

En Bloc Amendments to H.R. 4435
National Defense Authorization Act for Fiscal Year 2015
 Wednesday, May 7, 2014

Subcommittee on Readiness		
En Bloc 1		
Log #	Sponsor	Description
015	Rigell	Limits the use of exclusive energy project set-asides in operation and maintenance funds made available for facilities restoration and modernization.
027r1	Enyart	Requires the Secretary to submit a report and detailed briefing on the policies and procedures of the Department for procuring and inspecting armored vehicles for transporting civilian employees.
036	Speier	Extends by three years a pilot provision of the Whistleblower Protection Enhancement Act to allow whistleblowers to appeal cases from the Merit Systems Protection Board (MSPB) to any circuit court of appeals with jurisdiction rather than being restricted to the Federal Circuit.
056r1	Wilson	Requests a DOD submit a report to HASC/SASC on emerging flame resistant technologies that industry is developing and whether these technologies could decrease the cost of flame resistant uniforms.
063	Gallego	War Risk Insurance Program for CRAF currently does not have max timeframe for filing claim (presumed 6 years). Amendment makes it 2years b/c difficulty of "proving causation, finding witnesses, and maintaining evidence "during combat.
065	Shea-Porter	Combatant Commanders are required to certify bi-annually that covered waste is not disposed of in burn pits under their jurisdiction in violation of the policy in section 317 NDAA FY10 (PL 11-84; 10 USC 2701 note).
084	Wittman	In the table in subsection (b) of section 2201 of the report of the Subcommittee on Readiness relating to authorized Navy construction and land acquisition projects outside the US, add an authorized projected related to Rota, Spain in the amount of \$20,233,000.
085	Wittman	Family housing at Camp Humphreys, Korea. Directs the Secretary of the Army to submit a report to the congressional defense committees by Mar 1, 2015, concerning off-base housing units in the Pyeongtaek area.

AMENDMENT TO H.R. 4435
OFFERED BY MR. RIGEL OF VIRGINIA

At the end of section 2402, relating to authorized energy conservation projects, add the following new subsection:

1 (c) LIMITATION ON SET-ASIDE OF FACILITIES RES-
2 TORATION AND MODERNIZATION PROGRAM FUNDS FOR
3 ENERGY PROJECTS.—Amounts appropriated pursuant to
4 the authorization of appropriation in section 301 for oper-
5 ation and maintenance and made available for facilities
6 restoration and modernization may not be set-aside for the
7 exclusive purpose of funding energy projects on military
8 installations. Installation energy projects must compete in
9 the normal process of determining installation require-
10 ments.



AMENDMENT TO H.R. 4435
OFFERED BY MR. ENYART OF ILLINOIS

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

1 **SEC. 10 ____ . REPORT AND BRIEFING TO CONGRESS ON**
2 **PROCUREMENT AND INSPECTION OF AR-**
3 **MORED COMMERCIAL PASSENGER-CARRYING**
4 **VEHICLES TO TRANSPORT CIVILIAN EMPLOY-**
5 **EES OF DEPARTMENT OF DEFENSE.**

6 (a) SENSE OF CONGRESS.—It is the sense of Con-
7 gress that—

8 (1) civilian employees of the Department of De-
9 fense should be provided all reasonable protection
10 while such employees are in hostile foreign areas,
11 and such protection should include adequate ar-
12 mored commercial passenger-carrying vehicle trans-
13 portation; and

14 (2) to ensure adequate protection of civilian em-
15 ployees, the Department of Defense should employ
16 stringent, uniform standards for the procurement
17 and inspection upon delivery of armored commercial
18 passenger-carrying vehicles for use by civilian em-
19 ployees overseas.

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1 (b) REPORT REQUIRED.—Not later than 120 days
2 after the date of the enactment of this Act, the Secretary
3 of Defense, in consultation with the Under Secretary of
4 Defense for Acquisition, Technology, and Logistics, shall
5 submit to the congressional defense committees a report
6 on the policies and procedures of the Department of De-
7 fense for procuring and inspecting upon delivery armored
8 commercial passenger-carrying vehicles for transporting
9 civilian employees. Such report shall include—

10 (1) a description of the policies and procedures
11 of the Department of Defense at the time of the re-
12 port for procuring and inspecting upon delivery ar-
13 mored commercial passenger-carrying vehicles for
14 transporting civilian employees in hostile or poten-
15 tially hostile locations overseas;

16 (2) recommendations for any changes to such
17 policies and procedures of the Department of De-
18 fense that the Secretary determines would increase
19 the safety of civilian employees in hostile or poten-
20 tially hostile locations overseas; and

21 (3) any other relevant matter the Secretary de-
22 termines appropriate.

23 (c) BRIEFING REQUIRED.—Not later than 120 days
24 after the date of the enactment of this Act, the Secretary
25 of Defense, in consultation with the Under Secretary of

- 1 Defense for Acquisition, Technology, and Logistics, shall
- 2 provide to the congressional defense committees a detailed
- 3 briefing on the report required by subsection (b).



**AMENDMENT TO NATIONAL DEFENSE
AUTHORIZATION ACT FOR FISCAL YEAR 2015
OFFERED BY MS. SPEIER OF CALIFORNIA**

At the end of title XI, add the following:

1 **SEC. 11 ____.** **JUDICIAL REVIEW OF MERIT SYSTEMS PRO-**
2 **TECTION BOARD DECISIONS RELATING TO**
3 **WHISTLEBLOWERS.**

4 (a) **IN GENERAL.**—Section 7703(b)(1)(B) of title 5,
5 United States Code, is amended by striking “2-year” and
6 inserting “5-year”.

7 (b) **DIRECTOR APPEAL.**—Section 7703(d)(2) of such
8 title is amended by striking “2-year” and inserting “5-
9 year”.



Amendment Offered by Mr. Wilson of South Carolina and Mr. Scott of Georgia

H.R. 4435—National Defense Authorization Act for Fiscal Year 2015

In the appropriate place in the report, insert the following:

Report on Emerging Technologies for Flame Resistant Uniforms

The military services currently have validated requirements for flame resistant uniforms for personnel in specific military occupational specialties and for personnel deploying to hostile environments. The committee believes the current flame resistant requirements are appropriate and not in need of modification. However, the committee is concerned that the military services are not adequately exploring emerging flame resistant capabilities and technology that may allow the services to expand protection to additional service members at a reduced cost.

The committee notes that the high material costs associated with flame resistant uniforms and accessories have historically limited the distribution of such uniforms to military units that are preparing to deploy, are currently deployed, and to those serving in certain military occupational specialties. The committee understands that service members in the aforementioned units require flame resistant uniforms because of the high risk of burn injury posed by the contemporary operational environment. While the committee understands that these service members have an increased risk of sustaining a burn injury, the committee believes that other service members in training and domestic operations are also at-risk of sustaining burn-related injuries. The committee is concerned that flame resistant uniforms are not available to these service members due to the cost-prohibitive nature of the current uniforms.

Therefore, the committee directs the Secretary of Defense to conduct a study on emerging flame resistant technologies and evaluate whether these technologies cost-effective protection to a wider range of service members. The secretary shall report the findings of the assessment to the congressional defense committees within 180 days after the enactment of this Act.

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AMENDMENT TO H.R. 4435 OFFERED BY MR. GALLEGO OF TEXAS

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

1 **SEC. 10__.** REVISION TO STATUTE OF LIMITATIONS FOR
2 **AVIATION INSURANCE CLAIMS.**

3 (a) IN GENERAL.—Section 44309 of title 49, United
4 States Code, is amended—

5 (1) in subsection (a)(2), by adding at the end
6 the following new sentence: “A civil action shall not
7 be instituted against the United States under this
8 chapter unless the claimant first presents the claim
9 to the Secretary of Transportation and such claim is
10 finally denied by the Secretary in writing and notice
11 of the denial of such claim is sent by certified or
12 registered mail.”.

13 (2) by striking subsection (c) and inserting the
14 following new subsection (c):

15 “(c) TIME REQUIREMENTS.—(1) Except as provided
16 under paragraph (2), an insurance claim made under this
17 chapter against the United States shall be forever barred
18 unless it is presented in writing to the Secretary of Trans-
19 portation within two years after the date on which the loss

1 event occurred. Any civil action arising out of the denial
2 of such a claim shall be filed by not later than six months
3 after the date of the mailing, by certified or registered
4 mail, of notice of final denial of the claim by the Secretary.

5 “(2)(A) For claims based on liability to persons with
6 whom the insured has no privity of contract, an insurance
7 claim made under the authority of this chapter against
8 the United States shall be forever barred unless it is pre-
9 sented in writing to the Secretary of Transportation by
10 not later than the earlier of—

11 “(i) the date that is 60 days after the date on
12 which final judgment is entered by a tribunal of
13 competent jurisdiction; or

14 “(ii) the date that is six years after the date on
15 which the loss event occurred.

16 “(B) Any civil action arising out of the denial of such
17 claim shall be filed by not later than six months after the
18 date of mailing, by certified or registered mail, of notice
19 of final denial of the claim by the Secretary.

20 “(3) A claim made under this chapter shall be
21 deemed to be administratively denied if the Secretary fails
22 to make a final disposition of the claim before the date
23 that is 6 months after the date on which the claim is pre-
24 sented to the Secretary, unless the Secretary makes a dif-

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1 ferent agreement with the claimant when there is good
2 cause for an agreement.”.

3 (b) APPLICABILITY.—The amendments made by sub-
4 section (a) shall apply with respect to a claim arising after
5 the date of the enactment of this Act.



AMENDMENT TO H.R. 4435
OFFERED BY MS. SHEA-PORTER OF NEW
HAMPSHIRE

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

1 **SEC. 3___.** **BIANNUAL CERTIFICATION BY COMMANDERS**
2 **OF THE COMBATANT COMMANDS RELATING**
3 **TO THE PROHIBITION ON THE DISPOSAL OF**
4 **WASTE IN OPEN-AIR BURN PITS.**

5 Paragraph (2) of subsection (a) of section 317 of the
6 National Defense Authorization Act for Fiscal Year 2010
7 (Public Law 111–84; 10 U.S.C. 2701 note) is amended
8 to read as follows:

9 “(2) COMPLIANCE.—

10 “(A) CERTIFICATION OF COMPLIANCE.—

11 Except as provided under subparagraph (B),
12 the commander of each combatant command
13 that is engaged in a contingency operation shall
14 submit to the Committees on Armed Services of
15 the Senate and House of Representatives bian-
16 nual certifications that covered waste under the
17 jurisdiction of the commander has not been dis-
18 posed of in violation of the regulations pre-

1 scribed pursuant to paragraph (1) during the
2 period covered by the certification.

3 “(B) NOTICE OF NONCOMPLIANCE.—If a
4 commander determines that certification cannot
5 be made under subparagraph (A) because, with
6 respect to covered waste under the jurisdiction
7 of the commander, no alternative disposal meth-
8 od was feasible for an open-air burn pit pursu-
9 ant to regulations prescribed under paragraph
10 (1), the commander shall notify the Secretary
11 of Defense of such determination and the Sec-
12 retary shall—

13 “(i) not later than 30 days after such
14 determination is made, submit to the Com-
15 mittees on Armed Services of the Senate
16 and House of Representatives notice of
17 such determination, including the cir-
18 cumstances, reasoning, and methodology
19 that led to such determination; and

20 “(ii) after notice is given under clause
21 (i), for each subsequent 180-day-period
22 during which covered waste is disposed of
23 in the open-air burn pit covered by such
24 notice, submit to the Committees on
25 Armed Services of the Senate and House

1 of Representatives the justifications of the
2 Secretary for continuing to operate such
3 open-air burn pit.”



AMENDMENT TO H.R. 4435

OFFERED BY MR. WITTMAN OF VIRGINIA

In the table in subsection (b) of section 2201 of the report of the Subcommittee on Readiness, relating to authorized Navy construction and land acquisition projects outside the United States, add an authorized project relating to Rota, Spain, in the amount of \$20,233,000.



Amendment Offered by WITTMAN**H.R. 4435—National Defense Authorization Act for Fiscal Year 2015**

In the appropriate place in the report, insert the following:

Family Housing at Camp Humphreys, Korea

The committee supports the Yongsan Relocation Plan agreed to by the United States and the Republic of Korea to relocate United States military forces from Seoul, Korea to Camp Humphreys in Pyeongtaek, Korea. The committee notes that while the majority of the relocation costs will be paid by the Republic of Korea, the Department of the Army is responsible for the acquisition of military family housing at Camp Humphreys that meets U.S. standards for acceptable size, condition, and quality of construction to support command sponsored families that will be stationed there.

The committee notes that the Commander, United States Forces, Korea has indicated a requirement for 40 percent of command-sponsored families to reside on Camp Humphreys based on operational needs to enhance readiness. He also testified that additional family housing at Camp Humphreys is required starting in 2016.

In 2008, the committee notes that the Department of the Army competitively solicited and agreed to terms with a private partner to construct and operate family housing units on Camp Humphreys. The goal of this project was to use private financing to construct military family housing on-post at Camp Humphreys. This acquisition method was preferred by the Department over a significant investment in military construction, which was unsupportable given the limited amounts available in military family housing construction accounts and other operational priorities in the Army.

The committee is mindful that the Army conducted a family housing forum in Korea in March 2014. This forum confirmed that without some combination of a higher Overseas Housing Allowance and occupancy guarantees little new construction of American style family housing units is likely to be built in the area around Camp Humphreys. The committee is concerned that housing in the Pyeongtaek, Korea area does not afford military members and their families' adequate housing, meeting quality and force protection standards without significant out-of-pocket expenses. The committee believes that privatized housing may be a solution for the pending family housing shortage at Camp Humphreys.

Therefore, the committee directs the Secretary of the Army to prepare a report to the congressional defense committees by March 1, 2015, a detailed description of the factors and assessment used to determine the adequacy of an off-base housing unit in the Pyeongtaek area and an assessment of the progress and milestones for the acquisition of adequate housing for military members and their families.