

AMENDMENTS TO THE DEFENSE APPROPRIATIONS BILL
FY2021

Full Committee Markup
House Appropriations Committee
July 14, 2020

Adapted
Voice

MR. VISCLOSKY

Department of Defense Appropriations Bill, 2021

Managers' Amendment

Offered by Mr. Visclosky of Indiana

BILL

In the bill:

On page 9, line 10, after the dollar amount insert “(reduced by \$1,000,000) (increased by \$1,000,000)”.

On page 32, line 23, after the dollar amount, insert “(reduced by \$3,000,000) (increased by \$3,000,000)”.

On page 33, line 8, after the dollar amount, insert “(reduced by \$10,000,000) (increased by \$10,000,000)”.

On page 126, line 13, strike “prepare to conduct” and insert “make specific preparations for”.

On page 128, line 17, after “stationed” and before the period, insert “or are located in an area impacted by excessive military aviation noise, as determined by the Department of Defense’s noise monitoring programs”.

REPORT LANGUAGE

In the report:

On page 22, under the header “Sexual Assault Prevention and Response”, and after the end of the second paragraph, insert the following:

“The Department of Defense has failed to address the sexual assault crisis and failed to protect the men and women who serve every day in the United States military. Sexual assault remains the most underreported crime in the military. The Department’s 2019 report on sexual assault in the military found only one third of sexual assaults were reported and of the women who did report 43 percent said they had a negative experience doing so. Still, the Department remains resistant to reforming how sexual assault is reported, requiring sexual assault victims to report to an internal entity to receive health care access or to the command to be referred to military law enforcement. Neither option relieves the victim of fear of reprisal or stigma, nor does it offer the victim much hope for justice or recourse. Of the roughly 6,000 unrestricted reports referred to command only 300 were prosecuted, according to the report.

The Committee believes the current SAPRO reporting policy fails servicemembers, diminishes military readiness, and harms recruitment and retention efforts. The Committee directs the Comptroller General to conduct a review of the Department’s policy for reporting sexual assault and its effectiveness in protecting victims’ privacy, ensuring their safety, and holding offenders accountable. The Committee directs the Comptroller General to brief the House and Senate Appropriations Committees on its preliminary findings not later than 90 days after the enactment of this Act and to provide a full report to the same Committees at a date agreed upon at the time of the preliminary briefing.”

On page 64, strike all language under the header “Classified Contracting for Small Businesses”, and insert the following:

“The Committee recognizes the vital role small businesses play in fostering technological innovation and expedited or novel approaches to acquisition within the national security enterprise. The Department of Defense and Intelligence Community benefit from these relationships that promote faster, more efficient, and cost-effective solutions to critical national security problems. Small businesses, however, can be disadvantaged given the non-trivial expenses associated with handling, transmitting, protecting, and storing classified information. These additional costs often manifest themselves as barriers to entry, giving rise to conditions that favor large and established contractors by providing them an implicit advantage over smaller potential entrants and existing small business contractors who cannot afford the added expense.

The Committee seeks solutions that allow new and non-traditional entrants, as well as smaller firms who have existing relationships with the Department of Defense and/or the Intelligence Community, to compete for classified contracts. The Committee, therefore, directs the Secretary of Defense and the Director of National Intelligence to submit a report to the House and Senate Appropriations Committees not later than 60 days after the enactment of this Act which surveys programs and initiatives in both the Department of Defense and the Intelligence Community that incentivize outreach to small businesses and lessen the burden and need for dedicated, company-specific classified infrastructure and provide additional options for small business contractors who have existing relationships with the Department of Defense and Intelligence Community. The report shall also address how the Department and the Intelligence Community can expand

relationships with small businesses that may or may not include access to secure compartmentalized information facilities.”

On page 69, under the header "Childcare" strike the third paragraph and insert the following:

"The Committee is also concerned by reports of the impromptu closure of childcare facilities and directs the respective Service Secretary to notify the congressional defense committees not later than 30 days prior to a closure of any childcare facility, with the reason for closure and the number of children and families affected. The Committee further instructs the Service Secretaries to delay any proposed closure until the congressional defense committees are provided with documentation as to the specific fiscal limitations that the respective Service has from keeping the proposed childcare development center open."

On page 71, before the header "Operation and Maintenance, Army", insert the following:

"MULTINATIONAL FORCE AND OBSERVERS

The Committee is concerned that a decision to remove United States forces from the Multinational Force and Observers in Egypt would be a mistake. Notwithstanding the priorities of the National Defense Strategy, the United States should maintain adequate support for this organization, which has bolstered regional stability through its peacekeeping role for almost forty years. The Committee directs the Secretary of Defense to provide notification to the congressional defense committees not less than 30 days prior to any permanent reduction in United States forces deployed to the Multinational Force and Observers.

ENERGY RESILIENCY STUDIES

The Committee is aware that military installations are required to evaluate their energy resiliency in relation to their vulnerability of the utility grid. The Committee directs the Service Secretaries to provide a report not later than 90 days after the enactment of this Act to the congressional defense committees on the requirement and the plan to conduct energy resiliency studies on military installations."

On page 113, before the header “Zero Trust Architecture”, insert the following:

“STANDARDS AND PROTOCOLS ON COUNTERING CYBERSECURITY INCIDENTS

The Committee notes that in July 2016 the North Atlantic Treaty Organization (NATO) recognized cyberspace as a domain of operations in which NATO must defend itself as it does in other operational domains. The Committee directs the Secretary of Defense, in consultation with the Secretary of State, to submit a report to the House and Senate Appropriations Committees not later than 180 days after the enactment of this Act on common NATO standards and protocols for countering cybersecurity incidents.”

On page 114, before the header "Operation and Maintenance, Army Reserve", insert the following:

"LOCAL MEDIA

The Committee directs the Secretary of Defense and the Service Secretaries that of the funds allocated for advertising, public relations, and marketing in this Act, funds shall be designated for local media, consisting of local television and radio broadcast stations and local newspapers. The Committee also directs the Secretary of Defense and the Service Secretaries to provide a report not later than 90 days after the enactment of this Act, and quarterly thereafter throughout fiscal year 2021, to the congressional defense committees, detailing how the Department of Defense and the military Services are spending advertising, public relations, and marketing related appropriations and what portion of these budgets are being spent on local media. The Committee further directs each Department and agency funded by this Act with annual advertising budgets in excess of \$500,000 to include in its fiscal year 2022 budget justification submission details on expenditures on local media advertising for fiscal years 2020 and 2021."

On page 133, before the header “United States Court of Appeals for the Armed Forces” insert the following:

“NATIONAL GUARD BUREAU STATE WEBSITE MODERNIZATION AND
STANDARDIZATION

The Committee believes the Air National Guard must continuously strive to reach its recruitment and sustainment goals to meet the personnel needs of the National Guard Bureau. Meeting these goals requires improved technological outreach via a modernized digital experience. Website standardization, digital asset management, and workflow modernization are all elements required for effective recruitment and sustainment of National Guard forces in the 21st century. Currently, the Committee believes the Adjutant Generals for individual states lack the tools needed to refine and mirror the capabilities present at the federal level. Therefore, the Committee encourages the Chief of the Air National Guard to provide robust funding for recruiting and advertising programs to improve the digital experience, implement state specific website modernization, expand digital asset management, and modernize forms to improve workflow.”

On page 213, before the header “Missile Procurement, Air Force”, insert the following:

“C-130 FLEET MANAGEMENT PLAN

The Committee directs the Secretary of the Air Force to submit a report to the congressional defense committees with the submission of the fiscal year 2022 budget request, that presents the Air Force’s long-term fleet management plan for C-130 aircraft. The report shall address the Air Force’s updated assessment of the theater airlift requirements and its plans to either recapitalize C-130H aircraft or to maintain a split fleet with C-130J and modernized C-130H aircraft. The report shall include, but is not limited to, planned total active aerospace vehicle inventory numbers throughout the future years defense program (FYDP) with justifications to any projected reduction in fleet size; projections of primary aerospace vehicle inventory and backup aerospace vehicle inventory per individual unit throughout the FYDP; plans to recapitalize C-130H aircraft with C-130J aircraft with projected timelines and associated funding throughout the FYDP; plans to modernize C-130H aircraft with projected timelines and associated funding throughout the FYDP; and plans to modify proficiency training or deployment requirements for units to account for any reduction in the number of aircraft assigned to those units.

CRITICAL INFRASTRUCTURE INVESTMENTS

The Committee encourages the Secretary of the Air Force to work with local governments to identify needed investments in surface transportation projects that will provide additional road capacity at congested or dangerous intersections, especially involving rail lines, for efficient flow and safety of aerospace workforce

and materiel deliveries to and from major national defense assets involved in research, testing, assembly, and manufacturing.”

On page 255, before the header “Research, Development, Test and Evaluation, Navy” insert the following:

“ARMORED DOOR ASSIST SYSTEMS

Due to increased armor protection, human operation of ground vehicle doors has become increasingly challenging using operator strength alone. Even lightly armored doors require a significant amount of force to open, close, and hold into position. This challenge puts operators at risk, especially during emergency exit and entry scenarios on the battlefield. The Committee encourages the Secretary of the Army to research alternatives including passive and active door assist devices which can support the Army in meeting safety and performance specifications of any armored vehicle door application.”

On page 320, under the header “Cyber Education Collaboratives”, at the end of the paragraph and before the period insert the following:

“and state cyber ranges in executing these workforce training programs. The partnership of the Air Force Research Laboratory with the Center for Hardware and Embedded Systems Security and Trust is an example of such a collaboration and the Committee encourages the Under Secretary to continue to support such efforts”

On page 322, before the header “Operational Test and Evaluation, Defense” insert the following:

“WOMEN AND MINORITIES IN STEM PIPELINE

The Committee believes the Department of Defense faces challenges recruiting and retaining a workforce skilled in science, technology, engineering, and mathematics (STEM). While this is a nationwide concern, the Committee supports Department of Defense efforts to grow the STEM workforce pipeline, particularly for women and minorities. The Committee encourages the Under Secretary of Defense (Research and Engineering) to continue these efforts by partnering with Hispanic Serving Institutions, Historically Black Colleges and Universities, and other Minority Serving Institutions on research, fellowships, internships, and cooperative work experiences at defense laboratories.

Additionally, the Committee encourages the Under Secretary of Defense (Research and Engineering) to collaborate with Hispanic Serving Institutions, Historically Black Colleges and Universities, and other Minority Serving Institutions to build a pipeline for scientists and engineers to enter the cyber workforce upon graduation.”

On page 338, under the header “Traumatic Brain Injury”, in the fourth paragraph, and after the words “deeper understanding” insert the following:

“, including at the cellular level through efforts such as the PANTHER program,”

On page 342, before the header “Chemical Agents and Munitions Destruction, Defense” insert the following:

“COLLABORATION WITH MINORITY SERVING HEALTH INSTITUTIONS

The Committee encourages the Assistant Secretary of Defense (Health Affairs) to work collaboratively in the health research field with Hispanic Serving Institutions, Historically Black Colleges and Universities, and other Minority Serving Institutions.”

On page 356, before “2523” insert “2401,”.

adopted
30-22

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

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

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





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

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

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



adopted
30-22

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

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

1 SEC. _____. (a)(1) Except as provided in paragraph
2 (2), none of the funds appropriated or otherwise made
3 available by this Act may be obligated or expended for any
4 use of military force in or against Iran unless Congress
5 has—

6 (A) declared war; or

7 (B) enacted specific statutory authoriza-
8 tion for such use of military force after the date
9 of the enactment of this Act that meets the re-
10 quirements of the War Powers Resolution (50
11 U.S.C. 1541 et seq.).

12 (2) The prohibition under paragraph (1) shall
13 not apply to a use of military force that is consistent
14 with section (2)(c) of the War Powers Resolution.

15 (b) Nothing in this section may be construed—

16 (1) to prevent the President from using nec-
17 essary and appropriate force to defend United States
18 allies and partners if Congress enacts specific statu-
19 tory authorization for such use of force consistent

15703
22-45

1 with the requirements of the War Powers Resolution
2 (50 U.S.C. 1541 et seq.);
3 (2) to relieve the executive branch of restric-
4 tions on the use of force, reporting, or consultation
5 requirements set forth in the War Powers Resolution
6 (50 U.S.C. 1541 et seq.); or
7 (3) to authorize the use of military force.

