

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To modify the provision relating to the commission on the naming of items of the Department of Defense that commemorate the Confederate States of America or any person who served voluntarily with the Confederate States of America.

**IN THE SENATE OF THE UNITED STATES—116th Cong., 2d Sess.**

**S. 4049**

To authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. HAWLEY

Viz:

1 Strike section 377 and insert the following:

1 **SEC. 377. COMMISSION ON THE NAMING OF ASSETS OF THE**  
2 **DEPARTMENT OF DEFENSE THAT COMMEMO-**  
3 **RATE THE CONFEDERATE STATES OF AMER-**  
4 **ICA OR ANY PERSON WHO SERVED VOLUN-**  
5 **TARILY WITH THE CONFEDERATE STATES OF**  
6 **AMERICA.**

7 (a) IN GENERAL.—The Secretary of Defense shall es-  
8 tablish a commission relating to the assigning, modifying,  
9 keeping, or removing of names, symbols, displays, monu-  
10 ments, and paraphernalia of assets of the Department of  
11 Defense that commemorate the Confederate States of  
12 America or any person who served voluntarily with the  
13 Confederate States of America (in this section referred to  
14 as the “Commission”).

15 (b) MEMBERSHIP.—

16 (1) IN GENERAL.—The Commission shall be  
17 composed of eight members, of whom—

18 (A) two shall be appointed by the Presi-  
19 dent;

20 (B) two shall be appointed by the Sec-  
21 retary of Defense;

22 (C) one shall be appointed by the Chair-  
23 man of the Committee on Armed Services of  
24 the Senate;

1 (D) one shall be appointed by the Ranking  
2 Member of the Committee on Armed Services of  
3 the Senate;

4 (E) one shall be appointed by the Chair-  
5 man of the Committee on Armed Services of  
6 the House of Representatives; and

7 (F) one shall be appointed by the Ranking  
8 Member of the Committee on Armed Services of  
9 the House of Representatives.

10 (2) APPOINTMENT.—Members of the Commis-  
11 sion shall be appointed not later than 45 days after  
12 the date of the enactment of this Act.

13 (c) INITIAL MEETING.—The Commission shall hold  
14 its initial meeting on the date that is 60 days after the  
15 date of the enactment of this Act.

16 (d) DUTIES.—The Commission shall do the following:

17 (1) Assess the cost of renaming or removing  
18 names, symbols, displays, monuments, or para-  
19 phernalia on assets of the Department of Defense  
20 that commemorate the Confederate States of Amer-  
21 ica or any person who served voluntarily with the  
22 Confederate States of America.

23 (2) Develop criteria to assess whether an exist-  
24 ing name, symbol, display, monument, or para-  
25 phernalia commemorates or valorizes the Confed-

1       erate States of America or any person who served  
2       voluntarily with the Confederate States of America.

3           (3) Develop criteria to assess whether the pre-  
4       dominant meaning now given by the local community  
5       to an existing name, symbol, display, monument, or  
6       paraphernalia that commemorates the Confederate  
7       States of America or any person who served volun-  
8       tarily with the Confederate States of America has  
9       changed since the name, symbol, monument, display,  
10      or paraphernalia first became associated with an  
11      asset of the Department of Defense.

12          (4) Nominate names, symbols, displays, monu-  
13      ments, or paraphernalia to be potentially renamed or  
14      removed from assets of the Department of Defense  
15      based on the criteria developed under paragraphs (2)  
16      and (3).

17          (5) Develop proposed procedures for renaming  
18      or removing names, symbols, displays, monuments,  
19      or paraphernalia that commemorate the Confederate  
20      States of America or any person who served volun-  
21      tarily with the Confederate States of America that  
22      the Commission nominates as suitable candidates for  
23      renaming or removal, as the case may be, if such  
24      procedures do not already exist within directives,



1 (B) an agenda for the hearing and a list  
2 of materials relevant to the topics to be dis-  
3 cussed at the hearing.

4 (2) SOLICITATION OF INPUT.—Not later than  
5 60 days before soliciting input under subsection  
6 (d)(6)(B) with respect to a renaming or removal, the  
7 Commission shall provide notice to State entities,  
8 local government entities, military families, veterans  
9 service organizations, military service organizations,  
10 community organizations, and other non-government  
11 entities that would be affected by the renaming or  
12 removal to provide those individuals and entities  
13 time to consider and comment on the criteria, nomi-  
14 nations, and procedures being developed under sub-  
15 section (d).

16 (f) EXEMPTION FOR GRAVE MARKERS.—

17 (1) IN GENERAL.—Any renaming or removal  
18 proposed under this section or conducted pursuant  
19 to this section shall not apply to grave markers.

20 (2) GRAVE MARKERS DEFINED.—For purposes  
21 of this subsection, the term “grave marker” has the  
22 meaning given that term by the Commission.

23 (g) BRIEFINGS AND REPORTS.—

24 (1) BRIEFING.—Not later than October 1,  
25 2021, the Commission shall brief the Secretary of

1 Defense and the Committees on Armed Services of  
2 the Senate and the House of Representatives detail-  
3 ing the progress of the Commission in carrying out  
4 the requirements of the Commission under sub-  
5 section (d).

6 (2) BRIEFING AND REPORT.—Not later than  
7 October 1, 2022, the Commission shall brief and  
8 provide a written report to the Secretary of Defense  
9 and the Committees on Armed Services of the Sen-  
10 ate and the House of Representatives detailing the  
11 results of requirements of the Commission under  
12 subsection (d), including the following:

13 (A) A list of assets of the Department of  
14 Defense to be renamed or removed.

15 (B) The costs associated with the renam-  
16 ing or removal of such assets.

17 (C) A description of the criteria used to  
18 nominate such assets for renaming or removal.

19 (D) A description of the feedback received  
20 and incorporated from State and local stake-  
21 holders pursuant to subsection (d)(6), including  
22 a detailed explanation of any decision by the  
23 Commission to overrule concerns raised by  
24 State or local stakeholders when developing and  
25 issuing recommendations on the criteria, nomi-

1           nations, and proposed procedures described in  
2           paragraphs (2) through (5) of subsection (d).

3       (h) FUNDING.—

4           (1) AUTHORIZATION OF APPROPRIATIONS.—

5       There is authorized to be appropriated \$2,000,000  
6       to carry out this section.

7           (2) OFFSET.—The amount authorized to be ap-  
8       propriated by this Act for fiscal year 2021 for Oper-  
9       ation and Maintenance, Army, sub activity group  
10      434, other personnel support is hereby reduced by  
11      \$2,000,000.

12      (i) ASSETS OF THE DEPARTMENT OF DEFENSE DE-  
13      FINED.—In this section, the term “assets of the Depart-  
14      ment of Defense” includes any base, installation, street,  
15      building, facility, aircraft, ship, plane, weapon, equipment,  
16      or any other property owned or controlled by the Depart-  
17      ment of Defense.