HR 5658

Duncan Hunter National Defense Authorization Act for Fiscal Year 2009

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Sponsor

Name: Rep. Skelton, Ike [D-MO-4]
Party: Democratic • **State:** MO • **Chamber:** House

Cosponsors (1 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Hunter, Duncan [R-CA-52]	R · CA		Mar 31, 2008

Committee Activity

Committee	Chamber	Activity	Date
Armed Services Committee	House	Reported by	May 7, 2008
Armed Services Committee	House	Reported by	May 7, 2008
Armed Services Committee	House	Reported by	May 7, 2008
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Subjects & Policy Tags

No subjects or policy tags are listed for this bill.

Related Bills

Bill	Relationship	Last Action
110 S 3001	Companion bill	**Oct 14, 2008:** Became Public Law No: 110-417.
110 S 3002	Related bill	**Sep 18, 2008:** Held at the desk.
110 HRES 1218	Procedurally related	**May 22, 2008:** Motion to reconsider laid on the table Agreed to without objection.
110 HRES 1213	Procedurally related	**May 21, 2008:** Motion to reconsider laid on the table Agreed to without objection.
110 S 2787	Related bill	**Mar 31, 2008:** Read twice and referred to the Committee on Finance.

Summary (as of May 22, 2008)

Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 - **Division A: Department of Defense Authorizations - Title I: Procurement - Subtitle A: Authorization of Appropriations** - (Sec. 101) Authorizes appropriations for FY2009 for the Army, Navy and Marine Corps, and Air Force for aircraft, missiles, weapons and tracked combat vehicles, ammunition, shipbuilding and conversion, and other procurement.

(Sec. 104) Authorizes appropriations for FY2009 for: (1) defense-wide procurement; (2) National Guard and reserve equipment; and (3) the Rapid Acquisition Fund.

Subtitle B: Army Programs - (Sec. 111) Directs the Secretary of Defense (Secretary), for FY2010 and thereafter, to ensure that, in each budget submission to the President, a separate, dedicated procurement line item is designated for five specified elements of the Future Combat Systems (FCS) program, to the extent that the budget submission includes funding for such elements.

(Sec. 112) Prohibits the Secretary and the Secretary of the Army, for FY2009 and thereafter, from awarding a contract for low-rate initial or full-rate production of major elements of the FCS program to an entity under contract to perform the role of lead systems integrator for such program. Makes such prohibition inapplicable to: (1) contracts entered into in FY2009 or FY2010 for procurement of non-line of sight cannon vehicles; and (2) elements acquired through selected acquisition methods.

(Sec. 113) Requires a report from the Assistant Secretary of Defense for Networks and Information Integration to the congressional defense and appropriations committees on Army tactical radio fielding plans by March 30, 2009. Prohibits more than 75% of the FY2009 funds authorized under this Act for Army tactical radio systems from being obligated or expended until 30 days after such report is received.

(Sec. 114) Directs the Under Secretary of Defense for Acquisition, Technology, and Logistics (Under Secretary) to certify to the defense and appropriations committees that the Army reconnaissance helicopter has: (1) satisfactorily completed a limited user test; and (2) been approved to enter milestone C. Prohibits more than 20% of the FY2009 funds authorized for such helicopter from being obligated or expended until 30 days after such report is received.

Subtitle C: Navy Programs - (Sec. 121) Earmarks specified Navy procurement funds for commencement of the nuclear refueling and complex overhaul of the aircraft carrier U.S.S. Theodore Roosevelt during FY2009. Authorizes the Secretary of the Navy to enter into a contract for such purposes.

(Sec. 122) Amends the National Defense Authorization Act (NDAA) for Fiscal Year 2008 to require the Secretary of the Navy, in connection with a multiyear contract for the procurement of Virginia-class submarines, to certify to the defense and appropriations committees that the contract will be awarded to either the General Dynamics Electric Boat Division or the Northrop Grumman Newport News Shipbuilding Division, with the other contractor acting as the primary subcontractor to the contract.

(Sec. 123) Amends the NDAA for Fiscal Year 2006 to authorize additional adjustments to the per-vessel cost limits under the littoral combat ship program for fluctuations attributable to economic inflation after FY2007 or to the insertion of new technology.

(Sec. 124) Requires a report from the Secretary to the defense and appropriations committees on F/A-18 aircraft procurement. Earmarks Navy procurement funds for such purpose.

Subtitle D: Air Force Programs - (Sec. 131) Prohibits the Secretary of the Air Force from retiring any C-5A aircraft that would reduce their number below 111 until 45 days after submitting to the defense and appropriations committees: (1) a certification that any such retirement will not significantly increase operational risks of not meeting the National Defense Strategy; and (2) a cost analysis with respect to the aircraft to be retired.

(Sec. 132) Amends the John Warner National Defense Authorization Act for Fiscal Year 2007 (Warner Act) to require the Secretary of the Air Force to maintain at least 46 (currently, all) of the KC-135E aircraft retired after FY2006 in a condition that would allow recall for future service.

(Sec. 133) Amends the NDAA for Fiscal Year 2004 to repeal multiyear contracting authority for the procurement of tanker aircraft.

(Sec. 134) Directs the Secretary of the Air Force to report to the defense and appropriations committees on the process used for requirements development for the KC-(X) (aircraft tanker).

Subtitle E: Joint and Multiservice Matters - (Sec. 141) Requires the Secretary to: (1) designate an executive agent for procurement of body armor and associated components; and (2) designate a separate line item for such procurement in each defense budget for FY2010 and thereafter. Directs the Under Secretary to report to the defense and appropriations committees with respect to industrial base capacity and research and development objectives associated with body armor.

(Sec. 142) Requires the Comptroller General (CG) to: (1) audit the requirements generation process of the Department of Defense (DOD) for small arms procurement to determine if there are statutory or regulatory barriers to developing a small arms procurement requirement; and (2) report audit results to the defense and appropriations committees. Requires a comprehensive report from the Secretary to such committees on the small arms industrial base.

(Sec. 143) Directs the Secretary to: (1) establish a policy and acquisition strategy for intelligence, surveillance, and reconnaissance payloads and ground stations for manned and unmanned aerial vehicle systems, to be applicable throughout DOD, to achieve integrated research, development, test and evaluation, and procurement commonality; and (2) submit such policy and strategy to the defense, appropriations, and intelligence committees.

(Sec. 144) Requires the Secretary of the Navy to report to the defense and appropriations committees on future jet carrier trainer requirements.

Title II: Research, Development, Test, and Evaluation - Subtitle A: Authorization of Appropriations - (Sec. 201) Authorizes appropriations for FY2009 for the Armed Forces for research, development, test, and evaluation (RDT&E). Earmarks specified amounts for the Defense Science and Technology Program.

Subtitle B: Program Requirements, Restrictions, and Limitations - (Sec. 211) Amends the Warner Act to require additional determinations as part of the FCS milestone review.

(Sec. 212) Directs the Assistant Secretary of Defense, Networks and Information Integration to report to the defense and appropriations committees assessing FCS communications network and software.

(Sec. 213) Requires the Secretary of the Army, for 2009 through 2015, to submit a selected acquisition report for each FCS manned ground vehicle variant.

(Sec. 214) Directs the Secretary, for FY2010 and thereafter, to ensure that a separate line item and program element is

designated for the Sky Warrior unmanned aerial systems project.

(Sec. 215) Requires the Under Secretary to notify the defense and appropriations committees within five days after completion of specified actions with respect to a program baseline, cost estimate, and technology readiness assessment for the Warfighter Information Network-Tactical (WIN-T) Increment 3 program. Prohibits the obligation or expenditure of more than 20% of the FY2009 funds authorized for the program until 15 days after such notification is received.

(Sec. 216) Requires the Secretary of the Army, for FY2009 and thereafter, to fund specified joint cargo aircraft expenditures only through amounts made available for procurement or RDT&E.

Subtitle C: Missile Defense Programs - Directs the: (1) Secretary to enter into an agreement with a federally funded research and development center (FFRDC) for an independent study of concepts and systems for boost phase missile defense; and (2) FFRDC to report its findings, conclusions, and recommendations to the defense and appropriations committees.

(Sec. 222) Prohibits any DOD funds for FY2009 or thereafter from being obligated or expended for procurement, site activation, construction, preparation of equipment for, or deployment of a long-range missile defense system in Europe until: (1) Poland and the Czech Republic have each signed and ratified the missile defense basing and status of forces agreements that allow for the stationing in their countries of U.S. missile defense assets and personnel needed to carry out such deployment; (2) 45 days have elapsed following receipt by the defense and appropriations committees of a report required under the NDAA for Fiscal Year 2008 concerning an independent assessment for ballistic missile defenses in Europe; and (3) the Secretary has certified to such committees that the proposed interceptor to be deployed under such system has demonstrated a high probability of working in an operationally effective manner and the ability to accomplish the mission.

Subtitle D: Other Matters - (Sec. 231) Adds to the responsibilities of the Director, Operational Test and Evaluation, with respect to the oversight of testing of personnel protective equipment. Includes such equipment under requirements for survivability testing before full-scale production. Requires the production milestone decision authority to notify such Director of any DOD decision to proceed to operational use of such equipment or to make procurement funds available for its purchase.

(Sec. 232) Directs the Secretary to: (1) assess the capability of historically black colleges and universities and minority serving institutions to participate in RDT&E programs for DOD; and (2) report such assessment to the defense and appropriations committees.

(Sec. 233) Amends the NDAA for Fiscal Year 2008 to include within a required report certain descriptions and analyses concerning interoperability and security of information technologies for sharing health care information between DOD and the Department of Veterans Affairs. Requires the Director of the Department of Defense-Department of Veterans Affairs Interagency Program Office to develop or adopt technology-neutral information technology infrastructure guidelines and standards for use by such departments to effectively select and utilize information technologies.

(Sec. 234) Requires the Under Secretary to assess the feasibility of consolidating various technology transition accounts into a unified effort managed by a senior DOD official. Repeals the requirement for a technology transition initiative.

(Sec. 235) Directs the Secretary to: (1) conduct a comprehensive assessment of certain DOD acquisition programs that are considered major systems to identify vulnerabilities in the supply chain of each program's information processing systems that potentially compromise the level of trust in such systems; (2) develop a strategy for ensuring trust in the

supply chain for acquisition programs; (3) issue a policy requiring certain trusted systems to employ only trusted foundry services to fabricate their custom-designed integrated circuits; and (4) submit the assessment and strategy to the defense and appropriations committees.

(Sec. 236) Prohibits the obligation or expenditure of more than 70% of the RDT&E funds authorized for the enhanced AN/TPQ-36 radar system until the Secretary of the Army reports to the defense and appropriations committees describing the plan to transition the Counter-Rockets, Artillery, and Mortars program to a program of record.

(Sec. 237) Directs the Secretary and the Chairman of the Joint Chiefs of Staff (JCS) to: (1) assess a joint approach to the future development of vertical lift aircraft and rotorcraft for all military services; and (2) report assessment results to the defense and appropriations committees.

(Sec. 238) Authorizes funds for conventional prompt global strike capability development only for those activities expressly delineated in the expenditure plan for FY2008-FY2009 as required under the NDAA for Fiscal Year 2008 and submitted to the defense and appropriations committees, or those activities otherwise expressly authorized by Congress. Requires a report from the Secretary to such committees, concurrently with the President's budget for FY2010, concerning certain conventional prompt global strike concepts.

(Sec. 239) Authorizes the Secretary to establish a program, to be known as the Visiting NIH Senior Neuroscience Fellowship Program, at the Defense Advanced Research Projects Agency and the Defense Center of Excellence for Psychological Health and Traumatic Brain Injury.

Title III: Operation and Maintenance - Subtitle A: Authorization of Appropriations - (Sec. 301) Authorizes appropriations for FY2009 for operation and maintenance (O&M) for the Armed Forces and specified activities and agencies of DOD.

Subtitle B: Environmental Provisions - (Sec. 311) Authorizes the Secretary or Secretary of the military department concerned, when engaged in a military operation (including construction) that may or will result in an adverse impact to one or more protected wildlife habitat or species, to make payments to a conservation banking program or a federally approved "in-lieu-fee" mitigation sponsor.

(Sec. 312) Authorizes the Secretary to transfer specified funds to the Moses Lake Wellfield Superfund Site Special Account to reimburse the Environmental Protection Agency (EPA) for costs incurred in overseeing a remedial investigation and feasibility study performed by the Army.

(Sec. 313) Amends the Sikes Act to allow DOD cooperative agreement authority for the management of natural resources to include certain maintenance and improvement of natural resources located off of a DOD installation.

(Sec. 314) Requires the Secretary to: (1) make the RDT&E of technology related to unexploded ordnance detection a priority; and (2) accelerate the transition of promising detection instrument technology across DOD. Provides for the deployment of such technology and appropriate personnel training. Directs the Secretary to report to the defense committees concerning DOD activities undertaken for the transition to such technology.

(Sec. 315) Directs the Secretary to report to Congress a review of DOD policies concerning the sale and disposal of used motor vehicle lubricating oil, along with an evaluation of the feasibility and desirability of implementing policies to require closed loop recycling of used oil.

Subtitle C: Workplace and Depot Issues - (Sec. 321) Prohibits the duration of a public-private competition conducted

pursuant to Office of Management and Budget (OMB) Circular A-76 or any other DOD function performed by DOD civilian employees from exceeding 540 days, commencing from the date that preliminary planning for such competition begins, and ending on the date a performance decision is rendered.

(Sec. 322) Requires the OMB Director to: (1) review the definition of "inherently governmental function" to ensure that only officers or employees of the federal government or members of the Armed Forces perform inherently governmental functions or other critical functions necessary for the mission of a federal department or agency; (2) develop a single definition that would address any deficiencies found; (3) provide criteria to ensure that officers, employees, or members holding such positions have sufficient expertise and technical capability to perform such inherently governmental or critical function; (4) take into account the final recommendations and related findings contained in the Final Report of the Acquisition Advisory Panel, and any other relevant reports or documents; and (5) report to specified congressional committees on actions taken.

(Sec. 323) Directs the Secretary to contract with an independent nonprofit entity or FFRDC for a study on the ability and efficiency of DOD depots to provide the logistics capabilities and capacity necessary for national defense. Requires: (1) an interim and final report from the entity or FFRDC chosen to the defense committees; and (2) the CG to review the final report and submit to such committees an assessment of the feasibility of the recommendations.

(Sec. 324) Requires the Secretary to develop guidelines for the establishment of a high-performing organization conducted through a business process reengineering initiative (with a prohibition on certain initiatives). Directs the Secretary or the Secretary concerned to: (1) submit to Congress a notification describing the assessment required for such guidelines; and (2) conduct, and submit to Congress, annual performance reviews of the participating organizations or functions under their jurisdiction.

(Sec. 325) Suspends, from the date of enactment of this Act through September 30, 2011, any study or public-private competition regarding the conversion to contractor performance of any DOD function performed by civilian employees.

(Sec. 326) Prohibits the Secretary of the Air Force from consolidating aircraft repair facilities and personnel of the active Air Force with such facilities and personnel of the Air National Guard until such Secretary consults with, and obtains the consent of, the National Guard Bureau. Requires a report from such Secretary to the defense committees on: (1) the criteria used to evaluate the feasibility of such consolidation; and (2) the findings of a Rand Corporation feasibility study on implementation of such consolidation.

(Sec. 327) Directs the Secretary of the Air Force, in determining which, if any, civilian personnel management functions may be appropriately consolidated under one command or in a central or regional location, to be guided by the anticipated positive or negative impact upon the productivity of the managed workforces at different commands and the impact upon mission accomplishment at such commands. Requires the analysis to be customized for each affected command. Prohibits the consolidation of specified functions with respect to Large Civilian Centers.

(Sec. 328) Requires a report from the Secretary of the Air Force to Congress on the effect of the reduction in firefighters on Air Force bases as a result of Air Force Program Budget Decision 720.

Subtitle D: Energy Security - (Sec. 331) Directs the Secretary, simultaneously with an annual report concerning DOD progress in meeting energy performance goals, to report to the defense and appropriations committees on operational energy management and the implementation of a required operational energy strategy.

(Sec. 332) Directs the Secretary, in the case of campaign analyses and force planning processes used to establish

logistics capability requirements and inform acquisition decisions, to require that such analyses and processes consider the requirements for, and vulnerability of, fuel logistics and their relationship to operational capability. Requires the Secretary to: (1) develop and implement a methodology to enable the implementation of a fuel efficiency key performance parameter in the requirements development process; (2) require that the life-cycle cost analysis for new capabilities include the fully burdened cost of fuel during analysis of alternatives and evaluation of alternatives and acquisition program design trades; (3) prepare a plan for implementing the requirements of this section; (4) report to the defense and appropriations committees on progress made in implementing the requirements; and (5) within a three-year period after the enactment of this Act, certify to the such committees that the Secretary has complied with such requirements.

(Sec. 333) Directs the Secretary to study, and report to the defense and appropriations committees on, the feasibility of using solar energy to provide electricity at forward operating locations.

(Sec. 334) Directs the Secretary to study, and report to the defense and appropriations committees on, alternatives to reduce the life cycle emissions of coal-to-liquid fuels and potential uses of such fuels in meeting DOD's mobility energy requirements.

(Sec. 335) Amends the Energy Independence and Security Act of 2007 to provide an exception (with certain conditions) to the alternative fuel procurement requirement under such Act with respect to the purchase of a generally available fuel that is not an alternative or synthetic fuel or predominantly produced from a nonconventional petroleum source.

(Sec. 336) Directs the Secretary to study, and report to the defense and appropriations committees on, procedures and methods to measure and consider greenhouse gas emissions in the DOD acquisition process.

Subtitle E: Reports - (Sec. 341) Requires a report from the CG to the defense committees on the readiness of the regular and reserve components of the Armed Forces.

(Sec. 342) Directs the Secretary, at the same time as submission of the DOD budget for FY2010, to submit to the defense committees a plan to enhance the combat skills of Navy and Air Force personnel.

(Sec. 343) Requires a report from the CG to the defense committees on the use of Army Reserve and National Guard forces as an operational reserve.

(Sec. 344) Directs the CG to report to the defense committees on the link between the preparation and operational use of the Army's reserve forces.

(Sec. 345) Requires the CG to report to the defense committees on the adequacy of the funding, staffing, and organization of DOD's Military Munitions Response Program.

(Sec. 346) Directs the Secretary of the Navy to report to the defense and appropriations committees on the best option(s) for providing voyage repair capabilities to support all Navy ships operating at or near Guam.

Subtitle F: Other Matters - (Sec. 351) Extends through 2013 required reports concerning DOD compliance in meeting conditions prior to the obligation of funds for a defense business system modernization with a cost in excess of $1 million.

(Sec. 352) Requires the Secretary concerned to ensure that an item authorized to be loaned, given, or exchanged is demilitarized to the extent necessary to render the item unserviceable in the interest of public safety.

(Sec. 353) Repeals the requirement that the Secretary of the Air Force provide A-10 aircraft training and support to other military departments.

(Sec. 354) Directs the Secretary, at the same time as submission of the defense budget for FY2010 and thereafter, to submit to the President a consolidated budget justification display that covers all programs and activities of the Air Force Air Sovereignty Alert mission.

(Sec. 355) Expresses the sense of Congress that the Air Force should include full funding of the Air Sovereignty Alert mission in its baseline budget, and that the Air National Guard and such mission should be provided all necessary resources, personnel, and aircraft to support its mission now and in the future.

(Sec. 356) Requires the Secretary of the Air Force to revise its Air Freight Transportation Regulation Number 5, dated January 15, 1999, to conform with Defense Travel Regulations to ensure that freight covered by Regulation 5 is carried in accordance with commercial best practices based upon a mode-neutral approach.

(Sec. 357) Authorizes the Secretary of the Army to convey to the California Department of Forestry and Fire Protection three C-12 aircraft determined to be surplus to Army needs.

(Sec. 358) Earmarks specified FY2009 Joint Explosive Device Defeat Organization funds for the Irregular Warfare Support program.

(Sec. 359) Expresses the sense of Congress that the Secretary should: (1) in making decisions with respect to the procurement of munitions, develop methods to account for their full life-cycle costs; and (2) undertake a review of live-fire practices for the purpose of reducing unexploded ordnance and munitions-constituent contamination without impeding military readiness.

(Sec. 360) Limits the obligation of Air Force O&M funds for the Air Combat Command Management Headquarters until the Secretary certifies to the defense and appropriations committees that, by no later than February 3, 2009, the Future Year's Defense Plan will include funding for 76 commonly configured B-52 aircraft.

(Sec. 361) Directs the Secretary to take certain steps to ensure an increased capacity of military working dogs, and that such dogs are procured as efficiently as possible and at the best value while maintaining the necessary level of quality and encouraging domestic breeding.

(Sec. 362) Earmarks specified Army Reserve O&M funds for first term dental readiness and demobilization dental treatment.

Title IV: Military Personnel Authorizations - Subtitle A: Active Forces - (Sec. 401) Sets forth authorized end strengths for active-duty forces as of the end of FY2009.

(Sec. 402) Revises the permanent active-duty minimum end strength levels for the Army, Navy, Marine Corps, and Air Force.

Subtitle B: Reserve Forces - (Sec. 411) Sets forth authorized end strengths as of the end of FY2009 for members of the Selected Reserve and reserve personnel on active duty in support of the reserves.

(Sec. 413) Sets forth minimum end strengths for FY2009 for Army and Air Force dual status military technicians.

(Sec. 414) Provides a FY2009 limitation on the number of non-dual status Army and Air Force military technicians.

(Sec. 415) Sets, during FY2009, the maximum number of reserve personnel authorized to be on active duty for operational support.

(Sec. 416) Authorizes the President to waive any end strength limitation of reserve personnel authorized to be on active duty when a designation of a major disaster or emergency is in effect.

Subtitle C: Authorization of Appropriations - (Sec. 421) Authorizes appropriations for FY2009 for military personnel.

Title V: Military Personnel Policy - Subtitle A: Officer Personnel Policy Generally - (Sec. 501) Requires that, in the calculation of years of active service for a regular Army warrant officer for mandatory retirement purposes, such calculation shall include only years of active service as a warrant officer.

(Sec. 502) Requires a commission or warrant for the promotion of a deceased member to a higher grade to include a certification by the Secretary concerned that, at the time of death, the member was qualified for appointment to the higher grade.

(Sec. 503) Allows the Secretary concerned, during the one-year period beginning on October 1, 2013, to reduce from ten to eight years the minimum required period of active service as a commissioned officer for voluntary retirement purposes.

(Sec. 504) Increases from 80 to 81 the authorized number of Marine Corps general officers on active duty.

Subtitle B: Reserve Component Management - (Sec. 511) Extends to the Secretary of the Air Force (currently, only to the Secretary of the Army) the authority to defer the mandatory separation of dual status military technicians.

(Sec. 512) Increases the authorized end strengths for Marine Corps Reserve officers on active duty in the grades of major and lieutenant colonel for the purpose of meeting force structure requirements.

(Sec. 513) Allows: (1) National Guard officers to be considered for promotion when ordered to or serving on active duty in support of a contingency operation; and (2) National Guard and reserve officers so serving to be considered for promotions outside the unit in which they are serving.

(Sec. 514) Allows reserve officers assigned to duties with the Selective Service System or as National Guard property and fiscal officers to be retained in active status until age 62 (currently, 60). Extends similarly such retention authority with respect to certain reserve officers serving in the grades of major, lieutenant colonel, colonel, or brigadier general.

(Sec. 515) Authorizes the Secretaries of the Army or Air Force to retain reserve officers in the grade of lieutenant general beyond the mandatory retirement age for years of service, up until the officer becomes 66.

(Sec. 516) Authorizes the Secretary concerned to retain until age 68 National Guard and reserve chaplains and officers serving in health profession specialties.

(Sec. 517) Directs the Secretary of the Navy to: (1) conduct a study of procedures used by the Marine Corps Reserve during FY2001-FY2008 for the movement of personnel in and out of the Individual Ready Reserve; and (2) report study results to the defense and appropriations committees.

Subtitle C: Joint Qualified Officers and Requirements - (Sec. 521) Revises provisions concerning joint duty requirements for promotion to a general or flag officer position to reflect changes made under the Warner Act. Makes technical, conforming, and clerical changes to joint specialty terminology, including references to a joint qualified officer in lieu of a joint specialty officer.

(Sec. 523) Requires officers to be joint qualified in order to be appointed to grade O-7. Revises joint officer promotion objectives to recognize joint experience from any venue.

(Sec. 524) Conforms provisions concerning length of joint duty assignments to reflect changes made under the Warner Act.

(Sec. 525) Authorizes the JCS Chairman to exempt up to three (currently, one) reserve general and flag officers on the JCS from general and flag officer end strength limits.

(Sec. 526) Requires: (1) officer service as an adjutant general of a state National Guard to be treated as joint duty experience for purposes of possible assignment or promotion; (2) the Chief of the National Guard Bureau to report to the JCS Chairman and Congress as to which duty of National Guard officers in the Joint Force Headquarters of a state National Guard should qualify as joint duty experience; (3) the JCS Chairman to report to Congress on joint education courses available through DOD for the pursuit of joint careers by officers; (4) the Commanders of the United States Northern and Pacific Commands and the Chief of the National Guard Bureau to enter into a memorandum of understanding setting forth their operational relationships and individual roles and responsibilities during responses to domestic emergencies; and (5) the Secretary to review, and report to the defense committees on, the DOD role in defense of the homeland.

Subtitle D: General Service Authorities - (Sec. 531) Increases from six to eight years the maximum authorized reenlistment term.

(Sec. 532) Authorizes the Secretary concerned to establish a pilot program under which an officer or enlisted member may be released from active duty for a maximum three-year period to meet personal or professional needs, transferred to the Ready Reserve during such absence, then returned to active duty after the agreed-upon period. Limits participation to 20 officers and 20 enlisted members per year. Requires the member to serve at least two months for every month of program participation. Continues during program participation the officer's or member's entitlement to military medical and dental care, but suspends promotion eligibility. Reduces basic pay, and suspends special and incentive pays, during such period. Allows the program to be conducted from January 1, 2009, through December 31, 2014.

Subtitle E: Education and Training - (Sec. 541) Makes permanent (currently terminates after the 2007-2008 academic year) the authority of the Secretaries of the Navy and Air Force to increase by up to 100 per year (with a total limit of 4,400) the annual enrollment of midshipmen and cadets at their respective military academies.

(Sec. 542) Permits students, officers, and representatives of a foreign country to attend a U.S. military academy for periods of up to two weeks if determined that such attendance will contribute significantly to the development of foreign language, cross-cultural interactions and understanding, and cultural immersion of cadets or midshipmen.

(Sec. 543) Limits to Level I of the Executive Schedule the authorized compensation for the President of the Naval Post Graduate School, and limits the aggregate compensation (salary, bonuses, allowances, etc.) to the salary authorized for the Vice President of the United States.

(Sec. 544) Increases from 25 to 125 the number of defense industry employees authorized to receive instruction at any one time at the Naval Post Graduate School.

(Sec. 545) Requires servicemembers to complete their service obligations under honorable conditions in order to qualify for educational assistance for reserve personnel supporting contingency operations.

(Sec. 546) Conforms the maximum limits for education loan repayment programs for reserve health professionals to the maximum limits authorized for active-duty health professionals.

(Sec. 547) Directs the Secretary to: (1) develop and implement a plan to establish and support 4,000 Junior Reserve Officers' Training Corps (ROTC) units not later than FY2020; (2) work with local educational agencies to increase the employment in Junior ROTC units of retired military members, especially those wounded or injured while deployed in a contingency operation; and (3) report to the defense and appropriations committees upon completion of the support plan. Requires each department Secretary to develop and implement a segment of the Junior ROTC curriculum that includes the contribution and defense historiography of gender- and ethnic-specific groups.

(Sec. 548) Authorizes the Secretary of the Army to correct, and make any necessary payments in connection with, amounts of Army College Fund benefits to which members or former members may be entitled under an Army Incentive Program contract.

(Sec. 549) Revises provisions authorizing the following officials to confer appropriate degrees upon graduates of such institutions: (1) the President of the National Defense Intelligence College; (2) the President of the National Defense University; (3) the Commandant of the United States Army Command and General Staff College; (4) the Commandant of the United States Army War College; (5) the President of the Naval Post Graduate School; (6) the President of the Naval War College; (7) President of the Marine Corps University; and (8) the commander of Air University. Requires: (1) the Secretary of Education to recommend approval of the degree to be conferred; (2) accreditation of the curriculum leading to such degree; and (3) the Secretary of Defense to notify the defense committees with respect to each degree-granting authority under this section.

(Sec. 550) Authorizes the Secretary concerned to enter into partnerships with educational institutions to improve the accessibility and flexibility of college courses available to eligible members of the Armed Forces.

Subtitle F: Military Justice - (Sec. 551) Requires the Staff Judge Advocate to the Commandant of the Marine Corps to serve in the grade of major general.

(Sec. 552) Deems as a standing order the issuance of a military protective order by a military commander until: (1) the allegation prompting the protective order is resolved by investigation, courts martial, or other command-determined adjudication; or (2) the military commander issues a new order.

(Sec. 553) Requires the commander of a military installation to notify the appropriate civilian authorities in the event that a military protective order is issued against a member and any individual involved in the order does not reside on a military installation.

(Sec. 554) Directs the Secretary to implement a centralized, case-level database for the collection and maintenance of information regarding sexual assaults involving a member of the Armed Forces. Requires the: (1) Secretary to submit to the defense and appropriations a database implementation plan; and (2) database to be used to develop sexual assault-related reports to Congress as required under various defense authorization Acts and federal armed forces provisions.

Subtitle G: Decorations, Awards, and Honorary Promotions - (Sec. 561) Authorizes the Secretary concerned to replace, on a one-time basis and without charge, a military decoration upon request of the recipient or the immediate next-of-kin of a deceased recipient.

(Sec. 562) Authorizes and requests the President to award the Medal of Honor to former Chief Master Sergeant Richard

L. Etchberger for acts of valor during the Vietnam War.

(Sec. 563) Entitles Brigadier General Charles E. Yeager, United States Air Force (retired), to the rank of major general while on the retired list of the Air Force.

(Sec. 564) Authorizes and requests the President to appoint Rear Admiral Wayne E. Meyer, United States Navy (retired), to the grade of vice admiral on the retired list of the Navy.

(Sec. 565) Directs the Secretary concerned to award the Vietnam Service Medal to veterans who participated in the Mayaguez rescue operation of May 12-15, 1975.

(Sec. 566) Authorizes the Secretary of the Army to retroactively award the Army Combat Action Badge to any previously unrecognized Army veteran who participated in combat with the enemy during the period beginning on December 7, 1941, and ending on September 18, 2001.

Subtitle H: Impact Aid - (Sec. 571) Earmarks specified DOD O&M funds for assistance to: (1) local educational agencies that benefit dependents of military personnel and DOD civilian employees; and (2) schools with enrollment changes due to base closures, force structure changes, or force relocations.

(Sec. 572) Amends the Elementary and Secondary Education Act of 1965 to allow local educational agencies that are heavily impacted by base closures and force structure changes to use the current school year student population (currently, the previous year's population) to determine the appropriate amount of impact aid funding.

Subtitle I: Military Families - (Sec. 581) Authorizes DOD to provide a burial flag to a surviving spouse, or remarried surviving spouse, of a military decedent if the person authorized to direct the disposition of remains is someone other than a spouse.

(Sec. 582) Authorizes the Secretary to establish programs to provide tuition assistance and other support to spouses of members for pursuing education and/or training that expands employment and career opportunities.

(Sec. 583) Expresses the sense of Congress that the Secretaries concerned should provide honor guard details for the funerals of veterans.

Subtitle J: Other Matters - (Sec. 591) Allows the President to use units and members of the reserves (including the Coast Guard Reserve) as part of federal aid for state governments, enforcing federal authority, and responding to major public emergencies.

(Sec. 592) Requires that payments of claims resulting from the decision of a board of correction of military records to set aside a conviction by court-martial include interest calculated from the date of conviction to the date the payment is made. Specifies the rate of interest to be used. Applies this section to any decision to set aside a court-martial made on or after October 1, 2007.

(Sec. 593) Extends through December 31, 2010, a limitation on the reduction of personnel of agencies responsible for the review and correction of military records.

(Sec. 594) Permits the President to authorize the Secretary, and the Secretary of Homeland Security with respect to the Coast Guard when not operating as a service for the Navy, to order any unit or member of the reserves to active duty for a major disaster or emergency.

(Sec. 595) Establishes the Senior Military Leadership Diversity Commission to study, and report to the President and Congress on, diversity within the senior leadership of the Armed Forces, with a goal toward the advancement of minority members to such positions. Terminates the Commission 60 days after submission of such report.

(Sec. 596) Provides that, in case of a member with minor dependents who has a spouse who is also a member, and the spouse is deployed in an area for which imminent danger pay is authorized, the member may request a deferment of deployment to such an area until the spouse returns from such deployment.

(Sec. 597) Authorizes additional appropriations (with a corresponding offset) to carry out honor functions at military funerals.

Title VI: Compensation and Other Personnel Benefits - Subtitle A: Pay and Allowances - (Sec. 601) Waives any FY2009 pay increases tied to increases in the General Schedule of Compensation for government employees. Increases by 3.9%, effective January 1, 2009, the rates of basic pay for military personnel.

(Sec. 602) Makes permanent (currently, ends on December 31, 2008) the prohibition on charges for meals received at military medical treatment facilities by members receiving continuous care for an injury, illness, or disease incurred in or aggravated by service in Operations Iraqi Freedom or Enduring Freedom or other designated combat zone.

(Sec. 603) Makes the housing standard used in the calculation of the basic allowance for housing for noncommissioned officers in the grade of E-8 the same as the standard used for noncommissioned officers in the grade of E-9.

(Sec. 604) Increases from $180 to $290 per day the maximum authorized reimbursement for temporary lodging expenses in connection with a permanent change of station.

(Sec. 605) Requires the Secretary concerned to pay one member of a married couple, both of whom are members who reside together with dependents, a full family separation allowance, and the other member one-half of such allowance, when both members are simultaneously assigned to duty under the following conditions: (1) permanent duty stations where dependents are not authorized; (2) deployed ships for more than 30 days; or (3) temporary duty away from the member's permanent duty station for more than 30 days.

(Sec. 606) Authorizes a member who accepts an appointment or reappointment as an officer without a break in service to retain the pay and allowances to which the member was entitled to in the previous grade if it is more than the pay and allowances to which the member is entitled in the new position.

(Sec. 607) Extends through 2009 the authority for income replacement payments (matching of civilian compensation) for reserve members experiencing extended and frequent mobilization for active-duty service.

(Sec. 608) Requires pay raises for members during FY2010-FY2013 to be one-half of one percent higher than the raise calculated for private sector employees through the use of the Employment Cost Index.

Subtitle B: Bonuses and Special and Incentive Pays - (Sec. 611) Extends through 2009 specified authorities currently scheduled to expire at the end of 2008 with respect to certain special pay and bonus programs within the regular and reserve Armed Forces.

(Sec. 616) Increases the maximum bonus and stipend amounts authorized for nurse officer candidates.

(Sec. 617) Allows nuclear officer incentive pay agreements to be of any duration beyond a minimum of three years.

(Currently, such agreements allow for a three, four, or five-year period.)

(Sec. 618) Makes technical amendments to various provisions to conform to changes in special and incentive pays adopted in the NDAA for Fiscal Year 2008.

(Sec. 619) Authorizes the Secretary concerned to pay a skill proficiency bonus of up to $12,000 annually to a member enrolled in an officer training program who is also in training to acquire proficiency in a critical foreign language or expertise in foreign cultural studies. Includes certain Senior ROTC members under the bonus program. Directs the Secretary to conduct a pilot program through 2013 to provide a skill proficiency bonus to a reserve member in an active status while such member participates in an education or training program to acquire such proficiency or expertise.

(Sec. 620) Designates qualified psychologists, registered nurses, and other mental health practitioners as the Secretary concerned may designate as critically-short wartime specialties for which individuals in such professions will be eligible for a health professions bonus of up to $100,000 for each 12-month period of obligated service for which they agree to serve in an active status in the reserves. Terminates such designation at the end of FY2010.

Subtitle C: Travel and Transportation Allowances - (Sec. 631) Authorizes an increased weight allowance for the shipment of household goods during permanent changes in station for noncommissioned officers in pay grades E-5 through E-9.

(Sec. 632) Authorizes an additional 200 pounds in such weight allowance when shipping materials associated with employment or community support volunteer or charity activities of a member's spouse.

(Sec. 633) Entitles a member, in connection with an evacuation from a permanent station in a foreign area, to the transportation of up to two family household pets.

Subtitle D: Retired Pay and Survivor Benefits - (Sec. 641) Requires that the calculation of retired pay for reserve members who are retired or placed on the temporary disability retired list be based on the member's total years of service in lieu of active duty years of service when the retirement is based on a disability incurred under circumstances for which the member was awarded the Purple Heart.

(Sec. 642) Authorizes surviving spouses or former spouses who previously transferred their Survivor Benefit Plan (SBP) annuity to a child or children to reclaim the annuity after the termination of a marriage if the child or children are no longer eligible for the annuity due to loss of their dependent status, death, or other cause.

(Sec. 643) Extends to the survivors of members who die while serving on active duty the receipt of a special survivor indemnity allowance for persons affected by a required SBP annuity offset due to the concurrent receipt of dependency and indemnity compensation.

(Sec. 644) Authorizes reserve personnel who serve in an active reserve status in the Selected Reserve for at least two years after becoming eligible for active-duty retirement to elect a non-regular retirement for which they are qualified. Authorizes the Secretary concerned to reduce the two-year service requirement for members recalled to serve as an adjutant or assistant adjutant general within the National Guard if the member serves at least six months in such position. States that a reserve member shall be deemed to have attained retirement eligibility after meeting all qualifying criteria without regard to whether the member actually retired or received retired or retainer pay.

(Sec. 645) Provides a recomputation of retired pay and adjustment of retired grade of reserve members to reflect post-retirement service.

(Sec. 646) Requires the Secretary to determine if the phased elimination of the two-tier SBP annuity computation and related Supplemental Survivor Benefit Plan resulted in some annuitants receiving a smaller annuity than they would have if the two-tier system had not been eliminated, and, if so, to restore the annuity to the higher amount.

(Sec. 647) Prohibits the Secretary concerned from presuming deceased a military retiree missing in Iraq or Afghanistan after August 1, 2007, until the earlier of seven years after the person was missing or the date the death is confirmed and a death certificate is delivered to the next of kin. Requires monthly retired pay to be resumed and any retired pay that may have been due following the declaration of the presumption of death to be retroactively paid to the family of the retiree.

(Sec. 648) Makes eligible for disability retired pay and separation pay after January 1, 2000, a cadet or midshipman who was discharged or released from an enlisted grade in order to accept an appointment as a cadet or midshipman.

Subtitle E: Commissary and Nonappropriated Fund Instrumentality Benefits and Operations - (Sec. 651) Provides for the use of surcharge proceeds derived from initiatives that provide reserve members, retired members, and other members eligible for commissary benefits, but without access to commissary stores, improved access through the use of mobile services and equipment.

(Sec. 652) Extends through 2013 a moratorium on studies to compare the cost-effectiveness of commissary operations employing federal vs. private employees.

(Sec. 653) Authorizes the use of appropriated funds to purchase and maintain specialized golf carts to accommodate persons with disabilities, and the use of such carts on DOD golf courses where such carts can be safely operated.

(Sec. 654) Directs the Secretary to establish a Resale Activities Review Board to determine whether material sold or rented, or proposed to be sold or rented, on DOD property is sexually explicit and therefore barred from sale or rental. Requires the Board to meet within one year after appointment of its members.

(Sec. 655) Prohibits a military exchange store or DOD nonappropriated fund instrumentality (NFI) from purchasing for resale any military decorations, ribbons, badges, medals, insignia, or other uniform accouterments not produced in the United States. Provides exceptions when: (1) a satisfactory quality and quantity cannot be procured; or (2) purchase outside the United States is in the best interest of members. Requires congressional notification when an exception is exercised.

(Sec. 656) Authorizes the Secretary to pay post or cost of living allowances to an NFI employee who is a U.S. citizen and is or was employed in a full-time position outside the continental United States between December 1, 2001, and December 31, 2011.

(Sec. 657) Directs the Secretary to: (1) conduct a study evaluating the propriety, patron convenience, and financial utility of including wine and beer as authorized commissary merchandise; and (2) report study results to Congress.

Subtitle F: Other Matters - (Sec. 661) Authorizes the Secretary of the Army to pay a recruitment referral bonus to a civilian who has completed a training course provided by the Secretary concerning procedures to recruit individuals for enlistment in the Army.

(Sec. 662) Provides that the estate of a member who dies other than as a result of the member's misconduct, or is retired or separated due to disability, shall not be required to repay any portion of a previously-paid bonus or similar benefit. Requires the full amount of any such bonus or benefit to be paid within 90 days of such death, retirement, or separation.

Authorizes the Secretary concerned to continue payment of any unpaid portion of such a bonus or benefit when such Secretary determines that imposition of the repayment or termination requirements would be contrary to a personnel policy or management objective, against equity and good conscience, or contrary to the best interests of the United States.

(Sec. 663) Requires the Secretary to develop, maintain in handbook form, and periodically update a comprehensive description of the compensation and other benefits to which a member and his or her family would be entitled upon the member's separation or retirement due to a serious injury or illness. Requires the Secretary concerned to provide the appropriate handbook to each member, or his or her representative, as soon as practicable following such injury or illness.

(Sec. 664) Directs the Secretary to provide for a program under which postal benefits (in the form of free vouchers) are provided to members who are: (1) serving in Iraq or Afghanistan; or (2) hospitalized at a military medical facility as a result of a disease or injury incurred as a result of such service. Outlines program requirements and limitations, including voucher and mailing limits. Provides program funding.

Title VII: Health Care Provisions - Subtitle A: Improvements to Health Benefits - (Sec. 701) Extends through FY2009 the prohibition against increasing the charges for: (1) premium and copayments under TRICARE (a DOD managed health care program) Prime; and (2) premiums under TRICARE Standard for members of the reserves.

(Sec. 702) Limits to specified amounts during FY2009 the copayments for generic, formulary, and nonformulary drugs provided through the TRICARE retail pharmacy program.

(Sec. 703) Prohibits the Secretary concerned from converting any military medical or dental position to a civilian medical or dental position on or after October 1, 2008. Restores to a military medical or dental position any position previously converted to a civilian medical or dental position, but not filled by a civilian, beginning on October 1, 2004, and ending on September 30, 2008.

(Sec. 704) Directs the Secretary to provide chiropractic services for members entitled to medical care under the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS). Authorizes the Secretary to conduct one or more demonstration projects to provide such care to deployed personnel.

(Sec. 705) Requires the Secretary to recalculate TRICARE Standard premiums based on actual cost data.

(Sec. 706) Directs the Secretary to: (1) develop a plan to establish a program to build cooperative health care arrangements and agreements between military installations projected to grow and local and regional non-military health care systems; and (2) report annually to the defense committees on program results.

(Sec. 707) Requires the Secretaries of Defense and Veterans Affairs, before a facility may be designated a combined DOD-VA medical facility, to issue a signed agreement that specifies a binding operational agreement on the following areas: (1) patient priority categories; (2) budgeting; (3) staffing; (4) construction; and (5) physical plant management.

(Sec. 708) Directs the Secretary to: (1) conduct a demonstration project to assess the feasibility and efficacy of providing a behavioral health care provider locator and appointment assistance service to reserve members; and (2) report to the defense and appropriations committees a plan to implement the project, regular project updates, and a final project evaluation. Terminates project authority at the end of FY2011.

Subtitle B: Preventive Care - (Sec. 711) Directs the Secretary to waive all copayments for TRICARE beneficiaries other

than Medicare-eligible beneficiaries who currently pay for preventive services. Allows the Secretary to refund copayments of Medicare-eligible beneficiaries.

(Sec. 712) Directs the Secretary to: (1) conduct a three-year demonstration project to evaluate the efficacy of providing incentives to encourage healthy behaviors on the part of eligible military health system beneficiaries; and (2) annually, during the project's duration, evaluate the project and report to the defense committees on its effectiveness in improving health risk measures of participants.

(Sec. 713) Requires the Secretary to: (1) establish a smoking cessation program under the TRICARE program, to be made available to all TRICARE beneficiaries who are not Medicare-eligible; (2) submit to the defense and appropriations committees a program implementation plan; and (3) report to such committees on such program. Provides program funding.

(Sec. 714) Directs the Secretary, during the period beginning on January 1, 2009, and ending on December 31, 2011, to conduct a demonstration project to evaluate the efficacy of providing an annual preventive health services allowance to members serving on active duty for more than 30 days who meet medical and dental readiness requirements. Limits project participation to 1,500 from each service branch. Provides for an annual allowance of $500 for members without dependents and $1,000 for members with dependents. Requires the Secretary to: (1) specify the types of preventive health services that may be procured through the use of such allowance; (2) monitor and record the health of members receiving the allowance and their dependents; and (3) report to Congress in 2010 and 2012 on project status.

Subtitle C: Wounded Warrior Matters - (Sec. 721) Directs the Secretary to establish within DOD a center of excellence in the prevention, diagnosis, mitigation, treatment, and rehabilitation of hearing loss and auditory system injury incurred by members while serving on active duty. Requires: (1) collaboration with the Secretary of Veterans Affairs, institutions of higher education, and other appropriate public and private entities in the carrying out of center responsibilities; (2) the center to establish a registry of information for the tracking of center patients, to be known as the Hearing Loss and Auditory System Injury Registry; (3) the coordination of center care and benefits with the VA's National Center for Rehabilitative Auditory Research and the auditory system impairment services of the Veterans Health Administration; and (4) the Secretaries of Defense and Veterans Affairs to jointly ensure the utilization of Registry information by appropriate DOD and VA hearing specialist personnel.

(Sec. 722) Amends the NDAA for Fiscal Year 2008 to allow for the treatment of all military eye injuries (currently, only eye injuries incurred in combat) at the center of excellence in the prevention, diagnosis, mitigation, treatment, and rehabilitation of military eye injuries.

(Sec. 723) Requires the Secretary to designate a National Casualty Care Research Center to consist of the program known as the combat casualty care research program at the Army Medical Research and Materiel Command. Outlines Center activities, including a public-private partnership for funding clinical and experimental studies in combat injury and a full spectrum of combat injury research and evaluation. Provides Center funding.

(Sec. 724) Directs the Secretary to establish a research program within the Defense Health Program's research and development function to conduct peer-reviewed medical research at military and civilian institutions designed to develop scientific information aimed at saving injured extremities, avoiding amputations, and preserving and restoring the function of injured extremities. Requires a program report from the Secretary to Congress. Terminates the program at the end of FY2013.

(Sec. 725) Directs the Secretary to: (1) review policies and processes for the delivery of mail intended as measures of

support and addressed generally (without specific names) to wounded and injured members in military medical treatment facilities and other locations where members are treated and rehabilitated; and (2) report to the defense committees on review results and ongoing and projected actions to correct or modify such policies and processes.

(Sec. 726) Requires the Secretary to: (1) conduct a two-year demonstration project to assess the feasibility and efficacy of providing a face-to-face post-deployment mental health screening between a member and a mental health care provider; and (2) submit to the defense and appropriations committees an implementation plan and an interim and final project report.

Subtitle D: Other Matters - (Sec. 731) Directs the Secretary to report to the defense and appropriations committees on the exercise of the authority to pay a stipend for certain reserve members for maintaining health care coverage for dependents with special health care needs.

(Sec. 732) Requires the Secretary to report to such committees a plan for including autistic dependents of military retirees in the Extended Care Health Option (ECHO) program.

(Sec. 733) Directs the Secretary to ensure that autistic dependents enrolled in the ECHO program are eligible to receive a minimum of $5,000 per month for autistic therapy services. Expresses the sense of Congress that the Secretary should ensure that the process for determining eligibility for such services is conducted in an expeditious manner and without delay. Requires the Secretary to study, and report to the defense committees on, autistic therapy services in DOD.

(Sec. 734) Requires a report from the Secretary to Congress on measures to implement recommendations in the report entitled "Review of the Toxicologic and Radiologic Risks to Military Personnel from Exposure to Depleted Uranium During and After Combat."

(Sec. 735) Directs the Secretary to study and report to the defense and appropriations committees on mental health risks associated with the performance of military duties.

(Sec. 736) Requires the CG to: (1) review DOD implementation of recommendations made by the Department of Defense Task Force on Mental Health to ensure a full continuum of psychological health services and care for members and their families; and (2) report review results to the defense and appropriations committees.

(Sec. 737) Authorizes the provision of certain military transitional health care for members separated from active duty who agree to become members of the Selected Reserve of the Ready Reserve.

Title VIII: Acquisition Policy, Acquisition Management, and Related Matters - Subtitle A: Acquisition Policy and Management - (Sec. 801) Requires the Secretary of the Air Force, not later than ten days after a ruling by the World Trade Organization (WTO) that either or both the United States or the European Union (or any associated entity of either) has provided illegal subsidies to a manufacturer of large commercial aircraft, to begin a review of the impact of such subsidies on the source selection for the KC-45 aerial refueling aircraft program. Requires review completion within 90 days after the WTO ruling. Directs such Secretary, if necessary after the review, to take corrective measures to ensure that the effect of such subsidies is removed and the KC-45 source source selection process is fair to all offerors.

(Sec. 802) Directs the Secretary to: (1) commission a study and report by a FFRDC to assess the effectiveness of DOD processes for the generation of urgent operational need requirements, as well as the acquisition processes used to fulfill such requirements; and (2) submit study and report results to the defense and appropriations committees.

(Sec. 803) Requires the Secretary to issue guidance requiring that all unique tooling associated with the production of

hardware for a major defense acquisition program (MDAP) be preserved and stored through the end of the service life of the item associated with the MDAP.

(Sec. 804) Prohibits the Secretary from contracting for the procurement of goods or services from any foreign person to which the government of a foreign country that is a member of the WTO has provided a subsidy if the United States has requested consultation with that foreign country on the basis that the subsidy is a prohibited subsidy and either: (1) the dispute before the WTO has not been resolved; or (2) the WTO has ruled that the subsidy is a prohibited subsidy under the Agreement on Subsidies and Countervailing Measures. Provides additional prohibition applicability with respect to: (1) joint ventures, partnerships, or other cooperative agreements of which that foreign person is a member; and (2) subcontracts and task or delivery orders under such a contract. Provides prohibition exceptions, including contracts under an MDAP that has received Milestone B approval as of the date of enactment of this Act. Authorizes the President to waive such prohibition under a determination that failure to waive would result in a significant and imminent threat to national security. Continues such prohibition until the illegal subsidies dispute is resolved.

(Sec. 805) Directs the Secretary to: (1) prescribe regulations regarding the application of a domestic industrial base evaluation factor during source selection for a MDAP; and (2) notify the defense and appropriations committees at least 30 days before the issuance of a request for proposal for any MDAP that will not use a domestic industrial base evaluation factor during the source selection process.

(Sec. 806) Requires the Secretary to ensure that contracting officials identify and evaluate, at all

Actions Timeline

- **Jun 3, 2008:** Received in the Senate. Read twice. Placed on Senate Legislative Calendar under General Orders. Calendar No. 758.
- **May 22, 2008:** Rule H. Res. 1218 passed House.
- **May 22, 2008:** Considered as unfinished business. (consideration: CR H4656-4763; text of measure as reported in House: CR H4658-4741)
- **May 22, 2008:** DEBATE - Pursuant to the provisions of H.Res. 1218, the Committee of the Whole proceeded with 20 minutes of debate on the Skelton amendment.
- **May 22, 2008:** Mr. Skelton provided notice in accordance with the provisions of H. Res. 1218, that subsequent consideration of specified amendments may be in an order other than that provided by the rule.
- **May 22, 2008:** DEBATE - Pursuant to the provisions of H.Res. 1218, the Committee of the Whole proceeded with 10 minutes of debate on the Akin amendment.
- **May 22, 2008:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Akin amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the noes had prevailed. Mr. Akin demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.
- **May 22, 2008:** DEBATE - Pursuant to the provisions of H.Res. 1218, the Committee of the Whole proceeded with 20 minutes of debate on the Skleton en bloc amendments.
- **May 22, 2008:** DEBATE - Pursuant to the provisions of H.Res. 1218, the Committee of the Whole proceeded with 20 minutes of debate on the Franks (AZ) amendment.
- **May 22, 2008:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Franks(AZ) amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the noes had prevailed. Mr. Franks (AZ) demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.
- **May 22, 2008:** DEBATE - Pursuant to the provisions of H.Res. 1218, the Committee of the Whole proceeded with 20 minutes of debate on the Tierney amendment.
- **May 22, 2008:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Tierney amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the ayes had prevailed. Mr. Hunter demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.
- **May 22, 2008:** Ms. Tauscher provided notice in accordance with the provisions of H. Res. 1218, that subsequent consideration of specified amendments may be in an order other than that provided by the rule.
- **May 22, 2008:** Mrs. Tauscher moved that the Committee rise.
- **May 22, 2008:** On motion that the Committee rise Agreed to by voice vote.
- **May 22, 2008:** Committee of the Whole House on the state of the Union rises leaving H.R. 5658 as unfinished business.
- **May 22, 2008:** ORDER OF PROCEDURE - Ms. Tauscher asked unanimous consent that, during further consideration of H.R. 5658 pursuant to H. Res. 1218, the Chair may reduce to two minutes the minimum time for electronic voting under clause 6 of rule 18 and clauses 8 and 9 of rule 20. Agreed to without objection.
- **May 22, 2008:** Considered as unfinished business. (consideration: CR H4763-4778, 5/23/2008 H4779-4821)
- **May 22, 2008:** The House resolved into Committee of the Whole House on the state of the Union for further consideration.
- **May 22, 2008:** DEBATE - Pursuant to the provisions of H. Res. 1218, the Committee of the Whole proceeded with 10 minutes of debate on the Pearce amendment.
- **May 22, 2008:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Pearce amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the noes had prevailed. Mr. Pearce demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.
- **May 22, 2008:** DEBATE - Pursuant to the provisions of H. Res. 1218, the Committee of the Whole proceeded with 20 minutes of debate on the Boren amendment.
- **May 22, 2008:** DEBATE - Pursuant to the provisions of H. Res. 1218, the Committee of the Whole proceeded with 20 minutes of debate on the Waxman amendment.
- **May 22, 2008:** DEBATE - Pursuant to the provisions of H. Res. 1218, the Committee of the Whole proceeded with 20 minutes of debate on the Lee amendment.
- **May 22, 2008:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Lee amendment, the Chair put the

question on adoption of the amendment and by voice vote, announced that the ayes had prevailed. Mr. Hunter demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.

- **May 22, 2008:** DEBATE - Pursuant to the provisions of H. Res. 1218, the Committee of the Whole proceeded with 10 minutes of debate on the Israel amendment.
- **May 22, 2008:** The Committee of the Whole rose informally to receive a message from the Senate.
- **May 22, 2008:** The Committee of the Whole resumed its sitting.
- **May 22, 2008:** DEBATE - Pursuant to the provisions of H. Res. 1218, the Committee of the Whole proceeded with 10 minutes of debate on the Braley (IA) amendment.
- **May 22, 2008:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Braley (IA) amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the ayes had prevailed. Mr. Hunter demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.
- **May 22, 2008:** DEBATE - Pursuant to the provisions of H. Res. 1218, the Committee of the Whole proceeded with 20 minutes of debate on the Skelton En Bloc amendments.
- **May 22, 2008:** DEBATE - Pursuant to the provisions of H. Res. 1218, the Committee of the Whole proceeded with 10 minutes of debate on the Flake amendment.
- **May 22, 2008:** DEBATE - Pursuant to the provisions of H. Res. 1218, the Committee of the Whole proceeded with 10 minutes of debate on the Bishop (GA) amendment.
- **May 22, 2008:** DEBATE - Pursuant to the provisions of H. Res. 1218, the Committee of the Whole proceeded with 10 minutes of debate on the Price (NC) amendment.
- **May 22, 2008:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Price (NC) amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the ayes had prevailed. Mr. Hunter demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.
- **May 22, 2008:** DEBATE - Pursuant to the provisions of H. Res. 1218, the Committee of the Whole proceeded with 10 minutes of debate on the Holt amendment.
- **May 22, 2008:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Holt amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the ayes had prevailed. Mr. Hunter demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.
- **May 22, 2008:** DEBATE - Pursuant to the provisions of H. Res. 1218, the Committee of the Whole proceeded with 20 minutes of debate on the McGovern amendment.
- **May 22, 2008:** POSTPONED PROCEEDINGS - At the conclusion of debate on the McGovern amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the ayes had prevailed. Mr. McGovern demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.
- **May 22, 2008:** DEBATE - Pursuant to the provisions of H. Res. 1218, the Committee of the Whole proceeded with 10 minutes of debate on the Ellsworth amendment.
- **May 22, 2008:** DEBATE - Pursuant to the provisions of H. Res. 1218, the Committee of the Whole proceeded with 20 minutes of debate on the Hodes amendment.
- **May 22, 2008:** DEBATE - Pursuant to the provisions of H. Res. 1218, the Committee of the Whole proceeded with 10 minutes of debate on the Foster amendment.
- **May 22, 2008:** DEBATE - Pursuant to the provisions of H. Res. 1218, the Committee of the Whole proceeded with 5 minutes of debate on the Schwartz amendment.
- **May 22, 2008:** DEBATE - Pursuant to the provisions of H. Res. 1218, the Committee of the Whole proceeded with 20 minutes of debate on the Spratt amendment.
- **May 22, 2008:** UNFINISHED BUSINESS - The Chair announced that the unfinished business was the question of adoption of amendments which had been debated earlier and on which further proceedings had been postponed.
- **May 22, 2008:** The House rose from the Committee of the Whole House on the state of the Union to report H.R. 5658.
- **May 22, 2008:** The previous question was ordered pursuant to the rule. (consideration: CR 5/23/2008 H4812)
- **May 22, 2008:** The House adopted the amendment in the nature of a substitute as agreed to by the Committee of the Whole House on the state of the Union.
- **May 22, 2008:** Mr. Conaway moved to recommit with instructions to Armed Services. (consideration: CR 5/23/2008

H4812-4821; text: CR 5/23/2008 H4812-4819)

- **May 22, 2008:** DEBATE - The House proceeded with 10 minutes of debate of debate on the Conaway motion to recommit with instructions. The instructions contained in the motion seek to require the bill to be reported back to the House with an amendment adding at the at the end of title X, add the following new sections pertaining to Sec. 1071. Sense of Congress and Repeal of Alternative Fuel Procurement Requirement for Federal Agencies. Mr. Skelton raised a point of order against the motion to recommitt. Subsequently, the reservation was removed.
- **May 22, 2008:** The previous question on the motion to recommit with instructions was ordered without objection. (consideration: CR 5/23/2008 H4820)
- **May 22, 2008:** On motion to recommit with instructions Failed by recorded vote: 186 - 223 (Roll no. 364).
- **May 22, 2008:** Passed/agreed to in House: On passage Passed by recorded vote: 384 - 23 (Roll no. 365).
- **May 22, 2008:** On passage Passed by recorded vote: 384 - 23 (Roll no. 365).
- **May 22, 2008:** Motion to reconsider laid on the table Agreed to without objection.
- **May 22, 2008:** The title of the measure was amended. Agreed to without objection.
- **May 22, 2008:** The Clerk was authorized to correct section numbers, punctuation, and cross references, and to make other necessary technical and conforming corrections in the engrossment of H.R. 5658.
- **May 22, 2008:** UNFINISHED BUSINESS - The Chair announced that the unfinished business was the adoption of H.R. 5658 and on motions to suspend the rules which had been debated earlier and on which further proceedings had been postponed.
- **May 21, 2008:** Rule H. Res. 1213 passed House.
- **May 21, 2008:** Considered under the provisions of rule H. Res. 1213. (consideration: CR H4416-4432)
- **May 21, 2008:** Rule provides for consideration of H.R. 5658 with 2 hours of general debate. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI.
- **May 21, 2008:** House resolved itself into the Committee of the Whole House on the state of the Union pursuant to H. Res. 1213 and Rule XVIII.
- **May 21, 2008:** The Speaker designated the Honorable Jesse L. Jackson Jr. to act as Chairman of the Committee.
- **May 21, 2008:** GENERAL DEBATE - The Committee of the Whole proceeded with two hours of general debate on H.R. 5658.
- **May 21, 2008:** Committee of the Whole House on the state of the Union rises leaving H.R. 5658 as unfinished business.
- **May 21, 2008:** Rules Committee Resolution H. Res. 1218 Reported to House. Rule provides for consideration of H.R. 5658. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Measure will be considered read. Specified amendments are in order. No further general debate shall be in order. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committeee on Armed Services now printed in the bill. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI.
- **May 20, 2008:** PERMISSION TO FILE REPORT - Mr. Skelton asked unanimous consent that the Committee on Armed Services be permitted to file a supplemental report on the bill H.R. 5658. Agreed to without objection.
- **May 20, 2008:** Supplemental report filed by the Committee on Armed Services, H. Rept. 110-652, Part II.
- **May 20, 2008:** Rules Committee Resolution H. Res. 1213 Reported to House. Rule provides for consideration of H.R. 5658 with 2 hours of general debate. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI.
- **May 16, 2008:** Reported (Amended) by the Committee on Armed Services. H. Rept. 110-652.
- **May 16, 2008:** Placed on the Union Calendar, Calendar No. 413.
- **May 14, 2008:** Committee Consideration and Mark-up Session Held.
- **May 14, 2008:** Ordered to be Reported (Amended) by the Yeas and Nays: 61 - 0.
- **May 8, 2008:** Forwarded by Subcommittee to Full Committee by Voice Vote .
- **May 8, 2008:** Subcommittee Consideration and Mark-up Session Held.
- **May 8, 2008:** Forwarded by Subcommittee to Full Committee (Amended) by Voice Vote .
- **May 7, 2008:** Subcommittee Consideration and Mark-up Session Held.
- **May 7, 2008:** Forwarded by Subcommittee to Full Committee by Voice Vote .
- **Apr 25, 2008:** Referred to the Subcommittee on Military Personnel.
- **Apr 25, 2008:** Referred to the Subcommittee on Readiness.
- **Apr 25, 2008:** Referred to the Subcommittee on Seapower and Expeditionary Forces.

Apr 25, 2008: Referred to the Subcommittee on Air and Land Forces.

- **Apr 25, 2008:** Referred to the Subcommittee on Terrorism, Unconventional Threats and Capabilities.
- **Apr 25, 2008:** Referred to the Subcommittee on Strategic Forces.
- **Mar 31, 2008:** Introduced in House
- **Mar 31, 2008:** Referred to the House Committee on Armed Services.

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