

AMENDMENT TO H.R. 5515
OFFERED BY MS. BORDALLO OF GUAM

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

1 **SEC. 10 ____ . WORKFORCE ISSUES FOR MILITARY RE-**
2 **ALIGNMENTS IN THE PACIFIC.**

3 Section 6(b)(1) of the Joint Resolution entitled “A
4 Joint Resolution to approve the ‘Covenant To Establish
5 a Commonwealth of the Northern Mariana Islands in Po-
6 litical Union With the United States of America’, and for
7 other purposes”, approved March 24, 1976 (48 U.S.C.
8 1806(b)(1)) is amended—

9 (1) in subparagraph (A), by striking “during
10 the transition program” and inserting “during the
11 period beginning on the transition program effective
12 date and ending on the later of September 30, 2020,
13 or the last day of the transition period”;

14 (2) by amending subparagraph (B) to read as
15 follows:

16 “(B) H-2B WORKERS.—In the case of an
17 alien described in subparagraph (A) who seeks
18 admission under section 101(a)(15)(H)(ii)(b) of
19 the Immigration and Nationality Act (8 U.S.C.

1 1101(a)(15)(H)(ii)(b)), the alien, if otherwise
2 qualified, may, before the later of December 31,
3 2023, or the last day of the transition period,
4 be admitted under such section, notwith-
5 standing the requirement of such section that
6 the service or labor be temporary, for a period
7 of up to 3 years—

8 “(i) to perform service or labor on
9 Guam or in the Commonwealth pursuant
10 to any agreement entered into by a prime
11 contractor or subcontractor calling for
12 services or labor required for performance
13 of a contract or subcontract for construc-
14 tion, repairs, renovations, or facility serv-
15 ices that is directly connected to, or associ-
16 ated with, the military realignment occur-
17 ring on Guam and in the Commonwealth;
18 or

19 “(ii) to perform service or labor as a
20 health care worker (such as a nurse, physi-
21 cian assistant, or allied health professional)
22 on Guam or in the Commonwealth, subject
23 to the education, training, licensing, and
24 other requirements of section 212(a)(5)(C)
25 of the Immigration and Nationality Act (8

1 U.S.C. 1182(a)(5)(C)), as applicable, ex-
2 cept that this clause shall not be construed
3 to include graduates of medical schools
4 coming to Guam or the Commonwealth to
5 perform service or labor as members of the
6 medical profession.”; and

7 (3) by adding at the end the following:

8 “(C) RETURNING WORKERS.—After the
9 end of the period described in subparagraph
10 (A), any alien who was admitted to Guam or
11 the Commonwealth pursuant to subparagraph
12 (A) or (B) may again seek admission to Guam
13 or the Commonwealth under section
14 101(a)(15)(H)(ii)(b) of the Immigration and
15 Nationality Act (8 U.S.C.
16 1101(a)(15)(H)(ii)(b)) without being counted
17 toward the numerical limitation of section
18 214(g)(1)(B) of such Act (8 U.S.C.
19 1184(g))(1)(B)). Such an alien shall be consid-
20 ered to be a returning worker subject to sub-
21 paragraphs (B) and (C) of section 214(g)(9) of
22 such Act (8 U.S.C. 1184(g)(9)). An alien may
23 be considered to be a returning worker under
24 this subparagraph only once.”.



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Amendment to H.R. 5515
National Defense Authorization Act for Fiscal Year 2019

Offered by: Rep. Stephanie Murphy (FL-07)

In the appropriate place in the report to accompany H.R. 5515, insert the following new Directive Report Language:

Presidential Management Fellows Program

The committee recognizes that the Presidential Management Fellows (PMF) program has been one of the most successful means of recruiting the nation's top graduate students into U.S. government service. Consistent with the 2018 National Defense Strategy, the committee recognizes the PMF program's role in recruiting highly-qualified, talented, and innovative graduate students in order to create a "motivated, diverse, and highly skilled civilian workforce." In the committee's view, during the four decades since the program's founding, the Department of Defense has benefitted greatly from the program. Despite this, the centrally managed process for hiring PMFs into the Office of the Secretary of Defense has been suspended since 2015. While Department of Defense components are permitted to hire PMFs, unfortunately, they are unable to replicate the well-rounded experience created by the rotating assignments of the Office of the Secretary of Defense program that is so crucial to leadership at the highest levels.

Therefore, the committee directs the Secretary of Defense to submit a report by January 31, 2019 on the PMF program. The report shall include the following elements: (a) a description of the PMF program historically and as it currently exists within the Department, (b) statistics on federal civilian employees who entered the Department from the PMF program since its inception, including the overall number, their average length of tenure, the component by which they were hired, their entering and departing career civilian ranks, and an accounting for any notable subsequent leadership positions in the national security field, (c) an explanation for why the centrally managed process for hiring PMFs into the Office of the Secretary of Defense has been suspended and recommendations for any changes to policy, authorities, and resources required to resume it, (d) an assessment of the benefits and costs of resuming the use of and expanding the size of the PMF program across the Department, (e) recommendations for any changes to policy, authorities, and resources required to improve the program and expedite the on-boarding process for PMFs.

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Amendment to H.R. 5515
National Defense Authorization Act for Fiscal Year 2019

Offered by: Ms. Rosen of Nevada

In the appropriate place in the report to accompany H.R. 5515, insert the following new Directive Report Language:

Yucca Mountain

Pursuant to the Nuclear Waste Policy Act, the Department of Energy (DOE) plans to permanently dispose of high-level nuclear waste at Yucca Mountain, Nevada, located on DOE's Nevada National Security Site (NNSS), which would require transportation of nuclear waste to the repository. The committee has been briefed on DOE's proposed route to transport the waste to Yucca Mountain, and understands the route is located near DOE activities at NNSS and Department of Defense (DOD) activities at the Nevada Test and Training Range (NTTR). In 2017, Secretary of the Air Force Heather Wilson stated that, "if Yucca Mountain becomes a storage area it needs to operate without impacting the ability of the country to defend itself," and, "there is no route across the range that would not impact testing and training." Documents provided to the committee by the Air Force indicate that although the proposed route is located outside of the boundaries of NTTR, several sections of the route would border the range, and this siting of the rail line was confirmed in a DOE Record of Decision and Environmental Impact Statement.

The NTTR provides the largest air and ground military training space in the contiguous United States, free from commercial aircraft interference, and stores 75 percent of stateside Air Force live munitions. The NNSS provides DOE and other government agencies unique, high-hazard testing environments. Both facilities are national assets.

The committee directs the Secretary of Defense, in coordination with the Secretary of Energy, to submit a report to the congressional defense committees, not later than January 15, 2019, describing any impacts that the Yucca Mountain Project would have on DOD and DOE activities at NNSS, NTTR, and any other defense facilities in proximity to Yucca Mountain or the proposed transportation route.

AMENDMENT TO H.R. 5515
OFFERED BY MR. COURTNEY OF CONNECTICUT

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

1 **SEC. 10___ . AMATEUR RADIO PARITY.**

2 (a) FINDINGS.—Congress finds the following:

3 (1) More than 730,000 radio amateurs in the
4 United States are licensed by the Federal Commu-
5 nications Commission in the amateur radio services.

6 (2) Amateur radio, at no cost to taxpayers, pro-
7 vides a fertile ground for technical self-training in
8 modern telecommunications, electronics technology,
9 and emergency communications techniques and pro-
10 tocols.

11 (3) There is a strong Federal interest in the ef-
12 fective performance of amateur stations established
13 at the residences of licensees. Such stations have
14 been shown to be frequently and increasingly pre-
15 cluded by unreasonable private land use restrictions,
16 including restrictive covenants.

17 (4) Federal Communications Commission regu-
18 lations have for three decades prohibited the applica-
19 tion to stations in the amateur service of State and

1 local regulations that preclude or fail to reasonably
2 accommodate amateur service communications, or
3 that do not constitute the minimum practicable reg-
4 ulation to accomplish a legitimate State or local pur-
5 pose. Commission policy has been and is to require
6 States and localities to permit erection of a station
7 antenna structure at heights and dimensions suffi-
8 cient to accommodate amateur service communica-
9 tions.

10 (5) The Commission has sought guidance and
11 direction from Congress with respect to the applica-
12 tion of the Commission's limited preemption policy
13 regarding amateur service communications to private
14 land use restrictions, including restrictive covenants.

15 (6) There are aesthetic and common property
16 considerations that are uniquely applicable to private
17 land use regulations and the community associations
18 obligated to enforce covenants, conditions, and re-
19 strictions in deed-restricted communities. These con-
20 siderations are dissimilar to those applicable to State
21 law and local ordinances regulating the same resi-
22 dential amateur radio facilities.

23 (7) In recognition of these considerations, a
24 separate Federal policy than exists at section
25 97.15(b) of title 47, Code of Federal Regulations, is

1 warranted concerning amateur service communica-
2 tions in deed-restricted communities.

3 (8) Community associations should fairly ad-
4 minister private land use regulations in the interest
5 of their communities, while nevertheless permitting
6 the installation and maintenance of effective outdoor
7 amateur radio antennas. There exist antenna de-
8 signs and installations that can be consistent with
9 the aesthetics and physical characteristics of land
10 and structures in community associations while ac-
11 commodating communications in the amateur radio
12 services.

13 (b) APPLICATION OF PRIVATE LAND USE RESTRIC-
14 TIONS TO AMATEUR STATIONS.—

15 (1) AMENDMENT OF FCC RULES.—Not later
16 than 120 days after the date of the enactment of
17 this Act, the Federal Communications Commission
18 shall amend section 97.15 of title 47, Code of Fed-
19 eral Regulations, by adding a new paragraph that
20 prohibits the application to amateur stations of any
21 private land use restriction, including a restrictive
22 covenant, that—

23 (A) on its face or as applied, precludes
24 communications in an amateur radio service;

1 (B) fails to permit a licensee in an ama-
2 teur radio service to install and maintain an ef-
3 fective outdoor antenna on property under the
4 exclusive use or control of the licensee; or

5 (C) does not constitute the minimum prac-
6 ticable restriction on such communications to
7 accomplish the lawful purposes of a community
8 association seeking to enforce such restriction.

9 (2) ADDITIONAL REQUIREMENTS.—In amend-
10 ing its rules as required by subsection (a), the Com-
11 mission shall—

12 (A) require any licensee in an amateur
13 radio service to notify and obtain prior approval
14 from a community association concerning in-
15 stallation of an outdoor antenna;

16 (B) permit a community association to
17 prohibit installation of any antenna or antenna
18 support structure by a licensee in an amateur
19 radio service on common property not under the
20 exclusive use or control of the licensee; and

21 (C) subject to the standards specified in
22 paragraphs (1) and (2) of subsection (a), per-
23 mit a community association to establish rea-
24 sonable written rules concerning height, loca-
25 tion, size, and aesthetic impact of, and installa-

1 tion requirements for, outdoor antennas and
2 support structures for the purpose of con-
3 ducting communications in the amateur radio
4 services.

5 (c) AFFIRMATION OF LIMITED PREEMPTION OF
6 STATE AND LOCAL LAND USE REGULATION.—The Fed-
7 eral Communications Commission may not change section
8 97.15(b) of title 47, Code of Federal Regulations, which
9 shall remain applicable to State and local land use regula-
10 tion of amateur service communications.

11 (d) DEFINITIONS.—In this section:

12 (1) The term “community association” means
13 any non-profit mandatory membership organization
14 composed of owners of real estate described in a dec-
15 laration of covenants or created pursuant to a cov-
16 enant or other applicable law with respect to which
17 a person, by virtue of the person’s ownership of or
18 interest in a unit or parcel, is obligated to pay for
19 a share of real estate taxes, insurance premiums,
20 maintenance, improvement, services, or other ex-
21 penses related to common elements, other units, or
22 any other real estate other than the unit or parcel
23 described in the declaration.

24 (2) The terms “amateur radio services”, “ama-
25 teur service”, and “amateur station” have the mean-

1 ings given such terms in section 97.3 of title 47,
2 Code of Federal Regulations.

