



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.

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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 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 harass14 ment, 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](#).

40-49 Amendments

40. Bishop (D-NY) and Hanna (R-NY). This amendment would honor air raid wardens of WWII and other volunteers of the Office of Civilian Defense, and encourages them to record their own stories for future generations. An air raid warden was a civilian charged with directing civilian efforts of defense in the event of an attack on American soil during the war, in conjunction with police and military forces. This amendment would not carry the force of law, but instead would honor those civilians who served in America's home defense during WWII.

Read amendment [here](#).

41. Mack (R-FL). This amendment would add language to the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 in an attempt to bring the section about sunken military craft back to the original intent of the law. The amendment would change the definition of 'sunken military craft' from 'any sunken warship, naval auxiliary, or other vessel that was owned or operated by a government on military noncommercial service when it sank' to 'any sunken warship, naval auxiliary, or other vessel that was owned or operated by a government that was on military noncommercial service when it sank,' clarifying the meaning by adding 'that was' before 'on military noncommercial service.' Additionally it would add a comma in the following paragraph before the phrase 'that was owned or operated,' leaving the language now reading 'any sunken military aircraft or military spacecraft, that was owned or operated by a government when it sank.'

Read amendment [here](#).

42. Barbara Lee (D-CA) and Frank (D-MA). This amendment would authorize the President to make reductions in the amount appropriated by this law in any manner he sees fit, with a few exceptions, up to a total reduction of \$8.23 billion from the defense appropriations total. However it would not allow him to cut funds for the accounts of military personnel, reserve personnel, and National Guard personnel, nor would he be allowed to reduce the funds for the Defense Health Program account. Conservatives may be concerned that this would be used to weaken our military capabilities, and that top-down military cuts by the President, particularly those not authorized by Congress, could have a detrimental effect on our armed forces.

Read amendment [here](#).

43. Ellison (D-MN). This amendment creates a new section of the bill prohibiting the use of DoD funds to provide tear gas and other riot-control items to Middle East and North African countries undergoing democratic transition unless the Secretary of Defense certifies to the appropriate congressional defense committees that the security forces of such countries are not using excessive force to repress peaceful, lawful, and organized dissent.

Read amendment [here](#).

44. Granger (R-TX): This amendment directs the President to carry out the sale of no fewer than 66 F-16C/D multirole fighter aircraft to Taiwan. Rep. Granger has introduced similar legislation as H.R. 2992.

On August 1, 2011, a bipartisan group of 181 members of the House of Representatives [sent this letter](#) to the President, expressing support for the sale of F-16C/Ds to Taiwan. On May 26, 2011, a bipartisan group of 45 members of the Senate [sent this letter](#) to the President, expressing support for the sale. In September, the Obama administration announced they were moving forward with a \$5.9 billion arms sale for Taiwan. However, the administration did not approve the sale of F-16C/Ds, which are the most technically advanced model of the fighter jet. The DoD, in their 2011 report on China's military capabilities, noted that China's air force will remain focused on "building the capabilities required to post a credible military threat to Taiwan and U.S. forces in East Asia, deter Taiwan independence, or influence Taiwan to settle the dispute on Beijing's terms." Additionally, China has more than 1,400 missiles aimed at Taiwan and continues to add to this total. China is forging ahead and deploying next generation military technology. Military experts both in Taiwan and in the United States have raised alarms that Taiwan is losing its qualitative advantage in defensive arms that have long served as a primary military deterrent. [Heritage Action for America](#) has announced they are key voting this amendment.

Read amendment [here](#).

45. Gohmert (R-TX)/Landry (R-LA)/Rigell (R-VA)/Duncan (R-SC)/Barletta (PA). This amendment attempts to "clarify" that the FY2012 National Defense Authorization Act and the 2001 Authorization for Use of Military Force (AUMF) do not deny the writ of habeas corpus or deny any constitutional rights for persons detained in the United States under the AUMF who are entitled to such rights.

Currently, H.R. 4310 contains some text intended to address the controversy over the detainee provision in the FY 2012 NDAA. But these provisions, in H.R. 4310, are merely Congressional findings, not any express prohibitions on the laws implementation.

These findings largely include quotations from the *Hamdi* decision and they also explain that the legislation abides by the Constitution.

Some Members disagreed with this section last year. Here the Congressional findings in H.R. 4310's does not substantively change last year's provisions (see [Section 1021/1022](#)). This amendment intends to resolve this issue by revising the language from last year's NDAA to more specifically limit the power to indefinitely detain American citizens.

Read amendment [here](#).

46. Smith (D-WA)/Amash (R-MI)/Berman (D-CA)/Garamendi (D-CA)/Duncan (R-TN)/Johnson (D-GA)/Gosar (R-AZ)/Hirono (D-HI)/Paul (R-TX)/Jackson Lee (D-TX)/Tipton (R-CO)/Labrador (R-ID). This amendment strikes section 1022 of the FY2012 National Defense Authorization Act and amends Section 1021 to eliminate indefinite military detention of

any person detained under the 2001 Authorization for Use of Military Force in U.S. territories or possessions by providing immediate transfer to trial and proceedings by a court established under Article III of the U.S. Constitution or by an appropriate state court. As explained above, the Congressional findings in H.R. 4310's do not substantively change last year's provisions (see [Section 1021/1022](#)). This amendment intends to resolve this issue by removing the language from last year's NDAA involving indefinite military detention.

Read CRS report on "[Detention of U.S. persons as enemy belligerents](#)" for more information.

Read amendment [here](#).

47. Duncan (R-SC): This amendment prohibits funding for any institution or organization established by the United Nations Convention on the Law of the Sea. This includes prohibiting funding to the International Seabed Authority, the International Tribunal for the Law of the Sea, and the Commission on the Limits of the Continental Shelf.

Many conservatives have long advocated against Senate ratification of the United Nations Law of the Sea Treaty. On February 17, 2012, Rep. Flake, and 65 other Members of Congress, sent a letter to Senate Majority Leader Reid and Senate Minority Leader McConnell opposing the U.N. Convention on the Law of the Sea Treaty. Ratification of the treaty would subject the U.S. to another international organization which, like the United Nations, **would not** make safeguarding U.S. interests its priority. Adherence to the treaty would place costly requirements on U.S. businesses and industry seeking to mine the ocean floors that would result in additional cost that U.S. industry would have to bear. With the United States being responsible for paying for 25 percent of the budget of the regulatory regime established by the treaty, known as the International Seabed Authority, the treaty would also place an additional and ill-timed burden on U.S. taxpayers. Additionally, the treaty codifies permissible sea-related military activities that all treaty parties are expected to observe. Some of these provisions could result in an erosion of U.S. sovereignty or endanger our military operations at sea. This letter can be [viewed here](#). More information on this vital initiative can be [found here](#). [FreedomWorks](#) has encouraged their members to mobilize and urge their respective Senator's to [oppose LOST](#). The [Cato Institute](#) has also written on the destructive consequences of ratifying LOST.

President Reagan refused to sign the treaty in 1982. According to [Investor's Business Daily](#), Reagan even fired the State Department staff that negotiated the treaty. RSC Chairman Jordan is a cosponsor of this amendment. [Heritage Action for America](#) has announced they are key voting this amendment.

Read amendment [here](#).

48. Coffman (R-CO)/ Polis (D-CO): The amendment requests and authorizes the President to end the permanent basing of U.S. Armed Forces units in European member nations of the North Atlantic Treaty Organization (NATO). The President also requests and authorizes the President to return the four Brigade Combat Teams that are currently stationed in Europe to the United States.

The amendment states that it is U.S. policy that the deployment of units of the U.S. Armed Forces on a rotational basis at military installations in European NATO member nations is a force-structure arrangement sufficient to permit the U.S. to:

- “Satisfy the commitments undertaken by United States pursuant to Article 5 of the North Atlantic Treaty, signed at Washington, District of Columbia, on April 4, 1949, and entered into force on August 24, 1949 (63 Stat. 2241; TIAS 1964);
- “Address the current security environment in Europe; and
- “Contribute to peace and stability in Europe.”

Read amendment [here](#).

49. Barbara Lee (D-CA) and Conyers (D-MI). This amendment would appoint a high-level U.S. representative or special envoy for Iran whose duties would include facilitating bilateral negotiations with Iran to ease tensions, leading diplomatic efforts with the country, and acting as a liaison with the United States and Iran. The envoy would end the ‘no contact’ policy preventing DOD employees from direct contact with Iran, and would submit a report every 180 days to the Congress.

The amendment would express that it should be the policy of the United States to prevent Iran from acquiring a nuclear weapon, and to inspect cargo to and from the country while pursuing sustained bilateral negotiations with Iran without preconditions. It further states that all diplomatic tools should be used, and that opportunities to foster sustained relations in good faith should be pursued, further stipulating that no funds should be made available to carry out a military operation against Iran unless the President determines that it is warranted.

Read amendment [here](#).

50-59 Amendments

50. Lamborn (R-CO). This amendment would prevent any funds from this Act being used for Cooperative Threat Reduction with Russia until 30 days after the Secretary of Defense certifies several issues. Russia must no longer be providing direct aid to Syria’s suppression of its population, or transferring technology or equipment to Iran, North Korea, or Syria which has the potential to be used to develop advanced weaponry. It also specifies that these funds can only be used for threat reduction activities and not for new activities, or anything which extends beyond FY2013. The Secretary of Defense may waive the limitation on the funds regarding what must be certified if he determines that national security interests make such an action necessary, and then can receive a waiver 90 days after briefing the appropriate committees.

Read amendment [here](#).

51. Carnahan (D-MO). This amendment would combine potentially overlapping or duplicative functions related to contingency operation planning and oversight. It would create the Office for Contingency Operations, which would absorb all of the functions, personnel, and liability of the Bureau of Conflict and Stabilization Operations. A report would be written on this transfer. The Director, along with the Director of the Office of Management and Budget and the Director of

the Office of Personnel Management may transfer to the OCO any personnel, functions, etc. that they deem appropriate. The amendment creates the office along with a system of evaluation requirements. The President is granted power to declare a “stabilization and reconstruction emergency,” in which case the Office for Contingency Operations would coordinate all federal efforts with respect to such a stabilization and reconstruction emergency, with or without compensation. The Director has sole control over the Office for Contingency Operations.

Read amendment [here](#).

52. Petri (R-WI) and Hank Johnson (D-GA). The amendment simplifies the definition of renewable energy source so that direct use solar energy technology is considered a renewable energy source for the purposes of the requirement that Defense Department obtain 25% of its facility energy from renewable sources by 2025.

53. Bartlett (R-MD). This amendment would require a report by the Marine Corps on the proposed land transfer for the development of a new training range next to the Marine Corps Ground Air Combat Center Twenty Nine Palms, CA. The Secretary of the Navy would be prevented from spending money for this land transfer until such a report had been submitted to Congress, unless there is an urgent national need, in which case the Secretary of Defense would be allowed to waive the report requirement.

Read amendment [here](#).

54. Franks (R-AZ). This amendment prohibits any defense nuclear nonproliferation funding in the bill for nuclear nonproliferation activities with the Russian Federation until 30 days after the Secretary of Energy certifies to congressional defense committees that Russia is no longer providing any support to Syria’s suppression of Syrian people; transferring weapons equipment or technology to Iran, North Korea, or Syria; and that nonproliferation funds with the Russian Federation are strictly for project closeout activities and will not be used for new activities or activities that will extend beyond fiscal 2013. The sponsor’s Dear Colleague states that the Pentagon acknowledged Russia is supplying Syria with arms and continues “to supply weapons and ammunition to the Assad regime” with evidence that some of these arms are being employed against Syria’s civilian population. It further states that “U.S. taxpayers should not be put in the position where they are indirectly subsidizing the mass murder of Syrian citizens who only want to exercise their right to liberty and democracy.” The amendment includes waivers to allow funding to finish current activities scheduled to be completed in FY2013 unless the Secretary of Defense finds national security interests against it.

Read amendment [here](#).

55. Pearce (R-NM)/ Markey (D-MA). This amendment strikes section 3156 of the bill, which authorizes the Secretary of Energy to make available up to \$150 million for the development and demonstration of domestic national-security-related enrichment technologies. According to the sponsor’s Dear Colleague, section 3156 directs the Department of Energy (DOE) to provide

“\$150 million to bailout” the United States Enrichment Corporation ([USEC](#))—a company the amendment sponsor states reported a net loss of \$540.7 million in 2011.

According to the bill’s sponsor:

“Section 3156 of the National Defense Authorization Act (NDAA) includes a \$150 million subsidy to the private uranium enrichment company, United States Enrichment Corporation (USEC). This \$150 million comes in addition to the billions of dollars in taxpayer funds that have gone to perpetuate USEC’s failing business model. And, this is language that has shown up in everything from the Highway Bill to Energy Appropriations.

In 2011 alone, USEC reported a net loss of \$540.7 million. To put that in perspective, it took Solyndra two years to record this type of loss. No one would consider providing Solyndra more federally backed loans, so why should USEC be any different?

Instead of allowing USEC’s fate to rise or fall on the wisdom and skills of its management and owners in a competitive marketplace, the government has intervened at every turn to ensure that USEC would not fail. This company is worth less than \$120 million and it is asking for \$2.5 billion in government backing. I doubt any member of Congress would invest his or her own money in a company which saw a 46% decline in profitability within 3 year of its initial public offering. So why is USEC any different?

The answers should be – it isn’t. However, the administration and members of Congress from both parties have come up with excuse after excuse why it is.

Some say it is an issue of national security due to the production of tritium at USEC. However, the National Nuclear Security Administration (NNSA) testified that tritium production would not be affected if USEC failed. Essentially, national security would not be undermined in any way if USEC were to terminate operations as a result of a government decision to cut off further subsidies.” (read rest [here](#)).

Opponents of this amendment argue that national security interests trump any business inefficiencies. According to the House Armed services Committee:

“Section 3156 of the bill would protect the U.S. taxpayer by ensuring that, if this funding is provided to a private company for technology development and that company fails to meet certain technical milestones, the intellectual property and certain real property associated with the technology development effort would revert to the federal government.

- Under Section 3156, a royalty-free license to use associated intellectual property would be granted to the USG at the outset of any agreement with a private company that receives these funds.
- Section 3156 requires DOE to select a company to receive this funding based on merit-based procedures.

URENCO USA (formerly LES), a subsidiary of a European company, operates a uranium enrichment plant in southern New Mexico. This plant provides nuclear fuel for power reactors and other purposes.

- Because URENCO is foreign-owned and uses foreign-owned technology, international agreements prevent the U.S. government from purchasing enriched uranium from it for military or defense purposes.
 - Note: the USG is also be precluded from using such “restricted” uranium to produce tritium for use in nuclear weapons.
- In the near future, the U.S. will need a fully domestic source of “unrestricted” enriched uranium, based on domestically-developed technology, to support the nuclear weapons program and Navy nuclear reactors program.
 - The \$150M in funds is intended to help develop this domestic source.
 - Down-blending and other options could extend this date somewhat, but are not ideal.”

Read amendment [here](#).

56. Heinrich (D-NM)/Lujan (D-NM). This amendment creates a new section in the bill authorizing the Secretary of Energy to carry out a two-year competitive pilot program involving one non-profit entity and a national laboratory within the National Nuclear Security Administration for the purpose of accelerating technology transfer from national laboratories to the marketplace. The amendment states that, “The Secretary of Energy shall use the pilot program’s results as the basis for informing key performance parameters and strategies that could be implemented in various national laboratories across the country.” It also requires a report to congressional committees, the Committee on Science and Technology in the House, and the Committee on Commerce, Science, and Transportation in the Senate, within a year of enactment (and a final report 90 days after its completion) that provides updates on the implementation of the pilot program.

Read amendment [here](#).

57. Turner (R-OH). This amendment would amend sections 3115 and 3202 to clarify that ensuring “adequate protection” is the applicable nuclear safety standard for defense nuclear facilities, that nuclear safety policies, regulations, analysis, and recommendations should be risk-based, and that nothing in these sections shall be construed to require a reduction in nuclear safety standards.

Read Amendment [here](#).

58. Tierney (D-MA). This amendment requires the Secretary of Defense to submit a report to Congress assessing the manufacturing industry in the United States. This report should include:

- An assessment of the current manufacturing capacity, as it relates to “civilian and defense needs.”
- An assessment of the tax, trade, and regulatory policies of the United States as such policies impact the growth of the United States.

- An analysis of the factors leading to the increased outsourcing of manufacturing processes to foreign nations.
- An analysis of the strength of the United States defense industrial base, including the security and stability of the supply chain and assessment of the vulnerabilities of that supply chain.

Read amendment [here](#).

58. Rehnberg (R-MT)/ Lummis (R-WY). This amendment would ban any reductions to the strategic nuclear triad unless the Secretary of Defense certifies that:

- 1) Further reductions in the Russia Federation’s arsenal are needed for compliance with New START limits
- 2) Russia is not developing or deploying nuclear delivery systems not covered by New START limits.
 - a. “The Russian Federation must make a commensurate reduction, conversion, or decommissioning pursuant to the levels set forth under such treaty; and
 - b. “The Russian Federation is not developing or deploying a strategic delivery system that is:
 - i. “Not covered under the limits set forth under such treaty; and
 - ii. “Capable of reaching the United States.”

This amendment would also protect all three legs of the nuclear triad from elimination.

Heritage Action, key-voting this amendment, explains that:

“During the 2010 lame duck session, the Senate ratified the New START Treaty, which significantly reduced America’s ability to develop and use our missile defense capabilities. This amounts to unilateral disarmament, putting ourselves at a disadvantage in an increasingly dangerous world when the U.S. and our allies are threatened by unfriendly nations developing their own nuclear capability – like Iran and North Korea. The treaty also did nothing to reduce the disparity between Russia’s tactical nuclear weapon advantage and ours.

An overlooked aspect of New START was its limitation on the development and deployment of America’s conventional weapons, which further diminishes our ability to defend ourselves and our allies.

The Rehberg Amendment at least ensures America does not act unilaterally on a treaty that already favors Russia, which will do anything it can to put America a disadvantage.”

Read amendment [here](#).

60-69 Amendments

60. Carson (D-IN). This amendment would require that the Department of Defense conduct a survey on the equipment used by the armed forces. This anonymous survey would include current and former members of the armed forces who were deployed after September 11th, 2001, and would focus on the types of equipment used by our soldiers. The purpose of the survey is to determine whether or not the members of our armed forces are properly equipped in the field. The results of the survey would then be put into a report, along with explanations and recommendations based on these findings, and submitted to Congress within 180 days.

Read amendment [here](#).

61. Garamendi (D-CA). This amendment requires an assessment of existing challenges in the United States' manufacturing ability to produce three-dimensional integrated circuits and a general analysis on potential ways to overcome these challenges and encourage their domestic commercial development for military purposes.

Read amendment [here](#).

62. McDermott (D-WA). This amendment would require a status report on the sharing of environmental exposure data with the Secretary of Veterans Affairs on an ongoing basis for use in medical and treatment records of veterans, including such data in determining the service-connectedness of health conditions and identifying the possible origins and causes of disease.

Read amendment [here](#).

63. Smith (D-WA). This amendment would authorize the Secretary of a military department to enter into cooperative agreements with Indian tribes for land management associated with military installations and state-owned National Guard installations.

Read amendment [here](#).

64. Pierluisi (D-PR). This amendment would express the sense of Congress regarding decontamination of and removal of unexploded ordnance from the former bombardment area on the island of Culebra, Puerto Rico.

Read amendment [here](#).

65. Bordallo (D-GU)/ Wilson (R-SC). This amendment would make funds appropriated to the DoD available to pay for the State Partnership program to support the objectives including that:

- Of the commander of the combatant command for the theater of operations in which activities are conducted.
- Of the United States chief of mission of the partner nation with which contacts and activities are conducted.

Read amendment [here](#).

66. Altmire (D-PA). This amendment would require the Secretary of Defense to submit a report on the feasibility of providing market-rate or below-market rate telecommunications service (phone, VoIP, video chat, or a combination).

Read amendment [here](#).

67. Kind (D-WI). This amendment would provide funding assistance through a special military cooperative agreement for the operation and maintenance of any State training center certified by FEMA as capable of providing emergency response training. This is for the purpose of improving the training of National Guard units and “Federal agencies performing homeland defense activities.”

Read amendment [here](#).

68. Tierney (D-MA). This amendment requires the Secretary of Defense to submit an annual report to Congress on the status of targets listed in “[Operational Energy Strategy: Implementation Plan, Department of Defense, March 2012](#).”

Read amendment [here](#).

69. Cravaack (R-MN): The amendment contains a sense of Congress that “fighter wings performing the 24-hour Aerospace Control Alert missions provide an essential service in defending the sovereign airspace of the United States in the aftermath of the terrorist attacks upon the United States on September 11, 2001.”

Read amendment [here](#).

70-79 Amendments

70. Quigley (D-IL)/ Hultgren (R-IL). This amendment would direct GAO to conduct a review of the policies of the DoD for handling, labeling, and packaging of hazardous material shipments.

Read amendment [here](#).

71. Cummings (D-MD)/Chu (D-CA). The amendment adds language that requires the Secretary of Homeland Security to prepare an annual report addressing diversity among commissioned officers of the Coast Guard and Coast Guard Reserve and among enlisted personnel of the Coast Guard and Coast Guard Reserve. The report shall include:

- An assessment of the available pool of qualified candidates for the flag officer grades of admiral and vice admiral;
- The number of such officers and personnel, listed by sex and race or ethnicity for each rank;
- the number of such officers and personnel who were promoted during the year covered by the report, listed by sex and race or ethnicity for each rank; and

- The number of such officers and personnel who reenlisted or otherwise extended the commitment to the Coast Guard during the year covered by the report, listed by sex and race or ethnicity for each rank.

The amendment also requires a report on hazing prevention and tracking.

Some conservatives might argue that race, ethnicity or gender should not be considered a factor in these decisions, but instead solely the merits of the individual.

Read amendment [here](#).

72. McKinley (R-WV). The amendment requires the Secretary of Defense to establish an online means for reservists to track operational active duty service performed after January 28, 2008 by members of the Ready Reserve. The legislation also requires the tour calculator to specify early retirement credit authorized for each qualifying tour of active duty, as well as cumulative early reserve retirement credit authorized to date under Section 647 of the National Defense Authorization Act for fiscal year 2008 (P.L. 110-181).

Read amendment [here](#).

73. Velázquez (D-NY). This amendment would require each branch of the military to develop and implement an expedited procedure to transfer a service member, who was a victim of hazing, to another unit.

Read amendment [here](#).

74. Chu (D-CA) and Cummings (D-MD) and Honda (D-CA). This amendment would require the Department of Defense to submit an annual report to Congress on hazing within the military. These reports would include detailed data about the race, gender, etc. of those involved in individual incidents. The Comptroller General would be required to submit a report on the same topic.

Read amendment [here](#).

75. Welch (D-VT)/ Gibson (R-NY). This amendment provides for coordination between Small Business Development Centers and Yellow Ribbon Reintegration Program to providing assistance – such as developing a business model and understanding eligibility for certification as a Veteran Owned Business – to program recipients interested in starting a business.

Read amendment [here](#).

76. Walsh (R-IL). This amendment authorize the Secretary of Defense to include industry-recognized certification in its pilot program on credentialing and licensing for members of the armed forces.

Read amendment [here](#).

77. Hunter (R-CA). This amendment creates a new section in the bill requiring the Secretary of the Navy, within 30 days of enactment, to submit a report to congressional defense committees a report describing the Navy's review, findings, and actions pertaining to the Medal of Honor nomination of Marine Corp Sergeant Rafael Peralta. This report shall include all evidence submitted regarding Marine Corp Sergeant Peralta's case. Sergeant Peralta died in combat in Fallujah, Iraq when coming into immediate and close contact with enemies in a 2004 incident. Reports explain that he saved the lives of his fellow Marines by sacrificing his own life by scooping a grenade into his own body. After being nominated for the Medal of Honor, his nomination was denied by then-Secretary of Defense Robert Gates based upon a scientific review panel's assessment that Sgt. Peralta could not have consciously pulled the grenade into his body. According to the amendment sponsor, new evidence validates eye-witness accounts which led to his Medal of Honor nomination.

Read amendment [here](#).

78. Kind (D-WI)/ Sensenbrenner (R-WI). This amendment would waive the time limitation for the award in order for the President to award Lt. Alonzo Cushing the Medal of Honor for his heroic deeds during the Civil War. (read about him [here](#)).

Read amendment [here](#).

79. Nugent (R-FL). The amendment gives the Secretary of the Army the authority to award the Army Combat Action Badge (established by order of the Secretary of the Army through Headquarters, Department of the Army Letter 600-05-7 1, dated June 3, 2005) to a person who, while a member of the Army, participated in combat during which the person personally engaged, or was personally engaged by, the enemy at any time during the period beginning on December 7, 1941, and ending on September 18, 2001 (the date of the otherwise applicable limitation on retroactivity for the award of such decoration), if the Secretary determines that the person has not been previously recognized in an appropriate manner for such participation.

Read amendment [here](#).

80-89 Amendments

80. Thompson (D-CA)/ Hunter (RCA). This amendment provides for the advancement of Brigadier General Charles Yeager, United States Air Force (Retired), to the rank of major general while on the retired list of the Air Force. (read bio [here](#)).

Read amendment [here](#).

81. Dent (R-PA). The amendment adds language that authorizes the Defense Department to conduct a feasibility study for the issuance of a summary of the DD-214 form for a member of the armed forces expected to be discharged under conditions other than dishonorable in the form

of an identification card. The amendment requires that any card that would be issued to a cover a member as a result of this study would not serve as proof to collect any benefits and the card would not be issued to cover members who would otherwise receive an identification card by the Defense Department or the Veterans Affairs Department.

Read amendment [here](#).

82. Richardson (D-CA). This amendment would add Department of Defense websites to the list of places for posting information on sexual assault prevention and response resources.

Read amendment [here](#).

83. Slaughter (D-NY)/Tsongas (D-MA). The amendment amends Title V on Military Personnel Policy to require the secretary of Defense to conduct a general education campaign to notify members of the Armed Forces regarding the authorities under chapter 79 of title 10, United States Code, for the correction of military records when a member experiences any retaliatory personnel action for making a report of sexual assault or sexual harassment.

Read amendment [here](#).

84. Adam Smith (D-WA), Susan Davis (D-CA), Pingree (D-ME), Tsongas (D-MA), and Turner (R-OH). This amendment adds a new section to bill that creates a Department of Defense Sexual Assault and Harassment Oversight and Advisory Council. The Council is responsible for providing oversight and advice to the Secretary of Defense and the Secretaries of the military departments on the activities and implementation of policies and programs developed by the Sexual Assault Prevention and Response Office, including any modifications to the Uniform Code of Military Justice, in response to sexual assault and harassment.

The amendment also requires that not later than March 31 of each year, the Council shall submit to the Secretary of Defense and the congressional defense committees a report that describes the activities of the Council during the preceding year and contains such recommendations as the Council considers appropriate to improve sexual assault prevention and treatment programs and policies of the Department of Defense.

Read amendment [here](#).

85. Boswell (D-IA): The amendment requires the Secretary to Defense to submit a report to Congress, within 180 days, on the effects of multiple deployments on the well-being of military personnel and any recommended changes to health evaluations prior to redeployments.

Read amendment [here](#).

86. Terry (N-NE). This amendment would amend Title 4 of the United States Code to authorize members in the Armed Forces who are not in uniform and veterans to render the military salute during the pledge of allegiance.

Read amendment [here](#).

87. Carson (D-IN): The amendment would mandate mental health screening every 180 days to deployed service members.

Read amendment [here](#).

88. Andrews (D-NJ). This amendment would make a few a few technical changes to the language of the bill.

It removes “reduce” from the sentence “...the Secretary of Defense shall submit to the congressional defense committees a report that outlines a strategy to refine, reduce, and, when appropriate, transition to using human-based training methods for the purpose of training members of the Armed Forces in the treatment of combat trauma injuries by October 1, 2017.”

It would also change the language in this report to require research on transitioning “from” the use of live animals in medical education to transitioning “to” the use of live animals in medical education. Finally it would change one occurrence of the word “affect” to “effect” in the phrase (in current language) “assessment of a potential affect of transitioning.”

Read amendment [here](#).

89. Boswell (D-IA). This amendment requires the military to conduct a study on breast cancer in current and former members of the military, paying attention to the demographics of the group, places of deployment, and other details. A report on this research would be submitted to congress within 18 months of this Act becoming law. The \$10 million required from this survey would be transferred from the Navy’s weapons procurement appropriations.

Read amendment [here](#).

90-99 Amendments

90. Session (R-TX)/ Thompson (D-CA). This amendment would direct the Secretary of Defense and Secretary of Veterans Affairs to undergo a five-year pilot program to provide payment for treatment for members of the armed services with traumatic brain injury of post-traumatic stress disorder.

Read amendment [here](#).

91. Jackson Lee (D-TX). The amendment requires the Office of Health of the DoD to work with the National Institutes of Health to:

- “Identify specific genetic and molecular targets and biomarkers for triple negative breast cancer; and
- “Provide information useful in biomarker selection, drug discovery, and clinical trials design that will enable both
 - “Triple negative breast cancer patients to be identified earlier in the progression of their disease; and

- “The development of multiple targeted therapies for the disease.”

Read amendment [here](#).

92. Johnson (D-GA): The amendment list several findings and contains a “Congressional Expression” that Congress:

- “Supports the efforts of the Secretary of Veterans Affairs and the Secretary of Defense to educate service members, veterans, the families of service members and veterans, and the public about the causes, symptoms, and treatment of post-traumatic stress disorder (PTSD); and
- “Supports the creation of an advisory commission on PTSD to coordinate the efforts of the Department of Defense, Department of Veterans Affairs, and other executive departments and agencies for the prevention, diagnosis, and treatment of PTSD.”

Read amendment [here](#).

93. DeLauro (D-CT)/Granger (R-TX)/ Ellison (D-MN). This amendment prohibits the Defense department from awarding contracts to any entity controlled, directed, or influenced by a state that has supplied weapons to Syria or a state sponsor of terrorism. The amendment also requires that the Department of Defense competitively bid any contract to supply helicopters to the Afghan Security Forces.

Read amendment [here](#).

94. Rivera (R-FL). This amendment would prohibit the DoD from entering into a contract for the procurement of goods or services with any person that has business operations with a state sponsor of terrorism. A state sponsor of terrorism is defined as any country that the Secretary of State has determined to have repeatedly provided support for acts of international terrorism.

Read amendment [here](#).

95. Larsen, (D-WA): The amendment requires the Secretary of Defense to conduct an assessment of the health and status of various national defense infrared technology sectors, including technology such as focal plane arrays sensitive to infrared wave lengths, read-out integrate circuits, cryogenic coolers, Dewar technology, infrared sensor engine assemblies, and infrared imaging systems. This report is due within 90 days of enactment.

Read amendment [here](#).

96. Bass (D-CA) and Lankford (R-OK). This amendment would require that the Secretary of Defense include an evaluation of trafficking in persons in any evaluation or performance assessment of a defense contractor or subcontractor, or any agent hired by the contractor or subcontractor. This would not require any new reports, but it would add a requirement related to human trafficking.

Read amendment [here](#).

97. Christopher Murphy (D-CT). The amendment gives manufacturers the opportunity to provide information to Defense Department regarding how their bid for a contract will affect domestic employment. The amendment would allow the department to take the jobs impact statement into consideration, but does not mandate the department consider this information when awarding the contract.

Read amendment [here](#).

98. Welch (D-VT), Gardner (R-CO): The amendment requires the Secretaries of Army, Navy, and the Air Force to submit reports to Congress on the “issue of energy savings performance contracts.” The reports must include information on the amounts (1) appropriated for such contracts; (2) of funds that have been used for such contracts; and (3) of funds that have been used to leverage private sector capital.

Read amendment [here](#).

99. Roger (R-MI). This amendment clarifies that the provision regarding military activities in cyberspace does not authorize a covert action (as defined in section 503(e) of the National Security Act of 1947). Consistent with other reporting requirements, the Secretary of Defense must ensure that Congressional Intelligence Committees are kept “fully and currently informed” of any intelligence-related activities.

Read amendment [here](#).

100-109 Amendments

100. Holt (D-NJ). This amendment creates a new section in the bill requiring the Secretary of Defense to establish a new National Language Service Corp whose purpose is to “provide a pool of personnel with foreign language skills who...agree to provide foreign language services to the Department of Defense or another department or agency of the United States.” Eligibility for this new entity requires U.S. citizenship, being at least 18 years old, and possession of such foreign language skills as the Secretary of Defense considers appropriate. The Secretary may impose fees for services provided by Members of this new Corp that will be credited to the account at the DOD providing funds for any costs incurred in connection with Corp.

Read amendment [here](#).

101. Pierluisi (D-PR) and Christensen (VI). The amendment expresses the Sense of Congress regarding the counterdrug Tethered Aerostat Radar System (TARS) program. The amendment states that all appropriate steps should be taken to ensure that the eight current tethered aerostat systems are fully functional and that the TARS program is providing coverage to protect

jurisdictions of the United States in the Caribbean region, as well as jurisdictions of the United States along the United States-Mexico border and in the Florida Straits.

Read amendment [here](#).

102. Larsen (D-WA), Sanchez (D-CA): The amendment requires an additional report to detail the cost associated with the training, basing, security, testing, research, development, deployment, transportation, personnel, and overhead that are associated with sustaining and modernizing the nuclear deterrent of the U.S.

Read amendment [here](#).

103. Braley (D-IA). This amendment would require the President to submit a report within 90 days on the progress of the wars in Afghanistan and Libya. This report would need to estimate the long-term cost of the wars under various scenarios (outlined in the amendment) which could occur. The amendment further identifies the types of estimations to be used, and requires that they be included in the report.

Read amendment [here](#).

104. Holt (D-NJ). This amendment creates a new section in the bill that establishes a new Federal Mortuary Affairs Advisory Commission that shall advise the President, the Secretary of Defense, the Secretary of Veterans Affairs, and Congress on best practices for casualty notification, family support, and mortuary affairs operations to families that have lost service members. The sponsor's summary explains that this new commission is modeled on the 9/11 commission in response to the [Dover Port Mortuary scandal](#).

Read amendment [here](#).

105. Harper (R-MI). This amendment creates a new section in the bill requiring the Secretary of the Air Force to conduct a review of the decisions of the Secretary to cancel or consolidate the Air National Guard Component Numbered Air Force Augmentation Force. According to the sponsor, the Air National Guard Augmentation Force enhances Active Duty Air and Space Operations Centers (AOCs) across the U.S. and across the globe on a regular basis. It supports each AOC's respective mission and provides a rapid and familiar response to ensure mission success.

Read amendment [here](#).

106. Langevin (D-RI): The amendment requires the Director of the Defense Forensic Office (within the Office of the Undersecretary of Defense for Acquisition, Technology, and Logistics) to evaluate opportunities to increase the matching success rate when forensic data is collected during site exploitation to match forensic data stored in DNA databases. The Office may evaluate opportunities to assist other countries with their DNA database programs. The Defense Forensic Office shall submit to Congress a report containing their findings and solutions. This report is due within 120 days of enactment.

Read amendment [here](#).

107. Lewis (D-GA): The amendment requires the Secretary of Defense, in consultation with the Commissioner of the IRS and the Director of the Bureau of Economic Analysis, to post on the DoD website the costs to each American taxpayer of each of the wars in Afghanistan and Iraq.

Read amendment [here](#).

108. McCollum (D-MN): The amendment caps amounts spent on military musical units at \$200,000,000.

Read amendment [here](#).

109. Meehan (R-PA), Peter King (R-NY), Candice Miller (R-MI), McCaul (R-TX), Mike Rogers (R-AL). The amendment requires a report on the designation of Boko Haram as a foreign terrorist organization. The amendment requires the Secretary of State to submit to the appropriate congressional committees:

- A detailed report on whether the Nigerian organization named “People Committed to the Propagation of the Prophet’s Teachings and Jihad” (commonly known as “Boko Haram”), meets the criteria for designation as a foreign terrorist organization under section 219 of the Immigration and Nationality Act (8 U.S.C.15 1189); and
- If the Secretary of State determines that Boko Haram does not meet such criteria, a detailed justification as to which criteria have not been met.

The amendment also requires the report to be submitted in unclassified form, but may include a classified annex if appropriate. The amendment requires that nothing in this amendment may be construed to infringe upon the sovereignty of Nigeria to combat militant or terrorist groups operating inside the boundaries of Nigeria.

Read amendment [here](#).

110-119 Amendments

110. Pompeo (R-KS)/ Garamendi (D-CA). This amendment would express the Sense of Congress on the occasion of Air Mobility Command's 20th anniversary that the Mobility Air Forces play a critical role in the Nation defense.

Read amendment [here](#).

111. Price (R-GA). This amendment would require the Attorney General to investigate possible violations of federal law related to leaks of sensitive information involving the military, intelligence, and operational capability of the United States and Israel.

Read amendment [here](#).

112. Richardson (D-CA). This amendment adds a section that finds that it is the sense of congress that United States North Command provides additional response capability to State and local governments in domestic disaster relief. Additionally, they must continue to build on their current efforts to develop leadership training and response plans.

Read amendment [here](#).

113. Sablan (D-MP). This amendment amends the United States code to add that the Secretary of Defense shall ensure that wherever the official flags of all 50 States are displayed by the armed forces, such display shall include the flags of the District of Columbia, Puerto Rico, US Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands. Some conservative might argue that territories should not be required to include among the other states for the purposes of flag displays.

Read amendment [here](#).

114. Thornberry (R-TX)/ Smith (D-WA). This amendment clarifies the authorities of the Secretary and the Broadcasting Board of Governors to use funding for public diplomacy programs to provide for the “preparation, dissemination, and use of information intended for foreign audiences abroad about the United States, its people, and its policies.”

Read amendment [here](#).

115. Thornberry (R-TX). This amendment would require the President to submit a charter to Congress to establish an interagency body to “coordinate and deconflict” full-spectrum military cyber operations. The charter shall include, business rules and processes, interagency guidance clarifying roles and responsibilities for full-spectrum military cyber operations, and clarification and defined membership for such body or organizations.

Read amendment [here](#).

116. Tierney (D-MA). This amendment would require the President to submit the final report on a plan to institute mechanisms to better coordinate, document, disseminate, and share information, analysis and assessments regarding United States foreign police assistance activities.

Read amendment [here](#).

117. Quayle (R-AZ). This amendment would require a report to include progress updates on consolidation goals and cost savings achieved during the preceding fiscal year, consistent with the GAO report on Data Center Consolidation Agencies Need to Complete Inventories and Plans to Achieve Expected Savings.

Read amendment [here](#).

118. Cicilline (D-RI). This amendment would strengthen current certification requirements for Pakistan before releasing reimbursement funds to Pakistan.

Currently Section 1211 (f) on page 541 places a limitation upon reimbursement to Pakistan for if the Secretary of Defense submits a report that includes a certification that Pakistan is committed to:

1. Supporting counter-terrorism operations against Al Qaeda, its associated movements, the Haqqani Network, and other domestic and foreign terrorist organizations.
2. Dismantling improvised explosive device (IED) networks and interdicting precursor chemicals used in the manufacture of IEDs.
3. Preventing the proliferation of nuclear-related material and expertise.
4. Issuing visas in a timely manner for United States Government personnel supporting counterterrorism efforts and assistance programs

This amendment would require that the Secretary of Defense certify that Pakistan is taking “demonstrable steps to” instead of merely being “committed to” the actions.

Read amendment [here](#).

119. Flake (R-AZ). This amendment would require that a period of 30 days elapse between the date the Secretaries of Defense and State submit to Congress an update to the report on the strategy to utilize the Pakistan Counterinsurgency Fund and Congress making the remaining 90 percent of the funds available for assistance to Pakistan.

Read amendment [here](#).

120-29 Amendments

120. Thornberry (R-TX). This amendment would modify reporting requirements in the Report on Progress Toward Security and Stability in Afghanistan, as required by the FY 2008 NDAA. Additional reporting requirements includes analyzing Afghanistan National Security Forces literacy rate and their interaction with the Afghan civilian population and respect for human rights.

Read amendment [here](#).

121. Cicilline (D-RI). This amendment would further limit funding to Pakistan, contingent upon certification of tangible steps to stop IEDs.

It would add a new section that limits funding for the Pakistan Counterinsurgency Fund until the Secretary of Defense, in consultation with the Secretary of State, certifies that the Government of

Pakistan is “demonstrating a continuing commitment to and is making significant efforts toward the implementation of a strategy to counter” IEDs, including:

1. Attacking IED networks.
2. Monitoring known precursors used in IEDs
3. Developing a strict protocol for the manufacture of explosive materials.

The Amendment also contains a national security waiver.

Read amendment [here](#).

122. Conaway (R-TX): The amendment states that it is U.S. policy to “(A) to help Israel preserve its qualitative military edge amid rapid and uncertain regional political transformation; and (B) to encourage further development of advanced technology programs between the United States and Israel in light of current trends and instability in the region.”

The amendment requires the President to submit a report to Congress on the status of Israel’s qualitative military edge in light of current trends and instability in the region. The amendment also requires the President to submit a report to Congress, within 180 days, on Israel’s need for F-35 aircraft. The report will detail actions to improve the process relating to Israel’s purchase of F-35 aircraft to improve cost efficiency and timely delivery. Another report will detail efforts to expand cooperation between the United States and Israel in homeland security, counter-terrorism, maritime security, energy, cybersecurity, and other appropriate areas. The amendment also requires a report detailing actions to integrate Israel into the defense of the Eastern Mediterranean. Similar reporting requirements were found in H.R. 4133, which passed the House on May 9, 2012, by a [roll call vote of 411-2-9](#).

The amendment requires the Secretary of Defense, in consultation with the Secretary of State, to develop a plan to enhance the military capabilities of Persian Gulf allies to bolster the posture of such allies in relation to Iran. The amendment details various matters that are to be included in the plan.

The amendment states that it is U.S. policy to “(1) increase pressure on Iran by providing United States Armed Forces with the broadest set of geographic approaches to militarily access Iran; and (2) explore means to enhance access to military facilities on the northern border of Iran.” The amendment also requires the Secretary of Defense, in consultation with the Secretary of State, to develop a plan to increase the strategic partnership with regional allies to provide U.S. Armed Forces with the broadest set of geographic approaches to militarily access Iran. The amendment details various matters that are to be included in the plan.

Read amendment [here](#).

123. Conyers (D-MI)/ Ellison (D-MN). The amendment requires the Secretary of Defense, in consultation with the Secretary of State, to develop a plan to enhance the military capabilities of Persian Gulf allies to bolster our allies in relation to Iran. The amendment details various matters that are to be included in the plan.

The amendment states that it is U.S. policy to “(1) increase pressure on Iran by providing United States Armed Forces with the broadest set of geographic approaches to militarily access Iran; and (2) explore means to enhance access to military facilities on the northern border of Iran.” The amendment also requires the Secretary of Defense, in consultation with the Secretary of State, to develop a plan to increase the strategic partnership with regional allies to provide U.S. Armed Forces with the broadest set of geographic approaches to militarily access Iran. The amendment details various matters that are to be included in the plan.

Read amendment [here](#).

124. Conyers (D-MI), Ellison (D-MN), Jones (R-NC) and Paul (R-TX): The amendment states that nothing in this legislation shall be construed as authorizing the use of force against Iran.

Read amendment [here](#).

125. Duncan (R-SC), Ros-Lehtinen (R-FL), Sherman (D-CA): The amendment prohibits funding for U.S. participation in joint military exercises with Egypt if the government of Egypt terminates or withdraws from the 1979 Israeli-Egypt peace treaty. The amendment text can be [found here](#). Since the ouster of Egyptian President Mubarak in February of 2011, there has been growing concern of whether Egypt will continue to honor the peace treaty with Israel. Multiple Egyptian presidential candidates have pledged to “review” the peace treaty. Candidate Abol Fotouh has recently described Israel as an “enemy” and candidate Amr Moussa has called them an “adversary.” These statements have led to growing uncertainty in a region that is anything but stable. The 1979 Peace Treaty between Egypt and Israel commenced U.S. efforts to use financial assistance to support peace between Israel and its Arab neighbors. Between 1948 and 2011, the U.S. provided Egypt with \$71.6 billion in bilateral foreign aid, including \$1.3 billion in military aid annually from 1987 until now. An April 26th [Haaretz article](#) cites Waleed al-Haddad, a member of the FJP, stating that “the peace deal with Israel isn’t [in the] constitution, it’s just an agreement that can be changed.”

Read amendment [here](#).

126. Smith (D-WA)/ McKeon (R-CA). This amendment would authorize the President to remove commercial satellites and related components and technology for the United States Munitions List, consistent with the procedures in the Arms Export Control Act. The President may exercise this authority if he submits a report to Congress a determination that the transfer does not pose an unacceptable risk to national security. However, no license or other authorization for export shall be granted to any person or entity in China, Cuba, Iran, North Korea, Sudan, Syria and “any other country with respect to which the United States would deny the application” for exports and imports of defense articles under the International Traffic in Arms Regulations. (see here for a [presentation](#) on the topic by Center for Security Studies). (read rest [here](#)).

Read amendment [here](#).

127. Flake (R-AZ)/Mulvaney (R-SC). This amendment requires that funds appropriated to the Overseas Contingency Operations (OCO) Transfer Fund (FUND) for expenses directly relating to overseas contingency operations by the U.S. Armed Forces may only be used for an “item or activity specified in the overseas contingency operations portion of the budget” submitted to the Congress by the President for FY2013.

Further, the Dear Colleague states that this shift in funds resulted in the Congress evading the spending caps required by the Budget Control Act because war-spending is not subject to spending caps, “Last year’s Budget and Control Act (BCA) limited the Base Budget to a certain level in FY2013; the War Budget, however, has no limit. This creates a loophole for the President and/or Congress to evade the BCA limits by potentially moving money for regular activities from the Base Budget to the unlimited resources of the War Budget. This year’s FY2013 Budget Request calls for shifting \$6.1 billion in basic compensation for military personnel from the Base Budget to the War Budget. The troops associated with these costs are currently not deployed in overseas combat operations. Rather, they are part of the end strength reductions set to begin next year. This means the FY2013 War Request is overstated by \$6.1 billion with basic compensation costs that have traditionally been funded through the Base Budget. As the Government Accountability Office has pointed out, base pay for our troops is considered part of the Base Budget. This new use of the War Budget for base pay is a clear circumvention of the Budget and Control Act limits.”

Read amendment [here](#).

128. Hunter (R-CA). This amendment would extend the authority for the use of the Joint Improvised Explosive Device Defeat Fund to include actions and activities intended to disrupt IED networks that rely on explosive device precursors that transit into Afghanistan where they can be used as components in the manufacture of improvised and homemade explosives.

Read amendment [here](#).

129. Schrader (D-OR). The amendment establishes a program “to provide federal contracts to early stage small businesses.” The amendment requires a report to Congress by April 30, 2015, on the performance of the program. To qualify as “early stage small business,” the business must have fewer than \$1 million in annual receipts and fewer than 15 employees.

Read amendment [here](#).

130-41 Amendments

130. Lee (D-TX). This amendment would require the Secretary of Defense, prior to the awarding defense contracts to private contractors, to conduct an assessment to determine whether the Department of Defense has carried out sufficient outreach programs to assist minority and women-owned small business. Some conservatives might argue that race, ethnicity or gender

should not be considered a factor in these decisions, but instead solely the merits of the individual.

Read amendment [here](#).

131. Fitzpatrick (R-PA). This amendment provides that veteran-owned small business shall receive the highest preferences in government contract awards consideration except for the preferences given to disabled veteran-owned small businesses.

Read amendment [here](#).

132. Lankford (R-OK)/ Connolly (D- VA). This amendment would eliminate the practice of human trafficking by government contractors by closing loopholes and increasing appropriate enforcement capabilities.

Read amendment [here](#).

133. Tim Murphy (R-PA), Altmire (D-PA), Critz (D-PA), Doyle (D-PA). The amendment adds language that requires the Secretary of Defense or the Secretary of the military department concerned to notify the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives, as part of an annual request for authorization of appropriations to such Committees, of the proposed reduction and the number of personnel assignments affected and to submit with the notification an evaluation of the fiscal, local economic, budgetary, environmental, strategic, and operational consequences of such closure or realignment. The legislation would lengthen the time period between when the notification is given and action can be taken from a minimum of 14 days to a minimum of 30 legislative days or 60 calendar days, whichever is longer.

Read amendment [here](#).

134. Doggett (D-TX). The amendment adds language that requires the Department of Defense consider the anticipated continuing need for and availability of military bases outside the United States, taking into account current restrictions on the use of military bases outside the United States and the potential for future prohibitions or restrictions on the use of such bases. (read amendment [here](#)).

135. Critz (D-PA). This amendment would require the Air Force to retain core functions of the Air Traffic Control Station at Johnstown Air National Guard Base.

Read amendment [here](#).

136. Young (R-AK)/Altmire (D-PA). This amendment would give Congress additional oversight over present and future large permanent military force reductions. This amendment would provide Congress the ability to enforce cost, environmental, operational, and strategic accountability of these force reductions.

Read amendments [here](#).

137. Tsongas (D-MA). This amendment would allow the Secretary of the Air Force to discuss, with Massachusetts Institute of Technology (MIT), a project to improve and modernize the MIT's Lincoln Laboratory complex at Hansom Air Force base, a Federally Funded Research and Development Center (FFRDC).

Read amendments [here](#).

138. Luján (D-NM): The amendment requires the Administrator for Nuclear Security to commission an independent assessment regarding the transition of the national security laboratories to multi-agency federally funded research and development center with direct sustainment and sponsorship by multiple national security agencies. This assessment is to be conducted by a 501(c)3 non-governmental institute that has recognized credentials and expertise in national security science and engineering.

Read amendment [here](#).

139. Landry (R-LA), Fleming (R-LA), Scalise (R-LA), Green (D-TX), and Andrews (D-NJ): The amendment strikes Section 3503 from the bill. That section reads:

“Section 113(e)(15) of title 40, United States Code, is amended—(1) by inserting ‘disposal for recycling and all contracts related thereto (including contracts for towing, dry-docking, sale or purchase of services for recycling, or management of vessels during disposal),’ after ‘charter, construction, reconstruction (2) by striking ‘merchant’; and (3) by inserting ‘and with the Federal Acquisition Regulation’ after ‘under this subtitle.’”

According to the sponsors: “This section allows the Maritime Administration to exempt itself from the Federal Acquisition Regulations and dispose of National Defense Reserve Fleet vessels using less than open and transparent competition. Striking the exemption provided by Section 3503 harmonizes the NDAA with 16 USC § 5405(c)(1) and 46 USC § 57102 and conforms to the recommendations of a 2005 GAO study.”

Read amendment [here](#).

140. Cummings (D-MD) and Landry (R-LA). Current law allows the U.S. Maritime Administration to issue waivers to certain ships that are non-Jones Act compliant, when necessary in the interest of national defense. This amendment requires, in cases of a waiver, the Maritime Administration to identify any actions that could be taken to enable the capacity of U.S. flag vessels to meet national defense requirements. The Maritime Administration would also be required to publish the determinations on the Department of Transportation's website. The Secretary of Transportation, in conjunction with the Secretary of Homeland Security shall

notify Congress of any request for a waiver, and any issuance of a waiver. The Secretary would be required to include in the notification why the waiver is necessary.

The Jones Act was passed in the aftermath of WWI with the intention of providing an increased merchant marine fleet for national security purposes. The Jones Act was included as Section 27 of the Merchant Marine Act in 1920. The Jones Act governs the domestic transportation of merchandise and passengers by water and it requires that merchandise transported entirely or partly by water between U.S. points, either directly or via a foreign point, must travel in U.S.-built, U.S.-citizen owned vessels that are U.S.-documented by the Coast Guard. These additional mandates on the private sector are a point of contention amongst conservatives.

Read amendment [here](#).

141. Young (R-AK)/ Richardson (D-CA). This amendment would provide the sense of Congress that the Secretary of Defense should expedite completion of the study for strategic ports in the United States, as called for in the FY2012 NDAA. Additionally, it directs DOD to provide a copy of the report to GAO for additional review of the extent to which the facilities at strategic seaports meet the Department of Defense's requirements.

Read amendment [here](#).