



May 25, 2005

## Summary of Amendments Made in Order to H.R. 1815 - The National Defense Authorization Act for FY2006

The following are summaries of the amendments made in order under the structured rule (H.Res. 293) for today's consideration of the Defense Authorization bill (H.R. 1815).

Amendments may only be offered in the order listed below (except if the Chairman of the Committee of the Whole agrees to a request from the Armed Services Committee Chairman to consider an amendment out of order---and allows a one-hour layover afterwards). Clustering of amendments (i.e. offering amendments *en bloc*) by the Chairman of the Armed Services Committee is allowed. Debate time for each amendment is 10 minutes, unless otherwise noted.

After a motion that the Committee of the Whole rise has been rejected on a legislative day, the Chairman of the Committee of the Whole may entertain another such motion on that day only if offered by the chairman of the Committee on Armed Services or the Majority Leader or a designee. After a motion to strike enacting clause of the bill (as described in clause 9 of rule XVIII) has been rejected, the Chairman of the Committee of the Whole may not entertain another such motion.

**Note:** Summaries are based on RSC staff's review of actual amendment text. For a summary of the underlying bill, see a separate RSC document released yesterday.

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OUTCOMES INDICATED IN **RED BOLD**.

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**1. Hunter #61 (Manager's Amendment). AGREED TO 428-1.** Strikes all of section 574 in the underlying text (regarding women in combat) and replaces it with a new section 574 that essentially keeps (yet strengthens) the reporting requirements on women in combat and on any changes in military personnel policy that either open or close certain positions to women. Unlike in the underlying text, such personnel changes could not be made by the Secretary of Defense until after 60 days of continuous session of Congress (excluding any day on which either House of Congress is not in session) following the date on which notice of the proposed personnel policy change is received by Congress. The new section 574 would NOT include language from the underlying bill text that excludes females from being assigned to

combat units below brigade level and that allows the exclusion of women under other listed circumstances (see RSC document on the base text for H.R. 1815).

Amends 5 U.S.C. 2108(1) to extend veteran's preference to individuals who served on active duty in the Armed Forces for a period of more than 180 consecutive days between 9/11/01 and the end of Operation Iraqi Freedom and who were discharged under honorable conditions. Adds \$10 million for supersonic cruise missile engines. Reduces funding for chemical demilitarization by \$10 million. Establishes a memorial to the U.S.S. Oklahoma (which was sunk during the 1941 attack on Pearl Harbor) as part of the U.S.S. Arizona National Memorial of the National Park Service. Makes several technical changes.

**2. Ortiz #13. AGREED TO BY VOICE VOTE AS PART OF THE FIRST EN BLOC AMENDMENT.** Directs the Secretary to submit to the congressional defense committees a sustainment plan by December 31, 2005, for the existing MHC-51 class mine countermeasures ships that are to be eventually replaced by the Littoral combat ship and other mine countermeasures systems.

**3. Kaptur #66. AGREED TO BY VOICE VOTE AS PART OF THE FIRST EN BLOC AMENDMENT.** Requires the Department of Defense to report to Congress on the use of biodiesel and ethanol fuels by the Armed Forces and Defense Agencies, including a review of the last five years, a forecast of usage for each of fiscal years 2007 to 2012, and assessments of the future commercial capabilities.

**4. Stark #28. AGREED TO BY VOICE VOTE AS PART OF THE SECOND EN BLOC AMENDMENT.** Instructs the GAO to submit a report to Congress on criminal violations in military recruiting practices (particularly since the start of combat in Iraq), including DoD policies that may contribute to violations, evaluation of any internal investigations, and recommended legislative or administrative remedies. The report could also include “any other matter the Comptroller General considers relevant.”

**5. Strickland #40. AGREED TO BY VOICE VOTE AS PART OF THE SECOND EN BLOC AMENDMENT.** Adds “information concerning the availability of mental health services and the treatment of post-traumatic stress disorder, anxiety disorders, depression, suicidal ideations, or other mental health conditions associated with service in the armed forces” to what is already required to be communicated in counseling sessions for servicemembers who are separating from active duty.

**6. Stearns #63. AGREED TO 336-92.** Expresses a sense of Congress that any college or university that denies equal access or discriminates against ROTC programs or military recruiters should be denied certain federal taxpayer support, especially funding for many military and defense programs. Requires the Secretary of Defense to issue a report to Congress on the college and universities that are denying equal access to military recruiters and ROTC programs.

**7. Simmons #53. AGREED TO BY VOICE VOTE AS PART OF THE FIRST EN BLOC AMENDMENT.** Allows National Guard and Reserve retirees under age 60 to take advantage of space-available travel on military aircraft.

**8. Slaughter #25. AGREED TO BY VOICE VOTE AS PART OF THE SECOND EN BLOC AMENDMENT.** Requires the Secretary of Defense to assess (within 120 days of this bill's enactment) the availability and accessibility within assigned or deployed units of trained personnel to deal with sexual assault, rape evidence kits, testing supplies for sexually transmitted infections (STIs) and diseases, including HIV, and for pregnancy, transportation resources, and medication. Also requires the Secretary to develop and implement a plan to enhance accessibility and availability of supplies, trained personnel, and transportation resources in response to sexual assaults occurring in deployed units. **Note:** The exact language of the amendment includes the following requirements for increased access in this deployed units plan: "testing supplies and treatment for sexually transmitted infections and diseases, including HIV, and pregnancy."

**9. Reichert #27. AGREED TO BY VOICE VOTE AS PART OF THE SECOND EN BLOC AMENDMENT.** Requires GAO to study the employment trends for reservists, with particular focus on the difficulties faced by reservists in gaining re-employment once returning from duty.

**10. Filner #10. AGREED TO BY VOICE VOTE AS PART OF THE FIRST EN BLOC AMENDMENT.** Requires a study to determine if it is feasible for DoD to allow veterans with a service-connected disability rating of 50% or higher access to space-available travel on military aircraft.

**11. Menendez #18. AGREED TO BY VOICE VOTE AS PART OF THE SECOND EN BLOC AMENDMENT.** Requires the GAO to prepare a report by next spring on the compensation and benefits (including retirement benefits) for reserve component members, including any legislative recommendations for improving such benefits. The report would have to focus on the "need" to make reserve benefits consistent, regardless of what authority under which they are called to serve, and on the differences between reserve-component benefits and regular-force benefits.

**12. Davis (CA)/Harman #2. FAILED 194-233.** Permits abortions on-demand to be performed in any overseas U.S. military facility. **(30 minutes)** Under current law, the use of military facilities for abortions is prohibited, except for life of the mother, rape, and incest situations (enacted as part of the U.S. Code in 1996). Though the Davis amendment would allow pregnant mothers to pay for their own military facility abortions, taxpayers would still be required to subsidize the purchase of the abortion equipment and the salary for the abortionist, among other costs. The Davis amendment mirrors an amendment that Rep. Loretta Sanchez has offered in past years and that the House has rejected every year since 1996. To view last year's roll call (defeated 202-221) on the exact same text see: <http://clerk.house.gov/evs/2004/roll197.xml>

RSC Note: When President Clinton allowed abortions in military facilities from 1993 to 1996, all military physicians (as well as many nurses and supporting personnel) refused to perform or assist in elective abortions. In response, the Clinton Administration sought to hire a civilian to do abortions. While the current Administration would not do this, future Administrations could.

**13. DeLauro #21. AGREED TO BY VOICE VOTE AS PART OF THE FIRST EN BLOC AMENDMENT.** Creates a new program to “improve awareness of the availability of mental health services for, and warning signs about mental health problems in, dependents of members of the Armed Forces whose sponsor served or will serve in a combat theater during the previous or next 60 days.” As part of this program, the Secretary of Defense would have to establish a toll-free informational telephone number and website devoted to “helping members of the Armed Forces and their dependents recognize, and locate treatment providers for, post-traumatic stress disorder and other forms of combat stress.” The Secretary could coordinate the program with an accredited college, university, hospital-based, or community-based mental health center or otherwise rely on mental health professionals. The Secretary would have to make this program available in (unspecified) foreign languages, as necessary.

**14. Bishop (GA) #55. AGREED TO BY VOICE VOTE AS PART OF THE SECOND EN BLOC AMENDMENT.** Requires a study of the effectiveness of self-administered medical surveys before and after deployment.

**15. Manzullo #14. AGREED TO BY VOICE VOTE AS PART OF THE FIRST EN BLOC AMENDMENT.** Codifies the content requirements of the Buy American Act as stated in Defense Federal Acquisition Regulations Supplement (Part 225). Specifically, the following requirements would apply to DoD procurements of goods containing components:

- “the end product shall be manufactured in the United States; and
- “the cost of components of the end product that are mined, produced, or manufactured inside the United States shall exceed 50 percent of the cost of all components of the end product.”

**16. Andrews #44. AGREED TO BY VOICE VOTE AS PART OF THE SECOND EN BLOC AMENDMENT.** Directs the Secretary of Defense to require that any DoD contract include a provision prohibiting the contractor from requiring toy and hobby manufacturers, distributors, or merchants to obtain licenses from or pay fees to the contractor for the use of military likenesses or designations on items provided under the contract.

**17. Blunt/Kirk #24. AGREED TO BY VOICE VOTE AS PART OF THE SECOND EN BLOC AMENDMENT.** Requires DoD to consider, as a positive determinant in awarding a contract, whether a contractor will use reservists in fulfilling the contract (subject to written verification by the contractor and national security waiver by DoD).

**18. Simmons #52. AGREED TO BY VOICE VOTE AS PART OF THE FIRST EN BLOC AMENDMENT.** Encourages DoD to buy lithium-ion cells and batteries, and associated manufacturing technologies, that are made in America.

**19. Hoekstra #11. NOT OFFERED.** Clarifies that source of funding for the rapid acquisition of intelligence capabilities in the underling bill text is from the Joint Military Intelligence Program or Tactical Intelligence and Related Activities account. Adds the House Permanent Select Committee on Intelligence to the list of committees that must be notified of any such rapid acquisition.

**20. Goode #51. AGREED TO 245-184.** Authorizes the Secretary of Defense to assign members of the Army, Navy, Air Force, and Marine Corps, under certain circumstances and subject to certain conditions, to assist the Department of Homeland Security (upon its request) in the performance of border protection functions. Establishes an interagency training program and authorizes ongoing joint task forces. **(30 minutes)** *The House agreed to the same amendment last year by a vote of 231-191:* <http://clerk.house.gov/evs/2004/roll196.xml>

**21. Crowley #57. AGREED TO BY VOICE VOTE AS PART OF THE FIRST EN BLOC AMENDMENT.** Expresses a sense of Congress that “the United States should (1) recognize and celebrate the diversity of the Armed Forces; and (2) recognize and honor, the sacrifices being made by the diverse members of the Armed Forces and their families in the war against terrorism.” The amendment also notes that, “Diversity is an essential part of the strength of the Armed Forces....”

**22. Matheson #84. AGREED TO BY VOICE VOTE AS PART OF THE SECOND EN BLOC AMENDMENT.** Prohibits DoD from destroying historical records related to radioactive fallout from nuclear testing and directs DoD to identify, preserve, and publish information contained in these records.

**23. Hostettler #32. AGREED TO BY VOICE VOTE AS PART OF THE SECOND EN BLOC AMENDMENT.** Allows special immigrant status for up to 50 Afghan and Iraqi nationals (plus their spouses and dependents) who served U.S. forces as interpreters for at least 12 months and have the recommendation of (and background checks from) the relevant first generals or flag officers in the chain of command. **(20 minutes)**

**24. Davis, Jo Ann #68. AGREED TO 413-16.** Prohibits any federal law from being construed as preventing DoD from supporting youth organizations (including the Boy Scouts of America) at levels equal to such DoD support provided in the previous four fiscal years. Support is defined as “(1) holding meetings, camping events, or other activities on defense property; and (2) hosting any official event of the youth organization.” **(30 minutes)**

**25. Israel #81. AGREED TO BY VOICE VOTE AS PART OF THE FIRST EN BLOC AMENDMENT.** Includes the study of foreign languages within the purview of the pilot Science, Mathematics, and Research for Transformation (SMART) Defense Education Program, which is already made permanent in the underlying bill text.

**26. Woolsey #6. FAILED 128-300.** Expresses a sense of Congress that the President should submit to Congress a plan for the withdrawal of U.S. military forces from Iraq. **(30 minutes)**

**27. Weldon (PA) #85. AGREED TO BY VOICE VOTE.** Expresses a sense of Congress that the United States should cooperate with Russia on missile defense. Cites two specific examples of possible avenues of cooperation: 1) testing specific elements of the Missile Defense Agency's detection and tracking equipment through the use of Russian target missiles; and 2) providing early warning radar to the Missile Defense Agency by using Russian radar data.

**28. Spratt #39. AGREED TO BY VOICE VOTE AS PART OF THE SECOND EN BLOC AMENDMENT.** Adds war-related reporting requirements for tracking costs, military personnel force levels, reconstitution requirements, and military construction projects associated with Operation Iraqi Freedom, Operation Enduring Freedom (Afghanistan), and Operation Noble Eagle (protecting the U.S. from airborne attack).

**29. Bradley #1. FAILED 112-316.** Postpones the 2005 BRAC recommendations until one year after the last of these actions occurs:

- the recommendations of the Review of Overseas Military Facility Structure are implemented by the Secretary of Defense;
  - “substantially all major combat units and assets of the Armed Forces” return from Iraq;
  - the House and Senate Armed Services Committees receive the quadrennial defense review;
  - the National Maritime Security Strategy is implemented;
  - the Homeland Defense and Civil Support directive is implemented; and
  - the relevant congressional committees receive from the Secretary of Defense an assessment of military installation needs, taking into account the relevant factors from the items listed above. **(60 minutes)**
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