

**En Bloc Amendments to
H.R. 1540
National Defense Authorization Act for Fiscal Year 2012
Wednesday, May 11, 2011**

**Full Committee
En Bloc Package #1**

Log #	Sponsor	Description
12r	Rep. Forbes	Changes the name of the report to Military Power of the People's Republic of China and adds additional reporting requirements related to Chinese cyber activity and espionage activity.
14r	Rep. Forbes	Amends Title 118(b) of Title 10 to require that the recommendation made in the QDR will be fully independent of the President's budget request in order to allow Congress to determine the level of acceptable risk to execute the missions associated with the national defense strategy.
49	Rep. Griffin	This amendment would require DOD to indicate whether a corrective action plan exists for weaknesses and deficiencies in the execution of the FIAR plan and: if so, include that information in the report: if not, develop a corrective action plan.
51	Rep. Reyes	This amendment would direct the Army to comply with current law regarding contract bundling and to report back to Congress on the issue.
147	Rep. Castor	Sense of Congress recognizing those members of the United States Armed Forces responsible for the killing of Osama bin Laden.
215r	Rep. Hunter	Provides a report from the Secretary of Defense on specialty metal content in aircraft.
243r	Rep. Coffman	This amendment calls for the Administrator of the Defense Logistics Agency Strategic Materials to submit to the Secretary of Defense a plan to establish an inventory of rare earth materials necessary to ensure the long-term availability of such rare earth materials.
245	Rep. Coffman	GAO report on competitive vs. sole source contracting in the DOD industrial base.

Log 12
Revised

AMENDMENT TO H.R. 1540

OFFERED BY MR. FORBES OF VIRGINIA

(National Defense Authorization Act for Fiscal Year 2012)

At the appropriate place in title XII of division A of the bill, insert the following new section:

1 **SEC. 12xx. ANNUAL REPORT ON MILITARY POWER OF THE**
2 **PEOPLE'S REPUBLIC OF CHINA.**

3 (a) **MATTERS TO BE INCLUDED.**—Subsection (b) of
4 section 1202 of the National Defense Authorization Act
5 for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 781;
6 10 U.S.C. 113 note), as most recently amended by section
7 1246(b) of the National Defense Authorization Act for
8 Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2544),
9 is further amended—

10 (1) in paragraph (7)—

11 (A) by adding at the end before the period
12 the following: “or otherwise undermine the De-
13 partment of Defense’s capability to conduct in-
14 formation assurance”; and

15 (B) by adding at the end the following:
16 “Such analyses shall include an assessment of
17 the damage inflicted on the Department of De-
18 fense by reason thereof.”; and

12✓

1 (2) in paragraph (9), by adding at the end the
2 following: “Such analyses shall include an assess-
3 ment of the nature of China’s cyber activities di-
4 rected against the Department of Defense and an
5 assessment of the damage inflicted on the Depart-
6 ment of Defense by reason thereof. Such cyber ac-
7 tivities shall include activities originating or sus-
8 pected of originating ~~from China~~ and shall include
9 government and non-government activities believed
10 to be sanctioned or supported by the Government of
11 China.”.

12 (b) CONFORMING AMENDMENT.—Such section is fur-
13 ther amended in the heading by striking “**MILITARY AND**
14 **SECURITY DEVELOPMENTS INVOLVING**” and insert-
15 ing “**MILITARY POWER OF**”.

16 (c) EFFECTIVE DATE.—The amendments made by
17 this section shall take effect on the date of the enactment
18 of this Act, and shall apply with respect to reports re-
19 quired to be submitted under subsection (a) of section
20 1202 of the National Defense Authorization Act for Fiscal
21 Year 2000, as so amended, on or after that date.

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Log 14
Revised

AMENDMENT TO H.R. 1540
OFFERED BY MR. FORBES OF VIRGINIA

At the appropriate place in title X, insert the following:

1 **SEC. 10____. QUADRENNIAL DEFENSE REVIEW.**

2 (a) SENSE OF CONGRESS.—It is the sense of Con-
3 gress that the quadrennial defense review is a critical stra-
4 tegic document and should be based upon a process uncon-
5 strained by budgetary influences so that such influences
6 do not determine or limit its outcome.

7 (b) RELATIONSHIP OF QUADRENNIAL DEFENSE RE-
8 VIEW TO DEFENSE BUDGET.—Paragraph (4) of section
9 118(b) of title 10, United States Code, is amended to read
10 as follows:

11 “(4) to make recommendations that are not
12 constrained to comply with and are fully inde-
13 pendent of the budget submitted to Congress by the
14 President pursuant to section 1105 of title 31, in
15 order to allow Congress to determine the level of ac-
16 ceptable risk to execute the missions associated with
17 the national defense strategy within appropriated
18 funds.”



AMENDMENT TO H.R. 1540**OFFERED BY MR. GRIFFIN OF ARKANSAS**

At the appropriate place in title VIII, insert the following new section:

1 **SEC. 8___.** **CORRECTIVE ACTION PLAN RELATING TO EXE-**
2 **CUTION OF FINANCIAL IMPROVEMENT AND**
3 **AUDIT READINESS PLAN.**

4 (a) **REPORT REQUIRED.**—The Secretary of Defense
5 shall submit to Congress a report relating to the Financial
6 Improvement and Audit Readiness plan of the Depart-
7 ment of Defense submitted in accordance with section 881
8 of the Ike Skelton National Defense Authorization Act for
9 Fiscal year 2011 (Public Law 111–383; 121 Stat. 4306;
10 10 U.S.C. 2222 note).

11 (b) **MATTERS COVERED.**—The report shall include a
12 corrective action plan for any weaknesses and deficiencies
13 in the execution of the Financial Improvement and Audit
14 Readiness. The corrective action plan shall—

15 (1) identify near-term and longer-term meas-
16 ures for resolution of any such weaknesses and defi-
17 ciencies;

18 (2) assign responsibilities in the Department of
19 Defense for actions to implement such measures;

- 1 (3) specify steps for implementation of such
- 2 measures; and
- 3 (4) provide timeframes for implementation of
- 4 such measures.



Army Contract Bundling

The committee is concerned that Army contracting officers are consolidating contracts, particularly for base support functions, which have traditionally been provided by small businesses. The committee believes that providing business opportunities to small businesses, including those owned by veterans and service-disabled veterans, is critical to our national economy and to the local communities in which Army installations are located. The committee is concerned that consolidation of contracts currently awarded to small and disadvantaged businesses may be a result of a shortfall of Army contracting personnel and may result in negative effects in the long-term. The committee is aware that section 313 of the Small Business Jobs Act of 2010 (Public Law 111-240) states that "the head of a Federal agency may not carry out an acquisition strategy that includes a consolidation of contract requirements of the Federal agency with a total value of more than \$2,000,000, unless the senior procurement executive or Chief Acquisition Officer for the Federal agency, before carrying out the acquisition strategy (A) conducts market research; (B) identifies any alternative contracting approaches that would involve a lesser degree of consolidation of contract requirements; (C) makes a written determination that the consolidation of contract requirements is necessary and justified; (D) identifies any negative impact by the acquisition strategy on contracting with small business concerns; and (E) certifies to the head of the Federal agency that steps will be taken to include small business concerns in the acquisition strategy."

Therefore, the committee directs the Secretary of the Army to review Department of the Army contracting actions to ensure compliance with the provisions of the Small Business Jobs Act of 2010, and to brief the congressional defense committees on the findings of the review by December 1, 2011. The review shall include an assessment of the Army's processes to allow opportunities for small businesses to provide goods and services in response to Army requirements, and shall identify challenges facing the Army acquisition workforce, including any shortage of trained personnel to administer contracts.

AMENDMENT TO H.R. 1540
OFFERED BY MS. CASTOR OF FLORIDA

At the appropriate place in the bill, insert the following:

1 **SEC. _____. SENSE OF CONGRESS REGARDING THE KILLING**
2 **OF OSAMA BIN LADEN.**

3 (a) **FINDINGS.**—Congress makes the following find-
4 ings:

5 (1) Osama bin Laden was responsible for order-
6 ing the attacks of September 11, 2001, that killed
7 almost 3,000 American citizens.

8 (2) Osama bin Laden and his terrorist organi-
9 zation, al-Qaeda, have been responsible for carrying
10 out attacks on innocent men and women around the
11 world.

12 (3) The United States Special Operations Com-
13 mand organizes, trains, and equips Special Oper-
14 ations Forces and is providing those forces to the
15 United States Central Command under whose oper-
16 ational control they serve.

17 (4) Special Operations forces were able to com-
18 plete the mission to kill Osama bin Laden without
19 United States casualties.

1 (5) The killing of Osama bin Laden represents
2 a milestone victory in bringing to justice the master-
3 mind of September 11, 2001.

4 (b) SENSE OF CONGRESS.—It is the sense of Con-
5 gress that—

6 (1) the Special Operations Forces provide a tre-
7 mendous service to the Nation; and

8 (2) the killing of Osama bin Laden is a major
9 victory for international justice and for the United
10 States in the war against terrorism and radical ex-
11 tremists.



Amendment Offered by Rep. Hunter

H.R. 1540—National Defense Authorization Act for Fiscal Year 2012

To be inserted in the appropriate place the report:

Aircraft Specialty Metal Content

The committee directs the Secretary of Defense, for each military unique aircraft and engine procured by the Department of Defense in fiscal year 2012, assess the extent to which such aircraft or engine includes specialty metal not melted or produced in the United States. The Secretary of Defense should submit a report of the findings of the assessment to the Senate Committee on Armed Services and the House Committee on Armed Services by October 30, 2012. The assessment should include a description by aircraft or engine type of the average amount of specialty metal contained in such aircraft or engine that was not melted or produced in the United States, expressed as a percentage of the total specialty metal content of the aircraft or engine, and an itemized description of the use of specialty metal not melted or produced in the United States for each aircraft or engine type, including specific references to the exceptions provided by section 2533b of title 10, United States Code, per component or subsystem containing specialty metal not melted or produced in the United States.

Revise

AMENDMENT TO H.R. 1540

OFFERED BY MR. COFFMAN OF COLORADO

At the appropriate place in title XIV, insert the following:

1 **SEC. 14** . **RARE EARTH MATERIAL INVENTORY PLAN.**

2 (a) **REQUIREMENT.**—Not later than 180 days after
3 the date of the enactment of this Act, the Administrator
4 of the Defense Logistics Agency Strategic Materials shall
5 submit to the Secretary of Defense a plan to establish an
6 inventory of rare earth materials necessary to ensure the
7 long-term availability of such rare earth materials, as
8 identified by the report required by section 843 of the Ike
9 Skelton National Defense Authorization Act for Fiscal
10 Year 2011 (Public Law 111–383; 124 Stat. 4282) and
11 as otherwise determined to be necessary. The plan shall—

12 (1) identify and describe the steps necessary to
13 create an inventory of rare earth materials, includ-
14 ing oxides, metals, alloys, and magnets, to support
15 national defense requirements and ensure reliable
16 sources of such materials for defense purposes;

17 (2) provide a detailed cost-benefit analysis of
18 creating such an inventory in accordance with Office
19 of Management and Budget Circular A–94;

1 (3) provide an analysis of the potential market
2 effects, including effects on the pricing and commer-
3 cial availability of such rare earth materials, associ-
4 ated with creating such an inventory;

5 (4) identify and describe the mechanisms avail-
6 able to the Administrator to make such an inventory
7 accessible, including by purchase, to entities requir-
8 ing such rare earth materials to support national de-
9 fense requirements, including producers of end items
10 containing rare earth materials;

11 (5) provide a detailed explanation of the ability
12 of the Administrator to authorize the sale of excess
13 materials to support a Rare Earth Material Stock-
14 pile Inventory Program;

15 (6) analyze any potential requirements to
16 amend or revise the Defense Logistics Agency Stra-
17 tegic Materials Annual Material Plan for Fiscal Year
18 2012 and subsequent years to reflect an inventory of
19 rare earth materials to support national defense re-
20 quirements;

21 (7) identify and describe the steps necessary to
22 develop or maintain a competitive, multi-source sup-
23 ply-chain to avoid reliance on a single source of sup-
24 ply;

1 (8) identify and describe supply sources consid-
2 ered by the Administrator to be reliable, including
3 an analysis of the capabilities of such sources to
4 produce such materials in forms required for mili-
5 tary applications in the next five years, as well as
6 the security of upstream supply for these sources of
7 material; and

8 (9) include such other considerations and rec-
9 ommendations as necessary to support the establish-
10 ment of such inventory.

11 (b) DETERMINATION.—

12 (1) IN GENERAL.—Not later than 90 days after
13 the date on which the plan is submitted under sub-
14 section (a), the Secretary of Defense shall determine
15 whether to execute the plan described in subsection
16 (a).

17 (2) SUBMITTAL.—The Secretary shall submit to
18 the congressional defense committees—

19 (A) the plan under subsection (a); and

20 (B) a notice of the determination under
21 paragraph (1).

22 (c) DEFINITIONS.—In this section:

23 (1) The term “rare earth” means any of the
24 following chemical elements in any of their physical
25 forms or chemical combinations and alloys:

- 1 (A) Scandium.
- 2 (B) Yttrium.
- 3 (C) Lanthanum.
- 4 (D) Cerium.
- 5 (E) Praseodymium.
- 6 (F) Neodymium.
- 7 (G) Promethium.
- 8 (H) Samarium.
- 9 (I) Europium.
- 10 (J) Gadolinium.
- 11 (K) Terbium.
- 12 (L) Dysprosium.
- 13 (M) Holmium.
- 14 (N) Erbium.
- 15 (O) Thulium.
- 16 (P) Ytterbium.
- 17 (Q) Lutetium.

18 (2) The term "capability" means the required
19 facilities, manpower, technological knowhow, and in-
20 tellectual property necessary for the efficient and ef-
21 fective production of rare earth materials.



AMENDMENT TO H.R. 1540
OFFERED BY MR. COFFMAN OF COLORADO

At the appropriate place in the bill, insert the following new section:

1 **SEC. ____ . COMPTROLLER GENERAL ASSESSMENT OF GOV-**
2 **ERNMENT COMPETITION IN THE DEPART-**
3 **MENT OF DEFENSE INDUSTRIAL BASE.**

4 (a) COMPTROLLER GENERAL ASSESSMENT RE-
5 QUIRED.—The Comptroller General of the United States
6 shall carry out an assessment of the effect of Government
7 mandated and supported competition in the Department
8 of Defense industrial base that includes, at a minimum,
9 the following:

10 (1) An examination of the aerospace propulsion
11 business volume that the Department generates and
12 whether such volume facilitates or supports multiple
13 levels of competitors.

14 (2) An examination of the factors necessary to
15 achieve cost effectiveness in initiating and sup-
16 porting a competitive industrial base.

17 (3) An examination of the actual costs of devel-
18 oping a second source for previous private sector

1 provided materials versus savings provided through
2 such competitions.

3 (4) The advantages and disadvantages of other
4 potential options or methods as well as any short-
5 falls in the current processes.

6 (5) Recommendations for any administrative or
7 legislative action that the Comptroller General
8 deems appropriate in the context of the assessment.

9 (b) REPORT.—Not later than April 1, 2012, the
10 Comptroller General shall submit to the Chairmen and
11 ranking members of the Committees on Armed Services
12 of the Senate and the House of Representatives a report
13 on the findings and recommendations, as appropriate, of
14 the Comptroller General with respect to the assessment
15 conducted. The Comptroller General shall receive com-
16 ments from the Secretary of Defense and others, as appro-
17 priate.



**En Bloc Amendments to
H.R. 1540
National Defense Authorization Act for Fiscal Year 2012
Wednesday, May 11, 2011**

**Full Committee
En Bloc Package #2**

Log #	Sponsor	Description
64r2	Rep. LoBiondo	This amendment is a technical change to section 846 of the fiscal year 2011 NDAA to clarify the definition of photovoltaic devices.
252	Rep. Turner	This amendment would modify section 1055 of the fiscal year 2010 National Defense Authorization Act to add the House Foreign Affairs Committee to the list of committees receiving a report.
253	Rep. Thornberry	This amendment would limit the funds available for the Pakistan Counterinsurgency Fund until such time as certain information is provided to Congress.
254	Rep. Turner	This amendment would require the Director of the Defense Intelligence Agency to report on certain information regarding the contractor workforce.
258	Rep. Forbes	This amendment would modify section 804 of the Chairman's mark related to supplier risk management by including a reference to the Small Business Act.
167r2	Rep. Wilson	This amendment would require a GAO study on the effect of foreign boycotts on the defense industrial base.
249r	Rep. Wittman	This amendment would require the submission of information regarding individuals formerly and currently detained at Guantanamo Bay, Cuba to the appropriate congressional committees.
270	Rep. Wilson	This amendment would authorize the Secretary of Defense or the secretary of a military department to reimburse the Red Cross for humanitarian support to service members, offset by funds from section 651 of the Military Personnel Subcommittee mark.
212r2	Rep. Hunter	This amendment would make changes to travel and transportation allowances for non-medical attendants, offset by funds from operation and maintenance, Defense Health Program.
128	Rep. Smith	This amendmeny would allow utilities to pass federal tax benefits under the grants program back to ratepayers in one lump sum.
281	Rep. Akin	This amendment would require a briefing for the congressional defense committees on current reset policy.

64R2

AMENDMENT TO H.R. 1540
OFFERED BY MR. LOBIONDO OF NEW JERSEY
AND MR. ANDREWS OF NEW JERSEY

At the appropriate place in title VIII, insert the following new section:

1 **SEC. 8xx. PROCUREMENT OF PHOTOVOLTAIC DEVICES.**

2 (a) REVISION TO CONTRACTS DESCRIBED.—Sub-
3 section (b) of section 846 of the Ike Skelton National De-
4 fense Authorization Act for Fiscal Year 2011 (Public Law
5 111–383; 124 Stat. 4285; 10 U.S.C. 2534 note) is amend-
6 ed by striking “For the purposes of this section,” and all
7 that follows through the end and inserting the following:
8 “For the purposes of this section, the Department of De-
9 fense is deemed to own a photovoltaic device if the device
10 is installed on Department of Defense property or in a
11 facility owned or leased by or for the Department of De-
12 fense.”.

13 (b) REVISION TO DEFINITION OF PHOTOVOLTAIC
14 DEVICES.—Subsection (c) of such section is amended by
15 striking “means” and all that follows through the end and
16 inserting the following: “means devices that convert light
17 directly into electricity.”.



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(B) MATTER TO BE INCLUDED.—Such report shall include, at a minimum, the following:

(i) A discussion of United States strategic objectives in Pakistan.

(ii) A listing of the terrorist or extremist organizations in Pakistan opposing United States goals in the region and against which the United States encourages Pakistan to take action.

(iii) A discussion of the gaps in capabilities of Pakistani security units that hampers the ability of the Government of Pakistan to take action against the organizations listed in clause (ii).

(iv) A discussion of how assistance provided utilizing the Fund will address the gaps in capabilities listed in clause (iii).

(v) A discussion of other efforts undertaken by other United States Government departments and agencies to address the gaps in capabilities listed in clause (iii) or complementary activities of the Department of Defense and how those efforts are

1 coordinated with the activities undertaken
2 to utilize the Fund.

3 (vi) Metrics that will be used to track
4 progress in achieving the United States
5 strategic objectives in Pakistan, to track
6 progress of the Government of Pakistan in
7 combating the organizations listed in
8 clause (ii), and to address the gaps in ca-
9 pabilities listed in clause (iii).

10 (2) ANNUAL UPDATE REQUIRED.—For any fis-
11 cal year in which amounts in the Fund are requested
12 to be made available to the Secretary of Defense, the
13 Secretary of Defense, with the concurrence of the
14 Secretary of State, shall submit to the appropriate
15 congressional committees, at the same time that the
16 President’s budget is submitted pursuant to section
17 1105(a) of title 31, United States Code, an update
18 of the report required under paragraph (1).

19 (3) FORM.—The report required under para-
20 graph (1) and the update required under paragraph
21 (2) shall be submitted in unclassified form, but may
22 contain a classified annex as necessary.

23 (4) APPROPRIATE CONGRESSIONAL COMMIT-
24 TEES DEFINED.—In this subsection, the term “ap-
25 propriate congressional committees” means—

1 (A) the congressional defense committees;
2 and

3 (B) the Committee on Foreign Relations of
4 the Senate and the Committee on Foreign Af-
5 fairs of the House of Representatives.

6 (c) QUARTERLY REPORTS.—

7 (1) IN GENERAL.—Section 1224(f) of the Na-
8 tional Defense Authorization Act for Fiscal Year
9 2010 (Public Law 111–84; 123 Stat. 2522) is
10 amended—

11 (A) by striking “Not later” and inserting
12 the following:

13 “(1) IN GENERAL.—Not later”; and

14 (B) by adding at the end the following:

15 “(2) MATTERS TO BE INCLUDED.—The Sec-
16 retary of Defense, with the concurrence with the
17 Secretary of State, shall include in the report re-
18 quired under paragraph (1) the following:

19 “(A) A discussion of progress in achieving
20 United States strategic objectives in Pakistan
21 during such fiscal quarter, utilizing metrics
22 used to track progress in achieving such stra-
23 tegic objectives.

1 “(B) A discussion of progress made by
2 programs supported from amounts in the Fund
3 during such fiscal quarter.”.

4 (2) EFFECTIVE DATE.—The amendments made
5 by paragraph (1) take effect on the date of the en-
6 actment of this Act and apply with respect to each
7 report required to be submitted under section
8 1224(f) of the National Defense Authorization Act
9 for Fiscal Year 2010 for any fiscal year after fiscal
10 year 2011.



Amendment Offered by Rep. Turner

H.R. 1540—National Defense Authorization Act for Fiscal Year 2012

To be inserted in the appropriate place the report:

Title 9 Directive Report Language – Report on contractors at the defense intelligence agency

In subtitle D of title IX of this Act, the committee recommends several provisions on total force management within the Department of Defense, including section 934 which would amend an annual reporting requirement by the Secretary of Defense contained in section 115a of title 10, United States Code, on defense manpower requirements, to include an estimate for contractor requirements for support services. This provision would facilitate an improved awareness of the Department of Defense requirements being performed by contractors.

The committee is particularly interested in understanding the use of contractors by the defense intelligence community, starting with the Defense Intelligence Agency, and the manpower mix criteria used to determine which defense intelligence functions should be performed by contractors and which functions should be performed by military members or government civilians.

The committee therefore directs the Director of the Defense Intelligence Agency to submit to the congressional defense committees by December 9, 2011, a report on how the Defense Intelligence Agency plans to implement subtitle D of title IX of this Act. The report shall also include an identification of the current contractor workforce, current and planned use of contractors by the Defense Intelligence Agency, and the manpower mix criteria used to determine which defense intelligence functions are performed by contractors and which functions are performed by military members or government civilians. The report shall be provided in unclassified form, but may include a classified annex if descriptions of the use of contractors or criteria are classified.

AMENDMENT TO H.R. 1540
OFFERED BY MR. FORBES OF VIRGINIA

In section 804(a), insert before the period at the end the following: “and with the requirements of section 8(b)(7) of the Small Business Act (15 U.S.C. 637(b)(7)).”



167R2

AMENDMENT TO H.R. 1540**OFFERED BY MR. WILSON OF SOUTH CAROLINA**

At the appropriate place in the bill, insert the following new section:

1 **SEC. ____ . REPORT ON IMPACT OF FOREIGN BOYCOTTS**
2 **ON THE DEFENSE INDUSTRIAL BASE.**

3 (a) **IN GENERAL.**—Not later than February 1, 2012,
4 the Comptroller General of the United States shall submit
5 to the appropriate congressional committees a report set-
6 ting forth an assessment of the impact of foreign boycotts
7 on the defense industrial base.

8 (b) **ELEMENTS.**—The report required by subsection
9 (a) shall include—

10 (1) a summary of foreign boycotts that posed a
11 material risk to the defense industrial base from
12 January 2008 to the date of enactment of this Act;

13 (2) the apparent objection of each such boycott;

14 (3) an assessment of harm to the defense indus-
15 trial base as a result of each such boycott;

16 (4) an assessment of the sufficiency of Depart-
17 ment of Defense and Department of State efforts to
18 mitigate the material risks of any such foreign boy-
19 cott to the defense industrial base; and

167 R2

1 (5) recommendations of the Comptroller Gen-
2 eral to reduce the material risks of foreign boycotts
3 to the defense industrial base, including rec-
4 ommendations for changes to legislation, regulation,
5 policy, or procedures.

6 (c) CONFIDENTIALITY.—The Comptroller General
7 shall not publicly disclose the names of any person, organi-
8 zation, or entity involved in or affected by any foreign boy-
9 cott identified in the report required under subsection (a)
10 without the express written approval of the person, organi-
11 zation, or entity concerned.

12 (d) DEFINITIONS.—In this section:

13 (1) FOREIGN BOYCOTT.—The term “foreign
14 boycott” means any policy or practice adopted by a
15 foreign government or foreign business enterprise in-
16 tended to directly penalize, disadvantage, or harm
17 any contractor or subcontractor of the Department
18 of Defense, or otherwise dissociate the foreign gov-
19 ernment or foreign business enterprise from such a
20 contractor or subcontractor on account of the provi-
21 sion by that contractor or subcontractor of any prod-
22 uct or service to the Department.

23 (2) APPROPRIATE CONGRESSIONAL COMMIT-
24 TEES.—The term “appropriate congressional com-
25 mittees” means—

167R2

1 (A) the congressional defense committees;

2 and

3 (B) the Committee on Foreign Affairs of

4 the House of Representatives and the Com-

5 mittee on Foreign Relations of the Senate.



AMENDMENT TO H.R. 1540
OFFERED BY MR. WITTMAN OF VIRGINIA

At the appropriate place in the bill, insert the following:

1 **SEC. ____ . SUBMITTAL OF INFORMATION REGARDING IN-**
2 **DIVIDUALS DETAINED AT UNITED STATES**
3 **NAVAL STATION, GUANTANAMO BAY, CUBA.**

4 (a) IN GENERAL.—Not later than 60 days after the
5 date of the enactment of this Act, the Secretary of Defense
6 shall submit to the Committees on Armed Services of the
7 Senate and House of Representatives, and other appro-
8 priate committees of Congress, the following information
9 in connection with individuals formerly or currently de-
10 tained at United States Naval Station, Guantanamo Bay,
11 Cuba in the custody or under the effective control of the
12 Department of Defense:

13 (1) Information compiled in coordination with
14 the Director of National Intelligence relating to in-
15 formation or reports on the locations of individuals
16 who were formerly detained at Guantanamo.

17 (2) Information compiled in coordination with
18 the Attorney General and the Director of National
19 Intelligence relating to the full Task Force assess-

1 ments prepared for each such individual by the
2 Guantanamo Task Force established pursuant to
3 Executive Order 13492 and any Department of De-
4 fense memoranda regarding the process for the re-
5 view and transfer of such individuals.

6 (3) Information compiled in coordination with
7 the Director of National Intelligence regarding any
8 subsequent threat assessment prepared by any ele-
9 ment of the intelligence community on any such in-
10 dividual who remains in detention or for whom a de-
11 cision to release or transfer is pending.

12 (b) FORM OF SUBMISSION.—All information required
13 to be submitted under this section shall be submitted—

14 (1) consistent with the protection of intelligence
15 sources and methods; or

16 (2) if disclosure would compromise such protec-
17 tion, directly to the Permanent Select Committee on
18 Intelligence of the House of Representatives and the
19 Select Committee on Intelligence of the Senate in
20 unredacted form.

21 (c) APPROPRIATE COMMITTEES OF CONGRESS DE-
22 FINED.—In this section, the term “appropriate commit-
23 tees of Congress” means—

24 (1) with respect to information described in
25 paragraphs (1) and (3) of subsection (a), the Per-

1 manent Select Committee on Intelligence of the
2 House of Representatives and the Select Committee
3 on Intelligence of the Senate; and

4 (2) with respect to information described in
5 paragraph (2) of such subsection, the Committee on
6 the Judiciary and the Permanent Select Committee
7 on Intelligence of the House of Representatives and
8 the Committee on the Judiciary and the Select Com-
9 mittee on Intelligence of the Senate.



AMENDMENT TO H.R. 1540**OFFERED BY MR. WILSON OF SOUTH CAROLINA**

In section 4301 of division D, relating to operation and maintenance for Defense-wide activities, insert a new budget item for reimbursement of the American National Red Cross under section 2602(f) of title 10, United States Code, as added by section 651, in the amount of \$25,000,000.

In section 4501 of division D, relating to the Defense Health Program, reduce the amount for operation and maintenance, undistributed, by \$25,000,000, to be derived from the prohibition on TRICARE Prime Fee Increase for 1 year.



AMENDMENT TO H.R. 1540
OFFERED BY MR. HUNTER OF CALIFORNIA

At the appropriate place in the bill, insert the following:

1 **SEC. ____ . MANDATORY PROVISION OF TRAVEL AND TRANS-**
2 **PORTATION ALLOWANCES FOR NON-MEDICAL**
3 **ATTENDANTS FOR SERIOUSLY ILL AND**
4 **WOUNDED MEMBERS OF THE ARMED**
5 **FORCES.**

6 Section 411k of title 37, United States Code, is
7 amended—

8 (1) in subsection (a), by striking “may” and in-
9 serting “shall”; and

10 (2) in subsection (d)(3), by striking “may” and
11 inserting “shall”.

In section 4401 of division D, relating to military personnel accounts, insert a new budget item in the amount of \$20,000,000 for non-medical attendant per diem.

In section 4501 of division D, relating to the Defense Health Program, reduce the amount for operation and maintenance, undistributed, by \$20,000,000, to be

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derived from the prohibition on TRICARE Prime Fee Increase for 1 year.



AMENDMENT TO H.R. 1540
OFFERED BY MR. SMITH OF WASHINGTON

At the appropriate place in title 10, insert the following new section:

1 **SEC. 10 ____. GRANTS TO CERTAIN REGULATED COMPANIES**
2 **FOR SPECIFIED ENERGY PROPERTY NOT**
3 **SUBJECT TO NORMALIZATION RULES.**

4 (a) **IN GENERAL.**—The first sentence of section
5 1603(f) of the American Recovery and Reinvestment Tax
6 Act of 2009 is amended by inserting “(other than sub-
7 section (d)(2) thereof)” after “section 50 of the Internal
8 Revenue Code of 1986”.

9 (b) **EFFECTIVE DATE.**—The amendment made by
10 this section shall take effect as if included in section 1603
11 of the American Recovery and Reinvestment Tax Act of
12 2009.



Amendment Offered by Mr. Akin

H.R. 1540 – National Defense Authorization Act for Fiscal Year 2012

To be inserted in the appropriate place in the report:

Briefing on the Use of the Overseas Contingency Operations Budget for Military Equipment Reset

The committee is concerned that current Office of Management and Budget (OMB) guidance regarding the use of Overseas Contingency Operations (OCO) reset funds to mitigate homestation equipment shortfalls resulting from overseas contingency operations may be too restrictive. Further, the committee recognizes that current OMB interpretation may unnecessarily restrict cost-equivalent equipment modifications through the OCO budget. While the committee understands that base budgeting is a viable solution to these shortfalls over the long term, current policy fails to provide the more immediate readiness improvements that OCO funding can provide. Therefore, no later than August 31, 2011, the committee directs the Secretaries of the military departments to provide the congressional defense committees a briefing on current reset policy. At a minimum, this briefing should address:

- (1) Operational equipment shortfalls attributable to current policy;
- (2) Degradation in equipment readiness attributable to current policy; and
- (3) Production inefficiencies caused by current policy.

1 (1) the term “terrorist offense” means any of-
2 fense for which the defendant could be tried by a
3 military commission under chapter 47A of title 10,
4 United States Code; and

5 (2) the term “alien” means any person who is
6 not a citizen of the United States.

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AMENDMENT TO H.R. ~~1450~~ 1540
OFFERED BY MR. GARAMENDI OF CALIFORNIA

Strike section 1034.



AMENDMENT TO H.R. 1540
OFFERED BY MR. JOHNSON OF GEORGIA

Strike section 1033.



AMENDMENT TO H.R. 1540

OFFERED BY MR. SMITH OF WASHINGTON

Strike section 1039.



AMENDMENT TO H.R. 1540
OFFERED BY MR. SMITH OF WASHINGTON

Strike section 1040.



AMENDMENT TO H.R. 1540
OFFERED BY MR. JOHNSON OF GEORGIA

Strike section 1036.



AMENDMENT TO H.R. 1540

OFFERED BY Mr. Langevin

In section ⁴²⁰¹~~4102~~ of Division D relating to Research, Development, Test and Evaluation, Defense-Wide, reduce line ⁰⁵⁴~~073~~ related to Ground-Based Midcourse Defense, PE 0603882C, in the amount of \$100,000,000.

In section ⁴²⁰¹~~4102~~ of Division D relating to Research, Development, Test and Evaluation, Defense-Wide, increase line 112 related to Precision Tracking Space Sensor RDT&E, in the amount of \$100,000,000.



AMENDMENT TO H.R. 1540
OFFERED BY MR. FRANKS OF ARIZONA

(Log #181 revised)

At the appropriate place in title II, add the following
new section:

1 **SEC. 2** ____ . **STUDY ON SPACE-BASED INTERCEPTOR TECH-**
2 **NOLOGY.**

3 (a) **STUDY ON SPACE-BASED INTERCEPTOR TECH-**
4 **NOLOGY.—**

5 (1) **STUDY.—**Of the funds authorized to be ap-
6 propriated by this Act or otherwise made available
7 for fiscal year 2012 for ballistic missile defense tech-
8 nology, \$8,000,000 shall be obligated or expended by
9 the Secretary of Defense to conduct a study exam-
10 ining the technical and operational considerations
11 associated with developing and operating a limited
12 space-based interceptor capability and to submit the
13 report under paragraph (2). At minimum, the study
14 shall include—

15 (A) the identification of the technical risks,
16 gaps, and constraints associated with the devel-
17 opment and operation of such a capability;

1 (B) an assessment of the maturity levels of
2 various technologies needed to develop and op-
3 erate such a capability;

4 (C) the key knowledge, research, and test-
5 ing that would be needed for any nation to de-
6 velop and operate an effective space-based in-
7 terceptor capability; and

8 (D) the estimated effectiveness and cost of
9 potential options for developing and operating
10 such a capability, including their effectiveness
11 in conjunction with existing and planned terres-
12 trially-based missile defense systems.

13 (2) REPORT.—

14 (A) Not later than one year after the date
15 of the enactment of this Act, the Secretary of
16 Defense shall submit to the congressional de-
17 fense committees a report on the study required
18 under paragraph (1).

19 (B) The report submitted under this para-
20 graph shall be in unclassified form, but may in-
21 clude a classified annex.

22 (b) MERIT-BASED OR COMPETITIVE DECISIONS.—

23 With respect to carrying out subsection (a), a decision to
24 commit, obligate, or expend funds with or to a specific
25 entity shall—

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1 (1) be based on merit-based selection proce-
2 dures in accordance with the requirements of sec-
3 tions 2304(k) and 2374 of title 10, United States
4 Code, or on competitive procedures; and
5 (2) comply with other applicable provisions of
6 law.



AMENDMENT TO H.R. 1540**OFFERED BY MR. WILSON OF SOUTH CAROLINA**

In the section 701 proposed to be inserted, strike subsection (b) and insert the following new subsection (b):

1 (b) ONE-YEAR PROHIBITION ON INCREASES IN CER-
2 TAIN HEALTH CARE COSTS.—Section 1097(e) of title 10,
3 United States Code, is amended by striking “September
4 30, 2011” and inserting “September 30, 2012”.

In the section 701 proposed to be inserted, strike the heading and insert the following: “**ONE-YEAR PROHIBITION ON INCREASES IN CERTAIN HEALTH CARE COSTS**”.



~~Log 15 revised~~
Log 15 r2

AMENDMENT TO H.R. 1540
OFFERED BY MR. FORBES OF VIRGINIA

At the end of title XXVIII, add the following new section:

1 **SEC. 28___ . LIMITATIONS ON REDUCTION IN NUMBER OF**
2 **MEMBERS OF THE ARMED FORCES ASSIGNED**
3 **TO PERMANENT DUTY AT A MILITARY IN-**
4 **STALLATION TO EFFECTUATE REALIGNMENT**
5 **OF INSTALLATION.**

6 (a) NOTICE AND WAIT LIMITATION.—Chapter 50 of
7 title 10, United States Code, is amended by adding at the
8 end the following new section:

9 **“§ 993. Limitations on permanent relocation of siz-**
10 **able numbers of members of the armed**
11 **forces**

12 “(a) LIMITATION.—No action may be taken to effect
13 or implement any realignment with respect to any military
14 installation in the United States involving a reduction of
15 more than 1,000 in the number of members of the armed
16 forces assigned to permanent duty at the installation at
17 the time the Secretary of Defense or the Secretary of the
18 military department concerned notifies Congress under
19 subsection (b) of the plan to realign the installation unless

1 and until the provisions of subsection (b) are complied
2 with.

3 “(b) NOTICE AND WAIT REQUIREMENT.—No action
4 described in subsection (a) with respect to the realignment
5 of any military installation referred to in such subsection
6 may be taken unless and until—

7 “(1) the Secretary of Defense or the Secretary
8 of the military department concerned—

9 “(A) notifies the Committees on Armed
10 Services of the Senate and the House of Rep-
11 resentatives of the proposed realignment and
12 the number of personnel assignments affected;
13 and

14 “(B) submits an evaluation of the costs
15 and benefits of such realignment and of the
16 local economic, environmental, strategic, and
17 operational consequences of such realignment;
18 and

19 “(2) a period of 90 days expires following the
20 day on which the notice and evaluation have been
21 submitted to such committees, during which period
22 no irrevocable action may be taken to effect or im-
23 plement the realignment.

24 “(c) EXCEPTIONS.—

1 “(1) BASE CLOSURE PROCESS.—Subsections (a)
2 and (b) do not apply in the case of the realignment
3 of a military installation pursuant to a base closure
4 law.

5 “(2) NATIONAL SECURITY OR EMERGENCY.—
6 Subsections (a) and (b) do not apply if the President
7 certifies to the Congress that the realignment of a
8 military installation must be implemented for rea-
9 sons of national security or a military emergency.

10 “(d) DEFINITIONS.—In this section:

11 “(1) The term ‘military installation’ means a
12 base, camp, post, station, yard, center, homeport fa-
13 cility for any ship, or other activity under the juris-
14 diction of the Department of Defense, including any
15 leased facility, which is located within any of the
16 several States, the District of Columbia, the Com-
17 monwealth of Puerto Rico, American Samoa, the
18 Virgin Islands, the Commonwealth of the Northern
19 Mariana Islands, or Guam. Such term does not in-
20 clude any facility used primarily for civil works, riv-
21 ers and harbors projects, or flood control projects.

22 “(2) The term ‘realignment’ includes any action
23 which both reduces and relocates functions and per-
24 sonnel positions. The term includes the disestablish-
25 ment or termination of a military command at a

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1 military installation, a change in the homeport for a
2 ship, or the permanent relocation of a unit of the
3 armed forces if the permanent duty assignment
4 threshold specified in subsection (a) is met.

5 “(3) The term ‘unit’ means a unit of the armed
6 forces at the battalion, squadron, or an equivalent
7 level (or a higher level).”.

8 (b) CLERICAL AMENDMENT.—The table of sections
9 at the beginning of such chapter is amended by adding
10 at the end the following new item:

“993. Limitations on permanent relocation of sizable numbers of members of
the armed forces.”.



AMENDMENT TO H.R. 1540**OFFERED BY MS. BORDALLO OF GUAM**

At the end of division A, add the following new title:

1 **TITLE XVI—GUAM WORLD WAR II**
2 **LOYALTY RECOGNITION ACT**

3 **SEC. 1601. SHORT TITLE.**

4 This title may be cited as the “Guam World War II
5 Loyalty Recognition Act”.

6 **SEC. 1602. RECOGNITION OF THE SUFFERING AND LOY-**
7 **ALTY OF THE RESIDENTS OF GUAM.**

8 (a) **RECOGNITION OF THE SUFFERING OF THE RESI-**
9 **DENTS OF GUAM.**—The United States recognizes that, as
10 described by the Guam War Claims Review Commission,
11 the residents of Guam, on account of their United States
12 nationality, suffered unspeakable harm as a result of the
13 occupation of Guam by Imperial Japanese military forces
14 during World War II, by being subjected to death, rape,
15 severe personal injury, personal injury, forced labor,
16 forced march, or internment.

17 (b) **RECOGNITION OF THE LOYALTY OF THE RESI-**
18 **DENTS OF GUAM.**—The United States forever will be
19 grateful to the residents of Guam for their steadfast loy-
20 alty to the United States of America, as demonstrated by

1 the countless acts of courage they performed despite the
2 threat of death or great bodily harm they faced at the
3 hands of the Imperial Japanese military forces that occu-
4 pied Guam during World War II.

5 **SEC. 1603. PAYMENTS FOR GUAM WORLD WAR II CLAIMS.**

6 (a) **PAYMENTS FOR DEATH, PERSONAL INJURY,
7 FORCED LABOR, FORCED MARCH, AND INTERNMENT.—**

8 Subject to the availability of appropriations authorized to
9 be appropriated under section 1606(a), after receipt of
10 certification pursuant to section 1604(b)(8) and in accord-
11 ance with the provisions of this title, the Secretary of the
12 Treasury shall make payments as follows:

13 (1) **RESIDENTS INJURED.—**Before any pay-
14 ments are made to individuals described in para-
15 graph (2), the Secretary shall pay compensable
16 Guam victims who are not deceased as follows:

17 (A) If the victim has suffered an injury de-
18 scribed in subsection (c)(2)(A), \$15,000.

19 (B) If the victim is not described in sub-
20 paragraph (A) but has suffered an injury de-
21 scribed in subsection (c)(2)(B), \$12,000.

22 (C) If the victim is not described in sub-
23 paragraph (A) or (B) but has suffered an in-
24 jury described in subsection (c)(2)(C), \$10,000.

1 (2) SURVIVORS OF RESIDENTS WHO DIED IN
 2 WAR.—In the case of a compensable Guam decedent,
 3 the Secretary shall pay \$25,000 for distribution to
 4 eligible survivors of the decedent as specified in sub-
 5 section (b). The Secretary shall make payments
 6 under this paragraph after payments are made
 7 under paragraph (1).

8 (b) DISTRIBUTION OF SURVIVOR PAYMENTS.—Pay-
 9 ments under paragraph (2) of subsection (a) to eligible
 10 survivors of an individual who is a compensable Guam de-
 11 cedent shall be made as follows:

12 (1) If there is living a spouse of the individual,
 13 but no child of the individual, all of the payment
 14 shall be made to such spouse.

15 (2) If there is living a spouse of the individual
 16 and one or more children of the individual, one-half
 17 of the payment shall be made to the spouse and the
 18 other half to the child (or to the children in equal
 19 shares).

20 (3) If there is no living spouse of the individual,
 21 but there are one or more children of the individual
 22 alive, all of the payment shall be made to such child
 23 (or to such children in equal shares).

24 (4) If there is no living spouse or child of the
 25 individual but there is a living parent (or parents)

1 of the individual, all of the payment shall be made
2 to the parent (or to the parents in equal shares).

3 (5) If there is no such living spouse, child, or
4 parent, no payment shall be made.

5 (c) DEFINITIONS.—For purposes of this title:

6 (1) COMPENSABLE GUAM DECEDENT.—The
7 term “compensable Guam decedent” means an indi-
8 vidual determined under section 1604 to have been
9 a resident of Guam who died or was killed as a re-
10 sult of the attack and occupation of Guam by Impe-
11 rial Japanese military forces during World War II,
12 or incident to the liberation of Guam by United
13 States military forces, and whose death would have
14 been compensable under the Guam Meritorious
15 Claims Act of 1945 (Public Law 79–224) if a timely
16 claim had been filed under the terms of such Act.

17 (2) COMPENSABLE GUAM VICTIM.—The term
18 “compensable Guam victim” means an individual de-
19 termined under section 1604 to have suffered, as a
20 result of the attack and occupation of Guam by Im-
21 perial Japanese military forces during World War II,
22 or incident to the liberation of Guam by United
23 States military forces, any of the following:

24 (A) Rape or severe personal injury (such
25 as loss of a limb, dismemberment, or paralysis).

1 (B) Forced labor or a personal injury not
2 under subparagraph (A) (such as disfigure-
3 ment, scarring, or burns).

4 (C) Forced march, internment, or hiding
5 to evade internment.

6 (3) DEFINITIONS OF SEVERE PERSONAL INJU-
7 RIES AND PERSONAL INJURIES.—The Foreign
8 Claims Settlement Commission shall promulgate reg-
9 ulations to specify injuries that constitute a severe
10 personal injury or a personal injury for purposes of
11 subparagraphs (A) and (B), respectively, of para-
12 graph (2).

13 **SEC. 1604. ADJUDICATION.**

14 (a) AUTHORITY OF FOREIGN CLAIMS SETTLEMENT
15 COMMISSION.—

16 (1) IN GENERAL.—The Foreign Claims Settle-
17 ment Commission is authorized to adjudicate claims
18 and determine eligibility for payments under section
19 1603.

20 (2) RULES AND REGULATIONS.—The chairman
21 of the Foreign Claims Settlement Commission shall
22 prescribe such rules and regulations as may be nec-
23 essary to enable it to carry out its functions under
24 this title. Such rules and regulations shall be pub-
25 lished in the Federal Register.

1 (b) CLAIMS SUBMITTED FOR PAYMENTS.—

2 (1) SUBMITTAL OF CLAIM.—For purposes of
3 subsection (a)(1) and subject to paragraph (2), the
4 Foreign Claims Settlement Commission may not de-
5 termine an individual is eligible for a payment under
6 section 1603 unless the individual submits to the
7 Commission a claim in such manner and form and
8 containing such information as the Commission
9 specifies.

10 (2) FILING PERIOD FOR CLAIMS AND NOTICE.—

11 All claims for a payment under section 1603 shall be
12 filed within one year after the Foreign Claims Set-
13 tlement Commission publishes public notice of the
14 filing period in the Federal Register. The Foreign
15 Claims Settlement Commission shall provide for the
16 notice required under the previous sentence not later
17 than 180 days after the date of the enactment of
18 this title. In addition, the Commission shall cause to
19 be publicized the public notice of the deadline for fil-
20 ing claims in newspaper, radio, and television media
21 on Guam.

22 (3) ADJUDICATORY DECISIONS.—The decision
23 of the Foreign Claims Settlement Commission on
24 each claim shall be by majority vote, shall be in writ-
25 ing, and shall state the reasons for the approval or

1 denial of the claim. If approved, the decision shall
2 also state the amount of the payment awarded and
3 the distribution, if any, to be made of the payment.

4 (4) DEDUCTIONS IN PAYMENT.—The Foreign
5 Claims Settlement Commission shall deduct, from
6 potential payments, amounts previously paid under
7 the Guam Meritorious Claims Act of 1945 (Public
8 Law 79–224).

9 (5) INTEREST.—No interest shall be paid on
10 payments awarded by the Foreign Claims Settlement
11 Commission.

12 (6) REMUNERATION PROHIBITED.—No remun-
13 eration on account of representational services ren-
14 dered on behalf of any claimant in connection with
15 any claim filed with the Foreign Claims Settlement
16 Commission under this title shall exceed one percent
17 of the total amount paid pursuant to any payment
18 certified under the provisions of this title on account
19 of such claim. Any agreement to the contrary shall
20 be unlawful and void. Whoever demands or receives,
21 on account of services so rendered, any remunera-
22 tion in excess of the maximum permitted by this sec-
23 tion shall be fined not more than \$5,000 or impris-
24 oned not more than 12 months, or both.

1 (7) APPEALS AND FINALITY.—Objections and
 2 appeals of decisions of the Foreign Claims Settle-
 3 ment Commission shall be to the Commission, and
 4 upon rehearing, the decision in each claim shall be
 5 final, and not subject to further review by any court
 6 or agency.

7 (8) CERTIFICATIONS FOR PAYMENT.—After a
 8 decision approving a claim becomes final, the chair-
 9 man of the Foreign Claims Settlement Commission
 10 shall certify it to the Secretary of the Treasury for
 11 authorization of a payment under section 1603.

12 (9) TREATMENT OF AFFIDAVITS.—For pur-
 13 poses of section 1603 and subject to paragraph (2),
 14 the Foreign Claims Settlement Commission shall
 15 treat a claim that is accompanied by an affidavit of
 16 an individual that attests to all of the material facts
 17 required for establishing eligibility of such individual
 18 for payment under such section as establishing a
 19 prima facie case of the individual's eligibility for
 20 such payment without the need for further docu-
 21 mentation, except as the Commission may otherwise
 22 require. Such material facts shall include, with re-
 23 spect to a claim under paragraph (2) or (3) of sec-
 24 tion 1603(a), a detailed description of the injury or

1 other circumstance supporting the claim involved, in-
2 cluding the level of payment sought.

3 (10) RELEASE OF RELATED CLAIMS.—Accept-
4 ance of payment under section 1603 by an individual
5 for a claim related to a compensable Guam decedent
6 or a compensable Guam victim shall be in full satis-
7 faction of all claims related to such decedent or vic-
8 tim, respectively, arising under the Guam Meri-
9 torious Claims Act of 1945 (Public Law 79-224),
10 the implementing regulations issued by the United
11 States Navy pursuant thereto, or this title.

12 **SEC. 1605. GRANTS PROGRAM TO MEMORIALIZE THE OCCU-**
13 **PATION OF GUAM DURING WORLD WAR II.**

14 (a) ESTABLISHMENT.—Subject to section 1606(b)
15 and in accordance with this section, the Secretary of the
16 Interior shall establish a grants program under which the
17 Secretary shall award grants for research, educational,
18 and media activities that memorialize the events sur-
19 rounding the occupation of Guam during World War II,
20 honor the loyalty of the people of Guam during such occu-
21 pation, or both, for purposes of appropriately illuminating
22 and interpreting the causes and circumstances of such oc-
23 cupation and other similar occupations during a war.

24 (b) ELIGIBILITY.—The Secretary of the Interior may
25 not award to a person a grant under subsection (a) unless

1 such person submits an application to the Secretary for
2 such grant, in such time, manner, and form and con-
3 taining such information as the Secretary specifies.

4 **SEC. 1606. AUTHORIZATION OF APPROPRIATIONS.**

5 (a) GUAM WORLD WAR II CLAIMS PAYMENTS AND
6 ADJUDICATION.—For purposes of carrying out sections
7 1603 and 1604, there are authorized to be appropriated
8 \$100,000,000, to remain available for obligation until Sep-
9 tember 30, 2016, to the Foreign Claims Settlement Com-
10 mission. Not more than 5 percent of funds made available
11 under this subsection shall be used for administrative
12 costs.

13 (b) GUAM WORLD WAR II GRANTS PROGRAM.—For
14 purposes of carrying out section 1605, there are author-
15 ized to be appropriated \$5,000,000, to remain available
16 for obligation until September 30, 2016.



AMENDMENT TO H.R. 1540
OFFERED BY MR. FORBES OF VIRGINIA

At the appropriate place in title VIII, insert the following new section:

1 **SEC. 8 ____ . PARA-ARAMID FIBERS AND YARNS.**

2 (a) **REPEAL OF FOREIGN SUPPLIER EXEMPTION.—**

3 Section 807 of the Strom Thurmond National Defense
4 Authorization Act for Fiscal Year 1999 (Public Law 105-
5 261; 112 Stat. 2084) is repealed.

6 (b) **PROHIBITION ON SPECIFICATION IN SOLICITA-**
7 **TIONS.—**No solicitation issued by the Department of De-
8 fense may include a requirement that proposals submitted
9 pursuant to such solicitation must include the use of para-
10 aramid fibers and yarns.



AMENDMENT TO H.R. 1540**OFFERED BY MR. AKIN OF MISSOURI AND MR. JOHNSON
AND MR. MCINTYRE**

At the appropriate place in title VIII, insert the following new section:

1 **SEC. 8xx. REPEAL OF SUNSET OF AUTHORITY TO PROCURE**
2 **FIRE RESISTANT RAYON FIBER FROM FOR-**
3 **EIGN SOURCES FOR THE PRODUCTION OF**
4 **UNIFORMS.**

5 Subsection (f) of section 829 of the National Defense
6 Authorization Act for Fiscal Year 2008 (Public Law 110-
7 181; 122 Stat. 229; 10 U.S.C. 2533a note) is repealed.



Kyle Long 88r

AMENDMENT TO H.R. 1540

OFFERED BY MR. CONAWAY OF TEXAS

and MR THORNBERRY OF TEXAS

At the appropriate place in title X, insert the following new section:

1 **SEC. 10xx. EXEMPTION OF DEPARTMENT OF DEFENSE**
2 **FROM ALTERNATIVE FUEL PROCUREMENT**
3 **REQUIREMENT.**

4 Section 526 of the Energy Independence and Security
5 Act of 2007 (Public Law 110-140; 42 U.S.C. 17142) is
6 amended by adding at the end the following: "This section
7 shall not apply to the Department of Defense."



AMENDMENT TO H.R. 1540**OFFERED BY MR. GARAMENDI OF CALIFORNIA**

At the end of subtitle B of title XII of division A of the bill, add the following:

1 **SEC. 12xx. LIMITATION ON FUNDS FOR MILITARY OPER-**
2 **ATIONS IN AFGHANISTAN AND RELATED PRO-**
3 **VISIONS.**

4 (a) **LIMITATION ON FUNDS.**—Amounts made avail-
5 able to carry out this Act for military operations in Af-
6 ghanistan may be used only for purposes of counter-ter-
7 rorism operations, including—

8 (1) locating and destroying terrorist cells within
9 Afghanistan and the region; and

10 (2) providing for the continued training of the
11 Afghan national police and military forces.

12 (b) **REDEPLOYMENT OF U.S. ARMED FORCES.**—The
13 Secretary of Defense shall redeploy the United States
14 Armed Forces from Afghanistan so that—

15 (1) not more than 25,000 members of the
16 Armed Forces are deployed in Afghanistan by De-
17 cember 31, 2012; and

1 (2) not more than 10,000 members of the
2 Armed Forces are deployed in Afghanistan by De-
3 cember 31, 2013.



AMENDMENT TO H.R. 1540
OFFERED BY MR. AKIN OF MISSOURI

In section 4201 of division D, relating to Procurement for Overseas Contingency Operations, Aircraft Procurement, Air Force, Line _____ for Aircraft Spares and Repair Parts, insert a new budget item in the amount of \$42,500,000.

In section 4302 of division D, relating to Operation and Maintenance, Overseas Contingency Operations, reduce the amount for Pakistan Counterinsurgency Capability Fund, Line 010 by \$42,500,000.

At the end of title XV, add the following new section:

1 SEC. 15 ____ . BUDGET ITEM RELATING TO A-10 MAINTENANCE TESTER.

2
3 (a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section
4 ITY.—In the budget submitted to Congress under section
5 1105 of title 31, United States Code, for fiscal year 2012,
6 the President requested \$ _____ for the
7 A-10 Maintenance Tester. Of the amounts authorized to
8 be appropriated by section 1502, as specified in the cor-
9 responding funding table in division D, the Secretary of

1 Defense shall obligate an additional \$42,500,000 for the
2 same purpose in furtherance of national security objec-
3 tives.

4 (b) MERIT-BASED OR COMPETITIVE DECISIONS.—A
5 decision to commit, obligate, or expend funds referred to
6 in the second sentence of subsection (a) with or to a spe-
7 cific entity shall—

8 (1) be based on merit-based selection proce-
9 dures in accordance with the requirements of sec-
10 tions 2304(k) and 2374 of title 10, United States
11 Code, or on competitive procedures; and

12 (2) comply with other applicable provisions of
13 law.

In section 4201 of division D, relating to Procure-
ment for Overseas Contingency Operations, Aircraft Pro-
curement, Air Force, Line _____ for Other Aircraft, in-
sert a new budget item in the amount of \$33,700,000.

In section 4302 of division D, relating to Operation
and Maintenance for Overseas Contingency Operations,
reduce the amount for Pakistan Counterinsurgency Capa-
bility Fund, Line 010 by \$33,700,000.

At the end of title XV, add the following new sec-
tion:

1 SEC. 15____. BUDGET ITEM RELATING TO EC-130H AVIONICS

2 UPGRADE PHASE I.

3 (a) ADDITIONAL, DISCRETIONARY BUDGET AUTHOR-
4 ITY.—In the budget submitted to Congress under section
5 1105 of title 31, United States Code, for fiscal year 2012,
6 the President requested \$_____ for EC-
7 130H Avionics Upgrade Phase I. Of the amounts author-
8 ized to be appropriated by section 1502, as specified in
9 the corresponding funding table in division D, the Sec-
10 retary of Defense shall obligate an additional \$33,700,000
11 for the same purpose in furtherance of national security
12 objectives.

13 (b) MERIT-BASED OR COMPETITIVE DECISIONS.—A
14 decision to commit, obligate, or expend funds referred to
15 in the second sentence of subsection (a) with or to a spe-
16 cific entity shall—

17 (1) be based on merit-based selection proce-
18 dures in accordance with the requirements of sec-
19 tions 2304(k) and 2374 of title 10, United States
20 Code, or on competitive procedures; and

21 (2) comply with other applicable provisions of
22 law.

In section 4201 of division D, relating to Procure-
ment for Overseas Contingency Operations, Procurement

of Ammunition, Air Force, Line _____, insert a new budget item in the amount of \$47,500,000.

In section 4302 of division D, relating to Operation and Maintenance for Overseas Contingency Operations, reduce the amount for Pakistan Counterinsurgency Capability Fund, Line 010 by \$47,500,000.

At the end of title XV, add the following new section:

1 **SEC. 15 ____ . BUDGET ITEM RELATING TO OPERATION ODYS-**
2 **SEY DAWN MUNITIONS.**

3 (a) ADDITIONAL, DISCRETIONARY BUDGET AUTHOR-
4 ITY.—In the budget submitted to Congress under section
5 1105 of title 31, United States Code, for fiscal year 2012,
6 the President requested \$_____ for Op-
7 eration Odyssey Dawn Munitions. Of the amounts au-
8 thorized to be appropriated by section 1502, as specified
9 in the corresponding funding table in division D, the Sec-
10 retary of Defense shall obligate an additional \$47,500,000
11 for the same purpose in furtherance of national security
12 objectives.

13 (b) MERIT-BASED OR COMPETITIVE DECISIONS.—A
14 decision to commit, obligate, or expend funds referred to
15 in the second sentence of subsection (a) with or to a spe-
16 cific entity shall—

- 1 (1) be based on merit-based selection proce-
- 2 dures in accordance with the requirements of sec-
- 3 tions 2304(k) and 2374 of title 10, United States
- 4 Code, or on competitive procedures; and
- 5 (2) comply with other applicable provisions of
- 6 law.



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AMENDMENT TO H.R. 1540
OFFERED BY MS. LORETTA SANCHEZ OF
CALIFORNIA

In section 4701 of division D, relating to Defense Nuclear Nonproliferation, for Global threat reduction initiative, insert a new budget item in the amount of \$20,000,000.

In section 4201 of Division D, relating to Research, Development, Test and Evaluation, Army, Line 160, reduce the amount for Aerostat Joint Project Office by \$20,000,000.

At the end of title XXXI, add the following new section:

1 **SEC. 31 ____ . BUDGET ITEM RELATING TO GLOBAL THREAT**
2 **REDUCTION INITIATIVE.**

3 (a) ADDITIONAL, DISCRETIONARY BUDGET AUTHOR-
4 ITY.—In the budget submitted to Congress under section
5 1105 of title 31, United States Code, for fiscal year 2012,
6 the President requested \$508,269,000 for global threat re-
7 duction initiative. Of the amounts authorized to be appro-
8 priated by section ³¹⁰¹~~101~~, as specified in the corresponding
9 funding table in division D, the Administrator for Nuclear

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1 Security shall obligate an additional \$20,000,000 for the
2 same purpose in furtherance of national security objec-
3 tives.

4 (b) MERIT-BASED OR COMPETITIVE DECISIONS.—A
5 decision to commit, obligate, or expend funds referred to
6 in the second sentence of subsection (a) with or to a spe-
7 cific entity shall—

8 (1) be based on merit-based selection proce-
9 dures in accordance with the requirements of sec-
10 tions 2304(k) and 2374 of title 10, United States
11 Code, or on competitive procedures; and

12 (2) comply with other applicable provisions of
13 law.

