

LOG ID	REV	MEMBER	MARKUP LOC	DESCRIPTION	MARKUP ACT
707	1	Speier, Jackie	CHM	Reform administrative separation board processes	EB 3
948	4	Waltz, Michael	CHM	Requires notification prior to Chinese or Russian access to certain American missile defense sites	EB 3
1409	1	McClain, Lisa C.	CHM	Increase in funding for Armor Systems Modernization- Advanced Development program	EB 3
978	0	Langevin, James	CHM	Increase RDT&E, Defense Wide, Line 206-Industrial Base Analysis and Sustainment Support by \$20 million for submarine workforce development	EB 3
1346	1	Brooks, Mo	CHM	Would fund the acceleration of research and development to support US Army Space and Missile Defense Command (SMDC) to test and assess emerging weapon systems for expedited transition to operational use.	EB 3
1202	0	Courtney, Joe	CHM	This amendment relating to Research, development, Testing and Evaluation, Navy, increase the amount for Future Naval Capabilities Advanced Research, Line 013, for remote acoustic sensing, by \$20,000,000.	EB 3
1421	1	Moulton, Seth	CHM	Funding for a Defense Resource Budgeting & Allocation Commission	EB 3
725	3	Speier, Jackie	CHM	Establish independent investigations of sexual harassment reports by servicemembers	EB 3
1043	1	Turner, Michael	CHM	DRL directing the Secretary of Defense to report on the accountability and security of Biometrics data collected and equipment used during military operations.	EB 3
927	1	Green, Mark E.	CHM	A Sense of Congress on the issues that should be considered as part of the 2021 Nuclear Posture Review	EB 3
1336	3	Escobar, Veronica	CHM	Directs the Secretary of Defense to study the feasibility of establishing a single, centralized clearinghouse of evidence-based practices supporting military servicemembers and their families' health and well-being.	EB 3
1362	0	Brooks, Mo	CHM	Would fund establishment of a world class test facility to simulate, characterize, and develop innovative technologies that assure PNT resiliency to the warfighter.	EB 3
1005	1	Larsen, Rick	CHM	\$2 million increase for research, development, testing and evaluation of vertical tail boom modifications to improve the directional control and lift capabilities of rotary wing aircraft.	EB 3

LOG ID	REV	MEMBER	MARKUP LOC	DESCRIPTION	MARKUP ACT
1111	1	Waltz, Michael	CHM	Prioritizes the acquisition of rare earth materials from the national technology and industrial base.	EB 3
1153	0	Crow, Jason	CHM	Direct the Secretary of Defense to carry out a pilot program on the implementation of mitigating actions to address vulnerabilities to defense critical electric infrastructure.	EB 3
953	1	Turner, Michael	CHM	Bill language directing the Secretary of Defense to brief the National Security Council on potential harmful interference to the Global Position System posed by commercial terrestrial operations in the "L" band.	EB 3
883	1	Speier, Jackie	CHM	Progress report on mandatory restitution	EB 3
1505	0	Moore, Blake D.	CHM	Renaming the Utah Test and Training Range Combined Mission Control Center the "Robert W. Bishop Combined Mission Control Center".	EB 3
1390	2	Banks, Jim	CHM	Taliban Financial Assets Report	EB 3
1096	0	Speier, Jackie	CHM	Program increase – autonomous aerial technology for distributed logistics	EB 3
1226	1	Escobar, Veronica	CHM	Increases funding for the Defense-Wide Manufacturing Science and Technology Program by \$5,000,000 for the purpose of additive manufacturing training.	EB 3
1179	1	Khanna, Ro	CHM	Increase of \$2,000,000 for the Defense Media Activity's Public Web Program to improve DoD's compliance with statute and policy related to website accessibility, search functionality, mobile optimization, and security.	EB 3
1328	0	Murphy, Stephanie N.	CHM	This table change would increase funding for the Manufacturing Technology Program, Line 51, by \$5 Million.	EB 3
1201	3	Gallego, Ruben	CHM	Authorizes increased funding for A-10 modernization and upgrades.	EB 3
985	1	Gallagher, Mike	CHM	Reporting requirement on the defense utility of US territories and possessions in the Pacific	EB 3
986	1	Gallagher, Mike	CHM	Prohibits DoD funds from going to conduct research in the PRC	EB 3

LOG ID	REV	MEMBER	MARKUP LOC	DESCRIPTION	MARKUP ACT
1249	4	Crow, Jason	CHM	Authorizes \$10 million in Space Force RDT&E for University Consortium Space Technology Development.	EB 3
1151	0	Norcross, Donald	CHM	Requesting funding for the Navy for procurement of 2x medium unmanned surface vessel (MUSV)	EB 3
1084	0	Norcross, Donald	CHM	Add funding to DLA Manufacturing Technology Program (PE# 0603680S) for demonstration of automotive aftermarket capabilities to improve readiness and reduce costs for the Department of Defense.	EB 3
988	2	Gallagher, Mike	CHM	Requiring a report on DoD funds used directly or indirectly to fund research at the Wuhan Institute of Virology	EB 3
1424	2	Lamborn, Doug	CHM	Amends Sec. 1632 to provide that any said changes must not impact the special acquisition authority of the MDA or missile defense capabilities of the U.S.	EB 3
1238	3	Crow, Jason	CHM	SecDef shall establish a Cross-Functional Team to address the challenges posed by anomalous health incidents.	EB 3
1345	0	Larsen, Rick	CHM	\$10 million increase for the Preservation of the Force and Family program within the Special Operations Command.	EB 3
1058	3	Banks, Jim	CHM	Taliban relationship with Foreign Terrorist Organizations	EB 3
1066	1	Slotkin, Elissa	CHM	Require DoD to offer PFAS exposure evaluation and testing for servicemembers who wants it as part of their annual exam	EB 3
1036	2	Scott, Austin	CHM	Requires a briefing on the feasibility and advisability of an authority to pay for the personnel expenses of the national security forces of a friendly foreign country to participate in a training program conducted by the nat'l security forces of another friendly foreign country.	EB 3
1349	2	Jackson, Ronny	CHM	Directs the Department to report on the feasibility of providing reports to Congress prior to and after the complete withdrawal of U.S. forces from a country.	EB 3
944	0	Golden, Jared F.	CHM	This amendment would amend title 38, United States Code, to clarify the scope of procedural rights of members of the uniformed services with respect to their employment and reemployment rights.	EB 3
1477	0	Escobar, Veronica	CHM	Awards the Medal of Honor to Marcelino Serna.	EB 3

LOG ID	REV	MEMBER	MARKUP LOC	DESCRIPTION	MARKUP ACT
1099	0	Slotkin, Elissa	CHM	Requiring the Department of Defense to publish results of drinking and ground water PFAS testing conducted on or near military installations or former defense sites such that they are publicly available.	EB 3
676	0	Waltz, Michael	CHM	Exempts the immediate family members (spouses, parents, children) of Purple Heart recipients from USCIS's naturalization processing fees. The current I-360 fee is \$435, the N-400 fee is \$640, and the biometrics fee is \$85.	EB 3
1335	0	Kelly, Trent	CHM	Not later than February 15, 2023, the Secretary of Homeland Security shall submit to Congress a report on the viability of establishing an explosive ordnance disposal program in the Coast Guard.	EB 3
1476	0	Langevin, James	CHM	Mandates creation of a Chief Digital Recruiting Officer to identify and address gaps in the Department's ability to attract civilian digital talent	EB 3
960	3	Gallagher, Mike	CHM	Requires a report on cooperation between the National Guard and Taiwan.	EB 3
702	1	Norcross, Donald	CHM	Responsible Contractor- Would require DOD to be more judicious about who they contract with for MILCON projects.	EB 3
1475	0	Langevin, James	CHM	This section would require the Secretary of Defense to review the potential applications of artificial intelligence and digital technology to Department of Defense platforms, processes, and operations and establish performance objectives and accompanying metrics.	EB 3
1489	1	Smith, Adam	CHM	Navy Dry Dock Strategy for Ship Maintenance and Repair	EB 3
1491	0	Scott, Austin	CHM	This DRL directs the SECDEF to submit a report on Chemicals Used for Aircraft Rescue and Firefighting Operations at Civilian and Joint Use Airport Operations.	EB 3
1472	1	Langevin, James	CHM	This section would direct the Director of the Office of Personnel Management to establish or update one or more occupational series for digital career fields.	EB 3
712	3	Wittman, Robert	CHM	Calls for Navy to allow Surface Warfare Officers (SWOs) to receive applicable Merchant Mariner credentials and certifications.	EB 3
1462	1	Garamendi, John	CHM	Transfer of U.S. Coast Guard HC-130H Aircraft to the State of California.	EB 3
708	4	Speier, Jackie	CHM	Establish system of Military Court Protective Orders	EB 3

LOG ID	REV	MEMBER	MARKUP LOC	DESCRIPTION	MARKUP ACT
720	1	Norcross, Donald	CHM	Increase DoD Minimum Wage to \$15/hr for service contracts.	EB 3
1313	1	Escobar, Veronica	CHM	Directs the GSA Administrator to test other e-commerce portal models and provide a summary of their findings and results.	EB 3
1484	2	Brooks, Mo	CHM	Funds development of the next generation Command and Control of the Information Environment (C2IE) project, which provides Combatant Commands, Services, Agencies, and Department of Defense leadership the ability to detect, monitor, understand, and act in information environment.	EB 3
1279	0	Rogers, Mike	CHM	CLARIFICATION OF REQUIRED BUDGET INFORMATION RELATED TO THE INDO-PACIFIC.	EB 3
726	1	Speier, Jackie	CHM	Require legal guidance for nonjudicial punishment and issuance of policy for use of exceptions	EB 3
728	0	Speier, Jackie	CHM	Establish a standalone UCMJ article for violent extremism	EB 3
1038	1	Veasey, Marc	CHM	Revises the cost assessment dates and integrates a SECDEF waiver into Sec. 141.	EB 3
733	1	Speier, Jackie	CHM	Improve access to evidence for victims of offenses under the UCMJ	EB 3
847	0	Stefanik, Elise	CHM	Authorizes USD for Intelligence and Security to engage in fundraising for surviving dependents of deceased employees of the Defense Intelligence Enterprise.	EB 3
744	0	Speier, Jackie	CHM	Implement randomized selection of panels for courts-martial	EB 3
1490	0	Rogers, Mike	CHM	Directed Reported Language re: reporting to the congressional defense committees on the Department's strategy for enhancing the United States forward presence on NATO's eastern periphery	EB 3
1495	2	Waltz, Michael	CHM	Increase funding for Commercial Physics-Based Simulation and Modeling Technology.	EB 3
1118	0	Courtney, Joe	CHM	This amendment prohibits participation of long term charters in the tanker security fleet	EB 3

LOG ID	REV	MEMBER	MARKUP LOC	DESCRIPTION	MARKUP ACT
822	0	Speier, Jackie	CHM	DNA testing for servicemembers confined for a UCMJ conviction who assert innocence	EB 3
1488	0	Langevin, James	CHM	Directs the Secretary of the Navy to submit a report on the challenges facing Gould Island infrastructure demolition efforts, a draft timeframe within which the project could be accomplished, and funding needs related to such efforts.	EB 3
1070	0	Speier, Jackie	CHM	Revise Sec. 539G report to utilize independent committee	EB 3
972	0	Gallagher, Mike	CHM	Codifying the portfolio of the Assistant Secretary of Defense for Indo-Pacific Security Affairs	EB 3
1501	0	McClain, Lisa C.	CHM	Amendment prohibiting the DoD from providing financial or material support to the Taliban	EB 3
1441	2	Wilson, Joe	CHM	Requires the Secretary of Defense to report to HASC and SASC on the feasibility and advisability of including cybersecurity operations or missions to protect critical infrastructure by members of the National Guard in connection with training or other duty.	EB 3
841	1	Speier, Jackie	CHM	Update evidentiary standard for Title 10 whistleblower retaliation to align with the standard used in Title 5	EB 3
1133	3	Franklin, C. Scott	CHM	Creates grant program to assist US businesses with the high costs of participating in standards development, including conducting relevant research, developing requisite skills and expertise, preparing standards proposals, and attending technical standards-setting meetings.	EB 3
1139	1	Franklin, C. Scott	CHM	Report on options for assisting the government of Ukraine in addressing integrated air and missile defense gaps.	EB 3
1498	2	Brown, Anthony G.	CHM	Fund the Army unfunded priorities for people and an unfunded Army CDC.	EB 3
1507	0	Horsford, Steven	CHM	To increase the amount of planning and design funding for Air Force dormitories and barracks.	EB 3
1509	0	Moore, Blake D.	CHM	Modifications to Printed Circuit Board Acquisition Restrictions	EB 3
1504	2	Green, Mark E.	CHM	AUTHORIZATION OF APPROPRIATIONS FOR THERAPEUTIC TREATMENT FOR RADIATION EXPOSURE.	EB 3

LOG ID	REV	MEMBER	MARKUP LOC	DESCRIPTION	MARKUP ACT
1492	2	Gaetz, Matt	CHM	Study on impact to military readiness of using DoD resources to transport certain noncitizen individuals.	EB 3
1513	1	Green, Mark E.	CHM	PROHIBITION ON ADVERSE PERSONNEL ACTIONS TAKEN AGAINST CERTAIN MEMBERS OF THE ARMED FORCES BASED ON DECLINING COVID-19 VACCINE.	EB 3

AMENDMENT TO H.R. 4350
OFFERED BY MS. SPEIER OF CALIFORNIA

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

1 **SEC. 5 ____.** **ADMINISTRATIVE SEPARATION: MISCELLA-**
2 **NEOUS AUTHORITIES AND REQUIREMENTS.**

3 Not later than one year after the date of the enact-
4 ment of this Act, the Secretary of Defense and each Sec-
5 retary of a military department shall prescribe regulations
6 and guidance for administrative separations of enlisted
7 members under the jurisdiction of such Secretary that—

8 (1) authorize the Secretary of the military de-
9 partment concerned to characterize an administra-
10 tive discharge, considered by an administrative sepa-
11 ration board under regulations prescribed by such
12 Secretary—

13 (A) under any conditions (including other
14 than honorable); and

15 (B) notwithstanding the recommendation
16 of such administrative separation board; and

17 (2) in the case of an administrative separation
18 on the basis of an offense by the member against an
19 individual, allow such individual to request that at

2

1 least one voting member of the administrative sepa-
2 ration board be of the same gender, race, or eth-
3 nicity of such individual.



AMENDMENT TO H.R. 4350
OFFERED BY MR. WALTZ OF FLORIDA

Add at the appropriate place in subtitle D of title
XVI the following new section:

1 **SEC. 16 ____ . CERTIFICATION REQUIRED FOR RUSSIA AND**
2 **CHINA TO TOUR CERTAIN MISSILE DEFENSE**
3 **SITES.**

4 (a) CERTIFICATION.—Before the Secretary of De-
5 fense makes a determination with respect to allowing a
6 foreign national of Russia or China to tour a covered site,
7 the Secretary shall submit to the congressional defense
8 committees a certification that—

9 (1) the Secretary has determined that such tour
10 is in the national security interest of the United
11 States, including the justifications for such deter-
12 mination; and

13 (2) the Secretary will not share any technical
14 data relating to the covered site with the foreign na-
15 tionals.

16 (b) TIMING.—The Secretary may not conduct a tour
17 described in subsection (a) until a period of 45 days has
18 elapsed following the date on which the Secretary submits
19 the certification for that tour under such subsection.

1 (c) COVERED SITE.—In this section, the term “cov-
2 ered site” means any of the following:

3 (1) The combat information center of a naval
4 ship equipped with the Aegis ballistic missile defense
5 system.

6 (2) An Aegis Ashore site.

7 (3) A terminal high altitude area defense bat-
8 tery.

9 (4) A ground-based midcourse defense inter-
10 ceptor silo.



AMENDMENT TO H.R. 4350

OFFERED BY MRS. MCCLAIN

In section 4201 of division D, relating to Research, Development, Test and Evaluation, Army, increase the amount for Armored System Modernization—Advanced Development, Line 054, by \$9,800,000 for ground vehicle modeling and simulation research and development.

In section 4201 of division D, relating to Research, Development, Test and Evaluation, Army, reduce the amount for Technology Maturation Initiatives, Line 074, by \$9,800,000.

AMENDMENT TO H.R. 4350

OFFERED BY MR. LANGEVIN OF RHODE ISLAND

(funding table amendment)

In section 4201 of division D, relating to Research, Development, Test, and Evaluation, Defense-Wide increase the amount for Industrial Base Analysis and Sustainment Support, Line 206, by \$20,000,000.

In section 4101 of division D, relating to Shipbuilding and Conversion, Navy, reduce the amount for Ohio Replacement Submarine (AP), Line 002, by \$20,000,000.

AMENDMENT TO H.R. 4350

OFFERED BY MR. BROOKS

(funding table amendment)

In section 4201 of division D, relating to Research, Development, Test, and Evaluation, Army, increase the amount for Army Missile Defense Systems Integration, Line 049, by \$2,000,000.

In section 4301 of division D, relating to Operation and Maintenance, Air Force, reduce the amount for Depot Purchase Equipment Maintenance, Line 040, by \$2,000,000.

AMENDMENT TO H.R. 4350

OFFERED BY MR. COURTNEY OF CONNECTICUT

(funding table amendment)

In section 4201 of division D, relating to Research, development, Testing and Evaluation, Navy, increase the amount for Future Naval Capabilities Advanced Research, Line 013, for remote acoustic sensing, by \$20,000,000.

In section 4101 of division D, relating to Shipbuilding and Conversion, Navy reduce the amount for Ohio Class Submarine, Line 002, by \$20,000,000.

AMENDMENT TO H.R. 4350

OFFERED BY MR. SETH MOULTON

(funding table amendment)

In section 4301 of division D, relating to Operation and Maintenance, Defense Wide, increase the amount for Admin & Srvwide Activities, Office of the Secretary of Defense, Line 540, by \$4,000,000 for the Defense Resource Budgeting & Allocation Commission.

In section 4301 of division D, relating to Operation and Maintenance, Defense Wide, reduce the amount for Washington Headquarter Services, Line 570, by \$4,000,000.

AMENDMENT TO H.R. 4350
OFFERED BY MS. SPEIER OF CALIFORNIA

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

1 **SEC. 5 ____ . INDEPENDENT INVESTIGATION OF COMPLAINTS**
2 **OF SEXUAL HARASSMENT.**

3 (a) IN GENERAL.—Section 1561 of title 10, United
4 States Code, is amended to read as follows:

5 **“§ 1561. Complaints of sexual harassment: inde-**
6 **pendent investigation**

7 “(a) ACTION ON COMPLAINTS ALLEGING SEXUAL
8 HARASSMENT.—A commanding officer or officer in charge
9 of a unit, vessel, facility, or area of an armed force, who
10 receives, from a member of the command or a member
11 under the supervision of the officer, a formal complaint
12 alleging sexual harassment by a member of the armed
13 forces shall, as soon as practicable after such receipt, for-
14 ward the complaint to an independent investigator.

15 “(b) COMMENCEMENT OF INVESTIGATION.—To the
16 extent practicable, an independent investigator shall com-
17 mence an investigation of a formal complaint of sexual
18 harassment not later than 72 hours after—

1 “(1) receiving a formal complaint of sexual har-
2 assment forwarded by a commanding officer or offi-
3 cer in charge under subsection (a); or

4 “(2) receiving a formal complaint of sexual har-
5 assment directly from a member of the armed forces.

6 “(c) DURATION OF INVESTIGATION.—To the extent
7 practicable, an investigation under subsection (b) shall be
8 completed not later than 14 days after the date on which
9 the investigation commences.

10 “(d) REPORT ON INVESTIGATION.—

11 “(1) If the investigation cannot be completed
12 within 14 days, not later than the 14th day after the
13 investigation commences, and every 14 days there-
14 after until the investigation is complete, the inde-
15 pendent investigator shall submit to the officer de-
16 scribed in subsection (a) a report on the progress
17 made in completing the investigation.

18 “(2) To the extent practicable, and as soon as
19 practicable upon completion of the investigation, the
20 officer described in subsection (a) shall notify the
21 complainant of the final results of the investigation,
22 including any action taken, or planned to be taken,
23 as a result of the investigation.

24 “(e) DEFINITIONS.—In this section:

1 “(1) The term ‘formal complaint’ means a com-
2 plaint—

3 “(A) that an individual files in writing;
4 and

5 “(B) in which the individual attests to the
6 accuracy of the information contained in the
7 complaint.

8 “(2) The term ‘independent investigator’ means
9 a member of the armed forces or a civilian employee
10 of the Department of Defense or the Coast Guard
11 who—

12 “(A) is outside the chain of command of
13 the complainant and the subject of the inves-
14 tigation; and

15 “(B) is trained in the investigation of sex-
16 ual harassment, as determined by—

17 “(i) the Secretary concerned, in the
18 case of a member of the armed forces;

19 “(ii) the Secretary of Defense, in the
20 case of a civilian employee of the Depart-
21 ment of Defense; or

22 “(iii) the Secretary of Homeland Se-
23 curity, in the case of a civilian employee of
24 the Coast Guard.

1 “(3) In this section, the term ‘sexual harass-
2 ment’ means any of the following:

3 “(A) Conduct that—

4 “(i) involves unwelcome sexual ad-
5 vances, requests for sexual favors, and de-
6 liberate or repeated offensive comments or
7 gestures of a sexual nature when—

8 “(I) submission to such conduct
9 is made either explicitly or implicitly a
10 term or condition of a person’s job,
11 pay, or career;

12 “(II) submission to or rejection
13 of such conduct by a person is used as
14 a basis for career or employment deci-
15 sions affecting that person; or

16 “(III) such conduct has the pur-
17 pose or effect of unreasonably inter-
18 fering with an individual’s work per-
19 formance or creates an intimidating,
20 hostile, or offensive working environ-
21 ment; and

22 “(ii) is so severe or pervasive that a
23 reasonable person would perceive, and the
24 victim does perceive, the environment as
25 hostile or offensive.

1 “(B) Any use or condonation, by any per-
2 son in a supervisory or command position, of
3 any form of sexual behavior to control, influ-
4 ence, or affect the career, pay, or job of a mem-
5 ber of the armed forces or a civilian employee
6 of the Department of Defense or the Coast
7 Guard.

8 “(C) Any deliberate or repeated unwelcome
9 verbal comment or gesture of a sexual nature
10 by any member of the armed forces or civilian
11 employee of the Department of Defense or the
12 Coast Guard.”.

13 (b) CLERICAL AMENDMENT.—The table of sections
14 at the beginning of chapter 80 of title 10 United States
15 Code is amended by striking the item relating to section
16 1561 and inserting the following new item:

 “1561. Complaints of sexual harassment: independent investigation.”.

17 (c) EFFECTIVE DATE.—The amendments made by
18 subsections (a) and (b) shall—

19 (1) take effect on the date that is two years
20 after the date of the enactment of this Act; and

21 (2) apply to any investigation of a formal com-
22 plaint of sexual harassment (as those terms are de-
23 fined in section 1561 of title 10, United States
24 Code, as amended by subsection (a)) made on or
25 after that date.

1 (d) REPORT ON IMPLEMENTATION.—

2 (1) IN GENERAL.—Not later than one year
3 after the date of the enactment of this Act, each
4 Secretary concerned shall submit to the appropriate
5 congressional committees a report on preparation of
6 that Secretary to implement section 1561 of title 10,
7 United States Code, as amended by subsection (a).

8 (2) APPROPRIATE CONGRESSIONAL COMMIT-
9 TEES DEFINED.—In this section, the term “appro-
10 priate congressional committees” means—

11 (A) the Committee on Armed Services and
12 the Committee on Commerce, Science, and
13 Transportation of the Senate; and

14 (B) the Committee on Armed Services and
15 the Committee on Transportation and Infra-
16 structure of the House of Representatives.



Amendment to H.R. 4350 National Defense Authorization Act for Fiscal Year 2022

Offered by: Mr. Turner

In the appropriate place in the report to accompany H.R. 4350, insert the following new Directive Report Language:

Accountability and Security of Biometric Data

The Committee recognizes the importance of collecting and analyzing biometric data from noncombatants, combatants, and unlawful combatants during military operations. There are over one million entries saved in the Department of Defense's Automatic Biometrics Identification System. With the sudden fall of Afghanistan to the Taliban, the committee is very concerned about the possibility of this data trove falling into the hands of the Taliban or another enemy of the United States, particularly because recent media reports allege that the Taliban has seized some of the devices the U.S. military used to collect biometrics.

Allowing the Taliban to access the Automatic Biometrics Identification System would be a catastrophic loss that permanently undermines the safety of Afghan citizens who helped the U.S. during twenty years of war and occupation. It would also fundamentally weaken Department of Defense biometric collection efforts moving forward because of actual or perceived data security concerns.

Therefore, the Committee directs the Department of Defense to provide a report to the Committee on Armed Services of the House of Representatives no later than December 31, 2021 regarding the current integrity of the Department's Automatic Biometrics Identification System and whether the Taliban or other unauthorized group or individual may have access to this system or related Department biometric system. The Committee further directs the Secretary of Defense to include information based on, but not limited to:

(1) A summary of actual or potential biometric-related equipment or tools currently possessed or believed to be possessed by the Taliban or other unauthorized user in Afghanistan;

(2) An accounting of abandoned or destroyed biometric-related equipment or tools as a result of the U.S. withdrawal from Afghanistan;

(3) An assessment of whether or not the Taliban or another unauthorized user has access to all or a portion of the Department of Defense's Automatic Biometrics Identification System, or any similar biometrics database controlled by the Department of Defense;

(4) Current efforts to ensure the data security and integrity of the Department of Defense biometric data and data collection enterprise; and,

(5) Recommendations to Congress on how the Department of Defense can improve the security and integrity of its biometric data collection efforts.

AMENDMENT TO H.R. 4350
OFFERED BY MR. GREEN OF TENNESSEE

1 At the appropriate place in subtitle C of title XVI,
2 insert the following:

3 **SEC. 16__ . SENSE OF CONGRESS REGARDING NUCLEAR**
4 **POSTURE REVIEW.**

5 It is the sense of Congress that the nuclear posture
6 review initiated in 2021 should address the following:

7 (1) An assessment of the current and projected
8 nuclear capabilities of Russia and China;

9 (2) the role of nuclear forces in United States
10 military strategy, planning, and programming;

11 (3) the relationship between deterrence, tar-
12 geting, and arms control;

13 (4) the role of missile defenses, conventional
14 strike forces, and other capabilities play in deter-
15 mining the role and size of nuclear forces;

16 (5) the levels and composition of nuclear deliv-
17 ery systems required to implement national strategy;

18 (6) the nuclear weapons complex required to
19 implement such strategy, including with respect to
20 modernization; and

1 (7) the active and inactive nuclear weapons
2 stockpile required to implement such strategy, in-
3 cluding with respect to the replacement and modi-
4 fication of nuclear weapons.



AMENDMENT TO H.R. 4350
OFFERED BY MS. ESCOBAR OF TEXAS

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

1 **SEC. 5 ____ . FEASIBILITY STUDY ON ESTABLISHMENT OF**
2 **CLEARINGHOUSE OF EVIDENCE-BASED PRACTICES TO PREVENT SEXUAL ASSAULT, SUICIDE, AND OTHER HARMFUL BEHAVIORS AMONG MEMBERS OF THE ARMED FORCES AND MILITARY FAMILIES.**

7 (a) STUDY.—The Secretary of Defense shall study
8 the feasibility of establishing a single, centralized clearinghouse of evidence-based practices to support the health
9 and well-being of members of the Armed Forces and military families. and reduce harmful behaviors, through the
10 following activities:

13 (1) Establishment evidentiary standards to provide a common frame of reference for assessing the
14 strength of research evidence.

16 (2) In consultation with nondepartmental experts, identification of health and well-being domains
17 of interest, including the prevention of—

19 (A) sexual assault;

- 1 (B) harassment;
- 2 (C) substance abuse;
- 3 (D) workplace violence; and
- 4 (E) suicide.

5 (3) Provision of practical guidance about the ef-
6 fectiveness of evidence-based practices, including
7 how they can be implemented and steps for moni-
8 toring implementation and changes in behavior.

9 (b) REPORT.—Not later than six months after the
10 date of the enactment of this Act, the Secretary shall sub-
11 mit to the appropriate congressional committees a report
12 containing the results of the feasibility study under sub-
13 section (a) and related recommendations of the Secretary.

14 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
15 FINED.—In this section, the term “appropriate congres-
16 sional committees” means the following:

17 (1) The Committee on Armed Services of the
18 House of Representatives.

19 (2) The Committee on Armed Services of the
20 Senate.

21 (3) The Committee on Transportation and In-
22 frastructure of the House of Representatives.

23 (4) The Committee on Commerce, Science, and
24 Transportation of the Senate.



AMENDMENT TO H.R. 4350

OFFERED BY MR. BROOKS

(funding table amendment)

In section 4201 of division D, relating to Research, Development, Test, and Evaluation, Army, increase the amount for Army Missile Defense Systems Integration, Line 049, by \$8,000,000.

In section 4201 of division D, relating to Research, Development, Test, and Evaluation, Air Force, reduce the amount for Test and Evaluation Support, Line 129, by \$8,000,000.

AMENDMENT TO H.R. 4350

OFFERED BY MR. LARSEN

(funding table amendment)

In section 4201 of division D, relating to Research, Development, Test, and Evaluation, Army, increase the amount for the Blackhawk Product Improvement Program, Line 194, by \$2 million.

In section 4301 of division D, relating to Operations and Maintenance, Defense-Wide, reduce the amount for Office of Secretary of Defense, Line 540, by \$2 million.

AMENDMENT TO H.R. 4350
OFFERED BY MR. WALTZ OF FLORIDA

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

1 **SEC. _____ . ACQUISITION OF STRATEGIC AND CRITICAL**
2 **MATERIALS FROM THE NATIONAL TECH-**
3 **NOLOGY AND INDUSTRIAL BASE.**

4 The Strategic and Critical Materials Stock Piling Act
5 (50 U.S.C. 98 et seq.) is amended—

6 (1) in section 6(b)(2), by inserting “to consult
7 with producers and processors of such materials” be-
8 fore “to avoid”;

9 (2) in section 12, by adding at the end the fol-
10 lowing new paragraph:

11 “(3) The term ‘national technology and indus-
12 trial base’ has the meaning given in section 2500 of
13 title 10, United States Code.”; and

14 (3) in section 15(a)—

15 (A) in paragraph (3), by striking “and” at
16 the end;

17 (B) in paragraph (4), by striking the pe-
18 riod at the end and inserting “; and”; and

1 (C) by adding at the end the following new
2 paragraph:

3 “(5) if domestic sources are unavailable to meet
4 the requirements defined in paragraphs (1) through
5 (4), by making efforts to prioritize the purchase of
6 strategic and critical materials from the national
7 technology and industrial base.”.



AMENDMENT TO H.R. 4350
OFFERED BY MR. CROW OF COLORADO

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

1 **SEC. 3___. PILOT PROGRAM ON IMPLEMENTATION OF**
2 **MITIGATING ACTIONS TO ADDRESS**
3 **VULNERABILITIES TO CRITICAL DEFENSE FA-**
4 **CILITIES AND ASSOCIATED DEFENSE CRIT-**
5 **ICAL ELECTRIC INFRASTRUCTURE.**

6 (a) TWO-YEAR PILOT AUTHORIZED.—

7 (1) IN GENERAL.—The Secretary of Defense, in
8 coordination with the Secretary of Energy, the Sec-
9 retaries of each of the military departments, and the
10 Secretary of the department in which the Coast
11 Guard is operating, shall carry out a two-year pilot
12 program under which the Secretary shall implement
13 mitigating actions to address vulnerabilities assessed
14 under section 215A of the Federal Power Act (16
15 U.S.C. 824o–1) at critical defense facilities and their
16 associated defense critical electric infrastructure,
17 after consultation with, and with the consent of, the
18 owners of such facilities and infrastructure.

1 (2) USE OF GRANT AUTHORITY.—In carrying
2 out the pilot program, the Secretary of Defense may
3 make grants, enter into cooperative agreements, and
4 supplement funds available under Federal programs
5 administered by agencies other than the Department
6 of Defense to support mitigating actions under this
7 section.

8 (b) SELECTION OF INSTALLATIONS.—The Secretary
9 of Defense shall select at least three military installations
10 designated as critical defense facilities at which to carry
11 out the pilot program under this section. In selecting such
12 installations, the Secretary shall—

13 (1) ensure that at least one of the military in-
14 stallations selected is an installation of each of
15 Armed Forces;

16 (2) select installations that represent different
17 challenges or severities with respect to electric infra-
18 structure vulnerability;

19 (3) select at least one critical defense facility
20 within the service territory of a Power Marketing
21 Administration;

22 (4) provide particular consideration for critical
23 defense facilities and the associated defense critical
24 electric infrastructure that use rural cooperatives or
25 municipal entities for their electricity needs; and

1 (5) provide particular consideration for critical
2 defense facilities and defense critical electric infra-
3 structure that have completed an assessment of
4 vulnerabilities and resilience requirements in coordi-
5 nation with the Secretary of Defense and the Sec-
6 retary of Energy.

7 (c) COMPTROLLER GENERAL REVIEW.—

8 (1) IN GENERAL.—Not later than two years
9 after the date of the enactment of this Act, the
10 Comptroller General of the United States shall—

11 (A) conduct a review of the pilot program
12 under this section; and

13 (B) submit to the appropriate congress-
14 sional committees a report on the results of the
15 review.

16 (2) CONTENTS.—The review required under
17 this subsection shall include an assessment of the ef-
18 fectiveness of the mitigating actions taken under the
19 pilot program and the feasibility of expanding the
20 implementation of such mitigating actions at other
21 installations identified under section 215A(a)(4) of
22 the Federal Power Act (16 U.S.C. 824o–1(a)(4)).

23 (d) DEFINITIONS.—In this section:

24 (1) The term “appropriate congressional com-
25 mittees” means—

1 (A) the Committee on Armed Services and
2 the Committee on Energy and Commerce of the
3 House of Representatives; and

4 (B) the Committee on Armed Services and
5 the Committee on Energy and Natural Re-
6 sources of the Senate.

7 (2) The term “defense critical electric infra-
8 structure” has the meaning given such term under
9 section 215A(a)(4) of the Federal Power Act (16
10 U.S.C. 824o-1(a)(4)).

11 (3) The term “critical defense facility” means a
12 facility designated as a critical defense facility under
13 section 215A(c) of the Federal Power Act (16
14 U.S.C. 824o-1(c)).

15 (4) The term “mitigating action” means any
16 energy resiliency solution applied that is consistent
17 with an assessed strategy to reduce vulnerabilities at
18 critical defense facilities and associated defense crit-
19 ical electric infrastructure.



AMENDMENT TO H.R. 4350
OFFERED BY MR. TURNER OF OHIO

Add at the appropriate place in subtitle A of title
XVI the following new section:

1 **SEC. 16** ____ . **NATIONAL SECURITY COUNCIL BRIEFING ON**
2 **POTENTIAL HARMFUL INTERFERENCE TO**
3 **GLOBAL POSITIONING SYSTEM.**

4 (a) **REQUIREMENT.**—Not later than 30 days after the
5 date of the enactment of this Act, the Secretary of Defense
6 shall provide to the National Security Council, the Sec-
7 retary of Commerce, and the Commissioners of the Fed-
8 eral Communications Commission a briefing at the highest
9 level of classification on the current assessment of the De-
10 partment of Defense, as of the date of the briefing, regard-
11 ing the potential for harmful interference to the Global
12 Positioning System, or other tactical or strategic systems
13 of the Department of Defense, from commercial terrestrial
14 operations and mobile satellite services using the 1525–
15 1559 megahertz band and the 1626.5–1660.5 megahertz
16 band.

17 (b) **MATTERS INCLUDED.**—The briefing under sub-
18 section (a) shall include—

1 (1) potential operational impacts that have been
2 studied within the megahertz bands specified in such
3 subsection; and

4 (2) impacts that could be mitigated, if any, in-
5 cluding how such mitigations could be implemented.

6 (c) CONGRESSIONAL BRIEFING.—Not later than
7 seven days after the date on which the Secretary provides
8 the briefing under subsection (a), the Secretary shall pro-
9 vide to the appropriate congressional committees such
10 briefing.

11 (d) INDEPENDENT TECHNICAL REVIEW.—The Sec-
12 retary shall carry out subsections (a) an (c) regardless of
13 whether the independent technical review conducted pur-
14 suant to section 1663 of the William M. (Mac) Thornberry
15 National Defense Authorization Act for Fiscal Year 2021
16 (Public Law 116–283) has been completed.

17 (e) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
18 FINED.—In this section, the term “appropriate congres-
19 sional committees” means—

20 (1) the congressional defense committees; and

21 (2) the Committee on Energy and Commerce of
22 the House of Representatives and the Committee on
23 Commerce, Science, and Transportation of the Sen-
24 ate.



AMENDMENT TO H.R. 4350
OFFERED BY MS. SPEIER OF CALIFORNIA

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

1 SEC. 5 ____ . REPORT ON MANDATORY RESTITUTION.

2 Not later than April 30, 2022, the Secretary of De-
3 fense shall submit to the Committees on Armed Services
4 of the Senate and the House of Representatives a report
5 on the Department's progress in evaluating the feasibility
6 and advisability of authorizing mandatory restitution as
7 a component of the sentence for a conviction of an offense
8 under chapter 47 of title 10, United States Code (the Uni-
9 form Code of Military Justice).



AMENDMENT TO H.R. 4350
OFFERED BY MR. MOORE OF UTAH

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

1 **SEC. 10 ____ . NAME OF AIR FORCE UTAH TEST AND TRAIN-**
2 **ING RANGE CONSOLIDATED MISSION CON-**
3 **TROL CENTER.**

4 The Air Force Utah Test and Training Range Con-
5 solidated Mission Control Center shall after the date of
6 the enactment of this Act be known and designated as the
7 “Robert W. Bishop Utah Test and Training Range Com-
8 bined Mission Control Center”. Any reference to such
9 combined mission control center in any law, regula-
10 tion, map, document, record, or other paper of the United
11 States shall be considered to be a reference to the Robert
12 W. Bishop Utah Test and Training Range Combined Mis-
13 sion Control Center.



Amendment to H.R. 4350 National Defense Authorization Act for Fiscal Year 2022

Offered by: Mr. Jim Banks

In the appropriate place in the report to accompany H.R. 4350, insert the following new Directive Report Language:

Taliban Financial Assets Report

The Committee directs the Secretary of Defense to submit a report on the Taliban's access to rare earth minerals, financial resources, and United States military equipment, to the Committees on Armed Services of the House of Representatives not later than March 1, 2022.

The report should include —

- (1) the estimated value of Afghanistan's rare earth mineral resources currently under control of the Taliban;
- (2) the estimated value of the cash reserves of the previous government of the Islamic Republic of Afghanistan that are now in the hands of the Taliban;
- (3) a detailed accounting articles of United States and NATO military equipment now in the hands of the Taliban;
- (4) the estimated net wealth of the Taliban as an organization, and how much that net wealth grew after the fall of the government of the Islamic Republic of Afghanistan;
- (5) a detailed estimation of the Haqqani Network's access to military, financial and rare earth mineral resources after the fall of the government of the Islamic Republic of Afghanistan;
- (6) the impact that the United States withdrawal from Afghanistan had on the military, financial and rare earth mineral resources of al-Qaeda in Afghanistan;
- (7) a detailed assessment of all sources of Taliban, al-Qaeda, and Haqqani Network financing in Afghanistan including from the sale of illicit drugs such as opium; and
- (8) the current state of United States and United Nations sanctions with respect to Afghanistan and their feasibility at blocking the Taliban, including the Haqqani network, as well as al-Qaeda from accessing such financial and military resources.

AMENDMENT TO H.R. 4350

OFFERED BY MS. SPEIER OF CALIFORNIA

(funding table amendment)

In section 4201 of division D, relating to Research, Development, Test, and Evaluation, Navy, increase the amount for Medical Development, Line 150, by \$7,500,000 for “Program increase – autonomous aerial technology for distributed logistics.”

In section 4301 of division D, relating to Operation and Maintenance, Army, reduce the amount for Force Readiness Operations Support, Line 70, by \$7,500,000.

AMENDMENT TO H.R. 4350

OFFERED BY MS. ESCOBAR

(funding table amendment)

In section 4201 of division D, relating to Research, Development, Test and Evaluation, Defense-Wide, increase the amount for Defense-Wide Manufacturing Science and Technology Program, Line 50, by \$5,000,000 for the purpose of additive manufacturing training.

In section 4201 of division D, relating to Research, Development, Test & Evaluation, Defense-Wide, reduce the amount for Advanced Innovative Technologies, Line 104, by \$5,000,000.

AMENDMENT TO H.R. 4350

OFFERED BY MR. KHANNA OF CALIFORNIA

(funding table amendment)

In section 4301 of division D, relating to Operations and Maintenance, Defense-Wide, line 370 increase amount by \$2,000,000 for the Defense Media Activity - for the purpose of the Public Web Program.

In section 4301 of division D, relating to Operations and Maintenance, Defense-Wide, line 290 (Defense Information Systems Agency) reduce the amount by \$2,000,000.

AMENDMENT TO H.R. 4350

OFFERED BY MS. MURPHY

(funding table amendment)

In section 4201 of division D, relating to Research, Development, Test, and Evaluation, Defense-Wide, increase the amount for Manufacturing Technology Program, Line 51, by \$5,000,000.

In section 4301 of division D, relating to Operation and Maintenance, Defense-Wide, reduce the amount for the Office of the Secretary of Defense, Line 540, by \$5,000,000.

AMENDMENT TO H.R. 4350

OFFERED BY MR. GALLEGO

(funding table amendment)

In section 4101 of division D, relating to Aircraft Procurement, Air Force, increase the amount for A-10, Line 028, by \$100,000,000 for the purpose of Modernization and Upgrades.

In section 4301 of division D, relating to Operation & Maintenance, Air Force Reserve, reduce the amount for Depot Purchase Equipment Maintenance, Line 030, by \$20,000,000.

In section 4301 of division D, relating to Operation & Maintenance, Air Force, reduce the amount for Flying Hour Program, Line 080, by \$20,000,000.

In section 4301 of division D, relating to Operation & Maintenance, Air National Guard, reduce the amount for Contractor Logistics Support and System Support, Line 050, by \$10,000,000.

In section 4301 of division D, relating to Operation & Maintenance, Air Force Reserve, reduce the amount for Contractor Logistics Support and System Support, Line 050, by \$10,000,000.

In section 4301 of division D, relating to Operation & Maintenance, Defense-Wide, reduce the amount for Washington Headquarters Services, Line 570, by \$20,000,000.

In section 4301 of division D, relating to Operation & Maintenance, Air National Guard, reduce the amount for Depot Purchase Equipment Maintenance, Line 030, by \$20,000,000.

AMENDMENT TO H.R. 4350
OFFERED BY MR. GALLAGHER OF WISCONSIN

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

1 **SEC. 10 ____ . REPORT ON DEFENSE UTILITY OF UNITED**
2 **STATES TERRITORIES AND POSSESSIONS.**

3 (a) IN GENERAL.—Not later than 180 days after the
4 date of the enactment of this Act, the Secretary of Defense
5 shall submit a to the congressional defense committees a
6 report that includes—

7 (1) a detailed description of the manner in
8 which United States territories and possessions in
9 the Pacific could contribute to the execution of the
10 operational and contingency plans of the Depart-
11 ment of Defense, as well as the peacetime forward
12 posture of the Department;

13 (2) an assessment of the required resources as-
14 sociated with environmental restoration and military
15 construction on United States territories and posses-
16 sions in the Pacific in order to facilitate the presence
17 of United States military forces;

1 (3) a description of the additional logistical re-
2 quirements or considerations associated with the re-
3 quirements of paragraph (2); and

4 (4) any other matters the Secretary of Defense,
5 in coordination with the Commander of the United
6 States Indo-Pacific Command, considers appro-
7 priate.

8 (b) FORM.—The report described in subsection (a)
9 shall be submitted in unclassified form that can be made
10 available to the public, but may include a classified annex.



AMENDMENT TO H.R. 4350
OFFERED BY MR. GALLAGHER OF WISCONSIN

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

1 **SEC. 7 ____ . PROHIBITION ON AVAILABILITY OF FUNDS FOR**
2 **RESEARCH CONNECTED TO CHINA.**

3 (a) PROHIBITION.—None of the funds authorized to
4 be appropriated by this Act or otherwise made available
5 for fiscal year 2022 for the Department of Defense may
6 be obligated or expended—

7 (1) to conduct research in China, including bio-
8 medical, infectious disease, gene editing, genetics,
9 virus, or military medical research, whether directly
10 or through a third-party entity; or

11 (2) to provide funds for research, including bio-
12 medical, infectious disease, gene editing, genetics,
13 virus, or military medical research, to any entity de-
14 termined by the Secretary of Defense to be owned
15 or controlled, directly or indirectly, by China;

16 (b) WAIVER.—The Secretary of Defense may waive
17 a prohibition under subsection (a) if the Secretary—

18 (1) determines that the waiver is in the national
19 security interests of United States; and

1 (2) not later than 14 days after granting the
2 waiver, submits to the congressional defense commit-
3 tees a detailed justification for the waiver, includ-
4 ing—

5 (A) an identification of the Department of
6 Defense entity obligating or expending the
7 funds;

8 (B) an identification of the amount of such
9 funds;

10 (C) an identification of the intended pur-
11 pose of such funds;

12 (D) an identification of the recipient or
13 prospective recipient of such funds (including
14 any third-party entity recipient, as applicable);

15 (E) an explanation for how the waiver is in
16 the national security interests of the United
17 States; and

18 (F) any other information the Secretary
19 determines appropriate.



Amendment to H.R. 4350
National Defense Authorization Act for Fiscal Year 2022

Offered by: Mr. Crow

In section 4201 of division D, relating to Research, Development, Test and Evaluation, Space Force, increase the amount for Space Technology, Line 001, by \$10,000,000 for University Consortium Space Technology Development.

In section 4301 of division D, relating to Operation and Maintenance, Navy, reduce the amount for Administration, Line 440, by \$10,000,000.

AMENDMENT TO H.R. 4350

OFFERED BY MR. NORCROSS

(funding table amendment)

In section 4201 of division D, relating to Research, Development, Test & Evaluation (RDT&E), Navy, increase the amount for Medium Unmanned Surface Vehicle (MUSV), Line 095, by \$41,700,000 to carry out execution of CLIN 0101.

In section 4301 of division D, relating to Operation and Maintenance, Air Force, decrease the amount for Base Support, Line 90, by \$15,000,000.

In section 4301 of division D, relating to Operation and Maintenance, Army, decrease the amount for Base Operations Support, Line 110, by \$14,000,000.

In section 4301 of division D, relating to Operation and Maintenance, Navy, decrease the amount for Base Operating Support, Line 280, by \$10,000,000.

In section 4301 of division D, relating to Operation and Maintenance, Defense-wide, decrease the amount for Office of the Secretary of Defense, Line 540, by \$2,700,000

AMENDMENT TO H.R. 4350

OFFERED BY DONALD NORCROSS

(funding table amendment)

In section 4201 of division D, relating to Research, Development, Testing, & Evaluation, Defense-wide, increase the amount for DLA Manufacturing Technology Program, Line 51, PE 0603680S- " for demonstration of automotive aftermarket capabilities" by \$6,000,000.

In section 4301 of division D, relating to Operation and Maintenance, Defense-wide decrease the amount for Office of the Secretary of Defense, Line 540, by \$6,000,000.

Amendment to H.R. 4350
National Defense Authorization Act for Fiscal Year 2022

Offered by:

Mr. Gallagher of Wisconsin

In the appropriate place in the report to accompany H.R. 4350, insert the following new Directive Report Language:

Potential Department of Defense Funding for the Wuhan Institute of Virology

The committee directs the Secretary of Defense to submit a report to the Armed Services Committee of the House of Representatives not later than January 1, 2022 describing:

- (1) All contracts the Department of Defense signed with the EcoHealth Alliance or its affiliates by year from 2012-2021 in spreadsheet format, to include purpose, location where contract was performed, cost, metrics, contract number, contract oversight organization, and whether any funds were provided ultimately to the Wuhan Institute of Virology;
- (2) Whether any DoD-funded research projects involving EcoHealth Alliance or its affiliates were performed in China or in support of research performed in China, and if so, a description of the projects, the work performed, and the risk assessments DoD used to evaluate the project;
- (3) Whether DoD issued any awards to the EcoHealth Alliance or its affiliates that are not available on USASpending.gov;
- (4) Whether the Department sponsored any classified research involving EcoHealth Alliance or its affiliates; and
- (5) Copies of the agreements, initial research reports, and all progress and final reports from the EcoHealth Alliance or its affiliates.

This report shall be submitted in unclassified form and made publicly available on an internet website in a searchable format, but may contain a classified annex.

AMENDMENT TO H.R. 4350
OFFERED BY MR. LAMBORN OF COLORADO

In section 1632(a)(1)(C) (Log 73421)—

(1) in clause (i), strike “; and” and insert a semicolon; and

(2) insert after clause (i) the following new clause (ii) (and redesignate the subsequent clause accordingly):

1 (ii) a certification that the changes
2 will not impair the missile defense capabili-
3 ties of the United States nor degrade the
4 unique special acquisition authorities of the
5 Missile Defense Agency; and



AMENDMENT TO H.R. 4350
OFFERED BY Mr. Crow

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

1 **SEC. 9___ . CROSS-FUNCTIONAL TEAM FOR EMERGING**
2 **THREAT RELATING TO ANOMALOUS HEALTH**
3 **INCIDENTS.**

4 (a) **ESTABLISHMENT.**—Using the authority provided
5 under section 911(c) of the National Defense Authoriza-
6 tion Act for Fiscal Year 2017 (Public Law 114–328; 10
7 U.S.C. 111 note), the Secretary of Defense shall establish
8 a cross-functional team to address national security chal-
9 lenges posed by anomalous health incidents (as defined by
10 the Secretary) and ensure that individuals affected by
11 anomalous health incidents receive timely and comprehen-
12 sive health care and treatment pursuant to title 10, United
13 States Code, or other provisions of law administered by
14 the Secretary, for symptoms consistent with an anomalous
15 health incident.

16 (b) **DUTIES.**—The duties of the cross-functional team
17 established under subsection (a) shall be—

18 (1) to assist the Secretary of Defense with ad-
19 dressing the challenges posed by anomalous health

1 incidents and any other efforts regarding such inci-
2 dents that the Secretary determines necessary; and

3 (2) to integrate the efforts of the Department
4 of Defense regarding anomalous health incidents
5 with the efforts of other departments or agency of
6 the Federal Government regarding such incidents.

7 (c) TEAM LEADER.—The Secretary shall select an
8 Under Secretary of Defense to lead the cross-functional
9 team and a senior military officer to serve as the deputy
10 to the Under Secretary so selected.

11 (d) DETERMINATION OF ORGANIZATIONAL ROLES
12 AND RESPONSIBILITIES.—The Secretary, in coordination
13 with the Director of National Intelligence and acting
14 through the cross-functional team established under sub-
15 section (a), shall determine the roles and responsibilities
16 of the organizations and elements of the Department of
17 Defense with respect to addressing anomalous health inci-
18 dents, including the roles and responsibilities of the Office
19 of the Secretary of Defense, the intelligence components
20 of the Department, Defense agencies, and Department of
21 Defense field activities, the military departments, combat-
22 ant commands, and the Joint Staff.

23 (e) BRIEFINGS.—

24 (1) INITIAL BRIEFING.—Not later than 30 days
25 after the date of the enactment of this Act, the Sec-

1 retary shall provide to the appropriate congressional
2 committees a briefing on—

3 (A) the progress of the Secretary in estab-
4 lishing the cross-functional team; and

5 (B) the progress the team has made in—

6 (i) determining the roles and respon-
7 sibilities of the organizations and elements
8 of the Department of Defense with respect
9 the cross-functional team; and

10 (ii) carrying out the duties under sub-
11 section (b).

12 (2) UPDATES.—Not later than 75 days after
13 the date of the enactment of this Act, and once
14 every 45 days thereafter during the one-year period
15 following such date of enactment, the Secretary shall
16 provide to the appropriate congressional committees
17 a briefing containing updates with respect to the ef-
18 forts of the Department regarding anomalous health
19 incidents.

20 (f) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
21 FINED.—In this section, the term “appropriate congres-
22 sional committees” means—

23 (1) the congressional defense committees; and

1 (2) the Permanent Select Committee on Intel-
2 ligence of the House of Representatives and the Se-
3 lect Committee on Intelligence of the Senate.



AMENDMENT TO H.R. 4350

OFFERED BY MR. LARSEN

(funding table amendment)

In section 4301 of division D, relating to Operations and Maintenance, Defense-Wide, increase the amount for Special Operations Command Theater Forces, Line 110, by \$10 million.

In section 4301 of division D, relating to Operations and Maintenance, Defense-Wide, reduce the amount for Special Operations Management/Operational Headquarters, Line 090, by \$10 million.

Amendment to H.R. 4350
National Defense Authorization Act for Fiscal Year 2022

Offered by: Mr. Jim Banks

In the appropriate place in the report to accompany H.R. 4350, insert the following new Directive Report Language:

Taliban relationship with Foreign Terrorist Organizations

The Committee directs the Secretary of Defense to submit a report on the Taliban's associations, affinations, and relationships with Foreign Terrorist Organizations. to the Committee on Armed Services of the House of Representatives not later than March 1, 2022. The report should include —

- (1) The Haqqani network's economic, political and military relationship and association with the Taliban.
- (2) Tehrik-e Taliban Pakistan (TTP) economic, political and military relationship and association with the Taliban.
- (3) Al Qaeda economic, political and military relationship and association with the Taliban.
- (4) Whether the Taliban has provided material support for Al Qaeda, Haqqani, and TTP.

AMENDMENT TO H.R. 4350
OFFERED BY MS. SLOTKIN OF MICHIGAN

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

1 **SEC. 7___.** **INCLUSION OF EXPOSURE TO**
2 **PERFLUOROALKYL AND POLYFLUOROALKYL**
3 **SUBSTANCES AS COMPONENT OF PERIODIC**
4 **HEALTH ASSESSMENTS.**

5 (a) **PERIODIC HEALTH ASSESSMENT.**—Each Sec-
6 retary concerned shall ensure that any periodic health as-
7 sessment provided to a member of the Armed Forces in-
8 cludes an evaluation of whether the member has been—

9 (1) based or stationed at a military installation
10 identified by the Secretary concerned as a location
11 with a known or suspected release of perfluoroalkyl
12 substances or polyfluoroalkyl substances during the
13 period in which the member was based or stationed
14 at the military installation; or

15 (2) exposed to such substances, including by
16 evaluating any information in the health record of
17 the member.

1 (b) SEPARATION HISTORY AND PHYSICAL EXAMINA-
2 TIONS.—Section 1145 of title 10, United States Code, is
3 amended—

4 (1) in subsection (a)(5), by adding at the end
5 the following new subparagraph:

6 “(D) The Secretary concerned shall ensure that each
7 physical examination of a member under subparagraph
8 (A) includes an assessment of whether the member was—

9 “(i) based or stationed at a military installation
10 identified by the Secretary concerned as a location
11 with a known or suspected release of perfluoroalkyl
12 substances or polyfluoroalkyl substances during the
13 period in which the member was based or stationed
14 at the military installation; or

15 “(ii) exposed to such substances, including by
16 assessing any information in the health record of the
17 member.”; and

18 (2) by adding at the end the following new sub-
19 section:

20 “(g) SECRETARY CONCERNED DEFINED.—In this
21 section, the term ‘Secretary concerned’ has the meaning
22 given such term in section 101 of this title (and otherwise
23 includes the Secretary of the department in which the
24 Coast Guard is operating).”.

1 (c) DEPLOYMENT ASSESSMENTS.—Section 1074f of
2 title 10, United States Code, is amended—

3 (1) in subsection (b)(2), by adding at the end
4 the following new subparagraph:

5 “(E) An assessment of whether the member
6 was—

7 “(i) based or stationed at a military instal-
8 lation identified by the Secretary concerned as
9 a location with a known or suspected release of
10 perfluoroalkyl substances or polyfluoroalkyl sub-
11 stances during the period in which the member
12 was based or stationed at the military installa-
13 tion; or

14 “(ii) exposed to such substances, including
15 by assessing any information in the health
16 record of the member.”; and

17 (2) by adding at the end the following new sub-
18 section:

19 “(h) SECRETARY CONCERNED DEFINED.—In this
20 section, the term ‘Secretary concerned’ has the meaning
21 given such term in section 101 of this title (and otherwise
22 includes the Secretary of the department in which the
23 Coast Guard is operating).”.

1 (d) PROVISION OF BLOOD TESTING TO DETERMINE
2 EXPOSURE TO PERFLUOROALKYL SUBSTANCES OR
3 POLYFLUOROALKYL SUBSTANCES.—

4 (1) PROVISION OF BLOOD TESTING.—

5 (A) IN GENERAL.—If a covered evaluation
6 of a member of the Armed Forces results in a
7 positive determination of potential exposure to
8 perfluoroalkyl substances or polyfluoroalkyl sub-
9 stances, the Secretary concerned shall provide
10 to that member, during the covered evaluation,
11 blood testing to determine and document poten-
12 tial exposure to such substances.

13 (B) INCLUSION IN HEALTH RECORD.—The
14 results of blood testing of a member of the
15 Armed Forces conducted under subparagraph
16 (A) shall be included in the health record of the
17 member.

18 (2) DEFINITIONS.—In this section:

19 (A) The term “covered evaluation”
20 means—

21 (i) a periodic health assessment con-
22 ducted in accordance with subsection (a);

23 (ii) a separation history and physical
24 examination conducted under section

1 1145(a)(5) of title 10, United States Code,
2 as amended by subsection (b); or

3 (iii) a deployment assessment con-
4 ducted under section 1074f(b)(2) of such
5 title, as amended by subsection (c).

6 (B) The term “Secretary concerned” has
7 the meaning given such term in section 101 of
8 title 10, United States Code (and otherwise in-
9 cludes the Secretary of the department in which
10 the Coast Guard is operating).



**Amendment to H.R. 4350
National Defense Authorization Act for Fiscal Year 2022**

Offered by: Mr. Scott

In the appropriate place in the report to accompany H.R. 4350, insert the following new Directive Report Language:

**Briefing on Authorities to Build Partner Capacity of Security Forces of Friendly
Foreign Countries**

The committee recognizes the impactful work done under the authorities within Section 333 of title 10, United States Code. The committee also recognizes current authorities may not meet the needs for all programs, particularly with regards to the use of funds to pay for the personnel expenses of the national security forces of a friendly foreign country to participate in a training program conducted by the national security forces of another friendly foreign country.

Therefore, the committee directs the Undersecretary of Defense for Policy to provide a briefing, no later than March 31, 2022 to the congressional defense committees on the feasibility and advisability of an authority that allows for payment of personnel expenses as mentioned above.

Amendment to H.R. 4350
National Defense Authorization Act for Fiscal Year 2022

Offered by: Mr. Jackson of Texas

In the appropriate place in the report to accompany H.R. 4350, insert the following new Directive Report Language:

Feasibility of Delivering a Plan to Congress Prior to and After a Withdrawal of U.S. Forces from a Country

The committee is concerned with the lack of information that was provided in the months leading up to the withdrawal of U.S. forces from Afghanistan.

Therefore, the committee directs the Secretary of Defense to deliver a report to the House Committee on Armed Services by March 1, 2022 on the feasibility of providing future reports to the committee prior to and after the complete withdrawal of U.S. forces from a country. The report should identify a means for the Department of Defense to deliver reports to the committee at the earliest possible time on the plans for a withdrawal. Additionally, the report should detail how the Department would plan to keep the committee updated on conditions in the country after the withdrawal. The committee believes that these updates should be focused on communicating a clear plan, contingencies that must be accounted for, description of conditions on the ground, anticipation of increased terror activity, and an assessment of needs for U.S. forces on the ground.

AMENDMENT TO H.R. 4350
OFFERED BY MR. GOLDEN OF MAINE

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

1 **SEC. 5 ____ . CLARIFICATIONS REGARDING SCOPE OF EM-**
2 **PLOYMENT AND REEMPLOYMENT RIGHTS OF**
3 **MEMBERS OF THE UNIFORMED SERVICES.**

4 (a) CLARIFICATION REGARDING DEFINITION OF
5 RIGHTS AND BENEFITS.—Section 4303(2) of title 38,
6 United States Code, is amended—

7 (1) by inserting “(A)” before “The term”; and

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

10 “(B) Any procedural protections or provisions
11 set forth in this chapter shall also be considered a
12 right or benefit subject to the protection of this
13 chapter.”.

14 (b) CLARIFICATION REGARDING RELATION TO
15 OTHER LAW AND PLANS FOR AGREEMENTS.—Section
16 4302 of such title is amended by adding at the end the
17 following:

18 “(c)(1) Pursuant to this section and the procedural
19 rights afforded by subchapter III of this chapter, any

1 agreement to arbitrate a claim under this chapter is unen-
2 forceable, unless all parties consent to arbitration after a
3 complaint on the specific claim has been filed in court or
4 with the Merit Systems Protection Board and all parties
5 knowingly and voluntarily consent to have that particular
6 claim subjected to arbitration.

7 “(2) For purposes of this subsection, consent shall
8 not be considered voluntary when a person is required to
9 agree to arbitrate an action, complaint, or claim alleging
10 a violation of this chapter as a condition of future or con-
11 tinued employment, advancement in employment, or re-
12 ceipt of any right or benefit of employment.”.



AMENDMENT TO H.R. 4350
OFFERED BY MS. ESCOBAR OF TEXAS

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

1 **SEC. 5 ____ . AUTHORIZATION FOR AWARD OF THE MEDAL OF**
2 **HONOR TO MARCELINO SERNA FOR ACTS OF**
3 **VALOR DURING WORLD WAR I.**

4 (a) **AUTHORIZATION.**—Notwithstanding the time lim-
5 itations specified in section 7274 of title 10, United States
6 Code, or any other time limitation with respect to the
7 awarding of certain medals to persons who served in the
8 Armed Forces, the President may posthumously award the
9 Medal of Honor under section 7272 of such title to
10 Marcelino Serna for the acts of valor described in the sub-
11 section (b).

12 (b) **ACTS OF VALOR DESCRIBED.**—The acts of valor
13 described in this subsection are the actions of Marcelino
14 Serna as a private in the Army during World War I, for
15 which he was previously awarded the Distinguished-Serv-
16 ice Cross.



AMENDMENT TO H.R. 4350**OFFERED BY MS. SLOTKIN OF MICHIGAN**

In the heading of section 3 ____ (Log 73127), insert “of water” after “testing”.

In section 3 ____ (Log 73127), strike subsection (a) and insert the following new subsection:

1 (a) PUBLIC DISCLOSURE OF PFAS TESTING OF
2 WATER.—

3 (1) IN GENERAL.—Except as provided in para-
4 graph (2), not later than 10 days after the receipt
5 of a validated result of testing water for
6 perfluoroalkyl or polyfluoroalkyl substances (com-
7 monly referred to as “PFAS”) in a covered area, the
8 Secretary of Defense shall publicly disclose such vali-
9 dated result, including—

10 (A) the results of all such testing con-
11 ducted in the covered area by the Department
12 of Defense; and

13 (B) the results of all such testing con-
14 ducted in the covered area by a non-Depart-
15 ment entity (including any Federal agency and
16 any public or private entity) under a contract,

1 or pursuant to an agreement, with the Depart-
2 ment of Defense.

3 (2) CONSENT BY PRIVATE PROPERTY OWN-
4 ERS.—The Secretary of Defense may not publicly
5 disclose the results of testing for perfluoroalkyl or
6 polyfluoroalkyl substances conducted on private
7 property without the consent of the property owner.

In section 3____ (Log 73127), strike subsection (b)
and insert the following new subsection:

8 (b) PUBLIC DISCLOSURE OF PLANNED PFAS TEST-
9 ING OF WATER.—Not later than 180 days after the date
10 of the enactment of the Act, and every 90 days thereafter,
11 the Secretary of Defense shall publicly disclose the antici-
12 pated timeline for, and general location of, any planned
13 testing for perfluoroalkyl or polyfluoroalkyl substances
14 proposed to be conducted in a covered area, including—

15 (1) all such testing to be conducted by the De-
16 partment of Defense; and

17 (2) all such testing to be conducted by a non-
18 Department entity (including any Federal agency
19 and any public or private entity) under a contract,
20 or pursuant to an agreement, with the Department.

In section 3____ (Log 73127)—

(1) redesignate subsection (d) as subsection (f);
and

(2) amend subsection (f), as redesignated by
paragraph (1), to read as follows:

1 (f) DEFINITIONS.—In this section:

2 (1) The term “covered area” means an area in
3 the United States that is located immediately adja-
4 cent to and down gradient from a military installa-
5 tion, a formerly used defense site, or a facility where
6 military activities are conducted by the National
7 Guard of a State pursuant to section 2707(e) of title
8 10, United States Code.

9 (2) The term “formerly used defense site”
10 means any site formerly used by the Department of
11 Defense or National Guard eligible for environ-
12 mental restoration by the Secretary of Defense fund-
13 ed under the “Environmental Restoration Account,
14 Formerly Used Defense Sites” account established
15 under section 2703(a)(5) of title 10, United States
16 Code.

17 (3) The term “military installation” has the
18 meaning given such term in section 2801(c)(4) of
19 title 10, United States Code.

1 (4) The term “perfluoroalkyl or polyfluoroalkyl
2 substance” means any man-made chemical with at
3 least one fully fluorinated carbon atom.

4 (5) The term “public water system” has the
5 meaning given such term under section 1401(4) of
6 the Safe Drinking Water Act (42 U.S.C. 300f(4)).

7 (6) The term “restoration advisory board”
8 means a restoration advisory board established pur-
9 suant to section 2705(d) of title 10, United States
10 Code.

In section 3____ (Log 73127), strike subsection (c)
and insert the following new subsections:

11 (c) NATURE OF DISCLOSURE.—The Secretary of De-
12 fense may satisfy the disclosure requirements under sub-
13 sections (a) and (b) by publishing the results and informa-
14 tion referred to in such subsections—

15 (1) on the publicly available website established
16 under section 331(b) of the National Defense Au-
17 thorization Act for Fiscal Year 2020 (Public Law
18 116–92; 10 U.S.C 2701 note);

19 (2) on another publicly available website of the
20 Department of Defense; or

21 (3) in the Federal Register.

22 (d) LOCAL NOTIFICATION.—Prior to conducting any
23 testing of water for perfluoroalkyl or polyfluoroalkyl sub-

1 stances, including any testing which has not been planned
2 or publicly disclosed pursuant to subsection (b), the Sec-
3 retary of Defense shall provide notice of the testing to—

4 (1) the managers of the public water system
5 serving the covered area where such testing is to
6 occur;

7 (2) the heads of the municipal government serv-
8 ing the covered area where such testing is to occur;
9 and

10 (3) as applicable, the members of the restora-
11 tion advisory board for the military installation
12 where such testing is to occur.

13 (e) METHODS FOR TESTING.—In testing water for
14 perfluoroalkyl or polyfluoroalkyl substances, the Secretary
15 of Defense shall adhere to methods for measuring the
16 amount of such substances in drinking water that have
17 been validated by the Administrator of the Environmental
18 Protection Agency.



AMENDMENT TO H.R. 4350
OFFERED BY MR. WALTZ OF FLORIDA

At the appropriate place in division E, insert the following:

1 **SEC. 5 ____ . EXEMPTION OF CERTAIN HOMELAND SECURITY FEES FOR CERTAIN IMMEDIATE RELATIVES OF AN INDIVIDUAL WHO RECEIVED THE PURPLE HEART.**

5 (a) IN GENERAL.—Not later than 90 days after the
6 date of the enactment of this Act, the Secretary of Home-
7 land Security shall include on a certain application or peti-
8 tion an opportunity for certain immediate relatives of an
9 individual who was awarded the Purple Heart to identify
10 themselves as such an immediate relative.

11 (b) FEE EXEMPTION.—The Secretary shall exempt
12 certain immediate relatives of an individual who was
13 awarded the Purple Heart, who identifies as such an im-
14 mediate relative on a certain application or petition, from
15 a fee with respect to a certain application or petition and
16 any associated fee for biometrics.

17 (c) PENDING APPLICATIONS AND PETITIONS.—The
18 Secretary of Homeland Security may waive fees for a cer-
19 tain application or petition and any associated fee for bio-

1 metrics for certain immediate relatives of an individual
2 who was awarded the Purple Heart, if such application
3 or petition is submitted not more than 90 days after the
4 date of the enactment of this Act.

5 (d) DEFINITION.—In this section:

6 (1) CERTAIN APPLICATION OR PETITION.—The
7 term “certain application or petition” means—

8 (A) an application using Form–400, Appli-
9 cation for Naturalization (or any successor
10 form); or

11 (B) a petition using Form I-360, Petition
12 for Amerasian, Widow(er), or Special Imm-
13 grant (or any successor form).

14 (2) CERTAIN IMMEDIATE RELATIVES OF AN IN-
15 DIVIDUAL WHO WAS AWARDED THE PURPLE
16 HEART.—The term “certain immediate relatives of
17 an individual who was awarded the Purple Heart”
18 means an immediate relative of a living or deceased
19 member of the Armed Forces who was awarded the
20 Purple Heart and who is not a person ineligible for
21 military honors pursuant to section 985(a) of title
22 10, United States Code.

23 (3) IMMEDIATE RELATIVE.—The term “imme-
24 diate relative” has the meaning given such term in

- 1 section 201(b) of the Immigration and Nationality
- 2 Act (8 U.S.C. 1151(b)).



AMENDMENT TO H.R. 4350
OFFERED BY MR. KELLY OF MISSISSIPPI

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

1 **SEC. 10 ____ . REPORT ON COAST GUARD EXPLOSIVE ORD-**
2 **NANCE DISPOSAL.**

3 (a) IN GENERAL.—Not later than February 15,
4 2023, the Secretary of Homeland Security shall submit
5 to Congress a report on the viability of establishing an
6 explosive ordnance disposal program in the Coast Guard.

7 (b) CONTENTS.—The report required under sub-
8 section (a) shall contain, at a minimum, the following:

9 (1) Organization of explosive ordnance disposal
10 elements within the Coast Guard, with discussion on
11 whether the Coast Guard explosive ordnance disposal
12 capability belongs in the Maritime Safety and Security
13 Teams, the Maritime Security Response Team,
14 a combination of the Maritime Safety and Security
15 Teams and the Maritime Security Response Teams,
16 or elsewhere in the Coast Guard,

17 (2) A description of vehicles, that are Coast
18 Guard airframe and vessel transportable, required
19 for explosive ordnance disposal elements.

1 (3) A description of dive craft, that are Coast
2 Guard airframe and vessel transportable, required
3 for explosive ordnance disposal elements.

4 (4) Locations of Coast Guard stations that
5 portable explosives storage magazines will be avail-
6 able for explosive ordnance disposal elements.

7 (5) Identify Coast Guard stations that will have
8 pre-positioned explosive ordnance disposal elements
9 equipment.

10 (6) An explanation of how the Coast Guard ex-
11 plosive ordnance disposal elements will support the
12 Department of Homeland Security and Department
13 of Justice, and the Department of Defense in war-
14 time, on mission sets to counter improvised explosive
15 device, counter unexploded ordnance, and combat
16 weapons of destruction, including award of the Pres-
17 idential Service Badge and Certificate to explosive
18 ordnance disposal-qualified Coast Guardsman for
19 protection of the President of the United States, and
20 how the Coast Guard explosive ordnance disposal
21 elements will support national security special
22 events.

23 (7) A cost to benefit analysis of using the
24 Army, Marine Corps, Navy, or Air Force Scuba
25 Diver course prior to Coast Guardsman attending

1 the Navy conducted explosive ordnance disposal
2 course, and the required initial and annual
3 sustainment training seats for the diver course, the
4 explosive ordnance disposal course, and the para-
5 chutist course (through the Army, Marine, Navy,
6 and Air Force).

7 (8) An identification of the career progression
8 of Coast Guardsman from Seaman Recruit to that
9 of Command Master Chief Petty Officer, Chief War-
10 rant Officer 2 to that of Chief Warrant Officer 4,
11 and Ensign to that of Rear Admiral.

12 (9) An identification of initial and annual budg-
13 et justification estimates on a single program ele-
14 ment of the Coast Guard explosive ordnance disposal
15 program for each of—

16 (A) civilian and military pay with details
17 on military pay, including special and incentive
18 pays such as—

19 (i) officer responsibility pay;

20 (ii) officer SCUBA diving duty pay;

21 (iii) officer demolition hazardous duty
22 pay;

23 (iv) enlisted SCUBA diving duty pay;

24 (v) enlisted demolition hazardous duty
25 pay;

- 1 (vi) enlisted special duty assignment
- 2 pay at level special duty-5;
- 3 (vii) enlisted assignment incentive
- 4 pays;
- 5 (viii) enlistment and reenlistment bo-
- 6 nuses;
- 7 (ix) officer and enlisted full civilian
- 8 clothing allowances;
- 9 (x) exception to policy allowing a third
- 10 hazardous duty pay for explosive ordnance
- 11 disposal-qualified officers and enlisted; and
- 12 (xi) parachutist hazardous duty pay;
- 13 (B) research, development, test, and eval-
- 14 uation;
- 15 (C) procurement;
- 16 (D) other transaction agreements;
- 17 (E) operations and maintenance;
- 18 (F) military construction; and
- 19 (G) overseas contingency operations.



AMENDMENT TO H.R. 4350
OFFERED BY MR. LANGEVIN OF RHODE ISLAND

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

1 **SEC. _____ 52. [LOG 73624] DIGITAL TALENT RECRUITING**
2 **OFFICER.**

3 (a) DIGITAL TALENT RECRUITING FOR THE DE-
4 PARTMENT OF DEFENSE.—

5 (1) IN GENERAL.—Not later than 270 days
6 after the date of the enactment of this Act, the Sec-
7 retary of Defense shall designate a chief digital re-
8 cruiting officer within the office of the Under Sec-
9 retary of Defense for Personnel and Readiness to
10 carry out the responsibilities set forth in paragraph
11 (2).

12 (2) RESPONSIBILITIES.—The chief digital re-
13 cruiting officer shall be responsible for—

14 (A) identifying Department of Defense
15 needs for, and skills gaps in, specific types of
16 civilian digital talent;

17 (B) recruiting individuals with the skill
18 that meet the needs and skills gaps identified in
19 paragraph (2)(A), in partnership with the mili-

1 tary services and defense components, including
2 by attending conferences and career fairs, and
3 actively recruiting on university campuses and
4 from the private sector;

5 (C) ensuring Federal scholarship for serv-
6 ice programs are incorporated into civilian re-
7 cruiting strategies;

8 (D) when appropriate and within authority
9 granted under other Federal law, offering re-
10 cruitment and referral bonuses; and

11 (E) partnering with human resource teams
12 in the military services and defense components
13 to help train all Department of Defense human
14 resources staff on the available hiring flexibili-
15 ties to accelerate the hiring of individuals with
16 the skills that fill the needs and skills gaps
17 identified in paragraph (2)(A).

18 (3) RESOURCES.—The Secretary of Defense
19 shall ensure that the chief digital recruiting officer
20 is provided with personnel and resources sufficient
21 to carry out the duties set forth in paragraph (2).

22 (4) ROLE OF CHIEF HUMAN CAPITAL OFFI-
23 CER.—

1 (A) IN GENERAL.—The chief digital re-
2 cruiting officer shall report directly to the Chief
3 Human Capital Officer.

4 (B) INCORPORATION.—The Chief Human
5 Capital Officer shall ensure that the chief dig-
6 ital recruiting officer is incorporated into the
7 agency human capital operating plan and re-
8 cruitment strategy. In carrying out this para-
9 graph, the Chief Human Capital Officer shall
10 ensure that the chief digital recruiting officer’s
11 responsibilities are deconflicted with any other
12 recruitment initiatives and programs.

13 (b) DIGITAL TALENT DEFINED.—For the purposes
14 of this section, the term “digital talent” includes positions
15 and capabilities in, or related to, software development,
16 engineering, and product management; data science; arti-
17 ficial intelligence; autonomy; data management; product
18 and user experience design; and cybersecurity.



AMENDMENT TO H.R. 4350
OFFERED BY MR. GALLAGHER OF WISCONSIN

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

1 **SEC. 12 ____ . REPORT ON COOPERATION BETWEEN THE NA-**
2 **TIONAL GUARD AND TAIWAN.**

3 (a) REPORT.—Not later than February 15, 2022, the
4 Secretary of Defense shall submit to appropriate congres-
5 sional committees a report on the feasibility and advis-
6 ability of enhanced cooperation between the National
7 Guard and Taiwan. Such report shall include the fol-
8 lowing:

9 (1) A description of the cooperation between the
10 National Guard and Taiwan during the 10 preceding
11 calendar years, including mutual visits, exercises,
12 training, and equipment opportunities.

13 (2) An evaluation of the feasibility and advis-
14 ability of enhancing cooperation between the Na-
15 tional Guard and Taiwan on a range of activities, in-
16 cluding—

17 (A) disaster and emergency response;

18 (B) cyber defense and communications se-
19 curity;

1 (C) military medical cooperation;

2 (D) cultural exchange and education of
3 members of the National Guard in Mandarin
4 Chinese; and

5 (E) programs for National Guard advisors
6 to assist in training the reserve components of
7 the military forces of Taiwan.

8 (3) Recommendations to enhance such coopera-
9 tion and improve interoperability, including through
10 familiarization visits, cooperative training and exer-
11 cises, and co-deployments.

12 (4) Any other matter the Secretary of Defense
13 determines appropriate.

14 (b) APPROPRIATE CONGRESSIONAL COMMITTEES.—

15 In this section, the term “appropriate congressional com-
16 mittees” means—

17 (1) the congressional defense committees;

18 (2) the Committee on Foreign Affairs of the
19 House of Representatives; and

20 (3) the Committee on Foreign Relations of the
21 Senate.



AMENDMENT TO H.R. 4350
OFFERED BY MR. NORCROSS OF NEW JERSEY

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

1 **SEC. 28** ____ . **USE OF QUALIFIED APPRENTICES BY MILITARY**
2 **CONSTRUCTION CONTRACTORS.**

3 (a) **ESTABLISHMENT OF APPRENTICESHIP USE CER-**
4 **TIFICATION REQUIREMENT.**—Subchapter III of chapter
5 169 of title 10, United States Code, is amended by adding
6 at the end the following new section:

7 **“§ 2870. Use of qualified apprentices by military con-**
8 **struction contractors**

9 “(a) **CERTIFICATION REQUIRED.**—The Secretary of
10 Defense shall require each offeror for a contract for a mili-
11 tary construction project to certify to the Secretary that,
12 if awarded such a contract, the offeror will—

13 “(1) establish a goal that not less than 20 per-
14 cent of the total workforce employed in the perform-
15 ance of such a contract are qualified apprentices;
16 and

17 “(2) ensure that each contractor and subcon-
18 tractor that employs four or more workers in a par-
19 ticular classification to perform construction activi-

1 ties on such a contract shall employ one or more
2 qualified apprentices in the same classification for
3 the purpose of meeting the goal established pursuant
4 to paragraph (1).

5 “(b) INCENTIVES.—The Secretary of Defense shall
6 develop incentives for offerors for a contract for military
7 construction projects to meet or exceed the goal described
8 in subsection (a).

9 “(c) CONSIDERATION OF USE OF QUALIFIED AP-
10 PRENTICES.—

11 “(1) REVISION REQUIRED.—Not later than one
12 year after the date of the enactment of this section,
13 the Secretary of Defense shall revise the Department
14 of Defense Supplement to the Federal Acquisition
15 Regulation to require that the system used by the
16 Federal Government to monitor or record contractor
17 past performance includes an analysis of whether the
18 contractor has made a good faith effort to meet or
19 exceed the goal described in subsection (a), including
20 consideration of the actual number of qualified ap-
21 prentices used by the contractor on a contract for a
22 military construction project, as part of the past
23 performance rating of such contractor.

24 “(2) IMPLEMENTATION.—Upon revision of the
25 Department of Defense Supplement to the Federal

1 Acquisition Regulation, contractors working on a
2 military construction project shall submit to the De-
3 partment of Defense such reports or information as
4 required by the Secretary, which may include total
5 labor hours to be performed on a contract for a mili-
6 tary construction project, the number of qualified
7 apprentices to be employed on a contract for a mili-
8 tary construction project, and demographic informa-
9 tion on nontraditional apprentice populations.

10 “(d) QUALIFIED APPRENTICE DEFINED.—In this
11 section, the term ‘qualified apprentice’ means an employee
12 participating in an apprenticeship program registered with
13 the Office of Apprenticeship of the Employment Training
14 Administration of the Department of Labor or a State ap-
15 prenticeship agency recognized by the Office of Appren-
16 ticeship pursuant to the Act of August 16, 1937 (popu-
17 larly known as the National Apprenticeship Act; 29 U.S.C.
18 50 et seq.).

19 “(e) APPRENTICE-TO-JOURNEYWORKER RATIO.—
20 Nothing in this section shall relieve a contractor or sub-
21 contractor on a military construction project of the obliga-
22 tion of the contractor or subcontractor to comply with all
23 applicable requirements for apprentice-to-journeyworker
24 ratios established by the Department of Labor or the
25 State Apprenticeship Agency, whichever applies in the

1 State in which the military construction project is carried
2 out.

3 “(f) APPLICABILITY.—Subsection (a) shall apply with
4 respect to each military construction project whose first
5 advertisement for bid occurs on or after the end of the
6 one-year period beginning on the date of the enactment
7 of this section.”.

8 (b) REPORTS TO CONGRESS.—Not later than three
9 months after the date of the enactment of this Act, nine
10 months after the date of the enactment of this Act, and
11 upon revision of the Department of Defense Supplement
12 to the Federal Acquisition Regulation required by sub-
13 section (c) of section 2870 of title 10, United States Code,
14 as added by subsection (a), the Secretary of Defense shall
15 submit to the Committees on Armed Services of the Sen-
16 ate and the House of Representatives a report providing
17 a status update on the implementation of the requirements
18 of such section. Each status update shall identify major
19 milestones in such implementation, challenges to such im-
20 plementation, and such other information as the Secretary
21 considers appropriate.



AMENDMENT TO H.R. 4350

OFFERED BY MR. LANGEVIN OF RHODE ISLAND

At the appropriate place in title LII insert the following:

1 **SEC. 5 ____ . ARTIFICIAL INTELLIGENCE READINESS GOALS.**

2 (a) IN GENERAL.—Not later than one year after the
3 date of the enactment of this Act, the Secretary of Defense
4 shall review the potential applications of artificial intel-
5 ligence and digital technology to Department of Defense
6 platforms, processes and operations, and establish per-
7 formance objectives and accompanying metrics for the in-
8 corporation of artificial intelligence and digital readiness
9 into such platforms, processes, and operations.

10 (b) SKILLS GAPS.—As a part of the review required
11 by subsection (a), the Secretary shall direct the military
12 departments and defense components to—

13 (1) conduct a comprehensive review of skill
14 gaps in the fields of software development, software
15 engineering, knowledge management, data science,
16 and artificial intelligence;

17 (2) assess the number and qualifications of ci-
18 vilian personnel needed for both management and
19 specialist tracks in such fields; and

1 (3) establish recruiting, training, and talent
2 management goals to achieve and maintain staffing
3 levels needed to fill identified gaps and meet the De-
4 partment's needs for skilled personnel.

5 (c) REPORT TO CONGRESS.—Not later than 120 days
6 after the completion of the review required by subsection
7 (a), the Secretary shall report to Congress on the findings
8 of the review and any action taken or proposed to be taken
9 by the Secretary to address such findings.



**Amendment to H.R. 4350
National Defense Authorization Act for Fiscal Year 2022**

Offered by: Mr. Smith of Washington

In the appropriate place in the report to accompany H.R. 4350, insert the following new Directive Report Language:

Report on Navy Dry Dock Strategy for Ship Maintenance and Repair

The committee understands that the Navy has made investments to increase dry dock capacity on the west coast of the United States to meet ship repair surge capacity requirements and support the National Defense Strategy. The committee is concerned that a lack of clarity on how these dry docks will be used and administered could have unintended negative consequences on the private sector maintenance and repair industrial base.

Therefore, the committee directs the Secretary of the Navy to provide a report to the House Committee on Armed Services, no later than March 1, 2022, that outlines the Navy's long term plans for its utilization of existing and potential new dry docks on the west coast. The report should address:

- (1) how the Navy will execute a consistent and balanced docking strategy that ensures the health of the private sector maintenance and repair industrial base;
- (2) the conditions under which the Navy plans to utilize surplus dock space on the west coast;
- (3) any additional Navy-owned dry dock assets the Navy plans to locate on the west coast and the planned cost to build and maintain such planned additional dry docks;
- (4) the projected utilization of all dry dock assets (both private and public) through 2026; and
- (5) how the Navy assesses the impact of government investment in additional dry dock capacity on private sector repair and maintenance facilities and these facilities' planning for future upgrades.

**Amendment to H.R. 4350
National Defense Authorization Act for Fiscal Year 2022**

Offered by: Mr. Scott of Georgia

In the appropriate place in the report to accompany H.R. 4350, insert the following new Directive Report Language:

**Chemicals Used for Aircraft Rescue and Firefighting Operations at Civilian and Joint Use
Airport Operations**

The committee recognizes the continuing work of the Department of Defense on important environmental issues relating to the use of Aqueous Film-Forming Foam (AFFF) containing Per-and polyfluoroalkyl (PFAS) chemicals in Aircraft Rescue and Fire Fighting (ARFF) operations at military installations. This work includes environmental remediation and research to develop an effective fire-fighting foam that does not contain PFAS.

Therefore, the committee directs the Secretary of Defense to submit a report to the congressional defense committees by March 1, 2022. The report should address: the coordination between the Department and the FAA with the Joint and Shared Use civilian airports that depend on military-controlled emergency response; the progress towards establishing a formal consultation system to coordinate the review process and final actions on PFAS-containing foam with the Joint and Shared Use Airport operators; and the timeline for the Department of Defense to issue directives on PFAS-containing foam.

AMENDMENT TO H.R. 4350
OFFERED BY MR. LANGEVIN OF RHODE ISLAND

At the appropriate place in title LII insert the following:

1 **SEC. 52 ____. OCCUPATIONAL SERIES FOR DIGITAL CAREER**
2 **FIELDS.**

3 Not later than 270 days after the date of the enact-
4 ment of this Act, the Director of the Office of Personnel
5 Management shall, pursuant to chapter 51 of title 5,
6 United States Code, establish or update one or more occu-
7 pational series covering Federal Government positions in
8 the fields of software development, software engineering,
9 data science, and data management.



AMENDMENT TO H.R. 4350
OFFERED BY MR. WITTMAN OF VIRGINIA

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

1 **SEC. 5 ____ . STANDARDS FOR TRAINING OF SURFACE WAR-**
2 **FARE OFFICERS AND ENLISTED MEMBERS.**

3 (a) ESTABLISHMENT.—Not later than September 30,
4 2022, the Secretary of the Navy shall establish standards
5 and procedures (subject to subsection (b)) by which a
6 Navy surface warfare officer or enlisted member of the
7 Navy who serves in a bridge or engine department may
8 be issued a merchant mariner credential in accordance
9 with part E of subtitle II of title 46, United States Code,
10 including—

11 (1) a merchant mariner credential with a na-
12 tional officer endorsement under section 10.109(a)
13 of title 46, Code Federal Regulations, as in effect on
14 the date of the enactment of this Act;

15 (2) a national rating endorsement under sub-
16 section (b) or (c) of section 10.109 of such title; or

17 (3) a Standards of Training, Certification, and
18 Watchkeeping endorsement under section 10.109 (d)
19 of such title.

1 (b) STRINGENCY.—In no case shall the standards de-
2 scribed in subsection (a) be less stringent than the stand-
3 ards applied by the Army, Military Sealift Command, or
4 Coast Guard vessel operators.

5 (c) REPORT.—Upon establishment under subsection
6 (a), the Secretary of the Navy shall submit to the appro-
7 priate congressional committees a report that updates the
8 military-to-mariner transition provided in response to sec-
9 tion 568 of the National Defense Authorization Act for
10 Fiscal Year 2017 (Public Law 114–328) that includes—

11 (1) a description of the how the training pro-
12 gram for surface warfare officers exceeds the min-
13 imum requirements for a merchant mariner creden-
14 tial with an appropriate endorsement—

15 (A) meets the requirements for a merchant
16 mariner credential with an appropriate endorse-
17 ment; and

18 (B) exceeds such requirements;

19 (2) a list of the proposed naval curriculum
20 courses that have been submitted to the National
21 Maritime Center for course credentialing approval;
22 and

23 (3) a timeline for—

24 (A) all personnel described in subsection

25 (b)(1) to be qualified to be issued merchant

1 mariner credentials with national officer and
2 ratings endorsements; and

3 (B) 50 percent of such personnel to receive
4 such credential with Standards of Training,
5 Certification, and Watchkeeping endorsement.

6 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
7 DEFINED.—In this section, the term “appropriate con-
8 gressional committees” means the following:

9 (1) The congressional defense committees (as
10 that term is defined in section 101 of title 10,
11 United States Code).

12 (2) The Committee on Transportation and In-
13 frastructure of the House of Representatives.

14 (3) The Committee on Commerce, Science, and
15 Transportation of the Senate.



Amendment to H.R. 4350
National Defense Authorization Act for Fiscal Year 2022

Offered by: Mr. Garamendi

In the appropriate place in the report to accompany H.R. 4350, insert the following new Directive Report Language:

Transfer of U.S. Coast Guard HC-130H Aircraft to the State of California

The National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232) directed the Air Force to modify and transfer seven Coast Guard HC-130H aircraft to the State of California, Natural Resources Agency, for use by the Department of Forestry and Fire Protection (CAL FIRE). The Committee notes that the current estimated delivery date for the first Retardant Delivery System (RDS)-modified aircraft is November 2022, with the seventh in June 2023. The committee understands that these aircraft are necessary to California's efforts to fight ongoing and future wildfires. Therefore, the Committee directs the Secretary of the Air Force to provide a briefing to the House Committee on Armed Services by December 1, 2021, on the progress made to deliver these aircraft. The briefing shall include: 1) an assessment of capacity and capability to deliver these aircraft on an accelerated schedule; 2) a cost assessment associated with a potential early delivery schedule; and 3) impact to other programs in the event that the Air Force elects to accelerate delivery of these aircraft.

AMENDMENT TO H.R. 4350
OFFERED BY MS. SPEIER OF CALIFORNIA

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

1 **SEC. 5 ____ . AUTHORITY OF MILITARY JUDGES AND MILI-**
2 **TARY MAGISTRATES TO ISSUE MILITARY**
3 **COURT PROTECTIVE ORDERS.**

4 (a) JUDGE-ISSUED MILITARY COURT PROTECTIVE
5 ORDERS.—Chapter 80 of title 10, United States Code, is
6 amended by adding at the end the following new section:
7 **“§ 1567b. Authority of military judges and military**
8 **magistrates to issue military court pro-**
9 **TECTIVE ORDERS**

10 “(a) AUTHORITY TO ISSUE MILITARY COURT PRO-
11 TECTIVE ORDERS.—The President shall prescribe regula-
12 tions authorizing military judges and military magistrates
13 to issue protective orders in accordance with this section.
14 A protective order issued in accordance with this section
15 shall be known as a ‘military court protective order’.
16 Under the regulations prescribed by the President, mili-
17 tary judges and military magistrates shall have exclusive
18 jurisdiction over the issuance, appeal, renewal, and termi-
19 nation of military court protective orders and such orders

1 may not be issued, appealed, renewed, or terminated by
2 State, local, territorial, or tribal courts.

3 “(b) ENFORCEMENT BY CIVILIAN AUTHORITIES.—

4 “(1) IN GENERAL.—In prescribing regulations
5 for military court protective orders, the President
6 shall seek to ensure that the protective orders are
7 issued in a form and manner that is enforceable by
8 State, local, territorial, and tribal civilian law en-
9 forcement authorities.

10 “(2) FULL FAITH AND CREDIT.—Any military
11 court protective order shall be accorded full faith
12 and credit by the court of a State, local, territorial,
13 or tribal jurisdiction (the enforcing jurisdiction) and
14 enforced by the court and law enforcement personnel
15 of that jurisdiction as if it were the order of the en-
16 forcing jurisdiction.

17 “(3) RECIPROCITY AGREEMENTS.—Consistent
18 with paragraphs (1) and (2), the Secretary of De-
19 fense shall seek to enter into reciprocity agreements
20 with State, local, territorial, and tribal civilian law
21 enforcement authorities under which—

22 “(A) such authorities agree to enforce mili-
23 tary court protective orders; and

1 “(B) the Secretary agrees to enforce pro-
2 protective orders issued by such authorities that
3 are consistent with section 2265(b) of title 18.

4 “(c) PURPOSE AND FORM OF ISSUANCE.—A military
5 court protective order—

6 “(1) may be issued for the purpose of pro-
7 tecting a victim of an alleged covered offense, or a
8 family member or associate of the victim, from a
9 person subject to chapter 47 of this title (the Uni-
10 form Code of Military Justice) who is alleged to
11 have committed such an offense; and

12 “(2) shall include—

13 “(A) a finding regarding whether such per-
14 son represents a credible threat to the physical
15 safety of such alleged victim;

16 “(B) a finding regarding whether the al-
17 leged victim is an intimate partner or child of
18 such person; and

19 “(C) if applicable, terms explicitly prohib-
20 iting the use, attempted use, or threatened use
21 of physical force that would reasonably be ex-
22 pected to cause bodily injury against such inti-
23 mate partner or child.

24 “(d) BURDEN OF PROOF.—In determining whether
25 to issue a military court protective order, a military judge

1 or military magistrate shall make all relevant findings by
2 a preponderance of the evidence. The burden shall be on
3 the party requesting the order to produce sufficient infor-
4 mation to satisfy the preponderance of the evidence stand-
5 ard referred to in the preceding sentence.

6 “(e) TIMING AND MANNER OF ISSUANCE.—A mili-
7 tary court protective order may be issued—

8 “(1) by a military magistrate, before referral of
9 charges and specifications to court-martial for trial,
10 at the request of—

11 “(A) a victim of an alleged covered offense;

12 or

13 “(B) a Special Victims’ Counsel or other
14 qualified counsel acting on behalf of the victim;

15 or

16 “(2) by a military judge, after referral of
17 charges and specifications to court-martial for trial,
18 at the request of qualified counsel, which may in-
19 clude a Special Victims’ Counsel acting on behalf of
20 the victim or trial counsel acting on behalf of the
21 prosecution.

22 “(f) DURATION AND RENEWAL OF PROTECTIVE
23 ORDER.—

24 “(1) DURATION.—A military court protective
25 order shall be issued for an initial period of up to

1 180 days and may be reissued for one or more addi-
2 tional periods, each of which may be up to 180 days,
3 in accordance with paragraph (2).

4 “(2) EXPIRATION AND RENEWAL.—Before the
5 expiration of any period during which a military
6 court protective order is in effect, a military judge
7 or military magistrate shall review the order to de-
8 termine whether the order will terminate at the expi-
9 ration of such period or be reissued for an additional
10 period of up to 180 days.

11 “(3) NOTICE TO PROTECTED PERSONS.—If a
12 military judge or military magistrate determines
13 under paragraph (2) that a military court protective
14 order will terminate, the judge or magistrate con-
15 cerned shall direct that each person protected by the
16 order be provided with reasonable, timely, and accu-
17 rate notification of the termination.

18 “(g) REVIEW OF MAGISTRATE-ISSUED ORDERS.—

19 “(1) REVIEW.—A military judge, at the request
20 of the person subject to a military court protective
21 order that was issued by a military magistrate, may
22 review the order to determine if the order was prop-
23 erly issued by the magistrate.

24 “(2) STANDARDS OF REVIEW.—A military
25 judge who reviews an order under paragraph (1)

1 shall terminate the order if the judge determines
2 that—

3 “(A) the military magistrate’s decision to
4 issue the order was an abuse of discretion, and
5 there is not sufficient information presented to
6 the military judge to justify the order; or

7 “(B) information not presented to the mili-
8 tary magistrate establishes that the military
9 court protective order should be terminated.

10 “(h) DUE PROCESS.—

11 “(1) PROTECTION OF DUE PROCESS.—Except
12 as provided in paragraph (2), a protective order au-
13 thorized under subsection (a) may be issued only
14 after reasonable notice and opportunity to be heard
15 and to present evidence, directly or through counsel,
16 is given to the person against whom the order is
17 sought sufficient to protect that person’s right to
18 due process.

19 “(2) EMERGENCY ORDERS.—A protective order
20 on an emergency basis may be issued on an ex parte
21 basis under such rules and limitations as the Presi-
22 dent shall prescribe. In the case of ex parte orders,
23 notice and opportunity to be heard and to present
24 evidence must be provided within a reasonable time
25 not to exceed 30 calendar days after the date on

1 which the order is issued, sufficient to protect the
2 respondent's due process rights.

3 “(i) RIGHTS OF VICTIM.—The victim of an alleged
4 covered offense who seeks a military court protective order
5 has, in addition to any rights provided under section 806b
6 (article 6b), the following rights with respect to any pro-
7 ceeding involving the protective order:

8 “(1) The right to reasonable, accurate, and
9 timely notice of the proceeding and of any change in
10 the status of the protective order resulting from the
11 proceeding.

12 “(2) The right to be reasonably heard at the
13 proceeding.

14 “(3) The right to appear in person, with or
15 without counsel, at the proceeding.

16 “(4) The right be represented by qualified
17 counsel in connection with the proceeding, which
18 may include a Special Victims' Counsel.

19 “(5) The reasonable right to confer with a rep-
20 resentative of the command of the accused and
21 counsel representing the government at the pro-
22 ceeding, as applicable.

23 “(6) The right to submit a written statement,
24 directly or through counsel, for consideration by the

1 military judge or military magistrate presiding over
2 the proceeding.

3 “(j) RESTRICTIONS ON ACCESS TO FIREARMS.—

4 “(1) IN GENERAL.—Notwithstanding any other
5 provision of law—

6 “(A) a military court protective order
7 issued on an ex parte basis shall restrain a per-
8 son from possessing, receiving, or otherwise ac-
9 cessing a firearm; and

10 “(B) a military court protective order
11 issued after the person to be subject to the
12 order has received notice and opportunity to be
13 heard on the order, shall restrain such person
14 from possessing, receiving, or otherwise access-
15 ing a firearm in accordance with section 922 of
16 title 18.

17 “(2) NOTICE TO ATTORNEYS GENERAL.—

18 “(A) NOTICE OF ISSUANCE.—Not later
19 than 72 hours after the issuance of an order
20 described in paragraph (1), the Secretary con-
21 cerned shall submit a record of the order—

22 “(i) to the Attorney General of the
23 United States; and

1 “(ii) to the Attorney General of the
2 State or Territory in which the order is
3 issued

4 “(B) NOTICE OF RECISSION OR EXPIRA-
5 TION.—Not later than 72 hours after the
6 recession or expiration of an order described in
7 paragraph (1), the Secretary concerned shall
8 submit notice of such recession or expiration to
9 the Attorneys General specified in subpara-
10 graph (A).

11 “(k) TREATMENT AS LAWFUL ORDER.—A military
12 court protective order shall be treated as a lawful order
13 for purposes of the application of section 892 (article 92)
14 and a violation of such an order shall be punishable under
15 such section (article).

16 “(l) COMMAND MATTERS.—

17 “(1) INCLUSION IN PERSONNEL FILE.—Any
18 military court protective order against a member
19 shall be placed and retained in the military per-
20 sonnel file of the member, except that such protec-
21 tive order shall be removed from the military per-
22 sonnel file of the member if the member is acquitted
23 of the offense to which the order pertains, it is de-
24 termined that the member did not commit the act

1 giving rise to the protective order, or it is deter-
2 mined that the protective order was issued in error.

3 “(2) NOTICE TO CIVILIAN LAW ENFORCEMENT
4 OF ISSUANCE.—Any military court protective order
5 against a member shall be treated as a military pro-
6 tective order for purposes of section 1567a including
7 for purposes of mandatory notification of issuance to
8 Federal and State civilian law enforcement agencies
9 as required by that section.

10 “(m) RELATIONSHIP TO OTHER AUTHORITIES.—
11 Nothing in this section may be construed as prohibiting—

12 “(1) a commanding officer from issuing or en-
13 forcing any otherwise lawful order in the nature of
14 a protective order to or against members of the offi-
15 cer’s command;

16 “(2) pretrial restraint in accordance with Rule
17 for Courts-Martial 304 (as set forth in the Manual
18 for Courts-Martial, 2019 edition, or any successor
19 rule); or

20 “(3) pretrial confinement in accordance with
21 Rule for Courts-Martial 305 (as set forth in the
22 Manual for Courts-Martial, 2019 edition, or any suc-
23 cessor rule).

24 “(n) DELIVERY TO CERTAIN PERSONS.—A physical
25 and electronic copy of any military court protective order

1 shall be provided, as soon as practicable after issuance,
2 to the following:

3 “(1) The person or persons protected by the
4 protective order or to the guardian of such a person
5 if such person is under the age of 18 years.

6 “(2) The person subject to the protective order.

7 “(3) To such commanding officer in the chain
8 of command of the person subject to the protective
9 order as the President shall prescribe for purposes
10 of this section.

11 “(o) DEFINITIONS.—In this section:

12 “(1) CONTACT.—The term ‘contact’ includes
13 contact in person or through a third party, or
14 through gifts,

15 “(2) COMMUNICATION.—The term ‘communica-
16 tion’ includes communication in person or through a
17 third party, and by telephone or in writing by letter,
18 data fax, or other electronic means.

19 “(3) COVERED OFFENSE.—The term ‘covered
20 offense’ means the following:

21 “(A) An alleged offense under section 920,
22 920a, 920b, 920c, or 920d of this title (article
23 120, 120a, 120b, 120c, or 120d of the Uniform
24 Code of Military Justice).

1 “(B) An alleged offense of stalking under
2 section 930 of this title (article 130 of the Uni-
3 form Code of Military Justice).

4 “(C) An alleged offense of domestic vio-
5 lence under section 928b of this title (article
6 128b of the Uniform Code of Military Justice).

7 “(D) A conspiracy to commit an offense
8 specified in subparagraphs (A) through (C) as
9 punishable under section 881 of this title (arti-
10 cle 81 of the Uniform Code of Military Justice).

11 “(E) A solicitation to commit an offense
12 specified in subparagraphs (A) through (C) as
13 punishable under section 882 of this title (arti-
14 cle 82 of the Uniform Code of Military Justice).

15 “(F) An attempt to commit an offense
16 specified in subparagraphs (A) through (C) as
17 punishable under section 880 of this title (arti-
18 cle 80 of the Uniform Code of Military Justice).

19 “(4) MILITARY JUDGE AND MILITARY MAG-
20 ISTRATE.—The terms ‘military judge’ and ‘military
21 magistrate’ mean a commissioned officer of the
22 armed forces who is a member of the bar of a Fed-
23 eral court or a member of the bar of the highest
24 court of a State and who is certified to be qualified,
25 by reason of education, training, experience, and ju-

1 dicial temperament, for duty as a military judge or
2 magistrate by the Judge Advocate General of the
3 armed force of which the officer is a member.

4 “(5) PROTECTIVE ORDER.—The term ‘protec-
5 tive order’ means an order that—

6 “(A) restrains a person from harassing,
7 stalking, threatening, or otherwise contacting or
8 communicating with a victim of an alleged cov-
9 ered offense, or a family member or associate of
10 the victim, or engaging in other conduct that
11 would place such other person in reasonable
12 fear of bodily injury to any such other person;

13 “(B) by its terms, explicitly prohibits—

14 “(i) the use, attempted use, or threat-
15 ened use of physical force by the person
16 against a victim of an alleged covered of-
17 fense, or a family member or associate of
18 the victim, that would reasonably be ex-
19 pected to cause bodily injury;

20 “(ii) the initiation by the person re-
21 strained of any contact or communication
22 with such other person;

23 “(iii) any other behavior by the person
24 restrained that the court deems necessary
25 to provide for the safety and welfare of the

1 victim of an alleged covered offense, or a
2 family member or associate of the victim;
3 or

4 “(iv) actions described by any of
5 clauses (i) through (iii).

6 “(6) SPECIAL VICTIMS’ COUNSEL.—The term
7 ‘Special Victims Counsel’ means a Special Victims’
8 Counsel described in section 1044e and includes a
9 Victims’ Legal Counsel of the Navy.”.

10 (b) CLERICAL AMENDMENT.—The table of sections
11 at the beginning of such chapter is amended by adding
12 at the end the following new item:

“1567b. Authority of military judges and military magistrates to issue military
court protective orders.”.

13 (c) IMPLEMENTATION.—The President shall pre-
14 scribe regulations implementing section 1567b of title 10,
15 United States Code (as added by subsection (a)), by not
16 later than one year after the date of the enactment of this
17 Act.



AMENDMENT TO H.R. 4350
OFFERED BY MR. NORCROSS OF NEW JERSEY

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

1 **SEC. 8 ____ . MINIMUM WAGE FOR EMPLOYEES OF DEPART-**
2 **MENT OF DEFENSE CONTRACTORS.**

3 (a) IN GENERAL.—

4 (1) MINIMUM WAGE FOR EMPLOYEES OF DE-
5 PARTMENT OF DEFENSE CONTRACTORS.—Chapter
6 141 of title 10, United States Code is amended by
7 inserting after section 2402 the following new sec-
8 tion:

9 **“§ 2403. Minimum wage for employees of Department**
10 **of Defense contractors**

11 “(a) IN GENERAL.—Notwithstanding section 6 of the
12 Fair Labor Standards Act of 1938 (29 U.S.C. 206), an
13 employee of a Department of Defense contractor per-
14 forming a covered contract who is paid at an hourly rate
15 shall be paid a minimum wage as follows:

16 “(1) Beginning January 30, 2022, \$15.00 an
17 hour.

1 “(2) Beginning January 1, 2023, at a minimum
2 wage determined annually by the Secretary, except
3 such wage may not be less than \$15.00 an hour.

4 “(b) COVERED CONTRACT DEFINED.—In this sec-
5 tion, the term ‘covered contract’ means a contract or other
6 agreement entered into on or after January 30, 2022,
7 that—

8 “(1) is for the procurement of services or con-
9 struction; and

10 “(2) with respect to which wages under such
11 contract or other agreement are subject to—

12 “(A) the Fair Labor Standards Act of
13 1938 (29 U.S.C. 201 et seq.);

14 “(B) section 6702 of title 41; or

15 “(C) subchapter IV of chapter 31 of title
16 40 (known as the ‘Davis-Bacon Act’).”.

17 (2) CLERICAL AMENDMENT.—The table of sec-
18 tions at the beginning of such chapter is amended
19 by inserting after the item relating to section 2042
20 the following new item:

 “2403. Minimum wage for employees of Department of Defense contractors.”.

21 (b) RULEMAKING.—Not later than January 30,
22 2022, the Secretary of Defense shall issue rules to carry
23 out the requirement of section 2403 of title 10, United
24 States Code, as added by subsection (a).



AMENDMENT TO H.R. 4350
OFFERED BY MS. ESCOBAR OF TEXAS

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

1 **SEC. 8 ____ . ADDITIONAL TESTING OF COMMERCIAL E-COM-**
2 **MERCE PORTAL MODELS.**

3 Section 846(c) of the National Defense Authorization
4 Act for Fiscal Year 2018 (41 U.S.C. 1901 note) is amend-
5 ed by adding at the end the following new paragraphs:

6 “(4) **ADDITIONAL TESTING.**—Not later than 90
7 days after the date of the enactment of this para-
8 graph, the Administrator shall—

9 “(A) begin testing commercial e-commerce
10 portal models other than any commercial e-com-
11 merce portal identified in the recommendations
12 issued under paragraph (3); and

13 “(B) shall submit to the congressional de-
14 fense committees a report that includes—

15 “(i) a summary of the assessments
16 conducted under subsection (c)(2) with re-
17 spect to a commercial e-commerce portal
18 provider identified in the recommendations
19 issued under subsection (c)(3);

1 “(ii) a list of the types of commercial
2 products procured from such provider;

3 “(iii) the amount spent by the head of
4 a department or agency under the pro-
5 gram, disaggregated by type of commercial
6 product and commercial e-commerce portal
7 provider;

8 “(iv) a update on the commercial e-
9 commerce portal models being tested and a
10 timeline for completion of such testing.

11 “(5) REPORT.—Upon completion of testing con-
12 ducted under **【subsection (X)】** and before taking
13 any action with respect to the commercial e-com-
14 merce portal models tested, the Administrator of
15 General Services shall submit to the congressional
16 defense committees a report on the results of such
17 testing that includes—

18 “(A) an assessment and comparison of
19 commercial e-commerce portal providers with
20 respect to—

21 “(i) price and quality of the commer-
22 cial product supplied by each commercial
23 e-commerce portal model

24 “(ii) supplier reliability and service;

1 “(iii) safeguards for the security of
2 Government information and third-party
3 supplier proprietary information;

4 “(iv) protections against counterfeit
5 commercial products;

6 “(v) supply chain risks, particularly
7 with respect to complex commercial prod-
8 ucts; and

9 “(vi) overall adherence to Federal pro-
10 curement rules and policies; and

11 “(B) an analysis of the costs and benefits
12 of the convenience to the Federal Government
13 of procuring commercial products from each
14 commercial e-commerce portal providers.”.



AMENDMENT TO H.R. 4350

OFFERED BY MR. BROOKS

(funding table amendment)

In section 4201 of division D, relating to Research, Development, Test, and Evaluation, Office of the Secretary of Defense, increase the amount for Advanced Innovative Technologies, Line 104, by \$8,000,000.

In section 4201 of division D, relating to Operation and Maintenance, Air Force, reduce the amount for Depot Purchase Equipment Maintenance, Line 040, by \$8,000,000.

AMENDMENT TO H.R. 4350
OFFERED BY MR. ROGERS OF ALABAMA

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

1 **SEC. 12__ . CLARIFICATION OF REQUIRED BUDGET INFOR-**
2 **MATION RELATED TO THE INDO-PACIFIC.**

3 Section 1251(e) of the National Defense Authoriza-
4 tion Act for Fiscal Year 2021 (Public Law 116–283) is
5 amended by adding at the end the following:

6 “(10) A description of the manner and extent
7 to which the amounts, summaries, and comparisons
8 required by this subsection directly address the
9 items identified in—

10 “(A) the independent assessment required
11 under section 1253 of the National Defense Au-
12 thorization Act for Fiscal Year 2020 (Public
13 Law 116-92); and

14 “(B) the plan required by subsection (d).”.



AMENDMENT TO H.R. 4350
OFFERED BY MS. SPEIER OF CALIFORNIA

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

1 **SEC. 5 ____ . COMMANDING OFFICER'S NON-JUDICIAL PUN-**
2 **ISHMENT.**

3 (a) IN GENERAL.—Section 815 of title 10, United
4 States Code (article 15 of the Uniform Code of Military
5 Justice), is amended—

6 (1) by redesignating subsections (e) through (g)
7 as subsections (d) through (h), respectively;

8 (2) by inserting after subsection (b), the fol-
9 lowing new subsection:

10 “(c)(1) Except as provided in paragraphs (2) and (3),
11 a commanding officer may not impose a punishment au-
12 thorized in subsection (b) unless, before the imposition of
13 such punishment, the commanding officer—

14 “(A) requests and receives legal guidance re-
15 garding the imposition of such punishment from a
16 judge advocate or other legal officer of the armed
17 force of which the commanding officer is a member;
18 and

1 “(B) provides the member who may be subject
2 to such punishment with an opportunity to consult
3 appropriate legal counsel.

4 “(2) Paragraph (1) shall not apply to the punish-
5 ments specified in subparagraphs (E) and (F) of sub-
6 section (b)(2).

7 “(3) A commanding officer may waive the require-
8 ments set forth in subparagraphs (A) and (B) of para-
9 graph (1), on a case by case basis, if the commanding offi-
10 cer determines such a waiver is necessary in the national
11 security interests of the United States.”; and

12 (3) in subsection (f), as so redesignated, by
13 striking “subsection (d)” and inserting “subsection
14 (e)”.

15 (b) **EFFECTIVE DATE AND APPLICABILITY.**—The
16 amendments made by subsection (a) shall take effect 180
17 days after the date of the enactment of this Act and shall
18 apply with respect to punishments imposed under section
19 815 of title 10, United States Code (article 15 of the Uni-
20 form Code of Military Justice), on or after such effective
21 date.

22 (c) **ADDITIONAL GUIDANCE REQUIRED.**—Not later
23 than one year after the date of the enactment of this Act,
24 each Secretary of a military department shall prescribe
25 regulations or issue other written guidance with respect

1 to non-judicial punishment under section 815 of title 10,
2 United States Code (article 15 of the Uniform Code of
3 Military Justice) that—

4 (1)(A) identifies criteria to be considered when
5 determining whether a member of the armed forces
6 is attached to or embarked in a vessel for the pur-
7 poses of determining whether such member may de-
8 mand trial by court-martial in lieu of punishment
9 under such section (article); and

10 (B) establishes a policy about the appropriate
11 and responsible invocation of such exception; and

12 (2) establishes criteria commanders must con-
13 sider when evaluating whether to issue a waiver
14 under subsection (c)(3) of such section (article) (as
15 added by subsection (a) of this section) on the basis
16 of the national security interests of the United
17 States.



AMENDMENT TO H.R. 4350
OFFERED BY MS. SPEIER OF CALIFORNIA

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

1 **SEC. 5 ____ . PUNITIVE ARTICLE ON VIOLENT EXTREMISM.**

2 (a) VIOLENT EXTREMISM.—

3 (1) IN GENERAL.—Subchapter X of chapter 47
4 of title 10, United States Code, is amended by in-
5 sserting after section 916 (article 116 of the Uniform
6 Code of Military Justice) the following new section
7 (article):

8 **“§ 916a. Art. 116a. violent extremism**

9 “(a) PROHIBITION.—Any person subject to this chap-
10 ter who—

11 “(1) knowingly commits a covered offense
12 against—

13 “(A) the Government of the United States;

14 or

15 “(B) any person or class of people;

16 “(2)(A) with the intent to intimidate or coerce
17 any person or class of people; or

1 “(B) with the intent to influence, affect, or re-
2 taliatiate against the policy or conduct of the Govern-
3 ment of the United States or any State; and

4 “(3) does so—

5 “(A) to achieve political, ideological, reli-
6 gious, social, or economic goals; or

7 “(B) in the case of an act against a person
8 or class of people, for reasons relating to the
9 race, religion, color, ethnicity, sex, age, dis-
10 ability status, national origin, sexual orienta-
11 tion, or gender identity of the person or class
12 of people concerned;

13 is guilty of violent extremism and shall be punished
14 as a court-martial may direct.

15 “(b) ATTEMPTS, SOLICITATION, AND CONSPIRACY.—

16 Any person who attempts, solicits, or conspires to commit
17 an offense under this section shall be punished in the same
18 manner as a person who completes the offense.

19 “(c) DEFINITIONS.—In this section:

20 “(1) COVERED OFFENSE.—The term ‘covered
21 offense’ means—

22 “(A) loss, damage, destruction, or wrongful
23 disposition of military property of the United
24 States, in violation of section 908 of this title
25 (article 108);

1 “(B) waste, spoilage, or destruction of
2 property other than military property of the
3 United States, in violation of section 909 of this
4 title (article 109);

5 “(C) communicating threats, in violation of
6 section 915 of this title (article 115);

7 “(D) riot or breach of peace, in violation of
8 section 916 of this title (article 116);

9 “(E) provoking speech or gestures, in vio-
10 lation of section 917 of this title (article 117);

11 “(F) murder, in violation of section 918 of
12 this title (article 118);

13 “(G) manslaughter, in violation of section
14 919 of this title (article 119);

15 “(H) larceny or wrongful appropriation, in
16 violation of section 921 of this title (article
17 121);

18 “(I) robbery, in violation of section 922 of
19 this title (article 122);

20 “(J) kidnapping, in violation of section
21 925 of this title (article 125);

22 “(K) assault, in violation of section 928 of
23 this title (article 128);

24 “(L) conspiracy to commit an offense spec-
25 ified in any of subparagraphs (A) through (K),

1 as punishable under section 881 of this title
2 (article 81);

3 “(M) solicitation to commit an offense
4 specified in any of subparagraphs (A) through
5 (K), as punishable under section 882 of this
6 title (article 82); or

7 “(N) an attempt to commit an offense
8 specified in any of subparagraphs (A) through
9 (K), as punishable under section 880 of this
10 title (article 80).

11 “(2) STATE.—The term ‘State’ includes any
12 State of the United States, the District of Columbia,
13 the Commonwealth of Puerto Rico, and any other
14 possession or territory of the United States.”.

15 (2) CLERICAL AMENDMENT.—The table of sec-
16 tions at the beginning of such subchapter is amend-
17 ed by inserting after the item relating to section 916
18 (article 116) the following new item:

“916a. 116a. Violent extremism.”.

19 (b) EFFECTIVE DATE.—The amendments made by
20 subsection (a) shall take effect on the date of the enact-
21 ment of this Act and shall apply to offenses committed
22 on or after such date.



AMENDMENT TO H.R. 4350
OFFERED BY MR. VEASEY OF TEXAS

In section 141 (Log 73002)—

(1) strike “2026” each place it appears and insert “2028”;

(2) strike “2025” each place it appears and insert “2027”;

(3) redesignate subsection (f) as subsection (g);
and

(4) insert after subsection (e) the following:

1 (f) WAIVER AUTHORITY.—The Secretary of Defense
2 may waive the quantity limits under any of subsections
3 (a) through (d) if, prior to issuing such a waiver, the Sec-
4 retary certifies to the congressional defense committees
5 that procuring additional quantities of a variant of an F-
6 35 aircraft above the applicable quantity limit are required
7 to meet the national military strategy requirements of the
8 combatant commanders. The authority of the Secretary
9 under this subsection may not be delegated.



AMENDMENT TO H.R. 4350
OFFERED BY MS. SPEIER OF CALIFORNIA

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

1 **SEC. 5 ____ . RIGHTS OF THE VICTIM OF AN OFFENSE UNDER**
2 **THE UNIFORM CODE OF MILITARY JUSTICE.**

3 (a) IN GENERAL.—Section 806b(a) of title 10,
4 United States Code (article 6b(a) of the Uniform Code
5 of Military Justice) is amended—

6 (1) by redesignating paragraph (8) as para-
7 graph (9); and

8 (2) by inserting after paragraph (7) the fol-
9 lowing new paragraph:

10 “(8) The right to be informed in a timely man-
11 ner of any pre-trial agreement, separation-in-lieu-of-
12 trial agreement, or non-prosecution agreement relat-
13 ing to the offense, unless providing such information
14 would jeopardize another law enforcement pro-
15 ceeding or would violate the privacy concerns of an
16 individual other than the accused.”.

17 (b) POLICY ON INFORMATION PROVIDED TO VIC-
18 TIMS.—

1 (1) UNIFORM POLICY REQUIRED.—Not later
2 than one year after the date of the enactment of this
3 Act, the Secretary of Defense, in consultation with
4 the Secretary of the Department in which the Coast
5 Guard is operating, shall establish a uniform policy
6 for the sharing of the following information relating
7 to the victim of an offense under chapter 47 of title
8 10, United States Code (the Uniform Code of Mili-
9 tary Justice), with a Special Victims' Counsel or
10 Victims' Legal Counsel representing such victim:

11 (A) Any recorded statements of the victim
12 to investigators.

13 (B) The record of any forensic examination
14 of the person or property of the victim, includ-
15 ing the record of any sexual assault forensic
16 exam of the victim that is in possession of in-
17 vestigators or the Government.

18 (C) Any other personal or medical record
19 of the victim that is in the possession of inves-
20 tigators or the Government.

21 (2) EXCEPTION FOR WITHHOLDING OF INFOR-
22 MATION IN CERTAIN CIRCUMSTANCES.—The policy
23 under paragraph (1) may set forth circumstances in
24 which the information specified in such paragraph

1 may be withheld for the purpose of protecting the
2 integrity of an investigation or criminal proceeding.



AMENDMENT TO H.R. 4350
OFFERED BY MS. STEFANIK OF NEW YORK

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

1 **SEC. 16 ____ . AUTHORITY OF UNDER SECRETARY OF DE-**
2 **FENSE FOR INTELLIGENCE AND SECURITY**
3 **TO ENGAGE IN FUNDRAISING FOR CERTAIN**
4 **NONPROFIT ORGANIZATIONS.**

5 Section 422 of title 10, United States Code, is
6 amended by adding at the end the following new sub-
7 section:

8 “(c) FUNDRAISING.—(1) The Under Secretary of De-
9 fense for Intelligence and Security may engage in fund-
10 raising in an official capacity for the benefit of nonprofit
11 organizations that provide support—

12 “(A) to surviving dependents of deceased em-
13 ployees of the Defense Intelligence Enterprise; or

14 “(B) for the welfare, education, or recreation of
15 employees and former employees of the Defense In-
16 telligence Enterprise and the dependents of such em-
17 ployees and former employees.

18 “(2) The Under Secretary may delegate the authority
19 under paragraph (1) to—

1 “(A) the heads of the components of the De-
2 partment of Defense that are elements of the intel-
3 ligence community;

4 “(B) the senior intelligence officers of the
5 Armed Forces and the regional and functional com-
6 batant commands;

7 “(C) the Director for Intelligence of the Joint
8 Chiefs of Staff; and

9 “(D) the senior officials of other elements of
10 the Department of Defense that perform intelligence
11 functions.

12 “(3) Not later than seven days after the date on
13 which the Under Secretary or an official specified in para-
14 graph (2) engages in fundraising pursuant to paragraph
15 (1), or at the time at which the Under Secretary or an
16 official makes a determination to engage in such fund-
17 raising, the Under Secretary shall notify the appropriate
18 congressional committees of such fundraising.

19 “(4) In this subsection:

20 “(A) The term ‘appropriate congressional com-
21 mittees’ means—

22 “(i) the Committees on Armed Services of
23 the House of Representatives and the Senate;
24 and

1 “(ii) the Permanent Select Committee on
2 Intelligence of the House of Representatives
3 and the Select Committee on Intelligence of the
4 Senate.

5 “(B) The term ‘Defense Intelligence Enterprise’
6 has the meaning given that term in section
7 426(b)(4)(B) of this title.

8 “(C) The term ‘fundraising’ means the raising
9 of funds through the active participation in the pro-
10 motion, production, or presentation of an event de-
11 signed to raise funds and does not include the direct
12 solicitation of money by any other means.

13 “(D) The term ‘intelligence community’ has the
14 meaning given that term in section 3 of the National
15 Security Act of 1947 (50 U.S.C. 3003).”.



AMENDMENT TO H.R. 4350
OFFERED BY MS. SPEIER OF CALIFORNIA

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

1 **SEC. 5 ____ . SELECTION PROCESS FOR MEMBERS TO SERVE**
2 **ON COURTS-MARTIAL.**

3 Section 825(e) of title 10, United States Code (article
4 25(e) of the Uniform Code of Military Justice), is amend-
5 ed—

6 (1) by redesignating paragraphs (1), (2), and
7 (3) as paragraphs (3), (4), and (5), respectively;

8 (2) by inserting before paragraph (3), as so re-
9 designated, the following new paragraphs: “(1)
10 When convening a court-martial, the convening au-
11 thority shall detail as members thereof members of
12 the armed forces under such regulations as the
13 President may prescribe for the randomized selection
14 of qualified personnel available to the convening au-
15 thority for detail.

16 “(2) The randomized selection process developed and
17 implemented under paragraph (1) may include parameter
18 controls that—

1 “(A) allow for exclusions based on scheduling
2 availability;

3 “(B) allow for controls based on military rank;
4 and

5 “(C) allow for controls to promote gender, ra-
6 cial, and ethnic diversity and inclusion.”; and

7 (3) in paragraph (4), as so redesignated, by—

8 (A) striking the first sentence; and

9 (B) striking “when he is” and inserting

10 “when the member is”.



Amendment to H.R. 4350 National Defense Authorization Act for Fiscal Year 2022

Offered by: Mr. Rogers

In the appropriate place in the report to accompany H.R. 4350, insert the following new Directive Report Language:

Sustaining Deterrence in Europe

The Committee asserts that sustained deterrence against Russian aggression on Europe's eastern flank is an essential element of our global posture. Further, it is more critical than ever that the United States demonstrate a continuing commitment to its alliances and partnerships in Europe.

The Committee asserts that there is operational and strategic value in permanent forward presence and in some locations where it is most appropriate, continued rotational presence. Forward-positioned forces:

- a. reduce time and space limitations by providing rapid response capabilities to geographic combatant commanders;
- b. serve as a deterrent to potential adversaries while assuring partners and allies;
- c. can reduce cost, given that the use of rotational forces encumbers at least three units to support the one rotation: the unit currently performing the rotational mission, the unit training to assume the rotational mission, and the unit undergoing reset after completing the rotational mission, so that the financial costs of supporting "heel-to-toe" rotational units over several years may be greater than correlating costs for permanently forward-stationed units;
- d. can enable increased deterrence in multiple theaters given the three-to-one ratio of units required to sustain rotational deployments, so that permanent forces can facilitate greater deterrent focus using a comparable amount of forces;
- e. enable U.S. forces to develop and sustain expertise on the terrain, supporting infrastructure, sustainable lines of communication, and regional security forces in the region, while building closer relationships with ally and partner forces, and improved understanding of the cultural and regional context in which deterrence and potential conflict occur;

- f. benefit military families by enabling families to accompany service members on deployments and reducing the wear and tear on service members and their family relations inherent in a constant rotational redeployment and training cycle;
- g. facilitate cooperative efforts to build and develop partner country security capabilities; and
- h. help mitigate contested logistics risks and vulnerabilities inherent to rotational forces.

Moreover, the Committee notes that since Fiscal Year 2016, and nearly every year thereafter, Congress has consistently advocated for an approach to U.S. defense posture in Europe that includes a greater emphasis on permanent forward-positioned forces. Due to these factors, the Committee asserts that it may best serve the United States operational and strategic interests to maintain additional permanently stationed forces on Europe's eastern periphery, in order to: provide rapid response capabilities; deter potential adversaries; assure partners and allies; enhance U.S. forces understanding of the local environment; reduce cost; free up logistical resources to enhance U.S. forward presence in multiple theaters where closer relationships and enhanced deterrence are needed; counter the challenges inherent in deployment from the continental United States to a contested logistics environment; and facilitate cooperative efforts to build and develop partner-nation security capabilities.

Therefore, the Committee directs the Secretary of Defense, in consultation with the service secretaries, to submit a report to the congressional defense committees not later than March 15, 2022, on the Department's strategy for enhancing the United States forward presence on NATO's eastern periphery, to include assessments of possibilities for potential force structure enhancements at a minimum in Romania, Poland, and the Baltic states, along with options for enhanced deterrent posture in Ukraine. The report shall include, (1) an assessment of the impact on deterrence of increased forward presence; (2) an assessment of the impact on relationships with allies and partners in the region that would result from increased forward presence; (3) a comparative assessments of the costs and benefits of increased permanent forces versus rotational forces; (4) an assessment of the synergies that might be implemented via additional presence and participation of other allied and partner forces; (5) the current and potential state of host nation contributions to collective defense and any synergies with potential enhanced U.S. posture; (5) the impact of forward positioned forces versus rotational forces on mitigating contested logistics risks; (6) the feasibility of deploying forces to train and advise in their defense against active Russian-backed aggression; (7) any other information the Secretary deems relevant.

AMENDMENT TO H.R. 4350

OFFERED BY MR. WALTZ OF FLORIDA

(funding table amendment)

In section 4201 of division D, relating to Research, Development, Test, and Evaluation, Air Force, increase the amount for Threat Simulator Development, Line 124, by \$5,000,000, for the purpose of Commercial Physics-Based Simulation and Modeling Technology.

In section 4301 of division D, relating to Operation & Maintenance, Defense-Wide, reduce the amount for Washington Headquarters Services, Line 570, by \$5,000,000.

AMENDMENT TO H.R. 4350
OFFERED BY MR. COURTNEY OF CONNECTICUT

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

1 **SEC. 35 ____ . PROHIBITION ON PARTICIPATION OF LONG**
2 **TERM CHARTERS IN TANKER SECURITY**
3 **FLEET.**

4 (a) DEFINITION OF LONG TERM CHARTER.—Section
5 53401 of title 46, United States Code, is amended by add-
6 ing at the end the following new paragraph:

7 “(8) LONG TERM CHARTER.—The term ‘long
8 term charter’ means any time charter of a product
9 tank vessel to the United States Government that
10 together with options is for more than 180 days.”.

11 (b) PARTICIPATION OF LONG TERM CHARTERS IN
12 TANKER SECURITY FLEET.—Section 53404(b) of such
13 title is amended—

14 (1) by striking “The program participant of a”
15 and inserting “Any”;

16 (2) by inserting “long term” before “charter”;

17 (3) by inserting “not” before “eligible”; and

1 (4) by striking “receive payments pursuant to
2 any operating agreement that covers such vessel”
3 and inserting “participate in the Fleet”.



AMENDMENT TO H.R. 4350
OFFERED BY MS. SPEIER OF CALIFORNIA

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

1 **SEC. 5 ____ . PETITION FOR DNA TESTING UNDER THE UNI-**
2 **FORM CODE OF MILITARY JUSTICE.**

3 (a) IN GENERAL.—Subchapter IX of chapter 47 of
4 title 10, United States Code (the Uniform Code of Military
5 Justice), is amended by inserting after section 873 (article
6 73) the following new section (article):

7 **“§ 873a. Art. 73a. Petition for DNA testing**

8 “(a) IN GENERAL.—Upon a written petition by an
9 accused sentenced to imprisonment or death pursuant to
10 a conviction under this chapter (referred to in this section
11 as the ‘applicant’), the Judge Advocate General shall order
12 DNA testing of specific evidence if the Judge Advocate
13 General finds that all of the following apply:

14 “(1) The applicant asserts, under penalty of
15 perjury, that the applicant is actually innocent of
16 the offense for which the applicant is sentenced to
17 imprisonment or death.

18 “(2) The specific evidence to be tested was se-
19 cured in relation to the investigation or prosecution

1 of the offense referenced in the applicant's assertion
2 under paragraph (1).

3 “(3) The specific evidence to be tested—

4 “(A) was not previously subjected to DNA
5 testing and the applicant did not knowingly fail
6 to request DNA testing of that evidence in a
7 prior motion for postconviction DNA testing; or

8 “(B) was previously subjected to DNA
9 testing and the applicant is requesting DNA
10 testing using a new method or technology that
11 is substantially more probative than the prior
12 DNA testing.

13 “(4) The specific evidence to be tested is in the
14 possession of the Government and has been subject
15 to a chain of custody and retained under conditions
16 sufficient to ensure that such evidence has not been
17 substituted, contaminated, tampered with, replaced,
18 or altered in any respect material to the proposed
19 DNA testing.

20 “(5) The proposed DNA testing is reasonable in
21 scope, uses scientifically sound methods, and is con-
22 sistent with accepted forensic practices.

23 “(6) The applicant identifies a theory of de-
24 fense that—

1 “(A) is not inconsistent with an affirmative
2 defense presented at trial; and

3 “(B) would establish the actual innocence
4 of the applicant of the offense referenced in the
5 applicant’s assertion under paragraph (1).

6 “(7) If the applicant was convicted following a
7 trial, the identity of the perpetrator was at issue in
8 the trial.

9 “(8) The proposed DNA testing of the specific
10 evidence may produce new material evidence that
11 would—

12 “(A) support the theory of defense ref-
13 erenced in paragraph (6); and

14 “(B) raise a reasonable probability that
15 the applicant did not commit the offense.

16 “(9) The applicant certifies that the applicant
17 will provide a DNA sample for purposes of compari-
18 son.

19 “(10) The petition is made in a timely fashion,
20 subject to the following conditions:

21 “(A) There shall be a rebuttable presump-
22 tion of timeliness if the petition is made within
23 five years of the enactment of the National De-
24 fense Authorization Act for Fiscal Year 2022 or
25 within three years after the date of the entry of

1 judgment under section 860c of this title (arti-
2 cle 60c), whichever comes later. Such presump-
3 tion may be rebutted upon a showing—

4 “(i) that the applicant’s petition for a
5 DNA test is based solely upon information
6 used in a previously denied motion; or

7 “(ii) of clear and convincing evidence
8 that the applicant’s filing is done solely to
9 cause delay or harass.

10 “(B) There shall be a rebuttable presump-
11 tion against timeliness for any petition not sat-
12 isfying subparagraph (A) above. Such presump-
13 tion may be rebutted upon the Judge Advocate
14 General’s finding—

15 “(i) that the applicant was or is in-
16 competent and such incompetence substan-
17 tially contributed to the delay in the appli-
18 cant’s motion for a DNA test;

19 “(ii) the evidence to be tested is newly
20 discovered DNA evidence;

21 “(iii) that the applicant’s petition is
22 not based solely upon the applicant’s own
23 assertion of innocence and, after consid-
24 ering all relevant facts and circumstances

1 surrounding the petition, a denial would
2 result in a manifest injustice; or

3 “(iv) upon good cause shown.

4 “(C) For purposes of this paragraph—

5 “(i) the term ‘incompetence’ has the
6 meaning given that term in section 876b of
7 this chapter (article 76b);

8 “(ii) the term ‘manifest’ means that
9 which is unmistakable, clear, plain, or in-
10 disputable and requires that the opposite
11 conclusion be clearly evident.

12 “(b) APPEAL OF DENIAL.— The applicant may ap-
13 peal the Judge Advocate General’s denial of the petition
14 of DNA testing to the Court of Appeals for the Armed
15 Forces.

16 “(c) EVIDENCE INVENTORY; PRESERVATION ORDER;
17 APPOINTMENT OF COUNSEL.—

18 “(1) INVENTORY.—The Judge Advocate Gen-
19 eral shall order the preparation of an inventory of
20 the evidence related to the case for which a petition
21 is made under subsection (a), which shall be pro-
22 vided to the applicant.

23 “(2) PRESERVATION ORDER.—To the extent
24 necessary to carry out proceedings under this sec-
25 tion, the Judge Advocate General shall direct the

1 preservation of the specific evidence relating to a pe-
2 tition under subsection (a).

3 “(3) APPOINTMENT OF COUNSEL.—The appli-
4 cant shall be eligible for representation by appellate
5 defense counsel under section 870 of this chapter
6 (article 70).

7 “(d) TESTING COSTS.—The costs of any DNA test-
8 ing ordered under this section shall be paid by the Govern-
9 ment.

10 “(e) TIME LIMITATION IN CAPITAL CASES.—In any
11 case in which the applicant is sentenced to death—

12 “(1) any DNA testing ordered under this sec-
13 tion shall be completed not later than 60 days after
14 the date on which the test is ordered by the Judge
15 Advocate General; and

16 “(2) not later than 120 days after the date on
17 which the DNA testing ordered under this section is
18 completed, the Judge Advocate General shall order
19 any post-testing procedures under subsection (f) or
20 (g), as appropriate.

21 “(f) DISCLOSURE OF TEST RESULTS.—Reporting of
22 test results shall be simultaneously disclosed to the Gov-
23 ernment and the applicant.

24 “(g) POST-TESTING PROCEDURES; INCONCLUSIVE
25 AND INCULPATORY RESULTS.—

1 “(1) INCONCLUSIVE RESULTS.—If DNA test re-
2 sults obtained under this section are inconclusive,
3 the Judge Advocate General may order further test-
4 ing, if appropriate, or may deny the applicant relief.

5 “(2) INCULPATORY RESULTS.—If DNA test re-
6 sults obtained under this section show that the ap-
7 plicant was the source of the DNA evidence, the
8 Judge Advocate General shall—

9 “(A) deny the applicant relief; and

10 “(B) if the DNA test results relate to a
11 State offense, forward the finding to any appro-
12 priate State official.

13 “(h) POST-TESTING PROCEDURES; MOTION FOR
14 NEW TRIAL OR RESENTENCING.—

15 “(1) IN GENERAL.—Notwithstanding any provi-
16 sion of law that would bar a motion under this para-
17 graph as untimely, if DNA test results obtained
18 under this section exclude the applicant as the
19 source of the DNA evidence, the applicant may file
20 a petition for a new trial or resentencing, as appro-
21 priate.

22 “(2) STANDARD FOR GRANTING MOTION FOR
23 NEW TRIAL OR RESENTENCING.—The applicant’s pe-
24 tition for a new trial or resentencing, as appropriate,
25 shall be granted if the DNA test results, when con-

1 sidered with all other evidence in the case (regard-
2 less of whether such evidence was introduced at
3 trial), establish by compelling evidence that a new
4 trial would result in the acquittal of the applicant.

5 “(i) RELATIONSHIP TO OTHER LAWS.—

6 “(1) POST-CONVICTION RELIEF.—Nothing in
7 this section shall affect the circumstances under
8 which a person may obtain DNA testing or post-con-
9 viction relief under any other provision of law.

10 “(2) HABEAS CORPUS.—Nothing in this section
11 shall provide a basis for relief in any Federal habeas
12 corpus proceeding.”.

13 (b) CLERICAL AMENDMENT.—The table of sections
14 at the beginning of such subchapter is amended by insert-
15 ing after the item relating to section 873 (article 73) the
16 following new item:

“873a. 73a. Petition for DNA testing.”.



**Amendment to H.R. 4350
National Defense Authorization Act for Fiscal Year 2022**

Offered by: Mr. Langevin of Rhode Island

In the appropriate place in the report to accompany H.R. 4350, insert the following new Directive Report Language:

Support for Gould Island demolition

The Committee recognizes the importance of ensuring communities that host defense installations are safe from any structural or environmental hazards that result from activities at such sites. The Committee is also aware of the Navy's efforts to demolish and restore sections of installations on the northern part of Gould Island in Rhode Island, and as such directs the Secretary of the Navy to submit a report to the House Committee on Armed Services by January 1, 2022 on the challenges facing such demolition efforts, a draft timeframe within which the project could be accomplished, and funding needs related to such efforts.

AMENDMENT TO H.R. 4350
OFFERED BY MS. SPEIER OF CALIFORNIA

In section 539G (Log 73684)—

- (1) redesignate subsection (c) as subsection (d);
- and
- (2) insert after subsection (b) the following:

1 (c) INDEPENDENT COMMITTEE.—

2 (1) IN GENERAL.—The Secretary of Defense
3 shall establish an independent committee to prepare
4 the report required by this section.

5 (2) MEMBERS.—Subject to paragraph (3), the
6 committee established under paragraph (1) shall be
7 composed of members who—

8 (A) are designated by the Secretary of De-
9 fense; and

10 (B) have expertise determined to be rel-
11 evant by the Secretary

12 (3) LIMITATION.—No member of an Armed
13 Force or civilian employee of the Department of De-
14 fense may serve on the committee established under
15 paragraph (1).



AMENDMENT TO H.R. 4350
OFFERED BY MR. GALLAGHER OF WISCONSIN

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

1 **SEC. 10__.** **ASSISTANT SECRETARY OF DEFENSE FOR**
2 **INDO-PACIFIC SECURITY AFFAIRS.**

3 Section 138(b) of title 10, United States Code, is
4 amended by adding at the end the following new para-
5 graph:

6 “(8) One of the Assistant Secretaries is the Assistant
7 Secretary of Defense for Indo-Pacific Security Affairs.
8 The principal duties of the Assistant Secretary shall be
9 to—

10 “(A) act as principal advisor to the Under Sec-
11 retary of Defense for Policy and the Secretary of
12 Defense on international security strategy and policy
13 on issues of interest to the Department of Defense
14 that relate to the nations and international organiza-
15 tions of China, East Asia, South and Southeast
16 Asia, including governments and defense establish-
17 ments; and

1 “(B) provide oversight of security cooperation
2 programs, including foreign military sales, in the
3 Indo-Pacific region”.



AMENDMENT TO H.R. 4350
OFFERED BY MRS. MCCLAIN OF MICHIGAN

At the end of subtitle B of title XII, add the following:

1 **SEC. 12 . PROHIBITION ON PROVIDING FUNDS OR MATE-**
2 **RIAL RESOURCES OF THE DEPARTMENT OF**
3 **DEFENSE TO THE TALIBAN.**

4 The Secretary of Defense may not provide any funds
5 or material resources of the Department of Defense to the
6 Taliban.



AMENDMENT TO H.R. 4350
OFFERED BY MR. WILSON OF SOUTH CAROLINA

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

1 **SEC. 5 ____ . REPORT ON FEASIBILITY AND ADVISABILITY OF**
2 **INCLUDING CYBERSECURITY OPERATIONS**
3 **AND MISSIONS TO PROTECT CRITICAL INFRA-**
4 **STRUCTURE BY MEMBERS OF THE NATIONAL**
5 **GUARD IN CONNECTION WITH TRAINING OR**
6 **OTHER DUTY.**

7 Not later than one year after the date of the enact-
8 ment of this Act, the Secretary of Defense shall submit
9 to the Committees on Armed Services of the Senate and
10 House of Representatives a report on the feasibility and
11 advisability of including in the duty described in section
12 502(f)(1) of title 32, United States Code, training or other
13 duty relating to cybersecurity operations or missions un-
14 dertaken by the member's unit at the request of the Gov-
15 ernor of the State concerned to protect critical infrastruc-
16 ture (as that term is defined in the Critical Infrastructures
17 Protection Act of 2001 (42 U.S.C. 5195c)).



AMENDMENT TO H.R. 4350
OFFERED BY MS. SPEIER OF CALIFORNIA

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

1 **SEC. 5 ____ . CLARIFICATIONS OF PROCEDURE IN INVESTIGA-**
2 **TIONS OF PERSONNEL ACTIONS TAKEN**
3 **AGAINST MEMBERS OF THE ARMED FORCES**
4 **IN RETALIATION FOR PROTECTED COMMU-**
5 **NICATIONS.**

6 (a) IN GENERAL.—Subparagraphs (D) and (E) of
7 paragraph (4) of section 1034(c) of title 10, United States
8 Code, is amended to read as follows:

9 “(D)(i) Upon determining that an investigation of an
10 allegation under paragraph (1) is warranted, the Inspector
11 General making the determination shall expeditiously in-
12 vestigate the allegation to determine whether the protected
13 communication or activity under subsection (b) was a con-
14 tributing factor in the personnel action prohibited under
15 subsection (b) that was taken or withheld (or threatened
16 to be taken or withheld) against a member of the armed
17 forces.

18 “(ii) In the case of a determination made by the In-
19 spector General of the Department of Defense, that In-

1 spector General may delegate responsibility for the inves-
2 tigation to an appropriate Inspector General of a military
3 department.

4 “(iii) The member alleging the prohibited personnel
5 action may use circumstantial evidence to demonstrate
6 that the protected communication or activity under sub-
7 section (b) was a contributing factor in the personnel ac-
8 tion prohibited under subsection (b). Such circumstantial
9 evidence may include that the person taking such prohib-
10 ited personnel action knew of the protected communication
11 or activity, and that the prohibited personnel action oc-
12 curred within a period of time such that a reasonable per-
13 son could conclude that the communication or protected
14 activity was a contributing factor in the personnel action.

15 “(iv) If the Inspector General determines it likelier
16 than not that the member made a communication or par-
17 ticipated in an activity protected under subsection (b) that
18 was a contributing factor in a personnel action described
19 in such subsection, the Inspector General shall presume
20 such personnel action to be prohibited under such sub-
21 section unless the Inspector General determines there is
22 clear and convincing evidence that the same personnel ac-
23 tion would have occurred in the absence of such protected
24 communication or activity.

1 “(E) If the Inspector General preliminarily deter-
2 mines in an investigation under subparagraph (D) that a
3 personnel action prohibited under subsection (b) has oc-
4 curred and that such personnel action shall result in an
5 immediate hardship to the member alleging the personnel
6 action, the Inspector General shall promptly notify the
7 Secretary of the military department concerned or the Sec-
8 retary of Homeland Security, as applicable, of the hard-
9 ship, and such Secretary shall take such action as such
10 Secretary determines appropriate.”.

11 (b) TECHNICAL AMENDMENTS.—Such paragraph is
12 further amended in subparagraphs (A) and (B) by striking
13 “subsection (h)” both places it appears and inserting
14 “subsection (i)”.



AMENDMENT TO H.R. 4350
OFFERED BY MR. C. SCOTT FRANKLIN OF
FLORIDA

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

1 **SEC. 8___ SUPPORT FOR INDUSTRY PARTICIPATION IN**
2 **GLOBAL STANDARDS ORGANIZATIONS.**

3 (a) DEFINITION.—In this section:

4 (1) ADMINISTRATOR.—The term “Adminis-
5 trator” means the Administrator of the Small Busi-
6 ness Administration.

7 (2) APPROPRIATE CONGRESSIONAL COMMIT-
8 TEES.—The term “appropriate congressional com-
9 mittees” means the following:

10 (A) The Committee on Science, Space, and
11 Technology of the House of Representatives.

12 (B) The Committee on Commerce, Science,
13 and Transportation of the Senate.

14 (C) The Committee on Energy and Com-
15 merce of the House of Representatives.

16 (D) The Committee on Energy and Nat-
17 ural Resources of the Senate.

1 (E) The Committee on Small Business of
2 the House of Representatives.

3 (F) The Committee on Small Business and
4 Entrepreneurship of the Senate.

5 (3) ARTIFICIAL INTELLIGENCE.—The term “ar-
6 tificial intelligence” has the meaning given the term
7 in section 238(g) of the John S. McCain National
8 Defense Authorization Act for Fiscal Year 2019 (10
9 U.S.C. 2358 note).

10 (4) COVERED ENTITY.—The term “covered en-
11 tity” means a small business concern that is incor-
12 porated and maintains a primary place of business
13 in the United States.

14 (5) SMALL BUSINESS CONCERN.—The term
15 “small business concern” has the meaning given the
16 term in section 3 of the Small Business Act (15
17 U.S.C. 632).

18 (b) ESTABLISHMENT.—Not later than 180 days after
19 the date of enactment of this Act, the Administrator shall
20 establish a program to support participation by covered
21 entities in meetings and proceedings of standards develop-
22 ment organizations in the development of voluntary tech-
23 nical standards.

24 (c) ACTIVITIES.—In carrying out the program estab-
25 lished under subsection (a), the Administrator shall award

1 competitive, merit-reviewed grants to covered entities to
2 cover the reasonable costs, up to a specified ceiling, of par-
3 ticipation of employees of those covered entities in meet-
4 ings and proceedings of standards development organiza-
5 tions, including—

- 6 (1) regularly attending meetings;
- 7 (2) contributing expertise and research;
- 8 (3) proposing new work items; and
- 9 (4) volunteering for leadership roles such as a
10 convener or editor.

11 (d) AWARD CRITERIA.—The Administrator may only
12 provide a grant under this section to a covered entity
13 that—

14 (1) demonstrates deep technical expertise in key
15 emerging technologies and technical standards, in-
16 cluding artificial intelligence and related tech-
17 nologies;

18 (2) commits personnel with such expertise to
19 regular participation in global bodies responsible for
20 developing standards for such technologies over the
21 period of the grant;

22 (3) agrees to participate in efforts to coordinate
23 between the Federal Government and industry to en-
24 sure protection of national security interests in the

1 setting of global standards so long as such standards
2 are not dictated by the Federal Government; and

3 (4) provides a plan to the Administrator that
4 details the relationship between the activities de-
5 scribed in paragraphs (1), (2), and (3) and the pro-
6 posed standards to be adopted.

7 (e) NO MATCHING CONTRIBUTION.—A recipient of
8 an award under this section shall not be required to pro-
9 vide a matching contribution.

10 (f) EVALUATION.—

11 (1) IN GENERAL.—In making awards under
12 this section, the Administrator shall coordinate with
13 the Director of the National Institute of Standards
14 and Technology, who shall provide support in the as-
15 sessment of technical expertise in emerging tech-
16 nologies and standards setting needs.

17 (2) PANEL RANKING.—In carrying out the re-
18 quirements under paragraph (1), the Administrator
19 and the Director shall jointly establish a panel of ex-
20 perts to rank the proposed standards, based on
21 merit and relevance, to be composed of experts
22 from—

23 (A) private industry;

24 (B) non-profit institutions;

1 (C) non-profit standards development orga-
2 nizations;

3 (D) academia; and

4 (E) the Federal Government.

5 (g) REPORT.—Not less than annually, the Adminis-
6 trator shall submit to the appropriate congressional com-
7 mittees a report on—

8 (1) the efficacy of the program;

9 (2) an explanation of any standard adopted as
10 a result of the program;

11 (3) any challenges faced in carrying out the
12 program; and

13 (4) proposed solutions to the challenges identi-
14 fied in paragraph (3).



AMENDMENT TO H.R. 4350
OFFERED BY MR. C. SCOTT FRANKLIN OF
FLORIDA

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

1 **SEC. 12__ . REPORT ON OPTIONS FOR ASSISTING THE GOV-**
2 **ERNMENT OF UKRAINE IN ADDRESSING INTE-**
3 **GRATED AIR AND MISSILE DEFENSE GAPS.**

4 (a) SENSE OF CONGRESS.—It is the sense of Con-
5 gress that—

6 (1) the United States remains a steadfast part-
7 ner of Ukraine; and

8 (2) it is in the United States national security
9 interest assist the Government of Ukraine in coun-
10 tering Russian military aggression.

11 (b) REPORT.—Not later than 90 days after the date
12 of the enactment of this Act, the Secretary of Defense
13 shall submit to the congressional defense committees a re-
14 port on options for how the United States could support
15 the Government of Ukraine in addressing integrated air
16 and missile defense gaps. Such report shall include options
17 for the foreign military sale of United States systems or

2

1 the transfer of existing systems that are not being allo-
2 cated through global force management.



Amendment to H.R. 4350

Offered by Mr. Brown of Maryland

(funding table amendment)

(1) In section 4301 of division D, relating to Operation and Maintenance, Army, increase the amount for Other Personnel Support, Line 470, by \$30,000,000 for Personnel Security Investigations.

(2) In section 4301 of division D, relating to Operation and Maintenance, Army, increase the amount for Other Service Support, Line 480, by \$49,983,000 for DFAS bill to the Army.

(3) In section 4301 of division D, relating to Operation and Maintenance, Army, increase the amount for Base Operations Support, Line 110, by \$52,129,000 for Subsistence.

(4) In section 4301 of division D, relating to Operation and Maintenance, Army, increase the amount for Off-Duty and Volunteer Education, Line 360, by \$16,155,000 for Tuition Assistance.

(5) In section 4301 of division D, relating to Operation and Maintenance, Army, increase the amount for Facilities Sustainment, Restoration & Modernization, Line 120, by \$1,380,000.

(6) In section 4301 of division D, relating to Operation and Maintenance, Army, increase the amount for Force Readiness Operations Support, Line 070, by \$8,999,000 for Extended Cold Weather Clothing System (ECWCS).

(7) In section 4301 of division D, relating to Operation and Maintenance, Army, increase the amount for Force Readiness Operations Support, Line 070, by \$81,750,000 for Female/Small Stature Body Armor.

(8) In section 4201, of division D, relating to Research, Development, Test and Evaluation, Air Force, decrease the amount for Requirements Analysis and Maturation, Line 141, by \$10,000,000.

(9) In section 4201, of division D, relating to Research, Development, Test and Evaluation, Navy, decrease the amount for Anti-Radiation Missile Improvement, Line 216, by \$10,000,000.

(10) In section 4201, of division D, relating to Research, Development, Test and Evaluation, Air Force, decrease the amount for Architecture Initiatives, Line 40, by \$5,000,000.

(11) In section 4201, of division D, relating to Research, Development, Test and Evaluation, Air Force, decrease the amount for Stand In Attack Weapon, Line 102, by \$5,000,000.

(12) In section 4201, of division D, relating to Research, Development, Test and Evaluation, Air Force, decrease the amount for Air & Space Operations Center (AOC) - Software Pilot Program, Line 318, by \$20,000,000.

(13) In section 4101, of division D, relating to Missile Procurement, Air Force, decrease the amount for Joint Air-Surface Standoff Missile, Line 6, by \$50,000,000.

(14) In section 4101, of division D, relating to Other Procurement, Navy, decrease the amount for DDG-1000 Class Support Equipment, Line 16, by \$20,000,000.

(15) In section 4101, of division D, relating to Other Procurement, Air Force, decrease the amount for Base Maintenance Support Vehicles, Line 11, by \$20,000,000.

(16) In section 4101, of division D, relating to Aircraft Procurement, Air Force, decrease the amount for F-22A, Line 32, by \$40,000,000.

(17) In section 4101, of division D, relating to Shipbuilding and Conversion, Navy, decrease the amount for Ohio Replacement Submarine AP, Line 2, by \$60,396,000.

AMENDMENT TO H.R. 4350

OFFERED BY MR. HORSFORD

(funding table amendment)

In section 4601 of division D, relating to Military Construction, add a line for Air Force Planning and Design for dormitories and barracks for \$20,000,000

In section 4601 of division D, relating to Military Construction, reduce the amount for Air Force Planning and Design, by \$20,000,000

AMENDMENT TO H.R. 4350
OFFERED BY MR. MOORE OF UTAH

Section 823 [Log 73603] is amended to read as follows:

1 **SEC. 8 __ . MODIFICATIONS TO PRINTED CIRCUIT BOARD**

2 **ACQUISITION RESTRICTIONS.**

3 (a) IN GENERAL.—Section 2533d of title 10, United
4 States Code, is amended—

5 (1) in subsection (a)—

6 (A) in paragraph (1), by striking “January
7 1, 2023” and inserting “the date determined
8 under paragraph (3)”; and

9 (B) by adding at the end the following new
10 paragraph:

11 “(3) Paragraph (1) shall take effect on January
12 1, 2027.”;

13 (2) in subsection (c)—

14 (A) in paragraph (2)—

15 (i) in the matter preceding subpara-
16 graph (A), by inserting “specified type of”
17 after “means any”;

18 (ii) in subparagraph (A), by striking
19 “(as such terms are defined under sections

1 103 and 103a of title 41, respectively”;

2 and

3 (iii) by amending subparagraph (B) to

4 read as follows:

5 “(B) is a component of—

6 “(i) a defense security system; or

7 “(ii) a system, other than a defense

8 security system, that transmits or stores

9 information and which the Secretary iden-

10 tifies as national security sensitive in the

11 contract under which such printed circuit

12 board is acquired.”; and

13 (B) by adding at the end the following new

14 paragraphs:

15 “(3) COMMERCIAL PRODUCT; COMMERCIAL

16 SERVICE; COMMERCIALLY AVAILABLE OFF-THE

17 SHELF ITEM.—The terms ‘commercial product’,

18 ‘commercial service’, and ‘commercially available off-

19 the-shelf item’ have the meanings given such terms

20 in sections 103, 103a, and 104 of title 41, respec-

21 tively.

22 “(4) DEFENSE SECURITY SYSTEM.—

23 “(A) The term ‘defense security system’

24 means an information system (including a tele-

25 communications system) used or operated by

1 the Department of Defense, by a contractor of
2 the Department, or by another organization on
3 behalf of the Department, the function, oper-
4 ation, or use of which—

5 “(i) involves command and control of
6 an armed force;

7 “(ii) involves equipment that is an in-
8 tegral part of a weapon or weapon system;
9 or

10 “(iii) subject to subparagraph (B), is
11 critical to the direct fulfillment of military
12 missions.

13 “(B) Subparagraph (A)(iii) does not in-
14 clude a system that is to be used for routine ad-
15 ministrative and business applications (includ-
16 ing payroll, finance, logistics, and personnel
17 management applications).

18 “(5) SPECIFIED TYPE.—The term ‘specified
19 type’ means a printed circuit board that is—

20 “(A) a component of an electronic device
21 that facilitates the routing, connecting, trans-
22 mitting or securing of data and is commonly
23 connected to a network, and

1 “(B) any other end item, good, or product
2 specified by the Secretary in accordance with
3 subsection (d)(2).”; and

4 (3) by amending subsection (d) to read as fol-
5 lows:

6 “(d) RULEMAKING.—

7 “(1) The Secretary may issue rules providing
8 that subsection (a) may not apply with respect to an
9 acquisition of commercial products, commercial serv-
10 ices, and commercially available off-the-shelf items
11 if—

12 “(A) the contractor is capable of meeting
13 minimum requirements that the Secretary
14 deems necessary to provide for the security of
15 national security networks and weapon systems,
16 including, at a minimum, compliance with sec-
17 tion 224 of the National Defense Authorization
18 Act for Fiscal Year 2020 (Public Law 116-92;
19 10 U.S.C. 2302 note); and

20 “(B) either—

21 “(i) the Government and the con-
22 tractor have agreed to a contract requiring
23 the contractor to take certain actions to
24 ensure the integrity and security of the
25 item, including protecting the item from

1 unauthorized access, use, disclosure, dis-
2 ruption, modification, or destruction; or

3 “(ii) the Secretary has determined
4 that the contractor has adopted such pro-
5 cedures, tools, and methods for identifying
6 the sources of components of such item,
7 based on commercial best practices, that
8 meet or exceed the applicable trusted sup-
9 ply chain and operational security stand-
10 ards of the Department of Defense.

11 “(2) The Secretary may issue rules specifying
12 end items, goods, and products for which a printed
13 circuit board that is a component thereof shall be a
14 ‘specified type’ if the Secretary has promulgated
15 final regulations, after an opportunity for notice and
16 comment that is not less than 12 months, imple-
17 menting this section.

18 “(3) In carrying out this section, the Secretary
19 shall, to the maximum extent practicable, avoid im-
20 posing contractual certification requirements with
21 respect to the acquisition of commercial products,
22 commercial services, or commercially available off-
23 the-shelf items.”

24 (b) MODIFICATION OF INDEPENDENT ASSESSMENT
25 OF PRINTED CIRCUIT BOARDS.—Section 841(d) of the

1 William M. (Mac) Thornberry National Defense Author-
2 ization Act for Fiscal Year 2021 (Public Law 116-283)
3 is amended—

4 (1) in paragraph (1)—

5 (A) by striking “the date of enactment of
6 this Act” and inserting “the date of the enact-
7 ment of the National Defense Authorization Act
8 for Fiscal Year 2022”;

9 (B) by striking “shall seek to enter” and
10 inserting “shall enter”;

11 (C) by striking “to include printed circuit
12 boards in commercial products or services, or
13 in” and inserting “to printed circuit boards in
14 other commercial or”; and

15 (D)) by striking “the scope of mission
16 critical” and all that follows through the period
17 at the end and inserting “types of systems
18 other than defense security systems (as defined
19 in section 2533d(c) of title 10, United States
20 Code) that should be subject to the prohibition
21 in section 2533d(a) of title 10, United States
22 Code.”;

23 (2) in the heading for paragraph (2), by strik-
24 ing “DEPARTMENT OF DEFENSE” and inserting
25 “DEPARTMENT OF DEFENSE”;

1 (3) in paragraph (2), by striking “one year
2 after entering into the contract described in para-
3 graph (1)” and inserting “January 1, 2023”;

4 (4) in the heading for paragraph (3), by strik-
5 ing “CONGRESS” and inserting “CONGRESS”; and

6 (5) in paragraph (3), by inserting after “the
7 recommendations of the report.” the following: “The
8 Secretary shall use the report to determine whether
9 any systems (other than defense security systems (as
10 defined in section 2533d(c) of title 10, United States
11 Code)) or other types of printed circuit boards
12 should be subject to the prohibition in section
13 2533d(a) of title 10, United States Code.”



AMENDMENT TO H.R. 4350

OFFERED BY MR. GREEN

(funding table amendment)

In section 4501 of division D, relating to Defense Health Program increase the amount for R&D Engineering Development, Line 100, by \$7,000,000.

In section 4301 of division D, relating to Operations and Maintenance, Defense-Wide, reduce the amount for the Office of the Secretary of Defense, Line 540, by \$7,000,000

AMENDMENT TO H.R. 4350
OFFERED BY MR. GAETZ OF FLORIDA

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

1 **SEC. 3 __ . STUDY ON USE OF MILITARY RESOURCES TO**
2 **TRANSPORT CERTAIN INDIVIDUALS AND EF-**
3 **FECT ON MILITARY READINESS.**

4 (a) STUDY.—The Secretary of Defense shall—

5 (1) conduct a study examining the effect on
6 military readiness of using Department of Defense
7 resources to transport covered individuals; and

8 (2) submit to Congress a report containing the
9 findings of such study.

10 (b) COVERED INDIVIDUAL DEFINED.—In this sec-
11 tion, the term “covered individual” means an individual
12 who has crossed the southern border of the United States
13 without authorization.



AMENDMENT TO H.R. 4350
OFFERED BY MR. GREEN OF TENNESSEE

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

1 **SEC. 7___ . PROHIBITION ON ADVERSE PERSONNEL AC-**
2 **TIONS TAKEN AGAINST CERTAIN MEMBERS**
3 **OF THE ARMED FORCES BASED ON DECLIN-**
4 **ING COVID-19 VACCINE.**

5 (a) FINDINGS.—Congress finds the following:

6 (1) The Secretary of Defense has announced a
7 COVID-19 vaccine mandate will take effect for the
8 Department of Defense

9 (2) Many Americans have reservations about
10 taking a vaccine that has only been available for less
11 than a year.

12 (3) Reports of adverse actions being taken, or
13 threatened, by military leadership at all levels are
14 antithetical to our fundamental American values.

15 (4) Any discharge other than honorable denotes
16 a dereliction of duty or a failure to serve the United
17 States and its people to the best of the ability of an
18 individual.

1 (b) PROHIBITION.—Chapter 55 of title 10, United
2 States Code, is amended by inserting after section 1107a
3 the following new section:

4 **“§ 1107b. Prohibition on certain adverse personnel**
5 **actions related to COVID-19 vaccine re-**
6 **quirement**

7 “(a) PROHIBITION.—Notwithstanding any other pro-
8 vision of law, a member of an Armed Force under the ju-
9 risdiction of the Secretary of a military department sub-
10 ject to discharge on the basis of the member choosing not
11 to receive the COVID-19 vaccine may only receive an hon-
12 orable discharge.

13 “(b) MEMBER OF AN ARMED FORCE DEFINED.—In
14 this section, the term ‘member of an Armed Force’ means
15 a member of the Army, Navy, Air Force, Marine Corps,
16 or the Space Force.”.

17 (c) CLERICAL AMENDMENT.—The table of sections
18 for such chapter is amended by inserting after the item
19 relating to section 1107a the following new item:

“1107b. Prohibition on certain adverse personnel actions related to COVID-19
vaccine requirement”.

