



Legislative Bulletin.....May 16, 2007

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H.R. 1585 — Amendments (1-30) to the National Defense Authorization Act for Fiscal Year 2008 – Part 1

H.R. 1585, the National Defense Authorization Act for Fiscal Year 2008 (sponsored by Rep. Skelton, D-MO), is scheduled to be considered on the House floor today, May 16, 2007, subject to a structured rule (H.Res. 403), making in order 50 amendments (only those amendments preprinted in the Rules Committee report), each debatable for 10 minutes. The rule allows for the Armed Services Chairman to offer amendments en bloc (only those preprinted amendments not earlier disposed of), and allows for 20 minutes of debate for each set of en bloc amendments. The rule allows one motion to recommit with or without instructions.

The rule waives all points of order except for clauses 9 and 10 of Rule XXI (regarding PAYGO and earmarks/limited tax benefits) and allows the Chair to postpone consideration of the legislation at any time during its consideration.

Note: The summaries below (of the first 30 amendments) are based on RSC staff’s review of actual amendment text and may therefore differ substantially from the summaries on the Rules Committee website. For a summary of the underlying bill, see a separate RSC document released earlier today.

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1. Skelton (D-MO) #73. Manager’s Amendment. Makes various technical and conforming changes, including to correct a fiscal year reference from 2008 to 2009 (for multiyear contracts), reapportion funds for additional WMD civil support teams (Sec. 301; no net change), clarify language to apportion \$3 million in funds to defense-wide operation and maintenance accounts (Sec. 576), add \$48,000 for cooperative threat reduction program (Sec. 1307), add \$1 billion to Title XV for the Strategic Readiness Fund (Sec. 1508), include \$50 million requested by the Administration for NNSA (Sec. 1517), reapportion funding for military construction projects (Sections 2104, 2204, 2304; to “correct accounts and to eliminate double-counting,” according to sponsor), and add \$6 million for energy security (Sec. 3103).

2. Saxton (R-NJ) / LoBiondo (R-NJ) / Smith (R-NJ) / Andrews (D-NJ) #26. Requires DoD to perform federal background checks for all unescorted visitors seeking to enter a military installation or facility, as well as employees of vendors and contractors who do business on a military installation. The background investigation must utilize the FBI’s National Crime Information Center (NCIC) database, must verify U.S. citizenship, and must determine if the

individual is on a terrorist watch list or has any outstanding arrest warrants. Allows a base commander of a military installation to waive this requirement for persons attending base-sponsored community activities.

3. Ortiz (D-TX) #74. Requires the Department of Transportation to submit a report to Congress (by October 1, 2007) concerning the current plan for the disposal of non-retention vessels in the National Defense Reserve Fleet. The report must include a list of the vessels that the Maritime Administrator determines have the highest risk for environmental damage to the local estuary if further deterioration continues, an explanation of the classification system used to make this determination, and a detailed plan for the disposal of those vessels identified as significant environmental risks.

4. Reyes (D-TX) #20. Expands the list of countries, to include Mexico and the Dominican Republic, to which the DoD may provide non-lethal equipment (i.e.-aircraft, sensors, radios) to support counter-narcotics operations.

5. Snyder (D-AR) #30. Increases the funding for the Army National Guard military personnel account by \$50 million, to fund the Yellow Ribbon Reintegration Program; decreases the Air Force Joint Surveillance and Target Attack Radar System (JSTARS) program by \$50 million.

6. Smith, Adam (D-WA) #23. Strikes Section 223 of the bill, which limits the use of funds for replacing the unitary warhead on the SM-3 Block IIA Missiles unless certain conditions are met; inserts a new section in the bill, which reduces the funding for the Army Venture Capital Fund demonstration by \$10 million.

7. Andrews (D-NJ) #91. Requires DoD to produce or procure at least 25 percent of the total electric energy it consumes from renewable energy sources by 2025, and requires DoD to establish incremental goals to accomplish this requirement. Allows the DoD Secretary to waive this requirement if he determines it is in the best interest of the Department of Defense and notifies the congressional defense committees of the waiver.

8. Andrews (D-NJ) #93. Prohibits funds authorized in Title XV to be used for major contingency operations in Iran.

9. Turner (R-OH) #69. Prohibits courts from entering or modifying an order changing the custody of the child of a service member during that service member's period of deployment in support of a contingency operation. The amendment provides an exception for temporary orders issued in the "best interest of the child. Upon completion of a service member's deployment, any original custody order will be reinstated.

10. Drake (R-VA) #7. Strikes the provision that limits the guaranteed pay increase for Armed Forces Members (Subsection b, of Sec. 606). Thus, this amendment would expand the guaranteed pay increase (.5% above the employment cost index for FY 2009 – FY2012) to all the uniformed services (the military services, as well as the Coast Guard, Public Health Service, and National Oceanic and Atmospheric Administration Corps).

11. Franks (R-AZ) / Cantor (R-VA) / Putnam (R-FL) #106. Increases funding by \$764 million for ballistic missile defense (bringing funding to the President’s FY 2008 request level); reduces funding within Title I and II of the bill by \$764 million (other than missile defense) as determined by the Secretary of Defense.

The amendment sponsors noted, in light of the underlying bill’s \$764 million cut to missile defense, that Iran and North Korea continue to develop their ballistic missile capability. Rep. Franks stated that, “the United States is no longer restricted by the ABM Treaty, developed during the Cold War Era. We should recognize that the enemy we face today is not deterred by overwhelming force or retaliation. We must not only say we are supportive of missile defense, we must act like we are as well.”

12. Johnson, Hank (D-GA) #133. Authorizes DoD to carry out the following additional projects totaling \$169 million:

- 1) National Naval Medical Center, Bethesda, Maryland Enhanced Warrior Care Center for \$33 million
- 2) DeWitte Army Medical Center, Fort Belvoir, Virginia
 - enhanced Fort Belvoir Capacity, \$43 million
 - Fort Belvoir Price Inflation/Scope Adjustment \$93 million

Reduces funding by \$169 million for DoD Base Realignment and Closure activities (Sec. 2404(a)(9))

13. Slaughter (D-NY) #16. Requires the Secretary of the Air Force to submit a report to the congressional defense committees containing a detailed plan of the current and future aviation assets at the Niagara Air Reserve Base in New York. The report must include a description of all aviation assets that will be impacted by the series of relocations to be made to or from the Base, and the timeline for these relocations.

14. DeFazio (D-OR) / Paul (R-TX) / Hinchey (D-NY) / Lee (D-CA) #31. Prohibits funds from being used to initiate military force against Iran – absent a national emergency created by an attack by Iran upon the U.S, its territories, or possessions – unless the President receives authorization from Congress prior to initiating the use of military force against Iran.

States a rule of construction that no provision of law enacted prior to this Act may be construed to authorize the use of military force by the U.S. against Iran.

15. Moran, James (D-VA) #29. Requires the Secretary of Defense to submit a report (within 60 days of enactment) to the congressional defense committees containing a plan for the transfer of each individual presently detained at Guantanamo Bay, Cuba, who is or has ever been classified as an “enemy combatant.” The report must include a list of all detainees who have been charged with one or more crimes, will be subject to release or transfer, or will be held without being charged with a crime.

16. Buyer (R-IN) #47. Strikes subsections 3306 and 3326 of section 525 in the bill, which prohibits the Veterans Affairs from awarding unequal education benefits to members of the Selected Reserves based on when they became eligible for such benefits.

17. Holden (D-PA) #3. Directs the Secretary of the Army to create a Combat Medevac Badge, and issue the badge to each person in the Army who served in combat on or after June 25, 1950, as a pilot or crew member of a helicopter medical evacuation ambulance and who meets certain other requirements for the badge.

18. Diaz-Balart, L. (R-FL) / Diaz-Balart, M. (R-FL) / Ros-Lehtinen (R-FL) / Hastings (R-FL) #50. Allows the Navy to establish and maintain a Naval ROTC program at the University of Miami in Coral Gables, Florida.

19. Scott (D-VA) #82. States congressional findings that “modeling, analysis, and simulation technology has become an essential component in ensuring that we meet the defense challenges of the 21st century...” and every effort should be made to include this technology in the training and planning doctrines of the Department of Defense.

20. Stupak (D-MI) #81. Inserts a number of findings into the bill, including the following, regarding returning the remains of deceased soldiers from war.

The amendment sponsor's office writes that: "The family and friends of a deceased member of the Armed Forces should be able to greet the remains of their loved one at an airport near the place designated for the disposition of the remains and provide for the burial of their loved one with proper honors and without undue delay or complication.

"Rural areas are frequently served by smaller regional airports and are often a significant distance from a major airport, and the practice of the Department of Defense to finish the aircraft portion of the transportation of the remains of a deceased member of the Armed Forces would require the Department of Defense to finish the aircraft portion of the transportation of the remains of a deceased member of the Armed Forces at a major airport imposes undue burdens on the family and friends of the deceased member."

The Amendment would require DoD, "to the maximum extent practicable," to deliver the remains of deceased soldiers to the commercial, general aviation, or military airport nearest to the place of burial.

21. Woolsey (D-CA) #27. Requires DoD to study the weapons systems being produced that were originally designed to fight the Cold War and the former Soviet Union. The report would be submitted to Congress within 180 days of enactment, and would identify the weapons systems covered by the study and for each weapon system would:

- “Describe whether the weapons system meets current needs:
- “Specify, and compare, the cost of fitting the weapons system to meet current needs and the cost of developing and procuring a new weapons system to meet current needs;
- Explain the reasons why the weapons system continues to be produced for the Department; and

- “Quantify and describe the savings achieved by decommissioning and dismantling weapon systems no longer needed as a result of the demise of the former Soviet Union [and] the threats is posed to national security.”

22. Moran, James (D-VA) #125. Provides that members of the armed Forces and civilian employees of the Department of Defense who are **scheduled** to be relocated to Fort Belvoir, Virginia, as a result of the closure of leased-office space in Arlington, Virginia, as part of the BRAC realignment, may not be relocated to Fort Belvoir until:

- The Secretary of the Army certifies to Congress that the necessary transportation infrastructure, as identified by the environmental impact statement prepared by the Department of the Army for the Fort Belvoir realignment, to accommodate the total number of members and civilian employees assigned to the Fort and their dependents, is substantially completed; and
- The 60-day period beginning on the date of which required certification expires.

23. Jackson-Lee (D-TX) #62. Requires DoD to study and report to Congress on the impact, including the financial and emotional effects, of multiple overseas deployments on the families of those soldiers who serve multiple tours as part of Operation Iraqi Freedom and Operation Enduring Freedom.

24. Jackson-Lee (D-TX) #63. Requires DoD to "take due care to ensure" that the Army National Guard and Reserve ROTC scholarships provided for in the underlying bill, are available to students attending Historically Black Colleges and Universities, and Hispanic-serving institutions.

25. Davis, Tom (R-VA) #42. Inserts a new section into the bill that would extend by three years, through 2010, the authorization for DoD to participate in the Information Technology Exchange Program.

26. Kennedy, Patrick (D-RI) #111. Requires the DoD to conduct a study on the feasibility of measuring family member satisfaction with the quality of health care services provided to patients, particularly those patients incapacitated by injuries that render them unable to respond completely to surveys on their own.

27. LaHood (R-IL) #11. Allows a member of the Armed Forces with minor dependents who has a spouse who is also a member of the Armed Forces, and the spouse is deployed in an area for which imminent danger pay is authorized (combat zone), to request a deferment of a deployment to such an area until the spouse returns from their deployment.

28. Allen (D-ME) #40. Requires the DoD to report to Congress on DoD’s policies for administering and evaluating vaccines to members of the Armed Forces. The report would include an assessment on the following DoD policies:

- multiple vaccinations within a 24-hour period to active duty members and members of the reserve components, including procedures providing for a full review of an individual's medical history prior to the administration of multiple vaccinations;

- how the Department's policies on multiple vaccines in a 24-hour period conform to current regulations of the Food and Drug Administration;
- procedures for initiating investigations of deaths of soldiers in which vaccinations may have played a role, including whether the investigation can be requested by family members of the deceased individuals; and
- the number of deaths of members of the Armed Forces since January 1, 200, that DoD has investigated for the potential role of vaccine administration.

Also requires DoD to conduct a study, with the FDA and CDC, examining the safety and efficacy of administering multiple vaccinations within a 24-hour period to service members.

29. Fossella (R-NY) #102. Requires the DoD, in consultation with the United States Postal Service, to create a program to provide vouchers for free shipping of packages that are less than 10 lbs and letters that are not more than 13 ounces, to service members serving in Iraq or Afghanistan or currently hospitalized under the care of the Armed Forces. Members of the Armed Forces would be eligible for one voucher for every two months they are serving overseas. The service members would then give these vouchers to their loved ones in the States, who could then send packages to them for free. The amendment sets aside \$10 million from the military personnel account for this free postage program, and reduces the account for Army procurement, specifically for that of the Joint High Speed Vessel, by \$10 million.

30. Tierney (D-MA)/Holt (D-NJ) #58. The amendment reduces by \$1.08 billion, the defense-wide account for research, development, test, and evaluation, and specifies that the reduction be as follows:

- \$298.8 million from the termination of the Airborne Laser program;
- \$144.5 million from the termination of the Kinetic Energy Interceptor program;
- \$229.1 million from the termination of the Multiple Kill Vehicle program;
- \$170 million from the termination of the Third Interceptor Field at Ft. Greeley, Alaska;
- \$150 million from the termination of the Third Ground-Based Midcourse Defense site in Europe; and
- \$59 million from the Space Tracking and Surveillance System Block 2008 work and "follow on" constellation.

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