

**AMENDMENT TO**  
**RULES COMMITTEE PRINT 119-33**  
**OFFERED BY MR. AUSTIN SCOTT OF GEORGIA**

At the end of subtitle B of title X, add the following new section:

1 **SEC. 10\_\_\_ . REPORTS AND OTHER MATTERS RELATING TO**  
2 **FREEDOM OF NAVIGATION AND GLOBAL**  
3 **MARITIME ACCESS.**

4 Chapter 23 of title 10, United States Code, is amend-  
5 ed by inserting after section 488 the following new section:

6 **“§ 489. Reports and other matters relating to freedom**  
7 **of navigation and global maritime access**

8 “(a) REPORTS REQUIRED.—Not later than March 1,  
9 2027, and every two years thereafter, the Secretary of De-  
10 fense shall submit to the congressional defense committees  
11 a report, prepared by the Ocean Policy Committee estab-  
12 lished under section 8932 of this title, that includes—

13 “(1) a description of the approach of the De-  
14 partment of Defense for implementing the freedom  
15 of navigation program of the Department during the  
16 five-year period preceding the date of the submission  
17 of the report;

1           “(2) priorities and plans for such freedom of  
2 navigation program for such period;

3           “(3) an assessment of progress in the execution  
4 of such priorities and plans during such period,  
5 disaggregated by geographic combatant command;

6           “(4) a description of any impediments to such  
7 execution, including to diplomatic, operational,  
8 logistical, or other objectives contained in such  
9 plans;

10          “(5) an assessment of coordination with allies  
11 and partners of the United States in implementing  
12 the freedom of navigation program of the Depart-  
13 ment during such period;

14          “(6) the results of the most recently conducted  
15 assessment required under subsection (b); and

16          “(7) a plan for the freedom of navigation pro-  
17 gram of the Department for the subsequent five-year  
18 period.

19          “(b) ASSESSMENTS ON ARCTIC MARITIME ACCESS.—

20 (1) The Secretary of the Navy, in coordination with the  
21 Secretary of Defense and the Commandant of the Coast  
22 Guard, shall conduct, and regularly update, an assessment  
23 of the capability of the armed forces to sustain maritime  
24 access and freedom of navigation in the Arctic region.

1           “(2) The assessment under paragraph (1) shall ad-  
2 dress, with respect to the capability of the armed forces  
3 specified in such paragraph, the following:

4           “(A) Operational requirements.

5           “(B) Icebreaking and sealift capacity require-  
6 ments.

7           “(C) Coordination with allies and partners of  
8 the United States.

9           “(D) Limitations to such capability relating to  
10 infrastructure or logistics.

11           “(E) Risks to such capability posed by the mili-  
12 tary infrastructure, or maritime activity, of foreign  
13 adversaries in the Arctic region.

14           “(c) CERTIFICATIONS ON CHALLENGES TO MARI-  
15 TIME ACCESS OR FREEDOM OF NAVIGATION.—(1) Not  
16 later than March 1, 2027, and annually thereafter, the  
17 Secretary of Defense shall certify to the congressional de-  
18 fense committees that—

19           “(A) during the fiscal year preceding the date  
20 of the submission of the report, the armed forces has  
21 challenged, through operational assertions, any ex-  
22 cessive maritime claim that is inconsistent with  
23 international law and would affect the maritime ac-  
24 cess or freedom of navigation of the United States;

1           “(B) the Secretary of Defense has made pub-  
2           licly available an unclassified report summarizing  
3           the nature and location of any claim so challenged  
4           during such period; and

5           “(C) the armed forces retain the capability to  
6           operate in any maritime domain necessary to sup-  
7           port global military operations and contingency  
8           plans.

9           “(2) If the Secretary is unable to certify to each of  
10          the matters specified in paragraph (1) with respect to a  
11          given fiscal year, the Secretary of Defense shall submit  
12          to the congressional defense committees, in lieu of such  
13          certification, a report that includes an identification of—

14                 “(A) any operational, force structure, resource,  
15                 or diplomatic impediment resulting in the inability  
16                 to so certify; and

17                 “(B) any additional authorities required to re-  
18                 solve such impediments.”.

