AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

110TH Congress
1st Session

HOUSE OF REPRESENTATIVES

REPORT
110–282

ENSURING MILITARY READINESS THROUGH STABILITY AND PREDICTABILITY DEPLOYMENT POLICY ACT OF 2007

R E P O R T

OF THE

COMMITTEE ON ARMED SERVICES
HOUSE OF REPRESENTATIVES

ON

H.R. 3159

together with

DISSENTING VIEWS

[Including cost estimate of the Congressional Budget Office]

JULY 31, 2007.—Ordered to be printed.

U.S. GOVERNMENT PRINTING OFFICE

59–006 WASHINGTON : 2007

HOUSE COMMITTEE ON ARMED SERVICES

ONE HUNDRED TENTH CONGRESS

IKE SKELTON, Missouri

JOHN SPRATT, South Carolina
SOLOMON P. ORTIZ, Texas
GENE TAYLOR, Mississippi
NEIL ABERCROMBIE, Hawaii
SILVESTRE REYES, Texas
VIC SNYDER, Arkansas
ADAM SMITH, Washington
LORETTA SANCHEZ, California
MIKE McINTYRE, North Carolina
ELLEN O. TAUSCHER, California
ROBERT A. BRADY, Pennsylvania
ROBERT ANDREWS, New Jersey
SUSAN A. DAVIS, California
RICK LARSEN, Washington
JIM COOPER, Tennessee
JIM MARSHALL, Georgia
MADELEINE Z. BORDALLO, Guam
MARK UDALL, Colorado
DAN BOREN, Oklahoma
BRAD ELLSWORTH, Indiana
NANCY BOYDA, Kansas
PATRICK J. MURPHY, Pennsylvania
HANK JOHNSON, Georgia
CAROL SHEA-PORTER, New Hampshire
JOE COURTNEY, Connecticut
DAVID LOEBSACK, Iowa
KIRSTEN GILLIBRAND, New York
JOE SESTAK, Pennsylvania
GABRIELLE GIFFORDS, Arizona
ELIJAH E. CUMMINGS, Maryland
KENDRICK B. MEEK, Florida
KATHY CASTOR, Florida

DUNCAN HUNTER, California
JIM SAXTON, New Jersey
JOHN M. McHUGH, New York
TERRY EVERETT, Alabama
ROSCOE G. BARTLETT, Maryland
HOWARD P. "BUCK" McKEON, California
MAC THORNBERRY, Texas
WALTER B. JONES, North Carolina
ROBIN HAYES, North Carolina
JO ANN DAVIS, Virginia
W. TODD AKIN, Missouri
J. RANDY FORBES, Virginia
JEFF MILLER, Florida
JOE WILSON, South Carolina
FRANK A. LoBIONDO, New Jersey
TOM COLE, Oklahoma
ROB BISHOP, Utah
MICHAEL TURNER, Ohio
JOHN KLINE, Minnesota
CANDICE S. MILLER, Michigan
PHIL GINGREY, Georgia
MIKE ROGERS, Alabama
TRENT FRANKS, Arizona
BILL SHUSTER, Pennsylvania
THELMA DRAKE, Virginia
CATHY McMORRIS RODGERS, Washington
K. MICHAEL CONAWAY, Texas
GEOFF DAVIS, Kentucky

ERIN C. CONATON, *Staff Director*

CONTENTS

	Page
Purpose and Background	3
Legislative History	3
Hearings	3
Section-by-Section Analysis	4
Section 1—Short Title	4
Section 2—Minimum Periods of Rest and Recuperation for Units of the Armed Forces	4
Committee Position	4
Congressional Budget Office Estimate	4
Committee Cost Estimate	5
Oversight Findings	6
Statement of Performance Goals and Objectives	6
Constitutional Authority Statement	6
Earmarks	6
Statement of Federal Mandates	6
Record Votes	6
Changes in Existing Law Made by the Bill, as Reported	11
Dissenting Views:	
Dissenting views of Duncan Hunter, Jim Saxton, John M. McHugh, Howard P. "Buck" McKeon, J. Randy Forbes, Joe Wilson, Rob Bishop, Jim Marshall, John Kline, Candice S. Miller, Phil Gingrey, Trent Franks, Bill Shuster, Thelma Drake, and K. Michael Conaway	12
Dissenting views of W. Todd Akin, Joe Wilson, Tom Cole, and Trent Franks	15

110TH CONGRESS 1st Session } HOUSE OF REPRESENTATIVES { REPORT 110–282

ENSURING MILITARY READINESS THROUGH STABILITY AND PREDICTABILITY DEPLOYMENT POLICY ACT OF 2007

JULY 31, 2007.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. SKELTON, from the Committee on Armed Services, submitted the following

R E P O R T

together with

DISSENTING VIEWS

[To accompany H.R. 3159]

[Including cost estimate of the Congressional Budget Office]

The Committee on Armed Services, to whom was referred the bill (H.R. 3159) to mandate minimum periods of rest and recuperation for units and members of the regular and reserve components of the Armed Forces between deployments for Operation Iraqi Freedom or Operation Enduring Freedom, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ensuring Military Readiness Through Stability and Predictability Deployment Policy Act of 2007".

SEC. 2. MINIMUM PERIODS OF REST AND RECUPERATION FOR UNITS OF THE ARMED FORCES BETWEEN DEPLOYMENTS.

(a) REGULAR COMPONENTS.—

(1) IN GENERAL.—No unit of the Armed Forces specified in paragraph (3) may be deployed in support of Operation Iraqi Freedom unless the period between the most recent previous deployment of the unit and a subsequent deployment of the unit is equal to or longer than the period of such most recent previous deployment.

(2) SENSE OF CONGRESS ON OPTIMAL MINIMUM PERIOD BETWEEN DEPLOYMENTS.—It is the sense of Congress that the optimal minimum period between the most recent previous deployment of a unit of the Armed Forces specified in

paragraph (3) and a subsequent deployment of the unit in support of Operation Iraqi Freedom should be equal to or longer than twice the period of such most recent previous deployment.

(3) COVERED UNITS.—Subject to subsection (c), the units of the Armed Forces specified in this paragraph are as follows:

(A) Units of the regular Army and members assigned to those units.

(B) Units of the regular Marine Corps and members assigned to those units.

(C) Units of the regular Navy and members assigned to those units.

(D) Units of the regular Air Force and members assigned to those units.

(b) RESERVE COMPONENTS.—

(1) IN GENERAL.—No unit of the Armed Forces specified in paragraph (3) may be deployed in support of Operation Iraqi Freedom unless the period between the most recent previous deployment of the unit and a subsequent deployment of the unit is at least three times longer than the period of such most recent previous deployment.

(2) SENSE OF CONGRESS ON MOBILIZATION AND OPTIMAL MINIMUM PERIOD BETWEEN DEPLOYMENTS.—It is the sense of Congress that the units of the reserve components of the Armed Forces should not be mobilized continuously for more than one year, and the optimal minimum period between the previous deployment of a unit of the Armed Forces specified in paragraph (3) and a subsequent deployment of the unit in support of Operation Iraqi Freedom should be five years.

(3) COVERED UNITS.—The units of the Armed Forces specified in this paragraph are as follows:

(A) Units of the Army Reserve and members assigned to those units.

(B) Units of the Army National Guard and members assigned to those units.

(C) Units of the Marine Corps Reserve and members assigned to those units.

(D) Units of the Navy Reserve and members assigned to those units.

(E) Units of the Air Force Reserve and members assigned to those units.

(F) Units of the Air National Guard and members assigned to those units.

(c) EXEMPTIONS.—The limitations in subsections (a) and (b) do not apply—

(1) to special operations forces as identified pursuant to section 167(i) of title 10, United States Code; and

(2) to units of the Armed Forces needed, as determined by the Secretary of Defense, to assist in the redeployment of members of the Armed Forces from Iraq to another operational requirement or back to their home stations.

(d) WAIVER BY THE PRESIDENT.—The President may waive the limitation in subsection (a) or (b) with respect to the deployment of a unit of the Armed Forces to meet a threat to the national security interests of the United States if the President certifies to Congress within 30 days that the deployment of the unit is necessary for such purposes.

(e) WAIVER BY MILITARY CHIEF OF STAFF OR COMMANDANT FOR VOLUNTARY MOBILIZATIONS.—

(1) ARMY.—With respect to the deployment of a member of the Army who has voluntarily requested mobilization, the limitation in subsection (a) or (b) may be waived by the Chief of Staff of the Army.

(2) NAVY.—With respect to the deployment of a member of the Navy who has voluntarily requested mobilization, the limitation in subsection (a) or (b) may be waived by the Chief of Naval Operations.

(3) MARINE CORPS.—With respect to the deployment of a member of the Marine Corps who has voluntarily requested mobilization, the limitation in subsection (a) or (b) may be waived by the Commandant of the Marine Corps.

(4) AIR FORCE.—With respect to the deployment of a member of the Air Force who has voluntarily requested mobilization, the limitation in subsection (a) or (b) may be waived by the Chief of Staff of the Air Force.

(f) DEFINITIONS.—In this Act:

(1) DEPLOYMENT.—The term "deployment" or "deployed" means the relocation of forces and materiel to desired areas of operations and encompasses all activities from origin or home station through destination, including staging, holding, and movement in and through the United States and all theaters of operation.

(2) UNIT.—The term "unit" means a unit that is deployable and is commanded by a commissioned officer of the Army, Navy, Air Force, or Marine Corps serving in the grade of major or, in the case of the Navy, lieutenant commander, or a higher grade.

(g) EFFECTIVE DATE.—This Act shall take effect on the date of the enactment of this Act.

PURPOSE AND BACKGROUND

The purpose of H.R. 3159, Ensuring Military Readiness Through Stability and Predictability Deployment Policy Act of 2007, is to establish a statutory requirement that ensures regular (active) component units and members assigned to those units are provided a minimum period of rest and recuperation that is equal to or longer than the period of the most recent deployment, and a minimum period of rest and recuperation that is at least three times longer than the period of deployment for reserve (National Guard and Reserves) component units and members assigned to those units.

The bill also includes a sense of Congress that the ratio between the length of deployments and dwell time, the interval between deployments, for regular components should be one year deployed to two years at home station (a ratio of 1:2), and the goal for the reserve components should be one year deployed to five years at home station (a ratio of 1:5).

The Secretary of Defense, Robert Gates, recently announced a change to deployment policy on May 9, 2007, which would extend the current policy for all active Army units from a 1:1 ratio (one year deployed and one year at home station) to a policy of 15 months deployed and 12 months back at home station. This policy change has raised serious concerns about sustainability, and whether such a reduced period at home station allows sufficient time for units and individuals to adequately train, equip, and reconstitute for the next deployment. The services are currently at a 1:1 ratio for regular components and a 1:3 ratio for reserve components and are not able to meet the Department of Defense goal of a 1:2 ratio for regular components and a 1:5 ratio for reserve components given the current operational requirements.

LEGISLATIVE HISTORY

H.R. 3159 was introduced on July 24, 2007, and referred to the Committee on Armed Services.

On July 27, 2007, the Committee on Armed Services held a mark-up session to consider H.R. 3159, as introduced. The committee agreed by unanimous consent to consider Chairman Skelton's amendment in the nature of a substitute as the base text. The committee, a quorum being present, ordered reported H.R. 3159, as amended, to the House with a favorable recommendation by a record vote of 32–25, with 2 voting present.

HEARINGS

Committee consideration of the matter contained in H.R. 3159, Ensuring Military Readiness Through Stability and Predictability Deployment Policy Act of 2007, was informed by two full committee hearings. The full committee conducted a hearing on January 23, 2007, "Implications of Iraq Policy on Total Force Readiness;" and conducted a hearing on July 27, 2007, "Hearing on H.R. 3159 and H.R. 3087." These hearings dealt with rotational policy and the strain on the armed forces, which has resulted from ongoing military operations.

SECTION-BY-SECTION ANALYSIS

The following is a section-by-section analysis of those sections of H.R. 3159, as amended by the Committee on Armed Services.

Section 1—Short title

This section would establish the short title of the bill as the "Ensuring Military Readiness Through Stability and Predictability Deployment Policy Act of 2007."

Section 2—Minimum periods of rest and recuperation for units of the Armed Forces

This section would prohibit the deployment to Operation Iraqi Freedom (OIF) of an active component unit or personnel assigned to such unit unless the period of deployment between the previous and proposed deployment was equal to or longer than the period of the most recent previous deployment. Reserve component units and personnel assigned to those units could not be deployed to OIF unless the period of deployment between the previous and proposed deployment was equal to or longer than three times the period of the most recent previous deployment.

Additionally, this section would express the sense of Congress that the active components deploying to OIF should achieve an optimal deployment to dwell time ratio that is equal to or longer than twice the deployment period, and reserve components deploying to OIF should achieve an optimal deployment of no more than one year and an optimal dwell time of five years.

The section also would provide the President the ability to waive the dwell times, if the President certifies to Congress within 30 days after the waiver that the deployment of a unit is necessary to meet a threat to the national security interests of the United States. This section also would provide the Chiefs of Staff of the services the ability to waive the dwell times for voluntary mobilizations.

This section would also define "unit," "deployment," and "deployed." This section would be effective upon date of enactment.

COMMITTEE POSITION

On July 27, 2007, the Committee on Armed Services, a quorum being present, ordered reported H.R. 3159, as amended, to the House with a favorable recommendation by a record vote of 32–25, with 2 voting present.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

In compliance with clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the cost estimate prepared by the Congressional Budget Office and submitted pursuant to section 402 of the Congressional Budget Act of 1974 is as follows:

July 31, 2007.

HON. IKE SKELTON,
Chairman, Committee on Armed Services,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3159, the Ensuring Mili-

tary Readiness Through Stability and Predictability Deployment Policy Act of 2007.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Matthew Schmit.

Sincerely,

PETER R. ORSZAG,
Director.

Congressional Budget Office cost estimate

H.R. 3159 would require that military units receive minimum periods of rest and recuperation between deployments in support of Operation Iraqi Freedom. For active-duty units, the required period of rest and recuperation would be at least as long as their most recent deployment, and for Reserve and National Guard units the required period would be at least three times as long as their most recent deployment. Those requirements could be waived if the President certifies to the Congress that the deployments are in the interest of national security or if the deployments are voluntary.

Currently, many units already receive sufficient time between deployments to meet the minimum requirements specified by this bill. However, some units, such as military intelligence and aviation units, have been deploying more frequently because they possess certain skills that are in high demand in the Iraq theater of operations.

In any cases where the President chose to exercise the waiver authority provided by this bill, H.R. 3159 would have no significant budgetary effect, because the deployment of those high-demand units would continue in the same manner as under current law. However, in those cases where the President chose not to exercise the waiver authority, there could be significant costs or savings depending on which actions the President undertook to comply with the requirements of this bill.

To meet the bill's requirement for time between deployments to the Iraq theater, the President could decide to reorganize and retrain existing forces so that more personnel with high-demand skills are available for overseas deployments, which would result in additional costs to the Department of Defense. Alternatively, the President could decide to comply with the requirement by reducing the number of personnel deployed to Iraq, which would result in budgetary savings. In both cases, the costs or savings could be in the billions of dollars, although CBO does not have enough information at this time to estimate what those budgetary effects might be. Enacting the bill would not affect direct spending or receipts.

H.R. 3159 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

The CBO staff contact for this estimate is Matthew Schmit. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

COMMITTEE COST ESTIMATE

Pursuant to clause 3(d) of rule XIII of the Rules of the House of Representatives, the committee concurs with CBO that there is not enough information at this time to estimate the budgetary effects of this bill, and thus it is not possible to determine the bill's costs

or savings. The committee also concurs with CBO that enactment of the bill would not affect direct spending or receipts.

OVERSIGHT FINDINGS

With respect to clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the committee reports that the findings and recommendations of the committee, based on oversight activities pursuant to clause 2(b)(1) of rule X, are incorporated in the descriptive portions of this report.

With respect to clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, this legislation does not include any new spending or credit authority, nor does it provide for any increase or decrease in tax revenues or expenditures.

With respect to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the bill does not authorize specific program funding.

STATEMENT OF PERFORMANCE GOALS AND OBJECTIVES

In compliance with clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the goals and objectives of H.R. 3159, Ensuring Military Readiness Through Stability and Predictability Deployment Policy Act of 2007, are to set minimum periods of rest and recuperation for active and reserve component units deployed to Operation Iraqi Freedom. For active-duty forces, the bill calls for time between deployments equal to or exceeding the length of the most recent previous deployment. For National Guard and Reserve units and members, the bill calls for time between deployments at least three times longer than the length of the most recent previous deployment.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the committee finds the authority for this legislation in Article I, section 8 of the United States Constitution.

EARMARKS

Pursuant to clause 9 of rule XXI, H.R. 3159, Ensuring Military Readiness Through Stability and Predictability Deployment Policy Act of 2007, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

STATEMENT OF FEDERAL MANDATES

Pursuant to section 423 of Public Law 104–4, this legislation contains no federal mandates with respect to state, local, and tribal governments, nor with respect to the private sector. Similarly, the bill provides no unfunded federal intergovernmental mandates.

RECORD VOTES

In accordance with clause 3(b) of rule XIII of the Rules of the House of Representatives, record votes were taken with respect to the committee's consideration of H.R. 3159. The record votes are attached to this report.

The committee, a quorum being present, ordered reported H.R. 3159, as amended, to the House with a favorable recommendation by a record vote of 32–25, with 2 voting present.

COMMITTEE ON ARMED SERVICES
110TH CONGRESS
ROLL CALL

Amendment #4 **Date: 07-27-07**

Description: **To remove any limits on the Presidential waiver** **Offered by: Mr. Marshall**

Rep.	Ayes	Noes	Present	Rep.	Ayes	Noes	Present
Mr. Skelton		X		Mr. Hunter	X		
Mr. Spratt		X		Mr. Saxton	X		
Mr. Ortiz		X		Mr. McHugh	X		
Mr. Taylor		X		Mr. Everett	X		
Mr. Abercrombie		X		Mr. Bartlett	X		
Mr. Reyes		X		Mr. McKeon	X		
Dr. Snyder		X		Mr. Thornberry	X		
Mr. Smith		X		Mr. Jones		X	
Ms. Sanchez		X		Mr. Hayes	X		
Mr. McIntyre		X		Mrs. Davis (VA)			
Ms. Tauscher		X		Mr. Akin	X		
Mr. Brady		X		Mr. Forbes	X		
Mr. Andrews		X		Mr. Miller (FL)	X		
Mrs. Davis (CA)		X		Mr. Wilson	X		
Mr. Larsen		X		Mr. LoBiondo	X		
Mr. Cooper				Mr. Cole	X		
Mr. Marshall	X			Mr. Bishop	X		
Ms. Bordallo		X		Mr. Turner	X		
Mr. Udall		X		Mr. Kline	X		
Mr. Boren	X			Mrs. Miller (MI)	X		
Mr. Ellsworth		X		Dr. Gingrey	X		
Mrs. Boyda		X		Mr. Rogers	X		
Mr. Murphy		X		Mr. Franks	X		
Mr. Johnson				Mr. Shuster	X		
Ms. Shea-Porter		X		Mrs. Drake	X		
Mr. Courtney		X		Mrs. McMorris Rodgers	X		
Mr. Loebsack		X		Mr. Conaway	X		
Ms. Gillibrand		X		Mr. Davis (KY)	X		
Mr. Sestak		X					
Ms. Giffords		X					
Mr. Cummings		X					
Mr. Meek		X					
Ms. Castor		X					

Roll Call Vote Total:

28 Ayes 30 Noes Present

COMMITTEE ON ARMED SERVICES
110TH CONGRESS
ROLL CALL

Amendment #1 **Date: 07-27-07**

Description: **Substitute - Sense of Congress on dwell-time between deployments** **Offered by: Mrs. Drake**

Rep.	Ayes	Noes	Present	Rep.	Ayes	Noes	Present
Mr. Skelton		X		Mr. Hunter	X		
Mr. Spratt		X		Mr. Saxton	X		
Mr. Ortiz		X		Mr. McHugh	X		
Mr. Taylor		X		Mr. Everett	X		
Mr. Abercrombie		X		Mr. Bartlett	X		
Mr. Reyes		X		Mr. McKeon	X		
Dr. Snyder		X		Mr. Thornberry	X		
Mr. Smith		X		Mr. Jones		X	
Ms. Sanchez		X		Mr. Hayes	X		
Mr. McIntyre		X		Mrs. Davis (VA)			
Ms. Tauscher		X		Mr. Akin	X		
Mr. Brady		X		Mr. Forbes	X		
Mr. Andrews		X		Mr. Miller (FL)	X		
Mrs. Davis (CA)		X		Mr. Wilson	X		
Mr. Larsen		X		Mr. LoBiondo	X		
Mr. Cooper		X		Mr. Cole	X		
Mr. Marshall	X			Mr. Bishop	X		
Ms. Bordallo		X		Mr. Turner	X		
Mr. Udall		X		Mr. Kline	X		
Mr. Boren		X		Mrs. Miller (MI)	X		
Mr. Ellsworth		X		Dr. Gingrey	X		
Mrs. Boyda		X		Mr. Rogers	X		
Mr. Murphy		X		Mr. Franks	X		
Mr. Johnson				Mr. Shuster	X		
Ms. Shea-Porter		X		Mrs. Drake	X		
Mr. Courtney		X		Mrs. McMorris Rodgers	X		
Mr. Loebsack		X		Mr. Conaway	X		
Ms. Gillibrand		X		Mr. Davis (KY)	X		
Mr. Sestak		X					
Ms. Giffords		X					
Mr. Cummings		X					
Mr. Meek		X					
Ms. Castor		X					

Roll Call Vote Total:

27 Ayes 32 Noes Present

COMMITTEE ON ARMED SERVICES
110TH CONGRESS
ROLL CALL

Date: 07-27-07

Description: **Motion to adopt and order reported favorably, H.R. 3159, as amended**

Rep.	Ayes	Noes	Present	Rep.	Ayes	Noes	Present
Mr. Skelton	X			Mr. Hunter		X	
Mr. Spratt	X			Mr. Saxton		X	
Mr. Ortiz	X			Mr. McHugh		X	
Mr. Taylor	X			Mr. Everett		X	
Mr. Abercrombie	X			Mr. Bartlett			X
Mr. Reyes	X			Mr. McKeon		X	
Dr. Snyder	X			Mr. Thornberry		X	
Mr. Smith	X			Mr. Jones	X		
Ms. Sanchez	X			Mr. Hayes		X	
Mr. McIntyre	X			Mrs. Davis (VA)			
Ms. Tauscher	X			Mr. Akin		X	
Mr. Brady	X			Mr. Forbes		X	
Mr. Andrews	X			Mr. Miller (FL)		X	
Mrs. Davis (CA)	X			Mr. Wilson		X	
Mr. Larsen	X			Mr. LoBiondo		X	
Mr. Cooper	X			Mr. Cole		X	
Mr. Marshall		X		Mr. Bishop		X	
Ms. Bordallo	X			Mr. Turner		X	
Mr. Udall	X			Mr. Kline		X	
Mr. Boren	X			Mrs. Miller (MI)		X	
Mr. Ellsworth	X			Dr. Gingrey		X	
Mrs. Boyda	X			Mr. Rogers		X	
Mr. Murphy	X			Mr. Franks		X	
Mr. Johnson				Mr. Shuster		X	
Ms. Shea-Porter	X			Mrs. Drake		X	
Mr. Courtney	X			Mrs. McMorris Rodgers		X	
Mr. Loebsack	X			Mr. Conaway		X	
Ms. Gillibrand	X			Mr. Davis (KY)			X
Mr. Sestak	X						
Ms. Giffords	X						
Mr. Cummings	X						
Mr. Meek	X						
Ms. Castor	X						

Roll Call Vote Total:

32 Ayes 25 Noes 2 Present

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

Clause 3(e) of rule XIII of the Rules of the House of Representatives requires an elaboration or description of how the reported bill proposes to repeal or amend a statute or part thereof. There were no changes in existing law made by H.R. 3159, as reported.

DISSENTING VIEWS

We believe that achieving the DOD deployment-to-dwell-time goals for both active and reserve component units and personnel is an important readiness objective that Congress should pursue aggressively. The goal for the regular/active components is one year deployed to two years at home station (1:2); and the goal for the National Guard and other reserve components is one year mobilized to five years demobilized (1:5). Congress can most effectively assist in achieving those goals by committing the resources necessary to substantially increase force structure and manpower and to reset and modernize the military services. Furthermore, if Congress is serious about improving unit readiness and the service members' quality of life by the use of deployment and dwell time measures, Congress ought to ensure that they are achieved across the force, not just imposed on those forces and people deploying to Iraq. We were disappointed that the House Armed Services Committee, in a largely party-line vote, defeated a proposal to reaffirm the achievement of force-wide dwell-time goals and to have the Department of Defense provide Congress with its plan to achieve those goals.

We have grave concerns about H.R. 3159 as amended—the bill the committee approved in a largely party-line vote. We will continue to oppose it for a number of reasons.

The bill would prohibit the deployment of active and reserve component units that did not meet certain minimum stand-down or "dwell time" requirements between deployments. Such prohibitions intrude heavily and inappropriately into the constitutional duties of the President as Commander in Chief.

Beyond that, the dwell time requirements appear to be not so much efforts to improve the readiness of units and quality of life of members in the Armed Forces, but rather to force a withdrawal and reduction of U.S. forces committed to Operation Iraqi Freedom. This is so because H.R. 3159 as amended levies deployment prohibitions only on forces destined for Iraq that did not meet certain dwell time minimums but would allow those very same forces, regardless of dwell time, to be committed to combat in Afghanistan or anywhere else in the world they are needed. For the most highly deployed units, like the Army's 10th Mountain Division, the Iraq-only limitation raises the false expectation among service members and their families that there will be a reduction in deployment tempo—but does nothing to reduce the likelihood of deployments to Afghanistan or other operational hot-spots.

Moreover, we are concerned that by statutorily reducing the pool of forces available for deployment in the midst of a war—essentially putting brigades and battalions on the shelf, so to speak—H.R. 3159 as amended would make substantial reductions in the forces available to meet combatant commander requirements. For

example, the Marine Corps told the committee that the deployment prohibitions would prevent the deployment in fiscal year 2008 of eight Marine Corps battalion/squadron sized combat-support and combat service support units that are essential to the support of the Marine Corps' basic war fighting unit—the Marine-Air Ground Task Force (MAGTF); one Marine infantry battalion landing team; and one Marine reinforced helicopter squadron.

H.R. 3159 as amended, which mandates that both units and individuals assigned to them meet minimum dwell times between deployments, would significantly hamper the ability of the Army and Marine Corps, especially, to meet the combatant commanders' requirements. For example, because 55,800 Marines (32 percent of the active duty strength of the Marine Corps) already have at least one deployment, they would not be available for assignment to units deploying to Iraq. In the case of an Army unit, say for example a brigade combat team, that has less than a 1:1 deployment-to-dwell-time ratio, but nearly all its 3,500 assigned personnel meet or exceed the mandated dwell time standard, the brigade could not deploy because of the mandated dwell time limit established for units.

In claiming to improve the readiness and quality of life for certain portions of the Armed Forces, H.R. 3159 as amended ignores the likelihood that its mandates actually would degrade readiness, extend some unit deployments, create further stress and increase the risk to the force. In response to committee questions about the impact of mandated dwell time and deployment restrictions, the Marine Corps, for example, outlined negative impacts created by such mandates:

> In order to support OIF requirements during FY08 and comply with the minimum period between deployments proposed [by provisions like the Sen. Webb amendment and H.R. 3159 as amended—a 1:1 ratio] the Marine Corps would have to adjust force generation plans. . . . These plan adjustments could include extending unit deployments, creating provisional units and forcing units to execute missions as in-lieu-of forces. Each of these adjustments, among others, incurs higher risk than that associated with deploying the unit at [a deployment to dwell time ratio of] 7:6 and will create additional force generation challenges for a greater number of units in order to support subsequent OIF rotations.

The supporters of H.R. 3159 as amended quickly dismissed those concerns, citing the ability of the President to waive any limitations imposed by the bill if he could certify to Congress that a deployment was necessary to meet a threat to the national security interests of the United States. Their argument was that such a waiver would be easy to obtain, if not automatic, and would therefore not interfere with the orderly planning and deployment of units and individuals to Iraq.

We think that argument is disingenuous at best. Supporters of H.R. 3159 cannot have it both ways. Either the legislation does nothing significant or it significantly limits deployment decisions.

If the former, it is a sham. If the latter, it has all the deficits previously illustrated.

Congress puts Presidential waiver requirements into legislation with the expectation that waivers will be used sparingly and will serve as a barrier to Executive Branch action. The military services understand this and normally would draw up plans and operations without the expectation of obtaining a Presidential waiver. Not surprisingly, supporters of H.R. 3159 as amended defeated Rep. Marshall's amendment to make obtaining a Presidential waiver easier.

For these reasons, we will continue to oppose H.R. 3159 as amended and urge all our colleagues to do so.

DUNCAN HUNTER.
JIM SAXTON.
JOHN M. MCHUGH.
HOWARD P. "BUCK" MCKEON.
J. RANDY FORBES.
JOE WILSON.
ROB BISHOP.
JIM MARSHALL.
JOHN KLINE.
CANDICE S. MILLER.
PHIL GINGREY.
TRENT FRANKS.
BILL SHUSTER.
THELMA DRAKE.
K. MICHAEL CONAWAY.

DISSENTING VIEWS

Our men and women in uniform are the best in the world and they deserve all the support and encouragement that we can possibly give them. Our troops on the ground in Iraq, Afghanistan and other countless places around the world, are making us proud by their daily sacrifice and constant efforts to protect our great nation.

Unfortunately, the Democrats have decided to make the rest and recuperation of our troops into another tactic in their misguided attempt to precipitously end the war in Iraq. H.R. 3159, which we voted against in committee, is simply another empty partisan attack on the war in Iraq. It shows once again that the Democrats don't actually have a strategy in Iraq, but rather simply want to give up and pull out as fast as possible.

This bill focuses its dwell time requirements solely on Operation Iraqi Freedom (OIF) while ignoring the fact that our ongoing fight against terrorism is requiring our men and women in uniform to put in long deployments, in harm's way, in many places other than just Iraq. Rather than reaffirm the goals for dwell time laid out by Defense Secretary Gates for the whole military and all missions, this bill mandates dwell times for OIF in a backhanded effort to force us to withdraw from Iraq.

The goal of this bill is obviously to force our commanders on the ground to retreat out of Iraq, because they would not have enough troops to maintain the current op-tempo. Unfortunately, if this bill were to become law, it would hurt the troops currently deployed more than anyone else—by extending their tours until troops in the U.S. had met these newly imposed regulations on dwell time. The DOD does have goals for dwell time for all units, as reinforced by Ms. Drake's substitute amendment, but in times of war, the Commander-in-Chief must be able to use the military as is necessary.

Having opposed this bill in committee, we will also oppose this bill on the floor of the House, as it does nothing but harm to our Soldiers, Sailors, Airmen and Marines.

W. TODD AKIN.
JOE WILSON.
TOM COLE.
TRENT FRANKS.

○