



June 20, 2006

## Possible Amendments to H.R. 5361, the Department of Defense Appropriations Act, FY2007

### Part I

The following contains information on the two amendments that have been pre-printed in the *Congressional Record* and 17 additional amendments not pre-printed that may also be offered.

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### Amendments Pre-Printed in the *Congressional Record*

- 1. King (R-IA).** Strikes section 9012 from the bill, which prohibits the U.S. from entering into basing rights agreements in Iraq. According to the sponsor's office, basing rights agreements are a "necessary" part of diplomatic relations with foreign nations, and have been penned with every nation hosting foreign troops, including Afghanistan.
- 2. DeFazio (D-OR).** Prohibits funds from being used to initiate military operations in violation of Article I, Section 8 (enumerated powers of Congress, including declaring war) of the Constitution of the United States. According to the sponsor's office, the amendment is intended to prevent the President from launching a major war against Iran, South Korea, or Syria without a vote of Congress. The sponsor contends that the amendment will not affect the War on Terror or the operations in Afghanistan and Iraq.

### Amendments Not Pre-printed in the *Congressional Record*

**Flake (R-AZ).** Prohibits funds from being used for the Institute for Exploration at Mystic Aquarium in New London, Connecticut. According to the sponsor's office, the DoD Committee Report contains a \$1 million earmark for this local project.

**Flake (R-AZ).** Prohibits funds from being used for the Jason Foundation in Ashburn, Virginia. According to the sponsor's office, the DoD Committee Report contains a \$1 million earmark for this local project.

**Flake (R-AZ).** Prohibits funds from being used for the Wind Demonstration Project. According to the sponsor's office, the DoD Committee Report contains a \$6.3 million earmark for this local project.

**Flake (R-AZ).** Prohibits funds from being used for the Center for Rotorcraft Innovation in Media, Pennsylvania. According to the sponsor's office, the DoD Committee Report contains a \$4 million earmark for this local project.

**Flake (R-AZ).** Prohibits funds from being used for the Leonard Wood Research Institute in Fort Leonard Wood, Missouri. According to the sponsor's office, the DoD Committee Report contains a \$20 million earmark for this local project.

**Flake (R-AZ).** Prohibits funds from being used for the Illinois Technology Transition Center. According to the sponsor's office, the DoD Committee Report contains a \$2.5 million earmark for this local project.

**Flake (R-AZ).** Prohibits funds from being used for the Northwest Manufacturing Initiative. According to the sponsor's office, the DoD Committee Report contains a \$2.5 million earmark for this local project.

**Flake (R-AZ).** Prohibits funds from being used for the Lewis Center for Education Research in Apple Valley, California. According to the sponsor's office, the DoD Committee Report contains a \$4 million earmark for this local project.

**Flake (R-AZ).** Prohibits funds from being used for the Advanced Law Enforcement Rapid Response Training Program at Texas State University, San Marcos, Texas. According to the sponsor's office, the DoD Committee Report contains a \$1 million earmark for this local project.

**Flake (R-AZ).** Prohibits funds from being used for the Northeast Regional Training Center for Homeland Defense at the Massachusetts Military Reservation, Otis ANGB, Massachusetts. According to the sponsor's office, the DoD Committee Report contains a \$1 million earmark for this local project.

**Markey (D-MA).** Prohibits funds from being used to violate U.S. laws against torture. According to the sponsor's office, the amendment is meant to reinforce the United States' laws and treaty obligations. Similar adopted amendments were offered by the sponsor to three appropriations bills last year. (see <http://clerk.house.gov/evs/2005/roll075.xml>, <http://clerk.house.gov/evs/2005/roll261.xml>, and H. Amdt. 332 to HR 2863)

**Chocola (R-IN).** Prohibits funds from being used for the Defense Travel System (DTS). According to the sponsor's office, "envisioned ten years ago as an e-travel system for DOD employees, DTS is now five years behind schedule and roughly \$250 million over budget. DOD has spent nearly \$500 million on this system that doesn't work and costs taxpayers about \$50 million annually. In fact, DTS usage rates are so low that the limited number of transactions it performs have cost DOD on average about \$1,500 each. Meanwhile, GSA has already approved 2 e-travel systems that are being used throughout the federal government and could also be used by DOD. Suspending funding for DTS will allow Congress and DOD to determine whether the system is the most cost-effective solution to a stream-lined travel process."

**Engel (D-NY).** Declares the sense of Congress that the Navy is commendable for acquiring a greater percentage of Alternative Fuel Vehicles than any federal agency in 2005. The sponsor believes the amendment will be subject to a point of order because the amendment declares the sense of Congress.

**Inslee (D-WA)/Van Hollen (D-MD).** Prohibits funds from being used to enforce certain Department of Defense rule (the National Security Personnel System) which were ruled illegal by Judge Sullivan in February of 2006. Judge Sullivan determined rules that limited the scope of collective bargaining and allowed the Secretary of Defense to remove any subject from bargaining; supplanted the independent Federal Labor Relations Authority and the Federal Services Impasses Panel with an internal board; and gives DoD authority to reverse arbitrators' and independent Merit Systems Protection Board judges' decisions on employees' appeals of adverse personnel actions; to be illegal. According to the sponsor's office, an identical amendment was offered to the FY05 defense appropriations bill, which failed by a recorded 202-218 votes. (Roll no. 283: <http://clerk.house.gov/evs/2004/roll283.xml>).

**Castle (R-DE).** Prohibits funds from being used to pay award fees to any defense contractor that does not meet contractual standards or perform satisfactorily. According to the sponsor's office, the Department of Defense's practices in awarding fees to contractors do not promote achievement of desired outcomes, is wasteful, and jeopardizes the U.S.' ability to provide the resources necessary to defend the nation.

**Stearns (R-FL).** Prohibits funds from being used to enforce guidelines to prevent military chaplains from praying according to the chaplain's conscience, with the exception of military necessity. According to the sponsor's office, the amendment text reflects the language in the 2007 House-passed Defense Authorization bill (H.R. 5122). The language regarding chaplains contained in the H.R. 5122 is as follows:

Each chaplain shall have the prerogative to pray according to the dictates of the chaplain's own conscience, except as must be limited by military necessity, with any such limitation being imposed in the least restrictive manner feasible.

**Tiahrt (R-KS).** Prohibits funds from being used to promulgate regulations without consideration of the effect of such regulations on the competitiveness of American businesses. *This amendment is subject to a point of order. The amendment sponsor will offer the amendment, discuss the issue, and withdraw the amendment.*