

AMENDMENT TO
RULES COMMITTEE PRINT 117-54
OFFERED BY MR. GARAMENDI OF CALIFORNIA

At the end of subtitle C of title XXVIII, insert the following new section:

1 **SEC. 28__ . IMPROVEMENTS RELATING TO ACCESS TO**
2 **MILITARY INSTALLATIONS IN UNITED**
3 **STATES.**

4 (a) ADDITIONAL CATEGORIES FOR EXPEDITED AC-
5 CESS.—Chapter 159 of title 10, United States Code, is
6 amended by adding at the end the following new section
7 (and conforming the table of sections at the beginning of
8 such chapter accordingly):

9 **“§ 2698. Access to military installations: standards for**
10 **entry to military installations in United**
11 **States**

12 “(a) ACCESS TO MILITARY INSTALLATIONS IN
13 UNITED STATES.—(1) The Secretary of Defense shall
14 maintain access standards applicable to all military instal-
15 lations in the United States. Such standards shall require
16 screening standards appropriate to the type of installation
17 involved, the security level of the installation, the category

1 of individuals authorized to visit the installation, and the
2 level of access to be granted, including—

3 “(A) protocols and criteria to determine the fit-
4 ness of the individual to enter an installation;

5 “(B) standards and methods for verifying the
6 identity of the individual; and

7 “(C) other factors the Secretary determines ap-
8 propriate.

9 “(2) In developing the standards under paragraph
10 (1), the Secretary shall, with respect to military installa-
11 tions in the United States—

12 “(A) include procedures for recurring
13 unescorted access to facilitate future visits to the in-
14 stallation for individuals who—

15 “(i) are non-Department of Defense per-
16 sonnel; and

17 “(ii) are determined to be eligible under
18 such standards; and

19 “(B) ensure that access for such individuals is
20 based on the use of credentials non-Department of
21 Defense personnel already possess, to the extent prac-
22 tical.

23 “(3) Upon publication in the Federal Register of final
24 regulations to carry out paragraph (1), the Secretary shall

1 publish the standards set forth therein on a publicly acces-
2 sible Internet website of the Department of Defense.

3 “(4) In carrying out this subsection, the Secretary
4 shall seek to procure and field existing identification
5 screening technology (including technology to enable the
6 Secretary to validate other Federally recognized access
7 credentials) and develop additional technology only to the
8 extent necessary to assist commanders of military installa-
9 tions in the United States in implementing the standards
10 under paragraph (1) at points of entry for such installa-
11 tions.

12 “(b) PRE-ARRIVAL REGISTRATION AND SCREENING
13 PROTOCOL FOR ACCESS TO MILITARY INSTALLATIONS IN
14 UNITED STATES.—The Secretary shall ensure that the
15 standards under subsection (a) include a specific protocol
16 for the voluntary pre-arrival registration and screening of
17 individuals anticipating a need for access to a military in-
18 stallation in the United States to establish the fitness and
19 purpose of such individual. Under such protocol—

20 “(1) such a screening shall occur not less than
21 24 hours, and not more than 14 days prior, to the
22 time of such access; and

23 “(2) if an individual is determined fit to enter
24 the installation pursuant to the pre-arrival registra-
25 tion and screening, access may only be granted upon

1 arrival at the military installation on the date of the
2 established purpose, following a verification of the
3 identity of the individual.

4 “(c) UNESCORTED ACCESS TO MILITARY INSTALLA-
5 TIONS IN UNITED STATES FOR CERTAIN INDIVIDUALS.—
6 The Secretary shall maintain guidance regarding the
7 granting of unescorted access to military installations in
8 the United States for covered individuals and ensure such
9 guidance is circulated to the commanders of each such
10 military installation. Such guidance shall—

11 “(1) identify the categories of covered individ-
12 uals that may obtain such unescorted access;

13 “(2) include a list of credentials that can be
14 used for access to an installation that are, to the ex-
15 tent practical, types of identification non-Depart-
16 ment of Defense personnel already possess.

17 “(3) be consistent across military installations
18 in the United States; and

19 “(4) be in accordance with any privileges or
20 benefits accorded under, procedures developed pur-
21 suant to, or requirements of, each covered provision
22 and subsection (a).

23 “(d) PHYSICAL ENTRANCES TO CERTAIN MILITARY
24 INSTALLATIONS.—The Secretary shall ensure that, to the
25 extent practicable—

1 “(1) each military installation in the United
2 States has a designated main entrance that, at all
3 times, is manned by at least one member of the
4 Armed Forces or civilian employee of the Depart-
5 ment;

6 “(2) the location of each such designated main
7 entrance is published on a publicly accessible Inter-
8 net website of the Department;

9 “(3) if a military installation in the United
10 States has any additional entrance designated for
11 commercial deliveries to the military installation, the
12 location of such entrance (and any applicable days
13 or hours of operation for such entrance) is published
14 on the same Internet website specified in paragraph
15 (2); and

16 “(4) the information published on the Internet
17 website specified in paragraph (2) is reviewed and,
18 as necessary, updated on a basis that is not less fre-
19 quent than annually.

20 “(e) **REVIEWS AND SUBMISSION TO CONGRESS.**—On
21 a basis that is not less frequent than once every five years,
22 the Secretary shall—

23 “(1) review the standards and guidance under
24 this section, and make such updates as may be de-
25 termined appropriate by the Secretary; and

1 “(2) submit to the Committees on Armed Serv-
2 ices of the House of Representatives and the Senate
3 the most recently reviewed and, as applicable, up-
4 dated version of such standards and guidance.

5 “(f) DEFINITIONS.—In this section:

6 “(3) The term ‘covered individual’ means, with
7 respect to a military installation in the United
8 States, the following:

9 “(A) A member of the armed forces or ci-
10 vilian employee of the Department of Defense,
11 or an employee or family member of such mem-
12 ber or employee, who resides, attends school, re-
13 ceives health care services, or shops at a com-
14 missary or exchange store on the installation.

15 “(B) A retired member of the armed
16 forces, including the reserve components, or a
17 family member of such retired member, who re-
18 sides, attend schools, receives health care serv-
19 ices, or shops at a commissary or exchange
20 store on the installation.

21 “(C) An individual performing work at the
22 installation under a contract or subcontract (at
23 any tier), including a military construction
24 project, military family housing project, or a

1 Facilities Sustainment, Restoration, and Mod-
2 ernization project.

3 “(D) A motor carrier or household goods
4 motor carrier providing transportation services
5 for the United States Transportation Command

6 “(E) An official who is employed by an
7 agency of the State in which the installation is
8 located that enforces laws relating to workers’
9 compensation or minimum wage with respect to
10 such State and who is seeking such access per-
11 taining to a specific military construction
12 project, military family housing project, or Fa-
13 cilities Sustainment, Restoration, and Mod-
14 ernization project.

15 “(F) A representative of any labor organi-
16 zation (as defined in section 2 of the National
17 Labor Relations Act (29 U.S.C. 152)), includ-
18 ing a member of any labor management com-
19 mittee described in section 205A of the Labor
20 Management Relations Act, 1947 (29 U.S.C.
21 175a), who is—

22 “(i) seeking access to an individual
23 performing work at the installation who is
24 a member of such labor organization—

1 “(I) in connection with a specific
2 military construction project, military
3 family housing project, or Facilities
4 Sustainment, Restoration, and Mod-
5 ernization project; or

6 “(II) pursuant to a concessions
7 or service contract subject to chapter
8 67 of title 41 (known as the ‘McNa-
9 mara-O’Hara Service Contract Act of
10 1965’); or

11 “(ii) seeking access to an individual
12 performing work at the installation for the
13 purposes of soliciting such individual to
14 join such labor organization.

15 “(G) A representative of any labor organi-
16 zation (as defined in section 2 of the National
17 Labor Relations Act (29 U.S.C. 152)), includ-
18 ing a member of any labor management com-
19 mittee described in section 205A of the Labor
20 Management Relations Act, 1947 (29 U.S.C.
21 175a), or a representative of a program reg-
22 istered under the Act of August 16, 1937 (com-
23 monly known as the ‘National Apprenticeship
24 Act’; 29 U.S.C. 50 et seq.) conducting a voca-
25 tional training, job fair, or similar workforce

1 development event for members of the armed
2 forces or veterans at the installation.

3 “(2) The term ‘covered provision’ means the
4 following:

5 “(A) Chapter 54 of this title.

6 “(B) Section 202 of the REAL ID Act of
7 2005 (Public Law 109–13; 49 U.S.C. 30301
8 note).

9 “(C) Section 2812 of the National Defense
10 Authorization Act for Fiscal Year 2013 (Public
11 Law 112–239; 126 Stat. 2150; 10 U.S.C. 113
12 note).

13 “(D) Sections 346 and 1050 of the Na-
14 tional Defense Authorization Act for Fiscal
15 Year 2017 (Public Law 114–328; 10 U.S.C.
16 113 note).

17 “(E) Section 626 of the John S. McCain
18 National Defense Authorization Act for Fiscal
19 Year 2019 (Public Law 115–232; 132 Stat.
20 1802; 10 U.S.C. 113 note).

21 “(F) Section 1090 of the William M.
22 (Mac) Thornberry National Defense Authoriza-
23 tion Act for Fiscal Year 2021 (Public Law
24 116–283; 134 Stat. 3879; 10 U.S.C. 113 note).

1 “(3) The term ‘Federally recognized access cre-
2 dential’ means a credential authorized by Federal
3 law or otherwise issued by the head of a Federal de-
4 partment or agency that requires the vetting of an
5 individual for access to a facility, area, or program.

6 “(4) The term ‘military installation’ has the
7 meaning given that term in section 2801 of this
8 title.

9 “(5) The term ‘State’ means any of the several
10 States, the District of Columbia, the Commonwealth
11 of Puerto Rico, Guam, American Samoa, the Virgin
12 Islands of the United States, or the Commonwealth
13 of the Northern Mariana Islands.

14 “(6) The term ‘United States’ includes each
15 State, as such term is defined in this subsection.”.

16 (b) DEADLINE FOR FIRST REVIEW AND SUBMISSION
17 TO CONGRESS.—Not later than 180 days after the date
18 of the enactment of this Act, the Secretary of Defense
19 shall—

20 (1) conduct the first review of the standards
21 and guidance required under section 2698 of title
22 10, United States Code (as added by subsection (a));
23 and

24 (2) submit to the Committees on Armed Serv-
25 ices of the House of Representatives and the Senate

1 the reviewed and, as applicable, updated version of
2 such standards and guidance.

3 (c) MODIFICATION TO CERTAIN NOTIFICATION RE-
4 QUIREMENT.—Section 1090(b)(2)(B) of the William M.
5 (Mac) Thornberry National Defense Authorization Act for
6 Fiscal Year 2021 (Public Law 116–283; 134 Stat. 3879;
7 10 U.S.C. 113 note) is amended by striking “is” and in-
8 serting “and, as appropriate, the Secretary of Homeland
9 Security and the Director of the Federal Bureau of Inves-
10 tigation, are”.

11 (d) TECHNICAL AND CONFORMING AMENDMENTS.—

12 (1) REPEAL OF DUPLICATE PROVISION.—Sec-
13 tion 1069 of the National Defense Authorization Act
14 for Fiscal Year 2008 (Public Law 110–181; 122
15 Stat. 326) is repealed.

16 (2) CONFORMING AMENDMENTS TO PRIOR NA-
17 TIONAL DEFENSE AUTHORIZATION ACT.—Section
18 1050 of the National Defense Authorization Act for
19 Fiscal Year 2017 (10 U.S.C. 113 note; 130 Stat.
20 2396) is amended—

21 (A) in subsection (a), by striking “Depart-
22 ment of Defense installations” and inserting
23 “military installations in the United States”;

1 (B) in subsection (b), by striking “Depart-
2 ment of Defense facilities” and inserting “mili-
3 tary installations in the United States”; and

4 (C) by adding at the end the following new
5 subsection:

6 “(c) DEFINITIONS.—In this section, the terms ‘mili-
7 tary installation’ and ‘United States’ have the meanings
8 given such terms in section 2698(e) of title 10, United
9 States Code.”.

