

AMENDMENTS TO THE DEFENSE APPROPRIATIONS BILL FY2023

Full Committee Markup
House Appropriations Committee
June 22, 2022

#1

ADOPTED VU

MS. MCCOLLUM

Department of Defense Appropriations Bill, 2023

Managers' Amendment

Offered by Ms. McCollum of Minnesota

BILL

In the bill:

On page 26, line 7, after the dollar amount, insert “(decreased by \$10,000,000)”.

On page 35, line 20, strike “until expended” and insert “for obligation until September 30, 2025”.

On page 35, line 23, before the period, insert “: *Provided*, That the Secretary of Defense shall, not less than 30 days prior to obligating funds under this heading in excess of \$20,000,000, notify the Committees on Appropriations of the House of Representatives and the Senate in writing of the details of any such obligation”.

On page 37, line 6, after the dollar amount, insert “(decreased by \$1,000,000)”.

On page 38, line 10, after the dollar amount, insert “(decreased by \$10,000,000) (increased by \$1,000,000)”.

On page 39, line 11, after the dollar amount, insert “(increased by \$10,000,000) (increased by \$10,000,000)”.

On page 39, line 19, after the dollar amount, insert “(increased by \$10,000,000) (increased by \$10,000,000)”.

On page 96, line 6, strike “, of which” and insert a semicolon after “program”.

REPORT

In the report:

On page 10, after the paragraph, insert the following:

“COMMITTEE INQUIRIES

The Committee requires timely responses to inquiries and requests for technical assistance to successfully perform its oversight responsibilities. Overly bureaucratic processes among administrative offices, major commands, and program offices hinder the Committee’s ability to make timely and accurate decisions, which may ultimately impact program offices and the servicemembers they support. The Committee expects the Secretary of the Army to improve the internal processes and communications with member offices and the Committee on Appropriations.”

On page 52, at the end of the first paragraph, insert the following:

“The Committee notes the uneven processes across the MCIOs in addressing cold cases. The Committee expects best practices to be shared across each of the MCIOs, and is concerned that disincentives exist to officially close cold cases, in particular, as it will affect when the Inspector General may begin to conduct oversight. The Committee directs the Secretary of Defense to work with the Service Secretaries to develop a standard across each of the MCIOs for when closed cases should be conveyed to outside organizations for a peer review or consideration by the Inspector General. Furthermore, if a case is not solved prior to the investigators “rotating out of the unit”, the Committee expects each Service Secretary to ensure standard procedures exist that guarantee an effective turn-over of the case to a new investigator. Finally, the Committee encourages the Secretary of the Army to consider establishing a cold case unit similar to NCIS and OSI.”

On page 58, before the header “Operation and Maintenance, Army”, insert the following:

“TAIWAN

The Committee notes that Section 1249 of the National Defense Authorization Act for Fiscal Year 2022 (P.L. 117-81) required the Secretary of Defense to provide the congressional defense committees with a briefing on the feasibility and advisability of enhanced cooperation between the National Guard and Taiwan. The Committee understands that the Secretary of Defense continues to assess the feasibility of enhancing the relationship between the National Guard and Taiwan. Given the possible impact of this decision, the Committee directs the Secretary of Defense to brief the congressional defense committees with an update on these determinations not later than September 30, 2022.”

On page 89, before the header “Counter-ISIS Train and Equip Fund”, insert the following:

“MEXICO

The Committee understands that having a combatant command with a focus on the nations on our direct borders is vital to the security of the United States. The Committee also appreciates the close ties between Mexico and its Central and South American neighbors. Given these considerations, the Committee directs the Secretary of Defense to conduct a study of the impact to U.S. security interests of transferring Mexico from the Northern Command area of responsibility to the Southern Command area of responsibility. The Secretary shall submit a report on the results of this study to the congressional defense committees not later than 180 days after the enactment of this Act.

ELECTRO-OPTICAL COMMERCIAL LAYER CONTRACT AND COMBATANT COMMAND
REQUIREMENTS

The Committee notes the importance of commercial imagery in supporting users’ needs and emerging requirements for the Department of Defense, to include U.S. Special Operations Command and other geographic combatant commands, and the Intelligence Community. The National Reconnaissance Office (NRO) recently finalized negotiations on the Electro-Optical Commercial Layer (EOCL) contract, which is a critical enabler for matching commercial imaging capabilities with these requirements. The Committee fully funds the budget request for EOCL and strongly encourages users across the federal government to utilize this enterprise contract to fulfill electro-optical imagery requirements, maximize

efficiency and eliminate duplication. In the event user needs exceed the existing scope of imagery purchases, the Committee encourages users to work within their organizations to identify internal resources while working with the NRO to augment the scope of EOCL to meet mission needs.”

On page 128, before the header “Aircraft Procurement, Navy”, insert the following:

“HIGH MOBILITY ENGINEER EXCAVATOR

The Committee notes that the Army did not request funding for the High Mobility Engineer Excavator (HMEE) program in fiscal year 2023 and does not plan to request funding in fiscal year 2024. The Committee directs the Secretary of the Army to provide a briefing to the congressional defense committees not later than October 1, 2022 on plans to maintain the HMEE production line and the Army’s resource strategy for HMEE over the next five years.”

On page 133, before the header “Weapons Procurement, Navy”, insert the following:

“E-2D ADVANCED HAWKEYE

The E-2D is an essential command and control element of the Carrier Strike Group’s advanced capability to provide force protection and enable power projection for the United States and its allies. In 2019, the Navy approved an increase of 11 aircraft to the program of record, bringing the total warfighter requirement from 75 to 86 aircraft. However, the fiscal year 2023 President’s budget requests only five aircraft and does not include any additional aircraft in the future years defense program. This would result in a shortfall of eight aircraft. The Committee notes that the Navy’s fiscal year 2023 unfunded priorities list includes an additional \$400,000,000 for two E-2D aircraft. The Committee believes that fulfilling the authorized warfighter requirement will increase readiness, aircraft availability, and reduce operational risk. Therefore, the Committee directs the Secretary of the Navy to submit a report to the congressional defense committees not later than 60 days after the enactment of this Act providing a plan to fund the remaining aircraft to meet its authorized warfighter requirement.”

On page 194, before the header “Research, Development, Test and Evaluation, Navy”, insert the following:

“WIRE ARC ADDITIVE MANUFACTURING FOR ENVIRONMENTAL QUALITY TECHNOLOGY

The Committee supports the development of Wire Arc Additive Manufacturing (WAAM) of optimized multi-metal components for the future of combat systems. This research is key to maintaining a strong lead in the race for innovation against near-peer competitors.

CARBON COMPOSITE LIGHTWEIGHT WHEELS AND BRAKES

The Committee recognizes the Army’s efforts to develop lighter weight carbon composite brakes and wheels and supports the continued development of this technology and associated components for the CH-47. Potential benefits include reduced aircraft weight, lower fuel costs, increased payload, and extended mission range.”

On page 209, before the header “Research, Development, Test and Evaluation, Air Force”, insert the following:

“CRITICAL PROTECTION TECHNOLOGIES

The Committee recognizes the growing threat and ability posed by adversaries to exploit sophisticated weapon systems and the need to ensure advantages in the cyber and encryption arenas. The Committee encourages the Navy to continue investment in critical protection technologies, and specifically cybersecurity architecture, to ensure the threat is matched by continued development of keystone capabilities to protect weapon systems.”

On page 226, after the last paragraph, insert the following:

“E-3 DIVESTMENT

Though the fiscal year 2023 budget request seeks to achieve cost savings associated with immediate divestment of 15 E-3 aircraft, the Committee is concerned about further degradation of already insufficient command, control, and surveillance capability and specialized manpower in the years between divestment and replacement. Further, while the Air Force has identified the E-7 as the E-3 replacement, it has not provided the Committee sufficient cost or schedule information to ensure there is not an enduring capabilities gap. Therefore, the Committee directs the Secretary of the Air Force to submit a report to the congressional defense committees not later than 90 days after the enactment of this Act on the projected schedule for the E-3 replacement and plans to mitigate the risk incurred on the enterprise, including active duty, civilians, contractors, and others at Tinker Air Force Base. This report should also outline the impact divestiture will have on airborne early warning and control capabilities and how the Air Force intends to mitigate that gap until a replacement is operational.”

On page 233, in the paragraph under the header “Small Satellite Technology University Research”, strike “university research” and insert “collaboration between start-up companies and universities”.

On page 251, before the header “Operational Test and Evaluation, Defense”, insert the following:

“MOBILE MICRO-REACTOR

The Committee supports the Strategic Capabilities Office’s (SCO) Project Pele to develop and demonstrate a prototype transportable nuclear power source with the expectation that the capability will be transitioned to the Services for production. The Committee believes that maintaining plans and schedule for the current effort to demonstrate a prototype micro-reactor should be its top priority. In addition, the Committee encourages SCO to support the design maturation efforts of multiple sources for the mobile micro-nuclear reactor to ensure a strong industrial base and competition for any future follow-on production activities. Therefore, the Committee directs the Director, SCO, to provide the House and Senate Appropriations Committees a briefing, not later than August 15, 2022, with an update on cost and schedule to keep the current effort to develop a prototype on track and to provide cost and goals of a proposed plan to resource the design completion of a viable second source for the micro-reactor.

RELIANCE ON CHINESE PLASTICS

The People’s Republic of China remains the world’s largest producer of plastics, which are necessary in the production of critical materials for national security and defense purposes. The Committee encourages the Department of Defense to lessen its dependency on Chinese plastic suppliers and transition to

domestic materials, including hemp, when applicable. Further, the Committee directs the Secretary of Defense to submit a report to the congressional defense committees not later than 180 days after the enactment of this Act outlining the Department's efforts to increase domestic sourcing of these materials.

CYBERSECURITY INNOVATION

The Committee is aware that the Defense Innovation Unit (DIU) is looking at emerging technologies to improve the security of the Internet of Things and end point devices. The Committee supports DIU's mission to accelerate innovation in the commercially focused technology sector. Near peer adversaries are challenging the United States across several dimensions to include cyber warfare. The Committee is concerned that adversaries are at par or ahead of the United States in critical cyber technology areas, including the threat to the Internet of Things and end point devices. The Committee encourages DIU to make investments in innovative commercial solutions to improve cybersecurity of end point devices against these threats."

On page 270, before the header “Chemical Agents and Munitions Destruction, Defense”, insert the following:

“MULTIFACTOR APPROACHES IN POST-TRAUMATIC STRESS DISORDER TREATMENT

The Committee continues to support the peer-reviewed traumatic brain injury and psychological health research program. The Committee is aware of the use of novel combinatorial forms of intervention, including multifactor approaches that incorporate dietary intervention and non-invasive brain stimulation, to treat psychological health, post-traumatic stress disorder, and other stress-related disorders. The Assistant Secretary of Defense for Health Affairs is encouraged to explore these interventions and further study genetic markers that may impact treatment efficacy.

RAPID DEPLOYABLE SYNTHETIC VACCINE DEVELOPMENT

The Committee notes the significant advancements in vaccine development and the need to rapidly distribute countermeasures to combat infectious diseases and virus variants when required for the protection of military personnel worldwide. The Committee encourages the Commander, Army Medical Research and Development Command, and the Assistant Secretary of Defense for Health Affairs to research the development of low cost, single dose, highly scalable synthetic peptide vaccines that allow for rapid deployment to military personnel against COVID–19, new virus variants, and infectious disease threats.”

#2

NOT ADOPTED
27-31

Rep. Ken Calvert
FY23 - Defense
Amendment #1

**AMENDMENT TO H.R. ____ (DEFENSE
APPROPRIATIONS, FISCAL YEAR 2023)
OFFERED BY MR. CALVERT OF CALIFORNIA**

Page 8, line 6, strike "\$57,583,205,000" and insert
"\$57,577,063,000".

Page 8, line 15, strike "\$65,775,711,000" and in-
sert "\$65,737,549,000".

Page 8, line 25, strike "\$9,638,125,000" and insert
"\$9,632,125,000".

Page 9, line 4, strike "\$58,038,438,000" and insert
"\$58,023,438,000".

Page 9, line 19, strike "\$48,663,571,000" and in-
sert "\$48,638,875,000".

Page 37, line 16, strike "\$43,173,883,000" and in-
sert "\$43,263,883,000".



Amend the report:

On page 58, Strike “57,583,205,000” and insert in lieu thereof “\$57,577,063,000”.

On page 59, line 121, Strike “7,432,699” and insert in lieu thereof, “7,432,264” and add the following

new text: “Climate change personnel support decrease -435”.

On page 59, line 131, Strike “9,281,325” and insert in lieu thereof, “9,277,241” and add the following

new text: “Electric Vehicle Support decrease -4,084”.

On page 61, line 431, Strike “498,154” and insert in lieu thereof, “496,531” and add the following

new text: “Climate change personnel support decrease -1,623”.

On page 62, Strike “65,755,711,000” and insert in lieu thereof “65,737,549,000”.

On page 64, line BSM1, Strike “3,639,311” and insert in lieu thereof, “3,627,311” and add the following

new text: “Electric Vehicle Support decrease -12,000”.

On page 64, line BSS1, Strike “5,503,088” and insert in lieu thereof, “5,483,976” and add the following

new text: “Carbon Sequestration project decrease -10,500”;

“Climate change personnel support decrease -5,812”;

“Electric Vehicle Support decrease -2,800”.

On page 65, line 4A1M, Strike “1,349,966” and insert in lieu thereof “1,342,916” and add the following

new text: “Climate change personnel support decrease -7,050”

On page 66, Strike “9,638,125,000” and insert in lieu thereof “9,632,125,000”.

On page 67, line BSM1, Strike “1,292,219” and insert in lieu thereof, “1,287,219” and add the following

new text: “Electric Vehicle Support decrease -5,000”

On page 67, line BSS1, Strike “2,699,487” and insert in lieu thereof, “2,698,487” and add the following

new text: “Electric Vehicle Support decrease -1,000”

On page 68, Strike “58,038,438,000” and insert in lieu thereof, “58,023,438,000”.

On page 69, line 11Z, Strike “10,592,741” and insert in lieu thereof, “10,577,741” and add the following

new text: “Electric Vehicle Support decrease -13,400”;

“Climate change personnel support decrease -1,600”

On page 74, Strike “48,663,571,000” and insert in lieu thereof “48,638,875,000”.

On page 77, line 4GTH, Strike “40,063” and insert in lieu thereof, “40,060” and add the following
new text: “Electric Vehicle Support decrease -3”

On page 78, line 4GTN, Strike “2,281,371” and insert in lieu thereof, “2,256,678”, Strike “Program
increase – Readiness Environmental Protection Integration +8,281”

and add the following new text: “Climate change personnel support decrease -4,536”;

“Electric Vehicle Support decrease -500”;

“Readiness and Environmental Protection Integration unjustified growth -11,376”

On page 209, Strike “43,173,883,000” and insert in lieu thereof “43,263,883,000”.

On page 214, line 43, Strike “24,981” and insert in lieu thereof “114,981” and Strike “Terminate ARRW
flight test after ATF-1 -90,000”

Dine-Baunt #1

#3

NOT ADOPTED
28-30

AMENDMENT TO DEFENSE APPROPRIATIONS,

FISCAL YEAR 2023

OFFERED BY MR.

Dine-Baunt

Page 137, strike lines 6-9.

At the appropriate place in the bill insert the following:

1 SEC. _____. None of the funds appropriated or other-
2 wise made available in this or any other Act may be used
3 to transfer, release, or assist in the transfer or release to
4 or within the United States, its territories, or possessions
5 Khalid Sheikh Mohammed or any other detainee who—

6 (1) is not a United States citizen or a member
7 of the Armed Forces of the United States; and

8 (2) is or was held on or after June 24, 2009,
9 at United States Naval Station, Guantanamo Bay,
10 Cuba, by the Department of Defense.

11 SEC. _____. None of the funds appropriated or other-
12 wise made available in this Act may be used to transfer
13 any individual detained at United States Naval Station
14 Guantanamo Bay, Cuba, to the custody or control of the
15 individual's country of origin, any other foreign country,
16 or any other foreign entity except in accordance with sec-

tion 1034 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92) and section 1042 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92).

SEC. _____. (a) None of the funds appropriated or otherwise made available in this or any other Act may be used to construct, acquire, or modify any facility in the United States, its territories, or possessions to house any individual described in subsection (c) for the purposes of detention or imprisonment in the custody or under the effective control of the Department of Defense.

(b) The prohibition in subsection (a) shall not apply to any modification of facilities at United States Naval Station, Guantanamo Bay, Cuba.

(c) An individual described in this subsection is any individual who, as of June 24, 2009, is located at United States Naval Station, Guantanamo Bay, Cuba, and who—

(1) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(2) is—

(A)) in the custody or under the effective control of the Department of Defense; or

(B) otherwise under detention at United States Naval Station, Guantanamo Bay, Cuba.

1 SEC. _____. None of the funds made available by this
2 Act may be used to carry out the closure or realignment
3 of the United States Naval Station, Guantanamo Bay,
4 Cuba.



#4

WITHDRAWN

Rep. Henry Cuellar
FY22 – Defense
Amendment

OPERATION AND MAINTENANCE, DEFENSE-WIDE, IMPACT AID

New Bill Language: "SEC. __ Operations and Maintenance, Defense-Wide-- Provided further, that of the funds provided under this heading, not less than \$2,950,000 shall be made available for a local educational agency described in Section 7003 (b) (2) (B) (i) (I) (aa) of Public Law 114-95 (20 U.S.C. 7703) and in which no less than 35 percent of the agency's total enrollment are children eligible under Section 7003 (a) (1) (D) (i)."

#5

WITHDRAWN

Rep. Tom Cole
FY23 – Defense
Amendment #1

E-3 Divestment

At the appropriate place in the bill, insert the following new section:

Sec. __. None of the funds appropriated or otherwise made available by this or any other Act may be used by the Secretary of the Air Force to divest, prepare to divest, or place in storage or on backup aircraft inventory status any E-3 aircraft.

Rep. John
Rutherford

#6

WITHDRAWN

**AMENDMENT TO H.R. ____ (DEFENSE
APPROPRIATIONS, FISCAL YEAR 2023)
OFFERED BY MR. RUTHERFORD OF FLORIDA**

Strike section 8101 and insert the following:

- 1 SEC. 8101. None of the funds made available by this
- 2 Act may be obligated or expended for the purpose of de-
- 3 commissioning any Navy Littoral Combat Ships.



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#7

NOT ADOPTED
26-32

**AMENDMENT TO DEFENSE APPROPRIATIONS ACT,
FISCAL YEAR 2023**

OFFERED BY MR. HARRIS OF MARYLAND

Strike section 8145.



#8

ADOPTED VV

Rep. Debbie Wasserman Schultz
FY23 – Defense
Amendment #1

At the appropriate place in the report, insert

“Biorepository diversity.—The Committee is encouraged by efforts within Defense Health Program (DHP), including health research programs, to better understand chronic diseases through biorepositories which store and catalogue used medical tissues for scientific understanding. Collecting and cataloging samples from a diverse population allows both the civilian medical community and DHP to perform research into health disparities in those populations and advance health equity. Therefore, the Committee urges the Secretary of Defense to expand funding opportunities to increase the number of samples from a diverse population and where possible, form cooperative partnerships with established civilian research efforts into biorepositories for diseases from diverse populations.”

Rep. Guy Reschenthaler
FY23 - Defense
Amendment #1

#9

ADOPTED VV

AMENDMENT TO DEFENSE APPROPRIATIONS BILL
OFFERED BY MR. RESCHENTHALER OF
PENNSYLVANIA

At the end of the bill (before the short title), insert
the following:

- 1 SEC. ____ . None of the funds made available by this
- 2 Act may be used to support any activity conducted by,
- 3 or associated with, the Wuhan Institute of Virology.



Rep. Guy Reschenthaler
FY23- Defense
Amendment #2

#10

ADOPTED VV

AMENDMENT TO DEFENSE APPROPRIATIONS BILL
OFFERED BY MR. RESCHENTHALER OF
PENNSYLVANIA

At the end of the bill (before the short title), insert
the following:

- 1 SEC. _____. None of the funds made available by this
2 Act may be used to fund any work to be performed by
3 EcoHealth Alliance, Inc. in China on research supported
4 by the government of China unless the Secretary of De-
5 fense determines that a waiver to such prohibition is in
6 the national security interests of the United States and,
7 not later than 14 days after granting such a waiver, sub-
8 mits to the congressional defense committees a detailed
9 justification for the waiver, including—
- 10 (1) an identification of the Department of De-
11 fense entity obligating or expending the funds;
- 12 (2) an identification of the amount of such
13 funds;
- 14 (3) an identification of the intended purpose of
15 such funds;
- 16 (4) an identification of the recipient or prospec-
17 tive recipient of such funds (including any third-
18 party entity recipient, as applicable);

- 1 (5) an explanation for how the waiver is in the
- 2 national security interests of the United States; and
- 3 (6) any other information the Secretary deter-
- 4 mines appropriate.



#11

ADOPTED VU

AMENDMENT TO DEFENSE APPROPRIATIONS BILL
OFFERED BY MS. LEE OF CALIFORNIA

At the end of the bill (before the short title) insert
the following:

1 SEC. _____. Effective 240 days after the date of the
2 enactment of this Act, the Authorization for Use of Mili-
3 tary Force (Public Law 107-40; 50 U.S.C. 1541 note)
4 is hereby repealed.



#12

ADOPTED VV

AMENDMENT TO DEFENSE APPROPRIATIONS BILL
OFFERED BY MS. LEE OF CALIFORNIA

At the end of the bill (before the short title) insert
the following:

1 SEC. _____. The Authorization for Use of Military
2 Force Against Iraq Resolution of 2002 (Public Law 107-
3 243; 116 Stat. 1498; 50 U.S.C. 1541 note) is hereby re-
4 pealed.



#13

NOT ADOPTED
26-32

**AMENDMENT TO H.R. ____ (DEFENSE
APPROPRIATIONS, FISCAL YEAR 2023)
OFFERED BY MR. ADERHOLT OF ALABAMA**

At the appropriate place in the bill insert the following:

1 SEC. _____. None of the funds made available by this
2 Act may be used for the geographic reassignment of civil-
3 ian or military personnel from a military installation, ju-
4 risdiction, locality, or State within the United States and
5 its Territories to another military installation, jurisdiction,
6 locality, or State within the United States and its Terri-
7 tories if such reassignment is based in whole, or in part,
8 on the policies, statutes, or laws of the jurisdiction, local-
9 ity, Territory, or State where such personnel are stationed
10 or assigned.



#14

NOT ADOPTED
28-29

AMENDMENT TO DEFENSE APPROPRIATIONS BILL
OFFERED BY MR. GARCIA OF CALIFORNIA

At the end, before the short title, insert the following:

- 1 SEC. 8146. Not later than September 30, 2023, the
- 2 Secretary of Defense shall implement pay scales that en-
- 3 sure that basic pay for a member of the Armed Forces
- 4 equals or exceeds \$31,200.



Rep. Ben Cline
FY23 - Defense
Amendment #1

#15

WITHDRAWN

**AMENDMENT TO DEFENSE APPROPRIATIONS ACT,
FISCAL YEAR 2023**

OFFERED BY MR. CLINE OF VIRGINIA

At the end of the bill (before the spending reduction
account), insert the following:

- 1 SEC. _____.
- 2 None of the funds made available by this Act may
- 3 be used to redesign the insignia or patch of the 29th In-
- 4 fantry Division of the Army.



#16

WITHDRAWN

Rep. Tony Gonzales
FY23 – Defense
Amendment #1

V-22 Procurement

In the REPORT:

On page 128 of the report, under the section "Aircraft Procurement, Navy" insert the following:

MV-22 Aircraft.....+672,000,000

CMV-22 Aircraft.....+396,000,000