

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 4660) MAKING APPROPRIATIONS FOR THE DEPARTMENTS OF COMMERCE AND JUSTICE, SCIENCE, AND RELATED AGENCIES FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2015, AND FOR OTHER PURPOSES; AND PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 4435) TO AUTHORIZE APPROPRIATIONS FOR FISCAL YEAR 2015 FOR MILITARY ACTIVITIES OF THE DEPARTMENT OF DEFENSE AND FOR MILITARY CONSTRUCTION, TO PRESCRIBE MILITARY PERSONNEL STRENGTHS FOR SUCH FISCAL YEAR, AND FOR OTHER PURPOSES

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MAY 19, 2014.—Referred to the House Calendar and ordered to be printed

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Mr. WOODALL, from the Committee on Rules,  
submitted the following

## R E P O R T

[To accompany H. Res. 585]

The Committee on Rules, having had under consideration House Resolution 585, by a nonrecord vote, report the same to the House with the recommendation that the resolution be adopted.

### SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 4660, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2015, and for other purposes, under an open rule. The resolution provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. The resolution waives all points of order against consideration of the bill. The resolution waives points of order against provisions in the bill for failure to comply with clause 2 of rule XXI. The resolution provides that the bill shall be considered for amendment under the five-minute rule. The resolution authorizes the Chair to accord priority in recognition to Members who have pre-printed their amendments in the Congressional Record. The resolution provides one motion to recommit with or without instructions.

Section 2 of the resolution provides for consideration of H.R. 4435, the National Defense Authorization Act for Fiscal Year 2015, under a structured rule. The resolution provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Armed Services. The resolu-

tion waives all points of order against consideration of the bill. The resolution provides that the amendment in the nature of a substitute consisting of the text of Rules Committee Print 113–44 shall be considered as adopted and the bill, as amended, shall be considered as read. The resolution waives all points of order against provisions in the bill, as amended. The resolution makes in order only those further amendments printed in this report. Each such amendment may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The resolution waives all points of order against the amendments printed in this report. The resolution provides that no further consideration of the bill shall be in order except pursuant to a subsequent order of the House.

#### EXPLANATION OF WAIVERS

The waiver of all points of order against consideration of H.R. 4660 includes a waiver of clause 4(c) of rule XIII, which prohibits consideration of a general appropriations bill reported by the Committee on Appropriations from being considered in the House until the third calendar day on which printed hearings of the Committee on Appropriations thereon have been available to Members.

The resolution includes a waiver of points of order against provisions in H.R. 4660 for failure to comply with clause 2 of rule XXI, which prohibits unauthorized appropriations or legislative provisions in an appropriations bill. This waiver is necessary because the bill contains unauthorized appropriations and legislative provisions.

The waiver of all points of order against consideration of H.R. 4435 includes waivers of:

—Section 306 of the Congressional Budget Act, which prohibits consideration of legislation within the jurisdiction of the Committee on the Budget unless reported by the Committee on the Budget;

—Clause 3(e)(1) of rule XIII (Ramseyer), requiring a committee report accompanying a bill amending or repealing statutes to show, by typographical device, parts of statute affected, and;

—Clause 4(a) of rule XIII, which prohibits consideration of legislation in the House until the third calendar day on which each report of a committee on that measure or matter has been available to Members, Delegates and the Resident Commissioner. While the Committee on Armed Services filed its report on May 13, 2014, the Committee requested authority to file a supplemental report, which includes a more comprehensive cost estimate from the Congressional Budget Office. The Committee on Armed Services filed its supplemental report on May 19, 2014.

The waiver of all points of order against provisions in H.R. 4435, as amended, includes a waiver of clause 4 of rule XXI, prohibiting appropriations in a legislative bill, because section 2861 contains language that makes private funds deposited into a Treasury account available for certain purposes without further appropriation.

Although the resolution waives all points of order against the amendments printed in this report, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

SUMMARY OF THE AMENDMENTS TO H.R. 4435 MADE IN ORDER

1. Blumenauer (OR): 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, which is offset by cuts to levels authorized beyond the President's Budget Request, spread across 9 accounts. (10 minutes)

2. Gohmert (TX): Requires the Secretary of Defense to establish either a security monitoring duty roster program that would authorize certain DoD 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. Ensures that commanders at all levels would have control and oversight over the authorizations. (10 minutes)

3. Sanchez, Loretta (CA): Gives DOD authority to transfer funds to nuclear nonproliferation, not only to weapons activities and naval reactors. Currently, the bill language limits fund transfers to only weapons activities and naval reactors. (10 minutes)

4. Lamborn (CO): Requires the Department of Defense to establish a plan with the Afghan government for reimbursing contractors for illegal taxes. (10 minutes)

5. Garamendi (CA): Directs the President, DOD, and AFRICOM to expand various programs to include combatting wildlife trafficking and poaching. (10 minutes)

6. Daines (MT), Cramer, Kevin (ND), Lamborn (CO), Lummis (WY): Strikes subsection (c) of Section 1634 of the reported NDAA, which terminates in 2021 the requirement that ICBM silos remain in at least warm status. (10 minutes)

7. Lamborn (CO): Adds a Sense of Congress establishing that national security is the top priority for the federal government and should be the top priority for the use of public lands. (10 minutes)

TEXT OF AMENDMENTS TO H.R. 4435 MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BLUMENAUER OF OREGON OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle D of title I, add the following new section:

**SEC. 136. PROCUREMENT OF CERTAIN RADARS FOR F-15C/D AIRCRAFT.**

(a) IN GENERAL.—The Secretary of the Air Force shall procure not fewer than 10 active electronically scanned array radars for F-15C/D aircraft of the Air National Guard.

(b) FUNDING.—

(1) INCREASE.—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated in section 101 for aircraft procurement, Air Force, as specified in the corresponding funding table in section 4101, for F-15 APG-63(V)3 upgrades (Line 025) is hereby increased by \$100,000,000.

(2) OFFSET.—Notwithstanding the amounts set forth in the funding tables in division D, the amounts authorized to be ap-

propriated in division C for atomic energy defense activities, as specified in the corresponding funding table in section 4701, are reduced for the following purposes relating to weapons activities by the following amounts:

- (A) W76 Life extension program, by \$7,900,000.
- (B) W88 Alt 370, by \$1,200,000.
- (C) Cruise missile warhead life extension program, by \$7,600,000.
- (D) W78 Stockpile systems, by \$3,700,000.
- (E) Production support, by \$12,300,000.
- (F) Plutonium sustainment, by \$28,300,000.
- (G) Recapitalization, by \$39,000,000.

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GOHMERT OF TEXAS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle C of title V, add the following new section:

**SEC. 5 \_\_\_\_ . AUTHORIZING COMMANDERS TO PERMIT MEMBERS OF THE ARMED FORCES TO CARRY A FIREARM ON A MILITARY INSTALLATION.**

(a) GENERAL AUTHORIZATION.—Notwithstanding any other provision of law, regulation, or directive, the Secretary of Defense shall—

(1) authorize DoD personnel to openly carry a loaded firearm for the purpose of providing 24-hour security monitoring in order to ensure the safety of DoD military and civilian personnel and their dependents who reside on military installations; or

(2) establish and carry out a procedure to permit qualified military personnel to openly carry a loaded firearm on a military installation for personal protection.

(b) COMMANDER CONTROL OVER AUTHORIZATION.—Commanders at all levels will exercise sufficient control over authorizations involving the carrying of firearms in accordance with subsection (a).

(c) SECURITY MONITORING DUTY ROSTER PROGRAM.—The authorization described in subsection (a)(1)—

(1) is in addition to other programs that permit DoD personnel to perform law enforcement and security duties;

(2) shall be carried out as a program on the duty roster; and

(3) at a minimum, include placing security personnel at all points of entry into barracks and multi-family residences on military installation.

(d) QUALIFIED MILITARY PERSONNEL DEFINED.—For purposes of subsection (a)(2), the term “qualified military personnel” means a member of the armed forces on active duty who—

(1) has passed a gun safety course that is certified by any State, the District of Columbia, or any territory or possession of the United States as providing adequate training to enable the member to carry a concealed handgun in such State, the District of Columbia, or such territory or possession;

(2) is not the subject of any disciplinary action under the Uniform Code of Military Justice for an assaultive offense that could result in incarceration or separation from the Armed Forces under other than honorable conditions;

(3) meets annual eligibility requirements for use of any military firearm, as established by the Secretary of the military department concerned;

(4) passes a background check, as established by the Secretary of the military department concerned;

(5) passes a psychological evaluation, as established by the Secretary of the military department concerned;

(6) is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and

(7) is not prohibited by Federal law from receiving a firearm.

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3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SANCHEZ OF CALIFORNIA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 270, line 11, strike “**REACTORS.**” and insert “**REACTORS, AND DEFENSE NUCLEAR NONPROLIFERATION.**”.

Page 270, line 20, insert “or for other national security purposes,” before “the Secretary of Defense may”.

Page 270, line 25, insert “, defense nuclear nonproliferation programs,” before “or weapons activities”.

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4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LAMBORN OF COLORADO OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

In section 1215, redesignate subsections (d) and (e) as subsections (e) and (f), respectively.

In section 1215, insert after subsection (c) the following:

(d) PROCESS FOR REIMBURSEMENT.—

(1) IN GENERAL.—The Secretary of Defense shall request submission of claims for reimbursement, including full documentation, from each grantee, contractor, or subcontractor that paid to the Government of Afghanistan taxes assessed on Department of Defense assistance during fiscal year 2014 for an amount equal to the amount the grantee, contractor, or subcontractor paid to the Government of Afghanistan in such taxes.

(2) PLAN FOR REIMBURSEMENT.—The Secretary of Defense shall seek to establish a plan in conjunction with the Government of Afghanistan to address claims for reimbursement described in paragraph (1) and to provide for reimbursement by the Government of Afghanistan of such claims. The Secretary shall submit any such plan established under this paragraph to the congressional defense committees in a timely manner.

(3) REIMBURSEMENT.—If the Secretary of Defense does not submit the plan described in paragraph (2) to the congressional defense committees by not later than March 1, 2015, any funds withheld from the Government of Afghanistan pursuant to subsection (a) shall be used to reimburse each grantee, contractor, or subcontractor that submits a claim for reimbursement under paragraph (1) by the amount specified in such claim and verified by the Secretary.

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5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GARAMENDI OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the appropriate place in subtitle E of title XII of division A, insert the following:

**SEC. . MATTERS RELATING TO COMBATING WILDLIFE TRAFFICKING.**

(a) ADDITIONAL REQUIREMENTS UNDER EXECUTIVE ORDER 13648.—

(1) IN GENERAL.—If the President continues to implement Executive Order 13648 (78 Fed. Reg. 40619; relating to combating wildlife trafficking), or any related or successor executive order, on or after the date of the enactment of this Act, the President shall take the actions described in paragraphs (2) and (3) with respect to such Executive Order.

(2) CO-CHAIRS OF TASK FORCE.—The President shall direct the addition of the Secretary of Defense as a Co-Chair of the Task Force.

(3) FUNCTIONS.—The President shall direct the Task Force to perform the following functions:

(A) 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.

(B) Coordinate with the Department of Defense to evaluate the effectiveness and distribution of funds to foreign countries for wildlife trafficking assistance.

(C) Update the 2012 strategy of the Department of State and the United States Agency for International Development to integrate information systems from the Department of Defense and other relevant Federal agencies that can provide further expertise on transnational crime networks involved in wildlife trafficking.

(D) Carry out a follow-up initiative on the National Intelligence Estimate regarding wildlife trafficking security threats that incorporates the Department of Defense and the potential role of the military and intelligence community in combating wildlife trafficking.

(E) Combine data from the Department of Defense, the Department of State, the United States Agency for International Development, the Fish and Wildlife Service of the Department of the Interior, and the National Marine Fisheries Service of the Department of Commerce for a more successful international information system relating to wildlife trafficking.

(F) Investigate technologies that the Department of Defense can supply to foreign governments to combat poaching and submit to the President a report on progress to achieve this objective.

(4) DEFINITIONS.—In this subsection:

(A) STRATEGY.—The term “Strategy” means the National Strategy for Combating Wildlife Trafficking developed and implemented pursuant to Executive Order 13648 (78 Fed. Reg. 40619; relating to combating wildlife trafficking).

(B) TASK FORCE.—The term “Task Force” means Presidential Task Force on Wildlife Trafficking established pursuant to section 2 of Executive Order 13648.

(C) WILDLIFE TRAFFICKING.—The term “wildlife trafficking” has the meaning given the term in section 1 of Executive Order 13648.

(b) INCORPORATING WILDLIFE TRAFFICKING AS A UNITED STATES NATIONAL SECURITY CONCERN.—The President shall take such actions as may be necessary to—

(1) expand the Strategy to Combat Transnational Organized Crime (July 2011) to cover wildlife trafficking terrorist and insurgent networks and authorize the consideration of such networks as a security priority;

(2) authorize the Department of Defense to evaluate wildlife trafficking as a non-traditional security issue that threatens United States national security and require the Department of Defense to submit to Congress a report regarding progress during and the results after evaluating the threat of wildlife trafficking as a non-traditional human security issue;

(3) authorize the Department of Defense to establish and carry out a grant program to transfer excess defense articles to allied countries that are combating wildlife trafficking;

(4) authorize the Department of Defense to target financial and asset flows of organized criminal syndicates, insurgents, and terrorist networks that are involved in any aspect of wildlife trafficking; and

(5) authorize the expansion of security cooperation programs to include funds for wildlife trafficking training and equipment.

(c) ADDITIONAL PROGRAMS UNDER TRAINING AND EDUCATION.—

(1) REGIONAL DEFENSE COMBATING TERRORISM FELLOWSHIP PROGRAM.—The Secretary of Defense shall ensure that the Regional Defense Combating Terrorism Program includes instruction on targeting the security threats of terrorist groups engaged in illegal wildlife trafficking.

(2) PARTNERSHIP FOR INTEGRATED LOGISTICS OPERATIONS AND TACTICS.—The Secretary of Defense shall expand the Partnership for Integrated Logistics Operations and Tactics to build long-term operational logistics between the Armed Forces of the United States and the Afghan Security Forces to include cooperation for operations combating wildlife trafficking networks.

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6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE DAINES OF MONTANA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 515, strike lines 19 and 20.

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7. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LAMBORN OF COLORADO OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

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

**SEC. 28 \_\_\_\_ . SENSE OF CONGRESS ON NATIONAL SECURITY AND PUBLIC LANDS.**

It is the sense of Congress that—

(1) national defense should be the top priority for all aspects of the Federal Government; and

(2) national security functions, such as military training and exercises, should be the top priority, particularly with regard to the use of land owned by the United States.

