

Amendment to Rules Committee Print 119-8

Offered by Mr. Ogles of Tennessee

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

Sec. __. Applicability of Administrative Procedure Act

Section 1260 (H) of the Fiscal Year 2021 National Defense Authorization Act (10 USC 113 note) is amended by adding at the end the following:

“(e) Administrative Procedure. – The determination made by the Secretary of Defense in (a) shall be considered a military or foreign affairs function of the United States for the purposes of the Administrative Procedure Act and shall not be subject to sections 551, 553 through 559, and 701 through 706 of title 5, United States Code.”