



## Amendments to the National Defense Authorization Act for Fiscal Year 2016 (Rep. Thornberry, R-TX) Part I

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**FLOOR SCHEDULE:** SCHEDULED FOR CONSIDERATION ON MAY 14, 2015 UNDER A [STRUCTURED RULE](#) WHICH PROVIDES ONE HOUR OF GENERAL DEBATE

**ADDITIONAL INFORMATION:** The committee report can be found [here](#), and the text of the legislation can be found [here](#). The Congressional Budget Office's estimate for H.R. 1735 can be found [here](#).

### AMENDMENTS MADE IN ORDER:

**(300) [Thornberry \(R-TX\)](#)** [Manager's amendment]: Would make technical, conforming, and clarifying changes in the bill.

**(201) [Polis \(D-CO\)](#):** Would reduce from 11 to 10 the statutory requirement for the number of operational carriers that the U.S. Navy must have. With the retirement of the U.S.S. *Enterprise*, the U.S. Navy currently operates 10 *Nimitz* class aircraft carriers. Of the 10, one vessel is always undergoing Refueling and Complex Overhaul (RCOH) and therefore offline. More information on aircraft carrier requirements can be found [here](#). **Some conservatives are concerned that this amendment would hamper a combatant commander's ability to respond to crises by limiting the size of the U.S. carrier force. [Heritage Action](#) has indicated that they will be key voting "no" on this amendment. A Dear Colleague from several members of the House Armed Services Committee in opposition to this amendment can be found [here](#).**

**(30) [Young, Don \(R-AK\)](#):** Would express a sense of Congress that the Secretary of the Air Force, in the strategic basing process for the F-35A aircraft, should continue to place emphasis on the benefits derived from sites that: (1) are capable of hosting fighter-based bilateral and multilateral training opportunities with international partners; (2) have sufficient airspace and range capabilities and capacity to meet the training requirements; (3) have existing facilities to support personnel, operations, and logistics associated with the flying mission; (4) have limited encroachment that would adversely impact training or operations; and (5) minimize the overall construction and operational costs.

**(205) [Heck, Denny \(D-WA\)](#):** Would authorize an additional \$25 million for the Office of Economic Adjustment for transportation infrastructure improvements associated with congestion mitigation in urban areas related to [2005 Defense Base Closure and Realignment Commission recommendations](#). The offset would be taken from Army, Navy, Marine Corps, Air Force, Defense-wide operations and maintenance accounts.

**(7) [Brooks \(R-AL\)](#):** Would strike section 538, relating to a sense of the House of Representatives regarding a Secretary of Defense review of section 504 of title 10, United States Code, regarding

enlisting certain aliens in the Armed Forces. The amendment would strike a Gallego (D-AZ) [amendment](#) which expresses the sense of the House of Representatives that that the Secretary of Defense should review [section 504 of title 10](#), United States Code, to determine whether individuals with Deferred Action for Childhood Arrivals (DACA) may enlist in the armed forces. The Gallego amendment was passed during the bill's markup by a vote of [33 to 30](#). **Some conservatives are concerned that the inclusion of DACA language in the underlying bill would effectively approve of the president's action on DACA by requiring the Department of Defense to study how allowing individuals with DACA status into the recruiting pool would impact military readiness.** [NumbersUSA](#) has indicated they will oppose and score the NDAA if the DACA amendment is not stricken. [Heritage Action](#) has also indicated that they will key vote "yes" on this amendment.

**(240) [Messer, Luke \(R-IN\)](#):** Would require the Secretary of Defense to conduct a comprehensive study on the impact of any final rule that succeeds the proposed regulation entitled National Ambient Air Quality Standards for Ozone (79 Fed. Reg. 75234) on military readiness. This includes the impact of such rule on training exercises, military installations, land owned and operated by the Department of Defense, the infrastructure upon which the national security system relies, and the impact military activities may have on attainment designations, not later than 5 years after the NDAA's enactment.

**(82) [Takai \(D-HI\)](#):** Would allow and ensure that members of the armed forces—whose duties are primarily as a mariner—receive training opportunities necessary to meet the requirements for licenses, certificates of registry, and merchant mariners' documents, and other professional certifications in the maritime trades.

**(68) [McGovern \(D-MA\)](#):** Would require the Secretary of Defense to design and produce a military service medal to honor retired and former members of the armed forces who are radiation-exposed veterans (Atomic Veterans), determined in U.S. Code [section 1112\(c\)\(3\) of title 38](#)

**(84) [Hanna \(R-NY\)](#):** Would allow memorial headstone or grave markers to be made available for purchase by National Guard or Reserve members who served for at least six years, at no cost to the government. The amendment would clarify that it would not authorize any new veteran benefits, new burial benefits or create any new authority for an individual to be buried in a national cemetery.

**(147) [Kline \(R-MN\)](#):** Would allow a one-time election for certain military retirees to regain access to [TRICARE Prime](#). Would define an affected eligible beneficiary as someone as of December 25, 2013, resides farther than 100 miles from a military medical treatment facility; and has served in the Army, Navy, Air Force, or Marine Corps. The amendment would increase the Defense Health Program by \$4million and offset the operation and maintenance, Navy, Line 040, Air Operations and Safety Support, MV-22 Fleet Engineering Support Unfunded Requirement account by a matching amount.

**(332) [Thornberry \(R-TX\)](#):** Would limit the funds made available to the Department of Defense Healthcare Management System for FY 2016 so that no more than 75 percent can be spent until the date on which the Secretary of Defense makes the certification required in the [FY 2014 NDAA](#).

**(341) [Pascrell \(D-NJ\)](#):** Would require the peer-reviewed Psychological Health and Traumatic Brain Injury Research Program to conduct a study on blast injury mechanics covering a wide range of primary blast injury conditions, including traumatic brain injury, in order to accelerate solution development.

**(173) [Hurd \(R-TX\)](#):** Would expand the scope of [the Independent Study of Matters Related to Bid Protests](#) to include the entire federal government.

(48) [Chabot \(R-OH\)](#): Would amend the Small Business Act to ensure that the Small Business Administration (SBA) negotiates agency prime contracting goals with a view towards encouraging participation by a wide variety of small businesses. The amendment would require, beginning in FY 2017, that any SBA procurement scorecard assesses the use of small businesses as prime contractors and subcontractors, and look at the small business participation rate. The Government Accountability Office (GAO) is required to submit a report to Congress that evaluates whether the methodology used to calculate a score accurately and effectively measures the compliance of each federal agency and encourages federal agencies to expand opportunities for small business concerns.

(79) [Walorski \(R-IN\)](#): Would prohibit any funding being allocated to any agency of the federal government to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions of Khalid Sheikh Mohammed or any other detainee who is not a United States citizen or a member of the Armed Forces of the United States; and is or was held on or after January 20, 2009, at United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense. The provision would also amend section 1037 to prohibit any funding being allocated to any agency of the federal government to construct or modify any facility in the U.S., its territories, or possessions to house any individual detained at Guantanamo for the purposes of detention or imprisonment in the custody or under the control of the Department of Defense. The amendment would further strengthen the prohibition on transferring detainees from Guantanamo to Yemen and other combat zones.

(189) [Smith, Adam \(D-WA\)](#): Would authorize the allocation of funds to construct or modify any facility in the U.S., its territories, or possessions to house any individual detained at Guantanamo for the purposes of detention or imprisonment; and transfer, or assist in transferring, to or within the U.S., its territories, or possessions any individual detained at Guantanamo. The amendment would ban the release of any transferred Guantanamo detainee onto to mainland U.S. soil. The provision would also prohibit allocating funding after December 31, 2017, for the detention facility or detention operations at Guantanamo Bay, effectively closing the facility. **There are major conservative concerns with this provision specifically related to national security by allowing the transfer of Guantanamo Bay detainees to domestic U.S. detention centers.**

(16) [McCaul \(R-TX\)](#): Would amend [10 United States Code 2576a](#) to include counterdrug, counterterrorism, or border security activities to the list of preferred applications the Department of Defense considers when transferring excess property to other federal agencies.

(233) [Perry \(R-PA\)](#): Would prohibit the use of funds for realignment of forces at or the closure of United States Naval Station, Guantanamo Bay, Cuba. Would additionally prohibit the modification of the Treaty between the United States of America and Cuba signed in Washington, D.C. on May 29, 1934, including a modification of the boundaries of Guantanamo Bay, unless ratified with the advice and consent of the Senate.

(85) [Hanna \(R-NY\)](#): Would require the Secretary of Defense to submit a report to Congress that assesses the degree to which existing defense capabilities are able to detect, identify, and potentially disable remotely piloted aircraft within special use and restricted airspace. Would require the Secretary to identify how existing research and development Department resources can be leveraged to strengthen our nation's ability to detect, identify, and disable unidentified or potentially malicious remotely piloted aircraft.

(67) [Kline \(R-MN\)](#): Would express a sense of Congress that in order to ensure the safety and security of members of the Armed Forces of the United States overseas: (1) members of the Armed Forces of the United States should have the proper authorized resources at all times to protect themselves while participating in an ordered evacuation of a United States embassy or consulate abroad; and (2) no

restrictions should be placed on the ability of members of the Armed Forces of the United States to maintain on their person and use authorized weapons and equipment for personal and evacuee security at all times and to take authorized protective actions subject to applicable law and orders from the chain of command, during an ordered evacuation of a U.S. embassy or consulate.

(66) [Hunter \(R-CA\)](#): Would establish an Interagency Hostage Recovery Coordinator to direct hostage rescue efforts with the following duties: (1) to coordinate and direct all activities of the government relating to each hostage situation; (2) to establish and direct a fusion cell consisting of appropriate personnel of the federal government with purview over each hostage situation; (3) and to develop a strategy to keep family members of hostages informed of the status of such hostages and inform such family members of updates, procedures, and policies that do not compromise the national security of the U.S..

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