

En Bloc Amendments to H.R. 4435
National Defense Authorization Act for Fiscal Year 2015

Wednesday, May 7, 2014

Full Committee		
En Bloc # 4		
Log #	Sponsor	Description
026r1	Walorski	Directs the President to submit reports on Iran's compliance with the interim nuclear agreement as well as an assessment of the overall state of its nuclear program.
048r1	Bridenstine	Sets pre-certification conditions for the procurement of certain IT systems and directs the Secretary of Defense to develop a joint IT enterprise architecture.
071	Sanchez	Prohibits FY15 DOD funding for contracts violating Executive Order No. 11246.
097r1	Garamendi	DRL to require the Chairman of the Nuclear Weapons Council, in consultation with the Administrator for Nuclear Security, to provide a briefing on costs and impacts of a pit production strategy that achieves a capacity of 50 to 80 plutonium pits per year in 2027 as compared to a strategy that achieves such capacity in 2031.
108r2	Lamborn	Requires the Secretary of Defense to take such steps as necessary to improve the Situational Awareness Capabilities of DOD regarding legal and licit business transactions of potential adversaries.
128	Lamborn	Requires the Secretary of Defense to provide a report on DOD contractors that have conducted significant transactions with Iranian persons or the government of Iran.
156r1	Hanabusa	Requires the Secretary of Defense to ensure compliance with existing law regarding appropriate manpower performance and provide written notification of compliance to the congressional defense committees.
231	Thornberry	Extends the authority for the Office of Security Cooperation-Iraq, and modifies certain provisions regarding "non-operational training in an institutional environment" to clarify congressional intent.
246	Gabbard	Directs the submission of the biannual report on use of funds in drug interdiction and counter-drug activities to include the Committee on Foreign Affairs of the House and the Committee on Foreign Relations of the Senate
263r1	Thornberry	Allows the Secretary of State to exclude the Kurdistan Democratic Party and the Patriotic Union of Kurdistan from the definition of terrorist organization for the limited purpose of issuing a temporary visa to a member of the Kurdistan Democratic Party

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AMENDMENT TO H.R. 4435

OFFERED BY MRS. WALORSKI OF INDIANA

At the appropriate place in title XII, insert the following:

1 **SEC. 12 ____ . REPORTS ON NUCLEAR PROGRAM OF IRAN.**

2 (a) IN GENERAL.—Not later than 30 days after the
3 date of the enactment of this Act, the President shall sub-
4 mit to Congress a report on the interim agreement relat-
5 ing to the nuclear program of Iran. Such report shall in-
6 clude—

7 (1) verification of whether Iran is com-
8 plying with such agreement; and

9 (2) an assessment of the overall state of
10 the nuclear program of Iran.

11 (b) ADDITIONAL REPORTS.—If the interim agree-
12 ment described in subsection (a) is renewed or if a com-
13 prehensive and final agreement is entered into regarding
14 the nuclear program of Iran, by not later than 90 days
15 after such renewal or final agreement being entered into,
16 the President shall submit to Congress a report on such
17 renewed or final agreement. Such report shall include the

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1 matters described in paragraphs (1) and (2) of subsection

2 (a).



AMENDMENT TO H.R. 4435
OFFERED BY MR. BRIDENSTINE OF OKLAHOMA

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

1 **SEC. 10__.** **MANAGEMENT OF DEFENSE INFORMATION**
2 **TECHNOLOGY SYSTEMS.**

3 (a) **IN GENERAL.**—Section 2222 of title 10, United
4 States Code, is amended to read as follows:

5 **“§ 2222. Management of Defense information tech-**
6 **nology systems**

7 “(a) **CONDITIONS FOR OBLIGATION OF FUNDS FOR**
8 **COVERED DEFENSE INFORMATION TECHNOLOGY SYSTEM**
9 **PROGRAMS.**—Funds available to the Department of De-
10 fense, whether appropriated or non-appropriated, may not
11 be obligated for a defense information technology system
12 program that will have a total cost in excess of \$1,000,000
13 over the period of the current future-years defense pro-
14 gram submitted to Congress under section 221 of this title
15 unless—

16 “(1) the appropriate pre-certification authority
17 for the covered defense information technology sys-
18 tem program has determined that—

1 “(A) the defense information technology
2 system program is in compliance with the enter-
3 prise architecture developed under subsection
4 (b) and appropriate business process re-engi-
5 neering efforts have been undertaken to ensure
6 that—

7 “(i) the business process supported by
8 the defense information technology system
9 program is or will be as streamlined and
10 efficient as practicable; and

11 “(ii) the need to tailor commercial-off-
12 the-shelf systems to meet unique require-
13 ments or incorporate unique requirements
14 or incorporate unique interfaces has been
15 eliminated or reduced to the maximum ex-
16 tent practicable;

17 “(B) the defense information technology
18 system program is necessary to achieve a crit-
19 ical national security capability or address a
20 critical requirement in an area such as safety or
21 security; or

22 “(C) the defense information technology
23 system program is necessary to prevent a sig-
24 nificant adverse effect on a project that is need-
25 ed to achieve an essential capability, taking into

1 consideration the alternative solutions for pre-
2 venting such adverse effect; and

3 “(2) the covered defense information technology
4 system program has been reviewed and certified by
5 the investment review board established under sub-
6 section (e).

7 “(b) ENTERPRISE ARCHITECTURE FOR DEFENSE IN-
8 FORMATION TECHNOLOGY SYSTEMS.—(1) The Secretary
9 of Defense shall develop an enterprise architecture, known
10 as the joint information technology enterprise architec-
11 ture, to cover all defense information technology systems,
12 and the functions and activities supported by defense in-
13 formation technology systems, which shall be sufficiently
14 defined to effectively guide, constrain, and permit imple-
15 mentation of interoperable defense information technology
16 system solutions and consistent with the policies and pro-
17 cedures established by the Director of the Office of Man-
18 agement and Budget.

19 “(2) The Secretary of Defense shall delegate respon-
20 sibility and accountability for the defense information
21 technology enterprise architecture content, including un-
22 ambiguous definitions of functional processes, business
23 rules, and standards, as follows:

24 “(A) For the warfighting mission area, the
25 Joint Staff shall be responsible and accountable for

1 the content of those portions of the defense informa-
2 tion systems enterprise architecture.

3 “(B) For the business systems mission area,
4 the Deputy Chief Management Officer of the De-
5 partment of Defense shall be responsible and ac-
6 countable for the content of those portions of the de-
7 fense information technology enterprise architecture.

8 “(C) For the Enterprise Information environ-
9 ment mission area, the Chief Information Officer of
10 the Department of Defense shall be responsible and
11 accountable for the content of those portions of the
12 defense information technology enterprise architec-
13 ture.

14 “(c) COMPOSITION OF ENTERPRISE ARCHITEC-
15 TURE.—The defense information technology enterprise ar-
16 chitecture developed under subsection (b)(1)(A) shall in-
17 clude the following:

18 “(1) An information infrastructure that, at a
19 minimum, would enable the Department of Defense
20 to comply with all applicable law.

21 “(2) Policies, procedures, data standards, per-
22 formance measures, and system interface require-
23 ments that are to apply uniformly throughout the
24 Department of Defense.

1 “(3) A target defense information technology
2 systems computing environment, compliant with the
3 defense information technology enterprise architec-
4 ture, as determined by the Chief Information Officer
5 of the Department of Defense.

6 “(d) DESIGNATION OF APPROPRIATE PRE-CERTIFI-
7 CATION AUTHORITIES AND SENIOR OFFICIALS.—For pur-
8 poses of subsections (a) and (e), the appropriate pre-
9 tification authority for a defense information technology
10 system program is as follows:

11 “(1) In the case of an Army program, the Sec-
12 retary of the Army.

13 “(2) In the case of a Navy program, the Sec-
14 retary of the Navy.

15 “(3) In the case of an Air Force program, the
16 Secretary of the Air Force.

17 “(4) In the case of a program of a Defense
18 Agency, the Director, or equivalent, of such Defense
19 Agency, unless otherwise approved by the Secretary
20 of Defense.

21 “(5) In the case of a program that will support
22 the business processes of more than one military de-
23 partment or Defense Agency, an appropriate pre-
24 tification authority designated by the Secretary of
25 Defense.

1 “(e) DEFENSE INFORMATION TECHNOLOGY SYSTEM
2 INVESTMENT REVIEW.—(1) The Secretary of Defense
3 shall establish an investment review board and investment
4 management process to review and certify the planning,
5 design, acquisition, development, deployment, operation,
6 maintenance, modernization, and project cost benefits and
7 risks of covered defense information technology systems
8 programs. The investment review board and investment
9 management process so established shall specifically ad-
10 dress the requirements of subsection (a).

11 “(2) The review of defense information technology
12 systems programs under the investment management
13 process shall include the following:

14 “(A) Review and approval by an investment re-
15 view board of each covered defense information tech-
16 nology system program before the obligation of
17 funds on the system in accordance with the require-
18 ments of subsection (a).

19 “(B) Periodic review of all covered defense in-
20 formation technology system programs, grouped in
21 mission areas.

22 “(C) Representation on each investment review
23 board by appropriate officials from among the Office
24 of the Secretary of Defense, the armed forces, the
25 combatant commands, the Joint Chiefs of Staff, and

1 the Defense Agencies, including representation from
2 each of the following:

3 “(i) The appropriate pre-certification au-
4 thority for the defense information technology
5 system under review.

6 “(ii) The appropriate senior official of the
7 Department of Defense for the functions and
8 activities supported by the defense information
9 technology system under review.

10 “(iii) The Chief Information Officer of the
11 Department of Defense.

12 “(D) Use of threshold criteria to ensure an ap-
13 propriate level of review within the Department of
14 Defense of, and accountability for, defense informa-
15 tion technology system programs depending on
16 scope, complexity, and cost.

17 “(E) Use of procedures for making certifi-
18 cations in accordance with the requirements of sub-
19 section (a).

20 “(f) BUDGET INFORMATION.—In the materials that
21 the Secretary submits to Congress in support of the budg-
22 et submitted to Congress under section 1105 of title 31
23 for fiscal year 2015 and fiscal years thereafter, the Sec-
24 retary of Defense shall include the following information:

1 “(1) Identification of each defense information
2 technology system program for which funding is pro-
3 posed in that budget.

4 “(2) Identification of all funds, by appropria-
5 tion, proposed in that budget for each such program,
6 including—

7 “(A) funds for current services (to operate
8 and maintain the system covered by such pro-
9 gram); and

10 “(B) funds for information technology sys-
11 tems modernization, identified for each specific
12 appropriation.

13 “(3) For each such program, identification of
14 the appropriate pre-certification authority and senior
15 official of the Department of Defense designated
16 under subsection (d).

17 “(4) For each such program, a description of
18 each approval made under subsection (a)(3) with re-
19 gard to such program, including—

20 “(A) specific milestones and actual per-
21 formance against specified performance meas-
22 ures, and any revision of such milestones and
23 performance measures; and

1 “(B) specific actions on the defense infor-
2 mation technology system programs submitted
3 for certification under such subsection.

4 “(5) Identification of any covered defense infor-
5 mation technology system program during the pre-
6 ceding fiscal year that was not approved under sub-
7 section (a), and the reasons for the lack of approval.

8 “(g) DEFINITIONS.—In this section:

9 “(1) The term ‘enterprise architecture’ has the
10 meaning given that term in section 3601(4) of title
11 44.

12 “(4) The terms ‘information system’ and ‘infor-
13 mation technology’ have the meanings given those
14 terms in section 11101 of title 40.

15 “(5) The term ‘national security system’ has
16 the meaning given that term in section 3542(b)(2)
17 of title 44.”.

18 (b) CLERICAL AMENDMENT.—The item relating to
19 section 2222 in the table of chapters at the beginning of
20 chapter 131 of such title is amended to read as follows:

“2222. Management of Defense information technology systems.”.



AMENDMENT TO H.R. 4435
OFFERED BY MS. LORETTA SANCHEZ OF
CALIFORNIA

At the appropriate place in title VIII, insert the following new section:

1 **SEC. 8___. PROHIBITION ON FUNDS FOR CONTRACTS VIO-**
2 **LATING EXECUTIVE ORDER NO. 11246.**

3 None of the funds authorized to be appropriated by
4 this Act or otherwise made available to the Department
5 of Defense may be used to enter into any contract with
6 any entity if such contract would violate Executive Order
7 No. 11246 (relating to nonretaliation for disclosure of
8 compensation information), as amended by the announce-
9 ment of the President on April 8, 2014.



Log 097r1

Amendment Offered by Mr. Garamendi of California

H.R. 4435—National Defense Authorization Act for Fiscal Year 2015

In the appropriate place in the report, insert the following:

Report on Plutonium Strategy

The committee directs the Chairman of the Nuclear Weapons Council, in consultation with the Administrator for Nuclear Security, to provide a briefing to the Committees on Armed Services of the Senate and the House of Representatives by September 15, 2014, on the costs, benefits, risks, challenges, opportunities, requirements, and potential impacts on other programs associated with pursuing a plutonium strategy that achieves a pit production capacity of 50 to 80 plutonium pits per year in 2027 as compared to a strategy that achieves such capacity in 2031.

AMENDMENT TO H.R. 4435
OFFERED BY MR. LAMBORN OF COLORADO

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

1 **SEC. ____.** **DEPARTMENT OF DEFENSE SITUATIONAL**
2 **AWARENESS OF ECONOMIC AND FINANCIAL**
3 **ACTIVITY.**

4 (a) **FINDINGS.**—Congress makes the following find-
5 ings:

6 (1) There is a lack of situational awareness
7 within the Department of Defense concerning how
8 state and non-state adversaries and potential adver-
9 saries are interwoven into the international financial
10 and trading systems via legal and licit activities and
11 use such market activities to fund and equip them-
12 selves and advance their interests.

13 (2) There is a lack of capability within the De-
14 partment of Defense to formulate policy options
15 within the interagency process, or for consideration
16 within the Department, concerning whether state
17 and non-state adversaries and potential adversaries
18 have key vulnerabilities associated with their posi-

1 tioning within the global economic and financial sys-
2 tems.

3 (3) The Department of Defense would benefit
4 from having enhanced situational awareness regard-
5 ing the commercial and strategic interactions of
6 state and non-state adversaries and potential adver-
7 saries within the global economic and financial sys-
8 tems and integrating relevant findings into defense
9 policy options, deterrence strategy, planning and
10 preparedness.

11 (4) The state-owned enterprises and sovereign
12 wealth funds of adversaries and potential adversaries
13 represent, in some cases, strategic tools of their con-
14 trolling governments and their global operations and
15 therefore warrant increased scrutiny and knowledge.

16 (5) Without improved situational awareness of
17 the business transactions and financial activities of
18 state and non-state adversaries and potential adver-
19 saries, as well as entities they own and control, cur-
20 rent [REDACTED] efforts and deterrence
21 strategies will continue to represent an under-
22 developed defense requirement that lacks strategic
23 direction.

24 (b) ENHANCED SITUATIONAL AWARENESS RE-
25 QUIRED.—

Log 108r2

1 (1) IN GENERAL.—The Secretary of Defense
2 shall take such steps as may be necessary to im-
3 prove—

4 (A) the situational awareness capabilities
5 of the Department of Defense regarding the
6 legal and licit business transactions and global
7 market positioning of adversaries and potential
8 adversaries; and

9 (B) the ability of the Department to trans-
10 late such situational awareness into the intel-
11 ligence, planning, deterrence, and ██████████
12 capabilities and strategies of the Department.

~~13 (2) SENSE OF CONGRESS.—It is the sense of
14 Congress that a new or strengthened capability is re-
15 quired to track, collect and interpret open source in-
16 telligence in real-time regarding the legal and licit
17 business transactions and market maneuvers of state
18 and non-state adversaries and potential adversaries,
19 and the entities they own or control, within the glob-
20 al economic and financial domain.~~



AMENDMENT TO H.R. 4435
OFFERED BY MR. LAMBORN OF COLORADO

At the appropriate place in subtitle D of title XII,
insert the following:

1 **SEC. __. REPORT ON CONTRACTORS WITH THE DEPART-**
2 **MENT OF DEFENSE THAT HAVE CONDUCTED**
3 **SIGNIFICANT TRANSACTIONS WITH IRANIAN**
4 **PERSONS OR THE GOVERNMENT OF IRAN.**

5 (a) IN GENERAL.—Not later than 180 days after the
6 date of the enactment of this Act, and annually thereafter
7 for a period not to exceed 3 years, the Secretary of De-
8 fense shall submit to the appropriate congressional com-
9 mittees a report that contains the following:

10 (1) A list of each contractor with the Depart-
11 ment of Defense (including any subcontractors at
12 any tier of the contractor), and any person owned or
13 controlled by the contractor or that owns or controls
14 the contractor, that has conducted a significant
15 transaction with an Iranian person (other than an
16 Iranian person listed under paragraph (2)) or the
17 Government of Iran.

18 (2) A list of each contractor with the Depart-
19 ment of Defense (including any subcontractors at

1 any tier of the contractor), and any person owned or
2 controlled by the contractor or that owns or controls
3 the contractor, that has conducted a significant
4 transaction with an Iranian person whose property
5 has been blocked pursuant to Executive Order
6 13224 (66 Fed. Reg. 49079) or Executive Order
7 13382 (70 Fed. Reg. 38567) during the 5-year pe-
8 riod preceding the date of the submission of the re-
9 port.

10 (3) The value of each significant transaction de-
11 scribed in paragraphs (1) and (2).

12 (b) APPROPRIATE CONGRESSIONAL COMMITTEES
13 DEFINED.—In this section, the term “appropriate con-
14 gressional committees” means—

15 (1) the Committee on Armed Services and the
16 Committee on Foreign Relations of the Senate; and

17 (2) the Committee on Armed Services and the
18 Committee on Foreign Affairs of the House of Rep-
19 resentatives.



Log 156r7

AMENDMENT TO H.R. 4435
OFFERED BY MS. HANABUSA OF HAWAII

At the appropriate place in title IX, insert the following new section:

1 **SEC. 9 ____ . NOTIFICATION OF COMPLIANCE WITH SECTION**
2 **RELATING TO PROCUREMENT OF SERVICES.**

3 (a) NOTIFICATION.—The Secretary of Defense shall
4 ensure compliance with section 2330a of title 10, United
5 States Code, and shall provide, in writing, notification of
6 such compliance to the congressional defense committees
7 not later than March 1, 2015.

8 (b) REVIEW BY COMPTROLLER GENERAL.—The
9 Comptroller General of the United States shall review the
10 notification of compliance required by subsection (a) and
11 report any findings or recommendations to the congress-
12 sional defense committees not later than 120 days after
13 the date on which the notification is provided.



AMENDMENT TO H.R. 4435
OFFERED BY MR. THORNBERRY OF TEXAS

At the appropriate place in subtitle D of title XII,
insert the following:

1 **SEC. __. EXTENSION AND MODIFICATION OF AUTHORITY TO**
2 **SUPPORT OPERATIONS AND ACTIVITIES OF**
3 **THE OFFICE OF SECURITY OPERATION IN**
4 **IRAQ.**

5 Section 1215(f)(1) of the National Defense Author-
6 ization Act for Fiscal Year 2012 (Public Law 112–81; 125
7 Stat. 1631; 10 U.S.C. 113 note), as most recently amend-
8 ed by section 1214 of the National Defense Authorization
9 Act for Fiscal Year 2014 (Public Law 113–66; 127 Stat.
10 906; 10 U.S.C. 113 note), is further amended—

- 11 (1) by striking “fiscal year 2014” and inserting
12 “fiscal year 2015”;
- 13 (2) by striking “non-operational”; and
- 14 (3) by striking “in an institutional environ-
15 ment” and inserting “at a base or facility of the
16 Government of Iraq”.



AMENDMENT TO H.R. 4435

OFFERED BY M. _____

At the appropriate place in title X, insert the following:

1 SEC. 10 ____ . SUBMITTAL OF BIENNIAL REPORTS ON USE OF
2 FUNDS IN THE DRUG INTERDICTION AND
3 COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE
4 ACCOUNT ON THE COMMITTEE ON FOREIGN
5 AFFAIRS OF THE HOUSE OF REPRESENTA-
6 TIVES AND THE COMMITTEE ON FOREIGN RE-
7 LATIONS OF THE SENATE.

8 Consistent with section 481(b) of the Foreign Assist-
9 ance Act (22 U.S.C. 2291b), section 1009(a) of the Na-
10 tional Defense Authorization Act for Fiscal Year 2013
11 (Public Law 112-239; 126 Stat. 1906) is amended by in-
12 serting “, the Committee on Foreign Affairs of the House
13 of Representatives, and the Committee on Foreign Rela-
14 tions of the Senate” after “congressional defense commit-
15 tees”.



AMENDMENT TO H.R. 4435
OFFERED BY MR. THORNBERRY OF TEXAS

At the appropriate place in subtitle D of title XII,
insert the following:

1 **SEC. __. TREATMENT OF THE KURDISTAN DEMOCRATIC**
2 **PARTY AND THE PATRIOTIC UNION OF**
3 **KURDISTAN UNDER THE IMMIGRATION AND**
4 **NATIONALITY ACT.**

5 (a) DISCRETION TO EXCLUDE KURDISTAN DEMO-
6 CRATIC PARTY AND PATRIOTIC UNION OF KURDISTAN
7 FROM TREATMENT AS TERRORIST ORGANIZATIONS.—The
8 Secretary of State, after consultation with the Secretary
9 of Homeland Security and the Attorney General, or the
10 Secretary of Homeland Security, after consultation with
11 the Secretary of State and the Attorney General, may ex-
12 clude the Kurdistan Democratic Party and the Patriotic
13 Union of Kurdistan from the definition of terrorist organi-
14 zation in section 212(a)(3)(B)(vi) of the Immigration and
15 Nationality Act (8 U.S.C. 1182(a)(3)(B)(vi)) for the lim-
16 ited purpose of issuing a temporary visa to a member of
17 the Kurdistan Democratic Party or the Patriotic Union
18 of Kurdistan.

Log 263r1

1 (b) PROHIBITION ON JUDICIAL REVIEW.—Notwith-
2 standing any other provision of law (whether statutory or
3 nonstatutory), section 242 of the Immigration and Nation-
4 ality Act (8 U.S.C. 1252), sections 1361 and 1651 of title
5 28, United States Code, section 2241 of such title, and
6 any other habeas corpus provision of law, no court shall
7 have jurisdiction to review any determination made pursu-
8 ant to subsection (a).

