B) satisfies any other requirements imposed by the Secretary.

"(5) SMALL BUSINESS ACT DEFINITIONS.—The terms 'small business concern', 'small business concern owned and controlled by veterans', 'small business concern owned and controlled by service-disabled veterans', 'qualified HUBZone small business concern', 'and small business concern owned and controlled by women' have the meanings given such terms, respectively, under section 3 of the Small Business Act (15 U.S.C. 632). The term 'small business concern owned and controlled by socially and economically disadvantaged individuals' has the meaning given such term in section 8(d)(3)(C) of the Small Business Act (15 U.S.C. 637(d)(3)(C)).".

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 890C (as added by subtitle A) the following new item:

"Sec. 890D. Mentor-protégé program.".

SEC. 7116. DHS ECONOMIC SECURITY COUNCIL.

(a) [6 U.S.C. 451 note] ESTABLISHMENT OF THE COUNCIL.—

(1) DEFINITIONS.—In this subsection:

(A) COUNCIL.—The term "Council" means the council established under paragraph (2).

(B) DEPARTMENT.—The term "Department" means the Department of Homeland Security.

(C) ECONOMIC SECURITY.—The term "economic security" has the meaning given such term in section 890B(c)(2) of the Homeland Security Act of 2002 (6 U.S.C. 474(c)(2)).

(D) SECRETARY.—The term "Secretary" means the Secretary of Homeland Security.

(2) ESTABLISHMENT.—In accordance with the mission of the Department under section 101(b) of the Homeland Security Act of 2002 (6 U.S.C. 111(b)), and in particular paragraph

(1)(F) of such section, the Secretary shall establish a standing council of Department component heads or their designees, to carry out the duties described in paragraph (3).

(3) DUTIES OF THE COUNCIL.—Pursuant to the scope of the mission of the Department as described in paragraph (2), the Council shall provide to the Secretary advice and recommendations on matters of economic security, including relating to the following:

(A) Identifying concentrated risks for trade and economic security.

(B) Setting priorities for securing the trade and economic security of the United States.

(C) Coordinating Department-wide activity on trade and economic security matters.

(D) With respect to the development of the continuity of the economy plan of the President under section 9603 of the William M. (Mac) Thornberry National Defense Authorization Act of Fiscal Year 2021 (6 U.S.C. 322).

(E) Proposing statutory and regulatory changes impacting trade and economic security.

(F) Any other matters the Secretary considers appropriate.

(4) CHAIR AND VICE CHAIR.—The Under Secretary for Strategy, Policy, and Plans of the Department—

(A) shall serve as Chair of the Council; and

(B) may designate a Council member as a Vice Chair.

(5) MEETINGS.—The Council shall meet not less frequently than quarterly, as well as—

(A) at the call of the Chair; or

(B) at the direction of the Secretary.

(6) BRIEFINGS.—Not later than 180 days after the date of the enactment of this Act and every 180 days thereafter for four years, the Council shall brief the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Homeland Security of the House of Representatives, the Committee on Finance of the Senate, the Committee on Ways and Means of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and Committee on Energy and Commerce of the House of Representatives on the actions and activities of the Council.

(b) ASSISTANT SECRETARY.—Section 709 of the Homeland Security Act of 2002 (6 U.S.C. 349) is amended—

(1) by redesignating subsection (g) as subsection (h); and

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

"(g) ASSISTANT SECRETARY.—

"(1) IN GENERAL.—There is established within the Office of Strategy, Policy, and Plans an Assistant Secretary, who shall assist the Secretary in carrying out the duties under paragraph (2) and the responsibilities under paragraph (3). Notwithstanding section 103(a)(1), the Assistant Secretary established under this paragraph shall be appointed by the President without the advice and consent of the Senate.

"(2) DUTIES.—At the direction of the Secretary, the Assistant Secretary established under paragraph (1) shall be responsible for policy formulation regarding matters relating to economic security and trade, as such matters relate to the mission and the operations of the Department.

"(3) ADDITIONAL RESPONSIBILITIES.—In addition to the duties specified in paragraph (2), the Assistant Secretary established under paragraph (1), at the direction of the Secretary, may—

"(A) oversee—

"(i) coordination of supply chain policy; and

"(ii) assessments and reports to Congress related to critical economic security domains;

"(B) coordinate with stakeholders in other Federal departments and agencies and nongovernmental entities with trade and economic security interests, authorities, and responsibilities; and

"(C) perform such additional duties as the Secretary or the Under Secretary of Strategy, Policy, and Plans may prescribe.

"(4) DEFINITIONS.—In this subsection:

"(A) CRITICAL ECONOMIC SECURITY DOMAIN.—The term 'critical economic security domain' means any infrastructure, industry, technology, or intellectual property (or combination thereof) that is essential for the economic security of the United States.

"(B) ECONOMIC SECURITY.—The term 'economic security' has the meaning given such term in section 890B(c)(2).".

(c) [6 U.S.C. 349 note] RULE OF CONSTRUCTION.—Nothing in this section or the amendments made by this section may be construed to affect or diminish the authority otherwise granted to any other officer of the Department of Homeland Security.

Subtitle C—Enhancing Cybersecurity Training and Operations

SEC. 7121. [6 U.S.C. 665m] PRESIDENT'S CUP CYBERSECURITY COMPETITION.

(a) IN GENERAL.—The Director of the Cybersecurity and Infrastructure Security Agency (in this section referred to as the "Director") of the Department of Homeland Security is authorized to hold an annual cybersecurity competition to be known as the "Department of Homeland Security Cybersecurity and Infrastructure Security Agency's President's Cup Cybersecurity Competition" (in this section referred to as the "competition") for the purpose of identifying, challenging, and competitively awarding prizes, including cash prizes, to the United States Government's best cybersecurity practitioners and teams across offensive and defensive cybersecurity disciplines.

(b) ELIGIBILITY.—To be eligible to participate in the competition, an individual shall be a Federal civilian employee or member of the uniformed services (as such term is defined in section

2101(3) of title 5, United States Code) and shall comply with any rules promulgated by the Director regarding the competition.

(c) COMPETITION ADMINISTRATION.—The Director may enter into a grant, contract, cooperative agreement, or other agreement with a private sector for-profit or nonprofit entity or State or local government agency to administer the competition.

(d) COMPETITION PARAMETERS.—Each competition shall incorporate the following elements:

(1) Cybersecurity skills outlined in the National Initiative for Cybersecurity Education Framework, or any successor framework.

(2) Individual and team events.

(3) Categories demonstrating offensive and defensive cyber operations, such as software reverse engineering and exploitation, network operations, forensics, big data analysis, cyber analysis, cyber defense, cyber exploitation, secure programming, obfuscated coding, or cyber-physical systems.

(4) Any other elements related to paragraphs (1), (2), or (3), as determined necessary by the Director.

(e) USE OF FUNDS.—

(1) IN GENERAL.—In order to further the goals and objectives of the competition, the Director may use amounts made available to the Director for the competition for reasonable expenses for the following:

(A) Advertising, marketing, and promoting the competition.

(B) Meals for participants and organizers of the competition if attendance at the meal during the competition is necessary to maintain the integrity of the competition.

(C) Promotional items, including merchandise and apparel.

(D) Consistent with section 4503 of title 5, United States Code, necessary expenses for the honorary recognition of competition participants, including members of the uniformed services.

(E) Monetary and nonmonetary awards for competition participants, including members of the uniformed services, subject to subsection (f).

(2) APPLICATION.—This subsection shall apply to amounts appropriated on or after the date of the enactment of this Act.

(f) PRIZE LIMITATION.—

(1) AWARDS BY THE DIRECTOR.—The Director may make one or more awards per competition, except that the amount or value of each shall not exceed $10,000.

(2) AWARDS BY THE SECRETARY OF HOMELAND SECURITY.—The Secretary of Homeland Security may make one or more awards per competition, except the amount or the value of each shall not exceed $25,000.

(3) REGULAR PAY.—A monetary award under this section shall be in addition to the regular pay of the recipient.

(4) OVERALL YEARLY AWARD LIMIT.—The total amount or value of awards made under this Act during a fiscal year may not exceed $100,000.

(g) REPORTING REQUIREMENTS.—The Director shall annually provide to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report that includes the following with respect to each competition conducted in the preceding year:

(1) A description of available amounts.

(2) A description of authorized expenditures.

(3) Information relating to participation.

(4) Information relating to lessons learned, and how such lessons may be applied to improve cybersecurity operations and recruitment of the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security.

SEC. 7122. INDUSTRIAL CONTROL SYSTEMS CYBERSECURITY TRAINING.

(a) IN GENERAL.—Subtitle A of title XXII of the Homeland Security Act of 2002 (6 U.S.C. 651 et seq.) is amended by adding at the end the following new section:

"SEC. 2220E. [6 U.S.C. 665n] INDUSTRIAL CONTROL SYSTEMS CYBERSECURITY TRAINING INITIATIVE

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—The Industrial Control Systems Cybersecurity Training Initiative (in this section referred to as the 'Initiative') is established within the Agency.

"(2) PURPOSE.—The purpose of the Initiative is to develop and strengthen the skills of the cybersecurity workforce related to securing industrial control systems.

"(b) REQUIREMENTS.—In carrying out the Initiative, the Director shall—

"(1) ensure the Initiative includes—

"(A) virtual and in-person trainings and courses provided at no cost to participants;

"(B) trainings and courses available at different skill levels, including introductory level courses;

"(C) trainings and courses that cover cyber defense strategies for industrial control systems, including an understanding of the unique cyber threats facing industrial control systems and the mitigation of security vulnerabilities in industrial control systems technology; and

"(D) appropriate consideration regarding the availability of trainings and courses in different regions of the United States; and

"(2) engage in—

"(A) collaboration with the National Laboratories of the Department of Energy in accordance with section 309;

"(B) consultation with Sector Risk Management Agencies;

"(C) as appropriate, consultation with private sector entities with relevant expertise, such as vendors of industrial control systems technologies; and

"(3) consult, to the maximum extent practicable, with commercial training providers and academia to minimize the potential for duplication of other training opportunities.

"(c) REPORTS.—

"(1) IN GENERAL.—Not later than one year after the date of the enactment of this section and annually thereafter, the Director shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the Initiative.

"(2) CONTENTS.—Each report submitted under paragraph (1) shall include the following:

"(A) A description of the courses provided under the Initiative.

"(B) A description of outreach efforts to raise awareness of the availability of such courses.

"(C) The number of participants in each course.

"(D) Voluntarily provided information on the demographics of participants in such courses, including by sex, race, and place of residence.

"(E) Information on the participation in such courses of workers from each critical infrastructure sector.

"(F) Plans for expanding access to industrial control systems education and training, including expanding access to women and underrepresented populations, and expanding access to different regions of the United States.

"(G) Recommendations regarding how to strengthen the state of industrial control systems cybersecurity education and training.".

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 2220D the following new item:

"Sec. 2220E. Industrial Control Systems Cybersecurity Training Initiative.".

SEC. 7123. NATIONAL COMPUTER FORENSICS INSTITUTE REAUTHORIZATION.

Section 822 of the Homeland Security Act of 2002 (6 U.S.C. 383) is amended—

(1) in subsection (a)—

(A) in the subsection heading, by striking "In General" and inserting "In General; Mission";

(B) by striking "2017 through 2022" and inserting "2023 through 2028"; and

(C) by striking the second sentence and inserting "The Institute's mission shall be to educate, train, and equip State, local, territorial, and Tribal law enforcement officers, prosecutors, and judges, as well as participants in the United States Secret Service's network of cyber fraud task forces who are Federal employees, members of the uniformed services, or State, local, Tribal, or territorial employees, regarding the investigation and prevention of cybersecurity incidents, electronic crimes, and related cybersecurity threats, including through the dissemination of homeland security information, in accordance with rel-

evant Federal law regarding privacy, civil rights, and civil liberties protections.";

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

"(b) CURRICULUM.—In furtherance of subsection (a), all education and training of the Institute shall be conducted in accordance with relevant Federal law regarding privacy, civil rights, and civil liberties protections. Education and training provided pursuant to subsection (a) shall relate to the following:

"(1) Investigating and preventing cybersecurity incidents, electronic crimes, and related cybersecurity threats, including relating to instances involving illicit use of digital assets and emerging trends in cybersecurity and electronic crime.

"(2) Conducting forensic examinations of computers, mobile devices, and other information systems.

"(3) Prosecutorial and judicial considerations related to cybersecurity incidents, electronic crimes, related cybersecurity threats, and forensic examinations of computers, mobile devices, and other information systems.

"(4) Methods to obtain, process, store, and admit digital evidence in court.".

(3) in subsection (c)—

(A) by striking "cyber and electronic crime and related threats is shared with State, local, tribal, and territorial law enforcement officers and prosecutors" and inserting "cybersecurity incidents, electronic crimes, and related cybersecurity threats is shared with recipients of education and training provided pursuant to subsection (a)"; and

(B) by adding at the end the following new sentence: "When selecting participants for such training, the Institute shall prioritize, to the extent reasonable and practicable, providing education and training to individuals from geographically-diverse jurisdictions throughout the United States, and the Institute shall prioritize, to the extent reasonable and practicable, State, local, tribal, and territorial law enforcement officers, prosecutors, judges, and other employees.";

(4) in subsection (d)—

(A) by striking "State, local, tribal, and territorial law enforcement officers" and inserting "recipients of education and training provided pursuant to subsection (a)"; and

(B) by striking "necessary to conduct cyber and electronic crime and related threat investigations and computer and mobile device forensic examinations" and inserting "for investigating and preventing cybersecurity incidents, electronic crimes, and related cybersecurity threats, and for forensic examinations of computers, mobile devices, and other information systems";

(5) in subsection (e)—

(A) by amending the heading to read as follows: "Cyber Fraud Task Forces";

(B) by striking "Electronic Crime" and inserting "Cyber Fraud";

(C) by striking "State, local, tribal, and territorial law enforcement officers" and inserting "recipients of education and training provided pursuant to subsection (a)"; and

(D) by striking "at" and inserting "by"; and

(6) by inserting after subsection (f) the following new subsections:

"(g) EXPENSES.—The Director of the United States Secret Service may pay for all or a part of the education, training, or equipment provided by the Institute, including relating to the travel, transportation, and subsistence expenses of recipients of education and training provided pursuant to subsection (a).

"(h) ANNUAL REPORTS TO CONGRESS.—

"(1) IN GENERAL.—The Secretary shall include in the annual report required under section 1116 of title 31, United States Code, information regarding the activities of the Institute, including, where possible, the following:

"(A) An identification of jurisdictions with recipients of the education and training provided pursuant to subsection (a) during such year.

"(B) Information relating to the costs associated with that education and training.

"(C) Any information regarding projected future demand for the education and training provided pursuant to subsection (a).

"(D) Impacts of the activities of the Institute on the capability of jurisdictions to investigate and prevent cybersecurity incidents, electronic crimes, and related cybersecurity threats.

"(E) A description of the nomination process for potential recipients of the information and training provided pursuant to subsection (a).

"(F) Any other issues determined relevant by the Secretary.

"(2) EXCEPTION.—Any information required under paragraph (1) that is submitted as part of the annual budget submitted by the President to Congress under section 1105 of title 31, United States Code, is not required to be included in the report required under paragraph (1).

"(i) DEFINITIONS.—In this section:

"(1) CYBERSECURITY THREAT.—The term 'cybersecurity threat' has the meaning given such term in section 102 of the Cybersecurity Act of 2015 (enacted as division N of the Consolidated Appropriations Act, 2016 (Public Law 114-113; 6 U.S.C. 1501)).

"(2) INCIDENT.—The term 'incident' has the meaning given such term in section 2209(a).

"(3) INFORMATION SYSTEM.—The term 'information system' has the meaning given such term in section 102 of the Cybersecurity Act of 2015 (enacted as division N of the Consolidated Appropriations Act, 2016 (Public Law 114-113; 6 U.S.C. 1501(9))).".

SEC. 7124. REPORT ON CYBERSECURITY ROLES AND RESPONSIBILITIES OF THE DEPARTMENT OF HOMELAND SECURITY.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security, in coordination with the Director of the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security, shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the roles and responsibilities of the Department and its components relating to cyber incident response.

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

(1) A review of how the cyber incident response plans under section 2210(c) of the Homeland Security Act of 2002 (6 U.S.C. 660(c)) are utilized in the Federal Government's response to a cyber incident.

(2) An explanation of the roles and responsibilities of the Department of Homeland Security and its components with responsibility for, or in support of, the Federal Government's response to a cyber incident, including primary responsibility for working with impacted private sector entities.

(3) An explanation of which and how authorities of the Department and its components are utilized in the Federal Government's response to a cyber incident.

(4) Recommendations to provide further clarity for roles and responsibilities of the Department and its components relating to cyber incident response.

Subtitle D—Enhancing Transportation and Border Security Operations

SEC. 7131. [49 U.S.C. 44901 note] TSA REACHING ACROSS NATIONALITIES, SOCIETIES, AND LANGUAGES TO ADVANCE TRAVELER EDUCATION.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Administrator of the Transportation Security Administration (TSA) shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan to ensure that TSA material disseminated in major airports can be better understood by more people accessing such airports.

(b) CONTENTS.—The plan required under subsection (a) shall include the following:

(1) An identification of the most common languages other than English that are the primary languages of individuals that travel through or work in each major airport.

(2) A plan to improve—

(A) TSA materials to communicate information in languages identified pursuant to paragraph (1); and

(B) the communication of TSA material to individuals with vision or hearing impairments or other possible barriers to understanding such material.

(c) CONSIDERATIONS.—In developing the plan required under subsection (a), the Administrator of the TSA, acting through the Office of Civil Rights and Liberties, Ombudsman, and Traveler Engagement of the TSA, shall take into consideration data regarding the following:

(1) International enplanements.

(2) Local populations surrounding major airports.

(3) Languages spoken by members of Indian Tribes within each service area population in which a major airport is located.

(d) IMPLEMENTATION.—Not later than 180 days after the submission of the plan required under subsection (a), the Administrator of the TSA, in consultation with the owner or operator of each major airport, shall implement such plan.

(e) GAO REVIEW.—Not later than one year after the implementation pursuant to subsection (d) of the plan required under subsection (a), the Comptroller General of the United States shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a review of such implementation.

(f) DEFINITIONS.—In this section:

(1) AIRPORT.—The term "airport" has the meaning given such term in section 40102 of title 49, United States Code.

(2) INDIAN TRIBE.—The term "Indian Tribe" has the meaning given the term "Indian tribe" in section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5130), individually identified (including parenthetically) in the list published most recently as of the date of the enactment of this Act pursuant to section 104 of that Act (25 U.S.C. 5131).

(3) MAJOR AIRPORTS.—The term "major airports" means Category X and Category I airports.

(4) NON-TRAVELING INDIVIDUAL.—The term "non-traveling individual" has the meaning given such term in section 1560.3 of title 49, Code of Federal Regulations.

(5) TSA MATERIAL.—The term "TSA material" means signs, videos, audio messages, websites, press releases, social media postings, and other communications published and disseminated by the Administrator of the TSA in Category X and Category I airports for use by both traveling and non-traveling individuals.

SEC. 7132. [49 U.S.C. 44901 note] ONE-STOP PILOT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Transportation Security Administration.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Homeland Security and Committee on Foreign Affairs of the House of Representatives; and

(B) the Committee on Homeland Security and Governmental Affairs, the Committee on Commerce, Science, and Transportation, and the Committee on Foreign Relations of the Senate.

(3) TSA.—The term "TSA" means the Transportation Security Administration of the Department of Homeland Security.

(b) IMPLEMENTATION.—Notwithstanding 44901(a) of title 49, United States Code, the Administrator, in coordination with the Commissioner of U.S. Customs and Border Protection and the Secretary of State, may implement a pilot program at not more than six foreign last point of departure airports to permit passengers and their accessible property arriving on direct flights or flight segments originating at such participating foreign airports to continue on additional flights or flight segments originating in the United States without additional security re-screening if—

(1) the initial screening was conducted in accordance with an aviation security screening agreement described in subsection (e);

(2) passengers arriving from participating foreign airports are unable to access their checked baggage until the arrival at their final destination; and

(3) upon arrival in the United States, passengers arriving from participating foreign airports do not come into contact with other arriving international passengers, those passengers' property, or other persons who have not been screened or subjected to other appropriate security controls required for entry into the airport's sterile area.

(c) REQUIREMENTS FOR PILOT PROGRAM.—In carrying out this section, the Administrator shall ensure that there is no reduction in the level of security or specific TSA aviation security standards or requirements for screening passengers and their property prior to boarding an international flight bound for the United States, including specific aviation security standards and requirements regarding the following:

(1) High risk passengers and their property.

(2) Weapons, explosives, and incendiaries.

(3) Screening passengers and property transferring at a foreign last point of departure airport from another airport and bound for the United States, and addressing any commingling of such passengers and property with passengers and property screened under the pilot program described in subsection (b).

(4) Insider risk at foreign last point of departure airports.

(d) RE-SCREENING OF CHECKED BAGGAGE.—Subject to subsection (f), the Administrator may determine whether checked baggage arriving from participating foreign airports referenced in subsection (b) that screen using an explosives detection system must be re-screened in the United States by an explosives detection system before such baggage continues on any additional flight or flight segment.

(e) AVIATION SECURITY SCREENING AGREEMENT.—

(1) IN GENERAL.—An aviation security screening agreement described in this subsection is a treaty, executive agreement, or non-binding instrument entered into with a foreign country that delineates and implements security standards and protocols utilized at a foreign last point of departure airport that are determined by the Administrator—

(A) to be comparable to those of the United States; and

(B) sufficiently effective to enable passengers and their accessible property to deplane into sterile areas of airports in the United States without the need for re-screening.

(2) NON-DELEGATION.—The authority to approve an aviation security screening agreement may not be delegated below the level of the Secretary of State, the Secretary of Homeland Security, or the Administrator.

(f) RE-SCREENING REQUIREMENT.—

(1) IN GENERAL.—If the Administrator determines that a foreign country participating in the aviation security screening agreement has not maintained and implemented security standards and protocols comparable to those of the United States at foreign last point of departure airports at which a pilot program has been established in accordance with this section, the Administrator shall ensure that passengers and their property arriving from such airports are re-screened in the United States, including by using explosives detection systems in accordance with section 44901(d)(1) of title 49, United States Code, and implementing regulations and directives, before such passengers and their property are permitted into sterile areas of airports in the United States.

(2) CONSULTATION.—If the Administrator has reasonable grounds to believe the other party to an aviation security screening agreement has not complied with such agreement, the Administrator shall request immediate consultation with such party.

(3) SUSPENSION OR TERMINATION OF AGREEMENT.—If a satisfactory resolution between TSA and a foreign country is not reached within 45 days after a consultation request under paragraph (2) or in the case of the foreign country's continued or egregious failure to maintain the security standards and protocols described in paragraph (1), the President, or with the concurrence of the Secretary of State, the Secretary of Homeland Security or the Administrator, as appropriate, shall suspend or terminate the aviation security screening agreement with such country, as determined appropriate by the President, the Secretary of Homeland Security, or the Administrator. The Administrator shall notify the appropriate congressional committees of such consultation and suspension or termination, as the case may be, not later than seven days after such consultation and suspension or termination.

(g) BRIEFINGS TO CONGRESS.—Not later than 45 days before an aviation security screening agreement described in subsection (e) enters into force, the Administrator, in coordination with the Secretary of State, shall submit to the appropriate congressional committees the following:

(1) An aviation security threat assessment for the country in which such foreign last point of departure airport is located.

(2) Information regarding any corresponding mitigation efforts to address any security issues identified in such threat assessment, including any plans for joint covert testing.

(3) Information on potential security vulnerabilities associated with commencing a pilot program at such foreign last

point of departure airport pursuant to subsection (b) and mitigation plans to address such potential security vulnerabilities.

(4) An assessment of the impacts such pilot program will have on aviation security.

(5) An assessment of the screening performed at such foreign last point of departure airport, including the feasibility of TSA personnel monitoring screening, security protocols, and standards.

(6) Information regarding identifying the entity or entities responsible for screening passengers and property at such foreign last point of departure airport.

(7) The name of the entity or local authority and any contractor or subcontractor.

(8) Information regarding the screening requirements relating to such aviation security screening agreement.

(9) Details regarding information sharing mechanisms between the TSA and such foreign last point of departure airport, screening authority, or entity responsible for screening provided for under such aviation security screening agreement.

(10) A copy of the aviation security screening agreement, which shall identify the foreign last point of departure airport or airports at which a pilot program under this section is to be established.

(h) CERTIFICATIONS RELATING TO THE PILOT PROGRAM FOR ONE-STOP SECURITY.—For each aviation security screening agreement described in subsection (e), the Administrator, in coordination with the Secretary of State, shall submit to the appropriate congressional committees the following:

(1)(A) A certification that such agreement satisfies all of the requirements specified in subsection (c); or

(B) in the event that one or more of such requirements are not so satisfied, a description of the unsatisfied requirement and information on what actions the Administrator will take to ensure that such remaining requirements are satisfied before such agreement enters into force.

(2) A certification that TSA and U.S. Customs and Border Protection have ensured that any necessary physical modifications or appropriate mitigations exist in the domestic one- stop security pilot program airport prior to receiving international passengers from a last point of departure airport under the aviation security screening agreement.

(3) A certification that a foreign last point of departure airport covered by an aviation security screening agreement has an operation to screen all checked bags as required by law, regulation, or international agreement, including the full utilization of explosives detection systems to the extent applicable.

(4) A certification that the Administrator consulted with stakeholders, including air carriers, aviation nonprofit labor organizations, airport operators, relevant interagency partners, and other stakeholders that the Administrator determines appropriate.

(i) REPORT TO CONGRESS.—Not later than five years after the date of the enactment of this Act, the Secretary of Homeland Secu-

rity, in coordination with the Administrator, shall submit to the appropriate congressional committees a report regarding the implementation of the pilot program authorized under this section, including information relating to the following:

(1) The impact of such program on homeland security and international aviation security, including any benefits and challenges of such program.

(2) The impact of such program on passengers, airports, and air carriers, including any benefits and challenges of such program.

(3) The impact and feasibility of continuing such program or expanding it into a more permanent program, including any benefits and challenges of such continuation or expansion.

(j) RULE OF CONSTRUCTION.—Nothing in this section may be construed as limiting the authority of U.S. Customs and Border Protection to inspect persons and baggage arriving in the United States in accordance with applicable law.

(k) SUNSET.—The pilot program authorized under this section shall terminate on the date that is six years after the date of the enactment of this Act.

SEC. 7133. REPORT ON EFFORTS OF THE DEPARTMENT OF HOMELAND SECURITY TO DETER VEHICULAR TERRORIST ATTACKS (DARREN DRAKE).

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to Congress a report on the efforts of the Department of Homeland Security to deter vehicular terrorist attacks, including engagement with the private sector and other stakeholders. Such report shall include assessment of the following:

(1) The impact of such engagement on efforts to protect the United States against terrorist attacks.

(2) A description of the Department's engagement with privacy, civil rights, and civil liberties stakeholders.

(3) Ways to improve engagement among the following:

(A) The Department.

(B) Federal, State, local, and Tribal law enforcement agencies.

(C) Other relevant stakeholders.

(b) FORMAT.—The report required under subsection (a) may be submitted in a classified or protected format, as determined appropriate by the Secretary of Homeland Security.

SEC. 7134. [6 U.S.C. 257 note] DHS ILLICIT CROSS-BORDER TUNNEL DEFENSE.

(a) COUNTER ILLICIT CROSS-BORDER TUNNEL OPERATIONS STRATEGIC PLAN.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Commissioner of U.S. Customs and Border Protection, in coordination with the Under Secretary for Science and Technology, and, as appropriate, other officials of the Department of Homeland Security, shall develop a counter illicit cross-border tunnel operations strategic plan (in this section referred to as the "strategic plan") to address the following:

(A) Risk-based criteria to be used to prioritize the identification, breach, assessment, and remediation of illicit cross-border tunnels.

(B) Promote the use of innovative technologies to identify, breach, assess, and remediate illicit cross-border tunnels in a manner that, among other considerations, reduces the impact of such activities on surrounding communities.

(C) Processes to share relevant illicit cross-border tunnel location, operations, and technical information.

(D) Indicators of specific types of illicit cross-border tunnels found in each U.S. Border Patrol sector identified through operations to be periodically disseminated to U.S. Border Patrol sector chiefs to educate field personnel.

(E) A counter illicit cross-border tunnel operations resource needs assessment that includes consideration of the following:

(i) Technology needs.

(ii) Staffing needs, including the following:

(I) A position description for counter illicit cross-border tunnel operations personnel.

(II) Any specialized skills required of such personnel.

(III) The number of such full time personnel, disaggregated by U.S. Border Patrol sector.

(2) REPORT TO CONGRESS ON STRATEGIC PLAN.—Not later than one year after the development of the strategic plan, the Commissioner of U.S. Customs and Border Protection shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the implementation of the strategic plan.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Commissioner of U.S. Customs and Border Protection $1,000,000 for each of fiscal years 2023 and 2024 to carry out—

(1) the development of the strategic plan; and

(2) remediation operations of illicit cross-border tunnels in accordance with the strategic plan to the maximum extent practicable.

SEC. 7135. PROVIDING TRAINING FOR U.S. CUSTOMS AND BORDER PROTECTION PERSONNEL ON THE USE OF CONTAINMENT DEVICES TO PREVENT SECONDARY EXPOSURE TO FENTANYL AND OTHER POTENTIALLY LETHAL SUBSTANCES.

(a) TRAINING.—Paragraph (1) of section 416(b) of the Homeland Security Act of 2002 (6 U.S.C. 216(b)) is amended by adding at the end the following new subparagraph:

"(C) How to use containment devices to prevent potential synthetic opioid exposure.".

(b) AVAILABILITY OF CONTAINMENT DEVICES.—Section 416(c) of the Homeland Security Act of 2002 (6 U.S.C. 216(c)) is amended—

(1) in the subsection heading, by inserting ", Containment Devices," after "Equipment"; and

(2) by striking "and opioid receptor antagonists, including naloxone" and inserting ", opioid receptor antagonists, including naloxone, and containment devices".

(c) [6 U.S.C. 216 note] APPLICABILITY TO OTHER COMPONENTS.—If the Secretary of Homeland Secretary determines that officers, agents, other personnel, or canines of a component of the Department of Homeland Security other than U.S. Customs and Border Protection are at risk of potential synthetic opioid exposure in the course of their duties, the head of such component shall carry out the responsibilities under section 416 of the Homeland Security Act of 2002 (6 U.S.C. 216) in the same manner and to the same degree as the Commissioner of U.S. Customs and Border Protection carries out such responsibilities.

SEC. 7136. [6 U.S.C. 225] REPORTS, EVALUATIONS, AND RESEARCH REGARDING DRUG INTERDICTION AT AND BETWEEN PORTS OF ENTRY.

(a) RESEARCH ON ADDITIONAL TECHNOLOGIES TO DETECT FENTANYL.—Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security, in consultation with the Attorney General, the Secretary of Health and Human Services, and the Director of the Office of National Drug Control Policy, shall research additional technological solutions to—

(1) target and detect illicit fentanyl, fentanyl analogs, and precursor chemicals, including low-purity fentanyl, especially in counterfeit pressed tablets, and illicit pill press molds; and

(2) enhance detection of such counterfeit pressed tablets through nonintrusive, noninvasive, and other advanced screening technologies.

(b) EVALUATION OF CURRENT TECHNOLOGIES AND STRATEGIES IN ILLICIT DRUG INTERDICTION AND PROCUREMENT DECISIONS.—

(1) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Attorney General, the Secretary of Health and Human Services, and the Director of the Office of National Drug Control Policy, shall establish a program to collect available data and develop metrics to measure how technologies and strategies used by the Department of Homeland Security, U.S. Customs and Border Protection, U.S. Immigration and Customs Enforcement, and other relevant Federal agencies have helped detect trafficked illicit fentanyl, fentanyl analogs, and precursor chemicals or deter illicit fentanyl, fentanyl analogs, and precursor chemicals from being trafficked into the United States at and between land, air, and sea ports of entry.

(2) CONSIDERATIONS.—The data and metrics program established pursuant to paragraph (1) may consider—

(A) the rate of detection of illicit fentanyl, fentanyl analogs, and precursor chemicals at land, air, and sea ports of entry;

(B) investigations and intelligence sharing into the origins of illicit fentanyl, fentanyl analogs, and precursor chemicals within the United States; and

(C) other data or metrics considered appropriate by the Secretary of Homeland Security.

(3) UPDATES.—The Secretary of Homeland Security, as appropriate and in the coordination with the officials referred to in paragraph (1), may update the data and metrics program established pursuant to paragraph (1).

(4) REPORTS.—

(A) SECRETARY OF HOMELAND SECURITY.—Not later than one year after the date of the enactment of this Act and biennially thereafter, the Secretary of Homeland Security, in consultation with the Attorney General, the Secretary of Health and Human Services, and the Director of the Office of National Drug Control Policy shall, based on the data collected and metrics developed pursuant to the program established pursuant to paragraph (1), submit to the Committee on Homeland Security, the Committee on Energy and Commerce, the Committee on Science, Space, and Technology, and the Committee on the Judiciary of the House of Representatives and the Committee on Homeland Security and Governmental Affairs, the Committee on Commerce, Science, and Transportation, and the Committee on the Judiciary of the Senate a report that—

(i) examines and analyzes current technologies, including pilot technologies, deployed at land, air, and sea ports of entry to assess how well such technologies detect, deter, and address illicit fentanyl, fentanyl analogs, and precursor chemicals; and

(ii) examines and analyzes current technologies, including pilot technologies, deployed between land ports of entry to assess how well and accurately such technologies detect, deter, interdict, and address illicit fentanyl, fentanyl analogs, and precursor chemicals;

(B) GOVERNMENT ACCOUNTABILITY OFFICE.—Not later than one year after the submission of each of the first three reports required under subparagraph (A), the Comptroller General of the United States shall submit to the Committee on Homeland Security, the Committee on Energy and Commerce, the Committee on Science, Space, and Technology, and the Committee on the Judiciary of the House of Representatives and the Committee on Homeland Security and Governmental Affairs, the Committee on Commerce, Science, and Transportation, and the Committee on the Judiciary of the Senate a report that evaluates and, as appropriate, makes recommendations to improve, the collection of data under the program established pursuant to paragraph (1) and metrics used in the subsequent reports required under such subparagraph.

Subtitle E—Technical Corrections, Conforming Changes, and Improvements

SEC. 7141. QUADRENNIAL HOMELAND SECURITY REVIEW TECHNICAL CORRECTIONS.

(a) IN GENERAL.—Section 707 of the Homeland Security Act of 2002 (6 U.S.C. 347) is amended—

(1) in subsection (a)(3)—

(A) in subparagraph (B), by striking "and" after the semicolon at the end;

(B) by redesignating subparagraph (C) as subparagraph (D); and

(C) by inserting after subparagraph (B) the following new subparagraph:

"(C) representatives from appropriate advisory committees established pursuant to section 871, including the Homeland Security Advisory Council and the Homeland Security Science and Technology Advisory Committee, or otherwise established, including the Aviation Security Advisory Committee established pursuant to section 44946 of title 49, United States Code; and";

(2) in subsection (b)—

(A) in paragraph (2), by inserting before the semicolon at the end the following: "based on the risk assessment required pursuant to subsection (c)(2)(B)";

(B) in paragraph (3)—

(i) by inserting ", to the extent practicable," after "describe"; and

(ii) by striking "budget plan" and inserting "resources required";

(C) in paragraph (4)—

(i) by inserting ", to the extent practicable," after "identify";

(ii) by striking "budget plan required to provide sufficient resources to successfully" and inserting "resources required to"; and

(iii) by striking the semicolon at the end and inserting the following: ", including any resources identified from redundant, wasteful, or unnecessary capabilities or capacities that may be redirected to better support other existing capabilities or capacities, as the case may be; and";

(D) in paragraph (5), by striking "; and" and inserting a period; and

(E) by striking paragraph (6);

(3) in subsection (c)—

(A) in paragraph (1), by striking "December 31 of the year" and inserting "60 days after the date of the submission of the President's budget for the fiscal year after the fiscal year";

(B) in paragraph (2)—

(i) in subparagraph (B), by striking "description of the threats to" and inserting "risk assessment of";

(ii) in subparagraph (C), by inserting ", as required under subsection (b)(2)" before the semicolon at the end;

(iii) in subparagraph (D)—

(I) by inserting "to the extent practicable," before "a description"; and

(II) by striking "budget plan" and inserting "resources required";

(iv) in subparagraph (F)—

(I) by inserting "to the extent practicable," before "a discussion"; and

(II) by striking "the status of";

(v) in subparagraph (G)—

(I) by inserting "to the extent practicable," before "a discussion";

(II) by striking "the status of";

(III) by inserting "and risks" before "to national homeland"; and

(IV) by inserting "and" after the semicolon at the end;

(vi) by striking subparagraph (H); and

(vii) by redesignating subparagraph (I) as subparagraph (H);

(C) by redesignating paragraph (3) as paragraph (4); and

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

"(3) DOCUMENTATION.—The Secretary shall retain and, upon request, provide to Congress the following documentation regarding each quadrennial homeland security review:

"(A) Records regarding the consultation carried out pursuant to subsection (a)(3), including the following:

"(i) All written communications, including communications sent out by the Secretary and feedback submitted to the Secretary through technology, online communications tools, in-person discussions, and the interagency process.

"(ii) Information on how feedback received by the Secretary informed each such quadrennial homeland security review.

"(B) Information regarding the risk assessment required pursuant to subsection (c)(2)(B), including the following:

"(i) The risk model utilized to generate such risk assessment.

"(ii) Information, including data used in the risk model, utilized to generate such risk assessment.

"(iii) Sources of information, including other risk assessments, utilized to generate such risk assessment.

"(iv) Information on assumptions, weighing factors, and subjective judgments utilized to generate such risk assessment, together with information on the rationale or basis thereof.";

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

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

"(d) REVIEW.—Not later than 90 days after the submission of each report required under subsection (c)(1), the Secretary shall provide to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate information on the degree to

which the findings and recommendations developed in the quadrennial homeland security review that is the subject of such report were integrated into the acquisition strategy and expenditure plans for the Department.".

(b) [6 U.S.C. 347 note] EFFECTIVE DATE.—The amendments made by this Act shall apply with respect to a quadrennial homeland security review conducted after December 31, 2021.

SEC. 7142. TECHNICAL, CONFORMING, AND CLERICAL AMENDMENTS.

The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by—

(1) amending the items relating to sections 435 and 436 to read as follows:

"Sec. 435. Maritime operations coordination plan.
"Sec. 436. Maritime security capabilities assessments.";

(2) amending the item relating to section 1617 to read as follows:

"Sec. 1617. Diversified security technology industry marketplace.";

(3) amending the item relating to section 1621 to read as follows:

"Sec. 1621. Maintenance validation and oversight."; and

(4) amending the item relating to section 2103 to read as follows:

"Sec. 2103. Protection and sharing of information.".

SEC. 7143. CISA TECHNICAL CORRECTIONS AND IMPROVEMENTS.

(a) TECHNICAL AMENDMENT RELATING TO DOTGOV ACT OF 2020.—

(1) [6 U.S.C. 652] AMENDMENT.—Section 904(b)(1) of the DOTGOV Act of 2020 (title IX of division U of Public Law 116-260) is amended, in the matter preceding subparagraph (A), by striking "Homeland Security Act" and inserting "Homeland Security Act of 2002".

(2) [6 U.S.C. 652 note] EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if enacted as part of the DOTGOV Act of 2020 (title IX of division U of Public Law 116-260).

(b) CONSOLIDATION OF DEFINITIONS.—

(1) IN GENERAL.—Title XXII of the Homeland Security Act of 2002 (6 U.S.C. 651 et seq.) is amended by inserting before the subtitle A heading the following:

"SEC. 2200. [6 U.S.C. 650] DEFINITIONS

"Except as otherwise specifically provided, in this title:

"(1) AGENCY.—The term 'Agency' means the Cybersecurity and Infrastructure Security Agency.

"(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means—

"(A) the Committee on Homeland Security and Governmental Affairs of the Senate; and

"(B) the Committee on Homeland Security of the House of Representatives.

"(3) CLOUD SERVICE PROVIDER.—The term 'cloud service provider' means an entity offering products or services related to cloud computing, as defined by the National Institute of

Standards and Technology in NIST Special Publication 800-145 and any amendatory or superseding document relating thereto.

"(4) CRITICAL INFRASTRUCTURE INFORMATION.—The term 'critical infrastructure information' means information not customarily in the public domain and related to the security of critical infrastructure or protected systems—

"(A) actual, potential, or threatened interference with, attack on, compromise of, or incapacitation of critical infrastructure or protected systems by either physical or computer-based attack or other similar conduct (including the misuse of or unauthorized access to all types of communications and data transmission systems) that violates Federal, State, or local law, harms interstate commerce of the United States, or threatens public health or safety;

"(B) the ability of any critical infrastructure or protected system to resist such interference, compromise, or incapacitation, including any planned or past assessment, projection, or estimate of the vulnerability of critical infrastructure or a protected system, including security testing, risk evaluation thereto, risk management planning, or risk audit; or

"(C) any planned or past operational problem or solution regarding critical infrastructure or protected systems, including repair, recovery, reconstruction, insurance, or continuity, to the extent it is related to such interference, compromise, or incapacitation.

"(5) CYBER THREAT INDICATOR.—The term 'cyber threat indicator' means information that is necessary to describe or identify—

"(A) malicious reconnaissance, including anomalous patterns of communications that appear to be transmitted for the purpose of gathering technical information related to a cybersecurity threat or security vulnerability;

"(B) a method of defeating a security control or exploitation of a security vulnerability;

"(C) a security vulnerability, including anomalous activity that appears to indicate the existence of a security vulnerability;

"(D) a method of causing a user with legitimate access to an information system or information that is stored on, processed by, or transiting an information system to unwittingly enable the defeat of a security control or exploitation of a security vulnerability;

"(E) malicious cyber command and control;

"(F) the actual or potential harm caused by an incident, including a description of the information exfiltrated as a result of a particular cybersecurity threat;

"(G) any other attribute of a cybersecurity threat, if disclosure of such attribute is not otherwise prohibited by law; or

"(H) any combination thereof.

"(6) CYBERSECURITY PURPOSE.—The term 'cybersecurity purpose' means the purpose of protecting an information sys-

tem or information that is stored on, processed by, or transiting an information system from a cybersecurity threat or security vulnerability.

"(7) CYBERSECURITY RISK.—The term 'cybersecurity risk'—

"(A) means threats to and vulnerabilities of information or information systems and any related consequences caused by or resulting from unauthorized access, use, disclosure, degradation, disruption, modification, or destruction of such information or information systems, including such related consequences caused by an act of terrorism; and

"(B) does not include any action that solely involves a violation of a consumer term of service or a consumer licensing agreement.

"(8) CYBERSECURITY THREAT.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'cybersecurity threat' means an action, not protected by the First Amendment to the Constitution of the United States, on or through an information system that may result in an unauthorized effort to adversely impact the security, availability, confidentiality, or integrity of an information system or information that is stored on, processed by, or transiting an information system.

"(B) EXCLUSION.—The term 'cybersecurity threat' does not include any action that solely involves a violation of a consumer term of service or a consumer licensing agreement.

"(9) DEFENSIVE MEASURE.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'defensive measure' means an action, device, procedure, signature, technique, or other measure applied to an information system or information that is stored on, processed by, or transiting an information system that detects, prevents, or mitigates a known or suspected cybersecurity threat or security vulnerability.

"(B) EXCLUSION.—The term 'defensive measure' does not include a measure that destroys, renders unusable, provides unauthorized access to, or substantially harms an information system or information stored on, processed by, or transiting such information system not owned by—

"(i) the private entity, as defined in section 102 of the Cybersecurity Information Sharing Act of 2015 (6 U.S.C. 1501), operating the measure; or

"(ii) another entity or Federal entity that is authorized to provide consent and has provided consent to that private entity for operation of such measure.

"(10) DIRECTOR.—The term 'Director' means the Director of the Cybersecurity and Infrastructure Security Agency.

"(11) HOMELAND SECURITY ENTERPRISE.—The term 'Homeland Security Enterprise' means relevant governmental and nongovernmental entities involved in homeland security, including Federal, State, local, and Tribal government officials, private sector representatives, academics, and other policy experts.

"(12) INCIDENT.—The term 'incident' means an occurrence that actually or imminently jeopardizes, without lawful authority, the integrity, confidentiality, or availability of information on an information system, or actually or imminently jeopardizes, without lawful authority, an information system.

"(13) INFORMATION SHARING AND ANALYSIS ORGANIZATION.—The term 'Information Sharing and Analysis Organization' means any formal or informal entity or collaboration created or employed by public or private sector organizations, for purposes of—

"(A) gathering and analyzing critical infrastructure information, including information related to cybersecurity risks and incidents, in order to better understand security problems and interdependencies related to critical infrastructure, including cybersecurity risks and incidents, and protected systems, so as to ensure the availability, integrity, and reliability thereof;

"(B) communicating or disclosing critical infrastructure information, including cybersecurity risks and incidents, to help prevent, detect, mitigate, or recover from the effects of an interference, a compromise, or an incapacitation problem related to critical infrastructure, including cybersecurity risks and incidents, or protected systems; and

"(C) voluntarily disseminating critical infrastructure information, including cybersecurity risks and incidents, to its members, State, local, and Federal Governments, or any other entities that may be of assistance in carrying out the purposes specified in subparagraphs (A) and (B).

"(14) INFORMATION SYSTEM.—The term 'information system'—

"(A) has the meaning given the term in section 3502 of title 44, United States Code; and

"(B) includes industrial control systems, such as supervisory control and data acquisition systems, distributed control systems, and programmable logic controllers.

"(15) INTELLIGENCE COMMUNITY.—The term 'intelligence community' has the meaning given the term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)).

"(16) MALICIOUS CYBER COMMAND AND CONTROL.—The term 'malicious cyber command and control' means a method for unauthorized remote identification of, access to, or use of, an information system or information that is stored on, processed by, or transiting an information system.

"(17) MALICIOUS RECONNAISSANCE.—The term 'malicious reconnaissance' a method for actively probing or passively monitoring an information system for the purpose of discerning security vulnerabilities of the information system, if such method is associated with a known or suspected cybersecurity threat.

"(18) MANAGED SERVICE PROVIDER.—The term 'managed service provider' means an entity that delivers services, such as network, application, infrastructure, or security services, via ongoing and regular support and active administration on the

premises of a customer, in the data center of the entity (such as hosting), or in a third party data center.

"(19) MONITOR.—The term 'monitor' means to acquire, identify, or scan, or to possess, information that is stored on, processed by, or transiting an information system.

"(20) NATIONAL CYBERSECURITY ASSET RESPONSE ACTIVITIES.—The term 'national cybersecurity asset response activities' means—

"(A) furnishing cybersecurity technical assistance to entities affected by cybersecurity risks to protect assets, mitigate vulnerabilities, and reduce impacts of cyber incidents;

"(B) identifying other entities that may be at risk of an incident and assessing risk to the same or similar vulnerabilities;

"(C) assessing potential cybersecurity risks to a sector or region, including potential cascading effects, and developing courses of action to mitigate such risks;

"(D) facilitating information sharing and operational coordination with threat response; and

"(E) providing guidance on how best to utilize Federal resources and capabilities in a timely, effective manner to speed recovery from cybersecurity risks.

"(21) NATIONAL SECURITY SYSTEM.—The term 'national security system' has the meaning given the term in section 11103 of title 40, United States Code.

"(22) RANSOMWARE ATTACK.—The term 'ransomware attack'—

"(A) means an incident that includes the use or threat of use of unauthorized or malicious code on an information system, or the use or threat of use of another digital mechanism such as a denial of service attack, to interrupt or disrupt the operations of an information system or compromise the confidentiality, availability, or integrity of electronic data stored on, processed by, or transiting an information system to extort a demand for a ransom payment; and

"(B) does not include any such event in which the demand for payment is—

"(i) not genuine; or

"(ii) made in good faith by an entity in response to a specific request by the owner or operator of the information system.

"(23) SECTOR RISK MANAGEMENT AGENCY.—The term 'Sector Risk Management Agency' means a Federal department or agency, designated by law or Presidential directive, with responsibility for providing institutional knowledge and specialized expertise of a sector, as well as leading, facilitating, or supporting programs and associated activities of its designated critical infrastructure sector in the all hazards environment in coordination with the Department.

"(24) SECURITY CONTROL.—The term 'security control' means the management, operational, and technical controls used to protect against an unauthorized effort to adversely af-

fect the confidentiality, integrity, and availability of an information system or its information.

"(25) SECURITY VULNERABILITY.—The term 'security vulnerability' means any attribute of hardware, software, process, or procedure that could enable or facilitate the defeat of a security control.

"(26) SHARING.—The term 'sharing' (including all conjugations thereof) means providing, receiving, and disseminating (including all conjugations of each such terms).

"(27) SLTT ENTITY.—The term 'SLTT entity' means a domestic government entity that is a State government, local government, Tribal government, territorial government, or any subdivision thereof.

"(28) SUPPLY CHAIN COMPROMISE.—The term 'supply chain compromise' means an incident within the supply chain of an information system that an adversary can leverage, or does leverage, to jeopardize the confidentiality, integrity, or availability of the information system or the information the system processes, stores, or transmits, and can occur at any point during the life cycle.".

(2) TECHNICAL AND CONFORMING AMENDMENTS.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(A) in section 320(d)(3)(C) (6 U.S.C. 195f(d)(3)(C)), by striking "section 2201" and inserting "section 2200";

(B) by amending section 2201 (6 U.S.C. 651) to read as follows:

"SEC. 2201. DEFINITION

"In this subtitle, the term 'Cybersecurity Advisory Committee' means the advisory committee established under section 2219(a).";

(C) in section 2202 (6 U.S.C. 652)—

(i) in subsection (a)(1), by striking "(in this subtitle referred to as the Agency)";

(ii) in subsection (b)(1), by striking "a Director of Cybersecurity and Infrastructure Security (in this subtitle referred to as the 'Director')" and inserting "the Director"; and

(iii) in subsection (f)—

(I) in paragraph (1), by inserting "Executive" before "Assistant Director";

(II) in paragraph (2), by inserting "Executive" before "Assistant Director"; and

(III) in paragraph (3), by inserting "Executive" before "Assistant Director";

(D) in section 2209 (6 U.S.C. 659)—

(i) by striking subsection (a) and inserting the following:

"(a) DEFINITION.—The term 'cybersecurity vulnerability' has the meaning given the term 'security vulnerability' in section 2200.";

(ii) in subsection (b), by inserting "Executive" before "Assistant Director for Cybersecurity";

(iii) in subsection (d)(1)—

(I) in subparagraph (A)(iii), by striking ", as that term is defined under section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4))"; and

(II) in subparagraph (B)(ii), by striking "information sharing and analysis organizations" and inserting "Information Sharing and Analysis Organizations";

(iv) in subsection (e)(1)(E)(ii)(II), by striking "information sharing and analysis organizations" and inserting "Information Sharing and Analysis Organizations";

(v) in the second subsection (p), by striking "(p) Coordination on Cybersecurity for SLTT Entities.—" and inserting "(r) Coordination on Cybersecurity for SLTT Entities.—"; and

(vi) in the second subsection (q), by striking "(q) Report.—" and inserting "(s) Report.—";

(E) in section 2210 (6 U.S.C. 660)—

(i) in subsection (a), by striking "section—" and all that follows and inserting "section, the term 'agency information system' means an information system used or operated by an agency or by another entity on behalf of an agency.";

(ii) in subsection (c)—

(I) by striking "information sharing and analysis organizations (as defined in section 2222(5))" and inserting "Information Sharing and Analysis Organizations"; and

(II) by striking "(as defined in section 2209)"; and

(iii) in subsection (e)—

(I) in paragraph (1)(B), by striking "(as such term is defined in section 2209)"; and

(II) in paragraph (3)(C), by striking "(as such term is defined in section 102 of the Cybersecurity Information Sharing Act of 2015 (6 U.S.C. 1501))";

(F) in section 2211 (6 U.S.C. 661), by striking subsection (h);

(G) in section 2212 (6 U.S.C. 662), by striking "information sharing and analysis organizations (as defined in section 2222(5))" and inserting "Information Sharing and Analysis Organizations";

(H) in section 2213(a) (6 U.S.C. 663(a)), by striking paragraph (4); and

(I) in section 2216 (6 U.S.C. 665b)—

(i) in subsection (d)(2), by striking "information sharing and analysis organizations" and inserting "Information Sharing and Analysis Organizations"; and

(ii) in subsection (f), by striking "section:" and all that follows and inserting "section, the term 'cyber defense operation' means the defensive activities performed for a cybersecurity purpose.";

(J) in section 2218(c)(4)(A) (6 U.S.C. 665d(4)(A)), by striking "information sharing and analysis organizations" and inserting "Information Sharing and Analysis Organizations";

(K) in section 2220A (6 U.S.C. 665g)—

(i) in subsection (a)—

(I) by striking paragraphs (1), (2), (5), (6), and (7); and

(II) by redesignating paragraphs (3), (4), (8), (9), (10), (11), and (12) as paragraphs (1) through (7), respectively;

(ii) in subsection (e)(2)(B)(xiv)(II)(aa), by striking "information sharing and analysis organization" and inserting "Information Sharing and Analysis Organization";

(iii) in subsection (p), by striking "appropriate committees of Congress" and inserting "appropriate congressional committees"; and

(iv) in subsection (q)(4), in the matter preceding clause (i), by striking "appropriate committees of Congress" and inserting "appropriate congressional committees";

(L) in section 2220C (6 U.S.C. 665i), by striking subsection (f) and inserting the following:

"(f) DEFINITION.—In this section, the term 'industrial control system' means an information system used to monitor and/or control industrial processes such as manufacturing, product handling, production, and distribution, including supervisory control and data acquisition (SCADA) systems used to monitor and/or control geographically dispersed assets, distributed control systems (DCSs), Human-Machine Interfaces (HMIs), and programmable logic controllers that control localized processes.";

(M) in section 2222 (6 U.S.C. 671)—

(i) by striking paragraph (3) and inserting the following:

"(3) CRITICAL INFRASTRUCTURE INFORMATION.—The term 'critical infrastructure information' has the meaning given the term in section 2200.";

(ii) by striking paragraphs (5) and (8); and

(iii) by redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively; and

(N) in section 2240 (6 U.S.C. 681)—

(i) by striking paragraph (2);

(ii) by redesignating paragraphs (3) through (7) as paragraphs (2) through (6);

(iii) in paragraph (6), as so redesignated, by striking "section 2201" and inserting "section 2200";

(iv) by striking paragraph (8), and inserting the following:

"(7) FEDERAL ENTITY.—The term 'Federal entity' has the meaning given the term in section 102 of the Cybersecurity Information Sharing Act of 2015 (6 U.S.C. 1501).";

(v) by striking paragraphs (9) through (12), (14), (15), and (17); and

(vi) by redesignating paragraphs (13), (16), (18), and (19) as paragraphs (8), (9), (10), and (11), respectively.

(3) TABLE OF CONTENTS AMENDMENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107-296; 116 Stat. 2135) is amended—

(A) by inserting before the item relating to subtitle A of title XXII the following:

"Sec. 2200. Definitions.";

(B) by striking the item relating to section 2201 and insert the following:

"Sec. 2201. Definition."; and

(C) by moving the item relating to section 2220D to appear after the item relating to section 2220C.

(4) CYBERSECURITY INFORMATION SHARING ACT OF 2015 DEFINITIONS.—Section 102 of the Cybersecurity Information Sharing Act of 2015 (6 U.S.C. 1501) is amended—

(A) by striking paragraphs (4) through (7) and inserting the following:

"(4) CYBERSECURITY PURPOSE.—The term 'cybersecurity purpose' has the meaning given the term in section 2200 of the Homeland Security Act of 2002.

"(5) CYBERSECURITY THREAT.—The term 'cybersecurity threat' has the meaning given the term in section 2200 of the Homeland Security Act of 2002.

"(6) CYBER THREAT INDICATOR.—The term 'cyber threat indicator' has the meaning given the term in section 2200 of the Homeland Security Act of 2002.

"(7) DEFENSIVE MEASURE.—The term 'defensive measure' has the meaning given the term in section 2200 of the Homeland Security Act of 2002.";

(B) by striking paragraph (9) and inserting the following:

"(9) INFORMATION SYSTEM.—The term 'information system' has the meaning given the term in section 2200 of the Homeland Security Act of 2002.".

(C) by striking paragraphs (11), (12), and (13) and inserting the following:

"(11) MALICIOUS CYBER COMMAND AND CONTROL.—The term 'malicious cyber command and control' has the meaning given the term in section 2200 of the Homeland Security Act of 2002.

"(12) MALICIOUS RECONNAISSANCE.—The term 'malicious reconnaissance' has the meaning given the term in section 2200 of the Homeland Security Act of 2002.

"(13) MONITOR.—The term 'monitor' has the meaning given the term in section 2200 of the Homeland Security Act of 2002."; and

(D) by striking paragraphs (16) and (17) and inserting the following:

"(16) SECURITY CONTROL.—The term 'security control' has the meaning given the term in section 2200 of the Homeland Security Act of 2002.

"(17) SECURITY VULNERABILITY.—The term 'security vulnerability' has the meaning given the term in section 2200 of the Homeland Security Act of 2002.".

(c) CORRECTION TO THE TITLE OF THE DIRECTOR OF THE CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(1) in section 523 (6 U.S.C. 3211)—

(A) in subsection (a), in the matter preceding paragraph (1), by striking "Director of Cybersecurity and Infrastructure Security" and inserting "Director of the Cybersecurity and Infrastructure Security Agency"; and

(B) in subsection (c), by striking "Director of Cybersecurity and Infrastructure Security" and inserting "Director of the Cybersecurity and Infrastructure Security Agency";

(2) in section 884(d)(4)(A)(ii) (6 U.S.C. 464(d)(4)(A)(ii)), by striking "Director of Cybersecurity and Infrastructure Security" and inserting "Director of the Cybersecurity and Infrastructure Security Agency";

(3) in section 1801(b) (6 U.S.C. 571(b)), in the second and third sentences, by striking "Director of Cybersecurity and 136 STAT. 3663 Infrastructure Security" and inserting "Director of the Cybersecurity and Infrastructure Security Agency";

(4) in section 2104(c)(2) (6 U.S.C. 624(c)(2)), by striking "Director of Cybersecurity and Infrastructure Security" and inserting "Director of the Cybersecurity and Infrastructure Security Agency";

(5) in section 2202 (6 U.S.C. 652)—

(A) in subsection (b)(3), by striking "Director of Cybersecurity and Infrastructure Security of the Department" and inserting "Director of the Cybersecurity and Infrastructure Security Agency"; and

(B) in subsection (d), in the matter preceding paragraph (1), by striking "Director of Cybersecurity and Infrastructure Security" and inserting "Director of the Cybersecurity and Infrastructure Security Agency";

(6) ⟦6 U.S.C. 655⟧ in section 2205, in the matter preceding paragraph (1), by striking "Director of Cybersecurity and Infrastructure Security" and inserting "Director of the Cybersecurity and Infrastructure Security Agency";

(7) ⟦6 U.S.C. 656⟧ in section 2206, by striking "Director of Cybersecurity and Infrastructure Security" and inserting "Director of the Cybersecurity and Infrastructure Security Agency"; and

(8) ⟦6 U.S.C. 660⟧ in section 2210(c), by striking "Director of Cybersecurity and Infrastructure Security" and inserting "Director of the Cybersecurity and Infrastructure Security Agency".

(d) ADDITIONAL TECHNICAL AND CONFORMING AMENDMENTS.—

(1) FEDERAL CYBERSECURITY ENHANCEMENT ACT OF 2015.—The Federal Cybersecurity Enhancement Act of 2015 (6 U.S.C. 1521 et seq.) is amended—

(A) in section 222(4) (6 U.S.C. 1521(4)), by striking "section 2209" and inserting "section 2200"; and

(B) in section 226(a)(2) (6 U.S.C. 1524(a)(2)), by striking "section 102" and inserting "section 2200 of the Homeland Security Act of 2002".

(2) FEDERAL POWER ACT.—Section 219A(a)(1) of the Federal Power Act (16 U.S.C. 824s-1(a)(1)) is amended by striking "section 102 of the Cybersecurity Act of 2015 (6 U.S.C. 1501)" and inserting "section 2200 of the Homeland Security Act of 2002".

(3) INFRASTRUCTURE INVESTMENT AND JOBS ACT.—Section 40124(a)(1) of the Infrastructure Investment and Jobs Act (42 U.S.C. 18723(a)(1)) is amended by striking "section 102 of the Cybersecurity Act of 2015 (6 U.S.C. 1051)" and inserting "section 2200 of the Homeland Security Act of 2002)".

(4) PUBLIC HEALTH SERVICE ACT.—Section 2811(b)(4)(D) of the Public Health Service Act (42 U.S.C. 300hh-10(b)(4)(D)) is amended by striking "section 228(c) of the Homeland Security Act of 2002 (6 U.S.C. 149(c))"and inserting "section 2210(b) of the Homeland Security Act of 2002 (6 U.S.C. 660(b))".

(5) WILLIAM M. (MAC) THORNBERRY NATIONAL DEFENSE AUTHORIZATION ACT OF FISCAL YEAR 2021.—Section 9002 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (6 U.S.C. 652a) is amended—

(A) in subsection (a)—

(i) by striking paragraph (5);

(ii) by redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively; and

(iii) by amending paragraph (7) to read as follows:

"(7) SECTOR RISK MANAGEMENT AGENCY.—The term 'Sector Risk Management Agency' has the meaning given the term in section 2200 of the Homeland Security Act of 2002.";

(B) in subsection (c)(3)(B), by striking "given such term in section 2201(5) (6 U.S.C. 651(5))"and inserting "given such term in section 2200"; and

(C) in subsection (d), by striking "section 2215 of the Homeland Security Act of 2002, as added by this section" and inserting "section 2218 of the Homeland Security Act of 2002 (6 U.S.C. 665d)".

(6) NATIONAL SECURITY ACT OF 1947.—Section 113B(b)(4) of the National Security Act of 1947 (50 U.S.C. 3049a(b)(4)) is amended by striking section "226 of the Homeland Security Act of 2002 (6 U.S.C. 147)"and inserting "section 2208 of the Homeland Security Act of 2002 (6 U.S.C. 658)".

(7) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2020.—Section 6503(a)(3) of the National Defense Authorization Act for Fiscal Year 2020 (50 U.S.C. 3371a(a)(3)) is amended by striking "section 102 of the Cybersecurity Information Sharing Act of 2015 (6 U.S.C. 1501)" and inserting "section 2200 of the Homeland Security Act of 2002".

(8) IOT CYBERSECURITY IMPROVEMENT ACT OF 2020.—Section 3(8) of the IoT Cybersecurity Improvement Act of 2020 (15 U.S.C. 278g-3a(8)) is amended by striking "section 102(17) of the Cybersecurity Information Sharing Act of 2015 (6 U.S.C. 1501(17))" and inserting "section 2200 of the Homeland Security Act of 2002".

(9) SMALL BUSINESS ACT.—Section 21(a)(8)(B) of the Small Business Act (15 U.S.C. 648(a)(8)(B)) is amended by striking "section 2209(a)" and inserting "section 2200".

(10) TITLE 46.—Section 70101(2) of title 46, United States Code, is amended by striking "section 227 of the Homeland Security Act of 2002 (6 U.S.C. 148)"and inserting "section 2200 of the Homeland Security Act of 2002".

(e) CLARIFYING AND TECHNICAL AMENDMENTS TO THE CYBER INCIDENT REPORTING FOR CRITICAL INFRASTRUCTURE ACT OF 2022.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(1) in section 2243(6 U.S.C. 681c), by striking subsection (c) and inserting the following:

"(c) APPLICATION OF SECTION 2245.—Section 2245 shall apply in the same manner and to the same extent to reports and information submitted under subsections (a) and (b) as it applies to reports and information submitted under section 2242."; and

(2) in section 2244(b)(2) (6 U.S.C. 681d(b)(2)), by inserting "including that section 2245 shall apply to such information in the same manner and to the same extent to information submitted in response to requests under paragraph (1) as it applies to information submitted under section 2242"after "section 2242".

(f) [6 U.S.C. 650 note] RULE OF CONSTRUCTION.—

(1) INTERPRETATION OF TECHNICAL CORRECTIONS.—Nothing in the amendments made by subsections (a) through (d) shall be construed to alter the authorities, responsibilities, functions, or activities of any agency (as such term is defined in section 3502 of title 44, United States Code) or officer or employee of the United States on or before the date of enactment of this Act.

(2) INTERPRETATION OF REFERENCES TO DEFINITIONS.—Any reference to a term defined in the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) on the day before the date of enactment of this Act that is defined in section 2200 of that Act pursuant to the amendments made under this Act shall be deemed to be a reference to that term as defined in section 2200 of the Homeland Security Act of 2002, as added by this Act.

TITLE LXXII—GOVERNMENTAL AFFAIRS

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Sec. 7201. Requirement for information sharing agreements.

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Subtitle A—Intragovernmental Cybersecurity Information Sharing Act

SEC. 7201. [2 U.S.C. 4112] REQUIREMENT FOR INFORMATION SHARING AGREEMENTS.

(a) SHORT TITLE.—This section may be cited as the "Intragovernmental Cybersecurity and Counterintelligence Information Sharing Act".

(b) FINDINGS.—Congress finds the following:

(1) The legislative branch, as a separate and equal branch of the United States Government, is a target of adversary cyber actors and intelligence services.

(2) The legislative branch relies on the executive branch to provide timely and urgent tactical and operational information to ensure that Congress can protect the constitutional officers, personnel, and facilities of Congress and the institution of Congress more broadly.

(3) The legislative branch currently is not receiving this information in a timely manner nor as a matter of course.

(c) DEFINITIONS.—In this section—

(1) the term "congressional leadership" means—

(A) the Majority and Minority Leader of the Senate with respect to an agreement with the Sergeant at Arms and Doorkeeper of the Senate or the Secretary of the Senate; and

(B) the Speaker and Minority Leader of the House of Representatives with respect to an agreement with the Chief Administrative Officer of the House of Representatives or the Sergeant at Arms of the House of Representatives; and

(2) the terms "cybersecurity threat" and "security vulnerability" have the meanings given those terms in section 2200 of the Homeland Security Act of 2002, as added by section 5171 of this division.

(d) REQUIREMENT.—

(1) DESIGNATION.—

(A) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the President shall designate—

(i) an individual appointed by the President, by and with the advice and consent of the Senate, to serve as a single point of contact to the legislative branch on matters related to tactical and operational cybersecurity threats and security vulnerabilities; and

(ii) an individual appointed by the President, by and with the advice and consent of the Senate, to serve as a single point of contact to the legislative branch on matters related to tactical and operational counterintelligence.

(B) COORDINATION.—The individuals designated by the President under subparagraph (A) shall coordinate with appropriate Executive agencies (as defined in section 105 of title 5, United States Code, including the Executive Office of the President) and appropriate officers in the executive branch in entering any agreement described in paragraph (2).

(2) INFORMATION SHARING AGREEMENTS.—

(A) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the individuals designated by the President under paragraph (1)(A) shall enter into 1 or more information sharing agreements with—

(i) the Sergeant at Arms and Doorkeeper of the Senate with respect to cybersecurity information sharing, subject to the approval of congressional leadership and in consultation with the chairman and the ranking minority member of the Committee on Rules and Administration of the Senate;

(ii) the Secretary of the Senate with respect to counterintelligence information sharing, subject to the approval of congressional leadership and in consultation with the chairman and ranking minority member of the Committee on Rules and Administration of the Senate;

(iii) the Chief Administrative Officer of the House of Representatives with respect to cybersecurity information sharing, subject to the approval of the chair of the Committee on House Administration of the House of Representatives and in consultation with the ranking minority member of the committee and congressional leadership; and

(iv) the Sergeant at Arms of the House of Representatives with respect to counterintelligence information sharing, subject to the approval of the chair of the Committee on House Administration of the House of Representatives and in consultation with the ranking minority member of the committee and congressional leadership.

(B) PURPOSE.—The agreements described in subparagraph (A) shall establish procedures for timely sharing of tactical and operational cybersecurity threat and security

vulnerability information and planned or ongoing counterintelligence operations or targeted collection efforts with the legislative branch.

(3) IMPLEMENTATION.—Not less frequently than semiannually during the 3-year period beginning on the date of enactment of this Act, the individuals designated by the President under paragraph (1)(A) shall meet with the officers referenced in clauses (i), (ii), (iii), and (iv) of paragraph (2)(A), the chairman and ranking minority member of the Committee on Homeland Security and Governmental Affairs of the Senate, with respect to an agreement with the Sergeant at Arms and Doorkeeper of the Senate, and the chair and ranking minority member of the Committee on Oversight and Reform of the House of Representatives, with respect to an agreement with the Chief Administrative Officer of the House of Representatives or the Sergeant at Arms of the House of Representatives, to ensure the agreements with such officers are being implemented in a manner consistent with applicable laws, including this Act.

(e) ELEMENTS.—

(1) IN GENERAL.—The parties to an information sharing agreement under subsection (d)(2) shall jointly develop such elements of the agreement as the parties find appropriate, which—

(A) with respect to an agreement covered by subsection (d)(2)(A)(i) or (ii), shall, at a minimum, include the applicable elements specified in paragraph (2); and

(B) with respect to an agreement covered by subsection (d)(2)(A)(iii) or (iv), may include the applicable elements specified in paragraph (2).

(2) ELEMENTS SPECIFIED.—The elements specified in this paragraph are—

(A) direct and timely sharing of technical indicators and contextual information on cyber threats and security vulnerabilities, and the means for such sharing;

(B) direct and timely sharing of counterintelligence threats and vulnerabilities, including trends of counterintelligence activity, and the means for such sharing;

(C) identification, by position, of the officials at the operational and tactical level responsible for daily management of the agreement;

(D) the ability to seat cybersecurity personnel of the Office of the Sergeant at Arms and Doorkeeper of the Senate or the Office of the Chief Administrative Officer of the House of Representatives at cybersecurity operations centers within the executive branch; and

(E) any other elements the parties find appropriate.

Subtitle A—Improving Government for America's Taxpayers

SEC. 7211. [31 U.S.C. 719 note] GOVERNMENT ACCOUNTABILITY OFFICE UNIMPLEMENTED PRIORITY RECOMMENDATIONS.

(a) IN GENERAL.—The Comptroller General of the United States shall, as part of the Comptroller General's annual reporting to committees of Congress—

(1) consolidate Matters for Congressional Consideration from the Government Accountability Office in one report organized by policy topic that includes the amount of time such Matters have been unimplemented and submit such report to congressional leadership and the oversight committees of each House;

(2) with respect to the annual letters sent by the Comptroller General to individual agency heads and relevant congressional committees on the status of unimplemented priority recommendations, identify any additional congressional oversight actions that can help agencies implement such priority recommendations and address any underlying issues relating to such implementation;

(3) make publicly available the information described in paragraphs (1) and (2); and

(4) publish any known costs of unimplemented priority recommendations, if applicable.

(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require reporting relating to unimplemented priority recommendations or any other report, recommendation, information, or item relating to any element of the intelligence community, as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

Subtitle B—Advancing American AI Act

SEC. 7221. [40 U.S.C. 11301 note] SHORT TITLE.

This subtitle may be cited as the "Advancing American AI Act".

SEC. 7222. PURPOSES.

The purposes of this subtitle are to—

(1) encourage agency artificial intelligence-related programs and initiatives that enhance the competitiveness of the United States and foster an approach to artificial intelligence that builds on the strengths of the United States in innovation and entrepreneurialism;

(2) enhance the ability of the Federal Government to translate research advances into artificial intelligence applications to modernize systems and assist agency leaders in fulfilling their missions;

(3) promote adoption of modernized business practices and advanced technologies across the Federal Government that align with the values of the United States, including the protection of privacy, civil rights, and civil liberties; and

(4) test and harness applied artificial intelligence to enhance mission effectiveness, agency program integrity, and business practice efficiency.

SEC. 7223. DEFINITIONS.

In this subtitle:

(1) AGENCY.—The term "agency" has the meaning given the term in section 3502 of title 44, United States Code.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate;

(B) the Committee on Oversight and Reform of the House of Representatives; and

(C) the Committee on Homeland Security of the House of Representatives.

(3) ARTIFICIAL INTELLIGENCE.—The term "artificial intelligence" has the meaning given the term in section 238(g) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (10 U.S.C. 2358 note).

(4) ARTIFICIAL INTELLIGENCE SYSTEM.—The term "artificial intelligence system"—

(A) means any data system, software, application, tool, or utility that operates in whole or in part using dynamic or static machine learning algorithms or other forms of artificial intelligence, whether—

(i) the data system, software, application, tool, or utility is established primarily for the purpose of researching, developing, or implementing artificial intelligence technology; or

(ii) artificial intelligence capability is integrated into another system or agency business process, operational activity, or technology system; and

(B) does not include any common commercial product within which artificial intelligence is embedded, such as a word processor or map navigation system.

(5) DEPARTMENT.—The term "Department" means the Department of Homeland Security.

(6) DIRECTOR.—The term "Director" means the Director of the Office of Management and Budget.

SEC. 7224. PRINCIPLES AND POLICIES FOR USE OF ARTIFICIAL INTELLIGENCE IN GOVERNMENT.

(a) GUIDANCE.—The Director shall, when developing the guidance required under section 104(a) of the AI in Government Act of 2020 (title I of division U of Public Law 116-260), consider—

(1) the considerations and recommended practices identified by the National Security Commission on Artificial Intelligence in the report entitled "Key Considerations for the Responsible Development and Fielding of AI", as updated in April 2021;

(2) the principles articulated in Executive Order 13960 (85 Fed. Reg. 78939; relating to promoting the use of trustworthy artificial intelligence in Government); and

(3) the input of—

(A) the Administrator of General Services;

(B) relevant interagency councils, such as the Federal Privacy Council, the Chief Financial Officers Council, the Chief Information Officers Council, and the Chief Data Officers Council;

(C) other governmental and nongovernmental privacy, civil rights, and civil liberties experts;

(D) academia;

(E) industry technology and data science experts; and

(F) any other individual or entity the Director determines to be appropriate.

(b) DEPARTMENT POLICIES AND PROCESSES FOR PROCUREMENT AND USE OF ARTIFICIAL INTELLIGENCE-ENABLED SYSTEMS. Not later than 180 days after the date of enactment of this Act—

(1) the Secretary of Homeland Security, with the participation of the Chief Procurement Officer, the Chief Information Officer, the Chief Privacy Officer, and the Officer for Civil Rights and Civil Liberties of the Department and any other person determined to be relevant by the Secretary of Homeland Security, shall issue policies and procedures for the Department related to—

(A) the acquisition and use of artificial intelligence; and

(B) considerations for the risks and impacts related to artificial intelligence-enabled systems, including associated data of machine learning systems, to ensure that full consideration is given to—

(i) the privacy, civil rights, and civil liberties impacts of artificial intelligence-enabled systems; and

(ii) security against misuse, degradation, or rending inoperable of artificial intelligence-enabled systems; and

(2) the Chief Privacy Officer and the Officer for Civil Rights and Civil Liberties of the Department shall report to Congress on any additional staffing or funding resources that may be required to carry out the requirements of this subsection.

(c) INSPECTOR GENERAL.—Not later than 180 days after the date of enactment of this Act, the Inspector General of the Department shall identify any training and investments needed to enable employees of the Office of the Inspector General to continually advance their understanding of—

(1) artificial intelligence systems;

(2) best practices for governance, oversight, and audits of the use of artificial intelligence systems; and

(3) how the Office of the Inspector General is using artificial intelligence to enhance audit and investigative capabilities, including actions to—

(A) ensure the integrity of audit and investigative results; and

(B) guard against bias in the selection and conduct of audits and investigations.

(d) ARTIFICIAL INTELLIGENCE HYGIENE AND PROTECTION OF GOVERNMENT INFORMATION, PRIVACY, CIVIL RIGHTS, AND CIVIL LIBERTIES.—

(1) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Director, in consultation with a working group consisting of members selected by the Director from appropriate interagency councils, shall develop an initial means by which to—

(A) ensure that contracts for the acquisition of an artificial intelligence system or service—

(i) align with the guidance issued to the head of each agency under section 104(a) of the AI in Government Act of 2020 (title I of division U of Public Law 116-260);

(ii) address protection of privacy, civil rights, and civil liberties;

(iii) address the ownership and security of data and other information created, used, processed, stored, maintained, disseminated, disclosed, or disposed of by a contractor or subcontractor on behalf of the Federal Government; and

(iv) include considerations for securing the training data, algorithms, and other components of any artificial intelligence system against misuse, unauthorized alteration, degradation, or rendering inoperable; and

(B) address any other issue or concern determined to be relevant by the Director to ensure appropriate use and protection of privacy and Government data and other information.

(2) CONSULTATION.—In developing the considerations under paragraph (1)(A)(iv), the Director shall consult with the Secretary of Homeland Security, the Secretary of Energy, the Director of the National Institute of Standards and Technology, and the Director of National Intelligence.

(3) REVIEW.—The Director—

(A) should continuously update the means developed under paragraph (1); and

(B) not later than 2 years after the date of enactment of this Act and not less frequently than every 2 years thereafter, shall update the means developed under paragraph (1).

(4) BRIEFING.—The Director shall brief the appropriate congressional committees—

(A) not later than 90 days after the date of enactment of this Act and thereafter on a quarterly basis until the Director first implements the means developed under paragraph (1); and

(B) annually thereafter on the implementation of this subsection.

(5) SUNSET.—This subsection shall cease to be effective on the date that is 5 years after the date of enactment of this Act.

SEC. 7225. AGENCY INVENTORIES AND ARTIFICIAL INTELLIGENCE USE CASES.

(a) INVENTORY.—Not later than 60 days after the date of enactment of this Act, and continuously thereafter for a period of 5 years, the Director, in consultation with the Chief Information Officers Council, the Chief Data Officers Council, and other interagency bodies as determined to be appropriate by the Director, shall require the head of each agency to—

(1) prepare and maintain an inventory of the artificial intelligence use cases of the agency, including current and planned uses;

(2) share agency inventories with other agencies, to the extent practicable and consistent with applicable law and policy, including those concerning protection of privacy and of sensitive law enforcement, national security, and other protected information; and

(3) make agency inventories available to the public, in a manner determined by the Director, and to the extent practicable and in accordance with applicable law and policy, including those concerning the protection of privacy and of sensitive law enforcement, national security, and other protected information.

(b) CENTRAL INVENTORY.—The Director is encouraged to designate a host entity and ensure the creation and maintenance of an online public directory to—

(1) make agency artificial intelligence use case information available to the public and those wishing to do business with the Federal Government; and

(2) identify common use cases across agencies.

(c) SHARING.—The sharing of agency inventories described in subsection (a)(2) may be coordinated through the Chief Information Officers Council, the Chief Data Officers Council, the Chief Financial Officers Council, the Chief Acquisition Officers Council, or other interagency bodies to improve interagency coordination and information sharing for common use cases.

(d) DEPARTMENT OF DEFENSE.—Nothing in this section shall apply to the Department of Defense.

SEC. 7226. RAPID PILOT, DEPLOYMENT AND SCALE OF APPLIED ARTIFICIAL INTELLIGENCE CAPABILITIES TO DEMONSTRATE MODERNIZATION ACTIVITIES RELATED TO USE CASES.

(a) IDENTIFICATION OF USE CASES.—Not later than 270 days after the date of enactment of this Act, the Director, in consultation with the Chief Information Officers Council, the Chief Data Officers Council, the Chief Financial Officers Council, and other interagency bodies as determined to be appropriate by the Director, shall identify 4 new use cases for the application of artificial intelligence-enabled systems to support interagency or intra-agency modernization initiatives that require linking multiple siloed internal and external data sources, consistent with applicable laws and policies, including those relating to the protection of privacy and of sensitive law enforcement, national security, and other protected information.

(b) PILOT PROGRAM.—

(1) PURPOSES.—The purposes of the pilot program under this subsection include—

(A) to enable agencies to operate across organizational boundaries, coordinating between existing established programs and silos to improve delivery of the agency mission;

(B) to demonstrate the circumstances under which artificial intelligence can be used to modernize or assist in modernizing legacy agency systems; and

(C) to leverage commercially available artificial intelligence technologies that—

(i) operate in secure cloud environments that can deploy rapidly without the need to replace existing systems; and

(ii) do not require extensive staff or training to build.

(2) DEPLOYMENT AND PILOT.—Not later than 1 year after the date of enactment of this Act, the Director, in coordination with the heads of relevant agencies and Federal entities, including the Administrator of General Services, the Bureau of Fiscal Service of the Department of the Treasury, the Council of the Inspectors General on Integrity and Efficiency, and the Pandemic Response Accountability Committee, and other officials as the Director determines to be appropriate, shall ensure the initiation of the piloting of the 4 new artificial intelligence use case applications identified under subsection (a), leveraging commercially available technologies and systems to demonstrate scalable artificial intelligence-enabled capabilities to support the use cases identified under subsection (a).

(3) RISK EVALUATION AND MITIGATION PLAN.—In carrying out paragraph (2), the Director shall require the heads of agencies to—

(A) evaluate risks in utilizing artificial intelligence systems; and

(B) develop a risk mitigation plan to address those risks, including consideration of—

(i) the artificial intelligence system not performing as expected or as designed;

(ii) the quality and relevancy of the data resources used in the training of the algorithms used in an artificial intelligence system;

(iii) the processes for training and testing, evaluating, validating, and modifying an artificial intelligence system; and

(iv) the vulnerability of a utilized artificial intelligence system to unauthorized manipulation or misuse, including the use of data resources that substantially differ from the training data.

(4) PRIORITIZATION.—In carrying out paragraph (2), the Director shall prioritize modernization projects that—

(A) would benefit from commercially available privacy-preserving techniques, such as use of differential privacy, federated learning, and secure multiparty computing; and

(B) otherwise take into account considerations of civil rights and civil liberties.

(5) PRIVACY PROTECTIONS.—In carrying out paragraph (2), the Director shall require the heads of agencies to use privacy-preserving techniques when feasible, such as differential privacy, federated learning, and secure multiparty computing, to mitigate any risks to individual privacy or national security created by a project or data linkage.

(6) USE CASE MODERNIZATION APPLICATION AREAS.—Use case modernization application areas described in paragraph (2) shall include not less than 1 from each of the following categories:

(A) Applied artificial intelligence to drive agency productivity efficiencies in predictive supply chain and logistics, such as—

(i) predictive food demand and optimized supply;

(ii) predictive medical supplies and equipment demand and optimized supply; or

(iii) predictive logistics to accelerate disaster preparedness, response, and recovery.

(B) Applied artificial intelligence to accelerate agency investment return and address mission-oriented challenges, such as—

(i) applied artificial intelligence portfolio management for agencies;

(ii) workforce development and upskilling;

(iii) redundant and laborious analyses;

(iv) determining compliance with Government requirements, such as with Federal financial management and grants management, including implementation of chapter 64 of subtitle V of title 31, United States Code;

(v) addressing fraud, waste, and abuse in agency programs and mitigating improper payments; or

(vi) outcomes measurement to measure economic and social benefits.

(7) REQUIREMENTS.—Not later than 3 years after the date of enactment of this Act, the Director, in coordination with the heads of relevant agencies and other officials as the Director determines to be appropriate, shall establish an artificial intelligence capability within each of the 4 use case pilots under this subsection that—

(A) solves data access and usability issues with automated technology and eliminates or minimizes the need for manual data cleansing and harmonization efforts;

(B) continuously and automatically ingests data and updates domain models in near real-time to help identify new patterns and predict trends, to the extent possible, to help agency personnel to make better decisions and take faster actions;

(C) organizes data for meaningful data visualization and analysis so the Government has predictive transparency for situational awareness to improve use case outcomes;

(D) is rapidly configurable to support multiple applications and automatically adapts to dynamic conditions and evolving use case requirements, to the extent possible;

(E) enables knowledge transfer and collaboration across agencies; and

(F) preserves intellectual property rights to the data and output for benefit of the Federal Government and agencies and protects sensitive personally identifiable information.

(c) BRIEFING.—Not earlier than 270 days but not later than 1 year after the date of enactment of this Act, and annually thereafter for 4 years, the Director shall brief the appropriate congressional committees on the activities carried out under this section and results of those activities.

(d) SUNSET.—The section shall cease to be effective on the date that is 5 years after the date of enactment of this Act.

SEC. 7227. ENABLING ENTREPRENEURS AND AGENCY MISSIONS.

(a) INNOVATIVE COMMERCIAL ITEMS.—Section 880 of the National Defense Authorization Act for Fiscal Year 2017 (41 U.S.C. 3301 note) is amended—

(1) in subsection (c), by striking $10,000,000" and inserting "$25,000,000";

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

"(f) DEFINITIONS.—In this section—

"(1) the term 'commercial product'—

"(A) has the meaning given the term 'commercial item' in section 2.101 of the Federal Acquisition Regulation; and

"(B) includes a commercial product or a commercial service, as defined in sections 103 and 103a, respectively, of title 41, United States Code; and

"(2) the term 'innovative' means—

"(A) any new technology, process, or method, including research and development; or

"(B) any new application of an existing technology, process, or method."; and

(3) in subsection (g), by striking "2022" and insert "2027".

(b) DHS OTHER TRANSACTION AUTHORITY.—Section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking "September 30, 2017" and inserting "September 30, 2024"; and

(B) by amending paragraph (2) to read as follows:

"(2) PROTOTYPE PROJECTS.—The Secretary—

"(A) may, under the authority of paragraph (1), carry out prototype projects under section 4022 of title 10, United States Code; and

"(B) in applying the authorities of such section 4022, the Secretary shall perform the functions of the Secretary of Defense as prescribed in such section.";

(2) in subsection (c)(1), by striking "September 30, 2017" and inserting "September 30, 2024"; and

(3) in subsection (d), by striking "section 845(e)" and all that follows and inserting "section 4022(e) of title 10, United States Code.".

(c) COMMERCIAL OFF THE SHELF SUPPLY CHAIN RISK MANAGEMENT TOOLS.—

(1) IN GENERAL.—The General Services Administration is encouraged to pilot commercial off the shelf supply chain risk management tools to improve the ability of the Federal Government to characterize, monitor, predict, and respond to specific supply chain threats and vulnerabilities that could inhibit future Federal acquisition operations.

(2) CONSULTATION.—In carrying out this subsection, the General Services Administration shall consult with the Federal Acquisition Security Council established under section 1322 of title 41, United States Code.

SEC. 7228. INTELLIGENCE COMMUNITY EXCEPTION.

Nothing in this subtitle shall apply to any element of the intelligence community, as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

Subtitle C—Strategic EV Management

SEC. 7231. [40 U.S.C. 601 note] SHORT TITLE.

This subtitle may be cited as the "Strategic EV Management Act of 2022".

SEC. 7232. DEFINITIONS.

In this subtitle:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of General Services.

(2) AGENCY.—The term "agency" has the meaning given the term in section 551 of title 5, United States Code.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate;

(B) the Committee on Oversight and Reform of the House of Representatives;

(C) the Committee on Environment and Public Works of the Senate;

(D) the Committee on Energy and Natural Resources of the Senate;

(E) the Committee on Energy and Commerce of the House of Representatives;

(F) the Committee on Appropriations of the Senate; and

(G) the Committee on Appropriations of the House of Representatives.

(4) DIRECTOR.—The term "Director" means the Director of the Office of Management and Budget.

SEC. 7233. STRATEGIC GUIDANCE.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Administrator, in consultation with the Di-

rector, shall coordinate with the heads of agencies to develop a comprehensive, strategic plan for Federal electric vehicle fleet battery management.

(b) CONTENTS.—The strategic plan required under subsection (a) shall—

(1) maximize both cost and environmental efficiencies; and

(2) incorporate—

(A) guidelines for optimal charging practices that will maximize battery longevity and prevent premature degradation;

(B) guidelines for reusing and recycling the batteries of retired vehicles;

(C) guidelines for disposing electric vehicle batteries that cannot be reused or recycled; and

(D) any other considerations determined appropriate by the Administrator and Director.

(c) MODIFICATION.—The Administrator, in consultation with the Director, may periodically update the strategic plan required under subsection (a) as the Administrator and Director may determine necessary based on new information relating to electric vehicle batteries that becomes available.

(d) CONSULTATION.—In developing the strategic plan required under subsection (a) the Administrator, in consultation with the Director, may consult with appropriate entities, including—

(1) the Secretary of Energy;

(2) the Administrator of the Environmental Protection Agency;

(3) the Chair of the Council on Environmental Quality;

(4) scientists who are studying electric vehicle batteries and reuse and recycling solutions;

(5) laboratories, companies, colleges, universities, or start-ups engaged in battery use, reuse, and recycling research;

(6) industries interested in electric vehicle battery reuse and recycling;

(7) electric vehicle equipment manufacturers and recyclers; and

(8) any other relevant entities, as determined by the Administrator and Director.

(e) REPORT.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Administrator and the Director shall submit to the appropriate congressional committees a report that describes the strategic plan required under subsection (a).

(2) BRIEFING.—Not later than 4 years after the date of enactment of this Act, the Administrator and the Director shall brief the appropriate congressional committees on the implementation of the strategic plan required under subsection (a) across agencies.

SEC. 7234. STUDY OF FEDERAL FLEET VEHICLES.

Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on how the costs and benefits of operating and maintaining electric vehicles in the Federal fleet compare to the costs

and benefits of operating and maintaining internal combustion engine vehicles.

Subtitle D—Congressionally Mandated Reports

SEC. 7241. SHORT TITLE.

This subtitle may be cited as the "Access to Congressionally Mandated Reports Act".

SEC. 7242. DEFINITIONS.

In this subtitle:

(1) CONGRESSIONAL LEADERSHIP.—The term "congressional leadership" means the Speaker, majority leader, and minority leader of the House of Representatives and the majority leader and minority leader of the Senate.

(2) CONGRESSIONALLY MANDATED REPORT.—

(A) IN GENERAL.—The term "congressionally mandated report" means a report of a Federal agency that is required by statute to be submitted to either House of Congress or any committee of Congress or subcommittee thereof.

(B) EXCLUSIONS.—

(i) PATRIOTIC AND NATIONAL ORGANIZATIONS.—The term "congressionally mandated report" does not include a report required under part B of subtitle II of title 36, United States Code.

(ii) INSPECTORS GENERAL.—The term "congressionally mandated report" does not include a report by an office of an inspector general.

(iii) NATIONAL SECURITY EXCEPTION.—The term "congressionally mandated report" does not include a report that is required to be submitted to one or more of the following committees:

(I) The Select Committee on Intelligence, the Committee on Armed Services, the Committee on Appropriations, or the Committee on Foreign Relations of the Senate.

(II) The Permanent Select Committee on Intelligence, the Committee on Armed Services, the Committee on Appropriations, or the Committee on Foreign Affairs of the House of Representatives.

(3) DIRECTOR.—The term "Director" means the Director of the Government Publishing Office.

(4) FEDERAL AGENCY.—The term "Federal agency" has the meaning given the term "federal agency" under section 102 of title 40, United States Code, but does not include the Government Accountability Office or an element of the intelligence community.

(5) INTELLIGENCE COMMUNITY.—The term "intelligence community" has the meaning given that term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

(6) REPORTS ONLINE PORTAL.—The term "reports online portal" means the online portal established under section 5243(a).

SEC. 7243. ESTABLISHMENT OF ONLINE PORTAL FOR CONGRESSIONALLY MANDATED REPORTS.

(a) REQUIREMENT TO ESTABLISH ONLINE PORTAL.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Director shall establish and maintain an online portal accessible by the public that allows the public to obtain electronic copies of congressionally mandated reports in one place.

(2) EXISTING FUNCTIONALITY.—To the extent possible, the Director shall meet the requirements under paragraph (1) by using existing online portals and functionality under the authority of the Director in consultation with the Director of National Intelligence.

(3) CONSULTATION.—In carrying out this subtitle, the Director shall consult with congressional leadership, the Clerk of the House of Representatives, the Secretary of the Senate, and the Librarian of Congress regarding the requirements for and maintenance of congressionally mandated reports on the reports online portal.

(b) CONTENT AND FUNCTION.—The Director shall ensure that the reports online portal includes the following:

(1) Subject to subsection (c), with respect to each congressionally mandated report, each of the following:

(A) A citation to the statute requiring the report.

(B) An electronic copy of the report, including any transmittal letter associated with the report, that—

(i) is based on an underlying open data standard that is maintained by a standards organization;

(ii) allows the full text of the report to be searchable; and

(iii) is not encumbered by any restrictions that would impede the reuse or searchability of the report.

(C) The ability to retrieve a report, to the extent practicable, through searches based on each, and any combination, of the following:

(i) The title of the report.

(ii) The reporting Federal agency.

(iii) The date of publication.

(iv) Each congressional committee or subcommittee receiving the report, if applicable.

(v) The statute requiring the report.

(vi) Subject tags.

(vii) A unique alphanumeric identifier for the report that is consistent across report editions.

(viii) The serial number, Superintendent of Documents number, or other identification number for the report, if applicable.

(ix) Key words.

(x) Full text search.

(xi) Any other relevant information specified by the Director.

(D) The date on which the report was required to be submitted, and on which the report was submitted, to the reports online portal.

(E) To the extent practicable, a permanent means of accessing the report electronically.

(2) A means for bulk download of all congressionally mandated reports.

(3) A means for downloading individual reports as the result of a search.

(4) An electronic means for the head of each Federal agency to submit to the reports online portal each congressionally mandated report of the agency, as required by sections 5244 and 5246.

(5) In tabular form, a list of all congressionally mandated reports that can be searched, sorted, and downloaded by—

(A) reports submitted within the required time;

(B) reports submitted after the date on which such reports were required to be submitted; and

(C) to the extent practicable, reports not submitted.

(c) NONCOMPLIANCE BY FEDERAL AGENCIES.—

(1) REPORTS NOT SUBMITTED.—If a Federal agency does not submit a congressionally mandated report to the Director, the Director shall to the extent practicable—

(A) include on the reports online portal—

(i) the information required under clauses (i), (ii), (iv), and (v) of subsection (b)(1)(C); and

(ii) the date on which the report was required to be submitted; and

(B) include the congressionally mandated report on the list described in subsection (b)(5)(C).

(2) REPORTS NOT IN OPEN FORMAT.—If a Federal agency submits a congressionally mandated report that does not meet the criteria described in subsection (b)(1)(B), the Director shall still include the congressionally mandated report on the reports online portal.

(d) DEADLINE.—The Director shall ensure that information required to be published on the reports online portal under this subtitle with respect to a congressionally mandated report or information required under subsection (c) of this section is published—

(1) not later than 30 days after the information is received from the Federal agency involved; or

(2) in the case of information required under subsection (c), not later than 30 days after the deadline under this subtitle for the Federal agency involved to submit information with respect to the congressionally mandated report involved.

(e) EXCEPTION FOR CERTAIN REPORTS.—

(1) EXCEPTION DESCRIBED.—A congressionally mandated report which is required by statute to be submitted to a committee of Congress or a subcommittee thereof, including any transmittal letter associated with the report, shall not be submitted to or published on the reports online portal if the chair of a committee or subcommittee to which the report is submitted notifies the Director in writing that the report is to be withheld from submission and publication under this subtitle.

(2) NOTICE ON PORTAL.—If a report is withheld from submission to or publication on the reports online portal under paragraph (1), the Director shall post on the portal—

(A) a statement that the report is withheld at the request of a committee or subcommittee involved; and

(B) the written notification provided by the chair of the committee or subcommittee specified in paragraph (1).

(f) FREE ACCESS.—The Director may not charge a fee, require registration, or impose any other limitation in exchange for access to the reports online portal.

(g) UPGRADE CAPABILITY.—The reports online portal shall be enhanced and updated as necessary to carry out the purposes of this subtitle.

(h) SUBMISSION TO CONGRESS.—The submission of a congressionally mandated report to the reports online portal pursuant to this subtitle shall not be construed to satisfy any requirement to submit the congressionally mandated report to Congress, or a committee or subcommittee thereof.

SEC. 7244. FEDERAL AGENCY RESPONSIBILITIES.

(a) SUBMISSION OF ELECTRONIC COPIES OF REPORTS.—Not earlier than 30 days or later than 60 days after the date on which a congressionally mandated report is submitted to either House of Congress or to any committee of Congress or subcommittee thereof, the head of the Federal agency submitting the congressionally mandated report shall submit to the Director the information required under subparagraphs (A) through (D) of section 7243(b)(1) with respect to the congressionally mandated report. Notwithstanding section 7246, nothing in this subtitle shall relieve a Federal agency of any other requirement to publish the congressionally mandated report on the online portal of the Federal agency or otherwise submit the congressionally mandated report to Congress or specific committees of Congress, or subcommittees thereof.

(b) GUIDANCE.—Not later than 180 days after the date of the enactment of this subsection and periodically thereafter as appropriate, the Director of the Office of Management and Budget, in consultation with the Director, shall issue guidance to agencies on the implementation of this subtitle as well as the requirements of section 1125(b) of title 31, United States Code.

(c) STRUCTURE OF SUBMITTED REPORT DATA.—The head of each Federal agency shall ensure that each congressionally mandated report submitted to the Director complies with the guidance on the implementation of this subtitle issued by the Director of the Office of Management and Budget under subsection (b).

(d) POINT OF CONTACT.—The head of each Federal agency shall designate a point of contact for congressionally mandated reports.

(e) REQUIREMENT FOR SUBMISSION.—The Director shall not publish any report through the reports online portal that is received from anyone other than the head of the applicable Federal agency, or an officer or employee of the Federal agency specifically designated by the head of the Federal agency.

SEC. 7245. CHANGING OR REMOVING REPORTS.

(a) LIMITATION ON AUTHORITY TO CHANGE OR REMOVE REPORTS.—Except as provided in subsection (b), the head of the Fed-

eral agency concerned may change or remove a congressionally mandated report submitted to be published on the reports online portal only if—

(1) the head of the Federal agency consults with each committee of Congress or subcommittee thereof to which the report is required to be submitted (or, in the case of a report which is not required to be submitted to a particular committee of Congress or subcommittee thereof, to each committee with jurisdiction over the agency, as determined by the head of the agency in consultation with the Speaker of the House of Representatives and the President pro tempore of the Senate) prior to changing or removing the report; and

(2) a joint resolution is enacted to authorize the change in or removal of the report.

(b) EXCEPTIONS.—Notwithstanding subsection (a), the head of the Federal agency concerned—

(1) may make technical changes to a report submitted to or published on the reports online portal;

(2) may remove a report from the reports online portal if the report was submitted to or published on the reports online portal in error; and

(3) may withhold information, records, or reports from publication on the reports online portal in accordance with section 5246.

SEC. 7246. WITHHOLDING OF INFORMATION.

(a) IN GENERAL.—Nothing in this subtitle shall be construed to—

(1) require the disclosure of information, records, or reports that are exempt from public disclosure under section 552 of title 5, United States Code, or that are required to be withheld under section 552a of title 5, United States Code; or

(2) impose any affirmative duty on the Director to review congressionally mandated reports submitted for publication to the reports online portal for the purpose of identifying and redacting such information or records.

(b) WITHHOLDING OF INFORMATION.—

(1) IN GENERAL.—Consistent with subsection (a)(1), the head of a Federal agency may withhold from the Director, and from publication on the reports online portal, any information, records, or reports that are exempt from public disclosure under section 552 of title 5, United States Code, or that are required to be withheld under section 552a of title 5, United States Code.

(2) NATIONAL SECURITY.—Nothing in this subtitle shall be construed to require the publication, on the reports online portal or otherwise, of any report containing information that is classified, the public release of which could have a harmful effect on national security, or that is otherwise prohibited.

(3) LAW ENFORCEMENT SENSITIVE.—Nothing in this subtitle shall be construed to require the publication on the reports online portal or otherwise of any congressionally mandated report—

(A) containing information that is law enforcement sensitive; or

(B) that describe information security policies, procedures, or activities of the executive branch.

(c) RESPONSIBILITY FOR WITHHOLDING OF INFORMATION.—In publishing congressionally mandated reports to the reports online portal in accordance with this subtitle, the head of each Federal agency shall be responsible for withholding information pursuant to the requirements of this section.

SEC. 7247. IMPLEMENTATION.

(a) REPORTS SUBMITTED TO CONGRESS.—

(1) IN GENERAL.—This subtitle shall apply with respect to any congressionally mandated report which—

(A) is required by statute to be submitted to the House of Representatives, or the Speaker thereof, or the Senate, or the President or President Pro Tempore thereof, at any time on or after the date of the enactment of this Act; or

(B) is included by the Clerk of the House of Representatives or the Secretary of the Senate (as the case may be) on the list of reports received by the House of Representatives or the Senate (as the case may be) at any time on or after the date of the enactment of this Act.

(2) TRANSITION RULE FOR PREVIOUSLY SUBMITTED REPORTS.—To the extent practicable, the Director shall ensure that any congressionally mandated report described in paragraph (1) which was required to be submitted to Congress by a statute enacted before the date of the enactment of this Act is published on the reports online portal under this subtitle.

(b) REPORTS SUBMITTED TO COMMITTEES.—In the case of congressionally mandated reports which are required by statute to be submitted to a committee of Congress or a subcommittee thereof, this subtitle shall apply with respect to—

(1) any such report which is first required to be submitted by a statute which is enacted on or after the date of the enactment of this Act; and

(2) to the maximum extent practical, any congressionally mandated report which was required to be submitted by a statute enacted before the date of enactment of this Act unless—

(A) the chair of the committee, or subcommittee thereof, to which the report was required to be submitted notifies the Director in writing that the report is to be withheld from publication; and

(B) the Director publishes the notification on the reports online portal.

(c) ACCESS FOR CONGRESSIONAL LEADERSHIP.—Notwithstanding any provision of this subtitle or any other provision of law, congressional leadership shall have access to any congressionally mandated report.

SEC. 7248. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this subtitle, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this subtitle, submitted for printing

in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

TITLE LXXIII—TRANSPORTATION AND INFRASTRUCTURE MATTERS

Subtitle A—Global Catastrophic Risk Management Act of 2022

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

Subtitle B—Technological Hazards Preparedness and Training

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

Subtitle C—Other Matters

Sec. 7321. Crisis counseling assistance and training.

Subtitle A—Global Catastrophic Risk Management Act of 2022

SEC. 7301. [6 U.S.C. 701 note] SHORT TITLE.

This subtitle may be cited as the "Global Catastrophic Risk Management Act of 2022".

SEC. 7302. [6 U.S.C. 821] DEFINITIONS.

In this subtitle:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Federal Emergency Management Agency.

(2) BASIC NEED.—The term "basic need"—

(A) means any good, service, or activity necessary to protect the health, safety, and general welfare of the civilian population of the United States; and

(B) includes—

(i) food;

(ii) water;

(iii) shelter;

(iv) basic communication services;

(v) basic sanitation and health services; and

(vi) public safety.

(3) CATASTROPHIC INCIDENT.—The term "catastrophic incident"—

(A) means any natural or man-made disaster that results in extraordinary levels of casualties or damage, mass

evacuations, or disruption severely affecting the population, infrastructure, environment, economy, national morale, or government functions in an area; and

(B) may include an incident—

(i) with a sustained national impact over a prolonged period of time;

(ii) that may rapidly exceed resources available to State and local government and private sector authorities in the impacted area; or

(iii) that may significantly interrupt governmental operations and emergency services to such an extent that national security could be threatened.

(4) CRITICAL INFRASTRUCTURE.—The term "critical infrastructure" has the meaning given such term in section 1016(e) of the Critical Infrastructure Protection Act of 2001 (42 U.S.C. 5195c(e)).

(5) EXISTENTIAL RISK.—The term "existential risk" means the potential for an outcome that would result in human extinction.

(6) GLOBAL CATASTROPHIC RISK.—The term "global catastrophic risk" means the risk of events or incidents consequential enough to significantly harm or set back human civilization at the global scale.

(7) GLOBAL CATASTROPHIC AND EXISTENTIAL THREATS.—The term "global catastrophic and existential threats" means threats that with varying likelihood may produce consequences severe enough to result in systemic failure or destruction of critical infrastructure or significant harm to human civilization. Examples of global catastrophic and existential threats include severe global pandemics, nuclear war, asteroid and comet impacts, supervolcanoes, sudden and severe changes to the climate, and intentional or accidental threats arising from the use and development of emerging technologies.

(8) INDIAN TRIBAL GOVERNMENT.—The term "Indian Tribal government" has the meaning given the term "Indian tribal government" in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

(9) LOCAL GOVERNMENT; STATE.—The terms "local government" and "State" have the meanings given such terms in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

(10) NATIONAL EXERCISE PROGRAM.—The term "national exercise program" means activities carried out to test and evaluate the national preparedness goal and related plans and strategies as described in section 648(b) of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 748(b)).

(11) SECRETARY.—The term "Secretary" means the Secretary of Homeland Security.

SEC. 7303. [6 U.S.C. 822] ASSESSMENT OF GLOBAL CATASTROPHIC RISK.

(a) IN GENERAL.—The Secretary and the Administrator shall coordinate an assessment of global catastrophic risk.

(b) COORDINATION.—When coordinating the assessment under subsection (a), the Secretary and the Administrator shall coordinate with senior designees of—

(1) the Assistant to the President for National Security Affairs;

(2) the Director of the Office of Science and Technology Policy;

(3) the Secretary of State and the Under Secretary of State for Arms Control and International Security;

(4) the Attorney General and the Director of the Federal Bureau of Investigation;

(5) the Secretary of Energy, the Under Secretary of Energy for Nuclear Security, and the Director of Science;

(6) the Secretary of Health and Human Services, the Assistant Secretary for Preparedness and Response, and the Assistant Secretary of Global Affairs;

(7) the Secretary of Commerce, the Under Secretary of Commerce for Oceans and Atmosphere, and the Under Secretary of Commerce for Standards and Technology;

(8) the Secretary of the Interior and the Director of the United States Geological Survey;

(9) the Administrator of the Environmental Protection Agency and the Assistant Administrator for Water;

(10) the Administrator of the National Aeronautics and Space Administration;

(11) the Director of the National Science Foundation;

(12) the Secretary of the Treasury;

(13) the Secretary of Defense, the Assistant Secretary of the Army for Civil Works, and the Chief of Engineers and Commanding General of the Army Corps of Engineers;

(14) the Chairman of the Joint Chiefs of Staff;

(15) the Administrator of the United States Agency for International Development;

(16) the Secretary of Transportation; and

(17) other stakeholders the Secretary and the Administrator determine appropriate.

SEC. 7304. [6 U.S.C. 823] REPORT REQUIRED.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and every 10 years thereafter, the Secretary, in coordination with the Administrator, shall submit to the Committee on Homeland Security and Governmental Affairs and the Committee on Armed Services of the Senate and the Committee on Transportation and Infrastructure and the Committee on Armed Services of the House of Representatives a report containing a detailed assessment, based on the input and coordination required under section 7303, of global catastrophic and existential risk.

(b) MATTERS COVERED.—Each report required under subsection (a) shall include—

(1) expert estimates of cumulative global catastrophic and existential risk in the next 30 years, including separate estimates for the likelihood of occurrence and potential consequences;

(2) expert-informed analyses of the risk of the most concerning specific global catastrophic and existential threats, including separate estimates, where reasonably feasible and credible, of each threat for its likelihood of occurrence and its potential consequences, as well as associated uncertainties;

(3) a comprehensive list of potential catastrophic or existential threats, including even those that may have very low likelihood;

(4) technical assessments and lay explanations of the analyzed global catastrophic and existential risks, including their qualitative character and key factors affecting their likelihood of occurrence and potential consequences;

(5) an explanation of any factors that limit the ability of the Secretary to assess the risk both cumulatively and for particular threats, and how those limitations may be overcome through future research or with additional resources, programs, or authorities;

(6) a forecast of if and why global catastrophic and existential risk is likely to increase or decrease significantly in the next 10 years, both qualitatively and quantitatively, as well as a description of associated uncertainties;

(7) proposals for how the Federal Government may more adequately assess global catastrophic and existential risk on an ongoing basis in future years;

(8) recommendations for legislative actions, as appropriate, to support the evaluation and assessment of global catastrophic and existential risk; and

(9) other matters deemed appropriate by the Secretary, in coordination with the Administrator, and based on the input and coordination required under section 7303.

(c) CONSULTATION REQUIREMENT.—In producing the report required under subsection (a), the Secretary shall—

(1) regularly consult with experts on severe global pandemics, nuclear war, asteroid and comet impacts, supervolcanoes, sudden and severe changes to the climate, and intentional or accidental threats arising from the use and development of emerging technologies; and

(2) share information gained through the consultation required under paragraph (1) with relevant Federal partners listed in section 7303(b).

SEC. 7305. [6 U.S.C. 824] ENHANCED CATASTROPHIC INCIDENT ANNEX.

(a) IN GENERAL.—The Secretary, in coordination with the Administrator and the Federal partners listed in section 7303(b), shall supplement each Federal Interagency Operational Plan to include an annex containing a strategy to ensure the health, safety, and general welfare of the civilian population affected by catastrophic incidents by—

(1) providing for the basic needs of the civilian population of the United States that is impacted by catastrophic incidents in the United States;

(2) coordinating response efforts with State, local, and Indian Tribal governments, the private sector, and nonprofit relief organizations;

(3) promoting personal and local readiness and non-reliance on government relief during periods of heightened tension or after catastrophic incidents; and

(4) developing international partnerships with allied nations for the provision of relief services and goods.

(b) ELEMENTS OF THE STRATEGY.—The strategy required under subsection (a) shall include a description of—

(1) actions the Federal Government should take to ensure the basic needs of the civilian population of the United States in a catastrophic incident are met;

(2) how the Federal Government should coordinate with non-Federal entities to multiply resources and enhance relief capabilities, including—

(A) State and local governments;

(B) Indian Tribal governments;

(C) State disaster relief agencies;

(D) State and local disaster relief managers;

(E) State National Guards;

(F) law enforcement and first response entities; and

(G) nonprofit relief services;

(3) actions the Federal Government should take to enhance individual resiliency to the effects of a catastrophic incident, which actions shall include—

(A) readiness alerts to the public during periods of elevated threat;

(B) efforts to enhance domestic supply and availability of critical goods and basic necessities; and

(C) information campaigns to ensure the public is aware of response plans and services that will be activated when necessary;

(4) efforts the Federal Government should undertake and agreements the Federal Government should seek with international allies to enhance the readiness of the United States to provide for the general welfare;

(5) how the strategy will be implemented should multiple levels of critical infrastructure be destroyed or taken offline entirely for an extended period of time; and

(6) the authorities the Federal Government should implicate in responding to a catastrophic incident.

(c) ASSUMPTIONS.—In designing the strategy under subsection (a), the Secretary, in coordination with the Administrator and the Federal partners listed in section 7303(b), shall account for certain factors to make the strategy operationally viable, including the assumption that—

(1) multiple levels of critical infrastructure have been taken offline or destroyed by catastrophic incidents or the effects of catastrophic incidents;

(2) impacted sectors may include—

(A) the transportation sector;

(B) the communication sector;

(C) the energy sector;

(D) the healthcare and public health sector; and

(E) the water and wastewater sector;

(3) State, local, Indian Tribal, and territorial governments have been equally affected or made largely inoperable by catastrophic incidents or the effects of catastrophic incidents;

(4) the emergency has exceeded the response capabilities of State, local, and Indian Tribal governments under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) and other relevant disaster response laws; and

(5) the United States military is sufficiently engaged in armed or cyber conflict with State or non-State adversaries, or is otherwise unable to augment domestic response capabilities in a significant manner due to a catastrophic incident.

SEC. 7306. VALIDATION OF THE STRATEGY THROUGH AN EXERCISE.

Not later than 1 year after the addition of the annex required under section 7305, the Administrator shall lead an exercise as part of the national exercise program to test and enhance the operationalization of the strategy required under section 7305.

SEC. 7307. RECOMMENDATIONS.

(a) IN GENERAL.—The Secretary, in coordination with the Administrator and the Federal partners listed in section 7303(b) of this title, shall provide recommendations to Congress for—

(1) actions that should be taken to prepare the United States to implement the strategy required under section 7305, increase readiness, and address preparedness gaps for responding to the impacts of catastrophic incidents on citizens of the United States; and

(2) additional authorities that should be considered for Federal agencies to more effectively implement the strategy required under section 7305.

(b) INCLUSION IN REPORTS.—The Secretary may include the recommendations required under subsection (a) in a report submitted under section 7308.

SEC. 7308. REPORTING REQUIREMENTS.

Not later than 1 year after the date on which the Administrator leads the exercise under section 7306, the Secretary, in coordination with the Administrator, shall submit to Congress a report that includes—

(1) a description of the efforts of the Secretary and the Administrator to develop and update the strategy required under section 7305; and

(2) an after-action report following the conduct of the exercise described in section 7306.

SEC. 7309. [6 U.S.C. 825] RULES OF CONSTRUCTION.

(a) ADMINISTRATOR.—Nothing in this subtitle shall be construed to supersede the civilian emergency management authority of the Administrator under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) or the Post Katrina Emergency Management Reform Act (6 U.S.C. 701 et seq.).

(b) SECRETARY.—Nothing in this subtitle shall be construed as providing new authority to the Secretary, except to coordinate and facilitate the development of the assessments and reports required pursuant to this subtitle.

Subtitle B—Technological Hazards Preparedness and Training

SEC. 7311. [42 U.S.C. 5121 note] SHORT TITLE.

This subtitle may be cited as the "Technological Hazards Preparedness and Training Act of 2022".

SEC. 7312. [42 U.S.C. 5136a note] DEFINITIONS.

In this subtitle:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Federal Emergency Management Agency.

(2) INDIAN TRIBAL GOVERNMENT.—The term "Indian Tribal government" has the meaning given the term "Indian tribal government" in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

(3) LOCAL GOVERNMENT; STATE.—The terms "local government" and "State" have the meanings given such terms in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

(4) TECHNOLOGICAL HAZARD AND RELATED EMERGING THREAT.—The term "technological hazard and related emerging threat"—

(A) means a hazard that involves materials created by humans that pose a unique hazard to the general public and environment and which may result from—

(i) an accident;

(ii) an emergency caused by another hazard; or

(iii) intentional use of the hazardous materials; and

(B) includes a chemical, radiological, biological, and nuclear hazard.

SEC. 7313. [42 U.S.C. 5136a] ASSISTANCE AND TRAINING FOR COMMUNITIES WITH TECHNOLOGICAL HAZARDS AND RELATED EMERGING THREATS.

(a) IN GENERAL.—The Administrator shall maintain the capacity to provide States, local, and Indian Tribal governments with technological hazards and related emerging threats technical assistance, training, and other preparedness programming to build community resilience to technological hazards and related emerging threats.

(b) AUTHORITIES.—The Administrator shall carry out subsection (a) in accordance with—

(1) the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.);

(2) section 1236 of the Disaster Recovery Reform Act of 2018 (42 U.S.C. 5196g); and

(3) the Post-Katrina Emergency Management Reform Act of 2006 (Public Law 109-295; 120 Stat. 1394).

(c) ASSESSMENT AND NOTIFICATION.—In carrying out subsection (a), the Administrator shall—

(1) use any available and appropriate multi-hazard risk assessment and mapping tools and capabilities to identify the

communities that have the highest risk of and vulnerability to a technological hazard in each State; and

(2) ensure each State and Indian Tribal government is aware of—

(A) the communities identified under paragraph (1); and

(B) the availability of programming under this section for—

(i) technological hazards and related emerging threats preparedness; and

(ii) building community capability.

(d) REPORT.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Administrator shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Appropriations of the Senate, the Committee on Energy and Natural Resources of the Senate, the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on Energy and Commerce of the House of Representatives, the Committee on Homeland Security of the House of Representatives, the Committee on Appropriations of the House of Representatives, and the Committee on Transportation and Infrastructure of the House of Representatives a report relating to—

(1) actions taken to implement this section; and

(2) technological hazards and related emerging threats preparedness programming provided under this section during the 1-year period preceding the date of submission of the report.

(e) CONSULTATION.—The Secretary of Homeland Security may seek continuing input relating to technological hazards and related emerging threats preparedness needs by consulting State, Tribal, territorial, and local emergency services organizations and private sector stakeholders.

(f) COORDINATION.—The Secretary of Homeland Security shall coordinate with the Secretary of Energy relating to technological hazard preparedness and training for a hazard that could result from activities or facilities authorized or licensed by the Department of Energy.

(g) NON-DUPLICATION OF EFFORT.—In carrying out activities under subsection (a), the Administrator shall ensure that such activities do not unnecessarily duplicate efforts of other Federal departments or agencies, including programs within the Department of Health and Human Services.

SEC. 7314. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this subtitle $20,000,000 for each of fiscal years 2023 through 2024.

SEC. 7315. [42 U.S.C. 5136a note] SAVINGS PROVISION.

Nothing in this subtitle shall diminish or divert resources from—

(1) the full completion of federally-led chemical surety material storage missions or chemical demilitarization missions that are underway as of the date of enactment of this Act; or

(2) any transitional activities or other community assistance incidental to the completion of the missions described in paragraph (1).

Subtitle C—Other Matters

SEC. 7321. CRISIS COUNSELING ASSISTANCE AND TRAINING.

(a) FEDERAL EMERGENCY ASSISTANCE.—Section 502(a)(6) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5192(a)(6)) is amended by inserting "and section 416" after "section 408".

(b) [42 U.S.C. 5192 note] APPLICABILITY.—The amendment made by subsection (a) shall only apply to amounts appropriated on or after the date of enactment of this Act.

DIVISION H—WATER RESOURCES

TITLE LXXXI—WATER RESOURCES DEVELOPMENT ACT OF 2022

SEC. 8001. SHORT TITLE; TABLE OF CONTENTS.

(a) [33 U.S.C. 2201 note] SHORT TITLE.—This title may be cited as the "Water Resources Development Act of 2022".

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

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

Subtitle A—General Provisions

Sec. 8101. Federal breakwaters and jetties.
Sec. 8102. Emergency response to natural disasters.
Sec. 8103. Shoreline and riverbank protection and restoration mission.
Sec. 8104. Floodplain management services.
Sec. 8105. Public recreational amenities in ecosystem restoration projects.
Sec. 8106. Scope of feasibility studies.
Sec. 8107. Water supply conservation.
Sec. 8108. Managed aquifer recharge study and working group.
Sec. 8109. Updates to certain water control manuals.
Sec. 8110. National coastal mapping study.
Sec. 8111. Tribal partnership program.
Sec. 8112. Tribal Liaison.
Sec. 8113. Tribal assistance.
Sec. 8114. Cost sharing provisions for the territories and Indian Tribes.
Sec. 8115. Tribal and Economically Disadvantaged Communities Advisory Committee.
Sec. 8116. Workforce planning.
Sec. 8117. Corps of Engineers support for underserved communities; outreach.
Sec. 8118. Pilot programs for certain communities.
Sec. 8119. Technical assistance.
Sec. 8120. Technical assistance for levee inspections.
Sec. 8121. Assessment of Corps of Engineers levees.
Sec. 8122. National low-head dam inventory.
Sec. 8123. Expediting hydropower at Corps of Engineers facilities.
Sec. 8124. Reserve component training at water resources development projects.
Sec. 8125. Payment of pay and allowances of certain officers from appropriation for improvements.
Sec. 8126. Maintenance dredging permits.
Sec. 8127. Environmental dredging.

Sec. 8128. Assessment of regional confined aquatic disposal facilities.
Sec. 8129. Studies for periodic nourishment.
Sec. 8130. Beneficial use of dredged material; management plans.
Sec. 8131. Criteria for funding operation and maintenance of small, remote, and subsistence harbors.
Sec. 8132. Additional projects for underserved community harbors.
Sec. 8133. Inland waterways regional dredge pilot program.
Sec. 8134. NEPA reporting.
Sec. 8135. Funding to process permits.
Sec. 8136. Lease durations.
Sec. 8137. Reforestation.
Sec. 8138. Emergency streambank and shoreline protection.
Sec. 8139. Lease deviations.
Sec. 8140. Policy and technical standards.
Sec. 8141. Corps records relating to harmful algal blooms in Lake Okeechobee, Florida.
Sec. 8142. Forecasting models for the Great Lakes.
Sec. 8143. Monitoring and assessment program for saline lakes in the Great Basin.
Sec. 8144. Chattahoochee River program.
Sec. 8145. Lower Mississippi River Basin demonstration program.
Sec. 8146. Washington Aqueduct.
Sec. 8147. Water infrastructure public-private partnership pilot program.
Sec. 8148. Advance payment in lieu of reimbursement for certain Federal costs.
Sec. 8149. Use of other Federal funds.
Sec. 8150. Non-Federal Interest Advisory Committee.
Sec. 8151. Materials, services, and funds for repair, restoration, or rehabilitation of certain public recreation facilities.
Sec. 8152. Rehabilitation of pump stations.
Sec. 8153. Report to Congress on Corps of Engineers reservoirs.
Sec. 8154. Temporary relocation assistance pilot program.
Sec. 8155. Continuation of construction.
Sec. 8156. Federal interest determination.
Sec. 8157. Inland waterway projects.
Sec. 8158. Corps of Engineers Western Water Cooperative Committee.
Sec. 8159. Support of Army civil works missions.
Sec. 8160. Civil works research and development.
Sec. 8161. Sense of Congress on operations and maintenance of recreation sites.
Sec. 8162. Sense of Congress relating to post-disaster repairs.

Subtitle B—Studies and Reports

Sec. 8201. Authorization of proposed feasibility studies.
Sec. 8202. Expedited completion.
Sec. 8203. Expedited modifications of existing feasibility studies.
Sec. 8204. Corps of Engineers reservoir sedimentation assessment.
Sec. 8205. Report and recommendations on dredge capacity.
Sec. 8206. Assessment of impacts from changing operation and maintenance responsibilities.
Sec. 8207. Maintenance dredging data.
Sec. 8208. Western infrastructure study.
Sec. 8209. Recreation and economic development at Corps facilities in Appalachia.
Sec. 8210. Ouachita River watershed, Arkansas and Louisiana.
Sec. 8211. Report on Santa Barbara streams, Lower Mission Creek, California.
Sec. 8212. Disposition study on Salinas Dam and Reservoir, California.
Sec. 8213. Excess lands report for Whittier Narrows Dam, California.
Sec. 8214. Comprehensive central and southern Florida study.
Sec. 8215. Northern estuaries ecosystem restoration, Florida.
Sec. 8216. Study on shellfish habitat and seagrass, Florida Central Gulf Coast.
Sec. 8217. Report on South Florida ecosystem restoration plan implementation.
Sec. 8218. Great Lakes recreational boating.
Sec. 8219. Hydraulic evaluation of Upper Mississippi River and Illinois River.
Sec. 8220. Disposition study on hydropower in the Willamette Valley, Oregon.
Sec. 8221. Houston Ship Channel Expansion Channel Improvement Project, Texas.
Sec. 8222. Sabine-Neches waterway navigation improvement project, Texas.
Sec. 8223. Norfolk Harbor and Channels, Virginia.
Sec. 8224. Coastal Virginia, Virginia.
Sec. 8225. West Virginia hydropower.
Sec. 8226. Electronic preparation and submission of applications.

Sec. 8227. Investments for recreation areas.
Sec. 8228. Automated fee machines.
Sec. 8229. Review of recreational hazards.
Sec. 8230. Assessment of coastal flooding mitigation modeling and testing capacity.
Sec. 8231. Report on socially and economically disadvantaged small business concerns.
Sec. 8232. Report on solar energy opportunities.
Sec. 8233. Report to Congress on economic valuation of preservation of open space, recreational areas, and habitat associated with project lands.
Sec. 8234. Report on corrosion prevention activities.
Sec. 8235. Report to Congress on easements related to water resources development projects.
Sec. 8236. GAO studies.
Sec. 8237. Assessment of forest, rangeland, and watershed restoration services on lands owned by the Corps of Engineers.

Subtitle C—Deauthorizations and Modifications

Sec. 8301. Deauthorization of inactive projects.
Sec. 8302. Watershed and river basin assessments.
Sec. 8303. Forecast-informed reservoir operations.
Sec. 8304. Lakes program.
Sec. 8305. Invasive species.
Sec. 8306. Maintenance of navigation channels.
Sec. 8307. Project reauthorizations.
Sec. 8308. Special rule for certain beach nourishment projects.
Sec. 8309. Columbia River Basin.
Sec. 8310. Evaluation of hydrologic changes in Souris River Basin.
Sec. 8311. Acequias irrigation systems.
Sec. 8312. Port of Nome, Alaska.
Sec. 8313. St. George, Alaska.
Sec. 8314. Unalaska (Dutch Harbor) Channels, Alaska.
Sec. 8315. Storm damage prevention and reduction, coastal erosion, riverine erosion, and ice and glacial damage, Alaska.
Sec. 8316. St. Francis Lake Control Structure.
Sec. 8317. South Platte River and Tributaries, Adams and Denver Counties, Colorado.
Sec. 8318. Fruitvale Avenue Railroad Bridge, Alameda, California.
Sec. 8319. Los Angeles County, California.
Sec. 8320. Deauthorization of designated portions of the Los Angeles County Drainage Area, California.
Sec. 8321. Murrieta Creek, California.
Sec. 8322. Sacramento River Basin, California.
Sec. 8323. San Diego River and Mission Bay, San Diego County, California.
Sec. 8324. Additional assistance for Eastern Santa Clara Basin, California.
Sec. 8325. San Francisco Bay, California.
Sec. 8326. South San Francisco Bay Shoreline, California.
Sec. 8327. Delaware shore protection and restoration.
Sec. 8328. St. Johns River Basin, Central and Southern Florida.
Sec. 8329. Little Pass, Clearwater Bay, Florida.
Sec. 8330. Comprehensive Everglades Restoration Plan, Florida.
Sec. 8331. Palm Beach Harbor, Florida.
Sec. 8332. Port Everglades, Florida.
Sec. 8333. South Florida Ecosystem Restoration Task Force.
Sec. 8334. New Savannah Bluff Lock and Dam, Georgia and South Carolina.
Sec. 8335. Little Wood River, Gooding, Idaho.
Sec. 8336. Chicago shoreline protection.
Sec. 8337. Great Lakes and Mississippi River Interbasin project, Brandon Road, Will County, Illinois.
Sec. 8338. Southeast Des Moines, Southwest Pleasant Hill, Iowa.
Sec. 8339. City of El Dorado, Kansas.
Sec. 8340. Algiers Canal Levees, Louisiana.
Sec. 8341. Mississippi River Gulf Outlet, Louisiana.
Sec. 8342. Camp Ellis, Saco, Maine.
Sec. 8343. Lower Mississippi River comprehensive management study.
Sec. 8344. Upper Mississippi River protection.
Sec. 8345. Upper Mississippi River restoration program.

Sec. 8346. Water level management on the Upper Mississippi River and Illinois Waterway.
Sec. 8347. Mississippi Delta Headwaters, Mississippi.
Sec. 8348. Sense of Congress relating to Okatibbee Lake, Mississippi.
Sec. 8349. Argentine, East Bottoms, Fairfax-Jersey Creek, and North Kansas Levees units, Missouri River and tributaries at Kansas Cities, Missouri and Kansas.
Sec. 8350. Lower Missouri River streambank erosion control evaluation and demonstration projects.
Sec. 8351. Missouri River interception-rearing complexes.
Sec. 8352. Missouri River mitigation project, Missouri, Kansas, Iowa, and Nebraska.
Sec. 8353. Northern Missouri.
Sec. 8354. Israel River, Lancaster, New Hampshire.
Sec. 8355. Middle Rio Grande flood protection, Bernalillo to Belen, New Mexico.
Sec. 8356. Ecosystem restoration, Hudson-Raritan Estuary, New York and New Jersey.
Sec. 8357. Arkansas River corridor, Oklahoma.
Sec. 8358. Copan Lake, Oklahoma.
Sec. 8359. Southwestern Oregon.
Sec. 8360. Yaquina River, Oregon.
Sec. 8361. Lower Blackstone River, Rhode Island.
Sec. 8362. Charleston Harbor, South Carolina.
Sec. 8363. Colleton County, South Carolina.
Sec. 8364. Ensley levee, Tennessee.
Sec. 8365. Wolf River Harbor, Tennessee.
Sec. 8366. Addicks and Barker Reservoirs, Texas.
Sec. 8367. North Padre Island, Corpus Christi Bay, Texas.
Sec. 8368. Nueces County, Texas.
Sec. 8369. Lake Champlain Canal, Vermont and New York.
Sec. 8370. Rehabilitation of Corps of Engineers constructed dams.
Sec. 8371. Puget Sound nearshore ecosystem restoration, Washington.
Sec. 8372. Lower Mud River, Milton, West Virginia.
Sec. 8373. Northern West Virginia.
Sec. 8374. Southern West Virginia.
Sec. 8375. Environmental infrastructure.
Sec. 8376. Additional assistance for critical projects.
Sec. 8377. Conveyances.
Sec. 8378. Land transfer and trust land for Choctaw Nation of Oklahoma.
Sec. 8379. John P. Murtha Locks and Dam.
Sec. 8380. Treatment of certain benefits and costs.
Sec. 8381. Debris removal.
Sec. 8382. General reauthorizations.
Sec. 8383. Transfer of excess credit.
Sec. 8384. Treatment of credit between projects.
Sec. 8385. Non-Federal payment flexibility.
Sec. 8386. Coastal community flood control and other purposes.
Sec. 8387. National levee safety program.
Sec. 8388. Surplus water contracts and water storage agreements.
Sec. 8389. Water supply storage repair, rehabilitation, and replacement costs.
Sec. 8390. Abandoned and inactive noncoal mine restoration.
Sec. 8391. Asian carp prevention and control pilot program.
Sec. 8392. Enhanced development program.
Sec. 8393. Recreational opportunities at certain projects.
Sec. 8394. Federal assistance.
Sec. 8395. Mississippi River mat sinking unit.
Sec. 8396. Sense of Congress on lease agreement.
Sec. 8397. Expedited completion of projects and studies.

Subtitle D—Water Resources Infrastructure

Sec. 8401. Project authorizations.
Sec. 8402. Special rules.
Sec. 8403. Facility investment.

SEC. 8002. [33 U.S.C. 2201 note] SECRETARY DEFINED.

In this title, the term "Secretary" means the Secretary of the Army.

Subtitle A—General Provisions

SEC. 8101. [33 U.S.C. 2351b] FEDERAL BREAKWATERS AND JETTIES.

(a) IN GENERAL.—In carrying out repair or maintenance activity of a Federal jetty, pile dike, or breakwater associated with an authorized navigation project, the Secretary shall, notwithstanding the authorized dimensions of the jetty, pile dike, or breakwater, ensure that such repair or maintenance activity is sufficient to meet the authorized purpose of such project, including ensuring that any harbor or inland harbor associated with the project is protected from projected changes in wave action or height (including changes that result from relative sea level change over the useful life of the project).

(b) CLASSIFICATION OF ACTIVITY.—The Secretary may not classify any repair or maintenance activity of a Federal jetty, pile dike, or breakwater carried out under subsection (a) as major rehabilitation of such jetty, pile dike, or breakwater—

(1) if the Secretary determines that—

(A) projected changes in wave action or height, including changes that result from relative sea level change, will diminish the functionality of the jetty, pile dike, or breakwater to meet the authorized purpose of the project; and

(B) such repair or maintenance activity is necessary to restore such functionality; or

(2) if the Secretary has not carried out regular and routine Federal maintenance activity at the jetty, pile dike, or breakwater and—

(A) the structural integrity of the jetty, pile dike, or breakwater is degraded as a result of a lack of such regular and routine Federal maintenance activity; or

(B) the pile dike has disconnected from an authorized navigation project as a result of a lack of such regular and routine Federal maintenance activity.

SEC. 8102. EMERGENCY RESPONSE TO NATURAL DISASTERS.

(a) IN GENERAL.—Section 5(a)(1) of the Act of August 18, 1941 (33 U.S.C. 701n(a)(1)) is amended by striking "in the repair and restoration of any federally authorized hurricane or shore protective structure" and all that follows through "non-Federal sponsor." and inserting "in the repair and restoration of any federally authorized hurricane or shore protective structure or project damaged or destroyed by wind, wave, or water action of other than an ordinary nature to the pre-storm level of protection, to the design level of protection, or, notwithstanding the authorized dimensions of the structure or project, to a level sufficient to meet the authorized purpose of such structure or project, whichever provides greater protection, when, in the discretion of the Chief of Engineers, such repair and restoration is warranted for the adequate functioning of the structure or project for hurricane or shore protection, including to ensure the structure or project is functioning adequately to protect against projected changes in wave action or height or storm surge (including changes that result from relative sea level change over the useful life of the structure or project), subject to the condition that the Chief of Engineers may, if requested by the non-Fed-

eral sponsor, include modifications to the structure or project (including the addition of new project features) to address major deficiencies, increase resilience, increase benefits from the reduction of damages from inundation, wave action, or 136 STAT. 3696 erosion, or implement nonstructural alternatives to the repair or restoration of the structure.".

(b) [33 U.S.C. 701n note] GREAT LAKES ADVANCE MEASURES ASSISTANCE.—

(1) IN GENERAL.—The Secretary shall not deny a request from the Governor of a Great Lakes State to provide advance measures assistance pursuant to section 5(a) of the Act of August 18, 1941 (33 U.S.C. 701n(a)) to reduce the risk of damage from rising water levels in the Great Lakes solely on the basis that the damage is caused by erosion.

(2) FEDERAL SHARE.—Assistance provided by the Secretary pursuant to a request described in paragraph (1) shall be at Federal expense if the assistance is for the construction of advance measures to a temporary construction standard.

(3) GREAT LAKES STATE DEFINED.—In this subsection, the term "Great Lakes State" means the State of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, or Wisconsin.

SEC. 8103. SHORELINE AND RIVERBANK PROTECTION AND RESTORATION MISSION.

(a) IN GENERAL.—Section 212 of the Water Resources Development Act of 1999 (33 U.S.C. 2332) is amended—

(1) in the section heading, by striking "flood mitigation and riverine restoration program" and inserting "shoreline and riverine protection and restoration";

(2) by striking subsection (a) and inserting the following:

"(a) IN GENERAL.—The Secretary may carry out studies and projects to—

"(1) reduce flood and hurricane and storm damage hazards; or

"(2) restore the natural functions and values of rivers and shorelines throughout the United States.";

(3) in subsection (b)—

(A) by striking paragraph (1) and inserting the following:

"(1) AUTHORITY.—

"(A) STUDIES.—In carrying out subsection (a), the Secretary may carry out studies to identify appropriate measures for—

"(i) the reduction of flood and hurricane and storm damage hazards, including measures for erosion mitigation and bank stabilization; or

"(ii) the conservation and restoration of the natural functions and values of rivers and shorelines.

"(B) PROJECTS.—Subject to subsection (f)(2), in carrying out subsection (a), the Secretary may design and implement projects described in subsection (a).";

(B) in paragraph (3), by striking "flood damages" and inserting "flood and hurricane and storm damages, includ-

ing the use of natural features or nature-based features"; and

(C) in paragraph (4)—

(i) by inserting "and hurricane and storm" after "flood";

(ii) by inserting ", shoreline," after "riverine"; and

(iii) by inserting "and coastal barriers" after "floodplains";

(4) in subsection (c)—

(A) in paragraph (1), by inserting ", except that the first $200,000 of the costs of a study conducted under this section shall be at Federal expense" before the period;

(B) in paragraph (2)—

(i) in the paragraph heading, by striking "flood control"; and

(ii) by striking subparagraph (A) and inserting the following:

"(A) IN GENERAL.—Design and construction of a project under this section that includes a nonstructural measure, a natural feature or nature-based feature, or an environmental restoration measure, shall be subject to cost sharing in accordance with section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213), except that the non-Federal share of the cost to design and construct such a project benefitting an economically disadvantaged community (including economically disadvantaged communities located in urban and rural areas) shall be 10 percent."; and

(C) in paragraph (3)—

(i) in the paragraph heading, by inserting "or hurricane and storm damage reduction" after "flood control";

(ii) by inserting "or hurricane and storm damage reduction" after "flood control"; and

(iii) by striking "section 103(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(a))"and inserting "section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213), except that the non-Federal share of the cost to design and construct such a project benefitting an economically disadvantaged community (including economically disadvantaged communities located in urban and rural areas) shall be 10 percent";

(5) by striking subsection (d) and inserting the following:

"(d) PROJECT JUSTIFICATION.—Notwithstanding any requirement for economic justification established under section 209 of the Flood Control Act of 1970 (42 U.S.C. 1962-2), the Secretary may implement a project under this section if the Secretary determines that the project—

"(1) will significantly reduce potential flood, hurricane and storm, or erosion damages;

"(2) will improve the quality of the environment; and

"(3) is justified considering all costs and beneficial outputs of the project.";

(6) in subsection (e)—

(A) in the subsection heading, by striking "Priority Areas" and inserting "Areas for Examination";

(B) by redesignating paragraphs (1) through (33) as subparagraphs (A) through (GG), respectively, and adjusting the margins appropriately;

(C) by striking "In carrying out" and inserting the following:

"(1) IN GENERAL.—In carrying out"; and

(D) by adding at the end the following:

"(2) PRIORITY PROJECTS.—In carrying out this section, the Secretary shall prioritize projects for the following locations:

"(A) Delaware beaches and watersheds, Delaware.

"(B) Louisiana Coastal Area, Louisiana.

"(C) Great Lakes Shores and Watersheds.

"(D) Oregon Coastal Area and Willamette River basin, Oregon.

"(E) Upper Missouri River Basin.

"(F) Ohio River Tributaries and their watersheds, West Virginia.

"(G) Chesapeake Bay watershed and Maryland beaches, Maryland.

"(H) City of Southport, North Carolina.

"(I) Maumee River, Ohio.

"(J) Los Angeles and San Gabriel Rivers, California.

"(K) Kentucky River and its tributaries and watersheds.";

(7) by striking subsections (f), (g), and (i);

(8) by redesignating subsection (h) as subsection (f);

(9) in subsection (f) (as so redesignated), by striking paragraph (2) and inserting the following:

"(2) PROJECTS REQUIRING SPECIFIC AUTHORIZATION.—If the Federal share of the cost to design and construct a project under this section exceeds $15,000,000, the Secretary may only carry out the project if Congress enacts a law authorizing the Secretary to carry out the project."; and

(10) by adding at the end the following:

"(g) DEFINITIONS.—In this section:

"(1) ECONOMICALLY DISADVANTAGED COMMUNITY.—The term 'economically disadvantaged community' has the meaning given the term as defined by the Secretary under section 160 of the Water Resources Development Act of 2020 (33 U.S.C. 2201 note).

"(2) NATURAL FEATURE; NATURE-BASED FEATURE.—The terms 'natural feature' and 'nature-based feature' have the meanings given those terms in section 1184(a) of the Water Resources Development Act of 2016 (33 U.S.C. 2289a(a)).".

(b) CLERICAL AMENDMENT.—The table of contents contained in section 1(b) of the Water Resources Development Act of 1999 (113 Stat. 269) is amended by striking the item relating to section 212 and inserting the following:

"Sec. 212. Shoreline and riverine protection and restoration.".

SEC. 8104. FLOODPLAIN MANAGEMENT SERVICES.

Section 206 of the Flood Control Act of 1960 (33 U.S.C. 709a) is amended—

(1) by striking "Sec. 206. (a) In recognition" and inserting the following:

"SEC. 206. INFORMATION ON FLOODS AND FLOOD DAMAGE

"(a) COMPILATION AND DISSEMINATION.—

"(1) IN GENERAL.—In recognition";

(2) in subsection (a)—

(A) in the second sentence, by striking "Surveys and guides" and inserting the following:

"(2) SURVEYS AND GUIDES.—Surveys and guides";

(B) in the first sentence, by inserting "identification of areas subject to floods due to accumulated snags and other debris," after "inundation by floods of various magnitudes and frequencies,"; and

(C) by adding at the end the following:

"(3) IDENTIFICATION OF ASSISTANCE.—

"(A) IN GENERAL.—To the maximum extent practicable, in providing assistance under this subsection, the Secretary shall identify and communicate to States and non-Federal interests specific opportunities to partner with the Corps of Engineers to address flood hazards.

"(B) COORDINATION.—The Secretary shall coordinate activities under this paragraph with activities described in section 22 of the Water Resources Development Act of 1974 (42 U.S.C. 1962d-16).";

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

(4) by inserting after subsection (c) the following:

"(d) INSTITUTIONS OF HIGHER EDUCATION.—Notwithstanding section 4141 of title 10, United States Code, in carrying out this section, the Secretary may work with an institution of higher education, as determined appropriate by the Secretary.".

SEC. 8105. [33 U.S.C. 2330d] PUBLIC RECREATIONAL AMENITIES IN ECOSYSTEM RESTORATION PROJECTS.

At the request of a non-Federal interest, the Secretary is authorized to study the incorporation of public recreational amenities, including facilities for hiking, biking, walking, and waterborne recreation, into a project for ecosystem restoration, including a project carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), if the incorporation of such amenities would be consistent with the ecosystem restoration purposes of the project.

SEC. 8106. [33 U.S.C. 22282g] SCOPE OF FEASIBILITY STUDIES.

(a) FLOOD RISK MANAGEMENT OR HURRICANE AND STORM DAMAGE RISK REDUCTION.—In carrying out a feasibility study for a project for flood risk management or hurricane and storm damage risk reduction, the Secretary, at the request of the non-Federal interest for the study, shall formulate alternatives to maximize the net benefits from the reduction of the comprehensive flood risk within the geographic scope of the study from the isolated and compound effects of—

(1) a riverine discharge of any magnitude or frequency;

(2) inundation, wave attack, and erosion coinciding with a hurricane or coastal storm;

(3) flooding associated with tidally influenced portions of rivers, bays, and estuaries that are hydrologically connected to the coastal water body;

(4) a rainfall event of any magnitude or frequency;

(5) a tide of any magnitude or frequency;

(6) seasonal variation in water levels;

(7) groundwater emergence;

(8) sea level rise;

(9) subsidence; or

(10) any other driver of flood risk affecting the area within the geographic scope of the study.

(b) WATER SUPPLY, WATER CONSERVATION, AND DROUGHT RISK REDUCTION.—In carrying out a feasibility study for any purpose, the Secretary, at the request of the non-Federal interest for the study, shall formulate alternatives—

(1) to maximize combined net benefits for the primary purpose of the study and for the purposes of water supply or water conservation (including the use of water supply conservation measures described in section 1116 of the Water Resources Development Act of 2016 (130 Stat. 1639)); or

(2) to include 1 or more measures for the purposes of water supply or water conservation if the Secretary determines that such measures may reduce potential adverse impacts of extreme weather events, including drought, on water resources within the geographic scope of the study.

(c) COST SHARING.—All costs to carry out a feasibility study in accordance with this section shall be shared in accordance with the cost share requirements otherwise applicable to the study.

SEC. 8107. [42 U.S.C. 1962d-5b note] WATER SUPPLY CONSERVATION.

Section 1116 of the Water Resources Development Act of 2016 (130 Stat. 1639) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking "during the 1-year period ending on the date of enactment of this Act" and inserting "for any portion of any 2 consecutive or nonconsecutive years during the 10-year period preceding a request from a non-Federal interest for assistance under this section"; and

(2) in subsection (b)(4), by inserting ", including measures utilizing a natural feature or nature-based feature (as those terms are defined in section 1184(a)) to reduce drought risk" after "water supply".

SEC. 8108. [33 U.S.C. 2357] MANAGED AQUIFER RECHARGE STUDY AND WORKING GROUP.

(a) ASSESSMENT.—

(1) IN GENERAL.—The Secretary shall, in consultation with applicable non-Federal interests, conduct a national assessment of carrying out managed aquifer recharge projects to address drought, water resiliency, and aquifer depletion at authorized water resources development projects.

(2) REQUIREMENTS.—In carrying out paragraph (1), the Secretary shall—

(A) assess and identify opportunities to support non-Federal interests, including Tribal communities, in carrying out managed aquifer recharge projects; and

(B) assess preliminarily local hydrogeologic conditions relevant to carrying out managed aquifer recharge projects.

(3) COORDINATION.—In carrying out paragraph (1), the Secretary shall coordinate, as appropriate, with the heads of other Federal agencies, States, regional governmental agencies, units of local government, experts in managed aquifer recharge, and Tribes.

(b) FEASIBILITY STUDIES.—

(1) AUTHORIZATION.—The Secretary is authorized to carry out feasibility studies, at the request of a non-Federal interest, of managed aquifer recharge projects in areas that are experiencing, or have recently experienced, prolonged drought conditions, aquifer depletion, or water supply scarcity.

(2) LIMITATION.—The Secretary may carry out not more than 10 feasibility studies under this subsection.

(3) USE OF INFORMATION.—The Secretary shall, to the maximum extent practicable, use information gathered from the assessment conducted under subsection (a) in identifying and selecting feasibility studies to carry out under this subsection.

(4) COST SHARE.—The Federal share of the cost of a feasibility study carried out under this subsection shall be 90 percent.

(c) WORKING GROUP.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish a managed aquifer recharge working group made up of subject matter experts within the Corps of Engineers and relevant non-Federal stakeholders.

(2) COMPOSITION.—In establishing the working group under paragraph (1), the Secretary shall ensure that members of the working group have expertise working with—

(A) projects providing water supply storage to meet regional water supply demand, particularly in regions experiencing drought;

(B) the protection of groundwater supply, including promoting infiltration and increased recharge in groundwater basins, and groundwater quality;

(C) aquifer storage, recharge, and recovery wells;

(D) dams that provide recharge enhancement benefits;

(E) groundwater hydrology;

(F) conjunctive use water systems; and

(G) agricultural water resources, including the use of aquifers for irrigation purposes.

(3) DUTIES.—The working group established under this subsection shall—

(A) advise the Secretary regarding the development and execution of the assessment under subsection (a) and any feasibility studies under subsection (b);

(B) assist Corps of Engineers offices at the headquarter, division, and district levels with raising awareness of non-Federal interests of the potential benefits of carrying out managed aquifer recharge projects; and

(C) assist with the development of the report required to be submitted under subsection (d).

(d) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on managed aquifer recharge that includes—

(1) the results of the assessment conducted under subsection (a) and any feasibility studies carried out under subsection (b), including data collected under such assessment and studies and any recommendations on managed aquifer recharge opportunities for non-Federal interests, States, local governments, and Tribes;

(2) a status update on the implementation of the recommendations included in the report of the U.S. Army Corps of Engineers Institute for Water Resources entitled "Managed Aquifer Recharge and the U.S. Army Corps of Engineers: Water Security through Resilience", published in April 2020 (2020-WP-01); and

(3) an evaluation of the benefits of creating a new or modifying an existing planning center of expertise for managed aquifer recharge, and identify potential locations for such a center of expertise, if feasible.

(e) SAVINGS PROVISION.—Nothing in this section affects the non-Federal share of the cost of construction of a managed aquifer recharge project under section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213) or any other provision of law.

(f) DEFINITIONS.—In this section:

(1) MANAGED AQUIFER RECHARGE.—The term "managed aquifer recharge" means the intentional banking and treatment of water in aquifers for storage and future use.

(2) MANAGED AQUIFER RECHARGE PROJECT.—The term "managed aquifer recharge project" means a project to incorporate managed aquifer recharge features into a water resources development project.

SEC. 8109. UPDATES TO CERTAIN WATER CONTROL MANUALS.

On request of the Governor of a State for which the Governor declared a statewide drought disaster in 2021, the Secretary is authorized to update water control manuals for water resources development projects under the authority of the Secretary in the State, with priority given to those projects that include water supply or water conservation as an authorized purpose or that incorporate the use of forecast-informed reservoir operations into such manuals.

SEC. 8110. NATIONAL COASTAL MAPPING STUDY.

(a) IN GENERAL.—The Secretary, acting through the Director of the Engineer Research and Development Center, is authorized to carry out a study of coastal geographic land changes, with recur-

ring national coastal mapping technology, along the coastal zone of the United States to support Corps of Engineers missions.

(b) STUDY.—In carrying out the study under subsection (a), the Secretary shall identify—

(1) new or advanced geospatial information and remote sensing tools for coastal mapping;

(2) best practices for coastal change mapping; and

(3) how to most effectively—

(A) collect and analyze such advanced geospatial information;

(B) disseminate such geospatial information to relevant offices of the Corps of Engineers, other Federal agencies, States, Tribes, and local governments; and

(C) make such geospatial information available to other stakeholders.

(c) DEMONSTRATION PROJECT.—

(1) PROJECT AREA.—In carrying out the study under subsection (a), the Secretary shall carry out a demonstration project in the coastal region covering the North Carolina coastal waters, connected bays, estuaries, rivers, streams, and creeks, to their tidally influenced extent inland.

(2) SCOPE.—In carrying out the demonstration project, the Secretary shall—

(A) identify and study potential hazards, such as debris, sedimentation, dredging effects, and flood areas;

(B) identify best practices described in subsection (b)(2), including best practices relating to geographical coverage and frequency of mapping;

(C) evaluate and demonstrate relevant mapping technologies to identify which are the most effective for regional mapping of the transitional areas between the open coast and inland waters; and

(D) demonstrate remote sensing tools for coastal mapping.

(d) COORDINATION.—In carrying out this section, the Secretary shall coordinate with other Federal and State agencies that are responsible for authoritative data and academic institutions and other entities with relevant expertise.

(e) PANEL.—

(1) ESTABLISHMENT.—In carrying out this section, the Secretary shall establish a panel of senior leaders from the Corps of Engineers and other Federal agencies that are stakeholders in the coastal mapping program carried out through the Engineer Research and Development Center.

(2) DUTIES.—The panel established under this subsection shall—

(A) coordinate the collection of data under the study carried out under this section;

(B) coordinate the use of geospatial information and remote sensing tools, and the application of the best practices identified under the study, by Federal agencies; and

(C) identify technical topics and challenges that require multiagency collaborative research and development.

(f) USE OF EXISTING INFORMATION.—In carrying out this section, the Secretary shall consider any relevant information developed under section 516(g) of the Water Resources Development Act of 1996 (33 U.S.C. 2326b(g)).

(g) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that describes—

(1) the results of the study carried out under this section; and

(2) any geographical areas recommended for additional study.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000, to remain available until expended.

SEC. 8111. TRIBAL PARTNERSHIP PROGRAM.

Section 203 of the Water Resources Development Act of 2000 (33 U.S.C. 2269) is amended—

(1) in subsection (a), by striking "(25 U.S.C. 450b)" and inserting "(25 U.S.C. 5304)";

(2) in subsection (b)—

(A) in paragraph (2)—

(i) in subparagraph (A)—

(I) by inserting "hurricane and storm" after "flood"; and

(II) by inserting "including erosion control," after "reduction,";

(ii) in subparagraph (B), by striking "and" at the end;

(iii) by redesignating subparagraph (C) as subparagraph (D); and

(iv) by inserting after subparagraph (B) the following:

"(C) technical assistance to an Indian tribe, including—

"(i) assistance for planning to ameliorate flood hazards, to avoid repetitive flood impacts, to anticipate, prepare, and adapt to changing hydrological and climatic conditions and extreme weather events, and to withstand, respond to, and recover rapidly from disruption due to flood hazards; and

"(ii) the provision of, and integration into planning of, hydrologic, economic, and environmental data and analyses; and";

(B) in paragraph (3), by adding at the end the following:

"(C) INITIAL COSTS.—The first $200,000 of the costs of a study under this section shall be at Federal expense.";

(C) in paragraph (4)—

(i) in subparagraph (A), by striking "$18,500,000" and inserting "$26,000,000"; and

(ii) in subparagraph (B), by striking "$18,500,000" and inserting "$26,000,000"; and

(D) by adding at the end the following:

"(5) PROJECT JUSTIFICATION.—Notwithstanding any requirement for economic justification established under section 209 of the Flood Control Act of 1970 (42 U.S.C. 1962-2), the Secretary may implement a project (other than a project for ecosystem restoration) under this section if the Secretary determines that the project will—

"(A) significantly reduce potential flood or hurricane and storm damage hazards (which may be limited to hazards that may be addressed by measures for erosion mitigation or bank stabilization);

"(B) improve the quality of the environment;

"(C) reduce risks to life safety associated with the hazards described in subparagraph (A); and

"(D) improve the long-term viability of the community.";

(3) in subsection (d)—

(A) in paragraph (5)(B)—

(i) by striking "non-Federal" and inserting "Federal"; and

(ii) by striking "50 percent" and inserting "100 percent"; and

(B) by adding at the end the following:

"(6) TECHNICAL ASSISTANCE.—The Federal share of the cost of activities described in subsection (b)(2)(C) shall be 100 percent."; and

(4) in subsection (e), by striking "2024" and inserting "2033".

SEC. 8112. [33 U.S.C. 2281a] TRIBAL LIAISON.

(a) IN GENERAL.—Beginning not later than 1 year after the date of enactment of this Act, the District Commander for each Corps of Engineers district that contains a Tribal community shall have on staff a Tribal Liaison.

(b) DUTIES.—Each Tribal Liaison shall make recommendations to the applicable District Commander regarding, and be responsible for—

(1) removing barriers to access to, and participation in, Corps of Engineers programs for Tribal communities, including by improving implementation of section 103(m) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m));

(2) improving outreach to, and engagement with, Tribal communities about relevant Corps of Engineers programs and services;

(3) identifying and engaging with Tribal communities suffering from water resources challenges;

(4) improving, expanding, and facilitating government-to-government consultation between Tribal communities and the Corps of Engineers;

(5) coordinating and implementing all relevant Tribal consultation policies and associated guidelines, including the re-

quirements of section 112 of the Water Resources Development Act of 2020 (33 U.S.C. 2356);

(6) training and tools to facilitate the ability of Corps of Engineers staff to effectively engage with Tribal communities in a culturally competent manner, especially in regards to lands of ancestral, historic, or cultural significance to a Tribal community, including burial sites; and

(7) such other issues identified by the Secretary.

(c) UNIFORMITY.—Not later than 120 days after the date of enactment of this Act, the Secretary shall finalize guidelines for—

(1) a position description for Tribal Liaisons; and

(2) required qualifications for Tribal Liaisons, including experience and expertise relating to Tribal communities and water resource issues.

(d) FUNDING.—Funding for the position of Tribal Liaison shall be allocated from the budget line item provided for the expenses necessary for the supervision and general administration of the civil works program, and filling the position shall not be dependent on any increase in this budget line item.

(e) DEFINITIONS.—In this section:

(1) TRIBAL COMMUNITY.—The term "Tribal community" means a community of people who are recognized and defined under Federal law as indigenous people of the United States.

(2) TRIBAL LIAISON.—The term "Tribal Liaison" means a permanent employee of a Corps of Engineers district whose primary responsibilities are to—

(A) serve as a direct line of communication between the District Commander and the Tribal communities within the boundaries of the Corps of Engineers district; and

(B) ensure consistency in government-to-government relations.

SEC. 8113. TRIBAL ASSISTANCE.

(a) CLARIFICATION OF EXISTING AUTHORITY.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary, in consultation with the heads of relevant Federal agencies, the Confederated Tribes of the Warm Springs Reservation of Oregon, the Confederated Tribes and Bands of the Yakama Nation, the Nez Perce Tribe, and the Confederated Tribes of the Umatilla Indian Reservation, shall revise and carry out the village development plan for The Dalles Dam, Columbia River, Washington and Oregon, as authorized by section 204 of the Flood Control Act of 1950 (chapter 188, 64 Stat. 179), to comprehensively address adverse impacts to Indian villages, housing sites, and related structures as a result of the construction of The Dalles Dam, Bonneville Dam, McNary Dam, and John Day Dam, Washington and Oregon.

(2) EXAMINATION.—Before carrying out the requirements of paragraph (1), the Secretary shall conduct an examination and assessment of the extent to which Indian villages, housing sites, and related structures were displaced or destroyed by the construction of the following projects:

(A) Bonneville Dam, Columbia River, Oregon, as authorized by the first section of the Act of August 30, 1935

(chapter 831, 49 Stat. 1038) and the first section and section 2(a) of the Act of August 20, 1937 (16 U.S.C. 832, 832a(a)).

(B) McNary Dam, Columbia River, Washington and Oregon, as authorized by section 2 of the Act of March 2, 1945 (chapter 19, 59 Stat. 22).

(C) John Day Dam, Columbia River, Washington and Oregon, as authorized by section 204 of the Flood Control Act of 1950 (chapter 188, 64 Stat. 179).

(3) REQUIREMENTS.—The village development plan under paragraph (1) shall include, at a minimum—

(A) an evaluation of sites on both sides of the Columbia River;

(B) an assessment of suitable Federal land and land owned by the States of Washington and Oregon; and

(C) an estimated cost and tentative schedule for the construction of each housing development.

(4) LOCATION OF ASSISTANCE.—The Secretary may provide housing and related assistance under this subsection at 1 or more village sites in the States of Washington and Oregon.

(b) PROVISION OF ASSISTANCE ON FEDERAL LAND.—The Secretary may construct housing or provide related assistance on land owned by the United States in carrying out the village development plan under subsection (a)(1).

(c) ACQUISITION AND DISPOSAL OF LAND.—

(1) IN GENERAL.—Subject to subsection (d), the Secretary may acquire land or interests in land for the purpose of providing housing and related assistance in carrying out the village development plan under subsection (a)(1).

(2) ADVANCE ACQUISITION.—Acquisition of land or interests in land under paragraph (1) may be carried out in advance of completion of all required documentation and receipt of all required clearances for the construction of housing or related improvements on the land.

(3) DISPOSAL OF UNSUITABLE LAND.—If the Secretary determines that any land or interest in land acquired by the Secretary under paragraph (2) is unsuitable for that housing or for those related improvements, the Secretary may—

(A) dispose of the land or interest in land by sale; and

(B) credit the proceeds to the appropriation, fund, or account used to purchase the land or interest in land.

(d) LIMITATION.—The Secretary shall only acquire land from willing landowners in carrying out this section.

(e) COOPERATIVE AGREEMENTS.—The Secretary may enter into a cooperative agreement with a Tribe described in subsection (a)(1), or with a Tribal organization of such a Tribe, to provide funds to the Tribe to construct housing or provide related assistance in carrying out the village development plan under such subsection.

(f) CONVEYANCE AUTHORIZED.—Upon completion of construction at a village site under this section, the Secretary may, without consideration, convey the village site and the improvements located thereon to a Tribe described in subsection (a)(1), or to a Tribal organization of such a Tribe.

(g) CONFORMING AMENDMENT.—Section 1178(c) of the Water Resources Development Act of 2016 (130 Stat. 1675; 132 Stat. 3781) is repealed.

SEC. 8114. COST SHARING PROVISIONS FOR THE TERRITORIES AND INDIAN TRIBES.

Section 1156 of the Water Resources Development Act of 1986 (33 U.S.C. 2310) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "and" at the end;

(B) in paragraph (2), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(3) for any organization that—

"(A) is composed primarily of people who are—

"(i) recognized and defined under Federal law as indigenous people of the United States; and

"(ii) from a specific community; and

"(B) assists in the social, cultural, and educational development of such people in that community."; and

(2) by adding at the end the following:

"(c) INCLUSION.—For purposes of this section, the term 'study' includes a watershed assessment.

"(d) APPLICATION.—The Secretary shall apply the waiver amount described in subsection (a) to reduce only the non-Federal share of study and project costs.".

SEC. 8115. [33 U.S.C. 2281b note] TRIBAL AND ECONOMICALLY DISADVANTAGED COMMUNITIES ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall establish a committee, to be known as the "Tribal and Economically Disadvantaged Communities Advisory Committee", to develop and make recommendations to the Secretary and the Chief of Engineers on activities and actions that should be undertaken by the Corps of Engineers to ensure more effective delivery of water resources development projects, programs, and other assistance to Indian Tribes and economically disadvantaged communities, including economically disadvantaged communities located in urban and rural areas.

(b) MEMBERSHIP.—The Committee shall be composed of members, appointed by the Secretary, who have the requisite experiential or technical knowledge needed to address issues related to the water resources needs and challenges of economically disadvantaged communities and Indian Tribes, including—

(1) 5 individuals representing organizations with expertise in environmental policy, rural water resources, economically disadvantaged communities, Tribal rights, or civil rights; and

(2) 5 individuals, each representing a non-Federal interest for a Corps of Engineers project.

(c) DUTIES.—

(1) RECOMMENDATIONS.—The Committee shall provide advice and make recommendations to the Secretary and the Chief of Engineers to assist the Corps of Engineers in—

(A) efficiently and effectively delivering solutions to the needs and challenges of water resources development

projects for economically disadvantaged communities and Indian Tribes;

(B) integrating consideration of economically disadvantaged communities and Indian Tribes, where applicable, in the development of water resources development projects and programs of the Corps of Engineers; and

(C) improving the capability and capacity of the workforce of the Corps of Engineers to assist economically disadvantaged communities and Indian Tribes.

(2) MEETINGS.—The Committee shall meet as appropriate to develop and make recommendations under paragraph (1).

(3) REPORT.—Recommendations made under paragraph (1) shall be—

(A) included in a report submitted to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives; and

(B) made publicly available, including on a publicly available website.

(d) INDEPENDENT JUDGMENT.—Any recommendation made by the Committee to the Secretary and the Chief of Engineers under subsection (c)(1) shall reflect the independent judgment of the Committee.

(e) ADMINISTRATION.—

(1) COMPENSATION.—Except as provided in paragraph (3), the members of the Committee shall serve without compensation.

(2) TRAVEL EXPENSES.—The members of the Committee shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(3) TREATMENT.—The members of the Committee shall not be considered to be Federal employees, and the meetings and reports of the Committee shall not be considered a major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(f) DEFINITIONS.—In this section:

(1) COMMITTEE.—The term "Committee" means the Tribal and Economically Disadvantaged Communities Advisory Committee established under subsection (a).

(2) ECONOMICALLY DISADVANTAGED COMMUNITY.—The term "economically disadvantaged community" has the meaning given the term as defined by the Secretary under section 160 of the Water Resources Development Act of 2020 (33 U.S.C. 2201 note).

(3) INDIAN TRIBE.—The term "Indian Tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

SEC. 8116. [10 U.S.C. 7036 note] WORKFORCE PLANNING.

(a) AUTHORIZATION.—The Secretary is authorized to carry out activities, at Federal expense—

(1) to foster, enhance, and support science, technology, engineering, and math education and awareness; and

(2) to recruit individuals for careers at the Corps of Engineers.

(b) PARTNERING ENTITIES.—In carrying out activities under this section, the Secretary may enter into partnerships with—

(1) public elementary and secondary schools, including charter schools;

(2) community colleges;

(3) technical schools; and

(4) colleges and universities, including historically Black colleges and universities.

(c) PRIORITIZATION.—The Secretary shall, to the maximum extent practicable, prioritize the recruitment of individuals under this section that are from economically disadvantaged communities (as defined by the Secretary under section 160 of the Water Resources Development Act of 2020 (33 U.S.C. 2201 note)), including economically disadvantaged communities located in urban and rural areas.

(d) DEFINITION OF HISTORICALLY BLACK COLLEGE OR UNIVERSITY.—In this section, the term "historically Black college or university" has the meaning given the term "part B institution" in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061).

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000 for each of fiscal years 2023 through 2027.

SEC. 8117. [33 U.S.C. 2281b] CORPS OF ENGINEERS SUPPORT FOR UNDERSERVED COMMUNITIES; OUTREACH.

(a) IN GENERAL.—It is the policy of the United States for the Corps of Engineers to strive to understand and accommodate and, in coordination with non-Federal interests, seek to address the water resources development needs of all communities in the United States.

(b) OUTREACH AND ACCESS.—

(1) IN GENERAL.—The Secretary shall, at Federal expense, develop, support, and implement public awareness, education, and regular outreach and engagement efforts for potential non-Federal interests with respect to the water resources development authorities of the Secretary, with particular emphasis on—

(A) technical service programs, including the authorities under—

(i) section 206 of the Flood Control Act of 1960 (33 U.S.C. 709a);

(ii) section 22 of the Water Resources Development Act of 1974 (42 U.S.C. 1962d-16); and

(iii) section 203 of the Water Resources Development Act of 2000 (33 U.S.C. 2269);

(B) continuing authority programs, as such term is defined in section 7001(c)(1)(D) of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282d); and

(C) ensuring that a potential non-Federal interest is aware of the roles, responsibilities, and financial commitments associated with a completed water resources development project prior to initiating a feasibility study (as defined in section 105(d) of the Water Resources Development Act of 1986 (33 U.S.C. 2215(d))), including oper-

ations, maintenance, repair, replacement, and rehabilitation responsibilities.

(2) IMPLEMENTATION.—In carrying out this subsection, the Secretary shall—

(A) develop and make publicly available (including on a publicly available website), technical assistance materials, guidance, and other information with respect to the water resources development authorities of the Secretary;

(B) designate and make publicly available a community project advisor at each district and division office of the Corps of Engineers for—

(i) inquiries from potential non-Federal interests relating to the water resources development authorities of the Secretary; and

(ii) any other responsibilities as determined by the Secretary that are appropriate to carry out this section;

(C) conduct regular outreach and engagement, including through hosting seminars and community information sessions, with local elected officials, community organizations, and previous and potential non-Federal interests, on opportunities to address local water resources challenges through the water resources development authorities of the Secretary;

(D) issue guidance for, and provide technical assistance through technical service programs to, non-Federal interests to assist such interests in pursuing technical services and developing proposals for water resources development projects;

(E) provide, at the request of a non-Federal interest, assistance with researching and identifying existing project authorizations or authorities to address local water resources challenges; and

(F) to the maximum extent practicable—

(i) develop and continue to make publicly available, through a publicly available existing website, information on the projects and studies within the jurisdiction of each district of the Corps of Engineers; and

(ii) ensure that the information described in clause (i) is consistent and made publicly available in the same manner across all districts of the Corps of Engineers.

(3) GUIDANCE.—The Secretary shall develop and issue guidance to ensure that community project advisors designated under paragraph (2)(B) are adequately fulfilling their obligations under that paragraph.

(4) PRIORITIZATION.—In carrying out this subsection, the Secretary shall, to the maximum extent practicable, prioritize awareness, education, and outreach and engagement to economically disadvantaged communities (as defined by the Secretary under section 160 of the Water Resources Development Act of 2020 (33 U.S.C. 2201 note)), including economically disadvantaged communities located in urban and rural areas.

(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $30,000,000 for each fiscal year.

SEC. 8118. PILOT PROGRAMS FOR CERTAIN COMMUNITIES.

(a) PILOT PROGRAMS ON THE FORMULATION OF CORPS OF ENGINEERS PROJECTS IN RURAL COMMUNITIES AND ECONOMICALLY DISADVANTAGED COMMUNITIES.—Section 118 of the Water Resources Development Act of 2020 (33 U.S.C. 2201 note) is amended—

(1) in subsection (b)(2)—

(A) in subparagraph (A), by striking "publish" and inserting "annually publish"; and

(B) in subparagraph (C), by striking "select" and inserting ", subject to the availability of appropriations, annually select"; and

(2) in subsection (c)(2), in the matter preceding subparagraph (A), by striking "projects" and inserting "projects annually".

(b) PILOT PROGRAM FOR CONTINUING AUTHORITY PROJECTS IN SMALL OR DISADVANTAGED COMMUNITIES.—Section 165(a) of the Water Resources Development Act of 2020 (33 U.S.C. 2201 note) is amended in paragraph (2)(B), by striking "10" and inserting "20".

SEC. 8119. TECHNICAL ASSISTANCE.

(a) PLANNING ASSISTANCE TO STATES.—Section 22 of the Water Resources Development Act of 1974 (42 U.S.C. 1962d-16) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by inserting "local government," after "State or group of States,"; and

(ii) by inserting "local government," after "such State, interest,";

(B) in paragraph (3), by striking "section 236 of title 10" and inserting "section 4141 of title 10"; and

(C) by adding at the end the following:

"(4) PRIORITIZATION.—To the maximum extent practicable, the Secretary shall prioritize the provision of assistance under this subsection to address both inland and coastal life safety risks.";

(2) in subsection (c)(2), by striking "$15,000,000" and inserting "$30,000,000"; and

(3) in subsection (f)—

(A) by striking "The cost-share for assistance" and inserting the following:

"(1) TRIBES AND TERRITORIES.—The cost-share for assistance"; and

(B) by adding at the end the following:

"(2) ECONOMICALLY DISADVANTAGED COMMUNITIES.—Notwithstanding subsection (b)(1) and the limitation in section 1156 of the Water Resources Development Act of 1986, as applicable pursuant to paragraph (1) of this subsection, the Secretary is authorized to waive the collection of fees for any local government to which assistance is provided under subsection (a) that the Secretary determines is an economically disadvan-

taged community, as defined by the Secretary under section 160 of the Water Resources Development Act of 2020 (33 U.S.C. 2201 note) (including economically disadvantaged communities located in urban and rural areas).".

(b) [33 U.S.C. 709a note] WATERSHED PLANNING AND TECHNICAL ASSISTANCE.—In providing assistance under section 22 of the Water Resources Development Act of 1974 (42 U.S.C. 1962d-16) or pursuant to section 206 of the Flood Control Act of 1960 (33 U.S.C. 709a), the Secretary shall, upon request, provide such assistance at a watershed scale.

SEC. 8120. [33 U.S.C. 701n note] TECHNICAL ASSISTANCE FOR LEVEE INSPECTIONS.

In any instance where the Secretary requires, as a condition of eligibility for Federal assistance under section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), that a non-Federal sponsor of a flood control project undertake an electronic inspection of the portion of such project that is under normal circumstances submerged, the Secretary shall provide to the non-Federal sponsor credit or reimbursement for the cost of carrying out such inspection against the non-Federal share of the cost of repair or restoration of such project carried out under such section.

SEC. 8121. [33 U.S.C. 3307] ASSESSMENT OF CORPS OF ENGINEERS LEVEES.

(a) IN GENERAL.—The Secretary shall periodically conduct assessments of federally authorized levees under the jurisdiction of the Corps of Engineers, to evaluate the potential Federal interest in the modification (including realignment or incorporation of natural features and nature-based features, as such terms are defined in section 1184(a) of the Water Resources Development Act of 2016 (33 U.S.C. 2289a(a))) of levee systems to meet one or more of the following objectives:

(1) Increasing the flood risk reduction benefits of such systems.

(2) Achieving greater flood resiliency.

(3) Restoring hydrological and ecological connections with adjacent floodplains that achieve greater environmental benefits without undermining flood risk reduction or flood resiliency for levee-protected communities.

(b) LEVEES OPERATED BY NON-FEDERAL INTERESTS.—The Secretary shall carry out an assessment under subsection (a) for a federally authorized levee system operated by a non-Federal interest only if the non-Federal interest—

(1) requests the assessment; and

(2) agrees to provide 50 percent of the cost of the assessment.

(c) ASSESSMENTS.—

(1) CONSIDERATIONS.—In conducting an assessment under subsection (a), the Secretary shall consider and identify, with respect to each levee system—

(A) an estimate of the number of structures and population at risk and protected by the levee system that would be adversely impacted if the levee system fails or water levels exceed the height of any levee segment within the

levee system (which may be the applicable estimate included in the levee database established under section 9004 of the Water Resources Development Act of 2007 (33 U.S.C. 3303), if available);

(B) the number of times the non-Federal interest has received emergency flood-fighting or repair assistance under section 5 of the Act of August 18, 1941 (33 U.S.C. 701n) for the levee system, and the total expenditures on postflood repairs over the life of the levee system;

(C) the functionality of the levee system with regard to higher precipitation levels, including due to changing climatic conditions and extreme weather events;

(D) the potential costs and benefits (including environmental benefits and implications for levee-protected communities) from modifying the applicable levee system to restore connections with adjacent floodplains; and

(E) available studies, information, literature, or data from relevant Federal, State, or local entities.

(2) PRIORITIZATION.—In conducting an assessment under subsection (a), the Secretary shall, to the maximum extent practicable, prioritize levee systems—

(A) associated with an area that has been subject to flooding in two or more events in any 10-year period; and

(B) for which the non-Federal interest has received emergency flood-fighting or repair assistance under section 5 of the Act of August 18, 1941 (33 U.S.C. 701n) with respect to such flood events.

(3) SCOPE.—The Secretary shall ensure that an assessment under subsection (a) shall be similar in cost and scope to an initial assessment prepared by the Secretary pursuant to section 216 of the Flood Control Act of 1970 (33 U.S.C. 549a).

(d) FLOOD PLAIN MANAGEMENT SERVICES.—In conducting an assessment under subsection (a), the Secretary shall consider information on floods and flood damages compiled under section 206 of the Flood Control Act of 1960 (33 U.S.C. 709a).

(e) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this section, and periodically thereafter, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of the assessments conducted under subsection (a).

(2) INCLUSION.—The Secretary shall include in each report submitted under paragraph (1)—

(A) identification of any levee system for which the Secretary has conducted an assessment under subsection (a);

(B) a description of any opportunities identified under such subsection for the modification of a levee system, including the potential benefits of such modification for the purposes identified under such subsection;

(C) information relating to the willingness and ability of each applicable non-Federal interest to participate in a

modification to the relevant levee system, including by obtaining any real estate necessary for the modification; and

(D) a summary of the information considered and identified under subsection (c)(1).

(f) INCORPORATION OF INFORMATION.—The Secretary shall include in the levee database established under section 9004 of the Water Resources Development Act of 2007 (33 U.S.C. 3303) the information included in each report submitted under subsection (e), and make such information publicly available (including on a publicly available website).

(g) LEVEE SYSTEM DEFINED.—In this section, the term "levee system" has the meaning given that term in section 9002(9) of the Water Resources Development Act of 2007 (33 U.S.C. 3301).

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000, to remain available until expended.

SEC. 8122. NATIONAL LOW-HEAD DAM INVENTORY.

The National Dam Safety Program Act (33 U.S.C. 467 et seq.) is amended by adding at the end the following:

"SEC. 15. [33 U.S.C. 467o] NATIONAL LOW-HEAD DAM INVENTORY

"(a) DEFINITIONS.—In this section:

"(1) INVENTORY.—The term 'inventory' means the national low-head dam inventory developed under subsection (b)(1)(A).

"(2) LOW-HEAD DAM.—The term 'low-head dam' means a river-wide artificial barrier that generally spans a stream channel, blocking the waterway and creating a backup of water behind the barrier, with a drop off over the wall of not less than 6 inches and not more than 25 feet.

"(b) NATIONAL LOW-HEAD DAM INVENTORY.—

"(1) IN GENERAL.—Not later than 18 months after the date of enactment of this section, the Secretary of the Army, in consultation with the heads of appropriate Federal and State agencies, shall—

"(A) develop an inventory of low-head dams in the United States that includes—

"(i) the location, ownership, description, current use, condition, height, and length of each low-head dam;

"(ii) any information on public safety conditions at each low-head dam;

"(iii) public safety information on the dangers of low-head dams;

"(iv) a directory of financial and technical assistance resources available to reduce safety hazards and fish passage barriers at low-head dams; and

"(v) any other relevant information concerning low-head dams; and

"(B) submit the inventory to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

"(2) DATA.—In carrying out this subsection, the Secretary shall—

"(A) coordinate with Federal and State agencies and other relevant entities; and

"(B) use data provided to the Secretary by those agencies and entities.

"(3) PUBLIC AVAILABILITY.—The Secretary shall make the inventory publicly available, including on a publicly available website.

"(4) UPDATES.—The Secretary, in consultation with the heads of appropriate Federal and State agencies, shall maintain and periodically publish updates to the inventory.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $30,000,000.

"(d) CLARIFICATION.—Nothing in this section provides authority to the Secretary to carry out an activity, with respect to a low-head dam, that is not explicitly authorized under this section.".

SEC. 8123. EXPEDITING HYDROPOWER AT CORPS OF ENGINEERS FACILITIES.

Section 1008 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2321b) is amended—

(1) in subsection (b)(1), by inserting "and to meet the requirements of subsection (b)" after "projects";

(2) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(3) by inserting after subsection (a) the following:

"(b) IMPLEMENTATION OF POLICY.—The Secretary shall—

"(1) ensure that the policy described in subsection (a) is implemented nationwide in an efficient, consistent, and coordinated manner; and

"(2) assess opportunities—

"(A) to increase the development of hydroelectric power at existing water resources development projects of the Corps of Engineers with hydroelectric facilities; and

"(B) to develop new hydroelectric power at existing nonpowered water resources development projects of the Corps of Engineers.".

SEC. 8124. [33 U.S.C. 585] RESERVE COMPONENT TRAINING AT WATER RESOURCES DEVELOPMENT PROJECTS.

(a) IN GENERAL.—In carrying out military training activities or otherwise fulfilling military training requirements, units or members of a reserve component of the Armed Forces may perform services and furnish supplies in support of a water resources development project or program of the Corps of Engineers without reimbursement.

(b) EXCEPTION.—This section shall not apply to any member of a reserve component of the Armed Forces who is employed by the Corps of Engineers on a full-time basis.

SEC. 8125. PAYMENT OF PAY AND ALLOWANCES OF CERTAIN OFFICERS FROM APPROPRIATION FOR IMPROVEMENTS.

Section 36 of the Act of August 10, 1956 (33 U.S.C. 583a), is amended—

(1) by striking "Regular officers of the Corps of Engineers of the Army, and reserve officers of the Army who are assigned to the Corps of Engineers," and inserting the following:

"(a) IN GENERAL.—The personnel described in subsection (b)"; and

(2) by adding at the end the following:

"(b) PERSONNEL DESCRIBED.—The personnel referred to in subsection (a) are the following:

"(1) Regular officers of the Corps of Engineers of the Army.

"(2) The following members of the Army who are assigned to the Corps of Engineers:

"(A) Reserve component officers.

"(B) Warrant officers (whether regular or reserve component).

"(C) Enlisted members (whether regular or reserve component).".

SEC. 8126. [33 U.S.C. 1344 note] MAINTENANCE DREDGING PERMITS.

(a) IN GENERAL.—The Secretary shall, to the maximum extent practicable, prioritize the reissuance of any regional general permit for maintenance dredging under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) that expired prior to May 1, 2021.

(b) SAVINGS PROVISION.—Nothing in this section affects any obligation to comply with the provisions of any Federal or State environmental law, including—

(1) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(2) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.); and

(3) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

SEC. 8127. ENVIRONMENTAL DREDGING.

(a) IN GENERAL.—In carrying out the following projects, the Secretary shall, to the maximum extent practicable, coordinate efforts with the applicable non-Federal interest, the Administrator of the Environmental Protection Agency, and the heads of other Federal, State, and regional agencies responsible for the remediation of contaminated sediments:

(1) The project for ecosystem restoration, South Fork of the South Branch of the Chicago River, Bubbly Creek, Illinois, authorized by section 401(5) of the Water Resources Development Act of 2020 (134 Stat. 2740).

(2) The project for navigation, Columbia and Lower Willamette Rivers, Oregon and Washington, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1177), in the vicinity of the Albina Turning Basin, River Mile 10, and the Post Office Bar, Portland Harbor, River Mile 2.

(3) The project for aquatic ecosystem restoration, Mahoning River, Ohio, being carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330).

(4) The project for navigation, South Branch of the Chicago River, Cook County, Illinois, in the vicinity of Collateral Channel.

(5) The projects carried out under the Comprehensive Everglades Restoration Plan, as authorized by or pursuant to section 601 of the Water Resources Development Act of 2000 (114 Stat. 2680; 132 Stat. 3786), in the vicinity of Lake Okeechobee.

(b) REPORT TO CONGRESS.—Not later than 180 days after the date of enactment of this section, the Secretary and the Administrator of the Environmental Protection Agency shall jointly submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on efforts to remove or remediate contaminated sediments associated with the projects identified in subsection (a), including, if applicable, any specific recommendations for actions or agreements necessary to undertake such work.

(c) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to affect the rights and responsibilities of any person under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

SEC. 8128. ASSESSMENT OF REGIONAL CONFINED AQUATIC DISPOSAL FACILITIES.

(a) AUTHORITY.—The Secretary is authorized to conduct assessments of the availability of confined aquatic disposal facilities for the disposal of contaminated dredged material.

(b) INFORMATION AND COMMENT.—In conducting an assessment under this section, the Secretary shall—

(1) solicit information from stakeholders on potential projects that may require disposal of contaminated sediments in a confined aquatic disposal facility;

(2) solicit information from the applicable division of the Corps of Engineers on the need for confined aquatic disposal facilities; and

(3) provide an opportunity for public comment.

(c) NEW ENGLAND DISTRICT REGION ASSESSMENT.—In carrying out subsection (a), the Secretary shall prioritize conducting an assessment of the availability of confined aquatic disposal facilities in the New England District region for the disposal of contaminated dredged material in such region.

(d) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of any assessments conducted under this section, including any recommendations of the Secretary for the construction of new confined aquatic disposal facilities or expanded capacity for confined aquatic disposal facilities.

(e) DEFINITION.—In this section, the term "New England District region" means the area located within the boundaries of the New England District in the North Atlantic Division of the Corps of Engineers.

SEC. 8129. STUDIES FOR PERIODIC NOURISHMENT.

(a) IN GENERAL.—Section 156 of the Water Resources Development Act of 1976 (42 U.S.C. 1962d-5f) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking "15" and inserting "50"; and

(B) in paragraph (2), by striking "15"; and

(2) in subsection (e)—

(A) by striking "10-year period" and inserting "16-year period"; and

(B) by striking "6 years" and inserting "12 years".

(b) INDIAN RIVER INLET SAND BYPASS PLANT.—For purposes of the project for hurricane-flood protection and beach erosion control at Indian River Inlet, Delaware, commonly known as the "Indian River Inlet Sand Bypass Plant", authorized by section 869 of the Water Resources Development Act of 1986 (100 Stat. 4182), a study carried out under section 156(b) of the Water Resources Development Act of 1976 (42 U.S.C. 1962d-5f(b)) shall consider as an alternative for periodic nourishment continued reimbursement of the Federal share of the cost to the non-Federal interest for the project to operate and maintain the sand bypass plant.

SEC. 8130. BENEFICIAL USE OF DREDGED MATERIAL; MANAGEMENT PLANS.

(a) STRATEGIC PLAN ON BENEFICIAL USE OF DREDGED MATERIAL.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a strategic plan that identifies opportunities and challenges relating to furthering the policy of the United States to maximize the beneficial use of suitable dredged material obtained from the construction or operation and maintenance of water resources development projects, as described in section 125(a)(1) of the Water Resources Development Act of 2020 (33 U.S.C. 2326g).

(2) CONSULTATION.—In developing the strategic plan under paragraph (1), the Secretary shall—

(A) consult with relevant Federal agencies involved in the beneficial use of dredged material;

(B) solicit and consider input from State and local governments and Indian Tribes, while seeking to ensure a geographic diversity of input from the various Corps of Engineers divisions; and

(C) consider input received from other stakeholders involved in beneficial use of dredged material.

(3) INCLUSION.—The Secretary shall include in the strategic plan developed under paragraph (1)—

(A) identification of any specific barriers and conflicts that the Secretary determines impede the maximization of beneficial use of dredged material at the Federal, State, and local level, and any recommendations of the Secretary to address such barriers and conflicts;

(B) identification of specific measures to improve interagency and Federal, State, local, and Tribal communications and coordination to improve implementation of section 125(a) of the Water Resources Development Act of 2020 (33 U.S.C. 2326g); and

(C) identification of methods to prioritize the use of dredged material to benefit water resources development projects in areas experiencing vulnerabilities to coastal land loss.

(b) DREDGED MATERIAL MANAGEMENT PLANS FOR HARBORS IN THE STATE OF OHIO.—

(1) IN GENERAL.—

(A) FORMULATION OF PLAN.—In developing each dredged material management plan for a federally authorized harbor in the State of Ohio, including any such plan under development on the date of enactment of this Act, each District Commander shall include, as a constraint on the formulation of the base plan and any alternatives, a prohibition consistent with section 105 of the Energy and Water Development and Related Agencies Appropriations Act, 2022 (Public Law 117-103; 136 Stat. 217) on the use of funds for open-lake disposal of dredged material.

(B) MAXIMIZATION OF BENEFICIAL USE.—Each dredged material management plan for a federally authorized harbor in the State of Ohio, including any such dredged material management plan under development on the date of enactment of this Act, shall maximize the beneficial use of dredged material under the base plan and under section 204(d) of the Water Resources Development Act of 1992 (33 U.S.C. 2326(d)).

(2) SAVINGS PROVISION.—Nothing in this subsection prohibits the use of funds for open-lake disposal of dredged material if such use is not otherwise prohibited by law.

SEC. 8131. [33 U.S.C. 2238 note] CRITERIA FOR FUNDING OPERATION AND MAINTENANCE OF SMALL, REMOTE, AND SUBSISTENCE HARBORS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall develop specific criteria for the annual evaluation and ranking of maintenance dredging requirements for small harbors and remote and subsistence harbors, taking into account the following:

(1) The contribution of a harbor to the local and regional economy.

(2) The extent to which a harbor has deteriorated since the last cycle of maintenance dredging.

(3) Public safety concerns.

(b) INCLUSION IN GUIDANCE.—The Secretary shall include the criteria developed under subsection (a) in the annual Civil Works Direct Program Development Policy Guidance of the Secretary.

(c) REPORT TO CONGRESS.—The Secretary shall include in each biennial report submitted under section 210(e)(3) of the Water Resources Development Act of 1986 (33 U.S.C. 2238(e)(3)) a ranking of projects in accordance with the criteria developed under subsection (a) of this section.

(d) DEFINITIONS.—In this section:

(1) REMOTE AND SUBSISTENCE HARBOR.—The term "remote and subsistence harbor" means a harbor with respect to which section 2006 of the Water Resources Development Act of 2007 (33 U.S.C. 2242) applies, as determined by the Secretary.

(2) SMALL HARBOR.—The term "small harbor" includes an emerging harbor, as such term is defined in section 210 of the Water Resources Development Act of 1986 (33 U.S.C. 2238).

SEC. 8132. [33 U.S.C. 2238e] ADDITIONAL PROJECTS FOR UNDERSERVED COMMUNITY HARBORS.

(a) IN GENERAL.—Subject to the availability of appropriations designated by statute as being for the purpose of carrying out this section, the Secretary may carry out projects for underserved community harbors for purposes of sustaining water-dependent commercial and recreational activities at such harbors and for purposes of contributing to ecosystem restoration.

(b) BENEFICIAL USE.—

(1) JUSTIFICATION.—The Secretary may carry out a project under this section involving a disposal option for the beneficial use of dredged material that is not the least cost disposal option if the Secretary determines that the incremental cost of the disposal option is reasonable pursuant to the standard described in section 204(d)(1) of the Water Resources Development Act of 1992 (33 U.S.C. 2326(d)(1)).

(2) COST SHARE.—The non-Federal share of the incremental cost of a project carried out under this section involving a disposal option for the beneficial use of dredged material that is not the least cost disposal option shall be determined as provided under subsections (a) through (d) of section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213).

(c) PRIORITIZATION.—The Secretary shall prioritize carrying out projects using funds made available under this section based on an assessment of—

(1) the local or regional economic benefits of the project;

(2) the environmental benefits of the project, including the benefits to the aquatic environment to be derived from the creation of wetland and control of shoreline erosion; and

(3) other social effects of the project, including protection against loss of life and contributions to local or regional cultural heritage.

(d) CLARIFICATION.—The Secretary shall not require the non-Federal interest for a project carried out under this section to perform additional operation and maintenance activities at the beneficial use placement site or the disposal site for such project as a condition of receiving assistance under this section.

(e) FEDERAL PARTICIPATION LIMIT.—The Federal share of the cost of a project under this section shall not exceed $10,000,000.

(f) STATUTORY CONSTRUCTION.—Projects carried out under this section shall be in addition to operation and maintenance activities otherwise carried out by the Secretary for underserved community harbors using funds appropriated pursuant to section 210 of the Water Resources Development Act of 1986 (33 U.S.C. 2238) or section 102(a) of the Water Resources Development Act of 2020 (33 U.S.C. 2238 note).

(g) DEFINITIONS.—In this section:

(1) PROJECT.—The term "project" means a single cycle of maintenance dredging of an underserved community harbor and any associated placement of dredged material at a beneficial use placement site or disposal site.

(2) UNDERSERVED COMMUNITY HARBOR.—The term "underserved community harbor" means an emerging harbor (as defined in section 210(f) of the Water Resources Development Act of 1986 (33 U.S.C. 2238(f))), a harbor where passenger or freight service is provided to island communities dependent on that service, or a marina or berthing area that is located adjacent to, or is accessible by, a Federal navigation project, for which—

(A) no Federal funds have been obligated for maintenance dredging in the current fiscal year or in any of the 4 preceding fiscal years; and

(B) State and local investments in infrastructure have been made during any of the 4 preceding fiscal years.

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $50,000,000 from the General Fund of the Treasury for each of fiscal years 2023 through 2029, to be deposited into the "corps of engineers—civil—operation and maintenance" account.

(2) SPECIAL RULE.—Not less than 35 percent of the amounts made available to carry out this section for each fiscal year shall be used for projects involving the beneficial use of dredged material.

(i) PROJECTS FOR MARINA OR BERTHING AREAS.—The Secretary may carry out not more than 10 projects under this section that are projects for an underserved community harbor that is a marina or berthing area described in subsection (g)(2).

SEC. 8133. INLAND WATERWAYS REGIONAL DREDGE PILOT PROGRAM.

(a) IN GENERAL.—The Secretary is authorized to establish a pilot program (referred to in this section as the "pilot program") to conduct a multiyear demonstration program to award contracts with a duration of up to 5 years for dredging projects on inland waterways of the United States described in section 206 of the Inland Waterways Revenue Act of 1978 (33 U.S.C. 1804).

(b) PURPOSES.—The purposes of the pilot program shall be to—

(1) increase the reliability, availability, and efficiency of federally owned and federally operated inland waterways projects;

(2) decrease operational risks across the inland waterways system; and

(3) provide cost savings by combining work across multiple projects across different accounts of the Corps of Engineers.

(c) PROJECTS.—In awarding contracts under subsection (a), the Secretary shall consider projects that—

(1) improve navigation reliability on inland waterways that are accessible year-round;

(2) increase freight capacity on inland waterways; and

(3) have the potential to enhance the availability of containerized cargo on inland waterways.

(d) SAVINGS CLAUSE.—Nothing in this section affects the responsibility of the Secretary with respect to the construction and operation and maintenance of projects on the inland waterways system.

(e) REPORT TO CONGRESS.—Not later than 1 year after the date on which the first contract is awarded pursuant to the pilot program, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that evaluates, with respect to the pilot program and any contracts awarded under the pilot program—

(1) cost-effectiveness;

(2) reliability and performance;

(3) cost savings attributable to mobilization and demobilization of dredge equipment; and

(4) response times to address navigational impediments.

(f) SUNSET.—The authority of the Secretary to enter into contracts pursuant to the pilot program shall expire on the date that is 10 years after the date of enactment of this Act.

SEC. 8134. [33 U.S.C. 2348a] NEPA REPORTING.

(a) DEFINITIONS.—In this section:

(1) CATEGORICAL EXCLUSION.—The term "categorical exclusion" has the meaning given the term in section 1508.1 of title 40, Code of Federal Regulations (or a successor regulation).

(2) ENVIRONMENTAL ASSESSMENT.—The term "environmental assessment" has the meaning given the term in section 1508.1 of title 40, Code of Federal Regulations (or a successor regulation).

(3) ENVIRONMENTAL IMPACT STATEMENT.—The term "environmental impact statement" means a detailed written statement required under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

(4) FINDING OF NO SIGNIFICANT IMPACT.—The term "finding of no significant impact" has the meaning given the term in section 1508.1 of title 40, Code of Federal Regulations (or a successor regulation).

(5) PROJECT STUDY.—The term "project study" means a feasibility study for a project carried out pursuant to section 905 of the Water Resources Development Act of 1986 (33 U.S.C. 2282) for which a categorical exclusion may apply, or an environmental assessment or an environmental impact statement is required, pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(b) REPORTS.—

(1) NEPA DATA.—

(A) IN GENERAL.—The Secretary shall carry out a process to track, and annually submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives, a report containing the information described in subparagraph (B).

(B) INFORMATION DESCRIBED.—The information referred to in subparagraph (A) is, with respect to the Corps of Engineers—

(i) the number of project studies for which a categorical exclusion was used during the reporting period;

(ii) the number of project studies for which the decision to use a categorical exclusion, to prepare an environmental assessment, or to prepare an environmental impact statement is pending on the date on which the report is submitted;

(iii) the number of project studies for which an environmental assessment was issued during the reporting period, broken down by whether a finding of no significant impact, if applicable, was based on mitigation;

(iv) the length of time the Corps of Engineers took to complete each environmental assessment described in clause (iii);

(v) the number of project studies pending on the date on which the report is submitted for which an environmental assessment is being drafted;

(vi) the number of project studies for which an environmental impact statement was issued during the reporting period;

(vii) the length of time the Corps of Engineers took to complete each environmental impact statement described in clause (vi); and

(viii) the number of project studies pending on the date on which the report is submitted for which an environmental impact statement is being drafted.

(2) PUBLIC ACCESS TO NEPA REPORTS.—The Secretary shall make each annual report required under paragraph (1) publicly available (including on a publicly available website).

SEC. 8135. FUNDING TO PROCESS PERMITS.

Section 214(a)(2) of the Water Resources Development Act of 2000 (33 U.S.C. 2352(a)(2)) is amended—

(1) by striking "The Secretary" and inserting the following:

"(A) IN GENERAL.—The Secretary"; and

(2) by adding at the end the following:

"(B) MITIGATION BANK INSTRUMENT PROCESSING.—An activity carried out by the Secretary to expedite evaluation of a permit described in subparagraph (A) may include the evaluation of an instrument for a mitigation bank if—

"(i) the non-Federal public entity, public-utility company, natural gas company, or railroad carrier applying for the permit described in that subparagraph is the sponsor of the mitigation bank; and

"(ii) expediting evaluation of the instrument is necessary to expedite evaluation of the permit described in that subparagraph.".

SEC. 8136. [10 U.S.C. 2667 note] LEASE DURATIONS.

The Secretary shall issue guidance on the circumstances under which a lease under section 2667 of title 10, United States Code, or section 4 of the Act of December 22, 1944 (16 U.S.C. 460d), with a term in excess of 25 years is appropriate and in the public interest.

SEC. 8137. REFORESTATION.

The Secretary is encouraged to consider measures to restore swamps and other wetland forests in carrying out studies for water resources development projects for ecosystem restoration, flood risk management, and hurricane and storm damage risk reduction.

SEC. 8138. EMERGENCY STREAMBANK AND SHORELINE PROTECTION.

Section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r) is amended—

(1) by inserting "lighthouses (including those lighthouses with historical value)," after "bridge approaches,"; and

(2) by striking "$5,000,000" and inserting "$10,000,000".

SEC. 8139. LEASE DEVIATIONS.

The Secretary shall fully implement the requirements of section 153 of the Water Resources Development Act of 2020 (134 Stat. 2658).

SEC. 8140. [33 U.S.C. 2295a] POLICY AND TECHNICAL STANDARDS.

Every 5 years, the Secretary shall revise, rescind, or certify as current, as applicable, each policy and technical standards publication for the civil works programs of the Corps of Engineers, including each engineer regulation, engineer circular, engineer manual, engineer pamphlet, engineer technical letter, planning guidance letter, policy guidance letter, planning bulletin, and engineering and construction bulletin.

SEC. 8141. CORPS RECORDS RELATING TO HARMFUL ALGAL BLOOMS IN LAKE OKEECHOBEE, FLORIDA.

(a) SERVICE RECORDS.—The Secretary shall indicate in the service record of a member or employee of the Corps of Engineers who performs covered duty that such member or employee was exposed to microcystin in the line of duty.

(b) COVERED DUTY DEFINED.—In this section, the term "covered duty" means duty performed—

(1) during a period when the Florida Department of Environmental Protection has determined that there is a concentration of microcystin of greater than 8 parts per billion in the waters of Lake Okeechobee resulting from a harmful algal bloom in such lake; and

(2) at or near any of the following structures:

(A) S-77.

(B) S-78.

(C) S-79.

(D) S-80.

(E) S-308.

SEC. 8142. FORECASTING MODELS FOR THE GREAT LAKES.

(a) AUTHORIZATION.—There is authorized to be appropriated to the Secretary $10,000,000 to complete and maintain a model suite to forecast water levels, account for water level variability, and ac-

count for the impacts of extreme weather events and other natural disasters in the Great Lakes.

(b) SAVINGS PROVISION.—Nothing in this section precludes the Secretary from using funds made available pursuant to the Great Lakes Restoration Initiative established by section 118(c)(7) of the Federal Water Pollution Control Act (33 U.S.C. 1268(c)(7)) for activities described in subsection (a) for the Great Lakes, in addition to carrying out activities under this section.

SEC. 8143. MONITORING AND ASSESSMENT PROGRAM FOR SALINE LAKES IN THE GREAT BASIN.

(a) IN GENERAL.—The Secretary is authorized to carry out a program (referred to in this subsection as the "program") to monitor and assess the hydrology of saline lake ecosystems in the Great Basin, including the Great Salt Lake, to inform and support Federal and non-Federal management and conservation activities to benefit those ecosystems.

(b) COORDINATION.—The Secretary shall coordinate implementation of the program with relevant—

(1) Federal and State agencies;

(2) Indian Tribes;

(3) local governments; and

(4) nonprofit organizations.

(c) CONTRACTS AND COOPERATIVE AGREEMENTS.—The Secretary is authorized to use contracts, cooperative agreements, or any other authorized means to work with institutions of higher education and with entities described in subsection (b) to implement the program.

(d) UPDATE.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress an update on the progress of the Secretary in carrying out the program.

(e) ADDITIONAL INFORMATION.—In carrying out the program, the Secretary may use available studies, information, literature, or data on the Great Basin region published by relevant Federal, State, Tribal, or local governmental entities.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000.

SEC. 8144. CHATTAHOOCHEE RIVER PROGRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall establish a program to provide environmental assistance to non-Federal interests in the Chattahoochee River Basin.

(2) FORM.—

(A) IN GENERAL.—The assistance provided under paragraph (1) shall be in the form of design and construction assistance for water-related resource protection and restoration projects affecting the Chattahoochee River Basin, based on the plans developed under subsection (b).

(B) ASSISTANCE.—Projects for which assistance is provided under subparagraph (A) may include—

(i) projects for—

(I) sediment and erosion control;

(II) protection of eroding shorelines;

(III) ecosystem restoration, including restoration of submerged aquatic vegetation;

(IV) protection of essential public works;

(V) wastewater treatment, and related facilities; and

(VI) beneficial uses of dredged material; and

(ii) other related projects that may enhance the living resources of the Chattahoochee River Basin.

(b) IMPLEMENTATION PLANS.—

(1) IN GENERAL.—Not later than 4 years after the date of enactment of this Act, the Secretary, in cooperation with State and local governmental officials and affected stakeholders, shall develop plans to guide implementation of Chattahoochee River Basin restoration projects under this section.

(2) COORDINATION.—The plans developed under paragraph (1) shall, to the maximum extent practicable, consider and avoid duplication of any ongoing or planned actions of other Federal, State, and local agencies and nongovernmental organizations.

(3) PRIORITIZATION.—The plans developed under paragraph (1) shall give priority to projects described in subsection (a)(2) that will improve water quality or quantity or use a combination of structural and nonstructural measures, including alternatives that use natural features or nature-based features (as such terms are defined in section 1184 of the Water Resources Development Act of 2016 (32 U.S.C. 2289a)).

(c) AGREEMENT.—

(1) IN GENERAL.—Before providing assistance for a project under this section, the Secretary shall enter into an agreement with a non-Federal interest for the design and construction of the project.

(2) REQUIREMENTS.—Each agreement entered into under this subsection shall provide for—

(A) the development by the Secretary, in consultation with appropriate Federal, State, and local officials, of a resource protection and restoration plan, including appropriate engineering plans and specifications and an estimate of expected resource benefits; and

(B) the establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation and maintenance of the project by the non-Federal interest.

(d) COST SHARING.—

(1) FEDERAL SHARE.—The Federal share of the cost to design and construct a project under each agreement entered into under this section shall be 75 percent.

(2) NON-FEDERAL SHARE.—

(A) VALUE OF LAND, EASEMENTS, RIGHTS-OF-WAY, AND RELOCATIONS. In determining the non-Federal contribution toward carrying out an agreement entered into under this section, the Secretary shall provide credit to a non-Federal interest for the value of land, easements, rights-of-way, and relocations provided by the non-Federal interest, except that the amount of credit provided for a project under this paragraph may not exceed 25 percent of the total project costs.

(B) OPERATION AND MAINTENANCE COSTS.—The non-Federal share of the costs of operation and maintenance of a project carried out under an agreement under this section shall be 100 percent.

(e) PROJECTS ON FEDERAL LAND.—

(1) IN GENERAL.—Except as provided in paragraph (2), a project carried out pursuant to the plans developed under subsection (b) that is located on Federal land shall be carried out at the expense of the Federal agency that owns the land on which the project will be carried out.

(2) NON-FEDERAL CONTRIBUTION.—A Federal agency carrying out a project described in paragraph (1) may accept contributions of funds from non-Federal interests to carry out that project.

(f) COOPERATION.—In carrying out this section, the Secretary shall cooperate with—

(1) the heads of appropriate Federal agencies, including—

(A) the Administrator of the Environmental Protection Agency;

(B) the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration;

(C) the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service; and

(D) the heads of such other Federal agencies as the Secretary determines to be appropriate; and

(2) agencies of any relevant State or political subdivision of a State.

(g) PROTECTION OF RESOURCES.—A project established under this section shall be carried out using such measures as are necessary to protect environmental, historic, and cultural resources.

(h) PROJECTS REQUIRING SPECIFIC AUTHORIZATION.—If the Federal share of the cost to design and construct a project under this section exceeds $15,000,000, the Secretary may only carry out the project if Congress enacts a law authorizing the Secretary to carry out the project.

(i) SAVINGS PROVISION.—Nothing in this section—

(1) establishes any express or implied reserved water right in the United States for any purpose;

(2) affects any water right in existence on the date of enactment of this Act;

(3) preempts or affects any State water law or interstate compact governing water; or

(4) affects any Federal or State law in existence on the date of enactment of this Act regarding water quality or water quantity.

(j) REPORT.—Not later than 5 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes the results of the program established under this section.

(k) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $40,000,000.

SEC. 8145. LOWER MISSISSIPPI RIVER BASIN DEMONSTRATION PROGRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall establish a program to provide environmental assistance to non-Federal interests in the Lower Mississippi River Basin.

(2) FORM.—

(A) IN GENERAL.—The assistance under paragraph (1) shall be in the form of design and construction assistance for flood or coastal storm risk management or aquatic ecosystem restoration projects in the Lower Mississippi River Basin based on the comprehensive plan developed under subsection (b).

(B) ASSISTANCE.—Projects for which assistance is provided under subparagraph (A) may include—

(i) projects for—

(I) sediment and erosion control;

(II) protection of eroding riverbanks and streambanks and shorelines;

(III) ecosystem restoration;

(IV) channel modifications; and

(V) beneficial uses of dredged material; and

(ii) other related projects that may enhance the living resources of the Lower Mississippi River Basin.

(b) COMPREHENSIVE PLAN.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary, in cooperation with State and local governmental officials and affected stakeholders, shall develop a comprehensive Lower Mississippi River Basin restoration plan to guide the implementation of projects under this section.

(2) COORDINATION.—The comprehensive plan developed under paragraph (1) shall, to the maximum extent practicable, consider and avoid duplication of any ongoing or planned actions of other Federal, State, and local agencies and nongovernmental organizations.

(3) PRIORITIZATION.—The comprehensive plan developed under paragraph (1) shall give priority to projects described in subsection (a)(2) that will improve water quality, reduce hypoxia in the Lower Mississippi River or the Gulf of Mexico, or use a combination of structural and nonstructural measures, including alternatives that use natural features or nature-based features (as such terms are defined in section 1184 of the Water Resources Development Act of 2016 (32 U.S.C. 2289a)).

(c) AGREEMENT.—

(1) IN GENERAL.—Before providing assistance for a project under this section, the Secretary shall enter into an agreement with a non-Federal interest for the design and construction of the project.

(2) REQUIREMENTS.—Each agreement entered into under this subsection shall provide for—

(A) the development by the Secretary, in consultation with appropriate Federal, State, and local officials, of a resource protection and restoration plan, including appropriate engineering plans and specifications and an estimate of expected resource benefits; and

(B) the establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation and maintenance of the project by the non-Federal interest.

(d) COST SHARING.—

(1) FEDERAL SHARE.—The Federal share of the cost to design and construct a project under each agreement entered into under this section shall be 75 percent.

(2) NON-FEDERAL SHARE.—

(A) VALUE OF LAND, EASEMENTS, RIGHTS-OF-WAY, AND RELOCATIONS.—In determining the non-Federal contribution toward carrying out an agreement entered into under this section, the Secretary shall provide credit to a non-Federal interest for the value of land, easements, rights-of-way, and relocations provided by the non-Federal interest, except that the amount of credit provided for a project under this paragraph may not exceed 25 percent of the total project costs.

(B) OPERATION AND MAINTENANCE COSTS.—The non-Federal share of the costs of operation and maintenance of a project carried out under an agreement under this section shall be 100 percent.

(e) PROJECTS ON FEDERAL LAND.—

(1) IN GENERAL.—Except as provided in paragraph (2), a project carried out pursuant to the comprehensive plan developed under subsection (b) that is located on Federal land shall be carried out at the expense of the Federal agency that owns the land on which the project will be carried out.

(2) NON-FEDERAL CONTRIBUTION.—A Federal agency carrying out a project described in paragraph (1) may accept contributions of funds from non-Federal interests to carry out that project.

(f) COOPERATION.—In carrying out this section, the Secretary shall cooperate with—

(1) the heads of appropriate Federal agencies, including—

(A) the Secretary of Agriculture;

(B) the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service; and

(C) the heads of such other Federal agencies as the Secretary determines to be appropriate; and

(2) agencies of any relevant State or political subdivision of a State.

(g) PROTECTION OF RESOURCES.—A project established under this section shall be carried out using such measures as are necessary to protect environmental, historic, and cultural resources.

(h) PROJECTS REQUIRING SPECIFIC AUTHORIZATION.—If the Federal share of the cost to design and construct a project under this section exceeds $15,000,000, the Secretary may only carry out

the project if Congress enacts a law authorizing the Secretary to carry out the project.

(i) REPORT.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes the results of the program established under this section.

(j) DEFINITION.—In this section, the term "Lower Mississippi River Basin" means the portion of the Mississippi River that begins at the confluence of the Ohio River and flows to the Gulf of Mexico, and its tributaries and distributaries.

(k) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $40,000,000.

SEC. 8146. [40 U.S.C. 9501 note] WASHINGTON AQUEDUCT.

(a) CAPITAL IMPROVEMENT AUTHORITY.—The Secretary may carry out capital improvements for the Washington Aqueduct that the Secretary determines necessary for the safe, effective, and efficient operation of the Aqueduct.

(b) BORROWING AUTHORITY.—

(1) IN GENERAL.—Subject to paragraphs (2) through (4) and subsection (c), the Secretary is authorized to borrow from the Treasury of the United States such amounts as are sufficient to cover any obligations that will be incurred by the Secretary in carrying out capital improvements for the Washington Aqueduct under subsection (a).

(2) LIMITATION.—The amount borrowed by the Secretary under paragraph (1) may not exceed $40,000,000 in any fiscal year.

(3) AGREEMENT.—Amounts borrowed under paragraph (1) may only be used to carry out capital improvements with respect to which the Secretary has entered into an agreement with each customer.

(4) TERMS OF BORROWING.—

(A) IN GENERAL.—Subject to subsection (c), the Secretary of the Treasury shall provide amounts borrowed under paragraph (1) under such terms and conditions as the Secretary of Treasury determines to be necessary and in the public interest.

(B) TERM.—The term of any loan made under paragraph (1) shall be for a period of not less than 20 years.

(C) PREPAYMENT.—There shall be no penalty for the prepayment of any amounts borrowed under paragraph (1).

(c) CONTRACTS WITH CUSTOMERS.—

(1) IN GENERAL.—The Secretary may not borrow any amounts under subsection (b) until such time as the Secretary has entered into a contract with each customer under which the customer commits to pay a pro rata share (based on water purchase) of the principal and interest owed to the Secretary of the Treasury under subsection (b).

(2) PREPAYMENT.—Any customer may pay, in advance, the pro rata share of the principal and interest owed by the customer, or any portion thereof, without penalty.

(3) RISK OF DEFAULT.—A customer that enters into a contract under this subsection shall, as a condition of the contract, commit to pay any additional amount necessary to fully offset the risk of default on the contract.

(4) OBLIGATIONS.—Each contract entered into under paragraph (1) shall include such terms and conditions as the Secretary of the Treasury may require so that the total value to the Government of all contracts entered into under paragraph (1) is estimated to be equal to the obligations of the Secretary for carrying out capital improvements for the Washington Aqueduct.

(5) OTHER CONDITIONS.—Each contract entered into under paragraph (1) shall—

(A) include other conditions consistent with this section that the Secretary and the Secretary of the Treasury determine to be appropriate; and

(B) provide the United States priority in regard to income from fees assessed to operate and maintain the Washington Aqueduct.

(d) CUSTOMER DEFINED.—In this section, the term "customer" means—

(1) the District of Columbia Water and Sewer Authority;

(2) Arlington County, Virginia; and

(3) the Fairfax County Water Authority, Virginia.

SEC. 8147. [33 U.S.C. 2201 note] WATER INFRASTRUCTURE PUBLIC-PRIVATE PARTNERSHIP PILOT PROGRAM.

Section 5014 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2201 note) is amended—

(1) in subsection (a), by striking "aquatic"; and

(2) in subsection (d)(1), by inserting "ecosystem restoration," after "flood damage reduction,".

SEC. 8148. ADVANCE PAYMENT IN LIEU OF REIMBURSEMENT FOR CERTAIN FEDERAL COSTS.

(a) IN GENERAL.—The Secretary is authorized to provide in advance to a non-Federal interest the Federal share of funds required for the acquisition of land, easements, and rights-of-way and the performance of relocations for a water resources development project or a separable element of a water resources development project—

(1) that is authorized to be constructed at Federal expense;

(2) for which the Secretary has determined under section 103(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(b)(2)) that additional costs are a Federal responsibility; or

(3) that is listed in subsection (b), if at any time the cost to acquire the land, easements, and rights-of-way required for the project is projected to exceed the non-Federal share of the cost of the project.

(b) LISTED PROJECTS.—The projects referred to in subsection (a)(3) are the following:

(1) Project for hurricane and storm damage risk reduction, Delaware Beneficial Use of Dredged Material for the Delaware River, Delaware, authorized by section 401(3) of the Water Resources Development Act of 2020 (134 Stat. 2736), as modified by this Act.

(2) Project for ecosystem restoration, Mississippi River Gulf Outlet, Louisiana, authorized by section 7013(a)(4) of the Water Resources Development Act of 2007 (121 Stat. 1281), as modified by this Act.

(3) Project for ecosystem restoration, Great Lakes and Mississippi River Interbasin project, Brandon Road, Will County, Illinois, authorized by title IV of the Water Resources Development Act of 2020 (134 Stat. 2740), as modified by this Act.

(4) Project for navigation, Port of Nome, Alaska, authorized by section 401(1) of the Water Resources Development Act of 2020 (134 Stat. 2733), as modified by this Act.

(5) Project for storm damage reduction and shoreline erosion protection, Lake Michigan, Illinois, from Wilmette, Illinois, to the Illinois-Indiana State line, authorized by section 101(a)(12) of the Water Resources Development Act of 1996 (110 Stat. 3664), as modified by this Act.

(6) Project for flood control, Milton, West Virginia, authorized by section 580 of the Water Resources Development Act of 1996 (110 Stat. 3790; 114 Stat. 2612; 121 Stat. 1154), as modified by this Act.

(7) Project for coastal storm risk management, South Shore of Staten Island, Fort Wadsworth to Oakwood Beach, New York, as authorized by this Act.

SEC. 8149. USE OF OTHER FEDERAL FUNDS.

Section 2007 of the Water Resources Development Act of 2007 (33 U.S.C. 2222) is amended—

(1) by striking "water resources study or project" and inserting "water resources development study or project, including a study or project under a continuing authority program (as defined in section 7001(c)(1)(D) of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282d(c)(1)(D))) and a study or project under an environmental infrastructure assistance program,"; and

(2) by striking "if the Federal agency that provides the funds determines that the funds are authorized to be used to carry out the study or project." and inserting the following:" if—

"(1) the statutory authority for the funds provided by the Federal agency does not expressly prohibit use of the funds for a study or project of the Corps of Engineers; and

"(2) the Federal agency that provides the funds determines that the study or project activities for which the funds will be used are otherwise eligible for funding under such statutory authority.".

SEC. 8150. [33 U.S.C. 2202 note] NON-FEDERAL INTEREST ADVISORY COMMITTEE.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall establish a committee, to

be known as the "Non-Federal Interest Advisory Committee" and referred to in this section as the "Committee", to develop and make recommendations to the Secretary and the Chief of Engineers on activities and actions that should be undertaken by the Corps of Engineers to ensure more effective and efficient delivery of water resources development projects, programs, and other assistance.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Committee shall be composed of the members described in paragraph (2), who shall—

(A) be appointed by the Secretary; and

(B) have the requisite experiential or technical knowledge needed to address issues related to water resources needs and challenges.

(2) REPRESENTATIVES.—The members of the Committee shall include the following:

(A) 1 representative of each of the following:

(i) A non-Federal interest for a project for navigation for an inland harbor.

(ii) A non-Federal interest for a project for navigation for a harbor.

(iii) A non-Federal interest for a project for flood risk management.

(iv) A non-Federal interest for a project for coastal storm risk management.

(v) A non-Federal interest for a project for aquatic ecosystem restoration.

(B) 1 representative of each of the following:

(i) A non-Federal stakeholder with respect to inland waterborne transportation.

(ii) A non-Federal stakeholder with respect to water supply.

(iii) A non-Federal stakeholder with respect to recreation.

(iv) A non-Federal stakeholder with respect to hydropower.

(v) A non-Federal stakeholder with respect to emergency preparedness, including coastal protection.

(C) 1 representative of each of the following:

(i) An organization with expertise in conservation.

(ii) An organization with expertise in environmental policy.

(iii) An organization with expertise in rural water resources.

(c) DUTIES.—

(1) RECOMMENDATIONS.—The Committee shall provide advice and make recommendations to the Secretary and the Chief of Engineers to assist the Corps of Engineers in—

(A) efficiently and effectively delivering water resources development projects;

(B) improving the capability and capacity of the workforce of the Corps of Engineers to deliver such projects and other assistance;

(C) improving the capacity and effectiveness of Corps of Engineers consultation and liaison roles in commu-

nicating water resources needs and solutions, including regionally specific recommendations; and

(D) strengthening partnerships with non-Federal interests to advance water resources solutions.

(2) MEETINGS.—The Committee shall meet as appropriate to develop and make recommendations under paragraph (1).

(3) REPORT.—Recommendations made under paragraph (1) shall be—

(A) included in a report submitted to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives; and

(B) made publicly available, including on a publicly available website.

(d) INDEPENDENT JUDGMENT.—Any recommendation made by the Committee to the Secretary and the Chief of Engineers under subsection (c)(1) shall reflect the independent judgment of the Committee.

(e) ADMINISTRATION.—

(1) COMPENSATION.—Except as provided in paragraph (2), the members of the Committee shall serve without compensation.

(2) TRAVEL EXPENSES.—The members of the Committee shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(3) TREATMENT.—The members of the Committee shall not be considered to be Federal employees, and the meetings and reports of the Committee shall not be considered a major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

SEC. 8151. MATERIALS, SERVICES, AND FUNDS FOR REPAIR, RESTORATION, OR REHABILITATION OF CERTAIN PUBLIC RECREATION FACILITIES.

(a) AUTHORIZATION.—During a period of low water at an eligible public recreation facility, the Secretary is authorized to—

(1) accept and use materials, services, and funds from a non-Federal interest to repair, restore, or rehabilitate the facility; and

(2) reimburse the non-Federal interest for the Federal share of the materials, services, or funds.

(b) REQUIREMENT.—The Secretary may not reimburse a non-Federal interest for the use of materials or services accepted under this section unless the materials or services—

(1) meet the specifications of the Secretary; and

(2) comply with all applicable laws and regulations that would apply if the materials and services were acquired by the Secretary, including subchapter IV of chapter 31 and chapter 37 of title 40, United States Code, and section 8302 of title 41, United States Code.

(c) AGREEMENT.—Before the acceptance of materials, services, or funds under this section, the Secretary and the non-Federal interest shall enter into an agreement that—

(1) specifies that the non-Federal interest shall hold and save the United States free from liability for any and all damages that arise from use of materials or services of the non-Federal interest, except for damages due to the fault or negligence of the United States or its contractors;

(2) requires that the non-Federal interest certify that the materials or services comply with the applicable laws and regulations described in subsection (b)(2); and

(3) includes any other term or condition required by the Secretary.

(d) SUNSET.—The authority to enter into an agreement under this section shall expire on the date that is 10 years after the date of enactment of this Act.

(e) DEFINITION OF ELIGIBLE PUBLIC RECREATION FACILITY.—In this section, the term "eligible public recreation facility" means a facility that—

(1) is located—

(A) at a reservoir operated by the Corps of Engineers; and

(B) in the Upper Missouri River Basin;

(2) was constructed to enable public use of and access to the reservoir; and

(3) requires repair, restoration, or rehabilitation to function.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out subsection (a)(2) $20,000,000, to remain available until expended.

SEC. 8152. REHABILITATION OF PUMP STATIONS.

Section 133 of the Water Resources Development Act of 2020 (33 U.S.C. 2327a) is amended—

(1) in subsection (a), by striking paragraph (1) and inserting the following:

"(1) ELIGIBLE PUMP STATION.—The term 'eligible pump station' means a pump station—

"(A) that is a feature of—

"(i) a federally authorized flood or coastal storm risk management project; or

"(ii) an integrated flood risk reduction system that includes a federally authorized flood or coastal storm risk management project; and

"(B) the failure of which the Secretary has determined would demonstrably impact the function of the federally authorized flood or coastal storm risk management project.";

(2) by striking subsection (b) and inserting the following:

"(b) AUTHORIZATION.—The Secretary may carry out rehabilitation of an eligible pump station, if the Secretary determines that—

"(1) the eligible pump station has a major deficiency; and

"(2) the rehabilitation is feasible."; and

(3) by adding at the end the following:

"(g) PRIORITIZATION.—To the maximum extent practicable, the Secretary shall prioritize the rehabilitation of eligible pump stations under this section that benefit economically disadvantaged

communities, as defined by the Secretary under section 160 of the Water Resources Development Act of 2020 (33 U.S.C. 2201 note), including economically disadvantaged communities located in urban and rural areas.".

SEC. 8153. REPORT TO CONGRESS ON CORPS OF ENGINEERS RESERVOIRS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall complete the updated report required under section 1046(a)(2)(B) of the Water Resources Reform and Development Act of 2014 (128 Stat. 1252).

(b) REPORT TO CONGRESS; PUBLIC AVAILABILITY.—Upon completion of the report as required by subsection (a), the Secretary shall—

(1) submit the report to Congress; and

(2) make the full report publicly available, including on a publicly available website.

SEC. 8154. TEMPORARY RELOCATION ASSISTANCE PILOT PROGRAM.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall establish a pilot program to evaluate the extent to which the provision of temporary relocation assistance enhances the completeness, effectiveness, efficiency, acceptability, and equitable implementation of covered water resources development projects.

(b) ASSISTANCE AUTHORIZED.—Subject to subsection (c)—

(1) the non-Federal interest for a covered water resources development project included in the pilot program established under this section may provide temporary relocation assistance to a temporarily displaced person; and

(2) the Secretary shall, pursuant to a project partnership agreement—

(A) include the temporary relocation assistance provided by the non-Federal interest for a covered water resources development project under paragraph (1) in the value of the land, easements, and rights-of-way required for the project; and

(B) credit the amount of the temporary relocation assistance provided by the non-Federal interest for the covered water resources development project under paragraph (1) toward the non-Federal share of the cost of the project.

(c) REQUIREMENTS.—

(1) REQUEST OF NON-FEDERAL INTEREST.—At the request of the non-Federal interest for a covered water resources development project, the Secretary may include the project in the pilot program established under this section.

(2) DUPLICATION OF BENEFITS.—The Secretary and the non-Federal interest for a covered water resources development project included in the pilot program established under this section shall ensure that no temporarily displaced person receives temporary relocation assistance under this section for expenses for which the temporarily displaced person has received financial assistance from any insurance, other program, or any other governmental source.

(3) EQUAL TREATMENT.—The non-Federal interest for a covered water resources development project included in the pilot program established under this section shall provide temporary relocation assistance to each temporarily displaced person on equal terms.

(4) MAXIMUM AMOUNT OF CREDIT.—The Secretary shall not include in the value of the land, easements, and rights-of-way required for a covered water resources development project, or credit toward the non-Federal share of the cost of the project, any amount paid to individuals of a single household by the non-Federal interest for the project under subsection (b) that exceeds $20,000.

(d) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, and biennially thereafter, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes findings and recommendations of the Secretary with respect to the provision of temporary relocation assistance for covered water resources development projects included in the pilot program established under this section.

(e) SUNSET.—The authority to enter into or amend a project partnership agreement for a covered water resources development project under the pilot program established under this section shall expire on the date that is 10 years after the date of enactment of this Act.

(f) SAVINGS PROVISION.—Nothing in this section affects the eligibility for, or entitlement to, relocation assistance under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.) for any individual.

(g) DEFINITIONS.—In this section:

(1) COVERED WATER RESOURCES DEVELOPMENT PROJECT.—The term "covered water resources development project" means the following projects:

(A) Project for hurricane and storm damage risk reduction, Charleston Peninsula, Coastal Storm Risk Management, South Carolina, authorized by this Act.

(B) Project for hurricane and storm damage risk reduction, Fire Island Inlet to Montauk Point, New York, authorized by section 401(3) of the Water Resources Development Act of 2020 (134 Stat. 2738).

(C) Project for hurricane and storm damage risk reduction, Rahway River Basin, New Jersey, authorized by section 401(3) of the Water Resources Development Act of 2020 (134 Stat. 2737).

(D) Project for flood risk management, Peckman River Basin, New Jersey, authorized by section 401(2) of the Water Resources Development Act of 2020 (134 Stat. 2735).

(E) Project for hurricane and storm damage reduction, New Jersey Back Bays, Cape May, Ocean, Atlantic, Monmouth, and Burlington Counties, authorized by resolutions of the Committee on Public Works and Transportation of the House of Representatives and the Committee on Envi-

ronment and Public Works of the Senate, approved in December 1987, under study on the date of enactment of this Act.

(F) Project for hurricane and storm damage risk reduction, Norfolk Coastal Storm Risk Management, Virginia, authorized by section 401(3) of the Water Resources Development Act of 2020 (134 Stat. 2738).

(2) DWELLING.—The term "dwelling" means—

(A) a single-family house;

(B) a single-family unit in a two-family, multifamily, or multipurpose property;

(C) a unit of a condominium or cooperative housing project;

(D) a mobile home; or

(E) any other residential unit.

(3) HOUSEHOLD.—The term "household" means 1 or more individuals occupying a single dwelling.

(4) TEMPORARILY DISPLACED PERSON.—The term "temporarily displaced person" means an individual who is—

(A) required to temporarily move from a dwelling that is the primary residence of the individual as a direct result of the elevation or modification of the dwelling by the Secretary or a non-Federal interest as part of a covered water resources development project; and

(B) not otherwise entitled to temporary relocation assistance under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.).

(5) TEMPORARY RELOCATION ASSISTANCE.—The term "temporary relocation assistance" means assistance that covers all or any portion of the documented reasonable living expenses, excluding food and personal transportation, incurred by a temporarily displaced person during a period of displacement.

SEC. 8155. [33 U.S.C. 2280 note] CONTINUATION OF CONSTRUCTION.

(a) CONTINUATION OF CONSTRUCTION.—

(1) IN GENERAL.—Upon the transmittal of an initial notification pursuant to subsection (b)(1) with respect to a water resources development project, the Secretary shall not, solely on the basis of the maximum cost requirements under section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280)—

(A) defer the initiation or continuation of construction of the water resources development project during the covered period; or

(B) terminate during or after the covered period, a contract for design or construction of the water resources development project that was entered into prior to or during the covered period.

(2) RESUMPTION OF CONSTRUCTION.—The Secretary shall, upon the transmittal of an initial notification pursuant to subsection (b)(1) with respect to a water resources development project for which construction was deferred, during the period beginning on October 1, 2021, and ending on the date of enact-

ment of this Act, because the cost of such project exceeded the maximum cost permitted under section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280), resume construction of the project.

(b) NOTIFICATION.—

(1) INITIAL NOTIFICATION.—Not later than 30 days after the Chief of Engineers makes a determination that a water resources development project exceeds, or is expected to exceed, the maximum cost of the project permitted under section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280), the Chief of Engineers shall transmit a written notification concurrently to the Secretary and to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives for each such determination.

(2) SUPPLEMENTAL NOTIFICATION.—Not later than 60 days after the Chief of Engineers transmits an initial notification required under paragraph (1), the Chief shall transmit concurrently to the Secretary and to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a supplemental notification that includes, based on information available to the Corps of Engineers on the date of the supplemental notification—

(A) an estimate of the expected increase in the cost of the project that is in excess of the authorized maximum cost for the project;

(B) a description of the reason for the increased cost of the project; and

(C) the expected timeline for submission of a post-authorization change report for the project in accordance with section 1132 of the Water Resources Development Act of 2016 (33 U.S.C. 2282e).

(3) TRANSMITTAL.—The notifications described in paragraphs (1) and (2) may not be delayed as a result of consideration being given to changes in policy or priority with respect to project consideration.

(c) DEFERRAL OF CONSTRUCTION.—After expiration of the covered period, the Secretary shall not enter into any new contract, or exercise any option in a contract, for construction of a water resources development project if the project exceeds the maximum cost of the project permitted under section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280), until the date on which Congress authorizes an increase in the cost of the project.

(d) STATUTORY CONSTRUCTION.—Nothing in this section waives the obligation of the Secretary to submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a post-authorization change report recommending an increase in the authorized cost of a project if the project otherwise would exceed the maximum cost of the project permitted under section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280).

(e) DEFINITION OF COVERED PERIOD.—In this section, the term "covered period" means the period beginning on the date of enactment of this Act and ending on December 31, 2024.

SEC. 8156. FEDERAL INTEREST DETERMINATION.

Section 905(b)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 2282(b)(1)) is amended by amending subparagraph (B) to read as follows:

"(B) OTHER COMMUNITIES.—In preparing a feasibility report under subsection (a) for a study that will benefit a community other than a community described in subparagraph (A), upon request by the non-Federal interest for the study, the Secretary may, with respect to not more than 20 studies in each fiscal year, first determine the Federal interest in carrying out the study and the projects that may be proposed in the study.".

SEC. 8157. INLAND WATERWAY PROJECTS.

(a) IN GENERAL.—Section 102(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2212(a)) is amended—

(1) in the matter preceding paragraph (1), by striking "One-half of the costs" and inserting "65 percent of the costs"; and

(2) in the undesignated matter following paragraph (3), in the second sentence, by striking "One-half of such costs" and inserting "35 percent of such costs".

(b) [33 U.S.C. 2212 note] APPLICATION.—The amendments made by subsection (a) shall apply beginning on October 1, 2022, to any construction of a project for navigation on the inland waterways that is new or ongoing on or after that date.

(c) CONFORMING AMENDMENT.—Section 109 of the Water Resources Development Act of 2020 (33 U.S.C. 2212 note) is amended by striking "fiscal years 2021 through 2031" and inserting "fiscal years 2021 through 2022".

SEC. 8158. [33 U.S.C. 701b-17] CORPS OF ENGINEERS WESTERN WATER COOPERATIVE COMMITTEE.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall establish a Western Water Cooperative Committee (referred to in this section as the "Cooperative Committee").

(2) PURPOSE.—The purpose of the Cooperative Committee is to ensure that Corps of Engineers flood control projects in Western States are operated consistent with congressional directives by identifying opportunities to avoid or minimize conflicts between the operation of Corps of Engineers projects and water rights and water laws in such States.

(3) MEMBERSHIP.—The Cooperative Committee shall be composed of—

(A) the Assistant Secretary of the Army for Civil Works (or a designee);

(B) the Chief of Engineers (or a designee);

(C) 1 representative from each of the Western States, who may serve on the Western States Water Council, to be appointed by the Governor of each State;

(D) 1 representative with legal experience from each of the Western States, to be appointed by the attorney general of each State; and

(E) 1 employee from each of the impacted regional offices of the Bureau of Indian Affairs.

(4) MEETINGS.—

(A) IN GENERAL.—The Cooperative Committee shall meet not less than once each year in one of the Western States.

(B) AVAILABLE TO PUBLIC.—Each meeting of the Cooperative Committee shall be open and accessible to the public.

(C) NOTIFICATION.—The Cooperative Committee shall publish in the Federal Register adequate advance notice of a meeting of the Cooperative Committee.

(5) DUTIES.—

(A) IN GENERAL.—The Cooperative Committee shall develop and make recommendations to avoid or minimize conflicts between the operation of Corps of Engineers projects and the water rights and water laws of Western States.

(B) LIMITATION.—In carrying out subparagraph (A), the Cooperative Committee shall—

(i) make recommendations that only apply to Western States; and

(ii) ensure that any recommended changes or modifications to policy or regulations for Corps of Engineers projects would not adversely affect water resources within the State of Missouri.

(6) STATUS UPDATES.—

(A) IN GENERAL.—On an annual basis, the Secretary shall provide to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a written report that includes—

(i) a summary of the contents of meetings of the Cooperative Committee;

(ii) any legislative proposal from a Western State proposed to the Cooperative Committee; and

(iii) a description of any recommendations made by the Cooperative Committee under paragraph (5), including actions taken by the Secretary in response to such recommendations.

(B) COMMENT.—

(i) IN GENERAL.—Not later than 45 days following the conclusion of a meeting of the Cooperative Committee, the Secretary shall provide to members of the Cooperative Committee an opportunity to comment on the contents of the meeting and any recommendations made under paragraph (5).

(ii) INCLUSION.—Comments provided under clause (i) shall be included in the report provided under subparagraph (A).

(7) COMPENSATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the members of the Cooperative Committee shall serve without compensation.

(B) TRAVEL EXPENSES.—The members of the Cooperative Committee shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(8) MAINTENANCE OF RECORDS.—The Cooperative Committee shall maintain records pertaining to operating costs and records of the Cooperative Committee for a period of not less than 3 years.

(9) SAVINGS PROVISIONS.—

(A) NO ADDITIONAL AUTHORITY.—Nothing in this section provides authority to the Cooperative Committee to affect any Federal or State water law or interstate compact governing water.

(B) OTHER STATES.—Nothing in this section may be interpreted, by negative implication or otherwise, as suggesting that States not represented on the Cooperative Committee have lesser interest or authority, in relation to Western States, in managing the water within their borders or in vindicating State water rights and water laws.

(b) DEFINITION OF WESTERN STATES.—In this section, the term "Western States" means the States of Alaska, Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming.

SEC. 8159. SUPPORT OF ARMY CIVIL WORKS MISSIONS.

The Secretary is authorized to use contracts, cooperative agreements, or any other authorized means, in support of the Corps of Engineers civil works missions, to work with—

(1) the University of Delaware to conduct academic research on water resource ecology, water quality, aquatic ecosystem restoration (including shellfish aquaculture), coastal restoration, and water resource-related emergency management, in the State of Delaware, the Delaware River Basin, and the Chesapeake Bay watershed;

(2) the University of Missouri to conduct economic analyses and other academic research to improve water management, enhance flood resiliency, and preserve water resources for the State of Missouri, the Lower Missouri River Basin, and Upper Mississippi River Basin;

(3) Oregon State University to conduct a study and other academic research on the associated impacts of wildfire on water resource ecology, water supply, quality, and distribution in the Willamette River Basin and to develop a water resource assessment and management platform for the Willamette River Basin;

(4) West Virginia University to conduct academic research on flood resilience planning and risk management, water resource-related emergency management, aquatic ecosystem restoration, water quality, hydropower (including siting and risk

management for open- and closed-loop pumped hydropower energy storage), and water resource-related recreation (including management of water-related resources for recreation) in the State of West Virginia;

(5) Delaware State University to conduct academic research on water resource ecology, water quality, aquatic ecosystem restoration, coastal restoration, and water resource-related emergency management in the State of Delaware, the Delaware River Basin, and the Chesapeake Bay watershed;

(6) the University of Notre Dame to conduct academic research on hazard mitigation policies and practices in coastal communities, including through the incorporation of data analysis and the use of risk-based analytical frameworks for reviewing flood mitigation and hardening plans and for evaluating the design of new infrastructure;

(7) Mississippi State University to conduct academic research on technology to be used in water resources development infrastructure, analyses of the environment before and after a natural disaster, and geospatial data collection;

(8) Western Washington University, Bellingham to conduct academic research on water quality, aquatic ecosystem restoration (including aquaculture), and the resiliency of water resources development projects in the Pacific Northwest to natural disasters;

(9) the University of North Carolina Wilmington to conduct academic research on flood mitigation, coastal resiliency, water resource ecology, water quality, aquatic ecosystem restoration (including aquaculture), coastal restoration, and resource-related emergency management in North Carolina and Mid-Atlantic region; and

(10) California State Polytechnic University, Pomona to conduct academic research on integrated design and management of water resources development projects, including for the purposes of flood risk management, ecosystem restoration, water supply, water conservation, and sustainable aquifer management.

SEC. 8160. CIVIL WORKS RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—Section 7 of the Water Resources Development Act of 1988 (33 U.S.C. 2313) is amended to read as follows:

"SEC. 7. RESEARCH AND DEVELOPMENT

"(a) IN GENERAL.—The Secretary is authorized to carry out basic, applied, and advanced research activities as required to aid in the planning, design, construction, operation, and maintenance of water resources development projects and to support the missions and authorities of the Corps of Engineers.

"(b) TESTING AND APPLICATION.—In carrying out subsection (a), the Secretary is authorized to test and apply technology, tools, techniques, and materials developed pursuant to such subsection, including the testing and application of such technology, tools, techniques, and materials at authorized water resources development projects, in consultation with the non-Federal interests for such projects.

"(c) OTHER TRANSACTIONAL AUTHORITY FOR PROTOTYPE PROJECTS.—

"(1) IN GENERAL.—In carrying out subsection (b), the Secretary is authorized to enter into transactions (other than contracts, cooperative agreements, or grants) to carry out prototype projects to support basic, applied, and advanced research activities that are directly relevant to the civil works missions and authorities of the Corps of Engineers.

"(2) FOLLOW-ON PRODUCTION TRANSACTIONS.—A transaction entered into under paragraph (1) for a prototype project may provide for the award of a follow-on production contract or transaction to the participants in the transaction in accordance with the requirements of section 4022 of title 10, United States Code.

"(3) GUIDANCE.—Prior to entering into the first transaction under this subsection, the Secretary shall issue guidance for entering into transactions under this subsection (including guidance for follow-on production contracts or transactions under paragraph (2)).

"(4) CONDITIONS.—In carrying out this subsection, the Secretary shall ensure that—

"(A) competitive procedures are used to the maximum extent practicable to award each transaction; and

"(B) at least one of the following conditions is met with respect to each transaction:

"(i) The prototype project includes significant participation by at least one nonprofit research institution or nontraditional defense contractor, as that term is defined in section 3014 of title 10, United States Code.

"(ii) All significant participants in the transaction other than the Federal Government are small business concerns, as that term is used in section 3 of the Small Business Act (15 U.S.C. 632) (including such concerns participating in a program described in section 9 of such Act (15 U.S.C. 638)).

"(iii) At least one-third of the total cost of the prototype project is to be paid out of funds provided by sources other than the Federal Government.

"(iv) The Head of the Contracting Activity for the Corps of Engineers submits to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a notification that exceptional circumstances justify the use of a transaction that provides for innovative business arrangements or structures that would not be feasible or appropriate under a contract, cooperative agreement, or grant.

"(5) NOTIFICATION.—Not later than 30 days before the Secretary enters into a transaction under paragraph (1), the Secretary shall notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate of—

"(A) the dollar amount of the transaction;

"(B) the entity carrying out the prototype project that is the subject of the transaction;

"(C) the justification for the transaction; and

"(D) as applicable, the water resources development project where the prototype project will be carried out.

"(6) REPORT.—Not later than 4 years after the date of enactment of the Water Resources Development Act of 2022, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report describing the use of the authority under this subsection.

"(7) COMPTROLLER GENERAL ACCESS TO INFORMATION.—

"(A) EXAMINATION OF RECORDS.—Each transaction entered into under this subsection shall provide for mandatory examination by the Comptroller General of the United States of the records of any party to the transaction or any entity that participates in the performance of the transaction.

"(B) LIMITATIONS.—

"(i) PARTIES AND ENTITIES.—Examination of records by the Comptroller General pursuant to subparagraph (A) shall be limited as provided under clause (ii) in the case of a party to the transaction, an entity that participates in the performance of the transaction, or a subordinate element of that party or entity if the only transactions that the party, entity, or subordinate element entered into with Government entities in the year prior to the date of that transaction were entered into under paragraph (1) or under section 4021 or 4022 of title 10, United States Code.

"(ii) RECORDS.—The only records of a party, other entity, or subordinate element referred to in clause (i) that the Comptroller General may examine pursuant to subparagraph (A) are records of the same type as the records that the Government has had the right to examine under the audit access clauses of the previous transactions referred to in such clause that were entered into by that particular party, entity, or subordinate element.

"(C) WAIVER.—The Head of the Contracting Activity for the Corps of Engineers may waive the applicability of subparagraph (A) to a transaction if the Head of the Contracting Activity for the Corps of Engineers—

"(i) determines that it would not be in the public interest to apply the requirement to the transaction; and

"(ii) transmits to the Committee on Environment and Public Works of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and the Comptroller General, before the transaction is entered into, a notification of the waiver, including the rationale for the determination under clause (i).

"(D) TIMING.—The Comptroller General may not examine records pursuant to subparagraph (A) more than 3 years after the final payment is made by the United States under the transaction.

"(E) REPORT.—Not later than 1 year after the date of enactment of the Water Resources Development Act of 2022, and annually thereafter, the Comptroller General shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the use of the authority under this paragraph.

"(8) TERMINATION OF AUTHORITY.—The authority to enter into a transaction under this subsection shall terminate on December 31, 2028.

"(d) COORDINATION AND CONSULTATION.—In carrying out this section, the Secretary may coordinate and consult with Federal agencies, State and local agencies, Indian Tribes, universities, consortiums, councils, and other relevant entities that will aid in the planning, design, construction, operation, and maintenance of water resources development projects.

"(e) ANNUAL REPORT.—

"(1) IN GENERAL.—For fiscal year 2025, and annually thereafter, in conjunction with the annual budget submission of the President to Congress under section 1105(a) of title 31, United States Code, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on basic, applied, and advanced research activities and prototype projects carried out under this section.

"(2) CONTENTS.—Each report under paragraph (1) shall include—

"(A) a description of each ongoing and new activity or project, including—

"(i) the estimated total cost of the activity or project;

"(ii) the amount of Federal expenditures for the activity or project;

"(iii) the amounts provided by a non-Federal party to a transaction described in subsection (c), if applicable;

"(iv) the estimated timeline for completion of the activity or project;

"(v) the requesting district of the Corps of Engineers, if applicable; and

"(vi) how the activity or project is consistent with subsection (a); and

"(B) any additional information that the Secretary determines to be appropriate.

"(f) SAVINGS CLAUSE.—Nothing in this section affects the authority of the Secretary to carry out, through the Engineer Research and Development Center, any activity requested by a district of the Corps of Engineers in support of a water resources development project or feasibility study (as defined in section 105(d)

of the Water Resources Development Act of 1986 (33 U.S.C. 2215(d))).

"(g) ESTABLISHMENT OF ACCOUNT.—The Secretary, in consultation with the Director of the Office of Management and Budget, shall establish a separate appropriations account for administering funds made available to carry out this section.".

(b) CLERICAL AMENDMENT.—The table of contents contained in section 1(b) of the Water Resources Development Act of 1988 (102 Stat. 4012) is amended by striking the item relating to section 7 and inserting the following:

"Sec. 7. Research and development.".

SEC. 8161. SENSE OF CONGRESS ON OPERATIONS AND MAINTENANCE OF RECREATION SITES.

It is the sense of Congress that the Secretary, in each work plan submitted to Congress by the Secretary, should distribute amounts provided for the operations and maintenance of recreation sites of the Corps of Engineers so that each site receives an amount that is not less than 80 percent of the recreation fees generated by such site in a given year.

SEC. 8162. SENSE OF CONGRESS RELATING TO POST-DISASTER REPAIRS.

It is the sense of Congress that in scoping and funding post-disaster repairs, the Secretary should, to the maximum extent practicable, repair assets—

(1) to project design levels; or

(2) if the original project design is outdated, to a higher level than the project design level.

Subtitle B—Studies and Reports

SEC. 8201. AUTHORIZATION OF PROPOSED FEASIBILITY STUDIES.

(a) NEW PROJECTS.—The Secretary is authorized to conduct a feasibility study for the following projects for water resources development and conservation and other purposes, as identified in the reports titled "Report to Congress on Future Water Resources Development" submitted to Congress pursuant to section 7001 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282d) or otherwise reviewed by Congress:

(1) DUDLEYVILLE, ARIZONA.—Project for flood risk management, Dudleyville, Arizona.

(2) MCMICKEN DAM, ARIZONA.—Project for flood risk management, McMicken Dam, Arizona.

(3) CONN CREEK DAM, CALIFORNIA.—Project for flood risk management, Conn Creek Dam, California.

(4) CITY OF HUNTINGTON BEACH, CALIFORNIA.—Project for hurricane and storm damage risk reduction, including sea level rise, and shoreline stabilization, City of Huntington Beach, California.

(5) NAPA RIVER, CALIFORNIA.—Project for navigation, Federal Channel of Napa River, California.

(6) PETALUMA RIVER WETLANDS, CALIFORNIA.—Project for ecosystem restoration, City of Petaluma, California.

(7) CITY OF RIALTO, CALIFORNIA.—Project for ecosystem restoration and flood risk management, City of Rialto and vicinity, California.

(8) NORTH RICHMOND, CALIFORNIA.—Project for hurricane and storm damage risk reduction, including sea level rise, and ecosystem restoration, North Richmond, California.

(9) STRATFORD, CONNECTICUT.—Project for hurricane and storm damage risk reduction and flood risk management, Stratford, Connecticut.

(10) THATCHBED ISLAND, CONNECTICUT.—Project for flood risk management and ecosystem restoration, Thatchbed Island, Essex, Connecticut.

(11) WOODBRIDGE, CONNECTICUT.—Project for flood risk management, Woodbridge, Connecticut.

(12) FEDERAL TRIANGLE AREA, WASHINGTON, DISTRICT OF COLUMBIA.—Project for flood risk management, Federal Triangle Area, Washington, District of Columbia, including construction of improvements to interior drainage.

(13) POTOMAC AND ANACOSTIA RIVERS, WASHINGTON, DISTRICT OF COLUMBIA.—Project for recreational access, including enclosed swimming areas, Potomac and Anacostia Rivers, District of Columbia.

(14) WASHINGTON METROPOLITAN AREA, WASHINGTON, DISTRICT OF COLUMBIA, MARYLAND, AND VIRGINIA.—Project for water supply, including the identification of a secondary water source and additional water storage capability for the Washington Metropolitan Area, Washington, District of Columbia, Maryland, and Virginia.

(15) TOWN OF LONGBOAT KEY, FLORIDA.—Project for whole island hurricane and storm damage risk reduction, Town of Longboat Key, Florida.

(16) LAKE RUNNYMEDE, FLORIDA.—Project for ecosystem restoration, Lake Runnymede, Florida.

(17) TAMPA BACK BAY, FLORIDA.—Project for flood risk management and hurricane and storm damage risk reduction, including the use of natural features and nature-based features for protection and recreation, Tampa Back Bay, Florida.

(18) PORT TAMPA BAY AND MCKAY BAY, FLORIDA.—Project for hurricane and storm damage risk reduction, Port Tampa Bay, Florida, including McKay Bay.

(19) LAKE TOHOPEKALIGA, FLORIDA.—Project for ecosystem restoration and flood risk management, Lake Tohopekaliga, Florida.

(20) CITY OF ALBANY, GEORGIA.—Project for flood risk management, City of Albany, Georgia.

(21) CITY OF EAST POINT, GEORGIA.—Project for flood risk management, City of East Point, Georgia.

(22) CUMBERLAND ISLAND AND SEA ISLAND, GEORGIA.—Project for ecosystem restoration and coastal storm risk management, Cumberland Island and Sea Island, Georgia.

(23) FLINT RIVER BASIN HEADWATERS, CLAYTON COUNTY, GEORGIA.—Project for flood risk management and ecosystem restoration, Flint River Basin Headwaters, Clayton County, Georgia.

(24) COUNTY OF HAWAI'I, HAWAII.—Project for flood and coastal storm risk management, County of Hawai'i, Hawaii.

(25) MAUI, HAWAII.—Project for coastal storm risk management, County of Maui, Hawaii.

(26) WAIKIKI, HAWAII.—Project for ecosystem restoration and hurricane and storm damage risk reduction, Waikiki, Hawaii.

(27) WAILUPE STREAM WATERSHED, HAWAII.—Project for flood risk management, Wailupe Stream watershed, Hawaii.

(28) COLUMBUS, KENTUCKY.—Project for flood risk management, including riverbank stabilization, Columbus, Kentucky.

(29) CUMBERLAND RIVER, KENTUCKY.—Project for navigation, Cumberland River, Kentucky.

(30) JENKINS, KENTUCKY.—Project for flood risk management and water supply, Jenkins, Kentucky.

(31) KENTUCKY RIVER, KENTUCKY.—Project for flood risk management on the Kentucky River and its tributaries and watersheds in Breathitt, Clay, Estill, Harlan, Lee, Leslie, Letcher, Owsley, Perry, and Wolfe Counties, Kentucky.

(32) NEWPORT, KENTUCKY.—Project for ecosystem restoration, flood risk management, and recreation, Newport, Kentucky.

(33) ELLICOTT CITY AND HOWARD COUNTY, MARYLAND.—Project for flood risk management, Ellicott City and Howard County, Maryland.

(34) ASSAWOMPSET POND COMPLEX, MASSACHUSETTS.—Project for ecosystem restoration, flood risk management, and water supply, Assawompset Pond Complex, Massachusetts.

(35) CHARLES RIVER, MASSACHUSETTS.—Project for flood risk management and ecosystem restoration, Charles River, Massachusetts.

(36) CHELSEA CREEK AND MILL CREEK, MASSACHUSETTS.—Project for flood risk management and ecosystem restoration, including bank stabilization, City of Chelsea, Massachusetts.

(37) CONNECTICUT RIVER STREAMBANK EROSION, MASSACHUSETTS, VERMONT, AND NEW HAMPSHIRE.—Project for streambank erosion, Connecticut River, Massachusetts, Vermont, and New Hampshire.

(38) DEERFIELD RIVER, MASSACHUSETTS.—Project for flood risk management and ecosystem restoration, Deerfield River, Massachusetts.

(39) TOWN OF NORTH ATTLEBOROUGH, MASSACHUSETTS.—Project for ecosystem restoration and flood risk management, Ten Mile River, North Attleborough, Massachusetts.

(40) TOWN OF HULL, MASSACHUSETTS.—Project for flood risk management and hurricane and storm damage risk reduction, Hull, Massachusetts.

(41) CITY OF REVERE, MASSACHUSETTS.—Project for flood risk management and marsh ecosystem restoration, City of Revere, Massachusetts.

(42) LOWER EAST SIDE, DETROIT, MICHIGAN.—Project for flood risk management, Lower East Side, Detroit, Michigan.

(43) ELIJAH ROOT DAM, MICHIGAN.—Project for dam removal, by carrying out a disposition study under section 216 of

the Flood Control Act of 1970 (33 U.S.C. 549a), Elijah Root Dam, Michigan.

(44) GROSSE POINTE SHORES AND GROSSE POINTE FARMS, MICHIGAN.—Project for ecosystem restoration and flood risk management, Grosse Pointe Shores and Grosse Pointe Farms, Michigan.

(45) SOUTHEAST MICHIGAN, MICHIGAN.—Project for flood risk management, Southeast Michigan.

(46) TITTABAWASSEE RIVER, CHIPPEWA RIVER, PINE RIVER, AND TOBACCO RIVER, MICHIGAN.—Project for flood risk management and ecosystem restoration, Tittabawassee River, Chippewa River, Pine River, and Tobacco River, Michigan.

(47) SOUTHWEST MISSISSIPPI, MISSISSIPPI.—Project for ecosystem restoration and flood risk management, Wilkinson, Adams, Warren, Claiborne, Franklin, Amite, and Jefferson Counties, Mississippi.

(48) BELLEVUE, NEBRASKA.—Project for flood risk management, Bellevue, Nebraska, including the placement of a pump station near Offutt Ditch.

(49) PAPILLION CREEK, NEBRASKA.—Project for flood risk management, including levee improvement, Papillion Creek, Nebraska.

(50) SARPY COUNTY, NEBRASKA.—Project for flood risk management, Sarpy County, Nebraska.

(51) CAMDEN AND GLOUCESTER COUNTY, NEW JERSEY.—Project for tidal and riverine flood risk management, Camden and Gloucester Counties, New Jersey.

(52) EDGEWATER, NEW JERSEY.—Project for flood risk management, Edgewater, New Jersey.

(53) MAURICE RIVER, NEW JERSEY.—Project for navigation and for beneficial use of dredged materials for hurricane and storm damage risk reduction and ecosystem restoration, Maurice River, New Jersey.

(54) NORTHERN NEW JERSEY INLAND FLOODING, NEW JERSEY.—Project for inland flood risk management in Hudson, Essex, Union, Bergen, Hunterdon, Morris, Somerset, Warren, Passaic, and Sussex Counties, New Jersey.

(55) RISER DITCH, NEW JERSEY.—Project for flood risk management, including channel improvements, and other related water resource needs related to Riser Ditch in the communities of South Hackensack, Hasbrouck Heights, Little Ferry, Teterboro, and Moonachie, New Jersey.

(56) ROCKAWAY RIVER, NEW JERSEY.—Project for flood risk management and ecosystem restoration, including bank stabilization, Rockaway River, New Jersey.

(57) TENAKILL BROOK, NEW JERSEY.—Project for flood risk management, Tenakill Brook, New Jersey.

(58) VERONA, CEDAR GROVE, AND WEST CALDWELL, NEW JERSEY.—Project for flood risk management along the Peckman River Basin in the townships of Verona (and surrounding area), Cedar Grove, and West Caldwell, New Jersey.

(59) WHIPPANY RIVER WATERSHED, NEW JERSEY.—Project for flood risk management, Morris County, New Jersey.

(60) LAKE FARMINGTON DAM, NEW MEXICO.—Project for water supply, Lake Farmington Dam, New Mexico.

(61) MCCLURE DAM, NEW MEXICO.—Project for dam safety improvements and flood risk management, McClure Dam, City of Santa Fe, New Mexico.

(62) BLIND BROOK, NEW YORK.—Project for flood risk management, coastal storm risk management, navigation, ecosystem restoration, and water supply, Blind Brook, New York.

(63) BROOKLYN NAVY YARD, NEW YORK.—Project for flood risk management and hurricane and storm damage risk reduction, Brooklyn Navy Yard, New York.

(64) CONNETQUOT RIVER AND GREEN CREEK, NEW YORK.—Project for navigation, Connetquot River and Green Creek, Suffolk County, New York.

(65) HUTCHINSON RIVER, NEW YORK.—Project for flood risk management and ecosystem restoration, Hutchinson River, New York.

(66) MOHAWK RIVER BASIN, NEW YORK.—Project for flood risk management, navigation, and environmental restoration, Mohawk River Basin, New York.

(67) NEWTOWN CREEK, NEW YORK.—Project for ecosystem restoration, Newtown Creek, New York.

(68) JOHN J. BURNS PARK, OYSTER BAY, NEW YORK.—Project for flood risk management and hurricane and storm risk reduction, Oyster Bay, New York, in the vicinity of John J. Burns Park, Massapequa, New York, including the replacement and reconstruction of the existing bulkhead system.

(69) JOSEPH J. SALADINO MEMORIAL MARINA, OYSTER BAY, NEW YORK.—Project for flood risk management and hurricane and storm risk reduction, Oyster Bay, New York, in the vicinity of the Joseph J. Saladino Memorial Marina, Massapequa, New York, including the replacement and reconstruction of the existing bulkhead system.

(70) SAW MILL RIVER, NEW YORK.—Project for flood risk management and ecosystem restoration to address areas in the City of Yonkers and the Village of Hastings-on-Hudson within the 100-year flood zone, Saw Mill River, New York.

(71) SOUTH SHORE OF LONG ISLAND, NEW YORK.—Project for flood and coastal storm risk management, navigation, and ecosystem restoration, South Shore of Long Island, New York.

(72) UPPER EAST RIVER AND FLUSHING BAY, NEW YORK.—Project for ecosystem restoration, Upper East River and Flushing Bay, New York.

(73) CAPE FEAR RIVER BASIN, NORTH CAROLINA.—Project for flood and coastal storm risk management, Cape Fear River Basin, North Carolina.

(74) OREGON INLET, NORTH CAROLINA.—Project for navigation, Oregon Inlet, North Carolina.

(75) MINERAL RIDGE DAM, OHIO.—Project for dam safety improvements and rehabilitation, Mineral Ridge Dam, Ohio.

(76) WALLA WALLA RIVER BASIN, OREGON AND WASHINGTON.—

(A) NURSERY REACH, WALLA WALLA RIVER, OREGON.—Project for ecosystem restoration, Nursery Reach, Walla Walla River, Oregon.

(B) MILL CREEK, WALLA WALLA RIVER BASIN, WASHINGTON.—Project for ecosystem restoration, Mill Creek and Mill Creek Flood Control Zone District Channel, Washington.

(77) BRODHEAD CREEK WATERSHED, PENNSYLVANIA.—Project for ecosystem restoration and flood risk management, Brodhead Creek Watershed, Pennsylvania.

(78) CHARTIERS CREEK WATERSHED, PENNSYLVANIA.—Project for flood risk management, Chartiers Creek Watershed, Pennsylvania.

(79) COPLAY CREEK, PENNSYLVANIA.—Project for flood risk management, Coplay Creek, Pennsylvania.

(80) BERKELEY COUNTY, SOUTH CAROLINA.—Project for ecosystem restoration and flood risk management, Berkeley County, South Carolina.

(81) BIG SIOUX RIVER, SOUTH DAKOTA.—Project for flood risk management, City of Watertown and vicinity, South Dakota.

(82) EL PASO COUNTY, TEXAS.—Project for flood risk management for economically disadvantaged communities, as defined by the Secretary under section 160 of the Water Resources Development Act of 2020 (33 U.S.C. 2201 note), along the United States-Mexico border, El Paso County, Texas.

(83) GULF INTRACOASTAL WATERWAY-CHANNEL TO PALACIOS, TEXAS.—Project for navigation, Gulf Intracoastal Waterway-Channel to Palacios, Texas.

(84) HIDALGO AND CAMERON COUNTIES, TEXAS.—Project for flood risk management and ecosystem restoration, the Resacas, Hidalgo and Cameron Counties, Texas.

(85) SIKES LAKE, TEXAS.—Project for ecosystem restoration and flood risk management, Sikes Lake, Texas.

(86) SOUTHWEST BORDER REGION, TEXAS.—Project for flood risk management for economically disadvantaged communities, as defined by the Secretary under section 160 of the Water Resources Development Act of 2020 (33 U.S.C. 2201 note), along the United States-Mexico border in Webb, Zapata, and Starr Counties, Texas.

(87) LOWER CLEAR CREEK AND DICKINSON BAYOU, TEXAS.—Project for flood risk management, Lower Clear Creek and Dickinson Bayou, Texas.

(88) GREAT SALT LAKE, UTAH.—Project for ecosystem restoration and water supply, Great Salt Lake, Utah.

(89) CEDAR ISLAND, VIRGINIA.—Project for ecosystem restoration, hurricane and storm damage risk reduction, and navigation, Cedar Island, Virginia.

(90) BALLINGER CREEK, WASHINGTON.—Project for ecosystem restoration, City of Shoreline, Washington.

(91) CITY OF NORTH BEND, WASHINGTON.—Project for water supply, City of North Bend, Washington.

(92) TANEUM CREEK, WASHINGTON.—Project for ecosystem restoration, Taneum Creek, Washington.

(93) CITY OF HUNTINGTON, WEST VIRGINIA.—Project for flood risk management, Huntington, West Virginia.

(94) FOX-WOLF BASIN, WISCONSIN.—Project for flood risk management and water supply, Fox-Wolf Basin, Wisconsin.

(b) PROJECT MODIFICATIONS.—The Secretary is authorized to conduct a feasibility study for the following project modifications:

(1) CRAIGHEAD, POINSETT, AND CROSS COUNTIES, ARKANSAS.—Modifications to the project for flood protection and major drainage improvement in the Saint Francis River Basin, Missouri and Arkansas, authorized by section 204 of the Flood Control Act of 1950 (64 Stat. 172), to provide flood risk management for the tributaries and drainage of Straight Slough, Craighead, Poinsett, and Cross Counties, Arkansas.

(2) SHINGLE CREEK AND KISSIMMEE RIVER, FLORIDA.—Modifications to the project for ecosystem restoration and water storage, Shingle Creek and Kissimmee River, Florida, authorized by section 201(a)(5) of the Water Resources Development Act of 2020 (134 Stat. 2670), for flood risk management.

(3) JACKSONVILLE HARBOR, FLORIDA.—Modifications to the project for navigation, Jacksonville Harbor, Florida, authorized by section 7002 of the Water Resources Reform and Development Act of 2014 (128 Stat. 1364), for outer channel improvements.

(4) SAVANNAH HARBOR, GEORGIA.—Modifications to the project for navigation, Savannah Harbor Expansion Project, Georgia, authorized by section 7002(1) of the Water Resources Reform and Development Act of 2014 (128 Stat. 1364; 132 Stat. 3839), including evaluation of additional deepening.

(5) HONOLULU HARBOR, HAWAII.—Modifications to the project for navigation, Honolulu Harbor, Hawaii, for navigation improvements and coastal storm risk management, authorized by the first section of the Act of March 3, 1905 (chapter 1482, 33 Stat. 1146).

(6) CEDAR RIVER, CEDAR RAPIDS, IOWA.—Modifications to the project for flood risk management, Cedar River, Cedar Rapids, Iowa, authorized by section 7002(2) of the Water Resources Reform and Development Act of 2014 (128 Stat. 1366), consistent with the City of Cedar Rapids, Iowa, Cedar River Flood Control System Master Plan.

(7) SOUTH HAVEN HARBOR, MICHIGAN.—Modifications to the project for navigation, South Haven Harbor, Michigan, for turning basin improvements, authorized by the first section of the Act of August 11, 1888 (chapter 860, 25 Stat. 406).

(8) SALEM RIVER, SALEM COUNTY, NEW JERSEY.—Modifications to the project for navigation, Salem River, Salem County, New Jersey, authorized by section 1 of the Act of March 2, 1907 (chapter 2509, 34 Stat. 1080), to increase the authorized depth.

(9) PORT OF OGDENSBURG, NEW YORK.—Modifications to the project for navigation, Port of Ogdensburg, New York, including deepening, authorized by the first section of the Act of June 25, 1910 (chapter 382, 36 Stat. 635).

(10) ROLLINSON CHANNEL AND HATTERAS INLET TO HATTERAS, NORTH CAROLINA.—Modifications to the project for navi-

gation, Rollinson Channel and channel from Hatteras Inlet to Hatteras, North Carolina, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1174), to incorporate the ocean bar.

(11) HIRAM M. CHITTENDEN LOCKS, LAKE WASHINGTON SHIP CANAL, WASHINGTON.—Modifications to the Hiram M. Chittenden Locks (also known as Ballard Locks), Lake Washington Ship Canal, Washington, authorized by the Act of June 25, 1910 (chapter 382, 36 Stat. 666), forthe construction of fish ladder improvements, including efforts to address elevated temperature and low dissolved oxygen levels in the Canal.

(12) HUNTINGTON, WEST VIRGINIA.—Modifications to the Huntington Local Protection Project, Huntington, West Virginia.

(c) SPECIAL RULES.—

(1) WAILUPE STREAM WATERSHED, HAWAII.—The study authorized by subsection (a)(27) shall be considered a resumption and a continuation of the general reevaluation initiated on December 30, 2003, pursuant to section 209 of the Flood Control Act (76 Stat. 1197).

(2) BELLEVUE AND PAPILLION CREEK, NEBRASKA.—The studies authorized by paragraphs (48) and (49) of subsection (a) shall be considered a continuation of the study that resulted in the Chief's Report for the project for Papillion Creek and Tributaries Lakes, Nebraska, signed January 24, 2022.

(3) SOUTH SHORE OF LONG ISLAND, NEW YORK.—In carrying out the study authorized by subsection (a)(71), the Secretary shall study the South Shore of Long Island, New York, as a whole system, including inlets that are Federal channels.

(4) PROJECT MODIFICATIONS.—Each study authorized by subsection (b) shall be considered a new phase investigation and afforded the same treatment as a general reevaluation.

SEC. 8202. EXPEDITED COMPLETION.

(a) FEASIBILITY STUDIES.—The Secretary shall expedite the completion of a feasibility study for each of the following projects, and if the Secretary determines that the project is justified in a completed report, may proceed directly to preconstruction planning, engineering, and design of the project:

(1) Modifications to the project for navigation, Auke Bay, Alaska.

(2) Project for flood risk management, Cave Buttes Dam, Arizona.

(3) Project for navigation, Branford Harbor and Stony Creek Channel, Connecticut.

(4) Project for flood risk management, East Hartford Levee System, Connecticut.

(5) Project for navigation, Guilford Harbor and Sluice Channel, Connecticut.

(6) Project for ecosystem restoration, Lake Okeechobee, Florida.

(7) Project for ecosystem restoration, Western Everglades, Florida.

(8) Modifications to the project for navigation, Hilo Harbor, Hawaii.

(9) Project for ecosystem restoration, Fox River, Illinois, included in the comprehensive plan under section 519 of the Water Resources Development Act of 2000 (114 Stat. 2653).

(10) Project for ecosystem restoration, recreation, and other purposes, Illinois River, Chicago River, Calumet River, Grand Calumet River, Little Calumet River, and other waterways in the vicinity of Chicago, Illinois, authorized by section 201(a)(7) of the Water Resources Development Act of 2020 (134 Stat. 2670).

(11) Project for hurricane and storm damage risk reduction, Chicago Shoreline, Illinois, authorized by section 101(a)(12) of the Water Resources Development Act of 1996 (110 Stat. 3664; 128 Stat. 1372).

(12) Project for coastal storm risk management, St. Tammany Parish, Louisiana.

(13) Modifications to the project for navigation, Baltimore Harbor and Channels-Seagirt Loop Deepening, Maryland, including to a depth of 50 feet.

(14) Project for flood and coastal storm risk management and ecosystem restoration, Boston North Shore, Revere, Saugus, Lynn, Malden, and Everett, Massachusetts.

(15) Project for flood and coastal storm risk management, Chelsea, Massachusetts, authorized by a study resolution of the Committee on Public Works of the Senate dated September 12, 1969.

(16) Project for ecosystem restoration, Herring River Estuary, Barnstable County, Massachusetts, authorized by a resolution of the Committee on Transportation and Infrastructure of the House of Representatives, approved July 23, 1997.

(17) Modifications to the project for flood risk management, North Adams, Massachusetts, authorized by section 5 of the Act of June 22, 1936 (chapter 688, 49 Stat. 1572; 55 Stat. 639), for flood risk management and ecosystem restoration.

(18) Project for coastal storm risk management, ecosystem restoration, and navigation, Nauset Barrier Beach and inlet system, Chatham, Massachusetts, authorized by a study resolution of the Committee on Public Works of the Senate dated September 12, 1969.

(19) Project for flood risk management, DeSoto County, Mississippi.

(20) Project for flood risk management, Rahway, New Jersey, authorized by section 336 of the Water Resources Development Act of 2020 (134 Stat. 2712).

(21) Project for coastal storm risk management, Raritan Bay and Sandy Hook Bay, New Jersey.

(22) Project for coastal storm risk management, Sea Bright to Manasquan, New Jersey.

(23) Project for flood risk management, Rio Grande de Loiza, Puerto Rico.

(24) Project for flood risk management, Rio Nigua, Salinas, Puerto Rico.

(25) Project for flood risk management, Kanawha River Basin, West Virginia, Virginia, and North Carolina.

(b) POST-AUTHORIZATION CHANGE REPORTS.—The Secretary shall expedite completion of a post-authorization change report for the following projects:

(1) Project for ecosystem restoration, Tres Rios, Arizona, authorized by section 101(b)(4) of the Water Resources Development Act of 2000 (114 Stat. 2577).

(2) Project for coastal storm risk management, Surf City and North Topsail Beach, North Carolina, authorized by section 7002(3) of the Water Resources Reform and Development Act of 2014 (128 Stat. 1367).

(c) WATERSHED AND RIVER BASIN ASSESSMENTS.—

(1) GREAT LAKES COASTAL RESILIENCY STUDY.—The Secretary shall expedite the completion of the comprehensive assessment of water resources needs for the Great Lakes System under section 729 of the Water Resources Development Act of 1986 (33 U.S.C. 2267a), as required by section 1219 of the Water Resources Development Act of 2018 (132 Stat. 3811; 134 Stat. 2683).

(2) COUNTY OF HAWAI'I, HAWAII.—The Secretary shall expedite the completion of a watershed assessment for the County of Hawai'i, Hawaii, under section 729 of the Water Resources Development Act of 1986 (33 U.S.C. 2267a).

(d) MAINTENANCE OF NAVIGATION CHANNELS.—The Secretary shall expedite the completion of a determination of the feasibility of improvements proposed by the non-Federal interest under section 204(f)(1)(A)(i) of the Water Resources Development Act of 1986 (33 U.S.C. 2232(f)(1)(A)(i)), for the deepening and widening of the navigation project for Coos Bay, Oregon, authorized by the Act of March 3, 1879 (chapter 181, 20 Stat. 370).

SEC. 8203. EXPEDITED MODIFICATIONS OF EXISTING FEASIBILITY STUDIES.

The Secretary shall expedite the completion of the following feasibility studies, as modified by this section, and if the Secretary determines that a project that is the subject of the feasibility study is justified in the completed report, may proceed directly to preconstruction planning, engineering, and design of the project:

(1) MARE ISLAND STRAIT, CALIFORNIA.—The study for navigation, Mare Island Strait channel, authorized by section 406 of the Water Resources Development Act of 1999 (113 Stat. 323), is modified to authorize the Secretary to consider the economic and national security benefits from recent proposals for utilization of the channel for Department of Defense shipbuilding and vessel repair.

(2) LAKE PONTCHARTRAIN AND VICINITY, LOUISIANA.—The study for flood risk management and hurricane and storm damage risk reduction, Lake Pontchartrain and Vicinity, Louisiana, authorized by section 204 of the Flood Control Act of 1965 (79 Stat. 1077), is modified to authorize the Secretary to investigate increasing the scope of the project to provide protection against a 200-year storm event.

(3) BLACKSTONE RIVER VALLEY, RHODE ISLAND AND MASSACHUSETTS.—

(A) IN GENERAL.—The study for ecosystem restoration, Blackstone River Valley, Rhode Island and Massachusetts, authorized by section 569 of the Water Resources Development Act of 1996 (110 Stat. 3788), is modified to authorize the Secretary to conduct a study for water supply, water flow, and wetland restoration and protection within the scope of the study.

(B) INCORPORATION OF EXISTING DATA.—In carrying out the study described in subparagraph (A), the Secretary shall use, to the extent practicable, any existing data for the project prepared under the authority of section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330).

(4) LOWER SADDLE RIVER, NEW JERSEY.—The study for flood control, Lower Saddle River, New Jersey, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4119), is modified to authorize the Secretary to review the previously authorized study and take into consideration changes in hydraulic and hydrologic circumstances and local economic development since the study was initially authorized.

(5) TRINITY RIVER AND TRIBUTARIES, TEXAS.—The study for navigation, Liberty, Texas, authorized by section 1201(7) of the Water Resources Development Act of 2018 (132 Stat. 3802), is modified to authorize the Secretary to include in the study flood risk management and ecosystem restoration.

SEC. 8204. CORPS OF ENGINEERS RESERVOIR SEDIMENTATION ASSESSMENT.

(a) IN GENERAL.—The Secretary, at Federal expense, shall conduct an assessment of sediment in reservoirs owned and operated by the Secretary.

(b) CONTENTS.—For each reservoir for which the Secretary carries out an assessment under subsection (a), the Secretary shall include in the assessment—

(1) an estimation of the volume of sediment in the reservoir;

(2) an evaluation of the effects of such sediment on reservoir storage capacity, including a quantification of lost reservoir storage capacity due to the sediment and an evaluation of how such lost reservoir storage capacity affects the allocated storage space for authorized purposes within the reservoir (including, where applicable, allocations for dead storage, inactive storage, active conservation, joint use, and flood surcharge);

(3) the identification of any additional effects of sediment on the operations of the reservoir or the ability of the reservoir to meet its authorized purposes;

(4) the identification of any potential effects of the sediment over the 10-year period beginning on the date of enactment of this Act on the areas immediately upstream and downstream of the reservoir;

(5) the identification of any existing sediment monitoring and management plans associated with the reservoir;

(6) for any reservoir that does not have a sediment monitoring and management plan—

(A) an identification of whether a sediment management plan for the reservoir is under development; or

(B) an assessment of whether a sediment management plan for the reservoir would be useful in the long-term operation and maintenance of the reservoir for its authorized purposes; and

(7) any opportunities for beneficial use of the sediment in the vicinity of the reservoir.

(c) REPORT TO CONGRESS; PUBLIC AVAILABILITY.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate, and make publicly available (including on a publicly available website), a report describing the results of the assessment carried out under subsection (a).

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000, to remain available until expended.

SEC. 8205. REPORT AND RECOMMENDATIONS ON DREDGE CAPACITY.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate, and make publicly available (including on a publicly available website), a report that includes—

(1) a quantification of the expected hopper and pipeline dredging needs of authorized water resources development projects for the 10 years after the date of enactment of this Act, including—

(A) the dredging needs to—

(i) construct deepenings or widenings at authorized but not constructed projects and the associated operations and maintenance needs of such projects; and

(ii) operate and maintain existing Federal navigation channels;

(B) the amount of dredging to be carried out by the Corps of Engineers for other Federal agencies;

(C) the dredging needs associated with authorized hurricane and storm damage risk reduction projects (including periodic renourishment); and

(D) the dredging needs associated with projects for the beneficial use of dredged material authorized by section 1122 of the Water Resources Development Act of 2016 (33 U.S.C. 2326 note);

(2) an identification of the Federal appropriations for dredging projects and expenditures from the Harbor Maintenance Trust Fund for fiscal year 2015 and each fiscal year thereafter;

(3) an identification of the dredging capacity of the domestic hopper and pipeline dredge fleet, including publicly owned and privately owned vessels, in each of the 10 years preceding the date of enactment of this Act;

(4) an analysis of the ability of the domestic hopper and pipeline dredge fleet to meet the expected dredging needs identified under paragraph (1), including an analysis of such ability in each of—

(A) the east coast region;

(B) the west coast region, including the States of Alaska and Hawaii;

(C) the gulf coast region; and

(D) the Great Lakes region;

(5) an identification of the dredging capacity of domestic hopper and pipeline dredge vessels that are under contract for construction and intended to be used at water resources development projects;

(6) an identification of any hopper or pipeline dredge vessel expected to be retired or become unavailable during the 10-year period beginning on the date of enactment of this section;

(7) an identification of the potential costs of using either public or private dredging to carry out authorized water resources development projects; and

(8) any recommendations of the Secretary for adding additional domestic hopper and pipeline dredging capacity, including adding public and private dredging vessels to the domestic hopper and pipeline dredge fleet to efficiently service water resources development projects.

(b) OPPORTUNITY FOR PARTICIPATION.—In carrying out subsection (a), the Secretary shall provide interested stakeholders, including representatives from the commercial dredging industry, with an opportunity to submit comments to the Secretary.

(c) SENSE OF CONGRESS.—It is the sense of Congress that the Corps of Engineers should add additional dredging capacity if the addition of such capacity would—

(1) enable the Corps of Engineers to carry out water resources development projects in an efficient and cost-effective manner; and

(2) be in the best interests of the United States.

SEC. 8206. ASSESSMENT OF IMPACTS FROM CHANGING OPERATION AND MAINTENANCE RESPONSIBILITIES.

(a) IN GENERAL.—The Secretary shall carry out an assessment of the consequences of amending section 101(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2211(b)) to authorize the operation and maintenance of navigation projects for a harbor or inland harbor constructed by the Secretary at 100-percent Federal cost to a depth of 55 feet.

(b) CONTENTS.—In carrying out the assessment under subsection (a), the Secretary shall—

(1) describe all existing Federal navigation projects that are authorized or constructed to a depth of 55 feet or greater;

(2) describe any Federal navigation project that is likely to seek authorization or modification to a depth of 55 feet or greater during the 10-year period beginning on the date of enactment of this section;

(3) estimate—

(A) the potential annual increase in Federal costs that would result from authorizing operation and maintenance

of a navigation project to a depth of 55 feet at Federal expense; and

(B) the potential cumulative increase in such Federal costs during the 10-year period beginning on the date of enactment of this section; and

(4) assess the potential effect of authorizing operation and maintenance of a navigation project to a depth of 55 feet at Federal expense on other Federal navigation operation and maintenance activities, including the potential impact on activities at donor ports, energy transfer ports, emerging harbor projects, and projects carried out in the Great Lakes Navigation System, as such terms are defined in section 102(a)(2) of the Water Resources Development Act of 2020 (33 U.S.C. 2238 note).

(c) REPORT.—Not later than 18 months after the date of enactment of this section, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate, and make publicly available (including on a publicly available website), a report describing the results of the assessment carried out under subsection (a).

SEC. 8207. MAINTENANCE DREDGING DATA.

Section 1133(b)(3) of the Water Resources Development Act of 2016 (33 U.S.C. 2326f(b)(3)) is amended by inserting ", including a separate line item for all Federal costs associated with the disposal of dredged material" before the semicolon.

SEC. 8208. WESTERN INFRASTRUCTURE STUDY.

(a) COMPREHENSIVE STUDY.—The Secretary shall conduct a comprehensive study to evaluate the effectiveness of carrying out additional measures, including measures that use natural features or nature-based features, at or upstream of covered reservoirs, for the purposes of—

(1) sustaining operations in response to changing hydrological and climatic conditions;

(2) mitigating the risk of drought or floods, including the loss of storage capacity due to sediment accumulation;

(3) increasing water supply; or

(4) aquatic ecosystem restoration.

(b) STUDY FOCUS.—In conducting the study under subsection (a), the Secretary shall include all covered reservoirs located in the South Pacific Division of the Corps of Engineers.

(c) CONSULTATION AND USE OF EXISTING DATA.—

(1) CONSULTATION.—In conducting the study under subsection (a), the Secretary shall consult with applicable—

(A) Federal, State, and local agencies;

(B) Indian Tribes;

(C) non-Federal interests; and

(D) stakeholders, as determined appropriate by the Secretary.

(2) USE OF EXISTING DATA AND PRIOR STUDIES.—In conducting the study under subsection (a), the Secretary shall, to the maximum extent practicable and where appropriate—

(A) use existing data provided to the Secretary by entities described in paragraph (1); and

(B) incorporate—

(i) relevant information from prior studies and projects carried out by the Secretary; and

(ii) the relevant technical data and scientific approaches with respect to changing hydrological and climatic conditions.

(d) REPORT.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that describes—

(1) the results of the study; and

(2) any recommendations for additional study in specific geographic areas.

(e) SAVINGS PROVISION.—Nothing in this section provides authority to the Secretary to change the authorized purposes of any covered reservoir.

(f) DEFINITIONS.—In this section:

(1) COVERED RESERVOIR.—The term "covered reservoir" means a reservoir owned and operated by the Secretary or for which the Secretary has flood control responsibilities under section 7 of the Act of December 22, 1944 (33 U.S.C. 709).

(2) NATURAL FEATURE AND NATURE-BASED FEATURE.—The terms "natural feature" and "nature-based feature" have the meanings given such terms in section 1184(a) of the Water Resources Development Act of 2016 (33 U.S.C. 2289a(a)).

SEC. 8209. RECREATION AND ECONOMIC DEVELOPMENT AT CORPS FACILITIES IN APPALACHIA.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall prepare and submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a plan to implement the recreational and economic development opportunities identified by the Secretary in the report submitted under section 206 of the Water Resources Development Act of 2020 (134 Stat. 2680) at Corps of Engineers facilities located within a distressed county or an at-risk county (as described in subsection (a)(1) of such section) in Appalachia.

(b) CONSIDERATIONS.—In accordance with existing guidance, in preparing the plan under subsection (a), the Secretary shall consider options for Federal funding, partnerships, and outgrants to Federal, State, and local governments, nonprofit organizations, and commercial businesses.

SEC. 8210. OUACHITA RIVER WATERSHED, ARKANSAS AND LOUISIANA.

The Secretary shall conduct a review of projects in the Ouachita River watershed, Arkansas and Louisiana, under section 216 of the Flood Control Act of 1970 (33 U.S.C. 549a).

SEC. 8211. REPORT ON SANTA BARBARA STREAMS, LOWER MISSION CREEK, CALIFORNIA.

Not later than 1 year after the date of enactment of this section, the Secretary shall submit to the Committee on Transpor-

tation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate, and make publicly available (including on a publicly available website), a report that provides an updated economic review of the remaining portions of the project for flood damage reduction, Santa Barbara streams, Lower Mission Creek, California, authorized by section 101(b) of the Water Resources Development Act of 2000 (114 Stat. 2577), taking into consideration work already completed by the non-Federal interest.

SEC. 8212. DISPOSITION STUDY ON SALINAS DAM AND RESERVOIR, CALIFORNIA.

In carrying out the disposition study for the project for Salinas Dam (Santa Margarita Lake), California, pursuant to section 202(d) of the Water Resources Development Act of 2020 (134 Stat. 2675), the Secretary shall—

(1) ensure that the County of San Luis Obispo is provided right of first refusal for any potential conveyance of the project; and

(2) ensure that the study identifies and describes any potential repairs or modifications to the project necessary to meet Federal and State dam safety requirements prior to transferring the project.

SEC. 8213. EXCESS LANDS REPORT FOR WHITTIER NARROWS DAM, CALIFORNIA.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that identifies any real property associated with the Whittier Narrows Dam element of the Los Angeles County Drainage Area project that the Secretary determines—

(1) is not needed to carry out the authorized purposes of the Whittier Narrows Dam element of such project; and

(2) could be transferred to the City of Pico Rivera, California, for the replacement of recreational facilities located in such city that were adversely impacted by dam safety construction activities associated with the Whittier Narrows Dam element of such project.

(b) LOS ANGELES COUNTY DRAINAGE AREA PROJECT DEFINED.—In this section, the term "Los Angeles County Drainage Area project" means the project for flood control, Los Angeles County Drainage Area, California, authorized by section 101(b) of the Water Resources Development Act of 1990 (104 Stat. 4611; 130 Stat. 1690).

SEC. 8214. COMPREHENSIVE CENTRAL AND SOUTHERN FLORIDA STUDY.

(a) IN GENERAL.—The Secretary is authorized to carry out a feasibility study for resiliency and comprehensive improvements or modifications to existing water resources development projects in the central and southern Florida area, for the purposes of flood risk management, water supply, ecosystem restoration (including preventing saltwater intrusion), recreation, and related purposes.

(b) REQUIREMENTS.—In carrying out the feasibility study under subsection (a), the Secretary—

(1) is authorized to—

(A) review the report of the Chief of Engineers on central and southern Florida, published as House Document 643, 80th Congress, 2d Session, and other related reports of the Secretary; and

(B) recommend cost-effective structural and nonstructural projects for implementation that provide a systemwide approach for the purposes described in subsection (a); and

(2) shall ensure the study and any projects recommended under paragraph (1)(B) will not interfere with the efforts undertaken to carry out the Comprehensive Everglades Restoration Plan pursuant to section 601 of the Water Resources Development Act of 2000 (114 Stat. 2680; 132 Stat. 3786).

SEC. 8215. NORTHERN ESTUARIES ECOSYSTEM RESTORATION, FLORIDA.

(a) DEFINITIONS.—In this section:

(1) CENTRAL AND SOUTHERN FLORIDA PROJECT.—The term "Central and Southern Florida Project" has the meaning given that term in section 601 of the Water Resources Development Act of 2000.

(2) NORTHERN ESTUARIES.—The term "northern estuaries" means the Caloosahatchee Estuary, Charlotte Harbor, Indian River Lagoon, Lake Worth Lagoon, and St. Lucie River Estuary.

(3) SOUTH FLORIDA ECOSYSTEM.—

(A) IN GENERAL.—The term "South Florida ecosystem" means the area consisting of the land and water within the boundary of the South Florida Water Management District in effect on July 1, 1999.

(B) INCLUSIONS.—The term "South Florida ecosystem" includes—

(i) the Everglades;

(ii) the Florida Keys;

(iii) the contiguous near-shore coastal water of South Florida; and

(iv) Florida's Coral Reef.

(4) STUDY AREA.—The term "study area" means all lands and waters within—

(A) the northern estuaries;

(B) the South Florida ecosystem; and

(C) the study area boundaries of the Indian River Lagoon National Estuary Program and the Coastal and Heartland Estuary Partnership, authorized pursuant to section 320 of the Federal Water Pollution Control Act (33 U.S.C. 1330).

(b) PROPOSED COMPREHENSIVE PLAN.—

(1) DEVELOPMENT.—The Secretary shall develop, in cooperation with the non-Federal sponsors of the Central and Southern Florida project and any relevant Federal, State, and Tribal agencies, a proposed comprehensive plan for the purpose of restoring, preserving, and protecting the northern estuaries.

(2) INCLUSIONS.—In carrying out paragraph (1), the Secretary shall develop a proposed comprehensive plan that provides for ecosystem restoration within the northern estuaries, including the elimination of harmful discharges from Lake Okeechobee.

(3) SUBMISSION.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to Congress for approval—

(A) the proposed comprehensive plan developed under this subsection; and

(B) recommendations for future feasibility studies within the study area for the ecosystem restoration of the northern estuaries.

(4) INTERIM REPORTS.—Not later than 1 year after the date of enactment of this Act, and annually thereafter until the submission of the proposed comprehensive plan under paragraph (3), the Secretary shall submit to Congress an interim report on the development of the proposed comprehensive plan.

(5) ADDITIONAL STUDIES AND ANALYSES.—Notwithstanding the submission of the proposed comprehensive plan under paragraph (3), the Secretary shall continue to conduct such studies and analyses after the date of such submission as are necessary for the purpose of restoring, preserving, and protecting the northern estuaries.

(6) FEDERAL SHARE.—The Federal share of the cost of carrying out paragraph (1) shall be 90 percent.

(c) LIMITATION.—Nothing in this section shall be construed to require the alteration or amendment of the schedule for completion of the Comprehensive Everglades Restoration Plan.

SEC. 8216. STUDY ON SHELLFISH HABITAT AND SEAGRASS, FLORIDA CENTRAL GULF COAST.

(a) IN GENERAL.—Not later than 24 months after the date of enactment of this Act, the Secretary shall carry out a study, and submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report, on projects and activities carried out through the Engineer Research and Development Center to restore shellfish habitat and seagrass in coastal estuaries in the Florida Central Gulf Coast.

(b) REQUIREMENTS.—In conducting the study under subsection (a), the Secretary shall—

(1) consult with independent expert scientists and other regional stakeholders with relevant expertise and experience; and

(2) coordinate with Federal, State, and local agencies providing oversight for both short- and long-term monitoring of the projects and activities described in subsection (a).

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,000,000, to remain available until expended.

SEC. 8217. REPORT ON SOUTH FLORIDA ECOSYSTEM RESTORATION PLAN IMPLEMENTATION.

(a) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that provides an update on—

(1) Comprehensive Everglades Restoration Plan projects, as authorized by or pursuant to section 601 of the Water Resources Development Act of 2000 (114 Stat. 2680; 121 U.S.C. 1269; 132 U.S.C. 3786);

(2) the review of the Lake Okeechobee Regulation Schedule pursuant to section 1106 of the Water Resources Development Act of 2018 (132 Stat. 3773) and section 210 of the Water Resources Development Act of 2020 (134 U.S.C. 2682); and

(3) any additional water resources development projects and studies included in the South Florida Ecosystem Restoration Plan Integrated Delivery Schedule prepared in accordance with part 385 of title 33, Code of Federal Regulations.

(b) CONTENTS.—The Secretary shall include in the report submitted under subsection (a) the status of each authorized water resources development project or study described in such subsection, including—

(1) an estimated implementation or completion date of the project or study; and

(2) the estimated costs to complete implementation or construction, as applicable, of the project or study.

SEC. 8218. GREAT LAKES RECREATIONAL BOATING.

Notwithstanding subsection (f) of section 455 of the Water Resources Development Act of 1999 (42 U.S.C. 1962d-21), not later than 1 year after the date of enactment of this Act, the Secretary shall prepare, at Federal expense, and submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report updating the findings of the report on the economic benefits of recreational boating in the Great Lakes basin prepared under subsection (c) of such section.

SEC. 8219. [33 U.S.C. 652 note] HYDRAULIC EVALUATION OF UPPER MISSISSIPPI RIVER AND ILLINOIS RIVER.

(a) STUDY.—The Secretary, in coordination with relevant Federal agencies, shall, at Federal expense, periodically carry out a study to—

(1) evaluate the flow frequency probabilities of the Upper Mississippi River and the Illinois River; and

(2) develop updated water surface profiles for such rivers.

(b) AREA OF EVALUATION.—In carrying out subsection (a), the Secretary shall conduct analysis along the mainstem of the Mississippi River from upstream of the Minnesota River confluence near Anoka, Minnesota, to just upstream of the Ohio River confluence near Cairo, Illinois, and along the Illinois River from Dresden Island Lock and Dam to the confluence with the Mississippi River, near Grafton, Illinois.

(c) REPORTS.—Not later than 5 years after the date of enactment of this Act, and not less frequently than every 20 years there-

after, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report containing the results of a study carried out under subsection (a).

(d) PUBLIC AVAILABILITY.—Any information developed under subsection (a) shall be made publicly available, including on a publicly available website.

SEC. 8220. DISPOSITION STUDY ON HYDROPOWER IN THE WILLAMETTE VALLEY, OREGON.

(a) DISPOSITION STUDY.—

(1) IN GENERAL.—The Secretary shall carry out a disposition study to determine the Federal interest in, and identify the effects of, deauthorizing hydropower as an authorized purpose, in whole or in part, of the Willamette Valley hydropower project.

(2) CONTENTS.—In carrying out the disposition study under paragraph (1), the Secretary shall review the effects of deauthorizing hydropower on—

(A) Willamette Valley hydropower project operations;

(B) other authorized purposes of such project;

(C) cost apportionments;

(D) dam safety;

(E) compliance with the requirements of the Endangered Species Act (16 U.S.C. 1531 et seq.); and

(F) the operations of the remaining dams within the Willamette Valley hydropower project.

(3) RECOMMENDATIONS.—If the Secretary, through the disposition study authorized by paragraph (1), determines that hydropower should be removed as an authorized purpose of any part of the Willamette Valley hydropower project, the Secretary shall also investigate and recommend any necessary structural or operational changes at such project that are necessary to achieve an appropriate balance among the remaining authorized purposes of such project or changes to such purposes.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall issue a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate that describes—

(1) the results of the disposition study on deauthorizing hydropower as a purpose of the Willamette Valley hydropower project; and

(2) any recommendations required under subsection (a)(3).

(c) COSTS.—Until such time as the report required under subsection (b) is issued, any new construction-related expenditures of the Secretary at the Willamette Valley hydropower project that are assigned to hydropower shall not be reimbursable.

(d) DEFINITION.—In this section, the term "Willamette Valley hydropower project" means the system of dams and reservoir projects authorized to generate hydropower and the power features that operate in conjunction with the main regulating dam facilities, including the Big Cliff, Dexter, and Foster re-regulating dams in

the Willamette River Basin, Oregon, as authorized by section 4 of the Flood Control Act of 1938 (chapter 795, 52 Stat. 1222; 62 Stat. 1178; 64 Stat. 177; 68 Stat. 1264; 74 Stat. 499; 100 Stat. 4144).

SEC. 8221. HOUSTON SHIP CHANNEL EXPANSION CHANNEL IMPROVEMENT PROJECT, TEXAS.

The Secretary shall expedite the completion of a study under section 216 of the Flood Control Act of 1970 (33 U.S.C. 549a) for modifications of the project for navigation, Houston Ship Channel Expansion Channel Improvement Project, Harris, Chambers, and Galveston Counties, Texas, authorized by section 401 of the Water Resources Development Act of 2020 (134 Stat. 2734), to incorporate into the project the construction of barge lanes immediately adjacent to either side of the Houston Ship Channel from Bolivar Roads to Morgan's Point.

SEC. 8222. SABINE-NECHES WATERWAY NAVIGATION IMPROVEMENT PROJECT, TEXAS.

The Secretary shall expedite the review and coordination of the feasibility study for the project for navigation, Sabine-Neches Waterway, Texas, under section 203(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2231(b)).

SEC. 8223. NORFOLK HARBOR AND CHANNELS, VIRGINIA.

Not later than December 31, 2023, the Secretary shall complete a post-authorization change report for the Anchorage F modifications to the project for navigation, Norfolk Harbor and Channels, Virginia, authorized by section 201 of the Water Resources Development Act of 1986 (100 Stat. 4090; 132 Stat. 3840).

SEC. 8224. COASTAL VIRGINIA, VIRGINIA.

(a) IN GENERAL.—In carrying out the feasibility study for the project for flood risk management, ecosystem restoration, and navigation, Coastal Virginia, authorized by section 1201(9) of the Water Resources Development Act of 2018 (132 Stat. 3802), the Secretary is authorized to enter into a written agreement with any Federal agency that owns or operates property in the area of the project to accept and expend funds from such Federal agency to include in the study an analysis with respect to property owned or operated by such Federal agency.

(b) INFORMATION.—The Secretary shall use any relevant information obtained from a Federal agency described in subsection (a) to carry out the feasibility study described in such subsection.

SEC. 8225. WEST VIRGINIA HYDROPOWER.

(a) IN GENERAL.—For water resources development projects described in subsection (b), the Secretary is authorized to evaluate Federal and non-Federal modifications to such projects for the purposes of adding capacity for hydropower generation or energy storage.

(b) PROJECTS DESCRIBED.—The projects referred to in subsection (a) are the following:

(1) Sutton Dam, Braxton County, West Virginia, authorized by section 5 of the Act of June 22, 1936 (chapter 688, 49 Stat. 1586).

(2) Hildebrand Lock and Dam, Monongahela County, West Virginia, authorized by section 101 of the River and Harbor Act of 1950 (chapter 188, 64 Stat. 166).

(3) Bluestone Lake, Summers County, West Virginia, authorized by section 5 of the Act of June 22, 1936 (chapter 688, 49 Stat. 1586).

(4) R.D. Bailey Dam, Wyoming County, West Virginia, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1188).

(5) Stonewall Jackson Dam, Lewis County, West Virginia, authorized by section 203 of the Flood Control Act of 1966 (80 Stat. 1421).

(6) East Lynn Dam, Wayne County, West Virginia, authorized by section 5 of the Act of June 22, 1936 (chapter 688, 49 Stat. 1586).

(7) Burnsville Lake, Braxton County, West Virginia, authorized by section 5 of the Act of June 22, 1936 (chapter 688, 49 Stat. 1586).

(c) DEMONSTRATION PROJECTS.—In carrying out subsection (a), the Secretary may carry out demonstration projects for purposes of testing and evaluating technology for adding capacity for hydropower generation or energy storage to a project described in subsection (b).

SEC. 8226. ELECTRONIC PREPARATION AND SUBMISSION OF APPLICATIONS.

Section 2040(f) of the Water Resources Development Act of 2007 (33 U.S.C. 2345(f)) is amended—

(1) in paragraph (1), by striking "Water Resources Development Act of 2016" and inserting "Water Resources Development Act of 2022"; and

(2) by striking paragraph (2) and inserting the following:

"(2) UPDATE ON ELECTRONIC SYSTEM IMPLEMENTATION.—The Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a quarterly update describing the status of the implementation of this section.".

SEC. 8227. INVESTMENTS FOR RECREATION AREAS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Corps of Engineers should use all available authorities to promote and enhance development and recreational opportunities at lakes that are part of authorized civil works projects under the administrative jurisdiction of the Corps of Engineers.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on investments needed to support recreational activities that are part of authorized water resources development projects under the administrative jurisdiction of the Corps of Engineers.

(c) REQUIREMENTS.—The report under subsection (b) shall include—

(1) a list of deferred maintenance projects, including maintenance projects relating to recreational facilities and sites and associated access roads;

(2) a plan to fund the projects described in paragraph (1) during the 5-year period beginning on the date of enactment of this Act;

(3) a description of efforts made by the Corps of Engineers to coordinate investments in recreational facilities and sites and associated access roads with—

(A) State and local governments; or

(B) private entities; and

(4) an assessment of whether the modification of Federal contracting requirements could accelerate the availability of funds for the projects described in paragraph (1).

SEC. 8228. AUTOMATED FEE MACHINES.

For the purpose of mitigating adverse impacts to public access to outdoor recreation, to the maximum extent practicable, the Secretary shall consider alternatives to the use of automated fee machines for the collection of fees for the use of developed recreation sites and facilities in West Virginia.

SEC. 8229. REVIEW OF RECREATIONAL HAZARDS.

(a) IN GENERAL.—The Secretary shall—

(1) carry out a review of potential threats to human life and safety from use of covered sites; and

(2) install such technologies and other measures, including sirens, strobe lights, and signage, that the Secretary, based on the review carried out under paragraph (1), determines necessary for alerting the public of hazardous water conditions or to otherwise minimize or eliminate any identified threats to human life and safety.

(b) COVERED SITES DEFINED.—In this section, the term "covered sites" means—

(1) designated recreational areas at the Buford Dam, Lake Sidney Lanier, Georgia, authorized by section 1 of the Act of July 24, 1946 (chapter 595, 60 Stat. 635);

(2) designated recreational areas at the banks of the Mississippi River, Louisiana; and

(3) the project for navigation, Murderkill River, Delaware, authorized by the first section of the Act of July 13, 1892 (chapter 158, 27 Stat. 98).

SEC. 8230. ASSESSMENT OF COASTAL FLOODING MITIGATION MODELING AND TESTING CAPACITY.

(a) IN GENERAL.—The Secretary, acting through the Director of the Engineer Research and Development Center, shall carry out an assessment of the current capacity of the Corps of Engineers to model coastal flood mitigation systems and test the effectiveness of such systems in preventing flood damage resulting from coastal storm surges.

(b) CONSIDERATIONS.—In carrying out the assessment under subsection (a), the Secretary shall—

(1) identify the capacity of the Corps of Engineers to—

(A) carry out the testing of the performance and reliability of coastal flood mitigation systems; or

(B) collaborate with private industries to carry out such testing;

(2) identify any limitations or deficiencies at Corps of Engineers facilities that are capable of testing the performance and reliability of coastal flood mitigation systems;

(3) assess any benefits that would result from addressing the limitations or deficiencies identified under paragraph (2); and

(4) provide recommendations for addressing such limitations or deficiencies.

(c) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this section, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate, and make publicly available (including on a publicly available website), a report describing the results of the assessment carried out under subsection (a).

SEC. 8231. REPORT ON SOCIALLY AND ECONOMICALLY DISADVANTAGED SMALL BUSINESS CONCERNS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate, and make publicly available (including on a publicly available website), a report that describes and documents the use of contracts and subcontracts with Small Disadvantaged Businesses in carrying out the water resources development authorities of the Secretary.

(b) INFORMATION.—The Secretary shall include in the report under subsection (a) information on the distribution of funds to Small Disadvantaged Businesses on a disaggregated basis.

(c) DEFINITION.—In this section, the term "Small Disadvantaged Business" has the meaning given that term in section 124.1001 of title 13, Code of Federal Regulations (or successor regulations).

SEC. 8232. REPORT ON SOLAR ENERGY OPPORTUNITIES.

(a) ASSESSMENT.—

(1) IN GENERAL.—The Secretary shall conduct an assessment, in collaboration with relevant Federal agencies and after consultation with relevant non-Federal interests, of opportunities to install and maintain photovoltaic solar panels (including floating solar panels) at covered projects.

(2) CONTENTS.—The assessment conducted under paragraph (1) shall—

(A) include a description of the economic, environmental, and technical viability of installing and maintaining, or contracting with third parties to install and maintain, photovoltaic solar panels at covered projects;

(B) identify covered projects with a high potential for the installation and maintenance of photovoltaic solar panels and whether such installation and maintenance would require additional authorization;

(C) account for potential impacts of photovoltaic solar panels at covered projects and the authorized purposes of such projects, including potential impacts on flood risk reduction, navigation, recreation, water supply, and fish and wildlife; and

(D) account for the availability of electric grid infrastructure close to covered projects, including underutilized transmission infrastructure.

(b) REPORT TO CONGRESS.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to Congress, and make publicly available (including on a publicly available website), a report containing the results of the assessment conducted under subsection (a).

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary $10,000,000 to carry out this section.

(d) DEFINITION.—In this section, the term "covered project" means—

(1) any property under the control of the Corps of Engineers; and

(2) any water resources development project constructed by the Secretary or over which the Secretary has financial or operational responsibility.

SEC. 8233. REPORT TO CONGRESS ON ECONOMIC VALUATION OF PRESERVATION OF OPEN SPACE, RECREATIONAL AREAS, AND HABITAT ASSOCIATED WITH PROJECT LANDS.

(a) IN GENERAL.—The Secretary shall conduct a review of the existing statutory, regulatory, and policy requirements related to the determination of the economic value of lands that—

(1) may be provided by the non-Federal interest, as necessary, for the construction of a project for flood risk reduction or hurricane and storm risk reduction in accordance with section 103(i) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(i));

(2) are being maintained for open space, recreational areas, or preservation of fish and wildlife habitat; and

(3) will continue to be so maintained as part of the project.

(b) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this section, the Secretary shall issue to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report containing the results of the review conducted under subsection (a), including—

(1) a summary of the existing statutory, regulatory, and policy requirements described in such subsection;

(2) a description of the requirements and process the Secretary uses to place an economic value on the lands described in such subsection;

(3) an assessment of whether such requirements and process affect the ability of a non-Federal interest to provide such lands for the construction of a project described in such subsection;

(4) an assessment of whether such requirements and process directly or indirectly encourage the selection of developed

lands for the construction of a project, or have the potential to affect the total cost of a project; and

(5) the identification of alternative measures for determining the economic value of such lands that could provide incentives for the preservation of open space, recreational areas, and habitat in association with the construction of a project.

SEC. 8234. REPORT ON CORROSION PREVENTION ACTIVITIES.

Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate, and make publicly available (including on a publicly available website), a report that describes—

(1) the extent to which the Secretary has carried out section 1033 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2350);

(2) the extent to which the Secretary has incorporated corrosion prevention activities (as defined in such section) at water resources development projects constructed or maintained by the Secretary since the date of enactment of such section; and

(3) in instances where the Secretary has not incorporated corrosion prevention activities at such water resources development projects since such date, an explanation of why such corrosion prevention activities have not been incorporated.

SEC. 8235. REPORT TO CONGRESS ON EASEMENTS RELATED TO WATER RESOURCES DEVELOPMENT PROJECTS.

(a) IN GENERAL.—The Secretary shall conduct a review of the existing statutory, regulatory, and policy requirements and procedures related to the use, in relation to the construction of a project for flood risk management, hurricane and storm damage risk reduction, or ecosystem restoration, of covered easements that may be provided to the Secretary by non-Federal interests.

(b) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report containing the results of the review conducted under subsection (a), including—

(1) the findings of the Secretary relating to—

(A) the minimum rights in property that are necessary to construct, operate, or maintain projects for flood risk management, hurricane and storm damage risk reduction, or ecosystem restoration;

(B) whether increased use of covered easements in relation to such projects could promote greater participation from cooperating landowners in addressing local flooding or ecosystem restoration challenges; and

(C) whether such increased use could result in cost savings in the implementation of the projects, without any reduction in project benefits; and

(2) any recommendations of the Secretary relating to whether existing requirements or procedures related to such

use of covered easements should be revised to reflect the results of the review.

(c) DEFINITION.—In this section, the term "covered easement" means an easement or other similar interest in real property that—

(1) reserves for the Secretary rights in the property that are necessary to construct, operate, or maintain a water resources development project;

(2) provides for appropriate public use of the property, and retains the right of continued use of the property by the owner of the property, to the extent such uses are consistent with purposes of the covered easement;

(3) provides access to the property for oversight and inspection by the Secretary;

(4) is permanently recorded; and

(5) is enforceable under Federal and State law.

SEC. 8236. GAO STUDIES.

(a) STUDY ON PROJECT DISTRIBUTION.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall initiate an analysis of—

(A) the geographic distribution of annual and supplemental funding for water resources development projects carried out by the Secretary over the immediately preceding 5 fiscal years; and

(B) the factors contributing to such distribution.

(2) REPORT.—Upon completion of the analysis required under paragraph (1), the Comptroller General shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the findings of such analysis.

(b) ASSESSMENT OF CONCESSIONAIRE PRACTICES.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall initiate an assessment of the concessionaire lease practices of the Corps of Engineers.

(2) SCOPE.—In conducting the assessment under paragraph (1), the Comptroller General shall assess—

(A) the extent to which the formula of the Corps of Engineers for calculating concessionaire rental rates allows concessionaires to obtain a reasonable return on investment, taking into account operating margins for sales of food and fuel; and

(B) the process and formula for assessing administrative fees for concessionaire leases that addresses—

(i) the statutory authority for such fees; and

(ii) the extent to which the process and formula for assessing such fees are transparent and consistent across districts of the Corps of Engineers.

(3) REPORT.—Upon completion of the assessment required under paragraph (1), the Comptroller General shall submit to the Committee on Environment and Public Works of the Sen-

ate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the findings of such assessment.

(c) AUDIT OF PROJECTS OVER BUDGET OR BEHIND SCHEDULE.—

(1) LIST REQUIRED.—Not later than 90 days after the date of enactment of this Act, the Secretary shall provide to the Comptroller General of the United States a list of each covered ongoing water resources development project.

(2) REVIEW.—Not later than 1 year after receiving the list under paragraph (1), the Comptroller General shall initiate a review of the factors and conditions resulting in the estimated project cost or completion date exceedances for each covered ongoing water resources development project.

(3) REPORT.—Upon completion of the review conducted under paragraph (2), the Comptroller General shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the findings of such review.

(4) DEFINITION OF COVERED ONGOING WATER RESOURCES DEVELOPMENT PROJECT.—In this subsection, the term "covered ongoing water resources development project" means a water resources development project being carried out by the Secretary for which, as of the date of enactment of this Act—

(A) the estimated total project cost of the project exceeds the authorized total project cost of the project by not less than $50,000,000; or

(B) the estimated completion date of the project exceeds the original estimated completion date of the project by not less than 5 years.

(d) STUDIES ON MITIGATION.—

(1) STUDY ON MITIGATION FOR WATER RESOURCES DEVELOPMENT PROJECTS.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall initiate a review of projects and activities to mitigate fish and wildlife losses resulting from the construction, or operation and maintenance, of an authorized water resources development project.

(B) REQUIREMENTS.—In conducting the review under subparagraph (A), the Comptroller General shall—

(i) assess the extent to which—

(I) districts of the Corps of Engineers consistently implement the final rule of the Department of Defense and the Environmental Protection Agency titled "Compensatory Mitigation for Losses of Aquatic Resources" and issued on April 10, 2008 (73 Fed. Reg. 19594);

(II) mitigation projects and activities (including the acquisition of lands or interests in lands) restore the natural hydrologic conditions, restore native vegetation, and otherwise support native fish and wildlife species, as required under section

906 of the Water Resources Development Act of 1986 (33 U.S.C. 2283);

(III) mitigation projects or activities (including the acquisition of lands or interests in lands) are undertaken before, or concurrent with, the construction of the authorized water resources development project for which such mitigation is required;

(IV) mitigation projects or activities (including the acquisition of lands or interests in lands) are completed;

(V) mitigation projects or activities are undertaken to mitigate fish and wildlife losses resulting from the operation and maintenance of an authorized water resources development project, including based on periodic review and updating of such projects or activities;

(VI) the Secretary includes mitigation plans, as required by section 906(d) of the Water Resources Development Act of 1986 (33 U.S. 2283), in any project study (as defined in section 2034(l) of the Water Resources Development Act of 2007 (33 U.S.C. 2343));

(VII) processing and approval of mitigation projects and activities (including the acquisition of lands or interests in lands) affects the timeline of completion of authorized water resources development projects; and

(VIII) mitigation projects and activities (including the acquisition of lands or interests in lands) affect the total cost of authorized water resources development projects;

(ii) evaluate the performance of each of the mitigation mechanisms included in the final rule described in clause (i)(I);

(iii) evaluate the efficacy of the use of alternative methods, such as a performance-based contract, to satisfy mitigation requirements of authorized water resources development projects;

(iv) review any reports submitted to Congress in accordance with section 2036(b) of the Water Resources Development Act of 2007 (121 Stat. 1094) on the status of construction of authorized water resources development projects that require mitigation; and

(v) consult with independent scientists, economists, and other stakeholders with expertise and experience to conduct such review.

(C) DEFINITION OF PERFORMANCE-BASED CONTRACT.—In this paragraph, the term "performance-based contract" means a procurement mechanism by which the Corps of Engineers contracts with a public or private non-Federal entity for a specific mitigation outcome requirement, with payment to the entity linked to delivery of verifiable, sus-

tainable, and functionally equivalent mitigation performance.

(D) REPORT.—Upon completion of the review conducted under this paragraph, the Comptroller General shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the findings of such review.

(2) STUDY ON COMPENSATORY MITIGATION.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall initiate a review of the performance metrics for, compliance with, and adequacy of potential mechanisms for fulfilling compensatory mitigation obligations pursuant to the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).

(B) REQUIREMENTS.—The Comptroller General shall include in the review conducted under subparagraph (A) an analysis of—

(i) the primary mechanisms for fulfilling compensatory mitigation obligations, including—

(I) mitigation banks;

(II) in-lieu fee programs; and

(III) direct mitigation by permittees;

(ii) the timeliness of initiation and successful completion of compensatory mitigation activities in relation to when a permitted activity occurs;

(iii) the timeliness of processing and approval of compensatory mitigation activities;

(iv) the costs of carrying out compensatory mitigation activities borne by the Federal Government, a permittee, or any other involved entity;

(v) Federal and State agency oversight and short- and long-term monitoring of compensatory mitigation activities;

(vi) whether a compensatory mitigation activity successfully replaces any lost or adversely affected habitat with a habitat having similar functions of equal or greater ecological value; and

(vii) the continued, long-term operation of the compensatory mitigation activities over a 5-, 10-, 20-, and 50-year period, including ecological performance and the functioning of long-term funding mechanisms.

(C) UPDATE.—In conjunction with the review required under subparagraph (A), the Comptroller General shall review and update the findings and recommendations contained in the report of the Comptroller General titled "Corps of Engineers Does Not Have an Effective Oversight Approach to Ensure That Compensatory Mitigation Is Occurring" and dated September 2005 (GAO-05-898), including a review of Federal agency compliance with such recommendations.

(D) REPORT.—Upon completion of the review conducted under required subparagraph (A), the Comptroller

General shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the findings of such review.

(e) STUDY ON WATERBORNE COMMERCE STATISTICS.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall initiate a review of the Waterborne Commerce Statistics Center of the Corps of Engineers that includes—

(A) an assessment of ways in which the Waterborne Commerce Statistics Center can improve the collection of information relating to all commercial maritime activity within the jurisdiction of a port, including the collection and reporting of records of fishery landings and aquaculture harvest; and

(B) recommendations to improve the collection of such information from non-Federal entities, taking into consideration—

(i) the cost, efficiency, and accuracy of collecting such information; and

(ii) the protection of proprietary information.

(2) REPORT.—Upon completion of the review conducted out under paragraph (1), the Comptroller General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report containing the results of such review.

(f) STUDY ON THE INTEGRATION OF INFORMATION INTO THE NATIONAL LEVEE DATABASE.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall initiate a review of the sharing of levee information, and the integration of such information into the National Levee Database, by the Corps of Engineers and the Federal Emergency Management Agency in accordance with section 9004 of the Water Resources Development Act of 2007 (33 U.S.C. 3303).

(2) REQUIREMENTS.—In conducting the review under paragraph (1), the Comptroller General shall—

(A) investigate the information-sharing protocols and procedures between the Corps of Engineers and the Federal Emergency Management Agency regarding the construction of new Federal flood protection projects;

(B) analyze the timeliness of the integration of information relating to newly constructed Federal flood protection projects into the National Levee Database;

(C) identify any delays between the construction of a new Federal flood protection project and when a policyholder of the National Flood Insurance Program would realize a premium discount due to the construction of a new Federal flood protection project; and

(D) determine whether such information-sharing protocols are adversely impacting the ability of the Secretary

to perform accurate benefit-cost analyses for future flood risk management activities.

(3) REPORT.—Upon completion of the review conducted under paragraph (1), the Comptroller General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report containing the results of such review.

(g) AUDIT OF JOINT COSTS FOR OPERATION AND MAINTENANCE.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall initiate a review of the practices of the Corps of Engineers with respect to the determination of joint costs associated with operations and maintenance of reservoirs owned and operated by the Secretary.

(2) REPORT.—Upon completion of the review conducted under paragraph (1), the Comptroller General shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the findings of such review and any recommendations that result from such review.

SEC. 8237. ASSESSMENT OF FOREST, RANGELAND, AND WATERSHED RESTORATION SERVICES ON LANDS OWNED BY THE CORPS OF ENGINEERS.

(a) IN GENERAL.—The Secretary shall carry out an assessment of forest, rangeland, and watershed restoration services on lands owned by the Corps of Engineers, including an assessment of whether the provision of such services on such lands by non-Federal interests through good neighbor agreements would be in the best interests of the United States.

(b) CONSIDERATIONS.—In carrying out the assessment under subsection (a), the Secretary shall—

(1) describe the forest, rangeland, and watershed restoration services provided by the Secretary on lands owned by the Corps of Engineers;

(2) assess whether such services, including efforts to reduce hazardous fuels and to restore and improve forest, rangeland, and watershed health (including the health of fish and wildlife habitats) would be enhanced by authorizing the Secretary to enter into a good neighbor agreement with a non-Federal interest;

(3) describe the process for ensuring that Federal requirements for land management plans for forests on lands owned by the Corps of Engineers remain in effect under good neighbor agreements;

(4) assess whether Congress should authorize the Secretary to enter into a good neighbor agreement with a non-Federal interest to provide forest, rangeland, and watershed restoration services on lands owned by the Corps of Engineers, including by assessing any interest expressed by a non-Federal interest to enter into such an agreement;

(5) consider whether implementation of a good neighbor agreement on lands owned by the Corps of Engineers would

benefit State and local governments and Indian Tribes that are located in the same geographic area as such lands; and

(6) consult with the heads of other Federal agencies authorized to enter into good neighbor agreements with non-Federal interests.

(c) REPORT TO CONGRESS.—Not later than 18 months after the date of enactment of this section, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate, and make publicly available (including on a publicly available website), a report describing the results of the assessment carried out under subsection (a).

(d) DEFINITIONS.—In this section:

(1) FOREST, RANGELAND, AND WATERSHED RESTORATION SERVICES.—The term "forest, rangeland, and watershed restoration services" has the meaning given such term in section 8206 of the Agricultural Act of 2014 (16 U.S.C. 2113a).

(2) GOOD NEIGHBOR AGREEMENT.—The term "good neighbor agreement" means a cooperative agreement or contract (including a sole source contract) entered into between the Secretary and a non-Federal interest to carry out forest, rangeland, and watershed restoration services.

(3) LANDS OWNED BY THE CORPS OF ENGINEERS.—The term "lands owned by the Corps of Engineers" means any land owned by the Corps of Engineers, but does not include—

(A) a component of the National Wilderness Preservation System;

(B) land on which the removal of vegetation is prohibited or restricted by law or Presidential proclamation;

(C) a wilderness study area; or

(D) any other land with respect to which the Secretary determines that forest, rangeland, and watershed restoration services should remain the responsibility of the Secretary.

Subtitle C—Deauthorizations and Modifications

SEC. 8301. DEAUTHORIZATION OF INACTIVE PROJECTS.

(a) PURPOSES; PROPOSED DEAUTHORIZATION LIST; SUBMISSION OF FINAL LIST.—Section 301 of the Water Resources Development Act of 2020 (33 U.S.C. 579d-2) is amended by striking subsections (a) through (c) and inserting the following:

"(a) PURPOSES.—The purposes of this section are—

"(1) to identify water resources development projects, and separable elements of projects, authorized by Congress that are no longer viable for construction due to—

"(A) a lack of local support;

"(B) a lack of available Federal or non-Federal resources; or

"(C) an authorizing purpose that is no longer relevant or feasible;

"(2) to create an expedited and definitive process for Congress to deauthorize water resources development projects and separable elements that are no longer viable for construction; and

"(3) to allow the continued authorization of water resources development projects and separable elements that are viable for construction.

"(b) PROPOSED DEAUTHORIZATION LIST.—

"(1) PRELIMINARY LIST OF PROJECTS.—

"(A) IN GENERAL.—The Secretary shall develop a preliminary list of each water resources development project, or separable element of a project, authorized for construction before November 8, 2007, for which—

"(i) planning, design, or construction was not initiated before the date of enactment of this Act; or

"(ii) planning, design, or construction was initiated before the date of enactment of this Act, but for which no funds, Federal or non-Federal, were obligated for planning, design, or construction of the project or separable element of the project during the current fiscal year or any of the 10 preceding fiscal years.

"(B) USE OF COMPREHENSIVE CONSTRUCTION BACKLOG AND OPERATION AND MAINTENANCE REPORT.—The Secretary may develop the preliminary list from the comprehensive construction backlog and operation and maintenance reports developed pursuant to section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a).

"(2) PREPARATION OF PROPOSED DEAUTHORIZATION LIST.—

"(A) PROPOSED LIST AND ESTIMATED DEAUTHORIZATION AMOUNT.—The Secretary shall—

"(i) prepare a proposed list of projects for deauthorization comprised of a subset of projects and separable elements identified on the preliminary list developed under paragraph (1) that are projects or separable elements described in subsection (a)(1), as determined by the Secretary; and

"(ii) include with such proposed list an estimate, in the aggregate, of the Federal cost to complete such projects.

"(B) DETERMINATION OF FEDERAL COST TO COMPLETE.—For purposes of subparagraph (A), the Federal cost to complete shall take into account any allowances authorized by section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280), as applied to the most recent project schedule and cost estimate.

"(3) PUBLIC COMMENT AND CONSULTATION.—

"(A) IN GENERAL.—The Secretary shall solicit comments from the public and the Governors of each applicable State on the proposed deauthorization list prepared under paragraph (2)(A).

"(B) COMMENT PERIOD.—The public comment period shall be 90 days.

"(4) PREPARATION OF FINAL DEAUTHORIZATION LIST.—

"(A) IN GENERAL.—The Secretary shall prepare a final deauthorization list by—

"(i) considering any comments received under paragraph (3); and

"(ii) revising the proposed deauthorization list prepared under paragraph (2)(A) as the Secretary determines necessary to respond to such comments.

"(B) APPENDIX.—The Secretary shall include as part of the final deauthorization list an appendix that—

"(i) identifies each project or separable element on the proposed deauthorization list that is not included on the final deauthorization list; and

"(ii) describes the reasons why the project or separable element is not included on the final deauthorization list.

"(c) SUBMISSION OF FINAL DEAUTHORIZATION LIST TO CONGRESS FOR CONGRESSIONAL REVIEW; PUBLICATION.—

"(1) IN GENERAL.—Not later than 90 days after the date of the close of the comment period under subsection (b)(3), the Secretary shall—

"(A) submit the final deauthorization list and appendix prepared under subsection (b)(4) to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate; and

"(B) publish the final deauthorization list and appendix in the Federal Register.

"(2) EXCLUSIONS.—The Secretary shall not include in the final deauthorization list submitted under paragraph (1) any project or separable element with respect to which Federal funds for planning, design, or construction are obligated after the development of the preliminary list under subsection (b)(1)(A) but prior to the submission of the final deauthorization list under paragraph (1)(A) of this subsection.".

(b) REPEAL.—Section 301(d) of the Water Resources Development Act of 2020 (33 U.S.C. 579d-2(d)) is repealed.

SEC. 8302. WATERSHED AND RIVER BASIN ASSESSMENTS.

Section 729 of the Water Resources Development Act of 1986 (33 U.S.C. 2267a) is amended—

(1) in subsection (a)—

(A) in paragraph (5), by striking "and" at the end;

(B) in paragraph (6), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(7) sea level rise;

"(8) coastal storm damage reduction; and

"(9) streambank and shoreline protection."; and

(2) in subsection (d)—

(A) in paragraph (9), by striking "and" at the end;

(B) in paragraph (10), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(11) New York-New Jersey Watershed Basin, which encompasses all the watersheds that flow into the New York-New Jersey Harbor and their associated estuaries, including the Hudson, Mohawk, Raritan, Passaic, Hackensack, and Bronx River Watersheds and the Hudson River Estuary;

"(12) Mississippi River Watershed; and

"(13) Chattahoochee River Basin, Alabama, Florida, and Georgia.".

SEC. 8303. FORECAST-INFORMED RESERVOIR OPERATIONS.

(a) ADDITIONAL UTILIZATION OF FORECAST-INFORMED RESERVOIR OPERATIONS.—Section 1222(c) of the Water Resources Development Act of 2018 (132 Stat. 3811; 134 Stat. 2661) is amended—

(1) in paragraph (1), by striking "the Upper Missouri River Basin and the North Platte River Basin" and inserting "the Upper Missouri River Basin, the North Platte River Basin, and the Apalachicola Chattahoochee Flint River Basin"; and

(2) in paragraph (2)—

(A) in subparagraph (A), by striking "the Upper Missouri River Basin or the North Platte River Basin" and inserting "the Upper Missouri River Basin, the North Platte River Basin, or the Apalachicola Chattahoochee Flint River Basin"; and

(B) in subparagraph (B), by striking "the Upper Missouri River Basin or the North Platte River Basin" and inserting "the Upper Missouri River Basin, the North Platte River Basin, or the Apalachicola Chattahoochee Flint River Basin".

(b) COMPLETION OF REPORTS.—The Secretary shall expedite completion of the reports authorized by section 1222 of the Water Resources Development Act of 2018 (132 Stat. 3811; 134 Stat. 2661).

(c) [33 U.S.C. 2319 note] FORECAST-INFORMED RESERVOIR OPERATIONS.—

(1) IN GENERAL.—The Secretary is authorized to carry out a research study pilot program at 1 or more dams owned and operated by the Secretary in the North Atlantic Division of the Corps of Engineers to assess the viability of forecast-informed reservoir operations in the eastern United States.

(2) REPORT.—Not later than 1 year after completion of the research study pilot program under paragraph (1), the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of the research study pilot program.

SEC. 8304. LAKES PROGRAM.

Section 602(a) of the Water Resources Development Act of 1986 (100 Stat. 4148; 104 Stat. 4646; 110 Stat. 3758; 113 Stat. 295; 121 Stat. 1076; 134 Stat. 2703) is amended—

(1) in paragraph (29), by striking "and" at the end;

(2) in paragraph (30), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(31) Salisbury Pond, Worcester, Massachusetts;
"(32) Baisley Pond, New York;
"(33) Legacy Park, Decatur, Georgia; and
"(34) White Rock Lake, Dallas, Texas.".

SEC. 8305. INVASIVE SPECIES.

(a) AQUATIC INVASIVE SPECIES RESEARCH.—Section 1108(a) of the Water Resources Development Act of 2018 (33 U.S.C. 2263a(a)) is amended by inserting ", hydrilla" after "elodea".

(b) INVASIVE SPECIES MANAGEMENT.—Section 104 of the River and Harbor Act of 1958 (33 U.S.C. 610) is amended—

(1) in subsection (b)(2)(A)(ii)—

(A) by striking "$50,000,000" and inserting "$75,000,000"; and

(B) by striking "2024" and inserting "2028";

(2) in subsection (f)(4) by striking "2024" and inserting "2028"; and

(3) in subsection (g)—

(A) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking "water quantity or water quality" and inserting "water quantity, water quality, or ecosystems"; and

(II) by inserting "the Lake Erie Basin, the Ohio River Basin," after "the Upper Snake River Basin,"; and

(ii) in subparagraph (B), by inserting ", hydrilla (Hydrilla verticillata)," after "(Elaeagnus angustifolia)"; and

(B) in paragraph (3)(D), by striking "2024" and inserting "2028".

(c) HARMFUL ALGAL BLOOM DEMONSTRATION PROGRAM.—Section 128(c) of the Water Resources Development Act of 2020 (33 U.S.C. 610 note) is amended to read as follows:

"(c) FOCUS AREAS.—In carrying out the demonstration program under subsection (a), the Secretary shall undertake program activities related to harmful algal blooms in—

"(1) the Great Lakes;
"(2) the tidal and inland waters of the State of New Jersey, including Lake Hopatcong, New Jersey;
"(3) the coastal and tidal waters of the State of Louisiana;
"(4) the waterways of the counties that comprise the Sacramento-San Joaquin Delta, California;
"(5) the Allegheny Reservoir Watershed, New York;
"(6) Lake Okeechobee, Florida;
"(7) the Caloosahatchee and St. Lucie Rivers, Florida;
"(8) Lake Sidney Lanier, Georgia;
"(9) Rio Grande River Basin, Colorado, New Mexico, and Texas;
"(10) lakes and reservoirs in the State of Ohio;
"(11) the Upper Mississippi River and tributaries;
"(12) Detroit Lake, Oregon;
"(13) Ten Mile Lake, Oregon; and

"(14) the coastal waters of the United States Virgin Islands.".

(d) UPDATE ON INVASIVE SPECIES POLICY GUIDANCE.—Section 501(b) of the Water Resources Development Act of 2020 (33 U.S.C. 610 note) is amended—

(1) in paragraph (1), by striking "and" at the end;

(2) in paragraph (2), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(3) the Sacramento-San Joaquin Delta, California.".

SEC. 8306. MAINTENANCE OF NAVIGATION CHANNELS.

Section 509(a) of the Water Resources Development Act of 1996 (110 Stat. 3759; 113 Stat. 339; 114 Stat. 2679) is amended by adding at the end the following:

"(18) Second harbor at New Madrid County Harbor, Missouri.

"(19) Yabucoa Harbor, Puerto Rico.

"(20) Everett Harbor and Snohomish River, Boat Launch Connector Channel, Washington.

"(21) Port Townsend, Boat Haven Marina Breakwater, Washington.

"(22) Segment 1B of Houston Ship Channel, Texas.".

SEC. 8307. PROJECT REAUTHORIZATIONS.

(a) IN GENERAL.—

(1) NEW YORK HARBOR, NEW YORK AND NEW JERSEY.—The New York Harbor collection and removal of drift project authorized by section 2 of the Act of March 4, 1915 (chapter 142, 38 Stat. 1051; 88 Stat. 39; 104 Stat. 4615), and deauthorized pursuant to section 6001 of the Water Resources Reform and Development Act of 2014 (128 Stat. 1345), is authorized to be carried out by the Secretary.

(2) RIO NIGUA, SALINAS, PUERTO RICO.—The project for flood control, Rio Nigua, Salinas, Puerto Rico, authorized by section 101 of the Water Resources Development Act of 1999 (113 Stat. 278), and deauthorized pursuant to section 6001 of the Water Resources Reform and Development Act of 2014 (128 Stat. 1345), is authorized to be carried out by the Secretary.

(3) RIO GRANDE DE LOIZA, PUERTO RICO.—The project for flood control, Rio Grande De Loiza, Puerto Rico, authorized by section 101 of the Water Resources Development Act of 1992 (106 Stat. 4803), and deauthorized pursuant to section 6001 of the Water Resources Reform and Development Act of 2014 (128 Stat. 1345), is authorized to be carried out by the Secretary.

(b) FEASIBILITY STUDIES.—The Secretary shall carry out, and submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results of, a feasibility study for each of the projects described in subsection (a).

SEC. 8308. SPECIAL RULE FOR CERTAIN BEACH NOURISHMENT PROJECTS.

(a) IN GENERAL.—In the case of a water resources development project described in subsection (b), the Secretary shall—

(1) fund, at Federal expense, any incremental increase in cost to the project that results from a legal requirement to use a borrow source determined by the Secretary to be other than the least-cost option; and

(2) exclude the cost described in paragraph (1) from the cost-benefit analysis for the project.

(b) WATER RESOURCES DEVELOPMENT PROJECT DESCRIBED. A water resources development project referred to in subsection (a) is any of the following:

(1) The Townsends Inlet to Cape May Inlet, New Jersey, hurricane storm damage reduction, shore protection, and ecosystem restoration project, authorized by section 101(a)(26) of the Water Resources Development Act of 1999 (113 Stat. 278).

(2) The Folly Beach, South Carolina, shoreline protection project, authorized by section 501(a) of the Water Resources Development Act of 1986 (100 Stat. 4136; 105 Stat. 520).

(3) The Carolina Beach and Vicinity, North Carolina, coastal storm risk management project, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1182; 134 Stat. 2741).

(4) The Wrightsville Beach, North Carolina, coastal storm risk management project, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1182; 134 Stat. 2741).

(c) SAVINGS PROVISION.—Nothing in this section limits the eligibility for, or availability of, Federal expenditures or financial assistance for any water resources development project, including any beach nourishment or renourishment project, under any other provision of Federal law.

SEC. 8309. COLUMBIA RIVER BASIN.

(a) STUDY OF FLOOD RISK MANAGEMENT ACTIVITIES.—

(1) IN GENERAL.—Using funds made available to carry out this section, the Secretary is authorized, at Federal expense, to carry out a study to determine the feasibility of a project for flood risk management and related purposes in the Columbia River Basin and to report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate with recommendations thereon, including recommendations for a project to potentially reduce the reliance on Canada for flood risk management in the basin.

(2) COORDINATION.—The Secretary shall carry out the activities described in this subsection in coordination with other Federal and State agencies and Indian Tribes.

(b) FUNDS FOR COLUMBIA RIVER TREATY OBLIGATIONS.—

(1) IN GENERAL.—The Secretary is authorized to expend funds appropriated for the purpose of satisfying United States obligations under the Columbia River Treaty to compensate Canada for operating Canadian storage on behalf of the United States under such treaty.

(2) NOTIFICATION.—If the U.S. entity calls upon Canada to operate Canadian reservoir storage for flood risk management on behalf of the United States, which operation may incur an obligation to compensate Canada under the Columbia River Treaty—

(A) the Secretary shall submit to the Committees on Transportation and Infrastructure and Appropriations of the House of Representatives and the Committees on Environment and Public Works and Appropriations of the Senate, by not later than 30 days after the initiation of the call, a written notice of the action and a justification, including a description of the circumstances necessitating the call;

(B) upon a determination by the United States of the amount of compensation that shall be paid to Canada, the Secretary shall submit to the Committees on Transportation and Infrastructure and Appropriations of the House of Representatives and the Committees on Environment and Public Works and Appropriations of the Senate a written notice specifying such amount and an explanation of how such amount was derived, which notification shall not delay or impede the flood risk management mission of the U.S. entity; and

(C) the Secretary shall make no payment to Canada for the call under the Columbia River Treaty until such time as funds appropriated for the purpose of compensating Canada under such treaty are available.

(c) INTERIM PRE-PLANNED FLOOD STORAGE.—

(1) IN GENERAL.—The Secretary, with the concurrence of the Secretary of State, is authorized to compensate, and make arrangements with, the Government of Canada for reserving and operating 3,600,000 acre-feet of pre-planned flood storage per operating year at Hugh Keenleyside Dam, including operations that the Government of Canada may not be obligated to provide under the Columbia River Treaty, to minimize the flood risk in the Columbia River Basin.

(2) AUTHORIZATION OF APPROPRIATIONS.—To carry out this subsection, there is authorized to be appropriated $37,600,000 for fiscal year 2025 and $37,600,000, adjusted for inflation beginning on August 1, 2024, for each of fiscal years 2026 and 2027, to remain available until expended.

(3) SUNSET.—The authority to compensate, and make arrangements with, the Government of Canada under this subsection shall expire on August 31, 2027.

(d) DEFINITIONS.—In this section:

(1) COLUMBIA RIVER BASIN.—The term "Columbia River Basin" means the entire United States portion of the Columbia River watershed.

(2) COLUMBIA RIVER TREATY.—The term "Columbia River Treaty" means the treaty relating to cooperative development of the water resources of the Columbia River Basin, signed at Washington January 17, 1961, and entered into force September 16, 1964.

(3) FLOOD STORAGE.—The term "flood storage" means the usable space in a reservoir that is set aside for impounding and releasing water for flood risk management or otherwise for regulating stream flows to minimize flood risk.

(4) GOVERNMENT OF CANADA.—The term "Government of Canada" means the Government of Canada, a Canadian Province, or a subdivision or instrumentality thereof.

(5) OPERATING YEAR.—The term "operating year" means a 12-month period beginning on August 1 and ending on July 31.

(6) U.S. ENTITY.—The term "U.S. entity" means the entity designated by the United States under Article XIV of the Columbia River Treaty.

SEC. 8310. EVALUATION OF HYDROLOGIC CHANGES IN SOURIS RIVER BASIN.

The Secretary is authorized to evaluate hydrologic changes affecting the agreement entitled "Agreement Between the Government of Canada and the Government of the United States of America for Water Supply and Flood Control in the Souris River Basin", signed and entered into force on October 26, 1989.

SEC. 8311. ACEQUIAS IRRIGATION SYSTEMS.

Section 1113 of the Water Resources Development Act of 1986 (100 Stat. 4232; 110 Stat. 3719) is amended—

(1) in subsection (b)—

(A) by striking "(b) Subject to section 903(a) of this Act, the Secretary is authorized and directed to undertake" and inserting the following:

"(b) AUTHORIZATION.—The Secretary shall carry out"; and

(B) by striking "canals" and all that follows through "100 percent." and inserting the following:" channels attendant to the operations of the community ditch and Acequia systems in New Mexico that—

"(1) are declared to be a political subdivision of the State; or

"(2) belong to an Indian Tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)).";

(2) by redesignating subsection (c) as subsection (f);

(3) by inserting after subsection (b) the following:

"(c) INCLUSIONS.—The measures described in subsection (b) shall, to the maximum extent practicable—

"(1) ensure greater resiliency of diversion structures, including to flow variations, prolonged drought conditions, invasive plant species, and threats from changing hydrological and climatic conditions; or

"(2) support research, development, and training for innovative management solutions, including those for controlling invasive aquatic plants that affect acequias.

"(d) COST SHARING.—The non-Federal share of the cost of carrying out the measures described in subsection (b), including study costs, shall be 25 percent, except that in the case of a measure benefitting an economically disadvantaged community (as defined by the Secretary under section 160 of the Water Resources Development Act of 2020 (33 U.S.C. 2201 note)), including economically

disadvantaged communities located in urban and rural areas, the Federal share of the cost of carrying out such measure shall be 90 percent.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the measures described in subsection (b) $80,000,000."; and

(4) in subsection (f) (as so redesignated)—

(A) in the first sentence—

(i) by striking "(f) The Secretary is further authorized and directed to" and inserting the following:

"(f) PUBLIC ENTITY STATUS.—

"(1) IN GENERAL.—The Secretary shall"; and

(ii) by inserting "or belong to an Indian Tribe within the State of New Mexico" after "that State"; and

(B) in the second sentence, by striking "This public entity status will allow the officials of these Acequia systems" and inserting the following:

"(2) EFFECT.—The public entity status provided under paragraph (1) shall allow the officials of the Acequia systems described in such paragraph".

SEC. 8312. PORT OF NOME, ALASKA.

(a) IN GENERAL.—The Secretary shall carry out the project for navigation, Port of Nome, Alaska, authorized by section 401(1) of the Water Resources Development Act of 2020 (134 Stat. 2733).

(b) COST SHARE.—

(1) IN GENERAL.—The non-Federal interest for the project described in subsection (a) shall pay 10 percent of the costs associated with the general navigation features of the project during the period of construction.

(2) EXCEPTION.—Section 101(a)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 2211(a)(2)) shall not apply to the project described in subsection (a).

SEC. 8313. ST. GEORGE, ALASKA.

Notwithstanding the terms of the local cooperation agreement between the Department of the Army and the City of St. George, Alaska, dated December 23, 1988, the Secretary shall waive any and all payments due and owing to the United States by the City of St. George on or after the date of enactment this Act resulting from the judgment filed on November 8, 1993, in the United States Court of Federal Claims in *J.E. McAmis, Inc.* v. *United States*, 90-315C, 91-1194C, and 91-1195C.

SEC. 8314. UNALASKA (DUTCH HARBOR) CHANNELS, ALASKA.

Section 401(1) of the Water Resources Development Act of 2020 (134 Stat. 2734) is amended, in row 3 (relating to the project for navigation, Unalaska (Dutch Harbor) Channels, Alaska), by striking "February 7, 2020" and inserting "October 2, 2020".

SEC. 8315. STORM DAMAGE PREVENTION AND REDUCTION, COASTAL EROSION, RIVERINE EROSION, AND ICE AND GLACIAL DAMAGE, ALASKA.

(a) IN GENERAL.—The Secretary shall establish a program to carry out structural and nonstructural projects for storm damage

prevention and reduction, coastal erosion, riverine erosion, and ice and glacial damage in the State of Alaska, including—

(1) relocation of affected communities; and

(2) construction of replacement facilities.

(b) COST SHARE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the non-Federal share of the cost of a project carried out under this section shall be in accordance with sections 103 and 105 of the Water Resources Development Act of 1986 (33 U.S.C. 2213, 2215).

(2) EXCEPTION.—In the case of a project benefitting an economically disadvantaged community (as defined by the Secretary under section 160 of the Water Resources Development Act of 2020 (33 U.S.C. 2201 note)), including economically disadvantaged communities located in urban and rural areas, the non-Federal share of the cost of such project shall be 10 percent.

(c) REPEAL.—Section 116 of the Energy and Water Development and Related Agencies Appropriations Act, 2010 (123 Stat. 2851), is repealed.

(d) TREATMENT.—The program authorized by subsection (a) shall be considered a continuation of the program authorized by section 116 of the Energy and Water Development and Related Agencies Appropriations Act, 2010 (123 Stat. 2851) (as in effect on the day before the date of enactment of this Act).

SEC. 8316. ST. FRANCIS LAKE CONTROL STRUCTURE.

(a) IN GENERAL.—The Secretary shall set the ordinary high water mark for water impounded behind the St. Francis Lake Control Structure, authorized by the Act of May 15, 1928 (chapter 569, 45 Stat. 538; 79 Stat. 1077), at 208 feet mean sea level.

(b) OPERATION BY PROJECT MANAGER.—In setting the ordinary high water mark under subsection (a), the Secretary shall ensure that the project manager for the St. Francis Lake Control Structure may continue operating such structure in accordance with the instructions set forth in the document titled "St. Francis Lake Control Structure Standing Instructions to the Project Manager" and published in January 1982 by the Corps of Engineers, Memphis District.

SEC. 8317. SOUTH PLATTE RIVER AND TRIBUTARIES, ADAMS AND DENVER COUNTIES, COLORADO.

(a) IN GENERAL.—The Secretary shall expedite the completion of a written agreement under section 204(d) of the Water Resources Development Act of 1986 (33 U.S.C. 2232(d)) with the non-Federal interest for the project for ecosystem restoration and flood risk management, South Platte River and Tributaries, Adams and Denver Counties, Colorado, authorized by section 401(4) of the Water Resources Development Act of 2020 (134 Stat. 2739).

(b) REIMBURSEMENT.—The written agreement described in subsection (a) shall provide for reimbursement of the non-Federal interest from funds in the allocation for the project described in subsection (a) in the detailed spend plan submitted for amounts appropriated under the heading "**department of the army—corps of engineers—civil—construction**" in title III of division J of the

Infrastructure Investment and Jobs Act (135 Stat. 1359) if the Secretary determines that funds in an amount sufficient to reimburse the non-Federal interest are available in such allocation.

SEC. 8318. FRUITVALE AVENUE RAILROAD BRIDGE, ALAMEDA, CALIFORNIA.

Section 4017(d) of the Water Resources Development Act of 2007 (121 Stat. 1175) is repealed.

SEC. 8319. LOS ANGELES COUNTY, CALIFORNIA.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary may establish a program to provide environmental assistance to non-Federal interests in Los Angeles County, California.

(b) FORM OF ASSISTANCE.—Assistance provided under this section may be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects in Los Angeles County, California, including projects for wastewater treatment and related facilities, water supply and related facilities, environmental restoration, and surface water resource protection and development.

(c) OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(d) PARTNERSHIP AGREEMENTS.—

(1) IN GENERAL.—Before providing assistance under this section to a non-Federal interest, the Secretary shall enter into a partnership agreement under section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b) with the non-Federal interest with respect to the project to be carried out with such assistance.

(2) REQUIREMENTS.—Each partnership agreement for a project entered into under this subsection shall provide for the following:

(A) Development by the Secretary, in consultation with appropriate Federal and State officials, of a facilities or resource protection and development plan, including appropriate engineering plans and specifications.

(B) Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project by the non-Federal interest.

(3) COST SHARING.—

(A) IN GENERAL.—The Federal share of the cost of a project under this section—

(i) shall be 75 percent; and

(ii) may be provided in the form of grants or reimbursements of project costs.

(B) CREDIT FOR INTEREST.—In case of a delay in the funding of the Federal share of a project that is the subject of an agreement under this section, the non-Federal interest shall receive credit for reasonable interest incurred in providing the non-Federal share of the project cost.

(C) CREDIT FOR LAND, EASEMENTS, AND RIGHTS-OF-WAY.—Notwithstanding section 221(a)(4)(G) of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b(a)(4)(G)), the non-Federal interest shall receive credit for land, easements,

rights-of-way, and relocations toward the non-Federal share of project cost (including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of the project on publicly owned or controlled land), but the credit may not exceed 25 percent of total project costs.

(D) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(E) EXCEPTION.—Notwithstanding subparagraph (A)(i), the Federal share of the cost of a project under this section benefitting an economically disadvantaged community (as defined by the Secretary under section of the Water Resources Development Act of 2020 (33 U.S.C. 2201 note)) shall be 90 percent.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated $100,000,000 to carry out this section.

(2) CORPS OF ENGINEERS EXPENSES.—Not more than 10 percent of the amounts made available to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at Federal expense.

SEC. 8320. DEAUTHORIZATION OF DESIGNATED PORTIONS OF THE LOS ANGELES COUNTY DRAINAGE AREA, CALIFORNIA.

(a) IN GENERAL.—The portion of the project for flood risk management, Los Angeles County Drainage Area, California, authorized by section 5 of the Act of June 22, 1936 (chapter 688, 49 Stat. 1589; 50 Stat. 167; 52 Stat. 1215; 55 Stat. 647; 64 Stat. 177; 104 Stat. 4611), consisting of the debris basins described in subsection (b), is no longer authorized beginning on the date that is 18 months after the date of enactment of this Act.

(b) DEBRIS BASINS DESCRIBED.—The debris basins referred to in subsection (a) are the following debris basins operated and maintained by the Los Angeles County Flood Control District, as generally defined in Corps of Engineers operations and maintenance manuals as may be further described in an agreement entered into under subsection (c): Auburn Debris Basin, Bailey Debris Basin, Big Dalton Debris Basin, Blanchard Canyon Debris Basin, Blue Gum Canyon Debris Basin, Brand Canyon Debris Basin, Carter Debris Basin, Childs Canyon Debris Basin, Dunsmuir Canyon Debris Basin, Eagle Canyon Debris Basin, Eaton Wash Debris Basin, Elmwood Canyon Debris Basin, Emerald East Debris Basin, Emerald West Debris Retention Inlet, Hay Debris Basin, Hillcrest Debris Basin, La Tuna Canyon Debris Basin, Little Dalton Debris Basin, Live Oak Debris Retention Inlet, Lopez Debris Retention Inlet, Lower Sunset Canyon Debris Basin, Marshall Canyon Debris Retention Inlet, Santa Anita Debris Basin, Sawpit Debris Basin, Schoolhouse Canyon Debris Basin, Shields Canyon Debris Basin, Sierra Madre Villa Debris Basin, Snover Canyon Debris Basin, Stough Canyon Debris Basin, Wilson Canyon Debris Basin, and Winery Canyon Debris Basin.

(c) AGREEMENT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall seek to enter into an agree-

ment with the Los Angeles County Flood Control District to ensure that the Los Angeles County Flood Control District—

(1) operates, maintains, repairs, and rehabilitates, and replaces as necessary, the debris basins described in subsection (b)—

(A) in perpetuity at no cost to the United States; and

(B) in a manner that ensures that the quantity and concentration of stormwater inflows from such debris basins does not reduce the level of flood protection of the project described in subsection (a);

(2) retains public ownership of, and compatible uses for, all real property required for the continued functioning of the debris basins described in subsection (b), consistent with authorized purposes of the project described in subsection (a);

(3) allows the Corps of Engineers to continue to operate, maintain, rehabilitate, repair, and replace appurtenant structures, such as rain and stream gages, located within the debris basins subject to deauthorization under subsection (a) as necessary to ensure the continued functioning of the project described in subsection (a); and

(4) holds and saves the United States harmless from damages due to overtopping, breach, failure, operation, or maintenance of the debris basins described in subsection (b).

(d) ADMINISTRATIVE COSTS.—The Secretary may accept and expend funds voluntarily contributed by the Los Angeles County Flood Control District to cover the administrative costs incurred by the Secretary to—

(1) enter into an agreement under subsection (c); and

(2) monitor compliance with such agreement.

SEC. 8321. MURRIETA CREEK, CALIFORNIA.

Section 103 of title I of appendix B of Public Law 106-377 (114 Stat. 1441A-65) (relating to the project for flood control, environmental restoration, and recreation, Murrieta Creek, California), is amended—

(1) by striking "$89,850,000" and inserting "$277,194,000";

(2) by striking "$57,735,000" and inserting "$180,176,100"; and

(3) by striking "$32,115,000" and inserting "$97,017,900".

SEC. 8322. SACRAMENTO RIVER BASIN, CALIFORNIA.

The portion of the project for flood protection in the Sacramento River Basin, authorized by section 2 of the Act of March 1, 1917 (chapter 144, 39 Stat. 949; 68 Stat. 1264; 110 Stat. 3662; 113 Stat. 319), consisting of the portion of the American River North Levee, upstream of Arden Way, from G.P.S. coordinate 38.600948N 121.330599W to 38.592261N 121.334155W, is no longer authorized beginning on the date of enactment of this Act.

SEC. 8323. SAN DIEGO RIVER AND MISSION BAY, SAN DIEGO COUNTY, CALIFORNIA.

(a) IN GENERAL.—The project for flood control and navigation, San Diego River and Mission Bay, San Diego County, California, authorized by the Act of July 24, 1946 (chapter 595, 60 Stat. 636; 134 Stat. 2705), is modified to change the authorized conveyance capacity of the project to a level determined appropriate by the Sec-

retary based on the actual capacity of the project, which level may be further modified by the Secretary as necessary to account for sea level rise.

(b) OPERATION AND MAINTENANCE MANUAL.—

(1) IN GENERAL.—The non-Federal sponsor for the project described in subsection (a) shall prepare for review and approval by the Secretary a revised operation and maintenance manual for the project to implement the modification described in subsection (a).

(2) FUNDING.—The non-Federal sponsor shall provide to the Secretary funds sufficient to cover the costs incurred by the Secretary to review and approve the manual described in paragraph (1), and the Secretary may accept and expend such funds in the performance of such review and approval.

(c) EMERGENCY REPAIR AND RESTORATION ASSISTANCE.—Upon approval by the Secretary of the revised operation and maintenance manual required under subsection (b), and subject to compliance by the non-Federal sponsor with the requirements of such manual and with any other eligibility requirement established by the Secretary, the project described in subsection (a) shall be considered for assistance under section 5(a) of the Act of August 18, 1941 (33 U.S.C. 701n(a)).

SEC. 8324. ADDITIONAL ASSISTANCE FOR EASTERN SANTA CLARA BASIN, CALIFORNIA.

Section 111 of title I of division B of the Miscellaneous Appropriations Act, 2001 (Public Law 106-554, appendix D, 114 Stat. 2763A-224 (as enacted by section 1(a)(4) of the Consolidated Appropriations Act, 2001 (114 Stat. 2763)); 121 Stat. 1209), is amended—

(1) in subsection (a), by inserting "and volatile organic compounds" after "perchlorates"; and

(2) in subsection (b)(3), by inserting "and volatile organic compounds" after "perchlorates".

SEC. 8325. SAN FRANCISCO BAY, CALIFORNIA.

(a) TECHNICAL AMENDMENT.—Section 203(a)(1)(A) of the Water Resources Development Act of 2020 (134 Stat. 2675) is amended by striking "ocean shoreline" and inserting "bay and ocean shorelines".

(b) IMPLEMENTATION.—In carrying out a study under section 142 of the Water Resources Development Act of 1976 (90 Stat. 2930; 100 Stat. 4158), pursuant to section 203(a)(1)(A) of the Water Resources Development Act of 2020 (as amended by this section), the Secretary shall not differentiate between damages related to high tide flooding and coastal storm flooding for the purposes of determining the Federal interest or cost share.

SEC. 8326. SOUTH SAN FRANCISCO BAY SHORELINE, CALIFORNIA.

(a) IN GENERAL.—Except for funds required for a betterment or for a locally preferred plan, the Secretary shall not require the non-Federal interest for the project for flood risk management, ecosystem restoration, and recreation, South San Francisco Bay Shoreline, California, authorized by section 1401(6) of the Water Resources Development Act of 2016 (130 Stat. 1714), to contribute funds under an agreement entered into prior to the date of enactment of this Act in excess of the total cash contribution required

from the non-Federal interest for the project under section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213).

(b) REQUIREMENT.—The Secretary shall not, at any time, defer, suspend, or terminate construction of the project described in subsection (a) solely on the basis of a determination by the Secretary that an additional appropriation is required to cover the Federal share of the cost to complete construction of the project, if Federal funds, in an amount determined by the Secretary to be sufficient to continue construction of the project, remain available in the allocation for the project under the Long-Term Disaster Recovery Investment Plan for amounts appropriated under the heading "**corps of engineers—civil—department of the army—construction**" in title IV of subdivision 1 of division B of the Bipartisan Budget Act of 2018 (Public Law 115-123; 132 Stat. 76).

SEC. 8327. DELAWARE SHORE PROTECTION AND RESTORATION.

(a) DELAWARE BENEFICIAL USE OF DREDGED MATERIAL FOR THE DELAWARE RIVER, DELAWARE.—

(1) IN GENERAL.—At the request of the non-Federal interest for the project for hurricane and storm damage risk reduction, Delaware Beneficial Use of Dredged Material for the Delaware River, Delaware, authorized by section 401(3) of the Water Resources Development Act of 2020 (134 Stat. 2736) (referred to in this subsection as the "project"), the Secretary shall implement the project using borrow sources that are alternatives to the Delaware River, Philadelphia to the Sea, project, Delaware, New Jersey, Pennsylvania, authorized by the Act of June 25, 1910 (chapter 382, 36 Stat. 637; 46 Stat. 921; 52 Stat. 803; 59 Stat. 14; 68 Stat. 1249; 72 Stat. 297).

(2) INTERIM AUTHORITY.—Until the Secretary implements the modification under paragraph (1), the Secretary is authorized, at the request of a non-Federal interest, to carry out initial construction or periodic nourishments at any site included in the project under—

(A) section 1122 of the Water Resources Development Act of 2016 (33 U.S.C. 2326 note); or

(B) section 204(d) of the Water Resources Development Act of 1992 (33 U.S.C. 2326(d)).

(3) COST SHARE.—The Federal share of the cost to construct and periodically nourish the project, including the cost of any modifications carried out under paragraph (1) and the incremental cost of any placements carried out under paragraph (2)(B), shall be 90 percent.

(b) DELAWARE EMERGENCY SHORE RESTORATION.—

(1) IN GENERAL.—The Secretary is authorized to repair or restore a federally authorized hurricane and storm damage reduction structure or project or a public beach located in the State of Delaware pursuant to section 5(a) of the Act of August 18, 1941 (33 U.S.C. 701n(a)), if—

(A) the structure, project, or public beach is damaged by wind, wave, or water action associated with a Nor'easter; and

(B) the Secretary determines that the damage prevents—

(i) in the case of a structure or project, the adequate functioning of the structure or project for the authorized purposes of the structure or project; or

(ii) in the case of a public beach, the adequate functioning of the beach as a natural barrier to inundation, wave attack, or erosion coinciding with hurricanes, coastal storms, or Nor'easters.

(2) JUSTIFICATION.—The Secretary may carry out a repair or restoration activity under paragraph (1) without the need to demonstrate that the activity is justified solely by national economic development benefits if—

(A) the Secretary determines that—

(i) such activity is necessary to restore the adequate functioning of the structure, project, or public beach for the purposes described in paragraph (1)(B), as applicable; and

(ii) such activity is warranted to protect against loss to life or property of the community protected by the structure, project, or public beach; and

(B) in the case of a public beach, the non-Federal interest agrees to participate in, and comply with, applicable Federal floodplain management and flood insurance programs.

(3) PRIORITIZATION.—Repair or restoration activities carried out by the Secretary under paragraph (2) shall be given equal budgetary consideration and priority as activities justified solely by national economic development benefits.

(4) LIMITATIONS.—An activity carried out under paragraph (1) for a public beach shall not—

(A) repair or restore the beach beyond its natural profile; or

(B) be considered initial construction of the hurricane and storm damage reduction project.

(5) SAVINGS PROVISION.—The authority provided by this subsection shall be in addition to any authority provided by section 5(a) of the Act of August 18, 1941 (33 U.S.C. 701n(a)) to repair or restore federally authorized hurricane or shore protective structure or project located in the State of Delaware damaged or destroyed by wind, wave, or water action of other than an ordinary nature.

(6) SUNSET.—The authority of the Secretary to carry out an activity under paragraph (1) for a public beach shall expire on the date that is 10 years after the date of enactment of this Act.

(7) DEFINITIONS.—In this subsection:

(A) NOR'EASTER.—The term "Nor'easter" means a synoptic-scale, extratropical cyclone in the western North Atlantic Ocean.

(B) PUBLIC BEACH.—The term "public beach" means a beach within the geographic boundary of an unconstructed federally authorized hurricane and storm damage reduction project that is—

(i) a publicly owned beach; or

(ii) a privately owned beach that is available for public use, including the availability of reasonable public access, in accordance with Engineer Regulation 1165-2-130, published by the Corps of Engineers, dated June 15, 1989.

(c) INDIAN RIVER INLET AND BAY, DELAWARE.—

(1) IN GENERAL.—In carrying out major maintenance of the project for navigation, Indian River Inlet and Bay, Delaware, authorized by the first section of the Act of August 26, 1937 (chapter 832, 50 Stat. 846; 59 Stat. 14), the Secretary shall repair, restore, or relocate any non-Federal public recreation facility that has been damaged, in whole or in part, by the deterioration or failure of the project.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $10,000,000.

(d) INDIAN RIVER INLET SAND BYPASS PLANT, DELAWARE.—

(1) IN GENERAL.—The project for hurricane-flood protection and beach erosion control at Indian River Inlet, Delaware, commonly known as the "Indian River Inlet Sand Bypass Plant", authorized by section 869 of the Water Resources Development Act of 1986 (100 Stat. 4182), is modified to authorize the Secretary, at the request of a non-Federal interest, to provide periodic nourishment through dedicated dredging or other means to maintain or restore the functioning of such project when—

(A) the sand bypass plant is inoperative; or

(B) operation of the sand bypass plant is insufficient to maintain the functioning of the project.

(2) COST SHARE.—The non-Federal share of the cost of a cycle of periodic nourishment provided pursuant to paragraph (1) shall be the same percentage as the non-Federal share of the cost to operate the sand bypass plant.

(e) REPROGRAMMING FOR COASTAL STORM RISK MANAGEMENT PROJECT AT INDIAN RIVER INLET.—

(1) IN GENERAL.—For each fiscal year, the Secretary may reprogram amounts made available for any coastal storm risk management project to use such amounts for the project for hurricane-flood protection and beach erosion control at Indian River Inlet, Delaware, commonly known as the "Indian River Inlet Sand Bypass Plant", authorized by section 869 of the Water Resources Development Act of 1986 (100 Stat. 4182).

(2) LIMITATIONS.—

(A) IN GENERAL.—The Secretary may carry out not more than 2 reprogramming actions under paragraph (1) for each fiscal year.

(B) AMOUNT.—For each fiscal year, the Secretary may reprogram—

(i) not more than $100,000 per reprogramming action; and

(ii) not more than $200,000 for each fiscal year.

SEC. 8328. ST. JOHNS RIVER BASIN, CENTRAL AND SOUTHERN FLORIDA.

The portions of the project for flood control and other purposes, Central and Southern Florida, authorized by section 203 of the Flood Control Act of 1948 (62 Stat. 1176), consisting of the southernmost 3.5-mile reach of the L-73 levee, Section 2, Osceola County Florida, are no longer authorized beginning on the date of enactment of this Act.

SEC. 8329. LITTLE PASS, CLEARWATER BAY, FLORIDA.

The portion of the project for navigation, Little Pass, Clearwater Bay, Florida, authorized by section 101 of the River and Harbor Act of 1960 (74 Stat. 481), beginning with the most westerly 1,000 linear feet of the channel encompassing all of Cut H, to include the turning basin, is no longer authorized beginning on the date of enactment of this Act.

SEC. 8330. COMPREHENSIVE EVERGLADES RESTORATION PLAN, FLORIDA.

(a) IN GENERAL.—Section 601(e)(5) of the Water Resources Development Act of 2000 (114 Stat. 2685; 121 Stat. 1269; 132 Stat. 3786) is amended—

(1) in subparagraph (D), by striking "subparagraph (D)" and inserting "subparagraph (E)"; and

(2) in subparagraph (E)—

(A) in clause (i), in the matter preceding subclause (I), by striking "during each 5-year period, beginning with commencement of design of the Plan" and inserting "during each period of 5 fiscal years, beginning on October 1, 2022";

(B) in clause (ii), by inserting "for each project in the Plan" before the period at the end; and

(C) by adding at the end the following:

"(iii) ACCOUNTING.—Not later than 90 days after the end of each fiscal year, the Secretary shall provide to the non-Federal sponsor a financial accounting of non-Federal contributions under clause (i)(I) for such fiscal year.

"(iv) LIMITATION.—In the case of an authorized project for which a project partnership agreement has not been executed and for which there is an agreement under subparagraph (B)(i)(III), the Secretary—

"(I) shall consider all expenditures and obligations incurred by the non-Federal sponsor for land and in-kind services for the project in determining the amount of any cash contribution required from the non-Federal sponsor to satisfy the cost-share requirements of this subsection; and

"(II) may only require any such cash contribution to be made at the end of each period of 5 fiscal years under clause (i).".

(b) UPDATE.—The Secretary and the non-Federal interest shall revise the Master Agreement for the Comprehensive Everglades Restoration Plan, executed in 2009 pursuant to section 601 of the Water Resources Development Act of 2000 (114 Stat. 2680), to reflect the amendment made by subsection (a).

SEC. 8331. PALM BEACH HARBOR, FLORIDA.

Beginning on the date of enactment of this Act, the project for navigation, Palm Beach Harbor, Florida, for which assumption of maintenance was authorized by section 202 of the Water Resources Development Act of 1986 (100 Stat. 4093), is modified to deauthorize the portion of the project, known as the Northern Turning Basin, consisting of an approximate 209,218-square foot area (4.803 acres) of the Federal northern turning basin within Palm Beach Harbor, starting at a point with coordinates N887149.6299, E965813.7673; thence running N46°05'59"E for 106.07 feet to a point with coordinates N887223.1767, E965890.1929; thence running S88°54'01"E for 393.00 feet to a point with coordinates N887215.6342, E966283.1205; thence running S32°48'37"E for 433.78 feet to a point with coordinates N886851.0560, E966518.1668; thence running N88°54'01"W for 710.00 feet to a point with coordinates N886864.6824, E965808.2975; thence running N01°05'59"E for 285.00 feet to the point of origin.

SEC. 8332. PORT EVERGLADES, FLORIDA.

Section 1401(1) of the Water Resources Development Act of 2016 (130 Stat. 1709) is amended, in row 4 (relating to the project for navigation, Port Everglades, Florida)—

(1) by striking "$229,770,000" and inserting "$529,700,000";

(2) by striking "$107,233,000" and inserting "$247,209,000"; and

(3) by striking "$337,003,000" and inserting "$776,909,000".

SEC. 8333. SOUTH FLORIDA ECOSYSTEM RESTORATION TASK FORCE.

Section 528(f)(1)(J) of the Water Resources Development Act of 1996 (110 Stat. 3771) is amended by striking "2 representatives of the State of Florida," and inserting "3 representatives of the State of Florida, including at least 1 representative of the Florida Department of Environmental Protection and 1 representative of the Florida Fish and Wildlife Conservation Commission,".

SEC. 8334. NEW SAVANNAH BLUFF LOCK AND DAM, GEORGIA AND SOUTH CAROLINA.

Section 1319(c) of the Water Resources Development Act of 2016 (130 Stat. 1704) is amended by striking paragraph (2) and inserting the following:

"(2) COST SHARE.—

"(A) IN GENERAL.—The costs of construction of a Project feature constructed pursuant to paragraph (1) shall be determined in accordance with section 101(a)(1)(B) of the Water Resources Development Act of 1986 (33 U.S.C. 2211(a)(1)(B)).

"(B) SAVINGS PROVISION.—Any increase in costs for the Project due to the construction of a Project feature constructed pursuant to paragraph (1) shall not be included in the total project cost for purposes of section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280).".

SEC. 8335. LITTLE WOOD RIVER, GOODING, IDAHO.

Section 3057 of the Water Resources Development Act of 2007 (121 Stat. 1120) is amended—

(1) in subsection (a)(2), by striking "$9,000,000" and inserting "$40,000,000"; and

(2) in subsection (b)—

(A) by striking paragraph (1) and inserting the following:

"(1) PLANNING, DESIGN, AND RECONSTRUCTION COSTS.—The Federal share of planning, design, and reconstruction costs for a project under this section, including any work associated with bridges, shall be 90 percent."; and

(B) by adding at the end the following:

"(3) IN-KIND CONTRIBUTIONS.—The non-Federal interest may provide and receive credit for in-kind contributions for a project carried out under this section, consistent with section 221(a)(4) of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b(a)(4)).

"(4) CASH CONTRIBUTION NOT APPLICABLE.—The requirement under section 103(a)(1)(A) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(a)(1)(A)) for a non-Federal interest to provide 5 percent of the cost of a project carried out under this section shall not apply with respect to the project.

"(5) PAYMENT OPTIONS.—At the request of the non-Federal interest for a project carried out under this section and subject to available funding, the non-Federal contribution for construction of the project shall be financed in accordance with the provisions of section 103(k) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(k)) over a period of thirty years from the date of completion of the project.".

SEC. 8336. CHICAGO SHORELINE PROTECTION.

The project for storm damage reduction and shoreline erosion protection, Lake Michigan, Illinois, from Wilmette, Illinois, to the Illinois-Indiana State line, authorized by section 101(a)(12) of the Water Resources Development Act of 1996 (110 Stat. 3664), is modified to authorize the Secretary to provide 65 percent of the cost of the locally preferred plan, as described in the Report of the Chief of Engineers, dated April 14, 1994, for the construction of the following segments of the project:

(1) Shoreline revetment at Morgan Shoal.

(2) Shoreline revetment at Promontory Point.

SEC. 8337. GREAT LAKES AND MISSISSIPPI RIVER INTERBASIN PROJECT, BRANDON ROAD, WILL COUNTY, ILLINOIS.

(a) IN GENERAL.—Section 402(a)(1) of the Water Resources Development Act of 2020 (134 Stat. 2742) is amended by striking "80 percent" and inserting "90 percent".

(b) LOCAL COOPERATION REQUIREMENTS.—At the request of the applicable non-Federal interests for the project for ecosystem restoration, Great Lakes and Mississippi River Interbasin project, Brandon Road, Will County, Illinois, authorized by section 401(a)(5) of the Water Resources Development Act of 2020 (134 Stat. 2740), the Secretary shall not require such non-Federal interests to be

jointly and severally liable for all non-Federal obligations in the project partnership agreement for the project.

SEC. 8338. SOUTHEAST DES MOINES, SOUTHWEST PLEASANT HILL, IOWA.

(a) PROJECT MODIFICATIONS.—The project for flood control and other purposes, Red Rock Dam and Lake, Des Moines River, Iowa (referred to in this section as the "Red Rock Dam Project"), authorized by section 10 of the Act of December 22, 1944 (chapter 665, 58 Stat. 896), andthe project for local flood protection, Des Moines Local Flood Protection, Des Moines River, Iowa (referred to in this section as "Flood Protection Project"), authorized by such section, shall be modified as follows, subject to a new or amended agreement between the Secretary and the non-Federal interest for the Flood Protection Project, the City of Des Moines, Iowa (referred to in this section as the "City"), in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b):

(1) That portion of the Red Rock Dam Project consisting of the segment of levee from Station 15+88.8W to Station 77+43.7W shall be transferred to the Flood Protection Project.

(2) The relocated levee improvement constructed by the City, from Station 77+43.7W to approximately Station 20+00, shall be included in the Flood Protection Project.

(b) FEDERAL EASEMENT CONVEYANCES.—

(1) IN GENERAL.—The Secretary is authorized to convey the following easements, acquired by the Federal Government for the Red Rock Dam Project, to the City to become part of the Flood Protection Project in accordance with subsection (a):

(A) Easements identified as Tracts 3215E-1, 3235E, and 3227E.

(B) Easements identified as Partial Tracts 3216E-2, 3216E-3, 3217E-1, and 3217E-2.

(2) ADDITIONAL CONVEYANCES AUTHORIZED.—After execution of a new or amended agreement pursuant to subsection (a) and conveyance of the easements under paragraph (1), the Secretary is authorized to convey the following easements, by quitclaim deed, without consideration, acquired by the Federal Government for the Red Rock Dam project, to the City or to the Des Moines Metropolitan Wastewater Reclamation Authority and no longer required for the Red Rock Dam Project or for the Des Moines Local Flood Protection Project:

(A) Easements identified as Tracts 3200E, 3202E-1, 3202E-2, 3202E-4, 3203E-2, 3215E-3, 3216E-1, and 3216E-5.

(B) Easements identified as Partial Tracts 3216E-2, 3216E-3, 3217E-1, and 3217E-2.

(3) EASEMENT DISPOSAL PROCESS AND FEES.—All real property interests conveyed under this subsection shall be subject to the standard release of easement disposal process. All administrative fees associated with the transfer of the subject easements to the City or to the Des Moines Metropolitan Wastewater Reclamation Authority will be borne by the transferee.

SEC. 8339. CITY OF EL DORADO, KANSAS.

(a) IN GENERAL.—The Secretary shall amend the contract described in subsection (b) between the United States and the City of El Dorado, Kansas, relating to storage space for water supply, to change the method of calculation of the interest charges that began accruing on June 30, 1991, on the investment costs for the 72,087 acre-feet of future use storage space, from compounding interest annually to charging simple interest annually on the principal amount, until—

(1) the City of El Dorado informs the Secretary of the desire to convert the future use storage space to present use; and

(2) the principal amount plus the accumulated interest becomes payable pursuant to the terms of the contract.

(b) CONTRACT DESCRIBED.—The contract referred to in subsection (a) is the contract between the United States and the City of El Dorado, Kansas, for the use by the City of El Dorado of storage space for water supply in El Dorado Lake, Kansas, entered into on June 30, 1972, and titled Contract DACW56-72-C-0220.

SEC. 8340. ALGIERS CANAL LEVEES, LOUISIANA.

(a) IN GENERAL.—In accordance with section 328 of the Water Resources Development Act of 1999 (113 Stat. 304; 121 Stat. 1129), the Secretary shall operate, maintain, repair, replace, and rehabilitate all features of the West Bank and Vicinity, New Orleans, Louisiana Hurricane Protection Project along the Algiers Canal, at full Federal expense.

(b) TECHNICAL AMENDMENT.—Section 328(c) of the Water Resources Development Act of 1999 (113 Stat. 304; 121 Stat. 1129) is amended by inserting "described in subsection (b)" after "the project".

SEC. 8341. MISSISSIPPI RIVER GULF OUTLET, LOUISIANA.

The Federal share of the cost of the project for ecosystem restoration, Mississippi River Gulf Outlet, Louisiana, authorized by section 7013(a)(4) of the Water Resources Development Act of 2007 (121 Stat. 1281), shall be 100 percent.

SEC. 8342. CAMP ELLIS, SACO, MAINE.

(a) IN GENERAL.—The project being carried out under section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i) for the mitigation of shore damages attributable to the project for navigation, Camp Ellis, Saco, Maine, is modified as follows:

(1) The maximum amount of Federal funds that may be expended for the project shall be $45,000,000.

(2) The project may include Federal participation in periodic nourishment.

(3) For purposes of subsection (b) of section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i(b)), the Secretary shall determine that the navigation works to which the shore damages are attributable were constructed at Federal expense.

(b) CONFORMING AMENDMENT.—Section 3085 of the Water Resources Development Act of 2007 (121 Stat. 1129), and the item relating to such section in the table of contents for such Act, are repealed.

SEC. 8343. LOWER MISSISSIPPI RIVER COMPREHENSIVE MANAGEMENT STUDY.

Section 213 of the Water Resources Development Act of 2020 (134 Stat. 2684) is amended by adding at the end the following:

"(j) COST SHARE.—The Federal share of the cost of the comprehensive study carried out under subsection (a), and any feasibility study carried out under subsection (e), shall be 100 percent.".

SEC. 8344. UPPER MISSISSIPPI RIVER PROTECTION.

Section 2010 of the Water Resources Reform and Development Act of 2014 (128 Stat. 1270; 132 Stat. 3812) is amended by adding at the end the following:

"(f) LIMITATION.—The Secretary shall not recommend deauthorization of the Upper St. Anthony Falls Lock and Dam pursuant to the disposition study carried out under subsection (d) unless the Secretary identifies a willing and capable non-Federal public entity to assume ownership of the Upper St. Anthony Falls Lock and Dam.

"(g) MODIFICATION.—The Secretary is authorized to investigate the feasibility of modifying, prior to deauthorizing, the Upper St. Anthony Falls Lock and Dam to add ecosystem restoration, including the prevention and control of invasive species, water supply, and recreation as authorized purposes.".

SEC. 8345. UPPER MISSISSIPPI RIVER RESTORATION PROGRAM.

Section 1103(e)(3) of the Water Resources Development Act of 1986 (33 U.S.C. 652(e)(3)) is amended by striking "$40,000,000" and inserting "$75,000,000".

SEC. 8346. WATER LEVEL MANAGEMENT ON THE UPPER MISSISSIPPI RIVER AND ILLINOIS WATERWAY.

(a) IN GENERAL.—As part of the operation and maintenance of the navigation channel projects on the Upper Mississippi River, including all projects authorized for navigation of the Mississippi River from the mouth of the Missouri River to Minneapolis, authorized by the first section of the Act of July 3, 1930 (chapter 847, 46 Stat. 927; 49 Stat. 1034; 50 Stat. 848; 59 Stat. 19; 72 Stat. 298; 92 Stat. 1695; 95 Stat. 1634; 100 Stat. 4208; 100 Stat. 4213; 100 Stat. 4228; 102 Stat. 4027; 104 Stat. 4613; 106 Stat. 4806; 106 Stat. 4811; 110 Stat. 3716; 121 Stat. 1283; 128 Stat. 1270; 132 Stat. 3812; 134 Stat. 2704), and as part of the operation and maintenance of the navigation channel projects on the Illinois River, Illinois (also called the Illinois Waterway), authorized by the first section of the Act of January 21, 1927 (chapter 47, 44 Stat. 1013; 46 Stat. 929; 49 Stat. 1035; 49 Stat. 1036; 52 Stat. 805; 59 Stat. 19; 60 Stat. 636; 72 Stat. 302; 82 Stat. 735; 100 Stat. 4208; 106 Stat. 4806; 121 Stat. 1283; 128 Stat. 1351), the Secretary is authorized to and shall carry out water level management activities to help redress the degrading influences of prolonged inundation or sedimentation from such projects, and to improve the quality and quantity of habitat available for fish and wildlife.

(b) CONDITIONS ON DRAWDOWNS.—In carrying out subsection (a), the Secretary shall carry out routine and systemic water level drawdowns of the pools created by the locks and dams of the projects described in subsection (a), including drawdowns during the growing season, when—

(1) hydrologic conditions allow the Secretary to carry out a drawdown within applicable dam operating plans; or

(2) hydrologic conditions allow the Secretary to carry out a drawdown and sufficient funds are available to the Secretary to carry out any additional activities that may be required to ensure that the drawdown does not adversely affect navigation.

(c) COORDINATION AND NOTIFICATION.—

(1) COORDINATION.—The Secretary shall use existing coordination and consultation processes to regularly coordinate and consult with other relevant Federal agencies and States regarding the planning and assessment of water level management actions implemented under this section.

(2) NOTIFICATION AND OPPORTUNITY FOR COMMENT.—Prior to carrying out any activity under this section, the Secretary shall provide to the public and to navigation interests and other interested stakeholders notice and an opportunity for comment on such activity.

(d) REPORT.—Not later than December 31, 2028, the Secretary shall make publicly available (including on a publicly available website) and submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that describes any activity carried out under this section and the effects of such activity.

SEC. 8347. MISSISSIPPI DELTA HEADWATERS, MISSISSIPPI.

As part of the authority of the Secretary to carry out the project for flood damage reduction, bank stabilization, and sediment and erosion control, Yazoo Basin, Mississippi Delta Headwaters, Mississippi, authorized pursuant to the matter under the heading "**enhancement of water resource benefits and for emergency disaster work**" in title I of Public Law 98-8 (97 Stat. 22), the Secretary may carry out emergency maintenance activities, as the Secretary determines to be necessary, for features of the project completed before the date of enactment of this Act.

SEC. 8348. SENSE OF CONGRESS RELATING TO OKATIBBEE LAKE, MISSISSIPPI.

It is the sense of Congress that—

(1) there is significant shoreline sloughing and erosion at the Okatibbee Lake portion of the project for flood protection, Chunky Creek, Chickasawhay and Pascagoula Rivers, Mississippi, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1183), which has the potential to impact infrastructure, damage property, and put lives at risk; and

(2) addressing shoreline sloughing and erosion at a project of the Secretary, including at a location leased by non-Federal entities such as Okatibbee Lake, is an activity that is eligible to be carried out by the Secretary as part of the operation and maintenance of such project.

SEC. 8349. ARGENTINE, EAST BOTTOMS, FAIRFAX-JERSEY CREEK, AND NORTH KANSAS LEVEES UNITS, MISSOURI RIVER AND TRIBUTARIES AT KANSAS CITIES, MISSOURI AND KANSAS.

(a) IN GENERAL.—The project for flood control, Kansas Citys on Missouri and Kansas Rivers in Missouri and Kansas, authorized by

section 5 of the Act of June 22, 1936 Flood Control Act of 1936 (chapter 688, 49 Stat. 1588; 58 Stat. 897; 121 Stat. 1054) is modified to direct the Secretary to—

(1) construct access manholes, or other features, in the Fairfax portion of such project to allow for regular inspection of project features if the Secretary determines that such work is—

(A) not required as a result of improper operation and maintenance of the project by the non–Federal interest; and

(B) technically feasible and environmentally acceptable; and

(2) plan, design, and carry out the construction described in paragraph (1) as a continuation of the construction of such project.

(b) COST SHARING.—The Federal share of the cost of planning, design, and construction of access manholes or other features under this section shall be 90 percent.

SEC. 8350. LOWER MISSOURI RIVER STREAMBANK EROSION CONTROL EVALUATION AND DEMONSTRATION PROJECTS.

(a) IN GENERAL.—The Secretary is authorized to carry out streambank erosion control evaluation and demonstration projects in the Lower Missouri River through contracts with non-Federal interests, including projects for streambank protection and stabilization.

(b) AREA.—The Secretary shall carry out demonstration projects under this section on the reach of the Missouri River between Sioux City, Iowa, and the confluence of the Missouri River and the Mississippi River.

(c) REQUIREMENTS.—In carrying out subsection (a), the Secretary shall—

(1) conduct an evaluation of the extent of streambank erosion on the Lower Missouri River; and

(2) develop new methods and techniques for streambank protection, research soil stability, and identify the causes of erosion.

(d) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report describing the results of the demonstration projects carried out under this section, including any recommendations for methods to prevent and correct streambank erosion.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000, to remain available until expended.

(f) SUNSET.—The authority of the Secretary to enter into contracts under subsection (a) shall expire on the date that is 5 years after the date of enactment of this Act.

SEC. 8351. MISSOURI RIVER INTERCEPTION-REARING COMPLEXES.

(a) IN GENERAL.—Notwithstanding section 129 of the Water Resources Development Act of 2020 (134 Stat. 2643), and subject to subsection (b), the Secretary is authorized to carry out the con-

struction of an interception-rearing complex at each of Plowboy Bend A (River Mile: 174.5 to 173.2) and Pelican Bend B (River Mile: 15.8 to 13.4) on the Missouri River.

(b) ANALYSIS AND MITIGATION OF RISK.—

(1) ANALYSIS.—Prior to construction of the interception-rearing complexes under subsection (a), the Secretary shall perform an analysis to identify whether the interception-rearing complexes will—

(A) contribute to an increased risk of flooding to adjacent lands and properties, including local levees;

(B) affect the navigation channel, including crossflows, velocity, channel depth, and channel width;

(C) affect the harvesting of sand;

(D) affect ports and harbors; or

(E) contribute to bank erosion on adjacent private lands.

(2) MITIGATION.—The Secretary may not construct an interception-rearing complex under subsection (a) until the Secretary successfully mitigates any effects described in paragraph (1) with respect to such interception-rearing complex.

(c) REPORT.—Not later than 1 year after completion of the construction of the interception-rearing complexes under subsection (a), the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report describing the extent to which the construction of such interception-rearing complexes affected the population recovery of pallid sturgeon in the Missouri River.

(d) CONFORMING AMENDMENT.—Section 129(b) of the Water Resources Development Act of 2020 (134 Stat. 2643) is amended by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively, and inserting after paragraph (1) the following:

"(2) submits the report required by section 318(c) of the Water Resources Development Act of 2022;".

SEC. 8352. MISSOURI RIVER MITIGATION PROJECT, MISSOURI, KANSAS, IOWA, AND NEBRASKA.

(a) USE OF OTHER FUNDS.—

(1) IN GENERAL.—Section 334 of the Water Resources Development Act of 1999 (113 Stat. 306) is amended by adding at the end the following:

"(c) USE OF OTHER FUNDS.—

"(1) IN GENERAL.—The Secretary shall consult with other Federal agencies to determine if lands or interests in lands acquired by such other Federal agencies—

"(A) meet the purposes of the Missouri River Mitigation Project, Missouri, Kansas, Iowa, and Nebraska, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4143; 113 Stat. 306; 121 Stat. 1155); and

"(B) whether such lands are restricted by such other Federal agencies from being applied toward the total number of acres required under subsection (a).

"(2) APPLICATION OF LANDS.—Upon making a determination under paragraph (1) that lands or interests in lands ac-

quired by a Federal agency meet the purposes of the project described in paragraph (1)(A) and that such lands are not otherwise restricted, the Secretary shall apply the lands or interests in lands acquired toward the total number of acres required under subsection (a), regardless of the source of the Federal funds used to acquire such lands or interests in lands.

"(3) SAVINGS PROVISION.—Nothing in this subsection authorizes any transfer of administrative jurisdiction over any lands or interests in lands acquired by a Federal agency that are applied toward the total number of acres required under subsection (a) pursuant to this subsection.".

(2) REPORT REQUIRED.—

(A) IN GENERAL.—Not later than 180 days after the enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report identifying the lands or interests in lands acquired with Federal funds that the Secretary determines, pursuant to section 344(c)(1) of the Water Resources Development Act of 1999, meet the purposes of the Missouri River Mitigation Project, Missouri, Kansas, Iowa, and Nebraska, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4143; 113 Stat. 306; 121 Stat. 1155).

(B) CONTENTS.—The Secretary shall include in the report submitted under subparagraph (A) a justification for any lands or interests in lands acquired with Federal funding that the Secretary determines will not be applied toward the total number of acres required under section 334(a) of the Water Resources Development Act of 1999 (113 Stat. 306).

(b) FLOOD RISK MANAGEMENT BENEFITS.—The project for mitigation of fish and wildlife losses, Missouri River Bank Stabilization and Navigation Project, Missouri, Kansas, Iowa, and Nebraska, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4143; 113 Stat. 306; 121 Stat. 1155), is modified to authorize the Secretary to consider incidental flood risk management benefits when acquiring land for the project.

SEC. 8353. NORTHERN MISSOURI.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary may establish a program to provide environmental assistance to non-Federal interests in northern Missouri.

(b) FORM OF ASSISTANCE.—Assistance provided under this section may be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects in northern Missouri, including projects for wastewater treatment and related facilities, water supply and related facilities, environmental restoration, and surface water resource protection and development.

(c) OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(d) PARTNERSHIP AGREEMENTS.—

(1) IN GENERAL.—Before providing assistance under this section to a non-Federal interest, the Secretary shall enter into a partnership agreement under section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b) with the non-Federal interest with respect to the project to be carried out with such assistance.

(2) REQUIREMENTS.—Each partnership agreement for a project entered into under this subsection shall provide for the following:

(A) Development by the Secretary, in consultation with appropriate Federal and State officials, of a facilities or resource protection and development plan, including appropriate engineering plans and specifications.

(B) Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project by the non-Federal interest.

(3) COST SHARING.—

(A) IN GENERAL.—The Federal share of the cost of a project carried out under this section—

(i) shall be 75 percent; and

(ii) may be provided in the form of grants or reimbursements of project costs.

(B) CREDIT FOR INTEREST.—In case of a delay in the funding of the Federal share of a project that is the subject of a partnership agreement under this section, the non-Federal interest shall receive credit for reasonable interest incurred in providing the non-Federal share of the project cost.

(C) CREDIT FOR LAND, EASEMENTS, AND RIGHTS-OF-WAY.—Notwithstanding section 221(a)(4)(G) of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b(a)(4)(G)), the non-Federal interest shall receive credit for land, easements, rights-of-way, and relocations toward the non-Federal share of project cost (including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of the project on publicly owned or controlled land), but such credit may not exceed 25 percent of total project costs.

(D) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(E) EXCEPTION.—Notwithstanding subparagraph (A)(i), the Federal share of the cost of a project under this section benefitting an economically disadvantaged community (as defined by the Secretary under section 160 of the Water Resources Development Act of 2020 (33 14 U.S.C. 2201 note)) shall be 90 percent.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated $50,000,000 to carry out this section.

(2) CORPS OF ENGINEERS EXPENSES.—Not more than 10 percent of the amounts made available to carry out this section

may be used by the Corps of Engineers district offices to administer projects under this section at Federal expense.

(f) NORTHERN MISSOURI DEFINED.—In this section, the term "northern Missouri" means the counties of Buchanan, Marion, Platte, and Clay, Missouri.

SEC. 8354. ISRAEL RIVER, LANCASTER, NEW HAMPSHIRE.

The project for flood control, Israel River, Lancaster, New Hampshire, carried out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), is no longer authorized beginning on the date of enactment of this Act.

SEC. 8355. MIDDLE RIO GRANDE FLOOD PROTECTION, BERNALILLO TO BELEN, NEW MEXICO.

The non-Federal share of the cost of the project for flood risk management, Middle Rio Grande, Bernalillo to Belen, New Mexico, authorized by section 401(2) of the Water Resources Development Act of 2020 (134 Stat. 2735), shall be 25 percent.

SEC. 8356. ECOSYSTEM RESTORATION, HUDSON-RARITAN ESTUARY, NEW YORK AND NEW JERSEY.

(a) IN GENERAL.—The Secretary may carry out additional feasibility studies for the project ecosystem restoration, Hudson-Raritan Estuary, New York and New Jersey, authorized by section 401(5) of the Water Resources Development Act of 2020 (134 Stat. 2739), including an examination of measures and alternatives at Baisley Pond Park and the Richmond Terrace Wetlands.

(b) TREATMENT.—A feasibility study carried out under subsection (a) shall be considered a continuation of the study that formulated the project for ecosystem restoration, Hudson-Raritan Estuary, New York and New Jersey, authorized by section 401(5) of the Water Resources Development Act of 2020 (134 Stat. 2740).

SEC. 8357. ARKANSAS RIVER CORRIDOR, OKLAHOMA.

Section 3132 of the Water Resources Development Act of 2007 (121 Stat. 1141) is amended by striking subsection (b) and inserting the following:

"(b) AUTHORIZED COST.—The Secretary is authorized to carry out construction of projects under this section at a total cost of $128,400,000, with the cost shared in accordance with section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213).

"(c) ADDITIONAL FEASIBILITY STUDIES AUTHORIZED.—

"(1) IN GENERAL.—The Secretary is authorized to carry out feasibility studies for purposes of recommending to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives additional projects under this section.

"(2) TREATMENT.—An additional feasibility study carried out under this subsection shall be considered a continuation of the feasibility study that formulated any project carried out under subsection (a).".

SEC. 8358. COPAN LAKE, OKLAHOMA.

(a) IN GENERAL.—The Secretary shall amend the contract described in subsection (c) between the United States and the Copan

Public Works Authority, relating to the use of storage space for water supply in Copan Lake, Oklahoma, to—

(1) release to the United States all rights of the Copan Public Works Authority to utilize 4,750 acre-feet of future use water storage space; and

(2) relieve the Copan Public Works Authority from all financial obligations, to include the initial project investment costs and the accumulated interest on unpaid project investment costs, for the volume of water storage space described in paragraph (1).

(b) REQUIREMENT.—During the 2-year period beginning on the effective date of the contract amendment under subsection (a), the Secretary shall—

(1) provide the City of Bartlesville, Oklahoma, with the right of first refusal to contract for the utilization of storage space for water supply for any portion of the storage space that was released by the Authority under subsection (a); and

(2) ensure that the City of Bartlesville, Oklahoma, for the acre-feet of storage space being sought under an agreement under paragraph (1), shall pay 110 percent of the contractual rate per acre-foot of storage in the most recent agreement of the City for water supply storage space at the project.

(c) CONTRACT DESCRIBED.—The contract referred to in subsection (a) is the contract between the United States and the Copan Public Works Authority for the use of storage space for water supply in Copan Lake, Oklahoma, entered into on June 22, 1981, and titled Contract DACW56-81-C-0114.

SEC. 8359. SOUTHWESTERN OREGON.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary may establish a program to provide environmental assistance to non-Federal interests in southwestern Oregon.

(b) FORM OF ASSISTANCE.—Assistance provided under this section may be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects in southwestern Oregon, including projects for wastewater treatment and related facilities, water supply and related facilities, environmental restoration, and surface water resource protection and development.

(c) OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(d) PARTNERSHIP AGREEMENTS.—

(1) IN GENERAL.—Before providing assistance under this section to a non-Federal interest, the Secretary shall enter into a partnership agreement under section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b) with the non-Federal interest with respect to the project to be carried out with such assistance.

(2) REQUIREMENTS.—Each partnership agreement for a project entered into under this subsection shall provide for the following:

(A) Development by the Secretary, in consultation with appropriate Federal and State officials, of a facilities

or resource protection and development plan, including appropriate engineering plans and specifications.

(B) Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project by the non-Federal interest.

(3) COST SHARING.—

(A) IN GENERAL.—The Federal share of the cost of a project carried out under this section—

(i) shall be 75 percent; and

(ii) may be provided in the form of grants or reimbursements of project costs.

(B) CREDIT FOR INTEREST.—In case of a delay in the funding of the Federal share of a project that is the subject of a partnership agreement under this section, the non-Federal interest shall receive credit for reasonable interest incurred in providing the non-Federal share of the project cost.

(C) CREDIT FOR LAND, EASEMENTS, AND RIGHTS-OF-WAY.—Notwithstanding section 221(a)(4)(G) of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b(a)(4)(G)), the non-Federal interest shall receive credit for land, easements, rights-of-way, and relocations toward the non-Federal share of project cost (including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of the project on publicly owned or controlled land), but such credit may not exceed 25 percent of total project costs.

(D) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated $100,000,000 to carry out this section.

(2) CORPS OF ENGINEERS EXPENSE.—Not more than 10 percent of the amounts made available to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at Federal expense.

(f) SOUTHWESTERN OREGON DEFINED.—In this section, the term "southwestern Oregon" means the counties of Benton, Coos, Curry, Douglas, Lane, Lincoln, Linn, and Josephine, Oregon.

SEC. 8360. YAQUINA RIVER, OREGON.

The Secretary shall not require the non-Federal interest for the project for navigation, Yaquina River, Oregon, authorized by the first section of the Act of March 4, 1913 (chapter 144, 37 Stat. 819), to—

(1) provide a floating plant to the United States for use in maintaining the project; or

(2) provide funds in an amount determined by the Secretary to be equivalent to the value of the floating plant as a non-Federal contribution to the cost of maintaining the project.

SEC. 8361. LOWER BLACKSTONE RIVER, RHODE ISLAND.

The project being carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330) for ecosystem restoration, Lower Blackstone River, Rhode Island, is modified as follows:

(1) The maximum amount of Federal funds that may be expended for the project shall be $15,000,000.

(2) If the Secretary includes in the project a measure on Federal land under the jurisdiction of another Federal agency, the Secretary may enter into an agreement with such agency that grants permission for the Secretary to—

(A) construct the measure on the land under the jurisdiction of such agency; and

(B) operate and maintain the measure using funds provided to the Secretary by the non-Federal interest for the project.

(3) If the Secretary includes in the project a measure for fish passage at a dam licensed for hydropower, the Secretary shall include in the project costs all costs for such measure, except that those costs that are in excess of the costs to provide fish passage at the dam if hydropower improvements were not in place shall be at 100 percent non-Federal expense.

SEC. 8362. CHARLESTON HARBOR, SOUTH CAROLINA.

The Secretary shall reimburse the non-Federal interest for project for navigation, Charleston Harbor, South Carolina, authorized by section 1401(1) of the Water Resources Development Act of 2016 (130 Stat. 1708), for advanced funds provided by the non-Federal interest for construction of the project that exceed the non-Federal share of the cost of construction of the project as soon as practicable after the completion of each individual contract for the project.

SEC. 8363. COLLETON COUNTY, SOUTH CAROLINA.

Notwithstanding subparagraph (C)(i) of section 221(a)(4) of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b(a)(4)), the non-Federal interest for the project for hurricane and storm damage risk reduction, Colleton County, South Carolina, authorized by section 1401(3) of the Water Resources Development Act of 2016 (130 Stat. 1711), may receive credit under subparagraph (A) of such section 221(a)(4) for the cost of construction carried out before the date of enactment of this Act.

SEC. 8364. ENSLEY LEVEE, TENNESSEE.

(a) IN GENERAL.—Section 353(b)(1) of the Water Resources Development Act of 2020 (134 Stat. 2721) is amended by striking "and Nonconnah Creek" and inserting ", Nonconnah Creek, and Ensley".

(b) RESUMPTION OF MAINTENANCE.—The Secretary shall resume operation and maintenance of Ensley levee system portion of the project described in the modification made by subsection (a) pursuant to the requirements of section 353(b)(1) of the Water Resources Development Act of 2020 (134 Stat. 2721).

SEC. 8365. WOLF RIVER HARBOR, TENNESSEE.

Beginning on the date of enactment of this Act, the project for navigation, Wolf River Harbor, Tennessee, authorized by section

202 of the National Industrial Recovery Act (48 Stat. 201; 49 Stat. 1034; 72 Stat. 308), is modified to reduce, in part, the authorized dimensions of the project, such that the remaining authorized dimensions are as follows:

(1) A 250-foot-wide, 9-foot-depth channel with a center line beginning at an approximate point of 35.139634, -90.062343 and extending approximately 1,300 feet to an approximate point of 35.142077, -90.059107.

(2) A 200-foot-wide, 9-foot-depth channel with a center line beginning at an approximate point of 35.142077, -90.059107 and extending approximately 1,800 feet to an approximate point of 35.1467861, -90.057003.

(3) A 250-foot-wide, 9-foot-depth channel with a center line beginning at an approximate point of 35.1467861, -90.057003 and extending approximately 5,550 feet to an approximate point of 35.160848, -90.050566.

SEC. 8366. ADDICKS AND BARKER RESERVOIRS, TEXAS.

The Secretary is authorized to provide, pursuant to section 206 of the Flood Control Act of 1960 (33 U.S.C. 709a), information and advice to non-Federal interests on the removal of sediment obstructing inflow channels to the Addicks and Barker Reservoirs, authorized pursuant to the project for Buffalo Bayou and its tributaries, Texas, under section 3a of the Act of August 11, 1939 (chapter 699, 53 Stat. 1414; 68 Stat. 1258).

SEC. 8367. NORTH PADRE ISLAND, CORPUS CHRISTI BAY, TEXAS.

The project for ecosystem restoration, North Padre Island, Corpus Christi Bay, Texas, authorized under section 556 of the Water Resources Development Act of 1999 (113 Stat. 353), shall not be eligible for repair and restoration assistance under section 5(a) of the Act of August 18, 1941 (33 U.S.C. 701n(a)).

SEC. 8368. NUECES COUNTY, TEXAS.

(a) IN GENERAL.—Upon receipt of a written request from the owner of land subject to a covered easement, the Secretary shall, without consideration, release or otherwise convey the covered easement to the holder of such easement, if the Secretary determines that the covered easement is no longer required for purposes of navigation.

(b) SURVEY TO OBTAIN LEGAL DESCRIPTION.—The exact acreage and legal description of any covered easements to be released or otherwise conveyed under this section shall be determined by a survey that is satisfactory to the Secretary.

(c) COSTS.—An entity to which a release or conveyance is made under this section shall be responsible for all reasonable and necessary costs, including real estate transaction and environmental documentation costs, associated with the release or conveyance.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require that the release or conveyance of a covered easement under this section be subject to such additional terms and conditions as the Secretary determines necessary and appropriate to protect the interests of the United States.

(e) DEFINITION OF COVERED EASEMENT.—In this subsection, the term "covered easement" means an easement held by the United States for purposes of navigation in Nueces County, Texas.

SEC. 8369. LAKE CHAMPLAIN CANAL, VERMONT AND NEW YORK.

Section 5146 of the Water Resources Development Act of 2007 (121 Stat. 1255) is amended by adding at the end the following:

"(c) CLARIFICATIONS.—

"(1) IN GENERAL.—At the request of the non-Federal interest for the study of the Lake Champlain Canal Aquatic Invasive Species Barrier carried out under section 542 of the Water Resources Development Act of 2000 (114 Stat. 2671; 121 Stat. 1150; 134 Stat. 2652), the Secretary shall scope the phase II portion of such study to satisfy the feasibility determination under subsection (a).

"(2) DISPERSAL BARRIER.—A dispersal barrier constructed, maintained, or operated under this section may include—

"(A) physical hydrologic separation;

"(B) nonstructural measures;

"(C) deployment of technologies; and

"(D) buffer zones.".

SEC. 8370. REHABILITATION OF CORPS OF ENGINEERS CONSTRUCTED DAMS.

Section 1177 of the Water Resources Development Act of 2016 (33 U.S.C. 467f-2 note) is amended by adding at the end the following:

"(g) SPECIAL RULE.—Notwithstanding subsection (c), the non-Federal share of the cost of the project for rehabilitation of Waterbury Dam, Washington County, Vermont, under this section, including the cost of any required study, shall be the same share assigned to the non-Federal interest for the cost of initial construction of the Waterbury Dam.".

SEC. 8371. PUGET SOUND NEARSHORE ECOSYSTEM RESTORATION, WASHINGTON.

In carrying out the project for ecosystem restoration, Puget Sound, Washington, authorized by section 1401(4) of the Water Resources Development Act of 2016 (130 Stat. 1713), the Secretary shall consider the removal and replacement of the Highway 101 causeway and bridges at the Duckabush River Estuary site to be a project feature the costs of which are shared as construction.

SEC. 8372. LOWER MUD RIVER, MILTON, WEST VIRGINIA.

(a) IN GENERAL.—The Federal share of the cost of the project for flood control, Milton, West Virginia, authorized by section 580 of the Water Resources Development Act of 1996 (110 Stat. 3790; 114 Stat. 2612; 121 Stat. 1154), shall be 90 percent.

(b) LAND, EASEMENTS, AND RIGHTS-OF-WAY.—For the project described in subsection (a), the Secretary shall include in the cost of the project, and credit toward the non-Federal share of that cost, the value of land, easements, and rights-of-way provided by the non-Federal interest for the project, including the value of land, easements, and rights-of-way required for the project that are owned or held by the non-Federal interest or other non-Federal public body.

(c) ADDITIONAL ELIGIBILITY.—Unless otherwise explicitly prohibited in an Act making appropriations for the Corps of Engineers, the project described in subsection (a) shall be eligible for

additional funding appropriated and deposited into the "corps of engineers—civil—construction" account—

(1) without a new investment decision; and

(2) on the same terms as a project that is not the project described in subsection (a).

SEC. 8373. NORTHERN WEST VIRGINIA.

(a) IN GENERAL.—Section 571 of the Water Resources Development Act of 1999 (113 Stat. 371; 121 Stat. 1257; 134 Stat. 2719) is amended—

(1) in the section heading, by striking "central" and inserting "northern";

(2) by striking subsection (a) and inserting the following:

"(a) DEFINITION OF NORTHERN WEST VIRGINIA.—In this section, the term 'northern West Virginia' means the counties of Barbour, Berkeley, Brooke, Doddridge, Grant, Hampshire, Hancock, Hardy, Harrison, Jefferson, Lewis, Marion, Marshall, Mineral, Morgan, Monongalia, Ohio, Pleasants, Preston, Randolph, Ritchie, Taylor, Tucker, Tyler, Upshur, Wetzel, and Wood, West Virginia.";

(3) in subsection (b), by striking "central" and inserting "northern";

(4) in subsection (c), by striking "central" and inserting "northern"; and

(5) in subsection (h), by striking "$100,000,000" and inserting "$120,000,000".

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Water Resources Development Act of 1999 (113 Stat. 269) is amended by striking the item relating to section 571 and inserting the following:

"Sec. 571. Northern West Virginia.".

SEC. 8374. SOUTHERN WEST VIRGINIA.

(a) IN GENERAL.—Section 340 of the Water Resources Development Act of 1992 (106 Stat. 4856) is amended—

(1) in the section heading, by striking "environmental restoration infrastructure and resource protection development pilot program";

(2) by striking subsection (f) and inserting the following:

"(f) DEFINITION OF SOUTHERN WEST VIRGINIA.—In this section, the term 'southern West Virginia' means the counties of Boone, Braxton, Cabell, Calhoun, Clay, Fayette, Gilmer, Greenbrier, Jackson, Kanawha, Lincoln, Logan, Mason, McDowell, Mercer, Mingo, Monroe, Nicholas, Pendleton, Pocahontas, Putnam, Raleigh, Roane, Summers, Wayne, Webster, Wirt, and Wyoming, West Virginia."; and

(3) in subsection (g), by striking "$120,000,000" and inserting "$140,000,000".

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Water Resources Development Act of 1992 (106 Stat. 4797) is amended by striking the item relating to section 340 and inserting the following:

"Sec. 340. Southern West Virginia.".

SEC. 8375. ENVIRONMENTAL INFRASTRUCTURE.

(a) NEW PROJECTS.—Section 219(f) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 336; 121 Stat. 1258) is amended by adding at the end the following:

"(274) ALABAMA.—$50,000,000 for water, wastewater, and other environmental infrastructure in Alabama.

"(275) CHANDLER, ARIZONA.—$18,750,000 for water and wastewater infrastructure in the city of Chandler, Arizona.

"(276) PINAL COUNTY, ARIZONA.—$40,000,000 for water and wastewater infrastructure in Pinal County, Arizona.

"(277) TEMPE, ARIZONA.—$37,500,000 for water and wastewater infrastructure, including water reclamation and groundwater recharge, for the City of Tempe, Arizona.

"(278) ALAMEDA COUNTY, CALIFORNIA.—$20,000,000 for environmental infrastructure, in Alameda County, California.

"(279) BELL GARDENS, CALIFORNIA.—$12,500,000 for water and wastewater infrastructure, including water recycling and water supply, in the city of Bell Gardens, California.

"(280) CALIMESA, CALIFORNIA.—$3,500,000 for stormwater management and water supply infrastructure, including groundwater recharge and water recycling, in the city of Calimesa, California.

"(281) COMPTON CREEK, CALIFORNIA.—$6,165,000 for stormwater management infrastructure in the vicinity of Compton Creek, city of Compton, California.

"(282) DOWNEY, CALIFORNIA.—$100,000,000 for water infrastructure, including water supply, in the city of Downey, California.

"(283) EAST COUNTY, SAN DIEGO COUNTY, CALIFORNIA.—$70,000,000 for water and wastewater infrastructure, including water recycling and water supply, in East County, San Diego County, California.

"(284) EASTERN LOS ANGELES COUNTY, CALIFORNIA.—$25,000,000 for the planning, design, and construction of water and wastewater infrastructure, including water recycling and water supply, for the cities of Azusa, Baldwin Park, Covina, Duarte, El Monte, Glendora, Industry, Irwindale, La Puente, La Verne, Monrovia, San Dimas, and West Covina, and for Avocado Heights, Bassett, and Valinda, California.

"(285) ESCONDIDO CREEK, CALIFORNIA.—$34,000,000 for water and wastewater infrastructure, including stormwater management, in the vicinity of Escondido Creek, city of Escondido, California.

"(286) FONTANA, CALIFORNIA.—$16,000,000 for stormwater management infrastructure in the city of Fontana, California.

"(287) HEALDSBURG, CALIFORNIA.—$23,500,000 for water and wastewater infrastructure, including water recycling and water supply, in the city of Healdsburg, California.

"(288) INLAND EMPIRE, CALIFORNIA.—$60,000,000 for water and wastewater infrastructure, including water supply, in Riverside County and San Bernardino County, California.

"(289) LOMITA, CALIFORNIA.—$4,716,600 for stormwater management infrastructure in the city of Lomita, California.

"(290) MARIN COUNTY, CALIFORNIA.—$28,000,000 for water and wastewater infrastructure, including water supply, in Marin County, California.

"(291) MAYWOOD, CALIFORNIA.—$10,000,000 for wastewater infrastructure in the city of Maywood, California.

"(292) MONTEREY PENINSULA, CALIFORNIA.—$20,000,000 for water and wastewater infrastructure, and water supply, on the Monterey Peninsula, California.

"(293) NORTH RICHMOND, CALIFORNIA.—$45,000,000 for water and wastewater infrastructure, including coastal flooding resilience measures for such infrastructure, in North Richmond, California.

"(294) ONTARIO, CALIFORNIA.—$40,700,000 for water and wastewater infrastructure, including water recycling and water supply, in the city of Ontario, California.

"(295) PARAMOUNT, CALIFORNIA.—$20,000,000 for water and wastewater infrastructure, including stormwater management, in the city of Paramount, California.

"(296) PETALUMA, CALIFORNIA.—$13,700,000 for water and wastewater infrastructure, including water recycling, in the city of Petaluma, California.

"(297) PLACER COUNTY, CALIFORNIA.—$21,000,000 for environmental infrastructure, in Placer County, California.

"(298) RIALTO, CALIFORNIA.—$27,500,000 for wastewater infrastructure in the city of Rialto, California.

"(299) RINCON RESERVATION, CALIFORNIA.—$38,000,000 for water and wastewater infrastructure on the Rincon Band of Luiseño Indians reservation, California.

"(300) SACRAMENTO-SAN JOAQUIN DELTA, CALIFORNIA.—$50,000,000 for water and wastewater infrastructure (including stormwater management), water supply and related facilities, environmental restoration, and surface water protection and development, including flooding resilience measures for such infrastructure, in Contra Costa County, San Joaquin County, Solano County, Sacramento County, and Yolo County, California.

"(301) SAN JOAQUIN AND STANISLAUS, CALIFORNIA.—$200,000,000 for water and wastewater infrastructure, including stormwater management, and water supply, in San Joaquin County and Stanislaus County, California.

"(302) SANTA ROSA, CALIFORNIA.—$19,400,000 for water and wastewater infrastructure, in the city of Santa Rosa California.

"(303) SIERRA MADRE, CALIFORNIA.—$20,000,000 for water and wastewater infrastructure, and water supply, including earthquake resilience measures for such infrastructure and water supply, in the city of Sierra Madre, California.

"(304) SMITH RIVER, CALIFORNIA.—$25,000,000 for wastewater infrastructure in Howonquet Village and Resort and Tolowa Dee-ni' Nation, Smith River, California.

"(305) SOUTH SAN FRANCISCO, CALIFORNIA.—$270,000,000 for water and wastewater infrastructure, including stormwater management and water recycling, at the San Francisco International Airport, California.

"(306) TEMECULA, CALIFORNIA.—$18,000,000 for environmental infrastructure, in the city of Temecula, California.

"(307) TORRANCE, CALIFORNIA.—$100,000,000 for water and wastewater infrastructure, including groundwater recharge and water supply, in the city of Torrance, California.

"(308) WESTERN CONTRA COSTA COUNTY, CALIFORNIA.—$15,000,000 for wastewater infrastructure in the cities of Pinole, San Pablo, and Richmond, and in El Sobrante, California.

"(309) YOLO COUNTY, CALIFORNIA.—$6,000,000 for environmental infrastructure, in Yolo County, California.

"(310) HEBRON, CONNECTICUT.—$3,700,000 for water and wastewater infrastructure in the town of Hebron, Connecticut.

"(311) NEW LONDON, CONNECTICUT.—$16,000,000 for wastewater infrastructure in the town of Bozrah and the City of Norwich, Connecticut.

"(312) WINDHAM, CONNECTICUT.—$18,000,000 for water and wastewater infrastructure in the town of Windham, Connecticut.

"(313) KENT, DELAWARE.—$35,000,000 for water and wastewater infrastructure, including stormwater management, water storage and treatment systems, and environmental restoration, in Kent County, Delaware.

"(314) NEW CASTLE, DELAWARE.—$35,000,000 for water and wastewater infrastructure, including stormwater management, water storage and treatment systems, and environmental restoration, in New Castle County, Delaware.

"(315) SUSSEX, DELAWARE.—$35,000,000 for water and wastewater infrastructure, including stormwater management, water storage and treatment systems, and environmental restoration, in Sussex County, Delaware.

"(316) WASHINGTON, DISTRICT OF COLUMBIA.—$1,000,000 for water and wastewater infrastructure, including stormwater management, in Washington, District of Columbia.

"(317) LONGBOAT KEY, FLORIDA.—$12,750,000 for water and wastewater infrastructure in the town of Longboat Key, Florida.

"(318) MARTIN, ST. LUCIE, AND PALM BEACH COUNTIES, FLORIDA.—$100,000,000 for water and wastewater infrastructure, including stormwater management, to improve water quality in the St. Lucie River, Indian River Lagoon, and Lake Worth Lagoon in Martin County, St. Lucie County, and Palm Beach County, Florida.

"(319) POLK COUNTY, FLORIDA.—$10,000,000 for wastewater infrastructure, including stormwater management, in Polk County, Florida.

"(320) OKEECHOBEE COUNTY, FLORIDA.—$20,000,000 for wastewater infrastructure in Okeechobee County, Florida.

"(321) ORANGE COUNTY, FLORIDA.—$50,000,000 for water and wastewater infrastructure, including water reclamation and water supply, in Orange County, Florida.

"(322) GEORGIA.—$75,000,000 for environmental infrastructure in Baldwin County, Bartow County, Floyd County, Haralson County, Jones County, Gilmer County, Towns Coun-

ty, Warren County, Lamar County, Lowndes County, Troup County, Madison County, Toombs County, Dade County, Bulloch County, Gordon County, Walker County, Dooly County, Butts County, Clarke County, Crisp County, Newton County, Bibb County, Baker County, Barrow County, Oglethorpe County, Peach County, Brooks County, Carroll County, Worth County, Jenkins County, Wheeler County, Calhoun County, Randolph County, Wilcox County, Stewart County, Telfair County, Clinch County, Hancock County, Ben Hill County, Jeff Davis County, Chattooga County, Lanier County, Brantley County, Charlton County, Tattnall County, Emanuel County, Mitchell County, Turner County, Bacon County, Terrell County, Macon County, Ware County, Bleckley County, Colquitt County, Washington County, Berrien County, Coffee County, Pulaski County, Cook County, Atkinson County, Candler County, Taliaferro County, Evans County, Johnson County, Irwin County, Dodge County, Jefferson County, Appling County, Taylor County, Wayne County, Clayton County, Decatur County, Schley County, Sumter County, Early County, Webster County, Clay County, Upson County, Long County, Twiggs County, Dougherty County, Quitman County, Meriwether County, Stephens County, Wilkinson County, Murray County, Wilkes County, Elbert County, McDuffie County, Heard County, Marion County, Talbot County, Laurens County, Montgomery County, Echols County, Pierce County, Richmond County, Chattahoochee County, Screven County, Habersham County, Lincoln County, Burke County, Liberty County, Tift County, Polk County, Glascock County, Grady County, Jasper County, Banks County, Franklin County, Whitfield County, Treutlen County, Crawford County, and Hart County, Georgia.

"(323) GUAM.—$10,000,000 for water and wastewater infrastructure in Guam.

"(324) STATE OF HAWAII.—$75,000,000 for water and wastewater infrastructure (including urban stormwater conveyance), resource protection and development, water supply, environmental restoration, and surface water protection and development, in the State of Hawaii.

"(325) COUNTY OF HAWAI'I, HAWAII.—$20,000,000 for water and wastewater infrastructure, including stormwater management, in the County of Hawai'i, Hawaii.

"(326) HONOLULU, HAWAII.—$20,000,000 for water and wastewater infrastructure, including stormwater management, in the City and County of Honolulu, Hawaii.

"(327) KAUA'I, HAWAII.—$20,000,000 for water and wastewater infrastructure, including stormwater management, in the County of Kaua'i, Hawaii.

"(328) MAUI, HAWAII.—$20,000,000 for water and wastewater infrastructure, including stormwater management, in the County of Maui, Hawaii.

"(329) DIXMOOR, ILLINOIS.—$15,000,000 for water and water supply infrastructure in the village of Dixmoor, Illinois.

"(330) FOREST PARK, ILLINOIS.—$10,000,000 for wastewater infrastructure, including stormwater management, in the village of Forest Park, Illinois.

"(331) LEMONT, ILLINOIS.—$3,135,000 for water infrastructure in the village of Lemont, Illinois.

"(332) LOCKPORT, ILLINOIS.—$6,550,000 for wastewater infrastructure, including stormwater management, in the city of Lockport, Illinois.

"(333) MONTGOMERY AND CHRISTIAN COUNTIES, ILLINOIS.—$30,000,000 for water and wastewater infrastructure, including water supply, in Montgomery County and Christian County, Illinois.

"(334) WILL COUNTY, ILLINOIS.—$30,000,000 for water and wastewater infrastructure, including stormwater management, in Will County, Illinois.

"(335) ORLEANS PARISH, LOUISIANA.—$100,000,000 for water and wastewater infrastructure in Orleans Parish, Louisiana.

"(336) FITCHBURG, MASSACHUSETTS.—$20,000,000 for water and wastewater infrastructure, including stormwater management (including combined sewer overflows), in the city of Fitchburg, Massachusetts.

"(337) HAVERHILL, MASSACHUSETTS.—$20,000,000 for water and wastewater infrastructure, including stormwater management (including combined sewer overflows), in the city of Haverhill, Massachusetts.

"(338) LAWRENCE, MASSACHUSETTS.—$20,000,000 for water and wastewater infrastructure, including stormwater management (including combined sewer overflows), in the city of Lawrence, Massachusetts.

"(339) LOWELL, MASSACHUSETTS.—$20,000,000 for water and wastewater infrastructure, including stormwater management (including combined sewer overflows), in the city of Lowell, Massachusetts.

"(340) METHUEN, MASSACHUSETTS.—$20,000,000 for water and wastewater infrastructure, including stormwater management (including combined sewer overflows), in the city of Methuen, Massachusetts.

"(341) MARYLAND.—$100,000,000 for water, wastewater, and other environmental infrastructure, Maryland.

"(342) BOONSBORO, MARYLAND.—$5,000,000 for water infrastructure, including water supply, in the town of Boonsboro, Maryland.

"(343) BRUNSWICK, MARYLAND.—$15,000,000 for water and wastewater infrastructure in the city of Brunswick, Maryland.

"(344) CASCADE CHARTER TOWNSHIP, MICHIGAN.—$7,200,000 for water and wastewater infrastructure in Cascade Charter Township, Michigan.

"(345) MACOMB COUNTY, MICHIGAN.—$40,000,000 for wastewater infrastructure, including stormwater management, in Macomb County, Michigan.

"(346) NORTHFIELD, MINNESOTA.—$33,450,000 for water and wastewater infrastructure in the city of Northfield, Minnesota.

"(347) CENTERTOWN, MISSOURI.—$15,900,000 for water and wastewater infrastructure in the village of Centertown, Missouri.

"(348) CITY OF ST. LOUIS, MISSOURI.—$45,000,000 for water and wastewater infrastructure in the city of St. Louis, Missouri.

"(349) ST. LOUIS COUNTY, MISSOURI.—$45,000,000 for water and wastewater infrastructure in St. Louis County, Missouri.

"(350) CLINTON, MISSISSIPPI.—$13,600,000 for environmental infrastructure, including water and wastewater infrastructure (including stormwater management), drainage systems, and water quality enhancement, in the city of Clinton, Mississippi.

"(351) MADISON COUNTY, MISSISSIPPI.—$10,000,000 for environmental infrastructure, including water and wastewater infrastructure (including stormwater management), drainage systems, and water quality enhancement, in Madison County, Mississippi.

"(352) MERIDIAN, MISSISSIPPI.—$10,000,000 for environmental infrastructure, including water and wastewater infrastructure (including stormwater management), drainage systems, and water quality enhancement, in the city of Meridian, Mississippi.

"(353) OXFORD, MISSISSIPPI.—$10,000,000 for environmental infrastructure, including water and wastewater infrastructure (including stormwater management), drainage systems, and water quality enhancement, in the City of Oxford, Mississippi.

"(354) RANKIN COUNTY, MISSISSIPPI.—$10,000,000 for environmental infrastructure, including water and wastewater infrastructure (including stormwater management), drainage systems, and water quality enhancement, in Rankin County, Mississippi.

"(355) MANCHESTER, NEW HAMPSHIRE.—$20,000,000 for water and wastewater infrastructure, including stormwater management (including combined sewer overflows), in the city of Manchester, New Hampshire.

"(356) BAYONNE, NEW JERSEY.—$825,000 for wastewater infrastructure, including stormwater management (including combined sewer overflows), in the city of Bayonne, New Jersey.

"(357) CAMDEN, NEW JERSEY.—$119,000,000 for wastewater infrastructure, including stormwater management, in the city of Camden, New Jersey.

"(358) ESSEX AND SUSSEX COUNTIES, NEW JERSEY.—$60,000,000 for water and wastewater infrastructure, including water supply, in Essex County and Sussex County, New Jersey.

"(359) FLEMINGTON, NEW JERSEY.—$4,500,000 for water and wastewater infrastructure, including water supply, in the Borough of Flemington, New Jersey.

"(360) JEFFERSON, NEW JERSEY.—$90,000,000 for wastewater infrastructure, including stormwater management, in Jefferson Township, New Jersey.

"(361) KEARNY, NEW JERSEY.—$69,900,000 for wastewater infrastructure, including stormwater management (including combined sewer overflows), in the town of Kearny, New Jersey.

"(362) LONG HILL, NEW JERSEY.—$7,500,000 for wastewater infrastructure, including stormwater management, in Long Hill Township, New Jersey.

"(363) MORRIS COUNTY, NEW JERSEY.—$30,000,000 for water and wastewater infrastructure in Morris County, New Jersey.

"(364) PASSAIC, NEW JERSEY.—$1,000,000 for wastewater infrastructure, including stormwater management, in Passaic County, New Jersey.

"(365) PHILLIPSBURG, NEW JERSEY.—$2,600,000 for wastewater infrastructure, including stormwater management, in the town of Phillipsburg, New Jersey.

"(366) RAHWAY, NEW JERSEY.—$3,250,000 for water and wastewater infrastructure in the city of Rahway, New Jersey.

"(367) ROSELLE, NEW JERSEY.—$5,000,000 for wastewater infrastructure, including stormwater management, in the Borough of Roselle, New Jersey.

"(368) SOUTH ORANGE VILLAGE, NEW JERSEY.—$7,500,000 for water infrastructure, including water supply, in the Township of South Orange Village, New Jersey.

"(369) SUMMIT, NEW JERSEY.—$1,000,000 for wastewater infrastructure, including stormwater management, in the city of Summit, New Jersey.

"(370) WARREN, NEW JERSEY.—$4,550,000 for wastewater infrastructure, including stormwater management, in Warren Township, New Jersey.

"(371) ESPAÑOLA, NEW MEXICO.—$21,995,000 for water and wastewater infrastructure in the city of Española, New Mexico.

"(372) FARMINGTON, NEW MEXICO.—$15,500,000 for water infrastructure, including water supply, in the city of Farmington, New Mexico.

"(373) MORA COUNTY, NEW MEXICO.—$2,874,000 for wastewater infrastructure in Mora County, New Mexico.

"(374) SANTA FE, NEW MEXICO.—$20,700,000 for water and wastewater infrastructure, including water reclamation, in the city of Santa Fe, New Mexico.

"(375) CLARKSTOWN, NEW YORK.—$14,600,000 for wastewater infrastructure, including stormwater management, in the town of Clarkstown, New York.

"(376) GENESEE, NEW YORK.—$85,000,000 for water and wastewater infrastructure, including stormwater management and water supply, in Genesee County, New York.

"(377) QUEENS, NEW YORK.—$119,200,000 for water and wastewater infrastructure, including stormwater management (including combined sewer overflows), in Queens, New York.

"(378) YORKTOWN, NEW YORK.—$40,000,000 for wastewater infrastructure, including stormwater management, in the town of Yorktown, New York.

"(379) BRUNSWICK, OHIO.—$4,510,000 for wastewater infrastructure, including stormwater management, in the city of Brunswick, Ohio.

"(380) BROOKINGS, OREGON.—$2,000,000 for wastewater infrastructure in the City of Brookings and the Port of Brookings Harbor, Oregon.

"(381) MONROE, OREGON.—$6,000,000 for water and wastewater infrastructure in the city of Monroe, Oregon.

"(382) NEWPORT, OREGON.—$60,000,000 for water and wastewater infrastructure, including water supply and water storage, in the city of Newport, Oregon.

"(383) LANE COUNTY, OREGON.—$25,000,000 for water and wastewater infrastructure, including water supply and storage, distribution, and treatment systems, in Lane County, Oregon.

"(384) PALMYRA, PENNSYLVANIA.—$36,300,000 for wastewater infrastructure in Palmyra Township, Pennsylvania.

"(385) PIKE COUNTY, PENNSYLVANIA.—$10,000,000 for water and stormwater management infrastructure, including water supply, in Pike County, Pennsylvania.

"(386) PITTSBURGH, PENNSYLVANIA.—$20,000,000 for wastewater infrastructure, including stormwater management, in the city of Pittsburgh, Pennsylvania.

"(387) POCONO, PENNSYLVANIA.—$22,000,000 for water and wastewater infrastructure in Pocono Township, Pennsylvania.

"(388) WESTFALL, PENNSYLVANIA.—$16,880,000 for wastewater infrastructure in Westfall Township, Pennsylvania.

"(389) WHITEHALL, PENNSYLVANIA.—$6,000,000 for stormwater management infrastructure in Whitehall Township and South Whitehall Township, Pennsylvania.

"(390) BEAUFORT, SOUTH CAROLINA.—$7,462,000 for stormwater management infrastructure in Beaufort County, South Carolina.

"(391) CHARLESTON, SOUTH CAROLINA.—$25,583,000 for wastewater infrastructure, including stormwater management, in the city of Charleston, South Carolina.

"(392) HORRY COUNTY, SOUTH CAROLINA.—$19,000,000 for environmental infrastructure, including ocean outfalls, in Horry County, South Carolina.

"(393) MOUNT PLEASANT, SOUTH CAROLINA.—$7,822,000 for wastewater infrastructure, including stormwater management, in the town of Mount Pleasant, South Carolina.

"(394) PORTLAND, TENNESSEE.—$1,850,000 for water and wastewater infrastructure, including water supply, in the city of Portland, Tennessee.

"(395) SMITH COUNTY, TENNESSEE.—$19,500,000 for wastewater infrastructure, including stormwater management, in Smith County, Tennessee.

"(396) TROUSDALE, MACON, AND SUMNER COUNTIES, TENNESSEE.—$178,000,000 for water and wastewater infrastructure in Trousdale County, Macon County, and Sumner County, Tennessee.

"(397) UNITED STATES VIRGIN ISLANDS.—$1,584,000 for wastewater infrastructure in the United States Virgin Islands.

"(398) BONNEY LAKE, WASHINGTON.—$3,000,000 for water and wastewater infrastructure in the city of Bonney Lake, Washington.

"(399) BURIEN, WASHINGTON.—$5,000,000 for stormwater management infrastructure in the city of Burien, Washington.

"(400) ELLENSBURG, WASHINGTON.—$3,000,000 for wastewater infrastructure, including stormwater management, in the city of Ellensburg, Washington.

"(401) NORTH BEND, WASHINGTON.—$30,000,000 for wastewater infrastructure, including stormwater management, in the city of North Bend, Washington.

"(402) PORT ANGELES, WASHINGTON.—$7,500,000 for wastewater infrastructure, including stormwater management, in the City and Port of Port Angeles, Washington.

"(403) SNOHOMISH COUNTY, WASHINGTON.—$56,000,000 for water and wastewater infrastructure, including water supply, in Snohomish County, Washington.

"(404) WESTERN WASHINGTON STATE.—$200,000,000 for water and wastewater infrastructure, including stormwater management, water supply, and conservation, in Chelan County, King County, Kittitas County, Pierce County, Snohomish County, Skagit County, and Whatcom County, Washington.

"(405) MILWAUKEE, WISCONSIN.—$4,500,000 for water and wastewater infrastructure, including stormwater management (including combined sewer overflows), and resource protection and development, in the Milwaukee metropolitan area, Wisconsin.".

(b) PROJECT MODIFICATIONS.—

(1) CONSISTENCY WITH REPORTS.—Congress finds that the project modifications described in this subsection are in accordance with the reports submitted to Congress by the Secretary under section 7001 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282d), titled "Report to Congress on Future Water Resources Development", or have otherwise been reviewed by Congress.

(2) MODIFICATIONS.—

(A) CALAVERAS COUNTY, CALIFORNIA.—Section 219(f)(86) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1259) is amended by striking "$3,000,000" and inserting "$13,280,000".

(B) SACRAMENTO AREA, CALIFORNIA.—Section 219(f)(23) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 336; 117 Stat. 1840; 134 Stat. 2718) is amended by striking "Suburban".

(C) LOS ANGELES COUNTY, CALIFORNIA.—Section 219(f) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 117 Stat. 1840; 121 Stat. 1259) is amended by striking paragraph (93) and inserting the following:

"(93) LOS ANGELES COUNTY, CALIFORNIA.—$103,000,000 for water and wastewater infrastructure, including stormwater management, Diamond Bar, La Habra Heights, Dominguez Channel, Santa Clarity Valley, and Rowland Heights, Los Angeles County, California.".

(D) BOULDER COUNTY, COLORADO.—Section 219(f)(109) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 114 Stat. 2763A-220) is amended by striking "$10,000,000 for water supply infrastructure" and inserting "$20,000,000 for water and wastewater infra-

structure, including stormwater management and water supply".

(E) CHARLOTTE COUNTY, FLORIDA.—Section 219(f)(121) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 336; 121 Stat. 1261) is amended by striking "$3,000,000 for" and inserting "$33,000,000 for wastewater and".

(F) MIAMI-DADE COUNTY, FLORIDA.—Section 219(f)(128) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 336; 121 Stat. 1261) is amended by striking "$6,250,000 for" and inserting "$190,250,000 for wastewater infrastructure, including".

(G) ALBANY, GEORGIA.—Section 219(f)(130) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 336; 121 Stat. 1261) is amended by striking "$4,000,000 for a storm drainage system," and inserting "$109,000,000 for wastewater infrastructure, including stormwater management (including combined sewer overflows),".

(H) ATLANTA, GEORGIA.—Section 219(e)(5) of the Water Resources Development Act of 1992 (106 Stat. 4835; 110 Stat. 3757; 113 Stat. 334) is amended by striking "$25,000,000" and inserting "$75,000,000".

(I) EAST POINT, GEORGIA.—Section 219(f)(136) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 336; 121 Stat. 1261) is amended by striking "$5,000,000 for" and inserting "$15,000,000 for stormwater management and other".

(J) COOK COUNTY AND LAKE COUNTY, ILLINOIS.—Section 219(f)(54) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 336; 114 Stat. 2763A-220) is amended—

(i) in the paragraph heading, by striking "Cook county" and inserting "Cook county and lake county";

(ii) by striking "$35,000,000 for" and inserting "$100,000,000 for wastewater infrastructure, including stormwater management, and other"; and

(iii) by inserting "and Lake County" after "Cook County".

(K) MADISON AND ST. CLAIR COUNTIES, ILLINOIS.—Section 219(f)(55) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 114 Stat. 2763A-221; 134 Stat. 2718) is amended by striking "$45,000,000" and inserting "$100,000,000".

(L) CALUMET REGION, INDIANA.—Section 219(f)(12)(A) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 336; 117 Stat. 1843; 121 Stat. 1225) is amended by striking "$100,000,000" and inserting "$125,000,000".

(M) BATON ROUGE, LOUISIANA.—Section 219(f)(21) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 336; 114 Stat. 2763A-220; 121 Stat. 1226) is amended by striking "$35,000,000" and inserting "$90,000,000".

(N) SOUTH CENTRAL PLANNING AND DEVELOPMENT COMMISSION, LOUISIANA.—Section 219(f)(153) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 336; 121 Stat. 1262) is amended by striking "$2,500,000" and inserting "$12,500,000".

(O) ST. CHARLES, ST. BERNARD, PLAQUEMINES, ST. JOHN THE BAPTIST, ST. JAMES, AND ASSUMPTION PARISHES, LOUISIANA.—

(i) ST. CHARLES, ST. BERNARD, AND PLAQUEMINES PARISHES, LOUISIANA.—Section 219(c)(33) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 114 Stat. 2763A-219) is amended by striking "Water and wastewater infrastructure" and inserting "Water supply and wastewater infrastructure, including stormwater management".

(ii) ST. JOHN THE BAPTIST, ST. JAMES, AND ASSUMPTION PARISHES, LOUISIANA.—Section 219(c)(34) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 114 Stat. 2763A-219) is amended—

(I) in the paragraph heading, by striking "baptist and st. james" and inserting "baptist, st. james, and assumption"; and

(II) by striking "Baptist and St. James" and inserting "Baptist, St. James, and Assumption".

(iii) AUTHORIZATION OF APPROPRIATIONS FOR CONSTRUCTION ASSISTANCE.—Section 219(e) of the Water Resources Development Act of 1992 (106 Stat. 4835; 110 Stat. 3757; 113 Stat. 334; 121 Stat. 1192) is amended—

(I) by striking the "and" at the end of paragraph (16);

(II) by striking the period at the end of paragraph (17) and inserting a semicolon; and

(III) by adding at the end the following:

"(18) $70,000,000 for the project described in subsection (c)(33); and

"(19) $36,000,000 for the project described in subsection (c)(34).".

(P) MICHIGAN COMBINED SEWER OVERFLOWS.—Section 219(f)(157) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 336; 121 Stat. 1262) is amended—

(i) by striking "$35,000,000 for" and inserting the following:

"(A) IN GENERAL.—$85,000,000 for"; and

(ii) by adding at the end the following:

"(B) ADDITIONAL PROJECTS.—Amounts made available under subparagraph (A) may be used for design and construction projects for water-related environmental infrastructure and resource protection and development projects in Michigan, including for projects for wastewater treatment and related facilities, water supply and related

facilities, environmental restoration, and surface water resource protection and development.".

(Q) JACKSON, MISSISSIPPI.—Section 219(f)(167) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 336; 121 Stat. 1263) is amended by striking "$25,000,000 for water and wastewater infrastructure" and inserting "$125,000,000 for water and wastewater infrastructure, including resilience activities for such infrastructure".

(R) ALLEGHENY COUNTY, PENNSYLVANIA.—Section 219(f)(66)(A) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 336; 114 Stat. 2763A-221; 121 Stat. 1240) is amended by striking "$20,000,000 for" and inserting "$30,000,000 for wastewater infrastructure, including stormwater management, and other".

(S) LAKES MARION AND MOULTRIE, SOUTH CAROLINA.—Section 219(f)(25) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 336; 114 Stat. 2763A-220; 117 Stat. 1838; 130 Stat. 1677; 132 Stat. 3818; 134 Stat. 2719) is amended by striking "$110,000,000" and inserting "$165,000,000".

(T) MYRTLE BEACH AND VICINITY, SOUTH CAROLINA.—Section 219(f) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1267) is amended by striking paragraph (250) and inserting the following:

"(250) MYRTLE BEACH AND VICINITY, SOUTH CAROLINA.—$31,000,000 for environmental infrastructure, including ocean outfalls, Myrtle Beach and vicinity, South Carolina.".

(U) NORTH MYRTLE BEACH AND VICINITY, SOUTH CAROLINA.—Section 219(f) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1267) is amended by striking paragraph (251) and inserting the following:

"(251) NORTH MYRTLE BEACH AND VICINITY, SOUTH CAROLINA.—$74,000,000 for environmental infrastructure, including ocean outfalls, North Myrtle Beach and vicinity, South Carolina.".

(V) EASTERN SHORE AND SOUTHWEST VIRGINIA.—Section 219(f)(10)(A) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 335; 121 Stat. 1255) is amended—

(i) by striking "$20,000,000" and inserting "$52,000,000"; and

(ii) by striking "Accomac" and inserting "Accomack".

(W) NORTHERN WEST VIRGINIA.—Section 219(f)(272) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1268) is amended—

(i) by striking "$20,000,000 for water and wastewater" and inserting the following:

"(A) IN GENERAL.—$20,000,000 for water and wastewater"; and

(ii) by adding at the end the following:

"(B) LOCAL COOPERATION AGREEMENTS.—Notwithstanding subsection (a), at the request of a non-Federal interest for a project or a separable element of a project that receives assistance under this paragraph, the Secretary may enter into an agreement developed in accordance with section 571(e) of the Water Resources Development Act of 1999 (113 Stat. 371) forthe project or separable element.".

(3) EFFECT ON AUTHORIZATION.—Notwithstanding the operation of section 6001(e) of the Water Resources Reform and Development Act of 2014 (as in effect on the day before the date of enactment of the Water Resources Development Act of 2016), any project included on a list published by the Secretary pursuant to such section the authorization for which is amended by this subsection remains authorized to be carried out by the Secretary.

SEC. 8376. ADDITIONAL ASSISTANCE FOR CRITICAL PROJECTS.

(a) CONSISTENCY WITH REPORTS.—Congress finds that the project modifications described in this section are in accordance with the reports submitted to Congress by the Secretary under section 7001 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282d), titled "Report to Congress on Future Water Resources Development", or have otherwise been reviewed by Congress.

(b) PROJECTS.—

(1) CHESAPEAKE BAY.—Section 510 of the Water Resources Development Act of 1996 (110 Stat. 3759; 121 Stat. 1202; 128 Stat. 1317; 134 Stat. 3704) is amended—

(A) in subsection (a)(2)—

(i) by inserting "infrastructure and" before "resource protection";

(ii) in subparagraph (B), by inserting "and streambanks" after "shorelines";

(iii) by redesignating subparagraphs (E) and (F) as subparagraphs (H) and (I), respectively; and

(iv) by inserting after subparagraph (D) the following:

"(E) wastewater treatment and related facilities;

"(F) water supply and related facilities;

"(G) stormwater and drainage systems;"; and

(B) in subsection (c)(2)(A), by inserting "facilities or" before "a resource protection and restoration plan".

(2) FLORIDA KEYS WATER QUALITY IMPROVEMENTS, FLORIDA.—Section 109(f) of title I of division B of the Miscellaneous Appropriations Act, 2001 (Public Law 106-554, appendix D, 114 Stat. 2763A-222 (as enacted by section 1(a)(4) of the Consolidated Appropriations Act, 2001 (114 Stat. 2763)); 121 Stat. 1217) is amended by striking "$100,000,000" and inserting "$200,000,000".

(3) NORTHEASTERN MINNESOTA.—Section 569(h) of the Water Resources Development Act of 1999 (113 Stat. 368; 121 Stat. 1232) is amended by striking "$54,000,000" and inserting "$80,000,000".

(4) MISSISSIPPI.—Section 592 of the Water Resources Development Act of 1999 (113 Stat. 379; 117 Stat. 1837; 121 Stat. 1233; 123 Stat. 2851) is amended—

(A) in subsection (b), by striking "and surface water resource protection and development" and inserting "surface water resource protection and development, stormwater management, drainage systems, and water quality enhancement"; and

(B) in subsection (g), by striking "$200,000,000" and inserting "$300,000,000".

(5) LAKE TAHOE BASIN RESTORATION, NEVADA AND CALIFORNIA.—Section 108(g) of division C of the Consolidated Appropriations Act, 2005 (Public Law 108-447; 118 Stat. 2942) is amended by striking "$25,000,000" and inserting "$50,000,000".

(6) CENTRAL NEW MEXICO.—Section 593 of the Water Resources Development Act of 1999 (113 Stat. 380; 119 Stat. 2255) is amended—

(A) in subsection (a), by inserting "Colfax," before "Sandoval";

(B) in subsection (c), by inserting "water reuse," after "conservation,"; and

(C) in subsection (h), by striking "$50,000,000" and inserting "$100,000,000".

(7) NEW YORK CITY WATERSHED.—Section 552(a)(2) of the Water Resources Development Act of 1996 (110 Stat. 3780) is amended—

(A) by striking "design and construction assistance" and inserting "design, repair, replacement, and construction assistance"; and

(B) by striking "treatment, and distribution facilities" and inserting "treatment, stormwater management, and water distribution facilities".

(8) OHIO AND NORTH DAKOTA.—Section 594 of the Water Resources Development Act of 1999 (113 Stat. 381; 119 Stat. 2261; 121 Stat. 1140; 121 Stat. 1944) is amended—

(A) in subsection (h), by striking "$240,000,000" and inserting "$250,000,000"; and

(B) by adding at the end the following:

"(i) AUTHORIZATION OF ADDITIONAL APPROPRIATIONS.—In addition to amounts authorized under subsection (h), there is authorized to be appropriated to carry out this section $100,000,000, to be divided between the States referred to in subsection (a).".

(9) SOUTHEASTERN PENNSYLVANIA.—Section 566 of the Water Resources Development Act of 1996 (110 Stat. 3786; 113 Stat. 352) is amended—

(A) by striking the section heading and inserting "southeastern pennsylvania and lower delaware river basin.";

(B) in subsection (a), by inserting "and the Lower Delaware River Basin" after "southeastern Pennsylvania";

(C) in subsection (b), by striking "southeastern Pennsylvania, including projects for waste water treatment and

related facilities," and inserting "southeastern Pennsylvania and the Lower Delaware River Basin, including projects for wastewater treatment and related facilities (including sewer overflow infrastructure improvements and other stormwater management),";

(D) by amending subsection (g) to read as follows:

"(g) AREAS DEFINED.—In this section:

"(1) LOWER DELAWARE RIVER BASIN.—The term 'Lower Delaware River Basin' means the Schuylkill Valley, Upper Estuary, Lower Estuary, and Delaware Bay subwatersheds of the Delaware River Basin in the Commonwealth of Pennsylvania and the States of New Jersey and Delaware.

"(2) SOUTHEASTERN PENNSYLVANIA.—The term 'southeastern Pennsylvania' means Philadelphia, Bucks, Chester, Delaware, and Montgomery Counties, Pennsylvania."; and

(E) in subsection (h), by striking "to carry out this section $25,000,000" and inserting "$50,000,000 to provide assistance under this section to non-Federal interests in southeastern Pennsylvania, and $20,000,000 to provide assistance under this section to non-Federal interests in the Lower Delaware River Basin".

(10) SOUTH CENTRAL PENNSYLVANIA.—Section 313(g)(1) of the Water Resources Development Act of 1992 (106 Stat. 4845; 109 Stat. 407; 110 Stat. 3723; 113 Stat. 310; 117 Stat. 142; 121 Stat. 1146; 134 Stat. 2719) is amended by striking "$400,000,000" and inserting "$410,000,000".

(11) TEXAS.—Section 5138 of the Water Resources Development Act of 2007 (121 Stat. 1250) is amended—

(A) in subsection (b), by striking ", as identified by the Texas Water Development Board";

(B) in subsection (e)(3), by inserting "and construction" after "design work";

(C) by redesignating subsection (g) as subsection (i);

(D) by inserting after subsection (f) the following:

"(g) NONPROFIT ENTITIES.—In this section, the term non-Federal interest has the meaning given such term in section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b(b)).

"(h) CORPS OF ENGINEERS EXPENSES.—Not more than 10 percent of the amounts made available to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at Federal expense."; and

(E) in subsection (i) (as redesignated), by striking "$40,000,000" and inserting "$80,000,000".

(12) LAKE CHAMPLAIN, VERMONT AND NEW YORK.—Section 542 of the Water Resources Development Act of 2000 (114 Stat. 2671; 121 Stat. 1150; 134 Stat. 2652) is amended—

(A) in subsection (b)(2)(C), by striking "planning" and inserting "clean water infrastructure planning, design, and construction"; and

(B) in subsection (g), by striking "$32,000,000" and inserting "$100,000,000".

(13) WESTERN RURAL WATER.—Section 595 of the Water Resources Development Act of 1999 (113 Stat. 383; 117 Stat. 139; 117 Stat. 142; 117 Stat. 1836; 118 Stat. 440; 121 Stat.

1219; 123 Stat. 2851; 128 Stat. 1316; 130 Stat. 1681; 134 Stat. 2719) is amended—

(A) in subsection (i)(1), by striking "$435,000,000" and inserting "$800,000,000"; and

(B) in subsection (i)(2), by striking "$150,000,000" and inserting "$200,000,000".

(c) EFFECT ON AUTHORIZATION.—Notwithstanding the operation of section 6001(e) of the Water Resources Reform and Development Act of 2014 (as in effect on the day before the date of enactment of the Water Resources Development Act of 2016), any project included on a list published by the Secretary pursuant to such section the authorization for which is amended by this section remains authorized to be carried out by the Secretary.

SEC. 8377. CONVEYANCES.

(a) GENERALLY APPLICABLE PROVISIONS.—

(1) SURVEY TO OBTAIN LEGAL DESCRIPTION.—The exact acreage and the legal description of any real property to be conveyed under this section shall be determined by a survey that is satisfactory to the Secretary.

(2) APPLICABILITY OF PROPERTY SCREENING PROVISIONS.—Section 2696 of title 10, United States Code, shall not apply to any conveyance under this section.

(3) COSTS OF CONVEYANCE.—An entity to which a conveyance is made under this section shall be responsible for all reasonable and necessary costs, including real estate transaction and environmental documentation costs, associated with the conveyance.

(4) LIABILITY.—An entity to which a conveyance is made under this section shall hold the United States harmless from any liability with respect to activities carried out, on or after the date of the conveyance, on the real property conveyed. The United States shall remain responsible for any liability with respect to activities carried out, before such date, on the real property conveyed.

(5) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require that any conveyance under this section be subject to such additional terms and conditions as the Secretary considers necessary and appropriate to protect the interests of the United States.

(b) CITY OF LEWES, DELAWARE.—

(1) CONVEYANCE AUTHORIZED.—The Secretary is authorized to convey, without consideration, to the City of Lewes, Delaware, all right, title, and interest of the United States in and to the real property described in paragraph (2), for the purpose of housing a new municipal campus for Lewes City Hall, a police station, and a board of public works.

(2) PROPERTY.—The property to be conveyed under this subsection is the approximately 5.26 acres of land, including improvements on that land, located at 1137 Savannah Road, Lewes, Delaware.

(3) REVERSION.—

(A) IN GENERAL.—If the Secretary determines at any time that the property conveyed under paragraph (1) is not

being used in accordance with the purpose specified in such paragraph, all right, title, and interest in and to the property shall revert, at the discretion of the Secretary, to the United States.

(B) DETERMINATION.—A determination by the Secretary under subparagraph (A) shall be made on the record after an opportunity for a hearing.

(c) ARMY RESERVE FACILITY, BELLEVILLE, ILLINOIS.—

(1) CONVEYANCE AUTHORIZED.—The Secretary shall convey to the city of Belleville, Illinois, without consideration, all right, title, and interest of the United States in and to the real property described in paragraph (2).

(2) PROPERTY.—The property to be conveyed under this subsection is the approximately 5.2 acres of land, including improvements on that land, located at 500 South Belt East in Belleville, Illinois.

(3) DEED.—The Secretary shall convey the property under this subsection by quitclaim deed under such terms and conditions as the Secretary determines appropriate to protect the interests of the United States.

(4) REVERSION.—If the Secretary determines that the property conveyed under this subsection is not used for a public purpose, all right, title, and interest in and to the property shall revert, at the discretion of the Secretary, to the United States.

(d) LAKE BARKLEY, KENTUCKY.—

(1) IN GENERAL.—The Secretary is authorized to convey to the Eddyville Riverport and Industrial Development Authority all right, title, and interest of the United States in and to the approximately 3.3 acres of land in Lyon County, Kentucky, including the land identified as Tract 1216-2 and a portion of the land identified as Tract 112-2, adjacent to the southwestern boundary of the port facilities of the Authority at the Barkley Dam and Lake Barkley project, Kentucky, authorized by the first section of the Act of July 24, 1946 (chapter 595, 60 Stat. 636).

(2) RESERVATION OF RIGHTS.—The Secretary shall reserve and retain from the conveyance under this subsection such easements, rights-of-way, and other interests that the Secretary determines to be necessary and appropriate to ensure the continued operation of the project described in paragraph (1).

(3) DEED.—The Secretary shall convey the property under this subsection by quitclaim deed under such terms and conditions as the Secretary determines appropriate to protect the interests of the United States.

(4) CONSIDERATION.—The Eddyville Riverport and Industrial Development Authority shall pay to the Secretary an amount that is not less than the fair market value of the property conveyed under this subsection, as determined by the Secretary.

(e) SARDIS LAKE, PANOLA COUNTY, MISSISSIPPI.—

(1) CONVEYANCE AUTHORIZED.—The Secretary is authorized to convey to the City of Sardis, Mississippi, all right, title,

and interest of the United States in and to the real property described in paragraph (2).

(2) PROPERTY.—The property to be conveyed is the approximately 1,064 acres of lying in the eastern half of Sections 12 and 13, T 8 S, R 6 W and the western half of Section 18 and the western half of Section 7, T 8 S, R 5 W, in Panola County, Mississippi, and being more particularly described as follows: Begin at the southeast corner of said Section 13, run thence from said point of beginning, along the south line of said Section 13, run westerly, 2,723 feet; thence run N 27°39'53" W, for 1,898 feet; thence run north 2,434 feet; thence run east, 1,006 feet, more or less, to a point on the easterly edge of Mississippi State Highway No. 315; thence run along said easterly edge of highway, northerly, for 633 feet; thence leaving said easterly edge of highway, run N 62°00' E, for 200 feet; thence N 07°00' E, for 1,350 feet; thence N 07°00' W, for 800 feet; thence N 37°30'W for 800 feet; thence N 10°00' W for 350 feet; thence N 11°00' E, for 350 feet; thence N 43°30' E for 250 feet; thence N 88°00' E for 200 feet; thence S 64°00' E for 350 feet; thence S 25°30' E, for 650 feet, more or less, to the intersection of the east line of the western half of the eastern half of the northwest quarter of the southeast quarter of the aforesaid Section 12, T 8 S, R 6 W and the 235-foot contour; thence run along said 235-foot contour, 6,392 feet; thence leaving said 235-foot contour, southerly 1,762 feet, more or less, to a point on the south line of Section 7; thence S 00°28'49" E, 2,664.97 feet, more or less, to a point on the south line of the northwest quarter of said Section 18; thence along said south line, easterly for 100 feet, more or less to the northwest corner of the southwest quarter of said Section 18; thence leaving said south line of said northwest quarter, along the east line of said southwest quarter, S 00°06'20" E, run 2,280 feet, more or less, to the southerly edge of an existing power line right-of-way; thence leaving said east line of said southwest quarter, along said southerly edge of said power line right-of-way, northwesterly, 300 feet, more or less, to the easterly edge of the existing 4-H Club Road; thence leaving said southerly edge of said power line right-of-way, along said easterly edge of said road, southeasterly, 420 feet, more or less, to the south line of said southwest quarter; thence leaving said easterly edge of said road, along said south line of southwest quarter, westerly, 2,635 feet, more or less, to the point of beginning, LESS AND EXCEPT the following prescribed parcel: Beginning at a point N 00°45'48" W, 302.15 feet and west, 130.14 feet from the southeast corner of said Section 13, T 8 S, R 6 W, and running thence S 04°35'58" W, 200.00 feet to a point on the north side of a road; running thence with the north side of said road, N 83°51' W, for 64.84 feet; thence N 72°26'44" W, 59.48 feet; thence N 60°31'37" W, 61.71 feet; thence N 63°35'08" W, 51.07 feet; thence N 06°47'17" W, 142.81 feet to a point; running thence S 85°24'02" E, 254.37 feet to the point of beginning, containing 1.00 acre, more or less.

(3) RESERVATION OF RIGHTS.—

(A) IN GENERAL.—The Secretary shall reserve and retain from the conveyance under this subsection such easements, rights-of-way, and other interests that the Secretary determines to be necessary and appropriate to ensure the continued operation of the Sardis Lake project, authorized by section 6 of the Act of May 15, 1928 (chapter 569, 45 Stat. 536).

(B) FLOODING; LIABILITY.—In addition to any easements, rights-of-way, and other interests reserved and retained under subparagraph (A), the Secretary—

(i) shall retain the right to flood land for downstream flood control purposes on—

(I) the land located east of Blackjack Road and below 301.0 feet above sea level; and

(II) the land located west of Blackjack Road and below 224.0 feet above sea level; and

(ii) shall not be liable for any reasonable damage resulting from any flooding of land pursuant to clause (i).

(4) DEED.—The Secretary shall—

(A) convey the property under this section by quitclaim deed under such terms and conditions as the Secretary determines appropriate to protect the interests of the United States; and

(B) ensure that such deed includes a permanent restriction that all future building of above-ground structures on the land conveyed under this subsection shall be restricted to areas lying at or above 301.0 feet above sea level.

(5) CONSIDERATION.—The City of Sardis, Mississippi, shall pay to the Secretary an amount that is not less than the fair market value of the property conveyed under this subsection, as determined by the Secretary.

(6) NOTICE AND REPORTING.—After conveying property under this subsection, the Secretary shall submit to the City of Sardis, Mississippi—

(A) weekly reports describing—

(i) the water level of Sardis Lake, as in effect on the date of submission of the report;

(ii) any applicable forecasts of that water level; and

(iii) any other information that may affect land conveyed under this subsection; and

(B) a timely notice of any anticipated flooding of a portion of the land conveyed under this subsection.

(f) ROGERS COUNTY, OKLAHOMA.—

(1) CONVEYANCE AUTHORIZED.—The Secretary is authorized to convey to the City of Tulsa-Rogers County Port Authority, all right, title, and interest of the United States in and to the real property described in paragraph (2).

(2) PROPERTY.—The property to be conveyed under this subsection is the approximately 176 acres of Federal land located on the following 3 parcels in Rogers County, Oklahoma:

(A) Parcel 1 consists of U.S. tract 119 (partial), U.S. tract 123, U.S. tract 120, U.S. tract 125, and U.S. tract 118 (partial).

(B) Parcel 2 consists of U.S. tract 124 (partial) and U.S. tract 128 (partial).

(C) Parcel 3 consists of U.S. tract 128 (partial).

(3) RESERVATION OF RIGHTS.—The Secretary shall reserve and retain from any conveyance under this subsection such easements, rights-of-way, and other interests that the Secretary determines to be necessary and appropriate to ensure the continued operation of the McClellan-Kerr Arkansas River navigation project (including Newt Graham Lock and Dam 18) authorized under the comprehensive plan for the Arkansas River Basin by the Act of June 28, 1938 (chapter 795, 52 Stat. 1218; 60 Stat. 634; 60 Stat. 647; 101 Stat. 1329-112; 117 Stat. 1842).

(4) DEED.—The Secretary shall convey the property under this subsection by quitclaim deed under such terms and conditions as the Secretary determines appropriate to protect the interests of the United States.

(5) CONSIDERATION.—The City of Tulsa-Rogers County Port Authority shall pay to the Secretary an amount that is not less than the fair market value of the property conveyed under this subsection, as determined by the Secretary.

(6) OBSTRUCTIONS TO NAVIGABLE CAPACITY.—A conveyance under this subsection shall not affect the jurisdiction of the Secretary under section 10 of the Act of March 3, 1899 (33 U.S.C. 403) with respect to the property conveyed.

(g) REGIONAL CORPS OF ENGINEERS OFFICE, CORPUS CHRISTI, TEXAS.—

(1) CONVEYANCE AUTHORIZED.—At such time as new facilities are available to be used as the office for the Galveston District of the Corps of Engineers, the Secretary shall convey to the Port of Corpus Christi, all right, title, and interest of the United States in and to the property described in paragraph (2).

(2) DESCRIPTION OF PROPERTY.—The property referred to in paragraph (1) is the land known as Tract 100 and Tract 101, including improvements on that land, in Corpus Christi, Texas, and described as follows:

(A) TRACT 100.—The 1.89 acres, more or less, as conveyed by the Nueces County Navigation District No. 1 of Nueces County, Texas, to the United States by instrument dated October 16, 1928, and recorded at Volume 193, pages 1 and 2, in the Deed Records of Nueces County, Texas.

(B) TRACT 101.—The 0.53 acres as conveyed by the City of Corpus Christi, Nueces County, Texas, to the United States by instrument dated September 24, 1971, and recorded at Volume 318, pages 523 and 524, in the Deed Records of Nueces County, Texas.

(C) IMPROVEMENTS.—

(i) Main Building (RPUID AO-C-3516), constructed January 9, 1974.

(ii) Garage, vehicle with 5 bays (RPUID AO-C-3517), constructed January 9, 1985.

(iii) Bulkhead, Upper (RPUID AO-C-2658), constructed January 1, 1941.

(iv) Bulkhead, Lower (RPUID AO-C-3520), constructed January 1, 1933.

(v) Bulkhead Fence (RPUID AO-C-3521), constructed January 9, 1985.

(vi) Bulkhead Fence (RPUID AO-C-3522), constructed January 9, 1985.

(3) DEED.—The Secretary shall convey the property under this subsection by quitclaim deed under such terms and conditions as the Secretary determines appropriate to protect the interests of the United States.

(4) CONSIDERATION.—The Port of Corpus Christi shall pay to the Secretary an amount that is not less than the fair market value of the property (including improvements) conveyed under this subsection, as determined by the Secretary.

SEC. 8378. LAND TRANSFER AND TRUST LAND FOR CHOCTAW NATION OF OKLAHOMA.

(a) TRANSFER.—

(1) IN GENERAL.—Subject to paragraph (2) and for the consideration described in subsection (c), the Secretary shall transfer to the Secretary of the Interior the land described in subsection (b) to be held in trust for the benefit of the Choctaw Nation.

(2) CONDITIONS.—The land transfer under this subsection shall be subject to the following conditions:

(A) The transfer—

(i) shall not interfere with the operation by the Corps of Engineers of the Sardis Lake Project, authorized pursuant to section 203 of the Flood Control Act of 1962 (76 Stat. 1187), or any other authorized civil works project; and

(ii) shall be subject to such other terms and conditions as the Secretary determines to be necessary and appropriate to ensure the continued operation of the Sardis Lake Project or any other authorized civil works project.

(B) The Secretary shall retain the right to inundate with water the land transferred to the Choctaw Nation under this subsection as necessary to carry out an authorized purpose of the Sardis Lake Project or any other civil works project.

(C) No gaming activities may be conducted on the land transferred under this subsection.

(b) LAND DESCRIPTION.—

(1) IN GENERAL.—The land to be transferred under subsection (a) is the approximately 247 acres of land located in Sections 18 and 19 of T2N R18E, and Sections 5 and 8 of T2N R19E, Pushmataha County, Oklahoma, generally depicted as "USACE" on the map entitled "Sardis Lake - Choctaw Nation Proposal" and dated February 22, 2022.

(2) SURVEY.—The exact acreage and legal descriptions of the land to be transferred under subsection (a) shall be determined by a survey satisfactory to the Secretary and the Secretary of the Interior.

(c) CONSIDERATION.—The Choctaw Nation shall pay to the Secretary an amount that is equal to the fair market value of the land transferred under subsection (a), as determined by the Secretary, which funds may be accepted and expended by the Secretary.

(d) COSTS OF TRANSFER.—The Choctaw Nation shall be responsible for all reasonable and necessary costs, including real estate transaction and environmental documentation costs, associated with the transfer of land under subsection (a).

SEC. 8379. JOHN P. MURTHA LOCKS AND DAM.

(a) DESIGNATION.—Locks and Dam 4, Monongahela River, Pennsylvania, authorized by section 101(18) of the Water Resources Development Act of 1992 (106 Stat. 4803), and commonly known as the "Charleroi Locks and Dam", shall be known and designated as the "John P. Murtha Locks and Dam".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the locks and dam referred to in subsection (a) shall be deemed to be a reference to the "John P. Murtha Locks and Dam".

SEC. 8380. TREATMENT OF CERTAIN BENEFITS AND COSTS.

Section 152(a) of the Water Resources Development Act of 2020 (33 U.S.C. 2213a(a)) is amended by striking "a flood risk management project that incidentally generates seismic safety benefits in regions" and inserting "a flood risk management or coastal storm risk management project in a region".

SEC. 8381. DEBRIS REMOVAL.

Section 3 of the Act of March 2, 1945 (33 U.S.C. 603a), is amended by striking "or recreation" and inserting "ecosystem restoration, or recreation".

SEC. 8382. GENERAL REAUTHORIZATIONS.

(a) REHABILITATION OF EXISTING LEVEES.—Section 3017(e) of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 3303a note) is amended—

(1) by striking "this subsection" and inserting "this section"; and

(2) by striking "the date that is 10 years after the date of enactment of this Act" and inserting "December 31, 2028".

(b) INVASIVE SPECIES IN ALPINE LAKES PILOT PROJECT.—Section 507(c) of the Water Resources Development Act of 2020 (16 U.S.C. 4701 note) is amended by striking "2024" and inserting "2028".

(c) ENVIRONMENTAL BANKS.—Section 309(e) of the Coastal Wetlands Planning, Protection and Restoration Act (16 U.S.C. 3957(e)) is amended by striking "10" and inserting "12".

SEC. 8383. TRANSFER OF EXCESS CREDIT.

Section 1020 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2223) is amended—

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

"(3) STUDIES AND PROJECTS WITH MULTIPLE NON-FEDERAL INTERESTS.—A credit described in paragraph (1) for a study or project with multiple non-Federal interests may be applied to the required non-Federal cost share for a study or project of any such non-Federal interest, if each such non-Federal interest agrees in writing to such application.";

(2) in subsection (b), by adding at the end the following:

"(3) CONDITIONAL APPROVAL OF EXCESS CREDIT.—Notwithstanding paragraph (2)(A)(ii), the Secretary may approve credit in excess of the non-Federal share for a study or project prior to the identification of each authorized study or project to which the excess credit will be applied, subject to the condition that the non-Federal interest agrees to submit for approval by the Secretary an amendment to the comprehensive plan prepared under paragraph (2) that identifies each authorized study or project in advance of execution of the feasibility cost-sharing agreement or project partnership agreement for that authorized study or project.";

(3) in subsection (d), by striking "10 years after the date of enactment of this Act" and inserting "on December 31, 2028"; and

(4) in subsection (e)(1)(B), by striking "10 years after the date of enactment of this Act" and inserting "December 31, 2028".

SEC. 8384. TREATMENT OF CREDIT BETWEEN PROJECTS.

Section 7007(d) of the Water Resources Development Act of 2007 (121 Stat. 1277; 128 Stat. 1226) is amended by inserting ", or may be applied to reduce the amounts required to be paid by the non-Federal interest under the terms of the deferred payment agreements entered into between the Secretary and the non-Federal interest for the projects authorized by section 7012(a)(1)" before the period at the end.

SEC. 8385. NON-FEDERAL PAYMENT FLEXIBILITY.

Section 103(l) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(l)) is amended—

(1) in the subsection heading, by striking "Initial";

(2) in the first sentence, by striking "At the request of" and inserting the following:

"(1) INITIAL PAYMENT.—At the request of"; and

(3) by adding at the end the following:

"(2) INTEREST.—

"(A) IN GENERAL.—At the request of any non-Federal interest, the Secretary may waive the accrual of interest on any non-Federal cash contribution under this section or section 101 for a project for a period of not more than 1 year if the Secretary determines that—

"(i) the waiver will contribute to the ability of the non-Federal interest to make future contributions; and

"(ii) the non-Federal interest is in good standing under terms agreed to under subsection (k)(1).

"(B) LIMITATIONS.—The Secretary may grant not more than 1 waiver under subparagraph (A) for the same project.".

SEC. 8386. COASTAL COMMUNITY FLOOD CONTROL AND OTHER PURPOSES.

Section 103(k)(4) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(k)(4)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and adjusting the margins appropriately;

(2) in the matter preceding clause (i) (as so redesignated), by striking "Notwithstanding" and inserting the following:

"(A) IN GENERAL.—Notwithstanding";

(3) in clause (i) (as so redesignated)—

(A) by striking "$200 million" and inserting "$200,000,000"; and

(B) by striking "and" at the end;

(4) in clause (ii) (as so redesignated)—

(A) by inserting "an amount equal to 2/3 of" after "repays"; and

(B) by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(iii) the non-Federal interest repays the balance of remaining principal by June 1, 2032."; and

(5) by adding at the end the following:

"(B) REPAYMENT OPTIONS.—Repayment of a non-Federal contribution under subparagraph (A)(iii) may be satisfied through the provision by the non-Federal interest of fish and wildlife mitigation for one or more projects or separable elements, if the Secretary determines that—

"(i) the non-Federal interest has incurred costs for the provision of mitigation that—

"(I) equal or exceed the amount of the required repayment; and

"(II) are in excess of any required non-Federal contribution for the project or separable element for which the mitigation is provided; and

"(ii) the mitigation is integral to the project for which it is provided.".

SEC. 8387. NATIONAL LEVEE SAFETY PROGRAM.

(a) DEFINITION OF REHABILITATION.—Section 9002(13) of the Water Resources Development Act of 2007 (33 U.S.C. 3301(13)) is amended—

(1) by striking "The term" and inserting the following:

"(A) IN GENERAL.—The term";

(2) by inserting ", increase resiliency to extreme weather events," after "flood risk"; and

(3) by adding at the end the following:

"(B) INCLUSIONS.—The term 'rehabilitation' includes improvements to a levee in conjunction with any repair, replacement, reconstruction, or reconfiguration.".

(b) LEVEE SAFETY INITIATIVE.—Section 9005(g)(2)(E)(i) of the Water Resources Development Act of 2007 (33 U.S.C. 3303a(g)(2)(E)(i)) is amended by striking "2023" and inserting "2028".

(c) LEVEE REHABILITATION ASSISTANCE PROGRAM.—Section 9005(h) of the Water Resources Development Act of 2007 (33 U.S.C. 3303a(h)) is amended—

(1) in paragraph (1), by inserting "and levee rehabilitation" after "mitigation";

(2) in paragraph (7), by striking "$10,000,000" and inserting "$25,000,000"; and

(3) by adding at the end the following:

"(11) PRIORITIZATION.—To the maximum extent practicable, the Secretary shall prioritize the provision of assistance under this subsection to economically disadvantaged communities (as defined by the Secretary under section 160 of the Water Resources Development Act of 2020 (33 U.S.C. 2201 note)), including economically disadvantaged communities located in urban and rural areas.".

SEC. 8388. SURPLUS WATER CONTRACTS AND WATER STORAGE AGREEMENTS.

Section 1046(c) of the Water Resources Reform and Development Act of 2014 (128 Stat. 1254; 132 Stat. 3784; 134 Stat. 2715) is amended—

(1) by striking paragraph (3); and

(2) by redesignating paragraph (4) as paragraph (3).

SEC. 8389. WATER SUPPLY STORAGE REPAIR, REHABILITATION, AND REPLACEMENT COSTS.

Section 301(b) of the Water Supply Act of 1958 (43 U.S.C. 390b(b)) is amended, in the fourth proviso, by striking the second sentence and inserting the following: "For Corps of Engineers projects, all annual operation and maintenance costs for municipal and industrial water supply storage under this section shall be reimbursed from State or local interests on an annual basis, and all repair, rehabilitation, and replacement costs for municipal and industrial water supply storage under this section shall be reimbursed from State or local interests (1) without interest, during construction of the repair, rehabilitation, or replacement, (2) with interest, in lump sum on the completion of the repair, rehabilitation, or replacement, or (3) at the request of the State or local interest, with interest, over a period of not more than 25 years beginning on the date of completion of the repair, rehabilitation, or replacement, with repayment contracts providing for recalculation of the interest rate at 5-year intervals. Effective date.At the request of the State or local interest, the Secretary of the Army shall amend a repayment contract entered into under this section on or before the date of enactment of this sentence for the purpose of incorporating the terms and conditions described in paragraph (3) of the preceding sentence.".

SEC. 8390. ABANDONED AND INACTIVE NONCOAL MINE RESTORATION.

Section 560 of the Water Resources Development Act of 1999 (33 U.S.C. 2336) is amended—

(1) in subsection (c), by inserting ", on land held in trust by the Secretary of the Interior on behalf of, and for the benefit of, an Indian Tribe, or on restricted land of any Indian Tribe," after "land owned by the United States"; and

(2) in subsection (e)—

(A) by striking "Rehabilitation" and inserting "Restoration"; and

(B) by striking "Sacramento" and inserting "Albuquerque"; and

(3) in subsection (f), by striking "$30,000,000" and inserting "$50,000,000".

SEC. 8391. ASIAN CARP PREVENTION AND CONTROL PILOT PROGRAM.

Section 509(a)(2) of the Water Resources Development Act of 2020 (33 U.S.C. 610 note) is amended—

(1) in subparagraph (A), by striking "or Tennessee River Watershed" and inserting ", Tennessee River Watershed, or Tombigbee River Watershed"; and

(2) in subparagraph (C)(i), by inserting ", of which not fewer than 1 shall be carried out on the Tennessee-Tombigbee Waterway" before the period at the end.

SEC. 8392. ENHANCED DEVELOPMENT PROGRAM.

The Secretary shall fully implement opportunities for enhanced development at lakes located primarily in the State of Oklahoma under the authorities provided in section 3134 of the Water Resources Development Act of 2007 (121 Stat. 1142; 130 Stat. 1671) and section 164 of the Water Resources Development Act of 2020 (134 Stat. 2668).

SEC. 8393. RECREATIONAL OPPORTUNITIES AT CERTAIN PROJECTS.

(a) DEFINITIONS.—In this section:

(1) COVERED PROJECT.—The term "covered project" means any of the following projects of the Corps of Engineers:

(A) Ball Mountain Lake, Vermont, authorized by section 203 of the Flood Control Act of 1954 (68 Stat. 1257).

(B) Townshend Lake, Vermont, authorized by section 203 of the Flood Control Act of 1954 (68 Stat. 1257).

(2) RECREATION.—The term "recreation" includes downstream whitewater recreation that is dependent on operations, recreational fishing, and boating at a covered project.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary should—

(1) ensure that, to the extent compatible with other project purposes, each covered project is operated in such a manner as to protect and enhance recreation associated with the covered project; and

(2) manage land at each covered project to improve opportunities for recreation at the covered project.

(c) MODIFICATION OF WATER CONTROL PLANS.—The Secretary may modify, or undertake temporary deviations from, the water control plan for a covered project in order to enhance recreation, if the Secretary determines the modifications or deviations—

(1) will not adversely affect other authorized purposes of the covered project; and

(2) will not result in significant adverse impacts to the environment.

SEC. 8394. FEDERAL ASSISTANCE.

Section 1328(c) of the Water Resources Development Act of 2018 (132 Stat. 3826) is amended by striking "4 years" and inserting "8 years".

SEC. 8395. MISSISSIPPI RIVER MAT SINKING UNIT.

The Secretary shall expedite the replacement of the Mississippi River mat sinking unit.

SEC. 8396. SENSE OF CONGRESS ON LEASE AGREEMENT.

It is the sense of Congress that the lease agreement for land and water areas within the Prado Flood Control Basin Project Area entered into between the Secretary and the City of Corona, California, for operations of the Corona Municipal Airport (Recreation Lease No. DACW09-1-67-60), is a valid lease of land at a water resources development project under section 4 of the Act of December 22, 1944 (16 U.S.C. 460d).

SEC. 8397. EXPEDITED COMPLETION OF PROJECTS AND STUDIES.

(a) AUTHORIZED PROJECTS AND STUDIES.—The Secretary shall, to the maximum extent practicable, expedite completion of the following projects and studies:

(1) PROJECTS.—

(A) Project for Juneau and Auke Bay, Floating Wave Attenuator, Alaska, authorized pursuant to section 204 of the Flood Control Act of 1948 (62 Stat. 1181).

(B) Project for flood risk management, Little Colorado River at Winslow, Navajo County, Arizona, authorized by section 401(2) of the Water Resources Development Act of 2020 (134 Stat. 2735).

(C) Project for flood damage reduction, Rio de Flag, Flagstaff, Arizona, authorized by section 101(b)(3) of the Water Resources Development Act of 2000 (114 Stat. 2576).

(D) Project for navigation, including maintenance and channel deepening, McClellan-Kerr Arkansas River, authorized under the comprehensive plan for the Arkansas River Basin by section 3 of the Act of June 28, 1938 (chapter 795, 52 Stat. 1218; 60 Stat. 634; 60 Stat. 647; 101 Stat. 1329-112; 117 Stat. 1842).

(E) Project for environmental restoration, Hamilton Airfield, California, authorized by section 101(b)(3) of the Water Resources Development Act of 1999 (113 Stat. 279; 121 Stat. 1110).

(F) Project for flood damage reduction and environmental restoration, Middle Creek, Lake County, California, authorized by section 1001(11) of the Water Resources Development Act of 2007 (121 Stat. 1051).

(G) The San Francisco Bay Beneficial Use Pilot Project, California, being carried out under section 1122 of the Water Resources Development Act of 2016 (130 Stat. 1645).

(H) Project for flood risk management, ecosystem restoration, and recreation, South San Francisco Bay Shoreline, California, authorized by section 1401(6) of the Water Resources Development Act of 2016 (130 Stat. 1714).

(I) Projects for ecosystem restoration included in the comprehensive Chesapeake Bay restoration plan developed under the Chesapeake Bay Environmental Restoration and Protection Program, authorized by section 510 of the Water Resources Development Act of 1996 (110 Stat. 3759; 121 Stat. 1202; 128 Stat. 1317).

(J) Maintenance dredging and other authorized activities to address the impacts of shoaling affecting the project for navigation, Branford Harbor and Branford River, Branford, Connecticut, authorized by the first section of the Act of June 13, 1902 (chapter 1079, 32 Stat. 333).

(K) Maintenance dredging and other authorized activities to address the impacts of shoaling affecting the project for navigation, Guilford Harbor and Sluice Channel, Connecticut, authorized by section 2 of the Act of March 2, 1945 (chapter 19, 59 Stat. 13).

(L) Maintenance dredging and other authorized activities to address the impacts of shoaling affecting the project for navigation, Milford Harbor, Connecticut, authorized by the first section of the Act of June 23, 1874 (chapter 457, 18 Stat. 241).

(M) Project for ecosystem restoration at Bay Point dredge hole, Tampa Bay, Florida.

(N) Project for ecosystem restoration, Central and Southern Florida, Everglades Agricultural Area, authorized by section 1308 of the Water Resources Development Act of 2018 (132 Stat. 3819; 134 Stat. 2709).

(O) An update to the water control manual for Melvin Price Locks and Dam, Illinois, authorized by section 102 of Public Law 95-502 (92 Stat. 1695; 95 Stat. 1634).

(P) Projects for the restoration of the Illinois River Basin, carried out pursuant to section 519 of the Water Resources Development Act of 2000 (114 Stat. 2653; 121 Stat. 1221).

(Q) Projects for ecosystem restoration, Upper Mississippi River and Illinois Waterway System, authorized pursuant to title VIII of the Water Resources Development Act of 2007 (33 U.S.C. 652 note).

(R) Project for navigation, Kentucky Lock Addition, Kentucky, authorized by section 101(a)(13) of the Water Resources Development Act of 1996 (110 Stat. 3664).

(S) Project for flood damage reduction, Lower Jefferson Parish, Louisiana, authorized by section 7016 of the Water Resources Development Act of 2007 (121 Stat. 1282).

(T) The portion of the project for flood control and other purposes, Cumberland, Maryland, consisting of the restoration of the historic Chesapeake and Ohio Canal, authorized by section 5 of the Act of June 22, 1936 (chapter 6881, 49 Stat. 1574; 113 Stat. 375).

(U) Project for flood control, Ecorse Creek, Wayne County, Michigan, authorized by section 101(a)(14) of the Water Resources Development Act of 1990 (104 Stat. 4607).

(V) Projects for ecosystem restoration, Salt River Marsh Coastal Habitat, Lake St. Clair, Michigan, authorized pursuant to section 506 of the Water Resources Development Act of 2000 (42 U.S.C. 1962d-22).

(W) Assistance for ecosystem restoration, Lower Yellowstone Intake Diversion Dam, Montana, authorized pursuant to section 3109 of the Water Resources Development Act of 2007 (121 Stat. 1135).

(X) Maintenance dredging and other authorized activities to address the impacts of shoaling affecting the project for navigation, Portsmouth Harbor and Piscataqua River, Maine and New Hampshire, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1173).

(Y) Project for flood risk management, Tulsa and West-Tulsa Levee System, Tulsa County, Oklahoma, authorized by section 401(2) of the Water Resources Development Act of 2020 (134 Stat. 2735).

(Z) Project for flood risk management, Rio Guayanilla, Puerto Rico, authorized by section 401(2) of the Water Resources Development Act of 2020 (134 Stat. 2736).

(AA) Projects for critical restoration, Missouri River Restoration, South Dakota, included in the plan developed under section 905(e) of the Water Resources Development Act of 2000 (114 Stat. 2707).

(BB) Project for water quality control, Red River Basin Chloride Control Area VIII, Texas, authorized pursuant to section 203 of the Flood Control Act of 1966 (80 Stat. 1420).

(CC) Dredging for projects at Port of Galveston for Turning Basin 2 project, Royal Terminal, Galveston Bay, Galveston, Texas, authorized pursuant to section 1401(1) of the Water Resources Development Act of 2018 (132 Stat. 3836).

(DD) Project for dam safety modifications, Bluestone Dam, West Virginia, authorized pursuant to section 5 of the Act of June 22, 1936 (chapter 688, 49 Stat. 1586).

(EE) The development and implementation of a sediment management plan at Big Horn Lake, Wyoming, pursuant to section 1179(a) of the Water Resources Development Act of 2016 (130 Stat. 1675).

(FF) Projects authorized by section 219 of the Water Resources Development Act of 1992.

(2) STUDIES.—

(A) Feasibility study of modifications to the portion of the project for flood control, water conservation, and related purposes, Russian River Basin, California, consisting of the Coyote Valley Dam, authorized by section 204 of the Flood Control Act of 1950 (64 Stat. 177; 130 Stat. 1682), to add environmental restoration as a project purpose and to increase water supply and improve reservoir operations.

(B) Feasibility study of modifications to the portion of the project for flood control, Santa Ana River Mainstem, California, consisting of Seven Oaks Dam, California, authorized by section 401(a) of the Water Resources Develop-

ment Act of 1986 (100 Stat. 4113; 101 Stat. 1329-111; 104 Stat. 4611; 110 Stat. 3713; 121 Stat. 1115), to include water conservation as an authorized purpose.

(C) Feasibility study of modifications to the project for flood control, Redbank and Fancher Creeks, California, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4112).

(D) The update of hydrological modeling of the Fox River Basin, Illinois.

(E) Feasibility study of modifications to the channel depths and dimensions pursuant to section 5 of the Act of March 4, 1915 (33 U.S.C. 562) forthe project for navigation, Miami Harbor Channel, Florida, authorized by section 101 of the Water Resources Development Act of 1990 (104 Stat. 4606).

(F) A comprehensive 50-year review of the Kaskaskia River Navigation Project, Illinois, pursuant to section 216 of the Flood Control Act of 1970 (33 U.S.C. 549a).

(G) Feasibility study for the Mississippi River and Tributaries project, to include the portion of the Ouachita River Levee System at and below Monroe, Louisiana to Caldwell Parish, Louisiana, authorized by section 204(b) of the Water Resources and Development Act of 2020 (134 Stat. 2678).

(H) Feasibility study for the project for ecosystem restoration and flood risk management at Coldwater Creek, Missouri, authorized pursuant to section 1202(b) of the Water Resources Development Act of 2018 (132 Stat. 3803).

(I) Feasibility study for the project for ecosystem restoration and flood risk management at Maline Creek, Missouri, authorized pursuant to section 1202(b) of the Water Resources Development Act of 2018 (132 Stat. 3803).

(J) Feasibility study for the project for flood protection at the Truman Lake Visitor Center, Warsaw, Missouri, authorized by section 203 of the Flood Control Act of 1954 (68 Stat. 1262; 84 Stat. 265).

(K) Feasibility study for an updated hydrologic analysis for the town of Estancia, Torrance County, New Mexico.

(L) Feasibility study for water supply to reduce water consumption from the Arbuckle Simpson Aquifer, Oklahoma, utilizing reserved municipal water supply within the Corps of Engineers-owned lakes, pursuant to section 838 of the Water Resources Development Act of 1986 (100 Stat. 4174).

(b) CONTINUING AUTHORITIES PROGRAMS.—The Secretary shall, to the maximum extent practicable, expedite completion of the following projects and studies:

(1) Projects for flood control under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) for the following areas:

(A) Lower Santa Cruz River, Arizona.

(B) McCormick Wash, Arizona.

(C) Rose and Palm Garden Washes, Arizona.

(D) The Santa Rosa Canal Alternative Conveyance Project, Arizona.

(E) Southern Maricopa County, in the vicinity of the Ak-Chin Reservation, Arizona.

(F) Nancy Creek, Georgia.

(G) Peachtree Creek, Georgia.

(H) Sugar Creek, Georgia.

(I) South River Basin, Georgia.

(J) Passaic River, New Jersey.

(K) Salt River Marsh Coastal Habitat, Lake St. Clair, Michigan.

(L) Blind Brook, Rye, New York.

(M) Aibonito Creek and vicinity, Puerto Rico.

(N) Canóvanas River, Puerto Rico.

(O) Municipality of Orocovis, Puerto Rico.

(P) Municipality of San Sebastian, Puerto Rico.

(Q) Municipality of Villalba, Puerto Rico.

(R) Río Inabón, Ponce, Puerto Rico.

(S) Yauco River and Berrenchin Stream, Puerto Rico.

(2) Projects for navigation under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577) forthe following areas:

(A) Sebewaing River, Port Sanilac Harbor, Lexington Harbor, and Harbor Beach Harbor, Michigan.

(B) Portsmouth Back Channels and Sagamore Creek, Portsmouth, New Castle, and Rye, New Hampshire.

(C) Sturgeon Point Marina, New York.

(D) Davis Creek and Mobjack Bay, Mathews County, Virginia.

(3) Project for aquatic ecosystem restoration under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330) for the following areas:

(A) El Corazon, Arizona.

(B) San Pedro River, Cochise County and vicinity, Arizona, including review of recharge facilities that preserve water flows and habitats.

(4) Project modifications for improvement of the environment under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a) for the towns of Quincy and Braintree, Massachusetts, for fish passage on the Smelt Brook.

(5) Project for the removal of obstructions and clearing channels for flood control under section 2 of the Act of August 28, 1937 (33 U.S.C. 701g) for the Passaic River, New Jersey.

(6) Project for shoreline erosion protection of public works under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r) and for beach erosion and storm damage reduction under section 3 of the Act of August 13, 1946 (33 U.S.C. 426g) for Buffalo, New York.

(7) Project for beach erosion and storm damage reduction under section 3 of the Act of August 13, 1946 (33 U.S.C. 426g) for West Haven, Connecticut.

Subtitle D—Water Resources Infrastructure

SEC. 8401. PROJECT AUTHORIZATIONS.

The following projects for water resources development and conservation and other purposes, as identified in the reports titled "Report to Congress on Future Water Resources Development" submitted to Congress pursuant to section 7001 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282d) or otherwise reviewed by Congress, are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, described in the respective reports or decision documents designated in this section:

(1) NAVIGATION.—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. AK	Elim Subsistence Harbor Study, Elim	March 12, 2021	Federal: $99,057,000 Non-Federal: $2,517,000 Total: $101,574,000
2. CA	Port of Long Beach Deep Draft Navigation, Los Angeles County	October 14, 2021 and May 31, 2022	Federal: $87,063,000 Non-Federal: $88,724,000 Total: $175,787,000
3. GA	Brunswick Harbor Modifications, Glynn County	March 11, 2022	Federal: $10,555,500 Non-Federal: $5,680,500 Total: $16,236,000
4. NY, NJ	New York — New Jersey Harbor Deepening Channel Improvements	June 3, 2022	Federal: $2,408,268,000 Non-Federal: $3,929,279,000 Total: $6,337,547,000

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
5. WA	Tacoma Harbor Navigation Improvement Project	May 26, 2022	Federal: $140,022,000 Non-Federal: $203,561,000 Total: $343,583,000

(2) FLOOD RISK MANAGEMENT.—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. AL	Selma Flood Risk Management and Bank Stabilization	October 7, 2021	Federal: $16,978,000 Non-Federal: $9,142,000 Total: $26,120,000
2. AL	Valley Creek Flood Risk Management, Bessemer and Birmingham	October 29, 2021	Federal: $21,993,000 Non-Federal: $11,906,000 Total: $33,899,000
3. CA	Lower Cache Creek, Yolo County, Woodland and Vicinity	June 21, 2021	Federal: $238,151,550 Non-Federal: $128,235,450 Total: $366,387,000
4. NE	Papillion Creek and Tributaries Lakes	January 24, 2022	Federal: $100,618,000 Non-Federal: $57,359,000 Total: $157,977,000
5. OR	Portland Metro Levee System	August 20, 2021	Federal: $89,708,000 Non-Federal: $48,304,000 Total: $138,012,000

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
6. PR	Rio Guanajibo Flood Risk Management, Mayaguez, Hormigueros, and San German	May 24, 2022	Federal: $184,778,000 Non-Federal: $0 Total: $184,778,000

(3) HURRICANE AND STORM DAMAGE RISK REDUCTION.—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. CT	Fairfield and New Haven Counties Coastal Storm Risk Management	January 19, 2021	Federal: $107,350,000 Non-Federal: $57,804,000 Total: $165,154,000
2. FL	Florida Keys, Monroe County, Coastal Storm Risk Management	September 24, 2021	Federal: $1,774,631,000 Non-Federal: $955,570,000 Total: $2,730,201,000

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
3. FL	Miami-Dade County, Main Segment, Coastal Storm Risk Management	September 26, 2022	Initial Federal: $25,091,000 Initial Non-Federal: $18,470,000 Total: $43,561,000 Renourishment Federal: $143,874,000 Renourishment Non-Federal: $180,898,000 Renourishment Total: $324,772,000
4. FL	Okaloosa County, Coastal Storm Risk Management	October 7, 2021	Initial Federal: $21,274,025 Initial Non-Federal: $12,379,975 Total: $33,654,000 Renourishment Federal: $76,345,000 Renourishment Non-Federal: $79,292,000 Renourishment Total: $155,637,000
5. FL	Pinellas County, Treasure Island and Long Key Segments, Coastal Storm Risk Management	October 29, 2021	Initial Federal: $6,097,000 Initial Non-Federal: $9,864,000 Total: $15,961,000 Renourishment Federal: $115,551,000 Renourishment Non-Federal: $104,540,000 Renourishment Total: $220,091,000

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
6. LA	South Central Coast, Louisiana Hurricane and Storm Damage Risk Reduction	June 23, 2022	Federal: $809,297,450 Non-Federal: $435,775,550 Total: $1,245,073,000
7. LA	Upper Barataria Basin Hurricane and Storm Damage Risk Reduction	January 28, 2022	Federal: $1,184,472,250 Non-Federal: $637,792,750 Total: $1,822,265,000
8. NY	South Shore of Staten Island, Fort Wadsworth to Oakwood Beach, Coastal Storm Risk Management	October 27, 2016	Federal: $1,086,000,000 Non-Federal: $585,000,000 Total: $1,671,000,000
9. PR	San Juan Metropolitan Area Coastal Storm Risk Management	September 16, 2021	Federal: $288,294,000 Non-Federal: $155,235,000 Total: $443,529,000
10. SC	Charleston Peninsula, Coastal Storm Risk Management	June 10, 2022	Federal: $828,657,050 Non-Federal: $446,199,950 Total: $1,274,857,000

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
11. SC	Folly Beach, Coastal Storm Risk Management	October 26, 2021	Initial Federal: $49,919,000 Initial Non-Federal: $5,546,000 Total: $55,465,000 Renourishment Federal: $180,433,000 Renourishment Non-Federal: $29,373,000 Renourishment Total: $209,806,000

(4) FLOOD RISK MANAGEMENT AND ECOSYSTEM RESTORATION.—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. TX	Coastal Texas Protection and Restoration	September 16, 2021	Federal: $21,380,214,000 Non-Federal: $12,999,708,000 Total: $34,379,922,000

(5) ECOSYSTEM RESTORATION.—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. CA	Prado Basin Ecosystem Restoration, San Bernardino, Riverside and Orange Counties	April 22, 2021	Federal: $35,265,100 Non-Federal: $22,373,900 Total: $57,639,000
2. KY	Three Forks of Beargrass Creek Ecosystem Restoration, Louisville	May 24, 2022	Federal: $77,352,671 Non-Federal: $52,539,940 Total: $129,892,611

(6) MODIFICATIONS AND OTHER PROJECTS.—

A. State	B. Name	C. Date of Decision Document	D. Estimated Costs
1. DC	Washington, D.C. and Vicinity Flood Risk Management	July 22, 2021	Federal: $19,830,000 Non-Federal: $0 Total: $19,830,000
2. FL	Central and Southern Florida, Indian River Lagoon	June 30, 2022	Federal: $2,707,950,500 Non-Federal: $2,707,950,500 Total: $5,415,901,000
3. LA	Lake Pontchartrain and Vicinity	December 16, 2021	Federal: $950,303,250 Non-Federal: $511,701,750 Total: $1,462,005,000

A. State	B. Name	C. Date of Decision Document	D. Estimated Costs
4. LA	West Bank and Vicinity	December 17, 2021	Federal: $508,337,700 Non-Federal: $273,720,300 Total: $782,058,000
5. MI	New Soo Lock Construction Project, Sault Ste. Marie, Chippewa County	June 6, 2022	Federal: $3,218,944,000 Non-Federal: $0 Total: $3,218,944,000
6. WA	Howard A. Hanson Dam, Water Supply and Ecosystem Restoration	May 19, 2022	Federal: $878,530,000 Non-Federal: $43,085,000 Total: $921,615,000

SEC. 8402. SPECIAL RULES.

(a) SOUTH SHORE OF STATEN ISLAND, NEW YORK.—The Federal share of any portion of the cost to design and construct the project for coastal storm risk management, South Shore of Staten Island, Fort Wadsworth to Oakwood Beach, New York, authorized by this Act, that exceeds the estimated total project cost specified in the project partnership agreement for the project, signed by the Secretary on February 15, 2019, shall be 90 percent.

(b) CHARLESTON PENINSULA, SOUTH CAROLINA.—

(1) IN GENERAL.—Not later than 90 days after the last day of the covered period, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate, a request for deauthorization of the project for hurricane and storm damage risk reduction, Charleston Peninsula, South Carolina, authorized by this Act, if the non-Federal interest has not entered into a project partnership agreement for the project, or a separable element of the project, prior to such last day.

(2) DEFINITION OF COVERED PERIOD.—In this subsection, the term "covered period" means the period beginning on the date of enactment of this Act and ending on the date that is—

(A) 10 years after the date of enactment of this Act; or

(B) 10 years after the date on which a design agreement for the project described in paragraph (1) is executed,

if such design agreement is executed prior to the date that is 10 years after the date of enactment of this Act.

SEC. 8403. FACILITY INVESTMENT.

(a) IN GENERAL.—Subject to subsection (b), using amounts available in the revolving fund established by the first section of the Civil Functions Appropriations Act, 1954 (33 U.S.C. 576), andnot otherwise obligated, the Secretary may—

(1) design and construct the lab and office facility for a Mandatory Center of Expertise in Branson, Missouri, described in the prospectus submitted to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate on June 10, 2022, pursuant to subsection (c) of such Act (33 U.S.C. 576(c)), substantially in accordance with such prospectus; and

(2) carry out such construction and infrastructure improvements as are required to support such lab and office facility, including any necessary demolition of the existing infrastructure.

(b) REQUIREMENT.—In carrying out subsection (a), the Secretary shall ensure that the revolving fund established by the first section of the Civil Functions Appropriations Act, 1954 (33 U.S.C. 576) is appropriately reimbursed from funds appropriated for Corps of Engineers programs that benefit from the lab and office facility constructed under this section.

TITLE LXXXV—CLEAN WATER

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

SEC. 8501. REGIONAL WATER PROGRAMS.

(a) SAN FRANCISCO BAY RESTORATION GRANT PROGRAM.—Title I of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) is amended by adding at the end the following:

"SEC. 125. [33 U.S.C. 1276a] SAN FRANCISCO BAY RESTORATION GRANT PROGRAM

"(a) DEFINITIONS.—In this section:

"(1) ESTUARY PARTNERSHIP.—The term 'Estuary Partnership' means the San Francisco Estuary Partnership, designated as the management conference for the San Francisco Bay under section 320.

"(2) SAN FRANCISCO BAY PLAN.—The term 'San Francisco Bay Plan' means—

"(A) until the date of the completion of the plan developed by the Director under subsection (d), the comprehensive conservation and management plan approved under section 320 for the San Francisco Bay estuary; and

"(B) on and after the date of the completion of the plan developed by the Director under subsection (d), the plan developed by the Director under subsection (d).

"(b) PROGRAM OFFICE.—

"(1) ESTABLISHMENT.—The Administrator shall establish in the Environmental Protection Agency a San Francisco Bay Program Office. The Office shall be located at the headquarters of Region 9 of the Environmental Protection Agency.

"(2) APPOINTMENT OF DIRECTOR.—The Administrator shall appoint a Director of the Office, who shall have management experience and technical expertise relating to the San Francisco Bay and be highly qualified to direct the development and implementation of projects, activities, and studies necessary to implement the San Francisco Bay Plan.

"(3) DELEGATION OF AUTHORITY; STAFFING.—The Administrator shall delegate to the Director such authority and provide such staff as may be necessary to carry out this section.

"(c) ANNUAL PRIORITY LIST.—

"(1) IN GENERAL.—After providing public notice, the Director shall annually compile a priority list, consistent with the San Francisco Bay Plan, identifying and prioritizing the projects, activities, and studies to be carried out with amounts made available under subsection (e).

"(2) INCLUSIONS.—The annual priority list compiled under paragraph (1) shall include the following:

"(A) Projects, activities, and studies, including restoration projects and habitat improvement for fish, waterfowl, and wildlife, that advance the goals and objectives of the San Francisco Bay Plan, for—

"(i) water quality improvement, including the reduction of marine litter;

"(ii) wetland, riverine, and estuary restoration and protection;

"(iii) nearshore and endangered species recovery; and

"(iv) adaptation to climate change.

"(B) Information on the projects, activities, and studies specified under subparagraph (A), including—

"(i) the identity of each entity receiving assistance pursuant to subsection (e); and

"(ii) a description of the communities to be served.

"(C) The criteria and methods established by the Director for identification of projects, activities, and studies to be included on the annual priority list.

"(3) CONSULTATION.—In compiling the annual priority list under paragraph (1), the Director shall consult with, and consider the recommendations of—

"(A) the Estuary Partnership;

"(B) the State of California and affected local governments in the San Francisco Bay estuary watershed;

"(C) the San Francisco Bay Restoration Authority; and

"(D) any other relevant stakeholder involved with the protection and restoration of the San Francisco Bay estuary that the Director determines to be appropriate.

"(d) SAN FRANCISCO BAY PLAN.—

"(1) IN GENERAL.—Not later than 5 years after the date of enactment of this section, the Director, in conjunction with the Estuary Partnership, shall review and revise the comprehen-

sive conservation and management plan approved under section 320 for the San Francisco Bay estuary to develop a plan to guide the projects, activities, and studies of the Office to address the restoration and protection of the San Francisco Bay.

"(2) REVISION OF SAN FRANCISCO BAY PLAN.—Not less often than once every 5 years after the date of the completion of the plan described in paragraph (1), the Director shall review, and revise as appropriate, the San Francisco Bay Plan.

"(3) OUTREACH.—In carrying out this subsection, the Director shall consult with the Estuary Partnership and Indian tribes and solicit input from other non-Federal stakeholders.

"(e) GRANT PROGRAM.—

"(1) IN GENERAL.—The Director may provide funding through cooperative agreements, grants, or other means to State and local agencies, special districts, and public or nonprofit agencies, institutions, and organizations, including the Estuary Partnership, for projects, activities, and studies identified on the annual priority list compiled under subsection (c).

"(2) MAXIMUM AMOUNT OF GRANTS; NON-FEDERAL SHARE.—

"(A) MAXIMUM AMOUNT OF GRANTS.—Amounts provided to any entity under this section for a fiscal year shall not exceed an amount equal to 75 percent of the total cost of any projects, activities, and studies that are to be carried out using those amounts.

"(B) NON-FEDERAL SHARE.—Not less than 25 percent of the cost of any project, activity, or study carried out using amounts provided under this section shall be provided from non-Federal sources.

"(f) FUNDING.—

"(1) ADMINISTRATIVE EXPENSES.—Of the amount made available to carry out this section for a fiscal year, the Director may not use more than 5 percent to pay administrative expenses incurred in carrying out this section.

"(2) PROHIBITION.—No amounts made available under this section may be used for the administration of a management conference under section 320.".

(b) PUGET SOUND COORDINATED RECOVERY.—Title I of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) is further amended by adding at the end the following:

"SEC. 126. [33 U.S.C. 1276b] PUGET SOUND

"(a) DEFINITIONS.—In this section:

"(1) COASTAL NONPOINT POLLUTION CONTROL PROGRAM.—The term 'Coastal Nonpoint Pollution Control Program' means the State of Washington's Coastal Nonpoint Pollution Control Program approved under section 6217 of the Coastal Zone Act Reauthorization Amendments of 1990.

"(2) DIRECTOR.—The term 'Director' means the Director of the Program Office.

"(3) FEDERAL ACTION PLAN.—The term 'Federal Action Plan' means the plan developed under subsection (c)(3)(B).

"(4) INTERNATIONAL JOINT COMMISSION.—The term 'International Joint Commission' means the International Joint Commission established by the Treaty relating to the boundary

waters and questions arising along the boundary between the United States and Canada, signed at Washington January 11, 1909, and entered into force May 5, 1910 (36 Stat. 2448; TS 548; 12 Bevans 319).

"(5) PACIFIC SALMON COMMISSION.—The term 'Pacific Salmon Commission' means the Pacific Salmon Commission established by the United States and Canada under the Treaty concerning Pacific salmon, with annexes and memorandum of understanding, signed at Ottawa January 28, 1985, and entered into force March 18, 1985 (TIAS 11091; 1469 UNTS 357) (commonly known as the 'Pacific Salmon Treaty').

"(6) PROGRAM OFFICE.—The term 'Program Office' means the Puget Sound Recovery National Program Office established by subsection (b).

"(7) PUGET SOUND ACTION AGENDA; ACTION AGENDA.—The term 'Puget Sound Action Agenda' or 'Action Agenda' means the most recent plan developed by the Puget Sound National Estuary Program Management Conference, in consultation with the Puget Sound Tribal Management Conference, and approved by the Administrator as the comprehensive conservation and management plan for the Puget Sound under section 320.

"(8) PUGET SOUND FEDERAL LEADERSHIP TASK FORCE.—The term 'Puget Sound Federal Leadership Task Force' means the Puget Sound Federal Leadership Task Force established under subsection (c).

"(9) PUGET SOUND FEDERAL TASK FORCE.—The term 'Puget Sound Federal Task Force' means the Puget Sound Federal Task Force established in 2016 under a memorandum of understanding among 9 Federal agencies.

"(10) PUGET SOUND NATIONAL ESTUARY PROGRAM MANAGEMENT CONFERENCE.—The term 'Puget Sound National Estuary Program Management Conference' means the management conference for the Puget Sound convened pursuant to section 320.

"(11) PUGET SOUND PARTNERSHIP.—The term 'Puget Sound Partnership' means the State agency created under the laws of the State of Washington (section 90.71.210 of the Revised Code of Washington), or its successor agency that has been designated by the Administrator as the lead entity to support the Puget Sound National Estuary Program Management Conference.

"(12) PUGET SOUND REGION.—

"(A) IN GENERAL.—The term 'Puget Sound region' means the land and waters in the northwest corner of the State of Washington from the Canadian border to the north to the Pacific Ocean on the west, including Hood Canal and the Strait of Juan de Fuca.

"(B) INCLUSION.—The term 'Puget Sound region' includes all watersheds that drain into the Puget Sound.

"(13) PUGET SOUND TRIBAL MANAGEMENT CONFERENCE.—The term 'Puget Sound Tribal Management Conference' means the 20 treaty Indian tribes of western Washington and the Northwest Indian Fisheries Commission.

"(14) SALISH SEA.—The term 'Salish Sea' means the network of coastal waterways on the west coast of North America that includes the Puget Sound, the Strait of Georgia, and the Strait of Juan de Fuca.

"(15) SALMON RECOVERY PLANS.—The term 'Salmon Recovery Plans' means the recovery plans for salmon and steelhead species approved by the Secretary of the Interior under section 4(f) of the Endangered Species Act of 1973 that are applicable to the Puget Sound region.

"(16) STATE ADVISORY COMMITTEE.—The term 'State Advisory Committee' means the advisory committee established by subsection (d).

"(17) TREATY RIGHTS AT RISK INITIATIVE.—The term 'Treaty Rights at Risk Initiative' means the report from the treaty Indian tribes of western Washington entitled 'Treaty Rights At Risk: Ongoing Habitat Loss, the Decline of the Salmon Resource, and Recommendations for Change' and dated July 14, 2011, or its successor report that outlines issues and offers solutions for the protection of Tribal treaty rights, recovery of salmon habitat, and management of sustainable treaty and nontreaty salmon fisheries, including through Tribal salmon hatchery programs.

"(b) PUGET SOUND RECOVERY NATIONAL PROGRAM OFFICE.—

"(1) ESTABLISHMENT.—There is established in the Environmental Protection Agency a Puget Sound Recovery National Program Office, to be located in the State of Washington.

"(2) DIRECTOR.—

"(A) IN GENERAL.—There shall be a Director of the Program Office, who shall have leadership and project management experience and shall be highly qualified to—

"(i) direct the integration of multiple project planning efforts and programs from different agencies and jurisdictions; and

"(ii) align numerous, and possibly competing, priorities to accomplish visible and measurable outcomes under the Action Agenda.

"(B) POSITION.—The position of Director of the Program Office shall be a career reserved position, as such term is defined in section 3132 of title 5, United States Code.

"(3) DELEGATION OF AUTHORITY; STAFFING.—Using amounts made available to carry out this section, the Administrator shall delegate to the Director such authority and provide such staff as may be necessary to carry out this section.

"(4) DUTIES.—The Director shall—

"(A) coordinate and manage the timely execution of the requirements of this section, including the formation and meetings of the Puget Sound Federal Leadership Task Force;

"(B) coordinate activities related to the restoration and protection of the Puget Sound across the Environmental Protection Agency;

"(C) coordinate and align the activities of the Administrator with the Action Agenda, Salmon Recovery Plans, the

Treaty Rights at Risk Initiative, and the Coastal Nonpoint Pollution Control Program;

"(D) promote the efficient use of Environmental Protection Agency resources in pursuit of the restoration and protection of the Puget Sound;

"(E) serve on the Puget Sound Federal Leadership Task Force and collaborate with, help coordinate, and implement activities with other Federal agencies that have responsibilities involving the restoration and protection of the Puget Sound;

"(F) provide or procure such other advice, technical assistance, research, assessments, monitoring, or other support as is determined by the Director to be necessary or prudent to most efficiently and effectively fulfill the objectives and priorities of the Action Agenda, the Salmon Recovery Plans, the Treaty Rights at Risk Initiative, and the Coastal Nonpoint Pollution Control Program, consistent with the best available science, to ensure the health of the Puget Sound ecosystem;

"(G) track the progress of the Environmental Protection Agency toward meeting the agency's specified objectives and priorities within the Action Agenda and the Federal Action Plan;

"(H) implement the recommendations of the Comptroller General set forth in the report entitled 'Puget Sound Restoration: Additional Actions Could Improve Assessments of Progress' and dated July 19, 2018;

"(I) serve as liaison and coordinate activities for the restoration and protection of the Salish Sea with Canadian authorities, the Pacific Salmon Commission, and the International Joint Commission; and

"(J) carry out such additional duties as the Director determines necessary and appropriate.

"(c) PUGET SOUND FEDERAL LEADERSHIP TASK FORCE.—

"(1) ESTABLISHMENT.—There is established a Puget Sound Federal Leadership Task Force.

"(2) MEMBERSHIP.—

"(A) COMPOSITION.—The Puget Sound Federal Leadership Task Force shall be composed of the following members:

"(i) The following individuals appointed by the Secretary of Agriculture:

"(I) A representative of the National Forest Service.

"(II) A representative of the Natural Resources Conservation Service.

"(ii) A representative of the National Oceanic and Atmospheric Administration appointed by the Secretary of Commerce.

"(iii) The following individuals appointed by the Secretary of Defense:

"(I) A representative of the Corps of Engineers.

"(II) A representative of the Joint Base Lewis-McChord.

"(III) A representative of the Commander, Navy Region Northwest.

"(iv) The Director of the Program Office.

"(v) The following individuals appointed by the Secretary of Homeland Security:

"(I) A representative of the Coast Guard.

"(II) A representative of the Federal Emergency Management Agency.

"(vi) The following individuals appointed by the Secretary of the Interior:

"(I) A representative of the Bureau of Indian Affairs.

"(II) A representative of the United States Fish and Wildlife Service.

"(III) A representative of the United States Geological Survey.

"(IV) A representative of the National Park Service.

"(vii) The following individuals appointed by the Secretary of Transportation:

"(I) A representative of the Federal Highway Administration.

"(II) A representative of the Federal Transit Administration.

"(viii) Representatives of such other Federal agencies, programs, and initiatives as the other members of the Puget Sound Federal Leadership Task Force determines necessary.

"(B) QUALIFICATIONS.—Members appointed under this paragraph shall have experience and expertise in matters of restoration and protection of large watersheds and bodies of water, or related experience that will benefit the restoration and protection of the Puget Sound.

"(C) CO-CHAIRS.—

"(i) IN GENERAL.—The following members of the Puget Sound Federal Leadership Task Force shall serve as Co-Chairs of the Puget Sound Federal Leadership Task Force:

"(I) The representative of the National Oceanic and Atmospheric Administration.

"(II) The Director of the Program Office.

"(III) The representative of the Corps of Engineers.

"(ii) LEADERSHIP.—The Co-Chairs shall ensure the Puget Sound Federal Leadership Task Force completes its duties through robust discussion of all relevant issues. The Co-Chairs shall share leadership responsibilities equally.

"(3) DUTIES.—

"(A) GENERAL DUTIES.—The Puget Sound Federal Leadership Task Force shall—

"(i) uphold Federal trust responsibilities to restore and protect resources crucial to Tribal treaty rights, including by carrying out government-to-government consultation with Indian tribes when requested by such tribes;

"(ii) provide a venue for dialogue and coordination across all Federal agencies represented by a member of the Puget Sound Federal Leadership Task Force to align Federal resources for the purposes of carrying out the requirements of this section and all other Federal laws that contribute to the restoration and protection of the Puget Sound, including by—

"(I) enabling and encouraging such agencies to act consistently with the objectives and priorities of the Action Agenda, the Salmon Recovery Plans, the Treaty Rights at Risk Initiative, and the Coastal Nonpoint Pollution Control Program;

"(II) facilitating the coordination of Federal activities that impact such restoration and protection;

"(III) facilitating the delivery of feedback given by such agencies to the Puget Sound Partnership during the development of the Action Agenda;

"(IV) facilitating the resolution of interagency conflicts associated with such restoration and protection among such agencies;

"(V) providing a forum for exchanging information among such agencies regarding activities being conducted, including obstacles or efficiencies found, during restoration and protection activities; and

"(VI) promoting the efficient use of government resources in pursuit of such restoration and protection through coordination and collaboration, including by ensuring that the Federal efforts relating to the science necessary for such restoration and protection are consistent, and not duplicative, across the Federal Government;

"(iii) catalyze public leaders at all levels to work together toward shared goals by demonstrating interagency best practices coming from such agencies;

"(iv) provide advice and support on scientific and technical issues and act as a forum for the exchange of scientific information about the Puget Sound;

"(v) identify and inventory Federal environmental research and monitoring programs related to the Puget Sound, and provide such inventory to the Puget Sound National Estuary Program Management Conference;

"(vi) ensure that Puget Sound restoration and protection activities are as consistent as practicable with ongoing restoration and protection and related efforts in the Salish Sea that are being conducted by Cana-

dian authorities, the Pacific Salmon Commission, and the International Joint Commission;

"(vii) ensure that Puget Sound restoration and protection activities are consistent with national security interests;

"(viii) establish any working groups or committees necessary to assist the Puget Sound Federal Leadership Task Force in its duties, including relating to public policy and scientific issues; and

"(ix) raise national awareness of the significance of the Puget Sound.

"(B) PUGET SOUND FEDERAL ACTION PLAN.—

"(i) IN GENERAL.—Not later than 5 years after the date of enactment of this section, the Puget Sound Federal Leadership Task Force shall develop and approve a Federal Action Plan that leverages Federal programs across agencies and serves to coordinate diverse programs and priorities for the restoration and protection of the Puget Sound.

"(ii) REVISION OF PUGET SOUND FEDERAL ACTION PLAN.—Not less often than once every 5 years after the date of approval of the Federal Action Plan under clause (i), the Puget Sound Federal Leadership Task Force shall review, and revise as appropriate, the Federal Action Plan.

"(C) FEEDBACK BY FEDERAL AGENCIES.—In facilitating feedback under subparagraph (A)(ii)(III), the Puget Sound Federal Leadership Task Force shall request Federal agencies to consider, at a minimum, possible Federal actions within the Puget Sound region designed to—

"(i) further the goals, targets, and actions of the Action Agenda, the Salmon Recovery Plans, the Treaty Rights at Risk Initiative, and the Coastal Nonpoint Pollution Control Program;

"(ii) as applicable, implement and enforce this Act, the Endangered Species Act of 1973, and all other Federal laws that contribute to the restoration and protection of the Puget Sound, including those that protect Tribal treaty rights;

"(iii) prevent the introduction and spread of invasive species;

"(iv) protect marine and wildlife habitats;

"(v) protect, restore, and conserve forests, wetlands, riparian zones, and nearshore waters;

"(vi) promote resilience to climate change and ocean acidification effects;

"(vii) restore fisheries so that they are sustainable and productive;

"(viii) preserve biodiversity;

"(ix) restore and protect ecosystem services that provide clean water, filter toxic chemicals, and increase ecosystem resilience; and

"(x) improve water quality, including by preventing and managing stormwater runoff, incor-

porating erosion control techniques and trash capture devices, using sustainable stormwater practices, and mitigating and minimizing nonpoint source pollution, including marine litter.

"(4) PARTICIPATION OF STATE ADVISORY COMMITTEE AND PUGET SOUND TRIBAL MANAGEMENT CONFERENCE.—The Puget Sound Federal Leadership Task Force shall carry out its duties with input from, and in collaboration with, the State Advisory Committee and the Puget Sound Tribal Management Conference, including by seeking advice and recommendations on the actions, progress, and issues pertaining to the restoration and protection of the Puget Sound.

"(5) MEETINGS.—

"(A) INITIAL MEETING.—The Puget Sound Federal Leadership Task Force shall meet not later than 180 days after the date of enactment of this section—

"(i) to determine if all Federal agencies are properly represented;

"(ii) to establish the bylaws of the Puget Sound Federal Leadership Task Force;

"(iii) to establish necessary working groups or committees; and

"(iv) to determine subsequent meeting times, dates, and logistics.

"(B) SUBSEQUENT MEETINGS.—After the initial meeting, the Puget Sound Federal Leadership Task Force shall meet, at a minimum, twice per year to carry out the duties of the Puget Sound Federal Leadership Task Force.

"(C) WORKING GROUP MEETINGS.—A meeting of any established working group or committee of the Puget Sound Federal Leadership Task Force shall not be considered a biannual meeting for purposes of subparagraph (B).

"(D) JOINT MEETINGS.—The Puget Sound Federal Leadership Task Force—

"(i) shall offer to meet jointly with the Puget Sound National Estuary Program Management Conference and the Puget Sound Tribal Management Conference, at a minimum, once per year; and

"(ii) may consider such a joint meeting to be a biannual meeting of the Puget Sound Federal Leadership Task Force for purposes of subparagraph (B).

"(E) QUORUM.—A simple majority of the members of the Puget Sound Federal Leadership Task Force shall constitute a quorum.

"(F) VOTING.—For the Puget Sound Federal Leadership Task Force to take an official action, a quorum shall be present, and at least a two-thirds majority of the members present shall vote in the affirmative.

"(6) PUGET SOUND FEDERAL LEADERSHIP TASK FORCE PROCEDURES AND ADVICE.—

"(A) ADVISORS.—The Puget Sound Federal Leadership Task Force may seek advice and input from any interested, knowledgeable, or affected party as the Puget Sound

Federal Leadership Task Force determines necessary to perform its duties.

"(B) COMPENSATION.—A member of the Puget Sound Federal Leadership Task Force shall receive no additional compensation for service as a member on the Puget Sound Federal Leadership Task Force.

"(C) TRAVEL EXPENSES.—Travel expenses incurred by a member of the Puget Sound Federal Leadership Task Force in the performance of service on the Puget Sound Federal Leadership Task Force may be paid by the agency that the member represents.

"(7) PUGET SOUND FEDERAL TASK FORCE.—

"(A) IN GENERAL.—On the date of enactment of this section, the 2016 memorandum of understanding establishing the Puget Sound Federal Task Force shall cease to be effective.

"(B) USE OF PREVIOUS WORK.—The Puget Sound Federal Leadership Task Force shall, to the extent practicable, use the work product produced, relied upon, and analyzed by the Puget Sound Federal Task Force in order to avoid duplicating the efforts of the Puget Sound Federal Task Force.

"(d) STATE ADVISORY COMMITTEE.—

"(1) ESTABLISHMENT.—There is established a State Advisory Committee.

"(2) MEMBERSHIP.—The State Advisory Committee shall consist of up to seven members designated by the governing body of the Puget Sound Partnership, in consultation with the Governor of Washington, who will represent Washington State agencies that have significant roles and responsibilities related to the restoration and protection of the Puget Sound.

"(e) PUGET SOUND FEDERAL LEADERSHIP TASK FORCE BIENNIAL REPORT ON PUGET SOUND RESTORATION AND PROTECTION ACTIVITIES.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, and biennially thereafter, the Puget Sound Federal Leadership Task Force, in collaboration with the Puget Sound Tribal Management Conference and the State Advisory Committee, shall submit to the President, Congress, the Governor of Washington, and the governing body of the Puget Sound Partnership a report that summarizes the progress, challenges, and milestones of the Puget Sound Federal Leadership Task Force relating to the restoration and protection of the Puget Sound.

"(2) CONTENTS.—The report submitted under paragraph (1) shall include a description of the following:

"(A) The roles and progress of each State, local government entity, and Federal agency that has jurisdiction in the Puget Sound region relating to meeting the identified objectives and priorities of the Action Agenda, the Salmon Recovery Plans, the Treaty Rights at Risk Initiative, and the Coastal Nonpoint Pollution Control Program.

"(B) If available, the roles and progress of Tribal governments that have jurisdiction in the Puget Sound region

relating to meeting the identified objectives and priorities of the Action Agenda, the Salmon Recovery Plans, the Treaty Rights at Risk Initiative, and the Coastal Nonpoint Pollution Control Program.

"(C) A summary of specific recommendations concerning implementation of the Action Agenda and the Federal Action Plan, including challenges, barriers, and anticipated milestones, targets, and timelines.

"(D) A summary of progress made by Federal agencies toward the priorities identified in the Federal Action Plan.

"(f) TRIBAL RIGHTS AND CONSULTATION.—

"(1) PRESERVATION OF TRIBAL TREATY RIGHTS.—Nothing in this section affects, or is intended to affect, any right reserved by treaty between the United States and one or more Indian tribes.

"(2) CONSULTATION.—Nothing in this section affects any authorization or obligation of a Federal agency to consult with an Indian tribe under any other provision of law.

"(g) CONSISTENCY.—

"(1) IN GENERAL.—Actions authorized or implemented under this section shall be consistent with—

"(A) the Salmon Recovery Plans;

"(B) the Coastal Nonpoint Pollution Control Program; and

"(C) the water quality standards of the State of Washington approved by the Administrator under section 303.

"(2) FEDERAL ACTIONS.—All Federal agencies represented on the Puget Sound Federal Leadership Task Force shall act consistently with the protection of Tribal, treaty-reserved rights and, to the greatest extent practicable given such agencies' existing obligations under Federal law, act consistently with the objectives and priorities of the Action Agenda, the Salmon Recovery Plans, the Treaty Rights at Risk Initiative, and the Coastal Nonpoint Pollution Control Program, when—

"(A) conducting Federal agency activities within or outside the Puget Sound that affect any land or water use or natural resources of the Puget Sound region, including activities performed by a contractor for the benefit of a Federal agency;

"(B) interpreting and enforcing regulations that impact the restoration and protection of the Puget Sound;

"(C) issuing Federal licenses or permits that impact the restoration and protection of the Puget Sound; and

"(D) granting Federal assistance to State, local, and Tribal governments for activities related to the restoration and protection of the Puget Sound.".

(c) LAKE PONTCHARTRAIN BASIN RESTORATION PROGRAM.—

(1) REVIEW OF COMPREHENSIVE MANAGEMENT PLAN.—Section 121 of the Federal Water Pollution Control Act (33 U.S.C. 1273) is amended—

(A) in subsection (c)—

(i) in paragraph (5), by striking "; and" and inserting a semicolon;

(ii) in paragraph (6), by striking the period and inserting "; and"; and

(iii) by adding at the end the following:

"(7) ensure that the comprehensive conservation and management plan approved for the Basin under section 320 is reviewed and revised in accordance with section 320 not less often than once every 5 years, beginning on the date of enactment of this paragraph."; and

(B) in subsection (d), by striking "recommended by a management conference convened for the Basin under section 320" and inserting "identified in the comprehensive conservation and management plan approved for the Basin under section 320".

(2) DEFINITIONS.—Section 121(e)(1) of the Federal Water Pollution Control Act (33 U.S.C. 1273(e)(1)) is amended by striking ", a 5,000 square mile" and inserting ", a 10,000 square mile".

(3) ADMINISTRATIVE COSTS.—Section 121(f) of the Federal Water Pollution Control Act (33 U.S.C. 1273(f)) is amended by adding at the end the following:

"(3) ADMINISTRATIVE EXPENSES.—Not more than 5 percent of the amounts appropriated to carry out this section may be used for administrative expenses.".

SEC. 8502. NONPOINT SOURCE MANAGEMENT PROGRAMS.

Section 319(j) of the Federal Water Pollution Control Act (33 U.S.C. 1329(j)) is amended by striking "subsections (h) and (i) not to exceed" and all that follows through "fiscal year 1991" and inserting "subsections (h) and (i) $200,000,000 for each of fiscal years 2023 through 2027".

SEC. 8503. WASTEWATER ASSISTANCE TO COLONIAS.

Section 307 of the Safe Drinking Water Act Amendments of 1996 (33 U.S.C. 1281 note) is amended—

(1) in subsection (a)—

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

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

"(2) COVERED ENTITY.—The term 'covered entity' means each of the following:

"(A) A border State.

"(B) A local government with jurisdiction over an eligible community.";

(2) in subsection (b), by striking "border State" and inserting "covered entity";

(3) in subsection (d), by striking "shall not exceed 50 percent" and inserting "may not be less than 80 percent"; and

(4) in subsection (e)—

(A) by striking "$25,000,000" and inserting "$100,000,000"; and

(B) by striking "1997 through 1999" and inserting "2023 through 2027".

DIVISION I—DEPARTMENT OF STATE AUTHORIZATIONS

SEC. 9001. SHORT TITLE.

This division may be cited as the "Department of State Authorization Act of 2022".

SEC. 9002. [22 U.S.C. 2651 note] DEFINITIONS.

In this division:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of USAID.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(3) DEPARTMENT.—Unless otherwise specified, the term "Department" means the Department of State.

(4) SECRETARY.—Unless otherwise specified, the term "Secretary" means the Secretary of State.

(5) USAID.—The term "USAID" means the United States Agency for International Development.

TITLE XCI—ORGANIZATION AND OPERATIONS OF THE DEPARTMENT OF STATE

SEC. 9101. MODERNIZING THE BUREAU OF ARMS CONTROL, VERIFICATION, AND COMPLIANCE AND THE BUREAU OF INTERNATIONAL SECURITY AND NONPROLIFERATION.

It is the sense of Congress that—

(1) the Secretary should take steps to address staffing shortfalls in the chemical, biological, and nuclear weapons issue areas in the Bureau of Arms Control, Verification and Compliance and in the Bureau of International Security and Nonproliferation;

(2) maintaining a fully staffed and resourced Bureau of Arms Control, Verification and Compliance and Bureau of International Security and Nonproliferation is necessary to effectively confront the threat of increased global proliferation; and

(3) the Secretary, acting through the Bureau of Arms Control, Verification and Compliance and the Bureau of International Security and Nonproliferation, should increase efforts and dedicate resources to combat the dangers posed by the People's Republic of China's conventional and nuclear buildup, the Russian Federation's tactical nuclear weapons and new types of nuclear weapons, bioweapons proliferation, dual use of life sciences research, and chemical weapons.

SEC. 9102. NOTIFICATION TO CONGRESS FOR UNITED STATES NATIONALS UNLAWFULLY OR WRONGFULLY DETAINED ABROAD.

Section 302 of the Robert Levinson Hostage Recovery and Hostage-Taking Accountability Act (22 U.S.C. 1741) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by inserting ", as expeditiously as possible," after "review"; and

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

"(b) REFERRALS TO SPECIAL ENVOY; NOTIFICATION TO CONGRESS.—

"(1) IN GENERAL.—Upon a determination by the Secretary of State, based on the totality of the circumstances, that there is credible information that the detention of a United States national abroad is unlawful or wrongful, and regardless of whether the detention is by a foreign government or a nongovernmental actor, the Secretary shall—

"(A) expeditiously transfer responsibility for such case from the Bureau of Consular Affairs of the Department of State to the Special Presidential Envoy for Hostage Affairs; and

"(B) not later than 14 days after such determination, notify the Committee on Foreign Relations of the Senate, the Select Committee on Intelligence of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Permanent Select Committee on Intelligence of the House of Representatives of such determination and provide such committees with a summary of the facts that led to such determination.

"(2) FORM.—The notification described in paragraph (1)(B) may be classified, if necessary.".

SEC. 9103. FAMILY ENGAGEMENT COORDINATOR.

Section 303 of the Robert Levinson Hostage Recovery and Hostage-Taking Accountability Act (22 U.S.C. 1741a) is amended by adding at the end the following:

"(d) FAMILY ENGAGEMENT COORDINATOR.—There shall be, in the Office of the Special Presidential Envoy for Hostage Affairs, a Family Engagement Coordinator, who shall ensure—

"(1) for a United States national unlawfully or wrongfully detained abroad, that—

"(A) any interaction by executive branch officials with any family member of such United States national occurs in a coordinated fashion;

"(B) such family member receives consistent and accurate information from the United States Government; and

"(C) appropriate coordination with the Family Engagement Coordinator described in section 304(c)(2); and

"(2) for a United States national held hostage abroad, that any engagement with a family member is coordinated with, consistent with, and not duplicative of the efforts of the Family Engagement Coordinator described in section 304(c)(2).".

SEC. 9104. REWARDS FOR JUSTICE.

Section 36(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708(b)) is amended—

(1) in paragraph (4), by striking "or (10);" and inserting "(10), or (14);";

(2) in paragraph (12), by striking "or" at the end;

(3) in paragraph (13), by striking the period at the end and inserting "; or"; and

(4) by adding at the end the following:

"(14) the prevention, frustration, or resolution of the hostage taking of a United States person, the identification, location, arrest, or conviction of a person responsible for the hostage taking of a United States person, or the location of a United States person who has been taken hostage, in any country.".

SEC. 9105. ENSURING GEOGRAPHIC DIVERSITY AND ACCESSIBILITY OF PASSPORT AGENCIES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that Department initiatives to expand passport services and accessibility, including through online modernization projects, should include the construction of new physical passport agencies.

(b) REVIEW.—The Secretary shall conduct a review of the geographic diversity and accessibility of existing passport agencies to identify—

(1) the geographic areas in the continental United States that are farther than 6 hours' driving distance from the nearest passport agency;

(2) the per capita demand for passport services in the areas described in paragraph (1); and

(3) a plan to ensure that in-person services at physical passport agencies are accessible to all eligible Americans, including Americans living in large population centers, in rural areas, and in States with a high per capita demand for passport services.

(c) CONSIDERATIONS.—The Secretary shall consider the metrics identified in paragraphs (1) and (2) of subsection (b) when determining locations for the establishment of new physical passport agencies.

(d) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on Foreign Relations of the Senate, the Committee on Appropriations of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Appropriations of the House of Representatives that contains the findings of the review conducted pursuant to subsection (b).

SEC. 9106. CULTURAL ANTIQUITIES TASK FORCE.

The Secretary is authorized to use up to $1,200,000 for grants to carry out the activities of the Cultural Antiquities Task Force.

SEC. 9107. OFFICE OF SANCTIONS COORDINATION.

(a) EXTENSION OF AUTHORITIES.—Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a) is amended, in paragraph (4)(B) of subsection (l), as redesignated by section 9502(a)(2) of this Act, by striking "the date that is two years after the date of the enactment of this subsection" and inserting "December 31, 2024".

(b) BRIEFING.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Treasury, or the Secretary's designee, shall brief the appropriate congressional committees with respect to the steps that the Office of Sanctions Coordina-

tion has taken to coordinate its activities with the Department of the Treasury and humanitarian aid programs, in an effort to help ensure appropriate flows of humanitarian assistance and goods to countries subject to United States sanctions.

SEC. 9108. SENSE OF CONGRESS AND STRATEGIC PLAN REGARDING THE DEPARTMENT OF STATE'S UNIT FOR SUBNATIONAL DIPLOMACY.

(a) DEFINITIONS.—In this section:

(1) MUNICIPAL.—The term "municipal" means the government of a city in the United States with a population of not fewer than 100,000 people.

(2) STATE.—The term "State" means the 50 States of the United States, the District of Columbia, and any territory or possession of the United States.

(3) SUBNATIONAL ENGAGEMENT.—The term "subnational engagement" means formal meetings or events between elected officials of a State or municipal government and their foreign counterparts.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the growth of subnational cooperation has enabled States and municipalities to play an increasingly significant role in foreign policy and complement the efforts of the Department;

(2) the Department's recently established Unit for Subnational Diplomacy will play a critical role in leveraging the Department's resources to support State and municipal governments in conducting subnational engagement and increasing cooperation with foreign allies and partners; and

(3) in facilitating such subnational engagements, the Department should engage with a broad array of United States cities without regard to their population size or location;

(c) STRATEGIC PLAN.—The Special Representative for Subnational Diplomacy shall submit a strategic plan to the appropriate congressional committees for the operations of the Unit for Subnational Diplomacy, including the Department's plans for—

(1) supporting subnational engagements involving policymakers from urban and rural areas to improve United States foreign policy effectiveness;

(2) enhancing the awareness, understanding, and involvement of United States citizens, including citizens residing in urban and rural areas, in the foreign policy process;

(3) countering subnational diplomacy efforts from adversarial nations;

(4) strengthening engagement with foreign subnational governments; and

(5) any other operations that the Secretary determines to be relevant.

(d) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to preclude—

(1) the Unit for Subnational Diplomacy Office from being elevated to a bureau within the Department; or

(2) the Special Representative for Subnational Diplomacy from being elevated to an Assistant Secretary if the addition of such Assistant Secretary position does not increase the num-

ber of Assistant Secretary positions at the Department above the number of such positions authorized under section 1(c)(1) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(c)(1)).

TITLE XCII—PERSONNEL ISSUES

SEC. 9201. [22 U.S.C. 2737] DEPARTMENT OF STATE PAID STUDENT INTERNSHIP PROGRAM.

(a) IN GENERAL.—The Secretary shall establish the Department of State Student Internship Program (referred to in this section as the "Program") to offer internship opportunities at the Department to eligible students to raise awareness of the essential role of diplomacy in the conduct of United States foreign policy and the realization of United States foreign policy objectives.

(b) ELIGIBILITY.—

(1) IN GENERAL.—An applicant is eligible to participate in the Program if the applicant is enrolled at—

(A) an institution of higher education (as such term is defined in section 102(a) of the Higher Education Act of 1965 (20 U.S.C. 1002(a))); or

(B) an institution of higher education based outside the United States, as determined by the Secretary of State.

(2) ADDITIONAL ELIGIBILITY CRITERIA.—An applicant in the Program should be—

(A) enrolled at least half-time in an institution described in paragraph (1) or have graduated from such an institution within the six months preceding application to the Program; and

(B) eligible to receive and hold an appropriate security clearance.

(c) SELECTION.—The Secretary shall establish selection criteria for students to be admitted into the Program that includes a demonstrated interest in a career in foreign affairs and gives preference as appropriate to individuals who have not previously completed internships within the Department of State and the United States Agency for International Development.

(d) OUTREACH.—The Secretary shall—

(1) widely advertise the Program, including—

(A) on the internet;

(B) through the Department's Diplomats in Residence program; and

(C) through other outreach and recruiting initiatives targeting undergraduate and graduate students; and

(2) conduct targeted outreach to encourage participation in the Program from—

(A) individuals belonging to an underrepresented group; and

(B) students enrolled at minority-serving institutions (which shall include any institution listed in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a)).

(e) COMPENSATION.—

(1) HOUSING ASSISTANCE.—

(A) ABROAD.—The Secretary shall provide housing assistance to any student participating in the Program whose permanent address is within the United States if the location of the internship in which such student is participating is outside of the United States.

(B) DOMESTIC.—The Secretary may provide housing assistance to a student participating in the Program whose permanent address is within the United States if the location of the internship in which such student is participating is more than 50 miles away from such student's permanent address.

(2) TRAVEL ASSISTANCE.—The Secretary shall provide a student participating in the Program whose permanent address is within the United States with financial assistance that is sufficient to cover the travel costs of a single round trip by air, train, bus, or other appropriate transportation between the student's permanent address and the location of the internship in which such student is participating if such location is—

(A) more than 50 miles from the student's permanent address; or

(B) outside of the United States.

(f) WORKING WITH INSTITUTIONS OF HIGHER EDUCATION.—The Secretary, to the maximum extent practicable, shall structure internships to ensure that such internships satisfy criteria for academic credit at the institutions of higher education in which participants in such internships are enrolled.

(g) TRANSITION PERIOD.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), beginning not later than 2 years after the date of the enactment of this Act—

(A) the Secretary shall convert unpaid internship programs of the Department, including the Foreign Service Internship Program, to internship programs that offer compensation; and

(B) upon selection as a candidate for entry into an internship program of the Department, a participant in such internship program may refuse compensation, including if doing so allows such participant to receive college or university curricular credit.

(2) EXCEPTION.—The transition required under paragraph (1) shall not apply to unpaid internship programs of the Department that are part of the Virtual Student Federal Service internship program.

(3) WAIVER.—

(A) IN GENERAL.—The Secretary may waive the requirement under paragraph (1)(A) with respect to a particular unpaid internship program if the Secretary, not later than 30 days after making a determination that the conversion of such internship program to a compensated internship program would not be consistent with effective management goals, submits a report explaining such determination to—

(i) the appropriate congressional committees;

(ii) the Committee on Appropriations of the Senate; and

(iii) the Committee on Appropriations of the House of Representatives.

(B) REPORT.—The report required under subparagraph (A) shall—

(i) describe the reasons why converting an unpaid internship program of the Department to an internship program that offers compensation would not be consistent with effective management goals; and

(ii)(I) provide justification for maintaining such unpaid status indefinitely; or

(II) identify any additional authorities or resources that would be necessary to convert such unpaid internship program to offer compensation in the future.

(h) REPORTS.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall submit a report to the committees referred to in subsection (g)(3)(A) that includes—

(1) data, to the extent the collection of such information is permissible by law, regarding the number of students who applied to the Program, were offered a position, and participated, respectively, disaggregated by race, ethnicity, sex, institution of higher education, home State, State where each student graduated from high school, and disability status;

(2) data regarding the number of security clearance investigations initiated for the students described in paragraph (1), including the timeline for such investigations, whether such investigations were completed, and when an interim security clearance was granted;

(3) information on Program expenditures;

(4) information regarding the Department's compliance with subsection (g); and

(5) the number of internship participants subsequently employed by the Department, if any, following their participation in the Program.

(i) VOLUNTARY PARTICIPATION.—

(1) IN GENERAL.—Nothing in this section may be construed to compel any student who is a participant in an internship program of the Department to participate in the collection of the data or divulge any personal information. Such students shall be informed that their participation in the data collection under this section is voluntary.

(2) PRIVACY PROTECTION.—Any data collected under this section shall be subject to the relevant privacy protection statutes and regulations applicable to Federal employees.

(j) SPECIAL HIRING AUTHORITY.—Notwithstanding any other provision of law, the Secretary, in consultation with the Director of the Office of Personnel Management, with respect to the number of interns to be hired each year, may—

(1) select, appoint, and employ individuals for up to 1 year through compensated internships in the excepted service; and

(2) remove any compensated intern employed pursuant to paragraph (1) without regard to the provisions of law governing appointments in the excepted service.

(k) WORK HOURS FLEXIBILITY.—Students participating in the Program may work fewer than 40 hours per week and a minimum of 24 hours per week to accommodate their academic schedules, provided that the total duration of the internship remains consistent with program requirements.

(l) MENTORSHIP PROGRAM.—The Secretary and Administrator are authorized to establish a mentoring and coaching program that pairs Foreign Service or Civil Service employees with interns who choose to participate throughout the duration of their internship.

SEC. 9202. IMPROVEMENTS TO THE PREVENTION OF, AND THE RESPONSE TO, HARASSMENT, DISCRIMINATION, SEXUAL ASSAULT, AND RELATED RETALIATION.

(a) POLICIES.—The Secretary should develop and strengthen policies regarding harassment, discrimination, sexual assault, and related retaliation, including policies for—

(1) addressing, reporting, and providing transitioning support;

(2) advocacy, service referrals, and travel accommodations; and

(3) disciplining personnel that violate Department policies regarding harassment, discrimination, sexual assault, or related retaliation.

(b) DISCIPLINARY ACTION.—

(1) SEPARATION FOR CAUSE.—Section 610(a)(1) of the Foreign Service Act of 1980 (22 U.S.C. 4010(a)(1)), is amended—

(A) by striking "decide to"; and

(B) by inserting ", including upon receiving notification from the Bureau of Diplomatic Security that such member has engaged in criminal misconduct, such as murder, rape, or other sexual assault" before the period at the end.

(2) [22 U.S.C. 4010 note] UPDATE TO MANUAL.—The Director of Global Talent Management shall—

(A) update the "Grounds for Disciplinary Action" and "List of Disciplinary Offenses and Penalties" sections of the Foreign Affairs Manual to reflect the amendments made under paragraph (1); and

(B) communicate such updates to Department staff through publication in Department Notices.

(c) [22 U.S.C. 4821 note] SEXUAL ASSAULT PREVENTION AND RESPONSE VICTIM ADVOCATES.—The Secretary shall ensure that the Diplomatic Security Service's Victims' Resource Advocacy Program—

(1) is appropriately staffed by advocates who are physically present at—

(A) the headquarters of the Department; and

(B) major domestic and international facilities and embassies, as determined by the Secretary;

(2) considers the logistics that are necessary to allow for the expedient travel of victims from Department facilities that do not have advocates; and

(3) uses funds available to the Department to provide emergency food, shelter, clothing, and transportation for victims involved in matters being investigated by the Diplomatic Security Service.

SEC. 9203. INCREASING THE MAXIMUM AMOUNT AUTHORIZED FOR SCIENCE AND TECHNOLOGY FELLOWSHIP GRANTS AND COOPERATIVE AGREEMENTS.

Section 504(e)(3) of the Foreign Relations Authorization Act, Fiscal Year 1979 (22 U.S.C. 2656d(e)(3)) is amended by striking "$500,000" and inserting "$2,000,000".

SEC. 9204. [22 U.S.C. 2385 note] ADDITIONAL PERSONNEL TO ADDRESS BACKLOGS IN HIRING AND INVESTIGATIONS.

(a) IN GENERAL.—The Secretary shall seek to increase the number of personnel within the Bureau of Global Talent Management and the Office of Civil Rights to address backlogs in hiring and investigations into complaints conducted by the Office of Civil Rights.

(b) EMPLOYMENT TARGETS.—The Secretary shall seek to employ—

(1) not fewer than 15 additional personnel in the Bureau of Global Talent Management and the Office of Civil Rights (compared to the number of personnel so employed as of the day before the date of the enactment of this Act) by the date that is 180 days after such date of enactment; and

(2) not fewer than 15 additional personnel in such Bureau and Office (compared to the number of personnel so employed as of the day before the date of the enactment of this Act) by the date that is 1 year after such date of enactment.

SEC. 9205. [22 U.S.C. 2719a] FOREIGN AFFAIRS TRAINING.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) Congress has recognized, including in division E of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117-81), that the Department is a crucial national security agency, whose employees, both Foreign Service and Civil Service, require the best possible training and professional development at every stage of their careers to prepare them to promote and defend United States national interests and the health and safety of United States citizens abroad; and

(2) the new and evolving challenges of national security in the 21st century necessitate the expansion of standardized training and professional development opportunities linked to equal, accountable, and transparent promotion and leadership practices for Department and other national security agency personnel.

(b) DEFINED TERM.—In this section, the term "appropriate committees of Congress" means—

(1) the Committee on Foreign Relations of the Senate;

(2) the Committee on Appropriations of the Senate;

(3) the Committee on Foreign Affairs of the House of Representatives; and

(4) the Committee on Appropriations of the House of Representatives.

(c) [22 U.S.C. 2719b] TRAINING AND PROFESSIONAL DEVELOPMENT PRIORITIZATION.—Section 5108(c) of division E of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117-81) is amended to read as follows:

"(c) TRAINING AND PROFESSIONAL DEVELOPMENT PRIORITIZATION.—In order to provide the Civil Service and the Foreign Service with the level of professional development and training needed to effectively advance United States interests across the world, the Secretary of State shall—

"(1) increase relevant offerings provided by the Department of State—

"(A) of interactive virtual instruction to make training and professional development more accessible and useful to personnel deployed throughout the world; or

"(B) at partner organizations, including universities, industry entities, and nongovernmental organizations, throughout the United States to provide useful outside perspectives to Department of State personnel by providing such personnel—

"(i) a more comprehensive outlook on different sectors of United States society;

"(ii) practical experience dealing with commercial corporations, universities, labor unions, and other institutions critical to United States diplomatic success; and

"(iii) courses specifically focused on commercial diplomacy that increase the understanding of private sector needs that arise as United States companies enter and compete in the international market;

"(2) provide the opportunity to participate in courses using computer-based or computer-assisted simulations, allowing civilian officers to lead decision making in a crisis environment, and encourage officers of the Department of State, and reciprocally, officers of other Federal departments to participate in similar exercises held by the Department of State or other government organizations and the private sector;

"(3) increase the duration and expand the focus of certain training and professional development courses, including by extending—

"(A) the A-100 entry-level course to as long as 12 weeks, which better matches the length of entry-level training and professional development provided to the officers in other national security departments and agencies; and

"(B) the Chief of Mission course to as long as 6 weeks for first time Chiefs of Mission and creating comparable courses for new Assistant Secretaries and Deputy Assistant Secretaries to more accurately reflect the significant responsibilities accompanying such roles; and

"(4) ensure that Foreign Service officers who are assigned to a country experiencing significant population displacement due to the impacts of climatic and non-climatic shocks and stresses, including rising sea levels and lack of access to affordable and reliable energy and electricity, receive specific instruc-

tion on United States policy with respect to resiliency and adaptation to such climatic and non-climatic shocks and stresses.".

(d) FELLOWSHIPS.—The Director General of the Foreign Service shall—

(1) expand and establish new fellowship programs for Foreign Service and Civil Service officers that include short- and long-term opportunities at organizations, including—

(A) think tanks and nongovernmental organizations;

(B) the Department of Defense and other relevant Federal agencies;

(C) industry entities, especially such entities related to technology, global operations, finance, and other fields directly relevant to international affairs; and

(D) schools of international relations and other relevant programs at universities throughout the United States; and

(2) not later than 180 days after the date of the enactment of this Act, submit a report to Congress that describes how the Department could expand the Pearson Fellows Program for Foreign Service Officers and the Brookings Fellow Program for Civil Servants to provide fellows in such programs with the opportunity to undertake a follow-on assignment within the Department in an office in which fellows will gain practical knowledge of the people and processes of Congress, including offices other than the Legislative Affairs Bureau, including—

(A) an assessment of the current state of congressional fellowships, including the demand for fellowships, support for applicants to pursue and perform such fellowships, and the value the fellowships provide to both the career of the officer and to the Department; and

(B) an assessment of the options for making congressional fellowships for both the Foreign Service and the Civil Service more career-enhancing.

(e) BOARD OF VISITORS OF THE FOREIGN SERVICE INSTITUTE.—

(1) ESTABLISHMENT.—The Secretary is authorized to establish a Board of Visitors of the Foreign Service Institute (referred to in this subsection as the "Board"). It is the sense of Congress that the Board should be established not later than 1 year after the date of the enactment of this Act.

(2) DUTIES.—The Board authorized by this subsection shall be comprised of 12 members, who shall be appointed by the Secretary and shall provide the Secretary with independent advice and recommendations regarding organizational management, strategic planning, resource management, curriculum development, and other matters of interest to the Foreign Service Institute, including regular observations about how well the Department is integrating training and professional development into the work of the Bureau for Global Talent Management.

(3) MEMBERSHIP.—

(A) QUALIFICATIONS.—Members of the Board shall be appointed from among individuals who—

(i) are not officers or employees of the Federal Government; and

(ii) are eminent authorities in the fields of diplomacy, national security, management, leadership, economics, trade, technology, or advanced international relations education.

(B) OUTSIDE EXPERTISE.—

(i) IN GENERAL.—Not fewer than 6 members of the Board shall have a minimum of 10 years of relevant expertise outside the field of diplomacy.

(ii) PRIOR SENIOR SERVICE AT THE DEPARTMENT.—Not more than 6 members of the Board may be persons who previously served in the Senior Foreign Service or the Senior Executive Service at the Department.

(4) TERMS.—Each member of the Board shall be appointed for a term of 3 years, except that of the members first appointed—

(A) 4 members shall be appointed for a term of 3 years;

(B) 4 members shall be appointed for a term of 2 years; and

(C) 4 members shall be appointed for a term of 1 year.

(5) CHAIRPERSON; VICE CHAIRPERSON.—

(A) APPROVAL.—The Chairperson and Vice Chairperson of the Board shall be approved by the Secretary of State based upon a recommendation from the members of the Board.

(B) SERVICE.—The Chairperson and Vice Chairperson shall serve at the discretion of the Secretary.

(6) MEETINGS.—The Board shall meet—

(A) at the call of the Director of the Foreign Service Institute and the Chairperson; and

(B) not fewer than 2 times per year.

(7) COMPENSATION.—Each member of the Board shall serve without compensation, except that a member of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of service for the Board. Notwithstanding section 1342 of title 31, United States Code, the Secretary may accept the voluntary and uncompensated service of members of the Board.

(8) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Board established under this subsection.

(f) ESTABLISHMENT OF PROVOST OF THE FOREIGN SERVICE INSTITUTE.—

(1) ESTABLISHMENT.—There is established in the Foreign Service Institute the position of Provost.

(2) APPOINTMENT; REPORTING.—The Provost shall—

(A) be appointed by the Secretary; and

(B) report to the Director of the Foreign Service Institute.

(3) QUALIFICATIONS.—The Provost, who should be a member of the Senior Executive Service, shall have—

(A) experience in the field of diplomacy, national security, education, management, leadership, economics, history, trade, adult education, or technology; and

(B) significant experience outside the Department, whether in other national security agencies or in the private sector, and preferably in positions of authority in educational institutions or the field of professional development and mid-career training with oversight for the evaluation of academic programs.

(4) DUTIES.—The Provost shall—

(A) oversee, review, evaluate, and coordinate the academic curriculum for all courses taught and administered by the Foreign Service Institute; and

(B) coordinate the development of an evaluation system to ascertain the utility of the information and skills imparted by each such course, such that, to the extent practicable, performance assessments can be included in the personnel records maintained by the Bureau of Global Talent Management and utilized in Foreign Service Selection Boards.

(5) COMPENSATION.—The Provost shall receive a salary commensurate with the rank and experience of a member of the Senior Executive Service, as determined by the Secretary.

(g) OTHER AGENCY RESPONSIBILITIES AND OPPORTUNITIES FOR CONGRESSIONAL STAFF.—

(1) OTHER AGENCIES.—National security agencies other than the Department should be afforded the ability to increase the enrollment of their personnel in courses at the Foreign Service Institute and other training and professional development facilities of the Department to promote a whole-of-government approach to mitigating national security challenges.

(2) CONGRESSIONAL STAFF.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit a report to the appropriate committees of Congress that describes—

(A) the training and professional development opportunities at the Foreign Service Institute and other Department facilities available to congressional staff;

(B) the budget impacts of offering such opportunities to congressional staff; and

(C) potential course offerings.

(h) STRATEGY FOR ADAPTING TRAINING REQUIREMENTS FOR MODERN DIPLOMATIC NEEDS.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall develop and submit to the appropriate committees of Congress a strategy for adapting and evolving training requirements to better meet the Department's current and future needs for 21st century diplomacy.

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

(A) Integrating training requirements into the Department's promotion policies, including establishing educational and professional development standards for training and attainment to be used as a part of tenure and promotion guidelines.

(B) Addressing multiple existing and emerging national security challenges, including—

(i) democratic backsliding and authoritarianism;

(ii) countering, and assisting United States allies to address, state-sponsored disinformation, including through the Global Engagement Center;

(iii) cyber threats;

(iv) the aggression and malign influence of Russia, Cuba, Iran, North Korea, the Maduro Regime, and the Chinese Communist Party's multi-faceted and comprehensive challenge to the rules-based order;

(v) the implications of climate change for United States diplomacy; and

(vi) nuclear threats.

(C) An examination of the likely advantages and disadvantages of establishing residential training for the A-100 orientation course administered by the Foreign Service Institute and evaluating the feasibility of residential training for other long-term training opportunities.

(D) An examination of the likely advantages and disadvantages of establishing a press freedom curriculum for the National Foreign Affairs Training Center that enables Foreign Service officers to better understand issues of press freedom and the tools that are available to help protect journalists and promote freedom of the press norms, which may include—

(i) the historic and current issues facing press freedom, including countries of specific concern;

(ii) the Department's role in promoting press freedom as an American value, a human rights issue, and a national security imperative;

(iii) ways to incorporate press freedom promotion into other aspects of diplomacy; and

(iv) existing tools to assist journalists in distress and methods for engaging foreign governments and institutions on behalf of individuals engaged in journalistic activity who are at risk of harm.

(E) The expansion of external courses offered by the Foreign Service Institute at academic institutions or professional associations on specific topics, including in-person and virtual courses on monitoring and evaluation, audience analysis, and the use of emerging technologies in diplomacy.

(3) UTILIZATION OF EXISTING RESOURCES.—In examining the advantages and disadvantages of establishing a residential training program pursuant to paragraph (2)(C), the Secretary shall—

(A) collaborate with other national security departments and agencies that employ residential training for their orientation courses; and

(B) consider using the Department's Foreign Affairs Security Training Center in Blackstone, Virginia.

(i) REPORT AND BRIEFING REQUIREMENTS.—

(1) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit a report to the appropriate committees of Congress that includes—

(A) a strategy for broadening and deepening professional development and training at the Department, including assessing current and future needs for 21st century diplomacy;

(B) the process used and resources needed to implement the strategy referred to in subparagraph (A) throughout the Department; and

(C) the results and impact of the strategy on the workforce of the Department, particularly the relationship between professional development and training and promotions for Department personnel, and the measurement and evaluation methods used to evaluate such results.

(2) BRIEFING.—Not later than 1 year after the date on which the Secretary submits the report required under paragraph (1), and annually thereafter for 2 years, the Secretary shall provide to the appropriate committees of Congress a briefing on the information required to be included in the report.

(j) FOREIGN LANGUAGE MAINTENANCE INCENTIVE PROGRAM.—

(1) AUTHORIZATION.—The Secretary is authorized to establish and implement an incentive program, with a similar structure as the Foreign Language Proficiency Bonus offered by the Department of Defense, to encourage members of the Foreign Service who possess language proficiency in any of the languages that qualify for additional incentive pay, as determined by the Secretary, to maintain critical foreign language skills.

(2) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit a report to the appropriate committees of Congress that includes a detailed plan for implementing the program authorized under paragraph (1), including anticipated resource requirements to carry out such program.

SEC. 9206. [22 U.S.C. 2719c] FACILITATION AND ENCOURAGEMENT OF TRAINING AND PROFESSIONAL DEVELOPMENT FOR FOREIGN SERVICE AND CIVIL SERVICE PERSONNEL.

(a) SENSE OF CONGRESS.—It is the sense of Congress that recognition throughout the Department of the value and importance of training and professional development for Foreign Service and Civil Service personnel is vital to the development and maintenance by such personnel of the skills and expertise required for the Department to contribute fully and effectively to the conduct of the foreign affairs of the United States.

(b) STUDY AND REPORT.—

(1) IN GENERAL.—The Secretary, in consultation with the heads of relevant Federal agencies, shall conduct a study of the

feasibility and cost of establishing a diplomatic officers' reserve corps or similar mechanism to augment the Department's personnel needs at any level on a temporary or permanent basis.

(2) ELEMENTS.—In conducting the study required under paragraph (1), the Secretary shall consider whether the diplomatic officers' reserve corps should be modeled on the Senior Reserve Officers' Training Corps established under chapter 103 of title 10, United States Code, to encourage the recruitment and retention of personnel who have the critical language skills necessary to meet the requirements of the Foreign Service by providing financial assistance to students studying critical languages at institutions of higher education.

(3) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees that contains the results of the study conducted pursuant to paragraph (1).

(c) TRAINING AND DEVELOPMENT IN PROMOTION PRECEPTS AND EVALUATION CRITERIA.—

(1) FOREIGN SERVICE.—The Secretary shall take appropriate action to ensure accountability and transparency in the evaluation of the precepts described in section 603 of the Foreign Service Act of 1980 (22 U.S.C. 4003) upon which the selection boards established pursuant to section 602 of such Act (22 U.S.C. 4002) make recommendations for the promotion of members of the Foreign Service under section 601 of such Act (22 U.S.C. 4001) by affording equal consideration to the undertaking of training, professional development, and foreign language acquisition and retention among any other objective criteria considered by selection boards in making such recommendations.

(2) CIVIL SERVICE.—The Secretary shall take appropriate action to ensure that the performance standards for any job performance appraisal system for Civil Service personnel of the Department afford equal consideration to the undertaking of training, professional development, and foreign language acquisition and retention among any other objective criteria in the evaluation of the job performance of such personnel.

(d) RESPONSE TO SUBORDINATE TRAINING AND DEVELOPMENT NEEDS IN EVALUATION OF SUPERVISOR PERFORMANCE.—

(1) FOREIGN SERVICE.—The Secretary shall take appropriate action to ensure that the evaluation of precepts for recommendations for promotion described in subsection (c)(1) for members of the Foreign Service in supervisory positions incorporates the extent to which such members appropriately address the training and professional development needs of the personnel under their supervision.

(2) CIVIL SERVICE.—The Secretary shall take appropriate action to ensure that the performance standards described in subsection (c)(2) for Civil Service personnel of the Department in supervisory positions afford appropriate weight to addressing the training and professional development needs of the personnel under their supervision.

SEC. 9207. SECURITY CLEARANCE APPROVAL PROCESS.

(a) RECOMMENDATIONS.—Not later than 270 days after the date of the enactment of this Act, the Secretary, in coordination with the Director of National Intelligence, shall submit recommendations to the appropriate congressional committees for streamlining the security clearance approval process within the Bureau of Diplomatic Security so that the security clearance approval process for Civil Service and Foreign Service applicants is completed within 6 months, on average, and within 1 year, in the vast majority of cases.

(b) REPORT.—Not later than 90 days after the recommendations are submitted pursuant to subsection (a), the Secretary shall submit a report to the Committee on Foreign Relations of the Senate, the Select Committee on Intelligence of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Permanent Select Committee on Intelligence of the House of Representatives that—

(1) describes the status of the efforts of the Department to streamline the security clearance approval process; and

(2) identifies any remaining obstacles preventing security clearances from being completed within the time frames set forth in subsection (a), including lack of cooperation or other actions by other Federal departments and agencies.

SEC. 9208. ADDENDUM FOR STUDY ON FOREIGN SERVICE ALLOWANCES.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees an addendum to the report required under section 5302 of the Department of State Authorization Act of 2021 (division E of Public Law 117-81), which shall be entitled the "Report on Bidding for Domestic and Overseas Posts and Filling Unfilled Positions". The addendum shall be prepared using input from the same federally funded research and development center that prepared the analysis conducted for the purposes of such report.

(b) ELEMENTS.—The addendum required under subsection (a) shall include—

(1) the total number of domestic and overseas positions open during the most recent summer bidding cycle;

(2) the total number of bids each position received;

(3) the number of unfilled positions at the conclusion of the most recent summer bidding cycle, disaggregated by bureau; and

(4) detailed recommendations and a timeline for—

(A) increasing the number of qualified bidders for underbid positions; and

(B) minimizing the number of unfilled positions at the end of the bidding season.

SEC. 9209. [22 U.S.C. 3921 note] CURTAILMENTS, REMOVALS FROM POST, AND WAIVERS OF PRIVILEGES AND IMMUNITIES.

(a) CURTAILMENTS REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary shall submit a report to the appropriate congres-

sional committees regarding curtailments of Department personnel from overseas posts.

(2) CONTENTS.—The Secretary shall include in the report required under paragraph (1)—

(A) relevant information about any post that, during the 6-month period preceding the report—

(i) had more than 5 curtailments; or

(ii) had curtailments representing more than 5 percent of Department personnel at such post; and

(B) for each post referred to in subparagraph (A), the number of curtailments, disaggregated by month of occurrence.

(C) ADDITIONAL CONTENTS FOR INITIAL REPORT.—The initial report submitted pursuant to paragraph (1) shall identify—

(i) the number of curtailments at the Deputy Chief of Mission or Principal Officer level for each of the previous 5 years; and

(ii) to the extent practicable—

(I) the number of such curtailments that were voluntary and the number of such curtailments that were involuntary; and

(II) the number of those curtailed who left the service within 1 year after such curtailment.

(b) REMOVAL OF DIPLOMATS.—Not later than 20 days after the date on which any United States personnel under Chief of Mission authority is declared persona non grata by a host government, the Secretary shall—

(1) notify the Committee on Foreign Relations of the Senate, the Select Committee on Intelligence of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Permanent Select Committee on Intelligence of the House of Representatives of such declaration; and

(2) include with such notification—

(A) the official reason for such declaration (if provided by the host government);

(B) the date of the declaration; and

(C) whether the Department responded by declaring a host government's diplomat in the United States persona non grata.

(c) WAIVER OF PRIVILEGES AND IMMUNITIES.—Not later than 15 days after any waiver of privileges and immunities pursuant to the Vienna Convention on Diplomatic Relations, done at Vienna April 18, 1961, that is applicable to an entire diplomatic post or to the majority of United States personnel under Chief of Mission authority, the Secretary shall notify the appropriate congressional committees of such waiver and the reason for such waiver.

(d) TERMINATION.—This section shall terminate on the date that is 5 years after the date of the enactment of this Act.

SEC. 9210. REPORT ON WORLDWIDE AVAILABILITY.

(a) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees on the feasibility of requiring

that each member of the Foreign Service, at the time of entry into the Foreign Service and thereafter, be worldwide available, as determined by the Secretary.

(b) CONTENTS.—The report required under subsection (a) shall include—

(1) the feasibility of a worldwide availability requirement for all members of the Foreign Service;

(2) considerations if such a requirement were to be implemented, including the potential effect on recruitment and retention; and

(3) recommendations for exclusions and limitations, including exemptions for medical reasons, disability, and other circumstances.

SEC. 9211. [22 U.S.C. 4023 note] PROFESSIONAL DEVELOPMENT.

(a) REQUIREMENTS.—The Secretary shall strongly encourage that Foreign Service officers seeking entry into the Senior Foreign Service participate in professional development described in subsection (c).

(b) REQUIREMENTS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit recommendations on requiring that Foreign Service officers complete professional development described in subsection (c) to be eligible for entry into the Senior Foreign Service.

(c) PROFESSIONAL DEVELOPMENT DESCRIBED.—Professional development described in this subsection is not less than 6 months of training or experience outside of the Department, including time spent—

(1) as a detailee to another government agency, including Congress or a State, Tribal, or local government; or

(2) in Department-sponsored and -funded university training that results in an advanced degree, excluding time spent at a university that is fully funded or operated by the Federal Government.

(d) PROMOTION PRECEPTS.—The Secretary shall instruct promotion boards to consider positively long-term training and out-of-agency detail assignments as described in this section.

SEC. 9212. [22 U.S.C. 3921 note] MANAGEMENT ASSESSMENTS AT DIPLOMATIC AND CONSULAR POSTS.

(a) IN GENERAL.—Beginning not later than 1 year after the date of the enactment of this Act, the Secretary shall annually conduct, at each diplomatic and consular post, a voluntary survey, which shall be offered to all staff assigned to that post who are citizens of the United States (excluding the Chief of Mission) to assess the management and leadership of that post by the Chief of Mission, the Deputy Chief of Mission, and the Charge d'Affaires.

(b) ANONYMITY.—All responses to the survey shall be—

(1) fully anonymized; and

(2) made available to the Director General of the Foreign Service.

(c) SURVEY.—The survey shall seek to assess—

(1) the general morale at post;

(2) the presence of any hostile work environment;

(3) the presence of any harassment, discrimination, retaliation, or other mistreatment; and

(4) effective leadership and collegial work environment.

(d) DIRECTOR GENERAL RECOMMENDATIONS.—Upon compilation and review of the surveys, the Director General of the Foreign Service shall issue recommendations to posts, as appropriate, based on the findings of the surveys.

(e) REFERRAL.—If the surveys reveal any action that is grounds for referral to the Inspector General of the Department of State and the Foreign Service, the Director General of the Foreign Service may refer the matter to the Inspector General of the Department of State and the Foreign Service, who shall, as the Inspector General considers appropriate, conduct an inspection of the post in accordance with section 209(b) of the Foreign Service Act of 1980 (22 U.S.C. 3929(b)).

(f) ANNUAL REPORT.—The Director General of the Foreign Service shall submit an annual report to the appropriate congressional committees that includes—

(1) any trends or summaries from the surveys;

(2) the posts where corrective action was recommended or taken in response to any issues identified by the surveys; and

(3) the number of referrals to the Inspector General of the Department of State and the Foreign Service, as applicable.

(g) INITIAL BASIS.—The surveys and reports required under this section shall be carried out on an initial basis for the 5-year period beginning on the date of the enactment of this Act.

SEC. 9213. INDEPENDENT REVIEW OF PROMOTION POLICIES.

Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a comprehensive review of the policies, personnel, organization, and processes related to promotions within the Department, including—

(1) a review of—

(A) the selection and oversight of Foreign Service promotion panels; and

(B) the use of quantitative data and metrics in such panels;

(2) an assessment of the promotion practices of the Department, including how promotion processes are communicated to the workforce and appeals processes; and

(3) recommendations for improving promotion panels and promotion practices.

SEC. 9214. [22 U.S.C. 3921 note] THIRD PARTY VERIFICATION OF PERMANENT CHANGE OF STATION (PCS) ORDERS.

Not later than 180 days after the date of the enactment of this Act, the Secretary shall establish a mechanism for third parties to verify the employment of, and the validity of permanent change of station (PCS) orders received by, members of the Foreign Service, in a manner that protects the safety, security, and privacy of sensitive employee information.

SEC. 9215. POST-EMPLOYMENT RESTRICTIONS ON SENATE-CONFIRMED OFFICIALS AT THE DEPARTMENT OF STATE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) Congress and the executive branch have recognized the importance of preventing and mitigating the potential for conflicts of interest following government service, including with respect to senior United States officials working on behalf of foreign governments; and

(2) Congress and the executive branch should jointly evaluate the status and scope of post-employment restrictions.

(b) RESTRICTIONS.—Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a) is amended by adding at the end the following:

"(m) EXTENDED POST-EMPLOYMENT RESTRICTIONS FOR CERTAIN SENATE-CONFIRMED OFFICIALS.—

"(1) DEFINITIONS.—In this subsection:

"(A) COUNTRY OF CONCERN.—The term 'country of concern' means—

"(i) the People's Republic of China;

"(ii) the Russian Federation;

"(iii) the Islamic Republic of Iran;

"(iv) the Democratic People's Republic of Korea;

"(v) the Republic of Cuba; and

"(vi) the Syrian Arab Republic.

"(B) FOREIGN GOVERNMENT ENTITY.—The term 'foreign governmental entity' includes—

"(i) any person employed by—

"(I) any department, agency, or other entity of a foreign government at the national, regional, or local level;

"(II) any governing party or coalition of a foreign government at the national, regional, or local level; or

"(III) any entity majority-owned or majority-controlled by a foreign government at the national, regional, or local level; and

"(ii) in the case of a country of concern, any company, economic project, cultural organization, exchange program, or nongovernmental organization that is more than 33 percent owned or controlled by the government of such country.

"(C) REPRESENTATION.—The term 'representation' does not include representation by an attorney, who is duly licensed and authorized to provide legal advice in a United States jurisdiction, of a person or entity in a legal capacity or for the purposes of rendering legal advice.

"(2) SECRETARY OF STATE AND DEPUTY SECRETARY OF STATE.—With respect to a person serving as the Secretary of State or the Deputy Secretary of State, the restrictions described in section 207(f)(1) of title 18, United States Code, shall apply to any such person who knowingly represents, aids, or advises a foreign governmental entity before an officer or employee of the executive branch of the United States with the intent to influence a decision of such officer or employee in carrying out his or her official duties at any time after the termination of such person's service as Secretary or Deputy Secretary.

"(3) UNDER SECRETARIES, ASSISTANT SECRETARIES, AND AMBASSADORS.—With respect to a person serving as an Under Secretary, Assistant Secretary, or Ambassador at the Department of State or as the United States Permanent Representative to the United Nations, the restrictions described in section 207(f)(1) of title 18, United States Code, shall apply to any such person who knowingly represents, aids, or advises—

"(A) a foreign governmental entity before an officer or employee of the executive branch of the United States with the intent to influence a decision of such officer or employee in carrying out his or her official duties for 3 years after the termination of such person's service in a position described in this paragraph, or the duration of the term or terms of the President who appointed that person to their position, whichever is longer; or

"(B) a foreign governmental entity of a country of concern before an officer or employee of the executive branch of the United States with the intent to influence a decision of such officer or employee in carrying out his or her official duties at any time after the termination of such person's service in a position described in this paragraph.

"(4) PENALTIES AND INJUNCTIONS.—Any violations of the restrictions under paragraphs (2) or (3) shall be subject to the penalties and injunctions provided for under section 216 of title 18, United States Code.

"(5) NOTICE OF RESTRICTIONS.—Any person subject to the restrictions under this subsection shall be provided notice of these restrictions by the Department of State—

"(A) upon appointment by the President; and

"(B) upon termination of service with the Department of State.

"(6) EFFECTIVE DATE.—The restrictions under this subsection shall apply only to persons who are appointed by the President to the positions referenced in this subsection on or after 120 days after the date of the enactment of the Department of State Authorization Act of 2022.

"(7) SUNSET.—The restrictions under this subsection shall expire on the date that is 5 years after the date of the enactment of the Department of State Authorization Act of 2022.".

SEC. 9216. EXPANSION OF AUTHORITIES REGARDING SPECIAL RULES FOR CERTAIN MONTHLY WORKERS' COMPENSATION PAYMENTS AND OTHER PAYMENTS.

Section 901 of division J of the Further Consolidated Appropriations Act, 2020 (22 U.S.C. 2680b) is amended by adding at the end the following:

"(j) EXPANSION OF AUTHORITIES.—The head of any Federal agency may exercise the authorities of this section, including to designate an incident, whether the incident occurred in the United States or abroad, for purposes of subparagraphs (A)(ii) and (B)(ii) of subsection (e)(4) when the incident affects United States Government employees of the agency or their dependents who are not under the security responsibility of the Secretary of State as set forth in section 103 of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4802) or when operational

control of overseas security responsibility for such employees or dependents has been delegated to the head of the agency.".

SEC. 9217. REPORT ON PILOT PROGRAM FOR LATERAL ENTRY INTO THE FOREIGN SERVICE.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of State for Management shall submit a report to the appropriate congressional committees describing the implementation of the pilot program for lateral entry into the Foreign Service required under section 404(b) of the Department of State Authorities Act, Fiscal Year 2017 (Public Law 114-323; 130 Stat. 1928).

(b) MATTERS TO BE INCLUDED.—The report required under subsection (a) shall include—

(1) the current status of implementation of the pilot program, including a summary of concrete steps taken by the Department to implement the pilot program;

(2) an explanation of any delays in implementation of the pilot program;

(3) the number of mid-career individuals from the Civil Service of the Department and the private sector who are expected to participate in the pilot program during fiscal year 2023, disaggregated, to the extent practicable and to the maximum extent that the collection of such data is permissible by law, by sex, age, race and ethnicity, geographic origin, and past occupation;

(4) an analysis of the skills gap identified by the Department for the use of the pilot program's flexible-hiring mechanism;

(5) any legal justification provided by the Office of the Legal Adviser of the Department if the Department did not implement the pilot program; and

(6) the estimated date by which the Department is expected to implement the pilot program.

SEC. 9218. REPORT ON CHANGES TO THE FOREIGN SERVICE OFFICER TEST.

Not later than December 1, 2023, the Secretary shall submit a report to the appropriate congressional committees describing and justifying any changes made during fiscal years 2022 and 2023 to the Foreign Service entry process, including—

(1) the use of artificial intelligence, including deep textual analysis, in any portion of the entry process and its impacts on recruitment into the Foreign Service;

(2) the use of virtual formats for any portion of the entry process and its impacts on recruitment into the Foreign Service; and

(3) the entities, groups, or individuals informed of or consulted on any changes to the Foreign Service entry process during the 1-year period immediately preceding the implementation of such changes.

SEC. 9219. DIGNITY FOR PEOPLE WITH DISABILITIES SERVING IN THE FOREIGN SERVICE.

The Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.) is amended—

(1) in section 101(b)(2) (22 U.S.C. 3901(b)(2)), by striking "handicapping condition" and inserting "disability";

(2) in section 105 (22 U.S.C. 3905), by striking "handicapping condition" each place such term appears and inserting "disability";

(3) in section 1002(11)(A) (22 U.S.C. 4102(11)(A)), by striking "handicapping condition" and inserting "disability"; and

(4) in section 1015(b)(4) (22 U.S.C. 4115(b)(4)), by striking "handicapping condition" and inserting "disability".

SEC. 9220. EXPANDING SCOPE OF FELLOWSHIP PROGRAMS TO INCLUDE CIVIL SERVANTS.

(a) IN GENERAL.—Section 47 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2719) is amended—

(1) in the first sentence—

(A) by inserting "or the Civil Service" after "with the Foreign Service"; and

(B) by striking "Foreign service Act of 1980" and inserting "Foreign Service Act of 1980"; and

(2) in the second sentence, by inserting "or the Civil Service" after "Foreign Service".

(b) INITIAL REPORT.—Not later than 30 days before expanding participation to include civil servants in any fellowship program of the Department, the Secretary shall submit a report to the appropriate congressional committees that—

(1) identifies the affected fellowship program; and

(2) justifies expanding participation in such program.

(c) FOLLOW-UP REPORT.—Not later than 1 year after the expansion of any fellowship program authorized under this section, the Secretary shall submit a follow-up report to the appropriate congressional committees that describes how the expansion of participation in such program has impacted the effectiveness of the program.

TITLE XCIII—EMBASSY SECURITY AND CONSTRUCTION

SEC. 9301. AMENDMENTS TO SECURE EMBASSY CONSTRUCTION AND COUNTERTERRORISM ACT OF 1999.

(a) [22 U.S.C. 4801 note] SHORT TITLE.—This section may be cited as the "Secure Embassy Construction and Counterterrorism Act of 2022".

(b) [22 U.S.C. 4865 note] FINDINGS.—Congress makes the following findings:

(1) The Secure Embassy Construction and Counterterrorism Act of 1999 (title VI of division A of appendix G of Public Law 106-113) was a necessary response to bombings on August 7, 1998, at the United States embassies in Nairobi, Kenya, and in Dar es Salaam, Tanzania, that were destroyed by simultaneously exploding bombs. The resulting explosions killed 220 persons and injured more than 4,000 others. Twelve Americans and 40 Kenyan and Tanzanian employees of the United States Foreign Service were killed in the attacks.

(2) Those bombings, followed by the expeditionary diplomatic efforts in Iraq and Afghanistan, demonstrated the need to prioritize the security of United States posts and personnel abroad above other considerations.

(3) Between 1999 and 2022, the risk calculus of the Department impacted the ability of United States diplomats around the world to advance the interests of the United States through access to local populations, leaders, and places.

(4) America's competitors and adversaries do not have the same restrictions that United States diplomats have, especially in critically important medium-threat and high-threat posts.

(5) The Department's 2021 Overseas Security Panel report states that—

(A) the requirement for setback and collocation of diplomatic posts under paragraphs (2) and (3) of section 606(a) of the Secure Embassy Construction and Counterterrorism Act of 1999 (22 U.S.C. 4865(a)) hasled to skyrocketing costs of new embassies and consulates; and

(B) the locations of such posts have become less desirable, creating an extremely suboptimal nexus that further hinders United States diplomats who are willing to accept more risk in order to advance United States interests.

(c) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the setback and collocation requirements referred to in subsection (b)(5)(A), even with available waivers, no longer provide the security such requirements used to provide because of advancement in technologies, such as remote controlled drones, that can evade walls and other such static barriers;

(2) the Department should focus on creating performance security standards that—

(A) attempt to keep the setback requirements of diplomatic posts as limited as possible; and

(B) provide diplomats access to local populations as much as possible, while still providing a necessary level of security;

(3) collocation of diplomatic facilities is often not feasible or advisable, particularly for public diplomacy spaces whose mission is to reach and be accessible to wide sectors of the public, including in countries with repressive governments, since such spaces are required to permit the foreign public to enter and exit the space easily and openly;

(4) the Bureau of Diplomatic Security should—

(A) fully utilize the waiver process provided under paragraphs (2)(B) and (3)(B) of section 606(a) of the Secure Embassy Construction and Counterterrorism Act of 1999 (22 U.S.C. 4865(a)); and

(B) appropriately exercise such waiver process as a tool to right-size the appropriate security footing at each diplomatic post rather than only approving waivers in extreme circumstances;

(5) the return of great power competition requires—

(A) United States diplomats to do all they can to outperform our adversaries; and

(B) the Department to better optimize use of taxpayer funding to advance United States national interests; and

(6) this section will better enable United States diplomats to compete in the 21st century, while saving United States taxpayers millions in reduced property and maintenance costs at embassies and consulates abroad.

(d) [22 U.S.C. 4865 note] DEFINITION OF UNITED STATES DIPLOMATIC FACILITY.—Section 603 of the Secure Embassy Construction and Counterterrorism Act of 1999 (title VI of division A of appendix G of Public Law 106-113) is amended to read as follows:

"SEC. 603. UNITED STATES DIPLOMATIC FACILITY DEFINED

"In this title, the terms 'United States diplomatic facility' and 'diplomatic facility' mean any chancery, consulate, or other office that—

"(1) is considered by the Secretary of State to be diplomatic or consular premises, consistent with the Vienna Convention on Diplomatic Relations, done at Vienna April 18, 1961, and the Vienna Convention on Consular Relations, done at Vienna April 24, 1963, and was notified to the host government as such; or

"(2) is otherwise subject to a publicly available bilateral agreement with the host government (contained in the records of the United States Department of State) that recognizes the official status of the United States Government personnel present at the facility.".

(e) GUIDANCE AND REQUIREMENTS FOR DIPLOMATIC FACILITIES.—

(1) GUIDANCE FOR CLOSURE OF PUBLIC DIPLOMACY FACILITIES.—Section 5606(a) of the Public Diplomacy Modernization Act of 2021 (Public Law 117-81; 22 U.S.C. 1475g note) is amended to read as follows:

"(a) IN GENERAL.—In order to preserve public diplomacy facilities that are accessible to the publics of foreign countries, not later than 180 days after the date of the enactment of the Secure Embassy Construction and Counterterrorism Act of 2022, the Secretary of State shall adopt guidelines to collect and utilize information from each diplomatic post at which the construction of a new embassy compound or new consulate compound could result in the closure or co-location of an American Space that is owned and operated by the United States Government, generally known as an American Center, or any other public diplomacy facility under the Secure Embassy Construction and Counterterrorism Act of 1999 (22 U.S.C. 4865 et seq.).".

(2) SECURITY REQUIREMENTS FOR UNITED STATES DIPLOMATIC FACILITIES.—Section 606(a) of the Secure Embassy Construction and Counterterrorism Act of 1999 (22 U.S.C. 4865(a)) is amended—

(A) in paragraph (1)(A), by striking "the threat" and inserting "a range of threats, including that";

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) by inserting "in a location that has certain minimum ratings under the Security Environment

Threat List as determined by the Secretary in his or her discretion" after "abroad"; and

(II) by inserting ", personnel of the Peace Corps, and personnel of any other type or category of facility that the Secretary may identify" after "military commander"; and

(ii) in subparagraph (B)—

(I) by amending clause (i) to read as follows:

"(i) IN GENERAL.—Subject to clause (ii), the Secretary of State may waive subparagraph (A) if the Secretary, in consultation with, as appropriate, the head of each agency employing personnel that would not be located at the site, if applicable, determines that it is in the national interest of the United States after taking account of any considerations the Secretary in his or her discretion considers relevant, which may include security conditions."; and

(II) in clause (ii), by striking "(ii) Chancery or consulate building.—" and all that follows through "15 days prior" and inserting the following:

"(ii) CHANCERY OR CONSULATE BUILDING.—Prior"; and

(C) in paragraph (3)—

(i) by amending subparagraph (A) to read as follows:

"(A) REQUIREMENT.—

"(i) IN GENERAL.—Each newly acquired United States diplomatic facility in a location that has certain minimum ratings under the Security Environment Threat List as determined by the Secretary of State in his or her discretion shall—

"(I) be constructed or modified to meet the measured building blast performance standard applicable to a diplomatic facility sited not less than 100 feet from the perimeter of the property on which the facility is situated; or

"(II) fulfill the criteria described in clause (ii).

"(ii) ALTERNATIVE ENGINEERING EQUIVALENCY STANDARD REQUIREMENT.—Each facility referred to in clause (i) may, instead of meeting the requirement under such clause, fulfill such other criteria as the Secretary is authorized to employ to achieve an engineering standard of security and degree of protection that is equivalent to the numerical perimeter distance setback described in such clause seeks to achieve."; and

(ii) in subparagraph (B)—

(I) in clause (i)—

(aa) by striking "security considerations permit and"; and

(bb) by inserting "after taking account of any considerations the Secretary in his or her discretion considers relevant, which may include security conditions" after "national interest of the United States";

(II) in clause (ii), by striking "(ii) Chancery or consulate building.—" and all that follows through "15 days prior" and inserting the following:

"(ii) CHANCERY OR CONSULATE BUILDING.—Prior"; and

(III) in clause (iii), by striking "an annual" and inserting "a quarterly".

SEC. 9302. DIPLOMATIC SUPPORT AND SECURITY.

(a) [22 U.S.C. 4801 note] SHORT TITLE.—This section may be cited as the "Diplomatic Support and Security Act of 2022".

(b) [22 U.S.C. 4801 note] FINDINGS.—Congress makes the following findings:

(1) A robust overseas diplomatic presence is part of an effective foreign policy, particularly in volatile environments where a flexible and timely diplomatic response can be decisive in preventing and addressing conflict.

(2) Diplomats routinely put themselves and their families at great personal risk to serve their country overseas where they face threats related to international terrorism, violent conflict, and public health.

(3) The Department has a remarkable record of protecting personnel while enabling an enormous amount of global diplomatic activity, often in unsecure and remote places and facing a variety of evolving risks and threats. With support from Congress, the Department has revised policy, improved physical security through retrofitting and replacing old facilities, deployed additional security personnel and armored vehicles, and greatly enhanced training requirements and training facilities, including the new Foreign Affairs Security Training Center in Blackstone, Virginia.

(4) Diplomatic missions rely on robust staffing and ambitious external engagement to advance United States interests as diverse as competing with China's malign influence around the world, fighting terrorism and transnational organized crime, preventing and addressing violent conflict and humanitarian disasters, promoting United States businesses and trade, protecting the rights of marginalized groups, addressing climate change, and preventing pandemic disease.

(5) Efforts to protect personnel overseas have often resulted in inhibiting diplomatic activity and limiting engagement between embassy personnel and local governments and populations.

(6) Given that Congress currently provides annual appropriations in excess of $1,900,000,000 for embassy security, construction, and maintenance, the Department should be able to ensure a robust overseas presence without inhibiting the ability of diplomats to—

(A) meet outside United States secured facilities with foreign leaders to explain, defend, and advance United States priorities;

(B) understand and report on foreign political, social, and economic conditions through meeting and interacting with community officials outside of United States facilities;

(C) provide United States citizen services; and

(D) collaborate and, at times, compete with other diplomatic missions, particularly those, such as that of the People's Republic of China, that do not have restrictions on meeting locations.

(7) Given these stakes, Congress has a responsibility to empower, support, and hold the Department accountable for implementing an aggressive strategy to ensure a robust overseas presence that mitigates potential risks and adequately considers the myriad direct and indirect consequences of a lack of diplomatic presence.

(c) ENCOURAGING EXPEDITIONARY DIPLOMACY.—

(1) PURPOSE.—Section 102(b) of the Diplomatic Security Act of 1986 (22 U.S.C. 4801(b)) is amended—

(A) by amending paragraph (3) to read as follows:

"(3) to promote strengthened security measures, institutionalize a culture of learning, and, in the case of apparent gross negligence or breach of duty, recommend that the Secretary investigate accountability for United States Government personnel with security-related responsibilities under chief of mission authority;";

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

(C) by inserting after paragraph (3) the following:

"(4) to support a culture of risk management, instead of risk avoidance, that enables the Department of State to pursue its vital goals with full knowledge that it is neither desirable nor possible for the Department to avoid all risks;".

(2) BRIEFINGS ON EMBASSY SECURITY.—Section 105(a)(1) of the Diplomatic Security Act (22 U.S.C. 4804(a)) is amended—

(A) by striking "any plans to open or reopen a high risk, high threat post" and inserting "progress towards opening or reopening a high risk, high threat post, and the risk to national security of the continued closure or any suspension of operations and remaining barriers to doing so";

(B) in subparagraph (A), by inserting "the risk to United States national security of the post's continued closure or suspension of operations," after "national security of the United States,"; and

(C) in subparagraph (C), by inserting "the type and level of security threats such post could encounter, and" before "security 'tripwires' ".

(d) SECURITY REVIEW COMMITTEES.—Section 301 of the Diplomatic Security Act (22 U.S.C. 4831) is amended—

(1) in the section heading, by striking "accountability review boards" and inserting "security review committees";

(2) in subsection (a)—

(A) by amending paragraph (1) to read as follows:

"(1) CONVENING THE SECURITY REVIEW COMMITTEE.—In any case of a serious security incident involving loss of life, serious injury, or significant destruction of property at, or related to, a United States Government diplomatic mission abroad (referred to in this title as a 'Serious Security Incident'), and in any case of a serious breach of security involving intelligence

activities of a foreign government directed at a United States Government mission abroad, the Secretary of State shall convene a Security Review Committee, which shall issue a report providing a full account of what occurred, consistent with section 304.";

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

(C) by inserting after paragraph (1) the following:

"(2) COMMITTEE COMPOSITION.—The Secretary shall designate a Chairperson and may designate additional personnel of commensurate seniority to serve on the Security Review Committee, which shall include—

"(A) the Director of the Office of Management Strategy and Solutions;

"(B) the Assistant Secretary responsible for the region where the incident occurred;

"(C) the Assistant Secretary of State for Diplomatic Security;

"(D) the Assistant Secretary of State for Intelligence and Research;

"(E) an Assistant Secretary-level representative from any involved United States Government department or agency; and

"(F) other personnel determined to be necessary or appropriate.";

(D) in paragraph (3), as redesignated by subclause (B)—

(i) in the paragraph heading, by striking "Department of defense facilities and personnel" and inserting "Exceptions to convening a security review committee";

(ii) by striking "The Secretary of State is not required to convene a Board in the case" and inserting the following:

"(A) IN GENERAL.—The Secretary of State is not required to convene a Security Review Committee—

"(i) if the Secretary determines that the incident involves only causes unrelated to security, such as when the security at issue is outside of the scope of the Secretary of State's security responsibilities under section 103;

"(ii) if operational control of overseas security functions has been delegated to another agency in accordance with section 106;

"(iii) if the incident is a cybersecurity incident and is covered by other review mechanisms; or

"(iv) in the case"; and

(iii) by striking "In any such case" and inserting the following:

"(B) DEPARTMENT OF DEFENSE INVESTIGATIONS.—In the case of an incident described in subparagraph (A)(iv)"; and

(E) by adding at the end the following:

"(5) RULEMAKING.—The Secretary of State shall promulgate regulations defining the membership and operating procedures for the Security Review Committee and provide such guidance to the Chair and ranking members of the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.";

(3) in subsection (b)—

(A) in the subsection heading, by striking "Boards" and inserting "Security Review Committees"; and

(B) by amending paragraph (1) to read as follows:

"(1) IN GENERAL.—The Secretary of State shall convene a Security Review Committee not later than 60 days after the occurrence of an incident described in subsection (a)(1), or 60 days after the Department first becomes aware of such an incident, whichever is earlier, except that the 60-day period for convening a Security Review Committee may be extended for one additional 60-day period if the Secretary determines that the additional period is necessary."; and

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

"(c) CONGRESSIONAL NOTIFICATION.—Whenever the Secretary of State convenes a Security Review Committee, the Secretary shall promptly inform the chair and ranking member of—

"(1) the Committee on Foreign Relations of the Senate;

"(2) the Select Committee on Intelligence of the Senate;

"(3) the Committee on Appropriations of the Senate;

"(4) the Committee on Foreign Affairs of the House of Representatives;

"(5) the Permanent Select Committee on Intelligence of the House of Representatives; and

"(6) the Committee on Appropriations of the House of Representatives.".

(e) TECHNICAL AND CONFORMING AMENDMENTS.—Section 302 of the Diplomatic Security Act of 1986 (22 U.S.C. 4832) is amended—

(1) in the section heading, by striking "accountability review board" and inserting "security review committee"; and

(2) by striking "a Board" each place such term appears and inserting "a Security Review Committee".

(f) SERIOUS SECURITY INCIDENT INVESTIGATION PROCESS.—Section 303 of the Diplomatic Security Act of 1986 (22 U.S.C. 4833) is amended to read as follows:

"SEC. 303. SERIOUS SECURITY INCIDENT INVESTIGATION PROCESS

"(a) INVESTIGATION PROCESS.—

"(1) INITIATION UPON REPORTED INCIDENT.—A United States mission shall submit an initial report of a Serious Security Incident not later than 3 days after such incident occurs, whenever feasible, at which time an investigation of the incident shall be initiated.

"(2) INVESTIGATION.—Not later than 10 days after the submission of a report pursuant to paragraph (1), the Secretary shall direct the Diplomatic Security Service to assemble an investigative team to investigate the incident and independently establish what occurred. Each investigation under this subsection shall cover—

"(A) an assessment of what occurred, who perpetrated or is suspected of having perpetrated the Serious Security Incident, and whether applicable security procedures were followed;

"(B) in the event the Serious Security Incident involved a United States diplomatic compound, motorcade, residence, or other facility, an assessment of whether adequate security countermeasures were in effect based on a known threat at the time of the incident;

"(C) if the incident involved an individual or group of officers, employees, or family members under Chief of Mission security responsibility conducting approved operations or movements outside the United States mission, an assessment of whether proper security briefings and procedures were in place and whether weighing of risk of the operation or movement took place; and

"(D) an assessment of whether the failure of any officials or employees to follow procedures or perform their duties contributed to the security incident.

"(3) INVESTIGATIVE TEAM.—The investigative team assembled pursuant to paragraph (2) shall consist of individuals from the Diplomatic Security Service who shall provide an independent examination of the facts surrounding the incident and what occurred. The Secretary, or the Secretary's designee, shall review the makeup of the investigative team for a conflict, appearance of conflict, or lack of independence that could undermine the results of the investigation and may remove or replace any members of the team to avoid such an outcome.

"(b) REPORT OF INVESTIGATION.—Not later than 90 days after the occurrence of a Serious Security Incident, the investigative team investigating the incident shall prepare and submit a Report of Investigation to the Security Review Committee that includes—

"(1) a detailed description of the matters set forth in subparagraphs (A) through (D) of subsection (a)(2), including all related findings;

"(2) a complete and accurate account of the casualties, injuries, and damage resulting from the incident; and

"(3) a review of security procedures and directives in place at the time of the incident.

"(c) CONFIDENTIALITY.—The investigative team investigating a Serious Security Incident shall adopt such procedures with respect to confidentiality as determined necessary, including procedures relating to the conduct of closed proceedings or the submission and use of evidence in camera, to ensure in particular the protection of classified information relating to national defense, foreign policy, or intelligence matters. The Director of National Intelligence shall establish the level of protection required for intelligence information and for information relating to intelligence personnel included in the report required under subsection (b). The Security Review Committee shall determine the level of classification of the final report prepared pursuant to section 304(b), and shall incorporate the same confidentiality measures in such report to the maximum extent practicable.".

(g) FINDINGS AND RECOMMENDATIONS OF THE SECURITY REVIEW COMMITTEE.—Section 304 of the Diplomatic Security Act of 1986 (22 U.S.C. 4834) is amended to read as follows:

"SEC. 304. SECURITY REVIEW COMMITTEE FINDINGS AND REPORT

"(a) FINDINGS.—The Security Review Committee shall—

"(1) review the Report of Investigation prepared pursuant to section 303(b), and all other evidence, reporting, and relevant information relating to a Serious Security Incident at a United States mission abroad, including an examination of the facts and circumstances surrounding any serious injuries, loss of life, or significant destruction of property resulting from the incident; and

"(2) determine, in writing—

"(A) whether the incident was security related and constituted a Serious Security Incident;

"(B) if the incident involved a diplomatic compound, motorcade, residence, or other mission facility—

"(i) whether the security systems, security countermeasures, and security procedures operated as intended; and

"(ii) whether such systems worked to materially mitigate the attack or were found to be inadequate to mitigate the threat and attack;

"(C) if the incident involved an individual or group of officers conducting an approved operation outside the mission, whether a valid process was followed in evaluating the requested operation and weighing the risk of the operation, which determination shall not seek to assign accountability for the incident unless the Security Review Committee determines that an official breached his or her duty;

"(D) the impact of intelligence and information availability, and whether the mission was aware of the general operating threat environment or any more specific threat intelligence or information and took that into account in ongoing and specific operations; and

"(E) any other facts and circumstances that may be relevant to the appropriate security management of United States missions abroad.

"(b) REPORT.—

"(1) SUBMISSION TO SECRETARY OF STATE.—Not later than 60 days after receiving the Report of Investigation prepared pursuant to section 303(b), the Security Review Committee shall submit a report to the Secretary of State that includes—

"(A) the findings described in subsection (a); and

"(B) any related recommendations.

"(2) SUBMISSION TO CONGRESS.—Not later than 90 days after receiving the report pursuant to paragraph (1), the Secretary of State shall submit a copy of the report to—

"(A) the Committee on Foreign Relations of the Senate;

"(B) the Select Committee on Intelligence of the Senate;

"(C) the Committee on Appropriations of the Senate;

"(D) the Committee on Foreign Affairs of the House of Representatives;

"(E) the Permanent Select Committee on Intelligence of the House of Representatives; and

"(F) the Committee on Appropriations of the House of Representatives.

"(c) PERSONNEL RECOMMENDATIONS.—If in the course of conducting an investigation under section 303, the investigative team finds reasonable cause to believe any individual described in section 303(a)(2)(D) has breached the duty of that individual or finds lesser failures on the part of an individual in the performance of his or her duties related to the incident, it shall be reported to the Security Review Committee. If the Security Review Committee finds reasonable cause to support the determination, it shall be reported to the Secretary for appropriate action.".

(h) RELATION TO OTHER PROCEEDINGS.—Section 305 of the Diplomatic Security Act of 1986 (22 U.S.C. 4835) is amended—

(1) by inserting "(a) No Effect on Existing Remedies or Defenses.—" before "Nothing in this title"; and

(2) by adding at the end the following:

"(b) FUTURE INQUIRIES.—Nothing in this title may be construed to preclude the Secretary of State from convening a follow-up public board of inquiry to investigate any security incident if the incident was of such magnitude or significance that an internal process is deemed insufficient to understand and investigate the incident. All materials gathered during the procedures provided under this title shall be provided to any related board of inquiry convened by the Secretary.".

(i) TRAINING FOR FOREIGN SERVICE PERSONNEL ON RISK MANAGEMENT PRACTICES.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall develop and submit a strategy to the appropriate congressional committees for training and educating Foreign Service personnel regarding appropriate risk management practices while conducting their duties in high risk, high threat environments that includes—

(1) plans to continue to develop and offer additional training courses, or augment existing courses, for Department personnel regarding the conduct of their duties in high risk, high threat environments outside of diplomatic compounds, including for diplomatic personnel, such as political officers, economic officers, and consular officers;

(2) plans to educate Senior Foreign Service personnel serving abroad, including ambassadors, chiefs of mission, deputy chiefs of missions, and regional security officers, regarding appropriate risk management practices to employ while evaluating requests for diplomatic operations in high risk, high threat environments outside of diplomatic compounds; and

(3) plans and strategies for effectively balancing safety risks with the need for in-person engagement with local governments and populations.

(j) SENSE OF CONGRESS REGARDING THE ESTABLISHMENT OF THE EXPEDITIONARY DIPLOMACY AWARD.—It is the sense of Congress that the Secretary should—

(1) encourage expeditionary diplomacy, proper risk management practices, and regular and meaningful engagement with civil society at the Department by establishing an annual award, which shall be known as the "Expeditionary Diplomacy Award", to be awarded to deserving officers and employees of the Department; and

(2) establish procedures for selecting the recipients of the Expeditionary Diplomacy Award, including any financial terms associated with such award.

(k) PROMOTION IN THE FOREIGN SERVICE.—Section 603(b) of the Foreign Service Act of 1980 (22 U.S.C. 4003(b)) is amended—

(1) in the third sentence of the matter preceding paragraph (1), by inserting "and when occupying positions for which the following is, to any degree, an element of the member's duties," after "as the case may be,";

(2) in paragraph (1), by striking "when occupying positions for which such willingness and ability is, to any degree, an element of the member's duties, or" and inserting a semicolon;

(3) by striking paragraph (2) and inserting the following:

"(3) other demonstrated experience in public diplomacy; or";

(4) by inserting after paragraph (1) the following:

"(2) a willingness and ability to regularly and meaningfully engage with civil society and other local actors in country;"; and

(5) by inserting after paragraph (3), as redesignated, the following:

"(4) the ability to effectively manage and assess risk associated with the conduct of diplomatic operations.".

(l) REPORTING REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act and every 180 days thereafter for the following 2 years, the Secretary shall submit a report to the appropriate congressional committees describing the Department's risk management efforts, including information relating to—

(1) implementing this section and section 102(b) of the Diplomatic Security Act (22 U.S.C. 4801), as amended by subsection (c);

(2) encouraging and incentivizing appropriate Foreign Service personnel to regularly and meaningfully engage with civil society and other local actors in-country;

(3) promoting a more effective culture of risk management and greater risk tolerance among all Foreign Service personnel, including through additional risk management training and education opportunities; and

(4) incorporating the provisions of this section into the Foreign Affairs Manual regulations and implementing the Serious Security Incident Investigation Permanent Coordinating Committee established and convened pursuant to section 302(b) of the Diplomatic Security Act (22 U.S.C. 4832(b)) to more closely align Department procedures with the procedures used by other Federal departments and agencies to analyze, weigh, and manage risk.

SEC. 9303. [22 U.S.C. 2656 note] ESTABLISHMENT OF UNITED STATES EMBASSIES IN SOLOMON ISLANDS, KIRIBATI, AND TONGA AND A DIPLOMATIC PRESENCE IN VANUATU.

(a) FINDINGS.—Congress makes the following findings:

(1) The Pacific Islands are vital to United States national security and national interests in the Indo-Pacific region and globally.

(2) The Pacific Islands region spans 15 percent of the world's surface area and controls access to open waters in the Central Pacific, sea lanes to the Western Hemisphere, supply lines to United States forward-deployed forces in East Asia, and economically important fisheries.

(3) The Pacific Islands region is home to the State of Hawaii, 11 United States territories, United States Naval Base Guam, and United States Andersen Air Force Base.

(4) Pacific Island countries cooperate with the United States and United States partners on maritime security and efforts to stop illegal, unreported, and destructive fishing.

(5) The Pacific Islands are rich in biodiversity and are on the frontlines of environmental challenges and climate issues.

(6) The People's Republic of China seeks to increase its influence in the Pacific Islands region, including through infrastructure development under the People's Republic of China's One Belt, One Road Initiative and its new security agreement with the Solomon Islands.

(7) The United States closed its embassy in the Solomon Islands in 1993.

(8) The United States Embassy in Papua New Guinea manages the diplomatic affairs of the United States to the Republic of Vanuatu and the Solomon Islands, and the United States Embassy in Fiji manages the diplomatic affairs of the United States to the Republic of Kiribati and the Kingdom of Tonga.

(9) The United States requires a physical and more robust diplomatic presence in the Republic of Vanuatu, the Republic of Kiribati, the Solomon Islands, and the Kingdom of Tonga, to ensure the physical and operational security of our efforts in those countries to deepen relations, protect United States national security, and pursue United States national interests.

(10) Increasing the number of United States embassies dedicated solely to a Pacific Island country demonstrates the United States' ongoing commitment to the region and to the Pacific Island countries.

(b) ESTABLISHMENT OF EMBASSIES.—

(1) IN GENERAL.—As soon as possible, the Secretary should—

(A) establish physical United States embassies in the Republic of Kiribati and in the Kingdom of Tonga;

(B) upgrade the United States consular agency in the Solomon Islands to an embassy; and

(C) establish a physical United States Government presence in the Republic of Vanuatu.

(2) OTHER STRATEGIES.—

(A) PHYSICAL INFRASTRUCTURE.—In establishing embassies pursuant to paragraph (1) and creating the physical infrastructure to ensure the physical and operational safety of embassy personnel, the Secretary may pursue rent or purchase existing buildings or co-locate personnel in embassies of like-minded partners, such as Australia and New Zealand.

(B) PERSONNEL.—In establishing a physical presence in the Republic of Vanuatu pursuant to paragraph (1), the Secretary may assign 1 or more United States Government personnel to the Republic of Vanuatu as part of the United States mission in Papua New Guinea.

(3) WAIVER AUTHORITY.—The President may waive the requirements under paragraph (1) for a period of one year if the President determines and reports to Congress in advance that such waiver is necessary to protect the national security interests of the United States.

(c) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated to the Department of State for Embassy Security, Construction, and Maintenance—

(1) $40,200,000 is authorized to be appropriated for fiscal year 2023—

(A) to establish and maintain the 3 embassies authorized to be established under subsection (b); and

(B) to establish a physical United States Government presence in the Republic of Vanuatu;

(2) $3,000,000 is authorized to be appropriated for fiscal year 2024—

(A) to maintain such embassies; and

(B) to establish a physical United States Government presence in the Republic of Vanuatu;

(d) REPORT.—

(1) DEFINED TERM.—In this subsection, the term "appropriate committees of Congress" means—

(A) the Committee on Foreign Relations of the Senate;

(B) the Committee on Appropriations of the Senate;

(C) the Committee on Foreign Affairs of the House of Representatives; and

(D) the Committee on Appropriations of the House of Representatives.

(2) PROGRESS REPORT.—Not later than 180 days following the date of the enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report that includes—

(A) a description of the status of activities carried out to achieve the objectives described in this section;

(B) an estimate of when embassies and a physical presence will be fully established pursuant to subsection (b)(1); and

(C) an update on events in the Pacific Islands region relevant to the establishment of United States embassies, including activities by the People's Republic of China.

(3) REPORT ON FINAL DISPOSITION.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall

submit a report to the appropriate committees of Congress that—

(A) confirms the establishment of the 3 embassies and the physical presence required under subsection (b)(1); or

(B) if the embassies and physical presence required in subsection (b)(1) have not been established, a justification for such failure to comply with such requirement.

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

SEC. 9401. REPORT ON BARRIERS TO APPLYING FOR EMPLOYMENT WITH THE DEPARTMENT OF STATE.

Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees that—

(1) identifies any barriers for applicants applying for employment with the Department;

(2) provides demographic data of online applicants during the most recent 3 years disaggregated by race, ethnicity, sex, age, veteran status, disability, geographic region;

(3) assesses any barriers that exist for applying online for employment with the Department, disaggregated by race, ethnicity, sex, age, veteran status, disability, geographic region; and

(4) includes recommendations for addressing any disparities identified in the online application process.

SEC. 9402. COLLECTION, ANALYSIS, AND DISSEMINATION OF WORKFORCE DATA.

(a) INITIAL REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees that includes disaggregated demographic data and other information regarding the diversity of the workforce of the Department.

(b) DATA.—The report required under subsection (a) shall include, to the maximum extent that the collection and dissemination of such data can be done in a way that protects the confidentiality of individuals and is otherwise permissible by law—

(1) demographic data on each element of the workforce of the Department during the 3-year period ending on the date of the enactment of this Act, disaggregated by rank and grade or grade-equivalent, with respect to—

(A) individuals hired to join the workforce;

(B) individuals promoted, including promotions to and within the Senior Executive Service or the Senior Foreign Service;

(C) individuals serving as special assistants in any of the offices of the Secretary of State, the Deputy Secretary of State, the Counselor of the Department of State, the Secretary's Policy Planning Staff, the Under Secretary of State for Arms Control and International Security, the

Under Secretary of State for Civilian Security, Democracy, and Human Rights, the Under Secretary of State for Economic Growth, Energy, and the Environment, the Under Secretary of State for Management, the Under Secretary of State for Political Affairs, and the Under Secretary of State for Public Diplomacy and Public Affairs;

(D) individuals serving in each bureau's front office;

(E) individuals serving as detailees to the National Security Council;

(F) individuals serving on applicable selection boards;

(G) members of any external advisory committee or board who are subject to appointment by individuals at senior positions in the Department;

(H) individuals participating in professional development programs of the Department and the extent to which such participants have been placed into senior positions within the Department after such participation;

(I) individuals participating in mentorship or retention programs; and

(J) individuals who separated from the agency, including individuals in the Senior Executive Service or the Senior Foreign Service;

(2) an assessment of agency compliance with the essential elements identified in Equal Employment Opportunity Commission Management Directive 715, effective October 1, 2003;

(3) data on the overall number of individuals who are part of the workforce, the percentages of such workforce corresponding to each element specified in paragraph (1), and the percentages corresponding to each rank, grade, or grade equivalent; and

(4) the total amount of funds spent by the Department for the purposes of advancing diversity, equity, inclusion, and accessibility during each of the 4 previous fiscal years, disaggregated, to the extent practicable, by bureau and activity, including, as outlined in the Department's 2022 Diversity, Equity, Inclusion and Accessibility Strategic Plan—

(A) workforce pay and compensation;

(B) recruitment, hiring, promotions, and retention;

(C) reasonable accommodations for disability and religion;

(D) safe workplaces; and

(E) addressing sexual harassment and discrimination.

(c) EFFECTIVENESS OF DEPARTMENT EFFORTS.—The report required under subsection (a) shall describe and assess the effectiveness of the efforts of the Department—

(1) to propagate fairness, impartiality, and inclusion in the work environment, both domestically and abroad;

(2) to enforce anti-harassment and anti-discrimination policies, both domestically and at posts overseas;

(3) to refrain from engaging in unlawful discrimination in any phase of the employment process, including recruitment, hiring, evaluation, assignments, promotion, retention, and training;

(4) to prevent retaliation against employees for participating in a protected equal employment opportunity activity or for reporting sexual harassment or sexual assault;

(5) to provide reasonable accommodation for qualified employees and applicants with disabilities;

(6) to recruit a representative workforce by—

(A) recruiting women, persons with disabilities, and minorities;

(B) recruiting at women's colleges, historically Black colleges and universities, minority-serving institutions, and other institutions serving a significant percentage of minority students;

(C) placing job advertisements in newspapers, magazines, and job sites oriented toward women and minorities;

(D) sponsoring and recruiting at job fairs in urban and rural communities and at land-grant colleges or universities;

(E) providing opportunities through the Foreign Service Internship Program under chapter 12 of the Foreign Service Act of 1980 (22 U.S.C. 4141 et seq.), and other hiring initiatives;

(F) recruiting mid-level and senior-level professionals through programs designed to increase representation in international affairs of people belonging to traditionally underrepresented groups;

(G) offering the Foreign Service written and oral assessment examinations in several locations throughout the United States or via online platforms to reduce the burden of applicants having to travel at their own expense to take either or both such examinations;

(H) expanding the use of paid internships; and

(I) supporting recruiting and hiring opportunities through—

(i) the Charles B. Rangel International Affairs Fellowship Program;

(ii) the Thomas R. Pickering Foreign Affairs Fellowship Program; and

(iii) other initiatives, including agency-wide policy initiatives; and

(7) to ensure transparency and accountability in the work of the Chief Diversity and Inclusion Officer and the Secretary's Office of Diversity and Inclusion, particularly by—

(A) avoiding any duplication of existing diversity, equity, inclusion, and accessibility efforts, including with the Bureau of Global Talent Management, the Office of Civil Rights, and other Department offices; and

(B) requiring measurable impacts in hiring, retention, and other aspects of the Diversity, Equity, Inclusion and Accessibility Strategic Plan.

(d) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than 1 year after the publication of the report required under subsection (a), and annually thereafter for the following 5 years, the Secretary shall submit a report to the appropriate congressional committees, and

make such report available on the Department's website, that includes, without compromising the confidentiality of individuals and to the extent otherwise consistent with law—

(A) disaggregated demographic data, to the maximum extent that collection of such data is permissible by law, relating to the workforce and information on the status of diversity and inclusion efforts of the Department;

(B) an analysis of applicant flow data, to the maximum extent that collection of such data is permissible by law; and

(C) disaggregated demographic data relating to participants in professional development programs of the Department and the rate of placement into senior positions for participants in such programs.

(2) COMBINATION WITH OTHER ANNUAL REPORT.—The report required under paragraph (1) may be combined with another annual report required by law, to the extent practicable.

SEC. 9403. CENTERS OF EXCELLENCE IN FOREIGN AFFAIRS AND ASSISTANCE.

(a) PURPOSE.—The purposes of this section are—

(1) to advance the values and interests of the United States overseas through programs that foster innovation, competitiveness, and a plethora of backgrounds, views, and experience in the formulation and implementation of United States foreign policy and assistance; and

(2) to create opportunities for specialized research, education, training, professional development, and leadership opportunities for individuals belonging to an underrepresented group within the Department and USAID.

(b) STUDY.—

(1) IN GENERAL.—The Secretary and the Administrator of USAID shall conduct a study on the feasibility of establishing Centers of Excellence in Foreign Affairs and Assistance (referred to in this section as the "Centers of Excellence") within institutions that serve individuals belonging to an underrepresented group to focus on 1 or more of the areas described in paragraph (2).

(2) ELEMENTS.—In conducting the study required under paragraph (1), the Secretary and the Administrator, respectively, shall consider—

(A) opportunities to enter into public-private partnerships that will—

(i) increase interest in foreign affairs and foreign assistance Federal careers;

(ii) prepare an assorted cadre of students (including nontraditional, mid-career, part-time, and heritage students) and nonprofit or business professionals with the skills and education needed to meaningfully contribute to the formulation and execution of United States foreign policy and assistance;

(iii) support the conduct of research, education, and extension programs that reflect a wide range of perspectives and views of world regions and international affairs—

(I) to assist in the development of regional and functional foreign policy skills;

(II) to strengthen international development and humanitarian assistance programs; and

(III) to strengthen democratic institutions and processes in policymaking, including in education, health, wealth, justice, and other sectors;

(iv) enable domestic and international educational, internship, fellowship, faculty exchange, training, employment or other innovative programs to acquire or strengthen knowledge of foreign languages, cultures, societies, and international skills and perspectives;

(v) support collaboration among institutions of higher education, including community colleges, nonprofit organizations, and corporations, to strengthen the engagement between experts and practitioners in the foreign affairs and foreign assistance fields; and

(vi) leverage additional public-private partnerships with nonprofit organizations, foundations, corporations, institutions of higher education, and the Federal Government; and

(B) budget and staffing requirements, including appropriate sources of funding, for the establishment and conduct of operations of such Centers of Excellence.

(c) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees that contains the findings of the study conducted pursuant to subsection (b).

SEC. 9404. [22 U.S.C. 2734g] PROMOTING TRANSPARENCY AND ACCOUNTABILITY IN THE DEPARTMENT OF STATE WORKFORCE.

(a) IN GENERAL.—The Secretary should establish a mechanism to ensure that appointments or details of Department career employees to staff positions in the Office of the Secretary, the Office of the Deputy Secretary of State, the Office of the Counselor of the Department, any office of the Secretary's Policy Planning Staff, and any office of an Under Secretary of State, and details to the National Security Council, are transparent, competitive, inclusive, and merit-based.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees regarding the mechanism established pursuant to subsection (a).

(c) AVAILABILITY.—The Secretary shall—

(1) use transparent, competitive, inclusive, and merit-based processes for appointments and details to the staff positions specified in subsection (a); and

(2) ensure that such positions are equally available to all employees of the Civil Service and the Foreign Service of the Department.

SEC. 9405. [22 U.S.C. 2734g note] RULE OF CONSTRUCTION.

Nothing in this title may be construed as altering existing law regarding merit system principles.

TITLE XCV—INFORMATION SECURITY AND CYBER DIPLOMACY

SEC. 9501. [22 U.S.C. 10301] UNITED STATES INTERNATIONAL CYBERSPACE POLICY.

(a) IN GENERAL.—It is the policy of the United States—

(1) to work internationally to promote an open, interoperable, reliable, and secure internet governed by the multi-stakeholder model, which—

(A) promotes democracy, the rule of law, and human rights, including freedom of expression;

(B) supports the ability to innovate, communicate, and promote economic prosperity; and

(C) is designed to protect privacy and guard against deception, malign influence, incitement to violence, harassment and abuse, fraud, and theft;

(2) to encourage and aid United States allies and partners in improving their own technological capabilities and resiliency to pursue, defend, and protect shared interests and values, free from coercion and external pressure; and

(3) in furtherance of the efforts described in paragraphs (1) and (2)—

(A) to provide incentives to the private sector to accelerate the development of the technologies referred to in such paragraphs;

(B) to modernize and harmonize with allies and partners export controls and investment screening regimes and associated policies and regulations; and

(C) to enhance United States leadership in technical standards-setting bodies and avenues for developing norms regarding the use of digital tools.

(b) IMPLEMENTATION.—In implementing the policy described in subsection (a), the President, in consultation with outside actors, as appropriate, including private sector companies, nongovernmental organizations, security researchers, and other relevant stakeholders, in the conduct of bilateral and multilateral relations, shall strive—

(1) to clarify the applicability of international laws and norms to the use of information and communications technology (referred to in this subsection as "ICT");

(2) to reduce and limit the risk of escalation and retaliation in cyberspace, damage to critical infrastructure, and other malicious cyber activity that impairs the use and operation of critical infrastructure that provides services to the public;

(3) to cooperate with like-minded countries that share common values and cyberspace policies with the United States, including respect for human rights, democracy, and the rule of law, to advance such values and policies internationally;

(4) to encourage the responsible development of new, innovative technologies and ICT products that strengthen a secure internet architecture that is accessible to all;

(5) to secure and implement commitments on responsible country behavior in cyberspace, including commitments by countries—

(A) not to conduct, or knowingly support, cyber-enabled theft of intellectual property, including trade secrets or other confidential business information, with the intent of providing competitive advantages to companies or commercial sectors;

(B) to take all appropriate and reasonable efforts to keep their territories clear of intentionally wrongful acts using ICT in violation of international commitments;

(C) not to conduct or knowingly support ICT activity that intentionally damages or otherwise impairs the use and operation of critical infrastructure providing services to the public, in violation of international law;

(D) to take appropriate measures to protect the country's critical infrastructure from ICT threats;

(E) not to conduct or knowingly support malicious international activity that harms the information systems of authorized international emergency response teams (also known as "computer emergency response teams" or "cybersecurity incident response teams") of another country or authorize emergency response teams to engage in malicious international activity, in violation of international law;

(F) to respond to appropriate requests for assistance to mitigate malicious ICT activity emanating from their territory and aimed at the critical infrastructure of another country;

(G) not to restrict cross-border data flows or require local storage or processing of data; and

(H) to protect the exercise of human rights and fundamental freedoms on the internet, while recognizing that the human rights that people have offline also need to be protected online; and

(6) to advance, encourage, and support the development and adoption of internationally recognized technical standards and best practices.

SEC. 9502. BUREAU OF CYBERSPACE AND DIGITAL POLICY.

(a) IN GENERAL.—Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a), is amended—

(1) by redesignating subsections (i) and (j) as subsection (j) and (k), respectively;

(2) by redesignating subsection (h) (as added by section 361(a)(1) of division FF of the Consolidated Appropriations Act, 2021 (Public Law 116-260)) as subsection (l); and

(3) by inserting after subsection (h) the following:

"(i) BUREAU OF CYBERSPACE AND DIGITAL POLICY.—

"(1) IN GENERAL.—There is established, within the Department of State, the Bureau of Cyberspace and Digital Policy (referred to in this subsection as the 'Bureau'). The head of the Bureau shall have the rank and status of ambassador and

shall be appointed by the President, by and with the advice and consent of the Senate.

"(2) DUTIES.—

"(A) IN GENERAL.—The head of the Bureau shall perform such duties and exercise such powers as the Secretary of State shall prescribe, including implementing the diplomatic and foreign policy aspects of the policy described in section 9501(a) of the Department of State Authorization Act of 2022.

"(B) DUTIES DESCRIBED.—The principal duties and responsibilities of the head of the Bureau shall, in furtherance of the diplomatic and foreign policy mission of the Department of State, be—

"(i) to serve as the principal cyberspace policy official within the senior management of the Department of State and as the advisor to the Secretary of State for cyberspace and digital issues;

"(ii) to lead, coordinate, and execute, in coordination with other relevant bureaus and offices, the Department of State's diplomatic cyberspace, and cybersecurity efforts (including efforts related to data privacy, data flows, internet governance, information and communications technology standards, and other issues that the Secretary has assigned to the Bureau);

"(iii) to coordinate with relevant Federal agencies and the Office of the National Cyber Director to ensure the diplomatic and foreign policy aspects of the cyber strategy in section 9501 of the Department of State Authorization Act of 2022 and any other subsequent strategy are implemented in a manner that is fully integrated with the broader strategy;

"(iv) to promote an open, interoperable, reliable, and secure information and communications technology infrastructure globally;

"(v) to represent the Secretary of State in interagency efforts to develop and advance Federal Government cyber priorities and activities, including efforts to develop credible national capabilities, strategies, and policies to deter and counter cyber adversaries, and carry out the purposes of title V of the Department of State Authorization Act of 2022;

"(vi) to engage civil society, the private sector, academia, and other public and private entities on relevant international cyberspace and international information and communications technology issues;

"(vii) to support United States Government efforts to uphold and further develop global deterrence frameworks for malicious cyber activity;

"(viii) to advise the Secretary of State and coordinate with foreign governments regarding responses to national security-level cyber incidents, including coordination on diplomatic response efforts to support allies and partners threatened by malicious cyber activ-

ity, in conjunction with members of the North Atlantic Treaty Organization and like-minded countries;

"(ix) to promote the building of foreign capacity relating to cyberspace policy priorities;

"(x) to promote an open, interoperable, reliable, and secure information and communications technology infrastructure globally and an open, interoperable, secure, and reliable internet governed by the multi-stakeholder model;

"(xi) to promote an international environment for technology investments and the internet that benefits United States economic and national security interests;

"(xii) to promote cross-border flow of data and combat international initiatives seeking to impose unreasonable requirements on United States businesses;

"(xiii) to promote international policies to protect the integrity of United States and international telecommunications infrastructure from foreign-based threats, including cyber-enabled threats;

"(xiv) to lead engagement, in coordination with relevant executive branch agencies, with foreign governments on relevant international cyberspace, cybersecurity, cybercrime, and digital economy issues described in title V of the Department of State Authorization Act of 2022;

"(xv) to promote international policies, in coordination with the Department of Commerce, to secure radio frequency spectrum in the best interests of the United States;

"(xvi) to promote and protect the exercise of human rights, including freedom of speech and religion, through the internet;

"(xvii) to build capacity of United States diplomatic officials to engage on cyberspace issues;

"(xviii) to encourage the development and adoption by foreign countries of internationally recognized standards, policies, and best practices;

"(xix) to support efforts by the Global Engagement Center to counter cyber-enabled information operations against the United States or its allies and partners; and

"(xx) to conduct such other matters as the Secretary of State may assign.

"(3) QUALIFICATIONS.—The head of the Bureau should be an individual of demonstrated competency in the fields of—

"(A) cybersecurity and other relevant cyberspace and information and communications technology policy issues; and

"(B) international diplomacy.

"(4) ORGANIZATIONAL PLACEMENT.—

"(A) INITIAL PLACEMENT.—Except as provided in subparagraph (B), the head of the Bureau shall report to the Deputy Secretary of State.

"(B) SUBSEQUENT PLACEMENT.—The head of the Bureau may report to an Under Secretary of State or to an official holding a higher position than Under Secretary if, not later than 15 days before any change in such reporting structure, the Secretary of State—

"(i) consults with the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives; and

"(ii) submits a report to such committees that—

"(I) indicates that the Secretary, with respect to the reporting structure of the Bureau, has consulted with and solicited feedback from—

"(aa) other relevant Federal entities with a role in international aspects of cyber policy; and

"(bb) the elements of the Department of State with responsibility for aspects of cyber policy, including the elements reporting to—

"(AA) the Under Secretary of State for Political Affairs;

"(BB) the Under Secretary of State for Civilian Security, Democracy, and Human Rights;

"(CC) the Under Secretary of State for Economic Growth, Energy, and the Environment;

"(DD) the Under Secretary of State for Arms Control and International Security Affairs;

"(EE) the Under Secretary of State for Management; and

"(FF) the Under Secretary of State for Public Diplomacy and Public Affairs;

"(II) describes the new reporting structure for the head of the Bureau and the justification for such new structure; and

"(III) includes a plan describing how the new reporting structure will better enable the head of the Bureau to carry out the duties described in paragraph (2), including the security, economic, and human rights aspects of cyber diplomacy.

"(5) SPECIAL HIRING AUTHORITIES.—The Secretary of State may—

"(A) appoint up to 25 employees to cyber positions in the Bureau without regard to the provisions of subchapter I of chapter 33 of title 5, United States Code, regarding appointments in the competitive service; and

"(B) fix the rates of basic pay of such employees without regard to chapter 51 and subchapter III of chapter 53 of such title regarding classification and General Schedule pay rates, provided that the rates for such positions do not exceed the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

"(6) COORDINATION.—In implementing the duties prescribed under paragraph (2), the head of the Bureau shall coordinate with the heads of other Federal agencies, including the Department of Commerce, the Department of Homeland Security, and other Federal agencies that the National Cyber Director deems appropriate.

"(7) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed—

"(A) to preclude the head of the Bureau from being designated as an Assistant Secretary, if such an Assistant Secretary position does not increase the number of Assistant Secretary positions at the Department above the number authorized under subsection (c)(1); or

"(B) to alter or modify the existing authorities of any other Federal agency or official.".

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Bureau established under section 1(i) of the State Department Basic Authorities Act of 1956, as added by subsection (a), should have a diverse workforce composed of qualified individuals, including individuals belonging to an underrepresented group.

(c) [22 U.S.C. 10301 note] UNITED NATIONS.—The Permanent Representative of the United States to the United Nations should use the voice, vote, and influence of the United States to oppose any measure that is inconsistent with the policy described in section 9501(a).

SEC. 9503. [22 U.S.C. 10302] INTERNATIONAL CYBERSPACE AND DIGITAL POLICY STRATEGY.

(a) STRATEGY REQUIRED.—Not later than 1 year after the date of the enactment of this Act, the President, acting through the Secretary, and in coordination with the heads of other relevant Federal departments and agencies, shall develop an international cyberspace and digital policy strategy.

(b) ELEMENTS.—The strategy required under subsection (a) shall include—

(1) a review of actions and activities undertaken to support the policy described in section 9501(a);

(2) a plan of action to guide the diplomacy of the Department with regard to foreign countries, including—

(A) conducting bilateral and multilateral activities—

(i) to develop and support the implementation of norms of responsible country behavior in cyberspace consistent with the commitments listed in section 9501(b)(5);

(ii) to reduce the frequency and severity of cyberattacks on United States individuals, businesses, governmental agencies, and other organizations;

(iii) to reduce cybersecurity risks to United States and allied critical infrastructure;

(iv) to improve allies' and partners' collaboration with the United States on cybersecurity issues, including information sharing, regulatory coordination and improvement, and joint investigatory and law enforcement operations related to cybercrime; and

(v) to share best practices and advance proposals to strengthen civilian and private sector resiliency to threats and access to opportunities in cyberspace; and

(B) reviewing the status of existing efforts in relevant multilateral fora, as appropriate, to obtain commitments on international norms regarding cyberspace;

(3) a review of alternative concepts for international norms regarding cyberspace offered by foreign countries;

(4) a detailed description, in consultation with the Office of the National Cyber Director and relevant Federal agencies, of new and evolving threats regarding cyberspace from foreign adversaries, state-sponsored actors, and non-state actors to—

(A) United States national security;

(B) the Federal and private sector cyberspace infrastructure of the United States;

(C) intellectual property in the United States; and

(D) the privacy and security of citizens of the United States;

(5) a review of the policy tools available to the President to deter and de-escalate tensions with foreign countries, state-sponsored actors, and private actors regarding—

(A) threats in cyberspace;

(B) the degree to which such tools have been used; and

(C) whether such tools have been effective deterrents;

(6) a review of resources required to conduct activities to build responsible norms of international cyber behavior;

(7) a review, in coordination with the Office of the National Cyber Director and the Office of Management and Budget, to determine whether the budgetary resources, technical expertise, legal authorities, and personnel available to the Department are adequate to achieve the actions and activities undertaken by the Department to support the policy described in section 9501(a);

(8) a review to determine whether the Department is properly organized and coordinated with other Federal agencies to achieve the objectives described in section 9501(b); and

(9) a plan of action, developed in coordination with the Department of Defense and in consultation with other relevant Federal departments and agencies as the President may direct, with respect to the inclusion of cyber issues in mutual defense agreements.

(c) FORM OF STRATEGY.—

(1) PUBLIC AVAILABILITY.—The strategy required under subsection (a) shall be available to the public in unclassified form, including through publication in the Federal Register.

(2) CLASSIFIED ANNEX.—The strategy required under subsection (a) may include a classified annex.

(d) BRIEFING.—Not later than 30 days after the completion of the strategy required under subsection (a), the Secretary shall brief the Committee on Foreign Relations of the Senate, the Select Committee on Intelligence of the Senate, the Committee on Armed Services of the Senate, the Committee on Foreign Affairs of the House of Representatives, the Permanent Select Committee on Intelligence of the House of Representatives, and the Committee on

Armed Services of the House of Representatives regarding the strategy, including any material contained in a classified annex.

(e) UPDATES.—The strategy required under subsection (a) shall be updated—

(1) not later than 90 days after any material change to United States policy described in such strategy; and

(2) not later than 1 year after the inauguration of each new President.

SEC. 9504. GOVERNMENT ACCOUNTABILITY OFFICE REPORT ON CYBER DIPLOMACY.

Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report and provide a briefing to the appropriate congressional committees that includes—

(1) an assessment of the extent to which United States diplomatic processes and other efforts with foreign countries, including through multilateral fora, bilateral engagements, and negotiated cyberspace agreements, advance the full range of United States interests regarding cyberspace, including the policy described in section 9501(a);

(2) an assessment of the Department's organizational structure and approach to managing its diplomatic efforts to advance the full range of United States interests regarding cyberspace, including a review of—

(A) the establishment of a Bureau within the Department to lead the Department's international cyber mission;

(B) the current or proposed diplomatic mission, structure, staffing, funding, and activities of such Bureau;

(C) how the establishment of such Bureau has impacted or is likely to impact the structure and organization of the Department; and

(D) what challenges, if any, the Department has faced or will face in establishing such Bureau; and

(3) any other matters that the Comptroller General determines to be relevant.

SEC. 9505. REPORT ON DIPLOMATIC PROGRAMS TO DETECT AND RESPOND TO CYBER THREATS AGAINST ALLIES AND PARTNERS.

Not later than 180 days after the date of the enactment of this Act, the Secretary, in coordination with the heads of other relevant Federal agencies, shall submit a report to the appropriate congressional committees that assesses the capabilities of the Department to provide civilian-led support for acute cyber incident response in ally and partner countries that includes—

(1) a description and assessment of the Department's coordination with cyber programs and operations of the Department of Defense and the Department of Homeland Security;

(2) recommendations on how to improve coordination and executive of Department involvement in programs or operations to support allies and partners in responding to acute cyber incidents; and

(3) the budgetary resources, technical expertise, legal authorities, and personnel needed for the Department to formulate and implement the programs described in this section.

SEC. 9506. [22 U.S.C. 10303] CYBERSECURITY RECRUITMENT AND RETENTION.

(a) SENSE OF CONGRESS.—It is the sense of Congress that improving computer programming language proficiency will improve—

(1) the cybersecurity effectiveness of the Department; and

(2) the ability of foreign service officers to engage with foreign audiences on cybersecurity matters.

(b) TECHNOLOGY TALENT ACQUISITION.—

(1) ESTABLISHMENT.—The Secretary shall establish positions within the Bureau of Global Talent Management that are solely dedicated to the recruitment and retention of Department personnel with backgrounds in cybersecurity, engineering, data science, application development, artificial intelligence, critical and emerging technology, and technology and digital policy.

(2) GOALS.—The goals of the positions described in paragraph (1) shall be—

(A) to fulfill the critical need of the Department to recruit and retain employees for cybersecurity, digital, and technology positions;

(B) to actively recruit relevant candidates from academic institutions, the private sector, and related industries;

(C) to work with the Office of Personnel Management and the United States Digital Service to develop and implement best strategies for recruiting and retaining technology talent; and

(D) to inform and train supervisors at the Department on the use of the authorities listed in subsection (c)(1).

(3) IMPLEMENTATION PLAN.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit a plan to the appropriate congressional committees that describes how the objectives and goals set forth in paragraphs (1) and (2) will be implemented.

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $750,000 for each of the fiscal years 2023 through 2027 to carry out this subsection.

(c) ANNUAL REPORT ON HIRING AUTHORITIES.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter for the following 5 years, the Secretary shall submit a report to the appropriate congressional committees that includes—

(1) a list of the hiring authorities available to the Department to recruit and retain personnel with backgrounds in cybersecurity, engineering, data science, application development, artificial intelligence, critical and emerging technology, and technology and digital policy;

(2) a list of which hiring authorities described in paragraph (1) have been used during the previous 5 years;

(3) the number of employees in qualified positions hired, aggregated by position and grade level or pay band;

(4) the number of employees who have been placed in qualified positions, aggregated by bureau and offices within the Department;

(5) the rate of attrition of individuals who begin the hiring process and do not complete the process and a description of the reasons for such attrition;

(6) the number of individuals who are interviewed by subject matter experts and the number of individuals who are not interviewed by subject matter experts; and

(7) recommendations for—

(A) reducing the attrition rate referred to in paragraph (5) by 5 percent each year;

(B) additional hiring authorities needed to acquire needed technology talent;

(C) hiring personnel to hold public trust positions until such personnel can obtain the necessary security clearance; and

(D) informing and training supervisors within the Department on the use of the authorities listed in paragraph (1).

(d) INCENTIVE PAY FOR CYBERSECURITY PROFESSIONALS.—To increase the number of qualified candidates available to fulfill the cybersecurity needs of the Department, the Secretary shall—

(1) include computer programming languages within the Recruitment Language Program; and

(2) provide appropriate language incentive pay.

(e) REPORT.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter for the following 5 years, the Secretary shall provide a list to the appropriate congressional committees that identifies—

(1) the computer programming languages included within the Recruitment Language Program and the language incentive pay rate; and

(2) the number of individuals benefitting from the inclusion of such computer programming languages in the Recruitment Language Program and language incentive pay.

SEC. 9507. [22 U.S.C. 10304] SHORT COURSE ON EMERGING TECHNOLOGIES FOR SENIOR OFFICIALS.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall develop and begin providing, for senior officials of the Department, a course addressing how the most recent and relevant technologies affect the activities of the Department.

(b) THROUGHPUT OBJECTIVES.—The Secretary should ensure that—

(1) during the first year that the course developed pursuant to subsection (a) is offered, not fewer than 20 percent of senior officials are certified as having passed such course; and

(2) in each subsequent year, until the date on which 80 percent of senior officials are certified as having passed such course, an additional 10 percent of senior officials are certified as having passed such course.

SEC. 9508. [22 U.S.C. 10305] ESTABLISHMENT AND EXPANSION OF REGIONAL TECHNOLOGY OFFICER PROGRAM.

(a) REGIONAL TECHNOLOGY OFFICER PROGRAM.—

(1) ESTABLISHMENT.—The Secretary shall establish a program, which shall be known as the "Regional Technology Officer Program" (referred to in this section as the "Program"), and shall be administered by the Bureau for Cyberspace and Digital Policy [2].

(2) GOALS.—The goals of the Program shall include the following:

(A) Promoting United States leadership in technology abroad.

(B) Working with partners to increase the deployment of critical and emerging technology in support of democratic values.

(C) Shaping diplomatic agreements in regional and international fora with respect to critical and emerging technologies.

(D) Building diplomatic capacity for handling critical and emerging technology issues.

(E) Facilitating the role of critical and emerging technology in advancing the foreign policy objectives of the United States through engagement with research labs, incubators, and venture capitalists.

(F) Maintaining the advantages of the United States with respect to critical and emerging technologies.

(b) IMPLEMENTATION PLAN.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit an implementation plan to the appropriate congressional committees that outlines strategies for—

(1) advancing the goals described in subsection (a)(2);

(2) hiring Regional Technology Officers and increasing the competitiveness of the Program within the Foreign Service bidding process;

(3) expanding the Program to include a minimum of 15 Regional Technology Officers; and

(4) assigning not fewer than 2 Regional Technology Officers to posts within—

(A) each regional bureau of the Department; and

(B) the Bureau of International Organization Affairs.

(c) ANNUAL BRIEFING REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter for the following 5 years, the Secretary shall brief the appropriate congressional committees regarding the status of the implementation plan required under subsection (b).

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated up to $25,000,000 for each of the fiscal years 2023 through 2027 to carry out this section.

SEC. 9509. [22 U.S.C. 10306] VULNERABILITY DISCLOSURE POLICY AND BUG BOUNTY PROGRAM REPORT.

(a) DEFINITIONS.—In this section:

(1) BUG BOUNTY PROGRAM.—The term "bug bounty program" means a program under which an approved individual,

[2] The reference to the short title of this division by section 7301 of division G of Public Law 118–159 probably should have been made to the "Department of State Authorization Act of 2022" instead of "Department of State Authorization[s] Act of 2022". Such amendment was executed to reflect the probable intent of Congress.

organization, or company is temporarily authorized to identify and report vulnerabilities of internet-facing information technology of the Department in exchange for compensation.

(2) INFORMATION TECHNOLOGY.—The term "information technology" has the meaning given such term in section 11101 of title 40, United States Code.

(b) VULNERABILITY DISCLOSURE POLICY.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall design, establish, and make publicly known a Vulnerability Disclosure Policy (referred to in this section as the "VDP") to improve Department cybersecurity by—

(A) creating Department policy and infrastructure to receive reports of and remediate discovered vulnerabilities in line with existing policies of the Office of Management and Budget and the Department of Homeland Security Binding Operational Directive 20-01 or any subsequent directive; and

(B) providing a report on such policy and infrastructure to Congress.

(2) ANNUAL REPORTS.—Not later than 180 days after the establishment of the VDP pursuant to paragraph (1), and annually thereafter for the following 5 years, the Secretary shall submit a report on the VDP to the Committee on Foreign Relations of the Senate, the Committee on Homeland Security and Governmental Affairs of the Senate, the Select Committee on Intelligence of the Senate, the Committee on Foreign Affairs of the House of Representatives, the Committee on Homeland Security of the House of Representatives, and the Permanent Select Committee on Intelligence of the House of Representatives that includes information relating to—

(A) the number and severity of all security vulnerabilities reported;

(B) the number of previously unidentified security vulnerabilities remediated as a result;

(C) the current number of outstanding previously unidentified security vulnerabilities and Department of State remediation plans;

(D) the average time between the reporting of security vulnerabilities and remediation of such vulnerabilities;

(E) the resources, surge staffing, roles, and responsibilities within the Department used to implement the VDP and complete security vulnerability remediation;

(F) how the VDP identified vulnerabilities are incorporated into existing Department vulnerability prioritization and management processes;

(G) any challenges in implementing the VDP and plans for expansion or contraction in the scope of the VDP across Department information systems; and

(H) any other topic that the Secretary determines to be relevant.

(c) BUG BOUNTY PROGRAM REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit a report

to Congress that describes any ongoing efforts by the Department or a third-party vendor under contract with the Department to establish or carry out a bug bounty program that identifies security vulnerabilities of internet-facing information technology of the Department.

(2) REPORT.—Not later than 180 days after the date on which any bug bounty program is established, the Secretary shall submit a report to the Committee on Foreign Relations of the Senate, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Homeland Security of the House of Representatives regarding such program, including information relating to—

(A) the number of approved individuals, organizations, or companies involved in such program, disaggregated by the number of approved individuals, organizations, or companies that—

(i) registered;

(ii) were approved;

(iii) submitted security vulnerabilities; and

(iv) received compensation;

(B) the number and severity of all security vulnerabilities reported as part of such program;

(C) the number of previously unidentified security vulnerabilities remediated as a result of such program;

(D) the current number of outstanding previously unidentified security vulnerabilities and Department remediation plans for such outstanding vulnerabilities;

(E) the average length of time between the reporting of security vulnerabilities and remediation of such vulnerabilities;

(F) the types of compensation provided under such program;

(G) the lessons learned from such program;

(H) the public accessibility of contact information for the Department regarding the bug bounty program;

(I) the incorporation of bug bounty program identified vulnerabilities into existing Department vulnerability prioritization and management processes; and

(J) any challenges in implementing the bug bounty program and plans for expansion or contraction in the scope of the bug bounty program across Department information systems.

TITLE XCVI—PUBLIC DIPLOMACY

SEC. 9601. UNITED STATES PARTICIPATION IN INTERNATIONAL FAIRS AND EXPOSITIONS.

(a) DEFINED TERM.—In this section, the term "appropriate committees of Congress" means—

(1) the Committee on Foreign Relations of the Senate;

(2) the Committee on Appropriations of the Senate;

(3) the Committee on Foreign Affairs of the House of Representatives; and

(4) the Committee on Appropriations of the House of Representatives.

(b) AUTHORIZATION OF APPROPRIATIONS.—Consistent with section 204 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (22 U.S.C. 2452b), subject to subsections (c) and (d), there is authorized to be appropriated to the Department up to $25,000,000 for each of the fiscal years 2023, 2024[3], 2025, 2026, and 2027[4] for United States participation in international fairs and expositions abroad, including for the construction and operation of a United States pavilion at Expo 2025 Osaka.

(c) COST-SHARE REQUIREMENT.—Amounts made available pursuant to subsection (b) to the Department for a United States pavilion or other major exhibit at an international fair or exposition abroad shall be made available on a cost-matching basis, to the maximum extent practicable, from sources other than the United States Government.

(d) NOTIFICATION.—

(1) IN GENERAL.—No funds made available pursuant to subsection (b) to the Department for a United States pavilion or other major exhibit at an international fair or exposition abroad may be obligated until at least 15 days after the appropriate committees of Congress have been notified of such intended obligation.

(2) MATTERS TO BE INCLUDED.—Each notification under paragraph (1) shall include—

(A) a description of the source of such funds, including any funds reprogrammed or transferred by the Department to be made available for such pavilion or other major exhibit abroad;

(B) an estimate of the amount of investment such pavilion or other major exhibit abroad could bring to the United States; and

(C) a description of the strategy of the Department to identify and obtain such matching funds from sources other than the United States Government, in accordance with subsection (c).

(e) FINAL REPORT.—Not later than 180 days after the date on which a United States pavilion or other major exhibit abroad is opened at an international fair or exposition in accordance with this section, the Secretary shall submit a report to the appropriate committees of Congress that includes—

(1) the number of United States businesses that participated in such pavilion or other major exhibit; and

[3] Section 5607(c) of division E of Public Law 119-60 provides for an amendment to subsection (b) of the "Department of State Authorization[s] Act of 2022" by striking "fiscal years 2023 and 2024" and inserting "fiscal years 2023, 2024, 2025, 2026, 2027, and 2028". In addition to the incorrect referenced Act, the amendment could not be carried out because the stricken matter does not appear in law.

[4] The reference to the short title of this division by section 7402 of division G of Public Law 118–159 probably should have been made to the "Department of State Authorization Act of 2022" instead of "Department of State Authorization[s] Act of 2022". Such amendment was executed to reflect the probable intent of Congress.

(2) the dollar amount and source of any matching funds obtained by the Department.

SEC. 9602. UNDER SECRETARY FOR PUBLIC DIPLOMACY AND PUBLIC AFFAIRS.

(a) FINANCIAL AND HUMAN RESOURCES COORDINATION.—Section 1(b)(3) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a) is amended—

(1) in subparagraph (D), by striking "and" at the end;

(2) in subparagraph (E), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(F) coordinate the allocation and management of the financial and human resources for public diplomacy, including for—

"(i) the Bureau of Educational and Cultural Affairs;

"(ii) the Bureau of Global Public Affairs;

"(iii) the Office of Policy, Planning, and Resources for Public Diplomacy and Public Affairs;

"(iv) the Global Engagement Center; and

"(v) the public diplomacy functions within the regional and functional bureaus.".

(b) SENSE OF CONGRESS ON THE IMPORTANCE OF FILLING THE POSITION OF UNDER SECRETARY FOR PUBLIC DIPLOMACY AND PUBLIC AFFAIRS.—It is the sense of Congress that since a vacancy in the position of Under Secretary of State for Public Diplomacy and Public Affairs is detrimental to the national security interests of the United States, the President should expeditiously nominate a qualified individual to such position whenever such vacancy occurs to ensure that the bureaus reporting to such position are able to fulfill their mission of—

(1) expanding and strengthening relationships between the people of the United States and citizens of other countries; and

(2) engaging, informing, and understanding the perspectives of foreign audiences.

SEC. 9603. REPORT ON PUBLIC DIPLOMACY.

Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report that includes—

(1) an evaluation of the May 2019 merger of the Bureau of Public Affairs and the Bureau of International Information Programs to form the Bureau of Global Public Affairs with respect to—

(A) the efficacy of the current configuration of the bureaus reporting to the Under Secretary of State for Public Diplomacy and Public Affairs in achieving the mission of the Department;

(B) the metrics before and after such merger, including personnel data, disaggregated by position and location, content production, opinion polling, program evaluations, and media appearances;

(C) the results of a survey of public diplomacy practitioners to determine their opinion of the efficacy of such

merger and any adjustments that still need to be made; and

(D) a plan for evaluating and monitoring, not less frequently than once every 2 years, the programs, activities, messaging, professional development efforts, and structure of the Bureau of Global Public Affairs, and submitting a summary of each such evaluation to the appropriate congressional committees; and

(2) a review of recent outside recommendations for modernizing diplomacy at the Department with respect to public diplomacy efforts, including—

(A) efforts in each of the bureaus reporting to the Under Secretary of State for Public Diplomacy and Public Affairs to address issues of diversity and inclusion in their work, structure, data collection, programming, and personnel, including any collaboration with the Chief Diversity and Inclusion Officer;

(B) proposals to collaborate with think tanks and academic institutions working on public diplomacy issues to implement recent outside recommendations; and

(C) additional authorizations and appropriations necessary to implement such recommendations.

SEC. 9604. PROMOTING PEACE, EDUCATION, AND CULTURAL EXCHANGE THROUGH MUSIC DIPLOMACY.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) music is an important conveyer of culture and can be used to communicate values and build understanding between communities;

(2) musical artists play a valuable role in cross-cultural exchange, and their works and performances can promote peacebuilding and conflict resolution efforts;

(3) the music industry in the United States has made important contributions to American society and culture, and musicians and industry professionals in the United States can offer valuable expertise to young musical artists around the world; and

(4) the United States Government should promote exchange programs, especially programs that leverage the expertise and resources of the private sector, that give young musical artists from around the world the chance—

(A) to improve their skills;

(B) share ideas;

(C) learn about American culture; and

(D) develop the necessary skills to support conflict resolution and peacebuilding efforts in their communities and broader societies.

(b) AUTHORIZATION OF MUSIC-RELATED EXCHANGE PROGRAMS.—The Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2451 et seq.; commonly known as the Fulbright-Hays Act) is amended—

(1) in section 102(a)(2) (22 U.S.C. 2452(a)(2))—

(A) in clause (iii), by inserting "and" at the end; and

(B) in clause (iv)—

(i) by inserting ", including in coordination and consultation with the private sector," before "similar"; and

(ii) by striking the period at the end and inserting "; and"; and

(2) in section 112(a) (22 U.S.C. 2460(a))—

(A) in paragraph (8), by striking "and" at the end;

(B) in paragraph (9), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(10) exchange programs, including in coordination and consultation with the private sector, focused on music and the performing arts that provide opportunities for foreign nationals and Americans to build cross-cultural understanding and advance peace abroad.".

(c) [22 U.S.C. 2460 note] PRIVATE SECTOR PARTNERSHIPS.—

(1) IN GENERAL.—The Secretary should continue—

(A) to partner with the private sector in support of music-related exchange programs implemented by the Bureau of Educational and Cultural Affairs (referred to in this section as the "ECA");

(B) to leverage private sector expertise in developing and implementing such programs; and

(C) to expand networking and mentorship opportunities for program participants.

(2) AUTHORIZATION OF CERTAIN PARTNERSHIPS.—The Secretary is authorized to partner with the private sector to recognize musicians—

(A) whose works or performances have advanced peace abroad; and

(B) who could contribute to networking and mentorship opportunities for participants of music-related exchange programs implemented by ECA.

(d) STRATEGY.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit a strategy to the appropriate congressional committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives for advancing United States foreign policy goals, including conflict resolution and peacebuilding efforts, through music-related exchange programs implemented by ECA. Such strategy shall include—

(A) a description of clearly defined annual goals, targets, and planned outcomes for each music-related exchange program;

(B) a plan to monitor and evaluate each music-related exchange program and progress made toward achieving such goals, targets, and planned outcomes, including measurable benchmarks;

(C) a plan to ensure that music-related exchange programs are promoting United States foreign policy objectives, including ensuring such programs are clearly branded and paired with robust public diplomacy efforts;

(D) a plan to pursue partnerships with the private sector while implementing music-related exchange programs, including leveraging industry expertise and expanding networking and mentorship opportunities for program participants;

(E) examples of how ECA's music-related exchange programs have contributed to conflict resolution and peacebuilding efforts to date, including through participant and alumni actions;

(F) a description of lessons learned regarding how to better encourage conflict resolution and peacebuilding efforts through ECA's music-related exchange programs; and

(G) a plan to incorporate such lessons learned into relevant current and future programming.

(2) CONSULTATION.—In developing the strategy required under paragraph (1), the Secretary shall consult with the appropriate congressional committees and relevant private sector partners.

TITLE XCVII—OTHER MATTERS

SEC. 9701. [22 U.S.C. 276c-6] SUPPORTING THE EMPLOYMENT OF UNITED STATES CITIZENS BY INTERNATIONAL ORGANIZATIONS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Department should continue to eliminate the unreasonable barriers United States nationals face to obtain employment in the United Nations Secretariat, funds, programs, and agencies; and

(2) the Department should bolster efforts to increase the number of qualified United States nationals who are candidates for leadership and oversight positions in the United Nations system, agencies, and commissions, and in other international organizations.

(b) IN GENERAL.—The Secretary is authorized to promote the employment and advancement of United States citizens by international organizations and bodies, including by—

(1) providing stipends, consultation, and analytical services to support United States citizen applicants; and

(2) making grants for the purposes described in paragraph (1).

(c) USING DIPLOMATIC PROGRAMS FUNDING TO PROMOTE THE EMPLOYMENT OF UNITED STATES CITIZENS BY INTERNATIONAL ORGANIZATIONS.—Amounts appropriated under the heading "**Diplomatic Programs**" in Acts making appropriations for the Department of State, Foreign Operations, and Related Programs are authorized to be appropriated for grants, programs, and activities described in subsection (b).

(d) STRATEGY TO ESTABLISH JUNIOR PROFESSIONAL PROGRAM.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary, in coordination with the Secretary of the Treasury and other relevant cabinet members, shall publish a strategy for encouraging United States

citizens to pursue careers with international organizations, particularly organizations that—

(A) set international scientific, technical, or commercial standards; or

(B) are involved in international finance and development.

(2) REPORT TO CONGRESS.—Not later than 90 days after the date of the enactment of this Act, the Secretary, in coordination with the Secretary of the Treasury and other relevant cabinet members, shall submit a report to the appropriate congressional committees that identifies—

(A) the number of United States citizens who are involved in relevant junior professional programs in an international organization;

(B) the distribution of individuals described in subparagraph (A) among various international organizations; and

(C) the types of pre-deployment training that are available to United States citizens through a junior professional program at an international organization.

SEC. 9702. INCREASING HOUSING AVAILABILITY FOR CERTAIN EMPLOYEES ASSIGNED TO THE UNITED STATES MISSION TO THE UNITED NATIONS.

Section 9(2) of the United Nations Participation Act of 1945 (22 U.S.C. 287e-1(2)), is amended by striking "30" and inserting "41".

SEC. 9703. [22 U.S.C. 287e-4] LIMITATION ON UNITED STATES CONTRIBUTIONS TO PEACEKEEPING OPERATIONS NOT AUTHORIZED BY THE UNITED NATIONS SECURITY COUNCIL.

The United Nations Participation Act of 1945 (22 U.S.C. 287 et seq.) is amended by adding at the end the following:

"SEC. 12. LIMITATION ON UNITED STATES CONTRIBUTIONS TO PEACEKEEPING OPERATIONS NOT AUTHORIZED BY THE UNITED NATIONS SECURITY COUNCIL

"None of the funds authorized to be appropriated or otherwise made available to pay assessed and other expenses of international peacekeeping activities under this Act may be made available for an international peacekeeping operation that has not been expressly authorized by the United Nations Security Council.".

SEC. 9704. BOARDS OF RADIO FREE EUROPE/RADIO LIBERTY, RADIO FREE ASIA, THE MIDDLE EAST BROADCASTING NETWORKS, AND THE OPEN TECHNOLOGY FUND.

The United States International Broadcasting Act of 1994 (22 U.S.C. 6201 et seq.) is amended by inserting after section 306 (22 U.S.C. 6205) the following:

"SEC. 307. [22 U.S.C. 6206] GRANTEE CORPORATE BOARDS OF DIRECTORS

"(a) IN GENERAL.—The corporate board of directors of each grantee under this title—

"(1) shall be bipartisan;

"(2) shall, except as otherwise provided in this Act, have the sole responsibility to operate their respective grantees within the jurisdiction of their respective States of incorporation;

"(3) shall be composed of not fewer than 5 members, who shall be qualified individuals who are not employed in the public sector; and

"(4) shall appoint successors in the event of vacancies on their respective boards, in accordance with applicable bylaws.

"(b) NOT FEDERAL EMPLOYEES.—No employee of any grantee under this title may be a Federal employee.".

SEC. 9705. BROADCASTING ENTITIES NO LONGER REQUIRED TO CONSOLIDATE INTO A SINGLE PRIVATE, NONPROFIT CORPORATION.

Section 310 of the United States International Broadcasting Act of 1994 (22 U.S.C. 6209) is amended. to read as follows:

"SEC. 310. INCORPORATION AND NON-FEDERAL STATUS OF BROADCASTING ENTITIES

"(a) DEFINED TERM.—In this chapter—

"(1) the term 'grant' includes agreements under section 6305 of title 31, United States Code; and

"(2) the term 'grantee' includes recipients of an agreement described in paragraph (1).

"(b) INCORPORATION.—The Chief Executive Officer is authorized to incorporate grantees in accordance with the regular notification procedures of—

"(1) the Committee on Appropriations of the Senate;

"(2) the Committee on Foreign Relations of the Senate;

"(3) the Committee on Appropriations of the House of Representatives; and

"(4) the Committee on Foreign Affairs of the House of Representatives.

"(c) FEDERAL STATUS.—Nothing in this chapter or in any other Act, and no action taken pursuant to this chapter or any other Act, may be construed to make a grantee incorporated pursuant to subsection (b), or any other grantee or entity provided funding by the Agency, a Federal agency or instrumentality.

"(d) LEADERSHIP OF GRANTEE ORGANIZATIONS.—The chief executive officer or the equivalent official of RFE/RL Inc., Radio Free Asia, the Open Technology Fund, and the Middle East Broadcasting Networks, and any other organization that is established or authorized under this chapter, shall serve at the pleasure of, and may be named by, the Chief Executive Officer of the Agency, with the concurrence of the Grantee Board and subject to the approval of the Advisory Board pursuant to section 306.".

SEC. 9706. INTERNATIONAL BROADCASTING ACTIVITIES.

Section 305(a) of the United States International Broadcasting Act of 1994 (22 U.S.C. 6204(a)) is amended—

(1) in paragraph (1), by striking "direct and";

(2) by striking paragraph (20);

(3) by redesignating paragraphs (21), (22), and (23) as paragraphs (20), (21), and (22), respectively; and

(4) in paragraph (22), as redesignated, by striking "and to condition grants" and all that follows and inserting a period.

SEC. 9707. [22 U.S.C. 6217] GLOBAL INTERNET FREEDOM.

(a) STATEMENT OF POLICY.—It is the policy of the United States to promote internet freedom through programs of the De-

partment and USAID that preserve and expand the internet as an open, global space for freedom of expression and association, which shall be prioritized for countries—

(1) whose governments restrict freedom of expression on the internet; and

(2) that are important to the national interest of the United States.

(b) PURPOSE AND COORDINATION WITH OTHER PROGRAMS.—Global internet freedom programming under this section—

(1) shall be coordinated with other United States foreign assistance programs that promote democracy and support the efforts of civil society—

(A) to counter the development of repressive internet-related laws and regulations, including countering threats to internet freedom at international organizations;

(B) to combat violence against bloggers and other civil society activists who utilize the internet; and

(C) to enhance digital security training and capacity building for democracy activists;

(2) shall seek to assist efforts—

(A) to research key threats to internet freedom;

(B) to continue the development of technologies that provide or enhance access to the internet, including circumvention tools that bypass internet blocking, filtering, and other censorship techniques used by authoritarian governments; and

(C) to maintain the technological advantage of the Federal Government over the censorship techniques described in subparagraph (B); and

(3) shall be incorporated into country assistance and democracy promotion strategies, as appropriate.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fiscal year 2023—

(1) $75,000,000 to the Department and USAID, to continue efforts to promote internet freedom globally, and shall be matched, to the maximum extent practicable, by sources other than the Federal Government, including the private sector; and

(2) $49,000,000 to the United States Agency for Global Media (referred to in this section as the "USAGM") and its grantees, for internet freedom and circumvention technologies that are designed—

(A) for open-source tools and techniques to securely develop and distribute digital content produced by the USAGM and its grantees;

(B) to facilitate audience access to such digital content on websites that are censored;

(C) to coordinate the distribution of such digital content to targeted regional audiences; and

(D) to promote and distribute such tools and techniques, including digital security techniques.

(d) UNITED STATES AGENCY FOR GLOBAL MEDIA ACTIVITIES.—

(1) ANNUAL CERTIFICATION.—For any new tools or techniques authorized under subsection (c)(2), the Chief Executive

Officer of the USAGM, in consultation with the President of the Open Technology Fund (referred to in this subsection as the "OTF") and relevant Federal departments and agencies, shall submit an annual certification to the appropriate congressional committees that verifies they—

(A) have evaluated the risks and benefits of such new tools or techniques; and

(B) have established safeguards to minimize the use of such new tools or techniques for illicit purposes.

(2) INFORMATION SHARING.—The Secretary may not direct programs or policy of the USAGM or the OTF, but may share any research and development with relevant Federal departments and agencies for the exclusive purposes of—

(A) sharing information, technologies, and best practices; and

(B) assessing the effectiveness of such technologies.

(3) UNITED STATES AGENCY FOR GLOBAL MEDIA.—The Chief Executive Officer of the USAGM, in consultation with the President of the OTF, shall—

(A) coordinate international broadcasting programs and incorporate such programs into country broadcasting strategies, as appropriate;

(B) solicit project proposals through an open, transparent, and competitive application process, including by seeking input from technical and subject matter experts; and

(C) support internet circumvention tools and techniques for audiences in countries that are strategic priorities for the OTF, in accordance with USAGM's annual language service prioritization review.

(e) USAGM REPORT.—Not later than 120 days after the date of the enactment of this Act, the Chief Executive Office of the USAGM shall submit a report to the appropriate congressional committees that describes—

(1) as of the date of the report—

(A) the full scope of internet freedom programs within the USAGM, including—

(i) the efforts of the Office of Internet Freedom; and

(ii) the efforts of the Open Technology Fund;

(B) the capacity of internet censorship circumvention tools supported by the Office of Internet Freedom and grantees of the Open Technology Fund that are available for use by individuals in foreign countries seeking to counteract censors; and

(C) any barriers to the provision of the efforts described in clauses (i) and (ii) of subparagraph (A), including access to surge funding; and

(2) successful examples from the Office of Internet Freedom and Open Technology Fund involving—

(A) responding rapidly to internet shutdowns in closed societies; and

(B) ensuring uninterrupted circumvention services for USAGM entities to promote internet freedom within repressive regimes.

(f) JOINT REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary and the Administrator of USAID shall jointly submit a report, which may include a classified annex, to the appropriate congressional committees that describes—

(1) as of the date of the report—

(A) the full scope of internet freedom programs within the Department and USAID, including—

(i) Department circumvention efforts; and

(ii) USAID efforts to support internet infrastructure;

(B) the capacity of internet censorship circumvention tools supported by the Federal Government that are available for use by individuals in foreign countries seeking to counteract censors; and

(C) any barriers to provision of the efforts enumerated in clauses (i) and (ii) of subsection (e)(1)(A), including access to surge funding; and

(2) any new resources needed to provide the Federal Government with greater capacity to provide and boost internet access—

(A) to respond rapidly to internet shutdowns in closed societies; and

(B) to provide internet connectivity to foreign locations where the provision of additional internet access service would promote freedom from repressive regimes.

(g) SECURITY AUDITS.—Before providing any support for open source technologies under this section, such technologies must undergo comprehensive security audits to ensure that such technologies are secure and have not been compromised in a manner that is detrimental to the interest of the United States or to the interests of individuals and organizations benefitting from programs supported by such funding.

(h) SURGE.—

(1) AUTHORIZATION OF APPROPRIATIONS.—Subject to paragraph (2), there is authorized to be appropriated, in addition to amounts otherwise made available for such purposes, up to $2,500,000 to support internet freedom programs in closed societies, including programs that—

(A) are carried out in crisis situations by vetted entities that are already engaged in internet freedom programs;

(B) involve circumvention tools; or

(C) increase the overseas bandwidth for companies that received Federal funding during the previous fiscal year.

(2) CERTIFICATION.—Amounts authorized to be appropriated pursuant to paragraph (1) may not be expended until the Secretary has certified to the appropriate congressional committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Rep-

resentatives that the use of such funds is in the national interest of the United States.

(i) DEFINED TERM.—In this section, the term "internet censorship circumvention tool" means a software application or other tool that an individual can use to evade foreign government restrictions on internet access.

SEC. 9708. ARMS EXPORT CONTROL ACT ALIGNMENT WITH THE EXPORT CONTROL REFORM ACT.

Section 38(e) of the Arms Export Control Act (22 U.S.C. 2778(e)) is amended—

(1) by striking "subsections (c), (d), (e), and (g) of section 11 of the Export Administration Act of 1979, and by subsections 136 STAT. 3919 (a) and (c) of section 12 of such Act" and inserting "subsections (c) and (d) of section 1760 of the Export Control Reform Act of 2018 (50 U.S.C. 4819), and by subsections (a)(1), (a)(2), (a)(3), (a)(4), (a)(7), (c), and (h) of section 1761 of such Act (50 U.S.C. 4820)";

(2) by striking "11(c)(2)(B) of such Act" and inserting "1760(c)(2) of such Act (50 U.S.C. 4819(c)(2))";

(3) by striking "11(c) of the Export Administration Act of 1979" and inserting "section 1760(c) of the Export Control Reform Act of 2018 (50 U.S.C. 4819(c))"; and

(4) by striking "$500,000" and inserting "the greater of $1,200,000 or the amount that is twice the value of the transaction that is the basis of the violation with respect to which the penalty is imposed.".

SEC. 9709. INCREASING THE MAXIMUM ANNUAL LEASE PAYMENT AVAILABLE WITHOUT APPROVAL BY THE SECRETARY.

Section 10(a) of the Foreign Service Buildings Act, 1926 (22 U.S.C. 301(a)), is amended by striking "$50,000" and inserting "$100,000".

SEC. 9710. REPORT ON UNITED STATES ACCESS TO CRITICAL MINERAL RESOURCES ABROAD.

Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees that details, with regard to the Department—

(1) diplomatic efforts to ensure United States access to critical minerals acquired from outside of the United States that are used to manufacture clean energy technologies; and

(2) collaboration with other parts of the Federal Government to build a robust supply chain for critical minerals necessary to manufacture clean energy technologies.

SEC. 9711. OVERSEAS UNITED STATES STRATEGIC INFRASTRUCTURE DEVELOPMENT PROJECTS.

(a) ASSESSMENT OF IMPACT TO UNITED STATES NATIONAL SECURITY OF INFRASTRUCTURE PROJECTS BY THE PEOPLE'S REPUBLIC OF CHINA IN THE DEVELOPING WORLD.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to the appropriate congressional committees, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives regarding the One Belt, One Road Initiative, which is the global infrastructure development strategy

initiated by the Government of the People's Republic of China in 2013.

(b) REPORT ELEMENTS.—The report required under subsection (a) shall—

(1) describe the nature and cost of One Belt, One Road Initiative investments, operation, and construction of strategic infrastructure projects, including logistics, refining, and processing industries and resource facilities, and critical and strategic mineral resource extraction projects, including an assessment of—

(A) the strategic benefits of such investments that are derived by the People's Republic of China and the host nation; and

(B) the negative impacts of such investments to the host nation and to United States interests;

(2) describe the nature and total funding of United States' strategic infrastructure investments and construction, such as projects financed through initiatives such as Prosper Africa and the Millennium Challenge Corporation;

(3) assess the national security threats posed by the foreign infrastructure investment gap between the People's Republic of China and the United States, including strategic infrastructure, such as ports, market access to, and the security of, critical and strategic minerals, digital and telecommunications infrastructure, threats to the supply chains, and general favorability towards the People's Republic of China and the United States among the populations of host countries;

(4) assess the opportunities and challenges for companies based in the United States and companies based in United States partner and allied countries to invest in foreign strategic infrastructure projects in countries where the People's Republic of China has focused these types of investments;

(5) identify challenges and opportunities for the United States Government and United States partners and allies to more directly finance and otherwise support foreign strategic infrastructure projects, including an assessment of the authorities and capabilities of United States agencies, departments, public-private partnerships, and international or multilateral organizations to support such projects without undermining United States domestic industries, such as domestic mineral deposits; and

(6) include recommendations for United States Government agencies to undertake or increase support for United States businesses to support foreign, large-scale, strategic infrastructure projects, such as roads, power grids, and ports.

SEC. 9712. [22 U.S.C. 2651a note] PROVISION OF PARKING SERVICES AND RETENTION OF PARKING FEES.

The Secretary of State may—

(1) provide parking services, including electric vehicle charging and other parking services, in facilities operated by or for the Department; and

(2) charge fees for such services that may be deposited into the appropriate account of the Department, to remain available until expended for the purposes of such account, provided that

the fees shall not exceed the cost of the providing such services.

SEC. 9713. [22 U.S.C. 2713 note] DIPLOMATIC RECEPTION AREAS.

(a) DEFINED TERM.—In this section, the term "reception areas" has the meaning given such term in section 41(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2713(c)).

(b) IN GENERAL.—The Secretary may sell goods and services at fair market value and use the proceeds of such sales for administration and related support of the reception areas.

(c) AMOUNTS COLLECTED.—Amounts collected pursuant to the authority provided under subsection (b) may be deposited into an account in the Treasury, to remain available until expended.

SEC. 9714. [22 U.S.C. 213 note] RETURN OF SUPPORTING DOCUMENTS FOR PASSPORT APPLICATIONS THROUGH UNITED STATES POSTAL SERVICE CERTIFIED MAIL.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall establish a procedure that provides, to any individual applying for a new United States passport or to renew the United States passport of the individual by mail, the option to have supporting documents for the application returned to the individual by the United States Postal Service through certified mail.

(b) COST.—

(1) RESPONSIBILITY.—The cost of returning supporting documents to an individual as described in subsection (a) shall be the responsibility of the individual.

(2) FEE.—The fee charged to the individual by the Secretary for returning supporting documents as described in subsection (a) shall be the sum of—

(A) the retail price charged by the United States Postal Service for the service; and

(B) the estimated cost of processing the return of the supporting documents.

(3) REPORT.—Not later than 30 days after the establishment of the procedure required under subsection (a), the Secretary shall submit a report to the appropriate congressional committees that—

(A) details the costs included in the processing fee described in paragraph (2); and

(B) includes an estimate of the average cost per request.

SEC. 9715. REPORT ON DISTRIBUTION OF PERSONNEL AND RESOURCES RELATED TO ORDERED DEPARTURES AND POST CLOSURES.

Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit a report to the appropriate congressional committees that describes—

(1) how Department personnel and resources dedicated to Mission Afghanistan were reallocated following the closure of diplomatic posts in Afghanistan in August 2021; and

(2) the extent to which Department personnel and resources for Mission Iraq were reallocated following ordered de-

partures for diplomatic posts in March 2020, and how such resources were reallocated.

SEC. 9716. ELIMINATION OF OBSOLETE REPORTS.

(a) CERTIFICATION OF EFFECTIVENESS OF THE AUSTRALIA GROUP.—Section 2(7) of Senate Resolution 75 (105th Congress) is amended by striking subparagraph (C).

(b) [22 U.S.C. 2452 note] PLANS TO IMPLEMENT THE GANDHI-KING SCHOLARLY EXCHANGE INITIATIVE.—The Gandhi-King Scholarly Exchange Initiative Act (subtitle D of title III of division FF of Public Law 116-260) is amended by striking section 336.

(c) PROGRESS REPORT ON JERUSALEM EMBASSY.—The Jerusalem Embassy Act of 1995 (Public Law 104-45) is amended by striking section 6.

(d) [22 U.S.C. 287e note] PRESIDENTIAL ANTI-PEDOPHILIA CERTIFICATION.—Section 102 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236) is amended by striking subsection (g).

(e) MICROENTERPRISE FOR SELF-RELIANCE REPORT.—Title III of the Microenterprise for Self-Reliance and International Anti-Corruption Act of 2000 (Public Law 106-309; 22 U.S.C. 2462 note) is amended by striking section 304.

SEC. 9717. [5 U.S.C. 5304 note] LOCALITY PAY FOR FEDERAL EMPLOYEES WORKING OVERSEAS UNDER DOMESTIC EMPLOYEE TELEWORKING OVERSEAS AGREEMENTS.

(a) DEFINITIONS.—In this section:

(1) CIVIL SERVICE.—The term "civil service" has the meaning given the term in section 2101 of title 5, United States Code.

(2) COVERED EMPLOYEE.—The term "covered employee" means an employee who—

(A) occupies a position in the civil service; and

(B) is working overseas under a Domestic Employee Teleworking Overseas agreement.

(3) LOCALITY PAY.—The term "locality pay" means a locality-based comparability payment paid in accordance with subsection (b).

(4) NONFOREIGN AREA.—The term "nonforeign area" has the meaning given the term in section 591.205 of title 5, Code of Federal Regulations, or any successor regulation.

(5) OVERSEAS.—The term "overseas" means any geographic location that is not in—

(A) the continental United States; or

(B) a nonforeign area.

(b) PAYMENT OF LOCALITY PAY.—Each covered employee shall be paid locality pay in an amount that is equal to the lesser of—

(1) the amount of a locality-based comparability payment that the covered employee would have been paid under section 5304 or 5304a of title 5, United States Code, had the official duty station of the covered employee not been changed to reflect an overseas location under the applicable Domestic Employee Teleworking Overseas agreement; or

(2) the amount of a locality-based comparability payment that the covered employee would be paid under section 1113 of

the Supplemental Appropriations Act, 2009 (Public Law 111-32), as limited under section 9802(c)(2) of this Act, if the covered employee were an eligible member of the Foreign Service (as defined in subsection (b) of such section 1113).

(c) APPLICATION.—Locality pay paid to a covered employee under this section—

(1) shall begin to be paid not later than 60 days after the date of the enactment of this Act; and

(2) shall be treated in the same manner, and subject to the same terms and conditions, as a locality-based comparability payment paid under section 5304 or 5304a of title 5, United States Code.

SEC. 9718. REPORT ON COUNTERING THE ACTIVITIES OF MALIGN ACTORS.

(a) REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary, in consultation with the Secretary of the Treasury and the Administrator, shall submit a report to the Committee on Foreign Relations of the Senate, the Committee on Armed Services of the Senate, the Select Committee on Intelligence of the Senate, the Committee on Foreign Affairs of the House of Representatives, the Committee on Armed Services of the House of Representatives, and the Permanent Select Committee on Intelligence of the House of Representatives regarding United States diplomatic efforts in Africa in achieving United States policy goals and countering the activities of malign actors.

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

(A) case studies from Mali, Sudan, the Central African Republic, the Democratic Republic of the Congo, Burkina Faso, and South Sudan, with the goal of assessing the effectiveness of diplomatic tools during the 5-year period ending on the date of the enactment of this Act; and

(B) an assessment of—

(i) the extent and effectiveness of certain diplomatic tools to advance United States priorities in the respective case study countries, including—

(I) in-country diplomatic presence;

(II) humanitarian and development assistance;

(III) support for increased 2-way trade and investment;

(IV) United States security assistance;

(V) public diplomacy; and

(VI) accountability measures, including sanctions;

(ii) whether the use of the diplomatic tools described in clause (i) achieved the diplomatic ends for which they were intended; and

(iii) the means by which the Russian Federation and the People's Republic of China exploited any openings for diplomatic engagement in the case study countries.

(b) FORM.—The report required under subsection (b) shall be submitted in classified form.

(c) CLASSIFIED BRIEFING REQUIRED.—Not later than 1 year after the date of the enactment of this Act, the Secretary and the Administrator shall jointly brief Congress regarding the report required under subsection (b).

TITLE XCVIII—EXTENSION OF AUTHORITIES

SEC. 9801. [22 U.S.C. 4865 note] DIPLOMATIC FACILITIES.

For the purposes of calculating the costs of providing new United States diplomatic facilities in any fiscal year, in accordance with section 604(e) of the Secure Embassy Construction and Counterterrorism Act of 1999 (22 U.S.C. 4865 note), the Secretary of State, in consultation with the Director of the Office of Management and Budget, shall determine the annual program level and agency shares for such fiscal year in a manner that is proportional to the contribution of the Department of State for this purpose.

SEC. 9802. EXTENSION OF EXISTING AUTHORITIES.

(a) [22 U.S.C. 214 note] PASSPORT FEES.—Section 1(b)(2) of the Passport Act of June 4, 1920 (22 U.S.C. 214(b)(2)) shall be applied by striking "September 30, 2010" and inserting "September 30, 2026".

(b) [22 U.S.C. 2385 note] USAID CIVIL SERVICE ANNUITANT WAIVER.—Section 625(j)(1)(B) of the Foreign Assistance Act of 1961 (22 U.S.C. 2385(j)(1)(B)) shall be applied by striking "October 1, 2010" and inserting "September 30, 2024".

(c) OVERSEAS PAY COMPARABILITY AND LIMITATION.—

(1) IN GENERAL.—The authority provided under section 1113 of the Supplemental Appropriations Act, 2009 (Public Law 111-32) shall remain in effect through September 30, 2024.

(2) LIMITATION.—The authority described in paragraph (1) may not be used to pay an eligible member of the Foreign Service (as defined in section 1113(b) of the Supplemental Appropriations Act, 2009 (Public Law 111-32)) a locality-based comparability payment (stated as a percentage) that exceeds two-thirds of the amount of the locality-based comparability payment (stated as a percentage) that would be payable to such member under section 5304 of title 5, United States Code, if such member's official duty station were in the District of Columbia.

(d) INSPECTOR GENERAL ANNUITANT WAIVER.—The authorities provided under section 1015(b) of the Supplemental Appropriations Act, 2010 (Public Law 111-212)—

(1) shall remain in effect through September 30, 2024; and

(2) may be used to facilitate the assignment of persons for oversight of programs in Somalia, South Sudan, Syria, Venezuela, and Yemen.

(e) [22 U.S.C. 4831 note] SECURITY REVIEW COMMITTEES.—The authority provided under section 301(a)(3) of the Omnibus Dip-

lomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4831(a)(3)) shall remain in effect for facilities in Afghanistan and shall apply to facilities in Ukraine through September 30, 2024, except that the notification and reporting requirements contained in such section shall include the appropriate congressional committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives.

(f) [22 U.S.C. 4064 note] DEPARTMENT OF STATE INSPECTOR GENERAL WAIVER AUTHORITY.—The Inspector General of the Department may waive the provisions of subsections (a) through (d) of section 824 of the Foreign Service Act of 1980 (22 U.S.C. 4064), on a case-by-case basis, for an annuitant reemployed by the Inspector General on a temporary basis, subject to the same constraints and in the same manner by which the Secretary of State may exercise such waiver authority pursuant to subsection (g) of such section.

SEC. 9803. COMMISSION ON REFORM AND MODERNIZATION OF THE DEPARTMENT OF STATE.

(a) SHORT TITLE.—This section may be cited as the "Commission on Reform and Modernization of the Department of State Act".

(b) ESTABLISHMENT OF COMMISSION.—There is established, in the legislative branch, the Commission on Reform and Modernization of the Department of State (referred to in this section as the "Commission").

(c) PURPOSES.—The purposes of the Commission are—

(1) to examine the changing nature of diplomacy and the ways in which the Department can modernize to advance the interests of the United States; and

(2) to offer recommendations to the President and Congress related to—

(A) the organizational structure of the Department;

(B) personnel-related matters, including recruitment, promotion, training, and retention of the Department's workforce in order to foster effective diplomacy worldwide, including measures to strengthen diversity and inclusion to ensure that the Department's workforce represents all of America;

(C) the Department of State's domestic and overseas facilities;

(D) the link among diplomacy and defense, development, commercial, health, law enforcement, science, technology, and other core United States interests;

(E) legislation that authorizes United States diplomacy, including the Foreign Service Act of 1980 (Public Law 96-465); and

(F) related regulations, rules, and processes that define United States diplomatic efforts, including the Foreign Affairs Manual.

(d) MEMBERSHIP.—

(1) COMPOSITION.—The Commission shall be composed of 16 members, of whom—

(A) 4 members shall be appointed by the President in a nonpartisan manner;

(B) 2 members (1 of whom may be a Member of Congress) shall be appointed by the majority leader of the Senate;

(C) 2 members (1 of whom may be a Member of Congress) shall be appointed by the Speaker of the House of Representatives;

(D) 2 members (1 of whom may be a Member of Congress) shall be appointed by the minority leader of the Senate;

(E) 2 members (1 of whom may be a Member of Congress) shall be appointed by the minority leader of the House of Representatives;

(F) 1 member shall be appointed by the chairperson of the Committee on Foreign Relations of the Senate;

(G) 1 member shall be appointed by the ranking member of the Committee on Foreign Relations of the Senate;

(H) 1 member shall be appointed by the chairperson of the Committee on Foreign Affairs of the House of Representatives; and

(I) 1 member shall be appointed by the ranking member of the Committee on Foreign Affairs of the House of Representatives.

(2) QUALIFICATIONS.—

(A) MEMBERSHIP.—Any member of the Commission who is not a Member of Congress shall be a private United States citizen who is nationally recognized and has significant depth of experience in international relations, data-driven management, and the policymaking, programmatic, and personnel aspects of the Department.

(B) RESTRICTIONS.—

(i) FOREIGN AGENTS REGISTRATION ACT OF 1938.—No member of the Commission may be a current or former registrant under the Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.).

(ii) MEMBERS OF CONGRESS.—Not more than 4 members of the Commission may be Members of Congress, who may only be appointed by the Majority Leader of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives in accordance with paragraph (1). None of the members of the Commission may be individuals who are eligible to make such appointments.

(3) APPOINTMENTS.—

(A) DEADLINE.—Members of the Commission shall be appointed pursuant to paragraph (1) not later than 90 days after the date of the enactment of this Act.

(B) PERIOD OF APPOINTMENT; VACANCIES.—Members of the Commission shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect the powers of the Commission and shall be filled in the same manner as the original appointment.

(C) NOTIFICATIONS.—Individuals making appointments pursuant to paragraph (1) shall notify the Chair and

Ranking Member of the appropriate committees of Congress and the Secretary of State of such appointments.

(D) CO-CHAIRPERSONS.—

(i) DEMOCRATIC LEADERS.—The Democratic leader in the Senate and the Democratic leader in the House of Representatives shall jointly select 1 member of the Commission appointed pursuant to paragraph (1) to serve as a co-chairperson of the Commission.

(ii) REPUBLICAN LEADERS.—The Republican leader in the Senate and the Republican leader in the House of Representatives shall jointly select 1 member of the Commission appointed pursuant to paragraph (1) to serve as a co-chairperson of the Commission.

(4) REMOVAL.—A member may be removed from the Commission for cause by the individual serving in the position responsible for the original appointment of such member under paragraph (1) if—

(A) notice was provided to such member describing the cause for removal; and

(B) such removal was voted and agreed upon by a majority of the members serving on the Commission.

(5) MEETINGS.—

(A) INITIAL MEETING.—Not later than 30 days after a majority of the members of the Commission have been appointed, the Commission shall hold the first meeting and shall begin operations as soon as practicable.

(B) FREQUENCY.—The Commission shall meet upon the call of the co-chairpersons, acting jointly.

(C) QUORUM.—A majority of the members of the Commission, or a majority of the members of a panel, shall constitute a quorum for purposes of conducting business.

(e) FUNCTIONS OF COMMISSION.—

(1) IN GENERAL.—Except as provided in subsection (j), the Commission shall act by resolution agreed to by a majority of the members of the Commission voting and present.

(2) PANELS.—The Commission may establish panels composed of less than the full membership of the Commission for purposes of carrying out the duties of the Commission under this section. The membership of such panels should reflect the bipartisan composition of the Commission. The actions of any such panel shall be subject to the review and control of the Commission. Any findings and determinations made by such a panel may not be considered the findings and determinations of the Commission unless such findings and determinations are approved by a majority of the Commission, including both co-chairpersons.

(f) POWERS OF COMMISSION.—

(1) HEARINGS AND EVIDENCE.—To carry out the purposes of the Commission described in subsection (c), the Commission or any panel of the Commission may, with the joint approval of the co-chairpersons—

(A) hold such hearings and meetings, take such testimony, receive such evidence, and administer such oaths as

the Commission or such designated panel considers necessary;

(B) request the attendance and testimony of such witnesses and the production of such correspondence, memoranda, papers, and documents, as the Commission or such designated panel considers necessary; and

(C) secure from the Department, USAID, the United States International Development Finance Corporation, the Millennium Challenge Corporation, Peace Corps, the United States Trade Development Agency, and the United States Agency for Global Media information and data necessary to enable it to carry out its mission.

(2) CONTRACTS.—The Commission, to such extent and in such amounts as are provided in appropriations Acts, may enter into contracts to enable the Commission to discharge its duties under this section.

(g) SUPPORT FROM OTHER AGENCIES.—

(1) INFORMATION FROM FEDERAL AGENCIES.—To carry out the purposes of the Commission described in subsection (c), upon the receipt of a joint written request by the co-chairpersons of the Commission to any of the heads of the Department, USAID, the United States International Development Finance Corporation, the Millennium Challenge Corporation, the Peace Corps, the Trade Development Agency, or the United States Agency for Global Media, the heads of such entities shall expeditiously furnish the requested information to the Commission.

(2) ASSISTANCE FROM FEDERAL AGENCIES.—The Department of State and other Federal departments and agencies may provide to the Commission, on a nonreimbursable basis, such administrative services, staff, and other support services as are necessary for the performance of the Commission's duties under this section, at the request of the Commission.

(3) LIAISON.—The Secretary may designate at least 1 officer or employee of the Department to serve as a liaison officer between the Department and the Commission.

(4) RECOMMENDATIONS FROM INDEPENDENT ORGANIZATIONS.—The Commission may review recommendations by independent organizations and outside experts relating to reform and modernization of the Department.

(h) CONGRESSIONAL CONSULTATION.—Not later than 180 days after the initial meeting of the Commission, and not less frequently than semiannually thereafter, the Commission shall provide a briefing to Congress regarding the work of the Commission.

(i) STAFF AND COMPENSATION.—

(1) STAFF.—

(A) COMPENSATION.—The co-chairpersons of the Commission shall appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Commission to carry out its duties, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and

General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable to a person occupying a position at level V of the Executive Schedule under section 5316 of such title.

(B) DETAIL OF GOVERNMENT EMPLOYEES.—A Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(C) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The co-chairs of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5315 of such title.

(D) STATUS AS FEDERAL EMPLOYEES.—Notwithstanding the requirements under section 2105 of title 5, United States Code, including the required supervision under subsection (a)(3) of such section, the members of the commission shall be deemed to be Federal employees.

(2) COMMISSION MEMBERS.—

(A) COMPENSATION.—Except as provided in subparagraph (C), each member of the Commission shall be compensated at a rate not to exceed the daily equivalent of the annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which that member is engaged in the actual performance of the duties of the Commission.

(B) WAIVER OF CERTAIN PROVISIONS.—Subsections (a) through (d) of section 824 of the Foreign Service Act of 1980 (22 U.S.C. 4064) are waived for an annuitant on a temporary basis so as to be compensated for work performed as part of the Commission.

(C) RESTRICTION FOR MEMBERS OF CONGRESS.—Any Member of Congress serving as a member of the Commission shall not receive any additional compensation or pay for their service on the Commission.

(3) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of service for the Commission, members and staff of the Commission, and any Federal Government employees detailed to the Commission, shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service are allowed expenses under section 5703(b) of title 5, United States Code.

(4) SECURITY CLEARANCES FOR COMMISSION MEMBERS AND STAFF.—

(A) IN GENERAL.—Members and staff shall have or be eligible to receive the appropriate security clearance to conduct their duties.

(B) EXPEDITED PROCESSING.—The Office of Senate Security shall ensure the expedited processing of appropriate

security clearances for members, officers, and employees of the Commission.

(j) REPORT.—

(1) IN GENERAL.—Not later than 24 months after the first date on which a majority of the members of the Commission have been appointed, the Commission shall submit a final report to the Secretary and Congress that includes—

(A) a detailed statement of the findings and conclusions of the Commission; and

(B) the recommendations of the Commission for such legislative and administrative actions as the Commission considers appropriate in light of the results of the study, including the anticipated amount of time and resources required to implement such recommendations.

(2) DEPARTMENT RESPONSE.—The Secretary, in coordination with the heads of appropriate Federal departments and agencies, shall have the right to review and respond to all Commission recommendations before the Commission submits its final report to the Secretary and Congress. The Commission shall provide the Department with its recommendations not later than 90 days before the date of submission of its final report.

(k) TERMINATION OF COMMISSION.—

(1) IN GENERAL.—The Commission, and all the authorities under this section, shall terminate on the date that is 60 days after the date on which the final report is submitted pursuant to subsection (j)(1).

(2) ADMINISTRATIVE ACTIVITIES BEFORE TERMINATION.—The Commission may use the 60-day period referred to in paragraph (1) for the purpose of concluding its activities, including providing testimony to the appropriate committees of Congress concerning its reports and disseminating the report.

(l) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated up to $2,000,000 for fiscal year 2023 to carry out this section.

(2) TRANSFERS; SUPPORT.—In addition to other transfers and support otherwise authorized by law, the Secretary may—

(A) transfer any amounts appropriated pursuant to paragraph (1) to the Commission; and

(B) use the amounts referred to in subparagraph (A) to provide non-reimbursable support to the Commission.

(3) COMMISSION ACCOUNTS.—

(A) ESTABLISHMENT.—The Secretary of the Treasury may establish 1 or more accounts to facilitate transfers to the Commission of amounts authorized under paragraph (2)(A).

(B) USE OF FUNDS.—Amounts transferred to the Commission pursuant to subparagraph(A) may be used for the activities of the Commission, including—

(i) the payment of Commission expenses;

(ii) the compensation of Commission members, officers, and employees.

(m) DEFINED TERM.—In this section, the term "appropriate committees of Congress" means—

(1) the Committee on Foreign Relations of the Senate;
(2) the Committee on Appropriations of the Senate;
(3) the Committee on Foreign Affairs of the House of Representatives; and
(4) the Committee on Appropriations of the House of Representatives.

DIVISION J—OCEANS AND ATMOSPHERE

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TITLE C—CORAL REEF CONSERVATION

Subtitle A—Reauthorization of Coral Reef Conservation Act of 2000

SEC. 10001. REAUTHORIZATION OF CORAL REEF CONSERVATION ACT OF 2000.

(a) **[**16 U.S.C. 6401-6409**]** IN GENERAL.—The Coral Reef Conservation Act of 2000 (16 U.S.C. 6401 et seq.) is amended by striking sections 202 through 210 and inserting the following:

"SEC. 202. [16 U.S.C. 6401] PURPOSES

"The purposes of this title are—

"(1) to conserve and restore the condition of United States coral reef ecosystems challenged by natural and human-accelerated changes, including increasing ocean temperatures, changing ocean chemistry, coral bleaching, coral diseases, water quality degradation, invasive species, and illegal, unreported, and unregulated fishing;

"(2) to promote the science-based management and sustainable use of coral reef ecosystems to benefit local communities and the Nation, including through improved integration and cooperation among Federal and non-Federal stakeholders responsible for managing coral reef resources;

"(3) to develop sound scientific information on the condition of coral reef ecosystems, continuing and emerging threats to such ecosystems, and the efficacy of innovative tools, technologies, and strategies to mitigate stressors and restore such ecosystems, including evaluation criteria to determine the effectiveness of management interventions, and accurate mapping for coral reef restoration;

"(4) to assist in the preservation of coral reefs by supporting science-based, consensus-driven, and community-based coral reef management by covered States and covered Native entities, including monitoring, conservation, and restoration projects that empower local communities, small businesses, and nongovernmental organizations;

"(5) to provide financial resources, technical assistance, and scientific expertise to supplement, complement, and strengthen community-based management programs and conservation and restoration projects of non-Federal reefs;

"(6) to establish a formal mechanism for collecting and allocating monetary donations from the private sector to be used for coral reef conservation and restoration projects;

"(7) to support rapid, effective, and science-based assessment and response to exigent circumstances that pose immediate and long-term threats to coral reefs, including—

"(A) coral disease outbreaks;

"(B) invasive or nuisance species;

"(C) coral bleaching;

"(D) natural disasters; and

"(E) industrial or mechanical disasters, including vessel groundings, hazardous spills, and coastal construction accidents; and

"(8) to serve as a model for advancing similar international efforts to monitor, conserve, and restore coral reef ecosystems.

"SEC. 203. [16 U.S.C. 6402] FEDERAL CORAL REEF MANAGEMENT AND RESTORATION ACTIVITIES

"(a) IN GENERAL.—The Administrator, the Secretary of the Interior, or the Secretary of Commerce may conduct activities described in subsection (b) to conserve and restore coral reefs and coral reef ecosystems that are consistent with—

"(1) all applicable laws governing resource management in Federal and State waters, including this Act;

"(2) the National Coral Reef Resilience Strategy; and

"(3) coral reef action plans in effect under section 205, as applicable.

"(b) ACTIVITIES DESCRIBED.—Activities described in this subsection are activities to conserve, research, monitor, assess, and restore coral reefs and coral reef ecosystems in waters managed under the jurisdiction of a Federal agency specified in subsection (c) or in coordination with a State in waters managed under the jurisdiction of such State, including—

"(1) developing, including through the collection of requisite in situ and remotely sensed data, high-quality and digitized maps reflecting—

"(A) current and historical live coral cover data;

"(B) coral reef habitat quality data;

"(C) priority areas for coral reef conservation to maintain biodiversity and ecosystem structure and function, including the reef matrix, that benefit coastal communities and living marine resources;

"(D) priority areas for coral reef restoration to enhance biodiversity and ecosystem structure and function, including the reef matrix, to benefit coastal communities and living marine resources; and

"(E) areas of concern that may require enhanced monitoring of coral health and cover;

"(2) enhancing compliance with Federal laws that prohibit or regulate—

"(A) the taking of coral products or species associated with coral reefs; or

"(B) the use and management of coral reef ecosystems;

"(3) long-term ecological monitoring of coral reef ecosystems;

"(4) implementing species-specific recovery plans for listed coral species consistent with the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

"(5) restoring degraded coral reef ecosystems;

"(6) reducing land-based stressors to coral reef ecosystems;

"(7) promoting ecologically sound navigation and anchorages, including through navigational aids and expansion of reef-safe anchorages and mooring buoy systems, to enhance recreational access while preventing or minimizing the likelihood of vessel impacts or other physical damage to coral reefs;

"(8) monitoring and responding to severe bleaching or mortality events, disease outbreaks, invasive species outbreaks, and significant maritime accidents, including hazardous spill cleanup and the removal of grounded vessels;

"(9) conducting scientific research that contributes to the understanding, sustainable use, and long-term conservation of coral reefs;

"(10) enhancing public awareness, understanding, and appreciation of coral reefs and coral reef ecosystems and their ecological and socioeconomic value; and

"(11) centrally archiving, managing, and distributing on a public website data sets and coral reef ecosystem assessments, including the data repositories of the Coral Reef Conservation Program of the National Oceanic and Atmospheric Administration.

"(c) FEDERAL AGENCIES SPECIFIED.—A Federal agency specified in this subsection is one of the following:

"(1) The National Oceanic and Atmospheric Administration.

"(2) The National Park Service.

"(3) The United States Fish and Wildlife Service.

"(4) The Office of Insular Affairs.

"SEC. 204. [16 U.S.C. 6403] NATIONAL CORAL REEF RESILIENCE STRATEGY

"(a) IN GENERAL.—The Administrator shall—

"(1) not later than 2 years after the date of the enactment of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023, develop a national coral reef resilience strategy; and

"(2) review and revise the strategy—

"(A) not less frequently than once every 15 years;

"(B) not less frequently than once every 5 years, in the case of guidance on best practices under subsection (b)(4); and

"(C) as appropriate.

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

"(1) A discussion addressing—

"(A) continuing and emerging threats to the resilience of United States coral reef ecosystems;

"(B) remaining gaps in coral reef ecosystem research, monitoring, and assessment;

"(C) the status of management cooperation and integration among Federal reef managers and covered reef managers;

"(D) the status of efforts to manage and disseminate critical information, and enhance interjurisdictional data sharing, related to research, reports, data sets, and maps;

"(E) areas of special focus, which may include—

"(i) improving natural coral recruitment;

"(ii) preventing avoidable losses of corals and their habitat;

"(iii) enhancing the resilience of coral populations;

"(iv) supporting a resilience-based management approach;

"(v) developing, coordinating, and implementing watershed management plans;

"(vi) building and sustaining watershed management capacity at the local level;

"(vii) providing data essential for coral reef fisheries management;

"(viii) building capacity for coral reef fisheries management;

"(ix) increasing understanding of coral reef ecosystem services;

"(x) educating the public on the importance of coral reefs, threats and solutions; and

"(xi) evaluating intervention efficacy;

"(F) the status of conservation efforts, including the use of marine protected areas to serve as replenishment zones developed consistent with local practices and traditions and in cooperation with, and with respect for the scientific, technical, and management expertise and responsibilities of, covered reef managers;

"(G) science-based adaptive management and restoration efforts; and

"(H) management of coral reef emergencies and disasters.

"(2) A statement of national goals and objectives designed to guide—

"(A) future Federal coral reef management and restoration activities authorized under section 203;

"(B) conservation and restoration priorities for grants awarded under section 211; and

"(C) research priorities for the reef research coordination institutes designated under section 213(b)(1)(B).

"(3) A designation of priority areas for conservation, and priority areas for restoration, to support the review and approval of grants under section 211(e).

"(4) Technical assistance in the form of general templates for use by covered reef managers and Federal reef managers to guide the development of coral reef action plans under sec-

tion 205, including guidance on the best science-based practices to respond to coral reef emergencies that can be included in coral reef action plans.

"(c) CONSULTATIONS.—In developing all elements of the strategy required by subsection (a), the Administrator shall—

"(1) consult with the Secretary of the Interior, the Task Force, covered States, and covered Native entities;

"(2) consult with the Secretary of Defense, as appropriate;

"(3) engage stakeholders, including covered States, coral reef stewardship partnerships, reef research institutes and research centers described in section 213, and recipients of grants under section 211; and

"(4) solicit public review and comment regarding scoping and the draft strategy.

"(d) SUBMISSION TO CONGRESS; PUBLICATION.—The Administrator shall—

"(1) submit the strategy required by subsection (a) and any revisions to the strategy to the appropriate congressional committees; and

"(2) publish the strategy and any such revisions on public websites of—

"(A) the Coral Reef Conservation Program of the National Oceanic and Atmospheric Administration; and

"(B) the Task Force.

"SEC. 205. [16 U.S.C. 6404] CORAL REEF ACTION PLANS

"(a) PLANS PREPARED BY FEDERAL REEF MANAGERS.—

"(1) IN GENERAL.—Not later than 3 years after the date of the enactment of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 and 2 years after the date of publication of each National Coral Reef Resilience Strategy, each Federal reef manager shall—

"(A) prepare a coral reef action plan to guide management and restoration activities to be undertaken within the responsibilities and jurisdiction of the manager; or

"(B) in the case of a reef under the jurisdiction of a Federal reef manager for which there is an action plan in effect as of such date of enactment, update that plan to comply with the requirements of this subsection.

"(2) ELEMENTS.—A plan prepared under paragraph (1) by a Federal reef manager shall include a discussion of the following:

"(A) Short- and medium-term coral reef conservation and restoration objectives within the jurisdiction of the manager.

"(B) A current adaptive management framework to inform research, monitoring, and assessment needs.

"(C) Tools, strategies, and partnerships necessary to identify, monitor, and address pollution, water quality, and other negative impacts to coral reef ecosystems within the jurisdiction of the manager.

"(D) The status of efforts to improve coral reef ecosystem management cooperation and integration between Federal reef managers and covered reef managers, includ-

ing the identification of existing research and monitoring activities that can be leveraged for coral reef status and trends assessments within the jurisdiction of the manager.

"(E) Estimated budgetary and resource considerations necessary to carry out the plan.

"(F) Contingencies for response to and recovery from emergencies and disasters.

"(G) In the case of an updated plan, annual records of significant management and restoration actions taken under the previous plan, cash and noncash resources used to undertake the actions, and the source of such resources.

"(H) Documentation by the Federal reef manager that the plan is consistent with the National Coral Reef Resilience Strategy.

"(I) A data management plan to ensure data, assessments, and accompanying information are appropriately preserved, curated, publicly accessible, and broadly reusable.

"(3) SUBMISSION TO TASK FORCE.—Each Federal reef manager shall submit a plan prepared under paragraph (1) to the Task Force.

"(4) APPLICATION OF ADMINISTRATIVE PROCEDURE ACT.—Each plan prepared under paragraph (1) shall be subject to the requirements of subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the 'Administrative Procedure Act').

"(b) PLANS PREPARED BY COVERED REEF MANAGERS.—

"(1) IN GENERAL.—A covered reef manager may elect to prepare, submit to the Task Force, and maintain a coral reef action plan to guide management and restoration activities to be undertaken within the responsibilities and jurisdiction of the manager.

"(2) EFFECTIVE PERIOD.—A plan prepared under this subsection shall remain in effect for 5 years, or until an updated plan is submitted to the Task Force, whichever occurs first.

"(3) ELEMENTS.—A plan prepared under paragraph (1) by a covered reef manager—

"(A) shall contain a discussion of—

"(i) short- and medium-term coral reef conservation and restoration objectives within the jurisdiction of the manager;

"(ii) estimated budgetary and resource considerations necessary to carry out the plan;

"(iii) in the case of an updated plan, annual records of significant management and restoration actions taken under the previous plan, cash and noncash resources used to undertake the actions, and the source of such resources; and

"(iv) contingencies for response to and recovery from emergencies and disasters; and

"(B) may contain a discussion of—

"(i) the status of efforts to improve coral reef ecosystem management cooperation and integration between Federal reef managers and covered reef man-

agers, including the identification of existing research and monitoring activities that can be leveraged for coral reef status and trends assessments within the jurisdiction of the manager;

"(ii) a current adaptive management framework to inform research, monitoring, and assessment needs;

"(iii) tools, strategies, and partnerships necessary to identify, monitor, and address pollution and water quality impacts to coral reef ecosystems within the jurisdiction of the manager; and

"(iv) a data management plan to ensure data, assessments, and accompanying information are appropriately preserved, curated, publicly accessible, and broadly reusable.

"(c) TECHNICAL ASSISTANCE.—The Administrator and the Task Force shall make reasonable efforts to provide technical assistance upon request by a Federal reef manager or covered reef manager developing a coral reef action plan under this section.

"(d) PUBLICATION.—The Administrator shall publish each coral reef action plan prepared and submitted to the Task Force under this section on the public website of the Coral Reef Conservation Program of the National Oceanic and Atmospheric Administration.

"SEC. 206. [16 U.S.C. 6405] CORAL REEF STEWARDSHIP PARTNERSHIPS

"(a) IN GENERAL.—To further community-based stewardship of coral reefs, coral reef stewardship partnerships for Federal and non-Federal coral reefs may be established in accordance with this section.

"(b) STANDARDS AND PROCEDURES.—The Administrator shall develop and adopt—

"(1) standards for identifying individual coral reefs and ecologically significant units of coral reefs; and

"(2) processes for adjudicating multiple applicants for stewardship of the same coral reef or ecologically significant unit of a reef to ensure no geographic overlap in representation among stewardship partnerships authorized by this section.

"(c) MEMBERSHIP FOR FEDERAL CORAL REEFS.—A coral reef stewardship partnership that has identified, as the subject of its stewardship activities, a coral reef or ecologically significant unit of a coral reef that is fully or partially under the management jurisdiction of any Federal agency specified in section 203(c) shall, at a minimum, include the following:

"(1) That Federal agency, a representative of which shall serve as chairperson of the coral reef stewardship partnership.

"(2) A State or county's resource management agency to the extent that such partnership covers a reef within such States or county's jurisdiction.

"(3) A coral reef research center designated under section 212(b).

"(4) A nongovernmental organization.

"(5) A covered Native entity culturally affiliated with the subject reef or ecologically significant unit, if any.

"(6) Such other members as the partnership considers appropriate, such as interested stakeholder groups and covered Native entities.

"(d) MEMBERSHIP FOR NON-FEDERAL CORAL REEFS.—

"(1) IN GENERAL.—A coral reef stewardship partnership that has identified, as the subject of its stewardship activities, a coral reef or ecologically significant component of a coral reef that is not under the management jurisdiction of any Federal agency specified in section 203(c) shall, at a minimum, include the following:

"(A) A State or county's resource management agency or a covered Native entity, a representative of which shall serve as the chairperson of the coral reef stewardship partnership.

"(B) A coral reef research center designated under section 212(b).

"(C) A nongovernmental organization.

"(D) Such other members as the partnership considers appropriate, such as interested stakeholder groups.

"(2) ADDITIONAL MEMBERS.—

"(A) IN GENERAL.—Subject to subparagraph (B), a coral reef stewardship partnership described in paragraph (1) may also include representatives of one or more Federal agencies.

"(B) REQUESTS; APPROVAL.—A representative of a Federal agency described in subparagraph (A) may become a member of a coral reef stewardship partnership described in paragraph (1) if—

"(i) the representative submits a request to become a member to the chairperson of the partnership referred to in paragraph (1)(A); and

"(ii) the chairperson consents to the request.

"(e) NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to coral reef stewardship partnerships under this section.

"SEC. 207. [16 U.S.C. 6406] BLOCK GRANTS

"(a) IN GENERAL.—In each fiscal year beginning in fiscal year 2023 and subject to the availability of appropriations, the Administrator shall provide block grants of financial assistance of not less than $500,000 to each covered State to support management and restoration activities and further the implementation of coral reef action plans in effect under section 205 by covered States and non-Federal coral reef stewardship partnerships in accordance with this section. The Administrator shall review each covered State's application for block grant funding to ensure that applications are consistent with applicable action plans and the National Coral Reef Resilience Strategy.

"(b) RESPONSIBILITIES OF THE ADMINISTRATOR.—The Administrator is responsible for—

"(1) providing guidance on the proper documentation of expenditures authorized under this Act;

"(2) issuing annual solicitations to covered States for awards under this section; and

"(3) determining the appropriate allocation of additional amounts among covered States in accordance with this section.

"(c) RESPONSIBILITIES OF COVERED STATES.—Each covered State is responsible for documenting and reporting—

"(1) such State's use of Federal funds received under this Act; and

"(2) such expenditures of non-Federal funds made in furtherance of coral reef management and restoration as the Administrator determines appropriate.

"(d) COOPERATIVE AGREEMENTS.—Subject to the availability of appropriations, the Administrator may seek to enter into a cooperative agreement with a covered State to fund coral reef conservation and restoration activities in waters managed under the jurisdiction of such covered State that are consistent with the National Coral Reef Resilience Strategy and any applicable action plan under section 205.

"(e) ALL ISLANDS COMMITTEE.—The Administrator may enter into a cooperative agreement with the All Islands Committee of the Task Force to provide support for its activities.

"SEC. 208. [16 U.S.C. 6407] CORAL REEF STEWARDSHIP FUND

"(a) AGREEMENT.—The Administrator shall seek to enter into an agreement with the National Fish and Wildlife Foundation (in this section referred to as the 'Foundation'), authorizing the Foundation to receive, hold, and administer funds received under this section.

"(b) FUND.—

"(1) IN GENERAL.—The Foundation shall establish an account, which shall—

"(A) be known as the 'Coral Reef Stewardship Fund' (in this section referred to as the 'Fund'); and

"(B) serve as the successor to the account known before the date of the enactment of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 as the Coral Reef Conservation Fund and administered through a public-private partnership with the Foundation.

"(2) DEPOSITS.—The Foundation shall deposit funds received under this section into the Fund.

"(3) PURPOSES.—The Fund shall be available solely to support coral reef stewardship activities that—

"(A) further the purposes of this title; and

"(B) are consistent with—

"(i) the National Coral Reef Resilience Strategy; and

"(ii) coral reef action plans in effect, if any, under section 205 covering a coral reef or ecologically significant component of a coral reef to be impacted by such activities, if applicable.

"(4) INVESTMENT OF AMOUNTS.—

"(A) INVESTMENT OF AMOUNTS.—The Foundation shall invest such portion of the Fund as is not required to meet current withdrawals in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

"(B) INTEREST AND PROCEEDS.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

"(5) REVIEW OF PERFORMANCE.—The Administrator shall conduct a continuing review of all deposits into, and disbursements from, the Fund. Each review shall include a written assessment concerning the extent to which the Foundation has implemented the goals and requirements of—

"(A) this section; and

"(B) the National Coral Reef Resilience Strategy.

"(c) AUTHORIZATION TO SOLICIT DONATIONS.—

"(1) IN GENERAL.—Pursuant to an agreement entered into under subsection (a), the Foundation may accept, receive, solicit, hold, administer, and use any gift (including, notwithstanding section 1342 of title 31, United States Code, donations of services) to further the purposes of this title.

"(2) DEPOSITS IN FUND.—Notwithstanding section 3302 of title 31, United States Code, any funds received as a gift shall be deposited and maintained in the Fund.

"(d) ADMINISTRATION.—Under an agreement entered into pursuant to subsection (a), and subject to the availability of appropriations, the Administrator may transfer funds appropriated for such purposes to carry out this title to the Foundation. Amounts received by the Foundation under this subsection may be used for matching, in whole or in part, contributions (whether in money, services, or property) made to the Foundation by private persons, State or local government agencies, or covered Native entities.

"SEC. 209. [16 U.S.C. 6408] EMERGENCY ASSISTANCE

"(a) IN GENERAL.—Notwithstanding any other provision of law, from funds appropriated pursuant to the authorization of appropriations under section 215, the Administrator may provide emergency assistance to any covered State or coral reef stewardship partnership to respond to immediate harm to coral reefs or coral reef ecosystems arising from any of the exigent circumstances described in subsection (b).

"(b) CORAL REEF EXIGENT CIRCUMSTANCES.—The Administrator shall develop a list of, and criteria for, circumstances that pose an exigent threat to coral reefs, including—

"(1) new and ongoing outbreaks of disease;

"(2) new and ongoing outbreaks of invasive or nuisance species;

"(3) new and ongoing coral bleaching events;

"(4) natural disasters;

"(5) industrial or mechanical incidents, such as vessel groundings, hazardous spills, or coastal construction accidents; and

"(6) such other circumstances as the Administrator determines appropriate.

"(c) ANNUAL REPORT ON EXIGENT CIRCUMSTANCES.—On February 1 of each year, the Administrator shall submit to the appropriate congressional committees, the Committee on Appropriations

of the Senate, and the Committee on Appropriations of the House of Representatives a report that—

"(1) describes locations with exigent circumstances described in subsection (b) that were considered but declined for emergency assistance, and the rationale for the decision; and

"(2) with respect to each instance in which emergency assistance under this section was provided—

"(A) the location and a description of the exigent circumstances that prompted the emergency assistance, the entity that received the assistance, and the current and expected outcomes from the assistance;

"(B) a description of activities of the National Oceanic and Atmospheric Administration that were curtailed as a result of providing the emergency assistance; and

"(C) an assessment of whether further action is needed to restore the affected coral reef, recommendations for such restoration, and a cost estimate to implement such recommendations.

"SEC. 210. [16 U.S.C. 6409] CORAL REEF DISASTER FUND

"(a) AGREEMENTS.—The Administrator shall seek to enter into an agreement with the National Fish and Wildlife Foundation (in this section referred to as the 'Foundation'), authorizing the Foundation to receive, hold, and administer funds received under this section.

"(b) FUND.—

"(1) IN GENERAL.—The Foundation shall establish an account, to be known as the 'Coral Reef Disaster Fund' (in this section referred to as the 'Fund').

"(2) DEPOSITS.—The Foundation shall deposit funds received under this section into the Fund.

"(3) PURPOSES.—The Fund shall be available solely to support the long-term recovery of coral reefs from exigent circumstances described in section 209(b)—

"(A) in partnership with non-Federal stakeholders; and

"(B) in a manner that is consistent with—

"(i) the National Coral Reef Resilience Strategy; and

"(ii) coral reef action plans in effect, if any, under section 205.

"(4) INVESTMENT OF AMOUNTS.—

"(A) INVESTMENT OF AMOUNTS.—The Foundation shall invest such portion of the Fund as is not required to meet current withdrawals in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

"(B) INTEREST AND PROCEEDS.—The interest on, and the proceeds from, the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

"(5) REVIEW OF PERFORMANCE.—The Administrator shall conduct continuing reviews of all deposits into, and disbursements from, the Fund. Each such review shall include a writ-

ten assessment concerning the extent to which the Foundation has implemented the goals and requirements of this section.

"(c) AUTHORIZATION TO SOLICIT DONATIONS.—

"(1) IN GENERAL.—Pursuant to an agreement entered into under subsection (a), the Foundation may accept, receive, solicit, hold, administer, and use any gift (including, notwithstanding section 1342 of title 31, United States Code, donations of services) to further the purposes of this title.

"(2) DEPOSITS IN FUND.—Notwithstanding section 3302 of title 31, United States Code, any funds received as a gift shall be deposited and maintained in the Fund.

"SEC. 211. [16 U.S.C. 6410] RUTH D. GATES CORAL REEF CONSERVATION GRANT PROGRAM

"(a) IN GENERAL.—Subject to the availability of appropriations, the Administrator shall establish a program (to be known as the 'Ruth D. Gates Coral Reef Conservation Grant Program') to provide grants for projects for the conservation and restoration of coral reef ecosystems (in this section referred to as 'coral reef projects') pursuant to proposals approved by the Administrator in accordance with this section.

"(b) MATCHING REQUIREMENTS FOR GRANTS.—

"(1) IN GENERAL.—Except as provided in paragraph (3), Federal funds for any coral reef project for which a grant is provided under subsection (a) may not exceed 50 percent of the total cost of the project.

"(2) NON-FEDERAL SHARE.—The non-Federal share of the cost of a coral reef project may be provided by in-kind contributions and other noncash support.

"(3) WAIVER.—The Administrator may waive all or part of the matching requirement under paragraph (1) if the Administrator determines that no reasonable means are available through which an applicant can meet the matching requirement with respect to a coral reef project and the probable benefit of the project outweighs the public interest in the matching requirement.

"(c) ELIGIBILITY.—

"(1) IN GENERAL.—An entity described in paragraph (2) may submit to the Administrator a proposal for a coral reef project.

"(2) ENTITIES DESCRIBED.—An entity described in this paragraph is—

"(A) a covered reef manager or a covered Native entity;

"(B) a regional fishery management council established under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.);

"(C) a coral reef stewardship partnership seeking to implement a coral reef action plan in effect under section 205;

"(D) a coral reef research center designated under section 212(b); or

"(E) a nongovernmental organization or research institution with demonstrated expertise in the conservation or restoration of coral reefs in practice or through significant

contributions to the body of existing scientific research on coral reefs.

"(d) PROJECT PROPOSALS.—Each proposal for a grant under this section for a coral reef project shall include the following:

"(1) The name of the individual or entity responsible for conducting the project.

"(2) A description of the qualifications of the individual or entity.

"(3) A succinct statement of the purposes of the project.

"(4) An estimate of the funds and time required to complete the project.

"(5) Evidence of support for the project by appropriate representatives of States or other government jurisdictions in which the project will be conducted.

"(6) Information regarding the source and amount of matching funding available to the applicant.

"(7) A description of how the project meets one or more of the criteria under subsection (e)(2).

"(8) In the case of a proposal submitted by a coral reef stewardship partnership, a description of how the project aligns with the applicable coral reef action plan in effect under section 205.

"(9) Any other information the Administrator considers to be necessary for evaluating the eligibility of the project for a grant under this subsection.

"(e) PROJECT REVIEW AND APPROVAL.—

"(1) IN GENERAL.—The Administrator shall review each coral reef project proposal submitted under this section to determine if the project meets the criteria set forth in subsection (f).

"(2) PRIORITIZATION OF CONSERVATION PROJECTS.—The Administrator shall prioritize the awarding of funding for projects that meet the criteria for approval described in—

"(A) subparagraphs (A) through (G) of subsection (f)(2) that are proposed to be conducted within priority areas identified for coral reef conservation by the Administrator under the National Coral Reef Resilience Strategy; and

"(B) subparagraphs (E) through (L) of subsection (f)(2) that are proposed to be conducted within priority areas identified for coral reef restoration by the Administrator under the National Coral Reef Resilience Strategy.

"(3) REVIEW; APPROVAL OR DISAPPROVAL.—Not later than 180 days after receiving a proposal for a coral reef project under this section, the Administrator shall—

"(A) request and consider written comments on the proposal from each Federal agency, State government, covered Native entity, or other government jurisdiction, including the relevant regional fishery management councils established under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), or any National Marine Sanctuary or Marine National Monument, with jurisdiction or management authority over coral reef ecosystems in the area where the project is to be conducted, including the extent to which the project is con-

sistent with locally established priorities, unless such entities were directly involved in the development of the project proposal;

"(B) provide for the merit-based peer review of the proposal and require standardized documentation of that peer review;

"(C) after considering any written comments and recommendations based on the reviews under subparagraphs (A) and (B), approve or disapprove the proposal; and

"(D) provide written notification of that approval or disapproval, with summaries of all written comments, recommendations, and peer reviews, to the entity that submitted the proposal, and each of those States, covered Native entity, and other government jurisdictions that provided comments under subparagraph (A).

"(f) CRITERIA FOR APPROVAL.—The Administrator may not approve a proposal for a coral reef project under this section unless the project—

"(1) is consistent with—

"(A) the National Coral Reef Resilience Strategy; and

"(B) any Federal or non-Federal coral reef action plans in effect under section 205 covering a coral reef or ecologically significant unit of a coral reef to be affected by the project; and

"(2) will enhance the conservation and restoration of coral reefs by—

"(A) addressing conflicts arising from the use of environments near coral reefs or from the use of corals, species associated with coral reefs, and coral products, including supporting consensus-driven and community-based planning and management initiatives for the protection of coral reef ecosystems;

"(B) improving compliance with laws that prohibit or regulate the taking of coral products or species associated with coral reefs or regulate the use and management of coral reef ecosystems;

"(C) designing and implementing networks of real-time water quality monitoring along coral reefs, including data collection related to turbidity, nutrient availability, harmful algal blooms, and plankton assemblages, with an emphasis on coral reefs impacted by agriculture and urban development;

"(D) promoting ecologically sound navigation and anchorages, including mooring buoy systems to promote enhanced recreational access, near coral reefs;

"(E) furthering the goals and objectives of coral reef action plans in effect under section 205;

"(F) mapping the location and distribution of coral reefs and potential coral reef habitat;

"(G) stimulating innovation to advance the ability of the United States to understand, research, or monitor coral reef ecosystems, or to develop management or adaptation options to conserve and restore coral reef ecosystems;

"(H) implementing research to ensure the population viability of coral species in United States waters listed as threatened or endangered under the Endangered Species Act of 1973 as detailed in the population-based recovery criteria included in species-specific recovery plans established under such Act;

"(I) developing and implementing cost-effective methods to restore degraded coral reef ecosystems or to create geographically appropriate coral reef ecosystems in suitable waters, including by improving habitat or promoting success of keystone species, with an emphasis on novel restoration strategies and techniques to advance coral reef recovery and growth near population centers threatened by rising sea levels and storm surge;

"(J) translating and applying coral genetics research to coral reef ecosystem restoration, including research related to traits that promote resilience to increasing ocean temperatures, changing ocean chemistry, coral bleaching, coral diseases, and invasive species;

"(K) developing and maintaining in situ native coral propagation sites; or

"(L) developing and maintaining ex situ coral propagation nurseries and land-based coral gene banks to—

"(i) conserve or augment genetic diversity of native coral populations;

"(ii) support captive breeding of rare coral species; or

"(iii) enhance resilience of native coral populations to increasing ocean temperatures, changing ocean chemistry, coral bleaching, and coral diseases through selective breeding, conditioning, or other approaches that target genes, gene expression, phenotypic traits, or phenotypic plasticity.

"(g) FUNDING REQUIREMENTS.—To the extent practicable based upon proposals for coral reef projects submitted to the Administrator, the Administrator shall ensure that funding for grants awarded under this section during a fiscal year is distributed as follows:

"(1) Not less than 40 percent of funds available shall be awarded for projects in areas of the Pacific Ocean subject to the jurisdiction or control of the United States.

"(2) Not less than 40 percent of the funds available shall be awarded for projects in areas of the Atlantic Ocean, the Gulf of Mexico, or the Caribbean Sea subject to the jurisdiction or control of the United States.

"(3) To the extent there are viable applications made by eligible coral reef stewardship partners, not more than 67 percent of funds distributed in each region in accordance with paragraphs (1) and (2) may be made exclusively available to projects that are—

"(A) submitted by a coral reef stewardship partnership; and

"(B) consistent with the coral reef action plan in effect under section 205 by such a partnership.

"(4) Of the funds distributed to support projects in accordance with paragraph (3), not less than 20 percent and not more than 33 percent shall be awarded for projects submitted by a Federal coral reef stewardship partnership, to the extent there are viable applications made by eligible Federal coral reef stewardship partnerships.

"(h) TASK FORCE.—The Administrator may consult with the Secretary of the Interior and the Task Force to obtain guidance in establishing priorities and evaluating proposals for coral reef projects under this section.

"SEC. 212. [16 U.S.C. 6411] CORAL REEF RESEARCH

"(a) REEF RESEARCH COORDINATION INSTITUTES.—

"(1) ESTABLISHMENT.—The Administrator shall designate 2 reef research coordination institutes for the purpose of advancing and sustaining essential capabilities in coral reef research, one each in the Atlantic and Pacific basins, to be known as the 'Atlantic Reef Research Coordination Institute' and the 'Pacific Reef Research Coordination Institute', respectively.

"(2) MEMBERSHIP.—Each institute designated under paragraph (1) shall be housed within a single coral reef research center designated by the Administrator under subsection (b).

"(3) FUNCTIONS.—The institutes designated under paragraph (1) shall—

"(A) conduct federally directed research to fill national and regional coral reef ecosystem research gaps and improve understanding of, and responses to, continuing and emerging threats to the resilience of United States coral reef ecosystems consistent with the National Coral Reef Resilience Strategy;

"(B) support ecological research and monitoring to study the effects of conservation and restoration activities funded by this title on promoting more effective coral reef management and restoration; and

"(C) through agreements—

"(i) collaborate directly with States, covered Native entities, covered coral reef managers, nonprofit organizations, and other coral reef research centers designated under subsection (b);

"(ii) assist in the development and implementation of—

"(I) the National Coral Reef Resilience Strategy; and

"(II) coral reef action plans under section 205;

"(iii) build capacity within non-Federal governmental resource management agencies to establish research priorities and translate and apply research findings to management and restoration practices; and

"(iv) conduct public education and awareness programs for policymakers, resource managers, and the general public on—

"(I) coral reefs and coral reef ecosystems;

"(II) best practices for coral reef ecosystem management and restoration;

"(III) the value of coral reefs; and

"(IV) the threats to the sustainability of coral reef ecosystems.

"(b) CORAL REEF RESEARCH CENTERS.—

"(1) IN GENERAL.—The Administrator shall—

"(A) periodically solicit applications for designation of qualifying institutions in covered States as coral reef research centers; and

"(B) designate all qualifying institutions in covered States as coral reef research centers.

"(2) QUALIFYING INSTITUTIONS.—For purposes of paragraph (1), an institution is a qualifying institution if the Administrator determines that the institution—

"(A) is operated by an institution of higher education or nonprofit marine research organization;

"(B) has established management-driven national or regional coral reef research or restoration programs;

"(C) has demonstrated abilities to coordinate closely with appropriate Federal and State agencies, and other academic and nonprofit organizations; and

"(D) maintains significant local community engagement and outreach programs related to coral reef ecosystems.

"SEC. 213. [16 U.S.C. 6412] CORAL REEF PRIZE COMPETITIONS

"(a) IN GENERAL.—Subject to the availability of appropriations, the head of any Federal agency with a representative serving on the United States Coral Reef Task Force established by section 10011 of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023, may, individually or in cooperation with one or more agencies, carry out a program to award prizes competitively under section 24 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3719).

"(b) PURPOSES.—Any program carried out under this section shall be for the purpose of stimulating innovation to advance the ability of the United States to understand, research, or monitor coral reef ecosystems, or to develop management or adaptation options to preserve, sustain, and restore coral reef ecosystems.

"(c) PRIORITY PROGRAMS.—Priority shall be given to establishing programs under this section that address communities, environments, or industries that are in distress as a result of the decline or degradation of coral reef ecosystems, including—

"(1) scientific research and monitoring that furthers the understanding of causes behind coral reef decline and degradation and the generally slow recovery following disturbances, including changing ocean chemistry, temperature-related bleaching, disease, and their associated impacts on coral physiology;

"(2) the development of monitoring or management options for communities or industries that are experiencing significant financial hardship;

"(3) the development of adaptation options to alleviate economic harm and job loss caused by damage to coral reef ecosystems;

"(4) the development of measures to help vulnerable communities or industries, with an emphasis on rural communities and businesses; and

"(5) the development of adaptation and management options for impacted tourism industries.

"SEC. 214. [16 U.S.C. 6413] REPORTS ON ADMINISTRATION

"(a) IN GENERAL.—Not later than 2 years after the date of the enactment of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023, and every 2 years thereafter, the Administrator shall submit to the committees specified in subsection (b) a report on the administration of this title during the 2-year period preceding submission of the report, including—

"(1) a description of all activities undertaken to implement the National Coral Reef Resilience Strategy;

"(2) a statement of all funds obligated under the authorities of this title; and

"(3) a summary, disaggregated by State, of Federal and non-Federal contributions toward the costs of each project or activity funded, in full or in part, under this title.

"(b) COMMITTEES SPECIFIED.—The committees specified in this subsection are—

"(1) the Committee on Commerce, Science, and Transportation, Committee on Environment and Public Works, Committee on Energy and Natural Resources, and the Committee on Appropriations of the Senate; and

"(2) the Committee on Natural Resources and the Committee on Appropriations of the House of Representatives.

"SEC. 215. [16 U.S.C. 6414] AUTHORIZATION OF APPROPRIATIONS

"(a) IN GENERAL.—There is authorized to be appropriated to the Administrator $45,000,000 for each of fiscal years 2023 through 2027 to carry out this title which shall remain available until expended. Of such amounts, there is authorized to be appropriated for each such fiscal year—

"(1) $12,000,000 to carry out section 207;

"(2) $3,500,000 for activities authorized under section 211; and

"(3) $4,500,000 to be provided to the cooperative institutes designated under section 212(a) to carry out the functions described in such section.

"(b) ADMINISTRATION.—Not more than 10 percent of the amounts appropriated under subsection (a) may be used for program administration or overhead costs incurred by the National Oceanic and Atmospheric Administration or the Department of Commerce.

"SEC. 216. [16 U.S.C. 6415] DEFINITIONS

"In this title:

"(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the National Oceanic and Atmospheric Administration.

"(2) ALASKA NATIVE CORPORATION.—The term 'Alaska Native Corporation' has the meaning given the term 'Native Corporation' in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602).

"(3) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources of the House of Representatives.

"(4) CONSERVATION.—The term 'conservation' means the use of methods and procedures necessary to preserve or sustain native corals and associated species as diverse, viable, and self-perpetuating coral reef ecosystems with minimal impacts from invasive species, including—

"(A) all activities associated with resource management, such as monitoring, assessment, protection, restoration, sustainable use, management of habitat, and maintenance or augmentation of genetic diversity;

"(B) mapping;

"(C) scientific expertise and technical assistance in the development and implementation of management strategies for marine protected areas and marine resources required by Federal law;

"(D) law enforcement;

"(E) conflict resolution initiatives;

"(F) community outreach and education; and

"(G) promotion of safe and ecologically sound navigation and anchoring.

"(5) CORAL.—The term 'coral' means species of the phylum Cnidaria, including—

"(A) all species of the orders Antipatharia (black corals), Scleractinia (stony corals), Alcyonacea (soft corals, organ pipe corals, gorgonians), and Helioporacea (blue coral), of the class Anthozoa; and

"(B) all species of the order Anthoathecata (fire corals and other hydrocorals) of the class Hydrozoa.

"(6) CORAL PRODUCTS.—The term 'coral products' means any living or dead specimens, parts, or derivatives, or any product containing specimens, parts, or derivatives, of any species of coral.

"(7) CORAL REEF.—The term 'coral reef' means calcium carbonate structures in the form of a reef or shoal, composed in whole or in part by living coral, skeletal remains of coral, crustose coralline algae, and other associated sessile marine plants and animals.

"(8) CORAL REEF ECOSYSTEM.—The term 'coral reef ecosystem' means—

"(A) corals and other geographically and ecologically associated marine communities of other reef organisms (including reef plants and animals) associated with coral reef habitat; and

"(B) the biotic and abiotic factors and processes that control or significantly affect coral calcification rates, tissue growth, reproduction, recruitment, abundance, coral-algal symbiosis, and biodiversity in such habitat.

"(9) CORAL REEF ECOSYSTEM SERVICES.—The term 'coral reef ecosystem services' means the attributes and benefits provided by coral reef ecosystems including—

"(A) protection of coastal beaches, structures, and infrastructure;

"(B) habitat for organisms of economic, ecological, biomedical, medicinal, and cultural value;

"(C) serving as centers for the promulgation, performance, and training of cultural practices representative of traditional ecological knowledge; and

"(D) aesthetic value.

"(10) COVERED NATIVE ENTITY.—The term 'covered Native entity' means a Native entity with interests in a coral reef ecosystem.

"(11) COVERED REEF MANAGER.—The term 'covered reef manager' means—

"(A) a management unit of a covered State with jurisdiction over a coral reef ecosystem;

"(B) a covered State; or

"(C) a coral reef stewardship partnership under section 206.

"(12) COVERED STATE.—The term 'covered State' means Florida, Hawaii, and the territories of American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, Puerto Rico, and the United States Virgin Islands.

"(13) FEDERAL REEF MANAGER.—

"(A) IN GENERAL.—The term 'Federal reef manager' means—

"(i) a management unit of a Federal agency specified in subparagraph (B) with lead management jurisdiction over a coral reef ecosystem; or

"(ii) a coral reef stewardship partnership under section 206(c).

"(B) FEDERAL AGENCIES SPECIFIED.—A Federal agency specified in this subparagraph is one of the following:

"(i) The National Oceanic and Atmospheric Administration.

"(ii) The National Park Service.

"(iii) The United States Fish and Wildlife Service.

"(iv) The Office of Insular Affairs.

"(14) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

"(15) INTERESTED STAKEHOLDER GROUPS.—The term 'interested stakeholder groups' means any of the following with interest in an applicable coral reef or ecologically significant unit of a coral reef:

"(A) A business.

"(B) A commercial or recreational fisherman.

"(C) A recreationalist.

"(D) A Federal, State, Tribal, or local government unit with related jurisdiction.

"(E) An institution of higher education (as such term is defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

"(F) A nongovernmental organization.

"(16) NATIONAL CORAL REEF RESILIENCE STRATEGY.—The term 'National Coral Reef Resilience Strategy' means the National Coral Reef Resilience Strategy in effect under section 204.

"(17) NATIVE ENTITY.—The term 'Native entity' means any of the following:

"(A) An Indian Tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)).

"(B) An Alaska Native Corporation.

"(C) The Department of Hawaiian Home Lands.

"(D) The Office of Hawaiian Affairs.

"(E) A Native Hawaiian organization (as defined in section 6207 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7517)).

"(18) NONPROFIT ORGANIZATION.—The term 'nonprofit organization' means any corporation, trust, association, cooperative, or other organization, not including an institution of higher education, that—

"(A) is operated primarily for scientific, educational, service, charitable, or similar purposes in the public interest;

"(B) is not organized primarily for profit; and

"(C) uses net proceeds to maintain, improve, or expand the operations of the organization.

"(19) RESTORATION.—The term 'restoration' means the use of methods and procedures necessary to enhance, rehabilitate, recreate, or create a functioning coral reef or coral reef ecosystem, in whole or in part, within suitable waters of the historical geographic range of such ecosystems, to provide ecological, economic, cultural, or coastal resiliency services associated with healthy coral reefs and benefit native populations of coral reef organisms.

"(20) RESILIENCE.—The term 'resilience' means the capacity for corals within their native range, coral reefs, or coral reef ecosystems to resist and recover from natural and human disturbances, and maintain structure and function to provide coral reef ecosystem services, as determined by clearly identifiable, measurable, and science-based standards.

"(21) SECRETARY.—The term 'Secretary' means the Secretary of Commerce.

"(22) STATE.—The term 'State' means—

"(A) any State of the United States that contains a coral reef ecosystem within its seaward boundaries;

"(B) American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, Puerto Rico, or the United States Virgin Islands; or

"(C) any other territory or possession of the United States or separate sovereign in free association with the United States that contains a coral reef ecosystem within its seaward boundaries.

"(23) STEWARDSHIP.—The term 'stewardship', with respect to a coral reef, includes conservation, restoration, and public outreach and education.

"(24) TASK FORCE.—The term 'Task Force' means the United States Coral Reef Task Force established under section 10011 of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023.".

(b) CONFORMING AMENDMENT TO NATIONAL OCEANS AND COASTAL SECURITY ACT.—Section 905(a) of the National Oceans and Coastal Security Act (16 U.S.C. 7504(a)) is amended by striking "and coastal infrastructure" and inserting ", coastal infrastructure, and ecosystem services provided by natural systems such as coral reefs".

(c) COMPTROLLER GENERAL REVIEW OF CORAL REEF CONSERVATION PROGRAMS AT THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.—The Comptroller General of the United States shall, not later than 1 year after the date of the enactment of this Act, submit to Congress and the National Oceanic and Atmospheric Administration a report that—

(1) examines the budget and accounting practices of the coral reef conservation programs of such Administration, including expenditure tracking across line and program offices;

(2) examines the process for determining appropriate project goals and funding priorities; and

(3) includes recommendations on policies or best practices that may improve the transparency and accountability of coral reef conservation programs.

(d) [16 U.S.C. 6401 note] SAVINGS CLAUSE.—None of the amendments made by or provisions of this title may be construed to enlarge the management authority of a Federal agency or coral reef stewardship partnership to coral reefs and coral reef ecosystems outside the boundaries of such agency's or partnership's jurisdiction.

Subtitle B—United States Coral Reef Task Force

SEC. 10011. [16 U.S.C. 6451] ESTABLISHMENT.

There is established a task force to lead, coordinate, and strengthen Federal Government actions to better preserve, conserve, and restore coral reef ecosystems, to be known as the "United States Coral Reef Task Force" (in this subtitle referred to as the "Task Force").

SEC. 10012. [16 U.S.C. 6452] DUTIES.

The duties of the Task Force shall be—

(1) to coordinate, in cooperation with covered States, covered Native entities, Federal reef managers, covered reef managers, coral reef research centers designated under section 212(b) of the Coral Reef Conservation Act of 2000 (as added by this division), and other nongovernmental and academic partners as appropriate, activities regarding the mapping, monitoring, research, conservation, mitigation, and restoration of coral reefs and coral reef ecosystems;

(2) to monitor and advise regarding implementation of the policy and Federal agency responsibilities set forth in—

(A) Executive Order 13089 (63 Fed. Reg. 32701; relating to coral reef protection); and

(B) the National Coral Reef Resilience Strategy;

(3) to work in coordination with the other members of the Task Force—

(A) to assess the United States role in international trade and protection of coral species;

(B) to encourage implementation of appropriate strategies and actions to promote conservation and sustainable use of coral reef resources worldwide; and

(C) to collaborate with international communities successful in managing coral reefs;

(4) to provide technical assistance for the development and implementation, as appropriate, of—

(A) the National Coral Reef Resilience Strategy; and

(B) coral reef action plans under section 205 of that Act; and

(5) to produce a report each year, for submission to the appropriate congressional committees and publication on the public website of the Task Force, highlighting the status of the coral reef resources of a covered State on a rotating basis, including—

(A) a summary of recent coral reef management and restoration activities undertaken in that State; and

(B) updated estimates of the direct and indirect economic activity supported by, and other benefits associated with, those coral reef resources.

SEC. 10013. [16 U.S.C. 6453] MEMBERSHIP.

(a) VOTING MEMBERSHIP.—The voting members of the Task Force shall be—

(1) the Under Secretary of Commerce for Oceans and Atmosphere and the Secretary of Interior, who shall be co-chairpersons of the Task Force;

(2) such representatives from other Federal agencies as the President, in consultation with the Under Secretary, determines appropriate; and

(3) the Governor, or a representative of the Governor, of each covered State.

(b) NONVOTING MEMBERS.—The Task Force shall have the following nonvoting members:

(1) A member of the South Atlantic Fishery Management Council who is designated by the Governor of Florida under section 302(b)(1) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852(b)(1)).

(2) A member of the Gulf of Mexico Fishery Management Council who is designated by the Governor of Florida under such section.

(3) A member of the Western Pacific Fishery Management Council who is designated under such section and selected as follows:

(A) For the period beginning on the date of the enactment of this Act and ending on December 31 of the calendar year during which such date of enactment occurs,

the member shall be selected jointly by the Governors of Hawaii, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands.

(B) For each calendar year thereafter, the Governors of Hawaii, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands shall, on a rotating basis, take turns selecting the member.

(4) A member of the Caribbean Fishery Management Council who is designated under such section and selected as follows:

(A) For the period beginning on the date of the enactment of this Act and ending on December 31 of the calendar year during which such date of enactment occurs, the member shall be selected jointly by the Governors of Puerto Rico and the United States Virgin Islands.

(B) For each calendar year thereafter, the Governors of Puerto Rico and the United States Virgin Islands shall, on an alternating basis, take turns selecting the member.

(5) A member appointed by the President of the Federated States of Micronesia.

(6) A member appointed by the President of the Republic of the Marshall Islands.

(7) A member appointed by the President of the Republic of Palau.

SEC. 10014. [16 U.S.C. 6454] RESPONSIBILITIES OF FEDERAL AGENCY MEMBERS.

(a) IN GENERAL.—A member of the Task Force described in section 10013(a) shall—

(1) identify the actions of the agency that member represents that may affect coral reef ecosystems;

(2) use the programs and authorities of that agency to protect and enhance the conditions of such ecosystems, including through the promotion of basic and applied scientific research;

(3) collaborate with the Task Force to appropriately reflect budgetary needs for coral reef conservation and restoration activities in all agency budget planning and justification documents and processes; and

(4) engage in any other coordinated efforts approved by the Task Force.

(b) CO-CHAIRPERSONS.—In addition to their responsibilities under subsection (a), the co-chairpersons of the Task Force shall perform the administrative functions of the Task Force and facilitate the coordination of the members of the Task Force described in section 10013(a).

(c) BRIEFING.—Not less than 30 days before each meeting of the Task Force, the program offices of the National Oceanic and Atmospheric Administration responsible for implementing this title shall provide a briefing to the relevant congressional committees on efforts and spending associated with such implementation.

SEC. 10015. [16 U.S.C. 6455] WORKING GROUPS.

(a) IN GENERAL.—The co-chairpersons of the Task Force may establish working groups as necessary to meet the goals and carry out the duties of the Task Force.

(b) REQUESTS FROM MEMBERS.—The members of the Task Force may request that the co-chairpersons establish a working group under subsection (a).

(c) PARTICIPATION BY NONGOVERNMENTAL ORGANIZATIONS.—The co-chairpersons may allow nongovernmental organizations as appropriate, including academic institutions, conservation groups, and commercial and recreational fishing associations, to participate in a working group established under subsection (a).

(d) NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to working groups established under this section.

SEC. 10016. [16 U.S.C. 6456] DEFINITIONS.

In this subtitle:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Commerce, Science, and Transportation of the Senate;

(B) the Committee on Environment and Public Works of the Senate;

(C) the Committee on Energy and Natural Resources of the Senate; and

(D) the Committee on Natural Resources of the House of Representatives.

(2) CONSERVATION, CORAL, CORAL REEF, ETC.—The terms "conservation", "coral", "coral reef", "coral reef ecosystem", "covered reef manager", "covered State", "Federal reef manager", "National Coral Reef Resilience Strategy", "restoration", "resilience", and "State" have the meanings given those terms in section 216 of the Coral Reef Conservation Act of 2000, as added by this division.

Subtitle C—Department of the Interior Coral Reef Authorities

SEC. 10021. [16 U.S.C. 6471] CORAL REEF CONSERVATION AND RESTORATION ASSISTANCE.

(a) IN GENERAL.—The Secretary of the Interior may provide scientific expertise and technical assistance, and subject to the availability of appropriations, financial assistance for the conservation and restoration of coral reefs consistent with all applicable laws governing resource management in Federal, State, and Tribal waters, including—

(1) the National Coral Reef Resilience Strategy; and

(2) coral reef action plans in effect under section 205 of the Coral Reef Conservation Act of 2000, as added by this division, as applicable.

(b) CORAL REEF INITIATIVE.—The Secretary may establish a Coral Reef Initiative Program—

(1) to provide grant funding to support local management, conservation, and protection of coral reef ecosystems in—

(A) coastal areas of covered States; and

(B) Freely Associated States;

(2) to enhance resource availability of National Park Service and National Wildlife Refuge System management units to implement coral reef conservation and restoration activities;

(3) to complement the other conservation and assistance activities conducted under this Act or the Coral Reef Conservation Act of 2000, as amended by section 10001; and

(4) to provide other technical, scientific, and financial assistance and conduct conservation and restoration activities that advance the purposes of this title and the Coral Reef Conservation Act of 2000, as amended by this division.

(c) CONSULTATION WITH THE DEPARTMENT OF COMMERCE.—

(1) CORAL REEF CONSERVATION AND RESTORATION ACTIVITIES.—The Secretary of the Interior may consult with the Secretary of Commerce regarding the conduct of any activities to conserve and restore coral reefs and coral reef ecosystems in waters managed under the jurisdiction of the Federal agencies specified in paragraphs (2) and (3) of section 203(c) of the Coral Reef Conservation Act of 2000, as added by this division.

(2) AWARD OF CORAL REEF MANAGEMENT FELLOWSHIP.—The Secretary of the Interior shall consult with the Secretary of Commerce to award the Susan L. Williams Coral Reef Management Fellowship under subtitle D.

(d) COOPERATIVE AGREEMENTS.—Subject to the availability of appropriations, the Secretary of the Interior may enter into cooperative agreements with covered reef managers to fund coral reef conservation and restoration activities in waters managed under the jurisdiction of such managers that—

(1) are consistent with the National Coral Reef Resilience Strategy; and

(2) support and enhance the success of coral reef action plans in effect under section 205 of the Coral Reef Conservation Act of 2000, as added by this division.

(e) DEFINITIONS.—In this section:

(1) CONSERVATION, CORAL, CORAL REEF, ETC.—The terms "conservation", "coral reef", "covered reef manager", "covered State", "National Coral Reef Resilience Strategy", "restoration", and "State" have the meanings given those terms in section 216 of the Coral Reef Conservation Act of 2000, as added by this division.

(2) TRIBE; TRIBAL.—The terms "Tribe" and "Tribal" refer to Indian Tribes (as defined in section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5130)).

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

SEC. 10031. [16 U.S.C. 6481] SUSAN L. WILLIAMS NATIONAL CORAL REEF MANAGEMENT FELLOWSHIP.

(a) DEFINITIONS.—In this section:

(1) ALASKA NATIVE CORPORATION.—The term "Alaska Native Corporation" has the meaning given the term "Native Corporation" in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602).

(2) FELLOW.—The term "fellow" means a National Coral Reef Management Fellow.

(3) FELLOWSHIP.—The term "fellowship" means the National Coral Reef Management Fellowship established in subsection (c).

(4) COVERED NATIVE ENTITY.—The term "covered Native entity" has the meaning given the term in section 216 of the Coral Reef Conservation Act of 2000, as added by this division.

(5) COVERED STATE.—The term "covered State" has the meaning given the term in section 216 of the Coral Reef Conservation Act of 2000, as added by this division.

(6) NATIVE ENTITY.—The term "Native entity" has the meaning given the term in section 216 of the Coral Reef Conservation Act of 2000, as added by this division.

(7) SECRETARY.—The term "Secretary" means the Secretary of Commerce.

(b) ESTABLISHMENT OF FELLOWSHIP PROGRAM.—

(1) IN GENERAL.—There is established a National Coral Reef Management Fellowship Program.

(2) PURPOSES.—The purposes of the fellowship are—

(A) to encourage future leaders of the United States to develop additional coral reef management capacity in States and local communities with coral reefs;

(B) to provide management agencies of covered States and covered Native entities with highly qualified candidates whose education and work experience meet the specific needs of each covered State or covered Native entity; and

(C) to provide fellows with professional experience in management of coastal and coral reef resources.

(c) FELLOWSHIP AWARDS.—

(1) IN GENERAL.—The Secretary, in consultation with the Secretary of the Interior, shall award a fellowship in accordance with this subsection.

(2) TERM OF FELLOWSHIP.—A fellowship awarded under this subsection shall be for a term of not more than 2 years.

(3) QUALIFICATIONS.—The Secretary, in consultation with the Secretary of the Interior, shall award a fellowship to individuals who have demonstrated—

(A) an intent to pursue a career in marine services and outstanding potential for such a career;

(B) leadership potential, actual leadership experience, or both;

(C) possession of a college or graduate degree in biological science, a college or graduate degree in resource management with experience that correlates with aptitude and interest for marine management, or both;

(D) proficient writing and speaking skills; and

(E) such other attributes as the Secretary, in consultation with the Secretary of the Interior, considers appropriate.

(d) MATCHING REQUIREMENT.—

(1) IN GENERAL.—Except as provided in paragraph (2), the non-Federal share of the costs of a fellowship under this section shall be 25 percent of such costs.

(2) WAIVER OF MATCHING REQUIREMENT.—The Secretary may waive the application of paragraph (1) to a fellowship if the Secretary finds that such waiver is necessary to support a project that the Secretary has identified as a high priority.

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

SEC. 10101. [33 U.S.C. 3612 note] PURPOSE.

The purpose of this title is to promote and support—

(1) the monitoring, understanding, and exploration of the Great Lakes, oceans, bays, estuaries, and coasts; and

(2) the collection, analysis, synthesis, and sharing of data related to the Great Lakes, oceans, bays, estuaries, and coasts to facilitate scientific research and operational decisionmaking.

SEC. 10102. [33 U.S.C. 3612 note] DEFINITIONS.

In this title:

(1) ADMINISTRATION.—The term "Administration" means the National Oceanic and Atmospheric Administration.

(2) ADMINISTRATOR.—The term "Administrator" means the Under Secretary of Commerce for Oceans and Atmosphere in the capacity as Administrator of the National Oceanic and Atmospheric Administration.

(3) INDIAN TRIBE.—The term "Indian Tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

SEC. 10103. WORKFORCE STUDY.

(a) IN GENERAL.—Section 303(a) of the America COMPETES Reauthorization Act of 2010 (33 U.S.C. 893c(a)) is amended—

(1) by striking "Secretary of Commerce" and inserting "Under Secretary of Commerce for Oceans and Atmosphere";

(2) in paragraph (2), by inserting ", skillsets, or credentials" after "degrees";

(3) in paragraph (3), by inserting "or highly qualified technical professionals and tradespeople" after "atmospheric scientists";

(4) in paragraph (4), by inserting ", skillsets, or credentials" after "degrees";

(5) in paragraph (5)—

(A) by striking "scientist"; and

(B) by striking "; and" and inserting ", observations, and monitoring;"

(6) in paragraph (6), by striking "into Federal" and all that follows and inserting ", technical professionals, and tradespeople into Federal career positions;"

(7) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), respectively;

(8) by inserting after paragraph (1) the following:

"(2) whether there is a shortage in the number of individuals with technical or trade-based degrees, skillsets, or credentials suited to a career in oceanic and atmospheric data collection, processing, satellite production, or satellite operations;"; and

(9) by adding at the end the following:

"(8) workforce diversity and actions the Federal Government can take to increase diversity in the scientific workforce; and

"(9) actions the Federal Government can take to shorten the hiring backlog for such workforce.".

(b) COORDINATION.—Section 303(b) of such Act (33 U.S.C. 893c(b)) is amended by striking "Secretary of Commerce" and inserting "Under Secretary of Commerce for Oceans and Atmosphere".

(c) REPORT.—Section 303(c) of such Act (33 U.S.C. 893c(c)) is amended—

(1) by striking "the date of enactment of this Act" and inserting "the date of the enactment of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023";

(2) by striking "Secretary of Commerce" and inserting "Under Secretary of Commerce for Oceans and Atmosphere"; and

(3) by striking "to each committee" and all that follows through "section 302 of this Act" and inserting "to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources and the Committee on Science, Space, and Technology of the House of Representatives".

(d) PROGRAM AND PLAN.—Section 303(d) of such Act (33 U.S.C. 893c(d)) is amended—

(1) by striking "Administrator of the National Oceanic and Atmospheric Administration" and inserting "Under Secretary of Commerce for Oceans and Atmosphere"; and

(2) by striking "academic partners" and all that follows and inserting "academic partners.".

SEC. 10104. [33 U.S.C. 3612] ACCELERATING INNOVATION AT COOPERATIVE INSTITUTES.

(a) FOCUS ON EMERGING TECHNOLOGIES.—The Administrator shall consider evaluating the goals of 1 or more Cooperative Institutes of the Administration to include focusing on advancing or applying emerging technologies, which may include—

(1) applied uses and development of real-time and other advanced genetic technologies and applications, including such technologies and applications that derive genetic material directly from environmental samples without any obvious signs of biological source material;

(2) deployment of, and improvements to the durability, maintenance, and other lifecycle concerns of, advanced unmanned vehicles, regional small research vessels, and other re-

search vessels that support and launch unmanned vehicles and sensors; and

(3) supercomputing and big data management, including data collected through model outputs, electronic monitoring, and remote sensing.

(b) COORDINATION WITH OTHER PROGRAMS.—The Cooperative Institutes shall work with the Interagency Ocean Observation Committee, the regional associations of the Integrated Ocean Observing System, and other ocean observing programs to coordinate technology needs and the transition of new technologies from research to operations.

SEC. 10105. [33 U.S.C. 3613] BLUE ECONOMY VALUATION.

(a) MEASUREMENT OF INDUSTRIES.—The Administrator, in consultation with the heads of other relevant Federal agencies and subject to the availability of appropriations, shall establish a program to improve the collection, aggregation, and analysis of data to measure the value and impact of industries related to the Great Lakes, oceans, bays, estuaries, and coasts on the economy of the United States, including military uses, living resources, marine construction, marine transportation, offshore energy development and siting including for renewable energy, offshore mineral production, ship and boat building, tourism, recreation, subsistence, commercial, recreational, and charter fishing, seafood processing, and other fishery-related businesses, aquaculture such as kelp and shellfish, and other industries the Administrator determines appropriate.

(b) COLLABORATION.—In carrying out subsection (a), the Administrator shall—

(1) work with the Director of the Bureau of Economic Analysis and the heads of other relevant Federal agencies to develop a Coastal and Ocean Economy Satellite Account that includes national, Tribal, and State-level statistics to measure the contribution of the Great Lakes, oceans, bays, estuaries, and coasts to the overall economy of the United States; and

(2) collaborate with national and international organizations and governments to promote consistency of methods, measurements, and definitions to ensure comparability of results between countries.

(c) REPORT.—Not later than 2 years after the date of the enactment of this section, and not less frequently than every 2 years thereafter until the date that is 20 years after the date of the enactment of this section, the Administrator, in consultation with the heads of other relevant Federal agencies, shall publish a report that—

(1) defines the Blue Economy in consultation with Indian Tribes and with input from academia, the private sector, nongovernmental organizations, and other relevant experts;

(2) makes recommendations for updating North American Industry Classification System reporting codes to reflect the Blue Economy; and

(3) provides a comprehensive estimate of the value and impact of the Blue Economy with respect to each State and territory of the United States, including—

(A) the value and impact of—

(i) economic activities that are dependent upon the resources of the Great Lakes, oceans, bays, estuaries, and coasts;

(ii) the population and demographic characteristics of the population along the coasts;

(iii) port and shoreline infrastructure;

(iv) the volume and value of cargo shipped by sea or across the Great Lakes;

(v) data collected from the Great Lakes, oceans, bays, estuaries, and coasts, including such data collected by businesses that purchase and commodify the data, including weather prediction and seasonal agricultural forecasting; and

(vi) military uses; and

(B) to the extent possible, the qualified value and impact of the natural capital of the Great Lakes, oceans, bays, estuaries, and coasts with respect to tourism, recreation, natural resources, and cultural heritage, including other indirect values.

(d) CENTRALIZED WEBSITE FOR RESILIENCY GRANTS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this section, the Administrator, in coordination with the heads of other relevant Federal agencies, shall create and regularly update a public website to improve education, outreach, and public information regarding grants and other public funding opportunities of the Administration related to resiliency.

(2) CONTENTS OF WEBSITE.—The website created under paragraph (1) shall include the following:

(A) Hyperlinks, descriptions, deadlines, and resources to support applicants including technical assistance and other information as the Administrator determines appropriate relating to resilience grants administered by—

(i) the Administration;

(ii) other relevant Federal agencies; or

(iii) foundations in coordination with the Administration.

(B) Information described in subparagraph (A) that is specific to supporting Tribal Governments and Tribal Colleges and Universities, and, with respect to each such grant described in paragraph (1), the contact information for an individual of the Administration who can assist Tribal Governments and Tribal Colleges and Universities in applying for such grants.

(C) Information described in subparagraph (A) that is specific to supporting Historically Black Colleges and Universities, and, with respect to each such grant described in paragraph (1), the contact information for an individual of the Administration who can assist Historically Black Colleges and Universities in applying for such grants.

(3) OUTREACH.—The Administrator shall conduct outreach activities to inform State, Tribal, and local governments of re-

siliency, adaptation, and mitigation grants that are available to such governments.

(4) DEFINITIONS.—In this section:

(A) HISTORICALLY BLACK COLLEGES AND UNIVERSITIES.—The term "Historically Black Colleges and Universities" has the meaning given the term "part B institution" in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061).

(B) TRIBAL COLLEGE OR UNIVERSITY.—The term "Tribal College or University" has the meaning given the term in section 316 of the Higher Education Act of 1965 (20 U.S.C. 1059c).

SEC. 10106. [33 U.S.C. 3612 note] NO ADDITIONAL FUNDS AUTHORIZED.

Funds to carry out this title may, as provided in advance in appropriations Acts, only come from within amounts authorized to be appropriated to the National Oceanic and Atmospheric Administration.

TITLE CII—REGIONAL OCEAN PARTNERSHIPS

SEC. 10201. [16 U.S.C. 1468 note] FINDINGS; PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) The ocean and coastal waters and the Great Lakes of the United States are foundational to the economy, security, global competitiveness, and well-being of the United States and continuously serve the people of the United States and other countries as an important source of food, energy, economic productivity, recreation, beauty, and enjoyment.

(2) Over many years, the resource productivity and water quality of the ocean, coastal, and Great Lakes areas of the United States have been diminished by pollution, increasing population demands, economic development, and natural and man-made hazard events, both acute and chronic.

(3) The ocean, coastal, and Great Lakes areas of the United States are managed by State and Federal resource agencies and Indian Tribes and regulated on an interstate and regional scale by various overlapping Federal authorities, thereby creating a significant need for interstate coordination to enhance regional priorities, including the ecological and economic health of those areas.

(4) Indian Tribes have unique expertise and knowledge important for the stewardship of the ocean and coastal waters and the Great Lakes of the United States.

(b) PURPOSES.—The purposes of this title are as follows:

(1) To complement and expand cooperative voluntary efforts intended to manage, conserve, and restore ocean, coastal, and Great Lakes areas spanning across multiple State and Indian Tribe jurisdictions.

(2) To expand Federal support for monitoring, data management, restoration, research, and conservation activities in ocean, coastal, and Great Lakes areas.

(3) To commit the United States to a comprehensive cooperative program to achieve improved water quality in, and improvements in the productivity of living resources of, oceans, coastal, and Great Lakes ecosystems.

(4) To authorize Regional Ocean Partnerships as intergovernmental coordinators for shared regional priorities among States and Indian Tribes relating to the collaborative management of the large marine ecosystems, thereby reducing duplication of efforts and maximizing opportunities to leverage support in the ocean and coastal regions.

(5) To empower States to take a lead role in managing oceans, coastal, and Great Lakes areas.

(6) To incorporate rights of Indian Tribes in the management of oceans, coasts, and Great Lakes resources and provide resources to support Indian Tribe participation in and engagement with Regional Ocean Partnerships.

(7) To enable Regional Ocean Partnerships, or designated fiscal management entities of such partnerships, to receive Federal funding to conduct the scientific research, conservation, and restoration activities, and priority coordination on shared regional priorities necessary to achieve the purposes described in paragraphs (1) through (6).

SEC. 10202. [16 U.S.C. 1468] REGIONAL OCEAN PARTNERSHIPS.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the National Oceanic and Atmospheric Administration.

(2) COASTAL STATE.—The term "coastal State" has the meaning given the term "Coastal state" in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453).

(3) INDIAN TRIBE.—The term "Indian Tribe" has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(4) REGIONAL OCEAN PARTNERSHIP.—The term "Regional Ocean Partnership" means a Regional Ocean Partnership designated under subsection (b).

(b) REGIONAL OCEAN PARTNERSHIPS.—

(1) IN GENERAL.—A coastal State or Indian Tribe may form a partnership with—

(A) a coastal State that shares a common ocean or coastal area with the coastal State, without regard to whether the coastal States are contiguous; and

(B) States—

(i) that share a common ocean, coastal area, or watershed with the coastal State, without regard to whether the coastal States are contiguous; or

(ii) that would contribute to the priorities of the partnership; and

(C) Indian Tribes.

(2) REQUIREMENTS.—A partnership formed under paragraph (1) may apply for designation as a Regional Ocean Partnership in such time and manner as determined appropriate by the Secretary if the partnership—

(A) is established to coordinate the management of ocean, coastal, and Great Lakes resources among the members of the partnership;

(B) focuses on the environmental issues affecting the ocean, coastal, and Great Lakes areas of the members participating in the partnership;

(C) complements existing coastal and ocean management efforts of States and Indian Tribes on an interstate scale, focusing on shared regional priorities;

(D) does not have a regulatory function; and

(E) is not duplicative of an existing Regional Ocean Partnership designated under paragraph (3), as determined by the Secretary.

(3) DESIGNATION OF CERTAIN ENTITIES AS REGIONAL OCEAN PARTNERSHIPS.—The following entities are designated as Regional Ocean Partnerships:

(A) The Gulf of Mexico Alliance, comprised of the States of Alabama, Florida, Louisiana, Mississippi, and Texas.

(B) The Northeast Regional Ocean Council, comprised of the States of Maine, Vermont, New Hampshire, Massachusetts, Connecticut, and Rhode Island.

(C) The Mid-Atlantic Regional Council on the Ocean, comprised of the States of New York, New Jersey, Delaware, Maryland, and Virginia.

(D) The West Coast Ocean Alliance, comprised of the States of California, Oregon, and Washington and the coastal Indian Tribes therein.

(4) GREAT LAKES.—A partnership established under this section for the purposes described in subsection (d) with respect to a Great Lake may be known as a "Regional Coastal Partnership" or a "Regional Great Lakes Partnership".

(c) GOVERNING BODIES OF REGIONAL OCEAN PARTNERSHIPS.—A Regional Ocean Partnership shall have a governing body that—

(1) shall be comprised, at a minimum, of voting members from each coastal state participating in the Regional Ocean Partnership, designated by the Governor of the coastal state; and

(2) may include such other members as the partnership considers appropriate.

(d) FUNCTIONS.—A Regional Ocean Partnership may perform the following functions:

(1) Promote coordination of the actions of the agencies of governments participating in the partnership with the actions of the appropriate officials of Federal agencies, State governments, and Indian Tribes in developing strategies—

(A) to conserve living resources, increase valuable habitats, enhance coastal resilience and ocean management, promote ecological and economic health, and address such other issues related to the shared ocean, coastal, or Great Lakes areas as are determined to be a shared, regional priority by those states; and

(B) to manage regional data portals and develop associated data products for purposes that support the priorities of the partnership.

(2) In cooperation with appropriate Federal and State agencies, Indian Tribes, and local authorities, develop and implement specific action plans to carry out coordination goals.

(3) Coordinate and implement priority plans and projects, and facilitate science, research, modeling, monitoring, data collection, and other activities that support the goals of the partnership through the provision of grants and contracts under subsection (f).

(4) Engage, coordinate, and collaborate with relevant governmental entities and stakeholders to address ocean and coastal related matters that require interagency or intergovernmental solutions.

(5) Implement outreach programs for public information, education, and participation to foster stewardship of the resources of the ocean, coastal, and Great Lakes areas, as relevant.

(6) Develop and make available, through publications, technical assistance, and other appropriate means, information pertaining to cross-jurisdictional issues being addressed through the coordinated activities of the partnership.

(7) Serve as a liaison with, and provide information to, international counterparts, as appropriate on priority issues for the partnership.

(e) COORDINATION, CONSULTATION, AND ENGAGEMENT.—

(1) IN GENERAL.—A Regional Ocean Partnership shall maintain mechanisms for coordination, consultation, and engagement with the following:

(A) The Federal Government.

(B) Indian Tribes.

(C) Nongovernmental entities, including academic organizations, nonprofit organizations, and private sector entities.

(D) Other federally mandated regional entities, including the Regional Fishery Management Councils, the regional associations of the National Integrated Coastal and Ocean Observation System, and relevant Marine Fisheries Commissions.

(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1)(B) may be construed as affecting any requirement to consult with Indian Tribes under Executive Order 13175 (25 U.S.C. 5301 note; relating to consultation and coordination with Indian Tribal Governments) or any other applicable law or policy.

(f) GRANTS AND CONTRACTS.—

(1) IN GENERAL.—A Regional Ocean Partnership may, in coordination with existing Federal, State, and Tribal management programs, from amounts made available to the partnership by the Administrator or the head of another Federal agency, subject to appropriations for such purpose, provide grants and enter into contracts for the purposes described in paragraph (2).

(2) PURPOSES.—The purposes described in this paragraph include any of the following:

(A) Monitoring the water quality and living resources of multistate ocean and coastal ecosystems and coastal communities.

(B) Researching and addressing the effects of natural and human-induced environmental changes on—

(i) ocean and coastal ecosystems; and

(ii) coastal communities.

(C) Developing and executing cooperative strategies that—

(i) address regional data issues identified by the partnership; and

(ii) will result in more effective management of common ocean and coastal areas.

(g) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 5 years after the date of the enactment of this Act, the Administrator, in coordination with the Regional Ocean Partnerships, shall submit to Congress a report on the partnerships.

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

(A) An assessment of the overall status of the work of the Regional Ocean Partnerships.

(B) An assessment of the effectiveness of the partnerships in supporting regional priorities relating to the management of common ocean, coastal, and Great Lakes areas.

(C) An assessment of the effectiveness of the strategies that the partnerships are supporting or implementing and the extent to which the priority needs of the regions covered by the partnerships are being met through such strategies.

(D) An assessment of how the efforts of the partnerships support or enhance Federal and State efforts consistent with the purposes of this title.

(E) Such recommendations as the Administrator may have for improving—

(i) efforts of the partnerships to support the purposes of this title; and

(ii) collective strategies that support the purposes of this title in coordination with all relevant Federal and State entities and Indian Tribes.

(F) The distribution of funds from each partnership for each fiscal year covered by the report.

(h) AVAILABILITY OF FEDERAL FUNDS.—In addition to amounts made available to the Regional Ocean Partnerships by the Administrator under this section, the head of any other Federal agency may provide grants to, enter into contracts with, or otherwise provide funding to such partnerships, subject to availability of appropriations for such purposes.

(i) AUTHORITIES.—Nothing in this section establishes any new legal or regulatory authority of the National Oceanic and Atmospheric Administration or of the Regional Ocean Partnerships, other than—

(1) the authority of the Administrator to provide amounts to the partnerships; and

(2) the authority of the partnerships to provide grants and enter into contracts under subsection (f).

(j) AUTHORIZATIONS.—

(1) REGIONAL OCEAN PARTNERSHIPS.—There are authorized to be appropriated to the Administrator the following amounts to be made available to the Regional Ocean Partnerships or designated fiscal management entities of such partnerships to carry out activities of such partnerships under this title:

(A) $10,100,000 for fiscal year 2023.
(B) $10,202,000 for fiscal year 2024.
(C) $10,306,040 for fiscal year 2025.
(D) $10,412,160 for fiscal year 2026.
(E) $10,520,404 for fiscal year 2027.

(2) DISTRIBUTION OF AMOUNTS.—Amounts made available under this subsection shall be divided evenly among the Regional Ocean Partnerships.

(3) TRIBAL GOVERNMENT PARTICIPATION.—There is authorized to be appropriated to the Administrator $1,000,000 for each of fiscal years 2023 through 2027 to be distributed to Indian Tribes for purposes of participation in or engagement with the Regional Ocean Partnerships.

TITLE CIII—NATIONAL OCEAN EXPLORATION

SEC. 10301. [33 U.S.C. 3408 note] FINDINGS.

Congress makes the following findings:

(1) The health and resilience of the ocean are vital to the security and economy of the United States and to the lives of the people of the United States.

(2) The United States depends on the ocean to regulate weather and climate, to sustain and protect the diversity of life, for maritime shipping, for national defense, and for food, energy, medicine, recreation, and other services essential to the people of the United States and all humankind.

(3) The prosperity, security, and well-being of the United States depend on successful understanding and stewardship of the ocean.

(4) Interdisciplinary cooperation and engagement among government agencies, research institutions, nongovernmental organizations, States, Indian Tribes, and the private sector are essential for successful stewardship of ocean and coastal environments, national economic growth, national security, and development of agile strategies that develop, promote, and use new technologies.

(5) Ocean exploration can help the people of the United States understand how to be effective stewards of the ocean and serve as catalysts and enablers for other sectors of the economy.

(6) Mapping, exploration, and characterization of the ocean provides basic, essential information to protect and restore the

marine environment, stimulate economic activity, and provide security for the United States.

(7) A robust national ocean exploration program engaging multiple Federal agencies, Indian Tribes, the private sector, nongovernmental organizations, and academia is—

(A) essential to the interests of the United States and vital to its security and economy and the health and well-being of all people of the United States; and

(B) critical to reestablish the United States at the forefront of global ocean exploration and stewardship.

SEC. 10302. [33 U.S.C. 3408 note] DEFINITIONS.

In this title:

(1) CHARACTERIZATION.—The term "characterization" means activities that provide comprehensive data and interpretations for a specific area of interest of the sea floor, sub-bottom, water column, or hydrologic features, including water masses and currents, in direct support of specific research, environmental protection, resource management, policymaking, or applied mission objectives.

(2) EXPLORATION.—The term "exploration" means activities that provide—

(A) a multidisciplinary view of an unknown or poorly understood area of the seafloor, sub-bottom, or water column; and

(B) an initial assessment of the physical, chemical, geological, biological, archeological, or other characteristics of such an area.

(3) INDIAN TRIBE.—The term "Indian Tribe" has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(4) MAPPING.—The term "mapping" means activities that provide comprehensive data and information needed to understand seafloor characteristics, such as depth, topography, bottom type, sediment composition and distribution, underlying geologic structure, and benthic flora and fauna.

SEC. 10303. OCEAN POLICY COMMITTEE.

(a) SUBCOMMITTEES.—Section 8932(c) of title 10, United States Code, is amended to read as follows:

"(c) SUBCOMMITTEES.—(1) The Committee shall include—

"(A) a subcommittee to be known as the 'Ocean Science and Technology Subcommittee'; and

"(B) a subcommittee to be known as the 'Ocean Resource Management Subcommittee'.

"(2) In discharging its responsibilities in support of agreed-upon scientific needs, and to assist in the execution of the responsibilities described in subsection (b), the Committee may delegate responsibilities to the Ocean Science and Technology Subcommittee, the Ocean Resource Management Subcommittee, or another subcommittee of the Committee, as the Committee determines appropriate.".

(b) INCREASED ACCESS TO GEOSPATIAL DATA FOR MORE EFFICIENT AND INFORMED DECISIONMAKING.—

(1) ESTABLISHMENT OF DOCUMENT SYSTEM.—Section 8932(b) of title 10, United States Code, is amended—

(A) in paragraph (3), by striking "and" at the end;

(B) in paragraph (4)(F), by striking the period at the end and inserting "; and"; and

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

"(5) for projects under the purview of the Committee, establish or designate one or more systems for ocean-related and ocean-mapping-related documents prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), in accordance with subsection (h).".

(2) ELEMENTS.—Section 8932 of such title is amended—

(A) by redesignating subsection (h) as subsection (i); and

(B) by inserting after subsection (g) the following new subsection (h):

"(h) ELEMENTS OF DOCUMENT SYSTEM.—The systems established or designated under subsection (b)(5) may include the following:

"(1) A publicly accessible, centralized digital archive of documents described in subsection (b)(5) that are finalized after the date of the enactment of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023, including—

"(A) environmental impact statements;

"(B) environmental assessments;

"(C) records of decision; and

"(D) other relevant documents as determined by the lead agency on a project.

"(2) Geospatially referenced data, if any, contained in the documents under paragraph (1).

"(3) A mechanism to retrieve information through geo-information tools that can map and integrate relevant geospatial information, such as—

"(A) Ocean Report Tools;

"(B) the Environmental Studies Program Information System;

"(C) Regional Ocean Partnerships; and

"(D) the Integrated Ocean Observing System.

"(4) Appropriate safeguards on the public accessibility of data to protect national security equities.".

SEC. 10304. [33 U.S.C. 3408] NATIONAL OCEAN MAPPING, EXPLORATION, AND CHARACTERIZATION COUNCIL.

(a) ESTABLISHMENT.—The President shall establish a council, to be known as the "National Ocean Mapping, Exploration, and Characterization Council" (in this section referred to as the "Council").

(b) PURPOSE.—The Council shall—

(1) update national priorities for ocean mapping, exploration, and characterization; and

(2) coordinate and facilitate activities to advance those priorities.

(c) REPORTING.—The Council shall report to the Ocean Science and Technology Subcommittee of the Ocean Policy Committee established under section 8932(c) of title 10, United States Code.

(d) MEMBERSHIP.—The Council shall be composed of senior-level representatives from the appropriate Federal agencies.

(e) CO-CHAIRS.—The Council shall be co-chaired by—

(1) two senior-level representatives from the National Oceanic and Atmospheric Administration; and

(2) one senior-level representative from the Department of the Interior.

(f) DUTIES.—The Council shall—

(1) set national ocean mapping, exploration, and characterization priorities and strategies;

(2) cultivate and facilitate transparent and sustained partnerships among Federal and State agencies, Indian Tribes, private industry, academia, and nongovernmental organizations to conduct ocean mapping, exploration, and characterization activities and related technology development;

(3) coordinate improved processes for data compilation, management, access, synthesis, and visualization with respect to ocean mapping, exploration, and characterization, with a focus on building on existing ocean data management systems and with appropriate safeguards on the public accessibility of data to protect national security equities, as appropriate;

(4) encourage education, workforce training, and public engagement activities that—

(A) advance interdisciplinary principles that contribute to ocean mapping, exploration, research, and characterization;

(B) improve public engagement with and understanding of ocean science; and

(C) provide opportunities for underserved populations;

(5) coordinate activities as appropriate with domestic and international ocean mapping, exploration, and characterization initiatives or programs; and

(6) establish and monitor metrics to track progress in achieving the priorities set under paragraph (1).

(g) INTERAGENCY WORKING GROUP ON OCEAN EXPLORATION AND CHARACTERIZATION.—

(1) ESTABLISHMENT.—The President shall establish a new interagency working group to be known as the "Interagency Working Group on Ocean Exploration and Characterization".

(2) MEMBERSHIP.—The Interagency Working Group on Ocean Exploration and Characterization shall be comprised of senior representatives from Federal agencies with ocean exploration and characterization responsibilities.

(3) FUNCTIONS.—The Interagency Working Group on Ocean Exploration and Characterization shall support the Council and the Ocean Science and Technology Subcommittee of the Ocean Policy Committee established under section 8932(c) of title 10, United States Code, on ocean exploration and characterization activities and associated technology development across the Federal Government, State governments, Indian Tribes, private industry, nongovernmental organizations, and academia.

(h) OVERSIGHT.—The Council shall oversee—

(1) the Interagency Working Group on Ocean Exploration and Characterization established under subsection (g)(1); and

(2) the Interagency Working Group on Ocean and Coastal Mapping under section 12203 of the Ocean and Coastal Mapping Integration Act (33 U.S.C. 3502).

(i) PLAN.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Council shall develop or update and submit to the appropriate committees of Congress a plan for an integrated cross-sectoral ocean mapping, exploration, and characterization initiative.

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

(A) discuss the utility and benefits of ocean exploration and characterization;

(B) identify and describe national ocean mapping, exploration, and characterization priorities;

(C) identify and describe Federal and federally funded ocean mapping, exploration, and characterization programs;

(D) facilitate and incorporate non-Federal input into national ocean mapping, exploration, and characterization priorities;

(E) ensure effective coordination of ocean mapping, exploration, and characterization activities among programs described in subparagraph (C);

(F) identify opportunities for combining overlapping or complementary needs, activities, and resources of Federal agencies and non-Federal organizations relating to ocean mapping, exploration, and characterization while not reducing benefits from existing mapping, explorations, and characterization activities;

(G) promote new and existing partnerships among Federal and State agencies, Indian Tribes, private industry, academia, and nongovernmental organizations to conduct or support ocean mapping, exploration, and characterization activities and technology development needs, including through coordination under section 3 of the Commercial Engagement Through Ocean Technology Act of 2018 (33 U.S.C. 4102) and the National Oceanographic Partnership Program under section 8931 of title 10, United States Code;

(H) develop a transparent and sustained mechanism for non-Federal partnerships and stakeholder engagement in strategic planning and mission execution to be implemented not later than December 31, 2023, for coordinating such activities with—

(i) institutions of higher education (as such term is defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)), the private sector, philanthropic organizations, and nonprofits; and

(ii) international partners for activities relating to maritime areas (including the sea floor) beyond the jurisdiction of the Federal Government;

(I) establish standardized collection and data management protocols, including with respect to metadata, for ocean mapping, exploration, and characterization which—

(i) are publicly accessible and locatable via appropriate Federal repositories;

(ii) can facilitate the integration of ocean data into products and use innovations from non-Federal partners; and

(iii) have appropriate safeguards on the public accessibility of data to protect national security;

(J) encourage the development, testing, demonstration, and adoption of innovative ocean mapping, exploration, and characterization technologies and applications;

(K) promote protocols for accepting data, equipment, approaches, or other resources that support national ocean mapping, exploration, and characterization priorities;

(L) identify best practices for the protection of marine life during mapping, exploration, and characterization activities;

(M) identify training, technology, and other resource requirements for enabling the National Oceanic and Atmospheric Administration and other appropriate Federal agencies to support a coordinated national ocean mapping, exploration, and characterization effort;

(N) identify and facilitate a centralized mechanism or office for coordinating data collection, compilation, processing, archiving, and dissemination activities relating to ocean mapping, exploration, and characterization that meets Federal mandates for data accuracy and accessibility;

(O) designate repositories responsible for archiving and managing ocean mapping, exploration, and characterization data;

(P) set forth a timetable and estimated costs for implementation and completion of the plan;

(Q) to the extent practicable, align ocean exploration and characterization efforts with existing programs and identify key gaps; and

(R) identify criteria for determining the optimal frequency of observations; and

(S) provide recommendations, developed in coordination with the private sector, to improve incentives, access, and processes for the private sector to share ocean-related data with the public and Federal Government.

(j) BRIEFINGS.—Not later than 1 year after the date of the enactment of this Act, and not less frequently than once every 2 years thereafter, the Council shall brief the appropriate committees of Congress on—

(1) progress made toward meeting the national priorities described in subsection (i)(2)(B); and

(2) recommendations for meeting such priorities, such as additional authorities that may be needed to develop a mechanism for non-Federal partnerships and stakeholder engagement described in subsection (i)(2)(H).

(k) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committee on Commerce, Science, and Transportation and the Committee on Armed Services of the Senate; and

(2) the Committee on Natural Resources, the Committee on Science, Space, and Technology, and the Committee on Armed Services of the House of Representatives.

SEC. 10305. MODIFICATIONS TO THE OCEAN EXPLORATION PROGRAM OF THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

(a) PURPOSE.—Section 12001 of the Omnibus Public Land Management Act of 2009 (33 U.S.C. 3401) is amended by striking "and the national undersea research program".

(b) PROGRAM ESTABLISHED.—Section 12002 of such Act (33 U.S.C. 3402) is amended—

(1) in the first sentence, by striking "and undersea"; and

(2) in the second sentence, by striking "and undersea research and exploration" and inserting "research and ocean exploration and characterization efforts".

(c) POWERS AND DUTIES OF THE ADMINISTRATOR.—

(1) IN GENERAL.—Section 12003(a) of such Act (33 U.S.C. 3403(a)) is amended—

(A) in the matter preceding paragraph (1), by inserting ", in consultation with the Ocean Policy Committee established under section 8932 of title 10, United States Code," after "Administration";

(B) in paragraph (1)—

(i) by striking "voyages" and inserting "expeditions";

(ii) by striking "Federal agencies" and all that follows through "and survey" and inserting "Federal and State agencies, Tribal Governments, private industry, academia (including secondary schools, community colleges, and universities), and nongovernmental organizations, to map, explore, and characterize"; and

(iii) by inserting "characterize," after "observe,";

(C) in paragraph (2), by inserting "of the exclusive economic zone" after "deep ocean regions";

(D) in paragraph (3), by striking "voyages" and inserting "expeditions";

(E) in paragraph (4), by striking ", in consultation with the National Science Foundation,";

(F) by amending paragraph (5) to read as follows:

"(5) support technological innovation of the United States marine science community by promoting the development and use of new and emerging technologies for research, communication, navigation, and data collection, such as sensors and autonomous vehicles;";

(G) in paragraph (6), by inserting ", in consultation with the National Ocean Mapping, Exploration, and Characterization Council established under section 5405 of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023," after "forum";

(H) by adding at the end the following:

"(7) provide guidance, in consultation with the National Ocean Mapping, Exploration, and Characterization Council, to Federal and State agencies, Tribal Governments, private industry, academia (including secondary schools, community colleges, and universities), and nongovernmental organizations on data standards, protocols for accepting data, and coordination of data collection, compilation, processing, archiving, and dissemination for data relating to ocean exploration and characterization; and

"(8) coordinate with applicable ocean mapping, ocean monitoring, and ocean observation programs to maximize coordination and collaboration opportunities, prevent duplication of such activities and identify gaps in data.".

(2) DONATIONS.—Section 12003(b) of such Act (33 U.S.C. 3403(b)) is amended to read as follows:

"(b) DONATIONS.—For the purpose of mapping, exploring, and characterizing the oceans or increasing the knowledge of the oceans, the Administrator may—

"(1) accept monetary donations, which shall be credited as discretionary offsetting collections to the currently applicable appropriation, account, or fund of the National Oceanic and Atmospheric Administration and shall be made available for such purposes only to the extent and in the amounts provided in advance in appropriations Acts;

"(2) accept donations of property, data, and equipment; and

"(3) pay all necessary expenses in connection with the conveyance or transfer of a gift, devise, or bequest.".

(3) DEFINITION OF EXCLUSIVE ECONOMIC ZONE.—Section 12003 of such Act (33 U.S.C. 3403) is amended by adding at the end the following:

"(c) DEFINITION OF EXCLUSIVE ECONOMIC ZONE.—In this section, the term 'exclusive economic zone' means the zone established by Presidential Proclamation Number 5030, dated March 10, 1983 (16 U.S.C. 1453 note).".

(d) REPEAL OF OCEAN EXPLORATION AND UNDERSEA RESEARCH TECHNOLOGY AND INFRASTRUCTURE TASK FORCE.—Section 12004 of such Act (33 U.S.C. 3404) is repealed.

(e) EDUCATION, WORKFORCE TRAINING, AND OUTREACH.—

(1) IN GENERAL.—Such Act is further amended by inserting after section 12003 the following new section 12004:

"SEC. 12004. [33 U.S.C. 3404] EDUCATION, WORKFORCE TRAINING, AND OUTREACH

"(a) IN GENERAL.—The Administrator of the National Oceanic and Atmospheric Administration shall—

"(1) conduct education and outreach efforts in order to broadly disseminate information to the public on the discoveries made by the program under section 12002;

"(2) to the extent possible, coordinate the efforts described in paragraph (1) with the outreach strategies of other domestic or international ocean mapping, exploration, and characterization initiatives; and

"(3) establish a fellowship program at the National Oceanic and Atmospheric Administration to provide year-long fellowships to undergraduate students from institutions described in section 371(a) of the Higher Education Act of 1965.

"(b) EDUCATION AND OUTREACH EFFORTS.—Efforts described in subsection (a)(1) may include—

"(1) education of the general public, teachers, students, and ocean and coastal resource managers; and

"(2) workforce training, reskilling, and opportunities to encourage development of ocean-related science, technology, engineering, and mathematics technical training programs involving secondary schools, community colleges, and universities, including institutions described in section 371(a) of the Higher Education Act of 1965.

"(c) OUTREACH STRATEGY.—Not later than 180 days after the date of the enactment of the National Ocean Exploration Act, the Administrator of the National Oceanic and Atmospheric Administration shall develop an outreach strategy to broadly disseminate information on the discoveries made by the program under section 12002.".

(2) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Omnibus Public Land Management Act of 2009 (Public Law 111-11; 123 Stat. 991) is amended by striking the item relating to section 12004 and inserting the following:

"Sec. 12004. Education, workforce training, and outreach.".

(f) OCEAN EXPLORATION ADVISORY BOARD.—

(1) ESTABLISHMENT.—Section 12005(a) of such Act (33 U.S.C. 3505(a)) is amended—

(A) by inserting ", including representatives from academic, commercial, nonprofit, philanthropic, policy, and Tribal entities" after "relevant fields";

(B) by amending paragraph (1) to read as follows:

"(1) to advise the Administrator on priority areas for survey, discovery, and opportunities for extramural collaboration and partnerships;";

(C) by redesignating paragraph (4) as paragraph (6); and

(D) by inserting after paragraph (3) the following:

"(4) to identify market barriers to development or commercialization of novel ocean mapping, exploration, and characterization products, processes, and tools;

"(5) to identify best practices to improve data management, processing, storage, and archiving standards; and".

(2) TECHNICAL AMENDMENT.—Section 12005(c) of such Act (33 U.S.C. 3505(c)) is amended by inserting "this" before "part".

(g) AUTHORIZATION OF APPROPRIATIONS.—Section 12006 of such Act (33 U.S.C. 3406) is amended by striking "this part" and all that follows and inserting "this part $60,000,000 for each of fiscal years 2023 through 2028".

(h) DEFINITIONS.—Such Act is further amended by inserting after section 12006 the following:

"SEC. 12007. [33 U.S.C. 3407] DEFINITIONS

"In this part:

"(1) CHARACTERIZATION.—The terms 'characterization', 'characterize', and 'characterizing' mean activities that provide comprehensive data and interpretations for a specific area of interest of the sea floor, sub-bottom, water column, or hydrologic features, such as water masses and currents, in direct support of specific research, environmental protection, resource management, policymaking, or applied mission objectives.

"(2) EXPLORATION.—The term 'exploration', 'explore', and 'exploring' means activities that provide—

"(A) a multidisciplinary view of an unknown or poorly understood area of the sea floor, sub-bottom, or water column; and

"(B) an initial assessment of the physical, chemical, geological, biological, archaeological, or other characteristics of such an area.

"(3) MAPPING.—The terms 'map' and 'mapping' mean activities that provide comprehensive data and information needed to understand sea floor characteristics, including depth, topography, bottom type, sediment composition and distribution, underlying geologic structure, and benthic flora and fauna.".

(i) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Omnibus Public Land Management Act of 2009 (Public Law 111-11; 123 Stat. 991) is amended by inserting after the item relating to section 12006 the following:

"Sec. 12007. Definitions.".

SEC. 10306. REPEAL.

(a) [33 U.S.C. 3401note] IN GENERAL.—The NOAA Undersea Research Program Act of 2009 (part II of subtitle A of title XII of Public Law 111-11; 33 U.S.C. 3421 et seq.) is repealed.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Omnibus Public Land Management Act of 2009 (Public Law 111-11; 123 Stat. 991) is amended by striking the items relating to part II of subtitle A of title XII of such Act.

SEC. 10307. MODIFICATIONS TO OCEAN AND COASTAL MAPPING PROGRAM OF THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

(a) ESTABLISHMENT OF PROGRAM.—

(1) IN GENERAL.—Section 12202(a) of the Ocean and Coastal Mapping Integration Act (33 U.S.C. 3501(a)) is amended—

(A) by striking "establish a program to develop a coordinated and" and inserting "establish and maintain a program to coordinate";

(B) by striking "plan" and inserting "efforts"; and

(C) by striking "that enhances" and all that follows and inserting" that—

"(1) enhances ecosystem approaches in decisionmaking for natural resource and habitat management restoration and conservation, emergency response, and coastal resilience and adaptation;

"(2) establishes research and mapping priorities;

"(3) supports the siting of research and other platforms; and

"(4) advances ocean and coastal science.".

(2) MEMBERSHIP.—Section 12202 of such Act (33 U.S.C. 3501) is amended by striking subsection (b) and redesignating subsection (c) as subsection (b).

(3) PROGRAM PARAMETERS.—Subsection (b) of section 12202 of such Act (33 U.S.C. 3501), as redesignated by paragraph (2), is amended—

(A) in the matter preceding paragraph (1), by striking "developing" and inserting "maintaining";

(B) in paragraph (2), by inserting "and for leveraging existing Federal geospatial services capacities and contract vehicles for efficiencies" after "coastal mapping";

(C) in paragraph (7), by striking "with coastal state and local government programs" and inserting "with mapping programs, in conjunction with Federal and State agencies, Tribal governments, private industry, academia, and nongovernmental organizations";

(D) in paragraph (8), by striking "of real-time tide data and the development" and inserting "of tide data and water-level data and the development and dissemination";

(E) in paragraph (9), by striking "; and" and inserting a semicolon;

(F) in paragraph (10), by striking the period at the end and inserting "; and"; and

(G) by adding at the end the following:

"(11) support—

"(A) the Ocean Science and Technology Subcommittee of the Ocean Policy Committee established under section 8932(c) of title 10, United States Code; and

"(B) the National Ocean Mapping, Exploration, and Characterization Council established under section 5405 of the National Ocean Exploration Act.".

(b) INTERAGENCY WORKING GROUP ON OCEAN AND COASTAL MAPPING.—

(1) NAME CHANGE.—The Ocean and Coastal Mapping Integration Act (33 U.S.C. 3501 et seq.) is amended—

(A) in section 12202 (33 U.S.C. 3501)—

(i) in subsection (a), by striking "Interagency Committee on Ocean and Coastal Mapping" and inserting "Interagency Working Group on Ocean and Coastal Mapping under section 12203"; and

(ii) in subsection (b), as redesignated by subsection (a)(2), by striking "Committee" and inserting "Working Group";

(B) in section 12203 (33 U.S.C. 3502)—

(i) in the section heading, by striking "committee" and inserting "working group";

(ii) in subsection (b), in the first sentence, by striking "committee" and inserting "Working Group";

(iii) in subsection (e), by striking "committee" and inserting "Working Group"; and

(iv) in subsection (f), by striking "committee" and inserting "Working Group"; and

(C) in section 12208 (33 U.S.C. 3507), by amending paragraph (3) to read as follows:

"(3) WORKING GROUP.—The term 'Working Group' means the Interagency Working Group on Ocean and Coastal Mapping under section 12203.".

(2) IN GENERAL.—Section 12203(a) of such Act (33 U.S.C. 3502(a)) is amended by striking "within 30 days" and all that follows and inserting "not later than 30 days after the date of the enactment of the National Ocean Exploration Act, shall use the Interagency Working Group on Ocean and Coastal Mapping in existence as of the date of the enactment of such Act to implement section 12202.".

(3) MEMBERSHIP.—Section 12203(b) of such Act (33 U.S.C. 3502(b)) is amended—

(A) by striking "senior" both places it appears and inserting "senior-level";

(B) by striking the second sentence;

(C) by striking "the Minerals Management Service" and inserting "the Bureau of Ocean Energy Management of the Department of the Interior, the Office of the Assistant Secretary, Fish and Wildlife and Parks of the Department of the Interior"; and

(D) by striking "the Chief of Naval Operations" and inserting "the Department of the Navy".

(4) CO-CHAIRS.—Section 12203(c) of such Act (33 U.S.C. 3502(c)) is amended to read as follows:

"(c) CO-CHAIRS.—The Working Group shall be co-chaired by one representative from each of the following:

"(1) The National Oceanic and Atmospheric Administration.

"(2) The Department of the Interior.".

(5) SUBORDINATE GROUPS.—Section 12203(d) of such Act (33 U.S.C. 3502(d)) is amended to read as follows:

"(d) SUBORDINATE GROUPS.—The co-chairs may establish such permanent or temporary subordinate groups as determined appropriate by the Working Group.".

(6) MEETINGS.—Section 12203(e) of such Act (33 U.S.C. 3502(e)) is amended by striking "each subcommittee and each working group" and inserting "each subordinate group".

(7) COORDINATION.—Section 12203(f) of such Act (33 U.S.C. 3502(f)) is amended by striking paragraphs (1) through (5) and inserting the following:

"(1) other Federal efforts;

"(2) international mapping activities;

"(3) coastal States;

"(4) coastal Indian Tribes;

"(5) data acquisition and user groups through workshops, partnerships, and other appropriate mechanisms; and

"(6) representatives of nongovernmental entities.".

(8) ADVISORY PANEL.—Section 12203 of such Act (33 U.S.C. 3502) is amended by striking subsection (g).

(9) FUNCTIONS.—Section 12203 of such Act (33 U.S.C. 3502), as amended by paragraph (8), is further amended by adding at the end the following:

"(g) SUPPORT FUNCTIONS.—The Working Group shall support the National Ocean Mapping, Exploration, and Characterization Council established under section 5405 of the National Ocean Exploration Act and the Ocean Science and Technology Subcommittee of the Ocean Policy Committee established under section 8932(c) of title 10, United States Code, on ocean mapping activities and associated technology development across the Federal Government, State governments, coastal Indian Tribes, private industry, nongovernmental organizations, and academia.".

(10) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Omnibus Public Land Management Act of 2009 (Public Law 111-11; 123 Stat. 991) is amended by striking the item relating to section 12203 and inserting the following:

"Sec. 12203. Interagency working group on ocean and coastal mapping.".

(c) BIENNIAL REPORTS.—Section 12204 of the Ocean and Coastal Mapping Integration Act (33 U.S.C. 3503) is amended—

(1) in the matter preceding paragraph (1), by striking "No later" and all that follows through "House of Representatives" and inserting "Not later than 18 months after the date of the enactment of the National Ocean Exploration Act, and biennially thereafter until 2040, the co-chairs of the Working Group, in coordination with the National Ocean Mapping, Exploration, and Characterization Council established under section 5405 of such Act, shall submit to the Committee on Commerce, Science, and Transportation and the Committee on Energy and Natural Resources of the Senate, and the Committee on Natural Resources and the Committee on Science, Space, and Technology of the House of Representatives,";

(2) in paragraph (1), by inserting ", including the data maintained by the National Centers for Environmental Information of the National Oceanic and Atmospheric Administration," after "mapping data";

(3) in paragraph (3), by inserting ", including a plan to map the coasts of the United States on a requirements-based cycle, with mapping agencies and partners coordinating on a unified approach that factors in recent related studies, meets multiple user requirements, and identifies gaps" after "accomplished";

(4) by striking paragraph (10) and redesignating paragraphs (11), (12), and (13) as paragraphs (10), (11), and (12), respectively;

(5) in paragraph (10), as so redesignated, by striking "with coastal State and local government programs" and inserting "with international, coastal State, and local government and nongovernmental mapping programs";

(6) in paragraph (11), as redesignated by paragraph (4)—

(A) by striking "increase" and inserting "streamline and expand";

(B) by inserting "for the purpose of fulfilling Federal mapping and charting responsibilities, plans, and strategies" after "entities"; and

(C) by striking "; and" and inserting a semicolon;

(7) in paragraph (12), as redesignated by paragraph (4), by striking the period at the end and inserting a semicolon; and

(8) by adding at the end the following:

"(13) a progress report on the development of new and innovative technologies and applications through research and development, including cooperative or other agreements with joint or cooperative research institutes and centers and other nongovernmental entities;

"(14) a description of best practices in data processing and distribution and leveraging opportunities among agencies represented on the Working Group and with coastal States, coastal Indian Tribes, and nongovernmental entities;

"(15) an identification of any training, technology, or other requirements for enabling Federal mapping programs, vessels, and aircraft to support a coordinated ocean and coastal mapping program; and

"(16) a timetable for implementation and completion of the plan described in paragraph (3), including recommendations for integrating new approaches into the program.".

(d) NOAA JOINT OCEAN AND COASTAL MAPPING CENTERS.—

(1) CENTERS.—Section 12205(c) of such Act (33 U.S.C. 3504(c)) is amended—

(A) in the matter preceding paragraph (1), by striking "3" and inserting "three"; and

(B) in paragraph (4), by inserting "and uncrewed" after "sensing".

(2) PLAN.—Section 12205 of such Act (33 U.S.C. 3504) is amended—

(A) in the section heading, by striking "plan" and inserting "noaa joint ocean and coastal mapping centers";

(B) by striking subsections (a), (b), and (d); and

(C) in subsection (c), by striking "(c) NOAA Joint Ocean and Coastal Mapping Centers.—".

(3) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Omnibus Public Land Management Act of 2009 (Public Law 111-11; 123 Stat. 991) is amended by striking the item relating to section 12205 and inserting the following:

"Sec. 12205. NOAA joint ocean and coastal mapping centers.".

(e) OCEAN AND COASTAL MAPPING FEDERAL FUNDING OPPORTUNITY.—The Ocean and Coastal Mapping Integration Act (33 U.S.C. 3501 et seq.) is amended—

(1) **[**33 U.S.C. 3505-3507**]** by redesignating sections 12206, 12207, and 12208 as sections 12208, 12209, and 12210, respectively; and

(2) by inserting after section 12205 the following:

"SEC. 12206. [33 U.S.C. 3504a] OCEAN AND COASTAL MAPPING FEDERAL FUNDING OPPORTUNITY

"(a) IN GENERAL.—Not later than one year after the date of the enactment of the National Ocean Exploration Act, the Administrator shall develop an integrated ocean and coastal mapping Federal funding match opportunity, to be known as the 'Brennan Ocean Mapping Fund' in memory of Rear Admiral Richard T. Bren-

nan, within the National Oceanic and Atmospheric Administration with Federal, State, Tribal, local, nonprofit, private industry, or academic partners in order to increase the coordinated acquisition, processing, stewardship, and archival of new ocean and coastal mapping data in United States waters.

"(b) RULES.—The Administrator shall develop administrative and procedural rules for the ocean and coastal mapping Federal funding match opportunity developed under subsection (a), to include—

"(1) specific and detailed criteria that must be addressed by an applicant, such as geographic overlap with preestablished priorities, number and type of project partners, benefit to the applicant, coordination with other funding opportunities, and benefit to the public;

"(2) determination of the appropriate funding match amounts and mechanisms to use, such as grants, agreements, or contracts; and

"(3) other funding award criteria as are necessary or appropriate to ensure that evaluations of proposals and decisions to award funding under this section are based on objective standards applied fairly and equitably to those proposals.

"(c) GEOSPATIAL SERVICES AND CONTRACT VEHICLES.—The ocean and coastal mapping Federal funding match opportunity developed under subsection (a) shall leverage Federal expertise and capacities for geospatial services and Federal geospatial contract vehicles using the private sector for acquisition efficiencies.

"SEC. 12207. [33 U.S.C. 3504b] AGREEMENTS AND FINANCIAL ASSISTANCE

"(a) AGREEMENTS.—Subject to the availability of appropriations for such purpose, the head of a Federal agency that is represented on the Interagency Committee on Ocean and Coastal Mapping may enter into agreements with any other agency that is so represented to provide, on a reimbursable or nonreimbursable basis, facilities, equipment, services, personnel, and other support services to carry out the purposes of this subtitle.

"(b) FINANCIAL ASSISTANCE.—The Administrator may make financial assistance awards (grants of cooperative agreements) to any State or subdivision thereof or any public or private organization or individual to carry out the purposes of this subtitle.".

(f) AUTHORIZATION OF APPROPRIATIONS.—Section 12209 of such Act, as redesignated by subsection (e)(1), is amended—

(1) in subsection (a), by striking "this subtitle" and all that follows and inserting "this subtitle $45,000,000 for each of fiscal years 2023 through 2028.";

(2) in subsection (b), by striking "this subtitle" and all that follows and inserting "this subtitle $15,000,000 for each of fiscal years 2023 through 2028.";

(3) by striking subsection (c); and

(4) by inserting after subsection (b) the following:

"(c) OCEAN AND COASTAL MAPPING FEDERAL FUNDING OPPORTUNITY.—Of amounts authorized pursuant to subsection (a), $20,000,000 is authorized to carry out section 12206.".

(g) DEFINITIONS.—

(1) OCEAN AND COASTAL MAPPING.—Paragraph (5) of section 12210 of such Act, as redesignated by subsection (e)(1), is amended by striking "processing, and management" and inserting "processing, management, maintenance, interpretation, certification, and dissemination".

(2) COASTAL INDIAN TRIBE.—Section 12210 of such Act, as redesignated by subsection (e)(1), is amended by adding at the end the following:

"(9) COASTAL INDIAN TRIBE.—The term 'coastal Indian Tribe' means an 'Indian Tribe', as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304), the land of which is located in a coastal State.".

(h) CLERICAL AMENDMENTS.—The table of contents in section 1(b) of the Omnibus Public Land Management Act of 2009 (Public Law 111-11; 123 Stat. 991) is amended by striking the items relating to sections 12206 through 12208 and inserting the following:

"Sec. 12206. Ocean and coastal mapping Federal funding opportunity.
"Sec. 12207. Cooperative agreements, contracts, and grants.
"Sec. 12208. Effect on other laws.
"Sec. 12209. Authorization of appropriations.
"Sec. 12210. Definitions.".

SEC. 10308. MODIFICATIONS TO HYDROGRAPHIC SERVICES IMPROVEMENT ACT OF 1998.

(a) DEFINITIONS.—Section 302(4)(A) of the Hydrographic Services Improvement Act of 1998 (33 U.S.C. 892(4)(A)) is amended by inserting "hydrodynamic forecast and datum transformation models," after "nautical information databases,".

(b) FUNCTIONS OF THE ADMINISTRATOR.—Section 303(b) of such Act (33 U.S.C. 892a(b)) is amended—

(1) in the matter preceding paragraph (1), by inserting "precision navigation," after "promote"; and

(2) in paragraph (2)—

(A) by inserting "and hydrodynamic forecast models" after "monitoring systems";

(B) by inserting "and provide foundational information and services required to support coastal resilience planning for coastal transportation and other infrastructure, coastal protection and restoration projects, and related activities" after "efficiency"; and

(C) by striking "; and" and inserting a semicolon.

(c) QUALITY ASSURANCE PROGRAM.—Section 304(a) of such Act (33 U.S.C. 892b(a)) is amended by striking "product produced" and inserting "product or service produced or disseminated".

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 306(a) of such Act (33 U.S.C. 892d(a)) is amended—

(1) in paragraph (1), by striking "$70,814,000 for each of fiscal years 2019 through 2023" and inserting "$71,000,000 for each of fiscal years 2023 through 2028";

(2) in paragraph (2), by striking "$25,000,000 for each of fiscal years 2019 through 2023" and inserting "$34,000,000 for each of fiscal years 2023 through 2028";

(3) in paragraph (3), by striking "$29,932,000 for each of fiscal years 2019 through 2023" and inserting "$38,000,000 for each of fiscal years 2023 through 2028";

(4) in paragraph (4), by striking "$26,800,000 for each of fiscal years 2019 through 2023" and inserting "$45,000,000 for each of fiscal years 2023 through 2028"; and

(5) in paragraph (5), by striking "$30,564,000 for each of fiscal years 2019 through 2023" and inserting "$35,000,000 for each of fiscal years 2023 through 2028".

TITLE CIV—MARINE MAMMAL RESEARCH AND RESPONSE

SEC. 10401. DATA COLLECTION AND DISSEMINATION.

Section 402 of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1421a) is amended—

(1) in subsection (b)—

(A) in paragraph (1)(A), by inserting "or entangled" after "stranded";

(B) in paragraph (3)—

(i) by striking "strandings," and inserting "strandings and entanglements, including unusual mortality events,";

(ii) by inserting "stranding" before "region"; and

(iii) by striking "marine mammals; and" and inserting "marine mammals and entangled marine mammals to allow comparison of the causes of illness and deaths in stranded marine mammals and entangled marine mammals with physical, chemical, and biological environmental parameters; and"; and

(C) in paragraph (4), by striking "analyses, that would allow comparison of the causes of illness and deaths in stranded marine mammals with physical, chemical, and biological environmental parameters." and inserting "analyses."; and

(2) by striking subsection (c) and inserting the following:

"(c) INFORMATION REQUIRED TO BE SUBMITTED AND COLLECTED.—

"(1) IN GENERAL.—After each response to a stranding or entanglement event, the Secretary shall collect (including from any staff of the National Oceanic and Atmospheric Administration that respond directly to such an event), and shall require each stranding network participant who responds to that stranding or entanglement to submit to the Administrator of the National Oceanic and Atmospheric Administration or the Director of the United States Fish and Wildlife Service—

"(A) data on the stranding event, including NOAA Form 89-864 (OMB #0648-0178), NOAA Form 89-878 (OMB #0648-0178), similar successor forms, or similar information in an appropriate format required by the United States Fish and Wildlife Service for species under its management authority;

"(B) supplemental data to the data described in subparagraph (A), which may include, as available, relevant information about—

"(i) weather and tide conditions;

"(ii) offshore human, predator, or prey activity;
"(iii) morphometrics;
"(iv) behavior;
"(v) health assessments;
"(vi) life history samples; or
"(vii) stomach and intestinal contents; and

"(C) data and results from laboratory analysis of tissues, which may include, as appropriate and available—
"(i) histopathology;
"(ii) toxicology;
"(iii) microbiology;
"(iv) virology; or
"(v) parasitology.

"(2) TIMELINE.—A stranding network participant shall submit—

"(A) the data described in paragraph (1)(A) not later than 30 days after the date of a response to a stranding or entanglement event;

"(B) the compiled data described in paragraph (1)(B) not later than 30 days after the date on which the data is available to the stranding network participant; and

"(C) the compiled data described in paragraph (1)(C) not later than 30 days after the date on which the laboratory analysis has been reported to the stranding network participant.

"(3) ONLINE DATA INPUT SYSTEM.—The Secretary, acting through the Under Secretary of Commerce for Oceans and Atmosphere, in consultation with the stranding network and the Office of Evaluation Sciences of the General Services Administration, shall establish an online system for the purposes of efficient and timely submission of data described in paragraph (1).

"(d) AVAILABILITY OF DATA.—

"(1) IN GENERAL.—The Secretary shall develop a program to make information, including any data and metadata collected under paragraph (3) or (4) of subsection (b) or subsection (c), available to researchers, stranding network participants, and the public—

"(A) to improve real-time coordination of response to stranding and entanglement events across geographic areas and between stranding coordinators;

"(B) to identify and quickly disseminate information on potential public health risks;

"(C) to facilitate integrated interdisciplinary research;

"(D) to facilitate peer-reviewed publications;

"(E) to archive regional data into 1 national database for future analyses; and

"(F) for education and outreach activities.

"(2) ACCESS TO DATA.—The Secretary shall ensure that any data or metadata collected under subsection (c)—

"(A) by staff of the National Oceanic and Atmospheric Administration or the United States Fish and Wildlife Service that responded directly to a stranding or entanglement event is available to the public through the Health

MAP and the Observation System not later than 30 days after that data or metadata is collected by, available to, or reported to the Secretary; and

"(B) by a stranding network participant that responded directly to a stranding or entanglement event is made available to the public through the Health MAP and the Observation System 2 years after the date on which that data are submitted to the Secretary under subsection (c).

"(3) EXCEPTIONS.—

"(A) WRITTEN RELEASE.—Notwithstanding paragraph (2)(B), the Secretary may make data described in paragraph (2)(B) publicly available earlier than 2 years after the date on which that data are submitted to the Secretary under subsection (c), if the stranding network participant has completed a written release stating that such data may be made publicly available.

"(B) LAW ENFORCEMENT.—Notwithstanding paragraph (2), the Secretary may withhold data for a longer period than the period of time described in paragraph (2) in the event of a law enforcement action or legal action that may be related to that data.

"(e) STANDARDS.—The Secretary, in consultation with the marine mammal stranding community, shall—

"(1) make publicly available guidance about uniform data and metadata standards to ensure that data collected in accordance with this section can be archived in a form that is readily accessible and understandable to the public through the Health MAP and the Observation System; and

"(2) periodically update such guidance.

"(f) MANAGEMENT POLICY.—In collaboration with the regional stranding networks, the Secretary shall develop, and periodically update, a data management and public outreach collaboration policy for stranding or entanglement events.

"(g) AUTHORSHIP AGREEMENTS AND ACKNOWLEDGMENT POLICY.—The Secretary, acting through the Under Secretary of Commerce for Oceans and Atmosphere, shall include authorship agreements or other acknowledgment considerations for use of data by the public, as determined by the Secretary.

"(h) SAVINGS CLAUSE.—The Secretary shall not require submission of research data that are not described in subsection (c).".

SEC. 10402. STRANDING OR ENTANGLEMENT RESPONSE AGREEMENTS.

(a) IN GENERAL.—Section 403 of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1421b) is amended—

(1) in the section heading by inserting "or entanglement" before "response";

(2) in subsection (a), by striking the period at the end and inserting "or entanglement."; and

(3) in subsection (b)—

(A) in paragraph (1), by striking "and" after the semicolon;

(B) in paragraph (2), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(3) include a description of the data management and public outreach policy established under section 402(f).".

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of the Marine Mammal Protection Act of 1972 (Public Law 92-522; 86 Stat. 1027) is amended by striking the item related to section 403 and inserting the following:

"Sec. 403. Stranding or entanglement response agreements.".

SEC. 10403. UNUSUAL MORTALITY EVENT ACTIVITY FUNDING.

Section 405(b) the Marine Mammal Protection Act of 1972 (16 U.S.C. 1421d(b)) is amended to read as follows:

"(b) USES.—Amounts in the Fund shall be available only for use by the Secretary, in consultation with the Secretary of the Interior, and dispersed among claimants based on budgets approved by the Secretary prior to expenditure—

"(1) to make advance, partial, or progress payments under contracts or other funding mechanisms for property, supplies, salaries, services, and travel costs incurred in acting in accordance with the contingency plan issued under section 404(b) or under the direction of an Onsite Coordinator for an unusual mortality event designated under section 404(a)(2)(B)(iii);

"(2) for reimbursing any stranding network participant for costs incurred in the collection, preparation, analysis, and transportation of marine mammal tissues and samples collected with respect to an unusual mortality event for the Tissue Bank; and

"(3) for the care and maintenance of a marine mammal seized under section 104(c)(2)(D); and".

SEC. 10404. LIABILITY.

Section 406(a) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1421e(a)) is amended, in the matter preceding paragraph (1)—

(1) by inserting "or entanglement" after "to a stranding"; and

(2) by striking "government" and inserting "Government".

SEC. 10405. NATIONAL MARINE MAMMAL TISSUE BANK AND TISSUE ANALYSIS.

Section 407 of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1421f) is amended—

(1) in subsection (c)(2)(A), by striking "the health of marine mammals and" and inserting "marine mammal health and mortality and the health of"; and

(2) in subsection (d), in the matter preceding paragraph (1), by inserting "public" before "access".

SEC. 10406. MARINE MAMMAL RESCUE AND RESPONSE GRANT PROGRAM AND RAPID RESPONSE FUND.

(a) IN GENERAL.—Section 408 of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1421f-1) is amended—

(1) by striking the section heading and inserting "marine mammal rescue and response grant program and rapid response fund";

(2) by striking subsections (a) through (d) and subsections (f) through (h);

(3) by redesignating subsection (e) as subsection (f); and

(4) by inserting before subsection (f), as redesignated by paragraph (3), the following:

"(a) DEFINITIONS.—In this section:

"(1) EMERGENCY ASSISTANCE.—

"(A) IN GENERAL.—The term 'emergency assistance' means—

"(i) financial assistance provided to respond to, or that results from, a stranding event or entanglement event that—

"(I) causes an immediate increase in the cost of a response, recovery, or rehabilitation that is greater than the usual cost of a response, recovery, or rehabilitation;

"(II) is cyclical or endemic; or

"(III) involves a marine mammal that is out of the normal range for that marine mammal; or

"(ii) financial assistance provided to respond to, or that results from, a stranding event or an entanglement event that—

"(I) the applicable Secretary considers to be an emergency; or

"(II) with the concurrence of the applicable Secretary, a State, territorial, or Tribal Government considers to be an emergency.

"(B) EXCLUSIONS.—The term 'emergency assistance' does not include financial assistance to respond to an unusual mortality event.

"(2) SECRETARY.—The term 'Secretary' has the meaning given that term in section 3(12)(A).

"(3) STRANDING REGION.—The term 'stranding region' means a geographic region designated by the applicable Secretary for purposes of administration of this title.

"(b) JOHN H. PRESCOTT MARINE MAMMAL RESCUE AND RESPONSE GRANT PROGRAM.—

"(1) IN GENERAL.—The applicable Secretary shall carry out a grant program, to be known as the 'John H. Prescott Marine Mammal Rescue and Response Grant Program' (referred to in this section as the 'grant program'), to award grants to eligible stranding network participants or stranding network collaborators, as described in this subsection.

"(2) PURPOSES.—The purposes of the grant program are to provide for—

"(A) the recovery, care, or treatment of sick, injured, or entangled marine mammals;

"(B) responses to marine mammal stranding events that require emergency assistance;

"(C) the collection of data and samples from living or dead stranded marine mammals for scientific research or assessments regarding marine mammal health;

"(D) facility operating costs that are directly related to activities described in subparagraph (A), (B), or (C); and

"(E) development of stranding network capacity, including training for emergency response, where facilities do not exist or are sparse.

"(3) CONTRACT, GRANT, AND COOPERATIVE AGREEMENT AUTHORITY.—

"(A) IN GENERAL.—The applicable Secretary may enter into a contract, grant, or cooperative agreement with any eligible stranding network participant or stranding network collaborator, as the Secretary determines to be appropriate, for the purposes described in paragraph (2).

"(B) EMERGENCY AWARD FLEXIBILITY.—Following a request for emergency award flexibility and analysis of the merits of and necessity for such a request, the applicable Secretary may—

"(i) amend any contract, grant, or cooperative agreement entered into under this paragraph, including provisions concerning the period of performance; or

"(ii) waive the requirements under subsection (f) for grant applications submitted during the provision of emergency assistance.

"(4) EQUITABLE DISTRIBUTION OF FUNDS.—

"(A) IN GENERAL.—The Secretary shall ensure, to the extent practicable, that funds awarded under the grant program are distributed equitably among the stranding regions.

"(B) CONSIDERATIONS.—In determining priorities among the stranding regions under this paragraph, the Secretary may consider—

"(i) equitable distribution within the stranding regions, including the subregions (including, but not limited to, the Gulf of Mexico);

"(ii) any episodic stranding, entanglement, or mortality events, except for unusual mortality events, that occurred in any stranding region in the preceding year;

"(iii) any data with respect to average annual stranding, entanglements, and mortality events per stranding region;

"(iv) the size of the marine mammal populations inhabiting a stranding region;

"(v) the importance of the region's marine mammal populations to the well-being of indigenous communities; and

"(vi) the conservation of protected, depleted, threatened, or endangered marine mammal species.

"(C) STRANDINGS.—For the purposes of this program, priority is to be given to applications focusing on marine mammal strandings.

"(5) APPLICATION.—To be eligible for a grant under the grant program, a stranding network participant shall—

"(A) submit an application in such form and manner as the applicable Secretary prescribes; and

"(B) be in compliance with the data reporting requirements under section 402(d) and any applicable reporting

requirements of the United States Fish and Wildlife Service for species under its management jurisdiction.

"(6) GRANT CRITERIA.—The Secretary shall, in consultation with the Marine Mammal Commission, a representative from each of the stranding regions, and other individuals who represent public and private organizations that are actively involved in rescue, rehabilitation, release, scientific research, marine conservation, and forensic science with respect to stranded marine mammals under that Department's jurisdiction, develop criteria for awarding grants under their respective grant programs.

"(7) MAXIMUM GRANT AMOUNT.—No grant made under the grant program for a single award may exceed $150,000 in any 12-month period.

"(8) ADMINISTRATIVE COSTS AND EXPENSES.—The Secretary's administrative costs and expenses related to reviewing and awarding grants under the grant program, in any fiscal year may not exceed the greater of—

"(A) 6 percent of the amounts made available each fiscal year to carry out the grant program; or

"(B) $80,000.

"(9) TRANSPARENCY.—The Secretary shall make publicly available a list of grant proposals for the upcoming fiscal year, funded grants, and requests for grant flexibility under this subsection.

"(c) JOSEPH R. GERACI MARINE MAMMAL RESCUE AND RAPID RESPONSE FUND.—

"(1) IN GENERAL.—There is established in the Treasury of the United States an interest-bearing fund, to be known as the 'Joseph R. Geraci Marine Mammal Rescue and Rapid Response Fund' (referred to in this section as the 'Rapid Response Fund').

"(2) USE OF FUNDS.—Amounts in the Rapid Response Fund shall be available only for use by the Secretary to provide emergency assistance.

"(d) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—

"(A) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the grant program $7,000,000 for each of fiscal years 2023 through 2028, to remain available until expended, of which for each fiscal year—

"(i) $6,000,000 shall be made available to the Secretary of Commerce; and

"(ii) $1,000,000 shall be made available to the Secretary of the Interior.

"(B) DERIVATION OF FUNDS.—Funds to carry out the activities under this section shall be derived from amounts authorized to be appropriated pursuant to subparagraph (A) that are enacted after the date of enactment of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023.

"(2) JOSEPH R. GERACI MARINE MAMMAL RESCUE AND RAPID RESPONSE FUND.—There is authorized to be appropriated to the

Rapid Response Fund $500,000 for each of fiscal years 2023 through 2028.

"(e) ACCEPTANCE OF DONATIONS.—

"(1) IN GENERAL.—For the purposes of carrying out this section, the Secretary may solicit, accept, receive, hold, administer, and use gifts, devises, and bequests without any further approval or administrative action.

"(2) MONETARY DONATIONS.—A monetary gift, devise, or bequest accepted by the Secretary under paragraph (1) shall be credited as discretionary offsetting collections to the currently applicable appropriation, account, or fund of the Department of Commerce and shall be made available for such purposes only to the extent and in the amounts provided in advance in appropriations Acts.".

(b) TECHNICAL EDITS.—Section 408 of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1421f-1), as amended by subsection (a), is further amended in subsection (f), as redesignated by subsection (a)(3)—

(1) in paragraph (1)—

(A) by striking "the costs of an activity conducted with a grant under this section shall be" and inserting "a project conducted with funds awarded under the grant program under this section shall be not less than"; and

(B) by striking "such costs" and inserting "such project"; and

(2) in paragraph (2)—

(A) by striking "an activity" and inserting "a project"; and

(B) by striking "the activity" and inserting "the project".

(c) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of the Marine Mammal Protection Act of 1972 (Public Law 92-522; 86 Stat. 1027) (as amended by section 5503(b)) is amended by striking the item related to section 408 and inserting the following:

"Sec. 408. Marine Mammal Rescue and Response Grant Program and Rapid Response Fund.".

SEC. 10407. HEALTH MAP.

(a) IN GENERAL.—Title IV of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1421 et seq.) is amended by inserting after section 408 the following:

"SEC. 408A. MARINE MAMMAL HEALTH MONITORING AND ANALYSIS PLATFORM (HEALTH MAP)

"(a) IN GENERAL.—Not later than 1 year after the date of enactment of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023, the Secretary, acting through the Administrator of the National Oceanic and Atmospheric Administration, in consultation with the Secretary of the Interior and the Marine Mammal Commission, shall—

"(1) establish a marine mammal health monitoring and analysis platform (referred to in this Act as the 'Health MAP');

"(2) incorporate the Health MAP into the Observation System; and

"(3) make the Health MAP—

"(A) publicly accessible through the web portal of the Observation System; and

"(B) interoperable with other national data systems or other data systems for management or research purposes, as practicable.

"(b) PURPOSES.—The purposes of the Health MAP are—

"(1) to promote—

"(A) interdisciplinary research among individuals with knowledge and experience in marine mammal science, marine mammal veterinary and husbandry practices, medical science, and oceanography, and with other marine scientists;

"(B) timely and sustained dissemination and availability of marine mammal health, stranding, entanglement, and mortality data;

"(C) identification of spatial and temporal patterns of marine mammal mortality, disease, and stranding;

"(D) evaluation of marine mammal health in terms of mortality, as well as sublethal marine mammal health impacts;

"(E) improved collaboration and forecasting of marine mammal and larger ecosystem health events;

"(F) rapid communication and dissemination of information regarding marine mammal strandings that may have implications for human health, such as those caused by harmful algal blooms; and

"(G) increased accessibility of data in a user friendly visual interface for public education and outreach; and

"(2) to contribute to an ocean health index that incorporates marine mammal health data.

"(c) REQUIREMENTS.—The Health MAP shall—

"(1) integrate in situ, remote, and other marine mammal health, stranding, and mortality data, including visualizations and metadata, collected by marine mammal stranding networks, Federal, State, local, and Tribal governments, private partners, and academia; and

"(2) be designed—

"(A) to enhance data and information availability, including data sharing among stranding network participants, scientists, and the public within and across stranding network regions;

"(B) to facilitate data and information access across scientific disciplines, scientists, and managers;

"(C) to facilitate public access to national and regional marine mammal health, stranding, entanglement, and mortality data, including visualizations and metadata, through the national and regional data portals of the Observation System; and

"(D) in collaboration with, and with input from, States and stranding network participants.

"(d) PROCEDURES AND GUIDELINES.—The Secretary shall establish and implement policies, protocols, and standards for—

"(1) reporting marine mammal health data collected by stranding networks consistent with subsections (c) and (d) of section 402;

"(2) promptly transmitting health data from the stranding networks and other appropriate data providers to the Health MAP;

"(3) disseminating and making publicly available data on marine mammal health, stranding, entanglement, and mortality data in a timely and sustained manner; and

"(4) integrating additional marine mammal health, stranding, or other relevant data as the Secretary determines appropriate.

"(e) CONSULTATION.—The Administrator of the National Oceanic and Atmospheric Administration shall maintain and update the Health MAP in consultation with the Secretary of the Interior and the Marine Mammal Commission.

"(f) ACCEPTANCE OF DONATIONS.—

"(1) IN GENERAL.—For the purposes of carrying out this section, the Secretary may solicit, accept, receive, hold, administer, and use gifts, devises, and bequests without any further approval or administrative action.

"(2) MONETARY DONATIONS.—A monetary gift, devise, or bequest accepted by the Secretary under paragraph (1) shall be credited as discretionary offsetting collections to the currently applicable appropriation, account, or fund of the Department of Commerce and shall be made available for such purposes only to the extent and in the amounts provided in advance in appropriations Acts.".

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of the Marine Mammal Protection Act of 1972 (Public Law 92-522; 86 Stat. 1027) (as amended by section 5507(b)) is amended by inserting after the item related to section 408 the following:

"Sec. 408A. Marine Mammal Health Monitoring and Analysis Platform (Health MAP).".

SEC. 10408. REPORTS TO CONGRESS.

(a) IN GENERAL.—Title IV of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1421 et seq.) (as amended by section 5508(a)) is amended by inserting after section 408A the following:

"SEC. 408B. [16 U.S.C. 1421f-3] REPORTS TO CONGRESS

"(a) DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term 'appropriate committees of Congress' means—

"(1) the Committee on Commerce, Science, and Transportation of the Senate;

"(2) the Committee on Environment and Public Works of the Senate;

"(3) the Committee on Natural Resources of the House of Representatives; and

"(4) the Committee on Science, Space, and Technology of the House of Representatives.

"(b) HEALTH MAP STATUS REPORT.—

"(1) IN GENERAL.—Not later than 2 years after the date of enactment of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023, the Administrator of the National Oceanic and Atmospheric Administration, in consultation with the Marine Mammal Commission, the Secretary of the Interior, and the National Ocean Research Leadership Council, shall submit to the appropriate committees of Congress a report describing the status of the Health MAP.

"(2) REQUIREMENTS.—The report under paragraph (1) shall include—

"(A) a detailed evaluation of the data made publicly available through the Health MAP;

"(B) a detailed list of any gaps in data collected pursuant to the Health MAP, a description of the reasons for those gaps, and recommended actions to close those gaps;

"(C) an analysis of the effectiveness of using the website of the Observation System as the platform to collect, organize, visualize, archive, and disseminate marine mammal stranding and health data;

"(D) a list of publications, presentations, or other relevant work product resulting from, or produced in collaboration with, the Health MAP;

"(E) a description of emerging marine mammal health concerns and the applicability of those concerns to human health;

"(F) an analysis of the feasibility of the Observation System being used as an alert system during stranding events, entanglement events, and unusual mortality events for the stranding network, Observation System partners, Health MAP partners, Federal and State agencies, and local and Tribal governments;

"(G) an evaluation of the use of Health MAP data to predict broader ecosystem events and changes that may impact marine mammal or human health and specific examples of proven or potential uses of Observation System data for those purposes; and

"(H) recommendations for the Health MAP with respect to—

"(i) filling any identified data gaps;

"(ii) standards that could be used to improve data quality, accessibility, transmission, interoperability, and sharing;

"(iii) any other strategies that would contribute to the effectiveness and usefulness of the Health MAP; and

"(iv) the funding levels needed to maintain and improve the Health MAP.

"(c) DATA GAP ANALYSIS.—

"(1) IN GENERAL.—Not later than 5 years after the date on which the report required under subsection (b)(1) is submitted, and every 10 years thereafter, the Administrator of the National Oceanic and Atmospheric Administration, in consultation with the Marine Mammal Commission and the Director of the United States Fish and Wildlife Service, shall—

"(A) make publicly available a report on the data gap analysis described in paragraph (2); and

"(B) provide a briefing to the appropriate committees of Congress concerning that data gap analysis.

"(2) REQUIREMENTS.—The data gap analysis under paragraph (1) shall include—

"(A) an overview of existing participants within a marine mammal stranding network;

"(B) an identification of coverage needs and participant gaps within a network;

"(C) an identification of data and reporting gaps from members of a network; and

"(D) an analysis of how stranding and health data are shared and made available to scientists, academics, State, local, and Tribal governments, and the public.

"(d) MARINE MAMMAL RESPONSE CAPABILITIES IN THE ARCTIC.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023, the Administrator of the National Oceanic and Atmospheric Administration, the Director of the United States Fish and Wildlife Service, and the Director of the United States Geologic Survey, in consultation with the Marine Mammal Commission, shall—

"(A) make publicly available a report describing the response capabilities for sick and injured marine mammals in the Arctic regions of the United States; and

"(B) provide a briefing to the appropriate committees of Congress on that report.

"(2) ARCTIC.—The term 'Arctic' has the meaning given the term in section 112 of the Arctic Research and Policy Act of 1984 (15 U.S.C. 4111).

"(3) REQUIREMENTS.—The report under paragraph (1) shall include—

"(A) a description, developed in consultation with the Fish and Wildlife Service of the Department of the Interior, of all marine mammal stranding agreements in place for the Arctic region of the United States, including species covered, response capabilities, facilities and equipment, and data collection and analysis capabilities;

"(B) a list of State and local government agencies that have personnel trained to respond to marine mammal strandings in the Arctic region of the United States;

"(C) an assessment of potential response and data collection partners and sources of local information and knowledge, including Alaska Native people and villages;

"(D) an analysis of spatial and temporal trends in marine mammal strandings and unusual mortality events that are correlated with changing environmental conditions in the Arctic region of the United States;

"(E) a description of training and other resource needs to meet emerging response requirements in the Arctic region of the United States;

"(F) an analysis of oiled marine mammal response and rehabilitation capabilities in the Arctic region of the United States, including personnel, equipment, facilities, training, and husbandry capabilities, and an assessment of factors that affect response and rehabilitation success rates; and

"(G) recommendations to address future stranding response needs for marine mammals in the Arctic region of the United States.".

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of the Marine Mammal Protection Act of 1972 (Public Law 92-522; 86 Stat. 1027) (as amended by section 5508(b)) is amended by inserting after the item related to section 408A the following:

"Sec. 408B. Reports to Congress.".

SEC. 10409. AUTHORIZATION OF APPROPRIATIONS.

Section 409 of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1421g) is amended—

(1) in paragraph (1), by striking "1993 and 1994;" and inserting "2023 through 2028;";

(2) in paragraph (2), by striking "1993 and 1994;" and inserting "2023 through 2028;"; and

(3) in paragraph (3), by striking "fiscal year 1993." and inserting "for each of fiscal years 2023 through 2028.".

SEC. 10410. DEFINITIONS.

Section 410 of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1421h) is amended—

(1) by redesignating paragraphs (1) through (6) as paragraphs (2), (5), (6), (7), (8), and (9), respectively;

(2) by inserting before paragraph (2) (as so redesignated) the following:

"(1) The term 'entangle' or 'entanglement' means an event in the wild in which a living or dead marine mammal has gear, rope, line, net, or other material wrapped around or attached to the marine mammal and is—

"(A) on lands under the jurisdiction of the United States, including beaches and shorelines; or

"(B) in waters under the jurisdiction of the United States, including any navigable waters.";

(3) in paragraph (2) (as so redesignated) by striking "The term" and inserting "Except as used in section 408, the term";

(4) by inserting after paragraph (2) (as so redesignated) the following:

"(3) The term 'Health MAP' means the Marine Mammal Health Monitoring and Analysis Platform established under section 408A(a)(1).

"(4) The term 'Observation System' means the National Integrated Coastal and Ocean Observation System established under section 12304 of the Integrated Coastal and Ocean Observation System Act of 2009 (33 U.S.C. 3603).".

SEC. 10411. STUDY ON MARINE MAMMAL MORTALITY.

(a) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, the Undersecretary of Commerce for Oceans and Atmosphere shall, in consultation with the Secretary of the Interior and the Marine Mammal Commission, conduct a study evaluating the connections among marine heat waves, frequency and intensity of harmful algal blooms, prey availability, and habitat degradation, and the impacts of these conditions on marine mammal mortality.

(b) REPORT.—The Undersecretary of Commerce for Oceans and Atmosphere, in consultation with the Secretary of the Interior and the Marine Mammal Commission, shall prepare, post to a publicly available website, and brief the appropriate committees of Congress on, a report containing the results of the study described in subsection (a). The report shall identify priority research activities, opportunities for collaboration, and current gaps in effort and resource limitations related to advancing scientific understanding of how ocean heat waves, harmful algae blooms, availability of prey, and habitat degradation impact marine mammal mortality. The report shall include recommendations for policies needed to mitigate and respond to mortality events.

TITLE CV—VOLCANIC ASH AND FUMES

SEC. 10501. MODIFICATIONS TO NATIONAL VOLCANO EARLY WARNING AND MONITORING SYSTEM.

(a) DEFINITIONS.—Subsection (a) of section 5001 of the John D. Dingell, Jr. Conservation, Management, and Recreation Act (43 U.S.C. 31k) is amended—

(1) by redesignating paragraph (2) as paragraph (3);

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

"(2) SECRETARY OF COMMERCE.—The term 'Secretary of Commerce' means the Secretary of Commerce, acting through the Under Secretary of Commerce for Oceans and Atmosphere."; and

(3) by adding at the end the following:

"(4) VOLCANIC ASH ADVISORY CENTER.—The term 'Volcanic Ash Advisory Center' means an entity designated by the International Civil Aviation Organization that is responsible for informing aviation interests about the presence of volcanic ash in the airspace.".

(b) PURPOSES.—Subsection (b)(1)(B) of such section is amended—

(1) in clause (i), by striking "and" at the end;

(2) in clause (ii), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(iii) to strengthen the warning and monitoring systems of volcano observatories in the United States by integrating relevant capacities of the National Oceanic and Atmospheric Administration, including with the Volcanic Ash Advisory Centers located in Anchorage, Alaska, and Washington, D.C., to observe and model emis-

sions of gases, aerosols, and ash, atmospheric dynamics and chemistry, and ocean chemistry resulting from volcanic eruptions.".

(c) SYSTEM COMPONENTS.—Subsection (b)(2) of such section is amended—

(1) in subparagraph (B)—

(A) by striking "and" before "spectrometry"; and

(B) by inserting ", and unoccupied aerial vehicles" after "emissions"; and

(2) by adding at the end the following:

"(C) MEMORANDUM OF UNDERSTANDING.—The Secretary and the Secretary of Commerce shall develop and execute a memorandum of understanding to establish cooperative support for the activities of the System from the National Oceanic and Atmospheric Administration, including environmental observations, modeling, and temporary duty assignments of personnel to support emergency activities, as necessary or appropriate.".

(d) MANAGEMENT.—Subsection (b)(3) of such section is amended—

(1) in subparagraph (A), by adding at the end the following:

"(iii) UPDATE.—

"(I) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION COST ESTIMATES.—The Secretary of Commerce shall submit to the Secretary annual cost estimates for modernization activities and support of the System for the National Oceanic and Atmospheric Administration.

"(II) UPDATE OF MANAGEMENT PLAN.—The Secretary shall update the management plan submitted under clause (i) to include the cost estimates submitted under subclause (I)."; and

(2) by adding at the end the following:

"(E) COLLABORATION.—The Secretary of Commerce shall collaborate with the Secretary to implement activities carried out under this section related to the expertise of the National Oceanic and Atmospheric Administration, including observations and modeling of emissions of gases, aerosols, and ash, atmospheric dynamics and chemistry, and ocean chemistry resulting from volcanic eruptions.".

(e) FUNDING.—Subsection (c) of such section is amended—

(1) in paragraph (1)—

(A) in the paragraph heading, by inserting ", united states geological survey" after "appropriations"; and

(B) by inserting "to the United States Geological Survey" after "appropriated";.

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

(3) by inserting after paragraph (1) the following:

"(2) AUTHORIZATION OF APPROPRIATIONS, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.—There is authorized to be appropriated to the National Oceanic and Atmospheric Administration to carry out this section such sums as may be necessary for the period of fiscal years 2023 through 2024."; and

(4) in paragraph (3), as redesignated by paragraph (2)—

(A) by striking "United States Geological Survey"; and

(B) by inserting "of the United States Geological Survey and the National Oceanic and Atmospheric Administration" after "programs".

(f) IMPLEMENTATION PLAN.—

(1) DEVELOPMENT OF PLAN.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Commerce, in consultation with the Secretary of the Interior, shall develop a plan to implement the amendments made by this Act during the 5-year period beginning on the date on which the plan is developed.

(2) ELEMENTS.—The plan developed under paragraph (1) shall include an estimate of the cost and schedule required for the implementation described in such paragraph.

(3) PUBLIC AVAILABILITY.—Upon completion of the plan developed under paragraph (1), the Secretary of Commerce shall make the plan publicly available.

TITLE CVI—LEARNING EXCELLENCE AND GOOD EXAMPLES FROM NEW DEVELOPERS

SEC. 10601. [15 U.S.C. 8512a] LEARNING EXCELLENCE AND GOOD EXAMPLES FROM NEW DEVELOPERS.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATION.—The term "Administration" means the National Oceanic and Atmospheric Administration.

(2) ADMINISTRATOR.—The term "Administrator" means the Under Secretary of Commerce for Oceans and Atmosphere and Administrator of the National Oceanic and Atmospheric Administration.

(3) EARTH PREDICTION INNOVATION CENTER.—The term "Earth Prediction Innovation Center" means the community global weather research modeling system described in paragraph (5)(E) of section 102(b) of the Weather Research Forecasting and Innovation Act of 2017 (15 U.S.C. 8512(b)), as redesignated by this section.

(4) MODEL.—The term "model" means any vetted numerical model and associated data assimilation of the Earth's system or its components—

(A) developed, in whole or in part, by scientists and engineers employed by the Administration; or

(B) otherwise developed, in whole or in part, using Federal funds.

(5) OPEN LICENSE.—The term "open license" has the same meaning given such term in section 3502(21) of title 44, United States Code.

(6) OPERATIONAL MODEL.—The term "operational model" means any model that has an output used by the Administration for operational functions.

(7) SUITABLE MODEL.—The term "suitable model" means a model that meets the requirements described in paragraph

(5)(E)(ii) of section 102(b) of the Weather Research Forecasting and Innovation Act of 2017 (15 U.S.C. 8512(b)), as redesignated by this title, as determined by the Administrator.

(b) PURPOSES.—The purposes of this section are—

(1) to support innovation in modeling by allowing interested stakeholders to have easy and complete access to operational model codes and to other models, as the Administrator determines appropriate; and

(2) to use vetted innovations arising from access described in paragraph (1) to improve modeling by the Administration.

(c) PLAN AND IMPLEMENTATION OF PLAN TO MAKE CERTAIN MODELS AND DATA AVAILABLE TO THE PUBLIC.—

(1) IN GENERAL.—The Administrator shall develop and implement a plan to make available to the public, at no cost and with no restrictions on copying, publishing, distributing, citing, adapting, or otherwise using under an open license, the following:

(A) Operational models developed by the Administration.

(B) Models that are not operational models, including experimental and developmental models, as the Administrator determines appropriate.

(C) Applicable information and documentation for models described in subparagraphs (A) and (B), including a description of intended model outputs.

(D) Subject to subsection (f), all data owned by the Federal Government and data that the Administrator has the legal right to redistribute that are associated with models made available to the public pursuant to the plan and used in operational forecasting by the Administration, including—

(i) relevant metadata; and

(ii) data used for operational models used by the Administration as of the date of the enactment of this Act.

(2) ACCOMMODATIONS.—In developing and implementing the plan under paragraph (1), the Administrator may make such accommodations as the Administrator considers appropriate to ensure that the public release of any model, information, documentation, or data pursuant to the plan do not jeopardize—

(A) national security;

(B) intellectual property or redistribution rights, including under titles 17 and 35, United States Code;

(C) any trade secret or commercial or financial information subject to section 552(b)(4) of title 5, United States Code;

(D) any models or data that are otherwise restricted by contract or other written agreement; or

(E) the mission of the Administration to protect lives and property.

(3) PRIORITY.—In developing and implementing the plan under paragraph (1), the Administrator shall prioritize making

available to the public the models described in paragraph (1)(A).

(4) PROTECTIONS FOR PRIVACY AND STATISTICAL INFORMATION.—In developing and implementing the plan under subsection (a), the Administrator shall ensure that all requirements incorporated into any models described in paragraph (1)(A) ensure compliance with statistical laws and other relevant data protection requirements, including the protection of any personally identifiable information.

(5) EXCLUSION OF CERTAIN MODELS.—In developing and implementing the plan under paragraph (1), the Administrator may exclude models that the Administrator determines will be retired or superseded in fewer than 5 years after the date of the enactment of this Act.

(6) PLATFORMS.—In carrying out paragraphs (1) and (2), the Administrator may use government servers, contracts or agreements with a private vendor, or any other platform consistent with the purpose of this title.

(7) SUPPORT PROGRAM.—The Administrator shall plan for and establish a program to support infrastructure, including telecommunications and technology infrastructure of the Administration and the platforms described in paragraph (6), relevant to making operational models and data available to the public pursuant to the plan under subsection (a).

(8) TECHNICAL CORRECTION.—Section 102(b) of the Weather Research Forecasting and Innovation Act of 2017 (15 U.S.C. 8512(b)) is amended by redesignating the second paragraph (4) (as added by section 4(a) of the National Integrated Drought Information System Reauthorization Act of 2018 (Public Law 115-423; 132 Stat. 5456)) as paragraph (5).

(d) REQUIREMENT TO REVIEW MODELS AND LEVERAGE INNOVATIONS.—The Administrator shall—

(1) consistent with the mission of the Earth Prediction Innovation Center, periodically review innovations and improvements made by persons not employed by the Administration as Federal employees to the operational models made available to the public pursuant to the plan under subsection (c)(1) in order to improve the accuracy and timeliness of forecasts of the Administration; and

(2) if the Administrator identifies an innovation for a suitable model, develop and implement a plan to use the innovation to improve the model.

(e) REPORT ON IMPLEMENTATION.—

(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Administrator shall submit to the appropriate congressional committees a report on the implementation of this section that includes a description of—

(A) the implementation of the plan required by subsection (c);

(B) the process of the Administration under subsection (d)—

(i) for engaging with interested stakeholders to learn what innovations those stakeholders have found;

(ii) for reviewing those innovations; and

(iii) for operationalizing innovations to improve suitable models; and

(C) the use of any Federal financial assistance, including under section 24 of the Stevenson-Wydler Technology Innovation Act of 1990 (15 U.S.C. 3719) or the Crowdsourcing and Citizen Science Act (15 U.S.C. 3724), in order to facilitate and incentivize the sharing of externally developed improvements for testing, evaluation, validation, and application to further improve the mission of the Administration, and any other Administration priorities.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term "appropriate congressional committees" means—

(A) the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate; and

(B) the Committee on Science, Space, and Technology and the Committee on Appropriations of the House of Representatives.

(f) PROTECTION OF NATIONAL SECURITY INTERESTS.—

(1) IN GENERAL.—Notwithstanding any other provision of this section, for models developed in whole or in part with the Department of Defense, the Administrator, in consultation with the Secretary of Defense, as appropriate, shall withhold any model or data if the Administrator or the Secretary of Defense determines doing so to be necessary to protect the national security interests of the United States.

(2) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to supersede any other provision of law governing the protection of the national security interests of the United States.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,000,000 for each of fiscal years 2023 through 2027.

DIVISION K—DON YOUNG COAST GUARD AUTHORIZATION ACT OF 2022

SEC. 11001. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the "Don Young Coast Guard Authorization Act of 2022".

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

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

TITLE CXI—AUTHORIZATIONS

Sec. 11101. Authorization of appropriations.
Sec. 11102. Authorized levels of military strength and training.
Sec. 11103. Authorization for certain programs and services.
Sec. 11104. Availability of amounts for acquisition of additional vessels.
Sec. 11105. Shoreside infrastructure and facilities.

Sec. 11106. Coast Guard yard resilient infrastructure and construction improvement.

TITLE CXII—COAST GUARD

Subtitle A—Infrastructure and Assets

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

Subtitle B—Great Lakes

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

Subtitle C—Arctic

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

Subtitle D—Maritime Cyber and Artificial Intelligence

Sec. 11224. Enhancing maritime cybersecurity.
Sec. 11225. Establishment of unmanned system program and autonomous control and computer vision technology project.
Sec. 11226. Artificial intelligence strategy.
Sec. 11227. Review of artificial intelligence applications and establishment of performance metrics.
Sec. 11228. Cyber data management.
Sec. 11229. Data management.
Sec. 11230. Study on cyber threats to United States marine transportation system.

Subtitle E—Aviation

Sec. 11231. Space-available travel on Coast Guard aircraft: program authorization and eligible recipients.
Sec. 11232. Report on Coast Guard Air Station Barbers Point hangar.
Sec. 11233. Study on operational availability of Coast Guard aircraft and strategy for Coast Guard Aviation.

Subtitle F—Workforce Readiness

Sec. 11234. Authorized strength.
Sec. 11235. Continuation of officers with certain critical skills on active duty.
Sec. 11236. Number and distribution of officers on active duty promotion list.
Sec. 11237. Career incentive pay for marine inspectors.
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SEC. 11002. [14 U.S.C. 106 note] DEFINITIONS.

In this division:

(1) COMMANDANT.—The term "Commandant" means the Commandant of the Coast Guard.

(2) SECRETARY.—Except as otherwise provided, the term "Secretary" means the Secretary of the department in which the Coast Guard is operating.

SEC. 11003. [6 U.S.C. 245 note] RULE OF CONSTRUCTION.

(a) IN GENERAL.—Nothing in this division may be construed—

(1) to satisfy any requirement for government-to-government consultation with Tribal governments; or

(2) to affect or modify any treaty or other right of any Tribal government.

(b) TRIBAL GOVERNMENT DEFINED.—In this section, the term "Tribal government" means the recognized governing body of any Indian or Alaska Native Tribe, band, nation, pueblo, village, community, component band, or component reservation, individually identified (including parenthetically) in the list published most recently as of the date of the enactment of this Act pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131).

TITLE CXI—AUTHORIZATIONS

SEC. 11101. AUTHORIZATION OF APPROPRIATIONS.

Section 4902 of title 14, United States Code, is amended—

(1) in the matter preceding paragraph (1) by striking "fiscal years 2020 and 2021" and inserting "fiscal years 2022 and 2023";

(2) in paragraph (1)—

(A) in subparagraph (A) by striking clauses (i) and (ii) and inserting the following:

"(i) $10,000,000,000 for fiscal year 2022; and

"(ii) $10,750,000,000 for fiscal year 2023.";

(B) in subparagraph (B) by striking "$17,035,000" and inserting "$23,456,000"; and

(C) in subparagraph (C) by striking ", (A)(ii) $17,376,000" and inserting "(A)(ii), $24,353,000";

(3) in paragraph (2)—

(A) in subparagraph (A) by striking clauses (i) and (ii) and inserting the following:

"(i) $3,312,114,000 for fiscal year 2022; and

"(ii) $3,477,600,000 for fiscal year 2023."; and

(B) in subparagraph (B) by striking clauses (i) and (ii) and inserting the following:

"(i) $20,400,000 for fiscal year 2022; and

"(ii) $20,808,000 for fiscal year 2023.";

(4) in paragraph (3) by striking subparagraphs (A) and (B) and inserting the following:

"(A) $7,476,000 for fiscal year 2022; and

"(B) $14,681,084 for fiscal year 2023."; and

(5) in paragraph (4) by striking subparagraphs (A) and (B) and inserting the following:

"(A) $240,577,000 for fiscal year 2022; and

"(B) $252,887,000 for fiscal year 2023.".

SEC. 11102. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

Section 4904 of title 14, United States Code, is amended—

(1) in subsection (a) by striking "fiscal years 2020 and 2021" and inserting "fiscal years 2022 and 2023"; and

(2) in subsection (b) by striking "fiscal years 2020 and 2021" and inserting "fiscal years 2022 and 2023".

SEC. 11103. AUTHORIZATION FOR CERTAIN PROGRAMS AND SERVICES.

Of the amounts authorized to be appropriated under section 4902(1)(A) of title 14, United States Code, there are authorized to the Commandant for each of fiscal years 2022 and 2023—

(1) $25,000,000 for the child care subsidy program as established under section 11401and any additional eligible uses established by the Commandant under the amendment made by subsection (c) of section 11401;

(2) $1,300,000 for expansion of behavioral health services in the Coast Guard under section 11412;

(3) $3,000,000 for the Aqua Alert Notification System pilot program established under section 11207; and

(4) $1,000,000 to prepare the evaluation of requirements for the Arctic Security Cutter.

SEC. 11104. AVAILABILITY OF AMOUNTS FOR ACQUISITION OF ADDITIONAL VESSELS.

(a) IN GENERAL.—Of the amounts authorized to be appropriated under section 4902(2)(A)(ii) of title 14, United States Code, as amended by section 11101, for fiscal year 2023—

(1) $300,000,000 shall be authorized for the acquisition of a twelfth National Security Cutter;

(2) $420,000,000 shall be authorized for the acquisition of 6 Fast Response Cutters;

(3) $172,500,000 is authorized for the program management, design, and acquisition of 12 Pacific Northwest heavy weather boats that are at least as capable as the Coast Guard 52-foot motor surfboat;

(4) $167,200,000 is authorized for the third Polar Security Cutter;

(5) $150,000,000 is authorized for the acquisition or procurement of an available icebreaker (as such term is defined under section 11223);

(6) for fiscal year 2022, $350,000,000 shall be authorized for the acquisition of a Great Lakes icebreaker at least as capable as Coast Guard cutter Mackinaw (WLBB-30);

(7) in addition to amounts authorized under paragraph (6), $20,000,000 shall be authorized for the design and selection of icebreaking cutters for operation in the Great Lakes, the Northeastern United States, and the Arctic as appropriate, that are at least as capable as the Coast Guard 140-foot icebreaking tugs; and

(8) $650,000,000 is authorized for the continued acquisition of Offshore Patrol Cutters.

(b) TREATMENT OF ACQUIRED CUTTER.—Any cutter acquired using amounts authorized under subsection (a) shall be in addition to the National Security Cutters and Fast Response Cutters approved under the existing acquisition baseline in the program of record for the National Security Cutter and Fast Response Cutter.

SEC. 11105. SHORESIDE INFRASTRUCTURE AND FACILITIES.

(a) IN GENERAL.—Of the amounts authorized to be appropriated under section 4902(2)(A) of title 14, United States Code—

(1) for each of fiscal years 2022 and 2023, $1,000,000,000 is authorized to fund maintenance, construction, and repairs for Coast Guard shoreside infrastructure; and

(2) for fiscal year 2023, $127,000,000 is authorized for improvements to facilities of the Coast Guard Yard.

(b) SET-ASIDES.—Of the amounts authorized under subsection (a)(1)—

(1) up to $60,000,000 is authorized to fund Phase I, in fiscal year 2022, and $60,000,000 is authorized to fund Phase II, in fiscal year 2023, for the recapitalization of the barracks at the United States Coast Guard Training Center Cape May in Cape May, New Jersey;

(2) $67,500,000 is authorized for the construction of additional new child care development centers not constructed using funds authorized by title V of the Infrastructure Investment and Jobs Act (Public Law 117-58); and

(3) up to $1,200,000 is authorized to—

(A) complete repairs to the United States Coast Guard Station, New York, waterfront, including repairs to the concrete pier; and

(B) replace floating piers Alpha and Bravo, the South Breakwater and Ice Screen, the North Breakwater and Ice Screen and the seawall.

(c) MITIGATION OF HAZARD RISKS.—In carrying out projects with funds authorized under subsection (a), the Coast Guard shall mitigate, to the greatest extent practicable, natural hazard risks identified in any Shore Infrastructure Vulnerability Assessment for Phase I related to such projects.

SEC. 11106. COAST GUARD YARD RESILIENT INFRASTRUCTURE AND CONSTRUCTION IMPROVEMENT.

There is authorized to appropriated for the period of fiscal years 2023 through 2028 for the Secretary—

(1) $273,000,000 for the purposes of improvements to facilities of the Coast Guard Yard; and

(2) $236,000,000 for the acquisition of a new floating drydock at the Yard.

TITLE CXII—COAST GUARD

Subtitle A—Infrastructure and Assets

SEC. 11201. [14 U.S.C. 5102 note] REPORT ON SHORESIDE INFRASTRUCTURE AND FACILITIES PROJECTS.

(a) IN GENERAL.—Not less frequently than annually, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes—

(1) a detailed list of Coast Guard shoreside infrastructure projects contemplated in each Coast Guard Sector area of responsibility and planned within the 7 years following the submission of the annual report for all Coast Guard facilities located within each Coast Guard Sector area of responsibility in the order of priority, including recapitalization, maintenance needs in excess of $100,000, dredging, and other shoreside infrastructure needs of the Coast Guard;

(2) the estimated cost of projects to fulfill each project, to the extent available; and

(3) a general description of the state of planning, including design and engineering, for each such project.

(b) CONTENTS.—The report submitted under subsection (a) shall include all unfunded shoreside infrastructure and facility priorities meeting the criteria under subsection (a) recommended to the Commandant for consideration for inclusion in the unfunded priority list report to Congress under section 5108 of title 14, United States Code, regardless of whether the unfunded shoreside infrastructure project is included in the final annual unfunded priority list to Congress.

SEC. 11202. REPORT AND BRIEFING ON RESOURCING STRATEGY FOR WESTERN PACIFIC REGION.

(a) REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Commandant, in consultation with the Coast Guard Commander of the Pacific Area, the Commander of United States Indo-Pacific Command, and the Under Secretary of Commerce for Oceans and Atmosphere, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report outlining the resourcing needs of the Coast Guard to achieve optimum operations in the Western Pacific region.

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

(A) An assessment of the risks and associated needs—

(i) to United States strategic maritime interests, in particular such interests in areas west of the International Date Line, including risks to bilateral maritime partners of the United States, posed by not fully staffing and equipping Coast Guard operations in the Western Pacific region;

(ii) to the Coast Guard mission and force posed by not fully staffing and equipping Coast Guard operations in the Western Pacific region; and

(iii) to support the call of the President, as set forth in the Indo-Pacific Strategy, to expand Coast Guard presence and cooperation in Southeast Asia, South Asia, and the Pacific Islands, with a focus on advising, training, deployment, and capacity building.

(B) A description of the additional resources, including shoreside resources, required to fully implement the needs described in subparagraph (A), including the United States commitment to bilateral fisheries law enforcement in the Pacific Ocean.

(C) A description of the operational and personnel assets required and a dispersal plan for available and projected future Coast Guard cutters and aviation forces to conduct optimum operations in the Western Pacific region.

(D) An analysis with respect to whether a national security cutter or fast response cutter located at a United States military installation in a foreign country in the Western Pacific region would enhance United States national security, partner country capacity building, and prevention and effective response to illegal, unreported, and unregulated fishing.

(E) An assessment of the benefits and associated costs involved in—

(i) increasing staffing of Coast Guard personnel within the command elements of United States Indo-Pacific Command or subordinate commands; and

(ii) designating a Coast Guard patrol force under the direct authority of the Commander of the United States Indo-Pacific Command with associated forward-based assets and personnel.

(F) An identification of any additional authority necessary, including proposals for legislative change, to meet

the needs identified in accordance with subparagraphs (A) through (E) and any other mission requirement in the Western Pacific region.

(3) FORM.—The report required under paragraph (1) shall be submitted in unclassified form but may include a classified annex.

(b) BRIEFING.—Not later than 60 days after the date on which the Commandant submits the report under subsection (a), the Commandant, or a designated individual, shall provide to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a briefing on the findings and conclusions of such report.

SEC. 11203. STUDY AND REPORT ON NATIONAL SECURITY AND DRUG TRAFFICKING THREATS IN FLORIDA STRAITS, CUBA, AND CARIBBEAN REGION.

(a) IN GENERAL.—The Commandant shall conduct a study on threats to national security, drug trafficking, and other relevant threats the Commandant considers appropriate in the Florida Straits and Caribbean region, including Cuba.

(b) ELEMENTS.—The study required under subsection (a) shall include the following:

(1) An assessment of—

(A) new technology and evasive maneuvers used by transnational criminal organizations to evade detection and interdiction by Coast Guard law enforcement units and interagency partners; and

(B) capability gaps of the Coast Guard with respect to—

(i) the detection and interdiction of illicit drugs in the Florida Straits and Caribbean region, including Cuba; and

(ii) the detection of national security threats in such region.

(2) An identification of—

(A) the critical technological advancements required for the Coast Guard to meet current and anticipated threats in such region;

(B) the capabilities required to enhance information sharing and coordination between the Coast Guard and interagency partners, foreign governments, and related civilian entities; and

(C) any significant developing threats to the United States posed by illicit actors in such region.

(c) REPORT.—Not later than 2 years after the date of enactment of this Act, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results of the study under subsection (a).

SEC. 11204. COAST GUARD YARD.

(a) IN GENERAL.—With respect to the Coast Guard Yard, the uses of the amounts authorized under sections 11105(a)(2) and 11106 are to—

(1) improve resilience and capacity;

(2) maintain and expand Coast Guard organic manufacturing capacity;

(3) expand training and recruitment;

(4) enhance safety;

(5) improve environmental compliance; and

(6) ensure that the Coast Guard Yard is prepared to meet the growing needs of the modern Coast Guard fleet.

(b) INCLUSIONS.—The Secretary shall ensure that the Coast Guard Yard receives improvements that include the following:

(1) Facilities upgrades needed to improve resilience of the shipyard, its facilities, and associated infrastructure.

(2) Acquisition of a large-capacity drydock.

(3) Improvements to piers and wharves, drydocks, and capital equipment utilities.

(4) Environmental remediation.

(5) Construction of a new warehouse and paint facility.

(6) Acquisition of a new travel lift.

(7) Dredging necessary to facilitate access to the Coast Guard Yard.

(c) WORKFORCE DEVELOPMENT PLAN.—Not later than 180 days after the date of enactment of this Act, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives, a workforce development plan that—

(1) outlines the workforce needs of the Coast Guard Yard with respect to civilian employees and active duty members of the Coast Guard, including engineers, individuals engaged in trades, cyber specialists, and other personnel necessary to meet the evolving mission set of the Coast Guard Yard; and

(2) includes recommendations for Congress with respect to the authorities, training, funding, and civilian and active-duty recruitment, including the recruitment of women and underrepresented minorities, necessary to meet workforce needs of the Coast Guard Yard for the 10-year period beginning on the date of submission of the plan.

SEC. 11205. AUTHORITY TO ENTER INTO TRANSACTIONS OTHER THAN CONTRACTS AND GRANTS TO PROCURE COST-EFFECTIVE TECHNOLOGY FOR MISSION NEEDS.

(a) IN GENERAL.—Subchapter III of chapter 11 of title 14, United States Code, is amended by adding at the end the following:

"SEC. 1158. [14 U.S.C. 1158] Authority to enter into transactions other than contracts and grants to procure cost-effective, advanced technology for mission-critical needs

"(a) IN GENERAL.—Subject to subsections (b) and (c), the Commandant may enter into transactions (other than contracts, cooperative agreements, and grants) to operate, test, and acquire cost-effective technology for the purpose of meeting the mission needs of the Coast Guard.

"(b) OPERATION, TESTING, AND ACQUISITION.—Operation, testing, and acquisition of technologies under subsection (a) shall be—

"(1) carried out in accordance with Coast Guard policies and guidance; and

"(2) consistent with the operational requirements of the Coast Guard.

"(c) LIMITATIONS.—The Commandant may not enter into a transaction under subsection (a) with respect to a technology that—

"(1) does not comply with the cybersecurity standards of the Coast Guard; or

"(2) is sourced from an entity domiciled in the People's Republic of China, unless the Commandant determines that the prototype or procurement of such a technology is for the purpose of—

"(A) counter-UAS or surrogate testing; or

"(B) intelligence, electronic warfare, and information warfare, testing, and analysis.

"(d) EDUCATION AND TRAINING.—The Commandant shall ensure that management, technical, and contracting personnel of the Coast Guard involved in the award or administration of transactions under this section are provided adequate education and training with respect to the authority under this section.

"(e) REGULATIONS.—The Commandant shall prescribe regulations as necessary to carry out this section.

"(f) COUNTER-UAS DEFINED.—In this section, the term 'counter-UAS' has the meaning given such term in section 44801 of title 49.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 11 of title 14, United States Code, is amended by inserting after the item relating to section 1157 the following:

"1158. Authority to enter into transactions other than contracts and grants to procure cost-effective, advanced technology for mission-critical needs.".

(c) REPORT.—

(1) IN GENERAL.—Not later than 5 years after the date of the enactment of this Act, the Commandant shall submit to the appropriate committees of Congress a report that—

(A) describes the use of the authority pursuant to section 1158 of title 14, United States Code (as added by this section); and

(B) assesses the mission and operational benefits of such authority.

(2) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term "appropriate committees of Congress" means—

(A) the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 11206. IMPROVEMENTS TO INFRASTRUCTURE AND OPERATIONS PLANNING.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Commandant shall incorporate the most recent oceanic and atmospheric data relating to the increasing rates of extreme weather, including flooding, into planning scenarios for

Coast Guard infrastructure and mission deployments with respect to all Coast Guard Missions.

(b) COORDINATION WITH NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.—In carrying out subsection (a), the Commandant shall—

(1) coordinate with the Under Secretary of Commerce for Oceans and Atmosphere to ensure the incorporation of the most recent environmental and climatic data; and

(2) request technical assistance and advice from the Under Secretary in planning scenarios, as appropriate.

(c) BRIEFING.—Not later than 1 year after the date of enactment of this Act, the Commandant shall provide to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a briefing on the manner in which the best-available science from the National Oceanic and Atmospheric Administration has been incorporated into at least 1 key mission area of the Coast Guard, and the lessons learned from incorporating such science.

SEC. 11207. [14 U.S.C. 521 note] AQUA ALERT NOTIFICATION SYSTEM PILOT PROGRAM.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Commandant shall, subject to the availability of appropriations, establish a pilot program to improve the issuance of alerts to facilitate cooperation with the public to render aid to distressed individuals under section 521 of title 14, United States Code.

(b) PILOT PROGRAM CONTENTS.—In carrying out the pilot program established under subsection (a), the Commandant shall, to the maximum extent possible—

(1) include a voluntary opt-in program under which members of the public, as appropriate, and the entities described in subsection (c), may receive notifications on cellular devices regarding Coast Guard activities to render aid to distressed individuals under section 521 of title 14, United States Code;

(2) cover areas located within the area of responsibility of 3 different Coast Guard sectors in diverse geographic regions; and

(3) provide that the dissemination of an alert shall be limited to the geographic areas most likely to facilitate the rendering of aid to distressed individuals.

(c) CONSULTATION.—In developing the pilot program under subsection (a), the Commandant shall consult—

(1) the head of any relevant Federal agency;

(2) the government of any relevant State;

(3) any Tribal Government;

(4) the government of any relevant territory or possession of the United States; and

(5) any relevant political subdivision of an entity described in paragraph (2), (3), or (4).

(d) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, and annually thereafter through 2026, the Commandant shall submit to the Committee on Commerce,

Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the implementation of this section.

(2) PUBLIC AVAILABILITY.—The Commandant shall make the report submitted under paragraph (1) available to the public.

SEC. 11208. [14 U.S.C. 504 note] PILOT PROJECT FOR ENHANCING COAST GUARD CUTTER READINESS THROUGH CONDITION-BASED MAINTENANCE.

(a) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Commandant shall conduct a pilot project to enhance cutter readiness and reduce lost patrol days through the deployment of condition-based program standards for cutter maintenance, in accordance with the criteria set forth in subsection (b).

(b) CRITERIA FOR CONDITION-BASED MAINTENANCE EVALUATION.—In conducting the pilot project under subsection (a), the Commandant, in cooperation with government and industry partners, shall—

(1) select at least 1 class of cutters under construction with respect to which the application of the pilot project would enhance readiness;

(2) use condition-based program standards which incorporate artificial, intelligence, prognostic based maintenance planning;

(3) create and model a full ship digital twin for the cutters selected under paragraph (1);

(4) install or modify instrumentation capable of producing full hull, mechanical, and electrical data necessary to analyze cutter operational conditions with active maintenance alerts; and

(5) evaluate and weight efficacy of potential emergent repairs as well as planned depot maintenance activities.

(c) CONSIDERATION.—Prior to developing the pilot project in this section, the Commandant shall evaluate commercially available products, technology, applications, standards, and technology for development and implementation of the pilot program.

(d) REPORT TO CONGRESS.—The Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives—

(1) an interim report not later than 12 months after the date of enactment of this Act on the progress in carrying out the pilot project described in subsection (a); and

(2) a final report not later than 3 years after the date of enactment of this Act on the results of the pilot project described in subsection (a) that includes—

(A) options to integrate condition-based program standards with prognostic based maintenance planning to Coast Guard cutters; and

(B) plans to deploy condition-based program standards with prognostic based maintenance planning to Coast Guard cutters.

SEC. 11209. STUDY ON LAYDOWN OF COAST GUARD CUTTERS.

Not later than 120 days after the date of enactment of this Act, the Secretary shall conduct a study on the laydown of Coast Guard Fast Response Cutters to assess Coast Guard mission readiness and to identify areas of need for asset coverage.

SEC. 11210. ACQUISITION LIFE-CYCLE COST ESTIMATES.

Section 1132(e) of title 14, United States Code, is amended by striking paragraphs (2) and (3) and inserting the following:

"(2) TYPES OF ESTIMATES.—For each Level 1 or Level 2 acquisition project or program, in addition to life-cycle cost estimates developed under paragraph (1), the Commandant shall require that—

"(A) life-cycle cost estimates developed under paragraph (1) be updated before—

"(i) each milestone decision is concluded; and

"(ii) the project or program enters a new acquisition phase; and

"(B) an independent cost estimate or independent cost assessment, as appropriate, be developed to validate life-cycle cost estimates developed under paragraph (1).".

SEC. 11211. DISPOSITION OF INFRASTRUCTURE RELATED TO E-LORAN.

Section 914 of title 14, United States Code, is amended to read as follows:

"SEC. 914. Disposition of infrastructure related to E-LORAN

"(a) IN GENERAL.—Notwithstanding any other provision of law, the Commandant may dismantle or dispose of any real or personal property under the administrative control of the Coast Guard and used for the LORAN-C system.

"(b) RESTRICTION.—No action described in subsection (a) may be taken unless and until—

"(1) the Commandant notifies the Secretary of Transportation and the Secretary of Defense in writing of the proposed dismantling or disposal of a LORAN-C system; and

"(2) a period of 90 calendar days expires following the day on which the notice has been submitted.

"(c) RECEIPT OF NOTIFICATION.—If, not later than 90 calendar days of receipt of the written notification under subsection (b), the Secretary of Transportation or the Secretary of Defense notifies the Commandant, in writing, of a determination under section 312(d) of title 49 that the property is required to provide a positioning, navigation, and timing system to provide redundant capability in the event the Global Positioning System signals are disrupted, the Commandant shall transfer the property to the Department of Transportation without any consideration.

"(d) NOTIFICATION EXPIRATION.—If, at the end of the 90 calendar day period no notification under subsection (b) has been received, the Commandant shall notify the Committee on Transportation and Infrastructure and the Committee on Appropriations in the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate that the period in subsection (b)(2) has expired, and may proceed with the dismantling and disposal of the personal

property, and disposing of the real property in accordance with section 2945 of this title.

"(e) EXCEPTION.—The prohibition on actions in subsection (b) does not apply to actions necessary for the safety of human life.".

Subtitle B—Great Lakes

SEC. 11212. GREAT LAKES WINTER COMMERCE.

(a) GREAT LAKES ICEBREAKING OPERATIONS.—

(1) GOVERNMENT ACCOUNTABILITY OFFICE REPORT.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on Coast Guard icebreaking in the Great Lakes.

(B) ELEMENTS.—The report required under subparagraph (A) shall evaluate—

(i) the economic impact of vessel delays or cancellations associated with ice coverage on the Great Lakes;

(ii) mission needs of the Coast Guard Great Lakes icebreaking program;

(iii) the impact that the proposed standards described in paragraph (2) would have on—

(I) Coast Guard operations in the Great Lakes;

(II) Northeast icebreaking missions; and

(III) inland waterway operations;

(iv) a fleet mix analysis for meeting such proposed standards;

(v) a description of the resources necessary to support the fleet mix resulting from such fleet mix analysis, including billets for crew and operating costs; and

(vi) recommendations to the Commandant for Improvements to the Great Lakes icebreaking program, including with respect to facilitating commerce and meeting all Coast Guard mission needs.

(2) PROPOSED STANDARDS FOR ICEBREAKING OPERATIONS.—The proposed standards described in this subsection are the following:

(A) Except as provided in subparagraph (B), the Commandant shall keep ice-covered waterways in the Great Lakes open to navigation during not less than 90 percent of the hours that commercial vessels and ferries attempt to transit such ice-covered waterways.

(B) In a year in which the Great Lakes are not open to navigation, because of ice of a thickness that occurs on average only once every 10 years, the Commandant shall keep ice-covered waterways in the Great Lakes open to navigation during not less than 70 percent of the hours

that commercial vessels and ferries attempt to transit such ice-covered waterways.

(3) REPORT BY COMMANDANT.—Not later than 90 days after the date on which the Comptroller General submits the report under paragraph (1), the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes the following:

(A) A plan for Coast Guard implementation of any recommendation made by the Comptroller General under paragraph (1)(B)(ii) that the Commandant considers appropriate.

(B) With respect to any recommendation made under such paragraph that the Commandant declines to implement and a justification for such decision.

(C) A review of, and a proposed implementation plan for, the results of the fleet mix analysis under paragraph (1)(B)(iv).

(D) Any proposed modifications to the standards for icebreaking operations in the Great Lakes.

(4) PILOT PROGRAM.—

(A) IN GENERAL.—During the 5 ice seasons beginning after the date of enactment of the Coast Guard Authorization Act of 2025, the Commandant shall conduct a pilot program to determine the extent to which the Coast Guard Great Lakes icebreaking cutter fleet is capable of maintaining tier one and tier two waterways open 95 percent of the time during an ice season.

(B) REPORT.—Not later than 180 days after the end of each of the 5 ice seasons beginning after the date of enactment of the Coast Guard Authorization Act of 2025, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that details—

(i) the results of the pilot program required under subparagraph (A); and

(ii) any relevant new performance measures implemented by the Coast Guard, including the measures described in pages 5 through 7 of the report of the Coast Guard titled "Domestic Icebreaking Operations" and submitted to Congress on July 26, 2024, as required by section 11212(a)(3) of the Don Young Coast Guard Authorization Act of 2022 (Public Law 117–263), and the results of the implementation of such measures.

(b) DEFINITIONS.—In this section:

(1) COMMERCIAL VESSEL.—The term "commercial vessel" means any privately owned cargo vessel operating in the Great Lakes during the winter season of at least 500 tons, as measured under section 14502 of title 46, or an alternate tonnage measured under section 14302 of such title, as prescribed by the Secretary under section 14104 of such title.

(2) GREAT LAKES.—The term "Great Lakes" means the United States waters of Lake Superior, Lake Michigan, Lake Huron (including Lake St. Clair), Lake Erie, and Lake Ontario, their connecting waterways, and their adjacent harbors, and the connecting channels (including the following rivers and tributaries of such rivers: Saint Mary's River, Saint Clair River, Detroit River, Niagara River, Illinois River, Chicago River, Fox River, Grand River, St. Joseph River, St. Louis River, Menominee River, Muskegon River, Kalamazoo River, and Saint Lawrence River to the Canadian border).

(3) ICE-COVERED WATERWAY.—The term "ice-covered waterway" means any portion of the Great Lakes in which commercial vessels or ferries operate that is 70 percent or greater covered by ice, but does not include any waters adjacent to piers or docks for which commercial icebreaking services are available and adequate for the ice conditions.

(4) OPEN TO NAVIGATION.—The term "open to navigation" means navigable to the extent necessary, in no particular order of priority, to meet the reasonable demands of commerce, minimize delays to passenger ferries, extricate vessels and individuals from danger, prevent damage due to flooding, and conduct other Coast Guard missions (as required).

(5) REASONABLE DEMANDS OF COMMERCE.—The term "reasonable demands of commerce" means the safe movement of commercial vessels and ferries transiting ice-covered waterways in the Great Lakes, regardless of type of cargo, at a speed consistent with the design capability of Coast Guard icebreakers operating in the Great Lakes and appropriate to the ice capability of the commercial vessel.

SEC. 11213. [14 U.S.C. 504 note] DATABASE ON ICEBREAKING OPERATIONS IN GREAT LAKES.

(a) IN GENERAL.—The Commandant shall establish and maintain a database for collecting, archiving, and disseminating data on icebreaking operations and commercial vessel and ferry transit in the Great Lakes during ice season.

(b) ELEMENTS.—The database required under subsection (a) shall include the following:

(1) Attempts by commercial vessels and ferries to transit ice-covered waterways in the Great Lakes that are unsuccessful because of inadequate icebreaking.

(2) The period of time that each commercial vessel or ferry was unsuccessful at transit described in paragraph (1) due to inadequate icebreaking.

(3) The amount of time elapsed before each such commercial vessel or ferry was successfully broken out of the ice and whether it was accomplished by the Coast Guard or by commercial icebreaking assets.

(4) Relevant communications of each such commercial vessel or ferry with the Coast Guard and with commercial icebreaking services during such period.

(5) A description of any mitigating circumstance, such as Coast Guard icebreaker diversions to higher priority missions, that may have contributed to the amount of time described in paragraph (3).

(c) VOLUNTARY REPORTING.—Any reporting by operators of commercial vessels or ferries under this section shall be voluntary.

(d) PUBLIC AVAILABILITY.—The Commandant shall make the database available to the public on a publicly accessible website of the Coast Guard.

(e) CONSULTATION WITH INDUSTRY.—With respect to the Great Lakes icebreaking operations of the Coast Guard and the development of the database required under subsection (a), the Commandant shall consult operators of commercial vessels and ferries.

(f) PUBLIC REPORT.—Not later than July 1 after the first winter in which the Commandant has submitted the report required by paragraph (3) of section 11212(a), the Commandant shall publish on a publicly accessible website of the Coast Guard a report on the cost to the Coast Guard of meeting the proposed standards described in paragraph (2) of such section.

(g) DEFINITIONS.—In this section:

(1) COMMERCIAL VESSEL.—The term "commercial vessel" means any privately owned cargo vessel operating in the Great Lakes during the winter season of at least 500 tons, as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of such title, as prescribed by the Secretary under section 14104 of such title.

(2) GREAT LAKES.—The term "Great Lakes" means the United States waters of Lake Superior, Lake Michigan, Lake Huron (including Lake St. Clair), Lake Erie, and Lake Ontario, their connecting waterways, and their adjacent harbors, and the connecting channels (including the following rivers and tributaries of such rivers: Saint Mary's River, Saint Clair River, Detroit River, Niagara River, Illinois River, Chicago River, Fox River, Grand River, St. Joseph River, St. Louis River, Menominee River, Muskegon River, Kalamazoo River, and Saint Lawrence River to the Canadian border).

(3) ICE-COVERED WATERWAY.—The term "ice-covered waterway" means any portion of the Great Lakes in which commercial vessels or ferries operate that is 70 percent or greater covered by ice, but does not include any waters adjacent to piers or docks for which commercial icebreaking services are available and adequate for the ice conditions.

(4) OPEN TO NAVIGATION.—The term "open to navigation" means navigable to the extent necessary to—

(A) extricate vessels and individuals from danger;

(B) prevent damage due to flooding;

(C) meet the reasonable demands of commerce;

(D) minimize delays to passenger ferries; and

(E) conduct other Coast Guard missions as required.

(5) REASONABLE DEMANDS OF COMMERCE.—The term "reasonable demands of commerce" means the safe movement of commercial vessels and ferries transiting ice-covered waterways in the Great Lakes, regardless of type of cargo, at a speed consistent with the design capability of Coast Guard icebreakers operating in the Great Lakes and appropriate to the ice capability of the commercial vessel.

SEC. 11214. CENTER OF EXPERTISE FOR GREAT LAKES OIL SPILL SEARCH AND RESPONSE.

Section 807(d) of the Frank LoBiondo Coast Guard Authorization Act of 2018 (14 U.S.C. 313 note) is amended to read as follows:

"(d) DEFINITION.—In this section, the term 'Great Lakes' means—

"(1) Lake Ontario;

"(2) Lake Erie;

"(3) Lake Huron (including Lake St. Clair);

"(4) Lake Michigan;

"(5) Lake Superior; and

"(6) the connecting channels (including the following rivers and tributaries of such rivers: Saint Mary's River, Saint Clair River, Detroit River, Niagara River, Illinois River, Chicago River, Fox River, Grand River, St. Joseph River, St. Louis River, Menominee River, Muskegon River, Kalamazoo River, and Saint Lawrence River to the Canadian border).".

SEC. 11215. GREAT LAKES SNOWMOBILE ACQUISITION PLAN.

(a) IN GENERAL.—The Commandant shall develop a plan to expand snowmobile procurement for Coast Guard units for which snowmobiles may improve ice rescue response times while maintaining the safety of Coast Guard personnel engaged in ice search and rescue. The plan shall include consideration of input from Officers in Charge, commanding officers, and commanders of such units.

(b) ELEMENTS.—The plan required under subsection (a) shall include—

(1) a consideration of input from Officers in Charge, commanding officers, and commanders of Coast Guard units described in subsection (a);

(2) a detailed description of the estimated costs of procuring, maintaining, and training members of the Coast Guard at such units to use snowmobiles; and

(3) an assessment of—

(A) the degree to which snowmobiles may improve ice rescue response times while maintaining the safety of Coast Guard personnel engaged in ice search and rescue;

(B) the operational capabilities of a snowmobile, as compared to an airboat, and a force laydown assessment with respect to the assets needed for effective operations at Coast Guard units conducting ice search and rescue activities; and

(C) the potential risks to members of the Coast Guard and members of the public posed by the use of snowmobiles by members of the Coast Guard for ice search and rescue activities.

(c) PUBLIC AVAILABILITY.—Not later than 1 year after the date of enactment of this Act, the Commandant shall finalize the plan required under subsection (a) and make the plan available on a publicly accessible website of the Coast Guard.

SEC. 11216. GREAT LAKES BARGE INSPECTION EXEMPTION.

Section 3302(m) of title 46, United States Code, is amended—

(1) in the matter preceding paragraph (1) by inserting "or a Great Lakes barge" after "seagoing barge"; and

(2) by striking "section 3301(6) of this title" and inserting "paragraph (6) or (13) of section 3301 of this title".

SEC. 11217. STUDY ON SUFFICIENCY OF COAST GUARD AVIATION ASSETS TO MEET MISSION DEMANDS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on—

(1) the force laydown of Coast Guard aviation assets; and

(2) any geographic gaps in coverage by Coast Guard assets in areas in which the Coast Guard has search and rescue responsibilities.

(b) ELEMENTS.—The report required under subsection (a) shall include the following:

(1) The distance, time, and weather challenges that MH-65 and MH-60 units may face in reaching the outermost limits of the area of operation of Coast Guard District 8 and Coast Guard District 9 for which such units are responsible.

(2) An assessment of the advantages that Coast Guard fixed-wing assets, or an alternate rotary wing asset, would offer to the outermost limits of any area of operation for purposes of search and rescue, law enforcement, ice operations, and logistical missions.

(3) A comparison of advantages and disadvantages of the manner in which each of the Coast Guard fixed-wing aircraft would operate in the outermost limits of any area of operation.

(4) A specific assessment of the coverage gaps, including gaps in fixed-wing coverage, and potential solutions to address such gaps in the area of operation of Coast Guard District 8 and Coast Guard District 9, including the eastern region of such area of operation with regard to Coast Guard District 9 and the southern region of such area of operation with regard to Coast Guard District 8.

Subtitle C—Arctic

SEC. 11218. [14 U.S.C. 561 note] ESTABLISHMENT OF MEDIUM ICEBREAKER PROGRAM OFFICE.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commandant, in consultation with the heads of the other Federal agencies as appropriate, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report to establish a fleet mix analysis with respect to polar icebreakers and icebreaking tugs.

(b) CONTENTS.—The report required under subsection (a) shall include—

(1) a full fleet mix of heavy and medium icebreaker and 140-foot icebreaking tug replacements, including cost and timelines for the acquisition of such vessels;

(2) a revised time table showing the construction, commissioning, and acceptance of planned Polar Security Cutters 1 through 3, as of the date of report;

(3) a comparison and alternatives analysis of the costs and timeline of constructing 2 Polar Security Cutters beyond the construction of 3 such vessels rather than constructing 3 Arctic Security Cutters, including the cost of planning, design, and engineering of a new class of ships, which shall include the increased costs resulting from the delays in building a new class of cutters rather than building 2 additional cutters from an ongoing production line;

(4) the operational benefits, limitations, and risks of a common hull design for polar icebreaking cutters for operation in the polar regions;

(5) the operational benefits, limitations, and risks of a common hull design for icebreaking tugs for operation in the Northeastern United States; and

(6) the cost and timetable for replacing the Coast Guard Cutter *Healy* (WAGB 20) as—

(A) a Polar Security Cutter;

(B) an Arctic Security Cutter; or

(C) other platform as determined by the Commandant.

(c) QUARTERLY BRIEFINGS.—As part of quarterly acquisition briefings provided by the Commandant to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives, the Commandant shall include an update on the status of—

(1) all acquisition activities related to the Polar Security Cutter;

(2) the performance of the entity which the Coast Guard has contracted with for detailed design and construction of the Polar Security Cutter; and

(3) the requirements for the planning, detailed design, engineering, and construction of the—

(A) Arctic Security Cutter; and

(B) Great Lakes Icebreaker.

(d) LIMITATION.—The report required to be submitted under subsection (a) shall not include an analysis of the Great Lakes Icebreaker authorized under section 11104.

(e) ESTABLISHMENT OF THE ARCTIC SECURITY CUTTER PROGRAM OFFICE.—

(1) DETERMINATION.—Not later than 90 days after the submission of the report under subsection (a), the Commandant shall determine if constructing additional Polar Security Cutters is more cost effective and efficient than constructing 3 Arctic Security Cutters.

(2) ESTABLISHMENT.—If the Commandant determines under paragraph (1) that it is more cost effective to build 3 Arctic Security Cutters than to build additional Polar Security Cutters or if the Commandant fails to make a determination under paragraph (1) by June 1, 2024, the Commandant shall establish a program office for the acquisition of the Arctic Security Cutter not later than January 1, 2025.

(3) REQUIREMENTS AND DESIGN PHASE.—Not later than 270 days after the date on which the Commandant establishes a program office under paragraph (2), the Commandant shall complete the evaluation of requirements for the Arctic Security Cutter and initiate the design phase of the Arctic Security Cutter vessel class.

(f) QUARTERLY BRIEFINGS.—Not less frequently than quarterly until the date on which a contract for acquisition of the Arctic Security Cutter is awarded under chapter 11 of title 14, United States Code, the Commandant shall provide to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a briefing on the status of requirements evaluations, design of the vessel, and schedule of the program.

SEC. 11219. ARCTIC ACTIVITIES.

(a) ARCTIC OPERATIONAL IMPLEMENTATION REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report that describes the ability and timeline to conduct a transit of the Northern Sea Route and periodic transits of the Northwest Passage.

(b) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term "appropriate committees of Congress" means—

(A) the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Transportation and Infrastructure of the House of Representatives.

(2) ARCTIC.—The term "Arctic" has the meaning given such term in section 112 of the Arctic Research and Policy Act of 1984 (15 U.S.C. 4111).

SEC. 11220. STUDY ON ARCTIC OPERATIONS AND INFRASTRUCTURE.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall commence a study on the Arctic operations and infrastructure of the Coast Guard.

(b) ELEMENTS.—The study required under subsection (a) shall assess the following:

(1) The extent of the collaboration between the Coast Guard and the Department of Defense to assess, manage, and mitigate security risks in the Arctic region.

(2) Actions taken by the Coast Guard to manage risks to Coast Guard operations, infrastructure, and workforce planning in the Arctic.

(3) The plans the Coast Guard has in place for managing and mitigating the risks to commercial maritime operations and the environment in the Arctic region.

(c) REPORT.—Not later than 1 year after commencing the study required under subsection (a), the Comptroller General shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the findings of the study.

SEC. 11221. PRIBILOF ISLAND TRANSITION COMPLETION ACTIONS.

(a) ACTUAL USE AND OCCUPANCY REPORTS.—Not later than 90 days after enactment of this Act, and quarterly thereafter, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report describing—

(1) the degree to which Coast Guard personnel and equipment are deployed to St. Paul Island, Alaska, in actual occupancy of the facilities, as required under section 524 of the Pribilof Island Transition Completion Act of 2016 (Public Law 114-120); and

(2) the status of the activities described in subsections (c) and (d) until such activities have been completed.

(b) AIRCRAFT HANGER.—The Secretary may—

(1) enter into a lease for a hangar to house deployed Coast Guard aircraft if such hanger was previously under lease by the Coast Guard for purposes of housing such aircraft; and

(2) enter into an agreement with the lessor of such a hanger in which the Secretary may carry out repairs necessary to support the deployment of such aircraft and the cost of such repairs may be offset under the terms of the lease.

(c) FUEL TANK.—

(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Commandant shall notify the Alaska Native Village Corporation for St. Paul Island, Alaska of the availability of any fuel tank—

(A) which is located on property on St. Paul Island, Alaska, which is leased by the Coast Guard for the purpose of housing such a fuel tank; and

(B) for which the Commandant has determined that the Coast Guard no longer has an operational need.

(2) TRANSFER.—If not later than 30 days after a notification under subsection (a), the Alaska Native Village Corporation for St. Paul Island, Alaska requests that the ownership of the tank be transferred to such corporation then the Commandant shall—

(A) after conducting any necessary environmental remediation pursuant to the lease referred to in paragraph (1)(A), transfer ownership of such fuel tank to such corporation; and

(B) upon the date of such transfer, terminate the lease referred to in paragraph (1)(A).

(d) SAVINGS CLAUSE.—Nothing in this section shall be construed to limit any rights of the Alaska Native Village Corporation for St. Paul to receive conveyance of all or part of the lands and improvements related to Tract 43 under the same terms and conditions as prescribed in section 524 of the Pribilof Island Transition Completion Act of 2016 (Public Law 114-120).

(e) ADDITIONAL REPORTS ON STATUS OF USE OF FACILITIES AND HELICOPTER BASING.—Beginning with the first quarterly report required under subsection (a) submitted after the date of enactment of the Coast Guard Authorization Act of 2025, the Secretary shall include in each such report—

(1) the status of the use of recently renovated Coast Guard housing facilities, food preparation facilities, and maintenance and repair facilities on St. Paul Island, Alaska, including a projected date for full use and occupancy of such facilities in support of Coast Guard missions in the Bering Sea; and

(2) a detailed plan for the acquisition and construction of a hangar in close proximity to existing St. Paul airport facilities for the prosecution of Coast Guard operational missions, including plans for the use of land needed for such hangar.

SEC. 11222. REPORT ON SHIPYARDS OF FINLAND AND SWEDEN.

Not later than 2 years after the date of enactment of this Act, the Commandant, in consultation with the Comptroller General of the United States, shall submit to Congress a report that analyzes the shipyards of Finland and Sweden to assess future opportunities for technical assistance related to engineering to aid the Coast Guard in fulfilling its future mission needs.

SEC. 11223. [14 U.S.C. 561 note] ACQUISITION OF ICEBREAKER.

(a) IN GENERAL.—The Commandant may acquire or procure 1 United States built available icebreaker.

(b) EXEMPTIONS FROM REQUIREMENTS.—

(1) IN GENERAL.—Sections 1131, 1132(2), 1132(c), 1133, and 1171 of title 14, United States Code, shall not apply to an acquisition or procurement under subsection (a).

(2) ADDITIONAL EXCEPTIONS.—Paragraphs (1), (3), (4), and (5) of subsection (a) and subsections (b), (d), and (e) of section 1132 of title 14, United States Code, shall not apply to an acquisition or procurement under subsection (a) until the first phase of the initial acquisition or procurement is complete and initial operating capacity is achieved.

(c) SCIENCE MISSION REQUIREMENTS.—For any available icebreaker acquired or procured under subsection (a), the Commandant shall ensure scientific research capacity comparable to the Coast Guard Cutter *Healy* (WAGB 20), for the purposes of hydrographic, bathymetric, oceanographic, weather, atmospheric, climate, fisheries, marine mammals, genetic and other data related to the Arctic, and other research as the Under Secretary determines appropriate.

(d) OPERATIONS AND AGREEMENTS.—

(1) COAST GUARD.—With respect to any available icebreaker acquired or procured under subsection (a), the Secretary shall be responsible for any acquisition, retrofitting, operation, and maintenance costs necessary to achieve full operational capability, including testing, installation, and acquisition, including for the suite of hull-mounted, ship-provided scientific instrumentation and equipment for data collection.

(2) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.—The Under Secretary shall not be responsible for the costs of retrofitting any available icebreaker acquired or procured under subsection (a), including costs relating to—

(A) vessel maintenance, construction, operations, and crewing other than the science party; and

(B) making such icebreaker capable of conducting the research described in subsection (c), including design, pro-

curement of laboratory space and equipment, and modification of living quarters.

(3) RESPONSIBILITY OF UNDER SECRETARY.—The Under Secretary shall be responsible for costs related to—

(A) the science party;

(B) the scientific mission; and

(C) other scientific assets and equipment that augment such icebreaker beyond full operational capacity as determined by the Under Secretary and Commandant.

(4) MEMORANDUM OF AGREEMENT.—The Commandant and the Under Secretary shall enter into a memorandum of agreement to facilitate science activities, data collection, and other procedures necessary to meet the requirements of this section.

(e) RESTRICTION AND BRIEFING.—Not later than 60 days after the date of enactment of this Act, the Commandant shall brief the appropriate congressional committees with respect to available icebreaker acquired or procured under subsection (a) on—

(1) a proposed concept of operations of such icebreaker;

(2) a detailed cost estimate for such icebreaker, including estimated costs for acquisition, modification, shoreside infrastructure, crewing, and maintaining such an icebreaker by year for the estimated service life of such icebreaker; and

(3) the expected capabilities of such icebreaker as compared to the capabilities of a fully operational Coast Guard built Polar Security Cutter for each year in which such an icebreaker is anticipated to serve in lieu of such a cutter and the projected annual costs to achieve such anticipated capabilities.

(f) INTERIM REPORT.—Not later than 30 days after the date of enactment of this Act, and not later than every 90 days thereafter until any available icebreaker acquired or procured under subsection (a) has reached full operational capability, the Commandant shall provide to the appropriate Committees of Congress an interim report of the status and progress of all elements under subsection (d).

(g) RULE OF CONSTRUCTION.—Nothing in this section shall effect acquisitions of vessels by the Under Secretary.

(h) SAVINGS CLAUSE.—

(1) IN GENERAL.—Any operations necessary for the saving of life or property at sea, response to environmental pollution, national security, defense readiness, or other missions as determined by the Commandant shall take priority over any scientific or economic missions under subsection (c).

(2) AUGMENTATION.—Any available icebreaker acquired or procured under subsection (a) shall augment the Coast Guard mission in the Arctic, including by conducting operations and missions that are in addition to missions conducted by the Coast Guard Cutter *Healy* (WAGB 20) in the region.

(i) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate.

(2) ARCTIC.—The term "Arctic" has the meaning given such term in section 112 of the Arctic Research and Policy Act of 1984 (15 U.S.C. 4111).

(3) AVAILABLE ICEBREAKER.—The term "available icebreaker" means a vessel that—

(A) is capable of—

(i) supplementing United States Coast Guard polar icebreaking capabilities in the Arctic region of the United States;

(ii) projecting United States sovereignty;

(iii) ensuring a continuous operational capability in the Arctic region of the United States;

(iv) carrying out the primary duty of the Coast Guard described in section 103(7) of title 14, United States Code; and

(v) collecting hydrographic, environmental, and climate data; and

(B) is documented with a coastwise endorsement under chapter 121 of title 46, United States Code.

(4) UNDER SECRETARY.—The term "Under Secretary" means the Under Secretary of Commerce for Oceans and Atmosphere.

(j) SUNSET.—The authority under subsections (a) through (c) shall expire on the date that is 3 years after the date of enactment of this Act.

Subtitle D—Maritime Cyber and Artificial Intelligence

SEC. 11224. [14 U.S.C. 504 note] ENHANCING MARITIME CYBERSECURITY.

(a) DEFINITIONS.—In this section:

(1) CYBER INCIDENT.—The term "cyber incident" means an occurrence that actually or imminently jeopardizes, without lawful authority, the integrity, confidentiality, or availability of information on an information system, or actually or imminently jeopardizes, without lawful authority, an information system.

(2) MARITIME OPERATORS.—The term "maritime operators" means the owners or operators of vessels engaged in commercial service, the owners or operators of facilities, and port authorities.

(3) FACILITIES.—The term "facilities" has the meaning given the term "facility" in section 70101 of title 46, United States Code.

(b) PUBLIC AVAILABILITY OF CYBERSECURITY TOOLS AND RESOURCES.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Commandant, in coordination with the Administrator of the Maritime Administration, the Director of the Cybersecurity and Infrastructure Security Agency, and the Director of the National Institute of Standards and Technology, shall identify and make available to the public a list of

tools and resources, including the resources of the Coast Guard and the Cybersecurity and Infrastructure Security Agency, designed to assist maritime operators in identifying, detecting, protecting against, mitigating, responding to, and recovering from cyber incidents.

(2) IDENTIFICATION.—In carrying out paragraph (1), the Commandant, the Administrator of the Maritime Administration, the Director of the Cybersecurity and Infrastructure Security Agency, and the Director of the National Institute of Standards and Technology shall identify tools and resources that—

(A) comply with the cybersecurity framework for improving critical infrastructure established by the National Institute of Standards and Technology; or

(B) use the guidelines on maritime cyber risk management issued by the International Maritime Organization on July 5, 2017 (or successor guidelines).

(3) CONSULTATION.—The Commandant, the Administrator of the Maritime Administration, the Director of the Cybersecurity and Infrastructure Security Agency, and the Director of the National Institute of Standards and Technology may consult with maritime operators, other Federal agencies, industry stakeholders, and cybersecurity experts to identify tools and resources for purposes of this section.

SEC. 11225. ESTABLISHMENT OF UNMANNED SYSTEM PROGRAM AND AUTONOMOUS CONTROL AND COMPUTER VISION TECHNOLOGY PROJECT.

(a) IN GENERAL.—Section 319 of title 14, United States Code, is amended to read as follows:

"SEC. 319. Unmanned system program and autonomous control and computer vision technology project

"(a) UNMANNED SYSTEM PROGRAM.—Not later than 2 years after the date of enactment of this section, the Secretary shall establish, under the control of the Commandant, an unmanned system program for the use by the Coast Guard of land-based, cutter-based, and aircraft-based unmanned systems for the purpose of increasing effectiveness and efficiency of mission execution.

"(b) AUTONOMOUS CONTROL AND COMPUTER VISION TECHNOLOGY PROJECT.—

"(1) IN GENERAL.—The Commandant shall conduct a project to retrofit 2 or more existing Coast Guard small boats deployed at operational units with—

"(A) commercially available autonomous control and computer vision technology; and

"(B) such sensors and methods of communication as are necessary to control, and technology to assist in conducting, search and rescue, surveillance, and interdiction missions.

"(2) DATA COLLECTION.—As part of the project required under paragraph (1), the Commandant shall collect and evaluate field-collected operational data from the retrofit described in such paragraph to inform future requirements.

"(3) BRIEFING.—Not later than 180 days after the date on which the project required under paragraph (1) is completed,

the Commandant shall provide to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a briefing on the project that includes an evaluation of the data collected from the project.

"(c) UNMANNED SYSTEM DEFINED.—In this section, the term 'unmanned system' means—

"(1) an unmanned aircraft system (as such term is defined in section 44801 of title 49);

"(2) an unmanned marine surface system; and

"(3) an unmanned marine subsurface system.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 3 of title 14, United States Code, is amended by striking the item relating to section 319 and inserting the following:

"319. Unmanned system program and autonomous control and computer vision technology project.".

(c) SUBMISSION TO CONGRESS.—Not later than 180 days after the date of enactment of this Act, the Commandant shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a detailed description of the strategy of the Coast Guard to implement unmanned systems across mission areas, including—

(1) the steps taken to implement actions recommended in the consensus study report of the National Academies of Sciences, Engineering, and Medicine titled "Leveraging Unmanned Systems for Coast Guard Missions: A Strategic Imperative", published on November 12, 2020;

(2) the strategic goals and acquisition strategies for proposed uses and procurements of unmanned systems;

(3) a strategy to sustain competition and innovation for procurement of unmanned systems and services for the Coast Guard, including defining opportunities for new and existing technologies; and

(4) an estimate of the timeline, costs, staff resources, technology, or other resources necessary to accomplish the strategy.

(d) COST ASSESSMENT.—Not later than 1 year after the date of the enactment of this Act, the Commandant shall provide to Congress an estimate of the costs associated with implementing the amendments made by this section.

SEC. 11226. [14 U.S.C. 504 note] ARTIFICIAL INTELLIGENCE STRATEGY.

(a) COORDINATION OF DATA AND ARTIFICIAL INTELLIGENCE ACTIVITIES RELATING TO IDENTIFYING, DEMONSTRATING, AND WHERE APPROPRIATE TRANSITIONING TO OPERATIONAL USE.—

(1) IN GENERAL.—The Commandant shall coordinate data and artificial intelligence activities relating to identifying, demonstrating and where appropriate transitioning to operational use of artificial intelligence technologies when such technologies enhance mission capability or performance.

(2) EMPHASIS.—The set of activities established under paragraph (1) shall—

(A) apply data analytics, artificial intelligence, and machine-learning solutions to operational and mission-support problems; and

(B) coordinate activities involving artificial intelligence and artificial intelligence-enabled capabilities within the Coast Guard.

(b) DESIGNATED OFFICIAL.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Commandant shall designate a senior official of the Coast Guard (referred to in this section as the "designated official") with the principal responsibility for the coordination of data and artificial intelligence activities relating to identifying, demonstrating, and, where appropriate, transitioning to operational use artificial intelligence and machine learning for the Coast Guard.

(2) GOVERNANCE AND OVERSIGHT OF ARTIFICIAL INTELLIGENCE AND MACHINE LEARNING POLICY.—The designated official shall regularly convene appropriate officials of the Coast Guard—

(A) to integrate the functional activities of the Coast Guard with respect to data, artificial intelligence, and machine learning;

(B) to ensure that there are efficient and effective data, artificial intelligence, and machine-learning capabilities throughout the Coast Guard, where appropriate; and

(C) to develop and continuously improve research, innovation, policy, joint processes, and procedures to facilitate the coordination of data and artificial intelligence activities relating to identification, demonstration, and, where appropriate, transition into operational use artificial intelligence and machine learning throughout the Coast Guard.

(c) STRATEGIC PLAN.—

(1) IN GENERAL.—The designated official shall develop a strategic plan to coordinate activities relating to identifying, demonstrating, and transitioning artificial intelligence technologies into operational use where appropriate.

(2) ELEMENTS.—The plan required by paragraph (1) shall include the following:

(A) A strategic roadmap for the coordination of data and artificial intelligence activities for the identification, demonstration, and transition to operational use, where appropriate, artificial intelligence technologies and key enabling capabilities.

(B) The continuous identification, evaluation, and adaptation of relevant artificial intelligence capabilities adopted by the Coast Guard and developed and adopted by other organizations for military missions and business operations.

(C) Consideration of the identification, adoption, and procurement of artificial intelligence technologies for use in operational and mission support activities.

(3) SUBMISSION TO COMMANDANT.—Not later than 2 years after the date of enactment of this Act, the designated official

shall submit to the Commandant the plan developed under paragraph (1).

(4) SUBMISSION TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives the plan developed under paragraph (1).

SEC. 11227. REVIEW OF ARTIFICIAL INTELLIGENCE APPLICATIONS AND ESTABLISHMENT OF PERFORMANCE METRICS.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Commandant shall—

(1) review the potential applications of artificial intelligence and digital technology to the platforms, processes, and operations of the Coast Guard;

(2) identify the resources necessary to improve the use of artificial intelligence and digital technology in such platforms, processes, and operations; and

(3) establish performance objectives and accompanying metrics for the incorporation of artificial intelligence and digital readiness into such platforms, processes, and operations.

(b) PERFORMANCE OBJECTIVES AND ACCOMPANYING METRICS.—

(1) SKILL GAPS.—In carrying out subsection (a), the Commandant shall—

(A) conduct a comprehensive review and assessment of—

(i) skill gaps in the fields of software development, software engineering, data science, and artificial intelligence;

(ii) the qualifications of civilian personnel needed for both management and specialist tracks in such fields; and

(iii) the qualifications of military personnel (officer and enlisted) needed for both management and specialist tracks in such fields; and

(B) establish recruiting, training, and talent management performance objectives and accompanying metrics for achieving and maintaining staffing levels needed to fill identified gaps and meet the needs of the Coast Guard for skilled personnel.

(2) AI MODERNIZATION ACTIVITIES.—In carrying out subsection (a), the Commandant shall—

(A) assess investment by the Coast Guard in artificial intelligence innovation, science and technology, and research and development;

(B) assess investment by the Coast Guard in test and evaluation of artificial intelligence capabilities;

(C) assess the integration of, and the resources necessary to better use artificial intelligence in wargames, exercises, and experimentation;

(D) assess the application of, and the resources necessary to better use, artificial intelligence in logistics and sustainment systems;

(E) assess the integration of, and the resources necessary to better use, artificial intelligence for administrative functions;

(F) establish performance objectives and accompanying metrics for artificial intelligence modernization activities of the Coast Guard; and

(G) identify the resources necessary to effectively use artificial intelligence to carry out the missions of the Coast Guard.

(c) REPORT TO CONGRESS.—Not later than 180 days after the completion of the review required under subsection (a)(1), the Commandant shall submit to the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives a report on—

(1) the findings of the Commandant with respect to such review and any action taken or proposed to be taken by the Commandant, and the resources necessary to address such findings;

(2) the performance objectives and accompanying metrics established under subsections (a)(3) and (b)(1)(B); and

(3) any recommendation with respect to proposals for legislative change necessary to successfully implement artificial intelligence applications within the Coast Guard.

SEC. 11228. [14 U.S.C. 504 note] CYBER DATA MANAGEMENT.

(a) IN GENERAL.—The Commandant and the Director of the Cybersecurity and Infrastructure Security Agency shall—

(1) develop policies, processes, and operating procedures governing—

(A) access to and the ingestion, structure, storage, and analysis of information and data relevant to the Coast Guard Cyber Mission, including—

(i) intelligence data relevant to Coast Guard missions;

(ii) internet traffic, topology, and activity data relevant to such missions; and

(iii) cyber threat information relevant to such missions; and

(B) data management and analytic platforms relating to such missions; and

(2) evaluate data management platforms referred to in paragraph (1)(B) to ensure that such platforms operate consistently with the Coast Guard Data Strategy.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Commandant shall submit to the Committee on Commerce, Science, and Transportation and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives a report that includes—

(1) an assessment of the progress on the activities required by subsection (a); and

(2) any recommendation with respect to funding or additional authorities necessary, including proposals for legislative change, to improve Coast Guard cyber data management.

SEC. 11229. DATA MANAGEMENT.

Section 504(a) of title 14, United States Code, is amended—

(1) in paragraph (24) by striking "; and" and inserting a semicolon;

(2) in paragraph (25) by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(26) develop data workflows and processes for the leveraging of mission-relevant data by the Coast Guard to enhance operational effectiveness and efficiency.".

SEC. 11230. STUDY ON CYBER THREATS TO UNITED STATES MARINE TRANSPORTATION SYSTEM.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall commence a study on cyber threats to the United States marine transportation system.

(b) ELEMENTS.—The study required under paragraph (1) shall assess the following:

(1) The extent to which the Coast Guard, in collaboration with other Federal agencies, sets standards for the cybersecurity of facilities and vessels regulated under part 104, 105, or 106 of title 33, Code of Federal Regulations, as in effect on the date of enactment of this Act.

(2) The manner in which the Coast Guard ensures cybersecurity standards are followed by port, vessel, and facility owners and operators.

(3) The extent to which maritime sector-specific planning addresses cybersecurity, particularly for vessels and offshore platforms.

(4) The manner in which the Coast Guard, other Federal agencies, and vessel and offshore platform operators exchange information regarding cyber risks.

(5) The extent to which the Coast Guard is developing and deploying cybersecurity specialists in port and vessel systems and collaborating with the private sector to increase the expertise of the Coast Guard with respect to cybersecurity.

(6) The cyber resource and workforce needs of the Coast Guard necessary to meet future mission demands.

(c) REPORT.—Not later than 1 year after commencing the study required under subsection (a), the Comptroller General shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the findings of the study.

(d) FACILITY DEFINED.—In this section, the term "facility" has the meaning given the term in section 70101 of title 46, United States Code.

Subtitle E—Aviation

SEC. 11231. SPACE-AVAILABLE TRAVEL ON COAST GUARD AIRCRAFT: PROGRAM AUTHORIZATION AND ELIGIBLE RECIPIENTS.

(a) IN GENERAL.—Subchapter I of chapter 5 of title 14, United States Code, is amended by adding at the end the following:

"SEC. 509. [14 U.S.C. 509] Space-available travel on Coast Guard aircraft

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—The Commandant may establish a program to provide transportation on Coast Guard aircraft on a space-available basis to the categories of eligible individuals described in subsection (c) (in this section referred to as the 'program').

"(2) POLICY DEVELOPMENT.—Not later than 1 year after the date on which the program is established, the Commandant shall develop a policy for the operation of the program.

"(b) OPERATION OF PROGRAM.—

"(1) IN GENERAL.—The Commandant shall operate the program in a budget-neutral manner.

"(2) LIMITATIONS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), no additional funds may be used, or flight hours performed, for the purpose of providing transportation under the program.

"(B) DE MINIMIS EXPENDITURES.—The Commandant may make de minimis expenditures of resources required for the administrative aspects of the program.

"(3) REIMBURSEMENT NOT REQUIRED.—Eligible individuals described in subsection (c) shall not be required to reimburse the Coast Guard for travel provided under this section.

"(c) CATEGORIES OF ELIGIBLE INDIVIDUALS.—Subject to subsection (d), the categories of eligible individuals described in this subsection are the following:

"(1) Members of the armed forces on active duty.

"(2) Members of the Selected Reserve who hold a valid Uniformed Services Identification and Privilege Card.

"(3) Retired members of a regular or reserve component of the armed forces, including retired members of reserve components who, but for being under the eligibility age applicable under section 12731 of title 10, would be eligible for retired pay under chapter 1223 of title 10.

"(4) Subject to subsection (f), veterans with a permanent service-connected disability rated as total.

"(5) Such categories of dependents of individuals described in paragraphs (1) through (3) as the Commandant shall specify in the policy under subsection (a)(2), under such conditions and circumstances as the Commandant shall specify in such policy.

"(6) Such other categories of individuals as the Commandant considers appropriate.

"(d) REQUIREMENTS.—In operating the program, the Commandant shall—

"(1) in the sole discretion of the Commandant, establish an order of priority for transportation for categories of eligible in-

dividuals that is based on considerations of military necessity, humanitarian concerns, and enhancement of morale;

"(2) give priority in consideration of transportation to the demands of members of the armed forces in the regular components and in the reserve components on active duty and to the need to provide such members, and their dependents, a means of respite from such demands; and

"(3) implement policies aimed at ensuring cost control (as required under subsection (b)) and the safety, security, and efficient processing of travelers, including limiting the benefit under the program to 1 or more categories of otherwise eligible individuals, as the Commandant considers necessary.

"(e) TRANSPORTATION.—

"(1) IN GENERAL.—Notwithstanding subsection (d)(1), in establishing space-available transportation priorities under the program, the Commandant shall provide transportation for an individual described in paragraph (2), and a single dependent of the individual if needed to accompany the individual, at a priority level in the same category as the priority level for an unaccompanied dependent over the age of 18 years traveling on environmental and morale leave.

"(2) INDIVIDUALS COVERED.—Subject to paragraph (3), paragraph (1) applies with respect to an individual described in subsection (c)(3) who—

"(A) resides in or is located in a Commonwealth or possession of the United States; and

"(B) is referred by a military or civilian primary care provider located in that Commonwealth or possession to a specialty care provider for services to be provided outside of such Commonwealth or possession.

"(3) APPLICATION TO CERTAIN RETIRED INDIVIDUALS.—If an individual described in subsection (c)(3) is a retired member of a reserve component who is ineligible for retired pay under chapter 1223 of title 10 by reason of being under the eligibility age applicable under section 12731 of title 10, paragraph (1) applies to the individual only if the individual is also enrolled in the TRICARE program for certain members of the Retired Reserve authorized under section 1076e of title 10.

"(4) PRIORITY.—The priority for space-available transportation required by this subsection applies with respect to—

"(A) the travel from the Commonwealth or possession of the United States to receive the specialty care services; and

"(B) the return travel.

"(5) PRIMARY CARE PROVIDER AND SPECIALTY CARE PROVIDER DEFINED.—In this subsection, the terms 'primary care provider' and 'specialty care provider' refer to a medical or dental professional who provides health care services under chapter 55 of title 10.

"(f) LIMITATIONS ON TRAVEL.—

"(1) IN GENERAL.—Travel may not be provided under this section to a veteran eligible for travel pursuant to paragraph (4) of subsection (c) in priority over any member eligible for

travel under paragraph (1) of that subsection or any dependent of such a member eligible for travel under this section.

"(2) RULE OF CONSTRUCTION.—Subsection (c)(4) may not be construed as—

"(A) affecting or in any way imposing on the Coast Guard, any armed force, or any commercial entity with which the Coast Guard or an armed force contracts, an obligation or expectation that the Coast Guard or such armed force will retrofit or alter, in any way, military aircraft or commercial aircraft, or related equipment or facilities, used or leased by the Coast Guard or such armed force to accommodate passengers provided travel under such authority on account of disability; or

"(B) preempting the authority of an aircraft commander to determine who boards the aircraft and any other matters in connection with safe operation of the aircraft.

"(g) APPLICATION OF SECTION.—The authority to provide transportation under the program is in addition to any other authority under law to provide transportation on Coast Guard aircraft on a space-available basis.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 5 of title 14, United States Code, is amended by inserting after the item relating to section 508 the following:

"509. Space-available travel on Coast Guard aircraft.".

SEC. 11232. REPORT ON COAST GUARD AIR STATION BARBERS POINT HANGAR.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commandant shall submit to the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives a report on facilities requirements for constructing a hangar at Coast Guard Air Station Barbers Point at Oahu, Hawaii.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of the—

(A) $45,000,000 phase one design for the hangar at Coast Guard Air Station Barbers Point funded by the Consolidated Appropriations Act, 2021 (Public Law 116-260; 134 Stat. 1132); and

(B) phase two facility improvements referenced in the U.S. Coast Guard Unfunded Priority List for fiscal year 2023.

(2) An evaluation of the full facilities requirements for such hangar and maintenance facility improvements to house, maintain, and operate the MH-65 and HC-130J, including—

(A) storage and provision of fuel; and

(B) maintenance and parts storage facilities.

(3) An evaluation of facilities growth requirements for possible future basing of the MH-60 with the C-130J at Coast Guard Air Station Barbers Point.

(4) A description of and cost estimate for each project phase for the construction of such hangar and maintenance facility improvements.

(5) A description of the plan for sheltering in the hangar during extreme weather events aircraft of the Coast Guard and partner agencies, such as the National Oceanic and Atmospheric Administration.

(6) A description of the risks posed to operations at Coast Guard Air Station Barbers Point if future project phases for the construction of such hangar are not funded.

SEC. 11233. STUDY ON OPERATIONAL AVAILABILITY OF COAST GUARD AIRCRAFT AND STRATEGY FOR COAST GUARD AVIATION.

(a) STUDY.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall commence a study on the operational availability of Coast Guard aircraft.

(2) ELEMENTS.—The study required under paragraph (1) shall include the following:

(A) An assessment of—

(i) the extent to which the fixed-wing and rotary-wing aircraft of the Coast Guard have met annual operational availability targets in recent years;

(ii) the challenges the Coast Guard may face with respect to such aircraft meeting operational availability targets, and the effects of such challenges on the ability of the Coast Guard to meet mission requirements; and

(iii) the status of Coast Guard efforts to upgrade or recapitalize its fleet of such aircraft to meet growth in future mission demands globally, such as in the Western Hemisphere, the Arctic region, and the Western Pacific region.

(B) Any recommendation with respect to the operational availability of Coast Guard aircraft.

(C) The resource and workforce requirements necessary for Coast Guard Aviation to meet current and future mission demands specific to each rotary-wing and fixed-wing airframe type in the current inventory of the Coast Guard.

(3) REPORT.—On completion of the study required under paragraph (1), the Comptroller General shall submit to the Commandant a report on the findings of the study.

(b) COAST GUARD AVIATION STRATEGY.—

(1) IN GENERAL.—Not later than 180 days after the date on which the study under subsection (a) is completed, the Commandant shall develop a comprehensive strategy for Coast Guard Aviation that is informed by the relevant recommendations and findings of the study.

(2) ELEMENTS.—The strategy required under paragraph (1) shall include the following:

(A) With respect to aircraft of the Coast Guard—

(i) an analysis of—

(I) the current and future operations and future resource needs, including the potential need for a second rotary wing airframe to carry out cutter-based operations and National Capital Region air interdiction mission; and

(II) the manner in which such future needs are integrated with the Future Vertical Lift initiatives of the Department of Defense; and

(ii) an estimated timeline with respect to when such future needs will arise.

(B) The projected number of aviation assets, the locations at which such assets are to be stationed, the cost of operation and maintenance of such assets, and an assessment of the capabilities of such assets as compared to the missions they are expected to execute, at the completion of major procurement and modernization plans.

(C) A procurement plan, including an estimated timetable and the estimated appropriations necessary for all platforms, including unmanned aircraft.

(D) A training plan for pilots and aircrew that addresses—

(i) the use of simulators owned and operated by the Coast Guard, and simulators that are not owned or operated by the Coast Guard, including any such simulators based outside the United States; and

(ii) the costs associated with attending training courses.

(E) Current and future requirements for cutter and land-based deployment of aviation assets globally, including in the Arctic, the Eastern Pacific, the Western Pacific, the Caribbean, the Atlantic Basin, and any other area the Commandant considers appropriate.

(F) A description of the feasibility of deploying, and the resource requirements necessary to deploy, rotary-winged assets onboard all future Arctic cutter patrols.

(G) An evaluation of current and future facilities needs for Coast Guard aviation units.

(H) An evaluation of pilot and aircrew training and retention needs, including aviation career incentive pay, retention bonuses, and any other workforce tools the Commandant considers necessary.

(3) BRIEFING.—Not later than 180 days after the date on which the strategy required under paragraph (1) is completed, the Commandant shall provide to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a briefing on the strategy.

Subtitle F—Workforce Readiness

SEC. 11234. AUTHORIZED STRENGTH.

Section 3702 of title 14, United States Code, is amended by adding at the end the following:

"(c) The Secretary may vary the authorized end strength of the Coast Guard Selected Reserves for a fiscal year by a number equal to not more than 3 percent of such end strength upon a determination by the Secretary that varying such authorized end strength is in the national interest.

"(d) The Commandant may increase the authorized end strength of the Coast Guard Selected Reserves by a number equal to not more than 2 percent of such authorized end strength upon a determination by the Commandant that such increase would enhance manning and readiness in essential units or in critical specialties or ratings.".

SEC. 11235. CONTINUATION OF OFFICERS WITH CERTAIN CRITICAL SKILLS ON ACTIVE DUTY.

(a) IN GENERAL.—Chapter 21 of title 14, United States Code, is amended by inserting after section 2165 the following:

"SEC. 2166. [14 U.S.C. 2166] Continuation on active duty; Coast Guard officers with certain critical skills

"(a) IN GENERAL.—The Commandant may authorize an officer in a grade above grade O-2 to remain on active duty after the date otherwise provided for the retirement of such officer in section 2154 of this title, if the officer possesses a critical skill, or specialty, or is in a career field designated pursuant to subsection (b).

"(b) CRITICAL SKILLS, SPECIALTY, OR CAREER FIELD.—The Commandant shall designate any critical skill, specialty, or career field eligible for continuation on active duty as provided in subsection (a).

"(c) DURATION OF CONTINUATION.—An officer continued on active duty pursuant to this section shall, if not earlier retired, be retired on the first day of the month after the month in which the officer completes 40 years of active service.

"(d) POLICY.—The Commandant shall carry out this section by prescribing policy which shall specify the criteria to be used in designating any critical skill, specialty, or career field for purposes of subsection (b).".

(b) CLERICAL AMENDMENT.—The analysis for chapter 21 of title 14, United States Code, is amended by inserting after the item relating to section 2165 the following:

"2166. Continuation on active duty; Coast Guard officers with certain critical skills.".

SEC. 11236. NUMBER AND DISTRIBUTION OF OFFICERS ON ACTIVE DUTY PROMOTION LIST.

(a) MAXIMUM NUMBER OF OFFICERS.—Section 2103(a) of title 14, United States Code, is amended to read as follows:

"(a) MAXIMUM TOTAL NUMBER.—

"(1) IN GENERAL.—The total number of Coast Guard commissioned officers on the active duty promotion list, excluding warrant officers, shall not exceed—

"(A) 7,100 in fiscal year 2022;

"(B) 7,200 in fiscal year 2023;

"(C) 7,300 in fiscal year 2024; and

"(D) 7,400 in fiscal year 2025 and each subsequent fiscal year.

"(2) TEMPORARY INCREASE.—Notwithstanding paragraph (1), the Commandant may temporarily increase the total number of commissioned officers permitted under such paragraph by up to 4 percent for not more than 60 days after the date of the commissioning of a Coast Guard Academy class.

"(3) NOTIFICATION.—Not later than 30 days after exceeding the total number of commissioned officers permitted under paragraphs (1) and (2), and each 30 days thereafter until the total number of commissioned officers no longer exceeds the number of such officers permitted under paragraphs (1) and (2), the Commandant shall notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of the number of officers on the active duty promotion list on the last day of the preceding 30-day period.".

(b) OFFICERS NOT ON ACTIVE DUTY PROMOTION LIST.—

(1) IN GENERAL.—Chapter 51 of title 14, United States Code, is amended by adding at the end the following:

"SEC. 5113. [14 U.S.C. 5113] Officers not on active duty promotion list

"Not later than 60 days after the date on which the President submits to Congress a budget pursuant to section 1105 of title 31, the Commandant shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate the number of Coast Guard officers serving at other Federal entities on a reimbursable basis, and the number of Coast Guard officers who are serving at other Federal agencies on a non-reimbursable basis, but not on the active duty promotion list.".

(2) CLERICAL AMENDMENT.—The analysis for chapter 51 of title 14, United States Code, is amended by adding at the end the following:

"5113. Officers not on active duty promotion list.".

SEC. 11237. [37 U.S.C. 352 note] CAREER INCENTIVE PAY FOR MARINE INSPECTORS.

(a) AUTHORITY TO PROVIDE ASSIGNMENT PAY OR SPECIAL DUTY PAY.—The Secretary may provide assignment pay or special duty pay under section 352 of title 37, United States Code, to a member of the Coast Guard serving in a prevention position and assigned as a marine inspector or marine investigator pursuant to section 339 of title 14, United States Code.

(b) ANNUAL BRIEFING.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, and annually thereafter, the Secretary shall provide to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a briefing on any uses of the authority under subsection (a) during the preceding year.

(2) ELEMENTS.—Each briefing required under paragraph (1) shall include the following:

(A) The number of members of the Coast Guard serving as marine inspectors or marine investigators pursuant to section 339 of title 14, United States Code, who are re-

ceiving assignment pay or special duty pay under section 352 of title 37, United States Code.

(B) An assessment of the impact of the use of the authority under this section on the effectiveness and efficiency of the Coast Guard in administering the laws and regulations for the promotion of safety of life and property on and under the high seas and waters subject to the jurisdiction of the United States.

(C) An assessment of the effects of assignment pay and special duty pay on retention of marine inspectors and investigators.

(D) If the authority provided in subsection (a) is not exercised, a detailed justification for not exercising such authority, including an explanation of the efforts the Secretary is taking to ensure that the Coast Guard workforce contains an adequate number of qualified marine inspectors.

(c) STUDY.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary, in coordination with the Director of the National Institute for Occupational Safety and Health, shall conduct a study on the health of marine inspectors and marine investigators who have served as such inspectors or investigators for a period of not less than 10 years.

(2) ELEMENTS.—The study required under paragraph (1) shall include the following:

(A) An evaluation of—

(i) the daily vessel inspection duties of marine inspectors and marine investigators, including the examination of internal cargo tanks and voids and new construction activities;

(ii) major incidents to which marine inspectors and marine investigators have had to respond, and any other significant incident, such as a vessel casualty, that has resulted in the exposure of marine inspectors and marine investigators to hazardous chemicals or substances; and

(iii) the types of hazardous chemicals or substances to which marine inspectors and marine investigators have been exposed relative to the effects such chemicals or substances have had on marine inspectors and marine investigators.

(B) A review and analysis of the current Coast Guard health and safety monitoring systems, and recommendations for improving such systems, specifically with respect to the exposure of members of the Coast Guard to hazardous substances while carrying out inspections and investigation duties.

(C) Any other element the Secretary considers appropriate.

(3) REPORT.—Upon completion of the study required under paragraph (1), the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House

of Representatives a report on the findings of the study and recommendations for actions the Commandant should take to improve the health and exposure of marine inspectors and marine investigators.

(d) TERMINATION.—The authority provided by subsection (a) shall terminate on December 31, 2028.

SEC. 11238. EXPANSION OF ABILITY FOR SELECTION BOARD TO RECOMMEND OFFICERS OF PARTICULAR MERIT FOR PROMOTION.

Section 2116(c)(1) of title 14, United States Code, is amended, in the second sentence, by inserting "three times" after "may not exceed".

SEC. 11239. MODIFICATION TO EDUCATION LOAN REPAYMENT PROGRAM.

(a) IN GENERAL.—Section 2772 of title 14, United States Code, is amended to read as follows:

"SEC. 2772. Education loan repayment program for members on active duty in specified military specialties

"(a) IN GENERAL.—

"(1) REPAYMENT.—Subject to the provisions of this section, the Secretary may repay—

"(A) any loan made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.);

"(B) any loan made under part D of such title (the William D. Ford Federal Direct Loan Program, 20 U.S.C. 1087a et seq.);

"(C) any loan made under part E of such title (20 U.S.C. 1087aa et seq.); or

"(D) any loan incurred for educational purposes made by a lender that is—

"(i) an agency or instrumentality of a State;

"(ii) a financial or credit institution (including an insurance company) that is subject to examination and supervision by an agency of the United States or any State;

"(iii) a pension fund approved by the Secretary for purposes of this section; or

"(iv) a nonprofit private entity designated by a State, regulated by such State, and approved by the Secretary for purposes of this section.

"(2) REQUIREMENT.—Repayment of any such loan shall be made on the basis of each complete year of service performed by the borrower.

"(3) ELIGIBILITY.—The Secretary may repay loans described in paragraph (1) in the case of any person for service performed on active duty as a member in an officer program or military specialty specified by the Secretary.

"(b) AMOUNT.—The portion or amount of a loan that may be repaid under subsection (a) is 331/3 percent or $1,500, whichever is greater, for each year of service.

"(c) INTEREST ACCRUAL.—If a portion of a loan is repaid under this section for any year, interest on the remainder of such loan

shall accrue and be paid in the same manner as is otherwise required.

"(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to authorize refunding any repayment of a loan.

"(e) FRACTIONAL CREDIT FOR TRANSFER.—An individual who transfers from service making the individual eligible for repayment of loans under this section (as described in subsection (a)(3)) to service making the individual eligible for repayment of loans under section 16301 of title 10 (as described in subsection (a)(2) or (g) of that section) during a year shall be eligible to have repaid a portion of such loan determined by giving appropriate fractional credit for each portion of the year so served, in accordance with regulations of the Secretary concerned.

"(f) SCHEDULE FOR ALLOCATION.—The Secretary shall prescribe a schedule for the allocation of funds made available to carry out the provisions of this section and section 16301 of title 10 during any year for which funds are not sufficient to pay the sum of the amounts eligible for repayment under subsection (a) and section 16301(a) of title 10.

"(g) FAILURE TO COMPLETE PERIOD OF SERVICE.—Except an individual described in subsection (e) who transfers to service making the individual eligible for repayment of loans under section 16301 of title 10, a member of the Coast Guard who fails to complete the period of service required to qualify for loan repayment under this section shall be subject to the repayment provisions of section 303a(e) or 373 of title 37.

"(h) AUTHORITY TO ISSUE REGULATIONS.—The Secretary may prescribe procedures for implementing this section, including standards for qualified loans and authorized payees and other terms and conditions for making loan repayments. Such regulations may include exceptions that would allow for the payment as a lump sum of any loan repayment due to a member under a written agreement that existed at the time of a member's death or disability.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 27 of title 14, United States Code, is amended by striking the item relating to section 2772 and inserting the following:

"2772. Education loan repayment program for members on active duty in specified military specialties.".

SEC. 11240. RETIREMENT OF VICE COMMANDANT.

Section 303 of title 14, United States Code, is amended—

(1) by amending subsection (a)(2) to read as follows:

"(2) A Vice Commandant who is retired while serving as Vice Commandant, after serving not less than 2 years as Vice Commandant, shall be retired with the grade of admiral, except as provided in section 306(d).''; and

(2) in subsection (c) by striking "or Vice Commandant" and inserting "or as an officer serving as Vice Commandant who has served less than 2 years as Vice Commandant".

SEC. 11241. [14 U.S.C. 2502 note] REPORT ON RESIGNATION AND RETIREMENT PROCESSING TIMES AND DENIAL.

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, and annually thereafter, the Commandant

shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that evaluates resignation and retirement processing timelines.

(b) ELEMENTS.—The report required under subsection (a) shall include, for the preceding calendar year—

(1) statistics on the number of resignations, retirements, and other separations that occurred;

(2) the processing time for each action described in paragraph (1);

(3) the percentage of requests for such actions that had a command endorsement;

(4) the percentage of requests for such actions that did not have a command endorsement; and

(5) for each denial of a request for a command endorsement and each failure to take action on such a request, a detailed description of the rationale for such denial or failure to take such action.

SEC. 11242. CALCULATION OF ACTIVE SERVICE.

(a) IN GENERAL.—Subchapter I of chapter 25 of title 14, United States Code, is amended by adding at the end the following:

"SEC. 2515. [14 U.S.C. 2515] Calculation of active service

"Any service described, including service described prior to the date of enactment of the Don Young Coast Guard Authorization Act of 2022, in writing, including by electronic communication, by a representative of the Coast Guard Personnel Service Center as service that counts toward total active service for regular retirement under section 2152 or section 2306 shall be considered by the President as active service for purposes of applying section 2152 or section 2306 with respect to the determination of the retirement qualification for any officer or enlisted member to whom a description was provided.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 25 of title 14, United States Code, is amended by inserting after the item relating to section 2515 the following:

"2515. Calculation of active service.".

(c) [14 U.S.C. 2515 note] RULE OF CONSTRUCTION.—The amendment made by subsection (a)—

(1) shall only apply to officers of the Coast Guard that entered active service after January 1, 1997, temporarily separated for a period of time, and have retired from the Coast Guard before January 1, 2024; and

(2) shall not apply to any member of any other uniformed service, or to any Coast Guard member regarding active service of the member in any other uniformed service.

SEC. 11243. PHYSICAL DISABILITY EVALUATION SYSTEM PROCEDURE REVIEW.

(a) STUDY.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall complete a study on the Coast Guard Physical Disability Evaluation System and medical retirement procedures.

(2) ELEMENTS.—In completing the study required under paragraph (1), the Comptroller General shall review, and provide recommendations to address, the following:

(A) Coast Guard compliance with all applicable laws, regulations, and policies relating to the Physical Disability Evaluation System and the Medical Evaluation Board.

(B) Coast Guard compliance with timelines set forth in—

(i) the instruction of the Commandant entitled "Physical Disability Evaluation System" issued on May 19, 2006 (COMDTNST M1850.2D); and

(ii) the Physical Disability Evaluation System Transparency Initiative (ALCGPSC 030/20).

(C) An evaluation of Coast Guard processes in place to ensure the availability, consistency, and effectiveness of counsel appointed by the Coast Guard Office of the Judge Advocate General to represent members of the Coast Guard undergoing an evaluation under the Physical Disability Evaluation System.

(D) The extent to which the Coast Guard has and uses processes to ensure that such counsel may perform the functions of such counsel in a manner that is impartial, including being able to perform such functions without undue pressure or interference by the command of the affected member of the Coast Guard, the Personnel Service Center, and the Coast Guard Office of the Judge Advocate General.

(E) The frequency, including the frequency aggregated by member pay grade, with which members of the Coast Guard seek private counsel in lieu of counsel appointed by the Coast Guard Office of the Judge Advocate General.

(F) The timeliness of determinations, guidance, and access to medical evaluations necessary for retirement or rating determinations and overall well-being of the affected member of the Coast Guard.

(G) The guidance, formal or otherwise, provided by the Personnel Service Center and the Coast Guard Office of the Judge Advocate General, other than the counsel directly representing affected members of the Coast Guard, in communication with medical personnel examining members.

(H) The guidance, formal or otherwise, provided by the medical professionals reviewing cases within the Physical Disability Evaluation System to affected members of the Coast Guard, and the extent to which such guidance is disclosed to the commanders, commanding officers, or other members of the Coast Guard in the chain of command of such affected members.

(I) The feasibility of establishing a program to allow members of the Coast Guard to select an expedited review to ensure completion of the Medical Evaluation Board report not later than 180 days after the date on which such review was initiated.

(b) REPORT.—The Comptroller General shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the findings of the study conducted under subsection (a) and recommendations for improving the Physical Disability Evaluation System process.

(c) UPDATED POLICY GUIDANCE.—

(1) IN GENERAL.—Not later than 180 days after the date on which the report under subsection (b) is submitted, the Commandant shall issue updated policy guidance in response to the findings and recommendations contained in the report.

(2) ELEMENTS.—The updated policy guidance required under paragraph (1) shall include the following:

(A) A requirement that a member of the Coast Guard, or the counsel of such a member, shall be informed of the contents of, and afforded the option to be present for, any communication between the member's command and the Personnel Service Center, or other Coast Guard entity, with respect to the duty status of the member.

(B) An exception to the requirement described in subparagraph (A) that such a member, or the counsel of the member, is not required to be informed of the contents of such a communication if it is demonstrated that there is a legitimate health or safety need for the member to be excluded from such communications, supported by a medical opinion that such exclusion is necessary for the health or safety of the member, command, or any other individual.

(C) An option to allow a member of the Coast Guard to initiate an evaluation by a Medical Evaluation Board if a Coast Guard healthcare provider, or other military healthcare provider, has raised a concern about the ability of the member to continue serving in the Coast Guard, in accordance with existing medical and physical disability policy.

(D) An updated policy to remove the command endorsement requirement for retirement or separation unless absolutely necessary for the benefit of the United States.

SEC. 11244. EXPANSION OF AUTHORITY FOR MULTIRATER ASSESSMENTS OF CERTAIN PERSONNEL.

(a) IN GENERAL.—Section 2182(a) of title 14, United States Code, is amended by striking paragraph (2) and inserting the following:

"(2) OFFICERS.—Each officer of the Coast Guard shall undergo a multirater assessment before promotion to—

"(A) the grade of O-4;

"(B) the grade of O-5; and

"(C) the grade of O-6.

"(3) ENLISTED MEMBERS.—Each enlisted member of the Coast Guard shall undergo a multirater assessment before advancement to—

"(A) the grade of E-7;

"(B) the grade of E-8;

"(C) the grade of E-9; and

"(D) the grade of E-10.

"(4) SELECTION.—An individual assessed shall not be permitted to select the peers and subordinates who provide opinions for the multirater assessment of such individual.

"(5) POST-ASSESSMENT ELEMENTS.—

"(A) IN GENERAL.—Following an assessment of an individual pursuant to paragraphs (1) through (3), the individual shall be provided appropriate post-assessment counseling and leadership coaching.

"(B) AVAILABILITY OF RESULTS.—The supervisor of the individual assessed shall be provided with the results of the multirater assessment.".

(b) COST ASSESSMENT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Commandant shall provide to the appropriate committees of Congress an estimate of the costs associated with implementing the amendment made by subsection (a).

(2) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term "appropriate committees of Congress" means—

(A) the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate; and

(B) the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives.

SEC. 11245. PROMOTION PARITY.

(a) INFORMATION TO BE FURNISHED.—Section 2115(a) of title 14, United States Code, is amended—

(1) in paragraph (1) by striking "; and" and inserting a semicolon;

(2) in paragraph (2) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(3) in the case of an eligible officer considered for promotion to a rank above lieutenant, any credible information of an adverse nature, including any substantiated adverse finding or conclusion from an officially documented investigation or inquiry and any information placed in the personnel service record of the officer under section 1745(a) of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66; 10 U.S.C. 1561 note), shall be furnished to the selection board in accordance with standards and procedures set out in the regulations prescribed by the Secretary.".

(b) SPECIAL SELECTION REVIEW BOARDS.—

(1) IN GENERAL.—Subchapter I of chapter 21 of title 14, United States Code, is amended by inserting after section 2120 the following:

"SEC. 2120a. [14 U.S.C. 2120a] Special selection review boards

"(a) IN GENERAL.—(1) If the Secretary determines that a person recommended by a promotion board for promotion to a grade at or below the grade of rear admiral is the subject of credible information of an adverse nature, including any substantiated ad-

verse finding or conclusion described in section 2115(a)(3) of this title that was not furnished to the promotion board during its consideration of the person for promotion as otherwise required by such section, the Secretary shall convene a special selection review board under this section to review the person and recommend whether the recommendation for promotion of the person should be sustained.

"(2) If a person and the recommendation for promotion of the person is subject to review under this section by a special selection review board convened under this section, the name of the person—

"(A) shall not be disseminated or publicly released on the list of officers recommended for promotion by the promotion board recommending the promotion of the person; and

"(B) shall not be forwarded to the President or the Senate, as applicable, or included on a promotion list under section 2121 of this title.

"(b) CONVENING.—(1) Any special selection review board convened under this section shall be convened in accordance with the provisions of section 2120(c) of this title.

"(2) Any special selection review board convened under this section may review such number of persons, and recommendations for promotion of such persons, as the Secretary shall specify in convening such special selection review board.

"(c) INFORMATION CONSIDERED.—(1) In reviewing a person and recommending whether the recommendation for promotion of the person should be sustained under this section, a special selection review board convened under this section shall be furnished and consider the following:

"(A) The record and information concerning the person furnished in accordance with section 2115 of this title to the promotion board that recommended the person for promotion.

"(B) Any credible information of an adverse nature on the person, including any substantiated adverse finding or conclusion from an officially documented investigation or inquiry described in section 2115(a)(3) of this title.

"(2) The furnishing of information to a special selection review board under paragraph (1)(B) shall be governed by the standards and procedures referred to in section 2115 of this title.

"(3)(A) Before information on a person described in paragraph (1)(B) is furnished to a special selection review board for purposes of this section, the Secretary shall ensure that—

"(i) such information is made available to the person; and

"(ii) subject to subparagraphs (C) and (D), the person is afforded a reasonable opportunity to submit comments on such information to the special selection review board before its review of the person and the recommendation for promotion of the person under this section.

"(B) If information on a person described in paragraph (1)(B) is not made available to the person as otherwise required by subparagraph (A)(i) due to the classification status of such information, the person shall, to the maximum extent practicable, be furnished a summary of such information appropriate to the person's authorization for access to classified information.

"(C)(i) An opportunity to submit comments on information is not required for a person under subparagraph (A)(ii) if—

"(I) such information was made available to the person in connection with the furnishing of such information under section 2115(a) of this title to the promotion board that recommended the promotion of the person subject to review under this section; and

"(II) the person submitted comments on such information to that promotion board.

"(ii) The comments on information of a person described in clause (i)(II) shall be furnished to the special selection review board.

"(D) A person may waive either or both of the following:

"(i) The right to submit comments to a special selection review board under subparagraph (A)(ii).

"(ii) The furnishing of comments to a special selection review board under subparagraph (C)(ii).

"(d) CONSIDERATION.—(1) In considering the record and information on a person under this section, the special selection review board shall compare such record and information with an appropriate sampling of the records of those officers who were recommended for promotion by the promotion board that recommended the person for promotion, and an appropriate sampling of the records of those officers who were considered by and not recommended for promotion by that promotion board.

"(2) Records and information shall be presented to a special selection review board for purposes of paragraph (1) in a manner that does not indicate or disclose the person or persons for whom the special selection review board was convened.

"(3) In considering whether the recommendation for promotion of a person should be sustained under this section, a special selection review board shall, to the greatest extent practicable, apply standards used by the promotion board that recommended the person for promotion.

"(4) The recommendation for promotion of a person may be sustained under this section only if the special selection review board determines that the person—

"(A) ranks on an order of merit created by the special selection review board as better qualified for promotion than the sample officer highest on the order of merit list who was considered by and not recommended for promotion by the promotion board concerned; and

"(B) is comparable in qualification for promotion to those sample officers who were recommended for promotion by that promotion board.

"(5) A recommendation for promotion of a person may be sustained under this section only by a vote of a majority of the members of the special selection review board.

"(6) If a special selection review board does not sustain a recommendation for promotion of a person under this section, the person shall be considered to have failed of selection for promotion.

"(e) REPORTS.—(1) Each special selection review board convened under this section shall submit to the Secretary a written report, signed by each member of the board, containing the name of each person whose recommendation for promotion it recommends for sustainment and certifying that the board has carefully considered the record and information of each person whose name was referred to it.

"(2) The provisions of sections 2117(a) of this title apply to the report and proceedings of a special selection review board convened under this section in the same manner as they apply to the report and proceedings of a promotion board convened under section 2106 of this title.

"(f) APPOINTMENT OF PERSONS.—(1) If the report of a special selection review board convened under this section recommends the sustainment of the recommendation for promotion to the next higher grade of a person whose name was referred to it for review under this section, and the President approves the report, the person shall, as soon as practicable, be appointed to that grade in accordance with section 2121 of this title.

"(2) A person who is appointed to the next higher grade as described in paragraph (1) shall, upon that appointment, have the same date of rank, the same effective date for the pay and allowances of that grade, and the same position on the active-duty list as the person would have had pursuant to the original recommendation for promotion of the promotion board concerned.

"(g) REGULATIONS.—The Secretary shall prescribe regulations to carry out this section.

"(h) PROMOTION BOARD DEFINED.—In this section, the term 'promotion board' means a selection board convened by the Secretary under section 2106 of this title.".

(2) CLERICAL AMENDMENT.—The analysis for chapter 21 of title 14, United States Code, is amended by inserting after the item relating to section 2120 the following:

"2120a. Special selection review boards.".

(c) AVAILABILITY OF INFORMATION.—Section 2118 of title 14, United States Code, is amended by adding at the end the following:

"(e) If the Secretary makes a recommendation under this section that the name of an officer be removed from a report of a selection board and the recommendation is accompanied by information that was not presented to that selection board, that information shall be made available to that officer. The officer shall then be afforded a reasonable opportunity to submit comments on that information to the officials making the recommendation and the of-

ficials reviewing the recommendation. If an eligible officer cannot be given access to such information because of its classification status, the officer shall, to the maximum extent practicable, be provided with an appropriate summary of the information.".

(d) DELAY OF PROMOTION.—Section 2121(f) of title 14, United States Code, is amended to read as follows:

"(f)(1) The promotion of an officer may be delayed without prejudice if any of the following applies:

"(A) The officer is under investigation or proceedings of a court-martial or a board of officers are pending against the officer.

"(B) A criminal proceeding in a Federal or State court is pending against the officer.

"(C) The Secretary determines that credible information of an adverse nature, including a substantiated adverse finding or conclusion described in section 2115(a)(3), with respect to the officer will result in the convening of a special selection review board under section 2120a of this title to review the officer and recommend whether the recommendation for promotion of the officer should be sustained.

"(2)(A) Subject to subparagraph (B), a promotion may be delayed under this subsection until, as applicable—

"(i) the completion of the investigation or proceedings described in subparagraph (A);

"(ii) a final decision in the proceeding described in subparagraph (B) is issued; or

"(iii) the special selection review board convened under section 2120a of this title issues recommendations with respect to the officer.

"(B) Unless the Secretary determines that a further delay is necessary in the public interest, a promotion may not be delayed under this subsection for more than one year after the date the officer would otherwise have been promoted.

"(3) An officer whose promotion is delayed under this subsection and who is subsequently promoted shall be given the date of rank and position on the active duty promotion list in the grade to which promoted that he would have held had his promotion not been so delayed.".

SEC. 11246. [14 U.S.C. 2301 note] PARTNERSHIP PROGRAM TO DIVERSIFY COAST GUARD.

(a) ESTABLISHMENT.—The Commandant shall establish a program for the purpose of increasing the number of individuals in the enlisted ranks of the Coast Guard who are—

(1) underrepresented minorities; or

(2) from rural areas.

(b) PARTNERSHIPS.—In carrying out the program established under subsection (a), the Commandant shall—

(1) seek to enter into 1 or more partnerships with eligible institutions—

(A) to increase the visibility of Coast Guard careers;

(B) to promote curriculum development—

(i) to enable acceptance into the Coast Guard; and

(ii) to improve success on relevant exams, such as the Armed Services Vocational Aptitude Battery; and

(C) to provide mentoring for students entering and beginning Coast Guard careers; and

(2) enter into a partnership with an existing Junior Reserve Officers' Training Corps for the purpose of promoting Coast Guard careers.

(c) DEFINITIONS.—In this section:

(1) ELIGIBLE INSTITUTION.—The term "eligible institution" means an institution—

(A) that is—

(i) an institution of higher education (as such term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)); or

(ii) a junior or community college (as such term is defined in section 312 of the Higher Education Act of 1965 (20 U.S.C. 1058); and

(B) that is—

(i) a part B institution (as such term is defined in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061));

(ii) a Tribal College or University (as such term is defined in section 316(b) of such Act (20 U.S.C. 1059c(b)));

(iii) a Hispanic-serving institution (as such term is defined in section 502 of such Act (20 U.S.C. 1101a));

(iv) an Alaska Native-serving institution or a Native Hawaiian-serving institution (as such term is defined in section 317(b) of such Act (20 U.S.C. 1059d(b)));

(v) a Predominantly Black institution (as such term is defined in section 371(c) of that Act (20 U.S.C. 1067q(c)));

(vi) an Asian American and Native American Pacific Islander-serving institution (as defined in section 320(b) of such Act (20 U.S.C. 1059g(b))); or

(vii) a Native American-serving nontribal institution (as defined in section 319(b) of such Act (20 U.S.C. 1059f(b)).

(2) RURAL AREA.—The term "rural area" means an area that is outside of an urbanized area, as determined by the Bureau of the Census.

SEC. 11247. EXPANSION OF COAST GUARD JUNIOR RESERVE OFFICERS' TRAINING CORPS.

(a) IN GENERAL.—Section 320 of title 14, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d);

(2) in subsection (b) by striking "subsection (c)" and inserting "subsection (d)"; and

(3) by inserting after subsection (b) the following:

"(c) SCOPE.—Beginning on December 31, 2025, the Secretary of the department in which the Coast Guard is operating shall maintain at all times a Junior Reserve Officers' Training Corps program

with not fewer than 1 such program established in each Coast Guard district.".

(b) COST ASSESSMENT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall provide to Congress an estimate of the costs associated with implementing the amendments made by this section.

SEC. 11248. [14 U.S.C. 504 note] IMPROVING REPRESENTATION OF WOMEN AND RACIAL AND ETHNIC MINORITIES AMONG COAST GUARD ACTIVE-DUTY MEMBERS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, in consultation with the Advisory Board on Women at the Coast Guard Academy established under section 1904 of title 14, United States Code, and the minority outreach team program established by section 1905 of such title, the Commandant shall—

(1) determine which recommendations in the RAND representation report may practicably be implemented to promote improved representation in the Coast Guard of—

(A) women; and

(B) racial and ethnic minorities; and

(2) submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the actions the Commandant has taken, or plans to take, to implement such recommendations.

(b) CURRICULUM AND TRAINING.—In the case of any action the Commandant plans to take to implement recommendations described in subsection (a)(1) that relate to modification or development of curriculum and training, such modified curriculum and trainings shall be provided at—

(1) officer accession points, including the Coast Guard Academy and the Leadership Development Center;

(2) enlisted member accession at the United States Coast Guard Training Center Cape May in Cape May, New Jersey; and

(3) the officer, enlisted member, and civilian leadership courses managed by the Leadership Development Center.

(c) DEFINITION OF RAND REPRESENTATION REPORT.—In this section, the term "RAND representation report" means the report of the Homeland Security Operational Analysis Center of the RAND Corporation entitled "Improving the Representation of Women and Racial/Ethnic Minorities Among U.S. Coast Guard Active-Duty Members", issued on August 11, 2021.

SEC. 11249. STRATEGY TO ENHANCE DIVERSITY THROUGH RECRUITMENT AND ACCESSION.

(a) IN GENERAL.—The Commandant shall develop a 10-year strategy to enhance Coast Guard diversity through recruitment and accession—

(1) at educational institutions at the high school and higher education levels; and

(2) for the officer and enlisted ranks.

(b) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commandant shall submit to the

Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the strategy developed under subsection (a).

(2) ELEMENTS.—The report required under paragraph (1) shall include the following:

(A) A description of existing Coast Guard recruitment and accession programs at educational institutions at the high school and higher education levels.

(B) An explanation of the manner in which the strategy supports the overall diversity and inclusion action plan of the Coast Guard.

(C) A description of the manner in which existing programs and partnerships will be modified or expanded to enhance diversity in recruiting in high school and institutions of higher education (as such term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)) and accession.

SEC. 11250. SUPPORT FOR COAST GUARD ACADEMY.

(a) IN GENERAL.—Subchapter II of chapter 9 of title 14, United States Code, is amended by adding at the end the following:

"SEC. 953. [14 U.S.C. 953] Support for Coast Guard Academy

"(a) AUTHORITY.—

"(1) CONTRACTS AND COOPERATIVE AGREEMENTS.—

"(A) IN GENERAL.—The Commandant may enter contract and cooperative agreements with 1 or more qualified organizations for the purpose of supporting the athletic programs of the Coast Guard Academy.

"(B) AUTHORITY.—Notwithstanding section 3201(e) of title 10, the Commandant may enter into such contracts and cooperative agreements on a sole source basis pursuant to section 3204(a) of title 10.

"(C) ACQUISITIONS.—Notwithstanding chapter 63 of title 31, a cooperative agreement under this section may be used to acquire property or services for the direct benefit or use of the Coast Guard Academy.

"(2) FINANCIAL CONTROLS.—

"(A) IN GENERAL.—Before entering into a contract or cooperative agreement under paragraph (1), the Commandant shall ensure that the contract or agreement includes appropriate financial controls to account for the resources of the Coast Guard Academy and the qualified organization concerned in accordance with accepted accounting principles.

"(B) CONTENTS.—Any such contract or cooperative agreement shall contain a provision that allows the Commandant to review, as the Commandant considers necessary, the financial accounts of the qualified organization to determine whether the operations of the qualified organization—

"(i) are consistent with the terms of the contract or cooperative agreement; and

"(ii) would compromise the integrity or appearance of integrity of any program of the Department of Homeland Security.

"(3) LEASES.—For the purpose of supporting the athletic programs of the Coast Guard Academy, the Commandant may, consistent with section 504(a)(13), rent or lease real property located at the Coast Guard Academy to a qualified organization, except that proceeds from such a lease shall be retained and expended in accordance with subsection (f).

"(b) SUPPORT SERVICES.—

"(1) AUTHORITY.—To the extent required by a contract or cooperative agreement under subsection (a), the Commandant may provide support services to a qualified organization while the qualified organization conducts support activities at the Coast Guard Academy only if the Commandant determines that the provision of such services is essential for the support of the athletic programs of the Coast Guard Academy.

"(2) NO LIABILITY OF THE UNITED STATES.—Support services may only be provided without any liability of the United States to a qualified organization.

"(3) SUPPORT SERVICES DEFINED.—In this subsection, the term 'support services' includes utilities, office furnishings and equipment, communications services, records staging and archiving, audio and video support, and security systems, in conjunction with the leasing or licensing of property.

"(c) TRANSFERS FROM NONAPPROPRIATED FUND OPERATION.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the Commandant may, subject to the acceptance of the qualified organization concerned, transfer to the qualified organization all title to and ownership of the assets and liabilities of the Coast Guard nonappropriated fund instrumentality, the function of which includes providing support for the athletic programs of the Coast Guard Academy, including bank accounts and financial reserves in the accounts of such fund instrumentality, equipment, supplies, and other personal property.

"(2) LIMITATION.—The Commandant may not transfer under paragraph (1) any interest in real property.

"(d) ACCEPTANCE OF SUPPORT FROM QUALIFIED ORGANIZATION.—

"(1) IN GENERAL.—Notwithstanding section 1342 of title 31, the Commandant may accept from a qualified organization funds, supplies, and services for the support of the athletic programs of the Coast Guard Academy.

"(2) EMPLOYEES OF QUALIFIED ORGANIZATION.—For purposes of this section, employees or personnel of the qualified organization may not be considered to be employees of the United States.

"(3) FUNDS RECEIVED FROM NCAA.—The Commandant may accept funds from the National Collegiate Athletic Association to support the athletic programs of the Coast Guard Academy.

"(4) LIMITATION.—The Commandant shall ensure that contributions under this subsection and expenditure of funds pursuant to subsection (f) do not—

"(A) reflect unfavorably on the ability of the Coast Guard, any employee of the Coast Guard, or any member of the armed forces (as such term is defined in section 101(a) of title 10) to carry out any responsibility or duty in a fair and objective manner; or

"(B) compromise the integrity or appearance of integrity of any program of the Coast Guard, or any individual involved in such a program.

"(e) TRADEMARKS AND SERVICE MARKS.—

"(1) LICENSING, MARKETING, AND SPONSORSHIP AGREEMENTS.—An agreement under subsection (a) may, consistent with section 2260 of title 10 (other than subsection (d) of such section), authorize a qualified organization to enter into licensing, marketing, and sponsorship agreements relating to trademarks and service marks identifying the Coast Guard Academy, subject to the approval of the Commandant.

"(2) LIMITATIONS.—A licensing, marketing, or sponsorship agreement may not be entered into under paragraph (1) if—

"(A) such agreement would reflect unfavorably on the ability of the Coast Guard, any employee of the Coast Guard, or any member of the armed forces to carry out any responsibility or duty in a fair and objective manner; or

"(B) the Commandant determines that the use of the trademark or service mark would compromise the integrity or appearance of integrity of any program of the Coast Guard or any individual involved in such a program.

"(f) RETENTION AND USE OF FUNDS.—Funds received by the Commandant under this section may be retained for use to support the athletic programs of the Coast Guard Academy and shall remain available until expended.

"(g) CONDITIONS.—The authority provided in this section with respect to a qualified organization is available only so long as the qualified organization continues—

"(1) to operate in accordance with this section, the law of the State of Connecticut, and the constitution and bylaws of the qualified organization; and

"(2) to operate exclusively to support the athletic programs of the Coast Guard Academy.

"(h) QUALIFIED ORGANIZATION DEFINED.—In this section, the term 'qualified organization' means an organization—

"(1) that operates as an organization under subsection (c)(3) of section 501 of the Internal Revenue Code of 1986 and exempt from taxation under subsection (a) of that section;

"(2) for which authorization under sections 1033(a) and 1589(a) of title 10 may be provided; and

"(3) established by the Coast Guard Academy Alumni Association solely for the purpose of supporting Coast Guard athletics.

"SEC. 954. [14 U.S.C. 954] Mixed-funded athletic and recreational extracurricular programs

"(a) AUTHORITY.—In the case of a Coast Guard Academy mixed-funded athletic or recreational extracurricular program, the Commandant may designate funds appropriated to the Coast Guard and available for that program to be treated as non-

appropriated funds and expended for that program in accordance with laws applicable to the expenditure of nonappropriated funds. Appropriated funds so designated shall be considered to be nonappropriated funds for all purposes and shall remain available until expended.

"(b) COVERED PROGRAMS.—In this section, the term 'Coast Guard Academy mixed-funded athletic or recreational extracurricular program' means an athletic or recreational extracurricular program of the Coast Guard Academy to which each of the following applies:

"(1) The program is not considered a morale, welfare, or recreation program.

"(2) The program is supported through appropriated funds.

"(3) The program is supported by a nonappropriated fund instrumentality.

"(4) The program is not a private organization and is not operated by a private organization.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 9 of title 14, United States Code, is amended by inserting after the item relating to section 952 the following:

"953. Support for Coast Guard Academy.
"954. Mixed-funded athletic and recreational extracurricular programs.".

SEC. 11251. TRAINING FOR CONGRESSIONAL AFFAIRS PERSONNEL.

(a) IN GENERAL.—Section 315 of title 14, United States Code, is amended to read as follows:

"SEC. 315. Training for congressional affairs personnel

"(a) IN GENERAL.—The Commandant shall develop a training course, which shall be administered in person, on the workings of Congress for any member of the Coast Guard selected for a position as a fellow, liaison, counsel, or administrative staff for the Coast Guard Office of Congressional and Governmental Affairs or as any Coast Guard district or area governmental affairs officer.

"(b) COURSE SUBJECT MATTER.—

"(1) IN GENERAL.—The training course required under this section shall provide an overview and introduction to Congress and the Federal legislative process, including—

"(A) the congressional budget process;

"(B) the congressional appropriations process;

"(C) the congressional authorization process;

"(D) the Senate advice and consent process for Presidential nominees;

"(E) the Senate advice and consent process for treaty ratification;

"(F) the roles of Members of Congress and congressional staff in the legislative process;

"(G) the concept and underlying purposes of congressional oversight within the governance framework of separation of powers;

"(H) the roles of Coast Guard fellows, liaisons, counsels, governmental affairs officers, the Coast Guard Office of Program Review, the Coast Guard Headquarters program offices, and any other entity the Commandant considers relevant; and

"(I) the roles and responsibilities of Coast Guard public affairs and external communications personnel with respect to Members of Congress and the staff of such Members necessary to enhance communication between Coast Guard units, sectors, and districts and Member offices and committees of jurisdiction so as to ensure visibility of Coast Guard activities.

"(2) DETAIL WITHIN COAST GUARD OFFICE OF BUDGET AND PROGRAMS.—

"(A) IN GENERAL.—At the written request of a receiving congressional office, the training course required under this section shall include a multi-day detail within the Coast Guard Office of Budget and Programs to ensure adequate exposure to Coast Guard policy, oversight, and requests from Congress.

"(B) NONCONSECUTIVE DETAIL PERMITTED.—A detail under this paragraph is not required to be consecutive with the balance of the training.

"(c) COMPLETION OF REQUIRED TRAINING.—A member of the Coast Guard selected for a position described in subsection (a) shall complete the training required by this section before the date on which such member reports for duty for such position.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 3 of title 14, United States Code, is amended by striking the item relating to section 315 and inserting the following:

"315. Training for congressional affairs personnel.".

SEC. 11252. STRATEGY FOR RETENTION OF CUTTERMEN.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commandant shall publish a strategy to improve incentives to attract and retain a qualified workforce serving on Coast Guard cutters that includes underrepresented minorities, and servicemembers from rural areas, as such term is defined in section 54301(a)(12)(C) of title 46, United States Code.

(b) ELEMENTS.—The strategy required by subsection (a) shall include the following:

(1) Policies to improve flexibility in the afloat career path, including a policy that enables members of the Coast Guard serving on Coast Guard cutters to transition between operations afloat and operations ashore assignments without detriment to the career progression of a member.

(2) A review of current officer requirements for afloat assignments at each pay grade, and an assessment as to whether such requirements are appropriate or present undue limitations.

(3) Strategies to improve crew comfort afloat, such as berthing modifications to accommodate all crewmembers.

(4) Actionable steps to improve access to highspeed internet capable of video conference for the purposes of medical, educational, and personal use by members of the Coast Guard serving on Coast Guard cutters.

(5) An assessment of the effectiveness of bonuses to attract members to serve at sea and retain talented members of the Coast Guard serving on Coast Guard cutters to serve as lead-

ers in senior enlisted positions, department head positions, and command positions.

(6) Policies to ensure that high-performing members of the Coast Guard serving on Coast Guard cutters are competitive for special assignments, postgraduate education, senior service schools, and other career-enhancing positions.

(c) RULE OF CONSTRUCTION.—The Commandant shall ensure that the elements described in subsection (b) do not result in discrimination based on race, color, religion, sexual orientation, national origin, or gender.

SEC. 11253. STUDY ON PERFORMANCE OF COAST GUARD FORCE READINESS COMMAND.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall commence a study on the performance of the Coast Guard Force Readiness Command.

(b) ELEMENTS.—The study required under subsection (a) shall include an assessment of the following:

(1) The actions the Force Readiness Command has taken to develop and implement training for the Coast Guard workforce.

(2) The extent to which the Force Readiness Command—

(A) has made an assessment of performance, policy, and training compliance across Force Readiness Command headquarters and field units, and the results of any such assessment; and

(B) is modifying and expanding Coast Guard training to match the future demands of the Coast Guard with respect to growth in workforce numbers, modernization of assets and infrastructure, and increased global mission demands relating to the Arctic and Western Pacific regions and cyberspace.

(c) REPORT.—Not later than 1 year after the study required by subsection (a) commences, the Comptroller General shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the findings of the study.

SEC. 11254. STUDY ON FREQUENCY OF WEAPONS TRAINING FOR COAST GUARD PERSONNEL.

(a) IN GENERAL.—The Commandant shall conduct a study to assess whether current weapons training required for Coast Guard law enforcement and other relevant personnel is sufficient.

(b) ELEMENTS.—The study required under subsection (a) shall—

(1) assess whether there is a need to improve weapons training for Coast Guard law enforcement and other relevant personnel; and

(2) identify—

(A) the frequency of such training most likely to ensure adequate weapons training, proficiency, and safety among such personnel;

(B) Coast Guard law enforcement and other applicable personnel who should be prioritized to receive such improved training; and

(C) any challenge posed by a transition to improving such training and offering such training more frequently, and the resources necessary to address such a challenge.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the findings of the study conducted under subsection (a).

Subtitle G—Miscellaneous Provisions

SEC. 11255. MODIFICATION OF PROHIBITION ON OPERATION OR PROCUREMENT OF FOREIGN-MADE UNMANNED AIRCRAFT SYSTEMS.

Section 8414 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-283; 14 U.S.C. 1156 note) is amended—

(1) by amending subsection (b) to read as follows:

"(b) EXEMPTION.—The Commandant is exempt from the restriction under subsection (a) if the operation or procurement is for the purposes of—

"(1) counter-UAS system surrogate testing and training; or

"(2) intelligence, electronic warfare, and information warfare operations, testing, analysis, and training.";

(2) by amending subsection (c) to read as follows:

"(c) WAIVER.—The Commandant may waive the restriction under subsection (a) on a case-by-case basis by certifying in writing not later than 15 days after exercising such waiver to the Department of Homeland Security, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives that the operation or procurement of a covered unmanned aircraft system is required in the national interest of the United States.";

(3) in subsection (d)—

(A) by amending paragraph (1) to read as follows:

"(1) COVERED FOREIGN COUNTRY.—The term 'covered foreign country' means any of the following:

"(A) The People's Republic of China.

"(B) The Russian Federation.

"(C) The Islamic Republic of Iran.

"(D) The Democratic People's Republic of Korea.";

(B) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(C) by inserting after paragraph (1) the following:

"(2) COVERED UNMANNED AIRCRAFT SYSTEM.—The term 'covered unmanned aircraft system' means an unmanned aircraft system described in paragraph (1) of subsection (a).''; and

(D) in paragraph (4), as so redesignated, by inserting ", and any related services and equipment" after "United States Code"; and

(4) by adding at the end the following:

"(e) REPLACEMENT.—Not later than 90 days after the date of the enactment of the Don Young Coast Guard Authorization Act of 2022, the Commandant shall replace covered unmanned aircraft systems of the Coast Guard with unmanned aircraft systems manufactured in the United States or an allied country (as that term is defined in section 2350f(d)(1) of title 10, United States Code).".

SEC. 11256. BUDGETING OF COAST GUARD RELATING TO CERTAIN OPERATIONS.

(a) IN GENERAL.—Chapter 51 of title 14, United States Code, is further amended by adding at the end the following:

"SEC. 5114. Expenses of performing and executing defense readiness missions

"Not later than 1 year after the date of enactment of this section, and every February 1 thereafter, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that adequately represents a calculation of the annual costs and expenditures of performing and executing all defense readiness mission activities, including—

"(1) all expenses related to the Coast Guard's coordination, training, and execution of defense readiness mission activities in the Coast Guard's capacity as an armed force (as such term is defined in section 101 of title 10) in support of Department of Defense national security operations and activities or for any other military department or Defense Agency (as such terms are defined in such section);

"(2) costs associated with Coast Guard detachments assigned in support of the defense readiness mission of the Coast Guard; and

"(3) any other related expenses, costs, or matters the Commandant considers appropriate or otherwise of interest to Congress.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 51 of title 14, United States Code, as amended by section 252(b), is further amended by adding at the end the following:

"5114. Expenses of performing and executing defense readiness missions.".

SEC. 11257. REPORT ON SAN DIEGO MARITIME DOMAIN AWARENESS.

Not later than 180 days after the date of enactment of this Act, the Commandant shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing—

(1) an overview of the maritime domain awareness in the area of responsibility of the Coast Guard sector responsible for San Diego, California, including—

(A) the average volume of known maritime traffic that transited the area during fiscal years 2020 through 2022;

(B) current sensor platforms deployed by such sector to monitor illicit activity occurring at sea in such area;

(C) the number of illicit activity incidents at sea in such area that the sector responded to during fiscal years 2020 through 2022;

(D) an estimate of the volume of traffic engaged in illicit activity at sea in such area and the type and description of any vessels used to carry out illicit activities that such sector responded to during fiscal years 2020 through 2022; and

(E) the maritime domain awareness requirements to effectively meet the mission of such sector;

(2) a description of current actions taken by the Coast Guard to partner with Federal, regional, State, and local entities to meet the maritime domain awareness needs of such area;

(3) a description of any gaps in maritime domain awareness within the area of responsibility of such sector resulting from an inability to meet the enduring maritime domain awareness requirements of the sector or adequately respond to maritime disorder;

(4) an identification of current technology and assets the Coast Guard has to mitigate the gaps identified in paragraph (3);

(5) an identification of capabilities needed to mitigate such gaps, including any capabilities the Coast Guard currently possesses that can be deployed to the sector;

(6) an identification of technology and assets the Coast Guard does not currently possess and are needed to acquire in order to address such gaps; and

(7) an identification of any financial obstacles that prevent the Coast Guard from deploying existing commercially available sensor technology to address such gaps.

SEC. 11258. CONVEYANCE OF COAST GUARD VESSELS FOR PUBLIC PURPOSES.

(a) ⟦14 U.S.C. 510⟧ TRANSFER.—Section 914 of the Coast Guard Authorization Act of 2010 (14 U.S.C. 501 note; Public Law 111-281) is—

(1) transferred to subchapter I of chapter 5 of title 14, United States Code;

(2) added at the end so as to follow section 509 of such title, as added by this Act;

(3) redesignated as section 510 of such title; and

(4) amended so that the enumerator, the section heading, typeface, and typestyle conform to those appearing in other sections of title 14, United States Code.

(b) CLERICAL AMENDMENTS.—

(1) COAST GUARD AUTHORIZATION ACT OF 2010.—The table of contents in section 1(b) of the Coast Guard Authorization Act of 2010 (Public Law 111-281) is amended by striking the item relating to section 914.

(2) TITLE 14.—The analysis for subchapter I of chapter 5 of title 14, United States Code, is further amended by adding at the end the following:

"510. Conveyance of Coast Guard vessels for public purposes.".

(c) CONVEYANCE OF COAST GUARD VESSELS FOR PUBLIC PURPOSES.—Section 510 of title 14, United States Code, as transferred and redesignated by subsection (a), is amended—

(1) by amending subsection (a) to read as follows:

"(a) IN GENERAL.—On request by the Commandant, the Administrator of the General Services Administration may transfer ownership of a Coast Guard vessel or aircraft to an eligible entity for educational, cultural, historical, charitable, recreational, or other public purposes if such transfer is authorized by law."; and

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by inserting "as if the request were being processed" after "vessels"; and

(ii) by inserting ", as in effect on the date of the enactment of the Don Young Coast Guard Authorization Act of 2022" after "Code of Federal Regulations";

(B) in paragraph (2) by inserting ", as in effect on the date of the enactment of the Don Young Coast Guard Authorization Act of 2022" after "such title"; and

(C) in paragraph (3) by striking "of the Coast Guard".

SEC. 11259. NATIONAL COAST GUARD MUSEUM FUNDING PLAN.

Section 316(c)(4) of title 14, United States Code, is amended by striking "the Inspector General of the department in which the Coast Guard is operating" and inserting "a third party entity qualified to undertake such a certification process".

SEC. 11260. REPORT ON COAST GUARD EXPLOSIVE ORDNANCE DISPOSAL.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Commandant shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the viability of establishing an explosive ordnance disposal program (in this section referred to as the "Program") in the Coast Guard.

(b) CONTENTS.—The report required under subsection (a) shall contain, at a minimum, an explanation of the following with respect to such a Program:

(1) Where within the organizational structure of the Coast Guard the Program would be located, including a discussion of whether the Program should reside in—

(A) Maritime Safety and Security Teams;

(B) Maritime Security Response Teams;

(C) a combination of the teams described under subparagraphs (A) and (B); or

(D) elsewhere within the Coast Guard.

(2) The vehicles and dive craft that are Coast Guard airframe and vessel transportable that would be required for the transportation of explosive ordnance disposal elements.

(3) The Coast Guard stations at which—

(A) portable explosives storage magazines would be available for explosive ordnance disposal elements; and

(B) explosive ordnance disposal elements equipment would be pre-positioned.

(4) How the Program would support other elements within the Department of Homeland Security, the Department of Justice, and, in wartime, the Department of Defense to—

(A) counter improvised explosive devices;

(B) counter unexploded ordnance;

(C) combat weapons of destruction;

(D) provide service in support of the President; and

(E) support national security special events.

(5) The career progression of members of the Coast Guard participating in the Program from—

(A) Seaman Recruit to Command Master Chief Petty Officer;

(B) Chief Warrant Officer 2 to that of Chief Warrant Officer 4; and

(C) Ensign to that of Rear Admiral.

(6) Initial and annual budget justification estimates on a single program element of the Program for—

(A) civilian and military pay with details on military pay, including special and incentive pays such as—

(i) officer responsibility pay;

(ii) officer SCUBA diving duty pay;

(iii) officer demolition hazardous duty pay;

(iv) enlisted SCUBA diving duty pay;

(v) enlisted demolition hazardous duty pay;

(vi) enlisted special duty assignment pay at level special duty-5;

(vii) enlisted assignment incentive pays;

(viii) enlistment and reenlistment bonuses;

(ix) officer and enlisted full civilian clothing allowances;

(x) an exception to the policy allowing a third hazardous duty pay for explosive ordnance disposal-qualified officers and enlisted; and

(xi) parachutist hazardous duty pay;

(B) research, development, test, and evaluation;

(C) procurement;

(D) other transaction agreements;

(E) operations and support; and

(F) overseas contingency operations.

SEC. 11261. TRANSFER AND CONVEYANCE.

(a) IN GENERAL.—

(1) REQUIREMENT.—In accordance with section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9620(h)), the Commandant shall, without consideration, transfer in accordance with subsection (b) and convey in accordance with subsection (c) a parcel of the real property described in paragraph (2), including any improvements thereon.

(2) PROPERTY.—The property described in this paragraph is real property at Dauphin Island, Alabama, located at 100 Agassiz Street, and consisting of a total of approximately 35.63 acres. The exact acreage and legal description of the parcel of such property to be transferred or conveyed in accordance with

subsection (b) or (c), respectively, shall be determined by a survey satisfactory to the Commandant.

(b) TO THE SECRETARY OF HEALTH AND HUMAN SERVICES.—The Commandant shall transfer, as described in subsection (a), to the Secretary of Health and Human Services (in this section referred to as the "Secretary"), for use by the Food and Drug Administration, custody and control of a portion, consisting of approximately 4 acres, of the parcel of real property described in such subsection, to be identified by agreement between the Commandant and the Secretary.

(c) TO THE STATE OF ALABAMA.—The Commandant shall convey, as described in subsection (a), to the Marine Environmental Sciences Consortium, a unit of the government of the State of Alabama, located at Dauphin Island, Alabama, all rights, title, and interest of the United States in and to such portion of the parcel described in such subsection that is not transferred to the Secretary under subsection (b).

(d) PAYMENTS AND COSTS OF TRANSFER AND CONVEYANCE.—

(1) PAYMENTS.—

(A) IN GENERAL.—The Secretary shall pay costs to be incurred by the Coast Guard, or reimburse the Coast Guard for such costs incurred by the Coast Guard, to carry out the transfer and conveyance required by this section, including survey costs, appraisal costs, costs for environmental documentation related to the transfer and conveyance, and any other necessary administrative costs related to the transfer and conveyance.

(B) FUNDS.—Notwithstanding section 780 of division B of the Further Consolidated Appropriations Act, 2020 (Public Law 116-94), any amounts that are made available to the Secretary under such section and not obligated on the date of enactment of this Act shall be available to the Secretary for the purpose described in subparagraph (A).

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received by the Commandant as reimbursement under paragraph (1) shall be credited to the Coast Guard Housing Fund established under section 2946 of title 14, United States Code, or the account that was used to pay the costs incurred by the Coast Guard in carrying out the transfer or conveyance under this section, as determined by the Commandant, and shall be made available until expended. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

SEC. 11262. TRANSPARENCY AND OVERSIGHT.

(a) IN GENERAL.—Chapter 51 of title 14, United States Code, is further amended by adding at the end the following:

"SEC. 5115. [14 U.S.C. 5115] Major grants, contracts, or other transactions

"(a) NOTIFICATION.—

"(1) IN GENERAL.—Subject to subsection (b), the Commandant shall notify the appropriate committees of Congress and the Coast Guard Office of Congressional and Govern-

mental Affairs not later than 3 full business days in advance of the Coast Guard—

"(A) making or awarding a grant allocation or grant in excess of $1,000,000;

"(B) making or awarding a contract, other transaction agreement, or task or delivery order for the Coast Guard on the multiple award contract, or issuing a letter of intent totaling more than $4,000,000;

"(C) awarding a task or delivery order requiring an obligation of funds in an amount greater than $10,000,000 from multi-year Coast Guard funds;

"(D) making a sole-source grant award; or

"(E) announcing publicly the intention to make or award an item described in subparagraph (A), (B), (C), or (D), including a contract covered by the Federal Acquisition Regulation.

"(2) ELEMENT.—A notification under this subsection shall include—

"(A) the amount of the award;

"(B) the fiscal year for which the funds for the award were appropriated;

"(C) the type of contract;

"(D) an identification of the entity awarded the contract, such as the name and location of the entity; and

"(E) the account from which the funds are to be drawn.

"(b) EXCEPTION.—If the Commandant determines that compliance with subsection (a) would pose a substantial risk to human life, health, or safety, the Commandant—

"(1) may make an award or issue a letter described in such subsection without the notification required under such subsection; and

"(2) shall notify the appropriate committees of Congress not later than 5 full business days after such an award is made or letter issued.

"(c) APPLICABILITY.—Subsection (a) shall not apply to funds that are not available for obligation.

"(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term 'appropriate committees of Congress' means—

"(1) the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate; and

"(2) the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 51 of title 14, United States Code, is further amended by adding at the end the following:

"5115. Major grants, contracts, or other transactions.".

SEC. 11263. STUDY ON SAFETY INSPECTION PROGRAM FOR CONTAINERS AND FACILITIES.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Commandant shall complete a study on the safety inspection program for containers (as such term is defined

in section 80501 of title 46, United States Code) and designated waterfront facilities receiving containers.

(b) ELEMENTS.—The study required under subsection (a) shall include the following:

(1) An evaluation and review of such safety inspection program.

(2) A determination of—

(A) the number of container inspections conducted annually by the Coast Guard during the preceding 10-year period, as compared to the number of containers moved through United States ports annually during such period; and

(B) the number of qualified Coast Guard container and facility inspectors, and an assessment as to whether, during the preceding 10-year period, there have been a sufficient number of such inspectors to carry out the mission of the Coast Guard.

(3) An evaluation of the training programs available to such inspectors and the adequacy of such training programs during the preceding 10-year period.

(4) An identification of areas of improvement for such program in the interest of commerce and national security, and the costs associated with such improvements.

(c) REPORT TO CONGRESS.—Not later than 180 days after the completion of the study required under subsection (a), the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the findings of the study required by subsection (a), including the personnel and resource requirements necessary for such program.

SEC. 11264. [6 U.S.C. 245] OPERATIONAL DATA SHARING CAPABILITY.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary shall, consistent with the ongoing Integrated Multi-Domain Enterprise joint effort by the Department of Homeland Security and the Department of Defense, establish a secure, centralized capability to allow real-time, or near real-time, data and information sharing between Customs and Border Protection and the Coast Guard for purposes of maritime boundary domain awareness and enforcement activities along the maritime boundaries of the United States, including the maritime boundaries in the northern and southern continental United States and Alaska.

(b) PRIORITY.—In establishing the capability under subsection (a), the Secretary shall prioritize enforcement areas experiencing the highest levels of enforcement activity.

(c) REQUIREMENTS.—The capability established under subsection (a) shall be sufficient for the secure sharing of data, information, and surveillance necessary for operational missions, including data from governmental assets, irrespective of whether an asset located in or around mission operation areas belongs to the Coast Guard, Customs and Border Protection, or any other partner agency.

(d) ELEMENTS.—The Commissioner of Customs and Border Protection and the Commandant shall jointly—

(1) assess and delineate the types of data and quality of data sharing needed to meet the respective operational missions of Customs and Border Protection and the Coast Guard, including video surveillance, seismic sensors, infrared detection, space-based remote sensing, and any other data or information necessary;

(2) develop appropriate requirements and processes for the credentialing of personnel of Customs and Border Protection and personnel of the Coast Guard to access and use the capability established under subsection (a); and

(3) establish a cost-sharing agreement for the long-term operation and maintenance of the capability and the assets that provide data to the capability.

(e) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Commerce, Science, and Transportation and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives a report on the establishment of the capability under this section.

(f) RULE OF CONSTRUCTION.—Nothing in this section may be construed to authorize the Coast Guard, Customs and Border Protection, or any other partner agency to acquire, share, or transfer personal information relating to an individual in violation of any Federal or State law or regulation.

SEC. 11265. FEASIBILITY STUDY ON CONSTRUCTION OF COAST GUARD STATION AT PORT MANSFIELD.

(a) STUDY.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Commandant shall commence a feasibility study on construction of a Coast Guard station at Port Mansfield, Texas.

(2) ELEMENTS.—The study required under paragraph (1) shall include the following:

(A) An assessment of the resources and workforce requirements necessary for a new Coast Guard station at Port Mansfield.

(B) An identification of the enhancements to the missions and capabilities of the Coast Guard that a new Coast Guard station at Port Mansfield would provide.

(C) An estimate of the life-cycle costs of such a facility, including the costs of construction, maintenance costs, and staffing costs.

(D) A cost-benefit analysis of the enhancements and capabilities provided, as compared to the costs of construction, maintenance, and staffing.

(b) REPORT.—Not later than 180 days after commencing the study required by subsection (a), the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the findings of the study.

SEC. 11266. PROCUREMENT OF TETHERED AEROSTAT RADAR SYSTEM FOR COAST GUARD STATION SOUTH PADRE ISLAND.

Subject to the availability of appropriations, the Secretary shall procure not fewer than 1 tethered aerostat radar system, or similar technology, for use by the Coast Guard at and around Coast Guard Station South Padre Island.

SEC. 11267. PROHIBITION ON MAJOR ACQUISITION CONTRACTS WITH ENTITIES ASSOCIATED WITH CHINESE COMMUNIST PARTY.

(a) IN GENERAL.—The Commandant may not award any major acquisition contract until the Commandant receives a certification from the party that it has not, during the 10-year period preceding the planned date of award, directly or indirectly held an economic interest in an entity that is—

(1) owned or controlled by the People's Republic of China; and

(2) part of the defense industry of the Chinese Communist Party.

(b) INAPPLICABILITY TO TAIWAN.—Subsection (a) shall not apply with respect to an economic interest in an entity owned or controlled by Taiwan.

SEC. 11268. [14 U.S.C. 522 note] REVIEW OF DRUG INTERDICTION EQUIPMENT AND STANDARDS; TESTING FOR FENTANYL DURING INTERDICTION OPERATIONS.

(a) REVIEW.—

(1) IN GENERAL.—The Commandant, in consultation with the Administrator of the Drug Enforcement Administration and the Secretary of Health and Human Services, shall—

(A) conduct a review of—

(i) the equipment, testing kits, and rescue medications used to conduct Coast Guard drug interdiction operations; and

(ii) the safety and training standards, policies, and procedures with respect to such operations; and

(B) determine whether the Coast Guard is using the latest equipment and technology and up-to-date training and standards for recognizing, handling, testing, and securing illegal drugs, fentanyl and other synthetic opioids, and precursor chemicals during such operations.

(2) REPORT.—Not later than 180 days after the date of enactment of this Act, the Commandant shall submit to the appropriate committees of Congress a report on the results of the review conducted under paragraph (1).

(3) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term "appropriate committees of Congress" means—

(A) the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate; and

(B) the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives.

(b) REQUIREMENT.—If, as a result of the review required by subsection (a), the Commandant determines that the Coast Guard

is not using the latest equipment and technology and up-to-date training and standards for recognizing, handling, testing, and securing illegal drugs, fentanyl and other synthetic opioids, and precursor chemicals during drug interdiction operations, the Commandant shall ensure that the Coast Guard acquires and uses such equipment and technology, carries out such training, and implements such standards.

(c) TESTING FOR FENTANYL.—The Commandant shall ensure that Coast Guard drug interdiction operations include the testing of substances encountered during such operations for fentanyl, as appropriate.

[Section 11269 was transferred to subchapter II of chapter 5 of title 14, USC and redesignated as section 529.]

SEC. 11270. CARGO WAITING TIME REDUCTION.

Not later than 90 days after the date of enactment of this Act, the Commandant shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that includes—

(1) an explanation of the extent to which vessels carrying cargo are complying with the requirements of chapter 700 of title 46, United States Code;

(2) the status of the investigation on the cause of the oil spill that occurred in October 2021 on the waters over the San Pedro Shelf related to an anchor strike, including the expected date on which the Marine Casualty Investigation Report with respect to such spill will be released; and

(3) with respect to such vessels, a summary of actions taken or planned to be taken by the Commandant to provide additional protections against oil spills or other hazardous discharges caused by anchor strikes.

SEC. 11271. STUDY ON COAST GUARD OVERSIGHT AND INVESTIGATIONS.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall commence a study to assess the oversight over Coast Guard activities, including investigations, personnel management, whistleblower protection, and other activities carried out by the Department of Homeland Security Office of Inspector General.

(b) ELEMENTS.—The study required under subsection (a) shall include the following:

(1) An analysis of the ability of the Department of Homeland Security Office of Inspector General to ensure timely, thorough, complete, and appropriate oversight over the Coast Guard, including oversight over both civilian and military activities.

(2) An assessment of—

(A) the best practices with respect to such oversight; and

(B) the ability of the Department of Homeland Security Office of Inspector General and the Commandant to identify and achieve such best practices.

(3) An analysis of the methods, standards, and processes employed by the Department of Defense Office of Inspector General and the inspectors generals of the armed forces (as such term is defined in section 101 of title 10, United States Code), other than the Coast Guard, to conduct oversight and investigation activities.

(4) An analysis of the methods, standards, and processes of the Department of Homeland Security Office of Inspector General with respect to oversight over the civilian and military activities of the Coast Guard, as compared to the methods, standards, and processes described in paragraph (3).

(5) An assessment of the extent to which the Coast Guard Investigative Service completes investigations or other disciplinary measures after referral of complaints from the Department of Homeland Security Office of Inspector General.

(6) A description of the staffing, expertise, training, and other resources of the Department of Homeland Security Office of Inspector General, and an assessment as to whether such staffing, expertise, training, and other resources meet the requirements necessary for meaningful, timely, and effective oversight over the activities of the Coast Guard.

(c) REPORT.—Not later than 1 year after commencing the study required under subsection (a), the Comptroller General shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the findings of the study, including recommendations with respect to oversight over Coast Guard activities.

(d) OTHER REVIEWS.—The study required under subsection (a) may rely upon recently completed or ongoing reviews by the Comptroller General or other entities, as applicable.

Subtitle H—Sexual Assault and Sexual Harassment Response and Prevention

SEC. 11272. ADMINISTRATION OF SEXUAL ASSAULT FORENSIC EXAMINATION KITS.

(a) IN GENERAL.—Subchapter IV of chapter 5 of title 14, United States Code, is amended by adding at the end the following:

"SEC. 564. [14 U.S.C. 564] Administration of sexual assault forensic examination kits

"(a) SEXUAL ASSAULT FORENSIC EXAM PROCEDURE.—

"(1) IN GENERAL.—Before embarking on any prescheduled voyage, a Coast Guard vessel shall have in place a written operating procedure that ensures that an embarked victim of sexual assault shall have access to a sexual assault forensic examination—

"(A) as soon as possible after the victim requests an examination; and

"(B) that is treated with the same level of urgency as emergency medical care.

"(2) REQUIREMENTS.—The written operating procedure required by paragraph (1), shall, at a minimum, account for—

"(A) the health, safety, and privacy of a victim of sexual assault;

"(B) the proximity of ashore or afloat medical facilities, including coordination as necessary with the Department of Defense, including other military departments (as defined in section 101 of title 10);

"(C) the availability of aeromedical evacuation;

"(D) the operational capabilities of the vessel concerned;

"(E) the qualifications of medical personnel onboard;

"(F) coordination with law enforcement and the preservation of evidence;

"(G) the means of accessing a sexual assault forensic examination and medical care with a restricted report of sexual assault;

"(H) the availability of nonprescription pregnancy prophylactics; and

"(I) other unique military considerations.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 5 of title 14, United States Code, is amended by inserting after the item relating to section 563 the following:

"564. Administration of sexual assault forensic examination kits.".

(c) STUDY.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall seek to enter into an agreement with the National Academy of Sciences under which the National Academy of Sciences shall conduct a study to assess challenges and prospective solutions associated with sexual assault at sea, to include the provision of survivor care, forensic examination of the victim, and evidence collection.

(2) CONTENTS.—The study under paragraph (1) shall, at a minimum, address the feasibility of crisis response services and physical evaluation through telemedicine and other options concerning immediate access to care whether onboard the vessel or at the nearest shore side facility, including best practices for administering sexual assault forensic examinations.

(3) ELEMENTS.—The study under paragraph (1) shall—

(A) take into account—

(i) the safety and security of the alleged victim of sexual assault;

(ii) the ability to properly identify, document, and preserve any evidence relevant to the allegation of sexual assault;

(iii) the applicable criminal procedural laws relating to authenticity, relevance, preservation of evidence, chain of custody, and any other matter relating to evidentiary admissibility; and

(iv) best practices of conducting sexual assault forensic examinations, as such term is defined in section 40723 of title 34, United States Code;

(B) provide any appropriate recommendation for changes to existing laws, regulations, or employer policies;

(C) solicit public stakeholder input from individuals and organizations with relevant expertise in sexual assault response including healthcare, advocacy services, law enforcement, and prosecution;

(D) evaluate the operational capabilities of the Coast Guard since 2013 in providing alleged victims of sexual assault immediate access to care onboard a vessel undertaking a prescheduled voyage that, at any point during such voyage, would require the vessel to travel 3 consecutive days or longer to reach a land-based or afloat medical facility, including—

(i) the average of and range in the reported hours taken to evacuate an individual with any medical emergency to a land-based or afloat medical facility; and

(ii) the number of alleged victims, subjects, and total incidents of sexual assault and sexual harassment occurring while underway reported annually; and

(E) summarize the financial cost, required operational adjustments, and potential benefits to the Coast Guard to provide sexual assault forensic examination kits onboard Coast Guard vessels undertaking a prescheduled voyage that, at any point during such voyage, would require the vessel to travel 3 consecutive days or longer to reach a land-based or afloat medical facility.

(4) REPORT.—Upon completion of the study under paragraph (1), the National Academy of Sciences shall submit to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and the Secretary a report on the findings of the study.

(5) SAVINGS CLAUSE.—In collecting the information required under paragraphs (2) and (3), the Commandant shall collect such information in a manner which protects the privacy rights of individuals who are subjects of such information.

SEC. 11273. POLICY ON REQUESTS FOR PERMANENT CHANGES OF STATION OR UNIT TRANSFERS BY PERSONS WHO REPORT BEING THE VICTIM OF SEXUAL ASSAULT.

(a) INTERIM UPDATE.—Not later than 30 days after the date of enactment of this Act, the Commandant, in consultation with the Director of the Health, Safety, and Work Life Directorate, shall issue an interim update to Coast Guard policy guidance to allow a member of the Coast Guard who has reported being the victim of a sexual assault, or any other offense covered by section 920, 920c, or 930 of title 10, United States Code (article 120, 120c, or 130 of the Uniform Code of Military Justice), to request an immediate change of station or an immediate unit transfer.

(b) FINAL POLICY.—The Commandant shall issue a final policy based on the interim updates issued under the preceding sentence not later than 1 year after the date of enactment of this Act.

SEC. 11274. SEX OFFENSES AND PERSONNEL RECORDS.

Not later than 180 days after the date of enactment of this Act, the Commandant shall issue final regulations or policy guidance required to fully implement section 1745 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66; 10 U.S.C. 1561 note) with respect to members of the Coast Guard.

SEC. 11275. STUDY ON SPECIAL VICTIMS' COUNSEL PROGRAM.

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary shall enter into an agreement with a federally funded research and development center for the conduct of a study on—

(1) the Special Victims' Counsel program of the Coast Guard;

(2) Coast Guard investigations of sexual assault offenses for cases in which the subject of the investigation is no longer under jeopardy for the alleged misconduct for reasons including the death of the accused, a lapse in the statute of limitations for the alleged offense, and a fully adjudicated criminal trial of the alleged offense in which all appeals have been exhausted; and

(3) legal support and representation provided to members of the Coast Guard who are victims of sexual assault, including in instances in which the accused is a member of the Army, Navy, Air Force, Marine Corps, or Space Force.

(b) ELEMENTS.—The study required by subsection (a) shall assess the following:

(1) The Special Victims' Counsel program of the Coast Guard, including training, effectiveness, capacity to handle the number of cases referred, and experience with cases involving members of the Coast Guard or members of another armed force (as defined in section 101 of title 10, United States Code).

(2) The experience of Special Victims' Counsels in representing members of the Coast Guard during a court-martial.

(3) Policies concerning the availability and detailing of Special Victims' Counsels for sexual assault allegations, in particular such allegations in which the accused is a member of another armed force (as defined in section 101 of title 10, United States Code), and the impact that the cross-service relationship had on—

(A) the competence and sufficiency of services provided to the alleged victim; and

(B) the interaction between—

(i) the investigating agency and the Special Victims' Counsels; and

(ii) the prosecuting entity and the Special Victims' Counsels.

(4) Training provided to, or made available for, Special Victims' Counsels and paralegals with respect to Department of Defense processes for conducting sexual assault investigations and Special Victims' Counsel representation of sexual assault victims.

(5) The ability of Special Victims' Counsels to operate independently without undue influence from third parties, including the command of the accused, the command of the victim,

the Judge Advocate General of the Coast Guard, and the Deputy Judge Advocate General of the Coast Guard.

(6) The skill level and experience of Special Victims' Counsels, as compared to special victims' counsels available to members of the Army, Navy, Air Force, Marine Corps, and Space Force.

(7) Policies regarding access to an alternate Special Victims' Counsel, if requested by the member of the Coast Guard concerned, and potential improvements for such policies.

(c) REPORT.—Not later than 180 days after entering into an agreement under subsection (a), the federally funded research and development center shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes—

(1) the findings of the study required by such subsection;

(2) recommendations to improve the coordination, training, and experience of Special Victims' Counsels of the Coast Guard so as to improve outcomes for members of the Coast Guard who have reported sexual assault; and

(3) any other recommendation the federally funded research and development center considers appropriate.

TITLE CXIII—ENVIRONMENT

Subtitle A—Marine Mammals

SEC. 11301. [16 U.S.C. 1390 note] DEFINITIONS.

In this subtitle:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committees on Transportation and Infrastructure and Natural Resources of the House of Representatives.

(2) CORE FORAGING HABITATS.—The term "core foraging habitats" means areas—

(A) with biological and physical oceanographic features that aggregate *Calanusfinmarchicus*; and

(B) where North Atlantic right whales foraging aggregations have been well documented.

(3) EXCLUSIVE ECONOMIC ZONE.—The term "exclusive economic zone" has the meaning given that term in section 107 of title 46, United States Code.

(4) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given that term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(5) LARGE CETACEAN.—The term "large cetacean" means all endangered or threatened species within—

(A) the suborder Mysticeti;

(B) the genera *Physeter*; or

(C) the genera *Orcinus*.

(6) NEAR REAL-TIME.—The term "near real-time", with respect to monitoring of whales, means that visual, acoustic, or other detections of whales are processed, transmitted, and reported as close to the time of detection as is technically feasible.

(7) NONPROFIT ORGANIZATION.—The term "nonprofit organization" means an organization that is described in section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code.

(8) PUGET SOUND REGION.—The term "Puget Sound region" means the Vessel Traffic Service Puget Sound area described in section 161.55 of title 33, Code of Federal Regulations (as of the date of enactment of this Act).

(9) TRIBAL GOVERNMENT.—The term "Tribal government" means the recognized governing body of any Indian or Alaska Native Tribe, band, nation, pueblo, village, community, component band, or component reservation, individually identified (including parenthetically) in the list published most recently as of the date of enactment of this Act pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131).

(10) UNDER SECRETARY.—The term "Under Secretary" means the Under Secretary of Commerce for Oceans and Atmosphere.

SEC. 11302. [16 U.S.C. 1390] ASSISTANCE TO PORTS TO REDUCE IMPACTS OF VESSEL TRAFFIC AND PORT OPERATIONS ON MARINE MAMMALS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Under Secretary, in consultation with the Director of the United States Fish and Wildlife Service, the Secretary, the Secretary of Defense, and the Administrator of the Maritime Administration, shall establish a grant program to provide assistance to eligible entities to develop and implement mitigation measures that will lead to a quantifiable reduction in threats to marine mammals from vessel traffic, including shipping activities and port operations.

(b) ELIGIBLE USES.—Assistance provided under subsection (a) may be used to develop, assess, and carry out activities that reduce threats to marine mammals by—

(1) reducing underwater stressors related to marine traffic;

(2) reducing mortality and serious injury from vessel strikes and other physical disturbances;

(3) monitoring sound;

(4) reducing vessel interactions with marine mammals;

(5) conducting other types of monitoring that are consistent with reducing the threats to, and enhancing the habitats of, marine mammals; or

(6) supporting State agencies and Tribal governments in developing the capacity to receive assistance under this section through education, training, information sharing, and collaboration to participate in the grant program under this section.

(c) PRIORITY.—The Under Secretary shall prioritize providing assistance under subsection (a) for projects that—

(1) are based on the best available science with respect to methods to reduce threats to marine mammals;

(2) collect data on the effects of such methods and the reduction of such threats;

(3) assist ports that pose a higher relative threat to marine mammals listed as threatened or endangered under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(4) are in close proximity to areas in which threatened or endangered cetaceans are known to experience other stressors; or

(5) allow eligible entities to conduct risk assessments and to track progress toward threat reduction.

(d) OUTREACH.—The Under Secretary, in coordination with the Secretary, the Administrator of the Maritime Administration, and the Director of the United States Fish and Wildlife Service, as appropriate, shall conduct coordinated outreach to ports to provide information with respect to—

(1) how to apply for assistance under subsection (a);

(2) the benefits of such assistance; and

(3) facilitation of best practices and lessons, including the best practices and lessons learned from activities carried out using such assistance.

(e) REPORT REQUIRED.—Not less frequently than annually, the Under Secretary shall make available to the public on a publicly accessible website of the National Oceanic and Atmospheric Administration a report that includes the following information:

(1) The name and location of each entity to which assistance was awarded under subsection (a) during the year preceding submission of the report.

(2) The amount of each such award.

(3) A description of the activities carried out with each such award.

(4) An estimate of the likely impact of such activities on the reduction of threats to marine mammals.

(f) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term "eligible entity" means—

(1) a port authority for a port;

(2) a State, regional, local, or Tribal government, or an Alaska Native or Native Hawaiian entity that has jurisdiction over a maritime port authority or a port;

(3) an academic institution, research institution, or nonprofit organization working in partnership with a port; or

(4) a consortium of entities described in paragraphs (1) through (3).

(g) FUNDING.—From funds otherwise appropriated to the Under Secretary, $10,000,000 is authorized to carry out this section for each of fiscal years 2023 through 2028.

(h) SAVINGS CLAUSE.—An activity may not be carried out under this section if the Secretary of Defense, in consultation with the Under Secretary, determines that the activity would negatively impact the defense readiness or the national security of the United States.

SEC. 11303. [16 U.S.C. 1391] NEAR REAL-TIME MONITORING AND MITIGATION PROGRAM FOR LARGE CETACEANS.

(a) ESTABLISHMENT.—The Under Secretary, in coordination with the heads of other relevant Federal agencies, shall design and deploy a cost-effective, efficient, and results-oriented near real-time monitoring and mitigation program (referred to in this section as the "Program") for threatened or endangered cetaceans.

(b) PURPOSE.—The purpose of the Program shall be to reduce the risk to large cetaceans posed by vessel collisions and to minimize other impacts on large cetaceans through the use of near real-time location monitoring and location information.

(c) REQUIREMENTS.—The Program shall—

(1) prioritize species of large cetaceans for which impacts from vessel collisions are of particular concern;

(2) prioritize areas where such impacts are of particular concern;

(3) be capable of detecting and alerting ocean users and enforcement agencies of the probable location of large cetaceans on an actionable real-time basis, including through real-time data whenever possible;

(4) inform sector-specific mitigation protocols to effectively reduce takes (as defined in section 216.3 of title 50, Code of Federal Regulations, or successor regulations) of large cetaceans;

(5) integrate technology improvements; and

(6) be informed by technologies, monitoring methods, and mitigation protocols developed under the pilot project required under subsection (d).

(d) PILOT PROJECT.—

(1) ESTABLISHMENT.—In carrying out the Program, the Under Secretary shall first establish a pilot monitoring and mitigation project (referred to in this section as the "pilot project") for North Atlantic right whales for the purposes of informing the Program.

(2) REQUIREMENTS.—In designing and deploying the pilot project, the Under Secretary, in coordination with the heads of other relevant Federal agencies, shall, using the best available scientific information, identify and ensure coverage of—

(A) core foraging habitats; and

(B) important feeding, breeding, calving, rearing, or migratory habitats of North Atlantic right whales that co-occur with areas of high risk of mortality or serious injury of such whales from vessels, vessel strikes, or disturbance.

(3) COMPONENTS.—Not later than 3 years after the date of enactment of this Act, the Under Secretary, in consultation with relevant Federal agencies and Tribal governments, and with input from affected stakeholders, shall design and deploy a near real-time monitoring system for North Atlantic right whales that—

(A) comprises the best available detection power, spatial coverage, and survey effort to detect and localize North Atlantic right whales within habitats described in paragraph (2);

(B) is capable of detecting North Atlantic right whales, including visually and acoustically;

(C) uses dynamic habitat suitability models to inform the likelihood of North Atlantic right whale occurrence habitats described in paragraph (2) at any given time;

(D) coordinates with the Integrated Ocean Observing System of the National Oceanic and Atmospheric Administration and Regional Ocean Partnerships to leverage monitoring assets;

(E) integrates historical data;

(F) integrates new near real-time monitoring methods and technologies as such methods and technologies become available;

(G) accurately verifies and rapidly communicates detection data to appropriate ocean users;

(H) creates standards for contributing, and allows ocean users to contribute, data to the monitoring system using comparable near real-time monitoring methods and technologies;

(I) communicates the risks of injury to large cetaceans to ocean users in a manner that is most likely to result in informed decision-making regarding the mitigation of those risks; and

(J) minimizes additional stressors to large cetaceans as a result of the information available to ocean users.

(4) REPORTS.—

(A) PRELIMINARY REPORT.—

(i) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Under Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources of the House of Representatives, and make available to the public, a preliminary report on the pilot project.

(ii) ELEMENTS.—The report required under clause (i) shall include the following:

(I) A description of the monitoring methods and technology in use or planned for deployment under the pilot project.

(II) An analysis of the efficacy of the methods and technology in use or planned for deployment for detecting North Atlantic right whales.

(III) An assessment of the manner in which the monitoring system designed and deployed under this subsection is directly informing and improving the management, health, and survival of North Atlantic right whales.

(IV) A prioritized identification of technology or research gaps.

(V) A plan to communicate the risks of injury to large cetaceans to ocean users in a manner that is most likely to result in informed decision making regarding the mitigation of such risks.

(VI) Any other information on the potential benefits and efficacy of the pilot project the Under Secretary considers appropriate.

(B) FINAL REPORT.—

(i) IN GENERAL.—Not later than 6 years after the date of enactment of this Act, the Under Secretary, in coordination with the heads of other relevant Federal agencies, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources of the House of Representatives, and make available to the public, a final report on the pilot project.

(ii) ELEMENTS.—The report required under clause (i) shall—

(I) address the preliminary report required under subparagraph (A); and

(II) include—

(aa) an assessment of the benefits and efficacy of the pilot project;

(bb) a strategic plan to expand the pilot project to provide near real-time monitoring and mitigation measures—

(AA) to additional large cetaceans of concern for which such measures would reduce risk of serious injury or death; and

(BB) in important feeding, breeding, calving, rearing, or migratory habitats of large cetaceans that co-occur with areas of high risk of mortality or serious injury from vessel strikes or disturbance;

(cc) a budget and description of funds necessary to carry out such plan;

(dd) a prioritized plan for acquisition, deployment, and maintenance of monitoring technologies; and

(ee) the locations or species to which such plan would apply.

(e) MITIGATION PROTOCOLS.—The Under Secretary, in consultation with the Secretary, the Secretary of Defense, the Secretary of Transportation, and the Secretary of the Interior, and with input from affected stakeholders, shall develop and deploy mitigation protocols that make use of any monitoring system designed and deployed under this section to direct sector-specific mitigation measures that avoid and significantly reduce risk of serious injury and mortality to North Atlantic right whales.

(f) ACCESS TO DATA.—The Under Secretary shall provide access to data generated by any monitoring system designed and deployed under this section for purposes of scientific research and evaluation and public awareness and education, including through the Right Whale Sighting Advisory System of the National Oceanic and Atmospheric Administration and WhaleMap or other successor public website portals, subject to review for national security considerations.

(g) ADDITIONAL AUTHORITY.—The Under Secretary may enter into and perform such contracts, leases, grants, or cooperative agreements as may be necessary to carry out this section on such terms as the Under Secretary considers appropriate, consistent with the Federal Acquisition Regulation.

(h) SAVINGS CLAUSE.—An activity may not be carried out under this section if the Secretary of Defense, in consultation with the Under Secretary, determines that the activity would negatively impact the defense readiness or the national security of the United States.

(i) FUNDING.—From funds otherwise appropriated to the Under Secretary $5,000,000 is authorized to support development, deployment, application, and ongoing maintenance of the Program and to otherwise carry out this section for each of fiscal years 2023 through 2027.

SEC. 11304. [16 U.S.C. 1390 note] PILOT PROGRAM TO ESTABLISH A CETACEAN DESK FOR PUGET SOUND REGION.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, with the concurrence of the Under Secretary, shall carry out a pilot program to establish a Cetacean Desk, which shall be—

(A) located and manned within the Puget Sound Vessel Traffic Service; and

(B) designed—

(i) to improve coordination with the maritime industry to reduce the risk of vessel impacts on large cetaceans, including impacts from vessel strikes, disturbances, and other sources; and

(ii) to monitor the presence and location of large cetaceans during the months during which such large cetaceans are present in Puget Sound, the Strait of Juan de Fuca, and the United States portion of the Salish Sea.

(2) DURATION AND STAFFING.—The pilot program required under paragraph (1)—

(A) shall—

(i) be for a duration of 6 years; and

(ii) require not more than 1 full-time equivalent position, who shall also contribute to other necessary Puget Sound Vessel Traffic Service duties and responsibilities as needed; and

(B) may be supported by other existing Federal employees, as appropriate.

(b) ENGAGEMENT WITH VESSEL OPERATORS.—

(1) IN GENERAL.—In carrying out the pilot program required under subsection (a), the Secretary shall require personnel of the Cetacean Desk to engage with vessel operators in areas where large cetaceans have been seen or could reasonably be present to ensure compliance with applicable laws, regulations, and voluntary guidance, to reduce the impact of vessel traffic on large cetaceans.

(2) CONTENTS.—In engaging with vessel operators as required under paragraph (1), personnel of the Cetacean Desk

shall communicate where and when sightings of large cetaceans have occurred.

(c) MEMORANDUM OF UNDERSTANDING.—The Secretary and the Under Secretary may enter into a memorandum of understanding to facilitate real-time sharing of data relating to large cetaceans between the Quiet Sound program of the State of Washington, the National Oceanic and Atmospheric Administration, the Puget Sound Vessel Traffic Service, and other relevant entities, as appropriate.

(d) DATA.—The Under Secretary shall leverage existing data collection methods, the program required by section 11303, and public data to ensure accurate and timely information on the sighting of large cetaceans.

(e) CONSULTATIONS.—

(1) IN GENERAL.—In carrying out the pilot program required under subsection (a), the Secretary shall consult with Tribal governments, the State of Washington, institutions of higher education, the maritime industry, ports in the Puget Sound region, and nongovernmental organizations.

(2) COORDINATION WITH CANADA.—When appropriate, the Secretary shall coordinate with the Government of Canada, consistent with policies and agreements relating to management of vessel traffic in Puget Sound.

(f) PUGET SOUND VESSEL TRAFFIC SERVICE LOCAL VARIANCE AND POLICY.—The Secretary, with the concurrence of the Under Secretary and in consultation with the Captain of the Port for the Puget Sound region—

(1) shall implement local variances, as authorized by subsection (c) of section 70001 of title 46, United States Code, to reduce the impact of vessel traffic on large cetaceans; and

(2) may enter into cooperative agreements, in accordance with subsection (d) of such section, with Federal, State, Tribal, and local officials to reduce the likelihood of vessel interactions with protected large cetaceans, which may include—

(A) communicating marine mammal protection guidance to vessels;

(B) training on requirements imposed by local, State, Tribal, and Federal laws and regulations and guidelines concerning—

(i) vessel buffer zones;

(ii) vessel speed;

(iii) seasonal no-go zones for vessels;

(iv) protected areas, including areas designated as critical habitat, as applicable to marine operations; and

(v) any other activities to reduce the direct and indirect impact of vessel traffic on large cetaceans;

(C) training to understand, utilize, and communicate large cetacean location data; and

(D) training to understand and communicate basic large cetacean detection, identification, and behavior, including—

(i) cues of the presence of large cetaceans such as spouts, water disturbances, breaches, or presence of prey;

(ii) important feeding, breeding, calving, and rearing habitats that co-occur with areas of high risk of vessel strikes;

(iii) seasonal large cetacean migration routes that co-occur with areas of high risk of vessel strikes; and

(iv) areas designated as critical habitat for large cetaceans.

(g) REPORT REQUIRED.—Not later than 1 year after the date of enactment of this Act, and every 2 years thereafter for the duration of the pilot program, the Commandant, in coordination with the Under Secretary and the Administrator of the Maritime Administration, shall submit to the appropriate congressional committees a report that—

(1) evaluates the functionality, utility, reliability, responsiveness, and operational status of the Cetacean Desk established under this section, including a quantification of reductions in vessel strikes to large cetaceans as a result of the pilot program;

(2) assesses the efficacy of communication between the Cetacean Desk and the maritime industry and provides recommendations for improvements;

(3) evaluates the integration and interoperability of existing data collection methods, as well as public data, into the Cetacean Desk operations;

(4) assesses the efficacy of collaboration and stakeholder engagement with Tribal governments, the State of Washington, institutions of higher education, the maritime industry, ports in the Puget Sound region, and nongovernmental organizations; and

(5) evaluates the progress, performance, and implementation of guidance and training procedures for Puget Sound Vessel Traffic Service personnel, as required under subsection (f).

SEC. 11305. [16 U.S.C. 1392] MONITORING OCEAN SOUNDSCAPES.

(a) IN GENERAL.—The Under Secretary shall maintain and expand an ocean soundscape development program to—

(1) award grants to expand the deployment of Federal and non-Federal observing and data management systems capable of collecting measurements of underwater sound for purposes of monitoring and analyzing baselines and trends in the underwater soundscape to protect and manage marine life;

(2) continue to develop and apply standardized forms of measurements to assess sounds produced by marine animals, physical processes, and anthropogenic activities; and

(3) after coordinating with the Secretary of Defense, coordinate and make accessible to the public the datasets, modeling and analysis, and user-driven products and tools resulting from observations of underwater sound funded through grants awarded under paragraph (1).

(b) COORDINATION.—The program described in subsection (a) shall—

(1) include the Ocean Noise Reference Station Network of the National Oceanic and Atmospheric Administration and the National Park Service;

(2) use and coordinate with the Integrated Ocean Observing System; and

(3) coordinate with the Regional Ocean Partnerships and the Director of the United States Fish and Wildlife Service, as appropriate.

(c) PRIORITY.—In awarding grants under subsection (a), the Under Secretary shall consider the geographic diversity of the recipients of such grants.

(d) SAVINGS CLAUSE.—An activity may not be carried out under this section if the Secretary of Defense, in consultation with the Under Secretary, determines that the activity would negatively impact the defense readiness or the national security of the United States.

(e) FUNDING.—From funds otherwise appropriated to the Under Secretary, $1,500,000 is authorized for each of fiscal years 2023 through 2028 to carry out this section.

Subtitle B—Oil Spills

SEC. 11306. REPORT ON CHANGING SALVORS.

Section 311(c)(3) of the Federal Water Pollution Control Act (33 U.S.C. 1321(c)(3)) is amended by adding at the end the following:

> "(C) In any case in which the President or the Federal On-Scene Coordinator authorizes a deviation from the salvor as part of a deviation under subparagraph (B) from the applicable response plan required under subsection (j), the Commandant of the Coast Guard shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report describing the deviation and the reasons for such deviation not less than 3 days after such deviation is authorized.".

SEC. 11307. [33 U.S.C. 1321 note] LIMITED INDEMNITY PROVISIONS IN STANDBY OIL SPILL RESPONSE CONTRACTS.

(a) IN GENERAL.—Subject to subsections (b) and (c), a contract with the Coast Guard for the containment or removal of a discharge entered into by the President under section 311(c) of the Federal Water Pollution Control Act (33 U.S.C. 1321(c)) shall contain a provision to indemnify a contractor for liabilities and expenses incidental to the containment or removal arising out of the performance of the contract that is substantially identical to the terms contained in subsections (d) through (h) of section H.4 (except for paragraph (1) of subsection (d)) of the contract offered by the Coast Guard in the solicitation numbered DTCG89-98- A-68F953, dated November 17, 1998.

(b) REQUIREMENTS.—

(1) SOURCE OF FUNDS.—The provision required under subsection (a) shall include a provision that the obligation to indemnify is limited to funds available in the Oil Spill Liability

Trust Fund established by section 9509(a) of the Internal Revenue Code of 1986 at the time the claim for indemnity is made.

(2) UNCOMPENSATED REMOVAL.—A claim for indemnity under a contract described in subsection (a) shall be made as a claim for uncompensated removal costs under section 1012(a)(4) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(4)).

(3) LIMITATION.—The total indemnity for a claim under a contract described in subsection (a) may not be more than $50,000 per incident.

(c) APPLICABILITY OF EXEMPTIONS.—Notwithstanding subsection (a), the United States shall not be obligated to indemnify a contractor for any act or omission of the contractor carried out pursuant to a contract entered into under this section where such act or omission is grossly negligent or which constitutes willful misconduct.

SEC. 11308. [33 U.S.C. 2761 note] IMPROVING OIL SPILL PREPAREDNESS.

The Under Secretary of Commerce for Oceans and Atmosphere shall include in the Automated Data Inquiry for Oil Spills database (or a successor database) used by National Oceanic and Atmospheric Administration oil weathering models new data, including peer-reviewed data, on properties of crude and refined oils, including data on diluted bitumen, as such data becomes publicly available.

SEC. 11309. WESTERN ALASKA OIL SPILL PLANNING CRITERIA.

(a) ALASKA OIL SPILL PLANNING CRITERIA PROGRAM.—

(1) IN GENERAL.—Chapter 3 of title 14, United States Code, is amended by adding at the end the following:

"SEC. 323. [14 U.S.C. 323] Western Alaska Oil Spill Planning Criteria Program

"(a) ESTABLISHMENT.—There is established within the Coast Guard a Western Alaska Oil Spill Planning Criteria Program (referred to in this section as the 'Program') to develop and administer the Western Alaska oil spill planning criteria.

"(b) PROGRAM MANAGER.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Commandant shall select a permanent civilian career employee through a competitive search process for a term of not less than 5 years to serve as the Western Alaska Oil Spill Criteria Program Manager (referred to in this section as the 'Program Manager')—

"(A) the primary duty of whom shall be to administer the Program; and

"(B) who shall not be subject to frequent or routine reassignment.

"(2) CONFLICTS OF INTEREST.—The individual selected to serve as the Program Manager shall not have conflicts of interest relating to entities regulated by the Coast Guard.

"(3) DUTIES.—

"(A) DEVELOPMENT OF GUIDANCE.—The Program Manager shall develop guidance for—

"(i) approval, drills, and testing relating to the Western Alaska oil spill planning criteria; and

"(ii) gathering input concerning such planning criteria from Federal agencies, State and local governments, Tribes, and relevant industry and nongovernmental entities.

"(B) ASSESSMENTS.—Not less frequently than once every 5 years, the Program Manager shall—

"(i) assess whether such existing planning criteria adequately meet the needs of vessels operating in the geographic area; and

"(ii) identify methods for advancing response capability so as to achieve, with respect to a vessel, compliance with national planning criteria.

"(C) ONSITE VERIFICATIONS.—The Program Manager shall address the relatively small number and limited nature of verifications of response capabilities for vessel response plans by increasing, within the Seventeenth Coast Guard District, the quantity and frequency of onsite verifications of the providers identified in vessel response plans.

"(c) TRAINING.—The Commandant shall enhance the knowledge and proficiency of Coast Guard personnel with respect to the Program by—

"(1) developing formalized training on the Program that, at a minimum—

"(A) provides in-depth analysis of—

"(i) the national planning criteria described in part 155 of title 33, Code of Federal Regulations (as in effect on the date of enactment of this section);

"(ii) alternative planning criteria;

"(iii) Western Alaska oil spill planning criteria;

"(iv) Captain of the Port and Federal On-Scene Coordinator authorities related to activation of a vessel response plan;

"(v) the responsibilities of vessel owners and operators in preparing a vessel response plan for submission; and

"(vi) responsibilities of the Area Committee, including risk analysis, response capability, and development of alternative planning criteria;

"(B) explains the approval processes of vessel response plans that involve alternative planning criteria or Western Alaska oil spill planning criteria; and

"(C) provides instruction on the processes involved in carrying out the actions described in paragraphs (9)(D) and (9)(F) of section 311(j) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)), including instruction on carrying out such actions—

"(i) in any geographic area in the United States; and

"(ii) specifically in the Seventeenth Coast Guard District; and

"(2) providing such training to all Coast Guard personnel involved in the Program.

"(d) DEFINITIONS.—In this section:

"(1) ALTERNATIVE PLANNING CRITERIA.—The term 'alternative planning criteria' means criteria submitted under section 155.1065 or 155.5067 of title 33, Code of Federal Regulations (as in effect on the date of enactment of this section), for vessel response plans.

"(2) TRIBE.—The term 'Tribe' has the meaning given the term 'Indian Tribe' in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

"(3) VESSEL RESPONSE PLAN.—The term 'vessel response plan' means a plan required to be submitted by the owner or operator of a tank vessel or a nontank vessel under regulations issued by the President under section 311(j)(5) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)(5)).

"(4) WESTERN ALASKA OIL SPILL PLANNING CRITERIA.—The term 'Western Alaska oil spill planning criteria' means the criteria required to be established under paragraph (9) of section 311(j) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)).".

(2) CLERICAL AMENDMENT.—The analysis for chapter 3 of title 14, United States Code, is amended by adding at the end the following:

"323. Western Alaska Oil Spill Planning Criteria Program.".

(b) WESTERN ALASKA OIL SPILL PLANNING CRITERIA.—

(1) AMENDMENT.—Section 311(j) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)) is amended by adding at the end the following:

"(9) WESTERN ALASKA OIL SPILL PLANNING CRITERIA PROGRAM.—

"(A) DEFINITIONS.—In this paragraph:

"(i) ALTERNATIVE PLANNING CRITERIA.—The term 'alternative planning criteria' means criteria submitted under section 155.1065 or 155.5067 of title 33, Code of Federal Regulations (as in effect on the date of enactment of this paragraph), for vessel response plans.

"(ii) PRINCE WILLIAM SOUND CAPTAIN OF THE PORT ZONE.—The term 'Prince William Sound Captain of the Port Zone' means the area described in section 3.85-15(b) of title 33, Code of Federal Regulations (or successor regulations).

"(iii) SECRETARY.—The term 'Secretary' means the Secretary of the department in which the Coast Guard is operating.

"(iv) VESSEL RESPONSE PLAN.—The term 'vessel response plan' means a plan required to be submitted by the owner or operator of a tank vessel or a nontank vessel under regulations issued by the President under paragraph (5).

"(v) WESTERN ALASKA CAPTAIN OF THE PORT ZONE.—The term 'Western Alaska Captain of the Port Zone' means the area described in section 3.85-15(a) of

title 33, Code of Federal Regulations (as in effect on the date of enactment of this paragraph).

"(B) REQUIREMENT.—Except as provided in subparagraph (I), for any part of the area of responsibility of the Western Alaska Captain of the Port Zone or the Prince William Sound Captain of the Port Zone for which the Secretary has determined that the national planning criteria established pursuant to this subsection are inappropriate for a vessel operating in such area, a vessel response plan with respect to a discharge of oil for such a vessel shall comply with the Western Alaska oil spill planning criteria established under subparagraph (D)(i).

"(C) RELATION TO NATIONAL PLANNING CRITERIA.—The Western Alaska oil spill planning criteria established under subparagraph (D)(i) shall, with respect to a discharge of oil from a vessel described in subparagraph (B), apply in lieu of any alternative planning criteria accepted for vessels operating, prior to the date on which the Western Alaska oil spill planning criteria are established, in any part of the area of responsibility of the Western Alaska Captain of the Port Zone or the Prince William Sound Captain of the Port Zone for which the Secretary has determined that the national planning criteria established pursuant to this subsection are inappropriate for a vessel operating in such area.

"(D) ESTABLISHMENT OF WESTERN ALASKA OIL SPILL PLANNING CRITERIA.—

"(i) IN GENERAL.—The President, acting through the Commandant, in consultation with the Western Alaska Oil Spill Criteria Program Manager selected under section 323 of title 14, United States Code, shall establish—

"(I) Western Alaska oil spill planning criteria for a worst case discharge of oil, and a substantial threat of such a discharge, within any part of the area of responsibility of the Western Alaska Captain of the Port Zone or Prince William Sound Captain of the Port Zone for which the Secretary has determined that the national planning criteria established pursuant to this subsection are inappropriate for a vessel operating in such area; and

"(II) standardized submission, review, approval, and compliance verification processes for the Western Alaska oil spill planning criteria established under this clause, including the quantity and frequency of drills and on-site verifications of vessel response plans approved pursuant to such planning criteria.

"(ii) DEVELOPMENT OF SUBREGIONS.—

"(I) DEVELOPMENT.—After establishing the Western Alaska oil spill planning criteria under clause (i), and if necessary to adequately reflect the needs and capabilities of various locations within the Western Alaska Captain of the Port

Zone, the President, acting through the Commandant, and in consultation with the Western Alaska Oil Spill Criteria Program Manager selected under section 323 of title 14, United States Code, may develop subregions for which planning criteria may differ from planning criteria for other subregions in the Western Alaska Captain of the Port Zone.

"(II) LIMITATION.—Any planning criteria for a subregion developed under this clause may not be less stringent than the Western Alaska oil spill planning criteria established under clause (i).

"(iii) ASSESSMENT.—

"(I) IN GENERAL.—Prior to developing a subregion, the President, acting through the Commandant, shall conduct an assessment on any potential impacts to the entire Western Alaska Captain of the Port Zone to include quantity and availability of response resources in the proposed subregion and in surrounding areas and any changes or impacts to surrounding areas resulting in the development of a subregion with different standards.

"(II) CONSULTATION.—In conducting an assessment under this clause, the President, acting through the Commandant, shall consult with State and local governments, Tribes (as defined in section 323 of title 14, United States Code), the owners and operators that would operate under the proposed subregions, oil spill removal organizations, Alaska Native organizations, and environmental nongovernmental organizations, and shall take into account any experience with the prior use of subregions within the State of Alaska.

"(III) SUBMISSION.—The President, acting through the Commandant, shall submit the results of an assessment conducted under this clause to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

"(E) INCLUSIONS.—

"(i) REQUIREMENTS.—The Western Alaska oil spill planning criteria established under subparagraph (D)(i) shall include planning criteria for the following:

"(I) Mechanical oil spill response resources that are required to be located within any part of the area of responsibility of the Western Alaska Captain of the Port Zone or the Prince William Sound Captain of the Port Zone for which the Secretary has determined that the national planning criteria established pursuant to this subsection are inappropriate for a vessel operating in such area.

"(II) Response times for mobilization of oil spill response resources and arrival on the scene of a worst case discharge of oil, or substantial threat of such a discharge, occurring within such part of such area.

"(III) Pre-identified vessels for oil spill response that are capable of operating in the ocean environment.

"(IV) Ensuring the availability of at least 1 oil spill removal organization that is classified by the Coast Guard and that—

"(aa) is capable of responding in all operating environments in such part of such area;

"(bb) controls oil spill response resources of dedicated and nondedicated resources within such part of such area, through ownership, contracts, agreements, or other means approved by the President, sufficient—

"(AA) to mobilize and sustain a response to a worst case discharge of oil; and

"(BB) to contain, recover, and temporarily store discharged oil;

"(cc) has pre-positioned oil spill response resources in strategic locations throughout such part of such area in a manner that ensures the ability to support response personnel, marine operations, air cargo, or other related logistics infrastructure;

"(dd) has temporary storage capability using both dedicated and non-dedicated assets located within such part of such area;

"(ee) has non-mechanical oil spill response resources capable of responding to a discharge of persistent oil and a discharge of nonpersistent oil, whether the discharged oil was carried by a vessel as fuel or cargo; and

"(ff) has wildlife response resources for primary, secondary, and tertiary responses to support carcass collection, sampling, deterrence, rescue, and rehabilitation of birds, sea turtles, marine mammals, fishery resources, and other wildlife.

"(V) With respect to tank barges carrying nonpersistent oil in bulk as cargo, oil spill response resources that are required to be carried on board.

"(VI) Specifying a minimum length of time that approval of a vessel response plan under this paragraph is valid.

"(VII) Managing wildlife protection and rehabilitation, including identified wildlife protection and rehabilitation resources in that area.

"(ii) ADDITIONAL CONSIDERATIONS.—The Western Alaska oil spill planning criteria established under

subparagraph (D)(i) may include planning criteria for the following:

"(I) Vessel routing measures consistent with international routing measure deviation protocols.

"(II) Maintenance of real-time continuous vessel tracking, monitoring, and engagement protocols with the ability to detect and address vessel operation anomalies.

"(F) REQUIREMENT FOR APPROVAL.—The President may approve a vessel response plan for a vessel under this paragraph only if the owner or operator of the vessel demonstrates the availability of the oil spill response resources required to be included in the vessel response plan under the Western Alaska oil spill planning criteria established under subparagraph (D)(i).

"(G) PERIODIC AUDITS.—The Secretary shall conduct periodic audits to ensure compliance of vessel response plans and oil spill removal organizations within the Western Alaska Captain of the Port Zone and the Prince William Sound Captain of the Port Zone with the Western Alaska oil spill planning criteria established under subparagraph (D)(i).

"(H) REVIEW OF DETERMINATION.—Not less frequently than once every 5 years, the Secretary shall review each determination of the Secretary under subparagraph (B) that the national planning criteria established pursuant to this subsection are inappropriate for a vessel operating in the area of responsibility of the Western Alaska Captain of the Port Zone and the Prince William Sound Captain of the Port Zone.

"(I) VESSELS IN COOK INLET.—Unless otherwise authorized by the Secretary, a vessel may only operate in Cook Inlet, Alaska, under a vessel response plan approved under paragraph (5) that meets the requirements of the national planning criteria established pursuant to this subsection.

"(J) SAVINGS PROVISIONS.—Nothing in this paragraph affects—

"(i) the requirements under this subsection applicable to vessel response plans for vessels operating within the area of responsibility of the Western Alaska Captain of the Port Zone, within Cook Inlet, Alaska;

"(ii) the requirements under this subsection applicable to vessel response plans for vessels operating within the area of responsibility of the Prince William Sound Captain of the Port Zone that are subject to section 5005 of the Oil Pollution Act of 1990 (33 U.S.C. 2735); or

"(iii) the authority of a Federal On-Scene Coordinator to use any available resources when responding to an oil spill.".

(2) [33 U.S.C. 1321 note] ESTABLISHMENT OF WESTERN ALASKA OIL SPILL PLANNING CRITERIA.—

(A) DEADLINE.—Not later than 2 years after the date of enactment of this Act, the President shall establish the Western Alaska oil spill planning criteria required to be established under paragraph (9)(D)(i) of section 311(j) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)).

(B) CONSULTATION.—In establishing the Western Alaska oil spill planning criteria described in subparagraph (A), the President shall consult with the Federal agencies, State and local governments, Tribes (as defined in section 323 of title 14, United States Code), the owners and operators that would be subject to such planning criteria, oil spill removal organizations, Alaska Native organizations, and environmental nongovernmental organizations.

(C) CONGRESSIONAL REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the status of implementation of paragraph (9) of section 311(j) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)).

SEC. 11310. COAST GUARD CLAIMS PROCESSING COSTS.

Section 1012(a)(4) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(4)) is amended by striking "damages;" and inserting "damages, including, in the case of a spill of national significance that results in extraordinary Coast Guard claims processing activities, the administrative and personnel costs of the Coast Guard to process such claims (including the costs of commercial claims processing, expert services, training, and technical services), subject 136 STAT. 4086 to the condition that the Coast Guard shall submit to Congress a report describing each spill of national significance not later than 30 days after the date on which the Coast Guard determines it necessary to process such claims;".

SEC. 11311. CALCULATION OF INTEREST ON DEBT OWED TO NATIONAL POLLUTION FUND.

Section 1005(b)(4) of the Oil Pollution Act of 1990 (33 U.S.C. 2705(b)(4)) is amended—

(1) by striking "The interest paid" and inserting the following:

"(A) IN GENERAL.—The interest paid for claims, other than Federal Government cost recovery claims,"; and

(2) by adding at the end the following:

"(B) FEDERAL COST RECOVERY CLAIMS.—The interest paid for Federal Government cost recovery claims under this section shall be calculated in accordance with section 3717 of title 31, United States Code.".

SEC. 11312. [26 U.S.C. 9509] PER-INCIDENT LIMITATION.

Subparagraph (A) of section 9509(c)(2) of the Internal Revenue Code of 1986 is amended—

(1) in clause (i) by striking "$1,000,000,000" and inserting "$1,500,000,000";

(2) in clause (ii) by striking "$500,000,000" and inserting "$750,000,000"; and

(3) in the heading by striking "$1,000,000,000" and inserting "$1,500,000,000".

SEC. 11313. ACCESS TO OIL SPILL LIABILITY TRUST FUND.

Section 6002 of the Oil Pollution Act of 1990 (33 U.S.C. 2752) is amended by striking subsection (b) and inserting the following:

"(b) EXCEPTIONS.—

"(1) IN GENERAL.—Subsection (a) shall not apply to—

"(A) section 1006(f), 1012(a)(4), or 5006; or

"(B) an amount, which may not exceed $50,000,000 in any fiscal year, made available by the President from the Fund—

"(i) to carry out section 311(c) of the Federal Water Pollution Control Act (33 U.S.C. 1321(c)); and

"(ii) to initiate the assessment of natural resources damages required under section 1006.

"(2) FUND ADVANCES.—

"(A) IN GENERAL.—To the extent that the amount described in subparagraph (B) of paragraph (1) is not adequate to carry out the activities described in such subparagraph, the Coast Guard may obtain 1 or more advances from the Fund as may be necessary, up to a maximum of $100,000,000 for each advance, with the total amount of advances not to exceed the amounts available under section 9509(c)(2) of the Internal Revenue Code of 1986.

"(B) NOTIFICATION TO CONGRESS.—Not later than 30 days after the date on which the Coast Guard obtains an advance under subparagraph (A), the Coast Guard shall notify Congress of—

"(i) the amount advanced; and

"(ii) the facts and circumstances that necessitated the advance.

"(C) REPAYMENT.—Amounts advanced under this paragraph shall be repaid to the Fund when, and to the extent that, removal costs are recovered by the Coast Guard from responsible parties for the discharge or substantial threat of discharge.

"(3) AVAILABILITY.—Amounts to which this subsection applies shall remain available until expended.".

SEC. 11314. COST-REIMBURSABLE AGREEMENTS.

Section 1012 of the Oil Pollution Act of 1990 (33 U.S.C. 2712) is amended—

(1) in subsection (a)(1)(B) by striking "by a Governor or designated State official" and inserting "by a State, a political subdivision of a State, or an Indian tribe, pursuant to a cost-reimbursable agreement";

(2) by striking subsections (d) and (e) and inserting the following:

"(d) COST-REIMBURSABLE AGREEMENT.—

"(1) IN GENERAL.—In carrying out section 311(c) of the Federal Water Pollution Control Act (33 U.S.C. 1321(c)), the President may enter into cost-reimbursable agreements with a State, a political subdivision of a State, or an Indian tribe to obligate the Fund for the payment of removal costs consistent with the National Contingency Plan.

"(2) INAPPLICABILITY.—Chapter 63 and section 1535 of title 31, United States Code shall not apply to a cost-reimbursable agreement entered into under this subsection."; and

(3) by redesignating subsections (f), (h), (i), (j), (k), and (l) as subsections (e), (f), (g), (h), (i), and (j), respectively.

SEC. 11315. [33 U.S.C. 1321 note] OIL SPILL RESPONSE REVIEW.

(a) IN GENERAL.—Subject to the availability of appropriations, the Commandant shall develop and carry out a program—

(1) to increase collection and improve the quality of incident data on oil spill location and response capability by periodically evaluating the data, documentation, and analysis of—

(A) Coast Guard-approved vessel response plans, including vessel response plan audits and assessments;

(B) oil spill response drills conducted under section 311(j)(7) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)(7)) that occur within the Marine Transportation System; and

(C) responses to oil spill incidents that require mobilization of contracted response resources;

(2) to improve the effectiveness of vessel response plans by—

(A) systematically reviewing the capacity of an oil spill response organization identified in a vessel response plan to provide the specific response resources, such as private personnel, equipment, other vessels identified in such vessel response plan; and

(B) approving a vessel response plan only after confirming the identified oil spill response organization has the capacity to provide such response resources;

(3) to update, not less frequently than annually, information contained in the Coast Guard Response Resource Inventory and other Coast Guard tools used to document the availability and status of oil spill response equipment, so as to ensure that such information remains current; and

(4) subject to section 552 of title 5, United States Code (commonly known as the "Freedom of Information Act"), to make data collected under paragraph (1) available to the public.

(b) POLICY.—Not later than 1 year after the date of enactment of this Act, the Commandant shall issue a policy—

(1) to establish processes to maintain the program under subsection (a) and support Coast Guard oil spill prevention and response activities, including by incorporating oil spill incident data from after-action oil spill reports and data ascertained from vessel response plan exercises and audits into—

(A) review and approval process standards and metrics;

(B) alternative planning criteria review processes;

(C) Area Contingency Plan development;

(D) risk assessments developed under section 70001 of title 46, United States Code, including lessons learned from reportable marine casualties;

(E) processes and standards which mitigate the impact of military personnel rotations in Coast Guard field units on knowledge and awareness of vessel response plan requirements, including knowledge relating to the evaluation of proposed alternatives to national planning requirements; and

(F) processes and standards which evaluate the consequences of reporting inaccurate data in vessel response plans submitted to the Commandant pursuant to part 300 of title 40, Code of Federal Regulations, and submitted for storage in the Marine Information for Safety and Law Enforcement database pursuant to section 300.300 of such title (or any successor regulation);

(2) to standardize and develop tools, training, and other relevant guidance that may be shared with vessel owners and operators to assist with accurately calculating and measuring the performance and viability of proposed alternatives to national planning criteria requirements and Area Contingency Plans administered by the Coast Guard;

(3) to improve training of Coast Guard personnel to ensure continuity of planning activities under this section, including by identifying ways in which civilian staffing may improve the continuity of operations; and

(4) to increase Federal Government engagement with State, local, and Tribal governments and stakeholders so as to strengthen coordination and efficiency of oil spill responses.

(c) PERIODIC UPDATES.—Not less frequently than every 5 years, the Commandant shall update the processes established under subsection (b)(1) to incorporate relevant analyses of—

(1) incident data on oil spill location and response quality;

(2) oil spill risk assessments;

(3) oil spill response effectiveness and the effects of such response on the environment;

(4) oil spill response drills conducted under section 311(j)(7) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)(7));

(5) marine casualties reported to the Coast Guard; and

(6) near miss incidents documented by a vessel traffic service center (as such terms are defined in sections 70001(m) of title 46, United States Code).

(d) REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually thereafter for 5 years, the Commandant shall provide to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a briefing on the status of ongoing and planned efforts to improve the effectiveness and oversight of the program established under subsection (a) and vessel response plan approvals.

(2) PUBLIC AVAILABILITY.—The Commandant shall publish the briefing required under paragraph (1) on a publicly accessible website of the Coast Guard.

[Section 11316 was repealed by section 7406(b) of division G of Public Law 119–60.]

SEC. 11317. PORT COORDINATION COUNCIL FOR POINT SPENCER.

Section 541 of the Coast Guard Authorization Act of 2016 (Public Law 114-120) is amended—

(1) in subsection (b)(2) by striking "BSNC" and inserting the following:" BSNC (to serve as Council Chair).

"(3) The Denali Commission.

"(4) An oil spill removal organization that serves the area in which such Port is located.

"(5) A salvage and marine firefighting organization that serves the area in which such Port is located."; and

(2) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (B) by striking the semicolon and inserting "; and";

(ii) by striking "; and" and inserting the following: "at Point Spencer in support of the activities for which Congress finds a compelling need in section 531 of this subtitle."; and

(iii) by striking subparagraph (D); and

(B) by striking paragraph (3) and inserting the following:

"(3) Facilitate coordination among members of the Council on the development and use of the land and coastline of Point Spencer, as such development and use relate to activities of the Council at the Port of Point Spencer.".

Subtitle C—Environmental Compliance

SEC. 11318. PROVIDING REQUIREMENTS FOR VESSELS ANCHORED IN ESTABLISHED ANCHORAGE GROUNDS.

(a) IN GENERAL.—Subchapter I of chapter 700 of title 46, United States Code, is amended by adding at the end the following:

"SEC. 70007. [46 U.S.C. 70007] Anchorage grounds

"(a) ANCHORAGE GROUNDS.—

"(1) ESTABLISHMENT.—The Secretary of the department in which the Coast Guard is operating shall define and establish anchorage grounds in the navigable waters of the United States for vessels operating in such waters.

"(2) RELEVANT FACTORS FOR ESTABLISHMENT.—In carrying out paragraph (1), the Secretary shall take into account all relevant factors concerning navigational safety, protection of the marine environment, proximity to undersea pipelines and cables, safe and efficient use of Marine Transportation System, and national security.

"(b) VESSEL REQUIREMENTS.—Vessels, of certain sizes or type determined by the Secretary, shall—

"(1) set and maintain an anchor alarm for the duration of an anchorage;

"(2) comply with any directions or orders issued by the Captain of the Port; and

"(3) comply with any applicable anchorage regulations.

"(c) PROHIBITIONS.—A vessel may not—

"(1) anchor in any Federal navigation channel unless authorized or directed to by the Captain of the Port;

"(2) anchor in near proximity, within distances determined by the Coast Guard, to an undersea pipeline or cable, unless authorized or directed to by the Captain of the Port; and

"(3) anchor or remain anchored in an anchorage ground during any period in which the Captain of the Port orders closure of the anchorage ground due to inclement weather, navigational hazard, a threat to the environment, or other safety or security concern.

"(d) SAFETY EXCEPTION.—Nothing in this section shall be construed to prevent a vessel from taking actions necessary to maintain the safety of the vessel or to prevent the loss of life or property.".

(b) REGULATORY REVIEW.—

(1) REVIEW REQUIRED.—Not later than 1 year after the date of enactment of this Act, the Secretary shall review existing policies, final agency actions, regulations, or other rules relating to anchorage promulgated under section 70006 of title 46, United States Code and—

(A) identify any such regulations or rules that may need modification or repeal—

(i) in the interest of marine safety, security, and environmental concerns, taking into account undersea pipelines, cables, or other infrastructure; or

(ii) to implement the amendments made by this section; and

(B) complete a cost-benefit analysis for any modification or repeal identified under paragraph (1).

(2) BRIEFING.—Upon completion of the review under paragraph (1), but not later than 2 years after the date of enactment of this Act, the Secretary shall provide a briefing to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that summarizes such review.

(c) [46 U.S.C. 70007 note] SAVINGS CLAUSE.—Nothing in this section shall limit any authority available, as of the date of enactment of this Act, to the captain of a port with respect to safety measures or any other authority as necessary for the safety of vessels located in anchorage grounds in the navigable waters of the United States.

(d) CLERICAL AMENDMENT.—The analysis for chapter 700 of title 46, United States Code, is amended by inserting after the item relating to section 70006 the following:

"70007. Anchorage grounds.".

(e) [46 U.S.C. 70007 note] APPLICABILITY OF REGULATIONS.—The amendments made by subsection (a) may not be construed to alter any existing rules, regulations, or final agency actions issued under section 70006 of title 46, United States Code, as in effect on the day before the date of enactment of this Act, until all regulations required under subsection (b) take effect.

SEC. 11319. STUDY ON IMPACTS ON SHIPPING AND COMMERCIAL, TRIBAL, AND RECREATIONAL FISHERIES FROM DEVELOPMENT OF RENEWABLE ENERGY ON WEST COAST.

(a) STUDY.—Not later than 180 days after the date of enactment of this Act, the Secretary, the Secretary of the Interior, and the Under Secretary of Commerce for Oceans and Atmosphere, shall seek to enter into an agreement with the National Academies of Science, Engineering, and Medicine under which the National Academy of Sciences, Engineering, and Medicine shall carry out a study to—

(1) identify, document, and analyze—

(A) historic and current, as of the date of the study, Tribal, commercial, and recreational fishing grounds, as well as areas where fish stocks are likely to shift in the future in all covered waters;

(B) usual and accustomed fishing areas in all covered waters;

(C) historic, current, and potential future shipping lanes, based on projected growth in shipping traffic in all covered waters;

(D) current and expected Coast Guard operations relevant to commercial fishing activities, including search and rescue, radar, navigation, communications, and safety within and near renewable energy sites; and

(E) key types of data needed to properly site renewable energy sites on the West Coast, with regard to assessing and mitigating conflicts;

(2) analyze—

(A) methods used to manage fishing, shipping, and other maritime activities; and

(B) potential future interactions between such activities and the placement of renewable energy infrastructure and the associated construction, maintenance, and operation of such infrastructure, including potential benefits and methods of mitigating adverse impacts; and

(3) review the current decision-making process for offshore wind in covered waters, and outline recommendations for governmental consideration of all impacted coastal communities, particularly Tribal governments and fisheries communities, in the decision-making process for offshore wind in covered waters, including recommendations for—

(A) ensuring the appropriate governmental consideration of potential benefits of offshore wind in covered waters; and

(B) risk reduction and mitigation of adverse impacts on Coast Guard operations relevant to commercial fishing activities.

(b) SUBMISSION.—Not later than 1 year after commencing the study under subsection (a), the Secretary shall—

(1) submit the study to the Committees on Commerce, Science, and Transportation, and Energy and Natural Resources of the Senate and the Committees on Transportation and Infrastructure, Natural Resources, and Energy and Com-

merce of the House of Representatives, including the review and outline provided under subsection (a)(3); and

(2) make the study publicly available.

(c) DEFINITIONS.—In this section:

(1) COVERED WATERS.—The term "covered waters" means Federal or State waters off of the Canadian border and out to the furthest extent of the exclusive economic zone along the West Coast of the United States.

(2) EXCLUSIVE ECONOMIC ZONE.—The term "exclusive economic zone" has the meaning given such term in section 107 of title 46, United States Code.

SEC. 11320. USE OF DEVICES BROADCASTING ON AIS FOR PURPOSES OF MARKING FISHING GEAR.

The Secretary shall, within the Eleventh Coast Guard District, Thirteenth Coast Guard District, Fourteenth Coast Guard District, and Seventeenth Coast Guard District, suspend enforcement of individuals using automatic identification systems devices to mark fishing equipment until December 31, 2029.

Subtitle D—Environmental Issues

SEC. 11321. NOTIFICATION OF COMMUNICATION OUTAGES.

(a) UPGRADES TO RESCUE 21 SYSTEM IN ALASKA.—Not later than August 30, 2023, the Commandant shall ensure the timely upgrade of the Rescue 21 system in Alaska so as to achieve 98 percent operational availability of remote fixed facility sites.

(b) PLAN TO REDUCE OUTAGES.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commandant shall develop an operations and maintenance plan for the Rescue 21 system in Alaska that anticipates maintenance needs so as to reduce Rescue 21 system outages to the maximum extent practicable.

(2) PUBLIC AVAILABILITY.—The plan required under paragraph (1) shall be made available to the public on a publicly accessible website.

(c) REPORT REQUIRED.—Not later than 180 days after the date of enactment of this Act, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that—

(1) contains a plan for the Coast Guard to notify mariners of radio outages for towers owned and operated by the Seventeenth Coast Guard District;

(2) addresses in such plan how the Seventeenth Coast Guard will—

(A) disseminate updates regarding outages on social media not less frequently than every 48 hours;

(B) provide updates on a publicly accessible website not less frequently than every 48 hours;

(C) develop methods for notifying mariners in areas in which cellular connectivity does not exist; and

(D) develop and advertise a web-based communications update hub on AM/FM radio for mariners; and

(3) identifies technology gaps that need to be mitigated in order to implement the plan and provides a budgetary assessment necessary to implement the plan.

(d) CONTINGENCY PLAN.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commandant shall, in collaboration with relevant Federal, State, Tribal, and other relevant entities (including the North Pacific Fishery Management Council, the National Oceanic and Atmospheric Administration Weather Service, the National Oceanic and Atmospheric Administration Fisheries Service, agencies of the State of Alaska, local radio stations, and stakeholders), establish a contingency plan to ensure that notifications of an outage of the Rescue 21 system in Alaska are broadly disseminated in advance of such an outage.

(2) ELEMENTS.—The contingency plan required under paragraph (1) shall require the Coast Guard to—

(A) disseminate updates regarding outages of the Rescue 21 system in Alaska on social media not less frequently than every 48 hours during an outage;

(B) provide updates on a publicly accessible website not less frequently than every 48 hours during an outage;

(C) notify mariners in areas in which cellular connectivity does not exist;

(D) develop and advertise a web-based communications update hub on AM/FM radio for mariners; and

(E) identify technology gaps necessary to implement the plan and provides a budgetary assessment necessary to implement the plan.

SEC. 11322. [46 U.S.C. 4502 note] IMPROVEMENTS TO COMMUNICATION WITH FISHING INDUSTRY AND RELATED STAKEHOLDERS.

(a) IN GENERAL.—The Commandant, in coordination with the National Commercial Fishing Safety Advisory Committee established by section 15102 of title 46, United States Code, shall develop a publicly accessible website that contains all information related to fishing industry activities, including vessel safety, inspections, enforcement, hazards, training, regulations (including proposed regulations), outages of the Rescue 21 system in Alaska and similar outages, and any other fishing-related activities.

(b) AUTOMATIC COMMUNICATIONS.—The Commandant shall provide methods for regular and automatic email communications with stakeholders who elect, through the website developed under subsection (a), to receive such communications.

SEC. 11323. [14 U.S.C. 504 note] ADVANCE NOTIFICATION OF MILITARY OR OTHER EXERCISES.

In consultation with the Secretary of Defense, the Secretary of State, and commercial fishing industry participants, the Commandant shall develop and publish on a publicly available website a plan for notifying United States mariners and the operators of United States fishing vessels in advance of—

(1) military exercises in the exclusive economic zone (as defined in section 3 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802)); or

(2) other military activities that will impact recreational or commercial activities.

SEC. 11324. MODIFICATIONS TO SPORT FISH RESTORATION AND BOATING TRUST FUND ADMINISTRATION.

(a) DINGELL-JOHNSON SPORT FISH RESTORATION ACT AMENDMENTS.—

(1) AVAILABLE AMOUNTS.—Section 4(b)(1)(B)(i) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(b)(1)(B)(i)) is amended to read as follows:

"(i) for the fiscal year that includes November 15, 2021, the product obtained by multiplying—

"(I) $12,786,434; and

"(II) the change, relative to the preceding fiscal year, in the Consumer Price Index for All Urban Consumers published by the Department of Labor; and".

(2) AUTHORIZED EXPENSES.—Section 9(a) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777h(a)) is amended—

(A) in paragraph (7) by striking "full-time"; and

(B) in paragraph (9) by striking "on a full-time basis".

(b) PITTMAN-ROBERTSON WILDLIFE RESTORATION ACT AMENDMENTS.—

(1) AVAILABLE AMOUNTS.—Section 4(a)(1)(B)(i) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669c(a)(1)(B)(i)) is amended to read as follows:

"(i) for the fiscal year that includes November 15, 2021, the product obtained by multiplying—

"(I) $12,786,434; and

"(II) the change, relative to the preceding fiscal year, in the Consumer Price Index for All Urban Consumers published by the Department of Labor; and".

(2) AUTHORIZED EXPENSES.—Section 9(a) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669h(a)) is amended—

(A) in paragraph (7) by striking "full-time"; and

(B) in paragraph (9) by striking "on a full-time basis".

SEC. 11325. LOAD LINES.

(a) APPLICATION TO CERTAIN VESSELS.—During the period beginning on the date of enactment of this Act and ending on the date that is 5 years after the date on which the report required under subsection (b) is submitted, the load line requirements of chapter 51 of title 46, United States Code, shall not apply to covered fishing vessels.

(b) GAO REPORT.—

(1) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives—

(A) a report on the safety and seaworthiness of vessels described in section 5102(b)(5) of title 46, United States Code; and

(B) recommendations for exempting certain vessels from the load line requirements under chapter 51 of title 46 of such Code.

(2) ELEMENTS.—The report required under paragraph (1) shall include the following:

(A) An assessment of stability requirements of vessels referenced in section 5102(b)(5) of title 46, United States Code.

(B) An analysis of vessel casualties, mishaps, or other safety information relevant to load line requirements when a vessel is operating part-time as a fish tender vessel.

(C) An assessment of any other safety information as the Comptroller General determines appropriate.

(D) A list of all vessels that, as of the date of the report—

(i) are covered under section 5102(b)(5) of title 46, United States Code;

(ii) are acting as part-time fish tender vessels; and

(iii) are subject to any captain of the port zone subject to the oversight of the Commandant.

(3) CONSULTATION.—In preparing the report required under paragraph (1), the Comptroller General shall consider consultation with, at a minimum, the maritime industry, including—

(A) relevant Federal, State, and Tribal maritime associations and groups; and

(B) relevant federally funded research institutions, nongovernmental organizations, and academia.

(c) SAVINGS CLAUSE.—Nothing in this section shall limit any authority available, as of the date of enactment of this Act, to the captain of a port with respect to safety measures or any other authority as necessary for the safety of covered fishing vessels.

(d) DEFINITION OF COVERED FISHING VESSEL.—In this section, the term "covered fishing vessel" means a vessel that operates exclusively in one, or both, of the Thirteenth and Seventeenth Coast Guard Districts and that—

(1) was constructed, under construction, or under contract to be constructed as a fish tender vessel before January 1, 1980;

(2) was converted for use as a fish tender vessel before January 1, 2022, and—

(A) has a valid stability letter issued in accordance with regulations prescribed under chapter 51 of title 46, United States Code; and

(B) the hull and internal structure of the vessel has been verified as suitable for intended service as examined by a marine surveyor of an organization accepted by the Secretary two times in the past five years with no interval of more than three years between such examinations; or

(3) operates part-time as a fish tender vessel for a period of less than 180 days.

SEC. 11326. ACTIONS BY NATIONAL MARINE FISHERIES SERVICE TO INCREASE ENERGY PRODUCTION.

(a) IN GENERAL.—The National Marine Fisheries Service shall, immediately upon the enactment of this Act, take action to address the outstanding backlog of letters of authorization for the Gulf of Mexico.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the National Marine Fisheries Service should—

(1) take immediate action to issue a rule that allows the Service to approve outstanding and future applications for letters of authorization consistent with the permitting activities of the Service; and

(2) on or after the effective date of such rule, prioritize the consideration of applications in a manner that is consistent with applicable Federal law.

SEC. 11327. AQUATIC NUISANCE SPECIES TASK FORCE.

(a) RECREATIONAL VESSEL DEFINED.—Section 1003 of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4702) is amended—

(1) by redesignating paragraphs (13) through (17) as paragraphs (15) through (19), respectively; and

(2) by inserting after paragraph (12) the following:

"(13) 'State' means each of the several States, the District of Columbia, American Samoa, Guam, Puerto Rico, the Northern Mariana Islands, and the Virgin Islands of the United States;

"(14) 'recreational vessel' has the meaning given that term in section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362);".

(b) OBSERVERS.—Section 1201 of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4721) is amended by adding at the end the following:

"(g) OBSERVERS.—The chairpersons designated under subsection (d) may invite representatives of nongovernmental entities to participate as observers of the Task Force.".

(c) AQUATIC NUISANCE SPECIES TASK FORCE.—Section 1201(b) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4721(b)) is amended—

(1) in paragraph (6) by striking "and" at the end;

(2) by redesignating paragraph (7) as paragraph (10); and

(3) by inserting after paragraph (6) the following:

"(7) the Director of the National Park Service;

"(8) the Director of the Bureau of Land Management;

"(9) the Commissioner of Reclamation; and".

(d) AQUATIC NUISANCE SPECIES PROGRAM.—Section 1202 of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4722) is amended—

(1) in subsection (e) by adding at the end the following:

"(4) TECHNICAL ASSISTANCE AND RECOMMENDATIONS.—The Task Force may provide technical assistance and recommendations for best practices to an agency or entity engaged in vessel inspections or decontaminations for the purpose of—

"(A) effectively managing and controlling the movement of aquatic nuisance species into, within, or out of water of the United States; and

"(B) inspecting recreational vessels in a manner that minimizes disruptions to public access for boating and recreation in non-contaminated vessels.

"(5) CONSULTATION AND INPUT.—In carrying out paragraph (4), including the development of recommendations, the Task Force may consult with Indian Tribes and solicit input from—

"(A) State and Tribal fish and wildlife management agencies;

"(B) other State and Tribal agencies that manage fishery resources of the State or sustain fishery habitat; and

"(C) relevant nongovernmental entities."; and

(2) in subsection (k) by adding at the end the following:

"(3) Not later than 90 days after the date of enactment of the Don Young Coast Guard Authorization Act of 2022, the Task Force shall submit a report to Congress recommending legislative, programmatic, or regulatory changes to eliminate remaining gaps in authorities between members of the Task Force to effectively manage and control the movement of aquatic nuisance species.".

(e) TECHNICAL CORRECTIONS AND CONFORMING AMENDMENTS.—The Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4701 et seq.) is further amended—

(1) in section 1002(b)(2) by inserting a comma after "funded";

(2) in section 1003 in paragraph (7) by striking "Canandian" and inserting "Canadian";

(3) in section 1203(a)—

(A) in paragraph (1)(F) by inserting "and" after "research,"; and

(B) in paragraph (3) by striking "encourage" and inserting "encouraged";

(4) in section 1204(b)(4) in the paragraph heading by striking "Adminisrative" and inserting "Administrative"; and

(5) in section 1209 by striking "subsection (a)" and inserting "section 1202(a)".

SEC. 11328. SAFETY STANDARDS.

(a) IN GENERAL.—Section 4502 of title 46, United States Code, is amended—

(1) in subsection (i)(4) by striking "each of fiscal years 2018 through 2021" and inserting "fiscal year 2023"; and

(2) in subsection (j)(4) by striking "each of fiscal years 2018 through 2021" and inserting "fiscal year 2023".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 9 of the Marine Debris Act (33 U.S.C. 1958) is amended—

(1) in subsection (a) by striking "each of fiscal years 2018 through 2022" and inserting "fiscal year 2023"; and

(2) in subsection (b) by striking "2702(1)" and inserting "4902(1)".

Subtitle E—Illegal Fishing and Forced Labor Prevention

SEC. 11329. [16 U.S.C. 1885a note] DEFINITIONS.

In this subtitle:

(1) FORCED LABOR.—The term "forced labor" means any labor or service provided for or obtained by any means described in section 1589(a) of title 18, United States Code.

(2) HUMAN TRAFFICKING.—The term "human trafficking" has the meaning given the term "severe forms of trafficking in persons" in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102).

(3) ILLEGAL, UNREPORTED, OR UNREGULATED FISHING.—The term "illegal, unreported, or unregulated fishing" has the meaning given such term in the implementing regulations or any subsequent regulations issued pursuant to section 609(e) of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826j(e)).

(4) OPPRESSIVE CHILD LABOR.—The term "oppressive child labor" has the meaning given such term in section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203).

(5) SEAFOOD.—The term "seafood" means all marine animal and plant life meant for consumption as food other than marine mammals and birds, including fish, shellfish, shellfish products, and processed fish.

(6) SEAFOOD IMPORT MONITORING PROGRAM.—The term "Seafood Import Monitoring Program" means the Seafood Traceability Program established in subpart Q of part 300 of title 50, Code of Federal Regulations (or any successor regulation).

(7) SECRETARY.—The term "Secretary" means the Secretary of Commerce, acting through the Under Secretary of Commerce for Oceans and Atmosphere.

CHAPTER 1—COMBATING HUMAN TRAFFICKING THROUGH SEAFOOD IMPORT MONITORING

SEC. 11330. ENHANCEMENT OF SEAFOOD IMPORT MONITORING PROGRAM MESSAGE SET IN AUTOMATED COMMERCIAL ENVIRONMENT SYSTEM.

The Secretary, in coordination with the Commissioner of U.S. Customs and Border Protection, shall, not later than 6 months after the date of enactment of this Act, develop a strategy to improve the quality and verifiability of already collected Seafood Import Monitoring Program Message Set data elements in the Automated Commercial Environment system. Such strategy shall prioritize the use of enumerated data types, such as checkboxes, dropdown menus, or radio buttons, and any additional elements the Administrator of the National Oceanic and Atmospheric Administration finds appropriate.

SEC. 11331. DATA SHARING AND AGGREGATION.

(a) INTERAGENCY WORKING GROUP ON ILLEGAL, UNREPORTED, OR UNREGULATED FISHING.—Section 3551(c) of the Maritime SAFE Act (16 U.S.C. 8031(c)) is amended—

(1) by redesignating paragraphs (4) through (13) as paragraphs (5) through (14), respectively; and

(2) by inserting after paragraph (3) the following:

"(4) maximizing the utility of the import data collected by the members of the Working Group by harmonizing data standards and entry fields;".

(b) [16 U.S.C. 8031 note] PROHIBITION ON AGGREGATED CATCH DATA FOR CERTAIN SPECIES. Beginning not later than 1 year after the date of enactment of this Act, for the purposes of compliance with respect to Northern red snapper under the Seafood Import Monitoring Program, the Secretary may not allow an aggregated harvest report of such species, regardless of vessel size.

SEC. 11332. [16 U.S.C. 1885 note] IMPORT AUDITS.

(a) AUDIT PROCEDURES.—The Secretary shall, not later than 1 year after the date of enactment of this Act, implement procedures to audit information and supporting records of sufficient numbers of imports of seafood and seafood products subject to the Seafood Import Monitoring Program to support statistically robust conclusions that the samples audited are representative of all seafood imports covered by the Seafood Import Monitoring Program with respect to a given year.

(b) EXPANSION OF MARINE FORENSICS LABORATORY.—The Secretary shall, not later than 1 year after the date of enactment of this Act, begin the process of expanding the National Oceanic and Atmospheric Administration's Marine Forensics Laboratory, including by establishing sufficient capacity for the development and deployment of rapid, and follow-up, analysis of field-based tests focused on identifying Seafood Import Monitoring Program species, and prioritizing such species at high risk of illegal, unreported, or unregulated fishing and seafood fraud.

(c) ANNUAL REVISION.—In developing the procedures required in subsection (a), the Secretary shall use predictive analytics to inform whether to revise such procedures to prioritize for audit those imports originating from nations—

(1) identified pursuant to section 609(a) or 610(a) of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826j(a) or 1826k(a)) that have not yet received a subsequent positive certification pursuant to section 609(d) or 610(c) of such Act, respectively;

(2) identified by an appropriate regional fishery management organization as being the flag state or landing location of vessels identified by other nations or regional fisheries management organizations as engaging in illegal, unreported, or unregulated fishing;

(3) identified as having human trafficking or forced labor in any part of the seafood supply chain, including on vessels flagged in such nation, and including feed for cultured production, in the most recent Trafficking in Persons Report issued by the Department of State in accordance with the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 et seq.);

(4) identified as producing goods that contain seafood using forced labor or oppressive child labor in the most recent List of Goods Produced by Child Labor or Forced Labor in accordance with the Trafficking Victims Protection Act (22 U.S.C. 7101 et seq.); and

(5) identified as at risk for human trafficking, including forced labor, in their seafood catching and processing industries by the report required under section 3563 of the Maritime SAFE Act (Public Law 116-92).

SEC. 11333. AVAILABILITY OF FISHERIES INFORMATION.

Section 402(b)(1) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1881a(b)(1)) is amended—

(1) in subparagraph (G) by striking "or" after the semicolon;

(2) in subparagraph (H) by striking the period at the end of such subparagraph and inserting "; or"; and

(3) by adding at the end the following:

"(I) to Federal agencies, to the extent necessary and appropriate, to administer Federal programs established to combat illegal, unreported, or unregulated fishing or forced labor (as such terms are defined in section 11329 of the Don Young Coast Guard Authorization Act of 2022), which shall not include an authorization for such agencies to release data to the public unless such release is related to enforcement.".

SEC. 11334. [16 U.S.C. 1885a] REPORT ON SEAFOOD IMPORT MONITORING PROGRAM.

(a) REPORT TO CONGRESS AND PUBLIC AVAILABILITY OF REPORTS. The Secretary shall, not later than 120 days after the end of each fiscal year, submit to the Committee on Commerce, Science, and Transportation and the Committee on Finance of the Senate and the Committee on Natural Resources and the Committee on Financial Services of the House of Representatives a report that summarizes the National Marine Fisheries Service's efforts to prevent the importation of seafood harvested through illegal, unreported, or unregulated fishing, particularly with respect to seafood harvested, produced, processed, or manufactured by forced labor. Each such report shall be made publicly available on the website of the National Oceanic and Atmospheric Administration.

(b) CONTENTS.—Each report submitted under subsection (a) shall include—

(1) the volume and value of seafood species subject to the Seafood Import Monitoring Program, reported by 10-digit Harmonized Tariff Schedule of the United States codes, imported during the previous fiscal year;

(2) the enforcement activities and priorities of the National Marine Fisheries Service with respect to implementing the requirements under the Seafood Import Monitoring Program;

(3) the percentage of import shipments subject to the Seafood Import Monitoring Program selected for inspection or the information or records supporting entry selected for audit, as

described in section 300.324(d) of title 50, Code of Federal Regulations;

(4) the number and types of instances of noncompliance with the requirements of the Seafood Import Monitoring Program;

(5) the number and types of instances of violations of State or Federal law discovered through the Seafood Import Monitoring Program;

(6) the seafood species with respect to which violations described in paragraphs (4) and (5) were most prevalent;

(7) the location of catch or harvest with respect to which violations described in paragraphs (4) and (5) were most prevalent;

(8) the additional tools, such as high performance computing and associated costs, that the Secretary needs to improve the efficacy of the Seafood Import Monitoring Program; and

(9) such other information as the Secretary considers appropriate with respect to monitoring and enforcing compliance with the Seafood Import Monitoring Program.

SEC. 11335. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Commissioner of U.S. Customs and Border Protection to carry out enforcement actions pursuant to section 307 of the Tariff Act of 1930 (19 U.S.C. 1307) $20,000,000 for each of fiscal years 2023 through 2027.

CHAPTER 2—STRENGTHENING INTERNATIONAL FISHERIES MANAGEMENT TO COMBAT HUMAN TRAFFICKING

SEC. 11336. DENIAL OF PORT PRIVILEGES.

Section 101(a)(2) of the High Seas Driftnet Fisheries Enforcement Act (16 U.S.C. 1826a(a)(2)) is amended to read as follows:

"(2) DENIAL OF PORT PRIVILEGES.—The Secretary of Homeland Security shall, in accordance with international law—

"(A) withhold or revoke the clearance required by section 60105 of title 46, United States Code, for any large-scale driftnet fishing vessel of a nation that receives a negative certification under section 609(d) or 610(c) of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826j(d) or 1826k(c)), or fishing vessels of a nation that has been listed pursuant to section 609(b) or section 610(a) of such Act (16 U.S.C. 1826j(b) or 1826k(a)) in 2 or more consecutive reports for the same type of fisheries activity, as described under section 607 of such Act (16 U.S.C. 1826h), until a positive certification has been received;

"(B) withhold or revoke the clearance required by section 60105 of title 46, United States Code, for fishing vessels of a nation that has been listed pursuant to section 609(a) or 610(a) of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826j(a) or 1826k(a)) in 2 or more consecutive reports as described under section 607 of such Act (16 U.S.C. 1826h); and

"(C) deny entry of that vessel to any place in the United States and to the navigable waters of the United States, except for the purposes of inspecting such vessel, conducting an investigation, or taking other appropriate enforcement action.".

SEC. 11337. IDENTIFICATION AND CERTIFICATION CRITERIA.

(a) DENIAL OF PORT PRIVILEGES.—Section 609(a) of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826j(a)) is amended—

(1) by striking paragraph (2) and inserting the following:

"(2) FOR ACTIONS OF A NATION.—The Secretary shall identify, and list in such report, a nation engaging in or endorsing illegal, unreported, or unregulated fishing. In determining which nations to list in such report, the Secretary shall consider the following:

"(A) Any nation that is violating, or has violated at any point during the 3 years preceding the date of the determination, conservation and management measures, including catch and other data reporting obligations and requirements, required under an international fishery management agreement to which the United States is a party.

"(B) Any nation that is failing, or has failed in the 3-year period preceding the date of the determination, to effectively address or regulate illegal, unreported, or unregulated fishing within its fleets in any areas where its vessels are fishing.

"(C) Any nation that fails to discharge duties incumbent upon it under international law or practice as a flag, port, or coastal state to take action to prevent, deter, and eliminate illegal, unreported, or unregulated fishing.

"(D) Any nation that has been identified as producing for export to the United States seafood-related goods through forced labor or oppressive child labor (as those terms are defined in section 11329 of the Don Young Coast Guard Authorization Act of 2022) in the most recent List of Goods Produced by Child Labor or Forced Labor in accordance with the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 et seq.).''; and

(2) by adding at the end the following:

"(4) TIMING.—The Secretary shall make an identification under paragraph (1) or (2) at any time that the Secretary has sufficient information to make such identification.".

(b) ILLEGAL, UNREPORTED, OR UNREGULATED CERTIFICATION DETERMINATION.—Section 609 of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826j) is amended—

(1) in subsection (d) by striking paragraph (3) and inserting the following:

"(3) EFFECT OF CERTIFICATION DETERMINATION.—

"(A) EFFECT OF NEGATIVE CERTIFICATION.—The provisions of subsection (a) and paragraphs (3) and (4) of subsection (b) of section 101 of the High Seas Driftnet Fisheries Enforcement Act (16 U.S.C. 1826a(a)and (b)(3) and (4)) shall apply to any nation that, after being identified

and notified under subsection (b) has failed to take the appropriate corrective actions for which the Secretary has issued a negative certification under this subsection.

"(B) EFFECT OF POSITIVE CERTIFICATION.—The provisions of subsection (a) and paragraphs (3) and (4) of subsection (b) of section 101 of the High Seas Driftnet Fisheries Enforcement Act (16 U.S.C. 1826a(a)and (b)(3) and (4)) shall not apply to any nation identified under subsection (a) for which the Secretary has issued a positive certification under this subsection.";

(2) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(3) by inserting after subsection (d) the following:

"(e) RECORDKEEPING REQUIREMENTS.—The Secretary shall ensure that seafood or seafood products authorized for entry under this section are imported consistent with the reporting and the recordkeeping requirements of the Seafood Import Monitoring Program described in part 300.324(b) of title 50, Code of Federal Regulations (or any successor regulation).".

SEC. 11338. EQUIVALENT CONSERVATION MEASURES.

(a) IDENTIFICATION.—Section 610(a) of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826k(a)) is amended to read as follows:

"(a) IDENTIFICATION.—

"(1) IN GENERAL.—The Secretary shall identify and list in the report under section 607—

"(A) a nation if—

"(i) any fishing vessel of that nation is engaged, or has been engaged during the 3 years preceding the date of the determination, in fishing activities or practices on the high seas or within the exclusive economic zone of any nation, that have resulted in bycatch of a protected living marine resource; and

"(ii) the vessel's flag state has not adopted, implemented, and enforced a regulatory program governing such fishing designed to end or reduce such bycatch that is comparable in effectiveness to the regulatory program of the United States, taking into account differing conditions; and

"(B) a nation if—

"(i) any fishing vessel of that nation is engaged, or has engaged during the 3 years preceding the date of the determination, in fishing activities on the high seas or within the exclusive economic zone of another nation that target or incidentally catch sharks; and

"(ii) the vessel's flag state has not adopted, implemented, and enforced a regulatory program to provide for the conservation of sharks, including measures to prohibit removal of any of the fins of a shark, including the tail, before landing the shark in port, that is comparable to that of the United States.

"(2) TIMING.—The Secretary shall make an identification under paragraph (1) at any time that the Secretary has sufficient information to make such identification.".

(b) CONSULTATION AND NEGOTIATION.—Section 610(b) of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826k(b)) is amended to read as follows:

"(b) CONSULTATION AND NEGOTIATION.—The Secretary of State, acting in consultation with the Secretary, shall—

"(1) notify, as soon as practicable, the President and nations that are engaged in, or that have any fishing vessels engaged in, fishing activities or practices described in subsection (a), about the provisions of this Act;

"(2) initiate discussions as soon as practicable with all foreign nations that are engaged in, or a fishing vessel of which has engaged in, fishing activities described in subsection (a), for the purpose of entering into bilateral and multilateral treaties with such nations to protect such species and to address any underlying failings or gaps that may have contributed to identification under this Act;

"(3) seek agreements calling for international restrictions on fishing activities or practices described in subsection (a) through the United Nations, the Committee on Fisheries of the Food and Agriculture Organization of the United Nations, and appropriate international fishery management bodies; and

"(4) initiate the amendment of any existing international treaty for the protection and conservation of such species to which the United States is a party in order to make such treaty consistent with the purposes and policies of this section.".

(c) CONSERVATION CERTIFICATION PROCEDURE.—Section 610(c) of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826k(c)) is amended—

(1) in paragraph (2) by inserting "the public and" after "comment by";

(2) in paragraph (4)—

(A) in subparagraph (A) by striking "and" after the semicolon;

(B) in subparagraph (B) by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(C) ensure that any such fish or fish products authorized for entry under this section are imported consistent with the reporting and the recordkeeping requirements of the Seafood Import Monitoring Program established in subpart Q of part 300 of title 50, Code of Federal Regulations (or any successor regulation).''; and

(3) in paragraph (5) by striking "(except to the extent that such provisions apply to sport fishing equipment or fish or fish products not caught by the vessels engaged in illegal, unreported, or unregulated fishing)".

(d) DEFINITION OF PROTECTED LIVING MARINE RESOURCE.—Section 610(e) of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826k(e)) is amended by striking paragraph (1) and inserting the following:

"(1) except as provided in paragraph (2), means nontarget fish, sea turtles, or marine mammals that are protected under United States law or international agreement, including—

"(A) the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.);

"(B) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

"(C) the Shark Finning Prohibition Act (16 U.S.C. 1822 note); and

"(D) the Convention on International Trade in Endangered Species of Wild Fauna and Flora, done at Washington March 3, 1973 (27 UST 1087; TIAS 8249); but".

SEC. 11339. CAPACITY BUILDING IN FOREIGN FISHERIES.

(a) [16 U.S.C. 8018] IN GENERAL.—The Secretary, in consultation with the heads of other Federal agencies, as appropriate, shall develop and carry out with partner governments and civil society—

(1) multi-year international environmental cooperation agreements and projects; and

(2) multi-year capacity-building projects for implementing measures to address illegal, unreported, or unregulated fishing, fraud, forced labor, bycatch, and other conservation measures.

(b) CAPACITY BUILDING.—Section 3543(d) of the Maritime SAFE Act (16 U.S.C. 8013(d)) is amended—

(1) in the matter preceding paragraph (1) by striking "as appropriate,"; and

(2) in paragraph (3) by striking "as appropriate" and inserting "for all priority regions identified by the Working Group".

(c) REPORTS.—Section 3553 of the Maritime SAFE Act (16 U.S.C. 8033) is amended—

(1) in paragraph (7) by striking "and" after the semicolon;

(2) in paragraph (8) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(9) the status of work with global enforcement partners.".

SEC. 11340. TRAINING OF UNITED STATES OBSERVERS.

Section 403(b) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1881b(b)) is amended—

(1) in paragraph (3) by striking "and" after the semicolon;

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following:

"(4) ensure that each observer has received training to identify indicators of forced labor and human trafficking (as such terms are defined in section 11329 of the Don Young Coast Guard Authorization Act of 2022) and refer this information to appropriate authorities; and".

SEC. 11341. [16 U.S.C. 1826a note] REGULATIONS.

Not later than 1 year after the date of enactment of this Act, the Secretary shall promulgate such regulations as may be necessary to carry out this subtitle and the amendments made by this subtitle.

TITLE CXIV—SUPPORT FOR COAST GUARD WORKFORCE

Subtitle A—Support for Coast Guard Members and Families

SEC. 11401. COAST GUARD CHILD CARE IMPROVEMENTS.

(a) FAMILY DISCOUNT FOR CHILD DEVELOPMENT SERVICES.—Section 2922(b)(2) of title 14, United States Code, is amended by adding at the end the following:

"(D) In the case of an active duty member with two or more children attending a Coast Guard child development center, the Commandant may modify the fees to be charged for attendance for the second and any subsequent child of such member by an amount that is 15 percent less than the amount of the fee otherwise chargeable for the attendance of the first such child enrolled at the center, or another fee as the Commandant determines appropriate, consistent with multiple children.".

(b) CHILD DEVELOPMENT CENTER STANDARDS AND INSPECTIONS.—Section 2923(a) of title 14, United States Code, is amended to read as follows:

"(a) STANDARDS.—The Commandant shall require each Coast Guard child development center to meet standards of operation—

"(1) that the Commandant considers appropriate to ensure the health, safety, and welfare of the children and employees at the center; and

"(2) necessary for accreditation by an appropriate national early childhood programs accrediting entity.".

(c) CHILD CARE SUBSIDY PROGRAM.—

(1) AUTHORIZATION.—

(A) IN GENERAL.—Subchapter II of chapter 29 of title 14, United States Code, is amended by adding at the end the following:

"SEC. 2927. [14 U.S.C. 2927] Child care subsidy program

"(a) IN GENERAL.—

"(1) AUTHORITY.—The Commandant may operate a child care subsidy program to provide financial assistance to eligible providers that provide child care services or youth program services to members of the Coast Guard, members of the Coast Guard with dependents who are participating in the child care subsidy program, and any other individual the Commandant considers appropriate, if—

"(A) providing such financial assistance—

"(i) is in the best interests of the Coast Guard; and

"(ii) enables supplementation or expansion of the provision of Coast Guard child care services, while not supplanting or replacing Coast Guard child care services; and

"(B) the Commandant ensures, to the extent practicable, that the eligible provider is able to comply, and does comply, with the regulations, policies, and standards applicable to Coast Guard child care services.

"(2) ELIGIBLE PROVIDERS.—A provider of child care services or youth program services is eligible for financial assistance under this section if the provider—

"(A) is licensed to provide such services under applicable State and local law or meets all applicable State and local health and safety requirements if licensure is not required;

"(B) is either—

"(i) is a family home daycare; or

"(ii) is a provider of family child care services that—

"(I) otherwise provides federally funded or federally sponsored child development services;

"(II) provides such services in a child development center owned and operated by a private, not-for-profit organization;

"(III) provides a before-school or after-school child care program in a public school facility;

"(IV) conducts an otherwise federally funded or federally sponsored school-age child care or youth services program; or

"(V) conducts a school-age child care or youth services program operated by a not-for-profit organization; or

"(C) is a provider of another category of child care services or youth program services the Commandant considers appropriate for meeting the needs of members or civilian employees of the Coast Guard.

"(3) FINANCIAL ASSISTANCE FOR IN-HOME CHILD CARE.—

"(A) IN GENERAL.—The Commandant may provide financial assistance to members of the Coast Guard who pay for services provided by in-home child care providers.

"(B) REQUIREMENTS.—In carrying out such program, the Commandant shall establish a policy and procedures to—

"(i) support the needs of families who request services provided by in-home childcare providers;

"(ii) provide the appropriate amount of financial assistance to provide to families described in paragraph, that is at minimum consistent with the program authorized in subsection (a)(1); and

"(iii) ensure the appropriate qualifications for such in-home child care provider, which shall at minimum—

"(I) take into consideration qualifications for available in-home child care providers in the private sector; and

"(II) ensure that the qualifications the Commandant determines appropriate under this paragraph are comparable to the qualifications for a

provider of child care services in a Coast Guard child development center or family home day care.

"(b) DIRECT PAYMENT.—

"(1) IN GENERAL.—In carrying out a child care subsidy program under subsection (a)(1), subject to paragraph (3), the Commandant shall provide financial assistance under the program to an eligible member or individual the Commandant considers appropriate by direct payment to such eligible member or individual through monthly pay, direct deposit, or other direct form of payment.

"(2) POLICY.—Not later than 180 days after the date of the enactment of this section, the Commandant shall establish a policy to provide direct payment as described in paragraph (1).

"(3) ELIGIBLE PROVIDER FUNDING CONTINUATION.—With the approval of an eligible member or an individual the Commandant considers appropriate, which shall include the written consent of such member or individual, the Commandant may continue to provide financial assistance under the child care subsidy program directly to an eligible provider on behalf of such member or individual.

"(4) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to affect any preexisting reimbursement arrangement between the Coast Guard and a qualified provider.".

(B) CLERICAL AMENDMENT.—The analysis for chapter 29 of title 14, United States Code, is amended by inserting after the item relating to section 2926 the following:

"2927. Child care subsidy program.".

(2) [14 U.S.C. 2927 note] EXPANSION OF CHILD CARE SUBSIDY PROGRAM.—

(A) IN GENERAL.—The Commandant shall—

(i) evaluate potential eligible uses for the child care subsidy program established under section 2927 of title 14, United States Code (referred to in this paragraph as the "program");

(ii) expand the eligible uses of funds for the program to accommodate the child care needs of members of the Coast Guard (including such members with nonstandard work hours and surge or other deployment cycles), including in-home care as described in section 2927(a)(3) of title 14, United States Code, and including by providing funds directly to such members instead of care providers; and

(iii) streamline enrollment policies, practices, paperwork, and requirements for eligible child care providers to reduce barriers for members to enroll in such providers.

(B) CONSIDERATIONS.—In evaluating potential eligible uses under subparagraph (A), the Commandant shall consider in-home child care services, care services such as supplemental care for children with disabilities, and any other child care delivery method the Commandant considers appropriate.

(C) REQUIREMENTS.—In establishing expanded eligible uses of funds for the program, the Commandant shall ensure that such uses—

(i) are in the best interests of the Coast Guard;

(ii) provide flexibility for members of the Coast Guard, including such members and employees with nonstandard work hours; and

(iii) ensure a safe environment for dependents of such members and employees.

(D) PUBLICATION.—Not later than 18 months after the date of the enactment of this Act, the Commandant shall publish an updated Commandant Instruction Manual (referred to in this paragraph as the "manual") that describes the expanded eligible uses of the program.

(E) REPORT.—

(i) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report outlining the expansion of the program.

(ii) ELEMENTS.—The report required by clause (i) shall include the following:

(I) An analysis of the considerations described in subparagraph (B).

(II) A description of the analysis used to identify eligible uses that were evaluated and incorporated into the manual under subparagraph (D).

(III) A full analysis and justification with respect to the forms of care that were ultimately not included in the manual.

(IV) Any recommendation with respect to funding or additional authorities necessary, including proposals for legislative change, to meet the current and anticipated future child care subsidy demands of the Coast Guard.

(V) A description of the steps taken to streamline enrollment policies, practices, and requirements for eligible child care providers in accordance with paragraph (2)(A)(iii).

SEC. 11402. ARMED FORCES ACCESS TO COAST GUARD CHILD DEVELOPMENT SERVICES.

Section 2922(a) of title 14, United States Code, is amended to read as follows:

"(a)(1) The Commandant may make child development services available, in such priority as the Commandant considers to be appropriate and consistent with readiness and resources and in the best interests of dependents of members and civilian employees of the Coast Guard, for—

"(A) members and civilian employees of the Coast Guard;

"(B) surviving dependents of service members who have died on active duty, if such dependents were bene-

ficiaries of a Coast Guard child development service at the time of the death of such members;

"(C) members of the armed forces (as defined in section 101(a) of title 10); and

"(D) Federal civilian employees.

"(2) Child development service benefits provided under the authority of this section shall be in addition to benefits provided under other laws.".

SEC. 11403. [14 U.S.C. 1901 note] CADET PREGNANCY POLICY IMPROVEMENTS.

(a) REGULATIONS REQUIRED.—Not later than 18 months after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Defense, shall prescribe regulations for the Coast Guard Academy consistent with regulations required to be promulgated by section 559(a) of the National Defense Authorization Act of 2022 (Public Law 117-81).

(b) BRIEFING.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall provide to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a briefing on the development of the regulations required by subsection (a).

SEC. 11404. COMBAT-RELATED SPECIAL COMPENSATION.

(a) REPORT AND BRIEFING.—Not later than 90 days after the date of enactment of this Act, and every 180 days thereafter until the date that is 5 years after the date on which the initial report is submitted under this subsection, the Commandant shall submit a report and provide an in-person briefing to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the implementation of section 221 of the Coast Guard Authorization Act of 2016 (Public Law 114-120; 10 U.S.C. 1413a note).

(b) ELEMENTS.—Each report and briefing required by subsection (a) shall include the following:

(1) A description of methods to educate members and retirees on the combat-related special compensation program.

(2) Statistics regarding enrollment in such program for members of the Coast Guard and Coast Guard retirees.

(3) A summary of each of the following:

(A) Activities carried out relating to the education of members of the Coast Guard participating in the Transition Assistance Program with respect to the combat-related special compensation program.

(B) Activities carried out relating to the education of members of the Coast Guard who are engaged in missions in which they are susceptible to injuries that may result in qualification for combat-related special compensation, including flight school, the National Motor Lifeboat School, deployable special forces, and other training programs as the Commandant considers appropriate.

(C) Activities carried out relating to training physicians and physician assistants employed by the Coast

Guard, or otherwise stationed in Coast Guard clinics, sickbays, or other locations at which medical care is provided to members of the Coast Guard, for the purpose of ensuring, during medical examinations, appropriate counseling and documentation of symptoms, injuries, and the associated incident that resulted in such injuries.

(D) Activities relating to the notification of heath service officers with respect to the combat-related special compensation program.

(4) The written guidance provided to members of the Coast Guard regarding necessary recordkeeping to ensure eligibility for benefits under such program.

(5) Any other matter relating to combat-related special compensation the Commandant considers appropriate.

(c) DISABILITY DUE TO CHEMICAL OR HAZARDOUS MATERIAL EXPOSURE.—Section 221(a) of the Coast Guard Authorization Act of 2016 (Public Law 114-120; 10 U.S.C. 1413a note) is amended—

(1) in paragraph (1) by striking "department is" and inserting "department in"; and

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A)—

(i) by striking "and hazardous" and inserting "hazardous"; and

(ii) by inserting ", or a duty in which chemical or other hazardous material exposure has occurred (such as during marine inspections or pollution response activities)" after "surfman)"; and

(B) in subparagraph (B)—

(i) by striking "paragraph (1) or paragraph (2) of"; and

(ii) by striking ", including—" and all that follows through "search and rescue; or" and inserting "; or".

SEC. 11405. STUDY ON FOOD SECURITY.

(a) STUDY.—

(1) IN GENERAL.—The Commandant shall conduct a study on food insecurity among members of the Coast Guard.

(2) ELEMENTS.—The study required under paragraph (1) shall include the following:

(A) An analysis of the impact of food deserts on members of the Coast Guard and their dependents who live in areas with high costs of living, including areas with high-density populations and rural areas.

(B) A comparison of—

(i) the current method used by the Commandant to determine which areas are considered to be high cost-of-living areas;

(ii) local-level indicators used by the Bureau of Labor Statistics to determine a cost of living that indicates buying power and consumer spending in specific geographic areas; and

(iii) indicators of the cost of living used by the Department of Agriculture in market basket analyses

and other measures of the local or regional cost of food.

(C) An assessment of the accuracy of the method and indicators described in subparagraph (B) in quantifying high cost of living in low-data and remote areas.

(D) An assessment of the manner in which data accuracy and availability affect the accuracy of cost-of-living allowance calculations and other benefits, as the Commandant considers appropriate.

(E) Recommendations—

(i) to improve access to high-quality, affordable food within a reasonable distance of Coast Guard units located in areas identified as food deserts;

(ii) to reduce transit costs for members of the Coast Guard and their dependents who are required to travel to access high-quality, affordable food; and

(iii) for improving the accuracy of the calculations referred to in subparagraph (D).

(F) The estimated costs of implementing each recommendation made under subparagraph (E).

(b) PLAN.—

(1) IN GENERAL.—The Commandant shall develop a detailed plan to implement the recommendations of the study conducted under subsection (a).

(2) REPORT.—Not later than 1 year after date of the enactment of this Act, the Commandant shall provide to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a briefing on the plan required under paragraph (1), including the cost of implementation, proposals for legislative change, and any other result of the study the Commandant considers appropriate.

(c) FOOD DESERT DEFINED.—In this section, the term "food desert" means an area, as determined by the Commandant, in which it is difficult, even with a vehicle or an otherwise-available mode of transportation, to obtain affordable, high-quality fresh food in the immediate area in which members of the Coast Guard serve and reside.

Subtitle B—Healthcare

SEC. 11406. [14 U.S.C. 504 note] DEVELOPMENT OF MEDICAL STAFFING STANDARDS FOR COAST GUARD.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commandant, in consultation with the Defense Health Agency and any healthcare expert the Commandant considers appropriate, shall develop medical staffing standards for the Coast Guard that are consistent with the recommendations of the Comptroller General of the United States set forth in the report titled "Coast Guard Health Care: Improvements Needed for Determining Staffing Needs and Monitoring Access to Care" and published in February 2022.

(b) INCLUSIONS.—In developing the standards under subsection (a), the Commandant shall address and take into consideration the following:

(1) Current and future operations of healthcare personnel in support of Department of Homeland Security missions, including surge deployments for incident response.

(2) Staffing standards for specialized providers, including flight surgeons, dentists, behavioral health specialists, and physical therapists.

(3) Staffing levels of medical, dental, and behavioral health providers for the Coast Guard who are—

(A) members of the Coast Guard;

(B) assigned to the Coast Guard from the Public Health Service;

(C) Federal civilian employees; or

(D) contractors hired by the Coast Guard to fill vacancies.

(4) Staffing levels at medical facilities for Coast Guard units in remote locations.

(5) Any discrepancy between medical staffing standards of the Department of Defense and medical staffing standards of the Coast Guard.

(c) REVIEW BY COMPTROLLER GENERAL.—Not later than 90 days after the Commandant completes the staffing standards required by subsection (a), the Commandant shall submit the standards to the Comptroller General, who shall review the standards and provide recommendations to the Commandant.

(d) REPORT TO CONGRESS.—Not later than 180 days after developing the standards developed under subsection (a), the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the standards developed under subsection (a) and the recommendations provided under subsection (c) that includes a plan and a description of the resources and budgetary needs required to implement the standards.

(e) MODIFICATION, IMPLEMENTATION, AND PERIODIC UPDATES.—The Commandant shall—

(1) modify such standards, as necessary, based on the recommendations under subsection (c);

(2) implement the standards; and

(3) review and update the standards not less frequently than every 4 years.

SEC. 11407. HEALTHCARE SYSTEM REVIEW AND STRATEGIC PLAN.

(a) IN GENERAL.—Not later than 270 days after the completion of the studies conducted by the Comptroller General of the United States under sections 8259 and 8260 of the William M. (Mac) Thornberry National Defense Authorization Act of Fiscal Year 2021 (Public Law 116-283; 134 Stat. 4679), the Commandant shall—

(1) conduct a comprehensive review of the Coast Guard healthcare system; and

(2) develop a strategic plan for improvements to, and the modernization of, such system to ensure access to high-quality,

timely healthcare for members of the Coast Guard, their dependents, and applicable Coast Guard retirees.

(b) PLAN.—

(1) IN GENERAL.—The strategic plan developed under subsection (a) shall seek to—

(A) maximize the medical readiness of members of the Coast Guard;

(B) optimize delivery of healthcare benefits;

(C) ensure high-quality training of Coast Guard medical personnel; and

(D) prepare for the future needs of the Coast Guard.

(2) ELEMENTS.—The plan shall address, at a minimum, the following:

(A) Improving access to healthcare for members of the Coast Guard, their dependents, and applicable Coast Guard retirees.

(B) Quality of healthcare.

(C) The experience and satisfaction of members of the Coast Guard and their dependents with the Coast Guard healthcare system.

(D) The readiness of members of the Coast Guard and Coast Guard medical personnel.

(c) REVIEW COMMITTEE.—

(1) ESTABLISHMENT.—The Commandant shall establish a review committee to conduct a comprehensive analysis of the Coast Guard healthcare system (referred to in this section as the "Review Committee").

(2) MEMBERSHIP.—The Review Committee shall be composed of members selected by the Commandant, including—

(A) 1 or more members of the uniformed services (as defined in section 101 of title 10, United States Code) or Federal employees, either of which have expertise in—

(i) the medical, dental, pharmacy, or behavioral health fields; or

(ii) any other field the Commandant considers appropriate;

(B) 1 representative of the Defense Health Agency; and

(C) 1 medical representative from each Coast Guard district.

(3) CHAIRPERSON.—The chairperson of the Review Committee shall be the Director of the Health, Safety, and Work Life Directorate of the Coast Guard.

(4) STAFF.—The Review Committee shall be staffed by employees of the Coast Guard.

(5) REPORT TO COMMANDANT.—Not later than 1 year after the Review Committee is established, the Review Committee shall submit to the Commandant a report that—

(A) assesses, taking into consideration the medical staffing standards developed under section 11406, the recommended medical staffing standards set forth in the Comptroller General study required by section 8260 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-283; 134

Stat. 4679), and compares such standards to the medical staffing standards of the Department of Defense and the private sector;

(B) addresses improvements needed to ensure continuity of care for members of the Coast Guard, including by evaluating the feasibility of having a dedicated primary care manager for each such member while the member is stationed at a duty station;

(C) evaluates the effects of increased surge deployments of medical personnel on staffing needs at Coast Guard clinics;

(D) identifies ways to improve access to care for members of the Coast Guard and their dependents who are stationed in remote areas, including methods to expand access to providers in the available network;

(E) identifies ways the Coast Guard may better use Department of Defense Military Health System resources for members of the Coast Guard, their dependents, and applicable Coast Guard retirees;

(F) identifies barriers to participation in the Coast Guard healthcare system and ways the Coast Guard may better use patient feedback to improve quality of care at Coast Guard-owned facilities, military treatment facilities, and specialist referrals;

(G) includes recommendations to improve the Coast Guard healthcare system; and

(H) any other matter the Commandant or the Review Committee considers appropriate.

(6) TERMINATION.—The Review Committee shall terminate on the date that is 1 year after the date on which the Review Committee submits the report required under paragraph (5).

(7) INAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Review Committee.

(d) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives—

(1) the strategic plan for the Coast Guard medical system required under subsection (a);

(2) the report of the Review Committee submitted to the Commandant under subsection (c)(5); and

(3) a description of the manner in which the Commandant plans to implement the recommendations of the Review Committee.

SEC. 11408. [14 U.S.C. 504 note] DATA COLLECTION AND ACCESS TO CARE.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commandant, in consultation with the Defense Health Agency and any healthcare expert the Commandant considers appropriate, shall develop, and make publicly available, a policy to require the collection of data regarding access by members of the Coast Guard and their dependents to medical, dental,

and behavioral healthcare as recommended by the Comptroller General of the United States in the report entitled "Coast Guard Health Care: Improvements Needed for Determining Staffing Needs and Monitoring Access to Care", published in February 2022.

(b) ELEMENTS.—The policy required by subsection (a) shall address the following:

(1) Methods to collect data on access to care for—

(A) routine annual physical health assessments;

(B) flight physicals for aviators or prospective aviators;

(C) sick call;

(D) injuries;

(E) dental health; and

(F) behavioral health conditions.

(2) Collection of data on access to care for referrals.

(3) Collection of data on access to care for members of the Coast Guard stationed at remote units, aboard Coast Guard cutters, and on deployments.

(4) Use of the electronic health record system to improve data collection on access to care.

(5) Use of data for addressing the standards of care, including time between requests for appointments and actual appointments, including appointments made with referral services.

(c) PUBLICATION AND REPORT TO CONGRESS.—Not later than 90 days after the policy under subsection (a) is completed, or any subsequent updates to such policy, the Commandant shall—

(1) publish the policy on a publicly accessible internet website of the Coast Guard; and

(2) submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the policy and the manner in which the Commandant plans to address access-to-care deficiencies.

(d) PERIODIC UPDATES.—Not less frequently than every 5 years, the Commandant shall review and update the policy required under subsection (a).

SEC. 11409. [14 U.S.C. 504 note] BEHAVIORAL HEALTH POLICY.

(a) INTERIM BEHAVIORAL HEALTH POLICY.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commandant shall establish an interim behavioral health policy for members of the Coast Guard that is in parity with section 5.28 (relating to behavioral health) of Department of Defense Instruction 6130.03, volume 2, "Medical Standards for Military Service: Retention".

(2) TERMINATION.—The interim policy established under paragraph (1) shall remain in effect until the date on which the Commandant issues a permanent behavioral health policy for members of the Coast Guard.

(b) PERMANENT POLICY.—In developing a permanent policy with respect to retention and behavioral health, the Commandant shall ensure that, to the extent practicable, the policy of the Coast Guard is in parity with section 5.28 (relating to behavioral health)

of Department of Defense Instruction 6130.03, volume 2, "Medical Standards for Military Service: Retention".

SEC. 11410. MEMBERS ASSERTING POST-TRAUMATIC STRESS DISORDER OR TRAUMATIC BRAIN INJURY.

(a) IN GENERAL.—Subchapter I of chapter 25 of title 14, United States Code, is further amended by adding at the end the following:

"SEC. 2516. [14 U.S.C. 2516] Members asserting post-traumatic stress disorder or traumatic brain injury

"(a) MEDICAL EXAMINATION REQUIRED.—

"(1) IN GENERAL.—The Secretary shall ensure that a member of the Coast Guard who has performed Coast Guard operations or has been sexually assaulted during the preceding 2-year period, and who is diagnosed by an appropriate licensed or certified healthcare professional as experiencing post-traumatic stress disorder or traumatic brain injury or who otherwise alleges, based on the service of the member or based on such sexual assault, the influence of such a condition, receives a medical examination to evaluate a diagnosis of post-traumatic stress disorder or traumatic brain injury.

"(2) RESTRICTION ON ADMINISTRATIVE SEPARATION.—A member described in paragraph (1) shall not be administratively separated under conditions other than honorable, including an administrative separation in lieu of a court-martial, until the results of the medical examination have been reviewed by appropriate authorities responsible for evaluating, reviewing, and approving the separation case, as determined by the Secretary.

"(3) POST-TRAUMATIC STRESS DISORDER.—In a case involving post-traumatic stress disorder under this subsection, a medical examination shall be—

"(A) performed by—

"(i) a board-certified or board-eligible psychiatrist; or

"(ii) a licensed doctorate-level psychologist; or

"(B) performed under the close supervision of—

"(i) a board-certified or board-eligible psychiatrist; or

"(ii) a licensed doctorate-level psychologist, a doctorate-level mental health provider, a psychiatry resident, or a clinical or counseling psychologist who has completed a 1-year internship or residency.

"(4) TRAUMATIC BRAIN INJURY.—In a case involving traumatic brain injury under this subsection, a medical examination shall be performed by a physiatrist, psychiatrist, neurosurgeon, or neurologist.

"(b) PURPOSE OF MEDICAL EXAMINATION.—The medical examination required under subsection (a) shall assess whether the effects of mental or neurocognitive disorders, including post-traumatic stress disorder and traumatic brain injury, constitute matters in extenuation that relate to the basis for administrative separation under conditions other than honorable or the overall characterization of the service of the member as other than honorable.

"(c) INAPPLICABILITY TO PROCEEDINGS UNDER UNIFORM CODE OF MILITARY JUSTICE.—The medical examination and procedures required by this section do not apply to courts-martial or other proceedings conducted pursuant to the Uniform Code of Military Justice.

"(d) COAST GUARD OPERATIONS DEFINED.—In this section, the term 'Coast Guard operations' has the meaning given that term in section 888(a) of the Homeland Security Act of 2002 (6 U.S.C. 468(a))."

(b) CLERICAL AMENDMENT.—The analysis for chapter 25 of title 14, United States Code, is amended by inserting after the item relating to section 2515 (as added by this Act) the following:

"2516. Members asserting post-traumatic stress disorder or traumatic brain injury.".

SEC. 11411. IMPROVEMENTS TO PHYSICAL DISABILITY EVALUATION SYSTEM AND TRANSITION PROGRAM.

(a) TEMPORARY POLICY.—Not later than 60 days after the date of enactment of this Act, the Commandant shall develop a temporary policy that—

(1) improves timeliness, communication, and outcomes for members of the Coast Guard undergoing the Physical Disability Evaluation System, or a related formal or informal process;

(2) affords maximum career transition benefits to members of the Coast Guard determined by a Medical Evaluation Board to be unfit for retention in the Coast Guard; and

(3) maximizes the potential separation and career transition benefits for members of the Coast Guard undergoing the Physical Disability Evaluation System, or a related formal or informal process.

(b) ELEMENTS.—The policy required under subsection (a) shall include the following:

(1) A requirement that any member of the Coast Guard who is undergoing the Physical Disability Evaluation System, or a related formal or informal process, shall be placed in a duty status that allows the member the opportunity to attend necessary medical appointments and other activities relating to the Physical Disability Evaluation System, including completion of any application of the Department of Veterans Affairs and career transition planning.

(2) In the case of a Medical Evaluation Board report that is not completed not later than 120 days after the date on which an evaluation by the Medical Evaluation Board was initiated, the option for such a member to enter permissive duty status.

(3) A requirement that the date of initiation of an evaluation by a Medical Evaluation Board shall include the date on which any verbal or written affirmation is made to the member, command, or medical staff that the evaluation by the Medical Evaluation Board has been initiated.

(4) An option for such member to seek an internship under the SkillBridge program established under section 1143(e) of title 10, United States Code, and outside employment aimed at improving the transition of the member to civilian life, only if

such an internship or employment does not interfere with necessary medical appointments required for the member's physical disability evaluation.

(5) A requirement that not less than 21 days notice shall be provided to such a member for any such medical appointment, to the maximum extent practicable, to ensure that the appointment timeline is in the best interests of the immediate health of the member.

(6) A requirement that the Coast Guard shall provide such a member with a written separation date upon the completion of a Medical Evaluation Board report that finds the member unfit to continue active duty.

(7) To provide certainty to such a member with respect to a separation date, a policy that ensures—

(A) that accountability measures are in place with respect to Coast Guard delays throughout the Physical Disability Evaluation System, including—

(i) placement of the member in an excess leave status after 270 days have elapsed since the date of initiation of an evaluation by a Medical Evaluation Board by any competent authority; and

(ii) a calculation of the costs to retain the member on active duty, including the pay, allowances, and other associated benefits of the member, for the period beginning on the date that is 90 days after the date of initiation of an evaluation by a Medical Evaluation Board by any competent authority and ending on the date on which the member is separated from the Coast Guard; and

(B) the availability of administrative solutions to any such delay.

(8) With respect to a member of the Coast Guard on temporary limited duty status, an option to remain in the member's current billet, to the maximum extent practicable, or to be transferred to a different active-duty billet, so as to minimize any negative impact on the member's career trajectory.

(9) A requirement that each respective command shall report to the Coast Guard Personnel Service Center any delay of more than 21 days between each stage of the Physical Disability Evaluation System for any such member, including between stages of the processes, the Medical Evaluation Board, the Informal Physical Evaluation Board, and the Formal Physical Evaluation Board.

(10) A requirement that, not later than 7 days after receipt of a report of a delay described in paragraph (9), the Personnel Service Center shall take corrective action, which shall ensure that the Coast Guard exercises maximum discretion to continue the Physical Disability Evaluation System of such a member in a timely manner, unless such delay is caused by the member.

(11) A requirement that—

(A) a member of the Coast Guard shall be allowed to make a request for a reasonable delay in the Physical Dis-

ability Evaluation System to obtain additional input and consultation from a medical or legal professional; and

(B) any such request for delay shall be approved by the Commandant based on a showing of good cause by the member.

(c) REPORT ON TEMPORARY POLICY.—Not later than 60 days after the date of enactment of this Act, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a copy of the policy developed under subsection (a).

(d) PERMANENT POLICY.—Not later than 180 days after the date of enactment of this Act, the Commandant shall publish a Commandant Instruction making the policy developed under subsection (a) a permanent policy of the Coast Guard.

(e) BRIEFING.—Not later than 1 year after the date of enactment of this Act, the Commandant shall provide to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a briefing on, and a copy of, the permanent policy.

(f) ANNUAL REPORT ON COSTS.—

(1) IN GENERAL.—Not less frequently than annually, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that, for the preceding fiscal year—

(A) details the total aggregate service-wide costs described in subsection (b)(7)(A)(ii) for members of the Coast Guard whose Physical Disability Evaluation System process has exceeded 90 days; and

(B) includes for each such member—

(i) an accounting of such costs; and

(ii) the number of days that elapsed between the initiation and completion of the Physical Disability Evaluation System process.

(2) PERSONALLY IDENTIFIABLE INFORMATION.—A report under paragraph (1) shall not include the personally identifiable information of any member of the Coast Guard.

SEC. 11412. [14 U.S.C. 504 note] EXPANSION OF ACCESS TO COUNSELING.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commandant shall hire, train, and deploy not fewer than an additional 5 behavioral health specialists.

(b) REQUIREMENT.—Through the hiring process required under subsection (a), the Commandant shall ensure that at least 35 percent of behavioral health specialists employed by the Coast Guard have experience in behavioral healthcare for the purpose of supporting members of the Coast Guard with needs for perinatal mental health care and counseling service for miscarriage, child loss, and postpartum depression.

(c) ACCESSIBILITY.—The support provided by the behavioral health specialists described in subsection (a)—

(1) may include care delivered via telemedicine; and

(2) shall be made widely available to members of the Coast Guard.

SEC. 11413. EXPANSION OF POSTGRADUATE OPPORTUNITIES FOR MEMBERS OF COAST GUARD IN MEDICAL AND RELATED FIELDS.

(a) [14 U.S.C. 2770 note] IN GENERAL.—The Commandant shall expand opportunities for members of the Coast Guard to secure postgraduate degrees in medical and related professional disciplines for the purpose of supporting Coast Guard clinics and operations.

(b) APPLICATION OF LAW.—Individuals who receive assistance pursuant to subsection (a) shall be subject to the service obligations required under section 2114 of title 10, United States Code.

(c) MILITARY TRAINING STUDENT LOADS.—Section 4904(b)(3) of title 14, United States Code, is amended by striking "350" and inserting "385".

SEC. 11414. STUDY ON COAST GUARD MEDICAL FACILITIES NEEDS.

(a) IN GENERAL.—Not later than 270 days after the date of enactment of this Act, the Comptroller General of the United States shall commence a study on Coast Guard medical facilities needs.

(b) ELEMENTS.—The study required by subsection (a) shall include the following:

(1) A list of Coast Guard medical facilities, including clinics, sickbays, and shipboard facilities.

(2) A summary of capital needs for Coast Guard medical facilities, including construction and repair.

(3) A summary of equipment upgrade backlogs of Coast Guard medical facilities.

(4) An assessment of improvements to Coast Guard medical facilities, including improvements to information technology infrastructure, required to enable the Coast Guard to fully use telemedicine and implement other modernization initiatives.

(5) An evaluation of the process used by the Coast Guard to identify, monitor, and construct Coast Guard medical facilities.

(6) A description of the resources necessary to fully address all Coast Guard medical facilities needs.

(c) REPORT.—Not later than 1 year after commencing the study required by subsection (a), the Comptroller General shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the findings of the study.

SEC. 11415. STUDY ON COAST GUARD TELEMEDICINE PROGRAM.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall commence a study on the Coast Guard telemedicine program.

(b) ELEMENTS.—The study required under subsection (a) shall include the following:

(1) An assessment of—

(A) the current capabilities and limitations of the Coast Guard telemedicine program;

(B) the degree of integration of such program with existing electronic health records;

(C) the capability and accessibility of such program, as compared to the capability and accessibility of the telemedicine programs of the Department of Defense and commercial medical providers;

(D) the manner in which the Coast Guard telemedicine program may be expanded to provide better clinical and behavioral medical services to members of the Coast Guard, including such members stationed at remote units or onboard Coast Guard cutters at sea; and

(E) the costs savings associated with the provision of—

(i) care through telemedicine; and

(ii) preventative care.

(2) An identification of barriers to full use or expansion of such program.

(3) A description of the resources necessary to expand such program to its full capability.

(c) REPORT.—Not later than 1 year after commencing the study required by subsection (a), the Comptroller General shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the findings of the study.

Subtitle C—Housing

SEC. 11416. STUDY ON COAST GUARD HOUSING ACCESS, COST, AND CHALLENGES.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Comptroller General of the United States shall commence a study on housing access, cost, and associated challenges facing members of the Coast Guard.

(b) ELEMENTS.—The study required under subsection (a) shall include the following:

(1) An assessment of—

(A) the extent to which—

(i) the Commandant has evaluated the sufficiency, availability, and affordability of housing options for members of the Coast Guard and their dependents; and

(ii) the Coast Guard owns and leases housing for members of the Coast Guard and their dependents;

(B) the methods used by the Commandant to manage housing data, and the manner in which the Commandant uses such data—

(i) to inform Coast Guard housing policy; and

(ii) to guide investments in Coast Guard-owned housing capacity and other investments in housing, such as long-term leases and other housing options; and

(C) the process used by the Commandant to gather and provide information used to calculate housing allowances for members of the Coast Guard and their depend-

ents, including whether the Commandant has established best practices to manage low-data areas.

(2) An assessment as to whether the Department of Defense basic allowance for housing is sufficient for members of the Coast Guard.

(3) Recommendations for actions the Commandant should take to improve the availability and affordability of housing for members of the Coast Guard and their dependents who are stationed in—

(A) remote units located in areas in which members of the Coast Guard and their dependents are eligible for TRICARE Prime Remote; or

(B) units located in areas with a high number of vacation rental properties.

(c) REPORT.—Not later than 1 year after commencing the study required under subsection (a), the Comptroller General shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the findings of the study.

(d) STRATEGY.—Not later than 180 days after the submission of the report required under subsection (c), the Commandant shall publish a Coast Guard housing strategy that addresses the findings set forth in the report. Such strategy shall, at a minimum—

(1) address housing inventory shortages and affordability; and

(2) include a Coast Guard-owned housing infrastructure investment prioritization plan.

SEC. 11417. AUDIT OF CERTAIN MILITARY HOUSING CONDITIONS OF ENLISTED MEMBERS OF COAST GUARD IN KEY WEST, FLORIDA.

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Commandant, in coordination with the Secretary of the Navy, shall commence an audit to assess—

(1) the conditions of housing units of enlisted members of the Coast Guard located at Naval Air Station Key West Sigsbee Park Annex;

(2) the percentage of such units that are considered unsafe or unhealthy housing units for enlisted members of the Coast Guard and their families;

(3) the process used by enlisted members of the Coast Guard and their families to report housing concerns;

(4) the extent to which enlisted members of the Coast Guard and their families experience unsafe or unhealthy housing units, relocate, receive a per diem, or expend similar expenses as a direct result of displacement that are not covered by a landlord, insurance, or claims process;

(5) the feasibility of providing reimbursement for uncovered expenses described in paragraph (4); and

(6) what resources are needed to provide appropriate and safe housing for enlisted members of the Coast Guard and their families in Key West, Florida.

(b) REPORT.—Not later than 120 days after the date of enactment of this section, the Commandant shall submit to the appropriate committees of Congress a report on the results of the audit.

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term "appropriate committees of Congress" means—

(A) the Committee on Commerce, Science, and Transportation and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives.

(2) UNSAFE OR UNHEALTHY HOUSING UNIT.—The term "unsafe or unhealthy housing unit" means a unit of housing unit in which is present, at levels exceeding relevant governmental health or housing standards or guidelines, at least 1 of the following hazards:

(A) Physiological hazards, including the following:

(i) Dampness or microbial growth.

(ii) Lead-based paint.

(iii) Asbestos or manmade fibers.

(iv) Ionizing radiation.

(v) Biocides.

(vi) Carbon monoxide.

(vii) Volatile organic compounds.

(viii) Infectious agents.

(ix) Fine particulate matter.

(B) Psychological hazards, including the following:

(i) Ease of access by unlawful intruders.

(ii) Lighting issues.

(iii) Poor ventilation.

(iv) Safety hazards.

(v) Other hazards similar to the hazards specified in clauses (i) through (iv).

SEC. 11418. STUDY ON COAST GUARD HOUSING AUTHORITIES AND PRIVATIZED HOUSING.

(a) STUDY.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall commence a study that—

(A) evaluates the authorities of the Coast Guard relating to construction, operation, and maintenance of housing provided to members of the Coast Guard and their dependents; and

(B) assesses other options to meet Coast Guard housing needs in rural and urban housing markets, including public-private partnerships, long-term lease agreements, privately owned housing, and any other housing option the Comptroller General identifies.

(2) ELEMENTS.—The study required under paragraph (1) shall include the following:

(A) A review of authorities, regulations, and policies available to the Secretary with respect to construction, maintenance, and operation of housing for members of the

Coast Guard and their dependents, including unaccompanied member housing, that considers—

(i) housing that is owned and managed by the Coast Guard;

(ii) long-term leasing or extended-rental housing;

(iii) public-private partnerships or other privatized housing options for which the Secretary may enter into 1 or more contracts with a private entity to build, maintain, and manage privatized housing for members of the Coast Guard and their dependents;

(iv) on-installation and off-installation housing options, and the availability of, and authorities relating to, such options; and

(v) housing availability near Coast Guard units, readiness needs, and safety.

(B) A review of the housing-related authorities, regulations, and policies available to the Secretary of Defense, and an identification of the differences between such authorities afforded to the Secretary of Defense and the housing-related authorities, regulations, and policies afforded to the Secretary.

(C) A description of lessons learned, or recommendations for, the Coast Guard based on the use of private housing by the Department of Defense, including the recommendations set forth in the report of the Government Accountability Office titled "Privatized Military Housing: Update on DOD's Efforts to Address Oversight Challenges" (GAO-22-105866), issued in March 2022.

(D) An assessment of the extent to which the Secretary uses the authorities provided in subchapter IV of chapter 169 of title 10, United States Code.

(E) An analysis of immediate and long-term costs associated with housing owned and operated by the Coast Guard, as compared to opportunities for long-term leases, private housing, and other public-private partnerships in urban and remote locations.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to the appropriate committees of Congress a report on the results of the study conducted under subsection (a).

(c) BRIEFING.—Not later than 180 days after the date on which the report required under subsection (b) is submitted, the Commandant or the Secretary shall provide a briefing to the appropriate committees of Congress on—

(1) the actions the Commandant has, or has not, taken with respect to the results of the study;

(2) a plan for addressing areas identified in the report that present opportunities for improving the housing options available to members of the Coast Guard and their dependents; and

(3) the need for, or potential manner of use of, any authorities the Coast Guard does not have with respect to housing, as compared to the Department of Defense.

(d) APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term "appropriate committees of Congress" means the Com-

mittee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 11419. STRATEGY TO IMPROVE QUALITY OF LIFE AT REMOTE UNITS.

(a) IN GENERAL.—Not more than 180 days after the date of enactment of the Coast Guard Authorization Act of 2026, the Commandant shall develop a detailed written strategy to improve the quality of life for members of the Coast Guard and their dependents who are stationed in remote units.

(b) ELEMENTS.—The strategy developed under subsection (a) shall address the following:

(1) Methods to improve the availability or affordability of housing options for such members and their dependents through—

(A) Coast Guard-owned housing; or

(B) Coast Guard-facilitated housing.

(2) A review of whether current methods for determining the amount of basic housing allowances received by such members of the Coast Guard accurately reflect the costs of privately owned or privately rented housing in such areas.

(3) Methods to improve access by such members and their dependents to—

(A) medical, dental, and pediatric care; and

(B) behavioral health care that is covered under the TRICARE program (as defined in section 1072 of title 10, United States Code).

(4) Methods to increase access to child care services in such areas, including recommendations for increasing child care capacity and opportunities for care within the Coast Guard and in the private sector.

(5) Methods to improve non-Coast Guard network internet access at remote units—

(A) to improve communications between members of the Coast Guard on active duty who are assigned or attached to a remote unit and the family members of such members who are not located in the same location as such member; and

(B) for other purposes such as education and training.

(6) Methods to support spouses and other dependents of members serving in such areas who face challenges specific to remote locations.

(7) A detailed written action plan and timeline for implementing improvements to the quality of life for members of the Coast Guard at remote units.

(8) Any other matter the Commandant considers appropriate.

(c) PUBLIC AVAILABILITY.—The Commandant shall make the strategy developed under subsection (a) available to the public on an internet website of the Coast Guard.

(d) IMPLEMENTATION.—The Commandant shall oversee the implementation of the strategy developed under subsection (a), including the action plan described in paragraph (7) of that subsection.

(e) BRIEFING.—Not later than 30 days after the strategy developed under subsection (a) is completed, and annually thereafter for 3 years, the Commandant shall provide the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives with a briefing, in person and in writing, on—

(1) the elements of the strategy;

(2) the status of the implementation of the action plan described in subsection (a)(7);

(3) the timeline for implementation of each of the elements of such action plan; and

(4) any barriers to the implementation of such action plan.

(f) REMOTE UNIT DEFINED.—In this section, the term "remote unit" means a unit located in an area in which members of the Coast Guard and their dependents are eligible for TRICARE Prime Remote.

Subtitle D—Other Matters

SEC. 11420. REPORT ON AVAILABILITY OF EMERGENCY SUPPLIES FOR COAST GUARD PERSONNEL.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the availability of appropriate emergency supplies at Coast Guard units.

(b) ELEMENTS.—The report required under subsection (a) shall include the following:

(1) An assessment of the extent to which—

(A) the Commandant ensures that Coast Guard units assess risks and plan accordingly to obtain and maintain appropriate emergency supplies; and

(B) Coast Guard units have emergency food and water supplies available according to local emergency preparedness needs.

(2) A description of any challenge the Commandant faces in planning for and maintaining adequate emergency supplies for Coast Guard personnel.

(c) PUBLICATION.—Not later than 90 days after the date of submission of the report required by subsection (a), the Commandant shall publish a strategy and recommendations in response to the report that includes—

(1) a plan for improving emergency preparedness and emergency supplies for Coast Guard units; and

(2) a process for periodic review and engagement with Coast Guard units to ensure emerging emergency response supply needs are achieved and maintained.

SEC. 11421. FLEET MIX ANALYSIS AND SHORE INFRASTRUCTURE INVESTMENT PLAN.

(a) FLEET MIX ANALYSIS.—

(1) IN GENERAL.—The Commandant shall conduct an updated fleet mix analysis that provides for a fleet mix sufficient, as determined by the Commandant—

(A) to carry out—

(i) the missions of the Coast Guard; and

(ii) emerging mission requirements; and

(B) to address—

(i) national security threats; and

(ii) the global deployment of the Coast Guard to counter great power competitors.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Commandant shall submit to Congress a report on the results of the updated fleet mix analysis required under paragraph (1).

(b) SHORE INFRASTRUCTURE INVESTMENT PLAN.—

(1) IN GENERAL.—The Commandant shall develop an updated shore infrastructure investment plan that includes—

(A) the construction of additional facilities to accommodate the updated fleet mix described in subsection (a)(1);

(B) improvements necessary to ensure that existing facilities meet requirements and remain operational for the lifespan of such fleet mix, including necessary improvements to information technology infrastructure;

(C) a timeline for the construction and improvement of the facilities described in subparagraphs (A) and (B); and

(D) a cost estimate for construction and life-cycle support of such facilities, including for necessary personnel.

(2) REPORT.—Not later than 1 year after the date on which the report under subsection (a)(2) is submitted, the Commandant shall submit to Congress a report on the plan required under paragraph (1).

TITLE CXV—MARITIME

Subtitle A—Vessel Safety

SEC. 11501. RESPONSES TO SAFETY RECOMMENDATIONS.

(a) IN GENERAL.—Chapter 7 of title 14, United States Code, is amended by adding at the end the following:

"SEC. 721. [14 U.S.C. 721] Responses to safety recommendations

"(a) IN GENERAL.—Not later than 90 days after the National Transportation Safety Board submits to the Commandant a recommendation, and supporting justification for such recommendation, relating to transportation safety, the Commandant shall submit to the National Transportation Safety Board a written response to the recommendation, including whether the Commandant—

"(1) concurs with the recommendation;

"(2) partially concurs with the recommendation; or

"(3) does not concur with the recommendation.

"(b) EXPLANATION OF CONCURRENCE.—The Commandant shall include in a response submitted under subsection (a)—

"(1) with respect to a recommendation with which the Commandant concurs or partially concurs, an explanation of the actions the Commandant intends to take to implement such recommendation or part of such recommendation; and

"(2) with respect to a recommendation with which the Commandant does not concur, the reasons the Commandant does not concur.

"(c) FAILURE TO RESPOND.—If the National Transportation Safety Board has not received the written response required under subsection (a) by the end of the time period described in such subsection, the National Transportation Safety Board shall notify the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that such response has not been received.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 7 of title 14, United States Code, is amended by adding at the end the following:

"721. Responses to safety recommendations.".

SEC. 11502. [46 U.S.C. 3306 note] REQUIREMENTS FOR DUKW AMPHIBIOUS PASSENGER VESSELS.

(a) RULEMAKING REQUIRED.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Commandant shall initiate a rulemaking to establish additional safety standards for DUKW amphibious passenger vessels.

(2) DEADLINE FOR REGULATIONS.—The regulations issued under paragraph (1) shall take effect not later than 18 months after the Commandant promulgates a final rule pursuant to such paragraph.

(b) REQUIREMENTS.—The regulations required under subsection (a) shall include the following:

(1) A requirement that operators of DUKW amphibious passenger vessels provide reserve buoyancy for such vessels through passive means, including watertight compartmentalization, built-in flotation, or such other means as determined appropriate by the Commandant, in order to ensure that such vessels remain afloat and upright in the event of flooding, including when carrying a full complement of passengers and crew.

(2) An identification, in consultation with the Under Secretary of Commerce for Oceans and Atmosphere, of limiting environmental conditions, such as weather, in which DUKW amphibious passenger vessels may safely operate and a requirement that such limiting conditions be described in the certificate of inspection of each DUKW amphibious passenger vessel.

(3) Requirements that an operator of a DUKW amphibious passenger vessel—

(A) proceed to the nearest harbor or safe refuge in any case in which a watch or warning is issued for wind speeds exceeding the wind speed equivalent used to certify the stability of such DUKW amphibious passenger vessel; and

(B) maintain and monitor a weather monitor radio receiver at the operator station of the vessel that is automatically activated by the warning alarm device of the National Weather Service.

(4) A requirement that—

(A) operators of DUKW amphibious passenger vessels inform passengers that seat belts may not be worn during waterborne operations;

(B) before the commencement of waterborne operations, a crew member shall visually check that the seatbelt of each passenger is unbuckled; and

(C) operators or crew maintain a log recording the actions described in subparagraphs (A) and (B).

(5) A requirement for annual training for operators and crew of DUKW amphibious passenger vessels, including—

(A) training for personal flotation and seat belt requirements, verifying the integrity of the vessel at the onset of each waterborne departure, identification of weather hazards, and use of National Weather Service resources prior to operation; and

(B) training for crew to respond to emergency situations, including flooding, engine compartment fires, man-overboard situations, and in water emergency egress procedures.

(c) CONSIDERATION.—In issuing the regulations required under subsection (a), the Commandant shall consider whether personal flotation devices should be required for the duration of the waterborne transit of a DUKW amphibious passenger vessel.

(d) WAIVER.—The Commandant may waive the reserve buoyancy requirements described in subsection (b)(1) for a DUKW amphibious passenger vessel if the Commandant certifies in writing, using the best available science, to the appropriate congressional committees that such requirement is not practicable or technically or practically achievable for such vessel.

(e) NOTICE TO PASSENGERS.—A DUKW amphibious passenger vessel that receives a waiver under subsection (d) shall provide a prominently displayed notice on its website, ticket counter, and each ticket for passengers that the vessel is exempt from meeting Coast Guard safety compliance standards concerning reserve buoyancy.

(f) INTERIM REQUIREMENTS.—Prior to issuing final regulations pursuant to subsection (a) and not later than 180 days after the date of enactment of this Act, the Commandant shall require that operators of DUKW amphibious passenger vessels implement the following requirements:

(1) Remove the canopies and any window coverings of such vessels for waterborne operations, or install in such vessels a canopy that does not restrict horizontal or vertical escape by passengers in the event of flooding or sinking.

(2) If a canopy and window coverings are removed from any such vessel pursuant to paragraph (1), require that all passengers wear a personal flotation device approved by the Coast Guard before the onset of waterborne operations of such vessel.

(3) Reengineer such vessels to permanently close all unnecessary access plugs and reduce all through-hull penetrations to the minimum number and size necessary for operation.

(4) Install in such vessels independently powered electric bilge pumps that are capable of dewatering such vessels at the volume of the largest remaining penetration in order to supplement an operable Higgins pump or a dewatering pump of equivalent or greater capacity.

(5) Install in such vessels not fewer than 4 independently powered bilge alarms.

(6) Conduct an in-water inspection of any such vessel after each time a through-hull penetration of such vessel has been removed or uncovered.

(7) Verify through an in-water inspection the watertight integrity of any such vessel at the outset of each waterborne departure of such vessel.

(8) Install underwater LED lights that activate automatically in an emergency.

(9) Otherwise comply with any other provisions of relevant Coast Guard guidance or instructions in the inspection, configuration, and operation of such vessels.

(g) IMPLEMENTATION.—The Commandant shall implement the interim requirements under subsection (f) without regard to chapters 5 and 6 of title 5, United States Code, and Executive Order Nos. 12866 and 13563 (5 U.S.C. 601 note).

(h) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(2) DUKW AMPHIBIOUS PASSENGER VESSEL.—The term "DUKW amphibious passenger vessel" means a vessel that uses, modifies, or is derived from the GMC DUKW-353 design, and which is operating as a small passenger vessel in waters subject to the jurisdiction of the United States, as defined in section 2.38 of title 33, Code of Federal Regulations (or a successor regulation).

SEC. 11503. EXONERATION AND LIMITATION OF LIABILITY FOR SMALL PASSENGER VESSELS.

(a) RESTRUCTURING.—Chapter 305 of title 46, United States Code, is amended—

(1) by inserting before section 30501 the following:

"SUBCHAPTER I—GENERAL PROVISIONS";

(2) by inserting before section 30503 the following:

"SUBCHAPTER II—EXONERATION AND LIMITATION OF LIABILITY"; AND

(3) by redesignating sections 30503 through 30512 as sections 30521 through 30530, respectively.

(b) DEFINITIONS.—Section 30501 of title 46, United States Code, is amended to read as follows:

"SEC. 30501. Definitions

"In this chapter:

"(1) COVERED SMALL PASSENGER VESSEL.—The term 'covered small passenger vessel'—

"(A) means a small passenger vessel, as defined in section 2101, that is—

"(i) not a wing-in-ground craft; and

"(ii) carrying—

"(I) not more than 49 passengers on an overnight domestic voyage; and

"(II) not more than 150 passengers on any voyage that is not an overnight domestic voyage; and

"(B) includes any wooden vessel constructed prior to March 11, 1996, carrying at least 1 passenger for hire.

"(2) OWNER.—The term 'owner' includes a charterer that mans, supplies, and navigates a vessel at the charterer's own expense or by the charterer's own procurement.".

(c) APPLICABILITY.—Section 30502 of title 46, United States Code, is amended to read as follows:

"SEC. 30502. Application

"(a) IN GENERAL.—Except as otherwise provided, this chapter (except section 30521) applies to seagoing vessels and vessels used on lakes or rivers or in inland navigation, including canal boats, barges, and lighters.

"(b) EXCEPTION.—This chapter (except for section 30526) shall not apply to covered small passenger vessels.".

(d) PROVISIONS REQUIRING NOTICE OF CLAIM OR LIMITING TIME FOR BRINGING ACTION.—Section 30526(b) of title 46, United States Code, as redesignated by subsection (a), is amended—

(1) in paragraph (1)—

(A) by inserting ", in the case of seagoing vessels," after "personal injury or death"; and

(B) by inserting ", or in the case of covered small passenger vessels, to less than two years after the date of the injury or death" after "date of the injury or death"; and

(2) in paragraph (2)—

(A) by inserting ", in the case of seagoing vessels," after "personal injury or death"; and

(B) by inserting ", or in the case of covered small passenger vessels, to less than two years after the date of the injury or death" after "date of the injury or death".

(e) CHAPTER ANALYSIS.—The analysis for chapter 305 of title 46, United States Code, is amended—

(1) by inserting before the item relating to section 30501 the following:

SUBCHAPTER I—GENERAL PROVISIONS";

(2) by inserting after the item relating to section 30502 the following:

SUBCHAPTER II—EXONERATION AND LIMITATION OF LIABILITY";

(3) by striking the item relating to section 30501 and inserting the following:

"30501. Definitions."; and

(4) by redesignating the items relating to sections 30503 through 30512 as items relating to sections 30521 through 30530, respectively.

(f) CONFORMING AMENDMENTS.—Title 46, United States Code, is further amended—

(1) in section 14305(a)(5) by striking "section 30506" and inserting "section 30524";

(2) in section 30523(a), as redesignated by subsection (a), by striking "section 30506" and inserting "section 30524";

(3) in section 30524(b), as redesignated by subsection (a), by striking "section 30505" and inserting "section 30523"; and

(4) in section 30525, as redesignated by subsection (a)—

(A) in the matter preceding paragraph (1) by striking "sections 30505 and 30506" and inserting "sections 30523 and 30524";

(B) in paragraph (1) by striking "section 30505" and inserting "section 30523"; and

(C) in paragraph (2) by striking "section 30506(b)" and inserting "section 30524(b)".

SEC. 11504. [14 U.S.C. 501 note] AT-SEA RECOVERY OPERATIONS PILOT PROGRAM.

(a) IN GENERAL.—The Secretary shall conduct a pilot program to evaluate the potential use of remotely controlled or autonomous operation and monitoring of certain vessels for the purposes of—

(1) better understanding the complexities of such at-sea operations and potential risks to navigation safety, vessel security, maritime workers, the public, and the environment;

(2) gathering observational and performance data from monitoring the use of remotely-controlled or autonomous vessels; and

(3) assessing and evaluating regulatory requirements necessary to guide the development of future occurrences of such operations and monitoring activities.

(b) DURATION AND EFFECTIVE DATE.—The duration of the pilot program established under this section shall be not more than 5 years beginning on the date on which the pilot program is established, which shall be not later than 180 days after the date of enactment of this Act.

(c) AUTHORIZED ACTIVITIES.—The activities authorized under this section include—

(1) remote over-the-horizon monitoring operations related to the active at-sea recovery of spaceflight components on an unmanned vessel or platform;

(2) procedures for the unaccompanied operation and monitoring of an unmanned spaceflight recovery vessel or platform; and

(3) unmanned vessel transits and testing operations without a physical tow line related to space launch and recovery operations, except within 12 nautical miles of a port.

(d) INTERIM AUTHORITY.—In recognition of potential risks to navigation safety, vessel security, maritime workers, the public, and the environment, and the unique circumstances requiring the use of remotely operated or autonomous vessels, the Secretary, in the pilot program established under subsection (a), may—

(1) allow remotely controlled or autonomous vessel operations to proceed consistent to the extent practicable under the proposed title 33, United States Code, and 46, United States Code, including navigation and manning laws and regulations;

(2) modify or waive applicable regulations and guidance as the Secretary considers appropriate to—

(A) allow remote and autonomous vessel at-sea operations and activities to occur while ensuring navigation safety; and

(B) ensure the reliable, safe, and secure operation of remotely-controlled or autonomous vessels; and

(3) require each remotely operated or autonomous vessel to be at all times under the supervision of 1 or more individuals—

(A) holding a merchant mariner credential which is suitable to the satisfaction of the Coast Guard; and

(B) who shall practice due regard for the safety of navigation of the autonomous vessel, to include collision avoidance.

(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to authorize the Secretary to—

(1) permit foreign vessels to participate in the pilot program established under subsection (a);

(2) waive or modify applicable laws and regulations under the proposed title 33, United States Code, and title 46, United States Code, except to the extent authorized under subsection (d)(2);

(3) waive or modify applicable laws and regulations under titles 49 and 51 of the United States Code; or

(4) waive or modify any regulations arising under international conventions.

(f) SAVINGS PROVISION.—Nothing in this section may be construed to authorize the employment in the coastwise trade of a vessel or platform that does not meet the requirements of sections 12112, 55102, 55103, and 55111 of title 46, United States Code.

(g) AUTHORITY UNAFFECTED.—Nothing in this section shall be construed to affect, impinge, or alter any authority of the Secretary of Transportation under titles 49 and 51, United States Code.

(h) BRIEFINGS.—The Secretary or the designee of the Secretary shall brief the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure and the Committee on Science, Space, and Technology of the House of Representatives on the program established under subsection (a) on a quarterly basis.

(i) REPORT.—Not later than 180 days after the expiration of the pilot program established under subsection (a), the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure and the Committee on Science, Space, and Technology of the House of Representatives a final report regarding an assess-

ment of the execution of the pilot program and implications for maintaining navigation safety, the safety of maritime workers, and the preservation of the environment.

(j) GAO REPORT.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this section, the Comptroller General of the United States shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the state of autonomous and remote technologies in the operation of shipboard equipment and the safe and secure navigation of vessels in Federal waters of the United States.

(2) ELEMENTS.—The report required under paragraph (1) shall include the following:

(A) An assessment of commercially available autonomous and remote technologies in the operation of shipboard equipment and the safe and secure navigation of vessels during the 10 years immediately preceding the date of the report.

(B) An analysis of the safety, physical security, cybersecurity, and collision avoidance risks and benefits associated with autonomous and remote technologies in the operation of shipboard equipment and the safe and secure navigation of vessels, including environmental considerations.

(C) An assessment of the impact of such autonomous and remote technologies, and all associated technologies, on labor, including—

(i) roles for credentialed and noncredentialed workers regarding such autonomous, remote, and associated technologies; and

(ii) training and workforce development needs associated with such technologies.

(D) An assessment and evaluation of regulatory requirements necessary to guide the development of future autonomous, remote, and associated technologies in the operation of shipboard equipment and safe and secure navigation of vessels.

(E) An assessment of the extent to which such technologies are being used in other countries and how such countries have regulated such technologies.

(F) Recommendations regarding authorization, infrastructure, and other requirements necessary for the implementation of such technologies in the United States.

(3) CONSULTATION.—The report required under paragraph (1) shall include, at a minimum, consultation with the maritime industry including—

(A) vessel operators, including commercial carriers, entities engaged in exploring for, developing, or producing resources, including non-mineral energy resources in its offshore areas, and supporting entities in the maritime industry;

(B) shipboard personnel impacted by any change to autonomous vessel operations, in order to assess the various benefits and risks associated with the implementation of autonomous, remote, and associated technologies in the operation of shipboard equipment and safe and secure navigation of vessels and the impact such technologies would have on maritime jobs and maritime manpower;

(C) relevant federally funded research institutions, non-governmental organizations, and academia; and

(D) the commercial space industry.

(k) MERCHANT MARINER CREDENTIAL DEFINED.—In this section, the term "merchant mariner credential" means a merchant mariner license, certificate, or document that the Secretary is authorized to issue pursuant to title 46, United States Code.

SEC. 11505. [46 U.S.C. 3306 note] HISTORIC WOOD SAILING VESSELS.

(a) REPORT ON HISTORIC WOOD SAILING VESSELS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report evaluating the practicability of the application of section 3306(n)(3)(A)(v) of title 46, United States Code, to historic wood sailing vessels.

(2) ELEMENTS.—The report required under paragraph (1) shall include the following:

(A) An assessment of the compliance, as of the date on which the report is submitted under paragraph (1), of historic wood sailing vessels with section 3306(n)(3)(A)(v) of title 46, United States Code.

(B) An assessment of the safety record of historic wood sailing vessels.

(C) An assessment of any risk that modifying the requirements under such section would have on the safety of passengers and crew of historic wood sailing vessels.

(D) An evaluation of the economic practicability of requiring the compliance of historic wood sailing vessels with such section and whether such compliance would meaningfully improve safety of passengers and crew in a manner that is both feasible and economically practicable.

(E) Any recommendations to improve safety in addition to, or in lieu of, applying such section to historic wood sailing vessels.

(F) Any other recommendations as the Comptroller General determines are appropriate with respect to the applicability of such section to historic wood sailing vessels.

(G) An assessment to determine if historic wood sailing vessels could be provided an exemption to such section and the changes to legislative or rulemaking requirements, including modifications to section 177.500(q) of title 46, Code of Federal Regulations (as in effect on the date of enactment of this Act), that are necessary to provide the

Commandant the authority to make such exemption or to otherwise provide for such exemption.

(b) CONSULTATION.—In completing the report required under subsection (a), the Comptroller General may consult with—

(1) the National Transportation Safety Board;

(2) the Coast Guard; and

(3) the maritime industry, including relevant federally funded research institutions, nongovernmental organizations, and academia.

(c) WAIVER FOR COVERED HISTORIC VESSELS.—The captain of a port may waive the requirements of section 3306(n)(3)(A)(v) of title 46, United States Code, with respect to covered historic vessels for not more than 2 years after the date on which the report required under subsection (a) is submitted.

(d) WAIVER FOR OTHER HISTORIC WOOD SAILING VESSELS.—

(1) IN GENERAL.—The captain of a port may, upon the request of the owner or operator of a historic wood sailing vessel that is not a covered historic vessel, waive the requirements of section 3306(n)(3)(A)(v) of title 46, United States Code, with respect to the historic wood sailing vessel for not more than 2 years after date on which the report required under subsection (a) is submitted, if the captain of the port—

(A) determines that it is technically infeasible for the historic wood sailing vessel to comply with the requirements described in section 3306(n)(3)(A)(v) of title 46, United States Code, due to its age; and

(B) approves the alternative arrangements proposed for the historic wood sailing vessel in accordance with paragraph (2).

(2) REQUEST AND ALTERNATIVE ARRANGEMENTS.—An owner or operator of a historic wood sailing vessel requesting a waiver under paragraph (1) shall submit such a request to the captain of a port that includes the alternative arrangements the owner or operator will take to ensure an equivalent level of safety, to the maximum extent practicable, to the requirements under section 3306(n)(3)(A)(v) of title 46, United States Code.

(e) SAVINGS CLAUSE.—Nothing in this section shall limit any authority available, as of the date of enactment of this Act, to the captain of a port with respect to safety measures or any other authority as necessary for the safety of historic wood sailing vessels.

(f) NOTICE TO PASSENGERS.—Any vessel that receives a waiver under subsection (c) or subsection (d) shall, beginning on the date on which the requirements under section 3306(n)(3)(v) of title 46, United States Code, take effect, provide a prominently displayed notice on its website, ticket counter, and each ticket for a passenger that the vessel is exempt from meeting the Coast Guard safety compliance standards concerning egress as described under such section.

(g) DEFINITIONS.—In this section:

(1) COVERED HISTORIC VESSELS.—The term "covered historic vessels" means each of the following:

(A) Adventuress (Official Number 210877).

(B) American Eagle (Official Number 229913).

(C) Angelique (Official Number 623562).

(D) Heritage (Official Number 649561).
(E) J & E Riggin (Official Number 226422).
(F) Ladona (Official Number 222228).
(G) Lady Washington (Official Number 944970).
(H) Lettie G. Howard (Official Number 222838).
(I) Lewis R. French (Official Number 015801).
(J) Mary Day (Official Number 288714).
(K) Stephen Taber (Official Number 115409).
(L) Victory Chimes (Official Number 136784).
(M) Grace Bailey (Official Number 085754).
(N) Mercantile (Official Number 214388).
(O) Mistress (Official Number 509004).
(P) Wendameen (Official Number 210173).

(2) HISTORIC WOOD SAILING VESSEL.—The term "historic wood sailing vessel" means a covered small passenger vessel, as defined in section 3306(n)(5) of title 46, United States Code, that—

(A) has overnight passenger accommodations;
(B) is a wood sailing vessel;
(C) has a hull constructed of wood;
(D) is principally equipped for propulsion by sail, even if the vessel has an auxiliary means of production;
(E) has no fewer than three masts; and
(F) was constructed before 1986.

SEC. 11506. CERTIFICATES OF NUMBERS FOR UNDOCUMENTED VESSELS.

Section 12304(a) of title 46, United States Code, is amended—

(1) by striking "shall be pocketsized,"; and

(2) by inserting "in hard copy or digital form. Any certificate issued in hard copy under this section shall be pocketsized. The certificate shall be" after "and may be".

SEC. 11507. COMPTROLLER GENERAL REVIEW AND REPORT ON COAST GUARD OVERSIGHT OF THIRD-PARTY ORGANIZATIONS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall initiate a review that assesses the oversight of the Coast Guard of third-party organizations.

(b) ELEMENTS.—In carrying out the review required under subsection (a), the Comptroller General shall analyze the following:

(1) Coast Guard use of third-party organizations in the prevention mission of the Coast Guard and the extent to which the Coast Guard plans to increase such use to enhance prevention mission performance, including resource use and specialized expertise.

(2) The extent to which the Coast Guard has assessed the potential risks and benefits of using third-party organizations to support prevention mission activities.

(3) The extent to which the Coast Guard provides oversight of third-party organizations authorized to support prevention mission activities.

(c) REPORT.—Not later than 1 year after initiating the review required under subsection (a), the Comptroller General shall submit to the Committee on Commerce, Science, and Transportation of

the Senate and the Committee on Transportation and Infrastructure of the House of Representatives the results of such review.

SEC. 11508. [46 U.S.C. 8104 note] ARTICULATED TUG-BARGE MANNING.

(a) IN GENERAL.—Notwithstanding the watch setting requirements set forth in section 8104 of title 46, United States Code, the Secretary shall authorize an Officer in Charge, Marine Inspection to issue an amended certificate of inspection that does not require engine room watch setting to inspected towing vessels certificated prior to July 19, 2022, forming part of an articulated tug-barge unit, provided that such vessels are equipped with engineering control and monitoring systems of a type accepted for no engine room watch setting under a previously approved minimum safe manning document or certificate of inspection for articulated tug-barge units.

(b) DEFINITIONS.—In this section:

(1) CERTIFICATE OF INSPECTION.—The term "certificate of inspection" means a certificate of inspection under subchapter M of chapter I of title 46, Code of Federal Regulations.

(2) INSPECTED TOWING VESSEL.—The term "inspected towing vessel" means a vessel issued a certificate of inspection.

SEC. 11509. FISHING VESSEL SAFETY.

(a) IN GENERAL.—Chapter 45 of title 46, United States Code, is amended—

(1) in section 4502(f)(2) by striking "certain vessels described in subsection (b) if requested by the owner or operator; and" and inserting the following:" vessels described in subsection (b) if—

"(A) requested by an owner or operator; or

"(B) the vessel is—

"(i) at least 50 feet overall in length;

"(ii) built before July 1, 2013; and

"(iii) 25 years of age or older; and";

(2) in section 4503(b) by striking "Except as provided in section 4503a, subsection (a)" and inserting "Subsection (a)"; and

(3) by repealing section 4503a.

(b) [46 U.S.C. 4502 note] ALTERNATIVE SAFETY COMPLIANCE AGREEMENTS.—Nothing in this section or the amendments made by this section shall be construed to affect or apply to any alternative compliance and safety agreement entered into by the Coast Guard that is in effect on the date of enactment of this Act.

(c) CONFORMING AMENDMENTS.—The analysis for chapter 45 of title 46, United States Code, is amended by striking the item relating to section 4503a.

SEC. 11510. [46 U.S.C. 3508 note] EXEMPTIONS FOR CERTAIN PASSENGER VESSELS.

Notwithstanding any other provision of law, requirements authorized under sections 3508 and 3509 of title 46, United States Code, shall not apply to any passenger vessel, as defined in section 2101 of such title —

(1) that carries in excess of 250 passengers;

(2) that is, or was, in operation exclusively within the inland rivers and internal waters of the United States on voy-

ages inside the Boundary Line, as defined in section 103 of such title, on or before July 27, 2030; and

(3) the operators or charterers of which operated any documented vessels with a coastwise endorsement prior to January 1, 2024.

Subtitle B—Merchant Mariner Credentialing

SEC. 11511. [46 U.S.C. 7502 note] MODERNIZING MERCHANT MARINER CREDENTIALING SYSTEM.

(a) REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Commandant shall submit to the Committees on Commerce, Science, and Transportation and Appropriations of the Senate, and the Committees on Transportation and Infrastructure and Appropriations of the House of Representatives, a report on the financial, human, and information technology infrastructure resources needed to establish an electronic merchant mariner licensing and documentation system.

(2) LEGISLATIVE AND REGULATORY SUGGESTIONS.—In preparing the report described in paragraph (1), the Commandant—

(A) shall include recommendations for any legislative or administrative actions as the Commandant determines necessary to establish the electronic merchant mariner licensing and documentation system described in paragraph (1) as soon as possible; and

(B) may include findings, conclusions, or recommendations from the study conducted under subsection (b).

(b) STUDY.—

(1) IN GENERAL.—In preparing the report required under subsection (a), the Commandant and the Administrator of the Maritime Administration, in coordination with the Commander of the United States Transportation Command, shall conduct a study on the feasibility of developing and maintaining a database as part of an electronic merchant mariner licensing and documentation system that—

(A) contains records with respect to each credentialed mariner, including credential validity, drug and alcohol testing results, and information on any final adjudicated agency action involving a credentialed mariner or regarding any involvement in a marine casualty; and

(B) maintains such records in a manner that allows data to be readily accessed by the Federal Government for the purpose of assessing workforce needs and for the purpose of the economic and national security of the United States.

(2) CONTENTS.—The study required under paragraph (1) shall—

(A) include an assessment of the resources, including information technology, and authorities necessary to de-

velop and maintain the database described in such paragraph;

(B) specifically address ways to protect the privacy interests of any individual whose information may be contained within such database, which shall include limiting access to the database or having access to the database be monitored by, or accessed through, a member of the Coast Guard; and

(C) address the feasibility of incorporating in such database a reporting mechanism to alert the Administrator of the Maritime Administration each time a mariner's credential is reinstated upon completion of a period of suspension as the result of a suspension and revocation proceeding under section 7702 of title 46, United States Code, with details about the violation that led to such suspension.

(c) ELECTRONIC MERCHANT MARINER LICENSING AND DOCUMENTATION SYSTEM.—Notwithstanding any other provision of law, not later than 2 years after the date of enactment of this Act, the Secretary shall implement an electronic merchant mariner licensing and documentation system.

SEC. 11512. ASSESSMENT REGARDING APPLICATION PROCESS FOR MERCHANT MARINER CREDENTIALS.

(a) IN GENERAL.—The Secretary shall conduct an assessment to determine the resources, including personnel and computing resources, required to reduce the amount of time necessary to process an application for a merchant mariner credential to not more than 2 weeks after the date of receipt of such application.

(b) BRIEFING REQUIRED.—Not later than 180 days after the date of enactment of this Act, the Secretary shall provide a briefing to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives with the results of the assessment required under subsection (a).

SEC. 11513. GAO REPORT.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall prepare and submit a report to Congress that evaluates the processes of the National Maritime Center for processing and approving merchant mariner credentials, as of the date of enactment of this Act.

(b) CONTENTS.—In preparing the report required under subsection (a), the Comptroller General shall—

(1) analyze the effectiveness of the merchant mariner credentialing process, as of the date of enactment of this Act;

(2) analyze the backlogs relating to the merchant mariner credentialing process and the reasons for such backlogs; and

(3) provide recommendations for improving and expediting the merchant mariner credentialing process, including funding needed to support improved processing times.

SEC. 11514. [46 U.S.C. 7302 note] MILITARY TO MARINERS ACT OF 2022.

(a) SHORT TITLE.—This section may be cited as the "Military to Mariners Act of 2022".

(b) MODIFICATION OF SEA SERVICE REQUIREMENTS FOR MERCHANT MARINER CREDENTIALS FOR VETERANS AND MEMBERS OF THE UNIFORMED SERVICES.—

(1) REVIEW AND REGULATIONS.—Notwithstanding any other provision of law, not later than 2 years after the date of enactment of this Act, the Secretary shall—

(A) review and examine—

(i) the timeframes and impediments for veterans and members of the uniformed services to receive a merchant mariner credential;

(ii) the classifications of sea service acquired through training and service as a member of the Uniformed Services and level of equivalence such service has with respect to sea service on merchant vessels; and

(iii) the amount of sea service, including percent of the total time onboard for purposes of equivalent underway service, that will be accepted as required experience for all endorsements for applicants for a merchant mariner credential who are veterans or members of the Uniformed Services; and

(B) issue new regulations to—

(i) streamline, ensure the accuracy of, and expedite the transfer, review and acceptance of information pertaining to training and sea time for applicants for a merchant mariner credential who are veterans or members of the Uniformed Services;

(ii) increase the acceptable percentages of time equivalent to sea service for such applicants pursuant to findings of the review and examination conducted under subparagraph (A); and

(iii) reduce burdens and create a means of alternative compliance to demonstrate instructor competency for Standards of Training, Certification and Watchkeeping for Seafarers courses.

(2) CONSULTATION.—In carrying out paragraph (2), the Secretary shall consult with the National Merchant Marine Personnel Advisory Committee and shall take into account the present and future needs of the United States Merchant Marine labor workforce.

(3) REPORT.—Not later than 180 days after the date of enactment of this Act, the United States Committee on the Marine Transportation System shall submit to the Committees on Commerce, Science, and Transportation and Armed Services of the Senate and the Committees on Transportation and Infrastructure and Armed Services of the House of Representatives, a report that contains an update on the activities carried out to implement—

(A) the July 2020 report by the Committee on the Marine Transportation System to the White House Office of Trade and Manufacturing Policy on the implementation of Executive Order 13860 (84 Fed. Reg. 8407; relating to supporting the transition of active duty servicemembers and military veterans into the Merchant Marine); and

(B) section 3511 of the National Defense Authorization Act for Fiscal Year 2020 (46 U.S.C. 3702 note).

(c) ASSESSMENT OF SKILLBRIDGE FOR EMPLOYMENT AS A MERCHANT MARINER.—The Secretary, in collaboration with the Secretary of Defense, shall assess the use of the SkillBridge program of the Department of Defense as a means for transitioning active duty sea service personnel to employment as merchant mariners.

SEC. 11515. [46 U.S.C. 7302 note] DEFINITIONS.

In this subtitle:

(1) CREDENTIALED MARINER.—The term "credentialed mariner" means an individual with a merchant mariner credential.

(2) MERCHANT MARINER CREDENTIAL.—The term "merchant mariner credential" has the meaning given such term in section 7510(d) of title 46, United States Code.

(3) UNIFORMED SERVICES.—The term "uniformed services" has the meaning given the term "uniformed services" in section 2101 of title 5, United States Code.

Subtitle C—Other Matters

SEC. 11516. [46 U.S.C. 8701 note] NONOPERATING INDIVIDUAL.

Section 8313(b) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-283) is amended by striking "the date that is 2 years after the date of the enactment of this Act" and inserting "January 1, 2025".

SEC. 11517. OCEANOGRAPHIC RESEARCH VESSELS.

(a) REPORT REQUIRED.—Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation, in consultation with the Secretary, shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report detailing the total number of vessels known or estimated to operate or to have operated under section 50503 of title 46, United States Code, during each of the past 10 fiscal years.

(b) CONTENTS.—The report required under subsection (a) shall include the following elements:

(1) The total number of foreign-flagged vessels known or estimated to operate or to have operated as oceanographic research vessels (as such term is defined in section 2101 of title 46, United States Code) during each of the past 10 fiscal years.

(2) The total number of United States-flagged vessels known or estimated to operate or to have operated as oceanographic research vessels (as such term is defined section 2101 of title 46, United States Code) during each of the past 10 fiscal years.

SEC. 11518. PORT ACCESS ROUTES BRIEFING.

(a) ATLANTIC COAST PORT ACCESS ROUTE.—Not later than 30 days after the date of enactment of this Act, and not less than every 30 days thereafter until the requirements of section 70003 of title 46, United States Code, are fully executed with respect to the Atlantic Coast Port Access Route, the Secretary shall brief the Committee on Transportation and Infrastructure of the House of

Representatives and the Committee on Commerce, Science, and Transportation of the Senate on any progress made to execute such requirements.

(b) OTHER COAST PORT ACCESS ROUTES.—Not later than 180 days after the date of enactment of this Act, and not less than every 180 days thereafter until the requirements of section 70003 of title 46, United States Code, are fully executed with respect to each of the Alaskan Arctic, Gulf of Mexico and Pacific Coast port access route studies, the Secretary shall brief the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the status of each study and the implementation of any recommendations made in each such study.

SEC. 11519. DEFINITION OF STATELESS VESSEL.

Section 70502(d)(1) of title 46, United States Code, is amended—

(1) in subparagraph (B) by striking "and" after the semicolon;

(2) in subparagraph (C) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(D) a vessel aboard which no individual, on request of an officer of the United States authorized to enforce applicable provisions of United States law, claims to be the master or is identified as the individual in charge, and that has no other claim of nationality or registry under paragraph (1) or (2) of subsection (e).".

SEC. 11520. LIMITATION ON RECOVERY FOR CERTAIN INJURIES INCURRED IN AQUACULTURE ACTIVITIES.

(a) IN GENERAL.—Section 30104 of title 46, United States Code, is amended—

(1) by inserting "(a) In General.—" before the first sentence; and

(2) by adding at the end the following:

"(b) LIMITATION ON RECOVERY BY AQUACULTURE WORKERS.—

"(1) IN GENERAL.—For purposes of subsection (a), the term 'seaman' does not include an individual who—

"(A) is an aquaculture worker if State workers' compensation is available to such individual; and

"(B) was, at the time of injury, engaged in aquaculture in a place where such individual had lawful access.

"(2) AQUACULTURE WORKER DEFINED.—In this subsection, the term 'aquaculture worker' means an individual who—

"(A) is employed by a commercial enterprise that is involved in the controlled cultivation and harvest of aquatic plants and animals, including—

"(i) the cleaning, processing, or canning of fish and fish products;

"(ii) the cultivation and harvesting of shellfish; and

"(iii) the controlled growing and harvesting of other aquatic species;

"(B) does not hold a license issued under section 7101(c); and

"(C) is not required to hold a merchant mariner credential under part F of subtitle II.".

(b) [46 U.S.C. 30104 note] APPLICABILITY.—The amendments made by this section shall apply to an injury incurred on or after the date of enactment of this Act.

SEC. 11521. REPORT ON SECURING VESSELS AND CARGO.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study that assesses the efforts of the Coast Guard with respect to securing vessels and maritime cargo bound for the United States from national security related risks and threats.

(b) ELEMENTS.—In conducting the study under subsection (a), the Comptroller General shall assess the following:

(1) Programs of the Coast Guard to secure vessels and maritime cargo bound for the United States from national security related risks and threats and the extent to which such programs cover the critical components of the global supply chain.

(2) The extent to which the Coast Guard has implemented leading practices in such programs, including the extent to which the Coast Guard has collaborated with foreign countries or foreign ports that ship goods to the United States to implement such leading practices.

(3) The extent to which the Coast Guard has assessed the effectiveness of such programs.

(c) REPORT.—Upon completion of the study conducted under subsection (a), the Comptroller General shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives the results of the study conducted under this section.

SEC. 11522. REPORT ON ENFORCEMENT OF COASTWISE LAWS.

Not later than 1 year of the date of enactment of this Act, the Commandant shall submit to Congress a report describing any changes to the enforcement of chapters 121 and 551 of title 46, United States Code, as a result of the amendments to section 4(a)(1) of the Outer Continental Shelf Lands Act (43 U.S.C. 1333(a)(1)) made by section 9503 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-283).

SEC. 11523. LAND CONVEYANCE, SHARPE ARMY DEPOT, LATHROP, CALIFORNIA.

Not later than 1 year after the date of enactment of this Act, the Administrator of the Maritime Administration shall complete the land conveyance required under section 2833 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-283).

SEC. 11524. [46 U.S.C. 70022 note] PROHIBITION ON ENTRY AND OPERATION.

(a) PROHIBITION.—

(1) IN GENERAL.—Except as otherwise provided in this section, during the period in which Executive Order 14065 (87 Fed. Reg. 10293, relating to blocking certain Russian property or transactions), or any successor Executive Order is in effect, no vessel described in subsection (b) may enter or operate in the navigable waters of the United States or transfer cargo in any port or place under the jurisdiction of the United States.

(2) LIMITATIONS ON APPLICATION.—

(A) IN GENERAL.—The prohibition under paragraph (1) shall not apply with respect to a vessel described in subsection (b) if the Secretary of State determines that—

(i) the vessel is owned or operated by a Russian national or operated by the government of the Russian Federation; and

(ii) it is in the national security interest not to apply the prohibition to such vessel.

(B) NOTICE.—Not later than 15 days after making a determination under subparagraph (A), the Secretary of State shall submit to the Committee on Foreign Affairs and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Foreign Relations and the Committee on Commerce, Science, and Transportation of the Senate written notice of the determination and the basis upon which the determination was made.

(C) PUBLICATION.—The Secretary of State shall publish a notice in the Federal Register of each determination made under subparagraph (A).

(3) SAVINGS CLAUSE.—The prohibition under paragraph (1) shall not apply with respect to vessels engaged in passage permitted under international law.

(b) VESSELS DESCRIBED.—A vessel referred to in subsection (a) is a vessel owned or operated by a Russian national or operated by the government of the Russian Federation.

(c) INFORMATION AND PUBLICATION.—The Secretary, with the concurrence of the Secretary of State, shall—

(1) maintain timely information on the registrations of all foreign vessels owned or operated by or on behalf of the Government of the Russian Federation, a Russian national, or a entity organized under the laws of the Russian Federation or any jurisdiction within the Russian Federation; and

(2) periodically publish in the Federal Register a list of the vessels described in paragraph (1).

(d) NOTIFICATION OF GOVERNMENTS.—

(1) IN GENERAL.—The Secretary of State shall notify each government, the agents or instrumentalities of which are maintaining a registration of a foreign vessel that is included on a list published under subsection (c)(2), not later than 30 days after such publication, that all vessels registered under such government's authority are subject to subsection (a).

(2) ADDITIONAL NOTIFICATION.—In the case of a government that continues to maintain a registration for a vessel that is included on such list after receiving an initial notification under paragraph (1), the Secretary shall issue an additional

notification to such government not later than 120 days after the publication of a list under subsection (c)(2).

(e) NOTIFICATION OF VESSELS.—Upon receiving a notice of arrival under section 70001(a)(5) of title 46, United States Code, from a vessel described in subsection (b), the Secretary shall notify the master of such vessel that the vessel may not enter or operate in the navigable waters of the United States or transfer cargo in any port or place under the jurisdiction of the United States, unless—

(1) the Secretary of State has made a determination under subsection (a)(2); or

(2) the Secretary allows provisional entry of the vessel, or transfer of cargo from the vessel, under subsection (f).

(f) PROVISIONAL ENTRY OR CARGO TRANSFER.—Notwithstanding any other provision of this section, the Secretary may allow provisional entry of, or transfer of cargo from, a vessel, if such entry or transfer is necessary for the safety of the vessel or persons aboard.

SEC. 11525. FLOATING DRY DOCKS.

Section 55122(a) of title 46, United States Code, is amended—

(1) in paragraph (1)(C)—

(A) by striking "2015; and" and inserting "2015; or";

(B) by striking "(C) was" and inserting the following: "(C)(i) was"; and

(C) by adding at the end the following:

"(ii) had a letter of intent for purchase by such shipyard or affiliate signed prior to such date of enactment; and"; and

(2) in paragraph (2) by inserting "or, in the case of a dry dock described in paragraph (1)(C)(ii), occurs between Honolulu, Hawaii, and Pearl Harbor, Hawaii" before the period at the end.

SEC. 11526. UPDATED REQUIREMENTS FOR FISHING CREW AGREEMENTS.

Section 10601(b) of title 46, United States Code, is amended—

(1) in paragraph (2) by striking "and" after the semicolon;

(2) by redesignating paragraph (3) as paragraph (4); and

(3) by inserting after paragraph (2) the following:

"(3) in the case of a seaman employed on a vessel that is a catcher processor or fish processing vessel that employs more than 25 crewmembers, include a requirement that each crewmember shall be served not less than three meals a day that—

"(A) total not less than 3,100 calories; and

"(B) include adequate water and minerals in accordance with the United States Recommended Daily Allowances; and".

TITLE CXVI—SEXUAL ASSAULT AND SEXUAL HARASSMENT PREVENTION AND RESPONSE

SEC. 11601. DEFINITIONS.

(a) IN GENERAL.—Section 2101 of title 46, United States Code, is amended—

(1) by redesignating paragraphs (45) through (54) as paragraphs (47) through (56), respectively; and

(2) by inserting after paragraph (44) the following:

"(45) 'sexual assault' means any form of abuse or contact as defined in chapter 109A of title 18, or a substantially similar offense under State, local, or Tribal law.

"(46) 'sexual harassment' means—

"(A) conduct that—

"(i) involves unwelcome sexual advances, requests for sexual favors, or deliberate or repeated offensive comments or gestures of a sexual nature if any—

"(I) submission to such conduct is made either explicitly or implicitly a term or condition of employment, pay, career, benefits, or entitlements of the individual;

"(II) submission to, or rejection, of such conduct by an individual is used as a basis for decisions affecting that individual's job, pay, career, benefits, or entitlements;

"(III) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive work environment; or

"(IV) conduct may have been by an individual's supervisor, a supervisor in another area, a co-worker, or another credentialed mariner; and

"(ii) is so severe or pervasive that a reasonable person would perceive, and the victim does perceive, the environment as hostile or offensive;

"(B) any use or condonation associated with first-hand or personal knowledge, by any individual in a supervisory or command position, of any form of sexual behavior to control, influence, or affect the career, pay, benefits, entitlements, or employment of a subordinate; and

"(C) any intentional or repeated unwelcome verbal comment or gesture of a sexual nature towards or about an individual by the individual's supervisor, a supervisor in another area, a coworker, or another credentialed mariner.".

(b) REPORT.—The Commandant shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report describing any changes the Commandant may propose to the definitions added by the amendments in subsection (a).

(c) CONFORMING AMENDMENTS.—

(1) AUTHORITY TO EXEMPT CERTAIN VESSELS.—Section 2113(3) of title 46, United States Code, is amended by striking "section 2101(51)(A)" and inserting "section 2101(53)(A)".

(2) UNINSPECTED PASSENGER VESSELS.—Section 4105 of title 46, United States Code, is amended—

(A) in subsections (b)(1) and (c) by striking "section 2101(51)" each place it appears and inserting "section 2101"; and

(B) in subsection (d) by striking "section 2101(51)(A)" and inserting "section 2101(53)(A)".

(3) GENERAL AUTHORITY.—Section 1131(a)(1)(E) of title 49, United States Code, is amended by striking "section 2101(46)" and inserting "section 116".

SEC. 11602. CONVICTED SEX OFFENDER AS GROUNDS FOR DENIAL.

(a) IN GENERAL.—Chapter 75 of title 46, United States Code, is amended by adding at the end the following:

"SEC. 7511. [46 U.S.C. 7511] Convicted sex offender as grounds for denial

"(a) SEXUAL ABUSE.—A license, certificate of registry, or merchant mariner's document authorized to be issued under this part shall be denied to an individual who has been convicted of a sexual offense prohibited under—

"(1) chapter 109A of title 18, except for subsection (b) of section 2244 of title 18; or

"(2) a substantially similar offense under State, local, or Tribal law.

"(b) ABUSIVE SEXUAL CONTACT.—A license, certificate of registry, or merchant mariner's document authorized to be issued under this part may be denied to an individual who within 5 years before applying for the license, certificate, or document, has been convicted of a sexual offense prohibited under subsection (b) of section 2244 of title 18, or a substantially similar offense under State, local, or Tribal law.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 75 of title 46, United States Code, is amended by adding at the end the following:

"7511. Convicted sex offender as grounds for denial.".

SEC. 11603. SEXUAL HARASSMENT OR SEXUAL ASSAULT AS GROUNDS FOR SUSPENSION OR REVOCATION.

(a) IN GENERAL.—Chapter 77 of title 46, United States Code, is amended by inserting after section 7704 the following:

"SEC. 7704a. [46 U.S.C. 7704a] Sexual harassment or sexual assault as grounds for suspension or revocation

"(a) SEXUAL HARASSMENT.—If it is shown at a hearing under this chapter that a holder of a license, certificate of registry, or merchant mariner's document issued under this part, within 5 years before the beginning of the suspension and revocation proceedings, is the subject of an official finding of sexual harassment, then the license, certificate of registry, or merchant mariner's document may be suspended or revoked.

"(b) SEXUAL ASSAULT.—If it is shown at a hearing under this chapter that a holder of a license, certificate of registry, or merchant mariner's document issued under this part, within 10 years before the beginning of the suspension and revocation proceedings, is the subject of an official finding of sexual assault, then the license, certificate of registry, or merchant mariner's document shall be revoked.

"(c) OFFICIAL FINDING.—

"(1) IN GENERAL.—In this section, the term 'official finding' means—

"(A) a legal proceeding or agency finding or decision that determines the individual committed sexual harassment or sexual assault in violation of any Federal, State, local, or Tribal law or regulation; or

"(B) a determination after an investigation by the Coast Guard that, by a preponderance of the evidence, the individual committed sexual harassment or sexual assault if the investigation affords appropriate due process rights to the subject of the investigation.

"(2) ADMINISTRATIVE LAW JUDGE REVIEW.—

"(A) COAST GUARD INVESTIGATION.—A determination under paragraph (1)(B) shall be reviewed and affirmed by an administrative law judge within the same proceeding as any suspension or revocation of a license, certificate of registry, or merchant mariner's document under subsection (a) or (b).

"(B) LEGAL PROCEEDING.—A determination under paragraph (1)(A) that an individual committed sexual harassment or sexual assault is conclusive in suspension and revocation proceedings.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 77 of title 46, United States Code, is amended by inserting after the item relating to section 7704 the following:

"7704a. Sexual harassment or sexual assault as grounds for suspension or revocation.".

SEC. 11604. ACCOMMODATION; NOTICES.

Section 11101 of title 46, United States Code, is amended—

(1) in subsection (a)(3) by striking "and" at the end;

(2) in subsection (a)(4) by striking the period at the end and inserting "; and";

(3) in subsection (a) by adding at the end the following:

"(5) each crew berthing area shall be equipped with information regarding—

"(A) vessel owner or company policies prohibiting sexual assault and sexual harassment, retaliation, and drug and alcohol usage; and

"(B) procedures and resources to report crimes, including sexual assault and sexual harassment, including information—

"(i) on the telephone number, website address, and email address for reporting allegations of sexual assault and sexual harassment to the Coast Guard;

"(ii) on vessel owner or company procedures to report violations of company policy and access resources;

"(iii) on resources provided by outside organizations such as sexual assault hotlines and counseling;

"(iv) on the retention period for surveillance video recording after an incident of sexual harassment or sexual assault is reported; and

"(v) additional items specified in regulations issued by, and at the discretion of, the Secretary of the department in which the Coast Guard is operating."; and

(4) in subsection (d) by adding at the end the following: "In each washing space in a visible location there shall be information regarding procedures and resources to report crimes upon the vessel, including sexual assault and sexual harassment, and vessel owner or company policies prohibiting sexual assault and sexual harassment, retaliation, and drug and alcohol usage.".

SEC. 11605. PROTECTION AGAINST DISCRIMINATION.

Section 2114(a) of title 46, United States Code, is amended—

(1) in paragraph (1)—

(A) by redesignating subparagraphs (B) through (G) as subparagraphs (C) through (H), respectively; and

(B) by inserting after subparagraph (A) the following:

"(B) the seaman in good faith has reported or is about to report to the vessel owner, Coast Guard or other appropriate Federal agency or department sexual harassment or sexual assault against the seaman or knowledge of sexual harassment or sexual assault against another seaman;"; and

(2) in paragraphs (2) and (3) by striking "paragraph (1)(B)" and inserting "paragraph (1)(C)".

SEC. 11606. [46 U.S.C. 3306 note] ALCOHOL AT SEA.

(a) IN GENERAL.—The Commandant shall seek to enter into an agreement with the National Academy of Sciences not later than 1 year after the date of enactment of this Act under which the National Academy of Sciences shall prepare an assessment to determine safe levels of alcohol consumption and possession by crew members aboard vessels of the United States engaged in commercial service, except when such possession is associated with the commercial sale to individuals aboard the vessel who are not crew members.

(b) ASSESSMENT.—The assessment prepared pursuant to subsection (a) shall—

(1) take into account the safety and security of every individual on the vessel;

(2) take into account reported incidences of sexual harassment or sexual assault, as defined in section 2101 of title 46, United States Code; and

(3) provide any appropriate recommendations for any changes to laws, regulations, or employer policies.

(c) SUBMISSION.—Upon completion of the assessment under this section, the National Academy of Sciences shall submit to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, the Commandant, and the Secretary the assessment prepared pursuant to subsection (a).

(d) REGULATIONS.—The Commandant—

(1) shall, not later than 180 days after receiving the submission of the assessment under subsection (c), review the changes to regulations recommended in such assessment; and

(2) taking into account the safety and security of every individual on vessels of the United States engaged in commercial

service, may issue regulations relating to alcohol consumption on such vessels.

(e) SAVINGS CLAUSE.—To the extent the Commandant issues regulations establishing safe levels of alcohol consumption in accordance with subsection (d), the Commandant may not issue regulations which prohibit—

(1) the owner or operator of a vessel from imposing additional restrictions on the consumption of alcohol, including the prohibition of the consumption of alcohol on such vessels; and

(2) possession of alcohol associated with the commercial sale to individuals aboard the vessel who are not crew members.

(f) REPORT REQUIRED.—If, by the date that is 2 years after the receipt of the assessment under subsection (c), the Commandant does not issue regulations under subsection (d), the Commandant shall provide a report by such date to the committees described in subsection (c)—

(1) containing the rationale for not issuing such regulations; and

(2) providing other recommendations as necessary to ensure safety at sea.

SEC. 11607. SURVEILLANCE REQUIREMENTS.

(a) IN GENERAL.—Part B of subtitle II of title 46, United States Code, is amended by adding at the end the following:

"CHAPTER 49—OCEANGOING NON-PASSENGER COMMERCIAL VESSELS

"4901. Surveillance requirements.

"SEC. 4901. [46 U.S.C. 4901] Surveillance requirements

"(a) IN GENERAL.—A vessel engaged in commercial service that does not carry passengers, shall maintain a video surveillance system.

"(b) APPLICABILITY.—The requirements in this section shall apply to—

"(1) documented vessels with overnight accommodations for at least 10 individuals on board that are—

"(A) on a voyage of at least 600 miles and crosses seaward of the Boundary Line; or

"(B) at least 24 meters (79 feet) in overall length and required to have a load line under chapter 51;

"(2) documented vessels of at least 500 gross tons as measured under section 14502, or an alternate tonnage measured under section 14302 as prescribed by the Secretary under section 14104 on an international voyage; and

"(3) vessels with overnight accommodations for at least 10 individuals on board that are operating for no less than 72 hours on waters superjacent to the outer Continental Shelf (as defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a)).

"(c) PLACEMENT OF VIDEO AND AUDIO SURVEILLANCE EQUIPMENT.—

"(1) IN GENERAL.—The owner of a vessel to which this section applies shall install video and audio surveillance equipment aboard the vessel not later than 2 years after enactment of the Don Young Coast Guard Authorization Act of 2022, or during the next scheduled drydock, whichever is later.

"(2) LOCATIONS.—Video and audio surveillance equipment shall be placed in passageways on to which doors from staterooms open. Such equipment shall be placed in a manner ensuring the visibility of every door in each such passageway.

"(d) NOTICE OF VIDEO AND AUDIO SURVEILLANCE.—The owner of a vessel to which this section applies shall provide clear and conspicuous signs on board the vessel notifying the crew of the presence of video and audio surveillance equipment.

"(e) ACCESS TO VIDEO AND AUDIO RECORDS.—The owner of a vessel to which this section applies shall ensure that access to records of video and audio surveillance is not used as part of a labor action against a crew member or employment dispute unless used in a criminal or civil action.

"(f) RETENTION REQUIREMENTS.—The owner of a vessel to which this section applies shall retain all records of audio and video surveillance for not less than 1 year after the footage is obtained. Any video and audio surveillance found to be associated with an alleged incident should be preserved for not less than 5 years from the date of the alleged incident.

"(g) PERSONNEL TRAINING.—A vessel owner or employer of a seafarer shall provide training for all individuals employed by the owner or employer for the purpose of responding to incidents of sexual assault or sexual harassment, including—

"(1) such training to ensure the individuals—

"(A) retain audio and visual records and other evidence objectively; and

"(B) act impartially without influence from the company or others; and

"(2) training on applicable Federal, State, Tribal, and local laws and regulations regarding sexual assault and sexual harassment investigations and reporting requirements.

"(g) DEFINITION OF OWNER.—In this section, the term 'owner' means the owner, charterer, managing operator, master, or other individual in charge of a vessel.

"(h) EXEMPTION.—Fishing vessels, fish processing vessels, and fish tender vessels are exempt from this section.".

(b) CLERICAL AMENDMENT.—The table of chapters for subtitle II of title 46, United States Code, is amended by adding after the item related to chapter 47 the following:

"**49. Oceangoing Non-Passenger Commercial Vessels** .....**4901**"".

SEC. 11608. MASTER KEY CONTROL.

(a) IN GENERAL.—Chapter 31 of title 46, United States Code, is amended by adding at the end the following:

"SEC. 3106. [46 U.S.C. 3106] Master key control system

"(a) IN GENERAL.—The owner of a vessel subject to inspection under section 3301 shall—

"(1) ensure that such vessel is equipped with a vessel master key control system, manual or electronic, which provides

controlled access to all copies of the vessel's master key of which access shall only be available to the individuals described in paragraph (2);

"(2) establish a list of all crew, identified by position, allowed to access and use the master key and maintain such list upon the vessel, within owner records and included in the vessel safety management system;

"(3) record in a log book information on all access and use of the vessel's master key, including—

"(A) dates and times of access;

"(B) the room or location accessed; and

"(C) the name and rank of the crew member that used the master key; and

"(4) make the list under paragraph (2) and the log book under paragraph (3) available upon request to any agent of the Federal Bureau of Investigation, any member of the Coast Guard, and any law enforcement officer performing official duties in the course and scope of an investigation.

"(b) PROHIBITED USE.—Crew not included on the list described in subsection (a)(2) shall not have access to or use the master key unless in an emergency and shall immediately notify the master and owner of the vessel following use of such key.

"(c) REQUIREMENTS FOR LOG BOOK.—The log book described in subsection (a)(3) and required to be included in a safety management system under section 3203(a)(6)—

"(1) may be electronic; and

"(2) shall be located in a centralized location that is readily accessible to law enforcement personnel.

"(d) PENALTY.—Any crew member who uses the master key without having been granted access pursuant to subsection (a)(2) shall be liable to the United States Government for a civil penalty of not more than $1,000 and may be subject to suspension or revocation under section 7703.

"(e) EXEMPTION.—This section shall not apply to vessels subject to section 3507(f).".

(b) CLERICAL AMENDMENT.—The analysis for chapter 31 of title 46, United States Code, is amended by adding at the end the following:

"3106. Master key control system.".

SEC. 11609. REQUIREMENT TO REPORT SEXUAL ASSAULT AND HARASSMENT.

Section 10104 of title 46, United States Code, is amended by striking subsections (a) and (b) and inserting the following:

"(a) MANDATORY REPORTING BY RESPONSIBLE ENTITY OF A VESSEL.—

"(1) IN GENERAL.—The responsible entity of a vessel shall report to the Commandant any complaint or incident of harassment, sexual harassment, or sexual assault in violation of employer policy or law, of which such entity is made aware.

"(2) PENALTY.—A responsible entity of a vessel who knowingly fails to report in compliance with paragraph (1) is liable to the United States Government for a civil penalty of not more than $50,000.

"(b) REPORTING PROCEDURES.—

"(1) RESPONSIBLE ENTITY OF A VESSEL REPORTING.—A report required under subsection (a) shall be made immediately after the responsible entity of a vessel gains knowledge of a sexual assault or sexual harassment incident by the fastest telecommunication channel available to—

"(A) a single entity in the Coast Guard designated by the Commandant to receive such reports; and

"(B) the appropriate officer or agency of the government of the country in whose waters the incident occurs.

"(2) CONTENTS.—Such shall include, to the best of the knowledge of the individual making the report—

"(A) the name, official position or role in relation to the vessel, and contact information of such individual;

"(B) the name and official number of the documented vessel;

"(C) the time and date of the incident;

"(D) the geographic position or location of the vessel when the incident occurred; and

"(E) a brief description of the alleged sexual harassment or sexual assault being reported.

"(3) RECEIVING REPORTS; COLLECTION OF INFORMATION.—

"(A) RECEIVING REPORTS.—With respect to reports submitted under subsection (a), the Commandant—

"(i) may establish additional reporting procedures, including procedures for receiving reports through—

"(I) a single telephone number that is continuously manned at all times; and

"(II) a single email address that is continuously monitored; and

"(ii) shall use procedures that include preserving evidence in such reports and providing emergency service referrals.

"(B) COLLECTION OF INFORMATION.—After receipt of the report made under subsection (a), the Coast Guard shall collect information related to the identity of each alleged victim, alleged perpetrator, and any witnesses identified in the report through means designed to protect, to the extent practicable, the personal identifiable information of such individuals.

"(c) SUBPOENA AUTHORITY.—

"(1) IN GENERAL.—The Commandant may compel the testimony of witnesses and the production of any evidence by subpoena to determine compliance with this section.

"(2) JURISDICTIONAL LIMITS.—The jurisdictional limits of a subpoena issued under this section are the same as, and are enforceable in the same manner as, subpoenas issued under chapter 63 of this title.

"(d) COMPANY AFTER-ACTION SUMMARY.—

"(1) A responsible entity of a vessel that makes a report under subsection (a) shall—

"(A) submit to the Commandant a document with detailed information to describe the actions taken by such entity after becoming aware of the sexual assault or sexual

harassment incident, including the results of any investigation into the complaint or incident and any action taken against the offending individual; and

"(B) make such submission not later than 10 days after such entity made the report under subsection (a).

"(2) CIVIL PENALTY.—A responsible entity of a vessel that fails to comply with paragraph (1) is liable to the United States Government for a civil penalty of $25,000 and $500 shall be added for each day of noncompliance, except that the total amount of a penalty with respect to a complaint or incident shall not exceed $50,000 per violation.

"(e) INVESTIGATORY AUDIT.—The Commandant shall periodically perform an audit or other systematic review of the submissions made under this section to determine if there were any failures to comply with the requirements of this section.

"(f) APPLICABILITY; REGULATIONS.—

"(1) REGULATIONS.—The Secretary may issue regulations to implement the requirements of this section.

"(2) INTERIM REPORTS.—Any report required to be made to the Commandant under this section shall be made to the Coast Guard National Command Center, until regulations implementing the procedures required by this section are issued.

"(g) DEFINITION OF RESPONSIBLE ENTITY OF A VESSEL.—In this section, the term 'responsible entity of a vessel' means—

"(1) the owner, master, or managing operator of a documented vessel engaged in commercial service; or

"(2) the employer of a seafarer on such a vessel.".

SEC. 11610. SAFETY MANAGEMENT SYSTEM.

(a) SAFETY MANAGEMENT SYSTEM.—Section 3203 of title 46, United States Code, is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (5) and (6) as paragraphs (7) and (8); and

(B) by inserting after paragraph (4) the following:

"(5) with respect to sexual harassment and sexual assault, procedures for, and annual training requirements for all responsible persons and vessels to which this chapter applies on—

"(A) prevention;

"(B) bystander intervention;

"(C) reporting;

"(D) response; and

"(E) investigation;

"(6) the list required under section 3106(a)(2) and the log book required under section 3106(a)(3);";

(2) by redesignating subsections (b) and (c) as subsections (d) and (e), respectively; and

(3) by inserting after subsection (a) the following:

"(b) PROCEDURES AND TRAINING REQUIREMENTS.—In prescribing regulations for the procedures and training requirements described in subsection (a)(5), such procedures and requirements shall be consistent with the requirements to report sexual harassment or sexual assault under section 10104.

"(c) AUDITS.—

"(1) CERTIFICATES.—

"(A) SUSPENSION.—During an audit of a safety management system of a vessel required under section 10104(e), the Secretary may suspend the Safety Management Certificate issued for the vessel under section 3205 and issue a separate Safety Management Certificate for the vessel to be in effect for a 3-month period beginning on the date of the issuance of such separate certificate.

"(B) REVOCATION.—At the conclusion of an audit of a safety management system required under section 10104(e), the Secretary shall revoke the Safety Management Certificate issued for the vessel under section 3205 if the Secretary determines—

"(i) that the holder of the Safety Management Certificate knowingly, or repeatedly, failed to comply with section 10104; or

"(ii) other failure of the safety management system resulted in the failure to comply with such section.

"(2) DOCUMENTS OF COMPLIANCE.—

"(A) IN GENERAL.—Following an audit of the safety management system of a vessel required under section 10104(e), the Secretary may audit the safety management system of the responsible person for the vessel.

"(B) SUSPENSION.—During an audit under subparagraph (A), the Secretary may suspend the Document of Compliance issued to the responsible person under section 3205 and issue a separate Document of Compliance to such person to be in effect for a 3-month period beginning on the date of the issuance of such separate document.

"(C) REVOCATION.—At the conclusion of an assessment or an audit of a safety management system under subparagraph (A), the Secretary shall revoke the Document of Compliance issued to the responsible person if the Secretary determines—

"(i) that the holder of the Document of Compliance knowingly, or repeatedly, failed to comply with section 10104; or

"(ii) that other failure of the safety management system resulted in the failure to comply with such section.".

(b) VERIFICATION OF COMPLIANCE.—Section 3205(c)(1) of title 46, United States Code, is amended by inserting ", or upon discovery from other sources of information acquired by the Coast Guard, including a discovery made during an audit or systematic review conducted under section 10104(e) of a failure of a responsible person or vessel to comply with a requirement of a safety management system for which a Safety Management Certificate and a Document of compliance has been issued under this section, including a failure to comply with regulations prescribed under section 3203(a)(7) and (8)," after "periodically".

SEC. 11611. REPORTS TO CONGRESS.

(a) IN GENERAL.—Chapter 101 of title 46, United States Code, is amended by adding at the end the following:

"SEC. 10105. [46 U.S.C. 10105] Reports to Congress

"(a) IN GENERAL.—Not later than 1 year after the date of enactment of the Don Young Coast Guard Authorization Act of 2022, and on an annual basis thereafter, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes—

"(1) the number of reports received under section 10104;

"(2) the number of penalties issued under such section;

"(3) the number of open investigations under such section, completed investigations under such section, and the outcomes of such open or completed investigations;

"(4) the number of assessments or audits conducted under section 3203 and the outcome of those assessments or audits;

"(5) a statistical analysis of compliance with the safety management system criteria under section 3203;

"(6) the number of credentials denied or revoked due to sexual harassment, sexual assault, or related offenses; and

"(7) recommendations to support efforts of the Coast Guard to improve investigations and oversight of sexual harassment and sexual assault in the maritime sector, including funding requirements and legislative change proposals necessary to ensure compliance with title CXVI of the Don Young Coast Guard Authorization Act of 2022 and the amendments made by such title.

"(b) PRIVACY.—In collecting the information required under subsection (a), the Commandant shall collect such information in a manner that protects the privacy rights of individuals who are subjects of such information.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 101 of title 46, United States Code, is amended by adding at the end the following:

"10105. Reports to Congress.".

TITLE CXVII—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Subtitle A—National Oceanic and Atmospheric Administration Commissioned Officer Corps

SEC. 11701. DEFINITIONS.

Section 212(b) of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3002(b)) is amended by adding at the end the following:

"(8) UNDER SECRETARY.—The term 'Under Secretary' means the Under Secretary of Commerce for Oceans and Atmosphere.".

SEC. 11702. REQUIREMENT FOR APPOINTMENTS.

Section 221(c) of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3021(c)) is amended by striking "may not be given" and inserting the following:" may—

"(1) be given only to an individual who is a citizen of the United States; and

"(2) not be given.".

SEC. 11703. REPEAL OF REQUIREMENT TO PROMOTE ENSIGNS AFTER 3 YEARS OF SERVICE.

(a) IN GENERAL.—Section 223 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3023) is amended to read as follows:

"SEC. 223. SEPARATION OF ENSIGNS FOUND NOT FULLY QUALIFIED

"If an officer in the permanent grade of ensign is at any time found not fully qualified, the officer's commission shall be revoked and the officer shall be separated from the commissioned service.".

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled "An Act to reauthorize the Hydrographic Services Improvement Act of 1998, and for other purposes" (Public Law 107-372) is amended by striking the item relating to section 223 and inserting the following:

"Sec. 223. Separation of ensigns found not fully qualified.".

SEC. 11704. AUTHORITY TO PROVIDE AWARDS AND DECORATIONS.

(a) IN GENERAL.—Subtitle A of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3001 et seq.) is amended by adding at the end the following:

"SEC. 220. [33 U.S.C. 3010] AWARDS AND DECORATIONS

"The Under Secretary may provide ribbons, medals, badges, trophies, and similar devices to members of the commissioned officer corps of the Administration and to members of other uniformed services for service and achievement in support of the missions of the Administration.".

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled "An Act to reauthorize the Hydrographic Services Improvement Act of 1998, and for other purposes" (Public Law 107-372) is amended by inserting after the item relating to section 219 the following:

"Sec. 220. Awards and decorations.".

SEC. 11705. RETIREMENT AND SEPARATION.

(a) INVOLUNTARY RETIREMENT OR SEPARATION.—Section 241(a)(1) of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3041(a)(1)) is amended to read as follows:

"(1) an officer in the permanent grade of captain or commander may—

"(A) except as provided by subparagraph (B), be transferred to the retired list; or

"(B) if the officer is not qualified for retirement, be separated from service; and".

(b) RETIREMENT FOR AGE.—Section 243(a) of that Act (33 U.S.C. 3043(a)) is amended by striking "be retired" and inserting "be retired or separated (as specified in section 1251(e) of title 10, United States Code)".

(c) RETIREMENT OR SEPARATION BASED ON YEARS OF CREDITABLE SERVICE.—Section 261(a) of that Act (33 U.S.C. 3071(a)) is amended—

(1) by redesignating paragraphs (17) through (26) as paragraphs (18) through (27), respectively; and

(2) by inserting after paragraph (16) the following:

"(17) Section 1251(e), relating to retirement or separation based on years of creditable service.".

SEC. 11706. IMPROVING PROFESSIONAL MARINER STAFFING.

(a) IN GENERAL.—Subtitle E of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3071 et seq.) is amended by adding at the end the following:

"SEC. 269B. [33 U.S.C. 3079b] SHORE LEAVE FOR PROFESSIONAL MARINERS

"(a) IN GENERAL.—The Under Secretary may prescribe regulations relating to shore leave for professional mariners without regard to the requirements of section 6305 of title 5, United States Code.

"(b) REQUIREMENTS.—The regulations prescribed under subsection (a) shall—

"(1) require that a professional mariner serving aboard an ocean-going vessel be granted a leave of absence of 4 days per pay period; and

"(2) provide that a professional mariner serving in a temporary promotion position aboard a vessel may be paid the difference between such mariner's temporary and permanent rates of pay for leave accrued while serving in the temporary promotion position.

"(c) PROFESSIONAL MARINER DEFINED.—In this section, the term 'professional mariner' means an individual employed on a vessel of the Administration who has the necessary expertise to serve in the engineering, deck, steward, electronic technician, or survey department.".

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled "An Act to reauthorize the Hydrographic Services Improvement Act of 1998, and for other purposes" (Public Law 107-372) is amended by inserting after the item relating to section 269A the following:

"Sec. 269B. Shore leave for professional mariners.".

SEC. 11707. LEGAL ASSISTANCE.

Section 1044(a)(3) of title 10, United States Code, is amended by inserting "or the commissioned officer corps of the National Oceanic and Atmospheric Administration" after "Public Health Service".

SEC. 11708. ACQUISITION OF AIRCRAFT FOR AGENCY AIR, ATMOSPHERE, AND WEATHER RECONNAISSANCE AND RESEARCH MISSION.

(a) INCREASED FLEET CAPACITY.—

(1) IN GENERAL.—The Under Secretary of Commerce for Oceans and Atmosphere shall acquire adequate aircraft platforms with the necessary observation and modification requirements—

(A) to meet agency-wide air reconnaissance and research mission requirements, particularly with respect to hurricanes and tropical cyclones, and also for atmospheric chemistry, climate, air quality for public health, full-season fire weather research and operations, full-season atmospheric river air reconnaissance observations, and other mission areas; and

(B) to ensure data and information collected by the aircraft are made available to all users for research and operations purposes.

(2) CONTRACTS.—In carrying out paragraph (1), the Under Secretary shall negotiate and enter into 1 or more contracts or other agreements, to the extent practicable and necessary, with 1 or more governmental or nongovernmental entities.

(b) ACQUISITION OF AIRCRAFT TO REPLACE WP-3D AIRCRAFT.—Subject to the availability of appropriations, the Under Secretary may enter into a contract for the acquisition of up to 6 aircraft to replace the WP-3D aircraft that provides for—

(1) the first newly acquired aircraft to be fully operational before the retirement of the last WP-3D aircraft operated by the National Oceanic and Atmospheric Administration; and

(2) the second newly acquired aircraft to be fully operational not later than 1 year after the first such aircraft is required to be fully operational under subparagraph (A).

(c) ACQUISITION OF AIRCRAFT TO REPLACE END OF LIFE-CYCLE AIRCRAFT.—Subject to the availability of appropriations, the Under Secretary shall maintain the ability of the National Oceanic and Atmospheric Administration to meet agency air reconnaissance and research mission requirements by acquiring new aircraft prior to the end of the service life of the aircraft being replaced with sufficient lead time that the replacement aircraft is fully operation prior to the retirement of the aircraft it is replacing.

(d) AUTHORIZATION OF APPROPRIATIONS.—For fiscal year 2023, there is authorized to be appropriated to the Under Secretary $800,000,000 for the acquisition of aircraft under this section.

SEC. 11709. REPORT ON PROFESSIONAL MARINER STAFFING MODELS.

(a) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure and the Committee on Natural Resources of the House of Representatives a report on staffing issues relating to professional mariners within the Office of Marine and Aviation Operations of the National Oceanic and Atmospheric Administration.

(b) ELEMENTS.—In conducting the report required under subsection (a), the Comptroller General shall consider—

(1) the challenges the Office of Marine and Aviation Operations faces in recruiting and retaining qualified professional mariners;

(2) workforce planning efforts to address such challenges; and

(3) other models or approaches that exist, or are under consideration, to provide incentives for the retention of qualified professional mariners.

(c) PROFESSIONAL MARINER DEFINED.—In this section, the term "professional mariner" means an individual employed on a vessel of the National Oceanic and Atmospheric Administration who has the necessary expertise to serve in the engineering, deck, steward, or survey department.

Subtitle B—Other Matters

SEC. 11710. CONVEYANCE OF CERTAIN PROPERTY OF NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION IN JUNEAU, ALASKA.

(a) DEFINITIONS.—In this section:

(1) CITY.—The term "City" means the City and Borough of Juneau, Alaska.

(2) MASTER PLAN.—The term "Master Plan" means the Juneau Small Cruise Ship Infrastructure Master Plan released by the Docks and Harbors Board and Port of Juneau for the City and dated March 2021.

(3) PROPERTY.—The term "Property" means the parcel of real property consisting of approximately 2.4 acres, including tidelands, owned by the United States and under administrative custody and control of the National Oceanic and Atmospheric Administration and located at 250 Egan Drive, Juneau, Alaska, including any improvements thereon that are not authorized or required by another provision of law to be conveyed to a specific individual or entity.

(4) SECRETARY.—The term "Secretary" means the Secretary of Commerce, acting through the Under Secretary of Commerce for Oceans and Atmosphere and the Administrator of the National Oceanic and Atmospheric Administration.

(b) CONVEYANCE AUTHORIZED.—

(1) IN GENERAL.—The Secretary may convey, at fair market value, all right, title, and interest of the United States in and to the Property, subject to the restrictions in subsections (b)(2) and (c) and the requirements of this section.

(2) RESTRICTION.—The Secretary may not take action under this section until the Commandant notifies the Secretary in writing that the Coast Guard does not have an interest in acquiring the property, or a period of 180 calendar days expires following the date of enactment of this section.

(3) NOTIFICATION EXPIRATION.—If, the Secretary has not received notification under paragraph (2) at the end of the 180 calendar day period, the Secretary and the Commandant shall notify the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate in writing that no notification has been received.

(4) TERMINATION OF AUTHORITY.—The authority provided under paragraph (1) shall terminate on the date that is 3 years after the date of the enactment of this Act.

(c) TRANSFER OF PROPERTY TO COAST GUARD.—

(1) IN GENERAL.—If not later than 180 calendar days after the date of enactment of this Act the Commandant notifies the Secretary that the Coast Guard has an interest in the Property, the Secretary shall transfer the Property to the Coast Guard.

(2) TRANSFER.—Any transfer performed pursuant to this subsection shall—

(A) occur not later than 1 year of any written notification required under paragraph (1);

(B) include within the transfer from the Department of Commerce to the Coast Guard all legal obligations attached to ownership or administrative control of the Property, interest therein, or improvements thereto, including environmental compliance and restoration liabilities and historical preservation liabilities and responsibilities;

(C) be at no cost to the Department of Commerce, to include all land survey costs;

(D) not affect or limit any remaining real property interests held by the Department of Commerce on any real property subject to such transfer; and

(E) be accompanied by a memorandum of agreement between the Coast Guard and the Department of Commerce to require the Commandant to allow—

(i) future access to, and use of, the Property, including use of available pier space, to accommodate the reasonable expectations of the Secretary for future operational and logistical needs in southeast Alaska; and

(ii) continued access to, and use of, existing facilities on the Property, including a warehouse and machine shop, unless the Commandant determines that the Property on which the facilities are located is needed to support polar operations, at which time the Coast Guard shall provide the Department of Commerce access to and use of comparable space in reasonable proximity to the existing facilities.

(d) RIGHT OF FIRST REFUSAL.—If the Coast Guard does not transfer the Property under subsection (c), the City shall have the right of first refusal with respect to the purchase, at fair market value, of the Property.

(e) SURVEY.—The exact acreage and legal description of the Property shall be determined by a survey satisfactory to the Secretary.

(f) CONDITION; QUITCLAIM DEED.—If the Property is conveyed under subsection (b)(1), the Property shall be conveyed—

(1) in an "as is, where is" condition; and

(2) via a quitclaim deed.

(g) FAIR MARKET VALUE.—

(1) IN GENERAL.—The fair market value of the Property shall be—

(A) determined by an appraisal that—

(i) is conducted by an independent appraiser selected by the Secretary; and

(ii) meets the requirements of paragraph (2); and

(B) adjusted, at the Secretary's discretion, based on the factors described in paragraph (3).

(2) APPRAISAL REQUIREMENTS.—An appraisal conducted under paragraph (1)(A) shall be conducted in accordance with nationally recognized appraisal standards, including the Uniform Standards of Professional Appraisal Practice.

(3) FACTORS.—The factors described in this paragraph are—

(A) matters of equity and fairness;

(B) actions taken by the City regarding the Property, if the City exercises the right of first refusal under subsection (d), including—

(i) comprehensive waterfront planning, site development, and other redevelopment activities supported by the City in proximity to the Property in furtherance of the Master Plan;

(ii) in-kind contributions made to facilitate and support use of the Property by governmental agencies; and

(iii) any maintenance expenses, capital improvement, or emergency expenditures made necessary to ensure public safety and access to and from the Property; and

(C) such other factors as the Secretary considers appropriate.

(h) COSTS OF CONVEYANCE.—If the City exercises the right of first refusal under subsection (d), all reasonable and necessary costs, including real estate transaction and environmental documentation costs, associated with the conveyance of the Property to the City under this section may be shared equitably by the Secretary and the City, as determined by the Secretary, including with the City providing in-kind contributions for any or all of such costs.

(i) PROCEEDS.—Any proceeds from a conveyance of the Property under subsection (b)(1) shall—

(1) be credited as discretionary offsetting collections to the applicable appropriations accounts or funds of the National Oceanic and Atmospheric Administration that exists as of the date of enactment of this Act; and

(2) be used to cover costs associated with the conveyance of the Property, related relocation efforts, and other facility and infrastructure projects in Alaska and shall be made available for such purposes only to the extent and in the amounts provided in advance in appropriations Acts.

(j) MEMORANDUM OF AGREEMENT.—If the City exercises the right of first refusal under subsection (d), before finalizing a conveyance to the City under this section, the Secretary and the City shall enter into a memorandum of agreement to establish the terms under which the Secretary shall have future access to, and use of, the Property to accommodate the reasonable expectations of

the Secretary for future operational and logistical needs in southeast Alaska.

(k) RESERVATION OR EASEMENT FOR ACCESS AND USE.—The conveyance authorized under subsection (b)(1) shall be subject to a reservation providing, or an easement granting, the Secretary, at no cost to the United States, a right to access and use the Property that—

(1) is compatible with the Master Plan; and

(2) authorizes future operational access and use by other Federal, State, and local government agencies that have customarily used the Property.

(l) LIABILITY.—In the event that the Property is conveyed to the City of Juneau the following shall apply:

(1) AFTER CONVEYANCE.—An individual or entity to which a conveyance is made under this section shall hold the United States harmless from any liability with respect to activities carried out on or after the date and time of the conveyance of the Property.

(2) BEFORE CONVEYANCE.—The United States shall remain responsible for any liability the United States incurred with respect to activities carried out by the United States on the Property before the date and time of the conveyance of the Property.

(m) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with a conveyance under this section as the Secretary considers appropriate and reasonable to protect the interests of the United States.

(n) ENVIRONMENTAL COMPLIANCE.—Nothing in this section shall be construed to affect or limit the application of or obligation to comply with any applicable environmental law, including—

(1) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); or

(2) section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)).

(o) CONVEYANCE NOT A MAJOR FEDERAL ACTION.—A conveyance under this section shall not be considered a major Federal action for purposes of section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)).

TITLE CXVIII—TECHNICAL, CONFORMING, AND CLARIFYING AMENDMENTS

SEC. 11801. TERMS AND VACANCIES.

(a) IN GENERAL.—Section 46101(b) of title 46, United States Code, is amended by—

(1) in paragraph (2)—

(A) by striking "one year" and inserting "2 years"; and

(B) by striking "2 terms" and inserting "3 terms"; and

(2) in paragraph (3)—

(A) by striking "of the individual being succeeded" and inserting "to which such individual is appointed";

(B) by striking "2 terms" and inserting "3 terms"; and

(C) by striking "the predecessor of that" and inserting "such".

(b) [46 U.S.C. 46101 note] APPLICABILITY.—The amendments made by this section shall not apply to Commissioners to whom section 403(b) of the Howard Coble Coast Guard and Maritime Transportation Act of 2014 (Public Law 113-281) applies.

SEC. 11802. PASSENGER VESSEL SECURITY AND SAFETY REQUIREMENTS.

Section 3507(k)(1) of title 46, United States Code, is amended—

(1) in subparagraph (A) by striking "at least 250" and inserting "250 or more"; and

(2) by striking subparagraph (B) and inserting the following:

"(B) has overnight accommodations for 250 or more passengers; and".

SEC. 11803. TECHNICAL CORRECTIONS.

(a) Section 319(b) of title 14, United States Code, is amended by striking "section 331 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note)" and inserting "section 44801 of title 49".

(b) Section 1156(c) of title 14, United States Code, is amended by striking "section 331 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note)" and inserting "section 44801 of title 49".

SEC. 11804. TRANSPORTATION WORKER IDENTIFICATION CREDENTIAL TECHNICAL AMENDMENTS.

(a) IN GENERAL.—Section 70105 of title 46, United States Code, is amended—

(1) in the section heading by striking "security cards" and inserting "worker identification credentials";

(2) by striking "transportation security card" each place it appears and inserting "transportation worker identification credential";

(3) by striking "transportation security cards" each place it appears and inserting "transportation worker identification credentials";

(4) by striking "card" each place it appears and inserting "credential";

(5) in the heading for subsection (b) by striking "Cards" and inserting "Credentials";

(6) in subsection (g) by striking "Assistant Secretary of Homeland Security for" and inserting "Administrator of";

(7) by striking subsection (i) and redesignating subsections (j) and (k) as subsections (i) and (j), respectively;

(8) by striking subsection (l) and redesignating subsections (m) through (q) as subsections (k) through (o), respectively;

(9) in subsection (j), as so redesignated—

(A) in the subsection heading by striking "Security Card" and inserting "Worker Identification Credential"; and

(B) in the heading for paragraph (2) by striking "security cards" and inserting "worker identification credential";

(10) in subsection (k)(1), as so redesignated, by striking "subsection (k)(3)" and inserting "subsection (j)(3)";

(11) by striking paragraph (4) of subsection (k), as so redesignated; and

(12) in subsection (o), as so redesignated—

(A) in the subsection heading by striking "Security Card" and inserting "Worker Identification Credential";

(B) in paragraph (1)—

(i) by striking "subsection (k)(3)" and inserting "subsection (j)(3)"; and

(ii) by striking "This plan shall" and inserting "Such receipt and activation shall"; and

(C) in paragraph (2) by striking "on-site activation capability" and inserting "on-site receipt and activation of transportation worker identification credentials".

(b) CLERICAL AMENDMENT.—The analysis for chapter 701 of title 46, United States Code, is amended by striking the item related to section 70105 and inserting the following:

"70105. Transportation worker identification credentials.".

(c) [46 U.S.C. 70105 note] LIMITATION ON IMPLEMENTATION.—The Secretary may not implement the rule entitled "Transportation Worker Identification Credential (TWIC)-Reader Requirements" (81 Fed. Reg. 57651) for covered facilities before May 8, 2026.

(d) COVERED FACILITIES DEFINED.—In this section, the term "covered facilities" means—

(1) facilities that handle Certain Dangerous Cargoes in bulk and transfer such cargoes from or to a vessel;

(2) facilities that handle Certain Dangerous Cargoes in bulk, but do not transfer it from or to a vessel; and

(3) facilities that receive vessels carrying Certain Dangerous Cargoes in bulk but, during the vessel-to-facility interface, do not transfer it from or to the vessel.

SEC. 11805. REINSTATEMENT.

(a) REINSTATEMENT.—The text of section 12(a) of the Act of June 21, 1940 (33 U.S.C. 522(a)), popularly known as the "Truman-Hobbs Act", is—

(1) reinstated as it appeared on the day before the date of the enactment of section 8507(b) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-283; 134 Stat. 4754); and

(2) redesignated as the sole text of section 12 of the Act of June 21, 1940 (33 U.S.C. 522).

(b) [33 U.S.C. 522 note] EFFECTIVE DATE.—The provision reinstated under subsection (a) shall be treated as if such section 8507(b) had never taken effect.

(c) CONFORMING AMENDMENT.—The provision reinstated under subsection (a) is amended by striking ", except to the extent provided in this section".

SEC. 11806. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation for this Act", submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

SEC. 11807. TECHNICAL AMENDMENT.

(a) IN GENERAL.—Section 6304 of title 46, United States Code, is amended—

(1) by striking "subpena" and inserting "subpoena" each place it appears; and

(2) in subsection (d) by striking "subpenas" and inserting "subpoenas".

(b) CLERICAL AMENDMENT.—The analysis for chapter 63 of title 46, United States Code, is amended by striking the item relating to section 6304 and inserting the following:

"6304. Subpoena authority.".

SEC. 11808. LIGHTHOUSE SERVICE AMENDMENTS.

(a) REPEALS.—The following provisions are repealed:

(1) Sections 1, 2, and 3 of the Act of March 6, 1896 (33 U.S.C. 474).

(2) Section 4 of the Act of June 17, 1910 (33 U.S.C. 711; 721).

(3) The first sentence of section 2 of the Act of July 27, 1912 (33 U.S.C. 712).

(4) Section 10 of the Act of June 17, 1910 (33 U.S.C. 713).

(5) Section 6 of the Act of June 17, 1910 (33 U.S.C. 714).

(6) Section 5 of the Act of June 17, 1910 (33 U.S.C. 715).

(7) **[**33 U.S.C. 719**]** Section 4679 of the Revised Statutes.

(8) Section 4 of the Act of May 14, 1908 (33 U.S.C. 737).

(9) The first sentence of the sixteenth paragraph of the section entitled "Coast Guard" under the heading "**Treasury Department**" of the Act of June 5, 1920 (33 U.S.C. 738).

(10) Section 7 of the Act of June 20, 1918 (33 U.S.C. 744).

(11) Section 2 of the Act of May 13, 1938 (33 U.S.C. 748a).

(12) The Act of June 15, 1938 (33 U.S.C. 752b).

(13) The last proviso of the second paragraph of the section entitled "Lighthouse Service" under the heading "**Department of Commerce**" of the Act of November 4, 1918 (33 U.S.C. 763).

(14) Section 7 of the Act of June 6, 1940 (33 U.S.C. 763a-2).

(15) The last paragraph of the section entitled "Lighthouse Service" under the heading "**Department of Commerce**" of the Act of March 4, 1921 (33 U.S.C. 764).

(16) Sections 1 and 2 of the Act of March 4, 1925 (33 U.S.C. 765; 766).

(17) Section 5 of the Act of August 19, 1950 (33 U.S.C. 775).

(18) Subchapter III of chapter 25 of title 14, United States Code, and the items relating to such subchapter in the analysis for chapter 25 of such title.

(b) [33 U.S.C. 714 note] OPERATION OF REPEALS.—The repeals under paragraphs (5) and (6) of subsection (a) shall not affect the operation of section 103 of title 14, United States Code.

(c) [33 U.S.C. 472;14] TRANSFER.—Chapter 313 of the Act of September 15, 1922 is transferred to appear at the end of subchapter III of chapter 5 of title 14, United States Code, redesignated as section 548 of such title, and amended—

(1) by striking "That hereafter the Commissioner of Lighthouses" and insert "The Commandant of the Coast Guard"; and

(2) by striking "Lighthouse Service" and inserting "Coast Guard".