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No. 85

## House of Representatives

### DUNCAN HUNTER NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009

The Committee resumed its sitting.

AMENDMENT NO. 53 OFFERED BY MR. BRALEY OF IOWA

The Acting CHAIRMAN. It is now in order to consider amendment No. 53 printed in House Report 110-666.

Mr. BRALEY of Iowa. I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 53 offered by Mr. BRALEY of Iowa:

At the end of subtitle B of title XII, insert the following new section:

#### SEC. 12. REPORT ON LONG-TERM COSTS OF OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM.

(a) FINDINGS.—Congress finds the following:

(1) The United States has been engaged in military operations in Afghanistan since October 2001 and in military operations in Iraq since March 2003.

(2) According to the Congressional Research Service, to date, Congress has appropriated \$700,000,000,000 from fiscal year 2001 through fiscal year 2008 for the Department of Defense, the State Department, and for medical costs paid by the Department of Veterans Affairs. This amount includes \$526,000,000,000 for Iraq and \$140,000,000,000 for Afghanistan and other counterterrorism operations. Among other expenditures, this amount includes funding for combat operations; deploying, transporting, feeding, and housing troops; deployment of National Guard and Reserve troops; the equipping and training of Iraqi and Afghani forces; purchasing, upgrading, and repairing weapons, munitions and other equipment; supplemental combat pay and benefits; providing medical care to troops on active duty and returning veterans; reconstruction and foreign aid; and payments to other countries for logistical assistance.

(3) Over 90 percent of Department of Defense funds for operations in Iraq and Afghanistan have been provided as emergency funds in supplemental or additional appropriations.

(4) The Congressional Budget Office and the Congressional Research Service have stated that future war costs are difficult to estimate because the Department of Defense has provided little detailed information on costs incurred to date, does not report outlays or actual expenditures for war because war and baseline funds are mixed in the same accounts, and does not provide information on many key factors which determine costs, including personnel levels or the pace of operations.

(5) To date, the administration has not provided any long-term estimates of war costs, despite a statutory reporting requirement that the President submit a cost estimate for fiscal year 2006 through fiscal year 2011 that was enacted in 2004.

(6) Operating costs in Iraq and Afghanistan have been increasing steadily since 2003, and war costs in Iraq have sharply increased from \$50,000,000,000 in 2003 to approximately \$134,000,000,000 for fiscal year 2007, to the \$154,000,000,000 request for fiscal year 2008.

(7) The Iraq Study Group Report states that, “the United States has made a massive commitment to the future of Iraq in both blood and treasure,” warns that “the United States must expect significant ‘tail costs’ to come”, and predicts that “Caring for veterans and replacing lost equipment will run into the hundreds of billions of dollars. Estimates run as high as \$2 trillion for the final cost of the U.S. involvement in Iraq”.

(8) The Iraq Study Group Report also finds that “This level of expense is not sustainable over an extended period . . .”.

(9) The use of government contractors and private military firms has reached unprecedented levels, with over 100,000 contractors operating in Iraq.

(10) Over 1,600,000 American troops have served in Afghanistan and Iraq since the beginning of the conflicts.

(11) Over 4,050 United States troops and Department of Defense civilian personnel have been killed in Operation Iraqi Freedom, and over 490 United States troops and Department of Defense civilian personnel have been killed in Operation Enduring Freedom.

(12) National Guard and Reserve troops are being deployed in support of these conflicts at unprecedented levels.

(13) Many troops are serving multiple deployments, and one-third of those serving in the Iraq war have been deployed two or more times.

(14) Over 1,100 service members have suffered amputations as a result of their service in Afghanistan and Iraq.

(15) More than 100,000 Iraq and Afghanistan veterans have been treated for mental health conditions.

(16) 52,000 Iraq and Afghanistan veterans have been diagnosed with Post-Traumatic Stress Disorder.

(17) Nearly 37 percent of soldiers returning from Iraq and Afghanistan have sought treatment at Department of Veterans Affairs hospitals and clinics.

(18) Many troops have suffered multiple injuries, with veterans claiming an average of five separate conditions.

(19) The Independent Review Group on Rehabilitative Care and Administrative Processes at Walter Reed Army Medical Center and National Naval Medical Center identified Traumatic Brain Injury, Post-Traumatic Stress Disorder, increased survival of severe burns, and traumatic amputations as the four signature wounds of the current conflicts, and found that the “numbers of servicemembers surviving with . . . complex injuries have challenged our modern military medical system and exposed weakness and breakdowns in access to care, as well as continuity of care management and follow-on administrative processes”.

(20) The Independent Review Group report also states that the recovery process “can take months or years and must accommodate recurring or delayed manifestations of symptoms, extended rehabilitation and all the life complications that emerge over time from such trauma”.

(b) REPORT REQUIREMENT; SCENARIOS.—Not later than 90 days after the date of the enactment of this Act, the President, with contributions from the Secretary of Defense, the Secretary of State, and the Secretary of the Department of Veterans Affairs, shall submit a report to Congress containing an estimate of the long-term costs of Operation Iraqi Freedom and Operation Enduring Freedom. The report shall contain estimates for the following scenarios:

(1) The number of personnel deployed in support of Operation Iraqi Freedom and Operation Enduring Freedom is reduced from current levels to 30,000 by the beginning of fiscal year 2010 and remains at that level through fiscal year 2017.

(2) The number of personnel deployed in support of Operation Iraqi Freedom and Operation Enduring Freedom is reduced from

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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current levels to 75,000 by the beginning of fiscal year 2013 and remains at that level through 2017.

(3) An alternative scenario, defined by the President and based on current war plans, which takes into account expected troop levels and the expected length of time that troops will be deployed in support of Operation Iraqi Freedom and Operation Enduring Freedom.

(c) SPECIAL CONSIDERATIONS.—The estimates required for each scenario shall make projections through at least fiscal year 2068, shall be adjusted appropriately for inflation, and shall take into account and specify the following:

(1) The total number of troops expected to be activated and deployed to Iraq and Afghanistan during the course of Operation Iraqi Freedom and Operation Enduring Freedom. This number shall include all troops deployed in the region in support of Operation Iraqi Freedom and Operation Enduring Freedom and activated reservists in the United States who are training, backfilling for deployed troops, or supporting other Department of Defense missions directly or indirectly related to Operation Iraqi Freedom and Operation Enduring Freedom. This number shall also break down activations and deployments of Active Duty, Reservists, and National Guard troops.

(2) The number of troops, including National Guard and Reserve troops, who have served and who are expected to serve multiple deployments.

(3) The number of contractors and private military security firms that have been utilized and are expected to be utilized during the course of the conflicts in Iraq and Afghanistan.

(4) The number of veterans currently suffering and expected to suffer from Post-Traumatic Stress Disorder, Traumatic Brain Injury, or other mental injuries.

(5) The number of veterans currently in need of and expected to be in need of prosthetic care and treatment because of amputations incurred during Operation Iraqi Freedom and Operation Enduring Freedom.

(6) The current number of pending Department of Veterans Affairs claims from Iraq and Afghanistan veterans, and the total number of Iraq and Afghanistan veterans expected to seek disability compensation benefits from the Department of Veterans Affairs.

(7) The total number of troops who have been killed and wounded in Iraq and Afghanistan to date, including noncombat casualties, the total number of troops expected to suffer injuries in Iraq and Afghanistan, and the total number of troops expected to be killed in Iraq and Afghanistan, including noncombat casualties.

(8) Funding already appropriated for the Department of Defense, the Department of State, and the Department of Veterans Affairs for costs related to the wars in Iraq and Afghanistan. This shall include an account of the amount of funding from regular Department of Defense, Department of State, and Department of Veterans Affairs budgets that has gone and will go to Iraq and Afghanistan.

(9) Current and future operational expenditures, including funding for combat operations; deploying, transporting, feeding, and housing troops (including fuel costs); deployment of National Guard and Reserve troops; the equipping and training of Iraqi and Afghan forces; purchasing, upgrading, and repairing weapons, munitions and other equipment; and payments to other countries for logistical assistance.

(10) Past, current, and future cost of government contractors and private military security firms.

(11) Average annual cost for each troop deployed in support of Operation Iraqi Freedom and Operation Enduring Freedom, including room and board, equipment and body armor, transportation of troops and equipment (including fuel costs), and operational costs.

(12) Current and future cost of combat-related special pays and benefits, including reenlistment bonuses.

(13) Current and future cost of activating National Guard and Reserve forces and paying them on a full-time basis.

(14) Current and future cost for reconstruction, embassy operations and construction, and foreign aid programs for Iraq and Afghanistan.

(15) Current and future cost of bases and other infrastructure to support United States troops in Iraq and Afghanistan.

(16) Current and future cost of providing healthcare for returning veterans. This estimate shall include the cost of mental health treatment for veterans suffering from Post-Traumatic Stress Disorder and Traumatic Brain Injury, and other mental problems as a result of their service in Operation Iraqi Freedom and Operation Enduring Freedom. This estimate shall also include the cost of lifetime prosthetics care and treatment for veterans suffering from amputations as a result of their service in Operation Iraqi Freedom and Operation Enduring Freedom.

(17) Current and future cost of providing Department of Veterans Affairs disability benefits for lifetime of veterans.

(18) Current and future cost of providing survivors' benefits to survivors of service members.

(19) Cost of bringing troops and equipment home at the end of the wars, including cost of demobilizing troops, transporting troops home (including fuel costs), providing transition services from active duty to veteran status, transporting equipment, weapons, and munitions (including fuel costs), and an estimate of the value of equipment which will be left behind.

(20) Cost to restore the military and military equipment, including the National Guard and National Guard equipment, to full strength after the wars.

(21) Cost of the administration's plan to permanently increase the Army and Marine Corps by 92,000 over the next six years.

(22) Amount of money borrowed to pay for the wars in Iraq and Afghanistan, and the sources of that money.

(23) Interest on borrowed money, including interest for money already borrowed and anticipated interest payments on future borrowing for the war in Iraq and the war in Afghanistan.

The Acting CHAIRMAN. Pursuant to House Resolution 1218, the gentleman from Iowa (Mr. BRALEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Iowa.

Mr. BRALEY of Iowa. Mr. Chairman, this amendment is a simple, common-sense amendment that requires the President to submit a report to Congress on the long-term costs of the wars in Iraq and Afghanistan.

On June 28 of this year, Chairman MURTHA sent a Dear Colleague letter out talking about this very problem and the need to make sure that we are being given accurate information. We have now been engaged in the war in Afghanistan for almost 7 years and the war in Iraq for over 5 years, and the Bush administration has yet to submit a long-term estimate for the costs of the war. The administration has not

submitted a cost estimate, despite a statutory reporting requirement for fiscal years 2006 through 2011 that was required in the fiscal year 2005 defense appropriation budget.

As someone who took great interest in the Iraq Study Group report and the massive commitment to the future of Iraq in both blood and treasure, I looked forward to the publication of the Independent Review Group report that was issued in the wake of the Walter Reed Building 18 fiasco.

One of the things that was recognized in that report was the fact that the Nation must recognize that there is a moral, human and budgetary cost of the war. When we engage in armed conflict, we must recognize those costs and be prepared to execute on those obligations.

The Independent Review Group's report, chaired by General Togo West, also identified the four signature wounds of this war: Traumatic brain injury, posttraumatic stress disorder, increased survival of severe burns, and traumatic amputations.

Mr. Chairman, despite the fact that the Bush administration has not provided the required cost reporting, Nobel Prize winning economist Joseph Stiglitz has published a study talking about these exact costs, not just the long-term medical costs, but the cost of rebuilding our military in the book "The \$3 Trillion War."

One of the things we know is that young men who are severely injured, many of them age 19 or 20, are going to have permanent injuries from these signature wounds, many of them over a life expectancy that may stretch out 55 or 60 years. We also know that there are life-care plans used by medical economists and prosthetic needs analysis that are used to determine what those long-term costs are. The American people, the American taxpayers, deserve to know what these costs will be.

We have already spent \$700 billion in Iraq and Afghanistan, and the people of this country deserve to know from the Department of Defense what these long-term costs are going to be over the lifetime of these wounded warriors.

□ 1700

For that reason I have asked that this amendment be included as part of the defense authorization bill to address the long-term and hidden costs of the war. And those are reflected in the testimony of Lieutenant General Chip Rodman at the Independent Review Group hearing that we held in oversight who said, we recognize the cost is immense, and it is our moral obligation to address those issues.

I reserve the balance of my time.

Mr. HUNTER. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. HUNTER. Mr. Chairman, we are in the middle of a war in which the battlefield situation changes on a daily

basis. The idea that the gentleman has given us a requirement for the administration to project until 2068, for 50, 60 years as to what is going to happen on the battlefield and what the casualties are going to be; and I believe he has laid out 23 considerations.

When you get out that far, Mr. Chairman, this becomes basically an editorial against the war, and I think there are other ways you can put that if you want to frame that particular position. But the idea that we are asking as we sit here and try to figure out what gas prices are going to be in 2 weeks, the idea that we are going to figure out how Iraq is going to be situated half a century from now, I think that is simply something that trivializes our debate on this very critical issue.

And let me tell you, 23 factors if we actually put this thing in law, the idea that we are supposed to have our people in uniform devoted to figuring out how to succeed in their mission, how to take care of our people, to have them out there trying to be seers of the future for half a century with respect to a war that is changing on a weekly basis is an enormous burden on people who wear the uniform.

So, Mr. Chairman, I think we should all vote a resounding "no" on this, and let's do analyses that are relevant, that can be utilized. But the idea of sending our people down the pike for a 50-year look at the future I think is not going to be good for this committee and I think it is not going to be productive for the security of the United States.

I reserve the balance of my time

Mr. BRALEY of Iowa. Mr. Chairman, at this time I yield 1 minute to the gentleman from Vermont (Mr. WELCH).

Mr. WELCH of Vermont. I thank the gentleman.

This war is the first time in American history when we have had tax cuts during a war. And if ever there is a moment in time when our country should be called upon to share a sacrifice, it is when we are sending our sons and daughters to war.

This amendment calls the question, it says the obvious: We can't keep paying for this on a credit card. There are costs that are going to be paid not only by this generation, but by future generations. The President has put this war on the credit card, and the irony of that is that it is the sons and the daughters of the men and women who are fighting this war who are going to pay for this. It is time to be candid and honest with the American people.

Mr. HUNTER. I yield back the balance of my time.

Mr. BRALEY of Iowa. Mr. Chairman, I have great respect for my friend and colleague from California, and I would just like to point out that this is already a subject that has been considered by the Department of Defense.

When we had the hearings in association with Walter Reed and the independent review group, top medical

Army officers admitted that they have the capacity using the numbers that are available to make the types of projections that are being considered by this bill.

The two scenarios that we are talking about are based upon illustrative scenarios that the CBO has already used and estimated the long-term costs of this war.

The third estimate allows the administration to base their cost estimates on their own parameters, including the operational costs, the reconstruction costs, the costs to government contractors, private military security firms, and providing lifetime health care and disability benefits for veterans. We know this is done on a daily basis in the private sector, because these types of projections are made for people suffering these very same signature wounds who are injured in automobile collisions and then taken care of by Federal dollars.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. BRALEY).

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

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

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

#### AMENDMENTS EN BLOC OFFERED BY MR. SKELTON

Mr. SKELTON. Mr. Chairman, pursuant to H. Res. 1218, I offer amendments en bloc.

The Acting CHAIRMAN. The Clerk will designate the amendments en bloc. Amendments en bloc consisting of amendments numbered 5, 10, 11, 14, 19, 20, 24, 28, 30, 40, 42, 45, 46, and 43 printed in House Report 110-666 offered by Mr. SKELTON:

#### AMENDMENT NO. 5 OFFERED BY MR. SMITH OF WASHINGTON

The text of the amendment is as follows:

At the end of title X, add the following new section:

#### SEC. 1071. COMPREHENSIVE INTERAGENCY STRATEGY FOR STRATEGIC COMMUNICATION AND PUBLIC DIPLOMACY ACTIVITIES OF THE FEDERAL GOVERNMENT.

##### (a) COMPREHENSIVE STRATEGY.—

(1) STRATEGY.—The President shall develop a comprehensive interagency strategy for public diplomacy and strategic communication that updates and builds upon the strategy outlined by the Strategic Communication and Public Diplomacy Policy Coordinating Committee in the publication titled "U.S. National Strategy for Public Diplomacy and Strategic Communication" (June, 2007).

(2) CONTENTS.—The strategy required by this subsection shall contain overall objectives, goals, actions to be performed, and benchmarks and timetables for the achievement of such goals and objectives.

(3) COMPONENTS.—The strategy shall include the following components:

(A) Prioritizing the mission of supporting specific foreign policy objectives, such as

counterterrorism and efforts to combat extremist ideology, in parallel and in complement with, as appropriate, the broad mission of communicating the policies and values of the United States to foreign audiences.

(B) Consolidating and elevating Federal Government leadership to prioritize, manage, and implement the strategy required by this subsection, including the consideration of establishing strategic communication and public diplomacy positions at the National Security Council and establishing a single office to coordinate strategic communication and public diplomacy efforts.

(C) Improving coordination across departments and agencies of the Federal Government on—

(i) strategic planning;

(ii) research activities, such as research into the attitudes and behaviors of foreign audiences; and

(iii) the development of editorial content, including content for Internet websites and print publications.

(D) Developing a more rigorous, research-based, targeted approach to strategic communication and public diplomacy efforts, with efforts differentiated for specific target audiences in various countries and regions.

(E) Developing more rigorous monitoring and evaluation mechanisms.

(F) Making greater use of innovative tools in strategic communication and public diplomacy research and operations, including new media platforms and social research technologies.

(G) Making greater use of participation from private sector entities, academic institutions, not-for-profit organizations, and other non-governmental organizations in supporting strategic communication and public diplomacy efforts, including the consideration of establishing an independent, not-for-profit organization described in subsection (b).

(H) Increasing resources devoted to strategic communication and public diplomacy efforts.

##### (4) REPORTS.—

(A) INITIAL REPORT.—Not later than December 31, 2009, the President shall submit to the appropriate committees of Congress a report that describes the strategy required by this subsection.

(B) SUBSEQUENT REPORTS.—Not less than once every two years after the submission of the initial report under subparagraph (A), the President shall submit to the appropriate committees of Congress a report on—

(i) the status of the implementation of the strategy;

(ii) progress toward achievement of benchmarks; and

(iii) any changes to the strategy since the submission of the previous report.

##### (b) STUDY OF INDEPENDENT ORGANIZATION.—

(1) STUDY.—The Secretary of State and the Secretary of Defense shall jointly conduct a study assessing the recommendation from the Defense Science Board's Task Force on Strategic Communication to establish an independent, not-for-profit organization responsible for providing independent assessment and strategic guidance to the Federal Government on strategic communication and public diplomacy.

##### (2) SCOPE.—The study shall include—

(A) an assessment of the benefits gained by establishing such an organization; and

(B) an outline of the potential framework of such an organization, including its organization, mission, capabilities, and operations.

##### (c) REPORT ON ROLES OF DEPARTMENTS OR AGENCIES OF THE FEDERAL GOVERNMENT.—

(1) REPORT.—Not later than June 30, 2009, the President shall submit to the appropriate committees of Congress a report—

(A) describing the roles of the Department of State and the Department of Defense regarding strategic communication and public diplomacy; and

(B) assessing proposals to establish an independent center to support government-wide strategic communication and public diplomacy efforts, including the study described in subsection (b).

(2) **REPORT ELEMENTS.**—The report shall contain the following:

(A) A description of activities performed by the Department of Defense as part of strategic communication, including—

(i) efforts to disseminate directly to foreign audiences messages intended to shape the security environment of a combatant command;

(ii) psychological operations, including those in direct support of contingency operations other than Operation Enduring Freedom or Operation Iraqi Freedom, that are intended to counter extremist and hostile propaganda or promote stability and security; and

(iii) public affairs programs to shape the opinions of foreign audiences.

(B) A current description of activities conducted by the Under Secretary for Public Diplomacy and Public Affairs at the Department of State, including—

(i) outreach to mass audiences and strategic audiences, such as opinion makers, youth, and other targeted groups, using media, lectures, information centers, and cultural events;

(ii) use of interactive media technologies, such as Internet blogs and social networking websites, to build relationships and to counter extremist groups using similar media;

(iii) education and exchange programs;

(iv) book translation; and

(v) work with non-governmental organizations and private-sector partners.

(C) A definition of the roles of the offices within the Department of State and the Department of Defense that are engaged in message outreach to audiences abroad.

(D) A detailed explanation of how the Department of State and the Department of Defense perform unique strategic communication activities and public diplomacy activities.

(E) An explanation of how the Department of State and the Department of Defense coordinate strategic communication and public diplomacy activities in—

(i) using polls, focus groups, and other measures to learn the attitudes and behavior of foreign audiences;

(ii) publishing editorial content on Internet websites and in print media;

(iii) organizing field support for military information support teams, civil affairs, and other shared activities;

(iv) using foreign-directed education and training resources; and

(v) training personnel in both departments by exchanging faculty and students of the Foreign Service Institute, the Army War College, the Naval War College, and other similar institutions.

(d) **FORM AND AVAILABILITY OF REPORTS.**—

(1) **FORM.**—The reports required by this section may be submitted in a classified form.

(2) **AVAILABILITY.**—Any unclassified portions of the reports required by this section shall be made available to the public.

(e) **APPROPRIATE COMMITTEES.**—For the purposes of this section, the appropriate committees of Congress are the following:

(1) The Committees on Foreign Relations, Armed Services, and Appropriations of the Senate.

(2) The Committees on Foreign Affairs, Armed Services, and Appropriations of the House of Representatives.

AMENDMENT NO. 10 OFFERED BY MR. SESTAK

The text of the amendment is as follows:

Page 282, insert after line 2 the following:

(a) **MINIMUM COST SHARE PER MONTH.**—The Secretary of Defense shall ensure that autistic children of members of the Armed Forces enrolled in the Extended Care Health Option program shall be eligible to receive a minimum of \$5,000 per month of autistic therapy services.

Page 282, line 3, strike “(a)” and insert “(b)”.

Page 282, line 8, strike “(b)” and insert “(c)”.

Page 282, line 23, strike “(c)” and insert “(d)”.

Page 282, insert after line 3 the following:

(3) **EXTENDED CARE HEALTH OPTION.**—The term “Extended Care Health Option” means the program of extended benefits provided pursuant to subsections (d), (e), and (f) of section 1079 of title 10, United States Code.

(e) **FUNDING.**—Of the amount authorized to be appropriated by section 1511(a), \$29,000,000 is authorized to be used to carry out this section.

AMENDMENT NO. 11 OFFERED BY MR. SESTAK

The text of the amendment is as follows:

At the end of title II, insert the following new section:

**SEC. 239. VISITING NIH SENIOR NEUROSCIENCE FELLOWSHIP PROGRAM.**

(a) **REQUIREMENT TO ESTABLISH.**—The Secretary of Defense may establish a program to be known as the Visiting NIH Senior Neuroscience Fellowship Program (in this section referred to as the “Program”) at the Defense Advanced Research Projects Agency (DARPA) and the Defense Center of Excellence for Psychological Health and Traumatic Brain Injury (DCoE).

(b) **ACTIVITIES OF THE PROGRAM.**—The Program may—

(1) provide a partnership between the National Institutes of Health (NIH) and DARPA that will enable identification and funding of the broadest range of innovative, highest quality clinical and experimental neuroscience studies for the benefit of men and women in the Armed Forces;

(2) provide a partnership between the NIH and the DCoE that will enable identification and funding of clinical and experimental neuroscience studies for the benefit of men and women in the Armed Forces;

(3) provide a technology transfer mechanism whereby the results of such studies can, where appropriate, be used to enhance the health mission of the NIH for the benefit of the public; and

(4) provide a military/civilian collaborative environment for neuroscience-based medical problem-solving in critical areas impacting both military and civilian life, particularly post-traumatic stress disorder.

AMENDMENT NO. 14 OFFERED BY MR. CASTLE

The text of the amendment is as follows:

Add at the end of subtitle E of title V, the following new section:

**SEC. 5. ENHANCING EDUCATION PARTNERSHIPS TO IMPROVE ACCESSIBILITY AND FLEXIBILITY FOR MEMBERS OF THE ARMED FORCES.**

(a) **AUTHORITY.**—The Secretary of a military department may enter into one or more education partnership agreements with educational institutions in the United States for the purpose of—

(1) developing plans to improve the accessibility and flexibility of college courses available to eligible members of the Armed Forces;

(2) improving the application process for the Armed Forces tuition assistance programs and raising awareness regarding educational opportunities available to such members;

(3) developing curriculum, distance education programs, and career counseling designed to meet the professional, financial, academic, and social needs of such members; and

(4) assessing how resources may be applied more effectively to meet the educational needs of such members.

(b) **COST.**—Except as provided in this section, execution of an education partnership agreement with an educational institution shall be at no cost to the Government.

(c) **EDUCATIONAL INSTITUTION DEFINED.**—In this section, the term “educational institution” means an accredited college, university, or technical school in the United States.

AMENDMENT NO. 19 OFFERED BY MR. PORTER

The text of the amendment is as follows:

Page 283, after line 3, add the following new section:

**SEC. 734. SUICIDE RISK BY MILITARY OCCUPATION.**

(a) **STUDY.**—The Secretary of Defense shall conduct a study to identify the mental health risks associated with the performance of military duties.

(b) **ELEMENTS.**—The study shall include the following elements:

(1) An assessment of suicide incidence by military occupation.

(2) An identification of military occupations with a high incidence of suicide.

(3) An evaluation of current suicide prevention programs for those military occupations with a high incidence of suicide.

(4) An assessment of the need for additional suicide prevention programs specific to military occupations with a high incidence of suicide.

(c) **REPORT.**—Not later than 120 days after the date of enactment of this Act, the Secretary of Defense shall submit to the Congressional Defense Committees a report on the findings of the study. The report shall include any recommendations for improving suicide prevention programs for military occupations with a high incidence of suicide.

AMENDMENT NO. 20 OFFERED BY MRS. CAPITO

The text of the amendment is as follows:

At the end of title V, add the following new section:

**SEC. 5. ADDITIONAL FUNDS TO CARRY OUT FUNERAL HONOR FUNCTIONS AT FUNERALS FOR VETERANS.**

(a) **ADDITIONAL FUNDS.**—The amount made available in section 421 is hereby increased by \$3,000,000, of which \$1,000,000 shall be available to the Secretary of the Army, \$1,000,000 shall be available to the Secretary of the Navy, and \$1,000,000 shall be available to the Secretary of the Air Force to comply with the requirements of section 1491 of title 10, United States Code.

(b) **CORRESPONDING OFFSET.**—The amount provided in section 201(1) for research, development, test, and evaluation, Army, is hereby reduced by \$3,000,000, to be derived from the basic research under the University Research Initiatives.

AMENDMENT NO. 24 OFFERED BY MR. PRICE OF GEORGIA

The text of the amendment is as follows:

Page 406, after line 18, insert the following new section:

**SEC. 1005. MANAGEMENT OF PURCHASE CARDS.**

(a) REQUIRED SAFEGUARDS AND INTERNAL CONTROLS.—Section 2784 of title 10, United States Code, is amended in subsection (b)—

(1) by redesignating paragraphs (3) through (10) as paragraphs (4) through (11), respectively;

(2) by inserting after paragraph (2) the following new paragraph:

“(3) That expenditures charged to the purchase card are independently received, accepted, or verified by an official with authority to authorize expenditures.”;

(3) by redesignating paragraphs (9) through paragraph (11) (as previously redesignated by paragraph (1)) as paragraphs (10) through (12), respectively; and

(4) by inserting after paragraph (8) (as previously redesignated by paragraph (1)) the following new paragraph:

“(9) That appropriate inventory and property systems are updated promptly in response to expenditures charged to a purchase card related to pilferable property.”.

(b) PENALTIES FOR VIOLATIONS.—Section 2784(c)(1) of title 10, United States Code, is amended by striking “provide for” and inserting “provide for the reimbursement of charges for unauthorized or erroneous purchases and for”.

AMENDMENT NO. 28 OFFERED BY MR. INSLEE

The text of the amendment is as follows:

Add at the end of subtitle D of title III the following:

**SEC. 335. STUDY OF CONSIDERATION OF GREENHOUSE GAS EMISSIONS IN ACQUISITION PROCESSES.**

(a) STUDY.—The Secretary of Defense shall conduct a study to develop procedures and methods to measure and consider greenhouse gas emissions in the acquisition process, and shall include in the study an examination of the following:

(1) The processes and methods which would need to be developed and adopted to allow the Department of Defense to consider greenhouse gas emissions in the planning, requirements development, and acquisition processes.

(2) The internal and external data necessary to allow the Department of Defense to consider greenhouse gas emissions in the planning, requirements development, and acquisition processes.

(3) A timetable for the implementation of such procedures and methods in the acquisition process, as well as an estimate of the costs associated with such implementation.

(4) Such other factors as the Secretary considers appropriate with respect to the development and implementation of such procedures and methods.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Congressional defense committees a report on the results of the study conducted under subsection (a).

AMENDMENT NO. 30 OFFERED BY MS. GINNY BROWN-WAITE OF FLORIDA

The text of the amendment is as follows:

Add at the end of subtitle G of title V, the following new section:

**SEC. 5. RETROACTIVE AWARD OF ARMY COMBAT ACTION BADGE.**

(a) AUTHORITY TO AWARD.—The Secretary of the Army may award the Army Combat Action Badge (established by order of the Secretary of the Army through Headquarters, Department of the Army Letter 600-05-1, dated June 3, 2005) to a person who, while a member of the Army, participated in

combat during which the person personally engaged, or was personally engaged by, the enemy at any time during the period beginning on December 7, 1941, and ending on September 18, 2001 (the date of the otherwise applicable limitation on retroactivity for the award of such decoration), if the Secretary determines that the person has not been previously recognized in an appropriate manner for such participation.

(b) PROCUREMENT OF BADGE.—The Secretary of the Army may make arrangements with suppliers of the Army Combat Action Badge so that eligible recipients of the Army Combat Action Badge pursuant to subsection (a) may procure the badge directly from suppliers, thereby eliminating or at least substantially reducing administrative costs for the Army to carry out this section.

AMENDMENT NO. 40 OFFERED BY MS. DELAURO

The text of the amendment is as follows:

Add at the end of subtitle C of title VII, add the following new section:

**SEC. 726. POST-DEPLOYMENT MENTAL HEALTH SCREENING DEMONSTRATION PROJECT.**

(a) DEMONSTRATION PROJECT REQUIRED.—The Secretary of Defense shall conduct a demonstration project to assess the feasibility and efficacy of providing a face to face post-deployment mental health screening between a member of the Armed Forces and a mental health provider.

(b) ELEMENTS.—The demonstration project shall include, at a minimum, the following elements:

(1) A combat stress evaluation conducted in person by a qualified mental health professional within 120 to 180 days after the date on which the member returns from combat theater.

(2) Phone follow-ups by a case manager, not necessarily stationed at the military installation, at the following intervals after the initial post-deployment screening:

- (A) Six months.
- (B) 12 months.
- (C) 18 months.
- (D) 24 months.

(c) CONSULTATION.—The Secretary of Defense shall develop the demonstration project in consultation with the Secretary of Veterans Affairs and the Secretary of Health and Human Services. The Secretary of Defense may also coordinate the program with any accredited college, university, hospital-based or community-based mental health center the Secretary considers appropriate.

(d) SELECTION OF MILITARY INSTALLATION.—The demonstration project shall be conducted at two military installations, one active duty and one reserve component demobilization station, selected by the Secretary of Defense. The installations selected shall have members of the Armed Forces on active duty and members of the reserve components that use the installation as a training and operating base, with members routinely deploying in support of operations in Iraq, Afghanistan, and other assignments related to the global war on terrorism.

(e) PERSONNEL REQUIREMENTS.—The Secretary of Defense shall ensure an adequate number of the following personnel in the program:

(1) Qualified mental health professionals that are licensed psychologists, psychiatrists, psychiatric nurses, or clinical social workers.

(2) Suicide prevention counselors.

(f) TIMELINE.—

(1) The demonstration project required by this subsection shall be implemented not later than September 30, 2009.

(2) Authority for this demonstration project shall expire on September 30, 2011.

(g) REPORTS.—The Secretary of Defense shall submit to the congressional defense committees—

(1) a plan to implement the demonstration project, including site selection and criteria for choosing the site, not later than June 1, 2009,

(2) an interim report every 180 days thereafter; and

(3) a final report detailing the results not later than January 1, 2012.

AMENDMENT NO. 42 OFFERED BY MS.

SCHAKOWSKY

The text of the amendment is as follows:

Add at the end of subtitle C, add the following new section:

**SEC. 824. PERFORMANCE BY PRIVATE SECURITY CONTRACTORS OF INHERENTLY GOVERNMENTAL FUNCTIONS IN AN AREA OF COMBAT OPERATIONS.**

(a) MODIFICATION OF REGULATIONS.—Not later than 60 days after the date of the enactment of this Act, the regulations prescribed by the Secretary of Defense pursuant to section 862(a) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 254; 10 U.S.C. 2302 note) shall be modified to ensure that private security contractors are not authorized to perform inherently governmental functions in an area of combat operations.

(b) GUIDANCE.—After the issuance of regulations to implement the actions required by section 322 of this Act, the Secretary of Defense shall issue supplementary guidance to describe functions that should not be performed by private security contractors because they constitute inherently governmental functions.

(c) PERIODIC REVIEW OF PERFORMANCE OF FUNCTIONS.—

(1) IN GENERAL.—The Secretary of Defense shall, in coordination with the heads of other appropriate agencies, periodically review the performance of private security functions in areas of combat operations to ensure that such functions are authorized and performed in a manner consistent with the requirements of this section.

(2) REPORTS.—Not later than June 1 of each of 2009, 2010, and 2011, the Secretary shall submit to the congressional defense committees a report on the results of the most recent review conducted under paragraph (1).

AMENDMENT NO. 45 OFFERED BY MS. BORDALLO

The text of the amendment is as follows:

Add at the end of subtitle C of title XXVIII, insert the following new section:

**SEC. 2829. PORT OF GUAM IMPROVEMENT ENTERPRISE PROGRAM.**

(a) IN GENERAL.—The Secretary of Transportation, acting through the Administrator of the Maritime Administration (in this section referred to as the “Administrator”), may establish a Port of Guam Improvement Enterprise Program (in this section referred to as the “Program”) to provide for the planning, design, and construction of projects for the Port of Guam to improve facilities, relieve port congestion, and provide greater access to port facilities.

(b) AUTHORITIES OF THE ADMINISTRATOR.—In carrying out the Program, the Administrator may—

(1) receive funds provided for the Program from non-Federal entities, including private entities;

(2) provide for coordination among appropriate governmental agencies to expedite the review process under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for projects carried out under the Program;

(3) provide for coordination among appropriate governmental agencies in connection with other reviews and requirements applicable to projects carried out under the Program; and

(4) provide technical assistance to the Port Authority of Guam (and its agents) as needed for projects carried out under the Program.

(c) PORT OF GUAM IMPROVEMENT ENTERPRISE FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a separate account to be known as the "Port of Guam Improvement Enterprise Fund" (in this section referred to as the "Fund").

(2) DEPOSITS.—There shall be deposited into the Fund—

(A) amounts received by the Administrator from non-Federal sources under subsection (b)(1);

(B) amounts transferred to the Administrator under subsection (d); and

(C) amounts appropriated to carry out this section under subsection (f).

(3) USE OF AMOUNTS.—Amounts in the Fund shall be available to the Administrator to carry out the Program.

(4) ADMINISTRATIVE EXPENSES.—Not to exceed 3 percent of the amounts appropriated to the Fund for a fiscal year may be used for administrative expenses of the Administrator.

(5) AVAILABILITY OF AMOUNTS.—Amounts in the Fund shall remain available until expended.

(d) TRANSFERS OF AMOUNTS.—Amounts appropriated or otherwise made available for any fiscal year for an intermodal or marine facility comprising a component of the Program shall be transferred to and administered by the Administrator.

(e) LIMITATION.—Nothing in this section shall be construed to authorize amounts made available under section 215 of title 23, United States Code, or any other amounts made available for the construction of highways or amounts otherwise not eligible for making port improvements to be deposited into the Fund.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Fund such sums as may be necessary to carry out this section.

AMENDMENT NO. 46 OFFERED BY MS. MOORE OF WISCONSIN

The text of the amendment is as follows:

At the end of title VII, add the following new section:

**SEC. 7. IMPLEMENTATION OF RECOMMENDATIONS OF DEPARTMENT OF DEFENSE MENTAL HEALTH TASK FORCE.**

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a review of the implementation by the Department of Defense of recommendations made by the Department of Defense Task Force on Mental Health (in this section referred to as the "Task Force") developed pursuant to section 723 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3348) to ensure a full continuum of psychological health services and care for members of the Armed Forces and their families.

(b) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees a report on the results of the review required by this section. The report shall include such recommendations as the Comptroller General considers appropriate.

AMENDMENT NO. 43 OFFERED BY MR. SCHIFF

The text of the amendment is as follows:

Page 438, after line 6, insert the following (and make such technical and conforming changes as may be appropriate):

**SEC. 1048. STUDY ON METHODS TO VERIFIABLY REDUCE THE LIKELIHOOD OF ACCIDENTAL NUCLEAR LAUNCH.**

(a) STUDY REQUIRED.—The Secretary of Defense shall carry out a study to evaluate procedural and physical options for introducing into the nuclear weapons launch procedures of the United States, Russia, China, and any other strategically appropriate nations determined by the Secretary, a time-delay before a launch command can be executed that would be transparent to and verifiable by the other nations. The options studied shall encompass a wide range of possible time-delays and shall include, for each option, an analysis of—

(1) the increased time, over current procedures, before a launch command can be executed;

(2) the strategic risk to United States national security, including the survivability of the United States arsenal under a range of verification failures;

(3) the range of possible inspection regimes, including the degree of verifiability that each would afford; and

(4) the availability of parallel options in the other nations included in such study.

(b) REPORT.—Not later than 6 months after the date of enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the results of the study. If a report under this subsection is submitted in classified form, the Secretary shall concurrently submit to the congressional defense committees an unclassified version of such report.

The Acting CHAIRMAN. Pursuant to House Resolution 1218, the gentleman from Missouri (Mr. SKELTON) and the gentleman from California (Mr. HUNTER) each will control 10 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, I urge the committee to adopt the amendments en bloc that have just been offered, all of which have been examined by both the majority and the minority.

I reserve the balance of my time.

Mr. HUNTER. Mr. Chairman, I yield to Mr. CASTLE, the gentleman from Delaware, 2 minutes.

Mr. CASTLE. Mr. Chairman, this group of en bloc amendments includes an amendment I have offered.

Although often overlooked, each military service offers active duty personnel and eligible members of the Guard and Reserve tuition assistance to take college courses during off-duty hours. For example, the Armed Forces Tuition Assistance Program offers active duty personnel up to \$4,500 each year to take college courses. These important programs help active duty soldiers to plan ahead by getting an education and setting goals that match their career aspirations.

However, with the demands of deployments and training, many active duty soldiers have difficulty finding time to use these education benefits and face obstacles in attending the institution of their choice. In response, Congressman HINOJOSA and I have in-

troduced this straightforward amendment which gives military installations the ability to enter into partnership with educational institutions for the purpose of making course schedules and curriculum more accessible and flexible for active duty troops. Such partnerships have proven effective in certain areas of the country, and our amendment makes clear the importance of working with local institutions to assist servicemembers in taking better advantage of their educational benefits.

I thank the ranking member for yielding and I thank the chairman for their work on this legislation and their cooperation on this issue.

Mr. TAYLOR. Mr. Chairman, I yield 1 minute to my friend and colleague, the gentleman from Washington (Mr. SMITH), the chairman of the Subcommittee on Terrorism, Unconventional Threats, and Capabilities.

Mr. SMITH of Washington. Mr. Chairman, I rise in support of the en bloc amendment and want to point particular attention to the amendment that was offered by me and Mr. THORBERRY on strategic communications.

Put simply, this is our effort to convey our message in the battle against violent extremism. And what we have discovered on our subcommittee is there are a lot of different pieces at the DOD and Department of State and elsewhere who are working on strategic communications issues, but none of it is coordinated. So our amendment asks for DOD and the administration to bring together and give us a coordinated plan for how to do strategic communications to make sure that our message, our counter-radicalization message, is coordinated and at its most effective.

I think this is an important amendment, and I thank the chairman for including it in the en bloc and urge the support of the body.

Mr. HUNTER. Mr. Chairman, I yield to the gentlelady from West Virginia (Mrs. CAPITO) 2 minutes.

Mrs. CAPITO. Mr. Chairman, I would like to thank the ranking member for yielding to me; I would like to thank the Rules Committee for making my amendment in order; and I would like to thank the chairman of the House Armed Services Committee and the ranking member for making this an en bloc amendment.

Each of our veterans who have served this country deserves to be honored by a grateful Nation. I come to the floor today to offer an amendment that provides funding for the Authorized Provider Partnership Program, otherwise known as AP3.

Before the 2000 national defense authorization, veterans who had fully retired from the military were normally not afforded a traditional military funeral. The 2000 National Defense Authorization Act then established the AP3 program, which required the Department of Defense to provide at least the folding and presentation of a flag,



the playing of taps, and to assist with any transportation or miscellaneous expenses.

The original provisions of this bill allow the Department of Defense to waive the obligation, which has resulted now in their funding being cut from this program. My amendment will reinstate the funding specifically for AP3 to \$3 million, \$1 million for the three branches of the military, to continue funeral honor services.

Our veterans have served our country bravely and were prepared to take the ultimate sacrifice. We owe it to them to give them a proper and fitting send-off in the recognition that they have served this country with honor. Their love of country will not go unrecognized.

I would like to say, each of us members have attended funerals of our veterans as they passed away, and there is very compelling and very stirring of patriotism to see our older veterans pay tribute to them by honor guard or folding or presentation of the flag. It is critical we continue this, and I hope that this amendment will be passed.

Mr. TAYLOR. Mr. Chairman, I yield 2 minutes to my friend and colleague, the gentlewoman from Guam (Ms. BORDALLO), a member of the House Armed Services Committee and the Readiness Subcommittee.

Ms. BORDALLO. I thank the gentleman from Mississippi.

I rise in strong support of this en bloc amendment package and of the underlying bill. One of the amendments in this en bloc package enables the Maritime Administration to perform necessary improvements at the Port of Guam. A \$13 billion investment is planned for military construction and civilian infrastructure on Guam.

The Port will be handling substantial amounts of cargo in a very condensed timeline. The Maritime Administration has a solid track record of assisting governments. They have done work in Alaska and Hawaii, and that is why we need them for the Port of Guam.

My amendment, which is included in this en bloc package, will enable the Maritime Administration and the government of Guam to execute a port improvement program under the terms of an MOU. Support for this amendment will help eliminate a potential chokepoint to the ultimate success of the build-up.

I want to thank Chairman SKELTON and Chairman ORTIZ for their support of Guam and the provisions in this bill that ensures congressional oversight and accountability of the military build-up. Provisions extend the Davis-Bacon Act to all military construction on Guam, establishes a procurement technical assistance center on Guam, establishes congressional guidance on improvements to the utility system, and encourages the development of an MOU between the Government of Guam and the Federal Government.

Mr. Chairman, I want to thank Chairman SKELTON. As he said on a re-

cent trip to my district, and I quote, "What is good for Guam, is good for our Nation."

I thank the Readiness Subcommittee staff, the full committee policy staff, Erin, Paul, and Andrew for their help. I urge my colleagues to vote "yes" on this en bloc package and "yes" on the final passage of H.R. 5658.

Mr. SAXTON. Mr. Chairman, I yield 2 minutes to the gentlelady from Florida (Ms. GINNY BROWN-WAITE), a great member of our committee.

Ms. GINNY BROWN-WAITE of Florida. I thank the gentleman.

Mr. Chairman, I rise today in support of the en bloc package. It does include an amendment that I have to the national defense authorization bill.

In keeping with the spirit of the Warrior Ethos, in 2005 the Department of Army authorized the creation of the Combat Action Badge. The Combat Action Badge provides special recognition to soldiers who personally engage the enemy or the enemy is engaged with during combat operations. Current Army policy limits eligibility, however, for the Combat Action Badge to those soldiers who serve after September 18, 2001.

While this is a noble effort, the award overlooks the thousands of veterans who have made similar sacrifices in previous wars. My amendment corrects this error by expanding the eligibility to include these soldiers who served since December 7, 1941. Not only does this award recognize all veterans who engaged the enemy in combat, it does so at no cost to the Army.

Mr. Chairman, this amendment will properly recognize our veterans for their sacrifices and service to this great Nation. I urge my colleagues to support this en bloc package.

Mr. SKELTON. I yield 1 minute to my friend, the gentlelady from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, Sergeant Jonathan Schulze was an Iraq war veteran who committed suicide after being denied care to address his PTSD symptoms. According to the Director of the National Institute of Mental Health, today, among veterans of the wars in Iraq and Afghanistan, the number of suicides may exceed the number who have been killed in combat. This is a broken promise, Mr. Chairman. After asking our soldiers to sacrifice so much, we must ensure they get the care they deserve.

I was proud to work with Chairman SKELTON on the DeLauro-Courtney amendment to direct the Secretary of Defense to conduct a demonstration project to assess the feasibility and the efficacy of providing face-to-face postdeployment mental health screening between members of the Armed Forces and a mental health provider.

□ 1715

The 2-year project will include a combat stress evaluation conducted by a qualified mental health professional 120 to 180 days of the date the soldier

returns. And a case manager will follow up by phone over the course of another 2 years.

We have no excuse for failing the soldiers who have given this Nation everything.

I urge adoption of this amendment.

Mr. SAXTON. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. LEWIS), the ranking member of the Appropriations Committee.

(Mr. LEWIS of California asked and was given permission to revise and extend his remarks.)

Mr. LEWIS of California. Mr. Chairman, I very much appreciate my colleague from New Jersey yielding this time, and I won't even take that much time.

I rise today to recognize the fact that there may be an amendment later this evening that will address the Marine Corps Training Center at 29 Palms. It's very, very important for the House to know the significance of that facility, the role it plays in the great work of the Marine Corps. The design here is to try to improve and help with that work.

Mr. Chairman, I rise first to congratulate Chairman IKE SKELTON and ranking member and former Chairman DUNCAN HUNTER for working together in a bipartisan manner to craft an excellent National Defense Authorization Bill. As you know, this is DUNCAN HUNTER's last authorization bill and I honor his many years of service on the Armed Services Committee and his unfailing support of our men and women in uniform.

Mr. Chairman, unfortunately an amendment has been made in order to strike an important project that would benefit all the marines and their family members who are stationed or who pass through Twentynine Palms marine base.

This project is the Lifelong Learning Center. Phase I of the Life Long Learning Center, LLC, project at the Marine Corps base Twentynine Palms provides a facility to help marines and their families fulfill their educational goals.

The project will replace older, undersized facilities with a 17,000 square foot, three-story building which will include classrooms, office spaces, a computer room and other supporting infrastructure.

When completed, the LLC will facilitate more than 40 higher education classes with an anticipated enrollment exceeding 1500 students per term.

U.S. MARINE CORPS, MARINE AIR  
GROUND TASK FORCE TRAINING  
COMMAND, MARINE CORPS AIR  
GROUND COMBAT CENTER,

Twentynine Palms, CA, May 22, 2008.

Subject: Life Long Learning Center—  
Twentynine Palms

Hon. Mr. Lewis,  
Rayburn House Office Building,  
Washington, DC.

DEAR MR. LEWIS. The Marine Corps Air Ground Combat Center (MCAGCC) is a remote, isolated base that is both home for about one third of the 1st Marine Division and other units assigned to I Marine Expeditionary Force, and is a service level training installation. The installation has worked hard over the years on innovation and best practices as evidenced by our state-of-the-art training capabilities, demonstrated excellence in energy conservation, improvements in quality of life for our people, and

installation management. We are now determined to improve the educational opportunities for the 12,000 Marines, their families and the civilians who serve at this remote outpost.

The Life Long Learning Center (LLLC) project is critical to the success of our educational initiatives. MCAGCC's current educational facilities are single story, 1950 era barracks scattered throughout the base that have been converted into classrooms. These facilities do not meet the needs of our educational programs. The LLLC will provide a modern facility that will meet all our requirements in one centralized location. The project, as we have submitted in the Military Construction program, will be constructed in two phases. The first phase is a 17,000 square foot, three-story building which will include classrooms, office spaces, a computer lab and other supporting infrastructure. When completed, this facility will provide space for more than 40 higher education classes with an anticipated enrollment exceeding 1500 students per term. The second phase will provide a library.

We are committed to continuing education for our Marines and Sailors. Not only do we get better Marines and Sailors, we also set them up for success as they return to their civilian communities.

Teaming with local school systems, MCAGCC has brought the expertise of the Department of Defense Education Activity (DoDEA) to assist with local educational challenges. While focused on military dependent children, there are a number of programs that will benefit our local community, to include teacher training and DoDEA provided AP courses. In this remote and isolated location, employment opportunities are limited for spouses and dependents. This facility will allow us to expand education opportunities as an alternative to employment.

MCAGCC is the single largest employer in the Morongo Basin and access to a quality workforce is critical to our mission. We provide multiple workforce development education and training programs. I am convinced that improved education programs will benefit the overall workforce, enhance the quality of life in this region and ensure we are able to continue to train our Marines for combat as our current civilian workforce ages and retires.

The state-of-the-art educational facility provided by the LLLC will provide Marines and their families the opportunity to work on their career goals as well as prepare them for life after the Marine Corps. It is my highest quality of life initiative and I truly appreciate your assistance in helping us support the Marines and Sailors preparing to defend this great country of ours.

Sincerely,

M. G. SPIESE,  
*Brigadier General.*

Mr. SKELTON. I yield 1 minute at this time to a friend, the gentlelady from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. I'd like to thank Chairman SKELTON for working with me on my amendment to prohibit private security contractors from performing inherently governmental functions in combat areas, and for offering his support.

We've all heard about the violent incidents involving private security contractors injuring and killing civilians in Iraq and elsewhere. This is a systemic problem that exists because private employees are currently being tasked with extremely sensitive jobs like gathering intelligence and providing armed security.

And it is a systematic problem that private contractors do not wear the badge of the United States, are clearly not part of the chain of command, are not subject to the same accountability that those who are employed with the badge of the United States, and that those contractors have often damaged the credibility of our military and harmed our relationship with the Iraqi government.

We want to show the American people and the Iraqis, that there are inherently governmental functions that will only be performed by people in the U.S. military or our U.S. Government personnel.

I urge support for this entire bill and for this amendment.

Mr. SAXTON. Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. PRICE).

Mr. PRICE of Georgia. Mr. Chairman, I thank you for your leadership on this issue. I want to thank the chairman of the committee and the ranking member for their work on this committee.

My amendment in this en bloc amendment addresses the issue of eliminating waste, fraud and abuse within the DOD system by addressing the issue of government-wide purchase cards. These cards are used to acquire supplies such as pencils, paper, computers, but also to even make payments on government contract. And these cards, while they've proven to be valuable as they reduce administrative costs and increase flexibility, they can be used or abused and misused, as has been evident by a recent GAO study. That study showed that, over a 1-year period of time, 41 percent of the purchase card transactions failed to meet basic internal standards.

My amendment will ensure that purchases are independently verified and received by an authorizing official. It asks for an inventory of property to be updated promptly. Without doing this, property such as laptops and computers can go missing or even stolen.

And for those personnel who abuse the purchase cards, this amendment would dictate that DOD will have the option of having them reimburse the government for unauthorized or erroneous purchases.

I know my colleagues will support this wise amendment to decrease waste, fraud and abuse. I thank my colleagues for their support.

Mr. SKELTON. I yield 1 minute to my friend, my colleague, the gentlelady from Wisconsin (Ms. MOORE).

Ms. MOORE of Wisconsin. Thank you, Mr. Chairman, for yielding me the time.

I believe that the prevalence of PTSD, post-traumatic stress disorder, among our servicemembers is a critically important issue that we must continue to focus on.

It is distressing that a rising number of our brave service men and women are coming back from conflicts in Afghanistan and Iraq suffering from the

signature injuries of this conflict, PTSD and traumatic brain injury.

I'm sure that my colleagues are aware of the recent Rand report that up to 300,000 Iraq and Afghanistan veterans may currently be suffering from PTSD or depression. My amendment would ensure that recommendations have been put forward to close identified gaps in access to care, to fight stigma and improve treatment are actually implemented.

Unfortunately, an Iraqi veteran in my district lost his battle with the PTSD, despite his parents' frenetic and futile efforts to get the desperately needed services.

We must never lose sight of the fact that it's our goal not just for DOD to have a plan, but to actually make the changes and do it in a timely manner.

Mr. SAXTON. Mr. Chairman, we have no further speakers at this time, and I am prepared to yield back. I do yield back.

Mr. SKELTON. I yield 1 minute to my good friend, the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. Thank you, Mr. Chairman, for including my amendment in the en bloc package.

My amendment requires the Secretary of Defense to explore ways in which we can reduce the likelihood of an accidental nuclear launch from arsenals around the world.

Since the end of the Cold War, the procedures required to launch nuclear weapons have remained virtually unchanged. Both the U.S. and Russia still maintain thousands of nuclear weapons on high alert that can be launched at a moment's notice. Though the risk of a deliberate nuclear war with Russia is now very low, the danger of an accidental launch has increased.

In an op-ed in the Wall Street Journal in January, George Shultz, William Perry, Henry Kissinger and Sam Nunn said that we must "take steps to increase the warning and decision times for the launch of all nuclear-armed ballistic missiles, thereby reducing risks of accidental or unauthorized attacks. Reliance on launch procedures that deny command authorities sufficient time to make careful and prudent decisions is unnecessary and dangerous in today's environment."

This amendment to the defense authorization act calls for a study of the methods by which Chinese, Russian and American weapons can be made safer in a multilateral framework, and I urge its support.

Mr. SKELTON. At this time, I yield 1 minute to a friend, a member of the Committee on Armed Services, the gentleman from Pennsylvania (Mr. SESTAK).

Mr. SESTAK. Mr. Chairman, there are 8,500 autistic children in the U.S. military. Only 700 get intervention help. Part of the reason is that they, military families move every 2 to 3 years, and if they try to apply to their States into the right intervention help, they don't have enough time to get that.



The other problem is the TRICARE program has in place what's called Echo, where they get, after they wait quite some period of time, 1 hour of help each day. The American Academy of Pediatrics says it should be 5 hours minimum a day, and the National Research Council says 8 hours minimum a day. This amendment, amendment 10, merely says at this time let's give them at least 2 hours a day.

And then, because of Mr. SKELTON, because of Congresswoman DAVIS, because of Congressman SNYDER, this amendment is here today. Also in the bill is a study to see if we can't place them under standardized TRICARE plans so they can get everything that they need.

I very much appreciate your help, Mr. Chairman.

Mr. HINOJOSA. Mr. Chairman, I rise today to offer an amendment to the National Defense Authorization Act for Fiscal Year 2009.

The Armed Forces Tuition Assistance program offers active duty personnel in our Nation's Armed Forces an annual stipend to enroll in college courses during their off-duty time.

Unfortunately, low awareness of this program and the rigorous and inflexible schedules of our troops have prevented the full utilization of these programs. While the education of our veterans deservedly garners much of our attention, it is important for us to remember that our servicemembers' educational pursuits should not be suspended while on active duty.

Our modest amendment will authorize military installations to enter into partnerships with educational institutions to help provide a richer and more flexible course schedule for our men and women in the armed services.

I wish to thank Mr. CASTLE for joining with me in this effort and hope that my colleagues will join me in supporting this amendment.

Mr. SKELTON. I yield back on this en bloc amendment.

The Acting CHAIRMAN. The question is on the amendments en bloc offered by the gentleman from Missouri (Mr. SKELTON).

The amendments en bloc were agreed to.

#### ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 110-666 on which further proceedings were postponed, and in the following order:

Amendment Number 3 by Mr. AKIN of Missouri.

Amendment Number 6 by Mr. FRANKS of Arizona.

Amendment Number 23 by Mr. TIERNEY of Massachusetts.

Amendment Number 33 by Mr. PEARCE of New Mexico.

Amendment Number 26 by Ms. LEE of California.

Amendment Number 53 by Mr. BRALEY of Iowa.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

#### AMENDMENT NO. 3 OFFERED BY MR. AKIN

The Acting CHAIRMAN. The unfinished business is the demand for a re-

corded vote on the amendment offered by the gentleman from Missouri (Mr. AKIN) 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 Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 128, noes 287, not voting 24, as follows:

[Roll No. 355]

#### AYES—128

Aderholt	Goodlatte	Pickering
Akin	Hall (TX)	Pitts
Bachmann	Hastings (WA)	Platts
Bachus	Heller	Poe
Barrett (SC)	Hensarling	Price (GA)
Bartlett (MD)	Herger	Putnam
Barton (TX)	Hoekstra	Radanovich
Bilbray	Hunter	Regula
Blackburn	Inglis (SC)	Reichert
Blunt	Issa	Renzi
Boehner	Johnson, Sam	Reynolds
Bono Mack	Jordan	Rogers (AL)
Boozman	Keller	Rogers (MI)
Boustany	King (IA)	Rohrabacher
Brady (TX)	Kline (MN)	Royce
Broun (GA)	Knollenberg	Ryan (WI)
Burgess	Kuhl (NY)	Sali
Burton (IN)	LaHood	Saxton
Calvert	Lamborn	Scalise
Camp (MI)	Latta	Sensenbrenner
Campbell (CA)	Lewis (CA)	Shadegg
Cantor	Lewis (KY)	Shimkus
Coble	Linder	Shuster
Cole (OK)	Lucas	Simpson
Conaway	Lungren, Daniel	Smith (NE)
Cubin	E.	Smith (TX)
Culberson	Mack	Sullivan
Davis (KY)	Manzullo	Tancredo
Davis, David	Marchant	Terry
Doolittle	McCotter	Thornberry
Drake	McCrery	Tiahrt
Dreier	McHenry	Tiberi
Everett	McHugh	Turner
Fallin	McKeon	Upton
Ferguson	McMorris	Wamp
Flake	Rodgers	Weller
Forbes	Miller (FL)	Westmoreland
Foxx	Miller (MI)	Wilson (NM)
Franks (AZ)	Miller, Gary	Wilson (SC)
Frelinghuysen	Neugebauer	Wittman (VA)
Gallegly	Nunes	Wolf
Garrett (NJ)	Pearce	Young (FL)
Gingrey	Pence	
Goode	Petri	

#### NOES—287

Abercrombie	Brown (SC)	Cramer
Ackerman	Brown, Corrine	Crowley
Alexander	Brown-Waite,	Cuellar
Allen	Ginny	Cummings
Altmire	Buchanan	Davis (AL)
Arcuri	Butterfield	Davis (CA)
Baca	Buyer	Davis (IL)
Baird	Capito	Davis, Lincoln
Baldwin	Capps	Davis, Tom
Barrow	Capuano	Deal (GA)
Bean	Cardoza	DeFazio
Becerra	Carnahan	DeGette
Berkley	Carney	Delahunt
Berman	Carson	DeLauro
Berry	Castle	Dent
Biggert	Cazayoux	Diaz-Balart, L.
Billirakis	Chabot	Diaz-Balart, M.
Bishop (GA)	Chandler	Dicks
Bishop (NY)	Childers	Dingell
Blumenauer	Clarke	Doggett
Bonner	Clay	Donnelly
Bordallo	Cleaver	Duncan
Boren	Clyburn	Edwards
Boswell	Cohen	Ehlers
Boucher	Conyers	Ellison
Boyd (FL)	Cooper	Ellsworth
Boyd (KS)	Costa	Emanuel
Brady (PA)	Costello	Emerson
Braley (IA)	Courtney	Engel

English (PA)	Latham	Rogers (KY)
Eshoo	LaTourette	Ros-Lehtinen
Etheridge	Lee	Roskam
Faleomavaega	Levin	Ross
Farr	Lewis (GA)	Rothman
Fattah	Lipinski	Roybal-Allard
Feeney	LoBiondo	Ruppersberger
Filner	Loeb sack	Ryan (OH)
Fortenberry	Loftgren, Zoe	Salazar
Fossella	Lowe	Sanchez, Linda
Foster	Lynch	T.
Frank (MA)	Mahoney (FL)	Sanchez, Loretta
Gerlach	Maloney (NY)	Sarbanes
Giffords	Markey	Schakowsky
Gilchrest	Marshall	Schiff
Gohmert	Matheson	Schmidt
Gonzalez	Matsui	Schwartz
Gordon	McCarthy (CA)	Scott (GA)
Granger	McCarthy (NY)	Scott (VA)
Graves	McCaul (TX)	Serrano
Green, Al	McCollum (MN)	Sessions
Green, Gene	McDermott	Sestak
Grijalva	McGovern	Shays
Gutierrez	McIntyre	Shea-Porter
Hall (NY)	McNerney	Sherman
Hare	McNulty	Shuler
Harman	Meek (FL)	Sires
Hastings (FL)	Meeks (NY)	Skelton
Hayes	Melancon	Slaughter
Herseth Sandlin	Mica	Smith (NJ)
Higgins	Michaud	Smith (WA)
Hill	Miller (NC)	Snyder
Hinche	Miller, George	Solis
Hirono	Mitchell	Souder
Hodes	Mollohan	Space
Holden	Moore (KS)	Speier
Holt	Moore (WI)	Spratt
Honda	Moran (KS)	Stark
Hooley	Moran (VA)	Stearns
Hoyer	Murphy (CT)	Stupak
Hulshof	Murphy, Patrick	Sutton
Inslee	Murphy, Tim	Tanner
Israel	Murtha	Tauscher
Jackson (IL)	Myrick	Taylor
Jackson-Lee	Napolitano	Thompson (CA)
(TX)	Neal (MA)	Thompson (MS)
Jefferson	Norton	Tierney
Johnson (GA)	Oberstar	Towns
Johnson (IL)	Obey	Tsongas
Johnson, E. B.	Oliver	Udall (NM)
Jones (NC)	Ortiz	Van Hollen
Jones (OH)	Pallone	Velázquez
Kagen	Pascarell	Visclosky
Kanjorski	Pastor	Walberg
Kaptur	Payne	Walz (MN)
Kennedy	Perlmutter	Wasserman
Kildee	Peterson (MN)	Schultz
Kilpatrick	Peterson (PA)	Waters
Kind	Pomeroy	Watson
King (NY)	Porter	Watt
Kingston	Price (NC)	Waxman
Kirk	Rahall	Weiner
Klein (FL)	Ramstad	Welch (VT)
Kucinich	Rangel	Weldon (FL)
Lampson	Rehberg	Whitfield (KY)
Langevin	Reyes	Wilson (OH)
Larsen (WA)	Richardson	Wu
Larson (CT)	Rodriguez	Yarmuth

#### NOT VOTING—24

Andrews	Fortuño	Rush
Bishop (UT)	Gillibrand	Udall (CO)
Cannon	Hinojosa	Walden (OR)
Carter	Hobson	Walsh (NY)
Castor	Musgrave	Wexler
Christensen	Nadler	Woolsey
Crenshaw	Paul	Wynn
Doyle	Pryce (OH)	Young (AK)

□ 1751

Mrs. MCCARTHY of New York, Messrs. HALL of New York, BERMAN, CAZAYOUX, JOHNSON of Georgia, BROWN of South Carolina, SOUDER, LATHAM, GOHMERT, AL GREEN of Texas, LINCOLN DIAZ-BALART of Florida, CHABOT and ROSKAM changed their vote from "aye" to "no."

Messrs. CALVERT and SHUSTER changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. BISHOP of Utah. Mr. Chairman, on roll-call No. 355, had I been present, I would have voted "no."

AMENDMENT NO. 6 OFFERED BY MR. FRANKS OF ARIZONA

The Acting 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 Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 186, noes 229, not voting 24, as follows:

[Roll No. 356]

#### AYES—186

Aderholt	Fox	Miller, Gary
Akin	Franks (AZ)	Moran (KS)
Alexander	Frelinghuysen	Murphy, Tim
Altmire	Galleghy	Myrick
Bachmann	Garrett (NJ)	Neugebauer
Bachus	Gerlach	Nunes
Barrett (SC)	Gingrey	Pearce
Bartlett (MD)	Gohmert	Pence
Barton (TX)	Goode	Peterson (PA)
Bean	Goodlatte	Pickering
Billray	Granger	Pitts
Bilirakis	Graves	Platts
Bishop (UT)	Hall (TX)	Poe
Blackburn	Hastings (WA)	Porter
Blunt	Hayes	Price (GA)
Boehner	Heller	Putnam
Bonner	Hensarling	Radanovich
Bono Mack	Herger	Regula
Boozman	Hereth Sandlin	Rehberg
Boustany	Hoekstra	Reichert
Brady (TX)	Hulshof	Renzi
Broun (GA)	Hunter	Reynolds
Brown (SC)	Inglis (SC)	Rogers (AL)
Brown-Waite,	Issa	Rogers (KY)
Ginny	Johnson (IL)	Rogers (MI)
Buchanan	Johnson, Sam	Rohrabacher
Burgess	Jordan	Ros-Lehtinen
Burton (IN)	Keller	Roskam
Buyer	King (IA)	Royce
Calvert	King (NY)	Ruppersberger
Camp (MI)	Kirkston	Ryan (WI)
Campbell (CA)	Kirk	Sali
Cantor	Kline (MN)	Saxton
Capito	Knollenberg	Scalise
Cazayoux	Kuhl (NY)	Schmidt
Chabot	Lamborn	Sessions
Childers	Latham	Shadegg
Cole (OK)	LaTourette	Shimkus
Conaway	Latta	Shuster
Cramer	Lewis (CA)	Simpson
Cubin	Lewis (KY)	Smith (NE)
Culberson	Linder	Smith (NJ)
Davis (AL)	LoBiondo	Smith (TX)
Davis (KY)	Lucas	Souder
Davis, David	Lungren, Daniel	Space
Davis, Tom	E.	Stearns
Deal (GA)	Mack	Sullivan
Dent	Manzullo	Tancredo
Diaz-Balart, L.	Marchant	Terry
Diaz-Balart, M.	Marshall	Thornberry
Donnelly	McCarthy (CA)	Tiahrt
Doolittle	McCauley (TX)	Tiberti
Drake	McCotter	Turner
Dreier	McCreary	Walberg
English (PA)	McHenry	Wamp
Everett	McHugh	Weldon (FL)
Fallin	McKeon	Weller
Feeney	McMorris	Westmoreland
Ferguson	Rodgers	Wilson (NM)
Flake	McNerney	Wilson (SC)
Forbes	Mica	Wittman (VA)
Fortenberry	Miller (FL)	Wolf
Fossella	Miller (MI)	Young (FL)

#### NOES—229

Abercrombie	Green, Al	Obey
Ackerman	Green, Gene	Oliver
Allen	Grijalva	Ortiz
Arcuri	Gutierrez	Pallone
Baca	Hall (NY)	Pascarell
Baird	Hare	Pastor
Baldwin	Harman	Payne
Barrow	Hastings (FL)	Perlmutter
Becerra	Higgins	Peterson (MN)
Berkley	Hill	Petri
Berman	Hinchey	Pomeroy
Berry	Hirono	Price (NC)
Biggert	Hodes	Rahall
Bishop (GA)	Holden	Ramstad
Bishop (NY)	Holt	Rangel
Blumenauer	Honda	Reyes
Bordallo	Hooley	Richardson
Boren	Hoyer	Rodriguez
Boswell	Inslee	Ross
Boucher	Israel	Rothman
Boyd (FL)	Jackson (IL)	Roybal-Allard
Boyd (KS)	Jackson-Lee	Ryan (OH)
Brady (PA)	(TX)	Salazar
Braley (IA)	Jefferson	Sanchez, Linda
Brown, Corrine	Johnson (GA)	T.
Butterfield	Johnson, E. B.	Sanchez, Loretta
Capps	Jones (NC)	Sarbanes
Capuano	Jones (OH)	Schakowsky
Cardoza	Kagen	Schiff
Carnahan	Kanjorski	Schwartz
Carney	Kaptur	Scott (GA)
Carson	Kennedy	Scott (VA)
Castle	Kildee	Sensenbrenner
Chandler	Kilpatrick	Serrano
Clarke	Kind	Sestak
Clay	Klein (FL)	Shays
Cleaver	Kucinich	Shea-Porter
Clyburn	LaHood	Sherman
Coble	Lampson	Shuler
Cohen	Langevin	Sires
Conyers	Larsen (WA)	Skelton
Cooper	Larson (CT)	Slaughter
Costa	Lee	Smith (WA)
Costello	Levin	Snyder
Courtney	Lewis (GA)	Solis
Crowley	Lipinski	Speier
Cuellar	Loeb sack	Spratt
Cummings	Lofgren, Zoe	Stark
Davis (CA)	Lowey	Stupak
Davis (IL)	Mahoney (FL)	Sutton
Davis, Lincoln	Maloney (NY)	Tanner
DeFazio	Markey	Tauscher
DeGette	Matheson	Taylor
Delahunt	Matsui	Thompson (CA)
DeLauro	McCarthy (NY)	Thompson (MS)
Dicks	McCollum (MN)	Tierney
Dingell	McDermott	Towns
Doggett	McGovern	Tsongas
Duncan	McIntyre	Udall (NM)
Edwards	McNulty	Upton
Ehlers	Meek (FL)	Van Hollen
Ellison	Meeks (NY)	Velázquez
Ellsworth	Melancon	Visclosky
Emanuel	Michaud	Walsh (NY)
Emerson	Miller (NC)	Walz (MN)
Engel	Miller, George	Wasserman
Eshoo	Mitchell	Schultz
Etheridge	Mollohan	Waters
Faleomavaega	Moore (KS)	Filner
Farr	Moore (WI)	Foster
Fattah	Moran (VA)	Frank (MA)
Filner	Murphy (CT)	Green, Al
Foster	Murphy, Patrick	Grijalva
Frank (MA)	Murtha	Hall (NY)
Giffords	Napolitano	Hare
Gilchrest	Neal (MA)	
Gonzalez	Norton	
Gordon	Oberstar	

#### NOT VOTING—24

Andrews	Gillibrand	Rush
Cannon	Hinojosa	Udall (CO)
Carter	Hobson	Walden (OR)
Castor	Lynch	Walsh (NY)
Christensen	Musgrave	Wexler
Crenshaw	Nadler	Whitfield (KY)
Doyle	Paul	Wynn
Fortuño	Pryce (OH)	Young (AK)

#### ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). There is less than 1 minute remaining in the vote.

□ 1755

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 23 OFFERED BY MR. TIERNEY

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. TIERNEY) on which further proceedings were postponed and on which the ayes by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

#### RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 122, noes 292, not voting 25, as follows:

[Roll No. 357]

#### AYES—122

Ackerman	Hastings (FL)	Oliver
Allen	Hayes	Pallone
Baird	Hinchey	Pascarell
Baldwin	Hodes	Payne
Berman	Holden	Price (NC)
Bishop (NY)	Holt	Rahall
Blumenauer	Honda	Rangel
Boswell	Hooley	Roybal-Allard
Brady (PA)	Jackson (IL)	Sanchez, Linda
Braley (IA)	Jackson-Lee	T.
Brown, Corrine	(TX)	Schakowsky
Capps	Kagen	Schiff
Capuano	Kanjorski	Schwartz
Castle	Kildee	Serrano
Clarke	Kind	Shays
Clay	Kucinich	Sherman
Cleaver	Larson (CT)	Shuler
Cohen	Lee	Sires
Costello	Levin	Slaughter
Courtney	Lewis (GA)	Solis
Cummings	Loeb sack	Speier
Davis (CA)	Lofgren, Zoe	Stark
Davis (IL)	Lowey	Sutton
DeFazio	Lynch	Thompson (CA)
DeGette	Maloney (NY)	Tierney
Delahunt	Markey	Towns
DeLauro	Matheson	Udall (NM)
Dingell	Matsui	Van Hollen
Doggett	McCollum (MN)	Velázquez
Duncan	McDermott	Visclosky
Ellison	McGovern	Walz (MN)
Emanuel	McNerney	Wasserman
Eshoo	McNulty	Schultz
Farr	Michaud	Waters
Fattah	Miller, George	Watson
Filner	Moore (WI)	Watt
Foster	Moran (KS)	Waxman
Frank (MA)	Moran (VA)	Weiner
Green, Al	Napolitano	Welch (VT)
Grijalva	Neal (MA)	Wu
Hall (NY)	Oberstar	Yarmuth
Hare	Obey	

#### NOES—292

Abercrombie	Blunt	Campbell (CA)
Aderholt	Boehner	Cantor
Akin	Bonner	Capito
Alexander	Bono Mack	Cardoza
Altmire	Boozman	Carnahan
Arcuri	Bordallo	Carney
Baca	Boren	Carson
Bachmann	Boucher	Cazayoux
Barrett (SC)	Boustany	Chabot
Barrow	Boyd (FL)	Chandler
Bartlett (MD)	Boyd (KS)	Childers
Barton (TX)	Brady (TX)	Clyburn
Bean	Broun (GA)	Coble
Becerra	Brown (SC)	Cole (OK)
Berkley	Brown-Waite,	Conaway
Berry	Ginny	Conyers
Biggert	Buchanan	Cooper
Billray	Burgess	Costa
Bilirakis	Burton (IN)	Cramer
Bishop (GA)	Butterfield	Crowley
Bishop (UT)	Calvert	Cubin
Blackburn	Camp (MI)	Cuellar

Culberson  
Davis (AL)  
Davis (KY)  
Davis, David  
Davis, Lincoln  
Davis, Tom  
Deal (GA)  
Dent  
Diaz-Balart, L.  
Diaz-Balart, M.  
Dicks  
Donnelly  
Doolittle  
Drake  
Dreier  
Edwards  
Ehlers  
Ellsworth  
Emerson  
Engel  
English (PA)  
Etheridge  
Everett  
Faleomavaega  
Fallin  
Feeney  
Ferguson  
Flake  
Forbes  
Fortenberry  
Fossella  
Foxy  
Franks (AZ)  
Frelinghuysen  
Gallegly  
Garrett (NJ)  
Gerlach  
Giffords  
Gilchrest  
Gingrey  
Gohmert  
Gonzalez  
Goode  
Goodlatte  
Gordon  
Granger  
Graves  
Green, Gene  
Gutierrez  
Harman  
Hastings (WA)  
Heller  
Hensarling  
Herger  
Herseth Sandlin  
Higgins  
Hill  
Hirono  
Hoekstra  
Hoyer  
Hulshof  
Hunter  
Inglis (SC)  
Inslee  
Israel  
Issa  
Jefferson  
Johnson (GA)  
Johnson (IL)  
Johnson, E. B.  
Johnson, Sam  
Jones (NC)  
Jones (OH)  
Jordan  
Kaptur  
Keller  
Kennedy

Kilpatrick  
King (IA)  
King (NY)  
Kingston  
Kirk  
Klein (FL)  
Kline (MN)  
Knollenberg  
Kuhl (NY)  
LaHood  
Lamborn  
Lampson  
Langevin  
Larsen (WA)  
Latham  
LaTourette  
Latta  
Lewis (CA)  
Lewis (KY)  
Linder  
Lipinski  
LoBiondo  
Lucas  
Lungren, Daniel

E.  
Mack  
Mahoney (FL)  
Manzullo  
Marchant  
Marshall  
McCarthy (CA)  
McCarthy (NY)  
McCaul (TX)  
McCotter  
McCrery  
McHenry  
McHugh  
McIntyre  
McKeon  
McMorris  
Rodgers  
Meek (FL)  
Meeks (NY)  
Melancon  
Mica  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Mitchell  
Mollohan  
Moore (KS)  
Murphy (CT)  
Murphy, Patrick  
Murphy, Tim  
Murtha  
Myrick  
Neugebauer  
Norton  
Nunes  
Ortiz  
Pastor  
Pearce  
Pence  
Perlmutter  
Peterson (MN)  
Peterson (PA)  
Petri  
Pickering  
Pitts  
Platts  
Poe  
Pomeroy  
Porter  
Price (GA)  
Putnam  
Radanovich

Ramstad  
Regula  
Rehberg  
Reichert  
Renzi  
Reyes  
Reynolds  
Richardson  
Rodriguez  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Ros-Lehtinen  
Roskam  
Ross  
Rothman  
Royce  
Ruppersberger  
Ryan (OH)  
Ryan (WI)  
Salazar  
Sali  
Sanchez, Loretta  
Sarbanes  
Saxton  
Scalise  
Schmidt  
Scott (GA)  
Scott (VA)  
Sensenbrenner  
Sessions  
Sestak  
Shadegg  
Shea-Porter  
Shimkus  
Shuster  
Simpson  
Skelton  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Snyder  
Souder  
Space  
Spratt  
Stearns  
Stupak  
Sullivan  
Tancredo  
Tanner  
Tauscher  
Taylor  
Terry  
Thompson (MS)  
Thornberry  
Tiahrt  
Cantor  
Chabot  
Cole (OK)  
Conaway  
Cubin  
Culberson  
Davis (KY)  
Davis, David  
Davis, Tom  
Deal (GA)  
Diaz-Balart, L.  
Diaz-Balart, M.  
Doolittle  
Dreier  
Duncan  
Everett  
Fallin  
Feeney  
Ferguson  
Flake

## NOT VOTING—25

Andrews  
Bachus  
Buyer  
Cannon  
Carter  
Castor  
Christensen  
Crenshaw  
Doyle

Fortuño  
Gillibrand  
Hall (TX)  
Hinojosa  
Hobson  
Musgrave  
Nadler  
Paul  
Pryce (OH)

Rush  
Udall (CO)  
Walden (OR)  
Walsh (NY)  
Wexler  
Wynn  
Young (AK)

□ 1759

ANNOUNCEMENT BY THE ACTING CHAIRMAN  
The Acting CHAIRMAN (during the vote). There is 1 minute remaining in this vote.

So the amendment was rejected.

The result of the vote was announced as above recorded.

## AMENDMENT NO. 33 OFFERED BY MR. PEARCE

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New Mexico (Mr. PEARCE) 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 Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 145, noes 271, not voting 23, as follows:

[Roll No. 358]

## AYES—145

Aderholt  
Akin  
Alexander  
Bachmann  
Bachus  
Barrett (SC)  
Bartlett (MD)  
Barton (TX)  
Bilbray  
Bilirakis  
Bishop (UT)  
Blackburn  
Blunt  
Boehner  
Bonner  
Bono Mack  
Boozman  
Boustany  
Brady (TX)  
Broun (GA)  
Brown (SC)  
Brown-Waite,  
Ginny  
Buchanan  
Burgess  
Burton (IN)  
Calvert  
Camp (MI)  
Campbell (CA)  
Cantor  
Chabot  
Cole (OK)  
Conaway  
Cubin  
Culberson  
Davis (KY)  
Davis, David  
Davis, Tom  
Deal (GA)  
Diaz-Balart, L.  
Diaz-Balart, M.  
Doolittle  
Dreier  
Duncan  
Everett  
Fallin  
Feeney  
Ferguson  
Flake

## NOES—271

Abercrombie  
Ackerman  
Allen  
Altmire  
Arcuri  
Baca  
Baird  
Baldwin  
Barrow  
Bean  
Becerra  
Berkley  
Berman  
Berry  
Biggart  
Bishop (GA)  
Bishop (NY)  
Blumenauer

Fossella  
Foxy  
Franks (AZ)  
Frelinghuysen  
Gallegly  
Garrett (NJ)  
Gingrey  
Gohmert  
Goode  
Goodlatte  
Granger  
Graves  
Hall (TX)  
Hastings (WA)  
Heller  
Hensarling  
Herger  
Hulshof  
Hunter  
Issa  
Johnson, Sam  
Jordan  
Keller  
King (IA)  
King (NY)  
Kline (MN)  
Kuhl (NY)  
LaHood  
Lamborn  
Latham  
Latta  
Lewis (CA)  
Lewis (KY)  
Linder  
Lucas  
Lungren, Daniel  
E.  
Mack  
Marchant  
Marshall  
McCaul (TX)  
McCotter  
McCrery  
McHenry  
McHugh  
McKeon  
Mica  
Miller (FL)  
Miller (MI)

Bordallo  
Boren  
Boswell  
Boucher  
Boyd (FL)  
Boyda (KS)  
Brady (PA)  
Braley (IA)  
Brown, Corrine  
Butterfield  
Buyer  
Capito  
Capps  
Capuano  
Cardoza  
Carnahan  
Carney  
Carson

Cummings  
Davis (AL)  
Davis (CA)  
Davis (IL)  
Davis, Lincoln  
DeFazio  
DeGette  
Delahunt  
DeLauro  
Dent  
Dicks  
Dingell  
Doggett  
Donnelly  
Drake  
Edwards  
Ehlers  
Ellison  
Ellsworth  
Emanuel  
Emerson  
Engel  
English (PA)  
Eshoo  
Etheridge  
Faleomavaega  
Farr  
Fattah  
Filner  
Forbes  
Fortenberry  
Foster  
Frank (MA)  
Gerlach  
Giffords  
Gilchrest  
Gonzalez  
Gordon  
Green, Al  
Green, Gene  
Grijalva  
Gutierrez  
Hall (NY)  
Hare  
Harman  
Hastings (FL)  
Hayes  
Herseth Sandlin  
Higgins  
Hill  
Hinchey  
Hirono  
Hodes  
Hoekstra  
Holden  
Holt  
Honda  
Hooley  
Hoyer  
Inglis (SC)  
Inslee  
Israel  
Jackson (IL)  
Jackson-Lee  
(TX)  
Jefferson  
Johnson (GA)  
Johnson (IL)  
Johnson, E. B.  
Jones (NC)  
Jones (OH)  
Kagen  
Kanjorski  
Kaptur

Kennedy  
Kildee  
Kilpatrick  
Kind  
Kingston  
Kirk  
Klein (FL)  
Knollenberg  
Kucinich  
Lampson  
Langevin  
Larsen (WA)  
Larson (CT)  
LaTourette  
Lee  
Levin  
Lewis (GA)  
Lipinski  
LoBiondo  
Loeb sack  
Loftgren, Zoe  
Lowey  
Lynch  
Mahoney (FL)  
Maloney (NY)  
Manzullo  
Markay  
Matheson  
Matsui  
McCarthy (CA)  
McCarthy (NY)  
McCollum (MN)  
McDermott  
McGovern  
McIntyre  
McMorris  
Rodgers  
McNerney  
McNulty  
Meek (FL)  
Meeks (NY)  
Melancon  
Michaud  
Miller (NC)  
Miller, George  
Mitchell  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (VA)  
Murphy (CT)  
Murphy, Patrick  
Murtha  
Napolitano  
Neal (MA)  
Norton  
Oberstar  
Obey  
Olver  
Ortiz  
Pallone  
Pascarella  
Pastor  
Payne  
Perlmutter  
Peterson (MN)  
Petri  
Platts  
Pomeroy  
Porter  
Price (NC)  
Rahall  
Ramstad  
Rangel

## NOT VOTING—23

Andrews  
Cannon  
Carter  
Castor  
Christensen  
Crenshaw  
Doyle  
Fortuño

Gillibrand  
Hinojosa  
Hobson  
Musgrave  
Nadler  
Paul  
Pryce (OH)  
Renzi

Regula  
Reichert  
Reyes  
Richardson  
Rodriguez  
Ros-Lehtinen  
Roskam  
Ross  
Rothman  
Roybal-Allard  
Ruppersberger  
Ryan (OH)  
Salazar  
Sanchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Schwartz  
Scott (GA)  
Scott (VA)  
Sensenbrenner  
Serrano  
Sestak  
Shays  
Shea-Porter  
Sherman  
Shuler  
Sires  
Skelton  
Slaughter  
Smith (NJ)  
Smith (WA)  
Snyder  
Solis  
Space  
Speier  
Spratt  
Stark  
Stupak  
Sutton  
Tanner  
Tauscher  
Taylor  
Terry  
Thompson (CA)  
Thompson (MS)  
Tierney  
Towns  
Tsongas  
Udall (NM)  
Upton  
Van Hollen  
Velázquez  
Visclosky  
Walz (MN)  
Wamp  
Wasserman  
Schultz  
Watson  
Watt  
Waxman  
Weiner  
Petri  
Welch (VT)  
Weller  
Wilson (OH)  
Wittman (VA)  
Wolf  
Woolsey  
Wu  
Yarmuth

## ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). There is 1 minute remaining in this vote.

□ 1804

So the amendment was rejected.

The result of the vote was announced as above recorded.

## AMENDMENT NO. 26 OFFERED BY MS. LEE

The Acting CHAIRMAN (Ms. BALDWIN). The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Ms. LEE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 234, noes 183, not voting 22, as follows:

[Roll No. 359]

## AYES—234

Abercrombie	Etheridge	McCollum (MN)
Ackerman	Faleomavaega	McDermott
Allen	Farr	McGovern
Altmire	Fattah	McIntyre
Arcuri	Feeney	McNerney
Baca	Filner	McNulty
Baird	Foster	Meek (FL)
Baldwin	Frank (MA)	Meeks (NY)
Bean	Giffords	Melancon
Becerra	Gilchrest	Michaud
Berkley	Gonzalez	Miller (NC)
Berman	Gordon	Miller, George
Berry	Green, Al	Mitchell
Bishop (GA)	Green, Gene	Mollohan
Bishop (NY)	Grijalva	Moore (KS)
Blumenauer	Gutierrez	Moore (WI)
Bordallo	Hall (NY)	Moran (VA)
Boren	Hare	Murphy (CT)
Boswell	Harman	Murphy, Patrick
Boucher	Hastings (FL)	Murtha
Boyd (FL)	Hersteth Sandlin	Napolitano
Boyd (KS)	Higgins	Neal (MA)
Brady (PA)	Hill	Norton
Braley (IA)	Hinchey	Oberstar
Brown, Corrine	Hirono	Obey
Butterfield	Hodes	Olver
Capps	Holden	Ortiz
Capuano	Holt	Pallone
Cardoza	Honda	Pascarell
Carnahan	Hookey	Pastor
Carson	Hoyer	Payne
Chandler	Inslee	Perlmutter
Clarke	Israel	Peterson (MN)
Clay	Jackson (IL)	Poe
Cleaver	Jackson-Lee	Pomeroy
Clyburn	(TX)	Price (NC)
Coble	Jefferson	Rahall
Cohen	Johnson (GA)	Rangel
Conyers	Johnson, E. B.	Reyes
Cooper	Jones (NC)	Richardson
Costa	Jones (OH)	Rodriguez
Costello	Kagen	Rohrabacher
Courtney	Kanjorski	Ross
Cramer	Kaptur	Rothman
Crowley	Kennedy	Roybal-Allard
Cuellar	Kildee	Ruppersberger
Cummings	Kilpatrick	Ryan (OH)
Davis (AL)	Kind	Salazar
Davis (CA)	Klein (FL)	Sánchez, Linda
Davis (IL)	Kucinich	T.
Davis, Lincoln	Langevin	Sanchez, Loretta
DeFazio	Larsen (WA)	Sarbanes
DeGette	Larson (CT)	Schakowsky
Delahunt	Lee	Schiff
DeLauro	Levin	Schwartz
Dicks	Lewis (GA)	Scott (GA)
Dingell	Lipinski	Scott (VA)
Doggett	Loebach	Serrano
Donnelly	Lofgren, Zoe	Sestak
Duncan	Lowe	Shays
Edwards	Lynch	Shea-Porter
Ellison	Mahoney (FL)	Sherman
Emanuel	Maloney (NY)	Shuler
Emerson	Markey	Sires
Engel	Matheson	Skelton
English (PA)	Matsui	Slaughter
Eshoo	McCarthy (NY)	Smith (WA)

Snyder	Taylor
Solis	Thompson (CA)
Space	Thompson (MS)
Speier	Tierney
Spratt	Towns
Stark	Tsongas
Stearns	Udall (NM)
Stupak	Upton
Sutton	Van Hollen
Tancred	Velázquez
Tanner	Visclosky
Tauscher	Walz (MN)

Wasserman	Schultz
Waters	Watt
Watson	Waxman
Watt	Weiner
Welch (VT)	Wilson (OH)
Woolsey	Wu
Yarmuth	

## NOES—183

Aderholt	Fox	Miller (MI)
Akin	Franks (AZ)	Miller, Gary
Alexander	Frelinghuysen	Moran (KS)
Bachmann	Gallegly	Murphy, Tim
Bachus	Garrett (NJ)	Myrick
Barrett (SC)	Gerlach	Neugebauer
Barrow	Gingrey	Nunes
Bartlett (MD)	Gohmert	Pearce
Barton (TX)	Goode	Pence
Biggart	Goodlatte	Peterson (PA)
Bilbray	Granger	Petri
Bilirakis	Graves	Pickering
Bishop (UT)	Hall (TX)	Pitts
Blackburn	Hastings (WA)	Platts
Blunt	Hayes	Porter
Boehner	Heller	Price (GA)
Bonner	Hensarling	Putnam
Bono Mack	Herger	Radanovich
Boozman	Hoekstra	Ramstad
Boustany	Hulshof	Regula
Brady (TX)	Hunter	Rehberg
Broun (GA)	Inglis (SC)	Reichert
Brown (SC)	Issa	Renzi
Brown-Waite,	Johnson (IL)	Reynolds
Ginny	Johnson, Sam	Rogers (AL)
Buchanan	Jordan	Rogers (KY)
Burgess	Keller	Rogers (MI)
Burton (IN)	King (IA)	Ros-Lehtinen
Buyer	King (NY)	Roskam
Calvert	Kingston	Royce
Camp (MI)	Kirk	Ryan (WI)
Campbell (CA)	Kline (MN)	Sali
Cantor	Knollenberg	Saxton
Capito	Kuhl (NY)	Scalise
Carney	LaHood	Schmidt
Castle	Lamborn	Sensenbrenner
Cazayoux	Lampson	Sessions
Chabot	Latham	Shadegg
Childers	LaTourette	Shimkus
Cole (OK)	Latta	Shuster
Conaway	Lewis (CA)	Simpson
Cubin	Lewis (KY)	Smith (NE)
Culberson	Linder	Smith (NJ)
Davis (KY)	LoBiondo	Smith (TX)
Davis, David	Lucas	Souder
Davis, Tom	Lungren, Daniel	Sullivan
Deal (GA)	E.	Terry
Dent	Mack	Thornberry
Diaz-Balart, L.	Manzullo	Tiahrt
Diaz-Balart, M.	Marchant	Tiberi
Doolittle	Marshall	Turner
Drake	McCarthy (CA)	Walberg
Dreier	McCaul (TX)	Wamp
Ehlers	McCotter	Weldon (FL)
Ellsworth	McCrery	Weller
Everett	McHenry	Westmoreland
Fallin	McHugh	Whitfield (KY)
Ferguson	McKeon	Wilson (NM)
Flake	McMorris	Wilson (SC)
Forbes	Rodgers	Wittman (VA)
Fortenberry	Mica	Wolf
Fossella	Miller (FL)	Young (FL)

## NOT VOTING—22

Andrews	Gillibrand	Udall (CO)
Cannon	Hinojosa	Walden (OR)
Carter	Hobson	Walsh (NY)
Castor	Musgrave	Wexler
Christensen	Nadler	Wynn
Crenshaw	Paul	Young (AK)
Doyle	Pryce (OH)	
Fortuño	Rush	

## ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). There is less than 1 minute remaining in this vote.

□ 1810

Mr. KING of Iowa changed his vote from “aye” to “no.”

Messrs. UPTON and POE and Mrs. EMERSON changed their vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. ELLSWORTH. Madam Chairman, during rollcall vote No. 359, on the Lee amendment No. 26 to H.R. 5658, I mistakenly recorded my vote as “no” when I should have voted “aye.”

## AMENDMENT NO. 53 OFFERED BY MR. BRALEY OF IOWA

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Iowa (Mr. BRALEY) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 245, noes 168, not voting 26, as follows:

[Roll No. 360]

## AYES—245

Abercrombie	Davis (CA)	Inglis (SC)
Ackerman	Davis (IL)	Inslee
Allen	Davis, Lincoln	Israel
Altmire	DeFazio	Jackson (IL)
Arcuri	DeGette	Jackson-Lee
Baca	Delahunt	(TX)
Baird	DeLauro	Jefferson
Baldwin	Dicks	Johnson (GA)
Barrow	Dingell	Johnson, E. B.
Bean	Doggett	Jones (NC)
Becerra	Donnelly	Jones (OH)
Berkley	Dreier	Kagen
Berman	Duncan	Kanjorski
Berry	Edwards	Kaptur
Bishop (GA)	Ellison	Kennedy
Bishop (NY)	Ellsworth	Kildee
Blumenauer	Emanuel	Kilpatrick
Bordallo	Emerson	Kind
Boren	Engel	Klein (FL)
Boswell	Eshoo	Kucinich
Boucher	Etheridge	Kuhl (NY)
Boyd (FL)	Faleomavaega	Lampson
Boyda (KS)	Farr	Langevin
Brady (PA)	Fattah	Larsen (WA)
Braley (IA)	Feeney	Larson (CT)
Brown, Corrine	Filner	Latham
Buchanan	Fortenberry	Lee
Butterfield	Foster	Levin
Capps	Frank (MA)	Lipinski
Capuano	Garrett (NJ)	Loebach
Cardoza	Giffords	Lofgren, Zoe
Carnahan	Gilchrest	Lowe
Carney	Gonzalez	Lynch
Carson	Gordon	Mahoney (FL)
Cazayoux	Green, Al	Maloney (NY)
Chabot	Green, Gene	Markey
Chandler	Grijalva	Marshall
Clarke	Gutierrez	Matheson
Clay	Hall (NY)	Matsui
Cleaver	Hare	McCarthy (NY)
Clyburn	Harman	McCollum (MN)
Coble	Hastings (FL)	McDermott
Cohen	Hersteth Sandlin	McGovern
Conyers	Higgins	McIntyre
Cooper	Hill	McNerney
Costa	Hinchey	McNulty
Costello	Hirono	Meek (FL)
Courtney	Hodes	Meeks (NY)
Cramer	Holden	Michaud
Crowley	Holt	Miller (NC)
Cuellar	Honda	Miller, George
Cummings	Hookey	Mitchell
Davis (AL)	Hoyer	Mollohan

Moore (KS)	Roybal-Allard	Stearns
Moore (WI)	Ruppersberger	Stupak
Moran (VA)	Ryan (OH)	Sutton
Murphy (CT)	Salazar	Tanner
Murphy, Patrick	Sánchez, Linda	Tauscher
Murphy, Tim	T.	Taylor
Murtha	Sanchez, Loretta	Thompson (CA)
Napolitano	Sarbanes	Thompson (MS)
Neal (MA)	Schakowsky	Tierney
Norton	Schiff	Towns
Oberstar	Schwartz	Tsongas
Obey	Scott (GA)	Udall (NM)
Olver	Scott (VA)	Upton
Ortiz	Serrano	Van Hollen
Pallone	Sestak	Velázquez
Pascarell	Shays	Visclosky
Pastor	Shea-Porter	Walz (MN)
Payne	Sherman	Wasserman
Perlmutter	Shuler	Schultz
Peterson (MN)	Sires	Waters
Pomeroy	Skelton	Watson
Price (NC)	Slaughter	Watt
Rahall	Smith (NJ)	Waxman
Rangel	Smith (WA)	Weiner
Reyes	Snyder	Welch (VT)
Richardson	Solis	Wilson (OH)
Rodriguez	Space	Woolsey
Rohrabacher	Speier	Wu
Ross	Spratt	Yarmuth
Rothman	Stark	

## NOES—168

Aderholt	Frelinghuysen	Neugebauer
Akin	Galleghy	Nunes
Alexander	Gerlach	Pearce
Bachmann	Gingrey	Pence
Bachus	Gohmert	Peterson (PA)
Barrett (SC)	Goode	Petri
Bartlett (MD)	Goodlatte	Pickering
Barton (TX)	Granger	Pitts
Biggert	Graves	Platts
Billbray	Hall (TX)	Poe
Bilirakis	Hastings (WA)	Porter
Bishop (UT)	Hayes	Price (GA)
Blackburn	Heller	Putnam
Blunt	Hensarling	Radanovich
Boehner	Herger	Ramstad
Bonner	Hoekstra	Regula
Bono Mack	Hulshof	Rehberg
Boozman	Hunter	Reichert
Boustany	Issa	Renzi
Brady (TX)	Johnson (IL)	Reynolds
Broun (GA)	Johnson, Sam	Rogers (AL)
Brown (SC)	Jordan	Rogers (KY)
Brown-Waite,	Keller	Rogers (MI)
Ginny	King (IA)	Ros-Lehtinen
Burgess	King (NY)	Roskam
Burton (IN)	Kingston	Royce
Buyer	Kirk	Ryan (WI)
Calvert	Kline (MN)	Sali
Camp (MI)	Knollenberg	Saxton
Campbell (CA)	LaHood	Scalise
Cantor	Lamborn	Schmidt
Capito	LaTourette	Sensenbrenner
Castle	Latta	Sessions
Childers	Lewis (CA)	Shadegg
Cole (OK)	Lewis (KY)	Shimkus
Conaway	Linder	Shuster
Cubin	LoBiondo	Simpson
Culberson	Lucas	Smith (NE)
Davis (KY)	Lungren, Daniel	Smith (TX)
Davis, David	E.	Souder
Davis, Tom	Mack	Sullivan
Deal (GA)	Marchant	Tancredo
Dent	McCarthy (CA)	Terry
Diaz-Balart, L.	McCaul (TX)	Thornberry
Diaz-Balart, M.	McCotter	Tiahrt
Doolittle	McCrery	Tiberi
Drake	McHenry	Turner
Ehlers	McHugh	Walberg
English (PA)	McKeon	Wamp
Everett	McMorris	Weller
Fallin	Rodgers	Westmoreland
Ferguson	Mica	Whitfield (KY)
Flake	Miller (FL)	Wilson (NM)
Forbes	Miller (MI)	Wilson (SC)
Fossella	Miller, Gary	Wittman (VA)
Foxx	Moran (KS)	Wolf
Franks (AZ)	Myrick	Young (FL)

## NOT VOTING—26

Andrews	Fortuño	Musgrave
Cannon	Gillibrand	Nadler
Carter	Hinojosa	Paul
Castor	Hobson	Pryce (OH)
Christensen	Lewis (GA)	Rush
Crenshaw	Manzullo	Udall (CO)
Doyle	Melancon	

Walden (OR)	Weldon (FL)	Wynn
Walsh (NY)	Wexler	Young (AK)

## ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there is 1 minute left in this vote.

□ 1814

Mr. SHAYS changed his vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

## AMENDMENT NO. 22 OFFERED BY MR. FLAKE

The Acting CHAIRMAN. It is now in order to consider amendment No. 22 printed in House Report 110-666.

Mr. FLAKE. Madam Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 22 offered by Mr. FLAKE:

Add at the end of title XXII the following new section:

**SEC. 2208. PROHIBITING USE OF FUNDS FOR LIBRARY/LIFELONG LEARNING CENTER.**

None of the funds appropriated to carry out this Act (or any amendment made by this Act) may be used for a library/lifelong learning center at Marine Corps Base Twentynine Palms, California.

The Acting CHAIRMAN. Pursuant to House Resolution 1218, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Madam Chairman, I intend to withdraw this amendment after speaking for a few minutes about the process here.

I intended to offer an amendment to strip an earmark in California. It's not that I've had any epiphany on the earmark where I think it's good now. I don't. I think it should not be in this committee report. But I'm not at all happy with the process here.

I submitted a total of five amendments to the Rules Committee. Two amendments were to target earmarks sponsored by Democrats. Two amendments were to target earmarks sponsored by Republicans. One was to uphold the President's executive order with regard to earmarks. When the rule came back from the Rules Committee, only one of the amendments was made in order, one amendment targeting a Republican earmark.

Over the past couple of years, as the Members know, I have come to the floor more than a hundred times to try to strike earmarks. I have tried never to make it a partisan issue. When Republicans were in charge of this body, I sponsored more challenges to Republican earmarks. As the Democrats have taken charge, I've probably sponsored more challenges to Democrat earmarks. But as soon as this becomes a partisan issue, then we lose something here. Earmarks are an institutional issue, an institutional problem here, and we cannot treat it in a partisan

fashion. That's why I will be asking for unanimous consent to withdraw this amendment.

But the problem here is that we also didn't allow in the rule the amendment to uphold the President's executive order. The President wisely has recognized that when you don't have earmarks in the bill text, when you're allowed to put them in a committee or conference report, you don't have the scrutiny that you should have on earmarks.

Just take, for example, this bill. This bill has about 500 earmarks. It went through the committee process. The earmarks were added at the last minute. In fact, I am told, at least on the Republican side and I suppose on the Democrat side as well, the rank-and-file members on the committee didn't even know which earmarks were allowed until the markup had happened; so it was impossible to challenge the earmarks while the bill was in committee.

Now, tell me, if we are supposed to be vetting these earmarks, if we're supposed to be looking at them, where are we supposed to do it? It's not happening in the committee process. It's certainly not happening on the floor. So where do we actually look at these?

We have a former Member of this body in jail right now for basically selling earmarks to defense contractors. He used the defense bill, year after year after year, I might add, and there was never a point at which those earmarks were challenged. Nobody looked. In fact, people looked the other way. There were plenty of warning signs out there that these earmarks were untoward. But we looked the other way. I would submit we are doing the same thing today.

When you have a report come to the floor with more than 500 earmarks, none of which were even known to most members of the committee before it arrived here on the floor, and then when I offer amendments to the earmarks, I'm only told I can offer one on the floor, one targeting a Republican earmark, to try to make it a partisan issue, there's something wrong with this picture.

I don't know when we are going to wake up and recognize that earmarks are cheapening this institution, and greatly. In Congress you place value and priorities by appropriating money and authorizing money, but when you have earmarks like this that are slipped in at the last minute out of sight, then you don't get proper debate on these priorities. You basically close your eyes to other people's earmarks because you want to protect your own. And when you have more than 500 earmarks, there are enough to spread around where debate that should be happening on defense priorities or other priorities in other bills is hushed and we simply don't have the scrutiny that these bills deserve.

A lot of these earmarks are, in essence, single-source contracts to private companies. We get all over the administration, and properly so, when they give single-source contracts. Haliburton, how many times have we heard it? We should scrutinize that. We should provide oversight. Yet when one of our Members does it, we turn our backs and say we don't want to know because we might want to do it as well.

Madam Chairman, we have to stop this process.

Madam Chairman, I ask unanimous consent that my amendment be withdrawn.

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

Mr. SKELTON. Madam Chairman, I reserve the right to object, and I will not object.

Madam Chairman, I think we should point out the fact that the base bill to which you just referred voids an executive order where the President said that any language in a project, in a program, report language, could not be put into force and effect and that it had to be in bill language. It sounds good, but in truth, in fact, what happens if that is the case, whatever is in bill language on a program or project, whatever the case may be, may not be reprogrammed. You're stuck with it.

For instance, I signed, together with my friend DUNCAN HUNTER, a reprogramming on Future Combat Systems within the last 3 or 4 weeks for well over \$100 million, and it should have been. We did the right thing. And if the executive order were in full force and effect and if that had been in report language, it would all have been for naught and Mr. HUNTER and I could not have agreed to that very, very important reprogramming which should have been done.

So you're throwing the cat out with the kittle.

Madam Chairman, I withdraw my reservation of objection.

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

Mr. HUNTER. Reserving the right to object, Madam Chairman, I will not object, except I want to talk to my friend about what he calls earmarks.

A couple of years ago when our guys started to get hurt with roadside bombs in Iraq, we realized that there were no jammers to jam those electronic signals that detonate the 155 rounds that were blowing up American Marines and soldiers, no portable jammers. That means while we had the big jammers we carry in the trucks to protect convoys, there were no jammers to protect that squad of Marines or soldiers working through a courtyard in Ramadi or Fallujah.

This committee put in \$10 million for 10,000 jammers which we researched and developed, manufactured and deployed in the field in 70 days. Those were earmarks.

Now, if the gentleman's assertion is true, and the whole theme of his ar-

gument here is if the Pentagon doesn't request it, it's not needed, I disagree with it. This is what the Pentagon had for portable jammers for our troops: zero.

I can tell the gentleman about the system that we put in that has had a very salutary effect on the ability of the enemy to hurt our troops with mortars, also so-called earmarks. I can tell the gentleman about our surveillance programs that we added to, also so-called earmarks. I could tell the gentleman that I put in the defense budget a couple of years ago, along with my good friend Ike Skelton, an increase in U.S. Marine Corps, taking them up at that point to 180,000. Today nobody suggests that we should somehow discharge those Marines because we added them above and beyond the President's budget. In fact, the President now has come back and said, you know, you guys in the Armed Services Committee were right, and because of that, they put in a request this year for 7,000 more Army troops and 5,000 more Marines.

So I would just say to the gentleman it's our job, our responsibility under the Constitution, to build this defense budget. It's not the Pentagon's. In fact, the Constitution doesn't mention the Pentagon.

Now, what I do with the initiatives that I put in, I put them on the Internet. How's that for disclosure? I think at least a couple hundred people see that. Now, with respect to how many people see these, we put out the directive report language. Everybody sees that. But you mark up your subcommittees only a few days, sometimes as much as a week but rarely longer, before you go to full committee. And so the tables that have all of the numbers in them, and it's got hundreds and hundreds of entries, are available to any Member that wants to come by and ask for them. But we're not going to put those out to the press and cause a massive circus of contractors and media people swarming the committee when we're trying to get our job done. We have never done it like that.

But the disparaging way in which the gentleman talks about things that we put in, some of which are crucial to the survival of your constituents, the young men and women who joined the Marine Corps and the Army from your district, I think is misplaced.

The building of the defense budget is a very important thing. It's a thing that we do often in disagreement with the Pentagon. We have put in additional aircraft carriers when you had Presidents who didn't want to put them in because we thought they were important to the survival of this country, and we turned out to be right. We have increased end strength in the Army and Marine Corps. We have done most of the work on UAVs, Unmanned Aerial Vehicles. That means you don't get pilots shot down. That means you're able to disperse many more platforms that can gather information.

□ 1830

The things that we put in the defense budget are generally done after a lot of thought, a lot of analysis and, generally speaking, they have been very good for our troops.

Mr. FLAKE. Will the gentleman yield?

Mr. HUNTER. I'd be happy to yield.

Mr. FLAKE. The gentleman has mentioned many projects. I'm sure all of those mentioned would survive the authorization, appropriation, and oversight.

Mr. HUNTER. We did authorize them.

Mr. FLAKE. Well, then there's no need to earmark it this way if it's authorized. There's no reason to put it in committee or conference report language and not have it in the bill. I think what the President has rightly recognized is that when it's not in the bill, then there are limited opportunities for other Members to see it and to scrutinize it.

Mr. HUNTER. Let me take back my time and explain to the gentleman why it's important to have report language. You start programs and you also put policies in place. If you put those in the bill and those are locked into law and then you get a call from the administration and they say, You know, we looked at this thing and there's not enough long-lead materials to build this. You are strait-jacketed. The administration can't come back and say, We want to reprogram. At that point, you have to change the law.

If you have a policy, and here you have wars in two theaters, if you have a policy you have to change, you can't just call up and you can't work the policy out with the Army, the Air Force, the Navy, the Marine Corps. You now have to go back and change the law. If you have looked at the reprogramming requests that are made by the Pentagon, they are usually made with respect to some factor that has changed. You would have hundreds of changes that now require changes in the law, and in a very real way, having report language that gives flexibility to the administration, is for their benefit.

Now we can put all this stuff in the law if that is the requirement to do it. But it doesn't make sense, either for us or for the administration. That is why you have it, because you have changing situations and you have got to have the flexibility for people to call up and say, You know, we just developed another system that is better than that one. Let's not continue to fund that in a straitjacket. Let's go ahead and reprogram and go to the other one. Or maybe we have a priority. Maybe we need ammunition, maybe we need more ammunition. So we want you to take money from this program and put it into ammunition. You can't do that if everything is in statute.

Mr. FLAKE. Will the gentleman yield?

Mr. HUNTER. Be happy to.

Mr. FLAKE. There is nothing in the President's executive order that binds



the Pentagon from reprogramming funds. It simply says that the Pentagon may decide to exclude earmarks that it did not request and that aren't in the statute language. I understand the importance of report language.

Mr. HUNTER. If you take the gentleman's argument to its ultimate conclusion, that means the portable jammers, the ones that only weigh a couple of pounds that we gave to our marines to save their lives so they can carry them, because you can't carry the 150-pounders on your back when you're on a patrol, they would not have gotten those because they weren't in the Pentagon's budget.

The point that I am making is that the Pentagon often misses things. They don't have always the best judgment in this world. I point to guys like the chairman of the Defense Appropriations in the full committee, Mr. LEWIS, who, by many people, is considered one of the fathers of the Predator. The Predator aircraft has saved lives because it's allowed us to do recon and striking without having to have a pilot out there who may be shot down and have to be recovered. That was a program that required a lot of pushing against the will of the Pentagon.

So I disagree with the gentleman's argument that somehow anything the Pentagon disagrees with is illegitimate. We've had, in many cases, a better idea than the Pentagon, and the increases in the Army and Marine Corps are two of the great examples. This committee said you have to increase it, and we increased it. You call that an earmark. Today, the administration calls it the right thing to do.

Mr. SKELTON. Will the gentleman yield?

Mr. HUNTER. Be happy to yield.

Mr. SKELTON. From time to time you and I are asked to authorize reprogramming that the Pentagon asked for; is that not correct?

Mr. HUNTER. Let me just say to my friend, I believe in disclosure. That is why I put every initiative on the Internet. I think you have got to disclose things and you have got to be able to be accountable for those things. I think that's absolutely true.

Mr. SKELTON. Let me ask. If the program were in bill language, the Pentagon request to reprogram could not be authorized by you and me. Is that correct?

Mr. HUNTER. That's right.

Mr. SKELTON. Thank you.

Mr. FLAKE. Will the gentleman yield?

Mr. HUNTER. Sure.

Mr. FLAKE. Again, the President's directive doesn't relate to report language in general, it's simply the earmark. Now I just have to say, 500 earmarks in this bill. There will be more than 2,000 when the appropriation bill comes to the floor, if tradition holds. If somebody can make the argument that that is a process worthy of this institution, for more than 2,000 earmarks to come to the floor, and no time, no

time—it will come to the floor probably the same day that we vote on it—for this body to appropriately scrutinize it, and for every Predator or worthy earmark that you can point to, you can probably point to a dozen where shirts were earmarked that melt on a soldier's body, but somebody in their district just wanted them.

Mr. HUNTER. Taking back my time, I don't think we are going to be appropriating any melting shirts, or authorizing any melting shirts. We do serious stuff. And when you have a defense bill which is over \$500 billion and it has thousands and thousands of provisions in it, I would say that the number of changes we make actually is fairly minimal.

If you look at the massive amount of money that is spent on defense, the change that we make in scoping the defense bill, which is not only our prerogative, it's our mandate, it doesn't say: You shall accept and rubber-stamp what the Pentagon puts out there. And experience has shown us. And, thankfully, we have followed our mandate because we have put in systems that have saved lives, that the Pentagon didn't think about, and we have put in more systems that have made us more effective at fighting the Nation's war that the Pentagon didn't think about.

We have got members on the committee, I would say to my friend, who have taken five, six, seven, eight trips to Iraq and Afghanistan. They see things. They write down notes. We have our professional staff with us. We were out there looking at the Fourth Division and we saw some of their trucks whose armor consisted of two layers of plywood, with sandbags in between. That is why we went back and on an initiative we put together double-hulled trucks. To my knowledge, none of those double-hulled trucks has yet been penetrated by any enemy shrapnel from a roadside bomb. We do things in response to what we think the soldiers and sailors and airmen and marines need.

So I agree with the gentleman that we should all be accountable for what we put in a bill, whether it's a defense bill or something else, and you have got to stand up. If it's a bad one, you take the heat for it. But just saying anything that doesn't come out of the administration is, by definition, illegitimate, is absolutely not accurate.

I can just tell you this. If you end up with an administration that you don't agree with, like some Republicans who didn't agree with what President Carter did with defense spending in the last part of his term, when we put in, along with some pretty discerning Democrats, an extra aircraft carrier, and if you want to straitjacket this body, where a President that you don't agree with, who you feel is cutting defense spending to the bone, and maybe beyond the bone, where, as a rule, if he or she doesn't agree or doesn't put that out as a defense budget, you consider it your duty to not add a single cent,

then I think we are putting ourselves in a position where we are dis-serving the people that we represent, because our job is to put together a defense budget.

Mr. FLAKE. If the gentleman will yield one more time.

Mr. HUNTER. Absolutely.

Mr. FLAKE. I would simply say that the gentleman mentioned that he believes in disclosure, and if a person puts an earmark in, he should be able to withstand the heat that might come from it. The problem with this process is there's no opportunity for that to happen. I offered four amendments. I was given one. In an appropriations bill of more than 2,000 earmarks, how many can you really do? How many can you challenge.

That is why we have had so many problems over the last couple of years with bad earmarks, is there's simply no way to adequately vet them. There were 36,000 earmark requests before the appropriations committee last year, and no way to vet them.

Mr. HUNTER. Taking my time back, I would just say to the gentleman, I put my initiatives, and I don't call them earmarks because I don't think they are illegitimate, I put them on the Internet. As I learned in my ill-fated national campaign, people aren't paying a lot of attention to my Internet site. But I had it there for millions of people to see. And I think that is the appropriate thing to do.

I just want to assure the gentleman of something so that he rests easy, to some degree. The people of this committee are really hardworking people. I think we have got one member who's been to Afghanistan and Iraq something like 13 times. I haven't been there that much, but I have been there a lot. They spend a ton of time working for the uniformed people of the United States. They make lots of notes and they do lots of analysis.

Let me tell you, the way you put together a defense budget is you have got somebody sitting in the Pentagon, and somebody comes over and sits next to him and says, You know, here's a system that the company I am working for would like to have in the defense budget. And they make a case for it.

None of this stuff is derived through a stainless process. We are all people. The only thing that really makes this government go is accountability, and people should be held accountable for the things that they put in the bill. The vast number of folks that put things in the defense bill put out press releases with respect to what they put in. They don't hide that. People put in provisions that have a value to the military. If you go down the line and analyze them, I think that you would concur with that.

So I want you to know this is a committee that really does its homework. It's got a great staff that works very hard, and we have done a lot of things that have saved soldiers, sailors, airmen, marines on the battlefield, who

would not have been saved if we just rubber-stamped the President's budget. I guess that is my point.

I thank the gentleman.

I withdraw my reservation.

The Acting CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 52 OFFERED BY MR. BISHOP OF GEORGIA

The Acting CHAIRMAN. It is now in order to consider amendment No. 52 printed in House Report 110-666.

Mr. BISHOP of Georgia. Madam Chairman, I have an amendment that I would like considered.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 52 offered by Mr. BISHOP of Georgia:

At the end of title VII, add the following new section:

**SEC. 734. TRANSITIONAL HEALTH CARE FOR CERTAIN MEMBERS OF THE ARMED FORCES WHO AGREE TO SERVE IN THE SELECTED RESERVE OF THE READY RESERVE.**

(a) PROVISION OF TRANSITIONAL HEALTH CARE.—Section 1145(a)(2) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

“(E) A member who is separated from active duty who agrees to become a member of the Selected Reserve of the Ready Reserve of a reserve component.”.

(b) EFFECTIVE DATE.—Subparagraph (E) of section 1145(a)(2) of title 10, United States Code, as added by subsection (a), shall apply with respect to members of the Armed Forces separated from active duty after the date of the enactment of this Act.

(c) OFFSET.—The amount in section 201(4) for research, development, test, and evaluation, Defense-wide, is hereby reduced by \$22,000,000, to be derived from the Missile Defense Agency.

The Acting CHAIRMAN. Pursuant to House Resolution 1218, the gentleman from Georgia (Mr. BISHOP) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. BISHOP of Georgia. I rise today to introduce an amendment to the Defense Authorization Act which, if enacted, will provide 180 days of transitional health care for servicemembers who leave active duty and choose to join the National Guard or the Ready Reserves. The text of this amendment is H.R. 5609, which is a bipartisan measure with 51 cosponsors.

Many of our citizens, Madam Chairman, joined the Armed Forces out of a sense of duty and desire to serve our Nation. They joined with the clear understanding that we must have volunteers who are willing to serve to defend our country's freedoms and our way of life.

Our transitional health care amendment will offer the departing soldier, sailor, marine, or airman and their family a bridge of comfort for 180 days after they leave active duty if they join either the National Guard or one of the Ready Reserves.

This amendment will provide former servicemembers with additional time

to find a job, to enroll in college, or relocate to another city, with the peace of mind that if a health problem arises, they will not be left without a place to turn or unmanageable medical bills. At a time when we ask so much of our all-volunteer force, this small measure is a benefit which our servicemembers really have earned.

Our veterans are not looking for a handout, they are really looking, as this amendment will provide, for a lift up. It will keep our best-trained soldiers and proven leaders in the Guard and Reserves and enable our military to continue the fight against a determined and unpredictable enemy.

Since September 11, 2001, we have had over 600,000 members of the Guard and the Reserves called to active duty. Without the Guard and Ready Reserves, our ability to defend against enemies both foreign and domestic would be greatly reduced. With the potential to retain 13,000 additional trained soldiers, sailors, marines or airmen for these forces, I believe that this amendment will save our Guard and our Ready Reserves significant cost in retraining new recruits.

This legislation is supported by the National Guard, the Army and the Air, the Army Reserve, the Navy Reserve, the Marine Corps Reserve, the Air Force Reserve, the Coast Guard Reserve. In addition, it's supported by the Guard and Reserve professional organizations, as well as the leading veterans organizations, including the National Guard Association, the Association of the United States Army, the Reserve Officers Association, Military Officers Association of America, the National Association for Uniformed Services, the VFW, and the American Legion.

□ 1845

So I would urge my colleagues to join me in supporting this amendment, which demonstrates that we are serious about helping our servicemembers while keeping a trained and ready reserve force.

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

Mr. HUNTER. Madam Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. HUNTER. Madam Chairman, I would just say to my colleague, I have great respect for him and I agree with the purpose of this amendment. I disagree to some degree with the offset, which is from missile defense. You may have heard a number of us here making the case for the importance of missile defense.

So I would hope as we move along to conference, we can find another offset for this. I do support very strongly your purpose. What I would like to do is find another offset for this.

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

The Acting CHAIRMAN. The question is on the amendment offered by

the gentleman from Georgia (Mr. BISHOP).

The amendment was agreed to.

AMENDMENT NO. 25 OFFERED BY MR. PRICE OF NORTH CAROLINA

The Acting CHAIRMAN. It is now in order to consider amendment No. 25 printed in House Report 110-666.

Mr. PRICE of North Carolina. Madam Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 25 offered by Mr. PRICE of North Carolina:

Add at the end of title X, the following:

**SEC. 10. PROHIBITION ON INTERROGATION OF DETAINEES BY CONTRACTOR PERSONNEL.**

Effective as of the date that is one year after the date of the enactment of this Act, the Department of Defense manpower mix criteria and the Department of Defense Supplement to the Federal Acquisition Regulation shall be revised to provide that—

(1) the interrogation of enemy prisoners of war, civilian internees, retained persons, other detainees, terrorists, and criminals when captured, transferred, confined, or detained during or in the aftermath of hostilities is an inherently governmental function and cannot be transferred to private sector contractors who are beyond the reach of controls otherwise applicable to government personnel; and

(2) properly trained and cleared contractors may be used as linguists, interpreters, report writers, and information technology technicians if their work is properly reviewed by appropriate government officials.

The Acting CHAIRMAN. Pursuant to House Resolution 1218, the gentleman from North Carolina (Mr. PRICE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. PRICE of North Carolina. I thank the chairwoman, and I am pleased to present a narrowly targeted amendment that would simply prohibit the defense community from using private contractors to conduct interrogations.

The interrogation of detainees is clearly an inherently governmental function. It is work that is by nature extremely sensitive and critical to our national security. We should all be able to agree that interrogation should be carried out by individuals who are well-trained, who fall within a clear chain of command, and who have a sworn loyalty to the United States, not by corporate, for-profit contractors.

Some of my colleagues may question why we need to pass a law to address something that ought to be a matter of common sense, but this amendment is absolutely necessary. The defense intelligence community has often utilized contractors for performing interrogations, and continues to do so.

For example, L-3 and its subsidiary, Titan, one of the largest contracting groups working in Iraq, has contracts with the U.S. Army in Iraq under which it performs interrogations. A recent report on the L-3 Titan contract

gets to the heart of the pitfalls of using contractors for interrogations. It concludes, "There are significant problems with these contracts, notably with the hiring and vetting practices of both interrogators and translators, many of whom are unqualified or poorly qualified for the work. This failure has the potential to seriously compromise national security."

Another example comes from the Department of Justice's Inspector General, who recently issued a report on the FBI's role in interrogations. He noted instances of contractors ordering abusive practices against detainees at Guantanamo Bay.

My amendment would put an end to these practices. It is not intended to punish contractors, who are often simply responding to available business opportunities. Rather, it is intended to clarify that the practice of interrogation is an inherently governmental function and that our national security depends on preserving the integrity of this boundary.

Let me also note that the amendment withholds judgment on a number of ancillary functions, such as interpretation or IT technicians and report writers, allowing an exemption for contractors to fill these roles. It only prohibits contractors from directly performing interrogations.

Madam Chairman, this is a carefully drafted amendment, and I urge its adoption.

I reserve the balance of my time.

Mr. HUNTER. Madam Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. HUNTER. Madam Chairman, I yield 3 minutes to the gentleman from Texas (Mr. THORNBERRY), who has been a member of the committee and also the Intelligence Committee.

Mr. THORNBERRY. Madam Chairman, this amendment prohibits under all circumstances a contractor from interrogating a detainee.

Now, it is often the case that the most qualified and the most experienced person to conduct an interrogation is a contract employee. As the gentleman from North Carolina mentioned, there is an exception for interpreters. But an interrogator who also speaks the language and even the dialect can be a much more effective interrogator if he can combine those skills. Yet that capability cannot be combined under this amendment unless that person happens to work for the government.

There are situations where technical knowledge is essential to conduct an interrogation, and often that technical knowledge does not exist with government employees. So there is no choice under this amendment. That interrogation simply cannot be conducted in the most effective way.

Madam Chairman, there are folks who have conducted interrogations for years. They are experienced. They know what they are doing. But they

have to retire from the military. That person can no longer be hired to do the job.

There are folks who don't want to be government employees all year-round, for whatever reason. They may want to just go work 3 or 6 months. But they know what they are doing. They may work for the FBI. They may work for the police department the rest of the time. That person cannot be an interrogator.

So the bottom line is this amendment ties our hands and prevents us from using the most effective, most qualified people to conduct interrogations. And when you do that, you are limiting the information that is necessary to keep this country safe.

The gentleman talks about, well, we all want high quality folks, well-trained and so forth. Absolutely. And if there are issues the gentleman wants to specifically talk about related to hiring or supervision or qualifications, we ought to talk about that. But this amendment doesn't do that. It is a blanket prohibition, and in my view it ties our hands from having the best people available to protect the country. And that is always a mistake. I think it should be rejected.

Mr. PRICE of North Carolina. Madam Chairman, the gentleman talks about the need to have qualified and experienced persons as interrogators. There are some qualified and experienced persons who may be in the private sector, who may be contractors. Yet that contractor is not under a clear chain of command; that contractor is not subject to the same accountability as governmental employees; and that contractor is not in the sworn service of the U.S. Government.

If there ever was an inherently governmental function, it would be that of an interrogator. The case is very plain for those services not being contracted out.

Madam Chairman, I am happy to yield 1 minute to our colleague, the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. I thank my colleague from North Carolina, and I particularly thank him for introducing this legislation.

I appreciate the views of the gentleman from Texas, but this is a commonsense amendment and there have been abuses. And the people that have abused the law, who acted illegally, whether it be at Abu Ghraib or Guantanamo Bay or some of the black sites that the CIA have operated, some of them have been contract employees.

Now, if we have people who are the best interrogators, we need to hire them. This is an inherently governmental function. I think you could ask any American, even contractors, if this is work that should be contracted out and they would say no. But in fact there are job openings posted for five major defense contractors for interrogators.

I represent any number of defense contractors, but I can tell you, this is

not a function that they should be performing. This Congress should support Mr. PRICE's amendment and recognize this as inherently governmental and stop this abuse.

Mr. HUNTER. Madam Chairman, let me go over the adequate safeguards that are currently in place. The contract must specify the interrogation support. All support must be in accordance with applicable law and policy. They must be trained and certified, in-theater training. They must be closely supervised and monitored. They will not oversee, direct or monitor interrogations. They operate only in fixed facilities. They must submit a written interrogation plan. And, lastly, they are subject to prosecution.

Let me say to my friend from Virginia and the author of this amendment, because they are both friends and I know their hearts are in the right place, I have observed one interrogation, one of the first times I have seen an interrogation. It was an older lady reading a children's book to a detainee.

I said, "You gotta be kidding me." I expected all the classic stuff like we see in the movies. And our escort said, "Are you kidding?" They said, "This lady is one of the most effective people we have, and she does extremely well." I believe she was a contractor. She sure as heck wasn't a uniformed service person.

Now, my point is that there is a lot of psychology, that there is a lot of art to this, there is a lot of human relations. And if you have prohibitions against coercive behavior, and we have got rows of those in all of our manuals, if you have got somebody that you can contract with who can walk into a room and walk out maybe 2 days later, maybe 8 days later, maybe 6 months later with information that will save the lives of your troops and advance the mission, who cares if that is an elderly lady who happens to be a civilian and may not want to join the Army?

Mr. MORAN of Virginia. Will the gentleman yield for just a second?

Mr. HUNTER. I yield to my friend.

Mr. MORAN of Virginia. It seems if she is that good, we ought to make an attempt at hiring her and not contracting out, if she is that good. Make her an offer she can't refuse, if she is that good.

Mr. HUNTER. I reserve the balance of my time.

Mr. PRICE of North Carolina. Madam Chairman, how much time do I have remaining?

The Acting CHAIRMAN. The gentleman has 1 minute remaining.

Mr. PRICE of North Carolina. I yield to the chairman of the committee, our colleague, the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. I think back to those many years ago to a time when I was prosecuting attorney of Lafayette County and had the opportunity to witness our sheriff, deputy sheriff or Missouri Highway Patrol interrogating people who were suspects of various

different offenses, and I shudder to think what if we had contracted that out to someone who had not been fully trained on the one hand and who did not understand the law or the rules and regulations under which interrogations must be conducted.

Fast forward to today and the interrogation of detainees. I think a governmental function that is as important as interrogating detainees should be a function of the government.

The Acting CHAIRMAN. The gentleman's time has expired. The gentleman from California has 30 seconds remaining.

Mr. HUNTER. Madam Chairman, I would just say to my colleagues that you do have to be certified, you do have to be trained, you have to be supervised, and you are subject to prosecution. So our special operators have laid down a pretty strict set of guidelines. And the last thing that I saw coming from the department was that this would severely hamper Special Operations' capability if it was passed.

Now, that may be because many of the things Mr. THORNBERRY talked about with respect to language, with respect to availability. I think we should respect what the warfighters say about this and get more information before we take a vote like this.

The Acting CHAIRMAN. All time for debate has expired.

The question is on the amendment offered by the gentleman from North Carolina (Mr. PRICE).

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

Mr. HUNTER. Madam Chairman, I demand a recorded vote.

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

□ 1900

AMENDMENT NO. 32 OFFERED BY MR. HOLT

The Acting CHAIRMAN. It is now in order to consider amendment No. 32 printed in House Report 110-666.

Mr. HOLT. Madam Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 32 offered by Mr. HOLT:

Add at the end of title X, the following:

**SEC. 10. REQUIREMENT FOR VIDEOTAPING OR OTHERWISE ELECTRONICALLY RECORDING STRATEGIC INTELLIGENCE INTERROGATIONS OF PERSONS IN THE CUSTODY OF OR UNDER THE EFFECTIVE CONTROL OF THE DEPARTMENT OF DEFENSE.**

(a) IN GENERAL.—In accordance with the Army Field Manual on Human Intelligence Collector Operations (FM 2-22.3, September 2006), or any successor thereto, and the guidelines developed pursuant to subsection (e), the Secretary of Defense shall take such actions as are necessary to ensure the videotaping or otherwise electronically recording of each strategic intelligence interrogation of any person who is in the custody

or under the effective control of the Department of Defense or under detention in a Department of Defense facility.

(b) CLASSIFICATION OF INFORMATION.—To protect United States national security, the safety of the individuals conducting or assisting in the conduct of a strategic intelligence interrogation, and the privacy of persons described in subsection (a), the Secretary of Defense shall provide for the appropriate classification of video tapes or other electronic recordings made pursuant to subsection (a). The use of such classified video tapes or other electronic recordings in proceedings conducted under the Detainee Treatment Act of 2005 (title 14 of Public Law 109-163 and title 10 of Public Law 109-148), the Military Commissions Act of 2006 (10 U.S.C. 948 et seq.; Public Law 109-366), or any other provision of law shall be governed by applicable rules, regulations, and law.

(c) STRATEGIC INTELLIGENCE INTERROGATION DEFINED.—For purposes of this section, the term "strategic intelligence interrogation" means an interrogation of a person described in subsection (a) conducted at a theater-level detention facility.

(d) EXCLUSION.—Nothing in this section shall be construed as requiring—

(1) any member of the Armed Forces engaged in direct combat operations to videotape or otherwise electronically record a person described in subsection (a); or

(2) the videotaping or other electronic recording of tactical questioning, as such term is defined in the Army Field Manual on Human Intelligence Collector Operations (FM 2-22.3, September 2006), or any successor thereto.

(e) GUIDELINES FOR VIDEOTAPE AND OTHER ELECTRONIC RECORDINGS.—

(1) DEVELOPMENT OF GUIDELINES.—The Secretary of Defense, acting through the Judge Advocates General (as defined in section 801(1) of title 10, United States Code, (Article 1 of the Uniform Code of Military Justice)), shall develop and adopt uniform guidelines designed to ensure that the videotaping or other electronic recording required under subsection (a), at a minimum—

(A) promotes full compliance with the laws of the United States;

(B) is maintained for a length of time that serves the interests of justice in cases for which trials are being or may be conducted pursuant to the Detainee Treatment Act of 2005 (title 14 of Public Law 109-163 and title 10 of Public Law 109-148), the Military Commissions Act of 2006 (10 U.S.C. 948 et seq.; Public Law 109-366), or any other provision of law;

(C) promotes the exploitation of intelligence; and

(D) ensures the safety of all participants in the interrogations.

(2) SUBMITTAL TO CONGRESS.—Not later than 30 days after the date of the enactment of this section, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the guidelines developed under paragraph (1). Such report shall be in an unclassified form but may include a classified annex.

The Acting CHAIRMAN. Pursuant to House Resolution 1218, the gentleman from New Jersey (Mr. HOLT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. HOLT. Madam Chairman, this is a straightforward amendment with a simple purpose: To ensure the video recording of each strategic intelligence interrogation of any person in the custody of the Department of Defense, ex-

cept for personnel and troops in the field conducting battlefield interrogations. The video recordings would be kept at the appropriate level of classification and could be used to get maximum intelligence benefit of the interrogation, and the judge advocate general would develop guidelines for the recording and retaining of the recordings. I think it is important for our national security that we make this provision law.

I yield 2 minutes to an Iraq war veteran, a former officer in the Judge Advocate General Corps who understands this very well, the need for it, and will speak, Mr. PATRICK MURPHY from Pennsylvania.

Mr. PATRICK J. MURPHY of Pennsylvania. I thank the gentleman from New Jersey. I rise in support of the gentleman's amendment from the great State of New Jersey. I rise because this debate is personal to me.

Madam Chairman, as a paratrooper in the 82nd Airborne Division, I saw American heroes at their finest, gaining vital intelligence the right way. We have all seen images of what happens when young soldiers are left without clear leadership at the top. Simply put, the treatment of detainees is a strategic imperative to every servicemember wearing the uniform and every American we took an oath to support and protect.

In the first Gulf War, over 100,000 Iraqi soldiers surrendered to American forces because they knew that they would be treated humanely by the American forces. Thousands who did not hide behind street corners with RPGs or IEDs.

The treatment of detainees is what set America apart as a global leader, and it is how we begin to restore the reputation squandered by President Bush and the tragedy of Abu Ghraib.

Madam Chairman, there is nobody in this chamber who supports the vigorous interrogation of suspected terrorists more than me, but it must be done the way that reflects the greatness of America and in a way that protects our fighting men and women. Madam Chairman, this amendment helps do just that.

One of my heroes, General Colin Powell, once said: The world is beginning to doubt the moral basis of our fight against terrorism.

Will this amendment fix all our problems? Of course not. But it certainly is a start. I urge my colleagues to vote for the gentleman's amendment.

Mr. HUNTER. Madam Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. HUNTER. I am going to yield to Mr. THORNBERRY, but first let me just say this. I respect the gentleman who just made the statement who has been in Iraq. But my son was in Iraq, also, and on two missions, two tours, and Afghanistan. And one important fact that I think comes out when you talk to folks who have been there is the exigency of the battlefield. That is the

need to do things quickly, to be creative, to be able to move quickly to save the lives of your comrades and to carry out your mission.

Now, let's think about this. You have to videotape interrogations. What happens if you have got people coming in, moving in a pincer movement against a particular area, maybe some buildings, maybe you have got some machine gun fire, and you have been hitting IEDs, and you capture somebody and you have got people in movement. And you have to bring up then the video cameras to interrogate before you can have a successful interrogation. And what if you don't have video cameras? You are going to have people who are deterred from being able to do that because they are going to be worried that somehow they are going to be found in violation of the rules.

Now, we have got a letter here from the Under Secretary of Defense who says that the Defense Department very strongly opposes this requirement to video record all intelligence interrogations. They say: This requirement runs contrary to sound Defense Department policy, which relies upon careful selection and empowerment of the chain of command to execute the mission. Currently, commanders video record interrogations only after determining that the environment is conducive and the recordings will add value to the mission.

I might add that if you have interrogations, especially if you have got special operators who are out among the population and you lose one of the recordings, then you expose them to enormous risk.

So the idea of making this not discretionary and mandating it I think doesn't make a lot of sense.

Mr. PATRICK J. MURPHY of Pennsylvania. Would the gentleman yield?

Mr. HUNTER. I would be happy to yield to the gentleman, and then I will yield to Mr. THORNBERRY.

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Chairman, I have great respect for the gentleman from California, and that he is also a paratrooper. But, Madam Chairman, I would suggest that those were my same concerns. In that letter we address those concerns that the Under Secretary said; that in forward operating bases in the environment, there is no mandate in this bill that would require them to videotape the interrogations. It is only at the strategic level in theater, only where they go.

In my case in al Rasheed, Baghdad in 2002, 2004, Madam Chairman, we would interrogate them at a forward operating base, then we would bring them up to the Baghdad airport, then they would go to somewhere else. It would only be at that higher level, not at the forward operating base. And we put that language in this bill to address those exact concerns.

So although I respect greatly the service and the commitment of the gentleman from California and his con-

cerns, those concerns were addressed in this bill. And that is why I support our amendment.

Mr. HUNTER. I thank the gentleman for his answer. But if you have a situation where you are doing intel interrogations close to the battlefield, which you are in many places, a matter of minutes or hours could make the difference between life and death. And if you don't have video equipment available, which you wouldn't have in many of those cases, you could still have what I would call a disastrous result.

I yield such time as he might consume to the gentleman from Texas (Mr. THORNBERRY).

The Acting CHAIRMAN. The gentleman from Texas is recognized for the remaining 1½ minutes.

Mr. THORNBERRY. Madam Chairman, this idea has been proposed and rejected before, partly because it makes no sense to stop what is happening on the battlefield and go film. The author of this amendment says, no, it only applies to theater level detention facilities. The problem is that if somebody is really going to commit some sort of abuse, they will just conduct that abuse somewhere else. This amendment only applies in certain places.

The problem is that video recordings of interrogations creates a discoverable record, and disclosure of that record complicates the criminal prosecution. That is why a lot of jurisdictions in this country, Federal and State, do not require these sorts of recordings.

In addition, as the former chairman said, having interrogators on camera threatens them, because their face and their voice could well be made public and, therefore, the danger to their lives could increase.

Secondly, these things could be made public, and the techniques and tactics that are used and the procedures would also be made available to the enemy in the future.

The bottom line is that when you have got a camera there, these interrogations are most likely going to be less effective.

So here, again, we have an example of putting our military folks in the category as suspects, because we assume they are going to do some sort of abuse and so we have got to film them because we don't trust them and limit the effectiveness of what they do. We tie their hands and therefore make it more difficult for them to do their job. I think that is a mistake.

Mr. HOLT. May I ask the remaining time.

The Acting CHAIRMAN. The gentleman from New Jersey controls 2 minutes.

Mr. HOLT. I yield 30 seconds to the gentlelady from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Look, law enforcement is using videotaping because it not only is a matter of protection for the person that is being interrogated, but for the interrogator, him or her-

self, as well. There are rules that guide interrogations. Having those tapes is a safeguard that we can have to make sure that the rules of interrogation set down by the Department of Defense will protect those people as well. If they need to be disguised in some way, I believe that the amendment would allow for that. This is to protect both the interrogator and the one who is being interrogated.

Mr. HOLT. Madam Chairman, I thank the gentlelady.

It is becoming standard for interrogations all over this country, I have a list here from the 50 States, for enforcement and prosecutorial interrogations where it is required. In fact, it is required in New Jersey, Alaska, Illinois, Maine, Minnesota. And it is required for a variety of reasons, not just for the protection of the detainees or the protection of the interrogators, but to get maximum benefit from the interrogation.

Under this amendment, the judge advocate general would develop guidelines to ensure that the required video recording is sufficient to protect both the abuse of detainees and to protect the identity of the interrogators from unauthorized disclosure. This is standard practice.

I yield to the chairman of the committee, who can speak not only from his position as Chair but from his experience as a prosecutor, the balance of my time.

Mr. SKELTON. I thank the gentleman for yielding.

Let's really look at what we are talking about. It is important to note that the amendment allows the Secretary of Defense to classify videotapes. Under the existing rules—by the way, there are three theater internment facilities in Iraq and one in Afghanistan. Under those rules, one can only be held 14 days. But any interrogation between the time of capture and the time a person is entered in the theater internment facility does not have to be videotaped.

The Acting CHAIRMAN. All time for debate has expired.

The question is on the amendment offered by the gentleman from New Jersey (Mr. HOLT).

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

Mr. HUNTER. Madam Chairman, I demand a recorded vote.

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

AMENDMENT NO. 31 OFFERED BY MR. MCGOVERN

The Acting CHAIRMAN. It is now in order to consider amendment No. 31 printed in House Report 110-666.

Mr. MCGOVERN. Madam Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 31 offered by Mr. McGovern:

At the end of subtitle G of title X of the bill, add the following new section:

**SEC. 10xx. PUBLIC DISCLOSURE OF NAMES OF STUDENTS AND INSTRUCTORS AT WESTERN HEMISPHERE INSTITUTE FOR SECURITY COOPERATION.**

Section 2166 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(j) PUBLIC DISCLOSURE OF STUDENTS AND INSTRUCTORS.—(1) The Secretary of Defense shall release to the public, upon request, the information described in paragraph (2) for each of fiscal years 2005, 2006, 2007, and 2008, and any fiscal year thereafter.

“(2) The information to be released under paragraph (1) shall include the following with respect to the fiscal year covered:

“(A) The entire name, including the first, middle, and maternal and paternal surnames, with respect to each student and instructor at the Institute.

“(B) The rank of each student and instructor.

“(C) The country of origin of each student and instructor.

“(D) The courses taken by each student.

“(E) The courses taught by each instructor.

“(F) Any years of attendance by each student in addition to the fiscal year covered.”.

The Acting CHAIRMAN. Pursuant to House Resolution 1218, the gentleman from Massachusetts (Mr. McGovern) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. MCGOVERN. I yield myself 2 minutes.

Let me begin by thanking Chairman SKELTON for his generosity and his support of this amendment. I also want to thank Defense Appropriations Chair MURTHA for supporting this amendment.

Madam Chairman, this amendment is quite simple. For over 40 years, the names of graduates and instructors at the former U.S. Army School of the Americas, and now the Western Hemisphere Institute for Security Cooperation, were available to the public. All that was required was a phone call or a letter to school officials or to file a Freedom of Information Act request, and the names were provided. Suddenly, in August 2006, the names were classified. The only reason cited by the Defense Department for denying the names was that the list includes personal information.

But nothing about the request had changed. No one had asked for new information, and certainly none of a personal nature. So for the past 2 years, the names of graduates and instructors at the WHINSEC have remained secret. Well, almost secret. Names constantly pop up in WHINSEC PR material like this with the nice color pictures and names underneath them, but the public is still denied access. There doesn't seem to be a security concern when it comes to press releases.

It is difficult, Madam Chairman, to understand the national security or privacy concerns raised by some when this information has been available for so many years. The WHINSEC and De-

fense Department have never, ever cited personal security or national security as the reason for denying the names. In over four decades of public access, not once has there ever been a whisper that military officers attending WHINSEC were targets. And these were turbulent years, with coups in the southern cones, civil wars in Central America, and insurgencies, drug lords, and armed groups in the Andes, especially in Colombia and Peru. Not a hint that attending the school was dangerous.

The WHINSEC is supposed to be a model for transparency, accountability, and respect for civil society, including human rights groups and critics. What signal does the school send to its Latin American counterparts about our democratic values when it denies NGOs access to information that has been available for decades? I urge my colleagues to vote to restore public access this information. I reserve the balance of my time.

Mr. HUNTER. Madam Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman is recognized for 10 minutes.

Mr. HUNTER. I want to yield very quickly to Dr. GINGREY. But first, we have that list, and any Member can go look at it but it is not made available to the public. And I think there is a safety issue here. I think there is a safety issue with respect to the families, the children, the wives of the folks that attend this particular institution.

□ 1915

And you know something else?

We applaud our military people regularly. We acknowledge that they're some of the most honorable of citizens. We trust them with the lives of our children and in battles in Iraq and Afghanistan.

And yet it seems like the amendments that come up show quite a bit of distrust. We don't trust our interrogators, so now we're going to videotape them as if they were stealing candy at a 7-Eleven because we don't trust them.

And here we don't trust these great military folks that run WHINSEC who, I think, are going to have a salutary effect on the leaders that come from other countries that come to this school.

Americans are the best. Our military people are often the very best ambassadors for this country. And the idea that we continue to try to close down the best ambassadors, so that the people who will offer schools to them are people like Hugo Chavez, I think that doesn't make a lot of sense.

So as much as I respect my colleague who is offering this amendment, I would hope that my colleagues would vote against it.

I would like to yield 3 minutes to the gentleman from Georgia, Dr. GINGREY.

Mr. GINGREY. I appreciate the gentleman yielding.

And I appreciate the gentleman's intentions with his amendment. But I do

have some serious concerns, and I briefly want to outline them, Madam Chairman.

The protection of the names of WHINSEC students and staff is both a privacy and security issue, with broader implications for our international security cooperation.

Publicizing the names of WHINSEC students in their home countries, where in some cases there are active guerilla or narcotrafficking insurgencies could expose these students to threats to their personal safety and, indeed, to that of their families. This could include hostile attention from nations, organizations and individuals that may wish to do harm to the United States, its friends and its allies.

Such publication, Madam Chairman, could serve as a disincentive to foreign students who would otherwise want to attend WHINSEC, and it could discourage nations from sending their students to the institute. This would undercut the effectiveness of WHINSEC as a tool for building hemispheric security cooperation and communicating the democratic values and the respect for human rights that we champion.

A further concern I have is that cooperative training at WHINSEC does not just involve military personnel. We're also training police forces, of which more are from Colombia than any other nation. Many of these personnel are involved in counterdrug operations when they return to their country. It is incomprehensible that we would put their names out there, likely to be published on the Web sites of radical protest groups and put at risk not only their ability to participate in counternarcotic operations, but also their lives. Indeed, Madam Chairman, we would be putting a bull's-eye on their backs.

Madam Chairman, the gentleman noted that these names have been available upon request prior to 2005. That is true.

Well, Madam Chairman, the world has changed. You used to be able to drive freely around this Capitol prior to 9/11. You used to be able to get on an airplane without going through metal detectors. Obviously, you can't do that now. The security environment in the western hemisphere has also changed.

In his testimony before the House Armed Services Committee, Admiral Stavridis, the Commander of SOUTHCOM, testified, and I quote, "Some trends in a few countries in SOUTHCOM's area of responsibility impede security cooperation, as their governments espouse vocal, anti-U.S. messages, and they undertake policies that portend a less stable and secure hemisphere."

For most of the period of time when names were released, as Mr. MCGOVERN was mentioning, Venezuela's foreign policy toward the United States was much different than it is now. We now also know that China is engaging militarily on a daily basis with the nations in our own backyard.



Madam Chairman, those who seek to close WHINSEC will attempt to take advantage of this policy to create the appearance—

The Acting CHAIRMAN. The gentleman's time has expired.

Mr. HUNTER. I yield an additional 2 minutes to the gentleman.

Mr. GINGREY. Madam Chairman, they will take advantage of this policy to create the appearance of impropriety at the institute, and Venezuela and China will be the beneficiaries. Those concerned about human rights will then have to deal with these potentially hostile nations setting the human rights standard in Latin America.

As for transparency, Madam Chairman, you simply do not learn everything about any institution solely by looking at the names of those who have attended. If you followed that logic, one could contend that Harvard is an institution that trains brutal killers and human rights violators simply because the Unabomber once took a class there.

On the other hand, WHINSEC is open to visitors every working day. It invites people to sit in class, talk with the students, the faculty, review instructional material. This is perhaps the most open, transparent and welcoming organization in the Department of Defense. And it has certainly been the subject of more oversight than any other element of the Department.

Madam Chairman, unfortunately, I believe that the release of personal information has less to do with transparency and more to do with yet another effort to shut down WHINSEC.

On May 7, 2008, the Department of Defense provided to the Congress the names, country of origin, rank, courses, dates of attendance of students and instructors at WHINSEC for the years 2005, 2006, 2007 in accordance with the report language in the fiscal year 2008 Defense Appropriations Act. This information was provided in a classified format. The Department of Defense deemed that sensitive personal information must be safeguarded to protect the privacy, security and dignity of individual students, instructors and families. The fiscal year 2008 information will be provided in a similar format no later than 60 days after the beginning of the next fiscal year, as directed.

There's a working system to provide information regarding WHINSEC students, instructors and courses. This information my friend is asking for with his amendment—

The Acting CHAIRMAN. The gentleman's time has again expired.

Mr. HUNTER. I yield the gentleman an additional minute.

Mr. GINGREY. This information that my friend is asking for in this amendment has therefore already been made available to Congress. He can walk over right now to the Rayburn Building and study the names to his heart's content.

So I am led to wonder, Madam Chairman, what is the McGovern amendment trying to accomplish?

I fear it will only give ammunition to radical groups who hope to ultimately shut down WHINSEC, which the Armed Services Committee and this Congress are opposed to doing.

Mr. MCGOVERN. Madam Chairman, let me again remind my colleagues that the names have always been public with regard to those who attended WHINSEC, and it never discouraged attendance. The only thing that's different is it's now classified and there's no transparency.

I would like to yield 1 minute to the distinguished chairman of the Armed Services Committee, Mr. SKELTON.

Mr. SKELTON. Let me say at the outset that it's important that this school continue to succeed. It does yeoman's work, not just in educating, but in building fences between our country and those in Latin America. The military culture reigns, as it should, and friendships are formed through the years.

And I think that transparency as to who goes, who graduates, and the fact that names and pictures are put in the advertising brochures lets everyone know that this is not such a secret thing.

Openness is important. The Defense Department, up until 2005, released the names of instructors to the public under the Freedom of Information Act. I think, in order for this school to be fully transparent and successful, it should allow the names to be made public.

Mr. HUNTER. Madam Chairman, I would like to yield at this time to another gentleman from Georgia (Mr. WESTMORELAND) 1½ minutes.

Mr. WESTMORELAND. I want to thank Ranking Member HUNTER. And I certainly agree with what he said about the military being some of our greatest ambassadors that we have for this country.

I also want to agree with the distinguished chairman of the committee about the great work that WHINSEC does.

I also want to emphasize what Congressman GINGREY said about, that this is no more than a back door attempt to shut down this school. It does great work. I have visited there. This school is open to the public 7 days a week. You can go in, you can sit in the classes, you can talk to the military personnel. It's as open as you could possibly get.

The times in this country and times in this world have changed. And to put these men and women at risk in their own country and their families at risk is not fair.

The DOD has released these names. They've publicized it. They're for anybody in this body that wants to go read them to try to find out who has been there. I don't know what more we can ask for.

If we're going to have transparency in everything we do, why don't we re-

lease all the information about our families and where we're from and maybe even our intelligence community.

Mr. MCGOVERN. Madam Chairman, I would like to yield 2 minutes to the gentleman from Georgia, who represents the district where the WHINSEC is located, Mr. BISHOP.

Mr. BISHOP of Georgia. Madam Chairman, I'm pleased to cosponsor this amendment which would provide public access to the names of the graduates and instructors of WHINSEC, which is located at Fort Benning, where I'm privileged to represent.

I have been in this House some 16 years, and every one of those 16 years I have found myself in the position of defending this school. Throughout my years of representing Fort Benning, I've visited on many occasions this institute, and consistently I've supported the institute's efforts to provide civil and military training and leadership skills to our friends and our partners in Latin America. They do a tremendous job.

It serves as a unique, creative and a powerful tool in preserving democracy and fighting the global war on terror, promoting human rights, and facilitating international cooperation in our hemisphere.

But every fall we have hundreds of thousands of protesters who come to our city and cause millions of dollars to be spent in security because the protesters believe that some sinister activities take place at this school. Transparency is the only way to put the lie to that, and to show the wonderful work that takes place at that school.

And so I agree with my colleague, Mr. MCGOVERN. We've been on different sides of this issue for many years. But with regard to this, I believe it's appropriate that transparency be there, and that the personnel who attend or teach at the institute should be made public as a matter of transparency. I believe that allowing information will prevent attempts to discredit the institute, will fortify the public's belief in its mission.

We must keep open the channels of information that show WHINSEC's true purpose, namely, that protecting human rights and building democratic governments requires a continued, concerted effort by friends, both at home and abroad.

Please join me in supporting this to secure that the institutions that we entrust promote democratic principles.

The Acting CHAIRMAN. The gentleman's time has expired.

Mr. MCGOVERN. I yield the gentleman an additional 30 seconds.

Mr. BISHOP of Georgia. Please, I ask this House to join me in supporting this effort to ensure that the institution that we entrust to promote democratic principles remains open for review and discussion.

I urge my colleagues to support this amendment and help us put the lie to

all of these protesters that come down and pretend, or that, through misinformation, believe that some sinister activities are taking place there. Please support this amendment. It's good for the school, and it's good for American democracy.

□ 1930

Mr. HUNTER. Madam Chairwoman, I would like to yield to Dr. GINGREY such time as we have left.

The Acting CHAIRMAN. The gentleman from Georgia is recognized for 2 minutes.

Mr. GINGREY. Madam Chairman, you have heard some serious, serious concerns with this amendment. But whatever the outcome today, we must remember what is at stake when it comes to WHINSEC. If we were not to engage with the participating nations, Madam Chairman, we would be abandoning our most effective means of developing relationships with the security forces of these countries. The void created would be filled by countries with poor records on democracy and human rights, such as Venezuela and China.

Madam Chairman, the friendships fostered at WHINSEC have enabled El Salvador, the Dominican Republic, and Honduras to provide well-trained forces to our endeavors in Iraq. Further, thanks to the counterdrugs civil military and medical assistance courses at WHINSEC, hemispheric military police and civilian organizations have also been capably providing counterdrugs and disaster-relief capabilities.

Madam Chairman, the success of current and foreseeable future conflicts will be highly influenced by the degree of international cooperation of allied and friendly countries. This requires engagement and building partnerships and relationships. And I certainly look forward to working with Chairman SKELTON, Admiral Sestak, Mr. BISHOP, my colleague from Georgia, Mr. WESTMORELAND, to ensure that we continue utilizing WHINSEC for this purpose.

Needless to say, Madam Chairman, since we already have a system in place where we're reviewing the names of students attending WHINSEC and because the institute is very transparent, I believe the amendment is unnecessary and could potentially do much more harm than good.

As for the brochures that the gentleman presented, I can assure him, and I'm sure he knows, that those pictures are only published with the permission of those students. So I don't think that is in any way indicative of what we're talking about here.

With that, Madam Chairman, I would urge my colleagues to defeat this amendment. It's a dangerous amendment.

Mr. MCGOVERN. Madam Chairman, I would like to yield 2 minutes to the gentleman from Pennsylvania, a cosponsor of this amendment, Mr. SESTAK.

Mr. SESTAK. Madam Chairman, I stood here a year ago and borrowed

time from the other side to speak with my good colleague from Georgia against an amendment from my good colleague from Massachusetts that had defunded this school.

This school is everything you say it is. It has come a long way since the days of the School of the Americas. And I told the story of how I pulled into, during my 30 years in the military, one country where young officers got underway with us. And as the officers left, one of them said to me, You treat your enlisted different than we do. And I said, What do you mean? He said, You treat them as though they're equal to you. And I said, Well, they say "yes, sir," "no, sir." He said, No. You treat them as though they're equal human beings. We don't.

That's what's good about this School of the Americas. They're exposed to us, Americans.

But I took two other things away that day. That young man was attracted to us. Even though they respected the power of our economy and our military, he admired the power of our ideals. That's what is good about being attracted to our ideals.

I believe also in transparency because the second thing is I learned in this those 30 years that I did not work, even though I took orders from the Commander in Chief of this Nation, I worked for the public citizens of this country. They deserve to know how I was doing my job, whether it was leading men or women into harm's way or whether it was whom I was working with as long as it was safe for them.

I do believe that 40-some years of having told who these individuals were to change it, it eludes me why now it is a danger. I support the ideal of transparency. It was attracted into my ship that day, and that's why I always support this School of the Americas now that I know it's WHINSEC because of the good it can do in teaching transparency to those elsewhere.

Mr. MCGOVERN. Madam Chairman, has my colleague used up all his time?

The Acting CHAIRMAN. The gentleman from California's time has expired.

Mr. MCGOVERN. How much time do I have left?

The Acting CHAIRMAN. The gentleman from Massachusetts controls 2½ minutes.

Mr. MCGOVERN. Madam Chairman, as my fellow cosponsors have said, we do not agree on the fate of WHINSEC. I would like to see it closed. They want it to stay open. But this is not a vote to shut it down. This is a vote to keep it transparent. And we have come together and we all agree that we need to restore public access to these names for reasons of accountability, transparency, and the democratic mission of our own military.

Madam Chairman, look at these lists: all blacked out. Does this look like transparency? Is this what we mean by transparency? Is this democracy at work? Is this the model that we want

Latin American militaries to copy? Is this what we stand for?

The names were public for decades, decades, until August of 2006, and the world all of a sudden didn't just become dangerous, the world has been dangerous, especially in Latin America, for decades.

Openness was the norm, not secrecy. Now, all of a sudden, everything is secret. Why? Because there is some who don't want accountability. There are some who don't want the sunshine in on those who attend this school.

There are no new threats to justifying denying these names. When I visited the school a few months back, no one, nobody came forward and said to me, Please do not make the names public because it will threaten somebody. Or nobody said that the reason why all of a sudden the names became classified was because of an increase in threats. That is just not the case. That's just an excuse.

The bottom line is that there are no new threats to justify denying these names to the public. We need to restore public access. This is the right thing to do. Transparency is a good thing for this Congress to support.

Support the McGovern amendment.

Ms. LEE. Madam Chairman, I rise in strong support of the McGovern-Sestak-Bishop, GA, amendment.

This important amendment will restore public access to the name, country of origin, and other information of graduates and instructors of the infamous Western Hemisphere Institute for Security Cooperation, WHINSEC, formerly known as the School of the Americas.

In doing so, this amendment will provide a critical measure of transparency to the training provided by the United States at this institution.

We know that prior training provided by WHINSEC has led to increased instability in Latin America and numerous violations of human rights at the hands of former students—including torture, extortion, and executions.

Rather than supporting peace and stability, this institution has instead done quite the opposite.

Many countries in the region are still struggling to recover from decades of dictatorship, corruption, and human rights abuses perpetrated by WHINSEC graduates.

At a time when our occupation of Iraq has greatly damaged our credibility and standing in the world, it is imperative that we reverse the legacy of this school that is drenched in secrecy, terror, and violence.

I urge my colleagues to improve our reputation as a promoter of democratic ideals, protect human rights, and support this amendment.

Mr. MCGOVERN. I return the balance of my time.

The Acting CHAIRMAN. All time for debate has expired.

The question is on the amendment offered by the gentleman from Massachusetts (Mr. MCGOVERN).

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

Mr. MCGOVERN. Madam Chairman, I demand a recorded vote.

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

AMENDMENT NO. 55 OFFERED BY MR. ELLSWORTH

The Acting CHAIRMAN. It is now in order to consider amendment No. 55 printed in House Report 110-666.

Mr. ELLSWORTH. Madam Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 55 offered by Mr. ELLSWORTH:

In the appropriate place in title VIII, insert the following:

**SEC. 8. REQUIREMENT FOR DEFENSE CONTRACT CLAUSE PROHIBITING CERTAIN USES OF FOREIGN SHELL COMPANIES.**

(a) **CONTRACT CLAUSE REQUIREMENT.**—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation shall be revised to require each contract awarded by the Department of Defense to contain a clause prohibiting the contractor from performing the contract using a subsidiary or subcontractor that is a foreign shell company if the foreign shell company will perform the work of the contract or subcontract using United States citizens or permanent residents of the United States.

(b) **FOREIGN SHELL COMPANY.**—In this section, the term “foreign shell company” means an entity—

(1) that is incorporated outside the United States or Canada; and

(2) that does not manage, direct, or exercise operational control over personnel performing work under a contract of the entity.

(c) **APPLICABILITY.**—The contract clause required by this section shall apply to contracts in amounts greater than the simplified acquisition threshold (as defined in section 2302a of title 10, United States Code) entered into after the 210-day period beginning on the date of the enactment of this Act.

The Acting CHAIRMAN. Pursuant to House Resolution 1218, the gentleman from Indiana (Mr. ELLSWORTH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana.

Mr. ELLSWORTH. Madam Chairman, I would like to take this opportunity to thank my colleague from Illinois (Mr. EMANUEL) for helping cosponsor this amendment, which is really a shame that we have to file this amendment. It's a very commonsense, straightforward amendment that, as much as I hate to say it, that we found out about it in a newspaper article.

It requires contracts awarded by the Department of Defense to prohibit contractors from using subsidiaries or subcontractors as a foreign shell company performing the work of the contract of a U.S. citizen. In this amendment, a foreign shell company is an entity incorporated outside the U.S. or Canada that does not manage, direct, or exercise operational control over personnel performing work under contract.

Now, what that means in plain English is that companies that are re-

ceiving government contracts and working overseas, Iraq and Afghanistan, are opening post office boxes in the Grand Caymans. A box. No employees, no telephone, no apartments, not an office, not an employee. Yet they claim to be a company out of the Grand Caymans.

What that does, Madam Chairman, is it cheats our government, it cheats our taxpayers at home, and it cheats the folks that work for these companies. This was originally found out by a person going in and filing for a disability claim, and they said, You're not an employee of the United States.

Madam Chairman, this is wrong, and we need to close this loophole. This simple, straightforward amendment that simply closes this is what we want to do here. And I think it's a straightforward amendment.

I would like to yield 1 minute to the gentlelady from Connecticut (Ms. DELAURO).

Ms. DELAURO. I thank the gentleman.

Madam Chairman, I rise to support this amendment because no one should receive special privileges under our tax system.

I want to recognize Representative ELLSWORTH and Congressman EMANUEL for the hard work on this important issue.

It is unacceptable for the Department of Defense to pay for this war by doing business with companies that siphon money from their own workers and from their own government. What does it say about our Nation and our priorities when American companies like Kellogg, Brown & Root, by far the largest contractor in Iraq, are allowed to take their Department of Defense dollars, filter them through an offshore shell company, all to avoid paying significant Social Security and Medicare taxes?

Madam Chairman, we are depleting the Social Security and Medicare trust funds by hundreds of millions of dollars, and this amendment says that must end—prohibiting Defense Department contractors from using foreign shell companies to employ American workers. When tax dodgers avoid their responsibilities, the American taxpayers suffers. We cannot afford this. Support this amendment.

Mr. HUNTER. Madam Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. HUNTER. I have a lot of respect for the author of this amendment, and I understand what you're trying to do. You're trying to keep a corporation from basically employing through a subsidiary American citizens who are not contributing to the tax withholdings.

Is that right?

Mr. ELLSWORTH. Yes. The gentleman from California is correct. That's the sole intent of this amendment.

Mr. HUNTER. I understand that.

The way it's drafted, it appears to me that it's a flat prohibition, and any organization with even one U.S. citizen might be precluded from using this business form, which I think is a far more anticompetitive approach than the gentleman might want.

My feeling is this, that if we approve this amendment, I would hope that the gentleman would work in conference to make sure that it's narrowed to this focus on making sure that these companies pay taxes and that it doesn't have some kind of exclusionary or unintended consequence.

Will the gentleman work with us in conference?

Mr. ELLSWORTH. That's agreed to, absolutely.

Mr. HUNTER. In that case, Madam Chairman, we do not object to this amendment.

Madam Chairman, I yield back.

Mr. ELLSWORTH. People might be wondering if this is a serious problem. We have had estimates from the Congressional Budget Office that if this tax loophole were closed, CBO estimates the Federal Government will save \$846 million over 10 years. I would say that's a pretty big problem. I think the folks in Indiana would say that's a big problem, too.

During a time of tightened budgets and escalating national debt, closing this loophole makes sense. The tax provision was included in the Heroes Earnings Assistance and Relief Tax Act which passed the House just this week.

I would urge my colleagues, and like I said, I would like to thank the gentleman from California. I would be honored to work with him to straighten out his concerns, and I would ask all of my colleagues to support this bill.

The Acting CHAIRMAN. All time for debate has expired.

The question is on the amendment offered by the gentleman from Indiana (Mr. ELLSWORTH).

The amendment was agreed to.

AMENDMENT NO. 56 OFFERED BY MR. HODES

The Acting CHAIRMAN. It is now in order to consider amendment No. 56 printed in House Report 110-666.

Mr. HODES. Madam Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 56 offered by Mr. HODES:

At the end of title X, add the following new section:

**SEC. 1071. PROHIBITIONS RELATING TO PROPAGANDA.**

(a) **PROHIBITION.**—No part of any funds authorized to be appropriated in this or any other Act shall be used by the Department of Defense for propaganda purposes within the United States not otherwise specifically authorized by law.

(b) **REPORTS.**—Not later than 90 days after the date of the enactment of this Act, the Inspector General of the Department of Defense and the Comptroller General of the United States shall each conduct a study of, and submit to the Congress a report on, the extent to which the Department of Defense

has violated the prohibition on propaganda established in section 8001 of Public Laws 107-117, 107-248, 108-87, 108-287, 109-148, 109-289, and 110-116, the Department of Defense Appropriations Acts for fiscal years 2002 through 2008.

(c) DEFINITION.—For purposes of this section, the term “propaganda” means any form of communication in support of national objectives designed to influence the opinions, emotions, attitudes, or behavior of the people of the United States in order to benefit the sponsor, either directly or indirectly.

The Acting CHAIRMAN. Pursuant to House Resolution 1218, the gentleman from New Hampshire (Mr. HODES) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from New Hampshire.

Mr. HODES. Madam Chairman, first I want to thank the distinguished Chair of the committee, Mr. SKELTON, as well as my cosponsors on this amendment, Congresswoman DELAURO and Congressman DEFazio.

Madam Chairman, my amendment to H.R. 5658 addresses an issue of utmost importance to our Constitution and to the integrity of our government.

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And it will help restore the trust of the American people in their government.

In a free and democratic society, our government should never use the public airwaves to propagandize our citizens.

Recent media reports have alleged an organized effort by former Secretary of Defense Donald Rumsfeld and Department of Defense officials to manipulate network news military analysts to promote administration spin on the war in Iraq, even though many of those analysts knew the information not to be accurate.

Internal Pentagon documents obtained by the New York Times refer to these military analysts as message force multipliers, surrogates who can be counted on to deliver administration themes and messages to millions of Americans in the form of their own opinions.

In fact, one analyst apparently referred to the efforts by the Pentagon as brainwashing. A report conducted by media watchdog Media Matters showed that from January 2002 these military analysts, many of whom have ties to the defense industry, appeared on network and cable news stations nearly 4,500 times. That's right, 4,500 instances. Imagine the millions of people who heard those impressions 4,500 times.

The American people were spun by Bush administration message multipliers. They were fed administration talking points believing they were getting independent military analysis.

Days after the news story appeared, the Pentagon suspended the program. The news outlets who hosted the programs and analysts have been remarkably silent. The Department of Defense

Inspector General has already begun an internal review of the program, but given the possibility that the public, as well as decision-makers in this Congress, were misled about the war in Iraq, both in the run-up to the war and afterwards, I believe it is absolutely critical that a public investigation happen that is transparent to this body, as well as to the American people.

Congress cannot allow an administration to manipulate the public with false propaganda on matters of war and our national security.

My amendment will ensure that no money authorized in this act will be used for any domestic propaganda program within the United States aimed at U.S. citizens. It will require a report to Congress by both the Defense Inspector General and the Government Accountability Office on whether previous restrictions on propaganda have been violated and laws broken.

It's finally time for the American people to know the truth. If we allow our government to lie to the American people, we lose the democracy and liberty on which our country was founded, and we risk becoming what generations of brave Americans have fought so hard to defeat.

Let us today on this floor in this Congress say never again will we allow this to happen in our republic.

I urge passage of this amendment, and today, we will say with one voice that the American people will not tolerate domestic propaganda. We will find the truth. We will correct any abuses of power.

I reserve the balance of my time.

Mr. HUNTER. Madam Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from California is recognized for 10 minutes.

Mr. HUNTER. Madam Chairman, I would like to recognize the gentleman from Georgia (Mr. BROUN) for 5 minutes.

Mr. BROUN of Georgia. What is propaganda? Of course, Americans engage in propaganda. It is a vital part of the mission of the United States to promote democracy and protect our country from harm. The United States spreads propaganda every day in spreading freedom and democracy across the world.

The military uses propaganda to recruit soldiers. TV commercials, air shows and other military events all use what is considered to be propaganda to bring out the patriotic spirit of the American youth and people. Slogans such as “Be all you can be in the Army” and “The Few, the Proud, the Marines” are all propaganda directed at the American people, and there is no deception or malice in their intent.

During war, propaganda can save American lives. It already has in Afghanistan and Iraq. Wouldn't we rather shoot our enemy or talk him out of fighting? For Americans fighting overseas, it could be described as per-

suading our enemies to lay down their arms rather than to fight us.

It is better to defeat our enemies with words than with guns. However, we know that commanders have already been hesitant in many cases to use propaganda during this war because they don't want to be accused of propagandizing American contractors overseas. The misconception of what kinds of propaganda are allowed has already caused harm to our soldiers overseas.

This amendment raises significant concerns about our ability to defeat terrorists overseas and protect American lives. This amendment would prohibit funding for propaganda, which is defined as “any form of communication in support of national objectives designed to influence the opinions, emotions, attitudes, or behavior of the people of the United States.”

This definition raises serious questions when you apply it in this sense:

Could we produce the propaganda within the United States and use it overseas? Would this amendment restrict U.S. military operations, including propaganda aimed at our enemies that a U.S. contractor working overseas may see?

Would this restrict certain types of military recruitment within the United States?

What about propaganda that is aimed for overseas consumption, that because of the Internet, returns to the United States and influences U.S. citizens; would that violate the prohibition?

Is there any way that this could interfere with the military releasing information to the media in the United States?

Under this amendment, would providing facts and data on successes overseas to the American public be defined as propaganda?

What if the information went to Members of Congress and they were to share it; is that a violation?

Before we vote to tie the hands of our military, we should make absolutely sure that the Hodes-DeFazio-DeLauro amendment will not constrain recruitment or warfighting efforts by not allowing the types of propaganda that we need.

I would hope that as this bill moves to the conference that we can work to ensure that the language is not so broad that the military cannot do its job.

I recommend that people vote “no” on this amendment because I think it would be disastrous for our Nation because it is an overly broad amendment and would hamstring and shackle our military and our government.

Mr. HODES. Madam Chairman, perhaps the gentleman, my colleague, does not understand that this amendment prohibits lying. “Be all you can be” is persuasion. A concerted program of government-directed lies is propaganda.

The amendment would simply codify language outlawing propaganda within

the United States aimed at our citizens, and perhaps the gentleman is unaware that similar language has been included in congressional appropriations bills since the 1950s. And thus, this amendment does not represent any change in U.S. policy.

Propaganda is narrowly defined as communications designed to influence the people of the United States, and it is limited to domestic programs within the United States aimed at U.S. citizens.

With that, Madam Chairman, I yield to my distinguished cosponsor Mr. DEFAZIO for 2 minutes.

Mr. DEFAZIO. The gentleman is extraordinarily confused. Domestic propaganda? Propaganda to convince the elected officials of the people of the United States or the voters of the United States that some misbegotten objective will be good for the country? That's what you're talking about.

We're not talking about using intelligence or using our own auspices overseas, the Voice of America, whatever, to spread the voice of freedom and democracy around the world. But we are talking about deceiving the United States Congress and the voters of the United States of America in violation of the law, a law that was passed in reaction to the Soviet empire.

You are advocating the position of the Soviet Union in the 1950s, propaganda to deceive your own people. That is unbelievable to me on this floor.

Since the 1950s, since the height of the Soviet Union and the Cold War, we have prohibited propaganda directed at the people of the United States using taxpayer dollars by the Pentagon.

What happened here was a violation of that law, and that anybody would stand here on this floor and say that that law, which we have had in place for more than 50 years, should be repealed or undermined by one narrow-minded administration or Vice President CHENEY or anybody else who wants to manipulate intelligence, the Congress and the American people into a war that should not have been initiated is unbelievable at this point in time.

An informed, free and fair press is critical to our system of government to have informed decision-makers here. Maybe you don't want to hear the truth, but I do, and to have informed voters who are voting based on the truth and choosing their elected representatives based on decisions that they fully understand and that they have been fully informed on and not propagandized.

It's extraordinary to me in the 21st century anybody would advocate the use of propaganda against the voters and the people of the United States.

Mr. HODES. Madam Chairman, how much time do we have remaining on this side?

The Acting CHAIRMAN. The gentleman from New Hampshire controls 3½ minutes.

Mr. HODES. I reserve the balance of my time.

Mr. HUNTER. How much time do we have?

The Acting CHAIRMAN. The gentleman from California controls 6 remaining minutes.

Mr. HUNTER. I would yield myself such time as I might consume.

Madam Chairman and my colleagues, we have general officers, flag officers who go over to Iraq, Afghanistan just as they have gone to every war theater we've fought in. They talk to their colleagues. Their colleagues give them the facts as they see the facts. They come back. They repeat those facts, the ones that they concur in, and they draw conclusions.

Now, they do that on dozens and dozens of talk shows and other media outlets throughout the United States. Some of them are for the operation and some of them are against the operation.

The idea, and this sounds like something we might want to adopt for our campaigns because I've found myself falling prey to this now and again, thinking what my opponent said was propaganda, what I said was the absolute truth. But how about the General McCaffreys who come back, having talked to their friends in theater, and they come back and give their set of facts and they say, therefore, we don't think things are going well, as opposed to the general who goes over and talks to friends in the theater, some of them the very same people, and they come back and say our conclusion is that things are going well.

The idea that we take this great resource, and I understand this is directed at general officers who go over to the theater, come back, appear in the American media, and give their take on where they think this war is going. I think that's a great asset for this country, and I say that, even though I've appeared many times opposite general officers and flag officers who have the opposite opinion from mine. But it's a great resource to have people that have that background and are able to look at the situation and come back and give their opinion freely.

The idea that the people who agree with the operation over there are giving propaganda, but the generals who have come back and said that we think there is a problem with this operation, and there are quite a few of them, that somehow their point is right on and they are precisely accurate and they are serving the public, that's nonsense.

You've got to let your general officers go over, make an evaluation, come back, give that evaluation, and we get to cross-examine them in committee, as we often do. We'll have people on both sides who have seen the same wars and the same operations and come to different conclusions.

The idea that we are going to label the people we don't agree with propagandists and the ones that agree with us are philosophers and statesmen is kind of a zany idea.

Let's let all of our general officers, let's look at them as a great resource, whether they agree with us or not. I've always said that, even about the folks that come back and have a totally opposite view from mine. I've always said this is a great resource to have retired military people with a long background, who go over, have these insights, make an evaluation and come back and give us that evaluation.

Believe me, ladies and gentlemen, we've had it on both sides on the Afghanistan and the Iraq operations. We've seen guys like General Zinni come back and give a viewpoint totally opposite the administration. Yet I listen to that gentleman. I greatly respect him. I think he's got a lot of wisdom. I disagree with him in some cases.

But the idea that we call the people who disagree with us propagandists and the other ones great seers and statesmen and philosophers doesn't make any sense.

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Let's let everybody come back and exercise the right to free speech, and let's not have any of these inhibiting amendments.

Madam Chairman, I reserve the balance of my time.

Mr. HODES. Madam Chairman, at this time, I yield 1 minute to the distinguished Chair of the committee, Mr. SKELTON.

Mr. SKELTON. Madam Chairman, I was sorely distressed when I learned of the fact that there were a good number of former military officers that were given special access, many of whom had conflicts of interest in various defense businesses, and they were considered military television analysts.

You see, people in the military are trusted by Americans. People who are retired military are trusted by Americans. And what's interesting is that this special group had special access to information in the Pentagon and obviously used that in their analysis when talking of the Middle East on television. And what's really interesting is the fact that their special access was canceled.

Mr. HODES. Madam Chairman, at this time, I yield 2 minutes to the distinguished cosponsor of this amendment, the gentlewoman from Connecticut.

Ms. DELAURO. This is domestic propaganda. It is a military-industrial-media complex in which military analysts, many who have ties with the contractors making money off of the war and parroting DOD talking points on the air to mislead the American public, and the TV networks did nothing to prevent it.

I will just tell my colleagues that if you voted for the DOD appropriations bill last year, if you did, you voted to prohibit this. You've done it since 2002. Donald Rumsfeld met with these guys 18 times, told them what to say, and then, my friends, DOD hired a company to track their remarks on the TV networks.

I am proud to offer this amendment with my colleagues. This has been a secret propaganda program within the Department of Defense to use military analysts to generate positive news coverage of the war in Iraq, conditions on Guantanamo, and other activities as part of the war on terror.

New York Times: 75 retired military analysts briefed often by high-level officials in a "powerfully seductive environment" only to be found later again parroting the administration's talking points on major television news programs, over the radio and through newspapers.

Also, the Times reported internal DOD documents described the analysts as "message force multipliers" who could be counted on to deliver the administration's themes and messages to millions of Americans in the form of their own opinions.

You know, when you put analysts on the air without fully disclosing their business interests or their relationship with high-level officials, you have betrayed the public trust. This should not have happened. Unfortunately, our leaders at the Department of Defense didn't understand it. Support this amendment.

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

May I inquire as to how much time is remaining.

The Acting CHAIRMAN. The gentleman has 30 seconds remaining.

Mr. HUNTER. Madam Chairman, how much time do we have remaining?

The Acting CHAIRMAN. The gentleman from California controls 2½ minutes.

Mr. HUNTER. Madam Chairman, let me say this: I have always greatly respected the ability of our guys, this great resource that we have of flag officers—and nonflag officers, incidentally, NCOs and company grade officers—to go over to a warfighting theater and come back and bring you the news, whether it's good or bad. In fact, I've hosted forums in the Armed Services Committee when I brought in dissenting officers who would come back and tell us what they thought was wrong with the war because you've got to listen to it. If you're going to shape good policy, you've got to hear both sides to these things.

I would just say to my colleagues who say, well, these people were hosted; they came over and they were hosted. Listen, you have respected people like General Zinni and Barry McCaffrey and other respected leaders and generals, and they go over to a warfighting theater, you can bet that they are hosted by their colleagues that they grew up with in the military, fought alongside with, and that's absolutely appropriate. And you can bet that they were given transport and they got to look at the operations, they got to give their analysis. And you know something? That has value. I always want to see the guy that thinks that the operation isn't going well and

listen to his remarks and his comments.

So the idea that we're going to label the guys who we don't agree with as having been "propagandized" and we're going to label the guys we agree with as being seers and prophets and truth tellers, that just doesn't work.

We've all been surprised. As you look at this array of general officers, often you'll say, I would have bet that that guy likes the operation. You talk to him and he says, "no, I don't like it, I think we're there for the wrong reason, I don't think it's going to work." And the guy that you thought probably is not going to support it says, you know, I've seen this, this, this and this, and I agree with the operation.

You want to listen to all of them. And the idea that we're going to crunch down on them and also the idea that somehow Don Rumsfeld got these people in a room and told them what to say, if you believe that, you don't believe in the independence of these general officers. None of them are used to having people tell them what to say. They're independent. They're a source of information to us. They're a valuable resource. And we ought to respect all of them. We ought to urge them all to go to theater, come back with their remarks and their comments.

Mr. MORAN of Virginia. Would the gentleman yield?

Mr. HUNTER. Absolutely. I would be happy to yield to my friend.

Mr. MORAN of Virginia. I thank my friend. And I do regret that he's leaving because we appreciate your point of view.

And I asked you to yield, Mr. Ranking Member, because in the article that was in the New York Times they talked about a point where news articles started revealing—

The Acting CHAIRMAN. The time of the gentleman has expired.

Mr. HUNTER. May I ask unanimous consent that he be given an additional 30 seconds.

The Acting CHAIRMAN. Without objection, each side will control additional 30 seconds.

There was no objection.

Mr. MORAN of Virginia. I thank my friend and very distinguished gentleman from California.

When articles came out that troops were dying because of inadequate body armor, a senior Pentagon official wrote to his colleagues, and that letter was made available to the Times, "I think our analysts, properly armed, can push back in that arena."

Now, I suspect you are going to be asked to comment on military things, and we are going to listen very intently. But if the Pentagon asked you to say something that you knew not to necessarily be the truth, you wouldn't do it. The problem is, we have quotes from senior military officers saying they were concerned that their employer, their military contract employers would lose access if they didn't do what the Pentagon asked. That's what we're trying to get at.

The Acting CHAIRMAN. The time of the gentleman from California has expired.

Mr. HODES. Madam Chairman, I'm afraid that my distinguished colleagues on the other side are laboring under a misapprehension.

This amendment is very simple. First, it codifies long-standing policy prohibiting propaganda, domestic propaganda. Second, it calls for an investigation into whether or not the Pentagon had a concerted program to mislead the American public and this Congress.

This amendment deals with what strikes at the very heart of our democracy: We must trust our military. We must have the truth. We make decisions of life and death in this Chamber when we send people off to war. The American people deserve the truth. This amendment will deliver the truth to the American people.

I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New Hampshire (Mr. HODES).

The amendment was agreed to.

AMENDMENT NO. 58 OFFERED BY MR. FOSTER

The Acting CHAIRMAN. It is now in order to consider amendment No. 58 printed in House Report 110-666.

Mr. FOSTER. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 58 offered by Mr. FOSTER: At the end of title XXXI, insert the following:

**SEC. 3113. ENHANCING NUCLEAR FORENSICS CAPABILITIES.**

(a) NNSA FELLOWSHIP PROGRAM FOR GRADUATE STUDENTS IN NUCLEAR CHEMISTRY.—

(1) IN GENERAL.—The Administrator for Nuclear Security shall establish a fellowship program for graduate students who are Ph.D. candidates in the field of nuclear chemistry.

(2) SENSE OF CONGRESS.—It is the sense of Congress that the fellowship program should—

(A) support at least six graduate students per year; and

(B) require each graduate student to spend at least two summers in a national security laboratory over the course of the program.

(3) FUNDING.—Of the amounts appropriated pursuant to an authorization of appropriations in this Act or otherwise made available from amounts for weapons activities from the National Nuclear Security Administration for national technical nuclear forensics for fiscal year 2009, \$3,000,000 shall be available to establish the fellowship program.

(4) PLAN.—No later than February 1, 2009, the Administrator shall submit to the congressional defense committees a plan describing the costs of continuing the program for fiscal year 2010 and thereafter.

(b) NNSA RESEARCH AND DEVELOPMENT PROGRAM ON NUCLEAR FORENSICS RADIATION-MEASUREMENT EQUIPMENT.—

(1) IN GENERAL.—The Administrator for Nuclear Security shall carry out a research and development program to improve the speed and accuracy of nuclear forensics radiation-measurement equipment.

(2) FUNDING.—Of the amounts appropriated pursuant to an authorization of appropriations in this Act or otherwise made available



from amounts for weapons activities from the National Nuclear Security Administration for national technical nuclear forensics for fiscal year 2009, \$2,000,000 shall be available to carry out the research and development program.

(3) PLAN.—No later than February 1, 2009, the Administrator shall submit to the congressional defense committees a plan for the research and development program, including a description of the costs of continuing the program for fiscal year 2010 and thereafter.

(c) RESEARCH AND DEVELOPMENT PLAN FOR NUCLEAR FORENSICS AND ATTRIBUTION.—

(1) RESEARCH AND DEVELOPMENT.—The Secretary of Energy shall prepare a research and development plan to prioritize research and development efforts in the Department of Energy, and at the national laboratories overseen by offices of the Department of Energy, on the technical capabilities required—

(A) to enable a robust and timely nuclear forensic response to a nuclear explosion or to the interdiction of nuclear material or a nuclear weapon anywhere in the world; and

(B) to develop an international database containing data on nuclear material, to enable the attribution of nuclear material or a nuclear weapon to its source.

(2) REPORTS.—

(A) The Secretary of Energy shall submit to the congressional defense committees—

(i) not later than 6 months after the date of enactment of this Act, a report on the contents of the research and development plan described in paragraph (1), and any legislative changes required to implement the plan; and

(ii) not later than 18 months after the date of enactment of this Act, a report on the implementation status of the plan.

(B) The Secretary shall submit each report required by this subsection in unclassified form, but may include a classified annex with such report.

(d) ADDITIONAL INFORMATION TO BE INCLUDED IN REPORT ON NUCLEAR FORENSICS CAPABILITIES.—Section 3129(b) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 585) is amended—

(1) in paragraph (2), by striking “and” at the end;

(2) in paragraph (3), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following: “(4) any legislative, regulatory, or treaty actions necessary to facilitate international cooperation in enhancement of international nuclear-material databases and the linking of those databases to enable prompt data access.”.

(e) REPORT ON NUCLEAR FORENSICS ADVISORY PANEL.—

(1) ESTABLISHMENT.—The Secretary of Defense, in consultation with the Secretary of Energy and the Secretary of Homeland Security, shall submit a report describing a joint recommendation for establishing an independent Nuclear Forensics Advisory Panel of recognized experts not directly associated with the Federal laboratories.

(2) ROLE OF INDEPENDENT PANEL.—The function of such an independent panel should be to provide independent validation of any Federal nuclear forensics analysis.

(3) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretaries referred to in paragraph (1) shall submit a report on the structure and membership of the panel required by that paragraph. The report shall be submitted to—

(A) the Committee on Appropriations, Committee on Armed Services, and Committee on Homeland Security of the House of Representatives; and

(B) the Committee on Appropriations, Committee on Armed Services, and Committee on Homeland Security and Government Affairs of the Senate.

(f) PRESIDENTIAL REPORT ON INVOLVEMENT OF SENIOR-LEVEL EXECUTIVE BRANCH LEADERSHIP IN CERTAIN EXERCISES THAT INCLUDE NUCLEAR FORENSICS ANALYSIS.—Not later than 90 days after the date of the enactment of this Act, the President shall submit a report on the involvement of senior-level executive branch leadership in planned nuclear terrorism preparedness exercises that have nuclear forensics analysis as a component of the exercise. The report shall be submitted to—

(1) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Homeland Security of the House of Representatives; and

(2) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Homeland Security and Government Affairs of the Senate.

The Acting CHAIRMAN. Pursuant to House Resolution 1218, the gentleman from Illinois (Mr. FOSTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. FOSTER. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, combatting the threat of nuclear terrorism on American soil is a critical security challenge. At a time when inadequately secured nuclear material can fall into the hands of the world's most extreme groups, we must find ways to strengthen our deterrent against acts of nuclear terrorism.

Today, I rise to offer this amendment to improve our Nation's nuclear forensics capability to help deter and respond to terrorism. I am pleased to offer it with my colleague, Representative SCHIFF, whose leadership on nuclear security issues has been exemplary.

When combined with law enforcement and intelligence data, nuclear forensics allows us to trace a nuclear device to its source through technical analysis of its nuclear material or residue following a nuclear detonation. As such, it represents one of the strongest deterrents that we have against rogue nuclear nations who might consider releasing nuclear materials to terrorist groups.

This amendment has its roots in a report issued by the American Physical Society and the American Association for the Advancement of Science. The American scientific community found that our Nation's nuclear forensics capabilities are dangerously insufficient and endangered by impending retirements, and made specific recommendations for its improvement.

This amendment expands the nuclear forensics workforce by supporting fellowships in nuclear chemistry, and calls for further research and development in the field. Perhaps most important, this amendment also sets up a joint Nuclear Forensic Advisory Panel of recognized experts to confirm the findings of forensic analysis.

Given the intelligence failures in the run-up to the Iraq war, the results of any nuclear forensics analysis may well be met by international skepticism. This amendment enhances our Nation's credibility on one of the gravest security challenges that we face and represents a significant improvement in our nuclear and national security.

I urge my colleagues to support it.

Madam Chairman, I reserve the balance of my time.

Mr. HUNTER. Madam Chairman, I rise in support of the amendment.

The Acting CHAIRMAN (Mrs. JONES of Ohio). Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. HUNTER. I want to say that we've looked at this on our side, we think it makes sense, and we concur with it. I want to congratulate the two gentlemen who are the cosponsors of this particular amendment. We support it.

Madam Chairman, I yield back the balance of my time unless they want to use some of the time on their side.

Mr. FOSTER. I would like to yield 1½ minutes to the gentleman from California, my cosponsor.

Mr. SCHIFF. I want to congratulate my colleague, the gentleman from Illinois, for his leadership on this issue and thank him for including any amendments and language on the topic that I have prepared.

Our amendment attacks the difficult problem of nuclear trafficking. Illicit nuclear material has been intercepted in transit many times since the end of the Cold War, and the material we catch is probably a small fraction of the total trafficked.

Nuclear attribution would allow us to identify the provenance of nuclear material in transit, or, God forbid, in the aftermath of a detonation. That knowledge would help us decide how to respond, and it would also provide a deterrent. If nations around the world knew that they could be identified as the source of material used in a nuclear attack, even irresponsible nations would be disinclined to proliferate. By developing a robust attribution capability, we can usher in an era in which proliferation is not just discouraged, but deterred, because those responsible would be found and punished.

This amendment supports nuclear attribution by strengthening our nuclear forensics capability. Nuclear forensics involves studying the mix of isotopes and other nuclear material that give it a particular signature. Physicists at the Department of Energy are world leaders in this field, but more research is needed to make our capability prompt, mobile and accurate. This amendment calls on the Secretary of Energy to develop a research and development plan for all the technologies involved so we can direct our funding appropriately.

Nuclear terrorism is a threat of paramount danger and uncertain probability. It is not a threat we can measure in brigades, ships, or warheads, but it is no less pressing for that. I believe this amendment is an important effort to reduce the risk of a calamitous nuclear event.

Mr. FOSTER. I would like to yield the remainder of my time to the gentlewoman from California (Mrs. TAUSCHER).

The Acting CHAIRMAN. The gentlewoman from California is recognized for 1½ minutes.

Mrs. TAUSCHER. Madam Chairman, I rise in support of the Foster amendment to H.R. 5658, the National Defense Authorization Act for Fiscal Year 2009.

As chairman of the Strategic Forces Subcommittee, I am proud to say that my subcommittee's mark already included an increase of \$5 million for the Department of Energy's National Technical Nuclear Forensics Program.

And I worked with my colleague, ADAM SMITH, chairman of the Terrorism and Unconventional Threats Subcommittee in support of an additional \$10 million for nuclear forensics for the Defense Threat Reduction Agency.

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So when Representative FOSTER approached us, we were happy to work with him.

We welcome his amendment, which complements the base bill very nicely by requiring a plan for forensics research and development and requiring the Departments of Defense, Energy, and State to report on how best to create an independent panel of forensics experts.

I urge my colleagues to support the amendment.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. FOSTER).

The amendment was agreed to.

AMENDMENT NO. 51 OFFERED BY MS. SCHWARTZ

The Acting CHAIRMAN. It is now in order to consider amendment No. 51 printed in House Report 110-666.

Ms. SCHWARTZ. Madam Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 51 offered by Ms. SCHWARTZ:

Add at the end of title X the following new section:

**SEC. 1071. USE OF RUNWAY AT NASJRB WILLOW GROVE, PENNSYLVANIA.**

(a) CONDITIONS ON CONVEYANCE, GRANT, LEASE, OR LICENSE.—Any conveyance, grant, lease, or license from the United States to the Commonwealth of Pennsylvania or other legal entity that includes the airfield property located at NASJRB Willow Grove and designated for operation as a Joint Interagency Installation pursuant to section 3703 of the U.S. Troop Readiness, Veterans' Care,

Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (121 Stat. 145) shall be subject to the restrictions on the use of the airfield set forth in subsection (b).

(b) RESTRICTIONS ON USE.—The airfield at the installation shall not be used for any of the following purposes:

(1) Commercial passenger operations.

(2) Commercial cargo operations.

(3) Commercial, business, or nongovernment aircraft operations for purposes not related to the missions of the installation, except that this paragraph shall not apply in exigent circumstances or prohibit use of the airfield by or on behalf of any associated user which is a tenant of the installation.

(4) As a reliever airport to relieve congestion at other airports or to provide improved general aviation access to the overall community, except that this paragraph shall not apply in exigent circumstances.

(c) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to diminish or alter authorized uses of the installation, including the military enclave that is part thereof, by the United States or its agencies or instrumentalities or to limit use of the property in exigent circumstances.

(d) DEFINITIONS.—In this section, the following definitions apply:

(1) AIRFIELD.—The term "airfield" means the airfield referred to in subsection (a).

(2) ASSOCIATED USERS.—The term "associated users" means nongovernmental organizations and private entities that use the airfield for purposes related to the national defense, homeland security, and emergency preparedness missions of the installation.

(3) EXIGENT CIRCUMSTANCES.—The term "exigent circumstances" means unusual conditions, including adverse or unusual weather conditions, alerts, and actual or threatened emergencies that are determined by the installation to require limited-duration use of the installation or its airfield for operations, including flying operations, for uses otherwise restricted under subsection (b).

(4) COMMERCIAL CARGO OPERATIONS.—The term "commercial cargo operations" means aircraft operations by a commercial cargo or freight carrier in cases in which cargo is delivered to or flown from the installation under established schedules, except that the term does not include any cargo operations undertaken by or on behalf of any user of the installation or cargo operations related to the national defense, homeland security, and emergency preparedness missions of the installation.

(5) COMMERCIAL PASSENGER OPERATIONS.—The term "commercial passenger operations" means aircraft passenger operations by commercial passenger carriers involving flights where passengers are boarded or enplaned at the installation, except that the term does not include passenger operations undertaken by or on behalf of any user of the installation or passenger operations related to the national defense, homeland security, and emergency preparedness missions of the installation.

(6) INSTALLATION.—The term "installation" means the Joint Interagency Installation referred to in subsection (a).

The Acting CHAIRMAN. Pursuant to House Resolution 1218, the gentlewoman from Pennsylvania (Ms. SCHWARTZ) and a Member opposed each will control 2½ minutes.

The Chair recognizes the gentlewoman from Pennsylvania.

Ms. SCHWARTZ. Madam Chairman, I yield myself 1 minute.

(Ms. SCHWARTZ asked and was given permission to revise and extend her remarks.)

Ms. SCHWARTZ. Madam Chairman, I rise today to offer an amendment to directly address the concerns of a community in my district that is impacted by BRAC 2005.

The BRAC Commission's recommendations related to the Naval Air Station Joint Reserve Base Willow Grove call for a significant continued presence of the Pennsylvania Air National Guard and other military units and for maintenance of the airfield for their use.

The Commonwealth of Pennsylvania is currently working with DOD to transform Willow Grove into a Joint Interagency Operation Installation dedicated to national defense, homeland security, and emergency preparedness. This effort is supported by Federal, State, and local leaders of both parties, including the Governor and both U.S. Senators.

Despite the outpouring of local support for the base and a unified voice which we are supporting for continued military presence at the base, there remains a significant concern in the community that the base could be used for commercial passenger and cargo operations.

My amendment, jointly with PATRICK MURPHY, my colleague from Pennsylvania, which was drafted in coordination with Pennsylvania's Department of Military and Veterans Affairs, would address this local concern and strengthen the future capabilities of the base by codifying what Governor Rendell and bipartisan elected officials at all levels of government have been saying all along: Willow Grove will not become a commercial cargo or passenger airport.

Madam Chairman, I reserve the balance of my time.

Mr. SESTAK. Madam Chairman, I rise to claim time in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Pennsylvania is recognized for 2½ minutes.

Mr. SESTAK. Madam Chairman, first I want to acknowledge my esteemed colleagues Congresswoman SCHWARTZ and PATRICK MURPHY, and I very much respect what they're trying to do for the citizens of their districts.

However, I have stood in this Chamber and watched Representatives COSTELLO, OBERSTAR, ANDREWS, and many others try to bring about transparency to the Federal FAA and to resolve the chaos that is presently in our air traffic management systems.

We have had an FAA that has covered over the safety violations at Northwest and Southwest Airlines, letting 117 planes fly with safety violations. NASA has said there are twice as many near midair collisions than that FAA is reporting, with an 11 percent increase on near runway collisions last year over the previous year. I bring that up because I have also watched in

my district, which is near both of my esteemed colleagues.

And the FAA has now, after a period of time studying one option, has said that they will now no longer have aircraft take off from Philadelphia International Airport and stay over Delaware River, but they will now turn over my citizens, whom I care just as deeply about, at 500 feet.

The statistical studies that have been provided to the FAA that they have ignored means that the children under those aircraft will lose 1 year of education between pre-K and high school and they will be at the highest risk of the number one killer disease in America, cardiovascular disease. And when the FAA Administrator was asked what is the cost of this? she answered to Representative ANDREWS, "We don't know." We don't know the financial cost nor do we know the social cost.

That is why the Government Accounting Office is investigating this one option. The study is due out this summer. There are 12 cases of litigation from four States that are trying to stop this option.

Therefore, I want to work and intend to work to stop this, but I am standing here today because I believe no option should be taken off the table until a comprehensive Federal, local, and regional air traffic management plan has been conducted, and then we should work together, joining together, so that no one will be advocating at Willow Grove any civilian airport nor should they be flying over my district.

The Acting CHAIRMAN. The time of the gentleman has expired.

Ms. SCHWARTZ. Madam Chairman, let me just say that this amendment in no way addresses the issue raised by Mr. SESTAK regarding the FAA airspace redesign.

Madam Chairman, I yield 1 minute to my partner in this effort, the gentleman from Pennsylvania (Mr. PATRICK J. MURPHY).

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Chairman, I rise in support of the gentleman from Pennsylvania's amendment.

In the post-9/11 world, we must utilize all the tools at our disposal to keep our country safe and secure. That is why Congresswoman SCHWARTZ and I, along with our Governor and the majority of the Pennsylvania delegation, are fighting to form a homeland security hub at Willow Grove. Strategically located near Philadelphia, New York City, and Washington, D.C., this air base must continue to serve as a strategic asset for our regional and national security.

Madam Chairman, our amendment is simple: It prohibits the base from becoming a commercial, cargo, or passenger airport. Maintaining Willow Grove's strategic focus ensures that we continue to keep Pennsylvania families safe. This is a commonsense, bipartisan way to secure our region. It's a matter of national security.

I thank the Pennsylvania delegation, and I urge my colleagues to vote in favor of this amendment.

The Acting CHAIRMAN. The gentleman has 30 seconds remaining.

Ms. SCHWARTZ. Madam Chairman, I will just repeat that this amendment is simple. It is consistent with the local and State efforts. We have been working with DOD, with Armed Services staff. I want to thank the leadership of the Armed Services Committee, Mr. SKELTON.

I want to also say that if a rollcall is demanded on this amendment, I ask that the House respect my desire to do what's right for my district and what is right for the homeland security and emergency preparedness for the Mid Atlantic region.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Ms. SCHWARTZ).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. SPRATT

The Acting CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 110-666.

Mr. SPRATT. Madam Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. SPRATT:

Strike section 1224 of the bill and insert the following:

**SEC. 1224. REQUIREMENT TO UPDATE NATIONAL INTELLIGENCE ESTIMATE ON IRAN'S NUCLEAR INTENTIONS AND CAPABILITIES.**

(a) REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Director of National Intelligence shall submit to Congress an update of the National Intelligence Estimate, entitled "Iran: Nuclear Intentions and Capabilities" and dated November 2007. Such update may be submitted in classified form.

(b) ELEMENTS TO BE CONSIDERED.—Each update submitted under subsection (a) shall include the following:

(1) The locations, types, and number of centrifuges and other specialized equipment necessary for the enrichment of nuclear material and any plans to develop and operate such equipment in the future.

(2) An estimate of the amount, if any, of enriched to weapons-grade uranium materials acquired or produced to date and plutonium acquired or produced and reprocessed into weapons-grade material to date, an estimate of the amount of plutonium that is likely to be produced and reprocessed into weapons-grade material in the near- and midterms and the amount of uranium that is likely to be enriched to weapons-grade levels in the near- and midterms, and the number of nuclear weapons that could be produced with each category of materials.

(3) A description of the security and safeguards at any nuclear site that could prevent, slow, verify or monitor the enrichment of uranium or the reprocessing of plutonium into weapons-grade materials.

(4) A description of the weaponization activities, such as the research, design, development, or testing of nuclear weapons or weapons-related components.

(5) A description of programs to construct, acquire, test, or improve methods to deliver nuclear weapons, including an assessment of the likely progress of such programs in the near- and mid-terms.

(6) A summary of assessments made by other allies of the United States of Iran's nuclear weapons program and nuclear-capable delivery systems programs.

(c) NOTIFICATION.—The President shall notify Congress, in writing, within 15 days of determining that—

(1) the Islamic Republic of Iran has met or surpassed any major milestone in its nuclear weapons program; or

(2) Iran has undertaken to accelerate, decelerate, or cease the development of any significant element within its nuclear weapons program.

The Acting CHAIRMAN. Pursuant to House Resolution 1218, the gentleman from South Carolina (Mr. SPRATT) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from South Carolina.

Mr. SPRATT. Madam Chairman, I yield myself 4 minutes.

Madam Chairman, I offer an amendment that would strike the provisions of section 1224 in the bill. It would replace those provisions with language requiring the Director of National Intelligence to submit to Congress regular updates of the National Intelligence Estimate with respect to Iran's nuclear capabilities, present and prospective.

As offered in committee, section 1224 imposed a multiplicity of reporting requirements, including all sorts of data from the Department of Defense. Mr. REYES offered a perfecting amendment culling out many of those requirements and calling for a new commitment to readiness throughout the world, particularly in the Middle East.

Rather than proliferate reporting requirements, my amendment cuts to the heart of the matter, Iran's nuclear capabilities, and calls for regular, periodic reports. What it seeks is basic: a sober analysis of a gravely serious matter in a proven format, the National Intelligence Estimate. This report is gleaned from all 16 parts of our intelligence community, and the job of fusing that data, and drawing the right conclusions, is assigned to the National Intelligence Director, a position created by Congress by the unanimous recommendation of the 9/11 Commission.

We need an assessment, but we need an assessment that is rigorous and objective, pulling no punches, analyzing seriously all issues surrounding nuclear weapons and fissile materials in Iran. And, fortunately, we don't have to invent that vehicle. It exists already in the form of the National Intelligence Estimate, like the NIE of last November, 2007. It satisfies this requirement. And my amendment ensures that this requirement continues to fulfilled, not ad hoc, but at regular intervals, for the benefit of Congress.

My amendment simply places responsibility where it already rests by law and uses a reporting process that is

well established. Why reinvent the wheel? The appropriate vehicle for an ongoing objective of analysis is an updated NIE, not an independent, redundant, parallel effort, overseen by DOD.

There are many good reasons for having unity of command here, but one is simply this: By consolidating analysis in the NIE, we discourage the temptation to "forum shop," look for agencies that will be favorably disposed.

My amendment allows for many of the points of inquiry in the bill's existing language, including input from our allies. But it focuses the NIE on near- and mid-term implications rather than on speculative far-term projections, and it does not rush to a military response as a presupposition.

My amendment leaves in place the bill's current requirement to provide Congress 15 days' written notice when major developments in the nuclear weapons program are detected. But the bill shifts that burden from the Secretary of Defense to the President.

This amendment, the amendment I offer, is truly, Madam Chairman, a perfecting amendment. It improves the language of the bill, and it helps section 1224 fulfill its stated purpose.

Madam Chairman, I reserve the balance of my time.

Mr. MCHUGH. Madam Chairman, I rise to speak on the amendment.

The Acting CHAIRMAN. The gentleman from New York is recognized for 10 minutes.

Mr. MCHUGH. Madam Chairman, let me say at the outset I appreciate the gentleman's intent here, and I take at face value and both understand and in large measure agree with his intent to serve to clarify the base provision in which he is acting on this day.

Having said that, I do have some concerns. I would disagree with the gentleman's assertion, as I understood it, and I have to apologize, Madam Chairman, because the acoustics were rather difficult and I'm not sure I heard everything the gentleman said, but I do believe he was saying that there was a predicate reality in the underlying language that assumed that military reaction was a given or at least a part of it.

I want to make very clear for the record that on our side, Madam Chairman, we feel it is critically important, when speaking on this important issue to the Iranian people, and particularly the Iranian leadership, that they understand that in our mind this is an extraordinarily serious issue.

When we were marking up this provision in the full committee, I made the comment that ambiguity, lack of clarity, on world and military affairs has cost us dearly in the past. One can make the argument that at least in significant measure, for example, the Korean War began on ambiguity, a lack of clarity as to what the United States would do if the Chinese and North Koreans were to take military action, as they ultimately did. Similarly, when Iraq, under Saddam Hussein, invaded Kuwait, I think you can make the case

that Saddam Hussein misinterpreted the American position as to what the reaction of this Nation would be upon such an invasion.

So we think that clarity should not be confused with militarism. Clarity should not be mistaken for belligerence; that clarity, particularly when we are talking in matters of warfare, is important.

Having said that, Madam Chairman, I do believe that Chairman SPRATT, the distinguished member of the Armed Services Committee, has an idea that bears consideration here.

I do have a question. I would ask the gentleman from South Carolina, and this is not part of the prearranged script and I'm not trying to play "gotcha," but I was curious if the gentleman would yield for a question that I would like to pose to him.

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Mr. SPRATT. I appreciate the gentleman yielding, and I appreciate the tenor of his question. What we have tried to do is get this effort down to its essence. The two versions, iterations that we had in the committee were, I thought, prolific with different ideas and requirements.

We have an existing system. It works well. We have reaffirmed it in the latest intelligence act we recently passed in creating the National Intelligence Director. Let's make him or her the supervisor of this process; and the vehicle, the NIE. That's the customary way of doing it, and should be the preferred way of doing it. That is why we put that emphasis in this bill.

Mr. MCHUGH. I appreciate the gentleman's response. If the gentleman would be so kind, if I may pose another question under my time to him. What I am concerned about less, the structure of the gentleman's amendment. I understand it. I think there are some concerns that I have with respect to definitional and clarity issues. But putting those aside, can the gentleman help me better understand why, under the defense bill, this amendment, and I am speaking now, if I may, as a member of the House Permanent Select Committee on Intelligence, does not subject this bill to sequential referral?

Mr. SPRATT. Not subject it to what?

Mr. MCHUGH. Sequential referral. In order words, why this bill, with the inclusion of this amendment that clearly transfers into the intelligence title of our U.S. Code, would not require that HPSCI, the security committee, national intelligence committee of the House, would not have jurisdiction.

Mr. SPRATT. That is the reason we are offering it on the House floor as opposed to offering it in the committee, where it may have resulted in a sequential referral. So far as I know, nobody has raised a point of order about the appropriateness of hearing it in this context.

Mr. MCHUGH. With all due respect, does your side have an opinion from the House Parliamentarian that the

adoption of this language would not subject the bill either on the floor or in conference to sequential referral?

Mr. SPRATT. I don't think it will encounter that problem in conference. The rule waived points of order. So we are clearly in a proper status right here. I think this bill advances the whole idea that we are working with, and as you know, it will go through another iteration before it comes out of conference, I am sure.

Mr. MCHUGH. I thank the gentleman for being responsive to my questions.

With that, Madam Chair, I reserve the balance of my time.

Mr. SPRATT. I yield 2 minutes to the distinguished chairman of the committee, Mr. SKELTON.

Mr. SKELTON. Gathering information, Madam Chairman, on Iraq's nuclear program is an important priority for our Congress. The November, 2007, National Intelligence Estimate provided the needed reappraisal of Iran's nuclear intentions and capabilities. This amendment is sure that that assessment process continues.

Given the differing conclusions between the then-NIE and its predecessor and their analysis of the status of Iran's nuclear program, it's appropriate that we continue to receive reports. This amendment details specific information necessary for congressional oversight, which we have been stressing in our committee all year long. This amendment replaces and improves on the text of our committee, which was of course approved on a bipartisan basis in our committee markup last week. This amendment appropriately identifies the Director of National Intelligence as the official to provide that assessment.

I think it's an excellent amendment. I thank the gentleman from South Carolina for clarifying the text and replacing it with this amendment.

Mr. MCHUGH. Can I inquire as to what the remaining time may be.

The Acting CHAIRMAN. The gentleman from New York has 5 minutes; the gentleman from South Carolina has 6 minutes.

Mr. MCHUGH. I yield myself such time as I may consume.

I had said earlier, Madam Chairman, that I do have some substantive concerns or at least semantic concerns about the language of the amendment. And I think it's important, if I may, to state at least at this moment one or two of those for the record.

I am concerned about the vagueness of some of the language. For example, the underlying amendment, the language that this amendment seeks to change and to amend, requires the Congress to have a clear milestone. One is, quite simply, does Iran have sufficient material for a weapon.

I think most people understand the language behind that. This language, however, says it requires the President to notify Congress within 15 days of Iran having, "met or surpassed any major milestone in its nuclear weapons

program." I don't object to that goal, but I do become concerned about defining what those milestones are.

Milestones in the process of development of nuclear weapons may be self-evident to the scientific community, but for purposes of law, I am not aware, and if I am wrong, then I need to be instructed today on this debate. I am not aware that they are defined in law.

So I think we are leaving a problem there that perhaps as we move into the conference we can—

Mr. HUNTER. Would the gentleman yield?

Mr. MCHUGH. I'd be happy to yield to the distinguished ranking member.

Mr. HUNTER. If the gentleman will yield, and I'd hoped that Mr. SPRATT would concur with this. It is important, I think, for the Members of this body, because the first thing we ask when we do intelligence briefings, we say, How far away is that Nation or those particular people from developing enough material or having enough of a program to build a weapon, a device, a nuclear weapon. So in commonsense language that is the question we ask.

So the gentleman has put the word milestones, as the gentleman from New York said, in this particular report. I would hope that we could define that as we go into conference in terms of material necessary to build a device, and to receive some specifics on that so that we don't have a vague question that the community may have a problem in determining precisely what we mean.

Mr. MCHUGH. I thank the gentleman from California in his clarity, as always.

I do have another point or two I'd like to make, Madam Chairman, that I think should be stated for the record as we go forward to conference.

But for the moment, in terms of time balance, I will reserve the balance of my time.

Mr. SPRATT. Madam Chairman, I yield 2 minutes to the gentleman from Hawaii (Mr. ABERCROMBIE).

Mr. ABERCROMBIE. I rise in support of the Spratt amendment. A reasoned and objective approach is needed for analyzing and assessing the serious issues surrounding the potential for nuclear weapons proliferation in Iran. The current bill language couples military readiness and contingency response planning with report elements that are inherently intelligence-related and dependent on the full spectrum of intelligence sources and methods.

The amendment appropriately shifts the burden of assessment regarding Iran's nuclear weapons capacity and/or intentions from the Secretary of Defense to the Director of National Intelligence. Why reinvent the wheel? Precedent and institutional knowledge specific to the issue already exist. The appropriate vehicle for perpetuating objective analysis of the situation is an updated NIE, with further updates regularly to follow, not an independent

and parallel effort on the part of the DOD.

Renewing demand for products of the proven method of consolidating analysis through a centralized NIE process also discourages the temptation for some to "forum shop." I assure you, among national security agencies for favorable or dissenting views, depending on the circumstance. We are all well aware of the Douglas Feith-led, Dick Cheney-originated cabal that was a major instigator of the war in Iraq.

A disassociated DOD effort would undermine a widely considered and properly vetted approach to nuclear proliferation and other high priority national security issues.

The amendment substantially reflects many of the points of inquiry from the report elements in the bill's existing language, but it centers the focus on an updated NIE analysis on the near and mid-term implications rather than on the speculative far-term projections, and does not rush to associate U.S. military response as a pre-supposition.

On that basis, Madam Chairman, I think this amendment deserves our favorable attention, and I thank you for the time allotted to me.

Mr. MCHUGH. I would ask again, because I know we are getting down toward the end, what the remaining time balances are, please.

The Acting CHAIRMAN. The gentleman from New York has 2 minutes. The gentleman from South Carolina has 4.

Mr. MCHUGH. I yield myself such time as I may consume.

As I said, the concerns that I have, and I think it's fair to say our side have with respect to a major part of this amendment centers on semantics. Normally, that can be considered a minutia. But when you're dealing with questions of nuclear capability, when you're dealing with questions of sending a message from country A to country B, in this case, United States to Iran, I think semantics and definitional issues are very, very important.

I appreciated the dialogue that the gentleman from South Carolina and the distinguished ranking member of the full committee had with respect to the question of milestones, but I also have a concern about the language with respect to the reporting requirement with the fact that should Iran speed up, slow down, or stop, and I will quote now, Madam Chairman, "any significant element" of these programs.

I certainly don't disagree with the intent of that language. But, again, we are writing law, we are not writing narrative, we are not writing a novel. The fact that any significant element is not a definitional perspective concerns me.

So, again, I would simply say for the record, as we go forward, while the intent of this amendment and the prospect of it is positive, there are some concerns on clarity, there are some concerns on definition. I think we need

to continue to focus on in the conference and I would hope as we go forward, we can help clarify those kind of issues.

I don't know if the gentleman on the other side has any more speakers. Assuming that he might, I would reserve the balance of my time.

Mr. SPRATT. I yield 2 minutes to the gentleman from Oregon (Mr. DEFAZIO). Before he begins, could I inquire how much time remains on this side.

The Acting CHAIRMAN. The gentleman will have 2 minutes after the gentleman from Oregon. The gentleman from New York has 15 seconds.

Mr. DEFAZIO. I thank the gentleman for his leadership on this issue and for this amendment. I think this is very necessary. This is not a fine debate about semantics or definitions, it's an issue about the integrity of the intelligence process in the United States of America.

It's well-known now that because of a focus that was created by Vice President CHENEY in the lead-up to the Iraq war and the exclusion of the broader views of the intelligence community, that the intelligence that was provided to the Congress and other decision makers was not comprehensive and not accurate. So the question arises about the language in the bill.

Instead of taking the newly formed and reformed national intelligence agencies and getting their opinion on the capabilities of Iran, it would single out one component of those agencies, the Department of Defense, to write a new opinion. I, for one Member, can speak for myself, am concerned that this is an attempt to redirect our intelligence and to get intelligence that is only coming from a small portion of the intelligence community, the same failing that led to the lead-up and the faulty intelligence for the Iraq war.

We have reformed the intelligence process. We have confidence in our National Intelligence Director, and we should allow him to do his job and compile the advice from all the intelligence agencies of the United States Government, as was done last fall, which contradicted previous opinions on Iraq. We don't want to send any message or direction that we are unhappy with that. We want them to do their job, do it properly, properly inform us, and there is no reason why any sort of additional evaluation should be restricted only to the Department of Defense. That just doesn't make sense.

So it's not an argument about semantics, it's about the fact we were failed in the run-up to the war by cherry picking and focusing of intelligence. We don't want to be failed again. We want the full opinion of the national intelligence agencies.

□ 2045

Mr. MCHUGH. Madam Chairman, in the 15 seconds I have left, I think the gentleman makes some good points. Obviously a broader-based look at this

is more efficacious than a narrow-based look.

I want to compliment the gentleman from South Carolina for trying to refine what I think is a very important provision. I would say as I noted, the comments that I made as to clarity have no intent to in any way besmirch the perspective, the professionalism that the gentleman always brings, and I look forward to producing a good amendment in this regard when we reach conference.

I yield back the balance of my time.

Mr. SPRATT. Let me say to the gentleman, I don't expect this to be the last iteration of this bill. It is the third already. If there are issues of clarity, issues of definition, we will revisit those issues and work them out in conference towards a common purpose here.

I do think this bill advances the process. I think it is better than the previous two bills, and we are building towards a conclusion we can all accept. You can count on my cooperation to that end.

So I thank you for your observations. We will be visiting this topic again.

I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina (Mr. SPRATT).

The amendment was agreed to.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 110-666 on which further proceedings were postponed, in the following order:

Amendment No. 25 by Mr. PRICE of North Carolina.

Amendment No. 32 by Mr. HOLT of New Jersey.

Amendment No. 31 by Mr. MCGOVERN of Massachusetts.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 25 OFFERED BY MR. PRICE OF NORTH CAROLINA

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from North Carolina (Mr. PRICE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 240, noes 168, not voting 31, as follows:

[Roll No. 361]

AYES—240

Abercrombie	Altmire	Baird
Ackerman	Arcuri	Baldwin
Allen	Baca	Barrow

Bartlett (MD)	Grijalva	Obey	Frelinghuysen	Lucas	Renzi
Bean	Gutierrez	Olver	Gallegly	Lungren, Daniel	Rogers (AL)
Becerra	Hall (NY)	Ortiz	Gerlach	E.	Rogers (KY)
Berkley	Hare	Pallone	Gingrey	Mack	Rogers (MI)
Berman	Harman	Pascarell	Gohmert	Manzullo	Rohrabacher
Berry	Hastings (FL)	Pastor	Goode	Marshall	Ros-Lehtinen
Bishop (GA)	Herseeth Sandlin	Payne	Goodlatte	McCarthy (CA)	Roskam
Bishop (NY)	Higgins	Perlmuter	Granger	McCaul (TX)	Royce
Blumenauer	Hill	Peterson (MN)	Graves	McCotter	Ryan (WI)
Boren	Hinchee	Petri	Hall (TX)	McCrery	Sali
Boswell	Hirono	Price (NC)	Hastings (WA)	McHenry	Saxton
Boucher	Hodges	Rahall	Hayes	McHugh	Scalise
Boyd (FL)	Holden	Rangel	Heller	McKeon	Schmidt
Boyda (KS)	Holt	Reyes	Hensarling	McMorris	Sensenbrenner
Brady (PA)	Honda	Richardson	Hoekstra	Rodgers	Sessions
Braley (IA)	Hooley	Rodriguez	Hulshof	Mica	Shadegg
Brown, Corrine	Hoyer	Ross	Hunter	Miller (FL)	Shimkus
Butterfield	Inslee	Rothman	Inglis (SC)	Miller (MI)	Shuster
Capps	Israel	Roybal-Allard	Issa	Miller, Gary	Simpson
Capuano	Jackson (IL)	Ruppersberger	Johnson, Sam	Moran (KS)	Smith (NE)
Cardoza	Jackson-Lee	Ryan (OH)	Jordan	Myrick	Smith (TX)
Carahan	(TX)	Salazar	Keller	Neugebauer	Souder
Carney	Jefferson	Sánchez, Linda	King (IA)	Nunes	Stearns
Carson	Johnson (GA)	T.	King (NY)	Pearce	Sullivan
Castle	Johnson (IL)	Sanchez, Loretta	Kingston	Pence	Tancredo
Cazayoux	Johnson, E. B.	Sarbanes	Kirk	Peterson (PA)	Terry
Chandler	Jones (NC)	Schakowsky	Kline (MN)	Pickering	Thornberry
Childers	Jones (OH)	Schiff	Knollenberg	Pitts	Tiahrt
Christensen	Kagen	Schwartz	Kuhl (NY)	Platts	Tiberi
Clarke	Kanjorski	Scott (GA)	LaHood	Poe	Turner
Clay	Kaptur	Scott (VA)	Lamborn	Porter	Walberg
Cleaver	Kennedy	Serrano	Latham	Price (GA)	Wamp
Clyburn	Kildee	Sestak	LaTourette	Putnam	Weldon (FL)
Coble	Kilpatrick	Shays	Latta	Radanovich	Westmoreland
Cohen	Kind	Shea-Porter	Lewis (CA)	Ramstad	Whitfield (KY)
Conyers	Klein (FL)	Sherman	Lewis (KY)	Regula	Wilson (NM)
Cooper	Kucinich	Shuler	Linder	Rehberg	Wilson (SC)
Costa	Lampson	Sires	LoBiondo	Reichert	Wittman (VA)
Costello	Langevin	Skelton			
Courtney	Larsen (WA)	Slaughter			
Cramer	Larson (CT)	Smith (NJ)	Andrews	Herger	Reynolds
Crowley	Lee	Smith (WA)	Bordallo	Hinojosa	Rush
Cuellar	Levin	Snyder	Cannon	Hobson	Stark
Cummings	Lewis (GA)	Solis	Carter	Marchant	Udall (CO)
Davis (AL)	Lipinski	Space	Castor	Meeks (NY)	Walden (OR)
Davis (CA)	Loebback	Speier	Crenshaw	Miller, George	Walsh (NY)
Davis (IL)	Lofgren, Zoe	Spratt	Doyle	Musgrave	Weller
Davis, Lincoln	Lowe	Stupak	Ehlers	Nadler	Wexler
DeFazio	Lynch	Sutton	Engel	Paul	Young (AK)
DeGette	Mahoney (FL)	Tanner	Fortuño	Pomeroy	
Delahunt	Maloney (NY)	Tauscher	Gillibrand	Pryce (OH)	
DeLauro	Markey	Taylor			
Dicks	Matheeson	Thompson (CA)			
Dingell	Matsui	Thompson (MS)			
Doggett	McCarthy (NY)	Tierney			
Donnelly	McCollum (MN)	Towns			
Duncan	McDermott	Tsongas			
Edwards	McGovern	Udall (NM)			
Ellison	McIntyre	Upton			
Ellsworth	McNerney	Van Hollen			
Emanuel	McNulty	Velázquez			
Emerson	Meek (FL)	Visclosky			
Eshoo	Melancon	Walz (MN)			
Etheridge	Michaud	Wasserman			
Faleomavaega	Miller (NC)	Schultz			
Farr	Mitchell	Waters			
Fattah	Mollohan	Watson			
Filner	Moore (KS)	Watt			
Flake	Moore (WI)	Waxman			
Foster	Moran (VA)	Weiner			
Frank (MA)	Murphy (CT)	Welch (VT)			
Garrett (NJ)	Murphy, Patrick	Wilson (OH)			
Giffords	Murphy, Tim	Wolf			
Gilchrest	Murtha	Woolsey			
Gonzalez	Napolitano	Wu			
Gordon	Neal (MA)	Wynn			
Green, Al	Norton	Yarmuth			
Green, Gene	Oberstar	Young (FL)			

NOES—168

Aderholt	Broun (GA)	Davis, David
Akin	Brown (SC)	Davis, Tom
Alexander	Brown-Waite,	Deal (GA)
Bachmann	Ginny	Dent
Bachus	Buchanan	Diaz-Balart, L.
Barrett (SC)	Burgess	Diaz-Balart, M.
Barton (TX)	Burton (IN)	Doolittle
Biggert	Buyer	Drake
Bilbray	Calvert	Dreier
Bilirakis	Camp (MI)	English (PA)
Bishop (UT)	Campbell (CA)	Everett
Blackburn	Cantor	Fallin
Blunt	Capito	Feeney
Boehner	Chabot	Ferguson
Bonner	Cole (OK)	Forbes
Bono Mack	Conaway	Fortenberry
Boozman	Cubin	Fossella
Boustany	Culberson	Fox
Brady (TX)	Davis (KY)	Franks (AZ)

NOT VOTING—31

□ 2108

Mr. KING of Iowa changed his vote from “aye” to “no.”

Messrs. CLEAVER, TIERNEY, and SHAYS changed their vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. POMEROY. Mr. Chairman, on May 22, 2008, I missed rollcall vote No. 361. Had I been present, I would have voted in the following manner: Rollcall No: 361—“aye.”

AMENDMENT NO. 32 OFFERED BY MR. HOLT

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. HOLT) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting 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 218, noes 192, not voting 29, as follows:



[Roll No. 362]

## AYES—218

Abercrombie Grijalva Norton  
Ackerman Gutierrez Oberstar  
Allen Hall (NY) Obey  
Baca Hare Olver  
Baird Harman Ortiz  
Baldwin Hastings (FL) Pallone  
Barrow Herseth Sandlin Pascarell  
Bartlett (MD) Higgins Pastor  
Bean Hill Payne  
Becerra Hinchey Perlmutter  
Berkley Hirono Pomeroy  
Berman Hodes Price (NC)  
Berry Holden Rahall  
Bishop (GA) Holt Rangel  
Bishop (NY) Honda Reyes  
Blumenauer Hooley Richardson  
Boswell Hoyer Rodriguez  
Boucher Inglis (SC) Rohrabacher  
Boyd (FL) Inslee Ros-Lehtinen  
Boyda (KS) Israel Ross  
Brady (PA) Jackson (IL) Rothman  
Brown, Corrine Jackson-Lee Roybal-Allard  
Butterfield (TX) Ryan (OH)  
Capps Jefferson Sánchez, Linda T.  
Capuano Johnson (GA) Sanchez, Loretta  
Cardoza Johnson (IL) Sarbanes  
Carnahan Johnson, E. B. Schakowsky  
Carson Jones (OH) Schiff  
Castle Kagen Schwartz  
Christensen Kanjorski Scott (GA)  
Clarke Kaptur Scott (VA)  
Clay Kennedy Serrano  
Cleaver Kildee Shear-Porter  
Clyburn Kilpatrick Sherman  
Cohen Kind Shea-Porter  
Conyers Klein (FL) Sires  
Cooper Kucinich Skelton  
Costa Langevin Slaughter  
Costello Larsen (WA) Smith (NJ)  
Courtney Larson (CT) Smith (WA)  
Crowley Lee Snyder  
Cummings Levin Solis  
Davis (AL) Lewis (GA) Speier  
Davis (CA) Lipinski Spratt  
Davis (IL) Loeb sack Stupak  
Davis, Lincoln Lofgren, Zoe Sutton  
DeFazio Lowey Tauscher  
DeGette Lynch Taylor  
Delahunt Maloney (NY) Thompson (CA)  
DeLauro Markey Thompson (MS)  
Diaz-Balart, L. Matsui Tierney  
Diaz-Balart, M. McCarthy (NY) Towns  
Dicks McCollum (MN) Tsongas  
Dingell McDermott Udall (NM)  
Doggett McGovern Upton  
Edwards McIntyre Van Hollen  
Ellison McNulty Velázquez  
Emanuel Meek (FL) Visclosky  
Emerson Melancon Walz (MN)  
Engel Michaud Wasserman  
English (PA) Miller (MI) Schultz  
Eshoo Miller (NC) Waters  
Etheridge Miller, George Watson  
Faleomavaega Mitchell Watt  
Farr Mollohan Waxman  
Fattah Moore (KS) Weiner  
Filner Moore (WI) Welch (VT)  
Foster Moran (KS) Wilson (OH)  
Frank (MA) Moran (VA) Woolsey  
Giffords Murphy, Patrick Wu  
Gilchrest Murtha Wynn  
Gonzalez Napolitano Yarmuth  
Gordon Neal (MA)

## NOES—192

Aderholt Boustany Coble  
Akin Brady (TX) Cole (OK)  
Alexander Broun (GA) Conaway  
Altmire Brown (SC) Cramer  
Arcuri Brown-Waite, Cubin  
Bachmann Ginny Cuellar  
Bachus Buchanan Culberson  
Barrett (SC) Burgess Davis (KY)  
Barton (TX) Burton (IN) Davis, David  
Biggert Buyer Davis, Tom  
Bilbray Calvert Deal (GA)  
Bilirakis Camp (MI) Dent  
Bishop (UT) Campbell (CA) Donnelly  
Blackburn Cantor Doolittle  
Blunt Capito Drake  
Boehner Carney Dreier  
Bonner Cazayoux Duncan  
Bono Mack Chabot Ellsworth  
Boozman Chandler Everett  
Boren Childers Fallin

Feeney Latta  
Ferguson Lewis (CA)  
Flake Lewis (KY)  
Forbes Linder  
Fortenberry LoBiondo  
Fossella Lucas  
Foxy Lungren, Daniel  
Franks (AZ) E.  
Frelinghuysen Mack  
Gallely Mahoney (FL)  
Garrett (NJ) Manzullo  
Gerlach Marshall  
Gingrey Matheson  
Gohmert McCarthy (CA)  
Goode McCaul (TX)  
Goodlatte McCotter  
Granger McCrery  
Graves McHenry  
Green, Gene McHugh  
Hall (TX) McKeon  
Hastings (WA) McMorris  
Hayes Rodgers  
Heller Mica  
Hensarling Miller (FL)  
Herger Miller, Gary  
Hoekstra Murphy (CT)  
Hulshof Murphy, Tim  
Hunter Myrick  
Issa Neugebauer  
Johnson, Sam Nunes  
Jones (NC) Pearce  
Jordan Pence  
Keller Peterson (MN)  
King (IA) Peterson (PA)  
King (NY) Petri  
Kingston Pickering  
Kirk Pitts  
Kline (MN) Platts  
Knollenberg Poe  
Kuhl (NY) Porter  
LaHood Price (GA)  
Lamborn Putnam  
Lampson Radanovich  
Latham Ramstad  
LaTourette Regula

## NOT VOTING—29

Andrews Gillibrand  
Bordallo Hinojosa  
Braley (IA) Hobson  
Cannon Marchant  
Carter Meeks (NY)  
Castor Musgrave  
Crenshaw Nadler  
Doyle Paul  
Ehlers Pryce (OH)  
Fortuño Reynolds

## ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there is 1 minute remaining in this vote.

□ 2115

Ms. JACKSON-LEE of Texas changed her vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. BRALEY of Iowa. Mr. Chairman, on roll-call No. 362, I was unaware of the two-minute vote and just missed recording my vote. Had I been present, I would have voted “aye.”

## AMENDMENT NO. 31 OFFERED BY MR. MCGOVERN

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. MCGOVERN) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 220, noes 189, not voting 30, as follows:

[Roll No. 363]

## AYES—220

Abercrombie Gordon Oberstar  
Ackerman Green, Al Obey  
Allen Green, Gene Olver  
Altmire Grijalva Ortiz  
Arcuri Hall (NY) Pallone  
Baca Hare Pascarell  
Baird Harman Pastor  
Baldwin Hastings (FL) Payne  
Barrow Higgins Perlmutter  
Bean Hill Peterson (MN)  
Becerra Hinchey Pomeroy  
Berkley Hirono Price (NC)  
Berman Hodes Rahall  
Berry Holden Rangel  
Bishop (GA) Holt Reyes  
Bishop (NY) Honda Richardson  
Blumenauer Hooley Rodriguez  
Boren Hoyer Ross  
Boswell Inslee Rothman  
Boucher Israel Roybal-Allard  
Boyd (FL) Jackson (IL) Ruppertsberger  
Boyda (KS) Jackson-Lee Ryan (OH)  
Brady (PA) (TX) Salazar  
Braley (IA) Jefferson Sánchez, Linda T.  
Brown, Corrine Johnson (GA)  
Butterfield Johnson, E. B.  
Capps Jones (OH) Sanchez, Loretta  
Capuano Kagen Sarbanes  
Cardoza Kanjorski Schakowsky  
Carney Kaptur Schiff  
Carson Kennedy Schwartz  
Cazayoux Kildee Scott (GA)  
Chandler Kilpatrick Scott (VA)  
Childers Kind Serrano  
Christensen Klein (FL) Sestak  
Clarke Kucinich Shea-Porter  
Clay LaHood Sherman  
Cleaver Langevin Shuler  
Clyburn Larsen (WA) Sires  
Cohen Larson (CT) Skelton  
Conyers Lee Slaughter  
Cooper Levin Smith (NJ)  
Costello Lewis (GA) Smith (WA)  
Courtney Lipinski Solis  
Cramer Loeb sack Space  
Crowley Lofgren, Zoe Speier  
Cuellar Lowey Spratt  
Cummings Lynch Stupak  
Davis (AL) Mahoney (FL) Sutton  
Davis (CA) Maloney (NY) Tanner  
Davis (IL) Markey Tauscher  
DeFazio Matsui Thompson (CA)  
DeGette McCarthy (NY) Thompson (MS)  
Delahunt McCollum (MN) Tierney  
DeLauro McDermott Towns  
Dicks McGovern Udall (NM)  
Dingell McIntyre Van Hollen  
Doggett McNulty Velázquez  
Donnelly Meek (FL) Visclosky  
Edwards Melancon Walz (MN)  
Ellison Michaud Wasserman  
Ellsworth Miller (NC) Schultz  
Emanuel Miller, George Waters  
Engel Mitchell Watson  
Eshoo Mollohan Watt  
Etheridge Mollohan Waxman  
Faleomavaega Moore (KS) Weiner  
Farr Moore (WI) Welch (VT)  
Fattah Moran (VA) Wilson (OH)  
Filner Murphy (CT) Woolsey  
Flake Murphy, Patrick Wu  
Foster Murtha Wynn  
Frank (MA) Napolitano Yarmuth  
Giffords Neal (MA)  
Gonzalez Norton

## NOES—189

Aderholt Bonner Campbell (CA)  
Akin Bono Mack Cantor  
Alexander Boozman Capito  
Bachmann Boustany Castle  
Bachus Brady (TX) Chabot  
Barrett (SC) Broun (GA) Coble  
Bartlett (MD) Brown (SC) Cole (OK)  
Barton (TX) Brown-Waite, Conaway  
Biggert Ginny Costa  
Bilbray Buchanan Cubin  
Bilirakis Burgess Culberson  
Bishop (UT) Burton (IN) Davis (KY)  
Blackburn Buyer Davis, David  
Blunt Calvert Davis, Lincoln  
Boehner Camp (MI) Davis, Tom

Deal (GA)	Kingston	Putnam
Dent	Kirk	Radanovich
Diaz-Balart, L.	Kline (MN)	Ramstad
Diaz-Balart, M.	Knollenberg	Regula
Doolittle	Kuhl (NY)	Rehberg
Drake	Lamborn	Reichert
Dreier	Lampson	Renzi
Duncan	Latham	Rogers (AL)
Emerson	LaTourette	Rogers (KY)
English (PA)	Latta	Rogers (MI)
Everett	Lewis (CA)	Rohrabacher
Fallin	Lewis (KY)	Ros-Lehtinen
Feeney	Linder	Roskam
Ferguson	LoBiondo	Royce
Forbes	Lucas	Ryan (WI)
Fortenberry	Lungren, Daniel	Sali
Fossella	E.	Saxton
Fox	Mack	Scalise
Franks (AZ)	Manzullo	Schmidt
Frelinghuysen	Marshall	Sensenbrenner
Gallely	Matheson	Sessions
Garrett (NJ)	McCarthy (CA)	Shadegg
Gerlach	McCauley (TX)	Shays
Gilchrest	McCotter	Shimkus
Gingrey	McCrery	Shuster
Gohmert	McHenry	Simpson
Goode	McHugh	Smith (NE)
Goodlatte	McKeon	Smith (TX)
Granger	McMorris	Snyder
Graves	Rodgers	Souder
Hall (TX)	Mica	Sullivan
Hastings (WA)	Miller (FL)	Tancredo
Hayes	Miller (MI)	Taylor
Heller	Miller, Gary	Terry
Hensarling	Moran (KS)	Thornberry
Herger	Murphy, Tim	Tiahrt
Hereth Sandlin	Myrick	Tiberi
Hoekstra	Neugebauer	Turner
Hulshof	Nunes	Upton
Hunter	Pearce	Walberg
Inglis (SC)	Pence	Wamp
Issa	Peterson (PA)	Weldon (FL)
Johnson (IL)	Petri	Westmoreland
Johnson, Sam	Pickering	Whitfield (KY)
Jones (NC)	Pitts	Wilson (NM)
Jordan	Platts	Wilson (SC)
Keller	Poe	Wittman (VA)
King (IA)	Porter	Wolf
King (NY)	Price (GA)	Young (FL)

## NOT VOTING—30

Andrews	Gillibrand	Reynolds
Bordallo	Gutierrez	Rush
Cannon	Hinojosa	Stark
Carnahan	Hobson	Stearns
Carter	Marchant	Udall (CO)
Castor	Meeks (NY)	Walden (OR)
Crenshaw	Musgrave	Walsh (NY)
Doyle	Nadler	Weller
Ehlers	Paul	Wexler
Fortuño	Pryce (OH)	Young (AK)

## ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). One minute remains on this vote.

□ 2120

So the amendment was agreed to.

The result of the vote was announced as above recorded.

## PERSONAL EXPLANATION

Ms. BORDALLO. I requested an official leave of absence beginning at 6:30 p.m. today, Thursday, May 22, 2008, to enable me to return to my district, Guam, for official business. I was therefore absent from the chamber when rollcall votes 361 to 364 were taken. Had I been present for these votes taken in the Committee of the Whole House on the State of the Union on amendments to H.R. 5658, the National Defense Authorization Act for Fiscal Year 2009, I would have voted as follows: “aye” on the amendment offered by Mr. PRICE of North Carolina (rollcall vote 361); “aye” on the amendment offered by Mr. HOLT of New Jersey (rollcall vote 362); “aye” on the amendment offered by Mr. MCGOVERN of Massachusetts (rollcall vote 363).

The Acting CHAIRMAN. The question is on the committee amendment

in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PASTOR) having assumed the chair, Mrs. JONES of Ohio, Acting 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. 5658) to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2009, and for other purposes, pursuant to House Resolution 1218, she reported the bill back to the House with an amendment 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 to the amendment reported from the Committee of the Whole? If not, the question is on the amendment.

The amendment was 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 a third time, and was read the third time.

## MOTION TO RECOMMIT OFFERED BY MR. CONAWAY

Mr. CONAWAY. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. CONAWAY. Yes, I am in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Conaway moves to recommit the bill H.R. 5658 to the Committee on Armed Services with instructions to report the same back to the House promptly in the form to which perfects at the time of this motion, with the following amendments:

At the end of title X, add the following new sections:

**SEC. 1071. SENSE OF CONGRESS AND REPEAL OF ALTERNATIVE FUEL PROCUREMENT REQUIREMENT FOR FEDERAL AGENCIES.**

(a) SENSE OF CONGRESS.—It is the sense of Congress that prohibiting Federal agencies from entering into contracts for procurement of alternative or synthetic fuel will make Federal agencies like the Department of Defense more dependent on oil from less secure, foreign sources of oil, such as the Middle East, and will lead to higher gasoline prices for Americans.

(b) REPEAL OF ALTERNATIVE FUEL PROCUREMENT REQUIREMENT FOR FEDERAL AGENCIES.—Section 526 of the Energy Independence and Security Act of 2007 (Public Law 110-140; 42 U.S.C. 17142) is hereby repealed.

**SEC. 1072. EXPEDITED CONSTRUCTION OF NEW REFINING CAPACITY ON CLOSED MILITARY INSTALLATIONS.**

(a) DEFINITIONS.—In this section:

(1) The term “base closure law” means the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) and title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

(2) The term “closed military installation” means a military installation closed or approved for closure pursuant to a base closure law.

(3) The term “designated refinery” means a refinery designated under subsection (b).

(4) The term “Federal refinery authorization”—

(A) means any authorization required under Federal law, whether administered by a Federal or State administrative agency or official, with respect to siting, construction, expansion, or operation of a refinery; and

(B) includes any permits, special use authorizations, certifications, opinions, or other approvals required under Federal law with respect to siting, construction, expansion, or operation of a refinery.

(5) The term “refinery” means—

(A) a facility designed and operated to receive, load, unload, store, transport, process, and refine crude oil by any chemical or physical process, including distillation, fluid catalytic cracking, hydrocracking, coking, alkylation, etherification, polymerization, catalytic reforming, isomerization, hydrotreating, blending, and any combination thereof, in order to produce gasoline or other fuel; or

(B) a facility designed and operated to receive, load, unload, store, transport, process, and refine coal by any chemical or physical process, including liquefaction, in order to produce gasoline, diesel, or other liquid fuel as its primary output.

(6) The term “Secretary” means the Secretary of Energy.

(7) The term “State” means a State, the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States.

(b) DESIGNATION REQUIREMENT.—Not later than 90 days after the date of enactment of this Act, the President shall designate no less than 3 closed military installations, or portions thereof, subject to subsection (d)(2), that are appropriate for the purposes of siting a refinery.

(c) ANALYSIS OF REFINERY SITES.—In considering any site for possible designation under subsection (b), the President shall conduct an analysis of—

(1) the availability of crude oil supplies to the site, including supplies from domestic production of shale oil and tar sands and other strategic unconventional fuels;

(2) the distribution of the Nation’s refined petroleum product demand;

(3) whether such site is in close proximity to substantial pipeline infrastructure, including both crude oil and refined petroleum product pipelines, and potential infrastructure feasibility;

(4) the need to diversify the geographical location of the domestic refining capacity;

(5) the effect that increased refined petroleum products from a refinery on that site may have on the price and supply of gasoline to consumers;

(6) the impact of locating a refinery on the site on the readiness and operations of the Armed Forces; and

(7) such other factors as the President considers appropriate.

(d) SALE OR DISPOSAL.—

(1) DESIGNATION.—Except as provided in paragraph (2), until the expiration of 2 years after the date of enactment of this Act, the Federal Government shall not sell or otherwise dispose of the military installations designated pursuant to subsection (b).

(2) GOVERNOR'S OBJECTION.—No site may be used for a refinery under this section if, not later than 60 days after designation of the site under subsection (b), the Governor of the State in which the site is located transmits to the President an objection to the designation, unless, not later than 60 days after the President receives such objection, the Congress has by law overridden the objection.

(e) REDEVELOPMENT AUTHORITY.—With respect to a closed military installation, or portion thereof, designated by the President as a potentially suitable refinery site pursuant to subsection (b)—

(1) the redevelopment authority for the installation, in preparing or revising the redevelopment plan for the installation, shall consider the feasibility and practicability of siting a refinery on the installation; and

(2) the Secretary of Defense, in managing and disposing of real property at the installation pursuant to the base closure law applicable to the installation, shall give substantial deference to the recommendations of the redevelopment authority, as contained in the redevelopment plan for the installation, regarding the siting of a refinery on the installation.

(f) DESIGNATION AS LEAD AGENCY.—

(1) IN GENERAL.—The Department of Energy shall act as the lead agency for the purposes of coordinating all applicable Federal refinery authorizations and related environmental reviews with respect to a designated refinery.

(2) OTHER AGENCIES.—Each Federal and State agency or official required to provide a Federal refinery authorization shall cooperate with the Secretary and comply with the deadlines established by the Secretary.

(g) SECRETARY'S AUTHORITY TO SET SCHEDULE.—The Secretary shall establish a schedule for all Federal refinery authorizations with respect to a designated refinery. In establishing the schedule, the Secretary shall—

(1) ensure expeditious completion of all such proceedings; and

(2) accommodate the applicable schedules established by Federal law for such proceedings.

(h) CONSOLIDATED RECORD.—The Secretary shall, with the cooperation of Federal and State administrative agencies and officials, maintain a complete consolidated record of all decisions made or actions taken by the Secretary or by a Federal administrative agency or officer (or State administrative agency or officer acting under delegated Federal authority) with respect to any Federal refinery authorization.

At the end of division A, add the following new title:

**TITLE XVII—ENHANCEMENT OF RECRUITMENT, RETENTION, AND READJUSTMENT THROUGH EDUCATION**

Sec. 1701. Short title.

Sec. 1702. Findings.

Sec. 1703. Plan on coordination of current educational assistance programs and development of additional educational assistance programs to enable career-oriented members of the Armed Forces to attain a bachelor's degree.

Sec. 1704. Increase in rates of basic educational assistance under the Montgomery GI Bill.

Sec. 1705. Annual stipend for recipients of basic educational assistance under the Montgomery GI Bill.

Sec. 1706. Increase in rates of educational assistance for members of the Selected Reserve.

Sec. 1707. Increase in rates of educational assistance for reserve component members supporting contingency operations and other operations with extended service in the Selected Reserve.

Sec. 1708. Enhancement of transferability of entitlement to educational assistance.

Sec. 1709. Use of educational assistance to repay Federal student loans.

Sec. 1710. Educational assistance for graduates of the service academies and Reserve Officers' Training Corps programs.

Sec. 1711. Opportunity for current and certain retired VEAP-era personnel to enroll in basic educational assistance under the Montgomery GI Bill.

Sec. 1712. College Patriots Grant Program.

**SEC. 1701. SHORT TITLE.**

This title may be cited as the "Enhancement of Recruitment, Retention, and Readjustment Through Education Act of 2008".

**SEC. 1702. FINDINGS.**

Congress makes the following findings:

(1) The World War II-era GI Bill assisted almost 8,000,000 members of the Armed Forces in readjusting to civilian life after completing their service to the nation. With the support and assistance of America's colleges and universities, the GI Bill provided incentives that transformed American society, making a college degree a realizable goal for millions of Americans.

(2) In the years following World War II, the GI Bill continued to provide educational benefits for members of the Armed Forces who had been drafted into or volunteered for service.

(3) The establishment of the All Volunteer Force in 1973, and its development since its inception, has produced highly professional Armed Forces that are recognized as the most effective fighting force the world has ever seen.

(4) The Sonny Montgomery GI Bill was enacted in 1984 to sustain the All Volunteer Force by providing educational benefits to aid in the recruitment and retention of highly qualified personnel for the Armed Forces and to assist veterans in readjusting to civilian life. Today, it remains a cornerstone of military recruiting and retention planning for the Armed Forces and continues to fulfill its original purposes.

(5) The All Volunteer Force depends for its effectiveness and vitality on successful recruiting of highly capable men and women, and retention for careers of soldiers, sailors, airmen, and marines, in both the active and reserve components of the Armed Forces, who, with the support of their families and loved ones, develop into professional, dedicated, and experienced officers, noncommissioned officers, and petty officers.

(6) The achievement of educational goals, including obtaining the means to a college degree, has traditionally been a key reason for volunteering for service in the Armed Forces. For members who serve a career in the Armed Forces, this goal extends to their spouses and children and has resulted in requests for the option to transfer educational benefits under the GI Bill to spouses and children.

(7) As in the aftermath of World War II, colleges and universities throughout the United States should demonstrate their and the Nation's appreciation to veterans by dedicated programs providing financial aid.

(8) It is in that national interest for the United States—

(A) to express the gratitude of the American people by assisting those who have honorably served in the Armed Forces and re-

turned to civilian life to achieve their educational goals;

(B) to provide significant educational benefits to provide incentives for successful recruiting;

(C) to motivate continued service in the All Volunteer Force by those members with the potential for military careers and their spouses and children; and

(D) to assist those who serve and their families in achieving their personal goals, including higher education, while progressing in a military career.

**SEC. 1703. PLAN ON COORDINATION OF CURRENT EDUCATIONAL ASSISTANCE PROGRAMS AND DEVELOPMENT OF ADDITIONAL EDUCATIONAL ASSISTANCE PROGRAMS TO ENABLE CAREER-ORIENTED MEMBERS OF THE ARMED FORCES TO ATTAIN A BACHELOR'S DEGREE.**

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the outstanding men and women who volunteer for service in the Armed Forces and demonstrate through their service the ability, motivation, and commitment to serve as career commissioned officers, non-commissioned officers, petty officers, and warrant officers should be given the opportunities and resources needed to obtain a bachelor's degree before they complete active duty and retire from the Armed Forces; and

(2) every effort should be made by the leaders of the Army, Navy, Marine Corps, Air Force, and Coast Guard to demonstrate to members of the Armed Forces who are willing to serve and study that the dual goals of attaining a bachelor's degree and a distinguished military career are achievable and not mutually exclusive.

(b) PLAN TO COORDINATE AND DEVELOP EDUCATIONAL ASSISTANCE PROGRAMS.—

(1) PLAN REQUIRED.—The Secretary of Defense, in consultation with the Secretary of Veterans Affairs, shall develop a plan to make the attainment of a bachelor's degree an achievable goal for members of the Armed Forces who are motivated towards careers in the Armed Forces and who are able and willing to accept the challenges of military duty and pursuit of college level studies.

(2) ADVICE OF THE SERVICE CHIEFS.—The Secretary of Defense shall develop the plan required by paragraph (1) with the advice of the Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, and the Commandant of the Marine Corps.

(3) ELEMENTS.—The plan required by paragraph (1) shall include the following:

(A) Appropriate elements of current programs to assist members of the Armed Forces in obtaining college-level education, including tuition assistance programs, distance learning programs, and technical training and education provided by the military departments, including programs currently administered by the Secretary of Veterans Affairs.

(B) Appropriate elements of current programs to provide members of the Armed Forces with assistance in obtaining college-level credit for the technical training and experience they undergo during their military career.

(C) One or more additional education programs to assist members of the Armed Forces in obtaining a college-level education, including mechanisms for the provision by the military departments of guidance, mentoring, and resources to assist members in achieving their professional military and personal educational goals.

(D) Such additional programs or mechanisms, such as sabbaticals from the Armed Forces or college-level education provided or funded by the military departments, as the

Secretary of Defense considers appropriate to assist members of the Armed Forces in making adequate progress towards a bachelor's degree from an accredited institution of higher education while continuing a successful military career.

(E) Such mechanisms for the application of the elements of the plan to members of the National Guard and Reserves as the Secretary of Defense considers appropriate to ensure that such members receive appropriate assistance in achieving their professional military and personal educational goals.

(F) Such elements of current programs of the military departments for in-service education of members of the Armed Forces as the Secretary of Defense considers appropriate to maintain and enhance the recruitment and retention by the Armed Forces of highly trained and experienced military leaders.

(4) SUBMITTAL TO CONGRESS.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the plan required by paragraph (1) not later than August 1, 2009.

#### SEC. 1704. INCREASE IN RATES OF BASIC EDUCATIONAL ASSISTANCE UNDER THE MONTGOMERY GI BILL.

(a) INCREASE IN GENERAL RATES AND AUGMENTED RATES FOR EXTENDED SERVICE.—

(1) RATES BASED ON THREE YEARS OF OBLIGATED SERVICE.—Subsection (a)(1) of section 3015 of title 38, United States Code, is amended by striking “on a full-time basis, at the monthly rate of” and all that follows and inserting “on a full-time basis—

“(A) in the case of an individual who served on active duty in the Armed Forces for 12 or more years, at the monthly rate of—

“(i) for months occurring during fiscal year 2009, \$1,650;

“(ii) for months occurring during fiscal year 2010, \$1,800;

“(iii) for months occurring during fiscal year 2011, \$2,000; and

“(iv) for months occurring during a subsequent fiscal year, the amount for months occurring during the preceding fiscal year increased under subsection (h); and

“(B) in the case of an individual who served on active duty in the Armed Forces for less than 12 years, at the monthly rate of—

“(i) for months occurring during fiscal year 2009, \$1,500; and

“(ii) for months occurring during a subsequent fiscal year, the amount for months occurring during the preceding fiscal year increased under subsection (h); or”.

(2) RATES BASED ON TWO YEARS OF OBLIGATED SERVICE.—Subsection (b)(1) of such section is amended—

(A) by striking subparagraphs (A) through (C) and inserting the following new subparagraph (A):

“(A) for months occurring during fiscal year 2009, \$950; and”;

(B) by redesignating subparagraph (D) as subparagraph (B).

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsection (a) shall take effect on October 1, 2008, and shall apply with respect to basic educational assistance payable for months beginning on or after that date.

(2) LIMITATION ON COST-OF-LIVING ADJUSTMENTS.—

(A) CERTAIN RATES BASED ON THREE YEARS OF OBLIGATED SERVICE.—No adjustment under subsection (h) of section 3015 of title 38, United States Code, shall be made in the rates of educational assistance payable under subsection (a)(1)(A) of such section (as amended by subsection (a)(1) of this section) for any of fiscal years 2009 through 2011.

(B) OTHER RATES.—No adjustment under subsection (h) of section 3015 of title 38, United States Code, shall be made in the rates of educational assistance payable under subsection (a)(1)(B) of such section (as so amended), or subsection (b) of such section, for fiscal year 2009.

#### SEC. 1705. ANNUAL STIPEND FOR RECIPIENTS OF BASIC EDUCATIONAL ASSISTANCE UNDER THE MONTGOMERY GI BILL.

(a) ENTITLEMENT TO STIPEND.—

(1) IN GENERAL.—Subchapter II of chapter 30 of title 38, United States Code, is amended by adding at the end the following new section:

##### “§ 3020A. Educational stipend

“(a) ENTITLEMENT.—Each individual receiving basic educational assistance under this subchapter who is pursuing a program of education at an institution of higher learning (as such term is defined in section 3452(f) of this title) is entitled to an educational stipend under this section.

“(b) AMOUNT OF STIPEND.—The educational stipend payable under this section to an individual entitled to such a stipend shall be paid—

“(1) in the case of an individual pursuing an approved program of education on at least a half-time basis, at the annual rate of \$500; and

“(2) in the case of an individual pursuing an approved program of education on less than a half-time basis, at the annual rate of \$350.

“(c) PAYMENT FREQUENCY AND METHOD.—The educational stipend payable under this subsection shall be paid with such frequency (including by lump sum), and by such mechanisms, as the Secretary shall prescribe for purposes of this section.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 30 of such title is amended by adding at the end of the items relating to subchapter II the following new item:

“3020A. Educational stipend.”.

(b) EFFECTIVE DATE.—Section 3020A of title 38, United States Code, as added by subsection (a), shall take effect on the date that is one year after the date of the enactment of this Act.

#### SEC. 1706. INCREASE IN RATES OF EDUCATIONAL ASSISTANCE FOR MEMBERS OF THE SELECTED RESERVE.

(a) INCREASE IN RATES.—Section 16131(b)(1) of title 10, United States Code, is amended—

(1) in subparagraph (A), by striking “\$251” and inserting “\$634”;

(2) in subparagraph (B), by striking “\$188” and inserting “\$474”; and

(3) in subparagraph (C), by striking “\$125” and inserting “\$314”.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsection (a) shall take effect on October 1, 2008, and shall apply with respect to educational assistance payable for months beginning on or after that date.

(2) NO COST-OF-LIVING ADJUSTMENT.—No adjustment under paragraph (2) of section 16131(b) of title 10, United States Code, shall be made in the rates of educational assistance payable under paragraph (1) of such section for fiscal year 2009.

#### SEC. 1707. INCREASE IN RATES OF EDUCATIONAL ASSISTANCE FOR RESERVE COMPONENT MEMBERS SUPPORTING CONTINGENCY OPERATIONS AND OTHER OPERATIONS WITH EXTENDED SERVICE IN THE SELECTED RESERVE.

(a) INCREASE IN RATES FOR EXTENDED SERVICE.—Paragraph (2) of section 16162(c) of title 10, United States Code, is amended to read as follows:

“(2) The educational assistance allowance provided under this chapter shall be the amount as follows (as adjusted under paragraphs (3) and (4)):

“(A) In the case of a member who serves an aggregate of 12 years or more in the Selected Reserve of the Ready Reserve, the amount provided under section 3015(a)(1)(A) of title 38 for the fiscal year concerned, except that if a member otherwise covered by this subparagraph ceases serving in the Selected Reserve the amount shall be the amount provided under subparagraph (B) of this paragraph.

“(B) In the case of any other member, the amount provided under section 3015(a)(1)(B) of title 38 for the fiscal year concerned.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2008, and shall apply with respect to educational assistance payable for months beginning on or after that date.

#### SEC. 1708. ENHANCEMENT OF TRANSFERABILITY OF ENTITLEMENT TO EDUCATIONAL ASSISTANCE.

(a) MODIFICATION OF AUTHORITY TO TRANSFER ENTITLEMENT UNDER MONTGOMERY GI BILL.—

(1) IN GENERAL.—Subsection (a) of section 3020 of title 38, United States Code, is amended to read as follows:

“(a) IN GENERAL.—Subject to the provisions of this section, the Secretary of Defense shall authorize each Secretary concerned to permit an individual described in subsection (b) who is entitled to basic educational assistance under this subchapter to elect to transfer to one or more of the dependents specified in subsection (c) the unused portion of such individual's entitlement to such assistance, subject to the limitation under subsection (d).”.

(2) ELIGIBLE INDIVIDUALS.—Subsection (b) of such section is amended to read as follows:

“(b) ELIGIBLE INDIVIDUALS.—An individual referred to in subsection (a) is any member of the Armed Forces serving on active duty or as a member of the Selected Reserve who, at the time of the approval by the Secretary concerned of the member's request to transfer entitlement to basic educational assistance under this section—

“(1) has completed six years of service in the Armed Forces; and

“(2) meets such other requirements as the Secretary of Defense may prescribe for purposes of this section.”.

(3) LIMITATIONS ON MONTHS OF TRANSFER.—Subsection (d) of such section is amended to read as follows:

“(d) NUMBER OF MONTHS TRANSFERABLE.—

(1) Except as provided in paragraphs (2) and (3), an individual may transfer under this section any number of months of unused entitlement of the individual to basic educational assistance under this chapter.

“(2) In the case of an individual who has completed at least six but less than 12 years of service in the Armed Forces at the time of the approval by the Secretary concerned of the individual's request to transfer entitlement under this section, the number of months that may be transferred by the individual under this section may not exceed the lesser of—

“(A) the number of months transferrable by the individual under paragraph (1); or

“(B) 18 months.”.

(4) TIMING, REVOCATION, AND MODIFICATION OF TRANSFER.—Subsection (f) of such section is amended—

(A) in paragraph (1), by striking “without regard” and all that follows and inserting “while the individual is a member of the Armed Forces.”; and

(B) in paragraph (2)(A), by inserting “while the individual is serving as a member of the Armed Forces or in the Selected Reserve” after “at any time”.

(5) EXCLUSION FROM MARITAL PROPERTY.—Subsection (f) of such section is further amended by adding at the end the following new paragraph:

“(3) Entitlement transferred under this section may not be treated as marital property, or the asset of a marital estate, subject to division in a divorce or other civil proceeding.”.

(6) OVERPAYMENT.—Subsection (i) of such section is amended—

(A) by striking “(1)” before “In the event”; and

(B) by striking paragraphs (2) and (3).

(7) REGULATIONS.—Subsection (k) of such section is amended to read as follows:

“(k) REGULATIONS.—The Secretary of Defense shall, in coordination with the Secretary of Veterans Affairs, prescribe regulations for purposes of this section. Such regulations shall specify the following:

“(1) The circumstances under which the Secretaries concerned may permit and approve transfers of entitlement under this section.

“(2) Such requirements for eligibility for transfer of entitlement under this section as the Secretary of Defense considers appropriate for purposes of subsection (b)(2).

“(3) The manner and effect of an election to modify or revoke a transfer of entitlement under subsection (f)(2).”.

(8) HEADING AMENDMENT.—The heading of such section is amended to read as follows:

**“§ 3020. Transfer of entitlement to basic educational assistance”.**

(9) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 30 of such title is amended by striking the item relating to section 3020 and inserting the following:

“3020. Transfer of entitlement to basic educational assistance.”.

(b) AUTHORITY FOR TRANSFER OF ENTITLEMENT UNDER RESERVE COMPONENTS EDUCATIONAL ASSISTANCE PROGRAMS.—

(1) SELECTED RESERVE PROGRAM.—

(A) IN GENERAL.—Chapter 1606 of title 10, United States Code, is amended by inserting after section 16131a the following new section:

**“§ 16131b. Transfer of entitlement to educational assistance**

“(a) IN GENERAL.—Subject to the provisions of this section, the Secretary concerned may permit a member of the Armed Forces described in subsection (b) who is entitled to educational assistance under this chapter to elect to transfer to one or more of the dependents specified in subsection (c) a portion of such member's entitlement to such assistance, subject to the limitations under subsection (d).

“(b) ELIGIBLE MEMBERS.—A member described in this subsection is a member of the Selected Reserve of the Ready Reserve who, at the time of the approval of the member's request to transfer entitlement to educational assistance under this section—

“(1) has completed at least six years of service in the Selected Reserve; and

“(2) meets such other requirements as the Secretary of Defense may prescribe for purposes of this section.

“(c) ELIGIBLE DEPENDENTS.—A member approved to transfer an entitlement to educational assistance under this section may transfer the member's entitlement as follows:

“(1) To the member's spouse.

“(2) To one or more of the member's children.

“(3) To a combination of the individuals referred to in paragraphs (1) and (2).

“(d) NUMBER OF MONTHS TRANSFERRABLE.—(1) Except as provided in paragraph (2), a member may transfer under this section any number of months of unused entitlement of the member to educational assistance under this chapter.

“(2) In the case of a member who has completed at least six but less than 12 years of

service in the Selected Reserve at the time of the approval by the Secretary concerned of the member's request to transfer entitlement under this section, the number of months that may be transferred by the member under this section may not exceed the lesser of—

“(A) the number of months transferrable by the individual under paragraph (1); or

“(B) 18 months.

“(e) DESIGNATION OF TRANSFEREE.—A member transferring an entitlement to educational assistance under this section shall—

“(1) designate the dependent or dependents to whom such entitlement is being transferred;

“(2) designate the number of months of such entitlement to be transferred to each such dependent; and

“(3) specify the period for which the transfer shall be effective for each dependent designated under paragraph (1).

“(f) TIME FOR TRANSFER; REVOCATION AND MODIFICATION.—(1) Subject to the time limitation for use of entitlement under section 16133 of this title, a member approved to transfer entitlement to educational assistance under this section may transfer such entitlement at any time after the approval of the member's request to transfer such entitlement.

“(2)(A) A member transferring entitlement under this section may modify or revoke at any time the transfer of any unused portion of the entitlement so transferred.

“(B) The modification or revocation of the transfer of entitlement under this paragraph shall be made by the submittal of written notice of the action to both the Secretary concerned and the Secretary of Veterans Affairs.

“(3) Entitlement transferred under this section may not be treated as marital property, or the asset of a marital estate, subject to division in a divorce or other civil proceeding.

“(g) COMMENCEMENT OF USE.—A dependent to whom entitlement to educational assistance is transferred under this section may not commence the use of the transferred entitlement until—

“(1) in the case of entitlement transferred to a spouse, the completion by the member making the transfer of six years of service in the Selected Reserve; or

“(2) in the case of entitlement transferred to a child, both—

“(A) the completion by the member making the transfer of six years of service in the Selected Reserve; and

“(B) either—

“(i) the completion by the child of the requirements of a secondary school diploma (or equivalency certificate); or

“(ii) the attainment by the child of 18 years of age.

“(h) ADDITIONAL ADMINISTRATIVE MATTERS.—(1) The use of any entitlement to educational assistance transferred under this section shall be charged against the entitlement of the member making the transfer at the rate of one month for each month of transferred entitlement that is used.

“(2) Except as provided under subsection (e)(2) and subject to paragraphs (5) and (6), a dependent to whom entitlement is transferred under this section is entitled to educational assistance under this chapter in the same manner as the member from whom the entitlement was transferred.

“(3) The monthly rate of educational assistance payable to a dependent to whom entitlement is transferred under this section shall be the monthly amount payable to the member making the transfer under section 16131 or 16132a of this title, as applicable.

“(4)(A) The death of a member transferring entitlement under this section shall not af-

fect the use of the entitlement by the dependent to whom the entitlement is transferred.

“(B) The involuntary separation or retirement of a member transferring entitlement under this section because of a nondiscretionary provision of law for age or for years of service, as described in section 16133(b) of this title, or medical disqualification which is not the result of gross negligence or misconduct of the member shall not affect the use of entitlement by the dependent to whom the entitlement is transferred.

“(5) A child to whom entitlement is transferred under this section may not use any entitlement so transferred after attaining the age of 26 years.

“(6) The purposes for which a dependent to whom entitlement is transferred under this section may use such entitlement shall include the pursuit and completion of the requirements of a secondary school diploma (or equivalency certificate).

“(7) The administrative provisions of this chapter shall apply to the use of entitlement transferred under this section, except that the dependent to whom the entitlement is transferred shall be treated as the eligible member for purposes of such provisions.

“(i) OVERPAYMENT.—(1) In the event of an overpayment of educational assistance with respect to a dependent to whom entitlement is transferred under this section, the dependent and the member making the transfer shall be jointly and severally liable to the United States for the amount of the overpayment for purposes of section 3685 of title 38.

“(2)(A) Except as provided in subparagraph (B), in the case of a member transferring entitlement under this section whose eligibility is terminated under section 16134(2) of this title, the amount of any transferred entitlement under this section that is used by a dependent of the member as of the date of the failure of the member to participate satisfactorily in training as specified in section 16134(2) of this title shall be treated as an overpayment of educational assistance under paragraph (1).

“(B) Subparagraph (A) shall not apply in the case of a member who fails to complete service agreed to by the member—

“(i) by reason of the death of the member; or

“(ii) for a reason referred to in section 16133(b) of this title.

“(j) APPROVALS OF TRANSFER SUBJECT TO AVAILABILITY OF APPROPRIATIONS.—The Secretary concerned may approve transfers of entitlement to educational assistance under this section in a fiscal year only to the extent that appropriations for military personnel are available in that fiscal year for purposes of making deposits in the Department of Defense Education Benefits Fund under section 2006 of this title in that fiscal year to cover the present value of future benefits payable from the Fund for the Department of Defense portion of payments of educational assistance attributable to increased usage of benefits as a result of such transfers of entitlement in that fiscal year.

“(k) REGULATIONS.—The Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, prescribe regulations for purposes of this section. Such regulations shall specify the following:

“(1) The circumstances under which the Secretaries concerned may permit and approve transfers of entitlement under this section.

“(2) Such requirements for eligibility for transfer of entitlement under this section as the Secretary of Defense considers appropriate for purposes of subsection (b)(2).

“(3) The manner and effect of an election to modify or revoke a transfer of entitlement under subsection (f)(2).”.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1606 of such title is amended by inserting after the item relating to section 16131a the following new item:

“16131b. Transfer of entitlement to educational assistance.”.

(2) PROGRAM FOR RESERVE COMPONENTS SUPPORTING CONTINGENCY AND OTHER OPERATIONS.—

(A) IN GENERAL.—Chapter 1607 of title 10, United States Code, is amended by inserting after section 16162a the following new section:

**“§16162b. Transfer of entitlement to educational assistance**

“(a) IN GENERAL.—Subject to the provisions of this section, the Secretary concerned may permit a member of the Armed Forces described in subsection (b) who is entitled to educational assistance under this chapter to elect to transfer to one or more of the dependents specified in subsection (c) a portion of such member's entitlement to such assistance, subject to the limitations under subsection (d).

“(b) ELIGIBLE MEMBERS.—A member referred to in subsection (a) is a member of the Armed Forces who, at the time of the approval of the member's request to transfer entitlement to educational assistance under this section—

“(1) has completed at least six years of service in the Armed Forces; and

“(2) meets such other requirements as the Secretary of Defense may prescribe for purposes of this section.

“(c) ELIGIBLE DEPENDENTS.—A member approved to transfer an entitlement to educational assistance under this section may transfer the member's entitlement as follows:

“(1) To the member's spouse.

“(2) To one or more of the member's children.

“(3) To a combination of the individuals referred to in paragraphs (1) and (2).

“(d) NUMBER OF MONTHS TRANSFERRABLE.—(1) Except as provided in paragraph (2), a member may transfer under this section any number of months of unused entitlement of the member to educational assistance under this chapter.

“(2) In the case of a member who has completed at least six but less than 12 years of service in the Armed Forces at the time of the approval by the Secretary concerned of the member's request to transfer entitlement under this section, the number of months that may be transferred by the member under this section may not exceed the lesser of—

“(A) the number of months transferrable by the individual under paragraph (1); or

“(B) 18 months.

“(e) DESIGNATION OF TRANSFEREE.—A member transferring an entitlement to educational assistance under this section shall—

“(1) designate the dependent or dependents to whom such entitlement is being transferred;

“(2) designate the number of months of such entitlement to be transferred to each such dependent; and

“(3) specify the period for which the transfer shall be effective for each dependent designated under paragraph (1).

“(f) TIME FOR TRANSFER; REVOCATION AND MODIFICATION.—(1) Subject to the time limitation for use of entitlement under section 16164 of this title, a member approved to transfer entitlement to educational assistance under this section may transfer such entitlement only while serving as a member of the Armed Forces when the transfer is executed.

“(2)(A) A member transferring entitlement under this section may modify or revoke at

any time the transfer of any unused portion of the entitlement so transferred.

“(B) The modification or revocation of the transfer of entitlement under this paragraph shall be made by the submittal of written notice of the action to both the Secretary concerned and the Secretary of Veterans Affairs.

“(g) COMMENCEMENT OF USE.—A dependent to whom entitlement to educational assistance as transferred under this section may not commence the use of the transferred entitlement until—

“(1) in the case of entitlement transferred to a spouse, the completion by the member making the transfer of the years of service in the Armed Forces applicable to the member under subsection (b); or

“(2) in the case of entitlement transferred to a child, both—

“(A) the completion by the member making the transfer of the years of service in the Armed Forces applicable to the member under subsection; and

“(B) either—

“(i) the completion by the child of the requirements of a secondary school diploma (or equivalency certificate); or

“(ii) the attainment by the child of 18 years of age.

“(h) ADDITIONAL ADMINISTRATIVE MATTERS.—(1) The use of any entitlement to educational assistance transferred under this section shall be charged against the entitlement of the member making the transfer at the rate of one month for each month of transferred entitlement that is used.

“(2) Except as provided under subsection (e)(2) and subject to paragraphs (5) and (6), a dependent to whom entitlement is transferred under this section is entitled to educational assistance under this chapter in the same manner as the member from whom the entitlement was transferred.

“(3) The monthly rate of educational assistance payable to a dependent to whom entitlement is transferred under this section shall be the monthly amount payable to the member making the transfer under section 16162 or 16162a of this title, as applicable.

“(4) The death of a member transferring an entitlement under this section shall not affect the use of the entitlement by the dependent to whom the entitlement is transferred.

“(5) A child to whom entitlement is transferred under this section may not use any entitlement so transferred after attaining the age of 26 years.

“(6) The purposes for which a dependent to whom entitlement is transferred under this section may use such entitlement shall include the pursuit and completion of the requirements of a secondary school diploma (or equivalency certificate).

“(7) The administrative provisions of this chapter shall apply to the use of entitlement transferred under this section, except that the dependent to whom the entitlement is transferred shall be treated as the eligible member for purposes of such provisions.

“(i) OVERPAYMENT.—In the event of an overpayment of educational assistance with respect to a dependent to whom entitlement is transferred under this section, the dependent and the member making the transfer shall be jointly and severally liable to the United States for the amount of the overpayment for purposes of section 3685 of title 38.

“(j) APPROVALS OF TRANSFER SUBJECT TO AVAILABILITY OF APPROPRIATIONS.—The Secretary concerned may approve transfers of entitlement to educational assistance under this section in a fiscal year only to the extent that appropriations for military personnel are available in that fiscal year for purposes of making deposits in the Department of Defense Education Benefits Fund

under section 2006 of this title in that fiscal year to cover the present value of future benefits payable from the Fund for the Department of Defense portion of payments of educational assistance attributable to increased usage of benefits as result of such transfers of entitlement in that fiscal year.

“(k) REGULATIONS.—The Secretary of Defense, in consultation with the Secretary of Veterans Affairs, shall prescribe regulations for purposes of this section. Such regulations shall specify the following:

“(1) The circumstances under which the Secretaries concerned may permit and approve transfers of entitlement under this section.

“(2) Such requirements for eligibility for transfer of entitlement under this section as the Secretary of Defense considers appropriate for purposes of subsection (b)(2).

“(3) The manner and effect of an election to modify or revoke a transfer of entitlement under subsection (f)(2).”.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1607 of such title is amended by inserting after the item relating to section 16162a the following new item:

“16162b. Transfer of entitlement to educational assistance.”.

(3) FUNDING UNDER DEPARTMENT OF DEFENSE EDUCATION BENEFITS FUND.—Section 2006(b)(2)(D) of title 10, United States Code, is amended by inserting before the period at the end the following: “, including payments attributable to increased usage of benefits as a result of transfers of entitlement to educational assistance under sections 16131b and 16162b of this title”.

(c) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on October 1, 2009.

**SEC. 1709. USE OF EDUCATIONAL ASSISTANCE TO REPAY FEDERAL STUDENT LOANS.**

(a) USE OF EDUCATIONAL ASSISTANCE TO REPAY FEDERAL STUDENT LOANS.—

(1) IN GENERAL.—Subchapter II of chapter 30 of title 38, United States Code, as amended by section 1705(a) of this Act, is further amended by inserting after section 3020A the following new section:

**“§3020B. Use of basic educational assistance benefits for repayment of Federal student loans**

“(a) IN GENERAL.—An individual entitled to basic educational assistance under this subchapter who is serving on active duty in the Armed Forces may elect to apply amounts of basic educational assistance otherwise available to the individual under this subchapter to repay all or a portion of the outstanding principal and interest on any Federal student loan owed by the individual for the individual's pursuit of a course of education.

“(b) DESIGNATION OF LOANS AND AMOUNTS PAYABLE.—An individual electing under this section to apply amounts of basic educational assistance to the payment of the outstanding principal and interest on Federal student loans shall designate (in such form and manner as the Secretary shall prescribe for purposes of this section) the following:

“(1) Each Federal student loan of the individual for which payment shall be made under this section.

“(2) For each Federal student loan designated under paragraph (1), the monthly amount to be paid under this section.

“(c) LIMITATION ON AMOUNT OF PAYMENTS.—(1) The monthly amount payable with respect to an individual under this section may not exceed the monthly rate of basic educational assistance to which the individual is otherwise entitled under this subchapter at the time of payment of such monthly amount.



“(2) The aggregate amount of basic educational assistance payable with respect to an individual under this section for any 12-month period may not exceed \$6,000.

“(d) FREQUENCY OF PAYMENTS.—Payment of amounts of principal and interest on Federal student loans of an individual under this section shall be made on a monthly basis.

“(e) CESSATION OF PAYMENTS.—Payments made under this section with respect to an individual shall cease if the individual ceases serving on active duty in the Armed Forces, effective as of the first month that begins after the date on which the individual ceases serving on active duty in the Armed Forces.

“(f) CHARGE AGAINST ENTITLEMENT.—The period of entitlement to basic educational assistance under this subchapter of an individual for whom payments are made under this section shall be charged at the rate of one month for each payment or aggregate of payments under this section that are equivalent in amount to the monthly rate of basic educational assistance to which the individual is otherwise entitled under this subchapter.

“(g) REGULATIONS.—The Secretary shall prescribe such regulations as the Secretary considers appropriate for purposes of the administration of this section.

“(h) FEDERAL STUDENT LOAN DEFINED.—In this section, the term ‘Federal student loan’ means any loan made under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).”

(2) CLERICAL AMENDMENT.—The table of sections of subchapter II of chapter 30 of such title, as so amended, is further amended by inserting after the item relating to section 3020A the following new item: Q02 “3020B. Use of basic educational assistance benefits for repayment of Federal student loans.” Q02

(b) EFFECTIVE DATE.—Section 3020B of title 38, United States Code, as added by subsection (a), shall apply with respect to educational assistance payable for months that begin on or after the date that is one year after the date of the enactment of this Act.

**SEC. 1710. EDUCATIONAL ASSISTANCE FOR GRADUATES OF THE SERVICE ACADEMIES AND RESERVE OFFICERS' TRAINING CORPS PROGRAMS.**

(a) ACTIVE DUTY PROGRAM.—

(1) IN GENERAL.—Subsection (a)(1) of section 3011 of title 38, United States Code, is amended—

(A) in subparagraph (B), by striking “or” at the end;

(B) in subparagraph (C), by adding “or” at the end; and

(C) by adding at the end the following new subparagraph:

“(D) after September 30, 2009—

“(i) receives a commission as an officer in the Armed Forces—

“(I) upon graduation from the United States Military Academy, the United States Naval Academy, the United States Air Force Academy, or the Coast Guard Academy; or

“(II) upon completion of a Senior Reserve Officers' Training Corps program under chapter 103 of title 10; and

“(ii) completes at least five years of continuous active duty in the Armed Forces (excluding any period of obligated service in connection with receipt of a commission as an officer in the Armed Forces under clause (i) and excluding any other period of obligated service in connection with education, training, or instruction provided or funded, whether in whole or in part, by the United States);”.

(2) CONFORMING AMENDMENTS.—Such section is further amended—

(A) in subsection (b), by striking “subsection (c)(1)” and inserting “subsection (c)”;

(B) in subsection (c)—

(i) by striking “(1)” after “(c)”;

(ii) by striking paragraphs (2) and (3); and

(C) in subsection (e)(1), by striking “subsection (c)(1)” and inserting “subsection (c)”.

(b) SELECTED RESERVE PROGRAM.—

(1) IN GENERAL.—Subsection (a)(1) of section 3012 of such title is amended—

(A) in subparagraph (B), by striking “or” at the end;

(B) in subparagraph (C), by adding “or” at the end; and

(C) by adding at the end the following new subparagraph:

“(D) after September 30, 2009—

“(i) receives a commission as an officer in the Armed Forces—

“(I) upon graduation from the United States Military Academy, the United States Naval Academy, the United States Air Force Academy, or the Coast Guard Academy; or

“(II) upon completion of a Senior Reserve Officers' Training Corps program under chapter 103 of title 10; and

“(ii) completes at least five years of continuous active duty in the Armed Forces (excluding any period of obligated service in connection with receipt of a commission as an officer in the Armed Forces under clause (i) and excluding any other period of obligated service in connection with education, training, or instruction provided or funded, whether in whole or in part, by the United States);”.

(2) CONFORMING AMENDMENTS.—Such section is further amended—

(A) in subsection (c), by striking “subsection (d)(1)” and inserting “subsection (d)”;

(B) in subsection (d)—

(i) by striking “(1)” after “(d)”;

(ii) by striking paragraphs (2) and (3); and

(C) in subsection (f)(1), by striking “subsection (d)(1)” and inserting “subsection (d)”.

(c) AMOUNT OF BASIC EDUCATIONAL ASSISTANCE.—Section 3015(c) of such title is amended—

(1) in paragraph (1), by striking “paragraph (2)” and inserting “paragraphs (2) and (3)”;

(2) by adding at the end the following new paragraph:

“(3) Paragraph (1) of this section also applies to the following:

“(A) An individual entitled to an educational assistance allowance under section 3011 of this title by reason of subsection (a)(1)(D) of such section.

“(B) An individual entitled to an educational assistance allowance under section 3012 of this title by reason of subsection (a)(1)(D) of such section.”.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2009.

**SEC. 1711. OPPORTUNITY FOR CURRENT AND CERTAIN RETIRED VEAP-ERA PERSONNEL TO ENROLL IN BASIC EDUCATIONAL ASSISTANCE UNDER THE MONTGOMERY GI BILL.**

(a) OPPORTUNITY FOR CURRENT AND CERTAIN RETIRED VEAP-ERA PERSONNEL TO ENROLL.—

(1) IN GENERAL.—Chapter 30 of title 38, United States Code, is amended by inserting after section 3018C the following new section:

**“§ 3018D. Opportunity for current and certain retired VEAP-era personnel to enroll**

“(a) IN GENERAL.—An individual described in subsection (b) who makes an election described in paragraph (5) of such subsection is entitled to basic educational assistance under this chapter, subject to the provisions of subsection (d).

“(b) COVERED INDIVIDUALS.—An individual described in this subsection is an individual

who meets each of the following requirements:

“(1) The individual first became a member of the Armed Forces or first entered on active duty as a member of the Armed Forces on or after January 1, 1977, but before July 1, 1985.

“(2) The individual, as of the date of the individual's election under paragraph (5)—

“(A) is serving on active duty without a break in service (other than as described in section 3202(1)(C) of this title) since the date the individual first became such a member or first entered on active duty as such a member; or

“(B) is retired from the Armed Forces after serving at least 20 years on active duty in the Armed Forces, which service included service on active duty in the Armed Forces on or after September 11, 2001, and elected not to participate in the program of educational assistance under chapter 32 of this title.

“(3) The individual, before applying for benefits under this section, has completed the requirements of a secondary school diploma (or equivalency certificate) or has successfully completed the equivalent of 12 semester hours in a program of education leading to a standard college degree, but has not completed the requirements for nor been awarded a bachelor's degree.

“(4) The individual—

“(A) in the case of an individual described by paragraph (2)(A), is discharged with an honorable discharge or released with service characterized as honorable by the Secretary concerned; or

“(B) in the case of an individual described by paragraph (2)(B), was discharged with an honorable discharge or released with service characterized as honorable by the Secretary concerned.

“(5) During the one-year period beginning on October 1, 2009, the individual makes an irrevocable election to receive benefits under this section pursuant to procedures which the Secretary of each military department shall provide in accordance with regulations prescribed by the Secretary of Defense for the purpose of carrying out this section or which the Secretary of Transportation shall provide for such purpose with respect to the Coast Guard when it is not operating as a service in the Navy.

“(c) REDUCTION OF PAY; COLLECTION AND PAYMENT OF AMOUNTS.—(1) In the case of an individual described by subsection (b) who makes an election under this section to become entitled to basic educational assistance under this chapter—

“(A) the basic pay or retired or retainer pay, as applicable, of the individual shall be reduced (in a manner determined by the Secretary concerned) until the total amount by which such pay is reduced is \$2,700; or

“(B) to the extent that the basic pay of the individual is not so reduced before the individual's discharge or release from active duty as described in subsection (d)(4)(A), the Secretary concerned shall collect from the individual an amount equal to the difference between \$2,700 and the total amount of reductions with respect to the individual under subparagraph (A).

“(2) An individual covered by paragraph (1) may at any time pay the Secretary concerned an amount equal to the difference between the total of the reductions otherwise required with respect to the individual under that paragraph and the total amount of the reductions with respect to the individual under that paragraph at the time of the payment.

“(3) Any amounts collected under paragraph (1)(B) or paid under paragraph (2) shall

be paid into the Department of Defense Education Benefits Fund under section 2006 of title 10.

“(4) The total amount of reductions in pay, or of collections or payments, required with respect to an individual under paragraph (1) shall be achieved not later than 12 months after the date on which the individual makes an election under subsection (b)(5).

“(5) No amount of educational assistance allowance under this chapter shall be paid to an individual covered by paragraph (1) until the date on which the total amount of reductions in pay, or of collections or payments, required with respect to the individual under paragraph (1) is achieved.

“(d) LIMITATIONS ON BASIC EDUCATIONAL ASSISTANCE.—(1) The basic educational assistance allowance payable under this chapter to an individual entitled to such educational assistance allowance under this section shall be payable at the monthly rate of basic educational assistance payable under section 3015(a)(1)(B) of this title.

“(2) Basic educational assistance under this section shall be available only for pursuit of a non-degree vocational training program, an associate degree, or a bachelor's degree, but shall not be available for pursuit of a masters degree or other advanced college degree.

“(3) An individual entitled under this section to basic educational assistance under this chapter is entitled to the educational stipend provided under section 3020A of this title.

“(4)(A) Entitlement under this section to basic educational assistance under this chapter is not transferrable under the provisions of section 3020 of this title.

“(B) An individual entitled under this section to basic educational assistance under this chapter is not eligible for the following:

“(i) The use of basic educational assistance benefits under this chapter for the repayment of Federal student loans under section 3020B of this title.

“(ii) Supplemental educational assistance authorized by subchapter III of this chapter.

“(5)(A) Except as provided in subparagraph (B), the provisions of section 3031 of this title shall apply to the use of entitlement under this section to basic educational assistance under this chapter.

“(B) In the case of an individual entitled under this section to basic educational assistance under this chapter who is described by subsection (b)(2)(B), the period during which the individual may use such entitlement expires on October 1, 2019.

“(e) OUTREACH.—The Secretary shall, in coordination with the Secretary of Defense, provide for notice of the opportunity under this section to elect to become entitled to basic educational assistance under this chapter.”

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 30 of such title is amended by inserting after the item relating to section 3018C the following new item: Q02

“3018D. Opportunity for current and certain retired VEAP-era personnel to enroll.” Q02

(b) CONFORMING AMENDMENTS.—Section 3017(b)(1) of such title is amended—

(1) in subparagraphs (A) and (C), by striking “or 3018C(e)” and inserting “3018C(e), or 3018D(c)”; and

(2) in subparagraph (B), by striking “or 3018C(e) of this title” after “section 3018C(e), or 3018D(c) of this title or paid by the individual under section 3018D(c) of this title”.

## SEC. 1712. COLLEGE PATRIOTS GRANT PROGRAM.

(a) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—Chapter 36 of title 38, United States Code, is amended by adding at the end the following new subchapter:

### “SUBCHAPTER IV—COLLEGE PATRIOTS GRANTS

#### “§ 3699A. College Patriots Grant Program

“(a) PURPOSE.—It is the purpose of this section to provide, through a partnership with the Department and institutions of higher education, supplemental educational grants to assist in making available the benefits of postsecondary education to qualified veterans by meeting such veterans' unmet financial need.

“(b) ESTABLISHMENT OF PROGRAM.—The Secretary shall carry out a supplemental educational grant program under which—

“(1) an institution of higher education participating in the program voluntarily provides a covered individual enrolled in the institution with the non-Federal share of a percentage of the covered individual's unmet financial need determined in accordance with subsection (e); and

“(2) the Secretary provides the Federal share of a percentage of the covered individual's unmet financial need determined in accordance with subsection (e).

“(c) DESIGNATION OF PROGRAM.—The program under this section shall be known as the ‘College Patriots Grant Program’.

“(d) INSTITUTIONAL ELIGIBILITY CRITERIA.—Assistance may be made available under this section only to an institution of higher education that satisfies any criteria specified by the Secretary. Such criteria shall include an agreement or other appropriate assurance from the institution of higher education that—

“(1) the non-Federal share of a covered individual's unmet financial need awarded under this section shall be provided from non-Federal resources, including—

“(A) institutional grants and scholarships;

“(B) tuition or fee waivers;

“(C) State scholarships; and

“(D) foundation or other charitable organization funds; and

“(2) funds made available under this section shall be provided to a covered individual for whom the institution of higher education has made a determination that the covered individual has an unmet financial need, which determination shall be made before including Federal student loans under title IV of the Higher Education Act of 1965 in the covered individual's financial aid package.

“(e) FEDERAL SHARE; NON-FEDERAL SHARE.—

“(1) IN GENERAL.—The Secretary shall not approve an institution of higher education for participation in the College Patriots Grant Program unless the institution of higher education has provided, in the manner required by the Secretary, the following:

“(A) An agreement or other assurance that the institution of higher education will provide the non-Federal share in accordance with this subsection.

“(B) Information on the specific methods by which the non-Federal share shall be paid.

“(C) An acknowledgment that the non-Federal share provided under this subsection shall supplement and not supplant other Federal and non-Federal funds.

“(2) FEDERAL AND NON-FEDERAL SHARES.—Each institution of higher education participating in the program under this section shall select one of the three contribution percentage tiers described in paragraph (3) for purposes of meeting a percentage of the unmet financial needs of covered individuals enrolled in the institution.

“(3) PERCENTAGE CONTRIBUTION TIERS.—

“(A) 25 PERCENT TIER.—In the case of a covered individual enrolled in the institution who has an unmet financial need that is—

“(i) less than \$8,000, the non-Federal share shall be 12.5 percent of the unmet financial need and the Federal share shall be 12.5 per-

cent of the unmet financial need, except that the Federal share shall not exceed \$1,000; and

“(ii) equal to or greater than \$8,000, the Federal share shall be \$1,000 and the non-Federal share shall be 25 percent of the covered individual's unmet financial need minus \$1,000.

“(B) 50 PERCENT TIER.—In the case of a covered individual enrolled in the institution who has an unmet financial need that is—

“(i) less than \$8,000, the non-Federal share shall be 25 percent of the unmet financial need and the Federal share shall be 25 percent of the unmet financial need, except that the Federal share shall not exceed \$2,000; and

“(ii) equal to or greater than \$8,000, the Federal share shall be \$2,000 and the non-Federal share shall be 50 percent of the covered individual's unmet financial need minus \$2,000.

“(C) 100 PERCENT TIER.—In the case of a covered individual enrolled in the institution who has an unmet financial need that is—

“(i) less than \$6,000, the non-Federal share shall be 50 percent of the unmet financial need and the Federal share shall be 50 percent of the unmet financial need, except that the Federal share shall not exceed \$3,000; and

“(ii) equal to or greater than \$6,000, the Federal share shall be \$3,000 and the non-Federal share shall be 100 percent of the covered individual's unmet financial need minus \$3,000.

“(f) REGULATIONS.—The Secretary shall prescribe regulations necessary to implement and administer the College Patriots Grant Program, including regulations establishing the procedures for determining eligibility for the program, applying for supplemental educational grants under the program, and distributing the Federal share provided by the Secretary under the program.

“(g) OUTREACH.—The Secretary of Veterans Affairs, in coordination with the Secretary of Defense and the Secretary of Education, shall—

“(1) make available to the public on the Internet website of the Department—

“(A) a current list of institutions of higher education participating in the College Patriots Grant Program; and

“(B) information on the extent of participation of each institution of higher education participating in the College Patriots Grant Program;

“(2) make available to the public on the Internet website of the Department information about all Federal and State education benefits that members of the regular components of the Armed Forces, members of the reserve components of the Armed Forces, veterans, and their dependents may be eligible to receive; and

“(3) make available to institutions of higher education information about the College Patriots Grant Program and take appropriate actions to encourage broad participation of institutions of higher education in the program.

“(h) AWARDS FOR INSTITUTIONAL RECOGNITION.—The Secretary may establish and administer an awards program to recognize the extent of an institution of higher education's participation in the College Patriots Grant Program.

“(i) DEFINITIONS.—In this section:

“(1) COST OF ATTENDANCE.—The term ‘cost of attendance’ has the meaning given the term in section 472 of the Higher Education Act of 1965 (20 U.S.C. 108711).

“(2) COVERED INDIVIDUAL.—The term ‘covered individual’ means an individual who—

“(A) is enrolled in an institution of higher education that is participating in the College Patriots Grant Program;

“(B) has such amount of remaining entitlement to educational assistance under chapter 30 or 32 of this title, or under chapter 1606 or 1607 of title 10, as the Secretary may require for purposes of this section; and

“(C) after receipt of any of the educational assistance described in subparagraph (B), has an unmet financial need to attend the institution of higher education for which a supplemental educational grant is sought.

“(3) INSTITUTION OF HIGHER EDUCATION.—The term ‘institution of higher education’ has the meaning given the term in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002).

“(4) UNMET FINANCIAL NEED.—The term ‘unmet financial need’ means, with respect to a covered individual, the cost of attendance for the covered individual to attend an institution of higher education participating in the College Patriots Grant Program, minus the sum of—

“(A) grant and work assistance received by the covered individual under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.); and

“(B) any educational assistance payments received by the covered individual through any programs administered by the Department of Veterans Affairs or the Department of Defense.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 36 of such title is amended by adding at the end the following new items:

“SUBCHAPTER IV—COLLEGE PATRIOTS GRANTS  
“3699A. College Patriots Grant Program.”.Q02

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect one year after the date of the enactment of this Act, and shall apply to terms, quarters, or semesters beginning on or after that date.

Mr. CONAWAY (during the reading). Mr. Speaker, I ask unanimous consent to consider it read.

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

There was no objection.

Mr. SKELTON. Mr. Speaker, I reserve a point of order.

The SPEAKER pro tempore. A point of order is reserved.

The gentleman from Texas is recognized for 5 minutes.

Mr. CONAWAY. Mr. Speaker, tonight I'm asking my colleagues to make a clear choice, a choice between a rational development of American energy resources, or a flawed policy of shackling ourselves to unfriendly nations for the fuel we depend on every day.

The Republican motion to recommit will move restrictions on the Federal Government to speed the development and production of American resources, as well as reduce our reliance on imported refined products. It would first repeal the misguided policies introduced by section 526 of the Energy Independence and Security Act, which senselessly handcuffs the Federal Government, especially the Department of Defense, to only conventional sources of diesel, gasoline or jet fuel.

Second, it would expedite the siting of potential new refinery capacity.

Congress has already admitted that we want to continue relying on fossil fuels by passing legislation to let Americans sue OPEC to force them to

increase their oil production. It is irrational to restrict our access to American fossil fuels, but continue buying these same fuels from countries that are, at best, not our allies. This motion will unleash the purchasing power of the Federal Government to accelerate the development and exploitation of unconventional fuels.

With oil at \$130 a barrel, we should be embracing alternative sources of fuel and actively seeking to improve processes and increase refinery capacity, as well as increase fuel efficiency. But instead, Section 526 shuts the door on alternative, unconventional and synthetic fuels, and makes us more reliant on foreign oil.

This motion to recommit also provides the Secretary of Energy with the ability to reuse not less than three excess military installations as possible locations to site new refineries. This process will protect all Federal, State, local review and permitting processes and will even allow an opportunity for the Governor of the State to veto the site. These refineries are critically needed to address not only our military's vulnerabilities, but the needs of all American consumers.

By repealing Section 526 and providing for the construction of new refining capacity, we are taking positive steps to alleviate our reliance on foreign sources of fuel and ensuring the Department of Defense has what it needs to accomplish its security mission.

To me, a choice like this is no choice at all. Relying on untrustworthy regimes for fuel we need that leaves our Nation vulnerable to the whims of thugs and dictators. Tonight, this motion to recommit provides us with the opportunity to become more economically and strategically competitive by promoting the responsible development of American sources of refined products.

Please join me in supporting the passage of this motion to recommit and putting our Nation on a path to energy self-reliance.

I now yield to FRED UPTON.

Mr. UPTON. Mr. Speaker, this motion unlocks the Canadian tar sands and allows that crude oil to come down to the U.S. I spoke to the Canadian Ambassador to the U.S. just a couple of hours ago. They are producing a million and a half barrels a day of this, and they're going to 4 million barrels a day. They're going to do this with us or without us. Wouldn't you rather have this crude come to the U.S. rather than go to China?

This will actually reduce greenhouse gases because you won't have to transport it to China.

This is a good amendment.

Mr. CONAWAY. I now yield to the gentlewoman from Virginia (Mrs. DRAKE).

Mrs. DRAKE. This motion is an expansion of the GI Bill to improve educational benefits for active duty, Guard and Reserve and veterans.

This motion, if enacted, increases monthly educational benefits in October of 2008, then gradual increases tied to length of service. It includes funding for books and supplies, and increases benefits for Guard and Reserve members. It allows members to transfer benefits to their spouse or children, and allows more servicemembers to access these benefits. It also offers student loan repayment help.

I believe it is time to update and improve educational benefits offered to our brave men and women. I believe there is overwhelming consensus in this body to do so.

By adding this provision to the NDAA, it allows these benefits to actually become law.

Mr. CONAWAY. Mr. Speaker, I now yield to the Republican leader, Mr. BOEHNER.

Mr. BOEHNER. Mr. Speaker and my colleagues, this will be the last time that the defense authorization bill comes to the floor of the House under the able hands of our Republican ranking member, Mr. DUNCAN HUNTER.

DUNCAN has been a valued member of the Armed Services Committee for the 28 years that he's been here. I know for a lot of us he's our friend, he's our colleague and someone who brings not only a great amount of knowledge about this defense bill, but also brings a lot of passion with it.

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And I just think that we ought to honor DUNCAN for a job well done.

And this is bigger. Let me also thank his able staff who have done a marvelous job in helping DUNCAN be a great ranking member and a great chairman.

Mr. CONAWAY. Mr. Speaker, I urge my colleagues to vote “yes” on the motion to recommit, and I yield back.

Mr. SKELTON. Mr. Speaker, I withdraw my point of order, and I rise in opposition to the motion.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. SKELTON. Mr. Speaker, it's very difficult for me to understand or believe that a motion on the bill named in honor of our good friend and colleague, DUNCAN HUNTER, is being sent back with the word “promptly” when everyone knows that under rule XXI, clause 2 of our House rules, a motion to recommit using the word “promptly” with instructions sends the bill back to committee and kills it.

Mr. BOEHNER just spoke a moment ago about this being the last time this bill would be considered. I trust he would vote against this motion to recommit. Because if this motion prevails, along with it goes a pay raise, health benefits, so many good things for those wonderful troops that we support.

The committee would be forced to take it up, and it would come back and then be subject to a point of order because it violates the PAYGO rules. I'm surprised and shocked and saddened at this because, Mr. Speaker, there has

never been, in the history of this body, a motion to recommit using the word “promptly,” which would have the effect of killing the bill.

I recognize my friend from Texas.

Mr. EDWARDS. Well, Mr. Speaker, I think this could be called the fig leaf motion to recommit because it will allow a number of Members on one side of the aisle in this House who voted against the GI Bill in the supplemental appropriation bill just a few days ago to now say they voted for the GI Bill after they voted against the GI Bill.

For the record, the Senate has passed the GI Bill, and I ask my colleagues who voted against it the other day to join with us in a bipartisan effort to pass the new 21st century GI Bill.

In regard to sending this back to committee, I would like to send a clear message as someone who's represented over 40,000 soldiers who fought in Iraq during my time in Congress, I would like to send them a message before Memorial Day that this House is together on sending them a 3.9 percent pay raise.

I respect my friend, my colleague from Texas, Mr. CONAWAY, on energy issues. We work together on many of them. But this is a defense authorization bill. And at the last moment with no notice, I would love to test every Member of the House on how much you know about section 526 of the Energy Security Act that Mr. CONAWAY went through very quickly. Nobody has seen this. We don't know what the implications are of putting oil refineries on military bases.

So that's the reason to vote “no” on this. Let's say “no” to the fig leaf and “yes” to helping veterans in a real way with the real GI Bill.

Mr. SKELTON. Mr. Speaker, I yield now to the majority leader, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Ladies and gentlemen of the House, we come to the end of an 8-week series. This motion is a little bit like voting “present.” On the one hand, you say, Yes, let's be for veterans; yes, let's be for energy independence. On the other hand you say, But let's not pass the bill. The American public must be very confused by that kind of action.

But I am convinced that this night we will stand with our troops, we will stand with our Armed Forces, we will stand with the national security of our country. Reject this motion which sends this bill back to committee; and once having done that, vote overwhelmingly for this bill and honor Mr. HUNTER in the process; and honor a great leader of this House, as knowledgeable about national security as any Member of this House, the great IKE SKELTON of Missouri.

Ladies and gentlemen of this House, reject this political “promptly” motion. Pass this bill and be proud to go home and tell America that you stood up for our national security and our troops.

Mr. SKELTON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

#### RECORDED VOTE

Mr. CONAWAY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of the bill, if ordered; and the motion to suspend the rules on House Resolution 986.

The vote was taken by electronic device, and there were—ayes 186, noes 223, not voting 25, as follows:

[Roll No. 364]

#### AYES—186

Aderholt	Franks (AZ)	Murphy, Tim
Akin	Frelinghuysen	Myrick
Alexander	Galleghy	Neugebauer
Bachmann	Garrett (NJ)	Nunes
Bachus	Gerlach	Pearce
Barrett (SC)	Gingrey	Pence
Bartlett (MD)	Gohmert	Peterson (PA)
Barton (TX)	Goode	Petri
Biggert	Goodlatte	Pickering
Blibray	Granger	Pitts
Blirakis	Graves	Platts
Bishop (UT)	Hall (TX)	Poe
Blackburn	Hastings (WA)	Porter
Blunt	Hayes	Price (GA)
Boehner	Heller	Putnam
Bonner	Hensarling	Radanovich
Bono Mack	Herger	Ramstad
Boozman	Hoekstra	Regula
Boustany	Hulshof	Rehberg
Brady (TX)	Hunter	Reichert
Broun (GA)	Inglis (SC)	Renzi
Brown (SC)	Issa	Reynolds
Brown-Waite,	Johnson (IL)	Rogers (AL)
Ginny	Johnson, Sam	Rogers (KY)
Buchanan	Jones (NC)	Rogers (MI)
Burgess	Jordan	Rohrabacher
Burton (IN)	Keller	Ros-Lehtinen
Buyer	King (IA)	Roskam
Calvert	King (NY)	Royce
Camp (MI)	Kingston	Ryan (WI)
Campbell (CA)	Kirk	Sali
Cantor	Kline (MN)	Saxton
Capito	Knollenberg	Scalise
Castle	Kuhl (NY)	Schmidt
Chabot	LaHood	Sensenbrenner
Coble	Lamborn	Sessions
Cole (OK)	Lampson	Shadeegg
Conaway	Latham	Shimkus
Cubin	LaTourette	Shuster
Culberson	Latta	Simpson
Davis (KY)	Lewis (CA)	Smith (NE)
Davis, David	Lewis (KY)	Smith (NJ)
Davis, Tom	Linder	Smith (TX)
Deal (GA)	LoBiondo	Souder
Dent	Lucas	Stearns
Diaz-Balart, L.	Lungren, Daniel	Sullivan
Diaz-Balart, M.	E.	Tancredo
Donnelly	Mack	Terry
Doolittle	Manzullo	Thornberry
Drake	McCarthy (CA)	Tiahrt
Dreier	McCaul (TX)	Tiberi
Duncan	McCotter	Turner
Emerson	McCrery	Upton
English (PA)	McHenry	Walberg
Everett	McHugh	Wamp
Fallin	McKeon	Weldon (FL)
Feeney	McMorris	Westmoreland
Ferguson	Rodgers	Whitfield (KY)
Flake	Mica	Wilson (NM)
Forbes	Miller (FL)	Wilson (SC)
Fortenberry	Miller (MI)	Wittman (VA)
Fossella	Miller, Gary	Wolf
Fox	Moran (KS)	Young (FL)

#### NOES—223

Abercrombie	Green, Gene	Obey
Ackerman	Grijalva	Oliver
Allen	Gutierrez	Ortiz
Altmire	Hall (NY)	Pallone
Arcuri	Hare	Pascarell
Baca	Harman	Pastor
Baird	Hastings (FL)	Payne
Baldwin	Herseth Sandlin	Perlmutter
Barrow	Higgins	Peterson (MN)
Bean	Hill	Pomeroy
Becerra	Hinchey	Price (NC)
Berkley	Hirono	Rahall
Berman	Hodes	Rangel
Berry	Holden	Reyes
Bishop (GA)	Holt	Richardson
Bishop (NY)	Honda	Rodriguez
Blumenauer	Hooley	Ross
Boren	Hoyer	Rothman
Boswell	Inslee	Roybal-Allard
Boucher	Israel	Ruppersberger
Boyd (FL)	Jackson (IL)	Ryan (OH)
Boyd (KS)	Jackson-Lee	Salazar
Brady (PA)	(TX)	Sánchez, Linda
Braley (IA)	Jefferson	T.
Brown, Corrine	Johnson (GA)	Sanchez, Loretta
Butterfield	Johnson, E. B.	Sarbanes
Capps	Jones (OH)	Schakowsky
Capuano	Kagen	Schiff
Cardoza	Kanjorski	Schwartz
Carnahan	Kaptur	Scott (GA)
Carney	Kennedy	Scott (VA)
Carson	Kildee	Serrano
Cazayoux	Kilpatrick	Sestak
Chandler	Kind	Shays
Childers	Klein (FL)	Shea-Porter
Clarke	Kucinich	Sherman
Clay	Langevin	Shuler
Cleaver	Larsen (WA)	Sires
Clyburn	Larson (CT)	Skelton
Cohen	Lee	Slaughter
Conyers	Levin	Smith (WA)
Cooper	Lewis (GA)	Snyder
Costa	Lipinski	Solis
Costello	Loeb sack	Space
Courtney	Lofgren, Zoe	Speier
Cramer	Lowe	Spratt
Crowley	Lynch	Stupak
Cuellar	Mahoney (FL)	Sutton
Cummings	Maloney (NY)	Tanner
Davis (AL)	Markey	Tauscher
Davis (CA)	Marshall	Taylor
Davis (IL)	Matheson	Thompson (CA)
Davis, Lincoln	Matsui	Thompson (MS)
DeFazio	McCarthy (NY)	Tierney
DeGette	McCollum (MN)	Towns
Delahunt	McDermott	Tsongas
DeLauro	McGovern	Udall (NM)
Dicks	McIntyre	Van Hollen
Dingell	McNerney	Velázquez
Doggett	McNulty	Visclosky
Edwards	Meek (FL)	Walz (MN)
Ellison	Melancon	Wasserman
Ellsworth	Michaud	Schultz
Emanuel	Miller (NC)	Waters
Engel	Miller, George	Watson
Eshoo	Mitchell	Watt
Etheridge	Mollohan	Waxman
Farr	Moore (KS)	Weiner
Fattah	Moore (WI)	Welch (VT)
Filner	Moran (VA)	Wilson (OH)
Foster	Murphy (CT)	Woolsey
Frank (MA)	Murphy, Patrick	Wu
Giffords	Murtha	Wynn
Gonzalez	Napolitano	Yarmuth
Gordon	Neal (MA)	
Green, Al	Oberstar	

#### NOT VOTING—25

Andrews	Hinojosa	Stark
Cannon	Hobson	Udall (CO)
Carter	Marchant	Walden (OR)
Castor	Meeks (NY)	Walsh (NY)
Crenshaw	Musgrave	Weller
Doyle	Nadler	Wexler
Ehlers	Paul	Young (AK)
Gilchrest	Pryce (OH)	
Gillibrand	Rush	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in the vote.

□ 2152

Mr. REICHERT changed his vote from “no” to “aye.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

# RECORDED VOTE

Mr. SKELTON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 384, noes 23, not voting 27, as follows:

[Roll No. 365]

# AYES—384

Abercrombie	Cole (OK)	Hall (TX)
Ackerman	Conaway	Hare
Aderholt	Conyers	Harman
Akin	Cooper	Hastings (FL)
Alexander	Costa	Hastings (WA)
Allen	Costello	Hayes
Altmire	Courtney	Heller
Arcuri	Cramer	Hensarling
Baca	Crowley	Heger
Bachmann	Cubin	Herseth Sandlin
Bachus	Cuellar	Higgins
Baird	Culberson	Hill
Barrett (SC)	Cummings	Hinchey
Barrow	Davis (AL)	Hirono
Bartlett (MD)	Davis (CA)	Hodes
Barton (TX)	Davis (KY)	Hoekstra
Bean	Davis, David	Holden
Becerra	Davis, Lincoln	Holt
Berkley	Davis, Tom	Honda
Berman	Deal (GA)	Hooley
Berry	DeFazio	Hoyer
Biggert	DeGette	Hulshof
Bilbray	Delahunt	Hunter
Bilirakis	DeLauro	Inglis (SC)
Bishop (GA)	Dent	Inslie
Bishop (NY)	Diaz-Balart, L.	Israel
Bishop (UT)	Diaz-Balart, M.	Issa
Blackburn	Dicks	Jefferson
Blumenauer	Dingell	Johnson (GA)
Blunt	Doggett	Johnson (IL)
Boehner	Donnelly	Johnson, E. B.
Bonner	Doolittle	Johnson, Sam
Bono Mack	Drake	Jones (NC)
Boozman	Dreier	Jones (OH)
Boren	Edwards	Jordan
Boswell	Ellsworth	Kagen
Boucher	Emanuel	Kanjorski
Boustany	Emerson	Kaptur
Boyd (FL)	Engel	Keller
Boyd (KS)	English (PA)	Kennedy
Brady (PA)	Eshoo	Kildee
Brady (TX)	Etheridge	Kilpatrick
Braley (IA)	Everett	Kind
Broun (GA)	Fallin	King (IA)
Brown (SC)	Farr	King (NY)
Brown, Corrine	Fattah	Kingston
Brown-Waite,	Ferguson	Kirk
Ginny	Forbes	Klein (FL)
Buchanan	Fortenberry	Kline (MN)
Burgess	Fossella	Knollenberg
Burton (IN)	Foster	Kuhl (NY)
Butterfield	Fox	LaHood
Buyer	Frank (MA)	Lamborn
Calvert	Franks (AZ)	Lampson
Camp (MI)	Frelinghuysen	Langevin
Cantor	Gallely	Larsen (WA)
Capito	Garrett (NJ)	Larson (CT)
Capps	Gerlach	Latham
Capuano	Giffords	LaTourette
Cardoza	Gilchrest	Latta
Carnahan	Gingrey	Levin
Carney	Gohmert	Lewis (CA)
Carson	Gonzalez	Lewis (KY)
Castle	Goode	Linder
Cazayoux	Goodlatte	Lipinski
Chabot	Gordon	LoBiondo
Chandler	Granger	Loeb
Childers	Graves	Lofgren, Zoe
Clay	Green, Al	Lowe
Cleaver	Green, Gene	Lucas
Clyburn	Grijalva	Lungren, Daniel
Coble	Gutierrez	E.
Cohen	Hall (NY)	Lynch

Mack	Peterson (PA)	Simpson
Mahoney (FL)	Petri	Sires
Maloney (NY)	Pickering	Skelton
Manzullo	Pitts	Slaughter
Markey	Poe	Smith (NE)
Marshall	Pomeroy	Smith (NJ)
Matheson	Porter	Smith (TX)
Matsui	Price (GA)	Smith (WA)
McCarthy (CA)	Price (NC)	Snyder
McCarthy (NY)	Putnam	Solis
McCaul (TX)	Radanovich	Souder
McCollum (MN)	Rahall	Space
McCotter	Ramstad	Speier
McCrery	Regula	Spratt
McDermott	Rehberg	Stearns
McGovern	Reichert	Stupak
McHenry	Renzi	Sullivan
McHugh	Reyes	Sutton
McIntyre	Reynolds	Tancredo
McKeon	Richardson	Tanner
McMorris	Rodriguez	Tauscher
Rodgers	Rogers (AL)	Taylor
McNerney	Rogers (KY)	Terry
McNulty	Rogers (MI)	Thompson (CA)
Meek (FL)	Rohrabacher	Thompson (MS)
Melancon	Ros-Lehtinen	Thornberry
Mica	Roskam	Tiahrt
Miller (FL)	Ross	Tiberi
Miller (MI)	Rothman	Tierney
Miller (NC)	Roybal-Allard	Towns
Miller, Gary	Royce	Tsongas
Miller, George	Ruppersberger	Turner
Mitchell	Ryan (OH)	Udall (NM)
Mollohan	Ryan (WI)	Upton
Moore (KS)	Salazar	Van Hollen
Moran (KS)	Sali	Visclosky
Moran (VA)	Sánchez, Linda	Walberg
Murphy (CT)	T.	Walz (MN)
Murphy, Patrick	Sanchez, Loretta	Wamp
Murphy, Tim	Sarbanes	Wasserman
Murtha	Saxton	Schultz
Myrick	Scalise	Watson
Napolitano	Schiff	Watt
Neal (MA)	Schmidt	Weiner
Neugebauer	Schwartz	Weldon (FL)
Nunes	Scott (GA)	Westmoreland
Oberstar	Scott (VA)	Whitfield (KY)
Obey	Sensenbrenner	Wilson (NM)
Ortiz	Sessions	Wilson (OH)
Pallone	Sestak	Wilson (SC)
Pascarella	Shadegg	Wittman (VA)
Pastor	Shays	Wolf
Payne	Shea-Porter	Wu
Pearce	Sherman	Wynn
Pence	Shimkus	Yarmuth
Perlmutter	Shuler	Young (FL)
Peterson (MN)	Shuster	

# NOES—23

Baldwin	Jackson (IL)	Olver
Campbell (CA)	Jackson-Lee	Rangel
Clarke	(TX)	Schakowsky
Davis (IL)	Kucinich	Serrano
Duncan	Lee	Velázquez
Ellison	Lewis (GA)	Waters
Flner	Michaud	Welch (VT)
Flake	Moore (WI)	Woolsey

# NOT VOTING—27

Andrews	Hinojosa	Rush
Cannon	Hobson	Stark
Carter	Marchant	Udall (CO)
Castor	Meeks (NY)	Walden (OR)
Crenshaw	Musgrave	Walsh (NY)
Doyle	Nadler	Waxman
Ehlers	Paul	Weller
Feeney	Platts	Wexler
Gillibrand	Pryce (OH)	Young (AK)

# ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining in this vote.

□ 2159

Ms. WATERS changed her vote from “aye” to “no.”

So the bill was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: “A bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy,

to prescribe military personnel strengths for such fiscal year, and for other purposes.”.

A motion to reconsider was laid on the table.

Stated for:

Mr. FEENEY. Mr. Speaker, on rollcall No. 365, I was unavoidably detained. Had I been present, I would have voted “aye.”

# A FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. CURTIS, one of its clerks, announced that the Senate has passed without amendment a bill and agreed to without amendment a concurrent resolution of the House of the following titles:

H.R. 6081. An act to amend the Internal Revenue Code of 1986 to provide benefits for military personnel, and for other purposes.

H. Con. Res. 355. Concurrent Resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

The message also announced that the Senate has passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2642. An act making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

The message also announced that the Senate has agreed to a concurrent resolution of the following title in which the concurrence of the House is requested:

S. Con. Res. 85. Concurrent Resolution authorizing the use of the rotunda of the Capitol to honor Frank W. Buckles, the last surviving United States veteran of the First World War.

# RECOGNIZING PRISONERS OF WAR FROM THE VIETNAM CONFLICT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 986, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 986, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 394, nays 0, not voting 40, as follows:

[Roll No. 366]

# YEAS—394

Ackerman	Bachmann	Bean
Aderholt	Bachus	Becerra
Akin	Baird	Berkley
Alexander	Baldwin	Berman
Allen	Barrett (SC)	Berry
Altmire	Barrow	Biggert
Arcuri	Bartlett (MD)	Bilbray
Baca	Barton (TX)	Bilirakis