



May 15, 2007

H.R. 1585 – National Defense Authorization for FY2008

Executive Summary

Chairman Ike Skelton (D-MO) introduced the Defense Authorization for FY2008 (H.R. 1585) on March 20, 2007. The bill will be considered on the floor under a structured rule on May 16-17, 2007. The House Committee on Armed Services approved H.R. 1585, as amended, by a vote of 58 to 0 on May 9, 2007.

H.R. 1585 would authorize funding for national defense programs in FY2008, including authorization for military operations in Iraq and Afghanistan. It also lays out the policy framework for the Pentagon for the coming year. The Armed Services Committee approved \$648.6 billion in overall budget authority, including \$503.8 billion for DOD's base budget and \$141.6 billion for ongoing military operations. The President requested \$647.2 billion in overall budget authority for national security programs. The CBO estimates that implementing H.R. 1585 would result in additional outlays of \$631 billion from 2008-2012.

The most significant areas of the Committee's proposal include: the Army's Future Combat Systems (FCS), missile defense, requiring the Chief of the National Guard Bureau serve in the grade of general, prohibiting increases in TRICARE fees and pharmacy co-pays, funding for shipbuilding and C-17s, and the Wounded Warriors bill. While the bill did not include Iraq withdrawal language or controversial provisions relating to Guantanamo Bay, amendments relating to Iraq (but not specifically withdrawal) and detainees at Guantanamo Bay are expected on the floor.

The Ranking Member of the Armed Services Committee, Rep. Duncan Hunter (R-CA) supports H.R. 1585, as reported by the Committee, and feels that it reflects a strong and continued support for the brave men and women of the United States armed forces. However, Congressman Hunter did express serious concerns regarding cuts to missile defense, the Army's Future Combat System, and Navy shipbuilding.

Floor Situation

H.R. 1585 is being considered on the floor pursuant to a structured rule. The rule:

- Provides 90 minutes of debate equally divided and controlled by the Chairman and Ranking Member of the Committee on Armed Services.

- Waives all points of order against the bill except for those arising under clauses 9 (earmarks) and 10 (PAYGO) of Rule XXI.
- Makes in order only those amendments printed in the Rules Committee report. Each amendment is debatable for 10 minutes. Allows the Chairman of the Committee on Armed Forces to offer en bloc amendments consisting of amendments printed in the Rules Committee report, which may be debated for 20 minutes. The Chairman of the Committee of the Whole may announce that amendments may be considered out of order.
- Provides one motion to recommit with or without instructions.
- The Chair of the Committee on the Whole may postpone consideration of the bill to a time designed by the Speaker.

The bill was introduced by Representative Ike Skelton (D-MO) on March 20, 2007. The House Committee on Armed Services approved H.R. 1585, as amended, by a vote of 58 to 0 on May 9, 2007.

The bill is expected to be considered on the floor on May 16-17, 2007.

Note: The Senate Armed Services Committee plans to mark up its version of the FY2008 authorization on May 23, 2007. In the 109th Congress, the House approved the Defense Authorization (H.R. 5122) on May 11, 2006 by a vote of 396 to 31. The President signed it into law (P.L 109-364) on October 17, 2006.

Background

In February, the President requested \$647.2 billion in new budget authority for national defense for FY2008 as part of his annual budget request. This request included \$483.2 billion for DOD's base operations, \$141.7 billion for continued military operations, \$17.4 billion for defense-related activities at the Department of Energy (primarily nuclear-related), and \$5.2 billion for the defense-related programs of other agencies.

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Summary

Title I – Procurement

Authorizes appropriations for the Army:

- Aircraft: \$3,928,139,000
- Missiles: \$2,114,902,000
- Weapons and tracked combat vehicles: \$3,311,1170,000
- Ammunition: \$2,238,176,000
- Other procurement: \$11,465,456,000
- Joint Improvised Explosive Device Defeat Fund: \$500,000,000

Authorizes appropriations for the Navy:

- Aircraft: \$12,750,767,000
- Weapons: \$3,058,387,000
- Shipbuilding and conversion: \$15,744,120,000
- Other procurement: \$5,443,612,000

Authorizes appropriations for the Marine Corps: \$2,580,257,000

Authorizes appropriations for the Navy and Marine Corp ammunition: \$ \$1,060,484,000

Authorizes appropriations for the Air Force:

- Aircraft: \$12,356,270,000
- Ammunition: \$868,917,000
- Missiles: \$5,138,002,000
- Other procurement: \$15,441,762,000

Authorizes appropriations for Defense-wide procurement: \$3,537,834,000

Authorizes appropriations for National Guard and Reserve Equipment: \$1,131,850,000

Army Programs

This section provides for multiyear procurement authority for:

- M2A3 Bradley Fighting vehicles, and related vehicles (Section 112)
- Conversion of CH-47D Helicopters to CH-47F configuration (Section 113)
- CH-47F Helicopters (Section 114)

Requires that funds made available may not be used to commence, continue, or complete the closure of the production line for the Army Tactical Missile System program pursuant to a report required on this system. (Section 116)

Navy Programs

- Allows the Secretary of the Navy to enter in multiyear contracts for the procurement of Virginia-Class submarines. (Section 122)
- The bill limits the spending authority to no more than 5 VH-71 Presidential transport helicopters, unless the final assembly occurs in the United States. (Section 123)
- Authorizes the Secretary of the Navy to carry out a program for capital expenditure incentives for shipyard improvements to processes, infrastructure, workforce training, or other initiatives that will result in cost savings for a class of ships. (Section 124)
- No funds obligated for Shipbuilding and Conversion may be used for the purpose of ship construction at a facility of a contractor who employs or contracts for foreign workers who are legally present in the United States under a H2B visa. This requirement may be waived if the contractor fully complies with all existing laws and regulations pertaining to the H2B program and has attempted to recruit American workers. (Section 126)

Air Force Programs

- Permits the Secretary of the Air Force to retire C-5A aircraft from service and replace them with C-17 aircraft if a cost analysis does not significantly increase the overall cost of the program. Requires an annual report from the Secretary of the Air Force on the U-2 and Global Hawk transition plan for reconnaissance capabilities before the U-2 may be retired. (Section 131)

Title II – Research, Development, Test, and Evaluation

Authorizes appropriations of \$73.3 billion to the Department of Defense.

- The bill authorizes \$2.8 billion for the **Future Combat Systems program**, which is \$867 million less than the President's request. The Secretary of the Army, in cooperation with the Director of Operational Test and Evaluation, must complete an operational test and evaluation of the FCS network in a realistic environment simulating operational conditions. (Section 211)

Ballistic Missile Defense

- H.R. 1585 authorizes \$8.1 billion for **ballistic missile defense programs**, which cuts \$765 million in funding from the President's request. This funding is critical for enabling our military to develop and field a robust, layered ballistic missile defense system.
- The bill requires the Director of the Missile Defense Agency to report to the Director of Operational Test and Evaluation the results of all operational test and evaluation data. (Section 221)
- Allows that funds to be appropriated for research, development, test, and evaluation for the Missile Defense Agency may be used for the development and fielding of ballistic missile defense capabilities, but may not be used for operations and support activities. The bill requires the Secretary of Defense to submit a study with one of the Federally Funded Research and Development Centers to examine, and make recommendations regarding the long-term structure, roles, and missions of the Missile Defense Agency. (Section 222)
- The bill extends the requirement for the Comptroller General to provide a review of the achieved goals established for each missile defense program of the Department of Defense to fiscal year 2010. (Section 224)
- The Secretary of Defense must enter into an agreement with one of the Federally Funded Research and Development Centers to carry out a study on the political, technical, operational, force structure, and budgetary implications of deploying a long-range missile defense system in Europe. The bill also lists a sense of Congress concerning full support for the development and fielding of a layered ballistic missile defense system. (Section 225-226)

Title III – Operation and Maintenance

Authorizes appropriations of \$142.5 to the Department of Defense for operation and maintenance.

- **National Guard Readiness Assessment** (Section 351): The bill requires that every quarterly personnel and unit readiness report must include an assessment of the readiness of the National Guard to perform tasks required to support the National Response Plan for support to civil authorities.
- At the same time the President submits the Budget to Congress, the Secretary of Defense must submit a report to Congress on improving the readiness of the active and reserve components of the ground forces of the United States Armed Forces. (Section 352)

Title IV – Military Personnel Authorizations

Authorizes Armed Forces strengths for active duty personnel as of September 30, 2008, as follows:

- The Army, 525,400.
- The Navy, 329,098.
- The Marine Corps, 189,000.
- The Air Force, 329,651.

The bill also sets new minimum active duty end strengths of the Armed Forces as of September 30, 2008, as follows:

- For the Army, 525,400.
- For the Navy, 329,098.
- For the Marine Corps, 189,000.
- For the Air Force, 329,563.

- H.R. 1585 also allows for an increase in active Army personnel by 22,000 and 13,000 for the Marine Corps beyond the FY2008 appropriations. The additional increase can be used to support operational missions and to achieve transformational reorganization objectives. (Section 403)

- The bill authorizes the increase in the number of Army officers that can serve in the grade of major by 2,850 (an increase from 13,300 to 16,150). (Section 404)

- The bill authorizes the increase in the number of Navy officers that can serve in the grades of lieutenant commander (480), commander (300), and captain (130). (Section 405)

- Subtitle B – Reserve Forces
The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve company as of September 30, 2008, as follows:
 - The Army National Guard of the United States, 351,300.
 - The Army Reserve, 205,000.
 - The Navy Reserve, 67,800.
 - The Marine Corps Reserve, 39,600.
 - The Air National Guard of the United States, 106,700.
 - The Air Force Reserve, 67,500.
 - The Coast Guard Reserve, 10,000.

The bill authorizes the following maximum number of reserve component personnel who may be on active duty or full-time national guard duty during the fiscal year 2008 to provide operational support:

- The Army National Guard of the United States, 17,000.
- The Army Reserve, 13,000.

- The Navy Reserve, 6,200.
- The Marine Corps Reserve, 3,000.
- The Air National Guard of the United States, 16,000.
- The Air Force Reserve, 14,000.

Title V – Military Personnel Policy

- **Reserve Component:** The Secretary of Defense is authorized to establish a working group within the Department of Defense to identify and assess the needs of members of the reserve components returning from deployment in making the transition to civilian life, including members that have experienced multiple recent deployments and members who have been wounded or injured during deployment. (Section 515)
- The bill authorizes the Secretary of Defense to create the **Yellow Ribbon Reintegration program**, which will hold informational events and activities for reserve component members, their families, and community members through the 4 phases of deployment: pre-deployment, deployment, demobilization, and post-deployment-reconstitution. H.R. 1585 requires that when a reserve component is scheduled to be called to active duty for 30 days or more, they receive a notice at least 30 days in advance with the goal being 90 days in advance. (Section 516)

Title VI – Compensation and Other Personnel Benefits

- **Pay and Allowances:** HR 1585 provides a 3.5% pay raise for all members of the armed forces in 2008. The bill also guaranteed pay raises for all components of the Army, Navy, Air Force, and Marine Corps in 2009, 2010, 2011, and 2012 to reduce the military-civilian pay disparity. (Section 601)
- **Bonuses and Special and Incentive Pays:** The bill authorizes the extension of certain bonuses through December 31, 2009. This subtitle also provides for other bonuses relating to certain positions and officers. (Section 611)
- **Retired Pay and Survivor Benefits:** Provides a stipend to partially compensate people for the SBP-DIC offset and begins providing combat-related special compensation to some medically retired military personnel with between 15 and 20 years of service. (Section 642)
- **Consolidation of Special Pay, Incentive Pay, and Bonus Authorities**
H.R. 1585 consolidates over 60 incentive pays into 8 categories:
 - Bonuses for enlisted members;
 - Bonuses for officers;
 - Bonuses and incentive pay for nuclear officers;
 - Bonuses and incentive pay for aviation officers;
 - Bonuses and incentive pay for officers in health professions;

- Hazardous duty pays;
- Assignment pays and special duty pays; and,
- Skill incentive pays and proficiency bonuses.

Title VII - Health Care Provisions

TRICARE is the Department of Defense's health care program for members of the uniformed services, their families, survivors, and retirees.

- Extends the prohibitions enacted last year on increases to **TRICARE Prime and TRICARE Standard as well as on retail pharmacy cost share increases.** (Section 701 & 702)
- Authorizes the Secretary of Defense to exclude pharmaceutical companies from the military benefits program that do not submit to the pharmaceutical pricing agreement, which provides service members with access to discounted pharmaceuticals. (Section 703)
- Prohibits the transfer or conversion of jobs performed by military medical or dental personnel to civilian personnel after October, 1, 2007. (Section 704)
- Establishes a graduate degree program for Nurse Practitioners at the Uniformed Services University of the Health Sciences. (Section 705)
- Expands TRICARE coverage for service members to include licensed or certified mental health counselors and their services. (Sec. 706)
- Authorizes the Secretary of Defense to pay a stipend to a member of the reserves who is ordered to active duty for purposes of maintaining civilian health care coverage for a dependant with a special health care need that is best met by the member's civilian health care plan. (Section 708)
- Establishes a new Joint Pathology Center at the National Naval Medical Center in Bethesda, Maryland that shall function as the reference center in pathology for the Department of Defense. (Section 709)
- Requires the Secretary of Defense to establish a computer-based program to assess the cognitive functioning, "in a pre- and post-deployment environment" of all members of the armed forces who are deployed in support of the Global War on Terror. (Section 711)
- Requires that funds are made available for Walter Reed Army Medical Center at a minimum of the same level of funding received in FY2006 until alternate facilities are completed, equipped, and fully staffed at the National Naval Medical Center, and the DeWitt Army Community Hospital. (Section 712)

Title VIII – Acquisition Policy, Acquisition Management, and Related Matters

- Prohibits funds from being used for the procurement of goods and services from a source subject to sanctions in violation of the **Iran and Syria Nonproliferation Act** (PL 106-178) or from any source that is owned or controlled by a sanctioned entity. (Section 805)
- The Department of Defense may award no new contracts for lead system integrator functions after October 1, 2011. The bill requires the Secretary to develop a plan to ensure the defense acquisition workforce can perform all inherently governmental functions. (Section 806)
- The Secretary of Defense may **disbar a contractor or prospective contractor** that has been convicted of a criminal violation of any provision of the **Arms Export Control Act** (section 2751 title 22, U.S.C.). (Section 810)
- The Secretary of Defense, the Secretary of State, and the Administrator of the United States Agency for International Development must enter into a memorandum of understanding regarding matters related to contracting for contracts in Iraq and Afghanistan. The bill requires that the memorandum of understanding be signed by the Secretaries and Administrator by January 1, 2008, or no contracts may be awarded in Iraq and Afghanistan. The President may extend this deadline for 30 days at a time upon notifying Congress. (Section 831)
- **Requires the Comptroller General to review contracts in Iraq and Afghanistan** every 6 months starting on March 1, 2008, and ending March 1, 2010. The report will include:
 - Total number of contracts awarded during the period covered by the report;
 - Total number of active contracts;
 - Total value of all contracts awarded during the reporting period;
 - Total value of active contracts;
 - Total number of contractor personnel working on contracts during the reporting period;
 - Total number of contractor personnel who have provided security in Iraq and Afghanistan for contracts during the reporting period;
 - Categories of activities undertaken in reviewed contracts;
 - The extent to which such contracts have used competitive procedures;
 - The extent to which such contracts have achieved the initial scope of requirements included in the contract;
 - The effect of costs for security on such contracts and whether contracting for security on such contracts rather than government-provided security is more effective, efficient, and consistent with the United States policy goals; and,

- Information on any specific contract or class of contracts that the Comptroller General determines raises issues of significant concern. (Section 832)
- Establishes a **Commercial Information Technology Identification Demonstration Project** to help the Department better identify and utilize commercial information technology to meet military requirements. (Section 841)

Title IX – DOD Organization and Management

- **Space Protection Policy and Strategy** (Section 911): The bill requires the Secretary of Defense to develop a Space Protection Strategy that details the vulnerabilities of our space-based military capabilities, lays out a comprehensive strategy for improving space capabilities, and evaluates the DOD acquisition, programming, and budgeting processes.
- **Foreign Language Proficiency** (Section 931): The bill requires the Secretary of Defense to submit an annual report assessing DOD's foreign language proficiency.
- **Roles and Missions** (Sections 941-947): The bill requires the Secretary of Defense to organize the Department of Defense into core mission areas and directs identification of the core competencies of each of the military departments to fulfill such core mission areas. Reorganizes and assigns additional responsibilities to the Joint Requirements Oversight Council to insure defense requirements and acquisition processes align with core mission areas and core competencies.
- **Report on the Impact of Climate Change on DOD** (Section 951): The bill requires the National Security Strategy and the Quadrennial Defense Review to evaluate the impact of climate change on U.S. national security as well as U.S. military readiness and infrastructure.

Title X – General Provisions

- **U.S. Contribution to NATO** (Section 1002): H.R. 1585 authorizes \$366 million for NATO.
- **Congressional Commission on the Strategic Posture of the U.S.** (Section 1046): The bill establishes a congressionally-appointed, bipartisan commission to re-evaluate U.S. nuclear weapons policy with regards to the U.S. strategic posture. It also authorizes \$5 million to fund the Commission's activities.
- **Prohibition of F-14 Sales** (Section 1049): H.R. 1585 prohibits the sale of F-14 parts except for sales to museums for historical purposes.

- **Space-based Nuclear Detection Capabilities** (Section 1050): DOD shall maintain space-based nuclear detection capabilities at a minimum of its current level when planning future national space systems.
- **Sense of Congress regarding Guantanamo Bay** (Section 1053): Congress believes that 1) the detainees at Gitmo should be charged and prosecuted as soon as possible; 2) the international community should work with DOD to repatriate detainees approved for release; and 3) operations at Gitmo should be conducted in a manner consistent with American values and national interest.

Title XI – Civilian Personnel

- **Modifications to the National Security Personnel System** (Section 1106): The bill restricts DOD's ability to manage the Department's workforce by modifying provisions related to performance-based pay, recruiting and promoting, and the powers given to unions.

Title XII – Matters Relating to Foreign Nations (Iraq and Afghanistan)

- Extends through fiscal year 2010 authority for Special Operations Command to provide up to \$25 million each year to support foreign forces, irregular forces, groups or individuals who support or facilitate operations by special operations forces to combat terrorism. (Section 1202)
- **Special Inspector General for Iraq Reconstruction** (Section 1221): The bill grants the Inspector General for Iraq Reconstruction greater jurisdiction over the Iraq funding and extends this authority to fiscal year 2007 and beyond.
- **Bans Permanent Military Installations in Iraq and U.S. Control of Iraqi Oil** (Section 1222): The bill extends the prohibition on the establishment of permanent military installations in Iraq and on U.S. control over oil resources in Iraq.
- **Reporting Requirements on Progress in Iraq**: While the bill does not include a timetable for withdrawal from Iraq, it does contain numerous reporting requirements, including (Section 1223-1225):
 - Progress on DOD's capacity-building efforts for the Iraqi Government.
 - Report on the implementation of the U.S. strategy in Iraq (including among others, an assessment of sectarian violence, disarming local militias, enforcement of the law, reconstruction projects, hydro-carbon law, the de-Baathification process).
 - Report on the training of Iraqi Security Forces.

- **Sense of Congress regarding the Iraqi Council of Representatives** (Section 1226): Congress believes that the Iraqi Congress should not recess for an extended period of time without making substantial progress toward national reconciliation.
- **Special Inspector General for Afghanistan Reconstruction** (Section 1231): The bill creates an Inspector General position to provide audit oversight of Afghanistan reconstruction programs and operations. The position would terminate 10 months after 80 percent of Afghanistan reconstruction funds were expended.
- **Reporting Requirements on Afghanistan** (Section 1232-1234): H.R. 1585 requires reports on 1) progress toward a secure and stable Afghanistan; 2) DOD's counter-narcotics programs in Afghanistan; and 3) U.S. plan for providing long-term peace and stability in Afghanistan.
- **Sense of Congress Regarding China** (Section 1244): Congress believes that China's military capabilities and intentions are a significant potential threat to U.S. military capabilities.

Title XIII – Cooperative Threat Reduction

- **Cooperative Threat Reduction Program** (Section 1301-1306): HR 1585 would authorize \$398 million for the Cooperative Threat Reduction (CTR) program in FY2008, an increase of \$50 million over the President's request. CTR funding was authorized at \$415.5 million in FY2006 and \$372.3 million in FY2007.

When DOD began this program in the early 1990's, it focused on assisting Russia, Ukraine, Belarus, and Kazakhstan with the safe transportation, storage, and dismantlement of nuclear weapons. The program has since evolved to include efforts to encourage transparency and support military cooperation to prevent proliferation.

The bill expands the scope of programs for which CTR funding can be used. It also authorizes \$7 million for the development of new CTR initiatives and requires DOD to submit a strategy for these initiatives.

Title XIV – Wounded Warrior Assistance

This title improves the management of medical care, personnel actions, and quality of life issues for members of the Armed Services.

- Any injured member will be assigned 2 professionals to assist with treatment, rehabilitation, and understanding the process that is taking place. A member that is in outpatient status at a military medical treatment facility will be provided with a medical care case manager and a service member advocate.

- A member that is in outpatient status will be assigned a service member advocate.
- Creates a toll-free hotline, maintained by the Secretary of Defense, to collect, maintain, and update information regarding possible deficiencies in the adequacy, quality, and state of repair of medical-related support facilities. The Secretary must widely disseminate all information widely regarding the existence and availability of the toll-free telephone number to members of the armed forces and their dependents.
- If a member is evacuated from a theater of combat and hospitalized, the Secretary must inform the appropriate Members of Congress.
- Creates a pilot program to establish the Army Wounded Warrior Battalion (“the Battalion”). The Battalion will be based at an appropriate active duty base with a major medical facility and will be based on the Wounded Warrior Regiment program of the Marine Corps.
- Requires a transition plan for all members who are medically separating or retiring that must include information and guidance designed to assist the member in understanding and meeting the schedule and milestones for the member’s transition. A member is required to receive this plan before their retirement or separation.

**Note: The House of Representatives passed the Wounded Warriors Assistance Act of 2007, H.R. 1538, by a recorded vote of 426 - 0 ([Roll no. 208](#)), on March 28, 2007. For additional information on this title, please see the [Legislative Digest on H.R 1538](#).*

Title XV – Funding Authority for ongoing Military Operations:

- The bill would authorize \$141.8 billion for ongoing military operations, primarily those associated with operations in Afghanistan and Iraq. It also recommends increasing the active component end strength by 36,000 for the Army and 9,000 for the Marine Corps.
- Cuts \$230 million that the President requested for the procurement of one Joint Strike Fighter.
- Provides \$4.6 billion (a \$4.1 billion increase) for the procurement of mine resistant ambush protected (MRAP) vehicles.
- Provides \$115.3 million (a \$2.1 billion decrease) for Joint Network Node (JNN) equipment.
- Cuts \$215 million from the President’s request of \$230 million for A-10 squadrons to develop an A-10 propulsion upgrade.

Additional funding highlights (*funding in millions*):

| | Procurement | RDT&E | O&M |
|----------------|-------------|-------|----------|
| Army | \$18,190 | \$91 | \$45,351 |
| Navy & Marines | \$8,350 | \$516 | \$9,439 |
| Air Force | \$10,991 | \$816 | \$10,536 |

| Additional Programs of Note | Auth. Level |
|----------------------------------|-------------|
| Iraq Freedom Fund | \$107.5 |
| Iraq Security Forces Fund | \$2,000 |
| Afghanistan Security Forces Fund | \$2,700 |
| Military Personnel | \$17,472 |

Title XVI – National Guard

- **Chief of the National Guard Bureau** (Section 1611): Authorizes a fourth star and enhances the responsibilities for the Chief of the National Guard Bureau.
- **Joint Chiefs of Staff** (Section 1612): Makes the National Guard a joint activity of DOD with representation on the Joint Chiefs of Staff.

Title XVII – Defense Readiness Production Board

- **Defense Readiness Production Board** (Section 1702): Establishes a Defense Readiness Production Board to monitor and assess the readiness of the armed forces and designate critical readiness requirements.
- **Strategic Readiness Fund** (Section 1708): Authorizes \$1 billion for critical readiness requirements identified by the Board.

Military Construction (Title XX through Title XXVIII)

- **Authorizing Funding for Military Construction:** HR 1585 authorizes \$9.6 billion for military construction, \$8.4 billion for BRAC activities, and \$2.9 billion for family housing in FY2008.
- **Naval Master Jet Basing** (NAS Oceana): As directed by the BRAC Commission, significant actions need to be taken to alleviate encroachment issues at Naval Air Station Oceana, Virginia, which is the East Coast master jet base. BRAC recommended realigning NAS Oceana to Cecil Field, Florida if Virginia did not take sufficient action to address these concerns and if Florida sufficiently prepared for this transfer. Neither state has made adequate progress so HR 1585 encourages the Secretary of Defense to study potential alternatives. The bill also lists several potential options.

Title XXXI – Department of Energy National Security-related Activities

- **Funding Authorization:** Provides authorization for \$16 billion for atomic energy defense activities, an increase of \$150 million above the President's budget. Specifically, this authorization includes \$9.4 billion for the National Nuclear Security Administration and \$6.4 billion for environmental and other defense activities.
- **Reliable Replacement Warhead:** The bill would authorize \$68.8 million for the Reliable Replacement Warhead (RRW) program, a \$20 million decrease from the President's request. The RRW program is part of a comprehensive plan to modernize our nuclear weapons without nuclear testing by replacing existing warheads. The funding authorized in this bill would only be for activities associated with the planned design review and cost study.
- **Nuclear Waste Disposal (Section 3104):** Contains authorization for \$292 million for nuclear waste disposal for the Yucca Mountain Project, which is the same as the President requested.

Amendments Printed in the Rules Committee Report

1) Rep. Skelton (D-MO) Manager's Amendment This Manager's Amendment makes technical and conforming changes, including: Sec 301 – Apportions funds for additional WMD civil support teams to the correct accounts (net change is zero). Sec 576 – Clarifying language to correctly apportion \$3 million in funds to defense-wide operation and maintenance accounts. Sec 1307 – Technical correction to add \$48,000 for cooperative threat reduction program. Sec 1508 – Technical correction to \$1 billion to Title XV for the Strategic Readiness Fund. Sec 1517 – Technical correction to include \$50 million requested by the Administration for NNSA. Sections 2104, 2204, 2304 – Technical correction to apportion funding for military construction projects to the correct accounts and to eliminate double-counting. Sec 3103 -- Technical correction to add \$6 million for energy security.

2) Reps. Saxton (R-NJ)/LoBiondo (R-NJ)/Smith (R-NJ)/Andrews (D-NJ) This amendment requires DOD to perform federal background checks for all unescorted visitors who seek entry to a military installation or facility, and employees of vendors and/or contractors who do business on a military installation or facility. The background checks will require a search in the FBI's National Crime Information Center (NCIC) database and collaboration with DHS to verify US citizenship status.

3) Rep. Ortiz (D-TX) Requires the Secretary of Transportation to submit a report identifying the non-retention vessels with the highest risk for environmental damage to local waters if further deterioration continues and a plan to dispose of these vessels by October 1, 2007.

4) Rep. Reyes (D-TX) The amendment would add Mexico and the Dominican Republic to the list of countries to which the Department of Defense may provide non-lethal equipment (boats, aircraft, sensors, radios) to support counter-narcotics operations.

5) Rep. Snyder (D-AR) This amendment would increase the funding for the Army National Guard military personnel account to fund the Yellow Ribbon Reintegration Program by \$50,000,000, with an offsetting reduction of \$50,000,000 from the Air Force JSTARS program.

6) Rep. Smith (D-WA) This amendment would strike section 233, which authorizes \$10 million for the Army Capital Fund demonstration. Further, this amendment would reduce the total amount authorized in section 201(1), which authorizes funding for research, development, test, and evaluation for the Army, by \$10 million.

7) Rep. Andrews (D-NJ) This amendment would require DOD to use renewable energy to meet at least 25% of its electricity needs by 2025, unless the Secretary determines a waiver is in the best interest of DOD.

8) Rep. Andrews (D-NJ) This amendment would prevent funds authorized in the bill for the wars in Iraq and Afghanistan from being obligated or expended to plan a contingency operation in Iran.

9) Rep. Turner (R-OH) The amendment bars courts from entering or modifying an order changing the custody of the child of a servicemember during that servicemember's period of military service. The amendment provides an exception for temporary orders issued in the best interest of the child; upon completion of a servicemember's military service, any original custody order shall be reinstated.

10) Rep. Drake (R-VA) The amendment would expand to all the uniformed services (the military services, as well as the Coast Guard, Public Health Service, and National Oceanic and Atmospheric Administration Corps) the authority for an enhanced increase in the monthly basic pay (0.5% above the Employment Cost Index) during fiscal years 2009 through 2012.

11) Reps. Franks (R-AZ)/Cantor (R-VA)/Putnam (R-FL) The amendment increases by \$764 million the amount authorized for ballistic missile defense.

12) Rep. Johnson (D-GA) The amendment would provide \$169 million of medical military construction support at Fort Belvoir and Bethesda using amounts appropriated pursuant to the authorization of appropriations in section 2402(a)(9), Energy Conservation Projects.

13) Rep. Slaughter (D-NY) The amendment would require the Secretary of the Air Force to submit a report to the Congressional defense committees containing a plan for the current and future assets at the Niagara Air Reserve Base.

14) Reps. DeFazio (D-OR)/Paul (R-TX)/Lee (D-CA) The amendment clarifies that no previously enacted law authorizes military action against Iran. It also prohibits funding authorized by the bill or in any other act from being used to take military action against Iran without specific authorization from Congress unless there is a "national emergency created by an attack by Iran upon the United States, its territories or possessions or its armed forces" (language taken directly from the War Powers Resolution, P.L. 93-148).

15) Rep Moran (D-VA) The amendment would require the Office of the Secretary of Defense to submit a report identifying the current capacity at Department of Defense facilities in the United States to securely hold and try before a military commission the detainees currently held at Guantanamo Bay, Cuba. The report shall include the Department's estimated number of detainees that will be 1) charged with a crime, 2) subject to a release or transfer, or 3) held without being charged with a crime, but whom the Department wishes to detain. The report shall also describe actions required by the Secretary and Congress to ensure that detainees who are scheduled for release are released no later than December 31, 2007.

16) Rep. Buyer (R-IN) The amendment would strike the proposed sections 3306 and 3326 of section 525, which prohibit the Secretary of Veterans Affairs from awarding unequal education benefits to members of the Selected Reserves based on when they became eligible for such benefits.

17) Rep. Holden (D-PA) This amendment creates a Combat Medevac Badge to give recognition to those men and women who serve or served as helicopter medical evacuation ambulance (Medevac) pilots or crewmembers in a combat theater. The amendment specifically will make any person who served in combat as a pilot or crewmember of a Medevac unit beginning June 25, 1950 eligible for the Combat Medevac Badge.

18) Rep. Diaz-Balart, Lincoln (R-FL)/Diaz- Balart, Mario (R-FL)/Ros-Lehtinen (R-FL)/Hastings (D-FL) The amendment directs the Secretary of the Navy to establish a Naval ROTC program at the University of Miami (Florida).

19) Rep. Scott (D-VA) The amendment states Congress' finding that Modeling, Analysis, and Simulation Technology has become an essential component of national defense. It also states that it is important for the Defense Department to study the effects of warfare and disasters on urban environments.

20) Rep. Stupak (D-MI) This amendment would require the Department of Defense to transport remains of service members by air to the airport nearest to the intended place of burial.

21) Rep. Woolsey (D-CA) This amendment would require the Secretary of Defense to issue a report on the continued use, need, relevance, and cost of weapons systems designed to fight the Cold War and the former Soviet Union.

22) Rep. Moran (D-VA) An amendment to require that the transportation infrastructure necessary to accommodate the large influx of military personnel and civilian employees to be assigned to Fort Belvoir, VA, as part of the BRAC realignment of the installation, be substantially completed before the relocation of these employees.

23) Rep. Jackson-Lee (D-TX) This amendment requires the Secretary of Defense to study and report back to Congress on the financial and emotional impact of multiple deployments on the families of those soldiers who serve multiple tours as part of Operation Iraqi Freedom and Operation Enduring Freedom.

24) Rep. Jackson-Lee (D-TX) This amendment requires the Secretary of Defense to take the necessary steps to ensure that Army National Guard and Reserve ROTC scholarships are available to students attending historically black colleges and universities, and Hispanic-serving institutions.

25) Rep. Davis, Tom (R-VA) This amendment would extend by three years (through 2010) the authorization for the Department of Defense to participate in the Information Technology Exchange Program (ITEP).

26) Rep. Kennedy (D-RI) The amendment would require the Secretary of Defense to conduct a survey examining the feasibility of measuring family member satisfaction with the quality of health care services provide to patients, particularly those patients incapacitated by injuries that render them unable to respond completely to surveys on their own.

27) Rep. LaHood (R-IL) The amendment would allow a member of the Armed Forces to request a deferment of a deployment to a combat zone if their spouse is also deployed to a combat zone and the couple has minor dependant children.

28) Rep. Allen (D-ME) The amendment requires the Secretary of Defense to report to Congress on the Department's policies on administering and evaluating multiple vaccinations within a 24-hour period to active duty members and members of the reserve components and to perform a study on the safety and effectiveness of administering multiple vaccinations within a 24-hour period.

29) Rep. Fossella (R-NY) Requires the Secretary of Defense, in consultation with the United States Postal Service, to provide vouchers for free (less than 15 lbs) parcel or letter mailing to service members serving in Iraq or Afghanistan or currently hospitalized under the care of the Armed Forces.

30) Reps. Tierney (D-MA)/Holt (D-NJ) The amendment reduces the \$8.1 billion specified for Missile Defense Agency (MDA) activities by \$1.084 billion from specified programs.

31) Rep. Sessions (R-TX) This amendment would clarify that nothing in this legislation would prevent the United States' missile defense capabilities from being placed on

operational alert to respond to an immediate threat posed by ballistic missiles.

32) Rep. Holt (D-NJ) Requires the videotaping of interrogations and other pertinent interactions between U.S. military personnel and/or contractors and detainees arrested and held. Directs the Judge Advocates General of the respective military services to develop uniform guidelines for such videotaping. Provides access to detainees for representatives of the International Red Cross and Red Crescent, the UN High Commissioner for Human Rights, and the UN Special Rapporteur on Torture for independent monitoring of detainee conditions and treatment.

33) Reps. Schakowsky (D-IL)/Price (D-NC) The amendment edits sections 831 and 833 of H.R.1585 by (1) limiting the number of times the President can waive restrictions on contracting should the Memorandum of Understanding regarding contracts for Iraq and Afghanistan not be completed; (2) clarifying that members of Congress on the relevant Committees can view contracts regardless of the MOU, as well as the database of contract information for work to be performed in Iraq and Afghanistan; and (3) clarifying that the Select Intelligence Committees shall be allowed to view contracts that fall under their jurisdiction.

34) Rep. Inslee (D-WA) The amendment mandates that the Office of the Secretary of Defense report to Congress on its plans to implement management software that can measurably reduce energy consumption of PCs.

35) Rep. Terry (R-NE): The amendment adds \$10 million to Defense-wide research, development, test and evaluation (RDT&E) for the X Lab battlespace laboratory. The amount is offset by a \$10 million reduction to Navy RDT&E Littoral Combat System Mission Modules.

36) Rep. Mike Thompson (D-CA): Revises DoD command policy to include membership in a criminal street gang among the list of prohibited activities by members of the Armed Forces.

37) Rep. Capito (R-WV): The amendment expresses the sense of Congress that an appropriate site in Arlington National Cemetery should be provided for a memorial marker to honor the memory of the 40 members of the Armed Forces of the United States who lost their lives in the air crash at Bakers Creek, Australia, on June 14, 1943, provided that the Secretary of the Army have exclusive authority to approve the design and site for the memorial marker.

38) Reps. Israel (D-NY)/Lee (D-CA): Expresses the Sense of Congress that the U.S. and the Government of Chad should upgrade the Abeche Airfield in Chad in order to support potential NATO operations, facilitate a future U.N. deployment to Chad and the Darfur region of Sudan and to support humanitarian operations. Also requests the Pentagon study what specific airfield improvements should be made and report to Congress.

39) Rep. Israel (D-NY): Directs the Secretary of Defense to study commercial optimization solutions in aviation technology and make any recommendations that would best support the mission of the Department.

40) Rep. Matheson (D-UT): The amendment requires that the Moab uranium mill tailings pile, currently located on the banks of the Colorado River near Moab, Utah, be remediated and the tailings removed to Crescent Junction, Utah by October 1, 2019.

41) Rep. Steve King (R-IA): The amendment adds language to section 1222 to explain that the bill's prohibition on the establishment of permanent military bases in Iraq should not be construed to prohibit the United States from establishing a temporary military base or installation by entering into basing rights agreements between the United States and Iraq. The amendment also states that Congress recognizes the United States has not established any permanent military installations inside or outside the United States.

42) Rep. McCotter (R-MI): This amendment requires the Secretary of Defense to conduct a thorough review of the procedures by which the Department of Defense's existing classification procedures have failed to prevent the transfer of defense articles and defense services with military technology components to terrorists, state sponsors of terrorism, or other unfriendly countries and groups. The Secretary must report back to Congress within 180 days of enactment with the results of the review and the measures to be implemented to rectify the deficiencies of the existing classification procedures.

43) Reps. Michaud (D-ME)/Langevin (D-RI)/Tim Ryan (D-OH)/Harman (D-CA)/Shays (R-CT)/Susan Davis (D-CA)/Loretta Sanchez (D-CA): The amendment ensures that emergency contraception is available at all military health care facilities. Emergency contraception is currently included in the Uniform Formulary, a list of drugs that may be included at military health care facilities. The amendment would include emergency contraception in the Basic Core Formulary, a list of drugs that must be included at all military health care facilities.

44) Reps. Boren (D-OK)/Boustany (R-LA): The amendment restricts the use of the name or image of a member of the Armed Forces for commercial purposes without written permission from the soldier (or from the family if the soldier is deceased). It gives U.S. Attorneys the authority to seek injunctions against violators.

45) Rep. Lipinski (D-IL): This amendment would require the Department of Defense, to the maximum extent deemed feasible, to utilize lighting fixtures and bulbs that are energy efficient. Energy efficient lighting is to be installed during the normal course of maintenance or whenever a building is significantly altered or constructed.

46) Reps. Altmire (D-PA)/Tom Udall (D-NM): The amendment provides that employees covered by the Family Medical Leave Act, whose family member is a member of the Armed Forces and has been called to active duty in a contingency operation, may use FMLA leave to deal with exigencies arising from that call to duty, such as arranging

for child care and other family obligations. The Secretary of Labor shall issue regulations defining the exigencies that qualify for leave under this amendment.

47) Rep. Braley (D-IA): The amendment requires the Secretary of Defense to conduct a study of (1) the feasibility of a pilot program on family support services for National Guard and Reserve members, and (2) the feasibility of entering into a contract with a private sector entity to enhance support services for children of National Guard and Reserve members who are deployed.

48) Reps. Mitchell (D-AZ)/Space (D-OH)/Walz (D-MN)/ Rodriguez (D-TX): The amendment would require the Secretary of Defense to provide a written, voluntary authorization form to servicemembers to enable them to release their medical records to the Veterans Administration.

49) Rep. Carney (D-PA): The amendment expresses the sense of Congress that Guard and Reserve members should have up to ten years to use their education benefits.

50) Rep. Walz (D-MN): The amendment would require the Department of Defense to study and report back to the House and Senate Armed Services Committees within 9 months on the participation rate of service members in the federal tuition assistance program and to assess the extent to which the program affects retention rates.

Additional Views

The Ranking Member of the Armed Services Committee, Rep. Duncan Hunter (R-CA) supports H.R. 1585, as reported by the Committee, and feels that it reflects a strong and continued support for the brave men and women of the United States armed forces. However, Congressman Hunter did express serious concerns regarding cuts to missile defense, the Army's Future Combat System, and Navy shipbuilding.

H.R. 1585 cuts \$764 million in funding that would enable our military to develop and field a robust, layered ballistic missile defense system – including a decrease of \$250 million to Airborne Laser, \$42 million for the Multiple Kill Vehicle, \$10 million for Space Test Bed, and \$160 million for a “third site” missile defense system in Europe. With roughly 100 foreign ballistic missile launches around the world in 2006, including from North Korea and Iran, this legislation fails to adequately provide for the missile defense capabilities urgently needed for our national security and the security of our allies.

H.R. 1585 also reflects a funding reduction of \$867 million to the Army's Future Combat Systems (FCS) program, a decrement that amounts to more than the cuts in the last three years combined. Modernization ensures the readiness of our future force and is a strategic necessity. As the central component of Army modernization, FCS is the first comprehensive modernization effort since World War II. It fills capability gaps that cannot be fulfilled by solely upgrading current systems.

Finally, while this bill provides significant resources for shipbuilding, Congressman Hunter is concerned that we have not fully funded two of the three additional ships that the bill purports to have added.

Cost

The CBO estimates that appropriation of the amounts authorized by H.R. 1585 would result in additional outlays of \$631 billion from 2008-2012.

Staff Contact

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