

SUBCOMMITTEE ON READINESS - EN BLOC 1

LOG ID	REV	MEMBER	MARKUP LOC	DESCRIPTION	MARKUP ACT
27	0	Cook, Paul	RDY	This bill directs the Department of Agriculture (USDA) to convey 73 acres of identified Forest Service land to the County of San Bernardino, California, in exchange for approximately 71 acres of identified land owned by the county.	EB 1
32	1	Mitchell, Paul	RDY	Requires the Air Force to include analyses of community support, joint training, and all-domain training capabilities as part of the strategic basing process for an aircraft.	EB 1
37	1	Conaway, K. Michael	RDY	Requesting DODIG briefing on Low Price Technically Acceptable (LPTA) criteria on contingency operation fuel contracts	EB 1
48	0	Houlahan, Chrissy	RDY	Adds an assessment of host nation force protection measures to reporting requirements regarding overseas military enduring locations and contingency locations.	EB 1
64	0	Stefanik, Elise	RDY	Directs USD for Acquisition and Sustainment to provide a briefing to the House Committee on Armed Services by February 1, 2021, as to military installations where biomass will be considered during analysis of alternatives for achieving additional installation energy resiliency.	EB 1
80	0	Turner, Michael	RDY	Acceptance of Property by Military Academies and Museums	EB 1
97	1	Garamendi, John	RDY	This amendment makes technical changes to the North Atlantic Treaty Organization Security Investment Program to support the execution of NATO construction projects.	EB 1
103	1	Garamendi, John	RDY	This amendment makes technical correction and extends the contingency construction authority through fiscal year 2022.	EB 1
104	1	Garamendi, John	RDY	This amendment would establish a pilot program to support combatant command military construction priorities.	EB 1
105	1	Garamendi, John	RDY	This amendment would make technical changes to a real property exchange authority involving the Naval Industrial Reserve Ordnance Plan in Sunnyvale, California	EB 1
107	1	Garamendi, John	RDY	This amendment would authorize the Secretary of Defense to accept 15 military construction projects totaling \$791.2 million pursuant to agreement with the State of Qatar for required in-kind contributions.	EB 1
108	1	Garamendi, John	RDY	This amendment eliminates a DOD reporting requirement to GAO and makes technical and conforming changes to the remaining reporting requirements.	EB 1
109	1	Garamendi, John	RDY	This amendment would amend the construction authority for the Energy Resilience and Conservation Investment Program (ERCIP) to require projects be line-item authorized by Congress consistent with other military construction programs.	EB 1

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LOG ID	REV	MEMBER	MARKUP LOC	DESCRIPTION	MARKUP ACT
119	1	Garamendi, John	RDY	Provides limited exceptions for repair of Navy vessels in shipyards outside the U.S. when damage occurred by hostile actions and provide limited authority for work to be performed by foreign workers due to health or safety concerns.	EB 1
123	1	Garamendi, John	RDY	Makes technical changes to limitations on the length of time a ship can be in a Forward Deployed Naval Forces status.	EB 1
157	2	Bacon, Don	RDY	Would affirm the need to modernize the US Air Force Academy IT infrastructure and require a briefing by the Secretary of the Air Force providing a strategy to complete the upgrades in a reasonable amount of time and provide for long term operation and sustainment of the network	EB 1
163	0	Gallego, Ruben	RDY	Land conveyance at Camp Navajo, Arizona.	EB 1
169	1	Wilson, Joe	RDY	To ensure energy security at European military installations by limiting the use of Russian-sourced natural gas.	EB 1
183	1	Davis, Susan	RDY	Establishes a standardized policy applicable across all military communities for the regulation of dangerous dogs.	EB 1
189	0	Brown, Anthony G.	RDY	Prohibits the display of the confederate flag on DoD installations.	EB 1
205	3	Mitchell, Paul	RDY	DRL requiring USD(A&S) to provide a briefing on their plan to increase shared awareness of shared warehouse space and warehouse utilization rates.	EB 1
209	1	Waltz, Michael	RDY	Assessing the system used by U.S. Army Parachute Riggers to record their activities with respect to the use, inspection, inventory, maintenance, and repair of personnel parachutes, cargo parachutes and other airdrop equipment throughout a system's life-cycle.	EB 1
212	1	Waltz, Michael	RDY	Directs the Secretary of the Army to Conduct a briefing on Static-Line Parachuting Proficiency Requirements	EB 1
223	0	Crow, Jason	RDY	This amendment clarifies Congressional intent with respect to the implementation of the Defense Community Infrastructure Program by specifying rules for implementation of the grant program.	EB 1
234	2	Houlahan, Chrissy	RDY	Requires report on data related to the denial of security clearances or re-clearances due to mental health concerns or substance use.	EB 1
248	1	Wilson, Joe	RDY	Directs the SECDEF to submit a report to HASC/SASC on the NextGen USID with regard to USO credentials	EB 1

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LOG ID	REV	MEMBER	MARKUP LOC	DESCRIPTION	MARKUP ACT
250	0	Thornberry, Mac	RDY	Requirement for Secretary of Defense to develop and certify a Life-Cycle Sustainment Plan for Major Defense Acquisition Programs.	EB 1
260	0	Speier, Jackie	RDY	Report on Improving Equal Employment Opportunity Processes in the Department of Defense	EB 1
264	2	Haaland, Debra A.	RDY	Requests a briefing and evaluation on the benefits of creating a Counter Drone Center of Excellence.	EB 1
269	3	Bishop, Rob	RDY	Insert after section 2844, relating to renewal of Nevada Test and Training Range (NTTR) land withdrawal and reservation, for the co-management for the federal lands overlapping NTTR and the Desert national Wildlife Refuge.	EB 1
292	0	Speier, Jackie	RDY	Elijah Cummings Federal Employee Antidiscrimination Act	EB 1
296	0	Cisneros, Jr., Gilbert Ray	RDY	Directs the Comptroller General of the United States to submit a report setting forth an assessment of the structural condition of schools of the Department of Defense Education Activity, both within the continental United States and outside the continental United States.	EB 1
317	0	Graves, Sam	RDY	Directs the Commandant of the Marine Corps to brief the Committee on Marine Corps aviation readiness and sustainment.	EB 1
327	2	Lamborn, Doug	RDY	Ensures effective oversight and efficient military construction delivery associated with the Ground Based Strategic Deterrence program.	EB 1
332	1	Larsen, Rick	RDY	To expand the eligibility of Section 2861.	EB 1
415	0	Garamendi, John	RDY	DRL regarding an easement sought by Three Rivers Levee Improvement Authority from the Air Force.	EB 1
437	0	Graves, Sam	RDY	Establishes a mechanism for dissemination of real-time status of Special Use Airspace.	EB 1
452	2	Luria, Elaine G.	RDY	Authorizes the Department of Defense to promulgate guidelines that would allow services to be considered part of fair market value determinations in land transfers.	EB 1
483	0	Khanna, Ro	RDY	Promoting the use of on-site energy production to promote military installation energy resilience and energy security	EB 1

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LOG ID	REV	MEMBER	MARKUP LOC	DESCRIPTION	MARKUP ACT
529	1	Conaway, K. Michael	RDY	Directs Secretary of the Air Force to submit report on Air Force's plan to expand the use of the Executive Decision Model to other USAF aircraft training pipelines.	EB 1
616	0	Trahan, Lori	RDY	Requires a briefing by DOD on the status of their 911 systems, current challenges, and potential plans for upgrading emergency response systems.	EB 1
629	1	Garamendi, John	RDY	DRL regarding Air Force T-38C Transition and Formation Landings.	EB 1
538	1	Larsen, Rick	RDY	To direct the Secretary of Defense to provide a report on the Department's current compliance with contractor inventory requirements.	EB 1
546	0	Houlihan, Chrissy	RDY	This amendment prohibits the Secretary from reducing the civilian workforce unless the Department assesses the impact of such a reduction on workload, military force structure, lethality, readiness, operational effectiveness, stress on the military force and costs.	EB 1
561	0	Bishop, Rob	RDY	Eliminating the "180 Day Waiting Period" for retiring service members, allowing them to compete for civil service jobs within the defense industrial base.	EB 1
430	1	Langevin, James	RDY	Requirement to Update Department of Defense Climate Change Roadmap.	EB 1
72	0	Stefanik, Elise	RDY	Directs the Secretary of the Army, in coordination with the Secretary of Defense, to submit a report to the House Committee on Armed Services by July 1, 2021, on necessary Army mission training complex enhancements and their relevance to future threats and readiness.	EB 1
77	0	Norcross, Donald	RDY	Requires a report on the Department's plans and strategy related to the employment of mobile nuclear reactors	EB 1
142	1	Brown, Anthony G.	RDY	Requires an assessment of Department to Defense installation and operational energy usage.	EB 1
314	0	Crow, Jason	RDY	This amendment emphasizes the importance of energy resiliency and infrastructure projects in the Department of Defense, and directs DOD to brief the committee within 90 days regarding ongoing initiatives.	EB 1
446	0	Carbajal, Salud O.	RDY	Transfers authority of the Operational Energy Capability Improvement Fund to OUSD(A&S) and creates a program for the demonstration of technologies related to operational energy prototyping.	EB 1
53	0	Horn, Kendra S.	RDY	Updates minimum health and safety standards for all military base housing, requires transparency for private housing company contract performance fees, and requires a report on the status of other military housing reforms.	EB 1

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LOG ID	REV	MEMBER	MARKUP LOC	DESCRIPTION	MARKUP ACT
240	0	Wittman, Robert	RDY	Objectives, performance standards, and criteria for use of wildlife conservation banking programs, and ensuring opportunities for the Department of Defense to participate.	EB 1
185	2	Slotkin, Elissa	RDY	Expressing support for DoD research and development to identify an alternative to AFFF, safe and effective PFAS clean up and disposal mechanisms, and other critical PFAS challenges; and directing DoD to expand its research partners in these research and development efforts.	EB 1
186	1	Houlahan, Chrissy	RDY	This amendment establishes an interagency coordinating body for PFAS research. It also requires a series of reports related to the state of PFAS research and future priorities.	EB 1
188	0	Slotkin, Elissa	RDY	To prohibit DLA procurement of certain items containing a perfluoroalkyl substance or polyfluoroalkyl substance, including cookware, uniforms, personal care products, floor and furniture wax, carpeting and upholstery, and food packaging.	EB 1
168	0	Haaland, Debra A.	RDY	the committee directs the Secretary of the Air Force to provide a briefing to the House Committee on Armed Services, not later than December 1, 2020, on the approved process and plan to make Space Force basing decisions.	EB 1
16	0	Bacon, Don	RDY	Would amend DoD wind energy project review procedures by requiring DoD to issue a notices of no adverse impact when appropriate; also strikes references to MIT's role in determining project offset distances	EB 1
517	0	Sherrill, Mikie	RDY	Directs the Wind Energy Clearinghouse practices regarding letters of mission compatibility.	EB 1

AMENDMENT TO H.R. 6395
OFFERED BY MR. COOK OF CALIFORNIA

At the end of subtitle D of title XXVIII, add the following new section:

1 **SEC. 28** ____. **LAND EXCHANGE, SAN BERNARDINO COUNTY,**
2 **CALIFORNIA.**

3 (a) **DEFINITIONS.**—In this section:

4 (1) **COUNTY.**—The term “County” means the
5 County of San Bernardino, California.

6 (2) **FEDERAL LAND.**—The term “Federal land”
7 means the approximately 73 acres of Federal land
8 generally depicted as “Federal Land Proposed for
9 Exchange” on the map titled “Big Bear Land Ex-
10 change” and dated August 6, 2018.

11 (3) **NON-FEDERAL LAND.**—The term “non-Fed-
12 eral land” means the approximately 71 acres of land
13 owned by the County generally depicted as “Non-
14 Federal Land Proposed for Exchange” on the map
15 referred to in paragraph (2).

16 (b) **EXCHANGE AUTHORIZED.**—Subject to valid exist-
17 ing rights and the terms of this section, no later than one
18 year after the date that the portion of the Pacific Crest
19 National Scenic Trail is relocated in accordance with sub-

1 section (i), if the County offers to convey the non-Federal
2 land to the United States, the Secretary of Agriculture
3 shall—

4 (1) convey to the County all right, title, and in-
5 terest of the United States in and to the Federal
6 land; and

7 (2) accept from the County a conveyance of all
8 right, title, and interest of the County in and to the
9 non-Federal land.

10 (c) EQUAL VALUE AND CASH EQUALIZATION.—

11 (1) EQUAL VALUE EXCHANGE.—The land ex-
12 change under this section shall be for equal value,
13 or the values shall be equalized by a cash payment
14 as provided for under this subsection or an adjust-
15 ment in acreage. At the option of the County, any
16 excess value of the non-Federal lands may be consid-
17 ered a gift to the United States.

18 (2) CASH EQUALIZATION PAYMENT.—The
19 County may equalize the values of the lands to be
20 exchanged under this section by cash payment with-
21 out regard to any statutory limit on the amount of
22 such a cash equalization payment.

23 (3) DEPOSIT AND USE OF FUNDS RECEIVED
24 FROM COUNTY.—Any cash equalization payment re-
25 ceived by the Secretary of Agriculture under this

1 subsection shall be deposited in the fund established
2 under Public Law 90–171 (16 U.S.C. 484a; com-
3 monly known as the Sisk Act). The funds so depos-
4 ited shall remain available to the Secretary of Agri-
5 culture, until expended, for the acquisition of lands,
6 waters, and interests in land for the San Bernardino
7 National Forest.

8 (d) APPRAISAL.—The Secretary of Agriculture shall
9 complete an appraisal of the land to be exchanged under
10 this section in accordance with—

11 (1) the Uniform Appraisal Standards for Fed-
12 eral Land Acquisitions; and

13 (2) the Uniform Standards of Professional Ap-
14 praisal Practice.

15 (e) TITLE APPROVAL.—Title to the land to be ex-
16 changed under this section shall be in a format acceptable
17 to the Secretary of Agriculture and the County.

18 (f) SURVEY OF NON-FEDERAL LANDS.—Before com-
19 pleting the exchange under this section, the Secretary of
20 Agriculture shall inspect the non-Federal lands to ensure
21 that the land meets Federal standards, including haz-
22 ardous materials and land line surveys.

23 (g) COSTS OF CONVEYANCE.—As a condition of the
24 conveyance of the Federal land under this section, any

1 costs related to the exchange under this section shall be
2 paid by the County.

3 (h) MANAGEMENT OF ACQUIRED LANDS.—The Sec-
4 retary of Agriculture shall manage the non-Federal land
5 acquired under this section in accordance with the Act of
6 March 1, 1911 (16 U.S.C. 480 et seq.; commonly known
7 as the Weeks Act), and other laws and regulations per-
8 taining to National Forest System lands.

9 (i) PACIFIC CREST NATIONAL SCENIC TRAIL RELO-
10 CATION.—No later than three years after the date of en-
11 actment of this Act, the Secretary of Agriculture, in ac-
12 cordance with applicable laws, shall relocate the portion
13 of the Pacific Crest National Scenic Trail located on the
14 Federal land—

15 (1) to adjacent National Forest System land;

16 (2) to land owned by the County, subject to
17 County approval;

18 (3) to land within the Federal land, subject to
19 County approval; or

20 (4) in a manner that combines two or more of
21 the options described in paragraphs (1), (2), and
22 (3).

23 (j) MAP AND LEGAL DESCRIPTIONS.—As soon as
24 practicable after the date of the enactment of this Act,
25 the Secretary of Agriculture shall finalize a map and legal

1 descriptions of all land to be conveyed under this section.
2 The Secretary may correct any minor errors in the map
3 or in the legal descriptions. The map and legal descrip-
4 tions shall be on file and available for public inspection
5 in appropriate offices of the Forest Service.



AMENDMENT TO H.R. 6395
OFFERED BY MR. MITCHELL OF MICHIGAN

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

1 **SEC. 10** ___ **MANDATORY CRITERIA FOR STRATEGIC BASING**
2 **DECISIONS.**

3 (a) **IN GENERAL.**—The Secretary of the Air Force
4 shall modify Air Force Instruction 10–503 (pertaining to
5 the strategic basing process) to ensure that the process
6 for the selection of a location in the United States for the
7 strategic basing of an aircraft includes the following:

8 (1) A comparative analysis of the overall com-
9 munity support for the mission among the candidate
10 locations, as indicated by the formal comments re-
11 ceived during the public comment period for the en-
12 vironmental impact statement relating to the basing
13 decision and, in a case in which the Secretary selects
14 a final location with less community support com-
15 pared to other locations as indicated by such anal-
16 ysis, an explanation of the operational considerations
17 that formed the basis for such selection.

18 (2) An analysis of joint and all-domain training
19 capabilities at each candidate location, separate from

1 and in addition to the mission criteria developed for
2 the basing action.

3 (3) A comparative analysis of the airspace and
4 training areas available at each candidate location,
5 separate from and in addition to the mission criteria
6 developed for the basing action.

7 (b) REPORT REQUIRED.—Not later than 14 days
8 after the date on which the Secretary of Defense publicly
9 announces the preferred and reasonable alternative loca-
10 tions for the basing of an aircraft as described in sub-
11 section (a), the Secretary shall submit to the congressional
12 defense committees a report that includes—

13 (1) an assessment of each candidate location
14 that was considered as part of the basing process,
15 including, with respect to each such location, an
16 analysis of each of the factors specified in para-
17 graphs (1) through (3) of such subsection; and

18 (2) an explanation of how each candidate loca-
19 tion was scored against such factors, including the
20 weight assigned to each factor.



Amendment to H.R. 6395
National Defense Authorization Act for Fiscal Year 2021

Offered by: Rep. K. Michael Conaway

In the appropriate place in the report to accompany H.R. 6395, insert the following new Directive Report Language:

Report on Department of Defense Fuel Contracting

The committee is interested in the Department of Defense's use of lowest price technically acceptable source selection criteria for fuel purchases. The committee recognizes that contingency operations present unique challenges and require specialized skills. Therefore, the committee directs the Department of Defense Inspector General to brief the House Committee on Armed Services by March 1, 2021 on the following:

- (1) A list of all solicitations and awards greater than \$250,000 for fuel in all areas of contingency operations issued since January 1, 2016, including method of source selection, authorities used, and the estimated value of the awarded contracts; and
- (2) An assessment of whether the awardees successfully fulfilled the requirements of such contract and corrective actions taken by the Defense Logistics Agency if the contracts were not successfully fulfilled; and,
- (3) An assessment of whether the Defense Logistics Agency's has an adequate system in place to conduct due diligence to ensure its fuel contractors and subcontractors are meeting contractual obligations and abide by required anticorruption practices.

AMENDMENT TO H.R. 6395**OFFERED BY MS. HOULAHAN OF PENNSYLVANIA**

In section 2821, relating to codification of reporting requirements regarding United States overseas military enduring locations and contingency locations, in the paragraph (2) being added by subsection (a)(3) of such section, redesignate subparagraph (J) as subparagraph (K) and insert the following new subparagraph (J):

1 “(J) An assessment of force protection meas-
2 ures by host nations for each overseas military loca-
3 tion and recommendations to mitigate any potential
4 risks identified.”.



**Amendment to H.R. 6395
National Defense Authorization Act for Fiscal Year 2021**

Offered by: Elise Stefanik (NY-21)

In the appropriate place in the report to accompany H.R. 6395, insert the following new Directive Report Language:

Biomass Support of Installation Energy Resiliency

The committee notes that biomass is an attractive option for the production of secure, renewable electricity. Biomass has the attribute of providing reliable electricity independent of atmospheric variability. The committee believes that the energy security and resiliency provided by an on-post biomass facility has value and should serve as a model for other military installations located in parts of the country having a ready supply of biomass material. The committee further believes that the Secretary of Defense should place a monetary value on the value of energy security and include biomass as one of the alternatives when studying energy resiliency on specific installations. Therefore, the committee directs the Under Secretary of Defense for Acquisition and Sustainment to provide a briefing to the House Committee on Armed Services by February 1, 2021, as to military installations where biomass will be considered during analysis of alternatives for achieving additional installation energy resiliency.

AMENDMENT TO H.R. 6395
OFFERED BY MR. TURNER OF OHIO

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

1 **SEC. 17__ . ACCEPTANCE OF PROPERTY BY MILITARY**
2 **ACADEMIES AND MUSEUMS.**

3 (a) ACCEPTANCE OF PROPERTY.—Section 2601 of
4 title 10, United States Code, is amended—

5 (1) in subsection (a)(2), by inserting after sub-
6 paragraph (B) the following new subparagraph:

7 “(C) The Secretary concerned may display, at a mili-
8 tary museum, recognition for an individual or organization
9 that contributes money to a nonprofit entity described in
10 subparagraph (A), or an individual or organization that
11 contributes a gift directly to the armed force concerned
12 for the benefit of a military museum, whether or not the
13 contribution is subject to the condition that recognition
14 be provided. The Secretary of Defense shall prescribe uni-
15 form regulations governing the circumstances under which
16 contributor recognition may be provided, appropriate
17 forms of recognition, and suitable display standards.”; and

18 (2) in subsection (e)(1)—

1 (A) by inserting “or personal” after “real”
2 both places it appears; and

3 (B) by striking “or the Coast Guard Acad-
4 emy” and inserting “the Coast Guard Academy,
5 the National Defense University, the Defense
6 Acquisition University, the Air University, the
7 Army War College, the Army Command and
8 General Staff College, the Naval War College,
9 the Naval Postgraduate School, or the Marine
10 Corps University”.

11 (b) LEASE OF NON-EXCESS PROPERTY TO MILITARY
12 MUSEUMS.—

13 (1) IN GENERAL.—Section 2667 of title 10,
14 United States Code, is amended—

15 (A) in subsection (b)—

16 (i) in paragraph (7), by striking
17 “and” at the end;

18 (ii) in paragraph (8), by striking the
19 period at the end and inserting “; and”;
20 and

21 (iii) by adding at the end the fol-
22 lowing new paragraph:

23 “(9) in the case of a lease of a museum facility
24 to a museum foundation, may provide for use in
25 generating revenue for activities of the museum fa-

1 cility and for such administrative purposes as may
2 be necessary to support the facility.”;

3 (B) in subsection (i), by adding at the end
4 the following new paragraph:

5 “(6) The term ‘museum foundation’ means any
6 entity—

7 “(A) qualifying as an exempt organization
8 under section 501(c)(3) of the Internal Revenue
9 Code of 1986; and

10 “(B) incorporated for the primary purpose
11 of supporting a Department of Defense mu-
12 seum.”; and

13 (C) in subsection (k)—

14 (i) in the subsection heading, by in-
15 sserting “AND MUSEUMS” after “LEASES
16 FOR EDUCATION”; and

17 (ii) by inserting “or to a museum
18 foundation” before the period at the end.

19 (2) REPEALS.—

20 (A) LEASE OR LICENSE OF UNITED
21 STATES NAVY MUSEUM FACILITIES AT WASH-
22 NGTON NAVY YARD, DISTRICT OF COLUMBIA.—
23 The National Defense Authorization Act for
24 Fiscal Year 2006 (Public Law 109–163) is
25 amended by striking section 2852.

1 (B) LEASE OF FACILITY TO MARINE CORPS
2 HERITAGE FOUNDATION.—Section 2884 of the
3 Floyd D. Spence National Defense Authoriza-
4 tion Act for Fiscal Year 2001 (Public Law
5 106–398; 114 Stat. 1654A-440) is amended by
6 striking subsection (e).



AMENDMENT TO H.R. 6395
OFFERED BY Mr. Garamendi

In section 2502(b), insert “carry out the project and” before “recognize” in the subsection heading and the text.



AMENDMENT TO H.R. 6395
OFFERED BY M r. Garamendi

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

1 **SEC. 28** ____ . **ONE-YEAR EXTENSION OF TEMPORARY, LIM-**
2 **ITED AUTHORITY TO USE OPERATION AND**
3 **MAINTENANCE FUNDS FOR CONSTRUCTION**
4 **PROJECTS IN CERTAIN AREAS OUTSIDE THE**
5 **UNITED STATES.**

6 (a) **EXTENSION OF AUTHORITY.**—Subsection (h) of
7 section 2808 of the Military Construction Authorization
8 Act for Fiscal Year 2004 (division B of Public Law 108–
9 136; 117 Stat. 1723), as most recently amended by sec-
10 tion 2807(a) of the Military Construction Authorization
11 Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat.
12 2264), is further amended—

13 (1) in paragraph (1), by striking “December
14 31, 2020” and inserting “December 31, 2021”; and

15 (2) paragraph (2), by striking “fiscal year
16 2021” and inserting “fiscal year 2022”.

17 (b) **CONTINUATION OF LIMITATION ON USE OF AU-**
18 **THORITY.**—Subsection (e) of section 2808 of the Military
19 Construction Authorization Act for Fiscal Year 2004 (di-

1 vision B of Public Law 108–136; 117 Stat. 1723), as most
2 recently amended by section 2807(b) of the Military Con-
3 struction Authorization Act for Fiscal Year 2019 (Public
4 Law 115–232; 132 Stat. 2264), is further amended—

5 (1) by striking “either” and inserting “each”;
6 and

7 (2) by inserting after the first paragraph (2)
8 the following new subparagraph:

9 “(C) The period beginning October 1, 2020,
10 and ending on the earlier of December 31, 2021, or
11 the date of the enactment of an Act authorizing
12 funds for military activities of the Department of
13 Defense for fiscal year 2022.”.

14 (c) TECHNICAL CORRECTIONS.—Subsection (c) of
15 section 2808 of the Military Construction Authorization
16 Act for Fiscal Year 2004 (division B of Public Law 108–
17 136; 117 Stat. 1723), as most recently amended by sec-
18 tion 2807(b) of the Military Construction Authorization
19 Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat.
20 2264) and subsection (b) of this section, is further amend-
21 ed—

22 (1) by redesignating the second paragraph (1)
23 as subparagraph (A); and

3

1 (2) by redesignating the first paragraph (2) as
2 subparagraph (B).



AMENDMENT TO H.R. 6395
OFFERED BY MR. GARAMENDI

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

1 **SEC. 28 ____ . PILOT PROGRAM TO SUPPORT COMBATANT**
2 **COMMAND MILITARY CONSTRUCTION PRIOR-**
3 **ITIES.**

4 (a) PILOT PROGRAM.—The Secretary of Defense
5 shall conduct a pilot program to evaluate the usefulness
6 of reserving a portion of the military construction funds
7 of the military departments to help the combatant com-
8 mands satisfy their military construction priorities in a
9 timely manner.

10 (b) LOCATION.—The Secretary of Defense shall con-
11 duct the pilot program for the benefit of the United States
12 Indo-Pacific Command in the area of responsibility of the
13 United States Indo-Pacific Command.

14 (c) REQUIRED INVESTMENT.—For each fiscal year
15 during which the pilot program is conducted, the Sec-
16 retary of Defense shall reserve to carry out military con-
17 struction projects under the pilot program an amount
18 equal to 10 percent of the total amount authorized to be
19 appropriated for military construction projects by titles

1 XXI, XXII, and XXIII of the Military Construction Au-
2 thorization Act for that fiscal year.

3 (d) COMMENCEMENT AND DURATION.—

4 (1) COMMENCEMENT.—The Secretary of De-
5 fense shall commence the pilot program no later
6 than October 1, 2023. The Secretary may commence
7 the pilot program as early as October 1, 2022, if the
8 Secretary determines that compliance with the res-
9 ervation of funds requirement under subsection (c)
10 is practicable beginning with fiscal year 2023.

11 (2) DURATION.—The pilot program shall be in
12 effect for the fiscal year in which the Secretary com-
13 mences the pilot program, as described in paragraph
14 (1), and the subsequent two fiscal years. Any con-
15 struction commenced under the pilot program before
16 the expiration date may continue to completion.

17 (e) PROGRESS REPORT.—Not later than February 15
18 of the final fiscal year of the pilot program, the Secretary
19 of Defense shall submit to the congressional defense com-
20 mittees a report evaluating the success of the pilot pro-
21 gram in improving the timeliness of the United States
22 Indo-Pacific Command in achieving its military construc-
23 tion priorities. The Secretary shall include in the report—

24 (1) an evaluation of the likely positive and neg-
25 ative impacts were the pilot program extended or

1 made permanent and, if extended or made perma-
2 nent, the likely positive and negative impacts of ex-
3 pansion to cover all or additional combatant com-
4 mands; and

5 (2) the recommendations of the Secretary re-
6 garding whether the pilot program should be ex-
7 tended or made permanent and expanded.



AMENDMENT TO H.R. 6395
OFFERED BY M r. Garamendi

At the end of subtitle D of title XXVIII, add the following new section:

1 **SEC. 28** . **MODIFICATION OF LAND EXCHANGE INVOLV-**
2 **ING NAVAL INDUSTRIAL RESERVE ORD-**
3 **NANCE PLANT, SUNNYVALE, CALIFORNIA.**

4 (a) **ELEMENTS OF EXCHANGE.**—Section 2841(a) of
5 the Military Construction Authorization Act for Fiscal
6 Year 2018 (division B of Public Law 115–91; 131 Stat.
7 1860) is amended by striking paragraphs (1) and (2) and
8 inserting the following new paragraphs:

9 “(1) real property, including improvements
10 thereon, located in Titusville, Florida, that will re-
11 place the NIROP and meet the readiness require-
12 ments of the Department of the Navy, as determined
13 by the Secretary; and

14 “(2) reimbursement for the costs of relocation
15 of contractor and Government personnel and equip-
16 ment from the NIROP to the replacement facilities,
17 to the extent specified in the land exchange agree-
18 ment contemplated in subsection (b).”.

1 (b) ELEMENTS OF LAND EXCHANGE AGREEMENT.—
2 Section 2841(b)(1) of the Military Construction Author-
3 ization Act for Fiscal Year 2018 (division B of Public Law
4 115–91; 131 Stat. 1860) is amended by inserting after
5 “identifies” the following: “the costs of relocation to be
6 reimbursed by the Exchange Entity,”.

7 (c) VALUATION OF PROPERTIES AND COMPENSA-
8 TION.—Section 2841 of the Military Construction Author-
9 ization Act for Fiscal Year 2018 (division B of Public Law
10 115–91; 131 Stat. 1860) is amended—

11 (1) by striking subsection (c);

12 (2) by redesignating subsections (d) through (i)
13 as subsections (e) through (j), respectively; and

14 (3) by inserting after subsection (b) the fol-
15 lowing new subsections:

16 “(c) VALUATION.—The Secretary shall determine the
17 fair market value of the properties, including improve-
18 ments thereon, to be exchanged by the Secretary and the
19 Exchange Entity under subsection (a).

20 “(d) COMPENSATION.—

21 “(1) COMPENSATION REQUIRED.—The Ex-
22 change Entity shall provide compensation under the
23 land exchange agreement described in subsection (b)
24 that is equal to or exceeds the fair market value of
25 the NIROP, as determined under subsection (c).

1 “(2) IN-KIND CONSIDERATION.—As part of the
2 compensation under the land exchange agreement,
3 the Secretary and the Exchange Entity may agree
4 for the Exchange Entity to provide the following
5 forms of in-kind consideration at any property or fa-
6 cility under the control of the Secretary:

7 “(A) Alteration, repair, improvement, or
8 restoration (including environmental restora-
9 tion) of property.

10 “(B) Use of facilities by the Secretary.

11 “(C) Provision of real property mainte-
12 nance services.

13 “(D) Provision of or payment of utility
14 services.

15 “(E) Provision of such other services relat-
16 ing to activities that will occur on the property
17 as the Secretary considers appropriate.

18 “(3) DEPOSIT.—The Secretary shall deposit
19 any cash payments received under the land exchange
20 agreement, other than cash payments accepted
21 under section 2695 of title 10, United States Code,
22 in the account in the Treasury established pursuant
23 to section 572(b) of title 40, United States Code.

24 “(4) USE OF PROCEEDS.—Proceeds deposited
25 pursuant to paragraph (3) in the account referred to

1 in such paragraph shall be available to the Secretary
2 in such amounts as provided in appropriations Acts
3 for the following activities:

4 “(A) Maintenance, protection, alternation,
5 repair, improvement, or restoration (including
6 environmental restoration) of property or facili-
7 ties.

8 “(B) Payment of utilities services.

9 “(C) Real property maintenance services.”.

10 (d) TREATMENT OF CERTAIN AMOUNTS RE-
11 CEIVED.—Subsection (f) of section 2841 of the Military
12 Construction Authorization Act for Fiscal Year 2018 (di-
13 vision B of Public Law 115–91; 131 Stat. 1861), as redes-
14 igned by subsection (c)(2) of this section, is amended
15 by striking “(a), (c)(2), and (d)” and inserting “(a) and
16 (e)”.

17 (e) SUNSET.—Subsection (j) of section 2841 of the
18 Military Construction Authorization Act for Fiscal Year
19 2018 (division B of Public Law 115–91; 131 Stat. 1861),
20 as redesignated by subsection (c)(2) of this section, is
21 amended by striking “October 1, 2023” and inserting
22 “October 1, 2026, if the Secretary and the Exchange Enti-
23 ty have not entered into a land exchange agreement de-
24 scribed in subsection (b) before that date”.



AMENDMENT TO H.R. 6395
OFFERED BY Mr. Garamendi

At the end of title XXV, add the following new section:

1 SEC. 2512. STATE OF QATAR FUNDED CONSTRUCTION
2 PROJECTS.

3 Pursuant to agreement with the State of Qatar for
4 required in-kind contributions, the Secretary of Defense
5 may accept military construction projects for Al Udeid Air
6 Base in the State of Qatar, and in the amounts, set forth
7 in the following table:

State of Qatar Funded Construction Projects

Component	Installation	Project	Amount
Air Force ...	Al Udeid	Billet (A12)	\$63,000,000
		Billet (B12)	\$63,000,000
		Billet (D 1 0)	\$77,000,000
		Billet (009)	\$77,000,000
		Billet (007)	\$77,000,000
		Armory/Mount	\$7,200,000
		Billet (A06)	\$77,000,000
		Dining Facility	\$14,600,000
		Billet (BOS)	\$77,000,000
		Billet (B04)	\$77,000,000
		Billet (A04)	\$77,000,000
		Billet (AOS)	\$77,000,000
		Dining Facility	\$14,600,000
		MSG (Base Operations Support Facility)	\$9,300,000
		ITN (Communications Facility)	\$3,500,000



AMENDMENT TO H.R. 6395
OFFERED BY Mr. . Garamendi

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

1 SEC. 28 . MODIFICATION OF REPORTING REQUIREMENT
2 REGARDING COST INCREASES ASSOCIATED
3 WITH CERTAIN MILITARY CONSTRUCTION
4 PROJECTS AND MILITARY FAMILY HOUSING
5 PROJECTS.

6 (a) ELIMINATION OF SUBMISSION TO COMPTROLLER
7 GENERAL.—Section 2853(f) of title 10, United States
8 Code, is amended—

- 9 (1) in paragraphs (1) and (3), by striking “and**
10 the Comptroller General of the United States”; and
11 (2) by striking paragraph (6).

12 (b) SYNCHRONIZATION OF NOTIFICATION REQUIRE-
13 MENTS.—Section 2853(c)(1) of title 10, United States
14 Code, is amended by inserting after “cost increase” in the
15 matter preceding subparagraph (A) the following: “(sub-
16 ject to subsection (f))”.



AMENDMENT TO H.R. 6395
OFFERED BY Mr. Garamendi

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

1 **SEC. 28 ____ . CONGRESSIONAL PROJECT AUTHORIZATION**
2 **REQUIRED FOR MILITARY CONSTRUCTION**
3 **PROJECTS FOR ENERGY RESILIENCE, EN-**
4 **ERGY SECURITY, AND ENERGY CONSERVA-**
5 **TION.**

6 (a) REPLACEMENT OF NOTICE AND WAIT AUTHOR-
7 ITY.—Section 2914 of title 10, United States Code, is
8 amended to read as follows:

9 **“§ 2914. Military construction projects for energy re-**
10 **silience, energy security, and energy con-**
11 **servation**

12 “(a) PROJECT AUTHORIZATION REQUIRED.—The
13 Secretary of Defense may carry out such military con-
14 struction projects for energy resilience, energy security,
15 and energy conservation as are authorized by law, using
16 funds appropriated or otherwise made available for that
17 purpose.

18 “(b) SUBMISSION OF PROJECT PROPOSALS.—(1) As
19 part of the Department of Defense Form 1391 submitted

1 to the appropriate committees of Congress for a military
2 construction project covered by subsection (a), the Sec-
3 retary of Defense shall include the following information:

4 “(A) The project title.

5 “(B) The location of the project.

6 “(C) A brief description of the scope of work.

7 “(D) The original project cost estimate and the
8 current working cost estimate, if different.

9 “(E) Such other information as the Secretary
10 considers appropriate.

11 “(2) In the case of a military construction project for
12 energy conservation, the Secretary also shall include the
13 following information:

14 “(A) The original expected savings-to-invest-
15 ment ratio and simple payback estimates and meas-
16 urement and verification cost estimate.

17 “(B) The most current expected savings-to-in-
18 vestment ratio and simple payback estimates and
19 measurement and verification plan and costs.

20 “(C) A brief description of the measurement
21 and verification plan and planned funding source.

22 “(3) In the case of a military construction project for
23 energy resilience or energy security, the Secretary also
24 shall include the rationale for how the project would en-

1 hance mission assurance, support mission critical func-
2 tions, and address known vulnerabilities.”.

3 (b) CLERICAL AMENDMENT.—The table of sections
4 at the beginning of subchapter I of chapter 173 of title
5 10, United States Code, is amended by striking the item
6 relating to section 2914 and inserting the following new
7 item:

“2914. Military construction projects for energy resilience, energy security, and
energy conservation.”.



AMENDMENT TO H.R. 6395
OFFERED BY Mr. Garamendi

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

1 **SEC. 10 ____ . RESTRICTIONS ON OVERHAUL, REPAIR, ETC.**

2 **OF NAVAL VESSELS IN FOREIGN SHIPYARDS.**

3 (a) EXCEPTION FOR DAMAGE REPAIR DUE TO HOS-
4 TILE ACTIONS OR INTERVENTIONS.—Section 8680(a) of
5 title 10, United States Code, is amended—

6 (1) in paragraph (1), by striking “, other than
7 in the case of voyage repairs”; and

8 (2) by adding at the end the following new
9 paragraph:

10 “(3) Notwithstanding paragraph (1), a naval vessel
11 described in paragraph (1) may be repaired in a shipyard
12 outside the United States or Guam if the repairs are—

13 “(A) voyage repairs; or

14 “(B) necessary to correct damage sustained due
15 to hostile actions or interventions.”.

16 (b) LIMITED AUTHORITY TO USE FOREIGN WORK-
17 ERS.—Section 8680(a)(2)(B)(i) of title 10, United States
18 Code, is amended—

19 (1) by inserting “(I)” after “(i)”; and

1 (2) by adding at the end the following new sub-
2 clauses:

3 “(II) Notwithstanding subclause (I), foreign workers
4 may be used to perform corrective and preventive mainte-
5 nance or repair on a vessel as described in subparagraph
6 (A) only if the Secretary of the Navy determines that trav-
7 el by United States Government personnel or United
8 States contractor personnel to perform the corrective or
9 preventive maintenance or repair is not advisable for
10 health or safety reasons. The Secretary of the Navy may
11 not delegate the authority to make a determination under
12 this subclause.

13 “(III) Not later than 30 days after making a deter-
14 mination under subclause (II), the Secretary of the Navy
15 shall submit to the congressional defense committees writ-
16 ten notification of the determination. The notification
17 shall include the reasons why travel by United States per-
18 sonnel is not advisable for health or safety reasons, the
19 location where the corrective and preventive maintenance
20 or repair will be performed, and the approximate duration
21 of the corrective and preventive maintenance or repair.”.

22 (c) TECHNICAL CORRECTION.—Section
23 8680(a)(2)(C)(ii) of title 10, United States Code, is
24 amended by striking the period after “means—”.



AMENDMENT TO H.R. 6395**OFFERED BY** Mr. Garamendi

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

1 **SEC. 3** ____ . **MODIFICATION TO LIMITATION ON LENGTH OF**
2 **OVERSEAS FORWARD DEPLOYMENT OF**
3 **NAVAL VESSELS.**

4 Section 323(b) of the National Defense Authorization
5 Act for Fiscal Year 2019 (Public Law 115–232; 10 U.S.C.
6 8690 note) is amended by striking “In the case of any
7 naval vessel” and inserting “In the case of any aircraft
8 carrier, amphibious ship, cruiser, destroyer, frigate, or lit-
9 toral combat ship”.



**Amendment to H.R. 6395
National Defense Authorization Act for Fiscal Year 2021**

Offered by Mr. Bacon of Nebraska

In the appropriate place in the report to accompany H.R. 6395, insert the following new Directive Report Language:

United States Air Force Academy Mission Network

The committee is aware of the requirement of the U.S Air Force Academy to upgrade its legacy information technology (IT) infrastructure. The committee understands that a robust and effective campus enterprise network is vital to the academic and military training missions of the Academy and central to its ability to develop future leaders for the nation's air and space forces. The committee also observes that, unlike other commands in the Department of the Air Force, the Academy has unique IT requirements requiring close collaboration with other accredited colleges, universities, research institutions, the National Collegiate Athletic Association (NCAA), and other public and private organizations. The committee recognizes that the mission of the Academy includes unique requirements not supported by existing Air Force IT enterprise services. However, the committee is concerned that Air Force investment in modernizing the Academy's legacy IT network infrastructure has fallen short of need, resulting in project delays and mission impacts recently exacerbated by COVID-19 social distance requirements. Therefore, the committee directs the Secretary of the Air Force to provide a briefing to the House Committee on Armed Services, no later than December 1, 2020, on the Air Force strategy to complete the modernization of the Academy's IT infrastructure within a reasonable period of time and how it plans to provide for its long term operation and sustainment.

AMENDMENT TO H.R. 6395
OFFERED BY MR. GALLEGO OF ARIZONA

At the end of subtitle D of title XXVIII, add the following new section:

1 **SEC. 28** ____. **LAND CONVEYANCE, CAMP NAVAJO, ARIZONA.**

2 (a) CONVEYANCE AUTHORIZED.—The Secretary of
3 the Army may convey, without consideration, to the State
4 of Arizona Department of Emergency and Military Affairs
5 (in this section referred to as the “State”) all right, title,
6 and interest of the United States in and to a parcel of
7 real property, including any improvements thereon, consisting of not more than 3,000 acres at Camp Navajo, Arizona, for the purpose of permitting the State to use the
8
9 property—
10

11 (1) for training the Arizona Army National
12 Guard and Air National Guard; and

13 (2) for defense industrial base economic development purposes that are compatible with the environmental security and primary National Guard training purpose of Camp Navajo.
14
15
16

17 (b) CONDITION OF CONVEYANCE.—

18 (1) USE OF REVENUES.—The authority of the
19 Secretary of the Army to make the conveyance de-

1 scribed in subsection (a) is subject to the condition
2 that the State agree that all revenues generated
3 from the use of the property conveyed under such
4 subsection will be used to support the training re-
5 quirements of the Arizona Army National Guard
6 and Air National Guard, including necessary infra-
7 structure maintenance and capital improvements.

8 (2) AUDIT.—The United States Property and
9 Fiscal Office for Arizona shall—

10 (A) conduct periodic audits of all revenues
11 generated by uses of the conveyed property and
12 the use of such revenues; and

13 (B) provide the audit results to the Chief
14 of the National Guard Bureau.

15 (c) REVERSIONARY INTEREST.—

16 (1) INTEREST RETAINED.—If the Secretary of
17 the Army determines at any time that the property
18 conveyed under subsection (a) is not being used in
19 accordance with the purposes of the conveyance
20 specified in such subsection, or that the State has
21 not complied with the condition imposed by sub-
22 section (b), all right, title, and interest in and to the
23 conveyed property, including any improvements
24 thereon, shall, at the option of the Secretary, revert
25 to and become the property of the United States,

1 and the United States shall have the right of imme-
2 diate entry onto the Property.

3 (2) DETERMINATION.—A determination by the
4 Secretary under this subsection shall be made on the
5 record after an opportunity for a hearing.

6 (d) ALTERNATIVE CONSIDERATION OPTION.—

7 (1) CONSIDERATION OPTION.—In lieu of exer-
8 cising the reversionary interest retained under sub-
9 section (c), the Secretary of the Army may accept an
10 offer by the State to pay to the United States an
11 amount equal to the fair market value of the prop-
12 erty conveyed under subsection (a), excluding the
13 value of any improvements on the conveyed property
14 constructed without Federal funds after the date of
15 the conveyance is completed, as determined by the
16 Secretary.

17 (2) TREATMENT OF CONSIDERATION RE-
18 CEIVED.—Consideration received by the Secretary
19 under paragraph (1) shall be deposited in the special
20 account in the Treasury established for the Sec-
21 retary under subsection (e) of section 2667 of title
22 10, United States Code, and shall be available to the
23 Secretary for the same uses and subject to the same
24 limitations as provided in that section.

25 (e) PAYMENT OF COSTS OF CONVEYANCE.—

1 (1) PAYMENT REQUIRED.—The Secretary of
2 the Army shall require the State to cover costs to be
3 incurred by the Secretary, or to reimburse the Sec-
4 retary for such costs incurred by the Secretary, to
5 carry out the conveyance under subsection (a), in-
6 cluding survey costs, costs for environmental docu-
7 mentation related to the conveyance, and any other
8 administrative costs related to the conveyance. If
9 amounts are collected from the State in advance of
10 the Secretary incurring the actual costs, and the
11 amount collected exceeds the costs actually incurred
12 by the Secretary to carry out the conveyance, the
13 Secretary shall refund the excess amount to the
14 State.

15 (2) TREATMENT OF AMOUNTS RECEIVED.—
16 Amounts received as reimbursement under para-
17 graph (1) shall be credited to the fund or account
18 that was used to cover those costs incurred by the
19 Secretary in carrying out the conveyance or, if the
20 period of availability for obligations for that appro-
21 priation has expired, to the fund or account cur-
22 rently available to the Secretary for the same pur-
23 pose. Amounts so credited shall be merged with
24 amounts in such fund or account, and shall be avail-
25 able for the same purposes, and subject to the same

1 conditions and limitations, as amounts in such fund
2 or account.

3 (f) DESCRIPTION OF PROPERTY.—The exact acreage
4 and legal description of the property to be conveyed under
5 subsection (a) shall be determined by a survey satisfactory
6 to the Secretary of the Army.

7 (g) SAVINGS PROVISION.—Nothing in this section
8 shall be construed to alleviate, alter, or affect the responsi-
9 bility of the United States for cleanup and remediation
10 of the property to be conveyed under subsection (a) in ac-
11 cordance with the Defense Environmental Restoration
12 Program under section 2701 of title 10, United States
13 Code, and the Comprehensive Environmental Response,
14 Compensation, and Liability Act of 1980 (42 U.S.C. 9601
15 et seq.).

16 (h) ADDITIONAL TERMS AND CONDITIONS.—The
17 Secretary of the Army may require such additional terms
18 and conditions in connection with the conveyance under
19 subsection (a) as the Secretary considers appropriate to
20 protect the interests of the United States. These addi-
21 tional terms may include a requirement for the State to
22 consult with the Secretary of the Navy regarding use of
23 the conveyed property.



AMENDMENT TO H.R. 6395
OFFERED BY MR. WILSON OF SOUTH CAROLINA

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

1 **SEC. ____ . LIMITATION ON USE OF FUNDS FOR ACQUISITION OF FURNISHED ENERGY FOR RHINE**
2 **ORDNANCE BARRACKS ARMY MEDICAL CENTER.**
3
4

5 None of the funds authorized to be appropriated by
6 this Act or otherwise made available for the Department
7 of Defense for fiscal year 2021 may be used to enter into
8 a contract for the acquisition of furnished energy for the
9 new Rhine Ordnance Barracks Army Medical Center
10 (hereafter referred to as the “Medical Center”) before the
11 date on which Secretary of Defense submits to the congressional defense committees a written certification that
12 the Medical Center does not use any energy sourced from
13 inside the Russian Federation as a means of generating
14 the furnished energy.
15



AMENDMENT TO H.R. 6395
OFFERED BY MRS. DAVIS OF CALIFORNIA

Add at the end of title XXVIII the following new
section:

1 **SEC. 28** ____ . **DEPARTMENT OF DEFENSE POLICY FOR REGU-**
2 **LATION OF DANGEROUS DOGS IN MILITARY**
3 **COMMUNITIES.**

4 (a) **POLICY REQUIRED.**—Not later than 90 days after
5 the date of the enactment of this Act, the Secretary of
6 Defense, through the Veterinary Service Activity of the
7 Department of Defense, shall establish a standardized pol-
8 icy applicable across all military communities for the regu-
9 lation of dangerous dogs that is—

10 (1) breed-neutral; and

11 (2) consistent with advice from professional vet-
12 erinary and animal behavior experts in regard to ef-
13 fective regulation of dangerous dogs.

14 (b) **REGULATIONS.**—

15 (1) **IN GENERAL.**—Not later than 180 days
16 after the date of the enactment of this Act, the Sec-
17 retary shall prescribe regulations implementing the
18 policy established under subsection (a).

1 (2) BEST PRACTICES.—The regulations pre-
2 scribed under paragraph (1) shall include strategies,
3 for implementation within all military communities,
4 for the prevention of dog bites that are consistent
5 with the following best practices:

6 (A) Enforcement of comprehensive,
7 nonbreed-specific regulations relating to dan-
8 gerous dogs, with emphasis on identification of
9 dangerous dog behavior and chronically irre-
10 sponsible owners.

11 (B) Enforcement of animal control regula-
12 tions, such as leash laws and stray animal con-
13 trol policies.

14 (C) Promotion and communication of re-
15 sources for pet spaying and neutering.

16 (D) Investment in community education
17 initiatives, such as teaching criteria for pet se-
18 lection, pet care best practices, owner respon-
19 sibilities, and safe and appropriate interaction
20 with dogs.

21 (c) DEFINITIONS.—In this section:

22 (1) The term “dangerous dog” means a dog
23 that—

1 (A) has attacked a person or another ani-
2 mal without justification, causing injury or
3 death to the person or animal; or

4 (B) exhibits behavior that reasonably sug-
5 gests the likely risk of such an attack.

6 (2) The term “military communities” means—

7 (A) all installations of the Department;
8 and

9 (B) all military housing, including
10 privatized military housing under subchapter IV
11 of chapter 169 of title 10, United States Code.



AMENDMENT TO H.R. 6395
OFFERED BY MR. BROWN OF MARYLAND

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

1 **SEC. 17 ____ . PROHIBITION OF PUBLIC DISPLAY OF CONFED-**
2 **ERATE BATTLE FLAG ON DEPARTMENT OF**
3 **DEFENSE PROPERTY.**

4 (a) PROHIBITION.—Except as provided in subsection
5 (b) the Secretary of Defense shall prohibit the public dis-
6 play of the Confederate battle flag at all Department of
7 Defense property.

8 (b) EXCEPTIONS.—The prohibition under subsection
9 (a) shall not apply to—

10 (1) a museum located on a Department of De-
11 fense installation that addresses the Civil War from
12 a historical or educational perspective;

13 (2) an educational or historical display depict-
14 ing a Civil War battle in which the Confederate bat-
15 tle flag is present, but not the main focus of the dis-
16 play;

17 (3) a State flag that incorporates the Confed-
18 erate battle flag;

1 (4) a State-issued license plate with a depiction
2 of the Confederate battle flag; or

3 (5) a grave site of a Confederate soldier.

4 (c) DEFINITIONS.—In this section:

5 (1) The term “Confederate battle flag” means
6 the battle flag carried by Confederate armies during
7 the Civil War.

8 (2) The term “Department of Defense prop-
9 erty” means all installations, workplaces, common-
10 access areas, and public areas of the Department of
11 Defense, including—

12 (A) office buildings, facilities, naval ves-
13 sels, aircraft, Government vehicles, hangars,
14 ready rooms, conference rooms, individual of-
15 fices, cubicles, storage rooms, tool and equip-
16 ment rooms, workshops, break rooms, galleys,
17 recreational areas, commissaries, Navy and Ma-
18 rine Corps exchanges, and heads;

19 (B) sensitive compartmented information
20 facilities and other secure facilities;

21 (C) open-bay barracks and common areas
22 of barracks and living quarters;

23 (D) all Department of Defense school
24 houses and training facilities including, officer

1 candidate school, the basic school, recruit train-
2 ing command, and recruiting offices;

3 (E) all areas of the Department of Defense
4 in public or plain view, including outside areas,
5 work office buildings, stores, or barracks, in-
6 cluding parking lots;

7 (F) the front yard or external porch of
8 Government-owned and Government-operated
9 housing and public-private venture housing; and

10 (G) automobile bumper stickers, clothing,
11 and other apparel that is located on or in any
12 installation, workplace, common-access area, or
13 public area of the Department of Defense.



Amendment to H.R. 6395 National Defense Authorization Act for Fiscal Year 2021

Offered by: Mr. Mitchell of Michigan

In the appropriate place in the report to accompany H.R. 6395, insert the following new Directive Report Language:

Department of Defense Warehouse Space Management

The committee is aware that in 2017, the Government Accountability Office (GAO-17-449) found that opportunities exist to reduce the Department of Defense's warehousing and distribution costs by streamlining the infrastructure footprint of the current network. As a result of this study, the Office of the Secretary of Defense, as part of the Defense Reform Initiative, established the Non-Tactical Warehouse Initiative to evaluate those opportunities and provide recommendations. The resulting study found that the Department of Defense maintains excess warehouse network capacity and redundant commercial warehouses. Additionally, the study found warehouse utilization rates well below industry averages and that multiple Department of Defense and military department process owners have poor visibility of billions of dollars in inventory as a result of inconsistent reporting and incomplete data.

Therefore, the committee directs that not later than March 1, 2021, the Undersecretary for Acquisition and Sustainment, in coordination with the military departments and Defense Logistics Agency, shall submit a report to the congressional defense committees discussing its plan to create increased shared awareness of warehouse space across the Department of Defense, and how it plans to institute policies, procedures, and metrics that will increase warehouse utilization rates across the military departments. Additionally, the report should include a discussion of technologies that will provide-real-time information to warehouse users and operators, improve global inventory visibility, and supply chain planning.

**Amendment to H.R. 6395
National Defense Authorization Act for Fiscal Year 2021**

Offered by Mr. Waltz:

In the appropriate place in the report to accompany H.R. 6395, insert the following new Directive Report Language:

Personnel Parachute and Cargo Inventory Management

The Committee directs the Secretary of the Army to submit a report to the House Armed Services Committee by December 1, 2020 assessing the system used by U.S. Army Parachute Riggers to record their activities with respect to the use, inspection, inventory, maintenance, and repair of personnel parachutes, cargo parachutes and other airdrop equipment throughout a system's life-cycle. The report shall address the following elements:

- (1) The current record keeping, tracking, reporting and information retrieval system employed by Parachute Riggers with regard to personnel parachutes and airdrop equipment;
- (2) An assessment of the adequacy of the tracking system and a history of efforts to update the tracking system;
- (3) A market assessment of automated programs currently available for parachute system tracking by Parachute Riggers;
- (4) A statement of the Army's current plans, if any, to upgrade the tracking system used by Parachute Riggers;
- (5) A schedule associated with the activities set forth in (4).

Amendment to H.R. 6395 National Defense Authorization Act for Fiscal Year 2021

Offered by Mr. Waltz:

In the appropriate place in the report to accompany H.R. 6395, insert the following new Directive Report Language:

Army Briefing on Static-Line Parachuting Proficiency Requirements

The United States Army maintains a robust airborne force structure resident in both the Active Army and Army National Guard. Capable of deploying rapidly in a crisis and conducting forced entry operations by parachute assault, these forces provide the United States with a competitive military advantage in a dynamic national security environment. Soldiers assigned to these units complete a three week Basic Airborne Course at Ft. Benning, Georgia where, in their third and final week, they conduct five successful parachute jumps, are awarded their basic airborne wings, and are then qualified for assignment to airborne units. Since 1950, in order to maintain proficiency and to qualify for Parachute Duty – Hazardous Duty Incentive Pay, soldiers have been required to jump at a minimum once every three months. In 2018, the Department of Defense modified this requirement, enabling commanders in the grade of Lieutenant Colonel or higher to waive one of these four annual proficiency jumps in special circumstances to account for factors such as deployment on extended operations where it might not be possible to get all four jumps in, lack of jump equipment or aircraft, or attendance of military education or training. Even with this new authority, the vast majority of airborne soldiers are still required to conduct one jump every three months to maintain proficiency and to qualify for monthly jump pay.

With advances in military parachuting equipment, procedures, and methods of training, it only seems appropriate that the Army reevaluate its 70 year-old basic airborne proficiency standards.

The committee directs the Secretary of the Army to brief the Committees on Armed Services of the Senate and the House of Representatives no later than December 1, 2020 on Army Static-Line Parachuting Proficiency Requirements. Elements of the briefing shall include but are not limited to:

1. How many soldiers are currently on jump status and receiving jump pay?
2. Of this number, how many soldiers make only four jumps a year to maintain basic proficiency?
3. For those soldiers making more than the required four annual proficiency jumps, what is the average of annual jumps by military occupational specialty (MOS)?

4. Recent statistics on the numbers and types of parachute accidents and injuries based on a soldier's military occupational specialty (MOS), unit of assignment, or overall parachute proficiency (i.e., number of jumps or months/years on jump status).
5. How does the Army review its basic airborne proficiency requirements and when was the last time a comprehensive evaluation was conducted? What were the recommendations from the last evaluation?
6. What are the basic airborne proficiency requirements for Navy, Marine Corps, and Air Force non-special operations service members assigned to airborne billets?
7. What are the advantages and disadvantages of conducting proficiency jumps in a shorter time period other than the current quarterly requirement?
8. What are the cost and resource implications (including aircraft availability and usage) if the Army adopted a shorter time-frame for proficiency jumps or if the number of required proficiency jumps were reduced?
9. With the advances in simulations, virtual training environments and systems, and the promise of artificial intelligence, how practical would it be to replace some of the required proficiency jumps with some form of simulation or virtual training device?
10. Are there any plans for the Army to re-evaluate the requirement for five airborne infantry brigade combat teams (IBCTs) and supporting forces? How do parachute assaults fit into the Army's doctrine for fighting in the current strategic environment against near-peer competitors with sophisticated, layered air-defense architectures.
11. Operationally, how often have static-line airborne operations been used in the last decade.
12. Have there been any recent studies on the numbers and types of parachute injuries based on a soldier's military occupational specialty (MOS), unit of assignment, or overall parachute proficiency (i.e., number of jumps or months/years on jump status)?
13. What are the costs and injury rates of West Point and ROTC cadets permitted to attend Airborne School? Over the last 10 years, what is the rate of these cadets that go on to serve in airborne units?
14. Are there instances where we send officers and soldiers to airborne school who are not on orders assigning them to an airborne unit or position that requires airborne qualification? If so, how many of these officers and soldiers fall into this category on an annual basis?

AMENDMENT TO H.R. 6395
OFFERED BY MR. CROW OF COLORADO

Add at the end of title XXVIII the following new section:

1 **SEC. 28** ____ . **DEFENSE COMMUNITY INFRASTRUCTURE PRO-**
2 **GRAM.**

3 (a) **PRIORITIZATION OF COMMUNITY INFRASTRUC-**
4 **TURE PROJECTS.**—Section 2391(d)(1) of title 10, United
5 States Code, is amended—

6 (1) by inserting “(A)” after “(1)”;

7 (2) by striking “, if the Secretary determines
8 that such assistance will enhance the military value,
9 resilience, or military family quality of life at such
10 military installation”; and

11 (3) by adding at the end the following new sub-
12 paragraph:

13 “(B) The Secretary shall establish criteria for the se-
14 lection of community infrastructure projects to receive as-
15 sistance under this subsection, including selection of com-
16 munity infrastructure projects in the following order of
17 priority:

18 (i) Projects that will enhance military installa-
19 tion resilience.

1 “(ii) Projects that will enhance military value at
2 a military installation.

3 “(iii) Projects that will enhance military family
4 quality of life at a military installation.”.

5 (b) COST-SHARING REQUIREMENTS.—Paragraph (2)
6 of section 2391(d) of title 10, United States Code, is
7 amended to read as follows:

8 “(2)(A) The criteria established for the selection of
9 community infrastructure projects to receive assistance
10 under this subsection shall include a requirement that, ex-
11 cept as provided in subparagraph (B), the State or local
12 government agree to contribute not less than 30 percent
13 of the funding for the community infrastructure project.

14 “(B) If a proposed community infrastructure project
15 will be carried out in a rural area or the Secretary of De-
16 fense determines that a proposed community infrastruc-
17 ture project is advantageous for reasons related to na-
18 tional security, the Secretary—

19 “(i) shall not penalize a State or local govern-
20 ment for offering to make a contribution of 30 per-
21 cent or less of the funding for the community infra-
22 structure project; and

23 “(ii) may reduce the requirement for a State or
24 local government contribution to 30 percent or less
25 or waive the cost-sharing requirement entirely.”.

1 (c) SPECIFIED DURATION OF PROGRAM.—Section
2 2391(d)(4) of title 10, United States Code, is amended
3 by striking “upon the expiration of the 10-year period
4 which begins on the date of the enactment of the National
5 Defense Authorization Act for Fiscal Year 2019” and in-
6 serting “on September 30, 2028”.



**Amendment to H.R. 6395
National Defense Authorization Act for Fiscal Year 2021**

OFFERED BY MRS. HOULAHAN OF PENNSYLVANIA

In the appropriate place in the report to accompany H.R. 6395, insert the following new Directive Report Language:

Report on Denial of Security Clearances

The Committee is aware that vetting applicants for access or a security clearance is an important safeguard that reduces risks and mitigates harm to United States national security. Related to this process, the Committee requires a greater understanding of decisions to not grant applicants or employees access or a security clearance based on the Adjudicative Guideline “concern” in either Security Executive Agent Directive 4 for guideline “H” (Drug Involvement and Substance Misuse) or “T” (Psychological Conditions), or Intelligence Community Policy Guidance 704.2 for guideline “H” (Drug Involvement) or “T” (Psychological Conditions). The Committee directs the Undersecretary of Defense for Intelligence and Security, in coordination with the Director of National Intelligence, to submit a report to the House Committee on Armed Services by December 1, 2020 with data and information for the previous five fiscal years on the denial or revocation by any Department of Defense component or intelligence community element of access or a security clearance under guidelines “H” or “T” of either Security Executive Agent Directive 4 or Intelligence Community Policy Guidance 704.2. The report shall show the number of access or security clearance denials or revocations broken down by the Defense component or intelligence element, type of access or level of security clearance denied or revoked, and the age, sex and race of each applicant or employee.

Amendment to H.R. 6395
National Defense Authorization Act for Fiscal Year 2021

Offered by: Mr. Joe Wilson of South Carolina

In the appropriate place in the report to accompany H.R. 6395, insert the following new Directive Report Language:

United Service Organizations and Identification Cards

The committee recognizes the unique and invaluable role that the United Service Organizations (USO) plays in supporting the morale and welfare of service members and families around the world. During the past several years, USO employees have encountered numerous logistical challenges stemming from a credentialing issue. This is particularly problematic for USO employees who live and work alongside U.S. military personnel in remote regions such as the CENTCOM and AFRICOM AORs and require assured access to military installations in order to provide vital support to service members. The committee is concerned that Department of Defense implementation of Homeland Security Presidential Directive 12, which created a policy for common identification standard for federal employees and contractors, may be creating access issues, particularly at overseas installations, for employees of the USO and other non-federal entities who provide essential support to service members and their families.

Therefore, the committee directs the Secretary of Defense to submit a report to the Committees on Armed Services of the Senate and the House of Representatives by not later than February 1, 2021 regarding the following:

1. The Department's implementation plan and timeline for the Next Generation Uniformed Services Identification Card;
2. The Department's plan to ensure that policies governing non-federal entities requiring recurring access to military facilities and amenities are applied consistently for all organizations within the Department; and
3. The Department's plan to comply with federal credentialing policy in fielding the Next Generation Uniform Services Identification Card.

AMENDMENT TO H.R. 6395
OFFERED BY MR. THORNBERRY OF TEXAS

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

1 **SEC. 8__.** **MAJOR WEAPON SYSTEMS: LIFE-CYCLE**
2 **SUSTAINMENT PLAN.**

3 (a) IN GENERAL.—Chapter 139 of title 10, United
4 States Code, is amended by inserting after section 2366c
5 the following new section:

6 **“§ 2366d. Major weapon systems: life-cycle**
7 **sustainment plans**

8 “(a) REQUIREMENT.—Before granting Milestone C
9 approval for a major weapon system acquired pursuant to
10 a major defense acquisition program, the milestone deci-
11 sion authority for such program shall submit to the Sec-
12 retary a life-cycle sustainment plan.

13 “(b) ELEMENTS.—A life-cycle sustainment plan re-
14 quired under subsection (a) shall include—

15 “(1) a sustainment plan that includes the prod-
16 uct support strategy, performance, and operation
17 and support costs of the major weapon system;

1 “(2) metrics to measure readiness and avail-
2 ability of the major weapon system to perform its in-
3 tended purpose or function;

4 “(3) a schedule for the major maintenance and
5 overhaul activities that will required during the life
6 cycle of the major weapon system; and

7 “(4) a sustainment baseline cost estimate for
8 the planned life cycle of the major weapon system
9 that includes a technical data and intellectual prop-
10 erty management plan that clearly delineates which
11 subsystems of the major weapon system are Govern-
12 ment-owned or Government-required and which sub-
13 systems are owned by a prime contractor or subcon-
14 tractor (at any tier).

15 “(c) REVIEW.—The Secretary of Defense shall review
16 a life-cycle sustainment plan submitted under subsection
17 (a) 5 years after the receipt of Milestone C approval de-
18 scribed in such subsection, and every 10 years thereafter,
19 to ensure that the major weapon system is cost effective
20 and is able to meet required metrics relating to readiness
21 and availability of such system.

22 “(d) NOTIFICATION REQUIREMENTS.—

23 “(1) IN GENERAL.—Not later than 45 days
24 after a significant and critical breach of a
25 sustainment baseline cost estimate of a life-cycle

1 sustainment plan for a major weapon system ac-
2 quired pursuant to a major defense acquisition pro-
3 gram, the Secretary of the military department that
4 is managing such program shall submit to the con-
5 gressional defense committees a notification of such
6 breach.

7 “(2) REVIEW.—Not later than 180 days after
8 submitting a notification under paragraph (1), such
9 Secretary shall review the sustainment costs of the
10 major weapon system to which such notification re-
11 lates relative to the sustainment baseline cost esti-
12 mate.

13 “(3) ADDITIONAL SUBMISSION.—Such Sec-
14 retary shall submit to the congressional defense com-
15 mittees—

16 “(A) a certification that the review re-
17 quired under paragraph (2) has been com-
18 pleted; and

19 “(B) a remediation plan or endorsement by
20 such Secretary that the sustainment cost
21 growth is justified and required for such Sec-
22 retary to meet the requirements related to the
23 major defense acquisition program.

24 “(e) DEFINITIONS.—In this section:

1 “(1) MAJOR DEFENSE ACQUISITION PRO-
2 GRAM.—The term ‘major defense acquisition pro-
3 gram’ has the meaning given in section 2430 of this
4 title.

5 “(2) MAJOR WEAPON SYSTEM.—The term
6 ‘major weapon system’ has the meaning given in sec-
7 tion 2379(f) of this title.

8 “(3) MILESTONE C APPROVAL.—The term
9 ‘Milestone C approval’ means a decision to enter
10 into production and deployment pursuant to guid-
11 ance prescribed by the Secretary of Defense for the
12 management of a major defense acquisition pro-
13 gram.

14 “(4) SUSTAINMENT BASELINE COST ESTI-
15 MATE.—The term ‘sustainment baseline cost esti-
16 mate’ means the cost estimate and schedule for a
17 life-cycle sustainment plan required under this sec-
18 tion.”.

19 (b) CLERICAL AMENDMENT.—The table of sections
20 at the beginning of chapter 139 of title 10, United States
21 Code, is amended by inserting after the item relating to
22 section 2366c the following new item:

“2366d. Major weapon systems: life-cycle sustainment plans.”.



Amendment to H.R. 6395
National Defense Authorization Act for Fiscal Year 2021

Offered by: Ms. Speier of California

In the appropriate place in the report to accompany H.R. 6395, insert the following new Directive Report Language:

Report on Improving Equal Employment Opportunity Processes in the Department
of Defense

The committee is concerned about the effectiveness and efficiency of the Department of Defense's Equal Employment Opportunity (EEO) complaint resolution processes for civilian employees. EEO investigations are typically required to be completed within 180 days of the date on which the complaint was filed. Yet, from Fiscal Year (FY) 2014 through FY 2018, the average number of days in investigation for EEO complaints in the Army, Air Force, and Navy exceeded 180 days. During FY 2018, the average number of days in investigation was 212 days for the Army and 256 days for the Air Force. During the first 9 months of FY 2018, the average number of days in investigation was 211 days for the Navy.

The committee acknowledges the Department of Defense's intention to improve the EEO process by convening the Defense Equal Opportunity Reform Group (DEORG). Therefore, the committee directs the Under Secretary of Defense for Personnel & Readiness, in consultation with the DEORG, to submit a report to the Committees on Armed Services of the Senate and the House of Representatives by January 1, 2021, with recommendations to improve the informal and formal EEO processes, including ways to improve the timeliness of investigations and other EEO process, maintain a high standard of quality for investigations whether conducted by Department of Defense employees or contractors, ensure that sufficient disciplinary action is taken when complaints are founded, and inform complainants of all available options to resolve EEO complaints.

Amendment to H.R. 6395
National Defense Authorization Act for Fiscal Year 2021

Offered by: Ms. Haaland of New Mexico

In the appropriate place in the report to accompany H.R. 6395, insert the following new Directive Report Language:

Counter Drone Center of Excellence

The Committee notes that the threat posed by small drones to our warfighters and civilian population has grown exponentially over the past several years. Current requirements across the military services demonstrate a need for comprehensive counter UAS capabilities. Concurrently, the nation faces a shortage of engineering graduates with the skills, clearances and education necessary in these specialized fields. Each military services is pursuing counter UAS research, development, test and engineering activities that are independent of each other creating a need to coordinate efforts across industry, academia and government agencies.

The Committee directs the Under Secretary of Defense for Research and Engineering to provide a briefing to the House Committee on Armed Services not later than October 1, 2020 on the advisability and feasibility of establishing a Counter Drone Center of Excellence. At minimum, the briefing shall include information on the degree to which the military services are coordinating efforts to rapidly develop and test counter drone capabilities and the ability of the military services to attract a skilled, cleared and trained workforce to develop and test this technology. The briefing shall also include an evaluation of whether a Counter Drone Center of Excellence would enable better coordination of effort and more efficient use of resources across the services to develop, test and field counter drone technology.

[AMENDMENT HEADING TO BE ADDED]

OFFERED BY Mr . Bishop

Insert after section 2844, relating to renewal of Nevada Test and Training Range land withdrawal and reservation, the following new section (and redesignate subsequent section accordingly):

1 **SEC. 2845. CO-MANAGEMENT, NEW MEMORANDUM OF UN-**
2 **DERSTANDING, AND ADDITIONAL REQUIRE-**
3 **MENTS REGARDING NEVADA TEST AND**
4 **TRAINING RANGE.**

5 (a) DEFINITIONS.—In this section:

6 (1) The term “affected Indian tribe” means an
7 Indian tribe that—

8 (A) has historical connections to the land
9 withdrawn and reserved as the Nevada Test
10 and Training Range; and

11 (B) retains a presence on lands near the
12 Nevada Test and Training Range.

13 (2) The term “heavy force” means a military
14 unit with armored motorized equipment, such as
15 tanks, motorized artillery, and armored personnel
16 carriers.

1 (3) The term “large force” means a military
2 unit designated as a battalion or larger organiza-
3 tional unit.

4 (4) The term “Nevada Test and Training
5 Range” means the lands known as the Nevada Test
6 and Training Range withdrawn and reserved by sec-
7 tion 3011(b) of the Military Lands Withdrawal Act
8 of 1999 (title XXX of Public Law 106–65; 113 Stat.
9 886).

10 (5) The term “new memorandum of under-
11 standing” means the memorandum of understanding
12 required by subsection (c)(1).

13 (6) The term “overlapping lands” means the
14 lands overlapping both the Nevada Test and Train-
15 ing Range and the Desert National Wildlife Refuge.

16 (7) The term “Secretaries” means the Sec-
17 retary of the Air Force and the Secretary of the In-
18 terior acting jointly.

19 (8) The term “small force” means a military
20 force of squad, platoon, or equivalent or smaller size.

21 (b) CO-MANAGEMENT OF FEDERAL LANDS OVER-
22 LAPPING NEVADA TEST AND TRAINING RANGE AND
23 DESERT NATIONAL WILDLIFE REFUGE.—The Secretaries
24 shall co-manage the overlapping lands for both military
25 and wildlife refuge purposes.

1 (c) MEMORANDUM OF UNDERSTANDING.—

2 (1) NEW MOU REQUIRED.—Not later than two
3 years after the date of the enactment of this Act, the
4 Secretaries shall prepare a memorandum of under-
5 standing regarding the management of the overlap-
6 ping lands for the purpose of facilitating the co-man-
7 agement of the overlapping lands as required by sub-
8 section (b).

9 (2) RELATION TO EXISTING MOU.—The new
10 memorandum of understanding shall supersede the
11 memorandum of understanding referred to in sub-
12 paragraph (E) of section 3011(b)(5) of the Military
13 Lands Withdrawal Act of 1999 (title XXX of Public
14 Law 106–65; 113 Stat. 888). Clauses (ii), (iii), and
15 (iv) of such subparagraph shall apply to the new
16 memorandum of understanding in the same manner
17 as such clauses applied to the superseded memo-
18 randum of understanding .

19 (d) ELEMENTS OF NEW MEMORANDUM OF UNDER-
20 STANDING.—

21 (1) IN GENERAL.—Subject to the dispute reso-
22 lution process required by subsection (e), the new
23 memorandum of understanding shall include, at a
24 minimum, provisions to address the following:

1 (A) The proper management and protec-
2 tion of the natural and cultural resources of the
3 overlapping lands.

4 (B) The sustainable use by the public of
5 such resources to the extent consistent with ex-
6 isting laws and regulations, including applicable
7 environmental laws.

8 (C) The use of the overlapping lands for
9 the military purposes for which the lands are
10 withdrawn and reserved.

11 (2) CONSULTATION.—The Secretaries shall pre-
12 pare the new memorandum of understanding in con-
13 sultation with the following:

14 (A) The resource consultative committee.

15 (B) Affected Indian tribes.

16 (3) TRIBAL ISSUES.—The new memorandum of
17 understanding shall include provisions to address the
18 manner in which the Secretary of the Air Force will
19 accomplish the following:

20 (A) Meet the United States trust respon-
21 sibilities with respect to affected Indian tribes,
22 tribal lands, and rights reserved by treaty or
23 Federal law affected by the withdrawal and res-
24 ervation of the overlapping lands.

1 (B) Guarantee reasonable access to, and
2 use by members of affected Indian tribes of
3 high priority cultural sites throughout the Ne-
4 vada Test and Training Range, including the
5 overlapping lands, consistent with the reserva-
6 tion of the lands for military purposes.

7 (C) Protect identified cultural and archae-
8 ological sites throughout the Nevada Test and
9 Training Range, including the overlapping
10 lands, and, in the event of an inadvertent
11 ground disturbance of such a site, implement
12 appropriate response activities to once again fa-
13 cilitate historic and subsistence use of the site
14 by members of affected Indian tribes.

15 (D) Provide for timely consultation with
16 affected Indian tribes as required by paragraph
17 (2).

18 (4) DEPARTMENT OF THE INTERIOR ACCESS.—
19 The new memorandum of understanding shall en-
20 sure that the Secretary of the Interior has regularly
21 access to the overlapping lands to carry out the
22 management responsibilities of the Secretary of the
23 Interior regarding the Desert National Wildlife Ref-
24 uge, including the following:

1 (A) The installation or maintenance of
2 wildlife water development projects.

3 (B) The conduct of annual desert bighorn
4 sheep surveys.

5 (C) The management of the annual desert
6 bighorn sheep hunt in accordance with the Na-
7 tional Wildlife Refuge System Administration
8 Act of 1966 (16 U.S.C. 668dd–668ee).

9 (D) The conduct of annual biological sur-
10 veys for the Agassiz’s desert tortoise and other
11 federally protected species, State-listed and at-
12 risk species, migratory birds, golden eagle nests
13 and rare plants.

14 (E) The conduct of annual invasive species
15 surveys and treatment.

16 (F) The conduct of annual contaminant
17 surveys of soil, springs, groundwater and vege-
18 tation.

19 (G) The regular installation and mainte-
20 nance of climate monitoring systems.

21 (H) Such additional access opportunities,
22 as needed, for wildlife research, including Glob-
23 al Positioning System collaring of desert big-
24 horn sheep, bighorn sheep disease monitoring,
25 investigation of wildlife mortalities, and deploy-

1 ing, maintaining, and retrieving output from
2 wildlife camera traps.

3 (5) HUNTING, FISHING, AND TRAPPING.—The
4 new memorandum of understanding shall include
5 provisions to require that any hunting, fishing, and
6 trapping on the overlapping lands is conducted in
7 accordance with section 2671 of title 10, United
8 States Code.

9 (6) OTHER REQUIRED MATTERS.—The new
10 memorandum of understanding also shall include
11 provisions regarding the following:

12 (A) The identification of current test and
13 target impact areas and related buffer or safety
14 zones, to the extent consistent with military
15 purposes.

16 (B) The design and construction of all
17 gates, fences, and barriers in the overlapping
18 lands, to be constructed after the date of the
19 enactment of this Act, in a manner to allow
20 wildlife access, to the extent practicable and
21 consistent with military security, safety, and
22 sound wildlife management use.

23 (C) The incorporation of any existing man-
24 agement plans pertaining to the overlapping
25 lands to the extent that the Secretaries, upon

1 review of such plans, determine that incorpora-
2 tion into the new memorandum of under-
3 standing is appropriate.

4 (D) Procedures to ensure periodic reviews
5 of the new memorandum of understanding are
6 conducted by the Secretaries, and that the
7 State of Nevada, affected Indian tribes, and the
8 public are provided a meaningful opportunity to
9 comment upon any proposed substantial revi-
10 sions.

11 (e) RESOLUTION OF DISPUTES.—

12 (1) DISPUTE RESOLUTION PROCESS.—The Sec-
13 retary of the Air Force shall be responsible for the
14 resolution of any dispute concerning the new memo-
15 randum of understanding or any amendment there-
16 to.

17 (2) CONSULTATION.—The Secretary of the Air
18 Force shall make a decision under this subsection
19 only after consultation with the Secretary of the In-
20 terior, acting through the Regional Director of the
21 United States Fish and Wildlife Service, and the co-
22 ordinator of the resource consultative committee.

23 (3) GOAL.—The Secretary of the Air Force
24 shall seek to resolve disputes under this subsection
25 in a manner that provides the greatest access to the

1 overlapping lands to the public and to other Federal
2 agencies and is protective of cultural and natural re-
3 sources to the greatest extent possible consistent
4 with the purposes for which the overlapping lands
5 are reserved.

6 (f) RESOURCE CONSULTATIVE COMMITTEE.—

7 (1) ESTABLISHMENT REQUIRED.—The Secre-
8 taries shall establish, pursuant to the new memo-
9 randum of understanding, a resource consultative
10 committee comprised of representatives from inter-
11 ested Federal agencies, as well as at least one elect-
12 ed officer (or other authorized representative) from
13 the State of Nevada, and at least one elected officer
14 (or other authorized representative) from each local
15 and tribal government impacted by the Nevada Test
16 and Training Range, as may be designated at the
17 discretion of the Secretaries.

18 (2) PURPOSE.—The resource consultative com-
19 mittee shall be established solely for the purpose of
20 exchanging views, information, and advice relating
21 to the management of the natural and cultural re-
22 sources of the Nevada Test and Training Range.

23 (3) OPERATIONAL BASIS.—The resource con-
24 sultative committee shall operate in accordance with
25 the terms set forth in the new memorandum of un-

1 understanding, which shall specify the Federal agencies
2 and elected officers or representatives of State, local,
3 and tribal governments to be invited to participate.
4 The memorandum of understanding shall establish
5 procedures for creating a forum for exchanging
6 views, information, and advice relating to the man-
7 agement of natural and cultural resources on the
8 lands concerned, procedures for rotating the chair of
9 the committee, and procedures for scheduling reg-
10 ular meetings.

11 (4) COORDINATOR.—The Secretaries shall ap-
12 point an individual to serve as coordinator of the re-
13 source consultative committee. The duties of the co-
14 ordinator shall be included in the new memorandum
15 of understanding. The coordinator shall not be a
16 member of the committee.

17 (g) AUTHORIZED AND PROHIBITED ACTIVITIES.—

18 (1) AUTHORIZED ACTIVITIES.—Military activi-
19 ties on the overlapping lands are authorized for the
20 following purposes:

21 (A) Emergency response.

22 (B) Establishment and use of existing or
23 new electronic tracking and communications
24 sites.

25 (C) Establishment and use of drop zones.

1 (D) Use and maintenance of roads in ex-
2 istence as of the date of the enactment of this
3 Act.

4 (E) Small force readiness training by Air
5 Force, Joint, or Coalition forces, including
6 training using small motorized vehicles both on-
7 and off-road, in accordance with applicable
8 interagency agreements.

9 (2) PROHIBITED ACTIVITIES.—Military activi-
10 ties on the overlapping lands are prohibited for the
11 following purposes:

12 (A) Large force or heavy force activities.

13 (B) Designation of new weapon impact
14 areas.

15 (C) Any ground disturbance activity not
16 authorized by paragraphs (1) and (2) of sub-
17 section (c).

18 (3) RULES OF CONSTRUCTION.—Nothing in
19 this subsection shall be construed to preclude—

20 (A) low-level overflights of military air-
21 craft, the designation of new units of special
22 use airspace, or the use or establishment of
23 military flight training routes over the overlap-
24 ping lands; or

1 (B) the Secretaries from entering into the
2 new memorandum of understanding or any
3 amendment thereto concerning the activities au-
4 thorized by paragraph (1).

5 (h) TRIBAL LIAISON POSITIONS.—

6 (1) ACCESS COORDINATOR.—The Secretary of
7 the Air Force shall create a tribal liaison position for
8 the Nevada Test and Training Range, to be held by
9 a member of an affected Indian tribe, who will help
10 coordinate access to cultural and archaeological sites
11 throughout the Nevada Test and Training Range
12 and accompany members of Indian tribes accessing
13 such sites.

14 (2) CULTURAL RESOURCES LIAISON.—The Sec-
15 retary of the Air Force shall create a tribal liaison
16 position for the Nevada Test and Training Range, to
17 be held by a member of an affected Indian tribe,
18 who will serve as a tribal cultural resources liaison
19 to ensure that—

20 (A) appropriate steps are being taken to
21 protect cultural and archaeological sites
22 throughout the Nevada Test and Training
23 Range; and

24 (B) the management plan for the Nevada
25 Test and Training Range is being followed.

1 (i) FISH AND WILDLIFE LIAISON.—The Secretaries
2 shall create a Fish and Wildlife Service liaison position
3 for the Nevada Test and Training Range, to be held by
4 a Fish and Wildlife Service official designated by the Di-
5 rector of the United States Fish and Wildlife Service, who
6 will serve as a liaison to ensure that—

7 (1) appropriate steps are being taken to protect
8 Fish and Wildlife Service managed resources
9 throughout the Nevada Test and Training Range;
10 and

11 (2) the management plan for the Nevada Test
12 and Training Range is being followed.



AMENDMENT TO H.R. 6395

OFFERED BY MS. SPEIER OF CALIFORNIA

At the end of title XI, add the following:

1 **Subtitle _____—Elijah E. Cummings**
2 **Federal Employee Antidiscrimi-**
3 **nation Act of 2020**

4 **SEC. 11___1. SHORT TITLE.**

5 This subtitle may be cited as the “Elijah E. Cum-
6 mings Federal Employee Antidiscrimination Act of 2020”.

7 **SEC. 11___2. SENSE OF CONGRESS.**

8 Section 102 of the Notification and Federal Em-
9 ployee Antidiscrimination and Retaliation Act of 2002 (5
10 U.S.C. 2301 note) is amended—

11 (1) by striking paragraph (4) and inserting the
12 following:

13 “(4) accountability in the enforcement of the
14 rights of Federal employees is furthered when Fed-
15 eral agencies agree to take appropriate disciplinary
16 action against Federal employees who are found to
17 have intentionally committed discriminatory (includ-
18 ing retaliatory) acts;” and

19 (2) in paragraph (5)(A)—

1 (A) by striking “nor is accountability” and
2 inserting “accountability is not”; and

3 (B) by inserting “for what, by law, the
4 agency is responsible” after “under this Act”.

5 **SEC. 11___ 3. NOTIFICATION OF VIOLATION.**

6 Section 202 of the Notification and Federal Em-
7 ployee Antidiscrimination and Retaliation Act of 2002 (5
8 U.S.C. 2301 note) is amended by adding at the end the
9 following:

10 “(d) NOTIFICATION OF FINAL AGENCY ACTION.—

11 “(1) IN GENERAL.—Not later than 90 days
12 after the date on which an event described in para-
13 graph (2) occurs with respect to a finding of dis-
14 crimination (including retaliation), the head of the
15 Federal agency subject to the finding shall provide
16 notice—

17 “(A) on the public internet website of the
18 agency, in a clear and prominent location linked
19 directly from the home page of that website;

20 “(B) stating that a finding of discrimina-
21 tion (including retaliation) has been made; and

22 “(C) which shall remain posted for not less
23 than 1 year.

24 “(2) EVENTS DESCRIBED.—An event described
25 in this paragraph is any of the following:

1 “(A) All appeals of a final action by a Fed-
2 eral agency involving a finding of discrimination
3 (including retaliation) prohibited by a provision
4 of law covered by paragraph (1) or (2) of sec-
5 tion 201(a) have been exhausted.

6 “(B) All appeals of a final decision by the
7 Equal Employment Opportunity Commission
8 involving a finding of discrimination (including
9 if the finding included a finding of retaliation)
10 prohibited by a provision of law covered by
11 paragraph (1) or (2) of section 201(a) have
12 been exhausted.

13 “(C) A court of jurisdiction issues a final
14 judgment involving a finding of discrimination
15 (including retaliation) prohibited by a provision
16 of law covered by paragraph (1) or (2) of sec-
17 tion 201(a).

18 “(3) CONTENTS.—A notification provided under
19 paragraph (1) with respect to a finding of discrimi-
20 nation (including retaliation) shall—

21 “(A) identify the date on which the finding
22 was made, the date on which each discrimina-
23 tory act occurred, and the law violated by each
24 such discriminatory act; and

1 “(B) advise Federal employees of the
2 rights and protections available under the provi-
3 sions of law covered by paragraphs (1) and (2)
4 of section 201(a).”.

5 **SEC. 11 4. REPORTING REQUIREMENTS.**

6 (a) ELECTRONIC FORMAT REQUIREMENT.—

7 (1) IN GENERAL.—Section 203(a) of the Notifi-
8 cation and Federal Employee Antidiscrimination and
9 Retaliation Act of 2002 (5 U.S.C. 2301 note) is
10 amended, in the matter preceding paragraph (1)—

11 (A) by inserting “Homeland Security and”
12 before “Governmental Affairs”;

13 (B) by striking “on Government Reform”
14 and inserting “on Oversight and Reform”; and

15 (C) by inserting “(in an electronic format
16 prescribed by the Director of the Office of Per-
17 sonnel Management),” after “an annual re-
18 port”.

19 (2) EFFECTIVE DATE.—The amendment made
20 by paragraph (1)(C) shall take effect on the date
21 that is 1 year after the date of enactment of this
22 Act.

23 (3) TRANSITION PERIOD.—Notwithstanding the
24 requirements of section 203(a) of the Notification
25 and Federal Employee Antidiscrimination and Retal-

1 iation Act of 2002 (5 U.S.C. 2301 note), the report
2 required under such section 203(a) may be sub-
3 mitted in an electronic format, as prescribed by the
4 Director of the Office of Personnel Management,
5 during the period beginning on the date of enact-
6 ment of this Act and ending on the effective date in
7 paragraph (2).

8 (b) REPORTING REQUIREMENT FOR DISCIPLINARY
9 ACTION.—Section 203 of the Notification and Federal
10 Employee Antidiscrimination and Retaliation Act of 2002
11 (5 U.S.C. 2301 note) is amended by adding at the end
12 the following:

13 “(c) DISCIPLINARY ACTION REPORT.—Not later
14 than 120 days after the date on which a Federal agency
15 takes final action, or a Federal agency receives a final de-
16 cision issued by the Equal Employment Opportunity Com-
17 mission, involving a finding of discrimination (including
18 retaliation) in violation of a provision of law covered by
19 paragraph (1) or (2) of section 201(a), as applicable, the
20 applicable Federal agency shall submit to the Commission
21 a report stating—

22 “(1) whether disciplinary action has been pro-
23 posed against a Federal employee as a result of the
24 violation; and

1 “(2) the reasons for any disciplinary action pro-
2 posed under paragraph (1).”.

3 **SEC. 11__5. DATA TO BE POSTED BY EMPLOYING FED-
4 ERAL AGENCIES.**

5 Section 301(b) of the Notification and Federal Em-
6 ployee Antidiscrimination and Retaliation Act of 2002 (5
7 U.S.C. 2301 note) is amended—

8 (1) in paragraph (9)—

9 (A) in subparagraph (A), by striking
10 “and” at the end;

11 (B) in subparagraph (B)(ii), by striking
12 the period at the end and inserting “, and”;
13 and

14 (C) by adding at the end the following:

15 “(C) with respect to each finding described
16 in subparagraph (A)—

17 “(i) the date of the finding,

18 “(ii) the affected Federal agency,

19 “(iii) the law violated, and

20 “(iv) whether a decision has been
21 made regarding disciplinary action as a re-
22 sult of the finding.”; and

23 (2) by adding at the end the following:

1 “(11) Data regarding each class action com-
2 plaint filed against the agency alleging discrimina-
3 tion (including retaliation), including—

4 “(A) information regarding the date on
5 which each complaint was filed,

6 “(B) a general summary of the allegations
7 alleged in the complaint,

8 “(C) an estimate of the total number of
9 plaintiffs joined in the complaint, if known,

10 “(D) the current status of the complaint,
11 including whether the class has been certified,
12 and

13 “(E) the case numbers for the civil actions
14 in which discrimination (including retaliation)
15 has been found.”.

16 **SEC. 11___6. DATA TO BE POSTED BY THE EQUAL EMPLOY-**
17 **MENT OPPORTUNITY COMMISSION.**

18 Section 302(b) of the Notification and Federal Em-
19 ployee Antidiscrimination and Retaliation Act of 2002 (5
20 U.S.C. 2301 note) is amended by striking “(10)” and in-
21 serting “(11)”.

1 **SEC. 11___7. NOTIFICATION AND FEDERAL EMPLOYEE**
2 **ANTIDISCRIMINATION AND RETALIATION**
3 **ACT OF 2002 AMENDMENTS.**

4 (a) NOTIFICATION REQUIREMENTS.—Title II of the
5 Notification and Federal Employee Antidiscrimination
6 and Retaliation Act of 2002 (5 U.S.C. 2301 note) is
7 amended by adding at the end the following:

8 **“SEC. 207. COMPLAINT TRACKING.**

9 “Not later than 1 year after the date of enactment
10 of the Elijah E. Cummings Federal Employee Anti-
11 discrimination Act of 2020, each Federal agency shall es-
12 tablish a system to track each complaint of discrimination
13 arising under section 2302(b)(1) of title 5, United States
14 Code, and adjudicated through the Equal Employment
15 Opportunity process from the filing of a complaint with
16 the Federal agency to resolution of the complaint, includ-
17 ing whether a decision has been made regarding discipli-
18 nary action as the result of a finding of discrimination.

19 **“SEC. 208. NOTATION IN PERSONNEL RECORD.**

20 “If a Federal agency takes an adverse action covered
21 under section 7512 of title 5, United States Code, against
22 a Federal employee for an act of discrimination (including
23 retaliation) prohibited by a provision of law covered by
24 paragraph (1) or (2) of section 201(a), the agency shall,
25 after all appeals relating to that action have been ex-
26 hausted, include a notation of the adverse action and the

1 reason for the action in the personnel record of the em-
2 ployee.”.

3 (b) PROCESSING AND REFERRAL.—The Notification
4 and Federal Employee Antidiscrimination and Retaliation
5 Act of 2002 (5 U.S.C. 2301 note) is amended by adding
6 at the end the following:

7 **“TITLE IV—PROCESSING AND**
8 **REFERRAL**

9 **“SEC. 401. PROCESSING AND RESOLUTION OF COMPLAINTS.**

10 “Each Federal agency shall—

11 “(1) be responsible for the fair and impartial
12 processing and resolution of complaints of employ-
13 ment discrimination (including retaliation) prohib-
14 ited by a provision of law covered by paragraph (1)
15 or (2) of section 201(a); and

16 “(2) establish a model Equal Employment Op-
17 portunity Program that—

18 “(A) is not under the control, either struc-
19 turally or practically, of the agency’s Office of
20 Human Capital or Office of the General Coun-
21 sel (or the equivalent);

22 “(B) is devoid of internal conflicts of inter-
23 est and ensures fairness and inclusiveness with-
24 in the agency; and

1 “(C) ensures the efficient and fair resolu-
2 tion of complaints alleging discrimination (in-
3 cluding retaliation).

4 **“SEC. 402. NO LIMITATION ON ADVICE OR COUNSEL.**

5 “Nothing in this title shall prevent a Federal agency
6 or a subcomponent of a Federal agency, or the Depart-
7 ment of Justice, from providing advice or counsel to em-
8 ployees of that agency (or subcomponent, as applicable)
9 in the resolution of a complaint.

10 **“SEC. 403. HEAD OF PROGRAM SUPERVISED BY HEAD OF**
11 **AGENCY.**

12 “The head of each Federal agency’s Equal Employ-
13 ment Opportunity Program shall report directly to the
14 head of the agency.

15 **“SEC. 404. REFERRALS OF FINDINGS OF DISCRIMINATION.**

16 “(a) EEOC FINDINGS OF DISCRIMINATION.—

17 “(1) IN GENERAL.—Not later than 30 days
18 after the date on which the Equal Employment Op-
19 portunity Commission (referred to in this section as
20 the ‘Commission’) receives, or should have received,
21 a Federal agency report required under section
22 203(c), the Commission may refer the matter to
23 which the report relates to the Office of Special
24 Counsel if the Commission determines that the Fed-

1 eral agency did not take appropriate action with re-
2 spect to the finding that is the subject of the report.

3 “(2) NOTIFICATIONS.—The Commission shall—

4 “(A) notify the applicable Federal agency
5 if the Commission refers a matter to the Office
6 of Special Counsel under paragraph (1); and

7 “(B) with respect to a fiscal year, include
8 in the Annual Report of the Federal Workforce
9 of the Commission covering that fiscal year—

10 “(i) the number of referrals made
11 under paragraph (1) during that fiscal
12 year; and

13 “(ii) a brief summary of each referral
14 described in clause (i).

15 “(b) REFERRALS TO SPECIAL COUNSEL.—The Office
16 of Special Counsel shall accept and review a referral from
17 the Commission under subsection (a)(1) for purposes of
18 pursuing disciplinary action under the authority of the Of-
19 fice against a Federal employee who commits an act of
20 discrimination (including retaliation).

21 “(c) NOTIFICATION.—The Office of Special Counsel
22 shall notify the Commission and the applicable Federal
23 agency in a case in which—

24 “(1) the Office of Special Counsel pursues dis-
25 ciplinary action under subsection (b); and

1 “(2) the Federal agency imposes some form of
2 disciplinary action against a Federal employee who
3 commits an act of discrimination (including retalia-
4 tion).

5 “(d) SPECIAL COUNSEL APPROVAL.—A Federal
6 agency may not take disciplinary action against a Federal
7 employee for an alleged act of discrimination (including
8 retaliation) referred by the Commission under this section,
9 except in accordance with the requirements of section
10 1214(f) of title 5, United States Code.”.

11 (c) CONFORMING AMENDMENTS.—The table of con-
12 tents in section 1(b) of the Notification and Federal Em-
13 ployee Antidiscrimination and Retaliation Act of 2002 (5
14 U.S.C. 2301 note) is amended—

15 (1) by inserting after the item relating to sec-
16 tion 206 the following:

“Sec. 207. Complaint tracking.
“Sec. 208. Notation in personnel record.”; and

17 (2) by adding at the end the following:

“TITLE IV—PROCESSING AND REFERRAL

“Sec. 401. Processing and resolution of complaints.
“Sec. 402. No limitation on advice or counsel.
“Sec. 403. Head of Program supervised by head of agency.
“Sec. 404. Referrals of findings of discrimination.”.

18 **SEC. 11___ 8. NONDISCLOSURE AGREEMENT LIMITATION.**

19 Section 2302(b)(13) of title 5, United States Code,
20 is amended—

1 (1) by striking “agreement does not” and in-
2 sserting the following: “agreement—

3 “(A) does not”;

4 (2) in subparagraph (A), as so designated, by
5 inserting “or the Office of Special Counsel” after
6 “Inspector General”; and

7 (3) by adding at the end the following:

8 “(B) prohibits or restricts an employee or
9 applicant for employment from disclosing to
10 Congress, the Special Counsel, the Inspector
11 General of an agency, or any other agency com-
12 ponent responsible for internal investigation or
13 review any information that relates to any viola-
14 tion of any law, rule, or regulation, or mis-
15 management, a gross waste of funds, an abuse
16 of authority, or a substantial and specific dan-
17 ger to public health or safety, or any other
18 whistleblower protection; or”.



AMENDMENT TO H.R. 6395
OFFERED BY MR. CISNEROS OF CALIFORNIA

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

1 **SEC. 5___ . COMPTROLLER GENERAL OF THE UNITED**
2 **STATES REPORT ON THE STRUCTURAL CON-**
3 **DITION OF DEPARTMENT OF DEFENSE EDU-**
4 **CATION ACTIVITY SCHOOLS.**

5 (a) REPORT REQUIRED.—Not later than one year
6 after the date of the enactment of this Act, the Comp-
7 troller General of the United States shall submit to the
8 congressional defense committees a report setting forth an
9 assessment by the Comptroller General of the structural
10 condition of schools of the Department of Defense Edu-
11 cation Activity, both within the continental United States
12 (CONUS) and outside the continental United States
13 (OCONUS).

14 (b) VIRTUAL SCHOOLS.—The report shall include an
15 assessment of the virtual infrastructure or other means
16 by which students attend Department of Defense Edu-
17 cation Activity schools that have no physical structure, in-

2

1 cluding the satisfaction of the military families concerned

2 with such infrastructure or other means.



**Amendment to H.R. 6395
National Defense Authorization Act for Fiscal Year 2021**

Offered by: Mr. Graves of Missouri

[For new Directive Report Language, please use the following:]

In the appropriate place in the report to accompany H.R. 6395, insert the following new Directive Report Language:

Marine Corps Aviation Readiness and Sustainment

The committee notes the age of several rotary wing airframes in the Marine Corps fleet, which are experiencing long-term downtime and readiness issues. The committee encourages the Marine Corps to embark upon additional reset programs, as necessary, to revitalize and refresh the fleet. The committee notes the success of similar resets, including the ongoing CH-53 reset and resets conducted by the U.S. Army, which have improved reliability and readiness. The committee directs the Commandant of the United States Marine Corps to brief the committee, not later than September 30, 2020, on the status of the Marine Corps rotary wing fleet and all planned reset programs for the fleet. In particular, the briefing shall address—

- (1) the state of the UH-1 Iroquois and AH-1 Cobra fleets;
- (2) funding needs for reset activities;
- (3) strategies to maintain reset throughput in a timely manner; and
- (4) an acquisition strategy to maintain cost, schedule, and performance in the reset program.

AMENDMENT TO H.R. 6395
OFFERED BY MR. LAMBORN

At the end of title XXIV, add the following new section:

1 **SEC. 24** ____ . **MILITARY CONSTRUCTION INFRASTRUCTURE**
2 **AND WEAPON SYSTEM SYNCHRONIZATION**
3 **FOR GROUND BASED STRATEGIC DETER-**
4 **RENT.**

5 (a) **AUTHORIZATION FOR PLANNING AND DESIGN.**—
6 Of the amounts authorized to be appropriated for re-
7 search, development, test, and evaluation, Air Force, for
8 fiscal year 2021, for the Ground Based Strategic Deter-
9 rent, as specified in the funding table in section 4201, the
10 Secretary of the Air Force may use not more than
11 \$15,000,000 for the purpose of obtaining or carrying out
12 necessary planning and construction design in connection
13 with military construction projects and other infrastruc-
14 ture projects necessary to support the development and
15 fielding of the Ground Based Strategic Deterrent weapon
16 system.

17 (b) **AIR FORCE PROJECT MANAGEMENT AND SUPER-**
18 **VISION.**—Each contract entered into by the United States
19 for a military construction project or other infrastructure

1 project in connection with the development and fielding
2 of the Ground Based Strategic Deterrence weapon system
3 shall be carried out under the direction and supervision
4 of the Secretary of the Air Force. The Secretary may uti-
5 lize and consult with the Air Force Civil Engineer Center,
6 the Army Corps of Engineers, and the Naval Facilities
7 Engineering Command for subject matter expertise, con-
8 tracting capacity, and other support as determined to be
9 necessary by the Secretary to carry out this section.

10 (c) USE OF SINGLE PRIME CONTRACTOR.—The Sec-
11 retary of the Air Force may award contracts for planning
12 and construction design and for military construction
13 projects and other infrastructure projects authorized by
14 law in connection with the development and fielding of the
15 Ground Based Strategic Deterrent weapon system to a
16 single prime contractor if the Secretary determines that
17 awarding the contracts to a single prime contractor—

18 (1) is in the best interest of the Government;

19 and

20 (2) is necessary to ensure the proper synchroni-
21 zation and execution of work related to the develop-
22 ment and fielding of the Ground Based Strategic
23 Deterrent weapon system and its associated military
24 construction projects and other infrastructure
25 projects.

1 (d) EXCEPTIONS TO CURRENT LAW.—The Secretary
2 of the Air Force may carry out this section without regard
3 to the following provisions of law:

4 (1) Section 2304 of title 10, United States
5 Code.

6 (2) Section 2807(a) of such title.

7 (3) Section 2851(a) of such title.

8 (e) EXPIRATION OF AUTHORITY.—The authorities
9 provided by this section shall expire upon the earlier of
10 the following:

11 (1) The date that is 15 years after the date of
12 the enactment of this Act.

13 (2) The date on which the Secretary of the Air
14 Force submits to the congressional defense commit-
15 tees a certification that the fielding of the Ground
16 Based Strategic Deterrent weapon system is com-
17 plete.

18 (f) REPORT REQUIRED.—Not later than one year
19 after the date of the enactment of this Act, the Secretary
20 of the Air Force shall submit to the congressional defense
21 committees a report describing the plans to synchronize
22 the development and fielding of the Ground Based Stra-
23 tegic Deterrent weapon system and its associated military
24 construction projects and other infrastructure projects.

1 The report shall contain, at minimum, the following ele-
2 ments:

3 (1) A description of the estimated total cost,
4 scope of work, location, and schedule for the plan-
5 ning and design, military construction, and other in-
6 frastructure investments necessary to support the
7 development and fielding of the Ground Based Stra-
8 tegic Deterrent weapon system.

9 (2) A recommendation regarding the methods
10 by which a programmatic military construction au-
11 thorization, authorization of appropriations, and ap-
12 propriation, on an installation-by-installation basis,
13 could be used to support the synchronized develop-
14 ment and fielding of the Ground Based Strategic
15 Deterrent and its associated military construction
16 projects and other infrastructure projects.

17 (3) Identification of the specific provisions of
18 law, if any, that the Secretary determines may ad-
19 versely impact or delay the development and fielding
20 of the Ground Based Strategic Deterrent weapon
21 system and its associated construction projects, as-
22 suming, as described in paragraph (2), the use of a
23 programmatic military construction authorization on
24 an installation-by-installation basis.

1 (4) A plan to ensure sufficient capability and
2 capacity to cover civilian and military manning for
3 oversight and contract management related to the
4 development and fielding of the Ground Based Stra-
5 tegic Deterrent weapon system and its associated
6 construction projects.



AMENDMENT TO H.R. 6395
OFFERED BY MR. LARSEN OF WASHINGTON

In section 2861, relating to pilot program on reduction of effects of military aviation noise, change references to “private residence”, “private residences”, and “homes” to “covered property” and add at the end the following new subsections:

1 (f) COVERED PROPERTY DEFINED.—For purposes of
2 the pilot program, the term “covered property” means the
3 following:

4 (1) A private residence.

5 (2) A hospital.

6 (3) A daycare facility.

7 (4) A school.

8 (5) A facility whose primary purpose is serving
9 senior citizens.

10 (g) CONDITION ON COMMENCEMENT.—Commence-
11 ment of the pilot program shall be subject to the avail-
12 ability of appropriations for the program.



**Amendment to H.R. 6395
National Defense Authorization Act for Fiscal Year 2021**

Offered by: Mr. Garamendi

In the appropriate place in the report to accompany H.R. 6395, insert the following new Directive Report Language:

**TRLIA 200-Year Goldfields Levee Project
Acquisition of Easement from Beale Air Force Base**

The Committee is aware that the Three Rivers Levee Improvement Authority (TRLIA) is working to complete a Congressionally authorized flood control project, the Yuba Goldfields 200-year Flood Protection Project, authorized in the Water Resources Development Act of 2018 (Public Law 115–270). The committee notes that to begin construction of this project, the Authority must first obtain an easement from the U.S. Air Force (USAF) for approximately 0.2 acres of adjacent property at Beale Air Force Base (AFB). The committee further notes, that despite TRLIA’s efforts beginning in Fall of 2018 to obtain this easement from the USAF for the purpose of constructing, operating, and maintaining this life-safety project, the USAF has yet to finalize the easement or provide a timeline for completion of the process. The committee is concerned that as a result of this delay, TRLIA is incurring unnecessary additional costs and life-saving flood reduction is being delayed. The committee notes that in order to mitigate risk during the next flood season, TRLIA needs the necessary rights no later than August 1, 2020. The committee encourages the expeditious resolution of this matter and the promulgation of procedural guidance for streamlining the process by which easements are resolved. Accordingly, the Committee directs the Secretary of the Air Force to provide a briefing to the House Committee on Armed Services no later than August 1, 2020 on the resolution of the easement sought by the Three Rivers Levee Improvement Authority and its efforts to streamline the process by which easement requests are adjudicated.

AMENDMENT TO H.R. 6395
OFFERED BY MR. GRAVES OF MISSOURI

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

1 **SEC. 17 ____ . DEPLOYMENT OF REAL-TIME STATUS OF SPE-**
2 **CIAL USE AIRSPACE.**

3 (a) IN GENERAL.—The Administrator of the Federal
4 Aviation Administration, in consultation, as appropriate,
5 with the Secretary of Defense and the heads of the mili-
6 tary services, including the National Guard and Air Na-
7 tional Guard, and other appropriate Federal agencies,
8 shall initiate, not later than 180 days after the date of
9 enactment of this Act, a program to enable public dissemi-
10 nation of information on—

11 (1) the real-time status of the activation or de-
12 activation of military operations areas and restricted
13 areas; and

14 (2) the reports submitted to the Administrator
15 pursuant to section 73.19 of title 14, Code of Fed-
16 eral Regulations.

17 (b) STATUS REPORT.—

18 (1) IN GENERAL.—Not later than one year
19 after the Administrator initiates the program re-

1 required under subsection (a), and every year there-
2 after until such program is complete, the Adminis-
3 trator shall submit a status report to the appro-
4 priate committees of Congress on the implementa-
5 tion of such program.

6 (2) CONTENTS.—The report required under
7 paragraph (1) shall contain, at a minimum—

8 (A) an update on the progress of the Ad-
9 ministrators in modifying policies, systems, or
10 equipment that may be necessary to enable the
11 public dissemination of information on the real-
12 time status of the activation or deactivation of
13 military operations areas and restricted areas;

14 (B) a description of any challenges to com-
15 pleting the program initiated pursuant to sub-
16 section (a), including challenges in—

17 (i) receiving the timely and complete
18 submissions of data concerning airspace
19 usage;

20 (ii) modifying policies; and

21 (iii) acquiring necessary systems or
22 equipment; and

23 (C) a timeline of the anticipated comple-
24 tion of the program and the modifications de-
25 scribed in subparagraph (A).

1 (c) UTILIZATION REPORTS.—Not later than 180
2 days after the date of enactment of this Act, the Secretary
3 of Defense shall submit a report to the appropriate com-
4 mittees of Congress—

5 (1) describing whether the Department of De-
6 fense has submitted the utilization reports required
7 under section 73.19 of title 14, Code of Federal
8 Regulations for the prior fiscal year, and, if so, to
9 what extent such reports have been submitted; and

10 (2) providing, if the Secretary discovers that all
11 such reports have not been submitted in a timely
12 and complete manner—

13 (A) an explanation for the failure to sub-
14 mit any such reports in the manner prescribed
15 by regulation; and

16 (B) a plan to ensure the timely and com-
17 plete submission of all such reports.

18 (d) POLICIES.—Not later than 18 months after the
19 date of enactment of this Act, the Administrator shall sub-
20 mit a report to the appropriate committees of Congress
21 on special use airspace, including a review of the Federal
22 Aviation Administration’s—

23 (1) policies and processes for establishing, re-
24 viewing, and revoking military operations areas and
25 restricted areas; and

1 (2) administration, including release of, under-
2 utilized special use airspace.

3 (e) DEFINITIONS.—In this section:

4 (1) The term “appropriate committees of Con-
5 gress” means—

6 (A) the Committee on Commerce, Science,
7 and Transportation and the Committee on
8 Armed Services of the Senate; and

9 (B) the Committee on Transportation and
10 Infrastructure and the Committee on Armed
11 Services of the House of Representatives.

12 (2) The term “underutilized”, with respect to a
13 military operations area or restricted area, means
14 such an area determined by the Administrator of the
15 Federal Aviation Administrator to have had, during
16 the two most recent consecutive fiscal years prior to
17 the date of enactment of this Act, the number of
18 hours actually utilized be less than 75 percent of the
19 number of hours the area was activated, discounted
20 for weather cancellations and delays, loss of use for
21 reasons beyond the control of the Federal agency
22 using the area, and other factors determined appro-
23 priate by the Administrator.



AMENDMENT TO H.R. 6395
OFFERED BY MRS. LURIA OF VIRGINIA

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

1 **SEC. 28 ___. EXPANSION OF DEPARTMENT OF DEFENSE**
2 **LAND EXCHANGE AUTHORITY.**

3 (a) **ADDITIONAL PURPOSES AUTHORIZED.**—Para-
4 graph (1) of section 2869(a) of title 10, United States
5 Code, is amended by striking “the real property, to trans-
6 fer” and all that follows through the end of the paragraph
7 and inserting the following: “the real property—

8 “(A) to transfer to the United States all right,
9 title, and interest of the person in and to a parcel
10 of real property, including any improvements there-
11 on under the person’s control;

12 “(B) to carry out a land acquisition, including
13 the acquisition of all right, title, and interest or a
14 lesser interest in real property under an agreement
15 entered into under section 2684a of this title to limit
16 encroachments and other constraints on military
17 training, testing, and operations; or

18 “(C) to provide installation-support services (as
19 defined in 2679(e) of this title), a replacement facil-

1 ity, or improvements to an existing facility, as
2 agreed upon between the Secretary concerned and
3 the person.”.

4 (b) REQUIREMENTS FOR ACCEPTANCE OF REPLACE-
5 MENT FACILITIES.—Section 2869(a) of title 10, United
6 States Code, is further amended by adding at the end the
7 following new paragraph:

8 “(3) The Secretary concerned may agree to accept
9 a replacement facility or improvements to an existing facil-
10 ity under paragraph (1)(C) only if the Secretary concerned
11 determines that the replacement facility or improve-
12 ments—

13 “(A) are completed and usable, fully functional,
14 and ready for occupancy;

15 “(B) satisfy all operational requirements; and

16 “(C) meet all Federal, State, and local require-
17 ments applicable to the facility relating to health,
18 safety, and the environment.”.

19 (c) FAIR MARKET VALUE REQUIREMENT.—Section
20 2869(b)(1) of title 10, United States Code, is amended—

21 (1) in the first sentence, by striking “of the
22 land to be” and inserting “of the real property, in-
23 stallation-support services, replacement facility, or
24 improvements to an existing facility”; and

1 (2) in the second sentence, by striking “of the
2 land is less than the fair market value of the real
3 property to be conveyed” and inserting “of the real
4 property conveyed by the Secretary concerned ex-
5 ceeds the fair market value of the real property, in-
6 stallation-support services, replacement facility, or
7 improvements received by the Secretary”.

8 (d) **RELATION TO OTHER MILITARY CONSTRUCTION**
9 **REQUIREMENTS.**—Section 2869 of title 10, United States
10 Code, is amended by adding at the end the following new
11 subsection:

12 “(h) **RELATION TO OTHER MILITARY CONSTRUCTION**
13 **REQUIREMENTS.**—The acquisition of real property or an
14 interest therein, a replacement facility, or improvements
15 to an existing facility using the authority provided by this
16 section shall not be treated as a military construction
17 project for which an authorization is required by section
18 2802 of this title.”.

19 (e) **DELAYED IMPLEMENTATION OF AMEND-**
20 **MENTS.**—The amendments made by this section shall take
21 effect on the date of the enactment of this Act, but the
22 Secretary concerned (as defined in section 2801(c)(5) of
23 title 10, United States Code) may not enter into any real
24 estate transaction authorized by such amendments until
25 after the date on which the Secretary of Defense issues

4

- 1 final regulations providing for the implementation of such
- 2 amendments by the Department of Defense.



AMENDMENT TO H.R. 6395
OFFERED BY MR. KHANNA OF CALIFORNIA

At the end of subtitle C of title XXVIII, add the following new section:

1 **SEC. 28 ____ . USE OF ON-SITE ENERGY PRODUCTION TO**
2 **PROMOTE MILITARY INSTALLATION ENERGY**
3 **RESILIENCE AND ENERGY SECURITY.**

4 (a) PROMOTION OF ON-SITE ENERGY SECURITY AND
5 ENERGY RESILIENCE.—Section 2911 of title 10, United
6 States Code, is amended by adding at the end the fol-
7 lowing new subsection:

8 “(h) PROMOTION OF ON-SITE ENERGY SECURITY
9 AND ENERGY RESILIENCE.—(1) Consistent with the en-
10 ergy security and resilience goals of the Department of
11 Defense and the energy performance master plan referred
12 to in this section, the Secretary concerned shall consider,
13 when feasible, projects for the production of installation
14 energy that benefits military readiness and promotes in-
15 stallation energy security and energy resilience in the fol-
16 lowing manner:

17 “(A) Location of the energy-production infra-
18 structure on the military installation that will con-
19 sume the energy.

1 “(B) Incorporation of energy resilience features,
2 such as microgrids, to ensure that energy remains
3 available to the installation even when the installa-
4 tion is not connected to energy sources located off
5 the installation.

6 “(C) Reduction in periodic refueling needs from
7 sources off the installation to not more than once
8 every two years.

9 “(3) In this subsection, the term ‘microgrid’ means
10 an integrated energy system consisting of interconnected
11 loads and energy resources that, if necessary, can be re-
12 moved from the local utility grid and function as an inte-
13 grated, stand-alone system.”.

14 (b) EVALUATION OF FEASIBILITY OF EXPANDING
15 USE OF ON-SITE ENERGY PRODUCTION.—

16 (1) PROJECTS AUTHORIZED.—Subsection (h) of
17 section 2911 of title 10, United States Code, as
18 added by subsection (a), is amended by inserting
19 after paragraph (1) the following new paragraph:

20 “(2)(A) Using amounts made available for military
21 construction projects under section 2914 of this title, the
22 Secretary of Defense shall carry out at least four projects
23 to promote installation energy security and energy resil-
24 ience in the manner described in paragraph (1).

1 “(B) At least one project shall be designed to develop
2 technology that demonstrates the ability to connect an ex-
3 isting on-site energy generation facility that uses solar
4 power with one or more installation facilities performing
5 critical missions in a manner that allows the generation
6 facility to continue to provide electrical power to these fa-
7 cilities even if the installation is disconnected from the
8 commercial power supply.

9 “(C) At least one project shall be designed to develop
10 technology that demonstrates that one or more installation
11 facilities performing critical missions can be isolated, for
12 purposes of electrical power supply, from the remainder
13 of the installation and from the commercial power supply
14 in a manner that allows an on-site energy generation facil-
15 ity that uses a renewable energy source, other than solar
16 energy, to provide the necessary power exclusively to these
17 facilities.

18 “(D) At least two projects shall be designed to de-
19 velop technology that demonstrates the ability to store suf-
20 ficient electrical energy from an on-site energy generation
21 facility that uses a renewable energy source to provide the
22 electrical energy required to continue operation of installa-
23 tion facilities performing critical missions during night-
24 time operations.

1 “(E) The Secretary of Defense may not select as the
2 site of a project under this paragraph a military installa-
3 tion that already has the ability to satisfy any of the
4 project requirements described in subparagraphs (B), (C),
5 or (D).

6 “(F) The authority of the Secretary of Defense to
7 commence a project under this paragraph expires on Sep-
8 tember 30, 2025.”.

9 (2) BRIEFING.—Not later than March 1, 2021,
10 the Secretary of Defense shall brief the congress-
11 sional defense committees regarding the plan to
12 carry out the on-site energy production projects au-
13 thorized by paragraph (2) of section 2911 of title
14 10, United States Code, as added by paragraph (1).



**Amendment to H.R. 6395
National Defense Authorization Act for Fiscal Year 2021**

Offered by: Rep. K. Michael Conaway

In the appropriate place in the report to accompany H.R. 6395, insert the following new Directive Report Language:

Report on the Air Force's Use of Executive Decision Model Analytics

The committee supports the Air Force Education and Training Command's (AETC) use of the Executive Decision Model (EDM) in F-16 Formal Training Units (FTU) for predictive analytics to achieve improvements in aircrew training production, aircraft readiness, and energy conservation. The committee believes EDM has provided important advantages to help address AETC production challenges and the USAF pilot shortage. Therefore, the committee directs the Secretary of the Air Force provide a briefing to the House Armed Services Committee by January 31, 2021 on the Air Force's strategy to expand EDM predictive analytics for use in other USAF Mission Design Series aircraft to include the F-35.

Amendment to H.R. 6395
National Defense Authorization Act for Fiscal Year 2021

Offered by: Ms. Trahan of Massachusetts

In the appropriate place in the report to accompany H.R. 6395, insert the following new Directive Report Language:

Briefing on Deployment of Next Generation 911 on Military Installations

The committee recognizes the benefits of Next Generation 911 systems that allow Public Safety Answering Points (PSAPs) to accept text messages, images, and videos, as well as voice calls. These additional means of communicating with 911 could help dispatchers to more quickly understand and respond to an emergency situation and would provide important alternatives for emergency reporting by individuals experiencing intimate partner violence. The committee is concerned that none of the 205 PSAPs operated by the military services support Next Generation 911 service.

Therefore, the committee directs the Secretary of Defense to provide a briefing to the House Committee on Armed Services by January 1, 2021, on plans for updating 911 services at military installations located in the United States, including the feasibility, cost, and benefits of implementing Next Generation 911 services.

Amendment to H.R. 6395
National Defense Authorization Act for Fiscal Year 2021

Offered by: Mr. Garamendi

In the appropriate place in the report to accompany H.R. 6395, insert the following new Directive Report Language:

Air Force T-38C Transition and Formation Landings

The United States Air Force has utilized the T-38 aircraft for almost 60-years in support of undergraduate pilot training. This aircraft has been utilized well beyond its intended service life and is due to be replaced by the T-7 aircraft beginning in 2023. The committee is aware of five T-38 mishaps over the last 3-years, including a recent mishap during an attempted formation landing that resulted in the deaths of both the student pilot and the instructor pilot. Subsequent to this fatal mishap, Air Education Training Command temporarily ceased conducting formation landings in the T-38 aircraft, and ultimately removed T-38 formation landings from the pilot training syllabus. The committee supports the decision to remove T-38 formation landings from the pilot training syllabus, and strongly recommends that the Air Force develops an accelerated plan to transition from the T-38 to the T-7 aircraft. Accordingly, the committee directs the Secretary of the Air Force to provide a report to the House Committee on Armed Services, not later than March 1, 2021, on Air Force's plan to accelerate transition from the T-38 aircraft to the T-7 aircraft. At a minimum, the report should include: 1) Assessment of potential to accelerate procurement of the T-7 aircraft, including cost and timeline; 2) Assessment of the supporting pilot training system to absorb additional T-7 aircraft, taking into consideration simulators, manpower, support equipment, and pilot training syllabus development; 3) Detailed background information on why Air Education Training Command removed T-38 formation landings from the pilot training syllabus, and an assessment as to whether formation landings will be included in the T-7 pilot training syllabus.

**Amendment to H.R. 6395
National Defense Authorization Act for Fiscal Year 2021**

Offered by: Rick Larsen

In the appropriate place in the report to accompany H.R. 6395, insert the following new Directive Report Language:

Compliance with Contract Services Planning, Programming, and Budgeting Requirements and Statutory Limitations on Outsourcing Government Jobs

The committee notes that contract services spending comprises at least one-quarter of the Department of Defense topline but is not currently subjected to the validation and funding offset drills currently applied to the Department of Defense civilian workforce. Further, according to the Government Accountability Office, spending on service contracts has increased significantly in recent years. It is therefore critical that appropriate and sufficiently detailed data are collected and analyzed to support the validation of requirements for service contracts, avoid duplication with other requirements, and properly inform the planning, programming, budgeting and execution process of the Department of Defense. Further, the committee notes that statutory limitations regarding the privatization and outsourcing of Department of Defense civilian jobs are not universally applied throughout the Department. As a result, there are insufficient management controls in place to ensure compliance within the Department.

Therefore, the committee directs the Secretary of Defense to provide a report to the House Committee on Armed Services not later than January 1, 2021, on the Department's current compliance with the contractor inventory requirements in section 2330a of title 10; the specification of amounts required under section 235 of title 10; the data analysis and requirements validation required under section 2329 of title 10; and any guidelines established pursuant to section 852 of the National Defense Authorization Act for Fiscal Year 2018 or any other guidance published by the Department of Defense relating to solicitations for contracts.

AMENDMENT TO H.R. 6395
OFFERED BY MS. HOULAHAN OF PENNSYLVANIA

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

1 **SEC. 9 ____ . LIMITATION ON REDUCTION OF CIVILIAN WORK-**
2 **FORCE.**

3 Section 129a(b) of title 10, United States Code, is
4 amended by adding at the end the following: “The Sec-
5 retary may not reduce the civilian workforce programmed
6 full-time equivalent levels unless the Secretary conducts
7 an appropriate analysis of the impacts of such reductions
8 on workload, military force structure, lethality, readiness,
9 operational effectiveness, stress on the military force, and
10 fully burdened costs.”



AMENDMENT TO H.R. 6395
OFFERED BY MR. BISHOP OF UTAH

At the end of title XI, add the following:

1 **SEC. 11___ . EXPANSION OF AUTHORITY FOR APPOINTMENT**
2 **OF RECENTLY-RETIRED MEMBERS OF THE**
3 **ARMED FORCES TO POSITIONS AT CERTAIN**
4 **INDUSTRIAL BASE FACILITIES.**

5 (a) IN GENERAL.—Subsection (b) of section 3326 of
6 title 5, United States Code, is amended—

7 (1) in paragraph (1), by striking “or” at the
8 end;

9 (2) in paragraph (2), by striking the period at
10 the end and inserting “; or”; and

11 (3) by adding at the end the following:

12 “(3) the proposed appointment is to a position
13 in the competitive service—

14 “(A) at any industrial base facility (as that
15 term is defined in section 2208(u)(3) of title
16 10) that is part of the core logistics capabilities
17 (as described in section 2464(a) of such title);
18 and

1 “(B) that has been certified by the Sec-
2 retary concerned as lacking sufficient numbers
3 of qualified applicants.”.

4 (b) LIMITATION ON DELEGATION OF CERTIFICATION
5 AUTHORITY.—Such section 3326 is further amended by
6 adding at the end the following:

7 “(d) The authority to make a certification described
8 in subsection (b)(3) may not be delegated to an individual
9 with a grade lower than colonel, or captain in the Navy,
10 or an individual with an equivalent civilian grade.”.

11 (c) SENSE OF CONGRESS.—It is the sense of Con-
12 gress that the amendments made by subsections (a) and
13 (b) shall supplement, and not provide any exception to,
14 the competitive hiring process for the Federal civil service.



AMENDMENT TO H.R. 6395
OFFERED BY MR. LANGEVIN OF RHODE ISLAND

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

1 **SEC. 3 ___. REQUIREMENT TO UPDATE DEPARTMENT OF**
2 **DEFENSE CLIMATE CHANGE ROADMAP.**

3 (a) IN GENERAL.—Not later than February 1, 2022,
4 the Secretary of Defense shall submit to the Committees
5 on Armed Services of the Senate and House of Represent-
6 atives an update to the Department of Defense 2014 Cli-
7 mate Change Adaptation Roadmap. Such update shall in-
8 clude an outline of the strategy and implementation plan
9 of the Department to address the current and foreseeable
10 effects of climate change on the mission of the Depart-
11 ment of Defense.

12 (b) ELEMENTS OF STRATEGY AND IMPLEMENTATION
13 PLAN.—The strategy and implementation plan required to
14 be included in the update under subsection (a) shall in-
15 clude—

16 (1) a description of the overarching approach of
17 the Department to climate adaptation and climate
18 mitigation measures; and

1 (2) a discussion of the current and foreseeable
2 effects of climate change on—

3 (A) plans and operations, including—

4 (i) military readiness;

5 (ii) increased frequency of extreme
6 weather events, including flooding,
7 drought, desertification, wildfires, thawing
8 permafrost, hurricanes, and extreme heat;

9 (iii) geopolitical instability caused by
10 climate events, including extreme weather;

11 (iv) increased demand for Defense
12 Support for Civil Authorities and disaster
13 or humanitarian relief operations;

14 (v) the operating environment of the
15 Arctic and of the strategic and geopolitical
16 implications of a progressively more ice-
17 free Arctic Ocean; and

18 (vi) alteration or limitation on oper-
19 ation environments;

20 (B) training and testing, including—

21 (i) changes in land carrying capacity;

22 (ii) increased maintenance and repair
23 requirements for equipment and infrastruc-
24 ture;

1 (iii) mitigation of heat stress and
2 heat-related illnesses resulting from in-
3 creasing temperatures;

4 (iv) increased dust generation and fire
5 hazards; and

6 (v) maintaining testing and training
7 capacity to support increased operations
8 and civil support missions;

9 (C) built and natural infrastructure, in-
10 cluding—

11 (i) military installation resilience, as
12 such term is defined in section 101(e)(8)
13 of title 10, United States Code, of installa-
14 tions both within and outside the United
15 States and its possessions and territories
16 and of the State-owned National Guard in-
17 stallations of the several States;

18 (ii) resilience of the air and sea ports
19 of our allies and partners that are critical
20 to the training, deployment, and operations
21 of the armed forces of the United States
22 and our allies and partners;

23 (iii) resilience of the deployment sys-
24 tem and structure of the Department of
25 Defense and of the United States, includ-

1 ing the strategic highway network, the
2 strategic rail network, and designated stra-
3 tegic air and sea ports;

4 (iv) best practices for modeling and
5 mitigating risks posed to military installa-
6 tions by increased inundation, erosion,
7 flood, wind, and fire damage;

8 (v) changing energy demand at mili-
9 tary installations to include heating and
10 cooling, particularly in communities experi-
11 encing grid stress;

12 (vi) disruption and competition for re-
13 liable energy and water resources;

14 (vii) increased maintenance and
15 sustainment costs;

16 (viii) damage to natural and con-
17 structed infrastructure from thawing per-
18 mafrost and sea ice; and

19 (ix) the effects of climate stress on
20 community support infrastructure, includ-
21 ing roads, transportation hubs, and med-
22 ical facilities;

23 (D) acquisition and supply chain, includ-
24 ing—

- 1 (i) measures to ensure that the cur-
2 rent and projected future scale and im-
3 pacts of climate change are fully consid-
4 ered in the research, development, testing,
5 and acquisition of major weapon systems
6 and of associated supplies and equipment;
- 7 (ii) required alterations of stockpiles;
- 8 (iii) reduced or changed availability
9 and access to materials, equipment, and
10 supplies, including water and food sources;
- 11 (iv) disruptions in fuel availability and
12 distribution;
- 13 (v) estimated climate security invest-
14 ments required to address foreseeable costs
15 incurred or influenced by climate change
16 for each of the lines of effort in this re-
17 port, including extreme weather response,
18 over the next five, ten, and twenty years,
19 with topline estimates and a qualitative
20 discussion of cost drivers for each; and
- 21 (vi) equipment and infrastructure in-
22 vestments required to address a changing
23 Arctic environment; and
- 24 (E) such other matters as the Secretary
25 determines appropriate.

1 (c) ASSESSMENTS AND PROJECTIONS OF THE SCOPE
2 AND SCALE OF CLIMATE CHANGE.—In preparing the up-
3 date to the climate change roadmap as required under
4 subsection (a), the Secretary shall consider—

5 (1) climate projections from the Global Change
6 Research Office, National Climate Assessment, the
7 National Oceanic and Atmospheric Administration,
8 and other Federal agencies; and

9 (2) data on, and analysis of, the national secu-
10 rity effects of climate prepared by the Climate Secu-
11 rity Advisory Council of the Office of the Director
12 of National Intelligence established pursuant to sec-
13 tion 120 of the National Security Act of 1947 (50
14 U.S.C. 3060) and by other elements of the intel-
15 ligence community.

16 (d) FORM.—The update to the climate change road-
17 map required under subsection (a) shall be submitted in
18 an unclassified form, but may contain a classified annex.
19 If the Secretary determines that the inclusion of a classi-
20 fied annex is necessary, the Secretary shall conduct an in-
21 person briefing for Members of the Committees on Armed
22 Services of the Senate and House of Representatives by
23 not later than 90 days after date of the submission of the
24 update.



Amendment to H.R. 6395
National Defense Authorization Act for Fiscal Year 2021

Offered by: Elise Stefanik (NY-21)

In the appropriate place in the report to accompany H.R. 6395, insert the following new Directive Report Language:

Mission Training Complex Report

The committee recognizes the importance of information technology (IT) infrastructure and access to classified networks for mission training complexes that provide critical training and preparation for members of the United States Armed Forces, that includes mission planning, rehearsal and execution, and support of training events for future threats in an immersive training environment. Therefore, the committee directs the Secretary of the Army, in coordination with the Secretary of Defense, to submit a report to the House Committee on Armed Services by July 1, 2021, on necessary Army mission training complex enhancements to IT infrastructure and accessible classified networks and their relevance to future threats and readiness. The report shall assess and provide recommendations for modernization and enhancements based on, but not limited to:

- (1) Existing IT infrastructure shortfalls at Army mission training complexes.
- (2) Effects of IT infrastructure shortfalls at such mission training complexes on unit readiness and ability to train for future threats.
- (3) An assessment of threats to, and vulnerabilities of, IT infrastructure at existing Army mission training complexes.
- (4) Access to classified networks and Sensitive Compartmented Information Facilities at existing Army mission training complexes.
- (5) Access to existing IT infrastructure and classified networks and facilities for Army Reserve and National Guard units.
- (6) Ability to integrate Army Reserve and National Guard units into existing IT infrastructure and classified networks and facilities to improve training and unit readiness.

Amendment to H.R. 6395
National Defense Authorization Act for Fiscal Year 2021

Offered by: Mr. Norcross of New Jersey

In the appropriate place in the report to accompany H.R. 6395, insert the following new Directive Report Language:

Nuclear Micro Reactors

The budget request included \$730.5 million in PE 0604250D8Z for Advanced Innovative Technologies.

The committee believes energy will be a critical enabler of future military operations and is concerned that the intermittent characters of many alternative energy sources are unable to keep pace with the growth of the Department of Defense's energy needs. The committee supports the development of a reliable, abundant, and continuous energy source provided by a mobile nuclear reactor.

The committee is aware that Project Pele is on track to design, build, and demonstrate a prototype mobile nuclear reactor capability by calendar year 2024, and that the Joint Requirements Oversight Council recently agreed to establish requirements for a mobile nuclear reactor capability. The committee is encouraged by this progress and encourages the Director of the Strategic Capabilities Office to refine the program's objectives and work with the Services to provide programmatic and transition planning in advance of the planned 2024 initial operating testing date.

Further, the committee directs the Secretary of Defense to provide a briefing to the House Committee on Armed Services by January 1, 2021, on the following:

- (1) the Department's plans to employ mobile nuclear reactors to meet the Department's priorities in areas such as multi-domain operations, advanced weaponry, and force modernization/electrification initiatives;
- (2) the Department's strategy for deploying mobile nuclear reactors at domestic strategic support areas;
- (3) the Department's plan to work with the Department of Energy to identify and develop the procurement strategy to acquire feed material for microreactor fuel; and
- (4) the status of pilot programs for micro-reactors.

The committee recommends an increase of \$50.0 million in PE 0604250D8Z, Advanced Innovative Technologies, for the Strategic Capabilities Office to further develop and prove out its mobile nuclear reactor concept through Project Pele.

AMENDMENT TO H.R. 6395
OFFERED BY MR. BROWN OF MARYLAND

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

1 **SEC. 3 ____ . COMPTROLLER GENERAL REPORT ON DEPART-**
2 **MENT OF DEFENSE INSTALLATION ENERGY.**

3 (a) GAO REPORT.—Not later than one year after the
4 date of the enactment of this Act, the Comptroller General
5 of the United States shall submit to the Committees on
6 Armed Services of the Senate and House of Representa-
7 tives a report on the progress of the Department of De-
8 fense toward reaching net zero goals, including an agency-
9 wide view and breakdowns of progress by service branch.

10 (b) CONTENTS OF REPORT.—The report required
11 under subsection (a) shall include—

12 (1) an analysis of the extent to which the De-
13 partment of Defense has implemented net zero ini-
14 tiatives to date and developed a forward-looking in-
15 tegrated net zero strategy for energy, emissions,
16 water, and waste management and the extent to
17 which each of the military departments has imple-
18 mented such strategy;

1 (2) a description of the current challenges to
2 implementing net zero initiatives or meeting net zero
3 goals and the degree to which the Department of
4 Defense and the military departments have ad-
5 dressed applied lessons learned;

6 (3) a cost-benefit analysis of net zero initiatives,
7 including a description of how such costs and bene-
8 fits are identified, tracked, and validated;

9 (4) a description of the feasibility of achieving
10 net zero benchmarks of 25 percent, 50 percent, 75
11 percent, and 100 percent of the energy, emissions,
12 water, and waste management levels for 2020, in-
13 cluding anticipated funding requirements, statutory
14 requirements, infrastructure needs, and timeframes;
15 and

16 (5) an analysis of the integration between en-
17 ergy offices with program offices, budget, and oper-
18 ational planners within the Department of Defense
19 and military departments across the enterprise, and
20 recommendations for improving coordination.

21 (c) FORM OF REPORT.—The report required under
22 this section shall be submitted in unclassified form, but
23 may contain a classified annex.

1 **SEC. 3___ . ASSESSMENT OF DEPARTMENT OF DEFENSE**
2 **OPERATIONAL ENERGY USAGE.**

3 (a) IN GENERAL.—Not later than 60 days after the
4 date of the enactment of this Act, the Secretary of Defense
5 shall enter into an agreement with a federally funded re-
6 search and development center with relevant expertise
7 under which such center shall conduct an assessment of
8 Department of Defense operational energy usage, includ-
9 ing an agency-wide view and breakdowns of progress by
10 service branch.

11 (b) ELEMENTS.—The assessment required under
12 subsection (a) shall include—

13 (1) an analysis of the extent to which the De-
14 partment of Defense developed an integrated oper-
15 ational energy strategy and the extent to which each
16 of the military departments has implemented such
17 strategy;

18 (2) an analysis of the viability of implementing
19 net zero initiatives or meeting net zero goals within
20 the operational energy enterprise without negatively
21 impacting mission capability;

22 (3) an analysis of fossil fuel reduction regimes
23 that may maximize reduction of reliance on fossil
24 fuels, including impacts of lowering the reliance on
25 fossil fuels, decreasing the need for refueling con-
26 voys, overcoming the tyranny of distance within

1 United States Indo-Pacific Command through hybrid
2 or other fuel efficient propulsion systems, and en-
3 ergy production, storage, and distribution systems
4 that enhance logistics supply chain resiliency;

5 (4) a description of the options for achieving
6 fossil fuel reduction benchmarks with respect to
7 operational energy of 25 percent, 50 percent, 75 per-
8 cent, and 100 percent, using fiscal year 2020 as the
9 benchmark, including anticipated funding require-
10 ments, statutory requirements, infrastructure needs,
11 and timeframes; and

12 (5) an analysis of the integration between en-
13 ergy offices with program offices, budget, and oper-
14 ational planners within the Department of Defense
15 and military departments, and recommendations for
16 improving coordination.

17 (c) FORM OF REPORT.—The report required under
18 this section shall be submitted in unclassified form, but
19 may contain a classified annex.

20 **SEC. 3 ____ . DEPARTMENT OF DEFENSE REPORT ON EMIS-**
21 **SIONS LEVELS.**

22 (a) IN GENERAL.—Not later than 180 days after the
23 date of the enactment of this Act, the Secretary of the
24 Department of Defense shall submit to the Committees
25 on Armed Services of the Senate and House of Represent-

1 atives and to the Comptroller General a report on the total
2 level of emissions for each of the last ten fiscal years. Such
3 emissions levels shall include the agency-wide total, break-
4 downs by military department, and delineations between
5 installation and operational emissions.

6 (b) FORM OF REPORT.—The report required under
7 this section shall be submitted in unclassified form, but
8 may contain a classified annex.



Amendment to H.R. 6395
National Defense Authorization Act for Fiscal Year 2021

Offered by: Mr. Crow of Colorado

In the appropriate place in the report to accompany H.R. 6395, insert the following new Directive Report Language:

Defense energy resilience authorities and programs

The committee commends the Department of Defense for making energy resilience the central tenet of its energy program. The committee recognizes that the Department has a variety of policies, programs, statutory authorities, and tools to implement energy resilience and maintain critical missions and readiness. The committee applauds the efforts of the Department of Defense to strengthen the resilience of energy and utility systems, and to integrate different contracting authorities and sources of funding to deploy energy resilience technologies and projects. In particular, the committee commends the Environmental Security Technology Certification Program (ESTCP) for sponsoring the Military Energy Resilience Catalyst (MERC) program to accelerate the development of military energy resilience professionals, disseminate key best practices and lessons learned, and transition successful energy technologies across the Department of Defense enterprise.

Accordingly, the committee directs the Secretary of Defense to provide a briefing to the committee no later than October 1, 2020, on initiatives that integrate existing utility and energy authorities to support installation resilience projects to upgrade infrastructure, deploy emerging technologies, and strengthen mission assurance. This briefing shall also include potential opportunities to better leverage existing authorities, and improve information sharing by installation managers and contracting officers.

AMENDMENT TO H.R. 6395
OFFERED BY MR. CARBAJAL OF CALIFORNIA

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

1 **SEC. 3 ____ . IMPROVEMENT OF THE OPERATIONAL ENERGY**
2 **CAPABILITY IMPROVEMENT FUND OF THE**
3 **DEPARTMENT OF DEFENSE.**

4 (a) MANAGEMENT OF THE OPERATIONAL ENERGY
5 CAPABILITY IMPROVEMENT FUND.—The Under Secretary
6 of Defense for Acquisition and Sustainment shall exercise
7 authority, direction, and control over the Operational En-
8 ergy Capability Improvement Fund of the Department of
9 Defense (in this section referred to as the “OECIF”).

10 (b) ALIGNMENT AND COORDINATION WITH RELATED
11 PROGRAMS.—

12 (1) REALIGNMENT OF OECIF.—Not later than
13 60 days after the date of the enactment of this Act,
14 the Secretary of Defense shall realign the OECIF
15 under the Assistant Secretary of Defense for
16 Sustainment, with such realignment to include per-
17 sonnel positions adequate for the mission of the
18 OECIF.

1 (2) BETTER COORDINATION WITH RELATED
2 PROGRAMS.—The Assistant Secretary shall ensure
3 that this placement facilitates better alignment be-
4 tween OECIF, the Strategic Environmental Re-
5 search Program, the Environmental Security Tech-
6 nology Certification Program, and the Operational
7 Energy Prototyping Program is utilized to advance
8 common goals of the Department, promote organiza-
9 tional synergies, and avoid unnecessary duplication
10 of effort.

11 (c) PROGRAM FOR OPERATIONAL ENERGY PROTO-
12 TYPING.—

13 (1) IN GENERAL.—Commencing not later than
14 90 days after the date of the enactment of this Act,
15 the Secretary of Defense, through the Under Sec-
16 retary of Defense for Acquisition and Sustainment,
17 shall carry out a program for the demonstration of
18 technologies related to operational energy proto-
19 typing, including demonstration of operational en-
20 ergy technology and validation prototyping.

21 (2) OPERATION OF PROGRAM.—The Secretary
22 shall ensure that the program under paragraph (1)
23 operates in conjunction with the OECIF to promote
24 the transfer of innovative technologies that have suc-

1 cessfully established proof of concept for use in pro-
2 duction or in the field.

3 (3) PROGRAM ELEMENTS.—In carrying out the
4 program under paragraph (1) the Secretary shall—

5 (A) identify and demonstrate the most
6 promising, innovative, and cost-effective tech-
7 nologies and methods that address high-priority
8 operational energy requirements of the Depart-
9 ment of Defense;

10 (B) in conducting demonstrations under
11 subparagraph (A), the Secretary shall—

12 (i) collect cost and performance data
13 to overcome barriers against employing an
14 innovative technology because of concerns
15 regarding technical or programmatic risk;
16 and

17 (ii) ensure that components of the De-
18 partment have time to establish new re-
19 quirements where necessary and plan, pro-
20 gram, and budget for technology transition
21 to programs of record;

22 (C) utilize project structures similar to
23 those of the OECIF to ensure transparency and
24 accountability throughout the efforts conducted
25 under the program; and

1 (D) give priority, in conjunction with the
2 OECIF, to the development and fielding of
3 clean technologies that reduce reliance on fossil
4 fuels.

5 (4) TOOL FOR ACCOUNTABILITY AND TRANSI-
6 TION.—

7 (A) IN GENERAL.—In carrying out the
8 program under paragraph (1), the Secretary
9 shall develop and utilize a tool to track relevant
10 investments in operational energy from applied
11 research to transition to use to ensure user or-
12 ganizations have the full picture of technology
13 maturation and development.

14 (B) TRANSITION.—The tool developed and
15 utilized under subparagraph (A) shall be de-
16 signed to overcome transition challenges with
17 rigorous and well-documented demonstrations
18 that provide the information needed by all
19 stakeholders for acceptance of the technology.



AMENDMENT TO H.R. 6395
OFFERED BY MS. KENDRA S. HORN OF
OKLAHOMA

At the end of subtitle B of title XXVIII, add the following new sections:

1 **SEC. 28**____. **PROMULGATION OF GUIDANCE TO FACILITATE**
2 **RETURN OF MILITARY FAMILIES DISPLACED**
3 **FROM PRIVATIZED MILITARY HOUSING.**

4 (a) **GUIDANCE REQUIRED.**—The Secretary of De-
5 fense shall promulgate guidance for commanders of mili-
6 tary installations and installation housing management of-
7 fices to facilitate and manage the return of tenants who
8 are displaced from privatized military housing—

9 (1) as a result of an environmental hazard or
10 other damage adversely affecting the habitability of
11 the privatized military housing; or

12 (2) during remediation or repair activities in re-
13 sponse to the hazard or damages.

14 (b) **AVAILABILITY OF REIMBURSEMENT.**—As part of
15 the guidance, the Secretary of Defense shall identify situa-
16 tions in which a tenant of privatized military housing
17 should be reimbursed for losses to personal property of
18 the tenant that are not covered by insurance and are in-

1 curred by the tenant in the situations described in sub-
2 section (a).

3 (c) CONSULTATION.—The Secretary of Defense shall
4 promulgate the guidance in consultation with the Secre-
5 taries of the military departments, the Chief Housing Offi-
6 cer, landlords, and other interested persons.

7 (d) IMPLEMENTATION.—The Secretaries of the mili-
8 tary departments shall be responsible for ensuring the im-
9 plementation of the guidance at military installations
10 under the jurisdiction of the Secretary concerned.

11 (e) DEFINITIONS.—In this section, the terms “land-
12 lord”, “privatized military housing”, and “tenant” have
13 the meanings given those terms in section 3001(a) of the
14 Military Construction Authorization Act for Fiscal Year
15 2020 (division B of Public Law 116–92; 133 Stat. 1916;
16 10 U.S.C. 2821 note).

17 **SEC. 28___ . PROMULGATION OF GUIDANCE ON MOLD MITI-**
18 **GATION IN PRIVATIZED MILITARY HOUSING.**

19 (a) GUIDANCE REQUIRED.—The Secretary of De-
20 fense shall establish a working group to promulgate guid-
21 ance regarding best practices for mold mitigation in
22 privatized military housing and for making the determina-
23 tion regarding when the presence of mold in a unit of
24 home privatized military housing is an emergency situa-
25 tion requiring the relocation of the residents of the unit.

1 (b) MEMBERS.—The working groups shall include
2 the Surgeon Generals of the Armed Forces and such other
3 subject-matter experts as the Secretary considers appro-
4 priate.

5 **SEC. 28___ . EXPANSION OF UNIFORM CODE OF BASIC**
6 **STANDARDS FOR PRIVATIZED MILITARY**
7 **HOUSING AND HAZARD AND HABITABILITY**
8 **INSPECTION AND ASSESSMENT REQUIRE-**
9 **MENTS TO GOVERNMENT-OWNED AND GOV-**
10 **ERNMENT-CONTROLLED MILITARY FAMILY**
11 **HOUSING.**

12 (a) UNIFORM CODE OF BASIC STANDARDS FOR MILI-
13 TARY HOUSING.—The Secretary of Defense shall expand
14 the uniform code of basic housing standards for safety,
15 comfort, and habitability for privatized military housing
16 established pursuant to section 3051(a) of the Military
17 Construction Authorization Act for Fiscal Year 2020 (di-
18 vision B of Public Law 116–92; 133 Stat. 1941; 10 U.S.C.
19 2871 note) to include Government-owned and Govern-
20 ment-controlled military family housing located inside or
21 outside the United States and occupied by members of the
22 Armed Forces.

23 (b) INSPECTION AND ASSESSMENT PLAN.—The Sec-
24 retary of Defense shall expand the Department of Defense
25 housing inspection and assessment plan prepared pursu-

1 ant to section 3051(b) of the Military Construction Au-
2 thorization Act for Fiscal Year 2020 (division B of Public
3 Law 116–92; 133 Stat. 1941; 10 U.S.C. 2871 note) to
4 include Government-owned and Government-controlled
5 military family housing located inside or outside the
6 United States and occupied by members of the Armed
7 Forces and commence inspections and assessments of such
8 military family housing pursuant to the plan.

9 **SEC. 28 ___. ESTABLISHMENT OF EXCEPTIONAL FAMILY**
10 **MEMBER PROGRAM HOUSING LIAISON.**

11 (a) ESTABLISHMENT.—Not later than September 30,
12 2021, each Secretary of a military department shall ap-
13 point at least one Exceptional Family Member Program
14 housing liaison for that military department.

15 (b) DUTIES.—The duties of a Exceptional Family
16 Member Program housing liaison are to assist military
17 families enrolled in that Program, and who are
18 disproportionately housed in facilities under the Military
19 Housing Privatization Initiative, in obtaining cost-effective
20 services needed by such families.

1 **SEC. 28** ____ . **DEPARTMENT OF DEFENSE REPORT ON CRI-**
2 **TERIA AND METRICS USED TO EVALUATE**
3 **PERFORMANCE OF LANDLORDS OF**
4 **PRIVATIZED MILITARY HOUSING THAT RE-**
5 **CEIVE INCENTIVE FEES.**

6 (a) **REPORT REQUIRED.**—Not later than 180 days
7 after the date of the enactment of this Act, the Secretary
8 of Defense shall submit to the Committees on Armed Serv-
9 ices of the Senate and the House of Representatives a re-
10 port—

11 (1) describing the criteria and metrics currently
12 used by the Department of Defense to analyze the
13 performance of landlords that receive incentive fees;
14 and

15 (2) evaluating the effectiveness of such criteria
16 and metrics in accurately judging the performance
17 of such landlords; and

18 (3) containing such recommendations as the
19 Secretary considers appropriate to revise such cri-
20 teria and metrics to better evaluate the performance
21 of such landlords.

22 (b) **PREPARATION OF REPORT.**—To prepare the re-
23 port required by subsection (a), the Secretary of Defense
24 first shall solicit the views of the Secretaries of the mili-
25 tary departments.

1 (c) DEFINITIONS.—In this section, the terms “incen-
2 tive fees” and “landlord” have the meanings given those
3 terms in paragraphs (9) and (10) of section 2871 of title
4 10, United States Code.

5 **SEC. 28__ . REPORT ON DEPARTMENT OF DEFENSE EF-**
6 **FORTS REGARDING OVERSIGHT AND ROLE IN**
7 **MANAGEMENT OF PRIVATIZED MILITARY**
8 **HOUSING.**

9 Not later than 180 days after the date of the enact-
10 ment of this Act, the Secretary of Defense shall submit
11 to the Committees on Armed Services of the Senate and
12 the House of Representatives a report on the progress
13 made by the Department of Defense in implementing the
14 recommendations contained in the report of the Comp-
15 troller General regarding military housing entitled “DOD
16 Needs to Strengthen Oversight and Clarify Its Role in the
17 Management of Privatized Housing” and dated March
18 2020 (GAO-20-281).



AMENDMENT TO H.R. 6395
OFFERED BY MR. WITTMAN OF VIRGINIA

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

1 **SEC. 3 ____ . OBJECTIVES, PERFORMANCE STANDARDS, AND**
2 **CRITERIA FOR USE OF WILDLIFE CONSERVA-**
3 **TION BANKING PROGRAMS.**

4 (a) IN GENERAL.—To ensure opportunities for De-
5 partment of Defense participation in wildlife conservation
6 banking programs pursuant to section 2694e of title 10,
7 United States Code, the Secretary of the Interior, acting
8 through the Director of the United States Fish and Wild-
9 life Service, shall issue regulations of general applicability
10 establishing objectives, measurable performance stand-
11 ards, and criteria for use, consistent with the Endangered
12 Species Act (16 U.S.C. 1531 et seq.), for mitigation bank-
13 ing offsetting effects on a species, or habitat of such spe-
14 cies, that is endangered, threatened, a candidate for list-
15 ing, or otherwise at risk under such Act. To the maximum
16 extent practicable, the regulatory standards and criteria
17 shall maximize available credits and opportunities for miti-
18 gation, provide flexibility for characteristics of various spe-

1 cies, and apply equivalent standards and criteria to all
2 mitigation banks.

3 (b) DEADLINE FOR REGULATIONS.—The Secretary
4 of the Interior, acting through the Director of the United
5 States Fish and Wildlife Service, shall publish an advance
6 notice of proposed rulemaking for the regulations required
7 by subsection (a) by not later than one year after the date
8 of the enactment of this Act.



Amendment to H.R. 6395
National Defense Authorization Act for Fiscal Year 2021

Offered by: Representative Elissa Slotkin

In the appropriate place in the report to accompany H.R. 6395, insert the following new Directive Report Language:

Expanding Scope of and Partners for DoD PFAS Research and Development

The Committee recognizes the initial investment the Strategic Environmental Research and Development Program (SERDP) and the Environmental Security Technology Certification Program (ESTCP) have made in research and development to identify an alternative to AFFF and safe clean-up and disposal mechanisms for PFAS contaminating groundwater and drinking water. SERDP and ESTCP investments have not yet yielded the results they are seeking. The Committee supports the authorization of additional funding to both of these programs. As DoD works to identify an alternative to AFFF, safe and effective clean-up and disposal mechanisms for PFAS chemicals, and to better understand how to mitigate the health and environmental impacts of PFAS contamination, the Committee directs the Office of the Assistant Secretary of Defense for Sustainment, through ESTCP, SERDP and other relevant programs, to report to the committee by December 1, 2020, on efforts or plans to solicit additional academic partners for PFAS research and development challenges, particularly those with institutional focus and expertise on the health and environmental hazards related to PFAS chemicals.

AMENDMENT TO H.R.
OFFERED BY MS. HOULAHAN OF PENNSYLVANIA

At the appropriate place in title 3, insert the following new section:

1 **SEC. 3__ INTERAGENCY BODY ON RESEARCH RELATED TO**
2 **PER- AND POLYFLUOROALKYL SUBSTANCES.**

3 (a) ESTABLISHMENT.—The Director of the Office of
4 Science and Technology Policy, acting through the Na-
5 tional Science and Technology Council, shall establish an
6 interagency working group to coordinate Federal activities
7 to advance research and development needed to address
8 PFAS.

9 (b) AGENCY PARTICIPATION.—The interagency work-
10 ing group shall include a representative of each—

11 (1) the Environmental Protection Agency;

12 (2) the National Institute of Environmental
13 Health Sciences;

14 (3) the Agency for Toxic Substances and Dis-
15 ease Registry;

16 (4) the National Science Foundation;

17 (5) the Department of Defense;

18 (6) the National Institutes of Health;

1 (7) the National Institute of Standards and
2 Technology;

3 (8) the National Oceanic and Atmospheric Ad-
4 ministration;

5 (9) the Department of Interior;

6 (10) the Department of Transportation;

7 (11) the Department of Homeland Security;

8 (12) the National Aeronautics and Space Ad-
9 ministration;

10 (13) the National Toxicology Program;

11 (14) the Department of Agriculture;

12 (15) the Geological Survey;

13 (16) the Department of Commerce;

14 (17) the Department of Energy;

15 (18) the Office of Information and Regulatory
16 Affairs;

17 (19) the Office of Management and Budget;

18 and

19 (20) any such other Federal department or
20 agency as the President considers appropriate.

21 (c) CO-CHAIRS.—The Interagency working group
22 shall be co-chaired by the Director of the Office of Science
23 and Technology Policy and, on an annual rotating basis,
24 a representative from a Member agency, as selected by the
25 Director of the Office of Science and Technology Policy.

1 (d) RESPONSIBILITIES OF THE WORKING GROUP.—

2 The interagency working group established under sub-
3 section (a) shall—

4 (1) provide for interagency coordination of Fed-
5 erally funded PFAS research and development; and

6 (2) not later than 12 months after the date of
7 enactment of this Act, develop a strategic plan for
8 Federal support for PFAS research and development
9 (to be updated not less than every 2 years) that—

10 (A) identifies all current Federally funded
11 PFAS research and development, including the
12 nature and scope of such research and develop-
13 ment and the amount of funding associated
14 with such research and development [during the
15 current fiscal year], disaggregated by agency;

16 (B) identifies scientific and technological
17 challenges that must be addressed to under-
18 stand and to significantly reduce the environ-
19 mental and human health impacts of PFAS and
20 to identify cost-effective—

21 (i) alternatives to PFAS that are de-
22 signed to be safer and more environ-
23 mentally friendly;

24 (ii) methods for removal of PFAS
25 from the environment; and

1 (iii) methods to safely destroy or de-
2 grade PFAS;

3 (C) establishes goals, priorities, and
4 metrics for Federally funded PFAS research
5 and development that takes into account the
6 current state of research and development iden-
7 tified in paragraph (A) and the challenges iden-
8 tified in paragraph (B); and

9 (D) an implementation plan for Federal
10 agencies.

11 (e) CONSULTATION.—In developing the strategic plan
12 under subsection (d), the interagency working group shall
13 consult with states, tribes, territories, local governments,
14 appropriate industries, academic institutions and non-
15 governmental organizations with expertise in PFAS re-
16 search and development, treatment, management, and al-
17 ternative development.

18 (f) ANNUAL REPORT.—For each fiscal year begin-
19 ning with fiscal year 2022, not later than 90 days after
20 submission of the President's annual budget request for
21 such fiscal year, the Interagency working group shall pre-
22 pare and submit to Congress a report that includes—

23 (1) a summary of Federally funded PFAS re-
24 search and development for such fiscal year and the

1 preceding fiscal year, including a disaggregation of
2 spending for each participating Federal agency; and

3 (2) a description of how Federal agencies are
4 implementing the strategic plan described in sub-
5 section (d).

6 (g) PFAS RESEARCH AND DEVELOPMENT.—The
7 term “PFAS research and development” includes any re-
8 search or project that has the goal of accomplishing the
9 following:

10 (1) The removal of PFAS from the environ-
11 ment.

12 (2) The safe destruction or degradation of
13 PFAS.

14 (3) The development and deployment of safer
15 and more environmentally friendly alternative sub-
16 stances that are functionally similar to those made
17 with PFAS.

18 (4) The understanding of sources of environ-
19 mental PFAS contamination and pathways to expo-
20 sure for the public.

21 (5) The understanding of the toxicity of PFAS
22 to humans and animals.



AMENDMENT TO H.R. 6395
OFFERED BY MS. SLOTKIN OF MICHIGAN

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

1 **SEC. 3 ____ . RESTRICTION ON PROCUREMENT BY DEFENSE**
2 **LOGISTICS AGENCY OF CERTAIN ITEMS CON-**
3 **TAINING PERFLUOROALKYL SUBSTANCES**
4 **AND POLYFLUOROALKYL SUBSTANCES.**

5 (a) PROHIBITION.—The Director of the Defense Lo-
6 gistics Agency may not procure any covered item con-
7 taining a perfluoroalkyl substance or polyfluoroalkyl sub-
8 stance.

9 (b) DEFINITIONS.—In this section:

10 (1) The term “covered item” means—

11 (A) non-stick cookware or food service
12 ware for use in galleys or dining facilities;

13 (B) food packaging materials;

14 (C) furniture or floor waxes;

15 (D) carpeting, rugs, or upholstered fur-
16 niture;

17 (E) personal care items;

18 (F) dental floss; and

19 (G) sunscreen.

1 (2) The term “perfluoroalkyl substance” means
2 a man-made chemical of which all of the carbon
3 atoms are fully fluorinated carbon atoms.

4 (3) The term “polyfluoroalkyl substance”
5 means a man-made chemical containing a mix of
6 fully fluorinated carbon atoms, partially fluorinated
7 carbon atoms, and nonfluorinated carbon atoms.

8 (c) EFFECTIVE DATE.—This section shall take effect
9 on the date that is one year after the date of the enact-
10 ment of this Act.



**Amendment to H.R. 6395
National Defense Authorization Act for Fiscal Year 2021**

Offered by: Haaland, Deb A.

In the appropriate place in the report to accompany H.R. 6395, insert the following new Directive Report Language:

Space Training & Readiness, S&T

The committee continues to support the Air Force's strategic basing process, which ensures that basing decisions are made using a thorough, consistent, and transparent process. As the organizational decisions are made by Space Force as they establish new commands, organizations, and capabilities, the committee encourages the Secretary of the Air Force to continue to utilize this process to decide where to permanently base Space Force's Space Training and Readiness Command, and any future Space Force Centers of Excellence or Space-related Research Laboratories. Accordingly, the committee directs the Secretary of the Air Force to provide a briefing to the House Committee on Armed Services, not later than December 1, 2020, on the approved process and plan to make Space Force basing decisions. At a minimum, the briefing should include:

- 1) Decision-making timeline and basing selection evaluation metrics for the Space Training and Readiness Command;
- 2) Decision-making timeline and basing selection evaluation metrics for Space Force Research Lab, or Space Force Centers of Excellence, or any space-related research functions that would be split off from the Air Force Research Lab.
- 3) Information on whether the following basing metrics will be considered, and if so, how they will be evaluated: access and proximity to existing space operations organizations, space technology research and development organizations within the military services, leading space industry partners, and space launch and test sites.

AMENDMENT TO H.R. 6395
OFFERED BY MR. BACON OF NEBRASKA

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

1 **SEC. 3 ____ . MILITARY AVIATION AND INSTALLATION ASSUR-**
2 **ANCE CLEARINGHOUSE FOR REVIEW OF MIS-**
3 **SION OBSTRUCTIONS.**

4 Section 183a(c) of title 10, United States Code, is
5 amended—

6 (1) by redesignating paragraphs (4) through
7 (6) as paragraphs (5) through (7), respectively;

8 (2) by inserting after paragraph (3) the fol-
9 lowing new paragraph (4):

10 “(4) If, after issuing the notices of presumed risk re-
11 quired by paragraphs (2) and (3), the Secretary of De-
12 fense later concludes for any reason that the energy
13 project will not have an adverse impact on military readi-
14 ness, the Clearinghouse shall notify the applicant and the
15 governor in writing of that conclusion.”; and

16 (3) in paragraph (7), as so redesignated, by
17 striking “Any setback for a project pursuant to the
18 previous sentence shall not be more than what is de-
19 termined to be necessary by a technical analysis con-

2

1 ducted by the Lincoln Laboratory at the Massachu-
2 setts Institute of Technology or any successor enti-
3 ty.”.





AMENDMENT TO H.R. 6395
OFFERED BY MS. SHERRILL OF NEW JERSEY

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

1 **SEC. 3 ____ . MILITARY AVIATION AND INSTALLATION ASSUR-**
2 **ANCE CLEARINGHOUSE FOR REVIEW OF MIS-**
3 **SION OBSTRUCTIONS.**

4 Section 183a(c) of title 10, United States Code, is
5 amended—

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7 (6) as paragraphs (5) through (7), respectively; and

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9 lowing new paragraph (4):

10 “(4) If, after issuing the notices of presumed risk re-
11 quired by paragraphs (2) and (3), the Secretary of De-
12 fense later concludes for any reason that the energy
13 project will not have an adverse impact on military readi-
14 ness, the Clearinghouse shall notify the applicant and the
15 governor in writing of that conclusion.”.

