



Amendments (Part 2) to H.R. 6157: Department of Defense Appropriations Act, 2019 (Rep. Granger, R-TX)

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FLOOR SCHEDULE:

H.R. 6157 is expected to be considered beginning on June 26, 2018, under a [structured rule](#).

This first rule provides for one hour of general debate equally divided and made in order 24 amendments. The Legislative Bulletin for these amendments, and further comments on the first rule, can be found [here](#).

A [second rule](#) made in order an additional 29 amendments that are addressed below.

Like the first rule, the second rule waives all points of order against the amendments that have been made in order. The second rule provides one motion to recommit with or without instructions.

The RSC Legislative Bulletin for the Rules Committee Print for H.R. 6157 can be found [here](#).

Amendments Made in Order Under the Second Rule:

1. [Jackson Lee \(D-TX\) \(#42\)](#): This amendment would prohibit the use of funds to terminate a Reserve Officers Training Corps (ROTC) program at a Historically Black College or University, Hispanic Serving Institution, or Tribal College or University.
2. [Frankel \(D-FL\) \(#22\)](#): This amendment is intended to express Congressional intent that \$4 million of funding appropriated for the Defense-wide Operation and Maintenance account should be used as follows: "\$3 million for training on gender perspectives and full-time advisors on Women, Peace and Security at each of the Combatant Commands, the Office of the Secretary of Defense, the Defense Security Cooperation Agency, and the Joint Staff; \$900,000 for training on the meaningful participation of women through foreign national security forces capacity building programs and for the collection of gender-disaggregated data in that programming; and \$100,000 for training on gender perspectives at the war colleges and research on women's contributions to security at the National Defense University Institute for National Security Studies."
3. [Heck, Denny \(D-WA\) \(#35\)](#): This amendment is intended to express Congressional intent that \$36 million of funding appropriated for the Defense-wide Operation and Maintenance account should be used for the Defense Community Infrastructure Program under the Office of Economic Adjustment with an equal reduction in funding for the administration of the Office of the Secretary of Defense.

4. [Hastings, Alcee \(D-FL\) \(#31\)](#): This amendment is intended to express Congressional intent that \$5 million of funding appropriated for the Defense-wide Operation and Maintenance account should be used for “the training and retention of cybersecurity professionals.”
5. [Lynch \(D-MA\) \(#62\)](#): This amendment is intended to express Congressional intent that \$10 million of funding appropriated for the Defense-wide Operation and Maintenance account should be used to increase funding for the Defense POW/MIA Accounting Agency and reduce funding for the Office of the Secretary of Defense by the same amount.
6. [Kuster, Ann \(D-NH\) \(#104\)](#): This amendment would increase funding by \$1 million for the Defense-wide Operation and Maintenance account, with the intent that it be used for “the Defense Advisory Committee on Investigations, Prosecution, and Defense of Sexual Assault in the Armed Forces (DAC-IPAD) for additional staff to conduct a first-ever review of collateral misconduct and disciplinary actions brought against survivors of sexual assault,” and would reduce funding by \$2.1 million for the DOD Acquisition Workforce Development Fund.
7. [Gallagher \(R-WI\) \(#54\)](#): This amendment would increase funding by \$23.8 million for the Navy’s Weapons Procurement account, with the intent that it be used for “Navy AIM-120D missile procurement by \$23.8M to help meet IndoPACOM required critical capabilities and match the House-passed authorization in the FY 2019 NDAA,” and reduce funding for the Defense-wide Operation and Maintenance account by the same amount.
8. [Gallagher \(R-WI\) \(#53\)](#): This amendment would increase funding by \$33 million for the Air Force Missile Procurement account, with the intent that it be used for “Air Force AIM-120D missile ... to help meet IndoPACOM required critical capabilities and match the House-passed authorization in the FY 2019 NDAA,” and reduce funding for the Defense-wide Operation and Maintenance account by the same amount.
9. [Hudson \(R-NC\) \(#68\)](#): This amendment would increase funding by \$5 million for the Defense-wide Operation and Maintenance account, with the intent that it be used for “for additional training of Special Operations Forces,” and reduce funding by \$7 million for the Defense-wide Research, Development, Test and Evaluation account.
10. [Welch \(D-VT\) \(#100\)](#): This amendment would increase operation and maintenance funding for the Defense Health Program by \$1 million, with the intent that it be used to “improve coordination between DoD and the VA as both agencies study the effects of toxic exposure to burn pits,” and reduce funding for the Defense-wide Operations and Maintenance account by \$1.3 million.
11. [Nolan \(D-MN\) \(#127\)](#): This amendment would increase funding for the Defense Health Program by \$6 million, with the intent that it be used for the Department of Defense’s Lung Cancer Research Program, and reduce funding for the Defense-wide Operations and Maintenance account by the same amount.

Conservatives may be concerned that the Congressionally Directed Medical Research Program (CDMRP) is already funded at \$752 million, while the president’s budget request is zero. According to [CRS](#), “Members of Congress are frequently lobbied to support adding funding to the annual defense appropriation for medical research on a wide variety of diseases and topics.” While medical research is a laudable activity, some conservatives may be concerned that many of the programs funded within the CDMRP are not for military-specific conditions and are duplicative of the type of [research done](#) at the National Institutes of Health (NIH). According to [Taxpayers for Common Sense](#), “These programs are clearly earmarks and therefore take money away from other necessary Defense Department functions.”

12. [Gabbard \(D-HI\) \(#120\)](#): This amendment would increase funding for the Defense Health Program by \$1 million, with the intent that it be used for open air burn pits research, and reduce funding for the Defense-wide Operations and Maintenance account by the same amount.
13. [Delaney \(D-MD\) \(#14\)](#): This amendment would increase funding by \$5 million for the Fisher House Foundation, and reduce funding by \$8.3 million for the Defense-wide Operation and Maintenance account.

The underlying bill would already provide \$5 million for Fisher Houses that provide free housing to the families of wounded warriors while they are receiving hospital treatment. The bill also allows the transfer of \$11 million from each of three Operation and Maintenance accounts for the Navy, Army, and the Air Force to their central funds established for Fisher Houses and Suites.

Some conservatives may be concerned that this is an appropriation of a specific amount of funding directed to an entity without using a statutory or administrative formula or competitive award process. Some conservatives may believe that this violates the Republican Conference's moratorium on earmarks, if not technically, at least in spirit.

14. [Jackson Lee \(D-TX\) \(#44\)](#): This amendment would increase funding for the Defense Health Program account by \$10 million, with the intent that it be used to address Triple Negative Breast Cancer research, and Reduces funding for Procurement, Defense-Wide, by the same amount.

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15. [Clark, Katherine \(D-MA\) \(#139\)](#): This amendment is intended to express Congressional intent that \$14.4 million of funding appropriated for the Defense-wide research, development, test and evaluation account be used for "supporting DOD innovation."
16. [Crawford \(R-AR\) \(#85\)](#): This amendment is intended to express Congressional intent that \$1 million of funding appropriated to the Research, Development, Test and Evaluation, Defense-Wide, account be used for explosive ordnance disposal equipment upgrades and technology enhancements."
17. [Suozi \(D-NY\) \(#111\)](#): This amendment is intended to express Congressional intent that \$1 million of funding appropriated to the Research, Development, Test and Evaluation, Defense-Wide, account be used for "Removal of national interest determination requirements for certain entities."
18. [Langevin \(D-RI\) \(#58\)](#): This amendment is intended to express Congressional intent within funding appropriated to the Research, Development, Test and Evaluation, Defense-Wide, account, funding for the Strategic Capabilities Office be reduced by \$50 million and reallocated for directed energy

solutions for boost phase missile defense, specifically the DPAL program with Technology Maturation Initiatives.

19. [Cheney \(R-WY\) \(#96\)](#): This amendment is intended to express Congressional intent that within funding appropriated to the Research, Development, Test and Evaluation, Defense-Wide, account, funding for the Ground-based Midcourse Defense (GMD) system be reduced by \$25 million and reallocated to Ballistic Missile Defense System (BMDS) Space Programs to begin work on the Missile Defense Space Tracking System.
20. [Cheney \(R-WY\) \(#97\)](#): This amendment is intended to express Congressional intent that within funding appropriated to the Research, Development, Test and Evaluation, Defense-Wide, account, funding for Sea Based X-Band Radar be reduced by \$20 million and reallocated to Technology Maturation Initiatives for Laser Scaling boost phase efforts.
21. [Langevin \(D-RI\) \(#57\)](#): This amendment would increase funding for the Research, Development, Test and Evaluation, Defense-Wide, account by \$10 million, with the intent that it be used to for the DOD Cyber Scholarship Program within the Information Systems Security Program, and decrease the Air Force's Research, Development, Test and Evaluation account by the same amount, with the intent that the reduction be applied to Next Generation Air Dominance program.

Some conservatives may believe such education programs would be more appropriately funded in a non-defense appropriations measure and that funding in the DOD Appropriations bill should be used to provide for the readiness of soldiers in harms' way.

22. [Esty \(D-CT\) \(#126\)](#): This amendment would increase the amount of funding allocated within the appropriation to the Defense-wide Operation and Maintenance account to the Sexual Assault Special Victims' Counsel Program from \$35 million to \$37 million.
23. [Kelly \(D-PA\) \(#123\)](#): This amendment would prohibit the use of funds for the transfer of personnel security and background investigation functions from the Office of Personnel Management (OPM) to the Department of Defense (DOD).

The FY 2018 NDAA provided for the phased transfer of 70 percent of the background check caseload from the OPM to the DOD. The Office of Management and Budget (OMB) recently released [a plan for reorganizing](#) many federal agencies and their functions. That plan includes a proposal to transfer the remaining caseload of personnel security and background investigation functions from the Office of Personnel Management to the Department of Defense. According to OMB, under the current OPM system, "The background investigation inventory has risen to approximately 725,000; the average Top Secret background investigation takes four times longer than the target completion date; and costs have risen more than 40 percent since Fiscal Year 2014."

24. [Foster \(D-IL\) \(#125\)](#): This amendment would prohibit the use of funds to develop a space-based ballistic missile intercept layer.
25. [Gallego \(AZ\) \(#93\)](#): This amendment would Prohibits the use of funds in this bill to procure any good or service or enter into any contract with the Chinese companies ZTE and Huawei.

[Section 880 of the House-passed National Defense Authorization Act of 2019](#) would, according to the House Committee Report, provide that, not later than January 1, 2021, no government agency may procure or obtain, nor extend or renew a contract to procure or obtain, nor enter into a contract with an entity that uses covered telecommunications equipment or services with any covered entity. This would include Huawei Technologies Company and ZTE. According to a [Statement of](#)

[Administration Policy](#) on the Senate’s NDAA, “The Administration would support a prospective Federal procurement ban on Huawei and ZTE equipment or products in legislation similar to the provision in H.R. 5515, the NDAA for FY 2019, as passed by the House, but in a way that provides flexibility in implementation to maintain the ability of executive departments and agencies to accomplish their missions.”

26. [Wittman \(R-VA\) \(#16\)](#): According to [CRS](#), CVN-78, CVN-79, CVN-80, and CVN-81 are the first four ships in the Navy’s new Gerald R. Ford (CVN-78) class of nuclear-powered aircraft carriers (CVNs). This amendment would strike the term “CVN-80” specifying the [nuclear-powered aircraft carrier](#) on which appropriated funds (\$1.6 billion) would be spent in the underlying bill. The provision in the underlying bill has the effect of limiting procurement for CVN-81. The House-passed FY 2018 NDAA authorized the Secretary of the Navy to enter into a contract in FY 2019 for the procurement of CVN-81. A dear colleague from the amendment’s sponsor can be found [here](#). According to [testimony](#) from the Assistant Secretary of the Navy, for Research, Development and Acquisition, a block buy could save “[up to two and a half billion dollars](#).”
27. [Murphy, Stephanie \(D-FL\) \(#56\)](#): This amendment would increase funding for the National Guard counter-drug program by \$3 million and decrease the Defense-wide Operation and Maintenance account by \$3.2 million.
28. [Poe \(R-TX\) \(#15\)](#): This amendment is intended to express Congressional intent that within funding appropriated to the Navy’s Operation and Maintenance account, \$75 million should be used for “recruitment of new service members through the refurbishment of retired battleships.”
29. [Courtney \(D-CT\) \(#23\)](#): This amendment would provide funding for long lead time materials to construct additional *Virginia*-class submarines in FY 2022 and FY 2023. Dear colleagues from the amendment’s sponsors can be found [here](#), and [here](#) respectively. According to a [statement](#) from the Assistant Secretary of the Navy, for Research, Development and Acquisition, “the block buy contract for the next batch of 10 *Virginia*-class submarines will save the Navy \$5.4 billion.” A dear colleague letter from Defense Appropriations Subcommittee Chairman Kay Granger opposing the amendment can be found [here](#). The dear colleague includes a letter from Deputy Secretary of Defense Patrick Shanahan opposing the amendment. A CRS report on the Navy *Virginia*-class attack submarine procurement can be found [here](#). Testimony from the March 20, 2018, Seapower and Projection Forces Subcommittee hearing on the Submarine Industrial Base can be found [here](#).

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