

AMENDMENT TO RULES COMMITTEE PRINT

118-36

OFFERED BY MR. MOYLAN OF GUAM

At the end of subtitle E of the title XXVIII, insert the following new section:

SEC. 28_____ . ADVISORY COMMITTEE ON UNITED STATES OUTLYING AREAS AND FREELY ASSOCIATED STATES.

(a) Establishment. – Chapter 7 of title 10, United States Code, is amended by adding at the end of the following new section:

Advisory Committee on the United States Outlying Areas and Freely Associated States.

“(a) ESTABLISHMENT- The secretary of Defense, in coordination with the senior defense official for Guam and the Assistant Secretary of the Navy for Energy, Installations, and Environment, shall establish an advisory committee to be known as the ‘Advisory Committee on United States Outlying Areas and Freely Associated States’ to provide advice and guidance to the Secretary on matters related to military buildups and personnel increases in the United States

outlying areas and Freely Associated States.

“(b) Duties.--The duties of the Committee shall be the following:

“(1) To advise the Secretary on matters relating to building plans and structure fortification, the preservation of historical sites, burial sites, to include how the Secretary can improve the

programs and services of the Department to better serve the local populace.

“(2) To identify for the Secretary evolving issues of relevance to the population.

“(3) To propose clarifications, recommendations, and solutions to address issues raised by the local populace.

“(4) To provide a forum for the local populace who are involved in service organizations and the Department to discuss issues and proposals for changes to

regulations, policies, and procedures of the Department.

“(5) To provide a forum for such residents who are involved with and connected with the Department of Defense employees who will oversee the buildup of military presence and speaking for their constituents who are affected by any buildup.

“(6) To identify priorities for any provide advice to the Secretary on appropriate strategies for consultation with the advisory committee members who represent the residents of the United States Outlying Areas and Freely Associated States.

“(7) To encourage the Secretary to work with other Federal departments and agencies and Congress to ensure business and not-for-profit organization located in the United States Outlying areas and Freely Associated States are made aware of future projects that will involve a military buildup in the United States Outlying Areas and Freely Associated States.

“©. MEMBERSHIP - (1) The Committee shall be comprised of eight voting members appointed by the Secretary.

(2) In advising members pursuant to paragraph (1), the Secretary shall ensure the following:

(A) At least one member is appointed to represent residents of each of the following areas:

“(i) American Samoa.

“(ii) Guam.

“(iii) Puerto Rico

“(vi) The Commonwealth of the Northern Mariana Islands

“(v) The Virgin Islands of the United States.

“(vi) The Federated States of Micronesia

“(vii) The Republic of the Marshall Islands,

unless the

“(viii) The Republic of Palau

“(B) Not more than half of the members appointed are veterans.

“(C) Each member appointed resides in an area listed in subparagraph (A).

“(3) In appointing members pursuant to paragraph (1), the Secretary may consult with any Member of Congress who represents an area specified in paragraph (2) (A)

(d) TERMS; VACANCIES- (1) A member of the Committee-

“(A) Shall be appointed for a term of two years and

“(B) may be reappointed to serve an additional two-year term.

“(2) Not later than 180 days after receiving notice of a vacancy in the Committee, the Secretary shall fill the vacancy in the same manner as the original appointment.

“(e) MEETING FORMAT AND FREQUENCY.-

(1) Except as provided in paragraph (2), the committee shall meet in person with the Secretary not less frequently than once each year and hold quarterly conference calls with the Secretary as necessary. The committee will also meet not less than once monthly.

“(2) Meetings held under paragraph (1) may be conducted virtually if determined necessary based on Department protocols, timing, and budget considerations.

“(f) ADDITIONAL REPRESENTATION. –(1)

Representatives of relevant Federal departments and agencies may attend meetings of the Committee with the Secretary of Defense and Secretaries of the military departments and provide information to the Committee.

“(2) One representative of the Department shall attend each meeting of the Committee in addition to the Secretary.

“(3) Representatives attending meetings under this subsection-

“(A) Shall not be considered voting members of the Committee; and

“(B) may not receive additional compensation for services performed with respect to the Committee.

“(g) SUBCOMMITTEES. – (1) The Committee may establish subcommittees

“(2) The Secretary may, in consultation with the Committee, appoint a member to a subcommittee established under paragraph (1) who is not a member of the Committee.

(3) A subcommittee established under paragraph (1) may enhance the function of the Committee, but may not supersede the authority of the committee or provide direct advice or work products to the Secretary.

“(h) REPORTS -(1) Not later than October, 1, 2026 and not less than once every two years thereafter, the committee shall submit to the Secretary and the appropriate committees of Congress a report-

“(A) containing such recommendations as the Committee may have for legislative or administrative action relating and military action that affects the United States Outlying Areas and the Freely Associated States and

“(B) describing the activities of the Committee during the period covered by the report.

“(2) Not later than 120 days after the date on which the Secretary receives a report under paragraph (1), the Secretary shall submit to the appropriate committees of

Congress a written response to the report that includes any comments of the Committee on such response.

“(i) Committee Personnel Matters.--A member of the Committee shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5 while away from the home or regular place of business of the member in the performance of the duties of the Committee.

“(j) Termination.--The Committee shall terminate on the date that is 20 years after the date of the enactment of this section.

“(l) Definitions.--In this section:

“(1) The term ‘appropriate committees of Congress’ means-- the congressional defense committees and, with respect to any project to be carried out by, or for the use of, an intelligence component of the Department of Defense, the Permanent Select Committee on Intelligence of the

House of Representatives and the Select Committee on Intelligence of the Senate.

“(2) The term ‘Committee’ means the Advisory Committee on

United States and the Outlying Areas and Freely Associated States established under subsection (a).

“(3) The term Freely Associated States means Outlying areas and freely associated States (A) Funds reserved From the amount appropriated for any fiscal year under subsection (i), the Secretary shall reserve not more than 1 percent, which shall be used as follows: (i) To provide assistance to the outlying areas in accordance with their respective populations of individuals aged 3 through 21. (ii) (I) To provide each freely associated State a grant so that no freely associated State receives a lesser share of the total funds reserved for the freely associated State than the freely associated State received of those funds for fiscal year 2023. (II) Each freely associated State shall establish its eligibility under this subparagraph consistent with the requirements for a State under section 1412 of this title . (III) The funds provided to each freely associated State under this subchapter may be used to provide, to each infant or toddler with a disability (as defined in section 1432 of this title),

either a free appropriate public education, consistent with section 1412 of this title , or early intervention services consistent with subchapter III, notwithstanding the application and eligibility requirements of sections 1431(2), 1435, and 1437 of this title. (B) Special rule The provisions of Public Law 95–134 , permitting the consolidation of grants by the outlying areas, shall not apply to funds provided to the outlying areas or the freely associated States under this section. (C) Definition In this paragraph, the term “freely associated States” means the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

(b) Deadline for Establishment.--Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall establish the advisory committee required by section 1301 of title 10, United States Code.

(c) Deadline for Initial Appointments.--Not later than 90 days after the date on which the Secretary establishes the advisory

committee required by such section 1301, the Secretary shall appoint the members of such advisory committee.

(d) Initial Meeting.--Not later than 180 days after the date on which the Secretary establishes the advisory committee required by such section 1301, such advisory committee shall hold its first meeting.