



**Legislative Bulletin.....May 17, 2012**

**Contents:**

**Amendments to H.R. 4310 – Fiscal Year 2013 National Defense Authorization Act**

The following Legislative Bulletin contains information on the amendments about to be considered and a summary of potential amendments RSC staff has reviewed.

**Order of Business:** Consideration on the amendments to H.R. 4310, the FY 2013 National Defense authorization Act, began on Wednesday, May 17, 2012, and will be considered throughout the remainder of the week. The rule on amendments provides for consideration under a structured rule. It makes in order only those amendments printed in the report. Each amendment will have 10 minutes for debate, except for #158, Connolly’s amendment to withdraw troops from Afghanistan, which shall receive 20 minutes for debate.

**Primary RSC Staff Contact:** Derek S. Khanna, [Derek.Khanna@mail.house.gov](mailto:Derek.Khanna@mail.house.gov), (202) 226-0718

---

---

**SUMMARY OF AMENDMENTS SCHEDULED PART I: 1-39 AMENDMENTS**

**1-9 Amendments**

**1. McKeon (R-CA).** This amendment makes conforming (minor) changes in the legislation.

Read amendment [here](#).

**2. Landry (R-LA).** The amendment adds language that prohibits the use of information against a United States citizen gathered by unmanned aerial vehicles without a warrant.

Congress recently passed the FAA Modernization and Reform Act of 2012, which — along with funding the Federal Aviation Administration's budget through 2015 — encourages the

acceleration of unmanned aircraft programs in U.S. airspace. Drones have taken on a large role in military operations in Afghanistan, Pakistan, Yemen and Somalia. The new legislation could make the technology more prevalent in several arenas, from local police departments to farmers monitoring crops.

UAV's being [used](#) on American soil presents several privacy [issues](#), "right now, under current U.S. laws there are very few restrictions on our ability to take pictures or [videos](#) of individuals outside. . .some of the privacy issues that we see with drones are very different than the sort of surveillance that can be conducted with a helicopter. Drones can quietly watch an entire town without refueling. It can conduct a pervasive and secret surveillance that helicopters cannot match. . . You can't avoid it if you're outside unless you take cover. People don't want to be on YouTube whenever they go outside." Harley Geiger, a policy attorney with the Center for Democracy and Technology recently told [discovery News](#).

Recently in [United States v. Jones](#) the Supreme Court found that attaching a GPS device to a vehicle and then using the device to monitor the vehicles movement constitutes a search under the Fourth Amendment, and therefore required a lawful warrant. In a previous Supreme Court case, [Kyllo](#), federal authorities used a thermal detection device to scan a suspected drug dealers home without a warrant, that was also found to violate the Fourth Amendment.

With the increased use of UAV's questions remain about what type of privacy we should expect. If tracking a vehicle, on a 24/7 basis, is a search with a GPS device, would watching them through satellite or AUV on a 24/7 basis also not be a legal search requiring a warrant? (read CRS report [here](#), and article [here](#)).

Read amendment [here](#).

**3. Kucinich(D-OH) and Conyers (D-MI).** The amendment adds language that prohibits the Commander of the Joint Special Operations Command from carrying out a combat operation in which an unmanned aerial vehicle is used to attack a target whose identity is unknown or based solely on patterns of behavior of such target.

Read amendment [here](#).

**4. Rohrabacher (R-CA).** This amendment would prohibit the availability of funds for assistance to Pakistan in fiscal year 2013.

Read amendment [here](#).

**5. Lee (D-CA)/Conyers (D-MI)/ Jones (R-NC)/ Welch (D-VT) / Woolsey (D-CA).** This amendment would end the war in Afghanistan by limiting funds to only a safe and orderly withdrawal of US troops from Afghanistan.

H.R. 4310 currently states, in Section 1216, that it is the sense of Congress that the President "should maintain at least 68,000 troops in Afghanistan through December 31, 2014, unless fewer troops can achieve United States objectives"; and that we should maintain a credible troop presence after December 31, 2014, sufficient to conduct counter-terrorism and train and advise the Afghan National Security Forces. . ."

This legislation specifically authorizes \$88.5 billion in “overseas contingency operations” including in Afghanistan, *thereby effectively authorizing another year of the continued strategy from last year in the war in Afghanistan.*

[418](#) US soldiers were killed in Afghanistan last year, bringing the total number of fatalities in combat there to [1,971](#) since 2001 (including [378](#) fatalities after the Bin Laden raid). Last year was the second deadliest year in the war in Afghanistan, now the [longest war](#) in American history.

Some conservatives argue for a different path in Afghanistan rather than what is expressed as the sense of the Congress in this bill to “maintain a credible troop presence after December 31, 2014.” Some conservatives argue that we should only deploy American troops with (1) a clear mission that can be accomplished, (2) that is realistic, (3) that is vital to American national security, where (4) there is no alternative method that is more effective, (5) there is sufficient/overwhelming resources to accomplish that mission, and (6) a system of benchmarks for success and reassessment.

Other conservative groups, like American Enterprise Institute, Foreign Policy Initiative and the Heritage Foundation, have analysts that advocate for staying the course in Afghanistan without any form of timeline for withdrawal. Ed Feulner provides Heritage Foundation’s statement on Afghanistan, “we should start by eliminating the timeline and making it clear that winning the war is his top priority. He can do that by giving our military leaders whatever additional forces or resources they need to get the job done. Together with Afghan forces and NATO, the United States must weaken the Taliban on the battlefield before engaging in serious negotiations with Taliban members who break ties with al-Qaeda. And the president must press Pakistan to deal firmly and unambiguously with all terrorists.” (read [here](#))

Reference the RSC Legislative Bulletin on H.R. 4310 for perspectives in favor of current policy in Afghanistan, and perspective in favor of changing course in Afghanistan.

Read amendment [here](#).

**6. Connolly (D-VA).** This amendment would withhold funds from the Coalition Support Fund until the Secretary of Defense certifies that Pakistan has opened the Ground Lines of Communication, is allowing the transit of NATO supplies through Pakistan into Afghanistan, is supporting the retrograde of U.S. equipment out of Afghanistan.

Read amendment [here](#).

**7. Rooney (R-FL).** This amendment would direct the Department of Defense to hold detainee trials only by a military commission, not in a civilian trial. H.R.4310 currently prohibits the transfer of detainees from Guantanamo Bay to the United States and prohibits the use of funds to house these detainees in the United States.

In 2009, the Obama administration announced plans to transfer five detainees from Guantanamo Bay, Cuba, into the united States to stand trial in the U.S. District Court for the Southern District of New York for criminal offenses related to the 9/11 attacks. The Administration's plans to try

these and possibly other Guantanamo detainees in federal court proved controversial, and Congress responded by enacting funding restrictions which effectively barred any non-citizen held at Guantanamo from being transferred into the United States, including for prosecution. These restrictions, which have been extended for the duration of FY2012, effectively make military commissions the only viable option for trying detainees held at Guantanamo for the foreseeable future, and have resulted in the Administration choosing to reintroduce charges against Mohammed and his co-defendants before a military commission. While military commission proceedings have been instituted against some suspected enemy belligerents held at Guantanamo, the Obama Administration has opted to bring charges in federal criminal court against terrorist suspects arrested in the United States, as well as some terrorist suspects who were taken into U.S. custody abroad but who were not transferred to Guantanamo. According to CRS:

“Some who oppose the use of federal criminal courts argue that bringing detainees to the United States for trial poses a security threat and risks disclosing classified information, or could result in the acquittal of persons who are guilty. Others have praised the efficacy and fairness of the federal court system and have argued that it is suitable for trying terrorist suspects and wartime detainees, and have also voiced confidence in the courts' ability to protect national security while achieving justice that will be perceived as such among U.S. allies abroad. Some continue to object to the trials of detainees by military commission, despite the amendments Congress enacted as part of the Military Commissions Act of 2009, because they say it demonstrates a less than full commitment to justice or that it casts doubt on the strength of the government's case against those detainees.” (read CRS [here](#)).

Read amendment [here](#).

**8. Bartlett (R-MD) and Flake (R-AZ).** This amendment would prevent federal agencies from requiring that contractors whom they hire sign organized labor agreements, and further stipulates that non-unionized organizations will not be discriminated against in the selection process. The amendment does not prevent organized labor organizations from being selected. This prevention of union requirements as a condition of receiving a federal contract would likely make the contracts less expensive and more efficient. The National Taxpayer Union is in [favor](#) of this amendment, “[Project Labor Agreements] diminish the benefits of competitive contracting and, by effectively encouraging unionization, undercut an individual’s right to choose whether or not to be represented by a union. PLAs are often the source of cost overruns and higher construction expenses, both of which are passed on to the taxpayer.”

Read amendment [here](#).

**9. Conyers (D-MI) and Ellison (D-MN):** The amendment eliminates funding to procure, research, or develop any F-35B aircraft. The amendment allows the Secretary to procure the same amount of F/A-18E or F/A-18F aircraft. The amendment also reduces aircraft procurement funding for the Navy by \$1,404,737,000 and \$106,199,000. The amendment reduces funding for research, development, test, and evaluation for the Navy by \$737,149,000. The amendment increases authorizations for the F/A-18E or F/A-18F by \$459,645,614. National Taxpayers Union is in favor of this amendment to get rid of the F-35B program (see [here](#)).

Read amendment [here](#).

### **10-19 Amendments**

**10. Quigley (D-IL)/ Gutierrez (D-IL).** This amendment would eliminate funding for procurement of the V-22 Osprey Aircraft (a savings of \$1.3 billion). The V-22 Osprey is a tilt-rotor aircraft that takes off and lands vertically like a helicopter and flies forward like an airplane. On February 15, 2011, the House voted 326 to 105 against a proposed cut to the FY2011 V-22 budget. Proponents cited cost overruns and argued that the V-22 did not meet operational requirements, citing the [2009 GAO report](#).

Opponents noted the V-22's performance in Iraq and Afghanistan and highlighted advances made since the aircraft's development period. Read CRS study on subject [here](#), and read article [here](#). The National Taxpayer Union (NTU) is in favor of voting yes on this amendment to eliminate funding for the V-22 Osprey program. According to NTU, "Eliminating the V-22 Osprey aircraft program was part of over one trillion dollars in savings identified in the "Common Ground" joint report by NTU and the U.S. Public Interest Research Group. The V-22 Osprey has suffered from numerous schedule, management, cost, and production issues, and has been called "far less reliable" than it needs to be for active service by the Government Accountability Office. Amendment #68 would save taxpayers \$15 billion." (read [here](#)).

Read amendment [here](#).

**11. Edward Markey (D-MA), Conyers (D-MI), and Welch (D-VT).** The amendment delays the development of the new long-range nuclear-capable bomber by ten years and reduces the funding in the bill by \$292 million.

Read amendment [here](#).

**12. Polis D-CO/ Sanchez (D-CA).** This amendment would reduce the amount for the ground-based midcourse missile defense system from \$1.26 billion to \$858 million, a \$403 million reduction. It would derive these saving from the East Coast Missile defense location. Currently H.R. 4310 directs the Missile Defense Agency to plan to deploy a land-based East Coast site by the end of 2015, though it does not specify where the site should be located. H.R. 4310 instructs the director of the Missile Defense Agency to choose three possible sites to study. (refer to NDAA Legislative bulletin for more information).

Several conservative groups have [advocated](#) in favor of this program, Robert Zarate's recent column in the Weekly Standard provides such an opinion:

"It's no accident that the House Armed Service Committee wants to robustly defend the East Coast from missiles by 2015. For over a decade, the intelligence community has [consistently estimated](#) that Iran, with foreign assistance, could develop by that year an intercontinental ballistic missile (ICBM) capable of carrying a nuclear warhead and striking the United States.

What's worse, the office of the director of national intelligence [reported](#) to Congress last year that "entities" in China, Russia, and North Korea are "almost certainly" supplying

Iran with “some key missile components.” On top of that, if Iran hasn’t already made the decision to build nuclear weapons, it is nonetheless [clearly developing](#) the capability to build them on alarmingly short notice. . .

Some Democratic lawmakers who oppose the East Coast missile defenses [like to quote](#) a recent statement by General Charles Jacoby, commander of U.S. Northern Command and North American Aerospace Defense Command, who told Senate lawmakers: “Today’s threats do not require an East Coast missile field and we do not have plans to do so.” Jacoby’s comments are factually accurate: The current missile threat from Iran does not require missile defenses on the East Coast, and the Obama administration doesn’t want to build such defenses there. But what the House Armed Services Committee is worrying about isn’t “today’s threat”—it’s Iran’s potential ICBM missile threat to the homeland in the near future.

Unless House lawmakers want to align themselves with President Obama’s March 2012 claims—that “there is still time and space to pursue a diplomatic solution”—to stop Iran’s march to nuclear weapons making capability, they should start figuring out what else Washington can do, sooner rather than later, to protect American citizens from the prospect that Iran might soon get nuclear weapons and ICBM missiles capable of striking the continental United States. Defending the National Defense Authorization Act’s efforts to build East Coast missile defenses against MAD-men poison-pill amendments wouldn’t be a bad place to start.”

Read amendment [here](#)

**13. Hanna (R-NY).** This amendment requires the Secretary of Defense to submit a report to the congressional defense committees a study of Air Force cyber operations research, science, and technology within 180 days of enactment.

Read amendment [here](#).

**14. Bishop (R-UT) and Cole (R-OK).** This amendment would strike certain language from the bill pertaining to military industrial depot policy, and would prevent the language from being added to Section 322. The language in question being struck from the bill reads "if the modifications or upgrades are being applied during a customary depot-level maintenance action." The intention of the amendment is to prevent the preclusion of modifications of depot maintenance from core workload determinations.

Read amendment [here](#)

**15. Gallegly (R-CA).** This amendment requires the Secretary of Defense to create Military Readiness Areas off the California coast (Naval Base Ventura county, Nicolas Island, Begg Rock, and adjacent waters) to allow the U.S. Navy to continue exercises and testing while allowing for the expansion of the southern sea otter into these Navy testing waters. It also requires the U.S. Fish and Wildlife Service to coordinate and cooperate with the Navy when planning for the recovery and expansion of sea otters, while also protecting any other endangered

species in this area. The Secretary of the Navy shall monitor the southern sea otter Military Readiness Areas each year to evaluate the status of the southern sea otter population.

Read amendment [here](#).

**16. Hayworth (R-NY).** This amendment expresses a Sense of Congress that our nation's economic strength is characterized by individual freedom and the competitive enterprise. As such, the federal government should rely on commercially available sources to provide products and services while providing a commercial product or service if either can be procured more economically from a commercial source. Lastly, the Department of Defense should not convert ("insource") the performance of any function from performance by a contractor to performance by Department of Defense civilian employees unless the function is inherently governmental in nature or the conversion is necessary to comply with current law. *The Business Coalition for Fair Competition supports this amendment and will score it.*

Read amendment [here](#).

**17. Coffman (R-CO).** This amendment would attempt to increase competition in the market for government contracts. It would give special consideration to Department of Defense civilian employees for government contracts over contractors if the function is related to a governmental purpose, and if the contract was awarded on a non-competitive basis. The bill would also repeal measures of exclusion in contracting, in order to increase competition in this market. According to the sponsor, the legislation repeals the moratorium on A-76 competitions. *The Business Coalition for Fair Competition supports this amendment and will score it.*

Read amendment [here](#).

**18. Keating (D-MA).** The amendment freezes the transfer, reduction or elimination of Air National Guard units supporting an Air and Space Operations Center or an Air Force Forces Staff related to Air Force Global Strike Command. The amendment also freezes the surveillance mission of such command until the impact of the unit's loss and other information confirming that the Global Strike Command's surveillance mission will not be impeded is reported to Congress. *BCFC will key vote this amendment.*

Read amendment [here](#).

**19. Broun (R-GA).** This amendment would repeal the maximum age requirement for initial enrollment in the armed services for individuals who are otherwise qualified. This would allow citizens over the age of 42, but who are still in good physical shape and can pass the physical requirements, to enroll. This would by definition only apply to individuals for whom age is the only disqualification from service, and the amendment would not guarantee enrollment for or grant a special status to citizens over the current maximum age interested in enrollment.

Read amendment [here](#).

**20. Carson (D-IN).** This amendment would prohibit the military from weighing the previous mental health record of a soldier when considering a promotion, with a few stated exceptions. A promotion board could not view or consider mental health records, counseling records, or other medical documents concerning mental health issues. The exceptions to this rule include: if the person in question is being considered for discharge based on an extreme mental health disorder; if a physician determines that the person could be a danger to himself or others, or would be unable to complete the duties required of the promotion; or finally if the person consents to allow the promotion board to view the mental health records. Some conservatives may be concerned that this could prevent the promotion boards from including potentially important information in their decisions about promotions in the armed forces.

Read amendment [here](#).

**21. Pingree (D-ME).** This amendment adds a sense of congress section on military sexual trauma. The amendment includes the follow findings:

- The Department of Defense conducted a survey of members of the Armed Forces serving on active duty that revealed that only 13.5 percent of such members reported incidents of sexual assault, which means that more than 19,000 incidents of sexual assault of members of the Armed Forces actually occurred in 2010 alone.
- Despite modest attempts, the Department of Defense has failed to address the chronic under reporting of incidents of sexual assault and harassment, as by the Department's own estimates, percent of sexual assaults went unreported in 2010.
- The military atmosphere is not conducive to resolving issues of sexual assault and harassment, and sexual violence continues to infect the Armed Forces.
- Sexual assault in the military is an ongoing problem leading many victims to seek help after separation from the Armed Forces from the Department of Veterans Affairs.
- About 1 in 5 women and 1 in 100 men seen in Veterans Health Administration respond "Yes" when screened for military sexual trauma.
- Among users of healthcare provided by the Department of Veterans Affairs, medical record data indicates that diagnoses of post-traumatic stress disorder and other anxiety disorders, depression and other mood disorders, and substance use disorders are most frequently associated with military sexual trauma.

The amendment includes the following senses:

SENSE OF CONGRESS.—It is the sense of Congress that:

- the Secretary of Veterans Affairs should expand efforts to raise awareness about military sexual trauma and the treatment and services that the Department provides to victims; and
- in light of the fact that the available data shows an overwhelming number of military sexual trauma claims go unreported within the Department indicates that diagnoses of post-traumatic stress disorder and other anxiety disorders, depression and other mood disorders, and substance use disorders are most frequently associated with military sexual trauma.



SENSE OF CONGRESS.—It is the sense of Congress that”

- The Secretary of Veterans Affairs should expand efforts to raise awareness about military sexual trauma and the treatment and services that the Department provides to victims; and
- In light of the fact that the available data shows an overwhelming number of military sexual trauma claims go unreported within the Department of Defense, making it very difficult for veterans to show proof of the assault when filing claims with the Department of Veterans Affairs for post-traumatic stress disorder and other mental health conditions caused by military sexual trauma, the Secretary of Veterans Affairs should review the disability process to ensure that victims of military sexual trauma who file claims for service connection do not face unnecessary or overly burdensome requirements in order to claim disability benefits with the Department.

Read amendment [here](#).

**22. Stivers (R-OH).** This amendment authorizes the Secretary of the Army to establish an appropriate location at Arlington National Cemetery for a “Tomb of Remembrance the internment of cremated fragments of the remains of soldiers who died in ‘all wars and contingency operations.’”

Read amendment [here](#).

**23. Bishop (D-NY).** This amendment would express the sense of Congress that the Department of Defense should make every effort to recover the bodies of the crew. The George 1 was an aircraft manned by servicemen in the Navy, and was flying over Thurston Island, Antarctica during codename ‘Operation Highjump’ when it crashed, killing several members of the crew. This amendment would not carry the force of law, but would express the opinion that (as the crash site has been re-identified) the bodies of those who died should be recovered.

Read amendment [here](#).

**24. Wittman (R-VI).** This amendment would establish a uniformed military Chain of Command for Army National Military Cemeteries.

Read amendment [here](#).

**25. Petri (R-WI) and Kind (D-WI).** This amendment would compensate certain members of the Armed Forces that did not receive compensation under the Post-Deployment/Mobilization Respite Absence program. The individuals detailed in the amendment were eligible for participation under the program, but did not participate for one or more days in which they were eligible due to government error. The amendment also includes language to express the sense of Congress that this legislation would not create a permanent payment system or an entitlement, and rather exists solely to ‘remedy administrative errors’ in this instance. The amendment would transfer \$2 million for this purpose from the Pentagon Reservation Maintenance Revolving Fund.

Read amendment [here](#).

**26. Cummings (D-MD), Filner (D-CA), Braley (D-IA), Connolly (D-VA), Donnelly (D-IN), Michaud (D-ME), Adam Smith (D-WA), Tierney (D-MA), Yarmuth (D-KY).** The amendment further expands the provisions under the Servicemembers Civil Relief Act by including servicemembers serving in a contingency operation, surviving spouses of servicemembers whose deaths are service-connected, and veterans who are totally disabled at the time of discharge. The amendment also repeals the sunset provision that is set to expire at the end of this year and increase fines for mortgage violations of the Servicemembers Civil Relief Act.

Read amendment [here](#).

**27. Israel (D-NY) and King (R-NY).** This amendment would authorize the Secretary of Defense to carry out a new program to assist the Department of Defense in research, treatment, and understanding of mental health, substance abuse, and traumatic brain injury for those in the National Guard and Reserves and their family members. It would allow DOD to award grants to community partners (specific private non-profit groups engaged in this area) for this purpose. The amendment would also require that if such a program is authorized, the Secretary of Defense must submit a report to Congress on the outcome and details of the program.

Read amendment [here](#).

**28. Posey (R-FL).** This amendment would authorize the Secretary of Defense to “maximize the capacity of the space transportation infrastructure of the Department of Defense by the private sector in the United States,” maximize the effectiveness and efficiency of space transportation for the DoD, and encourage commercial space activities.

Read amendment [here](#).

**29. Sablan (D-MP).** This amendment would include the Northern Mariana Islands as an eligible location for overhaul, repair and maintenance of naval vessels.

Read amendment [here](#).

**30. Johnson (D-GA):** The amendment would add the following findings to the legislation:

- “The United States and allied forces are currently capable of responding to aggression by the Democratic People’s Republic of Korea (“North Korea”).
- “The deployment of tactical nuclear weapons to the Republic of Korea (“South Korea”) would destabilize the areas of responsibility of the United States Pacific Command and United States Forces Korea.
- “Such deployment would not be in the national security interests of the United States.”

Read amendment [here](#).

**31. Johnson (D-GA).** This amendment would require the Secretary of Defense and the Chairman of the Joint Chiefs to report to Congress regarding whether nuclear weapons reductions pursuant to the New START Treaty are in the national security interests of the United States.

Read amendment [here](#).

**32. Price (R-GA).** This amendment would prohibit the President from unilaterally reducing nuclear weapons. The amendment would not “retire, dismantle, or eliminate, any nuclear weapon of the United States if such action would reduce the number of such weapons to a number that is less than the level described in the New Start Treaty, unless such reduction is required by a treaty approved by the Senate or specifically authorized by an Act of Congress.

Read amendment [here](#).

**33. Flake (R-AZ).** This amendment requires the Department of Defense (DOD) to compile a report, within one year of enactment, describing written communications to the DOD from Congress—including any House or Senate Committee, Member or Officer of Congress, or Congressional staffer— regarding military construction projects on the future-years defense program.

Read amendment [here](#).

**34. Thompson (D-CA)/ Dicks (D-WA).** This amendment requires the Secretary of the Navy to report to Congress on how the Department of the Navy will utilize the work-product of the National Oceanic and Atmospheric Administration Cetacean Density and Distribution Mapping Working Group. (more information on group [here](#)).

Read amendment [here](#).

**35. Brown (D-FL).** This amendment would authorize the Corps of Engineers to construct a project for navigation (Jacksonville Harbor) using privately generated funding. The project would only be authorized under three conditions:

- First, that the Secretary of the Army had received a full report from the Chief of Engineers on this project.
- Second, that the project be fully funded by non-federal sources and non-federal funds
- Third, that the Secretary of the Army finds that the improvements are ‘critical to navigation safety.’

Read amendment [here](#).

**36. Grimm (R-NY)/Tonko (D-NY)/Bilirakis (R-FL)/Castor (D-NY).** This amendment creates a news section of the bill amending the 2003 National Defense Authorization Act (P.L. 107-314) to increase the number of authorized Weapons of Mass Destruction Civil Support Teams within the Army National Guard from 55 to 57. The amendment increases funding for these teams by \$5 million and offsets this increase by cutting \$5 million from defense-wide research, development, testing, and evaluation programs relating to the Chemical and Biological Defense Program (Program Element 0603384BP).

Read amendment [here](#).

**37. Baca (D-CA).** This amendment would require a study of water resources in the Rialto-Colton Basen in California, with various requirements for what the report produced should detail. It requires that this study be conducted in coordination with the State of California and anyone else who might be deemed appropriate. The results of this study would be submitted to Congress. This study would be required rather than optional.

Read amendment [here](#).

**38. Rigell (R-VA).** This amendment eliminates the FY 2013 discretionary sequester and the FY 2013 sequester of defense mandatory programs provided that legislation is enacted that reduces the deficit over five years by at least the same amount as the sequester.

- Subsection (a) provides that this section shall only have effect if the reconciliation legislation required by the budget resolution (H Con Res 112) is enacted or if legislation offsetting within five years the cost of the FY 13 discretionary sequester and the FY 13 sequester of defense mandatory programs is enacted.
- Subsections (b) and (c) achieve \$19 billion in deficit reduction by lowering the cap on discretionary spending from \$1,047 billion to \$1,027.897 billion – the level established in the H. Con. Res. 112. The provision also removes the firewall between security (defense) and nonsecurity (nondefense) budget categories in current law.
- Subsection (d) eliminates the FY 13 sequester of defense mandatory programs, which is estimated to reduce direct spending by approximately \$19 billion.
- Subsection (e) requires a detailed report from the Secretary of Defense on the impact of the sequestration of funds authorized and appropriated for FY13 for the Department of Defense, if automatically triggered on January 2, 2013.

Read amendment [here](#).

**39. Gingrey (R-GA).** This amendment expresses a Sense of Congress regarding preservation of Second Amendment rights of active duty military personnel stationed or residing in the District

of Columbia. It expresses that the approximately 40,000 active military personnel that either live in or are stationed in Washington, DC should be permitted to fully exercise their rights under the Second Amendment, and therefore, should be exempt from existing District of Columbia's restrictions on the possession of firearms. *The NRA supports this amendment.*

The amendment's findings state:

- “The Second Amendment to the United States Constitution provides that the right of the people to keep and bear arms shall not be infringed;”
- “Approximately 40,000 servicemen and women across all branches of the Armed Forces either live in or are stationed on active duty within the Washington, D.C. metropolitan area. Unless these individuals are granted a waiver as serving in a law enforcement role, they are subject to the District of Columbia's onerous and highly restrictive laws on the possession of firearms.  
Military personnel, despite being extensively trained in the proper and safe use of firearms, are therefore deprived by the laws of the District of Columbia of handguns, rifles, and shotguns that are commonly kept by law-abiding persons throughout the United States for sporting use and for lawful defense of their persons, homes, businesses, and families;”
- “The District of Columbia has one of the highest per capita murder rates in the Nation, which may be attributed in part to previous local laws prohibiting possession of firearms by law-abiding persons who would have otherwise been able to defend themselves and their loved ones in their own homes and businesses;”
- “The Gun Control Act of 1968, as amended by the Firearms Owners' Protection Act, and the Brady Handgun Violence Prevention Act, provide comprehensive Federal regulations applicable in the District of Columbia as elsewhere. In addition, existing District of Columbia criminal laws punish possession and illegal use of firearms by violent criminals and felons. Consequently, there is no need for local laws that only affect and disarm law-abiding citizens;”
- “On June 26, 2008, the Supreme Court of the United States in the case of *District of Columbia v. Heller* held that the Second Amendment protects an individual's right to possess a firearm for traditionally lawful purposes, and thus ruled that the District of Columbia's handgun ban and requirements that rifles and shotguns in the home be kept unloaded and disassembled or outfitted with a trigger lock to be unconstitutional;”
- “On July 16, 2008, the District of Columbia enacted the Firearms Control Emergency Amendment Act of 2008 (D.C. Act 17-422; 55 DCR 8237), which places onerous restrictions on the ability of law-abiding citizens from possessing firearms, thus violating the spirit by which the Supreme Court of the United States ruled in *District of Columbia v. Heller*;”
- “On February 26, 2009, the United States Senate adopted an amendment on a bipartisan vote of 62-36 by Senator John Ensign to S. 160, the District of Columbia House Voting Rights Act of 2009, which would fully restore Second Amendment rights to the citizens of the District of Columbia.”

Read amendment [here](#).

