SEC. ____. AMENDMENT TO REPORTING REQUIREMENT FOR INTERAGENCY COORDINATION GROUP OF INSPECTORS GENERAL FOR GUAM REALIGNMENT.

Section 2835(e)(1) of the National Defense Authorization Act for FY 2010 (Public Law 111-84; 10 U.S.C. 2687 note) is amended—

(1) in the heading, by striking "ANNUAL" and inserting "BIENNIAL"; and

(2) in the matter preceding subparagraph (A)—

(A) by striking "each year" and inserting "every other year, beginning February 1, 2022,";

(B) by striking "fiscal year" and inserting "two fiscal years";

(C) by striking "such year" and inserting "such years"; and

(D) by striking "the year" and inserting "the years."

[Please note: The "Changes to Existing Law" section below sets out in red-line format how the legislative text would amend existing law.]

Section-by-Section Analysis

This proposal would extend the statutory timeframe of the annual Guam Realignment reporting requirement under section 2835(e)(1) of the National Defense Authorization Act for FY 2010 (Public Law 111-84; 10 U.S.C. 2687 note) based on modifications to the number of projects and relocated personnel involved in the realignment initiative. Extension of the annual reporting requirement to a biennial basis would afford the Department of Defense Office of Inspector General (DoD OIG) greater ability to effectively provide substantive oversight as head of the Interagency Coordination Group of Inspectors General for Guam Realignment.

Section 2835 requires the chairperson of the Interagency Coordination Group (ICG) of Inspectors General for Guam Realignment, led by the DoD OIG, to prepare and submit annual reports summarizing the activities of the ICG during the past year and the programs and operations funded with amounts appropriated or otherwise made available for military construction on Guam. Pursuant to section 2835, the annual reports are submitted to the congressional defense committees, the Secretary of Defense, and the Secretary of the Interior.

The requirement for annual reports no longer aligns with the initial relocation of personnel and projects as originally planned. The initial Guam realignment plan, created in

May 2006, included relocation of approximately 13,000 U.S. Marines and dependents over a 5-year period between 2010 and 2014. The relocation of a large number of service members and completing multiple projects in a compressed timeframe necessitated comprehensive oversight and congressional reporting on an annual basis. However, since the 2006 plan's inception, the number of relocated service members and dependents has decreased by 6,700, and the timeframe for the realignment completion has grown by 14 years, as illustrated in the table below. Furthermore, as a result of fewer personnel moving, the number of realignment projects has decreased.

	Originally Planned	Current Plan
Approximate Number of Marines and Dependents	8,000 Marines 5,000 Dependents	5,000 Marines 1,300 Dependents
Timeline	FYs 2010 – FY 2014 5 years	FY 2010 – FY 2028 19 years

Therefore, amending the annual reporting requirement to a biennial basis better aligns with the increased relocation timeline, the reduced personnel movements, and the reduced construction projects. Accordingly, Congressional oversight would be better accomplished through timely and relevant incremental audits conducted individually by Offices of Inspectors General over the remaining years of the 19-year realignment process, supplemented by a biennial report summarizing the activities of the ICG, rather than an annual summary report. The DoD OIG requests an amendment to the reporting requirement from an annual basis to a biennial report beginning February 1, 2022, covering Guam relocation actions for FYs 2020 through 2021.

A biennial reporting requirement for the ICG and the DoD OIG would not affect specific oversight of the programs and operations funded with amounts appropriated or otherwise made available for military construction on Guam. Individual audits and investigations conducted by the various entities associated with the members of the ICG would still be done.

In addition, section 2835 requires the chairperson of the ICG of Inspectors General for Guam Realignment to prepare and submit to the congressional defense committees a final report containing a notice of termination and a final forensic audit on programs and operations funded with amounts appropriated or otherwise made available for military construction on Guam when the Guam realignment is 90 percent complete (subsection (h)(2)(B)); the final report will continue to remain a requirement.

Budget Implications: This proposal has no significant budgetary impact. Resources impacted are incidental in nature and amount, and are included within the Fiscal Year (FY) 2021 President's Budget Request. This proposal will allow the DoD OIG to continue to use existing resources to provide effective oversight of DoD's Guam Realignment operations, while freeing up resources to perform other important audits, increasing the DoD OIG's overall efficiency.

Changes to Existing Law: This proposal would make the following changes to section 2835 of the National Defense Authorization Act for FY 2010 (10 U.S.C. 2687 note):

SEC. 2835. INTERAGENCY COORDINATION GROUP OF INSPECTORS GENERAL FOR GUAM REALIGNMENT.

(a) Interagency Coordination Group.-There is hereby established the Interagency Coordination Group of Inspectors General for Guam Realignment (in this section referred to as the "Interagency Coordination Group')-

(1) to provide for the objective conduct and supervision of audits and investigations relating to the programs and operations funded with amounts appropriated or otherwise made available for military construction on Guam in connection with the realignment of military installations and the relocation of military personnel on Guam; and

(2) to provide for coordination of, and recommendations on, policies designed-

(A) to promote economic efficiency and effectiveness in the administration of the programs and operations described in paragraph (1); and

(B) to prevent and detect waste, fraud, and abuse in such programs and operations.

(b) Membership.-

(1) Chairperson.-The Inspector General of the Department of Defense shall serve as chairperson of the Interagency Coordination Group.

(2) Additional members.-Additional members of the Interagency Coordination Group shall include the Inspector General of the Department of Interior and the Inspector General of such other Federal agencies as the chairperson considers appropriate to carry out the duties of the Interagency Coordination Group.

(c) Duties.-

(1) Oversight of guam construction.-It shall be the duty of the Interagency Coordination Group to conduct, supervise, and coordinate audits and investigations of the treatment, handling, and expenditure of amounts appropriated or otherwise made available for military construction on Guam and of the programs, operations, and contracts carried out utilizing such funds, including-

(A) the oversight and accounting of the obligation and expenditure of such funds;

(B) the monitoring and review of construction activities funded by such funds;

(C) the monitoring and review of contracts funded by such funds;

(D) the monitoring and review of the transfer of such funds and associated information between and among departments, agencies, and entities of the United States and private and nongovernmental entities;

(E) the maintenance of records on the use of such funds to facilitate future audits and investigations of the use of such fund; and

(F) the monitoring and review of the implementation of the Defense Posture Review Initiative relating to the realignment of military installations and the relocation of military personnel on Guam.

(2) Other duties related to oversight.-The Interagency Coordination Group shall establish, maintain, and oversee such systems, procedures, and controls as the Interagency Coordination Group considers appropriate to discharge the duties under paragraph (1).

(3) Oversight plan.-The chairperson of the Interagency Coordination Group shall prepare an annual oversight plan detailing planned audits and reviews related to the Guam realignment.

(d) Assistance From Federal Agencies.-

(1) Provision of assistance.-Upon request of the Interagency Coordination Group for information or assistance from any department, agency, or other entity of the Federal Government, the head of such entity shall, insofar as is practicable and not in contravention of any existing law, furnish such information or assistance to the Interagency Coordination Group.

(2) Reporting of refused assistance.-Whenever information or assistance requested by the Interagency Coordination Group is, in the judgment of the chairperson of the Interagency Coordination Group, unreasonably refused or not provided, the chairperson shall report the circumstances to the Secretary of Defense and to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] without delay.

(e) Reports.-

(1) ~~Annual~~ Biennial reports.-Not later than February 1 of ~~each year~~ every other year, beginning February 1, 2022, the chairperson of the Interagency Coordination Group shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives], the Secretary of Defense, and the Secretary of the Interior a report summarizing, for the preceding ~~fiscal year~~ two fiscal years, the activities of the Interagency Coordination Group during such ~~year~~ years and the activities under programs and operations funded with amounts appropriated or otherwise made available for military construction on Guam. Each report shall include, for the ~~year~~ years covered by the report, a detailed statement of all obligations, expenditures, and revenues associated with such construction, including the following:

(A) Obligations and expenditures of appropriated funds.

(B) A project-by-project and program-by-program accounting of the costs incurred to date for military construction in connection with the realignment of military installations and the relocation of military personnel on Guam, together with the estimate of the Department of Defense and the Department of the Interior, as applicable, of the costs to complete each project and each program.

(C) Revenues attributable to or consisting of funds contributed by the Government of Japan in connection with the realignment of military installations and the relocation of military personnel on Guam and any obligations or expenditures of such revenues.

(D) Operating expenses of agencies or entities receiving amounts appropriated or otherwise made available for military construction on Guam.

(E) In the case of any contract, grant, agreement, or other funding mechanism described in paragraph (2)-

(i) the amount of the contract, grant, agreement, or other funding mechanism;

(ii) a brief discussion of the scope of the contract, grant, agreement, or other funding mechanism;

(iii) a discussion of how the department or agency of the United States Government involved in the contract, grant, agreement, or other funding mechanism identified, and solicited offers from, potential individuals or entities to perform the contract, grant, agreement, or other funding mechanism, together with a list of the potential individuals or entities that were issued solicitations for the offers; and

(iv) the justification and approval documents on which was based the determination to use procedures other than procedures that provide for full and open competition.

(2) Covered contracts, grants, agreements, and funding mechanisms.-A contract, grant, agreement, or other funding mechanism described in this paragraph is any major contract, grant, agreement, or other funding mechanism that-

(A) is entered into by any department or agency of the United States Government with any public or private sector entity; and

(B) involves the use of amounts appropriated or otherwise made available for military construction on Guam.

(3) Form.-Each report required under this subsection shall be submitted in unclassified form, but may include a classified annex if the Interagency Coordination Group considers it necessary.

(4) Rule of construction.-Nothing in this subsection shall be construed to authorize the public disclosure of information that is-

(A) specifically prohibited from disclosure by any other provision of law;

(B) specifically required by Executive order to be protected from disclosure in the interest of national defense or national security or in the conduct of foreign affairs; or

(C) a part of an ongoing criminal investigation.

(5) Submission of comments.-Not later than 30 days after receipt of a report under paragraph (1), the Secretary of Defense or the Secretary of the Interior may submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] any comments on the matters covered by the report as the Secretary concerned considers appropriate. Any comments on the matters covered by the report shall be submitted in unclassified form, but may include a classified annex if the Secretary concerned considers it necessary.

(f) Public Availability; Waiver.-

(1) Public availability.-The Interagency Coordination Group shall publish on a publicly available Internet website each report prepared under subsection (e). Any comments on the report submitted under paragraph (5) of such subsection shall also be published on such website.

(2) Waiver authority.-The President may waive the requirement under paragraph (1) with respect to availability to the public of any element in a report under subsection (e), or any comment with respect to a report, if the President determines that the waiver is justified for national security reasons.

(3) Notice of waiver.-The President shall publish a notice of each waiver made under this subsection in the Federal Register no later than the date on which a report required under subsection (e), or any comment under paragraph (5) of such subsection, is submitted to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives]. The report and comments shall specify whether waivers under this subsection were made and with respect to which elements in the report or which comments, as appropriate.

(g) Definitions.-In this section:

(1) Amounts appropriated or otherwise made available.-The term “amounts appropriated or otherwise made available for military construction on Guam” includes amounts derived from the Support for United States Relocation to Guam Account.

(2) Guam.-The term “Guam” includes any island in the Northern Mariana Islands.

(h) Termination.-

(1) In general.-The Interagency Coordination Group shall terminate upon the expenditure of 90 percent of all funds appropriated or otherwise made available for Guam realignment.

(2) Final report.-Before the termination of the Interagency Coordination Group pursuant to paragraph (1), the chairperson of the Interagency Coordination Group shall prepare and submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] a final report containing-

(A) notice that the termination condition in paragraph (1) has occurred; and

(B) a final forensic audit on programs and operations funded with amounts appropriated or otherwise made available for military construction on Guam.