

21st Century Partnership Monthly Update

January 4, 2021



EXECUTIVE SUMMARY/BLUF: Merry Christmas and Happy New Year to all our supporters! We are grateful and thank you for your continued support. Below are items of interest to Middle Georgia leadership. Let us know how we can better serve you.

Department of Defense Budget

The National Defense Authorization Act (NDAA) and Appropriations are both finally law. The NDAA authorizes the Department of Defense proposed programs and the Appropriations provide the actual funding. Funding was set at \$740 billion for national defense, of which \$696 billion are for the Pentagon. This was a must pass legislation as a delay into the New Year would have meant negotiations would start over. This would then have become a problem for the new Administration to deal with.

The NDAA and Appropriations provided a 3% military pay raise. There was a distinct focus on quality of life and support to military families. The services are directed to consider certain items when deciding where to station new units or when moving units. These include things like military spouse licensure, housing and access to health care for our military families. The State of Georgia is in front of the spousal licensure issue, working to solve this problem over the last several legislative sessions. The Middle Georgia legislative delegation, including Senator Larry Walker, and Representatives Heath Clark and Shaw Blackmon, was an essential element in tackling this and other defense issues.

The NDAA looks at COVID impacts and cyber protection to the defense industrial base, as well as how both are influencing our military units. Congress is also concerned about the US's reliance on foreign sources of strategic materials such as rare earth metals. They are working to build sources of these materials as well as other strategic resources. Additionally, Congress is concerned that much of the semiconductor industry is overseas and would like to rebuild that industry in the US.

Both the NDAA and Appropriations seek to encourage innovation in the defense sphere through several provisions. However, it appears they are also concerned at how rapid the Defense acquisition world is pursuing new technologies. The new Advanced Battle Management System (ABMS) research and development saw their funding cut by more than half, not because Congress is not supportive, but because they felt the Air Force has not provided enough background to justify the expense. Many of the programs in the ABMS family are classified, and this makes it difficult for the Air Force to fully articulate the connects across the systems.

This idea was reflected across the Department of Defense in an admonishment to ensure the department is using the proper acquisition avenues to ensure Congress has proper oversight over important programs. They did reiterate they are in support of the efforts overall, but they want "objective quantitative and qualitative evidence" to ensure the taxpayers dollars are spent wisely.

Another item of interest is that the Global Hawk aircraft was protected this year, so we can expect to see that program continue. Congress added eight C-130Js to the inventory and increased the JSTARS budget by \$11 million. We are not seeing any

other dramatic impacts to Middle Georgia in the budget. Currently, we do not believe the funding change for ABMS will impact Middle Georgia but it will require an increased effort by the Air Force for justification in future budgets.

We look forward to tracking implementation of this budget round and seeing what next year's budget will bring to our community. Below is a link to roll-ups of both the Defense Appropriations and the National Defense Authorization Act. If you think there might be an item not highlighted below that would interest you, please send an email and we will look up the provision.

[Appropriations Roll-up](#)

[NDAA Roll-up](#)

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21ST CENTURY PARTNERSHIP



Appropriations Roll-up

3% Military Pay Raise

SEC. 8029. During the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms:

Provided, That the Senior Acquisition Executive of the military department or Defense Agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: *Provided further*, That Office of Management and Budget Circular A-76 shall not apply to competitions conducted under this section.

SEC. 8138. Amounts appropriated or otherwise made available to the Department of Defense in this Act, may not be obligated or expended for the retirement or divestiture of the RQ-4 Global Hawk Block 30 and Block 40 aircraft: *Provided*, That the Secretary of the Air Force is prohibited from deactivating the corresponding squadrons responsible for the operations of the aforementioned aircraft.

From Explanatory Statement:

Calls for 12 additional F35s

Funds the Pacific Deterrence Initiative with increases

Increases funding for Readiness by \$300 million, to include depot maintenance funding

11W CONTRACTOR LOGISTICS SUPPORT AND SYSTEM SUPPORT	1,508,342	577,342
Program decrease unaccounted for		-50,000
Unjustified growth		-50,000
Program increase - RQ-4B		169,000
Transfer to title IX		-1,000,000
4GTM OFFICE OF ECONOMIC ADJUSTMENT	40,272	214,272
Program increase - restore defense-wide review reductions		20,000
Program increase - Defense Community Infrastructure Program		60,000
Program increase - Guam Public Health Laboratory		19,000
Program increase - Noise Mitigation Community Partnership		50,000
Program increase - Defense Manufacturing Communities		25,000

Air Force Procurement

8 C-130J	37,131	797,131
Program increase - two aircraft only for the Air Force Reserve		190,000
Program increase - six aircraft only for the Air National Guard		570,000
29 F-15	349,304	203,910
APG-82 common configuration excess to need		-12,012
MUOS ahead of need		-8,050
APG-82(V)1 carryover		-101,000
APG-82(V)1 other government costs excess to need		-12,094
Overestimation of APG-82(V)1 installation costs		-10,728
F-15C APG-63(V)3 common configuration requirement rescinded		-1,510

37 C-5	62,108	50,279
CMC Wx radar installation delays		-6,098
Air Force-identified CNS/ATM excess to need		-2,131
CNS/ATM advisory services unjustified growth		-3,600
38 C-17	66,798	44,798
BLOS program delay		-22,000
51 C-130	5,871	265,580
Program increase - engine enhancement program		79,000
Program increase - [eight blade] propeller upgrade		180,000
Program increase - modular airborne firefighting system		4,600
AMP 1 excess to need		-3,841
AMP 2 ahead of need		-50
60 E-8	11,037	22,037
Program increase - JSTARS		11,000

Air Force Research, Development, Test & Evaluation

5 MATERIALS	140,781	238,281
Program increase - coating technologies		10,000
Program increase - deployable passive cooling		5,000
Program increase - classified additive manufacturing		20,000
Program increase - human monitoring capabilities		9,500
Program increase - ceramic matrix composites		10,000
Program increase - certification of advanced composites		15,000
Program increase - high performance material		8,000
Program increase - technology for broadband operation		10,000
Program increase - thermal protection for hypersonic vehicles		10,000
44 ADVANCED BATTLE MANAGEMENT SYSTEM (ABMS)	302,323	158,782
Unjustified growth		-50,000
Poor justification materials		-15,000
Digital architecture forward financing		-1,825
Sensor integration forward financing		-10,650
Data forward financing		-5,603
Secure processing forward financing		-18,148
Connectivity forward financing		-11,102
Apps forward financing		-4,996
Effects integration forward financing		-2,743
Onramps forward financing		-23,474
270 RQ-4 UAV	134,589	163,589
Program increase - RQ-4 block 40 waypoint modification capability		29,000

ADVANCED BATTLE MANAGEMENT SYSTEM

The agreement includes \$158,782,000 for Advanced Battle Management System (ABMS) to allow for continued program progress. The Assistant Secretary of the Air Force (Acquisition, Technology and Logistics) is directed to provide, with the fiscal year 2022 President's budget request, the ABMS acquisition strategy; in addition, the Assistant Secretary of the Air Force (Financial Management and Comptroller) is directed to certify that the fiscal year 2022 President's budget fully funds this acquisition strategy.

Further, with the submission of the fiscal year 2022 budget request, the Secretary of the Air Force is directed to submit a report summarizing all related programs in communications, battle management command and control, and sensors that fall within the ABMS umbrella across the future years defense program. The report should reference program element funding lines and clearly link all activities with funding lines in the fiscal year 2022 budget justification documents. It should also clearly articulate all phase one efforts, including initial operational capability timelines, the status of related

legacy activities, and linkages to classified activities. This report may be submitted with a classified annex if necessary.

Department of Defense Research, Development, Test & Evaluation

SOFTWARE AND DIGITAL TECHNOLOGY PILOT PROGRAMS

The agreement includes a modified version of the new general provision submitted with the fiscal year 2021 President's budget request for Software and Digital Technology Pilot programs funded in a new Budget Activity Eight within the Research, Development, Test and Evaluation accounts. The agreement acknowledges the Department's rationale regarding the incremental technical challenges posed by modern software development, including implementing technical fixes to existing code, addressing cyber vulnerabilities, and integrating incrementally developed new capabilities. However, the agreement modifies the general provision under the premise that objective quantitative and qualitative evidence is needed to evaluate potential expansion of the approved pilot programs. Further, seeking additional flexibility in the execution of appropriations should not be a solution to internal accounting and guidance issues that challenge the Department's ability to execute these programs. The agreement encourages the Secretary of Defense to execute the recommended pilot programs through fiscal years 2021 and 2022, while performing a detailed analysis of the Department's accounting and financial management process for such pilot programs as compared to existing software and digital technology programs.

The Secretary of Defense is directed to submit a report to the congressional defense committees, not later than 90 days after the enactment of this Act, which details the Department's assessment plan for each of the programs recommended in the general provision. This report shall include, at a minimum: quantitative and qualitative metrics; identification of eight similar programs, with representations from each Service, funded through traditional appropriation legislation to assess concurrently for comparison; and a plan to assess each pilot program against their own historical performance when funded through traditional appropriation legislation. Following submission of the assessment plan prescribed above, the Secretary of Defense is directed to provide quarterly reports on the status of each pilot program to the congressional defense committees.

MID-TIER ACQUISITION AND RAPID PROTOTYPING PROGRAMS

The fiscal year 2021 President's budget request includes funding in the research, development, test and evaluation appropriations accounts for Army, Navy, Air Force, Space Force, and Defense-Wide for several new and ongoing acquisition programs that use acquisition authorities and contracting strategies provided in National Defense Authorization Acts for rapid development, rapid prototyping, rapid acquisition, accelerated acquisition, and mid-tier acquisition ("section 804") of warfighter capabilities. The spectrum of programs using these types of acquisition authorities ranges from small programs that have already deployed prototypes, to programs that by virtue of their scope and cost would otherwise be subject to reporting requirements and acquisition regulations applicable to traditional major acquisition category I programs.

While supportive of efforts to deliver capability to the warfighter in an accelerated manner, it is noted that under current law, several reporting requirements that apply to

traditional acquisition programs, to include independent cost estimates and test and evaluation master plans, are not required for mid-tier acquisition and rapid prototyping programs and to date have been provided only when specifically directed by the House and Senate Appropriations Committees. As the Department of Defense appears to increase its reliance on such acquisition authorities, it is concerning that this standard acquisition information is not being provided as a matter of practice. Further, it is concerning that the Services' growing trend toward procuring de facto operational assets via prototyping acquisitions may limit the Services' ability to successfully manage their acquisition programs in the long-term by eliminating the full understanding of long-term program costs up-front; unnecessarily narrowing down the industrial base early in the acquisition process; and eliminating opportunities for future innovation by reducing competitive opportunities over the life of the acquisition. Finally, there is concern that budgeting for these de facto end-items incrementally with research and development appropriations instead of fully funding them with procurement appropriations obfuscates costs, and limits transparency and visibility into Services' procurement efforts.

The Under Secretaries of Defense (Research and Engineering) and (Acquisition and Sustainment), as well as the Service acquisition executives are directed to provide to the congressional defense committees, with submission of the fiscal year 2022 President's budget request, a complete list of approved acquisition programs-and programs pending approval in fiscal year 2022-utilizing prototyping or accelerated acquisition authorities, along with the rationale for each selected acquisition strategy, as well as a cost estimate and contracting strategy for each such program. Further, the Under Secretary of Defense (Comptroller) and the respective Financial Manager and Comptrollers for the Army, Navy, and Air Force are directed to certify full funding of the acquisition strategies for each of these programs in the fiscal year 2022 President's budget request, including their test strategies; and the Director, Operational Test and Evaluation is directed to certify to the congressional defense committees the appropriateness of the Services' planned test strategies for such programs, to include a risk assessment. To the extent that the respective Service acquisition executives, Service financial manager and comptrollers, and Director, Operational Test and Evaluation provided the information requested above with submission of the fiscal year 2021 President's budget, any variations thereto should be included with the fiscal year 2022 submission. In addition, the Services' financial manager and comptrollers are directed to identify the full costs for prototyping units by individual item in the budget exhibits for research, development, test and evaluation appropriations for the budget year as well as the future years defense program.

NDAAs Roll-up

Of note, committee language is included after the legislative language, and is often very illuminating and provides intent and direction.

SEC. 139. MODIFICATION TO LIMITATION ON RETIREMENT OF U-2 AND RQ-4 AIRCRAFT.

Modifies limits on the Air Force's ability to retire listed aircraft assuming the Secretary of Defense can determine loss in capacity and capability will not prevent the combatant commands from accomplishing their missions at acceptable levels of risk.

SEC. 140. MODIFICATION OF LIMITATION ON AVAILABILITY OF FUNDS FOR RETIREMENT OF E-8 JSTARS AIRCRAFT.

Modifies limits on the Air Force's ability to retire JSTARS aircraft until ABMS or another capability has sufficient ability to replace the current fleet and meet global combatant command requirements with equal or superior capability.

SEC. 146. ANALYSIS OF MOVING TARGET INDICATOR REQUIREMENTS AND ADVANCED BATTLE MANAGEMENT SYSTEM CAPABILITIES.

Requires the Secretary of the Air Force develop an analysis of current and future moving target indicator requirements the Advanced Battle Management System (ABMS) will require when fielded.

SEC. 152. TRANSFER OF RESPONSIBILITIES AND FUNCTIONS RELATING TO ELECTROMAGNETIC SPECTRUM OPERATIONS.

Transfers electromagnetic spectrum operations (EMSO) to a new organization within the Department of Defense. This capability currently resides in the United States Strategic Command.

SEC. 157. JOINT ALL DOMAIN COMMAND AND CONTROL REQUIREMENTS.

Requires Joint Requirements Oversight Council (JROC) validate requirements for Joint All Domain Command and Control (JADC2).

SEC. 164. ACCELERATION OF DEVELOPMENT AND FIELDING OF COUNTER UNMANNED AIRCRAFT SYSTEMS ACROSS THE JOINT FORCE.

Directs the development and execution a plan to develop, test, and begin production of a counter unmanned aircraft system that can be fielded as early as fiscal year 2021.

SEC. 213. MODIFICATION OF NATIONAL SECURITY INNOVATION ACTIVITIES AND PILOT PROGRAM ON STRENGTHENING THE DEFENSE INDUSTRIAL AND INNOVATION BASE.

Modification of the program under the Under Secretary of Defense for Research and Engineering to submit to the congressional defense committees a plan on defense industrial and innovation base pilot programs.

SEC. 219. NATIONAL SECURITY INNOVATION PARTNERSHIPS.

Directs the Secretary of Defense to establish and expand partnerships between the Department of Defense and academic institutions, private sector firms in defense and commercial sectors, commercial accelerators and incubators, commercial innovation hubs, public sector organizations, and nonprofit entities with missions relating to national security innovation.

SEC. 221. ACCOUNTABILITY MEASURES RELATING TO THE ADVANCED BATTLE MANAGEMENT SYSTEM.

Directs the Secretary of the Air Force to define key technical, programmatic, and operational characteristics for the Advanced Battle Management System with cost estimates.

SEC. 241. MEASURING AND INCENTIVIZING PROGRAMMING PROFICIENCY.

Directs the Secretary of Defense to leverage existing civilian software development and software architecture certification programs to implement coding language proficiency and artificial intelligence competency tests within the Department of Defense.

SEC. 242. MODIFICATION OF SCIENCE, MATHEMATICS, AND RESEARCH FOR TRANSFORMATION (SMART) DEFENSE EDUCATION PROGRAM.

Modifies the SMART program by including those serving on active duty in the Armed Forces and adds arrangements so that participants may participate in a paid internship. Also directs the Secretary of Defense to enter into partnerships with minority institutions of higher education.

SEC. 244. MODIFICATION OF MECHANISMS FOR EXPEDITED ACCESS TO TECHNICAL TALENT AND EXPERTISE AT ACADEMIC INSTITUTIONS.

Modifies the current program to increase the number of participating institutions and adds additive manufacturing.

SEC. 245. ENCOURAGEMENT OF CONTRACTOR SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS (STEM) PROGRAMS.

Directs the Under Secretary of Defense for Acquisition and Sustainment to develop programs and incentives to ensure that Department of Defense contractors invest in STEM from K-12 through to Universities.

[SEC. 341. NATIONAL DEFENSE SUSTAINMENT AND LOGISTICS REVIEW.](#)

Directs a National Defense Sustainment and Logistics Review when building the National Defense Strategy.

[SEC. 365. PLANS AND REPORTS ON EMERGENCY RESPONSE TRAINING FOR MILITARY INSTALLATIONS.](#)

Requires the Secretary of Defense ensure that each military installation 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.

[SEC. 587. IMPROVEMENTS TO PARTNER CRITERIA OF THE MILITARY SPOUSE EMPLOYMENT PARTNERSHIP PROGRAM.](#)

Directs the Secretary of Defense to evaluate the partner criteria set forth in the Military Spouse Employment Partnership Program and implement updates that the Secretary determines will improve such criteria without diminishing the need for partners to exhibit sound business practices, broad diversity efforts, and relative financial stability.

[SEC. 588. 24-HOUR CHILD CARE.](#)

Requires the Secretary of Defense conduct a study and implement furnishing child care to each child of a member of the Armed Forces or civilian employee of the Department of Defense while that member or employee works on rotating shifts at a military installation, if feasible.

[SEC. 589. PILOT PROGRAM TO PROVIDE FINANCIAL ASSISTANCE TO MEMBERS OF THE ARMED FORCES FOR IN-HOME CHILD CARE.](#)

Directs the Secretary of Defense to establish a pilot program to provide financial assistance to members of the Armed Forces who pay for services provided by in-home child care providers.

[SEC. 591. EXPANSION OF DEPARTMENT OF DEFENSE STARBASE PROGRAM.](#)

Adds Art and Design to the STEM program.

[SEC. 622. RESTATEMENT AND CLARIFICATION OF AUTHORITY TO REIMBURSE MEMBERS FOR SPOUSE RELICENSING COSTS PURSUANT TO A PERMANENT CHANGE OF STATION.](#)

Adds clarity to the current program.

[SEC. 816. DOCUMENTATION PERTAINING TO COMMERCIAL ITEM DETERMINATIONS.](#)

Clarifies required documentation.

[SEC. 861. INITIATIVES TO SUPPORT SMALL BUSINESSES IN THE NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.](#)

Requires the Secretary of Defense establish initiatives to increase the effectiveness of leveraging small businesses to eliminate gaps and vulnerabilities in the national technology and industrial base and expand the number of small businesses in the national technology and industrial base.

[SEC. 1076. QUARTERLY BRIEFINGS ON JOINT ALL DOMAIN COMMAND AND CONTROL EFFORT.](#)

Creates a requirement for a Quarterly briefing to the Committees on Armed Services of the Senate and House of Representatives on the progress of the Department's Joint All Domain Command and Control

[SEC. 1108. TEMPORARY AUTHORITY TO APPOINT RETIRED MEMBERS OF THE ARMED FORCES TO POSITIONS IN THE DEPARTMENT OF DEFENSE.](#)

Allows the appointment of retired members of the Armed Forces to positions in the Department of Defense civil service within 180 days of retirement, with limitations regarding rank.

[SEC. 1738. ASSISTANCE FOR SMALL MANUFACTURERS IN THE DEFENSE INDUSTRIAL SUPPLY CHAIN ON MATTERS RELATING TO CYBERSECURITY.](#)

Allows awarding of financial assistance to a "Center" for the purpose of providing cybersecurity services to small manufacturers. Intent is to support achieving compliance with the Cybersecurity Maturity Model Certification.

[SEC. 2804. CONSIDERATION OF ENERGY SECURITY AND ENERGY RESILIENCE IN LIFE-CYCLE COST FOR MILITARY CONSTRUCTION.](#)

Requires evaluating the life-cycle designed cost of a covered military construction project to include as a facility requirement the long-term consideration of energy security and energy resilience.

[SEC. 2826. IMPROVED ELECTRICAL METERING OF DEPARTMENT OF DEFENSE INFRASTRUCTURE SUPPORTING CRITICAL MISSIONS.](#)

Directs improving the metering of electrical energy usage of covered defense structures to accurately determine energy consumption by such a structure to increase energy efficiency and improve energy resilience.

[SEC. 2861. PILOT PROGRAM TO AUTHORIZE USE OF COST SAVINGS REALIZED FROM INTERGOVERNMENTAL SERVICES AGREEMENTS FOR INSTALLATION-SUPPORT SERVICES.](#)

Creates a pilot program to allow a base commander authorization to access cost savings funds for local use.

[SEC. 2862. DEPARTMENT OF DEFENSE PILOT PROGRAM TO EVALUATE EXPANSION OF LAND EXCHANGE AUTHORITY.](#)

Creates a pilot program to convey real property, including any improvements, to persons who agree to provide installation support services and other services.

[SEC. 2871. REPORTS REGARDING DECISION-MAKING PROCESS USED TO LOCATE OR RELOCATE MAJOR HEADQUARTERS AND CERTAIN MILITARY UNITS AND WEAPON SYSTEMS.](#)

Directs Service Secretaries to report to Congress on their respective strategic basing processes.

[SEC. 2882. DEFENSE COMMUNITY INFRASTRUCTURE PROGRAM.](#)

Authorizes the second year of DCIP program funding.

[SEC. 2883. CONSIDERATION OF CERTAIN MILITARY FAMILY READINESS ISSUES IN MAKING BASING DECISIONS ASSOCIATED WITH CERTAIN MILITARY UNITS AND MAJOR HEADQUARTERS.](#)

Directs Service Secretaries to include military spousal portability of licensure and certification, housing, health care and other factors that Secretary considers appropriate in strategic basing decisions.

[Conference Report Legislative Provisions Not Adopted](#)

While these provisions are not adopted, the conference committee will often direct reporting or other criteria based on prior law. An excellent example of this is the encouragement of the Secretary of Defense to utilize fully all available direct hire authority provided by [section 9905 of Title 5](#). We would encourage review of this section in detail.

NDAA Legislative Provisions

SEC. 139. MODIFICATION TO LIMITATION ON RETIREMENT OF U-2 AND RQ-4 AIRCRAFT.

Section 136 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1317) is amended by striking subsection (b) and inserting the following new subsection (b):

“(b) WAIVER.—The Secretary of Defense may waive a certification requirement under paragraphs (1) or (2) of subsection (a) with respect to U-2 aircraft or RQ-4 aircraft if the Secretary—

“(1) with respect to the requirement under paragraph (1) of that subsection—

“(A) determines, after analyzing sufficient and relevant data, that a greater capability is worth increased operating and sustainment costs; and “(B) provides to the appropriate committees of Congress a certification on such determination and supporting analysis; and

“(2) with respect to the requirement under paragraph (2) of that subsection—

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

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

Conference Report:

The House bill contained a provision (sec. 124) that would limit obligation or expenditure of 50 percent of the funding available for the Advanced Battle Management System until one of three conditions is met: (1) The Secretary of the Air Force certifies that the Air Force will not retire any RQ-4 Global Hawk aircraft during fiscal year 2021; (2) The Under Secretary of Defense for Acquisition and Sustainment certifies that the validated operating and sustainment costs of any capability developed to replace the RQ-4 aircraft are less than the validated operating and sustainment costs for the RQ-4 aircraft on a comparable flight-hour cost basis, and the Chairman of the Joint Requirements Oversight Council certifies that any replacement capability for the RQ-4 aircraft 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; or (3) The Secretary of Defense certifies that a replacement capability for the RQ-4 aircraft is worth increased operating and sustainment costs.

The Senate amendment contained a similar provision (sec. 148) that would limit the retirement of any U-2 or RQ-4 aircraft

until the Chairman of the Joint Requirements Oversight Council certifies to the congressional defense and intelligence committees that the operational capabilities available to the combatant commanders would not be affected by such a decision.

The House recedes with a clarifying amendment that would amend the waiver requirements to the certification required by section 136 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91).

The conferees note that section 136 of the National Defense Authorization Act for Fiscal Year 2018 clearly defines the necessary requirements and approval authorities the Air Force would need to take to begin the retirement or divestment of either the RQ-4 or U-2 aircraft. In February 2020, the Air Force transmitted a budget proposal to the Congress that sought to divest all RQ-4 Block 30 and Block 20 aircraft. Contrary to section 136 of the National Defense Authorization Act for Fiscal Year 2018, the Air Force did not provide either the required certifications or a waiver from the Secretary of Defense. The conferees further note that, 10 months after the fiscal year 2021 budget submission, neither of these existing requirements for RQ-4 aircraft retirement have been met. The conferees understand and acknowledge that modernizing airborne intelligence, surveillance, and reconnaissance (ISR) capabilities will necessitate divestment of legacy systems.

However, the conferees remain concerned about the Air Force's continued inability to execute an ISR acquisition and replacement plan that appropriately manages operational risk to the global combatant commanders, as well as the service's failure to comply with current public law. However, until the Air Force provides a comprehensive ISR modernization plan, addressed elsewhere in this bill, the conferees will continue to be concerned about the sequence of retiring operational aircraft without a suitable replacement capability in place and available.

SEC. 140. MODIFICATION OF LIMITATION ON AVAILABILITY OF FUNDS FOR RETIREMENT OF E-8 JSTARS AIRCRAFT.

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

(1) in subsection (a), by striking “certifies to the congressional defense committees that Increment 2 of the Advanced Battle-Management System of the Air Force has declared initial operational capability as defined in the Capability Development Document for the System” and inserting “certifies to the congressional defense committees that—

“(1) the Secretary has identified—

“(A) a capability with sufficient capacity to replace the current fleet of 16 E–8 Joint Surveillance Target Attack Radar System aircraft in a manner that meets global combatant command requirements; and

“(B) potential global basing locations for such capability; and

“(2) such replacement capability delivers capabilities that are comparable or superior to the capabilities delivered by such aircraft.”; and (2) in subsection (c)—

(A) in paragraph (3), by striking “Increment 1, 2, and 3”; and

(B) in paragraph (4), by striking “until Increment 2 of the Advanced Battle-Management System declares initial operational capability” and inserting “until the Advanced Battle Management System delivers equivalent capability”.

Conference Report:

The House bill contained a provision (sec. 123) that would amend section 147(a) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232) to prohibit any use of funds authorized to be appropriated in fiscal year 2021 or any subsequent year for the Air Force to retire, or prepare to retire, any E-8 Joint Surveillance Target Attack Radar System (JSTARS) aircraft until the date on which the Secretary of Defense certifies to the congressional defense committees that there is a replacement capability identified that meets or exceeds the current capability and capacity of the 16-aircraft E-8 fleet to meet global combatant command requirements.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

The conferees note that JSTARS ground moving target indicator and airborne battle management and command and control capabilities continue to be in high demand from global combatant commanders. While the conferees are aware that planned replacement capabilities are under development and making progress, the conferees are concerned about insufficient modernization and sustainment funding for the current platforms.

The conferees expect to see adequate resources budgeted in fiscal years 2022 and beyond while JSTARS is flying these missions in support of overseas operations. Preserving the resident JSTARS command and control expertise with decades' worth of combat experience should be a high priority for the Air Force.

SEC. 146. ANALYSIS OF MOVING TARGET INDICATOR 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 commanders of the combatant commands, shall develop an analysis of current and future moving target indicator requirements across the combatant commands and operational and tactical level command and control capabilities the Advanced Battle Management System (ABMS) will require 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 Oversight Council (JROC) shall certify that requirements for the Advanced Battle Management System incorporate the findings of the analysis.

(2) CONGRESSIONAL NOTIFICATION.—The Joint Requirements Oversight Council 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.

Conference Report:

The Senate amendment contained a provision (sec. 152) that would require the Secretary of the Air Force to develop an analysis of current ground moving target indicator requirements across the combatant commands and the capability that the Advanced Battle Management System will require when fielded.

The House bill contained no similar provision.

The House recesses with a clarifying amendment.

SEC. 152. TRANSFER OF RESPONSIBILITIES AND FUNCTIONS RELATING TO ELECTROMAGNETIC SPECTRUM OPERATIONS.

(a) TRANSFER.—Not later than two years after the date of the enactment of this Act and in accordance with the plan developed pursuant to subsection (b), the Secretary of Defense shall transfer to an appropriate entity within the Department of Defense all the responsibilities and functions of the Commander of the United States Strategic Command that are germane to electromagnetic spectrum operations (EMSO), 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) PLAN FOR TRANSFER OF RESPONSIBILITIES.—

(1) IN GENERAL.—Not later than 180 days before the date of the transfer of responsibilities required by subsection (a), the Secretary shall develop a plan to carry out the transfer.

(2) CONSIDERATIONS.—In developing the plan required by paragraph (1), the Secretary shall consider the following:

(A) All appropriate entities having potential for designation as the receiving electromagnetic spectrum operations organization, including elements of the Joint Staff, the functional and geographic combatant commands, Department of Defense offices and agencies, and other organizations, including the establishment of a new entity for that purpose within any such entity.

(B) Whether the receiving electromagnetic spectrum operations organization should have a unitary structure or hybrid structure (in which operational and capability development and direction are headed by separate organizations).

(C) The resources required by the receiving electromagnetic spectrum operations organization to fulfill the responsibilities and functions specified in subsection (a).

(D) The results of the evaluations carried out pursuant to subsections (c) and (d).

(3) SUBMITTAL TO CONGRESS.—Not later than 180 days before the date of the transfer of responsibilities required by subsection (a), the Secretary shall submit to Congress the following:

(A) The plan developed under paragraph (1).

(B) The construct and elements of the receiving electromagnetic spectrum operations organization under the plan, including the allocation of responsibilities among senior officials in such organization.

(C) The analysis conducted to determine the electromagnetic spectrum operations organization, including the input in the plan or analysis of the results of consultation with any independent entities involved in development of the plan.

(D) The resources required to implement the plan, and a timeline for the receiving electromagnetic spectrum operations organization to reach initial operational capability and full operational capability.

(c) EVALUATIONS OF ARMED FORCES.—

(1) IN GENERAL.—Not later than October 1, 2021, and annually thereafter through 2025, 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 carry out an evaluation of the ability of the Armed Force concerned to perform electromagnetic spectrum operations missions required by each of the following:

(A) The Electromagnetic Spectrum Superiority Strategy.

(B) The Joint Staff-developed concept of operations for electromagnetic spectrum operations.

(C) The operations and contingency plans of the combatant commands.

(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.

(d) EVALUATIONS OF COMBATANT COMMANDS.—

(1) IN GENERAL.—Not later than October 1, 2021, and annually thereafter through 2025, 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 carry out an evaluation of the plans and posture of the command concerned to execute the electromagnetic spectrum operations envisioned in each of the following:

(A) The Electromagnetic Spectrum Superiority Strategy.

(B) The Joint Staff-developed concept of operations for electromagnetic spectrum 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.

(e) 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 Committees on Armed Services of the Senate and the House of Representatives on the implementation of this section by each of the Joint Staff, the Armed Forces, and the combatant commands.

Conference Report:

The Senate amendment contained a provision (sec. 173) that would: (1) Require the Secretary of Defense to transition to the Chairman of the Joint Chiefs of Staff (CJCS) 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 (EMSO); (2) Define additional responsibilities related to EMSO for the Vice CJCS; and (3) Require the combatant commanders and service chiefs to assess their plans and programs for consistency with the Electromagnetic Spectrum Superiority Strategy, the Joint Staff-developed concept of operations, and operational requirements.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Secretary of Defense to consolidate electromagnetic spectrum operations within 2 years to an appropriate entity within the Department of Defense. Additionally, the chiefs of the services are required to evaluate the Armed Forces' capability to perform electromagnetic spectrum operations.

SEC. 157. JOINT ALL DOMAIN COMMAND AND CONTROL REQUIREMENTS.

(a) **VALIDATION OF REQUIREMENTS BY JOINT REQUIREMENTS OVERSIGHT COUNCIL.**—Not later than April 1, 2021, the Joint Requirements Oversight Council (JROC) shall validate requirements for Joint All Domain Command and Control (JADC2).

(b) **AIR FORCE CERTIFICATION.**—Immediately after the validation of requirements pursuant to subsection (a), the Chief of Staff of the Air Force shall submit to the congressional defense committees a certification that the current Joint All Domain Command and Control effort, including programmatic and architecture efforts, being led by the Air Force will meet the requirements validated by the Joint Requirements Oversight Council.

(c) **CERTIFICATION BY OTHER ARMED FORCES.**—

Not later than July 1, 2021, the chief of staff of each Armed Force other than the Air Force shall submit to the congressional defense committees a certification whether the efforts of such Armed Force on multi-domain command and control are compatible with Joint All Domain Command and Control architecture.

(d) **BUDGETING.**—The Secretary of Defense shall incorporate the expected costs for full development and implementation of Joint All Domain Command and Control across the Department of Defense in fiscal year 2022 in the budget of the President for fiscal year 2022 as submitted to Congress under section 1105 of title 31, United States Code.

Conference Report:

The Senate amendment contained a provision (sec. 182) that would require the Joint Requirements Oversight Council (JROC) to produce Joint All Domain Command and Control (JADC2) requirements no later than April 1, 2021. The provision would also require, immediately after the certification of requirements, the Chief of Staff of the Air Force to provide a certification to the congressional defense committees that the current JADC2 efforts, including programmatic and architecture efforts, being led by the Air Force will meet the requirements laid out by the JROC. Additionally, each service chief would be required to certify to the congressional defense committees that his or her respective service efforts in multi domain command and control are compatible with the Air Force-led architecture no later than July 1, 2021. Finally, the Secretary of Defense would be required to incorporate the expected costs for full development and implementation across the Department of Defense in the fiscal year 2022 budget request.

The House bill contained no similar provision.

The House recesses with a clarifying amendment.

SEC. 164. ACCELERATION OF DEVELOPMENT AND FIELDING OF COUNTER UNMANNED AIRCRAFT SYSTEMS ACROSS THE JOINT FORCE.

(a) IMMEDIATE OBJECTIVE FOR EXECUTIVE AGENT FOR C-SUAS.—The Executive Agent of the Joint Counter Small Unmanned Aircraft Systems (C-sUAS) Office, as designated by the Under Secretary of Defense for Acquisition and Sustainment, shall prioritize the objective of developing and executing a plan to develop, test, and begin production of a counter unmanned aircraft system that can be fielded as early as fiscal year 2021 to meet immediate operational needs in countering Group 1, 2, and 3 unmanned aircraft systems and, to the extent practical, has the potential to counter other, larger unmanned aircraft systems.

(b) DEVELOPMENT AND FIELDING OF C-SUAS SYSTEMS IN FISCAL YEAR 2021.—In carrying out subsection (a), the Executive Agent shall consider the selection of counter unmanned aircraft systems with specific emphasis on systems that—

- (1) have undergone successful realistic operational tests or assessments, or have been or are currently deployed;
- (2) will meet the operational requirements of deployed forces facing current and anticipated unmanned aircraft system (UAS) threats, including effectiveness against unmanned aircraft systems that are not remotely piloted or are not reliant on a command link;
- (3) use autonomous and semi-autonomous systems and processes;
- (4) are affordable, with low operating and sustainment costs;
- (5) build, to the extent practicable, upon systems that were selected for fielding in fiscal year 2021;

(6) reduce or accelerate the timeline for initial operational capability and full operational capability of the counter unmanned aircraft system prioritized by subsection (a);

(7) enable 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 (8) are or include systems or component parts that are commercial items, as required by section 3307 of title 41, United States Code, including a common command and control system.

(c) BRIEFING.—Not later than 90 days after the date of the enactment of this Act, the Executive Agent shall brief the congressional defense committees on the following:

(1) The selection process for counter unmanned aircraft system capabilities prioritized by this section.

(2) The plan prioritized by subsection (a).

(d) OVERSIGHT.—The Executive Agent shall—

(1) oversee the execution of all counter unmanned aircraft systems being developed by the military departments as of the day before the date of the enactment of this Act; and

(2) ensure that the plan prioritized by subsection (a) guides future programmatic and funding decisions for activities relating to counter unmanned aircraft systems, including any cancellation of such activities.

Conference Report:

The Senate amendment contained a provision (sec. 181) that would require the executive agent of the Joint Counter Small Unmanned Aerial Systems office to prioritize counter-unmanned aerial systems that can be fielded in fiscal year 2021 and develop a near-term plan to effect that fielding.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

SEC. 213. MODIFICATION OF NATIONAL SECURITY INNOVATION ACTIVITIES AND PILOT PROGRAM ON STRENGTHENING THE DEFENSE INDUSTRIAL AND INNOVATION BASE.

(a) NATIONAL SECURITY INNOVATION ACTIVITIES.—Section 230 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 10 U.S.C. 2358 note) is amended—

(1) by striking subsection (h);

(2) by redesignating subsections (e) through (g) as subsections (f) through (h), respectively;

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

“(e) ADVISORY ASSISTANCE.—

“(1) IN GENERAL.—The Under Secretary shall establish a mechanism to seek advice from existing Federal advisory committees on matters relating to—

“(A) the implementation and prioritization of activities established under subsection (a); and

“(B) determining how such activities may be used to support the overall technology strategy of the Department of Defense.

“(2) EXISTING FEDERAL ADVISORY COMMITTEES DEFINED.—In this subsection, the term ‘existing Federal advisory committee’ means an advisory committee that—

“(A) is established pursuant to a provision of Federal law other than this section; and

“(B) has responsibilities relevant to the activities established under subsection (a), as determined by the Under Secretary.”; and (4) in paragraph (1) of subsection (g) (as so redesignated) by striking “strengthening manufacturing in the defense industrial base” and inserting “strengthening the defense industrial and innovation base”.

(b) PLAN.—Not later than April 1, 2021, the Under Secretary of Defense for Research and Engineering shall submit to the congressional defense committees a plan that describes—

(1) the mechanism the Under Secretary will use to seek advice from existing Federal advisory committees as required under section 230(e) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 10 U.S.C. 2358 note) (as added by subsection (a) of this section); and

(2) the expected roles and responsibilities of such committees with respect to advising the Under Secretary on the activities established under section 230 of such Act.

(c) PILOT PROGRAM ON DEFENSE INDUSTRIAL AND INNOVATION BASE.—Section 1711 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 10 U.S.C. 2505 note) is amended—

(1) in the section heading, by striking “**MANUFACTURING IN THE DEFENSE INDUSTRIAL BASE**” and inserting “**THE DEFENSE INDUSTRIAL AND INNOVATION BASE**”;

(2) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting “and the defense innovation base” after “industrial base”;

B) in paragraph (1), by inserting “development, prototyping, and manufacturing” before “production”; and

(C) in paragraph (2), by striking “manufacturing and production” and inserting “development, prototyping, and manufacturing”;

(3) in subsection (b)—

(A) by redesignating paragraph (2) as paragraph (3); and

(B) by inserting after paragraph (1) the following new paragraph:

“(2) Section 230 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 10 U.S.C. 2358 note).”;

- (4) in subsection (c)—
 - (A) in paragraph (1), by striking “manufacturing and production” and inserting “development, prototyping, and manufacturing”;
 - (B) in paragraph (3), by striking “manufacturing and production”;
 - (C) in paragraph (4), by striking “manufacturers” and inserting “companies”; and
 - (D) in paragraph (5), by striking “manufacturers” and inserting “companies”;
- (5) in subsection (d), by striking “the date that is four years after the date of the enactment of this Act” and inserting “December 31, 2026”; and
- (6) in subsection (e), by striking “January 31, 2022” and inserting “January 31, 2027”.

Conference Report:

The House bill contained a provision (sec. 218) that would amend section 2358 of title 10, United States Code, by realigning the National Security Innovation Capital (NSIC) program under the Defense Innovation Unit and establishing an advisory board to provide recommendations on defense innovation priority investments once NSIC funding is available. This section would also amend section 2505 of title 10, United States Code, by extending the Defense Manufacturing pilot program.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would retain the existing alignment of NSIC, and, instead of establishing an advisory board, look to the advice and assistance of existing Federal Advisory Committees.

The conferees direct the Under Secretary of Defense for Research and Engineering to consider advice and assistance from the Defense Innovation Board, the Defense Science Board, and the Defense Business Board.

SEC. 219. NATIONAL SECURITY INNOVATION PARTNERSHIPS.

- (a) ESTABLISHMENT.—The Secretary of Defense shall establish an activity—
 - (1) to support partnerships between the Department of Defense and academic institutions, private sector firms in defense and commercial sectors, commercial accelerators and incubators, commercial innovation hubs, public sector organizations, and nonprofit entities with missions relating to national security innovation;
 - (2) to expand the national security innovation base, including through engagement with academia, defense industry, commercial industry, government organizations, and the venture capital community;
 - (3) to accelerate the transition of technologies and services into acquisition programs and operational use;

(4) to work in coordination with the Under Secretary of Defense for Personnel and Readiness, other organizations within the Office of the Secretary, and the Armed Forces to create new pathways and models of national security service that facilitate employment within the Department;

(5) to facilitate engagement with entities described in paragraph (1) for the purpose of developing solutions to national security and defense problems articulated by entities within the Department, including through programs such as the Hacking for Defense program;

(6) to establish physical locations throughout the United States to support partnerships with academic, government, and private sector industry partners; and

(7) to enhance the capabilities of the Department in market research, industrial and technology base awareness, source selection, partnerships with private sector capital, and access to commercial technologies.

(b) AUTHORITIES.—In addition to the authorities provided under this section, in carrying out this section, the Secretary of Defense may use the following authorities:

(1) Section 1599g of title 10, United States Code, relating to public-private talent exchanges.

(2) Section 2368 of title 10, United States Code, relating to Centers for Science, Technology, and Engineering Partnerships.

(3) Section 2374a of title 10, United States Code, relating to prizes for advanced technology achievements.

(4) Section 2474 of title 10, United States Code, relating to Centers of Industrial and Technical Excellence.

(5) Section 2521 of title 10, United States Code, relating to the Manufacturing Technology Program.

(6) Subchapter VI of chapter 33 of title 5, United States Code, relating to assignments to and from States.

(7) Chapter 47 of title 5, United States Code, relating to personnel research programs and demonstration projects.

(8) Section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a) and section 6305 of title 31, United States Code, relating to cooperative research and development agreements.

(9) Such other authorities as the Secretary considers appropriate.

(c) IMPLEMENTATION.—

(1) SUPPORT FROM OTHER DEPARTMENT OF DEFENSE ORGANIZATIONS.—The Secretary of Defense may direct other organizations and elements of the Department of Defense to provide personnel, resources, and other support to the activity established under this section, as the Secretary determines appropriate.

(2) IMPLEMENTATION PLAN.—

(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 plan for implementing the activity established under this section.

(B) ELEMENTS.—The plan required under subparagraph (A) shall include the following:

(i) Plans that describe any support that will be provided for the activity by other organizations and elements of the Department of Defense under paragraph (1).

(ii) Plans for the implementation of the activity, including plans for—

(I) future funding and administrative support of the activity;

(II) integration of the activity into the programming, planning, budgeting, and execution process of the Department of Defense;

(III) integration of the activity with the other programs and initiatives within the Department that have missions relating to innovation and outreach to the academic and the private sector ; and

(IV) performance indicators by which the activity will be assessed and evaluated.

(iii) A description of any additional authorities the Secretary may require to effectively carry out the responsibilities under this section.

Conference Report:

The House bill contained a provision (sec. 215) that would amend chapter 139 of title 10, United States Code, by inserting a new section, 2358c National Security Innovation Network. This new section would establish a program office to be known as the National Security Innovation Network as a permanent office within the Under Secretary of Defense for Research and Engineering or another organization at the discretion of the Secretary of Defense. This section would require the Comptroller General of the United States to submit a review of the report to the congressional defense committees not later than 180 days after the Secretary's implementation report. Finally, this section would require the Comptroller General to review and submit an evaluation of the program to the appropriate congressional committees not later than 3 years after the date of the enactment of this Act.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that establishes an activity on national security innovation partnerships. The amendment includes modifications to the elements of the activity and modifications to the implementation.

The conferees direct the Comptroller General of the United States to complete an evaluation of the activity established by this section and submit to the congressional defense committees

a report on the results of the evaluation not later than 3 years after the date of the enactment of this Act.

SEC. 221. ACCOUNTABILITY MEASURES RELATING TO THE ADVANCED BATTLE MANAGEMENT SYSTEM.

(a) COST ASSESSMENTS.—

(1) INITIAL COST ESTIMATE.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Air Force, in consultation with the Director of Cost Assessment and Program Evaluation, shall—

(A) define key technical, programmatic, and operational characteristics for the Advanced Battle Management System; and

(B) produce an initial cost estimate for the System that includes—

(i) estimated costs for each product category described in the report submitted to Congress under section 236 the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1281); and

(ii) a description of each cost estimating methodology used in the preparation of the estimate.

(2) REVIEW AND REPORT.—Not later than 120 days after the completion of the estimate required under paragraph (1), the Air Force Cost Analysis Agency shall—

(A) conduct a non-advocate cost assessment of the estimate; and

(B) submit to the congressional defense committees and the Government Accountability Office a report on the results of the assessment.

(b) PROGRAM UPDATE BRIEFINGS.—

(1) IN GENERAL.—Beginning not later than January 1, 2021, and on a quarterly basis thereafter, the Secretary of the Air Force shall provide to the congressional defense committees a program update briefing on the Advanced Battle Management System and all associated technologies.

(2) ELEMENTS.—Each briefing under paragraph (1) shall include—

(A) a detailed explanation of any on-ramp exercise of the Advanced Battle Management System conducted during the quarter covered by the report, including an explanation of—

(i) the objectives achieved by the exercise and any data collected for the purposes of decision making;

(ii) identification of the portions of the exercise that were scripted and unscripted and any technical workarounds or substitutes used for purposes of the exercise; and

(iii) the interim capabilities provided to combatant commanders after the conclusion of the exercise (commonly known as “leave behind” capabilities) and a plan for the sustainment or upgrade of such capabilities; and

(iv) the total cost of the exercise and a breakdown of the costs with respect to technology, range and demonstration resources, personnel, and logistics; and

(B) such other information as the Secretary of the Air Force determines appropriate.

(c) **REPORT ON SECURITY AND RESILIENCY MEASURES.**—At the same time as the budget of the President for fiscal year 2022 is submitted to Congress pursuant to section 1105(a) of title 31, United States Code, the Secretary of the Air Force shall submit to the congressional defense committees a report that describes how the Secretary plans to ensure the security and resiliency of the Advanced Battle Management System, including a description of any information assurance and anti-tamper requirements for the System.

(d) **ADDITIONAL REPORT AND BRIEFINGS.**—Not later than April 1, 2021, the Secretary of the Air Force shall submit to the congressional defense committees the following:

(1) **REPORT ON PLANNED CAPABILITIES.**—A report on the planned product line capabilities of the Advanced Battle Management System, including—

(A) a description of the technologies needed to implement and achieve such product line capabilities;

(B) a timeline for the technical maturation of such product line capabilities; and

(C) a notional schedule for fielding such product line capabilities over the period covered by the most recent future-years defense program submitted under section 221 of title 10, United States Code, as of the date of the report.

(2) **BRIEFING ON ACQUISITION AUTHORITIES.**— A briefing on the allocation of responsibilities among the individuals and entities responsible for acquisition for the Advanced Battle Management System, including an explanation of how decision-making and governance of the acquisition process is allocated among the Assistant Secretary of the Air Force for Acquisition, Technology, and Logistics, the Chief Architect Integration Office, the Air Force Warfighting Integration Capability, and other entities within the Department of the Air Force that are expected provide capabilities for the System.

(3) **BRIEFING ON ALIGNMENT WITH COMMON MISSION CONTROL CENTER.**—A briefing, which may be provided in classified or unclassified form, that explains how, and to what extent, the Advanced Battle Management System will be aligned and coordinated with the Common Mission Control Center of the Air Force.

(e) **ADVANCED BATTLE MANAGEMENT SYSTEM DEFINED.**—In this section, the term “Advanced Battle Management System” has the meaning given that term in section 236(c) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1281).

(f) **CONFORMING REPEAL.**—Section 147(g) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1670) is repealed.

Conference Report:

The House bill contained a provision (sec. 227) that would require the Director of Cost Assessment and Program Evaluation

to conduct an independent assessment of life-cycle costs for the Advanced Battle Management System (ABMS) and review any cost estimate of the system prepared by the Department of the Air Force. The provision would also require the Secretary of the Air Force to report to the congressional defense committees on the planned capabilities, acquisition authorities, and security measures related to ABMS.

The Senate amendment contained a similar provision (sec. 238) that would require the Secretary of the Air Force to submit specific documentation germane to the Advanced Battle Management System immediately upon enactment of this Act.

The Senate recedes with a clarifying amendment that would require the Secretary of the Air Force to consult with the Director of Cost Assessment and Program Evaluation and conduct an initial cost estimate for each ABMS product category.

The conferees appreciate the rationale for ABMS and support the objective of comprehensive, interoperable battle management and command and control. The conferees maintain that better definition of anticipated ABMS capabilities and costs will focus both congressional oversight and service development and execution of the ABMS family of systems.

SEC. 241. MEASURING AND INCENTIVIZING PROGRAMMING PROFICIENCY.

(a) IN GENERAL.—Not later than two years after the date of the enactment of this Act, the Secretary of Defense shall carry out the following activities:

(1) Leverage existing civilian software development and software architecture certification programs to implement coding language proficiency and artificial intelligence competency tests within the Department of Defense that—

(A) measure an individual's competency in using machine learning tools, in a manner similar to the way the Defense Language Proficiency Test measures competency in foreign language skills;

(B) enable the identification of members of the Armed Forces and civilian employees of the Department of Defense who have varying levels of quantified coding comprehension and skills and a propensity to learn new programming paradigms, algorithms, and data analytics; and

(C) include hands-on coding demonstrations and challenges.

(2) Update existing recordkeeping systems to track artificial intelligence and programming certification testing results in a manner that is com4

parable to the system used for tracking and documenting foreign language competency, and use that recordkeeping system to ensure that workforce coding and artificial intelligence comprehension and skills are taken into consideration when making assignments.

(3) Implement a system of rewards, including appropriate incentive pay and retention incentives, for members of the Armed Forces and civilian employees of the Department of Defense who perform successfully on specific language coding proficiency and artificial intelligence competency tests and make their skills available to the Department.

(b) INFORMATION SHARING WITH OTHER FEDERAL AGENCIES.—The Secretary of Defense shall share information on the activities carried out under subsection (a) with the Secretary of Homeland Security, the Attorney General, the Director of National Intelligence, and the heads of such other organizations of the intelligence community as the Secretary determines appropriate, for purposes of—

(1) making information about the coding language proficiency and artificial intelligence competency tests developed under such subsection available to other Federal national security agencies; and (2) encouraging the heads of such agencies to implement tracking and reward systems that are comparable to those implemented by the Department of Defense pursuant to such subsection.

(c) SPECIAL PAY FOR PROGRAMMING LANGUAGE PROFICIENCY BENEFICIAL FOR NATIONAL SECURITY INTERESTS.—

(1) IN GENERAL.—Chapter 81 of title 10, United States Code, is amended by inserting after section 1596b the following new section:

“§ 1596c. Programming language proficiency: special pay for proficiency beneficial for national security interests

“(a) AUTHORITY.—The Secretary of Defense, under the sole and exclusive discretion of the Secretary, may pay special pay under this section to an employee of the Department of Defense who—

“(1) has been certified by the Secretary to be proficient in a computer or digital programming language identified by the Secretary as being a language in which proficiency by civilian personnel of the Department is necessary because of national security interests; and

“(2) is assigned duties requiring proficiency in that programming language.

“(b) RATE.—The rate of special pay for an employee under this section shall be prescribed by the Secretary, but may not exceed 20 percent of the employee’s rate of basic pay.

“(c) RELATIONSHIP TO OTHER PAY AND ALLOWANCES.—Special pay under this section is in addition to any other pay or allowances to which the employee is entitled.

“(d) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out this section.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 81 of such title is amended by inserting after the item relating to section 1596b the following new item:

“1596c. Programming language proficiency: special pay for proficiency beneficial for national security interests.”.

Conference Report:

The House bill contained a provision (sec. 222) that would direct the Secretary of Defense to leverage existing civilian software development and software architecture certification programs to implement coding language proficiency and artificial intelligence competency tests within the Department of Defense.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would authorize the Secretary of Defense to provide special pay to civilian employees of the Department of Defense who have been certified as proficient in a computer or digital programming language and are assigned duties requiring proficiency in that programming language.

SEC. 242. MODIFICATION OF SCIENCE, MATHEMATICS, AND RESEARCH FOR TRANSFORMATION (SMART) DEFENSE EDUCATION PROGRAM.

Section 2192a of title 10, United States Code, is amended—

(1) in subsection (c)(1)(B)(i), by inserting “, including by serving on active duty in the Armed Forces” after “Department”;

(2) in subsection (d)—

(A) in paragraph (1), by striking “; and” and inserting a semicolon;

(B) in paragraph (2), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following new paragraph: “(3) may establish arrangements so that participants may participate in a paid internship for an appropriate period with an industry sponsor.”; and

(3) in subsection (f)—(A) by inserting “(1)” before “The Secretary”; and

(B) by adding at the end the following new paragraph: “(2) The Secretary of Defense shall seek to enter into partnerships with minority institutions of higher education and appropriate public and private sector organizations to diversify the participants in the program under subsection (a).”.

Conference Report:

The House bill contained a provision (sec. 211) that would amend section 2192a of title 10, United States Code, by establishing a scholarship for service pilot subprogram under the Department of Defense's Science, Mathematics, and Research for Transformation (SMART) Defense Education Program for students at minority institutions to diversify and strengthen the national security workforce. This section would require the Secretary of Defense to submit an initial report to the congressional defense committees by December 31, 2022 on the

establishment of the pilot subprogram and a final report by September 30, 2024 on the success of the pilot program in recruiting individuals for scholarships under this section and hiring and retaining those individuals in the public sector workforce.

This section would also require the Secretary to pay participants at a rate that is comparable to the private sector and include a paid internship requirement with defense industry, and it would require that not less than 20 percent of SMART program scholarship awards go to individuals pursuing degrees in computer science or a related field of study.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment with modifications to the SMART program, a modified provision on national security workforce and educational diversity activities, and a provision to increase coordination of scholarship and employment programs of the Department of Defense.

Not later than December 31, 2022, the Secretary of Defense shall submit to the congressional defense committees a report on the establishment of activities responding to this section. At a minimum, the report shall identify the number of minority students participating in relevant programs as of the date of the report, the fields of study pursued by such students, and the institutions at which such students are enrolled.

This language is also covered in sections 250 and 251 of this Act.

SEC. 244. MODIFICATION OF MECHANISMS FOR EXPEDITED ACCESS TO TECHNICAL TALENT AND EXPERTISE AT ACADEMIC INSTITUTIONS.

Section 217 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 10 U.S.C. 2358 note) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking “National Defense Authorization Act for Fiscal Year 2020” and inserting “William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021”; and

(ii) by striking “not fewer than three” and inserting “not fewer than four”;

(B) by redesignating paragraph (2) as paragraph (3);

(C) by inserting after paragraph (1) the following new paragraph:

“(2) COORDINATION.—In carrying out paragraph (1), the Secretary of Defense may act through the Defense Advanced Research Projects Agency or any other organization or element of the Department of Defense the Secretary considers appropriate.”; and

(D) in paragraph (3), as so redesignated, by inserting “training,” after “management,”;
(2) in subsection (e)—

(A) in paragraph (28) by striking “Infrastructure resilience” and inserting “Additive manufacturing”;

(B) by redesignating paragraph (30) as paragraph (31); and

(C) by inserting after paragraph (29) the following new paragraph:
“(30) 3D and virtual technology training platforms.”;

(3) by redesignating subsections (f) and (g) as subsection (g) and (h), respectively;

(4) by inserting after subsection (e) the following new subsection:
“(f) REQUIREMENT TO ESTABLISH CONSORTIA.—
“(1) IN GENERAL.—In carrying out subsection (a)(1)—
“(A) the Secretary of Defense shall seek to establish at least one multi-institution consortium through the Office of the Secretary of Defense;
“(B) the Secretary of the Army shall seek to establish at least one multi-institution consortium through the Army;
“(C) the Secretary of the Navy shall seek to establish at least one multi-institution consortium through the Navy; and “(D) the Secretary of the Air Force shall seek to establish at least one multi-institution consortium through the Air Force.
“(2) REPORT REQUIRED.—Not later than September 30, 2022, the Secretary of Defense shall submit to the congressional defense committees a report on the status of the efforts to establish consortia under paragraph (1).”;

(5) in subsection (g), as so redesignated, by striking “2022” and inserting “2026”.

Conference Report:

The House bill contained a provision (sec. 232) that would amend section 217 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91) by modifying mechanisms for expedited access to technical talent and expertise at academic institutions.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would modify the identified activities, including deleting a duplicate reference to infrastructure resilience.

The conferees encourage the Department of Defense to include Historically Black Colleges and Universities and Minority Institutions in the establishment of these consortia and direct that the report required include how many of these institutions are consortia members.

SEC. 245. ENCOURAGEMENT OF CONTRACTOR SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS (STEM) PROGRAMS.

(a) IN GENERAL.—The Under Secretary of Defense for Research and Engineering, in coordination with the Under Secretary of Defense for Acquisition and Sustainment, shall develop programs and incentives to ensure that Department of Defense contractors take appropriate steps to—

(1) enhance undergraduate, graduate, and doctoral programs in science, technology, engineering, and mathematics (in this section referred to as “STEM”);

(2) make investments, such as programming and curriculum development, in STEM programs within elementary schools and secondary schools;

(3) encourage employees to volunteer in elementary schools and secondary schools, including schools that the Secretary of Defense determines serve high numbers or percentages of students from low-income families or that serve significant populations of military dependents, in order to enhance STEM education and programs;

(4) establish partnerships with appropriate entities, including institutions of higher education for the purpose of training students in technical disciplines;

(5) make personnel available to advise and assist in STEM educational activities aligned with functions of the Department of Defense;

(6) award scholarships and fellowships, and establish work-based learning programs in scientific disciplines;

(7) conduct recruitment activities to enhance the diversity of the STEM workforce; or

(8) make internships available to students of secondary schools, undergraduate, graduate, and doctoral programs in STEM disciplines.

(b) AWARD PROGRAM.—The Secretary of Defense shall establish procedures to recognize defense industry contractors that demonstrate excellence in supporting STEM education, partnerships, programming, and other activities to enhance participation in STEM fields.

(c) IMPLEMENTATION.—Not later than 270 days after the date of the enactment of this Act, the Under Secretary of Defense for Research and Engineering shall submit to the congressional defense committees a report on the steps taken to implement the requirements of this section.

(d) DEFINITIONS.—In this section:

(1) The terms “elementary school” and “secondary school” have the meanings given those terms in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(2) The term “institution of higher education” has the meaning given such term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(e) CONFORMING REPEAL.—Section 862 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 10 U.S.C. note prec. 2191) is repealed.

The House bill contained a provision (sec. 212) that would amend chapter 111 of title 10, United States Code, to establish a new section, 2192c, "Program to enhance contractor participation in science, technology, engineering, and mathematics activities." This section would also direct the Secretary of Defense to carry out a program under which the Secretary shall seek to enter into partnerships with Department of Defense contractors to carry out community service activities to promote interest in careers in science, technology, engineering, and math disciplines, and allow those activities to be considered as allowable costs on a Government contract.

The Senate amendment contained no similar provision.

The Senate recedes with amendments that would remove the consideration of allowable cost and would instead modify an existing provision of law, section 862 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81), that directs similar activities, to direct the Department to establish a non-monetary award program to recognize contractors who demonstrate excellence in such activities.

SEC. 341. NATIONAL DEFENSE SUSTAINMENT AND LOGISTICS REVIEW.

(a) IN GENERAL.—Chapter 2 of title 10, United States Code, is amended by inserting after section 118 the following new section:

"§ 118a. National Defense Sustainment and Logistics Review

"(a) REVIEW REQUIRED.—Upon submission of each national defense strategy under section 113(g) of this title, the Secretary of Defense shall conduct a comprehensive review of the sustainment and logistics requirements necessary to support the force structure, force modernization, infrastructure, force deployment capabilities, and other elements of the defense program and policies of the United States during the subsequent 5-, 10-, and 25-year periods. Each such review shall be known as the 'National Defense Sustainment and Logistics Review'. Each such review shall be conducted in consultation with the Secretaries of the military departments, the Chiefs of Staff of the Armed Forces, all functional and geographic combatant commanders, and the Director of the Defense Logistics Agency.

"(b) REPORT TO CONGRESS.—(1) Not later than the first Monday in February of the year following the fiscal year during which the National Defense Strategy was submitted under section 113(g) of this title, the Secretary shall submit to the congressional defense committees a report on the review required by subsection (a). Each such report shall include each of the following:

"(A) An assessment of the strategic, operational, and tactical maritime logistics force (including non-military assets provided by Military Sealift Command, the Maritime Administration, and through the Voluntary Intermodal Sealift Agreement and Voluntary Tanker Agreement) required to support sealift, at sea logistics, and over-the-shore

logistics of forces to meet steady state and contingency requirements and the strategic and intra-theater movement of supplies, personnel, and equipment.

“(B) An assessment of the strategic, operational, and tactical airlift and tankers (including non-military assets provided by the Civil Reserve Air Fleet) required to meet steady state and contingency requirements.

“(C) An assessment of the location, configuration, material condition, and inventory of prepositioned materiel, equipment, and war reserves programs, as well as the ability to store and distribute these items to deployed military forces, required to meet steady state and contingency requirements.

“(D) An assessment of the location, infrastructure, and storage capacity for petroleum, oil, and lubricant products, as well as the ability to store, transport, and distribute such products from storage supply points to deployed military forces, required to meet steady state and contingency requirements.

“(E) An assessment of the capabilities, capacity, and infrastructure of the Department of Defense organic industrial base and private sector industrial base required to meet steady-state and surge software and depot maintenance requirements.

“(F) An assessment of the production capability, capacity, and infrastructure, of the Department of Defense organic industrial base and private sector industrial base required to meet steady-state and surge production requirements for ammunition and other military munitions.

“(G) An assessment of the condition, capacity, location, and survivability under likely threats of military infrastructure located both inside the continental United States and outside the continental United States, including agreements with and infrastructure provided by international partners, required to generate, project, and sustain military forces to meet steady-state and contingency requirements.

“(H) An assessment of the cybersecurity risks to military and commercial logistics networks and information technology systems.

“(I) An assessment of the gaps between the requirements identified under subparagraphs (A) through (H) compared to the actual force structure and infrastructure capabilities, capacity, and posture and the risks associated with each gap as it relates to the ability to meet the national defense strategy.

“(J) A discussion of the identified mitigations being pursued to address each gap and risk identified under subparagraph (I) as well as the initiatives and resources planned to address such gaps, as included in the Department of Defense budget request submitted during the same year as the report and the applicable future-years defense program.

“(K) An assessment of the extent to which wargames incorporate logistics capabilities and threats and a description of the logistics constraints and restraints to operations identified through such wargames.

“(L) An assessment of the ability of the Department of Defense, the Armed Forces, and the combatant commands to leverage and integrate emergent logistics related technologies and advanced computing systems.

“(M) Such other matters the Secretary of Defense considers appropriate.

“(2) In preparing the report under paragraph (1), the Secretary of Defense shall consult with, and consider the recommendations of, the Chairman of the Joint Chiefs of Staff.

“(3) The report required under this subsection shall be submitted in classified form and shall include an unclassified summary.

“(c) COMPTROLLER GENERAL REVIEW.—Not later than 180 days after the date on which Secretary submits each report required under subsection (b), the Comptroller General shall submit to the congressional defense committees a report that includes an assessment of each of the following:

“(1) Whether the report includes each of the elements referred to in subsection (b).

“(2) The strengths and weaknesses of the approach and methodology used in conducting the review required under subsection (a) that is covered by the report.

“(3) Any other matters relating to sustainment that may arise from the report, as the Comptroller General considers appropriate.

“(d) RELATIONSHIP TO BUDGET.—Nothing in this section shall be construed to affect section 1105(a) of title 31.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 118 the following new item:

“118a. National Defense Sustainment and Logistics Review.”.

(c) DEADLINE FOR SUBMITTAL OF FIRST REPORT.—

Notwithstanding the deadline in subsection (b)(1) of section 118a of title 10, United States Code, as added by subsection (a), the Secretary of Defense shall submit the first report under such section not later than the date that is 18 months after the date of the enactment of this Act, unless a new National Defense Strategy is released prior to such date.

Conference Report:

The House bill contained a provision (sec. 351) that would require the Secretary of Defense to conduct a comprehensive examination and submit a report on the sustainment and logistics requirements necessary to support the national military strategy.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment that would require the assessment to be delivered 1 year after the National Defense Strategy is delivered to the Congress as well as broaden those who contribute to the assessment to include all geographic and functional combatant commanders.

SEC. 365. 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 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 enactment 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.—

(i) IN GENERAL.—The Secretary shall include in the budget submitted to Congress 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 submittal of the budget.

(ii) CLASSIFIED FORM.—The summary 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 described in subparagraph (C)(i) for fiscal year 2024.

Conference Report:

The Senate amendment contained a provision (sec. 352) that would require the Secretary of Defense to provide a report due 180 days after the date of the enactment of this Act to the Committees on Armed Services of the Senate and the House of Representatives that includes a review of each Department of Defense installation's training protocols for coordination with local law enforcement for active shooter training.

The House bill contained no similar provision.

The House recesses.

SEC. 587. IMPROVEMENTS TO PARTNER CRITERIA OF THE MILITARY SPOUSE EMPLOYMENT PARTNERSHIP PROGRAM.

(a) EVALUATION; UPDATES.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall evaluate the partner criteria set forth in the Military Spouse Employment Partnership Program (in this section referred to as the “MSEP Program”) and implement updates that the Secretary determines will improve such criteria without diminishing the need for partners to exhibit sound business practices, broad diversity efforts, and relative financial stability. Such updates may expand the number of the following entities that meet such criteria:

(1) Institutions of primary, secondary, and higher education.

(2) Software and coding companies.

(3) Local small businesses.

(4) Companies that employ telework.

(b) NEW PARTNERSHIPS.—Upon completion of the evaluation under subsection (a), the Secretary, in consultation with the Department of Labor, shall seek to enter into agreements with entities described in paragraphs (1) through (4) of subsection (a) that are located near military installations (as that term is defined in section 2687 of title 10, United States Code).

(c) REVIEW; REPORT.—Not later than one year after implementation under subsection (a), the Secretary shall review updates under subsection (a) and publish a report regarding such review on a publicly-accessible website of the Department of Defense. Such report shall include the following:

(1) The results of the evaluation of the MSEP Program, including the implementation plan for any change to partnership criteria.

(2) Data on the new partnerships undertaken as a result of the evaluation, including the type, size, and location of the partner entities.

(3) Data on the utility of the MSEP Program, including—

(A) the number of military spouses who have applied through the MSEP Program;

(B) the average length of time a job is available before being filled or removed from the MSEP Program portal; and

(C) the average number of new jobs posted on the MSEP Program portal each month.

Conference Report:

The House bill contained a provision (sec. 570D) that would require the Secretary of Defense to conduct an evaluation of the partner criteria of the Military Spouse Employment Partnership Program (MSEP) and to implement any improvements determined to be necessary.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to conduct an evaluation of the partner criteria of the Military Spouse Employment Partnership Program and to implement any improvements determined to be necessary.

Not later than 1 year after implementation of the improvements from the evaluation, the Secretary will publish a report on the review, to include: (1) The results of the evaluation of the MSEP program; (2) Data on the new partnerships undertaken as a result of the evaluation; and (3) Data on the utility of the MSEP program.

SEC. 588. 24-HOUR CHILD CARE.

(a) 24-HOUR CHILD CARE.—If the Secretary of Defense determines it feasible, pursuant to the study conducted pursuant to subsection (b), the Secretary shall furnish child care to each child of a member of the Armed Forces or civilian employee of the Department of Defense while that member or employee works on rotating shifts at a military installation.

(b) FEASIBILITY STUDY; REPORT.—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 of Representatives a report setting forth the results of a study, conducted by the Secretary for purposes of this section, on the feasibility of furnishing child care described in subsection (a).

(c) ELEMENTS.—The report required by subsection (b) shall include the following:

(1) The results of the study described in that subsection.

(2) If the Secretary determines that furnishing child care available as described in subsection (a) is feasible, such matters as the Secretary determines appropriate in connection with furnishing such child care, including—

(A) an identification of the installations at which such child care would be beneficial to members of the Armed Forces, civilian employees of the Department, or both;

(B) an identification of any barriers to making such child care available at the installations identified pursuant to subparagraph (A);

(C) an assessment whether the child care needs of members of the Armed Forces and civilian employees of the Department described in subsection (a) would be better met by an increase in assistance for child care fees;

(D) a description and assessment of the actions, if any, being taken to furnish such child care at the installations identified pursuant to subparagraph (A); and

(E) such recommendations for legislative or administrative action the Secretary determines appropriate to make such child care available at the installations identified pursuant to subparagraph (A), or at any other military installation.

Conference Report:

The House bill contained a provision (sec. 565) that would require the Secretary of Defense to provide childcare to a member of the Armed Forces or civilian employee of the Department of Defense while working a rotating shift at a military installation, if determined feasible.

The Senate amendment contained a similar provision (sec. 1067).

The Senate recedes with an amendment that would require the Secretary of Defense to provide childcare to a member of the Armed Forces or civilian employee of the Department of Defense while working a rotating shift at a military installation, if determined feasible after completing a feasibility study and a

subsequent report to the Committees on Armed Services of the Senate and the House of Representatives.

SEC. 589. PILOT PROGRAM TO PROVIDE FINANCIAL ASSISTANCE TO MEMBERS OF THE ARMED FORCES FOR IN-HOME CHILD CARE.

(a) ESTABLISHMENT.—Not later than March 1, 2021, the Secretary of Defense shall establish a pilot program to provide financial assistance to members of the Armed Forces who pay for services provided by in-home child care providers. In carrying out the pilot program, the Secretary shall take the following steps:

(1) Determine the needs of military families who request services provided by in-home child care providers.

(2) Determine the appropriate amount of financial assistance to provide to military families described in paragraph (1).

(3) Determine the appropriate qualifications for an in-home child care provider for whose services the Secretary shall provide financial assistance to a military family. In carrying out this paragraph, the Secretary shall—

(A) take into consideration qualifications for in-home child care providers in the private sector; and

(B) ensure that the qualifications the Secretary determines appropriate under this paragraph are comparable to the qualifications for a provider of child care services in a military child development center or family home day care.

(4) Establish a marketing and communications plan to inform members of the Armed Forces who live in the locations described in subsection (b) about the pilot program.

(b) LOCATIONS.—The Secretary shall carry out the pilot program in the five locations that the Secretary determines have the greatest demand for child care services for children of members of the Armed Forces.

(c) REPORTS.—

(1) INTERIM REPORTS.—Not later than one year after the Secretary establishes the pilot program and thrice annually thereafter, 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. Each interim report shall include the following elements:

(A) The number of military families participating in the pilot program, disaggregated by location and duration of participation.

(B) The amount of financial assistance provided to participating military families in each location.

(C) Metrics by which the Secretary carries out subsection (a)(3)(B);

(D) The feasibility of expanding the pilot program.

(E) Legislation or administrative action that the Secretary determines necessary to make the pilot program permanent.

(F) Any other information the Secretary determines appropriate.

(2) FINAL REPORT.—Not later than 90 days after the termination of the pilot program, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a final report on the pilot program. The final report shall include the following elements:

(A) The elements specified in paragraph (1).

(B) The recommendation of the Secretary whether to make the pilot program permanent.

(d) TERMINATION.—The pilot program shall terminate five years after the date on which the Secretary establishes the pilot program.

(e) DEFINITIONS.—In this section:

(1) The term “in-home child care provider” means an individual who provides child care services in the home of the child.

(2) The terms “military child development center” and “family home day care” have the meanings given those terms in section 1800 of title 10, United States Code.

Conference Report:

The House bill contained a provision (sec. 563) that would amend section 1798 of title 10, United States Code, expanding the childcare financial assistance program to include in-home childcare providers.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to establish a pilot program to provide financial assistance to members of the Armed Forces who pay for in-home childcare providers.

SEC. 591. EXPANSION OF DEPARTMENT OF DEFENSE STARBASE PROGRAM.

(a) IN GENERAL.—Section 2193b of title 10, United States Code, is amended—

(1) in the section heading, by striking “**science, mathematics, and technology**” and inserting “**science, technology, engineering, art and design, and mathematics**”;

(2) in subsection (a), by striking “science, mathematics, and technology” and inserting “science, technology, engineering, art and design, and mathematics”; and (3) in subsection (b), by striking “mathematics, science, and technology” and inserting “science, technology, engineering, art and design, and mathematics”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 111 of title 10, United States Code, is amended by striking the item relating to section 2193b and inserting the following new item:

“2193b. Improvement of education in technical fields: program for support of elementary and secondary education in science, technology, engineering, art and design, and mathematics.”.

Conference Report:

The House bill contained a provision (sec. 591) that would amend section 2193b of title 10, United States Code, to expand the Department of Defense STARBASE program to include art and design as technical fields in the program.

The Senate amendment contained no similar provision.

The Senate recesses.

SEC. 622. 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 uniformed services 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).

Conference Report:

The House bill contained a provision (sec. 615) that would expand reimbursable state licensure and certification costs for a military spouse arising from relocation.

The Senate amendment contained a similar provision (sec. 574) that would amend section 453 of title 37, United States Code, to authorize the Secretaries of the military departments to reimburse a servicemember of the Armed Forces for the qualified relicensing or credentialing costs of his or her spouse. The provision would repeal the expiring authority in section 476(p) of title 37, United States Code.

The House recedes with a technical amendment.

SEC. 816. DOCUMENTATION PERTAINING TO COMMERCIAL ITEM DETERMINATIONS.

Section 2380 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) DETERMINATIONS REGARDING THE COMMERCIAL NATURE OF PRODUCTS OR SERVICES.—

“(1) IN GENERAL.—In making a determination whether a particular product or service offered by a contractor meets the definition of a commercial product or commercial service, a contracting officer of the Department of Defense may—

“(A) request support from the Director of the Defense Contract Management Agency, the Director of the Defense Contract Audit Agency, or other appropriate experts in the Department to make a determination whether a product or service is a commercial product or commercial service; and

“(B) consider the views of appropriate public and private sector entities.

“(2) MEMORANDUM.—Within 30 days after a contract award, the contracting officer shall, consistent with the policies and regulations of the Department, submit a written memorandum summarizing the determination referred to in paragraph (1), including a detailed justification for such determination.”.

Conference Report:

The House bill contained provisions (secs. 820 and 820c) that would amend section 2380 of title 10, United States Code, to add a requirement that contracting officers make binding determinations on whether a particular product or service meets the definition of a commercial product or commercial service and that would amend section 2306a of title 10, United States Code, to require contracting officers to presume a previous commercial product or commercial service determination.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would instead allow the contracting officer to request support in making a commercial product or a commercial service determination, as well as require the contracting officer to document that determination.

The conferees note that section 2380 of title 10, United States Code, requires the Department to maintain a centralized capability, necessary expertise, and resources to provide assistance in making commercial product and commercial service determinations, and to provide access to previous commercial product and commercial service determinations. The conferees are encouraged by the Secretary of Defense's support for the Commercial Items Group within the Defense Contract Management Agency, which had been responsive to direction by section 831(b)(2) of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239) to establish such an activity.

However, the conferees note the Department has failed to fully comply with statutory requirements and internally manage commercial product and commercial service determinations to ensure consistency across the Department. Therefore, the conferees direct the Secretary of Defense to provide a briefing to the congressional defense committees by March 1, 2021 describing the Department's process for making the written memoranda determination summaries available for use by contracting officers, and the Department's plan for compliance with commercial product and commercial service statutes.

SEC. 861. INITIATIVES TO SUPPORT SMALL BUSINESSES IN THE NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.

(a) IN GENERAL.—The Secretary of Defense, acting through the Assistant Secretary of Defense for Industrial Base Policy (established under section 903 of this Act) and other appropriate officials, in carrying out the activities described under subchapter II of chapter 148 of title 10, United States Code, shall establish initiatives to increase the effectiveness of the Department of Defense in specifically leveraging small businesses to eliminate gaps and vulnerabilities in the national technology and industrial base (as defined in section 2500 of title 10, United States Code) and expand the number of small businesses in the national technology and industrial base.

(b) INITIATIVES.—

(1) UPDATES FOR SMALL BUSINESS STRATEGY.—Not later than October 1, 2022, and biennially thereafter, shall update the small business strategy required under section 2283 of title 10, United States Code, and provide such updated strategy to the congressional defense committees.

(2) IMPLEMENTATION PLAN.—

(A) IN GENERAL.—Not later than March 1, 2023, and biennially thereafter, the Secretary of Defense shall develop an implementation plan consistent with the most recent small business strategy developed under such section 2283, and provide such plan to the congressional defense committees.

(B) ELEMENTS.—The implementation plan described in subparagraph (A) shall include an identification of the following:

(i) Organizations responsible for implementation activities.

(ii) Metrics to evaluate progress of implementation activities.

(iii) Resources to support implementation activities.

(iv) Outcomes achieved as a result of executing the previous small business strategy developed under such section 2283.

(3) MECHANISMS TO ASSESS AND SUPPORT SMALL BUSINESSES IN NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.—The Secretary of Defense shall—

(A) establish policies, procedures, and information repositories to identify small businesses in the defense supply chain, including—

(i) small businesses participating in an acquisition program of a military department or Defense Agency (as defined in section 101(11) of title 10, United States Code);

(ii) small businesses contracting with the Defense Logistics Agency; and (iii) other small businesses in the national technology and industrial base;

(B) establish policies and procedures to assess the financial status of critical small businesses; and

(C) enter into an agreement with the acquisition research organization within a civilian college or university that is described under section 2361a(a) of title 10, United States Code (commonly referred to as the “Acquisition Innovation Research Center”), to analyze mechanisms that could be established to allow the Secretary of Defense to provide direct financial support to critical small businesses that require additional financial assistance, including critical small businesses that are—

(i) contracting with the Defense Logistics Agency;

(ii) subcontractors (at any tier); or

(iii) in critical technology sectors.

(c) REPORTS.—

(1) REPORT ON ACTIVITIES.—Not later than October 1, 2021, the Assistant Secretary of Defense for Industrial Base Policy shall submit to the appropriate committees a report on activities undertaken pursuant to this section.

(2) IMPLEMENTATION PLAN FOR 2019 SMALL BUSINESS STRATEGY.—Not later than June 1, 2021, the Secretary of Defense shall submit an implementation plan for the small business strategy required under section 2283 of title 10, United States Code, and dated October 1, 2019, including an identification of specific responsible individuals and organizations, milestones and metrics, and resources to support activities identified in the implementation plan.

(d) SMALL BUSINESS DEFINED.—In this section, the term “small business” has the meaning given by the Secretary of Defense, except that such term shall include prime contractors and subcontractors (at any tier).

Conference Report:

The House bill contained a provision (sec. 844) that would establish a Small Business Industrial Base Resiliency Program, under which an Assistant Secretary of Defense for Industrial Base Policy (established elsewhere in the Bill) would enter into transactions with small business concerns to respond to the COVID-19 pandemic.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would direct the Secretary of Defense, the Assistant Secretary of Defense for Industrial Base Policy, and other officials to establish several initiatives to help the Department of Defense better leverage small business concerns in its efforts to eliminate gaps and vulnerabilities in the national technology and industrial base.

The conferees note that small businesses play a critical role in ensuring the integrity of the national technology and industrial base. During the COVID-19 pandemic, the Department of Defense has awarded a large number of contracts to small businesses to support the interagency pandemic response. Despite these critical contributions, however, the conferees note there is not a recurring requirement for the Department of Defense to update, implement, and assess the success of its small business strategy. Moreover, the conferees observe that although the U.S. Small Business Administration’s annual scorecard shows the Department and each of the services have reached their small business contracting goals, the number of small businesses contracting with the Department has declined steadily in recent years. The conferees also note that the COVID-19 pandemic has revealed the difficulties of identifying and providing assistance to small businesses in the national technology and industrial base, particularly those small businesses that are in sub-tiers of the defense supply chain. Therefore, the conferees encourage the Assistant Secretary of Defense for Industrial Base Policy, established elsewhere in this Act, to maintain a strong focus on leveraging and expanding the number of small businesses in the national technology and industrial base.

SEC. 1076. QUARTERLY BRIEFINGS ON JOINT ALL DOMAIN COMMAND AND CONTROL EFFORT.

(a) IN GENERAL.—During the period beginning on October 1, 2021, and ending on October 1, 2024, the Vice Chairman of the Joint Chiefs of Staff, the Chief Information Officer of the Department of Defense, and a senior military service representative for each of the Armed Forces shall provide to the Committees on Armed Services of the Senate and House of Representatives quarterly briefings on the progress of the Department’s Joint All Domain Command and Control (in this section referred to as “JADC2”) effort.

(b) ELEMENTS.—Each briefing under subsection (a) shall include, with respect to the JADC2 effort, the following elements:

- (1) The status of the joint concept of command and control.
- (2) How the JADC2 effort is identifying gaps and addressing validated requirements based on the joint concept of command and control.
- (3) Progress in developing specific plans to evaluate and implement materiel and non-materiel improvements to command and control capabilities.
- (4) Clarification on distribution of responsibilities and authorities within the Cross Functional Team, the Armed Forces, and the Office of the Secretary of Defense with respect to JADC2, and how the Armed Forces, the Cross Functional Team, and the Office of the Secretary of Defense are synchronizing and aligning with joint and military concepts, solutions, experimentation, and exercises.
- (5) The status of and review of any recommendations for resource allocation necessary to achieve operational JADC2.
- (6) A sufficiency assessment of planned funding across the future years defense program for the development of JADC2 capabilities.

Conference Report:

The House bill contained a provision (sec. 1746) that would require the Director of the Joint All Domain Command and Control Cross Functional Team, in consultation with the Vice Chairman of the Joint Chiefs of Staff and Chief Information Officer of the Department of Defense, to provide to the Committee on Armed Services of the House of Representatives quarterly briefings on the progress of the Department’s Joint All Domain Command and Control concept.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment that would require the Vice Chairman of the Joint Chiefs of Staff, the Chief Information Officer of the Department of Defense, and a senior military representative for each service to provide to the Committees on Armed Services of the Senate and the House of

Representatives quarterly briefings on the progress of the Department's Joint All Domain Command and Control concept.

SEC. 1108. TEMPORARY AUTHORITY TO APPOINT RETIRED MEMBERS OF THE ARMED FORCES TO POSITIONS IN THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Notwithstanding the requirements of section 3326 of title 5, United States Code, the Secretary of Defense may appoint retired members of the Armed Forces to positions in the Department of Defense described in subsection (b).

(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) at any defense industrial base facility (as that term is defined in section 2208(u)(3) of title 10, United States Code) that is part of the core logistics capabilities (as described in section 2464(a) of such title); and (B) that have been certified by the Secretary of the military department concerned as lacking sufficient numbers of potential applicants.

(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) REPORT.—Not later than two years after the date of enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on this section and the authority provided by this section. The report shall include the following:

(1) A description of the use of such authority, including the positions to which appointments are authorized to be made under such authority and the number of retired members appointed to each such position under such authority.

(2) Any other matters in connection with such section or such authority that the Secretary considers appropriate.

(d) SUNSET.—Effective on the date that is 3 years after the date of enactment of this Act, the authority provided under subsection (a) shall expire.

(e) DEFINITIONS.—In this section, the terms “member” and “Secretary concerned” have the meaning given those terms in section 101 of title 37, United States Code.

Conference Report:

The House bill contained a provision (sec. 1108) that would amend section 3326 of title 5, United States Code, to authorize the Secretary of a military department to appoint recently retired servicemembers as civilian employees in the Department

of Defense at industrial base facilities, provided the Secretary concerned certifies a lack of qualified applicants.

The Senate amendment contained a similar provision (sec. 1108).

The House recedes with an amendment that would provide temporary authority to the Secretary of Defense to appoint retired members of the Armed Forces to positions in the Department of Defense for GS-13 and below positions at a defense industrial base facility, provided the Secretary of the military department concerned certifies a lack of qualified applicants.

SEC. 1738. 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.—If the Secretary carries out subsection (a), 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, including—

(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 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 each such report:

(A) The number of small manufacturers 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 such cybersecurity services.

(e) TERMINATION.—The authority of the Secretary to award financial assistance under this section shall terminate on the date that is five years after the date of the enactment of this section.

(f) DEFINITIONS.—In this section:

(1) CENTER.—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)).

(2) SMALL MANUFACTURER.—The term “small manufacturer” has the meaning given such 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).

Conference Report:

The House bill contained a provision (sec. 1633) that would allow the Secretary of Defense, in consultation with the director of the National Institute for Standards and Technology, to provide funds to Manufacturing Extension Partnership Centers for the provision of cybersecurity services to small manufacturers. The provision would require the public listing of selection criteria for grants made under the provision, limit use of funds to assisting in Department of Defense cybersecurity requirement compliance, and require a biennial report to relevant congressional committees on the use of funds awarded under the provision. The authorities provided under the provision would terminate 5 years after the date of enactment.

The Senate amendment contained a similar provision (sec. 1642).

The Senate recedes with technical amendments.

SEC. 2804. CONSIDERATION OF ENERGY SECURITY AND ENERGY RESILIENCE IN LIFE-CYCLE COST FOR MILITARY CONSTRUCTION.

(a) IN GENERAL.—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 National 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 at a minimum 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 chapter 169 of title 10, United States Code, is amended 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.”.

Conference Report:

The Senate amendment contained a provision (sec. 2842) that would require, during the consideration and evaluation of the life-cycle designed cost of a military construction project, consideration, as a facility requirement, of energy security and energy resilience to ensure that the resulting facility is capable of performing its missions in the event of a human caused disaster or other unplanned event.

The House bill contained no similar provision.

The House recedes with a technical amendment.

SEC. 2826. IMPROVED ELECTRICAL METERING OF DEPARTMENT OF DEFENSE INFRASTRUCTURE SUPPORTING CRITICAL MISSIONS.

(a) **OPTIONS TO IMPROVE ELECTRICAL METERING.**—The Secretary of Defense and the Secretaries of the military departments shall improve the metering of electrical energy usage of covered defense structures to accurately determine energy consumption by such a structure to increase energy efficiency and improve energy resilience, using any combination of the options specified in subsection (b) or such other methods as the Secretary concerned considers practicable.

(b) **METERING OPTIONS.**—Electrical energy usage options to be considered for a covered defense structure include the following:

(1) Installation of a smart meter at the electric power supply cable entry point of the covered defense structure, with remote data storage and retrieval capability using cellular communication, to provide historical energy usage data on an hourly basis to accurately determine the optimum cost effective energy efficiency and energy resilience measures for the covered defense structure.

(2) Use of an energy usage audit firm to individually meter the covered defense structure using clamp-on meters and data storage to provide year-long electric energy load profile data, particularly in the case of a covered defense structure located in climates with highly variable use based on weather or temperature changes, to accurately identify electric energy usage demand for both peak and off peak periods for a covered defense structure.

(3) Manual collection and calculation of the connected load via nameplate data survey of all the connected electrical devices for the covered defense structure and comparison of such data to the designed maximum rating of the incoming electric supply to determine the maximum electrical load for the covered defense structure.

(c) **CYBERSECURITY.**—The Secretary of Defense and the Secretaries of the military departments shall consult with the Chief Information Officer of the Department of Defense to ensure that the electrical energy metering options considered under subsection (b) do not compromise the cybersecurity of Department of Defense networks.

(d) **CONSIDERATION OF PARTNERSHIPS.**—The Secretary of Defense and the Secretaries of the military departments shall consider the use of arrangements (known as public-private partnerships) with appropriate entities outside the Government to reduce the cost of carrying out this section.

(e) **DEFINITIONS.**—In this section:

(1) The term “covered defense structure” means any infrastructure under the jurisdiction of the Department of Defense inside the United States that the Secretary of Defense or the Secretary of the military department concerned determines—

(A) is used to support a critical mission of the Department; and

(B) is located at a military installation with base-wide resilient power.

(2) The term “energy resilience” has the meaning given that term in section 101(e)(6) of title 10, United States Code.

(f) IMPLEMENTATION REPORT.—As part of the Department of Defense energy management report to be submitted under section 2925 of title 10, United States Code, during fiscal year 2022, the Secretary of Defense shall include information on the progress being made to comply with the requirements of this section.

Conference Report:

The House bill contained a provision (sec. 2828) that would require the Department of Defense to improve its electrical metering of infrastructure supporting critical missions.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

SEC. 2861. PILOT PROGRAM TO AUTHORIZE USE OF COST SAVINGS REALIZED FROM INTERGOVERNMENTAL SERVICES AGREEMENTS FOR INSTALLATION-SUPPORT SERVICES.

(a) PILOT PROGRAM REQUIRED.—Section 2679 of title 10, United States Code, is amended—

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

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

“(e) PILOT PROGRAM FOR USE OF COST SAVINGS

REALIZED.—(1) Each Secretary concerned shall conduct a pilot program under which the Secretary will make available to the commander of each military installation for which cost savings are realized as a result of an intergovernmental support agreement entered into under this section an amount equal to not less than 25 percent of the amount of such cost savings for that military installation for a fiscal year.

“(2) Amounts made available to an installation commander under paragraph (1) shall be used solely to address sustainment restoration and modernization requirements that have been approved by the major subordinate command or equivalent component.

“(3) With respect to each military installation for which amounts are made available to the installation commander under paragraph (1), the Secretary concerned shall certify, not less frequently than annually for each fiscal year of the pilot program, to the congressional defense committees the following:

“(A) The name of the installation and the amount of the cost savings achieved at the installation.

“(B) The source and type of intergovernmental support agreement that achieved the cost savings.

“(C) The amount of the cost savings made available to the installation commander under paragraph (1).

“(D) The sustainment restoration and modernization purposes for which the amount made available under paragraph (1) were used.

“(4) The authority to conduct the pilot program shall expire September 30, 2025.”.

(b) PROMULGATION OF GUIDANCE.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall promulgate guidance for the development of the pilot program required by subsection (e) of section 2679 of title 10, United States Code, as added by subsection (a).

Conference Report:

The Senate amendment contained a provision (sec. 5331) that would amend section 2679 of title 10, United States Code, by inserting a new subsection regarding the use of cost savings realized from intergovernmental services agreements for installation-support services.

The House bill contained no similar provision.

The House recedes with a technical amendment.

SEC. 2862. DEPARTMENT OF DEFENSE PILOT PROGRAM TO EVALUATE EXPANSION OF LAND EXCHANGE AUTHORITY.

(a) PILOT PROGRAM REQUIRED.—Section 2869(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(3)(A) The Secretary of Defense shall establish a pilot program under which the Secretary concerned, during the term of the pilot program, may use the authority provided by paragraph (1) to also convey real property, including any improvements thereon, described in paragraph (2) to any person who agrees, in exchange for the real property, to provide—

“(i) installation-support services (as defined in 2679(e) of this title); or “(ii) a new facility or improvements to an existing facility.

“(B) The acquisition of a facility or improvements to an existing facility using the authority provided by subparagraph (A) shall not be treated as a military construction project for which an authorization is required by section 2802 of this title.

“(C) The expanded conveyance authority provided by subparagraph (A) applies only during the five-year period beginning on the date on which the Secretary of Defense issues guidance regarding the use by the Secretaries concerned of such authority.”.

(b) CONDITIONS ON USE OF EXPANDED CONVEYANCE AUTHORITY.—Section 2869(b) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) in the first sentence, by striking “of the land to be” and inserting “of the real property, installation-support services, or facility or improvements to an existing facility”; and

(B) in the second sentence, by striking “of the land is less than the fair market value of the real property to be conveyed” and inserting “of the real property conveyed by the Secretary concerned exceeds the fair market value of the real property, installation-support services, or facility or improvements received by the Secretary”; and

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

“(3) The Secretary concerned may agree to accept a facility or improvements to an existing facility under subsection (a)(3) only if the Secretary concerned determines that the facility or improvements—

“(A) are completed and usable, fully functional, and ready for occupancy;

“(B) satisfy all operational requirements; and

“(C) meet all Federal, State, and local requirements applicable to the facility relating to health, safety, and the environment.”.

(c) ISSUANCE OF GUIDANCE.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall issue guidance providing for the implementation of the pilot program required by section 2869(a)(3) of title 10, United States Code, as added by this section.

Conference Report:

The House bill contained a provision (sec. 2804) that would allow consideration of installation support services in the calculation of fair market value in certain Department of Defense land exchanges.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

SEC. 2871. REPORTS REGARDING DECISION-MAKING PROCESS USED TO LOCATE OR RELOCATE MAJOR HEADQUARTERS AND CERTAIN MILITARY UNITS AND WEAPON SYSTEMS.

(a) ONE-TIME REPORT ON DECISION-MAKING PROCESS.—

(1) REPORT REQUIRED.—Not later than March 1, 2021, each Secretary of a military department (and the Secretary of Defense with respect to matters concerning the Defense Agencies and the Joint Staff) shall submit a report to the Committees on Armed Services of the House of Representatives and the Senate regarding the process to be used by the Secretary concerned to make basing decisions for each Armed Force under the jurisdiction of the Secretary concerned in the following circumstances:

(A) Whenever a military installation is to be selected to serve as the first permanent location for a new major headquarters, covered military unit, or major weapon system.

(B) Whenever a permanent change is considered in the basing of a major headquarters, covered military unit, or major weapon system by relocating the major headquarters, covered military unit, or major weapon system from its current military installation to a different military installation.

(2) ELEMENTS OF REPORT.—The report submitted by the Secretary concerned under paragraph

(1) shall include at a minimum the following:

(A) A description of the decision-making process to be used by that Secretary for basing decisions covered under subparagraph (A) and (B) of such paragraph.

(B) A timeline for the scenarios outlined in such subparagraphs, including the decision authority for each decision to be made during the decision-making process.

(C) The congressional engagement plan to be used to notify the Committees on Armed Services of the House of Representatives and the Senate and interested Members of Congress at key points throughout the decision-making process.

(D) The plan for implementing the requirements of section 483 of title 10, United States Code, as added by subsection (b).

(3) DEFINITIONS.—The definitions contained in section 483 of title 10, United States Code, as added by subsection (b), apply to this subsection.

(b) CONGRESSIONAL NOTIFICATIONS REQUIRED RELATED TO BASING DECISION-MAKING PROCESS.—Chapter 23 of title 10, United States Code, is amended by inserting after section 482 the following new section:

“§ 483. Notifications related to basing decision-making process

“(a) NOTIFICATION REQUIRED.—At each point in the decision-making process specified in subsection (b), the Secretary concerned shall notify the congressional defense committees of the decision-making process to be used or the decision-making process used, whichever applies—

“(1) to select a military installation to serve as the first permanent location for a new major headquarters, covered military unit, or major weapon system; or

“(2) to make a permanent change in the basing of a major headquarters, covered military unit, or major weapon system by relocating the major headquarters, covered military unit, or major weapon system from its current military installation to a different military installation.

“(b) DEADLINES FOR SUBMISSION OF NOTICE.—The Secretary concerned shall provide the notice required by subsection (a) within seven days after each of the following decision points during the decision-making process:

“(1) When the Secretary concerned issues any formal internal guidance to begin the decision-making process regarding the location or relocation of a major headquarters, covered military unit, or major weapon system.

“(2) When the Secretary concerned selects between two and five military installations as the most likely candidate locations for a major headquarters, covered military unit, or major weapon system in order to subject those installations to additional analysis.

“(3) When the Secretary concerned selects a specific military installation as the preferred location for the major headquarters, covered military unit, or major weapon system.

“(c) REQUIRED ELEMENTS OF NOTIFICATION.—In a notice required by subsection (a), the Secretary concerned shall include at a minimum the following:

“(1) A description of the manner in which the joint and all-domain training capabilities at each candidate location, if applicable to the type of basing decision-making process at issue, will be or was, whichever applies, comparatively analyzed among candidate military installations, separate from and in addition to the mission criteria to be used or that was used to make the basing decision.

“(2) A description of the manner in which the airspace and training areas available at each candidate location, if applicable to the type of basing decision-making process at issue, will be or was, whichever applies, comparatively analyzed among candidate military installations, separate from and in addition to the mission criteria to be used or that was used to make the basing decision.

“(3) A description of the manner in which community support for the basing decision-making process described in subsection (a) will be or was, whichever applies, comparatively analyzed among candidate military installations, including consultation with appropriate State officials and officials of units of local government in which each installation is located regarding matters affecting the local community, such as transportation, utility infrastructure, housing, education, and family support activities. In any case in which the Secretary concerned selects as the preferred location a military installation with less community support compared to other locations, as indicated by such a comparative analysis, an explanation of the operational considerations that formed the basis for such selection.

“(4) An explanation of how each candidate location will be or was, whichever applies, scored against the factors referred to in the preceding paragraphs, including the weight assigned to each factor.

“(5) A summary of any internal score cards that will be or were, whichever applies, used to make the basing decision.

“(d) NOTICE AND WAIT REQUIREMENTS.—No irrevocable action may be taken to effect or implement a basing decision reached through the decision-making process described in subsection (a) until the end of the 14-day period beginning on the date on which the Secretary concerned submits, in an electronic medium pursuant to section 480 of this title, the notice referred to in subsection (b)(3) regarding a preferred location for the major headquarters, covered military unit, or major weapon system.

“(e) ANNUAL REPORTING REQUIREMENT.—

“(1) REPORT REQUIRED.—Not later than 10 days after the date on which the budget request for a fiscal year is submitted to Congress under section 1105 of title 31, the Secretary concerned shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report providing the following:

“(A) An update on the status and anticipated completion date of each decision-making process that was commenced or was underway during the previous two fiscal years

regarding the location or relocation of a major headquarters, covered military unit, or major weapon system.

“(B) A list and description of anticipated basing decisions to be made regarding the location or relocation of a major headquarters, covered military unit, or major weapon system over the period covered by the future-years defense plan.

“(C) A timeline for a congressional engagement plan to brief the Committees on Armed Services of the House of Representatives and the Senate during the decision-making process and when decision notifications would be provided to interested Members of Congress.

“(2) ELEMENTS OF REPORT.—To satisfy the requirements of paragraph (1)(B), a report under this subsection shall include at a minimum the following:

“(A) An estimate of the number of members of the armed forces and civilian personnel potentially impacted by the basing decision.

“(B) The locations to be considered, if already known.

“(C) The expected timeline for beginning the decision-making process and reaching a final determination.

“(f) DEFINITIONS.—In this section:

“(1) The term ‘covered military unit’ means a unit of the armed forces whose initial assignment to a military installation or relocation from a military installation to a different military installation requires the preparation of an environmental impact statement in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

“(2) The term ‘major headquarters’ means the headquarters of a military unit or command that is the appropriate command of a general officer or flag officer.

“(3) The term ‘major weapon system’ means a weapon system that is treatable as a major system under section 2302(5) of title.

“(4) The term ‘military installation’ means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the Department of Defense, including any leased facility, which is located within any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, or Guam. Such term does not include any facility used primarily for civil works, rivers and harbors projects, or flood control projects.

“(5) The term ‘Secretary concerned’ means—

“(A) the Secretary of the military department concerned; and

“(B) the Secretary of Defense with respect to matters concerning the Defense Agencies and the Joint Staff.”.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 23 of title 10, United States Code, is amended by inserting after the item relating to section 482 the following new item:

“483. Notifications related to basing decision-making process.”.

Conference Report:

The House bill contained a provision (sec. 1048) that would require the Secretary of the Air Force to modify Air Force Instruction 10-503 to include comparative analyses of community support, joint training, and all-domain training capabilities as part of the strategic basing process for an aircraft.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment that would require each military department to submit a one-time report outlining its respective strategic basing process and an annual report for upcoming basing decisions.

SEC. 2882. DEFENSE COMMUNITY INFRASTRUCTURE PROGRAM.

(a) PRIORITIZATION OF COMMUNITY INFRASTRUCTURE PROJECTS.—Section 2391(d)(1) of title 10, United States Code, is amended—

(1) by inserting “(A)” after “(1)”;

(2) by striking “, if the Secretary determines that such assistance will enhance the military value, resilience, or military family quality of life at such military installation”; and

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

“(B) The Secretary shall establish criteria for the selection of community infrastructure projects to receive assistance under this subsection, including selection of community infrastructure projects in the following order of priority:

“(i) Projects that will enhance military value at a military installation, taking into consideration the military value criteria originally developed by the Secretary in compliance with the amendment made by section 3002 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1344).

“(ii) Projects that will enhance military installation resilience, as defined in section 101(e)(8) of this title.

“(iii) Projects that will enhance military family quality of life at a military installation, taking into consideration subsection (e)(4)(C).”.

(b) COST-SHARING REQUIREMENTS.—Paragraph (2) of section 2391(d) of title 10, United States Code, is amended to read as follows:

“(2)(A) The criteria established for the selection of community infrastructure projects to receive assistance under this subsection shall include a requirement that, except as provided in subparagraph (B), the State or local government agree to contribute not less than 30 percent of the funding for the community infrastructure project.

“(B) If a proposed community infrastructure project will be carried out in a rural area or the Secretary of Defense determines that a proposed community infrastructure project is advantageous for reasons related to national security, the Secretary—

“(i) shall not penalize a State or local government for offering to make a contribution of 30 percent or less of the funding for the community infrastructure project; and

“(ii) may reduce the requirement for a State or local government contribution to 30 percent or less or waive the cost-sharing requirement entirely.”.

(c) SPECIFIED DURATION OF PROGRAM.—Section 2391(d)(4) of title 10, United States Code, is amended by striking “upon the expiration of the 10-year period which begins on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2019” and inserting “on September 30, 2028”.

(d) CLARIFICATION OF MILITARY FAMILY QUALITY OF LIFE CRITERIA.—Section 2391(e)(4) of title 10,

United States Code, is amended by adding at the end the following new subparagraph:

“(C) For the purposes of determining whether proposed community infrastructure will enhance quality of life, the Secretary of Defense shall consider the impact of the community infrastructure on alleviating installation commuter workforce issues and the benefit of schools or other local infrastructure located off of a military installation that will support members of the armed forces and their dependents residing in the community.”.

(e) DEFINITION OF RURAL AREA REVISED.—Section 2391(e)(5) of title 10, United States Code, is amended by striking “50,000 inhabitants” and inserting “100,000 inhabitants”.

Conference Report:

The House bill contained a provision (sec. 2861) that would amend section 2391 of title 10, United States Code, to clarify requirements of the Defense Community Infrastructure Program.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

SEC. 2883. CONSIDERATION OF CERTAIN MILITARY FAMILY READINESS ISSUES IN MAKING BASING DECISIONS ASSOCIATED WITH CERTAIN MILITARY UNITS AND MAJOR HEADQUARTERS.

(a) TAKING INTO CONSIDERATION MILITARY FAMILY READINESS ISSUES.—In determining whether to proceed with any basing decision associated with a covered military unit or major headquarters in the United States after the date of the enactment of this Act, the Secretary of the military department concerned shall take into account, among such other factors as that Secretary considers appropriate, the military family readiness considerations specified in this section, including those military family readiness considerations specified pursuant to subsection (e).

(b) INTERSTATE PORTABILITY OF LICENSURE AND CERTIFICATION CREDENTIALS.—With regard to the State in which an installation subject to a basing decision covered by subsection (a) is or will be located, the Secretary of the military department concerned shall take into account the extent to which the State—

(1) has entered into reciprocity agreements to recognize and accept professional and occupational licensure and certification credentials granted by or in other States; or

(2) allows for the transfer of such licenses and certifications granted by or in other States.

(c) HOUSING.—With regard to the military housing area in which an installation subject to a basing decision covered by subsection (a) is or will be located, the Secretary of the military department concerned shall take into account the extent to which housing (including military family housing) that meets Department of Defense requirements is available and accessible to members of the Armed Forces through the private sector in such military housing area.

(d) HEALTH CARE.—With regard to the community in which an installation subject to a basing decision covered by subsection (a) is or will be located, the Secretary of the military department concerned shall take into account the extent to which primary healthcare and specialty healthcare is available and accessible to dependents, including dependents with disabilities, of members of the Armed Forces through the private sector in such local community.

(e) OTHER SPECIFIED CONSIDERATIONS.—The Secretary of the military department concerned shall take into account such other considerations in connection with military family readiness as the Secretary of Defense shall specify for purposes of compliance with this section.

(f) SAVINGS CLAUSE.—Nothing in this section shall be construed as requiring the Secretary of a military department to make a basing decision covered by subsection (a) that the Secretary determines would diminish military readiness or impede military mission for the purpose of military family readiness.

(g) ANALYTICAL FRAMEWORK.—The Secretary of the military department concerned shall take into account the considerations specified in this section, among such other factors as the Secretary considers appropriate, in determining whether to proceed with a basing decision covered by subsection (a) using an analytical framework developed by that Secretary that uses criteria based on—

(1) quantitative data available within the Department of Defense; and

(2) such reliable quantitative data from sources outside the Department as the Secretary considers appropriate.

(h) BASING DECISION SCORECARD.—

(1) SCORECARD REQUIRED.—The Secretary of the military department concerned shall establish a scorecard for military installations under the jurisdiction of such Secretary, and for States and localities in which such installations are or may be located, to facilitate taking into account the considerations specified in this section whenever that Secretary makes a basing decision covered by subsection (a).

(2) UPDATE.—The Secretary of the military department concerned shall update the scorecard established by that Secretary under this subsection 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 established under this subsection shall be available to the public through an Internet website of the military department concerned that is accessible to the public.

(i) 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 this section on particular basing decisions in the United States during the one-year period ending on the date of the briefing.

(j) DEFINITIONS.—In this section:

(1) The term “covered military unit” means a unit of the Armed Forces whose initial assignment to a military installation or relocation from a military installation to a different military installation requires the preparation of an environmental impact statement in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(2) The term “major headquarters” means the headquarters of a unit of the Armed Forces or command that is the appropriate command of a general officer or flag officer.

Conference Report:

The Senate amendment contained a provision (sec. 2881) that would require the Secretaries of the military departments to factor military family readiness considerations, among other relevant factors, in future basing decisions. Additionally, the provision would require each of the Secretaries of the military departments to establish, for each of the military installations under his or her jurisdiction, a basing decision scorecard that incorporates the military family readiness considerations listed in this provision, among other factors the Secretary deems relevant.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Secretaries of the military departments to take certain military family readiness considerations into account, among other relevant factors, when determining whether to proceed with any basing decision associated with a covered military unit or major headquarters within the United States. Each of the Secretaries of the military departments would be required to establish, for each of the military installations under their jurisdiction, a basing decision scorecard that incorporates the military family readiness considerations.

The conferees support the efforts of the Secretaries of the military departments to address retention and family readiness issues through the consideration of family readiness criteria as part of a broader strategic basing process. However, the conferees note that considerations related to quality of public education are fraught with complexity and the potential for

unintended consequences. Accordingly, the conferees direct the Secretaries of the military departments to provide a briefing to the Committees on Armed Services for the Senate and the House of Representatives and the Committee on Education and Labor for the House of Representatives and Committee on Health, Education, Labor, and Pensions of the Senate not later than March 1, 2021. The briefing shall include at a minimum the following: (1) Data on per pupil expenditures as reported under the Elementary and Secondary Education Act of 1965 (Public Law 89-10) and available information on the impact of the loss of tax base caused by the presence of the military installation on such expenditures; (2) The methods for assessing academic performance, including academic performance of subgroups of students as defined under section 1111(h)(1)(C)(ii) of the Elementary and Secondary Education Act of 1965; (3) The operative definition and method of assessment of "social climate;" (4) The method for assessing the availability of specialized instructional support personnel, mental health services, and other student support programs; (5) The extent to which the military department is using data reported under section 1111(h) of the Elementary and Secondary Education Act of 1965 as part of their evaluation; (6) The availability of Head Start, Pre-Kindergarten, and high-quality and affordable childcare for children age birth to 5, including Department of Defense childcare and activities; (7) How the military departments are considering and weighing decisions made at the State level that impact local communities in their assessment of public schools; and (8) Measures to ensure transparency and uniformity in the application of the criteria to the strategic basing process.

Conference Report Legislative Provisions Not Adopted

Minimum aircraft levels for major mission areas

The Senate amendment contained a provision (sec. 142) that would establish a minimum number of primary aircraft inventory levels for each major mission area of the Air Force to mitigate near-term operational risk. The provision would prohibit divestment of aircraft below these minima unless the Secretary of the Air Force certifies to the congressional defense committees that a reduction below minima was justified by the results of new capability and requirements studies.

The House bill contained no similar provision.

The Senate recesses.

The conferees note that the Air Force has been challenged over many years by programmatic concurrency to develop and field more modern and capable replacement aircraft, in support of the National Defense Strategy and against advanced threats, within planned budgets and schedules. The conferees are frustrated that the Air Force consistently implements a strategy to accept increased operational risk by divesting legacy aircraft capacity to address replacement program unplanned cost growth. Conferees have historically expressed concern over those same years that the divestment of legacy aircraft traditionally does not yield sufficient resources to fund modernization. The conferees expect the Air Force to find alternative means in the future to effectively and affordably budget for deficiencies in its modernization and recapitalization programs that would avoid increasing operational risk beyond currently assessed levels.

Importance of historically Black colleges and universities and minority-serving institutions

The Senate amendment contained a provision (sec. 5211) that increase the funding table authorization for research, development, test, and evaluation, Defense-wide, basic research, historically Black colleges and universities/ minority institutions, line 006 (PE 0601228D8Z), by \$14.1 million and decrease the funding table authorization for other procurement, Army, for automated data processing equipment, line 112, by \$14.1 million.

The House bill contained no similar provision.

The Senate recesses.

Requirements concerning former Department of Defense officials and lobbying activities

The House bill contained a provision (sec. 820B) that would require certain defense contractors to submit to the Secretary of Defense and make available to the public an annual report naming the former Department of Defense (DOD) personnel to whom the contractor provided compensation in the past year—including certain political appointees, members of the Senior Executive Service, military officers in the grade of O-6 and above, and certain acquisition personnel—as well as the specific issues and lobbying activities in which each named DOD official engaged on behalf of the contractor over the same period.

The Senate amendment contained no similar provision.

The House recesses.

Not later than June 30, 2021, the Secretary of Defense, informed by the ongoing review of the Comptroller General of the United States on the post-government employment of former DOD officials, will provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on the implementation of Department of Defense Instruction 1000.32, Prohibition of Lobbying Activity by DOD Senior Officials, dated March 26, 2020. The briefing will provide an overview of the policies and procedures the Department has established to operationalize the limitations imposed by section 1045 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91), on the ability of retired and former general and flag officers and senior civilian equivalents to engage in lobbying contacts and activities with respect to the DOD. In addition, the briefing will provide: (1) An explanation of the interplay between section 1045 and the longstanding regime of ethics laws applicable to the entirety of the executive branch; (2) An assessment of the effectiveness of the section 1045 limitations, both in promoting ethical conduct by former senior DOD officials in the context of post-government activities and in minimizing adverse effects on the Department of what is sometimes referred to as the "revolving door;" (3) An assessment of the clarity and enforceability of the "behind the scenes" restrictions imposed by section 1045; (4) A description of the legal and practical challenges, if any, in the Department's implementation of section 1045; (5) An evaluation of the effects, if any, of the limitations imposed by section 1045 on the Department's ability both to attract experienced and qualified persons to public service in the DOD and to derive benefit from communications with former senior employees and officers; and (6) A discussion of any related matter the Secretary deems appropriate.

Sense of Congress on gaps or vulnerabilities in the national technology and industrial base

The House bill contained a provision (sec. 830C) that would express a Sense of Congress on gaps or vulnerabilities in the national technology and industrial base.

The Senate amendment contained no similar provision.

The House recesses.

The conferees direct the Secretary of Defense in preparing the annual report due on March 1, 2021 as required by section 2504 of title 10, United States Code, to include an assessment of gaps or vulnerabilities in the national technology and industrial base (as defined in section 2500 of title 10, United States Code) with respect to intellectual property theft as related to the development and long-term sustainability of defense technologies; the extent to which, if any, foreign adversaries engage in operations to exploit such gaps or vulnerabilities; recommendations to mitigate or address any such gaps or vulnerabilities identified by the Secretary; and any other matters the Secretary determines should be included.

Report on the effect of the Defense Manufacturing Communities Support Program on the defense supply chain

The Senate amendment contained a provision (sec. 5802) that would require the Secretary of Defense to submit a report to Congress on the Defense Manufacturing Communities Support Program.

The House bill contained no similar provision.

The Senate recesses.

The conferees direct the Secretary of Defense to submit a report to the congressional defense committees not later than September 30, 2021, evaluating the effect of the Defense Manufacturing Communities Support Program, as authorized under section 846 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232), on the defense supply chain. The evaluation should consider the program's effect on: (1) The diversification of the supply chain; (2) Procurement costs; and (3) Efficient procurement processes.

Report on agile program and project management

The House bill contained a provision (sec. 1710N) that would require a report on agile program and project management.

The Senate amendment contained no similar provision.

The House recesses.

The conferees direct the Under Secretary of Defense for Acquisition and Sustainment to direct the Acquisition Innovation Research Center established by section 2361a of title 10, United States Code, to study and develop policy options and recommendations on how the Department of Defense and the services can use agile program and project management concepts in non-software acquisition programs.

The conferees expect the study to review all statutory provisions enabling the use of agile program and project management within the Department of Defense; evaluate the implementation of statutory provisions enabling the use of agile program and project management within the Department of Defense and the services; evaluate the agile program and project methodologies used within the Department of Defense and the services; evaluate how agile program and project methodologies have enabled efforts to prepare the Department of Defense and the services for the future of work; evaluate the enterprise scalability of the agile program and project methodologies used within the Department of Defense and the services, including how well agile methods are integrated into the enterprise when used at scale; analyze the impediments to the further adoption and enterprise scalability of agile program and project management including statutory impediments, as well as existing policy, guidance, and instruction of the Department of Defense and the services; analyze the impact of further adoption and enterprise scalability of agile program and project management on the future of work within the Department of Defense and the services; and any other topics the Under Secretary deems appropriate.

The conferees direct that the study, accompanied by an assessment and plan for the Under Secretary to implement the recommended policy options, if appropriate, should be delivered to the congressional defense committees not later than March 1, 2022.

Modification of direct hire authority for certain personnel involved with Department of Defense maintenance activities

The Senate amendment contained a provision (sec. 1110) that would amend section 9905 of title 5, United States Code, to provide direct hire authority for positions that perform support functions for depot-level maintenance and repair.

The House bill contained no similar provision.

The Senate recedes.

The conferees note the Department of Defense already possesses extensive direct hire authority for a variety of civilian personnel positions. Section 9905 of title 5, United States

Code, provides general direct hire authority for any position involved with Department maintenance activities and Major Range and Test Facilities Bases. The conferees encourage the Secretary of Defense to utilize fully all available direct hire authority provided by section 9905.

The conferees emphasize that future requests for additional direct hire authority must be justified by objective data that demonstrates consistent difficulty filling certain vacant positions within a reasonable amount of time.