

CHAIRMAN'S MARK EN BLOC #4

| LOG ID | REV | MEMBER | MARKUP LOC | DESCRIPTION | MARKUP ACT |
|--------|-----|--------------------|------------|---|------------|
| 2487 | 2 | Rogers, Mike | CHM | Briefing on the Pacific Deterrence Initiative and U.S. INDOPACOM Commander's Independent Assessment | EB 4 |
| 2490 | 1 | Kelly, Trent | CHM | Directs the Secretary of Defense, in coordination with the Director of National Intelligence, to submit each directive and memorandum of the Federal Government that governs or establishes rules and procedures for sharing intelligence with Ukraine. | EB 4 |
| 2327 | 3 | Waltz, Michael | CHM | Increases the National Defense Stockpile's amount of Rare Earth Metals and requires industry to track country of origin for the inputs of certain defense industrial base products. | EB 4 |
| 2475 | 1 | Kelly, Trent | CHM | Recognizes the privately funded museum to honor the intelligence community and special operations forces that is planned to be constructed in Ashburn, VA as the "National Museum of Intelligence and Special Operations." | EB 4 |
| 2494 | 0 | Franklin, C. Scott | CHM | DRL requiring the Secretary of Defense to brief Congress on the plan to issue reservists or guardsmen a DD214 or equivalent document at time of separation of service | EB 4 |
| 2298 | 0 | Khanna, Ro | CHM | Permanently extends authority for ex gratia payments to redress injury and loss (amends Section 1213(a) of the National Defense Authorization Act for FY2020) | EB 4 |
| 1664 | 1 | Bacon, Don | CHM | Directs DoD to provide a report on confirmed and suspected atrocities committed by Russian military forces in Ukraine | EB 4 |
| 2305 | 1 | Banks, Jim | CHM | Amends section 222 to include academia facilities in the Department of Defense evaluation of hypersonic test infrastructure. | EB 4 |
| 1698 | 2 | Slotkin, Elissa | CHM | Modifies authority of the National Defense Stockpile Manager to address stockpile shortfalls and requires the Department to report on modifications to national technology and industrial base. | EB 4 |
| 2018 | 2 | Wilson, Joe | CHM | Continues to authorize funding for the Young Marines program. | EB 4 |
| 2000 | 1 | Garamendi, John | CHM | Requires the Secretary of Defense to reimburse state costs of fighting certain wildland fires. | EB 4 |
| 2387 | 0 | McClain, Lisa C. | CHM | Expansion of Physician Certification Boards that qualify for certification under MHS | EB 4 |
| 2312 | 3 | Norcross, Donald | CHM | Defense Supply Chain Resiliency | EB 4 |

| LOG ID | REV | MEMBER | MARKUP LOC | DESCRIPTION | MARKUP ACT |
|--------|-----|--------------------|------------|---|------------|
| 2461 | 2 | Bice, Stephanie I. | CHM | E-3: This amendment would limit to 13 the total number of E-3 aircraft that can be divested and would fence the last 5 aircraft divestments upon getting the E-7 on contract. This would also designate 2 additional aircraft as training inventory and provide sufficient funds. | EB 4 |
| 2476 | 1 | Waltz, Michael | CHM | Reallocates MILCON funding to move forces from Germany to Romania, Poland, Estonia, Latvia, or Lithuania. | EB 4 |
| 1854 | 6 | Gallagher, Mike | CHM | Establishes an Indo-Pacom Seize the Initiative Fund to strengthen deterrence in the region. | EB 4 |
| 2147 | 4 | Norcross, Donald | CHM | Would direct the Secretary of Defense to provide a briefing on the Department's efforts to work with labor organizations on the development of standards for granting installation access to members of labor organizations. | EB 4 |

Amendment to H.R. 7900
National Defense Authorization Act for Fiscal Year 2023

Offered by: Mr. Rogers

In the appropriate place in the report to accompany H.R. 7900, insert the following new Directive Report Language:

Briefing on the Pacific Deterrence Initiative and U.S. INDOPACOM Commander's
Independent Assessment

Section 1251 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (PL 116-283) requires the Secretary of Defense to include a detailed budget display for the Pacific Deterrence Initiative (PDI) in Department of Defense materials in support of the budget request. The budget display for fiscal year 2023 identified approximately \$6.1 billion for PDI. The U.S. Indo-Pacific Command Commander's independent assessment identified \$9.1 billion in investments necessary to improve our forces in the region. Upon thorough review of the budget request, the committee made prudent adjustments to funding levels for PDI activities and items identified in the independent assessment offered by the U.S. Indo-Pacific Command Commander to achieve national security objectives. The committee notes that this Act provides funding for PDI activities in fiscal year 2023 totaling more than \$7.0 billion.

The committee found that the report submitted by the Commander of Indo-Pacific Command was satisfactory in its content but that its overall classification impeded the distribution of essential information to taxpayers and policymakers.

Therefore, the Committee directs the Secretary of Defense and the Commander of U.S. Indo-Pacific Command to provide a briefing to the House Committee on Armed Services by September 1, 2022, on ways in which non-releasable content can be minimized or releasable content could be improved in the next required submission for both PDI and U.S. Indo-Pacific Command.

**Amendment to H.R. 7900
National Defense Authorization Act for Fiscal Year 2023**

Offered by: MR. TRENT KELLY

In the appropriate place in the report to accompany H.R. 7900, insert the following new Directive Report Language:

Directives Relating to Intelligence Sharing with Ukraine

The committee believes intelligence sharing, particularly intelligence that is operational in nature and readily actionable, with Ukraine is an essential component of efforts to support Ukraine's ability to defend itself against Russian aggression and views the conditions of intelligence sharing as a topic of ongoing policy concern. Therefore, not later than November 1, 2022, the Secretary of Defense, in coordination with the Director of National Intelligence, shall submit to the House Committee on Armed Services each directive and memorandum of the Federal Government issued on or after January 1, 2022, that governs or establishes rules and procedures for sharing intelligence of the Department of Defense with Ukraine.

AMENDMENT TO H.R. 7900
OFFERED BY MR. WALTZ OF FLORIDA

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

1 **SEC. ____ . RESTORING ESSENTIAL ENERGY AND SECURITY**

2 **HOLDINGS ONSHORE FOR RARE EARTHS.**

3 (a) **ACQUISITION AUTHORITY.**—Of the funds author-
4 ized to be appropriated for the National Defense Stockpile
5 Transaction Fund by section 4501, the National Defense
6 Stockpile Manager may use up to \$253,500,000 for acqui-
7 sition of the following materials determined to be strategic
8 and critical materials required to meet the defense, indus-
9 trial, and essential civilian needs of the United States:

10 (1) Neodymium oxide, praseodymium oxide, and
11 neodymium iron boron (NdFeB) magnet block.

12 (2) Titanium.

13 (3) Energetic materials.

14 (4) Iso-molded graphite.

15 (5) Grain-oriented electric steel.

16 (6) Tire cord steel.

17 (7) Cadmium zinc telluride.

18 (b) **COMPLIANCE WITH STRATEGIC AND CRITICAL**
19 **MATERIALS STOCK PILING ACT.**—Any acquisition using

1 funds appropriated pursuant to this section shall be car-
2 ried out in accordance with the provisions of the Strategic
3 and Critical Materials Stock Piling Act (50 U.S.C. 98 et
4 seq.).

5 (c) DISCLOSURES CONCERNING RARE EARTH ELE-
6 MENTS AND COVERED CRITICAL MINERALS BY CONTRAC-
7 TORS OF DEPARTMENT OF DEFENSE.—

8 (1) REQUIREMENT.—Beginning on the date
9 that is 30 months after the date of the enactment
10 of this Act, the Secretary of Defense shall require
11 that any contractor that provides to the Department
12 of Defense a system with a permanent magnet that
13 contains rare earth elements or covered critical min-
14 erals disclose in a classified form, along with delivery
15 of the system, the provenance of the magnet.

16 (2) ELEMENTS.—A disclosure under paragraph
17 (1) shall include an identification of the country or
18 countries in which—

19 (A) any rare earth elements and covered
20 critical minerals used in the magnet were
21 mined;

22 (B) such elements and minerals were re-
23 fined into oxides;

24 (C) such elements and minerals were made
25 into metals and alloys; and

1 (D) the magnet was sintered or bonded
2 and magnetized.

3 (3) IMPLEMENTATION OF SUPPLY CHAIN
4 TRACKING SYSTEM.—If a contractor cannot make
5 the disclosure required by paragraph (1) with re-
6 spect to a system described in that paragraph, the
7 Secretary shall require the contractor to establish
8 and implement a supply chain tracking system in
9 order to make the disclosure not later than 180 days
10 after providing the system to the Department of De-
11 fense.

12 (4) WAIVERS.—

13 (A) IN GENERAL.—The Secretary may
14 waive a requirement under paragraph (1) or (3)
15 with respect to a system described in paragraph
16 (1) for a period of not more than 180 days if
17 the Secretary certifies to the appropriate con-
18 gressional committees that—

19 (i) the continued procurement of the
20 system is necessary to meet the demands
21 of a national emergency declared under
22 section 201 of the National Emergencies
23 Act (50 U.S.C. 1621); or

24 (ii) the contractor cannot currently
25 make the disclosure required by paragraph

1 (1) but is making significant efforts to
2 comply with the requirements of that para-
3 graph.

4 (B) WAIVER RENEWALS.—The Secretary—

5 (i) may renew a waiver under sub-
6 paragraph (A)(i) as many times as the
7 Secretary considers appropriate; and

8 (ii) may not renew a waiver under
9 subparagraph (A)(ii) more than twice.

10 (5) BRIEFING REQUIRED.—Not later than 30
11 days after the submission of each report required by
12 subsection (e)(3), the Secretary of Defense shall pro-
13 vide to the appropriate congressional committees a
14 briefing that includes—

15 (A) a summary of the disclosures made
16 under this subsection;

17 (B) an assessment of the extent of reliance
18 by the United States on foreign countries, and
19 especially countries that are not allies of the
20 United States, for rare earth elements and cov-
21 ered critical minerals;

22 (C) a determination with respect to which
23 systems described in paragraph (1) are of the
24 greatest concern for interruptions of supply

1 chains with respect to rare earth elements and
2 covered critical minerals; and

3 (D) any suggestions for legislation or fund-
4 ing that would mitigate security gaps in such
5 supply chains.

6 (d) EXPANSION OF RESTRICTIONS ON PROCURE-
7 MENT OF MILITARY AND DUAL-USE TECHNOLOGIES BY
8 CHINESE MILITARY COMPANIES.—Section 1211 of the
9 National Defense Authorization Act for Fiscal Year 2006
10 (10 U.S.C. 2302 note) is amended—

11 (1) in the section heading, by striking “**COM-**
12 **MUNIST CHINESE MILITARY COMPANIES**” and
13 inserting “**CHINESE MILITARY COMPANIES**”;

14 (2) in subsection (a), by inserting after “mili-
15 tary company” the following: “, any Chinese military
16 company, or any Non-SDN Chinese military-indus-
17 trial complex company”;

18 (3) by amending subsection (b) to read as fol-
19 lows:

20 “(b) GOODS AND SERVICES COVERED.—

21 “(1) IN GENERAL.—For purposes of subsection
22 (a), and except as provided in paragraph (2), the
23 goods and services described in this subsection are
24 goods and services—

1 “(A) on the munitions list of the Inter-
2 national Traffic in Arms Regulations; or

3 “(B) on the Commerce Control List that—

4 “(i) are classified in the 600 series; or

5 “(ii) contain rare earth elements or
6 covered critical minerals.

7 “(2) EXCEPTIONS.—Goods and services de-
8 scribed in this subsection do not include goods or
9 services procured—

10 “(A) in connection with a visit by a vessel
11 or an aircraft of the United States Armed
12 Forces to the People’s Republic of China;

13 “(B) for testing purposes; or

14 “(C) for purposes of gathering intel-
15 ligence.”; and

16 (4) in subsection (e)—

17 (A) by striking paragraph (3);

18 (B) by redesignating paragraphs (1) and
19 (2) as paragraphs (3) and (6), respectively;

20 (C) by inserting before paragraph (3), as
21 redesignated by subparagraph (B), the fol-
22 lowing:

23 “(1) The term ‘Chinese military company’ has
24 the meaning given that term by section 1260H(d)(1)
25 of the William M. (Mac) Thornberry National De-

1 fense Authorization Act for Fiscal Year 2021 (Pub-
2 lic Law 116–283; 10 U.S.C. 113 note).

3 “(2) The term ‘Commerce Control List’ means
4 the list maintained by the Bureau of Industry and
5 Security and set forth in Supplement No. 1 to part
6 774 of the Export Administration Regulations.”;

7 (D) by inserting after paragraph (3), as so
8 redesignated, the following:

9 “(4) The term ‘covered critical mineral’
10 means—

11 “(A) antimony;

12 “(B) beryllium;

13 “(C) cobalt;

14 “(D) graphite;

15 “(E) lithium;

16 “(F) manganese;

17 “(G) nickel;

18 “(H) tantalum;

19 “(I) tungsten; or

20 “(J) vanadium.

21 “(5) The term ‘Export Administration Regula-
22 tions’ has the meaning given that term in section
23 1742 of the Export Control Reform Act of 2018 (50
24 U.S.C. 4801).”; and

25 (5) by adding at the end the following:

1 “(7) The term ‘Non-SDN Chinese military-in-
2 dustrial complex company’ means any entity on the
3 Non-SDN Chinese Military-Industrial Complex Com-
4 panies List—

5 “(A) established pursuant to Executive
6 Order 13959 (50 U.S.C. 1701 note; relating to
7 addressing the threat from securities invest-
8 ments that finance Communist Chinese military
9 companies), as amended before, on, or after the
10 date of the enactment of the Restoring Essen-
11 tial Energy and Security Holdings Onshore for
12 Rare Earths Act of 2022; and

13 “(B) maintained by the Office of Foreign
14 Assets Control of the Department of the Treas-
15 ury.

16 “(8) The term ‘rare earth element’ means—

17 “(A) cerium;

18 “(B) dysprosium;

19 “(C) erbium;

20 “(D) europium;

21 “(E) gadolinium;

22 “(F) holmium;

23 “(G) lanthanum;

24 “(H) lutetium;

25 “(I) neodymium;

1 “(J) praseodymium;

2 “(K) promethium;

3 “(L) samarium;

4 “(M) scandium;

5 “(N) terbium;

6 “(O) thulium;

7 “(P) ytterbium; or

8 “(Q) yttrium.”.

9 (e) REVIEW OF COMPLIANCE WITH CONTRACTING
10 REQUIREMENTS.—

11 (1) IN GENERAL.—Not later than one year
12 after the date of the enactment of this Act, and peri-
13 odically thereafter until the termination date speci-
14 fied in paragraph (5), the Comptroller General of
15 the United States shall assess the extent of the ef-
16 forts of the Department of Defense to comply with
17 the requirements of—

18 (A) subsection (c);

19 (B) section 1211 of the National Defense
20 Authorization Act for Fiscal Year 2006, as
21 amended by subsection (d) of this section; and

22 (C) section 4872 of title 10, United States
23 Code.

24 (2) BRIEFING REQUIRED.—The Comptroller
25 General shall periodically, until the termination date

1 specified in paragraph (5), provide to the appro-
2 priate congressional committees a briefing on the re-
3 sults of the assessments conducted under paragraph
4 (1) that includes an assessment of—

5 (A) the inclusion by the Department of
6 Defense of necessary contracting clauses in rel-
7 evant contracts to meet the requirements de-
8 scribed in subparagraphs (A), (B), and (C) of
9 paragraph (1); and

10 (B) the efforts of the Department of De-
11 fense to assess the compliance of contractors
12 with such clauses.

13 (3) REPORT REQUIRED.—The Comptroller Gen-
14 eral shall, not less frequently than every 2 years
15 until the termination date specified in paragraph
16 (5), submit to the appropriate congressional commit-
17 tees a report on the results of the assessments con-
18 ducted under paragraph (1) that includes an assess-
19 ment of—

20 (A) the inclusion by the Department of
21 Defense of necessary contracting clauses in rel-
22 evant contracts to meet the requirements de-
23 scribed in subparagraphs (A), (B), and (C) of
24 paragraph (1); and

1 (B) the efforts of the Department of De-
2 fense to assess the compliance of contractors
3 with such clauses.

4 (4) REFERRAL.—If, in conducting an assess-
5 ment under paragraph (1), the Comptroller General
6 determines that a contractor has failed to comply
7 with any of the requirements described in subpara-
8 graphs (A), (B), and (C) of paragraph (1), the rel-
9 evant Inspectors General, or other enforcement
10 agencies, as appropriate, for further examination
11 and possible enforcement actions.

12 (5) TERMINATION.—The requirements of this
13 subsection shall terminate on the date that is 10
14 years after the date of the enactment of this Act.

15 (f) DEFINITIONS.—In this section, the terms “cov-
16 ered critical minerals” and “rare earth element” have the
17 meanings given to such terms in section 1211 of the Na-
18 tional Defense Authorization Act for Fiscal Year 2006 (10
19 U.S.C. 2302 note).



AMENDMENT TO H.R. 7900
OFFERED BY MR. KELLY OF MISSISSIPPI

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

1 **SEC. 10 ____ . NATIONAL MUSEUM OF INTELLIGENCE AND**
2 **SPECIAL OPERATIONS.**

3 (a) **RECOGNITION.**—The privately-funded museum to
4 honor the intelligence community and special operations
5 forces that is planned to be constructed in Ashburn, Vir-
6 ginia, may be recognized, upon completion, as the “Na-
7 tional Museum of Intelligence and Special Operations”.

8 (b) **PURPOSES.**—The purpose of recognizing the Na-
9 tional Museum of Intelligence and Special Operations
10 under subsection (a) are to—

11 (1) commemorate the members of the intel-
12 ligence community and special operations forces who
13 have been critical to securing the Nation against en-
14 emies of the United States for nearly a century;

15 (2) preserve and support the historic role that
16 the intelligence community and special operations
17 forces have played, and continue to play, both in se-
18 crecy as well as openly, to keep the United States
19 and its values and way of life secure; and

1 (3) foster a greater understanding of the intel-
2 ligence community and special operations forces to
3 ensure a common understanding, dispel myths, rec-
4 ognize those who are not otherwise able to be pub-
5 licly recognized, and increase science, technology, en-
6 gineering, and math education through museum pro-
7 grams designed to promote more interest and great-
8 er diversity in recruiting with respect to the intel-
9 ligence and special operations career field.



Amendment to H.R. 7900
National Defense Authorization Act for Fiscal Year 2023

Offered by: Mr. Franklin

In the appropriate place in the report to accompany H.R. 7900, insert the following new Directive Report Language:

Report on Providing DD214 or Equivalent Legal Documents to Members of the Reserve and National Guard at the End of their Service

The committee directs the Secretary of Defense to provide a report to House Armed Services Committee regarding a plan to provide separating or retiring National Guard or Reserve servicemembers a DD214 or equivalent legal document no later than October 15, 2023. This report must outline the plan to expand DD214 access to separating members of the Reserves or National guard from the Marine Corps, Army, Navy, Air Force, or Space Force. The report must also outline any alternate document that would be issued instead of a DD214, to include a servicemembers final pay or substantial part of that pay, final rank, and time in service.

AMENDMENT TO H.R. 7900
OFFERED BY MR. KHANNA OF CALIFORNIA

At the appropriate place in subtitle B of title XIII,
insert the following:

1 **SEC. ____ . PERMANENT EXTENSION OF AUTHORITY FOR**
2 **CERTAIN PAYMENTS TO REDRESS INJURY**
3 **AND LOSS.**

4 Section 1213(a) of the National Defense Authoriza-
5 tion Act for Fiscal Year 2020 (Public Law 116–92; 10
6 U.S.C. 2731 note) is amended by striking “During” and
7 all that follows through “December 31, 2023, not” and
8 inserting “Not”.



**Amendment to H.R. 7900
National Defense Authorization Act for Fiscal Year 2023**

Offered by Mr. Bacon of Nebraska

As appropriate in the report to accompany H.R. 7900, insert the following new Directive Report Language:

Report on Russian Atrocities in Ukraine

The committee directs the Secretary of Defense to submit an unclassified report to the congressional defense committees by February 24, 2023 describing confirmed and suspected atrocities and war crimes committed by forces operating under the command and direction of the Russian Federation in Ukraine. This report shall cover the period of time beginning in February 1, 2022 through the period thirty days prior to submission of the report to the congressional defense. This report shall include photographic evidence of such atrocities and war crimes, if available, and be made available on a publicly available website. Finally, the report may include a classified annex at the discretion of the Secretary.

AMENDMENT TO H.R. 7900
OFFERED BY MR. BANKS OF INDIANA

In section ____ (Log 75239)—

(1) in subsection (b)(1), strike “and commercial facilities” and insert “and academia and industry testing facilities”;

(2) in subsection (b)(5), insert “academia,” before “contractor-owned”;

(3) in subsection (c)(1), insert “academia,” before “contractor-owned”;

(4) in subsection (c)(2)(C), insert “academia,” before “contractor-owned”; and

(5) in subsection (c)(2)(D)(iv), insert “academia,” before “contractor-owned”.



AMENDMENT TO H.R. 7900**OFFERED BY MS. SLOTKIN OF MICHIGAN**

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

1 **Subtitle _____—Homeland Acceleration of Recovering Deposits and**
2 **Renewing Onshore Critical Key-**
3 **stones**
4

5 **SEC. 14___. AUTHORITY TO ACQUIRE MATERIALS FOR NA-**
6 **TIONAL DEFENSE STOCKPILE TO ADDRESS**
7 **SHORTFALLS.**

8 (a) MODIFICATION OF ACQUISITION AUTHORITY.—
9 Section 5 of the Strategic and Critical Materials Stock Pil-
10 ing Act (50 U.S.C. 98d) is amended—

11 (1) in subsection (a)—

12 (A) in paragraph (1)—

13 (i) in the first sentence, by inserting
14 “under the authority of paragraph (3) or”
15 after “Except for acquisitions made”; and

16 (ii) in the second sentence, by striking
17 “for such acquisition” and inserting “for
18 any acquisition of materials under this
19 Act”;

1 (B) in paragraph (2), by striking “any
2 such transaction” and inserting “any trans-
3 action”; and

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

5 “(3) From amounts appropriated after the date of
6 the enactment of this paragraph, the National Defense
7 Stockpile Manager may acquire materials determined to
8 be strategic and critical under section 3(a) without regard
9 to the requirement of the first sentence of paragraph (1)
10 if the Stockpile Manager determines there is a shortfall
11 of such materials in the stockpile.”; and

12 (2) in subsection (c), by striking “to carry out
13 the purposes for which appropriated for a period of
14 two fiscal years, if so provided in appropriation
15 Acts” and inserting “until expended, unless other-
16 wise provided in appropriations Acts”.

17 (b) CLARIFICATION THAT STOCKPILE MAY NOT BE
18 USED FOR BUDGETARY PURPOSES.—Section 2(c) of the
19 Strategic and Critical Materials Stock Piling Act (50
20 U.S.C. 98(c)) is amended by striking “is not to be used”
21 and inserting “shall not be used”.

22 (c) ANNUAL BRIEFINGS.—Section 11 of the Strategic
23 and Critical Materials Stock Piling Act (50 U.S.C. 98h–
24 2) is amended by adding at the end the following:

1 “(c)(1) Not later than 30 days after submitting a re-
2 port required by subsection (a), the National Defense
3 Stockpile Manager shall brief the committees specified in
4 paragraph (2) on the state of the stockpile and the acqui-
5 sitions intended to be made within the next fiscal year.

6 “(2) The committees specified in this paragraph
7 are—

8 “(A) the Committee on Armed Services,
9 the Committee on Foreign Relations, the Com-
10 mittee on Energy and Natural Resources, the
11 Committee on Commerce, Science, and Trans-
12 portation, and the Select Committee on Intel-
13 ligence of the Senate; and

14 “(B) the Committee on Armed Services,
15 the Committee on Foreign Affairs, the Com-
16 mittee on Natural Resources, the Committee on
17 Energy and Commerce, and the Permanent Se-
18 lect Committee on Intelligence of the House of
19 Representatives.”.

20 **SEC. 14___ . REPORT ON MODIFICATIONS TO NATIONAL**
21 **TECHNOLOGY AND INDUSTRIAL BASE.**

22 (a) IN GENERAL.—Not later than December 1, 2023,
23 the Secretary of Defense shall submit to the congressional
24 defense committees, the Committee on Financial Services
25 of the House of Representatives, the Permanent Select

1 Committee on Intelligence of the House of Representa-
2 tives, the Select Committee on Intelligence of the Senate,
3 and the Committee on Banking, Housing, and Urban Af-
4 fairs of the Senate a report on the benefits and risks of
5 potential legislative proposals to increase the availability
6 of strategic and critical materials that are, as of the date
7 of the enactment of this Act, sourced primarily from the
8 People’s Republic of China or the Russian Federation.

9 (b) ELEMENTS.—The report required by subsection
10 (a) shall include an assessment of the following:

11 (1) The implications of modifying the term “do-
12 mestic source” for purposes of the Defense Produc-
13 tion Act of 1950 (50 U.S.C. 4501 et seq.) to “do-
14 mestic and allied source” and including in the defini-
15 tion of such term business concerns in other coun-
16 tries, including, but not limited to, Canada, the
17 United Kingdom, and Australia.

18 (2) The benefits of facilitating more effective
19 integration of the national technology and industrial
20 base with the technology and industrial bases of
21 countries that are allies or partners of the United
22 States with respect to technology transfer, socio-
23 economic procurement requirements, and export con-
24 trols.

1 (c) FORM.—The report required by subsection (a)
2 shall be in an unclassified form but may contain a classi-
3 fied annex.

4 (d) DEFINITIONS.—In this section:

5 (1) NATIONAL TECHNOLOGY AND INDUSTRIAL
6 BASE.—The term “national technology and indus-
7 trial base” has the meaning given that term in sec-
8 tion 4801 of title 10, United States Code.

9 (2) STRATEGIC AND CRITICAL MATERIALS.—
10 The term “strategic and critical materials” has the
11 meaning given that term in section 12 of the Stra-
12 tegic and Critical Materials Stock Piling Act (50
13 U.S.C. 98h–3).



AMENDMENT TO H.R. 7900

OFFERED BY MR. WILSON OF SOUTH CAROLINA

(funding table amendment)

In section 4501 of division D, relating to Other Authorizations, Defense-Wide, increase the amount for Drug Interdiction & Counter-Drug Activities, Defense-Wide, Line 020, by \$4,000,000 for the Young Marines Program.

In section 4301 of division D, relating to Operation & Maintenance, Marine Corps, reduce the amount for Base Operating Support, Line 080, by \$4,000,000.

AMENDMENT TO H.R. 7900
OFFERED BY MR. GARAMENDI OF CALIFORNIA

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

1 **SEC. 3 ____ . REQUIREMENT OF SECRETARY OF DEFENSE TO**
2 **REIMBURSE STATE COSTS OF FIGHTING CER-**
3 **TAIN WILDLAND FIRES.**

4 (a) REQUIREMENT.—Section 2691(d) of title 10,
5 United States Code, is amended by striking “may” and
6 inserting “shall”.

7 (b) APPLICABILITY.—The amendment made by sub-
8 section (a) shall apply with respect to any lease, permit,
9 license, or other grant of access that the Secretary of De-
10 fense enters into, or grants, on or after the date of enact-
11 ment of this Act.



AMENDMENT TO H.R. 7900
OFFERED BY MRS. MCCLAIN OF MICHIGAN

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

1 **SEC. 7___ . POLICY OF DEFENSE HEALTH AGENCY ON EX-**
2 **PANDED RECOGNITION OF BOARD CERTIFI-**
3 **CATIONS FOR PHYSICIANS.**

4 Not later than 180 days after the date of the enact-
5 ment of this Act, the Director of the Defense Health
6 Agency shall revise the policy of the Defense Health Agen-
7 cy relating to credentialing and privileging under the mili-
8 tary health system, to expand the recognition of board cer-
9 tifications for physicians under such policy to a wide range
10 of additional board certifications.



AMENDMENT TO H.R. 7900

OFFERED BY MR. NORCROSS OF NEW JERSEY

1 At the appropriate place in title VIII, add the fol-
2 lowing:

3 **SEC. 8___ . ENHANCED DOMESTIC CONTENT REQUIREMENT**
4 **FOR MAJOR DEFENSE ACQUISITION PRO-**
5 **GRAMS.**

6 (a) ASSESSMENT REQUIRED.—

7 (1) IN GENERAL.—Not later than one year
8 after the date of the enactment of this Act, the Sec-
9 retary of Defense shall submit to the congressional
10 defense committees a report assessing the domestic
11 source content of procurements carried out in con-
12 nection with a major defense acquisition program.

13 (2) INFORMATION REPOSITORY.—The Secretary
14 of Defense shall establish an information repository
15 for the collection and analysis of information related
16 to domestic source content for products the Sec-
17 retary deems critical, where such information can be
18 used for continuous data analysis and program man-
19 agement activities.

20 (b) ENHANCED DOMESTIC CONTENT REQUIRE-
21 MENT.—

1 (1) IN GENERAL.—Except as provided in para-
2 graph (2), for purposes of chapter 83 of title 41,
3 United States Code, manufactured articles, mate-
4 rials, or supplies procured in connection with a
5 major defense acquisition program are manufactured
6 substantially all from articles, materials, or supplies
7 mined, produced, or manufactured in the United
8 States if the cost of such component articles, mate-
9 rials, or supplies—

10 (A) supplied not later than the date of the
11 enactment of this Act, exceeds 60 percent of
12 cost of the manufactured articles, materials, or
13 supplies procured;

14 (B) supplied during the period beginning
15 January 1, 2024, and ending December 31,
16 2028, exceeds 65 percent of the cost of the
17 manufactured articles, materials, or supplies;
18 and

19 (C) supplied on or after January 1, 2029,
20 exceeds 75 percent of the cost of the manufac-
21 tured articles, materials, or supplies.

22 (2) EXCLUSION FOR CERTAIN MANUFACTURED
23 ARTICLES.—Paragraph (1) shall not apply to manu-
24 factured articles that consist wholly or predomi-

1 nantly of iron, steel, or a combination of iron and
2 steel.

3 (3) RULEMAKING TO CREATE A FALLBACK
4 THRESHOLD.—

5 (A) IN GENERAL.—Not later than 180
6 days after the date of the enactment of this
7 Act, the Secretary of Defense shall issue rules
8 to determine the treatment of the lowest price
9 offered for a foreign end product for which 55
10 percent or more of the component articles, ma-
11 terials, or supplies of such foreign end product
12 are manufactured substantially all from articles,
13 materials, or supplies mined, produced, or man-
14 ufactured in the United States if—

15 (i) the application paragraph (1) re-
16 sults in an unreasonable cost; or

17 (ii) no offers are submitted to supply
18 manufactured articles, materials, or sup-
19 plies manufactured substantially all from
20 articles, materials, or supplies mined, pro-
21 duced, or manufactured in the United
22 States.

23 (B) TERMINATION.—Rules issued under
24 this paragraph shall cease to have force or ef-
25 fect on January 1, 2030.

1 (4) APPLICABILITY.—The requirements of this
2 subsection—

3 (A) shall apply to contracts entered into on
4 or after the date of the enactment of this Act;
5 and

6 (B) shall not apply to a country that is a
7 member of the national technology and indus-
8 trial base (as defined by section 4801 of title
9 10, United States Code).

10 (c) MAJOR DEFENSE ACQUISITION PROGRAM DE-
11 FINED.—The term “major defense acquisition program”
12 has the meaning given in section 4201 of title 10, United
13 States Code.



AMENDMENT TO H.R. 7900
OFFERED BY MRS. BICE OF OKLAHOMA

Amend subsection (a) of section 1____ (Log 74844)

to read as follows:

1 (a) LIMITATION.—

2 (1) IN GENERAL.—Secretary of the Air Force
3 may not retire or prepare to retire more than a total
4 of 13 E–3 Airborne Warning and Control System
5 aircraft.

6 (2) RETIREMENT CONDITIONS.—Of the aircraft
7 authorized to be retired under paragraph (1)—

8 (A) up to eight aircraft may be retired at
9 any time during the period beginning on the
10 date of the enactment of this Act and ending on
11 October 1, 2023; and

12 (B) up to five aircraft may be retired only
13 after the Secretary of the Air Force enters into
14 a contract for the procurement of an E–7 air-
15 craft.

Redesignate subsection (b) of such section as sub-
section (c).

2

Insert after subsection (a) of such section (as amended) the following new subsection:

- 1 (b) DESIGNATION AS PTAI.—The Secretary of the
- 2 Air Force shall designate two E-3 aircraft as Primary
- 3 Training Aircraft Inventory.



AMENDMENT TO H.R. 7900

OFFERED BY MRS. BICE OF OKLAHOMA

(funding table amendment)

In section 4301 of division D, relating to Operation and Maintenance, Air Force, increase the amount for Flight Training, Line 310, by \$87,151,500 for Airborne Warning and Control System (AWACS) training.

In section 4301 of division D, relating to Operation and Maintenance, Service-Wide, reduce the amount for Administration, Line 410, by \$87,151,500.

AMENDMENT TO H.R. 7900
OFFERED BY MR. WALTZ OF FLORIDA

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

1 **SEC. 28** ____ . **PROHIBITION ON AVAILABILITY OF FUNDS FOR**
2 **SPECIAL OPERATIONS FORCES MILITARY**
3 **CONSTRUCTION.**

4 (a) **PROHIBITION.**—None of the funds authorized to
5 be appropriated by this Act or otherwise made available
6 for fiscal year 2023 for the Department of Defense may
7 be obligated or expended for the Commander of Special
8 Operations Command for military construction in
9 Baumholder, Germany.

10 (b) **WAIVER.**—

11 (1) **IN GENERAL.**—The Secretary of Defense
12 may waive the prohibition under subsection (a) if the
13 Secretary—

14 (A) determines that such a waiver is in the
15 national security interests of the United States;
16 and

17 (B) not later than 14 days after issuing
18 the waiver, submits to the congressional defense

1 committees a detailed justification for the waiver
2 in accordance with paragraph (2).

3 (2) ELEMENTS.—A justification under para-
4 graph (1)(B) shall include each of the following:

5 (A) The determination of the Secretary
6 that none of the following countries would pro-
7 vide preferable host nation funding for an
8 equivalent project in such country:

9 (i) Romania.

10 (ii) Poland.

11 (iii) Latvia.

12 (iv) Estonia.

13 (v) Lithuania.

14 (B) The determination of the Secretary
15 that hosting such forces in Germany would pro-
16 vide greater deterrence or greater operational
17 utility than host nation support in Romania,
18 Poland, Latvia, Estonia or Lithuania.

19 (C) An explanation for how the waiver is
20 in the national security interests of the United
21 States.

22 (D) Any other information the Secretary
23 determines appropriate.



AMENDMENT TO H.R. 7900
OFFERED BY MR. GALLAGHER OF WISCONSIN

At the appropriate place in subtitle A of title XIII,
insert the following:

1 **SEC. _____. SEIZE THE INITIATIVE.**

2 (a) **IN GENERAL.**—There shall be established in the
3 Department of Defense an initiative, to be known as the
4 “Seize The Initiative Fund” (referred to in this section
5 as the “Fund”), for the use of the Commander of United
6 States Indo-Pacific Command to increase the ability of
7 covered Armed Forces to respond to contingencies in the
8 Indo-Pacific.

9 (b) **AUTHORIZATION OF APPROPRIATIONS.**—There is
10 authorized to be appropriated \$1,000,000,000 for the De-
11 partment of Defense for fiscal year 2023 for the allowable
12 uses described subsection (c).

13 (c) **ALLOWABLE USES.**—The funds authorized to be
14 appropriated by this section shall be used by the Com-
15 mander of United States Indo-Pacific Command, in con-
16 sultation with the Secretary of Defense and the Secre-
17 taries of the military departments, for the following pur-
18 poses:

1 (1) Activities to increase the presence of cov-
2 ered Armed Forces west of the international dateline
3 in the United States Indo-Pacific Command area of
4 responsibility.

5 (2) Activities to improve infrastructure to en-
6 hance the responsiveness of covered Armed Forces
7 west of the international dateline in the United
8 States Indo-Pacific Command area of responsibility.

9 (3) Activities to enhance prepositioning in the
10 United States Indo-Pacific Command area of re-
11 sponsibility of equipment of covered Armed Forces.

12 (4) Activities to enhance contingency response
13 in the United States Indo-Pacific Command area of
14 responsibility.

15 (d) INITIAL PLAN REQUIRED.—The Commander of
16 United States Indo-Pacific Command shall, within 180
17 days of the enactment of this act, provide the congres-
18 sional defense committees with a plan to use funds author-
19 ized pursuant to this section. Such plan, to the extent
20 practicable, shall be consistent with other plans required
21 to be produced by the Commander of United States Indo-
22 Pacific Command, including under section 1242 of the
23 National Defense Authorization Act for Fiscal Year 2022
24 (Public Law 117–81; 135 Stat. 1978).

1 (e) COVERED ARMED FORCES.—In this section, the
2 term “covered Armed Force” means the following forces
3 of the United States:

- 4 (1) The Army.
- 5 (2) The Navy.
- 6 (3) The Marine Corps.
- 7 (4) The Air Force.
- 8 (5) The Space Force.

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AMENDMENT TO H.R. 7900

OFFERED BY MR. GALLAGHER OF WISCONSIN

(funding table amendment)

In section 4301 of division D, relating to operation and maintenance, Defense-wide, reduce the amount for Joint Chiefs of Staff, Line 010, by \$100,000,000.

In section 4301 of division D, relating to operation and maintenance, Defense-wide, reduce the amount for Joint Chiefs of Staff - JTEEP, Line 030, by \$200,000,000.

In section 4301 of division D, relating to operation and maintenance, Defense-wide, reduce the amount for Defense Human Resources Activity, Line 240, by \$150,000,000.

In section 4301 of division D, relating to operation and maintenance, Defense-wide, reduce the amount for Defense Media Activity, Line 320, by \$50,000,000.

In section 4301 of division D, relating to operation and maintenance, Defense-wide, reduce the amount for Defense Threat Reduction Agency (DTRA), Line 360, by \$200,000,000.

In section 4301 of division D, relating to operation and maintenance, Defense-wide, reduce the amount for Office of the Secretary of Defense, Line 440, by \$300,000,000.

Amendment to H.R. 7900
National Defense Authorization Act for Fiscal Year 2023

Offered by: Mr. Norcross

In the appropriate place in the report to accompany H.R. 7900, insert the following new Directive Report Language:

Ensuring Installation Access for Union Organizers

The Committee notes that the National Labor Relations Act of 1935 (Public Law 74-198) states that it is “the policy of the United States [to] encourag[e] the practice and procedure of collective bargaining and [to] protect the exercise by workers of full freedom of association,” (29 U.S.C. 151). However, many members of labor organizations are frequently denied access to installations for purposes of labor organization.

The Committee directs the Secretary of Defense to provide a briefing to the House Committee on Armed Services not later than March 31, 2023 on the Department’s efforts to work with labor organizations as defined in section 2(5) of the National Labor Relations Act (29 U.S.C. 152(5)) on the development of standards for granting access to members of labor organizations. The briefing should include information on efforts to grant access to members of labor organizations attempting to organize employees at military installations in the United States. The briefing should also include information on how such efforts to grant access to members of labor organizations consider safety, security, and uniformity between installations to the extent practicable as well as making any guidance publicly accessible.