

4, 2007, or such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on any legislative day from Friday, August 3, 2007, through Wednesday, August 8, 2007, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, September 4, 2007, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, or their respective designees, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. MURTHA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 3222, and that I may include tabular material on the same.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

#### DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2007

The SPEAKER pro tempore. Pursuant to the order of the House of today and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 3222.

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#### IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 3222) making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes, with Mr. ROSS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the order of the House of today, the bill is considered read the first time.

Mr. MURTHA. Mr. Chairman, the President requested \$463.1 billion in total FY 2008 new budget authority for the Department of Defense and intelligence community programs that fall under the purview of the Defense Subcommittee. This is an increase of about \$43.3 billion over last year's enacted level—a 10.3 percent increase in nominal terms. The lion's share of the increase over FY 2007, some 80 percent, was allocated to operation and maintenance and procurement programs. DoD's research and development program re-

quest is the same as last year's level, a decrease in real terms due to several major programs having completed their R&D phase and moved into full-fledged production.

The Committee's reported bill meets its budget authority allocation of \$459.6 billion for FY 2008. This figure is a little more than \$3.5 billion below the President's budget request. Nonetheless, the Committee bill provides an increase for Defense of \$39.7 billion over the FY 2007 enacted level, or about 9.5 percent in nominal growth. With respect to outlays, the Committee bill is roughly \$2.9 billion below the allocation.

In general, meeting the budget authority allocation required shifting funding for certain programs between the FY 2008 base budget bill and the FY 2008 war supplemental, to be considered in September. This largely affected appropriations for the Department's operation and maintenance activities. The bill recommends an overall reduction to the operation and maintenance accounts of some \$5.7 billion below the request. Nonetheless, the bill fully funds home-station training, equipment maintenance, and other key military readiness programs covered in these accounts. Finally, notwithstanding a slight reduction to the military personnel pay accounts, all other major program activities, such as weapons procurement and R&D, are funded at or above the President's request.

Meeting the allocation also required deferring consideration of several high profile programs until the FY 2008 war supplemental is taken up. These include:

The Basic Allowance for Housing shortfall.

The ground forces' strategic reserve readiness and equipment rehabilitation and recapitalization.

The purchase of at least ten C-17 cargo aircraft, \$2.5 billion, and MRAP vehicles, \$4 billion or more.

The purchase of additional Blackhawk MEDEVAC helicopters.

The Department's Global Train and Equip program.

The Defense Health Program "efficiency wedge" shortfall.

#### FUNDING STRATEGY

For some time now, the Committee has expressed considerable concern over the erosion of DoD's fiscal discipline. That erosion is reflected primarily in the Department's use of supplemental funding to cover what were once considered to be base budget costs, particularly weapons modernization and force structure costs. As such, the Committee endeavored to begin restoring traditional funding criteria to the FY 2008 Defense base bill, and will do so when considering the upcoming war supplemental. Thus, recommendations for the base bill sustain non-war-related activities and prepare for future threats by funding enduring personnel benefits, force structure initiatives, such as Army modularity and "Grow-the-Force" programs, infrastructure improvements, home-station training, and weapons modernization programs. Conversely, recommendations for the FY 2008 supplemental will be tailored to funding those programs and incremental costs that are arguably related to the war.

#### HIGHLIGHTS

The Committee's recommendations achieve a balance between preparing units for near-term deployments, supporting our military members and their families, and modernizing

our forces to meet future threats. Highlights of the Committee's recommendations are:

Supporting Our Troops and Their Families: First and foremost, the Committee recommends robust funding for programs important to the health, well-being, and readiness of our forces. In addition, the Committee proposes several initiatives that address issues raised by troops, their families, and Department of Defense officials in testimony before the Committee and visits to military bases in the United States and overseas.

Funding of about \$2.2 billion is recommended to cover the full cost of a 3.5 percent military pay raise, as approved in the House's version of the Fiscal Year 2008 National Defense Authorization bill.

Under their "grow-the-force" initiatives, the Army and Marine Corps propose to add 7,000 and 5,000 new troops, respectively. The personnel costs of these increases are fully covered in the bill, as are the associated equipping and outfitting costs. For the Army the equipping costs for these new troops amount to more than \$4 billion; for the Marines the costs exceed \$2 billion.

Home-stationing training, optempo, and flying-hour costs are funded at robust levels. All told, the Committee's recommendations provide for a 13 percent increase in funding for these activities over last year's level.

The military services' force structure and basing infrastructure are in a state of transition. The Army, in particular, has been forced to manage significant changes in force structure, known as Army Modularity, base closures, and a global repositioning of forces, all while meeting the demands of war. Based on detailed information provided by the Army, the Committee recommends an important new initiative to assist the service in meeting this challenge. The Committee proposes adding \$1.3 billion to the Army's facilities sustainment and restoration budget request to offset the growing infrastructure costs associated with the global repositioning of its forces. These funds will be used to fix barracks, improve child care facilities, and enhance community services at Army bases throughout the United States, Europe, and Korea. Funding for each project is itemized in the Committee report, consistent with the information provided by the Army. This funding, however, will only partially cover the Army's needs. As such, the Committee will address additional infrastructure cost requirements—particularly military construction costs—during consideration of the fiscal year 2008 emergency supplemental request. Further, the Committee intends to work with all the military services to better understand and respond to their basing and infrastructure needs during this time of upheaval.

Another initiative proposed by the Committee directly responds to the needs of our military families. Total funding of \$2.9 billion is recommended for the military's family advocacy programs, childcare centers, and dependent's education programs. This amount is an increase of \$558 million over the Administration's request, with most of the increase allocated to DoD's family advocacy programs. This program provides counseling, education, and support to military families affected by the demands of war, and episodes of child or spouse abuse.

The Committee's recommendations continue its long tradition of supporting the Department's health programs. The Committee proposes several initiatives and additional funding

to address health care issues raised over the past year, including improving the Department's electronic medical records and fostering better coordination between DoD and the Department of Veterans Affairs, enhancing preventative medicine programs, and advancing military medical research. Also, the Committee bill fully covers the \$1.9 billion shortfall in health funding created by the disapproval of DoD's proposed fee and premium increases by the House Armed Services Committee in its bill.

Protecting our forces abroad must be matched with a commitment to protect our forces and their families here at home. Thus, the Committee proposes a new initiative to enhance the security of military bases in the United States. Funding of \$268 million is allocated for perimeter security force protection and related facility security improvements, an increase of \$142 million over the President's budget request. These funds will be used to erect better perimeter fencing, provide more secure entry and exit controls, and improve situational awareness and response capabilities at military bases and hospitals.

Preparing for the Future: In 1796, President George Washington counseled the Nation to be, "Taking care always to keep ourselves by suitable establishments on a respectable defensive posture." The Committee's recommendations abide by that counsel, providing robust funding for weapons systems purchases and research programs designed to meet future threats.

The Committee supports full funding, as requested, for key weapons procurements, including the F-22 and F-35 tactical fighter aircraft programs.

Increases above the President's request are allocated for development programs that address so-called "asymmetric" threats from weapons of mass destruction and cruise missiles. Additional funding of \$15 million is provided to pursue cruise missile defense, \$25 million for chemical and biological defense research programs, \$26 million to improve fissile material detection systems, and \$50 million for the Former Soviet Union Threat Reduction account to counter weapons proliferation and chemical/biological agents.

To support the Army's evolution to a larger, more lethal, and more rapidly deployable force, the Committee recommends adding funding of \$1.1 billion to outfit a new, eighth Stryker brigade.

Testimony before the Committee revealed that our National Guard and Reserve forces continue to suffer from equipment shortfalls. To address this need, the Committee recommends providing an additional \$925 million to purchase Guard and Reserve equipment. These additional funds will enhance these forces' ability to meet overseas deployment demands, and respond to natural disasters here at home.

Economic Stability: Fostering economic stability in DoD's weapons modernization programs has been a consistent theme of the Committee. Analyses completed in recent years about DoD's acquisition program all conclude that, without improving stability in these programs, it's quite likely that the military will not be able to achieve the numbers of weapons systems required to equip current force structure at the estimated costs. As such, the Committee is proposing a series of recommendations that would help stabilize

certain programs by adding funds and/or adjusting procurement or development schedules.

The Navy's shipbuilding program has been beset by planning and resource instability for many years, resulting in ever-increasing costs to the American taxpayer. Clearly, at current production rates and price levels, the Navy will be unable to meet its force structure requirements in the future. The Committee has responded by providing funds for an additional 5 ships. To purchase these ships, the Committee recommends adding a total of \$3.7 billion above the Navy's request for shipbuilding and sealift.

The success of the Department's Joint Strike Fighter (F-35) program is critical to our Nation's ability to field a modern, capable fighter aircraft fleet for decades to come. To maintain stability in this program—and limit the potential for cost increases over time—the Committee recommends an increase of \$200 million for F-35 production enhancements. These funds are to be used to outfit facilities with the latest in production line equipment and workflow technology. In addition, the Committee recommends adding \$480 million to continue development of an alternative engine for this aircraft, thereby ensuring a competitive base for engine production.

Accountability: The Committee's fiduciary responsibility to the American taxpayer requires holding accountable organizations, officials, and programs that have performed poorly. Moreover, wasted resources and procedural abuses ultimately come at the expense of our military men and women. The Committee focused attention on the following issues:

Fiscal discipline: For some time, the Committee has raised concerns about the challenges facing the Department's financial managers. Some argue that fiscal discipline within the Department has eroded over time, severely constraining the Department's senior officials and the Congress' program and financial oversight. Regarding this matter, the Committee proposes several important initiatives to improve DoD's fiscal discipline and Congressional oversight. These are described in an appendix to this memorandum.

Contracting Out: The Committee also has registered concern about the Department's unabated appetite for contracting out services and functions once performed by military members or DoD civilians. Though clearly necessary to offset reductions in military and civilian personnel levels that occurred over time, the Committee believes that the Department has failed to adequately manage and oversee the growth in and cost-effectiveness of contracting out. It is also clear that the majority of DoD's service contractors has performed and will continue to perform well. Yet, abuses by some organizations, coupled with DoD's lack of an effective contractor management and oversight regime, has cast a pall over the service contractor community writ large. This must be reversed. The Committee recommends strong steps to do so. These are described in an appendix to this memo.

Trouble procurement programs: Several of the Department's major weapons acquisition programs have experienced considerable cost growth and/or poor execution. For each of these programs—including the Navy's Littoral Combat Ship, the Air Force's combat search and rescue helicopter, and several unclassified and classified satellite purchases—the

Committee recommends significant adjustments to the Pentagon's request.

Basic research: In testimony received by the Committee, and through information provided by the Department and third-party groups, the Committee learned that the percent of basic research funding allocated to Department and research organizations' overhead costs has grown to unwarranted levels. To reverse this trend and ensure that the Department's basic research dollars are being used for the purposes intended by Congress, the Committee recommends a general provision limiting the percentage of overhead costs that can be covered in basic research contracts.

#### SUMMARY OF RECOMMENDATIONS BY TITLE

##### *Military personnel*

Military personnel pay and benefits accounts are allocated a total of \$105 billion, a slight decrease of \$0.4 billion to the President's FY 2008 request, but an increase of \$5.2 billion or 5.2 percent over the FY 2007 level.

The military personnel pay raise funded is 3.5 percent, at a cost of \$2.2 billion. This rate is 0.5 percent greater than the President requested. Also, the President requests some \$2.4 billion for retention bonuses and recruiting incentives. These incentives are fully funded.

The Basic Allowance for Housing, BAH, increases 4.2 percent to \$15 billion, which is \$1.6 billion over the projected FY 2007 enacted level. This continues to ensure no out-of-pocket expenses for service personnel and supports the privatization of housing units for military families. Any BAH shortfall anticipated at the time the Committee marks up the FY 2008 war supplemental will be covered in that bill.

Army end-strength is increased by 7,000 in the base FY 2008 budget, to a total of 489,400, or \$5.7 billion over the FY 2007 enacted budget amount. The FY 2007 and 2008 supplemental requests include funding for an additional 36,000 soldiers. By the end of FY 2008, the Army projects that its total troop strength will be 525,400.

The Marine Corps end-strength is projected to grow by 5,000. This troop increase is fully funded in the base bill.

The Navy and Air Force, on the other hand, will continue to reduce their manpower levels. Navy plans to cut 12,300 in 2007; Air Force intends to reduce their force by about 5,600.

The Special Operations Command will grow to a level of about 54,250 personnel, up about 6,400 over FY 2007 levels. By FY 2013, the Command projects its end-strength to grow to about 59,000.

##### *Operation and maintenance*

The operation and maintenance accounts are funded at a total of \$137.1 billion, a decrease of \$5.7 billion from the request, but an increase of \$9.8 billion or 7.7 percent over the FY 2007 baseline O&M enacted level.

O&M continues to be one of the fastest growing accounts. The growth in O&M can be attributed to a number of factors, to include: outsourcing, increasing age of equipment, high OPTEMPO, and diminished Pentagon budget oversight. Note that these increasing costs are in addition to costs of our military deployments to Iraq, Afghanistan, and elsewhere.

Significant reductions are made to the military services' O&M accounts, particularly the Army and Air Force, for the following reasons:

Unjustified growth over FY 2007 funding levels, beyond amounts necessary to fully fund

all training, optempo, and maintenance activities.

Excessive buildups of spare parts inventories.

Excess cash in working capital funds, beyond levels necessary to ensure cash flow.

A 5 percent "efficiency" reduction to the requested amounts for contracted services.

The Committee bill fully funds a 3 percent civilian pay raise, which is scheduled to take effect January 1, 2008.

*Procurement and R&D*

Procurement is funded at \$99.6 billion, roughly the same amount as requested and an increase of \$18.7 billion over last year's level. This is an increase of 23 percent, the largest percentage increase of all the major accounts in the DoD budget. R&D is funded at a total of \$76.2 billion, about \$1.1 billion more than requested. Of note, funding for shipbuilding totals \$17.8 billion, an increase of \$3.1 billion over the President's request. The increase is a function of the Committee's recommendation to add 5 ships to the 2008 request. The total number of ships to be purchased in FY 2008 is now 10.

Funding of \$3.9 billion is provided to fund the purchase of 20 F-22 aircraft, as requested. Additionally, the Committee recommends \$2.7 billion for the procurement of 12 F-35 Joint Strike Fighter aircraft and \$2.0 billion for the procurement of 24 F/A-18E/F aircraft.

Funding for the Missile Defense Agency decreases to \$8.5 billion from last year's level of \$9.4 billion.

*Defense health program*

The Defense Health Program is funded at \$23 billion, an increase of \$0.4 billion above the President's request.

Major increases for this activity include: \$66 million for the Wounded Warrior Assistance program; \$127.5 million for peer-reviewed breast cancer research; \$80 million for prostate cancer research; and, \$10 million for ovarian cancer research.

HIV/AIDS research and prevention programs receive a total increase of \$20 million in the Committee's recommendations.

NOTABLE GENERAL PROVISIONS

A provision is included allowing the Department of Defense general transfer authority of \$3.2 billion. The Department requested transfer authority of \$5 billion.

A new provision is included permitting a competitive expansion of domestic VIM/VAR steel production capacity.

A provision is retained from previous Defense Appropriations acts which prohibits the sale of F-22 fighters to foreign countries.

A provision is included appropriating \$15 million for Fisher Houses.

Funds are appropriated to the joint U.S.-Israeli Arrow missile defense system in Section 8077 of the bill. Also, funds are added for a study of future Israeli missile defense requirements.

A new provision is included which prohibits the Department from initiating new programs through reprogramming requests.

Another new provision is included which establishes a separate "major force program" budget and program designation for DoD's space programs. This will improve the Committee's oversight of these activities.

Provisions restricting the establishment of permanent bases in Iraq and prohibiting tor-

ture a carried in the Committee bill. These are consistent with ones included in previous supplemental and base bill funding appropriations acts.

The bill includes two provisions regarding contracting out: (1) A provision restricting the payment of any award fees to contractors who fail to meet contractual requirements; and (2) a provision which fences 10 percent of all O&M funds appropriated in the bill until the Pentagon submits a report on contracting out required in the FY 2007 Iraq supplemental.

A provision was approved in full committee mark-up to identify up to \$30 million for the Impact Aid program.

SELECTED WEAPONS SYSTEMS COMMITTEE  
RECOMMENDATIONS FOR FY 2008  
(\$ millions)

Program	2008 Request		2008 Committee	
	(Qty.)	\$\$	(Qty.)	\$\$
Army Blackhawk helicopter .....	(42)	705	(42)	705
Army Apache helicopter .....	(36)	712	(36)	712
Armed Reconnaissance helicopter .....	(37)	468		0
Navy MH-60R (Blackhawk var.) .....	(27)	998	(27)	998
Navy MH-60S (Blackhawk var.) .....	(18)	503	(18)	503
Navy F/A-18 E/F fighter a/c .....	(24)	2,104	(24)	2,089
Navy EA-18G a/c .....	(18)	1,319	(18)	1,317
Air Force C-17 airlift a/c .....		261		261
Air Force F-22 fighter a/c .....	(20)	3,153	(20)	3,153
Air Force C-130J cargo a/c .....	(9)	686	(9)	686
Navy KC-130J tanker a/c .....	(4)	258	(4)	254
Joint Strike Fighter (R and D) .....		3,488		4,176
Joint Strike Fighter (Procurement) .....	(12)	2,411	(12)	2,411
F-22 airlift a/c .....	(26)	2,685	(26)	2,685
Air Force Unmanned Aerial Vehicles:				
Global Hawk .....	(5)	514	(3)	403
Predator .....	(24)	278	(24)	278
Reaper .....	(4)	58	(4)	58
CVN-21 Aircraft Carrier .....	(1)	2,848	(1)	2,828
DDG-1000 Destroyer .....		2,954		2,924
Littoral Combat Ship .....	(3)	910	(1)	339
LPD-17 amphibious ship .....	(1)	1,399	(2)	3,082
Virginia Class submarine .....	(1)	2,499	(1)	3,087
T-AKE auxiliary ship .....	(1)	456	(4)	1,866
LHA(R) amphibious ship .....	(1)	1,377		1,375
Army Future Combat System (R and D) .....		3,563		3,157
Army Stryker armored vehicle .....	(127)	1,039	(377)	1,913
M-1 tank upgrade—M1A2 SEP .....	(18)	53		0
Evolved Expendable Launch Vehicle .....	(5)	1,167	(4)	1,102
Missile warning satellites:				
Space-based Infrared satellite .....		1,066		1,094
Alternative Infrared Space System .....		231		76
Communications satellites:				
Transformational satellite .....		964		964
Advanced EHF .....		604		729
Wideband Gapfiller .....	(1)	345	(1)	345
Space-based radar .....		0		186
Global Positioning System:				
GPS III .....		587		507
GPS Extension .....		81		35
GPS User Equipment .....		93		156
Missile Defense:				
Missile Defense Agency ..		8,796		8,498
Patriot missiles and MEADS .....	(108)	845	(108)	845
Total .....		9,641		9,343

APPENDIX: SECTIONS IN THE COMMITTEE REPORT REGARDING FISCAL MANAGEMENT AND CONTRACTING OUT

FISCAL MANAGEMENT

For some time now, the Committee has expressed considerable concern over an erosion of DoD's fiscal discipline. That erosion is reflected primarily in the Department's use of emergency supplemental funding to cover what were once considered to be base budget costs, particularly weapons modernization and force structure costs. In this bill, the Committee has endeavored to begin restoring traditional funding criteria to these respective appropriations matters. Thus, recommendations for this fiscal year 2008 Defense Appropriations bill focus on non-incremental war costs and preparing for future

threats by funding enduring personnel benefits, force structure initiatives (such as Army modularity and "Grow-the-Force" programs), infrastructure improvements, home-station training, and weapons modernization programs. The Committee's deliberations on the fiscal year 2008 war supplemental, however, will be tailored to funding those programs and incremental costs that are arguably related to the war efforts. Satisfying these criteria requires the shifting of funds between the base bill and supplemental requests. As such, the Committee recommends deferring consideration of certain funding requests made for the base fiscal year 2008 Defense bill to the emergency supplemental. Conversely, the Committee recommends that certain programs requested by the Administration in its fiscal year 2008 Global War on Terror emergency supplemental receive funding in this legislation.

Further, the Committee believes that seeking funding for weapons modernization programs and enduring force structure transformations in emergency supplemental requests conveniently eludes the procedural mechanisms designed to ensure that the most important priorities are resourced. There can be no doubt that the Department's financial officers have faced considerable challenges in managing both the war and base budgets. Nonetheless, a fiscal "flabbiness" has infected the Defense budgeting process—a situation that must be corrected. To ensure that sound budgetary and fiscal procedures are re-invigorated, the Committee recommends a general provision that requires the Department to include all funding for both non-war and war-related activities in the President's fiscal year 2009 annual Defense budget request.

PPBS. For over 40 years, the Department of Defense followed the Planning, Programming and Budgeting System (PPBS) as the process for assessing and prioritizing requirements and allocating resources. The PPBS process established long-range national security planning objectives, analyzed the costs and benefits of alternative programs that would meet those objectives, and translated programs into budget proposals. The improvements that PPBS offered over previous budgeting processes were that: (1) it emphasized objectives, focusing less on changes from the prior-year budget and more on long-term objectives, and (2) it linked planning and budgeting. PPBS instilled a process that clearly defined a procedure for distributing available resources equitably among competing programs.

Beginning in 2003, the PPBS process has been significantly altered, splintering planning into two phases and requiring that the program budget reviews occur simultaneously. The process changes were ill-conceived and have had significant and lasting adverse implications. Today, sequential steps to plan adequately or refine a plan into budget-level detail do not exist. Further, simultaneous program and budget review eliminated the inherent discipline in the process which forced resource allocation decisions to occur deliberately, resulting in unnecessary confusion and wasted effort. The time and attention required to harmonize simultaneous program and budget review detract from the Department's ability to scrutinize fully its fiscal requirements. As a result:

the focus on program objectives has diminished;

the inextricable link between planning and budgeting has been severely damaged;

reliance on funds transfers and reprogramming within DoD have grown significantly, often correcting inadequacies that should have been identified earlier in the Department's internal review process; with the purpose being to fix holes in key programs originally created during the DoD budget review; supplemental requests and the Department's reliance on them have grown and, increasingly resemble base budget requests; and lastly,

Congress is forced to make increasingly difficult funding decisions in the absence of a rigorous budget review by the Department.

Accordingly, the Committee recommends that the Secretary of Defense institute a process for assessing and prioritizing requirements and allocating resources which is supportive of thorough, deliberative program and budget review and more fully utilize the efforts of the dedicated and talented DoD civil servants. The Committee's recommendation includes several directions to address the budget execution process within the department, as discussed below.

**Re-baselining.**—Generally-accepted reprogramming procedures and those procedures outlined in the Department of Defense Financial Management Regulation require the approval of Congress prior to transferring of operation and maintenance funding in excess of \$15,000,000 from those levels appropriated by Congress. However, through a "rebaselining" process or "free move", the Department has transferred excessive amounts of funds—a total of \$2,500,000,000 in fiscal year 2007—without the approval of Congress. This re-baselining process, as it has evolved, vitiates Congressionally-approved resource allocations provided in annual appropriations Acts, impedes the ability of Congress to perform its oversight responsibilities, and abrogates Congressional intent. Moreover, the Committee notes that the Department has failed to comply with certain reprogramming requirements as they relate to specific subactivity groups within the operation and maintenance appropriations. These actions reflect a continuing erosion of fiscal discipline within the Department of Defense.

Accordingly, the Committee directs the Department to cease the reallocation of funds through a re-baselining procedure, and further directs the Department to comply fully with the reprogramming procedures contained in this report. The Committee remains cognizant of the need for the Department to re-align certain appropriations and commits to work with the Department to address these concerns.

**Base for Reprogramming Actions.**—The Committee notes that the Department was not able to provide in a timely manner the Base for Reprogramming Actions report, or DD form 1414, for the current fiscal year. This report is to be provided to the House and Senate Committees on Appropriations soon after the enactment of the annual appropriations Act to establish the baseline from which the Department is to execute its programs. The report also serves as the benchmark from which Congress and the Committee can assess all transfers and reprogrammings. However, the DD 1414 was not submitted to the Committees on Appropriations until nearly nine months after the fiscal year had commenced and after the Department has submitted over \$700,000,000 in reprogramming requests requiring Congressional approval. When the report was submitted, it was incomplete, omitting each of the active services' operation and maintenance accounts. Moreover, it excluded a "rebaselining" or realignment in excess of \$2,500,000,000 in operation and maintenance funds from activities for which they were originally appropriated. The Committee be-

lieves that such funds management is unacceptable and suggests that the Department does not execute its programs consistent with Congressional direction. Accordingly, the Committee has recommended a provision that requires the department to submit the DD 1414 within 60 days after the enactment of the Act. In addition, the provision prohibits the department from executing any reprogramming or transfer of funds for any purpose other than originally appropriated until the aforementioned report is submitted to the Committees of Appropriations of the Senate and the House of Representatives.

Items or subactivities for which funds have been specifically provided in an appropriations Act (including joint resolutions providing continuing appropriations), accompanying reports of the House and Senate Committees on Appropriations, or accompanying conference reports and joint explanatory statements of the committee of conference shall be carried in the Base for Reprogramming Actions (DD form 1414), irrespective of whether or not the report uses the phrases "only for" or "only to".

**New starts.**—The Committee recommends a general provision that prohibits the initiation of a new start program through a reprogramming of funds unless such program must be undertaken immediately in the interest of national security and only after written notification by the Office of the Secretary of Defense and to the congressional defense committees. The use of reprogramming authorities to initiate new starts should be used seldom, and if at all, only in times of national emergency. Starting new programs through the use of reprogramming authorities in the year of execution create additional funding requirements in the ensuing budget year, and rarely does the Administration submit budget amendments to re-allocate its funding requirements reflecting the new fiscal realities created by the new program starts. As such, the Committee's ability to review fully the program's cost-effectiveness and mission utility vis-à-vis other military programs is denied. The Committee notes that the fiscal year omnibus 2007 reprogramming includes new starts totaling nearly \$110,000,000. The Committee is not pleased with the Department's increasing use of its the reprogramming authorities to initiate new program starts, and accordingly, directs the Department not to use reprogramming authorities provided in this Act to initiate new programs unless such programs are emergency requirements.

**General transfer authority (GTA).**—A provision is recommended, consistent with previous appropriations Acts, providing for the transfer of funds for higher priority items, based on unforeseen military requirements than those for which originally appropriated. This authority has been included annually to respond to unanticipated requirements that were not known at the time the budget was developed and after which time appropriations were enacted. This authority has grown significantly over the past several years, from \$2,000,000,000 in fiscal years 1997 through 2001, rising precipitously in fiscal year 2005 to \$6,185,000,000. In fiscal year 2007, the GTA was \$4,500,000,000 and the Department has requested \$5,000,000,000 in GTA for fiscal year 2008. While the waging of war certainly has increased the need for flexibility in executing the Department's resources, the Committee fears that the Department has come to rely on reprogramming and transfer authority in lieu of a thoughtful and deliberative budget formulation and fiscal management process. In an effort to restore fiscal management to the Department, while allowing for the flexibility in executing appropriations for a nation at war, the Committee recommends for fiscal year 2008 general transfer authority of \$3,200,000,000.

Reprogrammings for operation and maintenance accounts.—Beginning in fiscal year 2008, the Committee imposes new accountability and reprogramming guidelines for programs, projects and activities within the Operation and Maintenance appropriations. The Committee believes that such revisions are necessary given the unique nature of activities funded within these appropriations; continuing concerns about force readiness, and recent budget execution within these accounts. The specific revisions are addressed later in this report in Title II, Operation and Maintenance.

#### CONTACTED SERVICES AND ACQUISITION MANAGEMENT

A year ago, the Committee expressed concern about the increasing costs of operating our military forces. To gain better insight about the factors generating an increase in operation and maintenance costs, the Committee directed, in House Report 109-504, that the GAO prepare a comprehensive analysis of contracting out services, as well as other factors that may be driving up costs. GAO found that between the years 2000 to 2005, the cost of O&M service contracts increased more than 73 percent. Over the same period, DoD civilian pay costs increased 28 percent, and total DoD pay costs went up by 34 percent. However, despite the growing and seemingly unconstrained reliance on contractors to accomplish DoD's mission, no system of accountability for contract service cost or performance has been established.

The Committee is frustrated by the lack of accountability and management of contracted services. DoD has increasingly relied on private sector contractors, rather than uniformed or DoD civilian personnel, to perform operation and maintenance-related work such as logistics, facilities maintenance, base operations support; information technology services; and administrative support. But, responsibility for acquiring services within DoD is spread among individual military commands, weapon system program offices, or functional units on military bases. This decentralized management results in little visibility at either the DoD or military department level over the totality of DoD's use of contractors to provide services. GAO recently found that DoD had reviewed proposed acquisitions accounting for less than 3 percent of the funds obligated for services in fiscal year 2005, and were in a poor position to regularly identify opportunities to leverage buying power or otherwise change existing practices.

**Focused management attention.**—The Committee contends that DoD is not providing sufficient management attention to improve the acquisition and management of contractor services. Tens of billions of dollars are expended for contract services each year. Management of contract services should be among DoD's top priorities. The Committee believes that the Department must improve management of contract services by instituting clear accountability mechanisms; instituting unambiguous and short chains of command to the most-senior decision makers; and improving the tracking and reporting of contract service costs, and management of contract service performance.

**Increased contractor oversight.**—The Committee directs the Department to provide more robust staffing of contractor management and oversight personnel. It is clear that DoD currently lacks the means to provide proper oversight of its service contracts, in part because of an insufficient number of contract oversight personnel. While the spending for contracted services has grown, the size of DoD's workforce, including its contracting and acquisition workforce, has

been decreased significantly. For example, the Defense Contract Management Agency's (DCMA) workforce has been reduced by over 50 percent between the period 2000 to 2005, making it more difficult for DCMA to provide through and meaningful oversight of the department's increasing reliance on contracted services.

The Committee recommends adding funds for additional DoD civilian personnel to provide enhanced contract-service management and oversight. Further, the Committee added funds for the temporary assignment of six-hundred General Services Administration contract specialists on a reimbursable basis. The Committee provides the following:

**CONTRACT-SERVICE MANAGEMENT AND OVERSIGHT**  
(\$ in millions)

	Committee rec- ommenda- tion
Defense Contract Audit Agency .....	+12.0
Defense Contract Management Command .....	+17.0
Defense Inspector General .....	+24.0
Reimbursable GSA Assistance .....	+21.0

**Minimum Standards for Contracted Security Service Personnel.**—DoD relies heavily on contracted security, both in the theaters of operation as well as at home. The Committee is particularly concerned that the oversight and administration of contracted security services is woefully inadequate. This lack of oversight seemingly has resulted in few, if any, operational standards and rules-of-engagement to which contracted security organizations and individuals must adhere. As such, the Committee directs the Secretary of Defense to develop, no later than 90 days after the passage of this Act, uniform minimum personnel standards for all contract personnel operating under contracts, subcontracts or task orders performing work that includes private security functions. The standards, at a minimum, must include determinations about contractors using personnel with criminal histories, must determine the eligibility of all private contract personnel to possess and carry fire-

arms, and determine what assessments of medical and mental fitness of contracted security personnel must be undertaken. The Secretary of Defense should develop a mechanism for contract accountability that specifies consequences for noncompliance with the personnel standards, including fines, denial of contractual obligations or contract rescission. Finally, the Secretary is directed to establish a clear set of rules-of-engagement for all contracted security personnel operating in the Iraq and Afghanistan theaters of operations. The Secretary shall submit the prescribed standards to the congressional defense committees once the 90-day period referenced above is completed.

**Improving the Acquisition Workforce.**—The Committee directs that the Undersecretary of Defense for Acquisition, Technology, and Logistics to submit, within 90 days of enactment of this Act, a report to the congressional defense committees analyzing the current acquisition workforce personnel needs and the tools to recruit and retain a workforce best positioned to provide appropriate contract management and oversight of contractor performance. The report should identify the most urgent shortages in the current acquisition workforce. The report should also recommend revisions to the Department's Strategic Human Capital Plan geared to enhancing the Department's ability to recruit and retain high performing acquisition and contracting personnel and overcome obstacles to the expedited hiring of talented acquisition professionals.

**Enhancing Access to Small Business.**—The Committee is concerned about the access of small businesses to Department of Defense contracting and procurement. Moreover, the committee recognizes that harvesting mature innovative technologies from the Small Business Innovative Research (SBIR) programs has resulted in cost avoidance and savings in Defense Department acquisition programs. SBIRs have been invaluable in reintroducing competition and developing better capabilities for the warfighter. For example, efforts such as open architecture technologies and improved manufacturing processes championed by small businesses should

reduce acquisition costs and ensure that the military services can continue to support weapons systems once they become operational. In order to facilitate entry into the defense market by small businesses, the Committee recommends providing a total of \$100,000,000 more than requested for the Department's SBIR program. These funds are allocated as follows: \$25,000,000 is recommended for the Army's Future Combat System to enhance small business participation in that program; \$25,000,000 is allocated to each of the Navy's surface ship and submarine research and development activities for the SBIR program; and, \$25,000,000 is provided to enhance small business participation in the Joint Strike Fighter program.

Further, the Committee directs the Director of the Department of Defense Office of Small Business Contracting to submit, no later than June 1, 2008, a report to the congressional defense committees which identifies the impediments to small business owners to contracting or subcontracting with the Department, including, but not limited to, an analysis of the small business threshold size, small business contract bundling, the distribution of small business subcontracts between professional services and research and development, the transition from SBIR II programs to procurement, the impact of the Departments vendor pay system on small businesses, and the effectiveness of the mentor-protégé program. The report should identify any impediments to the successes of businesses that graduate from the small business qualifications and offer recommendations to support the transition of small businesses to middle-sized businesses.

Improvements in contract management need not take years to implement; rather, with intent leadership and executive attention, considerable efficiencies can be achieved in the near-term. Accordingly, the Committee recommendations reduce the Department's funding requests for contracted services in the O&M budgets by five percent, recognizing contract service efficiencies and savings with enhanced oversight.

DEPARTMENT OF DEFENSE APPROPRIATIONS - FY 2008 (H.R. 3222)  
(Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
<b>TITLE I</b>					
<b>MILITARY PERSONNEL 1/</b>					
Military Personnel, Army.....	29,813,905	31,623,865	31,346,005	+1,532,100	-277,860
Military Personnel, Navy.....	22,776,232	23,305,233	23,300,801	+524,569	-4,432
Military Personnel, Marine Corps.....	9,174,714	10,278,031	10,269,914	+1,095,200	-8,117
Military Personnel, Air Force.....	23,564,706	24,097,354	24,379,214	+814,508	+281,860
Reserve Personnel, Army.....	3,364,812	3,734,620	3,629,620	+264,808	-105,000
Reserve Personnel, Navy.....	1,755,953	1,797,685	1,776,885	+20,932	-20,800
Reserve Personnel, Marine Corps.....	541,768	594,872	513,472	-28,296	-81,400
Reserve Personnel, Air Force.....	1,335,838	1,370,479	1,365,679	+29,841	-4,800
National Guard Personnel, Army.....	5,209,197	5,959,149	5,815,017	+605,820	-144,132
National Guard Personnel, Air Force.....	2,325,752	2,642,410	2,621,169	+295,417	-21,241
<b>Total, title I, Military Personnel.....</b>	<b>99,862,877</b>	<b>105,403,698</b>	<b>105,017,776</b>	<b>+5,154,899</b>	<b>-385,922</b>
<b>TITLE II</b>					
<b>OPERATION AND MAINTENANCE 1/</b>					
Operation and Maintenance, Army.....	24,208,355	26,924,973	26,404,495	+2,196,140	-2,520,478
Operation and Maintenance, Navy.....	30,954,034	33,334,690	32,851,468	+1,897,434	-483,222
Operation and Maintenance, Marine Corps.....	3,811,437	4,961,393	4,471,858	+660,421	-489,535
Operation and Maintenance, Air Force.....	30,458,947	33,655,633	31,613,981	+1,155,034	-2,041,652
Operation and Maintenance, Defense-Wide.....	20,035,185	22,574,278	22,343,180	+2,307,995	-231,098
Operation and Maintenance, Army Reserve.....	2,160,214	2,508,062	2,510,890	+350,676	+2,828
Operation and Maintenance, Navy Reserve.....	1,275,764	1,186,883	1,144,454	-131,310	-42,429
Operation and Maintenance, Marine Corps Reserve.....	209,036	208,637	207,087	-1,949	-1,550
Operation and Maintenance, Air Force Reserve.....	2,617,601	2,692,077	2,684,577	+66,976	-7,500
Operation and Maintenance, Army National Guard.....	4,711,362	5,840,209	5,893,843	+1,182,481	+53,634
Operation and Maintenance, Air National Guard.....	5,009,178	5,041,965	5,021,077	+11,899	-20,888
Overseas Contingency Operations Transfer Account.....	---	5,000	---	---	-5,000
United States Court of Appeals for the Armed Forces.....	11,721	11,971	11,971	+250	---
Environmental Restoration, Army.....	403,786	434,879	434,879	+31,093	---
Environmental Restoration, Navy.....	302,222	300,591	300,591	-1,631	---
Environmental Restoration, Air Force.....	402,396	458,428	458,428	+56,032	---
Environmental Restoration, Defense-Wide.....	27,885	12,751	12,751	-15,134	---
Environmental Restoration, Formerly Used Defense Sites.....	254,352	250,249	268,249	+13,897	+18,000
Overseas Humanitarian, Disaster, and Civic Aid.....	63,204	103,300	103,300	+40,096	---
Former Soviet Union Threat Reduction Account.....	372,128	348,048	398,048	+25,920	+50,000
<b>Total, title II, Operation and maintenance.....</b>	<b>127,288,807</b>	<b>142,854,017</b>	<b>137,135,127</b>	<b>+9,846,320</b>	<b>-5,718,890</b>
<b>TITLE III</b>					
<b>PROCUREMENT</b>					
Aircraft Procurement, Army.....	3,502,483	4,179,848	3,891,539	+389,056	-288,309
Missile Procurement, Army.....	1,278,967	1,645,485	2,103,102	+824,135	+457,617
Procurement of Weapons and Tracked Combat Vehicles, Army.....	1,906,368	3,089,998	4,077,189	+2,170,821	+987,191
Procurement of Ammunition, Army.....	1,719,879	2,190,576	2,215,976	+496,097	+25,400
Other Procurement, Army.....	7,004,914	12,647,099	11,217,945	+4,213,031	-1,429,154
Aircraft Procurement, Navy.....	10,393,316	12,747,767	12,470,280	+2,076,964	-277,487
Weapons Procurement, Navy.....	2,573,820	3,084,387	2,928,126	+354,306	-156,261
Procurement of Ammunition, Navy and Marine Corps.....	767,314	760,484	1,067,484	+300,170	+307,000
Shipbuilding and Conversion, Navy.....	10,579,125	13,656,120	15,303,820	+4,724,695	+1,647,700
Other Procurement, Navy.....	4,927,676	5,470,412	5,298,238	+370,562	-172,174
Procurement, Marine Corps.....	894,571	2,999,057	2,500,882	+1,606,311	-498,175
Aircraft Procurement, Air Force.....	11,643,356	12,393,270	11,690,220	+46,864	-703,050
Missile Procurement, Air Force.....	3,914,703	5,131,002	4,920,959	+1,006,256	-210,043
Procurement of Ammunition, Air Force.....	1,054,302	868,917	342,494	-711,808	-526,423
Other Procurement, Air Force.....	15,493,486	15,421,162	15,255,186	-238,300	-165,976
Procurement, Defense-Wide.....	2,903,292	3,318,834	3,335,637	+432,345	+16,803
National Guard and Reserve Equipment.....	290,000	---	925,000	+635,000	+925,000
Defense Production Act Purchases.....	63,184	18,592	64,092	+908	+45,500
<b>Total, title III, Procurement.....</b>	<b>80,910,756</b>	<b>99,623,010</b>	<b>99,608,169</b>	<b>+18,697,413</b>	<b>-14,841</b>

DEPARTMENT OF DEFENSE APPROPRIATIONS - FY 2008 (H.R. 3222)  
(Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
<b>TITLE IV</b>					
<b>RESEARCH, DEVELOPMENT, TEST AND EVALUATION</b>					
Research, Development, Test and Evaluation, Army.....	11,054,958	10,589,604	11,509,540	+454,582	+919,936
Research, Development, Test and Evaluation, Navy.....	18,673,894	17,075,536	17,718,624	-955,270	+643,088
Research, Development, Test and Evaluation, Air Force.....	24,516,276	26,711,940	26,163,917	+1,647,641	-548,023
Research, Development, Test and Evaluation, Defense-Wide .....	21,291,056	20,559,850	20,659,095	-631,961	+99,245
Operational Test and Evaluation, Defense.....	185,420	180,264	180,264	-5,156	---
<b>Total, title IV, Research, Development, Test and Evaluation.....</b>	<b>75,721,604</b>	<b>75,117,194</b>	<b>76,231,440</b>	<b>+509,836</b>	<b>+1,114,246</b>
<b>TITLE V</b>					
<b>REVOLVING AND MANAGEMENT FUNDS</b>					
Defense Working Capital Funds.....	1,345,998	1,352,746	1,352,746	+6,748	---
National Defense Sealift Fund: Ready Reserve Force	1,071,932	1,079,094	2,489,094	+1,417,162	+1,410,000
Pentagon Reservation Maintenance Revolving Fund.....	18,500	---	---	-18,500	---
Defense Coalition Support Fund.....	---	22,000	---	---	-22,000
<b>Total, title V, Revolving and Management Funds..</b>	<b>2,436,430</b>	<b>2,453,840</b>	<b>3,841,840</b>	<b>+1,405,410</b>	<b>+1,388,000</b>
<b>TITLE VI</b>					
<b>OTHER DEPARTMENT OF DEFENSE PROGRAMS</b>					
Defense Health Program1/:					
Operation and maintenance.....	20,494,000	22,044,381	22,140,381	+1,646,381	+96,000
Procurement.....	375,000	362,261	363,011	-11,989	+750
Research and development.....	348,000	134,482	453,792	+105,792	+319,310
<b>Total, Defense Health Program.....</b>	<b>21,217,000</b>	<b>22,541,124</b>	<b>22,957,184</b>	<b>+1,740,184</b>	<b>+416,060</b>
Chemical Agents & Munitions Destruction, Army:					
Operation and maintenance.....	1,046,290	1,198,086	1,198,086	+151,796	---
Procurement.....	---	36,426	36,426	+36,426	---
Research, development, test and evaluation.....	231,014	221,212	221,212	-9,802	---
<b>Total, Chemical Agents 2/ .....</b>	<b>1,277,304</b>	<b>1,455,724</b>	<b>1,455,724</b>	<b>+178,420</b>	<b>---</b>
Drug Interdiction and Counter-Drug Activities, Defense	977,632	936,822	945,772	-31,860	+8,950
Joint Improvised Explosive Device Defeat Fund 2/.....	---	500,000	500,000	+500,000	---
Rapid Acquisition Fund 2/.....	---	100,000	---	---	-100,000
Office of the Inspector General 2/.....	216,297	215,995	239,995	+23,698	+24,000
<b>Total, title VI, Other Department of Defense Programs.....</b>	<b>23,688,233</b>	<b>25,749,665</b>	<b>26,098,675</b>	<b>+2,410,442</b>	<b>+349,010</b>
<b>TITLE VII</b>					
<b>RELATED AGENCIES</b>					
Central Intelligence Agency Retirement and Disability System Fund.....	256,400	262,500	262,500	+6,100	---
Intelligence Community Management Account.....	621,611	705,376	683,276	+61,665	-22,100
Transfer to Department of Justice.....	(39,000)	(16,000)	(39,000)	---	(+23,000)
<b>Total, title VII, Related agencies.....</b>	<b>878,011</b>	<b>967,876</b>	<b>945,776</b>	<b>+67,765</b>	<b>-22,100</b>

DEPARTMENT OF DEFENSE APPROPRIATIONS - FY 2008 (H.R. 3222)  
(Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
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TITLE VIII					
GENERAL PROVISIONS					
Additional transfer authority (Sec. 8005).....	(4,500,000)	(5,000,000)	(3,200,000)	(-1,300,000)	(-1,800,000)
Indian Financing Act incentives (Sec. 8019).....	8,000	---	8,000	---	+8,000
FFRDCs (Sec. 8024).....	-53,200	---	-57,725	-4,525	-57,725
Overseas Military Facility Invest Recovery (Sec. 8030)	1,000	1,000	1,000	---	---
Rescissions (Sec. 8041).....	-870,143	---	-367,786	+502,357	-367,786
Travel Cards (Sec. 8065).....	51,000	52,000	52,000	+1,000	---
Special needs students .....	5,500	---	---	-5,500	---
Fisher House (Sec. 8075).....	2,500	---	15,000	+12,500	+15,000
Other Contract Growth .....	-158,100	---	---	+158,100	---
Contracted Advisory and Assistance Services.....	-71,000	---	---	+71,000	---
Military Recruitment Assessment & Vet Empl (Sec. 8082)	5,400	---	990	-4,410	+990
Various grants (Sec. 8084).....	11,100	---	70,000	+58,900	+70,000
Travel costs .....	-85,000	---	---	+85,000	---
Revised Economic Assumptions (Sec.8093).....	-1,034,425	---	-126,787	+907,638	-126,787
Tanker replacement transfer fund (Sec. 8102).....	---	---	200,000	+200,000	+200,000
Total, Title VIII, General Provisions.....	-2,187,368	53,000	-205,308	+1,982,060	-258,308
=====					
TITLE IX - ADDITIONAL APPROPRIATIONS (emergency) 3/...	70,000,000	140,758,029	---	-70,000,000	-140,758,029
=====					
TITLE X-FY 2006 WILDLAND FIRE EMERGENCY APPROPRIATIONS (emergency) 5/.....	200,000	---	---	-200,000	---
=====					
Total for the bill (net).....	478,799,350	592,980,329	448,673,495	-30,125,855	-144,306,834
=====					
OTHER APPROPRIATIONS					
AND IRAQ ACCOUNTABILITY APPROPRIATIONS ACT, 2007					
Public Law 110-28:					
Title I, Chapter 3 (emergency).....	87,019,295	---	---	-87,019,295	---
New transfer authority (emergency).....	(3,500,000)	---	---	(-3,500,000)	---
Title III, Chapter 3 (emergency).....	7,674,375	---	---	-7,674,375	---
-----					
Total, Public Law 110-28 (emergency).....	94,693,670	---	---	-94,693,670	---
-----					
Total, Other Appropriations.....	94,693,670	---	---	-94,693,670	---
=====					
Net grand total (including other appropriations)	573,493,020	592,980,329	448,673,495	-124,819,525	-144,306,834
=====					
CONGRESSIONAL BUDGET RECAP					
Scorekeeping adjustments:					
Lease of defense real property (permanent).....	12,000	12,000	12,000	---	---
Disposal of defense real property (permanent).....	15,000	18,000	18,000	+3,000	---
Army Venture Capital Fund (reappropriation).....	15,000	15,000	15,000	---	---
O&M, Army transfer to National Park Service:					
Defense function.....	-2,000	---	---	+2,000	---
Non-defense function.....	2,000	---	---	-2,000	---
O&M, Army transfer to Army Corps of Engineers:					
Defense function.....	-2,499	---	-12,500	-10,001	-12,500
Non-defense function.....	2,499	---	12,500	+10,001	+12,500
Title IX O&M, Navy transfer to Coast Guard, Op.Exp (By transfer) (emergency).....	(90,000)	(225,400)	---	(-90,000)	(-225,400)
Title IX O&M, Defense-wide transfer to Department of State (By transfer) (emergency).....	(20,000)	---	---	(-20,000)	---
Tricare accrual (permanent, indefinite auth.) 4/..	11,230,629	10,876,000	10,876,000	-354,629	---
Less Title X FY 2006 emergency appropriations 5/..	-200,000	---	---	+200,000	---
Less emergency appropriations 3/ .....	-164,693,670	-140,758,029	---	+164,693,670	+140,758,029
-----					
Total, scorekeeping adjustments.....	-153,621,041	-129,837,029	10,921,000	+164,542,041	+140,758,029
=====					
Adjusted total (includ. scorekeeping adjustments)	419,871,979	463,143,300	459,594,495	+39,722,516	-3,548,805
Appropriations.....	(420,742,122)	(463,143,300)	(459,962,281)	(+39,220,159)	(-3,181,019)
Rescissions.....	(-870,143)	---	(-367,786)	(+502,357)	(-367,786)



DEPARTMENT OF DEFENSE APPROPRIATIONS - FY 2008 (H.R. 3222)  
(Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
Total (including scorekeeping adjustments).....	419,871,979	463,143,300	459,594,495	+39,722,516	-3,548,805
Amount in this bill.....	(573,493,020)	(592,980,329)	(448,673,495)	(-124,819,525)	(-144,306,834)
Scorekeeping adjustments.....	(-153,621,041)	(-129,837,029)	(10,921,000)	(+164,542,041)	(+140,758,029)
-----					
Total mandatory and discretionary.....	419,871,979	463,143,300	459,594,495	+39,722,516	-3,548,805
Mandatory.....	256,400	262,500	262,500	+6,100	---
Discretionary.....	419,615,579	462,880,800	459,331,995	+39,716,416	-3,548,805
RECAPITULATION					
Title I - Military Personnel.....	99,862,877	105,403,698	105,017,776	+5,154,899	-385,922
Title II - Operation and Maintenance.....	127,288,807	142,854,017	137,135,127	+9,846,320	-5,718,890
Title III - Procurement.....	80,910,756	99,623,010	99,608,169	+18,697,413	-14,841
Title IV - Research, Development, Test and Evaluation.....	75,721,604	75,117,194	76,231,440	+509,836	+1,114,246
Title V - Revolving and Management Funds.....	2,436,430	2,453,840	3,841,840	+1,405,410	+1,388,000
Title VI - Other Department of Defense Programs.....	23,688,233	25,749,665	26,098,675	+2,410,442	+349,010
Title VII - Related Agencies.....	878,011	967,876	945,776	+67,765	-22,100
Title VIII - General Provisions (net).....	-2,187,368	53,000	-205,308	+1,982,060	-258,308
Title IX - Additional Appropriations (net).....	70,000,000	140,758,029	---	-70,000,000	-140,758,029
Title X - Wildland Fire Management (net).....	200,000	---	---	-200,000	---
-----					
Total, Department of Defense.....	478,799,350	592,980,329	448,673,495	-30,125,855	-144,306,834
Other defense appropriations.....	94,693,670	---	---	-94,693,670	---
-----					
Total funding available (net).....	573,493,020	592,980,329	448,673,495	-124,819,525	-144,306,834
-----					
Scorekeeping adjustments.....	-153,621,041	-129,837,029	10,921,000	+164,542,041	+140,758,029
-----					
Total mandatory and discretionary.....	419,871,979	463,143,300	459,594,495	+39,722,516	-3,548,805

FOOTNOTES:

- 1/ For FY 2007, includes H.J.Res.20 appropriations.
- 2/ Included in Budget under Procurement title.
- 3/ House will consider Title IX budget request in a separate bill. Appropriations also include Title IX contingency operations funds
- 4/ Contributions to Department of Defense Retiree Health Care Fund (Sec. 725, P.L. 108-375).
- 5/ Pursuant to Sec. 501 of H.Con.Res.376 (H.Res.818) and Sec. 402 of S.Con.Res.83 (Sec. 7035/P.L.109-234).

Mr. YOUNG of Florida. Mr. Chairman, earlier this week the Appropriations Committee filed the fiscal year 2008 Defense Appropriations bill and report. There were no minority views on this bill, because it is broadly supported by both Democrats and Republicans in its current form.

The bill totals over \$459 billion, and is \$3.5 billion below the President's request. However, it is \$40 billion above the fiscal year 2007 level.

The fiscal year 2008 war supplemental request of \$147 billion is not included in this bill. That package will be marked up and brought to the floor in September. At that time we will also be addressing the President's new request of \$5.3 billion for additional MRAP vehicles for use in Iraq and Afghanistan.

I strongly support this bill as reported. It provides for a number of Presidential and Congressional priorities, including: \$6 billion in equipment to grow the Army and Marines; Restoration of the \$1.9 billion cut in the Defense Health program associated with proposed increases in insurance co-payments that have not been authorized by Congress; An additional \$925 million in equipment for the National Guard and Reserve which is important for disaster response throughout the country, including the Gulf Coast; Full funding for the Congressionally I proposed 3.5 percent pay increase for the military; \$4.1 billion for continued development of the Joint Strike Fighter and \$3.1 billion to procure 20 F-22 aircraft; Procurement of nine ships for the Navy, including initial funding for the next generation aircraft carrier; and \$1.1 billion to outfit a new Stryker brigade, either for the National Guard or the active Army.

To summarize, unlike many bills we're dealing with this week, I can state that this bill has broad bipartisan support.

I appreciate the cooperation and courtesy shown by my chairman, Mr. MURTHA, throughout this process. We keep trading places as chairman of this subcommittee; perhaps in the next Congress we'll trade places again. Whatever happens, I know we will continue the bipartisan partnership that has been the hallmark of this subcommittee.

I also want to thank the members of the Defense subcommittee for their contributions to this bill, especially those on the Republican side of the aisle. Mr. HOBSON, Mr. FRELINGHUYSEN, Mr. TIAHRT, Mr. WICKER, Mr. KINGSTON, and the ranking member of the full committee, Mr. LEWIS, all made important contributions to this legislation.

Mr. Chairman, again I want to say that I strongly support this bill, and urge its adoption by the House.

Ms. JACKSON-LEE of Texas. Mr. Chairman, as a proud member of the Progressive and the Out of Iraq Caucuses, I rise in support of H.R. 3222, the "Defense Appropriations Act of 2008." I commend the leadership of Chairman OBEY and Defense Appropriations Subcommittee Chairman MURTHA for his patient and careful crafting of this bill, which relieves our troops and helps our military families. The committee carefully separated the funding from the Iraq War funding.

Speaking of Chairman MURTHA, let me say also that historians will record that it was he who awakened and educated the Nation regarding the failure and folly of the Bush Administration's policy in Iraq when he courageously spoke this truth to power: The war in

Iraq is not going as advertised. It is a flawed policy wrapped in illusion. The American public is way ahead of us. The United States and coalition troops have done all they can in Iraq, but it is time for a change in direction. Our military is suffering. The future of our country is at risk. We can not continue on the present course. It is evident that continued military action in Iraq is not in the best interest of the United States of America, the Iraqi people or the Persian Gulf Region.

The principled stand of the gentleman from Pennsylvania changed the course of America history by signaling the beginning of the end of the Iraq War. More importantly, Chairman MURTHA'S actions have and will result in the saving of countless thousands of lives of brave young servicemen and women that would otherwise be lost trying to salvage the Administration's ill-conceived and terribly mismanaged war in Iraq. I cannot thank you enough for all you have done for our country.

In supporting this legislation, I stand in strong support of our troops who have performed magnificently in battle with a grace under pressure that is distinctively American. I stand with the American people, who have placed their trust in the President, the Vice-President, and the former Secretary of Defense, each of whom abused the public trust and patience.

I stand with the American taxpayers who have paid more than \$400 billion to finance the misadventure in Iraq. I stand with the 3,664 fallen heroes who stand even taller in death because they gave the last full measure of devotion to their country. For these reasons, Madam Speaker, I stand fully, strongly, and unabashedly in support of H.R. 3222.

Mr. Chairman, I voted against the 2002 Iraq War Resolution. I am proud of that vote. And I have consistently voted against the Administration's practice of submitting a request for war funding through an emergency supplemental rather than the regular appropriations process which would subject the funding request to more rigorous scrutiny and require it to be balanced against other pressing national priorities.

But I strongly believe that when a nation sends its sons and daughters into harms way, it has an obligation to ensure that they have everything they need to wage the battle, emerge victorious, and return home safely to their loved ones and to a grateful nation. That is why I proudly support this legislation. H.R. 3222 provides for the security of our nation and addresses that responsibility squarely, fully funding our troops so that they are prepared for whatever emergencies may arise, providing them with first class weapons and equipment, and ensuring that they and their families are cared for properly.

At the same time, H.R. 3222 recognizes our obligation to meet the recent dependence on the use of contractors with increased support for their management and oversight. It likewise makes a commitment to fiscal responsibility. In this regard, I note that the amount appropriated in this bill, \$459.6 billion, represents an increase of nearly \$40 billion over the previous year but is \$4 billion less than the amount requested by the Administration.

Mr. Chairman let me briefly address some of the important components of this legislation. I think it important that all Americans know that H.R. 3222 achieves the following critical objectives: (1) keeps our commitments to our

troops and their families; (2) prepares our forces to meet future needs; (3) imposes fiscal discipline on the Pentagon; and (4) prohibits permanent military bases in Iraq and the use of torture by American forces everywhere.

Specifically, Mr. Chairman, H.R. 3222 addresses equipment shortfalls in the Guard and Reserve by providing \$925 million, \$635 million above 2007, specifically to address equipment shortfalls in order to help forces meet the demands of overseas deployments and respond to natural disasters here at home. This amount meets the requirements identified by the Chief of the National Guard Bureau in the "Essential 10 Equipment Requirements for the Global War on Terror."

The legislation supports military families by providing \$2.9 billion, \$558.4 million above the President's request, for programs including childcare centers, education programs and the family advocacy program which provides support to military families affected by the demands of war and episodes of child or spouse abuse.

In the important area of medical treatment and healthcare, the bill provides \$22.957 billion, \$1.7 billion above 2007 and \$416 million above the President's request. The bill rightly rejects the President's proposal to inflict \$1.9 billion in TRICARE fee and premium increases on our troops and makes much needed investments in improving the Defense Department's electronic medical records systems and fostering better coordination between the Defense Department and the Department of Veterans Affairs.

I particularly commend Chairman MURTHA for his successful efforts to secure more than \$400 million in funding to conduct research and treat the increasing incidence of post-traumatic stress disorder, PTSD, among American servicemen and women. And I especially appreciate his commitment to work with me to establish a PTSD facility at Riverside General Hospital, located in the 18th Congressional District of Texas, to treat PTSD in veterans, whether on active duty, discharged, or on leave in the metropolitan Houston area, including Harris and surrounding counties. There are nearly 200,000 military veterans in Harris County alone and Riverside General Hospital has proven itself capable of providing psychiatric, medical, emergency medical, inpatient, and outpatient services to crisis populations.

Riverside General Hospital, by the way, was formerly known as the Houston Negro Hospital and was founded in 1926 in memory of Lt. John Halm Cullinan, 344th FA, 90th Division of the American Expeditionary Forces. Lt. Cullinan was one of the thousands of African Americans who risked life and limb to defend America and its allies at a time when those of his race did not enjoy the legal rights they fought so hard to secure for others.

Mr. Chairman, there is an unmet need for more medical facilities specializing in post-traumatic stress disorder located in underserved urban areas. Access to post-traumatic stress disorder treatment is especially important since veterans living in such areas are less likely to be diagnosed and treated for post-traumatic stress disorder. Riverside General Hospital is uniquely positioned to this need and I look forward to working with this Defense Appropriation Sub-Committee to bring this historic project to fruition.

I also strongly approve of the allocation of \$1.252 billion above the President's request to

repair barracks, improve child care facilities, and improve community services, to address the strain put on facilities by changes in force structure, base closures, and a global repositioning of forces all while meeting the demands of war. Similarly, the appropriation of \$268.1 million, \$141.9 million above the President's request, for perimeter security force protection and related security improvements, to protect bases, schools, hospitals, base housing, churches and childcare centers from terrorist attacks makes sense in light of the recent failed terrorist plot at Fort Dix in New Jersey. As does the \$15 billion, \$1.6 billion above 2007, set aside to ensure there are no out-of-pocket expenses for service personnel and support the privatization of housing for military families.

Mr. Chairman, American troops are the best in the world because they are the best equipped and the best trained. H.R. 3222 ensures that will remain the case by providing \$7.548 billion, a 13 percent increase for all home-stationing training, so that our troops are well prepared for any eventual deployment.

The legislation also takes into account the fact that the size of our Army and Marine Corps must be increased if we are to reduce the pressure to extend troop deployments. The bill provides funds to cover the costs of adding 7,000 new soldiers and 5,000 new marines.

Finally, H.R. 3222 provides \$76.229 billion, \$1.112 billion above the President's request and \$508 million above 2007, for research, development, testing, and evaluation of weapons systems, and military medical research.

Mr. Chairman, the bill before represents responsible, visionary, and competent policy making. Our vote today will put the House on record squarely against the Bush Administration's policy of looking the other way while the Iraqi government fails to govern a country worthy of a free people with as much commitment and dedication to the security and happiness of its citizens as has been shown by the heroic American servicemen and women who risked their lives and, in the case of over 3,600 fallen heroes, lost their lives to win for the Iraqi people the chance to draft their own constitution, hold their own free elections, establish their own government, and build a future of peace and prosperity for themselves and their posterity.

Mr. Chairman, nearly every decision reached by a legislative body is a product of compromise. The bill before us is no different. If it was left solely to us, any of us could no doubt add or subtract provisions which we think would improve the quality of life for our brave men and women in uniform. Indeed, during this first session of the 110th Congress, I have offered several amendments to do just that.

For example, I offered an amendment to the Emergency Supplemental Appropriations Act, H.R. 1591, that would have led to the redeployment and return of American troops. It would achieve this objective by terminating the authority granted by Congress to the President in the 2002 Authorization for the Use of Military Force in Iraq because the objectives for which the authorization was granted have all been achieved. Specifically, Congress authorized the President to use military force against Iraq to achieve the following objectives: to disarm Iraq of any weapons of mass destruction

that could threaten the security of the United States and international peace in the Persian Gulf region; to change the Iraqi regime so that Saddam Hussein and his Baathist party no longer posed a threat to the people of Iraq or its neighbors; to bring to justice any members of al Qaeda known or found to be in Iraq bearing responsibility for the attacks on the United States, its citizens, and interests, including the attacks that occurred on September 11, 2001; to ensure that the regime of Saddam Hussein would not provide weapons of mass destruction to international terrorists, including al Qaeda; and to enforce all relevant United Nations Security Council resolutions regarding Iraq.

Thanks to the skill and valor of the Armed Forces of the United States we now know for certain that Iraq does not possess weapons of mass destruction. Thanks to the tenacity and heroism of American troops, Saddam Hussein was deposed, captured, and dealt with by the Iraqi people in such a way that neither he nor his Baathist Party will ever again pose a threat to the people of Iraq or its neighbors in the region. Nor will the regime ever acquire and provide weapons of mass destruction to international terrorists. Also, the American military has caught or killed virtually every member of al Qaeda in Iraq remotely responsible for the 911 attack on our country. Last, all relevant U.N. resolutions relating to Iraq have been enforced.

In other words, every objective for which the use of force in Iraq was authorized by the 2002 resolution has been achieved, most with spectacular success thanks to the professionalism and superior skill of our service men and women. The point of my amendment was to recognize, acknowledge, and honor this fact.

Another amendment, this one to the Defense Authorization Act, H.R. 1585, required the Secretary of Defense to study and report back to Congress the financial and emotional impact of multiple deployments on the families of those soldiers who serve multiple tours overseas.

Words cannot explain the pain and the sense of pride that some families feel when they say good-bye to a loved one. Behind those brave smiles, hugs, and kisses is an undying and unnerving uncertainty about what can happen to a spouse, child, father, or mother. Depending on the extent of that soldier's injury a family can suffer serious economic consequences as a result, not to mention the emotional impact of seeing a loved one in that state. Even under the best of circumstances, where a soldier serves multiple terms and returns with no major injuries, valuable time is lost between a parent and child and between spouses that can never be returned.

One in five soldiers suffers from depression, anxiety or stress. Likewise 20 percent face marital problems including divorce or legal separation from their spouse. Military families need greater psychological, emotional, and organizational assistance according to the results of a new survey released March 28 of this year by the National Military Family Association, NMFA. The study, "Cycles of Deployment Report," which focused on the needs of military families, shows service members and military families are experiencing increased levels of anxiety, fatigue, and stress. In response, NMFA outlined recommendations for

meeting these challenges amid multiple and extended deployments, increased rates at which service members are called upon for service, and the heavy reliance on National Guard and Reserve forces.

Military families have also expressed concern that when entering a second or third deployment, their loved ones carry unresolved anxieties and expectations from the last deployment(s). While they may have gained knowledge of resources available to them, service members who have been deployed multiple times report being more fatigued and increasingly concerned about their family relationships.

Mr. Chairman, at bottom, H.R. 3222 ensures that U.S. forces in the field have all of the resources they require. Second, it improves healthcare for returning service members and veterans. Third, it imposes fiscal restraint upon the Administration and Pentagon.

Mr. Chairman, before I conclude, I want to take a few minutes to discuss why the American people believe so strongly that the time has come to an end the policy of not placing any demands or conditions on American military assistance to the Government of Iraq.

As Kenneth M. Pollack of the Brookings Institution, and a former senior member of the NSC, brilliantly describes in his essay, "The Seven Deadly Sins Of Failure In Iraq: A Retrospective Analysis Of The Reconstruction," in "Middle East Review of International Affairs" (December 2006), our trust and patience has been repaid by a record of incompetence unmatched in the annals of American foreign policy.

The Bush Administration disregarded the advice of experts on Iraq, on nation-building, and on military operations. It staged both the invasion and the reconstruction on the cheap. It did not learn from its mistakes and did not commit the resources necessary to accomplish its original lofty goals or later pedestrian objectives. It ignored intelligence that contradicted its own views.

It is clear now that the Administration simply never believed in the necessity of a major reconstruction in Iraq. To exacerbate matters the Office of the Secretary of Defense, OSD, and the White House Office of the Vice President, OVP, worked together to ensure that the State Department was excluded from any meaningful involvement in the reconstruction of Iraq.

The Administration's chief Iraq hawks shared a deeply naive view that the fall of Saddam and his top henchmen would have relatively little impact on the overall Iraqi governmental structure. They assumed that Iraq's bureaucracy would remain intact and would therefore be capable of running the country and providing Iraqis with basic services. They likewise assumed that the Iraqi armed forces would largely remain cohesive and would surrender whole to U.S. forces. The result of all this was a fundamental lack of attention to realistic planning for the postwar environment.

As it was assumed that the Iraqis would be delighted to be liberated little thought was given to security requirements after Saddam's fall. The dearth of planning for the provision of security and basic services stemmed from the mistaken belief that Iraqi political institutions would remain largely intact and therefore able to handle those responsibilities.

But there were too few Coalition troops, which meant that long supply lines were vulnerable to attack by Iraqi irregulars, and the

need to mask entire cities at times took so much combat power that it brought the entire offensive to a halt.

It was not long before these naive assumptions and inadequate planning conjoined to sow the seeds of the chaos we have witnessed in Iraq.

The lack of sufficient troops to secure the country led to the immediate outbreak of lawlessness resulting in massive looting and destruction dealt a stunning psychological blow to Iraqi confidence in the United States, from which the country has yet to recover. We removed Saddam Hussein's regime but we did not move to fill the military, political, and economic vacuum. The unintended consequence was the birth of a failing state, which provided the opportunity for the insurgency to flourish and prevented the development of governmental institutions capable of providing Iraqis with the most basic services such as clean water, sanitation, electricity, and a minimally functioning economy capable of generating basic employment.

Making matters worse, the Administration arrogantly denied the United Nations overall authority for the reconstruction even though the U.N. had far more expertise and experience in nation building.

The looting and anarchy, the persistent insurgent attacks, the lack of real progress in restoring basic services, and the failure to find the promised weapons of mass destruction undercut the Administration's claim that things were going well in Iraq and led it to make the next set of serious blunders, which was the disbanding of the Iraqi military and security services.

Mr. Chairman, counterinsurgency experts will tell you that to pacify an occupied country it is essential to disarm, demobilize, and retrain, DDR, the local army. The idea behind a DDR program is to entice, cajole, or even coerce soldiers back to their own barracks or to other facilities where they can be fed, clothed, watched, retrained, and prevented from joining an insurgency movement, organized crime, or an outlaw militia.

By disbanding the military and security services without a DDR program, as many as one million Iraqi men were set at large with no money, no means to support their families, and no skills other than how to use a gun. Not surprisingly, many of these humiliated Sunni officers went home and joined the burgeoning Sunni insurgency.

The next major mistake made in the summer of 2003 was the decision to create an Iraqi Governing Council, IGC, which laid the foundation for many of Iraq's current political woes. Many of the IGC leaders were horribly corrupt, and they stole from the public treasury and encouraged their subordinates to do the same. The IGC set the tone for later Iraqi governments, particularly the transitional governments of Ayad Allawi and Ibrahim Jaafari that followed.

Finally, by insisting that all of the problems of the country were caused by the insurgency rather than recognizing the problems of the country were helping to fuel the insurgency, the Bush administration set about concentrating its efforts in all the wrong places and on the wrong problems.

This explains why for nearly all of 2004 and 2005, our troops were disproportionately deployed in the Sunni triangle trying to catch and kill insurgents. Although our troops caught and

killed insurgents by the hundreds and thousands, these missions were not significantly advancing our strategic objectives. Indeed, they had little long-term impact because insurgents are always willing to flee temporarily rather than fight a leviathan. Second, because so many coalition forces were playing "whack-a-mole" with insurgents in the sparsely populated areas of western Iraq, the rest of the country was left vulnerable to take over by militias.

Finally, Mr. Chairman, a cruel irony is that because the Iraqi Government brought exiles and militia leaders into the government and gave them positions of power, it is now virtually impossible to get them out, and even more difficult to convince them to make compromises because the militia leaders have learned they can use their government positions to maintain and expand their personal power, at the expense both of their rivals who are not in the government and of the central government itself.

All of this was avoidable and the blame for the lack of foresight falls squarely on the White House and the Office of the Secretary of Defense.

Mr. Chairman, the American people spoke loudly and clearly last November when they tossed out the Rubber-Stamp Republican Congress. They voted for a New Direction in Iraq and for change in America. They voted to disentangle American troops from the carnage, chaos, and civil war in Iraq. They voted for accountability and oversight, which we Democrats have begun to deliver on; already the new majority has held more than 100 congressional hearings related to the Iraq War, investigating everything from the rampant waste, fraud, and abuse of Iraq reconstruction funding to troop readiness to the Iraq Study Group Report to the shameful mistreatment of wounded soldiers recuperating at Walter Reed Medical Center.

Mr. Chairman, the bill before us is not asking us to expand or extend the war in Iraq. I would not and will not do that. On the contrary, this bill puts us on the glide path to the day when our troops come home where we can "care for him who has borne the battle, and for his widow and orphan." This bill helps to repair the damage to America's international reputation and prestige. This bill brings long overdue oversight, accountability, and transparency to defense and reconstruction contracting and procurement.

I urge my colleagues to support H.R. 3222, the "Defense Appropriations Act of 2008."

Mr. MARKEY. Mr. Chairman, I rise today to speak about a very important provision in the Defense Appropriations Act for 2008, which yet again confronts President Bush over his inhumane and un-American torture policies.

I want to thank Chairman MURTHA for agreeing once again to include my language regarding torture in this bill. The provision, in Section 8104 of the bill, states that none of the funds in the Defense Appropriations bill may be used in contravention of the United Nations Convention Against Torture. This is a crucial provision because, as we all know, for years the President has been willing to ignore our obligations under international and domestic law to protect the basic human rights of detainees. This disregard for treaty and legal obligations also undermines our efforts in the war on terror, serving as a valuable recruiting tool for terrorists and putting our brave men

and women in uniform at risk of similar mistreatment if captured by our enemies.

I have inserted this provision into a number of funding bills over the past several years, and I will continue to do so until we can legislatively restrain this and every future President from intentionally misinterpreting our obligations to respect the fundamental human rights of all people. In the period of the Republican majority, I had to come to the floor and offer amendments to insert this funding restriction into the appropriations bills. Fortunately, my colleagues on both sides of the aisle agree that our obligations to treat individuals humanely are paramount, and my amendment repeatedly prevailed with near unanimity. I commend Mr. MURTHA for including this language in the bill, which reflects his deep concern for our troops and his commitment to upholding our obligations to fundamental human rights.

With his policies of extraordinary rendition, President Bush has shipped countless prisoners to countries such as Syria and Uzbekistan where they are brutally tortured—without ever having been afforded a lawyer, a trial, or any opportunity to challenge their transfer based on probability of abuse. By allowing senior officers and officials to implicitly encourage the abuse of Iraqi prisoners at Abu Ghraib, President Bush not only allowed a situation to develop where Americans horribly abused detainees but also created one of the greatest public diplomacy disasters in American history. By establishing a network of black-site CIA prisons around the world, where prisoners are held in total secret and without access to international monitors such as the Red Cross, the President engages in the grossest hypocrisy and undermines the very international protections for prisoners that our own troops abroad count on as their last line of defense should they be captured.

These policies must come to an immediate and permanent end. I look forward to passing my Torture Outsourcing Prevention Act to end extraordinary rendition once and for all, and it is essential that Congress reinstate habeas corpus. Until then, I am proud that the Congress will, with this funding restriction, once again bar any appropriations in violation of the Convention Against Torture.

Mr. LANGEVIN. Mr. Chairman, I rise in strong support of H.R. 3222, the Defense Appropriations Act for Fiscal Year 2008. I would like to thank the gentleman from Pennsylvania, Chairman MURTHA, and the gentleman from Florida, Ranking Member YOUNG, for their efforts to craft a strong bipartisan bill and for their tireless dedication to our national security and to the men and women in uniform who protect us.

Ensuring a strong national defense is one of Congress's greatest responsibilities, and at no time is that more evident when our servicemembers are overseas in harm's way. While the members of this body may disagree about our next steps in Iraq, we all agree that we must support the soldiers, sailors, airmen, marines and civilians who are serving their country and facing some challenging missions. Further, we agree that we must have a military that can protect our Nation against current threats and respond to emerging challenges we may face in the future. As a member of the Intelligence Committee and a former member of the House Armed Services Committee, I believe we need a flexible and an adaptive

military—one whose efforts are coordinated with other assets of national power such as diplomacy, foreign assistance and international cooperation—to achieve our national security goals.

Congress recognizes that our Nation is only as strong as those who defend us, and the bill before us makes important steps to enhance the health and well-being of those serving our Nation. It provides a 3.5 percent pay increase for our men and women in uniform, an increase over the President's recommendation of 3.0 percent. It continues our efforts to increase the size of the Army and Marine Corps in order to reduce the strain on our military caused by repeated troop deployments. In order to treat those currently in our military health system and to meet the needs of those returning from combat, it includes \$23 billion for defense health programs, \$416 million more than the President requested. It also postpones the President's recommended cost share increases for Tricare beneficiaries, a proposal that would have caused hardship to our military families and retirees.

H.R. 3222 also makes significant increases to vital non-proliferation programs. For years, the Nunn-Lugar Cooperative Threat Reduction program has allowed the U.S. to work with Russia and other nations in the former Soviet Union to dismantle their nuclear, chemical and biological weapons. As the chairman of the Homeland Security Subcommittee on Emerging Threats, Cybersecurity and Science and Technology, I know that one of the most important safeguards to preventing an attack using a weapon of mass destruction in the U.S. is to secure dangerous materials at their source to prevent them from getting into the hands of terrorists. To this end, the Defense appropriations bill includes \$398 million for Cooperative Threat Reduction—\$26 million more than the current level and \$50 million more than the President's request.

Finally, H.R. 3222 invests in systems and technology to protect against current and future threats. I am extremely pleased that the measure includes an additional \$588 million for advance procurement of materials that could lead to the construction of a second Virginia-class submarine as early as next year. Our Navy has estimated that we need 48 attack submarines to meet the needs of our military commanders. Yet, under the Navy's current 30-year shipbuilding plan, they do not expect to increase production to two subs per year until 2012, causing a perilous decline in our future sub fleet—dropping below 48 ships in FY2020–33 and hitting a low of 40 in FY2028 and FY2029. I have long advocated increasing our build rate of Virginia-class submarines to two per year so that we have sufficient capabilities to address emerging threats. However, the Navy has repeatedly delayed its two per year target date, causing instability in the industrial base. In FY2004, the Navy expected to build two subs per year in FY2007. By FY2005, the target had moved to FY2009. That date was pushed back again and again, and now stands at FY2012. Meanwhile, our defense industrial base in Southeastern New England has suffered layoffs of submarine designers and engineers, whose specialized skills would be very difficult to reconstitute if lost. Without immediate action, we risk shrinking our sub fleet to perilously low levels, precisely when nations such as China are expanding and modernizing their navies. After

visits to Rhode Island and Connecticut earlier this year, Chairman MURTHA stated that building more submarines would be a priority, and this legislation demonstrates his commitment to fixing this dangerous problem. On behalf of the submarine industrial base in Rhode Island, I thank him and Ranking Member YOUNG for their leadership on this important national security issue.

I am pleased that one of our final actions before departing for the August work period will be passing this important legislation, which demonstrates Congress's commitment to national security and deserves the support of all in this chamber.

Mr. BISHOP of Georgia. Mr. Chairman, I am very pleased to rise in strong support of the H.R. 3222, the Department of Defense and related agencies appropriations bill for fiscal year 2008.

As a member of Defense Appropriations Subcommittee, I am extremely proud of the work of the Subcommittee and our members on both sides of the aisle, in crafting a bill which truly provides for the defense and security of our Nation, our friends and allies, and promotes, supports and preserves the mutual security interests of both our friends and allies around the world.

More importantly, I would remind all of us here this evening, that anyone inside, or outside our shores, or for that matter, hiding in the most obscure and remote cave, or under a rock for that matter, who might wish upon us, our citizens and friends—the slightest of ill will or harm—should be very clear that this bill also serves as a stark, ominous and indisputable reminder of this Congress's and our Nation's resolve and dedication to our absolute domestic and global security—particularly in the face of those who would threaten the very rule of law, democratic ideals, and more importantly, the God-ordained principles of peaceful, fair, and progressive coexistence, among all God's children and nations.

It is important that our men and women who honorably serve in the defense of our Nation, have all the equipment, material and other resources they need to provide for the security of this Nation and our interests around the world.

Without question, the current war in Iraq and Afghanistan has placed a tremendous strain in this area, as well our potential ability to effectively respond to eminent security threats which may occur elsewhere throughout the world.

However, I firmly believe that our bill indeed goes far in meeting those needs and addressing any potential threats which might exist wherever they might arise.

More importantly, I, as well as my fellow Committee Members, are absolutely committed to providing our troops every dollar, dime and penny they need to defend our Nation and our interests—both here and abroad.

In this regard, our bill fully supports the Defense Department's plans to increase the size of the Army and Marine Corps to reduce the pressure to extend troop deployments.

Our bill will cover the costs of increasing the Army by 7,000 new members and the Marine Corps by 5,000 new members—including both the personnel costs and the associated equipment and outfitting costs. For the Army alone, the equipping costs amount to more than \$4 million and, for the Marine Corps, the equipping costs amount to more than \$2 million.

Our bill also provides \$925 million, \$635 million above 2007, specifically to address equipment shortfalls of the National Guard and Reserve in order to help these forces meet the demands of overseas deployments and respond to natural disasters here at home. This amount meets the requirements identified by the Chief of the National Guard Bureau in the "Essential 10 Equipment Requirements for the Global War on Terror."

Additionally, our bill provides an overall increase of 13 percent for home-station training, so that our troops are prepared for any eventual deployment. It also outfits a new 8th Stryker Brigade of the highly successful troop carrier to support the Army's evolution to a larger, more rapidly deployable force.

But lest anyone of us here tonight forget no matter the short-term outcome of the current conflict in Iraq and Afghanistan—whether it ends in the next few months, or extends through next year or beyond—it "will end" at some point, hopefully very soon.

And it is on this issue that I am particularly proud of the work of our Committee.

Ladies and gentlemen, notwithstanding what we may individually believe to be our moral, national security or political interests in the war in Iraq and Afghanistan we need to meet and provide for the needs of our troops when they return home from the conflict in the Middle East.

And, I am very proud that the bill recommended by the Committee takes a proactive stance in addressing the needs of and improving the facilities which our men and women serving overseas will return to, and the resources provided to their families, both in the near and long term.

Mr. Chairman, our bill provides \$558.4 million more than the President's request, for military family support, including childcare centers, education programs and the family advocacy program which supports military families affected by the war and child and spousal abuse.

Additionally, the bill contains \$1.3 billion more than the President's request to repair barracks, improve child care facilities, and improve community services at military bases, to address the strain put on facilities by changes in force structure, base closures, and a global repositioning of our troops.

Our bill will significantly bolster base security, investing \$141.9 million above the President's request for perimeter security force protection and related security improvements, to protect DOD bases, schools, and hospitals from terrorist attacks.

I am very proud that Ft. Benning, the "home" of the Infantry, is located in my district. And I am particularly pleased that our bill places a very high priority on investing in vital facilities like Ft. Benning, in anticipation of our troops return from the war.

As a new member of the Appropriation's Subcommittee on Defense, I was struck by the Department's ongoing challenges in effectively managing its procurement activities, particularly in terms of contractor oversight, and our long term, multi-year plans, commitments and management in this area.

From 2000 to 2005, DOD contracting-out increased by 73 percent, but oversight has actually decreased.

I am very pleased that the Committee's report on the bill directs several steps to improve the oversight of contractors, including

the following: In order to improve the oversight of contractors, the bill increases the budget of certain critical DOD oversight agencies—including providing an increase of \$24 million for the DOD Inspector General, \$17 million for the Defense Contract Management Agency, and \$12 million for the Defense Contract Audit Agency. The bill also provides \$21 million to permit the temporary assignment of 600 contract specialists from the General Services Administration to help DOD oversee contracts.

The Committee report requires the Secretary of Defense to develop minimum standards for all contractors performing security functions and to establish a clear set of rules of engagement for those operating in Iraq and Afghanistan, within 90 days of the bill's enactment.

The Committee report also requires a report that identifies: (1) DOD acquisition workforce needs; and (2) tools to recruit and retain these personnel in order to provide adequate management of contracts and oversight of contract performance.

Finally, I would like to congratulate my Chairman, JACK MURTHA, and Ranking Member BILL YOUNG, for the outstanding job they have done in stewarding and leading the important work of our Subcommittee.

And I would be remiss if I did not recognize and thank the staff of Subcommittee—David Morrison and his outstanding staff, as well as John Shank and the minority staff, in the outstanding work they do on behalf of this body and the Nation.

This is a good bill, and I urge my colleagues to support the FY08 Defense Appropriations bill.

Ms. MOORE of Wisconsin. Mr. Chairman, I rise today—as we consider the FY 2008 Defense Department Appropriations bill to speak about the need to ensure that every soldier returning from Iraq gets access to health care including mental health care services.

One of the most important things funded in the bill is the program to help the Defense Department deal with the rising number of soldiers returning from Iraq and Afghanistan suffering from mental health conditions such as Post Traumatic Stress Disorder or PTSD.

As you know Mr. Chairman, PTSD is a chronic medical disorder that follows exposure to an overwhelming traumatic event. Its symptoms can include flashbacks, sleeplessness, restlessness, irritability. The majority of those with PTSD meet the diagnostic criteria for several psychiatric disorders, especially depression and substance abuse, and many also attempt suicide.

Our military personnel in Iraq and Afghanistan are constantly at risk for car bombs, suicide bombers, and improvised explosive devices. Combat imposes a psychological burden that affects all combatants, not only those who sustain physical wounds.

Yet, despite a renewed interest and focus on this problem by Congress, I am disturbed by recent reports about the use of administrative discharges to “involuntary separate” “unfit” soldiers in order to maintain “good order and discipline” among the ranks.

While this may seem quite normal, these reports indicate that these discharges may be pushing men and women out of the service for conduct that may be tied to undiagnosed or untreated post-traumatic stress disorder symptoms even as the Army's Surgeon General has stated that the “army does not want PTSD treated as a discipline problem.”

PTSD and other mental health challenges often include complex behaviors which include difficulty controlling one's emotions and self-medicating with alcohol, other medications, or illicit drugs in an attempt to return to “normalcy.” Without a thorough evaluation by trained professionals during this process, many soldiers suffering with PTSD may be discharged and cut off from needed healthcare, with deadly consequences.

This problem was brought to my attention recently and tragically through the case of a constituent who my office was working to help access VA health services which he thought he had earned through his sacrifice on the battlefield.

This constituent served his country in Iraq for 10 months only to come back to be discharged as a “disciplinary problem” even though he manifested many symptoms that would indicate PTSD.

Instead of helping him find the door to diagnosis and treatment, he was just plain shown the door. Besides losing access to DoD health services, the character of his discharge also unfortunately prevented him from receiving any of the VA health and mental health services that could have helped him which so many in Congress have fought to make available to returning service men and women.

The Army did eventually clarify his discharge so that my constituent could access VA health benefits. Unfortunately, this change did not occur until after his problems had gone untreated for several more months and only a few weeks before he ultimately committed suicide.

However, why we would force our service men and women, who have fought the enemy on the battlefield, to fight the enemy of bureaucracy anew is beyond me, especially when medical professionals maintain that early intervention and treatment can make a difference for those with PTSD and other mental health conditions.

Sadly, the problem is much more widespread than one constituent. There are many who have noted the increasing use of the administrative discharge process to quickly discharge soldiers considered “disciplinary” problems or “unfit” including pressure placed on unit commander to remove these soldiers rather than get them help.

Mr. Chairman, I intended to offer amendments to try and get the DOD leadership to address this issue with a renewed sense of urgency especially since the DOD's own Mental Health Task Force expressed “serious concerns” about this problem.

The Task Force found a conflict between the haste to enforce discipline and the need to properly evaluate soldiers prior to a disciplinary discharge to ensure that reported misconduct is not a result of an untreated or undiagnosed mental health condition.

In June, that Task Force recommended that DOD change its policies to “Guarantee a Thorough Assessment of Behavioral Symptoms When Evaluating Combat Veterans for Administrative/Legal Dismissal from the Military” including “carefully assessing a soldier's history of exposure to conditions that could cause PTSD, or traumatic brain injury, or related diagnoses for those facing administrative or medical discharge.”

While my amendments would have been made in order under the open rule under which this bill will be considered, the Defense

Subcommittee Chairman, MR. MURTHA, graciously offered to work with me on this issue as the bill moves forward, including conference report language. On that basis, I will not offer my amendments today.

In the word of the DOD's task force, “the military also has a clear responsibility to restore to full level of function a service member damaged in the line of duty, and to be cognizant of and attentive to the psychological aftermath of deployment, manifested in hidden injuries of the brain and mind.”

We can and must do better for our soldiers.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in support of the bill and want to thank Chairman MURTHA, Ranking member YOUNG and their very able staff for their hard work.

The challenge before our Subcommittee was this: strike the appropriate balance between present and the future needs for our military in a time of war.

Clearly, we must provide the funding necessary to support our courageous young warfighters—troops in the current fight—and their families.

In this regard, I am pleased that the bill:

Fully funds a 3.5 percent pay raise for troops;

Provides an additional \$2.5 billion for family support activities—more counselors, teachers, day care providers, better housing, etc;

That the bill: Contains significant increases in many Defense Health accounts and provides funding to improve military mental health and PTSD programs;

Includes new efforts on preventative medicine in DOD and enhancements to military medical research;

The \$1.9 billion shortfall in the military's TriCare program is erased in this bill;

Contains new initiative to consolidate the DOD and VA medical record-keeping systems to assure that our soldiers' medical records do not fall through bureaucratic cracks.

Further, the bill:

Fully funds flying hours for our aviators and home training for all those who fight on our behalf;

Includes an additional \$142 million to I provide enhanced security at DOD bases here in the U.S. As the recent incident at Fort Dix demonstrates, our military bases are terrorist targets.

But Mr. Chairman, this Committee also applied its best judgment as we look to the future and how this Nation will confront future opponents in future conflicts. The bill:

Provides nearly a billion new dollars to upgrade the equipment of our National Guard and Reserves for both military and home state civil operations;

Fully funds the “end strength” increases for the Army and the Marines;

Moves the F-22 Raptor program forward and retains language that bars its foreign sale;

Advances the Joint Strike Fighter program and directs production of a 2nd engine;

Establishes a new Army Stryker Brigade and contains funding for five new ships for the Navy.

Mr. Chairman, if I had written it this bill, I might have written sections differently. For example, one could argue with the total funding levels. And I wonder if we have “gotten it right” with respect to reductions to Future Combat Systems—the Army's signature modernization program.

But all-in-all, this is a good package worthy of our support. I thank the Chairman. I thank

the Ranking Member. And I thank the staff and urge support of the bill.

Mr. LEWIS of California. Mr. Chairman, I rise today to extend my support for the fiscal year 2008 Defense Appropriations Bill. The bill, as recommended by Chairman MURTHA and Mr. YOUNG, is a clean bill. It is a good bill. It is a bipartisan bill.

This bill provides almost \$460 billion for our Nation's defense, an increase of \$39.7 billion over the fiscal year 2007 appropriations. It funds the country's priorities during a period where we find ourselves developing a force structure for the future and carrying out a Global War on Terrorism. The bill provides balance with support for development and deployment of near-term capabilities, while investing in the future through robust science and technology efforts. In particular, the bill:

Continues the establishment of a strong missile defense against the threats of our adversaries;

Further the revitalization of our human intelligence efforts, a critical capability lost in the 90's, while maintaining our technical intelligence assets;

Focuses the evolution of tomorrow's blue water navy;

Grows the force structure necessary to meet the operational demands and reduce the burdens carried by our military families;

Addresses the health care needs of our soldiers; and,

Does all of these things while providing the necessary resources to train and equip today's forces that are currently in harm's way.

I believe, however, that it may be more important to appreciate what this bill doesn't do rather than what it actually does.

This bill doesn't bog us down in the useless exercise of academic debate on issues better discussed elsewhere.

It doesn't step into the authorizations world with misguided attempts to solve issues associated with topics like Iraq or detainee policy.

And, most importantly, it doesn't delay providing our men and women in uniform our unqualified support and the resources they need to complete their mission successfully. I strongly urge my colleagues to preserve this quality of the bill before us today.

Over the years that I have been privileged to serve on the Appropriations committee, we have made every effort to leave partisan politics at the door. We have teamed up in a bipartisan fashion to do what is best for the country. This bill follows that longstanding, time-honored tradition.

For us to get our work done—for us to be successful—it must remain that way. National security demands that this bill focus on the needs of our troops. In its current form, this bill does that.

National security also demands that Congress move swiftly. The House is doing its part and I would urge our colleagues in the Senate to join us in moving this bill—and others—quickly.

Mr. Chairman, I urge the swift adoption of this Defense Appropriations bill.

Mr. DICKS. Mr. Chairman, I want to begin by congratulating Chairman MURTHA, Ranking Member YOUNG, Chairman OBEY, and Ranking Member LEWIS for guiding the committee work that brings this bill to the floor for consideration today. I expect that other committee members took as much satisfaction as I did in being able to report out this bill with unani-

mous, bipartisan support from both the subcommittee and the full committee.

One area that I want to comment on in particular regarding this bill has to do with the classified accounts. In preparing this bill, we undertook a new approach in which Members from both the Defense Appropriations Subcommittee and the Permanent Select Committee on Intelligence worked jointly in a Select Intelligence Oversight Panel. I was pleased to have been able to participate in this panel that was ably led by my friend from New Jersey, Mr. HOLT.

Because we cannot comment in any detail on the classified accounts in this bill, I hope it is useful to my colleagues to hear that the Select Intelligence Oversight Panel undertook thorough reviews of the classified accounts, including many probing sessions with representatives of the intelligence agencies. In the end, the panel made recommendations on the classified accounts to the Defense Appropriations Subcommittee, and the bill before us today reflects those recommendations.

Mr. Chairman, like all other agencies of the Federal Government, the intelligence agencies need to be subject to oversight and accountability. I believe that we have done that in developing the appropriations levels that are provided for in the classified accounts of this bill.

I also would like to call attention to a few additional areas of the bill that I think are significant. Equipment shortfalls for our Guard and Reserve forces have been an area of real concern to the committee. In order to continue to address this, the bill adds \$925 million, \$700 million of which is designated for the Army National Guard.

Recognizing the need to help the Army provide the facilities that it needs as it deals with the combined effects of growing its forces, rebasing its forces and transforming to the modular force, the bill adds \$1.25 billion for facilities sustainment and restoration. These funds will be used to fix barracks, improve childcare facilities and enhance community services at installations around the world.

The Navy has some challenges too, some of which this bill attempts to address. In shipbuilding, the bill adds \$3.7 billion above the budget request to provide funds for an additional five ships. Furthermore, I am pleased that the bill fully funds the account for ship depot maintenance to ensure that the Navy can continue to maintain the readiness of its current fleet.

Finally, Mr. Chairman, I point out that the bill funds a 3.5 percent pay increase for our military personnel, and it includes \$2.9 billion (an increase of \$558 million over the budget request) for family advocacy programs, childcare centers, and dependent education programs.

There is much more that is very good about this bill. I urge my colleagues to vote to support it.

Mr. GENE GREEN of Texas. Mr. Chairman, rise today in strong support of this legislation.

This legislation along with the passage of the Rest and Recuperation for Troops Act yesterday and the Military Construction and VA Appropriations bill earlier this year, continues a strong record in this Congress of providing our troops with the funding and equipment they need in the field, and ensuring they have the healthcare and rest they need when they come home.

I applaud the Appropriations Committee's work to provide more than the President's re-

quest for combat equipment depleted in Iraq, operational training, National Guard and reserves' battle gear, support services for military families, and shipbuilding.

This bill appropriates \$459.6 billion for Defense Department programs in FY 2008. The bill's total is \$3.5 billion, just 1 percent less than the President's request, but \$39.7 billion, or 9 percent more than comparable levels for last year's regular defense appropriations—not accounting for \$165 billion in FY 2007 emergency supplemental defense funds for operations in Iraq and Afghanistan we sent the President earlier this year.

I thank the Committee for including an important project being worked on by a consortium of universities in Texas in collaboration with the Air Force, the Consortium for Nanotechnology in Aerospace Commerce and Technology (CONTACT). Through collaborations among the universities, the Air Force Research Laboratory, and the aerospace commercial sector, this unique partnership will develop leading-edge nanotechnology aerospace applications faster and better than could be achieved individually at each institution.

I hope to work with the Committee as they move to conference and in next year's cycle to highlight the importance of three other projects I requested that did not get funded.

The Radar/Video Fusion Vessel and Port Security Demonstration Project will develop a sensor package integrated to provide surveillance, warning, monitoring and tracking of ships, vessels, and integrate into current and future Houston Ship Channel surveillance capability. Increased security at ports and waterways, landside and waterside, is now an essential part of homeland defense. This is particularly true in Houston where ships and barges have direct access to high value sites where destruction of assets will cause major casualties and/or economic impact.

Two other projects, the Battleship TEXAS Restoration Project, and the Manganese Health Research Project, have each been funded in the past, and I hope the Chairman would work with me to see that these important projects receive the funding necessary to complete the projects in the future.

Again, I strongly support this bill which will provide essential funding for the military and our troops, and I urge my colleagues to join me in supporting it.

Mr. GINGREY. Mr. Chairman, I rise today in recognition of all the hard work the Chairman and Ranking Member of the Subcommittee, and their staffs, have put in on behalf of our Nation on the Department of Defense Appropriations Bill for Fiscal Year 2008—and in gratitude for their work on behalf of the 11th District of Georgia.

And I would like to commend Chairman MURTHA and Ranking Member YOUNG for their efforts on behalf of our soldiers, sailors, airmen, and marines who are so bravely defending us at home and abroad.

Mr. Chairman, in its current form, this appears to be legislation that—although not perfect—does a fine job covering a wide range of priorities that are vitally important to our Armed Services. While regrettably cutting funding for both missile defense and future combat systems, the bill does appropriately include an across-the-board 3.5 percent pay raise and provisions addressing both Guard and Reserve readiness concerns. This bill also provides much-needed funds to grow the



Army—by 7,000 soldiers—and the Marine Corps—by 5,000 Marines.

Our House colleagues also did a good job providing funding for many important programs which are our military's top priorities. Chief among these, Mr. Chairman, is the F-22 Raptor.

I am particularly encouraged by the work the Appropriations Committee has done to fund F-22 procurement this year, as this aircraft is vital to our Nation's defense. This bill contains \$3.153 billion for 20 F-22 Raptor aircraft as part of the multi-year procurement strategy of 60 F-22s over the next three years. This will go a long way toward providing stability for the program and ensuring that America maintains air dominance for the foreseeable future.

Further, Mr. Chairman, as we fight the global war on terror, the United States must without question continue to modernize and strengthen our ability to support our men and women in harm's way. Maintaining our Nation's airlift capabilities is critical to this mission, and I would like to applaud the Committee for their recognition of this by including funding for the modernization of the C-5 fleet, in line with the Air Force's program of record.

The Committee also responsibly recognizes the importance of developing life-saving innovations to benefit our war-fighters. Accordingly, \$2.5 million dollars was included for the research and development of BioFoam Protein Hydrogel, which is manufactured in my district. BioFoam has the potential to save lives on the battlefield by using an expanding, adhesive, foam sealant to stop uncontrollable bleeding from internal wounds where tourniquets cannot be applied. Additionally, I am grateful that the Committee worked with me to provide funding for the Covert Waveform Program and for the development of Active/Smart Packaging for combat feeding.

Mr. Chairman, I would like to again thank my colleagues for their hard work on this bill.

Mr. HOLT. Mr. Chairman, I rise in support of this bill, which will provide our men and women in uniform with the tools to defend America and its people. Overall, this bill provides \$459.594 billion for the operations of the Defense Department for fiscal year 2008, which is more than \$43 billion above last year's level.

This bill keeps faith with our troops and their families in three key areas. First, this bill provides \$2.9 billion (\$558.4 million above the President's request) for programs including childcare centers, education programs and the family advocacy program which provides support to military families affected by the demands of war and episodes of child or spouse abuse. Second, the bill addresses the health care needs of military families and retirees by providing \$22.957 billion (\$1.7 billion above 2007 and \$416 million above the President's 2008 request) for their care. The bill rejects the President's proposal to inflict \$1.9 billion in TRICARE fee and premium increases on our troops, their families, and our military retirees. Finally, the bill provides \$2.2 to cover the cost of a 3.5 percent military pay raise, as approved in the House version of the Defense Authorization bill.

This bill also prepares our forces to meet future needs. The bill provides \$7.548 billion, a 13 percent increase for all home-stationing training, so that our troops are well prepared for any eventual deployment. The bill also

supports DoD's plans to increase the size of the Army and Marines by providing \$4 billion to cover the equipment costs of adding 7,000 Army troops and \$2 billion to cover cost of adding 5,000 Marines. These force structure increases may reduce the number of deployments individual servicemembers may face in the years ahead.

The bill also addresses Guard and Reserve equipment shortfalls by providing \$925 million (\$635 million above 2007 levels) in order to help forces meet the demands of overseas deployments and respond to natural disasters here at home. This amount meets the requirements identified by the Chief of the National Guard Bureau in the "Essential 10 Equipment Requirements for the Global War on Terror."

To help America maintain its technological edge in the military arena, the bill provides \$76.229 billion (\$1.112 billion above the President's request and \$508 million above 2007 levels) for research, development, testing and evaluation programs, including military medical research.

Funding for production of the Armed Reconnaissance Helicopter was zeroed out because they are not ready to go into production. Research and development will continue. Regarding ballistic missile defense programs, the committee cut some \$298 million from the President's \$8.498 billion request. I continue to believe that this is the single most wasteful, technologically impractical, and politically shortsighted programs in the entire Pentagon budget, and I hope that further cuts to this program will be forthcoming when the House and Senate conferees meet later this year.

The bill also cuts \$406 million from the President's \$3.157 billion request for the Future Combat System, the Army's projected next generation of armor, artillery, and related vehicle programs. This is another example of a Cold War legacy program that continues to receive massive funding despite its complete irrelevance to the wars we've been waging since 9/11.

If we've learned anything from our experience in Iraq and Afghanistan, it's not that our soldiers' greatest need has been additional firepower from new tanks and artillery pieces—it's been their need for translators and cultural specialist who could help them bridge the language and culture gap with the Iraqis and Afghans who want to help us find the insurgents and terrorists who are destroying their societies. I'm glad the committee has taken this initial step in reducing expenditures on this Cold War legacy program, but I hope that it represents only the beginning of a fundamental reevaluation of this program and the eventual reprogramming of its funds towards more productive ends.

Finally, I wanted to take a moment to address a structural change that was made to the committee at the beginning of this Congress, one that has significantly enhanced this body's oversight of intelligence programs. Earlier this year and under the leadership of Speaker PELOSI, the House passed H. Res. 35, which created the Select Intelligence Oversight Panel, which I have the honor of chairing. This step was in direct response to the 9/11 Commission recommendation that Congress take steps to reform how it conducts oversight of the intelligence community.

Our panel contains a mix of members from both the Appropriations Committee and the House Permanent Select Committee on Intel-

ligence. Our charter is to review the operations of the intelligence community and to recommend policies and funding levels where necessary. The bill before you incorporates our recommendations. The majority of these recommendations are detailed in the classified annex to this bill and cannot be discussed in open session. However, one specific recommendation can be outlined for this body and the public, and it involves those critical foreign language programs of which I spoke earlier.

Our panel recommended a more than \$10 million increase in funding for the National Security Education Program, or NSEP for short. NSEP was established by the David L. Boren National Security Education Act (NSEA), as amended, P.L. 102-183, codified at 50 U.S.C. 1901 et seq. It was signed into law by President George H. W. Bush on December 4, 1991. The NSEA mandated the Secretary of Defense to create the National Security Education Program (NSEP) to award: (1) scholarships to U.S. undergraduate students to study abroad in areas critical to U.S. national security; (2) fellowships to U.S. graduate students to study languages and world regions critical to U.S. national security; and (3) grants to U.S. institutions of higher education to develop programs of study in and about countries, languages and international fields critical to national security and under-represented in U.S. study. Also mandated in the NSEA was the creation of the National Security Education Board (NSEB) to provide overall guidance for NSEP.

NSEP's mission is to build a broader and more qualified pool of U.S. citizens with foreign language and international skills. It consists of five initiatives that represent broad strategic partnerships with the U.S. education community designed to serve the needs of U.S. national security and national competitiveness. NSEP focuses on the critical languages and cultures of Asia, Africa, Eastern Europe, the Middle East, and Latin America, and is unique in the commitment of its award recipients to proceed into public service upon completion of their academic studies. Each NSEP award recipient must demonstrate a commitment to bring his or her extraordinary skills to the Federal Government through employment within one of its many agencies and departments.

I'm pleased that our panel has placed such bipartisan emphasis on closing the foreign language and cultural literacy gaps that still exist within our national intelligence and defense agencies. However, it is clear that our deployed forces still do not have anything approaching the number of qualified linguists and cultural experts to help them effectively interact with the people of Iraq, Afghanistan, and most of the other countries of the Arab and Islamic world that are the critical battlegrounds in the war of ideas, hearts, and minds against al Qaeda. I will work with Chairman MURTHA in the coming year to address this issue.

Mr. Chairman, on balance, this is a good bill that provides our armed forces what they need to protect our citizens, our allies, and our vital interests, and I urge my colleagues to join me in voting for it.

Mr. Chairman, I commend the subcommittee for bringing this bill to the floor. Let me also take a moment to commend the outstanding staff of both the Defense subcommittee and the staff of the Select Intelligence Oversight



Panel for their hard work and expert contributions to our final product. I also want to thank the Panel's ranking member, Mr. LAHOOD, for his many thoughtful contributions to our work this year.

Speaker PELOSI is a leader of vision and boldness. Under her leadership, the House passed H. Res. 35, which created the Select Intelligence Oversight Panel, which I have the honor to chair. This step was in direct response to the recommendations of the 9/11 Commission that Congress reform how it conducts oversight of the intelligence community. Specifically, the Commission said "Congress should create a joint committee for intelligence, in with combined authorizing and appropriations powers." The Speaker created a panel consisting of appropriators and authorizers.

Our panel contains a mix of members from both the Appropriations Committee and the House Permanent Select Committee on Intelligence. Our charter is to review all aspects of the intelligence community and report to the Appropriations Committee's Subcommittee on Defense. The bill before you contains our first such set of recommendations, which have put everyone on notice that real Congressional oversight of intelligence activities has resumed after a long and dangerous lapse.

This panel—unprecedented in Congressional history I believe—appears to be making a difference. Chairman OBEY and Chairman MURTHA have taken the Speaker's proposal and made it succeed. Working in a bipartisan manner, the panel has made numerous recommendations ranging from increased funding for foreign language programs to restructuring of major intelligence programs. Those recommendations are incorporated into this bill.

I think almost all Americans now know that our national intelligence agencies activities around the globe affect their safety and prosperity at home. What I hope they will now also know is that we in the House have made the oversight changes necessary to help keep them safe and their liberties secure.

Let me close by saying that our Panel's work is just beginning, and that I look forward to reporting to the House occasionally on our activities.

Mr. ORTIZ. Mr. Chairman, given the many challenges faced by our Nation—and our military—I'm pleased that the House moved the Defense Appropriations bill quickly.

Chairman MURTHA is doing some very heavy lifting for the Nation, and I thank you for your work.

This bill also contains a significant investment for South Texas, which contributes significantly to the Nation's military readiness. As the House point man on Readiness matters in our military, I have been deeply concerned that the Iraq conflict has eroded the readiness of the U.S. armed forces, perhaps for a generation.

At a time when we need to be more ready than before, this is a tremendous cause for alarm.

Today's bill addresses many of our current needs associated with: beefing up today's ground forces—our boots on the ground overseas; addressing the many failings of this administration and the last Congress in ensuring our military is ready for any challenge we need to meet, such as finally providing oversight of contractors in Iraq and Afghanistan; fully funding critical needs at depots that sup-

ply our troops; providing funds for National Guard equipment to make us safer here, and make our soldiers safer on the battlefields; and providing assistance for wounded warriors.

I thank the gentleman from Pennsylvania for his hard work on the bill; and the gentleman from New York for her work on this rule.

I urge my colleagues to support both the rule and the bill.

Ms. KAPTUR. Mr. Chairman, I rise in strong support of the Fiscal Year 2008 Appropriations bill. I commend Chairman MURTHA and Ranking Member YOUNG for crafting a bipartisan measure that carefully balances support for our troops and their families and fiscal responsibility. It maintains and enhances our Nation's commitment to a defense second to none and our abiding responsibility to protect and defend our Nation from all enemies at home and abroad.

As a member of this distinguished subcommittee, I am pleased with the body of work that we produced under the strong leadership of Chairman Murtha. The Defense subcommittee held over 30 hearings this year, nearly double that of the previous Congress. We received testimony from dozens of witnesses—from both inside and outside the Department of Defense—in order to allow the Members and our extraordinary staff to fashion this well balanced bill.

Mr. Chairman, this has been a difficult year for our Nation. The economy is in fragile shape, the public is losing faith in this body and the war in Iraq is taking a serious toll on the morale and well being of U.S. soldiers. As this conflict extends well into its 5th year, I must soberly remind each and every Member of this body that 3,651 U.S. soldiers have been killed and 27,104 injured. Those are staggering numbers.

Thankfully, this bill seeks to provide robust funding for those programs most important to the soldiers and to their families. The Committee fully-funded a 3.5 percent military pay raise without charging higher health care fees for military retirees, as the Administration proposed to do. Included in this bill is just under three billion dollars for family advocacy programs, childcare centers and dependent's education programs.

I am also very supportive of strong language and related funding in this bill providing for increased oversight and accountability of contractors and contracting out services. We have been calling on the Department of Defense to get its fiscal house in order for years. They chose to ignore Congress. This bill provides much needed guidance on the steps they must take to increase transparency on how they spend the public's money. Corruption and fiscal irresponsibility cannot stand. I agree with my Chairman, the distinguished gentleman from Pennsylvania, who maintains: "The Committee's fiduciary responsibility to the American taxpayer requires holding accountable organizations, officials, and programs that have performed poorly. Moreover, wasted resources and procedural abuses ultimately come at the expense of our military men and women." As a result, we provide increased funds for the Contract Audit Agency, the Contract Management Agency, and the Department of Defense Inspector General. We also provide authority for the DoD to hire up to 500 GSA and GAG efficiency experts for assistance.

Finally, and perhaps most importantly, I want to draw each Member's attention to language in this bill that notes the Department of Defense has been slow "to establish aggressive goals and timelines to achieve increased energy efficiency." The utter dependence of the United States on imported petroleum creates the major strategic vulnerability for our Nation, coupled with nearly half of the energy supply of the United States dependent on foreign sources. From the economically damaging Arab oil embargoes of 1973–74 and 1979 to the current recession precipitated by rising oil prices, which began in 1999, economic forces outside our borders have too often shaken the economic stability of the United States. We must shift America's dependence away from foreign petroleum as an energy source toward alternative, renewable, domestic sources. We must aim to balance the current petroleum trade deficit by replacing foreign sources of supply with steady increases of domestically-produced fuels and power system.

The Department of Defense is the largest purchaser of fuel in the United States. It maintains the largest energy footprint in our Government. I believe the Department of Defense can and must lead all other agencies in making the United States energy independent again.

I encourage every Member to vote in favor of this bill.

Mr. VISCLOSKEY. Mr. Chairman, I rise in strong support of H.R. 3222 and thank Chairman MURTHA and Ranking Member YOUNG for the fine bill they have crafted. I would particularly like to highlight one item that is not in the bill. It's funding for the Administration's proposal to build a new nuclear weapon, the so called Reliable Replacement Warhead. The Administration proposed funding in the Energy and Water Appropriations measure for the warhead. They also asked for \$30 million for design and development of the warhead in H.R. 3222.

In conjunction with my Ranking Member, Mr. HOBSON, we did not provide funds for this proposal in the Energy and Water Bill. I thank Chairman MURTHA and Mr. YOUNG for their foresight and correct policy decision in also eliminating funding for this program in H.R. 3222.

Profound decisions on the use of nuclear weapons stockpile need to be made—this is a serious and fundamental responsibility. Plans need to be articulated with specificity before this Nation should consider proceeding with the President's call for a new nuclear weapon.

First, there is a need for a comprehensive nuclear defense strategy and stockpile plan to guide transformation and downsizing of the stockpile and nuclear weapons complex—and until progress is made on this critical issue, there will be no new facilities or Reliable Replacement Warhead. Only when a future nuclear weapons strategy is established can the Departments of Defense and Energy determine the requirements for the future nuclear weapons stockpile and nuclear weapons complex plan. To date no Administration has developed and articulated a policy that takes into account the changes in our world situation since the end of the Cold War, the advent of regional conflicts such as we've seen in Kosovo and the terrorist attacks of 9/11.

Further, testimony before the subcommittee has pointed to the potential for the international community to misunderstand development of a new nuclear weapon by the United States. Moreover, for the last decade, the Administration has said that Stockpile Stewardship was the path to maintain the safety, security and reliability of the nuclear stockpile. Now, with three major stockpile stewardship facilities all over budget, over their deadlines, and not completed, we are told, "Let's do something else."

Given the serious international and domestic consequences of the U.S. initiating a new nuclear weapons production activity, it is critical that the administration lay out a comprehensive course of action before funding is appropriated. Major transformation of the weapons complex can only be produced with significant bipartisan support, lasting over multiple sessions of Congress and multiple Administrations. I don't think it is asking too much for a comprehensive nuclear strategy before we build a new nuclear weapon.

The Administration has proposed funding to begin engineering and cost studies of a reliable replacement warhead. In this, they have got the cart well before the horse. No funds should be provided for this activity. Future funding should only be considered following the adoption of a new strategic weapons plan for the Nation whereby the President establishes the anticipated threat environment and the role of nuclear weapons in addressing the projected threats. The strategic weapons plan must then guide a new nuclear stockpile plan before it can be determined if and when a reliable replacement warhead is needed.

In closing, I again want to thank Chairman MURTHA and Mr. YOUNG for their wise and positive decision in this matter.

The Chairman. No general debate is in order. The bill shall be considered for amendment under the 5-minute rule.

No amendment to the bill may be offered except those specified in the previous order of the House of today, which is at the desk.

The Clerk will read.

The Clerk read as follows:

H.R. 3222

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2008, for military functions administered by the Department of Defense and for other purposes, namely:

#### TITLE I

##### MILITARY PERSONNEL

###### MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$31,346,005,000.

###### MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities,

permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$23,300,801,000.

###### MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$10,269,914,000.

###### MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$24,379,214,000.

###### RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 3038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$3,629,620,000.

###### RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$1,776,885,000.

###### RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing

drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$513,472,000.

###### RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 10211, 10305, and 8038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$1,365,679,000.

###### NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 10211, 10302, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$5,815,017,000.

###### NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under section 10211, 10305, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$2,621,169,000.

#### TITLE II

##### OPERATION AND MAINTENANCE

###### OPERATION AND MAINTENANCE, ARMY

###### (INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed \$11,478,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes, \$26,404,495,000: *Provided*, That, notwithstanding any other provision of law, up to \$12,500,000 shall be transferred to "U.S. Army Corps of Engineers, Operation and Maintenance" for expenses related to the dredging of the Hudson River Channel and its adjacent areas, to be merged with and to be available for the same time period as the appropriations to which transferred: *Provided further*, That the transfer authority provided in this paragraph shall be in addition to any other transfer authority elsewhere provided in this Act.

###### OPERATION AND MAINTENANCE, NAVY

For expenses, not otherwise provided for, necessary for the operation and maintenance

of the Navy and the Marine Corps, as authorized by law; and not to exceed \$6,257,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes, \$32,851,468,000.

**OPERATION AND MAINTENANCE, MARINE CORPS**

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law, \$4,471,858,000.

**OPERATION AND MAINTENANCE, AIR FORCE**

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed \$7,699,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes, \$31,613,981,000.

**OPERATION AND MAINTENANCE, DEFENSE-WIDE  
(INCLUDING TRANSFER OF FUNDS)**

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law, \$22,343,180,000: *Provided*, That not more than \$25,000,000 may be used for the Combatant Commander Initiative Fund authorized under section 166a of title 10, United States Code: *Provided further*, That not to exceed \$36,000,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes: *Provided further*, That of the funds provided under this heading, not less than \$27,380,000 shall be made available for the Procurement Technical Assistance Cooperative Agreement Program, of which not less than \$7,000,000 shall be available for centers defined in 10 U.S.C. 2411(1)(D): *Provided further*, That of the funds provided under this heading, not less than \$245,075,000 shall be available only for the Combatant Commander's Exercise Engagement and Training Transformation program: *Provided further*, That none of the funds appropriated or otherwise made available by this Act may be used to plan or implement the consolidation of a budget or appropriations liaison office of the Office of the Secretary of Defense, the office of the Secretary of a military department, or the service headquarters of one of the Armed Forces into a legislative affairs or legislative liaison office: *Provided further*, That no more than \$1,900,000 shall be available for the Office of Legislative Affairs within the Office of the Secretary of Defense: *Provided further*, That, notwithstanding section 130(a) of title 10, United States Code, not less than \$41,293,000 shall be available for the Office of the Undersecretary of Defense, Comptroller and Chief Financial Officer: *Provided further*, That, notwithstanding any other provision of law, funds provided under this heading for personnel security investigations of the Defense Security Service shall be paid at rates not in excess of those rates in effect as of August 1, 2006: *Provided further*, That \$4,000,000, to remain available until expended, is available only for expenses relating to certain classified activities, and may be transferred as necessary by the Secretary to operation and maintenance appropriations or research, development, test and evaluation appropriations, to be merged with and to be available for the same time period as the appropriations to which transferred: *Provided further*, That any ceiling on the investment item

unit cost of items that may be purchased with operation and maintenance funds shall not apply to the funds described in the preceding proviso: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

**OPERATION AND MAINTENANCE, ARMY  
RESERVE**

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, \$2,510,890,000.

**OPERATION AND MAINTENANCE, NAVY RESERVE**

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, \$1,144,454,000.

**OPERATION AND MAINTENANCE, MARINE CORPS  
RESERVE**

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, \$207,087,000.

**OPERATION AND MAINTENANCE, AIR FORCE  
RESERVE**

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, \$2,684,577,000.

**OPERATION AND MAINTENANCE, ARMY  
NATIONAL GUARD**

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft), \$5,893,843,000.

**OPERATION AND MAINTENANCE, AIR NATIONAL  
GUARD**

For expenses of training, organizing, and administering the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; transportation of things, hire of passenger motor vehicles; supplying and equipping the Air National Guard, as authorized by law; expenses for repair, modification, maintenance, and issue of supplies and equipment, including those fur-

nished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau, \$5,021,077,000.

**UNITED STATES COURT OF APPEALS FOR THE  
ARMED FORCES**

For salaries and expenses necessary for the United States Court of Appeals for the Armed Forces, \$11,971,000, of which not to exceed \$5,000 may be used for official representation purposes.

**ENVIRONMENTAL RESTORATION, ARMY  
(INCLUDING TRANSFER OF FUNDS)**

For the Department of the Army, \$434,879,000, to remain available until transferred: *Provided*, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Army, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

**ENVIRONMENTAL RESTORATION, NAVY  
(INCLUDING TRANSFER OF FUNDS)**

For the Department of the Navy, \$300,591,000, to remain available until transferred: *Provided*, That the Secretary of the Navy shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Navy, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Navy, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

**ENVIRONMENTAL RESTORATION, AIR FORCE  
(INCLUDING TRANSFER OF FUNDS)**

For the Department of the Air Force, \$458,428,000, to remain available until transferred: *Provided*, That the Secretary of the Air Force shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Air Force, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Air Force, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided*

further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, DEFENSE-WIDE  
(INCLUDING TRANSFER OF FUNDS)

For the Department of Defense, \$12,751,000, to remain available until transferred: *Provided*, That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of Defense, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, FORMERLY  
USED DEFENSE SITES  
(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, \$268,249,000, to remain available until transferred: *Provided*, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris at sites formerly used by the Department of Defense, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

OVERSEAS HUMANITARIAN, DISASTER, AND  
CIVIC AID

For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid programs of the Department of Defense (consisting of the programs provided under sections 401, 402, 404, 407, 2557, and 2561 of title 10, United States Code), \$103,300,000, of which \$63,300,000 shall remain available until September 30, 2009, and of which \$40,000,000 shall be available solely for foreign disaster relief and response activities and shall remain available until expended.

Mr. MURTHA (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 18, line 21, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

FORMER SOVIET UNION THREAT REDUCTION  
ACCOUNT

For assistance to the republics of the former Soviet Union, including assistance provided by contract or by grants, for facilitating the elimination and the safe and secure transportation and storage of nuclear, chemical and other weapons; for establishing programs to prevent the proliferation of weapons, weapons components, and weapon-related technology and expertise; for programs relating to the training and support of defense and military personnel for demilitarization and protection of weapons, weapons components and weapons technology and expertise, and for defense and military contacts, \$398,048,000, to remain available until September 30, 2010.

AMENDMENT NO. 8 OFFERED BY MR. ROGERS OF  
MICHIGAN

Mr. ROGERS of Michigan. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. ROGERS of Michigan:

Page 19, line 8, after the dollar amount, insert "(increased by \$45,000,000)".

Page 35, line 21, after both dollar amounts, insert "(reduced by \$45,000,000)".

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Michigan (Mr. ROGERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. ROGERS of Michigan. Mr. Chairman, quite simply, Mr. MURTHA and I have worked out an agreement on this amendment, and I want to thank the chairman for working with me.

This is incredibly important. We are going to take a little bit of this money from the former Soviet Union Threat Reduction Act, some of these moneys, and we are going to destroy tens of thousands of liters of chemical weapons still stockpiled in Libya. I think we have all come to the conclusion that this stuff is better gone than it is negotiating away about who pays for the road or for the electricity or for the incinerator.

I want to thank the chairman. I think this is an important national security issue which we have come to an agreement that we will do something about, and I want to thank you for that. America, and I think the world, will be safer when these chemical munitions are exterminated.

Mr. Chairman, I yield back my time.

The CHAIRMAN. Does any Member claim time in opposition to the amendment?

Mr. MURTHA. Mr. Chairman, it is not a matter of being in opposition. We are going to work something out. It is not a matter of being in opposition. The gentleman from Michigan is going to withdraw his amendment.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. YOUNG of Florida. Mr. Chairman, I do not rise in opposition to the

gentleman's amendment, as he has announced that he intends to withdraw it because of a previous agreement.

I take this time to advise the chairman of the subcommittee that under the unanimous consent agreement, a number of amendments were listed. I advise the chairman that some of those amendments will not be offered.

□ 2245

Other amendments we will be able to accept. Others will go to a vote, and there are several that will be subject to a point of order.

But in order to facilitate the evening and allow the House to conclude action on this bill, I just took this time to state that.

I yield to the gentleman from Mississippi (Mr. WICKER), the ranking member on the Military Construction Subcommittee.

Mr. WICKER. Mr. Chairman, I rise in strong support of this legislation to fund our troops.

Mr. Chairman, I rise in support of this legislation. I want to thank Chairman MURTHA and Ranking Member Bill YOUNG for their leadership and for working with the members on both sides of the aisle in crafting this important bill.

This measure provides the funds to enable our military to meet the challenges it faces in the global war on terror and to protect our homeland. It contains resources to address the needs of our military families and includes initiatives to produce the advanced weaponry, equipment, and training to ensure that our military remains the best in the world.

I am particularly pleased that the Committee did not include restrictions on funds that would prevent the President and our military commanders in the field from implementing the surge strategy in Iraq.

In the debate on funding for the troops and the surge earlier this year, some of my Democratic colleagues and many in the news media proclaimed this operation to be a failure even before it began. Many said the war was lost. Despite signs that the new strategy was taking hold, the Democratic majority sought to undermine this effort with attempts to cut off funding and set a date-certain for withdrawal. President Bush and Republicans in this Congress countered that we should support the troops fully and give the surge time to work.

There is solid evidence now that this strategy so ably put into place by GEN David Petraeus is working. Two military commanders on the ground there reported this week that they are denying freedom of movement to Al-Qaeda and that the citizenry have a new level of confidence in the Coalition and Iraqi Security Forces. More Iraqis are turning against Al-Qaeda and working with Coalition forces to make their communities safer.

Further proof about progress in Iraq was provided in a July 30 op-ed in the New York Times. The column, entitled "A War We Just Might Win," was written by Michael O'Hanlon and Kenneth Pollack, two fellows at the Brookings Institution who have been harsh critics of the war effort. They spent eight days in Iraq and spoke of the significant changes taking place there.

They wrote that troop morale is now high, that Coalition forces are confident in the strategy, and that they have the personnel on the

ground to “make a real difference.” Army and Marine units are working well with Iraqi security units and the political and economic arrangements being forged at the local level are helping provide basic services to the Iraqi people.

They visited Anbar province and its capital of Ramadi, which has gone from being described as the worst part of Iraq to the best in just six months. To quote, “A few months ago, American Marines were fighting for every yard of Ramadi; last week we strolled down its streets without body armor.”

Mr. Chairman, in a previous House debate on this issue, I noted that the American people are war-weary and impatient with the progress of our efforts there. I also said I believe the American people want us to win. I understand the frustration they feel about this engagement, but I still believe they want us to succeed in bringing about a free and stable government in Iraq and in defeating Al Qaeda. The reports I referenced earlier offer encouragement that our strategy may yet produce those results.

Our success there would stymie the plans outlined by Osama Bin Laden and his Al Qaeda Jihadists who consider Iraq a central battleground in the war on terror. They seek to establish a radical Islamic caliphate in the Middle East and use it as a beach-head to spread their terror and intolerance throughout the region and around the world.

We have taken the fight to terrorists in Iraq and Afghanistan to deny them the staging ground to plot more September 11-style attacks in the U.S. We have also been vigilant about protecting our homeland since 9–11, and we must continue to provide the support our military and our intelligence communities need to meet that challenge. That includes modernizing the Foreign Intelligence Surveillance Act to enable our intelligence agencies to remove outdated restrictions on the collection of information needed to stop terrorist plots before they can be carried out.

The funding in this bill and revising the FISA provisions will send a message about our commitment to providing the resources to protect our homeland, enable our military to defend American interests, and fight terrorism in Iraq, Afghanistan, and around the world.

Mr. YOUNG of Florida. Mr. Chairman, I yield back the balance of my time.

Mr. ROGERS of Michigan. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

Mr. MURTHA. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 55, line 2, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The text of that portion of the bill is as follows:

TITLE III  
PROCUREMENT  
AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of air-

craft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$3,891,539,000, to remain available for obligation until September 30, 2010.

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$2,103,102,000, to remain available for obligation until September 30, 2010.

PROCUREMENT OF WEAPONS AND TRACKED  
COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$4,077,189,000, to remain available for obligation until September 30, 2010.

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$2,215,976,000, to remain available for obligation until September 30, 2010.

OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and non-tracked combat vehicles; the purchase of passenger motor vehicles for replacement only; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and

such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$11,217,945,000, to remain available for obligation until September 30, 2010.

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, \$12,470,280,000, to remain available for obligation until September 30, 2010.

WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, \$2,928,126,000, to remain available for obligation until September 30, 2010.

PROCUREMENT OF AMMUNITION, NAVY AND  
MARINE CORPS

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$1,067,484,000, to remain available for obligation until September 30, 2010.

SHIPBUILDING AND CONVERSION, NAVY

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long leadtime components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, as follows:

Carrier	Replacement	Program,
\$2,703,953,000;		
Carrier Replacement	Program (AP),	
\$124,401,000;		
NSSN, \$1,796,191,000;		
NSSN (AP), \$1,290,710,000;		
CVN Refuelings (AP), \$297,344,000;		
SSBN Submarine Refuelings, \$187,652,000;		

SSBN Submarine Refuelings (AP), \$2,744,000;

DDG-1000 Program, \$2,772,637,000;  
DDG-1000 Program (AP), \$150,886,000;  
DDG-51 Destroyer, \$78,078,000;  
Littoral Combat Ship, \$339,482,000;  
LPD-17, \$3,091,922,000;  
LHA-R, \$1,375,414,000;  
Special Purpose Craft, \$4,500,000;  
LCAC Service Life Extension Program, \$98,518,000;

Prior year shipbuilding costs, \$511,474,000;  
Service Craft, \$32,903,000; and  
For outfitting, post delivery, conversions, and first destination transportation, \$405,011,000.

In all: \$15,303,820,000, to remain available for obligation until September 30, 2012: *Provided*, That additional obligations may be incurred after September 30, 2012, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: *Provided further*, That none of the funds provided under this heading for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel: *Provided further*, That none of the funds provided under this heading shall be used for the construction of any naval vessel in foreign shipyards.

#### OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, \$5,298,238,000, to remain available for obligation until September 30, 2010.

#### PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, \$2,500,882,000, to remain available for obligation until September 30, 2010.

#### AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, \$11,690,220,000, to remain

available for obligation until September 30, 2010.

#### MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, \$4,920,959,000, to remain available for obligation until September 30, 2010.

#### PROCUREMENT OF AMMUNITION, AIR FORCE

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$342,494,000, to remain available for obligation until September 30, 2010.

#### OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only; lease of passenger motor vehicles; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, \$15,255,186,000, to remain available for obligation until September 30, 2010.

#### PROCUREMENT, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, \$3,335,637,000, to remain available for obligation until September 30, 2010.

#### NATIONAL GUARD AND RESERVE EQUIPMENT

For procurement of aircraft, missiles, tracked combat vehicles, ammunition, other weapons, and other procurement for the reserve components of the Armed Forces, \$925,000,000, to remain available for obligation until September 30, 2010, of which \$700,000,000 shall be available only for the

Army National Guard: *Provided*, That the Chiefs of the Reserve and National Guard components shall, not later than 30 days after the enactment of this Act, individually submit to the congressional defense committees the modernization priority assessment for their respective Reserve or National Guard component.

#### DEFENSE PRODUCTION ACT PURCHASES

For activities by the Department of Defense pursuant to sections 108, 301, 302, and 303 of the Defense Production Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and 2093), \$64,092,000, to remain available until expended.

#### TITLE IV

#### RESEARCH, DEVELOPMENT, TEST AND EVALUATION

##### RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, \$11,509,540,000, to remain available for obligation until September 30, 2009.

##### RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, \$17,718,624,000, to remain available for obligation until September 30, 2009: *Provided*, That funds appropriated in this paragraph which are available for the V-22 may be used to meet unique operational requirements of the Special Operations Forces: *Provided further*, That funds appropriated in this paragraph shall be available for the Cobra Judy program.

##### RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, \$26,163,917,000, to remain available for obligation until September 30, 2009.

##### RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, \$20,659,095,000, to remain available for obligation until September 30, 2009.

##### OPERATIONAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation, in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith, \$180,264,000, to remain available for obligation until September 30, 2009.

#### TITLE V

#### REVOLVING AND MANAGEMENT FUNDS DEFENSE WORKING CAPITAL FUNDS

For the Defense Working Capital Funds, \$1,352,746,000.



## NATIONAL DEFENSE SEALIFT FUND

For National Defense Sealift Fund programs, projects, and activities, and for expenses of the National Defense Reserve Fleet, as established by section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744), and for the necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, \$2,489,094,000, to remain available until expended: *Provided*, That none of the funds provided in this paragraph shall be used to award a new contract that provides for the acquisition of any of the following major components unless such components are manufactured in the United States: auxiliary equipment, including pumps, for all shipboard services; propulsion system components (that is; engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes: *Provided further*, That the exercise of an option in a contract awarded through the obligation of previously appropriated funds shall not be considered to be the award of a new contract: *Provided further*, That the Secretary of the military department responsible for such procurement may waive the restrictions in the first proviso on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.

## TITLE VI

## OTHER DEPARTMENT OF DEFENSE PROGRAMS

## DEFENSE HEALTH PROGRAM

For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense, as authorized by law, \$22,957,184,000, of which \$22,140,381,000 shall be for operation and maintenance, of which not to exceed one percent shall remain available until September 30, 2009; of which \$363,011,000, to remain available for obligation until September 30, 2010, shall be for procurement; and of which \$453,792,000, to remain available for obligation until September 30, 2009, shall be for research, development, test and evaluation: *Provided*, That, notwithstanding any other provision of law, of the amount made available under this heading for research, development, test and evaluation, not less than \$10,000,000 shall be available for HIV prevention educational activities undertaken in connection with U.S. military training, exercises, and humanitarian assistance activities conducted primarily in African nations.

## CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, ARMY

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions, to include construction of facilities, in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, \$1,455,724,000, of which \$1,198,086,000 shall be for operation and maintenance; \$36,426,000 shall be for procurement, to remain available until September 30, 2010; \$221,212,000 shall be for research, development, test and evaluation, of which \$211,190,000 shall only be for the Assembled Chemical Weapons Alternatives (ACWA) program, to remain available until September 30, 2009; and no less than \$124,618,000 shall be for the Chemical Stockpile Emergency Preparedness Program, of which \$36,373,000 shall

be for activities on military installations and of which \$88,245,000, to remain available until September 30, 2009, shall be to assist State and local governments.

## DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

## (INCLUDING TRANSFER OF FUNDS)

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for operation and maintenance; for procurement; and for research, development, test and evaluation, \$945,772,000: *Provided*, That the funds appropriated under this heading shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority contained elsewhere in this Act.

## JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

## (INCLUDING TRANSFER OF FUNDS)

For the "Joint Improvised Explosive Device Defeat Fund", \$500,000,000, to remain available until September 30, 2010: *Provided*, That of the amounts provided under this heading, not more than \$110,000,000 shall be available for operating and administrative expenses: *Provided further*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Director of the Joint Improvised Explosive Device Defeat Organization to investigate, develop and provide equipment, supplies, services, training, facilities, personnel and funds to assist United States forces in the defeat of improvised explosive devices: *Provided further*, That within 60 days of the enactment of this Act, a plan for the intended management and use of the amounts provided under this heading shall be submitted to the congressional defense committees: *Provided further*, That the Secretary of Defense shall submit a report not later than 30 days after the end of each fiscal quarter to the congressional defense committees providing assessments of the evolving threats, individual service requirements to counter the threats, the current strategy for predeployment training of members of the Armed Forces on improvised explosive devices, and details on the execution of this Fund: *Provided further*, That the Secretary of Defense may transfer funds provided herein to appropriations for military personnel; operation and maintenance; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purpose provided herein: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon determination that all or part of the funds so transferred from this appropriation are not necessary for the purpose provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the Secretary of Defense shall, not fewer than 5 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer.

## OFFICE OF THE INSPECTOR GENERAL

For expenses and activities of the Office of the Inspector General in carrying out the

provisions of the Inspector General Act of 1978, as amended, \$239,995,000, of which \$238,995,000 shall be for operation and maintenance, of which not to exceed \$1,000,000 is available for emergencies and extraordinary expenses to be expended on the approval or authority of the Inspector General, and payments may be made on the Inspector General's certificate of necessity for confidential military purposes; and of which \$1,000,000, to remain available until September 30, 2010, shall be for procurement.

## TITLE VII

## RELATED AGENCIES

## CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain the proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System, \$262,500,000.

## INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

## (INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Intelligence Community Management Account, \$683,276,000: *Provided*, That of the funds appropriated under this heading, \$39,000,000 shall be transferred to the Department of Justice for the National Drug Intelligence Center to support the Department of Defense's counter-drug intelligence responsibilities, and of the said amount, \$1,500,000 for procurement shall remain available until September 30, 2010 and \$1,000,000 for research, development, test and evaluation shall remain available until September 30, 2009: *Provided further*, That the National Drug Intelligence Center shall maintain the personnel and technical resources to provide timely support to law enforcement authorities and the intelligence community by conducting document and computer exploitation of materials collected in Federal, State, and local law enforcement activity associated with counter-drug, counter-terrorism, and national security investigations and operations.

## TITLE VIII

## GENERAL PROVISIONS

SEC. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: *Provided*, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: *Provided further*, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: *Provided further*, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.

SEC. 8003. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.

SEC. 8004. No more than 20 percent of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year: *Provided*, That this section shall not apply to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers' Training Corps.

## (TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed \$3,200,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided*, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: *Provided further*, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: *Provided further*, That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress: *Provided further*, That a request for multiple reprogrammings of funds using authority provided in this section must be made prior to June 30, 2008: *Provided further*, That transfers among military personnel appropriations shall not be taken into account for purposes of the limitation on the amount of funds that may be transferred under this section: *Provided further*, That no obligation of funds may be made pursuant to section 1206 of Public Law 109-163 (or any successor provision) unless the Secretary of Defense has notified the congressional defense committees prior to any such obligation.

SEC. 8006. (a) Not later than 60 days after enactment of this Act, the Department of Defense shall submit a report to the congressional defense committees to establish the baseline for application of reprogramming and transfer authorities for fiscal year 2008: *Provided*, That the report shall include—

(1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level;

(2) a delineation in the table for each appropriation both by budget activity and program, project, and activity as detailed in the Budget Appendix and the supporting justification materials submitted to the Committees on Appropriations of the Senate and the House of Representatives for the respective appropriations; and

(3) an identification of items of special congressional interest.

(b) Notwithstanding section 8005 of this Act, none of the funds provided in this Act shall be available for reprogramming or transfer until the report identified in subsection (a) is submitted to the congressional defense committees, unless the Secretary of

Defense certifies in writing to the congressional defense committees that such reprogramming or transfer is necessary as an emergency requirement.

## (TRANSFER OF FUNDS)

SEC. 8007. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: *Provided*, That transfers may be made between such funds: *Provided further*, That transfers may be made between working capital funds and the "Foreign Currency Fluctuations, Defense" appropriation and the "Operation and Maintenance" appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

SEC. 8008. Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 calendar days in advance to the congressional defense committees.

SEC. 8009. None of the funds provided in this Act shall be available to initiate: (1) a multiyear contract that employs economic order quantity procurement in excess of \$20,000,000 in any 1 year of the contract or that includes an unfunded contingent liability in excess of \$20,000,000; or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of \$20,000,000 in any 1 year, unless the congressional defense committees have been notified at least 30 days in advance of the proposed contract award: *Provided*, That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability: *Provided further*, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed \$500,000,000 unless specifically provided in this Act: *Provided further*, That no multiyear procurement contract can be terminated without 10-day prior notification to the congressional defense committees: *Provided further*, That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement: *Provided further*, That none of the funds provided in this Act may be used for a multiyear contract executed after the date of the enactment of this Act unless in the case of any such contract—

(1) the Secretary of Defense has submitted to Congress a budget request for full funding of units to be procured through the contract and, in the case of a contract for procurement of aircraft, that includes, for any aircraft unit to be procured through the contract for which procurement funds are requested in that budget request for production beyond advance procurement activities in the fiscal year covered by the budget, full funding of procurement of such unit in that fiscal year;

(2) cancellation provisions in the contract do not include consideration of recurring

manufacturing costs of the contractor associated with the production of unfunded units to be delivered under the contract;

(3) the contract provides that payments to the contractor under the contract shall not be made in advance of incurred costs on funded units; and

(4) the contract does not provide for a price adjustment based on a failure to award a follow-on contract.

Funds appropriated in title III of this Act may be used for a multiyear procurement contract as follows:

Army CH-47 Chinook Helicopter; M1A2 Abrams System Enhancement Package upgrades; M2A3/M3A3 Bradley upgrades; and SSN Virginia Class Submarine.

SEC. 8010. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported as required by section 401(d) of title 10, United States Code: *Provided*, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99-239: *Provided further*, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.

SEC. 8011. (a) During fiscal year 2008, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.

(b) The fiscal year 2009 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2009 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 2009.

(c) Nothing in this section shall be construed to apply to military (civilian) technicians.

SEC. 8012. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. 8013. None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: *Provided*, That this section shall not apply to those members who have reenlisted with this



option prior to October 1, 1987: *Provided further*, That this section applies only to active components of the Army.

SEC. 8014. (a) LIMITATION ON CONVERSION TO CONTRACTOR PERFORMANCE.—None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by more than 10 Department of Defense civilian employees unless—

(1) the conversion is based on the result of a public-private competition that includes a most efficient and cost effective organization plan developed by such activity or function;

(2) the Competitive Sourcing Official determines that, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the Department of Defense by an amount that equals or exceeds the lesser of—

(A) 10 percent of the most efficient organization's personnel-related costs for performance of that activity or function by Federal employees; or

(B) \$10,000,000; and

(3) the contractor does not receive an advantage for a proposal that would reduce costs for the Department of Defense by—

(A) not making an employer-sponsored health insurance plan available to the workers who are to be employed in the performance of that activity or function under the contract; or

(B) offering to such workers an employer-sponsored health benefits plan that requires the employer to contribute less towards the premium or subscription share than the amount that is paid by the Department of Defense for health benefits for civilian employees under chapter 89 of title 5, United States Code.

(b) EXCEPTIONS.—

(1) The Department of Defense, without regard to subsection (a) of this section or subsection (a), (b), or (c) of section 2461 of title 10, United States Code, and notwithstanding any administrative regulation, requirement, or policy to the contrary shall have full authority to enter into a contract for the performance of any commercial or industrial type function of the Department of Defense that—

(A) is included on the procurement list established pursuant to section 2 of the Javits-Wagner-O'Day Act (41 U.S.C. 47);

(B) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or

(C) is planned to be converted to performance by a qualified firm under at least 51 percent ownership by an Indian tribe, as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)), or a Native Hawaiian Organization, as defined in section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(15)).

(2) This section shall not apply to depot contracts or contracts for depot maintenance as provided in sections 2469 and 2474 of title 10, United States Code.

(c) TREATMENT OF CONVERSION.—The conversion of any activity or function of the Department of Defense under the authority provided by this section shall be credited toward any competitive or outsourcing goal, target, or measurement that may be established by statute, regulation, or policy and is deemed to be awarded under the authority of, and in compliance with, subsection (h) of section 2304 of title 10, United States Code,

for the competition or outsourcing of commercial activities.

(TRANSFER OF FUNDS)

SEC. 8015. Funds appropriated in title III of this Act for the Department of Defense Pilot Mentor-Protege Program may be transferred to any other appropriation contained in this Act solely for the purpose of implementing a Mentor-Protege Program developmental assistance agreement pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 10 U.S.C. 2302 note), as amended, under the authority of this provision or any other transfer authority contained in this Act.

SEC. 8016. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: *Provided*, That for the purpose of this section manufactured will include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): *Provided further*, That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: *Provided further*, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8017. None of the funds available to the Department of Defense may be used to demilitarize or dispose of M-1 Carbines, M-1 Garand rifles, M-14 rifles, .22 caliber rifles, .30 caliber rifles, or M-1911 pistols.

SEC. 8018. No more than \$500,000 of the funds appropriated or made available in this Act shall be used during a single fiscal year for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the congressional defense committees that such a relocation is required in the best interest of the Government.

The CHAIRMAN. The Clerk will read. The Clerk read as follows:

SEC. 8019. In addition to the funds provided elsewhere in this Act, \$8,000,000 is appropriated only for incentive payments authorized by section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544): *Provided*, That a prime contractor or a subcontractor at any tier that makes a subcontract award to any subcontractor or supplier as defined in section 1544 of title 25, United States Code, or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code, shall be considered a contractor for the purposes of being allowed additional compensation under section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544) whenever the prime contract or subcontract amount is over \$500,000 and involves the expenditure of funds appropriated by an Act making Appropriations for the Department of Defense with

respect to any fiscal year: *Provided further*, That notwithstanding section 430 of title 41, United States Code, this section shall be applicable to any Department of Defense acquisition of supplies or services, including any contract and any subcontract at any tier for acquisition of commercial items produced or manufactured, in whole or in part by any subcontractor or supplier defined in section 1544 of title 25, United States Code, or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code.

SEC. 8020. None of the funds appropriated by this Act shall be available to perform any cost study pursuant to the provisions of OMB Circular A-76 if the study being performed exceeds a period of 24 months after initiation of such study with respect to a single function activity or 30 months after initiation of such study for a multi-function activity.

AMENDMENT NO. 10 OFFERED BY MR. SESSIONS

Mr. SESSIONS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. SESSIONS:

Strike section 8020.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Texas (Mr. SESSIONS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. SESSIONS. Mr. Chairman, my amendment would strike section 8020 of this legislation which would have the same anticompetitive effect as language already included in almost every other one of the Democrat majority's appropriations bill by preventing funds from being spent to conduct public-private competitions.

In this case, it would prevent funds from being used to allow the private sector to compete against the government for commercial jobs by limiting the Defense Department's ability to spend money on this taxpayer friendly activity by putting arbitrary time constraints on the length of time that these studies can take place.

While this policy may be good for increasing dues to the public sector union bosses, it is unquestionably bad for taxpayers and for Federal agencies because agencies are left with less money to spend on their core missions when Congress uses this opportunity to take competition away from them.

In 2006, Federal agencies competed only 1.7 percent of their commercial workforce which makes up less than one-half of 1 percent of the entire civilian workforce. This very small use of competition for services is expected to generate a savings of \$1.3 billion over the next 10 years by closing performance gaps and improving efficiencies.

Competitions completed since 2003 are expected to produce almost \$7 billion in saving to taxpayers over the next 10 years. This means that taxpayers will receive a return of almost \$31 for every dollar spent on competition with annualized expected savings of more than \$1 billion.

This provision is obviously intended to stall public-private competitions for an entire fiscal year rather than allowing a proven process to work as it was intended, and it would harm taxpayers by denying the Department of Defense the ability to focus its scarce resources and funds and expertise on its core mission.

This concerted effort to prevent competitive sourcing from taking place at the Department of Defense demonstrates that the Democrat leadership is hearing clearly from labor bosses that the Defense Appropriations bill represents simply another good opportunity to increase their power at the expense of taxpayers and good government.

In this time of stretched budgets and bloated Federal spending, Congress should be looking to use all of the tools it can to find taxpayer savings and to reduce the cost of services that are already being provided by thousands of hardworking companies nationwide.

I urge all of my colleagues to support this commonsense, taxpayer-first amendment to oppose the underlying provision to benefit public sector union bosses by keeping cost-saving competition available to the government.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does any Member claim time in opposition to the amendment?

Mr. MURTHA. I claim the time in opposition.

The CHAIRMAN. The gentleman from Pennsylvania is recognized.

Mr. MURTHA. I appreciate what the gentleman is trying to do. We have carried this provision for years and years through both Republican and Democratic administrations. We oppose the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. SESSIONS. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. SESSIONS).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SESSIONS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

Mr. MURTHA. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 106, line 16, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The text of that portion of the bill is as follows:

SEC. 8021. Funds appropriated by this Act for the American Forces Information Service shall not be used for any national or international political or psychological activities.

SEC. 8022. During the current fiscal year, the Department of Defense is authorized to incur obligations of not to exceed \$350,000,000 for purposes specified in section 2350j(c) of title 10, United States Code, in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: *Provided*, That upon receipt, such contributions from the Government of Kuwait shall be credited to the appropriations or fund which incurred such obligations.

SEC. 8023. (a) Of the funds made available in this Act, not less than \$31,355,000 shall be available for the Civil Air Patrol Corporation, of which—

(1) \$23,753,000 shall be available from "Operation and Maintenance, Air Force" to support Civil Air Patrol Corporation operation and maintenance, readiness, counterdrug activities, and drug demand reduction activities involving youth programs;

(2) \$6,727,000 shall be available from "Aircraft Procurement, Air Force"; and

(3) \$875,000 shall be available from "Other Procurement, Air Force" for vehicle procurement.

(b) The Secretary of the Air Force should waive reimbursement for any funds used by the Civil Air Patrol for counter-drug activities in support of Federal, State, and local government agencies.

SEC. 8024. (a) None of the funds appropriated in this Act are available to establish a new Department of Defense (department) federally funded research and development center (FFRDC), either as a new entity, or as a separate entity administered by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other non-profit entities.

(b) No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC, and no paid consultant to any defense FFRDC, except when acting in a technical advisory capacity, may be compensated for his or her services as a member of such entity, or as a paid consultant by more than one FFRDC in a fiscal year: *Provided*, That a member of any such entity referred to previously in this subsection shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties.

(c) Notwithstanding any other provision of law, none of the funds available to the department from any source during fiscal year 2008 may be used by a defense FFRDC, through a fee or other payment mechanism, for construction of new buildings, for payment of cost sharing for projects funded by Government grants, for absorption of contract overruns, or for certain charitable contributions, not to include employee participation in community service and/or development.

(d) Notwithstanding any other provision of law, of the funds available to the department during fiscal year 2008, not more than 5,517 staff years of technical effort (staff years) may be funded for defense FFRDCs: *Provided*, That this subsection shall not apply to staff years funded in the National Intelligence Program (NIP) and the Military Intelligence Program (MIP).

(e) The Secretary of Defense shall, with the submission of the department's fiscal year 2009 budget request, submit a report presenting the specific amounts of staff years of technical effort to be allocated for each defense FFRDC during that fiscal year.

(f) Notwithstanding any other provision of this Act, the total amount appropriated in this Act for FFRDCs is hereby reduced by \$57,725,000.

SEC. 8025. None of the funds appropriated or made available in this Act shall be used to

procure carbon, alloy or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: *Provided*, That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: *Provided further*, That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That these restrictions shall not apply to contracts which are in being as of the date of the enactment of this Act.

SEC. 8026. For the purposes of this Act, the term "congressional defense committees" means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

SEC. 8027. During the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: *Provided*, That the Senior Acquisition Executive of the military department or Defense Agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: *Provided further*, That Office of Management and Budget Circular A-76 shall not apply to competitions conducted under this section.

SEC. 8028. (a)(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary's blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.

(2) An agreement referred to in paragraph (1) is any reciprocal defense procurement memorandum of understanding, between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products in that country.

(b) The Secretary of Defense shall submit to the Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal year 2008. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.

(c) For purposes of this section, the term "Buy American Act" means title III of the Act entitled "An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30,

1934, and for other purposes”, approved March 3, 1933 (41 U.S.C. 10a et seq.).

SEC. 8029. Notwithstanding any other provision of law, funds available during the current fiscal year and hereafter for “Drug Interdiction and Counter-Drug Activities, Defense” may be obligated for the Young Marines program.

SEC. 8030. During the current fiscal year, amounts contained in the Department of Defense Overseas Military Facility Investment Recovery Account established by section 2921(c)(1) of the National Defense Authorization Act of 1991 (Public Law 101-510; 10 U.S.C. 2687 note) shall be available until expended for the payments specified by section 2921(c)(2) of that Act.

SEC. 8031. (a) Notwithstanding any other provision of law, the Secretary of the Air Force may convey at no cost to the Air Force, without consideration, to Indian tribes located in the States of North Dakota, South Dakota, Montana, and Minnesota relocatable military housing units located at Grand Forks Air Force Base and Minot Air Force Base that are excess to the needs of the Air Force.

(b) The Secretary of the Air Force shall convey, at no cost to the Air Force, military housing units under subsection (a) in accordance with the request for such units that are submitted to the Secretary by the Operation Walking Shield Program on behalf of Indian tribes located in the States of North Dakota, South Dakota, Montana, and Minnesota.

(c) The Operation Walking Shield Program shall resolve any conflicts among requests of Indian tribes for housing units under subsection (a) before submitting requests to the Secretary of the Air Force under subsection (b).

(d) In this section, the term “Indian tribe” means any recognized Indian tribe included on the current list published by the Secretary of the Interior under section 104 of the Federally Recognized Indian Tribe Act of 1994 (Public Law 103-454; 108 Stat. 4792; 25 U.S.C. 479a-1).

SEC. 8032. During the current fiscal year, appropriations which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment item unit cost of not more than \$250,000: *Provided*, That upon determination by the Secretary of Defense that such action is necessary to meet the operational requirements of a Commander of a Combatant Command engaged in contingency operations overseas, such funds may be used to purchase items having an investment item unit cost of not more than \$500,000.

SEC. 8033. (a) During the current fiscal year, none of the appropriations or funds available to the Department of Defense Working Capital Funds shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers of the Department of Defense Working Capital Funds if such an item would not have been chargeable to the Department of Defense Business Operations Fund during fiscal year 1994 and if the purchase of such an investment item would be chargeable during the current fiscal year to appropriations made to the Department of Defense for procurement.

(b) The fiscal year 2009 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2009 Department of Defense budget shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 2009 procure-

ment appropriation and not in the supply management business area or any other area or category of the Department of Defense Working Capital Funds.

SEC. 8034. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 2009: *Provided*, That funds appropriated, transferred, or otherwise credited to the Central Intelligence Agency Central Services Working Capital Fund during this or any prior or subsequent fiscal year shall remain available until expended: *Provided further*, That any funds appropriated or transferred to the Central Intelligence Agency for advanced research and development acquisition, for agent operations, and for covert action programs authorized by the President under section 503 of the National Security Act of 1947, as amended, shall remain available until September 30, 2009.

SEC. 8035. Notwithstanding any other provision of law, funds made available in this Act for the Defense Intelligence Agency may be used for the design, development, and deployment of General Defense Intelligence Program intelligence communications and intelligence information systems for the Services, the Unified and Specified Commands, and the component commands.

SEC. 8036. Of the funds made available in this Act under the heading “Defense Production Act Purchases”, not less than \$23,000,000 shall be made available for the competitive, domestic expansion of essential vacuum induction melting furnace capacity and vacuum arc remelting furnace capacity for military aerospace and other defense applications: *Provided*, That the operator must be experienced and qualified in the production of iron-based vacuum induction melting steel and vacuum arc remelting steel: *Provided further*, That the facility must be owned and operated by an approved supplier to the military departments and to defense industry original equipment manufacturers.

SEC. 8037. (a) None of the funds appropriated in this Act may be expended by an entity of the Department of Defense unless the entity, in expending the funds, complies with the Buy American Act. For purposes of this subsection, the term “Buy American Act” means title III of the Act entitled “An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes”, approved March 3, 1933 (41 U.S.C. 10a et seq.).

(b) If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a “Made in America” inscription to any product sold in or shipped to the United States that is not made in America, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.

(c) In the case of any equipment or products purchased with appropriations provided under this Act, it is the sense of the Congress that any entity of the Department of Defense, in expending the appropriation, purchase only American-made equipment and products, provided that American-made equipment and products are cost-competitive, quality-competitive, and available in a timely fashion.

SEC. 8038. None of the funds appropriated by this Act shall be available for a contract for studies, analysis, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines—

(1) as a result of thorough technical evaluation, only one source is found fully qualified to perform the proposed work;

(2) the purpose of the contract is to explore an unsolicited proposal which offers significant scientific or technological promise, represents the product of original thinking, and was submitted in confidence by one source; or

(3) the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to ensure that a new product or idea of a specific concern is given financial support: *Provided*, That this limitation shall not apply to contracts in an amount of less than \$25,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.

SEC. 8039. (a) Except as provided in subsection (b) and (c), none of the funds made available by this Act may be used—

(1) to establish a field operating agency; or

(2) to pay the basic pay of a member of the Armed Forces or civilian employee of the department who is transferred or reassigned from a headquarters activity if the member or employee’s place of duty remains at the location of that headquarters.

(b) The Secretary of Defense or Secretary of a military department may waive the limitations in subsection (a), on a case-by-case basis, if the Secretary determines, and certifies to the Committees on Appropriations of the House of Representatives and the Senate that the granting of the waiver will reduce the personnel requirements or the financial requirements of the department.

(c) This section does not apply to—

(1) field operating agencies funded within the National Intelligence Program; or

(2) an Army field operating agency established to eliminate, mitigate, or counter the effects of improvised explosive devices, and, as determined by the Secretary of the Army, other similar threats.

SEC. 8040. The Secretary of Defense, notwithstanding any other provision of law, acting through the Office of Economic Adjustment of the Department of Defense, may use funds made available in this Act under the heading “Operation and Maintenance, Defense-Wide” to make grants and supplement other Federal funds in accordance with the guidance provided in the Joint Explanatory Statement of the Committee of Conference to accompany the conference report accompanying this Act.

#### (RESCISSIONS)

SEC. 8041. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts:

“Aircraft Procurement, Air Force, 2006/2008”, \$25,786,000;

“Aircraft Procurement, Air Force, 2007/2009”, \$51,000,000;

“Research, Development, Test and Evaluation, Navy, 2007/2008”, \$24,000,000;

“Research, Development, Test and Evaluation, Air Force, 2007/2008”, \$142,000,000; and

“Research, Development, Test and Evaluation, Defense-Wide, 2007/2008”, \$125,000,000.

SEC. 8042. None of the funds available in this Act may be used to reduce the authorized positions for military (civilian) technicians of the Army National Guard, Air National Guard, Army Reserve and Air Force Reserve for the purpose of applying any administratively imposed civilian personnel ceiling, freeze, or reduction on military (civilian) technicians, unless such reductions

are a direct result of a reduction in military force structure.

SEC. 8043. None of the funds appropriated or otherwise made available in this Act may be obligated or expended for assistance to the Democratic People's Republic of Korea unless specifically appropriated for that purpose.

SEC. 8044. Funds appropriated in this Act for operation and maintenance of the Military Departments, Combatant Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence or counterintelligence support to Combatant Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the National Intelligence Program and the Military Intelligence Program: *Provided*, That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.

SEC. 8045. During the current fiscal year, none of the funds appropriated in this Act may be used to reduce the civilian medical and medical support personnel assigned to military treatment facilities below the September 30, 2003, level: *Provided*, That the Service Surgeons General may waive this section by certifying to the congressional defense committees that the beneficiary population is declining in some catchment areas and civilian strength reductions may be consistent with responsible resource stewardship and capitation-based budgeting.

SEC. 8046. (a) None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(b) None of the funds available to the Central Intelligence Agency for any fiscal year for drug interdiction and counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

SEC. 8047. None of the funds appropriated by this Act may be used for the procurement of ball and roller bearings other than those produced by a domestic source and of domestic origin: *Provided*, That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That this restriction shall not apply to the purchase of "commercial items", as defined by section 4(12) of the Office of Federal Procurement Policy Act, except that the restriction shall apply to ball or roller bearings purchased as end items.

SEC. 8048. None of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the congressional defense committees that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

SEC. 8049. None of the funds made available in this or any other Act may be used to pay the salary of any officer or employee of the Department of Defense who approves or im-

plements the transfer of administrative responsibilities or budgetary resources of any program, project, or activity financed by this Act to the jurisdiction of another Federal agency not financed by this Act without the express authorization of the Congress: *Provided*, That this limitation shall not apply to transfers of funds expressly provided for in Defense Appropriations Acts, or provisions of Acts providing supplemental appropriations for the Department of Defense.

SEC. 8050. (a) Notwithstanding any other provision of law, none of the funds available to the Department of Defense for the current fiscal year may be obligated or expended to transfer to another nation or an international organization any defense articles or services (other than intelligence services) for use in the activities described in subsection (b) unless the congressional defense committees, the Committee on International Relations of the House of Representatives, and the Committee on Foreign Relations of the Senate are notified 15 days in advance of such transfer.

(b) This section applies to—

(1) any international peacekeeping or peace-enforcement operation under the authority of chapter VI or chapter VII of the United Nations Charter under the authority of a United Nations Security Council resolution; and

(2) any other international peacekeeping, peace-enforcement, or humanitarian assistance operation.

(c) A notice under subsection (a) shall include the following:

(1) A description of the equipment, supplies, or services to be transferred.

(2) A statement of the value of the equipment, supplies, or services to be transferred.

(3) In the case of a proposed transfer of equipment or supplies—

(A) a statement of whether the inventory requirements of all elements of the Armed Forces (including the reserve components) for the type of equipment or supplies to be transferred have been met; and

(B) a statement of whether the items proposed to be transferred will have to be replaced and, if so, how the President proposes to provide funds for such replacement.

SEC. 8051. None of the funds available to the Department of Defense under this Act shall be obligated or expended to pay a contractor under a contract with the Department of Defense for costs of any amount paid by the contractor to an employee when—

(1) such costs are for a bonus or otherwise in excess of the normal salary paid by the contractor to the employee; and

(2) such bonus is part of restructuring costs associated with a business combination.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8052. During the current fiscal year, no more than \$30,000,000 of appropriations made in this Act under the heading "Operation and Maintenance, Defense-Wide" may be transferred to appropriations available for the pay of military personnel, to be merged with, and to be available for the same time period as the appropriations to which transferred, to be used in support of such personnel in connection with support and services for eligible organizations and activities outside the Department of Defense pursuant to section 2012 of title 10, United States Code.

SEC. 8053. During the current fiscal year, in the case of an appropriation account of the Department of Defense for which the period of availability for obligation has expired or which has closed under the provisions of section 1552 of title 31, United States Code, and which has a negative unliquidated or unexpended balance, an obligation or an adjust-

ment of an obligation may be charged to any current appropriation account for the same purpose as the expired or closed account if—

(1) the obligation would have been properly chargeable (except as to amount) to the expired or closed account before the end of the period of availability or closing of that account;

(2) the obligation is not otherwise properly chargeable to any current appropriation account of the Department of Defense; and

(3) in the case of an expired account, the obligation is not chargeable to a current appropriation of the Department of Defense under the provisions of section 1405(b)(8) of the National Defense Authorization Act for Fiscal Year 1991, Public Law 101-510, as amended (31 U.S.C. 1551 note): *Provided*, That in the case of an expired account, if subsequent review or investigation discloses that there was not in fact a negative unliquidated or unexpended balance in the account, any charge to a current account under the authority of this section shall be reversed and recorded against the expired account: *Provided further*, That the total amount charged to a current appropriation under this section may not exceed an amount equal to one percent of the total appropriation for that account.

SEC. 8054. (a) Notwithstanding any other provision of law, the Chief of the National Guard Bureau may permit the use of equipment of the National Guard Distance Learning Project by any person or entity on a space-available, reimbursable basis. The Chief of the National Guard Bureau shall establish the amount of reimbursement for such use on a case-by-case basis.

(b) Amounts collected under subsection (a) shall be credited to funds available for the National Guard Distance Learning Project and be available to defray the costs associated with the use of equipment of the project under that subsection. Such funds shall be available for such purposes without fiscal year limitation.

SEC. 8055. Using funds available by this Act or any other Act, the Secretary of the Air Force, pursuant to a determination under section 2690 of title 10, United States Code, may implement cost-effective agreements for required heating facility modernization in the Kaiserslautern Military Community in the Federal Republic of Germany: *Provided*, That in the City of Kaiserslautern such agreements will include the use of United States anthracite as the base load energy for municipal district heat to the United States Defense installations: *Provided further*, That at Landstuhl Army Regional Medical Center and Ramstein Air Base, furnished heat may be obtained from private, regional or municipal services, if provisions are included for the consideration of United States coal as an energy source.

SEC. 8056. None of the funds appropriated in title IV of this Act may be used to procure end-items for delivery to military forces for operational training, operational use or inventory requirements: *Provided*, That this restriction does not apply to end-items used in development, prototyping, and test activities preceding and leading to acceptance for operational use: *Provided further*, That this restriction does not apply to programs funded within the National Intelligence Program: *Provided further*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8057. Notwithstanding any other provision of law, funds available to the Department of Defense in this Act shall be made available to provide transportation of medical supplies and equipment, on a non-reimbursable basis, to American Samoa, and

funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to the Indian Health Service when it is in conjunction with a civil-military project.

SEC. 8058. None of the funds made available in this Act may be used to approve or license the sale of the F-22A advanced tactical fighter to any foreign government.

SEC. 8059. (a) The Secretary of Defense may, on a case-by-case basis, waive with respect to a foreign country each limitation on the procurement of defense items from foreign sources provided in law if the Secretary determines that the application of the limitation with respect to that country would invalidate cooperative programs entered into between the Department of Defense and the foreign country, or would invalidate reciprocal trade agreements for the procurement of defense items entered into under section 2531 of title 10, United States Code, and the country does not discriminate against the same or similar defense items produced in the United States for that country.

(b) Subsection (a) applies with respect to—

(1) contracts and subcontracts entered into on or after the date of the enactment of this Act; and

(2) options for the procurement of items that are exercised after such date under contracts that are entered into before such date if the option prices are adjusted for any reason other than the application of a waiver granted under subsection (a).

(c) Subsection (a) does not apply to a limitation regarding construction of public vessels, ball and roller bearings, food, and clothing or textile materials as defined by section 11 (chapters 50–65) of the Harmonized Tariff Schedule and products classified under headings 4010, 4202, 4203, 6401 through 6406, 6505, 7019, 7218 through 7229, 7304.41 through 7304.49, 7306.40, 7502 through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.

SEC. 8060. (a) None of the funds made available by this Act may be used to support any training program involving a unit of the security forces of a foreign country if the Secretary of Defense has received credible information from the Department of State that the unit has committed a gross violation of human rights, unless all necessary corrective steps have been taken.

(b) The Secretary of Defense, in consultation with the Secretary of State, shall ensure that prior to a decision to conduct any training program referred to in subsection (a), full consideration is given to all credible information available to the Department of State relating to human rights violations by foreign security forces.

(c) The Secretary of Defense, after consultation with the Secretary of State, may waive the prohibition in subsection (a) if he determines that such waiver is required by extraordinary circumstances.

(d) Not more than 15 days after the exercise of any waiver under subsection (c), the Secretary of Defense shall submit a report to the congressional defense committees describing the extraordinary circumstances, the purpose and duration of the training program, the United States forces and the foreign security forces involved in the training program, and the information relating to human rights violations that necessitates the waiver.

SEC. 8061. None of the funds appropriated or made available in this Act to the Department of the Navy shall be used to develop, lease or procure the T-AKE class of ships unless the main propulsion diesel engines and propellers are manufactured in the United States by a domestically operated entity: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis

by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes or there exists a significant cost or quality difference.

SEC. 8062. None of the funds appropriated or otherwise made available by this or other Department of Defense Appropriations Acts may be obligated or expended for the purpose of performing repairs or maintenance to military family housing units of the Department of Defense, including areas in such military family housing units that may be used for the purpose of conducting official Department of Defense business.

SEC. 8063. Notwithstanding any other provision of law or this Act, funds appropriated in this Act under the heading “Research, Development, Test and Evaluation, Defense-Wide” for any new start joint concept technology demonstration project may only be obligated 30 days after a report, including a description of the project, the planned acquisition and transition strategy and its estimated annual and total cost, has been provided in writing to the congressional defense committees: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying to the congressional defense committees that it is in the national interest to do so.

SEC. 8064. The Secretary of Defense shall provide a classified quarterly report beginning 30 days after enactment of this Act, to the House and Senate Appropriations Committees, Subcommittees on Defense on certain matters as directed in the classified annex accompanying this Act.

SEC. 8065. Beginning in the current fiscal year and thereafter, refunds attributable to the use of the Government travel card, refunds attributable to the use of the Government Purchase Card and refunds attributable to official Government travel arranged by Government Contracted Travel Management Centers may be credited to operation and maintenance, and research, development, test and evaluation accounts of the Department of Defense which are current when the refunds are received.

SEC. 8066. (a) REGISTERING FINANCIAL MANAGEMENT INFORMATION TECHNOLOGY SYSTEMS WITH DOD CHIEF INFORMATION OFFICER.—None of the funds appropriated in this Act may be used for a mission critical or mission essential financial management information technology system (including a system funded by the defense working capital fund) that is not registered with the Chief Information Officer of the Department of Defense. A system shall be considered to be registered with that officer upon the furnishing to that officer of notice of the system, together with such information concerning the system as the Secretary of Defense may prescribe. A financial management information technology system shall be considered a mission critical or mission essential information technology system as defined by the Under Secretary of Defense (Comptroller).

(b) CERTIFICATIONS AS TO COMPLIANCE WITH FINANCIAL MANAGEMENT MODERNIZATION PLAN.—

(1) During the current fiscal year, a financial management automated information system, a mixed information system supporting financial and non-financial systems, or a system improvement of more than \$1,000,000 may not receive Milestone A approval, Milestone B approval, or full rate production, or their equivalent, within the Department of Defense until the Under Secretary of Defense (Comptroller) certifies, with respect to that milestone, that the sys-

tem is being developed and managed in accordance with the Department's Financial Management Modernization Plan. The Under Secretary of Defense (Comptroller) may require additional certifications, as appropriate, with respect to any such system.

(2) The Chief Information Officer shall provide the congressional defense committees timely notification of certifications under paragraph (1).

(c) CERTIFICATIONS AS TO COMPLIANCE WITH CLINGER-COHEN ACT.—

(1) During the current fiscal year, a major automated information system may not receive Milestone A approval, Milestone B approval, or full rate production approval, or their equivalent, within the Department of Defense until the Chief Information Officer certifies, with respect to that milestone, that the system is being developed in accordance with the Clinger-Cohen Act of 1996 (40 U.S.C. 1401 et seq.). The Chief Information Officer may require additional certifications, as appropriate, with respect to any such system.

(2) The Chief Information Officer shall provide the congressional defense committees timely notification of certifications under paragraph (1). Each such notification shall include a statement confirming that the following steps have been taken with respect to the system:

(A) Business process reengineering.

(B) An analysis of alternatives.

(C) An economic analysis that includes a calculation of the return on investment.

(D) Performance measures.

(E) An information assurance strategy consistent with the Department's Global Information Grid.

(d) DEFINITIONS.—For purposes of this section:

(1) The term “Chief Information Officer” means the senior official of the Department of Defense designated by the Secretary of Defense pursuant to section 3506 of title 44, United States Code.

(2) The term “information technology system” has the meaning given the term “information technology” in section 5002 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1401).

SEC. 8067. During the current fiscal year, none of the funds available to the Department of Defense may be used to provide support to another department or agency of the United States if such department or agency is more than 90 days in arrears in making payment to the Department of Defense for goods or services previously provided to such department or agency on a reimbursable basis: *Provided*, That this restriction shall not apply if the department is authorized by law to provide support to such department or agency on a nonreimbursable basis, and is providing the requested support pursuant to such authority: *Provided further*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8068. Notwithstanding section 12310(b) of title 10, United States Code, a Reserve who is a member of the National Guard serving on full-time National Guard duty under section 502(f) of title 32, United States Code, may perform duties in support of the ground-based elements of the National Ballistic Missile Defense System.

SEC. 8069. None of the funds provided in this Act may be used to transfer to any non-governmental entity ammunition held by the Department of Defense that has a center-fire cartridge and a United States military nomenclature designation of “armor penetrator”, “armor piercing (AP)”, “armor piercing incendiary (API)”, or “armor-piercing incendiary-tracer (API-T)”, except to an

entity performing demilitarization services for the Department of Defense under a contract that requires the entity to demonstrate to the satisfaction of the Department of Defense that armor piercing projectiles are either: (1) rendered incapable of reuse by the demilitarization process; or (2) used to manufacture ammunition pursuant to a contract with the Department of Defense or the manufacture of ammunition for export pursuant to a License for Permanent Export of Unclassified Military Articles issued by the Department of State.

SEC. 8070. Notwithstanding any other provision of law, the Chief of the National Guard Bureau, or his designee, may waive payment of all or part of the consideration that otherwise would be required under section 2667 of title 10, United States Code, in the case of a lease of personal property for a period not in excess of one year to any organization specified in section 508(d) of title 32, United States Code, or any other youth, social, or fraternal non-profit organization as may be approved by the Chief of the National Guard Bureau, or his designee, on a case-by-case basis.

SEC. 8071. None of the funds appropriated by this Act shall be used for the support of any nonappropriated funds activity of the Department of Defense that procures malt beverages and wine with nonappropriated funds for resale (including such alcoholic beverages sold by the drink) on a military installation located in the United States unless such malt beverages and wine are procured within that State, or in the case of the District of Columbia, within the District of Columbia, in which the military installation is located: *Provided*, That in a case in which the military installation is located in more than one State, purchases may be made in any State in which the installation is located: *Provided further*, That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages only for military installations in States which are not contiguous with another State: *Provided further*, That alcoholic beverages other than wine and malt beverages, in contiguous States and the District of Columbia shall be procured from the most competitive source, price and other factors considered.

SEC. 8072. Funds available to the Department of Defense for the Global Positioning System during the current fiscal year may be used to fund civil requirements associated with the satellite and ground control segments of such system's modernization program.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8073. Of the amounts appropriated in this Act under the heading "Operation and Maintenance, Army", \$34,500,000 shall remain available until expended: *Provided*, That notwithstanding any other provision of law, the Secretary of Defense is authorized to transfer such funds to other activities of the Federal Government: *Provided further*, That the Secretary of Defense is authorized to enter into and carry out contracts for the acquisition of real property, construction, personal services, and operations related to projects carrying out the purposes of this section: *Provided further*, That contracts entered into under the authority of this section may provide for such indemnification as the Secretary determines to be necessary: *Provided further*, That projects authorized by this section shall comply with applicable Federal, State, and local law to the maximum extent consistent with the national security, as determined by the Secretary of Defense.

SEC. 8074. Section 8106 of the Department of Defense Appropriations Act, 1997 (titles I through VIII of the matter under subsection

101(b) of Public Law 104-208; 110 Stat. 3009-111; 10 U.S.C. 113 note) shall continue in effect to apply to disbursements that are made by the Department of Defense in fiscal year 2008.

SEC. 8075. In addition to amounts provided elsewhere in this Act, \$15,000,000 is hereby appropriated to the Department of Defense, to remain available for obligation until expended: *Provided*, That notwithstanding any other provision of law, these funds shall be available only for a grant to the Fisher House Foundation, Inc., only for the construction and furnishing of additional Fisher Houses to meet the needs of military family members when confronted with the illness or hospitalization of an eligible military beneficiary.

SEC. 8076. (a) The Secretary of Defense, in coordination with the Secretary of Health and Human Services, may carry out a program to distribute surplus dental and medical equipment of the Department of Defense, at no cost to the Department of Defense, to Indian Health Service facilities and to federally-qualified health centers (within the meaning of section 1905(1)(2)(B) of the Social Security Act (42 U.S.C. 1396d(1)(2)(B))).

(b) In carrying out this provision, the Secretary of Defense shall give the Indian Health Service a property disposal priority equal to the priority given to the Department of Defense and its twelve special screening programs in distribution of surplus dental and medical supplies and equipment.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8077. Of the amounts appropriated in this Act under the heading "Research, Development, Test and Evaluation, Defense-Wide", \$150,572,000 shall be for the Arrow missile defense program: *Provided*, That of this amount, \$37,383,000 shall be for the purpose of producing Arrow missile components in the United States and Arrow missile components and missiles in Israel to meet Israel's defense requirements, consistent with each nation's laws, regulations and procedures; \$26,000,000 shall be available for the Short Range Ballistic Missile Defense (SRBMD) program; and, \$26,000,000 shall be available only for risk mitigation and preliminary design activities for an upper-tier component to the Israeli Missile Defense Architecture: *Provided further*, That funds made available under this provision for production of missiles and missile components may be transferred to appropriations available for the procurement of weapons and equipment, to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred: *Provided further*, That the transfer authority provided under this provision is in addition to any other transfer authority contained in this Act.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8078. Of the amounts appropriated in this Act under the heading "Shipbuilding and Conversion, Navy", \$511,474,000 shall be available until September 30, 2008, to fund prior year shipbuilding cost increases: *Provided*, That upon enactment of this Act, the Secretary of the Navy shall transfer such funds to the following appropriations in the amounts specified: *Provided further*, That the amounts transferred shall be merged with and be available for the same purposes as the appropriations to which transferred:

To:

Under the heading "Shipbuilding and Conversion, Navy, 2001/2008":

Carrier Replacement Program, \$336,475,000;

Under the heading "Shipbuilding and Conversion, Navy, 2002/2008":

New SSN, \$45,000,000;

Under the heading "Shipbuilding and Conversion, Navy, 2003/2008":

New SSN, \$40,000,000;

Under the heading "Shipbuilding and Conversion, Navy, 2004/2008":

New SSN, \$24,000,000; and

Under the heading "Shipbuilding and Conversion, Navy, 2005/2009":

LPD-17 Amphibious Transport Dock Ship Program, \$65,999,000.

SEC. 8079. Notwithstanding any other provision of law or regulation, the Secretary of Defense may exercise the provisions of section 7403(g) of title 38, United States Code, for occupations listed in section 7403(a)(2) of title 38, United States Code, as well as the following:

Pharmacists, Audiologists, Psychologists, Psychology Aides and Technicians, Social Workers, Social Services Assistants and Dental Hygienists:

(A) The requirements of section 7403(g)(1)(A) of title 38, United States Code, shall apply.

(B) The limitations of section 7403(g)(1)(B) of title 38, United States Code, shall not apply.

SEC. 8080. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2008 until the enactment of the Intelligence Authorization Act for fiscal year 2008.

SEC. 8081. None of the funds provided in this Act shall be available for obligation or expenditure through a reprogramming of funds that creates or initiates a new program, project, or activity unless such program, project, or activity must be undertaken immediately in the interest of national security and only after written prior notification to the congressional defense committees.

SEC. 8082. (a) In addition to the amounts provided elsewhere in this Act, the amount of \$990,000 is hereby appropriated to the Department of Defense for "Operation and Maintenance, Army National Guard". Such amount shall be made available to the Secretary of the Army only to make a grant in the amount of \$990,000 to the entity specified in subsection (b) to facilitate access by veterans to opportunities for skilled employment in the construction industry.

(b) The entity referred to in subsection (a) is the Center for Military Recruitment, Assessment and Veterans Employment, a non-profit labor-management co-operation committee provided for by section 302(c)(9) of the Labor-Management Relations Act, 1947 (29 U.S.C. 186(c)(9)), for the purposes set forth in section 6(b) of the Labor Management Co-operation Act of 1978 (29 U.S.C. 175a note).

SEC. 8083. The Department of Defense and the Department of the Army shall make future budgetary and programming plans to fully finance the Non-Line of Sight Future Force cannon (NLOS-C) and a compatible large caliber ammunition resupply capability for this system supported by the Future Combat Systems (FCS) Brigade Combat Team (BCT) in order to field this system in fiscal year 2010: *Provided*, That the Army shall develop the NLOS-C independent of the broader FCS development timeline to achieve fielding by fiscal year 2010. In addition the Army will deliver eight combat operational pre-production NLOS-C systems by the end of calendar year 2008. These systems shall be in addition to those systems necessary for developmental and operational testing: *Provided further*, That the Army shall ensure that budgetary and programmatic plans will provide for no fewer than eight Stryker Brigade Combat Teams.



SEC. 8084. In addition to the amounts appropriated or otherwise made available elsewhere in this Act, \$70,000,000 is hereby appropriated to the Department of Defense: *Provided*, That the Secretary of Defense shall make grants in the amounts specified as follows: \$25,000,000 to the United Service Organizations; \$25,000,000 to the Red Cross; \$5,000,000 for the SOAR Virtual School District; \$3,500,000 for Harnett County/Fort Bragg, North Carolina infrastructure improvements; \$2,500,000 to The Presidio Trust; \$1,500,000 to the National Bureau of Asian Research; \$6,000,000 to the Jamaica Bay Unit of Gateway National Recreation Area; and, \$1,500,000 to the Red Cross Consolidated Blood Services Facility.

SEC. 8085. The budget of the President for fiscal year 2009 submitted to the Congress pursuant to section 1105 of title 31, United States Code, shall include separate budget justification documents for the costs of United States Armed Forces' named operations exceeding an estimated cost of \$100,000,000 for the Military Personnel accounts, the Operation and Maintenance accounts, and the Procurement accounts: *Provided*, That these documents shall include a description of the funding requested for each named operation, for each military service, to include all Active and Reserve components, and for each appropriations account: *Provided further*, That these documents shall include estimated costs for each element of expense or object class, a reconciliation of increases and decreases for each named operation, and programmatic data including, but not limited to, troop strength for each Active and Reserve component, and estimates of the major weapons systems deployed in support of each named operation: *Provided further*, That these documents shall include budget exhibits OP-5 and OP-32 (as defined in the Department of Defense Financial Management Regulation) for all named operations for the budget year and the two preceding fiscal years.

SEC. 8086. None of the funds in this Act may be used for research, development, test, evaluation, procurement or deployment of nuclear armed interceptors of a missile defense system.

SEC. 8087. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 53rd Weather Reconnaissance Squadron of the Air Force Reserve, if such action would reduce the WC-130 Weather Reconnaissance mission below the levels funded in this Act: *Provided*, That the Air Force shall allow the 53rd Weather Reconnaissance Squadron to perform other missions in support of national defense requirements during the non-hurricane season.

SEC. 8088. None of the funds provided in this Act shall be available for integration of foreign intelligence information unless the information has been lawfully collected and processed during the conduct of authorized foreign intelligence activities: *Provided*, That information pertaining to United States persons shall only be handled in accordance with protections provided in the Fourth Amendment of the United States Constitution as implemented through Executive Order No. 12333.

SEC. 8089. (a) At the time members of reserve components of the Armed Forces are called or ordered to active duty under section 12302(a) of title 10, United States Code, each member shall be notified in writing of the expected period during which the member will be mobilized.

(b) The Secretary of Defense may waive the requirements of subsection (a) in any case in which the Secretary determines that it is necessary to do so to respond to a national security emergency or to meet dire

operational requirements of the Armed Forces.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8090. The Secretary of Defense may transfer funds from any available Department of the Navy appropriation to any available Navy ship construction appropriation for the purpose of liquidating necessary changes resulting from inflation, market fluctuations, or rate adjustments for any ship construction program appropriated in law: *Provided*, That the Secretary may transfer not to exceed \$100,000,000 under the authority provided by this section: *Provided further*, That the Secretary may not transfer any funds until 30 days after the proposed transfer has been reported to the Committees on Appropriations of the House of Representatives and the Senate, unless a response from the Committees is received sooner: *Provided further*, That the transfer authority provided by this section is in addition to any other transfer authority contained elsewhere in this Act.

SEC. 8091. For purposes of section 612 of title 41, United States Code, any subdivision of appropriations made under the heading "Shipbuilding and Conversion, Navy" that is not closed at the time reimbursement is made shall be available to reimburse the Judgment Fund and shall be considered for the same purposes as any subdivision under the heading "Shipbuilding and Conversion, Navy" appropriations in the current fiscal year or any prior fiscal year.

SEC. 8092. Hereafter, the Secretary of Defense may present promotional materials, including a United States flag, to any member of an Active or Reserve component under the Secretary's jurisdiction who, as determined by the Secretary, participates in Operation Enduring Freedom or Operation Iraqi Freedom, along with other recognition items in conjunction with any week-long national observation and day of national celebration, if established by Presidential proclamation, for any such members returning from such operations.

SEC. 8093. Notwithstanding any other provision of this Act, to reflect savings from revised economic assumptions, the total amount appropriated in title II of this Act is hereby reduced by \$126,787,000: *Provided*, That the Secretary of Defense shall allocate this reduction proportionally to each budget activity, activity group, subactivity group, and each program, project, and activity, within each appropriation account.

SEC. 8094. None of the funds appropriated by this Act available for the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) or TRICARE shall be available for the reimbursement of any health care provider for inpatient mental health service for care received when a patient is referred to a provider of inpatient mental health care or residential treatment care by a medical or health care professional having an economic interest in the facility to which the patient is referred: *Provided*, That this limitation does not apply in the case of inpatient mental health services provided under the program for persons with disabilities under subsection (d) of section 1079 of title 10, United States Code, provided as partial hospital care, or provided pursuant to a waiver authorized by the Secretary of Defense because of medical or psychological circumstances of the patient that are confirmed by a health professional who is not a Federal employee after a review, pursuant to rules prescribed by the Secretary, which takes into account the appropriate level of care for the patient, the intensity of services required by the patient, and the availability of that care.

SEC. 8095. Notwithstanding any other provision of law or regulation, the Secretary of

Defense may adjust wage rates for civilian employees hired for certain health care occupations as authorized for the Secretary of Veterans Affairs by section 7455 of title 38, United States Code.

SEC. 8096. Appropriations available to the Department of Defense for the purchase of heavy and light armored vehicles for force protection purposes may be used for such purchase, up to a limit of \$250,000 per vehicle, notwithstanding other limitations applicable to the purchase of passenger carrying vehicles.

SEC. 8097. Supervision and administration costs associated with construction projects outside the United States funded with appropriations available for operation and maintenance, may be obligated at the time a construction contract is awarded: *Provided*, That for the purpose of this section, supervision and administration costs include all in-house Government costs.

SEC. 8098. None of the funds appropriated by this Act for programs of the Office of the Director of National Intelligence shall remain available for obligation beyond the current fiscal year, except for funds appropriated for research and technology, which shall remain available until September 30, 2009.

SEC. 8099. For purposes of section 1553(b) of title 31, United States Code, any subdivision of appropriations made in this Act under the heading "Shipbuilding and Conversion, Navy" shall be considered to be for the same purpose as any subdivision under the heading "Shipbuilding and Conversion, Navy" appropriations in any prior fiscal year, and the one percent limitation shall apply to the total amount of the appropriation.

SEC. 8100. Notwithstanding any other provision of law, that not more than 35 percent of funds provided in this Act for environmental remediation may be obligated under indefinite delivery/indefinite quantity contracts with a total contract value of \$130,000,000 or higher.

SEC. 8101. The Secretary of Defense shall create a major force program category for space for the Future Years Defense Program of the Department of Defense. The Secretary of Defense shall designate an official in the Office of the Secretary of Defense to provide overall supervision of the preparation and justification of program recommendations and budget proposals to be included in such major force program category.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8102. In addition to funds made available elsewhere in this Act, there is hereby appropriated \$200,000,000, to remain available until transferred: *Provided*, That these funds are appropriated to the "Tanker Replacement Transfer Fund" (referred to as "the Fund" elsewhere in this section): *Provided further*, That the Secretary of the Air Force may transfer amounts in the Fund to "Operation and Maintenance, Air Force", "Aircraft Procurement, Air Force", and "Research, Development, Test and Evaluation, Air Force", only for the purposes of proceeding with a tanker acquisition program: *Provided further*, That funds transferred shall be merged with and be available for the same purposes and for the same time period as the appropriation or fund to which transferred: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the Secretary of the Air Force shall, not fewer than 15 days prior to making transfers using funds provided in this section, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to

the congressional defense committees summarizing the details of the transfer of funds from this appropriation.

SEC. 8103. None of the funds appropriated or otherwise made available by this or any other Act shall be obligated or expended by the United States Government for a purpose as follows:

(1) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq.

(2) To exercise United States control over any oil resource of Iraq.

SEC. 8104. None of the funds made available in this Act may be used in contravention of the following laws enacted or regulations promulgated to implement the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (done at New York on December 10, 1984):

(1) Section 2340A of title 18, United States Code.

(2) Section 2242 of the Foreign Affairs Reform and Restructuring Act of 1998 (division G of Public Law 105-277; 112 Stat. 2681-822; 8 U.S.C. 1231 note) and regulations prescribed thereto, including regulations under part 208 of title 8, Code of Federal Regulations, and part 95 of title 22, Code of Federal Regulations.

(3) Sections 1002 and 1003 of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109-148).

SEC. 8105. Notwithstanding any other provision of law, none of the funds made available in this Act may be used to pay negotiated indirect cost rates on a contract, grant, or cooperative agreement (or similar arrangement) entered into by the Department of Defense and an entity in excess of 20 percent of the total direct cost of the contract, grant, or agreement (or similar arrangement) if the purpose of such contract, grant, or agreement (or similar arrangement) is to carry out a program or programs of mutual interest between the two parties: *Provided*, That this limitation shall apply only to funds made available in this Act for basic research.

SEC. 8106. Any request for funds for a fiscal year after fiscal year 2008 for an ongoing military operation overseas, including operations in Afghanistan and Iraq, shall be included in the annual budget of the President for such fiscal year as submitted to Congress under section 1105(a) of title 31, United States Code.

SEC. 8107. None of the funds appropriated or otherwise made available by this Act may be obligated or expended to provide award fees to any defense contractor contrary to the provisions of section 814 of the National Defense Authorization Act, Fiscal Year 2007 (Public Law 109-364).

SEC. 8108. Not more than 90 percent of the funds appropriated to the Department of Defense for contracted services under title II of this Act shall be available for obligation unless and until the Secretary of Defense submits to the congressional defense committees the report required by section 3305 of title III of Public Law 110-28 (121 Stat. 136).

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FLAKE:

Page 96, line 12, strike "\$2,500,000 to The Presidio Trust;"

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, I rise today to once again make the case that earmarking is out of control in these bills.

This Defense bill that we are discussing tonight has more than 1,300 earmarks. The notion that this was adequately vetted and scrubbed, that these earmarks had proper review is simply not reasonable. There is no way they could have in this short amount of time.

When you read through this bill, you have to chuckle at the creative way that some of these projects have been cast in order to appear that there is some defense application.

Just to highlight a couple, there is one earmark in here for a cold weather hand protection system. What could that be? That is a glove to you and me, sold at any outdoor outfitters store. But in here, it is a cold weather hand protection system, and we are going to be giving an earmark to a private company to sell gloves.

There are more. There is another earmark for a light-weight foam sleep pad project. What is that? It sounds like nothing more than a mattress. It is one that self-inflates that scouts have been using for years and years and years. And yet we are giving an earmark to a private company to provide it to the Defense Department. Why are we doing that? There are 1,300 earmarks in this bill, many of them like this.

Let me get to the first one I am challenging tonight.

This amendment would prohibit \$2.5 million from being used to restore the parade ground in the center of the Presidio's Main Post, and reduce funding for the overall bill by a consistent amount. This is just one of a long parade of earmarks in the bill.

The Presidio is located in San Francisco, one of the oldest continuously used military posts in the Nation. In 1996, Congress turned the bulk of the Presidio, including the large Main Post area, over to a congressionally chartered nonprofit organization called The Presidio Trust to be managed with the National Park Service.

In a unique arrangement, the main objective is to achieve financial self-sufficiency by the year 2013 largely by renting out housing and leasing land to businesses. It has been quite successful in this. The San Francisco Chronicle noted last year the Presidio was becoming a scenic enclave where only the well-healed need apply with some houses being rented for more than \$4,000 a month. That is high, even by California standards.

This earmark raises a number of troubling questions, not the least of which is why an earmark for a park managed in partnership with the Na-

tional Park Service is receiving an earmark in the Defense Appropriations bill. The Defense Appropriations bill, I think we all agree, is for the troops. Yet here we are bleeding off funds to spend money on an earmark that has been funded in prior bills for a project managed with the National Park Service. I am sure taxpayers would like to hear a good explanation for this. Why are we doing it in the Defense bill?

Mr. Chairman, I reserve the balance of my time.

Mr. MURTHA. Mr. Chairman, I oppose the amendment.

The CHAIRMAN. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. MURTHA. Mr. Chairman, we put money in where there used to be bases before it went to the Park Service to be sure they were secure for the Park Service, so I oppose the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. FLAKE. Mr. Chairman, may I ask the gentleman who is the sponsor of the earmark?

The CHAIRMAN. The gentleman from Arizona controls the time.

Mr. FLAKE. I would yield to the gentleman if he would tell us who the sponsor of the earmark is.

Well, I guess I will since he won't. The sponsor is the Speaker of the House, and I would hope that the sponsor of the earmark would come and defend this. Why are we earmarking defense dollars for a project managed in cooperation with the National Park Service, a project that is receiving millions and millions of dollars from the outside in a very high-rent district in San Francisco. That doesn't seem right, yet we are doing it.

And this is indicative of a lot of the earmarks that are going into this bill. It is perhaps not surprising that there isn't much of a defense for this. But I would think even if it is nearly 11 on the last day of the session that the taxpayers deserve a little better than this.

I have a few more earmarks and we will talk a little more about this. But it just seems wrong when you come up with high-sounding words to make the earmarks sound like they are more important.

I started thinking that if this podium right here were described in the defense bill, it would be referred to as a multi-purpose, ad hoc self-generating, voice-projection platform. Or this pen might be a stenographic multi-functional polymer language communication system.

If you name things like this, you might get funding in this defense bill. And people might laugh, but we do it year after year after year, and it grows. People will point out that there are fewer earmarks in this bill than there were in the past couple of years. That is true, and it is a good thing. But it is still too much.

How can we exercise proper oversight when we are spending money like this?

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).



The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed. The Clerk will read.

The Clerk read as follows:

SEC. 8109. Of the funds made available under the heading "Operation and Maintenance, Defense-Wide", up to \$30,000,000 may be available for financial assistance to eligible local education agencies pursuant to section 386 of Public Law 102-484.

AMENDMENT NO. 4 OFFERED BY MR. ISSA

Mr. ISSA. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. ISSA:

At the end of the bill (before the short title) insert the following new section:

SEC. \_\_\_\_\_. None of the funds made available in this Act may be used to disclose to the public the aggregate amount of funds appropriated by Congress for the National Intelligence Program (as defined in in section 3(6) of the National Security Act of 1947 (50 U.S.C. 401a(6))) for a fiscal year.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from California (Mr. ISSA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. ISSA. Mr. Chairman, I won't need 5 minutes.

Mr. MURTHA. Mr. Chairman, will the gentleman yield?

Mr. ISSA. I yield to the gentleman from Pennsylvania.

Mr. MURTHA. We will accept the amendment.

Mr. ISSA. Mr. Chairman, I can take "yes" for an answer. Thank you both very much.

The Issa amendment simply prevents the Intelligence portion of the DOD Appropriations bill to be made public.

The budget total for the National Intelligence Program is now authorized to be made public in a provision that was included in the conference report to H.R. 1.

No amendments were allowed during the Conference to fix this problem. The original House-passed version of H.R. 1 did not include this provision.

With so many threats to our Nation's security, it makes no sense to disclose vital information to our enemies.

Traditionally, this number has remained classified for good reason.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. ISSA).

The amendment was agreed to.

□ 2300

AMENDMENT OFFERED BY MR. FRANKS OF ARIZONA

Mr. FRANKS of Arizona. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FRANKS of Arizona:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. The amounts otherwise provided by this Act are revised by reducing the amounts made available under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION—Research, Development, Test and Evaluation, Defense-wide", and increasing the amounts made available under that heading, by \$97,200,000.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Arizona (Mr. FRANKS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FRANKS of Arizona. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, praise is due to certain Members on the Appropriations Committee on both sides of this aisle who had the foresight and the wisdom to fund key missile defense systems in the President's budget.

We must remind ourselves that in 2006 alone there were close to 100 foreign ballistic missiles launched around the world. In an age of terrorism, when rogue states and non-State entities can acquire these dangerous missiles, we must prepare a defense for our homeland, for our deployed war fighters and for our friends and allies.

The Appropriations Committee preserved the Airborne Laser, which is a system often deemed futuristic or far-term, but as many of us know, ABL is a magnificent ballistic missile defense system that has now been built and continues to successfully meet its knowledge points. And thanks to the ingenuity and hard work of dedicated Americans, Airborne Laser will soon play a critical role in helping us to meet the evolving threat of ballistic missiles.

Mr. MURTHA. Mr. Chairman, will the gentleman yield?

Mr. FRANKS of Arizona. I yield to the gentleman from Pennsylvania.

Mr. MURTHA. You can see the hearings we've had on this issue. We felt that the missile defense cuts we made were because of schedule more than anything else, and I appreciate your determination to put it in. We'll take another look at conference, but right now we are convinced, and you can see the hearings we've had this year. We started on January 17. We just don't feel this is necessary at this point. It was a cut made on schedule more than anything else.

Mr. FRANKS of Arizona. Mr. Chairman, are you saying that the cuts would be restored?

Mr. MURTHA. No. What I will say to you is that we'll look at it in conference, but we believe that we did the right thing. We believe we cut it because of the schedule.

Mr. FRANKS of Arizona. Mr. Chairman, you may be confused here. We're not talking about ABL here. I was just getting to the next. I was thanking you for restoring ABL.

Mr. MURTHA. No, no. We think we made the right cut because of the schedule. You understand what I'm saying? And we'll look at it in conference.

Mr. FRANKS of Arizona. Mr. Chairman, if the distinguished chairman of the appropriations committee is saying that the cuts would be restored, then I'm willing to withdraw the amendment. If that's not what he's saying, then I need to go ahead and offer the amendment.

Mr. MURTHA. They may very well be, but I can't assure you of that at this point. What I'm saying is we'll look at it in conference. We always negotiate these things. Right now, as we see it in the schedule after the hearings, the staff and the committee decided that this was a good cut.

Mr. FRANKS of Arizona. Mr. Chairman, that may be. Let me go ahead and finish here with my comments, and then I'll ask the Appropriations chairman what he feels like would be appropriate at that time.

I'm also grateful, Mr. Chairman, that we've taken vital steps for greater cooperation with Israeli ballistic missile defense because I believe that will play a critical role in future pieces of the human family.

Having said that, I'm incredibly concerned tonight that the \$97.2 million that was cut from the only existing active defense system this Nation has against intercontinental ballistic missiles is a dangerous cut. This is not a far-term system. In fact, this is not a near-term system. It is a current system and the only one we have to defend this Nation against intercontinental ballistic missiles. This \$97.2 million cut is inconsistent with even the Democrats' view on the House Armed Services Committee for their support for short-term programs and near-term programs, and it directly conflicts with the legislation passed in last year's National Defense Authorization advocating Department of Defense focus on near-term capabilities.

This amendment would restore the \$97.2 million for ground-based, mid-course defense without increasing any dollars to the Defense bill. The offset is from research and development defense-wide, which has over \$20 billion in the account.

Mr. Chairman, this country must plan on being surprised by our enemies. In 1998, intelligence experts indicated that North Korea was years away from fielding multistage rockets. That very next month they demonstrated that capability when, on July 4 of the American Independence Day, North Korea brazenly launched a long-range ballistic missile.

Americans witnessed for the first time that day their country activate a missile defense system to protect our

homeland against intercontinental ballistic missiles. It is clear that North Korea was using these missiles for coercion and intimidation, and I would ask that we neutralize their ability to do that and bring critical protection to Americans and our homeland by fully supporting the GMB system we currently have.

Now, I would yield to the chairman if he has any thoughts.

Mr. MURTHA. I appreciate what the gentleman is saying. We don't know where the cuts would come from, whether they're critical research or not, and I would ask the gentleman, we're just as concerned as you are about missile defense. We're trying to make sure we have the adequate amount, and in conference, we will take another look at it.

Mr. FRANKS of Arizona. Reclaiming my time, Mr. Chairman, in sincere and due respect, if the concern were as great as mine, this \$97.2 million would not have been cut.

I move the amendment, Mr. Chairman.

The CHAIRMAN. The gentleman's time has expired.

Mr. MURTHA. I rise in opposition to the amendment.

I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FRANKS).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. FRANKS of Arizona. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

AMENDMENT OFFERED BY MR. INSLEE

Mr. INSLEE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. INSLEE:  
At the end of the bill (before the short title), add the following:

SEC. \_\_\_\_ . None of the funds appropriated by this Act may be used to waive or modify regulations promulgated under chapter 43, 71, 75, or 77 of title 5, United States Code.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Washington (Mr. INSLEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington.

Mr. MURTHA. If the gentleman would yield, we have no problem with the amendment.

Mr. INSLEE. Thank you. I just note Mr. VAN HOLLEN, Mr. JONES and I are offering this amendment to protect our civil workers, and thanks to the Chair for his consideration of this issue.

Mr. JONES of North Carolina. Mr. Chairman, I rise in strong support of this amendment to defund the National Security Personnel System, NSPS.

The Comptroller General of the United States, David Walker, and the staff at the Government Accounting Office, GAO has analyzed the development of NSPS. In published reports and testimony before Congress, Mr. Walker has criticized the manner in which the Department of Defense, DOD, has failed to effectively manage the design and implementation of NSPS.

On July 16, 2007 GAO released a report supporting Defense unions' contention that DOD has been underestimating the cost of implementing NSPS. According to the report, GAO found that DOD's November 2005 estimate that it will cost \$158 million to implement NSPS "does not include the full cost that the department expects to incur as a result of implementing the new system."

The report also concluded that the total amount of funds the department spent on NSPS during fiscal years 2005 and 2006 cannot be determined because DOD has not established an effective oversight mechanism to ensure that all these costs are fully captured. Because of this extreme mismanagement, we will never know how much DOD spent trying to implement NSPS, although the total amount likely runs into the billions of dollars.

For this, and many other reasons, Congress should not provide funding for the implementation of this misguided endeavor.

Mr. VAN HOLLEN. Mr. Chairman, I'm pleased to join my colleagues Representative JAY INSLEE and Representative WALTER JONES in offering this important bipartisan amendment today.

Our Federal workforce is comprised of hard-working public servants who deserve respect on the job and fairness in matters of personnel. Over the past several years, it has become increasingly clear that the Defense Department's alternative human resources regime known as the National Security Personnel System (NSPS) provides neither—and therefore should not be supported in this legislation.

The NSPS was originally authorized in the FY 2004 Defense authorization bill at the request of the political leadership in the Pentagon with the understanding that the new authority would be exercised consistent with congressional intent and in consultation with the legitimate representatives of the Nation's 700,000 DoD workforce. For all intents and purposes, that hasn't happened. The Pentagon has, for example, ignored Congress' requirement that an independent entity arbitrate certain disputes between management and labor. And DoD has brushed aside provisions mandating the use of a merit system protection board with independent judgment.

As a consequence, the NSPS has been mired in lawsuits, and this House has now acted twice to curtail the program: first, by passing an essentially identical limitation amendment by voice vote during consideration of last year's Defense appropriations bill; and second, by effectively eliminating authority for the NSPS in this year's Defense authorization legislation. If that weren't enough, the Government Accountability Office (GAO) recently reported that it couldn't even figure out how much money the Defense Department was actually spending on the NSPS because "DoD has not established an effective oversight mechanism to ensure that all these costs are fully captured."

Mr. Chairman, I urge my colleagues' support for this amendment.

Mr. INSLEE. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. INSLEE). The amendment was agreed to.

AMENDMENT NO. 16 OFFERED BY MR. CASTLE  
Mr. CASTLE. Mr. Chairman, I offer an amendment pertaining to leave.

Mr. MURTHA. Mr. Chairman, I reserve a point or order.

The CHAIRMAN. The gentleman from Pennsylvania reserves a point of order.

The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 16 offered by Mr. CASTLE:  
At the end of the bill (before the short title), insert the following:

SEC. 8110. Funds made available under title II of this Act shall be used to credit each member of the Armed Forces, including each member of a reserve component, with one additional day of leave for every month of the member's most recent previous deployment in a combat zone.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Delaware (Mr. CASTLE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Delaware.

Mr. CASTLE. Mr. Chairman, I'm informed that the point of order will probably be upheld here, but I would like to make this point before I withdraw the amendment.

Today, all members of the Armed Forces, including those serving in the Guard and Reserves, receive two-and-a-half days of leave time per month, regardless of whether they're deployed in Iraq or back in the U.S. or at their home base.

My amendment would simply credit soldiers one additional day of leave time for every month that they are deployed in a combat zone, and this could be used when they return Stateside. We learned this from speaking to a soldier in particular by e-mail and to soldiers more specifically about it, and realized that with some of the mental health problems which are going on, the extra leave time, not time on standby but actual leave time, would be good as far as our soldiers are concerned, and so decided we wanted to push it.

We tried to do it in the Tauscher bill a couple of days ago, and unfortunately, the Rules Committee did not accept it. And I tried to put it in this Defense appropriations bill, and I realize it might have limitations as far as the point of order is concerned.

But I think it's an important question, and I just wanted to appeal to the chairman and to the ranking member to consider this perhaps in conference, perhaps at some other time, perhaps somebody else can borrow it. I just believe it's something we ought to be thinking about doing for our soldiers who have been called back on a fairly repetitive rotating basis. In my judgment, they would benefit from this extra leave time.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. CASTLE. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman for yielding, and I say to the gentleman I certainly agree with what it is that he's attempting to do, but it is subject to a point of order. But I can assure the gentleman that during the conference that we will address this very important issue.

Mr. CASTLE. I thank the gentleman from Florida.

Mr. MURTHA. Mr. Chairman, will the gentleman yield?

Mr. CASTLE. I yield to the gentleman from Pennsylvania.

Mr. MURTHA. Mr. Chairman, I agree with the gentleman. The gentleman's got an important point, and we will certainly consider it in conference.

Mr. CASTLE. Mr. Chairman, I thank both the distinguished gentlemen for their points.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Delaware?

There was no objection.

AMENDMENT NO. 6 OFFERED BY MR. WALBERG

Mr. WALBERG. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. WALBERG: At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_ . None of the funds made available in this Act may be used to award a grant or contract based on the race, ethnicity, or sex of the grant applicant or prospective contractor.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Michigan (Mr. WALBERG) and the gentleman from Pennsylvania (Mr. MURTHA) each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. WALBERG. Mr. Chairman, I rise today to offer an amendment to the Department of Defense appropriations bill that is straightforward, as the amendment simply states this: "None of the funds made available in this Act may be used to award a grant or contract based on the race, ethnicity, or sex of the grant applicant or prospective contractor."

I was glad a similar amendment passed unanimously last week on the Transportation, Housing and Urban Development appropriations bill, with the acceptance of the Chairman of Appropriations.

Government contracts and grants should be awarded on the basis of work, quality and cost, and all firms should have an equal opportunity to compete for taxpayer-funded projects.

I urge my colleagues to support this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. MURTHA. Mr. Chairman, I appreciate what the gentleman's doing, but this cuts out all the minority contracts which have been so valuable and so important to the defense industry in saving money.

I oppose the amendment.

Mr. WALBERG. Mr. Chairman, I appreciate the concern of the chairman. However, it is a fact that this cuts out none of the minority contractors, small business contractors. They still have the great number of programs that they can use in the process of contracting.

Throughout the government, contracts and grants are awarded with preference given on the basis of race, sex and ethnicity instead of on the basis of work, craftsmanship and cost.

Though this policy may be motivated by good intentions, I agree with Justice Clarence Thomas about preferences in government contracting based on race, sex, and ethnicity when he stated, "The paternalism that appears to lie at the heart of this program is at war with the principle of inherent equality that underlies and infuses our Constitution," as well as, I might add, the quality of our armed services.

The Federal Government continues to engage in these preferences via set-asides to contractors.

Last fall, in my home State, Michiganders voted overwhelmingly, 58 percent to 42 percent, in favor of amending our State Constitution to outlaw racial preferences in public education, employment and contracting.

Like my constituents in south-central Michigan, I oppose any and all forms of discrimination, but I also support nondiscrimination, the practice or policy of refraining from discrimination.

Once again, the Federal Government is behind State governments in creating equal opportunity for all Americans, as Michigan followed California and Washington banning discrimination in education, contracting and hiring.

My support of nondiscrimination compels me to continue working against discrimination in government policies because every American deserves equal treatment when competing for business contracts, and our Federal Government should treat all applicants for such contracts on an equal basis.

This amendment would require the Department of Defense to make contracting decisions based on the quality of work of a firm, the cost, and equality among firms. It should be noted that this amendment has no impact on programs directed at small business operated by veterans and those with disabilities.

I believe this commonsense amendment will help ensure that all American businesses and individuals competing for public work projects are

given a fair, nondiscriminatory opportunity, and I urge its adoption.

Mr. Chairman, I yield back my time.

Mr. MURTHA. Mr. Chairman, I yield back my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. WALBERG).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. WALBERG. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Michigan will be postponed.

□ 2315

AMENDMENT NO. 18 OFFERED BY MR. CAMPBELL OF CALIFORNIA

Mr. CAMPBELL of California. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 18 offered by Mr. CAMPBELL of California:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_ . None of the funds made available in this Act under the heading "Research, Development, Test and Evaluation, Army" may be used for the Paint Shield for Protecting People from Microbial Threats.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from California (Mr. CAMPBELL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. CAMPBELL of California. Mr. Chairman, this is an earmark ostensibly for a "Paint Shield for Protecting People Against Microbial Threats" for \$2 million. Apparently this \$2 million will be going to the Sherwin-Williams paint company in Cleveland, Ohio.

I actually have a couple of questions either for the sponsor of the earmark or for the chairman of the committee.

I guess my first question would be, and I am happy to yield to whomever would like to answer it, is this something that military leadership has asked for?

Mr. MURTHA. This is a very worthwhile project. Let me say to the gentleman, you see the number of hearings we have had, and the number of earmarks. Our staff went over every one of these earmarks very carefully.

It's not on our highest priority list, but I'm sure that the military is interested in this kind of research, because it's so important to the military.

Mr. CAMPBELL of California. If I may inquire further, Mr. Chairman, you said you are sure the military, so you are not aware if, in fact, the military has asked for this kind of technology? I guess the answer to that is no.

The next question I would have is what investigations have been done to determine that this technology could actually even be effective.

Mr. MURTHA. Let me mention to the gentleman, we have a \$459 billion bill.

We look at every one. We ask the Members to vet them. Our staff vets them. We go over every single earmark.

We don't apologize for them because we think the Members know as much about what goes on in their district as much as the bureaucrats and the Defense Department.

Mr. CAMPBELL of California. Then I am sure if the gentleman goes over every single one, he can answer the questions, what investigations, what research has been done to determine that this technology is effective and is worth \$2 million of taxpayers' funds?

If you investigate every earmark, I have a couple of other questions. Sherwin-Williams is not the only maker of paint in the country. How did we know, and what was determined that Sherwin-Williams was the best or the right supplier, if you assume that the military asked for it and the technology was effective?

Mr. MURTHA. I don't represent Sherwin-Williams. I don't know what paint company you represent, but we know they are a very qualified contractor.

Mr. CAMPBELL of California. I thank you. Again, my question was, I am sure, they are obviously a well-known qualified paint company. By the way, I don't represent any paint companies, to my knowledge, none whatsoever.

So my question is, how do we know they are the best for this particular product?

I guess I would follow it up with how do we know, if we even knew that, how do we know that \$2 million is the right amount. Was there some investigation, some research done to determine that \$2 million was the right amount?

Mr. MURTHA. Every one of these earmarks are competitively granted under the regulations of the Defense Department. We depend on them to competitively check them over, and they do.

Mr. CAMPBELL of California. Let me ask, though, but then why is it, if they are competitively bid, that this one is going to Sherwin-Williams paint company?

Mr. MURTHA. There is no guarantee.

Mr. CAMPBELL of California. Well, I think Sherwin-Williams thinks there is, by the way.

Then the final question I would have for the gentleman would be if this \$2 million goes to Sherwin-Williams to develop this product, and they, in fact, develop it, will the taxpayers own that product? Is that then a product, a license, something that the taxpayers own?

Mr. MURTHA. Absolutely.

Mr. CAMPBELL of California. So the taxpayers will not have to pay for the use of that product in the future.

Mr. MURTHA. They do it all the time.

Mr. CAMPBELL of California. What evidence of that is there, if I may ask?

What do the taxpayers get for this \$2 million as evidence of their ownership of this product or technology?

Mr. MURTHA. Let me tell you, we have added, we have added all kinds of money for body armor, for paint, for the gentleman from Ohio, predecessors, one of your predecessors was always looking for new ways, new developments. Small business has been the real impetus for these things happening. Big business takes it on. We do the research and development because it benefits the troops. That's the reason we do this.

The CHAIRMAN. The gentleman's time has expired.

Mr. MURTHA. Mr. Chairman, I rise in opposition to the amendment.

I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. CAMPBELL).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. CAMPBELL from California. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT NO. 17 OFFERED BY MR. CAMPBELL OF CALIFORNIA

Mr. CAMPBELL of California. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 17 offered by Mr. CAMPBELL of California:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_ . None of the funds made available in this Act under the heading "Research, Development, Test and Evaluation, Navy" may be used for the Swimmer Detection Sonar Network.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from California (Mr. CAMPBELL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. CAMPBELL of California. Mr. Chairman, this particular earmark is for a swimmer detection sonar network for \$1.5 million. The company developing this technology is in New Hampshire.

Interestingly, there are about three other companies that do a similar technology or do something intended to do the same thing, which is detect people swimming in the water up towards a ship, at least three others that we have determined, and one of which is currently being used by the Coast Guard that doesn't use sonar but already is in place and in effect.

Mr. Chairman, I could ask the same series of questions of the chairman of the committee on this earmark that I did on the last. I won't do that, because

the point of this, frankly, is not that this particular earmark is particularly egregious, nor, frankly, that the previous one that I brought up was particularly egregious.

I believe that there are literally hundreds of earmarks like these offered by many members in this Defense Appropriations Committee.

The reason I am bringing these forward is because of a personal experience I had when a defense contractor came to me in my first few months in office and came forward with an earmark, and I asked these questions.

I said, does the military want this, or, have you developed something you want me to give you \$2 million of the taxpayers' money for something the military doesn't want?

Then I said how do I know that your technology will work? How do I know that this \$2 million is effective in curing or dealing with the situation that you claim you want it to be? Then I said how do I know you are the right supplier? It's great that you are in my district, that's wonderful, I think that's fine you have those jobs, but how do I know the best supplier is not in Pennsylvania? How do I know the best supplier is not in Connecticut? How do I know you're the right company to do this?

Then I said, even if I did, how do I know that \$3 million is the right price? How do I know that it doesn't cost you \$50,000 to develop this thing, and you are making \$2,950,000 off the American taxpayer. Then if you do, is the American taxpayer going to get this product for free, because if we pay for it, we should.

That is the point of what I am doing here. When you look at all of these earmarks, those five questions, in my view, should be asked on every single earmark that goes to a private company that is in this defense bill or, frankly, any other bill.

If the answer to all five of these questions is not yes, I don't care if it's a company in my district, or the chairman's district or anybody's district, we should not be using taxpayers' funds for it.

I will tell you that I told that defense supplier and every defense supplier in my district that I met with, no. Because they could not give me a yes answer to all five of those questions.

Mr. Chairman, I reserve the balance of my time.

Mr. MURTHA. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. MURTHA. Mr. Chairman, in this particular case we are looking for is sensors to protect against the type of thing that happened in Yemen with the USS *Cole*. We have a lot of people working on this, and we hope that we will be able to develop a system that will protect against that kind of swimmers for those kinds of ships.

Mr. Chairman, I yield back the balance of my time.

Mr. CAMPBELL of California. May I inquire how much time I have remaining, Mr. Chairman?

The CHAIRMAN. The gentleman from California has 2 minutes remaining.

Mr. CAMPBELL of California. Mr. Chairman, I understand, but there are a number, there are at least three, and I am not on the committee, and I didn't do exhaustive research, there are three others of these currently in use and currently in development. The Coast Guard, at least, apparently, believes that their system is better than this system.

So my question is, for this sort of earmark, are we going to fund, if there were a company, and all 435 of our districts that was interested in developing this thing, should we give them all \$1.5 million and see who wins?

I just don't think that this earmark, or, as I have said, hundreds of others out of the 1,300 that are in this bill, really meet the scrutiny when we are using taxpayer money and giving it to private companies to develop this stuff without the proper scrutiny in terms of this technology, did the military ask for it, is it effective, is it the right supplier, is it the right price and what do the taxpayers own when they are done paying for it.

I ask for an "aye" vote.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. CAMPBELL).

The amendment was rejected.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

SEC. 8110. None of the funds made available in this Act may be used for Marine Desalination Systems, Inc., in St. Petersburg, Florida.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. I thank the Chair. That last discussion was remarkable, just remarkable.

I would gladly yield time to anybody who agrees with the chairman of the Appropriations Subcommittee that, one, that these earmarks are competitively bid. Anybody in agreement here; or, two, that the U.S. taxpayer, after paying for these earmarks, has rights to the technology that developed these earmarks.

Any takers there? I didn't think so.

I think that is simply wrong. That is simply wrong.

An earmark, by very definition, is a sole source contract. It is circumventing the competitive bidding process.

Maybe you don't like what the bureaucrats over in the Defense Department do, but to say that this is a competitively bid contract is simply wrong. To say that the U.S. taxpayer has rights to the technology developed with the companies that are getting these earmarks, is simply wrong as well.

If anybody can contradict, please take time. But let's not defend these earmarks on that basis when that's simply wrong.

Any way, let's get to this one.

This earmark, I am sorry, this amendment would eliminate \$1 million for the Marine Desalination Systems, Inc., in St. Petersburg, Florida, for atmospheric water harvesting and reduce the cost of the bill by a corresponding amount.

The earmark described in the certification letter submitted to the committee by the sponsor informs us that this earmark would be used to fund lightweight, low power expeditionary water production.

According to the Web site of the entity, Marine Desalination Systems is a corporation that develops new technologies to create inexpensive, potable water, to bring to market.

Again, I have the same issue that the last gentleman to offer amendments did, the gentleman from California. Why are we singling out this one company for this project or this earmark?

I would ask similar questions to the ones he asked, but these, I think, are more in the defense speak that goes with the language in this bill.

Was this project palmed, which means, is it a program of memorandum? I would ask the sponsor that.

Is it on any unfunded requirement list? Number 3, does any operator in the field say that we need this particular program or technology from this particular company? I would love to hear the answer to any of those questions from the sponsor of the earmark.

Mr. Chairman, I reserve the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, I claim time in opposition to the amendment.

The CHAIRMAN. The gentleman from Florida is recognized for 5 minutes.

Mr. YOUNG of Florida. The gentleman caught my attention when he said St. Petersburg, Florida, if that's where that company is located. I assume that it is because when I submitted the request in full transparency, I said it was from St. Petersburg, Florida.

This is a program that is important to the military. This is a defense-related issue.

□ 2330

What this program is, is providing water for our troops in the field where

there is no water. We have reverse osmosis. To do that, you have got to have some kind of liquid. We have desalination. To do that you, have got to have saltwater. But how about getting water where there is none present? How about getting water out of the atmosphere? Because there is water in the atmosphere. And this company has proved they can do it. And this company's product is being tested at Aberdeen Proving Grounds by the United States Army.

Now, I suggest to the gentleman, do we really want to deny our troops the opportunity to have a system that provides water from the air? And it works. It is working in Aberdeen. Do you really want to deny troops the opportunity to have a portable unit that will provide water for troops that are deployed in outrageous places where there is no water? If that is what you want to do, then you should vote for this amendment. I am opposed to the amendment.

Mr. MURTHA. If the gentleman would yield, I also oppose the amendment.

Mr. YOUNG of Florida. I yield back the balance of my time.

Mr. FLAKE. Let me just finish. Nobody is trying to deny anybody any water, certainly not somebody from Arizona. But the question remains, was this a program of memorandum? Is it on any unfunded requirement list? Does any operator in the field say that we need this particular program or technology from this particular company?

I would be glad to yield.

Mr. YOUNG of Florida. Let me give you the type of question you are asking. Last year, I was chairman of this subcommittee. Last year, we had a request through the administration for a supplemental of \$70 billion. We asked the administration, what would you like to include in that \$70 billion? What did you need? We didn't get an answer.

We didn't get an answer, so after repeated requests we had to go to the services who were fighting the war and say to them, what do you need? And we identified those items and we put them in that \$70 billion supplemental, which most of us voted for. So I was responsible for and got credit for a \$70 billion earmark. Everything is not black and white in this world.

And so I say to the gentleman, I appreciate his tenacity, but I would like to have an opportunity to debate with you the many good things that have been done to defend our Nation and support our troops that have been done created by the Congress, not requested by any administration.

One of the very best earmarks that I can give you an example of off the top of my head is the Predator, the Predator that the Iraqi terrorists really hate because it hunts them down and it kills them. The Predator was a congressional earmark. The administration, the Defense Department didn't ask for it, didn't give us any support. We said we need this capability, and we

got the capability. And it is one of the best things we have going for us in the war against terror.

So I hope that begins to give the gentleman a little bit of a response about our responsibility in providing things that our military needs and our national defense needs. And I thank my friend for yielding.

Mr. FLAKE. I thank the gentleman. The question here is, why aren't we competitively bidding these projects? We have had hearing after hearing after hearing in this Congress, more so than we had in the last Congress. To our great shame, I think as Republicans we didn't have enough oversight hearings. And we bring up Halliburton constantly, with no bid contracts.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The amendment was rejected.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

SEC. 8110. None of the funds made available in this Act may be used for Concurrent Technologies Corporation.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, this amendment would strike all funding in the bill for Concurrent Technologies Corporation.

As you may recall, I offered an amendment last month during consideration of the Energy and Water appropriations bill to cut funding for something called the Center for Instrumental Critical Infrastructure in Pennsylvania. We did not know whether the center existed. I had a colloquy with the chairman of the subcommittee in that time. But we learned that the money is actually going to Concurrent Technologies Corporation based in Johnstown, Pennsylvania. Concurrent Technologies has been a leading earmark recipient in multiple appropriations bills over the years.

In the Energy and Water bill, Concurrent received \$1 million in earmarked funds. In this bill, Concurrent is due to receive \$11 million in the form of four earmarks.

Concurrent Technologies was the focus of an October 2, 2006, story in the New York Times titled, "Trading Boats for Pork Across the House Aisle." According to the article, Concurrent Technologies Corporation was created by an earmark in 1988. Back then, the corporation was called the Center for Excellence in Metalworking.

The New York Times stated that the military and other Federal agencies

have paid Concurrent nearly \$1 billion in grants and contracts since 1999. That is \$1 billion in taxpayer funds to an entity created with an earmark. That does not include the \$12 million Concurrent is receiving in earmarks this year alone.

Concurrent Technologies Corporation is an earmark incubator. It was created by an earmark to get more earmarks. Without earmarks, this corporation, I think it is safe to say, would not exist.

The president of the corporation, Mr. DeVos, was quoted in the local paper saying that the sponsor has "impressed upon the area's defense industries leaders the need to wean themselves from this aid."

Mr. DeVos and the sponsor of the earmark have a funny way of weaning Concurrent off of Federal earmarks. The sponsor has secured \$11 million more for Concurrent in this bill alone. In addition, The Washington Post reported that Mr. DeVos and his company have spent \$820,000 in fees to a lobby firm seeking more Federal aid.

I would ask the sponsor of this earmark to confirm what has been reported. With regard to the defense industry's needing to wean themselves off this aid, when is that weaning going to occur? Can we assure Members of this body that there will be no more earmarks to Concurrent Technologies? Can Concurrent Technologies survive without Federal Member-sponsored earmarks?

I look forward to receiving answers to these questions.

I reserve the balance of my time.

Mr. MURTHA. I rise in opposition to the amendment.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. MURTHA. The Department of Defense, the intelligence and security communities, other Federal agencies, and industrial clients in the recent past, CTC was awarded the operations contract through full and open competition for both the National Defense Center for Environmental Excellence and the Navy Metalworking Center. The value of the two contracts, \$250 million and \$150 million respectively. The core funding for each is included in the President's budget.

Last year, CTC won over 50 competitive Federal awards, culminating in a \$65 million contract from the Air Force Advanced Power Technology Office. I oppose the amendment.

I yield back the balance of my time.

Mr. FLAKE. The gentleman correctly stated that Concurrent has been given some Federal contracts. Then, why in the world did they need this earmark? If they are getting Federal contracts through some kind of bidding process, then why do they need continued earmarks? Which, as I mentioned, are by their very definition sole-source contracts, no-bid contracts, where we are specifying an individual firm, a business in this case, that hires a lobbyist, \$820,000 paid to a lobbyist to get more Federal funds.

Where does it end? Is this any kind of process or system that we can be proud of, with these earmark incubators that survive just by getting more earmarks? I mean, how can we do that? If every district in this country had those kinds of earmark incubators, every account in the U.S. Federal Government would be earmarked, I would venture to say.

So I would say we simply have to stop this somewhere. I urge support for the amendment.

I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The amendment was rejected.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_ (a) LIMITATION.—None of the funds made available in this Act may be used for the Doyle Center for Manufacturing Technology.

(b) CORRESPONDING REDUCTION IN FUNDS.—The amount otherwise provided by this Act for "RESEARCH, DEVELOPMENT, TEST AND EVALUATION—Research, Development, Test and Evaluation, Air Force" is hereby reduced by \$1,500,000.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, this amendment would strike \$1.5 million in funding in the bill for the Doyle Center for Manufacturing Technology. The Doyle Center, which is a monument to its sponsor, is an earmark incubator, much like Concurrent Technologies, a center created out of earmarks for the sole objective for obtaining more Federal contracts or earmarks.

The center is a sister organization to a number of earmarks incubators like Concurrent Technologies, which is an entity, as mentioned before, receiving \$11 million in earmark funds in the bill.

How do we know that there is a symbiotic relationship between Concurrent Technologies and the Doyle Center? For one thing, the chairman of the board of the Doyle Center is the senior vice president and chief financial officer of Concurrent Technologies. We also know that the Doyle Center and Concurrent Technologies work closely together on projects funded through earmarks. It is no surprise that they share the same leadership.

According to a recent article in The Hill, the creation of the Doyle Center is adding another layer to three non-profit organizations devoted to a similar mission of helping spur economic development in the area, the Pennsylvania Technology Council, Pittsburgh



Technology Council, and the Catalyst Connection. The article in The Hill stated that all four groups share the same address and many of the same officers.

In addition, the Doyle Center handed over a large portion of its earmark money in 2004 to the Catalyst Connection for research. These funds came from a portion of a larger \$1.36 million earmark that make up the center's entire budget for that year.

Just think of that. We are giving an earmark to a center that is funded completely with taxpayer dollars with the goal of receiving more taxpayer dollars.

A certification letter for the project says that \$1.5 million in earmark money will go toward the Doyle Center. But with all these groups sharing the same address, the same money, the same officers, do we really know where the money is going?

So my answer to the sponsor to the earmark is as follows: Is the money going to the Doyle Center, the Pittsburgh Technology Council, the Catalyst Content, Connect, or the Concurrent Technologies?

I urge the adoption of the amendment.

I reserve the balance of my time.

Mr. MURTHA. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. MURTHA. Let me just mention to the gentleman, 85 of the 90 members of the RSC receive, RSC which you just mentioned, receive earmarks in this total of this \$436 million.

Mr. FLAKE. Do you want a response?

Mr. MURTHA. You were using this as an example, the RSC. You were using those as stopping earmarks.

I am just saying that the Members come to the committee. We have a \$459 billion bill. We find all kinds of shortages. I will give you an example of what we just found.

I went down to five bases, sent the staff down later, and we found that they didn't have the money to take the troops back when they come back after BRAC. We put \$3 billion in that. This is an earmark.

Years ago, we put a couple billion in for ships. That is an earmark, and the Navy didn't want them. And yet, the SL-7s, if we wouldn't have had them in 1991, we would not have been able to get there.

We have confidence in the Members. Under the Constitution, Congress is responsible for appropriations. They make recommendations, but it is a bureaucracy that makes recommendations. The President doesn't make recommendations. He sends long lists, the White House sends long lists over to OMB. And anybody that has worked at OMB will tell you, billions of dollars, as the gentleman knows, in requests go to OMB.

I expect the Members to vet them. We try to vet them the best we can. We

know that very few earmarks are not of real value to military. If there is any, we take them out. We have had a few like that, and we take them out as soon as we can.

So I don't make apologies for having earmarks. As I say, \$456 million went to the RSC. So I don't make apologies. That is the Congress' job. Less than 1 percent of the \$459 billion budget in that sense was projects for Members of Congress. And I would think Members of Congress know, as well as the bureaucracy over in the Pentagon and White House know, what needs to be done. And I think the gentleman will have to agree with that.

I yield back the balance of my time.

Mr. FLAKE. I thank the gentleman. I don't remember mentioning the RSC, but I appreciate the illumination. But let me just ask the Member, he has talked about the process by which these grants are given.

Let me just note, he mentioned earlier that every one of these was scrubbed by the Appropriations Committee. We had a manager's amendment that actually removed some and then put the money back somewhere else. One in particular that I had planned to actually challenge here was called the Advanced Robotic Vehicle Command and Control. I had an earlier version apparently of what came, and it was removed in a manager's amendment in committee. But then the money was taken, that same money, and given to the same Member for another earmark sponsored by that Member entitled Big Foot Airborne Receiver.

□ 2345

So the money went from that one just to another earmark sponsored by that same Member to plus that one up.

What kind of process does the committee go through? Is it that every Member is allotted a certain amount, or is it what they think the Defense Department needs?

I would be glad to yield to the Member.

Mr. MURTHA. I think that is a perfect example of the way things work. When we see something that we think is not as valuable as something else is, we change it.

Mr. FLAKE. Mr. Chairman, there is a story in the paper yesterday that mentioned how much of the funding is in this bill, and the gentleman mentioned that sometimes it is not completely accurate because the Defense Department will ask for things that are then listed as an earmark to the Member. I understand that it is not a perfect count. But still senior members of the Appropriations Committee were given up to \$150 million in earmarks when other rank-and-file Members got maybe a million or 2.

Are there more needs in certain districts? Is it spread out? How does that process go? What confidence should we have as Members voting to fund these earmarks that it is on some kind of

basis that bears any relationship to what the Defense Department needs rather than political calculation?

I would be glad to yield to the gentleman.

All right. I guess I will accept that as an answer. But let me just say, with regard to the Doyle Center, I would have hoped that the sponsor of the earmark would come and talk about it. But here is another example, as I mentioned, of an earmark incubator where an earmark creates an organization, in this case, named after one of our own, and the same one who it is named after gets more earmarks year after year for the same center to get more earmarks and more Federal contracts.

We simply can't sustain that. The notion that that is what the Defense Department needs simply doesn't hold water. With that, I urge adoption of the amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FLAKE:

At the end of the bill (before the short title) insert the following:

SEC. \_\_\_\_ (a) LIMITATION ON USE OF FUNDS.—None of the funds made available in this Act may be used for the Lewis Center for Education Research.

(b) CORRESPONDING TRANSFER IN FUNDS.—The amounts otherwise provided by this Act are revised by reducing the amount made available for "Operation and Maintenance, Defense-wide", and increasing the amount made available for "Operation and Maintenance, Defense-wide", by \$3,000,000.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, this amendment is a little different from the others. The others would strike funding from the bill. This would simply redirect funding to the same account from which it was drawn.

This amendment would redirect \$3 million from the Lewis Center for Educational Research to the Family Advocacy Programs in the Operations and Maintenance account.

Mr. Chairman, it seems that we are debating the Labor-HHS bill rather than the Defense appropriations bill.

Why is there a \$3 million earmark in the bill for an organization with a stated goal of providing “an opportunity for students to experience real science; to learn that science is an ongoing process, not just memorizing facts?” I am referring, of course, to this earmark for the Lewis Center for Educational Research.

This is becoming somewhat of an annual earmark. In fact, according to the Citizens Against Government Waste database, this educational center has received earmarks in past Defense appropriation bills ranging from \$2.5 million to \$3.5 million in every fiscal year since 2003. According to the certification letter submitted by the sponsor, “the funding would be used to develop on-line educational curriculum.” The Lewis Center for Educational research is an “educational facility designed to improve educational effectiveness and scientific literacy among American schoolchildren.” According to its Web site, since opening in 1990, the Lewis Center has provided hands-on instructional programs for elementary, middle, and high school students throughout local communities and across the Nation.

I would ask the same questions here. Why are we providing an earmark that is to a school that is sponsored by groups like Target, Wal-Mart, Verizon, Boeing, State Farm Insurance, Southern California Edison, Lucent Technologies, and others?

This is to a school; this is a defense bill. I simply would ask why is it here in the defense bill? How does it serve our national defense? What essential Federal purpose does it serve? Should it receive any earmark funding at all? And certainly not, I would say, in a defense bill.

And then the notion that this is actually taken out of an account for Family Advocacy Programs in the Operations and Maintenance account. I would think that, given the needs that the families of our troops have, that that money would be better left in that account for that purpose than to go to what I think is a charter school for other purposes.

Mr. Chairman, I reserve the balance of my time.

Mr. LEWIS of California. Mr. Chairman, I rise to claim the time in opposition to the amendment.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. LEWIS of California. Mr. Chairman, it is most interesting that we would have this discussion this evening. It is not my intention to spend a lot of time on this, but, nonetheless, last year we had a discussion about another project entirely near the Marine base, and I asked the gentleman if he had ever been to the Marine barracks in Washington, D.C., and he had not.

In this case to even suggest that there isn't an interest in education within the families that make up our services across the country and the

world causes me almost to smile if it wasn't so painful to think that he didn't understand how important this could be to military families.

This program involves a model center, developing methods for attracting and training, developing teachers and otherwise, to encourage young people to be involved in math and science. It has now affected literally tens of thousands of students all across the country. It has had a tremendous impact upon military families who are interested in these programs. It has attracted NASA, playing a major role in the fundamental center of the success of this educational effort. Retired employees from companies like JPL volunteer time to help in this effort because it is having an effect upon science education all across America, including literally, literally, hundreds, if not thousands, of student in Arizona alone.

Last year we had this discussion. I don't want to take a lot of time, only to say that after the discussion, 50 of my colleagues decided to vote against this program and well over 300 of my friends, our colleagues, thought it was a worthwhile effort. It is indeed one of the models for attracting kids of military families dramatically to math and science across the country, and I urge a “no” vote on the gentleman's recommendation.

Mr. MURTHA. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from Pennsylvania.

Mr. MURTHA. Mr. Chairman, I agree with the gentleman. The gentleman was at the forefront of Predator and many other programs which the Defense Department didn't ask for.

And I want to say to the gentleman I had to find out that the young people in the schools where the bases are needed counseling. General Casey went out and found the same thing, and then he called me and said we need to take care of it. We already took care of it. We take care of all kinds of things like that.

The people that work in the hospitals that Bill and I visit all the time were hurting so badly, they needed help. We put extra money in for it.

And when you talk about programs that you may not think directly affects the Defense Department, breast cancer research, prostate cancer research, those diseases affect military families.

Diabetes. Not long ago, I asked the Air Force, How many do you think you have with diabetes in the Air Force? And they said 40,000. The Surgeon General went back and said 150,000. That is in all the families. We started a research program to see how we get them under control because it saves not only emotional strain and physical strain but it saves money.

So we do these kinds of things all the time, changing the direction of the Defense Department with health care things, with educational facilities that are important to the military.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I would be happy to yield to my chairman.

Mr. YOUNG of Florida. Chairman MURTHA has just raised an issue that reminded me in talking about earmarks and good programs. One of the best programs this Congress ever created in the health field was the National Bone Marrow Donor Program, which has saved thousands of lives, a proven system. It was created by this subcommittee with an earmark many years ago, and it saved thousands of lives.

Mr. LEWIS of California. Mr. Chairman, reclaiming my time, Mr. YOUNG is exactly correct.

I don't stand to take credit for all kinds of extra earmarks. But as long as we are talking about it, the gentleman has heard the Predator mentioned a number of times. I think the gentleman knows that the bureaucrats don't necessarily have all the answers, whether those bureaucrats happen to be in the Education Department or they happen to be in the military.

Back when we were looking at the Predator, the idea of an unmanned aerial vehicle, it was pretty clear that the Air Force was much more interested in programs where planes were flown by men than in new ideas. The Predator came along, an unmanned aerial vehicle concept, and I had to take credit, my goodness, credit that year when this became implemented for some \$40 million of an earmark to advance the RDT&E, the research and development. If that \$40 million had not been appropriated, Predator would not have been available in Bosnia.

Now, since then Predator has gone forward and done many a thing, and I suppose I should be taking credit for hundreds and hundreds of millions of dollars of earmarks. But in the meantime, the military does not have all the answers to all the ideas, and, indeed, neither does the Department of Education.

Mr. FLAKE. Mr. Chairman, I would simply reiterate what we are talking about here. This is a charter school that, although it has been spoken of as serving military families, it has no more of a mission to serve military families, I would suggest, than the school that my kids go to. There are military families there. But I would not presume to give an earmark to that school simply because military families might attend that school. There is nothing in the literature that we have been able to find anywhere in this school that has any specific purpose to serve military families.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. FLAKE. I yield to the gentleman.

Mr. LEWIS of California. Upon examination of this program, the last time we discussed this a year ago and took the Members' time in a very late



evening, approximately 50 of your colleagues joined in your concern about this program.

It is a fabulous program, using the money very well, and I urge a "no" vote on the gentleman's amendment.

Mr. FLAKE. Reclaiming my time, Mr. Chairman, again, I would say that this is a charter school receiving money in the defense bill that has no more military application than any school that any of your kids or grandkids go to, and yet we are doing it. Does that have a military application? I would suggest not. And the notion that we can talk about this earmark that turned into something good or that one, but for every one of those, I would suggest that there is a company out there that would love to bid on one of these contracts that isn't given the opportunity, a company that might have technology that might turn into something good, but they can't compete because an earmark is given as a sole-source contract to another company. There are hundreds of them in this bill.

Again, an earmark is not a competitively bid project. It is a sole-source contract.

I urge adoption of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

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AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

SEC. 8110. (a) LIMITATION ON USE OF FUNDS.—None of the funds made available in this Act may be used for the National Drug Intelligence Center, Johnstown, Pennsylvania.

(b) CORRESPONDING REDUCTION IN FUNDS.—The amount otherwise provided by this Act for "Intelligence Community Management Account" is hereby reduced by \$39,000,000.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, this amendment would eliminate \$39 million in Federal taxpayer dollars for the National Drug Intelligence Center, a project that U.S. News and World Report called "a boondoggle." This amendment would also reduce the cost of the bill by a commensurate amount.

There are a number of reasons to support this amendment; primary among these is the fact that we should not spend our scarce intelligence dollars on wasteful and duplicative programs like the National Drug Intelligence Center.

This earmark has been part of a growing list of intelligence, or so-called "black earmarks." I think a lot of us have long been skeptical of the practice of earmarking Intelligence accounts, and several of us have repeatedly called for the abolition of this practice. We really didn't start earmarking the Intelligence bill until, I think, around the late — nineties. And it has not gone well for us, as we know with the case of Mr. Cunningham, now serving time.

It is important to note that the practice of earmarking only began really in this case in the Intelligence bill in the 1990s.

Let me repeat, we shouldn't be earmarking the Intelligence bill this way. This was authorized in the Intelligence bill. There was an amendment offered at the time to strike it.

Many of us have been troubled, as I mentioned, with this kind of earmarking. Many of us have asked to see the unclassified version of the report that was commissioned by the Intelligence Committee about Mr. Cunningham and his ability to get Intelligence earmarks. I have not been able to get that report, an unclassified report. I, as a Member of Congress, have been denied that report, and so have all of you. That is simply not right.

The Los Angeles Times reported a couple of weeks ago, as did the Associated Press, that they had received a copy of that report, but Members of Congress have not. Yet, we still continue with the practice of earmarking Intelligence bills.

When we did the authorization bill, we didn't receive the list of earmarks in that bill until it was past time to offer amendments to the Rules Committee to strike those earmarks. So we haven't had that opportunity.

Let me say that we cannot continue to go down this road, particularly with earmarks that have been called "duplicative and wasteful." The administration has tried for years to get rid of this National Drug Center. In fact, they offered \$16 million in one of these bills to shut that center down; yet, still, it keeps coming back and back and back.

Mr. Chairman, I reserve the balance of my time.

Mr. MURTHA. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. MURTHA. The Center's analytical tools were developed at NDIC and are among the best in the industry, performing over 500 missions involving drug trafficking, money laundering, terrorism, fraud in the health care industry, and child abduction. Today, the

NDIC document exploitation program analysts are supporting the U.S. Army to facilitate criminal investigations being conducted in Iraq.

NDIC developed computer software. It was recently adopted by the U.S. Army in Iraq to exploit valuable information from captured computers of insurgents and members of al Qaeda.

And let me say to the gentleman how this started. President Bush felt we needed a centralized place, and they wanted to put it in Washington. I felt, with a new communications, we didn't need it in Washington, and they decided to put it in Johnstown, and I think it has done very well. And we have argued this before, so I oppose the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. FLAKE. I would just ask the gentleman, while he's still standing, I would yield to the gentleman to simply ask, has the Bush administration requested that this be shut down?

Mr. MURTHA. Let me tell you, the Bush administration made a few mistakes in the past.

Mr. FLAKE. Does the gentleman presume to know more about this specific subject and know of a reason why this should remain in effect when the administration is saying that it should be shut down because it is duplicative and wasteful?

Mr. MURTHA. The administration says a lot of things that I disagree with.

Mr. FLAKE. I have nothing to add to that.

Mr. Chairman, I yield back the balance of my time and urge adoption of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

Amendment No. 10 by Mr. SESSIONS of Texas.

An amendment by Mr. FLAKE of Arizona regarding Presidio Trust.

An amendment by Mr. FRANKS of Arizona.

Amendment No. 6 by Mr. WALBERG of Michigan.

Amendment No. 18 by Mr. CAMPBELL of California.

An amendment by Mr. FLAKE of Arizona regarding Doyle Center.

An amendment by Mr. FLAKE of Arizona regarding Lewis Center.

An amendment by Mr. FLAKE of Arizona regarding National Drug Intelligence Center.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 10 OFFERED BY MR. SESSIONS.

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. SESSIONS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 148, noes 259, not voting 30, as follows:

[Roll No. 838]

AYES—148

Akin	Fortenberry	Nunes
Alexander	Fossella	Pearce
Bachmann	Fox	Pence
Bachus	Franks (AZ)	Peterson (PA)
Baker	Frelinghuysen	Petri
Barrett (SC)	Gallely	Pickering
Bartlett (MD)	Garrett (NJ)	Pitts
Barton (TX)	Gillmor	Poe
Biggart	Gingrey	Price (GA)
Bilbray	Gohmert	Pryce (OH)
Bilirakis	Goodlatte	Putnam
Blackburn	Granger	Radanovich
Blunt	Graves	Ramstad
Boehner	Hall (TX)	Rehberg
Bonner	Hastings (WA)	Reichert
Bono	Heller	Renzi
Boozman	Hensarling	Reynolds
Boustany	Hergler	Rogers (KY)
Brady (TX)	Hulshof	Rogers (MI)
Broun (GA)	Inglis (SC)	Rohrabacher
Brown (SC)	Issa	Ros-Lehtinen
Buchanan	Jordan	Royce
Burgess	Keller	Ryan (WI)
Burton (IN)	King (IA)	Sali
Buyer	Kingston	Schmidt
Calvert	Kline (MN)	Sensenbrenner
Camp (MI)	Knollenberg	Sessions
Campbell (CA)	Lamborn	Shadegg
Cannon	Latham	Shays
Cantor	Linder	Shuster
Carter	Lucas	Simpson
Chabot	Lungren, Daniel	Smith (NE)
Conaway	E.	Smith (TX)
Cubin	Mack	Souder
Culberson	Manzullo	Terry
Davis (KY)	Marchant	Thornberry
Davis, David	McCarthy (CA)	Tiahrt
Deal (GA)	McCaul (TX)	Tiberi
Dent	McCrery	Turner
Diaz-Balart, L.	McHenry	Upton
Diaz-Balart, M.	McKeon	Walberg
Doolittle	McMorris	Walden (OR)
Drake	Rodgers	Wamp
Dreier	Mica	Weldon (FL)
Duncan	Miller (FL)	Weller
Ehlers	Miller, Gary	Westmoreland
Fallin	Moran (KS)	Whitfield
Feeney	Musgrave	Wicker
Flake	Myrick	Wilson (NM)
Forbes	Neugebauer	Wilson (SC)

NOES—259

Abercrombie	Bishop (GA)	Capito
Ackerman	Bishop (NY)	Capps
Aderholt	Bishop (UT)	Capuano
Allen	Blumenauer	Cardoza
Altmire	Boren	Carnahan
Andrews	Boswell	Carney
Arcuri	Boucher	Carson
Baca	Boyd (FL)	Castle
Baird	Boyda (KS)	Castor
Baldwin	Brady (PA)	Chandler
Barrow	Braley (IA)	Christensen
Bean	Brown, Corrine	Cleaver
Berkley	Brown-Waite,	Clyburn
Berman	Ginny	Cohen
Berry	Butterfield	Cole (OK)

Conyers	Jones (OH)
Cooper	Kagen
Costa	Kanjorski
Costello	Kaptur
Courtney	Kennedy
Cramer	Kildee
Crowley	Kind
Cuellar	King (NY)
Cummings	Kirk
Davis (AL)	Kucinich
Davis (CA)	Lampson
Davis (IL)	Langevin
Davis, Lincoln	Larsen (WA)
Davis, Tom	Larson (CT)
DeFazio	LaTourette
DeGette	Lee
DeLauro	Levin
Dicks	Lewis (CA)
Dingell	Lewis (GA)
Doggett	Lewis (KY)
Donnelly	Lipinski
Doyle	LoBiondo
Edwards	Loebsack
Ellison	Lofgren, Zoe
Ellsworth	Lowey
Emanuel	Lynch
Emerson	Mahoney (FL)
Engel	Maloney (NY)
English (PA)	Markey
Eshoo	Marshall
Etheridge	Matheson
Everett	Matsui
Farr	McCarthy (NY)
Fattah	McCollum (MN)
Ferguson	McCotter
Filner	McDermott
Frank (MA)	McGovern
Gerlach	McHugh
Giffords	McIntyre
Gilchrest	McNerney
Gillibrand	McNulty
Gonzalez	Meeke (FL)
Gordon	Meeks (NY)
Green, Al	Melancon
Green, Gene	Michaud
Grijalva	Miller (MI)
Gutierrez	Miller (NC)
Hall (NY)	Miller, George
Hare	Mitchell
Harman	Mollohan
Hastings (FL)	Moore (KS)
Herseth Sandlin	Moore (WI)
Higgins	Moran (VA)
Hill	Murphy (CT)
Hinchey	Murphy, Patrick
Hirono	Murphy, Tim
Hobson	Murtha
Hodes	Nadler
Hoekstra	Napolitano
Holden	Neal (MA)
Holt	Norton
Hondt	Oberstar
Hooley	Obey
Hoyer	Olver
Inslee	Ortiz
Israel	Pallone
Jackson (IL)	Pascrell
Jackson-Lee	Pastor
(TX)	Payne
Johnson (GA)	Perlmutter
Johnson (IL)	Peterson (MN)
Johnson, E. B.	Platts
Jones (NC)	Pomeroy

NOT VOTING—30

Becerra	Goode	Kuhl (NY)
Bordallo	Hastert	LaHood
Clarke	Hayes	Lantos
Clay	Hinojosa	Paul
Coble	Hunter	Saxton
Crenshaw	Jefferson	Skelton
Davis, Jo Ann	Jindal	Stark
Delahunt	Johnson, Sam	Sullivan
Faleomavaega	Kilpatrick	Tancred
Fortuño	Klein (FL)	Young (AK)

□ 0027

Mr. COLE of Oklahoma, Ms. HERSETH SANDLIN, Mr. MCNERNEY and Mr. STUPAK changed their vote from “aye to “no.”

Mr. BAKER changed his vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. FLAKE

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) regarding Presidio Trust on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote. Members are encouraged to remain on the floor for this series of 2-minute votes.

The vote was taken by electronic device, and there were—ayes 94, noes 311, not voting 32, as follows:

[Roll No. 839]

AYES—94

Akin	Garrett (NJ)	Neugebauer
Bachmann	Gingrey	Nunes
Barrett (SC)	Gohmert	Pearce
Barton (TX)	Goodlatte	Pence
Bilbray	Granger	Petri
Bishop (UT)	Graves	Poe
Blackburn	Hastings (WA)	Price (GA)
Boehner	Heller	Ramstad
Brady (TX)	Hensarling	Rogers (MI)
Broun (GA)	Hoekstra	Rohrabacher
Buchanan	Hulshof	Roskam
Burgess	Inglis (SC)	Royce
Burton (IN)	Issa	Ryan (WI)
Buyer	Jordan	Sali
Camp (MI)	Keller	Sensenbrenner
Campbell (CA)	King (IA)	Sessions
Cannon	Kingston	Shadegg
Cantor	Kirk	Shadegg
Carter	Kiame (MN)	Shimkus
Chabot	Lamborn	Simpson
Conaway	LaTourette	Smith (NE)
Cooper	Linder	Stearns
Davis, David	Mack	Sullivan
Davis, Tom	Marchant	Terry
Deal (GA)	McCarthy (CA)	Thornberry
Duncan	McCaul (TX)	Tiberi
Feeney	McCrery	Tiberi
Flake	McHenry	Walberg
Forbes	Mica	Walden (OR)
Fossella	Miller (FL)	Westmoreland
Fox	Musgrave	Wilson (SC)
Franks (AZ)	Myrick	Wolf

NOES—311

Abercrombie	Boustany	Cuellar
Ackerman	Boyd (FL)	Culberson
Aderholt	Boyda (KS)	Cummings
Alexander	Brady (PA)	Davis (AL)
Allen	Braley (IA)	Davis (CA)
Altmire	Brown (SC)	Davis (IL)
Andrews	Brown, Corrine	Davis (KY)
Arcuri	Brown-Waite,	Davis, Lincoln
Baca	Ginny	DeGette
Bachus	Butterfield	DeLauro
Baird	Calvert	Dent
Baker	Capito	Diaz-Balart, L.
Baldwin	Capps	Diaz-Balart, M.
Barrow	Cardoza	Dicks
Bartlett (MD)	Carnahan	Dingell
Bean	Carney	Doggett
Berkley	Carson	Donnelly
Berman	Castle	Doolittle
Berry	Castor	Doyle
Biggart	Chandler	Drake
Bilirakis	Christensen	Dreier
Bishop (GA)	Cleaver	Edwards
Bishop (NY)	Clyburn	Ehlers
Blumenauer	Cohen	Ellison
Blunt	Cole (OK)	Ellsworth
Bonner	Conyers	Emanuel
Bono	Costa	Emerson
Boozman	Costello	Engel
Boren	Courtney	English (PA)
Boswell	Cramer	Eshoo
Boucher	Cubin	Etheridge

Everett  
Fallin  
Farr  
Fattah  
Ferguson  
Filner  
Fortenberry  
Frank (MA)  
Frelinghuysen  
Gallegly  
Gerlach  
Giffords  
Gilchrest  
Gillibrand  
Gillmor  
Gonzalez  
Gordon  
Green, Al  
Green, Gene  
Grijalva  
Gutierrez  
Hall (NY)  
Hall (TX)  
Hare  
Harman  
Hastings (FL)  
Herseht Sandlin  
Higgins  
Hill  
Hinchev  
Hirono  
Hobson  
Hodes  
Holden  
Holt  
Honda  
Hooley  
Hoyer  
Inslie  
Israel  
Jackson (IL)  
Jackson-Lee  
(TX)  
Jefferson  
Johnson (GA)  
Johnson (IL)  
Johnson, E. B.  
Jones (NC)  
Jones (OH)  
Kagen  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kind  
Pickering  
King (NY)  
Knollenberg  
Kucinich  
Kuhl (NY)  
Lampson  
Langevin  
Larsen (WA)  
Larson (CT)  
Latham  
Lee  
Levin  
Lewis (CA)  
Lewis (GA)  
Lewis (KY)  
Lipinski  
LoBiondo  
Loeb sack  
Lofgren, Zoe  
Lowey  
Lucas

Lungren, Daniel  
E.  
Lynch  
Mahoney (FL)  
Maloney (NY)  
Manzullo  
Markey  
Marshall  
Matheson  
Matsui  
McCarthy (NY)  
McCollum (MN)  
McCotter  
McDermott  
McGovern  
McHugh  
McIntyre  
McKeon  
McMorris  
Rodgers  
McNerney  
McNulty  
Meek (FL)  
Meeks (NY)  
Melancon  
Michaud  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Miller, George  
Mitchell  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (KS)  
Moran (VA)  
Sutton  
Tanner  
Tauscher  
Taylor  
Thompson (CA)  
Thompson (MS)  
Tiahrt  
Tierney  
Barrow  
Turner  
Udall (CO)  
Udall (NM)  
Upton  
Van Hollen  
Velázquez  
Blackburn  
Blunt  
Boehner  
Bonner  
Bono  
Boozman  
Boustany  
Brady (TX)  
Broun (GA)  
Brown (SC)  
Buchanan  
Burgess  
Burton (IN)  
Buyer  
Calvert  
Camp (MI)  
Campbell (CA)  
Cannon  
Cantor  
Capito  
Carter  
Chabot  
Cole (OK)  
Conaway  
Cramer  
Cubin  
Davis (KY)  
Davis, David  
Davis, Tom  
Deal (GA)  
Diaz-Balart, L.  
Diaz-Balart, M.  
Donnelly  
Doolittle  
Drake  
Dreier  
Duncan  
English (PA)  
Everett  
Fallin

Ross  
Rothman  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Salazar  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Schmidt  
Schwartz  
Scott (GA)  
Scott (VA)  
Serrano  
Sestak  
Shays  
Shea-Porter  
Sherman  
Shuler  
Shuster  
Sires  
Slaughter  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Snyder  
Solis  
Souder  
Space  
Spratt  
Stupak  
Sutton  
Tanner  
Tauscher  
Taylor  
Thompson (CA)  
Thompson (MS)  
Tiahrt  
Tierney  
Barrow  
Turner  
Udall (CO)  
Udall (NM)  
Upton  
Van Hollen  
Velázquez  
Blackburn  
Blunt  
Boehner  
Bonner  
Bono  
Boozman  
Boustany  
Brady (TX)  
Broun (GA)  
Brown (SC)  
Buchanan  
Burgess  
Burton (IN)  
Buyer  
Calvert  
Camp (MI)  
Campbell (CA)  
Cannon  
Cantor  
Capito  
Carter  
Chabot  
Cole (OK)  
Conaway  
Cramer  
Cubin  
Davis (KY)  
Davis, David  
Davis, Tom  
Deal (GA)  
Diaz-Balart, L.  
Diaz-Balart, M.  
Donnelly  
Doolittle  
Drake  
Dreier  
Duncan  
English (PA)  
Everett  
Fallin

AMENDMENT OFFERED BY MR. FRANKS OF ARIZONA  
The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FRANKS) on which further proceedings were postponed and on which the noes prevailed by voice vote.  
The Clerk will redesignate the amendment.  
The Clerk redesignated the amendment.  
RECORDED VOTE  
The CHAIRMAN. A recorded vote has been demanded.  
A recorded vote was ordered.  
The CHAIRMAN. This will be a 2-minute vote. Members are encouraged to remain on the floor for this series of votes. Time limits will be strictly enforced.  
The vote was taken by electronic device, and there were—ayes 161, noes 249, not voting 27, as follows:  
[Roll No. 840]  
AYES—161  
Aderholt  
Akin  
Alexander  
Altmire  
Bachmann  
Bachus  
Baker  
Barrett (SC)  
Barrow  
Bartlett (MD)  
Barton (TX)  
Bean  
Bilbray  
Bilirakis  
Bishop (UT)  
Blackburn  
Blunt  
Boehner  
Bonner  
Bono  
Boozman  
Boustany  
Brady (TX)  
Broun (GA)  
Brown (SC)  
Buchanan  
Burgess  
Burton (IN)  
Buyer  
Calvert  
Camp (MI)  
Campbell (CA)  
Cannon  
Cantor  
Capito  
Carter  
Chabot  
Cole (OK)  
Conaway  
Cramer  
Cubin  
Davis (KY)  
Davis, David  
Davis, Tom  
Deal (GA)  
Diaz-Balart, L.  
Diaz-Balart, M.  
Donnelly  
Doolittle  
Drake  
Dreier  
Duncan  
English (PA)  
Everett  
Fallin

Feeney  
Ferguson  
Flake  
Forbes  
Fortenberry  
Fossella  
Poxx  
Franks (AZ)  
Gallegly  
Garrett (NJ)  
Gingrey  
Gohmert  
Goodlatte  
Granger  
Graves  
Hastings (WA)  
Heller  
Hensarling  
Herger  
Hill  
Hoekstra  
Hulshof  
Inglis (SC)  
Issa  
Johnson (IL)  
Jones (NC)  
Jordan  
King (IA)  
King (NY)  
Kline (MN)  
Lamborn  
Lampson  
Lewis (KY)  
Linder  
Lipinski  
LoBiondo  
Lucas  
Lungren, Daniel  
E.  
Mack  
Marchant  
Marshall  
McCaul (TX)  
McCotter  
McCrery  
McHenry  
McHugh  
McKeon  
McMorris  
Rodgers  
Melancon  
Mica  
Miller, Gary  
Moran (KS)  
Murphy, Tim

Musgrave  
Myrick  
Neugebauer  
Nunes  
Pearce  
Pence  
Peterson (MN)  
Peterson (PA)  
Pickering  
Pitts  
Poe  
Porter  
Price (GA)  
Putnam  
Radanovich  
Ramstad  
Rehberg  
Reichert  
Renzi  
Reynolds  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Ros-Lehtinen  
Roskam  
Royce  
Ryan (WI)  
Sali  
Schmidt  
Sessions  
Shadegg  
Shimkus  
Shuster  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Souder  
Stearns  
Sullivan  
Terry  
Thornberry  
Tiahrt  
Tiberi  
Walberg  
Walden (OR)  
Wamp  
Weldon (FL)  
Weller  
Westmoreland  
Wilson (NM)  
Wilson (SC)  
Wolf

Hooley  
Hoyer  
Inslie  
Israel  
Jackson (IL)  
Jackson-Lee  
(TX)  
Jefferson  
Johnson (GA)  
Johnson, E. B.  
Jones (OH)  
Kagen  
Kanjorski  
Kaptur  
Keller  
Kennedy  
Kildee  
Kind  
Kingston  
Kirk  
Knollenberg  
Kucinich  
Kuhl (NY)  
Crowley  
Langevin  
Larsen (WA)  
Larson (CT)  
Latham  
LaTourette  
Lee  
Levin  
Lewis (CA)  
Lewis (GA)  
Loeb sack  
Lofgren, Zoe  
Lowey  
Lynch  
Mahoney (FL)  
Maloney (NY)  
Manzullo  
Markey  
Matheson  
Matsui  
McCarthy (CA)  
McCarthy (NY)  
McCollum (MN)  
McDermott  
McGovern  
McIntyre  
McNerney  
McNulty  
Meek (FL)  
Meeks (NY)  
Michaud  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Miller, George  
Mitchell  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (VA)  
Murphy (CT)  
Murphy, Patrick  
Murtha  
Nadler  
Napolitano  
Neal (MA)  
Norton  
Oberstar  
Obey  
Oliver  
Ortiz  
Pallone  
Pascrell  
Payne  
Perlmutter

NOT VOTING—32  
Becerra  
Bordallo  
Capuano  
Goode  
Clarke  
Clay  
Coble  
Crenshaw  
Crowley  
Davis, Jo Ann  
DeFazio  
Delahunt

Faleomavaega  
Fortuño  
Lantos  
Hastert  
Hayes  
Herger  
Hinojosa  
Hunter  
Jindal  
Johnson, Sam  
Kilpatrick

Klein (FL)  
LaHood  
Lantos  
Murphy, Patrick  
Paul  
Saxton  
Skelton  
Stark  
Tancredo  
Young (AK)

Davis (KY)  
Davis, David  
Davis, Tom  
Deal (GA)  
Diaz-Balart, L.  
Diaz-Balart, M.  
Donnelly  
Doolittle  
Drake  
Dreier  
Duncan  
English (PA)  
Everett  
Fallin

Thornberry  
Tiahrt  
Tiberi  
Walberg  
Walden (OR)  
Wamp  
Weldon (FL)  
Weller  
Westmoreland  
Wilson (NM)  
Wilson (SC)  
Wolf

Becerra  
Bordallo  
Clarke  
Clay  
Coble  
Crenshaw  
Davis, Jo Ann  
Delahunt  
Faleomavaega

Fortuño  
LaHood  
Lantos  
Paul  
Saxton  
Skelton  
Stark  
Tancredo  
Young (AK)

NOT VOTING—27  
Klein (FL)  
LaHood  
Lantos  
Paul  
Saxton  
Skelton  
Stark  
Tancredo  
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN  
The CHAIRMAN (during the vote).  
Members are advised 1 minute remains.

ANNOUNCEMENT BY THE CHAIRMAN  
The CHAIRMAN (during the vote).  
Members are advised 1 minute remains.

□ 0030

So the amendment was rejected.  
The result of the vote was announced as above recorded.

□ 0035

So the amendment was rejected.  
The result of the vote was announced as above recorded.

Abercrombie  
Ackerman  
Allen  
Andrews  
Arcuri  
Baca  
Baird

Baldwin  
Berkley  
Berman  
Berry  
Biggert  
Bishop (GA)  
Bishop (NY)

Blumenauer  
Boren  
Boswell  
Boucher  
Boyd (FL)  
Boyd (KS)  
Brady (PA)

AMENDMENT NO. 6 OFFERED BY MR. WALBERG  
The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan (Mr. WALBERG) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote. Members are encouraged to remain on the floor for this series of 2-minute votes.

The vote was taken by electronic device, and there were—ayes 126, noes 284, not voting 27, as follows:

[Roll No. 841]

AYES—126

Akin	Gallegly	Miller (FL)
Alexander	Garrett (NJ)	Miller (MI)
Bachmann	Gillmor	Miller, Gary
Bachus	Gingrey	Musgrave
Baker	Gohmert	Myrick
Barrett (SC)	Goodlatte	Neugebauer
Bartlett (MD)	Granger	Nunes
Barton (TX)	Graves	Pearce
Bilbray	Hall (TX)	Pence
Blackburn	Hastings (WA)	Peterson (PA)
Blunt	Heller	Petri
Boehner	Hensarling	Pitts
Bono	Herger	Poe
Boustany	Hoekstra	Price (GA)
Brady (TX)	Inglis (SC)	Putnam
Broun (GA)	Issa	Radanovich
Brown (SC)	Johnson (IL)	Regula
Brown-Waite,	Jones (NC)	Rehberg
Ginny	Jordan	Reynolds
Buchanan	Keller	Rogers (KY)
Burton (IN)	King (IA)	Rogers (MI)
Buyer	King (NY)	Rohrabacher
Calvert	Kingston	Roskam
Camp (MI)	Kline (MN)	Royce
Campbell (CA)	Knollenberg	Ryan (WI)
Cannon	Kuhl (NY)	Sali
Cantor	Lamborn	Sensenbrenner
Carter	Latham	Sessions
Chabot	Lewis (KY)	Shadegg
Conaway	Linder	Shuster
Cubin	Lungren, Daniel	Smith (NE)
Culberson	E.	Smith (TX)
Davis (KY)	Mack	Stearns
Davis, David	Manzullo	Sullivan
Deal (GA)	Marchant	Thornberry
Doolittle	McCarthy (CA)	Upton
Dreier	McCauley (TX)	Walberg
Duncan	McCotter	Weldon (FL)
Feeney	McHenry	Weller
Flake	McKeon	Westmoreland
Fossella	McMorris	Whitfield
Foxx	Rodgers	Wickler
Franks (AZ)	Mica	Wilson (SC)

NOES—284

Abercrombie	Bonner	Chandler
Ackerman	Boozman	Christensen
Aderholt	Boren	Cleaver
Allen	Boswell	Clyburn
Altmire	Boucher	Cohen
Andrews	Boyd (FL)	Cole (OK)
Arcuri	Boyd (KS)	Conyers
Baca	Brady (PA)	Cooper
Baird	Braley (IA)	Costa
Baldwin	Brown, Corrine	Costello
Barrow	Burgess	Courtney
Bean	Butterfield	Cramer
Berkley	Capito	Crowley
Berman	Capps	Cuellar
Berry	Capuano	Cummings
Biggart	Cardoza	Davis (AL)
Billirakis	Carnahan	Davis (CA)
Bishop (GA)	Carney	Davis (IL)
Bishop (NY)	Carson	Davis, Lincoln
Bishop (UT)	Castle	Davis, Tom
Blumenauer	Castor	DeFazio

DeGette	Lampson	Ros-Lehtinen
DeLauro	Langevin	Ross
Dent	Larsen (WA)	Rothman
Diaz-Balart, L.	Larson (CT)	Roybal-Allard
Diaz-Balart, M.	LaTourette	Ruppersberger
Dicks	Lee	Rush
Dingell	Levin	Ryan (OH)
Doggett	Lewis (CA)	Salazar
Donnelly	Lewis (GA)	Sánchez, Linda
Drake	Doyle	T.
Edwards	LoBiondo	Sanchez, Loretta
Ehlers	Loebbeck	Sarbanes
Ellison	Lofgren, Zoe	Schakowsky
Ellsworth	Lowey	Schiff
Emanuel	Lucas	Schmitt
Emerson	Lynch	Schwartz
Engel	Mahoney (FL)	Scott (GA)
English (PA)	Maloney (NY)	Scott (VA)
Eshoo	Markey	Serrano
Etheridge	Marshall	Sestak
Everett	Matheson	Shays
Fallin	Matsui	Shea-Porter
Farr	McCarthy (NY)	Sherman
Fattah	McCollum (MN)	Shimkus
Ferguson	McCrery	Shuler
Filner	McDermott	Simpson
Forbes	McGovern	Sires
Fortenberry	McHugh	Slaughter
Frank (MA)	McIntyre	Smith (NJ)
Frelinghuysen	McNerney	Smith (WA)
Gerlach	McNulty	Snyder
Giffords	Meek (FL)	Solis
Gilchrest	Meeks (NY)	Souder
Gillibrand	Melancon	Space
Gonzalez	Michaud	Spratt
Gordon	Miller (NC)	Stupak
Green, Al	Miller, George	Sutton
Green, Gene	Mitchell	Tanner
Grijalva	Mollohan	Tauscher
Gutierrez	Moore (KS)	Taylor
Hall (NY)	Moore (WI)	Terry
Hare	Moran (KS)	Thompson (CA)
Harman	Moran (VA)	Thompson (MS)
Hastings (FL)	Murphy (CT)	Tiahrt
Herseht Sandlin	Murphy, Patrick	Tiberi
Higgins	Murphy, Tim	Tierney
Hill	Murtha	Towns
Hinchee	Nadler	Turner
Hirono	Napolitano	Udall (CO)
Hobson	Neal (MA)	Udall (NM)
Hodes	Norton	Van Hollen
Holden	Oberstar	Velázquez
Holt	Obey	Visclosky
Honda	Ortiz	Walden (OR)
Hooley	Pallone	Walsh (NY)
Hoyer	Pascrell	Walsh (MN)
Hulshof	Pastor	Wamp
Inslee	Payne	Wasserman
Israel	Perlmutter	Schultz
Jackson (IL)	Peterson (MN)	Waters
Jackson-Lee	Pickering	Watson
(TX)	Platts	Watt
Jefferson	Pomeroy	Waxman
Johnson (GA)	Porter	Weiner
Johnson, E. B.	Price (NC)	Welch (VT)
Jones (OH)	Pryce (OH)	Wexler
Kagen	Rahall	Wilson (NM)
Kanjorski	Ramstad	Wilson (OH)
Kaptur	Rangel	Wolf
Kennedy	Reichert	Woolsey
Kildee	Renzi	Wu
Kind	Reyes	Wynn
Kirk	Rodriguez	Yarmuth
Kucinich	Rogers (AL)	Young (FL)

NOT VOTING—27

Becerra	Fortuño	Klein (FL)
Bordallo	Goode	LaHood
Clarke	Hastert	Lantos
Clay	Hayes	Paul
Coble	Hinojosa	Saxton
Crenshaw	Hunter	Skelton
Davis, Jo Ann	Jindal	Stark
Delahunt	Johnson, Sam	Tancredo
Faleomavaega	Kilpatrick	Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote).  
Members are advised 1 minute remains.

□ 0039

So the amendment was rejected.  
The result of the vote was announced as above recorded.

AMENDMENT NO. 18 OFFERED BY MR. CAMPBELL  
OF CALIFORNIA

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. CAMPBELL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote. Members are encouraged to remain on the floor for this series of 2-minute votes.

The vote was taken by electronic device, and there were—ayes 91, noes 317, not voting 29, as follows:

[Roll No. 842]

AYES—91

Akin	Franks (AZ)	Pearce
Bachmann	Garrett (NJ)	Pence
Barrett (SC)	Gingrey	Petri
Barton (TX)	Gohmert	Pitts
Bilbray	Goodlatte	Platts
Bishop (UT)	Granger	Poe
Blackburn	Graves	Price (GA)
Broun (GA)	Hall (TX)	Putnam
Buchanan	Heller	Ramstad
Burton (IN)	Hensarling	Rogers (MI)
Buyer	Hoekstra	Rohrabacher
Campbell (CA)	Inglis (SC)	Roskam
Cannon	Johnson (IL)	Royce
Cantor	Keller	Ryan (WI)
Carter	King (IA)	Sali
Castle	Kingston	Schmidt
Chabot	Kline (MN)	Schmitt
Cole (OK)	Lamborn	Sensenbrenner
Conaway	Linder	Sessions
Cooper	Lungren, Daniel	Shadegg
Davis, David	E.	Shays
Davis, Tom	Mack	Shimkus
Deal (GA)	Marchant	Smith (NE)
Duncan	McCarthy (CA)	Souder
Ehlers	McHenry	Sullivan
Fallin	Mica	Terry
Feeney	Miller (FL)	Thornberry
Flake	Musgrave	Walberg
Forbes	Myrick	Weldon (FL)
Fossella	Neugebauer	Westmoreland
Foxx	Nunes	Wilson (SC)

NOES—317

Abercrombie	Boustany	Crowley
Ackerman	Boyd (FL)	Cubin
Aderholt	Boyd (KS)	Cuellar
Alexander	Brady (PA)	Culberson
Allen	Brady (TX)	Cummings
Altmire	Braley (IA)	Davis (AL)
Andrews	Brown (SC)	Davis (CA)
Arcuri	Brown, Corrine	Davis (IL)
Baca	Brown-Waite,	Davis (KY)
Bachus	Ginny	Davis, Lincoln
Baird	Burgess	DeFazio
Baker	Butterfield	DeGette
Baldwin	Calvert	DeLauro
Barrow	Camp (MI)	Dent
Bartlett (MD)	Capito	Diaz-Balart, L.
Bean	Capps	Diaz-Balart, M.
Berkley	Capuano	Dicks
Berman	Cardoza	Dingell
Berry	Carnahan	Doggett
Biggart	Carney	Donnelly
Billirakis	Carson	Doolittle
Bishop (GA)	Castor	Doyle
Bishop (NY)	Chandler	Drake
Blumenauer	Christensen	Dreier
Blunt	Cleaver	Edwards
Boehner	Clyburn	Ellison
Bonner	Cohen	Ellsworth
Bono	Conyers	Emanuel
Boozman	Costa	Emerson
Boren	Costello	Engel
Boswell	Courtney	English (PA)
Boucher	Cramer	Eshoo

Etheridge  
Everett  
Farr  
Fattah  
Ferguson  
Filner  
Fortenberry  
Frank (MA)  
Frelinghuysen  
Gallegly  
Gerlach  
Matheson  
Giffords  
Gilchrest  
Gillibrand  
Gillmor  
Gonzalez  
Gordon  
Green, Al  
Green, Gene  
Grijalva  
Gutierrez  
Hall (NY)  
Hare  
Harman  
Hastings (FL)  
Hastings (WA)  
Herger  
Herseth Sandlin  
Higgins  
Hill  
Hinchev  
Hirono  
Hobson  
Hodes  
Holden  
Holt  
Honda  
Hooley  
Hoyer  
Hulshof  
Inlee  
Israel  
Issa  
Jackson (IL)  
Jackson-Lee  
(TX)  
Jefferson  
Johnson (GA)  
Johnson, E. B.  
Jones (NC)  
Jones (OH)  
Jordan  
Kagen  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kind  
King (NY)  
Kirk  
Knollenberg  
Kucinich  
Kuhl (NY)  
Lampson  
Langevin  
Larsen (WA)  
Larsen (CT)  
Latham  
LaTourette  
Lee  
Levin  
Lewis (CA)  
Lewis (GA)  
Lewis (KY)  
Lipinski  
LoBiondo

NOT VOTING—29

Becerra  
Bordallo  
Clarke  
Clay  
Coble  
Crenshaw  
Davis, Jo Ann  
Delahunt  
Faleomavaega  
Fortuño

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote).  
Members are advised 1 minute remains.

□ 0042

So the amendment was rejected.  
The result of the vote was announced  
as above recorded.

AMENDMENT OFFERED BY MR. FLAKE  
The CHAIRMAN. The unfinished  
business is the demand for a recorded  
vote on the amendment offered by the  
gentleman from Arizona (Mr. FLAKE)  
regarding Doyle Center on which fur-  
ther proceedings were postponed and  
on which the noes prevailed by voice  
vote.

The Clerk will redesignate the  
amendment.

The Clerk redesignated the amend-  
ment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has  
been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-  
minute vote.

The vote was taken by electronic de-  
vice, and there were—ayes 98, noes 312,  
not voting 27, as follows:

[Roll No. 843]

AYES—98

Akin  
Bachmann  
Barrett (SC)  
Biggert  
Bilirakis  
Bishop (UT)  
Blackburn  
Broun (GA)  
Brown-Waite,  
Ginny  
Buchanan  
Burgess  
Burton (IN)  
Camp (MI)  
Campbell (CA)  
Cannon  
Cantor  
Carter  
Velázquez  
Chabot  
Conaway  
Cooper  
Cubin  
Davis, David  
Deal (GA)  
Dreier  
Duncan  
Ehlers  
Fallin  
Feehey  
Flake  
Forbes  
Fortenberry  
Fossella

NOES—312

Abercrombie  
Ackerman  
Aderholt  
Alexander  
Allen  
Altmire  
Andrews  
Arcuri  
Baca  
Bachus  
Baird  
Baker  
Baldwin  
Barrow  
Bartlett (MD)  
Barton (TX)  
Bean  
Berkley  
Berman  
Berry  
Bilbray  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Blunt  
Boehner  
Bonner  
Bono  
Boozman  
Boren  
Boswell

Etheridge  
Everett  
Farr  
Fattah  
Ferguson  
Filner  
Frank (MA)  
Frelinghuysen  
Gallegly  
Gerlach  
Giffords  
Gilchrest  
Gillibrand  
Gillmor  
Gonzalez  
Gordon  
Green, Al  
Green, Gene  
Grijalva  
Gutierrez  
Hall (NY)  
Hare  
Harman  
Hastings (FL)  
Hastings (WA)  
Herger  
Herseth Sandlin  
Higgins  
Hill  
Hinchev  
Hirono  
Hobson  
Hodes  
Holden  
Holt  
Honda  
Hooley  
Hoyer  
Inlee  
Israel  
Jackson (IL)  
Jackson-Lee  
(TX)  
Jefferson  
Johnson (GA)  
Johnson, E. B.  
Jones (NC)  
Jones (OH)  
Kagen  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kind  
King (NY)  
Kirk  
Knollenberg  
Kucinich  
Kuhl (NY)  
Lampson  
Langevin  
Larsen (WA)  
Larsen (CT)  
Latham  
LaTourette  
Lee  
Levin  
Lewis (CA)  
Lewis (GA)  
Lewis (KY)  
Lipinski  
LoBiondo  
Lucas  
Lynch  
Mahoney (FL)  
Maloney (NY)  
Manzullo  
Markey  
Marshall  
Matheson  
Matsui  
McCarthy (NY)  
McCarthy (NY)  
McCaul (TX)  
McCollum (MN)  
McCotter  
McCrery  
McDermott  
McGovern  
McHugh  
McIntyre  
McKeon  
McMorris  
Rodgers  
McNulty  
Meek (FL)  
Meeks (NY)  
Melancon  
Michaud  
Miller (MI)  
Miller, George  
Mitchell  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (KS)  
Moran (VA)  
Murphy (CT)  
Murphy, Patrick  
Murphy, Tim  
Murtha  
Nadler  
Napolitano  
Neal (MA)  
Norton  
Oberstar  
Obey  
Oliver  
Ortiz  
Pallone  
Pascrell  
Pastor  
Payne  
Perlmutter  
Peterson (MN)  
Peterson (PA)  
Pickering  
Pomeroy  
Porter  
Price (NC)  
Pryce (OH)  
Radanovich  
Rahall  
Rangel  
Regula  
Rehberg  
Reichert  
Renzi  
Reyes  
Reynolds  
Rodriguez  
Rogers (AL)  
Rogers (KY)  
Ros-Lehtinen  
Ross  
Rothman  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Salazar  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Schwartz  
Scott (GA)  
Scott (VA)  
Serrano  
Sestak  
Shea-Porter  
Sherman  
Shuler  
Shuster  
Simpson  
Sires  
Slaughter  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Snyder  
Solis  
Space  
Spratt  
Stearns  
Stupak  
Sutton  
Tanner  
Tauscher  
Taylor  
Thompson (CA)  
Thompson (MS)  
Tiahrt  
Tiberi  
Tierney  
Towns  
Turner  
Udall (CO)  
Udall (NM)  
Upton  
Van Hollen  
Velázquez  
Visclosky  
Walden (OR)  
Walsh (NY)  
Walz (MN)  
Wamp  
Wasserman  
Schultz  
Watson  
Watt  
Waxman  
Weiner  
Welch (VT)  
Weller  
Wexler  
Whitfield  
Wicker  
Wilson (NM)  
Wilson (OH)  
Wolf  
Woolsey  
Wu  
Wynn  
Yarmuth  
Young (FL)

NOT VOTING—27

Becerra  
Bordallo  
Clarke  
Clay  
Coble  
Crenshaw  
Davis, Jo Ann  
Delahunt  
Faleomavaega  
Fortuño  
Klein (FL)  
LaHood  
Lantos  
Paul  
Saxton  
Skelton  
Stark  
Tancredo  
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote).  
Members are advised 1 minute remains.

□ 0045

Mr. ALTMIRE changed his vote from  
“aye” to “no.”  
So the amendment was rejected.  
The result of the vote was announced  
as above recorded.

AMENDMENT OFFERED BY MR. FLAKE

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) regarding Lewis Center on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 57, noes 353, not voting 27, as follows:

[Roll No. 844]

AYES—57

Bachmann	Garrett (NJ)	Petri
Barrett (SC)	Gingrey	Poe
Blackburn	Graves	Price (GA)
Blumenauer	Heller	Rogers (MI)
Broun (GA)	Hensarling	Rohrabacher
Burton (IN)	Hoekstra	Royce
Campbell (CA)	Hulshof	Ryan (WI)
Cannon	Inglis (SC)	Sali
Cantor	Issa	Sensenbrenner
Chabot	Jordan	Sessions
Conaway	King (IA)	Shadegg
Cooper	Kline (MN)	Shimkus
Davis, David	Lamborn	Smith (NE)
Deal (GA)	Linder	Sullivan
Feeney	McCarthy (CA)	Terry
Flake	Musgrave	Thornberry
Fortenberry	Tiberi	Neugebauer
Foxx	Nunes	Walberg
Franks (AZ)	Pence	Westmoreland

NOES—353

Abercrombie	Burgess	Donnelly
Ackerman	Butterfield	Doolittle
Aderholt	Buyer	Doyle
Akin	Calvert	Drake
Alexander	Camp (MI)	Dreier
Allen	Capito	Duncan
Altmire	Capps	Edwards
Andrews	Capuano	Ehlers
Arcuri	Cardoza	Ellison
Baca	Carnahan	Ellsworth
Bachus	Carney	Emanuel
Baird	Carson	Emerson
Baker	Carter	Engel
Baldwin	Castle	English (PA)
Barrow	Castor	Eshoo
Bartlett (MD)	Chandler	Etheridge
Barton (TX)	Christensen	Everett
Bean	Cleaver	Fallin
Berkley	Clyburn	Farr
Berman	Cohen	Fattah
Berry	Cole (OK)	Ferguson
Biggert	Conyers	Filner
Bilbray	Costa	Forbes
Bilirakis	Costello	Fossella
Bishop (GA)	Courtney	Frank (MA)
Bishop (NY)	Cramer	Frelinghuysen
Bishop (UT)	Crowley	Gallely
Blunt	Cubin	Gerlach
Boehner	Cuellar	Giffords
Bonner	Culberson	Gilchrest
Bono	Cummings	Gillibrand
Boozman	Davis (AL)	Gillmor
Boren	Davis (CA)	Gohmert
Boswell	Davis (IL)	Gonzalez
Boucher	Davis (KY)	Goodlatte
Boustany	Davis, Lincoln	Gordon
Boyd (FL)	Davis, Tom	Granger
Boyd (KS)	DeFazio	Green, Al
Brady (PA)	DeGette	Green, Gene
Brady (TX)	DeLauro	Grijalva
Bralei (IA)	Dent	Gutierrez
Brown (SC)	Diaz-Balart, L.	Hall (NY)
Brown, Corrine	Diaz-Balart, M.	Hall (TX)
Brown-Waite,	Dicks	Hare
Ginny	Dingell	Harman
Buchanan	Doggett	Hastings (FL)

Hastings (WA)	McHenry	Salazar
Herger	McHugh	Sánchez, Linda
Herseht Sandlin	McIntyre	T.
Higgins	McKeon	Sanchez, Loretta
Hill	McMorris	Sarbanes
Hinchev	Rodgers	Schakowsky
Hirono	McNerney	Schiff
Hobson	McNulty	Schmidt
Hodes	Meeke (FL)	Schwartz
Holden	Meeks (NY)	Scott (GA)
Holt	Melancon	Scott (VA)
Honda	Mica	Serrano
Hooley	Michaud	Sestak
Hoyer	Miller (FL)	Shays
Inslee	Miller (MI)	Shea-Porter
Israel	Miller (NC)	Sherman
Jackson (IL)	Miller, Gary	Shuler
Jackson-Lee	Miller, George	Shuster
(TX)	Mitchell	Simpson
Jefferson	Mollohan	Sires
Johnson (GA)	Moore (KS)	Slaughter
Johnson (IL)	Moore (WI)	Smith (NJ)
Johnson, E. B.	Moran (KS)	Smith (TX)
Jones (NC)	Moran (VA)	Smith (WA)
Jones (OH)	Murphy (CT)	Snyder
Kagen	Murphy, Patrick	Solis
Kanjorski	Murphy, Tim	Souder
Kaptur	Murtha	Space
Keller	Myrick	Spratt
Kennedy	Nadler	Stearns
Kildee	Napolitano	Stupak
Kind	Neal (MA)	Sutton
King (NY)	Norton	Tanner
Kingston	Oberstar	Tauscher
Kirk	Obey	Taylor
Knollenberg	Olver	Thompson (CA)
Kucinich	Ortiz	Thompson (MS)
Kuhl (NY)	Pallone	Tiahrt
Lampson	Pascrell	Tierney
Langevin	Pastor	Towns
Larsen (WA)	Payne	Turner
Larson (CT)	Pearce	Udall (CO)
Latham	Perlmutter	Udall (NM)
LaTourette	Peterson (MN)	Upton
Lee	Peterson (PA)	Van Hollen
Levin	Pickering	Velázquez
Lewis (CA)	Pitts	Visclosky
Lewis (GA)	Platts	Walden (OR)
Lewis (KY)	Pomeroy	Walsh (NY)
Lipinski	Porter	Walz (MN)
LoBiondo	Price (NC)	Wamp
Loeb sack	Pryce (OH)	Wasserman
Lofgren, Zoe	Putnam	Schultz
Lowe y	Radanovich	Waters
Lucas	Rahall	Watson
Lungren, Daniel	Ramstad	Watt
E.	Rangel	Waxman
Lynch	Regula	Weiner
Mack	Rehberg	Welch (VT)
Mahoney (FL)	Reichert	Weldon (FL)
Maloney (NY)	Renzi	Weller
Manzullo	Reyes	Wexler
Marchant	Reynolds	Whitfield
Markey	Rodriguez	Wicker
Marney	Rogers (AL)	Wilson (NM)
Matheson	Rogers (KY)	Wilson (OH)
Matsui	Ros-Lehtinen	Wilson (SC)
McCarthy (NY)	Roskam	Wolf
McCaul (TX)	Ross	Woolsey
McCollum (MN)	Rothman	Wu
McCotter	Royal-Allard	Wynn
McCrary	Ruppersberger	Yarmuth
McDermott	Rush	Young (FL)
McGovern	Ryan (OH)	

NOT VOTING—27

Becerra	Fortuño	Klein (FL)
Bordallo	Goode	LaHood
Clarke	Hastert	Lantos
Clay	Hayes	Paul
Coble	Hinojosa	Saxton
Crenshaw	Hunter	Skelton
Davis, Jo Ann	Jindal	Stark
Delahunt	Johnson, Sam	Tancredo
Faleomavaega	Kilpatrick	Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). One minute remains on this vote.

□ 0050

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. FLAKE

The CHAIRMAN. The unfinished business is the demand for a recorded

vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) regarding National Drug Intelligence Center on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 109, noes 301, not voting 27, as follows:

[Roll No. 845]

AYES—109

Akin	Forbes	Musgrave
Bachmann	Fortenberry	Myrick
Bachus	Fossella	Neugebauer
Barrett (SC)	Foxx	Nunes
Barton (TX)	Franks (AZ)	Pearce
Biggert	Garrett (NJ)	Pence
Bilbray	Gillmor	Petri
Bilirakis	Gingrey	Pitts
Bishop (UT)	Gohmert	Poe
Blackburn	Goodlatte	Price (GA)
Blunt	Granger	Putnam
Boehner	Graves	Ramstad
Brady (TX)	Hastings (WA)	Reichert
Broun (GA)	Heller	Rogers (MI)
Brown-Waite,	Hensarling	Rohrabacher
Ginny	Herger	Roskam
Buchanan	Hoekstra	Royce
Burgess	Hulshof	Ryan (WI)
Burton (IN)	Inglis (SC)	Sali
Campbell (CA)	Issa	Schmidt
Cannon	Johnson (IL)	Sensenbrenner
Cantor	Jordan	Sessions
Carter	Keller	Shadegg
Castle	King (IA)	Shays
Chabot	Kline (MN)	Shimkus
Cole (OK)	Lamborn	Smith (NE)
Conaway	Linder	Stearns
Cooper	Lungren, Daniel	Sullivan
Cubin	E.	Terry
Davis, David	Mack	Thornberry
Deal (GA)	Marchant	Tiberi
Drake	McCarthy (CA)	Walberg
Dreier	McCaul (TX)	Walden (OR)
Duncan	McHenry	Westmoreland
Ehlers	McMorris	Wilson (NM)
Fallin	Rodgers	Wilson (SC)
Feeney	Mica	
Flake	Miller (FL)	

NOES—301

Abercrombie	Bralei (IA)	Davis (IL)
Ackerman	Brown (SC)	Davis (KY)
Aderholt	Brown, Corrine	Davis, Lincoln
Alexander	Butterfield	Davis, Tom
Allen	Buyer	DeFazio
Altmire	Calvert	DeGette
Andrews	Camp (MI)	DeLauro
Arcuri	Capito	Dent
Baca	Capps	Diaz-Balart, L.
Baird	Capuano	Diaz-Balart, M.
Baker	Cardoza	Dicks
Baldwin	Carnahan	Dingell
Barrow	Carney	Doggett
Bartlett (MD)	Carson	Donnelly
Bean	Castor	Doolittle
Berkley	Chandler	Doyle
Berman	Christensen	Edwards
Berry	Cleaver	Ellison
Bishop (GA)	Clyburn	Ellsworth
Bishop (NY)	Cohen	Emanuel
Blumenauer	Conyers	Emerson
Bonner	Costa	Engel
Bono	Costello	English (PA)
Boozman	Courtney	Eshoo
Boren	Cramer	Etheridge
Boswell	Crowley	Everett
Boucher	Cuellar	Farr
Boustany	Culberson	Fattah
Boyd (FL)	Cummings	Ferguson
Boyd (KS)	Davis (AL)	Filner
Brady (PA)	Davis (CA)	Frank (MA)

Frelinghuysen Manzullo  
Gallegly Markey  
Gerlach Marshall  
Giffords Matheson  
Gilchrest Matsui  
Gillibrand McCarthy (NY)  
Gonzalez McCollum (MN)  
Gordon McCotter  
Green, Al McCrery  
Green, Gene McDermott  
Grijalva McGovern  
Gutierrez McHugh  
Hall (NY) McIntyre  
Hall (TX) McKeon  
Hare McNerney  
Harman McNulty  
Hastings (FL) Meek (FL)  
Hersteth Sandlin Meeks (NY)  
Higgins Melancon  
Hill Michaud  
Hinchee Miller (MI)  
Hirono Miller (NC)  
Hobson Miller, Gary  
Hodes Miller, George  
Holden Mitchell  
Holt Mollohan  
Honda Moore (KS)  
Hooley Moore (WI)  
Hoyer Moran (KS)  
Inslée Moran (VA)  
Israel Murphy (CT)  
Jackson (IL) Murphy, Patrick  
Jackson-Lee (TX) Murphy, Tim  
Jefferson Nadler  
Johnson (GA) Napolitano  
Johnson, E. B. Neal (MA)  
Jones (NC) Norton  
Jones (OH) Oberstar  
Kagen Obey  
Kanjorski Olver  
Kaptur Ortiz  
Kennedy Pallone  
Kildee Pascrell  
Kind Pastor  
King (NY) Payne  
Kingston Perlmutter  
Kirk Peterson (MN)  
Knollenberg Peterson (PA)  
Kucinich Pickering  
Kuhl (NY) Platts  
Lampson Pomeroy  
Langevin Porter  
Larsen (WA) Price (NC)  
Larson (CT) Pryce (OH)  
Latham Radanovich  
LaTourette Rahall  
Lee Rangel  
Levin Regula  
Lewis (CA) Rehberg  
Lewis (GA) Renzi  
Lewis (KY) Reyes  
Lipinski Reynolds  
LoBiondo Rodriguez  
Loeb sack Rogers (AL)  
Lofgren, Zoe Rogers (KY)  
Lowey Ros-Lehtinen  
Lucas Ross  
Lynch Rothman  
Mahoney (FL) Roybal-Allard  
Maloney (NY) Ruppersberger

NOT VOTING—27

Becerra Fortuño  
Bordallo Goode  
Clarke Hastert  
Clay Hayes  
Coble Hinojosa  
Crenshaw Hunter  
Davis, Jo Ann Jindal  
Delahunt Johnson, Sam  
Faleomavaega Kilpatrick

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote).  
One minute remains on this vote.

□ 0054

Mrs. MCMORRIS RODGERS changed her vote from “no” to “aye.”  
So the amendment was rejected.  
The result of the vote was announced as above recorded.  
The CHAIRMAN. The Clerk will read.  
The Clerk read as follows:

This Act may be cited as the “Department of Defense Appropriations Act, 2008”.

The CHAIRMAN. There being no further amendments, the Committee rises.  
Accordingly, the Committee rose; and the Speaker pro tempore (Mr. TIERNEY) having assumed the chair, Mr. ROSS, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 3222) making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes, pursuant to the previous order of the House by unanimous consent, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment reported from the Committee of the Whole? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read the third time and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 395, nays 13, not voting 24, as follows:

[Roll No. 846]

YEAS—395

Abercrombie Brown-Waite,  
Ackerman Ginny  
Aderholt Buchanan  
Akin Burgess  
Alexander Burton (IN)  
Allen Butterfield  
Altmire Buyer  
Andrews Calvert  
Arcuri Camp (MI)  
Baca Campbell (CA)  
Bachmann Cannon  
Bachus Cantor  
Baird Capito  
Baker Capps  
Barrett (SC) Capuano  
Barrow Cardoza  
Bartlett (MD) Carnahan  
Barton (TX) Carney  
Bean Carson  
Berkley Carter  
Berman Castle  
Berry Castor  
Biggert Chabot  
Bilbray Chandler  
Bilirakis Cleaver  
Bishop (GA) Clyburn  
Bishop (NY) Cohen  
Bishop (UT) Cole (OK)  
Blackburn Conaway  
Blunt Conyers  
Boehner Cooper  
Bonner Boner  
Bono Costello  
Boozman Courtney  
Boren Cramer  
Boswell Crowley  
Boucher Cubin  
Boustany Cuellar  
Boyd (FL) Culberson  
Boyda (KS) Cummings  
Brady (PA) Davis (AL)  
Brady (TX) Davis (CA)  
Bralley (IA) Davis (IL)  
Broun (GA) Davis (KY)  
Brown (SC) Davis, David  
Brown, Corrine Davis, Lincoln

Gohmert Matheson  
Gonzalez Matsui  
Goodlatte McCarthy (CA)  
Gordon McCarthy (NY)  
Granger McCaul (TX)  
Graves McCollum (MN)  
Green, Al McCotter  
Green, Gene McCrery  
Grijalva McGovern  
Gutierrez McHenry  
Hall (NY) McHugh  
Hall (TX) McIntyre  
Hare McKeon  
Harman McMorris  
Hastings (FL) Rodgers  
Hastings (WA) McNeerney  
Heller McNulty  
Hensarling Meek (FL)  
Herger Meeks (NY)  
Hersteth Sandlin Melancon  
Higgins Mica  
Hill Michaud  
Hinchee Miller (FL)  
Hirono Miller (MI)  
Hobson Miller (NC)  
Hodes Miller, Gary  
Hoekstra Miller, George  
Holden Mitchell  
Holt Mollohan  
Honda Moore (KS)  
Hooley Moore (WI)  
Hoyer Moran (KS)  
Hulshof Moran (VA)  
Inglis (SC) Murphy (CT)  
Inslée Murphy, Patrick  
Israel Murphy, Tim  
Issa Murtha  
Jackson (IL) Musgrave  
Jackson-Lee Myrick  
(TX) Nadler  
Jefferson Napolitano  
Johnson (GA) Neal (MA)  
Johnson (IL) Neugebauer  
Johnson, E. B. Nunes  
Jones (NC) Oberstar  
Jones (OH) Obey  
Jordan Olver  
Kagen Ortiz  
Kanjorski Pallone  
Kaptur Pascrell  
Keller Pastor  
Kennedy Pearce  
Kildee Pence  
Kind Perlmutter  
King (IA) Peterson (MN)  
King (NY) Peterson (PA)  
Kingston Petri  
Kirk Pickering  
Kline (MN) Pitts  
Knollenberg Platts  
Kuhl (NY) Poe  
Lamborn Pomeroy  
Lampson Porter  
Langevin Price (GA)  
Larsen (WA) Price (NC)  
Larson (CT) Pryce (OH)  
Latham Putnam  
LaTourette Radanovich  
Levin Rahall  
Lewis (CA) Ramstad  
Lewis (KY) Rangel  
Linder Regula  
Lipinski Rehberg  
LoBiondo Reichert  
Loeb sack Renzi  
Lofgren, Zoe Reyes  
Lowey Reynolds  
Lucas Rodriguez  
Lungren, Daniel Rogers (AL)  
E. Rogers (KY)  
Lynch Rogers (MI)  
Mack Rohrabacher  
Mahoney (FL) Ros-Lehtinen  
Maloney (NY) Ross  
Marchant Rothman  
Markey Roybal-Allard  
Marshall Royce

NAYS—13

Baldwin Frank (MA)  
Blumenauer Kucinich  
Ehlers Lee  
Ellison Lewis (GA)  
Filner McDermott

NOT VOTING—24

Becerra Clay  
Clarke Coble  
Crenshaw  
Davis, Jo Ann



Delahunt	Jindal	Paul
Goode	Johnson, Sam	Saxton
Hastert	Kilpatrick	Skelton
Hayes	Klein (FL)	Stark
Hinojosa	LaHood	Tancredo
Hunter	Lantos	Young (AK)

H.R. 2276, the Renewable Energy and Energy Conservation Tax Act, and “aye” on final passage of H.R. 3222, Defense Appropriations for FY 2008.

committee budget allocations and aggregates for the purposes of sections 302 and 311 of the Congressional Budget Act of 1974, as amended, and in response to the bills made in order by the Committee on Rules, H.R. 2776, the Renewable Energy and Energy Conservation Tax Act of 2007 and H.R. 3221, the New Direction for Energy Independence, National Security, and Consumer Protection Act. Corresponding tables are attached.

□ 0111

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REVISIONS TO ALLOCATIONS FOR HOUSE COMMITTEES

The SPEAKER pro tempore, Under a previous order of the House, the gentleman from South Carolina (Mr. SPRATT) is recognized for 5 minutes.

Mr. SPRATT. Madam Speaker, Under section 308(b)(1) of S. Con. Res. 21, the Concurrent Resolution on the Budget for Fiscal Year 2008, I hereby submit for printing in the CONGRESSIONAL RECORD a revision to the budget allocations and aggregates for certain House committees for fiscal years 2007, 2008, and the period of 2008 through 2012. This revision represents an adjustment to certain House

Under section 211 of S. Con. Res. 21, this adjustment to the budget allocations and aggregates applies while the measures are under consideration. The adjustments will take effect upon enactment of the measures. For purposes of the Congressional Budget Act of 1974, as amended, a revised allocation made under section 211 of S. Con. Res. 21 is to be considered as an allocation included in the resolution.

PERSONAL EXPLANATION

Ms. KILPATRICK. Mr. Speaker, due to official leave of absence for business in the 13th Congressional District of Michigan, I was unfortunately unable to vote on several resolutions on final passage. Had I been present, I would have voted “aye” on final passage of

DIRECT SPENDING LEGISLATION—AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR RESOLUTION CHANGES

(Fiscal Years, in millions of dollars)

	2007		2008		2008–2012 Total	
	BA	Outlays	BA	Outlays	BA	Outlays
House Committee						
Current allocation:						
Agriculture .....	0	0	0	0	0	0
Energy and Commerce .....	-1	-1	134	132	89	87
Natural Resources .....	0	0	0	0	0	0
Ways and Means .....	0	0	-38	-38	-98	-98
Change for New Direction for Energy Independence, National Security, and Consumer Protection Act (H.R. 3221) and Renewable Energy and Energy Conservation Tax Act (H.R. 2776):						
Agriculture .....	0	0	266	138	2,175	1,554
Energy and Commerce .....	0	0	376	243	1,681	1,624
Natural Resources .....	0	0	-781	-787	3,168	-3,179
Ways and Means .....	0	0	169	169	876	876
Total .....	0	0	30	-237	1,564	875
Revised allocation:						
Agriculture .....	0	0	266	138	2,175	1,554
Energy and Commerce .....	-1	-1	510	375	1,770	1,711
Natural Resources .....	0	0	-781	-787	-3,168	-3,179
Ways and Means .....	0	0	131	131	778	778

BUDGET AGGREGATES

(On-budget amounts, in millions of dollars)

	Fiscal year 2007	Fiscal year 2008 <sup>1</sup>	Fiscal years 2008–2012
Current Aggregates: <sup>2</sup>			
Budget Authority .....	2,255,570	2,350,357	3
Outlays .....	2,268,649	2,353,992	3
Revenues .....	1,900,340	2,015,841	11,137,671
Change for New Direction for Energy Independence, National Security, and Consumer Protection Act (H.R. 3221) and Renewable Energy and Energy Conservation Tax Act (H.R. 2776):			
Budget Authority .....	0	30	3
Outlays .....	0	-237	3
Revenues .....	0	191	1,750
Revised Aggregates:			
Budget Authority .....	2,255,570	2,350,387	3
Outlays .....	2,268,649	2,353,755	3
Revenues .....	1,900,340	2,016,032	11,139,421

<sup>1</sup> Pending action by the House Appropriations Committee on spending covered by section 207(d)(1)(E) (overseas deployments and related activities), resolution assumptions are not included in the current aggregates.

<sup>2</sup> Excludes emergency amounts exempt from enforcement in the budget resolution.

<sup>3</sup> n.a. = Not applicable because annual appropriations Acts for fiscal years 2009 through 2012 will not be considered until future sessions of Congress.

APPOINTMENT OF HON. STENY H. HOYER AND HON. CHRIS VAN HOLLEN TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH SEPTEMBER 4, 2007

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC, AUGUST 4, 2007.

I hereby appoint the Honorable STENY H. HOYER and the Honorable CHRIS VAN HOLLEN to act as Speaker pro tempore to sign enrolled bills and joint resolutions through September 4, 2007.

NANCY PELOSI,

Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the appointment is approved.

There was no objection.

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, SEPTEMBER 5, 2007

Ms. SHEA-PORTER. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, September 5, 2007.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Hampshire?

HOUSE BILLS AND JOINT RESOLUTIONS APPROVED BY THE PRESIDENT

The President notified the Clerk of the House that on the following dates, he had approved and signed bills and joint resolutions of the following titles:

February 2, 2007

H.R. 475. An act to revise the composition of the House of Representatives Page Board to equalize the number of members representing the majority and minority parties and to include a member representing the