

HR 3222

Department of Defense Appropriations Act, 2008

Congress: 110 (2007–2009, Ended)

Chamber: House

Policy Area: Armed Forces and National Security

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Law: 110-116 (Enacted Nov 13, 2007)

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Sponsor

Name: Rep. Murtha, John P. [D-PA-12]

Party: Democratic • State: PA • Chamber: House

Cosponsors

No cosponsors are listed for this bill.

Committee Activity

Committee	Chamber	Activity	Date
Appropriations Committee	House	Reported Original Measure	Jul 30, 2007
Appropriations Committee	Senate	Reported by	Sep 11, 2007

Subjects & Policy Tags

Policy Area:

Armed Forces and National Security

Related Bills

Bill	Relationship	Last Action
110 HRES 806	Procedurally related	Nov 8, 2007: Motion to reconsider laid on the table Agreed to without objection.
110 HRES 596	Procedurally related	Sep 6, 2007: Pursuant to the provisions of H. Res. 633, H. Res. 596 is laid on the table.
110 HRES 614	Related bill	Sep 6, 2007: Pursuant to the provisions of H. Res. 633, H. Res. 614 is laid on the table.

Division A: Department of Defense Appropriations Act, 2008 - **Department of Defense - Title I: Military Personnel** - Appropriates funds for FY2008 for active-duty and reserve personnel in the Army, Navy, Marine Corps, and Air Force, and for National Guard personnel in the Army and Air Force.

Title II: Operation and Maintenance - Appropriates funds for FY2008 for operation and maintenance (O&M) for the Army, Navy, Marine Corps, and Air Force, the defense agencies, the reserve components, and the Army and Air National Guard. Appropriates funds for: (1) the United States Court of Appeals for the Armed Forces; (2) environmental restoration for the military departments, the Department of Defense (DOD), and at formerly used defense sites; (3) overseas humanitarian, disaster, and civic aid; and (4) former Soviet Union threat reduction.

Title III: Procurement - Appropriates funds for FY2008 for procurement by the Armed Forces of aircraft, missiles, weapons, tracked combat vehicles, ammunition, shipbuilding and conversion, and other procurement. Appropriates funds for: (1) defense-wide procurement; (2) National Guard and reserve equipment; and (3) certain procurements under the Defense Production Act of 1950.

Title IV: Research, Development, Test and Evaluation - Appropriates funds for FY2008 for research, development, test and evaluation (RDT&E) by the Armed Forces and defense agencies. Appropriates funds for the Director of Operational Test and Evaluation.

Title V: Revolving and Management Funds - Appropriates funds for: (1) the Defense Working Capital Funds; and (2) programs under the National Defense Sealift Fund.

Title VI: Other Department of Defense Programs - Appropriates funds for: (1) the Defense Health Program; (2) the destruction of lethal chemical agents and munitions; (3) drug interdiction and counter-drug activities, defense; (4) the Joint Improvised Explosive Device Defeat Fund; and (5) the Office of the Inspector General.

Title VII: Related Agencies - Appropriates funds for the: (1) Central Intelligence Agency Retirement and Disability System Fund; and (2) Intelligence Community Management Account.

Title VIII: General Provisions - Specifies authorized, restricted, and prohibited uses of authorized funds.

(Sec. 8006) Requires a report from DOD to the defense committees to establish the baseline for application of FY2008 reprogramming and transfer authorities.

(Sec. 8010) Authorizes procurement funds to be used for a multiyear procurement contract for: (1) the Army CH-47 Chinook helicopter; (2) M1A2 Abrams system enhancement package upgrades; (3) M2A3/M3A3 Bradley upgrades; and (4) the Virginia class submarine.

(Sec. 8012) Prohibits, during FY2008, the management by end strengths of DOD civilian personnel.

(Sec. 8023) Authorizes DOD to incur obligations of up to \$350 million for DOD military compensation, construction projects, and supplies and services in anticipation of receipts of contributions from the government of Kuwait.

(Sec. 8025) Prohibits the use of funds from this Act to establish a new federally funded research and development center (FFRDC). Limits the federal compensation to be paid to FFRDC members or consultants. Prohibits the use of FY2008 funds for new building construction, cost-sharing payments for projects funded by government grants, absorption of cost

overruns, or certain charitable contributions. Limits the staff years of technical effort that may be funded for FFRDCs from FY2008 funds. Reduces, by \$57.725 million, the total amount appropriated in this Act for FFRDCs.

(Sec. 8026) Provides Buy American requirements with respect to the DOD procurement of carbon, alloy, or armor steel plating.

(Sec. 8029) Requires the Secretary of Defense (Secretary) to report to Congress on the amount of DOD purchases from foreign entities in FY2008.

(Sec. 8032) Authorizes the Secretary of the Air Force to convey to Indian tribes located in North Dakota, South Dakota, Montana, and Minnesota relocatable military housing units currently located at Grand Forks and Minot Air Force Bases that are excess to the needs of the Air Force. Requires the Operation Walking Shield Program to resolve any housing unit conflicts arising after such conveyance.

(Sec. 8038) Makes specified DOD O&M funds available only for the mitigation of environmental impacts on Indian lands resulting from DOD activities.

(Sec. 8039) Prohibits the use of funds: (1) by a DOD entity without compliance with the Buy American Act; (2) to establish additional field operating agencies of DOD elements, except for those funded within the National Foreign Intelligence Program and Army agencies established to eliminate, mitigate, or counter the effects of improvised explosive devices; (3) for assistance to the Democratic People's Republic of North Korea, unless specifically appropriated for such purpose; and (4) to reduce the civilian medical and medical support personnel assigned to military treatment facilities below the September 30, 2003, level.

(Sec. 8043) Rescinds specified funds from various accounts under prior defense appropriations Acts.

(Sec. 8048) Prohibits the transfer to any other department or agency, except as specifically provided in an appropriations law, of funds available to DOD or the Central Intelligence Agency (CIA) for drug interdiction or counter-drug activities.

(Sec. 8052) Prohibits current fiscal year DOD funds from being obligated or expended to transfer to another nation or international organization defense articles or services for use in any United Nations (UN) peacekeeping or peace enforcement operation, or for any other international peacekeeping, peace enforcement, or humanitarian assistance operation, unless specified congressional committees are given 15 days' advance notice.

(Sec. 8059) Makes DOD funds available to provide transportation of medical supplies and equipment to: (1) American Samoa; and (2) the Indian Health Service in conjunction with a civil-military project.

(Sec. 8060) Prohibits funds from being used to approve or license the sale of the F-22 advanced tactical fighter to any foreign government.

(Sec. 8061) Authorizes the Secretary, on a case-by-case basis, to waive limitations on the procurement of defense items from a foreign country if: (1) the Secretary determines that such limitations would invalidate cooperative or reciprocal trade agreements for the procurement of defense items; and (2) such country does not discriminate against the same or similar defense items procured in the United States for that country. Provides exceptions.

(Sec. 8062) Prohibits the use of appropriated funds to support a unit of the security forces of a foreign country if credible information exists that such unit has committed a gross violation of human rights, unless all necessary corrective steps have been taken. Requires the monitoring of such information. Authorizes the Secretary to waive such prohibition under

extraordinary circumstances (requiring a report to the defense committees on any such waiver).

(Sec. 8067) Provides for the crediting during the current fiscal year of certain refunds attributable to the use of government travel or purchase cards or refunds for travel arranged by a government-contracted travel management center.

(Sec. 8068) Prohibits appropriated funds from being used for a mission critical or mission essential financial management information technology system that is not registered with the DOD Chief Information Officer. Prohibits such a system from receiving a Milestone A or B approval, or full rate production approval, until the Chief Information Officer certifies to the defense committees that the system is being developed in accordance with the Clinger-Cohen Act of 1996.

(Sec. 8070) Authorizes members of the National Guard performing full-time duty to support ground-based elements of the National Ballistic Missile Defense System.

(Sec. 8071) Prohibits appropriated funds from being used to transfer to any nongovernmental entity specified armor-piercing ammunition, except to an entity performing demilitarization services for DOD.

(Sec. 8072) Authorizes the Chief of the National Guard Bureau to waive payment for the lease of non-excess DOD personal property to certain, youth, social, or fraternal nonprofit organizations.

(Sec. 8079) Authorizes the Secretary to carry out a program to distribute surplus DOD dental and medical equipment to Indian Health Service facilities and federally-qualified health centers.

(Sec. 8080) Earmarks specified RDT&E funds for producing Arrow missile components in the United States and Arrow missile components and missiles in Israel to meet Israel's defense requirements.

(Sec. 8081) Makes Navy shipbuilding and conversion funds available to fund prior-year shipbuilding cost increases, allocating such funds among specified naval accounts.

(Sec. 8086) Appropriates funds for a grant by the Secretary of the Army to facilitate access by veterans to opportunities for skilled employment in the construction industry.

(Sec. 8087) Appropriates funds for assistance to public schools that have unusually high concentrations of special needs military dependents enrolled.

(Sec. 8088) Directs: (1) DOD and the Army to make future budgetary and programming plans to fully finance the Non-Line of Sight Objective Force cannon and ammunition resupply capability in order to field such system in FY2010; and (2) the Army to ensure that budgetary and programmatic plans will provide for no fewer than seven Stryker Brigade Combat Teams.

(Sec. 8089) Appropriates funds to DOD for nine specified grants by the Secretary.

(Sec. 8091) Requires the FY2009 budget to include separate budget justification documents for costs of U.S. Armed Forces' participation in contingency operations for the military personnel, O&M, and procurement accounts.

(Sec. 8092) Prohibits funds from being used for RDT&E, procurement, or deployment of nuclear armed interceptors of a missile defense system.

(Sec. 8094) Prohibits the availability of funds for integration of foreign intelligence information unless such information

has been lawfully collected and processed during the conduct of authorized foreign intelligence activities.

(Sec. 8095) Requires Ready Reserve members who are called or ordered to active duty in time of national emergency to be notified of their expected mobilization period at the time they are called or ordered. Allows the Secretary to waive such requirement in order to respond to a national security emergency or meet dire operational requirements.

(Sec. 8097) Reduces by \$506.9 million the total amount appropriated in titles II, III, and IV of this Act, for contractor efficiencies.

(Sec. 8099) Authorizes the Secretary to present promotional materials, including a U.S. flag and other recognition items, to any member who participates in Operations Enduring Freedom or Iraqi Freedom, in conjunction with any week-long national observation and day of national celebration.

(Sec. 8101) Earmarks funds for the operations and development of training and technology for the Joint Interagency Training and Education Center and affiliated Center for National Response at the Memorial Tunnel.

(Sec. 8104) Reduces by \$1.353 billion the total amount appropriated in titles II through V of this Act, to reflect savings from revised economic assumptions.

(Sec. 8111) Directs the Secretary to create a major force program category for space for DOD's future years defense program.

(Sec. 8112) Appropriates funds to the Tanker Replacement Transfer Fund in connection with a tanker acquisition program.

(Sec. 8113) Prohibits the use of funds to: (1) establish any military installation or base for the permanent stationing of U.S. Armed Forces in Iraq; or (2) exercise U.S. control over any oil resource of Iraq.

(Sec. 8114) Prohibits the use of funds in contravention of specified laws or regulations promulgated to implement the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

(Sec. 8116) Requires any request for funds for a fiscal year after 2008 for an ongoing military operation overseas, including operations in Afghanistan and Iraq, to be included in the annual budget of the President for that fiscal year.

(Sec. 8118) Authorizes the transfer of specified funds to the Secretary of the Interior for construction expenses at the USS ARIZONA Memorial Museum and Visitors Center.

(Sec. 8119) Requires DOD to complete work on the destruction of the U.S. stockpile of lethal chemical agents and munitions, including those stored at Blue Grass Army Depot, Kentucky, and Pueblo Chemical Depot, Colorado, by the deadline established by the Chemical Weapons Convention, and in no circumstances later than December 30, 2017. Requires a report from the Secretary to specified congressional leaders and the defense committees, at the end of 2007 and every 180 days afterwards until compliance, on DOD progress toward such stockpile destruction.

(Sec. 8120) Amends the Senate Rules to state that it is not a gift for a Member (or a Senate employee making a reservation for that Member) to make more than one reservation on scheduled flights with participating airlines when such action assists the Member in conducting official business.

(Sec. 8121) Directs the Secretary to establish and maintain on the DOD Internet homepage a direct link to the website of the DOD Office of the Inspector General.

(Sec. 8122) Appropriates funds for the Mine Resistant Ambush Protected Vehicle Fund, for use in connection with research and development, upgrades, and procurement of mine resistant ambush protected vehicles. Directs the Secretary, after five days' prior notification to the defense committees, to transfer such funds to O&M, procurement, and RDT&E appropriations for such purposes. Designates such funds as an emergency requirement.

Division B: Further Continuing Appropriations, 2008 - (Sec. 101) Amends the joint resolution making continuing appropriations for FY2008 to extend the November 16, 2007, expiration date to December 14, 2007.

(Sec. 102) Amends such joint resolution to add provisions which: (1) continue through the December 14, 2007, date the budget authority of the National Dairy Promotion and Research Board under the Dairy Production Stabilization Act of 1983; (2) provide amounts for the rate of operations for the Department of Commerce's periodic censuses and programs; (3) designate certain obligations as emergency requirements; (4) appropriate a specified amount for Charles Davis, widower of JoAnn Davis, late a Representative from Virginia; (5) provide amounts and rates of operations for specified accounts and programs within the Department of Veterans Affairs' Veterans Health Administration; (6) continue through the December 14, 2007, date the authority of the Secretary of Transportation to provide insurance and reinsurance for certain aircraft and related property placed into federal service; (7) make additional appropriations for the Department of Agriculture's Forest Service and the Department of the Interior's Bureau of Land Management for wildfire management; (8) make additional appropriations for the Department of Homeland Security's Federal Emergency Management Agency for disaster relief; and (9) make additional appropriations for the Department of Housing and Urban Development's Community Development Fund for grants to Louisiana under that state's Road Home program.

Actions Timeline

- **Nov 13, 2007:** Signed by President.
- **Nov 13, 2007:** Became Public Law No: 110-116.
- **Nov 9, 2007:** Message on Senate action sent to the House.
- **Nov 9, 2007:** Presented to President.
- **Nov 8, 2007:** Rule H. Res. 806 passed House.
- **Nov 8, 2007:** Mr. Murtha brought up conference report H. Rept. 110-434 for consideration under the provisions of H. Res. 806. (consideration: CR H13321-13329)
- **Nov 8, 2007:** DEBATE - The House proceeded with one hour of debate on the conference report to accompany H.R. 3222.
- **Nov 8, 2007:** The previous question was ordered without objection. (consideration: CR H13329)
- **Nov 8, 2007:** Conference report agreed to in House: On agreeing to the conference report Agreed to by the Yeas and Nays: 400 - 15 (Roll no. 1064).
- **Nov 8, 2007:** Motions to reconsider laid on the table Agreed to without objection.
- **Nov 8, 2007:** On agreeing to the conference report Agreed to by the Yeas and Nays: 400 - 15 (Roll no. 1064).
- **Nov 8, 2007:** Conference papers: official papers held at the desk in Senate.
- **Nov 8, 2007:** Conference report considered in Senate. (consideration: CR S14139-14147, S14182)
- **Nov 8, 2007:** Conference report agreed to in Senate: Senate agreed to conference report by Voice Vote.
- **Nov 8, 2007:** Senate agreed to conference report by Voice Vote.
- **Nov 8, 2007:** Cleared for White House.
- **Nov 7, 2007:** Rules Committee Resolution H. Res. 806 Reported to House. Rule provides for consideration of the conference report to H.R. 3222 with 1 hour of general debate. All points of order against the conference report and against consideration are waived. The conference report shall be considered as read.
- **Nov 6, 2007:** Conference committee actions: Conferees agreed to file conference report.
- **Nov 6, 2007:** Conferees agreed to file conference report.
- **Nov 6, 2007:** Conference report filed: Conference report H. Rept. 110-434 filed.(text of conference report: CR H12814-13183)
- **Nov 6, 2007:** Conference report H. Rept. 110-434 filed. (text of conference report: CR H12814-13183)
- **Nov 5, 2007:** Mr. Murtha moved that the House disagree to the Senate amendment, and agree to a conference.
- **Nov 5, 2007:** On motion that the House disagree to the Senate amendment, and agree to a conference Agreed to by voice vote. (consideration: CR S12480-12481)
- **Nov 5, 2007:** The Speaker appointed conferees: Murtha, Dicks, Visclosky, Moran (VA), Kaptur, Cramer, Boyd (FL), Rothman, Bishop (GA), Obey, Young (FL), Hobson, Frelinghuysen, Tiahrt, Wicker, Kingston, and Lewis (CA).
- **Nov 5, 2007:** Mr. Murtha moved to close portions of the conference.
- **Nov 5, 2007:** On motion to close portions of the conference Agreed to by the Yeas and Nays: 351 - 0 (Roll no. 1034). (consideration: CR H12480-12481)
- **Nov 5, 2007:** Motion to reconsider laid on the table Agreed to without objection.
- **Oct 4, 2007:** Message on Senate action sent to the House.
- **Oct 3, 2007:** Considered by Senate. (consideration: CR S12481-12485, S12486-12491, S12491-12495, S12496-12510, S12510-12523)
- **Oct 3, 2007:** Cloture motion on the bill withdrawn by unanimous consent in Senate.
- **Oct 3, 2007:** Passed/agreed to in Senate: Passed Senate with an amendment by Voice Vote.(text: CR 10/4/2007 S12812-12825)
- **Oct 3, 2007:** Passed Senate with an amendment by Voice Vote. (text: CR 10/4/2007 S12812-12825)
- **Oct 3, 2007:** Senate insists on its amendment, asks for a conference, appoints conferees Inouye; Byrd; Leahy; Harkin; Dorgan; Durbin; Feinstein; Mikulski; Kohl; Murray; Stevens; Cochran; Specter; Domenici; Bond; McConnell; Shelby; Gregg; Hutchison.
- **Oct 2, 2007:** Measure laid before Senate by unanimous consent. (consideration: CR S12393-12408, S12408-12417; text of measure as reported in Senate: CR S12393-12404)
- **Oct 2, 2007:** The committee substitute agreed to by Unanimous Consent.
- **Oct 2, 2007:** Cloture motion on the bill presented in Senate. (consideration: CR S12416-12417; text: CR S12416)
- **Sep 17, 2007:** Star Print ordered on the report.

- Sep 14, 2007:** Committee on Appropriations. Reported by Senator Byrd for Senator Inouye under authority of the order of the Senate of 01/04/2007 with an amendment in the nature of a substitute. With written report No. 110-155.
- **Sep 14, 2007:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 353.
 - **Sep 12, 2007:** Committee on Appropriations. Ordered to be reported with an amendment in the nature of a substitute favorably.
 - **Sep 11, 2007:** Committee on Appropriations Subcommittee on Defense. Approved for full committee consideration with an amendment in the nature of a substitute favorably.
 - **Sep 4, 2007:** Received in the Senate and Read twice and referred to the Committee on Appropriations.
 - **Aug 5, 2007:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Flake amendment the Chair put the question on adoption of the amendment and by voice vote, announced that the noes had prevailed. Mr. Flake demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.
 - **Aug 5, 2007:** UNFINISHED BUSINESS - The Chair announced that the unfinished business was the question of adoption of amendments which had been debated earlier and on which further proceedings had been postponed.
 - **Aug 5, 2007:** The House rose from the Committee of the Whole House on the state of the Union to report H.R. 3222.
 - **Aug 5, 2007:** The previous question was ordered without objection. (consideration: CR 8/4/2007 H100013)
 - **Aug 5, 2007:** The House adopted the amendments en gross as agreed to by the Committee of the Whole House on the state of the Union.
 - **Aug 5, 2007:** Passed/agreed to in House: On passage Passed by the Yeas and Nays: 395 - 13 (Roll no. 846).
 - **Aug 5, 2007:** On passage Passed by the Yeas and Nays: 395 - 13 (Roll no. 846).
 - **Aug 5, 2007:** Motion to reconsider laid on the table Agreed to without objection.
 - **Aug 4, 2007:** Consideration initiated a previous order of the House. (consideration: CR H9967-10014; text of Title I as reported in House: CR H9984; text of Title II as reported in House: CR H9984-9986; text of Title III as reported in House: CR H9987-9988; text of Title IV as reported in House: CR H9988; text of Title V as reported in House: CR H9988-9989; text of Title VI as reported in House: CR H9989; text of Title VII as reported in House: CR H9989; text of Title VIII as reported in House: CR H9989-9991, H9992-9998, H9999, H10013)
 - **Aug 4, 2007:** Considered a previous order of the House.
 - **Aug 4, 2007:** The House resolved into Committee of the Whole on the state of the Union to a previous special order.
 - **Aug 4, 2007:** The Speaker designated the Honorable Mike Ross to act as Chairman of the Committee.
 - **Aug 4, 2007:** DEBATE - Pursuant to a previous order the House, the Committee of the Whole proceeded with 10 minutes of debate on the Rogers(MI) amendment.
 - **Aug 4, 2007:** DEBATE - Pursuant to a previous order the House, the Committee of the Whole proceeded with 10 minutes of debate on the Sessions amendment.
 - **Aug 4, 2007:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Sessions amendment the Chair put the question on adoption of the amendment and by voice vote, announced that the noes had prevailed. Mr. Sessions demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.
 - **Aug 4, 2007:** DEBATE - Pursuant to a previous order the House, the Committee of the Whole proceeded with 10 minutes of debate on the Franks(AZ) amendment.
 - **Aug 4, 2007:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Franks(AZ) amendment the Chair put the question on adoption of the amendment and by voice vote, announced that the noes had prevailed. Mr. Franks(AZ) demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.
 - **Aug 4, 2007:** DEBATE - Pursuant to a previous order the House, the Committee of the Whole proceeded with 10 minutes of debate on the Castle amendment pending reservation of a point of order.
 - **Aug 4, 2007:** DEBATE - Pursuant to a previous order the House, the Committee of the Whole proceeded with 10 minutes of debate on the Walberg amendment.
 - **Aug 4, 2007:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Walberg amendment the Chair put the question on adoption of the amendment and by voice vote, announced that the noes had prevailed. Mr. Walberg demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.
 - **Aug 4, 2007:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Campbell amendment the Chair put the question on adoption of the amendment and by voice vote, announced that the noes had prevailed. Mr. Campbell demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the

amendment until later in the legislative day.

- **Aug 4, 2007:** DEBATE - Pursuant to a previous order the House, the Committee of the Whole proceeded with 10 minutes of debate on the Campbell amendment.
- **Aug 4, 2007:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Flake amendment the Chair put the question on adoption of the amendment and by voice vote, announced that the noes had prevailed. Mr. Flake demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.
- **Aug 4, 2007:** DEBATE - Pursuant to a previous order the House, the Committee of the Whole proceeded with 10 minutes of debate on the Flake amendment.
- **Aug 1, 2007:** Rules Committee Resolution H. Res. 596 Reported to House. Rule provides for consideration of H.R. 3222 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Measure will be considered read. Bill is open to amendments.
- **Jul 30, 2007:** Introduced in House
- **Jul 30, 2007:** The House Committee on Appropriations reported an original measure, H. Rept. 110-279, by Mr. Murtha.
- **Jul 30, 2007:** Placed on the Union Calendar, Calendar No. 181.