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|--------------------|-------------------|------------------|
| Hoyer | Mica | Sanchez, Loretta |
| Huelskamp | Michaud | Sarbanes |
| Huizenga (MI) | Miller (FL) | Scalise |
| Hultgren | Miller (MI) | Schakowsky |
| Hunter | Miller (NC) | Schiff |
| Hurt | Miller, Gary | Schilling |
| Insole | Miller, George | Schmidt |
| Israel | Mulvaney | Schock |
| Issa | Murphy (CT) | Schrader |
| Jackson (IL) | Murphy (PA) | Schwartz |
| Jenkins | Myrick | Schweikert |
| Johnson (GA) | Nadler | Scott (SC) |
| Johnson (IL) | Napolitano | Scott (VA) |
| Johnson (OH) | Neal | Scott, Austin |
| Johnson, Sam | Neugebauer | Scott, David |
| Jordan | Noem | Sensenbrenner |
| Kaptur | Nugent | Serrano |
| Keating | Nunes | Sessions |
| Kelly | Nunnelee | Sewell |
| Kildee | Olson | Sherman |
| Kind | Olver | Shimkus |
| King (IA) | Owens | Shuler |
| King (NY) | Palazzo | Shuster |
| Kingston | Pallone | Simpson |
| Kinzinger (IL) | Pascrell | Sires |
| Kissell | Pastor (AZ) | Slaughter |
| Kline | Paulsen | Smith (NE) |
| Labrador | Pearce | Smith (NJ) |
| Lamborn | Pelosi | Smith (TX) |
| Lance | Pence | Smith (WA) |
| Landry | Perlmutter | Southerland |
| Langevin | Peters | Speier |
| Lankford | Peterson | Stearns |
| Larsen (WA) | Petri | Stivers |
| Larson (CT) | Pitts | Stutzman |
| Latham | Platts | Sullivan |
| LaTourette | Poe (TX) | Sutton |
| Latta | Polis | Terry |
| Levin | Pompeo | Thompson (CA) |
| Lewis (CA) | Posey | Thompson (MS) |
| Lewis (GA) | Price (GA) | Thompson (PA) |
| Lipinski | Price (NC) | Thornberry |
| LoBiondo | Quayle | Tiberti |
| Loeb sack | Quigley | Tierney |
| Lofgren, Zoe | Rangel | Tipton |
| Long | Reed | Tonko |
| Lowey | Rehberg | Tsongas |
| Lucas | Reichert | Turner |
| Luetkemeyer | Renacci | Upton |
| Lujan | Reyes | Van Hollen |
| Lummis | Ribble | Velázquez |
| Lungren, Daniel E. | Richardson | Visclosky |
| Lynch | Richmond | Walberg |
| Mack | Rigell | Walden |
| Maloney | Rivera | Walsh (IL) |
| Manzullo | Roby | Walz (MN) |
| Marchant | Roe (TN) | Wasserman |
| Marino | Rogers (AL) | Schultz |
| Markey | Rogers (KY) | Watt |
| Matheson | Rogers (MI) | Waxman |
| Matsui | Rohrabacher | Webster |
| McCarthy (CA) | Rokita | Welch |
| McCarthy (NY) | Rooney | West |
| McCaul | Ros-Lehtinen | Westmoreland |
| McClintock | Roskam | Whitfield |
| McCotter | Ross (AR) | Wilson (FL) |
| McGovern | Ross (FL) | Wilson (SC) |
| McHenry | Rothman (NJ) | Wittman |
| McIntyre | Roybal-Allard | Wolf |
| McKeon | Royce | Womack |
| McKinley | Runyan | Woodall |
| McMorris | Ruppersberger | Wu |
| Rodgers | Rush | Yarmuth |
| McNerney | Ryan (OH) | Yoder |
| Meehan | Ryan (WI) | Young (AK) |
| Meeks | Sánchez, Linda T. | Young (FL) |
| | | Young (IN) |

NAYS—6

| | | |
|------------|----------|--------|
| Amash | Jones | Paul |
| Blumenauer | Kucinich | Rahall |

ANSWERED "PRESENT"—13

| | | |
|----------------|--------------|---------|
| Carson (IN) | McCollum | Stark |
| Edwards | McDermott | Waters |
| Ellison | Moore | Woolsey |
| Johnson, E. B. | Moran | |
| Lee (CA) | Pingree (ME) | |

NOT VOTING—5

| | | |
|-----------|-------------|-------|
| Culberson | Jackson Lee | Payne |
| Giffords | (TX) | Towns |

□ 1910

Ms. EDDIE BERNICE JOHNSON of Texas changed her vote from "yea" to "present."

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2417

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 2417.

The SPEAKER pro tempore (Mr. WEBSTER). Is there objection to the request of the gentleman from Texas?

There was no objection.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2012

The SPEAKER pro tempore. Pursuant to House Resolution 320 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2219.

□ 1910

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2219) making appropriations for the Department of Defense for the fiscal year ending September 30, 2012, and for other purposes, with Mr. MACK (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose earlier today, the bill had been read through page 161, line 12.

Mr. FORTENBERRY. Mr. Chairman, I move to strike the last word.

The ACTING Chair. The gentleman from Nebraska is recognized for 5 minutes.

Mr. FORTENBERRY. I rise to engage in a colloquy with my colleagues to ensure that our defense community has the resources necessary to carry out an important security mandate that this body passed this year.

Mr. Chairman, the Lord's Resistance Army has terrorized central Africa for 25 years. But last year, Congress and the administration took unprecedented steps to end the group's campaign of violence. This body passed broadly supported bipartisan legislation called the Lord's Resistance Army Disarmament and Northern Uganda Recovery Act requiring the administration to prepare and present to Congress a comprehensive strategy to bring LRA commanders to justice.

Mr. Chairman, with the administration's strategy released in November, we should move to implement an international strategy to help end the atrocities committed by the LRA, protect innocent civilians, and stabilize a region of Africa that is critical to the United States' national security interests.

Through over 20 years of civil war, this brutal insurgency has created a humanitarian crisis that has displaced over 1½ million people and resulted in the abduction of over 20,000 children in one of the world's most difficult ungoverned spaces.

With that, I would like to yield to the gentleman from Massachusetts (Mr. MCGOVERN), who is continuing to take a lead role in this international effort, which I appreciate.

Mr. MCGOVERN. I thank the gentleman for yielding and for his support of this international imperative.

The LRA has terrorized civilians and abducted tens of thousands of children, many of whom have been forced into child soldiering or sex slavery. Its influence spans the border area of south Sudan, the Democratic Republic of Congo, and the Central African Republic. It is the deadliest rebel group in Congo and has displaced hundreds of thousands of people across central Africa, including in south Sudan, where U.S. investments in peace and stability are critical as the region establishes independence this Saturday.

Mr. Chairman, we could have a decisive impact on seeing one of Africa's most longstanding human rights crises finally brought to an end by implementing the administration's plan.

I yield back to the gentleman from Nebraska in the hopes that we implement this strategy.

Mr. FORTENBERRY. I thank the gentleman from Massachusetts for his leadership again.

My colleagues and I believe that resources invested in ending this conflict now will not only save innocent lives but will also help reduce the need for very expensive humanitarian aid and promote stability in one of Africa's most volatile regions.

With that said, I would like to yield to our chairman, the gentleman from Florida.

Mr. YOUNG of Florida. I thank the gentleman for yielding.

I thank the gentlemen, both, for their attention to this important issue. And I want to continue to work with them as we move this bill forward in the hopes that we can bring a swift end and successful end to this tragedy.

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

AMENDMENT NO. 96 OFFERED BY MR. DEFAZIO

Mr. DEFAZIO. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

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

SEC. ____ None of the funds made available in this Act may be used to enforce section 376 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163).

The Acting CHAIR. The gentleman from Oregon is recognized for 5 minutes.

Mr. DEFAZIO. My colleagues, in 1990 Congress passed a law that required

that all Federal agencies, including the Department of Defense, must have auditable financial statements every year. Since that time, the Department of Defense has spent \$10 trillion—\$10,000 billion—and yet no audit has been conducted. In fact, there are numerous problems with accounting at DOD, and their financial management has been rated as “high risk” by the Government Accountability Office.

Unfortunately, the Pentagon, being incapable of being audited, sought an exemption from audits.

So in 2005, Congress passed a ban on completing an audit. It was contained in section 376 of the 2006 National Defense Authorization Act.

In 2009, Congress got tough and they said, “Look, we’ve exempted you from audits. But let’s have a goal—not a mandate—a goal of you doing an audit by 2017. Yet last September in a hearing Pentagon officials stated that meeting a deadline of 2017 for having their first ever audit of their books, and they will spend \$4 trillion between now and 2017 without an audit, they said they would need more money, more money to be auditable. That’s chutzpah. That’s incredible.

So what we’re attempting to do here tonight is to say that we’re going to suspend the exemption. The DOD, it’s time for them to get their books in order. There is nothing more important for our men and women in uniform than to know that every dollar, every precious tax dollar is being spent properly to give them the tools they need to defend our Nation. And the taxpayers of this country, concerned about our massive deficit and the concerns that are being expressed here in these deficit and debt talks downtown, the taxpayers need to know that we’re not wasting money in the single largest annual account of the Federal budget which is not audited, the expenditures of the Pentagon.

In fiscal year 2010, half of DOD’s contract awards were not competed. That’s half. In 140 billion of them, there was no competition at all, and in 48 billion, there was one, one competitor. So we have a lot of work to do here.

In 2000, the Pentagon Inspector General found that of \$7.6 trillion in accounting errors of entries, \$2.3 trillion “were not supported by adequate audit trails or sufficient evidence to determine their validity.” We don’t know where that \$2.3 trillion went. Now, come on.

It’s time to stop treating them with kid gloves. The Pentagon’s a tough institution, the toughest Department of Defense in the world. And it’s time for them to own up here and audit their books and trace every dollar. It’s a new era. So I urge my colleagues to support this by defunding this special exemption. Then the Pentagon will be subject to audit over the next year, which could provide tremendous benefits to our men and women in uniform and certainly tremendous savings for the American taxpayers.

I yield back the balance of my time. Mr. YOUNG of Florida. Mr. Chairman, I move to strike the last word.

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

Mr. YOUNG of Florida. Mr. Chairman, I’m just not sure how this amendment accomplishes what the gentleman says since it prohibits enforcement of a section of a fiscal year 2006 bill, which only applied to that fiscal year. So I’m not opposed to the amendment; I just don’t believe it does anything.

I yield back the balance of my time. Mr. GARRETT. I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. GARRETT. I rise today in support of this amendment and one which I have also cosponsored with the gentleman.

This amendment, quite honestly, is common sense, in that it simply looks to add accountability in how the Pentagon spends our taxpayers’ dollars. Now, the GAO released an independent audit that they performed in March that concluded that the cost of the Pentagon’s largest programs has risen by \$135 billion—that’s over 9 percent—to \$1.68 trillion by 2008. And as was pointed out, over half of that, or \$70 billion of that, involves overruns. And what they say in their report appeared “to be indicative of production problems and inefficiencies or flawed initial cost estimates.”

Since then, we have not had a complete audit by the Pentagon, and since then, overruns have only multiplied.

Just this past week, earlier in the week, I had the opportunity to serve in the Budget Committee, where we had the CBO come in. And we asked them point blank for some of the information that we would like to have with regard to these audits, that we would like the information from them so they could pinpoint some of the, as we always say on the floor, the waste, fraud, and abuse that goes on. But more specifically, where the inefficiencies are. And the answer we got from them was somewhat telling. They said they cannot supply this Congress with the information that we would like because they do not get the information themselves from the DOD. And that is the problem.

□ 1920

That is the problem. The Department of Defense is consistently overbudget in acquisition and equipment modernization. There are 92 major defense acquisition programs. Seventy-five percent of them are overbudget. Twenty percent of them are overbudget by more than 50 percent.

Mr. Chairman, this is something that needs to be addressed. This amendment will once again hold the Pentagon accountable, assuring that the taxpayer dollars are spent prudently, as intended. I urge my colleagues to support this amendment.

With that, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO).

The amendment was agreed to.

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

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

Mr. YOUNG of Alaska. I would like, at this time, to ask the chairman to participate in a colloquy with me.

I rise today to express my concern about our strategic ports. First, I want to thank the chairman for discussing this important issue with me. I think the chairman would agree that understanding and addressing vital infrastructure needs at our strategic seaports is of major importance.

Mr. YOUNG of Florida. Will the gentleman yield?

Mr. YOUNG of Alaska. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. I thank the gentleman for yielding.

I would tell him that I do agree that assessing and correcting infrastructure problems at the Nation’s strategic seaports, which are an integral part of our national defense readiness, is of vital importance.

Mr. YOUNG of Alaska. Since 1958, the strategic seaport program has facilitated the movement of military forces securely through U.S. ports. Each strategic seaport has individual capabilities that provide the Department of Defense with the port facilities and services that are critical in maintaining the operational flexibility and redundancy needed to meet a wide range of national security missions and time lines. However, the existing infrastructure at many of the strategic ports may no longer be adequate to meet the needs of our military. I think the time has come to address these needs in both our authorization and appropriations process. That is why I worked with Chairman MCKEON to include language in the defense authorization bill that will require a study of the infrastructure needs of these strategic ports. Once that study has been conducted, I believe it is of vital importance that this committee provide the necessary funding to address the needs of these ports.

Mr. YOUNG of Florida. Mr. Chairman, I also believe these ports to be critical to our defense, and I will be happy to work with the gentleman from Alaska to consider the appropriate measures and funding to address the infrastructure needs of our strategic seaports.

Mr. YOUNG of Alaska. I want to thank the chairman for discussing this issue with me. I would just like to say to the chairman, I appreciate the fact that you recognize the importance of ports to move our products. I know that the ranking member does, also. I again thank you.

I yield back the balance of my time.

Mr. BECERRA. Mr. Chairman, I move to strike the last word.

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

Mr. BECERRA. I rise to engage in a colloquy with the chairman and ranking member on recruitment and outreach at the military service academies.

Mr. Chairman, some areas in the U.S. have been harder for the military academies to reach for recruitment purposes than others. To ease this problem, the Congress should work to ensure that the military academies have the ability to reach out to men and women from underrepresented rural and urban areas.

Past outreach efforts have been effective at the military academies. For example, in the U.S. Naval Academy's increased outreach efforts, we have seen results that show that some 19,145 applicants have come out for the class of 2015, an increase of 25 percent over the past 2 years. The Navy has been able to conduct recruitment blitzes in parts of the country that were traditionally underrepresented. In my home State of California, the Navy increased their applicants by 25 percent, from some 2,400 for the class of 2013 to over 3,000 for the class of 2015.

I believe it is important for the academies to have the resources to continue building upon this success. This critical investment would help America find the best and the brightest for our military and for America's future.

Mr. YOUNG of Florida. Will the gentleman yield?

Mr. BECERRA. I yield to the chairman.

Mr. YOUNG of Florida. I thank the gentleman for yielding.

I agree with the gentleman that it is important that the military academies bring in the best young people from across the country, and the committee will work with him toward this objective.

Mr. BECERRA. I thank the chairman.

Mr. DICKS. Will the gentleman yield?

Mr. BECERRA. I yield to the ranking member.

Mr. DICKS. I agree with the chairman and stand ready to work with the gentleman—and I commend him for the work that he's been doing over the years—to reach out to all regions of the country to bring the best and brightest into the military academies.

Mr. BECERRA. I thank the ranking member and the chairman, and I look forward to working with them.

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

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. I have an amendment at the desk, designated as No. 1.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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

SEC. _____. The amount otherwise made available by this Act for "Operation and

Maintenance, Defense-Wide" is hereby reduced by \$250,000,000.

The Acting CHAIR. The gentleman from Arizona is recognized for 5 minutes.

Mr. FLAKE. I thank the Chair.

This amendment would reduce the operations and maintenance defense-wide account by \$250 million, the same amount appropriated by section 8122 of the bill. Section 8122 appropriates another \$250 million in FY12 for the Secretary of Defense to use for the Office of Economic Adjustment, or to transfer to the Secretary of Education to make grants to public schools located on military bases for construction, renovation and repairs.

I will just summarize what's happening here. We have some schools that are on military bases. Now, some of the schools on military bases are run by the Department of Defense. That's not what we're speaking about here. The schools that we're talking about here, LEAs, Local Education Agencies, run them. In the FY11 budget, we appropriated \$250 million of defense money—this is in the Defense bill—to go to schools that are the responsibility of Local Education Agencies.

Now, some of these schools are in disrepair. They're in bad shape. Nobody's questioning that. Education budgets are tight everywhere around the country. Ask your own States. Ask your local school districts. But we cannot continue to divert money from the Department of Defense simply because that's where money is and few people question it. I'm sure the gentleman will stand up here and say, hey, these schools are in bad shape; they're on military bases; we've got to fix them, and the Local Education Agencies have said these schools are in disrepair. But why are we taking money that should be going to the military, to the troops, to other purposes, and diverting it to local education or local schools that are the responsibility of Local Education Agencies?

I have here one of the contracts for one of these schools that is being discussed here. It says: The permittee or his designee shall, at his own cost and expense, protect, preserve, maintain, repair and keep in good order and condition these schools.

This is a Local Education Agency, not the Department of Defense. That shouldn't be the responsibility of the Department of Defense, and we're bleeding off \$250 million.

I'm sure the gentleman will stand up and say this is needed, this isn't going to be a continual thing, we've just got to bring these schools up to repair. They'll say that the Department of Defense has said that these schools are in disrepair. They are. Nobody is questioning that. The question is: Where should this money come from? And if we have this kind of money to throw around for defense, then we ought to be cutting more defense funding.

This funding, if there's a problem, it should go through the Local Education

Agencies, or convince the Federal Department of Education through Impact Aid to send money to these schools, but not the Department of Defense. That has been the practice, unfortunately, around here for quite a while now.

We say, all right, what account can we take money from, for earmarks or whatever else, that few people will question? It's defense spending. We take that off for education or research or whatever else, and pretty soon we're diverting a lot of money that should go to the troops to other purposes.

□ 1930

Like I said, nobody's questioning that these schools are in bad repair. Newsweek ran an article on June 27 that said 39 percent of the schools run by the public systems on Army installations fell in the failing or poor category. I don't question that. Nobody does. What's at question here is another \$250 million.

As I said, we appropriated in the FY11 budget \$250 million. So apparently this is going to become a standard practice now? And then you start to get the prospect of Members of Congress starting to submit their local bases, saying, hey, the schools there are bad, and we get into the old earmarking game by letter, or phone marking, or whatever else, because it will be the spoils system all over again as to who gets the defense money to actually fix these schools. So this would simply say this money, \$250 million that has been requested for this purpose, shall not be spent.

The gentleman may stand up and say, hey, this is generally taken from the Department of Defense, or from the operations and maintenance, and so that's not specific enough. Believe me, the Secretary of Defense, if they have the choice to fund the troops or the schools, will fund the troops because the schools are under the responsibility of the local education agency. The Department of Defense may submit a list and say these schools are in disrepair, but it's not the responsibility of the Department of Defense to fund these schools.

The Acting CHAIR. The time of the gentleman has expired.

Mr. DICKS. I rise in opposition to the gentleman's amendment.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. The gentleman was quite good at making the cases against this amendment, but I will have to reiterate some of the things. First of all, I rise in opposition to the gentleman's amendment. The bill provides an additional \$250 million to improve or replace inadequate schools located on Department of Defense bases that are operated by Local Education Authorities and the Department of Education. Most of these are run by the local authorities.

The Army has identified 80 Local Education Authority-operated schools

within the continental United States that are inadequate because of poor conditions or a lack of capacity to accommodate the number of students enrolled. Initial funding in the fiscal year 2011 bill will address approximately 13 of these schools.

Nearly 42,000 school-aged dependents of U.S. service personnel are enrolled in schools on DOD bases that are owned and operated by either LEAs or the U.S. Department of Education. The recommendation is based on former Defense Secretary Robert Gates's remarks to military spouses at a May 8, 2010, town hall meeting at Fort Riley, Kansas. The Secretary then called me as chairman of the Defense Appropriations Subcommittee last year and said, Norm, we've got to do something about these schools. We have these young men and women serving in Iraq and Afghanistan, and the last thing we need to do is have them worried about their children because some of these schools, if there was a hurricane, if there was an earthquake, if there was a lahar from Mount Rainier, these schools could go down.

I have walked out there and seen these schools at Joint Base Lewis-McChord. And one of the conditions, if you are going to get money here, is that you must take over the school. The local school districts are going to have to take them over from this point forward. So we will get out of the responsibility, but we have to bring these schools up to code and standards and rebuild most of them. This list was developed by the Army, and then the Navy and Air Force and Marine Corps also were involved.

The former Secretary indicated that his plan to improve schools requires congressional approval. Caring for the dependents of U.S. service personnel is a vital contributor to military quality of life and represents a prudent investment in our Nation's future. I urge my colleagues to reject the amendment.

Let me also say in the military construction bill there was \$463 million for schools that are owned by the Department of Defense. Many of these schools are overseas, in other countries; and yet we are putting \$463 million into those schools. At the same time, the gentleman from Arizona wants to deny the young people of our country schools that they could go into. There is one in Arizona. The gentleman is running for the other body. I think he would be concerned about the school in Arizona that may not get funded if this amendment passes. And I hope the people of Arizona remember it, because the people of Washington State will certainly remember it. This is a bad amendment. We should defeat it.

Mr. FLAKE. Will the gentleman yield?

Mr. DICKS. I will not yield.

I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. I rise to oppose the amendment and associate my remarks with those of the ranking member. We are talking about the dependents of the U.S. military. And when you visit military bases, some of these schools are deplorable. When we make a commitment to a young person in the military, and they are married and they have children, they ought to be able to go to schools on their military base that are of high standards.

I would be happy to yield to the gentleman if he wishes.

Mr. FLAKE. I thank the gentleman for yielding.

I should mention the gentleman from Washington mentioned that the Secretary of Defense said we have got to do something about these schools. I should note that this was not in the Defense request. If he thought something ought to be done, you would think that they would have put it in their request. They didn't. It wasn't in the authorization bill. There is a Department of Education program, a competitive program for this already. If we think that it should have more money, then it should.

Mr. FRELINGHUYSEN. Reclaiming my time, I yield to the gentleman from Washington.

Mr. DICKS. They don't have any money. The Department of Education can't fund this because the new majority is taking a lot of the money out of the Department of Education that they would use for this purpose, and they don't have the money. That's why the Secretary called us and said—and this is Fort Riley, Kansas, one of your side, a school in the district of a Republican Member—and he said we've got to do something.

We didn't say we will do this on a partisan basis. We said, hey, these men and women in these Stryker brigades are over in Iraq and Afghanistan, and the last thing we need to do is have them be worried about their children in these schools that could go down if we had an earthquake. And we have had all these natural disasters all over this country. And I just say to the gentleman this is the most ridiculous amendment I have heard of yet. And he has had some lulus. And I just hope we can defeat this amendment so the people of this country will know we care about our kids serving in the military and their families.

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

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

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

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

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

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. I have an amendment at the desk, designated as No. 2.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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

SEC. _____. The amount otherwise provided by title IX for "Overseas Contingency Operations Transfer Fund" is hereby reduced by \$3,577,192,676.

The Acting CHAIR. The gentleman from Arizona is recognized for 5 minutes.

Mr. FLAKE. This amendment is straightforward. It will simply reduce the amount appropriated to the Overseas Contingency Operations Transfer Fund by roughly \$3.5 billion. We often hear in this body the Constitution grants the Congress the power of the purse, that the President's budget is not sacrosanct, and that Members should be able to guide Federal spending. I agree with that.

So I was quite surprised that the committee included in this bill an appropriation of \$5 billion to the Overseas Contingency Operation Transfer Fund, but provided virtually no guidance on how it should be spent beyond requiring that any obligations be, quote, pursuant to the global war on terrorism. That's roughly 4 percent of the overall cost of the war spending portion of this bill.

I understand the funding could provide the Department of Defense with a little more flexibility as it moves ahead with operations in Afghanistan, while simultaneously withdrawing troops from Afghanistan and Iraq. I am sympathetic to the need to properly fund the war in a way that requires us to budget for it.

□ 1940

But this \$5 billion with very few strings attached could also be used for just about anything, including, as a bargaining chip, for negotiations with the Senate, according to the CQ Today article, which ran on June 14.

I would submit that it's an expensive bargaining chip, and it's a very risky gamble, in my view. The President recently announced his intent to withdraw 10,000 U.S. troops from Afghanistan, which I think he will make the case for in the months ahead. And the Department of Defense has some flexibility as we move ahead in the months ahead.

So I think it's fair to reduce the amount appropriated in this fund to roughly \$1.5 billion. That amounts to 1 percent of the war-related costs of the bill instead of 4 percent. Overseas Contingency Operations Transfer Funds have been requested in the past by the Department of Defense. I understand that. I think we all understand that, to give the Department of Defense some flexibility.

What I am saying here is, \$5 billion is a little too much flexibility here. Let's

regain our prerogative here to direct this money, to have the power of the purse and simply not allow that amount, \$5 billion. That would simply reduce it to \$1.5 billion.

According to CQ Today, the Army requested about \$2 billion for transportation expenses in Afghanistan. The House panel said that funding need was overstated because the Army was assuming all supplies are flown into that country, when only about 20 percent arrive by air.

I commend the committee for carefully drilling down on the requests submitted by the services and identifying places where funding is unjustified and unneeded. However, instead of pulling back all the money in what could become a slush fund, we should do better. We should take steps to simply make sure that money that doesn't have to be spent is not spent.

That's what this amendment does. I urge its adoption.

I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, I oppose the gentleman from Arizona's amendment, which would cut \$3.6 billion from the Overseas Contingencies Operations budget.

The committee believes that the Army's fiscal year 2012 operation and maintenance requests for Overseas Contingencies Operations may be overstated due to unrealistic planning assumptions. However, due to the great deal of uncertainty of the justification for the Army's O&M budget request, the committee added an appropriations account, the Overseas Contingencies Operations Transfer Fund Account, and shifted \$5 billion of funding from the Army into this account.

This account gives the Secretary of Defense flexibility to reprogram these funds for unforeseen requirements which emerged during 2012. For example, if redeployment from Afghanistan were to be accelerated—and some would suggest it should be—there will be a very significant increase in personnel and equipment transportation costs in fiscal year 2012.

Examples of requirements, which emerged during the year of budget execution in prior years, include funding for the MRAP vehicles, the mine resistant ambush protected vehicles, additional body armor that was needed, and other force protection things, joint, what we call joint urgent operational needs. And, of course, there are always spikes in fuel costs.

So for these and many other reasons, Mr. Chairman, I oppose the amendment and urge others to do so as well.

I yield back the balance of my time.

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

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

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

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

AMENDMENT OFFERED BY MR. CONYERS

Mr. CONYERS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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

SEC. ____ . None of the funds made available by this Act may be used for—

(1) deploying members of the Armed Forces on to the ground of Libya for the purposes of engaging in military operations unless the purpose of such deployment is limited solely to rescuing members of the United States Armed Forces;

(2) awarding a contract to a private security contractor to conduct any activity on the ground of Libya; or

(3) otherwise establishing or maintaining any presence of members of the Armed Forces or private security contractors on the ground of Libya unless the purpose of such deployment is limited solely to rescuing members of the United States Armed Forces.

Mr. CONYERS (during the reading). I ask unanimous consent that the amendment be considered as read.

The Acting CHAIR. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Acting CHAIR. The gentleman from Michigan is recognized for 5 minutes.

Mr. CONYERS. Mr. Chairman, I rise with the assistance of my good friends, TOM MCCLINTOCK of California, LYNN WOOLSEY of California, and BARBARA LEE of California.

It is my Libyan amendment, again, which would prevent funds appropriated in this act from being used to deploy any type of ground troop presence for the purpose of pursuing military operations on Libyan territory.

This amendment would simply codify the policy endorsed by President Obama and the international community and thereby ensure that our involvement in Libya remains limited in scope.

An identical amendment passed this House on May 26 by a vote of 416-5 as part of the National Defense Authorization Act.

It's also the intent of this amendment, as it was in my earlier amendment, that funds would be allowed to be used to rescue members of the Armed Forces participating in the NATO no-fly zone operation.

The American people, obviously many of them, have grown weary of the open-ended military conflicts that place our troops in harm's way and add billions to our national debt. We simply cannot afford another Afghanistan or Iraq.

And so the time has come for Congress to once again exercise its constitutional authority to place bound-

aries on the use of our military forces overseas and clearly state that this conflict in Libya will not escalate into an expensive occupation that would strain our resources and harm our national security interests.

Mr. FRELINGHUYSEN. Will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. We would like to commend you for your amendment, and we would be willing to accept it.

Mr. CONYERS. Thank you, sir. I appreciate that.

I yield back the balance of my time.

Ms. WOOLSEY. I move to strike the last word, Mr. Chairman.

The Acting CHAIR. The gentlewoman from California is recognized for 5 minutes.

Ms. WOOLSEY. I rise in strong support of the amendment offered by my good friend from Michigan (Mr. CONYERS) which I am very proud to be a co-sponsor.

The war in Libya, which was not authored by this body or our Senate colleagues, has lingered for more than 100 days.

Mr. Chairman, despite the legal contortions coming from the other end of Pennsylvania Avenue, the dropping of bombs, the killing of civilians, and the use of drones in Libya most definitely constitutes hostilities. And it's our responsibility in the Congress to make sure that these hostilities do not escalate into a full-blown ground war with boots on the ground and the United States becoming an occupying force in Libya.

The President has assured us that this won't happen, and I believe that a ground war is not his intention. But it wouldn't be the first time, Mr. Chairman, in the history of the United States' warfare that there was a shift in military, with the military campaign beginning as one thing and ending up as quite another. So it's critical that we assert ourselves using the congressional authority to appropriate funds to say "no" to launching a third ground war.

Our authority rests on how we use the people's money. Today's amendment denies the use of our tax dollars to send troops into Libya.

The war in Libya is a war of choice, except it's one that Americans didn't choose. It's not one that their elected representatives here in the people's House and Senate chose either.

We must ensure it does not go any further. We must listen to our people—the people who sent us here, the people we work for—who are insisting that we set limits. They know that we can't afford another Libya becoming another Iraq or Afghanistan.

Are these the values that we celebrated over this patriotic holiday weekend? Permanent warfare that leads to mayhem, despair and instability without advancing our national interests? It's time we start embracing the principles of smart security—humanitarian aid and civilian support—instead of perpetual warfare.

Haven't we had enough? Haven't our troops proven their valor? Haven't military families proven their selflessness and sacrifice? Haven't the taxpayers parted with enough of their money?

Vote "yes" on the Conyers-McClintock-Woolsey-Lee amendment. Say no to ground troops in Libya.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Michigan (Mr. CONYERS).

The amendment was agreed to.

Mr. LIPINSKI. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Illinois is recognized for 5 minutes.

Mr. LIPINSKI. I would like to ask Subcommittee Chairman YOUNG if he would enter into a colloquy regarding the Department of Defense's future plans for data storage.

□ 1950

Mr. FRELINGHUYSEN. I would be pleased to enter into a colloquy on behalf of Chairman YOUNG with you, sir.

Mr. LIPINSKI. Thank you. As the chairman is aware and as you are aware, the Department of Defense has many cybersecurity goals and challenges. With the daily reports on cyberattacks and intrusions, I feel that Congress needs to express its concerns before there is a cyberevent that will impact and damage national security.

The Department of Defense is the world's largest target for cyberattacks. There are many aspects of cyberdefense infrastructure, but I would like to focus on one critical piece, the physical location of classified data. I'm very concerned that the Department of Defense will not weigh the physical storage of classified data sufficiently in their efforts to save money through the consolidation and modernization of the information technology infrastructure. In addition, I worry that unnecessarily storing classified data abroad could increase the risk that this information could be stolen, damaging national security and potentially harming our troops.

I would ask the chairman if he would be willing to work with me to ensure that the Department of Defense's future plans for data storage address these concerns and maintain the highest standards for protection for classified data. Keeping critical defense data under positive control and physically securing that data is just common sense for national security. Building and operating data centers here will create American jobs as well as make it easier to control access and make it harder for foreign operatives to steal things such as nuclear secrets, weapons systems designs, and battle plans.

I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. Chairman YOUNG and the committee thank the gentleman from Illinois for bringing this matter to our attention, and we share his concern for the protection of

all classified data. We believe the threat from cyberattacks is real and is growing. We commend the gentleman for his leadership in this area, and we will be happy to work with you and the ranking member to ensure that our troops and Nation maintain control of all classified data.

Mr. DICKS. Will the gentleman yield?

Mr. LIPINSKI. I yield to the ranking member.

Mr. DICKS. I think the gentleman from Illinois brings up a very important issue, and I too look forward to working with the gentleman to ensure that classified data is protected from misuse and theft. Cybersecurity may be the most important defense issue that we face in the coming years. The Department of Defense itself is hit 250,000 times per hour, which is unbelievable, but it's true. And so we need to work on this, and I'm glad the gentleman has taken an interest in this important subject.

Mr. LIPINSKI. I want to thank Chairman YOUNG and Ranking Member DICKS for their commitment to the troops and national security, and I know Mr. DICKS is especially concerned about cybersecurity.

With that, I yield back the balance of my time.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. I have an amendment at the desk, designated as No. 3.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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

SEC. ____ . The amounts otherwise provided by title IV of this Act are revised by reducing the amount made available for "Research, Development, Test and Evaluation, Army", by reducing the amount made available for "Research, Development, Test and Evaluation, Navy", by reducing the amount made available for "Research, Development, Test and Evaluation, Air Force", by reducing the amount made available for "Research, Development, Test and Evaluation, Defense-Wide", and by reducing the amount made available for "Operational Test and Evaluation, Defense", by \$93,811,660, \$177,989,500, \$263,131,960, \$193,248,650, and \$1,912,920, respectively.

Mr. FLAKE (during the reading). I ask unanimous consent that the amendment be considered read.

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

There was no objection.

The Acting CHAIR. The gentleman from Arizona is recognized for 5 minutes.

Mr. FLAKE. The amendment would reduce each of the Research, Development, Test, and Evaluation accounts by 1 percent, or roughly \$730 million below the currently appropriated \$73 billion provided in this measure.

Amendments of this sort have been offered to other Defense-related measures recently, though they have attempted to cut amounts far greater than what I am proposing. During one

of these debates, the chairman of the Defense Subcommittee made the point that "if you are going to reduce the defense budget, there ought to be a good reason." I agree. And I submit that both the severity of the fiscal situation we face and the consequences of inaction are compelling reasons to reduce the defense budget along with everything else.

The Appropriations Committee started a positive trend when, during the consideration of appropriations for fiscal year 2011, it reduced the RDT&E accounts below the levels that have been funded in recent years.

I applaud the committee for taking a serious look at these and other accounts and for acting accordingly, but I think we need to do better. We're going to have to get used to cutting defense budgets here if we're going to get our fiscal situation in order.

The defense budget accounts for roughly half of the discretionary spending that is considered during the regular appropriations process during the year. According to the Domenici-Rivlin Commission "Restoring America's Future," RDT&E budgets have increased from \$49.2 billion in fiscal year 2001 to \$80.2 billion in fiscal year 2010.

So you are seeing an amount of about 80 percent higher now than they were in just 2001. That is a 63 percent increase. I'm getting my math wrong here. That report also suggested reducing the RDT&E budget would "impose greater discipline in research investments."

In addition, Gordon Adams of the Stimson Center argues in an essay in Foreign Affairs magazine that the RDT&E budget should be reduced, saying that "it would be safe to cut it, too, by 19 percent between fiscal year 2012 and fiscal year 2018. Such a reduction would yield \$87 billion in savings while keeping the United States' level of military R&D far above any other country."

I'm not attempting to or suggesting that we make cuts that deep in these accounts with this amendment. I recognize that they have already taken a sizeable hit in fiscal year 11. I also know that my colleagues will come to the floor and tout the values of these accounts. They'll talk about and highlight important successes we've achieved with weapons and other systems that wouldn't have been possible without these accounts. I recognize that.

But if we're all going to have to get used to voting for cuts in defense, cutting 1 percent of the \$73 billion made available to RDT&E is far from Draconian and will not preclude any such future successes.

I urge adoption of the amendment.

I yield back the balance of my time.

Mr. DICKS. I rise in opposition to the gentleman's amendment.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. The allocation for the Defense bill has already been reduced

by \$9 billion. Funding for the research and development title of the bill has been reduced from the 2011 level by nearly \$2 billion. Further reductions risk harming critical technology development needed to keep current weapons relevant and needed to develop next generation weapons and technologies required to maintain the U.S. edge in military technologies.

The reduction would adversely affect many systems now in development, including the Joint Strike Fighter, where we certainly do not want to fall behind, advanced submarine development, the long-range strike program, missile defense program, further development of precision weapons systems and many others.

I urge my colleagues to reject this amendment.

Mr. FLAKE. Will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Arizona.

Mr. FLAKE. The gentleman mentioned that this defense budget is cut \$7 billion below?

Mr. DICKS. Nine billion below the President's request.

Mr. FLAKE. That's below the President's request, not below the budget—

Mr. DICKS. Last year we were \$17 billion below last year, \$9 billion this year. So we're making some serious cuts in this budget.

Mr. FLAKE. I just appreciate that this is not the most ridiculous amendment. I'm glad that threshold was reached.

Mr. DICKS. No. This one won't make the top 10.

Mr. FLAKE. I thank the gentleman.

Mr. DICKS. We're working the list up, so I will share it with the gentleman down in the gym.

I yield back the balance of my time.

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

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

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

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

Mrs. CHRISTENSEN. I move to strike the requisite number of words.

The Acting CHAIR. The gentlewoman from the Virgin Islands is recognized for 5 minutes.

Mrs. CHRISTENSEN. Thank you.

I invite the ranking member to enter into a colloquy with me on an important health issue for our military.

Taking more lives each year than breast, prostate, colon and pancreatic cancers combined, today's lung cancer death toll is beyond unacceptable. It is the leading cause of cancer death among men and women across every racial and ethnic group and has a very low 5-year survival rate of only 15 per-

cent. And this situation can be attributed to both resource limitations in programs dedicated to lung cancer research and the absence of a coordinated and comprehensive plan to reduce lung cancer mortality in this Nation by focusing on the entire lung cancer screening, diagnosis, treatment, and care continuum.

Today, 80 percent of new lung cancer cases affect people who neither have smoked or those who have quit smoking, many of them decades ago.

□ 2000

This is true of smokers and non-smokers, and those populations such as racial and ethnic minorities, women, and low-income Americans who are disproportionately affected by lung cancer. But it is especially the case for our brave men and women who defend this Nation and put themselves in harm's way to protect our freedom.

Veterans, whose service has put them at high risk for lung cancer, have lung cancer needs that have been and remain unmet. They also suffer from a higher incidence of lung cancer and mortality than nonveterans. Additionally, the rate of lung cancer is nearly twice as high among those in the military compared to the larger U.S. population.

As a physician, I know that success against lung cancer requires that we approach lung cancer comprehensively, just as we do other major illnesses. Prevention and wellness, coupled with early detection, treatment options, and research must be adequately funded and coordinated, just as we do for heart disease, breast cancer, HIV/AIDS, and others. That is why I introduced H.R. 1394, the Lung Cancer Mortality Reduction Act of 2011. We must coordinate activities that combat lung cancer in vulnerable populations, including our active military, and ensure that for them, as well as for others, that early detection, treatment, and research is adequately supported with benchmarks to gauge progress.

We owe it to our Nation's heroes to coordinate early screening, treatment, and care, and reduce lung cancer mortality among members of the Armed Forces and our veterans, whose exposure to carcinogens during active duty service is a known contributor to their increased lung cancer risk.

I would seek the help of the ranking member to pursue this work in the Defense Health Program within the Department of Defense.

Mr. DICKS. Will the gentlelady yield?

Mrs. CHRISTENSEN. I yield to the gentleman from Washington.

Mr. DICKS. I will work with the gentlelady on DOD lung cancer research. We have \$10.2 million in the budget this year, and money for other forms of cancer and treatment efforts, in light of the serious problems facing military members. This is a very serious problem, and I am glad that you have called it to our attention, and I look forward

to working with you on this important issue.

Mrs. CHRISTENSEN. With that, I yield back the balance of my time.

AMENDMENT OFFERED BY MR. KINZINGER OF ILLINOIS

Mr. KINZINGER of Illinois. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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

SEC. ____ None of the funds made available by this Act may be used to research, develop, manufacture, or procure a newly designed flight suit or integrated aircrew ensemble.

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

Mr. KINZINGER of Illinois. Mr. Chairman, there is no bigger supporter, I don't think, in this body of the Air Force than me. I am an Air National Guard pilot. I have been an Air National Guard pilot for awhile now, and continue to be even during my service in Congress. But part of what we have to do in this body is we have to find areas of essential versus nonessential spending.

One of those areas I believe that is nonessential is \$100 million that will be spent, if this amendment is not adopted, to develop a new flight suit, in essence. I think at a time when we are looking at supporting defense as best we can and finding out areas where we can prioritize and make that essential, I think it is important to stop the design of this flight suit and allow that money to be spent in other areas.

We have met with the folks that are developing this, that are looking at the idea of this new flight suit, and I am still convinced that the right thing to do at this time is to halt the development and manufacture of this.

So I would just stand and urge adoption of this amendment.

I yield back the balance of my time.

Mr. FRELINGHUYSEN. Madam Chairman, I move to strike the last word.

The Acting CHAIR (Ms. Foxx). The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. First of all, the committee would like to thank the gentleman from Illinois for his service in the Air National Guard, and obviously his service in Congress. The gentleman from Illinois has made a compelling argument, and we are prepared to accept his amendment. However, we want to be clear that we will continue to study the issue as we support the continued advancement of the safety of all of our pilots. We just want to make that understood. It needs more study. We are in support of your amendment.

I yield back the balance of my time.

Mr. DICKS. Madam Chair, I move to strike the requisite number of words.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. The amendment would prohibit DOD from developing or manufacturing a newly designed flight suit

for members of the Armed Forces. In November of 2010, the Air Force awarded a \$99.4 million contract over 7 years to research, develop, and manufacture the flight suit. The November award ended a nearly 3-year competitive bidding process.

The Air Force requires that the new flight suit must protect airmen from flames, all kinds of weather, chemical attacks or radiation, and high gravity that can cause air members to black out. So I urge rejection of the amendment.

I yield back the balance of my time. The Acting CHAIR. The question is on the amendment offered by the gentleman from Illinois (Mr. KINZINGER).

The amendment was agreed to.

AMENDMENT OFFERED BY MS. LEE

Ms. LEE. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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

SEC. ____ . It is the policy of the United States to withdraw all United States Armed Forces and military contractors from Iraq by December 31, 2011, and no provision of any agreement between the United States and Iraq that amends the timeline for such withdrawal in a manner that obligates the United States to a security commitment to respond to internal or external threats against Iraq after such date shall be in force with respect to the United States unless the agreement is in the form of a treaty requiring the advice and consent of the Senate (or is intended to take that form in the case of an agreement under negotiation) or is specifically authorized by an Act of Congress enacted after the date of the enactment of this Act.

Ms. LEE (during the reading). Madam Chair, I ask unanimous consent to consider the amendment as read.

The Acting CHAIR. Is there objection to the request of the gentlewoman from California?

Mr. FRELINGHUYSEN. I object.

The Acting CHAIR. Objection is heard.

The Clerk will read.

The Clerk continued to read.

Ms. LEE (during the reading). Madam Chair, I ask unanimous consent to consider the amendment as read.

The Acting CHAIR. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mr. FRELINGHUYSEN. Madam Chair, I reserve a point of order on the gentleman's amendment.

The Acting CHAIR. A point of order is reserved.

The gentleman from California is recognized for 5 minutes.

Ms. LEE. Madam Chair, I am pleased that my colleagues, Representatives NADLER and WOOLSEY, are joining me in offering an amendment that make it the policy of the United States to withdraw all members of the United States Armed Forces and military contractors from Iraq by the end of this year.

More importantly, this amendment also clarifies that this timeline cannot

be changed unless it is in the form of a treaty requiring the advice and consent of the Senate or unless authorized by an act of Congress.

We must ensure that 45,000 United States troops who remain in Iraq, and our military contractors, leave Iraq at the end of this year, as is stated in our Nation's Status of Forces Agreement with Iraq.

This is of concern because this week the President and some of his advisers are considering just how many troops they can leave behind. Senators and others are publicizing their opinions. Senator MCCAIN of Arizona has suggested 10,000 to 13,000 troops remain to serve for support in intelligence arenas, as air support, and as a peace-keeping force. Others may eventually call for even more to remain. At the same time, the Government of Iraq is feeling pressured on multiple sides to either ask us to stay or to ensure our departure. As one of the original founders of the Out of Iraq Caucus, along with Congresswoman MAXINE WATERS and Congresswoman LYNN WOOLSEY, our position has been clear all along—we opposed the war and the occupation from the start, and we have worked day in and day out to end it.

We believe that ending the occupation of Iraq means withdrawing all troops—and we mean all troops—and all military contractors out of Iraq. It would be unacceptable to have troops remaining in Iraq after December 31, 2011, unless of course there was a treaty or an act of Congress. Leaving troops would hurt U.S. national security interests by adding credence to insurgents' narrative about the U.S. being a permanent occupying force. America's interests in Iraq and the region will be best served by eliminating our military presence and making greater use of our Nation's assets, including diplomacy, reconciliation, commerce, development assistance, and humanitarian aid. And we have already said in policy that there shall be no permanent military bases in Iraq.

Iraqis must be responsible for the security of Iraq, which they have demonstrated more and more as we have been pulling out of their country. The American people have no interest in extending our presence in Iraq, and they are looking to Congress to ensure that we bring our troops home and focus the savings on the challenges facing our Nation today.

Furthermore, we need to ensure that if any security commitment is required, that such commitment be established by a treaty or an act of Congress.

I yield back the balance of my time.

□ 2010

POINT OF ORDER

Mr. FRELINGHUYSEN. Madam Chair, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and therefore violates clause 2 of rule XXI.

The rule states in pertinent part:

“An amendment to a general appropriation bill shall not be in order if changing existing law.”

The amendment gives affirmative direction in effect.

I ask for a ruling from the Chair.

The Acting CHAIR. Does any other Member wish to be heard on the point of order?

The Chair will rule.

The amendment offered by the gentlewoman from California proposes to express a legislative sentiment of the House.

As such, the amendment constitutes legislation in violation of clause 2 of rule XXI. The point of order is sustained, and the amendment is not in order.

AMENDMENT OFFERED BY MS. LEE

Ms. LEE. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the spending reduction amount), insert the following:

SEC. ____ . (a) PROHIBITION ON USE OF FUNDS.—None of the funds made available by this Act may be used for any account of the Department of Defense (other than accounts excluded by subsection (b)) in excess of the amount made available for such account for fiscal year 2011, unless the financial statements of the Department for fiscal year 2011 are validated as ready for audit within 180 days after the date of the enactment of this Act.

(b) ACCOUNTS EXCLUDED.—The following accounts are excluded from the prohibition in subsection (a):

(1) Military personnel, reserve personnel, and National Guard personnel accounts of the Department of Defense.

(2) The Defense Health Program account.

(c) VALIDATION DEFINED.—In this section, the term “validation”, with respect to the auditability of financial statements, means a determination, following an examination, that the financial statements comply with generally accepted accounting principles and applicable laws and regulations and reflect reliable internal controls.

(d) WAIVER.—The President may waive subsection (a) with respect to a component or program of the Department if the President certifies that applying the subsection to that component or program would harm national security or members of the Armed Forces who are in combat.

Ms. LEE (during the reading). Madam Chair, I ask unanimous consent that the amendment be considered read.

The Acting CHAIR. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mr. FRELINGHUYSEN. Madam Chair, I reserve a point of order on the gentleman's amendment.

The Acting CHAIR. A point of order is reserved.

The gentleman from California is recognized for 5 minutes.

Ms. LEE. Madam Chair, I join my esteemed colleague Ms. JAN SCHAKOWSKY from Illinois in offering an amendment that hits at the heart of the issue of fiscal responsibility.

This amendment would freeze Department of Defense programs at fiscal

year 2011 levels unless the financial statements of the Department of Defense for fiscal year 2011 are ready to be audited in 6 months from the date of enactment. However, this amendment would exempt military personnel, Reserve and National Guard personnel accounts as well as the Defense Health Program account from this potential funding freeze. It also contains a waiver for any potential harm to national security or combat forces.

In these financial times, which are very difficult as we all know, more and more people are learning of the importance of keeping to a budget and of being able to track where every single penny goes of their paychecks, if they have paychecks. For too many Americans right now, survival boils down to appropriately spending and saving every dollar and every cent that they have and budgeting what little money they have left.

Sadly, the Department of Defense Inspector General and the Government Accountability Office have documented that the Defense Department cannot tell the American taxpayers how their money is being spent. That really is quite shocking. We cannot wait any longer for the books to be audited. This requirement first came down in 1990, and over the years, this requirement that they keep the books that can be checked over has been pushed back to 2017. Already the Department of Defense has stated that they need an extension.

How many times do we turn our backs on agencies in their spending money without being able to account for it? How many more stories of expensive ashtrays and overpriced hammers do we need to have before we begin to deal with this in an effective way?

The bloated Pentagon budget, filled with waste, fraud and abuse, must be able to be audited. The American people expect to know where our defense dollars are going. They pay for this Defense Department, and they expect Congress to be the watchdog of these agencies. In fact, I believe that it is critical that the Department of Defense not only be ready for an audit but be able to actually pass an audit.

Today, I urge my colleagues to support this amendment, be fiscally responsible and hold the Pentagon accountable to get its financial books in order. We require that of the business sector, of the private sector. We require that of our own family budgets. Why in the world don't we require that of the Pentagon where so many of our hard-earned tax dollars are being spent? We should freeze their spending, freeze their budget, until we know what they're doing with their money. An audit is a very reasonable request, and I hope that the other side understands that this really is in the spirit of fiscal responsibility and in helping to ensure that the Pentagon's books are in order.

I yield back the balance of my time.

POINT OF ORDER

Mr. FRELINGHUYSEN. Madam Chair, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and therefore violates clause 2 of rule XXI.

The rule states in pertinent part:

“An amendment to a general appropriation bill shall not be in order if changing existing law.”

The amendment gives affirmative direction in effect.

I ask for a ruling from the Chair.

The Acting CHAIR. Does any Member wish to speak on the point of order?

The Chair is prepared to rule.

The Chair finds that this amendment includes language conferring authority.

The amendment therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained, and the amendment is not in order.

AMENDMENT NO. 77 OFFERED BY MR.

HUELSKAMP

Mr. HUELSKAMP. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

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

SEC. ____ None of the funds made available by this Act may be used to implement the curriculum of the Chaplain Corps Tier 1 DADT repeal training dated April 11, 2011.

The Acting CHAIR. The gentleman from Kansas is recognized for 5 minutes.

Mr. HUELSKAMP. Madam Chair, I rise this evening to ensure that America's military bases are not used to advance a narrow social agenda.

Earlier this year, the Navy chief of chaplains announced that military chaplains who desire to perform same-sex marriages would be allowed to do so following the repeal of the policy known as Don't Ask, Don't Tell. The directive said that chaplains could perform same-sex ceremonies in such States where such marriages and unions are legal. Apparently, the Navy has recently backed away from such instruction, but tepidly and weakly, and in a way that leaves the door open to the reinstatement of this policy.

This amendment I offer will prohibit the enforcement of the directive of allowing chaplains to perform same-sex marriages on Navy bases regardless of whatever a State's law is on gay marriage.

In thinking about what has made our military successful, two things come to my mind: conformity and uniformity. Men and women who join our military are to conform to the military's standards, not the other way around. Regardless of where a ship is docked or where a plane is parked, our servicemembers know what to anticipate and how to behave. Rules and expectations are the same everywhere, but with a policy that is flexible and changes

based on the State, the military doesn't embrace its one-size-fits-all mentality that has made it so accomplished, disciplined and orderly. As the Navy and other military branches prepare for the repeal of this 1993 law, hours upon hours of sensitivity training have been presented to men and women in uniform. Such instruction has included warning that the failure to embrace alternative lifestyles could result in penalties for servicemembers.

What will happen to chaplains who decline to officiate over same-sex ceremonies? The directive states that chaplains “may” perform same-sex civil marriage ceremonies. I fear that chaplains who refuse to perform these ceremonies may find themselves under attack and their careers threatened.

Madam Chair, we must ensure the religious liberty of all military members, particularly that of chaplains. In my family, I've had a military chaplain who has served for more than approximately 4 decades, so this is particularly important to me, personally.

Regardless of how someone feels about the repeal of the policy known as Don't Ask, Don't Tell, I think we can all agree that instructing military chaplains that they can perform same-sex marriages goes above and beyond the instruction to repeal that particular law. In fact, this directive is not only an overreach of the repeal but is also a direct assault on the Defense of Marriage Act. It should be noted these two laws passed with bipartisan support and were signed into law by Democrat President Bill Clinton. Repealing Don't Ask, Don't Tell was supposed to be about allowing people in the military to serve openly, not about promoting same-sex marriage in contravention of the Defense of Marriage Act.

I urge my colleagues to join me in supporting this amendment in order to promote and ensure conformity and uniformity in the military culture, not the other way around; to promote the religious liberty of military chaplains; and to promote consistency with Federal laws on marriage.

I yield back the balance of my time.

□ 2020

Mr. DICKS. Madam Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. I rise in opposition to any amendment that seeks to delay the repeal of Don't Ask, Don't Tell. Some in the majority continue to try to legislate this issue even though the repeal of Don't Ask, Don't Tell was approved with overwhelming bipartisan support in December.

As of last month, more than 1 million U.S. servicemembers—roughly half of our Armed Forces—have been trained on the new law allowing gays and lesbians to serve openly in the military. Our military leaders, lead by Admiral Mullen, have stated that they have

seen no adverse impact on the force and that training is going very well. The current expectation is that all members of the active and reserve military force will be trained by mid-August.

Last month, Secretary Gates indicated in an interview with the Associated Press that he sees no roadblocks to ending the ban on openly gay military service. Current Secretary Panetta said that he would work closely with the Joint Chiefs of Staff to assess whether the elements for certification in the law are met before approving the repeal.

Our servicemembers deserve the right to serve their country no matter their race, gender, or sexual orientation. Currently, gay and lesbian servicemembers are forced to live under the constant threat of being forced out of the military because of the misguided Don't Ask, Don't Tell. I urge my colleagues to reject any amendment that seeks to delay implementation.

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

Mr. POLIS. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from Colorado is recognized for 5 minutes.

Mr. POLIS. Madam Chair, this amendment strikes a very dangerous precedent for Congress to somehow micromanage the training processes of military chaplains.

We have military chaplains from diverse faith backgrounds. We have many faiths—in fact, the majority of faiths that, for instance, don't sanctify gay marriage. We have other faiths. The one that I happen to belong to—I am a member of a reformed Jewish faith—and there are many other Christian faiths, including the Episcopalian faith, which do sanction same-sex unions. Likewise, it's an important part of chaplain training that they're allowed to counsel against, for instance, homosexual acts or extramarital heterosexual acts. That's a part of chaplaincy training as well. For Congress to interfere with the military processes of chaplaincy training is absurd and unprecedented.

With regard to this particular training program, I would like to ask my friend from Kansas (Mr. HUELSKAMP), if I could just yield a moment to him, if he has read this particular training manual that he is seeking to defund here.

I yield to the gentleman from Kansas.

Mr. HUELSKAMP. Yes, if the gentleman would restate his question.

Mr. POLIS. Has the gentleman from Kansas read the training manual that he is seeking to defund in this case?

Mr. HUELSKAMP. Madam Chair, that is an excellent question.

We tried to obtain a copy of that from the Department of Defense today and they refused to provide a copy. What I do have is an online three-page summary of the manual.

Mr. POLIS. So, reclaiming my time, I think that the straight answer is no. In fact, our ranking member and others have been unable to get that from the Navy Liaison's Office.

Again, I think it's an offense to the military to second-guess their training for chaplains. No doubt those documents could eventually come our way—and should, for oversight activities—but for us to somehow defund the training of chaplains to implement Don't Ask, Don't Tell makes no sense.

Again, chaplains will be worried. For instance, Catholic chaplains will be worried to advise their followers that homosexuality is a sin if that is not included in the training. Those for whom homosexuality is not a sin will also likewise be worried about advising the troops. There will be a void, a huge void—to not train the spiritual advisors to members of our military about the implementation of Don't Ask, Don't Tell? I mean, why not try to not train any of the troops? I mean, again, whether you supported it or not, I think most of us believe that it was better that there was a training process than, let's say, a court has ordered—which has now happened absent a training process and instantaneous change.

With regard to the chaplaincy, to second-guess an internal military training document—again, which they have indicated that they will revise accordingly—is to show a huge lack of judgment of the men and women who run the military, an enormous lack of confidence in the institution of the chaplaincy, an offense to the chaplaincy of the military to somehow deign that Congress is expressing that they should not be trained regarding a major military policy, that they should somehow take the risk on their own, that they should worry about advising members of their faith with regard to, within their faith tradition, whether homosexuality is a sin or not, regarding members of their faith as to whether they can be married or not.

This is a diverse country religiously, and likewise the institution of our military reflects that diversity. And to somehow, again, second-guess a military training document that hasn't even been read by the prime sponsor of this amendment shows a tremendous lack of faith and is a very dangerous precedence for Congress in terms of interfering with the training procedures of the military.

We could, of course, as a body or as individual Members, go through every single training manual and find things we like, find things we don't like. But again, to micromanage the military to that extent, particularly in light of a policy change which has ramifications for the chaplaincy.

The chaplaincy is, by and large, where the rubber meets the road with regard to how individual members are being advised about their sexual orientation, about what behaviors are moral and what behaviors are immoral.

And to somehow say that Congress will tell the chaplaincy not to train anybody on implementing this policy change leaves our soldiers in a spiritual lurch. It leaves our Christian soldiers in a spiritual lurch. It leaves our Jewish soldiers in a spiritual lurch, our Muslim soldiers in a spiritual lurch, all of those who take advantage of the good offices of the chaplaincy in the military, just as, of course, we have a chaplain in this fine institution, the United States Congress.

So, again, this is a change that perhaps many members of the chaplaincy were not in favor of—some were; it depends on their faith position, their own political opinions—but they need to be trained in accordance with military protocols, and this amendment would gut that. I strongly urge a “no” vote.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Kansas (Mr. HUELSKAMP).

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

Mr. HUELSKAMP. Madam Chair, I demand a recorded vote.

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

AMENDMENT OFFERED BY MR. TONKO

Mr. TONKO. Madam Chair, I rise to offer an amendment to H.R. 2219.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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

SEC. ____ . None of the funds made available by this Act may be used to pay a contractor under a contract with the Department of Defense for costs of any amount paid by the contractor or subcontractor to an employee performing work under the contract for compensation if the compensation of the employee for a fiscal year exceeds the rate payable for level I of the Executive Schedule under section 5312 of title 5, United States Code, regardless of the contract funding source.

Mr. YOUNG of Florida. Madam Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIR. The point of order is reserved.

The gentleman from New York is recognized for 5 minutes.

Mr. TONKO. Madam Chair, the highest individual government salary funded by the American taxpayer is that of the President of the United States at a total of \$400,000, or so I thought. The President is certainly the highest paid public servant, but it turns out that the leader of the free world isn't actually the highest paid executive on the taxpayers' payroll.

In fact, the highest Federal Government salaries by far can be earned by private sector executives who are paid up to \$700,000 per year directly in taxpayer dollars. I do not mean executives who earn their multibillion-dollar incomes by selling often overpriced and

underperforming equipment to our men and women in uniform, though the customer is the Federal Government. Those salaries are paid through transactions in the private sector. No, I am talking about the Federal Government salaries paid directly by the Pentagon and other agencies to private contractor executives, direct salaries paid for 100 percent by taxpayer dollars.

You won't find these exorbitant pay rates on government income lists. They certainly aren't subject to the current Federal employee pay and hiring freeze.

□ 2030

In fact, that \$700,000 maximum salary increases every year to reach even greater heights even as we contemplate cutting other areas of our budget to new lows, including that of our military service branches.

These salaries are being paid by a department that has not been able to pass a standard audit in its entire history. It cannot even tell us how many contractors are on its payroll.

Madam Chair, the salary of a typical Army private starts at a meager \$20,000 per year. General Petraeus, a four-star general with 37 years of active service, the commander of the international coalition in Afghanistan and the next director of the CIA, earns a salary of approximately \$180,000. The Secretary of Defense earns about \$200,000. How then can we justify salaries of up to \$700,000 for defense contractor executives?

I understand that there may be contractors who supply services to our Nation that our government cannot perform on its own. However, I am also absolutely certain that there is no one single private contractor whose value to our national security is twice that of the Commander in Chief of the United States military.

At a time when the Chairman of the Joint Chiefs is telling us that the Nation's debt is the number one threat facing America, we cannot continue using taxpayer dollars to pay lavish and unjustifiable private contractor salaries that are more than triple the pay of our military leadership.

My amendment simply states that funds in this bill will not be used to pay a Federal Government salary for any individual defense contractor that exceeds the salary of the Secretary of Defense. That salary is level 1 of the executive schedule, or about \$200,000.

This is a very modest reform. It is not about limiting contracts or contract spending more broadly. It does not deal with outsourcing or insourcing. It does not, in fact, cap contractor pay, which may include private sector projects, profit sharing, or other earnings. It merely deals with the salary paid to contractors directly by the taxpayer, limiting the cost of that compensation in an effort to reduce the deficit and stop paying exorbitant Federal salaries to private sector employees.

I think this amendment forms a perfect complement to section 8050 of the

underlying bill, which deals with limiting contractor bonuses. I hope my colleagues will join me in supporting this amendment and other modest simple reforms that can help us tackle the deficit.

With that, I thank you, Madam Chair.

I yield back the balance of my time.

POINT OF ORDER

Mr. YOUNG of Florida. I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and therefore violates clause 2 of rule XXI.

The rule states in pertinent part:

"An amendment to a general appropriation bill shall not be in order if changing existing law."

The amendment requires a new determination.

I ask for a ruling from the Chair.

The Acting CHAIR. Does any Member wish to speak on the point of order?

The Chair is prepared to rule.

The Chair finds that this amendment includes language requiring a new determination of the amount of compensation of certain employees.

The amendment therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained, and the amendment is not in order.

Mr. DICKS. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. I rise for the purpose of engaging in a colloquy with the gentleman from Florida (Mr. YOUNG), our distinguished chairman.

I think we agree that it is vitally important to save money in the Joint Strike Fighter Program where it is possible to do so without negatively impacting performance or schedule. The Joint Program Office and the services which will use the Joint Strike Fighter are to be commended for any efforts to identify potential reductions in program costs. As an example, the Air Force is currently in the process of validating an earlier internal study of ejection seat options for its variant of the aircraft.

Would the chairman agree that if studies like this one make a sound business case that savings will result, then the Air Force's judgment about how its aircraft can be made more cost effectively equipped should be informed by that conclusion?

I yield to the gentleman.

Mr. YOUNG of Florida. I thank the gentleman for yielding.

I agree with him that we should consider all options for cost savings. Should the Air Force present the committee with a study that indicates potential cost savings in the ejection seat without compromising the F-35's performance or schedule, we will certainly look hard at that.

Mr. DICKS. I thank the chairman and look forward to working with him

on this and other matters in our oversight of the Joint Strike Fighter Program.

I yield back the balance of my time.

AMENDMENT OFFERED BY MR. POLIS

Mr. POLIS. I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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

SEC. _____. None of the funds made available by this Act may be used to maintain an end strength level of members of the Armed Forces of the United States assigned to permanent duty in Europe in excess of 30,000 members, and the amounts otherwise provided by this Act for "Military Personnel, Army", "Military Personnel, Navy", "Military Personnel, Marine Corps", and "Military Personnel, Air Force" in title I of division A are hereby reduced by \$433,966,500, \$41,380,000, \$6,700,000, and \$330,915,000, respectively.

The Acting CHAIR. The gentleman from Colorado is recognized for 5 minutes.

Mr. POLIS. Given the ongoing budget negotiations, we need to explore all options for reducing wasteful spending, and I think we have an easy one in front of us in this amendment.

Before we ask the American people to accept painful cuts or accept tax increases, we have an opportunity here to get defense spending under control in a way that does not jeopardize or harm our national security. If we're serious about deficit reduction, we need to do something about the defense budget, and we can do it in a responsible way that doesn't hurt our national security. My amendment would do that.

By reducing some of the 80,000 troops in Europe where they're no longer needed, we can save hundreds of millions of dollars. So what my amendment would do very simply is reduce the total number of troops stationed in Europe from 80,000 to 30,000, which is more than enough to continue to support our ongoing operations in Libya and Iraq and our responsibilities to NATO for those Members who support them. For those who don't, this is not a proxy for those battles. We don't want to cut the troop levels so low we can't support those operations.

It will allow the DOD to save money by closing those bases that are no longer needed. By pulling 50,000 troops out of Western Europe and closing bases, we can save money, reduce our redundant military force, and CBO has scored the savings of this amendment as over \$800 million.

On top of the savings produced by reducing our troop level, my amendment would allow us to station troops in the U.S., instead of Europe, where it's 10 to 20 percent less expensive. It would allow the Pentagon to close bases across Europe that, frankly, are relics of World War II and the Cold War.

The U.S. taxpayer didn't sign up to indefinitely defend our wealthy Western European allies from a nonexistent

threat. These bases cost U.S. taxpayers millions upon millions of dollars. On top of that, they're often unpopular with the local people of the countries they are located in.

Our European allies are some of the richest countries in the world, so why are we subsidizing their defense spending? Our European allies have enjoyed a free ride on the American dime for too long. Today, our European allies spend an average of about 2 percent of GDP on defense, while America spends 4 to 5 percent. That means the average American spends \$2,500 on defense; the average European, \$500 on defense.

Now, if Europe feels they are under a military threat, first of all, I would like to hear whom it's from. It's not clear who's about to attack France or Germany. But if Europe does feel they're under a threat, they can afford to spend more on defense, and we can be confident that we can spend less on their defense. We cannot afford to subsidize the defense of France and Germany from an unknown and unidentified threat.

This amendment does not signal a weakening in our commitment to NATO. With modern technology, we can move troops and weapons quickly across the globe into theaters of operation. We retain sufficient presence in Europe with 30,000 troops for our joint training responsibilities under NATO. There is simply no need to have nearly 100,000 troops.

It's time to rethink our defense spending. We're not under threat by the Nazis. We're not under threat by the Soviets. Terrorism is a real threat. It's an amorphous threat that's not bound by nations or states, and, in fact, it does not have its main nexus in Western Europe. Maintaining bases in Europe is simply not a sane or rational response to this threat, nor is it fiscally responsible.

□ 2040

Even Donald Rumsfeld thinks it's time for a change of policy. In his recent book, he wrote: "Of the quarter million troops deployed abroad in 2001, more than 100,000 were in Europe, the vast majority stationed in Germany to fend off an invitation by a Soviet Union that no longer existed."

These cuts proposed in my amendment are part of the recommendations of the Sustainable Defense Task Force, a bipartisan project. The Sustainable Defense Task Force brought together defense experts from across the ideological spectrum and proposed commonsense recommendations for saving taxpayers' money without jeopardizing our national defense, and that's exactly what this is, common sense.

At a time when we must seriously consider cuts to wasteful government spending, we should not continue to subsidize the defense of wealthy European nations against a nonexistent Nazi threat, a nonexistent Soviet threat. Let's get serious here. We can start by reducing our military presence

in Europe, which will save the American people hundreds of millions of dollars while protecting our national security interests.

I urge my colleagues to support my amendment.

I yield back the balance of my time. Mr. YOUNG of Florida. Madam Chairman, I rise in opposition to the amendment.

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

Mr. YOUNG of Florida. The gentleman from Colorado offered a similar amendment to the 2012 national defense authorization bill earlier this year, and it failed by a vote of 96-323. He offered a similar amendment during consideration of H.R. 1 earlier this year, which failed by a vote of 74-351. The setting of our military end strengths is not something that should be done lightly. In fact, this is the sole jurisdiction of the Committee on Armed Services. They are responsible for setting military personnel end strengths, and the levels that would be set by this amendment are significantly below those in the House-passed 2012 National Defense Authorization Act.

For that and many other reasons, I am opposed to this amendment.

I yield back the balance of my time. The Acting CHAIR. The question is on the amendment offered by the gentleman from Colorado (Mr. POLIS).

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

Mr. POLIS. Madam Chair, I demand a recorded vote.

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

AMENDMENT OFFERED BY MR. MURPHY OF CONNECTICUT

Mr. MURPHY of Connecticut. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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

SEC. ____ . None of the funds made available by this Act may be used to purchase non-combat vehicles for use outside of the United States if such vehicles are not substantially manufactured in the United States (as defined in the Defense Federal Acquisition Regulation Supplement).

Mr. YOUNG of Florida. Madam Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIR. The gentleman's point of order is reserved.

The gentleman from Connecticut is recognized for 5 minutes.

Mr. MURPHY of Connecticut. Thank you, Madam Chair.

Since 2003, the Defense Department reports that it has spent approximately \$1.3 billion to buy non-combat vehicles from foreign vehicle manufacturers.

Now you may ask, why is that? We have a law on the books that's called

the Buy American Act, and it generally requires that when we are buying items for use by the U.S. military and they are available here in the United States that they should be bought from U.S. companies. It makes a lot of sense. If we're going to be spending billions of dollars in taxpayer money, we should make sure that it goes to fund U.S. manufacturers and U.S. jobs.

But here's the problem. There are a number of loopholes, a growing number of exceptions to the Buy America law. The biggest is this one. One of the exceptions says that if you are buying a particular good for use outside of the United States, you don't have to comply with the Buy America clause at all. Well, that becomes a pretty enormous, truck-sized loophole when we are fighting two wars abroad, because much of what we are purchasing goes immediately to foreign companies.

So you have a situation where non-combat vehicles, light trucks, ambulances, buses, motorcycles, vehicles that are made by a multitude of American manufacturers, are now being bought overseas and our taxpayer dollars are going to foreign European and Asian vehicle manufacturers and into the pockets of foreign workers.

This is a much bigger problem than just this one category of spending. In fact, the DOD has spent about \$36 billion in purchases from foreign companies for use outside of the United States. In fact, just this last year, there were about 38,000 waivers to the Buy America Act for a variety of exceptions, and over the last 4 years about 161,000 waivers to the Buy America Act. This is a very large problem, as we see growing numbers of exceptions to the act. This one, though, is the biggest.

And while I think we've got to pass comprehensive legislation to try to take on these growing waivers from the Buy America Act, this amendment, which I offer with my good friend Representative PETERS of Michigan, will simply restrict the purchase of these everyday non-combat vehicles to vehicles that are made by American workers. People in my State of Connecticut and around the country are out of work, and a \$1.3 billion infusion, money that we're going to spend anyway, will help create jobs.

To be successful in the 21st century we can't continue to cede our manufacturing capacity to overseas workers. The Department of Defense is the world's largest purchaser of many types of products and we must do all that we can to make sure that we're putting this money, our taxpayers' money to work here at home while not doing any damage to the mission abroad. These non-combat vehicles could easily be manufactured by American plants, and it's high time that we put people back to work here in this country. I urge adoption of this amendment.

I yield back the balance of my time.

POINT OF ORDER

Mr. YOUNG of Florida. Madam Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and therefore violates clause 2 of rule XXI.

The rule states in pertinent part: "An amendment to a general appropriation bill shall not be in order if changing existing law."

The amendment requires a new determination.

I ask for a ruling from the Chair.

The Acting CHAIR. Does any Member seek to speak on the point of order?

The Chair recognizes the gentleman from Connecticut.

Mr. MURPHY of Connecticut. Madam Chair, just to quickly point out that is a pretty bread-and-butter, vanilla restriction on funding, as I understand one of the objections is that this would change the duties of contracting officers who now don't apply the Buy America law. In fact, normal course of training requirements for contracting specialists already educate those specialists in how to apply the Buy America law whether or not they currently do it today.

I do believe for that reason that the amendment is germane.

The Acting CHAIR. Does any other Member wish to speak on the point of order? If not, the Chair is prepared to rule.

The gentleman from Florida makes a point of order that the amendment offered by the gentleman from Connecticut proposes to change existing law, in violation of clause 2(c) of rule XXI.

As recorded in Deschler's Precedents, volume 8, chapter 26, section 52, even though a limitation or exception therefrom might refrain from explicitly assigning new duties to officers of the government, if it implicitly requires them to make investigations, compile evidence, or make judgments and determinations not otherwise required of them by law, then it assumes the character of legislation and is subject to a point of order under clause 2(c) of rule XXI.

The proponent of a limitation assumes the burden of establishing that any duties imposed by the provision either are merely ministerial or are already required by law.

The Chair finds that limitation proposed in the amendment offered by the gentleman from Connecticut does not simply impose a negative restriction on the funds in the bill. Instead, it requires the officials concerned to make a determination regarding whether a certain item to be acquired for use outside the United States is substantially manufactured in the United States, a matter with which they are not charged under existing law.

On these premises, the Chair concludes that the amendment offered by the gentleman from Connecticut proposes to change existing law.

Accordingly, the point of order is sustained.

□ 2050

AMENDMENT OFFERED BY MS. HERRERA BEUTLER

Ms. HERRERA BEUTLER. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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

SEC. ____ . None of the funds made available by this Act may be used to enter into a contract that allows the contractor to use amounts paid to the contractor under such contract to pay a tax to the Afghan Ministry of Finance.

The Acting CHAIR. The gentlewoman from Washington is recognized for 5 minutes.

Ms. HERRERA BEUTLER. Madam Chair, we are in Afghanistan right now, helping to rebuild, or in many cases build from scratch, infrastructure. And when we leave that country, and I do hope we will be leaving soon, we will leave that infrastructure behind, power grids, water systems, trained law enforcement, the building blocks of a functioning society. We will spend billions of dollars on improvements meant to better the lives of the Afghan people. We don't need to also pay taxes to the Afghan Government for the privilege of building or rebuilding their country. And that's why I am happy to bring this amendment to the floor tonight for consideration.

The Department of Defense should be focused on providing soldiers in training, in the field, and on the front lines with the tools they need to protect themselves and defend our country. This amendment would uphold existing law and clarify existing agreements between the U.S. and Afghanistan prohibiting Afghanistan from taxing U.S. contractors doing this rebuilding work in Afghanistan.

Now, this ban on levying taxes would also apply to all subcontractors that may not have direct contracts with Afghanistan. In other words, if a company is working on a project funded by the U.S. Department of Defense, whether that company is a prime contractor or a subcontractor, that company should not be subject to taxes from the Afghan Government.

These are the contractors doing rebuilding work in Afghanistan, helping rebuild the Afghanis' infrastructure, and hopefully allowing them to one day thrive independently. Common sense and financial prudence says that the U.S. should not be subject to taxation for the rebuilding efforts it is paying for.

Hardworking Americans send their tax dollars to Washington so that soldiers on the front lines have the tools they need to protect themselves and our country, not fill the coffers of a foreign government. So I urge its adoption.

With that, I yield back the balance of my time.

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

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

Mr. YOUNG of Florida. I would like to say, Madam Chairman, that the gentlewoman has worked long and hard to write this amendment in such a way to be acceptable to the Parliamentarian, and I am very happy to accept her amendment and ask for its support.

I yield back the balance of my time.

Mr. DICKS. I move to strike the requisite number of words.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. I am going to read this amendment: "None of the funds made available by this act may be used to enter into a contract that allows the contractor to use amounts paid to the contractor under such contract to pay a tax to the Afghan Ministry of Finance."

I want to congratulate the gentlewoman from Washington State for being able to work so tirelessly to get this amendment perfected. It's very clear what her intent is, and we are prepared on our side to accept this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Washington (Ms. HERRERA BEUTLER).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. LEWIS OF GEORGIA

Mr. LEWIS of Georgia. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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

SEC. ____ . The Secretary of Defense shall post on the public website of the Department of Defense the cost to each American taxpayer of each of the wars in Afghanistan, Iraq, and Libya.

Mr. YOUNG of Florida. Madam Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIR. A point of order is reserved.

The gentleman from Georgia is recognized for 5 minutes.

Mr. LEWIS of Georgia. Madam Chair, let me begin by thanking the ranking member, Mr. DICKS, and his staff for all of their hard work on this legislation. As always, they offer great assistance and guidance for all Members and staff, regardless of our differences on policy. Thank you all for all that you do.

Madam Chair, my amendment is very simple: It requires that the Department of Defense put on its Web site the costs of war to each American taxpayer. It is time for Americans to have a receipt for these 10 years of war. What has it cost us? How much cold, hard cash has been spent?

I have stood here time and time again and listened to debates about

how we don't have any money. There is no money for the elderly, no money for the sick, no money for the poor, no money for women, no money for children, no money for people who lost their jobs by no fault of their own. It just costs too much. No money for you, or you, or you.

But when it comes to war, war in Afghanistan, Iraq, and now Libya, there seems to be a bottomless pit of resources. And it is not fair; it is not right. We nickel and dime the people who need it most. But when it comes to war, there is a big fat blank check. We need to be honest with ourselves. We need to be honest with each other.

Across the country, there are Americans, hardworking, taxpaying citizens who oppose war. They oppose their hard-earned dollars being sent overseas to support 10 long years of war. But let me be clear, Madam Chair, they do not oppose paying their taxes. They are not anarchists or anti-government activists. But as conscientious objectors to war, these Americans want their taxes invested here at home.

They want to help provide food for the hungry, safe roads, and strong schools. They want Medicare and Social Security to exist for their parents, their children, and their grandchildren. They want their tax dollars to care for soldiers and their families when they return home. They want to see an end and a cure to cancer. They want a cure for AIDS. They want to see small businesses thrive and innovation become the engine of our economy. They want high-speed rail that rivals Europe and Asia. They want transit systems that are safe and get people where they need to go. They want government to work for them.

Even if you do not oppose war, don't you want to know what it costs you and your family? It's time, Madam Chair, it's time for the Department of Defense to be honest with the American people. This is not some wild, crazy, farfetched idea. It is simple, commonsense transparency and good government. This amendment takes a tiny, small step in the right direction.

Madam Chair, it is my hope and prayer that all of my colleagues will support this straightforward amendment.

With that, Madam Chair, I yield back the balance of my time.

POINT OF ORDER

Mr. YOUNG of Florida. Madam Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and therefore violates clause 2 of rule XXI.

The rule states in pertinent part: "An amendment to a general appropriation bill shall not be in order if changing existing law."

The amendment gives affirmative direction in effect.

I ask for a ruling from the Chair.

□ 2100

The Acting CHAIR. Does any other Member wish to speak on the point of order?

Mr. LEWIS of Georgia. Madam Chair, I wish to speak.

The Acting CHAIR. The gentleman from Georgia is recognized.

Mr. LEWIS of Georgia. I made my point, and I don't have another point to make.

The Acting CHAIR. The Chair is prepared to rule on the point of order.

The Chair finds that this amendment includes language imparting direction.

The amendment therefore constitutes legislation in violation of clause 2 of rule XXI. The point of order is sustained, and the amendment is not in order.

Mr. YOUNG of Florida. Madam Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. FRELINGHUYSEN) having assumed the chair, Ms. FOXX, Acting Chair 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. 2219) making appropriations for the Department of Defense for the fiscal year ending September 30, 2012, and for other purposes, had come to no resolution thereon.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CULBERSON (at the request of Mr. CANTOR) for July 6 and the balance of the week on account of family obligations.

Ms. JACKSON LEE of Texas (at the request of Ms. PELOSI) for today after 6 p.m. and July 8.

ADJOURNMENT

Ms. FOXX. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 2 minutes p.m.), the House adjourned until Friday, July 8, 2011, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

2302. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Difenconazole; Pesticide Tolerances [EPA-HQ-OPP-2010-0296; FRL-8876-4] received June 10, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2303. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Pesticide Tolerances; Technical Amendments [EPA-HQ-OPP-2010-1081; FRL-8875-4] received June 10, 2011, pursuant

to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2304. A letter from the Under Secretary, Department of Defense, transmitting a report identifying, for each of the Armed Forces (other than the Coast Guard) and each Defense Agency, the percentage of funds that were expended during the preceding fiscal year for performance of depot-level maintenance and repair workloads by the public and private sectors, pursuant to 10 U.S.C. 2466(d)(1); to the Committee on Armed Services.

2305. A letter from the Under Secretary, Department of Defense, transmitting a letter regarding the certification of a restructured Assembled Chemical Weapons Alternatives Program; to the Committee on Armed Services.

2306. A letter from the Under Secretary, Department of Defense, transmitting a letter regarding the certification of a restructured RQ-4A/B Unmanned Aircraft System Global Hawk Program; to the Committee on Armed Services.

2307. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulations Supplement; Synchronized Reprogramming and Operational Tracker (SPOT)(DFARS Case 2011-D030) (RIN: 0750-AH26) received June 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

2308. A letter from the Assistant Secretary for Legislative Affairs, Department of the Treasury, transmitting the annual report of the National Advisory Council on International Monetary and Financial Policies for fiscal year 2010; to the Committee on Financial Services.

2309. A letter from the General Counsel, Federal Housing Finance Agency, transmitting the Agency's final rule — Conservatorship and Receivership (RIN: 2590-AA23) received June 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2310. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Land Disposal Restrictions: Revision of the Treatment Standards for Carbamate Wastes [EPA-HQ-RCRA-2008-0332; FRL-9318-4] (RIN: 2050-AG65) received June 10, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2311. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of California; Interstate Transport of Pollution; Significant Contribution to Nonattainment and Interference with Maintenance Requirements [EPA-R09-OAR-2011-0046; FRL-9318-1] received June 10, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2312. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; State of California; Regional Haze State Implementation Plan and Interstate Transport Plan; Interference with Visibility Requirement [EPA-R09-OAR-2011-0131; FRL-9317-9] received June 10, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2313. A letter from the Legal Advisor/Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of the Commission's Rules Regarding Maritime Automatic Identification Systems