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

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “National Defense Authorization Act for Fiscal Year 2021”.

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

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

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

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

(4) Division D—Funding Tables.

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

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.
Sec. 3. Congressional defense committees.
Sec. 4. Budgetary effects of this Act.

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Sec. 101. Authorization of appropriations.

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Sec. 142. Minimum aircraft levels for major mission areas.
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Sec. 146. Prohibition on funding for Close Air Support Integration Group.
Sec. 147. Limitation on divestment of KC–10 and KC–135 aircraft.
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Sec. 152. Analysis of requirements and Advanced Battle Management System capabilities.
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Sec. 177. Autonomic Logistics Information System redesign strategy.
Sec. 178. Contract aviation services in a country or in airspace in which a Special Federal Aviation Regulation applies.
Sec. 179. F–35 aircraft munitions.
Sec. 180. Airborne intelligence, surveillance, and reconnaissance acquisition roadmap for United States Special Operations Command.
Sec. 181. Requirement to accelerate the fielding and development of counter unmanned aerial systems across the joint force.
Sec. 182. Joint All Domain Command and Control requirements.

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

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

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

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

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

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

Sec. 219. Development and testing of hypersonic capabilities.

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

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

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TITLE XLVII—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Sec. 4701. Department of Energy national security programs.

1 SEC. 3. 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 purposes 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.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS
TITLE I—PROCUREMENT
Subtitle A—Authorization of Appropriations

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

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

Subtitle B—Army Programs

SEC. 111. INTEGRATED AIR AND MISSILE DEFENSE ASSESSMENT.

(a) Assessment by Secretary of the Army.—
(1) IN GENERAL.—The Secretary of the Army shall conduct a classified assessment of the capability and capacity of current and planned integrated air and missile defense (IAMD) capabilities to meet combatant commander requirements for major operations against great-power competitors and other global operations in support of the National Defense Strategy.

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

(A) Analysis and characterization of current and emerging threats, including the following:

(i) Cruise, hypersonic, and ballistic missiles.

(ii) Unmanned aerial systems.

(iii) Rockets.

(iv) Other indirect fire.

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

(B) Analysis of current and planned integrated air and missile defense capabilities to counter the threats analyzed and characterized
under subparagraph (A), including the following:

(i) Projected timelines for development, procurement, and fielding of planned integrated air and missile defense capabilities.

(ii) Projected capability gaps.

(iii) Opportunities for acceleration or need for incorporation of interim capabilities to address current and projected gaps.

(C) Analysis of current and planned capacity to meet major contingency plan requirements and ongoing global operations of the combatant commands, including the following:

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

(ii) Capacity gaps in addressing combatant command requirements.

(iii) Operations tempo stress on integrated air and missile defense formations and personnel.

(iv) Plans of the Secretary to continue to increase integrated air and missile defense personnel and formations.
(D) Assessment of integrated air and missile defense architecture and enabling command and control systems, including the following:

(i) A description of the integrated air and missile defense architecture and component counter unmanned aerial systems (C-UAS) sub-architecture.

(ii) Identification of the enabling command and control (C2) systems.

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

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

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

(i) A description of the current proponency structure.

(ii) Adequacy of the current proponency structure to facilitate Army executive agency integrated air and missile defense and counter unmanned aerial sys-
tems functions for the Department of Defense.

(iii) Benefits of establishing integrated air and missile defense and counter unmanned aerial systems centers of excellence to help focus Army and joint force efforts to achieving a functional integrated air and missile defense capability and capacity to meet requirements of the combatant commands.

(3) CHARACTERIZATION.—

(A) IN GENERAL.—In carrying out paragraph (2)(A), the Secretary shall avoid broad characterizations that do not sufficiently distinguish between distinctly different threats in the same general class.

(B) EXAMPLE.—An example of a broad characterization to be avoided under such paragraph is “cruise missiles”, since such characterization does not sufficiently distinguish between current cruise missiles and emerging hypersonic cruise missiles, which may require different capabilities to counter them.

(4) REPORT AND INTERIM BRIEFING.—
(A) INTERIM BRIEFING.—Not later than December 15, 2020, the Secretary shall provide the Committee on Armed Services of the Senate and Committee on Armed Services of the House of Representatives a briefing on the assessment being conducted by the Secretary under paragraph (1).

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

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

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

(2) REPORT.—Not later than April 15, 2021, the Vice Chairman of the Joint Chiefs of Staff shall submit to the Committee on Armed Services of the Senate and Committee on Armed Services of the
House of Representatives a report on the finding of
the Vice Chairman with respect to the review con-
ducted under paragraph (1).

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

(a) REPORT REQUIRED.—

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

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

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

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

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

(b) LIMITATION ON USE OF FUNDS.—Not more than
50 percent of the amounts authorized to be appropriated
by this Act for fiscal year 2021 for procurement of the
Integrated Visual Augmentation System may be obligated or expended until the Secretary submits to the congressional defense committees the report required under subsection (a).

SEC. 113. MODIFICATIONS TO REQUIREMENT FOR AN INTERIM CRUISE MISSILE DEFENSE Capability.

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

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

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

“(A) For the deadline specified in paragraph (1)(A), if the Secretary determines that sufficient funds have not been appropriated to enable the Secretary to meet such deadline.
“(B) For the deadline specified in paragraph (1)(B), if the Secretary submits to the congressional defense committees a certification that—

“(i) allocating resources toward procurement of an integrated enduring capability would provide robust tiered and layered protection to the joint force; or

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

Subtitle C—Navy Programs

SEC. 121. CONTRACT AUTHORITY FOR COLUMBIA-CLASS SUBMARINE PROGRAM.

(a) Contract Authority.—The Secretary of the Navy may enter into a contract, beginning with fiscal year 2021, for the procurement of up to two Columbia-class submarines.

(b) Incremental Funding.—With respect to a contract entered into under subsection (a), the Secretary of the Navy may use incremental funding to make payments under the contract.

(e) Liability.—Any contract entered into under subsection (a) shall provide that—
any obligation of the United States to make 
a payment under the contract is subject to the avail-
ability of appropriations for that purpose; and 

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

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

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

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

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

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

(B) at least two different electrical genera-
tors and ancillary equipment;
(2) final results of test programs of engineering development models or prototypes for critical systems specified by the Senior Technical Authority in their final form, fit, and function and in a realistic environment; and

(3) a determination by the milestone decision authority of the minimum number of vessels, discrete test events, performance parameters to be tested, and schedule required to complete initial operational test and evaluation and demonstrate operational suitability and operational effectiveness.

(b) QUALIFICATION REQUIREMENTS.—The qualification required in subsection (a)(1) shall include a land-based operational demonstration of such equipment in the vessel-representative form, fit, and function for not less than 1,080 continuous hours without preventative maintenance, corrective maintenance, emergent repair, or any other form of repair or maintenance.

(c) REQUIREMENT TO USE QUALIFIED ENGINES AND GENERATORS.—The Secretary of the Navy shall require that covered programs use only main propulsion engines and electrical generators that are qualified under subsection (a)(1).

(d) LIMITATION.—The Secretary of the Navy may not release a detail design or construction request for pro-
posals or obligate funds from a procurement account for
a covered program until such program receives Milestone
B approval and the milestone decision authority notifies
the congressional defense committees, in writing, of the
actions taken to comply with the requirements under this
section.

(e) DEFINITIONS.—In this section:

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

(A) medium unmanned surface vessels; or

(B) large unmanned surface vessels.

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

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

(4) The term “Senior Technical Authority” has
the meaning given the term in section 8669b of title
10, United States Code.
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SEC. 123. EXTENSION OF PROHIBITION ON AVAILABILITY OF FUNDS FOR NAVY WATERBORNE SECURITY BARRIERS.


SEC. 124. PROCUREMENT AUTHORITIES FOR CERTAIN AMPHIBIOUS SHIPBUILDING PROGRAMS.

(a) Contract Authority.—

(1) Procurement Authorized.—In fiscal year 2021, the Secretary of the Navy may enter into one or more contracts for the procurement of three San Antonio-class amphibious ships and one America-class amphibious ship.

(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 such programs.

(b) Certification Required.—A contract may not be entered into under subsection (a) unless the Secretary of the Navy certifies to the congressional defense commit-
tees, in writing, not later than 30 days before entry into
the contract, each of the following, which shall be prepared
by the milestone decision authority for such programs:

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

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

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

(B) the estimated end cost and appro-
priated 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 pro-
vided in subsection (a);

(D) the discrete actions that will accom-
plish 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 vessel or vessels for which authorization to enter into a contract
is provided under subsection (a), and for systems and sub-
systems associated with such vessels in economic order
quantities when cost savings are achievable.

(d) **CONDITION FOR OUT-YEAR CONTRACT PAY-
MENTS.**—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 pur-
pose for such fiscal year.

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

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

(a) **REPORT REQUIRED.**—Not later than March 1,
2021, the Secretary of the Navy shall submit to the con-
gressional defense committees a report with a fighter force
structure acquisition strategy that is aligned with the re-
sults of the independent studies required under section
1064 of the National Defense Authorization Act for Fiscal
Year 2018 (Public Law 115–91; 131 Stat. 1576). The
strategy shall establish a minimum number of F–35 and
Next Generation Air Dominance (NGAD) aircraft that the
Navy and Marine Corps would be required to purchase each year to mitigate or manage strike fighter shortfalls.

(b) LIMITATION ON DEVIATION FROM STRATEGY.— The Department of the Navy may not deviate from the acquisition strategy established under subsection (a) until—

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

(2) 30 days after the Secretary of the Navy notifies the congressional defense committees of the proposed deviation.

SEC. 126. TREATMENT OF SYSTEMS ADDED BY CONGRESS IN FUTURE PRESIDENT’S BUDGET REQUESTS.

A procurement quantity of a system authorized by Congress in a National Defense Authorization Act for a given fiscal year that is subsequently appropriated by Congress in an amount greater than the quantity of such system included in the President’s annual budget request submitted to Congress under section 1105 of title 31, United States Code, for such fiscal year shall not be included as a new procurement quantity in future annual budget requests.

SEC. 127. REPORT ON CARRIER WING COMPOSITION.

(a) Report.—Not later than May 1, 2021, the Secretary of the Navy, in consultation with the Chief of Naval
Operations and Commandant of the Marine Corps, shall submit to the congressional defense committees a report on the optimal composition of the carrier air wing in 2030 and 2040, as well as alternative force design concepts.

(b) ELEMENTS.—The report required under subsection (a) shall include the following elements:

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

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

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

SEC. 128. REPORT ON STRATEGY TO USE ALQ-249 NEXT GENERATION JAMMER TO ENSURE FULL SPECTRUM ELECTROMAGNETIC SUPERIORITY.

(a) Report.—Not later than July 30, 2021, the Secretary of the Navy, in consultation with the Vice Chairman of the Joint Chiefs, shall submit to the congressional defense committees report with a strategy to ensure full spectrum electromagnetic superiority using the ALQ-249 Next Generation Jammer.
(b) ELEMENTS.—The report required under subsection (a) shall include the following elements:

(1) A description of the current procurement strategy of the ALQ–249 and the analysis of its capability to meet the RF frequency ranges required in a National Defense Strategy (NDS) conflict.

(2) An assessment of the ALQ–249’s compatibility and ability to synchronize non-kinetic fires using other Joint Electronic Warfare (EW) platforms.

(3) A future model of an interlinked/interdependent electronic warfare menu of options for commanders at tactical, operational, and strategic levels.

Subtitle D—Air Force Programs

SEC. 141. ECONOMIC ORDER QUANTITY CONTRACTING AUTHORITY FOR F–35 JOINT STRIKE FIGHTER PROGRAM.

(a) AUTHORITY FOR ADVANCE PROCUREMENT AND ECONOMIC ORDER QUANTITY.—The Secretary of Defense may enter into one or more contracts, beginning with the fiscal year 2020 program year, for the procurement of economic order quantities of material and equipment for the F–35 aircraft program for use in procurement contracts
to be awarded for such program during fiscal years 2021 through 2023.

(b) LIMITATION.—The total amount obligated in fiscal year 2021 under all contracts entered into under subsection (a) shall not exceed $493,000,000.

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

(1) The use of such a contract will result in significant savings of the total anticipated costs of carrying out the program through annual contracts.

(2) The minimum need for the property to be procured is expected to remain substantially unchanged during the contemplated contract period in terms of production rate, procurement rate, and total quantities.

(3) There is a reasonable expectation that, throughout the contemplated contract period, the Secretary 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 procured, 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 an economic order quantity contract are realistic.

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

(d) CERTIFICATION REQUIREMENT.—Except as provided in subsection (e), the Secretary of Defense may not enter into a contract under subsection (a) until 30 days after the Secretary certifies to the congressional defense committees, in writing, that each of the following conditions is satisfied:

(1) A sufficient number of end items of the system being acquired under such contract have been delivered at or within the most recently available estimates of the program acquisition unit cost or procurement unit cost for such system to determine that the estimates of the unit costs are realistic.

(2) 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 that fiscal year will include the funding required to execute the program without cancellation.
(3) The contract is a fixed-price type contract.

(4) The proposed contract provides for production at not less than minimum economic rates given the existing tooling and facilities.

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

(6) The determination under paragraph (5) was made after the completion of a cost analysis performed by the Director of Cost Assessment and Program Evaluation for the purpose of section 2334(f)(2) of title 10, United States Code, and the analysis supports that determination.

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

(1) the Director of Cost Assessment and Program Evaluation has not completed a cost analysis of the preliminary findings made by the Secretary under subsection (c) with respect to the contract;

(2) the Secretary certifies to the congressional defense committees, in writing, that each of the con-
dictions described in paragraphs (1) through (5) of subsection (d) is satisfied; and

(3) a period of 30 days has elapsed following the date on which the Secretary submits the certification under paragraph (2).

SEC. 142. MINIMUM AIRCRAFT LEVELS FOR MAJOR MISSION AREAS.

(a) MINIMUM LEVELS.—Except as provided under subsection (b), the Secretary of the Air Force shall maintain the following minima, based on Primary Mission Aircraft Inventory (PMAI):

(1) 1,182 Fighter aircraft.

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

(3) 92 Bomber aircraft.

(4) 412 Tanker aircraft.

(5) 230 Tactical airlift aircraft.

(6) 235 Strategic airlift aircraft.

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

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

(b) EXCEPTIONS.—The Secretary of the Air Force may reduce the number of aircraft in the PMAI of the
Air Force below the minima specified in subsection (a) only if—

(1) the Secretary certifies to the congressional defense committees that such reduction is justified by the results of the new capability and requirements studies; and

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

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

SEC. 143. MINIMUM OPERATIONAL SQUADRON LEVEL.

As soon as practicable after the date of the enactment of this Act and subject to the availability of appropriations, the Secretary of the Air Force shall seek to achieve a minimum of not fewer than 386 available operational squadrons, or equivalent organizational units, within the Air Force. In addition to the operational squadrons, the Secretary shall strive to achieve the following primary mission aircraft inventory (PMAI) numbers:

(1) 1,680 Fighter aircraft.
(2) 199 Persist attack remotely piloted aircraft (RPA).
(3) 225 Bomber aircraft.
(4) 500 Air refueling aircraft.
(5) 286 Tactical airlift aircraft.
(6) 284 Strategic airlift aircraft.
(7) 55 Command and control aircraft.
(8) 105 Combat search and rescue (CSAR) aircraft.
(9) 30 Intelligence, surveillance, and reconnaissance (ISR) aircraft.
(10) 179 Special operations aircraft.
(11) 40 Electronic warfare (EW) aircraft.

SEC. 144. MINIMUM AIR FORCE BOMBER AIRCRAFT LEVEL.
The Secretary of Defense shall submit to the congressional defense committees recommendations for a minimum number of bomber aircraft, including penetrating bombers in addition to B–52H aircraft, to enable the Air Force to carry out its long-range penetrating strike capability.

SEC. 145. F–35 GUN SYSTEM.
The Secretary of the Air Force shall begin the procurement process for an alternate 25mm ammunition solution that provides a true full-spectrum target engagement capability for the F–35A aircraft.
SEC. 146. PROHIBITION ON FUNDING FOR CLOSE AIR SUPPORT INTEGRATION GROUP.

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

SEC. 147. LIMITATION ON DIVESTMENT OF KC–10 AND KC–135 AIRCRAFT.

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

(1) In fiscal year 2021, 6 KC–10 aircraft, including only 3 from primary mission aircraft inventory (PMAI).

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

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

SEC. 148. LIMITATION ON RETIREMENT OF U–2 AND RQ–4 AIRCRAFT.

(a) LIMITATION.—The Secretary of the Air Force may not take any action that would prevent the Air Force from maintaining the fleets of U–2 aircraft or RQ–4 aircraft in their current, or improved, configurations and capabilities until the Chairman of the Joint Requirements Oversight Council certifies in writing to the appropriate
committees of Congress that the capability to be fielded at the same time or before the retirement of the U–2 aircraft or RQ–4 aircraft (as the case may be) would result in equal or greater capability available to the commanders of the combatant commands and would not result in less capacity available to the commanders of the combatant commands.

(b) WAIVER.—The Secretary of Defense may waive the certification requirement under subsection (a) with respect to U–2 aircraft or RQ–4 aircraft if the Secretary—

(1) determines, after analyzing sufficient and relevant data, that a loss in capacity and capability will not prevent the combatant commanders from accomplishing their missions at acceptable levels of risk; and

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

(c) 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 Select Committee on Intelligence of the Senate; and
(2) the Committee on Armed Services, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 149. LIMITATION ON DIVESTMENT OF F–15C AIRCRAFT IN THE EUROPEAN THEATER.

(a) In General.—The Secretary of the Air Force may not divest F–15C aircraft in the European theater until the F–15EX aircraft is integrated into the Air Force and has begun bed down actions in the European theater.

(b) Waiver.—The Secretary of Defense, after consultation with the Commander of the United States European Command (EUCOM), may waive the limitation under subsection (a) if the Secretary certifies to Congress the divestment is required for the national defense and that there exists sufficient resources at all times to meet NATO and EUCOM air superiority requirements for the European theater.

SEC. 150. AIR BASE DEFENSE DEVELOPMENT AND ACQUISITION STRATEGY.

(a) Strategy Required.—Not later than March 1, 2021, the Chief of Staff of the Air Force (CSAF), in consultation with the Chief of Staff of the Army (CSA), shall submit to the congressional defense committees a development and acquisition strategy to procure a capability to
protect air bases and prepositioned sites in contested environments highlighted in the National Defense Strategy. The strategy should ensure a solution that is effective against current and emerging cruise missile and advanced hypersonic missile threats.

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

SEC. 151. REQUIRED SOLUTION FOR KC–46 AIRCRAFT REMOTE VISUAL SYSTEM LIMITATIONS.

The Secretary of the Air Force shall develop and implement a complete, one-time solution to the KC–46 aircraft remote visual system (RVS) operational limitations. Not later than October 1, 2020, the Secretary shall submit to the congressional defense committees an implementation strategy for the solution.
SEC. 152. ANALYSIS OF REQUIREMENTS AND ADVANCED
BATTLE MANAGEMENT SYSTEM CAPABILITIES.

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

(b) JROC REQUIREMENTS.—

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

(2) CONGRESSIONAL NOTIFICATION.—The Joint
Requirements Oversight Council (JROC) shall notify
the congressional defense committees upon making
the certification required under paragraph (1) and
provide a briefing on the requirements and findings
described in such paragraph not later than 30 days
after such notification.
SEC. 153. STUDIES ON MEASURES TO ASSESS COST-PER-EFFECT FOR KEY MISSION AREAS.

(a) In General.—Not later than January 1, 2021, the Secretary of the Air Force shall provide for the performance of two independent studies to devise new measures to assess cost-per-effect for key mission areas. One of the studies shall be conducted by an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code, and one of the studies shall be conducted by a federally funded research and development center.

(b) Scope.—Each study conducted pursuant to subsection (a) shall address the following matters:

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

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

(3) Associated operation and maintenance costs necessary to facilitate respective operational constructs.

(4) Basing requirements for respective force constructs.

(5) Mission support elements required to facilitate specified operations.

(6) Defensive measures required to facilitate viable mission operations.
(7) Attrition due to enemy countermeasures and other loss factors associated with respective technologies.

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

(c) IMPLEMENTATION OF MEASURES.—The Secretary of the Air Force shall, as appropriate, incorporate the findings of the studies conducted pursuant to subsection (a) in the Air Force’s future force development process. The measures—

(1) should be domain and platform agnostic;

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

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

SEC. 154. PLAN FOR OPERATIONAL TEST AND UTILITY EVALUATION OF SYSTEMS FOR LOW-COST AT- TRIBUTABLE AIRCRAFT TECHNOLOGY PROGRAM.

Not later than October 1, 2020, the Assistant Secretary of the Air Force for Acquisition, Technology, and Logistics shall—
(a) submit to the congressional defense committees an executable plan for the operational test and utility evaluation of the systems of the Low-Cost Attributable Aircraft Technology (LCAAT) program of the Air Force; and

(b) brief the congressional defense committees on such plan.

SEC. 155. PROHIBITION ON RETIREMENT OR DIVESTMENT OF A–10 AIRCRAFT.

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

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

SEC. 171. BUDGETING FOR LIFE-CYCLE COST OF AIRCRAFT FOR THE NAVY, ARMY, AND AIR FORCE: ANNUAL PLAN AND CERTIFICATION.

(a) IN GENERAL.—Chapter 9 of title 10, United States Code, is amended by inserting after section 231 the following new section:
§ 231a. Budgeting for life-cycle cost of aircraft for the Navy, Army, and Air Force: Annual plan and certification

(a) Annual Aircraft Procurement Plan and Certification.—Not later than 45 days after the date on which the President submits to Congress the budget for a fiscal year, the Secretary of Defense shall submit to the congressional defense committees—

(1) a plan for the procurement of the aircraft specified in subsection (b) for the Department of the Navy, the Department of the Army, and the Department of the Air Force developed in accordance with this section; and

(2) a certification by the Secretary that both the budget for such 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 of the procurement of aircraft at a level that is sufficient for the procurement of the aircraft provided for in the plan under paragraph (1) on the schedule provided in the plan.

(b) Covered Aircraft.—The aircraft specified in this subsection are the aircraft as follows:

(1) Fighter aircraft.

(2) Attack aircraft.

(3) Bomber aircraft.
“(4) Intertheater lift aircraft.

“(5) Intratheater lift aircraft.

“(6) Intelligence, surveillance, and reconnaissance aircraft.

“(7) Tanker aircraft.

“(8) Remotely piloted aircraft.

“(9) Rotary-wing aircraft.

“(10) Operational support and executive lift aircraft.

“(11) Any other major support aircraft designated by the Secretary of Defense for purposes of this section.

“(c) Annual Aircraft Procurement Plan.—(1) The annual aircraft procurement plan developed for a fiscal year for purposes of subsection (a)(1) should be designed so that the aviation force provided for under the plan is capable of supporting the national military strategy of the United States as set forth in the most recent National Defense Strategy submitted under section 113(g) of title 10, United States Code, and National Military Strategy submitted under section 153(b) of title 10, United States Code.

“(2) Each annual aircraft procurement plan shall include the following:
“(A) A detailed program for the procurement of the aircraft specified in subsection (b) for each of the Department of the Navy, the Department of the Army, and the Department of the Air Force over the next 30 fiscal years.

“(B) A description of the necessary aviation force structure to meet the requirements of the national military strategy of the United States or the most recent Quadrennial Defense Review, whichever is applicable under paragraph (1).

“(C) The estimated levels of annual investment funding necessary to carry out each aircraft program, together with a discussion of the procurement strategies on which such estimated levels of annual investment funding are based, set forth in aggregate for the Department of Defense and in aggregate for each military department.

“(D) The estimated level of annual funding necessary to operate, maintain, sustain, and support each aircraft program throughout the life-cycle of the program, set forth in aggregate for the Department of Defense and in aggregate for each military department.

“(E) For each of the cost estimates required by subparagraphs (C) and (D)—
“(i) a description of whether the cost estimate is derived from the cost estimate position of the military department or derived from the cost estimate position of the Office of Cost Analysis and Program Evaluation;

“(ii) if the cost estimate position of the military department and the cost estimate position of the Office of Cost Analysis and Program Evaluation differ by more than 5 percent for any aircraft program, an annotated cost estimate difference and sufficient rationale to explain the difference;

“(iii) the confidence or certainty level associated with the cost estimate for each aircraft program; and

“(iv) a certification that cost between different services and aircraft are based on similar components in the life-cycle cost of each program.

“(F) An assessment by the Secretary of Defense of the extent to which the combined aircraft forces of the Department of the Navy, the Department of the Army, and the Department of the Air Force meet the national security requirements of the United States.
“(3) For any cost estimate required by paragraph (2)(C) or (D), for any aircraft program for which the Secretary is required to include in a report under section 2432 of this title, the source of the cost information used to prepare the annual aircraft plan, shall be sourced from the Selected Acquisition Report data that the Secretary plans to submit to the congressional defense committees in accordance with subsection (f) of that section for the year for which the annual aircraft plan is prepared.

“(4) The annual aircraft procurement plan shall be submitted in unclassified form and shall contain a classified annex. A summary version of the unclassified report shall be made available to the public.

“(d) Assessment When Aircraft Procurement Budget Is Insufficient to Meet Applicable Requirements.—If the budget for a fiscal year provides for funding of the procurement of aircraft for the Department of the Navy, the Department of the Army, or the Department of the Air Force at a level that is not sufficient to sustain the aviation force structure specified in the aircraft procurement plan for such Department for that fiscal year under subsection (a), the Secretary shall include with the defense budget materials for that fiscal year an assessment that describes and discusses the risks associated with the reduced force structure of aircraft that will
result from funding aircraft procurement at such level. The assessment shall be coordinated in advance with the commanders of the combatant commands.

“(e) ANNUAL REPORT ON AIRCRAFT INVENTORY.—

(1) As part of the annual plan and certification required to be submitted under this section, the Secretary shall include a report on the aircraft in the inventory of the Department of Defense. Each such report shall include the following, for the year covered by the report:

“(A) The total number of aircraft in the inventory.

“(B) The total number of the aircraft in the inventory that are active, stated in the following categories (with appropriate subcategories for mission aircraft, training aircraft, dedicated test aircraft, and other aircraft):

“(i) Primary aircraft.

“(ii) Backup aircraft.

“(iii) Attrition and reconstitution reserve aircraft.

“(C) The total number of the aircraft in the inventory that are inactive, stated in the following categories:

“(i) Bailment aircraft.

“(ii) Drone aircraft.
“(iii) Aircraft for sale or other transfer to foreign governments.

“(iv) Leased or loaned aircraft.

“(v) Aircraft for maintenance training.

“(vi) Aircraft for reclamation.

“(vii) Aircraft in storage.

“(D) The aircraft inventory requirements approved by the Joint Chiefs of Staff.

“(2) Each report submitted under this subsection shall set forth each item described in paragraph (1) separately for the regular component of each armed force and for each reserve component of each armed force and, for each such component, shall set forth each type, model, and series of aircraft provided for in the future-years defense program that covers the fiscal year for which the budget accompanying the plan, certification and report is submitted.

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

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 9 of such title is amended by inserting after the item relating to section 231 the following new item:
SEC. 172. AUTHORITY TO USE F-35 AIRCRAFT WITHHELD FROM DELIVERY TO GOVERNMENT OF TURKEY.

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

SEC. 173. TRANSFER FROM COMMANDER OF UNITED STATES STRATEGIC COMMAND TO CHAIRMAN OF THE JOINT CHIEFS OF STAFF OF RESPONSIBILITIES AND FUNCTIONS RELATING TO ELECTROMAGNETIC SPECTRUM OPERATIONS.

(a) TRANSFER.—Not later than one year after the date of the enactment of this Act and subject to subsection (c), the Secretary of Defense shall transition to the Chairman of the Joint Chiefs of Staff as a Chairman’s Controlled Activity all of the responsibilities and functions of the Commander of United States Strategic Command that are germane to electromagnetic spectrum operations, including—

(1) advocacy for joint electronic warfare capabilities,
(2) providing contingency electronic warfare support to other combatant commands, and
(3) supporting combatant command joint training and planning related to electromagnetic spectrum operations.

(b) **Responsibility of Vice Chairman of the Joint Chiefs of Staff as the Electronic Warfare Senior Designated Official.**—The Vice Chairman of the Joint Chiefs of Staff, as the Electronic Warfare Senior Designated Official, shall be responsible for the following:

(1) Executing the functions transitioned to the Chairman of the Joint Chiefs of Staff under subsection (a).

(2) Overseeing, with the Chief Information Officer of the Department of Defense, the development and implementation of the Electromagnetic Spectrum Superiority Strategy of the Department of Defense and subsequent Department-wide electromagnetic spectrum and electronic warfare strategies.

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

(4) Overseeing, through the Joint Requirements Oversight Council and the Electromagnetic Spectrum Operations cross-functional team, the acquisi-
tion activities of the military services as they relate
to electromagnetic spectrum operations.

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

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

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

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

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

(B) The primary targets for offensive elec-
tromagnetic spectrum operations and their
alignment to the military services and relevant
capabilities.
(C) The armed forces’ positioning, scheme of maneuver, kill chains, and tactics, techniques, and procedures, as appropriate, to conduct offensive electromagnetic spectrum operations.

(D) The armed forces’ positioning, scheme of maneuver, kill chains, and tactics, techniques, and procedures, as appropriate, to detect, disrupt, avoid, or render ineffective adversary electromagnetic spectrum operations.

(c) Period of Effect of Transfer.—

(1) In general.—The transfer required by subsection (a) and the responsibilities specified in subsection (b) shall remain in effect until such date as the Chairman of the Joint Chiefs of Staff considers appropriate, except that such date shall not be earlier than the date that is 180 days after the date on which the Chairman submits to the congressional defense committees notice that—

(A) the Chairman has made a determination that—

(i) the military services’, geographic combatant commands’, and functional combatant commands’ electromagnetic
spectrum operations expertise, capabilities, and execution are sufficiently robust; and (ii) an alternative arrangement described in paragraph (2) is justified; and (B) the Chairman intends to transfer responsibilities and activities in order to carry out such alternative arrangement.

(2) ALTERNATIVE ARRANGEMENT DESCRIBED.—An alternative arrangement described in this paragraph is an arrangement in which certain oversight, advocacy, and coordination functions allotted to the Chairman or Vice Chairman of the Joint Chiefs of Staff by subsections (a) and (b) are performed either by a single combatant command or by the individual geographic and functional combatant commands responsible for executing electromagnetic spectrum operations with long-term supervision by the Chairman or Vice Chairman of the Joint Chiefs of Staff.

(d) EVALUATIONS OF ARMED FORCES.—

(1) IN GENERAL.—The Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, the Commandant of the Marine Corps, and the Chief of Space Operations shall each conduct and complete an evaluation of the
armed forces for their respective military services and their ability to perform the electromagnetic spectrum operations missions required of them in—

(A) the Electromagnetic Spectrum Superiority Strategy;

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

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

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

(A) Current programs of record, including—

(i) the ability of weapon systems to perform missions in contested electromagnetic spectrum environments; and

(ii) the ability of electronic warfare capabilities to disrupt adversary operations.

(B) Future programs of record, including—

(i) the need for distributed or network-centric electronic warfare and signals intelligence capabilities; and
(ii) the need for automated and machine learning- or artificial intelligence-assisted electronic warfare capabilities.

(C) Order of battle.

(D) Individual and unit training.

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

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

(ii) integration of nonkinetic and kinetic fires.

(e) EVALUATION OF COMBATANT COMMANDS.—

(1) In general.—The Commander of the United States European Command, the Commander of the United States Pacific Command, and the Commander of the United States Central Command shall each conduct and complete an evaluation of the plans and posture of their respective commands to execute the electromagnetic spectrum operations envisioned in—

(A) the Electromagnetic Spectrum Superiority Strategy; and

(B) the Joint Staff-developed concept of operations.
(2) ELEMENTS.—Each evaluation under paragraph (1) shall include assessment of the following:
   (A) Operation and contingency plans.
   (B) The manning, organizational alignment, and capability of joint electromagnetic spectrum operations cells.
   (C) Mission rehearsal and exercises.
   (D) Force positioning, posture, and readiness.

(f) SEMIANNUAL BRIEFING.—Not less frequently than twice each year until January 1, 2026, the Vice Chairman of the Joint Chiefs of Staff shall brief the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives on the implementation of this section by each of the Joint Staff, the military services, and the combatant commands.

SEC. 174. CRYPTOGRAPHIC MODERNIZATION SCHEDULES.

(a) CRYPTOGRAPHIC MODERNIZATION SCHEDULES REQUIRED.—Each of the Secretaries of the military departments and the heads of relevant defense agencies and field activities shall establish and maintain a cryptographic modernization schedule that specifies, for each pertinent weapon system, command and control system, or data link, including those that use commercial encryption technologies, as relevant, the following:
(1) The expiration date or cease key date for applicable cryptographic algorithms.

(2) Anticipated key extension requests for systems where cryptographic modernization is assessed to be overly burdensome and expensive or to provide limited operational utility.

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

(b) REQUIREMENTS FOR CHIEF INFORMATION OFFICER.—The Chief Information Officer of the Department of Defense shall—

(1) oversee the construction and implementation of the cryptographic modernization schedules required by subsection (a);

(2) establish and maintain an integrated cryptographic modernization schedule for the entire Department, collating the cryptographic modernization schedules required under subsection (a); and

(3) in coordination with the Director of the National Security Agency and the Joint Staff Director for Command, Control, Communications, and Computer/Cyber, use the budget certification, standard-setting, and policy-making authorities provided in section 142 of title 10, United States Code, to
amend military service and defense agency and field activity plans for key extension requests and cryptographic modernization funding and deployment that pose unacceptable risk to military operations.

(c) Annual Notices.—Not later than January 1, 2022, and not less frequently than once each year thereafter until January 1, 2026, the Chief Information Officer of the Department and the Joint Staff Director for Command, Control, Communications, and Computers/Cyber shall jointly submit to the congressional defense committees notification of all—

(1) delays to or planned delays of military service and defense agency and field activity funding and deployment of modernized cryptographic algorithms, keys, and equipment over the previous year; and

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

(A) unscheduled or unanticipated key extension requests; and

(B) unscheduled or unanticipated waivers and non waivers of scheduled or anticipated key extension requests.
SEC. 175. PROHIBITION ON PURCHASE OF ARMED OVERWATCH AIRCRAFT.

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

SEC. 176. SPECIAL OPERATIONS ARMED OVERWATCH.

(a) Prohibition.—None of the funds authorized to be appropriated by this Act for the Department of Defense may be used to acquire armed overwatch aircraft for the United States Special Operations Command, and the Department of Defense may not acquire armed overwatch aircraft for the United States Special Operations Command in fiscal year 2021.

(b) Analysis Required.—

(1) In general.—Not later than July 1, 2021, the Secretary of Defense, in coordination with the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict and the Commander of the United States Special Operations Command, shall conduct an analysis to define the special operations-peculiar requirements for armed
overwatch aircraft and to determine whether acquisition of a new special operations-peculiar platform is the most cost effective means of fulfilling such requirements.

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

(A) a description of the concept of operations for employing armed overwatch aircraft in support of ground forces;

(B) an identification of geographic regions in which armed overwatch aircraft could be deployed;

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

(D) a defined requirement for special operations-peculiar armed overwatch aircraft, including an identification of threshold and objective performance parameters for armed overwatch aircraft;

(E) an analysis of alternatives comparing various manned and unmanned aircraft in the
current aircraft inventory of the United States Special Operations Command and a new platform for meeting requirements for the armed overwatch mission, including for each alternative considered;

(F) an identification of any necessary aircraft modifications and the associated cost;

(G) the annual cost of operating and sustaining such aircraft;

(H) an identification of any required military construction costs;

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

(J) an explanation of why existing Air Force and United States Special Operations Command close air support and airborne intelligence capabilities are insufficient for the armed overwatch mission; and

(K) any other matters determined relevant by the Secretary of Defense.
SEC. 177. AUTONOMIC LOGISTICS INFORMATION SYSTEM
REDESIGN STRATEGY.

Not later than October 1, 2020, the Under Secretary of Defense for Acquisition and Sustainment, in consultation with the F–35 Program Executive Officer, shall—

(1) submit to the congressional defense committees a report describing a program-wide process for measuring, collecting, and tracking information on how the Autonomic Logistics Information System (ALIS) is affecting the performance of the F–35 fleet, including its effects on mission capability rates; and

(2) implement a strategy for the redesign of ALIS, including the identification and assessment of goals, key risks or uncertainties, and costs of redesigning the system.

SEC. 178. CONTRACT AVIATION SERVICES IN A COUNTRY OR IN AIRSPACE IN WHICH A SPECIAL FEDERAL AVIATION REGULATION APPLIES.

(a) IN GENERAL.—When the Department of Defense contracts for aviation services to be performed in a foreign country, or in airspace, in which a Special Federal Aviation Regulation issued by the Federal Aviation Administration would preclude operation of such aviation services by an air carrier or commercial operator of the United
States, the Secretary of Defense (or a designee of the Secretary) shall—

(1) obtain approval from the Administrator of the Federal Aviation Administration (or a designee of the Administrator) for the air carrier or commercial operator of the United States to deviate from the Special Federal Aviation Regulation to the extent necessary to perform such aviation services;

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

(3) use organic aircraft to perform such aviation services in lieu of aircraft of an air carrier or commercial operator of the United States.

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

(1) safety oversight responsibility for the operation of aircraft so designated, except for those activities prohibited or restricted by an applicable Special Federal Aviation Regulation; and
(2) any previously issued nonpremium aviation insurance or reinsurance policy issued to the air carrier or commercial operator of the United States for the duration of aviation services performed as a State Aircraft of the United States under that subsection.

SEC. 179. F–35 AIRCRAFT MUNITIONS.

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

SEC. 180. AIRBORNE INTELLIGENCE, SURVEILLANCE, AND RECONNAISSANCE ACQUISITION ROADMAP FOR UNITED STATES SPECIAL OPERATIONS COMMAND.

(a) In General.—Not later than December 1, 2021, the Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict and the Commander of the United States Special Operations Command shall jointly submit to the congressional defense committees an acquisition roadmap to meet the manned and unmanned air-borne intelligence, surveillance, and reconnaissance requirements of United States Special Operations Forces.
(b) ELEMENTS.—The roadmap required under subsection (a) shall include, at a minimum, the following:

(1) A description of the current platform requirements for manned and unmanned airborne intelligence, surveillance, and reconnaissance capabilities to support United States Special Operations Forces.

(2) An analysis of the remaining service life of existing manned and unmanned airborne intelligence, surveillance, and reconnaissance capabilities currently operated by United States Special Operations Forces.

(3) An identification of any current or anticipated special operations-peculiar capability gaps.

(4) A description of the future manned and unmanned intelligence, surveillance, and reconnaissance platform requirements of the United States Special Operations Forces, including range, payload, endurance, ability to operate in contested environments, and other requirements as appropriate.

(5) An explanation of the anticipated mix of manned and unmanned aircraft, number of platforms, and associated aircrew and maintainers.

(6) An explanation of the extent to which service-provided manned and unmanned airborne intel-
coverage, surveillance, and reconnaissance capabilities will be required in support of United States Special Operations Forces and how such capabilities will supplement and integrate with the organic capabilities possessed by United States Special Operations Forces.

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

SEC. 181. REQUIREMENT TO ACCELERATE THE FIELDING AND DEVELOPMENT OF COUNTER UNMANNED AERIAL SYSTEMS ACROSS THE JOINT FORCE.

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

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

(2) Devise and execute a near-term plan to develop and field a select set of counter unmanned aer-
(b) Fielding C-UAS Systems in Fiscal Year 2021.—Pursuant to subsection (a)(1), the Executive Agent shall prioritize the selection of counter unmanned aerial systems that can be fielded in fiscal year 2021 with specific emphasis on systems that—

(1) have undergone effective combat validations;

(2) meet the operational demands of deployed forces facing the most significant threats, especially unmanned aerial systems that are not remotely piloted or are not reliant on a command link; and

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

(c) Near-Term Development Plan.—The plan for the near-term development of counter unmanned aerial systems prioritized under subsection (a)(2) shall ensure, at a minimum, that the development of such systems—

(1) builds, as much as practicable, upon systems that were selected for fielding in fiscal year 2021 and the criteria prioritized for their selection, as specified in subsection (b);
(2) reduces or accelerates the timeline for initial operational capability and full operational capability;

(3) utilizes a software-defined, family-of-systems approach that enables the flexible and continuous integration of different types of sensors and mitigation solutions based on the different demands of particular military installations and deployed forces, physical geographies, and threat profiles; and

(4) gives preference to commercial items, as required in section 3307 of title 41, United States Code, when making selections of counter unmanned aerial systems or component parts, including a common command and control system.

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

(e) OVERSIGHT.—The Executive Agent shall—

(1) oversee the program management and execution of all counter unmanned aerial systems being developed within the military departments on the day before the date of the enactment of this Act; and
(2) ensure that the plan prioritized under subsection (a)(2) guides future programmatic and funding decisions for activities relating to counter unmanned aerial systems, including cancellation of such activities.

SEC. 182. JOINT ALL DOMAIN COMMAND AND CONTROL REQUIREMENTS.

(a) Production of Requirements by Joint Requirements Oversight Council.—Not later than October 1, 2020, the Joint Requirements and Oversight Council (JROC) shall produce requirements for the Joint All Domain Command and Control (JADC2) program.

(b) Air Force Certification.—Immediately after the certification of requirements produced under subsection (a), the Chief of Staff of the Air Force shall submit to the congressional defense committees a certification that the current JADC2 effort, including programmatic and architecture efforts, being led by the Air Force will meet the requirements laid out by the JROC.

(c) Certification by Other Services.—Not later than January 1, 2021, the chief of each other military service shall submit to the congressional defense committees a certification whether that service’s efforts on multi-domain command and control are compatible with the Air Force-led JADC2 architecture.
(d) BUDGETING.—The Secretary of Defense shall incorp-
orate the expected costs for full development and im-
plementation of the JADC2 program across the Depart-
ment in the President’s budget submission to Congress for
fiscal year 2022 under section 1105 of title 31, United
States Code.

TITLE II—RESEARCH, DEVELOP-
MENT, TEST, AND EVALUA-
TION

Subtitle A—Authorization of
Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for
fiscal year 2021 for the use of the Department of Defense
for research, development, test, and evaluation, as speci-

Subtitle B—Program Require-
ments, Restrictions, and Limita-
tions

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

(a) DESIGNATION OF SENIOR OFFICIALS.—The
Under Secretary for Research and Engineering shall des-
ignite a set of senior officials to coordinate research and engineering in such technology areas as the Under Secretary considers critical for the support of the National Defense Strategy.

(b) DUTIES.—The duties of the senior officials designated under subsection (a) shall include, within their respective technology areas—

(1) developing and continuously updating research and technology development roadmaps, associated funding strategies, and associated technology transition strategies to ensure effective and efficient development of new capabilities and operational use of appropriate technologies;

(2) annual assessments of workforce, infrastructure, and industrial base capabilities and capacity to support the roadmaps developed under paragraph (1) and the goals of the National Defense Strategy;

(3) reviewing the relevant research and engineering budgets of appropriate organizations within the Department of Defense, including the military services, and advising the Under Secretary on—

(A) the consistency of the budgets with the roadmaps developed under paragraph (1);
(B) any technical and programmatic risks to achieving the research and technology development goals of the National Defense Strategy; and

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

(4) coordinating research and engineering activities of the Department with appropriate international, interagency, and private sector organizations; and

(5) tasking the appropriate intelligence agencies to develop a direct comparison between the capabilities of the United States and the capabilities of adversaries of the United States.

(c) ANNUAL REPORTS.—

(1) IN GENERAL.—Not later than December 1, 2021, and not later than December 1 of each year thereafter until December 1, 2025, the Under Secretary shall submit to the congressional defense committees a report of successful examples of research and engineering activities that have—
(A) achieved significant technical progress;
(B) transitioned to formal acquisition programs;
(C) transitioned into operational use; or
(D) transferred for further commercial development or commercial sales.

(2) FORM.—Each report submitted under paragraph (1) shall be submitted in a publicly releasable format, but may include a classified annex.

(d) COORDINATION OF RESEARCH AND ENGINEERING ACTIVITIES.—The Service Acquisition Executive for each military services and the Director of the Defense Advanced Research Projects Agency shall each identify senior officials to ensure coordination of appropriate research and engineering activities with each of the senior officials designated under subsection (a).

SEC. 212. GOVERNANCE OF FIFTH-GENERATION WIRELESS NETWORKING IN THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—In carrying out the responsibilities established in section 142 of title 10, United States Code, the Chief Information Officer (CIO) of the Department of Defense shall—

(1) lead the cross-functional team established pursuant to subsection (c); and
(2) serve as the senior designated official for fifth-generation wireless networking (commonly known as “5G”) policy, oversight, guidance, research, and coordination in the Department.

(b) RESPONSIBILITIES.—The Chief Information Officer shall have, with respect to authorities referenced in subsection (a), the following responsibilities:

(1) Proposing governance, management, and organizational policy for fifth-generation wireless networking to the Secretary of Defense, in consultation with the heads of the constituent organizations of the cross-functional team established pursuant to subsection (c).

(2) Leading the cross-functional team established pursuant to subsection (c).

(c) CROSS-FUNCTIONAL TEAM FOR FIFTH-GENERATION WIRELESS NETWORKING.—

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

(A) to advance the development and adoption of next generation wireless communication
92 technologies, capabilities, security, and applications in the Department of Defense, the defense industrial base, and the commercial sector; and

(B) to support public-private partnership between the Department and industry regarding fifth-generation wireless networking.

(2) PURPOSE.—The purpose of the cross-functional team established pursuant to paragraph (1) shall be the—

(A) oversight of the implementation of the strategy developed as required by section 254 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) for harnessing fifth-generation wireless networking technologies, coordinated across all relevant elements of the Department;

(B) coordination of research and development, implementation and acquisition activities, warfighting concept development, spectrum policy, industrial policy and commercial outreach and partnership relating to fifth-generation wireless networking in the Department of Defense, and interagency and international engagement;
(C) integration of the Department of Defense’s fifth-generation wireless networking programs and policies with major Department initiatives, programs, and policies surrounding secure microelectronics and command and control; and

(D) oversight, coordination, execution, and leadership of, as appropriate, Department of Defense initiatives to advance the national deployment of fifth-generation wireless networks and associated applications in the Federal Government and relevant commercial partners.

(d) ROLES AND RESPONSIBILITIES.—The Secretary of Defense, through the cross-functional team established under subsection (c), shall define the roles of the organizations within the Office of the Secretary of Defense, Department of Defense intelligence components, military services, defense agencies and field activities, combatant commands, and the Joint Staff, for fifth-generation wireless networking policy and programs within the Department.

(e) BRIEFING.—Not later than March 15, 2021, the Secretary shall submit to the congressional defense committees a briefing on the establishment of the cross-func-
tional team pursuant to subsection (c) and the roles and responsibilities defined pursuant to subsection (d).

(f) RULE OF CONSTRUCTION.—

(1) IN GENERAL.—Nothing in this section shall be construed as providing the Chief Information Officer immediate responsibility for the Department’s activities in fifth-generation wireless networking experimentation and science and technology development.

(2) PURVIEW OF EXPERIMENTATION AND SCIENCE AND TECHNOLOGY DEVELOPMENT.—The activities described in paragraph (1) shall remain within the purview of the Under Secretary of Defense for Research and Engineering, but shall inform and be informed by the activities of the cross-functional team established pursuant to subsection (c).

SEC. 213. APPLICATION OF ARTIFICIAL INTELLIGENCE TO THE DEFENSE REFORM PILLAR OF THE NATIONAL DEFENSE STRATEGY.

(a) IDENTIFICATION OF USE CASES.—The Secretary of Defense, acting through such officers and employees of the Department of Defense as the Secretary considers appropriate, including the chief data officers and chief management officers of the military departments, shall iden-
identify a set of no fewer than five use cases of the application
of existing artificial intelligence enabled systems to support improved management of enterprise acquisition, personnel, audit, or financial management functions, or other appropriate management functions, that are consistent with reform efforts that support the National Defense Strategy.

(b) Prototyping Activities Aligned to Use Cases.—The Secretary, acting through the Under Secretary of Defense for Research and Engineering and in coordination with the Director of the Joint Artificial Intelligence Center and such other officers and employees as the Secretary considers appropriate, shall pilot technology development and prototyping activities that leverage commercially available technologies and systems to demonstrate new artificial intelligence enabled capabilities to support the use cases identified under subsection (a).

(c) Briefing.—Not later than October 1, 2021, the Secretary shall provide to the congressional defense committees a briefing summarizing the activities carried out under this section.
SEC. 214. EXTENSION OF AUTHORITIES TO ENHANCE INNOVATION AT DEPARTMENT OF DEFENSE LABORATORIES.


(b) Extension of Pilot Program to Improve Incentives for Technology Transfer from Department of Defense Laboratories.—Subsection (e) of section 233 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 10 U.S.C. 2514 note) is amended to read as follows:

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

SEC. 215. UPDATES TO DEFENSE QUANTUM INFORMATION SCIENCE AND TECHNOLOGY RESEARCH AND DEVELOPMENT PROGRAM.

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

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

“(e) USE OF QUANTUM COMPUTING CAPABILITIES.—The Secretary of each military department shall—

“(1) develop and annually update a list of technical problems and research challenges which are likely to be addressable by quantum computers available for use within in the next one to three years, with a priority for technical problems and challenges where quantum computing systems have performance advantages over traditional computing systems, in order to enhance the capabilities of such quantum computers and support the addressing of relevant technical problems and research challenges; and

“(2) establish programs and enter into agreements with appropriate medium and small businesses with functional quantum computing capabilities to provide such private sector capabilities to government, industry, and academic researchers working on relevant technical problems and research activities.”.
SEC. 216. PROGRAM OF PART-TIME AND TERM EMPLOYMENT AT DEPARTMENT OF DEFENSE SCIENCE AND TECHNOLOGY REINVENTION LABORATORIES OF FACULTY AND STUDENTS FROM INSTITUTIONS OF HIGHER EDUCATION.

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

(1) faculty of institutions of higher education who have expertise in science, technology, engineering, or mathematics to conduct research projects in such laboratories; and

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

(b) Number of Positions.—

(1) In General.—Not later than one year after the date of the commencement of the program established under subsection (a), the Secretary shall, under such program, establish at least 10 positions of employment described in such subsection for faculty described in paragraph (1) of such subsection.

(2) Artificial Intelligence and Machine Learning.—Of the positions established under
paragraph (1), at least five of such positions shall be
for faculty conducting research in the area of artifi-
cial intelligence and machine learning.

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

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

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

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

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

   (1) use any hiring authority available to the
   Secretary or the directors, including any authority
   available under a laboratory demonstration program,
direct hiring authority under section 1599h of title
100

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

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

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

(e) ANNUAL REPORTS.—

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

(2) CONTENTS OF FIRST REPORT.—The first
report submitted under paragraph (1) shall address,
at a minimum, the following:
(A) The number of faculty and students employed under the program.
(B) The laboratories employing such faculty and students.
(C) The types of research conducted or to be conducted by such faculty or students.

(3) CONTENTS OF SUBSEQUENT REPORTS.—Each report submitted under paragraph (1) after the first report shall address, at a minimum, the following:

(A) The matters set forth in subparagraphs (A) through (C) of paragraph (2).
(B) The number of interns and recent college graduates hired pursuant to referrals under subsection (d)(3).
(C) The results of research conducted under the program.

(f) DEPARTMENT OF DEFENSE SCIENCE AND TECHNOLOGY REINVENTION LABORATORY DEFINED.—In this section, the term “Department of Defense science and technology reinvention laboratory” means the entities designated by section 1105(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 10 U.S.C. 2358 note).
SEC. 217. IMPROVEMENTS TO TECHNOLOGY AND NATIONAL SECURITY FELLOWSHIP OF DEPARTMENT OF DEFENSE.

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

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

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

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

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

SEC. 218. DEPARTMENT OF DEFENSE RESEARCH, DEVELOPMENT, AND DEPLOYMENT OF TECHNOLOGY TO SUPPORT WATER SUSTAINMENT.

(a) IN GENERAL.—The Secretary of Defense shall re-
support water sustainment with technologies that capture
ambient humidity and harvest, recycle, and reuse water.

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

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

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

(2) Trailer mounted systems that will reduce
resupply.

(3) Storage requirements at forward operating
bases.

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

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

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

(3) to apply such techniques and technologies to
military operations carried out by the United States.
(e) Commercial Off-the-shelf Technologies.—In carrying out subsection (a), in addition to technology described in such subsection, the Secretary shall consider using commercial off-the-shelf technologies for cost savings and near ready deployment technologies to enable warfighters to be more self-sufficient.

(f) Cross Functional Teams.—In carrying out subsection (a), the Secretary shall establish cross functional teams to determine regions where deployment of water harvesting technologies could reduce conflict and potentially eliminate the need for the presence of the Armed Forces.

SEC. 219. DEVELOPMENT AND TESTING OF HYPERSONIC CAPABILITIES.

(a) Sense of Congress on Hypersonic Capabilities.—It is the sense of Congress that development of hypersonic capabilities is a key element of the National Defense Strategy.

(b) Improving Ground-based Test Facilities.—The Secretary of Defense shall take such actions as may be necessary to improve ground-based test facilities for the development of hypersonic capabilities, such as improving wind tunnels.
(c) **Increasing Flight Test Rate.**—The Secretary shall increase the flight test rate to expedite the maturation and fielding of hypersonic technologies.

(d) **Strategy and Plan.**—

(1) **In General.**—Not later than December 30, 2020, the Under Secretary of Defense for Research and Engineering, in consultation with the Chief of Staff of the Air Force, shall submit to the congressional defense committees an executable strategy and plan to field air-launched and air-breathing hypersonic weapons capability before the date that is three years after the date of the enactment of this Act.

(2) **Testing and Infrastructure.**—The strategy and plan submitted under paragraph (1) shall cover required investments in testing and infrastructure to address the need for both flight and ground testing.

**SEC. 220. Disclosure Requirements for Recipients of Department of Defense Research and Development Grants.**

(a) **Disclosure Requirements.**—

(1) **In General.**—Chapter 139 of title 10, United States Code, is amended by adding at the end the following new section:
§ 2374b. Disclosure requirements for recipients of research and development grants

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

(2) Clerical Amendment.—The table of sections at the beginning of chapter 139 of such title is amended by adding at the end the following new item:

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

(b) Effective Date.—The amendments made by subsection (a) shall take effect on October 1, 2021, and shall apply with respect to grants for research and development that are awarded by the Department of Defense on or after that date.
Subtitle C—Plans, Reports, and Other Matters

SEC. 231. ASSESSMENT ON UNITED STATES NATIONAL SECURITY EMERGING BIOTECHNOLOGY EFFORTS AND CAPABILITIES AND COMPARISON WITH ADVERSARIES.

(a) ASSESSMENT AND COMPARISON REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense, acting through the Under Secretary of Defense for Research and Engineering and the Under Secretary of Defense for Intelligence, shall conduct an assessment and direct comparison of capabilities in emerging biotechnologies for national security purposes, including applications in material, manufacturing, and health, between the capabilities of the United States and the capabilities of adversaries of the United States.

(2) ELEMENTS.—The assessment and comparison carried out under paragraph (1) shall include the following:

(A) An evaluation of the quantity, quality, and progress of United States fundamental and applied research for emerging biotechnology initiatives for national security purposes.
(B) An assessment of the resourcing of United States efforts to harness emerging biotechnology capabilities for national security purposes, including the supporting facilities, test infrastructure, and workforce.

(C) An intelligence assessment of adversary emerging biotechnology capabilities and research as well as an assessment of adversary intent and willingness to use emerging biotechnologies for national security purposes.

(D) An assessment of the analytic and operational subject matter expertise necessary to assess rapidly-evolving foreign military developments in biotechnology, and the current state of the workforce in the intelligence community.

(E) Recommendations to improve and accelerate United States capabilities in emerging biotechnologies and the associated intelligence community expertise.

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

(b) Report.—

(1) In general.—Not later than February 1, 2021, the Secretary shall submit to the congres-
sional defense committees a report on the assess-
ment carried out under subsection (a).

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

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

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

(c) DEFINITION OF INTELLIGENCE COMMUNITY.—In
this subsection, the term “intelligence community” has the
meaning given such term in section 3 of the National Se-

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

(a) AGREEMENT.—

(1) IN GENERAL.—The Secretary of Defense
shall seek to enter into an agreement with the Na-
tional Academies of Sciences, Engineering, and Med-
icine for the National Academies of Sciences, Engi-
neering, and Medicine to perform the services cov-
ered by this section.
(2) **TIMING.**—The Secretary shall seek to enter into the agreement described in paragraph (1) not later than 60 days after the date of the enactment of this Act.

(b) **REVIEW.**—

(1) **IN GENERAL.**—Under an agreement between the Secretary and the National Academies of Sciences, Engineering, and Medicine under this section, the National Academies of Sciences, Engineering, and Medicine shall carry out a comparative analysis of efforts by China and the United States Government to recruit and retain domestic and foreign researchers and develop recommendations for the Department of Defense.

(2) **ELEMENTS.**—The comparative analysis carried out under paragraph (1) and the recommendations developed under such paragraph shall include the following:

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

(B) The types of researchers, scientists, other technical experts, and fields targeted by
each talent program listed under subparagraph (A).

(C) The number of researchers in academia, the Department of Defense Science and Technology Reinvention Laboratories, and national security science and engineering programs of the National Nuclear Security Administration targeted by the talent programs listed under subparagraph (A).

(D) The number of personnel currently participating in the talent programs listed under subparagraph (A) and the number of researchers currently participating in the incentive programs listed under such subparagraph.

(E) The incentives offered by each of the talent programs listed under subparagraph (A) and a description of the incentives offered through incentive programs under such subparagraph to recruit and retain researchers, scientists, and other technical experts.

(F) A characterization of the national security, economic, and scientific benefits China gains through the talent programs listed under subparagraph (A) and a description of similar gains accrued to the United States through in-
centive programs listed under such subparagraph.

(G) A list of findings and recommendations relating to policies that can be implemented by the United States, especially the Department of Defense, to improve the relative effectiveness of United States activities to recruit and retain researchers, scientists, and other technical experts relative to China.

(c) REPORT.—

(1) IN GENERAL.—Not later than one year after the date of the execution of an agreement under subsection (a), the National Academies of Sciences, Engineering, and Medicine shall submit to the congressional defense committees a report on the findings National Academies of Sciences, Engineering, and Medicine with respect to the review carried out under this section and the recommendations developed under this section.

(2) FORM.—The report submitted under paragraph (1) shall be submitted in a publicly releasable and unclassified formats, but may include a classified annex.
SEC. 233. DEPARTMENT OF DEFENSE DEMONSTRATION OF VIRTUALIZED RADIO ACCESS NETWORK AND MASSIVE MULTIPLE INPUT MULTIPLE OUTPUT RADIO ARRAYS FOR FIFTH GENERATION WIRELESS NETWORKING.

(a) DEMONSTRATION REQUIRED.—The Secretary of Defense shall carry out a demonstration to demonstrate the maturity, performance, and cost of covered technologies in order to provide additional options for providers of fifth-generation (5G) wireless networking services.

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

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

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

(c) LOCATION.—The Secretary shall carry out the demonstration under subsection (a) at at least one site where the Secretary of Defense plans to deploy a fifth-generation wireless network.
(d) COORDINATION.—The Secretary shall carry out the demonstration under subsection (a) in coordination with at least one major United States wireless network service provider.


(a) AGREEMENT.—

(1) IN GENERAL.—The Secretary of Defense shall seek to enter into an agreement with the National Academies of Sciences, Engineering, and Medicine for the National Academies of Sciences, Engineering, and Medicine to perform the services covered by this section.

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

(b) INDEPENDENT TECHNICAL REVIEW.—

(1) IN GENERAL.—Under an agreement between the Secretary and the National Academies of Sciences, Engineering, and Medicine under subsection (a), the National Academies of Sciences, Engineering, and Medicine shall carry out an independent technical review of the Order and Author-
ization adopted by the Federal Communications Commission on April 19, 2020 (FCC 20–48), to the extent that such order and authorization affects the devices, operations, or activities of the Department of Defense.

(2) ELEMENTS.—The independent technical review carried out under paragraph (1) shall include the following:

(A) Comparison of the two different approaches on which the Commission relied for the order and authorized described in paragraph (1) to evaluate the potential harmful interference concerns relating to Global Positioning System devices, with a recommendation on which method most effectively mitigates risks of harmful interference with Global Positioning System devices of the Department, or relating to or with the potential to affect the operations and activities of the Department.

(B) Assessment of the potential for harmful interference to mobile satellite services, including commercial services and Global Positioning System services of the Department, or relating to or with the potential to affect the operations and activities of the Department.
(C) Review of the feasibility, practicality, and effectiveness of the proposed mitigation measures relating to, or with the potential to affect, the devices, operations, or activities of the Department.

(D) Development of recommendations associated with the findings of the National Academies of Sciences, Engineering, and Medicine in carrying out the independent technical review.

(E) Such other matters as the National Academies of Sciences, Engineering, and Medicine determines relevant.

(c) REPORT.—

(1) IN GENERAL.—Under an agreement between the Secretary and the National Academies of Sciences, Engineering, and Medicine under subsection (a), the National Academies of Sciences, Engineering, and Medicine shall, not later than nine months after the date of the execution of such agreement, the National Academies of Sciences, Engineering, and Medicine shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the findings of the National Academies of Sciences, Engineering, and Medicine with respect to
the independent technical review carried out under
subsection (b) and the recommendations developed
pursuant to such review.

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

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

(a) **Report Required.**—The Secretary of Defense
shall submit to the appropriate congressional committees
a report on the micro nuclear reactor programs of the De-
partment of Defense.

(b) **Contents.**—The report required by subsection
(a) shall include the following:

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

(2) Cost and schedule estimates for each new or
ongoing program to reach initial operational capa-
bility, including the timeline for transition of any
program currently funded using defense-wide funds
to one or more military services and the identified
transition partner in such military services.
(3) In consultation with the Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense programs, an assessment of physical security requirements for use of such reactors on domestic military installations and non-United States non-domestic installations or locations, including fully permissive, semi-permissive, and remote environments, including a preliminary design basis threat analysis.

(4) In coordination with the Secretary of State—

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

(B) an assessment of applicability of foreign regulations or International Atomic Energy Agency safeguards for use on non-United States territory; and

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

(5) In coordination with the Chairman of the Nuclear Regulatory Commission, a summary of licensing requirements for operation of such systems on United States territory.
(6) A summary of requirements pursuant to the
National Environmental Policy Act of 1969 (42
U.S.C. 4321 et seq.) for development and operation
on United States territory.

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

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

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

(10) Any other considerations the Secretary de-
termines relevant.
(c) CONSULTATION.—In addition to consultation and coordination required under subsection (b), the Secretary shall, in producing the report required by subsection (a), consult with the Secretary of the Army, the Chairman of the Joint Chiefs of Staff, the Under Secretary of Defense for Policy, the Director of Naval Nuclear Propulsion, and such other officials as the Secretary considers necessary.

(d) FORM.—The report submitted under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(e) LIMITATION ON USE OF FUNDS.—Not more than 20 percent of the amounts authorized to be appropriated by this Act for fiscal year 2021 for Department of Defense micro nuclear reactor programs shall be obligated or expended until the Secretary submits the report required by subsection (a) to the appropriate congressional committees.

(f) RULE OF CONSTRUCTION.—Nothing in this provision shall be construed to limit or otherwise apply to the Naval Nuclear Propulsion program as established by Executive Order No. 12344, dated February 1, 1982 (42 U.S.C. 7158 note).

(g) DEFINITIONS.—In this section:

(1) The term “appropriate congressional committees” means—
(A) the Committee on Armed Services, the
Committee on Appropriations, the Committee
on Energy and Natural Resources, the Com-
mittee on Environment and Public Works, and
the Committee on Foreign Relations of the Sen-
ate; and

(B) the Committee on Armed Services, the
Committee on Appropriations, the Committee
on Energy and Commerce, the Committee on
Natural Resources, and the Committee on For-
egnAffairs of the House of Representatives.

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

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

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

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

(2) in subsection (d)—

(A) in the heading, by inserting “QUAD-
RENNIAL” before “STRATEGIC PLAN”; and
(B) by inserting “quadrennial” before “strategic plan” each place it occurs.

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

(1) in the first sentence, by striking “two fiscal years” and inserting “four fiscal years, and within one year after release of the National Defense Strategy,” ; and

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

c) AMENDMENT TO CONTENTS OF PLAN.—Subsection (d)(2) of such section, as amended by subsection (a)(2), is further amended—

(1) by striking subparagraph (B);

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

(3) in subparagraph (B), as redesignated by paragraph (2), by striking “based on current” and all that follows through the end and inserting “for test and evaluation of the Department of Defense major weapon systems based on current and emerging threats.”.
(d) **ANNUAL UPDATE TO PLAN.**—Subsection (d) of such section is amended by adding at the end the following new paragraph:

“(5)(A) In addition to the quadrennial strategic plan completed under paragraph (1), the Director of the Department of Defense Test Resource Management Center shall also complete an annual update to the quadrennial strategic plan.

“(B) Each annual update completed under subparagraph (A) shall include the following:

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

“(ii) Comments and recommendations the Director considers appropriate.

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

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

(e) **TECHNICAL CORRECTION.**—Subsection (d)(1) of such, as amended by subsections (a)(2) and (b), is further amended by striking “Test Resources Management Center” and inserting “Test Resource Management Center”.
SEC. 237. LIMITATION ON CONTRACT AWARDS FOR CERTAIN UNMANNED VESSELS.

(a) Limitation.—None of the funds authorized to be appropriated for fiscal year 2021 by section 201 for research, development, test, and evaluation may be used for the award of a contract for a covered vessel until the date that is 30 days after the date on which the Under Secretary of Defense for Research and Engineering submits to the congressional defense committees a report and certification described in subsection (c) for such contract and covered vessel.

(b) Covered Vessels.—For purposes of this section, a covered vessel is one of the following:

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

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

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

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

(c) Report and Certification Described.—A report and certification described in this subsection regarding a contract for a covered vessel is—

(1) a report—

(A) submitted to the congressional defense committees not later than 60 days after the
date of the completion of an independent technical risk assessment for such covered vessel; and

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

(2) a certification, submitted to the congressional defense committees with the report described in paragraph (1), that certifies that—

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

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

(ii) have achieved performance levels equal to or greater than applicable Department of Defense threshold requirements for such class of vessels; and

(B) such contract is necessary to meet Department research, development, test, and evaluation objectives for such covered vessel that cannot otherwise be met through further land-
based subsystem prototyping or other demonstration approaches.

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

(1) Command, control, communications, computers, intelligence, surveillance, and reconnaissance.

(2) Autonomous vessel navigation, vessel control, contact management, and contact avoidance.

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

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

(5) Electrical generation and distribution, including supporting systems.

(6) Military payloads.

(7) Any other subsystem identified as critical by the Senior Technical Authority designated under section 8669b(a)(1) of title 10, United States Code, for the class of naval vessels that includes the covered vessel.
SEC. 238. DOCUMENTATION RELATING TO THE ADVANCED
BATTLE MANAGEMENT SYSTEM.

(a) Documentation Required.—Immediately
upon the enactment of this Act, the Secretary of the Air
Force shall submit to the congressional defense commit-
tees the following documentation relating to the Advanced
Battle Management System:

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

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

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

(b) Limitation.—Of the funds authorized to be ap-
propriated by this Act for fiscal year 2021 for operations
and maintenance for the Office of the Secretary of the
Air Force, not more than 25 percent may be obligated
until the date that is 30 days after the date on which the
Secretary of the Air Force submits to the congressional
defense committees the documentation required by sub-
section (a) and the Vice Chairman of the Vice Chairman
of the Joint Chiefs certifies the documentation.
(c) **ADVANCED BATTLE MANAGEMENT SYSTEM.**—In this section, the term “Advanced Battle Management System” means the Advanced Battle Management System of Systems capability of the Air Force, including each program, project, and activity that contributes to such capability.

**SEC. 239. ARMED SERVICES VOCATIONAL APTITUDE BATTERY TEST SPECIAL PURPOSE ADJUNCT TO ADDRESS COMPUTATIONAL THINKING.**

Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall establish a special purpose test adjunct to the Armed Services Vocational Aptitude Battery test to address computational thinking skills relevant to military applications, including problem decomposition, abstraction, pattern recognition, analytical ability, the identification of variables involved in data representation, and the ability to create algorithms and solution expressions.

**TITLE III—OPERATION AND MAINTENANCE**

**Subtitle A—Authorization of Appropriations**

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

Funds are hereby authorized to be appropriated for fiscal year 2021 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. MODIFICATIONS AND TECHNICAL CORRECTIONS TO ENSURE RESTORATION OF CONTAMINATION BY PERFLUOROOCTANE SULFONATE AND PERFLUOROOCTANOIC ACID.

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

“(4) The term ‘perfluorooctane sulfonate’ means perfluorooctane sulfonic acid or sulfonate (commonly referred to as ‘PFOS’) (Chemical Abstracts Service No. 1763-23-1) and the salts associated with perfluorooctane sulfonic acid or sulfonate (Chemical Abstracts Service Nos. 2795–39–3, 29457–72–5, 56773–42–3, 29081–56–9, and 70225–14–8).

“(5) The term ‘perfluorooctanoic acid’ means perfluorooctanoic acid (commonly referred to as ‘PFOA’) (Chemical Abstracts Service No. 335-67-1) and the salts associated with perfluorooctanoic acid
(Chemical Abstracts Service Nos. 3825-26-1, 335-95-5, and 68141-02-6).”.

(b) MODIFICATION OF ENVIRONMENTAL RESTORATION ACCOUNTS.—Section 2703 of such title is amended—

(1) in subsection (e)(2), by striking “environmental”;

(2) in subsection (f), by striking “to the Environmental Restoration Account, Defense, or to any environmental restoration account of a military department,” and inserting “or transferred to an account established under subsection (a)”;

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

“(g) SOLE SOURCE OF FUNDS FOR RESPONSES UNDER THIS CHAPTER.—Except as provided in subsection (h), the sole source of funds for all phases of a response under this chapter shall be the applicable environmental restoration account established under subsection (a).”; and

(4) in subsection (h)—

(A) in the subsection heading, by striking “ENVIRONMENTAL REMEDIATION” and inserting “RESPONSES”; and
(B) by striking “services procured under section 2701(d)(1) of this title” and inserting “a response”.

(c) MODIFICATION OF AUTHORITY FOR ENVIRONMENTAL RESTORATION PROJECTS OF NATIONAL GUARD.—

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

(A) by striking “Notwithstanding” and inserting “(1) Notwithstanding”;

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

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

“(2) The Secretary concerned may use the authority under section 2701(d) of this title to carry out environmental restoration projects under paragraph (1).”.

(2) CORRECTION OF DEFINITION OF FACILITY.—Paragraph (2) of section 2700 of such title is amended—

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

(B) by striking subparagraph (B).
(d) Extension of Contract Authority.—Section 2708(b) of such title is amended—

1. in paragraph (1), by striking “fiscal years 1992 through 1996” and inserting “a period specified in paragraph (3)”;

2. by adding at the end the following new paragraph:

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

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

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

(e) Technical Consistency for Munitions Response.—

1. Program Goals.—Section 2701(b)(2) of such title is amended by striking “of unexploded ordnance” and inserting “of unexploded ordnance, discarded military munitions, and munitions constituents in a manner consistent with section 2710 of this title”.

2. Environmental Restoration Accounts.—Section 2703(b) of such title is amended by striking the second sentence and inserting the following new sentence: “Such remediation shall be
conducted in a manner consistent with section 2710 of this title.”.

(3) **Transfer of definitions.**—

(A) **Transfer.**—Paragraphs (2) and (3) of section 2710(e) of such title are—

(i) transferred to section 2700 of such title;

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

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

(B) **Redesignation of definitions.**—

Section 2710(e) of such title is amended by redesignating paragraphs (4) through (7) as paragraphs (2) through (5), respectively.

(4) **Conforming amendments.**—Section 313(d) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 10 U.S.C. 2710 note) is amended—

(A) in paragraph (2)—

(i) by striking “‘discarded military munitions’, ‘munitions constituents’, and ‘defense sites’” and inserting “‘discarded military munitions’ and ‘munitions constituents’”; and
(ii) by striking “section 2710(e)” and inserting “section 2700”; and

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

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

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

SEC. 312. READINESS AND ENVIRONMENTAL PROTECTION INTEGRATION PROGRAM TECHNICAL EDITS AND CLARIFICATION.

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

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

“(A) at the time the funds are obligated; and
“(B) in any subsequent modification to the agreement.”.

(b) **Clarification of References to Eligible Entities.**—

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

(2) **Acquisition of Property and Interests.**—Subsection (d)(1) of such section is amended by striking “the entity or entities” each place it appears and inserting “an eligible entity or entities”.

(3) **Retroactive Application.**—The amendments made by paragraphs (1) and (2) shall apply to any agreement entered into under section 2684a of title 10, United States Code, on or after December 2, 2002.

**SEC. 313. Survey and Market Research of Technologies for Phase Out by Department of Defense of Use of Fluorinated Aqueous Film-Forming Foam.**

(a) **Survey of Technologies and Market Research.**—
(1) **IN GENERAL.**—The Secretary of Defense shall conduct a survey and market research of relevant technologies, other than fire-fighting agent solutions, to determine whether any such technologies are available and can be adapted quickly for use by the Department of Defense to execute the phase-out by the Department of the use of fluorinated aqueous film-forming foam.

(2) **TECHNOLOGIES INCLUDED.**—The technologies surveyed or researched under paragraph (1) shall include the following:

(A) Hangar flooring systems.

(B) Liquid drainage flood assemblies.

(C) Fire-fighting agent delivery systems.

(D) Containment systems.

(E) Such other relevant technologies as the Secretary determines appropriate.

(b) **BRIEFING.—**

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall brief the congressional defense committees on the results of the survey and market research conducted under subsection (a).
(2) ELEMENTS OF BRIEFING.—The briefing required under paragraph (1) shall include the following:

(A) A description of the technologies surveyed and researched under subsection (a).

(B) An identification of any such technologies that were considered for further testing or analysis.

(C) An identification of any other technologies useful for the phase-out by the Department of the use of fluorinated aqueous film-forming foam that are undergoing additional analysis for possible application within the Department.

SEC. 314. MODIFICATION OF AUTHORITY TO CARRY OUT MILITARY INSTALLATION RESILIENCE PROJECTS.

(a) MODIFICATION OF AUTHORITY.—Section 2815 of title 10, United States Code is amended—

(1) in subsection (a), by inserting “(except as provided in subsections (d)(3) and (e))” before the period at the end;

(2) in subsection (e), by striking “A project” and inserting “Except as provided in subsection (e)(2), a project”;
(3) by redesignating subsection (d) as subsection (f); and

(4) by inserting after subsection (c) the following new subsections:

“(d) LOCATION OF PROJECTS.—Projects carried out pursuant to this section may be carried out—

“(1) on a military installation;

“(2) on a facility used by the Department of Defense that is owned and operated by a State, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, or the Virgin Islands, even if the facility is not under the jurisdiction of the Department of Defense, if the Secretary of Defense determines that the facility is subject to significant use by the armed forces for testing or training; or

“(3) outside of a military installation or facility described in paragraph (2) if the Secretary concerned determines that the project would preserve or enhance the resilience of—

“(A) a military installation;

“(B) a facility described in paragraph (2);
“(C) community infrastructure determined by the Secretary concerned to be necessary to maintain, improve, or rapidly reestablish installation mission assurance and mission-essential functions.

“(e) ALTERNATIVE FUNDING SOURCE.—(1) In carrying out a project under this section, the Secretary concerned may use amounts available for operation and maintenance for the military department concerned if the Secretary concerned submits a notification to the congressional defense committees of the decision to carry out the project using such amounts and includes in the notification—

“(A) the current estimate of the cost of the project;

“(B) the source of funds for the project; and

“(C) a certification that deferral of the project for inclusion in the next Military Construction Authorization Act would be inconsistent with national security or the protection of health, safety, or environmental quality, as the case may be.

“(2) A project carried out under this section using amounts under paragraph (1) may be carried out only after the end of the 7-day period beginning on the date on which a copy of the notification described in paragraph
(1) is provided in an electronic medium pursuant to section 480 of this title.

“(3) The maximum aggregate amount that the Secretary concerned may obligate from amounts available to the military department concerned for operation and maintenance in any fiscal year for projects under the authority of this subsection is $100,000,000.”

(b) Consideration of Military Installation Resilience in Agreements and Interagency Cooperation.—Section 2684a of such title is amended—

(1) in subsection (a)—

(A) in paragraph (2)(B)—

(i) by striking clause (ii); and

(ii) in clause (i)—

(I) by striking ““(i)””; and

(II) 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):

“(3) maintaining or improving military installation resilience; or”’; and

(2) by amending subsection (h) to read as follows:
“(h) Interagency Cooperation in Conservation and Resilience Programs to Avoid or Reduce Adverse Impacts on Military Installation Resilience and Military Readiness Activities.—In order to facilitate interagency cooperation and enhance the effectiveness of actions that will protect the environment, military installation resilience, and military readiness, the recipient of funds provided pursuant to an agreement under this section or under the Sikes Act (16 U.S.C. 670 et seq.) may, with regard to the lands and waters within the scope of the agreement, use such funds to satisfy any matching funds or cost-sharing requirement of any conservation or resilience program of any Federal agency notwithstanding any limitation of such program on the source of matching or cost-sharing funds.”.

SEC. 315. NATIVE AMERICAN INDIAN LANDS ENVIRONMENTAL MITIGATION PROGRAM.

(a) In General.—Chapter 160 of title 10, United States Code, is amended by adding at the end the following new section:

“§2712. Native American lands environmental mitigation program

“(a) Establishment.—The Secretary of Defense may establish and carry out a program to mitigate the
environmental effects of actions by the Department of Defense on Indian lands and culturally connected locations.

“(b) PROGRAM ACTIVITIES.—The activities that may be carried out under the program established under subsection (a) are the following:

“(1) Identification, investigation, and documentation of suspected environmental effects attributable to past actions by the Department of Defense.

“(2) Development of mitigation options for such environmental effects, including development of cost-to-complete estimates and a system for prioritizing mitigation actions.

“(3) Direct mitigation actions that the Secretary determines are necessary and appropriate to mitigate the adverse environmental effects of past actions by the Department.

“(4) Demolition and removal of unsafe buildings and structures used by, under the jurisdiction of, or formerly used by or under the jurisdiction of the Department.

“(5) Training, technical assistance, and administrative support to facilitate the meaningful participation of Indian tribes in mitigation actions under the program.
“(6) Development and execution of a policy governing consultation with Indian tribes that have been or may be affected by action by the Department, including training personnel of the Department to ensure compliance with the policy.

“(c) COOPERATIVE AGREEMENTS.—(1) In carrying out the program established under subsection (a), the Secretary of Defense may enter into a cooperative agreement with an Indian tribe or an instrumentality of tribal government.

“(2) Notwithstanding chapter 63 of title 31, a cooperative agreement under this section may be used to acquire property or services for the direct benefit of the United States Government.

“(3) A cooperative agreement under this section for the procurement of severable services may begin in one fiscal year and end in another fiscal year only if the total period of performance does not exceed two calendar years.

“(d) DEFINITIONS.—In this section:

“(1) The term ‘Indian land’ includes—

“(A) any land located within the boundaries and a part of an Indian reservation, pueb- lo, or rancheria;
“(B) any land that has been allotted to an individual Indian but has not been conveyed to such Indian with full power of alienation;

“(C) Alaska Native village and regional corporation lands; and

“(D) lands and waters upon which any Federally recognized Indian tribe has rights reserved by treaty, act of Congress, or action by the President.

“(2) The term ‘Indian Tribe’ means any Indian Tribe, band, nation, or other organized group or community, including any Native village, Regional Corporation, or Village Corporation (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

“(3) The term ‘culturally connected location’ means a location or place that has demonstrable significance to Indians or Alaska Natives based on its association with the traditional beliefs, customs, and practices of a living community, including locations or places where religious, ceremonial, subsistence,
medicinal, economic, or other lifeways practices have historically taken place.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 160 of such title is amended by inserting after the item relating to section 2711 the following new item:

“2712. Native American lands environmental mitigation program.”.

SEC. 316. ENERGY RESILIENCE AND ENERGY SECURITY MEASURES ON MILITARY INSTALLATIONS.

(a) In General.—Subchapter I of chapter 173 of title 10, United States Code, is amended by inserting after section 2919 the following new section:

$2920. Energy resilience and energy security measures on military installations

“(1) The Secretary of Defense shall, by the end of fiscal year 2030, provide that 100 percent of the energy load required to maintain the critical missions of each installation have a minimum level of availability of 99.9 percent per fiscal year.

“(2) The Secretary of Defense shall issue standards establishing levels of availability relative to specific critical missions, with such standards providing a range of not less than 99.9 percent availability per fiscal year and not more than 99.9999 percent availability per fiscal year, depending on the criticality of the mission.
“(3) The Secretary may establish interim goals to take effect prior to fiscal year 2025 to ensure the requirements under this subsection are met.

“(4) The Secretary of each military department and the head of each Defense Agency shall ensure that their organizations meet the requirements of this subsection.

“(b) PLANNING.—(1) The Secretary of Defense shall require the Secretary of each military department and the head of each Defense Agency to plan for the provision of energy resilience and energy security for installations.

“(2) Planning under paragraph (1) shall—

“(A) promote the use of multiple and diverse sources of energy, with an emphasis favoring energy resources originating on the installation such as modular generation;

“(B) promote installing microgrids to ensure the energy security and energy resilience of critical missions; and

“(C) favor the use of full-time, installed energy sources rather than emergency generation.

“(c) DEVELOPMENT OF INFORMATION.—The planning required by subsection (b) shall identify each of the following for each installation:

“(1) The critical missions of the installation.
“(2) The energy requirements of those critical missions.

“(3) The duration that those energy requirements are likely to be needed in the event of a disruption or emergency.

“(4) The current source of energy provided to those critical missions.

“(5) The duration that the currently provided energy would likely be available in the event of a disruption or emergency.

“(6) Any currently available sources of energy that would provide uninterrupted energy to critical missions in the event of a disruption or emergency.

“(7) Alternative sources of energy that could be developed to provide uninterrupted energy to critical missions in the event of a disruption or emergency.

“(d) Testing and Measuring.—(1)(A) The Secretary of Defense shall require the Secretary of each military department and head of each Defense Agency to conduct monitoring, measuring, and testing to provide the data necessary to comply with this section.

“(B) Any data provided under subparagraph (A) shall be made available to the Assistant Secretary of Defense for Sustainment upon request.
“(2)(A) The Secretary of Defense shall require that black start exercises be conducted to assess the energy resilience and energy security of installations for periods established to evaluate the ability of the installation to perform critical missions without access to off-installation energy resources.

“(B) A black start exercise conducted under subparagraph (A) may exclude, if technically feasible, housing areas, commissaries, exchanges, and morale, welfare, and recreation facilities.

“(C) The Secretary of Defense shall—

“(i) provide uniform policy for the military departments and the Defense Agencies with respect to conducting black start exercises; and

“(ii) establish a schedule of black start exercises for the military departments and the Defense Agencies, with each military department and Defense Agency scheduled to conduct such an exercise on a number of installations each year sufficient to allow that military department or Defense Agency to meet the goals of this section, but in any event not fewer than five installations each year for each military department through fiscal year 2027.

“(D)(i) Except as provided in clause (ii), the Secretary of each military department shall, notwithstanding
any other provision of law, conduct black start exercises in accordance with the schedule provided for in subparagraph (C)(ii), with any such exercise not to last longer than five days.

“(ii) The Secretary of a military department may conduct more black start exercises than those identified in the schedule provided for in subparagraph (C)(ii).

“(e) CONTRACT REQUIREMENTS.—For contracts for energy and utility services, the Secretary of Defense shall—

“(1) specify methods and processes to measure, manage, and verify compliance with subsection (a); and

“(2) ensure that such contracts include requirements appropriate to ensure energy resilience and energy security, including requirements for metering to measure, manage, and verify energy consumption, availability, and reliability consistent with this section and the energy resilience metrics and standards under section 2911(b) of this title.

“(f) EXCEPTION.—This section does not apply to fuels used in aircraft, vessels, or motor vehicles.

“(g) REPORT.—If by the end of fiscal year 2029, the Secretary determines that the Department will be unable to meet the requirements under subsection (a), not later
than 90 days after the end of such fiscal year, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report detailing—

“(1) the projected shortfall;
“(2) reasons for the projected shortfall;
“(3) any statutory, technological, or monetary impediments to achieving such requirements;
“(4) any impact to readiness or ability to meet the national defense posture; and
“(5) any other relevant information as the Secretary considers appropriate.

“(h) DEFINITIONS.—In this section:
“(1) The term ‘availability’ means the availability of required energy at a stated instant of time or over a stated period of time for a specific purpose.
“(2) The term ‘black start exercise’ means an exercise in which delivery of energy provided from off an installation is terminated before backup generation assets on the installation are turned on. Such an exercise shall—
“(A) determine the ability of the backup systems to start independently, transfer the
load, and carry the load until energy from off
the installation is restored;

“(B) align organizations with critical mis-
sions to coordinate in meeting critical mission
requirements;

“(C) validate mission operation plans, such
as continuity of operations plans;

“(D) identify infrastructure interdepend-
encies; and

“(E) verify backup electric power system
performance.

“(3) The term ‘critical mission’—

“(A) means those aspects of the missions
of an installation, including mission essential
operations, that are critical to successful per-
formance of the strategic national defense mis-

“(B) may include operational headquarters
facilities, airfields and supporting infrastruc-
ture, harbor facilities supporting naval vessels,
munitions production and storage facilities,
missile fields, radars, satellite control facilities,
cyber operations facilities, space launch facili-
ties, operational communications facilities, and
biological defense facilities; and
“(C) does not include military housing (including privatized military housing), morale, welfare, and recreation facilities, exchanges, commissaries, or privately owned facilities.

“(4) The term ‘energy’ means electricity, natural gas, steam, chilled water, and heated water.

“(5) The term ‘installation’ has the meaning given the term ‘military installation’ in section 2801(c)(4) of this title.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of chapter 173 of such title is amended by inserting after the item relating to section 2919 the following new item:

“2920. Energy resilience and energy security measures on military installations.”.

SEC. 317. MODIFICATION TO AVAILABILITY OF ENERGY COST SAVINGS FOR DEPARTMENT OF DEFENSE.

Section 2912(a) of title 10, United States Code, is amended by inserting “and, in the case of operational energy, from both training and operational missions,” after “under section 2913 of this title,”.

SEC. 318. LONG-DURATION DEMONSTRATION INITIATIVE AND JOINT PROGRAM.

(a) DEFINITIONS.—In this section:
(1) DIRECTOR.—The term “Director” means the Director of the Environmental Security Technology Certification Program of the Department of Defense.

(2) DIRECTOR OF ARPA–E.—The term “Director of ARPA–E” means the Director of the Advanced Research Projects Agency—Energy.

(3) INITIATIVE.—The term “Initiative” means the demonstration initiative established under subsection (b).

(4) JOINT PROGRAM.—The term “Joint Program” means the joint program established under subsection (d).

(b) ESTABLISHMENT OF INITIATIVE.—Not later than 180 days after the date of enactment of this Act, the Director shall establish a demonstration initiative composed of demonstration projects focused on the development of long-duration energy storage technologies.

(c) SELECTION OF PROJECTS.—To the maximum extent practicable, in selecting demonstration projects to participate in the Initiative, the Director shall—

(1) ensure a range of technology types;

(2) ensure regional diversity among projects; and
(3) consider bulk power level, distribution power level, behind-the-meter, microgrid (grid-connected or islanded mode), and off-grid applications.

(d) **JOINT PROGRAM.**—

(1) **ESTABLISHMENT.**—As part of the Initiative, the Director, in consultation with the Director of ARPA–E, shall establish within the Department of Defense a joint program to carry out projects—

(A) to demonstrate promising long-duration energy storage technologies at different scales to promote energy resiliency; and

(B) to help new, innovative long-duration energy storage technologies become commercially viable.

(2) **MEMORANDUM OF UNDERSTANDING.**—Not later than 200 days after the date of enactment of this Act, the Director shall enter into a memorandum of understanding with the Director of ARPA–E to administer the Joint Program.

(3) **INFRASTRUCTURE.**—In carrying out the Joint Program, the Director and the Director of ARPA–E shall—

(A) use existing test-bed infrastructure at—
(i) installations of the Department of Defense; and

(ii) facilities of the Department of Energy; and

(B) develop new infrastructure for identified projects, if appropriate.

(4) GOALS AND METRICS.—The Director and the Director of ARPA–E shall develop goals and metrics for technological progress under the Joint Program consistent with energy resilience and energy security policies.

(5) SELECTION OF PROJECTS.—

(A) IN GENERAL.—To the maximum extent practicable, in selecting projects to participate in the Joint Program, the Director and the Director of ARPA–E shall—

(i) ensure that projects are carried out under conditions that represent a variety of environments with different physical conditions and market constraints; and

(ii) ensure an appropriate balance of—

(I) larger, higher-cost projects;

and

(II) smaller, lower-cost projects.
(B) PRIORITY.—In carrying out the Joint Program, the Director and the Director of ARPA–E shall give priority to demonstration projects that—

(i) make available to the public project information that will accelerate deployment of long-duration energy storage technologies that promote energy resiliency; and

(ii) will be carried out in the field.

SEC. 319. PILOT PROGRAM ON ALTERNATIVE FUEL VEHICLE PURCHASING.

(a) IN GENERAL.—The Secretary of Defense, in coordination with the Secretary of Energy and the Administrator of the General Services Administration, shall carry out a pilot program under which the Secretary of Defense may, notwithstanding section 400AA of the Energy Policy and Conservation Act (42 U.S.C. 6374), purchase new alternative fuel vehicles for which the initial cost of such vehicles exceeds the initial cost of a comparable gasoline or diesel fueled vehicle by not more than 10 percent.

(b) LOCATIONS.—

(1) IN GENERAL.—The Secretary of Defense shall carry out the pilot program under subsection (a) at not fewer than 2 facilities or installations of
the Department of Defense in the continental United States that—

(A) have the largest total number of attached nonecombat vehicles as compared to other facilities or installations of the Department of Defense; and

(B) are located within 20 miles of public or private refueling or recharging stations.

(2) AIR FORCE LOGISTICS CENTER.—One of the facilities or installations selected under paragraph (1) shall be an Air Force Logistics Center.

(c) ALTERNATIVE FUEL VEHICLE DEFINED.—In this section, the term “alternative fuel vehicle” includes a vehicle that uses—

(1) fuels derived from renewable biomass, as defined in section 211(o)(1)(I) of the Clean Air Act (42 U.S.C. 7545(o)(1)(I));

(2) natural gas (including compressed and liquefied natural gas); or

(3) propane.
Subtitle C—Logistics and Sustainment

SEC. 331. REPEAL OF STATUTORY REQUIREMENT FOR NOTIFICATION TO DIRECTOR OF DEFENSE LOGISTICS AGENCY THREE YEARS PRIOR TO IMPLEMENTING CHANGES TO ANY UNIFORM OR UNIFORM COMPONENT.


(1) by striking subsection (a);

(2) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively; and

(3) in subsections (a) and (b), as so redesignated, by striking “Commander” each place it appears and inserting “Director”.

SEC. 332. CLARIFICATION OF LIMITATION ON LENGTH OF OVERSEAS FORWARD DEPLOYMENT OF CURRENTLY DEPLOYED NAVAL VESSELS.

Section 323(b) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1720; 10 U.S.C. 8690 note) is amended by striking “In the case of any naval vessel” and inserting “In the case of any aircraft carrier, amphibious ship, cruiser, destroyer, frigate, or littoral combat ship”.

Subtitle D—Reports

SEC. 351. REPORT ON IMPACT OF PERMAFROST THAW ON INFRASTRUCTURE, FACILITIES, AND OPERATIONS OF THE DEPARTMENT OF DEFENSE.

(a) Report Required.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a comprehensive report on the impact of permafrost thaw on the infrastructure, facilities, assets, and operations of the Department of Defense.

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

(1) An identification of the infrastructure, facilities, and assets of the Department of Defense that could be impacted by permafrost thaw.

(2) For each element of infrastructure and each facility and asset identified pursuant to paragraph (1)—

(A) an assessment of the threat posed by permafrost thaw; and

(B) an estimate of potential damage in the event of likely permafrost thaw.

(3) A description of the threats and impacts posed by permafrost thaw to military and other national security operations.
(c) CONSULTATION.—In preparing the report under subsection (a), the Secretary may consult with other Federal agencies, agencies of State and local governments, and academic institutions with expertise or experience in the effects of permafrost thaw on infrastructure, facilities, and operations.

(d) ASSET DEFINED.—In this section, the term “asset” means the following:

(1) Any aircraft, weapon system, vehicle, equipment, or gear of the Department of Defense or the Armed Forces.

(2) Any other item of the Department or the Armed Forces that the Secretary considers appropriate for purposes of this section.

SEC. 352. PLANS AND REPORTS ON EMERGENCY RESPONSE TRAINING FOR MILITARY INSTALLATIONS.

(a) PLANS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall ensure that each military installation under the jurisdiction of the Secretary that does not conduct live emergency response training on an annual basis or more frequently with the civilian law enforcement and emergency response agencies re-
responsible for responding to an emergency at the installation develops a plan to conduct such training.

(2) ELEMENTS.—Each plan developed under paragraph (1) with respect to an installation—

(A) shall include—

(i) the cost of implementing training described in paragraph (1) at the installation;

(ii) a description of any obstacles to the implementation of such training; and

(iii) recommendations for mitigating any such obstacles; and

(B) shall be designed to ensure that the civilian law enforcement and emergency response agencies described in paragraph (1) are familiar with—

(i) the physical features of the installation, including gates, buildings, armories, headquarters, command and control centers, and medical facilities; and

(ii) the emergency response personnel and procedures of the installation.

(3) SUBMITTAL OF PLANS.—

(A) SUBMITTAL TO SECRETARY.—Not later than 90 days after the date of the enact-
ment of this Act, the commander of each military installation required to develop a plan under paragraph (1) shall submit such plan to the Secretary of Defense.

(B) Submittal to Congress.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a summary of the plans submitted to the Secretary under subparagraph (A).

(b) Reports on Training Conducted.—

(1) List of Installations.—Not later than March 1, 2021, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a list of all military installations under the jurisdiction of the Secretary that conduct live emergency response training on an annual basis or more frequently with the civilian law enforcement and emergency response agencies responsible for responding to an emergency at the installation.

(2) Annual Reports.—

(A) In General.—Not later than one year after the date of the enactment of this Act, and
annually thereafter, the commander of each military installation under the jurisdiction of the Secretary shall submit to the Secretary a report on each live emergency response training conducted during the year covered by the report with the civilian law enforcement and emergency response agencies responsible for responding to an emergency at the installation.

(B) ELEMENTS.—Each report submitted under subparagraph (A) shall include, with respect to each training exercise, the following:

(i) The date and duration of the exercise.

(ii) A detailed description of the exercise.

(iii) An identification of all military and civilian personnel who participated in the exercise.

(iv) Any recommendations resulting from the exercise.

(v) The actions taken, if any, to implement such recommendations.

(C) INCLUSION IN ANNUAL BUDGET SUBMISSION.—
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(i) IN GENERAL.—The Secretary shall
include in the budget submitted to Con-
gress by the President pursuant to section
1105(a) of title 31, United States Code, a
summary of any report submitted to the
Secretary under subparagraph (A) during
the one-year period preceding the sub-
mittal of the budget.

(ii) CLASSIFIED FORM.—The sum-
mary submitted under clause (i) may be
submitted in classified form.

(D) SUNSET.—The requirement to submit
annual reports under subparagraph (A) shall
terminate upon the submittal of the budget de-
scribed in subparagraph (C)(i) for fiscal year
2024.

SEC. 353. REPORT ON IMPLEMENTATION BY DEPARTMENT
OF DEFENSE OF REQUIREMENTS RELATING
TO RENEWABLE FUEL PUMPS.

(a) IN GENERAL.—Not later than 90 days after the
date of the enactment of this Act, the Secretary of Defense
shall submit to Congress a report on the implementation
by the Department of Defense of the requirements under
section 246(a) of the Energy Independence and Security
Act of 2007 (42 U.S.C. 17053(a)).
(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An estimate of the cost to the Department of fully implementing the requirements under section 246(a) of the Energy Independence and Security Act of 2007; and

(2) An assessment of any problems or issues the Department is having in complying with the requirements under such section.

(c) EXCEPTION.—The report required by subsection (a) shall not apply to a fueling center of the Department with a fuel turnover rate of less than 100,000 gallons of fuel per year.

SEC. 354. REPORT ON EFFECTS OF EXTREME WEATHER ON DEPARTMENT OF DEFENSE.

(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 vulnerabilities to military installations and combatant commander requirements resulting from extreme weather that builds upon the report submitted under section 335(c) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1358).

(b) ELEMENTS.—The report required by subsection (a) shall include the following:
(1) An explanation of the underlying methodology that the Department uses to assess the effects of extreme weather in the report, including through the use of a climate vulnerability and risk assessment tool as directed under section 326 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92).

(2) An assessment of how extreme weather affects low-lying military installations, military installations of the Navy and the Marine Corps, and military installations outside the United States.

(3) An assessment of how extreme weather affects access of members of the Armed Forces to training ranges.

(4) With respect to a military installation in a country outside the United States, an assessment of the collaboration between the Department of Defense and the military or civilian agencies of the government of that country or nongovernmental organizations operating in that country to adapt to risks from extreme weather.

(5) An assessment of how extreme weather affects housing safety and food security on military installations.
(6) An assessment of the strategic benefits derived from isolating infrastructure of the Department of Defense in the United States from the national electric grid and the use of energy-efficient, distributed, and smart power grids by the Armed Forces in the United States and overseas to ensure affordable access to electricity.

(7) A list of ten military installation resilience projects conducted within each military department.

(8) An overview of mitigations, in addition to current efforts undertaken by the Department, that may be necessary to ensure the continued operational viability and to increase the resilience of military installations, and the estimated costs of those mitigations.

(e) CONSULTATION.—In developing the report required by subsection (a), the Secretary of Defense shall consult with the Administrator of the Environmental Protection Agency, the Secretary of Energy, the Administrator of the National Oceanic and Atmospheric Administration, the Administrator of the Federal Emergency Management Agency, the Commander of the Army Corps of Engineers, the Administrator of the National Aeronautics and Space Administration, a federally funded research and development center, and the heads of such other relevant
Federal agencies as the Secretary of Defense determines appropriate.  

(d) FORM OF REPORT.—The report required by subsection (a) shall be submitted in unclassified form but may contain a classified annex if necessary.  

(e) PUBLICATION.—Upon submittal of the report required by subsection (a), the Secretary of Defense shall publish the unclassified portion of the report on an Internet website of the Department of Defense that is available to the public.  

(f) DEFINITIONS.—In this section:  

(1) EXTREME WEATHER.—The term “extreme weather” means recurrent flooding, drought, desertification, wildfires, and thawing permafrost.  

(2) UNITED STATES.—The term “United States” means the several States, the District of Columbia, and any territory or possession of the United States.  

Subtitle E—Other Matters  

SEC. 371. PROHIBITION ON DIVESTITURE OF MANNED INTELLIGENCE, SURVEILLANCE, AND RECONNAISSANCE AIRCRAFT OPERATED BY UNITED STATES SPECIAL OPERATIONS COMMAND.  

No funds authorized to be appropriated by this Act may be used to divest any manned intelligence, surveil-
lance, and reconnaissance aircraft operated by the United States Special Operations Command, and the Department of Defense may not divest any manned intelligence, surveillance, and reconnaissance aircraft operated by the United States Special Operations Command in fiscal year 2021.

SEC. 372. INFORMATION ON OVERSEAS CONSTRUCTION PROJECTS IN SUPPORT OF CONTINGENCY OPERATIONS USING FUNDS FOR OPERATION AND MAINTENANCE.

(a) ANNUAL BUDGET JUSTIFICATION DISPLAY.—Section 2805(c) of title 10, United States Code, is amended—

(1) by striking “The Secretary concerned” and inserting “(1) The Secretary concerned”; and

(2) by adding at the end the following new paragraphs:

“(2) The Secretary of each military department, the Director of each Defense Agency, and the head of any other relevant component of the Department of Defense shall track and report to the Under Secretary of Defense (Comptroller) relevant data regarding all overseas construction projects funded with amounts appropriated or otherwise made available for operation and maintenance in support of contingency operations.
“(3)(A) The Secretary of Defense shall prepare, for
inclusion in the annual budget submission by the Presi-
dent to Congress under section 1105 of title 31, a consoli-
dated budget justification display, in classified and unclas-
sified form, that identifies all overseas construction
projects funded with amounts appropriated or otherwise
made available for operation and maintenance in support
of contingency operations.

“(B) The display prepared under subparagraph (A)
shall include a list of all construction projects described
in such subparagraph that were completed in the prior fis-
tical year, that are ongoing, or that are expected for the
next five fiscal years, and shall identify for each project—

“(i) the component of the Department of De-
fense involved in the project;

“(ii) the location of the project;

“(iii) a brief description of the purpose of the
project; and

“(iv) the actual or estimated cost of the
project.”.

(b) REPORT ON CONSTRUCTION PROJECTS IN SUP-
PORT OF CONTINGENCY OPERATIONS.—

(1) IN GENERAL.—Not later than March 1,
2021, the Secretary of Defense shall submit to the
congressional defense committees a report on ways
to improve the development, funding, and execution of construction projects in support of overseas contingency operations, including those funded with amounts appropriated or otherwise made available for operation and maintenance and those funded with amounts appropriated or otherwise made available for military construction.

(2) Elements.—The report required by paragraph (1) shall include, at a minimum, the following:

(A) An examination and comparison of the time required to plan, approve, and execute construction projects funded with operation and maintenance amounts versus those funded with military construction amounts, in support of contingency operations, including construction projects in support of recent operations in Afghanistan, Iraq, Syria, and Eastern Europe.

(B) A description of any challenges associated with the processes of the Department of Defense for planning, approving, and executing such projects.

(C) A description of any ongoing or planned efforts to improve such processes to promote efficiency and expediency in the development and execution of such projects.
(D) Any recommendations with respect to improving such processes, including those from the commanders of the combatant commands and the Secretaries of the military departments.


Section 2465(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(5) A contract for the performance of on-site armed security guard functions to be performed—

“(A) at the Marine Corps Heritage Center at Marine Corps Base Quantico, Virginia, including the National Museum of the Marine Corps;

“(B) at the Heritage Center for the National Museum of the United States Army at Fort Belvoir, Virginia;

“(C) at the Heritage Center for the National Museum of the United States Navy at Washington, District of Columbia; or
“(D) at the Heritage Center for the National Museum of the United States Air Force at Wright-Patterson Air Force Base, Ohio.”.

SEC. 374. INAPPLICABILITY OF CONGRESSIONAL NOTIFICATION AND DOLLAR LIMITATION REQUIREMENTS FOR ADVANCE BILLINGS FOR CERTAIN BACKGROUND INVESTIGATIONS.

Section 2208(l) of title 10, United States Code, is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following new paragraph (4):

“(4) This subsection shall not apply to advance billing for background investigation and related services performed by the Defense Counterintelligence and Security Agency.”.

SEC. 375. REPEAL OF SUNSET FOR MINIMUM ANNUAL PURCHASE AMOUNT FOR CARRIERS PARTICIPATING IN THE CIVIL RESERVE AIR FLEET.

Section 9515 of title 10, United States Code, is amended by striking subsection (k).
SEC. 376. IMPROVEMENT OF THE OPERATIONAL ENERGY CAPABILITY IMPROVEMENT FUND OF THE DEPARTMENT OF DEFENSE.

(a) MANAGEMENT OF THE OPERATIONAL ENERGY CAPABILITY IMPROVEMENT FUND.—The Assistant Secretary of Defense for Sustainment shall exercise authority, direction, and control over the Operational Energy Capability Improvement Fund of the Department of Defense (in this section referred to as the “OECIF”).

(b) ALIGNMENT AND COORDINATION WITH RELATED PROGRAMS.—

(1) REALIGNMENT OF OECIF.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall realign the OECIF under the Assistant Secretary of Defense for Sustainment, with such realignment to include personnel positions adequate for the mission of the OECIF.

(2) BETTER COORDINATION WITH RELATED PROGRAMS.—The Assistant Secretary shall ensure that the placement under the authority of the Assistant Secretary of the OECIF along with the Strategic Environmental Research Program, the Environmental Security Technology Certification Program, and the Operational Energy Prototyping Program is utilized to advance common goals of the Depart-
ment, promote organizational synergies, and avoid unnecessary duplication of effort.

(c) PROGRAM FOR OPERATIONAL ENERGY PROTOTYPING.—

(1) IN GENERAL.—Commencing not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, through the Assistant Secretary of Defense for Sustainment, shall carry out a program for the demonstration of technologies related to operational energy prototyping, including demonstration of operational energy technology and validation prototyping.

(2) OPERATION OF PROGRAM.—The Secretary shall ensure that the program under paragraph (1) operates in conjunction with the OECIF to promote the transfer of innovative technologies that have successfully established proof of concept for use in production or in the field.

(3) PROGRAM ELEMENTS.—In carrying out the program under paragraph (1) the Secretary shall—

(A) identify and demonstrate the most promising, innovative, and cost-effective technologies and methods that address high-priority operational energy requirements of the Department of Defense;
(B) in conducting demonstrations under subparagraph (A), the Secretary shall—

(i) collect cost and performance data to overcome barriers against employing an innovative technology because of concerns regarding technical or programmatic risk; and

(ii) ensure that components of the Department have time to establish new requirements where necessary and plan, program, and budget for technology transition to programs of record;

(C) utilize project structures similar to those of the OECIF to ensure transparency and accountability throughout the efforts conducted under the program; and

(D) give priority, in conjunction with the OECIF, to the development and fielding of clean technologies that reduce reliance on fossil fuels.

(4) TOOL FOR ACCOUNTABILITY AND TRANSITION.—

(A) IN GENERAL.—In carrying out the program under paragraph (1) the Secretary shall develop and utilize a tool to track relevant
investments in operational energy from applied research to transition to use to ensure user organizations have the full picture of technology maturation and development.

(B) TRANSITION.—The tool developed and utilized under subparagraph (A) shall be designed to overcome transition challenges with rigorous and well-documented demonstrations that provide the information needed by all stakeholders for acceptance of the technology.

(5) LOCATIONS.—

(A) IN GENERAL.—The Secretary shall carry out the testing and evaluation phase of the program under paragraph (1) at installations of the Department of Defense or in conjunction with exercises conducted by the Joint Staff, a combatant command, or a military department.

(B) FORMAL DEMONSTRATIONS.—The Secretary shall carry out any formal demonstrations under the program under paragraph (1) at installations of the Department or in operational settings to document and validate improved warfighting performance and cost savings.
SEC. 377. COMMISSION ON THE NAMING OF ITEMS OF THE
DEPARTMENT OF DEFENSE THAT COMMEMORATE THE CONFEDERATE STATES OF AMERICA OR ANY PERSON WHO SERVED VOLUNTARILY WITH THE CONFEDERATE STATES OF AMERICA.

(a) Removal.—Not later than three years after the date of the enactment of this Act, the Secretary of Defense shall implement the plan submitted by the commission described in paragraph (b) and remove all names, symbols, displays, monuments, and paraphernalia that honor or commemorate the Confederate States of America (commonly referred to as the “Confederacy”) or any person who served voluntarily with the Confederate States of America from all assets of the Department of Defense.

(b) In General.—The Secretary of Defense shall establish a commission relating to assigning, modifying, or removing of names, symbols, displays, monuments, and paraphernalia to assets of the Department of Defense that commemorate the Confederate States of America or any person who served voluntarily with the Confederate States of America.

(c) Duties.—The Commission shall—

(1) assess the cost of renaming or removing names, symbols, displays, monuments, or paraphernalia that commemorate the Confederate States
of America or any person who served voluntarily with the Confederate States of America;

(2) develop procedures and criteria to assess whether an existing name, symbol, monument, display, or paraphernalia commemorates the Confederate States of America or person who served voluntarily with the Confederate States of America;

(3) recommend procedures for renaming assets of the Department of Defense to prevent commemoration of the Confederate States of America or any person who served voluntarily with the Confederate States of America;

(4) develop a plan to remove names, symbols, displays, monuments, or paraphernalia that commemorate the Confederate States of America or any person who served voluntarily with the Confederate States of America from assets of the Department of Defense, within the timeline established by this Act; and

(5) include in the plan procedures and criteria for collecting and incorporating local sensitivities associated with naming or renaming of assets of the Department of Defense.

(d) MEMBERSHIP.—The Commission shall be composed of eight members, of whom—
(1) four shall be appointed by the Secretary of Defense;

(2) one shall be appointed by the Chairman of the Committee on Armed Services of the Senate;

(3) one shall be appointed by the Ranking Member of the Committee on Armed Services of the Senate;

(4) one shall be appointed by the Chairman of the Committee on Armed Services of the House of Representatives; and

(5) one shall be appointed by the Ranking Member of the Committee on Armed Services of the House of Representatives.

(e) APPOINTMENT.—Members of the Commission shall be appointed not later than 45 days after the date of the enactment of this Act.

(f) INITIAL MEETING.—The Commission shall hold its initial meeting on the date that is 60 days after the enactment of this Act.

(g) BRIEFINGS AND REPORTS.—Not later than October 1, 2021, the Commission shall brief the Committees on Armed Services of the Senate and House of Representatives detailing the progress of the requirements under subsection (c). Not later than October 1, 2022, and not later than 90 days before the implementation of the plan
in subsection (c)(4), the Commission shall present a briefing and written report detailing the results of the requirements under subsection (c), including:

1. A list of assets to be removed or renamed.
2. Costs associated with the removal or renaming of assets in subsection (g)(1).
3. Criteria and requirements used to nominate and rename assets in subsection (g)(1).
4. Methods of collecting and incorporating local sensitivities associated with the removal or renaming of assets in subsection (g)(1).

(h) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—
There is authorized to be appropriated $2,000,000 to carry out this section.

(2) OFFSET.—The amount authorized to be appropriated by the Act for fiscal year 2021 for Operations and Maintenance, Army, sub activity group 434 - other personnel support is hereby reduced by $2,000,000.

(i) ASSETS DEFINED.—In this section, the term “assets” includes any base, installation, street, building, facility, aircraft, ship, plane, weapon, equipment, or any other property owned or controlled by the Department of Defense.
(j) Exemption for Grave Markers.—Shall not cover monuments but shall exempt grave markers. Congress expects the commission to further define what constitutes a grave marker.

SEC. 378. MODIFICATIONS TO REVIEW OF PROPOSED ACTIONS BY MILITARY AVIATION AND INSTALLATION ASSURANCE CLEARINGHOUSE.

Section 183a(c)(2) of title 10, United States Code, is amended—

(1) by striking “If the Clearinghouse” and inserting “(A) If the Clearinghouse”; and

(2) by adding at the end the following new subparagraphs:

“(B) After the Clearinghouse issues a notice under subparagraph (A) with respect to an energy project, the parties should seek to identify feasible and affordable actions that can be taken by the Department, the developer of such energy project, or others to mitigate any adverse impact on military operations and readiness.

“(C) If the Secretary determines within a reasonable period of time after the issuance of a notice under subparagraph (A) with respect to an energy project that the concerns identified in the preliminary review conducted under paragraph (1) with re-
spect to such project have been mitigated to the ex-
tent that such project does not pose an unacceptable
level of risk to military operations and readiness, the
Clearinghouse shall timely issue a mission compat-
ibility letter to the applicant of such project, the gov-
ernor of the State in which such project is located,
and the Secretary of the finding of the Clearing-
house.”

SEC. 379. ADJUSTMENT IN AVAILABILITY OF APPROPRIA-
TIONS FOR UNUSUAL COST OVERRUNS AND
FOR CHANGES IN SCOPE OF WORK.

Section 8683 of title 10, United States Code, is
amended by adding at the end the following new sub-
section:

“(c) TREATMENT OF AMOUNTS APPROPRIATED
AFTER END OF PERIOD OF OBLIGATION.—In the applica-
tion of section 1553(c) of title 31 to funds appropriated
in the Operation and Maintenance, Navy account that are
available for ship overhaul, the Secretary of the Navy—
“(1) may treat the limitation specified in para-
graph (1) of such section to be ‘$10,000,000’ rather
than ‘$4,000,000’; and
“(2) may treat the limitation specified in para-
graph (2) of such section to be ‘$30,000,000’ rather
than ‘$25,000,000’.”.
SEC. 380. REQUIREMENT THAT SECRETARY OF DEFENSE IMPLEMENT SECURITY AND EMERGENCY RESPONSE RECOMMENDATIONS RELATING TO ACTIVE SHOOTER OR TERRORIST ATTACKS ON INSTALLATIONS OF DEPARTMENT OF DEFENSE.

(a) REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall implement the applicable security and emergency response recommendations relating to active shooter or terrorist attacks on installations of the Department of Defense made in the following reports:


(2) The report prepared by the Department of the Navy relating to the Washington Navy Yard shooting in 2013.

(3) The report by the Department of the Army dated August 2010 entitled “Fort Hood, Army Internal Review Team: Final Report”.

(4) The independent review by the Department of Defense dated January 2010 entitled “Protecting the Force: Lessons from Fort Hood”.


(b) NOTIFICATION OF INAPPLICABLE RECOMMENDATIONS.—

(1) IN GENERAL.—If the Secretary determines that a recommendation described in subsection (a) is outdated, is no longer applicable, or has been superseded by more recent separate guidance or recommendations set forth by the Government Accountability Office, the Department of Defense, or another entity in related contracted review, the Secretary shall notify the Committees on Armed Services of the Senate and the House of Representatives not later than 45 days after the date of the enactment of this Act.

(2) IDENTIFICATION AND JUSTIFICATION.—The notification under paragraph (1) shall include an identification, set forth by report specified in subsection (a), of each recommendation that the Secretary determines should not be implemented, with a justification for each such determination.
SEC. 381. CLARIFICATION OF FOOD INGREDIENT REQUIREMENTS FOR FOOD OR BEVERAGES PROVIDED BY THE DEPARTMENT OF DEFENSE.

(a) In general.—Before making any final rule, statement, or determination regarding the limitation or prohibition of any food or beverage ingredient in military food service, military medical foods, commissary food, or commissary food service, the Secretary of Defense shall publish in the Federal Register a notice of a preliminary rule, statement, or determination (in this section referred to as a “proposed action”) and provide opportunity for public comment.

(b) Matters to be included.—The Secretary shall include in any notice published under subsection (a) the following:

(1) The date of the notice.

(2) Contact information for the appropriate office at the Department of Defense.

(3) A summary of the notice.

(4) A date for comments to be submitted and specific methods for submitting comments.

(5) A description of the substance of the proposed action.

(6) Findings and a statement of reasons supporting the proposed action.
TITLE IV—MILITARY
PERSONNEL AUTHORIZATIONS
Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.
The Armed Forces are authorized strengths for active
duty personnel as of September 30, 2021, as follows:
(1) The Army, 485,000.
(2) The Navy, 346,730.
(3) The Marine Corps, 180,000.

SEC. 402. END STRENGTH LEVEL MATTERS.
(a) Strength Levels to Support Two Major
Regional Contingencies.—
(1) In general.—Section 691 of title 10,
United States Code, is repealed.
(2) Table of sections.—The table of sections
at the beginning of chapter 39 of such title is
amended by striking the item relating to section
691.
(b) Certain Active-duty and Selected Reserve
Strengths.—Section 115 of such title is amended—
(1) in subsection (f)(1), by striking “increase”
and inserting “vary”; and
(2) in subsection (g)(1)(A), by striking “in-
crease” and inserting “vary”.

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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, 2021, as follows:

(1) The Army National Guard of the United
States, 336,500.

(2) The Army Reserve, 189,800.

(3) The Navy Reserve, 58,800.

(4) The Marine Corps Reserve, 38,500.

(5) The Air National Guard of the United
States, 108,100.

(6) The Air Force Reserve, 70,300.

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

(b) END STRENGTH REDUCTIONS.—The end
strengths prescribed by subsection (a) for the Selected Re-
serve of any reserve component shall be proportionately
reduced by—

(1) the total authorized strength of units orga-
nized 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
1 (other than for training or for unsatisfactory participa-
2 tion in training) without their consent at the end
3 of the fiscal year.
4
5 (c) End Strength Increases.—Whenever units or
6 individual members of the Selected Reserve of any reserve
7 component are released from active duty during any fiscal
8 year, the end strength prescribed for such fiscal year for
9 the Selected Reserve of such reserve component shall be
10 increased proportionately by the total authorized strengths
11 of such units and by the total number of such individual
12 members.

13 SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE
14 DUTY IN SUPPORT OF THE RESERVES.
15 Within the end strengths prescribed in section
16 411(a), the reserve components of the Armed Forces are
17 authorized, as of September 30, 2021, the following num-
18 ber of Reserves to be serving on full-time active duty or
19 full-time duty, in the case of members of the National
20 Guard, for the purpose of organizing, administering, re-
21 cruiting, instructing, or training the reserve components:
22
23 (1) The Army National Guard of the United
24 States, 30,595.
25
26 (2) The Army Reserve, 16,511.
27
29
30 (4) The Marine Corps Reserve, 2,386.

(6) The Air Force Reserve, 5,256.

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

(a) IN GENERAL.—The authorized number of military technicians (dual status) as of the last day of fiscal year 2021 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, 7,947.

(b) 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 realignment 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 2021, 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.

SEC. 415. SEPARATE AUTHORIZATION BY CONGRESS OF MINIMUM END STRENGTHS FOR NON-TEMPORARY MILITARY TECHNICIANS (DUAL STATUS) AND MAXIMUM END STRENGTHS FOR TEMPORARY MILITARY TECHNICIANS (DUAL STATUS).

(a) In general.—Section 115(d) of title 10, United States Code, is amended—

(1) in the first sentence, by striking “the end strength for military technicians (dual status)” and
inserting “both the minimum end strength for non-
temporary military technicians (dual status) and the
maximum end strength for temporary military tech-
nicians (dual status)”; and

(2) in the third sentence, by striking “the end
strength requested for military technicians (dual sta-
tus)” and inserting “the minimum end strength for
non-temporary military technicians (dual status),
and the maximum end strength for temporary mili-
tary technicians (dual status), requested”.

(b) Effective Date.—The amendments made by
subsection (a) shall take effect on the day after the date
of the enactment of this Act. The amendment made by
subsection (a)(2) shall apply with respect to budgets sub-
mitted by the President to Congress under section 1105
of title 31, United States Code, after such effective date.

Subtitle C—Authorization of
Appropriations

SEC. 421. MILITARY PERSONNEL.

(a) Authorization of Appropriations.—Funds
are hereby authorized to be appropriated for fiscal year
2021 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 spec-
ified in the funding table in section 4401.
(b) CONSTRUCTION OF AUTHORIZATION.—The authoriza-
tion of appropriations in subsection (a) supersedes any other authorization of appropriations (definite or in-
definite) for such purpose for fiscal year 2021.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

SEC. 501. REPEAL OF CODIFIED SPECIFICATION OF AUTHORIZED STRENGTHS OF CERTAIN COMMISSIONED OFFICERS ON ACTIVE DUTY.

Effective as of October 1, 2021, the text of section 523 of title 10, United States Code, is amended to read as follows:

“The total number of commissioned officers serving on active duty in the Army, Air Force, or Marine Corps in each of the grades of major, lieutenant colonel, or colonel, or in the Navy in each of the grades of lieutenant commander, commander, or captain, at the end of any fiscal year shall be as specifically authorized by Act of Con-
gress for such fiscal year.”.
SEC. 502. TEMPORARY EXPANSION OF AVAILABILITY OF ENHANCED CONSTRUCTIVE SERVICE CREDIT IN A PARTICULAR CAREER FIELD UPON ORIGINAL APPOINTMENT AS A COMMISSIONED OFFICER.

(a) Regular Officers.—Subparagraph (D) of section 533(b)(1) of title 10, United States Code, is amended to read as follows:

“(D) Additional credit as follows:

“(i) For special training or experience in a particular officer field as designated by the Secretary concerned, if such training or experience is directly related to the operational needs of the armed force concerned.

“(ii) During fiscal years 2021 through 2025, for advanced education in an officer field so designated, if such education is directly related to the operational needs of the armed force concerned.”.

(b) Reserve Officers.—Section 12207(b)(1) of such title is amended—

(1) in the matter preceding subparagraph (A), “or a designation in” and all that follows through “education or training,” and inserting “and who has special training or experience, or advanced education (if applicable),”; and
(2) by striking subparagraph (D) and inserting the following new subparagraph:

“(D) Additional credit as follows:

“(i) For special training or experience in a particular officer field as designated by the Secretary concerned, if such training or experience is directly related to the operational needs of the armed force concerned.

“(ii) During fiscal years 2021 through 2025, for advanced education in an officer field so designated, if such education is directly related to the operational needs of the armed force concerned.”.

(e) Annual Report.—

(1) In general.—Not later than February 1, 2022, and every four years thereafter, each Secretary of a military department shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the use of the authorities in subparagraph (D) of section 553(b)(1) of title 10, United States Code (as amended by subsection (a)), and subparagraph (D) of section 12207(b)(1) of such title (as amended by subsection (b)) (each referred to in this subsection as a “constructive credit authority”) during the preceding
fiscal year for the Armed Forces under the jurisdiction of such Secretary.

(2) ELEMENTS.—Each report under paragraph 1 shall include, for the fiscal year and Armed Forces covered by such report, the following:

(A) The manner in which constructive service credit was calculated under each constructive credit authority.

(B) The number of officers credited constructive service credit under each constructive credit authority.

(C) A description and assessment of the utility of the constructive credit authorities in meeting the operational needs of the Armed Force concerned.

(D) Such other matters in connection with the constructive credit authorities as the Secretary of the military department concerned considers appropriate.

SEC. 503. REQUIREMENT FOR PROMOTION SELECTION BOARD RECOMMENDATION OF HIGHER PLACEMENT ON PROMOTION LIST OF OFFICERS OF PARTICULAR MERIT.

(a) IN GENERAL.—Section 616(g) of title 10, United States Code, is amended—
(1) in paragraph (1)—
   
   (A) by striking “may” and inserting “shall”; and
   
   (B) by inserting “, pursuant to guidelines and procedures prescribed by the Secretary,” after “officers of particular merit”; and
   
   (2) in paragraph (3), by inserting “, pursuant to guidelines and procedures prescribed by the Secretary concerned,” after “shall recommend”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply with respect to officers recommended for promotion by promotion selection boards convened on or after that date.

SEC. 504. SPECIAL SELECTION REVIEW BOARDS FOR REVIEW OF PROMOTION OF OFFICERS SUBJECT TO ADVERSE INFORMATION IDENTIFIED AFTER RECOMMENDATION FOR PROMOTION AND RELATED MATTERS.

(a) REGULAR OFFICERS.—

   (1) IN GENERAL.—Subchapter III of chapter 36 of title 10, United States Code, is amended by inserting after section 628 the following new section:
§628a. Special selection review boards

“(a) In General.—(1) If the Secretary of the military department concerned determines that a person recommended by a promotion board for promotion to a grade at or below the grade of major general, rear admiral in the Navy, or an equivalent grade in the Space Force is the subject of credible information of an adverse nature, including any substantiated adverse finding or conclusion described in section 615(a)(3)(A) 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 Secretary of Defense, the President, or the Senate, as applicable,
or included on a promotion list under section 624(a) 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 628(f) 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 of the military department concerned 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 615(a)(2) 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 615(a)(3)(A) 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 paragraph (3)(C) of section 615(a) of this title applicable to the furnishing of information described in paragraph (3)(A) of such section to selection boards in accordance with that section.

“(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 of the military department concerned 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 inform-
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 in-
formation under section 615(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 de-
dscribed in clause (i)(II) shall be furnished to the special
selection review board.

“(D) A person may waive either or both of the fol-
lowing:

“(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 in-
formation with an appropriate sampling of the records of
those officers of the same competitive category 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 of the military department concerned 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 617(b) and 618 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 611(a) 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 subsections (b) and (c) of section 624 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.—(1) The Secretary of Defense shall prescribe regulations to carry out this section. Such regulations shall apply uniformly across the military departments.

“(2) Any regulation prescribed by the Secretary of a military department to supplement the regulations prescribed pursuant to paragraph (1) may not take effect without the approval of the Secretary of Defense, in writing.
“(h) PROMOTION BOARD DEFINED.—In this section, the term ‘promotion board ’means a selection board convened by the Secretary of a military department under section 611(a) of this title.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter III of chapter 36 of such title is amended by inserting after the item relating to section 628 the following new item:

“628a. Special selection review boards.”.

(3) DELAY IN PROMOTION.—Section 624(d) of such title is amended—

(A) in paragraph (1)—

(i) in subparagraph (D), by striking “or” at the end;

(ii) in subparagraph (E), by striking the period at the end and inserting “; or”;

and

(iii) by inserting after subparagraph (E) the following new subparagraph (F):

“(F) the Secretary of the military department concerned determines that credible information of an adverse nature, including a substantiated adverse finding or conclusion described in section 615(a)(3)(A) of this title, with respect to the officer will result in the convening of a special selection review board under section 628a of this title to review
the officer and recommend whether the recommend for promotion of the officer should be sustained.’’;

(B) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively;

(C) by inserting after paragraph (2) the following new paragraph (3):

“(3) In the case of an officer whose promotion is delayed pursuant to paragraph (1)(F) and whose recommendation for promotion is sustained, authorities for the promotion of the officer are specified in section 628a(f) of this title.’’; and

(D) in paragraph (4), as redesignated by subparagraph (B)—

(i) by striking “The appointment” and inserting “(A) Except as provided in subparagraph (B), the appointment’’; and

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

“(B) In the case of an officer whose promotion is delayed pursuant to paragraph (1)(F), requirements applicable to notice and opportunity for response to such delay are specified in section 628a(e)(3) of this title.’’.

(b) Reserve Officers.—
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(1) IN GENERAL.—Chapter 1407 of title 10, United States Code, is amended by inserting after section 14502 the following new section:

§ 14502a. Special selection review boards

“(a) IN GENERAL.—(1) If the Secretary of the military department concerned determines that a person recommended by a promotion board for promotion to a grade at or below the grade of major general or rear admiral in the Navy is the subject of credible information of an adverse nature, including any substantiated adverse finding or conclusion described in section 14107(a)(3)(A) 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 pro-
motion by the promotion board recommending the promotion of the person; and

“(B) shall not be forwarded to the Secretary of Defense, the President, or the Senate, as applicable, or included on a promotion list under section 14308(a) 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 14502(b)(2) 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 of the military department concerned 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 14107(a)(2) 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 14107(a)(3)(A) 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 paragraph (3)(B) of section 14107(a) of this title applicable to the furnishing of information described in paragraph (3)(A) of such section to promotion boards in accordance with that section.

“(3)(A) Before information on person described in paragraph (1)(B) is furnished to a special selection review board for purposes of this section, the Secretary of the military department concerned 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 an officer 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 14107(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 of the same competitive category 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 of the military department concerned 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 14109(c), 14110, and 14111 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 14101(a) 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 14308 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 reserve active-status list as the person would have had pursuant to the original recommendation for promotion of the promotion board concerned.

“(g) REGULATIONS.—(1) The Secretary of Defense shall prescribe regulations to carry out this section. Such regulations shall apply uniformly across the military departments.
“(2) Any regulation prescribed by the Secretary of a military department to supplement the regulations prescribed pursuant to paragraph (1) may not take effect without the approval of the Secretary of Defense, in writing.

“(h) PROMOTION BOARD DEFINED.—In this section, the term ‘promotion board ’ means a selection board convened by the Secretary of a military department under section 14101(a) of this title.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1407 of such title is amended by inserting after the item relating to section 14502 the following new item:

“14502a. Special selection review boards.”.

(3) DELAY IN PROMOTION.—Section 14311 of such title is amended—

(A) in subsection (a)—

(i) in paragraph (1), by adding at the end the following new subparagraph:

“(F) The Secretary of the military department concerned determines that credible information of adverse nature, including a substantiated adverse finding or conclusion described in section 14107(a)(3)(A) of this title, with respect to the officer will result in the convening of a special selection review board under section 14502a of this title to re-
view the officer and recommend whether the recommenda-
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tion for promotion of the officer should be sustain-
(b) by adding at the end the following new paragraph:
“(2) In the case of an officer whose promotion is de-
layed pursuant to paragraph (1)(F) and whose re-
ommendation for promotion is sustained, authorities for the promotion of the officer are specified in section 14502a(f) of this title.”; and
(B) in subsection (c), by adding at the end the following new paragraph:
“(3) Notwithstanding paragraphs (1) and (2), in the case of an officer whose promotion is delayed pursuant to subsection (a)(1)(F), requirements applicable to notice and opportunity for response to such delay are specified in section 14502a(e)(3) of this title.”.
(c) REQUIREMENTS FOR FURNISHING ADVERSE IN-
FORMATION ON REGULAR OFFICERS TO PROMOTION SE-
LECTION BOARDS.—
(1) EXTENSION OF REQUIREMENTS TO SPACE
FORCE REGULAR OFFICERS.—Subparagraph (B)(i)
of section 615(a)(3) of title 10, United States Code, is amended by striking “or, in the case of the Navy, lieutenant” and inserting “, in the case of the Navy,
lieutenant, or in the case of the Space Force, the equivalent grade”.

(2) SATISFACTION OF REQUIREMENTS THROUGH SPECIAL SELECTION REVIEW BOARDS.—Such section is further amended by adding at the end the following new subparagraph:

“(D) With respect to the consideration of an officer for promotion to a grade at or below major general, in the case of the Navy, rear admiral, or, in the case of the Space Force, the equivalent grade, the requirements in subparagraphs (A) and (C) may be met through the convening and actions of a special selection review board with respect to the officer under section 628a of this title.”.

(3) DELAYED APPLICABILITY OF REQUIREMENTS TO BOARDS FOR PROMOTION OF OFFICERS TO NON-GENERAL AND FLAG OFFICER GRADERS.—Subsection (c) of section 502 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) is amended to read as follows:

“(c) EFFECTIVE DATE AND APPLICABILITY.—

“(1) EFFECTIVE DATE.—The amendments made by this section shall take effect on December 20, 2019, and shall, except as provided in paragraph (2), apply with respect to the proceedings of promotion selection boards convened under section
611(a) of title 10, United States Code, after that date.

“(2) Delayed applicability for boards for promotion to non-general and flag officer grades.—The amendments made this section shall apply with respect to the proceedings of promotion selection boards convened under section 611(a) of title 10, United States Code, for consideration of officers for promotion to a grade below the grade of brigadier general or, in the case of the Navy, rear admiral (lower half), only if such boards are so convened after January 1, 2021.”.

(d) Requirements for furnishing adverse information on reserve officers to promotion selection boards.—Section 14107(a)(3) of title 10, United States Code, is amended—

(1) by inserting “(A)” after “(3)”; 

(2) in subparagraph (A), as designated by paragraph (1), by striking “colonel, or, in the case of the Navy, captain” and inserting “lieutenant colonel, or, in the case of the Navy, commander”; and

(3) by adding at the end the following new subparagraphs

“(B) The standards and procedures referred to in subparagraph (A) shall require the furnishing to the selec-
tion board, and to each individual member of the board, the information described in that subparagraph with regard to an officer in a grade specified in that subparagraph at each stage or phase of the selection board, concurrent with the screening, rating, assessment, evaluation, discussion, or other consideration by the board or member of the official military personnel file of the officer, or of the officer.

“(C) With respect to the consideration of an officer for promotion to a grade at or below major general or, in the Navy, rear admiral, the requirements in subparagraphs (A) and (B) may be met through the convening and actions of a special selection board with respect to the officer under section 14502a of this title.”.

SEC. 505. NUMBER OF OPPORTUNITIES FOR CONSIDERATION FOR PROMOTION UNDER ALTERNATIVE PROMOTION AUTHORITY.

Section 649c of title 10, United States Code, is amended—

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

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

“(d) INAPPLICABILITY OF REQUIREMENT RELATING TO OPPORTUNITIES FOR CONSIDERATION FOR PROMO-
MOTION.—Section 645(1)(A)(i)(I) of this title shall not apply to the promotion of officers described in subsection (a) to the extent that such section is inconsistent with a number of opportunities for promotion specified pursuant to section 649d of this title.”.

SEC. 506. MANDATORY RETIREMENT FOR AGE.

(a) GENERAL RULE.—Subsection (a) of section 1251 of title 10, United States Code, is amended—

(1) by inserting “Space Force,” after “or Marine Corps,”; and

(2) by inserting “or separated, as specified in subsection (e),” after “shall be retired”.

(b) DEFERRED RETIREMENT OR SEPARATION OF HEALTH PROFESSIONS OFFICERS.—Subsection (b) of such section is amended—

(1) in the subsection heading, by inserting “OR SEPARATION” after “RETIREMENT”; and

(2) in paragraph (1), by inserting “or separation” after “retirement”.

(c) DEFERRED RETIREMENT OR SEPARATION OF OTHER OFFICERS.—Subsection (c) of such section is amended—

(1) in the subsection heading, by striking “OF CHaplains” and inserting “OR SEPARATION OF OTHER OFFICERS”;
(2) by inserting “or separation” after “retire-
ment”; and
(3) by striking “an officer who is appointed or
designated as a chaplain” and inserting “any officer
other than a health professions officer described in
subsection (b)(2)”.
(d) RETIREMENT OR SEPARATION BASED ON YEARS
OF CREDITABLE SERVICE.—Such section is further
amended by adding at the end the following new sub-
section:
“(e) RETIREMENT OR SEPARATION BASED ON YEARS
OF CREDITABLE SERVICE.—The following rules shall
apply to a regular commissioned officer who is to be re-
tired or separated under subsection (a):
“(1) If the officer has at least 6 but fewer than
20 years of creditable service, the officer shall be
separated, with separation pay computed under sec-
tion 1174(d)(1) of this title.
“(2) If the officer has fewer than 6 years of
creditable service, the officer shall be separated
under subsection (a).”.
SEC. 507. CLARIFYING AND IMPROVING RESTATEMENT OF
RULES ON THE RETIRED GRADE OF COMMISSIONED OFFICERS.
(a) RESTATEMENT.—
(1) IN GENERAL.—Chapter 69 of title 10, United States Code, is amended by striking section 1370 and inserting the following new sections:

“§ 1370. Regular commissioned officers

“(a) Retirement in highest grade in which served satisfactorily.—

“(1) IN GENERAL.—Unless entitled to a different retired grade under some other provision of law, a commissioned officer (other than a commissioned warrant officer) of the Army, Navy, Air Force, Marine Corps, or Space Force who retires under any provision of law other than chapter 61 or 1223 of this title shall be retired in the highest permanent grade in which such officer is determined to have served on active duty satisfactorily.

“(2) Determination of satisfactory service.—The determination of satisfactory service of an officer in a grade under paragraph (1) shall be made as follows:

“(A) By the Secretary of the military department concerned, if the officer is serving in a grade at or below the grade of major general, rear admiral in the Navy, or the equivalent grade in the Space Force.
“(B) By the Secretary of Defense, if the officer is serving or has served in a grade above the grade of major general, rear admiral in the Navy, or the equivalent grade in the Space Force.

“(3) Effect of misconduct in lower grade in determination.—If the Secretary of a military department or the Secretary of Defense, as applicable, determines that an officer committed misconduct in a lower grade than the retirement grade otherwise provided for the officer by this section—

“(A) such Secretary may deem the officer to have not served satisfactorily in any grade equal to or higher than such lower grade for purposes of determining the retirement grade of the officer under this section; and

“(B) the grade next lower to such lower grade shall be the retired grade of the officer under this section.

“(4) Nature of retirement of certain reserve officers and officers in temporary grades.—A reserve officer, or an officer appointed to a position under section 601 of this title, who is notified that the officer will be released from active
duty without the officer’s consent and thereafter requests retirement under section 7311, 8323, or 9311 of this title and is retired pursuant to that request is considered for purposes of this section to have been retired involuntarily.

“(5) NATURE OF RETIREMENT OF CERTAIN REMOVED OFFICERS.—An officer retired pursuant to section 1186(b)(1) of this title is considered for purposes of this section to have been retired voluntarily.

“(b) RETIREMENT OF OFFICERS RETIRING VOLUNTARILY.—

“(1) SERVICE-IN-GRADE REQUIREMENT.—In order to be eligible for voluntary retirement under any provision of this title in a grade above the grade of captain in the Army, Air Force, or Marine Corps, lieutenant in the Navy, or the equivalent grade in the Space Force, a commissioned officer of the Army, Navy, Air Force, Marine Corps, or Space Force must have served on active duty in that grade for a period of not less than three years, except that—

“(A) subject to subsection (c), the Secretary of Defense may reduce such period to a period of not less than two years for any officer; and
“(B) in the case of an officer to be retired in a grade at or below the grade of major general in the Army, Air Force, or Marine Corps, rear admiral in the Navy, or an equivalent grade in the Space Force, the Secretary of Defense may authorize the Secretary of the military department concerned to reduce such period to a period of not less than two years.

“(2) LIMITATION ON DELEGATION.—The authority of the Secretary of Defense in subparagraph (A) of paragraph (1) may not be delegated. The authority of the Secretary of a military department in subparagraph (B) of paragraph (1), as delegated to such Secretary pursuant to such subparagraph, may not be further delegated.

“(3) WAIVER OF REQUIREMENT.—Subject to subsection (c), the President may waive the application of the service-in-grade requirement in paragraph (1) to officers covered by that paragraph in individual cases involving extreme hardship or exceptional or unusual circumstances. The authority of the President under this paragraph may not be delegated.

“(4) LIMITATION ON REDUCTION OR WAIVER OF REQUIREMENT FOR OFFICERS UNDER INVEST-
TIGATION OR PENDING MISCONDUCT.—In the case of an officer to be retired in a grade above the grade of colonel in the Army, Air Force, or Marine Corps, captain in the Navy, or the equivalent grade in the Space Force, the service-in-grade requirement in paragraph (1) may not be reduced pursuant to that paragraph, or waived pursuant to paragraph (3), while the officer is under investigation for alleged misconduct or while there is pending the disposition of an adverse personnel action against the officer.

“(5) GRADE AND FISCAL YEAR LIMITATIONS ON REDUCTION OR WAIVER OF REQUIREMENTS.—The aggregate number of members of an armed force in a grade for whom reductions are made under paragraph (1), and waivers are made under paragraph (3), in a fiscal year may not exceed—

“(A) in the case of officers to be retired in a grade at or below the grade of major in the Army, Air Force, or Marine Corps, lieutenant commander in the Navy, or the equivalent grade in the Space Force, the number equal to two percent of the authorized active-duty strength for that fiscal year for officers of that armed force in that grade;
“(B) in the case of officers to be retired in the grade of lieutenant colonel or colonel in the Army, Air Force, or Marine Corps, commander or captain in the Navy, or an equivalent grade in the Space Force, the number equal to four percent of the authorized active-duty strength for that fiscal year for officers of that armed force in the applicable grade; or

“(C) in the case of officers to be retired in the grade of brigadier general or major general in the Army, Air Force, or Marine Corps, rear admiral (lower half) or rear admiral in the Navy, or an equivalent grade in the Space Force, the number equal to 10 percent of the authorized active-duty strength for that fiscal year for officers of that armed force in the applicable grade.

“(6) NOTICE TO CONGRESS ON REDUCTION OR WAIVER OF REQUIREMENTS FOR GENERAL, FLAG, AND EQUIVALENT OFFICER GRADES.—In the case of an officer to be retired in a grade that is a general or flag officer grade, or an equivalent grade in the Space Force, who is eligible to retire in that grade only by reason of an exercise of the authority in paragraph (1) to reduce the service-in-grade require-
ment in that paragraph, or the authority in para-
graph (3) to waive that requirement, the Secretary
of Defense or the President, as applicable, shall, not
later than 60 days prior to the date on which the
officer will be retired in that grade, notify the Com-
mittees on Armed Services of the Senate and the
House of Representatives of the exercise of the ap-
licable authority with respect to that officer.

“(7) Retirement in next lowest grade
for officers not meeting requirement.—An
officer described in paragraph (1) whose length of
service in the highest grade held by the officer while
on active duty does not meet the period of the serv-
ice-in-grade requirement applicable to the officer
under this subsection shall, subject to subsection (c),
be retired in the next lower grade in which the offi-
cer served on active duty satisfactorily, as deter-
mined by the Secretary of the military department
concerned or the Secretary of Defense, as applicable.

“(c) Officers in O–9 and O–10 Grades.—

“(1) In general.—An officer of the Army,
Navy, Air Force, Marine Corps, or Space Force who
is serving or has served in a position of importance
and responsibility designated by the President to
carry the grade of lieutenant general or general in
the Army, Air Force, or Marine Corps, vice admiral
or admiral in the Navy, or an equivalent grade in
the Space Force under section 601 of this title may
be retired in such grade under subsection (a) only
after the Secretary of Defense certifies in writing to
the President and the Committees on Armed Serv-
ices of the Senate and the House of Representatives
that the officer served on active duty satisfactorily
in such grade.

“(2) Prohibition on Delegation.—The au-
thority of the Secretary of Defense to make a certifi-
cation with respect to an officer under paragraph (1)
may not be delegated.

“(3) Requirements in Connection with
Certification.—A certification with respect to an
officer under paragraph (1) shall—

“(A) be submitted by the Secretary of De-

defense such that it is received by the President
and the Committees on Armed Services of the
Senate and the House of Representatives not
later than 60 days prior to the date on which
the officer will be retired in the grade con-
cerned;

“(B) include an up-to-date copy of the
military biography of the officer; and
“(C) include the statement of the Secretary as to whether or not potentially adverse, adverse, or reportable information regarding the officer was considered by the Secretary in making the certification.

“(4) Construction with other notice.—In the case of an officer under paragraph (1) to whom a reduction in the service-in-grade requirement under subsection (b)(1) or waiver under subsection (b)(3) applies, the requirement for notification under subsection (b)(6) is satisfied if the notification is included in the certification submitted by the Secretary of Defense under paragraph (1).

“(d) Conditional retirement grade and retirement for officers pending investigation or adverse action.—

“(1) In general.—When an officer serving in a grade at or below the grade of major general in the Army, Air Force, or Marine Corps, rear admiral in the Navy, or an equivalent grade in the Space Force is under investigation for alleged misconduct or pending the disposition of an adverse personnel action at the time of retirement, the Secretary of the military department concerned may—
“(A) conditionally determine the highest permanent grade of satisfactory service on active duty of the officer pending completion of the investigation or resolution of the personnel action, as applicable; and

“(B) retire the officer in that conditional grade, subject to subsection (e).

“(2) Officers in O–9 and O–10 Grades.—When an officer described by subsection (c)(1) is under investigation for alleged misconduct or pending the disposition of an adverse personnel action at the time of retirement, the Secretary of Defense may—

“(A) conditionally determine the highest permanent grade of satisfactory service on active duty of the officer, pending completion of the investigation or personnel action, as applicable; and

“(B) retire the officer in that conditional grade, subject to subsection (e).

“(3) Reduction or Waiver of Service-in-Grade Requirement Prohibited for General, Flag, and Equivalent Officer Grades.—In conditionally determining the retirement grade of an officer under paragraph (1)(A) or (2)(A) of this sub-
section to be a grade above the grade of colonel in
the Army, Air Force, or Marine Corps, captain in
the Navy, or the equivalent grade in the Space
Force, the service-in-grade requirement in subsection
(b)(1) may not be reduced pursuant to subsection
(b)(1) or waived pursuant to subsection (b)(3).

“(4) Prohibition on Delegation.—The au-
thority of the Secretary of a military department
under paragraph (1) may not be delegated. The au-
thority of the Secretary of Defense under paragraph
(2) may not be delegated.

“(e) Final Retirement Grade Following Reso-
lution of Pending Investigation or Adverse Ac-
tion.—

“(1) No Change from Conditional Retire-
ment Grade.—If the resolution of an investigation
or personnel action with respect to an officer who
has been retired in a conditional retirement grade
pursuant to subsection (d) results in a determination
that the conditional retirement grade in which the
officer was retired will not be changed, the condi-
tional retirement grade of the officer shall, subject
to paragraph (3), be the final retired grade of the
officer.
(2) Change from Conditional Retirement Grade.—If the resolution of an investigation or personnel action with respect to an officer who has been retired in a conditional retirement grade pursuant to subsection (d) results in a determination that the conditional retirement grade in which the officer was retired should be changed, the changed retirement grade shall be the final retired grade of the officer under this section, except that if the final retirement grade provided for an officer pursuant to this paragraph is the grade of lieutenant general or general in the Army, Air Force, or Marine Corps, vice admiral or admiral in the Navy, or an equivalent grade in the Space Force, the requirements in subsection (c) shall apply in connection with the retirement of the officer in such final retirement grade.

(3) Recalculation of Retired Pay.—

(A) In general.—If the final retired grade of an officer is as a result of a change under paragraph (2), the retired pay of the officer under chapter 71 of this title shall be recalculated accordingly, with any modification of the retired pay of the officer to go into effect as of the date of the retirement of the officer.
“(B) Payment of higher amount for period of conditional retirement grade.—If the recalculation of the retired pay of an officer results in an increase in retired pay, the officer shall be paid the amount by which such increased retired pay exceeded the amount of retired pay paid the officer for retirement in the officer’s conditional grade during the period beginning on the date of the retirement of the officer in such conditional grade and ending on the effective date of the change of the officer’s retired grade. For an officer whose retired grade is determined pursuant to subsection (c), the effective date of the change of the officer’s retired grade for purposes of this subparagraph shall be the date that is 60 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 certification required by subsection (c) in connection with the retired grade of the officer.

“(C) Recoupment of overage during period of conditional retirement grade.—If the recalculation of the retired pay
of an officer results in a decrease in retired pay, there shall be recouped from the officer the amount by which the amount of retired pay paid the officer for retirement in the officer’s conditional grade exceeded such decreased retired pay during the period beginning on the date of the retirement of the officer in such conditional grade and ending on the effective date of the change of the officer’s retired grade.

“(f) Finality of Retired Grade Determinations.—

“(1) In General.—Except for a conditional determination authorized by subsection (d), a determination of the retired grade of an officer pursuant to this section is administratively final on the day the officer is retired, and may not be reopened, except as provided in paragraph (2).

“(2) Reopening.—A final determination of the retired grade of an officer may be reopened as follows:

“(A) If the retirement or retired grade of the officer was procured by fraud.

“(B) If substantial evidence comes to light after the retirement that could have led to determination of a different retired grade under
this section if known by competent authority at
the time of retirement.

“(C) If a mistake of law or calculation was
made in the determination of the retired grade.

“(D) If the applicable Secretary deter-
mines, pursuant to regulations prescribed by
the Secretary of Defense, that good cause exists
to reopen the determination of retired grade.

“(3) APPLICABLE SECRETARY.—For purposes
of this subsection, the applicable Secretary for pur-
poses of a determination or action specified in this
subsection is—

“(A) the Secretary of the military depart-
ment concerned, in the case of an officer retired
in a grade at or below the grade of major gen-
eral in the Army, Air Force, or Marine Corps,
rear admiral in the Navy, or the equivalent
grade in the Space Force; or

“(B) the Secretary of Defense, in the case
of an officer retired in a grade of lieutenant
general or general in the Army, Air Force, or
Marine Corps, vice admiral or admiral in the
Navy, or an equivalent grade in the Space
Force.
“(4) NOTICE AND LIMITATION.—If a final determination of the retired grade of an officer is reopened in accordance with paragraph (2), the applicable Secretary—

“(A) shall notify the officer of the reopening; and

“(B) may not make an adverse determination on the retired grade of the officer until the officer has had a reasonable opportunity to respond regarding the basis for the reopening of the officer’s retired grade.

“(5) ADDITIONAL NOTICE ON REOPENING FOR OFFICERS RETIRED IN O–9 AND O–10 GRADES.—If the determination of the retired grade of an officer whose retired grade was provided for pursuant to subsection (e) is reopened, the Secretary of Defense shall also notify the President and the Committees on Armed Services of the Senate and the House of Representatives.

“(6) MANNER OF MAKING OF CHANGE.—If the retired grade of an officer is proposed to be changed through the reopening of the final determination of an officer’s retired grade under this subsection, the change in grade shall be made—
“(A) in the case of an officer whose retired grade is to be changed to a grade at or below the grade of major general in the Army, Air Force or Marine Corps, rear admiral in the Navy, or the equivalent grade in the Space Force, in accordance with subsections (a) and (b)—

“(i) by the Secretary of Defense (who may delegate such authority only as authorized by clause (ii)); or

“(ii) if authorized by the Secretary of Defense, by the Secretary of the military department concerned (who may not further delegate such authority);

“(B) in the case of an officer whose retired grade is to be changed to the grade of lieutenant general or general in the Army, Air Force, or Marine Corps, vice admiral or admiral in the Navy, or an equivalent grade in the Space Force, by the President, by and with the advice and consent of the Senate.

“(7) RECALCULATION OF RETIRED PAY.—If the final retired grade of an officer is changed through the reopening of the officer’s retired grade under this subsection, the retired pay of the officer under
chapter 71 of this title shall be recalculated. Any modification of the retired pay of the officer as a result of the change shall go into effect on the effective date of the change of the officer’s retired grade, and the officer shall not be entitled or subject to any changed amount of retired pay for any period before such effective date. An officer whose retired grade is changed as provided in paragraph (6)(B) shall not be entitled or subject to a change in retired pay for any period before the date on which the Senate provides advice and consent for the retirement of the officer in such grade.

“(g) Highest Permanent Grade Defined.—In this section, the term ‘highest permanent grade’ means a grade at or below the grade of major general in the Army, Air Force, or Marine Corps, rear admiral in the Navy, or an equivalent grade in the Space Force.

“§ 1370a. Officers entitled to retired pay for non-regular service

“(a) Retirement in Highest Grade Held Satisfactorily.—Unless entitled to a different grade, or to credit for satisfactory service in a different grade under some other provision of law, a person who is entitled to retired pay under chapter 1223 of this title shall, upon application under section 12731 of this title, be credited
with satisfactory service in the highest permanent grade in which that person served satisfactorily at any time in the armed forces, as determined by the Secretary of the military department concerned in accordance with this section.

“(b) Service-in-grade Requirement for Officers in Grades Below O–5.—In order to be credited with satisfactory service in an officer grade (other than a warrant officer grade) below the grade of lieutenant colonel or commander (in the case of the Navy), a person covered by subsection (a) must have served satisfactorily in that grade (as determined by the Secretary of the military department concerned) as a reserve commissioned officer in an active status, or in a retired status on active duty, for not less than six months.

“(c) Service-in-grade Requirement for Officers in Grades Above O–4.—

“(1) In general.—In order to be credited with satisfactory service in an officer grade above major or lieutenant commander (in the case of the Navy), a person covered by subsection (a) must have served satisfactorily in that grade (as determined by the Secretary of the military department concerned) as a reserve commissioned officer in an active status, or
in a retired status on active duty, for not less than three years.

“(2) SATISFACTION OF REQUIREMENT BY CERTAIN OFFICERS NOT COMPLETING THREE YEARS.—
A person covered by paragraph (1) who has completed at least six months of satisfactory service in grade may be credited with satisfactory service in the grade in which serving at the time of transfer or discharge, notwithstanding failure of the person to complete three years of service in that grade, if the person is transferred from an active status or discharged as a reserve commissioned officer—

“(A) solely due to the requirements of a nondiscretionary provision of law requiring that transfer or discharge due to the person’s age or years of service; or

“(B) because the person no longer meets the qualifications for membership in the Ready Reserve solely because of a physical disability, as determined, at a minimum, by a medical evaluation board and at the time of such transfer or discharge the person (pursuant to section 12731b of this title or otherwise) meets the service requirements established by section 12731(a) of this title for eligibility for retired
pay under chapter 1223 of this title, unless the
disability is described in section 12731b of this
title.

“(3) Reduction in service-in-grade re-
quirements.—

“(A) Officers in grades below gen-
eral and flag officer grades.—In the case
of a person to be retired in a grade below briga-
dier general or rear admiral (lower half) in the
Navy, the Secretary of Defense may authorize
the Secretary of a military department to re-
duce, subject to subparagraph (B), the three-
year period of service-in-grade required by para-
graph (1) to a period not less than two years.
The authority of the Secretary of a military de-
partment under this subparagraph may not be
delegated.

“(B) Limitation.—The number of reserve
commissioned officers of an armed force in the
same grade for whom a reduction is made
under subparagraph (A) during any fiscal year
in the period of service-in-grade otherwise re-
quired by paragraph (1) may not exceed the
number equal to 2 percent of the strength au-
thorized for that fiscal year for reserve commis-
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sioned officers of that armed force in an active
status in that grade.

“(C) Officers in General and Flag
Officers Grades.—The Secretary of Defense
may reduce the three-year period of service-in-
grade required by paragraph (1) to a period not
less than two years for any person, including a
person who, upon transfer to the Retired Re-
serve or discharge, is to be credited with satis-
factory service in a general or flag officer grade
under that paragraph. The authority of the
Secretary of Defense under this subparagraph
may not be delegated.

“(D) Notice to Congress on Reduction
in Service-in-Grade Requirements
For General and Flag Officer Grades.—
In the case of a person to be credited under
this section with satisfactory service in a grade
that is a general or flag officer grade who is eli-
gible to be credited with such service in that
grade only by reason of an exercise of authority
in subparagraph (C) to reduce the three-year
service-in-grade requirement otherwise applica-
ble under paragraph (1), the Secretary of De-
fense shall, not later than 60 days prior to the
date on which the person will be credited with
such satisfactory service in that grade, notify
the Committees on Armed Services of the Sen-
ate and the House of Representatives of the ex-
ercise of authority in subparagraph (C) with re-
spect to that person.

“(4) Officers serving in grades above O–6 involuntarily transferred from active sta-
tus.—A person covered by paragraph (1) who has
completed at least six months of satisfactory service
in a grade above colonel or (in the case of the Navy)
captain and, while serving in an active status in
such grade, is involuntarily transferred (other than
for cause) from active status may be credited with
satisfactory service in the grade in which serving at
the time of such transfer, notwithstanding failure of
the person to complete three years of service in that
grade.

“(5) Adjutants and assistant adjutants
general.—If a person covered by paragraph (1)
has completed at least six months of satisfactory
service in grade, the person was serving in that
grade while serving in a position of adjutant general
required under section 314 of title 32 or while serv-
ing in a position of assistant adjutant general subor-
ordinate to such a position of adjutant general, and
the person has failed to complete three years of serv-
vice in that grade solely because the person’s appoint-
ment to such position has been terminated or va-
cated as described in section 324(b) of such title, the
person may be credited with satisfactory service in
that grade, notwithstanding the failure of the person
to complete three years of service in that grade.

“(6) Officers recommended for pro-
motion serving in certain grade before pro-
motion.—To the extent authorized by the Secretary
of the military department concerned, a person who,
after having been recommended for promotion in a
report of a promotion board but before being pro-
moted to the recommended grade, served in a posi-
tion for which that grade is the minimum authorized
grade may be credited for purposes of paragraph (1)
as having served in that grade for the period for
which the person served in that position while in the
next lower grade. The period credited may not in-
clude any period before the date on which the Senate
provides advice and consent for the appointment of
that person in the recommended grade.

“(7) Officers qualified for federal rec-
ognition serving in certain grade before ap-
POINTMENT.—To the extent authorized by the Secretary of the military department concerned, a person who, after having been found qualified for Federal recognition in a higher grade by a board under section 307 of title 32, serves in a position for which that grade is the minimum authorized grade and is appointed as a reserve officer in that grade may be credited for the purposes of paragraph (1) as having served in that grade. The period of the service for which credit is afforded under the preceding sentence may be only the period for which the person served in the position after the Senate provides advice and consent for the appointment.

“(8) Retirement in next lowest grade for officers not meeting service-in-grade requirements.—A person whose length of service in the highest grade held does not meet the service-in-grade requirements specified in this subsection shall be credited with satisfactory service in the next lower grade in which that person served satisfactorily (as determined by the Secretary of the military department concerned) for not less than six months.

“(d) Officers in O–9 and O–10 grades.—
“(1) IN GENERAL.—A person covered by this section in the Army, Navy, Air Force, or Marine Corps who is serving or has served in a position of importance and responsibility designated by the President to carry the grade of lieutenant general or general in the Army, Air Force, or Marine Corps, or vice admiral or admiral in the Navy under section 601 of this title may be retired in such grade under subsection (a) only after the Secretary of Defense certifies in writing to the President and the Committees on Armed Services of the Senate and the House of Representatives that the officer served satisfactorily in such grade.

“(2) PROHIBITION ON DELEGATION.—The authority of the Secretary of Defense to make a certification with respect to an officer under paragraph (1) may not be delegated.

“(3) REQUIREMENTS IN CONNECTION WITH CERTIFICATION.—A certification with respect to an officer under paragraph (1) shall—

“(A) be submitted by the Secretary of Defense such that it is received by the President and the Committees on Armed Services of the Senate and the House of Representatives not later than 60 days prior to the date on which
the officer will be retired in the grade concerned;

“(B) include an up-to-date copy of the military biography of the officer; and

“(C) include the statement of the Secretary as to whether or not potentially adverse, adverse, or reportable information regarding the officer was considered by the Secretary in making the certification.

“(4) Construction with other notice.—In the case of an officer under paragraph (1) who is eligible to be credited with service in a grade only by reason of the exercise of the authority in subsection (e)(3)(C) to reduce the three-year service-in-grade requirement under subsection (e)(1), the requirement for notification under subsection (e)(3)(D) is satisfied if the notification is included in the certification submitted by the Secretary of Defense under paragraph (1).

“(e) Conditional Retirement Grade and Retirement for Officers Under Investigation for Misconduct or Pending Adverse Personnel Action.—The retirement grade, and retirement, of a person covered by this section who is under investigation for alleged misconduct or pending the disposition of an adverse
personnel action at the time of retirement is as provided for by section 1370(d) of this title. In the application of such section 1370(d) for purposes of this subsection, any reference ‘active duty’ shall be deemed not to apply, and any reference to a provision of section 1370 of this title shall be deemed to be a reference to the analogous provision of this section.

“(f) Final Retirement Grade Following Resolution of Pending Investigation or Adverse Action.—The final retirement grade under this section of a person described in subsection (e) following resolution of the investigation or personnel action concerned is the final retirement grade provided for by section 1370(e) of this title. In the application of such section 1370(e) for purposes of this subsection, any reference to a provision of section 1370 of this title shall be deemed to be a reference to the analogous provision of this section. In the application of paragraph (3) of such section 1370e(e) for purposes of this subsection, the reference to ‘chapter 71’ of this title shall be deemed to be a reference to ‘chapter 1223 of this title’.

“(g) Finality of Retired Grade Determinations.—

“(1) In general.—Except for a conditional determination authorized by subsection (e), a deter-
mination of the retired grade of a person pursuant to this section is administratively final on the day the person is retired, and may not be reopened.

“(2) REOPENING.—A determination of the retired grade of a person may be reopened in accordance with applicable provisions of section 1370(f) of this title. In the application of such section 1370(f) for purposes of this subsection, any reference to a provision of section 1370 of this title shall be deemed to be a reference to the analogous provision of this section. In the application of paragraph (7) of such section 1370(f) for purposes of this paragraph, the reference to ‘chapter 71 of this title’ shall be deemed to be a reference to ‘chapter 1223 of this title’.

“(h) HIGHEST PERMANENT GRADE DEFINED.—In this section, the term ‘highest permanent grade’ means a grade at or below the grade of major general in the Army, Air Force, or Marine Corps or rear admiral in the Navy.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 69 of title 10, United States Code, is amended by striking the item relating to section 1370 and inserting the following new items:

“1370. Regular commissioned officers.
“1370a. Officers entitled to retired pay for non-regular service.”.
(b) CONFORMING AND TECHNICAL AMENDMENTS TO
RETIRED GRADE RULES FOR THE ARMED FORCES.—

(1) RETIRED PAY.—Title 10, United States Code, is amended as follows:

(A) In section 1406(b)(2), by striking “section 1370(d)” and inserting “section 1370a”.

(B) In section 1407(f)(2)(B), by striking “by reason of denial of a determination or certification under section 1370” and inserting “pursuant to section 1370 or 1370a”.

(2) ARMY.—Section 7341 of such title is amended—

(A) by striking subsection (a) and inserting the following new subsection (a):

“(a)(1) The retired grade of a regular commissioned officer of the Army who retires other than for physical disability is determined under section 1370 of this title.

“(2) The retired grade of a reserve commissioned officer of the Army who retires other than for physical disability is determined under section 1370a of this title.”;

and

(B) in subsection (b)—

(i) by striking “he” and inserting “the member”; and
(ii) by striking “his” and inserting “the member’s”.

(3) NAVY AND MARINE CORPS.—Such title is further amended as follows:

(A) In section 8262(a), by striking “sections 689 and 1370” and inserting “section 689, and section 1370 or 1370a (as applicable),”.

(B) In section 8323(c), by striking “section 1370 of this title” and inserting “section 1370 or 1370a of this title, as applicable”.

(4) AIR FORCE AND SPACE FORCE.—Section 9341 of such title is amended—

(A) by striking subsection (a) and inserting the following new subsection (a):

“(a)(1) The retired grade of a regular commissioned officer of the Air Force or the Space Force who retires other than for physical disability is determined under section 1370 of this title.

“(2) The retired grade of a reserve commissioned officer of the Air Force or the Space Force who retires other than for physical disability is determined under section 1370a of this title.”; and

(B) in subsection (b)—
(i) by inserting “or a Regular or Reserve of the Space Force” after “Air Force”;

(ii) by striking “he” and inserting “the member”; and

(iii) by striking “his” and inserting “the member’s”.

(5) Reserve Officers.—Section 12771 of such title is amended—

(A) in subsection (a), by striking “section 1370(d)” and inserting “section 1370a of this title”; and

(B) in subsection (b)(1), by striking “section 1370(d)” and inserting “section 1370a”.

(c) Other References.—In the determination of the retired grade of a commissioned officer of the Armed Forces entitled to retired pay under chapter 1223 of title 10, United States Code, who retires after the date of the enactment of this Act, any reference in a provision of law or regulation to section 1370 of title 10, United States Code, in such determination with respect to such officer shall be deemed to be a reference to section 1370a of title 10, United States Code (as amended by subsection (a)).
SEC. 508. REPEAL OF AUTHORITY FOR ORIGINAL APPOINTMENT OF REGULAR NAVY OFFICERS DESIGNATED FOR ENGINEERING DUTY, AERONAUTICAL ENGINEERING DUTY, AND SPECIAL DUTY.

(a) Repeal.—Section 8137 of title 10, United States Code, is repealed.

(b) Clerical Amendment.—The table of sections at the beginning of chapter 815 of such title is amended by striking the item relating to section 8137.

Subtitle B—Reserve Component Management

SEC. 511. EXCLUSION OF CERTAIN RESERVE GENERAL AND FLAG OFFICERS ON ACTIVE DUTY FROM LIMITATIONS ON AUTHORIZED STRENGTHS.

(a) Duty for Certain Reserve Officers Under Joint Duty Limited Exclusion.—Subsection (b) of section 526a of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(3) Duty for certain reserve officers.—Of the officers designated pursuant to paragraph (1), the Chairman of the Joint Chiefs of Staff may designate up to 15 general and flag officer positions in the unified and specified combatant commands, and up to three general and flag officer positions on the Joint Staff, as positions to be held only
by reserve officers who are in a general or flag officer grade below lieutenant general or vice admiral. Each position so designated shall be considered to be a joint duty assignment position for purposes of chapter 38 of this title.”.

(b) *RESERVE OFFICERS ON ACTIVE DUTY FOR TRAINING OR FOR LESS THAN 180 DAYS.*—Such section is further amended—

(1) by redesignating subsections (c) through (h) as subsections (d) through (i), respectively; and

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

“(c) *RESERVE OFFICERS ON ACTIVE DUTY FOR TRAINING OR FOR LESS THAN 180 DAYS.*—The limitations of this section do not apply to a reserve general or flag officer who—

“(1) is on active duty for training; or

“(2) is on active duty under a call or order specifying a period of less than 180 days.”.

**Subtitle C—General Service Authorities**

**SEC. 516. INCREASED ACCESS TO POTENTIAL RECRUITS.**

(a) *SECONDARY SCHOOLS.*—Section 503(e)(1) of title 10, United States Code, is amended—

(1) in subparagraph (A)—
(A) in clause (i), by striking “and” at the end;

(B) in clause (ii), by striking “and telephone listings,” and all that follows through the period at the end and inserting “electronic mail addresses, home telephone numbers, and mobile telephone numbers, notwithstanding subsection (a)(5)(B) or (b) of section 444 of the General Education Provisions Act (20 U.S.C. 1232g); and

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

“(iii) shall provide information requested pursuant to clause (ii) within a reasonable period of time, but in no event later than 60 days after the date of the request.”; and

(2) in subparagraph (B), by striking “and telephone listing” and inserting “electronic mail address, home telephone number, or mobile telephone number”.

(b) INSTITUTIONS OF HIGHER EDUCATION.—Section 983(b) of such title is amended—

(1) in paragraph (1), by striking “or” at the end;

(2) in paragraph (2)—
(A) in subparagraph (A), by striking “and telephone listings” and inserting “electronic mail addresses, home telephone numbers, and mobile telephone numbers, which information shall be made available not later than 60 days after the start of classes for the current semester or not later than 60 days after the date of a request, whichever is later”; and

(B) in subparagraph (B), by striking the period at the end and inserting “; or”; and

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

“(3) access by military recruiters for purposes of military recruiting to lists of students (who are 17 years of age or older) not returning to the institution after having been enrolled during the previous semester, together with student recruiting information and the reason why the student did not return, if collected by the institution.”.

SEC. 517. TEMPORARY AUTHORITY TO ORDER RETIRED MEMBERS TO ACTIVE DUTY IN HIGH-DEMAND, LOW-DENSITY ASSIGNMENTS DURING WAR OR NATIONAL EMERGENCY.

Section 688a of title 10, United States Code, is amended—
(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following new subsection (g):

“(g) EXCEPTIONS DURING PERIODS OF WAR OR NATIONAL EMERGENCY.—The limitations in subsections (c) and (f) shall not apply during a time of war or of national emergency declared by Congress or the President.”

SEC. 518. CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY (DD FORM 214) MATTERS.

(a) Redesignation as Certificate of Military Service.—

(1) In general.—Department of Defense Form DD 214, the Certificate of Release or Discharge from Active Duty, is hereby redesignated as the Certificate of Military Service.

(2) Conforming amendment.—Section 1168(a) of title 10, United States Code, is amended by striking “discharge certificate or certificate of release from active duty, respectively,” and inserting “Certificate of Military Service”.

(3) References.—Any reference in a law, regulation, document, paper, or other record of the United States to Department of Defense Form DD 214, the Certificate of Release or Discharge from
Active Duty, shall be deemed to be a reference to the Certificate of Military Service.

(4) TECHNICAL AMENDMENTS.—Such section 1168(a) is further amended—

(A) by striking “until his” and inserting “until the member’s”;

(B) by striking “his final pay” and inserting “the member’s final pay”; and

(C) by striking “him or his next of kin” and inserting “the member or the member’s next of kin”.

(5) EFFECTIVE DATES.—

(A) IN GENERAL.—Except as provided in subparagraph (B), this subsection and the amendments made by this subsection shall take effect on the date provided for in subsection (d) of section 569 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92), as redesignated by subsection (b)(1)(B) of this section.

(B) TECHNICAL AMENDMENTS.—The amendments made by paragraph (4) of this subsection shall take effect on the date of the enactment of this Act.

(b) ADDITIONAL REQUIREMENTS.—
(1) IN GENERAL.—Section 569 of the National Defense Authorization Act for Fiscal Year 2020 is amended—

(A) in subsection (a)—

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

(ii) by inserting before paragraph (2), as redesignated by clause (i), the following new paragraph (1);

“(1) redesignate such form as the Certificate of Military Service;”.

(iii) in paragraph (2), as so redesignated, by striking “and” at the end; and

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

“(3) provide for a standard total force record of military service for all members of the Armed Forces, including member of the reserve components, that summarizes the record of service for each member; and”;

(B) by redesignating subsections (b) and (c) as subsections (d) and (e), respectively;
(C) by inserting after subsection (a) the following new subsections:

“(b) ISSUANCE TO RESERVES.—The Secretary of Defense shall provide for the issuance of the Certificate of Military Service, as modified pursuant to subsection (a), to members of the reserve components of the Armed Forces at such times during their military service as is appropriate to facilitate their access to benefits under the laws administered by the Secretary of Veterans Affairs.

“(c) COORDINATION.—In carrying out this section, the Secretary of Defense shall coordinate with the Secretary of Veterans Affairs to ensure that the Certificate of Military Service, as modified pursuant to subsection (a), is recognized as the Certificate of Military Service referred to in section 1168(a) of title 10, United States Code, and for the purposes of establishing eligibility for applicable benefits under the laws administered by the Secretary of Veterans Affairs.”; and

(D) in subsection (d), as redesignated by subparagraph (B), by striking “a revised Certificate of Release or Discharge from Active Duty (DD Form 214), modified” and inserting “the Certificate of Military Service, as modified”.
(2) CONFORMING AMENDMENT.—The heading of such section 569 is amended to read as follows: “SEC. 569. CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY (DD FORM 214) MATTERS.”.

(3) REPEAL OF SUPERSEDED REQUIREMENTS.—Section 570 of the National Defense Authorization Act for Fiscal Year 2020 is repealed.

SEC. 519. EVALUATION OF BARRIERS TO MINORITY PARTICIPATION IN CERTAIN UNITS OF THE ARMED FORCES.

(a) FINDINGS.—Congress makes the following findings:

(1) In 1999, the RAND Corporation issued a report entitled “Barriers to Minority Participation in Special Operations Forces” that was sponsored by United States Special Operations Command.

(2) In 2018, the RAND Corporation issued a report entitles “Understanding Demographic Differences in Undergraduate Pilot Training Attrition” that was sponsored by the Air Force.

(3) No significant independent study has been performed by a federally funded research and development center into increasing minority participation in the special operations forces since 1999.

(b) STUDY REQUIRED.—
(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall, acting through the Under Secretary of Defense for Personnel and Readiness, seek to enter into an agreement with a federally funded research and development center.

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

(A) A description of the racial, ethnic, and gender composition of covered units.

(B) A comparison of the participation rates of minority populations in covered units to participation rates of the general population as members and as officers of the Armed Forces.

(C) A comparison of the percentage of minority officers in the grade of O–7 or higher who have served in each covered unit to such percentage for all such officers in the Armed Force of that covered unit.

(D) An identification of barriers to minority participation in the accession, assessment, and training processes.

(E) The status and effectiveness of the response to the recommendations contained in the
report referred to in subsection (a)(1) and any
follow-up recommendations.

(F) Recommendations to increase the num-
bers of minority officers in the Armed Forces.

(G) Recommendations to increase minority
participation in covered units.

(H) Any other matters the Secretary deter-
mines appropriate.

(3) Report to Congress.—The Secretary
shall—

(A) submit to the congressional defense
committees a report on the results of the study
by not later than January 1, 2022; and

(B) provide interim briefings to such com-
mittees upon request.

(e) Designation.—The study conducted under sub-
section (b) shall be known as the “Study on Reducing Bar-
riers to Minority Participation in Elite Units in the Armed
Services”.

(d) Implementation Plan.—The Secretary shall
submit to the congressional defense committees a report
setting forth an implementation plan for the recommenda-
tions that the Secretary implements under this section, in-
cluding—
(1) the response of the Secretary to each such recommendation;

(2) a summary of actions the Secretary has carried out, or intends to carry out, to implement such recommendations, as appropriate; and

(3) a schedule, with specific milestones, for completing the implementation of such recommendations.

(e) COVERED UNITS DEFINED.—In this section, the term “covered units” means the following:

(1) Any forces designated by the Secretary as special operations forces.

(2) Air Force Combat Control Teams.

(3) Air Force Pararescue.

(4) Marine Corps Force Reconnaissance.

(5) Coast Guard Deployable Operations Group.

(6) Pilot and navigator military occupational specialties.
Subtitle D—Military Justice and Related Matters

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

SEC. 521. MODIFICATION OF TIME REQUIRED FOR EXPEDITED DECISIONS IN CONNECTION WITH APPLICATIONS FOR CHANGE OF STATION OR UNIT TRANSFER OF MEMBERS WHO ARE VICTIMS OF SEXUAL ASSAULT OR RELATED OFFENSES.

(a) IN GENERAL.—Section 673(b) of title 10, United States Code, is amended by striking “72 hours” both places it appears and inserting “five calendar days”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply to decisions on applications for permanent change of station or unit transfer made under section 673 of title 10, United States Code, on or after that date.

SEC. 522. DEFENSE ADVISORY COMMITTEE FOR THE PREVENTION OF SEXUAL MISCONDUCT.

Section 550B of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) is amended—
(1) in subsection (c)(1)(B), by inserting “, including the United States Coast Guard Academy,” after “academy”;

(2) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively;

(3) by inserting after subsection (c) the following new subsection (d):

“(d) ADVISORY DUTIES ON COAST GUARD ACADEMY.—In providing advice under subsection (c)(1)(B), the Advisory Committee shall also advise the Secretary of the Department in which the Coast Guard is operating in accordance with this section on policies, programs, and practices of the United States Coast Guard Academy.”; and

(4) in subsection (e) and paragraph (2) of subsection (g), as redesignated by paragraph (2) of this section, by striking “the Committees on Armed Services of the Senate and the House of Representatives” each place it appears and inserting “the Committees on Armed Services and Commerce, Science, and Transportation of the Senate and the Committees on Armed Services and Transportation and Infrastructure of the House of Representatives”.
SEC. 523. REPORT ON ABILITY OF SEXUAL ASSAULT RESPONSE COORDINATORS AND SEXUAL ASSAULT PREVENTION AND RESPONSE VICTIM ADVOCATES TO PERFORM DUTIES.

(a) Survey.—

(1) In general.—Not later than June 30, 2021, the Secretary of Defense shall conduct a survey regarding the ability of Sexual Assault Response Coordinators and Sexual Assault Prevention and Response Victim Advocates to perform their duties.

(2) Elements.—The survey required under paragraph (1) shall assess—

(A) the current state of support provided to Sexual Assault Response Coordinators and Sexual Assault Prevention and Response Victim Advocates, including—

(i) perceived professional or other reprisal or retaliation; and

(ii) access to sufficient physical and mental health services as a result of the nature of their work;

(B) the ability of Sexual Assault Response Coordinators and Sexual Assault Prevention and Response Victim Advocates to contact and access their installation commander or unit commander;
(C) the ability of Sexual Assault Response Coordinators and Sexual Assault Prevention and Response Victim Advocates to contact and access the immediate commander of victims and alleged offenders;

(D) the responsiveness and receptiveness of commanders to the Sexual Assault Response Coordinators;

(E) the support and services provided to victims of sexual assault;

(F) the understanding of others of the process and their willingness to assist;

(G) the adequacy of the training received by Sexual Assault Response Coordinators and Sexual Assault Prevention and Response Victim Advocates to effectively perform their duties; and

(H) any other factors affecting the ability of Sexual Assault Response Coordinators and Sexual Assault Prevention and Response Victim Advocates to perform their duties.

(b) REPORT.—Upon completion of the survey required under subsection (a), the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the re-
results of the survey and any actions to be taken as a result of the survey.

SEC. 524. BRIEFING ON SPECIAL VICTIMS' COUNSEL PROGRAM.

(a) BRIEFING REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Judge Advocates General of the Army, the Navy, the Air Force, and the Coast Guard, and the Staff Judge Advocate to the Commandant of the Marine Corps shall each provide to the congressional defense committees a briefing on the status of the Special Victims' Counsel program of the Armed Force concerned.

(b) ELEMENTS.—Each briefing under subsection (a) shall include, with respect to the Special Victims Counsel program of the Armed Force concerned, the following:

(1) An assessment of whether the Armed Force is in compliance with the provisions of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) relating to the Special Victims Counsel program and, if not, what steps have been taken to achieve compliance with such provisions.

(2) An estimate of the average caseload of each Special Victims’ Counsel.

(3) A description of any staffing shortfalls in the Special Victims’ Counsel program or other pro-
grams of the Armed Force resulting from the additional responsibilities required of the Special Victims’ Counsel program under the National Defense Authorization Act for Fiscal Year 2020.

(4) An explanation of the ability of Special Victims’ Counsel to adhere to requirement that a counsel respond to a request for services within 72 hours of receiving such request.

(5) An assessment of the feasibility of providing cross-service Special Victims’ Counsel representation in instances where a Special Victims’ Counsel from a different Armed Force is co-located with a victim at a remote base.

SEC. 525. ACCOUNTABILITY OF LEADERSHIP OF THE DEPARTMENT OF DEFENSE FOR DISCHARGING THE SEXUAL HARASSMENT POLICIES AND PROGRAMS OF THE DEPARTMENT.

(a) Strategy on Holding Leadership Accountable Required.—The Secretary of Defense shall develop and implement Department of Defense-wide a strategy to hold individuals in positions of leadership in the Department (including members of the Armed Forces and civilians) accountable for the promotion, support, and enforcement of the policies and programs of the Department on sexual harassment.
(b) **Oversight Framework.**—

(1) **In General.**—The strategy required by subsection (a) shall provide for an oversight framework for the efforts of the Department of Defense to promote, support, and enforce the policies and programs of the Department on sexual harassment.

(2) **Elements.**—The oversight framework required by paragraph (1) shall include the following:

   (A) Long-term goals, objectives, and milestones in connection with the policies and programs of the Department on sexual harassment.

   (B) Strategies to achieve the goals, objectives, and milestones referred to in subparagraph (A).

   (C) Criteria for assessing progress toward the achievement of the goals, objectives, and milestones referred to in subparagraph (A).

   (D) Criteria for assessing the effectiveness of the policies and programs of the Department on sexual harassment.

   (E) Mechanisms to ensure that adequate resources are available to the Office to develop and discharge the oversight framework.
(c) **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 actions taken to carry out this section, including the strategy developed and implemented pursuant to subsection, and the oversight framework developed and implemented pursuant to subsection (b).

**SEC. 526. SAFE-TO-REPORT POLICY APPLICABLE ACROSS THE ARMED FORCES.**

(a) **IN GENERAL.**—The Secretary of Defense shall, in consultation with the Secretaries of the military departments, prescribe in regulations a safe-to-report policy described in subsection (b) that applies with respect to all members of the Armed Forces (including members of the reserve components of the Armed Forces) and cadets and midshipmen at the military service academies.

(b) **SAFE-TO-REPORT POLICY.**—The safe-to-report policy described in this subsection is a policy that prescribes the handling of minor collateral misconduct involving a member of the Armed Forces who is the alleged victim of sexual assault.

(e) **AGGRAVATING CIRCUMSTANCES.**—The regulations under subsection (a) shall specify aggravating circumstances that increase the gravity of minor collateral
misconduct or its impact on good order and discipline for purposes of the safe-to-report policy.

(d) Tracking of Collateral Misconduct Incidents.—In conjunction with the issuance of regulations under subsection (a), Secretary shall develop and implement a process to track incidents of minor collateral misconduct that are subject to the safe-to-report policy.

(e) Definitions.—In this section:

(1) The term “Armed Forces” has the meaning given that term in section 101(a)(4) of title 10, United States Code, except such term does not include the Coast Guard.

(2) The term “military service academy” means the following:

(A) The United States Military Academy.

(B) The United States Naval Academy.

(C) The United States Air Force Academy.

(3) The term “minor collateral misconduct” means any minor misconduct that is potentially punishable under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), that—

(A) is committed close in time to or during the sexual assault, and directly related to the incident that formed the basis of the sexual assault allegation;
(B) is discovered as a direct result of the report of sexual assault or the ensuing investigation into the sexual assault; and

(C) does not involve aggravating circumstances (as specified in the regulations prescribed under subsection (c)) that increase the gravity of the minor misconduct or its impact on good order and discipline.

SEC. 527. ADDITIONAL BASES FOR PROVISION OF ADVICE BY THE DEFENSE ADVISORY COMMITTEE FOR THE PREVENTION OF SEXUAL MISCONDUCT.

Section 550B(c)(2) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) is amended—

(1) by redesignating subparagraph (C) as subparagraph (E); and

(2) by inserting after subparagraph (B) the following new subparagraphs:

“(C) Efforts among private employers to prevent sexual assault and sexual harassment among their employees.

“(D) Evidence-based studies on the prevention of sexual assault and sexual harassment
in the Armed Forces, institutions of higher education, and the private sector.”

SEC. 528. ADDITIONAL MATTERS FOR REPORTS OF THE DEFENSE ADVISORY COMMITTEE FOR THE PREVENTION OF SEXUAL MISCONDUCT.

Section 550B(d) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) is amended by adding at the end the following: “The report shall include the following:

“(1) A description and assessment of the extent and effectiveness of the inclusion by the Armed Forces of sexual assault prevention and response training in leader professional military education (PME), especially in such education for personnel in junior noncommissioned officer grades.

“(2) An assessment of the feasibility of—

“(A) the screening of recruits before entry into military service for prior incidents of sexual assault and harassment, including through background checks; and

“(B) the administration of screening tests to recruits to assess recruit views and beliefs on equal opportunity, and whether such views and beliefs are compatible with military service.
“(3) An assessment of the feasibility of conducting exit interviews of members of the Armed Forces upon their discharge release from the Armed Forces in order to determine whether they experienced or witnessed sexual assault or harassment during military service and did not report it, and an assessment of the feasibility of combining such exit interviews with the Catch a Serial Offender (CATCH) Program of the Department of Defense.

“(4) An assessment whether the sexual assault reporting databases of the Department are sufficiently anonymized to ensure privacy while still providing military leaders with the information as follows:

“(A) The approximate length of time the victim and the assailant had been at the duty station at which the sexual assault occurred.

“(B) The percentage of sexual assaults occurring while the victim or assailant were on temporary duty, leave, or otherwise away from their permanent duty station.

“(C) The number of sexual assaults that involve an abuse of power by a commander or supervisor.”.
SEC. 529. POLICY ON SEPARATION OF VICTIM AND ACCUSED AT MILITARY SERVICE ACADEMIES AND DEGREE-GRANTING MILITARY EDUCATIONAL INSTITUTIONS.

(a) IN GENERAL.—The Secretary of Defense shall, in consultation with the Secretaries of the military departments, the Superintendent of each military service academy, and the head of each degree-granting military educational institution, prescribe in regulations a policy under which association between a cadet or midshipman of a military service academy, or a member of the Armed Forces enrolled in a degree-granting military educational institution, who is the alleged victim of a sexual assault and the accused is minimized while both parties complete their course of study at the academy or institution concerned.

(b) ELEMENTS.—The Secretary of Defense shall ensure that the policy developed under subsection (a)—

(1) is fair to the both the alleged victim and the accused;

(2) provides for the confidentiality of the parties involved;

(3) provide that notice of the policy, including the elements of the policy and the right to opt out of coverage by the policy, is provided to the alleged
victim upon the making of an allegation of a sexual
assault covered by the policy; and

(4) provide an alleged victim the right to opt
out of coverage by the policy in connection with such
sexual assault.

(c) MILITARY SERVICE ACADEMY DEFINED.—The
term "military service academy" means the following:

(1) The United States Military Academy.
(2) The United States Naval Academy.
(3) The United States Air Force Academy.
(4) The United States Coast Guard Academy.

SEC. 530. BRIEFING ON PLACEMENT OF MEMBERS OF THE
ARMED FORCES IN ACADEMIC STATUS WHO
ARE VICTIMS OF SEXUAL ASSAULT ONTO
NON-RATED PERIODS.

Not later than 90 days after the date of the enact-
ment of this Act, the Secretary of Defense shall brief the
Committees on Armed Services of the Senate and the
House of Representatives on the feasibility and advis-
ability, and current practice (if any), of the Department
of Defense of granting requests by members of the Armed
Forces who are in academic status (whether at the mili-
tary service academies or in developmental education pro-
grams) and who are victims of sexual assault to be placed
on a Non-Rated Period for their performance report.
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PART II—OTHER MILITARY JUSTICE MATTERS

SEC. 531. RIGHT TO NOTICE OF VICTIMS OF OFFENSES UNDER THE UNIFORM CODE OF MILITARY JUSTICE REGARDING CERTAIN POST-TRIAL MOTIONS, FILINGS, AND HEARINGS.

Section 806b(a)(2) of title 10, United States Code (article 6b(a)(2)) of the Uniform Code of Military Justice, is amended—

(1) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively; and

(2) by inserting after subparagraph (C) the following new subparagraph (D):

“(D) A post-trial motion, filing, or hearing that may address the finding or sentence of a court-martial with respect to the accused, unseal privileged or private information of the victim, or result in the release of the accused.”.

SEC. 532. CONSIDERATION OF THE EVIDENCE BY COURTS OF CRIMINAL APPEALS.

(a) IN GENERAL.—Section 866 of title 10, United States Code (article 66 of the Uniform Code of Military Justice), is amended—

(1) by redesignating subsections (e) through (j) as subsections (f) through (k), respectively; and

(2) by inserting after subsection (d) the following new subsection (e):
“(e) CONSIDERATION OF THE EVIDENCE.—

“(1) IN GENERAL.—In an appeal of a finding of guilty under subsection (b), the Court of Criminal Appeals, upon request of the accused, may consider the weight of the evidence upon a specific showing by the accused of deficiencies in proof. The Court may set aside and dismiss a finding if clearly convinced that the finding was against the weight of the evidence. The Court may affirm a lesser finding. A rehearing may not be ordered.

“(2) DEFERENCE IN CONSIDERATION.—When considering a case under subsection (b), the Court may weigh the evidence and determine controverted questions of fact, subject to—

“(A) appropriate deference to the fact that the court-martial saw and heard the witnesses and other evidence; and

“(B) appropriate deference to findings of fact entered into the record by the military judge.”.

(b) ADDITIONAL QUALIFICATIONS OF APPELLATE MILITARY JUDGES.—Subsection (a) of such section (article) is amended—

(1) by inserting “(1)” before “Each judge”; and
(2) by adding at the end the following new paragraph:

“(2)(A) In addition to any other qualifications specified in paragraph (1), any commissioned officer assigned as an appellate military judge to a Court of Criminal Appeals shall have not fewer than 12 years of experience in military justice assignments before such assignment, and any civilian so assigned shall have not fewer than 12 years as a judge or criminal trial attorney before such assignment.

“(B) A Judge Advocate General may waive the requirement in subparagraph (A) in connection with the assignment of an officer or civilian as an appellate military judge of a Court of Criminal Appeals if the Judge Advocate General determines that compliance with the requirement in the assignment of appellate military judges to a Court of Criminal Appeals will impair the ability of the Court to hear and decide appeals in a timely manner.

“(C) Not later than 120 days after waiving the requirement in subparagraph (A) pursuant to subparagraph (B), the Judge Advocate General shall notify the congressional defense committees of the waiver, and include with the notice an explanation for the shortage of appellate military judges and a plan for addressing such shortage.”.
(c) Review by Full Court of Finding of Conviction Against Weight of Evidence.—Subsection (e) of such section (article), as amended by subsection (a) of this section, is further amended by adding at the end the following new paragraph:

“(3) Review by Full Court of Finding of Conviction Against Weight of Evidence.—Any determination by the Court that a finding was clearly against the weight of the evidence under paragraph (1) shall be reviewed by the Court sitting as a whole.’’.

SEC. 533. PRESERVATION OF RECORDS OF THE MILITARY JUSTICE SYSTEM.

Section 940a of title 10, United States Code (article 140a of the Uniform Code of Military Justice), is amended by adding at the end the following new subsection:

“(d) Preservation of Records Without Regard to Outcome.—The standards and criteria prescribed established by the Secretary of Defense under subsection (a) shall provide for the preservation of records, without regard to the outcome of the proceeding concerned, for not fewer than 15 years.”.
SEC. 534. COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON IMPLEMENTATION BY THE ARMED FORCES OF RECENT GAO RECOMMENDATIONS AND STATUTORY REQUIREMENTS ON ASSESSMENT OF RACIAL, ETHNIC, AND GENDER DISPARITIES IN THE MILITARY JUSTICE SYSTEM.

(a) Report Required.—The Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report, in writing, on a study, conducted by the Comptroller General for purposes of the report, on the implementation by the Armed Forces of the following:


(2) Requirements in section 540I(b) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92), relating to assessments covered by such recommendations.

(b) Elements.—The report required by subsection (a) shall include, for each recommendation and requirement specified in that subsection, the following:
(1) A description of the actions taken or planned by the Department of Defense, the military department concerned, or the Armed Force concerned to implement such recommendation or requirement.

(2) An assessment of the extent to which the actions taken to implement such recommendation or requirement, as described pursuant to paragraph (1), are effective or meet the intended objective.

(3) Any other matters in connection with such recommendation or requirement, and the implementation of such recommendation or requirement by the Armed Forces, that the Comptroller General considers appropriate.

(c) BRIEFINGS.—Not later than May 1, 2021, the Comptroller General shall provide the committees referred to in subsection (a) one or more briefings on the status of the study required by that subsection, including any preliminary findings and recommendations of the Comptroller General as a result of the study as of the date of such briefing.
SEC. 535. BRIEFING ON MENTAL HEALTH SUPPORT FOR VICARIOUS TRAUMA FOR CERTAIN PERSONNEL IN THE MILITARY JUSTICE SYSTEM.

(a) BRIEFING REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Judge Advocates General of the Army, the Navy, and the Air Force and the Staff Judge Advocate to the Commandant of the Marine Corps shall jointly brief the Committees on Armed Services of the Senate and the House of Representatives on the mental health support for vicarious trauma provided to personnel in the military justice system specified in subsection (b).

(b) PERSONNEL.—The personnel specified in this subsection are the following:

(1) Trial counsel.

(2) Defense counsel.

(3) Special Victims’ Counsel.

(4) Military investigative personnel.

(c) ELEMENTS.—The briefing required by subsection (a) shall include the following:

(1) A description and assessment of the mental health support for vicarious trauma provided to personnel in the military justice system specified in subsection (b), including a description of the support services available and the support services being used.
(2) A description and assessment of mechanisms to eliminate or reduce stigma in the pursuit by such personnel of such mental health support.

(3) An assessment of the feasibility and advisability of providing such personnel with breaks between assignments or cases as part of such mental health support in order to reduce the effects of vicarious trauma.

(4) A description and assessment of the extent, if any, to which duty of such personnel on particular types of cases, or in particular caseloads, contributes to vicarious trauma, and of the extent, if any, to which duty on such cases or caseloads has an effect on retention of such personnel in the Armed Forces.

(5) A description of the extent, if any, to which such personnel are screened or otherwise assessed for vicarious trauma before discharge or release from the Armed Forces.

(6) Such other matters in connection with the provision of mental health support for vicarious trauma to such personnel as the Judge Advocates General and the Staff Judge Advocate jointly consider appropriate.
SEC. 536. GUARDIAN AD LITEM PROGRAM FOR MINOR DEPENDENTS OF MEMBERS OF THE ARMED FORCES.

Section 540L(b)(1) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1373) is amended by adding before the period at the end the following: “, including an assessment of the feasibility and advisability of establishing a guardian ad litem program for military dependents living outside the United States”.

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

SEC. 541. TRAINING ON RELIGIOUS ACCOMMODATION FOR MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—As recommended on page 149 of the Report of the Committee on Armed Services of the Senate to Accompany S. 1519 (115th Congress) (Senate Report 115–125), the Secretary of Defense shall develop and implement training on Federal statutes, Department of Defense instructions, and the regulations of each Armed Force regarding religious liberty and accommodation for members of the Armed Forces, including the responsibility of commanders to maintain good order and discipline.
(b) CONSULTATION.—The Secretary develop and im-
plement the training required by subsection (a) in con-
sultation with the following:

(1) The General Counsel of the Department of
Defense.

(2) The Judge Advocate General of the Army,
the Judge Advocate General of the Navy, and the
Judge Advocate General of the Air Force.

(3) The Chief of Chaplains of the Army, the
Chief of Chaplains of the Navy, and the Chief of
Chaplains of the Air Force.

(c) CONTENTS.—The content of the training shall be
consistent with and include coverage of each of the fol-
lowing:

(1) The Religious Freedom Restoration Act of
1993 (42 U.S.C. 2000bb et seq.).

(2) Section 533 of the National Defense Au-
thorization Act for Fiscal Year 2013 (10 U.S.C.
prec. 1030 note).

(3) Section 528 of the National Defense Au-
thorization Act for Fiscal Year 2016 (Public Law

(d) IMPLEMENTATION.—
(1) **RECIPIENTS.**—The recipients of training developed under subsection (a) shall include the following at all levels of command:

(A) Commanders

(B) Chaplains.

(C) Judge advocates.

(D) Such other members of the Armed Forces as the Secretary considers appropriate.

(2) **COMMENCEMENT.**—The provision of training developed under subsection (a) shall commence not later than one year after the date of the enactment of this Act.

**SEC. 542. ADDITIONAL ELEMENTS WITH 2021 CERTIFICATIONS ON THE READY, RELEVANT LEARNING INITIATIVE OF THE NAVY.**

(a) **ADDITIONAL ELEMENTS.**—In submitting to Congress in 2021 the certifications required by section 545 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1396; 10 U.S.C. 8431 note prec.), relating to the Ready, Relevant Learning initiative of the Navy, the Secretary of the Navy shall also submit each of the following:

(1) A life cycle sustainment plan for the Ready, Relevant Learning initiative meeting the requirements in subsection (b).
(2) A report on the use of readiness assessment teams in training addressing the elements specified in subsection (c).

(b) LIFE CYCLE SUSTAINMENT PLAN.—The life cycle sustainment plan required by subsection (a)(1) shall include a description of the approved life cycle sustainment plan for the Ready, Relevant Learning initiative, including with respect to each of the following:

(1) Product support management.

(2) Supply support.

(3) Packaging, handling, storage, and transportation.

(4) Maintenance planning and management.

(5) Design interface.

(6) Sustainment engineering.

(7) Technical data.

(8) Computer resources.

(9) Facilities and infrastructure.

(10) Manpower and personnel.

(11) Support equipment.

(12) Training and training support.

(13) Governance, including the acquisition and program management structure.
(14) Such other elements in the life cycle sustainment of the Ready, Relevant Learning initiative as the Secretary considers appropriate.

(c) **Report on Use of Readiness Assessment Teams.**—The report required by subsection (a)(2) shall set forth the following:

(1) A description and assessment of the extent to which the Navy is currently using Engineering Readiness Assessment Teams (ERAT) and Combat Systems Readiness Assessment Teams (CSRAT) to conduct unit-level training and assistance in each capacity as follows:

(A) To augment non-Ready, Relevant Learning initiative training.

(B) As part of Ready, Relevant Learning initiative training.

(C) To train students on legacy, obsolete, one of a kind, or unique systems that are still widely used by the Navy.

(D) To train students on military-specific systems that are not found in the commercial maritime world.

(2) A description and assessment of potential benefits, and anticipated timelines and costs, in expanding Engineering Readiness Assessment Team
and Combat Systems Readiness Assessment Team
training in the capacities specified in paragraph (1).

(3) Such other matters in connection with the
use of readiness assessment teams in connection
with the Ready, Relevant Learning initiative as the
Secretary considers appropriate.

SEC. 543. REPORT ON STANDARDIZATION AND POTENTIAL
MERGER OF LAW ENFORCEMENT TRAINING
FOR MILITARY AND CIVILIAN PERSONNEL
ACROSS THE DEPARTMENT OF DEFENSE.

(a) REPORT REQUIRED.—Not later than June 8,
2021, the Secretary of Defense shall submit to the Com-
mittees on Armed Services of the Senate and the House
of Representatives a report on the standardization and po-
tential merger of law enforcement training for military
and civilian personnel across the Department of Defense,
including training of military or civilian personnel of the
Department designated in accordance with section 2762
of title 10, United States Code, to protect buildings,
grounds, and property under the jurisdiction, custody, or
control of the Department and the persons on such prop-
erty.

(b) ELEMENTS.—In developing the report required
by subsection (a), the Secretary shall do, and include in
the report the results of, the following:
(1) Identify and assess current law enforcement training courses, schools, and programs of the Armed Forces that have the flexibility and capacity to support the training referred to in subsection (a) through common training standards.

(2) Identify and assess current Department law enforcement training courses, schools, and programs that are affiliated with or accredited by third parties (including both governmental and private entities), including an assessment of the value derived from such affiliation or accreditation to the training referred to in subsection (a).

(3) Identify emerging law enforcement training requirements that are common among the Armed Forces and other Department law enforcement components and are currently unmet by the Armed Forces or such components.

(4) Assess the feasibility, advisability, and suitability of incorporating standardized and merged field and operational training in military law enforcement mission areas, including area security operations, law and order operations, internment and resettlement operations, and police intelligence operations, in the training provided to all Armed Forces and other Department law enforcement components.
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(5) Identify and assess Department courses, programs, or institutions with the capability to support law enforcement training or information sharing between Department military and civilian law enforcement components and State, county, and local law enforcement agencies, with the capability to support law enforcement components of the National Guard and other reserve components of the Armed Forces, or with both such capabilities.

(6) Assess the feasibility, advisability, and suitability of standardizing and merging the training referred to in subsection (a) across the Department, including an assessment of the costs of such standardization and merger.

(7) Any other matters the Secretary considers appropriate.

SEC. 544. QUARTERLY REPORTS ON IMPLEMENTATION OF RECOMMENDATIONS OF THE COMPREHENSIVE REVIEW OF SPECIAL OPERATIONS FORCES CULTURE AND ETHICS.

(a) QUARTERLY REPORTS REQUIRED.—Not later than March 1, 2021, and every 90 days thereafter through March 1, 2024, the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict shall, in coordination with the Commander of the United States Spe-
Special Operations Command, submit to the congressional defense committees a report on the current status of the implementation of the actions recommended as a result of the Comprehensive Review of Special Operations Forces Culture and Ethics.

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

(1) A list of the actions required as of the date of such report to complete full implementation of each of the 16 actions recommended by the Comprehensive Review referred to in subsection (a).

(2) An identification of the office responsible for completing each action listed pursuant to paragraph (1), and an estimated timeline for completion of such action.

(3) If completion of any action listed pursuant to paragraph (1) requires resources or actions for which authorization by statute is required, a recommendation for legislative action for such authorization.

(4) Any other matters the Assistant Secretary or the Commander considers appropriate.
SEC. 545. INFORMATION ON NOMINATIONS AND APPLICATIONS FOR MILITARY SERVICE ACADEMIES.

(a) Report on Congressional Nominations Portal.—

(1) In general.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Superintendents of the military service academies, submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth an assessment of the feasibility and advisability of a uniform online portal for all military service academies that enables Members of Congress to nominate individuals for appointment to each academy through a secure website.

(2) Information collection and reporting.—For purposes of preparing the report required by paragraph (1), the Secretary shall treat the online portal described in that paragraph as permitting the collection, from each Member of Congress, of the demographic information described in subsection (b) for each individual nominated by the Member.

(3) Availability of information.—For purposes of preparing the report, the Secretary shall treat the online portal as permitting Members of
Congress and their designees to view past nomination records for all application cycles.

(4) Matters in connection with establishment of portal.—If the Secretary determines that the online portal is feasible and advisable, the report shall include—

(A) a comprehensive description of the online portal; and

(B) such recommendations for legislative and administrative action as the Secretary considers appropriate to establish and maintain the online portal.

(b) Standard Classifications for Collection of Demographic Data.—

(1) Standards required.—The Secretary of Defense shall, in consultation with the Superintendents of the military service academies, establish standard classifications that cadets, midshipmen, and applicants to the academies may use to self-identify gender, race, and ethnicity and to provide other demographic information in connection with admission to or enrollment in an academy.

(2) Consistency with OMB guidance.—The standard classifications established under paragraph (1) shall be consistent with the standard classifica-
tions specified in Office of Management and Budget Directive No. 15 (pertaining to race and ethnic standards for Federal statistics and administrative reporting) or any successor directive.

(3) INCORPORATION INTO APPLICATIONS AND RECORDS.—Not later than one year after the date of the enactment of this Act, the Secretary shall incorporate the standard classifications established under paragraph (1) into—

(A) applications for admission to the military service academies; and

(B) the military personnel records of cadets and midshipmen enrolled in such academies.

(c) MILITARY SERVICE ACADEMY DEFINED.—In this section, the term “military service academy” means—

(1) the United States Military Academy;

(2) the United States Naval Academy; and

(3) the United States Air Force Academy.
SEC. 546. PILOT PROGRAMS IN CONNECTION WITH SENIOR
RESERVE OFFICERS’ TRAINING CORPS UNITS
AT HISTORICALLY BLACK COLLEGES AND
UNIVERSITIES AND MINORITY INSTITUTIONS.

(a) Pilot Programs Authorized.—The Secretary
of Defense may carry out either or both of the pilot pro-
grams as follows:

(1) A pilot program, with elements as provided
for in subsection (c), at covered institutions in order
to assess the feasibility and advisability of mecha-
nisms to reduce barriers to participation in the Sen-
ior Reserve Officers’ Training Corps at such institu-
tions by creating partnerships between satellite or
extension Senior Reserve Officers’ Training Corps
units at such institutions and military installations.

(2) A pilot program, with elements as provided
for in subsection (d), in order to assess the feasi-
ibility and advisability of the provision of financial
assistance to members of the Senior Reserve Offi-
cers’ Training Corps at covered institutions for par-
ticipation in flight training.

(b) Duration.—The duration of each pilot program
under subsection (a) may not exceed five years.

(e) Pilot Program on Partnerships Between
Satellite or Extension SROTC Units and Military
Installations.—
(1) PARTICIPATING INSTITUTIONS.—The Secretary of Defense shall carry out the pilot program authorized by subsection (a)(1) at not fewer than five covered institutions selected by the Secretary for purposes of the pilot program.

(2) REQUIREMENTS FOR SELECTION.—Each covered institution selected by the Secretary for purposes of the pilot program authorized by subsection (a)(1) shall—

(A) currently maintain a satellite or extension Senior Reserve Officers’ Training Corps unit under chapter 103 of title 10, United States Code, that is located more than 20 miles from the host unit of such unit; or

(B) establish and maintain a satellite or extension Senior Reserve Officers’ Training Corps unit that meets the requirements in subparagraph (A).

(3) PREFERENCE IN SELECTION OF INSTITUTIONS.—In selecting covered institutions under this subsection for participation in the pilot program authorized by subsection (a)(1), the Secretary shall give preference to covered institutions that are located within 20 miles of a military installation of the same Armed Force as the host unit of the Senior
Reserve Officers’ Training Corp of the covered institution concerned.

(4) Partnership Activities.—The activities conducted under the pilot program authorized by subsection (a)(1) between a satellite or extension Senior Reserve Officers’ Training Corps unit and the military installation concerned shall include such activities designed to reduce barriers to participation in the Senior Reserve Officers’ Training Corps at the covered institution concerned as the Secretary considers appropriate, including measures to mitigate travel time and expenses in connection with receipt of Senior Reserve Officers’ Training Corps instruction.

(d) Pilot Program on Financial Assistance for SROTC Members for Flight Training.—

(1) Eligibility for participation by SROTC members.—A member of a Senior Reserve Officers’ Training Corps unit at a covered institution may participate in the pilot program authorized by subsection (a)(2) if the member meets such academic requirements at the covered institution, and such other requirements, as the Secretary shall establish for purposes of the pilot program.
(2) Preference in selection of participants.—In selecting members under this subsection for participation in the pilot program authorized by subsection (a)(2), the Secretary shall give a preference to members who will pursue flight training under the pilot program at a covered institution.

(3) Financial assistance for flight training.—

(A) In general.—The Secretary may provide any member of a Senior Reserve Officers’ Training Corps who participates in the pilot program authorized by subsection (a)(2) financial assistance to defray, whether in whole or in part, the charges and fees imposed on the member for flight training.

(B) Flight training.—Financial assistance may be used under subparagraph (A) for a course of flight training only if the course meets Federal Aviation Administration standards and is approved by the Federal Aviation Administration and the applicable State approving agency.

(C) Use.—Financial assistance received by a member under subparagraph (A) may be used
only to defray the charges and fees imposed on
the member as described in that subparagraph.

(D) CESSATION OF ELIGIBILITY.—Financial assistance may not be provided to a mem-
ber under subparagraph (A) as follows:

(i) If the member ceases to meet the
academic and other requirements estab-
lished pursuant to paragraph (1).

(ii) If the member ceases to be a
member of the Senior Reserve Officers’
Training Corps.

(e) EVALUATION METRICS.—The Secretary of De-
defense shall establish metrics to evaluate the effectiveness
of the pilot programs under subsection (a).

(f) REPORTS.—

(1) INITIAL REPORT.—Not later than 180 days
after the commencement of the pilot programs under
subsection (a), the Secretary of Defense shall submit
to the Committees on Armed Services of the Senate
and the House of Representatives a report on the
pilot programs. The report shall include the fol-
lowing:

(A) A description of each pilot program,
including in the case of the pilot program under
subsection (a)(2) the requirements established pursuant to subsection (d)(1).

(B) The evaluation metrics established under subsection (c).

(C) Such other matters relating to the pilot programs as the Secretary considers appropriate.

(2) ANNUAL REPORT.—Not later than 90 days after the end of each fiscal year in which the Secretary carries out the pilot programs, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the pilot programs during such fiscal year. Each report shall include, for the fiscal year covered by such report, the following:

(A) In the case of the pilot program under subsection (a)(1), a description of the partnerships between satellite or extension Senior Reserve Officers’ Training Corps units and military installations under the pilot program.

(B) In the case of the pilot program under subsection (a)(2), the following:

(i) The number of members of Senior Reserve Officers’ Training Corps units at covered institutions selected for purposes
of the pilot program, including the number
of such members participating in the pilot
program.

(ii) The number of recipients of finan-
cial assistance provided under the pilot
program, including the number who—

(I) completed a ground school
course of instruction in connection
with obtaining a private pilot’s certifi-
cate;

(II) completed flight training,
and the type of training, certificate, or
both received;

(III) were selected for a pilot
training slot in the Armed Forces;

(IV) initiated pilot training in the
Armed Forces; or

(V) successfully completed pilot
training in the Armed Forces.

(iii) The amount of financial assist-
anse provided under the pilot program,
broken out by covered institution, course of
study, and such other measures as the Sec-
retary considers appropriate.
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(C) Data collected in accordance with the evaluation metrics established under subsection (e).

(3) **Final report.**—Not later than 180 days prior to the completion of the pilot programs, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representa-
tives a report on the pilot programs. The report shall include the following:

(A) A description of the pilot programs.

(B) An assessment of the effectiveness of each pilot program.

(C) A description of the cost of each pilot program, and an estimate of the cost of making each pilot program permanent.

(D) An estimate of the cost of expanding each pilot program throughout all eligible Sen-
ior Reserve Officers’ Training Corps units.

(E) Such recommendations for legislative or administrative action as the Secretary con-
siders appropriate in light of the pilot pro-
grams, including recommendations for extend-
ing or making permanent the authority for each pilot program.

(g) **Definitions.**—In this section:
(1) The term “covered institution” has the meaning given that term in section 262(g)(2) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92).

(2) The term “flight training” means a course of instruction toward obtaining any of the following:

(A) A private pilot’s certificate.

(B) A commercial pilot certificate.

(C) A certified flight instructor certificate.

(D) A multi-crew pilot’s license.

(E) A flight instrument rating.

(F) Any other certificate, rating, or pilot privilege the Secretary considers appropriate for purposes of this section.

(3) The term “military installation” means an installation of the Department of Defense for the regular components of the Armed Forces.

SEC. 547. EXPANSION OF JUNIOR RESERVE OFFICERS’ TRAINING CORPS PROGRAM.

(a) Expansion of JROTC Curriculum.—Section 2031(a)(2) of title 10, United States Code, is amended by inserting after “service to the United States” the following: “(including an introduction to service opportunities in military, national, and public service)”.
(b) **PLAN TO INCREASE NUMBER OF JROTC UNITS.**—The Secretary of Defense shall, in consultation with the Secretaries of the military departments, develop and implement a plan to establish and support not fewer than 6,000 units of the Junior Reserve Officers’ Training Corps by September 30, 2031.

**SEC. 548. DEPARTMENT OF DEFENSE STARBASE PROGRAM.**

Section 2193b(h) of title 10, United States Code, is amended by inserting “the Commonwealth of the Northern Mariana Islands, American Samoa,” before “and Guam”.

**Subtitle F—Decorations and Awards**

**SEC. 551. AWARD OR PRESENTATION OF DECORATIONS FAVORABLY RECOMMENDED FOLLOWING DETERMINATION ON MERITS OF PROPOSALS FOR DECORATIONS NOT PREVIOUSLY SUBMITTED IN A TIMELY FASHION.**

(a) **AWARD OR PRESENTATION AUTHORIZED.**—Section 1130 of title 10, United States Code, is amended—

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

(2) by inserting after subsection (e) the following new subsection (d):
“(d)(1) A decoration may be awarded or presented following the submission of a favorable recommendation for the award or presentation of the decoration under subsection (b).

“(2) An award or presentation of a decoration under paragraph (1) may not occur before the end of the 60-day period beginning on the date of the submission under subsection (b) of the favorable recommendation regarding the award or presentation of the decoration.

“(3) The authority to make an award or presentation of a decoration under this subsection shall apply notwithstanding any limitation described in subsection (a).”.

(b) CONFORMING AND CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of section 1130 of such title is amended to read as follows:

“§ 1130. Consideration of proposals for decorations not previously submitted in timely fashion: procedures for review and award or presentation”.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 57 of such title is amended by striking the item relating to section 1130 and inserting the following new item:

“1130. Consideration of proposals for decorations not previously submitted in timely fashion: procedures for review and award or presentation.”.
SEC. 552. HONORARY PROMOTION MATTERS.

(a) HONORARY PROMOTIONS ON INITIATIVE OF DoD.—Chapter 80 of title 10, United States Code, is amended by inserting after section 1563 the following new section:

“§ 1563a. Honorary promotions on the initiative of the Department of Defense

“(a) IN GENERAL.—(1) Under regulations prescribed by the Secretary of Defense, the Secretary may make an honorary promotion (whether or not posthumous) of a former member or retired member of the armed forces to any grade not exceeding the grade of major general, rear admiral (upper half), or an equivalent grade in the Space Force if the Secretary determines that the promotion is merited.

“(2) The authority to make an honorary promotion under this subsection shall apply notwithstanding that the promotion is not otherwise authorized by law.

“(b) NOTICE TO CONGRESS.—The Secretary may not make an honorary promotion pursuant to subsection (a) until 60 days after the date on which the Secretary submits to the Committees on Armed Services of the Senate and the House of Representatives a notice of the determination to make the promotion, including a detailed discussion of the rationale supporting the determination.
“(c) NOTICE OF PROMOTION.—Upon making an honorary promotion pursuant to subsection (a), the Secretary shall expeditiously notify the former member or retired member concerned, or the next of kin of such former member or retired member if such former member or retired member is deceased, of the promotion.

“(d) NATURE OF PROMOTION.—Any promotion pursuant to this section is honorary, and shall not affect the pay, retired pay, or other benefits from the United States to which the former member or retired member concerned is entitled or would have been entitled based on the military service of such former member or retired member, nor affect any benefits to which any other person is or may become entitled based on the military service of such former member or retired member.”.

(b) MODIFICATION OF AUTHORITIES ON REVIEW OF PROPOSALS FROM CONGRESS.—

(1) STANDARDIZATION OF AUTHORITIES WITH AUTHORITIES ON DOD INITIATIVE.—Section 1563 of title 10, United States Code, is amended—

(A) in subsection (a)—

(i) in the first sentence, by striking “the posthumous or honorary promotion or appointment of a member or former member of the armed forces, or any other per-
son considered qualified,” and inserting “the honorary promotion (whether or not posthumous) of a former member or retired member of the armed forces”; and 

(ii) in the second sentence, by striking “the posthumous or honorary promotion or appointment” and inserting “the promotion”; and 

(B) in subsection (b), by striking “the posthumous or honorary promotion or appointment” and inserting “the honorary promotion”. 

(2) AUTHORITY TO MAKE HONORARY PROMOTIONS FOLLOWING REVIEW OF PROPOSALS.— Such section is further amended— 

(A) by redesignating subsection (c) as subsection (d); and 

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

“(c) AUTHORITY TO MAKE.—(1) Under regulations prescribed by the Secretary of Defense, the Secretary of Defense may make an honorary promotion (whether or not posthumous) of a former member or retired member of the armed forces to any grade not exceeding the grade of major general, rear admiral (upper half), or an equivalent grade in the Space Force following the submittal of
the determination of the Secretary concerned under subsection (b) in connection with the proposal for the promotion if the determination is to approve the making of the promotion.

“(2) The Secretary of Defense may not make an honorary promotion under this subsection until 60 days after the date on which the Secretary concerned submits the determination in connection with the proposal for the promotion under subsection (b), and the detailed rationale supporting the determination as described in that subsection, to the Committees on Armed Services of the Senate and the House of Representatives and the requesting Member in accordance with that subsection.

“(3) The authority to make an honorary promotion under this subsection shall apply notwithstanding that the promotion is not otherwise authorized by law.

“(4) Any promotion pursuant to this subsection is honorary, and shall not affect the pay, retired pay, or other benefits from the United States to which the former member or retired member concerned is or would have been entitled based upon the military service of such former member or retired member, nor affect any benefits to which any other person may become entitled based on the military service of such former member or retired member.”.
(3) **Heading Amendment.**—The heading of such section is amended to read as follows:

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§ 1563. Consideration of proposals from Members of Congress for honorary promotions: procedures for review and promotion”.
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(c) **Clerical Amendment.**—The table of sections at the beginning of chapter 80 of such title is amended by striking the item relating to section 1563 and inserting the following new items:

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1563. Consideration of proposals from Members of Congress for honorary promotions: procedures for review and promotion.
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1563a. Honorary promotions on the initiative of the Department of Defense.”.

**Subtitle G—Defense Dependents’ Education and Military Family Readiness Matters**

**PART I—DEFENSE DEPENDENTS’ EDUCATION MATTERS**

**SEC. 561. CONTINUATION OF AUTHORITY TO ASSIST LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.**

(a) **Assistance to Schools With Significant Numbers of Military Dependent Students.**—Of the amount authorized to be appropriated for fiscal year 2021 by section 301 and available for operation and maintenance for Defense-wide activities as specified in the fund-
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).

(b) Local Educational Agency Defined.—In this section, 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)).

SEC. 562. IMPACT AID FOR CHILDREN WITH SEVERE DISABILITIES.

(a) In General.—Of the amount authorized to be appropriated for fiscal year 2021 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).

(b) Additional Amount.—Of the amount authorized to be appropriated for fiscal year 2021 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 edu-
cational agencies determined by the Secretary to have
higher concentrations of military children with severe dis-
abilities.

(c) REPORT.—Not later than March 1, 2021, the
Secretary shall brief the Committees on Armed Services
of the Senate and the House of Representatives on the
Department’s evaluation of each local educational agency
with higher concentrations of military children with severe
disabilities and subsequent determination of the amounts
of impact aid each such agency shall receive.

SEC. 563. STAFFING OF DEPARTMENT OF DEFENSE EDU-
CATION ACTIVITY SCHOOLS TO MAINTAIN
MAXIMUM STUDENT-TO-TEACHER RATIOS.

(a) IN GENERAL.—The Department of Defense Edu-
cation Activity (DoDEA) shall staff elementary and sec-
ondary schools operated by the Activity so as to maintain,
to the extent practicable, student-to-teacher ratios that do
not exceed the maximum student-to-teacher ratios speci-

(b) MAXIMUM STUDENT-TO-TEACHER RATIOS.—The
maximum student-to-teacher ratios specified in this sub-
section are the following:
(1) For each of grades kindergarten through 3, a ratio of 18 students to 1 teacher (18:1).

(2) For each of grades 4 through 12, a ratio equal to the average student-to-teacher ratio for such grade among all Department of Defense Education Activity schools during the 2019-2020 academic year.

(c) SUNSET.—The requirement to staff schools in accordance with subsection (a) shall expire at the end of the 2023-2024 academic year of the Department of Defense Education Activity.

SEC. 564. MATTERS IN CONNECTION WITH FREE APPROPRIATE PUBLIC EDUCATION FOR DEPENDENTS OF MEMBERS OF THE ARMED FORCES WITH SPECIAL NEEDS.

(a) INFORMATION ON DISPUTES REGARDING RECEIPT OF FREE APPROPRIATE PUBLIC EDUCATION BY SPECIAL NEEDS DEPENDENTS.—

(1) IN GENERAL.—Each Secretary of a military department shall collect and maintain information on special education disputes filed by members of the Armed Forces under the jurisdiction of such Secretary.
(2) INFORMATION.—The information collected and maintained pursuant to this subsection shall include the following:

(A) The number of special education disputes filed.

(B) The outcome or disposition of the disputes.

(3) SOURCE OF INFORMATION.—The information collected and maintained pursuant to this subsection shall be derived from the following:

(A) Records and reports of case managers and navigators under the Exceptional Family Member Program (EFMP) of the Department of Defense.

(B) Reports of members of the Armed Forces concerned to installation or other military leadership.

(C) Such other sources as the Secretary of the military department concerned considers appropriate.

(4) ANNUAL REPORTS.—Each Secretary of a military department shall submit each year to the Office of Special Needs of the Department of Defense a report on the information collected by such
Secretary pursuant to this subsection during the preceding year.

(b) **COMPTROLLER GENERAL OF THE UNITED STATES STUDY.—**

(1) **IN GENERAL.—** The Comptroller General of the United States shall conduct a study on the following:

(A) The consequences for a State or local educational agency of a finding of failure to provide a free appropriate public education to a military dependent.

(B) The manner in which local educational agencies with military families use the following:

   (i) Funds received under section 7003(d) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(d)).

(iii) Funds authorized to be appropriated by annual national defense authorization Acts and made available for assistance to schools with significant number of military dependent students under subsection (a) of section 572 of the National Defense Authorization Act for Fiscal Year 2006 (20 U.S.C. 7703b).

(C) The efficacy of attorney and other legal support for military families in special education disputes.

(D) The standardization of policies and guidance for School Liaison Officers between the Office of Special Needs of the Department of Defense and the military departments, and the efficacy of such policies and guidance.

RECOMMENDATIONS.—In conducting the study, the Comptroller General shall develop recommendations on the following:

(A) Improvements and enhancements to oversight and enforcement of compliance by local educational agencies with requirements for the provision of a free appropriate public education to military dependents with special needs.

(B) Improvements to the policies of the Office of Special Needs, and of each military department, with respect to the standardization and efficacy of policies and programs for military dependents with special needs.

DEADLINE FOR COMPLETION.—The Comptroller General shall complete the study by not later than March 31, 2021.

BRIEFING AND REPORT.—Upon completion of the study, the Comptroller General shall brief the Committees on Armed Services of the Senate and the House of Representatives on the results of the study, and shall submit to such committees a report on such results.

DEFINITIONS.—In this section:
(1) The term “free appropriate public education” includes appropriate special education and related services required under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.)

(2) The term “local educational agency” has the meaning given that term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(3) The term “special education dispute” means a complaint filed regarding the education provided a child with a disability (as defined in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401), including a complaint filed in accordance with section 615 or 639 of such Act (20 U.S.C. 1415, 1439).

SEC. 565. PILOT PROGRAM ON EXPANDED ELIGIBILITY FOR DEPARTMENT OF DEFENSE EDUCATION ACTIVITY VIRTUAL HIGH SCHOOL PROGRAM.

(a) Pilot Program Required.—

(1) In general.—The Secretary of Defense shall carry out a pilot program on permitting dependents of members of the Armed Forces on active duty to enroll in the Department of Defense Education Activity Virtual High School program (in this section referred to as the “DVHS program”).
(2) PURPOSES.—The purposes of the pilot program shall be as follows:

(A) To evaluate the feasibility and scalability of the DVHS program.

(B) To assess the impact of expanded enrollment in the DVHS program under the pilot program on military and family readiness.

(3) DURATION.—The duration of the pilot program shall be four academic years.

(b) PARTICIPANTS.—

(1) IN GENERAL.—Participants in the pilot program shall be selected by the Secretary from among dependents of members of the Armed Forces on active duty who—

(A) are in a grade 9 through 12;

(B) are currently ineligible to enroll in the DVHS program; and

(C) either—

(i) require supplementary courses to meet graduation requirements in the current State of residence; or

(ii) otherwise demonstrate to the Secretary a clear need to participate in the DVHS program.
(2) PREFERENCE IN SELECTION.—In selecting participants in the pilot program, the Secretary shall afford a preference to the following:

(A) Dependents who reside in a rural area.

(B) Dependents who are home-schooled students.

(3) LIMITATIONS.—The total number of course enrollments per academic year authorized under the pilot program may not exceed 400 course enrollments. No single dependent participating in the pilot program may take more than two courses per academic year under the pilot program.

d Reports.—

(1) INTERIM REPORT.—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 an interim report on the pilot program.

(2) FINAL REPORT.—Not later than 180 days after the completion of the pilot program, the Secretary shall submit to the committees of Congress referred to in paragraph (1) a final report on the pilot programs.

(3) ELEMENTS.—Each report under this subsection shall include the following:
(A) A description of the demographics of the dependents participating in the pilot program through the date of such report.

(B) Data on, and an assessment of, student performance in virtual coursework by dependents participating in the pilot program over the duration of the pilot program.

(C) Such recommendation as the Secretary considers appropriate on whether to make the pilot program permanent.

(d) DEFINITIONS.—In this section:

(1) The term “rural area” has the meaning given the term in section 520 of the Housing Act of 1949 (42 U.S.C. 1490).

(2) The term “home-schooled student” means a student in a grade equivalent to grade 9 through 12 who receives educational instruction at home or by other non-traditional means outside of a public or private school system, either all or most of the time.
this Act, the Secretary of Defense shall carry out a pilot program under which a dependent of a full-time, active-duty member of the Armed Forces may enroll in a covered DODEA school at the military installation to which the member is assigned, on a space-available basis as described in subsection (c), without regard to whether the member resides on the installation as described in 2164(a)(1) of title 10, United States Code.

(b) PURPOSES.—The purposes of the pilot program under this section are—

(1) to evaluate the feasibility and advisability of expanding enrollment in covered DODEA schools; and

(2) to determine how increased access to such schools will affect military and family readiness.

(e) ENROLLMENT ON SPACE-AVAILABLE BASIS.—A student participating in the pilot program under this section may be enrolled in a covered DODEA school only if the school has the capacity to accept the student, as determined by the Director of the Department of Defense Education Activity.

(d) LOCATIONS.—The Secretary of Defense shall carry out the pilot program under this section at not more than four military installations at which covered DODEA schools are located. The Secretary shall select military in-
stallations for participation in the pilot program based on—

(1) the readiness needs of the Secretary of a
the military department concerned; and

(2) the capacity of the DODEA schools located
at the installation to accept additional students, as
determined by the Director of the Department of
Defense Education Activity.

(e) TERMINATION.—The authority to carry out the
pilot program under this section shall terminate four years
after the date of the enactment of this Act.

(f) COVERED DODEA SCHOOL DEFINED.—In this
section, the term “covered DODEA school” means a do-

cumentary dependent elementary or secondary school operated
by the Department of Defense Education Activity that—

(1) has been established on or before the date
of the enactment of this Act; and

(2) is located in the continental United States.

SEC. 567. COMPTROLLER GENERAL OF THE UNITED
STATES REPORT ON THE STRUCTURAL CON-
DITION OF DEPARTMENT OF DEFENSE EDU-
CATION ACTIVITY SCHOOLS.

(a) REPORT REQUIRED.—Not later than one year
after the date of the enactment of this Act, the Com-
troller General of the United States shall submit to the
congressional defense committees a report setting forth an assessment by the Comptroller General of the structural condition of schools of the Department of Defense Education Activity, both within the continental United States (CONUS) and outside the continental United States (OCONUS).

(b) VIRTUAL SCHOOLS.—The report shall include an assessment of the virtual infrastructure or other means by which students attend Department of Defense Education Activity schools that have no physical structure, including the satisfaction of the military families concerned with such infrastructure or other means.

PART II—MILITARY FAMILY READINESS MATTERS

SEC. 571. RESPONSIBILITY FOR ALLOCATION OF CERTAIN FUNDS FOR MILITARY CHILD DEVELOPMENT PROGRAMS.

Section 1791 of title 10, United States Code, is amended—

(1) by inserting “(a) POLICY.—” before “It is the policy”; and

(2) by adding at the end the following new subsection:

“(b) RESPONSIBILITY FOR ALLOCATIONS OF CERTAIN FUNDS.—The Secretary of Defense shall be respon-
sible for the allocation of Office of the Secretary of De-

fense level funds for military child development programs

for children from birth through 12 years of age, and may

not delegate such responsibility to the military depart-

ments.”.

SEC. 572. IMPROVEMENTS TO EXCEPTIONAL FAMILY MEM-

BER PROGRAM.

Section 1781e of title 10, United States Code is

amended—

(1) in subsection (b), by striking “enhance” and

inserting “standardize, enhance,”;

(2) in subsection (c)(1), by inserting “and

standard” after “comprehensive”;

(3) in subsection (d)—

(A) in paragraph (1), by striking “update

from time to time” and inserting “regularly up-

date”;

(B) in paragraph (3), by adding at the end

the following new subparagraphs:

“(C) Ability to request a second review of

the approved assignment within or outside the

continental United States if the member be-

lieves the location is inappropriate for the mem-

ber’s family and would cause undue hardship.
“(D) Protection from having a medical recommendation for an approved assignment overridden by the commanding officer.

“(E) Ability to request continuation of location when there is a documented substantial risk of transferring medical care or educational services to a new provider or school at the specific time of permanent change of station.

“(F) If an order for assignment is declined for a military family with special needs, the member will receive a reason for the decline of that order.”; and

(C) in paragraph (4), by adding at the end the following new subparagraphs:

“(H) Procedures to right-size the Department’s Exceptional Family Member Program to ensure efficient and effective enrollment, for sufficient staffing dedicated to providing family support services, to include comprehensive training, education and outreach services, and sufficient oversight and administrative support for effective program operation.

“(I) Requirements to prohibit disenrollment from the Exceptional Family Member Program unless there is new sup-
porting medical or educational information that indicates the original condition is no longer present, and to track disenrollment data per military service.”;

(4) by redesignating subsections (f), (g), and (h) as subsections (g), (h), and (i), respectively; and

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

“(f) METRICS.—The Secretary of Defense shall implement performance metrics for measuring, across the Department and with respect to each military department, the following:

“(1) Assignment coordination and support for military families with special needs, including a systematic process for evaluating each military department’s program for the support of military families with special needs.

“(2) The reassignment of military families with special needs, including how often members request reassignments, for what reasons, and from what military installations.

“(3) The level of satisfaction of military families with special needs with the family and medical support they are provided.”.
SEC. 573. PROCEDURES OF THE OFFICE OF SPECIAL NEEDS FOR THE DEVELOPMENT OF INDIVIDUALIZED SERVICES PLANS FOR MILITARY FAMILIES WITH SPECIAL NEEDS.

Section 1781c(d)(4) of title 10, United States Code, as amended by section 572(3)(C) of this Act, is further amended—

(1) in subparagraph (F), by striking “of an individualized services plan (medical and educational)” and inserting “by an appropriate office of an individualized services plan (whether medical, educational, or both)”;

(2) by redesignating subparagraphs (G), (H), and (I) as subparagraph (H), (I), and (J), respectively; and

(3) by inserting after subparagraph (F) the following new paragraph (G):

“(G) Procedures for the development of an individualized services plan for military family members with special needs who have requested family support services and have a completed family needs assessment.”.
SEC. 574. RESTATEMENT AND CLARIFICATION OF AUTHORITY TO REIMBURSE MEMBERS FOR SPOUSE RELICENSING COSTS PURSUANT TO A PERMANENT CHANGE OF STATION.

(a) In General.—Section 453 of title 37, United States Code, is amended by adding at the end the following new subsection:

“(g) Reimbursement of Qualifying Spouse Relicensing Costs Incident to a Member’s Permanent Change of Station or Assignment.—(1) From amounts otherwise made available for a fiscal year to provide travel and transportation allowances under this chapter, the Secretary concerned may reimburse a member of the armed forces for qualified relicensing costs of the spouse of the member when—

“(A) the member is reassigned, either as a permanent change of station or permanent change of assignment, between duty stations located in separate jurisdictions with unique licensing or certification requirements and authorities; and

“(B) the movement of the member’s dependents is authorized at the expense of the United States under this section as part of the reassignment.

“(2) Reimbursement provided to a member under this subsection may not exceed $1000 in connection with each reassignment described in paragraph (1).
“(3) No reimbursement may be provided under this subsection for qualified relicensing costs paid or incurred after December 31, 2024.

“(4) In this subsection, the term ‘qualified relicensing costs’ means costs, including exam, continuing education courses, and registration fees, incurred by the spouse of a member if—

“(A) the spouse was licensed or certified in a profession during the member’s previous duty assignment and requires a new license or certification to engage in that profession in a new jurisdiction because of 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 secure or maintain the license or certification from the new jurisdiction in connection with such reassignment.”.

(b) REPEAL OF SUPERSEDED AUTHORITY.—Section 476 of such title is amended by striking subsection (p).

SEC. 575. IMPROVEMENTS TO DEPARTMENT OF DEFENSE TRACKING OF AND RESPONSE TO INCIDENTS OF CHILD ABUSE INVOLVING MILITARY DEPENDENTS ON MILITARY INSTALLATIONS.

(a) IMPROVEMENTS REQUIRED.—
(1) **IN GENERAL.**—The Secretary of Defense shall, consistent with recommendations of the Controller General of the United States in Government Accountability Office report GA0–20–110, take actions in accordance with this section in order to improve the efforts of the Department of Defense to track and respond to incidents of child abuse involving dependents of members of the Armed Forces that occur on military installations (in this section referred to as “covered incidents of child abuse”).

(2) **CHILD ABUSE.**—For purposes of this section, child abuse includes any abuse of a child, including sexual abuse, emotional abuse, and neglect.

(b) **DATA COLLECTION AND TRACKING OF INCIDENTS OF CHILD ABUSE.**—

(1) **TRACKING OF NON-CAREGIVER ABUSE.**—The Secretary of Defense shall establish a process for the Department of Defense Family Advocacy Program to track reported covered incidents of child abuse in which the alleged offender is not a parent, guardian, or someone in a caregiving role at the time of the incident. The information so tracked shall comport with the information tracked by the Department of Defense in reported covered incidents of child abuse in which the alleged offender is a par-
ent, guardian, or someone in a caregiving role at the
time of the incident.

(2) CENTRALIZED DATABASE FOR TRACKING OF
INCIDENTS.—

(A) IN GENERAL.—The Secretary shall de-
velop and maintain in the Department of De-
fense a centralized database to track informa-
tion across the Department on all covered inci-
dents of child abuse that are reported to the
Family Advocacy Program or investigated by a
military criminal investigation organization, re-

gardless of whether the alleged offender was an-
other child, an adult, or someone in a non-
caregiving role at the time of an incident.

(B) ELEMENTS.—The centralized database
required by this paragraph shall include, for
each incident within the database, the following:

(i) Information pertinent to a deter-
mination by the Family Advocacy Program
whether such incident meets the criteria of
the Department for treatment as an inci-
dent of child abuse.

(ii) The results of any investigation of
such incident by a military criminal inves-
tigation organization.
(iii) Information on the ultimate disposition of the incident, if any, including any administrative or prosecutorial action taken.

(C) Annual reports on information.—The information collected and maintained in the centralized database shall be reported on an annual basis as part of the annual reports from the Family Advocacy Program on child abuse and domestic abuse in the military as required by section 574 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2141).

(D) Briefings.—Not later than March 31, 2021, and every six months thereafter until the centralized database required by this paragraph is fully operational, the Secretary shall brief the Committees on Armed Services of the Senate and the House of Representatives on the status of the database.

(3) Department of Defense Education Activity guidance.—The Department of Defense Education Activity (DoDEA) shall issue clarifications of its guidance on the incidents of child-on-child abuse that qualify as serious incidents for pur-
poses of requirements for the reporting of such serious incidents by school administrators to Activity leadership.

(c) Response Procedures.—

1. Incident Determination Committee Membership.—The Department of Defense Family Advocacy Program shall ensure that the voting membership of each Incident Determination Committee on a military installation includes medical personnel with the requisite knowledge and expertise to determine whether a reported covered incident of abuse meets the criteria of the Department of Defense for treatment as child abuse.

2. Screening Reported Incidents of Child Abuse.—

   (A) Development of Standardized Process.—The Department of Defense Family Advocacy Program shall develop a standardized process by which the Family Advocacy Programs of the military departments screen reported covered incidents of child abuse to determine whether to present such incident to an Incident Determination Committee.

   (B) Monitoring.—The Secretary of each military department shall develop a process to
monitor the manner in which reported covered incidents of child abuse are screened by each installa-
tion under the jurisdiction of such Secretary in order to ensure that such screening complies with the standardized screening proc-

ess developed pursuant to subparagraph (A).

(3) REQUIRED NOTIFICATIONS.—

(A) DOCUMENTATION.—The Secretary of each military department shall require that installa-
tion Family Advocacy Programs and military criminal investigation organizations under the jurisdiction of such Secretary document in their respective databases the date on which they notified the other of a reported covered in-
cident of child abuse.

(B) OVERSIGHT.—The Secretary of each military department shall require that the Family Advocacy Program of such military depart-
ment, and the headquarters of the military criminal investigation organizations of such military department, to develop processes to oversee the documentation of notifications re-
quired by subparagraph (A) in order to ensure that such notifications occur on a consistent basis at installation level.
(4) Certified pediatric sexual assault forensic examiners.—

(A) Geographic regions for examiners.—The Under Secretary of Defense for Personnel and Readiness shall specify geographic regions in which military families reside for purposes of the availability of and access to certified pediatric sexual assault examiners in such regions.

(B) Availability.—The Under Secretary shall ensure that—

(i) one or more certified pediatric sexual assault examiners are located in each geographic region specified pursuant to subparagraph (A); and

(ii) examiners so located serve as certified pediatric sexual assault examiners throughout such region, without regard to Armed Force or installation.

(5) Removal of children from unsafe homes overseas.—The Secretary of Defense shall, in consultation with the Secretaries of the military departments, issue policy that clarifies and standardizes across the Armed Forces the circumstances
under which a commander may remove a child from a potentially unsafe home at an installation overseas.

(6) **RESOURCE GUIDE FOR FAMILIES AFFECTED BY CHILD ABUSE.**—

(A) **IN GENERAL.**—The Secretary of each military department shall develop and maintain a comprehensive guide on resources available through the Department of Defense and such military department for military families under this jurisdiction of such Secretary who are affected by child abuse.

(B) **ELEMENTS.**—Each guide under this paragraph shall include the following:

(i) Information on the response processes of the Family Advocacy Programs and military criminal investigation organizations of the military department concerned.

(ii) Lists of available support services, such as legal, medical, and victim advocacy services, through the Department of Defense and the military department concerned.

(C) **DISTRIBUTION.**—A resource guide under this paragraph shall be presented to a
military family by an installation Family Advocacy Program and military criminal investigation personnel at the time a covered incident of child abuse involving a child in such family is reported.

(D) Availability on Internet.—A current version of each resource guide under this paragraph shall be available to the public on an Internet website of the military department concerned available to the public.

(d) Coordination and Collaboration With Non-Military Resources.—

(1) Coordination with States.—The Secretary of Defense shall—

(A) continue the outreach efforts of the Department of Defense to the States in order to ensure that States are notified when a member of the Armed Forces or a military dependent is involved in a reported incident of child abuse off a military installation; and

(B) increase efforts at information sharing between the Department and the States on such incidents of child abuse, including entry into memoranda of understanding with State child
welfare agencies on information sharing in connection with such incidents.

(2) **Collaboration with National Children’s Alliance.**

(A) **Memoranda of Understanding.**

The Secretary of each military department shall seek to enter into a memorandum of understanding with the National Children’s Alliance under which—

(i) the children’s advocacy center services of the Alliance are available to all installations in the continental United States under the jurisdiction of such Secretary; and

(ii) members of the Armed Forces under the jurisdiction of such Secretary are made aware of the nature and availability of such services.

(B) **Participation of Certain Entities.**—Each memorandum of understanding under this paragraph shall provide for the appropriate participation of the Family Advocacy Program and military criminal investigation organizations of the military department con-
cerned in activities under such memorandum of understanding.

(C) BRIEFING.—Not later than one year after the date of the enactment of this Act, the Secretary of each military department shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on the status of the development of a memorandum of understanding with the National Children’s Alliance under this paragraph, together with information on which installations, if any, under the jurisdiction of such Secretary have entered into a written agreement with a local children’s advocacy center with respect to child abuse on such installations.

SEC. 576. MILITARY CHILD CARE AND CHILD DEVELOPMENT CENTER MATTERS.

(a) CENTER FEES MATTERS.—Section 1793 of title 10, United States Code, is amended by adding at the end the following new subsections:

“(c) LIBERAL ISSUANCE OF HARDSHIP WAIVERS.—The regulations prescribed pursuant to subsection (a) shall require that installation commanders issue waivers of fees otherwise established under the regulations for inability to pay (commonly referred to as ‘hardship waivers’)
on a liberal basis in a manner consistent (as specified by
the Secretary in such regulations) with ensuring that fees
collected pursuant to subsection (a) meet the operating ex-
penses of the child development centers concerned.

“(d) FAMILY DISCOUNT.—In the case of a family
with two or more children attending a child development
center, the regulations prescribed pursuant to subsection
(a) shall require that installations commanders charge a
fee for attendance at the center of any child of the family
after the first child of the family in amount equal to 85
percent of the amount of the fee otherwise chargeable for
the attendance of such child at the center.”.

(b) CHILD CARE FEE ASSISTANCE PROGRAMS
THROUGHOUT THE ARMED FORCES.—

(1) PROGRAMS AUTHORIZED.—Each Secretary
of a military department may carry out a program
for each Armed Force under the jurisdiction of such
Secretary under which a member of the Armed
Forces who is obtaining child care services from a
civilian child care services provider located off a mili-
tary installation is paid (subject to any limitation es-
tablished by such Secretary) a monthly amount
equal to the amount, if any, by which—

(A) the monthly amount charged by such

provider for such services; exceeds
(B) the monthly amount the military department concerned pays or otherwise provides members at such installation for child care services on such installation.

(2) MODEL.—Any program carried out pursuant to paragraph (1) shall be modeled after the Army Fee Assistance Program, and incorporate such modifications to that Program as the Secretary of the military department concerned considers appropriate.

(3) SECRETARY OF DEFENSE APPROVAL.—Any program of an Armed Force under paragraph (1) shall be subject to the approval of the Secretary of Defense.

(c) ADDITIONAL ACTIONS TO OBTAIN QUALIFIED CHILD CARE EMPLOYEES.—

(1) IN GENERAL.—Section 1792 of title 10, United States Code, is amended—

(A) by redesignating subsection (d) as subsection (e); and

(B) by inserting after subsection (c) the following new subsection (d):

“(d) ADDITIONAL ACTIONS TO OBTAIN QUALIFIED EMPLOYEES.—Each Secretary of a military department may, with the approval of the Secretary of Defense, take
actions in addition to actions authorized by subsection (c) to provide military child development centers under the jurisdiction of such Secretary with a qualified and stable civilian workforce, including actions as follows:

“(1) Enhanced marketing and recruitment for employment.

“(2) Provision to employees of education-related benefits, including tuition assistance and student loan repayment programs.

“(3) Availability and enhancement of wellness and physical fitness programs for employees.

“(4) Provision of such other competitive benefits as the Secretary of the military department and the Secretary of Defense jointly consider appropriate.”.

(2) Reports on installations with extreme imbalance between demand for and availability of child care.—Not later than one year after the date of the enactment of this Act, each Secretary of a military department shall submit to Congress a report on the military installations under the jurisdiction of such Secretary with an extreme imbalance between demand for child care and availability of child care. Each report shall include,
for the military department covered by such report, the following:

(A) The name of the five installations of the military department experiencing the most extreme imbalance between demand for child care and availability of child care.

(B) For each installation named pursuant to subparagraph (A), the following:

(i) An assessment whether civilian employees at child development centers at such installation have rates of pay and benefits that are competitive with other civilian employees on such installation and with the civilian labor pool in the vicinity of such installation.

(ii) A description and assessment of various incentives to encourage military spouses to become providers under the Family Child Care program at such installation.

(iii) Such recommendations at the Secretary of the military department concerned considers appropriate to address the imbalance between demand for child care and availability of child care at such
installation, including recommendations to enhance the competitiveness of civilian child care positions at such installation with other civilian positions at such installation and the civilian labor pool in the vicinity of such installation.

**SEC. 577. EXPANSION OF FINANCIAL ASSISTANCE UNDER MY CAREER ADVANCEMENT ACCOUNT PROGRAM.**

Section 580F of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) is amended—

(1) by inserting “(a) PROFESSIONAL LICENSE OR CERTIFICATION; ASSOCIATE’S DEGREE.—” before “The Secretary”; (2) by inserting “or maintenance (including continuing education courses)” after “pursuit”; and (3) by adding at the end the following new subsection:

“(b) NATIONAL TESTING.—Financial assistance under subsection (a) may be applied to the costs of national tests that may earn a participating military spouse course credits required for a degree approved under the program (including the College Level Examination Program tests).”
Subtitle H—Other Matters

SEC. 586. REMOVAL OF PERSONALLY IDENTIFYING AND OTHER INFORMATION OF CERTAIN PERSONS FROM INVESTIGATIVE REPORTS, THE DEPARTMENT OF DEFENSE CENTRAL INDEX OF INVESTIGATIONS, AND OTHER RECORDS AND DATABASES.

(a) Policy and Process Required.—Not later than October 1, 2021, the Secretary of Defense shall establish and maintain a policy and process through which any covered person may request that the person’s name, personally identifying information, and other information pertaining to the person shall, in accordance with subsection (c), be corrected in, or expunged or otherwise removed 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.

(b) COVERED PERSONS.—For purposes of this section, a covered person is any person whose name was placed or reported, or is maintained—

(1) in the subject or title block of a law enforcement or criminal investigative report of the Department of Defense (or any component of the Department);

(2) as an item or entry in the Department of Defense Central Index of Investigations; or

(3) in 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.

(c) ELEMENTS.—The policy and process required by subsection (a) shall include the following elements:

(1) BASIS FOR CORRECTION OR EXPUNGEMENT.—That the name, personally identifying information, and other information of a covered person shall be corrected in, or expunged or otherwise removed from, a report, item or entry, or
record described in paragraphs (1) through (3) of subsection (a) in the following circumstances:

(A) Probable cause did not or does not exist to believe that the offense for which the person’s name was placed or reported, or is maintained, in such report, item or entry, or record occurred, or insufficient evidence existed or exists to determine whether or not such offense occurred.

(B) Probable cause did not or does not exist to believe that the person actually committed the offense for which the person’s name was so placed or reported, or is so maintained, or insufficient evidence existed or exists to determine whether or not the person actually committed such offense.

(C) Such other circumstances, or on such other bases, as the Secretary may specify in establishing the policy and process, which circumstances and bases may not be inconsistent with the circumstances and bases provided by subparagraphs (A) and (B).

(2) CONSIDERATIONS.—While not dispositive as to the existence of a circumstance or basis set forth in paragraph (1), the following shall be considered
in the determination whether such circumstance or
basis applies to a covered person for purposes of this
section:

(A) The extent or lack of corroborating
evidence against the covered person concerned
with respect to the offense at issue.

(B) Whether adverse administrative, dis-
ciplinary, judicial, or other such action was ini-
tiated against the covered person for the offense
at issue.

(C) The type, nature, and outcome of any
action described in subparagraph (B) against
the covered person.

(3) PROCEDURES.—The policy and process re-
quired by subsection (a) shall include procedures as
follows:

(A) Procedures under which a covered per-
son may appeal a determination of the applica-
ble component of the Department of Defense
denying, whether in whole or in part, a request
for purposes of subsection (a).

(B) Procedures under which the applicable
component of the Department will correct, ex-
punge or remove, take other appropriate action
on, or assist a covered person in so doing, any
record maintained by a person, organization, or entity outside of the Department to which such component provided, submitted, or transmitted information about the covered person, which information has or will be corrected in, or expunged or removed from, Department records pursuant to this section.

(C) The timeline pursuant to which the Department, or a component of the Department, as applicable, will respond to each of the following:

(i) A request pursuant to subsection (a).

(ii) An appeal under the procedures required by subparagraph (A).

(iii) A request for assistance under the procedures required by subparagraph (B).

(D) Mechanisms through which the Department will keep a covered person apprised of the progress of the Department on a covered person’s request or appeal as described in subparagraph (C).

(d) APPLICABILITY.—The policy and process required to be developed by the Secretary under subsection
(a) shall not be subject to the notice and comment rule-
making requirements under section 553 of title 5, United
States Code.

(e) REPORT.—Not later than October 1, 2021, the
Secretary shall submit to the Committees on Armed Serv-
ices of the Senate and the House of Representatives a re-
port on the actions taken to carry out this section, includ-
ing a comprehensive description of the policy and process
developed and implemented by the Secretary under sub-
section (a).

SEC. 587. NATIONAL EMERGENCY EXCEPTION FOR TIMING
REQUIREMENTS WITH RESPECT TO CERTAIN
SURVEYS OF MEMBERS OF THE ARMED
FORCES.

(a) MEMBERS OF REGULAR AND RESERVE COMPON-
ENTS.—Subsection (d) of section 481 of title 10, United
States Code, is amended to read as follows:

“(d) WHEN SURVEYS REQUIRED.—(1) The Armed
Forces Workplace and Gender Relations Surveys of the
Active Duty and the Armed Forces Workplace and Gender
Relations Survey of the Reserve Components shall each
be conducted once every two years. The surveys may be
conducted within the same year or in two separate years,
and shall be conducted in a manner designed to reduce
the burden of the surveys on members of the armed forces.
“(2) The two Armed Forces Workplace and Equal Opportunity Surveys shall be conducted at least once every four years. The surveys may be conducted within the same year or in two separate years, and shall be conducted in a manner designed to reduce the burden of the surveys on members of the armed forces.

“(3)(A) The Secretary of Defense may postpone the conduct of a survey under this section if the Secretary determines that conducting such survey is not practicable due to a war or national emergency declared by the President or Congress.

“(B) The Secretary shall ensure that a survey postponed under subparagraph (A) is conducted as soon as practicable after the end of the period of war or national emergency concerned, or earlier if the Secretary determines appropriate.

“(C) The Secretary shall notify Congress of a determination under subparagraph (A) not later than 30 days after the date on which the Secretary makes such determination.”.

(b) CADETS AND MIDSHIPMEN.—

(1) UNITED STATES MILITARY ACADEMY.—Section 7461(e) of title 10, United States Code, is amended by adding at the end the following new paragraph:
“(3)(A) The Secretary of Defense may postpone the conduct of an assessment under this subsection if the Secretary determines that conducting such assessment is not practicable due to a war or national emergency declared by the President or Congress.

“(B) The Secretary of Defense shall ensure that an assessment postponed under subparagraph (A) is conducted as soon as practicable after the end of the period of war or national emergency concerned, or earlier if the Secretary determines appropriate.

“(C) The Secretary of Defense shall notify Congress of a determination under subparagraph (A) not later than 30 days after the date on which the Secretary makes such determination.”.

(2) UNITED STATES NAVAL ACADEMY.—Section 8480(c) of such title is amended by adding at the end the following new paragraph:

“(3)(A) The Secretary of Defense may postpone the conduct of an assessment under this subsection if the Secretary determines that conducting such assessment is not practicable due to a war or national emergency declared by the President or Congress.

“(B) The Secretary of Defense shall ensure that an assessment postponed under subparagraph (A) is conducted as soon as practicable after the end of the period
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1 of war or national emergency concerned, or earlier if the
2 Secretary determines appropriate.

“(C) The Secretary of Defense shall notify Congress
3 of a determination under subparagraph (A) not later than
4 30 days after the date on which the Secretary makes such
data determination.”.

(3) UNITED STATES AIR FORCE ACADEMY.—

Section 9461(c) of such title is amended by adding
at the end the following new paragraph:

“(3)(A) The Secretary of Defense may postpone the
conduct of an assessment under this subsection if the Sec-
etary determines that conducting such assessment is not
practicable due to a war or national emergency declared
by the President or Congress.

“(B) The Secretary of Defense shall ensure that an
assessment postponed under subparagraph (A) is con-
ducted as soon as practicable after the end of the period
of war or national emergency concerned, or earlier if the
Secretary determines appropriate.

“(C) The Secretary of Defense shall notify Congress
of a determination under subparagraph (A) not later than
30 days after the date on which the Secretary makes such
data determination.”.

(c) DEPARTMENT OF DEFENSE CIVILIAN EMPLOY-

ees.—Section 481a of title 10, United States Code, is
amended by adding at the end the following new sub-
section:

“(d) POSTPONEMENT.—(1) The Secretary of Defense
may postpone the conduct of a survey under this section
if the Secretary determines that conducting such survey
is not practicable due to a war or national emergency de-
clared by the President or Congress.

“(2) The Secretary shall ensure that a survey post-
poned under paragraph (1) is conducted as soon as prac-
ticable after the end of the period of war or national emer-
gency concerned, or earlier if the Secretary determines ap-
propriate.

“(3) The Secretary shall notify Congress of a deter-
mination under paragraph (1) not later than 30 days after
the date on which the Secretary makes such determina-
tion.”.

SEC. 588. SUNSET AND TRANSFER OF FUNCTIONS OF THE
PHYSICAL DISABILITY BOARD OF REVIEW.

Section 1554a of title 10, United States Code, is
amended by adding at the end the following new sub-
section:

“(g) SUNSET.—(1) On or after October 1, 2020, the
Secretary of Defense may sunset the Physical Disability
Board of Review under this section.
“(2) If the Secretary sunsets the Physical Disability Board of Review under paragraph (1), the Secretary shall transfer any remaining requests for review pending at that time, and shall assign any new requests for review under this section, to a board for the correction of military records operated by the Secretary concerned under section 1552 of this title.

“(3) Subsection (c)(4) shall not apply with respect to any review conducted by a board for the correction of military records under paragraph (2).”.

SEC. 589. EXTENSION OF REPORTING DEADLINE FOR THE ANNUAL REPORT ON THE ASSESSMENT OF THE EFFECTIVENESS OF ACTIVITIES OF THE FEDERAL VOTING ASSISTANCE PROGRAM.

(a) Elimination of Reports for Non-election Years.—Section 105A(b) of the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. 20308(b)) is amended, in the matter preceding paragraph (1)—

(1) by striking “March 31 of each year” and inserting “September 30 of each odd-numbered year”; and

(2) by striking “the following information” and inserting “the following information with respect to the Federal elections held during the preceding calendar year”.
(b) CONFORMING AMENDMENTS.—Subsection (b) of section 105A of such Act (52 U.S.C. 20308(b)) is amended—

(1) in the subsection heading, by striking “ANNUAL REPORT” and inserting “BIENNIAL REPORT”; and

(2) in paragraph (3), by striking “In the case of” and all that follows through “a description” and inserting “A description”.

SEC. 590. PILOT PROGRAMS ON REMOTE PROVISION BY NATIONAL GUARD TO STATE GOVERNMENTS AND NATIONAL GUARDS OF OTHER STATES OF CYBERSECURITY TECHNICAL ASSISTANCE IN TRAINING, PREPARATION, AND RESPONSE TO CYBER INCIDENTS.

(a) PILOT PROGRAMS AUTHORIZED.—The Secretary of the Army and the Secretary of the Air Force may each, in consultation with the Chief of the National Guard Bureau, conduct a pilot program to assess the feasibility and advisability of the development of a capability within the National Guard through which a National Guard of a State remotely provides State governments and National Guards of other States (whether or not in the same Armed Force as the providing National Guard) with cybersecurity technical assistance in training, preparation, and response
to cyber incidents. If such Secretary elects to conduct such
a pilot program, such Secretary shall be known as an “ad-
ministering Secretary” for purposes of this section, and
any reference in this section to “the pilot program” shall
be treated as a reference to the pilot program conducted
by such Secretary.

(b) Assessment Prior to Commencement.—For
purposes of evaluating existing platforms, technologies,
and capabilities under subsection (c), and for establishing
eligibility and participation requirements under subsection
d, for purposes of the pilot program, an administering
Secretary, in consultation with the Chief of the National
Guard Bureau, shall, prior to commencing the pilot pro-
gram—

(1) conduct an assessment of—

(A) existing cyber response capacities of
the Army National Guard or Air National
Guard, as applicable, in each State; and

(B) any existing platform, technology, or
capability of a National Guard that provides the
capability described in subsection (a); and

(2) determine whether a platform, technology,
or capability described in paragraph (1)(B) is suit-
able for expansion for purposes of the pilot program.
(c) ELEMENTS.—A pilot program under subsection (a) shall include the following:

(1) A technical capability that enables the National Guard of a State to remotely provide cybersecurity technical assistance to State governments and National Guards of other States, without the need to deploy outside its home State.

(2) Policies, processes, procedures, and authorities for use of such a capability, including with respect to the following:

(A) The roles and responsibilities of both requesting and deploying State governments and National Guards with respect to such technical assistance, taking into account the matters specified in subsection (f).

(B) Necessary updates to the Defense Cyber Incident Coordinating Procedure, or any other applicable Department of Defense instruction, for purposes of implementing the capability.

(C) Program management and governance structures for deployment and maintenance of the capability.
(D) Security when performing remote support, including such in matters such as authentication and remote sensing.

(3) The conduct, in coordination with the Chief of the National Guard Bureau and the Secretary of Homeland Security and in consultation with the Director of the Federal Bureau of Investigation, other Federal agencies, and appropriate non-Federal entities, of at least one exercise to demonstrate the capability, which exercise shall include the following:

(A) Participation of not fewer than two State governments and their National Guards.

(B) Circumstances designed to test and validate the policies, processes, procedures, and authorities developed pursuant to paragraph (2).

(C) An after action review of the exercise.

(d) USE OF EXISTING TECHNOLOGY.—An administering Secretary may use an existing platform, technology, or capability to provide the capability described in subsection (a) under the pilot program.

(e) ELIGIBILITY AND PARTICIPATION REQUIREMENTS.—An administering Secretary shall, in consultation with the Chief of the National Guard Bureau, establish requirements with respect to eligibility and participa-
tion of State governments and their National Guards in the pilot program.

(f) Construction With Certain Current Authorities.—

(1) Command Authorities.—Nothing in a pilot program under subsection (a) may be construed as affecting or altering the command authorities otherwise applicable to any unit of the National Guard unit participating in the pilot program.

(2) Emergency Management Assistance Compact.—Nothing in a pilot program may be construed as affecting or altering any current agreement under the Emergency Management Assistance Compact, or any other State agreements, or as determinative of the future content of any such agreement.

(g) Evaluation Metrics.—An administering Secretary shall, in consultation with the Chief of the National Guard Bureau and the Secretary of Homeland Security, establish metrics to evaluate the effectiveness of the pilot program.

(h) Term.—A pilot program under subsection (a) shall terminate on the date that is three years after the date of the commencement of the pilot program.

(i) Reports.—
(1) **INITIAL REPORT.**—Not later than 180 days after the date of the commencement of the pilot program, the administering Secretary shall submit to the appropriate committees of Congress a report setting forth a description of the pilot program and such other matters in connection with the pilot program as the Secretary considers appropriate.

(2) **FINAL REPORT.**—Not later than 180 days after the termination of the pilot program, the administering Secretary shall submit to the appropriate committees of Congress a report on the pilot program. The report shall include the following:

(A) A description of the pilot program, including any partnerships entered into by the Chief of the National Guard Bureau under the pilot program.

(B) A summary of the assessment performed prior to the commencement of the pilot program in accordance with subsection (b).

(C) A summary of the evaluation metrics established in accordance with subsection (g).

(D) An assessment of the effectiveness of the pilot program, and of the capability described in subsection (a) under the pilot program.
(E) A description of costs associated with the implementation and conduct of the pilot program.

(F) A recommendation as to the termination or extension of the pilot program, or the making of the pilot program permanent with an expansion nationwide.

(G) An estimate of the costs of making the pilot program permanent and expanding it nationwide in accordance with the recommendation in subparagraph (F).

(H) Such recommendations for legislative or administrative action as the Secretary considers appropriate in light of the pilot program.

(3) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term “appropriate committees of Congress” means—

(A) the Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Committee on Armed Services and the Committee on Homeland Security of the House of Representatives.

(j) STATE DEFINED.—In this section, the term “State” means each of the several States, the District of
Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

SEC. 591. PLAN ON PERFORMANCE OF FUNERAL HONORS DETAILS BY MEMBERS OF OTHER ARMED FORCES WHEN MEMBERS OF THE ARMED FORCE OF THE DECEASED ARE UNAVAILABLE.

(a) Briefing on Plan.—

(1) In general.—Not later than 180 days 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 the House of Representatives setting forth a plan for the performance of a funeral honors detail at the funeral of a deceased member of the Armed Forces by one or more members of the Armed Forces from an Armed Force other than that of the deceased when—

(A) members of the Armed Force of the deceased are unavailable for the performance of the detail; and

(B) the performance of the detail by members of other Armed Forces is requested by the family of the deceased.
(2) **Repeal of requirement for one member of armed force of deceased in detail.**—
Section 1491(b)(2) of title 10, United States Code, is amended in the first sentence by striking “at least one of whom shall be a member of the armed force of which the veteran was a member”.

(3) **Performance.**—The plan required by paragraph (1) shall authorize the performance of funeral honors details by members of the Army National Guard and the Air National Guard under section 115 of title 32, United States Code, and may authorize the remainder of such details to consist of members of veterans organizations or other organizations approved for purposes of section 1491 of title 10, United States Code, as provided for by subsection (b)(2) of such section 1491.

(b) **Elements.**—The briefing under subsection (a) shall include a description in detail the authorities and requirements for the implementation of the plan, including administrative, logistical, coordination, and funding authorities and requirements.

**SEC. 592. LIMITATION ON IMPLEMENTATION OF ARMY COMBAT FITNESS TEST.**

The Secretary of the Army may not implement the Army Combat Fitness Test until the Secretary receives
results of a study, conducted for purposes of this section
by an entity independent of the Department of Defense,
on the following:

(1) The extent, if any, to which the test would
adversely impact members of the Army stationed or
deployed to climates or areas with conditions that
make prohibitive the conduct of outdoor physical
training on a frequent or sustained basis.

(2) The extent, if any, to which the test would
affect recruitment and retention in critical support
military occupational specialties (MOS) of the Army,
such as medical personnel.

TITLE VI—COMPENSATION AND
OTHER PERSONNEL BENEFITS
Subtitle A—Pay and Allowances
SEC. 601. REORGANIZATION OF CERTAIN ALLOWANCES
OTHER THAN TRAVEL AND TRANSPORTATION
ALLOWANCES.

(a) Per Diem for Duty Outside the Conti-
nental United States.—

(1) Transfer to chapter 7.—Section 475 of
title 37, United States Code, is transferred to chap-
ter 7 of such title, inserted after section 403b, and
redesignated as section 405.
(2) **Repeal of termination provision.**—

Section 405 of title 37, United States Code, as added by paragraph (1), is amended by striking subsection (f).

(3) **Retitling of authority.**—The heading of section 405 of title 37, United States Code, as so added, is amended to read as follows:

“§ 405. **Per diem while on duty outside the continental United States**”.

(b) **Allowance for funeral honors duty.**—

(1) **Transfer to chapter 7.**—Section 495 of title 37, United States Code, is transferred to chapter 7 of such title, inserted after section 433a, and redesignated as section 435.

(2) **Repeal of termination provision.**—

Section 435 of title 37, United States Code, as added by paragraph (1), is amended by striking subsection (c).

(c) **Clerical amendments.**—

(1) **Chapter 7.**—The table of sections at the beginning of chapter 7 of such title 37, United States Code, is amended—

(A) by inserting after the item relating to section 403b the following new item:

“405. **Per diem while on duty outside the continental United States.**”;

and
(B) by inserting after the item relating to section 433a the following new item:

“435. Funeral honors duty: allowance.”.

(2) CHAPTER 8.—The table of sections at the beginning of chapter 8 of such title is amended by striking the items relating to sections 475 and 495.

SEC. 602. HAZARDOUS DUTY PAY FOR MEMBERS OF THE ARMED FORCES PERFORMING DUTY IN RESPONSE TO THE CORONAVIRUS DISEASE 2019.

(a) IN GENERAL.—The Secretary of the military department concerned shall pay hazardous duty pay under this section to a member of a regular or reserve component of the Armed Forces who—

(1) performs duty in response to the Coronavirus Disease 2019 (COVID–19); and

(2) is entitled to basic pay under section 204 of title 37, United States Code, or compensation under section 206 of such title, for the performance of such duty.

(b) REGULATIONS.—Hazardous duty pay shall be payable under this section in accordance with regulations prescribed by the Secretary of Defense. Such regulations shall specify the duty in response to the Coronavirus Disease 2019 qualifying a member for payment of such pay under this section.
(c) Amount.—The amount of hazardous duty pay paid a member under this section shall be such amount per month, not less than $150 per month, as the Secretary of Defense shall specify in the regulations under subsection (b).

(d) Monthly Payment; No Proration.—

(1) Monthly Payment.—Hazardous duty pay under this section shall be paid on a monthly basis.

(2) No Proration.—Hazardous duty pay is payable to a member under this section for a month if the member performs any duty in that month qualifying the person for payment of such pay.

(e) Months for Which Payable.—Hazardous duty pay is payable under this section for qualifying duty performed in months occurring during the period—

(1) beginning on January 1, 2020; and

(2) ending on December 31, 2020.

(f) Construction With Other Pay.—Hazardous duty pay payable to a member under this section is in addition to the following:

(1) Any other pay and allowances to which the member is entitled by law.

(2) Any other hazardous duty pay to which the member is entitled under section 351 of title 37, United States Code (or any other provision of law),
for duty that also constitutes qualifying duty for
payment of such pay under this section.

(g) SENSE OF SENATE.—It is the sense of the Senate
that the Secretary of Defense should also authorize haz-
ardous duty pay for members of the Armed Forces not
under orders specific to the response to the Coronavirus
Disease 2019 who provide—

(1) healthcare in a military medical treatment
facility for individuals infected with the Coronavirus
Disease 2019; or

(2) technical or administrative support for the
provision of healthcare as described in paragraph
(1).

Subtitle B—Bonuses and Special
and Incentive Pays

SEC. 611. 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 com-
ponent members experiencing extended and frequent mo-
bilization for active duty service, is amended by striking
“December 31, 2020” and inserting “December 31,
2021”.
(b) TITLE 10 AUTHORITIES RELATING TO HEALTH CARE PROFESSIONALS.—The following sections of title 10, United States Code, are amended by striking “December 31, 2020” and inserting “December 31, 2021”:

(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, 2020” and inserting “December 31, 2021”.

(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, 2020” and inserting “December 31, 2021”:

(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)(7)(E) of title 37, United States Code, is amended by striking “December 31, 2020” and inserting “December 31, 2021”.

SEC. 612. INCREASE IN SPECIAL AND INCENTIVE PAYS FOR OFFICERS IN HEALTH PROFESSIONS.

(a) Accession Bonus Generally.—Subparagraph (A) of section 335(e)(1) of title 37, United States Code,
is amended by striking “$30,000” and inserting “$100,000”.

(b) Accession Bonus for Critically Short Wartime Specialties.—Subparagraph (B) of such section is amended by striking “$100,000” and inserting “$200,000”.

(e) Retention Bonus.—Subparagraph (C) of such section is amended by striking “$75,000” and inserting “$150,000”.

(d) Incentive Pay.—Subparagraph (D) of such section is amended—

(1) in clause (i), by striking “$100,000” and inserting “$200,000”; and

(2) in clause (ii), by striking “$15,000” and inserting “$50,000”.

(e) Board Certification Pay.—Subparagraph (E) of such section is amended by striking “$6,000” and inserting “$15,000”.

(f) Effective Date.—The amendments made by this section shall take effect on October 1, 2020, and shall apply with respect to special bonus and incentive pays payable under section 335 of title 37, United States Code, pursuant to agreements entered into under that section on or after that date.
Subtitle C—Disability Pay, Retired Pay, and Survivor Benefits

SEC. 621. INCLUSION OF DRILL OR TRAINING FOREGONE DUE TO EMERGENCY TRAVEL OR DUTY RESTRICTIONS IN COMPUTATIONS OF ENTITLEMENT TO AND AMOUNTS OF RETIRED PAY FOR NON-REGULAR SERVICE.

(a) Entitlement to Retired Pay.—Section 12732(a)(2) of title 10, United States Code, is amended—

(1) by inserting after subparagraph (E) the following new subparagraph:

“(F)(i) Subject to regulations prescribed by the Secretary of Defense or the Secretary of Homeland Security with respect to matters concerning the Coast Guard when it is not operating as a service in the Department of the Navy, one point for each day of active service or one point for each drill or period of equivalent instruction that was prescribed by the Secretary concerned to be performed during the covered emergency period, if such person was prevented from performing such duty due to travel or duty restrictions imposed by the President, the Secretary of Defense, or the Secretary
of Homeland Security with respect to the Coast Guard.

“(ii) A person may not be credited more than 35 points in a one-year period under this subparagraph.

“(iii) In this subparagraph, the term ‘covered emergency period’ means the period beginning on March 1, 2020, and ending on the day that is 60 days after the date on which the travel or duty restriction applicable to the person concerned is lifted.”; and

(2) in the matter following subparagraph (F), as inserted by paragraph (1), by striking “and (E)” and inserting “(E), and (F)”.

(b) AMOUNT OF RETIRED PAY.—Section 12733(3) of such title is amended in the matter preceding subparagraph (A), by striking “or (D)” and inserting “(D), or (F)”.

SEC. 622. MODERNIZATION AND CLARIFICATION OF PAYMENT OF CERTAIN RESERVES WHILE ON DUTY.

(a) CHANGE IN PRIORITY OF PAYMENTS FOR RETIRED OR RETAINER PAY.—Subsection (a) of section 12316 of title 10, United States Code, is amended—

(1) in the matter preceding paragraph (1)—
(A) by striking “subsection (b)” and inserting “subsection (c)”; and

(B) by striking “his earlier military service” and inserting “the Reserve’s earlier military service”;

(C) by striking “a pension, retired or retainer pay, or disability compensation” and inserting “retired or retainer pay”; and

(D) by striking “he is entitled” and inserting “the Reserve is entitled”; and

(2) by striking paragraphs (1) and (2) and inserting the following new paragraphs:

“(1) the pay and allowances authorized by law for the duty that the Reserve is performing; or

“(2) if the Reserve specifically waives those payments, the retired or retainer pay to which the Reserve is entitled because of the Reserve’s earlier military service.”.

(b) Payments for Pension or Disability Compensation.—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):
“(b) Except as provided by subsection (c), a Reserve of the Army, Navy, Air Force, Marine Corps, or Coast Guard who because of the Reserve’s earlier military service is entitled to a pension or disability compensation, and who performs duty for which the Reserve is entitled to compensation, may elect to receive for that duty either—

“(1) the pension or disability compensation to which the Reserve is entitled because of the Reserve’s earlier military service; or

“(2) if the Reserve specifically waives those payments, the pay and allowances authorized by law for the duty that the Reserve is performing.”.

(c) ADDITIONAL CONFORMING AND MODERNIZING AMENDMENTS.—Subsection (c) of such section, as redesignated by subsection (b)(1) of this section, is amended—

(1) by striking “(a)(2)” both places it appears and inserting “(a)(1) or (b)(2), as applicable,”;

(2) by striking “his earlier military service” the first place it appears and inserting “a Reserve’s earlier military service”;

(3) by striking “his earlier military service” each other place it appears and inserting “the Reserve’s earlier military service”;

(4) by striking “he is entitled” and inserting “the Reserve is entitled”; and
(5) by striking “the member or his dependents” and inserting “the Reserve or the Reserve’s dependents”.

(d) PROCEDURES.—Such section is further amended by adding at the end the following new subsection:

“(d) The Secretary of Defense shall prescribe regulations under which a Reserve of the Army, Navy, Air Force, Marine Corps, or Coast Guard may waive the pay and allowances authorized by law for the duty the Reserve is performing under subsection (a)(2) or (b)(2).”.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect 180 days after the date of the enactment of this Act.

Subtitle D—Other Matters

SEC. 631. PERMANENT AUTHORITY FOR AND ENHANCEMENT OF THE GOVERNMENT LODGING PROGRAM.

(a) PERMANENT AUTHORITY.—Section 914 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (5 U.S.C. 5911 note) is amended—

(1) in subsection (a), by striking “, for the period of time described in subsection (b),”; and

(2) by striking subsection (b).
(b) Exclusion of Certain Shipyard Employees.—Such section is further amended by inserting after subsection (a) the following new subsection (b):

“(b) Exclusion of Certain Shipyard Employees.—In carrying out a Government lodging program under the authority in subsection (a), the Secretary shall exclude from the requirements of the program employees who are traveling for the performance of mission functions of a public shipyard of the Department if the purpose or mission of such travel would be adversely affected by the requirements of the program.”.

(c) Conforming Amendment.—The heading of such section is amended to read as follows:

“SEC. 914. GOVERNMENT LODGING PROGRAM.”.

SEC. 632. APPROVAL OF CERTAIN ACTIVITIES BY RETIRED AND RESERVE MEMBERS OF THE UNIFORMED SERVICES.

(a) Clarification of Activities for Which Approval Required.—Section 908 of title 37, United States Code, is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by striking “subsection (b)” and inserting “subsections (b) and (e)”;

and
(ii) by inserting “, accepting payment for speeches, travel, meals, lodging, or registration fees, or accepting a non-cash award,” after “that employment”); and

(B) in paragraph (2), by striking “armed forces” and inserting “armed forces, except members serving on active duty under a call or order to active duty for a period in excess of 30 days”;

(2) in the heading of subsection (b), by inserting “FOR EMPLOYMENT AND COMPENSATION” after “APPROVAL REQUIRED”;

(3) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

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

“(c) APPROVAL REQUIRED FOR CERTAIN PAYMENTS AND AWARDS.—A person described in subsection (a) may accept payment for speeches, travel, meals, lodging, or registration fees described in that subsection, or accept a non-cash award described in that subsection, only if the Secretary concerned approves the payment or award.”.

(b) ANNUAL REPORTS ON APPROVALS.—Subsection (d) of such section, as redesignated by subsection (a)(3) of this section, is amended—
(1) by inserting ``(1)'' before ``Not later than'';

(2) in paragraph (1), as designated by paragraph (1) of this subsection, by inserting ‘‘, and each approval under subsection (c) for a payment or award described in subsection (a),’’ after ‘‘in subsection (a)’’; and

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

‘‘(2) The report under paragraph (1) on an approval described in that paragraph with respect to an officer shall set forth the following:

‘‘(A) The foreign government providing the employment or compensation or payment or award.

‘‘(B) The duties, if any, to be performed in connection with the employment or compensation or payment or award.

‘‘(C) The total amount of compensation, if any, or payment to be provided.’’.

(c) CONFORMING AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:
“§ 908. Reserves and retired members: acceptance of employment, payments, and awards from foreign governments”.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 17 of such title is amended by striking the item relating to section 908 and inserting the following new item:

“908. Reserves and retired members: acceptance of employment, payments, and awards from foreign governments.”.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—TRICARE and Other Health Care Benefits

SEC. 701. AUTHORITY FOR SECRETARY OF DEFENSE TO MANAGE PROVIDER TYPE REFERRAL AND SUPERVISION REQUIREMENTS UNDER TRICARE PROGRAM.

Section 1079(a)(12) of title 10, United States Code, is amended, in the first sentence, by striking “or certified clinical social worker,” and inserting “certified clinical social worker, or other class of provider as designated by the Secretary of Defense,”.
SEC. 702. REMOVAL OF CHRISTIAN SCIENCE PROVIDERS AS AUTHORIZED PROVIDERS UNDER THE TRICARE PROGRAM.

(a) REPEAL.—Subsection (a) of section 1079 of title 10, United States Code, is amended by striking paragraph (4).

(b) CONFORMING AMENDMENT.—Paragraph (12) of such subsection is amended, in the first sentence, by striking “, except as authorized in paragraph (4)”.

SEC. 703. WAIVER OF FEES CHARGED TO CERTAIN CIVILIANS FOR EMERGENCY MEDICAL TREATMENT PROVIDED AT MILITARY MEDICAL TREATMENT FACILITIES.

Section 1079b of title 10, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection (b):

“(b) WAIVER OF FEES.—Under the procedures implemented under subsection (a), a military medical treatment facility may waive a fee charged under such procedures to a civilian who is not a covered beneficiary if—

“(1) after insurance payments, if any, the civilian is not able to pay for the trauma or other medical care provided to the civilian; and
“(2) the provision of such care enhanced the medical readiness of the health care provider or health care providers furnishing such care.”.

SEC. 704. MENTAL HEALTH RESOURCES FOR MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS DURING THE COVID–19 PANDEMIC.

(a) Plan.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall develop a plan to protect and promote the mental health and well-being of members of the Armed Forces and their dependents, which shall include the following:

(1) A strategy to combat existing stigma surrounding mental health conditions that might deter such individuals from seeking care.

(2) Guidance to commanding officers at all levels on the mental health ramifications of the COVID–19 crisis.

(3) Additional training and support for mental health care professionals of the Department of Defense on supporting individuals who are concerned for the health of themselves and their family members, or grieving the loss of loved ones due to COVID–19.

(4) A strategy to leverage telemedicine to ensure safe access to mental health services.
(b) OUTREACH.—The Secretary of Defense shall conduct outreach to the military community to identify resources and health care services, including mental health care services, available under the TRICARE program to support members of the Armed Forces and their dependents.

(c) DEFINITIONS.—In this section, the terms “dependent” and “TRICARE program” have the meanings given those terms in section 1072 of such title.

SEC. 705. TRANSITIONAL HEALTH BENEFITS FOR CERTAIN MEMBERS OF THE NATIONAL GUARD SERVING UNDER ORDERS IN RESPONSE TO THE CORONAVIRUS (COVID–19).

(a) IN GENERAL.—The Secretary of Defense shall provide to a member of the National Guard separating from active service after serving on full-time National Guard duty pursuant to section 502(f) of title 32, United States Code, the health benefits authorized under section 1145 of title 10, United States Code, for a member of a reserve component separating from active duty, as referred to in subsection (a)(2)(B) of such section 1145, if the active service from which the member of the National Guard is separating was in support of the whole of government response to the coronavirus (COVID–19).
(b) DEFINITIONS.—In this section, the terms “active duty”, “active service”, and “full-time National Guard duty” have the meanings given those terms in section 101(d) of title 10, United States Code.

SEC. 706. EXTRAMEDICAL MATERNAL HEALTH PROVIDERS DEMONSTRATION PROJECT.

(a) DEMONSTRATION PROJECT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall commence the conduct of a demonstration project designed to evaluate the cost, quality of care, and impact on maternal and fetal outcomes of using extramedical maternal health providers under the TRICARE program to determine the appropriateness of making coverage of such providers under the TRICARE program permanent.

(b) ELEMENTS OF DEMONSTRATION PROJECT.—The demonstration project under subsection (a) shall include, for participants in the demonstration project, the following:

(1) Access to doulas.

(2) Access to lactation consultants who are not otherwise authorized to provide services under the TRICARE program.

(c) PARTICIPANTS.—The Secretary shall establish a process under which covered beneficiaries may enroll in
the demonstration project in order to receive the services provided under the demonstration project.

(d) Duration.—The Secretary shall carry out the demonstration project for a period of five years beginning on the date on which notification of the commencement of the demonstration project is published in the Federal Register.

(c) Survey.—

(1) In general.—Not later than one year after the date of the enactment of this Act, and annually thereafter for the duration of the demonstration project, the Secretary shall administer a survey to determine—

(A) how many members of the Armed Forces or spouses of such members give birth while their spouse or birthing partner is unable to be present due to deployment, training, or other mission requirements;

(B) how many single members of the Armed Forces give birth alone; and

(C) how many members of the Armed Forces or spouses of such members use doula support or lactation consultants.
(2) MATTERS COVERED BY THE SURVEY.—The survey administered under paragraph (1) shall include an identification of the following:

(A) The race, ethnicity, age, sex, relationship status, military service, military occupation, and rank, as applicable, of each individual surveyed.

(B) If individuals surveyed were members of the Armed Forces or the spouses of such members, or both.

(C) The length of advanced notice received by individuals surveyed that the member of the Armed Forces would be unable to be present during the birth, if applicable.

(D) Any resources or support that the individuals surveyed found useful during the pregnancy and birth process, including doula or lactation counselor support.

(f) REPORTS.—

(1) IMPLEMENTATION PLAN.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a plan to implement the demonstration project.
(2) **ANNUAL REPORT.**—

(A) **IN GENERAL.**—Not later than one year after the commencement of the demonstration project, and annually thereafter for the duration of the demonstration project, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the cost of the demonstration project and the effectiveness of the demonstration project in improving quality of care and the maternal and fetal outcomes of covered beneficiaries enrolled in the demonstration project.

(B) **MATTERS COVERED.**—Each report submitted under subparagraph (A) shall address, at a minimum, the following:

(i) The number of covered beneficiaries who are enrolled in the demonstration project.

(ii) The number of enrolled covered beneficiaries who have participated in the demonstration project.

(iii) The results of the surveys under subsection (f).
(iv) The cost of the demonstration project.

(v) An assessment of the quality of care provided to participants in the demonstration project.

(vi) An assessment of the impact of the demonstration project on maternal and fetal outcomes.

(vii) An assessment of the effectiveness of the demonstration project.

(viii) Recommendations for adjustments to the demonstration project.

(ix) The estimated costs avoided as a result of improved maternal and fetal health outcomes due to the demonstration project.

(x) Recommendations for extending the demonstration project or implementing permanent coverage under the TRICARE program of extramedical maternal health providers.

(xi) An identification of legislative or administrative action necessary to make the demonstration project permanent.
(C) Final report.—The final report under subparagraph (A) shall be submitted not later than 90 days after the termination of the demonstration project.

(g) Expansion of Demonstration Project.—

(1) Regulations.—If the Secretary determines that the demonstration project is successful, the Secretary may prescribe regulations to include extramedical maternal health providers as health care providers authorized to provide care under the TRICARE program.

(2) Credentialing and other requirements.—The Secretary may establish credentialing and other requirements for doulas and lactation consultants through public notice and comment rule-making for purposes of including doulas and lactation consultations as health care providers authorized to provide care under the TRICARE program pursuant to regulations prescribed under paragraph (1).

(h) Definitions.—In this section:

(1) Extramedical Maternal Health Provider.—The term “extramedical maternal health provider” means a doula or lactation consultant.
(2) Covered beneficiary; TRICARE program.—The terms “covered beneficiary” and “TRICARE program” have the meanings given those terms in section 1072 of title 10, United States Code.

SEC. 707. PILOT PROGRAM ON RECEIPT OF NON-GENERIC PRESCRIPTION MAINTENANCE MEDICATIONS UNDER TRICARE PHARMACY BENEFITS PROGRAM.

(a) Requirement.—The Secretary of Defense shall carry out a pilot program under which eligible covered beneficiaries may elect to receive non-generic prescription maintenance medications selected under subsection (c) through military treatment facility pharmacies, retail pharmacies, or the national mail-order pharmacy program, notwithstanding section 1074g(a)(9) of title 10, United States Code.

(b) Duration.—The Secretary shall carry out the pilot program for a three-year period beginning not later than March 1, 2021.

(c) Selection of medication.—The Secretary shall select non-generic prescription maintenance medications described in section 1074g(a)(9)(C)(i) of title 10, United States Code, to be covered by the pilot program.

(d) Use of voluntary rebates.—
(1) REQUIREMENT.—In carrying out the pilot program, the Secretary shall seek to renew and modify contracts described in paragraph (2) in a manner that—

(A) includes for purposes of the pilot program retail pharmacies as a point of sale for the non-generic prescription maintenance medication covered by the contract; and

(B) provides the manufacturer with the option to provide voluntary rebates for such medications at retail pharmacies.

(2) CONTRACTS DESCRIBED.—The contracts described in this paragraph are contracts for the procurement of non-generic prescription maintenance medications selected under subsection (c) that are eligible for renewal during the period in which the pilot program is carried out.

(e) NOTIFICATION.—In providing each eligible covered beneficiary with an explanation of benefits, the Secretary shall notify the beneficiary of whether the medication that the beneficiary is prescribed is covered by the pilot program.

(f) BRIEFING AND REPORTS.—

(1) BRIEFING.—Not later than 90 days after the date of the enactment of this Act, the Secretary
shall brief the congressional defense committees on
the implementation of the pilot program.

(2) INTERIM REPORT.—Not later than 18
months after the commencement of the pilot pro-
gram, the Secretary shall submit to the congress-
sional defense committees a report on the pilot pro-
gram.

(3) COMPTROLLER GENERAL REPORT.—

(A) IN GENERAL.—Not later than March
1, 2024, the Comptroller General of the United
States shall submit to the congressional defense
committees a report on the pilot program.

(B) ELEMENTS.—The report required by
subparagraph (A) shall include the following:

(i) The number of eligible covered
beneficiaries who participated in the pilot
program and an assessment of the satisfac-
tion of such beneficiaries with the pilot
program.

(ii) The rate by which eligible covered
beneficiaries elected to receive non-generic
prescription maintenance medications at a
retail pharmacy pursuant to the pilot pro-
gram, and how such rate affected military
treatment facility pharmacies and the national mail-order pharmacy program.

(iii) The amount of cost savings realized by the pilot program, including with respect to—

(I) dispensing fees incurred at retail pharmacies compared to the national mail-order pharmacy program for brand name prescription drugs;

(II) administrative fees;

(III) any costs paid by the United States for the drugs in addition to the procurement costs;

(IV) the use of military treatment facilities; and

(V) copayments paid by eligible covered beneficiaries.

(iv) A comparison of supplemental rebates between retail pharmacies and other points of sale.

(g) RULE OF CONSTRUCTION.—Nothing in this section may be construed to affect the ability of the Secretary to carry out section 1074g(a)(9)(C) of title 10, United States Code, after the date on which the pilot program is completed.
(h) DEFINITIONS.—In this section:

(1) The term “eligible covered beneficiary” has the meaning given that term in section 1074g(i) of title 10, United States Code.

(2) The terms “military treatment facility pharmacies”, “retail pharmacies”, and “the national mail-order pharmacy program” mean the methods for receiving prescription drugs as described in clauses (i), (ii), and (iii), respectively, of section 1074g(a)(2)(E) of title 10, United States Code.

Subtitle B—Health Care Administration

SEC. 721. MODIFICATIONS TO TRANSFER OF ARMY MEDICAL RESEARCH AND DEVELOPMENT COMMAND AND PUBLIC HEALTH COMMANDS TO DEFENSE HEALTH AGENCY.

(a) DELAY OF TRANSFER.—

(1) IN GENERAL.—Section 1073c(e) of title 10, United States Code, is amended, in the matter preceding paragraph (1), by striking “September 30, 2022” and inserting “September 30, 2024”.

(2) CONFORMING AMENDMENTS.—Section 737 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) is amended, in subsections (a) and (c), by striking “September 30,
2022” and inserting “September 30, 2024” each
place it appears.

(b) Modification to Resources Preserved.—
Such section 737 is amended—

(1) in the section heading, by striking “RESOURCES” and inserting “INFRASTRUCTURE AND PERSONNEL”; and

(2) in subsection (a)—

(A) by striking “resources” and inserting “infrastructure and personnel”; and

(B) by striking “, which shall include man-
power and funding, at not less than the level of
such resources”.

(c) Elimination of Transfer of Funds.—Such
section 737 is further amended by—

(1) striking subsection (b); and

(2) redesignating subsection (c) as subsection
(b).

(d) Change of Name of Command.—

(1) Delay of Transfer.—Section
1073c(e)(1)(B) of title 10, United States Code, is
amended by striking “Materiel” and inserting “De-
velopment”.

(2) Preservation of Infrastructure and
Personnel.—Section 737 of the National Defense
Authorization Act for Fiscal Year 2020 (Public Law 116–92) is amended—

(A) in the section heading, by striking “MATERIEL” and inserting “DEVELOPMENT”; and

(B) by striking “Materiel” each place it appears and inserting “Development”.

(c) CLERICAL AMENDMENT.—The table of contents for the National Defense Authorization Act for Fiscal Year 2020 is amended by striking the item relating to section 737 and inserting the following new item:

“Sec. 737. Preservation of infrastructure and personnel of the Army Medical Research and Development Command and continuation as Center of Excellence.”.

SEC. 722. DELAY OF APPLICABILITY OF ADMINISTRATION OF TRICARE DENTAL PLANS THROUGH FEDERAL EMPLOYEES DENTAL AND VISION INSURANCE PROGRAM.

Section 713(c) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 5 U.S.C. 8951 note) is amended by striking “January 1, 2022” and inserting “January 1, 2023”.

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SEC. 723. AUTHORITY OF SECRETARY OF DEFENSE TO WAIVE REQUIREMENTS DURING NATIONAL EMERGENCIES FOR PURPOSES OF PROVISION OF HEALTH CARE.

(a) In General.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1073d the following new section:

“§ 1073e. Authority to waive requirements during national emergencies

“(a) Purpose.—The purpose of this section is to enable the Secretary of Defense to ensure, to the maximum extent feasible, in an emergency area during an emergency period—

“(1) that sufficient authorized health care items and services are available to meet the needs of covered beneficiaries in such area eligible for the programs under this chapter; and

“(2) that private sector health care providers authorized under the TRICARE program that furnish such authorized items and services in good faith may be reimbursed for such items and services absent any determination of fraud or abuse.

“(b) Authority.—

“(1) In General.—To the extent necessary to accomplish the purpose specified in subsection (a), the Secretary, subject to the provisions of this sec-
tion, may, for a period of 60 days, waive or modify
the application of the requirements of this chapter
or any regulation prescribed thereunder with respect
to health care items and services furnished by a
health care provider (or class of health care pro-
viders) in an emergency area (or portion of such
area) during an emergency period (or portion of
such period), including by deferring the termination
of status of a covered beneficiary.

“(2) RENEWAL.—The Secretary may renew a
waiver or modification under paragraph (1) for sub-
sequent 60-day periods during the duration of the
applicable emergency declaration.

“(c) IMPLEMENTATION.—The Secretary may imple-
ment any temporary waiver or modification made pursu-
ant to this section by program instruction or otherwise.

“(d) RETROACTIVE APPLICATION.—A waiver or
modification made pursuant to this section with respect
to an emergency period may, at the discretion of the Sec-
retary, be made retroactive to the beginning of the emer-
gency period or any subsequent date in such period speci-
fied by the Secretary.

“(e) SATISFACTION OF PRECONDITIONS FOR STATUS
AS COVERED BENEFICIARY.—A deferral under subsection
(b) of termination of status of a covered beneficiary may
be contingent upon retroactive satisfaction by such beneficiary of any premium or enrollment fee payments or other preconditions for such status.

“(f) Certification.—

“(1) In General.—Not later than two days before exercising a waiver or modification under subsection (b)(1) or renewing a waiver or modification under subsection (b)(2), the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a certification and advance written notice regarding the authority to be exercised.

“(2) Matters Included.—Certification and advanced written notice required under paragraph (1) shall include—

“(A) a description of—

“(i) the specific provisions of law that will be waived or modified;

“(ii) the health care providers to whom the waiver or modification will apply;

“(iii) the geographic area in which the waiver or modification will apply; and

“(iv) the period of time for which the waiver or modification will be in effect; and
“(B) a certification that the waiver or modification is necessary to carry out the purpose specified in subsection (a).

“(g) TERMINATION OF WAIVER.—A waiver or modification of requirements pursuant to this section terminates upon the termination of the applicable emergency declaration.

“(h) REPORT.—Not later than one year after the end of an emergency period during which the Secretary exercised the authority under this section, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the approaches used to accomplish the purpose described in subsection (a), including an evaluation of such approaches and recommendations for improved approaches should the need for the exercise of such authority arise in the future.

“(i) DEFINITIONS.—In this section:

“(1) EMERGENCY AREA.—The term ‘emergency area’ means a geographical area covered by an emergency declaration.

“(2) EMERGENCY DECLARATION.—The term ‘emergency declaration’ means—

“(A) an emergency or disaster declared by the President pursuant to the National Emergencies Act (50 U.S.C. 1601 et seq.) or the
Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.); or

“(B) a public health emergency declared pursuant to section 319 of the Public Health Service Act (42 U.S.C. 247d).

“(3) EMERGENCY PERIOD.—The term ‘emergency period’ means the period covered by an emergency declaration.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of such title is amended by inserting after the item relating to section 1073d the following new item:

“1073e. Authority to waive requirements during national emergencies.”.

Subtitle C—Reports and Other Matters

SEC. 741. EXTENSION OF AUTHORITY FOR JOINT DEPARTMENT OF DEFENSE-DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITY DEMONSTRATION FUND.

Section 1704(e) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2573), as most recently amended by section 732(4)(B) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92), is further amend-
ed by striking “September 30, 2021” and inserting “September 30, 2022”.

SEC. 742. MEMBERSHIP OF BOARD OF REGENTS OF UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.

(a) In General.—Section 2113a(b) of title 10, United States Code, is 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) the Director of the Defense Health Agency, who shall be an ex officio member;”.

(b) Rule of Construction.—The amendments made by this section may not be construed to invalidate any action taken by the Uniformed Services University of the Health Sciences or its Board of Regents prior to the effective date of this section.

(c) Effective Date.—The amendments made by this section shall take effect on January 1, 2021.

SEC. 743. MILITARY HEALTH SYSTEM CLINICAL QUALITY MANAGEMENT PROGRAM.

(a) In General.—The Secretary of Defense, acting through the Director of the Defense Health Agency, shall implement a comprehensive program to be known as the
“Military Health System Clinical Quality Management Program” (in this section referred to as the “Program”).

(b) Elements of Program.—The Program shall include, at a minimum, the following:

(1) The implementation of systematic procedures to eliminate, to the maximum extent feasible, risk of harm to patients at military medical treatment facilities, including through identification, investigation, and analysis of events indicating a risk of patient harm and corrective action plans to mitigate such risks.

(2) With respect to a potentially compensable event (including those involving members of the Armed Forces) at a military medical treatment facility—

(A) an analysis of such event, which shall occur and be documented as soon as possible after the event;

(B) use of such analysis for clinical quality management; and

(C) reporting of such event to the National Practitioner Data Bank in accordance with guidelines of the Secretary of Health and Human Services under the Health Care Quality Improvement Act of 1986 (42 U.S.C. 11101 et
seq.), giving special emphasis to the results of external peer reviews of the event.

(3) Validation of provider credentials and granting of clinical privileges by the Director of the Defense Health Agency for all health care providers at a military medical treatment facility.

(4) Accreditation of military medical treatment facilities by a recognized external accreditation body.

(5) Systematic measurement of indicators of health care quality, emphasizing clinical outcome measures, comparison of such indicators with benchmarks from leading health care quality improvement organizations, and transparency with the public of appropriate clinical measurements for military medical treatment facilities.

(6) Systematic activities emphasized by leadership at all organizational levels to use all elements of the Program to eliminate unwanted variance throughout the health care system of the Department of Defense and make constant improvements in clinical quality.

(7) A full range of procedures for productive communication between patients and health care providers regarding actual or perceived adverse clini-
ical events at military medical treatment facilities, including procedures—

(A) for full disclosure of such events (respecting the confidentiality of peer review information under a medical quality assurance program under section 1102 of title 10, United States Code);

(B) providing an opportunity for the patient to be heard in relation to quality reviews; and

(C) to resolve patient concerns by independent, neutral healthcare resolution specialists.

(e) ADDITIONAL CLINICAL QUALITY MANAGEMENT ACTIVITIES.—

(1) IN GENERAL.—In addition to the elements of the Program set forth in subsection (b), the Secretary shall establish and maintain clinical quality management activities in relation to functions of the health care system of the Department separate from delivery of health care services in military medical treatment facilities.

(2) HEALTH CARE DELIVERY OUTSIDE MILITARY MEDICAL TREATMENT FACILITIES.—In carrying out paragraph (1), the Secretary shall main-
tain policies and procedures to promote clinical qual-
ity in health care delivery on ships and planes, in de-
ployed settings, and in all other circumstances not
covered by subsection (b), with the objective of im-
plementing standards and procedures comparable, to
the extent practicable, to those under such sub-
section.

(3) PURCHASED CARE SYSTEM.—In carrying
out paragraph (1), the Secretary shall maintain poli-
cies and procedures for health care services provided
outside the Department but paid for by the Depart-
ment, reflecting best practices by public and private
health care reimbursement and management sys-
tems.

(d) MILITARY MEDICAL TREATMENT FACILITY DE-
FINED.—In this section, the term “military medical treat-
ment facility” means any fixed facility or portion thereof
of the Department of Defense that is outside of a deployed
environment and used primarily for health care.
SEC. 744. MODIFICATIONS TO PILOT PROGRAM ON CIVIL-
IAN AND MILITARY PARTNERSHIPS TO EN-
HANCE INTEROPERABILITY AND MEDICAL
SURGE CAPABILITY AND CAPACITY OF NA-
TIONAL DISASTER MEDICAL SYSTEM.

Section 740 of the National Defense Authorization
Act for Fiscal Year 2020 (Public Law 116–92) is amend-
ed—

(1) in subsection (a)—

(A) by striking “The Secretary of Defense
may” and inserting “Beginning not later than
September 30, 2021, the Secretary of Defense
shall”; and

(B) by striking “health care organizations,
institutions, and entities” and inserting “health
care organizations, health care institutions,
health care entities, academic medical centers of
institutions of higher education, and hospitals”; and

(C) by striking “in the vicinity of major
aeromedical and other transport hubs and logis-
tics centers of the Department of Defense”; and

(2) by striking subsection (c) and inserting the
following new subsections:

“(c) LEAD OFFICIAL FOR DESIGN AND IMPLEMENT-
ATION OF PILOT PROGRAM.—
“(1) IN GENERAL.—The Assistant Secretary of Defense for Health Affairs shall be the lead official for design and implementation of the pilot program under subsection (a).

“(2) RESOURCES.—The Assistant Secretary of Defense for Health Affairs shall leverage the resources of the Defense Health Agency for execution of the pilot program under subsection (a) and shall coordinate with the Chairman of the Joint Chiefs of Staff throughout the planning and duration of the pilot program.

“(d) LOCATIONS.—

“(1) IN GENERAL.—The Secretary of Defense shall carry out the pilot program under subsection (a) at not fewer than five locations in the United States that are located at or near locations with established expertise in disaster health preparedness and response and trauma care that augment and enhance the effectiveness of the pilot program.

“(2) PHASED SELECTION OF LOCATIONS.—

“(A) INITIAL SELECTION.—Not later than the earlier of the date that is 180 days after the date of the enactment of this Act or March 31, 2021, the Assistant Secretary of Defense for Health Affairs, in consultation with the Sec-
retary of Veterans Affairs, the Secretary of Health and Human Services, the Secretary of Homeland Security, and the Secretary of Transportation, shall select not fewer than two locations at which to carry out the pilot program.

“(B) SUBSEQUENT SELECTION.—Not later than the end of each one-year period following selection of locations under subparagraph (A), the Assistant Secretary of Defense for Health Affairs, in consultation with the Secretary of Veterans Affairs, the Secretary of Health and Human Services, the Secretary of Homeland Security, and the Secretary of Transportation, shall select not fewer than two additional locations at which to carry out the pilot program until not fewer than five locations are selected in total.

“(3) CONSIDERATION AND PRIORITY FOR LOCATIONS.—In selecting locations for the pilot program under subsection (a), the Secretary shall—

“(A) consider—

“(i) the proximity of the location to civilian or military transportation hubs, in-
cluding airports, railways, interstate highways, or ports;

“(ii) the ability of the location to accept a redistribution of casualties during times of war;

“(iii) the ability of the location to provide trauma care training opportunities for medical personnel of the Department of Defense; and

“(iv) the proximity of the location to existing academic medical centers of institutions of higher education, facilities of the Department, or other institutions that have established expertise in the areas of—

“(I) highly infectious disease;

“(II) biocontainment;

“(III) quarantine;

“(IV) trauma care;

“(V) combat casualty care;

“(VI) the National Disaster Medical System under section 2812 of the Public Health Service Act (42 U.S.C. 300hh–11);

“(VII) disaster health preparedness and response;
“(VIII) medical and public health management of biological, chemical, radiological, or nuclear hazards; or
“(IX) such other areas of expertise as the Secretary considers appropriate; and
“(B) give priority to public-private partnerships with academic medical centers of institutions of higher education, hospitals, and other entities with facilities that have an established history of providing clinical care, treatment, training, and research in the areas described in subparagraph (A)(ii) or other specializations determined important by the Secretary for purposes of the pilot program.”;
(3) by redesignating subsections (d) through (f) as subsections (e) through (g), respectively;
(4) in subsection (g), as redesignated by paragraph (3)—
(A) in paragraph (1)—
(i) in subparagraph (A), by striking “the commencement of the pilot program under subsection (a)” and inserting “the initial selection of locations for the pilot program under subsection (d)(2)(A)”;}
(ii) in subparagraph (B)—

(I) in clause (ii), by striking “subsection (d)” and inserting “subsection (e)”;

(II) in clause (iii), by striking “subsection (e)” and inserting “subsection (f)”; and

(B) in paragraph (2)(B)(iv), by striking “the authority for”; and

(5) by adding at the end the following new subsection:

“(h) INSTITUTION OF HIGHER EDUCATION DEFINED.—In this section, the term ‘institution of higher education’ means a four-year institution of higher education, as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).”.

SEC. 745. STUDY ON FORCE MIX OPTIONS AND SERVICE MODELS TO ENHANCE READINESS OF MEDICAL FORCE OF THE ARMED FORCES TO PROVIDE COMBAT CASUALTY CARE.

(a) Study Required.—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 or other independent entity to perform a study on force mix options
and service models (including traditional and nontraditional active and reserve models) to optimize the readiness of the medical force of the Armed Forces to deliver combat care on the battlefield.

(b) ISSUES TO BE ADDRESSED.—The study required by subsection (a) shall include, at a minimum—

(1) with respect to options relating to members of the Armed Forces on active duty—

(A) a review of existing models for such members who are medical professionals to support clinical readiness skills by serving in civilian trauma centers;

(B) an assessment of the extent to which existing models can be optimized, standardized, and scaled to address current readiness shortfalls; and

(C) an evaluation of the cost and effectiveness of alternative models for such members who are medical professionals to serve in civilian trauma centers; and

(2) with respect to options relating to members of the reserve components of the Armed Forces—

(A) a review of existing models for such members of the reserve components who are
medical professionals to support clinical readiness skills by serving in civilian trauma centers;

(B) an assessment of the extent to which existing models can be optimized, standardized, and scaled to address current readiness shortfalls; and

(C) an evaluation of the cost and effectiveness of alternative models for such members of the reserve components who are medical professionals to serve in civilian trauma centers.

(c) REPORT.—Not later than 15 months 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 findings and recommendations of the independent study required by subsection (a).

SEC. 746. COMPTROLLER GENERAL STUDY ON DELIVERY OF MENTAL HEALTH SERVICES TO MEMBERS OF THE RESERVE COMPONENTS OF THE ARMED FORCES.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study on the delivery of Federal, State, and private mental health services to members of the reserve components.
(b) ELEMENTS.—The study conducted under subsection (a) shall—

(1) identify all programs, coverage, and costs associated with services described in such subsection;

(2) specify gaps or barriers to access that could result in delayed or insufficient mental health care support to members of the reserve components.

(3) evaluate the mental health screening requirements for members of the reserve components immediately before, during, and after—

(A) Federal deployment under title 10, United States Code; or

(B) State deployment under title 32, United States Code; and

(4) provide recommendations when practicable to strengthen the reintegration of members of the reserve components, including an assessment of the effectiveness of making programming mandatory.

(c) 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 Senate and the House of Representatives a report on the study conducted under subsection (a).

(d) RESERVE COMPONENT DEFINED.—In this section, the term “reserve component” means a reserve com-
ponent of the Armed Forces named in section 10101 of title 10, United States Code.

SEC. 747. REVIEW AND REPORT ON PREVENTION OF SUICIDE AMONG MEMBERS OF THE ARMED FORCES STATIONED AT REMOTE INSTALLATIONS OUTSIDE THE CONTIGUOUS UNITED STATES.

(a) REVIEW REQUIRED.—The Comptroller General of the United States shall conduct a review of efforts by the Department of Defense to prevent suicide among members of the Armed Forces stationed at covered installations.

(b) ELEMENTS OF REVIEW.—The review conducted under subsection (a) shall include an assessment of each of the following:

(1) Current policy guidelines of the Armed Forces on the prevention of suicide among members of the Armed Forces stationed at covered installations.

(2) Current suicide prevention programs of the Armed Forces and activities for members of the Armed Forces stationed at covered installations and their dependents, including programs provided by the Defense Health Program and the Office of Suicide Prevention.
(3) The integration of mental health screenings and suicide risk and prevention efforts for members of the Armed Forces stationed at covered installations and their dependents into the delivery of primary care for such members and dependents.

(4) The standards for responding to attempted or completed suicides among members of the Armed Forces stationed at covered installations and their dependents, including guidance and training to assist commanders in addressing incidents of attempted or completed suicide within their units.

(5) The standards regarding data collection for members of the Armed Forces stationed at covered installations and their dependents, including related factors such as domestic violence and child abuse.

(6) The means to ensure the protection of privacy of members of the Armed Forces stationed at covered installations and their dependents who seek or receive treatment related to suicide prevention.

(7) The availability of information from indigenous populations on suicide prevention for members of the Armed Forces stationed at covered installations who are members of such a population.

(8) The availability of information from graduate research programs of institutions of higher edu-
cation on suicide prevention for members of the Armed Forces.

(9) Such other matters as the Comptroller General considers appropriate in connection with the prevention of suicide among members of the Armed Forces stationed at covered installations and their dependents.

(c) Briefing and Report.—The Comptroller General shall—

(1) not later than October 1, 2021, brief the Committees on Armed Services of the Senate and the House of Representatives on preliminary observations relating to the review conducted under subsection (a); and

(2) not later than March 1, 2022, submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing the results of such review.

(d) Covered Installation Defined.—In this section, the term “covered installation” means a remote installation of the Department of Defense outside the contiguous United States.
SEC. 748. AUDIT OF MEDICAL CONDITIONS OF TENANTS IN PRIVATIZED MILITARY HOUSING.

(a) In General.—Not later than 90 days after the date of the enactment of this Act, the Inspector General of the Department of Defense shall commence the conduct of an audit of the medical conditions of eligible individuals and the association between adverse exposures of such individuals in unsafe or unhealthy housing units and the health of such individuals.

(b) Content of Audit.—The audit conducted under subsection (a) shall—

(1) determine the percentage of units of privatized military housing that are unsafe or unhealthy housing units;

(2) study the adverse exposures of eligible individuals that relate to residing in an unsafe or unhealthy housing unit and the effect of such exposures on the health of such individuals; and

(3) determine the association, to the extent permitted by available scientific data, and provide quantifiable data on such association, between such adverse exposures and the occurrence of a medical condition in eligible individuals residing in unsafe or unhealthy housing units.

(c) Conduct of Audit.—The Inspector General of the Department shall conduct the audit under subsection
(a) using the same privacy preserving guidelines used by the Inspector General in conducting other audits of health records.

(d) **Source of Data.**—In conducting the audit under subsection (a), the Inspector General of the Department shall use—

1. de-identified data from electronic health records of the Department;
2. records of claims under the TRICARE program (as defined in section 1072(7) of title 10, United States Code); and
3. such other data as determined necessary by the Inspector General.

(e) **Submittal and Public Availability of Report.**—Not later than one year after the commencement of the audit under subsection (a), the Inspector General of the Department shall—

1. submit to the Secretary of Defense and the Committees on Armed Services of the Senate and the House of Representatives a report on the results of the audit conducted under subsection (a); and
2. publish such report on a publicly available internet website of the Department of Defense.

(f) **Definitions.**—In this section:
(1) ELIGIBLE INDIVIDUAL.—The term “eligible individual” means a member of the Armed Forces or a family member of a member of the Armed Forces who has resided in an unsafe or unhealthy housing unit.

(2) PRIVATIZED MILITARY HOUSING.—The term “privatized military housing” means military housing provided under subchapter IV of chapter 169 of title 10, United States Code.

(3) UNSAFE OR UNHEALTHY HOUSING UNIT.—The term “unsafe or unhealthy housing unit” means a unit of privatized military housing in which, at any given time, at least one of the following hazards is present:

(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 ease of access by unlawful intruders or lighting issues.

(C) Poor ventilation.

(D) Safety hazards.

(E) Other hazards as determined by the Inspector General of the Department.

SEC. 749. COMPTROLLER GENERAL STUDY ON PRENATAL AND POSTPARTUM MENTAL HEALTH CONDITIONS AMONG MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS.

(a) Study.—

(1) In general.—The Comptroller General of the United States shall conduct a study on prenatal and postpartum mental health conditions among members of the Armed Forces and dependents of such members.

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

(A) An assessment of the extent to which beneficiaries under the TRICARE program, including members of the Armed Forces and dependents of such members, are diagnosed with prenatal or postpartum mental health conditions, including—
(i) prenatal or postpartum depression;
(ii) prenatal or postpartum anxiety disorder;
(iii) prenatal or postpartum obsessive compulsive disorder;
(iv) prenatal or postpartum psychosis;
and
(v) other relevant mood disorders.

(B) A demographic assessment of the population included in the study with respect to race, ethnicity, sex, age, relationship status, military service, military occupation, and rank, where applicable.

(C) An assessment of the status of prenatal and postpartum mental health care for beneficiaries under the TRICARE program, including those who seek care at military medical treatment facilities and those who rely on civilian providers.

(D) An assessment of the ease or delay for beneficiaries under the TRICARE program in obtaining treatment for prenatal and postpartum mental health conditions, including—
(i) an assessment of wait times for
mental health treatment at each military
medical treatment facility; and

(ii) a description of the reasons such
beneficiaries may cease seeking such treat-
ment.

(E) A comparison of the rates of prenatal
or postpartum mental health conditions within
the military community to such rates in the ci-
vilian population, as reported by the Centers for
Disease Control and Prevention.

(F) An assessment of any effects of im-
plicit or explicit bias in prenatal and
postpartum mental health care under the
TRICARE program, or evidence of racial or so-
cioeconomic barriers to such care.

(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 Sen-
ate and the House of Representatives a report on the find-
ings of the study conducted under subsection (a), includ-
ing—

(1) recommendations for actions to be taken by
the Secretary of Defense to improve prenatal and
postpartum mental health among members of the Armed Forces and dependents of such members; and
(2) such other recommendations as the Comptroller General determines appropriate.
(c) Definitions.—In this section, the terms “dependent” and “TRICARE program” have the meanings given those terms in section 1072 of title 10, United States Code.

SEC. 750. PLAN FOR EVALUATION OF FLEXIBLE SPENDING ACCOUNT OPTIONS FOR MEMBERS OF THE UNIFORMED SERVICES AND THEIR FAMILIES.
(a) In General.—Not later than March 1, 2021, the Secretary of Defense shall submit to the congressional defense committees a plan to evaluate flexible spending account options that allow pre-tax payment of health and dental insurance premiums, out-of-pocket health care expenses, and dependent care expenses for members of the uniformed services and their family members, including an identification of any legislative or administrative barriers to achieving the implementation of such options.
(b) Uniformed Services Defined.—In this section, the term “uniformed services” has the meaning given that term in section 101 of title 37, United States Code.
SEC. 751. ASSESSMENT OF RECEIPT BY CIVILIANS OF EMERGENCY MEDICAL TREATMENT AT MILITARY MEDICAL TREATMENT FACILITIES.

(a) Assessment.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall complete an assessment of the provision by the Department of Defense of emergency medical treatment to civilians who are not covered beneficiaries at military medical treatment facilities during the period beginning on October 1, 2015, and ending on September 30, 2020.

(b) Elements of Assessment.—The assessment completed under subsection (a) shall include, with respect to civilians who received emergency medical treatment at a military medical treatment facility during the period specified in such paragraph, the following:

(1) The total fees charged to such civilians for such treatment and the total fees collected.

(2) The amount of medical debt from such treatment that was garnished from such civilians, categorized by garnishment from Social Security benefits, tax refunds, wages, or other financial asset.

(3) The number of such civilians from whom medical debt from such treatment was garnished.

(4) The total fees for such treatment that were waived for such civilians.
(5) With respect to medical debt incurred by
such civilians from such treatment—

(A) the amount of such debt that was col-
lected by the Department of Defense;

(B) the amount of such debt still owed to
the Department; and

(C) the amount of debt transferred from
the Department of Defense to the Department
of the Treasury for collection.

(6) The number of such civilians from whom
such medical debt was collected who did not possess
medical insurance at the time of such treatment.

(7) The number of such civilians from whom
such medical debt was collected who collected Social
Security benefits at the time of such treatment.

(8) The number of such civilians from whom
such medical debt was collected who, at the time of
such treatment, earned—

(A) less than the poverty line;

(B) less than 200 percent of the poverty
line;

(C) less than 300 percent of the poverty
line; and

(D) less than 400 percent of the poverty
line.
(9) An assessment of the process through which military medical treatment facilities seek to recover unpaid medical debt from such civilians, including whether the Department of Defense contracts with private debt collectors to recover such unpaid medical debt.

(10) An assessment of the process, if any, through which such civilians can apply to have medical debt for such treatment waived, forgiven, canceled, or otherwise determined to not be a financial obligation of the civilian.

(11) Such other information as the Comptroller General determines appropriate.

(c) REPORT.—Not later than 180 days after the completion of the assessment under subsection (a), the Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing the results of the assessment.

(d) DEFINITIONS.—In this section:

(1) CIVILIAN.—The term “civilian” means an individual who is not—

(A) a member of the Armed Forces;

(B) a contractor of the Department of Defense; or

(C) a civilian employee of the Department.
(2) Covered beneficiary.—The term “covered beneficiary” has the meaning given that term in section 1072(5) of title 10, United States Code.

(3) Poverty line.—The term “poverty line” has the meaning given that term in section 673 of the Community Services Block Grant Act (42 U.S.C. 9902).

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

Subtitle A—Industrial Base Matters

SEC. 801. POLICY RECOMMENDATIONS FOR IMPLEMENTATION OF EXECUTIVE ORDER 13806 (ASSESSING AND STRENGTHENING THE MANUFACTURING AND DEFENSE INDUSTRIAL BASE AND SUPPLY CHAIN RESILIENCY).

(a) Submission of Recommendations to Secretary of Defense.—In order to fully implement the July 21, 2017, Presidential Executive Order on Assessing and Strengthening the Manufacturing and Defense Industrial Base and Supply Chain Resiliency of the United States, not later than 540 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition and Sustainment shall submit to the Secretary
of Defense a series of recommendations regarding United
States industrial policies. The recommendations shall con-
sist of specific executive actions, programmatic changes,
regulatory changes, and legislative proposals and changes,
as appropriate.

(b) Scope of Assessment.—In developing the rec-
ommendations required under subsection (a), the Under
Secretary shall assess—

(1) direct subsidies and investment in the econ-
omy;

(2) direct provision of credit and purchases of
private sector bonds and equity;

(3) prize-based technology challenges for critical
research and development milestones;

(4) capital controls and dollar policy;

(5) trade policy, including export control policy,
government acquisition policy, and targeted protec-
tionist policies;

(6) export promotion policies;

(7) foreign talent attraction and retention;

(8) graduate education policy; and

(9) expansion of existing or establishment of
new public-private partnerships, including the Trust-
ed Capital Marketplace.
(c) Objectives.—The recommendations made pursuant to subsection (a) shall aim to—

(1) facilitate only high-value design, engineering, and manufacturing activities;

(2) expand the defense industrial base to include friendly and capable allies and partners;

(3) preserve the viability of domestic and international suppliers;

(4) include export and productivity incentives;

(5) accord with standing international trade law; and

(6) strengthen the domestic national security industrial base, especially in areas currently dependent on foreign suppliers.

(d) Consultation.—In assessing the areas specified in subsection (b) and developing the recommendations required under subsection (a), the Under Secretary shall consult or inaugurate studies with, as appropriate, the Joint Industrial Base Working Group, the Defense Science Board, the Defense Innovation Board, economists, commercial industry, and federally funded research and development centers.

(e) Submission of Recommendations to President.—Not later than 30 days after receiving the recommendations under subsection (a), the Secretary of De-
fense shall submit the recommendations, together with any
additional views or recommendations, to the President, the
Office of Management and Budget, the National Security
Council, and the National Economic Council.

(f) SUBMISSION OF RECOMMENDATIONS TO CON-
GRESS.—Not later than 30 days after submitting the rec-
ommendations to the President under section (e), the Sec-
retary of Defense shall submit the recommendations to
and brief the congressional defense committees on the rec-
ommendations.

SEC. 802. ASSESSMENT OF NATIONAL SECURITY INNOVA-
TION BASE.

(a) IN GENERAL.—Not later than 540 days after the
date of the enactment of this Act, the Deputy Secretary
of Defense shall submit to the Secretary of Defense an
assessment of the economic forces and structures shaping
the capacity of the national security innovation base and
policy recommendations pertaining to the outcome of such
assessment.

(b) ELEMENTS.—The assessment required under
subsection (a) shall review the following matters as they
pertain to the innovative and manufacturing capacity of
the national security innovation base:

(1) Competition and antitrust policy.
(2) Immigration policy, including the policies germane to the attraction and retention of skilled immigrants.

(3) Graduate education funding and policy.

(4) Demand stabilization and social safety net policies.

(5) The structure and incentives of financial markets and businesses’ access to credit.

(6) Trade policy, including export control policy.

(7) The tax code and its effect on investment, including the Federal research and development tax credit.

(8) Deregulation in critical economic sectors, land use, environment review, and construction and manufacturing activities.

(9) National economic and manufacturing infrastructure.

(10) Intellectual property reform.

(11) Federally funded investments in the economy, including research and development and advanced manufacturing.

(12) Federally funded procurement of goods and services.
(13) Federally funded investments to expand domestic manufacturing capabilities.

c) Engagement With Certain Entities.—In conducting the assessment required under subsection (a), the Deputy Secretary shall engage through appropriate mechanisms with the Defense Science Board, the Defense Innovation Board, the Defense Business Board, academic experts, commercial industry, and federally funded research and development centers.

d) Submission of Assessment.—Not later than 30 days after receiving the assessment and recommendations under subsection (a), the Secretary of Defense shall submit the assessment, together with recommendations and any additional views of the Secretary, to the President, the Office of Management and Budget, the National Security Council, the National Economic Council, and the congressional defense committees.

SEC. 803. IMPROVING IMPLEMENTATION OF POLICY PERTAINING TO THE NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.

(a) National Technology and Industrial Base Implementation.—

(1) Assessment of research and development, manufacturing, and production capabilities.—
(A) IN GENERAL.—In developing the strategy required by section 2501 of title 10, United States Code, carrying out the analysis of the national technology and industrial base required by section 2503 of such title, and performing the periodic assessments required under section 2505 of such title, the Secretary of Defense shall, in consultation with the Under Secretary of Defense for Acquisition and Sustainment and the Under Secretary of Research and Engineering, assess the research and development, manufacturing, and production capabilities of entities within the United States and non-United States members of the national technology and industrial base as well as other friendly nations.

(B) IDENTIFICATION OF SPECIFIC TECHNOLOGIES, COMPANIES, LABORATORIES, AND FACTORIES.—The assessment shall include identification of specific technologies, companies, laboratories, and factories of or located in the United States and the non-United States members of the national technology and industrial base of potential value to current and future Department of Defense plans and programs.
(2) POLICY AND GUIDANCE.—Consistent with section 2440 of title 10, United States Code, the Under Secretary of Defense for Acquisition and Sustainment shall develop and promulgate to the service and command acquisition executives, the heads of the appropriate defense agencies and field activities, and relevant program managers acquisition policy and guidance germane to the use of the research and development, manufacturing, and production capabilities identified pursuant to paragraph (1)(B) and the technologies, companies, laboratories, and factories in specific Department of Defense research and development, international cooperative research, procurement, and sustainment activities.

(b) COOPERATIVE RESEARCH AND DEVELOPMENT.—

(1) AUTHORITY TO ENTER INTO COOPERATIVE RESEARCH AND DEVELOPMENT PROJECTS WITH NATIONS IN THE NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.—Section 2350a(a)(2) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

“(F) A nation in the National Technology and Industrial Base, as defined by section 2500 of title 10, United States Code.”.
(2) 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 subparagraph (F) of section 2350a(a)(2) of title 10, United States Code, as added by paragraph (1).

(c) REGULATORY COUNCIL.—Section 2502 of title 10, United States Code, is amended by inserting after subsection (d) the following new subsection:

“(e) NATIONAL TECHNOLOGY AND INDUSTRIAL BASE REGULATORY COUNCIL.—

“(1) ESTABLISHMENT.—The Chairman of the National Defense Technology and Industrial Base Council shall work with the equivalent designees in the countries that comprise the national technology and industrial base to establish the National Technology and Industrial Base Regulatory Council.

“(2) MEETINGS.—The National Technology and Industrial Base Regulatory Council shall meet biannually to harmonize respective policies and regulations, and to propose new legislation and regulations that increase the integration between the policies, persons, and organizations comprising the national technology and industrial base.
“(3) DUTIES.—The National Technology and Industrial Base Regulatory Council shall—

“(A) address and review issues related to industrial security, supply chain security, cybersecurity, regulating foreign direct investment and foreign ownership, control and influence mitigation, market research, technology assessment, and research cooperation within public and private research and development organizations and universities, technology and export control measures, acquisition processes and oversight, and management best practices; and

“(B) establish a mechanism for national technology and industrial base members to raise disputes that arise within the national technology and industrial base at a government-to-government level.”.

(d) RECOMMENDATIONS FOR ADDITIONAL MEMBERS OF THE NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.—

(1) IN GENERAL.—The Secretary of Defense shall establish a process to consider the inclusion of additional member nations in the national technology and industrial base.
(2) ELEMENTS.—The process developed under paragraph (1) shall include—

(A) analysis of the national security costs and benefits to the United States and allies of the inclusion of such additional member nation in the national technology and industrial base;

(B) analysis of the economic costs and benefits to entities within the United States and allies of the inclusion of such additional member nation into the national technology and industrial base, including an assessment of—

(i) specific shortfalls in the technological and industrial capacities of current member nations of the national technology and industrial base that would be addressed by inclusion of such additional member nation; and

(ii) specific areas in the industrial bases of current member nations of the national technology and industrial base that would likely be impacted by additional competition if such additional nation were included in the national technology and industrial base; and
(C) analysis of other factors as determined relevant by the Secretary.

(3) RECOMMENDED LEGISLATION.—

(A) IN GENERAL.—The Secretary of Defense may submit legislative proposals to Congress to add new nations to the national technology and industrial base.

(B) ELEMENTS.—Proposals submitted pursuant to subparagraph (A) shall include the following elements:

(i) A summary of the analyses performed pursuant to subsection (d)(2).

(ii) A set of metrics to assess the national security and economic benefits that such inclusion is expected to accrue to entities within the United States and allied nations.

(4) REPORT.—Not later than 540 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report with recommendations regarding whether to include in the national technology and industrial base each country with which the United States maintains a mutual defense treaty, a reciprocal defense procurement agreement, or other defense co-
operation agreement. The report shall be based on
assessments conducted using the process established
under paragraph (1) and shall include, for each
country recommended for inclusion, the information
specified in paragraph (3)(B).

SEC. 804. MODIFICATION OF FRAMEWORK FOR MODERNIZING ACQUISITION PROCESSES TO ENSURE INTEGRITY OF INDUSTRIAL BASE.

Section 2509 of title 10, United States Code, as added by section 845(a) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92), is amended—

(1) in subsection (b)(2)—

(A) in subparagraph (A)—

(i) by inserting “, such as those identified through the Department of Defense’s supply chain risk management process and by the Federal Acquisition Security Council, and” after “supply chain risks”; and

(ii) in clause (ii), by striking “(other than optical transmission components)”;

(B) in subparagraph (C)—

(i) in clause (x), by striking “; and” and inserting a semicolon;
(ii) by redesignating clause (xi) as clause (xii); and

(iii) by inserting after clause (x) the following new clause:

“(xi) processes and procedures related to supply chain risk management, including those implemented pursuant to section 806 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 10 U.S.C. 2304 note); and”;

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

“(E) Characterization and assessment of industrial base support policies, programs, and procedures, including—

“(i) limitations and acquisition guidance relevant to the national technology and industrial base (as defined in section 2500(1) of this title);

“(ii) limitations and acquisition guidance relevant to section 2533a of this title;

“(iii) the Industrial Base Analysis and Sustainment program, including direct support and common design activities;
“(iv) the Small Business Innovation Research program;
“(v) the Department of Defense Manufacturing Technology program;
“(vi) programs related to the Defense Production Act of 1950 (50 U.S.C. 4511 et seq.);
“(vii) the Trusted Capital Marketplace program; and
“(viii) programs in the military services.”;

and

(2) in subsection (f)(2), by inserting “, and supporting policies, procedures, and guidance” after “pursuant to subsection (b)”.

SEC. 805. ASSESSMENTS OF INDUSTRIAL BASE CAPABILITIES AND CAPACITY.

(a) Assessments.—The Secretary of Defense shall define intelligence and other information requirements, sources, and organizational responsibilities for assessing foreign adversary technological and industrial bases and conducting comparative analyses of such technological and industrial bases. The requirements, sources, and responsibilities shall include—

(1) examining the competitive advantages foreign adversaries are pursuing, including with respect
to regulation, raw materials, educational capacity, labor, and capital accessibility;

(2) assessing relative cost, speed of product development, age and value of the installed capital base, leadership’s technical competence and agility, nationally imposed inhibiting conditions, the availability of human and material resources, and the burdens of government oversight;

(3) a temporal evaluation of the competitive strengths and weaknesses of United States industry versus the directed priorities and capabilities of foreign adversary governments; and

(4) assessing any other issues that the Secretary of Defense determines appropriate.

(b) METHODOLOGY.—The Deputy Assistant Secretary of Defense for Industrial Policy shall incorporate inputs pursuant to subsection (a) as part of a methodology to continuously assess domestic and foreign industries, markets, and companies of significance to military and industrial advantage to identify supply chain vulnerabilities.

(c) REPORT.—

(1) IN GENERAL.—Not later than March 15, 2021, the Secretary of Defense shall submit to the congressional defense committees a report on efforts
to establish the continuous assessment activity re-
quired under subsections (a) and (b).

(2) ELEMENTS.—The report submitted under
paragraph (1) shall include a consideration of
whether it would be appropriate to task some of the
assessment work to an organization independent of
the Department, and any recommendations regard-
ing which organization should perform such work.

SEC. 806. ANALYSES OF CERTAIN MATERIALS AND TECH-
NOLOGY SECTORS FOR ACTION TO ADDRESS
SOURCING AND INDUSTRIAL CAPACITY.

(a) ANALYSES REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense,
acting through the Undersecretary for Acquisition
and Sustainment and other appropriate officials,
shall review the materials, processes, and technology
sectors under subsection (c) to determine and de-
velop appropriate actions, consistent with the poli-
cies, programs, and activities required under chapter
148 of title 10, United States Code, including—

(A) restricting procurement, with appro-
priate waivers for cost, emergency require-
ments, and non-availability of suppliers, includ-
ing restricting procurement to—

(i) suppliers in the United States;
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(ii) suppliers in the national technology and industrial base (as defined in section 2500(1) of title 10, United States Code);

(iii) suppliers in other allied nations;

or

(iv) other suppliers;

(B) increasing investment to expand capacity or diversifying sources of supply or alternative approaches to addressing military requirements, through use of research and development or procurement activities and acquisition authorities;

(C) taking a combination of actions described under subparagraphs (A) and (B); or

(D) taking no actions, restrictions, or additional investment.

(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) RECOMMENDATIONS.—The analyses conducted pursuant to subsection (a) shall be used to inform policy,
agreements, guidance and reporting requirements under chapter 148 of title 10, United States Code, including—

(1) the annual report to Congress required under section 2504 of such title;

(2) the annual report on unfunded priorities of the national technology and industrial base required under section 2504a of such title;

(3) Department of Defense technology and industrial base policy guidance prescribed under section 2506 of such title;

(4) activities to modernize acquisition processes to ensure integrity of industrial base pursuant to section 2509 of such title;

(5) defense memoranda of understanding and related agreements considered in accordance with section 2531 of such title;

(6) other requirements as appropriate.

(c) MATERIALS, TECHNOLOGIES, AND PROCESSES OF INTEREST.—The Secretary of Defense shall prioritize undertaking analyses and making recommendations under this section for the following goods and services:

(1) Goods and services covered under existing restrictions, where a domestic non-availability determination has been made.
(2) Critical technologies identified in the National Defense Strategy.

(3) Technologies and sectors identified in reports required regarding the defense industrial base.

(4) Microelectronics.

(5) Printed circuit boards and other electronics components.

(6) Pharmaceuticals.

(7) Medical devices.

(8) Personal protective equipment.

(9) Rare earth materials.

(10) Synthetic graphite.

(11) Coal-based rayon carbon fibers.

SEC. 807. MICROELECTRONICS MANUFACTURING STRATEGY.

(a) IN GENERAL.—Not later than January 1, 2021, the Deputy Secretary of Defense, in consultation with the Under Secretary of Defense for Acquisition and Sustainment, the Under Secretary for Research and Engineering, and the Director of the Defense Advanced Research Projects Agency, shall submit to the Secretary of Defense and the Chairman of the Joint Chiefs of Staff a strategy to manufacture state-of-the-art integrated circuits in the United States within a period of three to five years that includes a plan to explore and evaluate options...
for re-establishing microelectronics foundry services and
the industrial capabilities associated with such services.

(b) ELEMENTS.—In developing the strategy required
under subsection (a), the Under Secretary shall consider—

(1) multiple models of public-private partner-
ships to execute the strategy;

(2) processes and criteria for competitive selec-
tion of commercial companies, including companies
headquartered in allied and partner countries, to
provide design, foundry and assembly, and pack-
aging services and to build and operate the indus-
trial capabilities associated with such services;

(3) the role that the broader Federal Govern-
ment should play in organizing and supporting the
strategy, including any required direct or indirect
funding support, or legislative and regulatory ac-
tions, including restricting procurements to domestic
sources, and providing anti-trust and export control
relief; and

(4) all potential funding sources and mecha-
isms for initial and sustaining investments.

(c) SUBMISSION OF STRATEGY TO PRESIDENT.—Not
later February 1, 2021, the Secretary of Defense shall
submit the strategy, together with any views and rec-
ommendations, and an estimated budget to implement the
strategic, to the President, the National Security Council, and the National Economic Council.

(d) BRIEFING.—Not later than March 1, 2021, the Secretary of Defense shall submit the strategy to and brief the congressional defense committees on the strategy and the Secretary’s recommendations.

SEC. 808. ADDITIONAL REQUIREMENTS PERTAINING TO PRINTED CIRCUIT BOARDS.

(a) PURCHASES.—Not later than one year after the date of enactment of this Act, the Secretary of Defense shall require for new contracts or other acquisition activities that contractors, or subcontractors at any tier, that provide covered printed circuit boards for use by the Department of Defense certify that, of the total value of the covered printed circuit boards provided by the contractor or subcontractor pursuant to a contract or subcontract with the Department of Defense, not less than the percentages set forth in subsection (b) were manufactured and assembled within a covered nation.

(b) IMPLEMENTATION.—

(1) Establishment of required percentages.—In establishing the certification process under subsection (a), the Secretary shall establish and publish increasing percentages of values of the covered printed circuit boards under subsection (a)
to be complied with by appropriate contractors and subcontractors, based on—

(A) assessment of covered nation capacity to supply printed circuit boards, over time;

(B) assessment of threats to national security capabilities from use of printed circuit boards from non-covered nations;

(C) economic benefits accrued by non-covered nations which would otherwise be accrued by covered nations;

(D) achieving a goal of production of 100 percent of manufacture and assembly of printed circuit boards in covered nations within ten years; and

(E) other criteria as determined appropriate.

(2) MINIMUM PERCENTAGES.—The percentages established by the Secretary under this subsection shall, in any case, be equal to or greater than, unless specifically directed by the Secretary for an individual contract or subcontract—

(A) 25 percent by October 1, 2023;

(B) 50 percent by October 1, 2025;

(C) 75 percent by October 1, 2029; and

(D) 100 percent by October 1, 2032.
(3) **LIMITED EXCEPTIONS.**—If the Secretary of Defense directs that a specific contract or subcontract is required to comply with a different percentage than those prescribed under this subsection, the Secretary shall notify the congressional defense committees not later than 30 days after such direction is issued, along with a rationale for the changed percentage.

(e) **REMEDIALION.**—In the event that a contractor or subcontractor is unable to complete the certification required under subsection (a), the Secretary may accept covered printed circuit boards from the contractor or subcontractor for an appropriate time period, not to exceed 18 months over a five-year period, while requiring the contractor to complete a remediation plan. Such a plan shall be submitted to the congressional defense committees and shall require the contractor or subcontractor to—

(1) audit its supply chain to identify any areas of security vulnerability and compliance with section 224 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 119–92); and

(2) meet the requirements of subsection (a) within in an expedited fashion after the initial missed certification deadline to address national security threats.
(d) WAIVER.—A contractor may request that the Secretary of Defense waive the requirement for certification, and the Secretary may grant such a waiver, if the Secretary has conclusively determined that—

(1) there are no significant national security concerns regarding counterfeiting, quality, or unauthorized access created by any covered printed circuit boards provided to the Department of Defense by the contractor in the fiscal year under the certification requirement or the previous fiscal year;

(2) the contractor is otherwise in compliance with all relevant cybersecurity provisions relating to members of the defense industrial base, including section 244 of the National Defense Authorization Act for Fiscal Year 2020; and

(3) the waiver is required to support national security needs, particularly with respect to acquisitions of commercial items.

(e) AVAILABILITY AND COST EXCEPTIONS.—Subsection (a) shall not apply to the extent that the Secretary of Defense or the Secretary of the military department concerned determines that covered printed circuit boards of satisfactory quality and sufficient quantity, in the required form, cannot be procured as and when needed from covered nations at reasonable cost, excluding comparisons
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with non-market economies, or in time to meet an oper-

ational requirement.

(f) DEFINITIONS.—In this section—

(1) the term “covered printed circuit board”

means any printed circuit board that is a—

(A) noncommercial item; or

(B) commercial or commercially available

off-the-shelf item that transmits or stores na-

tional security sensitive information for—

(i) telecommunications;

(ii) data communications;

(iii) data storage;

(iv) medical applications;

(v) networking;

(vi) fifth-generation cellular commu-

nications;

(vii) computing;

(viii) radar;

(ix) munitions; or

(x) any other system that the Sec-

retary of Defense determines should be

covered under this section; and

(2) the term “covered nation” means—

(A) the United States;
(B) a member nation of the national technology and industrial base under section 2500 of title 10, United States Code; or

(C) a nation that has agreed, in compliance with section 36 of the Arms Export Control Act (22 U.S.C. 2776) and section 2457 of title 10, United States Code—

(i) to comply with agreements with foreign governments requiring the United States to purchase supplies from foreign sources for the purposes of offsetting sales made by the United States Government or United States firms under approved programs serving defense requirements; or

(ii) along with the United States Government, to remove barriers to purchases of supplies produced in the other country or services performed by sources of the other country; or

(D) any country, other than the People’s Republic of China, the Russian Federation, Iran, or the Democratic People’s Republic of Korea, that the Secretary designates, upon a determination to be published in the Federal
Register, that accepting covered printed circuit boards from which—

(i) is in the national security interests of the United States; and

(ii) does not pose a significant risk to national security systems.

(g) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit the Department of Defense from entering into a contract with an entity that connects to the facilities of a third party, for the purposes of backhaul, roaming, or interconnection arrangements, on the basis of the third party’s noncompliance with the provisions of this section.

SEC. 809. STATEMENT OF POLICY WITH RESPECT TO SUPPLY OF STRATEGIC MINERALS AND METALS FOR DEPARTMENT OF DEFENSE PURPOSES.

(a) Statement of Policy.—It is the policy of the United States that the Department of Defense shall pursue the following goals:

(1) Ensure, by 2030, secure sources of supply of strategic minerals and metals that will—

(A) fully meet the demands of the domestic defense industrial base;
(B) eliminate the dependence of the United States on unsecure sources of supply of strategic minerals and metals; and

(C) ensure that the Department of Defense is not reliant upon unsecure sources of supply for the processing or manufacturing of any strategic mineral and metal deemed essential to national security by the Secretary of Defense.

(2) Provide incentives for the defense industrial base to develop robust processing and manufacturing capabilities in the United States to refine strategic minerals and metals for Department of Defense purposes.

(3) Maintain secure sources of supply of strategic minerals and metals required to maintain current military requirements in the event that international supply chains are disrupted.

(4) Achieve the goals described in paragraphs (1) through (3) through, among other methods—

(A) the continued and expanded use of existing programs, such as the National Defense Stockpile administered by the Defense Logistics Agency; and
(B) the continued use of authorities under title III of the Defense Production Act of 1950 (50 U.S.C. 4531 et seq.).

(b) Strategic Minerals and Metals.—For purposes of this section, strategic minerals and metals include critical minerals, as defined pursuant to Executive Order 13817.

SEC. 810. REPORT ON STRATEGIC AND CRITICAL MINERALS AND METALS.

(a) Report Required.—Not later than June 30, 2021, 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 a study, conducted for purposes of this section, concerning strategic and critical minerals and metals and vulnerabilities in supply chains of such minerals and metals.

(b) Strategic and Critical Minerals and Metals.—For purposes of this section, strategic and critical minerals and metals are minerals and metals, including rare earth elements, that are necessary to meet national defense and national security requirements, including supply chain resiliency, and for the economic security of the United States.

(c) Elements.—The study required for purposes of the report under subsection (a) shall do the following:
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(1) Identify the strategic and critical minerals and metals that are currently utilized by the Department of Defense.

(2) To the extent practicable, identify the overall annual tonnage of each strategic or critical mineral or metal identified pursuant to paragraph (1) that was utilized by the Department during the 10-year period ending on December 31, 2020.

(3) Identify domestic and international sources for the strategic and critical minerals and metals identified pursuant to paragraph (1).

(4) Identify risks to access to the strategic and critical minerals and metals identified pursuant to paragraph (1) from supply chain disruptions due to geopolitical, economic, and other vulnerabilities.

(5) Evaluate the benefits of a robust domestic supply chain for providing strategic and critical minerals and metals to Department manufacturing supply chains in real time.

(6) Evaluate the effects of the use of waivers by the Department of Defense Strategic Materials Protection Board on the domestic supply of strategic and critical minerals and metals.

(7) Recommend policies and procedures for the Department to ensure a capability to secure stra-
strategic and critical minerals and metals necessary for emerging technologies such as anti-microbial products, minerals, and metals for use in medical equipment among other technologies.

(8) Identify improvements required to the National Defense Stockpile in order to ensure the Department has access to the strategic and critical minerals and metals identified pursuant to paragraph (1).

(9) Evaluate the domestic processing and manufacturing capacity needed to supply the Department with the strategic and critical minerals and metals identified pursuant to paragraph (1) in an economic and secure manner.

(10) In consultation with the United States Geological Survey, identify domestic locations already verified to contain large supplies of strategic and critical minerals and metals identified pursuant to paragraph (1) with existing commercial manufacturing interest.

(11) Address any other matter relating to strategic and critical minerals and metals that the Secretary considers appropriate.
(d) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SEC. 811. STABILIZATION OF SHIPBUILDING INDUSTRIAL BASE WORKFORCE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Department of the Navy must explore and identify solutions, in consultation with the Department of Labor, to enhance shipbuilding workforce stability and ensure industry preparedness to construct the 355-ship fleet.

(b) WORKING GROUP TO STABILIZE SHIPBUILDING INDUSTRIAL BASE WORKFORCE.—

(1) IN GENERAL.—The Secretary of the Navy shall form a working group with the Secretary of Labor for the purpose of enhancing integration of programs, resources, and expertise to strengthen the shipbuilding industrial base, as well as to provide recommendations to Congress, to better stabilize the shipbuilding industrial base workforce and determine appropriate solutions for workforce fluctuations.

(2) DUTIES.—The working group shall carry out the following activities related to the ongoing challenges with workforce stability:

(A) Analyze existing Department of the Navy contracts with the shipbuilding industry...
and other relevant information to better anticipate future employment trends and tailor workforce resources and opportunities for workers most vulnerable to upcoming workforce fluctuations.

(B) Identify existing Department of Labor programs for unemployed, underemployed, and furloughed employees that could benefit the shipbuilding industrial base workforce during times of workload fluctuations and workforce instability, and explore potential partnerships to connect employees with appropriate resources.

(C) Explore possible cost sharing agreements to enable the Department of the Navy to contribute funding to existing Department of Labor workforce programs to support the shipbuilding workforce.

(D) Examine possible programs that will specifically assist furloughed employees who may sporadically rely on unemployment benefits.

(E) Explore opportunities for unemployed, underemployed, or furloughed employees to provide workforce training through temporary partnerships with States, technical schools,
community colleges, and other local workforce
development opportunities.

(F) Review existing training programs for
the shipbuilding workforce to maximize relevant
and necessary training opportunities that would
broaden employee skillset during times of un-
employment, underemployment, or furlough,
where applicable.

(G) Assess the possibility of shipbuilding
worker support programs to weather a period of
unemployment, underemployment, or furlough,
including compensation options, alternative em-
ployment, temporary stipends, or other worker
support opportunities.

(H) Study cross-State credentialing re-
quirements and identify any restrictions that in-
hbit the flexibility of the shipbuilding workforce
to seek employment opportunities across State
lines, and make recommendations to streamline
licensing, credentialing, certification, and qualifi-
cation requirements within the shipbuilding in-
dustry.

(I) Review additional or new contracting
authorities that could enable the Department of
the Navy to award short-term, flexible contracts
that will prioritize work for unemployed, under-
employed, or furloughed employees within the
shipbuilding workforce.

(J) Identify specific workforce support pro-
gress to support suppliers of all sizes within
the shipbuilding industrial base, and assess any
additional support from prime contractors that
would improve the stability of such suppliers.

(K) Assess whether greater collaboration
with the United States Coast Guard and its
shipbuilding contractors and subcontractors
would improve workforce stability by assessing
a totality of shipbuilding demands.

(L) Consider potential pilot programs that
will specifically address shipbuilding industrial
base workforce stability.

(M) Explore any additional opportunities
to invest in recruiting, retaining, and training a
skilled shipbuilding workforce.

(N) Consider and incorporate the findings
and recommendations, as appropriate, of the re-
port on shipbuilder training and the defense in-
dustrial base required under section 1037 of the
Year 2020 (Public Law 116–92).
NOTIFICATION REQUIREMENT REGARDING
ESTABLISHMENT AND STRUCTURE.—Not later than
90 days after the date of the enactment of this Act,
the Secretary of the Navy, in coordination with the
Secretary of Labor, shall notify the congressional de-
fense committees regarding the membership and
structure of the working group.

REPORT.—Not later than one year after the
date of the enactment of this Act, the Secretary of
the Navy, in consultation with the Secretary of
Labor, shall submit to the congressional defense
committees, the Committee on Health, Education,
Labor, and Pensions of the Senate, and the Com-
mittee on Education and Labor of the House of
Representatives a report with the findings and rec-
ommendations of the working group.

SEC. 812. MISCELLANEOUS LIMITATIONS ON THE PRO-
CUREMENT OF GOODS OTHER THAN UNITED
STATES GOODS.

Section 2534 of title 10, United States Code, is
amended—

(1) in subsection (a)—

(A) by striking paragraphs (2) through
(5);
(B) by inserting after paragraph (1) the following new paragraph:

“(2) COMPONENTS FOR NAVAL VESSELS.—

“(A) Vessel propellers with a diameter of six feet or more.

“(B) The following components of vessels, to the extent they are unique to marine applications: gyrocompasses, electronic navigation chart systems, steering controls, propulsion and machinery control systems, and totally enclosed lifeboats.”;

(C) by redesignating paragraph (6) as paragraph (3); and

(D) in paragraph (3), as redesignated by subparagraph (C), by striking “(k)” and inserting “(j)”;

(2) in subsection (b)—

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

(B) in paragraph (2), as redesignated by subparagraph (A), by striking “subsection (a)(3)(A)(iii)” and inserting “subsection (a)(2)(A)”;

(3) in subsection (c)—
(A) by striking “ITEMS.” and all that fol-
lows through “Subsection (a) does not apply”
in paragraph (1) and inserting “ITEMS.—Sub-
section (a) does not apply”; and

(B) by striking paragraphs (2) though (5);

(4) in subsection (g)—

(A) by striking “(1) This section” and in-
serting “This section”; and

(B) by striking paragraph (2);

(5) in subsection (h), by striking “subsection
(a)(3)(B)” and inserting “subsection (a)(2)(B)”;

(6) in subsection (i)(3), by striking “Acquisi-
tion, Technology, and Logistics” and inserting “Ac-
quision and Sustainment”;

(7) by striking subsection (j); and

(8) by redesignating the first subsection des-
ignated subsection (k) as subsection (j).

SEC. 813. USE OF DOMESTICALLY SOURCED STAR TRACK-
ERS IN NATIONAL SECURITY SATELLITES.

(a) IN GENERAL.— Except as provided in subsection
(a), any acquisition executive of the Department of De-
fense who approves a contract for a national security sat-
ellite after October 1, 2021, shall require any star tracker
system included in the design of such national security
satellite to be domestically sourced.
(b) EXCEPTIONS.— The application of subsection (a) may be waived if the acquisition executive certifies in writing that—

(1) there is no available domestically sourced star tracker system that meets the national security satellite systems mission and design requirements;

(2) the cost of the available domestically sourced star tracker system is unreasonably priced based on a market survey; or

(3) an urgent and compelling national security need exists to necessitate a foreign-made star tracker.

(e) NATIONAL SECURITY SATELLITE DEFINED.— In this section, “national security satellite” is a satellite the principle purpose of which is to support the national security needs of the United States Government.

SEC. 814. MODIFICATION TO SMALL PURCHASE THRESHOLD EXCEPTION TO SOURCING REQUIREMENTS FOR CERTAIN ARTICLES.

Subsection (h) of section 2533a of title 10, United States Code, is amended to read as follows:

“(h) EXCEPTION FOR SMALL PURCHASES.—Subsection (a) does not apply to purchases for amounts not greater than $150,000. A proposed purchase or contract for an amount greater than $150,000 may not be divided
into several purchases or contracts for lesser amounts in
order to qualify for this exception. On October 1 of each
year evenly divisible by 5, the Secretary of Defense may
adjust the dollar threshold in this subsection based on
changes in the Consumer Price Index. The Secretary shall
publish notice of any such adjustment in the Federal Reg-
ister, and the new price threshold shall take effect on the
date of publication.”.

Subtitle B—Acquisition Policy and
Management

SEC. 831. REPORT ON ACQUISITION RISK ASSESSMENT AND
MITIGATION AS PART OF ADAPTIVE ACQUISI-
TION FRAMEWORK IMPLEMENTATION.

(a) Service Acquisition Executives Input.—
The Service Acquisition Executives shall report to the Sec-
retary of Defense, the Under Secretary of Defense for Ac-
quisition and Sustainment, the Under Secretary of De-
fense for Research and Engineering, and the Chief Infor-
mation Officer of the Department of Defense how they
are assessing, mitigating, and reporting on the following
risks in acquisition programs:

(1) Technical risks in engineering, software,
manufacturing and testing.

(2) Integration and interoperability risks, in-
cluding complications related to systems working
across multiple domains while using machine learning and artificial intelligence capabilities to continuously change and optimize system performance.

(3) Operations and sustainment risks, including as mediated by access to technical data and intellectual property rights.

(4) Workforce and training risks, including consideration of the role of contractors as part of the total workforce.

(5) Supply chain risks, including cybersecurity, foreign control and ownership of key elements of supply chains, and the consequences a fragile and weakening defense industrial base, combined with barriers to industrial cooperation with allies and partners pose for delivering systems and technologies in a trusted and assured manner.

(b) REPORT TO CONGRESS.—Not later than March 31, 2021, the Under Secretary of Defense for Acquisition and Sustainment shall submit to the congressional defense committees a report including—

(1) the input received from the Service Acquisition Executives pursuant to subsection (a); and

(2) the views of the Under Secretary with respect to the matters described in paragraphs (1) through (5) of such subsection.
SEC. 832. COMPTROLLER GENERAL REPORT ON IMPLEMENTATION OF SOFTWARE ACQUISITION REFORMS.

(a) In general.—Not later than March 15, 2021, the Comptroller General of the United States shall brief the congressional defense committees on the implementation by the Department of Defense of required acquisition reforms with respect to acquiring software for weapon systems, business systems, and other activities that are part of the defense acquisition system, with a report, or reports, to follow as agreed upon by the committees and the Comptroller General.

(b) Elements.—The briefing and report, or reports, required under subsection (a) shall include an assessment of the extent to which the Department of Defense has implemented requirements related to the following:


(2) Software acquisition activities pursuant to section 2322a of title 10, United States Code (related to consideration of certain matters during the acquisition of noncommercial computer software), section 875 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; pilot program for open source software), and section 800 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92, related to continuous integration and delivery of software applications and upgrades to embedded systems).

(3) Software acquisition pilots, including the pilot program pursuant to section 873 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; relating to the use of agile or iterative development methods to tailor major software-intensive warfighting systems and defense business systems) and the pilot program pursuant to section 874 of such Act (relating to using agile best practices for software development).

(e) ASSESSMENT OF ACQUISITION POLICY, GUIDANCE, AND PRACTICES.—Each report under subsection (a) should include an assessment of the extent to which
Department of Defense software acquisition policy, guidance, and practices reflect implementation of relevant recommendations from related studies, pilot programs, and directives from the congressional defense committees.

(d) **Modification of Requirements for Comptroller General Assessment of Acquisition Programs and Initiatives.**—Section 2229b(b)(2) of title 10, United States Code, is amended by striking “a summary of organizational and legislative changes and emerging assessment methodologies since the last assessment, and a discussion of the implications” and inserting “a discussion of selected organizational, policy, and legislative changes, as determined appropriate by the Comptroller General, and the potential implications”.

(e) **Defense Acquisition System Defined.**—In this section, the term “defense acquisition system” has the meaning given that term in section 2545(2) of title 10, United States Code.
Subtitle C—Amendments to General Contracting Authorities, Procedures, and Limitations

SEC. 841. AUTHORITY TO ACQUIRE INNOVATIVE COMMERCIAL PRODUCTS AND SERVICES USING GENERAL SOLICITATION COMPETITIVE PROCEDURES.

(a) Authority.—

(1) In general.—Chapter 140 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 2380c. Authority to acquire innovative commercial products and services using general solicitation competitive procedures

“(a) Authority.—The Secretary of Defense may acquire innovative commercial products and services through a competitive selection of proposals resulting from a general solicitation and the peer review of such proposals.

“(b) Treatment as Competitive Procedures.—Use of general solicitation competitive procedures under subsection (a) shall be considered to be use of competitive procedures for purposes of chapter 137 of this title.

“(c) Limitations.—(1) The Secretary may not enter into a contract or agreement in excess of $100,000,000 using the authority under subsection (a) without a written
determination from the Under Secretary of Defense for Acquisition and Sustainment or the relevant service acquisition executive of the efficacy of the effort to meet mission needs of the Department of Defense or the relevant military department.

“(2) Contracts or agreements entered into using the authority under subsection (a) shall be fixed-price, including fixed-price incentive fee contracts.

“(3) Notwithstanding section 2376(1) of this title, products and services acquired using the authority under subsection (a) shall be treated as commercial products and services.

“(d) CONGRESSIONAL NOTIFICATION REQUIRED.—

(1) Not later than 45 days after the award of a contract for an amount exceeding $100,000,000 using the authority in subsection (a), the Secretary of Defense shall notify the congressional defense committees of such award.

“(2) Notice of an award under paragraph (1) shall include the following:

“(A) Description of the innovative commercial product or service acquired.

“(B) Description of the requirement, capability gap, or potential technological advancement with respect to which the innovative commercial product or
service acquired provides a solution or a potential new capability.

“(C) Amount of the contract awarded.

“(D) Identification of contractor awarded the contract.

“(e) INNOVATIVE DEFINED.—In this section, the term ‘innovative’ means—

“(1) any technology, process, or method, including research and development, that is new as of the date of submission of a proposal; or

“(2) any application that is new as of the date of submission of a proposal of a technology, process, or method existing as of such date.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 140 of title 10, United States Code, is amended by inserting after the item relating to section 2380b the following new item:

“2380c. Authority to acquire innovative commercial products and services using general solicitation competitive procedures.”.

(b) REPEAL OF OBSOLETE AUTHORITY.—Section 879 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 2302 note) is hereby repealed.
SEC. 842. TRUTH IN NEGOTIATIONS ACT THRESHOLD FOR DEPARTMENT OF DEFENSE CONTRACTS.

Section 2306a(a)(1) of title 10, United States Code, is amended—

(1) in subparagraph (B), by striking “contract if” and all that follows through clause (iii) and inserting “contract if the price adjustment is expected to exceed $2,000,000.”;

(2) in subparagraph (C), by striking “section and—” and all that follows through clause (iii) and inserting “section and the price of the subcontract is expected to exceed $2,000,000.”; and

(3) in subparagraph (D), by striking “subcontract if—” and all that follows through clause (ii) and inserting “subcontract if the price adjustment is expected to exceed $2,000,000.”.

SEC. 843. REVISION OF PROOF REQUIRED WHEN USING AN EVALUATION FACTOR FOR DEFENSE CONTRACTORS EMPLOYING OR SUBCONTRACTING WITH MEMBERS OF THE SELECTED RESERVE OF THE RESERVE COMPONENTS OF THE ARMED FORCES.


(1) by striking subsection (b); and
(2) by redesignating subsection (c) as subsection (b).

SEC. 844. CONTRACT AUTHORITY FOR ADVANCED DEVELOPMENT OF INITIAL OR ADDITIONAL PROTOTYPE UNITS.

(a) In General.—Section 2302e of title 10, United States Code, is amended—

(1) in the heading, by striking “advanced development” and inserting “development and demonstration”; and

(2) in subsection (a)(1), by striking “provision of advanced component development, prototype,” and inserting “development and demonstration”.

(b) Clerical Amendment.—The table of sections at the beginning of chapter 137 of title 10, United States Code, is amended by striking the item relating to section 2302e and inserting the following new item:

“2302e. Contract authority for development and demonstration of initial or additional prototype units.”.

SEC. 845. DEFINITION OF BUSINESS SYSTEM DEFICIENCIES FOR CONTRACTOR BUSINESS SYSTEMS.

(1) by striking “significant deficiencies” both places it appears and inserting “material weaknesses”; 

(2) by striking “significant deficiency” each place it appears and inserting “material weakness”; and 

(3) by amending paragraph (4) of subsection (g) to read as follows:

“(4) The term ‘material weakness’ means a deficiency, or combination of deficiencies, in internal control over risks related to Government contract compliance or other shortcomings in the system, such that there is a reasonable possibility that a material noncompliance will not be prevented, or detected and corrected, on a timely basis. A reasonable possibility exists when the likelihood of an event occurring is either reasonably possible, meaning the chance of the future event occurring is more than remote but less than likely, or is probable.”.

SEC. 846. REPEAL OF PILOT PROGRAM ON PAYMENT OF COSTS FOR DENIED GOVERNMENT ACCOUNTABILITY OFFICE BID PROTESTS.

Section 827 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91) is repealed.
Subtitle D—Provisions Relating to Major Defense Acquisition Programs

SEC. 861. IMPLEMENTATION OF MODULAR OPEN SYSTEMS ARCHITECTURE REQUIREMENTS.

(a) Requirements for Interface Delivery.—

(1) In general.—Not later than one year after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition and Sustainment, in coordination with the Joint All Domain Command and Control Cross Functional Team under the supervision of the Department of Defense Chief Information Officer and the Joint Staff Director for Command, Control, Communications, and Computers/Cyber, shall prescribe regulations and issue guidance to the military services, defense agencies and field activities, and combatant commands, as appropriate, in order to—

(A) facilitate the Department of Defense’s access to and utilization of system, major sub-system, and major component software-defined interfaces;

(B) fully meet the intent of chapter 144B of title 10, United States Code; and
(C) advance the Department’s efforts to
generate diverse and recomposable kill chains.

(2) ELEMENTS.—The regulations and guidance
required in subsection (a)(1) shall include, at a min-
imum—

(A) requirements that each relevant pro-
gram office characterizes the desired modularity
of the system for which it is responsible, either,
in the case of major defense acquisition pro-
grams, in the acquisition strategy required
under section 2431a of title 10, United States
Code, or, in the case of other programs, via
other documentation, including—

(i) specification of which system,
major subsystems, and major components
should be able to execute without requiring
coincident execution of other systems,
major subsystems, and major components;

(ii) a default configuration specifying
which systems, major subsystems, and
major components should communicate
with other systems, major subsystems, and
major components; and

(iii) specification of what information
should be communicated, the method of
the communication, and the desired function of the communication;

(B) requirements that relevant Department of Defense contracts include mandates for the delivery of system, major subsystem, and major component software-defined interfaces for systems, major subsystems, and major components deemed relevant in the acquisition strategy or documentation referred to in subsection (a)(2)(a), including—

   (i) software-defined interface syntax and properties, specifically governing how values are validly passed and received between major subsystems and components, in machine-readable format;

   (ii) a machine-readable definition of the relationship between the delivered interface and existing common standards or interfaces available in the interface repository of subsection (c), if appropriate and available, using interface field transform technology developed under the Defense Advanced Research Projects Agency System of Systems Technology Integration Tool Chain for Heterogeneous Electronic
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Systems (STITCHES) program or technology that is functionally similar; and

(iii) documentation with functional descriptions of software-defined interfaces, conveying semantic meaning of interface elements, such as the function of a given interface field;

(C) requirements that relevant program offices, including those responsible for maintaining and upgrading legacy systems, that have awarded contracts that do not include the requirements specified in subparagraph (B) of paragraph (2) nevertheless acquire the items specified in clauses (i) through (iii) of such subparagraph, either through contractual updates, separate negotiations or contracts, or program management mechanisms; and

(D) requirements that program offices deliver these interfaces and the associated documentation to the controlled repository established under subsection (c).

(3) APPLICABILITY OF REGULATIONS AND GUIDANCE.—

(A) APPLICABILITY.—The regulations and guidance required under subsection (a)(1) shall
apply, at a minimum, to program offices responsible for the prototyping, acquisition, or sustainment of new or existing cyber-physical weapon systems with software-defined interfaces, or with major subsystems or components with software-defined interfaces, developed or to be developed, wholly or in part with Federal funds, including those applicable program offices using other transaction authorities (OTA).

(B) EXTENSION OF SCOPE.—One year after the promulgation of the regulations and guidance required under subsection (a)(1) for cyber-physical systems, the Under Secretary of Defense for Acquisition and Sustainment shall extend the regulations and guidance to apply to purely software systems, including business systems and cybersecurity systems. The Secretary may make the regulations and guidance applicable, as practicable, to program offices responsible for the acquisition of systems and capabilities under part 12 of the Federal Acquisition Regulation and commercially available off-the-shelf items.

(C) INCLUSION OF SUBSYSTEMS AND COMPONENTS.—The major subsystems and compo-
nents covered under paragraph (2)(A) shall in-
clude all subsystems and components covered by
contract line items.

(b) Rights in Interface Software.—

(1) Regulations.—Not later than one year
after the date of the enactment of this Act, the
Under Secretary of Defense for Acquisition and
Sustainment shall prescribe regulations to define the
legitimate interest of the United States and of a
contractor or subcontractor in interface software.
The regulations shall be included in regulations of
the Department of Defense prescribed as part of the
Defense Supplement to the Federal Acquisition Reg-
ulation.

(2) Limitation on Regulations.—The regu-
lations prescribed pursuant to paragraph (1) may
not—

(A) impair any right of the United States
or of any contractor or subcontractor with re-
spect to patents or copyrights or any other
right in software otherwise established by law;
or

(B) impair the right of a contractor or
subcontractor to receive from a third party a
fee or royalty for the use of software pertaining
to an item or process developed exclusively at private expense by the contractor or subcontractor, except as otherwise specifically provided by law.

(2) ELEMENTS.—Such regulations shall include the following provisions:

(A) In the case of a software interface that is developed by a contractor or subcontractor exclusively with Federal funds (other than an item developed under a contract or subcontract to which regulations under section 9(j)(2) of the Small Business Act (15 U.S.C. 638(j)(2)) apply), the United States shall have the unlimited and non-expiring right to use the software or release or disclose the software to persons outside the government or permit the use of the software by such persons.

(B) In the case of a software interface that is developed in part with Federal funds and in part at private expense and except in any case in which the Secretary of Defense determines that negotiation of different rights in such software would be in the best interest of the United States, the Government—
(i) shall have Government-purpose rights to the software interface, and, in addition, may release or disclose the software interface, or authorize others to do so, if—

(I) prior to release or disclosure, the intended recipient is subject to an exclusive for-Government-use and non-disclosure agreement;

(II) the intended recipient is a Government contractor receiving access to the interface for the performance of a Government contract; and

(III) the intended use is for the purpose of system, major subsystem, and major component segregation, interoperability, integration, or reintegration; and

(ii) may not use, or authorize other persons to use, interface software for commercial purposes.

(C) In the case of a software interface that is developed exclusively at private expense, the Government shall negotiate with the contractor or the subcontractor to best achieve, if practical, Government-purpose rights to the soft-
ware interface and rights to release or disclose the software interface, or authorize others to do so, if—

(i) prior to release or disclosure, the intended recipient is subject to an exclusive for-Government use and non-disclosure agreement;

(ii) the intended recipient is a Government contractor receiving access to the interface for the performance of a Government contract; and

(iii) the intended use is for the purpose of system, major subsystem, and major component segregation, interoperability, integration and reintegration.

(c) INTERFACE REPOSITORY.—

(1) ESTABLISHMENT.—The Under Secretary of Defense for Acquisition and Sustainment shall establish and maintain, at the appropriate classification level, an interface repository for interfaces, syntax and properties, documentation, and communication implementations delivered pursuant to the requirements established under subsection (a)(2)(B) and shall provide interfaces, access to interfaces, and relevant documentation to the military services, de-
fense agencies and field activities, combatant com-
mands, and contractors, as appropriate, to facilitate
system, major subsystem, and major component seg-
regation and reintegration.

(2) Distribution of Interfaces.—Cons-
sistent with section 2320 of title 10, United States
Code, and in accordance with subsection (b), the
Under Secretary of Defense for Acquisition and
Sustainment may distribute interfaces, access to
interfaces, and relevant documentation to Govern-
ment entities and contractors. Any such protected
transfer or disclosure by the Government to a recipi-
ent is limited to only those data necessary for seg-
regation, interoperability, integration, or reintegra-
tion.

(d) System of Systems Integration Tech-
ology and Experimentation.—

(1) Demonstrations and Assessment.—No
later than one year after the date of the enactment
of this Act, the Joint Staff Director for Command,
Control, Communications, and Computers/Cyber and
Department of Defense Chief Information Officer,
through the Joint All Domain Command and Con-
trol Cross Functional Team, shall conduct demo-
strations and complete an assessment of the tech-
nologies developed under the Defense Advanced Research Projects Agency’s System of Systems Integration Technology and Experimentation program, including the STITCHES technology, and their applicability to the Joint All-Domain Command and Control architecture. The demonstrations and assessment shall include—

(A) at least three demonstrations of the use of the STITCHES technology to create, under constrained schedules and budgets, novel kill chains involving previously incompatible weapon systems, sensors, and command, control, and communication systems from multiple military services in cooperation with United States Indo-Pacific Command or United States European Command;

(B) an evaluation as to whether the communications enabled via the STITCHES technology are sufficient for military missions and whether the technology results in any substantial performance loss in communication between systems, major subsystems, and major components;

(C) an evaluation as to whether the STITCHES technology obviates the need to de-
velop, impose, and maintain strict adherence to
common communication and interface stand-
ards for Department of Defense systems;

(D) the appropriate roles and responsibil-
ities of the Department of Defense Chief Infor-
mation Officer, the Under Secretary of Defense
for Acquisition and Sustainment, the geo-
graphic combatant commands, the military
services, the Defense Advanced Research
Projects Agency, and the defense industrial
base in using and maintaining the STITCHES
technology to generate diverse and
recomposable kill chains as part of the Joint
All-Domain Command and Control architecture;
and

(E) coordination with the program man-
ger for the Time Sensitive Targeting Defeat
program under the Under Secretary of Defense
for Research and Engineering and the Under
Secretary of Defense for Intelligence.

(2) CHIEF INFORMATION OFFICER ASSESS-
MENT.—The Department of Defense Chief Informa-
tion Officer shall assess the technologies developed
under the Defense Advanced Research Projects
Agency’s System of Systems Integration Technology
and Experimentation program, including the
STITCHES interface field transform technology,
and their applicability to the Department’s business
systems and cybersecurity tools. This assessment
shall include—

(A) at least two demonstrations of the use
of the STITCHES technology in enabling com-
munication between business systems;

(B) in coordination with the Cross Func-
tional Team under the Principal Cyber Adviser
and the Integrated Adaptive Cyber Defense
program office of the National Security Agency,
at least two demonstrations of the use of the
STITCHES technology in enabling commu-
cination between and orchestration of previously in-
compatible cybersecurity tools; and

(C) an evaluation as to how the STITCH-
ES technology could be used in concert with or
instead of existing cybersecurity standards,
frameworks, and technologies designed to en-
able communication across cybersecurity tools.

(3) SUSTAINMENT OF STITCHES ENGINEERING
RESOURCES AND CAPABILITIES DEVELOPED BY
DARPA.—To conduct the demonstrations and assess-
ments required under this subsection and to execute
the Joint All Domain Command and Control program, the Joint All Domain Command and Control program office shall sustain the STITCHES engineering resources and capabilities developed by the Defense Advanced Research Projects Agency.

(e) Transfer of Responsibility for STITCHES.—One year after the date of enactment of this Act, the Secretary of Defense may transfer responsibility for maintaining the STITCHES engineering capabilities to a different organization.

(f) Definitions.—In this section:

(1) Desired Modularity.—The term “desired modularity” means the desired degree to which systems, major constitutive subsystems and components within a system, and major subsystems and components across subsystems can function as modules that can communicate across component boundaries and through interfaces and can be separated and recombined to achieve various effects, missions, or capabilities.

(2) Machine-readable Format.—The term “machine-readable format” means a format that can be easily processed by a computer without human intervention.
SEC. 862. SUSTAINMENT REVIEWS.

(a) Annual Sustainment Reviews.—Section 2441(a) of title 10, United States Code, is amended by inserting “annually thereafter” before “throughout the life cycle of the weapon system”.

(b) Submission to Congress of Sustainment Reviews.—Section 2441 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(d) Submission to Congress of Sustainment Reviews.—(1) The Secretary of each military department shall submit no fewer than ten sustainment reviews required by this section to the congressional defense committees annually. The Secretary of each military department shall select the ten reviews from among the systems with the highest independent cost estimates for the remainder of the life cycle of the program.

“(2) The Secretary shall submit the reviews required under paragraph (1) to the congressional defense committees annually not later than 30 days after submission of the President’s annual budget request to Congress under section 1105 of title 31. The sustainment reviews shall be posted on a publicly available website maintained by the Director of the Cost Assessment and Program Evaluation office and, for those systems with operating and support cost growth, shall include comments from the military de-
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1  departments regarding actions being taken to reduce the op-
2  erating and support costs. The reviews may include classi-
3  fied appendices, as appropriate.”.
4
5  (c) COMPTROLLER GENERAL STUDY.—Not later
6  than 180 days after the Secretaries of the military depart-
7  ments post the initial sustainment reviews required under
8  paragraph (1) of subsection (d) of section 2441 of title
9  10, United States Code (as added by subsection (b) of this
10  section) on a publicly available website as required under
11  paragraph (2) of such subsection (d), the Comptroller
12  General of the United States shall assess steps the mili-
13  tary departments are taking to quantify and address oper-
14  ating and support cost growth. The assessment shall in-
15  clude—
16
17  (1) an evaluation of—
18
19  (A) the causes of operating and support
20  cost growth for selected systems covered by the
21  sustainment reviews, as well as any other sys-
22  tems the Comptroller General determines ap-
23  propriate;
24
25  (B) the extent to which the Department
26  has mitigated operating and support cost
27  growth of these systems; and
(C) any other issues related to potential operating and support cost growth the Comptroller General determines appropriate; and

(2) any recommendations of the Comptroller General, including steps the military departments could take to reduce operating and support cost growth for fielded weapon systems, as well as lessons learned to be incorporated in future weapon system acquisitions.

SEC. 863. RECOMMENDATIONS FOR FUTURE DIRECT SELECTIONS.

The Secretary of each military department shall provide to the congressional defense committees in the future-years defense program submitted under section 221 of title 10, United States Code, for fiscal year 2022 a list of at least one acquisition program for which it would be appropriate to have a large number of users provide direct assessment of the outcome of a competitive contract award.

SEC. 864. DISCLOSURES FOR CERTAIN SHIPBUILDING MAJOR DEFENSE ACQUISITION PROGRAM OFFERS.

(a) In General.—Chapter 137 of title 10, United States Code, is amended by adding at the end the following new section:
“§ 2339c. Disclosures for certain shipbuilding major defense acquisition program offers

“(a) GENERAL.—Any covered offeror seeking to be awarded a shipbuilding construction contract as part of a major defense acquisition program with funds from the Shipbuilding and Conversion, Navy account shall disclose with its offer and any subsequent offer revisions, including the final proposal revision offer, whether any part of the offeror’s planned contract performance will or is expected to include foreign government subsidized performance, financing, financial guarantees, or tax concessions.

“(b) DISCLOSURE.—An offeror shall make a disclosure required under subsection (a) in a format prescribed by the Secretary of the Navy and shall include therein a specific description of the extent to which the offeror’s planned contract performance will include, with or without contingencies, any foreign government subsidized performance, financing, financial guarantees, or tax concessions.

“(c) CONGRESSIONAL NOTIFICATION.—Not later than 5 days after awarding a contract described under subsection (a) to an offeror that made a disclosure under subsection (b), the Secretary of the Navy shall notify the congressional defense committees and summarize such disclosure.

“(d) DEFINITIONS.—In this section:
“(1) COVERED OFFEROR.—The term ‘covered offeror’ means any offeror that currently requires or may reasonably be expected to require during the period of contract performance a method to mitigate or negate foreign ownership under subsection (f)(6) of part 2004.34 of title 32, Code of Federal Regulations.

“(2) FOREIGN GOVERNMENT SUBSIDIZED PERFORMANCE.—The term ‘foreign government subsidized performance’ means any financial support, materiel, services, or guarantees of support, services, supply, performance, or intellectual property concessions, that may be provided to or for the offeror or the offeror’s Department of Defense customer by a foreign government or entity effectively owned or controlled by a foreign government, which may have the effect of supplementing, supplying, servicing, or reducing the cost or price of an end item, or supporting, financing in whole or in part, or guaranteeing contract performance by the offeror.

“(3) MAJOR DEFENSE ACQUISITION PROGRAM.—The term ‘major defense acquisition program’ has the meaning given the term in section 2430 of this title.”
(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 137 of title 10, United States Code, is amended by inserting after the item relating to section 2339b the following new item:

“2339c. Disclosures for certain shipbuilding major defense acquisition program offers.”.

Subtitle E—Small Business Matters

SEC. 871. PROMPT PAYMENT OF CONTRACTORS.

Section 2307(a)(2) of title 10, United States Code, is amended—

(1) in subparagraph (A), by striking “if a specific payment date is not established by contract”;

and

(2) in subparagraph (B), by striking “if—” and all that follows through “the prime contractor agrees” in clause (ii) and inserting “if the prime contractor agrees or proposes”.

SEC. 872. EXTENSION OF PILOT PROGRAM FOR STREAMLINED AWARDS FOR INNOVATIVE TECHNOLOGY PROGRAMS.

Section 873(f) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2306a) is amended by striking “2020” and inserting “2023”.
Subtitle F—Provisions Related to Software-Driven Capabilities

SEC. 881. INCLUSION OF SOFTWARE IN GOVERNMENT PERFORMANCE OF ACQUISITION FUNCTIONS.

(a) Inclusion of Software.—Section 1706(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(14) Program lead software.”.

(b) Technical Amendments.—Section 1706 of such title is further amended—

(1) in subsection (a), by striking “for each major defense acquisition program and each major automated information system program” and inserting “for each acquisition program”; and

(2) by striking subsection (e).

SEC. 882. BALANCING SECURITY AND INNOVATION IN SOFTWARE DEVELOPMENT AND ACQUISITION.

(a) Requirements for Solicitations of Commercial and Developmental Solutions.—The Under Secretary of Defense for Acquisition and Sustainment, in coordination with the Chief Information Officer of the Department of Defense, shall develop requirements for inclusion in solicitations for both commercial and developmental solutions, and for the evaluation of bids, of appropriate software security criteria, including—
(1) delineation of what processes were or will be used for a secure software development lifecycle, including management of supply chain and third-party software sources and component risks; and

(2) an associated vulnerability management plan or tools.

(b) Security Review of Code.—The Under Secretary of Defense for Acquisition and Sustainment, in coordination with the Chief Information Officer of the Department of Defense, shall develop processes for security review of code for the purpose of publication and other procedures necessary to fully implement the pilot program required under section 875 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 10 U.S.C. 2223 note).

(e) Coordination With Software Acquisition Pathway Efforts.—The requirements and procedures required under subsections (a) and (b) shall be developed in conjunction with the Department of Defense’s efforts to incorporate input and finalize the procedures described in the Interim Procedures for Operation of the Software Acquisition Pathway.
SEC. 883. COMPTROLLER GENERAL REPORT ON INTELLECTUAL PROPERTY ACQUISITION AND LICENSING.

(a) IN GENERAL.—Not later than October 1, 2021, the Comptroller General of the United States shall submit to the congressional defense committees a report evaluating the implementation of the Department of Defense’s Instruction on Intellectual Property Acquisition and Licensing (DODI 5010.44), established under section 2322 of title 10, United States Code.

(b) ELEMENTS.—The report required under subsection (a) shall assess the following:

(1) The extent to which the Department of Defense is fulfilling the core principles established in DODI 5010.44.

(2) The extent to which the Defense Acquisition University, Department of Defense components, and program offices are carrying out their responsibilities under DODI 5010.44.

(3) The progress of the Department in establishing an IP Cadre, including the extent to which such experts are executing their roles and responsibilities.

(4) The performance of the Department in assessing and demonstrating the implementation of
DODI 5010.44, including the effectiveness of the IP Cadre;

(5) The effect implementation of DODI 5010.44 has had on particular acquisitions;

(6) Any other matters the Comptroller General determines appropriate.

Subtitle G—Other Matters

SEC. 891. SAFEGUARDING DEFENSE-SENSITIVE UNITED STATES INTELLECTUAL PROPERTY, TECHNOLOGY, AND OTHER DATA AND INFORMATION.

(a) In General.—The Secretary of Defense shall establish, enforce, and track actions being taken to protect defense-sensitive United States intellectual property, technology, and other data and information, including hardware and software, from acquisition by the Government of the People’s Republic of China.

(b) List of Critical Technology.—The Secretary of Defense shall establish and maintain a list of critical national security technology.

(c) Restrictions on Employment of Defense Industrial Base Employees With Chinese Companies.—The Secretary of Defense shall provide for mechanisms to restrict employees or former employees of the defense industrial base that contribute to the technology ref-
erenced in subsection (b) from working directly for com-
nies wholly owned by, or under the direction of, the Gov-
ernment of the Peoples Republic of China.

(d) REPORTS.—

(1) DEPARTMENT OF DEFENSE REPORT.—Not
later than May 1, 2021, the Secretary of Defense
shall submit to the congressional defense committees
a report on progress in implementing the measures
described in subsections (a) through (e).

(2) COMPTROLLER GENERAL REPORT.—Not
later than December 1, 2021, the Comptroller Gen-
eral of the United States shall submit to the con-
gressional defense committees a report reviewing the
report submitted under paragraph (1) and providing
an assessment of the effectiveness of the measures
implemented under this section.

(3) FORM.—The reports required under this
subsection shall be submitted in unclassified form
but may contain classified annexes.

SEC. 892. DOMESTIC COMPARATIVE TESTING ACTIVITIES.

Section 2350a(g)(1)(A) of title 10, United States
Code, is amended by inserting “and conventional defense
equipment, munitions, and technologies manufactured and
developed domestically” after “in subsection (a)(2)”.
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SEC. 893. REPEAL OF APPRENTICESHIP PROGRAM.

(a) IN GENERAL.—Section 2870 of title 10, United States Code, as added by section 865 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92), is repealed.

(b) CONFORMING AMENDMENTS.—

(1) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter III of chapter 169 of title 10, United States Code, is amended by striking the item relating to section 2870.

(2) OBSOLETE PROVISION.—Section 865 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) is repealed.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

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

SEC. 901. ASSISTANT SECRETARY OF DEFENSE FOR SPECIAL OPERATIONS AND LOW INTENSITY CONFLICT AND RELATED MATTERS.

(a) IN GENERAL.—

(1) CLARIFICATION OF CHAIN OF ADMINISTRATIVE COMMAND.—Section 138(b)(2) of title 10, United States Code, is amended—
(A) by redesignating clauses (i), (ii), and (iii) of subparagraph (B) as subclauses (I), (II), and (III), respectively;

(B) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(C) by inserting “(A)” after “(2)”;

(D) in clause (i) of subparagraph (A), as redesignated by this paragraph, by inserting before the period at the end the following:

“through the administrative chain of command specified in section 167(f) of this title;” and

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

“(B) In the discharge of the responsibilities specified in subparagraph (A)(i), the Assistant Secretary is immediately subordinate to the Secretary of Defense and the Deputy Secretary of Defense. No officer below the Secretary or the Deputy Secretary may intervene to exercise authority, direction, or control over the Assistant Secretary in the discharge of such responsibilities.”.

(2) TECHNICAL AMENDMENT.—Subparagraph (A) of such section, as redesignated by paragraph (2), is further amended in the matter preceding clause (i), as so redesignated, by striking “section 167(j)” and inserting “section 167(k)”. 
(b) **Fulfillment of Special Operations Responsibilities.**—

(1) **In General.**—Section 139b of title 10, United States Code, is amended to read as follows:

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§ 139b. Secretariat for Special Operations; Special Operations Policy and Oversight Council

“(a) **Secretariat for Special Operations.**—

“(1) **In General.**—In order to fulfill the responsibilities of the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict specified in section 138(b)(2)(A)(i) of this title, there shall be within the Office of the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict an office to be known as the ‘Secretariat for Special Operations’.

“(2) **Purpose.**—The purpose of the Secretariat is to assist the Assistant Secretary in exercising authority, direction, and control with respect to the special operations-peculiar administration and support of the special operations command, including the readiness and organization of special operations forces, resources and equipment, and civilian personnel as specified in such section.

“(3) **Director.**—The Director of the Secretariat for Special Operations shall be appointed by
the Secretary of Defense from among individuals qualified to serve as the Director. The Director shall have a grade of Deputy Assistant Secretary of Defense.

“(4) Administrative Chain of Command.—For purposes of the support of the Secretariat for the Assistant Secretary in the fulfillment of the responsibilities referred to in paragraph (1), the administrative chain of command is as specified in section 167(f) of this title. No officer below the Secretary of Defense or the Deputy Secretary of Defense (other than the Assistant Secretary) may intervene to exercise authority, direction, or control over the Secretariat in its support of the Assistant Secretary in the discharge of such responsibilities.

“(b) Special Operations Policy and Oversight Council.—

“(1) In General.—In order to fulfill the responsibilities specified in section 138(b)(2)(A)(i) of this title, there shall also be within the Office of the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict a team known as the ‘Special Operation Policy and Oversight Council’. The team is lead by the Assistant Secretary of
Defense for Special Operations and Low Intensity Conflict, or the Assistant Secretary’s designee.

“(2) PURPOSE.—The purpose of the Council is to integrate the functional activities of the headquarters of the Department of Defense in order to most efficiently and effectively provide for special operations forces and capabilities. In fulfilling this purpose, the Council shall develop and continuously improve policy, joint processes, and procedures that facilitate the development, acquisition, integration, employment, and sustainment of special operations forces and capabilities.

“(3) MEMBERSHIP.—The Council shall include the following:

“(A) The Assistant Secretary, who shall act as leader of the Council.

“(B) Appropriate senior representatives of each of the following:

“(i) The Under Secretary of Defense for Research and Engineering.


“(iii) The Under Secretary of Defense (Comptroller).
“(iv) The Under Secretary of Defense for Personnel and Readiness.

“(v) The Under Secretary of Defense for Intelligence.

“(vi) The General Counsel of the Department of Defense.

“(vii) The other Assistant Secretaries of Defense under the Under Secretary of Defense for Policy.

“(viii) The military departments.

“(ix) The Joint Staff.

“(x) The United States Special Operations Command.

“(xi) Such other officials or Agencies, elements, or components of the Department of Defense as the Secretary of Defense considers appropriate.

“(4) OPERATION.—The Council shall operate continuously.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 4 of such title is amended by striking the item relating to section 139b and inserting the following new item:

“139b. Secretariat for Special Operations; Special Operations Policy and Oversight Council.”.
(c) DoD Directive on Responsibilities of ASD

SOLIC.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall publish a Department of Defense directive establishing policy and procedures related to the exercise of authority, direction, and control of all special-operations peculiar administrative matters relating to the organization, training, and equipping of special operations forces by the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict as specified by section 138(b)(2)(A)(i) of title 10, United States Code, as amended by subsection (a)(1).

(2) MATTERS FOR INCLUDING.—The directive required by paragraph (1) shall include the following:

(A) A specification of responsibilities for coordination on matters affecting the organization, training, and equipping of special operations forces.

(B) An identification and specification of updates to applicable documents and instructions of the Department of Defense.
(C) Mechanisms to ensure the inclusion of
the Assistant Secretary in all Departmental
governance forums affecting the organization,
training, and equipping of special operations
forces.

(D) Such other matters as the Secretary
considers appropriate.

(3) APPLICABILITY.— The directive required by
paragraph (1) shall apply throughout the Depart-
ment of Defense to all components of the Depart-
ment of Defense.

(4) LIMITATION ON AVAILABILITY OF CERTAIN
FUNDING PENDING PUBLICATION.—Of the amounts
authorized to be appropriated by this Act for fiscal
year 2021 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 date that is 15 days after the
date on which the Secretary publishes the directive
required by paragraph (1).

SEC. 902. REDESIGNATION AND CODIFICATION IN LAW OF
OFFICE OF ECONOMIC ADJUSTMENT.

(a) REDESIGNATION.—

(1) IN GENERAL.—The Office of Economic Ad-
justment in the Office of the Secretary of Defense
is hereby redesignated as the “Office of Local Defense Community Cooperation”.

(2) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the office referred to in paragraph (1) shall be deemed to be a reference to the “Office of Local Defense Community Cooperation”.

(b) CODIFICATION IN LAW.—

(1) IN GENERAL.—Chapter 4 of title 10, United States Code, is amended by adding at the end the following new section:

“§146. Office of Local Defense Community Cooperation

“(a) IN GENERAL.—There is an Office of Local Defense Community Cooperation in the Office of the Under Secretary of Defense for Acquisition and Sustainment.

“(b) DIRECTOR.—The Office shall be headed by the Director of the Office of Local Defense Community Cooperation, who shall be assigned to such position by the Under Secretary from among civilian employees of the Department of Defense who are qualified to serve in the position.

“(c) FUNCTIONS.—Subject to the authority, direction, and control of the Under Secretary, the Office shall—
“(1) in cooperation with the other components, of the Department of Defense be the primary office within the Department for the provision of assistance to States, counties, municipalities, regions, and communities intended to—

“(A) foster greater cooperation with military installations in order to enhance the military mission, achieve facility and infrastructure savings and reduced operating costs, address encroachment and compatible land use issues, support military families, and increase military, civilian, and industrial readiness and resiliency; and

“(B) address impacts caused by changes in defense programs, including basing decisions, defense industry expansions or contractions, increases or reductions in Federal civilian or contractor personnel, and expansions, realignments, and closures of military installations;

“(2) provide support to the Economic Adjustment Committee within the Executive Office of the President, or any successor interagency coordination body; and

“(3) perform such other functions as the Secretary of Defense may prescribe.
“(d) ANNUAL REPORT TO CONGRESS.—Not later than June 1 each year, the Director of the Office of Local Defense Community Cooperation shall submit to the congressional defense committees a report on the activities of the Office during the preceding year, including the assistance provided pursuant to subsection (c)(1) during such year.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 4 of such title is amended by adding at the end the following new item:

“146. Office of Local Defense Community Cooperation.”.

SEC. 903. MODERNIZATION OF PROCESS USED BY THE DEPARTMENT OF DEFENSE TO IDENTIFY, TASK, AND MANAGE CONGRESSIONAL REPORTING REQUIREMENTS.

(a) ANALYSIS REQUIRED.—The Assistant Secretary of Defense for Legislative Affairs shall conduct an analysis of the process 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 for the purpose of identifying mechanisms to optimize and otherwise modernize the process.
(b) CONSULTATION.—The Assistant Secretary shall conduct the analysis required by subsection (a) with the assistance of and in consultation with the Chief Data Officer of the Department of Defense and the Director of the Defense Digital Service.

(c) ELEMENTS.—The analysis required by subsection (a) shall include the following:

(1) A business process reengineering of the process described in subsection (a).

(2) An assessment of applicable commercially available analytics tools, technologies, and services in connection with such business process reengineering.

(3) Such other actions as the Assistant Secretary considers appropriate for purposes of the analysis.

(d) BRIEFING.—Not later than November 15, 2020, the Assistant Secretary shall brief the congressional defense committees on the results of the analysis required by subsection (a). The briefing shall address the following:

(1) The results of the analysis and of the business process reengineering described in subsection (c)(1).

(2) A description of the actions being taken, and to be taken, to optimize and otherwise improve the process described in subsection (a).
(3) Such recommendations for administrative and legislative action as the Assistant Secretary considers appropriate to facilitate the optimization and improvement of the process described in subsection (a) as a result of the analysis and the business process reengineering.

(4) Such other matters as the Assistant Secretary considers appropriate in connection with the analysis, the business process reengineering and the optimization and improvement of the process described in subsection (a).

SEC. 904. INCLUSION OF VICE CHIEF OF THE NATIONAL GUARD BUREAU AS AN ADVISOR TO THE JOINT REQUIREMENTS OVERSIGHT COUNCIL.

Section 181(d)(3) of title 10, United States Code, is amended—

(1) in the heading, by inserting “AND VICE CHIEF OF THE NATIONAL GUARD BUREAU” after “OF STAFF”; 

(2) by striking “of the Chiefs of Staff” and inserting “of—

“(A) the Chiefs of Staff”; 

(3) by striking the period at the end and inserting “; and”; and

(4) Such other matters as the Assistant Secretary considers appropriate in connection with the analysis, the business process reengineering and the optimization and improvement of the process described in subsection (a).
(4) by adding at the end the following new sub-
paragraph:

“(B) the Vice Chief of the National Guard
Bureau when matters involving non-Federalized
National Guard capabilities in support of home-
land defense or civil support missions are under
consideration by the Council.”.

SEC. 905. ASSIGNMENT OF RESPONSIBILITY FOR THE ARC-
TIC REGION WITHIN THE OFFICE OF THE
SECRETARY OF DEFENSE.

The Assistant Secretary of Defense for International
Security Affairs shall assign responsibility for the Arctic
region to the Deputy Assistant Secretary of Defense for
the Western Hemisphere or any other Deputy Assistant
Secretary of Defense the Secretary of Defense considers
appropriate.

Subtitle B—Department of Defense
Management Reform

SEC. 911. TERMINATION OF POSITION OF CHIEF MANAGE-
MENT OFFICER OF THE DEPARTMENT OF DE-
FENSE.

(a) Termination.—

(1) In general.—The position of Chief Man-
agement Officer of the Department of Defense is
terminated, effective on the date specified by the
Secretary of Defense, which date may not be later
than September 30, 2022.

(2) NOTICE.—The Secretary shall submit to the
Committees on Armed Services of the Senate and
the House of Representatives a notice on the effec-
tive date specified pursuant to paragraph (1).

(b) CONFORMING REPEAL OF ESTABLISHING Au-
THORITY.—

(1) IN GENERAL.—Section 132a of title 10,
United States Code, is repealed.

(2) TABLE OF SECTIONS.—The table of sections
at the beginning of chapter 4 of such title is amend-
ed by striking the item relating to section 132a.

(3) EFFECTIVE DATE.—The amendments made
by this subsection shall take effect on the effective
date specified pursuant to subsection (a)(1).

SEC. 912. REPORT ON ASSIGNMENT OF RESPONSIBILITIES,
DUTIES, AND AUTHORITIES OF CHIEF MAN-
AGEMENT OFFICER TO OTHER OFFICERS OR
EMPLOYEES OF THE DEPARTMENT OF DE-
FENSE.

(a) REPORT.—Not later than 45 days before the ef-
fective date specified pursuant to section 911(a)(1), the
Secretary of Defense shall submit to the Committees on
Armed Services of the Senate and the House of Represent-
atives a report setting forth the following:

(1) The position and title of each officer or em-
ployee of the Department of Defense, and the com-
ponent of such officer or employee, in whom the Sec-
retary will vest responsibility and authority to per-
form responsibilities and duties, and exercise au-
thorities, assigned to the Chief Management Officer
of the Department of Defense, whether by statute or
by directive, instruction, policy, or practice of the
Department of Defense, on the termination of the
position of Chief Management Officer under section
911.

(2) A description of the responsibilities, duties,
and authorities, if any, assigned to the Chief Man-
agement Officer by statute that the Secretary rec-
ommends for discontinuation or modification, and a
justification for such recommendation.

(3) A description of the responsibilities, duties,
and authorities, if any, assigned to the Chief Man-
agement Officer by directive, instruction, policy, or
practice of the Department that the Secretary rec-
ommends for discontinuation or modification, and a
justification for such recommendation.
(4) A description of the general process and timeline for the effective transfer of each responsibility, duty, and authority assigned to the Chief Management Officer by statute or by policy, instruction, or practice of the Department to the officer or employee in whom such responsibility, duty, and authority will be vested as described in paragraph (1).

(5) A description of the manner and timeline in which the resources of the Chief Management Officer, including funding and human capital, will be realigned or repurposed to other organizations in the Office of the Secretary of Defense or to other components of the Department.

(6) A description of the general process and timeline for the assignment of responsibility of each issue under the jurisdiction of the Chief Management Officer current identified by the Comptroller General of the United States as “high risk” to an officer or employee in the Department who is specifically charged by the Secretary to initiate and sustain progress toward resolution of such issue.

(7) Such recommendations (including recommendations for legislative action) as the Secretary considers appropriate for additional authorities and resources (including funding and human capital re-
sources) necessary to ensure that each officer or employee, in whom the Secretary vests responsibility and authority as described in paragraph (1) is capable of exercising such responsibility and authority effectively.

(8) Such other matters in connection with the termination of the position of Chief Management Officer, and the transition of the responsibilities, duties, and authorities of the Chief Management Officer in connection with such termination, as the Secretary considers appropriate.

(b) VESTING OF CERTAIN RESPONSIBILITIES, DUTIES, AND AUTHORITIES IN PARTICULAR OFFICERS.—In setting forth matters under paragraph (1) of subsection (a), the report required by that subsection shall address, in particular, the following:

(1) Vesting of responsibilities, duties, and authorities of the Chief Management Officer in the Deputy Secretary of Defense in the Deputy Secretary’s capacity as the Chief Operating Officer of the Department of Defense for purposes of functions specified in section 1123 of title 31, United States Code.

(2) Vesting of responsibilities, duties, and authorities of the Chief Management Officer in the
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Performance Improvement Officer of the Department of Defense under section 142a of title 10, United States Code (as added by section 913 of this Act), for purposes of functions specified in section 1124 of title 31, United States Code.

(c) OTHER RESPONSIBILITIES, DUTIES AND AUTHORITIES.—In addition to any other responsibilities, duties, and authorities of the Chief Management Officer, the report required by subsection (a) shall specifically address responsibilities, duties, and authorities of the Chief Management Officer with respect to the following:

(1) Establishment of policies for, and the direction and management of, enterprise business operations and shared business services of the Department, as set forth in section 132a(b) of title 10, United States Code, and section 921(b) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (10 U.S.C. 2222 note).

(2) Exercise of authority, direction, and control over the Defense Agencies and Department of Defense Field Activities for shared business services and budget review, assessment, certification, and reporting, as set forth in subsections (b) and (c) of section 132a of title 10, United States Code, and section 192 of that title.
(3) Minimization of duplication of efforts, maximization of efficiency and effectiveness, and establishment of metrics for performance among and for all components of the Department, as set forth in section 132a(b) of title 10, United States Code.

(4) Issuance and maintenance of guidance on covered defense business systems, development and maintenance of the defense business enterprise architecture, exercise of authorities and responsibilities with respect to common enterprise data, leadership of and matters within the Defense Business Council, and service as the appropriate approval official in the case of certain covered defense business systems and programs, as set forth in section 2222 of title 10, United States Code.

(5) The Financial Improvement and Audit Remediation Plan, as set forth in section 240b of title 10, United States Code.

(6) Receipt of audit reports, as set forth in section 240d of title 10, United States Code.

(7) Discharge by the Department of the annual reviews required by section 11319 of title 40, United States Code.

(8) Business transformation efforts of the defense commissary system and the exchange stores


(10) Reviews, reports, and other actions required by sections 924, 925, 926, 927, and 1624 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, to the extent such reviews, reports, and actions have not been completed as of the date of the report under subsection (a).


(12) Relationships with the Chief Management Officers of the military departments, and the development and update of a strategic management plan for the Department, as set forth in section 904 of the National Defense Authorization Act for Fiscal
Year 2008 (Public Law 110–181) and the amendments made by that section.

SEC. 913. PERFORMANCE IMPROVEMENT OFFICER OF THE DEPARTMENT OF DEFENSE.

(a) PERFORMANCE IMPROVEMENT OFFICER.—

(1) IN GENERAL.—Chapter 4 of title 10, United States Code, is amended by inserting after section 142 the following new section:

“§ 142a. Performance Improvement Officer of the Department of Defense

“(a) There is an Performance Improvement Officer of the Department of Defense, who is designated as provided in section 1124(a)(1) of title 31.

“(b) The Performance Improvement Officer shall—

“(1) perform the duties and responsibilities, and exercise the powers set forth in section 1124 of title 31; and

“(2) perform such additional duties and responsibilities, and exercise such other powers, as the Secretary of Defense and the Deputy Secretary of Defense may prescribe.

“(c) Subject to the authority, direction, and control of the Secretary of Defense, the Performance Improvement Officer reports, without intervening authority, directly to the Deputy Secretary of Defense, in the Deputy
Secretary’s role as the Chief Operating Officer of the Department of Defense under section 1123 of title 31.

“(d) The Performance Improvement Officer may communicate views on matters within the responsibility of the Officer directly to the Deputy Secretary of Defense, without obtaining the approval or concurrence of any other officer in the Department of Defense.”.

(2) **CLERICAL AMENDMENT.**—The table of section at the beginning of chapter 4 of such title is amended by inserting after the item relating to section 142 the following new item:

“142a. Performance Improvement Officer of the Department of Defense.”.

(b) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—The amendments made by subsection (a) shall take effect on such date as the Secretary of Defense shall specify for purposes of this section, which date may not be later than one day before the effective date specified by the Secretary pursuant to section 911(a)(1).

(2) **NOTICE.**—The Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a notice on the effective date specified pursuant to paragraph (1).
SEC. 914. ASSIGNMENT OF CERTAIN RESPONSIBILITIES AND DUTIES TO PARTICULAR OFFICERS OF THE DEPARTMENT OF DEFENSE.

(a) CERTAIN RESPONSIBILITIES AND DUTIES OF DEPUTY SECRETARY OF DEFENSE.—

(1) CHIEF OPERATING OFFICER OF THE DEPARTMENT OF DEFENSE.—Section 132 of title 10, United States Code, is amended—

(A) by redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f), respectively; and

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

“(c)(1) In accordance with section 1123 of title 31, the Deputy Secretary performs the duties, has the responsibilities, and exercises the powers of the Chief Operating Officer of the Department of Defense.

“(2) Subject to the authority, direction, and control of the Secretary of Defense, the Deputy Secretary shall supervise the Performance Improvement Officer of the Department of Defense in the Officer’s performance of duties and responsibilities specified in section 142a of this title.”.

(2) DESIGNATION OF PRIORITY DEFENSE BUSINESS SYSTEMS.—Section 2222(h)(5)(B) of such title is amended by striking “the Chief Management Officer of the Department of Defense” and inserting
“the Deputy Secretary of Defense, or such other officer of the Department of Defense as the Secretary or the Deputy Secretary may designate,”.

(b) Periodic Reviews of Defense Agencies and Department of Defense Field Activities in Connection With Business Enterprise Reform.—Section 192(c) of such title is amended—

(1) by redesignating paragraph (3), as redesignated by section 923(a)(1) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1930), as paragraph (4);

(2) by redesignating paragraphs (1) and (2), as added by section 923(a)(2) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, as paragraphs (2) and (3), respectively;

(3) in paragraph (2), as redesignated by paragraph (2) of this subsection—

(A) in subparagraph (A), by striking “the Chief Management Officer of the Department of Defense” and inserting “the Secretary, the Deputy Secretary of Defense, or an officer of the Department of Defense designated by the Secretary or the Deputy Secretary”;

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(B) in subparagraph (B), by striking “the Chief Management Officer” and inserting “the officer conducting such review”; and

(C) in subparagraph (C), by striking “the Chief Management Officer” and inserting “the Secretary”; and

(4) in paragraph (3), as so redesignated, by striking “the Chief Management Officer” each place it appears in subparagraphs (A) and (B) and inserting “the officer conducting such review”.

(c) Responsibility of Under Secretary of Defense (Comptroller) for Financial Improvement and Audit Remediation Plan.—Subsection (a) of section 240b of such title is amended to read as follows:

“(a) In General.—The Under Secretary of Defense (Comptroller) shall, together with such other officers and employees of the Department of Defense as the Secretary of Defense or the Deputy Secretary of Defense may designate, shall maintain a plan to be known as the ‘Financial Improvement and Audit Remediation Plan’.”.

(d) Performance Improvement Officer Functions for Defense Business Systems.—Section 2222 of such title is amended—

(1) in subsection (e)(6)(C), by inserting “and the Performance Improvement Officer of the De-
department of Defense” after “The Director of Cost
Assessment and Program Evaluation”; and

(2) in subsection (f)(2)(B)—

(A) by redesignating clauses (i) through
(iii) as clauses (ii) through (iv), respectively;
and

(B) by inserting before clause (ii), as re-
designated by paragraph (1), the following new
clause (i):

“(i) The Performance Improvement
Officer of the Department of Defense.”.

(e) EFFECTIVE DATE.—The amendments made by
this section shall take effect on the effective date specified
in section 911(a)(1).

SEC. 915. ASSIGNMENT OF RESPONSIBILITIES AND DUTIES
OF CHIEF MANAGEMENT OFFICER TO OFFI-
CERS OR EMPLOYEES OF THE DEPARTMENT
OF DEFENSE TO BE DESIGNATED.

(a) TITLE 10, UNITED STATES CODE.—Title 10,
United States Code, is amended as follows:

(1) In section 240d(d)(1)(A), by striking “the
Chief Management Officer of the Department of De-
fense” and inserting “any other officer or employee
of the Department of Defense that the Secretary of
Defense or the Deputy Secretary of Defense may designate for purposes of this section”.

(2) Section 2222 is amended—

(A) in subsection (e)(2)—

(i) by striking “the Chief Management Officer of the Department of Defense,”;

and

(ii) by striking “and the Chief Management Officer of each of the military departments” and inserting “the Chief Management Officer of each of the military departments, and other appropriate officers or employees of the Department and its components”;

(B) in subsection (e)—

(i) in paragraph (1), by striking “the Chief Management Officer of the Department of Defense” and inserting “such officers or employees of the Department of Defense as the Secretary shall designate”;

(ii) in paragraph (6)—

(I) in subparagraph (A)—

(aa) by striking “The Chief Management Officer of the Department of Defense” and insert-
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(II) in subparagraph (B), by striking “The Chief Management Officer and the Under Secretary of Defense (Comptroller)” and inserting “The Under Secretary of Defense (Comptroller) and such other officers of the Department as the Secretary shall designate”;

(C) in subsection (f)(1), by striking “the Chief Management Office and the Chief Information Office of the Department of Defense” and inserting “the Chief Information Officer of the Department of Defense and such other officers or employees of the Department of Defense as the Secretary may designate”; and

(D) in subsection (g)(2), by striking “the Chief Management Officer of the Department of Defense” each place it appears in subparagraphs (A) and (B)(ii) and inserting “an officer
or employee of the Department of Defense designated by the Secretary”.

(b) TITLE 40, UNITED STATES CODE.—Section 11319(d)(4) of title 40, United States Code, is amended by striking “the Chief Management Officer of the Department of Defense (of any successor to such Officer)” and inserting “the officer of the Department of Defense designated by the Secretary of Defense or the Deputy Secretary of Defense for such purpose”.

(c) PUBLIC LAW 116–92.—Section 631(a) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) is amended by striking “the Chief Management Officer of the Department of Defense” and inserting “such officer of the Department of Defense as the Secretary of Defense or the Deputy Secretary of Defense may designate”.

(d) PUBLIC LAW 115–232.—The John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232) is amended as follows:

(1) In section 921(b)(1) (10 U.S.C. 2222 note)—

(A) in subparagraph (A), by striking “the Chief Management Officer of the Department of Defense” and inserting “such officer or employee of the Department of Defense as the
Secretary of Defense or the Deputy Secretary
of Defense shall designate’’;

(B) in subparagraph (B)—

(i) in the subparagraph heading, by
striking “CMO’’;

(ii) by striking “the Chief Manage-
ment Officer’’ the first place it appears
and inserting “the Secretary shall, acting
through such officer or employee of the
Department as the Secretary or the Dep-
uty Secretary shall designate’’; and

(iii) by striking “by the Chief Man-
agement Officer’’.

(2) In section 922 (10 U.S.C. 2222 note)—

(A) in subsection (a), by striking “The
Chief Management Officer of the Department
of Defense’’ and inserting “An officer or em-
ployee of the Department of Defense designated
by the Secretary of Defense or the Deputy Sec-
retary of Defense’’; and

(B) in subsection (b)—

(i) in paragraph (1)—

(I) in the matter preceding sub-
paragraph (A), by striking “The Chief
Management Officer’’ and inserting
“The officer or employee designated pursuant to subsection (a)”; and

(II) in subparagraph (B), by striking “The Chief Management Officer” and inserting “such officer or employee”; and

(ii) in paragraph (2), by striking “the Chief Management Officer shall take appropriate actions” and inserting “all appropriate actions shall be taken”.

(3) In section 924 (10 U.S.C. 191 note)—

(A) in subsection (a), by striking “the Chief Management Officer of the Department of Defense” in the matter preceding paragraph (1) and inserting “such officer of the Department of Defense as the Secretary or Defense or the Deputy Secretary of Defense shall designate”;

(B) in subsection (b)—

(i) in the matter preceding paragraph (1), by striking “the Chief Management Officer” and inserting “the officer designated pursuant to subsection (a)”; and
(ii) in subparagraph (B), by striking “the Chief Management Officer” and inserting “such officer”; and

(C) in subsection (e)—

(i) by striking “the Chief Management Officer” the first place it appears and inserting “the officer designated pursuant to subsection (a)”; and

(ii) by striking “the Chief Management Officer” the second place it appears and inserting “such officer”.

(4) In section 925(a) (132 Stat. 1932), by striking “the Chief Management Officer of the Department of Defense” in the matter preceding paragraph (1) and inserting “such officer of the Department of Defense as the Secretary or Defense or the Deputy Secretary of Defense shall designate”.

(5) In section 926(a) (132 Stat. 1932), by striking “the Chief Management Officer of the Department of Defense” in the matter preceding paragraph (1) and inserting “such officer of the Department of Defense as the Secretary or Defense or the Deputy Secretary of Defense shall designate”.

(6) In section 927 (132 Stat. 1933)—
(A) in subsection (a), by striking “the Chief Management Officer of the Department of Defense” and inserting “such officer of the Department of Defense as the Secretary or Defense or the Deputy Secretary of Defense shall designate”; and

(B) in subsections (c) and (d), by striking “the Chief Management Officer” each place it appears and inserting “the officer designated pursuant to subsection (a)’’.

(7) In section 1624(a) (10 U.S.C. 2222 note)—

(A) in paragraph (1), by striking “the Chief Management Officer of the Department of Defense” and inserting “such officer of the Department of Defense as the Secretary or Defense or the Deputy Secretary of Defense shall designate”;

(B) by striking “the Chief Management Officer” each place it appears in paragraphs (2), (3), and (4) and inserting “the officer designated pursuant to paragraph (1)”; and

(C) by inserting “and Security” after “for Intelligence” each place it appears.
(e) PUBLIC LAW 114–92.—The National Defense
Authorization Act for Fiscal Year 2016 (Public Law 114–
92) is amended as follows:

(1) In section 217—

(A) in subsection (a), by striking “the
Deputy Chief Management Officer, and the
Chief Information Officer” and inserting “the
Chief Information Officer, and any other officer
of the Department of Defense designated by the
Secretary of Defense or the Deputy Secretary
of Defense for such purpose”; and

(B) in subsections (b), (f)(1)(A)(ii), and
(f)(2)(B), by striking “the Deputy Chief Man-
agement Officer” each place it appears and in-
serting “any officer designated pursuant to sub-
section (a)”.

(2) In section 881(a) (10 U.S.C. 2302 note), by
striking “the Deputy Chief Management Officer,”.

(f) PUBLIC LAW 110–81.—Section 904 of the Na-
tional Defense Authorization Act for Fiscal Year 2008
(Public Law 110–81; 122 Stat. 273)) is amended—

(1) in subsection (b)(4), by striking “the Chief
Management Officer and Deputy Chief Management
Officer of the Department of Defense” and inserting
“such officer of the Department of Defense as the
Secretary of Defense or the Deputy Secretary of Defense shall designate’’; and

(2) in subsection (d)—

(A) in paragraph (1), by striking “the Chief Management Officer of the Department of Defense” and inserting “such officer of the Department of Defense as the Secretary of Defense or the Deputy Secretary of Defense may designate for purposes of this subsection”; and

(B) in paragraph (3), by striking “the Chief Management Officer” and inserting “the officer designated pursuant to paragraph (1)”.

(g) EFFECTIVE DATE.—The amendments made by this section shall take effect on the effective date specified in section 911(a)(1).

SEC. 916. DEFINITION OF ENTERPRISE BUSINESS OPERATIONS FOR TITLE 10, UNITED STATES CODE.

Effective on the effective date specified in section 911(a)(1) of this Act, section 101(e) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(9) ENTERPRISE BUSINESS OPERATIONS.—

The term ‘enterprise business operations’—

“(A) means activities that constitute cross-cutting business operations used by multiple
components of the Department of Defense, but excludes activities that are directly tied to a single military department or Department of Defense component; and

“(B) includes business-support functions designated by the Secretary of Defense or the Deputy Secretary of Defense, including aspects of financial management, healthcare, acquisition and procurement, supply chain and logistics, certain information technology, real property, and human resources operations.”.

SEC. 917. ANNUAL REPORT ON ENTERPRISE BUSINESS OPERATIONS OF THE DEPARTMENT OF DEFENSE.

(a) ANNUAL REPORT REQUIRED.—Not later than March 31 each year, the Secretary of Defense shall submit to Congress a report that includes the following:

(1) Each proposed budget for the enterprise business operations of a Defense Agency or Department of Defense Field Activity for the fiscal year beginning in the year in which such report is submitted.

(2) An identification of each proposed budget described in paragraph (1) that does not achieve re-
required levels of efficiency and effectiveness for enterprise business operations.

(3) A discussion of the actions that the Secretary proposes to take, including recommendations for legislative action that the Secretary considers appropriate, to address inadequate levels of efficiency and effectiveness for enterprise business operations achieved by the proposed budgets described in paragraph (1).

(4) Any additional comments that the Secretary considers appropriate regarding inadequate levels of efficiency and effectiveness for enterprise business operations achieved by the proposed budgets described in paragraph (1).

(b) SUBMITTAL.—The Secretary may submit a report required by subsection (a) through the Deputy Secretary of Defense.

c) ENTERPRISE BUSINESS OPERATIONS DEFINED.—In this section, the term “enterprise business operations” has the meaning given that term in paragraph (9) of section 101(e) of title 10, United States Code (as added by section 916 of this Act).

SEC. 918. CONFORMING AMENDMENTS.

(a) TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:
(1) In section 131(b)—

(A) by striking paragraph (2);

(B) by redesignating paragraphs (3) through (9) as paragraphs (2) through (8), respectively; and

(C) in paragraph (7), as redesignated by subparagraph (B)—

(i) by redesignating subparagraphs (A) through (F) as subparagraphs (B) through (G), respectively; and

(ii) by inserting before subparagraph (B), as redesignated by clause (i), the following new subparagraph (A):

“(A) The Performance Improvement Officer of the Department of Defense.”.

(2) In section 133a(e)—

(A) in paragraph (1), by striking “, the Deputy Secretary of Defense, and the Chief Management Officer of the Department of Defense” and inserting “and the Deputy Secretary of Defense”; and

(B) in paragraph (2), by striking “the Chief Management Officer,”.

(3) In section 133b(e)—
(A) in paragraph (1), by striking “the Chief Management Officer of the Department of Defense,”; and

(B) in paragraph (2), by striking “the Chief Management Officer,”.

(4) In section 137a(d), by striking “the Chief Management Officer of the Department of Defense,”.

(5) In section 138(d), by striking “the Chief Management Officer of the Department of Defense,”.

(6) In section 240b(b)(1)(C)(ii), by striking “, the Chief Management Officer,”.

(b) EXECUTIVE SCHEDULE LEVEL II.—Section 5313 of title 5, United States Code, is amended by striking the item relating to the Chief Management Officer of the Department of Defense.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the effective date specified in section 911(a)(1).
Subtitle C—Space Force Matters

PART I—AMENDMENTS TO INTEGRATE THE

SPACE FORCE INTO LAW

SEC. 931. CLARIFICATION OF SPACE FORCE AND CHIEF OF

SPACE OPERATIONS AUTHORITIES.

(a) COMPOSITION OF SPACE FORCE.—Section 9081

of title 10, United States Code, is amended by striking

subsection (b) and inserting the following new subsection

(b):

“(b) COMPOSITION.—The Space Force consists of—

“(1) the Regular Space Force;

“(2) all persons appointed or enlisted in, or

conscripted into, the Space Force, including those

not assigned to units, necessary to form the basis

for a complete and immediate mobilization for the

national defense in the event of a national emer-

gency; and

“(3) all Space Force units and other Space

Force organizations, including installations and sup-

porting and auxiliary combat, training, administra-

tive, and logistic elements.”.

(b) FUNCTIONS.—Section 9081 of title 10, United

States Code, is further amended—

(1) by striking subsection (c) and inserting the

following new subsection (c):
“(c) FUNCTIONS.—The Space Force shall be organized, trained, and equipped to—

“(1) provide freedom of operation for the United States in, from, and to space;

“(2) conduct space operations; and

“(3) protect the interests of the United States in space.”; and

(2) by striking subsection (d).

(e) CLARIFICATION OF CHIEF OF SPACE OPERATIONS AUTHORITIES.—Section 9082 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “general officers of the Air Force” and inserting “general, flag, or equivalent officers of the Space Force”; and

(B) by adding at the end the following new paragraphs:

“(3) The President may appoint an officer as Chief of Space Operations only if—

“(A) the officer has had significant experience in joint duty assignments; and

“(B) such experience includes at least one full tour of duty in a joint duty assignment (as defined
in section 664(d) of this title) as a general, flag, or
equivalent officer of the Space Force.

“(4) The President may waive paragraph (3) in the
case of an officer if the President determines such action
is necessary in the national interest.”;

(2) in subsection (b), by striking “grade of gen-
eral” and inserting “grade in the Space Force equiv-
alent to the grade of general in the Army, Air Force,
and Marine Corps, or admiral in the Navy”; and

(3) in subsection (d)—

(A) in paragraph (4), by striking “and” at
the end;

(B) by redesignating paragraph (5) as
paragraph (6); and

(C) by inserting after paragraph (4) the
following new paragraph (5):

“(5) perform duties prescribed for the Chief of
Space Operations by sections 171 and 2547 of this
title and other provision of law; and”.

(d) REPEAL OF OFFICER CAREER FIELD FOR
SPACE.—Section 9083 of title 10, United States Code, is
repealed.

(e) REGULAR SPACE FORCE.—Chapter 908 of title
10, United States Code, as amended by subsection (d),
is further amended by adding at the end the following new section 9083:

“§ 9083. Regular Space Force: composition

“(a) IN GENERAL.—The Regular Space Force is the component of the Space Force that consists of persons whose continuous service on active duty in both peace and war is contemplated by law, and of retired members of the Regular Space Force.

“(b) COMPOSITION.—The Regular Space Force includes—

“(1) the officers and enlisted members of the Regular Space Force; and

“(2) the retired officers and enlisted members of the Regular Space Force.”.

(f) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 908 of title 10, United States Code, is amended by striking the item relating to section 9083 and inserting the following new item:

“9083. Regular Space Force: composition.”.

SEC. 932. AMENDMENTS TO DEPARTMENT OF THE AIR FORCE PROVISIONS IN TITLE 10, UNITED STATES CODE.

(a) SUBTITLE.—

(1) HEADING.—The heading of subtitle D of title 10, United States Code, is amended to read as follows:
“Subtitle D—Air Force and Space Force”.

(2) TABLE OF SUBTITLES.—The table of subtitles at the beginning of such title is amended by striking the item relating to subtitle D and inserting the following new item:

“D. Air Force and Space Force .................................................... 9011”.

(b) ORGANIZATION.—

(1) SECRETARY OF THE AIR FORCE.—Section 9013 of title 10, United States Code, is amended—

(A) in subsection (f), by inserting “and officers of the Space Force” after “Officers of the Air Force”; and

(B) in subsection (g)(1), by inserting “, members of the Space Force,” after “members of the Air Force”.

(2) OFFICE OF THE SECRETARY OF THE AIR FORCE.—Section 9014 of such title is amended—

(A) in subsection (b), by striking paragraph (4) and inserting the following new paragraph (4)

“(4) The Inspector General of the Department of the Air Force.”;

(B) in subsection (c)—
(i) in paragraph (1), by striking “and the Air Staff” and inserting “, the Air Staff, and the Office of the Chief of Space Operations”;  

(ii) in paragraph (2), by inserting “or the Office of the Chief of Space Operations” after “the Air Staff”;  

(iii) in paragraph (3), by striking “to the Chief of Staff and to the Air Staff” and all that follows through the end and inserting “to the Chief of Staff of the Air Force and the Air Staff, and to the Chief of Space Operations and the Office of the Chief of Space Operations, and shall ensure that each such office or entity provides the Chief of Staff and Chief of Space Operations such staff support as the Chief concerned considers necessary to perform the Chief’s duties and responsibilities.”; and  

(iv) in paragraph (4)—  

(I) by inserting “and the Office of the Chief of Space Operations” after “the Air Staff”; and
(II) by inserting “and the Chief of Space Operations” after “Chief of Staff”; 

(C) in subsection (d)—

(i) in paragraph (1), by striking “and the Air Staff” and inserting “, the Air Staff, and the Office of the Chief of Space Operations”;

(ii) in paragraph (2), by inserting “and the Office of the Chief of Space Operations” after “the Air Staff”; and

(iii) in paragraph (4), by striking “to the Chief of Staff of the Air Force and to the Air Staff” and all that follows through the end and inserting “to the Chief of Staff of the Air Force and the Air Staff, and to the Chief of Space Operations and the Office of the Chief of Space Operations, and shall ensure that each such office or entity provides the Chief of Staff and Chief of Space Operations such staff support as the Chief concerned considers necessary to perform the Chief’s duties and responsibilities.”; and

(D) in subsection (e)—
(i) by striking “and the Air Staff” and inserting “, the Air Staff, and the Office of the Chief of Space Operations”; and
(ii) by striking “to the other” and inserting “to any of the others”.

(3) Secretary of the Air Force: Successors to Duties.—Section 9017(4) of such title is amended by inserting before the period the following: “of the Air Force and the Chief of Space Operations, in the order prescribed by the Secretary of the Air Force and approved by the Secretary of Defense”.

(4) Inspector General.—Section 9020 of such title is amended—

(A) in subsection (a)—

(i) by inserting “Department of the” after “Inspector General of the”; and
(ii) by inserting “or the general, flag, or equivalent officers of the Space Force” after “general officers of the Air Force”;
(ii) in paragraph (1), by inserting “Department of the” before “Air Force”; and

(iii) in paragraph (2), by striking “or the Chief of Staff” and inserting “, the Chief of Staff, or the Chief of Space Operations”; and

(C) in subsection (e), by inserting “or the Space Force” before “for a tour of duty”.

(5) The Air Staff: Function; Composition.—Section 9031(b)(8) of such title is amended by inserting “or the Space Force” after “of the Air Force”.

(6) Surgeon General: Appointment; Duties.—Section 9036(b) of such title is amended—

(A) in paragraph (1), by striking “Secretary of the Air Force and the Chief of Staff of the Air Force on all health and medical matters of the Air Force” and inserting “Secretary of the Air Force, the Chief of Staff of the Air Force, and the Chief of Space Operations on all health and medical matters of the Air Force and the Space Force”; and

(B) in paragraph (2)—
(i) by inserting “and the Space Force” after “of the Air Force” the first place it appears; and

(ii) by inserting “and members of the Space Force” after “of the Air Force” the second place it appears.

(7) JUDGE ADVOCATE GENERAL, DEPUTY

JUDGE ADVOCATE GENERAL: APPOINTMENT; DUTIES.—Section 9037 of such title is amended—

(A) in subsection (e)(2)(B), by inserting “or the Space Force” after “of the Air Force”;

and

(B) in subsection (f)(1), by striking “the Secretary of the Air Force or the Chief of Staff of the Air Force” and inserting “the Secretary of the Air Force, the Chief of Staff of the Air Force, or the Chief of Space Operations”.

(8) CHIEF OF CHAPLAINS: APPOINTMENT; DUTIES.—Section 9039(a) of such title is amended by striking “in the Air Force” and inserting “for the Air Force and the Space Force”.

(9) PROVISION OF CERTAIN PROFESSIONAL FUNCTIONS FOR THE SPACE FORCE.—Section 9063 of such title is amended—
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(A) in subsections (a) through (i), by striking “in the Air Force” each place it appears and inserting “in the Air Force and the Space Force”; and

(B) in subsection (i), as amended by subparagraph (A), by inserting “or the Space Force” after “members of the Air Force”.

(c) Personnel.—

(1) Gender-free basis for acceptance of original enlistments.—

(A) In General.—Section 9132 of title 10, United States Code, is amended by inserting “or the Regular Space Force” after “Regular Air Force”.

(B) Heading.—The heading of such section 9132 is amended to read as follows:

“§ 9132. Regular Air Force and Regular Space Force: gender-free basis for acceptance of original enlistments”.

(C) Table of Sections.—The table of sections at the beginning of chapter 913 of such title is amended by striking the item relating to section 9132 and inserting the following new item:

“9132. Regular Air Force and Regular Space Force: gender-free basis for acceptance of original enlistments.”.
(2) **REENLISTMENT AFTER SERVICE AS AN OFFICER.**—

(A) **IN GENERAL.**—Section 9138 of such title is amended in subsection (a)—

(i) by inserting “or the Regular Space Force” after “Regular Air Force” both places it appears; and

(ii) by inserting “or the Space Force” after “officer of the Air Force” both places it appears.

(B) **HEADING.**—The heading of such section 9132 is amended to read as follows:

“§ 9132. **Regular Air Force and Regular Space Force: reenlistment after service as an officer**”.

(C) **TABLE OF SECTIONS.**—The table of sections at the beginning of chapter 913 of such title, as amended by paragraph (1)(C), is further by striking the item relating to section 9138 and inserting the following new item:

“9138. **Regular Air Force and Regular Space Force: reenlistment after service as an officer.**”.

(3) **APPOINTMENTS IN THE REGULAR AIR FORCE AND REGULAR SPACE FORCE.**—

(A) **IN GENERAL.**—Section 9160 of such title is amended—
(i) by inserting “or the Regular Space Force” after “Regular Air Force”; and
(ii) by inserting “or the Space Force” before the period.

(B) CHAPTER HEADING.—The heading of chapter 915 of such title is amended to read as follows:

“CHAPTER 915—APPOINTMENTS IN THE REGULAR AIR FORCE AND THE REGULAR SPACE FORCE”.

(C) TABLES OF CHAPTERS.—The table of chapters at the beginning of subtitle D of such title, and at the beginning of part II of subtitle D of such title, are each amended by striking the item relating to chapter 915 and inserting the following new item:

“915. Appointments in the Regular Air Force and the Regular Space Force ........................................... 9151”.

(4) RETIRED COMMISSIONED OFFICERS: STATUS.—Section 9203 of such title is amended by inserting “or the Space Force” after “the Air Force”.

(5) DUTIES: CHAPLAINS; ASSISTANCE REQUIRED OF COMMANDING OFFICERS.—Section 9217(a) of such title is amended by inserting “or the Space Force” after “the Air Force”.
(6) Rank: Commissioned officers serving under temporary appointments.—Section 9222 of such title is amended by inserting “or the Space Force” after “the Air Force” both places it appears.

(7) Requirement of exemplary conduct.—Section 9233 of such title is amended—

(A) in the matter preceding paragraph (1), by inserting “and in the Space Force” after “the Air Force”; and

(B) in paragraphs (3) and (4), by inserting “or the Space Force, respectively” after “the Air Force”.

(8) Enlisted members: Officers not to use as servants.—Section 9239 of such title is amended by inserting “or the Space Force” after “Air Force” both places it appears.

(9) Presentation of United States flag upon retirement.—Section 9251(a) of such title is amended by inserting “or the Space Force” after “member of the Air Force”.

(10) Service credit: Regular enlisted members; service as an officer to be counted as enlisted service.—Section 9252 of such title is amended—
(A) by inserting “or the Regular Space Force” after “Regular Air Force”; and

(B) by inserting “in the Space Force,” after “in the Air Force,”.

(11) WHEN SECRETARY MAY REQUIRE HOSPITALIZATION.—Section 9263 of such title is amended by inserting “or the Space Force” after “member of the Air Force”.

(12) DECORATIONS AND AWARDS.—

(A) IN GENERAL.—Chapter 937 of such title is amended by inserting “or the Space Force” after “the Air Force” each place it appears in the following provisions:

(i) Section 9271.

(ii) Section 9272.

(iii) Section 9273.

(iv) Section 9276.

(v) Section 9281 other than the first place it appears in subsection (a).

(vi) Section 9286(a) other than the first place it appears.

(B) MEDAL OF HONOR; AIR FORCE CROSS;

DISTINGUISHED-SERVICE MEDAL: DELEGATION OF POWER TO AWARD.—Section 9275 of such title is amended by inserting before the period
at the end the following: “, or to an equivalent commander of a separate space force or higher unit in the field”.

(13) **Twenty years or more: regular or reserve commissioned officers.**—Section 9311(a) of such title is amended by inserting “or the Space Force” after “officer of the Air Force”.

(14) **Twenty to thirty years: enlisted members.**—Section 9314 of such title is amended by inserting “or the Space Force” after “member of the Air Force”.

(15) **Thirty years or more: regular enlisted members.**—Section 9317 of such title is amended by inserting “or the Space Force” after “Air Force”.

(16) **Thirty years or more: regular commissioned officers.**—Section 9318 of such title is amended by inserting “or the Space Force” after “Air Force”.

(17) **Forty years or more: air force officers.**—

(A) **In general.**—Section 9324 of such title is amended in subsections (a) and (b) by inserting “or the Space Force” after “Air Force”.

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(B) Heading.—The heading of such section 9324 is amended to read as follows:

“§ 9324. Forty years or more: Air Force officers and Space Force officers”.

(C) Table of Sections Amendment.—

The table of sections at the beginning of chapter 941 of such title is amended by striking the item relating to section 9324 and inserting the following new item:

“9324. Forty years or more: Air Force officers and Space Force officers.”.

(18) Computation of Years of Service:

Voluntary Retirement; Enlisted Members.—

Section 9325(a) of such title is amended by inserting “or the Space Force” after “Air Force”.

(19) Computation of Years of Service:

Voluntary Retirement; Regular and Reserve Commissioned Officers.—

(A) In General.—Section 9326(a) of such title is amended—

(i) in the matter preceding paragraph (1), by inserting “or the Space Force” after “of the Air Force”; and

(ii) in paragraph (1), by striking “or the Air Force” and inserting “, the Air Force, or the Space Force”.
(B) TECHNICAL AMENDMENTS.—Such section 9326(a) is further amended by striking “his” each place it appears and inserting “the officer’s”.

(20) COMPUTATION OF RETIRED PAY: LAW APPLICABLE.—Section 9329 of such title is amended by inserting “or the Space Force” after “Air Force”.

(21) RETIRED GRADE.—

(A) HIGHER GRADE AFTER 30 YEARS OF SERVICE: WARRANT OFFICERS AND ENLISTED MEMBERS.—Section 9344 of such title is amended—

(i) in subsection (a), by inserting “or the Space Force” after “member of the Air Force”; and

(ii) in subsection (b)—

(I) in paragraphs (1) and (3), by inserting “or the Space Force” after “Air Force” each place it appears; and

(II) in paragraph (2), by inserting “or the Regular Space Force” after “Regular Air Force”. 
(B) Restoration to former grade: retired warrant officers and enlisted members.—Section 9345 of such title is amended by inserting “or the Space Force” after “member of the Air Force”.

(C) Retired lists.—Section 9346 of such title is amended—

(i) in subsections (a) and (d), by inserting “or the Regular Space Force” after “Regular Air Force”;

(ii) in subsection (b)(1), by inserting before the semicolon the following: “, or for commissioned officers of the Space Force other than of the Regular Space Force”; and

(iii) in subsections (b)(2) and (c), by inserting “or the Space Force” after “Air Force”.

(22) Recomputation of retired pay to reflect advancement on retired list.—Section 9362(a) of such title is amended by inserting “or the Space Force” after “Air Force”.

(23) Fatality reviews.—Section 9381(a) of such title is amended in paragraphs (1), (2), and (3)
by inserting “or the Space Force” after “Air Force”.

(d) TRAINING.—

(1) MEMBERS OF AIR FORCE: DETAIL AS STUDENTS, OBSERVERS, AND INVESTIGATORS AT EDUCATIONAL INSTITUTIONS, INDUSTRIAL PLANTS, AND HOSPITALS.—

(A) IN GENERAL.—Section 9401 of title 10, United States Code, is amended—

(i) in subsection (a), by inserting “and members of the Space Force” after “members of the Air Force”; 

(ii) in subsection (b), by inserting “or the Regular Space Force” after “Regular Air Force”;

(iii) in subsection (c), by inserting “or Reserve of the Space Force” after “Reserve of the Air Force”;

(iv) in subsection (e), by inserting “or the Space Force” after “Air Force”; and

(v) in subsection (f)—

(I) by inserting “or the Regular Space Force” after “Regular Air Force”; and
(II) by inserting “or the Space Force Reserve” after “the reserve components of the Air Force”.

(B) TECHNICAL AMENDMENTS.—Subsection (c) of such section 9401 is further amended—

(i) by striking “his” and inserting “the Reserve’s”; and

(ii) by striking “he” and inserting “the Reserve”,

(C) HEADING.—The heading of such section 9401 is amended to read as follows:

“§ 9401. Members of Air Force and Space Force: detail as students, observers and investigators at educational institutions, industrial plants, and hospitals”.

(D) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 951 of such title is amended by striking the item relating to section 9401 and inserting the following new item:

“9401. Members of Air Force and Space Force: detail as students, observers, and investigators at educational institutions, industrial plants, and hospitals.”.

(2) ENLISTED MEMBERS OF AIR FORCE: SCHOOLS.—
(A) IN GENERAL.—Section 9402 of such title is amended—

(i) in subsection (a)—

(I) in the first sentence, by inserting “and enlisted members of the Space Force” after “members of the Air Force”; and

(II) in the third sentence, by inserting “and Space Force officers” after “Air Force officers”; and

(ii) in subsection (b), by inserting “or the Space Force” after “Air Force” each place it appears.

(B) HEADING.—The heading of such section 9402 is amended to read as follows:

“§ 9402. Enlisted members Air Force or Space Force: schools”.

(C) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 951 of such title is amended by striking the item relating to section 9402 and inserting the following new item:

“9402. Enlisted members of Air Force or Space Force: schools.”.

(3) SERVICE SCHOOLS: LEAVES OF ABSENCE FOR INSTRUCTORS.—Section 9406 of such title is
amended by inserting “or Space Force” after “Air Force”.

(4) Degree granting authority for United States Air Force Institute of Technology.—Section 9414(d)(1) of such title is amended by inserting “or the Space Force” after “needs of the Air Force”.

(5) United States Air Force Institute of Technology: Administration.—Section 9414b(a)(2) is amended—

(A) by inserting “or the Space Force” after “the Air Force” each place it appears; and

(B) in subparagraph (B), by inserting “or the equivalent grade in the Space Force” after “brigadier general”.

(6) Community college of the Air Force: Associate degrees.—Section 9415 of such title is amended—

(A) in subsection (a) in the matter preceding paragraph (1), by striking “in the Air Force” and inserting “in the Department of the Air Force”; and

(B) in subsection (b)—
(i) in paragraph (1), by inserting “or the Space Force” after “Air Force”;

(ii) in paragraph (2), by striking “other than” and all that follows through the end and inserting “other than the Air Force or the Space Force who are serving as instructors at Department of the Air Force training schools.”; and

(iii) in paragraph (3), by inserting “or the Space Force” after “Air Force”.

(7) Air Force Academy Establishment; Superintendent; Faculty.—Section 9431(a) of such title is amended by striking “Air Force cadets” and inserting “cadets”.

(8) Air Force Academy Superintendent; Faculty: Appointment and Detail.—Section 9433(a) of such title is amended by inserting “or the Space Force” after “Air Force”.

(9) Air Force Academy Permanent Professors; Director of Admissions.—

(A) In General.—Section 9436 of such title is amended—

(i) in subsection (a)—

(I) in the first sentence, by inserting “in the Air Force or the equiv-
alent grade in the Space Force” after “colonel”;

(II) in the second sentence, by inserting “and a permanent professor appointed from the Regular Space Force has the grade equivalent to the grade of colonel in the Regular Air Force” after “grade of colonel”; and

(III) in the third sentence, by inserting “in the Air Force or the equivalent grade in the Space Force” after “lieutenant colonel”; and

(ii) in subsection (b)—

(I) in the first sentence, “in the Air Force or the equivalent grade in the Space Force” after “colonel” each place it appears; and

(II) in the second sentence, by inserting “and a person appointed from the Regular Space Force has the grade equivalent to the grade of colonel in the Regular Air Force” after “grade of colonel”.

(B) TECHNICAL AMENDMENTS.—Subsections (a) and (b) of such section 9436 are
further amended by striking “he” each place it appears and inserting “such person”.

(10) CADETS: APPOINTMENT; NUMBERS, TERRITORIAL DISTRIBUTION.—

(A) IN GENERAL.—Section 9442 of such title is amended—

(i) by striking “Air Force Cadets” each place it appears and inserting “cadets”; and

(ii) in subsection (b)(2), by inserting “or the Regular Space Force” after “Regular Air Force”.

(B) TECHNICAL AMENDMENT.—Subsection (b)(4) of such section 9442 is amended by striking “him” and inserting “the Secretary”.

(11) CADETS: AGREEMENT TO SERVE AS OFFICER.—Section 9448(a) of such title is amended—

(A) in paragraph (2)(A), by inserting “or the Regular Space Force” after “Regular Air Force”; and

(B) in paragraph (3)(A), by inserting before the semicolon the following: “or as a Reserve in the Space Force for service in the Space Force Reserve”.
(12) Cadets: Organization; Service; Instruction.—Section 9449 of such title is amended by striking subsection (d).

(13) Cadets: Hazing.—Section 9452(c) of such title is amended—

(A) by striking “an Air Force cadet” and inserting “a cadet”; and

(B) by striking “or Marine Corps” and inserting “Marine Corps, or Space Force”.

(14) Cadets: Degree and Commission On Graduation.—Section 9453(b) of such title is amended by inserting “or in the equivalent grade in the Regular Space Force” after “Regular Air Force”.

(15) Support of Athletic Programs.—Section 9462(c)(2) of such title is amended by striking “personnel of the Air Force” and inserting “personnel of the Department of the Air Force”.

(16) Schools and Camps: Establishment: Purpose.—Section 9481 of such title is amended—

(A) by inserting “, the Space Force,” after “members of the Air Force,”; and

(B) by inserting “or the Space Force Reserve” after “the Air Force Reserve”.
(17) **SCHOOLS AND CAMPS: OPERATION.**—Section 9482 of such title is amended—

(A) in paragraph (4), by inserting “or the Regular Space Force” after “Regular Air Force”; and

(B) in paragraph (7), in the matter preceding subparagraph (A), by inserting “or Space Force” after “Air Force”.

(e) **SERVICE, SUPPLY, AND PROCUREMENT.**—

(1) **EQUIPMENT: BAKERIES, SCHOOLS, KITCHENS, AND MESS HALLS.**—Section 9536 of title 10, United States Code, is amended in the matter preceding paragraph (1) by inserting “or the Space Force” after “the Air Force”.

(2) **RATIONS.**—Section 9561 of such title is amended—

(A) in subsection (a)—

(i) in the first sentence, by inserting “and the Space Force ration” after “the Air Force ration”; and

(ii) in the second sentence, by inserting “or the Space Force” after “the Air Force”; and

(B) in subsection (b), by inserting “or the Space Force” after “the Air Force”.
(3) CLOTHING.—Section 9562 of such title is amended by inserting “and members of the Space Force” after “the Air Force”.

(4) CLOTHING: REPLACEMENT WHEN DESTROYED TO PREVENT CONTAGION.—Section 9563 of such title is amended by inserting “or the Space Force” after “member of the Air Force”.

(5) COLORS, STANDARDS, AND GUIDONS OF DEMOBILIZED ORGANIZATIONS: DISPOSITION.—Section 9565 of such title is amended—

(A) in subsection (a), in the matter preceding paragraph (1), by inserting “or the Space Force” after “organizations of the Air Force”; and

(B) in subsection (b), by inserting “or the Space Force” after “the Air Force”.

(6) UTILITIES: PROCEEDS FROM OVERSEAS OPERATIONS.—Section 9591 of such title is amended by inserting “or the Space Force” after “the Air Force”.

(7) QUARTERS: HEAT AND LIGHT.—Section 9593 of such title is amended by inserting “and members of the Space Force” after “the Air Force”.
(8) Air Force military history institute:
fee for providing historical information to
the public.—

(A) In general.—Section 9594 of such
title is amended—

(i) in subsections (a) and (d), by in-
serting “Department of the” before “Air
Force Military History” each place it ap-
appears; and

(ii) in subsection (e)(1)—

(I) by inserting “Department of
the” before “Air Force Military His-
tory”; and

(II) by inserting “and the Space
Force” after “materials of the Air
Force”.

(B) Heading.—The heading of such sec-
tion 9594 is amended to read as follows:

“§ 9594. Department of the Air Force Military History
Institute: fee for providing historical in-
formation to the public”.

(C) Table of sections.—The table of
sections at the beginning of chapter 967 of such
title is amended by striking the item relating to
section 9594 and inserting the following new item:

“9594. Department of the Air Force Military History Institute: fee for providing historical information to the public.”

(9) SUBSISTENCE AND OTHER SUPPLIES: MEMBERS OF ARMED FORCES; VETERANS; EXECUTIVE OR MILITARY DEPARTMENTS AND EMPLOYEES; PRICES.—Section 9621 of such title is amended—

(A) in subsection (a)—

(i) in paragraph (1), by inserting “and members of the Space Force” after “the Air Force”; and

(ii) in paragraph (2), by inserting “and officers of the Space Force” after “the Air Force”;

(B) in subsection (b), by inserting “or the Space Force” after “the Air Force”;

(C) in subsection (e), by inserting “or the Space Force” after “the Air Force”;

(D) in subsection (d), by striking “or Marine Corps” and inserting “Marine Corps, or Space Force”;

(E) in subsection (e)—

(i) by inserting “or the Space Force” after “the Air Force” the first place it appears; and
(ii) by inserting “or the Space Force, respectively” after “the Air Force” the second place it appears;

(F) in subsection (f), by inserting “or the Space Force” after “the Air Force”; and

(G) in subsection (h)—

(i) by inserting “or the Space Force” after “the Air Force” the first place it appears; and

(ii) by inserting “or members of the Space Force” after “members of the Air Force”.

(10) RATIONS: COMMISSIONED OFFICERS IN FIELD.—Section 9622 of such title is amended by inserting “and commissioned officers of the Space Force” after “officers of the Air Force”.

(11) MEDICAL SUPPLIES: CIVILIAN EMPLOYEES OF THE AIR FORCE.—Section 9624(a) of such title is amended—

(A) by striking “air base” and inserting “Air Force or Space Force military installation”; and

(B) by striking “Air Force when” and inserting “Department of the Air Force when”.
(12) **Ordnance property: officers of ARMED FORCES; CIVILIAN EMPLOYEES OF AIR FORCE.**—

(A) **IN GENERAL.**—Section 9625 of such title is amended—

(i) in subsection (a), by inserting “or the Space Force” after “officers of the Air Force”; and

(ii) in subsection (b), by striking “the Air Force” and inserting “the Department of the Air Force”.

(B) **HEADING.**—The heading of such section is amended to read as follows:

“§ 9625. **Ordnance property: officers of the armed forces; civilian employees of the Department of the Air Force; American National Red Cross; educational institutions; homes for veterans’ orphans**.”

(C) **TABLE OF SECTIONS.**—The table of sections at the beginning of chapter 969 of such title is amended by striking the item relating to section 9625 and inserting the following new item:

“9625. Ordnance property: officers of the armed forces; civilian employees of the Department of the Air Force; American National Red Cross; educational institutions; homes for veterans’ orphans.”
(13) Supplies: educational institutions.—

Section 9627 of such title is amended—

(A) by inserting “or the Space Force” after “for the Air Force”;

(B) by inserting “or the Space Force” after “officer of the Air Force”; and

(C) by striking “air science and tactics” and inserting “science and tactics”.

(14) Supplies: military instruction camps.—Section 9654 of such title is amended—

(A) by inserting “or Space Force” after “an Air Force”; and

(B) by striking “air science and tactics” and inserting “science and tactics”.

(15) Disposition of effects of deceased persons by summary court-martial.—Section 9712(a)(1) of such title is amended by inserting “or the Space Force” after “the Air Force”.

(16) Acceptance of donations: land for mobilization, training, supply base, or aviation field.—

(A) In general.—Section 9771 of such title is amended in paragraph (2) by inserting “or space mission-related facility” after “aviation field”.

(B) **Heading.**—The heading of such section 9771 is amended to read as follows:

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§ 9771. Acceptance of donations: land for mobilization, training, supply base, aviation field, or space mission-related facility.
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(C) **Table of Sections.**—The table of sections at the beginning of chapter 979 of such title is amended by striking the item relating to section 9771 and inserting the following new item:

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9771. Acceptance of donations: land for mobilization, training, supply base, aviation field, or space mission-related facility.
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(17) **Acquisition and Construction: Air Bases and Depots.**—

(A) **In General.**—Section 9773 of such title is amended—

(i) in subsection (a)—

(I) by striking “permanent air bases” and inserting “permanent Air Force and Space Force military installations”;

(II) by striking “existing air bases” and inserting “existing installations”; and
(III) by inserting “or the Space Force” after “training of the Air Force”;

(ii) in subsections (b) and (c), by striking “air bases” each place it appears and inserting “installations”;

(iii) in subsection (b)(7), by inserting “or Space Force” after “Air Force”;

(iv) in subsection (e)—

(I) in paragraph (1), by inserting “or Space Force” after “Air Force”;

and

(II) in paragraphs (3) and (4), by inserting “or the Space Force” after “the Air Force” both places it appears; and

(v) in subsection (f), by striking “air base” and inserting “installation”.

(B) Heading.—The heading of such section 9773 is amended to read as follows:

“§9773. Acquisition and construction: installations and depots”.

(C) Table of Sections.—The table of sections at the beginning of chapter 979 of such title is amended by striking the item relating to
section 9773 and inserting the following new item:

“9773. Acquisition and construction: installations and depots.”.

(18) EMERGENCY CONSTRUCTION: FORTIFICATIONS.—Section 9776 of such title is amended by striking “air base” and inserting “installation”.

(19) USE OF PUBLIC PROPERTY.—Section 9779 of such title is amended—

(A) in subsection (a), by inserting “or the Space Force” after “economy of the Air Force”; and

(B) in subsection (b), by inserting “or the Space Force” after “support of the Air Force”.

(20) DISPOSITION OF REAL PROPERTY AT MISSILE SITES.—Section 9781(a)(2) of such title is amended—

(A) in the matter preceding subparagraph (A), by striking “Air Force” and inserting “Department of the Air Force”; and

(B) in subparagraph (A), by striking “Air Force” the first two places it appears and inserting “Department of the Air Force”; and

(C) in subparagraph (C), by striking “Air Force” and inserting “Department of the Air Force”.
(21) MAINTENANCE AND REPAIR OF REAL PROPERTY.—Section 9782 of such title is amended in subsections (c) and (d) by inserting “or the Space Force” after “the Air Force” both places it appears.

(22) SETTLEMENT OF ACCOUNTS: REMISSION OR CANCELLATION OF INDEBTEDNESS OF MEMBERS.—Section 9837(a) of such title is amended by inserting “or the Space Force” after “member of the Air Force”.

(23) FINAL SETTLEMENT OF OFFICER’S ACCOUNTS.—

(A) IN GENERAL.—Section 9840 of such title is amended by inserting “or the Space Force” after “Air Force”.

(B) TECHNICAL AMENDMENTS.—Such section 9840 is further amended—

(i) by striking “he” each place it appears and inserting “the officer”; and

(ii) by striking “his” each place it appears and inserting “the officer’s”.

(24) PAYMENT OF SMALL AMOUNTS TO PUBLIC CREDITORS.—Section 9841 of such title is amended by inserting “or Space Force” after “official of Air Force”.

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(25) **Settlement of accounts of line officers.**—Section 9842 of such title is amended by inserting “or the Space Force” after “Air Force”.

(f) **Service of incumbents in certain positions without reappointment.**—

(1) **In general.**—The individual serving in a position under a provision of law specified in paragraph (2) as of the date of the enactment of this Act may continue to serve in such position after that date without further appointment as otherwise provided by such provision of law, notwithstanding the amendment of such provision of law by subsection (b).

(2) **Provisions of law.**—The provisions of law specified in this paragraph are the provisions of title 10, United States Code, as follows:

(A) Section 9020, relating to the Inspector General of the Department of the Air Force.

(B) Section 9036, relating to the Surgeon General of the Air Force.

(C) Section 9037(a), relating to the Judge Advocate General of the Air Force.

(D) Section 9037(d), relating to the Deputy Judge Advocate General of the Air Force.
(E) Section 9039, relating to the Chief of
Chaplains for the Air Force and the Space
Force.

SEC. 933. AMENDMENTS TO OTHER PROVISIONS OF TITLE
10, UNITED STATES CODE.

(a) DEFINITIONS.—Section 101(b)(13) of title 10,
United States Code, is amended in paragraph (13), by
striking “or Marine Corps” and inserting “Marine Corps,
or Space Force”.

(b) OTHER PROVISIONS OF SUBTITLE A.—

(1) SPACE FORCE I.—Subtitle A of title 10,
United States Code, as amended by subsection (a),
is further amended by striking “and Marine Corps”
each place it appears and inserting “Marine Corps,
and Space Force” in the following provisions:

(A) Section 116(a)(1) in the matter pre-
ceeding subparagraph (A).

(B) Section 533(a)(2).

(C) Section 646.

(D) Section 661(a).

(E) Section 712(a).

(F) Section 717(c)(1).

(G) Subsections (e) and (d) of section 741.

(H) Section 743.

(I) Section 1111(b)(4).
(J) Subsections (a)(2)(A) and (e)(2)(A)(ii) of section 1143.

(K) Section 1174(j).

(L) Section 1463(a)(1).

(M) Section 1566.

(N) Section 2217(e)(2).

(O) Section 2259(a).

(P) Section 2640(j).

(2) SPACE FORCE II.—

(A) IN GENERAL.—Such subtitle is further amended by striking “Marine Corps,” each place it appears and inserting “Marine Corps, Space Force,” in the following provisions:

(i) Section 123(a).

(ii) Section 172(a).

(iii) Section 518.

(iv) Section 747.

(v) Section 749.

(vi) Section 1552(e)(1).

(vii) Section 2632(e)(2)(A).

(viii) Section 2686(a).

(ix) Section 2733(a).

(B) HEADING.—The heading of section 747 of such title is amended to read as follows:

(C) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 43 of such title is amended by striking the item relating to section 747 and inserting the following new item:


(3) SPACE FORCE III.—Such subtitle is further amended by striking “or Marine Corps” each place it appears and inserting “Marine Corps, or Space Force” in the following provisions:

(A) Section 125(b).
(B) Section 541(a).
(C) Section 601(a).
(D) Section 603(a).
(E) Section 619(a).
(F) Section 619a(a).
(G) Section 624(c).
(H) Section 625(b).
(I) Subsections (a) and (d) of section 631.
(J) Section 632(a).
(K) Section 637(a)(2).
(L) Section 638(a).
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1 (M) Section 741(d).
2 (N) Section 771.
3 (O) Section 772.
4 (P) Section 773.
5 (Q) Section 1123.
6 (R) Section 1143(d).
7 (S) Section 1174(a)(2).
8 (T) Section 1251(a).
9 (U) Section 1252(a).
10 (V) Section 1253(a).
11 (W) Section 1375.
12 (X) Section 1413a(h).
13 (Y) Section 1551.
14 (Z) Section 1561(a).
16 (BB) Section 2102(a).
17 (CC) Section 2103a(a)(2).
18 (DD) Section 2104(b)(5).
19 (EE) Section 2107.
20 (FF) Section 2421.
21 (GG) Section 2631(a).
22 (HH) Section 2787(a).

(4) REGULAR SPACE FORCE I.—Such subtitle is further amended by striking “or Regular Marine Corps” each place it appears and inserting “Regular
Marine Corps, or Regular Space Force” in the following provisions:

(A) Section 531(c).

(B) Section 532(a) in the matter preceding paragraph (1).

(C) Subsections (a)(1), (b)(1), and (f) of section 533.

(D) Section 633(a).

(E) Section 634(a).

(F) Section 635.

(G) Section 636(a).

(H) Section 647(c).

(I) Section 688(b)(1).

(J) Section 1181.

(5) REGULAR SPACE FORCE II.—Such subtitle is further amended by striking “Regular Marine Corps,” each place it appears and inserting “Regular Marine Corps, Regular Space Force,” in the following provisions:

(A) Section 505.

(B) Section 506.

(C) Section 508.

(6) TRANSFER, ETC. OF FUNCTIONS, POWERS, AND DUTIES.—Section 125(b) of such title, as amended by paragraph (3)(A), is further amended
by striking “or 9062(c)” and inserting “9062(c), or 9081”.

(7) JOINT STAFF MATTERS.—

(A) APPOINTMENT OF CHAIRMAN; GRADE AND RANK.—Section 152 of such title is amended—

(i) in subsection (b)(1)(C), by striking “or the Commandant of the Marine Corps” and inserting “the Commandant of the Marine Corps, or the Chief of Space Operations”; and

(ii) in subsection (c), by striking “or, in the case of the Navy, admiral” and inserting “, in the case of the Navy, admiral, or, in the case of an officer of the Space Force, the equivalent grade,”.

(B) INCLUSION OF SPACE FORCE ON JOINT STAFF.—Section 155(a) of such title is amended—

(i) in paragraph (2) by inserting “the Space Force and” before “the Coast Guard”;

(ii) by redesignating paragraph (3) as paragraph (4); and
(iii) by inserting after paragraph (2)
the following new paragraph (3):

“(3) Officers of the Space Force assigned to serve
on the Joint Staff shall be selected by the Chairman in
a number that, to the extent practicable, bears the same
proportion to the numbers of officers of the armed forces
selected under paragraph (2) as the number of Regular
members of the Space Force bears to the number of Reg-
ular members of the armed forces specified in that para-
graph (with the Navy and the Marine Corps treated as
a single armed force for purposes of this paragraph).”.

(8) ARMED FORCES POLICY COUNCIL.—Section
171(a) of such title is amended—

(A) in paragraph (15), by striking “and”;
(B) in paragraph (16), by striking the pe-
riod and inserting “; and”; and
(C) by adding at the end the following new
paragraph:

“(17) the Chief of Space Operations.”.

(9) JOINT REQUIREMENTS OVERSIGHT COUN-
CIL.—Section 181(c)(1) of such title is amended by
adding at the end the following new subparagraph:

“(F) A Space Force officer in the grade
equivalent to the grade of general in the Army,
Air Force, or Marine Corps, or admiral in the Navy.”.

(10) UNFUNDED PRIORITIES.—Section 222a(b) of such title is amended—

(A) by redesignating paragraph (5) as paragraph (6); and

(B) by inserting after paragraph (4) the following new paragraph:

“(5) The Chief of Space Operations.”.

(11) THEATER SECURITY COOPERATION EXPENSES.—Section 312(b)(3) of such title is amended by inserting “the Chief of Space Operations,” after “the Commandant of the Marine Corps,”.

(12) WESTERN HEMISPHERE INSTITUTE.—Section 343(e)(1)(E) of such title is amended by inserting “or Space Force” after “for the Air Force”.

(13) ORIGINAL APPOINTMENTS OF COMMISSIONED OFFICERS.—Section 531(a) of such title is amended—

(A) in paragraph (1), by striking “and in the grades of ensign, lieutenant (junior grade), and lieutenant in the Regular Navy” and inserting “in the grades of ensign, lieutenant (junior grade), and lieutenant in the Regular
Navy, and in the equivalent grades in the Regular Space Force”; and

(B) in paragraph (2), by striking “and in the grades of lieutenant commander, commander, and captain in the Regular Navy” and inserting “in the grades of lieutenant commander, commander, and captain in the Regular Navy, and in the equivalent grades in the Regular Space Force”.

(14) Service credit upon original appointment as a commissioned officer.—Section 533(b)(2) of such title is amended by striking “or captain in the Navy” and inserting “, captain in the Navy, or an equivalent grade in the Space Force”.

(15) Senior joint officer positions: recommendations to the Secretary of defense.—Section 604(a)(1)(A) of such title is amended by inserting “and the name of at least one Space Force officer” after “Air Force officer”.

(16) Force shaping authority.—Section 647(a)(2) of such title is amended by striking “of that armed force”.

(17) Members: required service.—Section 651(b) of such title is amended by striking “of his armed force”.
(18) Career flexibility to enhance retention of members.—Section 710(c)(1) of such title is amended by striking “the armed force concerned” and inserting “an armed force”.

(19) Senior members of military staff committee of United Nations.—Section 711 of such title is amended by inserting “or the Space Force” after “Air Force”.

(20) Rank: Chief of Space Operations.—

(A) In general.—Section 743 of such title is amended by striking “and the Commandant of the Marine Corps” and inserting “the Commandant of the Marine Corps, and the Chief of Space Operations”.

(B) Heading.—The heading of such section 743 is amended to read as follows:

“§ 743. Rank: Chief of Staff of the Army; Chief of Naval Operations; Chief of Staff of the Air Force; Commandant of the Marine Corps; Chief of Space Operations”.

(C) Table of sections.—The table of sections at the beginning of chapter 43 of such title is amended by striking the item relating to section 743 and inserting the following new item:
“743. Rank: Chief of Staff of the Army; Chief of Naval Operations; Chief of Staff of the Air Force; Commandant of the Marine Corps; Chief of Space Operations.”

(21) UNIFORM CODE OF MILITARY JUSTICE.—

Chapter 47 of such title (the Uniform Code of Military Justice) is amended—

(A) in section 822(a)(7) (article 22(a)(7)),

by striking “Marine Corps” and inserting “Marine Corps, or the commanding officer of a corresponding unit of the Space Force”;

(B) in section 823(a) (article 23(a))—

(i) in paragraph (2)—

(I) by striking “Air Force base” and inserting “Air Force or Space Force military installation”; and

(II) by striking “or the Air Force” and inserting “the Air Force, or the Space Force”; and

(ii) in paragraph (4), by inserting “or a corresponding unit of the Space Force” after “Air Force”; and

(C) in section 824(a)(3) (article 24(a)(3)),

by inserting “or a corresponding unit of the Space Force” after “Air Force”.

(22) SERVICE AS CADET OR MIDSHIPMAN NOT COUNTED FOR LENGTH OF SERVICE.—Section 971(b)(2) of such title is amended by striking “or
Air Force” and inserting “, Air Force, or Space Force”.

(23) REFERRAL BONUS.—Section 1030(h)(3) of such title is amended by inserting “and the Space Force” after “concerning the Air Force”.

(24) RETURN TO ACTIVE DUTY FROM TEMPORARY DISABILITY.—Section 1211(a) of such title is amended—

(A) in the matter preceding paragraph (1), by striking “or the Air Force” and inserting “, the Air Force, or the Space Force”; and

(B) in paragraph (6)—

(i) by striking “or the Air Force, who” and inserting “the Air Force, or the Space Force who”; and

(ii) by striking “or the Air Force, as” and inserting “the Air Force, or the Space Force, as”.

(25) YEARS OF SERVICE.—Section 1405(c) of such title is amended by striking “or Air Force” and inserting “, Air Force, or Space Force”.

(26) RETIRED PAY BASE FOR PERSONS WHO BECAME MEMBERS BEFORE SEPTEMBER 8, 1980.— Section 1406 of such title is amended—
(A) in the heading of subsection (e), by inserting “AND SPACE FORCE” after “AIR FORCE”; and

(B) in subsection (i)(3)—

(i) in subparagraph (A)—

(I) by redesignating clause (v) as clause (vi); and

(II) by inserting after clause (iv) the following new clause (v):

“(v) Chief of Space Operations.”; and

(ii) in subparagraph (B)—

(I) by redesignating clause (v) as clause (vi); and

(II) by inserting after clause (iv) the following new clause (v):

“(v) The senior enlisted advisor of the Space Force.”.

(27) SPECIAL REQUIREMENTS FOR MILITARY PERSONNEL IN THE ACQUISITION FIELD.—

(A) IN GENERAL.—Section 1722a(a) of such title is amended by striking “and the Commandant of the Marine Corps (with respect to the Army, Navy, Air Force, and Marine Corps, respectively)” and inserting “, the Commandant of the Marine Corps, and the Chief of
Space Operations (with respect to the Army, Navy, Air Force, Marine Corps, and Space Force, respectively).”

(B) Clarifying Amendment.—Such section 1722a(a) is further amended by striking “the Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “the Under Secretary of Defense for Acquisition and Sustainment”.

(28) Senior Military Acquisition Advisors.—Section 1725(e)(1)(C) of such title is amended by inserting “and Space Force” before the period.

(29) Military Family Readiness Council.—Section 1781a(b)(1) of such title is amended by striking “Marine Corps, and Air Force” each place it appears and inserting “Air Force, Marine Corps, and Space Force”.

(30) Financial Assistance Program for Specially Selected Members.—Section 2107 of such title is amended—

(A) in subsection (a)—

(i) by striking “or as a” and inserting “, as a”; and
(ii) by inserting “or as an officer in
the equivalent grade in the Space Force”
after “Marine Corps,”;

(B) in subsection (b)—

(i) in paragraph (3), by striking “the
reserve component of the armed force in
which he is appointed as a cadet or mid-
shipman” and inserting “the reserve com-
ponent of an armed force”; and

(ii) in paragraph (5), by striking “re-
serve component of that armed force” each
place it appears and inserting “reserve
component of an armed force”; and

(C) in subsection (d), by striking “second
lieutenant or ensign” and inserting “second
lieutenant, ensign, or an equivalent grade in the
Space Force”.

(31) SPACE RAPID CAPABILITIES OFFICE.—Sec-
tion 2273a(d) of such title is amended by striking
paragraph (3).

(32) ACQUISITION-RELATED FUNCTIONS OF
CHIEFS OF THE ARMED FORCES.—Section 2547(a)
of such title is amended by striking “and the Com-
mandant of the Marine Corps” and inserting “the
Commandant of the Marine Corps, and the Chief of
Space Operations”.

(33) AGREEMENTS RELATED TO MILITARY
TRAINING, TESTING, AND OPERATIONS.—Section
2684a(i) of such title is amended by inserting
“Space Force,” before “or Defense-wide activities”
each place it appears.

(c) PROVISIONS OF SUBTITLE B.—

(1) IN GENERAL.—Subtitle B of title 10,
United States Code, is amended by striking “or Ma-
rine Corps” each place it appears and inserting
“Marine Corps, or Space Force” in the following
provisions:

(A) Section 7452(c).

(B) Section 7621(d).

(2) COMPUTATION OF YEARS OF SERVICE.—
Section 7326(a)(1) of such title is amended by strik-
ing “or the Air Force” and inserting “, the Air
Force, or the Space Force”.

(d) PROVISIONS OF SUBTITLE C.—

(1) CADETS; HAZING.—Section 8464(f) of title
10, United States Code, is amended by striking “or
Marine Corps” and inserting “Marine Corps, or
Space Force”.

(2) SALES PRICES.—
(A) IN GENERAL.—Section 8802 of such title is amended by striking “or the Air Force” and inserting “, the Air Force, or the Space Force”.

(B) HEADING.—The heading of such section 8802 is amended to read as follows:

“§ 8802. Sales: members of Army, Air Force, and Space Force; prices”.

(C) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 879 of such title is amended by striking the item relating to section 8802 and inserting the following new item:

“8802. Sales: members of Army, Air Force, and Space Force; prices.”.

(3) SALES TO CERTAIN VETERANS.—Section 8803 of such title is amended by striking “or the Marine Corps” and inserting “the Marine Corps, or the Space Force”.

(4) SUBSISTENCE AND OTHER SUPPLIES.—Section 8806(d) of such title is amended by striking “or Air Force or Marine Corps” and inserting “, Air Force, Marine Corps, or Space Force”.

(5) SCOPE OF CHAPTER ON PRIZE.—Section 8851(a) of such title is amended by striking “or the Air Force” and inserting “, the Air Force, or the Space Force”.

SEC. 934. AMENDMENTS TO PROVISIONS OF LAW RELATING TO PAY AND ALLOWANCES.

(a) DEFINITIONS.—Section 101 of title 37, United States Code, is amended—

(1) in paragraphs (3) and (4), by inserting “Space Force,” after “Marine Corps,” each place it appears; and

(2) in paragraph (5)(C), by inserting “and the Space Force” after “Air Force”.

(b) BASIC PAY RATES.—


(2) ENLISTED MEMBERS.—Footnote 2 of the table titled “ENLISTED MEMBERS” in section 601(c) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 37 U.S.C. 1009 note) is amended by inserting after “Sergeant Major of the Marine Corps,” the following: “the senior enlisted advisor of the Space Force,”.
(c) **Pay Grades: Assignment to; General Rules.**—Section 201(a) of title 37, United States Code, is amended—

1. (1) by striking “(a) For the purpose” and inserting “(a)(1) Subject to paragraph (2), for the purpose”; and

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

   “(2) For the purpose of computing their basic pay, commissioned officers of the Space Force are assigned to the pay grades in the table in paragraph (1) by grade or rank in the Air Force that is equivalent to the grade or rank in which such officers are serving in the Space Force.”.

(d) **Pay of Senior Enlisted Members.**—Section 210(e) of title 37, United States Code, is amended—

1. (1) by redesignating paragraph (5) as paragraph (6); and

2. (2) by inserting after paragraph (4) the following new paragraph (5):

   “(5) The senior enlisted advisor of the Space Force.”.

(e) **Allowances Other Than Travel and Transportation Allowances.**—
(1) Personal Money Allowance.—Section 414 of title 37, United States Code, is amended—

(A) in subsection (a)(5), by inserting “Chief of Space Operations,” after “Commandant of the Marines Corps,”; and

(B) in subsection (b), by inserting “the senior enlisted advisor of the Space Force,” after “the Sergeant Major of the Marine Corps.”

(2) Clothing Allowance: Enlisted Members.—Section 418(d) of such title is amended—

(A) in paragraph (1), by striking “or Marine Corps” and inserting “Marine Corps, or Space Force”; and

(B) in paragraph (4), by striking “or the Marine Corps” and inserting “the Marine Corps, or the Space Force”.

(f) Travel and Transportation Allowances: Parking Expenses.—Section 481i(b) of title 37, United States Code, is amended by striking “or Marine Corps” and inserting “Marine Corps, or Space Force”.

(g) Leave.—

(1) Addition of Space Force.—Chapter 9 of title 37, United States Code, is amended by insert-
ing “Space Force,” after “Marines Corps,” each place it appears in the following provisions:

(A) Subsections (b)(1) and (e)(1) of section 501.

(B) Section 502(a).

(C) Section 503(a).

(2) ADDITION OF REGULAR SPACE FORCE.—Section 501(b)(5)(C) of such title is amended by striking “or Regular Marine Corps” and inserting “Regular Marine Corps, or Regular Space Force”.

(3) TECHNICAL AMENDMENTS.—Chapter 9 of such title is further amended as follows:

(A) In section 501(b)(1)—

(i) by striking “his” each place it appears and inserting “the member’s”; and

(ii) by striking “he” and inserting “the member”.

(B) In section 502—

(i) by striking “his designated representative” each place it appears and inserting “the Secretary’s designated representative”; 

(ii) in subsection (a), by striking “he” each place it appears and inserting “the member”; and
(iii) in subsection (b), by striking “his” and inserting “the member’s”.

(h) ALLOTMENT AND ASSIGNMENT OF PAY.—

(1) IN GENERAL.—Subsections (a), (c), and (d) of section 701 of title 37, United States Code, are each amended by striking “or Marine Corps” and inserting “Marine Corps, or Space Force”.

(2) TECHNICAL AMENDMENTS.—Such section 701 is further amended—

(A) in subsection (a), by striking “his” and inserting “the officer’s”;

(B) in subsection (b), by striking “his” and inserting “the person’s”; and

(C) in subsection (e), by striking “his pay, and if he does so” and inserting “the member’s pay, and if the member does so”.

(3) HEADING.—The heading of such section 701 is amended to read as follows:

“§ 701. Members of the Army, Navy, Air Force, Marine Corps, and Space Force; contract surgeons”.

(4) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 13 of such title is amended by striking the item relating to section 701 and inserting the following new item:
(i) **Forfeiture of Pay.—**

(1) **Forfeiture for Absence for Intemperate Use of Alcohol or Drugs.—**

(A) In general.—Section 802 of title 37, United States Code, is amended by striking “or Marine Corps” and inserting “Marine Corps, or Space Force”.

(B) Technical amendments.—Such section 802 is further amended by striking “his” each place it appears and inserting “the member’s”.

(2) **Forfeiture When Dropped from Rolls.—**

(A) In general.—Section 803 of such title is amended by striking “or the Air Force” and inserting “, the Air Force, or the Space Force”.

(B) Heading.—The heading of such section 803 is amended to read as follows:

“§ 803. Commissioned officers of the Army, Air Force, or Space Force: forfeiture of pay when dropped from rolls”.

(C) Table of sections.—The table of sections at the beginning of chapter 15 of such
title is amended by striking the item relating to
section 803 and inserting the following new
item:

“803. Commissioned officers of the Army, Air Force, or Space Force: forfeiture of pay when dropped from rolls.”.

(j) Effect on Pay of Extension of Enlistment.—Section 906 of title 37, United States Code, is amended by inserting “Space Force,” after “Marine Corps,”.

(k) Administration of Pay.—

(1) Prompt payment required.—

(A) In general.—Section 1005 of title 37, United States Code, is amended by striking “and of the Air Force” and inserting “, the Air Force, and the Space Force”.

(B) Heading.—The heading of such section 1005 is amended to read as follows:


(C) Table of sections.—The table of sections at the beginning of chapter 15 of such title is amended by striking the item relating to section 803 and inserting the following new item:


(2) Deductions from pay.—
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(A) IN GENERAL.—Section 1007 of such title is amended—

(i) in subsections (b), (d), (f), and (g), by striking “or the Air Force” and inserting “, the Air Force, or the Space Force”;

and

(ii) in subsection (e), by striking “or Marine Corps” and inserting “Marine Corps, or Space Force”.

(B) TECHNICAL AMENDMENTS.—Such section 1007 is further amended—

(i) in subsection (b), by striking “him” and inserting “the member”;

(ii) in subsection (d), by striking “his” each place it appears and inserting “the member’s”; and

(iii) in subsection (f)—

(I) by striking “his” and inserting “the officer’s”; and

(II) by striking “he” both places it appears and inserting “the officer”.

SEC. 935. AMENDMENTS RELATING TO PROVISIONS OF LAW ON VETERANS’ BENEFITS.

(a) ADDITION OF SPACE SERVICE TO REFERENCES TO MILITARY, NAVAL, OR AIR SERVICE.—Title 38, United
States Code, is amended by striking “or air service” and inserting “air, or space service” each place it appears in the following provisions:

(1) Paragraphs (2), (5), (12), (16), (17), (18), (24), and (32) of section 101.

(2) Section 105(a).

(3) Section 106(b).

(4) Section 701.

(5) Paragraphs (1) and (2)(A) of section 1101.

(6) Section 1103.

(7) Section 1110.

(8) Subsections (b)(1) and (c)(1) of section 1112.

(9) Section 1113(b).

(10) Section 1131.

(11) Section 1132.

(12) Section 1133.

(13) Section 1137.

(14) Section 1141.

(15) Section 1153.

(16) Section 1301.

(17) Subsections (a) and (b) of section 1302.

(18) Section 1310(b).

(19) Section 1521(j).

(20) Section 1541(h).
(21) Subsections (a)(2)(B) and (e)(3) of section 1710.

(22) Section 1712(a).

(23) Section 1712A(e).

(24) Section 1717(d)(1).

(25) Subsections (b) and (e) of section 1720A.

(26) Section 1720D(e)(3).

(27) Section 1720E(a).

(28) Section 1720G(a)(2)(B).

(29) Subsections (b)(2), (e)(1), and (e)(4) of section 1720I.

(30) Section 1781(a)(3).

(31) Section 1783(b)(1).

(32) Section 1922(a).

(33) Section 2002(b)(1).

(34) Section 2101A(a)(1).

(35) Subsections (a)(1)(C) and (d) of section 2301.

(36) Section 2302(a).

(37) Section 2303(b)(2).

(38) Subsections (b)(4)(A) and (g)(2) of section 2306.

(39) Section 2402(a)(1).

(40) Section 3018B(a).

(41) Section 3102(a)(1)(A)(ii).
(42) Subsections (a) and (b)(2)(A) of section 3103.

(43) Section 3113(a).

(44) Section 3501(a).

(45) Section 3512(b)(1)(B)(iii).

(46) Section 3679(c)(2)(A).

(47) Section 3701(b)(2).

(48) Section 3712(e)(2).

(49) Section 3729(c)(1).

(50) Subparagraphs (A) and (B) of section 3901(1).

(51) Subsections (c)(1)(A) and (d)(2)(B) of section 5103A.

(52) Section 5110(j).

(53) Section 5111(a)(2)(A).

(54) Section 5113(b)(3)(C).

(55) Section 5303(e).

(56) Section 6104(c).

(57) Section 6105(a).

(58) Subsections (a)(1) and (b)(3) of section 6301.

(59) Section 6303(b).

(60) Section 6304(b)(1).

(61) Section 8301.

(b) DEFINITIONS.—
(1) ARMED FORCES.—Paragraph (10) of section 101 of title 38, United States Code, is amended by inserting “Space Force,” after “Air Force,”.

(2) SECRETARY CONCERNED.—Paragraph (25)(C) of such section is amended by inserting “or the Space Force” before the semicolon.

(3) SPACE FORCE RESERVE.—Paragraph (27) of such section is amended—

   (A) by redesignating subparagraphs (E) through (G) as subparagraphs (F) through (H), respectively; and

   (B) by inserting after subparagraph (D) the following new subparagraph (E):

   “(E) the Space Force Reserve;”.

(c) PLACEMENT OF EMPLOYEES IN MILITARY INSTALLATIONS.—Section 701 of title 38, United States Code, is amended by striking “and Air Force” and inserting “Air Force, and Space Force”.

(d) CONSIDERATION TO BE ACCORDED TIME, PLACE, AND CIRCUMSTANCES OF SERVICE.—Section 1154(b) of title 38, United States Code, is amended by striking “or air organization” and inserting “air, or space organization”.
(c) PREMIUM PAYMENTS.—Section 1908 of title 38, United States Code, is amended by inserting “Space Force,” after “Marine Corps,”.

(f) SECRETARY CONCERNED FOR GI BILL.—Section 3020(l)(3) of title 38, United States Code, is amended by inserting “or the Space Force” before the semicolon.

(g) DEFINITIONS FOR POST-9/11 GI BILL.—Section 3301(2)(C) of title 38, United States Code, is amended by inserting “or the Space Force” after “Air Force”.

(h) PROVISION OF CREDIT PROTECTION AND OTHER SERVICES.—Section 5724(c)(2) of title 38, United States Code, is amended by striking “or Marine Corps” and inserting “Marine Corps, or Space Force”.

SEC. 936. AMENDMENTS TO OTHER PROVISIONS OF THE UNITED STATES CODE.

(a) TITLE 5; DEFINITION OF ARMED FORCES.—Section 2101(2) of title 5, United States Code, is amended by inserting after “Marine Corps,” the following: “Space Force,”.

(b) TITLE 14.—

(1) VOLUNTARY RETIREMENT.—Section 2152 of title 14, United States Code, is amended by striking “or Marine Corps” and inserting “Marine Corps, or Space Force”.

(2) Computation of length of service.—
Section 2513 of such title is amended by inserting
after “Air Force,” the following: “Space Force,”.

(c) Title 18; Firearms as nonmailable.—Section
1715 of such title is amended by inserting “Space
Force,” after “Marine Corps,.”.

(d) Title 31.—

(1) Definitions relating to claims.—Section
3701(a)(7) of title 31, United States Code, is
amended by inserting “Space Force,” after “Marine
Corps,”.

(2) Collection and compromise.—Section
3711(f) of such title is amended in paragraphs (1)
and (3) by inserting “Space Force,” after “Marine
Corps,” each place it appears.

(e) Title 41; Honorable discharge certificate in lieu of birth certificate.—Section 6309(a)
of title 41, United States Code, is amended by inserting
“Space Force,” after “Marine Corps,”.

(f) Title 51; Powers of the administration in
performance of functions.—Section 20113(l) of title
51, United States Code, is amended—

(1) in the subsection heading, by striking
“Services” and inserting “Forces”; and
(2) by striking “and Marine Corps” and inserting “Marine Corps, and Space Force”.

SEC. 937. APPLICABILITY TO OTHER PROVISIONS OF LAW.

(a) SECRETARY OF DEFENSE AUTHORITY.—The authority of the Secretary of Defense with respect to the Air Force or members of the Air Force under any covered provision of law may be exercised by the Secretary with respect to the Space Force or members of the Space Force.

(b) SECRETARY OF THE AIR FORCE AUTHORITY.—The authority of the Secretary of the Air Force with respect to the Air Force or members of the Air Force under any covered provision of law may be exercised with respect to the Space Force or members of the Space Force.

(c) BENEFITS FOR MEMBERS.—A member of the Space Force shall be eligible for any benefit under a covered provision of law that is available to a member of the Air Force under the same terms and conditions as the provision of law applies to members of the Air Force.

(d) COVERED PROVISION OF LAW DEFINED.—In this section, the term “covered provision of law” means a provision of law other than a provision of title 5, 10, 14, 18, 31, 37, 38, 41, or 51, United States Code.
PART II—OTHER MATTERS

SEC. 941. MATTERS RELATING TO RESERVE COMPONENTS FOR THE SPACE FORCE.

(a) LIMITATION ON ESTABLISHMENT OF SPACE NATIONAL GUARD.—

(1) IN GENERAL.—The Space National Guard may not be established as a reserve component of the Space Force until the Secretary of Defense certifies in writing, to the congressional defense committees that a Space National Guard is the organization best suited to discharge in an effective and efficient manner the missions intended to be assigned to the Space National Guard.

(2) BASIS FOR CERTIFICATION.—The certification must be based on the results of a study conducted for purposes of this subsection by the Assistant Secretary of the Air Force for Manpower and Reserve Affairs.

(3) PROPOSED MISSIONS.—The certification shall include a description of each mission proposed to be assigned to the Space National Guard in connection with the certification.

(b) SPACE FORCE RESERVE.—

(1) INCLUSION WITHIN SPACE FORCE.—Section 9081(b)(2) of title 10, United States Code, is amended by inserting ‘‘, including the Regular Space
Force and the Space Force Reserve,” after “space forces”.

(2) NAMED RESERVE COMPONENT.—Section 10101 of title 10, United States Code, is amended—

(A) by redesignating paragraph (7) as paragraph (8); and

(B) by inserting after paragraph (6) the following new paragraph (7):

“(7) The Space Force Reserve.”.

(3) COMPOSITION.—

(A) IN GENERAL.—Chapter 1003 of such title is amended—

(i) by redesignating section 10114 as section 10115; and

(ii) by inserting after section 10113 the following new section 10114:

§ 10114. Space Force Reserve: composition

“The Space Force Reserve is a reserve component of the Space Force to provide a reserve for active duty. It consists of the members of the officers’ section of the Space Force Reserve and of the enlisted section of the Space Force Reserve.”.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1003 of such title is amended by striking the item relat-
ing to section 10114 and inserting the following new items:

“10115. Coast Guard Reserve.”.

(4) SPACE FORCE RESERVE COMMAND.—

(A) IN GENERAL.—Chapter 1006 of such title is amended by adding at the end the following new section:

“§ 10175. Space Force Reserve Command

“(a) ESTABLISHMENT OF COMMAND.—The Secretary of the Air Force, with the advice and assistance of the Chief of Space Operations, shall establish a Space Force Reserve Command. The Space Force Reserve Command shall be operated as a separate command of the Space Force.

“(b) COMMANDER.—The Chief of Space Force Reserve is the Commander of the Space Force Reserve Command. The commander of the Space Force Reserve Command reports directly to the Chief of Space Operations.

“(c) ASSIGNMENT OF FORCES.—The Secretary of the Air Force—

“(1) shall assign to the Space Force Reserve Command all forces of the Space Force Reserve stationed in the continental United States other than forces assigned to the unified combatant command
for special operations forces established pursuant to
section 167 of this title; and

“(2) except as otherwise directed by the Sec-
retary of Defense in the case of forces assigned to
carry out functions of the Secretary of the Air Force
specified in section 9013 of this title, shall assign to
the combatant commands all such forces assigned to
the Space Force Reserve Command under paragraph
(1) in the manner specified by the Secretary of De-
fense.”.

(B) CLERICAL AMENDMENT.—The table of
sections at the beginning of chapter 1006 of
such title is amended by adding at the end the
following new item:

“10175. Space Force Reserve Command.”.

(c) MILITARY PERSONNEL MANAGEMENT.—Any au-
thority in title 10, United States Code, may be applied
to a member of the Space Force Reserve in the same man-
ner as such authority is applied to a similarly situated
member of the Air Force Reserve. In the application of
such authority to a member of the Space Force Reserve,
any reference to a grade of a member of in the Air Force
or Air Force Reserve shall be deemed to refer to the equiv-
alent grade in the Space Force or Space Force Reserve.

(d) REPORT ON INTEGRATION OF SPACE FORCE RE-
serve INTO LAW.—Not later than 270 days after the
date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House or Representatives a report setting forth the amendments to title 10, United States Code, and any other laws, necessary to fully integrate the Space Force Reserve into statutory authorities on the personnel, activities, missions, and management of the Space Force.

SEC. 942. TRANSFERS OF MILITARY AND CIVILIAN PERSONNEL TO THE SPACE FORCE.

(a) Prohibition on Involuntary Transfer.—A member of the Armed Forces or civilian employee of the Department of Defense may not be transferred to the military or civilian part of the Space Force, as the case may be, without the consent of such member or employee.

(b) Status Within Space Force Upon Transfer.—Any member of the Armed Forces or civilian employee of the Department of Defense who is transferred to the Space Force shall, after transfer, have the status of member or civilian employee, as the case may be, of the Space Force.

(c) Detail or Assignment of Members.—

(1) Permanent nature of detail or assignment.—The detail or assignment of any member of the Armed Forces to the Space Force on or after the date of the enactment of this Act shall be
permanent, and shall be treated as a transfer to which subsection (b) applies.

(2) ACKNOWLEDGMENT OF NATURE.—Any member undergoing a detail or assignment described in paragraph (1) shall execute a written acknowledgment, before undergoing such detail or assignment, of the permanent nature of the detail or assignment by reason of paragraph (1).

SEC. 943. LIMITATION ON TRANSFER OF MILITARY INSTALLATIONS TO THE JURISDICTION OF THE SPACE FORCE.

(a) LIMITATION.—A military installation (whether or not under the jurisdiction of the Department of the Air Force) may not be transferred to the jurisdiction or command of the Space Force until the Secretary of the Air Force briefs the congressional defense committees on the results of a business case analysis, conducted by the Secretary in connection with the transfer, of the cost and efficacy of the transfer.

(b) TIMING OF BRIEFING.—The briefing on a business case analysis conducted pursuant to subsection (a) shall be provided not later than 15 days after the date of the completion of the business case analysis by the Secretary.
Subtitle D—Organization and Management of Other Department of Defense Offices and Elements

SEC. 951. ANNUAL REPORT ON ESTABLISHMENT OF FIELD OPERATING AGENCIES.

(a) In General.—Subchapter I of chapter 134 of title 10, United States Code, is amended by inserting after section 2245 the following new section:

“§ 2246. Establishment of field operating agencies: annual report

“(a) Annual Report Required.—Not later than January 31 each year, the Secretary of Defense shall submit to the congressional defense committees a report on each, if any, field operating agency established during the preceding year.

“(b) Elements.—Each report under subsection (a) shall include, for each field operating agency covered by such report, the following:

“(1) The name of such agency.

“(2) The physical location of such agency.

“(3) The title and grade (whether military or civilian) of the head of such agency.

“(4) The chain of command, supervision, or authority through which the head of such agency reports to the Office of the Secretary of Defense or
the military department or Armed Forces headquarters, as applicable.

"(5) The mission of such agency.

"(6) The number of personnel authorized to be assigned to such agency, and the number of such authorizations encumbered by military personnel and civilian employees of the Department of Defense or military department, as applicable.

"(7) The purpose underlying the establishment of such agency.

"(8) Any cost savings or other efficiencies that have accrued, or are anticipated to accrue, to the Department of Defense or any of its components in connection with the establishment and operation of such agency.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of chapter 134 of such title is amended by inserting after the item relating to section 2245 the following new item:

“2246. Establishment of field operating agencies: annual report.”.

TITLE X—GENERAL PROVISIONS
Subtitle A—Financial Matters
SEC. 1001. GENERAL TRANSFER AUTHORITY.
(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in
the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2021 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 $4,000,000,000.

(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. APPLICATION OF FINANCIAL IMPROVEMENT AND AUDIT REMEDIATION PLAN TO FISCAL YEARS FOLLOWING FISCAL YEAR 2020.

Section 240b(a)(2)(A)(iii) of title 10, United States Code, is amended by striking “for fiscal year 2018” and all that follows and inserting “for each fiscal year after fiscal year 2020 occurs by not later than March 31 following such fiscal year;”.
Subtitle B—Counterdrug Activities

SEC. 1011. CODIFICATION OF AUTHORITY FOR JOINT TASK FORCES OF THE DEPARTMENT OF DEFENSE TO SUPPORT LAW ENFORCEMENT AGENCIES CONDUCTING COUNTERTERRORISM OR COUNTER-TRANSNATIONAL ORGANIZED CRIME ACTIVITIES.

(a) Codification of Section 1022 of FY 2004 NDAA.—Chapter 15 of title 10, United States Code, is amended by adding at the end a new section 285 consisting of—

(1) a heading as follows:

“§ 285. Authority for joint task forces to support law enforcement agencies conducting counterterrorism or counter-transnational organized crime activities”;

and


(b) Conforming Amendments in Connection with Codification.—Section 285 of title 10, United States Code, as added by subsection (a), is amended—
(1) in subsection (b), by striking “During fiscal years 2006 through 2022, funds for drug interdiction” and inserting “Funds for drug interdiction”;

(2) in subsection (c), by striking “of each year in which the authority in subsection (a) is in effect” and inserting “each year”;

(3) in subsection (d)—

(A) in paragraph (1), by striking the paragraph designation and all that follows through “Support” in paragraph (2)(A) and inserting “(1) Support”;

(B) by redesignating subparagraph (B) as paragraph (2); and

(C) in paragraph (2), as so redesignated, by striking “subparagraph (A)” and inserting “paragraph (1)”; and

(4) in subsection (e)—

(A) in paragraph (1), by striking “of title 10, United States Code” and inserting “of this title”; and

(B) by striking the second paragraph (2).

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

“285. Authority for joint task forces to support law enforcement agencies conducting counterterrorism or counter-transnational organized crime activities.”.
(d) CONFORMING REPEAL.—Section 1022 of the National Defense Authorization Act for Fiscal Year 2004 is repealed.

Subtitle C—Naval Vessels and Shipyards

SEC. 1021. MODIFICATION OF AUTHORITY TO PURCHASE USED VESSELS WITH FUNDS IN THE NATIONAL DEFENSE SEALIFT FUND.

Section 2218(f)(3) of title 10, United States Code, is amended—

(1) by striking subparagraphs (E) and (G); and

(2) by redesignating subparagraph (F) as subparagraph (E).

SEC. 1022. WAIVER DURING WAR OR THREAT TO NATIONAL SECURITY OF RESTRICTIONS ON OVERHAUL, REPAIR, OR MAINTENANCE OF VESSELS IN FOREIGN SHIPYARDS.

Section 8680 of title 10, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d); and

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

“(c) Waiver.—(1) The Secretary of the Navy may waive the restrictions in subsections (a) and (b) for the
duration of a period of threat to the national security interests of the United States upon a written determination by the Secretary that such a waiver is necessary in the national security interest of the United States.

“(2) Not later than 15 days after making a determination under paragraph (1), the Secretary shall provide to the congressional defense committees a written notification on the determination.

“(3) In this subsection, the term ‘period of threat to the national security interests of the United States’ means the following:

“(A) A period of war.

“(B) Any other period determined by Secretary of Defense in which the national security interests of the United States are threatened by the application, or the imminent danger of application, of physical force by any foreign government or agency against the United States, citizens of the United States, the property of citizens of the United States, or the commercial interests of citizens of the United States.”.
SEC. 1023. MODIFICATION OF WAIVER AUTHORITY ON PROHIBITION ON USE OF FUNDS FOR RETIREMENT OF CERTAIN LEGACY MARITIME MINE COUNTERMEASURE PLATFORMS.

(a) In general.—Section 1046(b)(1) of the National Defense Authorization Act for Fiscal Year 2018 (Public law 115–91; 131 Stat. 1556) is amended by striking “certifies” and inserting “, with the concurrence of the Director of Operational Test and Evaluation, certifies in writing”.

(b) Effective date.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply with respect to waivers under subsection (b)(1) of section 1046 of the National Defense Authorization Act for Fiscal Year 2018 of the prohibition under subsection (a) of that section that occur on or after that date.

SEC. 1024. EXTENSION OF AUTHORITY FOR REIMBURSEMENT OF EXPENSES FOR CERTAIN NAVY MESS OPERATIONS AFOAT.

is further amended by striking “September 30, 2020” and
inserting “September 30, 2025”.

SEC. 1025. SENSE OF CONGRESS ON ACTIONS NECESSARY
TO ACHIEVE A 355-SHIP NAVY.

It is the sense of Congress that to achieve the na-
tional policy of the United States to have available, as soon
as practicable, not fewer than 355 battle force ships—
(1) the Navy must be adequately resourced to
increase the size of the Navy in accordance with the
national policy, which includes the associated ships,
aircraft, personnel, sustainment, and munitions;
(2) across fiscal years 2021 through 2025, the
Navy should start construction on not fewer than—
(A) 12 Arleigh Burke-class destroyers;
(B) 10 Virginia-class submarines;
(C) 2 Columbia-class submarines;
(D) 3 San Antonio-class amphibious ships;
(E) 1 LHA-class amphibious ship;
(F) 6 John Lewis-class fleet oilers; and
(G) 5 guided missile frigates;
(3) new guided missile frigate construction
should increase to a rate of between two and four
ships per year once design maturity and construction
readiness permit;
(4) the Columbia-class submarine program should be funded with additions to the Navy budget significantly above the historical average, given the critical single national mission that these vessels will perform and the high priority of the shipbuilding budget for implementing the National Defense Strategy;

(5) stable shipbuilding rates of construction should be maintained for each vessel class, utilizing multi-year or block buy contract authorities when appropriate, until a deliberate transition plan is identified; and

(6) prototyping of potential new shipboard sub-systems should be accelerated to build knowledge systematically, and, to the maximum extent practicable, shipbuilding prototyping should occur at the subsystem-level in advance of ship design.

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
SEC. 1032. EXTENSION OF PROHIBITION ON USE OF FUNDS TO CLOSE OR RELINQUISH CONTROL OF UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.


SEC. 1033. EXTENSION OF PROHIBITION ON USE OF FUNDS FOR TRANSFER OR RELEASE OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, TO CERTAIN COUNTRIES.


SEC. 1034. EXTENSION OF PROHIBITION ON USE OF FUNDS FOR TRANSFER OR RELEASE OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, TO CERTAIN COUNTRIES.


SEC. 1035. EXTENSION OF PROHIBITION ON USE OF FUNDS FOR TRANSFER OR RELEASE OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, TO CERTAIN COUNTRIES.
SEC. 1034. EXTENSION OF PROHIBITION ON USE OF FUNDS TO CONSTRUCT OR MODIFY FACILITIES IN THE UNITED STATES TO HOUSE DETAINEES TRANSFERRED FROM UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.


Subtitle E—Miscellaneous Authorities and Limitations

SEC. 1041. INCLUSION OF DISASTER-RELATED EMERGENCY PREPAREDNESS ACTIVITIES AMONG LAW ENFORCEMENT ACTIVITIES AUTHORITIES FOR SALE OR DONATION OF EXCESS PERSONAL PROPERTY OF THE DEPARTMENT OF DEFENSE.

(a) INCLUSION.—Subsection (a)(1)(A) of section 2576a of title 10, United States Code, is amended by in-
serting “disaster-related emergency preparedness,” after “counterterrorism,”.

(b) PREFERENCE IN TRANSFERS.—Subsection (d) of such section is amended to read as follows:

“(d) PREFERENCE FOR CERTAIN TRANSFERS.—In considering applications for the transfer of personal property under this section, the Secretary shall give a preference to applications indicating that the transferred property will be used in the counterdrug, counterterrorism, disaster-related emergency preparedness, or border security activities of the recipient agency. Applications that request vehicles used for disaster-related emergency preparedness, such as high-water rescue vehicles, should receive the highest preference.”.

SEC. 1042. EXPENDITURE OF FUNDS FOR DEPARTMENT OF DEFENSE CLANDESTINE ACTIVITIES THAT SUPPORT OPERATIONAL PREPARATION OF THE ENVIRONMENT.

(a) AUTHORITY.—Subject to subsections (b) through (d), the Secretary of Defense may expend up to $15,000,000 in any fiscal year for clandestine activities for any purpose the Secretary determines to be proper for preparation of the environment for operations of a confidential nature. Such a determination is final and conclusive upon the accounting officers of the United States. The
Secretary may certify the amount of any such expenditure authorized by the Secretary that the Secretary considers advisable not to specify, and the Secretary’s certificate is sufficient voucher for the expenditure of that amount.

(b) FUNDS.—Funds for expenditures under this section in a fiscal year shall be derived from amounts authorized to be appropriated for that fiscal year for operation and maintenance, Defense-wide.

(c) LIMITATION ON DELEGATION.—The Secretary of Defense may not delegate the authority under this section with respect to any expenditure in excess of $100,000.

(d) EXCLUSION OF INTELLIGENCE ACTIVITIES.—

(1) IN GENERAL.—This section does not constitute authority to conduct, or expend funds for, intelligence, counterintelligence, or intelligence-related activities.

(2) DEFINITIONS.—In this subsection, the terms “intelligence” and “counterintelligence” have the meaning given those terms in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

(e) ANNUAL REPORT.—Not later than December 31 each year, the Secretary of Defense shall submit to the congressional defense committees a report on expenditures made under this section during the fiscal year preceding the year in which the report is submitted. Each report
shall include, for each expenditure under this section during the fiscal year covered by such report—

(1) the amount and date of such expenditure;

(2) a detailed description of the purpose for which such expenditure was made;

(3) an explanation why other authorities available to the Department of Defense could not be used for such expenditure; and

(4) any other matters the Secretary considers appropriate.

SEC. 1043. CLARIFICATION OF AUTHORITY OF MILITARY COMMISSIONS UNDER CHAPTER 47A OF TITLE 10, UNITED STATES CODE, TO PUNISH CONTEMPT.

(a) Clarification.—

(1) In general.—Subchapter IV of chapter 47A of title 10, United States Code, is amended by adding at the end the following new section:

“§ 949o–1. Contempt

“(a) Authority to Punish.—(1) With respect to any proceeding under this chapter, a judicial officer specified in paragraph (2) may punish for contempt any person who—
“(A) uses any menacing word, sign, or gesture in the presence of the judicial officer during the proceeding;

“(B) disturbs the proceeding by any riot or disorder; or

“(C) willfully disobey a lawful writ, process, order, rule, decree, or command issued with respect to the proceeding.

“(2) A judicial officer referred to in paragraph (1) is any of the following:

“(A) Any judge of the United States Court of Military Commission Review.

“(B) Any military judge detailed to a military commission or any other proceeding under this chapter.

“(b) Punishment.—The punishment for contempt under subsection (a) may not exceed confinement for 30 days, a fine of $1,000, or both.

“(c) Review.—(1) A punishment under this section—

“(A) is not reviewable by the convening authority of a military commission under this chapter;

“(B) if imposed by a military judge, shall constitute a judgment, subject to review in the first instance only by the United States Court of Military
Commission Review and then only by the United States Court of Appeals for the District of Columbia Circuit; and

“(C) if imposed by a judge of the United States Court of Military Commission Review, shall constitute a judgment of the court subject to review only by the United States Court of Appeals for the District of Columbia Circuit.

“(2) In reviewing a punishment for contempt imposed under this section, the reviewing court shall affirm such punishment unless the court finds that imposing such punishment was an abuse of the discretion of the judicial officer who imposed such punishment.

“(3) A petition for review of punishment for contempt imposed under this section shall be filed not later than 60 days after the date on which the authenticated record upon which the contempt punishment is based and any contempt proceedings conducted by the judicial officer are served on the person punished for contempt.

“(d) PUNISHMENT NOT CONVICTION.—Punishment for contempt is not a conviction or sentence within the meaning of section 949m of this title. The imposition of punishment for contempt is not governed by other provisions of this chapter applicable to military commissions, except that the Secretary of Defense may prescribe proce-
dures for contempt proceedings and punishments, pursu-
ant to the authority provided in section 949a of this
title.”.

(2) CLERICAL AMENDMENT.—The table of sec-
tions at the beginning of subchapter IV of such
chapter is amended by adding at the end the fol-
lowing new item:

“949o–1. Contempt.”.

(b) CONFORMING AMENDMENTS.—Section 950t of
title 10, United States Code, is amended—

(1) by striking paragraph (31); and

(2) by redesignating paragraph (32) as para-
graph (31).

(c) RULE OF CONSTRUCTION.—The amendments
made by subsections (a) and (b) shall not be construed
to affect the lawfulness of any punishment for contempt
adjudged prior to the effective date of such amendments.

(d) APPLICABILITY.—The amendments made by sub-
sections (a) and (b) shall take effect on the date of the
enactment of this Act, and shall apply with respect to con-
duct by a person that occurs on or after such date.
SEC. 1044. PROHIBITION ON ACTIONS TO INFRINGE UPON FIRST AMENDMENT RIGHTS OF PEACEABLE ASSEMBLY AND PETITION FOR REDRESS OF GRIEVANCES.

Amounts authorized to be appropriated by this Act shall not be used for any program, project, or activity, or any use of personnel, to conduct actions against United States citizens that infringe upon their rights under the First Amendment to the Constitution peaceably to assemble and/or to petition the Government for a redress of grievances.

SEC. 1045. ARCTIC PLANNING, RESEARCH, AND DEVELOPMENT.

(a) ArctiC Planning and Implementation.—

(1) In general.—The Secretary of Defense and the Chairman of the Joint Chiefs of Staff shall begin planning and implementing such changes as may be necessary for requirements, training, equipment, doctrine, and capability development of the Armed Forces should an expanded role of the Armed Forces in the Arctic be determined by the Secretary to be in the national security interests of the United States.

(2) Training.—In carrying out paragraph (1), the Secretary shall direct the Armed Forces to carry
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out training in the Arctic or training relevant to carry-
ning out military operations in the Arctic.

(b) ARCTIC RESEARCH AND DEVELOPMENT PRO-
GRAM.—

(1) IN GENERAL.—If pursuant to subsection
(a), the Secretary of Defense determines that an ex-
panded role for the Armed Forces is in the national
security interests of the United States, the Secretary
shall establish a research and development program
on the current and future requirements and needs of
the Armed Forces for operations in the Arctic.

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

(A) Development of materiel solutions for
operating in extreme weather environments of
the Arctic, including equipment for individual
members of the Armed Forces, ground vehicles,
and communications systems.

(B) Development of a plan for fielding fu-
ture weapons platforms able to operate in Arc-
tic conditions for surface combatants, sub-
marines, aviation platforms, assault craft unit
connectors, auxiliaries, littoral craft, unmanned
aerial vehicles, and any other systems that may
be needed in the Arctic.
(C) Development of capabilities to monitor, assess, and predict environmental and weather conditions in the Arctic and their effect on military operations.

(D) Determining requirements for logistics and sustainment of the Armed Forces operating in the Arctic.

SEC. 1046. CONSIDERATION OF SECURITY RISKS IN CERTAIN TELECOMMUNICATIONS ARCHITECTURE FOR FUTURE OVERSEAS BASING DECISIONS OF THE DEPARTMENT OF DEFENSE.

The Secretary of Defense shall take into account the security risks of 5G and 6G telecommunications network architecture, including the use of telecommunications equipment provided by at-risk vendors such as Huawei Technologies Company, Ltd., and the Zhongxing Telecommunications Equipment Corporation (ZTE), in all future overseas stationing decisions of the Department of Defense, including—

(1) security risks from threats to operational and information security of United States military personnel and equipment; and

(2) the sufficiency of potential mitigation by the Department and the host nation concerned of such
security risks, including through cost-sharing agree-
ments related to such mitigation.

SEC. 1047. FOREIGN MILITARY TRAINING PROGRAMS.

(a) SHORT TITLE.—This section may be cited as the
“Secure United States Bases Act”.

(b) DEFINITIONS.—In this section:

(1) APPROPRIATE DEFENSE COMMITTEES.—
The term “appropriate defense committees”
means—

(A) the Committee on Armed Services of
the Senate; and

(B) the Committee on Armed Services of
the House of Representatives.

(2) COVERED INDIVIDUALS.—The term “cov-
ered individuals” means any foreign national (except
foreign nationals of Australia, Canada, New Zea-
land, and the United Kingdom who have been grant-
ed a security clearance that is reciprocally accepted
by the United States for access to classified informa-
tion) who—

(A) is seeking physical access to a Depart-
ment of Defense installation or facility within
the United States; and

(B)(i) is selected, nominated, or accepted
for training or education for a period of more
than 30 days occurring on a Department of De-

fense installation or facility within the United

States; or

(ii) is an immediate family member accom-

panying any foreign national who has been se-

lected, nominated, or accepted for such training

or education.

(3) IMMEDIATE FAMILY MEMBER.—The term

“immediate family member” means—

(A) spouse;

(B) parents and stepparents;

(C) siblings, stepsiblings, and half-siblings;

and

(D) children and stepchildren.

(4) UNITED STATES.—The term “United

States” means the several States, the District of Co-

lumbia, the Commonwealth of Puerto Rico, and

Guam.

(c) ESTABLISHMENT OF VETTING PROCEDURES;

MONITORING REQUIREMENTS FOR CERTAIN MILITARY

TRAINING.—

(1) ESTABLISHMENT OF VETTING PROCEDURES.—

(A) IN GENERAL.—Not later than 90 days

after the date of the enactment of this Act, the
Secretary of Defense shall establish procedures to vet covered individuals for eligibility for physical access to Department of Defense installations and facilities within the United States, including—

(i) biographic and biometric screening of covered individuals;

(ii) continuous review of whether covered individuals should continue to be authorized such physical access;

(iii) biographic checks of the covered individual’s immediate family members; and

(iv) any other measures that the Secretary of Defense determines appropriate for vetting.

(B) INFORMATION REQUIRED.—The Secretary of Defense shall identify the information required to conduct the vetting.

(C) COLLECTION OF INFORMATION.—The Secretary of Defense shall—

(i) collect information to vet individuals under the procedures established under this subsection; and
(ii) as required for the effective implementa-
tion of this section, shall seek to enter into agreements with the relevant Federal departments and agencies to facilitate the sharing of information in the possession of such departments and agencies concerning the covered individuals.

(2) Determination Authority.—

(A) Review.—The results of vetting—

(i) will be reviewed within the Department of Defense by an organization with an assigned security and counterintelligence mission; and

(ii) will be the basis for that organization’s recommendation regarding whether physical access should be authorized by the appropriate authority.

(B) Effect of Denial.—If the organization recommends that a covered individual not be authorized physical access to Department of Defense installations and facilities within the United States, such physical access may only be authorized for such covered individual by the Secretary of Defense or the Deputy Secretary of Defense.
(C) Notification.—The Secretary of State shall be notified of any covered individuals who are not authorized physical access based on the results of the vetting under this subsection.

(3) Additional security measures.—Beginning on the date that is 181 days after the date of the enactment of this Act, the Secretary of Defense shall—

(A) ensure that all Department of Defense Common Access Cards issued to foreign nationals in the United States—

(i) comply with the credentialing standards issued by the Office of Personnel Management; and

(ii) include a visual indicator, as required by the standard developed by the National Institute of Standards and Technology;

(B) ensure that physical access by covered individuals is limited, as appropriate, to Department of Defense installations or facilities within the United States that are directly associated with their training or education or necessary to access authorized benefits;
(C) establish a policy regarding the possession of firearms on Department of Defense property by covered individuals; and

(D) ensure that covered individuals who have been granted physical access are incorporated into the Department of Defense Insider Threat Program.

(4) NOTIFICATION.—The Secretary of Defense shall notify the appropriate congressional committees of the establishment of the procedures required under paragraph (1).

(d) REPORTING REQUIREMENTS.—

(1) BRIEFING.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall provide a briefing to the appropriate congressional committees regarding the establishment of any Department of Defense policy or guidance related to the implementation of this section.

(2) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary of Defense shall submit a report to the appropriate congressional committees regarding the impact and effects of this section, including—
(A) any positive or negative impacts on the training of foreign military students;
(B) the effectiveness of the vetting procedures implemented in preventing harm to United States military personnel or communities;
(C) how any of the negative impacts have been mitigated; and
(D) a proposed plan to mitigate any ongoing negative impacts to the vetting and training of foreign military students by the Department of Defense.

SEC. 1048. REPORTING OF ADVERSE EVENTS RELATING TO CONSUMER PRODUCTS ON MILITARY INSTALLATIONS.

(a) IN GENERAL.—The Secretary of Defense shall ensure that any adverse event related to a consumer product that occurs on a military installation is reported on the internet website saferproducts.gov.

(b) DEFINITIONS.—In this section:

(1) ADVERSE EVENT.—The term “adverse event” means—

(A) any event that indicates that a consumer product—
(i) fails to comply with an applicable consumer product safety rule or with a vol-
untary consumer product safety standard upon which the Consumer Product Safety
Commission has relied under section 9 of the Consumer Product Safety Act (15 U.S.C. 2058);

(ii) fails to comply with any other rule, regulation, standard, or ban under that Act or any other Act enforced by the Commission;

(iii) contains a defect which could create a substantial product hazard described in section 15(a)(2) of the Consumer Prod-
uct Safety Act (15 U.S.C. 2064(a)(2)); or

(iv) creates an unreasonable risk of serious injury or death; or

(B) any other harm described in subsection (b)(1)(A) of section 6A of the Consumer Prod-
uct Safety Act (15 U.S.C. 2055a) and required to be reported in the database established under subsection (a) of that section.

(2) CONSUMER PRODUCT.—The term “con-
sumer product” has the meaning given that term in

SEC. 1049. INCLUSION OF UNITED STATES NAVAL SEA CADET CORPS AMONG YOUTH AND CHARITABLE ORGANIZATIONS AUTHORIZED TO RECEIVE ASSISTANCE FROM THE NATIONAL GUARD.

Section 508(d) of title 32, United States Code, is amended—

(1) by redesignating paragraph (14) as paragraph (15); and

(2) by inserting after paragraph (13) the following new paragraph (14):

“(14) The United States Naval Sea Cadet Corps.”.

SEC. 1050. DEPARTMENT OF DEFENSE POLICY FOR THE REGULATION OF DANGEROUS DOGS.

(a) In General.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, through the Veterinary Service Activity of the Department of Defense, shall establish a standardized policy applicable across all military communities for the regulation of dangerous dogs that is—

(1) breed-neutral; and
(2) consistent with advice from professional veterinary and animal behavior experts in regard to effective regulation of dangerous dogs.

(b) REGULATIONS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall prescribe regulations implementing the policy established under subsection (a).

(2) BEST PRACTICES.—The regulations prescribed under paragraph (1) shall include strategies, for implementation within all military communities, for the prevention of dog bites that are consistent with the following best practices:

(A) Enforcement of comprehensive, non-breed-specific regulations relating to dangerous dogs, with emphasis on identification of dangerous dog behavior and chronically irresponsible owners.

(B) Enforcement of animal control regulations, such as leash laws and stray animal control policies.

(C) Promotion and communication of resources for pet spaying and neutering.

(D) Investment in community education initiatives, such as teaching criteria for pet se-
lection, pet care best practices, owner responsibilities, and safe and appropriate interaction with dogs.

(c) MILITARY COMMUNITIES DEFINED.—In this section, the term “military communities” means—

(1) all installations of the Department; and

(2) all military housing, including privatized military housing under subchapter IV of chapter 169 of title 10, United States Code.

SEC. 1051. SENSE OF CONGRESS ON THE BASING OF KC–46A AIRCRAFT OUTSIDE THE CONTIGUOUS UNITED STATES.

It is the sense of Congress that the Secretary of the Air Force, as part of the strategic basing process for KC–46A aircraft at installations outside the contiguous United States (OCONUS), should—

(1) consider the benefits derived from basing such aircraft at locations that—

(A) support day-to-day air refueling operations, operations plans of multiple combatant commands, and flexibility for contingency operations;

(B) have—
(i) a strategic location that is essential to the defense of the United States and its interests;

(ii) receivers for boom or probe-and-drogue combat training opportunities with joint and international partners; and

(iii) sufficient airfield and airspace availability and capacity to meet requirements;

(C) possess facilities that take full advantage of existing infrastructure to provide—

(i) runway, hangars, and aircrew and maintenance operations; and

(ii) sufficient fuel receipt, storage, and distribution for 5-day peacetime operating stock; and

(D) minimize overall construction and operational costs;

(2) prioritize United States responsiveness and flexibility to continued long-term great power competition and other major threats, as outlined in the 2017 National Security Strategy and the 2018 National Defense Strategy; and
(3) take into account the advancement of adversary weapons systems, with respect to both capacity and range.

Subtitle F—Studies and Reports

SEC. 1061. REPORT ON POTENTIAL IMPROVEMENTS TO CERTAIN MILITARY EDUCATIONAL INSTITUTIONS OF THE DEPARTMENT OF DEFENSE.

(a) Report Required.—

(1) In general.—Not later than December 1, 2021, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the results of a review and assessment, obtained by the Secretary for purposes of the report, of the potential effects on the military education provided by the educational institutions of the Department of Defense specified in subsection (b) of the actions described in subsection (c).

(2) Conducting organization.—The review and assessment required for purposes of the report shall be performed by an organization selected by the Secretary from among organizations independent of the Department that have expertise in the analysis of matters in connection with higher education.
(b) **Educational Institutions of the Department of Defense.**—The educational institutions of the Department of Defense specified in this subsection are the following:

1. The senior level service schools and intermediate level service schools (as such terms are defined in section 2151(b) of title 10, United States Code).
2. The Air Force Institute of Technology.
4. The Joint Special Operations University.
5. The Army Armament Graduate School.
6. Any other military educational institution of the Department specified by the Secretary for purposes of this section.

(c) **Actions.**—The actions described in this subsection with respect to the educational institutions of the Department of Defense specified in subsection (b) are the following:

1. Modification of admission and graduation requirements.
2. Expansion of use of case studies in curricula for professional military education.
3. Reduction or expansion of degree-granting authority.
(4) Reduction or expansion of the acceptance of research grants.

(5) Reduction of the number of attending students generally.

(6) Modification of military personnel career milestones in order to prioritize instructor positions.

(7) Increase in educational and performance requirements for military personnel selected to be instructors.

(8) Expansion of “visiting” or “adjunct” faculty.

(9) Modification of civilian faculty management practices, including employment practices.

(10) Reduction of the number of attending students through the sponsoring of education of an increased number of students at non-Department of Defense institutions of higher education.

(11) Modification of enlisted personnel management and career milestones to increase attendance at non-Department of Defense institutions of higher education.

(d) ADDITIONAL ELEMENTS.—In addition to the matters described in subsection (a), the review and report under this section shall also include the following:
(1) A comparison of admission standards and graduation requirements of the educational institutions of the Department of Defense specified in subsection (b) with admission standards and graduation requirements of public and private institutions of higher education that are comparable to the educational institutions of the Department of Defense.

(2) A comparison of the goals and missions of the educational institutions of the Department of Defense specified in subsection (b) with the goals and missions of such public and private institutions of higher education.

(3) Any other matters the Secretary considers appropriate for purposes of this section.

(c) JCS EVALUATION OF REVIEW AND ASSESSMENT.—Not later than 90 days after the date on which the report required by subsection (a) is submitted to Congress, the Chairman of the Joint Chiefs of Staff shall, in consultation with the other members of the Joint Chiefs of Staff, submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth any evaluation by the Joint Chiefs of Staff of the review and assessment covered by the report under subsection (a).
SEC. 1062. REPORTS ON STATUS AND MODERNIZATION OF THE NORTH WARNING SYSTEM.

(a) Report on Status.—

(1) In general.—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 status of the North Warning System.

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

(A) A description and assessment of the status and operational integrity of the infrastructure of the North Warning System.

(B) An assessment of the technology currently used by the North Warning System compared with the technology considered necessary by the Commander of the North American Aerospace Defense Command to detect current and anticipated threats.

(C) An assessment of the infrastructure and ability of the Alaska Radar System to integrate into the broader North Warning System.

(D) An assessment of the ability of the North Warning System to integrate with current and anticipated space-based sensor platforms.
(b) **REPORT ON PLAN FOR MODERNIZATION.**—

(1) **IN GENERAL.**—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report setting forth a plan for the modernization of the capabilities provided by the current North Warning System.

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

   (A) A detailed timeline for the modernization of the North Warning System based on the status of the system as reported pursuant to subsection (a).

   (B) The technological advancements necessary for ground-based North Warning System sites to address current and anticipated threats (as specified by the Commander of the North American Aerospace Defense Command).

   (C) An assessment of the number of future North Warning System sites required in order to address current and anticipated threats (as so specified).

   (D) Any new or complementary technologies required to accomplish the mission of the North Warning System.
(E) The cost and schedule, by year, of the
plan.

SEC. 1063. STUDIES ON THE FORCE STRUCTURE FOR MA-
RINE CORPS AVIATION.

(a) STUDIES REQUIRED.—The Secretary of Defense
shall provide for performance of three studies on the force
structure for Marine Corps aviation through 2030.

(b) RESPONSIBILITY FOR STUDIES.—One of the
three studies performed pursuant to subsection (a) shall
be performed by each of the following:

(1) The Secretary of the Navy, in consultation
with the Commandant of the Marine Corps.

(2) An appropriate Federally funded research
and development center (FFRDC), as selected by
the Secretary for purposes of this section.

(3) An appropriate organization described in
section 501(c)(3) of the Internal Revenue Code of
1986 which is exempt from taxation under section
501(a) of such code, as selected by the Secretary for
purposes of this section.

(c) PERFORMANCE.—

(1) INDEPENDENT PERFORMANCE.—Each
study performed pursuant to subsection (a) shall be
performed independently of each other such study,
(2) MATTERS TO BE CONSIDERED.—In performing a study pursuant to subsection, the officer or entity performing the study take into account, within the context of the current force structure for Marine Corps aviation, the following:


   (B) The Marine Corps Force Design 2030.

   (C) Potential roles and missions for Marine Corps aviation given new operating concepts for the Marine Corps.

   (D) The potential for increased requirements for survivable and dispersed strike aircraft.

   (E) The potential for increased requirements for tactical or intratheater lift, amphibious lift, or surface connectors.

(d) STUDY RESULTS.—The results of each study performed pursuant to subsection (a) shall include the following:

   (1) The various force structures for Marine Corps aviation through 2030 considered under such study, together with the assumptions and possible scenarios identified for each such force structure.
(2) A recommendation for the force structure for Marine Corps aviation through 2030, including the following in connection with such force structure:

   (A) Numbers and type of aviation assets, numbers and types of associated unmanned assets, and basic capabilities of each such asset.

   (B) A description and assessment of the deviation of such force structure from the most recent Marine Corps Aviation Plan.

   (C) Any other information required for assessment of such force structure, including supporting analysis.

(3) A presentation and discussion of minority views among participants in such study.

(c) REPORT.—

   (1) IN GENERAL.—Not later than April 1, 2021, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the results of each study performed pursuant to subsection (a).  

   (2) FORM.—The report under this subsection shall be submitted in unclassified form, but may include a classified annex.
Subtitle G—Other Matters

SEC. 1081. DEPARTMENT OF DEFENSE STRATEGIC ARCTIC PORTS.

(a) REPORT.—Not later than March 1, 2021, the Secretary of Defense shall submit to the congressional defense committees a report setting forth an updated assessment of the estimated cost of constructing, maintaining, and operating a strategic port in the Arctic at each potential site evaluated in the report pursuant to section 1752(b) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92). The report under this subsection shall include, for each potential site at which construction of such a port could be completed by 2030, an estimate of the number of days per year that such port would be usable by vessels of the Navy and the Coast Guard.

(b) DESIGNATION OF STRATEGIC ARCTIC PORTS.—Not later than 90 days after the date on which the report required by subsection (a) is submitted, the Secretary of Defense may, in consultation with the Chairman of the Joint Chiefs of Staff, the Commanding General of the United States Army Corps of Engineers, the Commandant of the Coast Guard, and the Administrator of the Maritime Administration, designate one or more ports as De-
government of Defense Strategic Arctic Ports from the sites identified in the report referred to in subsection (a).

(c) Rule of Construction.—Nothing in this section may be construed to authorize any additional appropriations for the Department of Defense for the establishment of any port designated pursuant to this section.

(d) Arctic Defined.—In this section, the term “Arctic” has the meaning given that term in section 112 of the Arctic Research and Policy Act of 1984 (15 U.S.C. 4111).

SEC. 1082. PERSONAL PROTECTIVE EQUIPMENT MATTERS.

(a) Briefings on Fielding of Newest Generations of PPE to the Armed Forces.—

(1) Briefings Required.—Not later than January 31, 2021, each Secretary of a military department shall submit to Congress a briefing on the fielding of the newest generations of personal protective equipment (PPE) to the Armed Forces under the jurisdiction of such Secretary.

(2) Elements.—Each briefing under paragraph (1) shall include, for each Armed Force covered by such briefing, the following:

(A) A description and assessment of the fielding of newest generations of personal pro-
tective equipment to members of such Armed
Force, including the following:

(i) The number (aggregated by total
number and by sex) of members of such
Armed Force issued the Army Soldiers
Protective System and the Modular Scal-
able Vest Generation II body armor as of

(ii) The number (aggregated by total
number and by sex) of members of such
Armed Force issued Marine Corps Plate
Carrier Generation III (PC Gen III) body
armor as of that date.

(iii) The number (aggregated by total
number and by sex) of members of such
Armed Force fitted with legacy personal
protective equipment as of that date.

(B) A description and assessment of the
barriers, if any, to the fielding of such genera-
tions of equipment to such members.

(C) A description and assessment of chal-
enges in the fielding of such generations of
equipment to such members, including cost
overruns, contractor delays, and other chal-
 lenges.
(b) System for Tracking Data on Injuries among Members of the Armed Forces in Use of Newest Generation PPE.—

(1) System required.—

(A) In general.—The Director of the Defense Health Agency (DHA) shall develop and maintain a system for tracking data on injuries among members of the Armed Forces in and during the use of newest generation personal protective equipment.

(B) Scope of system.—The system required by this paragraph may, at the election of the Director, be new for purposes of this subsection or within or a modification of an appropriate existing system (such as the Defense Occupational And Environmental Health Readiness System (DOEHRs)).

(2) Briefing.—Not later than January 31, 2025, the Director shall submit to Congress a briefing on the prevalence among members of the Armed Forces of preventable injuries attributable to ill-fitting or malfunctioning personal protective equipment.
Assessments of Members of the Armed Forces of Injuries Incurred in Connection With Ill-Fitting or Malfunctioning PPE.—

(1) In general.—Each health assessment specified in paragraph (2) that is undertaken after the date of the enactment of this Act shall include the following:

(A) One or more questions on whether members incurred an injury in connection with ill-fitting or malfunctioning personal protective equipment during the period covered by such assessment, including the nature of such injury.

(B) In the case members who have so incurred such an injury, one or more elements of self-evaluation of such injury by such members for purposes of facilitating timely documentation and enhanced monitoring of such members and injuries.

(2) Assessments.—The health assessments specified in this paragraph are the following:

(A) The annual Periodic Health Assessment (PHA) of members of the Armed Forces.

(B) The post-deployment health assessment of members of the Armed Forces.
SEC. 1083. ESTIMATE OF DAMAGES FROM FEDERAL COMMUNICATIONS COMMISSION ORDER 20–48.

(a) LIMITATION, ESTIMATE, AND CERTIFICATION.—
None of the funds authorized to be appropriated by this Act for fiscal year 2021 may be used by the Secretary of Defense to comply with the Order and Authorization adopted by the Federal Communications Commission on April 19, 2020 (FCC 20–48) until the Secretary—

(1) submits to the congressional defense committees an estimate of the extent of covered costs and the range of eligible reimbursable costs associated with interference resulting from such order and authorization to the Global Positioning System of the Department of Defense; and

(2) certifies to the congressional defense committees that the estimate submitted under paragraph (1) is accurate with a high degree of certainty.

(b) COVERED COSTS.—For purposes of this section, covered costs include costs that would be incurred—

(1) to upgrade, repair, or replace potentially affected receivers of the Federal Government;

(2) to modify, repair, or replace equipment, spares, associated ancillary equipment, software, facilities, operating manuals, training, or compliance with regulations, including with regard to the under-
lying platform or system in which a capability of the
Global Positioning System is embedded; and

(3) for personnel of the Department to engineer, validate, and verify that any required remediation provides the Department with the same operational capability for the affected system prior to terrestrial operation in the 1525 to 1559 megahertz or 1626.5 to 1660.5 megahertz bands of electromagnetic spectrum.

(c) RANGE OF ELIGIBLE REIMBURSABLE COSTS.—

For purposes of this section, the range of eligible reimbursable costs includes—

(1) costs associated with engineering, equipment, software, site acquisition, and construction;

(2) any transaction expense that the Secretary determines is legitimate and prudent;

(3) costs relating to term-limited Federal civil servant and contractor staff; and

(4) the costs of research, engineering studies, or other expenses the Secretary determines reasonably incurred.

SEC. 1084. MODERNIZATION EFFORT.

(a) DEFINITIONS.—In this section—
(1) the term “Assistant Secretary” means the Assistant Secretary of Commerce for Communications and Information;

(2) the term “covered agency”—

(A) means any Federal entity that the Assistant Secretary determines is appropriate; and

(B) includes the Department of Defense;

(3) the term “Federal entity” has the meaning given the term in section 113(l) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(l));

(4) the term “Federal spectrum” means frequencies assigned on a primary basis to a covered agency;

(5) the term “infrastructure” means information technology systems and information technologies, tools, and databases; and

(6) the term “NTIA” means the National Telecommunications and Information Administration.

(b) INITIAL INTERAGENCY SPECTRUM INFORMATION TECHNOLOGY COORDINATION.—Not later than 90 days after the date of enactment of this Act, the Assistant Secretary, in consultation with the Policy and Plans Steering Group, shall identify a process to establish goals, including parameters to measure the achievement of those goals, for
the modernization of the infrastructure of covered agencies relating to managing the use of Federal spectrum by those agencies, which shall include—

(1) the standardization of data inputs, modeling algorithms, modeling and simulation processes, analysis tools with respect to Federal spectrum, assumptions, and any other tool to ensure interoperability and functionality with respect to that infrastructure;

(2) other potential innovative technological capabilities with respect to that infrastructure, including cloud-based databases, artificial intelligence technologies, automation, and improved modeling and simulation capabilities;

(3) ways to improve the management of covered agencies’ use of Federal spectrum through that infrastructure, including by—

(A) increasing the efficiency of that infrastructure;

(B) addressing validation of usage with respect to that infrastructure;

(C) increasing the accuracy of that infrastructure;

(D) validating models used by that infrastructure; and
monitoring and enforcing requirements that are imposed on covered agencies with respect to the use of Federal spectrum by covered agencies;

(4) ways to improve the ability of covered agencies to meet mission requirements in congested environments with respect to Federal spectrum, including as part of automated adjustments to operations based on changing conditions in those environments;

(5) the creation of a time-based automated mechanism—

(A) to share Federal spectrum between covered agencies to collaboratively and dynamically increase access to Federal spectrum by those agencies; and

(B) that could be scaled across Federal spectrum; and

(6) the collaboration between covered agencies necessary to ensure the interoperability of Federal spectrum.

(c) Spectrum Information Technology Modernization.—

(1) In general.—Not later than 240 days after the date of enactment of this Act, the Assistant Secretary shall submit to Congress a report that
contains the plan of the NTIA to modernize and automate the infrastructure of the NTIA relating to managing the use of Federal spectrum by covered agencies so as to more efficiently manage that use.

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

(A) an assessment of the current, as of the date on which the report is submitted, infrastructure of the NTIA described in that paragraph;

(B) an acquisition strategy for the modernized infrastructure of the NTIA described in that paragraph, including how that modernized infrastructure will enable covered agencies to be more efficient and effective in the use of Federal spectrum;

(C) a timeline for the implementation of the modernization efforts described in that paragraph;

(D) plans detailing how the modernized infrastructure of the NTIA described in that paragraph will—

(i) enhance the security and reliability of that infrastructure so that such infrastructure satisfies the requirements of sub-
chapter II of chapter 35 of title 44, United States Code;

(ii) improve data models and analysis tools to increase the efficiency of the spectrum use described in that paragraph;

(iii) enhance automation and workflows, and reduce the scope and level of manual effort, in order to—

(I) administer the management of the spectrum use described in that paragraph; and

(II) improve data quality and processing time; and

(iv) improve the timeliness of spectrum analyses and requests for information, including requests submitted pursuant to section 552 of title 5, United States Code;

(E) an operations and maintenance plan with respect to the modernized infrastructure of the NTIA described in that paragraph;

(F) a strategy for coordination between the covered agencies within the Policy and Plans Steering Group, which shall include—

(i) a description of—
(I) those coordination efforts, as
in effect on the date on which the re-
port is submitted; and

(II) a plan for coordination of
those efforts after the date on which
the report is submitted, including with
respect to the efforts described in sub-
section (d);

(ii) a plan for standardizing—

(I) electromagnetic spectrum
analysis tools;

(II) modeling and simulation
processes and technologies; and

(III) databases to provide tech-
nical interference assessments that
are usable across the Federal Govern-
ment as part of a common spectrum
management infrastructure for cov-
ered agencies;

(iii) a plan for each covered agency to
implement a modernization plan described
in subsection (d)(1) that is tailored to the
particular timeline of the agency;

(G) identification of manually intensive
processes involved in managing Federal spee-
trum and proposed enhancements to those processes;

(H) metrics to evaluate the success of the modernization efforts described in that paragraph and any similar future efforts; and

(I) an estimate of the cost of the modernization efforts described in that paragraph and any future maintenance with respect to the modernized infrastructure of the NTIA described in that paragraph, including the cost of any personnel and equipment relating to that maintenance.

(d) INTERAGENCY INPUTS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the head of each covered agency shall submit to the Assistant Secretary and the Policy and Plans Steering Group a report that describes the plan of the agency to modernize the infrastructure of the agency with respect to the use of Federal spectrum by the agency so that such modernized infrastructure of the agency is interoperable with the modernized infrastructure of the NTIA, as described in subsection (e).
(2) CONTENTS.—Each report submitted by the
head of a covered agency under paragraph (1)
shall—

(A) include—

(i) an assessment of the current, as of
the date on which the report is submitted,
management capabilities of the agency
with respect to the use of frequencies that
are assigned to the agency, which shall in-
clude a description of any challenges faced
by the agency with respect to that manage-
ment;

(ii) a timeline for completion of the
modernization efforts described in that
paragraph; and

(iii) a description of potential innova-
tive technological capabilities for the man-
agement of frequencies that are assigned
to the agency, as determined under sub-
section (b);

(iv) identification of agency-specific
requirements or constraints relating to the
infrastructure of the agency;

(v) identification of any existing, as of
the date on which the report is submitted,
systems of the agency that are duplicative
of the modernized infrastructure of the
NTIA, as proposed under subsection (c);
and
(vi) with respect to the report sub-
mitted by the Secretary of Defense—

(I) a strategy for the integration
of systems or the flow of data among
the Armed Forces, the military de-
partments, the Defense Agencies and
Department of Defense Field Activi-
ties, and other components of the De-
partment of Defense;

(II) a plan for the implementa-
tion of solutions to the use of Federal
spectrum by the Department of De-
fense involving information at multiple
levels of classification; and

(III) a strategy for addressing,
within the modernized infrastructure
of the Department of Defense de-
scribed in that paragraph, the ex-
change of information between the
Department of Defense and the NTIA
in order to accomplish required proce-
essing of all Department of Defense domestic spectrum coordination and management activities; and

(B) be submitted in an unclassified format, with a classified annex, as appropriate.

(3) NOTIFICATION OF CONGRESS.—Upon submission of the report required under paragraph (1), the head of each covered agency shall notify Congress that the head of the covered agency has submitted the report.

(e) GAO OVERSIGHT.—The Comptroller General of the United States shall—

(1) not later than 90 days after the date of enactment of this Act, conduct a review of the infrastructure of covered agencies, as that infrastructure exists on the date of enactment of this Act;

(2) after all of the reports required under subsection (d) have been submitted, conduct oversight of the implementation of the modernization plans submitted by the NTIA and covered agencies under subsections (c) and (d), respectively;

(3) not later than 1 year after the date on which the Comptroller General begins conducting oversight under paragraph (2), and annually thereafter, submit a report regarding that oversight to—
(A) with respect to the implementation of
the modernization plan of the Department of
Defense, the Committee on Armed Services of
the Senate and the Committee on Armed Serv-
ices of the House of Representatives; and

(B) with respect to the implementation of
the modernization plans of all covered agencies,
including the Department of Defense, the Com-
mittee on Commerce, Science, and Transport-
ation of the Senate and the Committee on En-
ergy and Commerce of the House of Represent-
atives; and

(4) provide regular briefings to—

(A) with respect to the application of this
section to the Department of Defense, the Com-
mittee on Armed Services of the Senate and the
Committee on Armed Services of the House of
Representatives; and

(B) with respect to the application of this
section to all covered agencies, including the
Department of Defense, the Committee on
Commerce, Science, and Transportation of the
Senate and the Committee on Energy and Com-
merce of the House of Representatives.
TITLE XI—CIVILIAN PERSONNEL MATTERS

Subtitle A—Department of Defense Matters

SEC. 1101. ENHANCED PAY AUTHORITY FOR CERTAIN ACQUISITION AND TECHNOLOGY POSITIONS IN THE DEPARTMENT OF DEFENSE.

(a) In General.—Subchapter I of chapter 87 of title 10, United States Code, is amended by inserting after section 1701a the following new section:

“§ 1701b. Enhanced pay authority for certain acquisition and technology positions

“(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 Office of the Secretary of Defense and the military departments in attracting and retaining high-quality acquisition and technology experts in positions responsible for managing and developing complex, high-cost, technological acquisition efforts of the Department of Defense.

“(b) Approval Required.—The program may be carried out only with approval as follows:

“(1) Approval of the Under Secretary of Defense for Acquisition and Sustainment, in the case
of positions in the Office of the Secretary of Defense.

“(2) Approval of the service acquisition executive of the military department concerned, in the case of positions in a military department.

“(c) POSITIONS.—The positions described in this subsection are positions 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 acquisition 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 Under Secretary of Defense for Acquisition and Sustainment or the service acquisition executive concerned, as applicable.

“(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 Defense.

“(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 the Office of the Secretary of Defense and more than five positions in each military department at any one time.

“(3) TERM OF POSITIONS.—The authority in subsection (a) may be used only for positions having terms less than five years.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of chapter 87 of such title is amended by inserting after the item relating to section 1701a the following new item:

“1701b. Enhanced pay authority for certain acquisition and technology positions.”.

(c) REPEAL OF PILOT PROGRAM.—

(1) IN GENERAL.—Section 1111 of the National Defense Authorization Act for Fiscal Year 2016 (10 U.S.C. 1701 note) is repealed.
(2) CONTINUATION OF PAY.—The repeal in paragraph (1) shall not be interpreted to prohibit the payment of basic pay at rates fixed under such section 1111 before the date of the enactment of this Act for positions having terms that continue after that date.

SEC. 1102. ENHANCED PAY AUTHORITY FOR CERTAIN RESEARCH AND TECHNOLOGY POSITIONS IN THE SCIENCE AND TECHNOLOGY REINVENTION LABORATORIES OF THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Chapter 139 of title 10, United States Code, is amended by inserting after section 2358b the following new section:

“§ 2358c. 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 ap-
proval 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 re-
invention 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 accomplish-
ment of an important research or technology devel-
opment mission.

“(d) RATE OF BASIC PAY.—The pay authority speci-
fied 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 acquisi-
tion 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 (e).

“(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.

“(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 1105(a) of the

(b) Clerical Amendment.—The table of sections at the beginning of chapter 139 of such title is amended by inserting after the item relating to section 2358b the following new item:

“2358c. Enhanced pay authority for certain research and technology positions in science and technology reinvention laboratories.”.

(c) Repeal of Pilot Program.—

(1) In general.—Section 1124 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2456; 10 U.S.C. 2358 note) is repealed.

(2) Continuation of pay.—The repeal in paragraph (1) shall not be interpreted to prohibit the payment of basic pay at rates fixed under such section 1124 before the date of the enactment of this Act for positions having terms that continue after that date.
SEC. 1103. EXTENSION OF ENHANCED APPOINTMENT AND COMPENSATION AUTHORITY FOR CIVILIAN PERSONNEL FOR CARE AND TREATMENT OF WOUNDED AND INJURED MEMBERS OF THE ARMED FORCES.

Section 1599c(b) of title 10, United States Code, is amended by striking “December 31, 2020” both places it appears and inserting “December 31, 2025”.

SEC. 1104. EXTENSION OF OVERTIME RATE AUTHORITY FOR DEPARTMENT OF THE NAVY EMPLOYEES PERFORMING WORK ABOARD OR DOCKSIDE IN SUPPORT OF THE NUCLEAR-POWERED AIRCRAFT CARRIER FORWARD DEPLOYED IN JAPAN.

Section 5542(a)(6)(B) of title 5, United States Code, is amended by striking “September 30, 2021” and inserting “September 30, 2023”.

SEC. 1105. EXPANSION OF DIRECT HIRE AUTHORITY FOR CERTAIN DEPARTMENT OF DEFENSE PERSONNEL TO INCLUDE INSTALLATION MILITARY HOUSING OFFICE POSITIONS SUPERVISING PRIVATIZED MILITARY HOUSING.

Section 9905(a) of title 5, United States Code, is amended by adding at the end the following new paragraph:

Section 9905(a) of title 5, United States Code, is amended by adding at the end the following new paragraph:
“(11) Any position in the military housing office of a military installation whose primary function is supervision of military housing covered by subchapter IV of chapter 169 of title 10.”.

SEC. 1106. EXTENSION OF SUNSET OF INAPPLICABILITY OF CERTIFICATION OF EXECUTIVE QUALIFICATIONS BY QUALIFICATION CERTIFICATION REVIEW BOARD OF OFFICE OF PERSONNEL MANAGEMENT FOR INITIAL APPOINTMENTS TO SENIOR EXECUTIVE SERVICE POSITIONS IN DEPARTMENT OF DEFENSE.


SEC. 1107. PILOT PROGRAM ON ENHANCED PAY AUTHORITY FOR CERTAIN HIGH-LEVEL MANAGEMENT POSITIONS IN THE DEPARTMENT OF DEFENSE.

(a) Pilot Program Authorized.—The Secretary of Defense may carry out a pilot program to assess the feasibility and advisability of using the pay authority specified in subsection (d) to fix the rate of basic pay for positions described in subsection (e) in order to assist the De-
partment of Defense in attracting and retaining personnel
with significant experience in high-level management of
complex organizations and enterprise functions in order
to lead implementation by the Department of the National
Defense Strategy.

(b) APPROVAL REQUIRED.—The pilot program may
be carried out only with approval as follows:

(1) Approval of the Deputy Secretary of De-
fense, in the case of a position not under the author-
ity, direction, and control of an Under Secretary of
Defense and not under the authority, direction, and
control of the Under Secretary of a military depart-
ment.

(2) Approval of the applicable Under Secretary
of Defense, in the case of a position under the au-
thority, direction, and control of an Under Secretary
of Defense.

(3) Approval of the Under Secretary or an As-
sistant Secretary of the military department con-
cerned, in the case of a position in a military depart-
ment.

(c) POSITIONS.—The positions described in this sub-
section are positions that require expertise of an extremely
high level in innovative leadership and management of en-
terprise-wide business operations, including financial man-
agement, health care, supply chain and logistics, information technology, real property stewardship, and human resources, across a large and complex organization.

(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 applicable official under subsection (b).

(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 Defense.

(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—

(A) more than 10 positions in the Office of the Secretary of Defense and components of the
Department of Defense other than the military departments at any one time; and

(B) more than five positions in each military department at any one time.

(3) TERM OF POSITIONS.—The authority in subsection (a) may be used only for positions having terms less than five years.

(4) PAST SERVICE.—An individual may not be appointed to a position pursuant to the authority provided by subsection (a) if the individual separated or retired from Federal civil service or service as a commissioned officer of an Armed Force on a date that is less than five years before the date of such appointment of the individual.

(f) TERMINATION.—

(1) IN GENERAL.—The authority to fix rates of basic pay for a position under this section shall terminate on October 1, 2025.

(2) CONTINUATION OF PAY.—Nothing in paragraph (1) shall be construed to prohibit the payment after October 1, 2025, of basic pay at rates fixed under this section before that date for positions whose terms continue after that date.
SEC. 1108. PILOT PROGRAM ON EXPANDED AUTHORITY FOR APPOINTMENT OF RECENTLY RETIRED MEMBERS OF THE ARMED FORCES TO POSITIONS IN THE DEPARTMENT OF DEFENSE.

(a) Pilot Program Required.—The Secretary of Defense shall carry out a pilot program to assess the feasibility and advisability of expanding the use of the authority in section 3326 of title 5, United States Code, to appoint retired members of the Armed Forces described in subsection (b) of that section to positions in the Department of Defense described in subsection (b) of this section.

(b) Positions.—

(1) In general.—The positions in the Department described in this subsection are positions classified at or below GS–13 under the General Schedule under subchapter III of chapter 53 of title 5, United States Code, or an equivalent level under another wage system, in the competitive service—

(A) to which appointments are authorized using Direct Hire Authority or Expedited Hiring Authority; and

(B) that have been certified by the Secretary of the military department concerned as lacking sufficient numbers of potential applicants who are not retired members of the Armed Forces.
(2) LIMITATION ON DELEGATION OF CERTIFICATION.—The Secretary of a military department may not delegate the authority to make a certification described in paragraph (1)(B) to an individual in a grade lower than colonel, captain in the Navy, or an equivalent grade in the Space Force, or an individual with an equivalent civilian grade.

(c) DURATION.—The duration of the pilot program shall be three years.

(d) REPORT.—Not later than two years after the commencement of the pilot program, the Secretary of Defense shall submit to the congressional defense committees a report on the pilot program. The report shall include the following:

(1) A description of the pilot program, including the positions to which appointments are authorized to be made under the pilot program and the number of retired members appointed to each such position under the pilot program.

(2) Any other matters in connection with the pilot program that the Secretary considers appropriate.
SEC. 1109. DIRECT HIRE AUTHORITY AND RELOCATION INCENTIVES FOR POSITIONS AT REMOTE LOCATIONS.

(a) IN GENERAL.—Chapter 81 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 1599i. Direct hire authority and relocation incentives for positions at remote locations

“(a) DIRECT HIRE AUTHORITY.—

“(1) IN GENERAL.—The Secretary of Defense may appoint, without regard to any provision of subchapter I of chapter 33 of title 5, qualified applicants to positions in the competitive service to fill vacancies at covered locations.

“(2) COVERED LOCATIONS.—For purposes of this section, a covered location is a location for which the Secretary has determined that critical hiring needs are not being met due to the geographic remoteness or isolation or extreme climate conditions of the location.

“(b) RELOCATION INCENTIVES.—

“(1) IN GENERAL.—An individual appointed to a position pursuant to subsection (a) may be paid a relocation incentive in connection with the relocation of the individual to the location of the position.
“(2) Amount.—The amount of a relocation incentive payable to an individual under this subsection may not exceed the amount equal to—

“(A) 25 percent of the annual rate of basic pay of the employee for the position concerned as of the date on which the service period in such position agreed to by the individual under paragraph (3) commences; multiplied by

“(B) the number of years (including fractions of a year) of such service period (not to exceed four years).

“(3) Service Agreement.—To receive a relocation incentive under this subsection, an individual appointed to a position under subsection (a) shall enter into an agreement with the Secretary of Defense to complete a period of service at the covered location. The period of obligated service of the individual at such location under the agreement may not exceed four years. The agreement shall include such repayment or alternative employment obligations as the Secretary considers appropriate for failure of the individual to complete the period of obligated service specified in the agreement.

“(4) Relationship to Other Relocation Pay.—A relocation incentive paid to an individual
for a relocation under this subsection is in addition to any other relocation incentive or payment payable to the individual for such relocation by law.

“(c) SUNSET.—Effective on September 30, 2022, the authority provided under subsection (a) and the authority to provide relocation incentives under subsection (b) shall expire.”

(b) OUTCOME MEASUREMENTS.—The Secretary of Defense shall develop outcome measurements to evaluate the effect of the authority provided under subsection (a) of section 1599i of title 10, United States Code, as added by subsection (a), and any relocation incentives provided under subsection (b) of such section.

(c) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than March 1, 2022, the Secretary of Defense shall submit to the congressional defense committees a report on the effect of the authority provided under subsection (a) of section 1599i of title 10, United States Code, as added by subsection (a), and any relocation incentives provided under subsection (b) of such section.

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

(A) A description and assessment of the effectiveness and achievements of the authority
and relocation incentives described in paragraph (1), including—

(i) the number of employees hired to covered locations described in section 1599i(a)(2) of title 10, United States Code, as added by subsection (a); and

(ii) the cost-per-placement of such employees.

(B) A comparison of the effectiveness and use of the authority and relocation incentives described in paragraph (1) to authorities under title 5, United States Code, used by the Department of Defense before the date of the enactment of this Act to support hiring at remote or rural locations.

(C) An assessment of—

(i) the minority community outreach efforts made in using the authority and providing relocation incentives described in paragraph (1); and

(ii) participation outcomes.

(D) Such other matters as the Secretary considers appropriate.

(d) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 81 of title 10, United States
Code, is amended by adding at the end the following new item:

“1599i. Direct hire authority and relocation incentives for positions at remote locations.”

SEC. 1110. MODIFICATION OF DIRECT HIRE AUTHORITY FOR CERTAIN PERSONNEL INVOLVED WITH DEPARTMENT OF DEFENSE MAINTENANCE ACTIVITIES.

Section 9905(a)(1) of title 5, United States Code, is amended by striking “including” and all that follows and inserting the following: “including—

“(A) depot-level maintenance and repair;

and

“(B) support functions for such activities.”.

SEC. 1110A. FIRE FIGHTERS ALTERNATIVE WORK SCHEDULE DEMONSTRATION PROJECT FOR THE NAVY REGION MID- ATLANTIC FIRE AND EMERGENCY SERVICES.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Commander, Navy Region Mid-Atlantic, shall establish and carry out, for a period of not less than five years, a Fire Fighters Alternative Work Schedule demonstration project for the Navy Region Mid- Atlantic Fire and Emergency Services. Such demonstration project shall provide, with respect to each
employee of the Navy Region Mid-Atlantic Fire and Emer-

gency Services, that—

(1) assignments to tours of duty are scheduled
in advance over periods of not less than two weeks;

(2) tours of duty are scheduled using a regu-
larly recurring pattern of 48-hour shifts followed by
48 or 72 consecutive non-work hours, as determined
by mutual agreement between the Commander, Navy
Region Mid-Atlantic, and the exclusive employee rep-
resentative at each Navy Region Mid-Atlantic instal-

(3) for any such employee that is a fire fighter
working an alternative work schedule, such employee
shall earn overtime compensation in a manner con-
sistent with other applicable law and regulation;

(4) no right shall be established to any form of
premium pay, including night, Sunday, holiday, or
hazard duty pay; and

(5) leave accrual and use shall be consistent
with other applicable law and regulation.

(b) REPORT.—Not later than 180 days after the date
on which the demonstration project under this section ter-
minates, the Commander, Navy Region Mid-Atlantic, shall
submit to the Committees on Armed Services of the Senate and the House of Representatives a report detailing—

(1) any financial savings or expenses directly and inseparably linked to the demonstration project;

(2) any intangible quality of life and morale improvements achieved by the demonstration project; and

(3) any adverse impact of the demonstration project occurring solely as the result of the transition to the demonstration project.

**Subtitle B—Government-Wide Matters**

**SEC. 1111. ONE-YEAR EXTENSION OF TEMPORARY AUTHORITY TO GRANT ALLOWANCES, BENEFITS, AND GRATUITIES TO CIVILIAN PERSONNEL ON OFFICIAL DUTY IN A COMBAT ZONE.**

2020 (Public Law 116–92), is further amended by strik-
ing “2021” and inserting “2022”.

SEC. 1112. ONE-YEAR EXTENSION OF AUTHORITY TO WAIVE
ANNUAL LIMITATION ON PREMIUM PAY AND
AGGREGATE LIMITATION ON PAY FOR FED-
ERAL CIVILIAN EMPLOYEES WORKING OVER-
SEAS.

Subsection (a) of section 1101 of the Duncan Hunter
(Public Law 110–417; 122 Stat. 4615), as most recently
amended by section 1105 of the National Defense Author-
ization Act for Fiscal Year 2020 (Public Law 116–92),
is further amended by striking “through 2020” and in-
serting “through 2021”.

SEC. 1113. TECHNICAL AMENDMENTS TO AUTHORITY FOR
REIMBURSEMENT OF FEDERAL, STATE, AND
LOCAL INCOME TAXES INCURRED DURING
TRAVEL, TRANSPORTATION, AND RELOCA-
TION.

(a) In General.—Section 5724b(b) of title 5,
United States Code, is amended—

(1) by striking “or relocation expenses reim-
bursed” and inserting “and relocation expenses re-
imbursed”; and
(2) by striking “of chapter 41” and inserting “or chapter 41”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on January 1, 2018, immediately after the coming into effect of the amendments made by subsection (a) of section 1114 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92), as provided for in subsection (c) of such section 1114.

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

Subtitle A—Assistance and Training

SEC. 1201. AUTHORITY TO BUILD CAPACITY FOR ADDITIONAL OPERATIONS.

Section 333(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(8) Cyberspace operations.”.

SEC. 1202. AUTHORITY TO BUILD CAPACITY FOR AIR SOVEREIGNTY OPERATIONS.

Section 333(a) of title 10, United States Code, as amended by section 1201, is further amended—

(1) by redesignating paragraphs (7) and (8) as paragraphs (8) and (9), respectively; and
(2) by inserting after paragraph (6) the following new paragraph (7):

“(7) Air sovereignty operations.”.

SEC. 1203. MODIFICATION TO THE INTER-EUROPEAN AIR FORCES ACADEMY.

Section 350(b) of title 10, United States Code, is amended by striking “that are” and all that follows through the period at the end and inserting “that are—

“(1) members of the North Atlantic Treaty Organization;

“(2) signatories to the Partnership for Peace Framework Documents; or

“(3)(A) within the United States Africa Command area of responsibility; and

“(B) eligible for assistance under chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.).”.

SEC. 1204. MODIFICATION TO SUPPORT OF SPECIAL OPERATIONS FOR IRREGULAR WARFARE.

Subsection (a) of section 1202 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1639), as most recently amended by section 1207 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92), is further
amended by striking “$10,000,000” and inserting “$15,000,000”.

SEC. 1205. EXTENSION AND MODIFICATION OF AUTHORITY TO SUPPORT BORDER SECURITY OPERATIONS OF CERTAIN FOREIGN COUNTRIES.

(a) Funds Available for Support.—Subsection (b) of section 1226 of the National Defense Authorization Act for Fiscal Year 2016 (22 U.S.C. 2151 note) is amended to read as follows:

“(b) Funds Available for Support.—Amounts to provide support under the authority of subsection (a) may be derived only from amounts authorized to be appropriated and available for operation and maintenance, Defense-wide.”.

(b) Extension.—Subsection (h) of such section is amended by striking “December 31, 2021” and inserting “December 31, 2023”.

SEC. 1206. MODIFICATION OF AUTHORITY FOR PARTICIPATION IN MULTINATIONAL CENTERS OF EXCELLENCE.

(a) In General.—Section 344 of title 10, United States Code, is amended—

(1) in the section heading, by striking “multinational military centers of excellence”
and inserting “multinational centers of excellence”;

(2) by striking “multinational military center of excellence” each place it appears and inserting “multinational center of excellence”;

(3) by striking “multinational military centers of excellence” each place it appears and inserting “multinational centers of excellence”;

(4) in subsection (b)(1), by inserting “or entered into by the Secretary of State,” after “Secretary of State,”;

(5) in subsection (e)—

(A) in the subsection heading, by striking “MULTINATIONAL MILITARY CENTER OF EXCELLENCE” and inserting “MULTINATIONAL CENTER OF EXCELLENCE”;

(B) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively, and moving the subparagraphs two ems to the right;

(C) in the matter preceding subparagraph (A), as so redesignated, by striking “means an entity” and inserting “means—

“(1) an entity”;
(D) in subparagraph (D), as so redesignated, by striking the period at the end and inserting "; and"; and

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

"(2) the European Centre of Excellence for Countering Hybrid Threats, established in 2017 and located in Helsinki, Finland.");

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

(7) by inserting after subsection (d) the following new subsection (e):

"(e) NOTIFICATION.—Not later than 30 days before the date on which the Secretary of Defense authorizes participation under subsection (a) in a new multinational center of excellence, the Secretary shall notify the congressional defense committees of such participation.").

(b) CONFORMING AMENDMENT.—Title 10, United States Code, is amended, in the table of sections at the beginning of subchapter V of chapter 16, by striking the item relating to section 344 and inserting the following:

"344. Participation in multinational centers of excellence.".


(a) IN GENERAL.—During the period beginning on the date of the enactment of this Act and ending on Sep-
In September 30, 2025, the Secretary of Defense shall undertake activities consistent with the Women, Peace, and Security Act of 2017 (Public Law 115–68; 131 Stat. 1202) and with the guidance specified in this section, including—

(1) establishing Department of Defense-wide policies and programs that advance the implementation of that Act, including military doctrine and Department-specific and combatant command-specific programs;

(2) ensuring the Department sufficient personnel to serve as gender advisors, including by hiring and training full-time equivalent personnel, as necessary, and establishing roles, responsibilities, and requirements for gender advisors;

(3) the deliberate integration of gender analysis into relevant training for members of the Armed Forces across ranks, as described in the Women’s Entrepreneurship and Economic Empowerment Act of 2018 (Public Law 115–428; 132 Stat. 5509); and

(4) security cooperation activities that further the implementation of the Women, Peace, and Security Act of 2017 (Public Law 115–68; 131 Stat. 1202).

(b) BUILDING PARTNER DEFENSE INSTITUTION AND SECURITY FORCE CAPACITY.—
(1) INCORPORATION OF GENDER ANALYSIS AND PARTICIPATION OF WOMEN INTO SECURITY CO-OPERATION ACTIVITIES.—Consistent with the Women, Peace, and Security Act of 2017 (Public Law 115–68; 131 Stat. 1202), the Secretary of Defense, in coordination with the Secretary of State, shall seek to incorporate gender analysis and participation by women, as appropriate, into the institutional and national security force capacity-building activities of security cooperation programs carried out under title 10, United States Code, including by—

(A) incorporating gender analysis and women, peace, and security priorities, including sex-disaggregated data, into educational and training materials and programs authorized by section 333 of title 10, United States Code;

(B) advising on the recruitment, employment, development, retention, and promotion of women in such national security forces, including by—

(i) identifying existing military career opportunities for women;

(ii) exposing women and girls to careers available in such national security
forces and the skills necessary for such careers; and

(iii) encouraging women’s and girls’ interest in such careers by highlighting as role models women of the United States and applicable foreign countries in uniform;

(C) addressing sexual harassment and abuse against women within such national security forces;

(D) integrating gender analysis into security sector policy, planning, and training for such national security forces; and

(E) improving infrastructure to address the requirements of women serving in such national security forces, including appropriate equipment for female security and police forces.

(2) Barriers and Opportunities.—Partner country assessments conducted in the course of Department security cooperation activities to build the capacity of the national security forces of foreign countries shall include attention to the barriers and opportunities with respect to strengthening recruitment, employment, development, retention, and pro-
motion of women in the military forces of such partner countries.

(c) **DEPARTMENT-WIDE POLICIES ON WOMEN, PEACE, AND SECURITY.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall initiate a process to establish standardized policies described in subsection (a)(1).

(d) **FUNDING.**—The Secretary of Defense may use funds authorized to be appropriated in each fiscal year to the Department of Defense for operation and maintenance as specified in the table in section 4301 for carrying out the full implementation of the Women, Peace, and Security Act of 2017 (Public Law 115–68; 131 Stat. 1202) and the guidance on the matters described in paragraphs (1) through (4) of subsection (a) and subparagraphs (A) through (E) of subsection (b)(1).

(e) **ANNUAL REPORT.**—Not later than one year after the date of the enactment of this Act, and annually thereafter through 2025, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the steps the Department has taken to implement the Women, Peace, and Security Act of 2017 (Public Law 115–68; 131 Stat. 1202), including—

(1) a description of the progress made on each matter described in paragraphs (1) through (4) of
subsection (a) and subparagraphs (A) through (E) of subsection (b)(1); and

(2) an identification of the amounts used for such purposes.

(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. 1208. TED STEVENS CENTER FOR ARCTIC SECURITY STUDIES.

(a) PLAN REQUIRED.—

(1) IN GENERAL.—Not later than 90 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 congressional defense committees a plan to establish a Department of Defense Regional Center for Security Studies for the Arctic.

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

(A) A description of the benefits of establishing such a center, including the manner in
which the establishment of such a center would benefit United States and Department interests in the Arctic region.

(B) A description of the mission and purpose of such a center, including specific policy guidance from the Office of the Secretary of Defense.

(C) An analysis of suitable reporting relationships with the applicable combatant commands.

(D) An assessment of suitable locations for such a center that are—

(i) in proximity to other academic institutions that study security implications with respect to the Arctic region;

(ii) in proximity to the designated lead for Arctic affairs of the United States Northern Command;

(iii) in proximity to a central hub of assigned Arctic-focused Armed Forces so as to suitably advance relevant professional development of skills unique to the Arctic region; and

(iv) in a State located outside the contiguous United States.
(E) A description of the establishment and operational costs of such a center, including for—

(i) military construction for required facilities;

(ii) facility renovation;

(iii) personnel costs for faculty and staff; and

(iv) other costs the Secretary of Defense considers appropriate.

(F) An evaluation of the existing infrastructure, resources, and personnel available at military installations and at universities and other academic institutions that could reduce the costs described in accordance with subparagraph (E).

(G) An examination of partnership opportunities with United States allies and partners for potential collaboration and burden sharing.

(H) A description of potential courses and programs that such a center could carry out, including—

(i) core, specialized, and advanced courses;

(ii) planning workshops;
(iii) seminars;

(iv) confidence-building initiatives;

and

(v) academic research.

(I) A description of any modification to title 10, United States Code, necessary for the effective operation of such a center.

(3) FORM.—The plan required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—Not earlier than 30 days after the submittal of the plan required by subsection (a), and subject to the availability of appropriations, the Secretary of Defense may establish and administer a Department of Defense Regional Center for Security Studies for the Arctic, to be known as the “Ted Stevens Center for Arctic Security Studies”, for the purpose described in section 342(a) of title 10, United States Code.

(2) LOCATION.—The Ted Stevens Center for Arctic Security Studies may be located—

(A) in proximity to other academic institutions that study security implications with respect to the Arctic region;
(B) in proximity to the designated lead for Arctic affairs of the United States Northern Command;

(C) in proximity to a central hub of assigned Arctic-focused Armed Forces so as to suitably advance relevant professional development of skills unique to the Arctic region; and

(D) in a State located outside the contiguous United States.

SEC. 1209. FUNCTIONAL CENTER FOR SECURITY STUDIES IN IRREGULAR WARFARE.

(a) Report Required.—

(1) 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 submit to the congressional defense committees a report that assesses the merits and feasibility of establishing and administering a Department of Defense Functional Center for Security Studies in Irregular Warfare.

(2) Elements.—The report required by paragraph (1) shall include the following:

(A) A description of the benefits to the United States, and the allies and partners of the United States, of establishing such a func-
tional center, including the manner in which the establishment of such a functional center would
enhance and sustain focus on, and advance knowledge and understanding of, matters of ir-
regular warfare, including cybersecurity, nonstate actors, information operations, counterterrorism, stability operations, and the hybridization of such matters.

(B) A detailed description of the mission and purpose of such a functional center, includ-
ing applicable policy guidance from the Office of the Secretary of Defense.

(C) An analysis of appropriate reporting and liaison relationships between such a func-
tional center and—

(i) the geographic and functional com-
batant commands;

(ii) other Department of Defense stakeholders; and

(iii) other government and nongovern-
ment entities and organizations.

(D) An enumeration and valuation of cri-
teria applicable to the determination of a suit-
able location for such a functional center.
(E) A description of the establishment and operational costs of such a functional center, including for—

(i) military construction for required facilities;

(ii) facility renovation;

(iii) personnel costs for faculty and staff; and

(iv) other costs the Secretary of Defense considers appropriate.

(F) An evaluation of the existing infrastructure, resources, and personnel available at military installations and at universities and other academic and research institutions that could reduce the costs described in subparagraph (E).

(G) An examination of partnership opportunities with United States allies and partners for potential collaboration and burden sharing.

(H) A description of potential courses and programs that such a functional center could carry out, including—

(i) core, specialized, and advanced courses;
(ii) planning workshops and structured after-action reviews or debriefs;

(iii) seminars;

(iv) initiatives on executive development, relationship building, partnership outreach, and any other matter the Secretary of Defense considers appropriate; and

(v) focused academic research and studies in support of Department priorities.

(I) A description of any modification to title 10, United States Code, or any other provision of law, necessary for the effective establishment and administration of such a functional center.

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

(b) ESTABLISHMENT.—

(1) IN GENERAL.—Not earlier than 30 days after the submittal of the report required by subsection (a), and subject to the availability of appropriated funds, the Secretary of Defense may establish and administer a Department of Defense Func-
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tional Center for Security Studies in Irregular Warfare.

(2) Treatment as a Regional Center for Security Studies.—A Department of Defense Functional Center for Security Studies in Irregular Warfare established under paragraph (1) shall be operated and administered in the same manner as the Department of Defense Regional Centers for Security Studies under section 342 of title 10, United States Code, and in accordance with such regulations as the Secretary of Defense may prescribe.

(3) Limitation.—No other institution or element of the Department may be designated as a Department of Defense functional center, except by an Act of Congress.

(4) Location.—The location of a Department of Defense Functional Center for Security Studies in Irregular Warfare established under paragraph (1) shall be selected based on an objective, criteria-driven administrative or competitive award process, in accordance with which the merits of locating such functional center in Tempe, Arizona, may be evaluated together with other suitable locations.
Subtitle B—Matters Relating to Afghanistan and Pakistan

SEC. 1211. EXTENSION AND MODIFICATION OF AUTHORITY FOR REIMBURSEMENT OF CERTAIN COALITION NATIONS FOR SUPPORT PROVIDED TO UNITED STATES MILITARY OPERATIONS.

(a) EXTENSION.—Subsection (a) of section 1233 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 393), as most recently amended by section 1217 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92), is further amended by striking “beginning on October 1, 2019, and ending on December 31, 2020” and inserting “beginning on October 1, 2020, and ending on December 31, 2021”.

(b) MODIFICATION TO LIMITATION.—Subsection (d)(1) of such section is amended—

(1) by striking “beginning on October 1, 2019, and ending on December 31, 2020” and inserting “beginning on October 1, 2020, and ending on December 31, 2021”; and

(2) by striking “$450,000,000” and inserting “$180,000,000”.

SEC. 1212. EXTENSION AND MODIFICATION OF COM-
MANDERS’ EMERGENCY RESPONSE PRO-
GRAM.

Section 1201 of the National Defense Authorization
Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat.
1619), as most recently amended by section 1208(a) of
the National Defense Authorization Act for Fiscal Year
2020 (Public Law 116–92), is further amended—

(1) in subsection (a)—

(A) by striking “December 31, 2020” and
inserting “December 31, 2021”; and

(B) by striking “$2,500,000” and insert-
ing “$2,000,000”;-

(2) in subsection (b), by striking the subsection
designation and heading and all that follows through
the period at the end of paragraph (1) and inserting
the following:

“(b) QUARTERLY REPORTS.—

“(1) IN GENERAL.—Beginning in fiscal year
2021, not later than 45 days after the end of each
quarter fiscal year, the Secretary of Defense shall
submit to the congressional defense committees a re-
port regarding the source of funds and the allocation
and use of funds during that quarter fiscal year that
were made available pursuant to the authority pro-
vided in this section or under any other provision of
law for the purposes of the program under sub-
section (a).”; and

(3) in subsection (f), by striking “December 31,
2020” and inserting “December 31, 2021”.

SEC. 1213. EXTENSION AND MODIFICATION OF SUPPORT
FOR RECONCILIATION ACTIVITIES LED BY
THE GOVERNMENT OF AFGHANISTAN.

(a) MODIFICATION OF AUTHORITY TO PROVIDE COV-
ERED SUPPORT.—Subsection (a) of section 1218 of the
National Defense Authorization Act for Fiscal Year 2020
(Public Law 116–92) is amended—

(1) by striking the subsection designation and
heading and all that follows through “The Secretary
of Defense” and inserting the following:
“(a) AUTHORITY TO PROVIDE COVERED SUPPORT.—
“(1) IN GENERAL.—Subject to paragraph (2),
the Secretary of Defense”; and

(2) by adding at the end the following new
paragraph:
“(2) LIMITATION ON USE OF FUNDS.—Amounts
authorized to be appropriated or otherwise made
available for the Department of Defense by this Act
may not be obligated or expended to provide covered
support until the date on which the Secretary of De-
fense submits to the appropriate committees of Con-
gress the report required by subsection (b).”.

(b) **Participation in Reconciliation Activities.**—Such section is further amended—

(1) by redesignating subsections (i) through (k)
as subsections (j) through (l), respectively;

(2) by inserting after subsection (h) the fol-
lowing new subsection (i):

“(i) **Participation in Reconciliation Activities.**—Covered support may only be used to support a reconciliation activity that—

“(1) includes the participation of members of
the Government of Afghanistan; and

“(2) does not restrict the participation of
women.”.

(e) **Extension.**—Subsection (k) of such section, as
so redesignated, is amended by striking “December 31,
2020” and inserting “December 31, 2021”.

(d) **Exclusions From Covered Support.**—Such
section is further amended in paragraph (2)(B) of sub-
section (l), as so redesignated—

(1) in clause (ii), by inserting “reimbursement
for travel or lodging, and stipends or per diem pay-
ments” before the period at the end; and
(2) by adding at the end the following new clause:

“(iii) Any activity involving one or more members of an organization designated as a foreign terrorist organization pursuant to section 219 of the Immigration and Nationality Act (8 U.S.C. 1189) or an individual designated as a specially designated global terrorist pursuant to Executive Order 13224 (50 U.S.C. 1701 note; relating to blocking property and prohibiting transactions with persons who commit, threaten to commit, or support terrorism).”.

SEC. 1214. SENSE OF SENATE ON SPECIAL IMMIGRANT VISA PROGRAM FOR AFGHAN ALLIES.

It is the sense of the Senate that—

(1) the special immigrant visa program for Afghan allies is critical to the mission in Afghanistan and the long-term interests of the United States;

(2) maintaining a robust special immigrant visa program for Afghan allies is necessary to support United States Government personnel in Afghanistan who need translation, interpretation, security, and other services;
(3) Afghan allies routinely risk their lives to assist United States military and diplomatic personnel;

(4) honoring the commitments made to Afghan allies with respect to the special immigrant visa pro-
gram is essential to ensuring—

(A) the continued service and safety of such allies; and

(B) the willingness of other like-minded indi-

viduals to provide similar services in any fu-
ture contingency;

(5) the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note) states that all Government-con-
trolled processing of applications for special immi-
grant visas under that Act “should be completed not later than 9 months after the date on which an eligi-
able alien submits all required materials to complete an application for such visa”;

(6) any backlog in processing special immigrant visa applications should be addressed as quickly as possible so as to honor the United States commit-
ment to Afghan allies as soon as possible;

(7) failure to process such applications in an expeditious manner puts lives at risk and jeopardizes a critical element of support to United States oper-
ations in Afghanistan; and
(8) to prevent harm to the operations of the United States Government in Afghanistan, additional visas should be made available to principal aliens who are eligible for special immigrant status under that Act.

SEC. 1215. SENSE OF SENATE AND REPORT ON UNITED STATES PRESENCE IN AFGHANISTAN.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the United States and our coalition partners have made progress in the fight against al-Qaeda and ISIS in Afghanistan; however, both groups—

(A) maintain an ability to operate in Afghanistan;

(B) seek to undermine stability in the region; and

(C) threaten the security of Afghanistan, the United States, and the allies of the United States;

(2) the South Asia strategy correctly emphasizes the importance of a conditions-based United States presence in Afghanistan; therefore, any decision to withdraw the Armed Forces of the United States from Afghanistan should be done in an orderly manner in response to conditions on the
ground, and in coordination with the Government of Afghanistan and United States allies and partners in the Resolute Support mission, rather than arbitrary timelines;

(3) a precipitous withdrawal of the Armed Forces of the United States and United States diplomatic and intelligence personnel from Afghanistan without effective, countervailing efforts to secure gains in Afghanistan may allow violent extremist groups to regenerate, threatening the security of the Afghan people and creating a security vacuum that could destabilize the region and provide ample safe haven for extremist groups seeking to conduct external attacks;

(4) ongoing diplomatic efforts to secure a peaceful, negotiated solution to the conflict in Afghanistan are the best path forward for establishing long-term stability and eliminating the threat posed by extremist groups in Afghanistan;

(5) the United States supports international diplomatic efforts to facilitate peaceful, negotiated resolution to the ongoing conflict in Afghanistan on terms that respect the rights of innocent civilians and deny safe havens to terrorists; and
(6) as part of such diplomatic efforts, and as a condition to be met prior to withdrawal, the United States should seek to secure the release of any United States citizens being held against their will in Afghanistan.

(b) REPORT.—

(1) IN GENERAL.—Not later than September 1, 2020, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representative a report that includes—

(A) an assessment of—

(i) the external threat posed by extremist groups operating in Afghanistan to the United States homeland and the homelands of United States allies;

(ii) the impact of cessation of United States counterterrorism activities on the size, strength, and external aims of such groups; and

(iii) the international financial support the Afghan National Defense and Security Forces requires in order to maintain current operational capabilities, including force cohesion and combat effectiveness;
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(B) a plan for the orderly transition of all security-related tasks currently undertaken by the Armed Forces of the United States in support of the Afghan National Defense and Security Forces to Afghanistan, including—

(i) precision targeting of Afghanistan-based terrorists;

(ii) combat-enabler support, such as artillery and aviation assets; and

(iii) noncombat-enabler support, such as intelligence, surveillance and reconnaissance, medical evacuation, and contractor logistic support; and

(C) an update on the status of any United States citizens detained in Afghanistan, and an overview of Administration efforts to secure their release.

(2) FORM.—The report required by paragraph (1) shall be submitted in unclassified form but may contain a classified annex.
Subtitle C—Matters Relating to Syria, Iraq, and Iran

SEC. 1221. EXTENSION OF AUTHORITY AND LIMITATION ON USE OF FUNDS TO PROVIDE ASSISTANCE TO COUNTER THE ISLAMIC STATE OF IRAQ AND SYRIA.


(b) Funding.—Subsection (g) of such section 1236, as most recently amended by section 1221 of the National Defense Authorization Act for Fiscal year 2020 (Public Law 116–92), is amended to read as follows:

“(g) Funding.—

“(1) In general.—Of the amounts authorized to be appropriated for the Department of Defense for Overseas Contingency Operations for fiscal year 2021, not more than $322,500,000 may be used to carry out this section.
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“(2) LIMITATION AND REPORT.—

“(A) IN GENERAL.—Of the funds authorized to be appropriated under paragraph (1), not more than 25 percent may be obligated or expended until the date on which the Secretary of Defense submits to the appropriate congressional committees a report that includes the following:

“(i) An explanation of the manner in which such support aligns with the objectives contained in the national defense strategy.

“(ii) A description of the manner in which such support is synchronized with larger whole-of-government funding efforts to strengthen the bilateral relationship between the United States and Iraq.

“(iii) A description of—

“(I) actions taken by the Government of Iraq to assert control over popular mobilization forces; and

“(II) the role of popular mobilization forces in the national security apparatus of Iraq.
“(iv) A plan to fully transition security assistance for the Iraqi Security Forces from the Counter-Islamic State of Iraq and Syria Train and Equip Fund to standing security assistance authorities managed by the Defense Security Cooperation Agency and the Department of State by not later than September 30, 2022.

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

SEC. 1222. EXTENSION AND MODIFICATION OF AUTHORITY TO PROVIDE ASSISTANCE TO VETTED SYRIAN GROUPS AND INDIVIDUALS.


(1) in the section heading, by striking “THE VETTED SYRIAN OPPOSITION” and inserting “VETTED SYRIAN GROUPS AND INDIVIDUALS”;

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(2) in subsection (a), in the matter preceding paragraph (1), by striking “December 31, 2020” and inserting “December 31, 2021”;

(3) by striking subsections (b) and (e);

(4) by redesignating subsections (d) through (m) as subsections (b) through (k), respectively; and

(5) in paragraph (2) of subsection (b), as so redesignated—

(A) in subparagraph (J)(iii), by redesignating subclause (I) as subparagraph (M) and moving the subparagraph four ems to the left;

(B) by redesignating subparagraphs (A) through (F) and (G) through (J) as subparagraphs (B) through (G) and (I) through (L), respectively;

(C) by inserting before subparagraph (B), as so redesignated, the following new subparagraph (A):

“(A) An accounting of the obligation and expenditure of authorized funding for the current and preceding fiscal year.”;

(D) by inserting after subparagraph (G), as so redesignated, the following new subparagraph (H):
“(H) The mechanisms and procedures that will be used to monitor and report to the appropriate congressional committees and leadership of the Senate and House of Representatives any unauthorized end-use of provided training and equipment or other violations of relevant law by appropriately vetted recipients.”; and

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

“(N) Any other matter the Secretary considers appropriate.”.

SEC. 1223. EXTENSION AND MODIFICATION OF AUTHORITY TO SUPPORT OPERATIONS AND ACTIVITIES OF THE OFFICE OF SECURITY COOPERATION IN IRAQ.

(a) LIMITATION ON AMOUNT.—Subsection (e) of section 1215 of the National Defense Authorization Act for Fiscal Year 2015 (10 U.S.C. 113 note) is amended—

(1) by striking “fiscal year 2020” and inserting “fiscal year 2021”; and

(2) by striking “$30,000,000” and inserting “$15,000,000”.

(b) SOURCE OF FUNDS.—Subsection (d) of such section is amended by striking “fiscal year 2020” and inserting “fiscal year 2021”.


(c) ADDITIONAL AUTHORITY.—Subsection (f) of such
section is amended—

(1) in paragraph (1), in the matter preceding
subparagraph (A), by striking “fiscal year 2019”
and inserting “fiscal year 2021”; and

(2) in paragraph (3), by striking “the National
Defense Authorization Act for Fiscal Year 2020”
and inserting “the National Defense Authorization
Act for Fiscal Year 2021”.

(d) REPORT.—Subsection (g)(1) of such section is
amended by striking “September 30, 2020” and inserting
“March 1, 2021”.

(e) LIMITATION ON AVAILABILITY OF FUNDS.—Sub-
section (h) of such section is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking “fiscal year 2020” and in-
serting “fiscal year 2021”; and

(B) by striking “$20,000,000” and insert-
ing “$10,000,000”;

(2) by striking paragraph (1);

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

(4) in paragraph (1), as so redesignated, by
striking “The development of a staffing plan” and
inserting “A progress report with respect to the development of a staffing plan”; and

(5) in paragraph (2), as so redesignated, by striking “The initiation” and inserting “A progress report with respect to the initiation”.

Subtitle D—Matters Relating to Europe and the Russian Federation

SEC. 1231. EXTENSION OF LIMITATION ON MILITARY CO-

OPERATION BETWEEN THE UNITED STATES

AND THE RUSSIAN FEDERATION.

Section 1232(a) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2488), as most recently amended by section 1231 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92), is further amended in the matter preceding paragraph (1), by striking “, 2019, or 2020” and inserting “2019, 2020, or 2021”.

SEC. 1232. PROHIBITION ON AVAILABILITY OF FUNDS RE-

LATING TO SOVEREIGNTY OF THE RUSSIAN

FEDERATION OVER CRIMEA.

(a) PROHIBITION.—None of the funds authorized to be appropriated by this Act for fiscal year 2021 for the Department of Defense may be obligated or expended to, and the Department may not, implement any activity that
recognizes the sovereignty of the Russian Federation over Crimea.

(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 a 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. 1233. MODIFICATION AND EXTENSION OF UKRAINE SECURITY ASSISTANCE INITIATIVE.

Section 1250 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1068), as most recently amended by section 1244 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92), is further amended—

(1) in subsection (c)—

(A) in paragraph (2)(B)—
(i) in clause (iv), by striking “; and” and inserting a semicolon;

(ii) in clause (v), by striking the period at the end and inserting a semicolon; and

(iii) by adding at the end the following:

“(vi) transformation of command and control structures and roles in line with North Atlantic Treaty Organization principles; and

“(vii) improvement of human resources management, including to support career management reforms, enhanced social support to military personnel and their families, and professional military education systems.”; and

(B) by amending paragraph (5) to read as follows:

“(5) LETHAL ASSISTANCE.—Of the funds available for fiscal year 2021 pursuant to subsection (f)(6), $125,000,000 shall be available only for lethal assistance described in paragraphs (2), (3), (11), (12), (13), and (14) of subsection (b).”;}
(2) in subsection (f), by adding at the end the following new paragraph:

“(6) For fiscal year 2021, $250,000,000.”; and

(3) in subsection (h), by striking “December 31, 2022” and inserting “December 31, 2024”.

SEC. 1234. REPORT ON CAPABILITY AND CAPACITY REQUIREMENTS OF MILITARY FORCES OF UKRAINE AND RESOURCE PLAN FOR SECURITY ASSISTANCE.

(a) Report.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of State shall jointly submit to the appropriate committees of Congress a report on the capability and capacity requirements of the military forces of Ukraine, which shall include the following:

(1) An analysis of the capability gaps and capacity shortfalls of the military forces of Ukraine that includes—

(A) an assessment of the requirements of the navy of Ukraine to accomplish its assigned missions; and

(B) an assessment of the requirements of the air force of Ukraine to accomplish its assigned missions.
(2) An assessment of the relative priority assigned by the Government of Ukraine to addressing such capability gaps and capacity shortfalls.

(3) An assessment of the capability gaps and capacity shortfalls that—

(A) could be addressed in a sufficient and timely manner by unilateral efforts of the Government of Ukraine; and

(B) are unlikely to be addressed in a sufficient and timely manner solely through unilateral efforts.

(4) An assessment of the capability gaps and capacity shortfalls described in paragraph (3)(B) that could be addressed in a sufficient and timely manner by—

(A) the Ukraine Security Assistance Initiative of the Department of Defense;

(B) Department of Defense security assistance authorized by section 333 of title 10, United States Code;

(C) the Foreign Military Financing and Foreign Military Sales programs of the Department of State; or

(D) the provision of excess defense articles.
(5) An assessment of the human resources requirements of the Office of Defense Cooperation at the United States Embassy in Kyiv and any gaps in the capacity of such Office of Defense Cooperation to provide security assistance to Ukraine.

(6) Any recommendations the Secretary of Defense and the Secretary of State consider appropriate concerning the coordination of security assistance efforts of the Department of Defense and the Department of State with respect to Ukraine.

(b) RESOURCE PLAN.—Not later than February 15, 2022, the Secretary of Defense and the Secretary of State shall jointly submit to the appropriate committees of Congress a resource plan for United States security assistance with respect to Ukraine, which shall include the following:

(1) A plan to resource the following initiatives and programs with respect to Ukraine in fiscal year 2023 and the four succeeding fiscal years to meet the most critical capability gaps and capacity shortfalls of the military forces of Ukraine:

(A) The Ukraine Security Assistance Initiative of the Department of Defense.

(B) Department of Defense security assistance authorized by section 333 of title 10, United States Code.
(C) The Foreign Military Financing and Foreign Military Sales programs of the Department of State.

(D) The provision of excess defense articles.

(2) With respect to the navy of Ukraine, the following:

(A) A capability development plan, with milestones, detailing the manner in which the United States will assist the Government of Ukraine in meeting the requirements referred to in subsection (a)(1)(A).

(B) A plan for United States cooperation with third countries and international organizations that have the resources and ability to provide immediate assistance to the navy of Ukraine while maintaining interoperability with United States platforms to the extent feasible.

(C) A plan to prioritize the provision of excess defense articles for the navy of Ukraine to the extent practicable during fiscal year 2023 and the four succeeding fiscal years.

(D) An assessment of the manner in which United States security assistance to the navy of
Ukraine is in the national security interests of the United States.

(3) With respect to the air force of Ukraine, the following:

(A) A capability development plan, with milestones, detailing the manner in which the United States will assist the Government of Ukraine in meeting the requirements referred to in subsection (a)(1)(B).

(B) A plan for United States cooperation with third countries and international organizations that have the resources and ability to provide immediate assistance to the air force of Ukraine while maintaining interoperability with United States platforms to the extent feasible.

(C) A plan to prioritize the provision of excess defense articles for the air force of Ukraine to the extent practicable during fiscal year 2023 and the four succeeding fiscal years.

(D) An assessment of the manner in which United States security assistance to the air force of Ukraine is in the national security interests of the United States.

(4) An assessment of progress on defense institutional reforms in Ukraine, including with respect
to the navy and air force of Ukraine, during fiscal
year 2023 and the four succeeding fiscal years that
will be essential for—

(A) enabling effective use and sustainment
of capabilities developed under security assist-
ance authorities described in this section;

(B) enhancing the defense of the sov-
ereignty and territorial integrity of Ukraine;

(C) achieving the stated goal of the Gov-
ernment of Ukraine of meeting North Atlantic
Treaty Organization standards; and

(D) allowing Ukraine to achieve its full po-
tential as a strategic partner of the United
States.

(c) FORM.—The report required by subsection (a)
and the resource plan required by subsection (b) shall each
be submitted in a classified form with an unclassified sum-
mary.

(d) APPROPRIATE COMMITTEES OF CONGRESS DE-
FINED.—In this section, the term “appropriate commit-
tees of Congress” 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. 1235. SENSE OF SENATE ON NORTH ATLANTIC TREATY ORGANIZATION ENHANCED OPPORTUNITIES PARTNER STATUS FOR UKRAINE.

It is the sense of the Senate that—

(1) the United States should support the designation of Ukraine as an enhanced opportunities partner as part of the Partnership Interoperability Initiative of the North Atlantic Treaty Organization;

(2) the participation of Ukraine in the enhanced opportunities partner program is in the shared security interests of Ukraine, the United States, and the North Atlantic Treaty Organization alliance;

(3) the unique experience, capabilities, and technical expertise of Ukraine, especially with respect to hybrid warfare, cybersecurity, and foreign disinformation, would enable Ukraine to make a positive contribution to the North Atlantic Treaty Organization alliance through participation in the enhanced opportunities partner program;

(4) while not a replacement for North Atlantic Treaty Organization membership, participation in
the enhanced opportunities partner program would have significant benefits for the security of Ukraine, including—

(A) more regular consultations on security matters;

(B) enhanced access to interoperability programs and exercises;

(C) expanded information sharing; and

(D) improved coordination of crisis preparedness and response; and

(5) progress on defense institutional reforms in Ukraine, including defense institutional reforms intended to align the military forces of Ukraine with North Atlantic Treaty Organization standards, remains essential for—

(A) a more effective defense of the sovereignty and territorial integrity of Ukraine;

(B) allowing Ukraine to achieve its full potential as a strategic partner of the United States; and

(C) increased cooperation between Ukraine and the North Atlantic Treaty Organization.
SEC. 1236. EXTENSION OF AUTHORITY FOR TRAINING FOR EASTERN EUROPEAN NATIONAL SECURITY FORCES IN THE COURSE OF MULTILATERAL EXERCISES.

Subsection (h) of section 1251 of the National Defense Authorization Act for Fiscal Year 2016 (10 U.S.C. 333 note), as most recently amended by section 1247 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) is further amended—

(1) in the first sentence, by striking “December 31, 2021” and inserting “December 31, 2023”; and

(2) in the second sentence, by striking “the period beginning on October 1, 2015, and ending on December 31, 2021” and inserting “the period beginning on October 1, 2015, and ending on December 31, 2023”.

SEC. 1237. SENSE OF SENATE ON KOSOVO AND THE ROLE OF THE KOSOVO FORCE OF THE NORTH ATLANTIC TREATY ORGANIZATION.

It is the sense of the Senate that—

(1) normalization of relations between Kosovo and Serbia is in the interest of both countries and would enhance security and stability in the Western Balkans;

(2) the United States should continue to support the diplomatic efforts of Kosovo and Serbia to
reach a historic agreement to normalize relations between the two countries;

(3) mutual recognition should be a central element of normalization of relations between Kosovo and Serbia;

(4) both Kosovo and Serbia should refrain from actions that would make an agreement more difficult to achieve;

(5) the Kosovo Force of the North Atlantic Treaty Organization continues to play an indispensable role in maintaining security and stability, which are the essential predicates for the success of the diplomatic efforts of Kosovo and Serbia to achieve normalization of relations;

(6) the participation of the United States Armed Forces in the Kosovo Force is foundational to the credibility and success of mission of the Kosovo Force;

(7) with the North Atlantic Treaty Organization allies and other European partners contributing over 80 percent of the troops for the mission, the Kosovo Force represents a positive example of burden sharing;

(8) together with the allies and partners of the United States, the United States should—
(A) maintain its commitment to the Kosovo Force; and

(B) take all appropriate steps to ensure that the Kosovo Force has the necessary personnel, capabilities, and resources to perform its critical mission; and

(9) the United States should continue to support the gradual transition of the Kosovo Security Force to a multi-ethnic army for the Republic of Kosovo that is interoperable with North Atlantic Treaty Organization members through an inclusive and transparent process that—

(A) respects the rights and concerns of all citizens of Kosovo;

(B) promotes regional security and stability; and

(C) supports the aspirations of Kosovo for eventual full membership in the North Atlantic Treaty Organization.

SEC. 1238. SENSE OF SENATE ON STRATEGIC COMPETITION WITH THE RUSSIAN FEDERATION AND RELATED ACTIVITIES OF THE DEPARTMENT OF DEFENSE.

It is the sense of the Senate that—
(1) the 2018 National Defense Strategy affirms the re-emergence of long-term strategic competition with the Russian Federation as a principal priority for the Department of Defense that requires sustained investment due to the magnitude of the threat posed to United States security, prosperity, and alliances and partnerships;

(2) given the continued military modernization of the Russian Federation, including the development of long-range strike systems and other advanced capabilities, the United States should prioritize efforts within the North Atlantic Treaty Organization to implement timely measures to ensure that the deterrence and defense posture of the North Atlantic Treaty Organization remains credible and effective;

(3) the United States should reaffirm support for the open-door policy of the North Atlantic Treaty Organization;

(4) to enhance deterrence against aggression by the Russian Federation, the Department of Defense should—

(A) continue—

(i) to prioritize funding for the European Deterrence Initiative to address capa-
bility gaps, capacity shortfalls, and infrastructure requirements of the Joint Force in Europe;

(ii) to increase pre-positioned stocks of equipment in Europe; and

(iii) rotational deployments of United States forces to Romania and Bulgaria while pursuing training opportunities at military locations such as Camp Mihail Kogalniceanu in Romania and Novo Selo Training Area in Bulgaria;

(B) increase—

(i) focus and resources to address the changing military balance in the Black Sea region;

(ii) the frequency, scale, and scope of North Atlantic Treaty Organization and other multilateral exercises in the Black Sea region, including with the participation of Ukraine and Georgia; and

(iii) presence and activities in the Arctic, including special operations training and naval operations and training;

(C) maintain robust naval presence at Souda Bay, Greece, and pursue opportunities
for increased United States presence at other locations in Greece;

(D) enhance military-to-military engagement among Western Balkan countries to promote interoperability with the North Atlantic Treaty Organization and regional security cooperation; and

(E) expand information sharing, improve planning coordination, and increase the frequency, scale, and scope of exercises with Sweden and Finland to deepen interoperability; and

(5) to counter Russian Federation activities short of armed conflict, the Department of Defense should—

(A) integrate with United States interagency efforts to employ all elements of national power to counter Russian Federation hybrid warfare; and

(B) bolster the capabilities of allies and partners to counteract Russian Federation coercion, including through expanded cyber cooperation and enhanced resilience against disinformation and malign influence.
SEC. 1239. REPORT ON RUSSIAN FEDERATION SUPPORT OF RACIALLY AND ETHNICALLY MOTIVATED VIOLENT EXTREMISTS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the head of any other relevant Federal department or agency, shall submit to the appropriate committees of Congress a report on Russian Federation support of racially and ethnically motivated violent extremist groups and networks in Europe and the United States, including such support provided by agents and entities of the Russian Federation acting at the direction or for the benefit of the Government of the Russian Federation.

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

(1) A list of each racially or ethnically motivated violent extremist group or network in Europe or the United States known to meet, or suspected of meeting, the following criteria:

(A) The group or network has been targeted or recruited by the security services of the Russian Federation.

(B) The group or network has received support (including training, disinformation or amplification on social media platforms, finan-
cial support, and any other support) from the
Russian Federation or an agent or entity of the
Russian Federation acting at the direction or
for the benefit of the Government of the Rus-
sian Federation.

(C) The group—

(i) has leadership or a base of oper-
ations located within the Russian Federa-
tion; and

(ii) operates or maintains a chapter or
network of the group in Europe or the
United States.

(2) An assessment of the manner in which Rus-
sian Federation support of such groups or networks
aligns with the strategic interests of the Russian
Federation with respect to Europe and the United
States.

(3) An assessment of the role of such groups or
networks in—

(A) assisting Russian Federation-backed
separatist forces in the Donbas region of
Ukraine; or

(B) destabilizing security on the Crimean
peninsula of Ukraine.
(4) An assessment of the manner in which Russian Federation support of such groups or networks has—

(A) contributed to the destabilization of security in the Balkans; and

(B) threatened the support for the North Atlantic Treaty Organization in Southeastern Europe.

(5) A description of any relationship or affiliation between such groups or networks and ultranationalist or extremist political parties in Europe and the United States, and an assessment of the manner in which the Russian Federation may use such a relationship or affiliation to advance the strategic interests of the Russian Federation.

(6) A description of the use by the Russian Federation of social media platforms to support or amplify the presence or messaging of such groups or networks, and an assessment of any effort in Europe or the United States to counter such support or amplification.

(7) A description of the legal and political implications of the designation of the Russian Imperial Movement, and members of the leadership of the Russian Imperial Movement, as specially designated
global terrorists pursuant to Executive Order 13224 
(50 U.S.C. 1701 note; relating to blocking property 
and prohibiting transactions with persons who com-
mit, threaten to commit, or support terrorism) and 
the response of the Government of the Russian Fed-
eration to such designation.

(8) Recommendations of the Secretary of De-
fense, consistent with a whole-of-government ap-
proach to countering Russian Federation informa-
tion warfare and malign influence operations—

(A) to mitigate the security threat posed 
by such groups or networks; and

(B) to reduce or counter Russian Federa-
tion support for such groups or networks.

(c) FORM.—The report required by subsection (a) 
shall be submitted in unclassified form but may include 
a classified annex.

(d) APPROPRIATE COMMITTEES OF CONGRESS DE-
FINED.—In this section, the term “appropriate commit-
tees 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. 1240. PARTICIPATION IN EUROPEAN PROGRAM ON MULTILATERAL EXCHANGE OF SURFACE TRANSPORTATION SERVICES.

(a) IN GENERAL.—Subchapter II of chapter 138 of title 10, United States Code, is amended by inserting after subsection (l) the following new section 2350m:

“§ 2350m. Participation in European program on multilateral exchange of surface transportation services

“(a) PARTICIPATION AUTHORIZED.—

“(1) IN GENERAL.—The Secretary of Defense, with the concurrence of the Secretary of State, may authorize the participation of the Department of Defense in the Surface Exchange of Services program (in this section referred to as the ‘SEOS program’) of the Movement Coordination Centre Europe.

“(2) SCOPE OF PARTICIPATION.—Participation of the Department of Defense in the SEOS program under paragraph (1) may include—

“(A) the reciprocal exchange or transfer of surface transportation on a reimbursable basis or by replacement-in-kind; and
“(B) the exchange of surface transportation services of an equal value.

“(b) Written Arrangement or Agreement.—

“(1) In general.—Participation of the Department of Defense in the SEOS program shall be in accordance with a written arrangement or agreement entered into by the Secretary of Defense, with the concurrence of the Secretary of State, and the Movement Coordination Centre Europe.

“(2) Notification.—The Secretary of Defense shall provide to the congressional defense committees notification of any arrangement or agreement entered into under paragraph (1).

“(3) Funding Arrangements.—If Department of Defense facilities, equipment, or funds are used to support the SEOS program, the written arrangement or agreement under paragraph (1) shall specify the details of any equitable cost-sharing or other funding arrangement.

“(4) Other Elements.—Any written arrangement or agreement entered into under paragraph (1) shall require that any accrued credits or liability resulting from an unequal exchange or transfer of surface transportation services shall be liquidated
through the SEOS program not less than once every five years.

“(c) IMPLEMENTATION.—In carrying out any arrangement or agreement entered into under subsection (b), the Secretary of Defense may—

“(1) pay the equitable share of the Department of Defense for the operating expenses of the Movement Coordination Centre Europe and the SEOS program from funds available to the Department of Defense for operation and maintenance; and

“(2) assign members of the armed forces or Department of Defense civilian personnel, within billets authorized for the United States European Command, to duty at the Movement Coordination Centre Europe as necessary to fulfill Department of Defense obligations under that arrangement or agreement.

“(d) CREDITING OF RECEIPTS.—Any amount received by the Department of Defense as part of the SEOS program shall be credited, at the option of the Secretary of Defense, to—

“(1) the appropriation, fund, or account used in incurring the obligation for which such amount is received; or
“(2) an appropriate appropriation, fund, or account currently available for the purposes for which the expenditures were made.

“(e) ANNUAL REPORT.—

“(1) IN GENERAL.—Not later than 30 days after the end of each fiscal year in which the authority under this section is in effect, the Secretary of Defense shall submit to the congressional defense committees a report on Department of Defense participation in the SEOS program during such fiscal year.

“(2) ELEMENTS.—Each report required by paragraph (1) shall include the following:

“(A) A description of the equitable share of the costs and activities of the SEOS program paid by the Department of Defense.

“(B) A description of any amount received by the Department of Defense as part of such program, including the country from which the amount was received.

“(f) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section may be construed to authorize the use of foreign sealift in violation of section 2631.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by insert-
ing after the item relating to section 2350l the following new item:

“2350m. Participation in European program on multilateral exchange of surface transportation services.”.

SEC. 1241. PARTICIPATION IN PROGRAMS RELATING TO CO-
ORDINATION OR EXCHANGE OF AIR REFUEL-
ING AND AIR TRANSPORTATION SERVICES.

(a) IN GENERAL.—Subchapter II of chapter 138 of title 10, United States Code, as amended by section 1240(a), is further amended by adding at the end the following new section:

“§2350o. Participation in programs relating to co-
ordination or exchange of air refueling and air transportation services

“(a) PARTICIPATION AUTHORIZED.—

“(1) IN GENERAL.—The Secretary of Defense, with the concurrence of the Secretary of State, may authorize the participation of the Department of Defense in programs relating to the coordination or exchange of air refueling and air transportation services, including in the arrangement known as the Air Transport and Air-to-Air Refueling and other Ex-
changes of Services program (in this section referred to as the ‘ATARES program’).
“(2) Scope of participation.—Participation of the Department of Defense in programs referred to in paragraph (1) may include—

“(A) the reciprocal exchange or transfer of air refueling and air transportation services on a reimbursable basis or by replacement-in-kind; and

“(B) the exchange of air refueling and air transportation services of an equal value.

“(3) Limitations with respect to participation in ATARES program.—

“(A) In general.—The Department of Defense balance of executed flight hours in participation in the ATARES program under paragraph (1), whether as credits or debits, may not exceed a total of 500 hours.

“(B) Air refueling.—The Department of Defense balance of executed flight hours for air refueling in participation in the ATARES program under paragraph (1) may not exceed 200 hours.

“(b) Written arrangement or agreement.—Participation of the Department of Defense in a program referred to in subsection (a)(1) shall be in accordance with a written arrangement or agreement entered into by the
Secretary of Defense, with the concurrence of the Secretary of State.

“(c) IMPLEMENTATION.—In carrying out any arrangement or agreement entered into under subsection (b), the Secretary of Defense may—

“(1) pay the equitable share of the Department of Defense for the recurring and nonrecurring costs of the applicable program referred to in subsection (a)(1) from funds available to the Department for operation and maintenance; and

“(2) assign members of the armed forces or Department of Defense civilian personnel to fulfill Department obligations under that arrangement or agreement.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter, as amended by section 1240(b), is further amended by adding at the end the following new item:

“2350o. Participation in programs relating to coordination or exchange of air refueling and air transportation services.”.

(c) REPEAL.—Section 1276 of the National Defense Authorization Act for Fiscal Year 2013 (10 U.S.C. 2350c note) is repealed.
Subtitle E—Matters Relating to the Indo-Pacific Region

SEC. 1251. PACIFIC DETERRENCE INITIATIVE.

(a) IN GENERAL.—The Secretary of Defense shall carry out an initiative to ensure the effective implementation of the National Defense Strategy with respect to the Indo-Pacific region, to be known as the “Pacific Deterrence Initiative” (in this section referred to as the “Initiative”).

(b) PURPOSE.—The purpose of the Initiative is to carry out only the following activities:

(1) Activities to increase the lethality of the joint force in the Indo-Pacific region, including, but not limited to—

(A) by improving active and passive defenses against theater cruise, ballistic, and hypersonic missiles for bases, operating locations, and other critical infrastructure at locations west of the International Date Line; and

(B) procurement and fielding of—

(i) long-range precision strike systems to be stationed or pre-positioned west of the International Date Line;
(ii) critical munitions to be pre-positioned at locations west of the International Date Line; and

(iii) command, control, communications, computers and intelligence, surveillance, and reconnaissance systems intended for stationing or operational use in the Indo-Pacific region.

(2) Activities to enhance the design and posture of the joint force in the Indo-Pacific region, including, but not limited to, by—

(A) transitioning from large, centralized, and unhardened infrastructure to smaller, dispersed, resilient, and adaptive basing at locations west of the International Date Line;

(B) increasing the number and capabilities of expeditionary airfields and ports in the Indo-Pacific region available for operational use at locations west of the International Date Line;

(C) enhancing pre-positioned forward stocks of fuel, munitions, equipment, and materiel at locations west of the International Date Line;

(D) increasing the availability of strategic mobility assets in the Indo-Pacific region;
(E) improving distributed logistics and maintenance capabilities in the Indo-Pacific region to ensure logistics sustainment while under persistent multidomain attack; and

(F) increasing the presence of the Armed Forces at locations west of the International Date Line.

(3) Activities to strengthen alliances and partnerships, including, but not limited to, by—

(A) building capacity of allies and partners; and

(B) improving—

(i) interoperability and information sharing with allies and partners; and

(ii) information operations capabilities in the Indo-Pacific region, with a focus on reinforcing United States commitment to allies and partners and countering malign influence.

(4) Activities to carry out a program of exercises, experimentation, and innovation for the joint force in the Indo-Pacific region.

(e) PLAN REQUIRED.—Not later than February 15, 2021, the Secretary, in consultation with the Commander of the United States Indo-Pacific Command, shall submit
to the congressional defense committees a plan to expend not less than the amounts authorized to be appropriated under subsection (e)(2).

(d) BUDGET DISPLAY INFORMATION.—The Secretary shall include in the materials of the Department of Defense in support of the budget of the President (submitted to Congress pursuant to section 1105 of title 31, United States Code) for fiscal year 2022 and each fiscal year thereafter a detailed budget display for the Initiative that includes the following information:

(1) A future-years plan with respect to activities and resources for the Initiative for the applicable fiscal year and not fewer than the four following fiscal years.

(2) With respect to procurement accounts—

(A) amounts displayed by account, budget activity, line number, line item, and line item title; and

(B) a description of the requirements for such amounts specific to the Initiative.

(3) With respect to research, development, test, and evaluation accounts—

(A) amounts displayed by account, budget activity, line number, program element, and program element title; and
(B) a description of the requirements for such amounts specific to the Initiative.

(4) With respect to operation and maintenance accounts—

(A) amounts displayed by account title, budget activity title, line number, and sub-activity group title; and

(B) a description of the specific manner in which such amounts will be used.

(5) With respect to military personnel accounts—

(A) amounts displayed by account, budget activity, budget subactivity, and budget sub-activity title; and

(B) a description of the requirements for such amounts specific to the Initiative.

(6) With respect to each project under military construction accounts (including with respect to unspecified minor military construction and amounts for planning and design), the country, location, project title, and project amount by fiscal year.

(7) With respect to the activities described in subsection (b)—
(A) amounts displayed by account title, budget activity title, line number, and sub-
activity group title; and

(B) a description of the specific manner in which such amounts will be used.

(8) With respect to each military service—

(A) amounts displayed by account title, budget activity title, line number, and sub-
activity group title; and

(B) a description of the specific manner in which such amounts will be used.

(9) With respect to the amounts described in each of paragraphs (2)(A), (3)(A), (4)(A), (5)(A),
(6), (7)(A), and (8)(A), a comparison between—

(A) the amount in the budget of the President for the following fiscal year; and

(B) the amount projected in the previous budget of the President for the following fiscal year.

(e) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary to carry
out the activities of the Initiative described in subsection (b) the following:

(1) For fiscal year 2021, $1,406,417,000, as specified in the funding table in section 4502.
(2) For fiscal year 2022, $5,500,000,000.


SEC. 1252. SENSE OF SENATE ON THE UNITED STATES-VIETNAM DEFENSE RELATIONSHIP.

In commemoration of the 25th anniversary of the normalization of diplomatic relations between the United States and Vietnam, the Senate—

(1) welcomes the historic progress and achievements in United States-Vietnam relations over the last 25 years;

(2) congratulates Vietnam on its chairmanship of the Association of Southeast Asian Nations and its election as a nonpermanent member of the United Nations Security Council, both of which symbolize the positive leadership role of Vietnam in regional and global affairs;

(3) commends the commitment of Vietnam to resolve international disputes through peaceful means on the basis of international law;
(4) affirms the commitment of the United States—

(A) to respect the independence and sovereignty of Vietnam; and

(B) to establish and promote friendly relations and work together on an equal footing for mutual benefit with Vietnam;

(5) encourages the United States and Vietnam to elevate their comprehensive partnership to a strategic partnership based on mutual understanding, shared interests, and a common desire to promote peace, cooperation, prosperity, and security in the Indo-Pacific region;

(6) affirms the commitment of the United States to continue to address war legacy issues, including through dioxin remediation, unexploded ordnance removal, accounting for prisoners of war and soldiers missing in action, and other activities; and

(7) supports deepening defense cooperation between the United States and Vietnam, including with respect to maritime security, cybersecurity, counterterrorism, information sharing, humanitarian assistance and disaster relief, military medicine, peacekeeping operations, defense trade, and other areas.
SEC. 1253. AUTHORITY TO TRANSFER FUNDS FOR BIEN HOA DIOXIN CLEANUP.

(a) Transfer Authority.—Notwithstanding section 2215 of title 10, United States Code, the Secretary of Defense may transfer to the Secretary of State, for use by the United States Agency for International Development, amounts to be used for the Bien Hoa dioxin cleanup in Vietnam.

(b) Limitation on Amount.—Not more than $15,000,000 may be transferred in fiscal year 2021 under the transfer authority in subsection (a).

(c) Additional Transfer Authority.—The transfer authority in subsection (a) is in addition to any other transfer authority available to the Department of Defense.

(d) Notice on Exercise of Authority.—If the Secretary of Defense determines to use the transfer authority in subsection (a), the Secretary shall notify the congressional defense committee of that determination not later than 30 days before the Secretary uses the transfer authority.

SEC. 1254. COOPERATIVE PROGRAM WITH VIETNAM TO ACCOUNT FOR VIETNAMESE PERSONNEL MISSING IN ACTION.

(a) In General.—The Secretary of Defense, in cooperation with other appropriate Federal departments and
agencies, is authorized to carry out a cooperative program with the Ministry of Defense of Vietnam to assist in accounting for Vietnamese personnel missing in action.

(b) PURPOSE.—The purpose of the cooperative program under subsection (a) is to carry out the following activities:

(1) Collection, digitization, and sharing of archival information.

(2) Building the capacity of Vietnam to conduct archival research, investigations, and excavations.

(3) Improving DNA analysis capacity.

(4) Increasing veteran-to-veteran exchanges.

(5) Other support activities the Secretary considers necessary and appropriate.

SEC. 1255. PROVISION OF GOODS AND SERVICES AT KWAJALEIN ATOLL, REPUBLIC OF THE MARSHALL ISLANDS.

(a) IN GENERAL.—Chapter 767 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 7596. Provision of goods and services at Kwajalein Atoll

“(a) AUTHORITY.—(1) Except as provided in paragraph (2), the Secretary of the Army, with the concurrence of the Secretary of State, may provide goods and
services, including interatoll transportation, to the Government of the Republic of the Marshall Islands and other eligible patrons, as determined by the Secretary of the Army, at Kwajalein Atoll.

“(2) The Secretary of the Army may not provide goods or services under this section if doing so would be inconsistent, as determined by the Secretary of State, with the Compact of Free Association between the Government of the United States and the Government of the Republic of the Marshall Islands or any subsidiary agreement or implementing arrangement.

“(b) Reimbursement.—(1) The Secretary of the Army may collect reimbursement from the Government of the Republic of the Marshall Islands and eligible patrons for the provision of goods or services under subsection (a).

“(2) The amount collected for goods or services under this subsection may not be greater than the total amount of actual costs to the United States for providing the goods or services.

“(c) Necessary Expenses.—Amounts appropriated to the Department of the Army may be used for necessary expenses associated with providing goods and services under this section.

“(d) Regulations.—The Secretary of the Army shall issue regulations to carry out this section.”.
(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"7596. Provision of goods and services at Kwajalein Atoll."

(e) BRIEFING.—Not later than December 31, 2021, the Secretary of the Army shall provide to the congressional defense committees a briefing on the use of the authority under section 7596(a) of title 10, United States Code, as added by subsection (a), in fiscal year 2021, including a written summary describing the goods and services provided on a reimbursable basis and the goods and services provided on a nonreimbursable basis.

SEC. 1256. AUTHORITY TO ESTABLISH A MOVEMENT COORDINATION CENTER PACIFIC IN THE INDO-PACIFIC REGION AND PARTICIPATE IN AN AIR TRANSPORT AND AIR-TO-AIR REFUELLING AND OTHER EXCHANGES OF SERVICES PROGRAM.

(a) IN GENERAL.—The Secretary of Defense, with the concurrence of the Secretary of State, may authorize—

(1) the establishment of a Movement Coordination Center Pacific (in this section referred to as the “Center’’); and

(2) participation of the Department of Defense in an Air Transport and Air-to-Air Refueling and
other Exchanges of Services program (in this section referred to as the “ATARES program”) of the Center.

(b) SCOPE OF PARTICIPATION.—Participation of the Department in the ATARES program shall be limited to—

(1) the reciprocal exchange or transfer of air transportation and air refueling services on a reimbursable basis or by replacement-in-kind; and

(2) the exchange of air transportation or air refueling services of equal value.

(c) LIMITATIONS.—

(1) TRANSPORTATION HOURS.—The Department balance of executed transportation hours in the ATARES program, whether as credits or debits, may not exceed 500 hours.

(2) FLIGHT HOURS.—The Department balance of executed flight hours for air refueling in the ATARES program may not exceed 200 hours.

(d) WRITTEN ARRANGEMENT OR AGREEMENT.—

(1) IN GENERAL.—Participation of the Department in the ATARES program shall be in accordance with a written arrangement or agreement entered into by the Secretary of Defense, with the concurrence of the Secretary of State.
(2) **FUNDING ARRANGEMENTS.**—If Department facilities, equipment, or funds are used to support the ATARES program, the written arrangement or agreement under paragraph (1) shall specify the details of any equitable cost-sharing or other funding arrangement.

(3) **OTHER ELEMENTS.**—Any written arrangement or agreement entered into under paragraph (1) shall require any accrued credit or liability resulting from an unequal exchange or transfer of air transportation or air refueling services to be liquidated through the ATARES program not less frequently than once every five years.

(e) **IMPLEMENTATION.**—In carrying out any written arrangement or agreement entered into under subsection (d), the Secretary of Defense may—

(1) pay the equitable share of the Department for the operating expenses of the Center and the ATARES program from funds available to the Department for operation and maintenance; and

(2) assign members of the Armed Forces or Department civilian personnel, within billets authorized for the United States Indo-Pacific Command, to duty at the Center as necessary to fulfill Depart-
ment obligations under that arrangement or agree-

ment.

SEC. 1257. TRAINING OF ALLY AND PARTNER AIR FORCES
IN GUAM.

(a) SENSE OF SENATE.—It is the sense of the Senate
that—

(1) the memorandum of understanding agreed
to by the United States and the Republic of Singa-
pore on December 6, 2019, to establish a fighter jet
training detachment in Guam should be commended;

(2) such agreement is a manifestation of the
strong, enduring, and forward-looking partnership of
the United States and the Republic of Singapore;
and

(3) the permanent establishment of a fighter
detachment in Guam will further enhance the inter-
operability of the air forces of the United States and
the Republic of Singapore and provide training op-
portunities needed to maximize their readiness.

(b) 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 re-
port assessing the merit and feasibility of entering into
agreements similar to the memorandum of understanding
referred to in subsection (a)(1) with other United States
allies and partners in the Indo-Pacific region, including Japan, Australia, and India.

SEC. 1258. STATEMENT OF POLICY AND SENSE OF SENATE ON THE TAIWAN RELATIONS ACT.

(a) STATEMENT OF POLICY.—It is the policy of the United States—

(1) that the Taiwan Relations Act (Public Law 96–8; 22 U.S.C. 3301 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) that nothing in the Taiwan Relations Act (Public Law 96–8; 22 U.S.C. 3301 et seq.) constrains deepening, to the extent possible, the extensive, close, and friendly relations of the United States and Taiwan, including defense relations;

(3) that the Taiwan Relations Act (Public Law 96–8; 22 U.S.C. 3301 et seq.) shall be implemented and executed in a manner consistent with evolving political, security, and economic dynamics and circumstances;

(4) that, as set forth in the Taiwan Relations Act (Public Law 96–8; 22 U.S.C. 3301 et seq.), the United States expects 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” is “a threat to the peace and secu-

rity of the Western Pacific area and of grave con-
cern to the United States”;

(5) that the increasingly coercive and aggressive
behavior of the People’s Republic of China towards
Taiwan, including growing military maneuvers tar-

ting Taiwan, is contrary to the expectation of the
peaceful resolution of the future of Taiwan;

(6) that, as set forth in the Taiwan Relations
Act (Public Law 96–8; 22 U.S.C. 3301 et seq.), the
United States will support the development of capa-

ble, ready, and modern defense forces necessary for
Taiwan to maintain a sufficient self-defense capa-
bility, including by—

(A) supporting acquisition by Taiwan of
defense articles and services through foreign
military sales, direct commercial sales, and in-
dustrial cooperation, with an emphasis on capa-

bilities that support the asymmetric defense
strategy of Taiwan, including antiship, coastal
defense, antiarmor, air defense, undersea war-

fare, advanced command, control, communica-
tions, computers, intelligence, surveillance, and

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reconnaissance, and resilient command and control capabilities;

(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, including, as appropriate, the Rim of the Pacific exercise, combined training at the National Training Center at Fort Erwin, and bilateral naval exercises and training;

(D) examining the potential for expanding professional military education and technical training opportunities in the United States for military personnel of Taiwan;

(E) pursuing a strategy of military engagement with Taiwan that fully integrates exchanges at the strategic, policy, and functional levels;

(F) increasing exchanges between senior defense officials and general officers of the United States and Taiwan consistent with the Taiwan Travel Act (Public Law 115–135; 132 Stat. 341), especially for the purpose of enhancing cooperation on defense planning and im-
proving the interoperability of the military forces of the United States and Taiwan;

(G) conducting military exchanges with Taiwan specifically focused on improving the reserve force of Taiwan; and

(H) expanding cooperation in military medicine and humanitarian assistance and disaster relief, including through the participation of medical vessels of Taiwan in appropriate exercises with the United States; and

(7) that, as set forth in the Taiwan Relations Act (Public Law 96–8; 22 U.S.C. 3301 et seq.), the United States will maintain 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”, including the capacity of the United States Armed Forces to deny a “fait accompli” operation by the People’s Republic of China to rapidly seize control of Taiwan.

(b) SENSE OF SENATE.—It is the sense of the Senate that the Secretary of Defense should—

(1) ensure that policy guidance to the Department of Defense related to United States-Taiwan defense relations is fully consistent with the statement of policy set forth in subsection (a); and
(2) issue new policy guidance required to carry out such policy.

SEC. 1259. SENSE OF CONGRESS ON PORT CALLS IN TAIWAN WITH THE USNS COMFORT AND THE USNS MERCY.

It is the sense of Congress that the Department of Defense should conduct port calls in Taiwan with the USNS Comfort and the USNS Mercy—

(1) to continue the collaboration between the United States and Taiwan on COVID–19 responses, which has included—

(A) research and development of tests, vaccines, and medicines; and

(B) donations of face masks;

(2) to further improve the cooperation between the United States and Taiwan on military medicine and humanitarian assistance and disaster relief;

(3) to allow United States personnel to benefit from the expertise of Taiwanese personnel, in light of the successful response of Taiwan to COVID–19; and

(4) to continue the mission of the USNS Comfort and the USNS Mercy, which have demonstrated the value of the Department capacity to deploy maritime medical capabilities worldwide and provide con-
tingency capacity in the United States during sign-
ificant crises.

SEC. 1260. LIMITATION ON USE OF FUNDS TO REDUCE
TOTAL NUMBER OF MEMBERS OF THE
ARMED FORCES SERVING ON ACTIVE DUTY
WHO ARE DEPLOYED TO THE REPUBLIC OF
KOREA.

None of the funds authorized to be appropriated by
this Act may be obligated or expended to reduce the total
number of members of the Armed Forces serving on active
duty and deployed to the Republic of Korea to fewer than
28,500 such members of the Armed Forces until 90 days
after the date on which the Secretary of Defense certifies
to the congressional defense committees that—

(1) such a reduction—

(A) is in the national security interest of
the United States; and

(B) will not significantly undermine the se-
curity of United States allies in the region; and

(2) the Secretary has appropriately consulted
with allies of the United States, including the Re-
public of Korea and Japan, regarding such a reduc-
ction.
SEC. 1261. SENSE OF CONGRESS ON CO-DEVELOPMENT WITH JAPAN OF A LONG-RANGE GROUND-BASED ANTI-SHIP CRUISE MISSILE SYSTEM.

It is the sense of Congress that—

(1) the Department of Defense should prioritize consultations with the Ministry of Defense of Japan to determine whether a ground-based, long-range anti-ship cruise missile system would meet shared defense requirements of the United States and Japan; and

(2) if it is determined that a ground-based, long-range anti-ship cruise missile system would meet shared defense requirements, the United States and Japan should consider co-development of such a system.

Subtitle F—Reports

SEC. 1271. REVIEW OF AND REPORT ON OVERDUE ACQUISITION AND CROSS-SERVICING AGREEMENT TRANSACTIONS.

(a) REVIEW.—The Secretary of Defense, acting through the official designated to provide oversight of acquisition and cross-servicing agreements under section 2342(f) of title 10, United States Code, shall conduct a review of acquisition and cross-servicing transactions for which reimbursement to the United States is overdue under section 2345 of that title.
(b) REPORT.—

(1) IN GENERAL.—Not later than March 1, 2021, the designated official described in subsection (a) shall submit to the congressional defense committees a report on the results of the review.

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

(A) For each acquisition and cross-servicing transaction valued at $1,000,000 or more for which reimbursement to the United States was overdue as of October 1, 2019—

(i) the total amount of the transaction;

(ii) the unreimbursed balance of the transaction;

(iii) the date on which the original transaction was made;

(iv) the date on which the most recent request for payment was sent to the relevant foreign partner; and

(v) a plan for securing reimbursement from the foreign partner.

(B) A description of the steps taken to implement the recommendations made in the report of the Government Accountability Office
entitled “Defense Logistics Agreements: DOD Should Improve Oversight and Seek Payment from Foreign Partners for Thousands of Orders It Identifies as Overdue” issued in March 2020, including efforts to validate data reported under this subsection and in the system of record for acquisition and cross-servicing agreements of the Department of Defense.

(C) The amount of reimbursement received from foreign partners for each order—

(i) for which the reimbursement is recorded as overdue in the system of record for acquisition and cross-servicing agreements of the Department of Defense; and

(ii) that was authorized during the period beginning in October 2013 and ending in September 2020.

(D) A plan for improving recordkeeping of acquisition and cross-servicing transactions and ensuring timely reimbursement by foreign partners.

(E) Any other matter considered relevant by the designated official described in subsection (a).
SEC. 1272. REPORT ON BURDEN SHARING CONTRIBUTIONS

BY DESIGNATED COUNTRIES.

Section 2350j of title 10, United States Code, is amended by adding at the end the following new subsection:

“(f) REPORT ON CONTRIBUTIONS RECEIVED FROM DESIGNATED COUNTRIES.—

“(1) IN GENERAL.—Not later than January 15 each year, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the burden sharing contributions received under this section from designated countries.

“(2) ELEMENTS.—Each report required by paragraph (1) shall include the following for the preceding fiscal year:

“(A) A list of all designated countries from which burden sharing contributions were received.

“(B) An explanation of the purpose for which each such burden sharing contribution was provided.

“(C) In the case of a written agreement entered into with a designated country under this section—

“(i) the date on which the agreement was signed; and
“(ii) the names of the individuals who signed the agreement.

“(D) For each designated country—

“(i) the amount provided by the designated country; and

“(ii) the amount of any remaining unobligated balance.

“(E) The amount of such burden sharing contributions expended, by eligible category, including compensation for local national employees, military construction projects, and supplies and services of the Department of Defense.

“(F) An explanation of any other burden sharing or in-kind contribution provided by a designated country under an agreement or authority other than the authority provided by this section.

“(G) Any other matter the Secretary of Defenses considers relevant.

“(3) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term ‘appropriate committees of Congress’ means—

“(A) the Committee on Armed Services, the Committee on Foreign Relations, and the
Committee on Appropriations of the Senate;
and
“(B) the Committee on Armed Services,
the Committee on Foreign Affairs, and the
Committee on Appropriations of the House of
Representatives.”.

SEC. 1273. REPORT ON RISK TO PERSONNEL, EQUIPMENT,
AND OPERATIONS DUE TO HUAWEI 5G ARCHITECTURE IN HOST COUNTRIES.

(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 re-
port that contains an assessment of—

(1) the risk to personnel, equipment, and oper-
ations of the Department of Defense in host coun-
tries posed by the current or intended use by such
countries of 5G telecommunications architecture pro-
vided by Huawei Technologies Co., Ltd.; and

(2) measures required to mitigate the risk de-
scribed in paragraph (1), including the merit and
feasibility of the relocation of certain personnel or
equipment of the Department to another location
without the presence of 5G telecommunications ar-
chitecture provided by Huawei Technologies Co.,
Ltd.
(b) FORM.—The report required by subsection (a) shall be submitted in classified form with an unclassified summary.

Subtitle G—Other Matters

SEC. 1281. RECIPROCAL PATIENT MOVEMENT AGREEMENTS.

(a) IN GENERAL.—Subchapter II of chapter 138 of title 10, United States Code, as amended by section 1241(a), is further amended by adding at the end the following new section:

§ 2350p. Reciprocal patient movement agreements

“(a) AUTHORITY.—Subject to the availability of appropriations, the Secretary of Defense, with the concurrence of the Secretary of State, may enter into a bilateral or multilateral memorandum of understanding or other formal agreement with one or more governments of partner countries that provides for—

“(1) the interchangeable, nonreimbursable use of patient movement personnel, either individually or as members of a patient movement crew or team, and equipment, belonging to one partner country to perform patient movement services aboard the aircraft, vessels, or vehicles of another partner country;

“(2) the reciprocal recognition and acceptance of —
“(A) national professional credentials, certifications, and licenses of patient movement personnel; and
“(B) national certifications, approvals, and licenses of equipment used in the provision of patient movement services; and
“(3) the acceptance of agreed-upon standards for the provision of patient movement services by aircraft, vessel, or vehicle, including, as determined to be beneficial and otherwise permitted by law, the harmonization of patient treatment standards and procedures.

“(b) CERTIFICATION.—(1) Before entering into a memorandum of understanding or other formal agreement with the government of a partner country under this section, the Secretary of Defense shall certify in writing that the professional credentials, certifications, licenses, and approvals for patient movement personnel and patient movement equipment of the partner country—
“(A) meet or exceed the equivalent standards of the United States for similar personnel and equipment; and
“(B) will provide for a level of care comparable to, or better than, the level of care provided by the Department of Defense.
“(2) A certification under paragraph (1) shall be—
  
  “(A) submitted to the appropriate committees of Congress not later than 15 days after the date on which the Secretary of Defense makes the certification; and
  
  “(B) reviewed and recertified by the Secretary of Defense not less frequently than annually.

“(c) SUSPENSION.—If the Secretary of Defense is unable to recertify a partner country as required by subsection (b)(2)(B), use of the personnel or equipment of the partner country by the Department of Defense under a memorandum of understanding or other formal agreement concluded pursuant to subsection (a) shall be suspended until the date on which the Secretary of Defense is able to recertify the partner country.

“(d) DEFINITIONS.—In this section:

“(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ‘appropriate committees of Congress’ means—

  “(A) the congressional defense committees;
  
  and
  
  “(B) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.
“(2) PARTNER COUNTRY.—The term ‘partner country’ means any of the following:

“(A) A member country of the North Atlantic Treaty Organization.

“(B) Australia.

“(C) Japan.

“(D) New Zealand.

“(E) The Republic of Korea.

“(F) Any other country designated as a partner country by the Secretary of Defense, with the concurrence of the Secretary of State, for purposes of this section.

“(3) PATIENT MOVEMENT.—The term ‘patient movement’ means the act or process of moving wounded, ill, injured, or other persons (including contaminated, contagious, and potentially exposed patients) to obtain medical, surgical, mental health, or dental care or treatment.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter, as amended by section 1241(b), is further amended by adding at the end the following new item:

“2350p. Reciprocal patient movement agreements.”.
SEC. 1282. EXTENSION OF AUTHORIZATION OF NON-CONVENTIONAL ASSISTED RECOVERY CAPABILITIES.

Subsection (g) of section 943 of the National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4578), as most recently amended by section 1282(a) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2542) and as redesignated by section 1051(n)(1) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1564), is further amended by striking “2021” and inserting “2024”.

SEC. 1283. EXTENSION OF DEPARTMENT OF DEFENSE SUPPORT FOR STABILIZATION ACTIVITIES IN NATIONAL SECURITY INTEREST OF THE UNITED STATES.

Section 1210A(h) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) is amended by striking “December 31, 2020” and inserting “December 31, 2021”.

SEC. 1284. NOTIFICATION WITH RESPECT TO WITHDRAWAL OF MEMBERS OF THE ARMED FORCES PARTICIPATING IN THE MULTINATIONAL FORCE AND OBSERVERS IN EGYPT.

(a) In general.—Not later than 30 days before a reduction in the total number of members of the Armed
Forces deployed to the Multinational Force and Observers in Egypt to fewer than 430 such members of the Armed Forces, the Secretary of Defense shall submit to the appropriate committees of Congress a notification that includes the following:

1. A detailed accounting of the number of members of the Armed Forces to be withdrawn from the Multinational Force and Observers in Egypt and the capabilities that such members of the Armed Forces provide in support of the mission.

2. An explanation of national security interests of the United States served by such a reduction and an assessment of the effect, if any, such a reduction is expected to have on the security of United States partners in the region.

3. A description of consultations by the Secretary with the other countries that contribute military forces to the Multinational Force and Observers, including Australia, Canada, Colombia, the Czech Republic, Fiji, France, Italy, Japan, New Zealand, Norway, the United Kingdom, and Uruguay, with respect to the planned force reduction and the results of such consultations.

4. An assessment of whether other countries, including the countries that contribute military
forces to the Multinational Force and Observers, will
increase their contributions of military forces to
compensate for the capabilities withdrawn by the
United States.

(5) An explanation of—

(A) any anticipated negative impact of
such a reduction on the ability of the Multi-
national Force and Observers in Egypt to fulfill
its mission of supervising the implementation of
the security provisions of the 1979 Treaty of
Peace between Egypt and Israel and employing
best efforts to prevent any violation of the
terms of such treaty; and

(B) the manner in which any such negative
impact will be mitigated.

(6) Any other matter the Secretary considers
appropriate.

(b) FORM.—The notification required by subsection
(a) shall be submitted in unclassified form, but may in-
clude a classified annex.

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

(1) the congressional defense committees; and
(2) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

**SEC. 1285. MODIFICATION TO INITIATIVE TO SUPPORT PROTECTION OF NATIONAL SECURITY ACADEMIC RESEARCHERS FROM UNDUE INFLUENCE AND OTHER SECURITY THREATS.**


(1) in subsection (c)(2)—

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

(B) in subparagraph (B), by striking the period at the end and inserting “; and”; and

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

“(C) includes requirements for appropriate senior officials of institutions of higher education to receive from appropriate Government agencies updated and periodic briefings that describe the espionage risks posed by technical intelligence gathering activities of near-peer strategic competitors.”; and
in subsection (c)(2)(D), by striking “improve” and inserting “improved”.

SEC. 1286. ESTABLISHMENT OF UNITED STATES-ISRAEL OPERATIONS-TECHNOLOGY WORKING GROUP.

(a) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the United States Government has a responsibility to undertake all reasonable measures to ensure that members of the Armed Forces never confront a more technologically advanced foe;

(2) the United States and Israel have several cooperative technology programs to develop and field capabilities in missile defense, countertunneling, and counterunmanned aerial systems; and

(3) building on positive ongoing efforts, the United States and Israel should further institutionalize and strengthen their defense innovation partnership by establishing a United States-Israel Operations-Technology Working Group to identify and expeditiously field capabilities that the military forces of both countries need to deter and defeat respective adversaries.

(b) UNITED STATES-ISRAEL OPERATIONS-TECHNOLOGY WORKING GROUP.—
(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Minister of Defense of Israel, shall establish a United States-Israel Operations-Technology Working Group (in this subsection referred to as the “Working Group”) for the following purposes:

(A) To provide a standing forum for the United States and Israel to systematically share intelligence-informed military capability requirements.

(B) To identify military capability requirements common to both the Department of Defense and the Ministry of Defense of Israel.

(C) To assist defense suppliers in the United States and Israel, by incorporating recommendations from such defense suppliers, with respect to conducting joint science, technology, research, development, test, evaluation, and production efforts.

(D) To develop, as feasible and advisable, combined United States-Israel plans to research, develop, procure, and field weapons systems and military capabilities as quickly and economically as possible to meet common capa-
bility requirements of the Department of Defense and the Ministry of Defense of Israel.

(2) WORKING GROUP LEADERSHIP.—

(A) UNITED STATES LEADERSHIP.—With respect to the United States, the Working Group shall be headed by—

(i) the Secretary, or a designee; and

(ii) the Chairman of the Joint Chiefs of Staff, or a designee.

(B) ISRAEL LEADERSHIP.—The Secretary shall invite the Government of Israel to designate the head of the appropriate office or offices to head the Working Group with respect to Israel.

(3) WORKING GROUP MEMBERSHIP.—

(A) UNITED STATES MEMBERSHIP.—The Secretary, in consultation with other Cabinet members, shall designate one or more individuals to serve as members of the Working Group.

(i) MANDATORY UNITED STATES MEMBERS.—The membership of the Working Group shall consist of, at a minimum, representatives from—
(I) the Office of the Secretary of Defense;

(II) the Joint Staff;

(III) each of the military departments (including, as appropriate, subordinate entities such as Army Futures Command and research laboratories);

(IV) the defense agencies (including the Defense Advanced Research Projects Agency, the Defense Intelligence Agency, and the Defense Security Cooperation Agency);

(V) United States Central Command; and

(VI) United States European Command.

(ii) Rule of Construction.—Nothing in this subparagraph shall be construed as limiting the ability of the Secretary to add members to the Working Group, as considered appropriate.

(B) Israel Membership.—The Secretary shall invite such representatives of the Government of Israel to designate individuals from the
Government of Israel to serve as members of
the Working Group, as the Secretary considers
appropriate.

(4) EXISTING EFFORTS.—

(A) IN GENERAL.—The Secretary shall de-
termine the most efficient and effective means
to integrate the Working Group into existing
United States science and technology efforts
and research, development, test, and evaluation
efforts with Israel.

(B) RULE OF CONSTRUCTION.—Nothing in
this subsection shall be construed as requiring
the termination of any existing United States
defense activity, group, program, or partnership
with Israel.

(5) MEMORANDUM OF UNDERSTANDING.—

(A) IN GENERAL.—The Secretary shall,
with the concurrence of the Minister of Defense
of Israel, establish a memorandum of under-
standing between the United States and Israel
establishing the United States-Israel Operations
Technology Working Group.

(B) MATTERS TO BE INCLUDED.—The
memorandum of understanding under subpara-
graph (A) shall set forth—
(i) the purposes of the Working Group, consistent with paragraph (1);

(ii) the membership of the Working Group, consistent with paragraph (3); and

(iii) any other matter considered appropriate.

(6) REPORTS.—

(A) INITIAL REPORT.—

(i) IN GENERAL.—Not later than 180 days after the establishment of the Working Group, the Secretary shall submit to the appropriate committees of Congress an initial report on the Working Group.

(ii) ELEMENTS.—The report required by clause (i) shall include the following:

(I) The finalized memorandum of understanding under paragraph (5).

(II) The name of each individual of the Government of the United States and of the Government of Israel designated to lead the Working Group.

(III) The name of each member of the Working Group designated
under subparagraph (A) or (B) of
paragraph (3).

(IV) A description of the manner
in which the Working Group is antici-
pated to complement and augment ex-
isting science and technology efforts
and research, development, test, and
evaluation efforts with Israel.

(V) A schedule for Working
Group meetings.

(VI) A description of key metrics
and milestones for the Working
Group.

(VII) A description of any au-
thority or authorization of appropria-
tions required for the Working Group
to carry out the purposes described in
paragraph (1).

(iii) FORM.—The report required by
clause (i) shall be submitted in unclassified
form, but may include a classified annex.

(B) ANNUAL REPORT.—

(i) IN GENERAL.—Not later than
March 15 of each year following the sub-
mittal of the initial report required by sub-
paragraph (A), the Secretary shall submit to the appropriate committees of Congress a report on the activities of the Working Group during the preceding calendar year.

(ii) ELEMENTS.—The report required by clause (i) shall include the following:

(I) A summary of the performance of the Working Group—

(aa) with respect to the first annual report under this subparagraph, the metrics and milestones described in the initial report in accordance with subparagraph (A)(ii)(VI); or

(bb) with respect to each subsequent annual report under this subparagraph, the metrics and milestones described in the preceding annual report under subclause (VIII).

(II) A description of military capabilities needed by both the United States and Israel.

(III) A description of any United States, or any United States-Israel,
science and technology efforts, or research, development, test, and evaluation efforts, associated with the military capabilities described under subclause (II) carried out during the reporting period.

(IV) A description of any obstacle or challenge associated with an effort described in subclause (III) and the plan of the Working Group to address such obstacle or challenge.

(V) A description of any request to the Working Group made by a United States or Israel defense supplier for combined science and technology efforts or combined research, development, test, and evaluation efforts, including—

(aa) the date on which the request was received;

(bb) the efforts made by the Working Group to expeditiously address the request; and

(cc) the status of any decision associated with the request.
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(VI) A description of the efforts of the Working Group to prevent the People’s Republic of China or the Russian Federation from obtaining intellectual property or military technology associated with combined United States and Israel science and technology efforts and research, development, test, and evaluation efforts.

(VII) A description of any science and technology effort, or research, development, test, or evaluation effort, facilitated by the Working Group, including efforts that result in a United States or Israel program of record.

(VIII) A description of metrics and milestones for the Working Group for the following calendar year.

(iii) Form.—Each report required by clause (i) shall be submitted in unclassified form and shall include a classified annex in which the elements required under subclauses (II) and (VI) of clause (ii) shall be addressed.
(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 Select Committee on Intelligence of the Senate; and

(ii) the Committee on Armed Services,
the Committee on Foreign Affairs, and the Permanent Select Committee on Intell-
ligence of the House of Representatives.

TITLE XIII—COOPERATIVE THREAT REDUCTION

SEC. 1301. FUNDING ALLOCATIONS FOR DEPARTMENT OF DEFENSE COOPERATIVE THREAT REDUCTION PROGRAM.

(a) In general.—Of the $288,490,000 authorized to be appropriated to the Department of Defense for fiscal year 2021 in section 301 and made available by the fund-
ing table in division D for the Department of Defense Co-
operative 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, $2,924,000.

(2) For chemical security and elimination, $11,806,000.

(3) For global nuclear security, $20,152,000.

(4) For biological threat reduction, $177,396,000.

(5) For proliferation prevention, $52,064,000.

(6) For activities designated as Other Assessments/Administrative Costs, $24,148,000.

(b) Availability of 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 2021, 2022, and 2023.

TITLE XIV—OTHER AUTHORIZATIONS
Subtitle A—Military Programs

SEC. 1401. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2021 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 2021 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 2021 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 2021 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 2021 for the Defense Health Program, as specified in the funding table in section 4501, for use of the Armed Forces and other activities and agencies of the Department of Defense in providing for the health of eligible beneficiaries.

Subtitle B—Armed Forces Retirement Home

SEC. 1411. AUTHORIZATION OF APPROPRIATIONS FOR ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 2021 from the Armed Forces Retirement Home Trust Fund the sum of $64,300,000 for the operation of the Armed Forces Retirement Home.
SEC. 1412. PERIODIC INSPECTIONS OF ARMED FORCES RETIREMENT HOME FACILITIES BY NATIONALLY RECOGNIZED ACCREDITING ORGANIZATION.

(a) In general.—Section 1518 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 418) is amended to read as follows:

“SEC. 1518. PERIODIC INSPECTION OF RETIREMENT HOME FACILITIES.

“(a) Inspections.—The Chief Operating Officer shall request the inspection of each facility of the Retirement Home by a nationally recognized civilian accrediting organization in accordance with section 1511(g) on a frequency consistent with the standards of such organization.

“(b) Availability of staff and records.—The Chief Operating Officer and the Administrator of a facility being inspected under this section shall make all staff, other personnel, and records of the facility available to the civilian accrediting organization in a timely manner for purposes of inspections under this section.

“(c) Reports.—Not later than 60 days after receiving a report on an inspection from the civilian accrediting organization under this section, the Chief Operating Officer shall submit to the Secretary of Defense, the Senior Medical Advisor, and the Advisory Council a report containing—
“(1) the results of the inspection; and
“(2) a plan to address any recommendations and other matters set forth in the report.”.

(b) CONFORMING AMENDMENTS.—The Armed Forces Retirement Home Act of 1991 (24 U.S.C. 401 et seq.) is further amended as follows:

(1) In section 1513A(c)(2) (24 U.S.C. 413a(c)(2)), by striking “(including requirements identified in applicable reports of the Inspector General of the Department of Defense)”.

(2) In section 1516(b)(3) (24 U.S.C. 416(b)(3))—

(A) by striking “shall—” and all that follows through “provide for” and inserting “shall provide for”;

(B) by striking “; and” and inserting a period; and

(C) by striking subparagraph (B).

(3) In section 1517(e)(2) (24 U.S.C. 417(e)(2)), by striking “the Inspector General of the Department of Defense,”.
SEC. 1413. EXPANSION OF ELIGIBILITY FOR RESIDENCE AT
THE ARMED FORCES RETIREMENT HOME.

(a) EXPANSION OF ELIGIBILITY.—Section 1512(a) of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 412(a)) is amended—

(1) in the matter preceding paragraph (1), by striking “active” in the first sentence;

(2) in paragraph (1), by striking “are 60 years of age or over and”; and

(3) by adding the following new paragraph:

“(5) Persons who are eligible for retired pay under chapter 1223 of title 10, United States Code, and—

“(A) are eligible for care under section 1710 of title 38, United States Code;

“(B) are enrolled in coverage under chapter 55 of title 10, United States Code; or

“(C) are enrolled in a qualified health plan acceptable to the Chief Operating Officer.”.

(b) Parity of Fees and Deductions.—Section 1514(c) of such Act (24 U.S.C. 414(c)) is amended—

(1) by striking paragraph (2) and inserting the following new paragraph (2)

“(2)(A) The fee shall be fixed as a percentage of the monthly income and monthly payments (including Federal payments) received by a resident. The percentage shall be
the same for each facility of the Retirement Home. The Secretary of Defense may make any adjustment in a percentage that the Secretary determines appropriate.

“(B) The calculation of monthly income and monthly payments under subparagraph (A) for a resident eligible under section 1512(a)(5) shall not be less than the retirement pay for equivalent active duty service as determined by the Chief Operating Officer, except as the Chief Operating Officer may provide because of compelling personal circumstances.”; and

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

“(4) The Administrator of each facility of the Retirement Home may collect a fee upon admission from a resident accepted under section 1512(a)(5) equal to the deductions then in effect under section 1007(i)(1) of title 37, United States Code, for each year of non-regular service, and shall deposit such fee in the Armed Forces Retirement Home Trust Fund.”.
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 by section 1405 and available for the Defense Health Program for operation and maintenance, $130,400,000 may be transferred by the Secretary of Defense to the Joint Department 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).

(b) Treatment of Transferred Funds.—For purposes of subsection (a)(2) of such section 1704, any funds transferred under subsection (a) shall be treated as amounts authorized and appropriated specifically for the purpose of such a transfer.

(c) Use of Transferred Funds.—For 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 Vet-
erals 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).

**TITLE XV—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OVERSEAS CONTINGENCY OPERATIONS**

**Subtitle A—Authorization of Appropriations**

**SEC. 1501. PURPOSE.**

The purpose of this subtitle is to authorize appropriations for the Department of Defense for fiscal year 2021 to provide additional funds for overseas contingency operations being carried out by the Armed Forces.

**SEC. 1502. OVERSEAS CONTINGENCY OPERATIONS.**

Funds are hereby authorized to be appropriated for fiscal year 2021 for the Department of Defense for overseas contingency operations in such amounts as may be designated as provided in section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)(ii)).
SEC. 1503. PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2021 for procurement accounts for the Army, the Navy and the Marine Corps, the Air Force, and Defense-wide activities, as specified in the funding table in section 4102.

SEC. 1504. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

Funds are hereby authorized to be appropriated for fiscal year 2021 for the use of the Department of Defense for research, development, test, and evaluation, as specified in the funding table in section 4202.

SEC. 1505. OPERATION AND MAINTENANCE.

Funds are hereby authorized to be appropriated for fiscal year 2021 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 4302.

SEC. 1506. MILITARY PERSONNEL.

Funds are hereby authorized to be appropriated for fiscal year 2021 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 4402.
SEC. 1507. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2021 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 4502.

SEC. 1508. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2021 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, as specified in the funding table in section 4502.

SEC. 1509. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2021 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 4502.

SEC. 1510. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2021 for expenses, not otherwise provided for, for the Defense Health Program, as specified in the funding table in section 4502.
Subtitle B—Financial Matters

SEC. 1521. TREATMENT AS ADDITIONAL AUTHORIZATIONS.

The amounts authorized to be appropriated by this title are in addition to amounts otherwise authorized to be appropriated by this Act.

SEC. 1522. SPECIAL 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 title for fiscal year 2021 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.—The total amount of authorizations that the Secretary may transfer under the authority of this subsection may not exceed $2,000,000,000.

(b) Terms and Conditions.—Transfers under this section shall be subject to the same terms and conditions as transfers under section 1001.
(c) ADDITIONAL AUTHORITY.—The transfer authority provided by this section is in addition to the transfer authority provided under section 1001.

Subtitle C—Other Matters

SEC. 1531. AFGHANISTAN SECURITY FORCES FUND.

(a) EXTENSION OF AVAILABILITY OF FUNDS FOR SECURITY OF AFGHAN WOMEN.—Subsection (c)(1) of section 1520 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) is amended, in the matter preceding subparagraph (A), by striking “fiscal year 2020” and inserting “fiscal year 2021”.

(b) ASSESSMENT OF AFGHANISTAN PROGRESS ON OBJECTIVES.—Subsection (d) of such section is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking “June 1, 2020” and inserting “March 1, 2021”;

(B) in subparagraph (A), by striking “; and” and inserting “; including specific milestones achieved since the date on which the 2020 progress report was submitted;”;

(C) in subparagraph (B), by striking the period at the end and inserting “; and”; and

(D) by adding at the end the following:
“(C) the efforts of the Government of the Islamic Republic of Afghanistan to fulfill the commitments of the Government of the Islamic Republic of Afghanistan under the Joint Declaration between the Islamic Republic of Afghanistan and the United States of America for Bringing Peace to Afghanistan, issued on February 29, 2020.”; (2) by amending paragraph (2) to read as follows:

“(2) MATTERS TO BE INCLUDED.—In conducting the assessment required by paragraph (1), the Secretary of Defense shall include each of the following:


“(B) The extent to which the Government of the Islamic Republic of Afghanistan has designated the appropriate staff, prioritized the development of relevant processes, and provided or requested the allocation of resources nee-
ecessary to support a peace and reconciliation process in Afghanistan.

“(C) The extent to which the capability and capacity of the Afghan National Defense and Security Forces have improved as a result of Afghanistan Security Forces Fund investment, including through training, and an articulation of the metrics used to assess such improvements.

“(D) The extent to which the Afghan National Defense and Security Forces have been successful in—

“(i) defending territory, re-taking territory, and disrupting attacks;

“(ii) reducing the use of Afghan National Defense and Security Forces checkpoints; and

“(iii) curtailing the use of Afghan Special Security Forces for missions that are better suited to general purpose forces.

“(E) The distribution practices of the Afghan National Defense and Security Forces and whether the Government of the Islamic Republic of Afghanistan is ensuring that supplies, equipment, and weaponry supplied by the
United States are appropriately distributed to, and employed by, security forces.

“(F) The progress made with respect to the recruitment, integration, retention, training, and treatment of women in the Afghan National Defense and Security Forces.

“(G) The extent to which the Government of the Islamic Republic of Afghanistan is adhering to conditions for receiving assistance established in annual financial commitment letters or any other bilateral agreement with the United States.

“(H) Such other factors as the Secretaries consider appropriate.”; and

(3) by amending paragraph (4) to read as follows:

“(4) WITHHOLDING OF FUNDS FOR INSUFFICIENT PROGRESS.—

“(A) CERTIFICATION.—Not later than December 31, 2020, the Secretary of Defense, in coordination with the Secretary of State and pursuant to the assessment under paragraph (1), shall submit to the congressional defense committees a certification indicating whether the Government of the Islamic Republic of Af-
ghanistan has made sufficient progress in the areas described in paragraph (2).

“(B) WITHHOLDING OF FUNDS.—If the Secretary of Defense is unable under subparagraph (A) to certify that the Government of the Islamic Republic of Afghanistan is making sufficient progress in the areas described in paragraph (2), the Secretary of Defense shall—

“(i) withhold from expenditure and obligation an amount that is not less than 5 percent and not more than 15 percent of the amounts made available for assistance for the Afghan National Defense and Security Forces for fiscal year 2021 until the date on which the Secretary is able to so certify; and

“(ii) notify the congressional defense committees not later than 30 days before withholding such funds and indicate the specific areas of insufficient progress.

“(C) WAIVER.—If the Secretary of Defense determines that withholding such funds would impede the national security objectives of the United States by prohibiting, restricting, delaying, or otherwise limiting the provision of
assistance to the Afghan National Defense and Security Forces for fiscal year 2021, the Secretary may waive the withholding requirement under subparagraph (B) if the Secretary, in coordination with the Secretary of State, certifies such determination to the congressional defense committees not later than 30 days before the effective date of the waiver.”.

(e) ADDITIONAL REPORTING REQUIREMENTS.—Subsection (e) of such section is amended—

(1) in the matter preceding paragraph (1), by striking “fiscal year 2021” and inserting “fiscal year 2022”;

(2) in paragraph (1), by striking “fiscal year 2019” and inserting “fiscal year 2020”;

(3) in paragraph (2), by striking “fiscal year 2020” and inserting “fiscal year 2021”; and

(4) by amending paragraph (3) to read as follows:

“(3) If the amounts described in paragraph (2) exceed the amount described in paragraph (1)—

“(A) an explanation as to why such amounts are greater; and
“(B) a detailed description of the specific entities and purposes that were supported by such increase.”.

(d) CONFORMING AMENDMENT.—Such section is further amended by striking “Government of Afghanistan” each place it appears and inserting “Government of the Islamic Republic of Afghanistan”.

SEC. 1532. TRANSITION AND ENHANCEMENT OF INSPECTOR GENERAL AUTHORITIES FOR AFGHANISTAN RECONSTRUCTION.

(a) SENSE OF SENATE.—It is the sense of the Senate to commend the Special Inspector General for Afghanistan Reconstruction, and the Office of the Special Inspector General for Afghanistan Reconstruction, for—

(1) dedicated and faithful service to the United States since their establishment in the 2008; and

(2) promoting substantial efficiency and effectiveness in the administration of programs and operations funded with amounts for the reconstruction of Afghanistan.

(b) PURPOSES.—Subsection (a) of section 1229 of the National Defense Authorization Act for Fiscal Year 2008 (5 U.S.C. app. 8G note) is amended—

(1) in paragraph (3), by inserting after “To provide for” the following: “the transition to the
lead Inspector General for Operation Freedom’s Sentinel designated pursuant to section 8L(d) of the Inspector General Act of 1978 (50 U.S.C. app. 8L(d)) of all duties, responsibilities, and authorities for serving”; and

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

“(4) To maximize coordination between the Inspector General under this section and the lead Inspector General for Operation Freedom’s Sentinel, including through transparency and timely sharing of data and information collected in relation to the exercise of their respective duties, responsibilities, and authorities, with emphasis on matters of significant overlap between the Department of State, the United States Agency for International Development, and the Department of Defense.”.

(c) ASSISTANT INSPECTOR GENERAL FOR AUDITING.—Subsection (d)(1) of such section is amended by striking “supported by” and inserting “funded with”.

(d) SUPERVISION.—Subsection (e)(2) of such section is amended by inserting “authorized by this section” after “any audit or investigation”.

(e) DUTIES.—Subsection (f) of such section is amended—
(1) in paragraph (1)—

(A) in subparagraph (E), by adding “and” at the end;

(B) by striking subparagraph (F);

(C) by redesignating subparagraph (G) as subparagraph (F); and

(D) in subparagraph (F), as redesignated by subparagraph (C) of this paragraph—

(i) by inserting “with such funds” after “overpayments,”; and

(ii) by inserting “regarding such funds,” after “or affiliated entities”;

(2) in paragraph (2)—

(A) by striking “The Inspector General” and inserting “As specified in this section, the Inspector General”; and

(B) by striking “as the Inspector General considers appropriate” and inserting “as necessary”; and

(3) by striking paragraph (4) and inserting the following new paragraph (4):

“(4) Scope of duties and responsibilities.—

“(A) No extension to particular matters.—The duties and responsibilities of the
Inspector General under paragraphs (1) through (3) shall not extend to the following:

“(i) Military operations or activities (including security assistance or cooperation), unless such operations or activities are funded using a Fund or account specified in subsection (n)(1).

“(ii) Contracts for personal security.

“(B) Assignment of duties and responsibilities for such matters.—Duties and responsibilities of inspectors general with respect to operations and activities and contracts specified in subparagraph (A) shall be discharged by the lead Inspector General for Operation Freedom’s Sentinel designated pursuant to section 8L(d) of the Inspector General Act of 1978.”.

(f) Responsibility for Coordination of Efforts Vested in Lead IG for Operation Freedom’s Sentinel.—Such section is further amended—

(1) by redesignating subsections (g) through (o) as subsections (h) through (p), respectively; and

(2) by inserting after subsection (f) the following new subsection (g):
“(g) COORDINATION AND DECONFLICTION OF EFFORTS.—

“(1) COORDINATION AND DECONFLICTION THROUGH LEAD IG FOR OPERATION FREEDOM’S SENTINEL.—The lead Inspector General for Operation Freedom’s Sentinel designated pursuant to section 8L(d) of the Inspector General Act of 1978 shall exercise all duties, responsibilities, and authorities for the coordination and deconfliction of inspector general activities in or in regard to Afghanistan.

“(2) COORDINATION IN DISCHARGE.—In carrying out duties, responsibilities, and authorities under paragraph (1), the lead Inspector General referred to in that paragraph shall coordinate with, receive the cooperation of, and be responsible for deconfliction among, the following:

“(A) Each Inspector General specified in section 8L(c) of the Inspector General Act of 1978 who is not the lead Inspector General for Operation Freedom’s Sentinel.

“(B) The Inspector General under this section.”.

(g) ASSISTANCE FROM FEDERAL AGENCIES.—Subsection (i) of such section, as redesignated by subsection (f)(1) of this section, is amended—
(1) in paragraph (5)(A), by inserting "pertaining to the exercise by the Inspector General of duties, responsibilities, or authorities specified in subsection (f)" after "information and assistance"; and

(2) by striking paragraph (6).

(h) REPORTS.—Subsection (j) of such section, as redesignated by subsection (f)(1) of this section, is amended—

(1) in paragraph (1)—

(A) by striking the matter preceding sub-
paragraph (A) and inserting the following new matter:

"(1) SEMI-ANNUAL REPORTS.—Not later than 30 days after the end of the second quarter of each fiscal year, and not later than 30 days after the end of the fourth quarter of each fiscal year, the Inspector General shall submit to the appropriate congressional committees a report setting forth a summary, for the two fiscal year quarters ending before the date on which such report is required to be submitted, of the activities of the Inspector General and the activities under programs and operations funded with amounts appropriated or otherwise made available for the reconstruction of Afghanistan. Each re-
port shall include, for the period covered by such report, the following:’’;

(B) by striking subparagraph (A) and inserting the following new subparagraph (A):

“(A) A detailed statement of all obligations and expenditures of amounts appropriated or otherwise made available for the reconstruction of Afghanistan.”;

(C) in subparagraph (B), by inserting "projects and programs funded by amounts appropriated or otherwise made available” after “costs incurred to date for”; and

(D) in subparagraphs (C) and (D), by striking “funded by any department or agency of the United States Government” each place it appears and inserting “funded by amounts appropriated or otherwise made available for the reconstruction of Afghanistan”; and

(2) in paragraph (2), by striking “that involves the use” and all that follows and inserting “that is funded by amounts appropriated or otherwise made available for the reconstruction of Afghanistan.”.

(i) REPORT COORDINATION.—Subsection (k) of such section, as redesignated by subsection (f)(1) of this section, is amended—
(1) in the subsection heading, by inserting “by Inspector General for Operation Freedom’s Sentinel” after “Report Coordination”;

(2) in paragraph (1), by striking “and the Secretary of Defense” and inserting “, the Secretary of Defense, and the lead Inspector General for Operation Freedom’s Sentinel designated pursuant to section 8L(d) of the Inspector General Act of 1978”; and

(3) in paragraph (2), by striking “or the Secretary of Defense” each place it appears and inserting “, the Secretary of Defense, or the lead Inspector General referred to in paragraph (1)”.

(j) Funds Subject to Oversight Responsibility.—Paragraph (1) of subsection (n) of such section, as redesignated by subsection (f)(1) of this section, is amended to read as follows:

“(1) Amounts Appropriated or Otherwise Made Available for the Reconstruction of Afghanistan.—The term ‘amounts appropriated or otherwise made available for the reconstruction of Afghanistan’ means amounts appropriated or otherwise made available for any fiscal year for the reconstruction of Afghanistan under either of the following:
“(A) The Economic Support Fund.

“(B) The International Narcotics Control and Law Enforcement account.


“(D) The NATO Afghanistan National Army Trust Fund.

“(E) The Drug Interdiction and Counter Drug Activities Fund.

“(F) The Afghanistan Security Forces Fund.”.

(k) TERMINATION.—Subsection (p) of such section, as redesignated by subsection (f)(1) of this section, is amended—

(1) by striking paragraph (2); and

(2) by adding at the end the following new paragraphs.

“(2) ASSUMPTION OF DUTIES, RESPONSIBILITIES, AND AUTHORITIES IN TERMINATION.—

“(A) IN GENERAL.—Effective as of the date provided for in subparagraph (B), the duties, responsibilities, and authorities of the Inspector General under this section shall be discharged by the lead Inspector General for Operation Freedom’s Sentinel designated pursuant
to subsection (d) of section 8L of the Inspector General Act of 1978.

“(B) **Effective date.**—The effective date provided for in this subparagraph shall be such date after the date of the termination of the Office of the Special Inspector General for Afghanistan Reconstruction pursuant to paragraph (1) as the Chair of the Council of Inspectors General on Integrity and Efficiency under subsection (a) of section 8L of the Inspector General Act of 1978 shall specify, which date may not be more than 180 days after the date of such termination.

“(3) **Final report.**—The final report of the Inspector General under this section shall consist of the semi-annual report required by subsection (j)(1) for the last two fiscal year quarters ending before the date of the termination of the Office of the Special Inspector General for Afghanistan Reconstruction pursuant to paragraph (1).”.

**(l) Conforming and Technical Amendments.—**

**(1) In general.**—Subject to paragraph (2), such section is further amended as follows:

(A) In subsection (a)(2)(A), by inserting a comma after “economy”.
(B) Subsection (a)(3) is amended to read as such subsection read as of the day before the date of the enactment of this Act.

(C) Paragraph (4) of subsection (a) is repealed.

(D) In subsection (f)(1)(E), by striking “fund” and inserting “funds”.

(E) In subsections (l) and (m), as redesignated by subsection (f)(1) of this section—

   (i) by striking “subsection (i)” each place it appears and inserting “subsection (j)”;

   (ii) by striking “subsection (j)(2)” each place it appears and inserting “subsection (k)(2)”.

(2) Effective Dates.—The amendments made by subparagraphs (A), (D) and (E) of paragraph (1) shall take effect on the date of the enactment of this Act. The amendment made by subparagraphs (B) and (C) of that paragraph shall take effect on the effective date provided for in section 1229(p)(2)(B) of the National Defense Authorization Act for Fiscal Year 2008, as redesignated by subsection (f)(1) and amended by subsection (k).
Section 842(c) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 234; 10 U.S.C. 2302 note) is amended—

(1) by inserting ``(1)'' before ``The Special Inspector General for Iraq Reconstruction''; and

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

 ``(2) Upon the assumption by the lead Inspector General for Operation Freedom's Sentinel designated pursuant to section 8L(d) of the Inspector General Act of 1978 (5 U.S.C. app. 8L(d)) of duties, responsibilities, and authorities under section 1229 of this Act, as provided for in subsection (p)(2) of such section 1229, the requirement in paragraph (1) to perform audits as required by subsection (a) with respect to Afghanistan shall be discharged by such lead Inspector General.''

TITLE XVI—STRATEGIC PROGRAMS, CYBER, AND INTELLIGENCE MATTERS

Subtitle A—Space Activities

SEC. 1601. RESILIENT AND SURVIVABLE POSITIONING, NAVIGATION, AND TIMING CAPABILITIES.

(a) IN GENERAL.—Not later than two years after the date of the enactment of this Act, consistent with the
timescale applicable to joint urgent operational needs
statements, the Secretary of Defense shall—

(1) prioritize and rank order the mission ele-
ments, platforms, and weapons systems most critical
for the operational plans of the combatant com-
mands;

(2) mature, test, and produce for such
prioritized mission elements sufficient equipment—
(A) to generate resilient and survivable al-
ternative positioning, navigation, and timing
signals; and

(B) to process resilient survivable data
provided by signals of opportunity and on-board
sensor systems; and

(3) integrate and deploy such equipment into
the prioritized operational systems, platforms, and
weapons systems.

(b) PLAN.—

(1) IN GENERAL.—Not later than 180 days
after the date of the enactment of this Act, the Sec-
retary shall submit to the congressional defense com-
mittees a plan to commence carrying out subsection
(a) in fiscal year 2021.

(2) REPROGRAMMING AND BUDGET PRO-
posals.—The plan submitted under paragraph (1)
may include any reprogramming or supplemental budget request the Secretary considers necessary to carry out subsection (a).

(c) COORDINATION.—In carrying out this section, the Secretary shall consult with the National Security Council, the Secretary of Homeland Security, the Secretary of Transportation, and the head of any other relevant Federal department or agency to enable civilian and commercial adoption of technologies and capabilities for resilient and survivable alternative positioning, navigation, and timing capabilities to complement the global positioning system.

SEC. 1602. DISTRIBUTION OF LAUNCHES FOR PHASE TWO OF ACQUISITION STRATEGY FOR NATIONAL SECURITY SPACE LAUNCH PROGRAM.

In carrying out phase two of the acquisition strategy for the National Security Space Launch program, the Secretary of the Air Force shall ensure—

(1) that launch services are procured only from launch service providers that use launch vehicles meeting Federal requirements with respect to required payloads to reference orbits; and

(2) the viability of the domestic space launch industrial base while providing for cost-effective and reliable launch services.
SEC. 1603. DEVELOPMENT EFFORTS FOR NATIONAL SECURITY SPACE LAUNCH PROVIDERS.

(a) In General.—The Secretary of the Air Force shall establish a program to develop technologies and systems to enhance phase three National Security Space Launch requirements and enable further advances in launch capability associated with the insertion of national security payloads into relevant classes of orbits.

(b) Duration.—The duration of a project to develop technologies and systems selected under the program shall be not more than three years.

(c) Program Expense Ceiling.—The total amount expended under the program shall not exceed $250,000,000.

(d) Sunset.—The program established under this section shall terminate on October 1, 2027.

SEC. 1604. TIMELINE FOR NONRECURRING DESIGN VALIDATION FOR RESPONSIVE SPACE LAUNCH.

Not later than 540 days after the date on which the Secretary of the Air Force selects two National Security Space Launch providers in accordance with the phase two acquisition strategy for the National Security Space Launch program, the Secretary of Defense shall complete the nonrecurring design validation of previously flown launch hardware for National Security Space Launch providers that offer such hardware for use in the phase two
acquisition strategy or other national security space missions.

SEC. 1605. TACTICALLY RESPONSIVE SPACE LAUNCH OPERATIONS.

The Secretary of the Air Force shall implement a tactically responsive space launch program—

(1) to provide long-term continuity for tactically responsive space launch operations across the future-years defense program submitted to Congress under section 221 of title 10, United States Code;

(2) to accelerate the development of—

(A) responsive launch concepts of operations;

(B) tactics;

(C) training; and

(D) procedures;

(3) to develop appropriate processes for tactically responsive space launch, including—

(A) mission assurance processes; and

(B) command and control, tracking, telemetry, and communications; and

(4) to identify basing capabilities necessary to enable tactically responsive space launch, including mobile launch range infrastructure.
SEC. 1606. CONFORMING AMENDMENTS RELATING TO RE-ESTABLISHMENT OF SPACE COMMAND.

(a) CERTIFICATIONS REGARDING INTEGRATED TACTICAL WARNING AND ATTACK ASSESSMENT MISSION OF THE AIR FORCE.—Section 1666(a) of National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 113 Stat. 2617) is amended by striking “Strategic Command” and inserting “Space Command”.

(b) COUNCIL ON OVERSIGHT OF THE DEPARTMENT OF DEFENSE POSITIONING, NAVIGATION, AND TIMING ENTERPRISE.—Section 2279b of title 10, United States Code, is amended—

(1) in subsection (b)—

(A) by redesignating paragraphs (7), (8), (9), and (10) as paragraphs (8), (9), (10), and (11), respectively; and

(B) by inserting after paragraph (6) the following new paragraph (7):

“(7) The Commander of the United States Space Command.”; and

(2) in subsection (f), by striking “Strategic Command” each place it appears and inserting “Space Command”.

(e) JOINT INTERAGENCY COMBINED SPACE OPERATIONS CENTER.—Section 605(e) of the Intelligence Au-
Authorization Act for Fiscal Year 2017 (Public Law 115–31; 131 Stat. 832) is amended—

(1) in the subsection heading, by striking “JOINT INTERAGENCY COMBINED SPACE OPERATIONS CENTER” and inserting “NATIONAL SPACE DEFENSE CENTER”; and

(2) by striking “Strategic Command” each place it appears and inserting “Space Command”; and

(3) by striking “Joint Interagency Combined Space Operations Center” each place it appears and inserting “National Space Defense Center”.

(d) NATIONAL SECURITY SPACE SATELLITE REPORTING POLICY.—Section 2278(a) of title 10, United States Code, is amended by striking “Strategic Command” and inserting “Space Command”.

(e) SPACE-BASED INFRARED SYSTEM AND ADVANCED EXTREMELY HIGH FREQUENCY PROGRAM.—Section 1612(a)(1) of the National Defense Authorization Act for 2017 (Public Law 114–328; 130 Stat. 2590) is amended by striking “Strategic Command” and inserting “Space Command”.

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SEC. 1607. SPACE DEVELOPMENT AGENCY DEVELOPMENT REQUIREMENTS AND TRANSFER TO SPACE FORCE.

(a) DEVELOPMENT.—The Director of the Space Development Agency shall lead—

(1) the development and demonstration of a resilient military space-based sensing, tracking, and data transport architecture that primarily uses a proliferated low-Earth orbit; and

(2) the integration of next-generation space capabilities, and sensor and tracking components (including a hypersonic and ballistic missile-tracking space sensor payload), into such architecture to address the requirements and needs of the Armed Forces and combatant commands for such capabilities.

(b) ORGANIZATION.—On October 1, 2022, or earlier if directed by the Secretary of Defense, the Space Development Agency shall be transferred from the Office of the Secretary of Defense to the United States Space Force and shall maintain the same organizational reporting requirements and acquisition authorities as the Space Rapid Capability Office.

SEC. 1608. SPACE LAUNCH RATE ASSESSMENT.

Not later than 90 days after the date of the enactment of this Act, and biennially thereafter for the fol-
following five-year period, the Secretary of the Air Force shall submit to the congressional defense committees an assessment that includes—

(1) the total number of space launches for all national security and Federal civil agency entities conducted in the United States during the preceding two-year period; and

(2) the number of space launches by the same sponsors projected to occur during the following three-year period, including—

(A) the number of launches, disaggregated by class of launch vehicle; and

(B) the number of payloads, disaggregated by orbital destination.

SEC. 1609. REPORT ON IMPACT OF ACQUISITION STRATEGY FOR THE NATIONAL SECURITY SPACE LAUNCH PROGRAM ON EMERGING FOREIGN SPACE LAUNCH PROVIDERS.

Not later than 90 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to Congress a report on the impact of the acquisition strategy for the National Security Space Launch program on the potential for foreign countries, including the People’s Republic of China, to enter the global commercial space launch market.
Subtitle B—Cyberspace-Related Matters

SEC. 1611. MODIFICATION OF POSITION OF PRINCIPAL CYBER ADVISOR.

(a) IN GENERAL.—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 to read as follows:

“(c) PRINCIPAL CYBER ADVISOR.—

“(1) DESIGNATION.—The Secretary shall designate a Principal Cyber Advisor from among those civilian officials of the Department of Defense who have been appointed to the positions in which they serve by the President, by and with the advice and consent of the Senate.

“(2) RESPONSIBILITIES.—The Principal Cyber Advisor shall be responsible for the following:

“(A) Acting as the principal advisor to the Secretary on military cyber forces and activities.

“(B) Overall integration of Cyber Operations Forces activities relating to cyberspace operations, including associated policy and operational considerations, resources, personnel,
technology development and transition, and acquisition.

“(C) Assessing and overseeing the implementation of the cyber strategy of the Department and execution of the cyber posture review of the Department on behalf of the Secretary.

“(D) Coordinating activities pursuant to subparagraphs (A) and (B) of subsection (c)(3) with the Principal Information Operations Advisor, the Chief Information Officer of the Department, and other officials as determined by the Secretary of Defense, to ensure the integration of activities in support of cyber, information, and electromagnetic spectrum operations.

“(E) Such other matters relating to the offensive military cyber forces of the Department as the Secretary shall specify for the purposes of this subsection.

“(3) CROSS-FUNCTIONAL TEAM.—Consistent with section 911 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 111 note), the Principal Cyber Advisor shall—

“(A) integrate the cyber expertise and perspectives of appropriate organizations within
the Office of the Secretary of Defense, Joint Staff, military departments, the Defense Agencies and Field Activities, and combatant commands, by establishing and maintaining a full-time cross-functional team of subject matter experts from those organizations; and

“(B) select team members, and designate a team leader, from among those personnel nominated by the heads of such organizations.”.

(b) DESIGNATION OF DEPUTY PRINCIPAL CYBER ADVISOR.—Section 905(a)(1) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) is amended by striking “Under Secretary of Defense for Policy” and inserting “Secretary of Defense”.

SEC. 1612. FRAMEWORK FOR CYBER HUNT FORWARD OPERATIONS.

(a) FRAMEWORK REQUIRED.—Not later than February 1, 2021, the Secretary of Defense shall develop a standard, comprehensive framework to enhance the consistency, execution, and effectiveness of cyber hunt forward operations.

(b) ELEMENTS.—The framework developed pursuant to subsection (a) shall include the following:

(1) Identification of the selection criteria for proposed hunt forward operations, including speci-
fication of necessary thresholds for the justification of operations and thresholds for partner cooperation.

(2) The roles and responsibilities of the following organizations in the support of the planning and execution of hunt forward operations:

(A) United States Cyber Command.

(B) Service cyber components.

(C) The Office of the Under Secretary of Defense for Policy.

(D) Geographic combatant commands.

(E) Cyber Operations-Integrated Planning Elements and Joint Cyber Centers.

(F) Embassies and consulates of the United States.

(3) Pre-deployment planning guidelines to maximize the operational success of each unique operation, including guidance that takes into account the highly variable nature of the following aspects at the tactical level:

(A) Team composition, including necessary skillsets, recommended training, and guidelines on team size and structure.

(B) Relevant factors to determine mission duration in a country of interest.
(C) Agreements with partner countries required pre-deployment.

(D) Criteria for potential follow-on operations.

(E) Equipment and infrastructure required to support the missions.

(4) Metrics to measure the effectiveness of each operation, including means to evaluate the value of discovered malware and infrastructure, the effect on the adversary, and the potential for future engagements with the partner country.

(5) Roles and responsibilities for United States Cyber Command and the National Security Agency in the analysis of relevant mission data.

(6) Such other matters as the Secretary determines relevant.

(c) BRIEFING.—

(1) IN GENERAL.—Not later than March 1, 2021, the Secretary of Defense shall provide to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representa-
tives a briefing on the framework developed pursuant to subsection (a).

(2) CONTENTS.—The briefing required by para-
graph (1) shall include the following:
(A) An overview of the framework developed in subsection (a).

(B) An explanation of the tradeoffs associated with the use of Department of Defense resources for hunt forward missions in the context of competing priorities.

(C) Such recommendations as the Secretary may have for legislative action to improve the effectiveness of hunt forward missions.

SEC. 1613. MODIFICATION OF SCOPE OF NOTIFICATION REQUIREMENTS FOR SENSITIVE MILITARY CYBER OPERATIONS.

Subsection (c) of section 395 of title 10, United States Code, is amended to read as follows:

“(c) SENSITIVE MILITARY CYBER OPERATION DEFINED.—(1) In this section, the term ‘sensitive military cyber operation’ means an action described in paragraph (2) that—

“(A) is carried out by the armed forces of the United States;

“(B) is intended to achieve a cyber effect against a foreign terrorist organization or a country, including its armed forces and the proxy forces of that country located elsewhere —
“(i) with which the armed forces of the United States are not involved in hostilities (as that term is used in section 4 of the War Powers Resolution (50 U.S.C. 1543)); or

“(ii) with respect to which the involvement of the armed forces of the United States in hostilities has not been acknowledged publicly by the United States; and

“(C)(i) is determined to—

“(I) have a medium or high collateral effects estimate;

“(II) have a medium or high intelligence gain or loss;

“(III) have a medium or high probability of political retaliation, as determined by the political military assessment contained within the associated concept of operations;

“(IV) have a medium or high probability of detection when detection is not intended; or

“(V) result in medium or high collateral effects; or

“(ii) is a matter the Secretary determines to be appropriate.

“(2) The actions described in this paragraph are the following:
“(A) An offensive cyber operation.  
“(B) A defensive cyber operation.”.

SEC. 1614. MODIFICATION OF REQUIREMENTS FOR QUARTERLY DEPARTMENT OF DEFENSE CYBER OPERATIONS BRIEFINGS FOR CONGRESS.

Section 484 of title 10, United States Code, is amended by striking subsections (a) and (b) and inserting the following new subsections:

“(a) BRIEFINGS REQUIRED.—The Under Secretary of Defense for Policy, the Commander of United States Cyber Command, and the Chairman of the Joint Chiefs of Staff, or designees from each of their offices, shall provide to the congressional defense committees quarterly briefings on all offensive and significant defensive military operations in cyberspace, including clandestine cyber activities, carried out by the Department of Defense during the immediately preceding quarter.

“(b) ELEMENTS.—Each briefing under subsection (a) shall include, with respect to the military operations in cyberspace described in such subsection, the following:

“(1) An update, set forth separately for each applicable geographic and functional command, that describes the operations carried out in the area of operations of that command or by that command.
“(2) An update, set forth for each applicable geographic and functional command, that describes defensive cyber operations executed to protect or defend forces, networks, and equipment in the area of operations of that command.

“(3) An update on relevant authorities and legal issues applicable to operations, including any presidential directives and delegations of authority received since the last quarterly update.

“(4) An overview of critical operational challenges posed by major adversaries or encountered in operational activities conducted since the last quarterly update.

“(5) An overview of the readiness of the Cyber Mission Forces to perform assigned missions that—

“(A) addresses all of the abilities of such Forces to conduct cyberspace operations based on capability and capacity of personnel, equipment, training, and equipment condition—

“(i) using both quantitative and qualitative metrics; and

“(ii) in a way that is common to all military departments; and

“(B) is consistent with readiness reporting pursuant to section 482 of this title.
“(6) Any other matters that the briefers determine to be appropriate.

“(c) DOCUMENTS.—Each briefing under subsection (a) shall include a classified placemat, summarizing the elements specified in paragraphs (1), (2), (3), and (5) of subsection (b), and an unclassified memorandum, summarizing the briefing’s contents.”.

SEC. 1615. RATIONALIZATION AND INTEGRATION OF PARALLEL CYBERSECURITY ARCHITECTURES AND OPERATIONS.

(a) REVIEW REQUIRED.—The Commander of United States Cyber Command, with support from the Chief Information Officer of the Department of Defense, the Chief Data Officer of the Department, the Principal Cyber Advisor, the Vice Chairman of the Joint Chiefs of Staff, and the Director of Cost Analysis and Program Evaluation, shall conduct a review of the Cybersecurity Service Provider and Cyber Mission Force enterprises.

(b) ASSESSMENT AND IDENTIFICATION OF REDUNDANCIES AND GAPS.—The review required by subsection (a) shall assess and identify—

(1) the optimal way to integrate the Joint Cyber Warfighting Architecture and the Cybersecurity Service Provider architectures, associated tools
and capabilities, and associated concepts of operations;

(2) redundancies and gaps in network sensor deployment and data collection and analysis for the—

(A) Big Data Platform;

(B) Joint Regional Security Stacks; and

(C) Security Information and Event Management capabilities;

(3) where integration, collaboration, and interoperability are not occurring that would improve outcomes;

(4) baseline training, capabilities, competencies, operational responsibilities, and joint concepts of operations for the Joint Force Headquarters for the Department of Defense Information Network, Cybersecurity Service Providers, and Cyber Protection Teams;

(5) the roles and responsibilities of the Principal Cyber Advisor, Chief Information Officer, and the Commander of United States Cyber Command in establishing and overseeing the baselines assessed and identified under paragraph (4);
(6) the optimal command structure for the military services’ and combatant commands’ cybersecurity service providers and cyber protection teams;

(7) the responsibilities of network owners and cybersecurity service providers in mapping, configuring, instrumenting, and deploying sensors on networks to best support response of cyber protection teams when assigned to defend unfamiliar networks; and

(8) operational concepts and engineering changes to enhance remote access and operations of cyber protection teams on networks through tools and capabilities of the Cybersecurity Service Providers.

(c) RECOMMENDATIONS FOR FISCAL YEAR 2023 BUDGET.—The Chief Information Officer, the Chief Data Officer, the Commander of United States Cyber Command, and the Principal Cyber Advisor shall jointly develop recommendations for the Secretary of Defense in preparation of the budget justification materials to be submitted to Congress in support of the budget for the Department of Defense for fiscal year 2023 (as submitted with the budget of the President for such fiscal year under section 1105(a) of title 31, United States Code).
(d) **PROGRESS BRIEFING.**—Not later than March 31, 2021, the Chief Information Officer, the Chief Data Officer, the Commander of United States Cyber Command, and the Principal Cyber Advisor shall jointly provide a briefing to the congressional defense committees on the progress made in carrying out this section.

**SEC. 1616. MODIFICATION OF ACQUISITION AUTHORITY OF COMMANDER OF UNITED STATES CYBER COMMAND.**

Section 807 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2224 note) is amended—

(1) by striking subsections (e) and (i); and

(2) by redesignating subsections (f) through (h) as subsections (e) through (g), respectively.

**SEC. 1617. ASSESSMENT OF CYBER OPERATIONAL PLANNING AND DECONFLICTION POLICIES AND PROCESSES.**

(a) **ASSESSMENT.**—Not later than November 1, 2021, the Principal Cyber Advisor of the Department of Defense and the Commander of United States Cyber Command shall jointly, in coordination with the Under Secretary of Defense for Policy, the Under Secretary of Defense for Intelligence and Security, and the Chairman of the Joint Chiefs of Staff, conduct and complete an assess-
ment on the operational planning and deconfliction policies and processes that govern cyber operations of the Department of Defense.

(b) ELEMENTS.—The assessment required by subsection (a) shall include evaluations as to whether—

(1) the joint targeting cycle and relevant operational and targeting databases are suitable for the conduct of timely and well-coordinated cyber operations;

(2) each of the policies and processes in effect to facilitate technical, operational, and capability deconfliction are appropriate for the conduct of timely and effective cyber operations;

(3) intelligence gain-loss decisions made by Cyber Command are sufficiently well-informed and made in timely fashion;

(4) relevant intelligence data and products are consistently available and distributed to relevant planning and operational elements in Cyber Command;

(5) collection operations and priorities meet the operational requirements of Cyber Command; and

(6) authorities relevant to intelligence, surveillance, and reconnaissance and operational prepara-
tion of the environment are delegated to the appro-
priate level.

(c) BRIEFING.—Not later than February 1, 2022, the
Principal Cyber Advisor and the Commander of United
States Cyber Command shall provide to the Committee on
Armed Services of the Senate and the Committee on
Armed Services of the House of Representatives a briefing
on the findings of the assessment completed under sub-
section (a), including discussion of planned policy and
process changes, if any, relevant to cyber operations.

SEC. 1618. PILOT PROGRAM ON CYBERSECURITY CAPA-
BILITY METRICS.

(a) PILOT PROGRAM REQUIRED.—The Secretary of
Defense, acting through the Chief Information Officer of
the Department of Defense and the Commander of United
States Cyber Command, shall conduct a pilot program to
assess the feasibility and advisability of developing and
using speed-based metrics to measure the performance
and effectiveness of security operations centers and cyber
security service providers in the Department of Defense.

(b) REQUIREMENTS.—

(1) DEVELOPMENT OF METRICS.—(A) Not later
than July 1, 2021, the Chief Information Officer
and the Commander shall jointly develop metrics de-
scribed in subsection (a) to carry out the pilot program under such subsection.

(B) The Chief Information Officer and the Commander shall ensure that the metrics developed under subparagraph (A) are commensurate with the representative timelines of nation-state and non-nation-state actors when gaining access to, and compromising, Department networks.

(2) USE OF METRICS.—(A) Not later than December 1, 2021, the Secretary shall, in carrying out the pilot program required by subsection (a), begin using the metrics developed under paragraph (1) of this subsection to assess select security operations centers and cyber security service providers, which the Secretary shall select specifically for purposes of the pilot program, for a period of not less than four months.

(B) In carrying out the pilot program under subsection (a), the Secretary shall evaluate the effectiveness of operators, capabilities available to operators, and operators’ tactics, techniques, and procedures.

(e) AUTHORITIES.—In carrying out the pilot program under subsection (a), the Secretary may—
(1) assess select security operations centers and
cyber security service providers—
    (A) over the course of their mission per-
formance; or
    (B) in the testing and accreditation of cy-
bersecurity products and services on test net-
works designated pursuant to section 1658 of
the National Defense Authorization Act for Fis-
cal Year 2020 (Public Law 116–92); and
(2) assess select elements’ use of security or-
chestration and response technologies, modern end-
point security technologies, Big Data Platform
instantiations, and technologies relevant to zero
trust architectures.
(d) BRIEFING.—
(1) IN GENERAL.—Not later than March 1,
2022, the Secretary shall brief the Committee on
Armed Services of the Senate and the Committee on
Armed Services of the House of Representatives on
the findings of the Secretary with respect to the
pilot program required by subsection (a).
(2) ELEMENTS.—The briefing provided under
paragraph (1) shall include the following:
   (A) The pilot metrics developed under sub-
section (b)(1).
(B) The findings of the Secretary with respect to the assessments carried out under subsection (b)(2).

(C) An analysis of the utility of speed-based metrics in assessing security operations centers and cyber security service providers.

(D) An analysis of the utility of the extension of the pilot metrics to or speed-based assessment of the Cyber Mission Forces.

(E) An assessment of the technical and procedural measures that would be necessary to meet the speed-based metrics developed and applied in the pilot program.

SEC. 1619. ASSESSMENT OF EFFECT OF INCONSISTENT TIMING AND USE OF NETWORK ADDRESS TRANSLATION IN DEPARTMENT OF DEFENSE NETWORKS.

(a) In General.—Not later than March 1, 2021, the Chief Information Officer of the Department of Defense shall conduct comprehensive assessments as follows:

(1) Timing variability in department networks.—The Chief Information Officer shall characterize—

(A) timing variability across Department information technology and operational tech-
ology networks, appliances, devices, applications, and sensors that generate time-stamped data and metadata used for cybersecurity purposes;

(B) how timing variability affects current, planned, and potential capabilities for detecting network intrusions that rely on correlating events and the sequence of events; and

(C) how to harmonize standard of timing across Department networks.

(2) USE OF NETWORK ADDRESS TRANSLATION.—The Chief Information Officer shall characterize—

(A) why and how the Department is using Network Address Translation (NAT) and multiple layers and nesting of Network Address Translation;

(B) how using Network Address Translation affects the ability to link malicious communications detected at various network tiers to specific endpoints or hosts to enable prompt additional investigations, quarantine decisions, and remediation activities; and

(C) what steps and associated cost and schedule are necessary to eliminate the use of
Network Address Translation or to otherwise provide transparency to network defenders, including options to accelerate the transition from Internet Protocol version 4 to Internet Protocol version 6.

(b) RECOMMENDATION.—The Chief Information Officer and the Principal Cyber Advisor shall submit to the Secretary of Defense a recommendation to address the assessments conducted under subsection (a), including whether and how to revise the cyber strategy of the Department.

(c) BRIEFING.—Not later than April 1, 2021, the Chief Information Officer shall brief the congressional defense committees on the findings of the Chief Information Officer with respect to the assessments conducted under subsection (a) and the recommendation submitted under subsection (b).

SEC. 1620. MATTERS CONCERNING THE COLLEGE OF INFORMATION AND CYBERSPACE AT NATIONAL DEFENSE UNIVERSITY.

(a) PROHIBITION.—The Secretary of Defense may not eliminate, divest, downsize, or reorganize the College of Information and Cyberspace of the National Defense University, or seek to reduce the number of students educated at the College, until 30 days after the date on which
the congressional defense committees receive the report re-
quired by subsection (e).

(b) ASSESSMENT, DETERMINATION, AND REVIEW.—
The Under Secretary of Defense for Policy, in consultation
with the Under Secretary of Defense for Personnel and
Readiness, the Principal Cyber Advisor, the Principal In-
formation Operations Advisor of the Department of De-
fense, the Chief Information Officer of the Department,
the Chief Financial Officer of the Department, the Chair-
man of the Joint Chiefs of Staff, and the Commander of
United States Cyber Command, shall—

(1) assess requirements for joint professional
military education and civilian leader education in
the information environment and cyberspace domain
to support the Department and other national secu-

(2) determine whether the importance, chal-
genges, and complexity of the modern information
environment and cyberspace domain warrant—

(A) a college at the National Defense Uni-
versity, or a college independent of the National
Defense University whose leadership is respon-
sible to the Office of the Secretary of Defense;
(B) the provision of resources, services, and capacity at levels that are the same as, or decreased or enhanced in comparison to, those resources, services, and capacity in place at the College of Information and Cyberspace on January 1, 2019;

(3) review the plan proposed by the National Defense University for eliminating the College of Information and Cyberspace and reducing and restructuring the information and cyberspace faculty, course offerings, joint professional military education and degree and certificate programs, and other services provided by the College; and

(4) assess the changes made to the College of Information and Cyberspace since January 1, 2019, and the actions necessary to reverse those changes, including relocating the College and its associated budget, faculty, staff, students, and facilities outside of the National Defense University.

(c) REPORT REQUIRED.—Not later than February 1, 2021, the Secretary shall submit to the congressional defense committees a report on—

(1) the findings of the Secretary with respect to the assessments, determination, and review conducted under subsection (b); and
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(2) such recommendations as the Secretary may have for higher education in the information environment and cyberspace domain.

SEC. 1621. MODIFICATION OF MISSION OF CYBER COMMAND AND ASSIGNMENT OF CYBER OPERATIONS FORCES.

Section 167b of title 10, United States Code, is amended—
(1) in subsection (a)—
(A) in the first sentence, by inserting “(1)” before “With the advice”;
(B) in paragraph (1), as designated by subparagraph (A), by striking the second sentence; and
(C) by adding at the end the following new paragraph:
“(2) The principal mission of the cyber command is to direct, synchronize, and coordinate cyber planning and operations to defend and advance national interests in collaboration with domestic and international partners.”; and
(2) by amending subsection (b) to read as follows:
“(b) ASSIGNMENT OF FORCES.—(1) Active and reserve cyber forces of the armed forces shall be assigned
to the cyber command through the Global Force Management Process, as approved by the Secretary of Defense.

“(2) Cyber forces not assigned to cyber command remain assigned to combatant commands or service-retained.”

SEC. 1622. INTEGRATION OF DEPARTMENT OF DEFENSE USER ACTIVITY MONITORING AND CYBERSECURITY.

(a) INTEGRATION OF PLANS, CAPABILITIES, AND SYSTEMS.—The Secretary of Defense shall integrate the plans, capabilities, and systems for user activity monitoring, and the plans, capabilities, and systems for endpoint cybersecurity and the collection of metadata on network activity for cybersecurity to enable mutual support and information sharing.

(b) REQUIREMENTS.—In carrying out subsection (a), the Secretary shall—

(1) consider using the Big Data Platform instances that host cybersecurity metadata for storage and analysis of all user activity monitoring data collected across the Department of Defense Information Network at all security classification levels;

(2) develop policies and procedures governing access to user activity monitoring data or data de-
derived from user activity monitoring by cybersecurity operators; and

(3) develop processes and capabilities for using metadata on host and network activity for user activity monitoring in support of the insider threat mission.

(e) CONGRESSIONAL BRIEFING.—Not later than October 1, 2021, the Secretary shall provide a briefing to the congressional defense committees on actions taken to carry out this section.

SEC. 1623. DEFENSE INDUSTRIAL BASE CYBERSECURITY SENSOR ARCHITECTURE PLAN.

(a) PLAN REQUIRED.—Not later than February 1, 2021, the Principal Cyber Advisor of the Department of Defense, in consultation with the Chief Information Officer of the Department, the Under Secretary of Defense for Acquisition and Sustainment, the Under Secretary of Defense for Intelligence and Security, and the Commander of United States Cyber Command, shall develop a comprehensive plan for the deployment of commercial-off-the-shelf solutions on supplier networks to monitor the public-facing Internet attack surface in the defense industrial base.

(b) CONTENTS.—The plan required by subsection (a) shall include the following:
(1) Definition of an architecture, concept of operations, and governance structure that—

(A) will allow for the instrumentation and collection of cybersecurity data on the public-facing Internet attack surfaces of defense industrial base contractors in a manner that is compatible with the Department’s existing or future capabilities for analysis, and instrumentation and collection, as appropriate, of cybersecurity data within the Department of Defense Information Network;

(B) includes the expected scale, schedule, and guiding principles of deployment;

(C) is consistent with the defense industrial base cybersecurity policies and programs of the Under Secretary of Defense for Acquisition and Sustainment and the Chief Information Officer; and

(D) includes an acquisition strategy for sensor capabilities that optimizes required capability, scalability, cost, and intelligence and cybersecurity requirements.

(2) Roles and responsibilities of the persons referred to in subsection (a) in implementing and executing the plan.
(c) Consultation.—In developing the plan required by subsection (a), the Principal Cyber Advisor shall ensure that extensive consultation with representative companies of the defense industrial base occurs so as to ensure that prospective participants in the defense industrial base understand and agree that emerging solutions are acceptable, practical, and effective.

(d) Briefing.—Not later than March 1, 2021, the Principal Cyber Advisor 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 plan developed pursuant to subsection (a).

SEC. 1624. EXTENSION OF CYBERSPACE SOLARIUM COMMISSION TO TRACK AND ASSESS IMPLEMENTATION.


(1) in subsection (b)(1)(B)—

(A) in clause (i), by striking “under clauses (iv) through (vii) of subparagraph (A)” and inserting “under clauses (v) through (viii) of subparagraph (A)”;

and

(2) in subsection (c)—
(B) by adding at the end the following new clause:

“(iv) Effective on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2021, the composition of the Commission shall not include clauses (i) through (iv) of subparagraph (A).”;

(2) in subsection (d)(2), by striking “Seven members shall” and inserting “Seven members, during the period beginning on the date of the establishment of the Commission and ending on the day before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2021, and six members, during the period beginning on the date of the enactment of such Act and ending on the date of the termination of the Commission, shall”;

(3) in subsection (i)(1)(B)—

(A) by striking “Members of the Commission who” inserting “(i) During the period beginning on the date of the establishment of the Commission and ending on the day before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2021, members of the Commission who”; and
(B) by adding at the end the following new clause:

“(ii) During the period beginning on the date of the enactment of such Act and ending on the date of the termination of the Commission, members of the Commission who are Members of Congress shall receive no additional pay by reason of their service on the Commission.”; and

(4) in subsection (k)(2)—

(A) in subparagraph (A), by striking “120 day period” and inserting “16 month period with no further extensions permitted”;

(B) by amending subparagraph (B) to read as follows:

“(B) The Commission may use the 16 month period referred to in subparagraph (A) for the purposes of—

“(i) collecting and assessing comments and feedback from the Federal departments and agencies, as well as published reviews, on the analysis and recommendations contained in the final report under paragraph (1);

“(ii) collecting and assessing any developments in cybersecurity that may affect the recommendations in such report;
“(iii) reviewing the implementation of the recommendations contained in such report; and

“(iv) revising or amending recommendations based on the assessments and reviews conducted under clauses (i) through (iii);

“(C) During the 16 month period referred to in subparagraph (A), the Commission shall—

“(i) provide, in such manner and format as the Commission considers appropriate, an annual update on such report and any revisions or amendments reached by the Commission under subparagraph (B)(iv) to—

“(I) the Committee on Armed Services, the Select Committee on Intelligence, and the Committee on Homeland Security and Governmental Affairs of the Senate;

“(II) the Committee on Armed Services, the Permanent Select Committee on Intelligence, and the Committee on Homeland Security of the House of Representatives;

“(III) the Director of National Intelligence;

“(IV) the Secretary of Defense; and
“(V) the Secretary of Homeland Security; and

“(ii) conclude its activities, including providing testimony to Congress concerning the final report under paragraph (1) and disseminating such report.”; and

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

“(D) In the event that the Commission is extended, and the effective date of the extension comes after the time set for the Commission’s termination, the Commission shall be deemed reconstituted with the same members and powers that existed at the time of termination of the Commission, except that—

“(i) a member of the Commission shall only serve if the member’s position continues to be authorized under subsection (b);

“(ii) no compensation or entitlements relating to a person’s status with the Commission shall be due for the period between the termination and reconstitution of the Commission;

“(iii) nothing in this paragraph shall be deemed as requiring the extension or reemploy-
ment of any staff member or contractor working for the Commission;

“(iv) the staff of the commission—

“(I) shall be selected by the co-chairs of the Commission in accordance with subsection (h)(1);

“(II) shall be comprised of not more than four individuals, including a staff director;

“(III) shall be resourced in accordance with subsection (g)(4)(A); and

“(IV) with the approval of the co-chairs, may be provided by contract with a nongovernmental organization;

“(v) any unexpended funds made available for the use of the Commission shall continue to be available for use for the life of the Commission, as well as any additional funds appropriated to the Department of Defense that are made available to the Commission, provided that the total such funds does not exceed $1,000,000 from the reconstitution of the Commission to the completion of the Commission; and
“(vi) the requirement for an annual assessment of the final report in subsection (l) shall be in effect until the termination of the Commission.”.

SEC. 1625. REVIEW OF REGULATIONS AND PROMULGATION OF GUIDANCE RELATING TO NATIONAL GUARD RESPONSES TO CYBER ATTACKS.

(a) In General.—Not later than December 31, 2021, the Secretary of Defense, in coordination with the Secretary of Homeland Security, shall—

(1) review and, if the Secretary determines necessary, update regulations promulgated under section 903 of title 32, United States Code, to clarify when and under what conditions the participation of the National Guard in a response to a cyber attack qualifies as a homeland defense activity that would be compensated for by the Secretary of Defense under section 902 of such title; and

(2) promulgate guidance on how units of the National Guard shall collaborate with the Cybersecurity and Infrastructure Security Agency and the Federal Bureau of Investigation through multi-agency task forces, information-sharing groups, incident response planning and exercises, State fusion centers, and other relevant forums and activities.
(b) ANNEX OF NATIONAL CYBER INCIDENT RESPONSE PLAN.—Not later than December 31, 2021, the Secretary of Homeland Security, in coordination with the Secretary of Defense, shall develop an annex to the National Cyber Incident Response Plan that details those regulations and guidance reviewed, updated, and promulgated under paragraphs (1) and (2) of subsection (a).

SEC. 1626. IMPROVEMENTS RELATING TO THE QUADRENNIAL CYBER POSTURE REVIEW.

Section 1644(c) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91), as amended by section 1635 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92), is further amended—

(1) by amending paragraph (1) to read as follows:

“(1) The assessment and definition of the role of cyber forces in the national defense and military strategies of the United States.”;

(2) by amending paragraph (2) to read as follows:

“(2) Review of the following:

“(A) The role of cyber operations in combatant commander warfighting plans.
“(B) The ability of combatant commanders to respond to adversary cyber attacks.

“(C) The cyber capacity-building programs of the Department.”;

(3) by amending paragraph (3) to read as follows:

“(3) A review of the law, policies, and authorities relating to, and necessary for, the United States to maintain a safe, reliable, and credible cyber posture for defending against and responding to cyber attacks and for deterrence in cyberspace, including the following:

“(A) An assessment of the need for further delegation of cyber-related authorities, including those germane to information warfare, to the Commander of United States Cyber Command.

“(B) An evaluation of the adequacy of mission authorities for all cyber-related military components, defense agencies, directorates, centers, and commands.”;

(4) in paragraph (4), by striking “A declaratory” and inserting “A review of the need for or for updates to a declaratory”;

(5) in paragraph (5), by striking “Proposed” and inserting “A review of”;
(6) by amending paragraph (6) to read as follows:

“(6) A review of a strategy to deter, degrade, or defeat malicious cyber activity targeting the United States (which may include activities, capability development, and operations other than cyber activities, cyber capability development, and cyber operations), including—

“(A) a review and assessment of various approaches to competition and deterrence in cyberspace, determined in consultation with experts from Government, academia, and industry;

“(B) a comparison of the strengths and weaknesses of the approaches identified pursuant to subparagraph (A) relative to the threat of each other; and

“(C) an assessment as to how the cyber strategy will inform country-specific campaign plans focused on key leadership of Russia, China, Iran, North Korea, and any other country the Secretary considers appropriate.”;

(7) by striking paragraph (8) and inserting the following new paragraph (8):
“(8) A comprehensive force structure assessment of the Cyber Operations Forces of the Department for the posture review period, including the following:

“(A) A determination of the appropriate size and composition of the Cyber Mission Forces to accomplish the mission requirements of the Department.

“(B) An assessment of the Cyber Mission Forces’ personnel, capabilities, equipment, funding, operational concepts, and ability to execute cyber operations in a timely fashion.

“(C) An assessment of the personnel, capabilities, equipment, funding, and operational concepts of Cybersecurity Service Providers and other elements of the Cyber Operations Forces.”;

(8) by redesignating paragraphs (9) through (11) as subsections (12) through (15), respectively; and

(9) by inserting after paragraph (8), the following new paragraphs:

“(9) An assessment of whether the Cyber Mission Force has the appropriate level of interoper-
ability, integration, and interdependence with special
operations and conventional forces.

“(10) An evaluation of the adequacy of mission
authorities for the Joint Force Provider and Joint
Force Trainer responsibilities of United States
Cyber Command, including the adequacy of the
units designated as Cyber Operations Forces to sup-
port such responsibilities.

“(11) An assessment of the missions and
resourcing of the combat support agencies in sup-
port of cyber missions of the Department.”.

SEC. 1627. REPORT ON ENABLING UNITED STATES CYBER
COMMAND RESOURCE ALLOCATION.

(a) IN GENERAL.—Not later than January 15, 2021,
the Secretary of Defense shall submit to the congressional
defense committees a report detailing the actions the Sec-
retary will undertake to implement clauses (ii) and (iii)
of section 167b(d)(2) of title 10, United States Code, in-
cluding actions to ensure that the Commander of United
States Cyber Command has enhanced authority, direction,
and control of the Cyber Operations Forces and the equip-
ment budget that enables Cyber Operations Forces’ oper-
ations and readiness, beginning with the budget to be sub-
mitted to Congress by the President under section 1105(a)
of title 31, United States Code, for fiscal year 2024, and
the budget justification materials for the Department of
Defense to be submitted to Congress in support of such
budget.

(b) ELEMENTS.—The report required by subsection
(a) shall address the following items:

(1) The procedures by which the Principal
Cyber Advisor (PCA) will exercise authority, direc-
tion, and oversight over the Commander of United
States Cyber Command, with respect to Cyber Oper-
ations Forces-peculiar equipment and resources.

(2) The procedures by which the Commander of
United States Cyber Command will—

(A) prepare and submit to the Secretary
program recommendations and budget pro-
posals for Cyber Operations Forces and for
other forces assigned to the Cyber Command;
and

(B) exercise authority, direction, and con-
trol over the expenditure of funds for—

(i) forces assigned to United States
Cyber Command; and

(ii) Cyber Operations Forces assigned
to other unified combatant commands.

(3) Recommendations for actions to enable the
Commander of United States Cyber Command to
execute the budget and acquisition responsibilities of
the Commander in excess of currently imposed limits
on the Cyber Operations Procurement Fund, includ-
ing potential increases in personnel to support the
Commander.

(4) The procedures by which the Secretary will
categorize and track funding obligated or expended
for Cyber Operations Forces-peculiar equipment and
capabilities.

(5) The methodology and criteria by which the
Secretary will characterize equipment as being Cyber
Operations Forces-peculiar.

SEC. 1628. EVALUATION OF OPTIONS FOR ESTABLISHING A

  CYBER RESERVE FORCE.

  (a) EVALUATION REQUIRED.—Not later than Decem-
  ber 31, 2021, the Secretary of Defense shall conduct an
  evaluation of options for establishing a cyber reserve force.

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

  (1) The capabilities and deficiencies in military
  and civilian personnel with needed cybersecurity ex-
  pertise, and the quantity of personnel with such ex-
  pertise, within the Department.
(2) The potential for a uniformed, civilian, or mixed cyber reserve force to remedy shortfalls in expertise and capacity.

(3) The ability of the Department to attract the personnel with the desired expertise to either a uniformed or civilian cyber reserve force.

(4) The number of personnel, the level of funding, and the composition of a cyber reserve force that would be required to meet the needs of the Department.

(5) Alternative models for establishing a cyber reserve force, including the following:

(A) A traditional uniformed military reserve component.

(B) A nontraditional uniformed military reserve component, with respect to drilling and other requirements such as grooming and physical fitness.

(C) Nontraditional civilian cyber reserve options.

(6) The impact a uniformed military cyber reserve would have on active duty and existing reserve forces, including the following:

(A) Recruiting.

(B) Promotion.
(C) Retention.

(7) The effect a civilian cyber reserve would have on active duty and existing reserve forces, and the private sector.

(c) REPORT.—Not later than February 1, 2022, the Secretary shall submit to the congressional defense committees a report on the evaluation conducted under subsection (a).

SEC. 1629. ENSURING CYBER RESILIENCY OF NUCLEAR COMMAND AND CONTROL SYSTEM.

(a) Plan for Implementation of Findings and Recommendations from First Annual Assessment of Cyber Resiliency of Nuclear Command and Control System.—Not later than October 1, 2021, the Secretary of Defense shall submit to the congressional defense committees a comprehensive plan, including a schedule and resourcing plan, for the implementation of the findings and recommendations included in the first report submitted under section 499(c)(3) of title 10, United States Code.

(b) Concept of Operations and Oversight Mechanism for Cyber Defense of Nuclear Command and Control System.—Not later than October 1, 2021, the Secretary shall develop and establish—
(1) a concept of operations for defending the nuclear command and control system against cyber attacks, including specification of the—

(A) roles and responsibilities of relevant entities within the Office of the Secretary, the military services, combatant commands, the Defense Agencies, and the Department of Defense Field Activities; and

(B) cybersecurity capabilities to be acquired and employed and operational tactics, techniques, and procedures, including cyber protection team and sensor deployment strategies, to be used to monitor, defend, and mitigate vulnerabilities in nuclear command and control systems; and

(2) an oversight mechanism or governance model for overseeing the implementation of the concept of operations developed and established under paragraph (1), related development, systems engineering, and acquisition activities and programs, and the plan required by subsection (a), including specification of the—

(A) roles and responsibilities of relevant entities within the Office of the Secretary, the military services, combatant commands, the De-
defense Agencies, and the Department of Defense Field Activities in overseeing the defense of the nuclear command and control system against cyber attacks;

(B) responsibilities and authorities of the Strategic Cybersecurity Program in overseeing and, as appropriate, executing—

(i) vulnerability assessments; and

(ii) development, systems engineering, and acquisition activities; and

(C) processes for coordination of activities, policies, and programs relating to the cybersecurity and defense of the nuclear command and control system.

SEC. 1630. MODIFICATION OF REQUIREMENTS RELATING TO THE STRATEGIC CYBERSECURITY PROGRAM AND THE EVALUATION OF CYBER VULNERABILITIES OF MAJOR WEAPON SYSTEMS OF THE DEPARTMENT OF DEFENSE.

(a) Evaluation of Cyber Vulnerabilities of Major Weapon Systems of the Department of Defense.—

(1) In general.—Section 1647 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92), as amended by section
1633 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92), is further amended by adding at the end the following new subsection:

“(i) Establishing Requirements for Periodicity of Vulnerability Reviews.—The Secretary of Defense shall establish policies and requirements for each major weapon system, and the priority critical infrastructure essential to the proper functioning of major weapon systems in broader mission areas, to be re-assessed for cyber vulnerabilities, taking into account upgrades or other modifications to systems and changes in the threat.

“(j) Identification of Senior Official.—Each secretary of a military department shall identify a senior official who shall be responsible for ensuring that cyber vulnerability assessments and mitigations for weapon systems and critical infrastructure are planned, funded, and carried out.”

(2) Technical Correction.—Such section 1647 of the National Defense Authorization Act for Fiscal Year 2016 is further amended—

(A) by redesignating subsection (g) as subsection (h); and

(B) by redesignating the second subsection (f), as added by section 1633 of the National
Defense Authorization Act for Fiscal Year 2020, as subsection (g).

(b) STRATEGIC CYBERSECURITY PROGRAM.—Section 1640 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 10 U.S.C. 2224 note), is amended by striking subsections (a) through (e) and inserting the following new subsections:

“(a) IN GENERAL.—Not later than August 1, 2021, the Secretary of Defense shall, acting through the Director of the National Security Agency and in coordination with the Vice Chairman of the Joint Chiefs of Staff, establish a program to be known as the ‘Strategic Cybersecurity Program’ (in this section referred to as the ‘Program’).

“(b) ELEMENTS.—

“(1) IN GENERAL.—The Program shall be comprised of personnel assigned to the Program by the Secretary from among personnel, including regular and reserve members of the Armed Forces, civilian employees of the Department of Defense (including the Defense intelligence agencies), and personnel of the research laboratories of the Department of Defense and the Department of Energy, who have particular expertise in the areas of responsibility described in subsection (c).
“(2) Department of Energy Personnel.— Any personnel assigned to the Program from among personnel of the Department of Energy shall be so assigned with the concurrence of the Secretary of Energy.

“(3) Program Manager.— The Secretary of Defense shall designate a manager for the Program (in this section referred to as the ‘Program manager’).

“(c) Responsibilities.—

“(1) In General.— The Program manager and the personnel assigned to the Program shall improve the end-to-end cybersecurity of all of the systems, critical infrastructure, kill chains, and processes that make up the following military missions of the Department of Defense:

“(A) Nuclear deterrence and strike.

“(B) Select long-range conventional strike missions germane to the warfighting plans of United States European Command and United States Indo-Pacific Command.

“(C) Offensive cyber operations.

“(D) Homeland missile defense.

“(2) Assessing and Remediating Vulnerabilities in Mission Execution.— In car-
rying out the activities described in paragraph (1),
the Program manager shall conduct end-to-end vul-
nerability assessments and undertake or oversee re-
mediation of identified vulnerabilities in the systems
and processes on which the successful execution of
the missions delineated in paragraph (1) depend.

“(3) Acquisition and Systems Engineering
Review.—In carrying out paragraph (1), the Pro-
gram manager shall conduct appropriate reviews of
acquisition and systems engineering plans for pro-
posed systems and infrastructure. The review of an
acquisition plan for any proposed system or infra-
structure shall be carried out before Milestone B ap-
proval for such system or infrastructure.

“(d) Integration With Other Efforts.—The
Secretary shall ensure that the Program builds upon, and
does not duplicate, other efforts of the Department of De-
fense relating to cybersecurity, including the following:

“(1) The evaluation of cyber vulnerabilities of
major weapon systems of the Department of Defense
required under section 1647 of the National Defense
Authorization Act for Fiscal Year 2016 (Public Law
114–92).

“(2) The evaluation of cyber vulnerabilities of
Department of Defense critical infrastructure re-


“(3) The activities of the cyber protection teams of the Department of Defense.

“(e) MISSION DEFINITION.—The Vice Chairman of the Joint Chiefs of Staff shall coordinate with the Director of the National Security Agency and the commanders of the unified combatant commands to define the elements of the missions that will be included in the Program, and shall be responsible for updating those definitions as necessary.

“(f) BRIEFING.—Not later than December 1, 2021, the Secretary of Defense shall provide a briefing to the congressional defense committees on the establishment of the Program, and the plans, funding, and staffing of the Program.”.

SEC. 1631. DEFENSE INDUSTRIAL BASE PARTICIPATION IN A CYBERSECURITY THREAT INTELLIGENCE SHARING PROGRAM.

(a) DEFENSE INDUSTRIAL BASE THREAT INTELLIGENCE PROGRAM.—

(1) IN GENERAL.—The Secretary of Defense shall establish a threat intelligence sharing program
to share threat intelligence with, and obtain threat intelligence from, the defense industrial base.

(2) PROGRAM REQUIREMENTS.—At a minimum, the Secretary shall ensure that the program established pursuant to paragraph (1) includes the following:

(A) Cybersecurity incident reporting requirements applicable to the defense industrial base that—

(i) extend beyond mandatory incident reporting requirements in effect on the day before the date of the enactment of this Act;

(ii) set specific timeframes for all categories of incident reporting;

(iii) establishes a single clearinghouse for all mandatory incident reporting to the Department of Defense, including incidents involving covered unclassified information, and classified information; and

(iv) provide that, unless authorized or required by another provision of law or the element of the defense industrial base making the report consents, nonpublic information of which the Department be-
comes aware only because of a report provided pursuant to the program shall be disseminated and used only for a cybersecurity purpose, as defined in section 102 of the Cybersecurity Information Sharing Act of 2015 (6 U.S.C. 1501).

(B) A mechanism for developing a shared and real-time picture of the threat environment.

(C) Joint, collaborative, and co-located analytics.

(D) Investments in technology and capabilities to support automated detection and analysis across the defense industrial base.

(E) Coordinated intelligence tipping, sharing, and deconfliction, as necessary, with relevant government agencies with similar intelligence sharing programs.

(b) Threat Intelligence Program Participation.—

(1) PROCUREMENT.—The Secretary either may require or shall encourage and provide incentive for companies to participate in the threat intelligence sharing program required by subsection (a).

(2) IMPLEMENTATION.—In implementing paragraph (1), the Secretary shall—
(A) create tiers of requirements for participation within the program based on—

(i) the role of and relative threats related to entities within the defense industrial base; and

(ii) Cybersecurity Maturity Model Certification level; and

(B) prioritize available funding and technical support to assist affected businesses, institutions, and organizations as is reasonably necessary for those affected entities to commence participation in the threat intelligence sharing program and to meet any applicable program requirements.

(c) EXISTING INFORMATION SHARING PROGRAMS.—

The Secretary may utilize an existing Department information sharing program to satisfy the requirement in subsection (a) if—

(1) the existing program includes, or is modified to include, two-way sharing of threat information that is specifically relevant to the defense industrial base; and

(2) such a program is coordinated with other government agencies with existing intelligence sharing programs where overlap occurs.
(d) Regulations.—

(1) Rulemaking authority.—Not later than December 15, 2021, the Secretary shall promulgate such rules and regulations as are necessary to carry out this section.

(2) Cybersecurity maturity model certification program harmonization.—The Secretary shall ensure that any intelligence sharing requirements set forth in the rules and regulations promulgated pursuant to paragraph (1) consider an entity’s maturity and role within the defense industrial base, consistent with the maturity certification levels established in the Cybersecurity Maturity Model Certification program of the Department.

(e) Community Consent.—

(1) In general.—As part of the program established pursuant to subsection (a), the Secretary either may require through contractual mechanisms or shall encourage entities in the defense industrial base to consent to queries of foreign intelligence collection databases related to the entities, provided that intelligence information provided to companies is handled in a manner that protects sources and methods.
(2) **RULE OF CONSTRUCTION.**—Nothing in this subsection shall be construed to require that the elements of the intelligence community conduct queries on defense industrial base companies to detect cybersecurity threats to such companies or to require that information resulting from such queries be provided to such companies.

(f) **REPORT REQUIRED.**—Not later than March 1, 2022, the Secretary shall submit to the congressional defense committees a report that includes a description of—

1. mandatory requirements levied on defense industrial base entities regarding cyber incidents;
2. Department procedures for ensuring the confidentiality and security of data provided by such entities to the Department on either a voluntary or mandatory basis; and
3. any other matters regarding the program established under subsection (a) the Secretary considers significant.

(g) **DEFINITIONS.**—In this section:

1. The term “defense industrial base” means the Department of Defense, Federal Government, and private sector worldwide industrial complex with capabilities to perform research and development, design, produce, and maintain military weapon sys-
items, subsystems, components, or parts to satisfy military requirements.

(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).

(3) The term “threat intelligence” means cybersecurity information collected and shared amongst the defense industrial base.

SEC. 1632. ASSESSMENT ON DEFENSE INDUSTRIAL BASE CYBERSECURITY THREAT HUNTING.

(a) Assessment Required.—Not later than December 1, 2021, the Secretary of Defense shall complete an assessment of—

(1) the adequacy of the threat hunting elements of the compliance-based Cybersecurity Maturity Model Certification program of the Department of Defense; and

(2) the need for continuous threat hunting operations on defense industrial base networks conducted by the Department of Defense, prime contractors, or third-party cybersecurity vendors.

(b) Elements.—The assessment completed under section (a) shall include evaluation of the following:

(1) The adequacy of the requirements at each level of the Cybersecurity Maturity Model Certifi-
cation, including requirements germane to continuous monitoring, discovery, and investigation of anomalous activity indicative of a cybersecurity incident.

(2) The need for the establishment of a continuous threat-hunting operational model, as a supplement to the cyber hygiene requirements of the Cybersecurity Maturity Model Certification, in which network activity is comprehensively and continuously monitored for signs of compromise.

(3) Whether the continuous threat-hunting operations described in paragraph (2) should be conducted by—

(A) United States Cyber Command;

(B) a component of the Department of Defense other than United States Cyber Command;

(C) qualified prime contractors or subcontractors;

(D) accredited third-party cybersecurity vendors; or

(E) a combination of the entities specified in subparagraphs (A) through (D).

(4) Criteria for the prime contractors and subcontractors that should be subject to continuous
threat-hunting operations as described in paragraph (2).

(c) BRIEFING.—Not later than February 1, 2022, 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—

(1) the findings of the Secretary with respect to the assessment completed under subsection (a); and

(2) such implementation plans as the Secretary may have arising out of the findings described in paragraph (1).

SEC. 1633. ASSESSING RISK TO NATIONAL SECURITY OF QUANTUM COMPUTING.

(a) COMPREHENSIVE ASSESSMENT AND RECOMMENDATIONS REQUIRED.—Not later than December 31, 2022, the Secretary of Defense shall—

(1) complete a comprehensive assessment of the current and potential threats and risks posed by quantum computing technologies to critical national security systems, including—

(A) identification and prioritization of critical national security systems at risk;

(B) assessment of the standards of the National Institute of Standards and Technology
for quantum resistant cryptography and their applicability to cryptographic requirements of the Department of Defense;

(C) feasibility of alternative quantum resistant algorithms and features; and

(D) funding shortfalls in public and private developmental efforts relating to quantum resistant cryptography; and

(2) develop recommendations for research, development, and acquisition activities, including resourcing schedules, for securing the national security systems identified in paragraph (1)(A) against quantum computing code-breaking capabilities.

(b) BRIEFING.—Not later than February 1, 2023, the Secretary shall brief the congressional defense committees on the assessment completed under paragraph (1) of subsection (a) and the recommendations developed under paragraph (2) of such subsection.

SEC. 1634. APPLICABILITY OF REORIENTATION OF BIG DATA PLATFORM PROGRAM TO DEPARTMENT OF NAVY.

(a) IN GENERAL.—Section 1651 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) is amended by adding at the end the following new subsection:
“(e) APPLICABILITY.—The requirements of this sec-

tion shall apply in full to the Department of the Navy,

including the Sharkcage and associated programs.”.

(b) BRIEFING.—Not later than January 1, 2021, the

Secretary of the Navy, the program manager of the Uni-

fied Platform program, the Chief Information Officer, and

the Principal Cyber Advisor shall jointly brief the congres-

sional defense committees on the compliance of the De-

partment of the Navy with the requirements of such sec-

tion, as amended by paragraph (1).

SEC. 1635. EXPANSION OF AUTHORITY FOR ACCESS AND IN-
FORMATION RELATING TO CYBER ATTACKS
ON OPERATIONALLY CRITICAL CONTRACTORS OF THE ARMED FORCES.

Section 391(c) of title 10, United States Code, is
amended—

(1) by amending paragraph (3) to read as fol-

lows:

“(3) ARMED FORCES ASSISTANCE AND ACCESS
TO EQUIPMENT AND INFORMATION BY MEMBERS OF
THE ARMED FORCES.—The procedures established
pursuant to subsection (a) shall—

“(A) include mechanisms for a member of

the armed forces—
“(i) if requested by an operationally critical contractor, to assist the contractor in detecting and mitigating penetrations; or

“(ii) at the request of the Secretary of Defense or the Commandant of the Coast Guard, to obtain access to equipment or information of an operationally critical contractor necessary to conduct a forensic analysis, in addition to any analysis conducted by the contractor; and

“(B) provide that an operationally critical contractor is only required to provide access to equipment or information as described in subparagraph (A) to determine whether—

“(i) information created by or for the armed forces in connection with any program of the armed forces was successfully exfiltrated from or compromised on a network or information system of such contractor and, if so, what information was exfiltrated or compromised; or

“(ii) the ability of the contractor to provide operationally critical support has
been affected and, if so, how and to what extent it has been affected.’’;

(2) in paragraph (4), by inserting ‘‘, so as to minimize delays in or any curtailing of the cyber response or defensive actions of the Department or the Coast Guard’’ after ‘‘specific person’’; and

(3) in paragraph (5)(C), by inserting ‘‘or counterintelligence activities’’ after ‘‘investigations’’.

SEC. 1636. REQUIREMENTS FOR REVIEW OF AND LIMITATIONS ON THE JOINT REGIONAL SECURITY STACKS ACTIVITY.

(a) BASELINE REVIEW.—Not later than October 1, 2021, the Secretary of Defense shall undertake a baseline review of the Joint Regional Security Stacks (JRSS) to determine whether the activity—

(1) should proceed as a program of record, with modifications as specified in section (b), for exclusively the Non-Classified Internet Protocol Network (NIPRNET) or for such network and the Secret Internet Protocol Network (SIPRNET); or

(2) should be phased out across the Department of Defense with each of the Joint Regional Security Stacks replaced through the institution of cost-effective and capable networking and cybersecurity technologies, architectures, and operational con-
cepts within five years of the date of the enactment of this Act.

(b) Plan to Transition to Program of Record.—If the Secretary determines under subsection (a) that the Joint Regional Security Stacks activity should proceed, not later than October 1, 2021, the Secretary shall develop a plan to transition such activity to a program of record, governed by standard Department of Defense acquisition program requirements and practices, including the following:

(1) Baseline operational requirements documentation.

(2) An acquisition strategy and baseline.

(3) A program office and responsible program manager, under the oversight of the Under Secretary of Defense for Acquisition and Sustainment and the Chief Information Officer of the Department of Defense, responsible for pertinent doctrine, organization, training, materiel, leadership and education, personnel, facilities and policy matters, and the development of effective tactics, techniques, and procedures;

(4) Manning and training requirements documentation; and

(5) Operational test planning.
(c) LIMITATIONS.—

(1) LIMITATION ON USE OF FUNDS.—None of the funds authorized to be appropriated by this Act may be used to field Joint Regional Security Stacks on the Secret Internet Protocol Network in fiscal year 2021.

(2) LIMITATION ON OPERATIONAL DEPLOYMENT.—The Secretary may not conduct an operational deployment of Joint Regional Security Stacks to the Secret Internet Protocol Network in fiscal year 2021.

(d) SUBMITTAL TO CONGRESS.—Not later than December 1, 2021, the Secretary shall submit to the congressional defense committees—

(1) the findings of the Secretary with respect to the baseline review conducted under subsection (a);

(2) the plan developed under subsection (b), if any; and

(3) a proposal for the replacement of Joint Regional Security Stacks, if the Secretary determines under subsection (a) that it should be replaced.

SEC. 1637. INDEPENDENT ASSESSMENT OF ESTABLISHMENT OF A NATIONAL CYBER DIRECTOR.

(a) ASSESSMENT.—Not later than December 1, 2020, the Secretary of Defense, in coordination with the
Secretary of Homeland Security, shall seek to enter into an agreement with an independent organization with relevant expertise in cyber policy and governmental organization to conduct and complete an assessment of the feasibility and advisability of establishing a National Cyber Director.

(b) ELEMENTS.—The assessment required under subsection (a) shall include a review of and development of recommendations germane to the following, including the development of proposed legislative text for the establishment of a National Cyber Director:

(1) The authorities necessary to bring capabilities and capacities together across the interagency, all levels of government, and the private sector.

(2) A definition of the roles of the National Cyber Director in planning, preparing, and directing integrated cyber operations in response to a major cyber attack on the United States, including intelligence operations, law enforcement actions, cyber effects operations, defensive operations, and incident response operations.

(3) The authorities necessary to align resources to cyber priorities.

(4) The structure of the office of the National Cyber Director and position within government.
(c) REPORT.—

(1) IN GENERAL.—Not later than March 1, 2021, the Secretary of Defense shall submit to the appropriate committees of Congress a report on—

(A) the findings of the independent organization with respect to the assessment carried out under subsection (a); and

(B) the recommendations developed as part of such assessment under subsection (b).

(2) FORM.—The report submitted under paragraph (1) shall be submitted in a publicly releasable and unclassified format, but may include a classified annex.

(d) 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 Homeland Security and Governmental Affairs of the Senate; and

(2) the Committee on Armed Services and the Committee on Homeland Security of the House of Representatives.
SEC. 1638. MODIFICATION OF AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS FOR CYBER OPERATIONS-PECULIAR CAPABILITY DEVELOPMENT PROJECTS.

(a) In General.—Section 1640 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) is amended—

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

(2) in subsection (a)—

(A) by striking “The Secretary of Defense” and inserting “Subject to subsection (b), the Commander of the United States Cyber Command”;

(B) by striking “per service” and inserting “per use”; and

(C) by striking “through 2022” and inserting “through 2025”; and

(3) by inserting after subsection (a) the following:

“(b) Limitation.—(1) Each fiscal year, the Secretaries of the military departments concerned may each obligate and expend under subsection (a) not more than $20,000,000.
“(2) Each fiscal year, the Commander of the United States Cyber Command may obligate and expend under subsection (a) not more than $6,000,000.”.

(b) CONFORMING AMENDMENT.—Subsection (c) of such section is amended by striking “through 2022” and inserting “through 2025”.

SEC. 1639. PERSONNEL MANAGEMENT AUTHORITY FOR COMMANDER OF UNITED STATES CYBER COMMAND AND DEVELOPMENT PROGRAM FOR OFFENSIVE CYBER OPERATIONS.

(a) Personnel Management Authority for Commander of United States Cyber Command to Attract Experts in Science and Engineering.—Section 1599h of title 10, United States Code, as amended by section 212 of National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92)), is further amended—

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

“(7) UNITED STATES CYBER COMMAND.—The Commander of United States Cyber Command may carry out a program of personnel management authority provided in subsection (b) in order to facilitate the recruitment of eminent experts in computer science, data science, engineering, mathematics, and
computer network exploitation within the headquarters of United States Cyber Command and the Cyber National Mission Force.”; and

(2) in subsection (b)(1)—

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

(B) in subparagraph (F), by striking the semicolon and inserting “; and”; and

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

“(G) in the case of United States Cyber Command, appoint computer scientists, data scientists, engineers, mathematicians, and computer network exploitation specialists to a total of not more than 10 scientific and engineering positions in the Command;”.

(b) Program to Develop Accesses, Discover Vulnerabilities, and Engineer Cyber Tools and Develop Tactics, Techniques, and Procedures for Offensive Cyber Operations.—

(1) In general.—Pursuant to the authority provided under section 1599h(a)(7) of such title, as added by subsection (a), the Commander of United States Cyber Command shall establish a program or augment an existing program within the Command
to develop accesses, discover vulnerabilities, and engineer cyber tools and develop tactics, techniques, and procedures for the use of these assets and capabilities in offensive cyber operations.

(2) ELEMENTS.—The program or augmented program required by paragraph (1) shall—

(A) develop accesses, tools, vulnerabilities, and tactics, techniques, and procedures fit for Department of Defense military operations in cyberspace, such as reliability, meeting short development and operational timelines, low cost, and expendability;

(B) aim to decrease the reliance of Cyber Command on accesses, tools, and expertise provided by the intelligence community;

(C) be designed to provide technical and operational expertise on par with that of programs of the intelligence community;

(D) enable the Commander to attract and retain expertise resident in the private sector and other technologically elite government organizations; and

(E) coordinate development activities with, and, as appropriate, facilitate transition of capabilities from, the Defense Advanced Research
Projects Agency, the Strategic Capabilities Office, and components within the intelligence community.

(3) INTELLIGENCE COMMUNITY DEFINED.—In this subsection, 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. 1640. IMPLEMENTATION OF INFORMATION OPERATIONS MATTERS.

Of the amounts authorized to be appropriated for fiscal year 2021 by section 301 for operation and maintenance and available for the Office of the Secretary of Defense for the travel of persons as specified in the table in section 4301—

(1) not more than 25 percent shall be available until the date on which the report required by subsection (h)(1) of section 1631 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) is submitted to the Committee on Armed Services of the Senate and the Committee on Armed Services House of Representatives; and

(2) not more than 75 percent shall be available until the date on which the strategy and posture review required by subsection (g) of such section is submitted to such committees.
SEC. 1641. REPORT ON CYBER INSTITUTES PROGRAM.

Section 1640 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 2310; 10 U.S.C. 2200 note) is amended by adding at the end the following:

“(g) REPORT TO CONGRESS.—Not later than September 30, 2021, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the effectiveness of the Cyber Institutes and on opportunities to expand the Cyber Institutes to additional select institutions of higher learning that have a Reserve Officers’ Training Corps program.”.

SEC. 1642. ASSISTANCE FOR SMALL MANUFACTURERS IN THE DEFENSE INDUSTRIAL SUPPLY CHAIN ON MATTERS RELATING TO CYBERSECURITY.

(a) IN GENERAL.—Subject to the availability of appropriations, the Secretary of Defense, in consultation with the Director of the National Institute of Standards and Technology, may award financial assistance to a Center for the purpose of providing cybersecurity services to small manufacturers.

(b) CRITERIA.—The Secretary, in consultation with the Director, shall establish and publish on the grants.gov website, or successor website, criteria for selecting recipients for financial assistance under this section.
(c) USE OF FINANCIAL ASSISTANCE.—Financial assistance under this section—

(1) shall be used by a Center to provide small manufacturers with cybersecurity services relating to—

(A) compliance with the cybersecurity requirements of the Department of Defense Supplement to the Federal Acquisition Regulation, including awareness, assessment, evaluation, preparation, and implementation of cybersecurity services; and

(B) achieving compliance with the Cybersecurity Maturity Model Certification framework of the Department of Defense; and

(2) may be used by a Center to employ trained personnel to deliver cybersecurity services to small manufacturers.

(d) BIENNIAL REPORTS.—

(1) IN GENERAL.—Not less frequently than once every two years, the Secretary shall submit to the congressional defense committees, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Science, Space, and Technology of the House of Representatives a bien-
nial report on financial assistance awarded under this section.

(2) CONTENTS.—To the extent practicable, each report submitted under paragraph (1) shall include the following with respect to the years covered by the report:

(A) The number of small manufacturing companies assisted.

(B) A description of the cybersecurity services provided.

(C) A description of the cybersecurity matters addressed.

(D) An analysis of the operational effectiveness and cost-effectiveness of the cybersecurity services provided.

(e) TERMINATION.—The authority of the Secretary to award of financial assistance under this section shall terminate on the date that is five years after the date of the enactment of this Act.

(f) DEFINITIONS.—In this section:

(1) The term “Center” has the meaning given such term in section 25(a) of the National Institute of Standards and Technology Act (15 U.S.C. 278k(a)).
The term “small manufacturer” has the meaning given that term in section 1644(g) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 10 U.S.C. 2224 note).

Subtitle C—Nuclear Forces

SEC. 1651. MODIFICATION TO RESPONSIBILITIES OF NUCLEAR WEAPONS COUNCIL.

Section 179(d) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (9) through (12) as paragraphs (10) through (13), respectively; and

(2) by inserting after paragraph (8) the following new paragraph (9):

“(9) Reviewing proposed capabilities, and establishing and validating performance requirements (as defined in section 181(h) of this title), for nuclear warhead programs.”.

SEC. 1652. RESPONSIBILITY OF NUCLEAR WEAPONS COUNCIL IN PREPARATION OF NATIONAL NUCLEAR SECURITY ADMINISTRATION BUDGET.

Paragraph (11) of section 179(d) of title 10, United States Code, as redesignated by section 1651, is further amended to read as follows:
“(11) As part of the planning, programming, budgeting, and execution process of the National Nuclear Security Administration—

“(A) providing guidance with respect to the development of the annual budget proposals of the Administration under section 3255 of the National Nuclear Security Administration Act;

“(B) reviewing the adequacy of such proposals under section 4717 of the Atomic Energy Defense Act; and

“(C) preparing, coordinating, and approving such proposals, including before such proposals are submitted to—

“(i) the Secretary of Energy;

“(ii) the Director of the Office of Management and Budget;

“(iii) the President; or

“(iv) Congress (as submitted with the budget of the President under section 1105(a) of title 31).”.

SEC. 1653. MODIFICATION OF GOVERNMENT ACCOUNTABILITY OFFICE REVIEW OF ANNUAL REPORTS ON NUCLEAR WEAPONS ENTERPRISE.

Section 492a(c) of title 10, United States Code, is amended—
(1) in paragraph (1), by striking “review each report” and inserting “periodically review reports submitted”; and

(2) in paragraph (2), by striking “not later” and all that follows through “submitted, ”.

SEC. 1654. PROHIBITION ON REDUCTION OF THE INTER-CONTINENTAL 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 for fiscal year 2021 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.

SEC. 1655. SENSE OF THE SENATE ON NUCLEAR COOPERATION BETWEEN THE UNITED STATES AND THE UNITED KINGDOM.

It is the sense of the Senate that—

(1) the North Atlantic Treaty Organization (NATO) continues to play an essential role in the national security of the United States and the independent nuclear deterrents of other NATO members, such as the United Kingdom, have helped underwrite peace and security;

(2) the nuclear programs of the United States and the United Kingdom have enjoyed significant collaborative benefits as a result of the cooperative relationship formalized in the Agreement for Cooperation on the Uses of Atomic Energy for Mutual Defense Purposes, signed at Washington July 3, 1958, and entered into force August 4, 1958 (9 UST 1028), between the United States and the United Kingdom (commonly referred to as the “Mutual Defense Agreement”);

(3) the unique partnership between the United States and the United Kingdom has enhanced sovereign military and scientific capabilities, strength-
ened bilateral ties, and shared costs, particularly on such programs as the Trident II D–5 weapons system and the common missile compartment for the future Dreadnought and Columbia classes of submarines;

(4) additionally, the extension of the nuclear deterrence commitments of the United Kingdom to members of the NATO alliance strengthens collective security while reducing the burden placed on United States nuclear forces to deter potential adversaries and assure allies of the United States and the United Kingdom;

(5) as the international security environment deteriorates and potential adversaries expand and enhance their nuclear forces, the extended deterrence commitments of the United Kingdom play an increasingly important role in supporting the security interests of the United States and allies of the United States and the United Kingdom;

(6) it is in the national security interest of the United States to support the United Kingdom with respect to the decision of the Government of the United Kingdom to maintain its nuclear deterrent until global security conditions warrant its elimination;
(7) as the United States must modernize its aging nuclear forces to ensure its ability to continue to field a nuclear deterrent that is safe, secure, and effective, the United Kingdom faces a similar challenge;

(8) bilateral cooperation on the parallel development of the W93/Mk7 warhead of the United States and the replacement warhead of the United Kingdom, as well as associated components, will allow the United States and the United Kingdom to responsibly address challenges within their legacy nuclear forces in a cost-effective manner that—

(A) preserves independent, sovereign control;

(B) is consistent with each country’s obligations under the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968 (21 UST 483) (commonly referred to as the “Nuclear Non-Proliferation Treaty”); and

(C) supports nonproliferation objectives; and

(9) continued cooperation between the nuclear programs of United States and the United Kingdom, including through the W93/Mk7 program, is essen-
tial to ensuring that the NATO alliance continues to be supported by credible nuclear forces capable of preserving peace, preventing coercion, and deterring aggression.

Subtitle D—Missile Defense Programs

SEC. 1661. IRON DOME SHORT-RANGE ROCKET DEFENSE SYSTEM AND ISRAELI COOPERATIVE MISSILE DEFENSE PROGRAM CO-DEVELOPMENT AND CO-PRODUCTION.

(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 2021 for procurement, Defense-wide, and available for the Missile Defense Agency, not more than $73,000,000 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 sub-
ject 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 2021 for procurement, Defense-wide, and available for the Missile Defense Agency not more than $50,000,000 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 oth-
erwise 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 2021 for procurement, Defense-wide, and available for the Missile Defense Agency not more than $77,000,000 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;
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(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 sub-
section (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. 1662. ACCELERATION OF THE DEPLOYMENT OF HYPERSONIC AND BALLISTIC TRACKING SPACE SENSOR PAYLOAD.

(a) Primary Responsibility for Development and Deployment of Hypersonic and Ballistic Tracking Space Sensor Payload.—

(1) In general.—Not later than 15 days after the date of the enactment of this Act, the Secretary shall—

(A) assign the Director of the Missile Defense Agency with the principal responsibility for the development and deployment of a hypersonic and ballistic tracking space sensor payload through the end of fiscal year 2022; and

(B) submit to the congressional defense committees certification of such assignment.
(2) TRANSITION.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees—

(A) a determination regarding whether responsibility for a hypersonic and ballistic tracking space sensor payload should be transitioned to the United States Space Force at the end of fiscal year 2022 or later; and

(B) if the Secretary so determines, a plan for transition of primary responsibility that minimizes disruption to the program and provides for sufficient funding as described in subsection (b)(1).

(b) CERTIFICATION REGARDING FUNDING OF HYPERSONIC AND BALLISTIC TRACKING SPACE SENSOR PROGRAM.—

(1) IN GENERAL.—At the same time that the President submits to Congress pursuant to section 1105 of title 31, United States Code, the annual budget request of the President for fiscal year 2022, the Under Secretary of Defense Comptroller and the Director for Cost Assessment and Program Evaluation shall jointly submit to the congressional defense committees a certification as to whether the
hypersonic and ballistic tracking space sensor program is sufficiently funded in the future-years defense program.

(2) FUNDING LIMITATION.—Of the funds authorized to be appropriated by this Act for fiscal year 2021 under the Operations and Maintenance, Defense-Wide, account for the Office of Secretary of Defense travel of persons assigned to the Office of the Under Secretary of Defense for Research and Engineering, not more than 50 percent of such funds may be obligated or expended until the certification required by paragraph (1) is submitted under such paragraph.

(c) DEPLOYMENT DEADLINE.—Section 1683(a) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 10 U.S.C. 2431 note) is amended—

(1) by striking ““(a) IN GENERAL.—”” and inserting the following:

“(a) DEVELOPMENT, TESTING, AND DEPLOYMENT.—

“(1) DEVELOPMENT.—”; and

(2) by adding at the end the following new paragraphs:
“(2) Testing and Deployment.—The Director shall begin on-orbit testing of a hypersonic and ballistic tracking space sensor no later than December 31, 2022, with full operational deployment as soon as technically feasible thereafter.

“(3) Waiver.—The Secretary of Defense may waive the deadline for testing specified in paragraph (2) if the Secretary submits to the congressional defense committees a report containing—

“(A) the explanation why the Secretary cannot meet such deadline;

“(B) the technical risks and estimated cost of accelerating the program to attempt to meet such deadline;

“(C) an assessment of threat systems that could not be detected or tracked persistently due to waiving such deadline; and

“(D) a plan, including a timeline, for beginning the required testing.”.

(d) Assessment and Report.—Not later than 120 days after the date of the enactment of this Act, the Chair of the Joint Requirements Oversight Council established under section 181 of title 10, United States Code, shall—

(1) complete an assessment on whether all efforts being made by the Missile Defense Agency, the
Defense Advanced Research Projects Agency, the Air Force, and the Space Development Agency relating to space-based sensing and tracking capabilities for missile defense are aligned with the requirements of United States Strategic Command, United States Northern Command, United States European Command, and United States Indo-Pacific Command for missile tracking and missile warning that have been validated by the Joint Requirements Oversight Council; and

(2) submit to the congressional defense committees a report on the findings of the Chair with respect to the assessment conducted under paragraph (1).

SEC. 1663. EXTENSION OF PROHIBITION RELATING TO MISSILE DEFENSE INFORMATION AND SYSTEMS.

Section 130h(e) of title 10, United States Code, is amended by striking “January 1, 2021” and inserting “January 1, 2026”.

SEC. 1664. REPORT ON AND LIMITATION ON EXPENDITURE OF FUNDS FOR LAYERED HOMELAND MISSILE DEFENSE SYSTEM.

(a) Report Required.—

(1) In general.—Not later than March 1, 2021, the Director of the Missile Defense Agency
shall submit to the congressional defense committees a report on the proposal for a layered homeland missile defense system included in the budget justification materials submitted to Congress in support of the budget for the Department of Defense for fiscal year 2021 (as submitted with the budget of the President for such year under section 1105(a) of title 31, United States Code).

(2) Elements required.—The report required by paragraph (1) shall include the following:

(A) A description of the approved requirements for a layered homeland missile defense system, based on an assessment by the intelligence community of threats to be addressed at the time of deployment of such a system.

(B) An assessment of how such requirements addressed by a layered homeland missile defense system relate to those addressed by the existing ground-based midcourse defense system, including deployed ground-based interceptors and planned upgrades to such ground-based interceptors.

(C) An analysis of interceptor solutions to meet such requirements, to include land-based Standard Missile 3 (SM–3) Block IIA inter-
ceptor systems and the Terminal High Altitude Area Defense (THAAD) system, with the number of locations required for deployment and the production numbers of interceptors and related sensors.

(D) A site-specific fielding plan that includes possible locations, the number and type of interceptors and radars in each location, and any associated environmental or permitting considerations, including an assessment of the locations evaluated pursuant to section 227(b) of the National Defense Authorization Act for Fiscal Year 2013 (126 Stat. 1679; Public Law 112–239) for inclusion in the layered homeland missile defense system.

(E) Relevant policy considerations for deployment of such systems for defense against intercontinental ballistic missiles in the continental United States.

(F) A cost estimate and schedule for options involving a land-based Standard Missile 3 Block IIA interceptor system and the Terminal High Altitude Area Defense system, including required environmental assessments.
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(G) A feasibility assessment of the necessary modifications to the Terminal High Altitude Area Defense system to address such requirements.

(H) An assessment of the industrial base capacity to support additional production of either a land-based Standard Missile 3 Block IIA interceptor system or the Terminal High Altitude Area Defense system.

(3) CONSULTATION.—In preparing the report required by paragraph (1), the Director shall consult with the following:

(A) The Under Secretary of Defense for Policy.

(B) The Under Secretary of Defense for Acquisition and Sustainment.

(C) The Vice Chairman of the Joint Chiefs of Staff, in Vice Chairman’s capacity as the Chair of the Joint Requirements Oversight Council.

(D) The Commander, United States Strategic Command.

(E) The Commander, United States Northern Command.
(b) LIMITATION ON USE OF FUNDS.—Not more than 50 percent of the amounts authorized to be appropriated by this Act for fiscal year 2021 for the Missile Defense Agency for the purposes of a layered homeland missile defense system may be obligated or expended until the Director submits to the congressional defense committees the report required by subsection (a).

(c) INTELLIGENCE COMMUNITY DEFINED.—In this section, 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. 1665. EXTENSION OF REQUIREMENT FOR COMPTROLLER GENERAL REVIEW AND ASSESSMENT OF MISSILE DEFENSE ACQUISITION PROGRAMS.

Section 232(a) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81) is amended—

(1) in paragraph (1), by striking “through 2020” and inserting “through 2025”;

(2) in paragraph (2)—

(A) by striking “through 2021” and inserting “through 2026”; and

(B) by striking “year. Each” and all that follows through “appropriate.” and insert the
following: “, which shall include such findings and recommendations as the Comptroller General considers appropriate.”; and

(3) by adding at the end the following new subsection:

“(3) REVIEW OF EMERGING ISSUES.—In carrying out this subsection, as the Comptroller General determines is warranted, the Comptroller General shall review emerging issues and, in consultation with the congressional defense committees, brief such committees or submit to such committees a report on the findings of the Comptroller General with respect to such review.”.

SEC. 1666. REPEAL OF REQUIREMENT FOR REPORTING STRUCTURE OF MISSILE DEFENSE AGENCY.

Section 205 of title 10, United States Code, is amended to read as follows:

“§ 205. Missile Defense Agency

“The Director of the Missile Defense Agency shall be appointed for a six-year term.”.

SEC. 1667. GROUND-BASED MIDCOURSE DEFENSE INTERIM CAPABILITY.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—
(1) the nuclear and ballistic missile threats from rogue nations are increasing; and

(2) the Department of Defense should fully assess development of an interim ground-based missile defense capability while also pursuing the development of a next generation interceptor capability.

(b) INTERIM GROUND-BASED INTERCEPTOR.—

(1) DEVELOPMENT.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense, acting through the Director of the Missile Defense Agency and in coordination with the Under Secretary of Defense for Acquisition and Sustainment, the Commander of the United States Northern Command, and the Commander of the United States Strategic Command, shall commence carrying out a program to develop an interim ground-based interceptor capability that will—

(A) use sound acquisition practices;

(B) address the majority of current and near- to mid-term projected ballistic missile threats to the United States homeland from rogue nations;

(C) at minimum, meet the proposed capabilities of the Redesigned Kill Vehicle program;
(D) leverage existing kill vehicle and booster technology; and

(E) appropriately balance interceptor performance with schedule of delivery.

(2) DEPLOYMENT.—The Secretary of Defense, acting through the Director of the Missile Defense Agency and in coordination with the Under Secretary of Defense for Acquisition and Sustainment, the Commander of the United States Northern Command, and the Commander of the United States Strategic Command, shall—

(A) conduct rigorous flight testing of the interim ground-based interceptor; and

(B) deliver 20 new ground-based interceptors by 2026.

(3) WAIVER AUTHORITY.—(A) The Secretary of Defense may waive the requirements under paragraphs (1) and (2) if the Secretary certifies to the congressional defense committees that—

(i) the technology development is not technically feasible;

(ii) the interim capability development is not in the national security interest of the United States; or
(iii) the next generation interceptor for the
ground-based midcourse defense system can de-
 deliver capability before the program otherwise re-
 quired by this subsection.

(B) If the Secretary chooses to waive the re-
quirements under paragraphs (1) and (2), the Sec-
retary shall submit to the congressional defense com-
mittees along with the certification required by sub-
paragraph (A) of this paragraph—

(i) an explanation of the rationale for the
decision;

(ii) an estimate of projected rogue nation
 threats to the United States homeland that will
 not be defended against until the fielding of the
 next generation interceptor for the ground-
 based midcourse defense system; and

(iii) an updated schedule for development
 and deployment of the next generation inter-
 ceptor.

(C) The Secretary may not delegate the certifi-
cation described in subparagraphs (A) and (B) un-
less the Secretary is recused, in which case the Sec-
retary may delegate such certification to the Deputy
Secretary of Defense.
(c) **CAPABILITIES AND CRITERIA.**—The Director shall ensure that the interim ground-based interceptor developed under subsection (c)(1) meets, at a minimum, the following capabilities and criteria:

1. Vehicle-to-vehicle communications, as applicable.
2. Vehicle-to-ground communications.
4. The ability to counter advanced counter measures, decoys, and penetration aids.
5. Producibility and manufacturability.
6. Use of technology involving high technology readiness levels.
7. Options to integrate the new kill vehicle onto other missile defense interceptor vehicles other than the ground-based interceptors of the ground-based midcourse defense system.
8. Sound acquisition processes.

(d) **REPORT ON FUNDING PROFILE.**—The Director shall include with the budget justification materials submitted to Congress in support of the budget of the Department of Defense for fiscal year 2022 (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) a report on the funding profile
necessary for the interim ground-based interceptor pro-
gram to meet the objectives under subsection (e).

DIVISION B—MILITARY CON-
STRUCTION AUTHORIZA-
TIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the “Military Construc-
tion Authorization Act for Fiscal Year 2021”.

SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND
AMOUNTS REQUIRED TO BE SPECIFIED BY
LAW.

(a) Expiration of Authorizations After Five
Years.—Except as provided in subsection (b), all author-
izations contained in titles XXI through XXVII for mili-
tary construction projects, land acquisition, family housing
projects and facilities, and contributions to the North At-
lantic Treaty Organization Security Investment Program
(and authorizations of appropriations therefor) shall ex-
pire on the later of—

(1) October 1, 2025; or

(2) the date of the enactment of an Act author-
izing funds for military construction for fiscal year
2026.

(b) Exception.—Subsection (a) shall not apply to
authorizations for military construction projects, land ac-
quisition, family housing projects and facilities, and con-
tributions to the North Atlantic Treaty Organization Se-
curity Investment Program (and authorizations of appro-
priations 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 author-
izing funds for fiscal year 2026 for military con-
struction projects, land acquisition, family housing
projects and facilities, or contributions to the North
Atlantic Treaty Organization Security Investment
Program.

SEC. 2003. EFFECTIVE DATE.

Titles XXI through XXVII and title XXIX shall take
effect on the later of—

(1) October 1, 2020; or

(2) the date of the enactment of this Act.

TITLE XXI—ARMY MILITARY
CONSTRUCTION

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND
ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts
appropriated pursuant to the authorization of appropria-
tions in section 2103(a) and available for military con-
struction 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 in-
side the United States, and in the amounts, set forth in
the following table:

**Army: Inside the United States**

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alaska</td>
<td>Fort Wainwright</td>
<td>$114,000,000</td>
</tr>
<tr>
<td>Arizona</td>
<td>Yuma Proving Ground</td>
<td>$14,000,000</td>
</tr>
<tr>
<td>California</td>
<td>Military Ocean Terminal Concord</td>
<td>$46,000,000</td>
</tr>
<tr>
<td>Colorado</td>
<td>Fort Carson</td>
<td>$28,000,000</td>
</tr>
<tr>
<td>Georgia</td>
<td>Fort Gillem</td>
<td>$71,000,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Aliamanu Military Reservation</td>
<td>$71,000,000</td>
</tr>
<tr>
<td></td>
<td>Schofield Barracks</td>
<td>$39,000,000</td>
</tr>
<tr>
<td></td>
<td>Wheeler Army Airfield</td>
<td>$89,000,000</td>
</tr>
<tr>
<td>Louisiana</td>
<td>Fort Polk</td>
<td>$25,000,000</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>McAlester AAP</td>
<td>$35,000,000</td>
</tr>
<tr>
<td>South Carolina</td>
<td>Fort Jackson</td>
<td>$7,000,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Humphreys Engineer Center</td>
<td>$51,000,000</td>
</tr>
</tbody>
</table>

(b) **OUTSIDE THE UNITED STATES.**—Using amounts
appropriated pursuant to the authorization of appropriations in section 2103(a) and available for military con-
struction 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 installation outside the
United States, and in the amount, set forth in the fol-
lowing table:

**Army: Outside the United States**

<table>
<thead>
<tr>
<th>State</th>
<th>Installation</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Italy</td>
<td>Casmera Renato Dal Din</td>
<td>$10,200,000</td>
</tr>
</tbody>
</table>
SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2103(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Army may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amounts set forth in the following table:

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Units</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Italy</td>
<td>Vicenza</td>
<td>Family Housing New Construction</td>
<td>$84,100,000</td>
</tr>
<tr>
<td>Kwajalein</td>
<td>Kwajalein Atoll</td>
<td>Family Housing Replacement Construction</td>
<td>$32,000,000</td>
</tr>
</tbody>
</table>

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2103(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $3,300,000.

SEC. 2103. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years
beginning after September 30, 2020, 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 authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed the total amount authorized to be appropriated under subsection (a), as specified in the funding table in section 4601.

SEC. 2104. MODIFICATION OF AUTHORITY TO CARRY OUT FISCAL YEAR 2017 PROJECT AT CAMP WALKER, KOREA.

In the case of the authorization contained in the table in section 2102(a) of the Military Construction Authorization Act for Fiscal Year 2017 (division B of Public Law 114–92; 129 Stat. 1146) for Camp Walker, Korea, the Secretary of the Army may construct an elevated walkway between two existing parking garages to connect children’s playgrounds using amounts available for Family Housing New Construction, as specified in the funding table in section 4601 of such Act (129 Stat. 1290).
TITLE XXII—NAVY MILITARY CONSTRUCTION

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 2204(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:

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>Camp Pendleton</td>
<td>$115,530,000</td>
</tr>
<tr>
<td></td>
<td>Lemoore</td>
<td>$187,220,000</td>
</tr>
<tr>
<td></td>
<td>Point Mugu</td>
<td>$26,700,000</td>
</tr>
<tr>
<td></td>
<td>Port Hueneme</td>
<td>$43,500,000</td>
</tr>
<tr>
<td></td>
<td>San Diego</td>
<td>$128,500,000</td>
</tr>
<tr>
<td></td>
<td>Seal Beach</td>
<td>$46,800,000</td>
</tr>
<tr>
<td></td>
<td>Twentynine Palms</td>
<td>$76,500,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Joint Base Pearl Harbor-Hickam</td>
<td>$114,900,000</td>
</tr>
<tr>
<td>Maine</td>
<td>Kittery</td>
<td>$715,000,000</td>
</tr>
<tr>
<td></td>
<td>NCTAMS LANT Detachment Cutler</td>
<td>$26,100,000</td>
</tr>
<tr>
<td>Nevada</td>
<td>Fallon</td>
<td>$29,040,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Cherry Point</td>
<td>$51,900,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Norfolk</td>
<td>$39,800,000</td>
</tr>
</tbody>
</table>

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(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**

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bahrain Island</td>
<td>SW Asia</td>
<td>$68,340,000</td>
</tr>
<tr>
<td>El Salvador</td>
<td>Comalapa</td>
<td>$28,000,000</td>
</tr>
<tr>
<td>Greece</td>
<td>Souda Bay</td>
<td>$50,180,000</td>
</tr>
<tr>
<td>Guam</td>
<td>Andersen Air Force Base</td>
<td>$21,280,000</td>
</tr>
<tr>
<td></td>
<td>Joint Region Marianas</td>
<td>$546,550,000</td>
</tr>
<tr>
<td>Spain</td>
<td>Rota</td>
<td>$60,110,000</td>
</tr>
</tbody>
</table>

SEC. 2202. FAMILY HOUSING.

Using amounts appropriated pursuant to the authorization of appropriations in section 2204(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 $5,854,000.

SEC. 2203. 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 2204(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 $37,043,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.
(a) Authorization of Appropriations.—Funds
are hereby authorized to be appropriated for fiscal years
beginning after September 30, 2020, for military con-
struction, 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 author-
ized 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 appro-
priated under subsection (a), as specified in the funding
table in section 4601.

TITLE XXIII—AIR FORCE
MILITARY CONSTRUCTION
SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND
LAND ACQUISITION PROJECTS.
(a) Inside the United States.—Using amounts
appropriated pursuant to the authorization of appropri-
tions in section 2304(a) and available for military con-
struction 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:

**Air Force: Inside the United States**

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Colorado</td>
<td>United States Air Force Academy</td>
<td>$49,000,000</td>
</tr>
<tr>
<td>New Jersey</td>
<td>Joint Base McGuire-Dix-Lakehurst.</td>
<td>$22,000,000</td>
</tr>
<tr>
<td>South Dakota</td>
<td>Ellsworth Air Force Base</td>
<td>$96,000,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Joint Base San Antonio</td>
<td>$19,500,000</td>
</tr>
<tr>
<td>Utah</td>
<td>Hill Air Force Base</td>
<td>$132,000,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Joint Base Langley-Eustis</td>
<td>$19,500,000</td>
</tr>
</tbody>
</table>

(b) **Outside the United States.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(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:

**Air Force: Outside the United States**

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Guam</td>
<td>Andersen Air Force Base</td>
<td>$56,000,000</td>
</tr>
<tr>
<td>Qatar</td>
<td>Al Udeid</td>
<td>$26,000,000</td>
</tr>
</tbody>
</table>

**SEC. 2302. FAMILY HOUSING.**

Using amounts appropriated pursuant to the authorization of appropriations in section 2304(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 serv-
ices and construction design activities with respect to the
construction or improvement of family housing units in an
amount not to exceed $2,969,000.

SEC. 2303. 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 2304(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 $94,245,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR
FORCE.

(a) Authorization of Appropriations.—Funds
are hereby authorized to be appropriated for fiscal years
beginning after September 30, 2020, for military con-
struction, 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 author-
ized 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 appro-
priated under subsection (a), as specified in the funding
table in section 4601.

SEC. 2305. MODIFICATION OF AUTHORITY TO CARRY OUT
FISCAL YEAR 2018 PROJECT AT ROYAL AIR
FORCE LAKENHEATH.

(a) IN GENERAL.—In the case of the authorization
contained in the table in section 2301(b) of the Military
Construction Authorization Act for Fiscal Year 2018 (di-
vision B of Public Law 115–91; 131 Stat. 1826) for Royal
Air Force Lakenheath, United Kingdom, the Secretary of
the Air Force may construct a 2,700 square meter consoli-
dated corrosion control and wash rack facility at such lo-
cation.

(b) INCREASE OF AMOUNT.—The table in section
4601 of such Act is amended in the item relating to a
Consolidated Corrosion Control Facility at Royal Air
Force Lakenheath, United Kingdom, by striking
“20,000,000” and inserting “55,300,000”.

SEC. 2306. MODIFICATION OF AUTHORITY TO CARRY OUT
CERTAIN FISCAL YEAR 2019 PROJECTS.

(a) EIELSON AIR FORCE BASE, ALASKA.—In the
case of the authorization contained in the table in section
2301(a) of the Military Construction Authorization Act for Fiscal Year 2019 (division B of Public Law 115–232; 132 Stat. 2246) for Eielson Air Force Base, Alaska, the Secretary of the Air Force may construct a 426 square meter non-contained (outdoor) range with covered and heated firing line for construction of an F–35 CATM Range, as specified in the funding table in section 4601 of such Act (132 Stat. 2404).

(b) Barksdale Air Force Base, Louisiana.——

(1) In general.—In the case of the authorization contained in the table in section 2301(a) of the Military Construction Authorization Act for Fiscal Year 2019 (division B of Public Law 115–232; 132 Stat. 2246) for Barksdale Air Force Base, Louisiana, the Secretary of the Air Force may construct an entrance road and gate complex consistent with the Unified Facilities Criteria relating to entry control facilities and the construction guidelines for the Air Force, in the amount of $48,000,000.

(2) Details of construction.—In constructing the entrance road and gate complex under paragraph (1), the Secretary of the Air Force may construct a 190 square meter visitor control center, a 44 square meter gate house, a 124 square meter privately owned vehicle inspection facility, a 338
square meter truck inspection facility, and a 45
square meter gatehouse.

(3) CONSTRUCTION IN FLOOD PLAIN.—Con-
struction under paragraph (1) may be conducted in
a flood plain and appropriate mitigation measures
shall be included in the project.

(e) ROYAL AIR FORCE LAKENHEATH, UNITED KING-
DOM.—In the case of the authorization contained in the
table in section 2301(b) of the Military Construction Au-
thorization Act for Fiscal Year 2019 (division B of Public
Law 115–232; 132 Stat. 2247) for Royal Air Force
Lakenheath, United Kingdom, the Secretary of the Air
Force may construct a 1,206 square meter maintenance
facility for construction of an F–35A ADAL Conventional
Munitions MX, as specified in the funding table in section
4601 of such Act (132 Stat. 2400).

(d) FORCE PROTECTION AND SAFETY.—The table in
section 4601 of the Military Construction Authorization
Act for Fiscal Year 2019 (division B of Public Law 115–
232; 132 Stat. 2406) is amended in the item relating to
Force Protection and Safety, Air Force, Unspecified
Worldwide Locations, by striking “35,000” and inserting
“50,000”.
SEC. 2307. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2020 FAMILY HOUSING PROJECTS.

(a) Construction and Acquisition.—Section 2302 of the Military Construction Authorization Act for Fiscal Year 2020 (Public Law 116–92) is amended—

(1) by striking “Using amounts” and inserting “(a) Planning and Design.—Using amounts”;

and

(2) by adding at the end the following new subsection:

“(b) Construction and Acquisition.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a), the Secretary of the Air Force may construct or acquire family housing units (including land, acquisition, and supporting facilities) at the installation, in the number of units, and in the amounts set forth in the following table:

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Purpose</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Germany</td>
<td>Spangdahlem Air Base</td>
<td>76 Units</td>
<td>$53,584,000</td>
</tr>
</tbody>
</table>

(b) Funding.—Section 2303 of the Military Construction Authorization Act for Fiscal Year 2020 (Public Law 116–92) is amended by striking “$53,584,000” and inserting “$46,638,000”.
SEC. 2308. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2020 PROJECTS.

(a) TYNDALL AIR FORCE BASE, FLORIDA.—In the case of the authorization contained in the table in section 2912(a) of the Military Construction Authorization Act for Fiscal Year 2020 (division B of Public Law 116–92) for Tyndall Air Force Base, Florida, the Secretary of the Air Force may construct—

(1) not more than 4,770 square meters of aircraft support equipment storage for construction of an Auxiliary Ground Equipment Facility, as specified in the funding table in section 4603 of such Act;

(2) not more than 18,770 square meters of visiting quarters for construction of Dorm Complex Phase 1, as specified in such funding table;

(3) 2,127 square meters of squadron operations and 2,875 square meters of aircraft maintenance unit for construction of Ops/Aircraft Maintenance Unit/Hangar #2, as specified in such funding table;

(4) 2,127 square meters of squadron operations and 2,875 square meters of aircraft maintenance unit for construction of Ops/Aircraft Maintenance Unit/Hangar #3, as specified in such funding table;

(5) not more than 3,420 square meters of headquarters for construction of an Operations Group/
Maintenance Group HQ, as specified in such funding table;

(6) not more than 930 square meters of equipment storage for construction of a Security Forces Mobility Storage Facility, as specified in such funding table;

(7) not more than 7,000 meters of storm water piping, box culverts, underground detention, and grading for surface detention for construction of Site Development, Utilities & Demo Phase 2, as specified in such funding table; and

(8) not more than 12,471 meters of visiting quarters for construction of Lodging Facilities Phase 1, as specified in such funding table.

(b) OFFUTT AIR FORCE BASE, NEBRASKA.—In the case of the authorization contained in the table in section 2912(a) of the Military Construction Authorization Act for Fiscal Year 2020 (division B of Public Law 116–92) for Offutt Air Force Base, Nebraska, the Secretary of the Air Force may construct—

(1) seven 2.5-megawatt diesel engine generators, seven diesel exhaust fluid systems, 15-kilovolt switchgear, two import/export inter-ties, five import-only inter-ties, and 800 square meters of switchgear facility for construction of an Emergency Power
Microgrid, as specified in the funding table in section 4603 of such Act;

(2) 2,536 square meters of warehouse for construction of a Logistics Readiness Squadron Campus, as specified in such funding table;

(3) 4,218 square meters of operations center and 1,343 square meters of military working dog kennel for construction of a Security Campus, as specified in such funding table;

(4) 445 square meters of petroleum operations center, 268 square meters of de-icing liquid storage, and 173 square meters of warehouse for construction of a Flightline Hangars Campus, as specified in such funding table; and

(5) 240 square meters of recreation complex and 270 square meters of storage for construction of a Lake Campus, as specified in such funding table.

(c) JOINT BASE LANGLEY-EUSTIS, VIRGINIA.—In the case of the authorization contained in the table in section 2912(a) of the Military Construction Authorization Act for Fiscal Year 2020 (division B of Public Law 116–92) for Joint Base Langley-Eustis, Virginia, the Secretary of the Air Force may construct up to 6,720 square meters of dormitory for construction of a Dormitory, as specified in the funding table in section 4603 of such Act.
TITLE XXIV—DEFENSE AGENCIES MILITARY CONSTRUCTION

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:

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>Anniston Army Depot</td>
<td>$18,000,000</td>
</tr>
<tr>
<td>Alaska</td>
<td>Fort Greely</td>
<td>$48,000,000</td>
</tr>
<tr>
<td>Arizona</td>
<td>Fort Huachuca</td>
<td>$33,728,000</td>
</tr>
<tr>
<td></td>
<td>Yuma</td>
<td>$49,500,000</td>
</tr>
<tr>
<td>California</td>
<td>Beale Air Force Base</td>
<td>$22,800,000</td>
</tr>
<tr>
<td>Colorado</td>
<td>Fort Carson</td>
<td>$15,600,000</td>
</tr>
<tr>
<td>CONUS Unspecified</td>
<td>CONUS Unspecified</td>
<td>$14,400,000</td>
</tr>
<tr>
<td>Florida</td>
<td>Hurlburt Field</td>
<td>$83,120,000</td>
</tr>
<tr>
<td>Kentucky</td>
<td>Fort Knox</td>
<td>$69,310,000</td>
</tr>
<tr>
<td>New Mexico</td>
<td>Kirtland Air Force Base</td>
<td>$46,600,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Fort Bragg</td>
<td>$113,800,000</td>
</tr>
<tr>
<td>Ohio</td>
<td>Wright-Patterson Air Force Base</td>
<td>$23,500,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Fort Hood</td>
<td>$32,700,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Joint Expeditionary Base Little Creek-Fort Story</td>
<td>$112,500,000</td>
</tr>
<tr>
<td>Washington</td>
<td>Joint Base Lewis-McChord</td>
<td>$21,800,000</td>
</tr>
<tr>
<td></td>
<td>Manchester</td>
<td>$82,000,000</td>
</tr>
</tbody>
</table>

(b) Outside the United States.—Using amounts appropriated pursuant to the authorization of appropria-
tions in section 2403(a) and available for military con-
struction projects outside the United States as specified
in the funding table in section 4601, the Secretary of De-
fense may acquire real property and carry out military
construction projects for the installation or location out-
side the United States, and in the amount, set forth in
the following table:

**Defense Agencies: Outside the United States**

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Japan</td>
<td>Def Fuel Support Point Tsurumi</td>
<td>$49,500,000</td>
</tr>
</tbody>
</table>

SEC. 2402. AUTHORIZED ENERGY RESILIENCE AND CON-
SERVATION INVESTMENT PROGRAM PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts
appropriated pursuant to the authorization of appropria-
tions in section 2403(a) and available for energy conserv-
tion projects as specified in the funding table in section
4601, the Secretary of Defense may carry out energy con-
servation 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 fol-
lowing table:

**ERCIP Projects: Inside the United States**

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>Fort Rucker</td>
<td>$24,000,000</td>
</tr>
<tr>
<td>Arkansas</td>
<td>Fort Smith Air National Guard Base</td>
<td>$2,600,000</td>
</tr>
<tr>
<td>District of Columbia</td>
<td>Joint Base Anacostia-Bolling</td>
<td>$35,933,000</td>
</tr>
<tr>
<td>Georgia</td>
<td>Fort Benning</td>
<td>$17,000,000</td>
</tr>
<tr>
<td>Mississippi</td>
<td>MTA Camp Shelby</td>
<td>$30,000,000</td>
</tr>
</tbody>
</table>
### ERCIP Projects: Inside the United States—Continued

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>North Carolina</td>
<td>Fort Bragg</td>
<td>$6,100,000</td>
</tr>
<tr>
<td>Ohio</td>
<td>Wright-Patterson Air Force Base</td>
<td>$35,000,000</td>
</tr>
<tr>
<td>Tennessee</td>
<td>Memphis International Airport</td>
<td>$4,780,000</td>
</tr>
</tbody>
</table>

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a) and available for energy conservation projects as specified in 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

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unspecified</td>
<td>Worldwide Locations</td>
<td>$142,500,000</td>
</tr>
</tbody>
</table>

### 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, 2020, 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.

TITLE XXV—INTERNATIONAL PROGRAMS

Subtitle A—North Atlantic Treaty Organization Security Investment Program

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.
SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

(a) Authorization.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2020, 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.

(b) Authority To Recognize NATO Authorization Amounts as Budgetary Resources for Project Execution.—When the United States is designated as the Host Nation for the purposes of executing a project under the NATO Security Investment Program (NSIP), the Department of Defense construction agent may recognize the NATO project authorization amounts as budgetary resources to incur obligations for the purposes of executing the NSIP project.

SEC. 2503. EXECUTION OF PROJECTS UNDER THE NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM.

(a) In General.—Subchapter II of chapter 138 of title 10, United States Code, is amended by striking section 2350m and inserting the following new section 2350m:
§ 2350m. Execution of projects under the North Atlantic Treaty Organization Security Investment Program

(a) Authority to execute projects.—When the United States is designated as the Host Nation for purposes of executing a project under the North Atlantic Treaty Organization Security Investment Program (in this section referred to as the ‘Program’), the Secretary of Defense may accept such designation and carry out such project consistent with the requirements of this section.

(b) Project funding.—The Secretary of Defense may fund authorized expenditures of projects accepted under subsection (a) with—

(1) contributions under subsection (c);

(2) appropriations of the Department of Defense for the Program when directed by the North Atlantic Treaty Organization to apply amounts of such appropriations as part of the share of contributions of the United States for the Program; or

(3) any combination of amounts described in paragraphs (1) and (2).

(c) Authority to accept contributions.—(1) The Secretary of Defense may accept contributions from the North Atlantic Treaty Organization and member nations of the North Atlantic Treaty Organization for the purpose of carrying out a project under subsection (a).
“(2) Contributions accepted under paragraph (1) shall be placed in an account established for the purpose of carrying out the project for which the funds were provided and shall remain available until expended.

“(3)(A) If contributions are made under paragraph (1) as reimbursement for a project or portion of a project previously completed by the Department of Defense, such contributions shall be credited to—

“(i) the appropriations used for the project or portion thereof, if such appropriations have not yet expired; or

“(ii) the appropriations for the Program, if the appropriations described in clause (i) have expired.

“(B) Funding credited under subparagraph (A) shall merge with and remain available for the same purposes and duration as the appropriations to which credited.

“(d) Obligation Authority.—The construction agent of the Department of Defense designated by the Secretary of Defense to execute a project under subsection (a) may recognize the North Atlantic Treaty Organization project authorization amounts as budgetary resources to incur obligations against for the purposes of executing the project.

“(e) Insufficient Contributions.—(1) In the event that the North Atlantic Treaty Organization does
not agree to contribute funding for all costs necessary for
the Department of Defense to carry out a project under
subsection (a), including necessary personnel costs of the
construction agent designated by the Department of De-
fense, contract claims, and any conjunctive funding re-
quirements that exceed the project authorization or stand-
ards of the North Atlantic Treaty Organization, the Sec-
retary of Defense, upon determination that completion of
the project is in the national interest of the United States,
may fund such costs using any funds available in appro-
priations for the Program.

“(2) The use of funds under paragraph (1) from ap-
propriations for the Program may be in addition to or in
place of any other funding sources otherwise available for
the purposes for which those funds are used.

“(f) AUTHORIZED EXPENDITURES DEFINED.—In
this section, the term ‘authorized expenditures’ means
project expenses for which the North Atlantic Treaty Or-
ganization has agreed to contribute funding.”.

(b) CLERICAL AMENDMENT.—The table of sections
at the beginning of subchapter II of chapter 138 of such
title is amended by striking the item relating to section
2350m and inserting the following new item:

“2350m. Execution of projects under the North Atlantic Treaty Organization
Security Investment Program.”.

(c) CONFORMING REPEALS.—

(A) in subsection (a)—

(i) by striking “(a) AUTHORIZATION.—Funds” and inserting “Funds”; and

(ii) by striking the second sentence; and

(B) by striking subsection (b).

(2) 2020.—Section 2502 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) is amended—

(A) in subsection (a), by striking “(a) AUTHORIZATION.—Funds” and inserting “Funds”; and

(B) by striking subsection (b).

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 in-
1 stallations or locations in the Republic of Korea, and in
2 the amounts, set forth in the following table:

**Republic of Korea Funded Construction Projects**

<table>
<thead>
<tr>
<th>Component</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Army ......</td>
<td>Camp Carroll ......</td>
<td>Site Development .............</td>
<td>$49,000,000</td>
</tr>
<tr>
<td>Army ......</td>
<td>Camp Humphreys</td>
<td>Attack Reconnaissance</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Battalion Hangar ...........</td>
<td>$99,000,000</td>
</tr>
<tr>
<td>Army ......</td>
<td>Camp Humphreys</td>
<td>Hot Refuel Point ............</td>
<td>$35,000,000</td>
</tr>
<tr>
<td>Navy ......</td>
<td>COMROKFLT Naval Base,</td>
<td>Maritime Operations Center</td>
<td>$26,000,000</td>
</tr>
<tr>
<td></td>
<td>Busan ...................</td>
<td>..........................</td>
<td></td>
</tr>
<tr>
<td>Air Force</td>
<td>Daegu Air Base ...</td>
<td>AGF Facility and Parking</td>
<td>$14,000,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Apron ........................</td>
<td></td>
</tr>
<tr>
<td>Air Force</td>
<td>Kunsan Air Base</td>
<td>Backup Generator Plant</td>
<td>$19,000,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Aircraft Corrosion Control</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Facility (Phase 3) ..........</td>
<td></td>
</tr>
<tr>
<td>Air Force</td>
<td>Osan Air Base ....</td>
<td>Child Development Center</td>
<td>$20,000,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Relocate Munitions Storage</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Area Delta (Phase 1) ........</td>
<td></td>
</tr>
<tr>
<td>Defense-Wide</td>
<td>Camp Humphreys</td>
<td>Elementary School ..........</td>
<td>$58,000,000</td>
</tr>
</tbody>
</table>

3 **SEC. 2512. QATAR FUNDED CONSTRUCTION PROJECTS.**
4 Pursuant to agreement with the State of Qatar for
5 required in-kind contributions, the Secretary of Defense
6 may accept military construction projects for the installa-
7 tion in the State of Qatar, and in the amounts, set forth
8 in the following table:

**State of Qatar Funded Construction Projects**

<table>
<thead>
<tr>
<th>Component</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Air Force</td>
<td>Al Udeid ........</td>
<td>Billet (A12) ..................</td>
<td>$63,000,000</td>
</tr>
<tr>
<td>Air Force</td>
<td>Al Udeid ........</td>
<td>Billet (B12) ..................</td>
<td>$63,000,000</td>
</tr>
<tr>
<td>Air Force</td>
<td>Al Udeid ........</td>
<td>Billet (D10) ..................</td>
<td>$77,000,000</td>
</tr>
<tr>
<td>Air Force</td>
<td>Al Udeid ........</td>
<td>Billet (009) ..................</td>
<td>$77,000,000</td>
</tr>
<tr>
<td>Air Force</td>
<td>Al Udeid ........</td>
<td>Billet (007) ..................</td>
<td>$77,000,000</td>
</tr>
<tr>
<td>Air Force</td>
<td>Al Udeid ........</td>
<td>Armory/Mount ..................</td>
<td>$7,200,000</td>
</tr>
<tr>
<td>Air Force</td>
<td>Al Udeid ........</td>
<td>Billet (A06) ..................</td>
<td>$77,000,000</td>
</tr>
<tr>
<td>Air Force</td>
<td>Al Udeid ........</td>
<td>Dining Facility ............</td>
<td>$14,600,000</td>
</tr>
<tr>
<td>Air Force</td>
<td>Al Udeid ........</td>
<td>Billet (B04) ..................</td>
<td>$77,000,000</td>
</tr>
<tr>
<td>Air Force</td>
<td>Al Udeid ........</td>
<td>Billet (A04) ..................</td>
<td>$77,000,000</td>
</tr>
<tr>
<td>Air Force</td>
<td>Al Udeid ........</td>
<td>Billet (A08) ..................</td>
<td>$77,000,000</td>
</tr>
<tr>
<td>Air Force</td>
<td>Al Udeid ........</td>
<td>Dining Facility ............</td>
<td>$14,600,000</td>
</tr>
<tr>
<td>Air Force</td>
<td>Al Udeid ........</td>
<td>MSG (Base Operations Support Facility) ..........</td>
<td>$9,300,000</td>
</tr>
</tbody>
</table>
State of Qatar Funded Construction Projects—Continued

<table>
<thead>
<tr>
<th>Component</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Air Force</td>
<td>Al Udeid</td>
<td>ITN (Communications Facility)</td>
<td>$3,500,000</td>
</tr>
</tbody>
</table>

**TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES**

**SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the Army National Guard installations or locations inside the United States, and in the amounts, set forth in the following table:

**Army National Guard**

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arizona</td>
<td>Tucson</td>
<td>$18,100,000</td>
</tr>
<tr>
<td>Arkansas</td>
<td>Fort Chaffee</td>
<td>$15,000,000</td>
</tr>
<tr>
<td>California</td>
<td>Bakersfield</td>
<td>$9,300,000</td>
</tr>
<tr>
<td>Colorado</td>
<td>Peterson Air Force Base</td>
<td>$15,000,000</td>
</tr>
<tr>
<td>Indiana</td>
<td>Shelbyville</td>
<td>$12,000,000</td>
</tr>
<tr>
<td>Kentucky</td>
<td>Frankfort</td>
<td>$15,000,000</td>
</tr>
<tr>
<td>Mississippi</td>
<td>Brandon</td>
<td>$10,400,000</td>
</tr>
<tr>
<td>Nebraska</td>
<td>North Platte</td>
<td>$9,300,000</td>
</tr>
<tr>
<td>New Jersey</td>
<td>Joint Base McGuiere-Dix-Lakehurst</td>
<td>$15,000,000</td>
</tr>
<tr>
<td>Ohio</td>
<td>Columbus</td>
<td>$15,000,000</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>Ardmore</td>
<td>$9,800,000</td>
</tr>
<tr>
<td>Oregon</td>
<td>Hermiston</td>
<td>$25,025,000</td>
</tr>
<tr>
<td>Puerto Rico</td>
<td>Fort Allen</td>
<td>$37,000,000</td>
</tr>
<tr>
<td>South Carolina</td>
<td>Joint Base Charleston</td>
<td>$15,000,000</td>
</tr>
<tr>
<td>Tennessee</td>
<td>McMinnville</td>
<td>$11,200,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Fort Worth</td>
<td>$13,800,000</td>
</tr>
<tr>
<td>Utah</td>
<td>Nephi</td>
<td>$12,000,000</td>
</tr>
<tr>
<td>Virgin Islands</td>
<td>St. Croix</td>
<td>$39,400,000</td>
</tr>
<tr>
<td>Wisconsin</td>
<td>Appleton</td>
<td>$11,600,000</td>
</tr>
</tbody>
</table>
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1 SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION

   AND LAND ACQUISITION PROJECTS.

   Using amounts appropriated pursuant to the author-
   ization of appropriations in section 2606 and available for
   the National Guard and Reserve as specified in the fund-
   ing table in section 4601, the Secretary of the Army may
   acquire real property and carry out military construction
   projects for the Army Reserve installations or locations in-
   side the United States, and in the amounts, set forth in
   the following table:

   Army Reserve

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Florida</td>
<td>Gainesville</td>
<td>$36,000,000</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>Devens Reserve Forces Training Area</td>
<td>$8,700,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Asheville</td>
<td>$24,000,000</td>
</tr>
<tr>
<td>Wisconsin</td>
<td>Fort McCoy</td>
<td>$17,100,000</td>
</tr>
</tbody>
</table>


1 SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE

   CORPS RESERVE CONSTRUCTION AND LAND

   ACQUISITION PROJECTS.

   Using amounts appropriated pursuant to the author-
   ization of appropriations in section 2606 and available for
   the National Guard and Reserve as specified in the fund-
   ing 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
   installations or locations inside the United States, and in
   the amounts, set forth in the following table:
Navy Reserve and Marine Corps Reserve

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maryland</td>
<td>Reisterstown</td>
<td>$39,500,000</td>
</tr>
<tr>
<td>Minnesota</td>
<td>Naval Operational Support Center Minneapolis</td>
<td>$12,800,000</td>
</tr>
<tr>
<td>Utah</td>
<td>Hill Air Force Base</td>
<td>$25,010,000</td>
</tr>
</tbody>
</table>

SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air National Guard installations or locations inside the United States, and in the amounts, set forth in the following table:

Air National Guard

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>Montgomery Regional Airport</td>
<td>$23,600,000</td>
</tr>
<tr>
<td>Guam</td>
<td>Joint Region Marianas</td>
<td>$20,000,000</td>
</tr>
<tr>
<td>Maryland</td>
<td>Joint Base Andrews</td>
<td>$9,400,000</td>
</tr>
<tr>
<td>North Dakota</td>
<td>Hector International Airport</td>
<td>$17,500,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Joint Base San Antonio</td>
<td>$10,800,000</td>
</tr>
</tbody>
</table>

SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construc-
tion projects for the installation inside the United States, and in the amount, set forth in the following table:

**Air Force Reserve**

<table>
<thead>
<tr>
<th>State</th>
<th>Installation</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Texas</td>
<td>Joint Reserve Base Fort Worth</td>
<td>$39,200,000</td>
</tr>
</tbody>
</table>

**SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, NATIONAL GUARD AND RESERVE.**

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2020, 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. MODIFICATION OF AUTHORITY TO CARRY OUT FISCAL YEAR 2020 PROJECT IN ALABAMA.**

In the case of the authorization contained in the table in section 2601 of the Military Construction Authorization Act for Fiscal Year 2020 (division B of Public Law 116–92) for Anniston Army Depot, Alabama, for construction of an Enlisted Transient Barracks as specified in the funding table in section 4601 of such Act, the Secretary of the Army may construct a training barracks at Fort McClellan, Alabama.
TITLE XXVII—BASE REALIGNMENT AND CLOSURE ACTIVITIES

SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR BASE REALIGNMENT AND CLOSURE ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2020, 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. 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 AND GENERAL PROVISIONS

Subtitle A—Military Construction Program

SEC. 2801. RESPONSIBILITY OF NAVY FOR MILITARY CONSTRUCTION REQUIREMENTS FOR CERTAIN FLEET READINESS CENTERS.

In the case in which a Fleet Readiness Center is a tenant command aboard an installation of the Marine Corps, the Navy shall be responsible for programming, requesting, and executing any military construction requirements for the Fleet Readiness Center.

SEC. 2802. CONSTRUCTION OF GROUND-BASED STRATEGIC DETERRENT LAUNCH FACILITIES AND LAUNCH CENTERS FOR AIR FORCE.

(a) Authority to Carry Out Projects.—Subject to subsections (b) and (d) and within the amount appropriated for such purpose, the Secretary of the Air Force may carry out military construction projects to convert Minuteman III launch facilities and launch centers to ground-based strategic deterrent configurations.

(b) Master Plan.—

(1) In general.—Prior to the authority under subsection (a) being available for use, the Secretary
of the Air Force shall submit to the congressional defense committees a master plan, broken out by year and location, for the planned launch facilities and launch centers to be converted to ground-based strategic deterrent configurations pursuant to a project under this section.

(2) SPENDING PLAN.—The master plan submitted under paragraph (1) shall include a spending plan with estimated amounts to be requested with respect to each planned location for conversion to ground-based strategic deterrent configurations.

(c) MANAGEMENT OF DESIGN AND CONSTRUCTION.—The Secretary of the Air Force may select a single, prime contractor to manage the design and construction phases of projects carried out under subsection (a).

(d) CONGRESSIONAL NOTIFICATION.—

(1) REPORT.—When a decision is made to carry out a project under subsection (a) and before carrying out such project, the Secretary of the Air Force shall submit to the congressional defense committees a report on that decision.

(2) ELEMENTS.—Subject to paragraph (3), the report submitted under paragraph (1) with respect to a project under subsection (a) shall include a jus-
tification for carrying out the project and a complete
Department of Defense Form 1391 for the project.

(3) SINGLE SUBMISSION.—The Secretary of the
Air Force may group multiple locations at which a
project is to be carried out under subsection (a) into
a single submission on a Department of Defense
Form 1391 to allow all included locations to be con-

sidered as a single project.

(e) FUNDING.—In fiscal year 2021, the Secretary of
the Air Force may expend amounts available to the Sec-
retary for research, development, test, and evaluation for
the purposes of planning and design to support the
projects described in subsection (a).

(f) EXISTING AUTHORITIES.—The Secretary of the
Air Force shall use existing authorities, as applicable, to
carry out this section, including sections 2304 and 2853
of title 10, United States Code.

Subtitle B—Military Family
Housing

SEC. 2821. PROHIBITION ON SUBSTANDARD FAMILY HOUS-
ING UNITS.

(a) IN GENERAL.—Subchapter II of chapter 169 of
title 10, United States Code, is amended by striking sec-
tion 2830 and inserting the following new section:
§ 2830. Prohibition on substandard family housing units

“The Secretary concerned may not lease a substandard family housing unit to a member of a uniformed service for occupancy by such member.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter II of such chapter is amended by striking the item relating to section 2830 and inserting the following new item:

“2830. Prohibition on substandard family housing units.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2021.

SEC. 2822. TECHNICAL CORRECTIONS TO PRIVATIZED MILITARY HOUSING PROGRAM.

(a) CHIEF HOUSING OFFICER.—Section 2890a of title 10, United States Code—

(1) is amended—

(A) in subsection (a)(1), by striking “housing units” and inserting “all military housing”; and

(B) in subsection (b)(1), in the matter preceding subparagraph (A), by striking “under subchapter IV and this subchapter” and inserting “by the Department of Defense under this chapter”;

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(2) is transferred so as to appear at the end of
subchapter III of chapter 169 of such title; and

(3) is redesignated as section 2870a.

(b) PRIVATIZED HOUSING REFORM.—Subchapter V

of chapter 169 of such title is amended—

(1) in section 2890—

(A) in subsection (b)(15), by striking “and

held in escrow’’;

(B) in subsection (e)(2), in the matter pre-
ceeding subparagraph (A), by inserting “a” be-

fore “landlord”; and

(C) in subsection (f)(2)—

(i) by striking “executed as” and in-

serting “executed—

“(A) as”;

(ii) in subparagraph (A), as des-

ignated by clause (i), by striking the period

at the end and inserting “; or”; and

(iii) by adding at the end the fol-

lowing new subparagraph:

“(B) to avoid litigation if the tenant has re-

tained legal counsel or has sought military legal as-

sistance under section 1044 of this title.’’;

(2) in section 2891—

(A) in subsection (e)—
(i) in paragraph (1)—
   (I) in the matter preceding sub-
   paragraph (A), by inserting “unit”
   after “different housing”; 
   (II) in subparagraph (B), by in-
   serting “the” before “tenant”; and
   (ii) in paragraph (2)(B), by inserting
   “the” before “tenant”; 
(3) in section 2891a—
   (A) in subsection (b)(2), by adding a pe-
   riod at the end;
   (B) in subsection (d)(11)—
   (i) by striking “A landlord” and in-
   serting “Upon request by a prospective
   tenant, a landlord”; and
   (ii) by striking “prospective tenants to
   housing units” and inserting “the prospec-
   tive tenant to a housing unit”; and
   (C) in subsection (e)(2)(B) by striking
   “the any” and inserting “any”;
(4) in section 2892a—
   (A) by striking “The Secretary concerned”
   and inserting “(a) IN GENERAL.—The Sec-
   retary concerned”;

(B) by striking “years. In this section” and inserting “years.

“(b) MAINTENANCE DEFINED.—In this section”;

(C) in subsection (a), as designated by subparagraph (A), by striking “housing unit, before the prospective tenant” and all that follows through the period at the end and inserting “housing unit—

“(1) not later than five business days before the prospective tenant is asked to sign the lease, a summary of maintenance conducted with respect to that housing unit for the previous seven years; and

“(2) not later than two business days after requested by the prospective tenant, all information regarding maintenance conducted with respect to that housing unit during such period.”; and

(D) in subsection (b), as designated by subparagraph (B), by striking “such period” and inserting “the period specified in subsection (a)(1)”;

(5) in section 2893, by striking “propensity for” and inserting “pattern of”; and

(6) in section 2894—

(A) in subsection (b), by adding at the end the following new paragraph:
“(6) The dispute resolution process shall require the installation or regional commander (as the case may be) to record each dispute in the complaint database established under section 2894a of this title.”;

(B) in subsection (c)—

(i) in paragraph (1), in the matter preceding subparagraph (A), by striking “24 hours” and inserting “two business days”;

(ii) in paragraph (3)—

(I) by inserting “business” before “days”; and

(II) by inserting “, such office” before “shall complete”;

(iii) in paragraph (4), in the matter preceding subparagraph (A), by inserting “, at a minimum,” before “the following persons”;

(iv) in paragraph (5)—

(I) by inserting “calendar” before “days” each place it appears; and

(II) in subparagraph (B), by striking “30-day period” and inserting “30-calendar-day period”; and
(v) by striking paragraph (6) and inserting the following new paragraph (6):

“(6) Except as provided in paragraph (5)(B), a final decision shall be transmitted to the tenant, landlord, and the installation or regional commander (as the case may be) not later than 30 calendar days after the request was submitted.”; and

(C) in subsection (e)—

(i) by striking paragraph (3);

(ii) by redesignating paragraph (2) as paragraph (3);

(iii) in paragraph (1), in the matter preceding subparagraph (A), by striking “, the tenant may” and all that follows through “in which—” and inserting “regarding maintenance guidelines or procedures or habitability, the tenant may request that all or part of the payments described in paragraph (3) for lease of the housing unit be segregated and not used by the property owner, property manager, or landlord pending completion of the dispute resolution process.
“(2) The amount allowed to be withheld under paragraph (1) shall be limited to amounts associated with the period in which—”; and

(iv) in paragraph (3), as redesignated by clause (ii), by striking “Paragraph (1)” and inserting “This subsection”.

(e) REPORTS.—Section 2884(c)(10) of such title is amended by striking “specific analysis” and all that follows through the period at the end and inserting “list of dispute resolution cases by installation and the final outcome of each such case.”.

(d) PAYMENT AUTHORITY.—Section 606(a) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 10 U.S.C. 2871 note) is amended—

(1) in paragraph (1)(A), by inserting “monthly” before “payments”; 

(2) in paragraph (2)(A), by striking “payments to” and all that follows through “subparagraph (C)” and inserting “monthly payments, under such terms and in such amounts as determined by the Secretary, to one of more lessors responsible for underfunded MHPI housing projects identified pursuant to subparagraph (C) under the jurisdiction of the Secretary”; and
(3) in paragraph (3)(B), by inserting “that” before “require”.

c) Suspension of Resident Energy Conservation Program.—Section 3063(b) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) is amended—

(1) by striking “on the installation military housing unit”; and

(2) by striking “on the” and inserting “covered by a program suspended under subsection (a) on that”.

(f) Clerical Amendments.—

(1) Chief Housing Officer.—

(A) Addition.—The table of sections at the beginning of subchapter III of chapter 169 of title 10, United States Code, is amended by inserting after the item relating to section 2870 the following new item:

“2870a. Chief Housing Officer.”.

(B) Repeal.—The table of sections at the beginning of subchapter V of chapter 169 of such title is amended by striking the item relating to section 2890a.

(2) Disclosure of Personally Identifiable Information.—The table of sections at the beginning of subchapter V of such title is amended
by striking the item relating to section 2892b and inserting the following new item:

“2892b. Prohibition on requirement to disclose personally identifiable information in requests for certain maintenance.”

SEC. 2823. REQUIREMENT THAT SECRETARY OF DEFENSE IMPLEMENT RECOMMENDATIONS RELATING TO MILITARY FAMILY HOUSING CONTAINED IN REPORT BY INSPECTOR GENERAL OF DEPARTMENT OF DEFENSE.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall implement the recommendations of the Inspector General of the Department of Defense contained in the report of the Inspector General dated April 30, 2020, and entitled “Evaluation of the DoD’s Management of Health and Safety Hazards in Government-Owned and Government-Controlled Military Family Housing”.

Subtitle C—Project Management and Oversight Reforms

SEC. 2841. PROMOTION OF ENERGY RESILIENCE AND ENERGY SECURITY IN PRIVATIZED UTILITY SYSTEMS.

(a) UTILITY PRIVATIZATION CONTRACT RENEWALS.—Section 2688(d)(2) of title 10, United States Code, is amended—
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(1) in the first sentence, by inserting “or the renewal of such a contract” after “paragraph (1)”;

and

(2) by adding at the end the following new sentence: “A renewal of a contract pursuant to this paragraph may be entered into only within the last 5 years of the existing contract term.”.

(b) USE OF ERCIP FUNDS ON PRIVATIZED UTILITY SYSTEMS.—Section 2914 of such title is amended—

(1) by redesignating subsection (c) as subsection (d); and

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

“(c) USE OF CERTAIN OTHER AUTHORITIES.—A project under this section may be—

“(1) carried out in conjunction with the authorities provided in subsections (j), and (k) of section 2688 of this title and section 2913 of this title, notwithstanding that the United States does not own a utility system covered by the project; or

“(2) included as a separate requirement in a contract entered into pursuant to title VIII of the National Energy Conservation Policy Act (42 U.S.C. 8287 et seq.).”.”
SEC. 2842. CONSIDERATION OF ENERGY SECURITY AND ENERGY RESILIENCE IN LIFE-CYCLE COST FOR MILITARY CONSTRUCTION.

(a) In General.—Subchapter I of chapter 169 of title 10, United States Code, is amended by inserting after section 2815 the following new section:

“§2816. Consideration of energy security and energy resilience in life-cycle cost for military construction

“(a) In General.—(1) The Secretary concerned, when evaluating the life-cycle designed cost of a covered military construction project, shall include as a facility requirement the long-term consideration of energy security and energy resilience that would ensure that the resulting facility is capable of continuing to perform its missions, during the life of the facility, in the event of a natural or human-caused disaster, an attack, or any other unplanned event that would otherwise interfere with the ability of the facility to perform its missions.

“(2) A facility requirement under paragraph (1) shall not be weighed, for cost purposes, against other facility requirements in determining the design of the facility.

“(b) Inclusion in the Building Life-Cycle Cost Program.—The Secretary shall include the requirements of subsection (a) in applying the latest version of the building life-cycle cost program, as developed by the Na-
tional Institute of Standards and Technology, to consider on-site distributed energy assets in a building design for a covered military construction project.

“(c) COVERED MILITARY CONSTRUCTION PROJECT DEFINED.—(1) In this section, the term ‘covered military construction project’ means a military construction project for a facility that is used to perform critical functions during a natural or human-caused disaster, an attack, or any other unplanned event.

“(2) For purposes of paragraph (1), the term ‘facility’ includes any of the following:

“(A) Operations centers.

“(B) Nuclear command and control facilities.

“(C) Integrated strategic and tactical warning and attack assessment facilities.

“(D) Continuity of government facilities.

“(E) Missile defense facilities.

“(F) Air defense facilities.

“(G) Hospitals.

“(H) Armories and readiness centers of the National Guard.

“(I) Communications facilities.

“(J) Satellite and missile launch and control facilities.”.
(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of such chapter is amend-
ed by inserting after the item relating to section 2815 the following new item:

“2816. Consideration of energy security and energy resilience in life-cycle cost for military construction.”.

Subtitle D—Land Conveyances

SEC. 2861. RENEWAL OF FALLON RANGE TRAINING COM-
PLEX LAND WITHDRAWAL AND RESERVA-
TION.

Notwithstanding section 3015 of the Military Lands Withdrawal Act of 1999 (title XXX of Public Law 106–
65; 113 Stat. 892), the withdrawal and reservation of lands (known as the Fallon Range Training Complex) made by section 3011(a) of such Act (113 Stat. 885) shall terminate on November 6, 2041.

SEC. 2862. RENEWAL OF NEVADA TEST AND TRAINING RANGE LAND WITHDRAWAL AND RESERVA-
TION.

Notwithstanding section 3015 of the Military Lands Withdrawal Act of 1999 (title XXX of Public Law 106–
65; 113 Stat. 892), the withdrawal and reservation of lands (known as the Nevada Test and Training Range) made by section 3011(b) of such Act (113 Stat. 886) shall terminate on November 6, 2041.
SEC. 2863. TRANSFER OF LAND UNDER THE ADMINISTRATIVE JURISDICTION OF THE DEPARTMENT OF THE INTERIOR WITHIN NAVAL SUPPORT ACTIVITY PANAMA CITY, FLORIDA.

(a) AUTHORITY.—The Secretary of the Interior shall transfer to the Secretary of the Navy, without consideration, approximately 1.23 acres of land within Naval Support Activity Panama City, Florida, that are used on the day before the date of the enactment of this Act by the Department of the Navy pursuant to Executive Order 10355 (17 Fed. Reg. 4831; relating to delegating to the Secretary of the Interior the authority of the President to withdraw or reserve lands of the United States for public purposes) and the public land order entitled “Public Land Order 952” (19 Fed. Reg. 2085 (April 10, 1954)).

(b) STATUS OF FEDERAL LAND AFTER TRANSFER.—Upon completion of a transfer to the Secretary of the Navy of a parcel of land under subsection (a), the parcel received by the Secretary of the Navy shall cease to be public land and shall be treated as property (as defined in section 102(9) of title 40, United States Code) under the administrative jurisdiction of the Secretary of the Navy.

(e) REIMBURSEMENT.—The Secretary of the Navy shall reimburse the Secretary of the Interior for any costs incurred by the Secretary of the Interior for preparing a
SEC. 2864. LAND CONVEYANCE, CAMP NAVAJO, ARIZONA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army (in this section referred to as the “Secretary”) may convey, without consideration, to the State of Arizona Department of Emergency and Military Affairs (in this section referred to as the “State”), all right, title, and interest of the United States in and to a parcel of real property (in this section referred to as the “Property”), including any improvements thereon, consisting of not more than 3,000 acres at Camp Navajo, Arizona, for the purpose of permitting the State to use the Property for—

(1) training the Arizona Army and Air National Guard; and

(2) defense industrial base economic development purposes that are compatible with the environmental security and primary National Guard training purpose of Camp Navajo.

(b) CONDITIONS ON CONVEYANCE.—The conveyance authorized by subsection (a) shall be subject to the following conditions:

(1) USE OF REVENUES.—The State shall use all revenues generated by uses of the Property to support the training requirements of the Arizona
Army and Air National Guard, to include necessary infrastructure maintenance and capital improvements.

(2) Audit.—The United States Property and Fiscal Office for the State of Arizona shall periodically audit all revenues generated by uses of the Property and all uses of such revenue, and shall provide the audit results to the Chief of the National Guard Bureau.

(c) Reversionary Interest.—

(1) In general.—If the Secretary determines at any time that the Property is not being used in accordance with the purpose of the conveyance authorized by subsection (a), or that the State has not complied with the conditions specified in subsection (b), all right, title, and interest in and to the Property, including any improvements thereto, shall, at the option of the Secretary, revert to and become the property of the United States, and the United States shall have the right of immediate entry onto the Property.

(2) Record.—A determination by the Secretary under paragraph (1) shall be made on the record after an opportunity for a hearing.

(d) Alternative Consideration Option.—
(1) **CONSIDERATION OPTION.**—In lieu of exercising the reversionary interest under subsection (c), the Secretary may accept an offer by the State to pay to the United States an amount equal to the fair market value of the Property, excluding the value of any improvements on the Property constructed without Federal funds after the date of the conveyance authorized by subsection (a), as determined by the Secretary.

(2) **TREATMENT OF CONSIDERATION RECEIVED.**—Consideration received by the Secretary under paragraph (1) shall be deposited in the special account in the Treasury established for the Secretary under subsection (e) of section 2667 of title 10, United States Code, and shall be available to the Secretary for the same uses and subject to the same limitations as provided in that section.

(e) **PAYMENT OF COST OF CONVEYANCE.**—

(1) **PAYMENT REQUIRED.**—

(A) **IN GENERAL.**—The Secretary shall require the State to cover costs to be incurred by the Secretary, or to reimburse the Secretary for such costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs for environmental docu-
mentation related to the conveyance, and any other administrative costs related to the conveyance.

(B) REFUND OF EXCESS AMOUNTS.—If amounts are collected from the State 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 State.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraph (1)(A) shall be credited to the fund or account that was used to cover those costs incurred by the Secretary in carrying out the conveyance or, if the period of availability for obligations for that appropriation has expired, to the appropriations or fund that is currently available to the Secretary for the same purpose. 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.
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(f) DESCRIPTION OF PROPERTY.—The exact acreage
and legal description of the Property shall be determined
by a survey satisfactory to the Secretary.

(g) ADDITIONAL TERMS AND CONDITIONS.—The
Secretary may require such additional terms and condi-
tions in connection with the conveyance as the Secretary
considers appropriate to protect the interests of the
United States.

(h) ENVIRONMENTAL OBLIGATIONS.—Nothing in
this section shall be construed as alleviating, altering, or
affecting the responsibility of the United States for clean-
up and remediation of the Property in accordance with—

(1) the Defense Environmental Restoration
Program under section 2701(a)(1) of title 10,
United States Code; and

(2) the Comprehensive Environmental Re-
response, Compensation, and Liability Act of 1980 (42
U.S.C. 9601 et seq.).

Subtitle E—Other Matters

SEC. 2881. MILITARY FAMILY READINESS CONSIDERATIONS
IN BASING DECISIONS.

(a) TAKING OF CONSIDERATIONS INTO ACCOUNT
REQUIRED.—In determining whether to proceed with any
basing decision in the United States after the date of the
enactment of this Act, the Secretary of the military de-
partment concerned shall take into account, among such other factors as such Secretary considers appropriate, the military family readiness considerations specified in subsection (b).

(b) Military Family Readiness Considerations.—The military family readiness considerations specified in this subsection are the following:

(1) Interstate portability of professional licensure and certification credentials.—The extent to which the State in which the installation subject to the basing decision is or will be located accepts as valid professional licensure and certification credentials obtained in other States, including professional licensure and certification credentials in the following professional fields (and any subfield of such field):

(A) Accounting.

(B) Cosmetology.

(C) Emergency medical service.

(D) Engineering.

(E) Law.

(F) Nursing.

(G) Physical therapy.

(H) Psychology.

(I) Teaching.
(J) Such other professional fields (and subfields of such fields) as the Secretary of Defense shall specify for purposes of this paragraph.

(2) PUBLIC EDUCATION.—The extent to which public education is available and accessible to dependents of members of the Armed Forces in the military housing area in which the installation subject to the basing decision is or will be located, including with respect to the following:

(A) Academic performance of schools, including student-to-teacher ratios and learning rates and graduation rates.

(B) Social climate within schools, including absenteeism rates and suspension rates.

(C) Availability, accessibility, and quality of services, including pre-kindergarten, counselors and mental health support, student-to-nurse ratios, and services for military dependents with special needs as required by law.

(3) HOUSING.—The extent to which housing (including family housing) that meets Department of Defense requirements is available and accessible to members of the Armed Forces through the private sector in the military housing area in which the in-
stallation subject to the basing decision is or will be located.

(4) HEALTH CARE.—The extent to which primary healthcare and specialty healthcare is available and accessible to dependents of members of the Armed Forces through the private sector in the local community in which the installation subject to the basing decision is or will be located, including care for military dependents with special needs.

(5) INTERGOVERNMENTAL SUPPORT.—The extent to which the State in which the installation subject to the basing decision is or will be located, and local governments in the vicinity of the installation, have or will have intergovernmental support agreements with the installation for the effective and efficient provision of public services to the installation.

(6) OTHER CONSIDERATIONS.—Such other considerations in connection with military family readiness as the Secretary of Defense shall specify for purposes of this subsection.

(c) ANALYTICAL FRAMEWORK.—The Secretary of a military department shall take into account the considerations specified in subsection (b), among such other factors as the Secretary considers appropriate, in determining whether to proceed with a basing decision under
subsection (a) using an analytical framework developed by
the Secretary for that purpose that uses criteria based on
quantitative data available to the Department of Defense
and on such reliable quantitative data from sources out-
side the Department as the Secretary considers appro-
priate.

(d) BASING DECISION SCORECARD.—

(1) IN GENERAL.—Each Secretary of a military
department shall establish and maintain a scorecard
on military installations under the jurisdiction of
such Secretary, and on States and localities in which
such installations are or may be located, relevant to
the taking into account of the considerations speci-
fied in subsection (b) in determinations of such Sec-
retary on basing decisions as required by subsection
(a).

(2) UPDATE.—Each Secretary shall update the
scorecard required of such Secretary by this sub-
section not less frequently than once each year in
order to keep the information in such scorecard as
current as is practicable.

(3) AVAILABILITY TO PUBLIC.—A current
version of each scorecard under this subsection shall
be available to the public through an Internet
website of the military department concerned that is accessible to the public.

(e) BRIEFINGS.—Not later than April 1 of each of 2021, 2022, and 2023, the Secretary of Defense shall brief the Committees on Armed Services of the Senate and the House of Representatives on actions taken pursuant to this section, including a description and assessment of the effect of the taking into account of the considerations specified in subsection (b) on particular basing decisions in the United States during the one-year period ending on the date of the briefing.

(f) BASING DECISION DEFINED.—In this section, the term “basing decision” means any of the following:

(1) The establishment of a new mission at a military installation.

(2) The relocation of an existing mission from a military installation to another military installation.

(3) The establishment of a new military installation.
SEC. 2882. PROHIBITION ON USE OF FUNDS TO REDUCE AIR 
BASE RESILIENCY OR DEMOLISH PROTECTED 
AIRCRAFT SHELTERS IN THE EUROPEAN 
THEATER WITHOUT CREATING A SIMILAR 
PROTECTION FROM ATTACK.

No funds authorized to be appropriated by this Act 
or any other Act for the Department of Defense may be 
obligated or expended to implement any activity that re-
duces air base resiliency or demolishes protected aircraft 
sheets in the European theater, and the Department 
may not otherwise implement any such activity, without 
creating a similar protection from attack in the European 
theater until such time as the Secretary of Defense cer-
tifies to the congressional defense committees that pro-
tected aircraft shelters are not required in the European 
theater.

SEC. 2883. PROHIBITIONS RELATING TO CLOSURE OR RE-
TURNING TO HOST NATION OF EXISTING 
BASES UNDER THE EUROPEAN CONSOLIDA-
TION INITIATIVE.

(a) Prohibition on Use of Funds.—No funds au-
thorized to be appropriated by this Act for fiscal year 
2021 for the Department of Defense may be obligated or 
expended to implement any activity that closes or returns 
to the host nation any existing base under the European 
Consolidation Initiative.
(b) Prohibition on Closure or Return.—The Secretary of Defense shall not implement any activity that closes or returns to the host nation any existing base under the European Consolidation Initiative until the Secretary certifies that there is no longer a need for a rotational military presence in the European theater.

SEC. 2884. ENHANCEMENT OF AUTHORITY TO ACCEPT CONDITIONAL GIFTS OF REAL PROPERTY ON BEHALF OF MILITARY MUSEUMS.

Section 2601(e)(1) of title 10, United States Code, is amended by inserting “a military museum,” after “offered to”.

SEC. 2885. EQUAL TREATMENT OF INSURED DEPOSITORY INSTITUTIONS AND CREDIT UNIONS OPERATING ON MILITARY INSTALLATIONS.

Section 2667 of title 10, United States Code, is amended by adding at the end the following:

“(l) Treatment of Insured Depository Institutions.—(1) Each covered insured depository institution operating on a military installation within the continental United States may be allotted space or leased land on the military installation without charge for rent or services in the same manner as a credit union organized under State law or a Federal credit union under section 124 of the
Federal Credit Union Act (12 U.S.C. 1770) if space is available.

“(2) Each covered insured depository institution, credit union organized under State law, and Federal credit union operating on a military installation within the continental United States shall be treated equally with respect to policies of the Department of Defense governing the financial terms of leases, logistical support, services, and utilities.

“(3) The Secretary concerned shall not be required to provide no-cost office space or a no-cost land lease to any covered insured depository institution, credit union organized under State law, or Federal credit union.

“(4) In this subsection:

“(A) The term ‘covered insured depository institution’ means an insured depository institution that meets the requirements applicable to a credit union organized under State law or a Federal credit union under section 124 of the Federal Credit Union Act (12 U.S.C. 1770). The depositors of an insured depository institution shall be considered members for purposes of the application of this subparagraph to that section.
“(B) The term ‘Federal credit union’ has the meaning given the term in section 101 of the Federal Credit Union Act (12 U.S.C. 1752).

“(C) The term ‘insured depository institution’ has the meaning given the term in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813).”.

SEC. 2886. REPORT ON OPERATIONAL AVIATION UNITS IMPACTED BY NOISE RESTRICTIONS OR NOISE MITIGATION MEASURES.

(a) REPORT.—Not later than 90 days after the date on which the Secretary of the Air Force or the Secretary of the Navy determines that noise restrictions placed on an operational aviation unit under the jurisdiction of the Secretary concerned prohibit the unit from reaching a combat ready or deployable status or prohibit the maintaining of aircrew currency requirements or required noise mitigation measures become cost prohibitive to the Department of Defense, the Secretary concerned, in consultation with the Secretary of Defense, shall submit to the congressional defense committees a report setting forth—

(1) recommendations to preserve or restore the readiness of such unit; and

(2) appropriate steps to be taken by the Secretary concerned to lower the cost of noise mitigation measures.
(b) Cost Prohibitive.—A required noise mitigation measure shall be considered cost prohibitive to the Department of Defense for purposes of subsection (a) if the cost to implement the measure at an installation exceeds 10 percent of the annual budget for the installation for facilities sustainment, restoration, and modernization.

**TITLE XXIX—OVERSEAS CONTINGENCY OPERATIONS MILITARY CONSTRUCTION**

**SEC. 2901. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

The Secretary of the Navy may acquire real property and carry out the military construction project for the installation outside the United States, and in the amount, set forth in the following table:

**Navy: Outside the United States**

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Spain</td>
<td>Rota</td>
<td>$59,230,000</td>
</tr>
</tbody>
</table>

**SEC. 2902. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

The Secretary of the Air Force may acquire real property and carry out the military construction projects for the installations outside the United States, and in the amounts, set forth in the following table:

**Air Force: Outside the United States**

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Germany</td>
<td>Ramstein</td>
<td>$36,345,000</td>
</tr>
</tbody>
</table>
Air Force: Outside the United States—Continued

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Romania</td>
<td>Campia Turzii</td>
<td>$130,500,000</td>
</tr>
<tr>
<td></td>
<td>Spangdahlem Air Base</td>
<td>$25,824,000</td>
</tr>
</tbody>
</table>

SEC. 2903. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2020, for the military construction projects outside the United States authorized by this title as specified in the funding table in section 4602.

SEC. 2904. REPLENISHMENT OF CERTAIN MILITARY CONSTRUCTIONS FUNDS.

(a) In General.—Of the amount authorized to be appropriated for fiscal year 2021 by section 2903 and available as specified in the funding table in section 4602, $3,600,000,000 shall be available for replenishment of funds that were authorized to be appropriated by military construction authorization Acts for fiscal years before fiscal year 2021 for military construction projects authorized by such Acts, but were used instead for military construction projects authorized by section 2808 of title 10, United States Code, in connection with the national emergency along the southern land border of the United States declared in 2019 pursuant to the National Emergencies Act (50 U.S.C. 1601 et seq.).

(b) Replenishment by Transfer.—
(1) IN GENERAL.—Any amounts available under subsection (a) that are used for replenishment of funds as described in that subsection shall be transferred to the account that was the source of such funds.

(2) INAPPLICABILITY TOWARD TRANSFER LIMITATIONS.—Any transfer of amounts under this subsection shall not count toward any limitation on transfer of Department of Defense funds in section 1001 or 1512 or any other limitation on transfer of Department of funds in law.

(3) SUNSET OF AUTHORITY.—The authority to make transfers under this subsection shall terminate on September 30, 2021.

(c) USE OF FUNDS.—

(1) IN GENERAL.—Amounts transferred under subsection (b) for replenishment of funds as described in subsection (a) may be used only for military construction projects for which such funds were originally authorized in a military construction authorization Act described in subsection (a).

(2) NO INCREASE IN AUTHORIZED AMOUNT OF PROJECTS.—The total amount of funds available for a military construction project described in paragraph (1) may not exceed the current amount au-
authorized for such project by applicable military construction authorization Acts (including this Act). A replenishment of funds under this section for a military construction project shall not operate to increase the authorized amount of the project or the amount authorized to be available for the project.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
Subtitle A—National Security Programs and Authorizations

SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) Authorization of Appropriations.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2021 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 21–D–511, Savannah River Plutonium Processing Facility, Savannah River Site, Aiken, South Carolina, $241,900,000.

Project 21–D–512, Plutonium Pit Production Project, Los Alamos National Laboratory, Los Alamos, New Mexico, $226,000,000.

Project 21–D–530, KL Steam and Condensate Upgrades, Knolls Atomic Power Laboratory, Schenectady, New York, $4,000,000.

General Plant Project, U1a.03 Test Bed Facility Improvements, Nevada National Security Side, Nevada, $16,000,000.

General Plant Project, TA–15 DARHT Hydro Vessel Repair Facility, Los Alamos National Laboratory, New Mexico, $16,500,000.

SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2021 for defense environ-
mental 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 project:

Project 21–D–401, Hoisting Capability Project, Waste Isolation Pilot Plant, Carlsbad, New Mexico, $10,000,000.

**SEC. 3103. OTHER DEFENSE ACTIVITIES.**

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2021 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 2021 for nuclear energy as specified in the funding table in section 4701.
Subtitle B—Budget of the National Nuclear Security Administration

SEC. 3111. REVIEW OF ADEQUACY OF NUCLEAR WEAPONS BUDGET.

(a) In General.—Subtitle A of title XVII of the Atomic Energy Defense Act (50 U.S.C. 2741 et seq.) is amended by adding at the end the following new section:

“SEC. 4717. REVIEW OF ADEQUACY OF NUCLEAR WEAPONS BUDGET.

“(a) Review of Adequacy of Administration Budget by Nuclear Weapons Council.—

“(1) Transmission to Council.—The Secretary of Energy shall transmit to the Nuclear Weapons Council (in this section referred to as the ‘Council’) a copy of the proposed budget request of the Administration for each fiscal year before that budget request is submitted to the Director of the Office of Management and Budget in relation to the preparation of the budget of the President to be submitted to Congress under section 1105(a) of title 31, United States Code.

“(2) Review and Determination of Adequacy.—
“(A) Review.—The Council shall review each budget request transmitted to the Council under paragraph (1).

“(B) Determination of Adequacy.—

“(i) Inadequate Requests.—If the Council determines that a budget request for a fiscal year transmitted to the Council under paragraph (1) 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) Adequate Requests.—If the Council determines that a budget request for a fiscal year transmitted to the Council under paragraph (1) 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) RECORDS.—The Council shall maintain a record of each description submitted under clause (i) and each statement submitted under clause (ii).

“(3) DEPARTMENT OF ENERGY RESPONSE.—

“(A) IN GENERAL.—If the Council submits to the Secretary of Energy a written description under paragraph (2)(B)(i) with respect to the budget request of the Administration for a fiscal year, the Secretary shall include the funding levels and initiatives identified in that description in the budget request before submitting the budget request to the Director of the Office of Management and Budget.

“(B) SUMMARY OF CHANGES.—The Secretary shall include, as an appendix to the budget request of the Administration submitted to the Director under subparagraph (A)—

“(i) a summary of the changes made to the budget request under subparagraph (A); and

“(ii) any additional comments the Secretary considers appropriate.
“(C) TRANSMISSION TO CONGRESS.—The Secretary of Energy shall transmit to Congress, with the budget justification materials submitted in support of the Department of Energy budget for a fiscal year (as submitted with the budget of the President under section 1105(a) of title 31, United States Code), a copy of the appendix described in subparagraph (B).

“(b) REVIEW AND CERTIFICATION OF DEPARTMENT OF ENERGY BUDGET BY NUCLEAR WEAPONS COUNCIL.—

“(1) IN GENERAL.—At the time the Secretary of Energy submits the budget request of the Department of Energy for that fiscal year to the Director of the Office of Management and Budget in relation to the preparation of the budget of the President, the Secretary shall transmit a copy of the budget request of the Department to the Council.

“(2) CERTIFICATION.—The Council shall—

“(A) review the budget request transmitted to the Council under paragraph (1);

“(B) based on the review under subparagraph (A), make a determination with respect to whether the budget request includes the funding levels and initiatives described in subsection (a)(2)(B)(i); and
“(C) submit to Congress—

“(i)(I) a certification that the budget request is adequate to implement the objectives described in subsection (a)(2)(B)(i); or

“(II) a statement that the budget request is not adequate to implement those objectives; and

“(ii) a copy of the written description submitted by the Council to the Secretary under subsection (a)(2)(B)(i), if any.”.

(b) CLERICAL AMENDMENT.—The table of contents for such Act is amended by inserting after the item relating to section 4716 the following new item:

“Sec. 4717. Review of adequacy of nuclear weapons budget.”.

SEC. 3112. TREATMENT OF BUDGET OF NATIONAL NUCLEAR SECURITY ADMINISTRATION.

Section 3251(a) of the National Nuclear Security Administration Act (50 U.S.C. 2451(a)) is amended to read as follows:

“(a) PRESIDENT’S BUDGET.—In each budget submitted by the President to Congress under section 1105 of title 31, United States Code, amounts requested for the Administration shall be set forth—

“(1) separately within the other amounts requested for the Department of Energy; and
“(2) within a separate budget subfunction from other atomic energy defense activities within the Department of Energy.”.

SEC. 3113. RESPONSIBILITY OF ADMINISTRATOR FOR NUCLEAR SECURITY FOR ENSURING NATIONAL NUCLEAR SECURITY ADMINISTRATION BUDGET SATISFIES NUCLEAR WEAPONS NEEDS OF DEPARTMENT OF DEFENSE.

Section 3252 of the National Nuclear Security Administration Act (50 U.S.C. 2452) is amended by adding at the end the following new subsection:

“(d) Responsibility of Administrator for Ensuring Administration Budget Satisfies Department of Defense Needs.—Subject to the direction of the President, the Administrator shall, after consultation with the Secretary of Defense, ensure that the budget of the Administration is adequate to satisfy the nuclear weapons needs of the Department of Defense, including the nuclear weapons needs of the United States Strategic Command, the military departments, and other components of the Department of Defense, as appropriate.”.
SEC. 3114. PARTICIPATION OF SECRETARY OF DEFENSE IN PLANNING, PROGRAMMING, BUDGETING, AND EXECUTION PROCESS OF NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) In General.—Subtitle D of the National Nuclear Security Administration Act (50 U.S.C. 2451 et seq.) is amended by adding at the end the following new section:

"SEC. 3255. PARTICIPATION OF SECRETARY OF DEFENSE IN PLANNING, PROGRAMMING, BUDGETING, AND EXECUTION PROCESS OF ADMINISTRATION.

“(a) Guidance With Respect to Development of Budget.—

“(1) In General.—The Secretary of Defense, acting through the Nuclear Weapons Council, shall provide to the Administrator guidance with respect to the development of the budget of the Administration for each fiscal year.

“(2) National Strategies.—The guidance provided under paragraph (1) shall support the national strategy of the United States as set forth in—

“(A) the most recent national defense strategy under section 113(g) of title 10, United States Code; and
“(B) the most recent National Military Strategy under section 153(b) of such title.

“(b) Participation in Development of Budget.—The Secretary, acting through the Council, shall participate in the development of the budget of the Administration, including the preparation of the future-years nuclear security program under section 3253.

“(c) Oversight of Execution of Weapons Activities.—The Secretary, acting through the Council, shall ensure the effective execution of the activities carried out using amounts available to the Administration for weapons activities.

“(d) Budget of the Administration Defined.—In this section, the term ‘budget of the Administration’ means the budget of the Administration for a fiscal year, as submitted to Congress with the budget of the President for that fiscal year under section 1105(a) of title 31, United States Code.”.

(b) Clerical Amendment.—The table of contents for the National Nuclear Security Administration Act is amended by inserting after the item relating to section 3254 the following new item:

“Sec. 3255. Participation of Secretary of Defense in planning, programming, budgeting, and execution process of Administration.”.
SEC. 3115. REQUIREMENT FOR UPDATED PLANNING, PROGRAMMING, BUDGETING, AND EXECUTION GUIDANCE FOR NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) In General.—Not later than February 15, 2021, the Administrator for Nuclear Security shall issue updated guidance for the planning, programming, budgeting, and execution process of the National Nuclear Security Administration to replace the guidance issued on December 9, 2019 (document number NAP 130.1).

(b) Elements.—The updated guidance required by subsection (a) shall include the following:

(1) Specification of processes for coordination with the Nuclear Weapons Council under section 179 of title 10, United States Code, and other officials of the Department of Defense at each stage of the planning, programming, budgeting, and execution process of the National Nuclear Security Administration, including coordination between—

(A) the Director for Cost Estimating and Program Evaluation of the Administration and the Director of Cost Assessment and Program Evaluation of the Department;

(B) the Associate Administrator for Management and Budget and the Under Secretary of Defense (Comptroller); and
(C) program managers of the Administration and program managers of the Department.

(2) Participation of appropriate officials of the Department in decisionmaking at each stage of the planning, programming, budgeting, and execution process of the Administration, including participation of the Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs as a member of the Management Council of the Administration.

(3) Specification of incorporation into the planning, programming, budgeting, and execution process of the Administration of planning documents of the Department of Defense, including the most recent national defense strategy under section 113(g) of title 10, United States Code.

(4) A requirement for the Chairman of the Nuclear Weapons Council to jointly sign, with the Administrator, the planning, programming, and fiscal guidance documents of the Administration.

SEC. 3116. CROSS-TRAINING IN BUDGET PROCESSES OF DEPARTMENT OF DEFENSE AND NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) In General.—Not later than January 1, 2021,
clear Security shall jointly establish a program to provide
for the cross-training of the personnel specified in sub-
section (b) on the respective budgetary and programming
systems and processes of the Department of Defense and
the National Nuclear Security Administration.

(b) PERSONNEL SPECIFIED.—The personnel speci-
fied in this subsection are personnel of the following:

(1) The Office of the Under Secretary of De-
fense (Comptroller).

(2) The Office of Management and Budget of
the National Nuclear Security Administration.

(3) The Office of the Director of Cost Assess-
ment and Program Evaluation of the Department of
Defense.

(4) The Office of the Director of Cost Esti-
mation and Program Evaluation of the Administra-
tion.

(5) The Chairman of the Nuclear Weapons
Council established under section 179 of title 10,
United States Code.

(6) The Office of Administrator for Nuclear Se-
curity.

(e) REPORT REQUIRED.—Not later than February
15, 2021, the Secretary and the Administrator shall joint-
ly submit to the congressional defense committees a report
on the details of the program required by subsection (a).

Subtitle C—Personnel Matters

SEC. 3121. NATIONAL NUCLEAR SECURITY ADMINISTRA-
TION PERSONNEL SYSTEM.

(a) In general.—Subtitle C of the National Nu-
clear Security Administration Act (50 U.S.C. 2441 et
seq.) is amended by adding at the end the following new
section:

“SEC. 3248. ALTERNATIVE PERSONNEL SYSTEM.

“(a) In General.—The Administrator may adapt
the pay banding and performance-based pay adjustment
demonstration project carried out by the Administration
under the authority provided by section 4703 of title 5,
United States Code, into a permanent alternative per-
sonnel system for the Administration (to be known as the
‘National Nuclear Security Administration Personnel Sys-
tem’) and implement that system with respect to employ-
ees of the Administration.

“(b) Modifications.—In adapting the demonstra-
tion project described in subsection (a) into a permanent
alternative personnel system, the Administrator—

“(1) may, subject to paragraph (2), revise the
requirements and limitations of the demonstration
project to the extent necessary; and
“(2) shall—

“(A) ensure that the permanent alternative personnel system is carried out in a manner consistent with the final plan for the demonstration project published in the Federal Register on December 21, 2007 (72 Fed. Reg. 72776);

“(B) ensure that significant changes in the system not take effect until revisions to the plan for the demonstration project are approved by the Office of Personnel Management and published in the Federal Register;

“(C) ensure that procedural modifications or clarifications to the final plan for the demonstration project be made through local notification processes;

“(D) authorize, and establish incentives for, employees of the Administration to have rotational assignments among different programs of the Administration, the headquarters and field offices of the Administration, and the management and operating contractors of the Administration; and

“(E) establish requirements for employees of the Administration who are in the permanent
alternative personnel system described in subsection (a) to be promoted to senior-level positions in the Administration, including requirements with respect to—

“(i) professional training and continuing education; and

“(ii) a certain number and types of rotational assignments under subparagraph (D), as determined by the Administrator.

“(c) APPLICATION TO NAVAL NUCLEAR PROPULSION PROGRAM.—The Director of the Naval Nuclear Propulsion Program established pursuant to section 4101 of the Atomic Energy Defense Act (50 U.S.C. 2511) and section 3216 of this Act may, with the concurrence of the Secretary of the Navy, apply the alternative personnel system under subsection (a) to—

“(1) all employees of the Naval Nuclear Propulsion Program in the competitive service (as defined in section 2102 of title 5, United States Code); and

“(2) all employees of the Department of Navy who are assigned to the Naval Nuclear Propulsion Program and are in the excepted service (as defined in section 2103 of title 5, United States Code)
(other than such employees in statutory excepted service systems).”.

(b) Briefing.—

(1) In general.—Not later than 180 days after the date of the enactment of this Act, the Administrator for Nuclear Security shall provide a briefing to the appropriate congressional committees on the implementation of section 3248 of the National Nuclear Security Administration Act, as added by subsection (a).

(2) Appropriate congressional committees defined.—In this subsection, the term “appropriate congressional committees” means—

(A) the congressional defense committees;

(B) the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives; and

(C) the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives.

(e) Conforming amendments.—Section 3116 of the National Defense Authorization Act for Fiscal Year
2018 (Public Law 115–91; 131 Stat. 1888; 50 U.S.C. 2441 note prec) is amended—

(1) by striking subsections (a) and (d); and

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

(d) CLERICAL AMENDMENT.—The table of contents for the National Nuclear Security Administration Act is amended by inserting after the item relating to section 3247 the following new item:

“Sec. 3248. Alternative personnel system.”.

SEC. 3122. INCLUSION OF CERTAIN EMPLOYEES AND CONTRACTORS OF DEPARTMENT OF ENERGY IN DEFINITION OF PUBLIC SAFETY OFFICER FOR PURPOSES OF CERTAIN DEATH BENEFITS.

Section 1204(9) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10284(9)) is amended—

(1) in subparagraph (D), by striking “or” at the end;

(2) in subparagraph (E)(ii), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:

“(F) an employee or contractor of the Department of Energy who—

“(i) is—
“(I) a nuclear materials courier
(as defined in section 8331(27) of
title 5, United States Code); or
“(II) designated by the Secretary
of Energy as a member of an emer-
gency response team; and
“(ii) is performing official duties of
the Department, pursuant to a deployment
order issued by the Secretary, to protect
the public, property, or the interests of the
United States by—
“(I) assessing, locating, identi-
ifying, securing, rendering safe, or dis-
posing of weapons of mass destruction
(as defined in section 1403 of the De-
fense Against Weapons of Mass De-
struction Act of 1996 (50 U.S.C.
2302)); or
“(II) managing the immediate
consequences of a radiological release
or exposure.”.

SEC. 3123. REIMBURSEMENT FOR LIABILITY INSURANCE
FOR NUCLEAR MATERIALS COURIERS.

Section 636(c)(2) of division A of the Treasury, Post-
al Service, and General Government Appropriations Act,
1997 (Public Law 104–208; 5 U.S.C. prec. 5941 note) is amended by striking “or under” and all that follows and inserting the following: “a special agent under section 203 of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4823), or a nuclear materials courier (as defined in section 8331(27) of such title 5);”.

SEC. 3124. TRANSPORTATION AND MOVING EXPENSES FOR IMMEDIATE FAMILY OF DECEASED NUCLEAR MATERIALS COURIERS.

Section 5724d(c)(1) of title 5, United States Code, is amended—

(1) in subparagraph (B), by striking “; and” and inserting a semicolon; and

(2) by adding at the end the following:

“(D) any nuclear materials courier, as defined in section 8331(27); and”.

SEC. 3125. EXTENSION OF AUTHORITY FOR APPOINTMENT OF CERTAIN SCIENTIFIC, ENGINEERING, AND TECHNICAL PERSONNEL.

Section 4601(c) of the Atomic Energy Defense Act (50 U.S.C. 2701(c)) is amended by striking “September 30, 2020” and inserting “September 30, 2021”.
Subtitle D—Cybersecurity

SEC. 3131. REPORTING ON PENETRATIONS OF NETWORKS
OF CONTRACTORS AND SUBCONTRACTORS.

(a) IN GENERAL.—Subtitle A of title XLV of the
Atomic Energy Defense Act (50 U.S.C. 2651 et seq.) is
amended by adding at the end the following new section:

“SEC. 4511. REPORTING ON PENETRATIONS OF NETWORKS
OF CONTRACTORS AND SUBCONTRACTORS.

“(a) PROCEDURES FOR REPORTING PENETRATIONS.—The Administrator shall establish procedures
that require each contractor and subcontractor to report
to the Chief Information Officer when a covered network
of the contractor or subcontractor that meets the criteria
established pursuant to subsection (b) is successfully pene-
trated.

“(b) ESTABLISHMENT OF CRITERIA FOR COVERED
NETWORKS.—

“(1) IN GENERAL.—The Administrator shall, in
consultation with the officials specified in paragraph
(2), establish criteria for covered networks to be sub-
ject to the procedures for reporting penetrations
under subsection (a).

“(2) OFFICIALS SPECIFIED.—The officials spec-
ified in this paragraph are the following officials of
the Administration:
“(A) The Deputy Administrator for Defense Programs.

“(B) The Associate Administrator for Acquisition and Project Management.

“(C) The Chief Information Officer.

“(D) Any other official of the Administration the Administrator considers necessary.

“(c) PROCEDURE REQUIREMENTS.—

“(1) RAPID REPORTING.—

“(A) IN GENERAL.—The procedures established pursuant to subsection (a) shall require each contractor or subcontractor to submit to the Chief Information Officer a report on each successful penetration of a covered network of the contractor or subcontractor that meets the criteria established pursuant to subsection (b) not later than 60 days after the discovery of the successful penetration.

“(B) ELEMENTS.—Subject to subparagraph (C), each report required by subparagraph (A) with respect to a successful penetration of a covered network of a contractor or subcontractor shall include the following:

“(i) A description of the technique or method used in such penetration.
“(ii) A sample of the malicious software, if discovered and isolated by the contractor or subcontractor, involved in such penetration.

“(iii) A summary of information created by or for the Administration in connection with any program of the Administration that has been potentially compromised as a result of such penetration.

“(C) AVOIDANCE OF DELAYS IN REPORTING.—If a contractor or subcontractor is not able to obtain all of the information required by subparagraph (B) to be included in a report required by subparagraph (A) by the date that is 60 days after the discovery of a successful penetration of a covered network of the contractor or subcontractor, the contractor or subcontractor shall—

“(i) include in the report all information available as of that date; and

“(ii) provide to the Chief Information Officer the additional information required by subparagraph (B) as the information becomes available.
(2) ACCESS TO EQUIPMENT AND INFORMATION

BY ADMINISTRATION PERSONNEL.—Concurrent with the establishment of the procedures pursuant to subsection (a), the Administrator shall establish procedures to be used if information owned by the Administration was in use during or at risk as a result of the successful penetration of a covered network—

“(A) in order to—

“(i) in the case of a penetration of a covered network of a management and operating contractor, enhance the access of personnel of the Administration to Government-owned equipment and information; and

“(ii) in the case of a penetration of a covered network of a contractor or subcontractor that is not a management and operating contractor, facilitate the access of personnel of the Administration to the equipment and information of the contractor or subcontractor; and

“(B) which shall—

“(i) include mechanisms for personnel of the Administration to, upon request, obtain access to equipment or information of
1048 a contractor or subcontractor necessary to conduct forensic analysis in addition to any analysis conducted by the contractor or subcontractor;

“(ii) provide that a contractor or subcontractor is only required to provide access to equipment or information as described in clause (i) to determine whether information created by or for the Administration in connection with any program of the Administration was successfully exfiltrated from a network of the contractor or subcontractor and, if so, what information was exfiltrated; and

“(iii) provide for the reasonable protection of trade secrets, commercial or financial information, and information that can be used to identify a specific person.

“(3) Dissemination of information.—The procedures established pursuant to subsection (a) shall allow for limiting the dissemination of information obtained or derived through such procedures so that such information may be disseminated only to entities—
“(A) with missions that may be affected by
such information;
“(B) that may be called upon to assist in
the diagnosis, detection, or mitigation of cyber
incidents;
“(C) that conduct counterintelligence or
law enforcement investigations; or
“(D) for national security purposes, includ-
ing cyber situational awareness and defense
purposes.

“(d) DEFINITIONS.—In this section:
“(1) CHIEF INFORMATION OFFICER.—The term
‘Chief Information Officer’ means the Associate Ad-
ministrator for Information Management and Chief
Information Officer of the Administration.
“(2) CONTRACTOR.—The term ‘contractor’
means a private entity that has entered into a con-
tract or contractual action of any kind with the Ad-
ministration to furnish supplies, equipment, mate-
rials, or services of any kind.
“(3) COVERED NETWORK.—The term ‘covered
network’ includes any network or information system
that accesses, receives, or stores—
“(A) classified information; or
“(B) sensitive unclassified information germane to any program of the Administration, as determined by the Administrator.

“(4) Subcontractor.—The term ‘subcontractor’ means a private entity that has entered into a contract or contractual action with a contractor or another subcontractor to furnish supplies, equipment, materials, or services of any kind in connection with another contract in support of any program of the Administration.”.

(b) Clerical Amendment.—The table of contents for the Atomic Energy Defense Act is amended by inserting after the item relating to section 4510 the following new item:

“Sec. 4511. Reporting on penetrations of networks of contractors and subcontractors.”.

SEC. 3132. CLARIFICATION OF RESPONSIBILITY FOR CYBERSECURITY OF NATIONAL NUCLEAR SECURITY ADMINISTRATION FACILITIES.

(a) Establishment of Chief Information Officer.—Subtitle B of the National Nuclear Security Administration Act (50 U.S.C. 2421 et seq.) is amended by adding at the end the following new section:

“SEC. 3237. CHIEF INFORMATION OFFICER.

“There is within the Administration a Chief Information Officer, who shall be—
“(1) appointed by the Administrator; and
“(2) responsible for the development and implementation of cybersecurity for all facilities of the Administration.”.

(b) CONFORMING AMENDMENT.—Section 3232(b)(3) of the National Nuclear Security Administration Act (50 U.S.C. 2422(b)(3)) is amended by striking “and cyber”.

(c) CLERICAL AMENDMENT.—The table of contents for the National Nuclear Security Administration Act is amended by inserting after the item relating to section 3236 the following new item:

“Sec. 3237. Chief Information Officer.”.

Subtitle E—Defense Environmental Cleanup

SEC. 3141. PUBLIC STATEMENT OF ENVIRONMENTAL LIABILITIES FOR FACILITIES UNDERGOING DEFENSE ENVIRONMENTAL CLEANUP.

(a) IN GENERAL.—Subtitle A of title XLIV of the Atomic Energy Defense Act (50 U.S.C. 2581 et seq.) is amended by adding at the end the following new section:

“SEC. 4410. PUBLIC STATEMENT OF ENVIRONMENTAL LIABILITIES.

“Each year, at the same time that the Department of Energy submits its annual financial report under section 3516 of title 31, United States Code, the Secretary of Energy shall make available to the public a statement
of environmental liabilities, as calculated for the most recent audited financial statement of the Department under section 3515 of that title, for each defense nuclear facility at which defense environmental cleanup activities are occurring.”.

(b) Clerical Amendment.—The table of contents for the Atomic Energy Defense Act is amended by inserting after the item relating to section 4409 the following new item:

“Sec. 4410. Public statement of environmental liabilities.”.

SEC. 3142. INCLUSION OF MISSED MILESTONES IN FUTURE-YEARS DEFENSE ENVIRONMENTAL CLEANUP PLAN.

Section 4402A(b)(3) of the Atomic Energy Defense Act (50 U.S.C. 2582A(b)(3)) is amended by adding at the end the following:

“(D) For any milestone that has been missed, renegotiated, or postponed, a statement of the current milestone, the original milestone, and any interim milestones.”.

SEC. 3143. CLASSIFICATION OF DEFENSE ENVIRONMENTAL CLEANUP AS CAPITAL ASSET PROJECTS OR OPERATIONS ACTIVITIES.

(a) In General.—The Assistant Secretary of Energy for Environmental Management, in consultation with other appropriate officials of the Department of Energy,
shall establish requirements for the classification of defense environmental cleanup projects as capital asset projects or operations activities.

(b) REPORT REQUIRED.—Not later than March 1, 2021, the Assistant Secretary shall submit to the congressional defense committees a report—

(1) setting forth the requirements established under subsection (a); and

(2) assessing whether any ongoing defense environmental cleanup projects should be reclassified based on those requirements.

SEC. 3144. CONTINUED ANALYSIS OF APPROACHES FOR SUPPLEMENTAL TREATMENT OF LOW-ACTIVITY WASTE AT HANFORD NUCLEAR RESERVATION.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Energy shall enter into an arrangement with a federally funded research and development center to conduct a follow-on analysis to the analysis required by section 3134 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2769) with respect to approaches for treating the portion of low-activity waste at the Hanford Nuclear Reservation, Richland, Washington, intended for supplemental treatment.
(b) COMPARISON OF ALTERNATIVES TO AID DECISIONMAKING.—The analysis required by subsection (a) shall be designed, to the greatest extent possible, to provide decisionmakers with the ability to make a direct comparison between approaches for the supplemental treatment of low-activity waste at the Hanford Nuclear Reservation based on criteria that are relevant to decision-making and most clearly differentiate between approaches.

(c) ELEMENTS.—The analysis required by subsection (a) shall include an assessment of the following:

(1) The most effective potential technology for supplemental treatment of low-activity waste that will produce an effective waste form, including an assessment of the following:

(A) The maturity and complexity of the technology.

(B) The extent of previous use of the technology.

(C) The life cycle costs and duration of use of the technology.

(D) The effectiveness of the technology with respect to immobilization.

(E) The performance of the technology expected under permanent disposal.
(2) The differences among approaches for the supplemental treatment of low-activity waste considered as of the date of the analysis.

(3) The compliance of such approaches with the technical standards described in section 3134(b)(2)(D) of section 3134 of the National Defense Authorization Act for Fiscal Year 2017.

(4) The differences among potential disposal sites for the waste form produced through such treatment, including mitigation of radionuclides, including technetium-99, selenium-79, and iodine-129, on a system level.

(5) Potential modifications to the design of facilities to enhance performance with respect to disposal of the waste form to account for the following:

(A) Regulatory compliance.

(B) Public acceptance.

(C) Cost.

(D) Safety.

(E) The expected radiation dose to maximally exposed individuals over time.

(F) Differences among disposal environments.

(6) Approximately how much and what type of pretreatment is needed to meet regulatory require-
ments regarding long-lived radionuclides and hazardous chemicals to reduce disposal costs for radionuclides described in paragraph (4).

(7) Whether the radionuclides can be left in the waste form or economically removed and bounded at a system level by the performance assessment of a potential disposal site and, if the radionuclides cannot be left in the waste form, how to account for the secondary waste stream.

(8) Other relevant factors relating to the technology described in paragraph (1), including the following:

(A) The costs and risks in delays with respect to tank performance over time.

(B) Consideration of experience with treatment methods at other sites and commercial facilities.

(C) Outcomes of the test bed initiative of the Office of Environmental Management at the Hanford Nuclear Reservation.

(d) REVIEW, CONSULTATION, SUBMISSION, AND LIMITATIONS.—The provision of subsections (c) through (f) of section 3134 of the National Defense Authorization Act for Fiscal Year 2017 shall apply with respect to the analysis required by subsection (a) to the same extent and in
the same manner that such provisions applied with respect
to the analysis required by subsection (a) of such section
3134, except that subsection (e) of such section shall be
applied and administered by substituting “the date of the
enactment of the National Defense Authorization Act for
Fiscal Year 2021” for “the date of the enactment of this
Act” each place it appears.

Subtitle F—Other Matters

SEC. 3151. MODIFICATIONS TO ENHANCED PROCUREMENT
AUTHORITY TO MANAGE SUPPLY CHAIN RISK.

Section 4806 of the Atomic Energy Defense Act (50
U.S.C. 2786) is amended—

(1) in subsections (a) and (c), by inserting “or
special exclusion action” after “covered procurement
action” each place it appears;

(2) by redesignating subsections (e) and (f) as
subsections (f) and (g), respectively;

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

“(e) DELEGATION OF AUTHORITY.—The Secretary
may delegate the authority under this section to—

“(1) in the case of the Administration, the Ad-
ministrator; and
“(2) in the case of any other component of the Department of Energy, the Senior Procurement Executive of the Department.”; and

(4) in subsection (f), as redesignated by paragraph (2)—

(A) by redesignating paragraph (6) as paragraph (7); and

(B) by inserting after paragraph (5) the following new paragraph (6):

“(6) SPECIAL EXCLUSION ACTION.—The term ‘special exclusion action’ means an action to prohibit, for a period not to exceed two years, the award of any contracts or subcontracts by the Administration or any other component of the Department of Energy related to any covered system to a source the Secretary determines to represent a supply chain risk.”.

SEC. 3152. LABORATORY- OR PRODUCTION FACILITY-DIRECTED RESEARCH AND DEVELOPMENT PROGRAMS.

(a) IN GENERAL.—Section 4811 of the Atomic Energy Defense Act (50 U.S.C. 2791) is amended to read as follows:
“SEC. 4811. LABORATORY- OR PRODUCTION FACILITY-DIRECTED RESEARCH AND DEVELOPMENT PROGRAMS.

“(a) AUTHORITY.—The directors of the national security laboratories and the nuclear weapons production facilities are authorized to carry out laboratory- or production facility-directed research and development.

“(b) REGULATIONS.—The Administrator shall prescribe regulations for the conduct of laboratory- or production facility-directed research and development at the national security laboratories and the nuclear weapons production facilities.

“(c) FUNDING.—Of the funds provided by the Administration to a national security laboratory or nuclear weapons production facility for national security activities, the Administrator shall provide a specific amount, of not less than 5 percent and not more than 7 percent of such funds, to be used by the laboratory or facility for laboratory- or production facility-directed research and development.

“(d) DEFINITION.—In this section, the term ‘laboratory- or production facility-directed research and development’ means research and development work of a creative and innovative nature which, under the regulations prescribed pursuant to subsection (b), is selected by the director of a national security laboratory or nuclear
weapons production facility for the purpose of maintaining
the vitality of the laboratory or facility in defense-related
scientific disciplines.”.

(b) CLERICAL AMENDMENT.—The table of contents
for the Atomic Energy Defense Act is amended by striking
the item relating to section 4811 and inserting the fol-
lowing new item:

“Sec. 4811. Laboratory- or production facility-directed research and develop-
ment programs.”.

SEC. 3153. PROHIBITION ON USE OF LABORATORY- OR PRO-
DUCTION FACILITY-DIRECTED RESEARCH
AND DEVELOPMENT FUNDS FOR GENERAL
AND ADMINISTRATIVE OVERHEAD COSTS.

Section 4811 of the Atomic Energy Defense Act (50
U.S.C. 2791), as amended by section 3152, is further
amended—

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

(2) by inserting after subsection (c) the fol-
lowing new subsection (d):

“(d) PROHIBITION ON USE OF FUNDS FOR OVER-
HEAD.—Funds provided to a national security laboratory
or nuclear weapons production facility for laboratory- or
production facility-directed research and development may
not be used to cover the costs of general and administra-
tive overhead for the laboratory or facility.”.
SEC. 3154. MONITORING OF INDUSTRIAL BASE FOR NUCLEAR WEAPONS COMPONENTS, SUBSYSTEMS, AND MATERIALS.

(a) DESIGNATION OF OFFICIAL.—Not later than March 1, 2021, the Administrator for Nuclear Security shall designate a senior official within the National Nuclear Security Administration to be responsible for monitoring the industrial base that supports the nuclear weapons components, subsystems, and materials of the Administration, including—

(1) the consistent monitoring of the current status of the industrial base;

(2) tracking of industrial base issues over time; and

(3) proactively identifying gaps or risks in specific areas relating to the industrial base.

(b) PROVISION OF RESOURCES.—The Administrator shall ensure that the official designated under subsection (a) is provided with resources sufficient to conduct the monitoring required by that subsection.

(c) CONSULTATIONS.—The Administrator, acting through the official designated under subsection (a), shall, to the extent practicable and beneficial, in conducting the monitoring required by that subsection, consult with—

(1) officials of the Department of Defense who are members of the Nuclear Weapons Council estab-
lished under section 179 of title 10, United States
Code;

(2) officials of the Department of Defense re-
ponsible for the defense industrial base; and

(3) other components of the Department of En-
ergy that rely on similar components, subsystems, or
materials.

(d) BRIEFINGS.—

(1) INITIAL BRIEFING.—Not later than April 1,
2021, the Administrator shall provide to the Com-
mittees on Armed Services of the Senate and the
House of Representatives a briefing on the designa-
tion of the official required by subsection (a), includ-
ing on—

(A) the responsibilities assigned to that of-

ficial; and

(B) the plan for providing that official with

resources sufficient to conduct the monitoring
required by subsection (a).

(2) SUBSEQUENT BRIEFINGS.—Not later than
April 1, 2022, and annually thereafter through
2024, the Administrator shall provide to the Com-
mittees on Armed Services of the Senate and the
House of Representatives a briefing on activities car-
ried out under this section that includes an assess-
ment of the progress made by the official designated under subsection (a) in conducting the monitoring required by that subsection.

SEC. 3155. PROHIBITION ON USE OF FUNDS FOR ADVANCED NAVAL NUCLEAR FUEL SYSTEM BASED ON LOW-ENRICHED URANIUM.

(a) In General.—None of the funds authorized to be appropriated for the National Nuclear Security Administration for fiscal year 2021 may be obligated or expended to conduct research and development of an advanced naval nuclear fuel system based on low-enriched uranium until the following certifications are submitted to the congressional defense committees:

(1) A joint certification of the Secretary of Energy and the Secretary of Defense that the determination made by the Secretary of Energy and the Secretary of the Navy pursuant to section 3118(c)(1) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1196) and submitted to the congressional defense committees on March 25, 2018, that the United States should not pursue such research and development, no longer reflects the policy of the United States.
(2) A certification of the Secretary of the Navy that an advanced naval nuclear fuel system based on low-enriched uranium would not reduce vessel capability, increase expense, or reduce operational availability as a result of refueling requirements.

(b) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Administrator for Nuclear Security shall submit to the congressional defense committees a report on activities conducted using amounts made available for fiscal year 2020 for non-proliferation fuels development, including a description of progress made toward technological or nonproliferation goals.

SEC. 3156. AUTHORIZATION OF APPROPRIATIONS FOR W93 NUCLEAR WARHEAD PROGRAM.

In accordance with section 4209(a)(1)(B) of the Atomic Energy Defense Act (50 U.S.C. 2529(a)(1)(B)), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2021 for the W93 nuclear warhead program as specified in the funding table in section 4701.
SEC. 3157. REVIEW OF FUTURE OF COMPUTING BEYOND EXASCALE AT THE NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) IN GENERAL.—The Administrator for Nuclear Security, in consultation with the Secretary of Energy, shall enter into an agreement with the National Academy of Science to review the future of computing beyond exascale computing to meet national security needs at the National Nuclear Security Administration.

(b) ELEMENTS.—The review required by subsection (a) shall address the following:

(1) Future computing needs of the National Nuclear Security Administration that exascale computing will not accomplish during the 20 years after the date of the enactment of this Act.

(2) Computing architectures that potentially can meet those needs, including—

(A) classical computing architectures employed as of such date of enactment;

(B) quantum computing architectures and other novel computing architectures;

(C) hybrid combinations of classical and quantum computing architectures; and

(D) other architectures as necessary.

(3) The development of software for the computing architectures described in paragraph (2).
(4) The maturity of the computing architectures described in paragraph (2) and the software described in paragraph (3), with key obstacles that must be overcome for the employment of such architectures and software.

(5) The secure industrial base that exists as of the date of the enactment of this Act to meet the unique needs of computing at the National Nuclear Security Administration, including needs with respect to—

(A) personnel;

(B) microelectronics; and

(C) other appropriate matters.

(e) INFORMATION AND CLEARANCES.—The Administrator shall ensure that personnel of the National Academy of Sciences overseeing the implementation of the agreement required by subsection (a) or conducting the review required by that subsection receive, in a timely manner, access to information and necessary security clearances to enable the conduct of the review.

(d) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the National Academy of Sciences shall submit to the congres-
sional defense committees a report on the findings of
the review required by subsection (a).

(2) FORM.—The report required by paragraph
(1) shall be submitted in unclassified form but may
include a classified annex.

(e) EXASCALE COMPUTING DEFINED.—In this sec-
tion, the term “exascale computing” means computing
through the use of a computing machine that performs
near or above 10 to the 18th power floating point oper-
ations per second.

SEC. 3158. APPLICATION OF REQUIREMENT FOR INDE-
PENDENT COST ESTIMATES AND REVIEWS TO
NEW NUCLEAR WEAPON SYSTEMS.

Section 4217(b)(1) of the Atomic Energy Defense
Act (50 U.S.C. 2537(b)(1)) is amended—

(1) in subparagraph (A)—

(A) in clause (i), by inserting “, and each
new nuclear weapon system at the completion of
phase 2A” after “phase 6.2A”; 

(B) in clause (ii), by inserting “, and each
new nuclear weapon system at the completion of
phase 3” after “phase 6.3”; and

(C) in clause (iii)—
(i) by inserting “, and each new nu-
clear weapon system at the completion of
phase 4” after “phase 6.4”; and
(ii) by inserting “or 5, as applicable”
after “phase 6.5”; and
(2) in subparagraph (B), by inserting “, and
each new nuclear weapon system at the completion
of phase 2” after “phase 6.2”.

SEC. 3159. EXTENSION AND EXPANSION OF LIMITATIONS
ON IMPORTATION OF URANIUM FROM RUS-
SIAN FEDERATION.
(a) IN GENERAL.—Section 3112A of the USEC Pri-
vatization Act (42 U.S.C. 2297h–10a) is amended—
(1) in subsection (a)—
(A) by redesignating paragraph (7) as
paragraph (8); and
(B) by inserting after paragraph (6) the
following:
“(7) SUSPENSION AGREEMENT.—The term
‘Suspension Agreement’ has the meaning given that
term in section 3102(13).”;
(2) in subsection (b)—
(A) by striking “United States to support”
and inserting the following: “United States—
“(1) to support”;

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(B) by striking the period at the end and
inserting a semicolon; and

(C) by adding at the end the following:

“(2) that reliance on uranium imports raises
significant national security concerns;
“(3) to revive and strengthen the supply chain
for nuclear fuel produced and used in the United
States; and
“(4) to expand production of nuclear fuel in the
United States.”; and

(3) in subsection (c)—

(A) in paragraph (2)—

(i) in the matter preceding subpara-
graph (A), by striking “After” and insert-
ing “Except as provided in subparagraph
(B), after”;

(ii) in subparagraph (A)—

(I) in clause (vi), by striking “; and” and inserting a semicolon;

(II) in clause (vii), by striking the period at the end and inserting a semicolon; and

(III) by adding at the end the following:
(viii) in calendar year 2021, 422,038 kilograms;
(ix) in calendar year 2022, 415,573 kilograms;
(x) in calendar year 2023, 409,445 kilograms;
(xi) in calendar year 2024, 404,469 kilograms;
(xii) in calendar year 2025, 399,241 kilograms;
(xiii) in calendar year 2026, 393,985 kilograms;
(xiv) in calendar year 2027, 389,656 kilograms;
(xv) in calendar year 2028, 389,656 kilograms;
(xvi) in calendar year 2029, 384,905 kilograms;
(xvii) in calendar year 2030, 375,882 kilograms;
(xviii) in calendar year 2031, 372,171 kilograms;
(xix) in calendar year 2032, 364,694 kilograms;
“(xx) in calendar year 2033, 359,353 kilograms;

“(xxi) in calendar year 2034, 337,344 kilograms; and

“(xxii) in calendar year 2035, 333,296 kilograms.”;

(iii) by redesignating subparagraph (B) as subparagraph (D); and

(iv) by inserting after subparagraph (A) the following:

“(B) HARMONIZATION WITH SUSPENSION AGREEMENT.—

“(i) IN GENERAL.—If, not later than December 31, 2020, the Department of Commerce and the Russian Federation finalize an amendment to the Suspension Agreement to extend the Agreement, the import limitations under subparagraph (A) for a calendar year shall be superceded by any export limitations, including the associated calculation parameters, agreed to by the Department of Commerce as part of that amendment.

“(ii) TERMINATION OF SUSPENSION AGREEMENT.—If the Suspension Agree-
ment terminates or expires, the import limitations specified in subparagraph (A) shall—

“(I) take effect on the date on which the Suspension Agreement terminates or expires; and

“(II) apply in addition to any antidumping duties imposed pursuant to title VII of the Tariff Act of 1930 (19 U.S.C. 1671 et seq.) with respect to low-enriched uranium produced in the Russian Federation.

“(C) Separative work units requirement.—Not more than 25 percent of the quantity of low-enriched uranium produced in the Russian Federation and imported under subparagraph (A) in any year may be imported under contracts other than contracts exclusively for separative work units.”;

(B) in paragraph (3), by striking “United States—” and all that follows and inserting the following: “United States for processing and to be certified for reexportation and not for consumption in the United States.”;

(C) in paragraph (5)—
(i) in subparagraph (A)—

(I) by striking “reference data”

and all that follows through “2019”

and inserting the following: “lower
scenario data in the document of the
World Nuclear Association entitled
‘Nuclear Fuel Report: Global Scenarios for Demand and Supply Availability 2019–2040’. In each of calendar years 2023, 2027, and 2031”;

and

(II) by striking “report or a subse-
quent report” and inserting “docu-
ment”; 

(ii) by redesignating subparagraphs
(B) and (C) as subparagraphs (C) and (D), respectively;

(iii) by inserting after subparagraph
(A) the following:

“(B) REPORT REQUIRED.—Not later than
one year after the date of the enactment of the
Year 2021, and every 3 years thereafter, the
Secretary shall submit to Congress a report
that includes—
“(i) a recommendation on the use of all publicly available data to ensure accurate forecasting by scenario data to comport to actual demand for low-enriched uranium for nuclear reactors in the United States; and

“(ii) an identification of the steps to be taken to adjust the import limitations described in paragraph (2)(A) based on the most accurate scenario data.”; and

(iv) in subparagraph (D), as redesignated by clause (ii), by striking “subparagraph (B)” and inserting “subparagraph (D)”; and

(D) in paragraph (6), in the matter preceding subparagraph (A), by striking “the adjustment under paragraph (5)(A)” and inserting “any adjustment under paragraph (2)(B) or (5)(A)”;

(E) in paragraph (7)(A), by striking “0.3 percent” and inserting “0.22 percent”; and

(F) in paragraph (9), by striking “2020” and inserting “2035”; and

(G) by striking “(2)(B)” each place it appears and inserting “(2)(D)”; and
(H) in paragraph (12)(B), by inserting “or
the Suspension Agreement” after “the Russian
HEU Agreement”.

(b) APPLICABILITY.—The amendments made by sub-
section (a) apply with respect to uranium imported from
the Russian Federation on or after January 1, 2021.

SEC. 3160. INTEGRATION OF STOCKPILE STEWARDSHIP
AND NONPROLIFERATION MISSIONS.

(a) SENSE OF SENATE.—It is the sense of the Senate
that, in recognition of the close relationships between the
nuclear weapons expertise and infrastructure of the na-
tional security laboratories (as defined in section 4002 of
the Atomic Energy Defense Act (50 U.S.C. 2501)), those
laboratories should continue to apply their capabilities to
assessing, understanding, and countering current and
emerging nuclear threats, including the nuclear capabili-
ties of adversaries of the United States.

(b) INTEGRATION.—The Secretary of Energy shall
ensure that the capabilities of the stockpile stewardship
program under section 4201 of the Atomic Energy De-
fense Act (50 U.S.C. 2521) are available to assess pro-
lieration challenges, nuclear capabilities of adversaries of
the United States, and related safeguards.
SEC. 3161. TECHNOLOGY DEVELOPMENT AND INTEGRATION PROGRAM.

The Administrator for Nuclear Security shall establish a technology development and integration program to improve the safety and security of the nuclear weapons stockpile, and to prevent proliferation, through research and development, engineering, and integration of technologies applicable to multiple weapons systems in the stockpile.

SEC. 3162. ADVANCED MANUFACTURING DEVELOPMENT PROGRAM.

The Administrator for Nuclear Security shall establish an advanced manufacturing development program to focus on the development, demonstration, and deployment of next-generation processes and manufacturing tools to ensure that the nuclear weapons stockpile is safe and secure.

SEC. 3163. MATERIALS SCIENCE PROGRAM.

The Administrator for Nuclear Security shall establish a materials science program to develop new materials to replace materials that are no longer available for weapons sustainment.
SEC. 3164. MODIFICATIONS TO INERTIAL CONFINEMENT FUSION IGNITION AND HIGH YIELD PROGRAM.

(a) IN GENERAL.—The Inertial Confinement Fusion Ignition and High Yield Program of the National Nuclear Security Administration (in this section referred to as the “Program”) shall provide the scientific understanding and experimental capabilities required to validate the safety and effectiveness of the nuclear weapons stockpile.

(b) RECOMMENDATIONS RELATING TO HIGH ENERGY DENSITY PHYSICS.—

(1) ESTABLISHMENT OF WORKING GROUP.—

The Administrator for Nuclear Security shall establish a working group to identify and implement any recommendations issued by the National Academies of Sciences, Engineering, and Medicine as required by section 3137 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92).

(2) REPORT REQUIRED.—Not later than March 31, 2021, the Administrator shall submit to the congressional defense committees a report on the timelines for completing implementation of the recommendations described in paragraph (1).
SEC. 3165. EARNED VALUE MANAGEMENT PROGRAM FOR

LIFE EXTENSION PROGRAMS.

(a) IN GENERAL.—Subtitle A of title XLII of the Atomic Energy Defense Act (50 U.S.C. 2521 et seq.) is amended by adding at the end the following new section:

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SEC. 4223. EARNED VALUE MANAGEMENT PROGRAM FOR LIFE EXTENSION PROGRAMS.

“(a) IN GENERAL.—The Administrator shall establish an earned value management program to establish earned value management standards—

“(1) to ensure specific benchmarks are set for technology readiness for life extension programs; and

“(2) to ensure that appropriate risk mitigation measures are taken to meet the cost and schedule requirements of such programs.

“(b) REVIEW OF CONTRACTOR EARNED VALUE MANAGEMENT SYSTEMS.—The Administrator shall enter into an arrangement with an independent entity under which that entity shall review and determine whether the earned value management standards of contractors of the Administration for life extension programs are consistent with the standards established under subsection (a).

“(c) RECONCILIATION OF COST ESTIMATES.—The Administrator shall ensure that key decisions of the Administration concerning project milestones in life extension programs are based on a reconciliation of cost esti-"
mates of the Administration with any independent cost esti-
mates conducted by the Director of Cost Estimating and
Program Evaluation.”.

(b) CLERICAL AMENDMENT.—The table of contents
for the Atomic Energy Defense Act is amended by insert-
ing after the item relating to section 4222 the following
new item:

“Sec. 4223. Earned value management program for life extension programs.”.

SEC. 3166. USE OF HIGH PERFORMANCE COMPUTING CAPA-
BILITIES FOR COVID–19 RESEARCH.

The Secretary of Energy shall make the unclassified
high performance computing capabilities of the Depart-
ment of Energy available for research relating to the
coronavirus disease 2019 (commonly known as “COVID–
19”) so long as and to the extent that doing so does not
negatively affect the stockpile stewardship mission of the
National Nuclear Security Administration.

SEC. 3167. AVAILABILITY OF STOCKPILE RESPONSIVENESS
FUNDS FOR PROJECTS TO REDUCE TIME
NECESSARY TO EXECUTE A NUCLEAR TEST.

From amounts authorized to be appropriated by sec-
tion 3101 and available, as specified in the funding table
in section 4701, for the Stockpile Responsiveness Program
under section 4220 of the Atomic Energy Defense Act (50
U.S.C. 2538b), not less than $10,000,000 shall be made
available to carry out projects related to reducing the time required to execute a nuclear test if necessary.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 2021, $28,836,000 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. NONPUBLIC COLLABORATIVE DISCUSSIONS BY DEFENSE NUCLEAR FACILITIES SAFETY BOARD.

Section 313 of the Atomic Energy Act of 1954 (42 U.S.C. 2286b) is amended by adding at the end the following new subsection:

“(k) NONPUBLIC COLLABORATIVE DISCUSSIONS.—

“(1) IN GENERAL.—Notwithstanding section 552b of title 5, United States Code, a quorum of the members of the Board may hold a meeting that is not open to public observation to discuss official business of the Board if—

“(A) no formal or informal vote or other official action is taken at the meeting;
“(B) each individual present at the meeting is a member or an employee of the Board;

“(C) at least one member of the Board from each political party is present at the meeting, unless all members of the Board are of the same political party at the time of the meeting; and

“(D) the general counsel of the Board, or a designee of the general counsel, is present at the meeting.

“(2) DISCLOSURE OF NONPUBLIC COLLABORATIVE DISCUSSIONS.—

“(A) IN GENERAL.—Except as provided by subparagraph (B), not later than two business days after the conclusion of a meeting described in paragraph (1), the Board shall make available to the public, in a place easily accessible to the public—

“(i) a list of the individuals present at the meeting; and

“(ii) a summary of the matters, including key issues, discussed at the meeting, except for any matter the Board properly determines may be withheld from the
public under section 552b(c) of title 5, United States Code.

“(B) INFORMATION ABOUT MATTERS WITHHELD FROM PUBLIC.—If the Board properly determines under subparagraph (A)(ii) that a matter may be withheld from the public under section 552b(c) of title 5, United States Code, the Board shall include in the summary required by that subparagraph as much general information as possible with respect to the matter.

“(3) RULES OF CONSTRUCTION.—Nothing in this subsection may be construed—

“(A) to limit the applicability of section 552b of title 5, United States Code, with respect to—

“(i) a meeting of the members of the Board other than a meeting described in paragraph (1); or

“(ii) any information that is proposed to be withheld from the public under paragraph (2)(A)(ii); or

“(B) to authorize the Board to withhold from any individual any record that is acces-
sible to that individual under section 552a of title 5, United States Code.”.

SEC. 3203. IMPROVEMENTS TO OPERATIONS OF DEFENSE NUCLEAR FACILITIES SAFETY BOARD.

(a) MISSION OF BOARD.—Section 312(a) of the Atomic Energy Act of 1954 (42 U.S.C. 2286a(a)) is amended by striking “employees and contractors at such facilities” and inserting “workers at such facilities conducting activities covered by part 830 of title 10, Code of Federal Regulations (or any successor regulation)”.

(b) COOPERATION.—Section 314(a) of the Atomic Energy Act of 1954 (42 U.S.C. 2286c(a)) is amended—

(1) by inserting “(1)” before “Except”; and

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

“(2) For purposes of this subsection, the term ‘unfettered access’, with respect to a facility or personnel of or information related to a facility, means access equivalent to the access to the facility, personnel, or information provided to a regular employee of the facility, after proper identification and compliance with applicable access control measures for security, radiological protection, and personal safety.”.
TITLE XXXV—MARITIME ADMINISTRATION

SEC. 3501. MARITIME ADMINISTRATION.

Section 109 of title 49, United States Code, is amended to read as follows:

“§ 109. Maritime Administration

“(a) ORGANIZATION AND MISSION.—The Maritime Administration is an administration in the Department of Transportation. The mission of the Maritime Administration is to foster, promote, and develop the merchant maritime industry of the United States.

“(b) MARITIME ADMINISTRATOR.—The head of the Maritime Administration is the Maritime Administrator, who is appointed by the President by and with the advice and consent of the Senate. The Administrator shall report directly to the Secretary of Transportation and carry out the duties prescribed by the Secretary.

“(c) DEPUTY MARITIME ADMINISTRATOR.—The Maritime Administration shall have a Deputy Maritime Administrator, who is appointed in the competitive service by the Secretary, after consultation with the Administrator. The Deputy Administrator shall carry out the duties prescribed by the Administrator. The Deputy Administrator shall be Acting Administrator during the absence or disability of the Administrator and, unless the Sec-
Secretary designates another individual, during a vacancy in
the office of Administrator.

“(d) DUTIES AND POWERS VESTED IN SECRETARY.—All duties and powers of the Maritime Administration are vested in the Secretary.

“(e) REGIONAL OFFICES.—The Maritime Administration shall have regional offices for the Atlantic, Gulf, Great Lakes, and Pacific port ranges, and may have other regional offices as necessary. The Secretary shall appoint a qualified individual as Director of each regional office.

The Secretary shall carry out appropriate activities and programs of the Maritime Administration through the regional offices.

“(f) INTERAGENCY AND INDUSTRY RELATIONS.—The Secretary shall establish and maintain liaison with other agencies, and with representative trade organizations throughout the United States, concerned with the transportation of commodities by water in the export and import foreign commerce of the United States, for the purpose of securing preference to vessels of the United States for the transportation of those commodities.

“(g) DETAILING OFFICERS FROM ARMED FORCES.—To assist the Secretary in carrying out duties and powers relating to the Maritime Administration, not more than five officers of the Armed Forces may be detailed to the
Secretary at any one time, in addition to details authorized by any other law. During the period of a detail, the Secretary shall pay the officer an amount that, when added to the officer’s pay and allowances as an officer in the Armed Forces, makes the officer’s total pay and allowances equal to the amount that would be paid to an individual performing work the Secretary considers to be of similar importance, difficulty, and responsibility as that performed by the officer during the detail.

“(h) CONTRACTS, COOPERATIVE AGREEMENTS, AND AUDITS.—

“(1) CONTRACTS AND COOPERATIVE AGREEMENTS.—In the same manner that a private corporation may make a contract within the scope of its authority under its charter, the Secretary may make contracts and cooperative agreements for the United States Government and disburse amounts to—

“(A) carry out the Secretary’s duties and powers under this section, subtitle V of title 46, and all other Maritime Administration programs; and

“(B) protect, preserve, and improve collateral held by the Secretary to secure indebtedness.
“(2) Audits.—The financial transactions of the Secretary under paragraph (1) shall be audited by the Comptroller General. The Comptroller General shall allow credit for an expenditure shown to be necessary because of the nature of the business activities authorized by this section or subtitle V of title 46. At least once a year, the Comptroller General shall report to Congress any departure by the Secretary from this section or subtitle V of title 46.

“(i) Grant Administrative Expenses.—Except as otherwise provided by law, the administrative and related expenses for the administration of any grant programs by the Maritime Administrator may not exceed 3 percent.

“(j) Authorization of Appropriations.—

“(1) In General.—Except as otherwise provided in this subsection, there are authorized to be appropriated such amounts as may be necessary to carry out the duties and powers of the Secretary relating to the Maritime Administration.

“(2) Limitations.—Only those amounts specifically authorized by law may be appropriated for the use of the Maritime Administration for—

“(A) acquisition, construction, or reconstruction of vessels;
“(B) construction-differential subsidies incident to the construction, reconstruction, or re-conditioning of vessels;

“(C) costs of national defense features;

“(D) payments of obligations incurred for operating-differential subsidies;

“(E) expenses necessary for research and development activities, including reimbursement of the Vessel Operations Revolving Fund for losses resulting from expenses of experimental vessel operations;

“(F) the Vessel Operations Revolving Fund;

“(G) National Defense Reserve Fleet expenses;

“(H) expenses necessary to carry out part B of subtitle V of title 46; and

“(I) other operations and training expenses related to the development of waterborne transportation systems, the use of waterborne transportation systems, and general administration.”.
DIVISION D—FUNDING TABLES

SEC. 4001. AUTHORIZATION OF AMOUNTS IN FUNDING TABLES.

(a) In General.—Whenever a funding table in this division specifies a dollar amount authorized for a project, program, or activity, the obligation and expenditure of the specified dollar amount for the project, program, or activity is hereby authorized, subject to the availability of appropriations.

(b) Merit-based Decisions.—A decision to commit, obligate, or expend funds with or to a specific entity on the basis of a dollar amount authorized pursuant to subsection (a) shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

(c) Relationship to Transfer and Programming Authority.—An amount specified in the funding tables in this division may be transferred or reprogrammed under a transfer or reprogramming authority provided by another provision of this Act or by other law. The transfer or reprogramming of an amount specified in
such funding tables shall not count against a ceiling on
such transfers or reprogrammings under section 1001 or
section 1522 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 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.