



REP. TOM PRICE, M.D. (R-GA), CHAIRMAN
PAUL TELLER, EXECUTIVE DIRECTOR
424 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515

rsc.price.house.gov

ph (202) 226-9717 / fax (202) 226-1633

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Contents:

Amendments to H.R. 3326—FY 2010 Department of Defense Appropriations Act

H.R. 3326, the Department of Defense Appropriations Act, 2010 (sponsored by *Rep. Murtha, D-PA*), is scheduled to be considered on the House floor on Wednesday, July 29, 2009 under a restrictive *structured rule* ([H.Res. 685](#)) that provides one hour of general debate, provides the bill be considered as read, and waives all points of order against the bill's consideration, except for clauses 9 (the earmark rule) and 10 (PAYGO) of Rule XXI. The rule also waives points of order against the bill itself for failures to comply with various rules for appropriations bills (such as prohibitions on appropriating funds to unauthorized programs).

The rule prohibits re-votes on amendments and allows the Chair to reduce to two minutes the time for electronic voting. Only the Appropriations Committee Chairman or his designee could offer a motion that the Committee of the Whole rise (i.e. stop considering amendments). The Minority would get one motion to recommit the bill, with or without instructions.

The structured rule divides the amendments made in order as follows:

- PART A: 5 perfecting amendments
- PART B: 9 of 553 Flake amendments on earmarks
- PART C: 2 of 9 Campbell amendments on earmarks

Each of the respective sponsors of earmark amendments could decide which amendments he wants to offer within the amount allowed.

Each amendment in each part is debatable for ten minutes equally divided, except for the Murtha Amendment which is debatable for twenty minutes.

RSC Staff Contact: Brad Watson brad.watson@mail.house.gov, (202) 226-9719.

PERFECTING AMENDMENTS MADE IN ORDER UNDER THE RULE

1. Murtha (D-PA). Manager's Amendment. The amendment prohibits the \$368.8 million of advance funding (FY 2011), made available in the underlying bill, for the F-22 aircraft. The amendment redirects that funding as follows:

- \$64 million for production line shut down activities for the F-22.
- \$138.8 million for spare engines for the F-22 and C-17 aircraft.
- \$79 million for LAIRCOM kits for the National Guard.
- \$37 million for advanced targeting pods.
- \$50 million for advanced radar development.

The amendment also:

- *Reduces* by \$26 million funding for the Defense Health Program; *increases* by \$26 million funding for the research, development, test, and evaluation.
- Prohibits funds in the bill from being used to award to any contractor the provision of utilities at West Point.
- *Reduces* by \$50 million funding for Operation and Maintenance, Air Force; *increases* by \$50 million funding for Chemical Agents and Munitions Destruction, Defense.
- Prohibits the funds from being used by the Secretary of the Army to convert government-owned ammunition production assets to the private-sector.
- Allows up to \$241.5 million of transfer authority to the Coast Guard, Operating Expenses account.
- Provides \$60.2 million for the Joint POW/MIA Accounting Command.
- Increases from \$10 million to \$12 million the transfer authority to the Fisher Houses and Suites.

2. Conaway (R-TX). Increases and then decreases funding by \$1 million for Navy, Operation and Maintenance. According to the sponsor's office, the purpose of the amendment is to draw attention to the "importance of providing additional funds from operation and maintenance for the Department of the Navy, Financial Improvement Program (FIP) to accelerate the transformation of financial management processes and internal controls."

3. Flake (R-AZ). *Reduces* by \$160 million funding for Drug Interdiction and Counter-Drug Activities.

4. Sessions (R-TX). Requires, within 60 days, the Secretary of Defense to submit to Congress a report on the use of hyperbaric oxygen therapy.

5. Tierney (D-MA). *Reduces* funding for the Missile Defense Agency's Kinetic Energy Interceptor Program by \$80 million.

PART B

FLAKE AMENDMENTS MADE IN ORDER UNDER THE RULE ONLY 8 IN ORDER, PLUS A POTENTIAL EN BLOC AMENDMENT

The bill makes in order up to 8 of the 539 amendments filed. According to the sponsor's office, Representative Flake intends to offer the following amendments, plus an en bloc amendment consisting of all amendments submitted to the Rules Committee:

1. Flake (R-AZ). Would prohibit funding for Enhanced Navy Shore Readiness Integration.

258. Flake (R-AZ). Would prohibit funding for Reduced Manning Situation Awareness.

315. Flake (R-AZ). Would prohibit funding for Body Armor Improved Ballistic Protection, Research and Development.

389. Flake (R-AZ). Would prohibit funding for a Gulf Range Mobile Instrumentation Capability.

432. Flake (R-AZ). Would prohibit funding for an Ultra Low Profile EARS Gunshot Localization System.

439. Flake (R-AZ). Would prohibit funding for AARGM Counter Air Defense Future Capabilities.

449. Flake (R-AZ). Would prohibit funding for AN/SLQ-25D Integration.

553. Flake (R-AZ). Prohibits funding for a list of about 60 earmarks in the bill.

PART C
CAMPBELL AMENDMENTS MADE IN ORDER UNDER THE RULE
ONLY 2 IN ORDER

1. Campbell (R-CA). Would prohibit funding for the MGPTS Type III or Rapid Deployable Shelter project and reduce the overall cost of the bill by \$3 million.

2. Campbell (R-CA). Would prohibit funding for the Production of Miniature Compressors for the Production of the Electronics and Personal Cooling project and reduce the overall cost of the bill by a commensurate amount.

3. Campbell (R-CA). Would prohibit funding for the Hybrid Electric Heavy Truck Vehicle project, and reduce the relevant account by \$2 million.

4. Campbell (R-CA). Would prohibit funding for the Sensor Tape Physiological Monitoring project and reduce the relevant account by \$2.5 million.

5. Campbell (R-CA). Would prohibit funding for the Puget Sound Navy Museum project and reduce the relevant account by \$600,000.

6. Campbell (R-CA). Would prohibit funding for the Multi Climate Protection System project, and reduce the relevant account by \$2.5 million.

7. Campbell (R-CA). Would prohibit funding for the Low Cost Stabilized Turret project, and reduce the relevant account by \$1 million.

8. Campbell (R-CA). Would prohibit funding for the Model for Green Laboratories and Clean Rooms project, and reduce the relevant account by \$1.5 million.

9. Campbell (R-CA). Would prohibit funding for the Westchester County Medical Center project, and reduce the relevant account by \$1.5 million.

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