

adopted JJ

# MR. VISCLOSKY

Department of Defense Appropriations Bill, 2020

Managers' Amendment

Offered by Mr. Visclosky of Indiana

## BILL

In the bill:

On page 9, line 13, after the dollar amount, insert “(reduced by \$17,500,000)”.

On page 31, line 10, after the dollar amount, insert “(reduced by \$96,995,000)  
(increased by \$96,995,000)”.

On page 32, line 1, after the dollar amount, insert “(reduced by \$10,000,000)  
(increased by \$10,000,000)”.

On page 32, line 8, after the dollar amount, insert “(reduced by \$5,000,000)  
(increased by \$20,000,000)”.

On page 33, line 4, after the dollar amount, insert “(reduced by \$10,000,000)”.

On page 34, line 6, after the dollar amount, insert “(increased by \$12,500,000)”.

On page 34, line 7, after the dollar amount, insert “(increased by \$2,500,000)”.

On page 34, line 14, after the dollar amount insert “(increased by \$10,000,000)”.

On page 34, line 25, after the dollar amount insert “(increased by \$10,000,000)”.

On page 35, line 3, insert before the period the following:

“: *Provided further*, That the Secretary of Defense shall submit to the House and Senate Appropriations Committees quarterly reports on the current status of the deployment of the electronic health record: *Provided further*, That the Secretary of Defense shall provide notice to the House and Senate Appropriations Committees not later than 10 business days after delaying the proposed timeline of such deployment if such delay is longer than one week: *Provided further*, That the Comptroller General of the United States shall perform quarterly performance reviews of such deployment”.

## REPORT LANGUAGE

In the report:

On page 65, under the header “Indian Financing Act”, at the end of the paragraph, insert the following:

“The Committee directs the Secretary of Defense to comply with section 8122 of this Act which requires the Department of Defense to conduct regular and meaningful consultations and coordination between the Department and Indian Tribal Governments on issues of mutual interest.”

On page 66, before the header “Operation and Maintenance, Army”, insert the following:

“WIND ENERGY

The Committee is aware of the ongoing development of offshore wind energy arrays on the United States Outer Continental Shelf as well as the ongoing leasing of wind energy areas. The Committee recognizes that wind turbine structures, particularly when arranged in large arrays, may cause interference to radars and that vibrations generated by the operation of turbines may cause sonic interference to underwater sonar. As such, the Committee directs the Secretary of Defense to submit a report to the congressional defense committees not later than 365 days after the enactment of this Act that addresses any potential national security concerns with respect to the construction of offshore wind arrays, to include an examination of legacy and new turbines, and any appropriate mitigation measures that should be implemented to address these concerns.”

On page 120, under the header “Granular Activated Carbon”, strike the second instance of “granular activated carbon” in the paragraph and insert “additional remediation technologies, including plasma generation,”.

On page 138, before the header “Procurement of Ammunition, Army”, insert the following:

“MACHINE GUN MOUNT UPGRADES

The Committee supports the MK93 machine gun mount upgrade program and encourages the Secretary of the Army to include additional detail in its budget request for fiscal year 2021 regarding its plans to develop and deploy the softmount upgrade.”

On page 280, before the header “Research, Development, Test and Evaluation, Defense-Wide”, insert the following:

#### “PERSISTENT CYBER ENGAGEMENT

The Committee recognizes U.S. Cyber Command’s emphasis on persistent engagement as part of the evolving strategy to secure the cyber domain. The Committee understands that efforts currently are underway at the Air Force Research Laboratory to establish a center for persistent cyber engagement to provide training and skills development for cyber security. The Committee understands that there is a continuing need for investment in technical platforms, manpower, access to networks and software, and acquisition of technology, and that such a center could aid the integration of investment across these areas. The Committee encourages the Secretary of the Air Force and the Commander of U.S. Cyber Command to continue and enhance efforts to support persistent cyber engagement.

#### DATA TRANSMISSION IN CONTESTED ENVIRONMENTS

The Committee is aware of increasing data transmission challenges in the multi-domain battlespace with the rising demand for high-definition full motion video, voice, geolocation, and intelligence data requests. Data transmission is particularly difficult in contested environments where shared information may be susceptible to capture, corruption, or disruption. The Committee encourages the Secretary of the Air Force to develop and mature data transmission technologies including next generation multi-beam arrays, encrypted data transmission

waveforms, high data capacity, and the ability to pass both tactical data link and common data link full motion imagery. The Committee directs the Secretary of the Air Force to submit a report to the congressional defense committees not later than 90 days after the enactment of this Act on encrypted data transmission technology advancements and plans for demonstration and acquisition.”

On page 297, before the header “Operational Test and Evaluation, Defense”, insert the following:

“AUTONOMOUS DISTRIBUTION FOR CRITICAL SUPPLIES

The Committee is aware that the 2015 Joint Concept for Logistics 2.0 noted that the tension between increasingly demanding logistics requirements and constrained and degraded logistics resources within the context of globally integrated operations creates a dilemma that will be the essential challenge joint logistics will have to overcome for the foreseeable future. The Committee also is aware that the Defense Innovation Unit, through the Army Contracting Command, has been prototyping commercial, autonomous drone services to deliver critical supplies, such as life-saving blood and medical products, to military members in combat. The Committee supports the continued development and expansion of autonomous distribution systems for these efforts in real-world operations to move faster, reduce costs, and ultimately save lives.”



On page 307, strike all language after the header “Electronic Health Records” and before the header “Military Health System Transformation” on page 308, and insert the following:

“The Committee continues to support the efforts that the Department of Defense and the Department of Veterans Affairs are undertaking with regard to electronic health records and the health record system. It is the Committee’s ongoing expectation that the Departments’ electronic health record systems must be completely and meaningfully interoperable with seamless compatibility. The Committee is encouraged that the Department of Veterans Affairs has decided to adopt the same electronic health record system as the Department of Defense; however, the Committee remains frustrated over the amount of time it will take before both Departments’ systems are fully deployed to all military treatment facilities and Department of Veterans Affairs medical facilities.

The Committee directs the Secretary of Defense to expeditiously implement the Electronic Health Record Modernization Joint Commitment, which includes the prompt establishment of an accountable and coordinated decision making and oversight entity. The Committee understands that the Department, in coordination with the Department of Veterans Affairs, continues its organizational process for the Interagency Program Office (IPO). The Committee is concerned that the Director of the IPO is currently planned to be subordinate to both the Deputy Secretary of Defense and the Deputy Secretary of Veterans Affairs and does not have a singular supervisory entity. The Committee is concerned that the proposed structure could present challenges with decision making and accountability. Therefore, the Committee directs the Secretary of Defense to work with the Secretary of Veterans Affairs to develop a reporting structure that ensures the Director of the IPO has a single supervisory entity.

The Committee also acknowledges that one of the determining factors in the timeline for the deployment of the electronic health record is the need to improve informational technology and related infrastructure at military medical treatment facilities. Therefore, the Committee directs the Secretary of Defense to submit a report to the House and Senate Appropriations Committees not later than 90 days after the enactment of this Act on the total cost of the installation of all remaining information technology and related infrastructure required to complete the deployment of the electronic health record, and the timeline to complete this installation.

Lastly, it should be noted that the Committee recommendation includes legislative language directing the Secretary of Defense to provide quarterly reports to the House and Senate Appropriations Committees on the status of the deployment of the electronic health record. These reports shall include the cost and schedule of the program, to include milestones, knowledge points, and acquisition timelines, as well as quarterly obligation reports. It is expected that the House and Senate Appropriations Committees continue to receive briefings on a quarterly basis, coinciding with the report submission. Also, the recommendation includes legislative language requiring the Secretary to notify the House and Senate Appropriations Committees on any delays to the proposed timeline for deployment. Finally, legislative language is included directing the Comptroller General to continue quarterly performance reviews of the deployment of MHS GENESIS so that the Committee can further monitor implementation of the system and whether it is meeting predicted cost assumptions.”

On page 310, under the header “Creative Arts Therapies”, at the end of the paragraph insert the following:

“The Committee further directs the Assistant Secretary of Defense for Health Affairs to submit a report to the House and Senate Appropriations Committees not later than 90 days after the enactment of this Act on the funding provided by the Department of Defense for creative arts therapies at the National Intrepid Centers and the available options, along with associated funding requirements, for expanding the use of such therapies.”

On page 312, before the header “Chemical Agents and Munitions Destruction, Defense”, insert the following:

“HEARING CENTER OF EXCELLENCE

The Committee is concerned that the current formatting of records in the Department of Defense’s Hearing Center of Excellence Joint Hearing Loss and Auditory System Injury Registry (JHASIR) hinders partnerships with the Department of Veterans Affairs, institutions of higher education, and other public and private entities. The Committee directs the Assistant Secretary of Defense for Health Affairs to review the feasibility of the digital transformation of audiograms, legacy records, and other data maintained in the JHASIR, and to submit a report on the review to the congressional defense committees not later than 90 days after the enactment of this Act.”

On page 315, after the section under the heading “Intelligence Community Management Account”, insert the following:

“CREDIBILITY ASSESSMENT

The Committee remains concerned about the costs, complexity, and timeliness of the current security clearance process across the federal government. The National Center for Credibility Assessment (NCCA) has been exploring less expensive technologies and methods that may help target which individuals require a polygraph. These technologies require rigorous testing to evaluate their relative utility compared to the polygraph. In fiscal year 2019, the Committee directed the Director of National Intelligence (DNI), acting as the federal government’s Security Executive Agent, and the NCCA, to provide a report to the congressional defense committees not later than 90 days after the enactment of the Act on the effectiveness of alternative technologies to the polygraph credibility. The Committee is disappointed that the report remains outstanding and directs the DNI, in coordination with the Under Secretary of Defense for Intelligence, to submit it as soon as practicable.”

Lee DAD Amendment

#1

Adopted 30-02

**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. 9\_\_ (a) The Authorization for Use of Military  
2 Force (Public Law 107-40; 50 U.S.C. 1541 note) is here-  
3 by repealed.

4       (b) The repeal contained in subsection (a)—

5           (1) takes effect on the date that is 240 days  
6 after the date of the enactment of this Act; and

7           (2) applies with respect to each operation or  
8 other action that is being carried out pursuant to  
9 the Authorization for Use of Military Force initiated  
10 before such effective date.



Ruppertsberger #1  
adopted 30-20

**AMENDMENT TO DEFENSE APPROPRIATIONS BILL**

**OFFERED BY M** . \_\_\_\_\_

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

**1 TITLE X—TO DIRECT THE RE-**  
**2 MOVAL OF UNITED STATES**  
**3 ARMED FORCES FROM HOS-**  
**4 TILITIES IN THE REPUBLIC**  
**5 OF YEMEN THAT HAVE NOT**  
**6 BEEN AUTHORIZED BY CON-**  
**7 GRESS**

**8 SEC. 10001. FINDINGS.**

9 Congress makes the following findings:

10 (1) Congress has the sole power to declare war  
11 under article I, section 8, clause 11 of the United  
12 States Constitution.

13 (2) Congress has not declared war with respect  
14 to, or provided a specific statutory authorization for,  
15 the conflict between military forces led by Saudi  
16 Arabia, including forces from the United Arab Emir-  
17 ates, Bahrain, Kuwait, Egypt, Jordan, Morocco,  
18 Senegal, and Sudan (the Saudi-led coalition),

1       against the Houthis, also known as Ansar Allah, in  
2       the Republic of Yemen.

3           (3) Since March 2015, members of the United  
4       States Armed Forces have been introduced into hos-  
5       tilities between the Saudi-led coalition and the  
6       Houthis, including providing to the Saudi-led coali-  
7       tion aerial targeting assistance, intelligence sharing,  
8       and mid-flight aerial refueling.

9           (4) The United States has established a Joint  
10       Combined Planning Cell with Saudi Arabia, in which  
11       members of the United States Armed Forces assist  
12       in aerial targeting and help to coordinate military  
13       and intelligence activities.

14          (5) In December 2017, Secretary of Defense  
15       James N. Mattis stated, “We have gone in to be  
16       very—to be helpful where we can in identifying how  
17       you do target analysis and how you make certain  
18       you hit the right thing.”.

19          (6) The conflict between the Saudi-led coalition  
20       and the Houthis constitutes, within the meaning of  
21       section 4(a) of the War Powers Resolution (50  
22       U.S.C. 1543(a)), either hostilities or a situation  
23       where imminent involvement in hostilities is clearly  
24       indicated by the circumstances into which United  
25       States Armed Forces have been introduced.



1           (7) Section 5(e) of the War Powers Resolution  
2           (50 U.S.C. 1544(e)) states that “at any time that  
3           United States Armed Forces are engaged in hos-  
4           tilities outside the territory of the United States, its  
5           possessions and territories without a declaration of  
6           war or specific statutory authorization, such forces  
7           shall be removed by the President if the Congress so  
8           directs”.

9           (8) Section 8(e) of the War Powers Resolution  
10          (50 U.S.C. 1547(e)) defines the introduction of  
11          United States Armed Forces to include “the assign-  
12          ment of members of such armed forces to command,  
13          coordinate, participate in the movement of, or ac-  
14          company the regular or irregular military forces of  
15          any foreign country or government when such mili-  
16          tary forces are engaged, or there exists an imminent  
17          threat that such forces will become engaged, in hos-  
18          tilities,” and activities that the United States is con-  
19          ducting in support of the Saudi-led coalition, includ-  
20          ing aerial refueling and targeting assistance, fall  
21          within this definition.

22          (9) Section 1013 of the Department of State  
23          Authorization Act, Fiscal Years 1984 and 1985 (50  
24          U.S.C. 1546a) provides that any joint resolution or  
25          bill to require the removal of United States Armed

1 Forces engaged in hostilities without a declaration of  
2 war or specific statutory authorization shall be con-  
3 sidered in accordance with the expedited procedures  
4 of section 601(b) of the International Security and  
5 Arms Export Control Act of 1976 (Public Law 94–  
6 329; 90 Stat. 765).

7 (10) No specific statutory authorization for the  
8 use of United States Armed Forces with respect to  
9 the conflict between the Saudi-led coalition and the  
10 Houthis in Yemen has been enacted, and no provi-  
11 sion of law explicitly authorizes the provision of tar-  
12 geting assistance or of midair refueling services to  
13 warplanes of Saudi Arabia or the United Arab Emir-  
14 ates that are engaged in such conflict.

15 **SEC. 10002. REMOVAL OF UNITED STATES ARMED FORCES**  
16 **FROM HOSTILITIES IN THE REPUBLIC OF**  
17 **YEMEN THAT HAVE NOT BEEN AUTHORIZED**  
18 **BY CONGRESS.**

19 Pursuant to section 1013 of the Department of State  
20 Authorization Act, Fiscal Years 1984 and 1985 (50  
21 U.S.C. 1546a) and in accordance with the provisions of  
22 section 601(b) of the International Security Assistance  
23 and Arms Export Control Act of 1976 (Public Law 94–  
24 329; 90 Stat. 765), Congress hereby directs the President  
25 to remove United States Armed Forces from hostilities in

1 or affecting the Republic of Yemen, except United States  
2 Armed Forces engaged in operations directed at al Qaeda  
3 or associated forces, by not later than the date that is  
4 30 days after the date of the enactment of this Act (unless  
5 the President requests and Congress authorizes a later  
6 date), and unless and until a declaration of war or specific  
7 authorization for such use of United States Armed Forces  
8 has been enacted. For purposes of this title, in this sec-  
9 tion, the term "hostilities" includes in-flight refueling of  
10 non-United States aircraft conducting missions as part of  
11 the ongoing civil war in Yemen.

12 **SEC. 10003. RULE OF CONSTRUCTION REGARDING CONTIN-**  
13 **UED MILITARY OPERATIONS AND COOPERA-**  
14 **TION WITH ISRAEL.**

15 Nothing in this title shall be construed to influence  
16 or disrupt any military operations and cooperation with  
17 Israel.

18 **SEC. 10004. RULE OF CONSTRUCTION REGARDING INTEL-**  
19 **LIGENCE SHARING.**

20 Nothing in this title may be construed to influence  
21 or disrupt any intelligence, counterintelligence, or inves-  
22 tigative activities relating to threats in or emanating from  
23 Yemen conducted by, or in conjunction with, the United  
24 States Government involving—

25 (1) the collection of intelligence;

1 (2) the analysis of intelligence; or

2 (3) the sharing of intelligence between the  
3 United States and any coalition partner if the Presi-  
4 dent determines such sharing is appropriate and in  
5 the national security interests of the United States.

6 **SEC. 10005. REPORT ON RISKS POSED BY CEASING SAUDI**  
7 **ARABIA SUPPORT OPERATIONS.**

8 Not later than 90 days after the date of the enact-  
9 ment of this Act, the President shall submit to Congress  
10 a report assessing the risks posed to United States citizens  
11 and the civilian population of Saudi Arabia and the risk  
12 of regional humanitarian crises if the United States were  
13 to cease support operations with respect to the conflict be-  
14 tween the Saudi-led coalition and the Houthis in Yemen.

15 **SEC. 10006. REPORT ON INCREASED RISK OF TERRORIST**  
16 **ATTACKS TO UNITED STATES ARMED FORCES**  
17 **ABROAD, ALLIES, AND THE CONTINENTAL**  
18 **UNITED STATES IF SAUDI ARABIA CEASES**  
19 **YEMEN-RELATED INTELLIGENCE SHARING**  
20 **WITH THE UNITED STATES.**

21 Not later than 90 days after the date of the enact-  
22 ment of this Act, the President shall submit to Congress  
23 a report assessing the increased risk of terrorist attacks  
24 on United States Armed Forces abroad, allies, and to the  
25 continental United States if the Government of Saudi Ara-

1 bia were to cease Yemen-related intelligence sharing with  
2 the United States.

3 **SEC. 10007. RULE OF CONSTRUCTION REGARDING NO AU-**  
4 **THORIZATION FOR USE OF MILITARY FORCE.**

5 Consistent with section 8(a)(1) of the War Powers  
6 Resolution (50 U.S.C. 1547(a)(1)), nothing in this title  
7 may be construed as authorizing the use of military force.



Fortenberry Amendment  
to Defense #1

adopted w

**AMENDMENT TO DEFENSE APPROPRIATIONS BILL  
OFFERED BY MR. FORTENBERRY OF NEBRASKA**

Page 27, line 17, after the dollar amount, insert  
“(increased by \$11,200,000)”.

Page 28, line 8, after the dollar amount, insert “(in-  
creased by \$205,000,000)”.

Page 30, line 20, after the dollar amount, insert  
“(increased by \$25,000,000)”.

Page 32, line 18, after the dollar amount, insert  
“(reduced by \$241,200,000)”.



Lee DEP #3  
adapted 30-00

**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. 9\_\_. Nothing in this Act may be construed as
- 2 authorizing the use of force against Iran.

