



Legislative Bulletin.....May 21, 2014

Contents:

Amendments to H.R. 4435 (#1-7) Part I - Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015

Order of Business: The amendments to H.R. 4435, the National Defense Authorization Act for Fiscal Year 2015, are scheduled to be considered Tuesday, May 20, 2014, and Wednesday, May 21, 2014 under a structured rule ([H.Res. 585](#)). The rule allows no further debate on H.R. 4435, provides for the consideration of 7 amendments debatable for 10 minutes each. More information on the rule can be found [here](#).

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SUMMARY OF AMENDMENTS MADE IN ORDER UNDER THE RULE

May 20, 2014

1. **Blumenauer (D-OR)** This amendment authorizes the Secretary of the Air Force to procure not more than 10 AESA radar upgrades for the Air National Guard F-15C/D aircraft in order to protect Air Force force structure. The offset of around \$100 million would be taken from the National Nuclear Security Administration, Atomic Energy Defense Activities account, in particular from the Nuclear counterterrorism incident response, Plutonium sustainment, and the Recapitalization accounts. The [National Guard Association of the United States](#) supports this amendment. The Chairman of the HASC Strategic Forces Subcommittee [opposes](#) the amendment due to concerns that it would reduce funding to the United States’ “chronically underfunded nuclear deterrent.” This year’s NDAA already provides the full budget request of \$117.5 million for procurement of 17 AESA radars for F-15C/D aircraft. Of those 17 radars, 15 are for the Air National Guard.
2. **Gohmert (R-TX). Withdrawn.** This amendment requires the Secretary of Defense to establish either a security monitoring duty roster program that would authorize certain Department of Defense personnel to openly carry a firearm on a military installation, or a procedure to permit qualified military personnel to openly carry a firearm on a military installation for personal protection. It would also ensure that commanders at all levels would have control and oversight over the authorizations.

3. **Sanchez, Loretta (D-CA).** This amendment allows the Department of Defense to transfer funds to nuclear nonproliferation programs, not only to weapons activities and naval reactors. The amendment would modify section 1003 of the NDAA which gives the authority to transfer funds to the National Nuclear Security Administration to sustain nuclear weapons modernization and naval reactors only.
4. **Lamborn (R-CO). Passed by voice.** This amendment requires the Department of Defense to establish a plan with the government of Afghanistan for reimbursing contractors for illegal taxes. The amendment would also require that the Secretary of Defense make a full accounting of illegal taxes. Since 2008, the government of Afghanistan has levied more than \$1 billion in illegal taxes against U.S. businesses providing U.S. taxpayer-funded assistance. According to the sponsor, if U.S. businesses do not pay these illegal taxes they are denied business permits and visas, are subject to both arrest and freezing of bank accounts and, are prohibited from moving mission-essential equipment and personnel into or within Afghanistan.
5. **Garamendi (D-CA).** This amendment directs the President, Department of Defense, and U.S. Africa Command to expand various programs to include combatting wildlife trafficking and poaching. The amendment would designate the Secretary of Defense as a Co-Chair on the Presidential Task Force on Wildlife Trafficking (established pursuant to section 2 of Executive Order 13648) and would direct such task force to address the important role the military can play in fulfilling the goals of the strategy and address the national security concerns presented by wildlife trafficking networks. The task force would also coordinate with the Department of Defense to evaluate the effectiveness and distribution of funds to foreign countries for wildlife trafficking assistance.
6. **Daines (R-MT), Cramer, Kevin (R-ND), Lamborn (R-CO), Lummis (R-WY).** This amendment strikes subsection (c) of Section 1634 of the reported Fiscal Year 2015 National Defense Authorization Act, which terminates in 2021 the requirement that Intercontinental Ballistic Missile (ICBM) silos remain in at least warm status. A [similar amendment](#) was submitted in last year's NDAA by Rep. Lummis, Rep. Daines, and Rep. Cramer and adopted by roll call vote. According to the sponsor, the amendment would protect the nuclear deterrent capability of the United States by striking language in the NDAA that would sunset the requirement that ICBM silos remain in at least warm status, which means the ability to be fully functional even if there is no nuclear warhead deployed. The base bill would sunset this requirement in 2021. The [National Taxpayers Union](#) opposes this amendment.
7. **Lamborn (R-CO). Passed by voice.** This amendment adds a Sense of Congress establishing that national security is the top priority for the federal government and should be the top priority particularly with regard to the use of land owned by the United States.

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