



SENATE REPUBLICAN

POLICY COMMITTEE

Legislative Notice

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S. 3001 – FY 2009 Defense Authorization Bill

Calendar No. 732

Reported by the Committee on Armed Services on May 12, 2008, as an original bill, by a vote of 25-0. S. Rpt. 110-335.

Noteworthy

- S. 3001 authorizes \$612.5 billion in budget authority for national defense programs, including \$70 billion for operations in Iraq and Afghanistan, fully funding or exceeding most of the President's requests.
- The bill authorizes an across-the-board pay increase for all uniformed service members of 3.9 percent, an increase over the President's request of 3.5 percent. It rejects the President's request for an increase in TRICARE fees, adding \$1.2 billion to cover the shortfall.
- It adds authority for 7,000 more soldiers, 5,000 more Marines, and nearly 3,400 more Army National Guard and Army Reserve personnel.
- The bill shifts more of the costs of reconstruction onto Iraq and bans spending on major reconstruction projects.
- The bill imposes further restrictions on contractor personnel, including prohibitions on interrogations and the performance of "inherently governmental functions" in combat.
- The bill authorizes a significant reduction in missile defense programs, \$411.8 million lower than the President's request.
- It funds all of the requested aircraft and Navy ships.
- The House approved its version of the Defense Authorization bill, H.R. 5658, on May 22, 2008, by a vote of 384-23.
- The Congressional Budget Office (CBO) estimates that S. 3001 would authorize appropriations in the amount of \$601.4 billion for FY 2009, including \$70 billion for operations in Iraq and Afghanistan. CBO estimates that appropriation of the authorized amounts would result in additional outlays of \$594 billion over the 2009-2013 period.

Background/Overview

The Administration's fiscal year (FY) 2009 defense budget request, transmitted to Congress on February 4, 2008, was for \$612.5 billion. This includes \$542.5 billion for the "base budget" national defense programs, and an additional \$70.0 billion emergency supplemental "bridge" fund for operations in Iraq and Afghanistan. The Senate Armed Services Committee (Committee) report which accompanies S. 3001 (S. Rpt. 110-335) recommends funding for national defense programs totaling \$612.5 billion, "consistent with the President's budget request and with the funding levels for the national defense in the [budget resolution]." However, the Congressional Budget Office (CBO) noted that the then-likely enactment of supplemental war appropriations for FY 2008, not authorized by the current bill, would increase spending in 2009 to more than \$630 billion. (The supplemental appropriation for 2008 was enacted into law on June 30, 2008). The Committee also noted that it anticipates further supplemental appropriations requests for FY 2009.

The Committee reiterated its view that the expected cost of longstanding operations in Iraq and Afghanistan should be included in the budget and does not designate any of the related funding as emergency funding. But because the Committee believes that spending on the operations in Iraq and Afghanistan should be as transparent as possible, it has provided the relevant authorities in separate titles of the bill.

The House approved its FY 2009 Defense Authorization bill, H.R. 5658, on May 22, 2008, by a vote of 384-23.

Highlights

- The bill authorizes the following amounts:
 - \$103.9 billion for procurement, \$1.2 billion more than the President's request;
 - \$79.7 billion for Research, Development, Test and Evaluation (RDT&E), \$117.4 million more than requested;
 - \$154.0 billion for operation and maintenance, \$825.6 million less than requested;
 - \$128.4 billion for military personnel, \$744 million more than requested;
 - \$19.9 billion for operations in Afghanistan, as requested;
 - \$49.6 billion for operations in Iraq, as requested;
 - \$25.3 billion for military construction (of which \$500 million is war-related); and
 - \$17.2 billion for atomic energy defense activities, slightly more than requested.

Bill Provisions

S. 3001 provides for \$612.5 billion in budget authority for FY 2009 for the Defense Department (Dod) and Energy Department national security programs, including authority for operations in Iraq and Afghanistan.

Division A – Department of Defense Authorizations

Title I – Procurement

The Senate Armed Services Committee (Committee) recommends an authorization of \$103.9 billion for procurement for FY 2009, \$1.2 billion more than the President's request.

- Section 101 authorizes these amounts for Army procurement for FY 2009:
 - \$5.0 billion for aircraft,
 - \$2.2 billion for missiles,
 - \$3.7 billion for weapons and tracked combat vehicles,
 - \$2.3 billion for ammunition, and
 - \$11.9 billion for other procurement.
- Section 102 authorizes these amounts for Navy procurement for FY 2009:
 - \$14.7 billion for aircraft,
 - \$3.6 billion for weapons (including missiles and torpedoes),
 - \$13.0 billion for shipbuilding and conversion, and
 - \$5.5 billion for other procurement.
- Section 102 also authorizes \$1.5 billion for Marine Corps procurement and an additional \$1.1 billion for procurement of ammunition for the Navy and Marine Corps for FY 2009.
- Section 103 authorizes these amounts for Air Force procurement for FY 2009:
 - \$13.2 billion for aircraft,
 - \$5.6 billion for missiles,
 - \$895 million for ammunition, and
 - \$16.1 billion for other procurement.
- Section 104 authorizes \$3.5 billion for Defense-wide procurement for FY 2009, and \$102 million for the Rapid Acquisition Fund.

Army Programs

- Section 111 extends the prohibition on the use of funds to procure the Stryker Mobile Gun System (MGS) until after the Secretary of the Army certifies to Congress that the MGS is operationally effective, suitable, and survivable for its anticipated deployment missions.
- Section 112 withholds funding for the Guardrail Common Sensor program until the Secretary of the Army delivers the Capabilities Based Assessment of small arms. In report language the Committee recommends that if the Assessment identifies a gap in current small arms capabilities that can be filled by a new weapon, the acquisition of such a weapon should result from a full and open competition. The Committee is particularly interested in carbine-type weapons.
- The Committee recommends an increase of \$391 million for dual-purpose equipment in support of National Guard readiness.
- The Committee recommends a cut of \$75 million from the \$359 million request for procurement of the Armed Reconnaissance Helicopter, because of performance problems by the contractor, pending decisions on restructuring the program.
- The Committee recommends an increase of \$102 million for procurement of enough Land Warrior equipment to outfit a second brigade combat team preparing to deploy to Iraq or Afghanistan.
- The Committee recommends significant increases for a variety of simulator and other training technologies.
- The Committee transfers the full \$496 million request for the Joint Improvised Explosive Defeat Fund to titles XV and XVI, which contain the supplemental budget authorities for the wars in Afghanistan and Iraq.

Navy Programs

- Section 131 expands the Secretary of the Navy's authority to enter into a multiyear contract for the procurement of *Virginia* class submarines to include construction.
 - The Committee recommends an increase of \$79 million to the budget request of \$1.3 billion for advance procurement of *Virginia* class submarines.
- Section 132 provides \$125 million for the nuclear refueling and complex overhaul of the U.S.S. Theodore Roosevelt.
- The Committee recommends a reduction of \$165.5 million from the \$496.4 million request for procurement of the E-2D Advanced Hawkeye aircraft because problems with the radar have put development behind schedule and the full planned procurement funds will not be needed in FY 2009.

- The Committee recommends an increase of \$160 million to the \$152.7 million request for the Special Structural Inspection-Kits program, which replaces airframe components that are particularly prone to fatigue, because of the recent discovery of a serious fatigue problem with a particular area of the P-3 wing surface. The Chief of Naval Operations identified this as the Navy's top unfunded priority.
- The Committee recommends an increase of \$30 million to the \$3.3 million request related to weapons industrial facilities, for the particular purpose of accelerating the facilities restoration program at the Allegany Ballistic Laboratory.
- The Committee recommends a reduction of \$123 million to the \$920 million request for construction of two Littoral Combat Ships in order to keep the program within congressional cost caps, which would be exceeded by the transfer of certain government property to the shipbuilders.
- The Committee recommends an increase of \$170 million for advance procurement of the tenth and final amphibious transport ship in the *San Antonio* class, and transfers the request for program close-out funds to advance procurement.
- The Committee recommends a decrease of \$170.0 million to the \$348.3 million request for advance procurement of the Maritime Prepositioning Force (Future) amphibious assault ships because development delays will obviate the need for much of the requested funding in FY 2009.
- The report fully funds the \$165.5 million request for modernizing of the 62 destroyers in the DDG-51 *Arleigh Burke* class, but is highly critical of the Navy's plan to operate the class for a full 40 years, which it considers to be "very high risk." The report requires that a comprehensive assessment by the Navy be submitted with the FY 2010 request.

Air Force Programs

- The bill authorizes \$13.2 billion for Aircraft Procurement, Air Force, which is \$558.8 million more than the budget request.
- The Committee fully funds the \$1.7 billion request to procure eight F-35 Joint Strike Fighters.
 - The Committee recommends an increase of \$35.0 million to the \$136.9 million request for advanced procurement of the F-35 Joint Strike Fighter Aircraft, to support the development of a second competitive propulsion system for the JSF aircraft. (The Air Force has opposed the second competitive propulsion system.)
- The Committee fully funds the \$3.1 billion dollar request for twenty F-22 Raptor air-superiority fighter aircraft.

- The twenty F-22 aircraft budgeted for FY 2009 at a cost of \$3.1 billion would bring the F-22 fleet to 183 aircraft, which is thought by some defense officials to be sufficient for war-fighting needs. The Air Force insists that it needs more than twice that.
- Section 151 transfers a \$497 million request for F-15 repairs that are no longer needed to either (1) advance procurement of additional F-22 aircraft in 2010 or (2) winding down the production line for F-22s, as the next president may decide.
- The Committee fully funds the \$409.0 million request for procurement of six V22 Osprey aircraft.
- The Committee fully funds the \$658.3 million request for procurement of five Global Hawk unmanned aerial vehicles.
- The Committee recommends an increase of \$57.6 million to the \$41.7 million request for modifications to the B-52 fleet, which it feels will be needed to maintain a fleet of 76 aircraft in a common configuration.
- The Committee recommends an increase of \$100 million to the \$16.5 million request for advanced procurement for a fourth Advanced Extremely High Frequency Satellite.
- The Committee makes a series of recommendations to accelerate the fielding of a variety of tactical intelligence-gathering technologies that enable front-line troops to detect, identify, and track high-value targets, including airborne imaging, wide area airborne surveillance, and a national tactical signals intelligence initiative.

Defense-wide

- The Committee recommends significant increases for two of the most promising missile defense programs: the land-based Terminal High Altitude Area Defense (THAAD) and the sea-based Aegis Ballistic Missile Defense, based on Standard Missile-2 (SM-2) and Standard Missile-3 (SM-3) interceptors.
 - The Committee recommends an increase of \$140 million for procurement for the third and fourth THAAD fire units, of which \$65 million would be transferred from the missile defense RDT&E funds in Title II; and an additional \$40 million to speed up production of the radar for Fire Unit 3.
 - The Committee recommends an increase of \$77 million for procurement of additional SM-3 interceptors, of which \$55 million would be transferred from the missile defense RDT&E account in Title II.
- The Committee recommends significant increases for a variety of Special Operations Forces technologies.

- The Committee encourages the Navy to consider a new Multi-Year Procurement contract for FY 2010 for the purchase of additional F/A-18 Hornets. The Committee is concerned that too many aging F/A-18s will be retiring before the carrier variant of the Joint Strike Fighter is available, leading to a potential capability gap.

Title II – Research, Development, Test and Evaluation (RDT&E)

For RDT&E, the Committee approved \$79.7 billion, which is \$117.4 million more than the President’s budget request.

- Section 201 authorizes the following amounts for RDT&E for FY 2009 authorizations:
 - \$10.9 billion for the Army, \$331.1 million more than the request,
 - \$19.4 billion for the Navy, \$105.0 million more than the request,
 - \$28.3 billion for the Air Force, \$255.9 million more than the request,
 - \$20.9 billion for Defense-wide (including \$188.8 million for Operational Testing and Evaluation), \$574.5 million less than the request.
 - This reduction results from a significant cut in the missile defense authorization; nearly half the reduction is in a single undistributed and unexplained cut to missile defense R&D programs.
- Section 212 requires the Secretary of Defense to develop a detailed roadmap for the development of advanced battery technologies and associated manufacturing base to meet current and future military requirements.
- Section 213 allows defense laboratory directors to set aside up to three percent of their budgets for such purposes as investing in innovative in-house research projects and promoting transition of laboratory-developed technologies into operational systems.
- Section 214 creates an assured funding mechanism for anticipatory development of information security and information assurance programs.
- For discussion of Subtitle C (Sections 231-236 of the bill) see below under “*Missile Defense Programs.*”
- Section 255 directs the Secretary of Defense to coordinate a formal response to the findings of the December 2007 Defense Science Board Task Force on Directed Energy Weapons.
 - The report recommends that the Department identify capabilities gaps for which directed energy weapons are likely to prove the only adequate solution.
 - The Committee recommends an addition of \$15.0 million to the \$2.8 million request for the DoD High Energy Test Facility; an additional \$10.7 million to support further development of the Navy’s laser weapons system and related systems; and an additional

\$5.0 million for optimization of solid state laser technologies under development by the Air Force.

- The Committee recommends a significant variety of funding increases for investments in advanced energy power and technologies for vehicle applications.
- The Committee recommends full funding of the Future Combat System, but notes with concern indications of lagging development.
- The Committee recommends adding \$10.0 million to the \$1.5 million request for missile product improvement programs, specifically for modernization of the Javelin anti-armor missile that would extend range to beyond line-of-sight.
- The Committee recommends an increase of \$15.0 million to the \$141.7 million request for advanced submarine systems development to help preserve the industrial base for the start of production of the next class of submarine.
- The Committee recommends an increase of \$430.0 million to the \$3.1 billion request for development of the F-35 Joint Strike Fighter to support development of a competitive propulsion system, and an additional \$35 million for the current main propulsion system “to level the playing field.”
- In addition, the Committee recommends significant increases to the budget requests for:
 - Army basic research programs,
 - Army aviation technologies,
 - sniper detection systems,
 - unmanned ground vehicle weaponization,
 - Army medical research,
 - Army combat vehicle technologies,
 - Army training technologies,
 - high mobility multi-purpose wheeled vehicle modernization research,
 - Navy power projection research, including free electron laser development and development of fuel cells for unmanned aerial vehicle applications,
 - force protection advanced technology,
 - next-generation Phalanx gun system,
 - national shipbuilding research program—advanced shipbuilding enterprise,
 - Air Force basic research programs,
 - aircraft and aerospace propulsion technologies,
 - thin-film amorphous solar arrays,
 - space-based infrared satellite system,
 - combat search and rescue replacement aircraft,
 - B-52 combat network communications technology,
 - next-generation over-the-horizon radar, and
 - super-lattice nanotechnology.

- The Committee recommends significant cuts to the budget request for the following programs, usually to account for development delays:
 - high-integrity global positioning system,
 - land attack technology (naval surface-fire support),
 - next-generation cruiser (CG(X)),
 - broad area maritime surveillance unmanned aircraft system,
 - C-17 performance development and testing (because its superior performance makes the requested funding unnecessary), and
 - the Blackswift hypersonic airplane testbed program.

Missile Defense Programs

- The Committee recommends \$8.9 billion for Missile Defense Agency (MDA) programs, \$411.8 million less than the President's request,¹ as follows:
 - for RDT&E, \$8.2 billion, which is \$643.3 million less than the request;
 - this includes a \$268.7 million undistributed (and unexplained) reduction to RDT&E for missile defense.
 - for procurement, \$257 million (the request classified all acquisitions as RDT&E, so there was formally no procurement money requested in the budget);
 - for missile defense-related Military Construction (MILCON), \$259.5 million, which is \$25.5 million less than the President's request; and
 - for missile defense-related Base Realignment and Closure (BRAC), \$159,938, as requested.
- Section 231 requires the Secretary of Defense to conduct a review of ballistic missile defense policy and strategy. In its report, the Committee notes: "Now that the initial missile defense capabilities have been deployed or are under production, the circumstances warrant a new overarching review to guide the next phase of U.S. missile defense programs and activities.
- Section 232 limits the use of funds for procurement, site activation, construction, preparation of equipment for, or deployment of major components of a long-range missile defense system in Europe until two conditions have been met:
 1. The governments of the countries in which major components of the system are proposed to be deployed have each given final approval (including parliamentary ratification) to any agreements concerning the proposed deployment of such components in their countries; and
 2. 45 days after a federally funded research and development center (FFRDC) completes a report on the options for ballistic missile defense for forward-deployed forces of the United States and its allies in Europe.

¹ Including non-MDA spending on missile defense, the Committee recommends \$10.7 billion, which is \$388.3 million less than the President's request.

- Funds may be used for site surveys, studies, analysis and planning, and design for the European missile defense site, while development, testing, and acquisition of test missiles can continue on the interceptor proposed for deployment.
- Section 233 requires the director of operational test and evaluation to conduct an assessment of the Airborne Laser (ABL) boost-phase missile defense system to review and evaluate the testing conducted on the first aircraft and report on the operational effectiveness, suitability, and survivability of the system. It restricts the use of funds for the procurement of a second ABL aircraft until the Secretary of Defense receives the aforementioned report and certifies that the ABL has demonstrated a “high probability” of being effective and affordable.
- Section 234 creates an annual reporting requirement by the director of operational test and evaluation on the Ballistic Missile Defense system and its elements fielded or tested through the previous fiscal year.
- Section 235 calls for a National Academy of Sciences assessment of the boost-phase missile defense programs to consider whether boost-phase defense is at all feasible or practical, and whether any of the existing missile defense programs have a high probability of performing the boost-phase function.
- Section 236 provides \$5 million for an independent study of the feasibility and advisability of developing a space-based interceptor element to the ballistic missile defense system.
 - The Committee denied the entire \$10 million request for an MDA space-test bed.
- The Committee recommends a series of additions for several terminal-phase programs:
 - An additional \$30.0 million for an upper-tier follow-on to the joint U.S.-Israeli Arrow missile defense, in addition to the \$74.3 million request for development and procurement of the Arrow system itself. Israel has expressed a need for a system that can strike incoming missiles at higher altitude to mitigate risk from weapons of mass destruction. The Committee feels that a ground-based version of the SM-3 interceptor used in the Aegis Ballistic Missile Defense system would be optimal, rather than developing an entirely new system.
 - The Committee recommends an increase of \$28.0 million to the \$44.9 million request for the joint U.S.-Israeli David’s Sling Weapon System designed to address shorter-range missile- and rocket attacks from Lebanon.
 - The Committee makes a number of modifications to the Army’s Terminal High-Altitude Area Defense (THAAD) system:
 - \$75 million is provided for long lead for interceptors and ground equipment for THAAD Fire Units 3 and 4, which is in addition to \$65 million requested for this purpose in the RDT&E and transferred by the Committee to Procurement (as described above under Title I).

- The Committee moreover recommends an increase of \$40 million for long lead for the radar system of Fire Unit 3, to avoid a production gap and a schedule disconnect.
- The Committee makes a number of modifications to the Ground-Based Midcourse Defense (GMD). This is system currently configured to defend the U.S. from long-range North Korean missiles with interceptors in Alaska and California, and for which a European component is planned to defend the U.S. and Europe from long-range Iranian missiles with interceptors in or near Poland.
- The Committee makes a number of significant cuts to boost-phase programs.
 - The Committee cuts the entire \$15.8 million requested for development of a second ABL aircraft and cuts an additional \$30 million for work not related to the planned shoot-down later this year, for a total cut of \$45.8 million from the \$421.1 million request.
 - The Committee recommends a \$45.0 million reduction from the \$386.8 million request for the Kinetic Energy Interceptor, which was originally conceived as a high-velocity boost-phase interceptor but is now being increasingly developed as a follow-on technology to the GMD midcourse system.
- The Committee recommends a series of increases for the multi-phase sea-based Aegis Ballistic Missile Defense system (Aegis BMD):
 - it adds \$20 million for the procurement of long lead items for an additional 15 SM-3 Interceptors;
 - it adds \$20 million to increase in SM-3 production capacity to four missiles per month;
 - it adds \$20 million to reduce schedule risk for the Block IB missile; and
 - it adds \$40 million for development of engage-on-remote and ascent-phase engagement capabilities.
- The Committee recommends a \$45 million cut to system interceptors, and a \$30 million cut to the “system core.”
- The Committee recommends adding \$5 million for the Mobile Sensor Network Concept and a cut of \$20.3 million from the request for the External Sensors Lab.
- The Committee cuts classified “special programs” by \$100.0 million.
- The Committee recommends a cut of \$50 million in development funding for the Space Tracking and Surveillance System.
- The Committee makes a \$50 million cut to the Multiple-Kill Vehicle technology which will eventually be needed to multiply the effectiveness of interceptors against “surge” attacks and other complex multiple-target sets.

- The Committee also imposes a \$268.7 million undistributed (and unexplained) reduction in RDT&E for missile defense.

Title III – Operation & Maintenance (O&M)

For O&M, the Committee approved \$154.0 billion, approximately \$825.6 million less than the President’s budget request. Section 301 includes the following authorizations:

- \$31.3 billion for the Army,
 - \$34.8 billion for the Navy,
 - \$5.6 billion for the Marine Corps,
 - \$35.2 billion for the Air Force,
 - \$25.9 billion for Defense-wide,
 - \$2.6 billion for the Army Reserve,
 - \$1.3 billion for the Navy Reserve,
 - \$213 million for the Marine Corps Reserve,
 - \$3.1 billion for the Air Force Reserve,
 - \$5.9 billion for the Army National Guard,
 - \$5.9 billion for the Air National Guard, and
 - \$434 million for Cooperative Threat Reduction programs.
- Section 342 increases the authority to accept incentives to construct solar energy systems or other renewable forms of energy.
 - The Committee recommends that the Department of Defense initiate benchmarking studies of computing services across the Department to inform and accelerate the consolidation of the provision of computing services to increase efficiency.
 - The Committee notes that DoD persistently under-executes its O&M appropriations for active and reserve components, and is therefore systematically left with significant unobligated balances. Therefore, the Committee recommends a decrease of \$212.4 million to the O&M account.
 - The Committee recommends decreases in O&M of \$65.8 million for the Navy and \$131.7 million for the Air Force to compensate for overstatement of civilian personnel costs.
 - The Committee recommends an increase of \$47.9 million in O&M for the Air Force to increase B-52 flying hours enough to maintain 76 B-52 bombers in a common configuration as required by law.
 - The Committee recommends a review of DoD’s commercial satellite communications requirements to determine the most efficient and reliable way to acquire commercial satellite communications capabilities.

- In addition, the Committee recommends increases above the budget request for:
 - unmanned aircraft systems concept development,
 - shipping containers,
 - restoration or modernization of barracks,
 - second destination transport,
 - ammunition inspections and warehousing, and
 - naval aircraft depot maintenance.

Title IV – Military Personnel

This title provides an across-the-board pay increase for uniformed military of 3.9 percent, 0.5 percent above the President’s request. It also increases the end strength of the Army by 7,000 and of the Marine Corps by 5,000 to accelerate mitigation of force overstretch, and decreases the end-strength of the Navy and Air Force by more than 15,000, all as requested by the President.

- Section 401 authorizes the following active-duty end strengths:
 - Army: 532,400, an increase of 7,000, as requested by the President;
 - Navy: 325,300, a decrease of 3,798, as requested by the President;
 - Marine Corps: 194,000, an increase of 5,000, as requested by the President; and
 - Air Force: 316,771, a decrease of 12,792, but 171 more than the President’s request.
 - These additional personnel will support the operation and maintenance of 76 B-52 aircraft.
- Section 411 authorizes the following end strengths for reserve personnel:
 - Army National Guard: 352,600, an increase of 1,300, as requested by the President;
 - Army Reserve: 205,000, same as last year, as requested by the President;
 - Navy Reserve: 66,700, a decrease of 100, as requested by the President;
 - Marine Corps Reserve: 39,600, same as last year, as requested by the President;
 - Air National Guard: 106,756, an increase of 56 over both last year and the President’s request;
 - Air Force Reserve: 67,400, a decrease of 100, as requested by the President; and
 - Coast Guard Reserve: 10,000, same as last year, as requested by the President.

Section 421 authorizes \$114.2 billion for military personnel and \$10.4 billion for contributions to the Medicare-Eligible Retiree Health Fund. This reflects the following changes from the President’s request:

- an increase of \$316.0 million to cover an additional 0.5 percent pay raise above the request;
- an increase of \$12.5 million to cover the increase in Air Force end strength above the request;
- an increase of \$3.3 million to cover the increase in Air National Guard end strength above the request; and

- a reduction of \$1.1 billion to reflect anticipated unobligated balances.

Title V – Military Personnel Policy

- Sections 501 through 510 modify the distribution requirements and authorized end strengths of generals and flag officers on active duty, as well as a certain requirement for promotion in those ranks, and makes a number of other modifications relating to officer personnel policy.
- Section 521 increases from six to eight years the maximum period of reenlistment of regular members of the armed forces.
- Sections 531 through 538 make a number of modifications to reserve component policy, including raising the mandatory retirement age from 60 to 62, and creating a “civilian skills database” to collect information about the skills of members of the reserve component.
- Sections 551 to 555 and 561 to 563 make a number of modifications to the management of Defense Department educational institutions and benefits, and dependents’ education matters, respectively.
- Section 571 authorizes the Secretary of Defense to provide training and education to spouses of military personnel on active duty pursuing portable careers.
- Section 581 directs the Secretary of Defense to develop a comprehensive policy to prevent suicide by members of the armed forces. The Committee notes that Army suicides have doubled since 2001, while the number of suicide attempts resulting in hospitalization or medical evacuation skyrocketed from 263 in 2004 to 948 in 2006.
- Section 582 authorizes the Secretary of Defense and the service secretaries to provide monetary and other relief to current and former military personnel who have suffered imprisonment upon court martial as a result of a departmental injustice or error.
- Section 583 provides up to 21 days of paternity leave to a service member whose spouse gives birth to a child.
- Section 585 provides for pilot programs to enhance retention by evaluating the need for flexible career patterns for service members. The programs would allow limited numbers of service members to take up to three years off from active duty.

Title VI – Compensation and Other Personnel Benefits

- Section 601 authorizes an across-the-board military pay raise of 3.9 percent.
- This title provides a number of other bonuses and benefits aimed at encouraging recruitment and retention, including benefits particularly targeted at the recruitment and retention of

psychologists, nuclear-qualified officers, and certain prospective officers who pursue certain foreign language training during pre-commissioning training.

- Other provisions in the title facilitate travel for service members' pets, and the professional books and equipment of spouses, in case of permanent change of duty station.

Title VII – Health Care

- Section 701 amends 10 U.S.C. § 1076d(d)(3) to provide that the actuarial calculation of the amount of monthly premiums paid by members of the Selected Reserve for coverage under the TRICARE Reserve Select program will be based on the actual cost of providing benefits in the preceding calendar years rather than only on the Federal Employees Health Benefits Program's Blue Cross and Blue Shield Plan.
 - The Committee notes that TRICARE is often too complicated for many service members to understand and urges a more simple and user-friendly platform for delivery of benefits.
 - The Committee rejects the President's request to raise TRICARE fees.
- Section 711 provides for increased medical and particularly dental readiness in the reserves.
- Section 712 requires studies and demonstration projects related to healthcare delivery.
- The Committee expressed concern that the Department of Defense continues to experience shortfalls in medical personnel, and requires a Comptroller General study of the problem, with recommendations.
- The Committee urges the Post-Traumatic Stress Disorder/Traumatic Brain Injury Center of Excellence to conduct pilot programs to improve treatment for traumatic brain injury.

Title VIII – Acquisition Policy and Management

- Sections 801 through 823 are designed to increase transparency and oversight in major defense acquisition programs, and make certain other enhancements to the contracting process, including the creation of a contingency contracting corps to manage contracting in contingency environments, and the provision of multiyear contracting authority for the purchase of alternative and synthetic fuels.
- This title also contains important provisions in respect of contractor performance and the use of contractors in combat situations:
 - Section 831 calls for the creation of performance database of DoD contractors for use by acquisition officials in making responsibility determinations, past performance evaluations, and other contract decisions.

- Section 832 requires the inclusion of enhanced conflict-of-interest safeguards in contracts worth over \$500,000 that call for the performance of functions closely associated with “inherently governmental functions.”
- Section 841 calls on the Secretary of Defense to tighten applicable regulations to ensure that private security contractors are not authorized to perform “inherently governmental functions” (as defined in OMB Circular A-76) in an area of combat operations. At a minimum, the regulations would include within the definition of “inherently governmental functions” any security operations for the protection of human or material resources that occur in either of the following circumstances:
 - in high-threat environments, if performed in public areas in situations in which necessary deadly force would be more likely to be used by the security personnel in question than by others; or
 - in circumstances that can be expected to require immediate discretionary assessments of acceptable risk (including use of force and acceptable level of collateral damage, etc.) that could affect the life, liberty, or property of private persons or the international relations of the United States.
- Section 842 requires the development of controls to ensure that contractors are required to report alleged crimes by or against their employees in Iraq and Afghanistan and that employees receive appropriate victim and witness assistance.

Title IX – Department Policy and Management

- Section 902 clarifies that the position of Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense is equivalent in rank to an assistant secretary of defense. The Committee laments that the provision has been vacant for over 18 months.
- Section 904 creates an independent General Counsel exclusively for the Inspector General of the Defense Department, in line with arrangements elsewhere in the government.
- Section 905 makes a series of findings, expresses a sense of Congress, and establishes reporting requirements, aimed collectively at structuring Northern Command to respond to chemical, biological, radiological, nuclear, or high-yield explosive (CBRNE) attacks inside the U.S., and equipping it with the forces and capabilities necessary to be effective in that role.
- Section 911 calls for a space posture review with a 10-year horizon.
- Section 923 requires the Under Secretary of Defense for Intelligence (USD(I)) to manage the anti-submarine warfare Advanced Sensor Applications Program (ASAP) within his office, and transfers \$20 million from USD(I)’s other scientific and engineering programs for this purpose. USD(I) has apparently resisted this.

Title X – General Provisions

- Section 1002 provides that the funding tables contained in the Committee report are incorporated by reference into the bill, and makes the items in each such table binding on the Executive Branch.
 - The Committee notes Executive Order 13457 (January 29, 2008), in which the President states that agency decisions to commit, obligate, or expend funds may not be based on language in report of a congressional committee.
 - The Committee further notes that the table included in the bill in compliance with Rule XLIV of the Standing Rules of the Senate—which discloses information on members requesting funding items, suggested recipients, and suggested locations of performance—is not a funding table, is not binding on the executive branch, and is not incorporated into this bill by this section.
- Section 1021 extends the authority for joint task forces to use counterdrug funds to support law enforcement agencies conducting counterterrorist activities.
 - Section 1022 extends by two years the authority to use counterdrug funds to support the Colombian government’s counter-narcotics effort.
- Section 1032 authorizes the Secretary of Defense to establish a Center for Complex Operations to enhance the training of military personnel and civilian counterparts across different agencies, and to increase unity of effort in complex operations, including stability, security, transition, and reconstruction operations; counterinsurgency operations; and irregular warfare.
 - This provision responds to the increasing need to tackle counterinsurgency and stability operations with resources from across the Executive Branch.
- Section 1036 prohibits the interrogation of detainees by contract personnel during or in the aftermath of hostilities, defining it as an “inherently governmental function.” The provision would become effective within a year of this bill’s enactment, to give the Department of Defense time to comply.
- Section 1038 expresses the sense of Congress that recent mishaps involving the handling of nuclear weapons and intercontinental ballistic missile parts demonstrate a lack of attention by the Department of Defense to nuclear issues generally. It expresses the sense of Congress that the President should move quickly to nominate senior officials to increase oversight and control of nuclear assets and nuclear policy.
- Section 1040 encourages the Department of Defense to consider assisting the FAA in developing a commercial variant of the C-17 transport plane.

- Section 1051 repeals certain annual reporting requirements relating to the contributions of NATO members to the common defense.
- Section 1052 requires a report on detention operations in Iraq, including detailed information on the incorporation of counterinsurgency doctrine into detention operations and programs to prepare detainees for reintegration upon their release. The Committee encourages the Department of Defense to incorporate lessons learned into department policy.
- Section 1053 requires the Secretary of Defense to develop a strategic plan to enhance the role of the National Guard and Strategic Reserves in national defense, including the transition of the reserves from a strategic force to an operational force.
- Sections 1061 through 1067 set forth a variety of Wounded Warrior matters, including enhancements to:
 - criteria for retirement for disability,
 - the definition of “recovering service members,”
 - legal services provided by wounded warrior resource centers, and
 - treatment programs for traumatic brain injuries and traumatic extremity injuries and amputations.
- Section 1081 authorizes all members of the armed forces and veterans to render the military salute in the same manner as members of the armed forces in uniform during a rendition of the national anthem.

Title XI – DOD Civilian Personnel Policy

- Section 1103 facilitates streamlined hiring for the civilian workforce of the Department (the National Security Personnel System).
- Section 1104 provides expedited hiring authority for health care professionals.
- Section 1108 lifts certain caps on salaries for federal civilian employees participating in a military operation, or in response to a declared emergency, in U.S. Central Command’s area of responsibility.

Title XII – Matters Relating to Other Nations

- Section 1203 expands the authority for support of special operations to combat terrorism, increasing the funding authority to \$35.0 million in any fiscal year and extending the authority to end in 2011.
- Section 1204 modifies and extends the program to build the capacity of foreign military forces to conduct counterterrorism operations or to support military or stability operations in

which U.S. armed forces are participating, increasing the funding limit from \$300.0 million to \$400.0 million.

- This section expands the types of security forces eligible to be trained and equipped under the program to include coast guard, border protection, and other security forces whose primary mission is counterterrorism operations. The Committee notes that this authority is not intended to duplicate or substitute for other foreign assistance authorities, nor is it intended to sustain, train, and equip programs over multiple years.
- The Committee draws a distinction between counternarcotics and counterterrorism. While “recognizing a degree of overlap between counterterrorism and counter-narcotics *capabilities*” (emphasis ours), the Committee downplays the increasing overlap between terrorists and narco-trafficking networks, in terms of organizations, tactics, and effects. The Committee urges an increased focus on countries in Africa which “are vulnerable to terrorist activity and have limited resources to address these threats.”
- Section 1205 extends and expands the authority for security stabilization assistance to provide services, defense articles, and funding to support Department of State programs for reconstruction, security, or stabilization assistance, to \$200.0 million and to the end of 2011.
- Section 1206 extends to 2013 the temporary authority to loan or lease certain items for personal protection or survivability to the military forces of foreign nations participating in combined operations with the U.S. in Iraq, Afghanistan, or as part of an international peacekeeping operation.
- Section 1207 provides combatant commanders with authority to expend up to \$20.0 million to support non-conventional assisted recovery (NAR) efforts where necessary in a foreign country. NAR is the recovery of isolated personnel in enemy-held, hostile, or uncertain areas using indigenous/surrogate personnel. It is used when conventional methods of personnel recovery are unavailable or unsuitable.
- Sections 1211 through 1214 make a series of enhancements to military cooperation programs, including regional centers for security studies such as those modeled on the Marshall Center.
- Section 1221 gives the President authority to waive the sanctions of the Glenn Amendment (22 U.S.C. 2799aa-1(b)) with respect to North Korea, in support of the Six-Party Talks on North Korea’s Nuclear Program. This will facilitate direct economic transfers from the U.S. government to the government of North Korea.

Title XIII – Cooperative Threat Reduction With States of the Former Soviet Union

- Section 1302 authorizes \$434,135,000 million for Cooperative Threat Reduction (CTR) programs, which is \$20 million more than the President’s budget request. It authorizes up to \$10 million for new activities outside the former Soviet Union.

Title XIV – Other Authorizations

- Section 1402 authorizes \$1.6 billion for the National Defense Sealift Fund.
- Section 1403 authorizes \$24.8 billion for the Defense Health Program, of which:
 - \$24.3 billion is for O&M,
 - \$196.9 million is for RDT&E, and
 - \$303.9 million is for procurement.
- Section 1404 authorizes \$1.5 billion for chemical agents and munitions destruction, of which:
 - \$1.2 billion is for O&M,
 - \$268.9 million is for RDT&E, and
 - \$64.1 million is for procurement.
- Section 1405 authorizes \$1.1 billion for drug interdiction and counter-drug activities.
- Section 1406 authorizes \$273.8 million for the Inspector General.

Title XV – Authorization for Supplemental Appropriation for Afghanistan

- The stated purpose of this title is to authorize appropriations for the Department of Defense for FY 2009 for the incremental costs of Operation Enduring Freedom. Section 1513 provides that these funds are in addition to amounts otherwise authorized.
- The President’s budget requested \$70.0 billion for operations in Afghanistan and Iraq for FY 2009, without specificity as to operation, budget titles, accounts, or programs. The Committee allocates \$19.9 billion for appropriations to support operations in Afghanistan, and further defines allocations within that authority. The Committee recommends:
 - \$3.7 billion for procurement,
 - \$60 million for RDT&E,
 - \$11.8 billion for O&M, and
 - \$750 million for military personnel.
- Sections 1502 through 1506 provide procurement authority for operations in Afghanistan for FY 2009:
 - For the Army:
 - For aircraft procurement, \$250 million.
 - For missile procurement, \$12.5 million.
 - For weapons and tracked combat vehicles procurement, \$375 million.
 - For ammunition procurement, \$87.5 million.

- For other procurement, \$1.1 billion.
 - For the Navy:
 - For aircraft procurement, \$25 million.
 - For weapons procurement, \$12.5 million.
 - For other procurement, \$25 million.
 - For the Marine Corps, \$250 million.
 - For Navy and the Marine Corps ammunition, \$75 million.
 - For the Air Force:
 - For aircraft procurement, \$400 million.
 - For missile procurement, \$12.5 million.
 - For ammunition procurement, \$12.5 million.
 - For other procurement, \$150 million.
 - For the Joint Improvised Explosive Device Defeat Fund, \$750 million.
 - For Defense-wide procurement, \$62.5 million.
 - For the Mine Resistant Ambush Protected Vehicle Fund, \$100 million.
- Section 1507 authorizes research, development, test, and evaluation (RDT&E) authority for operations in Afghanistan for FY 2009 as follows:
 - \$15 million for the Army,
 - \$15 million for the Navy,
 - \$15 million for the Air Force, and
 - \$15 million for Defense-wide.
- Section 1508 authorizes the following amounts for O&M:
 - \$9.0 billion for the Army,
 - \$500 million for the Navy,
 - \$1 billion for the Marine Corps,
 - \$500 million for the Air Force,
 - \$668.8 million for Defense-wide,
 - \$12.5 million for the Army Reserve,
 - \$7.5 million for the Navy Reserve,
 - \$10 million for the Marine Corps Reserve,
 - \$75 million for the Army National Guard, and
 - \$31.2 million for the Air National Guard.
- Section 1509 authorizes the following amounts for military personnel:
 - \$500 million for the Army,

- \$25 million for the Navy,
 - \$62.5 million for the Marine Corps,
 - \$25 million for the Air Force,
 - \$25 million for the Army Reserve,
 - \$7.5 million for the Navy Reserve,
 - \$5 million for the Marine Corps Reserve, and
 - \$100 million for the Army National Guard.
- Section 1510 authorizes \$250 million for defense-wide working capital fund expenses of the Department of Defense.
 - Section 1511 authorizes an additional \$155 million for the Defense Health Program, and \$150 million for counter-narcotics efforts in Afghanistan.
 - Section 1512 authorizes an additional \$3 billion for the Afghanistan Security Forces Fund.
 - Section 1513 provides transfer authority of \$3.0 billion for funds under this title, of which not more than \$300 million may be transferred to the Iraqi Security Forces. This is in addition to the \$5 billion authority provided in Section 1001.
 - Section 1515 provides that, except where specifically allocated by Congress, funds under this title cannot be obligated until 15 days after the Department provides a report setting forth line-term allocations for such funds. The Committee notes that the President did not allocate any of the funding in his budget request.

Title XVI –Authorization for Supplemental Appropriation for Iraq

- The stated purpose of this title is to authorize appropriations for the Department of Defense for FY 2009 for the incremental costs of operations in Iraq. Section 1614 provides that these funds are in addition to amounts otherwise authorized.
- The President’s budget requested \$70.0 billion for operations in Afghanistan and Iraq for FY 2009, without specificity as to operation, budget titles, accounts, or programs. The Committee allocates \$49.6 billion for appropriations to support operations in Iraq, and further defines allocations within that authority. The Committee recommends:
 - \$10.5 billion for procurement,
 - \$140 million for RDT&E,
 - \$35.2 billion for O&M, and
 - \$2.25 billion for military personnel.
- Sections 1602 through 1604 provide procurement authority for operations in Afghanistan for FY 2009:

- For the Army:
 - For aircraft procurement, \$750 million.
 - For missile procurement, \$37.5 million.
 - For weapons and tracked combat vehicles procurement, \$1.1 billion.
 - For ammunition procurement, \$262.5 million.
 - For other procurement, \$3.3 billion.
 - For the Joint Improvised Explosive Defeat Fund, \$2.25 billion.

- For the Navy:
 - For aircraft procurement, \$75 million.
 - For weapons procurement, \$37.5 million.
 - For Navy and Marine Corps ammunition, \$225 million.
 - For other procurement, \$75 million.
 - For Marine Corps procurement, \$750 million.

- For the Air Force:
 - For aircraft procurement, \$750 million.
 - For missile procurement, \$37.5 million.
 - For ammunition procurement, \$37.5 million.
 - For other procurement, \$450 million.

- Section 1605 authorizes \$2.25 billion for the Joint Improvised Explosive Device Defeat Fund.

- Section 1606 authorizes \$187.5 million for defense-wide procurement, and \$500 million for the Mine Resistant Ambush Protected Vehicle Fund.

- Section 1607 authorizes research, development, test, and evaluation (RDT&E) authority for operations in Afghanistan for FY 2009:
 - \$35 million for the Army,
 - \$35 million for the Navy,
 - \$35 million for the Air Force, and
 - \$35 million for Defense-wide.

- Section 1608 authorizes the following amounts for O&M:
 - \$27.0 billion for the Army,
 - \$1.5 billion for the Navy,
 - \$3.0 billion for the Marine Corps,
 - \$1.5 billion for the Air Force,
 - \$1.8 billion for Defense-wide,
 - \$37.5 million for the Army Reserve,
 - \$22.5 million for the Navy Reserve,

- \$30 million for the Marine Corps Reserve,
 - \$11.25 million for Air Force Reserve,
 - \$225 million for the Army National Guard, and
 - \$37.5 million for the Air National Guard.
- Section 1609 authorizes the following amounts for military personnel:
 - \$1.5 billion for the Army,
 - \$75 million for the Navy,
 - \$187.5 million for the Marine Corps,
 - \$75 million for the Air Force,
 - \$75 million for the Army Reserve,
 - \$22.5 million for the Navy Reserve,
 - \$15 million for the Marine Corps Reserve, and
 - \$300 million for the Army National Guard.
 - Section 1610 authorizes \$750 million for defense-wide working capital fund expenses of the Department of Defense.
 - Section 1611 authorizes an additional \$460 million for the Defense Health Program.
 - Section 1612 authorizes an additional \$150 million for the Iraqi Freedom Fund, with transfer authority.
 - Section 1613 authorizes an additional \$200 million for the Iraqi Security Forces Fund, with significant restrictions on the permissible uses of such funds. The Committee notes in its report that the restrictions, and the dramatic reduction in funding for Iraqi Security Forces compared to FY 2008, is appropriate in light of the significant increases in oil revenue and the large balances of unspent Iraqi funds, and the Iraqi government’s resulting ability to “well afford” the war-related costs of its security forces and related infrastructure.
 - Section 1615 provides that, except where specifically allocated by Congress, funds under this title cannot be obligated until 15 days after the Department provides a report setting forth line-term allocations for such funds. The Committee notes that the President did not allocate any of the funding in his budget request.
 - Section 1616 prohibits the use of funds authorized by this title to pay for any future large-scale infrastructure project. It requires that U.S. government begin negotiations for a cost-sharing agreement with the Iraqi government covering joint operations. The provision also seeks to ensure that Iraq pays for the costs of training, equipping, and sustaining the Iraqi Security Forces, as well as the costs associated with Sons of Iraq.

Division B – Military Construction and Family Housing Activities

This Division of the bill authorizes funds for the construction and operation of military family housing as well as military construction for the reserve components, the defense agencies, and the NATO Security Investment Program, including war-related funding. It also provides authorization for the base closure accounts that fund military construction, environmental cleanup, and other activities required to implement the decisions in base closure rounds. The Committee approved \$24.8 billion for military construction and housing programs, \$405 million more than the President's budget request of \$24.4 billion.

- For the Army, Title XXI fully funds the President's request of \$4.6 billion for military construction and \$1.4 billion for family housing.
 - This title provides \$125.0 million to begin construction of a family housing complex at Camp Humphreys in the Republic of Korea.
- For the Navy, Title XXII fully funds the President's request of \$3.1 billion for military construction and \$758.9 million for family housing.
- For the Air Force, Title XXIII provides \$1.1 billion for military construction and \$995.3 million for family housing, slightly more than the President's request.
- Title XXIV provides \$1.8 billion for military construction for the defense agencies, \$144.3 million for chemical demilitarization construction, and \$54.6 million for family housing for the defense agencies, the Family Housing Improvement Fund, and the Homeowners Assistance Program, slightly more than the President's request.
 - This title authorizes the construction of a European-based missile defense system, including an interceptor site in Poland and a radar site in the Czech Republic.
- Title XV fully funds the President's request of \$240.9 million for the NATO Security Investment Program.
- For National Guard and Reserve facilities, Title XXVI provides \$1.2 billion for military construction, significantly more than the President's request of \$931.7 million.
- For Base Realignment and Closure (BRAC), Title XXVII fully funds the President's request of \$393.4 million for the ongoing cost of environmental remediation and other activities necessary to continue implementation of the 1988, 1991, 1993, and 1995 BRAC rounds. In addition, this title fully funds the President's request of \$9.1 billion for implementation of the 2005 BRAC round.
- Title XXVIII (General Provisions) expands the authority of the military departments to develop energy resources on military lands beyond geothermal energy to include other renewable energy resources, such as solar energy.

- For war-related construction funding in FY 2008, Title XXIX authorizes \$355.2 million in additional construction projects, and cancels the authorizations for \$105.7 million for previously-authorized projects in Iraq. This title also provides an additional \$500.0 million in war-related construction funding for FY 2009, within the overall total of \$70.0 billion authorized pursuant to the 2009 supplemental request.

Division C – Department of Energy National Security Authorizations and Other Authorizations

Title XXXI – Department of Energy National Security Programs

This title authorizes the President's request of \$16.0 billion for atomic energy defense activities of the Department of Energy for FY 2009, including for the purchase, construction, and acquisition of plant and capital equipment; research and development; nuclear weapons; naval nuclear propulsion; environmental restoration and waste management; operating expenses; and other expenses.

Of the amounts authorized, the Committee recommends:

- \$9.6 billion for National Nuclear Security Administration (NNSA), including:
 - \$6.6 billion for weapons activities, a decrease of \$7.4 million from the budget request;
 - \$1.8 billion for defense nuclear nonproliferation activities, \$552.0 million above the budget request;
 - \$828.1 million is for naval reactors, the amount of the budget request; and
 - \$404.1 million for the Office of the Administrator, the amount of the budget request.
- \$5.3 billion for defense environmental cleanup activities, equal to the budget request;
- \$826.5 million for other defense activities, a decrease of \$487.0 million from the budget request; and
- \$197.4 million for defense nuclear waste disposal, a decrease of \$50.0 million from the budget request.
- The committee recommends no funds for energy supply, a reduction of \$7.6 million.
- In report language, the committee recommends \$171.7 million for nuclear weapons incident response, which is \$10 million more than the budget request.
- The committee recommends \$50 million for the International Atomic Energy Agency nuclear fuel bank.

Administration Position

A Statement of Administration Policy for S. 3001 was not available at the time of publication.

On May 22, 2008, the Office of Management and Budget released a Statement of Administration Policy on the House bill (H.R. 5658) that expresses concern with a number of provisions, and states that if the final bill contains any of the specified provisions, “the President’s senior advisors would recommend that he veto the bill.”

Cost

The Congressional Budget Office (CBO) issued its cost estimate for S. 3001 on June 13, 2008. CBO estimates that S. 3001 would authorize appropriations in the amount of \$601.4 billion for FY 2009, including \$70 billion for operations in Iraq and Afghanistan. CBO estimates that appropriation of the authorized amounts would result in additional outlays of \$594 billion over the 2009-2013 period.

According the House Armed Services Committee (HASC), H.R. 5658 (as reported on May 16, 2008) provides an overall level of \$601.4 billion in budget authority, of which \$70.0 billion is for operations in Iraq and Afghanistan operations. CBO scored the bill (as passed by the House) as providing \$602 billion in budget authority.

Possible Amendments

As of the publication of this notice, there is no unanimous consent agreement that limits the submission or consideration of amendments.

Senator Levin has reportedly indicated that he and Senator Reed of Rhode Island may propose another version of their previous amendments calling for troop withdrawals from Iraq.

Senator Levin also reportedly indicated that he was open to amendments that would extend the prohibition on U.S. support for major rebuilding projects to all U.S. agencies and to previous appropriations that have not yet been obligated.

One or more amendments to restore authorizations in missile defense programs to the requested levels may be offered, given the concerns noted by the Committee over shortfalls in funding for deployable capabilities and the unexplained undistributed cut of \$268.7 million from missile defense RDT&E.

A number of other amendments are possible.