

One Hundred Seventeenth Congress
of the
United States of America

AT THE FIRST SESSION

*Begun and held at the City of Washington on Sunday,
the third day of January, two thousand and twenty one*

An Act

To authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “National Defense Authorization Act for Fiscal Year 2022”.

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

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

- (1) Division A—Department of Defense Authorizations.
- (2) Division B—Military Construction Authorizations.
- (3) Division C—Department of Energy National Security Authorizations and Other Authorizations.
- (4) Division D—Funding Tables.
- (5) Division E—Department of State Authorization
- (6) Division F—Other Non-Department of Defense Matters.

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

- Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.
Sec. 3. Congressional defense committees.
Sec. 4. Budgetary effects of this Act.
Sec. 5. Explanatory statement.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Authorization of appropriations.

Subtitle B—Army Programs

- Sec. 111. Modification of deployment by the Army of interim cruise missile defense capability.
Sec. 112. Multiyear procurement authority for AH-64E Apache helicopters.
Sec. 113. Multiyear procurement authority for UH-60M and HH-60M Black Hawk helicopters.
Sec. 114. Continuation of Soldier Enhancement Program.
Sec. 115. Limitation on availability of funds pending report on the Integrated Visual Augmentation System.
Sec. 116. Strategy and authority for the procurement of components for the next generation squad weapon.

- (3) For global nuclear security, \$17,767,000.
- (4) For cooperative biological engagement, \$229,022,000.
- (5) For proliferation prevention, \$58,754,000.
- (6) For activities designated as Other Assessments/ Administrative Costs, \$23,059,000.

(b) SPECIFICATION OF COOPERATIVE THREAT REDUCTION FUNDS.—Funds appropriated pursuant to the authorization of appropriations in section 301 and made available by the funding table in division D for the Department of Defense Cooperative Threat Reduction Program shall be available for obligation for fiscal years 2022, 2023, and 2024.

SEC. 1682. MODIFICATION TO ESTIMATE OF DAMAGES FROM FEDERAL COMMUNICATIONS COMMISSION ORDER 20-48.

Section 1664 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-283) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by inserting “or any subsequent fiscal year” after “fiscal year 2021”; and

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

“(d) DISTRIBUTION OF ESTIMATE.—As soon as practicable after submitting an estimate as described in paragraph (1) of subsection (a) and making the certification described in paragraph (2) of such subsection, the Secretary shall make such estimate available to any licensee operating under the Order and Authorization described in such subsection.

“(e) AUTHORITY OF SECRETARY OF DEFENSE TO SEEK RECOVERY OF COSTS.—The Secretary may work directly with any licensee (or any future assignee, successor, or purchaser) affected by the Order and Authorization described in subsection (a) to seek recovery of costs incurred by the Department as a result of the effect of such order and authorization.

“(f) REIMBURSEMENT.—

“(1) IN GENERAL.—The Secretary shall establish and facilitate a process for any licensee (or any future assignee, successor, or purchaser) subject to the Order and Authorization described in subsection (a) to provide reimbursement to the Department, only to the extent provided in appropriation Acts, for the covered costs and eligible reimbursable costs submitted and certified to the congressional defense committees under such subsection.

“(2) USE OF FUNDS.—The Secretary shall use any funds received under this subsection, to the extent and in such amounts as are provided in advance in appropriation Acts, for covered costs described in subsection (b) and the range of eligible reimbursable costs identified under subsection (a)(1).

“(3) REPORT.—Not later than 90 days after the date on which the Secretary establishes the process required by paragraph (1), the Secretary shall submit to the congressional defense committees a report on such process.”

SEC. 1683. ESTABLISHMENT OF OFFICE, ORGANIZATIONAL STRUCTURE, AND AUTHORITIES TO ADDRESS UNIDENTIFIED AERIAL PHENOMENA.

(a) ESTABLISHMENT OF OFFICE.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Director of National Intelligence, shall

establish an office within a component of the Office of the Secretary of Defense, or within a joint organization of the Department of Defense and the Office of the Director of National Intelligence, to carry out the duties of the Unidentified Aerial Phenomena Task Force, as in effect on the day before the date of enactment of this Act, and such other duties as are required by this section.

(b) DUTIES.—The duties of the Office established under subsection (a) shall include the following:

(1) Developing procedures to synchronize and standardize the collection, reporting, and analysis of incidents, including adverse physiological effects, regarding unidentified aerial phenomena across the Department of Defense and the intelligence community.

(2) Developing processes and procedures to ensure that such incidents from each component of the Department and each element of the intelligence community are reported and incorporated in a centralized repository.

(3) Establishing procedures to require the timely and consistent reporting of such incidents.

(4) Evaluating links between unidentified aerial phenomena and adversarial foreign governments, other foreign governments, or nonstate actors.

(5) Evaluating the threat that such incidents present to the United States.

(6) Coordinating with other departments and agencies of the Federal Government, as appropriate, including the Federal Aviation Administration, the National Aeronautics and Space Administration, the Department of Homeland Security, the National Oceanic and Atmospheric Administration, and the Department of Energy.

(7) Coordinating with allies and partners of the United States, as appropriate, to better assess the nature and extent of unidentified aerial phenomena.

(8) Preparing reports for Congress, in both classified and unclassified form, including under subsection (i).

(c) RESPONSE TO AND FIELD INVESTIGATIONS OF UNIDENTIFIED AERIAL PHENOMENA.—

(1) DESIGNATION.—The Secretary, in coordination with the Director, shall designate one or more line organizations within the Department of Defense and the intelligence community that possess appropriate expertise, authorities, accesses, data, systems, platforms, and capabilities to rapidly respond to, and conduct field investigations of, incidents involving unidentified aerial phenomena under the direction of the head of the Office established under subsection (a).

(2) ABILITY TO RESPOND.—The Secretary, in coordination with the Director, shall ensure that each line organization designated under paragraph (1) has adequate personnel with the requisite expertise, equipment, transportation, and other resources necessary to respond rapidly to incidents or patterns of observations involving unidentified aerial phenomena of which the Office becomes aware.

(d) SCIENTIFIC, TECHNOLOGICAL, AND OPERATIONAL ANALYSES OF DATA ON UNIDENTIFIED AERIAL PHENOMENA.—

(1) DESIGNATION.—The Secretary, in coordination with the Director, shall designate one or more line organizations that

will be primarily responsible for scientific, technical, and operational analysis of data gathered by field investigations conducted pursuant to subsection (c) and data from other sources, including with respect to the testing of materials, medical studies, and development of theoretical models, to better understand and explain unidentified aerial phenomena.

(2) AUTHORITY.—The Secretary and the Director shall each issue such directives as are necessary to ensure that the each line organization designated under paragraph (1) has authority to draw on the special expertise of persons outside the Federal Government with appropriate security clearances.

(e) DATA; INTELLIGENCE COLLECTION.—

(1) AVAILABILITY OF DATA AND REPORTING ON UNIDENTIFIED AERIAL PHENOMENA.—The Director and the Secretary shall each, in coordination with one another, ensure that—

(A) each element of the intelligence community with data relating to unidentified aerial phenomena makes such data available immediately to the Office established under subsection (a) or to an entity designated by the Secretary and the Director to receive such data; and

(B) military and civilian personnel of the Department of Defense or an element of the intelligence community, and contractor personnel of the Department or such an element, have access to procedures by which the personnel shall report incidents or information, including adverse physiological effects, involving or associated with unidentified aerial phenomena directly to the Office or to an entity designated by the Secretary and the Director to receive such information.

(2) INTELLIGENCE COLLECTION AND ANALYSIS PLAN.—The head of the Office established under subsection (a), acting on behalf of the Secretary of Defense and the Director of National Intelligence, shall supervise the development and execution of an intelligence collection and analysis plan to gain as much knowledge as possible regarding the technical and operational characteristics, origins, and intentions of unidentified aerial phenomena, including with respect to the development, acquisition, deployment, and operation of technical collection capabilities necessary to detect, identify, and scientifically characterize unidentified aerial phenomena.

(3) USE OF RESOURCES AND CAPABILITIES.—In developing the plan under paragraph (2), the head of the Office established under subsection (a) shall consider and propose, as the head determines appropriate, the use of any resource, capability, asset, or process of the Department and the intelligence community.

(f) SCIENCE PLAN.—The head of the Office established under subsection (a), on behalf of the Secretary and the Director, shall supervise the development and execution of a science plan to develop and test, as practicable, scientific theories to—

(1) account for characteristics and performance of unidentified aerial phenomena that exceed the known state of the art in science or technology, including in the areas of propulsion, aerodynamic control, signatures, structures, materials, sensors, countermeasures, weapons, electronics, and power generation; and

(2) provide the foundation for potential future investments to replicate any such advanced characteristics and performance.

(g) ASSIGNMENT OF PRIORITY.—The Director, in consultation with, and with the recommendation of the Secretary, shall assign an appropriate level of priority within the National Intelligence Priorities Framework to the requirement to understand, characterize, and respond to unidentified aerial phenomena.

(h) ANNUAL REPORT.—

(1) REQUIREMENT.—Not later than October 31, 2022, and annually thereafter until October 31, 2026, the Director, in consultation with the Secretary, shall submit to the appropriate congressional committees a report on unidentified aerial phenomena.

(2) ELEMENTS.—Each report under paragraph (1) shall include, with respect to the year covered by the report, the following information:

(A) All reported unidentified aerial phenomena-related events that occurred during the one-year period.

(B) All reported unidentified aerial phenomena-related events that occurred during a period other than that one-year period but were not included in an earlier report.

(C) An analysis of data and intelligence received through each reported unidentified aerial phenomena-related event.

(D) An analysis of data relating to unidentified aerial phenomena collected through—

(i) geospatial intelligence;

(ii) signals intelligence;

(iii) human intelligence; and

(iv) measurement and signature intelligence.

(E) The number of reported incidents of unidentified aerial phenomena over restricted air space of the United States during the one-year period.

(F) An analysis of such incidents identified under subparagraph (E).

(G) Identification of potential aerospace or other threats posed by unidentified aerial phenomena to the national security of the United States.

(H) An assessment of any activity regarding unidentified aerial phenomena that can be attributed to one or more adversarial foreign governments.

(I) Identification of any incidents or patterns regarding unidentified aerial phenomena that indicate a potential adversarial foreign government may have achieved a breakthrough aerospace capability.

(J) An update on the coordination by the United States with allies and partners on efforts to track, understand, and address unidentified aerial phenomena.

(K) An update on any efforts underway on the ability to capture or exploit discovered unidentified aerial phenomena.

(L) An assessment of any health-related effects for individuals that have encountered unidentified aerial phenomena.

(M) The number of reported incidents, and descriptions thereof, of unidentified aerial phenomena associated with

military nuclear assets, including strategic nuclear weapons and nuclear-powered ships and submarines.

(N) In consultation with the Administrator for Nuclear Security, the number of reported incidents, and descriptions thereof, of unidentified aerial phenomena associated with facilities or assets associated with the production, transportation, or storage of nuclear weapons or components thereof.

(O) In consultation with the Chairman of the Nuclear Regulatory Commission, the number of reported incidents, and descriptions thereof, of unidentified aerial phenomena or drones of unknown origin associated with nuclear power generating stations, nuclear fuel storage sites, or other sites or facilities regulated by the Nuclear Regulatory Commission.

(P) The names of the line organizations that have been designated to perform the specific functions under subsections (c) and (d), and the specific functions for which each such line organization has been assigned primary responsibility.

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

(i) SEMIANNUAL BRIEFINGS.—

(1) REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act and not less frequently than semiannually thereafter until December 31, 2026, the head of the Office established under subsection (a) shall provide to the congressional committees specified in subparagraphs (A), (B), and (D) of subsection (1)(1) classified briefings on unidentified aerial phenomena.

(2) FIRST BRIEFING.—The first briefing provided under paragraph (1) shall include all incidents involving unidentified aerial phenomena that were reported to the Unidentified Aerial Phenomena Task Force or to the Office established under subsection (a) after June 24, 2021, regardless of the date of occurrence of the incident.

(3) SUBSEQUENT BRIEFINGS.—Each briefing provided subsequent to the first briefing described in paragraph (2) shall include, at a minimum, all events relating to unidentified aerial phenomena that occurred during the previous 180 days, and events relating to unidentified aerial phenomena that were not included in an earlier briefing.

(4) INSTANCES IN WHICH DATA WAS NOT SHARED.—For each briefing period, the head of the Office established under subsection (a) shall jointly provide to the chairman and the ranking minority member or vice chairman of the congressional committees specified in subparagraphs (A) and (D) of subsection (k)(1) an enumeration of any instances in which data relating to unidentified aerial phenomena was not provided to the Office because of classification restrictions on that data or for any other reason.

(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out the work of the Office established under subsection (a), including with respect to—

(1) general intelligence gathering and intelligence analysis;
and

(2) strategic defense, space defense, defense of controlled air space, defense of ground, air, or naval assets, and related purposes.

(k) **TASK FORCE TERMINATION.**—Not later than the date on which the Secretary establishes the Office under subsection (a), the Secretary shall terminate the Unidentified Aerial Phenomenon Task Force.

(l) **DEFINITIONS.**—In this section:

(1) The term “appropriate congressional committees” means the following:

(A) The Committees on Armed Services of the House of Representatives and the Senate.

(B) The Committees on Appropriations of the House of Representatives and the Senate.

(C) The Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

(D) The Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

(2) The term “intelligence community” has the meaning given such term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

(3) The term “line organization” means, with respect to a department or agency of the Federal Government, an organization that executes programs and activities to directly advance the core functions and missions of the department or agency to which the organization is subordinate, but, with respect to the Department of Defense, does not include a component of the Office of the Secretary of Defense.

(4) The term “transmedium objects or devices” means objects or devices that are observed to transition between space and the atmosphere, or between the atmosphere and bodies of water, that are not immediately identifiable.

(5) The term “unidentified aerial phenomena” means—

(A) airborne objects that are not immediately identifiable;

(B) transmedium objects or devices; and

(C) submerged objects or devices that are not immediately identifiable and that display behavior or performance characteristics suggesting that the objects or devices may be related to the objects or devices described in subparagraph (A) or (B).

SEC. 1684. DETERMINATION ON CERTAIN ACTIVITIES WITH UNUSUALLY HAZARDOUS RISKS.

(a) **REPORT REQUIRED.**—For fiscal years 2022 and 2023, the Secretary concerned shall prepare a report for each indemnification request made by a covered contractor with respect to a contract. Such report shall include the following elements:

(1) A determination of whether the performance of the contract includes an unusually hazardous risk (as defined in this section).

(2) An estimate of the maximum probable loss for claims or losses arising out of the contract.