

BROWN of Florida, Mrs. MEEK of Florida, Mr. SMITH of Washington, Ms. ESHOO, Mr. KIRK, Mr. NETHERCUTT, Mr. WEXLER, and Ms. WOOLSEY.

H.R. 4085: Mr. SHOWS, Mr. FALEOMAVAEGA, Mr. LYNCH, Mr. EDWARDS, Mr. FILNER, Ms. MCKINNEY, and Ms. CARSON of Indiana.

H.R. 4086: Mr. STRICKLAND, Mr. DAN MILLER of Florida, Mr. CLYBURN, Mr. LANGEVIN, Mr. HONDA, Mr. LATOURETTE, Mr. WOLF, and Mr. GRAHAM.

H.R. 4090: Mr. GREEN of Wisconsin, Ms. HART, and Mr. PITTS.

H.R. 4152: Mr. BISHOP.

H.R. 4169: Mr. COLLINS.

H.R. 4235: Mr. OWENS.

H.R. 4236: Mr. BACA, Mr. GUTIERREZ, and Ms. VELAZQUEZ.

H.R. 4481: Mrs. TAUSCHER.

H.R. 4483: Ms. PRYCE of Ohio, Mr. KNOLLENBERG, Mr. GREEN of Wisconsin, Mr. VITTER, Mr. SCHIFF, Mr. STUPAK, Mr. EDWARDS, and Mrs. DAVIS of California.

H.R. 4515: Mr. GORDON.

H.R. 4524: Mrs. JONES of Ohio, Mr. COYNE, and Mrs. MORELLA.

H.R. 4574: Mr. WELLER and Mr. DOYLE.

H.R. 4582: Mr. PAYNE, Mr. BORSKI, and Mr. DOYLE.

H.R. 4584: Mr. SMITH of New Jersey, and Mr. COOKSEY.

H.R. 4585: Mr. SMITH of New Jersey and Mr. COOKSEY.

H.R. 4600: Mr. FLETCHER, Mr. HOLDEN, Mr. BARTON of Texas, Mr. GANSKE, and Mr. WHITFIELD.

H.R. 4614: Mr. CROWLEY.

H.R. 4622: Mr. MCINNIS and Mr. JONES of North Carolina.

H.R. 4623: Mr. ROGERS of Michigan, Mr. LAMPSON, Mr. LOBIONDO, Mr. WELDON of Florida, Mr. CRAMER, Mr. BACHUS, Mr. GREEN of Texas, Ms. JACKSON-LEE of Texas, Mr. SCHIFF, Mr. STUMP, Mr. SAM JOHNSON of Texas, Mr. HANSEN, and Mr. OXLEY.

H.R. 4630: Ms. WATERS.

H.R. 4635: Mr. TIAHRT.

H.R. 4637: Mr. GREEN of Wisconsin.

H.R. 4642: Mr. DOOLITTLE.

H.R. 4646: Ms. SOLIS, Mr. MOLLOHAN, Mr. MENENDEZ, Mr. HOYER, and Ms. VELAZQUEZ.

H.R. 4653: Mr. SCOTT.

H.R. 4658: Mr. LYNCH and Mr. PAYNE.

H.R. 4659: Mr. PENCE and Mr. SMITH of New Jersey.

H.R. 4660: Mr. HASTINGS of Florida, Ms. HOOLEY of Oregon, Mr. LANGEVIN, Mrs. CAPPS, Mr. FALEOMAVAEGA, Mr. ENGLISH, and Mr. WELDON of Florida.

H.J. Res. 6: Mr. TERRY.

H.J. Res. 20: Mrs. MYRICK.

H.J. Res. 91: Mr. FOLEY and Mr. VITTER.

H. Con. Res. 315: Mr. WILSON of South Carolina and Mr. VITTER.

H. Con. Res. 341: Mr. CROWLEY and Mr. BLAGOJEVICH.

H. Con. Res. 350: Mr. VITTER.

H. Con. Res. 351: Mr. COYNE, Mr. DAVIS of Illinois, and Mr. ROYCE.

H. Con. Res. 385: Mr. SANDERS, Mr. DINGELL, Mr. TOWNS, Mr. JEFFERSON, Mrs. MALONEY of New York, Mrs. CAPPS, Mrs. ROUKEMA, and Mrs. MINK of Hawaii.

H. Con. Res. 390: Mr. HOYER, Mr. BOEHLERT, Mr. ANDREWS, Mr. HEFLEY, and Mr. DOOLEY of California.

H. Con. Res. 393: Mrs. CAPPS, Mrs. LOWEY, and Ms. NORTON.

H. Res. 346: Mr. RANGEL.

H. Res. 393: Ms. ROS-LEHTINEN, Mr. FRANK, and Mr. HEFLEY.

H. Res. 394: Mr. BONIOR and Mrs. CAPPS.

H. Res. 405: Mr. SAWYER, Mr. RUSH, Mr. ROTHMAN, and Mr. FARR of California.

H. Res. 412: Mr. LEVIN and Ms. MCKINNEY.

## AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

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OFFERED BY: MR. BEREUTER

AMENDMENT NO. 1: At the end of subtitle D of title V (page \_\_\_\_\_, after line \_\_\_\_\_), insert the following new section:

### SEC. 533. PREPARATION FOR, PARTICIPATION IN, AND CONDUCT OF ATHLETIC COMPETITIONS BY THE NATIONAL GUARD AND MEMBERS OF THE NATIONAL GUARD.

(a) ATHLETIC AND SMALL ARMS COMPETITIONS.—Section 504 of title 32, United States Code, is amended by adding at the end the following new subsection:

“(c) CONDUCT OF AND PARTICIPATION IN CERTAIN COMPETITIONS.—(1) Under regulations prescribed by the Secretary of Defense, members and units of the National Guard may conduct and compete in a qualifying athletic competition or a small arms competition so long as—

“(A) the conduct of, or participation in, the competition does not adversely affect the quality of training or otherwise interfere with the ability of a member or unit of the National Guard to perform the military functions of the member or unit;

“(B) National Guard personnel will enhance their military skills as a result of conducting or participating in the competition; and

“(C) the conduct of or participation in the competition will not result in a significant increase in National Guard costs.

“(2) Facilities and equipment of the National Guard, including military property and vehicles described in section 508(c) of this title, may be used in connection with the conduct of or participation in a qualifying athletic competition or a small arms competition under paragraph (1).”

(b) OTHER MATTERS.—Such section is further amended by adding after subsection (c), as added by subsection (a) of this section, the following new subsections:

“(d) AVAILABILITY OF FUNDS.—(1) Subject to paragraph (2) and such limitations as may be enacted in appropriations Acts and such regulations as the Secretary of Defense may prescribe, amounts appropriated for the National Guard may be used to cover—

“(A) the costs of conducting or participating in a qualifying athletic competition or a small arms competition under subsection (c); and

“(B) the expenses of members of the National Guard under subsection (a)(3), including expenses of attendance and participation fees, travel, per diem, clothing, equipment, and related expenses.

“(2) Not more than \$2,500,000 may be obligated or expended in any fiscal year under subsection (c).

“(e) QUALIFYING ATHLETIC COMPETITION DEFINED.—In this section, the term ‘qualifying athletic competition’ means a competition in athletic events that require skills relevant to military duties or involve aspects of physical fitness that are evaluated by the armed forces in determining whether a member of the National Guard is fit for military duty.”

(c) STYLISTIC AMENDMENTS.—Such section is further amended—

(1) in subsection (a), by inserting “AUTHORIZED ACTIVITIES.—” after “(a);” and

(2) in subsection (b), by inserting “AUTHORIZED LOCATIONS.—” after “(b).”

(d) CONFORMING AND CLERICAL AMENDMENTS.—(1) Subsection (a) of such section is amended—

(A) in paragraph (1), by inserting “and” after the semicolon;

(B) in paragraph (2), by striking “; or” and inserting a period; and

(C) by striking paragraph (3).

(2) The heading of such section is amended to read as follows:

### “§ 504. National Guard schools; small arms competitions; athletic competitions”.

(3) The item relating to section 504 in the table of sections at the beginning of chapter 5 of title 10, United States Code, is amended to read as follows:

“504. National Guard schools; small arms competitions; athletic competitions.”

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OFFERED BY: MRS. JO ANN DAVIS OF VIRGINIA

AMENDMENT NO. 2: At the end of title X (page 218, after line 15), insert the following new section:

### SEC. \_\_\_\_ SENSE OF CONGRESS CONCERNING AIRCRAFT CARRIER FORCE STRUCTURE.

(a) FINDINGS.—Congress makes the following findings:

(1) The aircraft carrier has been an integral component in Operation Enduring Freedom and in the homeland defense mission beginning on September 11, 2001. The aircraft carriers that have participated in Operation Enduring Freedom, as of May 1, 2002, are the USS Enterprise (CVN-65), the USS Carl Vinson (CVN-70), the USS Kitty Hawk (CV-63), the USS Theodore Roosevelt (CVN-71), the USS John C. Stennis (CVN-74), and the USS John F. Kennedy (CV-67). The aircraft carriers that have participated in the homeland defense mission are the USS George Washington (CVN-73), the USS John F. Kennedy (CV-67), and the USS John C. Stennis (CVN-74).

(2) Since 1945, the United States has built 172 bases overseas, of which only 24 are currently in use.

(3) The aircraft carrier provides an independent base of operations should no land base be available for aircraft.

(4) The aircraft carrier is an essential component of the Navy.

(5) Both the F/A-18E/F aircraft program and the Joint Strike Fighter aircraft program are proceeding on schedule for deployment on aircraft carriers.

(6) As established by the Navy, the United States requires the service of 15 aircraft carriers to completely fulfill all the naval commitments assigned to it without gapping carrier presence.

(7) The Navy requires, at a minimum, at least 12 carriers to accomplish its current missions.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the number of aircraft carriers of the Navy in active service should not be less than 12.

(c) COMMENDATION OF CREWS.—Congress hereby commends the crews of the aircraft carriers that have participated in Operation Enduring Freedom and the homeland defense mission.

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OFFERED BY: MR. HOEFFEL

AMENDMENT NO. 3: At the end of title X (page 218, after line 15), insert the following new subtitle:

### Subtitle D—Review of Regulations Relating to Military Tribunals

#### SEC. 1041. SHORT TITLE.

This subtitle may be cited as the “Military Tribunal Regulations Review Act”.

#### SEC. 1042. CONGRESSIONAL REVIEW.

(a) PROCEDURES REQUIRED.—(1) Before a military tribunal rule takes effect, the President shall submit to Congress a report containing—

(A) a copy of the military tribunal rule;

(B) a concise general statement relating to the military tribunal rule; and

(C) the proposed effective date of the military tribunal rule.

(2) A military tribunal rule with respect to which a report is submitted under paragraph

(1) shall take effect on the latest of the following:

(A) The last day of the 60-day period beginning on the submission date for that rule.

(B) If the President, having been presented with a joint resolution of disapproval with respect to that rule, returns the joint resolution without his signature to the House in which it originated, together with his objections thereto, the date that is—

(i) the date on which either House, having proceeded to reconsider the joint resolution, votes on and fails to pass the joint resolution, the objections of the President to the contrary notwithstanding; or

(ii) if earlier, the date that is 30 days after the date on which the joint resolution, with the President's objections thereto, was returned by the President to the House in which it originated.

(C) The date on which the military tribunal rule would have otherwise taken effect, if not for this section (unless a joint resolution of disapproval is enacted).

(3) Notwithstanding paragraph (2), the effective date of a military tribunal rule shall not be delayed by operation of this subtitle beyond the date on which either House of Congress votes to reject a joint resolution of disapproval.

(b) **EFFECT OF DISAPPROVAL.**—(1) A military tribunal rule shall not take effect (or continue) if a joint resolution of disapproval with respect to that military tribunal rule is enacted.

(2) A military tribunal rule that does not take effect (or does not continue) under paragraph (1) may not be reissued in substantially the same form, and a new military tribunal rule that is substantially the same as such a military tribunal rule may not be issued, unless the reissued or new military tribunal rule is specifically authorized by a law enacted after the date of the enactment of the joint resolution of disapproval with respect to the original military tribunal rule.

(c) **DISAPPROVAL OF RULES THAT HAVE TAKEN EFFECT.**—Any military tribunal rule that takes effect and later is made of no force or effect by the enactment of a joint resolution of disapproval shall be treated as though such military tribunal rule had never taken effect, except that a trial of a person pursuant to such rule that is being carried out before the enactment of such joint resolution of disapproval shall continue to be

carried out as though such military tribunal rule remains in effect.

(d) **RULE OF CONSTRUCTION.**—If the Congress does not enact a joint resolution of disapproval with respect to a military tribunal rule, no court or agency may infer any intent of the Congress from any action or inaction of the Congress with regard to such military tribunal rule, related statute, or joint resolution of disapproval.

(e) **JOINT RESOLUTION OF DISAPPROVAL DEFINED.**—For purposes of this section, the term “joint resolution of disapproval” means a joint resolution introduced on or after the date on which a report referred to in subsection (a)(1) is received by Congress, the title of which is “Joint Resolution disapproving the rule submitted by the President on \_\_\_, relating to military tribunals”, containing no whereas clauses, and the matter after the resolving clause of which is as follows: “That Congress disapproves the rule submitted by the President on \_\_\_, relating to military tribunals, and such rule shall have no force or effect.” (The blank spaces being appropriately filled in).

#### **SEC. 1043. DEFINITIONS.**

For purposes of this subtitle:

(1) The term “military tribunal” means a military commission or other military tribunal (other than a court-martial).

(2) The term “military tribunal rule” means the whole or part of an agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy, or describing the organization, procedure, or practice requirements of a Department or agency, with regard to carrying out military tribunals.

#### **SEC. 1044. JUDICIAL REVIEW.**

No determination, finding, action, or omission under this subtitle shall be subject to judicial review.

#### **SEC. 1045. REPORTING REQUIREMENTS FOR MILITARY TRIBUNALS.**

(a) **IN GENERAL.**—(1) Subchapter XI of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice) is amended by adding at the end the following new section:

##### **“§ 940a. Art. 140a. Reports to Congress on military tribunals**

“(a) For each military tribunal, the President shall submit to Congress periodic reports on the activities of that military tri-

bunal. The first such report with respect to a military tribunal shall be submitted not later than six months after the date on which the military tribunal is convened and shall include an identification of the accused and the offense charged. Each succeeding report with respect to a military tribunal shall be submitted not later than six months after the date on which the preceding report was submitted.

“(b) A report under this section shall be submitted in unclassified form, but may include a classified annex.

“(c) In this section, the term ‘military tribunal’ means a military commission or other military tribunal (other than a court-martial).”

(2) The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

“940a. 140a. Reports to Congress on military tribunals.”

(b) **EFFECTIVE DATE.**—Section 940a of title 10 United States Code, as added by subsection (a), shall apply with respect to any military tribunal covered after, or pending on, that date of the enactment of this subtitle. In the case of a military tribunal pending on the date of the enactment of this subtitle, the first report required by such section shall be submitted not later than six months after the date of the enactment of this subtitle.

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OFFERED BY: MR. MANZULLO

**AMENDMENT No. 4:** At the end of title VIII (page 174, after line 5), add the following new section:

#### **SEC. \_\_. RENEWAL OF CERTAIN PROCUREMENT TECHNICAL ASSISTANCE COOPERATIVE AGREEMENTS AT FUNDING LEVELS AT LEAST SUFFICIENT TO SUPPORT EXISTING PROGRAMS.**

Section 2413 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(d) With respect to any eligible entity that has successfully performed under a cooperative agreement entered into under subsection (a), the Secretary shall strive, to the greatest extent practicable and subject to appropriations, to renew such agreement with such entity at a level of funding which is at least equal to the level of funding under the cooperative agreement being renewed.”