yield back his time or close himself first.

Mr. HANNA. Mr. Speaker, I yield back the balance of my time.

Mr. RAHALL. Mr. Speaker, in conclusion on this motion to instruct, let me just say that the motion is in support of the Senate Buy American provisions.

The Senate-passed Buy American provisions are very similar if not exactly as the House Transportation and Infrastructure Committee adopted on a voice vote, which was offered by the gentleman from Minnesota (Mr. CRAVAACK) during committee consideration of what was then called H.R. 7. So the majority has accepted this language in committee deliberation, and yet they appear to be opposing it as it comes to the floor today in the form of a motion to instruct the conferees.

I would say also that that Buy American provision that is in the Senate-passed bill that this motion seeks to accept does allow for the Secretary of Transportation to provide for other than U.S. made when that product that is needed cannot be found in the United States of America or when it is truly cost prohibitive to make that product in the United States of America. So there is sufficient waiver authority provided in the Senate Buy American provisions to allow the Secretary of Transportation to do what is in America's best interest.

But most importantly, by adopting my motion to instruct—and in conference hopefully adopting the Senate Buy American provision—we're ending the most egregious loophole that is used to export American jobs, and that is the segmentation of contracts that allows companies to circumvent current Buy American provisions.

Let me say in addition that I was here for most of the previous debate on the previous motion to instruct on the Keystone pipeline, and I heard a great deal of support from that side of the aisle urging American-made energy. I certainly agree with that principle. I'm an advocate of all-of-the-above—as long as it's domestic—in our energy policy in this country. And, I might add, I'm a supporter of the Keystone pipeline and have so voted in previous votes in this body.

But now it comes to this motion to instruct conferees on Buy American, and I hear just the opposite from the majority side by their rather silent opposition, but nevertheless stated opposition, to this motion because while they're for American-made energy, they appear to be against American-made products using American labor and using the Buy American label on U.S. steel and other products used in our highway construction and transit modes in this country. So it seems to me rather contradictory what we're hearing from the majority side in the debate on these two motions this evening.

So as I conclude, let me say that this motion has truly wide-ranging support. I recognize that the majority has inserted the United States Chamber of Commerce opposition to this bill, and then at the same time I heard reference to the deals and the contractual relationships and the other alliances that our United States—supposedly—United States Chamber of Commerce has with other countries to build these projects, again shipping jobs overseas. So I wonder if it's truly the ''United States'' Chamber of Commerce that's addressing this issue.

But I will list those that are supportive of the motion to instruct. The Alliance for American manufacturing, the American Institute of Steel Construction, the American Iron and Steel Institute, the BlueGreen Alliance, the Committee on Pipe and Tube Imports, the Concrete Reinforcing Steel Institute, the International Brotherhood of Electrical Workers, International Brotherhood of Teamsters, McWane, Inc., Municipal Castings Association, National Steel Bridge Alliance, Nucor Corporation, Specialty Steel Industry of North America, Steel Manufacturers Association, the Transportation Trades Department, and the United Steelworkers of America are among just a few of the groups that are supporting this motion to instruct.

So, again, let me say this is about—and I will conclude now—American jobs. When it's made in America, Americans can make it, and we have too many Americans today that are not making it. They are near their rope's end. They're frustrated. They do not see Washington or the Congress of the United States as in any way addressing the real problems that exist out there in America and the real problems in their lives. They see us just passing the buck and continuing to argue among ourselves and appear to not agree on anything.

But this is something that we do agree on, as evidenced by the bipartisan manner in which this bill passed the other body—and we know how hard it is to get anything through that other body. But this transportation legislation did pass with over 70 votes in the other body—a rarity in this atmosphere today in Washington, but nevertheless something that happened. That's what we ought to be adopting here is looking at that bipartisan bill and following the other body's lead in this provision and in the entire bill itself.

So I conclude and urge Members to adopt this motion to instruct conferees.

I yield back the balance of my time.

Ms. EDDIE BERNICE JOHNSON. Mr. Speaker, I rise to speak in favor of Congressman RAHALL'S Motion to Instruct Conferees to close the loopholes in the Buy America laws. By closing these loopholes, we can create more American jobs, and revive our domestic manufacturing base.

Our economy is still recovering from the worst economic recession since the Great Depression. Today, more than 2.2 million construction and manufacturing workers are still out of work. Let's use this opportunity to get them back to work.

Provisions contained in the Senate amendment to H.R. 4348 will help ensure that the materials used to construct our roads and bridges are produced in the United States. These projects are financed with taxpayer dollars, and we should be using materials produced domestically, not outsourced overseas.

I want to encourage my colleagues to support this motion, and to seize this opportunity to promote our construction and manufacturing industries. By producing and manufacturing domestically, we will create and sustain good-paying jobs in our local communities.

The SPEAKER pro tempore. All time for debate has expired.

Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. RAHALL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

□ 2110

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013

The SPEAKER pro tempore (Mr. WITTMAN). Pursuant to House Resolution 661 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. 4310.

Will the gentleman from Utah (Mr. CHAFFETZ) kindly take the chair.

□ 2110

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. 4310) to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2013, and for other purposes, with Mr. CHAFFETZ (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, amendment No. 12 printed in House Report 112–485 offered by the gentleman from Colorado (Mr. POLIS) had been disposed of.

AMENDMENT NO. 17 OFFERED BY MR. COFFMAN OF COLORADO

The Acting CHAIR. It is now in order to consider amendment No. 17 printed in House Report 112–485.

Mr. COFFMAN of Colorado. Mr. Chairman, 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 subtitle C of title III, add the following new section:

SEC. 3___. GUIDELINES AND PROCEDURES FOR USE OF CIVILIAN EMPLOYEES OR CONTRACTOR PERSONNEL TO PERFORM DEPARTMENT OF DEFENSE FUNCTIONS.

(a) IMPLEMENTATION GUIDELINES AND PROCEDURES REQUIRED.—Subsection (a) of section 2463 of title 10, United States Code, is amended—

(1) in paragraph (1), by striking the first sentence and inserting the following: ''The Under Secretary of Defense for Personnel and Readiness shall devise and implement guidelines and procedures to implement this section.''; and

(2) in paragraph (2), by striking ''to performance by Department of Defense civilian employees'' and inserting ''to either performance by Department of Defense civilian employees or performance by contractor personnel''.

(b) CERTAIN FUNCTIONS.—Subsection (b) of such section is amended to read as follows:

''(b) SPECIAL CONSIDERATION FOR CERTAIN FUNCTIONS.—The guidelines and procedures required under subsection (a) shall provide for special consideration to be given to using Department of Defense civilian employees to perform any function that is performed by a contractor if the function—

''(1) is closely associated with the performance of an inherently governmental function; or

''(2) has been performed pursuant to a contract awarded on a non-competitive basis.''.

(c) REPEAL OF EXCLUSION.—Such section is further amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) through (g) as subsections (c) through (f), respectively.

(d) CROSS REFERENCE.—Paragraph (2) of subsection (d), as so redesignated, is amended by striking ''inherently governmental or any function described in subparagraph (A), (B), or (C) of subsection (b)(1)'' and inserting ''inherently governmental function''.

(e) DEFINITIONS.—Subsection (f) of such section, as so redesignated, is amended—

(1) by striking paragraph (2); and

(2) by redesignating paragraph (3) as paragraph (2).

The Acting CHAIR. Pursuant to House Resolution 661, the gentleman from Colorado (Mr. COFFMAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. COFFMAN of Colorado. Mr. Chairman, over the last few years, the prevailing trend within the Department of Defense has been an increased bias for the use of Federal employees to perform commercial services. This pendulum has swung too far in the direction of a noncompetitive, Big Government model.

Congress is cutting the defense budget by $487 billion over the next 10 years and simultaneously preventing the Pentagon from utilizing free market competition to drive down the cost of doing business. We must take the handcuffs off the Department of Defense and allow the Secretary to shop for the best products and services at the best price.

I am offering amendment 17, which simply returns balance to civilian employees and private contractors in the Department of Defense. My amendment removes any bias towards private or public workforce performance of commercial activities. It allows the Secretary of Defense more options and discretion to efficiently manage taxpayer money authorized to run his Department.

In 2010, then-Secretary Gates admitted, ''We weren't seeing the savings we had hoped for from insourcing.'' Despite the candid assessment, the Department of Defense remains prohibited from utilizing any form of competition when looking for new commercial services, and it is too often directed to insource services that are currently being performed by private contractors.

Small businesses that received government contracts by virtue of a competitive bidding process are powerless to stop the loss of their jobs under the practice of insourcing.

Noncompetitive and nearly unrestricted insourcing practices are fiscally irresponsible and ones that we cannot afford in the current or foreseeable fiscal environment.

My amendment will strike the law that prevents the Secretary of Defense from utilizing private sector competition to provide new products or services. It replaces those restrictions with the ability to competitively bid out for new commercial products or services and select the most cost-effective option. Further, it removes criteria that compel the Pentagon to insource competitive contracts currently being performed.

According to OMB, GAO, and the Center for Naval Analyses, savings of 30 percent are achieved when implementing competitive sourcing for commercial activities currently performed by the government. The Federal Activities Inventory Reform, or FAIR, Act requires the Director of OMB to compile a list of activities performed by Federal Government sources that are not inherently governmental functions.

The Department of Defense, the FAIR Act identified 453,000 jobs that could be performed by a competitive source. If competition is applied to all DOD FAIR Act positions, the annual savings could exceed $13 billion.

My amendment recognizes that there are certain functions that should be performed by Department of Defense civilian employees. It does not adjust the definition of ''inherently governmental functions'' or functions ''closely associated to inherently governmental'' and does not seek to outsource those functions in any way. It will only address commercial functions and afford the Department of Defense options to reduce the cost of providing those products and services.

I reserve the balance of my time.

Ms. BORDALLO. Mr. Chairman, I rise to claim the time in opposition.

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

Ms. BORDALLO. I yield myself 2 minutes.

As the ranking member on Readiness, I rise in strong opposition to this amendment, Mr. Chairman.

The amendment flies in the face of the total force management provisions adopted by Congress on a bipartisan basis in last year's defense bill and supported by the sponsor of this amendment. Defense Secretary Panetta has stated he is committed to promoting and facilitating improved total force management that is requirements-based and delivers the appropriate mix of civilian, military, and contracted support.

The amendment does not simply lift the A–76 moratorium, as the author suggests. I would note that our committee, on a bipartisan basis, rejected an amendment to lift the moratorium by a bipartisan 25–36 vote. This amendment simply guts how the Department of Defense manages its personnel and reduces oversight of many contracted functions. The amendment is contrary to the bipartisan consensus that this Congress has forged in how DOD should and can manage its personnel.

So I'm asking, do not vote on lifting the A–76 moratorium. Say ''no'' to this amendment. And I urge my colleagues to oppose it.

I reserve the balance of my time.

Mr. COFFMAN of Colorado. Mr. Chairman, there are three principal changes that this amendment makes to current law:

One is it states that new functions that the Department of Defense enters into, as far as having contract requirements, can be done by the private sector. It doesn't say shall be done by the private sector. It merely gives the Department of Defense an option, a tool to save money.

Functions that have been performed by the Department of Defense civilians for the past 10 years, irrespectively, whether they're done cost-effectively or not, again, it doesn't say that the Department of Defense has to outsource these functions. It says that they may, based on whether or not it's a cost-effective option.

Expansion of existing functions performed by Department of Defense civilians, again, if, in fact, there's additional requirements later on, something that's currently done by civil service employees, current law says we have to only accomplish it through civil service employees. This gives them the option.

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

Ms. BORDALLO. Mr. Chairman, I yield 2 minutes to the gentlewoman from Hawaii (Ms. HANABUSA).

Ms. HANABUSA. Mr. Chair, I rise in opposition to the Coffman amendment.

Under the guise of efficiency, this is really an assault on the Federal civilian workforce.

The Coffman amendment is based on the misguided belief that private contractors are less costly and more efficient—in other words, outsourcing and

privatization should be the way we go—when, in fact, the insourcing of the work has been proven to be more efficient.

POGO, the Project on Government Oversight, said that the private contractors get paid about 1.83 times, almost twice, more than the government pays its employees. In fact, government pay is less in all of the 35 categories that they reviewed.

The amount spent on civilian personnel grew from fiscal year 2001 to 2010 from about $41 billion to $69 billion. In the same time frame, the private sector grew $73 billion to $181 billion. But, more importantly than that, the Army has said insourcing saves them 16 to 30 percent.

So we hear now today that this is what we want to give to the Secretary of Defense. Leon Panetta says he wants to uphold the policy of the total force management; that there is an appropriate mix of civilian, military, and private, and what we need to do is let that continue.

So this amendment is not supported by the facts. It's not even supported by the Department of Defense. It is clearly an attempt to just support the private sector on the back of Federal employees, and for that reason, I ask everyone to vote ''no.''

□ 2120

The Acting CHAIR. The gentlewoman from Guam has 2 minutes remaining.

Ms. BORDALLO. Mr. Chairman, I can speak from firsthand experience. The A–76 program was a pilot program in the territory of Guam a few years ago. I served as Lieutenant Governor at the time, and I will say this for the record that this program was a dismal failure, and that's what we experienced.

The Department of Defense has found in-sourcing to be very effective. It's an effective tool for the Department to rebalance the workforce, to realign inherently governmental and other critical work to government performance from contract support and, in many instances, to generate resource efficiencies.

So, again, we should vote ''no'' on this amendment. Lifting the A–76 moratorium would be a sad mistake on our part.

I yield back the balance of my time.

Mr. LOEBSACK. Mr. Chair, I strongly oppose amendment number 54 offered by Congressman COFFMAN.

By reducing oversight and limiting the Department of Defense's ability to address contracts that are over cost; high risk; or poorly performed, it reduces DOD's ability to meet management, readiness, and critical risk mitigation needs.

What's more, it undermines a bipartisan initiative enacted just last year that ensures the Department of Defense is able to utilize the entire defense workforce to protect taxpayers; our readiness to respond to a national security emergency; and our nation's ability to rapidly equip our troops with the equipment they need, when they need it.

When our Humvees needed to be uparmored to protect our troops, Rock Island Arsenal produced and delivered the initial Add-on-Armor kits within a month of receiving the order. This lifesaving armor had to get into the field as quickly as possible to save our troops lives, and only an arsenal had the capability to do it.

They did it again to protect our troops by armoring Stryker vehicles. The men and women at Rock Island Arsenal worked 24 hours a day, 7 days a week to produce the Common Ballistic Shield kits that our troops needed.

Yet this amendment would actually make it more difficult to maintain critical capabilities and ensure the civilian workforce at Rock Island Arsenal and across the country are able to respond when our troops and our country need them.

I strongly urge my colleagues to oppose this amendment.

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

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

Mr. COFFMAN of Colorado. 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 Colorado will be postponed.

AMENDMENT NO. 18 OFFERED BY MR. KEATING

The Acting CHAIR. It is now in order to consider amendment No. 18 printed in House Report 112–485.

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 132, line 7, strike ''106,005'' and insert ''106,700''.

Page 133, line 22, strike ''14,952'' and insert ''14,833''.

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

SEC. 1078. LIMITATION ON AVAILABILITY OF FUNDS FOR TRANSFER, REDUCTION, OR ELIMINATION OF CERTAIN AIR NATIONAL GUARD UNITS.

(a) IN GENERAL.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 for the Air Force may be used during fiscal year 2013 to transfer, reduce, or eliminate, or prepare to transfer, reduce, or eliminate, any unit of the Air National Guard supporting an Air and Space Operations Center or an Air Force Forces Staff.

(b) WAIVER.—The Secretary of Defense may waive the limitation in subsection (a) if—

(1) the Secretary submits to the congressional defense committees written certification that such a waiver is necessary to meet an emergency national security requirement; and

(2) a period of 30 days has elapsed following the date on which such certification is submitted.

(c) REPORT.—

(1) IN GENERAL.—Not later than June 1, 2013, the Secretary of Defense shall submit to the congressional defense committees a report by the Chief of the National Guard Bureau and the Chief of Staff of the Air Force and approved by the Secretary of Defense that specifies, with respect to all Air National Guard units supporting an Air and Space Operations Center or an Air Force Forces Staff that are proposed to be reduced or eliminated during fiscal years 2013 through 2017—

(A) the economic analysis used to make each decision with respect to such unit to be reduced or eliminated;

(B) alternative options considered for each such decision, including an analysis of such options;

(C) a detailed account of the communications with the corresponding Air and Space Operations Center or Air Force Forces Staff that went into each such decision;

(D) a detailed account of the communications with the corresponding command that went into each such decision;

(E) the effect of each such decision on—

(i) the current personnel at the location; and

(ii) the missions and capabilities of the Air Force; and

(F) the plans for each location that is being realigned, including the analysis used for such plans.

(2) GAO ANALYSIS.—The Comptroller General of the United States shall carry out the following:

(A) An economic analysis of each decision made by the Secretary of Defense with respect to reducing or eliminating an Air national guard unit included in the report under paragraph (1).

(B) An analysis of the alternative options considered for each such decision, including an analysis of such options.

(C) An analysis of the communications with the corresponding Air and Space Operations Center or Air Force Forces Staff that went into each such decision.

(D) An analysis of the communications with the corresponding command that went into each such decision.

(E) An analysis of the effect of each such realignment decision on—

(i) the current personnel at the location; and

(ii) the missions and capabilities of the Army; and

(3) COOPERATION.—The Secretary of Defense shall provide the Comptroller General with relevant data and cooperation to carry out the analyses under paragraph (2).

(4) SUBMITTAL.—Not later than 90 days after the date on which the Secretary submits the report under paragraph (1), the Comptroller General shall submit to the congressional defense committees a report containing the analyses conducted under paragraph (2).

(d) FUNDING.—

(1) INCREASE.—Notwithstanding the amounts set forth in the funding tables in division D, the amounts authorized to be appropriated in section 301 and 421 for operation and maintenance and military personnel, as specified in the corresponding funding tables in section 4301 and 4401, respectively, are hereby increased by a total of $36,513,000, to be distributed as follows:

(A) The amount authorized to be appropriated in section 4301 for operation and maintenance, Air National Guard, is hereby increased by $10,686,000.

(B) The amount authorized to be appropriated in section 4301 for operation and maintenance, Air Force, is hereby increased by $1,040,000.

(C) The amount authorized to be appropriated in section 4401 for military personnel, Air National Guard, is hereby increased by $21,993,000.

(D) The amount authorized to be appropriated in section 4401 for military personnel (MERHC), Air National Guard, is hereby increased by $2,794,000.

(2) REDUCTION.—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated in section 201 for Research, Development, Test, and Evaluation, as specified in the corresponding funding table in section 4201, is hereby reduced by $36,513,000, to be derived from the Ballistic Missile Defense Midcourse Defense Segment.

The Acting CHAIR. Pursuant to House Resolution 661, the gentleman from Massachusetts (Mr. KEATING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. KEATING. In the important debate to save National Guard units, we made some steps forward in this bill and, unfortunately, also took steps backward. Many in the Chamber may assume that all the National Guard units were restored in the markup of this bill. That's simply not the case.

A vital and unique group of Air National Guard units, known as C-NAFs, have a full-time mission to support Active Duty bases. These augmentation units take on a large chunk of the workload while only accounting for a small percentage of the mission's workforce—and the work is all done domestically. In and of itself, that provides a higher degree of security because there are discrete sites that are isolated and more easily secured here in the United States. These units were created because they're cost effective, and eliminating them will result in unfinished business, displaced costs and, perhaps the most alarming of all consequences, endangered lives.

To illustrate, the 102nd Air Operations Group at Otis Air National Guard Base works 24/7 365 days of the year to conduct 30 percent of the Air Force Global Strike Command's surveillance mission, and only accounts for 10 percent of the Command's workforce—30 percent of the mission and 10 percent of the Command's workforce. The 102nd Air Operations Group's counterparts at Barksdale Air Base in Louisiana rely on these great men and women to examine realtime footage and spot out threats.

When I talk about consequences, including the endangering of lives, the work of this unit has helped our servicemen and -women avoid concealed insurgents on the battlefield, and it tracks the proliferation of nuclear weapons as these events are occurring. It has the backs of our soldiers in the field, and it affords its own level of defense against nuclear weapons. Unfortunately, Mr. Chairman, the Air Force is only now realizing the impact of this loss.

I apologize for all of the acronyms that are here, but I wanted to take the actual slide from the Air Force's presentation. This slide is from May 2. It is an Air Force briefing to Lieutenant General Herbert Carlisle, deputy chief of staff for operations for the Air Force.

It proves that units like the 102nd AOG are essential. According to this slide, which is only 2 weeks old, the 102nd Air Operations Group is ''essential to the U.S. Strategic Command's time-sensitive planning mission,'' and the impact of losing this unit will render the Air Force ''unable to fully support extended time-sensitive scenarios.''

Furthermore, the Air Force reiterates that without the 102nd Air Operations Group, the mission of the Global Strike Command will not be supported, and the Rapid Assessment Team currently in place at Barksdale cannot take on more surveillance duties without the 102nd AOG.

But perhaps the most glaring piece of information on this slide is on the last line, which simply states:

The National Guard Bureau did not coordinate this cut with USSTRATCOM, Global Strike Command and the 8th Air Force.

Mr. Chairman, clearly, even the Air Force knows that a big mistake was made in the decision to eliminate these Guard units. My amendment simply freezes cuts to the Air National Guard units to support the Air Force until the impact of the unit's loss is determined and reported to Congress. This language leaves room to sort out the units that are essential to our national security and to cut where duplicative missions exist. For these reasons, I urge all of my colleagues to vote in favor of this amendment.

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

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

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

Mr. MCKEON. I yield 2 minutes to my friend and colleague, the chairman of the Subcommittee on Readiness, the gentleman from Virginia (Mr. FORBES).

Mr. FORBES. I thank the gentleman for yielding.

Mr. Chairman, I want to say to my friend on his amendment that we share his love for the Guard across this body. I think most of the Members here recognized the great job they do day in and day out for us.

That's why I want to also say how much we appreciate the chairman's work and the ranking member's work to make sure in this bill that they have raised and saved many of our Guard priorities, and I thank them for looking in there and for doing that.

I wish we had been able to save everything in this bill, but friends on the other side have criticized us for the extra money we've put in already.

One of the things that you realize, Mr. Chairman, is that at times you just do have to make an allocation. In this particular situation, the National Guard Bureau actually looked and said, We want to save and prioritize our UAV mission because we think that's higher than headquarters functions. That's what they did. They made a priority assessment that it was more important for us to save the UAV missions, which they did, and not headquarters operations. I also realize, as the gentleman does, that we would like to each preserve these Guard units in our own areas, but the Department of Defense just felt that that wasn't possible. They opposed this amendment.

Mr. Chairman, I would say, if you have to make the choice between protecting our headquarters units and protecting missile defense, I think that's an easy decision for us. We want to make sure we are continuing to protect missile defense. I hope that we will vote against this amendment.

Mr. MCKEON. Mr. Chairman, I yield 3 minutes to my friend and colleague, the gentleman from Ohio (Mr. TURNER).

Mr. TURNER of Ohio. I want to thank Chairman FORBES for his commitment and support for the Air National Guard and also thank Chairman MCKEON.

This amendment is not about the National Guard or the Air National Guard or even: How are we going to support our Guard? This amendment is about cutting missile defense. If you look at the amendment, it looks to take money from our national security, specifically in the area of our missile defense. Now, this is one amendment of a series of amendments that are coming across from the other side of the aisle that are attempting to cut missile defense.

This occurs at a time when Iran and North Korea continue to increase as a threat to our country. Secretary Gates even said, as he was departing, that North Korea is rising to the level of being a threat to the mainland of the United States—missile defense becoming that much more important.

Coincidentally, as we know, this also comes on the heels of the President's having what people know as an open-mic event when the President was caught surprised that his mic was open so that the American people could hear a conversation that he was having with President Medvedev in which he said that after the election—his last election—that he would have greater flexibility to deal with the issue of missile defense.

Now, the President, in his secret deal with the Russians has not yet told us what it is that he would lessen in our missile defense; but I know, as we look to these amendments, they are consistent with the issue of: Do we have a strong missile defense? Do we not have a strong missile defense? Do we follow the President's lead of a weakening of our national defense and our missile defense?

□ 2130

On this side of the aisle, I think the American people believe that we need a strong missile defense, we need to make certain that we're protecting our homeland; and we're protecting our mainland.

I asked the White House and I asked the President if they would tell us what was in this secret deal that they have with the Russians, and they did

respond to me in a letter of April 13, as Ranking Member SMITH mentioned. This letter does not say at all that there are any terms that the White House is willing to discuss, but it does say this sentence:

It is no secret this effort will be more complicated during election years.

Even in writing and in the openmiking event, the President says that after this election he'll have more flexibility, meaning that he can't stand in front of the American people and tell us what his plans are for missile defense or it could affect his election, meaning the electorate themselves would not support what this President wants to do with missile defense. I know the electorate would not support this Keating amendment.

It is important that we have a strong missile defense as we look to Iran and North Korea, and this Ground-based Midcourse Defense system that they want to cut in this amendment is the only one that we currently have that protects mainland United States. The CE1 intercepter has been tested, and it is three for three in its success. This is a system that works, that we need to make certain that we continue, and it certainly is one that I know the American public supports and wants us to continue.

Mr. KEATING. Mr. Chairman, how much time is remaining on each side?

The Acting CHAIR. The gentleman from Massachusetts and the gentleman from California each have 30 seconds remaining.

Mr. KEATING. Thank you, Mr. Chairman.

Don't be presumptuous enough to tell me my motivations. We looked for many pay-fors in this plan. What we have is plain and simple. We have enhancement of the security of our country because we have a plan that works and that will save lives and help us resolve missile-defense issues by tracking them versus a pay-for that we located that was $400 million over budget. I only took 9 percent of that, leaving 91 percent of that intact because I think this tradeoff enhances our security.

I yield back the balance of my time.

Mr. MCKEON. I yield my remaining 30 seconds to the gentleman from Ohio (Mr. TURNER).

Mr. TURNER of Ohio. The gentleman states that his amendment only takes 9 percent from missile defense. The gentleman is stepping forward and saying what's in his amendment. The President, however, won't tell us how much he wants to cut from missile defense as he goes through this election cycle with the secret deal that he has with the Russians.

The one thing that we know is that this system stands ready to defend the United States, and it is necessary. Iran and North Korea continue to increase their threat to the United States. This system deserves our funding. It deserves the funding that's in this bill. This amendment should be defeated.

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

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

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

Mr. KEATING. 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 Massachusetts will be postponed.

AMENDMENT NO. 19 OFFERED BY MR. BROUN OF GEORGIA

The Acting CHAIR. It is now in order to consider amendment No. 19 printed in House Report 112–485.

Mr. BROUN of Georgia. Mr. Chairman, 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 subtitle C of title V, add the following new section:

SEC. 5___. ELIMINATION OF MAXIMUM AGE LIMITATION FOR ORIGINAL ENLISTMENTS IN THE ARMED FORCES FOR INDIVIDUALS WHO ARE OTHERWISE QUALIFIED FOR ENLISTMENT.

Section 505(a) of title 10, United States Code, is amended by striking ''nor more than forty-two years of age''.

The Acting CHAIR. Pursuant to House Resolution 661, the gentleman from Georgia (Mr. BROUN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. BROUN of Georgia. Mr. Chairman, my amendment is very straightforward. It would simply allow individuals of any age to enlist in the military so long as they were able to meet all of the requirements to ensure that they're fit for duty.

Under current law, only individuals who are 42 years of age or younger are allowed to enlist in the military. This seems to be an arbitrary number. As we can all probably attest, there are some 20-year-olds that cannot run a mile. Yet there are a growing number of middle-aged men and women who are extremely physically fit and, whether due to family, work, or other obligations, were unable to enlist when they were younger.

I've heard from some of these individuals. Mr. Chairman. They are competitive runners, triathletes, and general fitness enthusiasts. I daresay they are stronger and fitter than many younger people, and they have an added benefit of life experience and maturity. Yet when they attempt to use these skills to serve their country, the military tells them, We don't want you, you're too old.

Not long ago, I heard from a man who was in just this situation. He is a competitive ultra-marathoner, the picture of health. This gentleman, who after starting a family and establishing a career, decided he was finally able to realize his dream of serving in his country's military. Unfortunately, he was told that he was just a few months too old. As a result, he could not enlist.

While stories like this gentleman's are compelling, there are other loss potentials to consider, also. One of our colleagues, my good friend and the gentleman from my home State of Georgia, Dr. PHIL GINGREY, has experienced a similar issue. He's not trying to serve in combat. He's not trying to get a military retirement. He simply wants to serve his country using his training as a medical doctor. He went to enlist in the Navy Reserve; and to his surprise he was told that he was too old, even as the need for good medical doctors in the military ranks continues to grow. We should allow people like Dr. GINGREY to enlist in the military. My amendment would do just that.

We'll hear a number of Members on the floor today who are expressing concern about the multiple tours that so many of our men and women in uniform have had to serve, often back to back over many years. I share this concern; and I believe that if we were to lift this age restriction, we could open up the military to a new population of strong, capable individuals, who in many cases have finished their education and their careers, and have seen their children grow into adulthood. Many of them aren't seeking military retirement, but rather have advanced in their careers, put away enough for retirement, and are ready for a new challenge.

I urge my colleagues to support this commonsense amendment, and I reserve the balance of my time.

Mrs. DAVIS of California. Mr. Chairman, I claim the time in opposition.

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

Mrs. DAVIS of California. Mr. Chairman, I rise in opposition to the amendment offered by my colleague from Georgia (Mr. BROUN).

I understand his belief that anyone who qualifies, regardless of age, should be able to serve. However, serving in the United States military is a difficult and challenging profession, especially as one gets older in years. The Department of Defense does not support this amendment. Current law allows enlistments up to age 42; however, all of the services' current policies have restricted enlistment to a lesser age, with the Army at the maximum age of 35.

Mr. Chairman, we are currently drawing down the force and recruiting conditions do not require this proposal. Even during the most difficult recruiting environment at the peak of national emergency, only the Army exercised the authority and raised its age limit to 42. This policy was only in place for a few years, and the Army has since reinstated its old policy of a maximum of 35 years of age because the risks and the challenges of training older recruits outweigh the minimum gain.

What the Army found was that older-level recruits tend to have greater health and physical illness, especially when deployed. And once injured, these individuals face a longer period of recuperation.

Mr. Chairman, this amendment is not needed and counterproductive to recruiting young men and women in the Armed Forces. I urge my colleagues to oppose the amendment, and I reserve the balance of my time.

Mr. BROUN of Georgia. Mr. Chairman, how much time do I have left?

The Acting CHAIR. The gentleman has 2 minutes remaining.

Mr. BROUN of Georgia. Mr. Chairman, I'm 66 years of age. I'm in the United States Navy Reserve today, an active reservist as a general medical officer. There are many reservists not only in the Navy, but in other branches of the service that are beyond 42 years of age.

We have a critical need for doctors, lawyers, veterinarians, dentists, other specialties in our military, even as we turn down the size of our forces. I think it's critical to have the ability for people who want to serve, who are physically fit, who can meet all the requirements to be able to do so. That's all this amendment does. It does not waive any physical requirements. It does not waive anything that is out there today for someone to enlist. It's just going to utilize people who have the capability of serving to allow them to do so. Not doing so is actually discriminating against them just because they have celebrated a few birthdays.

□ 2140

I mentioned in my comments about an ultramarathoner that the military actually wanted. This guy was in better shape than most people who are in their twenties after they leave boot camp. The Army wanted him, but because he was just a couple of months too old, the law would not allow him to enlist.

He would have served this Nation very admirably. He wanted to serve. He was physically fit. He was capable of doing anything that a 20-year-old is capable of doing today. And my amendment would allow him—as well as the gentleman from Georgia (Dr. GINGREY)—to serve.

Dr. GINGREY is in good physical condition. He just wants to go utilize his medical experience and provide medical services to our men and women in uniform, and he should be allowed to do so also.

So I encourage my colleagues to vote for my amendment.

I yield back the balance of my time.

Mrs. DAVIS of California. Mr. Chairman, I yield 1 minute to the gentleman from South Carolina (Mr. WILSON), the chairman of the Military Personnel Subcommittee.

Mr. WILSON of South Carolina. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Georgia.

As a 31-year veteran of the Army Reserves and National Guard, I fully appreciate the need for an age limitation. What we ask our young men and women to do is nothing short of incredible. The physical and mental toughness that is instilled in them as they enlist is something that becomes more challenging over time.

I appreciate the efforts of the gentleman from Georgia, that there are always exceptions, and I applaud those who maintain a high level of physical fitness and desire to serve their country, but that is only one requirement that the military provides. I know firsthand that age limitation will expand opportunities for younger servicemembers to serve in command positions.

I urge defeat of this amendment.

Mrs. DAVIS of California. I yield 1 minute to the gentleman from Nevada, Dr. HECK, who is a medical doctor in the Army Reserve and is also a member of the Military Personnel Subcommittee.

Mr. HECK. I, too, rise in opposition to the amendment.

Like my colleague from Georgia, I am also an active reservist and a physician in the military.

We are fortunate that we now have an all-volunteer force. Indeed, we are blessed that we have such capable men and women that are willing to put on the uniform. But as we start to have a drawdown, as we start to go through total force management, we want to make sure that we keep opportunities for those that are the brightest, the most capable, and the fittest for the longest period of time.

I will tell you that being a physician in the Reserves is a lot different than enlisting in the active duty force. Going through initial entry training, military occupational specialty training is a very rigorous course of instruction.

As a physician, I have concerns. I think that while well-intended, the Secretary has already had the ability to grant waivers for exigent circumstances and when in the best interest of the Department of Defense and that this amendment is not required.

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

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

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

Mr. BROUN of Georgia. 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 Georgia will be postponed.

AMENDMENT NO. 20 OFFERED BY MR. CARSON OF INDIANA

The Acting CHAIR. It is now in order to consider amendment No. 20 printed in House Report 112–485.

Mr. CARSON of Indiana. Mr. Chairman, 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 subtitle C of title V, add the following new section:

SEC. 5___. PROHIBITION ON USE OF MENTAL HEALTH RECORDS, ADDICTION SERVICE RECORDS, COUNSELING RECORDS, OR OTHER DOCUMENTS REGARDING SEEKING ASSISTANCE WITH MENTAL HEALTH ISSUES WHEN MAKING DETERMINATIONS ABOUT PROMOTIONS.

(a) PROHIBITION.—Except as provided in subsection (b), when making determinations about promotions or separations, a promotion board may not request, review, or consider—

(1) the mental health records, addiction service records, counseling records, or any other documents concerning the pursuit of assistance with mental health issues, ongoing or past, of a member of the Armed Forces; or

(2) information contained in any of these records or documents whether provided by word of mouth or in writing from commanding officers, noncommissioned officers, or any other individual.

(b) LIMITED EXCEPTION.—The Secretary of Defense shall establish a process by which a member of the Armed Forces can be excluded from the prohibition and the records and information described in subsection (a) considered, if—

(1) the member is being considered for a discharge from the Armed Forces based on a severe or untreatable mental health disorder;

(2) a physician determines that the member could be a danger to himself or herself or other persons as a result of a mental health issue that is unresolved or untreated before the board meets;

(3) a physician determines that the member will be unable to complete the duties and responsibilities associated with the advancement in rank being considered by a promotion board as a result of a mental health issue that is unresolved or untreated before the board meets; or

(4) the member consents to consideration of the records or information, such as to explain negative actions considered by a promotion board connected with a mental health issue that has been treated.

(c) NOTIFICATION.—The Secretary of Defense shall ensure that notification of the prohibition imposed by subsection (a), and the limited exception provided by subsection (b), is made available to members of the Armed Forces not later than 90 days after the date of the enactment of this Act.

The Acting CHAIR. Pursuant to House Resolution 661, the gentleman from Indiana (Mr. CARSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana.

Mr. CARSON of Indiana. Mr. Chairman, my amendment, which CBO has determined will have no impact on direct spending or appropriations, seeks to address an issue that I believe is preventing many of today's servicemembers from pursuing the mental health and addiction treatment that they so desperately need.

Quite simply, it prevents promotion boards from considering any other source of information from official documents, word of mouth, any source

about the pursuit of treatment for mental health or addiction issues. The amendment provides necessary exceptions for individuals who are determined by a physician to be a danger to themselves or others, would be unable or unfit to accomplish the duties of higher rank, or if they give consent to consideration of such information. And lastly, and I believe most importantly, the amendment requires the Department of Defense to inform current servicemembers about these prohibitions.

As we all know, Mr. Chairman, mental health issues, like PTSD and depression, are the signature wounds of our wars in Afghanistan and Iraq. Unfortunately, we have entered these wars with an outdated military culture that stigmatized mental health issues and often equated pursuing treatment with weakness.

Mr. Chairman, we have made amazing progress since then, and I applaud the Department of Defense and the Armed Services Committee for their efforts. Yet I still hear from servicemembers who are afraid that pursuing mental health treatment will negatively impact their prospects for promotion and others who are absolutely convinced that this is a pervasive problem in the ranks, that many servicemembers believe this. Now, these individuals are dedicated to their jobs and determined to progress in their careers, so, not surprisingly, they hesitate in pursuing treatment.

Of course I understand that HIPAA prevents medical records from being considered—including those on mental health—with good reason. But we need to be absolutely sure that the fears of our servicemembers do not come to pass in other ways. We need to make explicit that promotion boards are not only prevented from considering medical records but also information on treatment received by word of mouth, from other areas of personnel files, or in any other form. This will reflect our modern understanding of mental health and addiction issues—that they should be treated, not ignored, and that individuals can overcome them.

But I believe, Mr. Chairman, the most important aspect of this amendment, the main reason I hope my colleagues will join me in supporting it, is that we need to be sure that our servicemembers know and are fully aware about these prohibitions.

Some may argue against this amendment, claiming that it perpetuates a myth, that, in fact, treatment information is not considered. Their argument perfectly illustrates why this amendment is so necessary. Because many servicemembers believe they will be penalized for pursuing treatment. And as long as this is true, we will still have our brave men and women suffer in silence. With screening and counseling, they could get healthy. They could perform their duties at a much higher level. And they could avoid falling into the traps of addiction, domestic violence, and homelessness that await too many of our veterans when the return home.

Mr. Chairman, I believe that the individuals assigned to the promotion boards have the best interests of the military at heart, and I believe that they do their jobs quite well. The quality of our advanced ranks proves just that. But I want to be sure that we do everything possible to remove the stigma on mental health treatment until all servicemembers are comfortable pursuing the treatment that they need. I believe this amendment is an important step in that direction. I hope all of my colleagues will join me in supporting this amendment.

□ 2150

Mr. MCKEON. Mr. Chairman, I rise to claim time in opposition to the gentleman's amendment.

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

Mr. MCKEON. I yield 3 minutes to my friend and colleague, the gentleman from South Carolina (Mr. WILSON).

Mr. WILSON of South Carolina. I rise in opposition to the amendment offered by the gentleman from Indiana. I oppose the amendment because it intrudes on the inherent responsibility of commanders to assess the fitness for promotion of servicemembers under their command. As a former president myself of the Mid-Carolina Mental Health Association, I appreciate mental health issues. Our commanders strive to be fair, and the service policies prevent prejudicial consideration of mental health treatment that carries no implications for performance and promotion qualification.

This amendment would require our commanders to withhold evidence of behavior that is clearly inconsistent with promotion. I am concerned whether it is even ethical to demand our commanders to ignore such information that they see as a risk to force readiness. A commander must make a recommendation on every individual regarding promotion eligibility. Once aware of facts that would clearly cause a commander to question a servicemember's fitness for promotion, it would seem impossible for a commander to render a recommendation that supports the member's promotion. It is unfair to ask our commanders to be so disingenuous.

The risk is that this amendment would routinely eliminate important factors from the promotion process that will result in the promotion of unqualified members over more deserving members. This provision attempts to replace the commander's judgment with that of an artificial standard that cannot account for the complexity of cases.

The role of commanders is pivotal in the promotion systems operated by the Armed Forces. The Nation invests immense trust in our military commanders in the most challenging of circumstances, and we must not betray that trust by limiting their responsibility to choose future leaders.

Don't tie the hands of our commanders as they assess their subordinates' fitness for promotion. Continue to put our trust in commanders and defeat this amendment.

I urge defeat of the amendment.

Mr. MCKEON. I yield 1 minute to my friend and colleague, a member of the committee, the gentleman from California (Mr. HUNTER).

Mr. HUNTER. I thank the gentleman from South Carolina, whose oldest son and I served in Iraq together.

As a United States Marine, I filled out dozens of evaluations on my marines. Some I recommended for promotions, some I did not.

As has already been said, Mr. Chairman, this amendment must be opposed because it would disrupt the vital role commanders play in the military promotion process. Our commanders are the best prepared to make the difficult judgments of balancing interests of the individuals against the need of the Armed Forces to promote the most qualified individuals. It is not ethical to ask commanders to overlook information that they believe directly bears on the member's qualification for promotion. Commanders strive to be fair, and current policies prevent prejudicial consideration of mental health treatment that carries no implications for performance and promotion qualification.

The provision attempts to replace the commander's judgment with an artificial standard that cannot account for the complexity of cases. The Nation invests immense trust in our military commanders in the most challenging of circumstances, while leading marines and soldiers in combat, and we must not betray that trust.

I urge defeat of this amendment.

Mr. MCKEON. How much time is remaining?

The Acting CHAIR. The gentleman from California has 2 minutes remaining, and the time of the gentleman from Indiana has expired.

Mr. MCKEON. I yield the balance of my time to the gentleman from Nevada (Mr. HECK).

Mr. HECK. Mr. Chairman, I rise today to reluctantly oppose the gentleman from Indiana's amendment. I applaud his intent of trying to remove the stigma of seeking mental health services in the military. Again, as a physician in the Army Reserves, I've experienced the issues that he's trying to address here this evening. But I also have to agree with my colleagues that have brought up the issues regarding the impact on the commander's ability to make a truthful and honest recommendation for promotion.

Having had the honor to command and having had the opportunity to serve on promotion boards, I know that this information is vitally important. It's hard to draw the distinction as to whether or not you're using the information that the person sought care or

was it because of the behavior that that person demonstrated that caused them to seek the care. Nonetheless, that information is vital.

When a physical profile or medical profile form is included in a packet that shows there's a duty restriction, perhaps because of a psychiatric disturbance or for a generally physical disturbance, that information is taken into consideration when determining whether or not that individual is fit for promotion and the duties that would be assigned subsequent to that promotion.

Again, I applaud my colleague's intent, but I think the answer to this is better education of our servicemembers to rid ourselves of this pervasive misconception than trying to pass this amendment.

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

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

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

Mr. CARSON of Indiana. Mr. 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 Indiana will be postponed.

The Acting CHAIR. The Chair understands that amendment No. 22 will not be offered.

AMENDMENT NO. 24 OFFERED BY MR. WITTMAN

The Acting CHAIR. It is now in order to consider amendment No. 24 printed in House Report 112–485.

Mr. WITTMAN. Mr. Chairman, 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 title V, add the following new section:

SEC. 5___. ESTABLISHMENT OF CHAIN OF COMMAND FOR ARMY NATIONAL MILITARY CEMETERIES.

(a) MILITARY CHAIN OF COMMAND REQUIRED.—The Secretary of the Army shall establish a chain of command for the Army National Military Cemeteries, to include a military commander of the Army National Military Cemeteries to replace the current civilian director upon the termination of the tenure of the director.

(b) CONFORMING AMENDMENT.—Section 4724(a)(1) of title 10, United States Code, is amended by striking ''who shall meet'' and inserting ''who is a commissioned officer and meets''.

The Acting CHAIR. Pursuant to House Resolution 661, the gentleman from Virginia (Mr. WITTMAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. WITTMAN. Mr. Chairman, I yield myself such time as I may consume.

We all know the record of problems at Arlington National Cemetery, and we know the current leadership there has made significant progress in fixing that system. But my concern with Arlington is not with the professionals and leaders who have turned Arlington around and worked tirelessly to ensure the fallen members of our all-volunteer force, our veterans, and their families are treated with the respect, reverence, and honor they deserve. My concern is that the scandals and embarrassment that rocked Arlington National Cemetery went largely unprosecuted for one reason: no one from the former civilian directors in the former chain of command at Arlington was held accountable for their actions and their gross negligence and gross mismanagement because none of them were subject to the Uniform Code of Military Justice. Additionally, Arlington is managed by the Army and rests adjacent to a joint military base. Tenants of that command work on that base daily.

With that, I believe strongly that we need to have a military leader now in charge of Arlington National Cemetery.

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

Mr. MILLER of Florida. I rise to reluctantly oppose the amendment.

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

Mr. MILLER of Florida. I yield myself such time as I may consume.

On the 10th of June, 2010, the Secretary of the Army, a former member of this body, John McHugh, appointed Kathryn Condon, a former high-ranking senior civilian Army official with a strong management background, the first executive director of the Army National Cemeteries Program. There is every indication that she is qualified and well suited for the post.

The Army created the new position to oversee Arlington National Cemetery and Soldiers Home National Cemetery as a result of the problems that have been discussed by my friend and colleague, Mr. WITTMAN. In its initial recommendation, the Army did not state that the newly created executive director position should be filled by a military official, and since that time has not provided any rationale stating why a military official would be better suited for this position rather than a civilian with credentials like Ms. Condon's.

This amendment would establish the military chain of command, requiring the executive director of the Army Cemeteries Programs be a commissioned officer, replacing the current civilian in that position. Army oversight over the Cemeteries Program remains very strong by virtue of the fact that Ms. Condon reports directly to the Secretary of the Army. There is every indication today that Ms. Condon has performed her duties in a competent and effective manner. All IG and Advisory Committee reports show that significant progress at Arlington has been made under her leadership. Ms. Condon's status as a civilian does not affect the overall authority of the Army over the program or any aspect of the operations under her care.

I note that the Secretary of the Army, Secretary McHugh, wrote a strong letter of opposition to this amendment for the reasons that I have just addressed, and I would urge my colleagues to oppose this amendment.

□ 2200

Mr. WITTMAN. Mr. Chairman, with that I would like to yield 1½ minutes to the gentleman from Florida (Mr. WEST).

Mr. WEST. Mr. Chairman, I thank Chairman WITTMAN, and I do rise to support this amendment. Having spent time in the military, we were taught that there were some basic principles. A couple of those basic principles are unity of command and unity of effort.

I will take nothing away from the civilian appointee that we have in this position currently, but as we said, this is the Army national cemetery. And it being the Army national cemetery, I feel it is very important we have a chain of command, a chain of leadership. That could fall under the Military District of Washington.

As a matter of fact, the sergeant major of the Military District of Washington is someone that I served with at Fort Bragg, North Carolina, when I was a young major, and we understand chain of command. We understand responsibility and accountability. And I talked to him about this, and he feels that will be something that will be very well appropriate, to have a military commissioned officer.

When you look at our arsenals, our arsenals out there have strong civilian leadership and also strong civilian employees, but yet we have a military commander. When you look at an organization such as the Army Material Command, which is some 60 to 70 percent civilian, but yet we have a four-star general, General Ann Dunwoody, someone that I also know very well and served with, who is in charge of that organization.

So I think if we want to make sure that we have right type of unity of command, unity of effort, chain of command in place, we need to make sure that we have a uniformed military person that's in control and in command of this Army National Cemetery.

I urge my colleagues to support this amendment.

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

Mr. WITTMAN. Mr. Chairman, I yield 1½ minutes to my distinguished colleague from California (Mr. HUNTER).

Mr. HUNTER. Mr. Chairman, I thank the gentleman from Virginia and the gentleman from Florida.

I would like to start by talking about what this means to me. This is about accountability, responsibility, and authority. All of these leadership themes are well defined throughout the Uniform Code of Military Justice, but a civilian team does not protect the Tomb of the Unknown Soldier at Arlington National Cemetery. That's the 3rd United States Infantry Regiment that

has the responsibility to honor our fallen comrades and conduct ceremonies and special events to represent the U.S. Army. One of most known tasks of this unit is the distinguished charge of guarding the Tomb of the Unknown at Arlington National Cemetery, which it has done with honor since July of 1937. Again, this is a military unit, it's not a civilian unit.

Many of our fallen heroes who were killed in action choose to be buried in Arlington, home to our Nation's military history, the men and women who sacrificed to make this country what it is today.

The current chain of command under the Department of the Army has a civilian executive director of the Army National Cemeteries reporting directly to the Secretary of the Army. Nowhere in the current chain of command does there exist a uniformed military officer of appropriate rank with commensurate command authority, accountability, and responsibility who is subject to the Uniform Code of Military Justice.

If we are only going to have one major national cemetery that is run by a branch of the DOD, then there needs to be a uniformed chain of command that runs the cemetery in a professional, military manner.

In closing, I would state, Mr. Chairman, I have friends that may choose to be buried at Arlington National Cemetery, and I would urge adoption of this amendment.

Mr. MILLER of Florida. Mr. Chairman, I would like to ask the sponsor of the amendment if he has any more speakers?

Mr. WITTMAN. I do to close.

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

Mr. WITTMAN. Mr. Chairman, you know, as you've heard, this issue is really about this: it's about making sure that there's accountability and that there's responsibility at this Nation's most distinguished resting place where our heroes that have defended this Nation go for their final resting place. If we put a uniformed officer in command of Arlington National Cemetery, then that officer will be held accountable to the exact same standards as the heroes buried at Arlington once were; that is the Uniform Code of Military Justice.

The men and women of our all-volunteer force who fall in combat, and those who serve and who choose to be buried at Arlington, deserve the honor of having a uniformed commanding officer to watch over them as they rest, to set and enforce a standard of military excellence and commitment, honor and integrity that only those serving in uniform can fully comprehend.

Folks, these are our Nation's heroes. We owe them nothing less, especially in light of the problems that we've had there at Arlington. So I urge my colleagues to support this amendment, to put back in place the distinction and the honor deserved by our men and women who have so honorably served this Nation.

I yield back the balance of my time.

The Acting CHAIR (Mr. REED). The question is on the amendment offered by the gentleman from Virginia (Mr. WITTMAN).

The amendment was agreed to.

AMENDMENT NO. 26 OFFERED BY MR. CUMMINGS

The Acting CHAIR. It is now in order to consider amendment No. 26 printed in House Report 112–485.

Mr. CUMMINGS. Mr. Chairman, 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 subtitle G of title VI, add the following new section:

SEC. 664. MORTGAGE PROTECTION FOR MEMBERS OF THE ARMED FORCES, SURVIVING SPOUSES, AND CERTAIN VETERANS.

(a) MORTGAGE PROTECTION.—

(1) IN GENERAL.—Section 303 of the Servicemembers Civil Relief Act (50 U.S.C. App. 533) is amended to read as follows:

''SEC. 303. MORTGAGES AND TRUST DEEDS.

''(a) MORTGAGE AS SECURITY.—This section applies only to an obligation on real or personal property that is secured by a mortgage, trust deed, or other security in the nature of a mortgage and is owned by a covered individual as follows:

''(1) With respect to an obligation on real or personal property owned by a servicemember, such obligation that originated before the period of the servicemember's military service and for which the servicemember is still obligated.

''(2) With respect to an obligation on real property owned by a servicemember serving in support of a contingency operation (as defined in section 101(a)(13) of title 10, United States Code), such obligation that originated at any time and for which the servicemember is still obligated.

''(3) With respect to an obligation on real property owned by a veteran described in subsection (f)(1)(B), such obligation that originated at any time and for which the veteran is still obligated.

''(4) With respect to an obligation on real property owned by a surviving spouse described in subsection (f)(1)(C), such obligation that originated at any time and for which the spouse is still obligated.

''(b) STAY OF PROCEEDINGS AND ADJUSTMENT OF OBLIGATION.—(1) In an action filed during a covered time period to enforce an obligation described in subsection (a), the court may after a hearing and on its own motion and shall upon application by a covered individual when the individual's ability to comply with the obligation is materially affected by military service—

''(A) stay the proceedings for a period of time as justice and equity require, or

''(B) adjust the obligation to preserve the interests of all parties.

''(2) For purposes of applying paragraph (1) to a covered individual who is a surviving spouse of a servicemember described in subsection (f)(1)(C), the term 'military service' means the service of such servicemember.

''(c) SALE OR FORECLOSURE.— A sale, foreclosure, or seizure of property for a breach of an obligation described in subsection (a) shall not be valid during a covered time period except—

''(1) upon a court order granted before such sale, foreclosure, or seizure with a return made and approved by the court; or

''(2) if made pursuant to an agreement as provided in section 107.

''(d) MISDEMEANOR.—A person who knowingly makes or causes to be made a sale, foreclosure, or seizure of property that is prohibited by subsection (c), or who knowingly attempts to do so, shall be fined as provided in title 18, United States Code, or imprisoned for not more than one year, or both.

''(e) PROOF OF SERVICE.—(1) A veteran described in subsection (f)(1)(B) shall provide documentation described in paragraph (2) to relevant persons to prove the eligibility of the veteran to be covered under this section.

''(2) Documentation described in this paragraph is a rating decision or a letter from the Department of Veterans Affairs that confirms that the veteran is totally disabled because of one or more service-connected injuries or service-connected disability conditions.

''(f) DEFINITIONS.—In this section:

''(1) The term 'covered individual' means the following individuals:

''(A) A servicemember.

''(B) A veteran who was retired under chapter 61 of title 10, United States Code, and whom the Secretary of Veterans Affairs, at the time of such retirement, determines is a totally disabled veteran.

''(C) A surviving spouse of a servicemember who—

''(i) died while serving in support of a contingency operation if such spouse is the successor in interest to property covered under subsection (a); or

''(ii) died while in military service and whose death is service-connected if such spouse is the successor in interest to property covered under subsection (a).

''(2) The term 'covered time period' means the following time periods:

''(A) With respect to a servicemember, during the period beginning on the date on which such servicemember begins military service and ending on the date that is 12 months after the date on which such servicemember is discharged from such service.

''(B) With respect to a servicemember serving in support of a contingency operation, during the period beginning on the date of the military orders for such service and ending on the date that is 12 months after the date on which such servicemember redeploys from such contingency operation.

''(C) With respect to a veteran described in subsection (f)(1)(B), during the 12-month period beginning on the date of the retirement of such veteran described in such subsection.

''(D) With respect to a surviving spouse of a servicemember described in subsection (f)(1)(C), during the 12-month period beginning on the date of the death of the servicemember.''.

(2) CONFORMING AMENDMENT.—Section 107 of the Servicemembers Civil Relief Act (50 U.S.C. App. 517) is amended by adding at the end the following:

''(e) OTHER INDIVIDUALS.—For purposes of this section, the term 'servicemember' includes any covered individual under section 303(f)(1).''.

(3) REPEAL OF SUNSET.—Subsection (c) of section 2203 of the Housing and Economic Recovery Act of 2008 (Public Law 110–289; 50 U.S.C. App. 533 note) is amended to read as follows:

''(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.''.

(b) INCREASED CIVIL PENALTIES FOR MORTGAGE VIOLATIONS.—Paragraph (3) of section 801(b) of the Servicemembers Civil Relief Act (50 U.S.C. App. 597(b)(3)) is amended to read as follows:

''(3) to vindicate the public interest, assess a civil penalty—

''(A) with respect to a violation of section 303 regarding real property—

''(i) in an amount not exceeding $110,000 for a first violation; and

''(ii) in an amount not exceeding $220,000 for any subsequent violation; and

''(B) with respect to any other violation of this Act—

''(i) in an amount not exceeding $55,000 for a first violation; and

''(ii) in an amount not exceeding $110,000 for any subsequent violation.''.

(c) CREDIT DISCRIMINATION.—Section 108 of such Act (50 U.S.C. App. 518) is amended—

(1) by striking ''Application by'' and inserting ''(a) Application by''; and

(2) by adding at the end the following new subsection:

''(b) In addition to the protections under subsection (a), an individual who is eligible, or who may likely become eligible, for any provision of this Act may not be denied or refused credit or be subject to any other action described under paragraphs (1) through (6) of subsection (a) solely by reason of such eligibility.''.

(d) REQUIREMENTS FOR LENDING INSTITUTIONS THAT ARE CREDITORS FOR OBLIGATIONS AND LIABILITIES COVERED BY THE SERVICEMEMBERS CIVIL RELIEF ACT.—Section 207 of the Servicemembers Civil Relief Act (50 U.S.C. App. 527) is amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(2) by inserting after subsection (c) the following new subsection (d):

''(d) LENDING INSTITUTION REQUIREMENTS.—

''(1) COMPLIANCE OFFICERS.—Each lending institution subject to the requirements of this section shall designate an employee of the institution as a compliance officer who is responsible for ensuring the institution's compliance with this section and for distributing information to servicemembers whose obligations and liabilities are covered by this section.

''(2) TOLL-FREE TELEPHONE NUMBER.—During any fiscal year, a lending institution subject to the requirements of this section that had annual assets for the preceding fiscal year of $10,000,000,000 or more shall maintain a toll-free telephone number and shall make such telephone number available on the primary Internet Web site of the institution.''.

The Acting CHAIR. Pursuant to House Resolution 661, the gentleman from Maryland (Mr. CUMMINGS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Maryland.

Mr. CUMMINGS. Mr. Chairman, I'm honored today to be joined by the ranking member of the Committee on Veterans Affairs and the Committee on Armed Services in offering an amendment to provide urgently needed help to servicemembers, veterans, and their families.

When Congress passed the Servicemembers Civil Relief Act, one of its many goals was to protect our men and women in uniform from being foreclosed upon while they're on active duty, serving our Nation abroad. Under current law, some of the protections in the act are scheduled to sunset at the end of this year. Unless Congress acts now, our servicemembers could be placed at greater risk.

Our amendment fixes that by eliminating the sunset provision and ensuring that foreclosure protections are extended for 12 months. In addition, our amendment ensures that soldiers serving in contingency operations do not have to worry about losing their homes, regardless of when they were purchased.

Our amendment also extends foreclosure protections to the surviving spouses of servicemembers who are killed in the line of duty. And our amendment extends foreclosure protections to veterans who are 100 percent disabled at the time of discharge due to injuries they received during their service.

Finally, the amendment prohibits banks from discriminating against servicemembers covered by the act, and it increases penalties against banks to deter future violations.

We crafted this amendment after more than a year of investigating cases in which servicemembers suffered illegal foreclosures. We heard directly from these servicemembers, veterans, banks, and government officials at multiple hearings and forums in both the House and Senate.

I also issued a staff report detailing how several mortgage servicing companies have now conceded that they violated the act. Frankly, this amendment should be a no-brainer. Every Member of this Chamber should be able to agree that our troops fighting overseas should not also have to fight here at home just to keep a roof over their heads and the heads of their families.

Our amendment is supported by the American Legion, the Veterans of Foreign Wars, Paralyzed Veterans of America, and Disabled American Veterans, all of whom have written letters of support.

We owe it to our men and women in uniform to take action now, and this amendment provides commonsense protections to those who deserve the most. I urge Members to vote in favor of this amendment.

I reserve the balance of my time.

Mr. MILLER of Florida. Mr. Chairman, I rise to claim the time in opposition.

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

Mr. MILLER of Florida. I do rise in opposition but not in strong opposition because I agree with what the gentleman from Maryland is attempting to do, but I need to oppose it for several reasons.

First, the Servicemembers Civil Relief Act is designed to strike a balance between the needs of a servicemember and their civilian obligations, and I don't believe that anybody in this body would ever do something that could make life more difficult for them.

The changes to SCRA made by this amendment are worthy of vetting under regular order through the Committee on Veterans Affairs. Currently, real estate protections apply to purchases made before being called to active duty. However, section (A)(3) of the amendment would extend SCRA coverage to real estate purchased at any time, including while on active duty under certain circumstances.

□ 2210

That section alone makes a significant change to a provision that is over 70 years old. And while I don't necessarily oppose such an extension, we need to get the views of the major stakeholders, including the VA and the home mortgage industry.

Secondly, as written, some provisions are open to very wide interpretation. For example, there is a provision that provides a 12-month protection from foreclosure to those who are separated or retired because of a disability and rated by VA as permanently and totally disabled.

Since it's very rare that a servicemember would actually leave the military with a 100 percent rating from the VA and the VA adjudication process, as most of us know, can take months, if not years in some cases, how would this provision be implemented? That is left unclear in this amendment. For example, would a bank be required to give back a foreclosed home if the veteran was found several years later to be rated as totally and permanently disabled?

The amendment also contains a significant increase in penalties for violating SCRA provisions. And again, while I don't necessarily oppose the change, I think we need to hear from the legal community on these provisions.

With that, I reserve the balance of my time.

Mr. CUMMINGS. First of all, may I inquire as to how much time we have, Mr. Chairman?

The Acting CHAIR. The gentlemen on both sides have 2½ minutes remaining.

Mr. CUMMINGS. I yield 1½ minutes to the ranking member of the Armed Services Committee, the gentleman from Washington (Mr. SMITH).

Mr. SMITH of Washington. Mr. Chairman, I support this amendment.

I think Mr. MILLER raises some justifiable concerns about how much we're going to need to look into this further as we go forward. I believe we can be committed to doing that in conference and have that conversation.

But the biggest reason to pass this is because of the first thing it does, and that extends the current law that is set to expire for servicemembers who are deployed not being foreclosed. We have passed it in this Chamber; it has not passed in the Senate. If we put this into the Defense authorizing bill, it gives us another bite at the apple, another chance to make sure this passes without being sunsetted.

And then the other provisions I think are worthy expansions of the protection.

Now, just so we're clear, it doesn't expand it forever so that someone who's 100 percent service disabled would never be foreclosed upon. It merely gives the judge greater discretion to prohibit that foreclosure as long as justice would require, which I think is good protection for people who

are 100 percent service disabled and for surviving spouses and for the others that are added to this.

I think there is cause to further vet this. I personally pledge to work with the majority as we go forward to do that, but I think the amendment is worthy of support because of how important this issue is.

Mr. MILLER of Florida. I appreciate the ranking member drawing attention to the fact that this is bottled up in the Senate, even though it has passed the House in regards to the extending of the sunset provisions of the SCRA.

I would say that, to confirm our concerns, my staff actually talked with an expert on SCRA who was the author of the 2003 major revisions, and here were some of his concerns:

Nothing mandates that a deployed servicemember give notice of their deployment to the financial institution. Without this information, how will the institution know that the servicemember is now covered by these new protections under SCRA?

The current Web site that financial institutions use to see if somebody is on active duty does not differentiate between deployed and nondeployed, thereby making it extremely difficult for the financial institution to keep track.

What is going to be the duration of the protection for surviving spouses—which is something Mr. SMITH just brought up—and disabled veterans? Indefinitely? He says no. But will institutions be discouraged from making loans to servicemembers because of this potential problem?

If we believe that we should expand this protection to mortgages, why not extend the protections to other areas?

These are the types of complex questions that really should be thought out and reviewed by experts in this area under regular order. That is why we have committees in this process.

With that, I reserve the balance of my time.

Mr. CUMMINGS. Mr. Chairman, in reference to the argument about the deployment and notice, the Department of Defense has a long-standing database in place that lenders currently utilize to access this information, and I think that that would be sufficient with regard to that.

The question that the gentleman raises, Mr. MILLER, is a very good one with regard to the 100 percent disability. The amendment I've offered does not include those rated 100 percent disabled after multiple appeals. It only applies to those rated 100 percent disabled at the time of discharge. And you're probably right; it won't be but so many people.

Mr. MILLER of Florida. Will the gentleman yield?

Mr. CUMMINGS. I yield to the gentleman.

Mr. MILLER of Florida. I believe it says rated by VA. DOD makes a rating when you separate from service, and it says, VA. That is a problem because of the time that it takes for VA to do their rating.

Mr. CUMMINGS. Reclaiming my time, when we checked with VA within the last 2 hours, they said that the average is about 188 days. But be that as it may, I go back to what the ranking member said—we really ought to get this into conference. If there are issues that the gentleman is concerned about, perhaps they could be worked out at that time. But we've got servicemembers who are being abused right now. I know that, as chairman of Veterans', I know the gentleman wants to make sure that he protects our veterans.

So with that, I yield back the balance of my time.

Mr. MILLER of Florida. I would say that absolutely, if this were just an extension of SCRA to get past the sunset provisions, we would not have a problem with that. But I know, as any other Member in here, that the last thing we would want to do is to cause a problem for our veterans without thinking through all the potential consequences.

I would note that Mr. CUMMINGS introduced an identical piece of legislation, H.R. 5737, earlier this week, which would give the Committee on Veterans' Affairs an opportunity to review these issues. I would ask the gentleman to give our committee an opportunity to review this proposal in bill form through regular order. I pledge my commitment to work with you to make sure that your concerns are addressed in proper fashion.

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

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

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

Mr. CUMMINGS. 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 Maryland will be postponed.

AMENDMENT NO. 29 OFFERED BY MR. SABLAN

The Acting CHAIR. It is now in order to consider amendment No. 29 printed in House Report 112–485.

Mr. SABLAN. Mr. Chairman, 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 subtitle C of title X, add the following new section:

SEC. 1023. OVERHAUL, REPAIR, AND MAINTENANCE OF VESSELS IN THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.

Subsection (a) of section 7310 of title 10, United States Code, is amended—

(1) by striking ''the United States or Guam'' each place it appears and inserting ''the United States, Guam, or the Commonwealth of the Northern Mariana Islands''; and

(2) in the heading for such subsection, by striking ''UNITED STATES OR GUAM'' and inserting ''UNITED STATES, GUAM, OR COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS''.

The Acting CHAIR. Pursuant to House Resolution 661, the gentleman from the Northern Mariana Islands (Mr. SABLAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from the Northern Mariana Islands.

Mr. SABLAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me say at the outset that my amendment requires absolutely no Federal spending, nor is it in any way a precursor to future Federal spending. All I am proposing is that private businesses that may want to invest in the Northern Marianas and offer ship repair services to the United States military not be barred from that investment by Federal law.

We often hear it said that the Federal Government should not pick winners and losers. Yet under current law, naval vessels with a home port in the U.S. are prohibited from being overhauled, repaired, or maintained in a shipyard in the Northern Mariana Islands. My amendment fixes that inequity. It proposes to include the Northern Marianas as a U.S. jurisdiction where our military vessels may be serviced. It opens the opportunity for private businesses to do this work in the Marianas.

Businesses may not take advantage of the opportunity, we do not know, but there is no reason for our laws to foreclose this investment if it is feasible from a business point of view.

We also do not know whether the Navy will ever need repair capacity in the Northern Marianas, but we do know that the Department of Defense is realigning our forces to focus on Asia and the Pacific. We know that one area of impending buildup of military assets is the Marianas. So although there are sufficient repair facilities now, it would make good strategic sense for the Navy to have the option at least to repair its vessels in any U.S. jurisdiction in the Pacific region if that ever becomes necessary.

I can say for the record that the Navy has told me it has no opposition to my amendment. Governor Calvo, the Republican Governor of Guam, and the management of Guam's shipyard, who might be concerned about competition, instead actively support my proposal. They recognize that repair facilities in the Northern Marianas could at some point complement, not compete, with Guam and build the regional economy.

□ 2220

Governor Fitial, Republican Governor of the Northern Marianas, also supports changing the Federal law. The Marianas have been hit hard by recession. Lifting the existing prohibition on business investment could help our economy and help create jobs.

I urge my colleagues to support this no-cost, commonsense amendment, and I reserve the balance of my time.

OFFICE OF THE GOVERNOR OF GUAM,
Adelup, Guam, May 17, 2012.

Hon. HOWARD ''BUCK'' MCKEON,
House of Representatives,
Washington, DC.

Hon. ADAM SMITH,
House of Representatives,
Washington, DC

DEAR CHAIRMAN MCKEON AND RANKING MEMBER SMITH: In 2008, Congress passed PL 110–229, the Consolidated Natural Resources Act of 2008. This legislation was designed to alleviate the economic disadvantages created by the changes in visa requirements for our northern neighbor, the Commonwealth of the Northern Mariana Islands (CNMI), thus ensuring that the CNMI would be on equal footing with the rest of the United States in regard to economic development opportunities.

In order to avoid adverse economic impact on the CNMI PL 110–229 emphasized the economic synergies that could be generated from a regional economic approach which included Guam and the CNMI, as evidenced by PL 110–229's creation of the Guam-CNMI Visa Waiver Program.

Another area of economic opportunity for the CNMI that I believe could be generated through the regional economic approach is the amendment to 10 USC Sec. 7310 to allow U.S. Navy and U.S. flagged vessels to be repaired in the CNMI, as well as in the United States and Guam. The law was amended in 2006 to include Guam, and it would economically benefit the CNMI if it was further amended to include the CNMI. Already, I understand that several companies have expressed interest in establishing a ship repair facility in the CNMI, and I believe that such an economic opportunity would be consistent with regional economic intent of PL 11–229.

In order to expedite the elimination of this current barrier to the CNMI's development, Representative Sablan of the CNMI has submitted H.R. 4338. Respectfully, I request your positive consideration and support of H.R. 4338. I believe H.R. 4338 would ensure that our region is able to both benefit from the incredible changes which are taking place in our communities, as well as to allow us to support the vital needs of the United States in the future to the maximum extent of which we are capable. Thank you for your consideration of my request.

SINCERELY,
EDDIE BAZA CALVO.

GUAM SHIPYARD,
NAVAL ACTIVITIES BRANCH,
Santa Rita, Guam, May 18, 2012.

Hon. MADELEINE Z. BORDALLO,
House of Representatives,
Washington, DC.

DEAR CONGRESSWOMAN BORDALLO: I write in support of legislation to expand domestic ship repair locations covered by Section 7310 of Title 10 to include the Commonwealth of the Northern Mariana Islands (CNMI).

Currently, Section 7310 requires that vessels under the jurisdiction of the Secretary of the Navy, with a homeport in the United States or Guam, be overhauled, repaired and maintained in the United States or Guam, except in the case of voyage repairs. In March 2012 Congressman Sablan of the CNMI introduced H.R. 4338 which would amend Subsection (a) of Section 7310 10 by striking ''the United States, or Guam'' in each place where it appears, and replacing it with ''the United States, Guam, or the Commonwealth of the Northern Mariana Islands''. More recently, Congressman Sablan offered an amendment to H.R. 4310, the National Defense Authorization Act for FY–13, which would have the same effect.

At present, there is no shipyard in CNMI capable of overhaul, repair and maintenance of Navy ships. However, Guam Shipyard is in discussions with Governor Fitial, about leasing land at the Seaport to set up a small ship repair facility in Saipan. We believe there is a market there for fishing and other small vessels, and perhaps even small Navy vessels. However, the water depth and other physical constraints of the harbor at Saipan would not permit its use to overhaul, repair and maintain the large Navy ships which form the bulk of the work at Guam Shipyard. Thus, the shipyard we contemplate opening in Saipan would not compete with Guam Shipyard for the work it currently performs for the Navy.

As always, we greatly appreciate the leadership and long-standing support you have provided on behalf of domestic repair of Navy vessels, and especially ship repair in Guam. Your dedicated engagement in Washington on behalf of Guam Shipyard, has been instrumental in ensuring it remains a shipyard facility, ready and able to meet Navy ship repair requirements in the Western Pacific, now and in the future.

Sincerely,

MATHEWS POTHEN,
President and Chief Executive Officer.

Mr. MCKEON. Mr. Chair, I rise to claim time in opposition to the amendment.

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

Mr. MCKEON. I yield 2 minutes to the gentlewoman from Hawaii (Ms. HANABUSA), my friend and colleague on the committee.

Ms. HANABUSA. Mr. Chair, I rise in opposition to the Sablan amendment. The reason is that it really is not necessary at this time and, at this period of time when we have budget issues and we have sequestration issues, we don't need to tackle this one as well.

What the amendment seeks is to amend 10 USC 7310 subsection A, which basically states U.S. Navy vessels home ported in the United States or Guam may not be overhauled, repaired, or maintained in shipyards outside the United States or Guam, except for voyage repairs. This is being sought to be amended to include CNMI.

I'd like to say, first of all, that I understand perfectly well why my good friend and colleague from the Northern Mariana Islands wants to do this. I mean, he's representing his constituents. But the points against it are overwhelming.

First of all, the Navy states it has the requirement for a public or private sector ship maintenance facility in CNMI. And also the Navy currently says it can conduct repairs in CNMI, but there is limited pier space and no drydocking capability, and that they can do the work elsewhere for the Navy and for the Military Sealift Command.

In addition to that, the shipyard repair capacity in both public and private shipyards exists today in Pearl Harbor, Hawaii, Bremerton, Washington, and Guam for both the U.S. Navy and the MSC ships.

Now, the Navy has no future requirement for the repair capacity in the Pacific region. And it's been testified to that the buildup on Guam does not create a demand for additional ship repair capacity. So the Navy's current regional ship maintenance work log only minimally supports the current maintenance facilities in Guam, and we don't need any additional facilities.

In addition to that, the Navy officials have stated there is not enough U.S. Navy or MSC work in current and future operating plants. It is for these reasons that I regretfully oppose the amendment.

Mr. SABLAN. Mr. Chairman, I agree with my good friend and colleague from Hawaii that there is no need for large vessel repairs. Those are being presently performed in Honolulu, Hawaii, or on Guam. Actually, the letter to Ms. BORDALLO from Guam shipyard actually says this. It says the water depth and other physical constraints of the harbor of Saipan would not permit its use to overhaul, repair, and maintain large Navy ships, which form the bulk of work at Guam shipyard. So there is no disagreement with my good friend from Hawaii on this.

Thus, the shipyard we contemplate opening in Saipan would not compete with Guam shipyard for the work it currently performs for the Navy.

We're not asking for anything here. We're just asking for the authorization. It may not happen. But then again, it may. And we're not asking for money here. We're asking for authorization so that private businesses who want to do it, who find some capacity to do it, can come in and establish a shipyard or a small repair yard on Saipan in the Northern Marianas and do the work and compete for the business. And that's what we need to do here.

I reserve the balance of my time.

Mr. MCKEON. How much time do we each have?

The Acting CHAIR. The gentleman from California has 3 minutes. The gentleman from the Northern Mariana Islands has 1¾ minutes.

Mr. MCKEON. And we have the right to close?

The Acting CHAIR. That is correct.

Mr. MCKEON. We just have one more speaker, so I will reserve the balance of my time.

Mr. SABLAN. Mr. Chairman, I have no more speakers. I just urge my colleagues to join me in support of the amendment.

I yield back the balance of my time.

Mr. MCKEON. Mr. Chairman, I yield the balance of our time to the gentleman from Virginia (Mr. FORBES).

Mr. FORBES. Mr. Chairman, I thank the gentleman for yielding, and I want to join the distinguished lady from Hawaii in opposing this amendment, and also in her complimenting the gentleman who brought it. I know his motives are very good in trying to create jobs in his area.

The problem we have, as the gentlelady from Hawaii has stated, is that we already have authority to conduct repairs in the Mariana Islands at this particular point in time. The problem is that there's limited pier space, and there's no drydock capability.

To allow private sectors to invest huge monies, or to come back here later after we get the authorization to say we want more money from Congress to appropriate there would not be appropriate because, as the gentlelady from Hawaii said, we already have sufficient capacity, both in Pearl Harbor, in Washington, in California, and in Guam.

And to show that there are no requirements for this further ship repair capacity in the Pacific region, you can just look at last year, where the absence of need was perhaps best exemplified by the fact that the Navy only received one bid when it had a proposal from shipyards in the Pacific region for a long-term operating lease for the Guam ship repair facility property, and that bid was from the current Guam shipyard operator.

The distance from overseas home ports and from the regions in which the MSC ships operates makes a shipyard in the Mariana Islands prohibitive in terms of operating costs to and from there.

So, Mr. Chairman, I hope that Congress will not go down this line. At this particular point in time, the Navy has absolutely no additional requirements or needs that they have for this particular yard there. We are struggling, at this particular point in time, to keep the other yards going with the capacity that we currently have, and to invest this kind of investment there when we're not going to be able to take advantage of it would not be appropriate for us to do, this body at this time.

So with that, Mr. Chairman, I hope that we will defeat this amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from the Northern Mariana Islands (Mr. SABLAN).

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

Mr. SABLAN. 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 the Northern Mariana Islands will be postponed.

AMENDMENTS EN BLOC NO. 3 OFFERED BY MR. MCKEON

Mr. MCKEON. Mr. Chairman, pursuant to H. Res. 661, I offer amendments en bloc.

The Acting CHAIR. The Clerk will designate the amendments en bloc.

Amendments en bloc No. 3 consisting of amendment Nos. 35, 37, 44, 60, 63, 69, 71, 80, 84, 86, 87, 91, 94, 109, 110, 117, 130, 137, and 140, printed in House Report No. 112–485, offered by Mr. MCKEON of California:

AMENDMENT NO. 35 OFFERED BY MS. BROWN OF FLORIDA

At the end of subtitle G of title X of division A, add the following:

SEC. 10___. AUTHORITY FOR CORPS OF ENGINEERS TO CONSTRUCT PROJECTS CRITICAL TO NAVIGATION SAFETY.

The Secretary of the Army, acting through the Chief of Engineers, may accept non-Federal funds and use such funds to construct a navigation project that has not been specifically authorized by law if—

(1) the Secretary has received a completed Chief of Engineers' report for the project;

(2) the project is fully funded by non-Federal sources using non-Federal funds; and

(3) the Secretary finds that the improvements to be made by the project are critical to navigation safety.

AMENDMENT NO. 37 OFFERED BY MR. BACA OF CALIFORNIA

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

SEC. 1084. RIALTO-COLTON BASIN, CALIFORNIA, WATER RESOURCES STUDY.

(a) IN GENERAL.—Not later than 2 years after funds are made available to carry out this Act, the Secretary of the Interior, acting through the Director of the United States Geological Survey, shall complete a study of water resources in the Rialto-Colton Basin in the State of California (in this section referred to as the ''Basin''), including—

(1) a survey of ground water resources in the Basin, including an analysis of—

(A) the delineation, either horizontally or vertically, of the aquifers in the Basin, including the quantity of water in the aquifers;

(B) the availability of ground water resources for human use;

(C) the salinity of ground water resources;

(D) the identification of a recent surge in perchlorate concentrations in ground water, whether significant sources are being flushed through the vadose zone, or if perchlorate is being remobilized;

(E) the identification of impacts and extents of all source areas that contribute to the regional plume to be fully characterized;

(F) the potential of the ground water resources to recharge;

(G) the interaction between ground water and surface water;

(H) the susceptibility of the aquifers to contamination, including identifying the extent of commingling of plume emanating within surrounding areas in San Bernardino County, California; and

(I) any other relevant criteria; and

(2) a characterization of surface and bedrock geology of the Basin, including the effect of the geology on ground water yield and quality.

(b) COORDINATION.—The Secretary shall carry out the study in coordination with the State of California and any other entities that the Secretary determines to be appropriate, including other Federal agencies and institutions of higher education.

(c) REPORT.—Upon completion of the study, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes the results of the study.

AMENDMENT NO. 44 OFFERED BY MS. GRANGER OF TEXAS

At the end of subtitle D of title XII of division A of the bill, add the following:

SEC. 12xx. SALE OF F–16 AIRCRAFT TO TAIWAN.

The President shall carry out the sale of no fewer than 66 F–16C/D multirole fighter aircraft to Taiwan.

AMENDMENT NO. 60 OFFERED BY MR. CARSON OF INDIANA

At the end of subtitle E of title III, add the following new section:

SEC. 3___. SURVEY AND REPORT ON PERSONAL PROTECTION EQUIPMENT NEEDED BY MEMBERS OF THE ARMED FORCES DEPLOYED ON THE GROUND IN COMBAT ZONES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that, when sending members of the United States Armed Forces into combat, the United States has an obligation to ensure that—

(1) the members are properly equipped with the best available protective equipment and supplies; and

(2) the members, or their family and friends, never feel compelled to purchase additional equipment and supplies to be safer in combat.

(b) SURVEY REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall conduct an anonymous survey among members and former members of the Armed Forces who were deployed on the ground in a combat zone since September 11, 2001, requesting information on what kinds of personal protection equipment (such as body armor and ballistic eyewear) the member believes should have been provided to members during deployment but were not provided. The Secretary shall include in the survey questions about whether members, their families, or other persons purchased any personal protection equipment because the Armed Forces did not provide the equipment and the types and quantity of equipment purchased.

(c) REPORT ON RESULTS OF SURVEY.—Not later than 180 days after the completion of the survey required by subsection (b), the Secretary of Defense shall submit to Congress a report——

(1) describing the results of the survey;

(2) describing the types and quantity of personal protection equipment not provided by the Armed Forces and purchased instead by or on behalf of members of the Armed Forces to protect themselves;

(3) explaining why such personal protection equipment was not provided; and

(4) recommending future funding solutions to prevent the omission in the future.

AMENDMENT NO. 63 OFFERED BY MR. SMITH OF WASHINGTON

At the end of subtitle B of title III, add the following new section:

SEC. 3___. AUTHORITY OF SECRETARY OF A MILITARY DEPARTMENT TO ENTER INTO COOPERATIVE AGREEMENTS WITH INDIAN TRIBES FOR LAND MANAGEMENT ASSOCIATED WITH MILITARY INSTALLATIONS AND STATE-OWNED NATIONAL GUARD INSTALLATIONS.

(a) INCLUSION OF INDIAN TRIBES.—Section 103A(a) of the Sikes Act (16 U.S.C. 670c–1(a)) is amended in the matter preceding paragraph (1) by inserting ''Indian tribes,'' after ''local governments,''.

(b) INDIAN TRIBE DEFINED.—Section 100 of such Act (16 U.S.C. 670) is amended by adding at the end the following new paragraph:

''(6) INDIAN TRIBE.—The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.''.

AMENDMENT NO. 69 OFFERED BY MR. CRAVAACK OF MINNESOTA

At the end of section 352 (page 119, after line 9), add the following new subsection:

(e) SENSE OF CONGRESS ON THE ESSENTIAL SERVICE PROVIDED BY FIGHTER WINGS PERFORMING AEROSPACE CONTROL ALERT MISSIONS.—It is the sense of Congress that fighter wings performing the 24-hour Aerospace Control Alert missions provide an essential service in defending the sovereign airspace of the United States in the aftermath of the terrorist attacks upon the United States on September 11, 2001.

AMENDMENT NO. 71 OFFERED BY MR. CUMMINGS OF MARYLAND

Page 142, line 23, insert ''(and the Secretary of Homeland Security in the case of the Coast Guard)'' after ''Defense''.

Page 143, line 18, insert ''(and the Secretary of Homeland Security in the case of the Coast Guard)'' after ''Defense''.

Page 144, line 7, insert ''(and the Secretary of Homeland Security in the case of the Coast Guard)'' after ''Defense''.

Page 144, line 9, insert ''and the Secretary of Homeland Security'' after ''Defense''.

Page 144, line 10, insert ''the Commandant of the Coast Guard,'' after ''Staff,''.

Page 145, after line 24, insert the following new subsection:

(c) COAST GUARD REPORT.—

(1) ANNUAL REPORT REQUIRED.—The Secretary of Homeland Security shall prepare an annual report addressing diversity among commissioned officers of the Coast Guard and Coast Guard Reserve and among enlisted personnel of the Coast Guard and Coast Guard Reserve. The report shall include—

(A) an assessment of the available pool of qualified candidates for the flag officer grades of admiral and vice admiral;

(B) the number of such officers and personnel, listed by sex and race or ethnicity for each rank;

(C) the number of such officers and personnel who were promoted during the year covered by the report, listed by sex and race or ethnicity for each rank; and

(D) the number of such officers and personnel who reenlisted or otherwise extended the commitment to the Coast Guard during the year covered by the report, listed by sex and race or ethnicity for each rank.

(2) SUBMISSION.—The report under paragraph (1) shall be submitted each year not later than 45 days after the date on which the President submits to Congress the budget for the next fiscal year under section 1105 of title 31, United States Code. Each report shall be submitted to the Committee on Armed Services, the Committee on Transportation and Infrastructure, and the Committee on Homeland Security of the House of Representatives, and the Committee on Armed Services and the Committee on Commerce, Science, and Transportation of the Senate.

Page 168, line 14, insert ''(and the Secretary of Homeland Security in the case of the Coast Guard)'' after ''Secretary of Defense''.

Page 168, line 17, insert ''and the Coast Guard'' after ''Department of Defense''.

Page 169, lines 5 and 6, insert ''and the Coast Guard'' after ''Department of Defense''.

Page 169, line 14, insert ''(and the Secretary of Homeland Security in the case of the Coast Guard)'' after ''Secretary of Defense''.

Page 169, line 17, strike ''the Secretary of Defense considers'' and insert ''the Secretaries consider''.

Page 169, line 24, insert ''(and the Secretary of Homeland Security in the case of the Coast Guard)'' after ''Secretary of Defense''.

AMENDMENT NO. 80 OFFERED BY MR. THOMPSON OF CALIFORNIA

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

SEC. 5___. ADVANCEMENT OF BRIGADIER GENERAL CHARLES E. YEAGER, UNITED STATES AIR FORCE (RETIRED), ON THE RETIRED LIST.

(a) ADVANCEMENT.—Brigadier General Charles E. Yeager, United States Air Force (retired), is entitled to hold the rank of major general while on the retired list of the Air Force.

(b) ADDITIONAL BENEFITS NOT TO ACCRUE.—The advancement of Charles E. Yeager on the retired list of the Air Force under subsection (a) shall not affect the retired pay or other benefits from the United States to which Charles E. Yeager is now or may in the future be entitled based upon his military service or affect any benefits to which any other person may become entitled based on his service.

AMENDMENT NO. 84 OFFERED BY MR. SMITH OF WASHINGTON

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

SEC. 5___. DEPARTMENT OF DEFENSE SEXUAL ASSAULT AND HARASSMENT OVERSIGHT AND ADVISORY COUNCIL.

(a) IN GENERAL.—Chapter 7 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 188. Sexual Assault and Harassment Oversight and Advisory Council

''(a) ESTABLISHMENT.—There is a Sexual Assault and Harassment Oversight and Advisory Council (in this section referred to as the 'Council').

''(b) MEMBERSHIP.—(1) The Council shall be comprised of individuals appointed by the Secretary of Defense who are experts and professionals in the fields of sexual assault and harassment, judicial proceedings involving sexual assault or harassment, or treatment for sexual assault or harassment. At a minimum, the Council shall include as members the following:

''(A) The Director of the Sexual Assault Prevention and Response Office of the Department of Defense.

''(B) The Judge Advocates General of the Army, Navy, and Air Force.

''(C) A judge advocate from the Army, Navy, Air Force, and Marine Corps with experience in prosecuting sexual assault cases.

''(D) A Department of Justice representative with experience in prosecuting sexual assault cases.

''(E) An individual who has extensive experience in providing assistance to sexual assault victims.

''(F) An individual who has expertise the civilian judicial system with respect to sexual assault.

''(2) Subject to paragraph (3), members shall be appointed for a term of two years. A member may serve after the end of the member's term until the member's successor takes office.

''(3) If a vacancy occurs in the Council, the vacancy shall be filled in the same manner as the original appointment. A member of the Council appointed to fill a vacancy occurring before the end of the term for which the member's predecessor was appointed shall only serve until the end of such term.

''(c) CHAIRMAN; MEETINGS.—(1) The Council shall elect a chair from among its members.

''(2) The Council shall meet not less often than once every year.

''(3) If a member of the Board fails to attend two successive Board meetings, except in a case in which an absence is approved in advance, for good cause, by the Board chairman, such failure shall be grounds for termination from membership on the Board. A person designated for membership on the Board shall be provided notice of the provisions of this paragraph at the time of such designation.

''(d) ADMINISTRATIVE PROVISIONS.—(1) Each member of the Council who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for Executive Schedule Level IV under section 5315 of title 5, for each day (including travel time) during which such member is engaged in the performance of the duties of the Council. Members of the Council who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

''(2) The members of the Council shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, while away from their homes or regular places of business in the performance of services for the Council.

''(e) RESPONSIBILITIES.—The Council shall be responsible for providing oversight and advice to the Secretary of Defense and the Secretaries of the military departments on the activities and implementation of policies and programs developed by the Sexual Assault Prevention and Response Office, including any modifications to the Uniform Code of Military Justice, in response to sexual assault and harassment.

''(f) ANNUAL REPORT.—Not later than March 31 of each year, the Council shall submit to the Secretary of Defense and the congressional defense committees a report that describes the activities of the Council during the preceding year and contains such recommendations as the Council considers appropriate to improve sexual assault prevention and treatment programs and policies of the Department of Defense.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''188. Sexual Assault and Harassment Oversight and Advisory Council.''.

AMENDMENT NO. 86 OFFERED BY MR. TERRY OF NEBRASKA

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

SEC. 5___. MILITARY SALUTE DURING RECITATION OF PLEDGE OF ALLEGIANCE BY MEMBERS OF THE ARMED FORCES NOT IN UNIFORM AND BY VETERANS.

Section 4 of title 4, United States Code, is amended by adding at the end the following new sentence: ''Members of the Armed Forces not in uniform and veterans may render the military salute in the manner provided for persons in uniform.''.

AMENDMENT NO. 87 OFFERED BY MR. CARSON OF INDIANA

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

SEC. 704. MENTAL HEALTH ASSESSMENTS FOR MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Section 1074m of title 10, United States Code, is amended—

(1) in subsection (a)(1)—

(A) by redesignating subparagraph (B) and (C) as subparagraph (C) and (D), respectively; and

(B) by inserting after subparagraph (A) the following:

''(B) Once during each 180-day period during which a member is deployed.''; and

(2) in subsection (c)(1)(A)—

(A) in clause (i), by striking ''; and'' and inserting a semicolon; and

(B) by redesignating clause (ii) as clause (iii); and

(C) by inserting after clause (i) the following:

''(ii) by personnel in deployed units whose responsibilities include providing unit health care services if such personnel are available and the use of such personnel for the assessments would not impair the capacity of such personnel to perform higher priority tasks; and''.

(b) CONFORMING AMENDMENT.—Section 1074m(a)(2) of title 10, United States Code, is amended by striking ''subparagraph (B) and (C)'' and inserting ''subparagraph (C) and (D)''.

AMENDMENT NO. 91 OFFERED BY MS. JACKSON LEE OF TEXAS

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

SEC. 725. INCREASED COLLABORATION WITH NIH TO COMBAT TRIPLE NEGATIVE BREAST CANCER.

The Office of Health of the Department of Defense shall work in collaboration with the National Institutes of Health to—

(1) identify specific genetic and molecular targets and biomarkers for triple negative breast cancer; and

(2) provide information useful in biomarker selection, drug discovery, and clinical trials design that will enable both—

(A) triple negative breast cancer patients to be identified earlier in the progression of their disease; and

(B) the development of multiple targeted therapies for the disease.

AMENDMENT NO. 94 OFFERED BY MR. RIVERA OF FLORIDA

At the end of subtitle A of title VIII (page 297, after line 23), insert the following new section:

SEC. 802. PROHIBITION ON CONTRACTING WITH PERSONS THAT HAVE BUSINESS OPERATIONS WITH STATE SPONSORS OF TERRORISM.

(a) PROHIBITION.—The Department of Defense may not enter into a contract for the procurement of goods or services with any person that has business operations with a state sponsor of terrorism.

(b) DEFINITIONS.—In this section:

(1) STATE SPONSOR OF TERRORISM.—The term ''state sponsor of terrorism'' means any country the government of which the Secretary of State has determined has repeatedly provided support for acts of international terrorism pursuant to—

(A) section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)) (as continued in effect pursuant to the International Emergency Economic Powers Act);

(B) section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371); or

(C) section 40 of the Arms Export Control Act (22 U.S.C. 2780).

(2) BUSINESS OPERATIONS.—The term ''business operations'' means engaging in commerce in any form, including acquiring, developing, maintaining, owning, selling, possessing, leasing, or operating equipment, facilities, personnel, products, services, personal property, real property, or any other apparatus of business or commerce.

(3) PERSON.—The term ''person'' means—

(A) a natural person, corporation, company, business association, partnership, society, trust, or any other nongovernmental entity, organization, or group;

(B) any governmental entity or instrumentality of a government, including a multilateral development institution (as defined in section 1701(c)(3) of the International Financial Institutions Act (22 U.S.C. 262r(c)(3))); and

(C) any successor, subunit, parent entity, or subsidiary of, or any entity under common ownership or control with, any entity described in subparagraph (A) or (B).

AMENDMENT NO. 109 OFFERED BY MR. MEEHAN OF PENNSYLVANIA

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

SEC. 10___. REPORT ON DESIGNATION OF BOKO HARAM AS A FOREIGN TERRORIST ORGANIZATION.

(a) REPORT.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this section, the Secretary of State shall submit to the appropriate congressional committees—

(A) a detailed report on whether the Nigerian organization named ''People Committed to the Propagation of the Prophet's Teachings and Jihad'' (commonly known as ''Boko Haram''), meets the criteria for designation as a foreign terrorist organization under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189); and

(B) if the Secretary of State determines that Boko Haram does not meet such criteria, a detailed justification as to which criteria have not been met.

(2) FORM.—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex if appropriate.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term ''appropriate congressional committees'' means—

(A) the Committee on Homeland Security, the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(B) the Committee on Homeland Security and Governmental Affairs, the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate.

(b) RULE OF CONSTRUCTION.—Nothing in this section may be construed to infringe upon the sovereignty of Nigeria to combat militant or terrorist groups operating inside the boundaries of Nigeria.

AMENDMENT NO. 110 OFFERED BY MR. POMPEO OF KANSAS

At the end of subtitle H of title X of division A, add the following new section:

SEC. 10___. SENSE OF CONGRESS ON RECOGNIZING AIR MOBILITY COMMAND ON ITS 20TH ANNIVERSARY.

(a) FINDINGS.—Congress finds the following:

(1) On June 1, 1992, Air Mobility Command was established as the Air Force's functional command for cargo and passenger delivery, air refueling, and aeromedical evacuation.

(2) As the lead Major Command for all Mobility Air Forces, Air Mobility Command ensures that the Air Force's core functions of global vigilance, power, and reach are fulfilled.

(3) The ability of the United States to rapidly respond to humanitarian disasters and the outbreak of hostilities anywhere in the world truly defines the United States as a global power.

(4) Mobility Air Forces Airmen are unified by one single purpose: to answer the call of others so they may prevail.

(5) The United States' hand of friendship to the world many times takes the form of Mobility Air Forces aircraft delivering humanitarian relief. Since its inception, Air Mobility Command has provided forces for 43 humanitarian relief efforts at home and abroad, from New Orleans, Louisiana, to Bam, Iran.

(6) A Mobility Air Forces aircraft departs every 2 minutes, 365 days a year. Since September 11, 2001, Mobility Air Forces aircraft have flown 18.9 million passengers, 6.8 million tons of cargo, and offloaded 2.2 billion pounds of fuel. Many of these flights have assisted combat aircraft protection United States forces from overhead.

(7) The United States keeps its solemn promise to its men and women in uniform with Air Mobility Command, accomplishing 186,940 patient movements since the beginning of Operation Iraqi Freedom.

(8) Mobility Air Forces Airmen reflect the best values of the Nation: delivering hope, saving lives, and fueling the fight.

(b) SENSE OF CONGRESS.—It is the sense of Congress that, on the occasion of the 20th anniversary of the establishment of Air Mobility Command, the people of the United States should—

(1) recognize the critical role that Mobility Air Forces play in the Nation's defense; and

(2) express appreciation for the leadership of Air Mobility Command and the more than 134,000 active-duty, Air National Guard, Air Force Reserve, and Department of Defense civilians that make up the command.

AMENDMENT NO. 117 OFFERED BY MR. QUAYLE OF ARIZONA

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

SEC. 10___. CONSOLIDATION OF DATA CENTERS.

Section 2867 of the National Defense Authorization Act for Fiscal Year 2012 (10 U.S.C. 2223a note) is amended—

(1) in subsection (b)(2)—

(A) in subparagraph (A), by inserting after ''April 1, 2012,'' the following: ''and each year thereafter,''; and

(B) by adding at the end the following new paragraph:

''(C) ADDITIONAL ELEMENT.—The performance plan required under this paragraph, with respect to plans submitted after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2013, shall be consistent with the July 2011 Government Accountability Office report to Congress, entitled 'Data Center Consolidation Agencies Need to Complete Inventories and Plans to Achieve Expected Savings' (GAO–11–565), as updated by quarterly consolidation progress reports submitted by the Department of Defense to the Office of Management and Budget''; and

(2) in subsection (d)(1), by adding at the end the following: ''Beginning after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2013, such report shall include progress updates on consolidation goals achieved during the preceding fiscal year consistent with the framework outlined by the July 2011 Government Accountability Office report to Congress, entitled 'Data Center Consolidation Agencies Need to Complete Inventories and Plans to Achieve Expected Savings' (GAO–11–565), as updated by quarterly consolidation progress reports submitted by the Department of Defense to the Office of Management and Budget.''

AMENDMENT NO. 130 OFFERED BY MS. JACKSON LEE OF TEXAS

Page 725, after line 6, insert the following (and conform the table of contents):

SEC. 1696. ASSESSMENT OF OUTREACH FOR SMALL BUSINESS CONCERNS OWNED AND CONTROLLED BY WOMEN AND MINORITIES REQUIRED BEFORE CONVERSION OF CERTAIN FUNCTIONS TO CONTRACTOR PERFORMANCE.

No Department of Defense function that is performed by Department of Defense civilian employees and is tied to a certain military base may be converted to performance by a contractor until the Secretary of Defense conducts an assessment to determine if the Department of Defense has carried out sufficient outreach programs to assist small business concerns owned and controlled by women (as such term is defined in section 8(d)(3)(D) of the Small Business Act) and small business concerns owned and controlled by socially and economically disadvantaged individuals (as such term is defined in section 8(d)(3)(C) of the Small Business Act) that are located in the geographic area near the military base.

AMENDMENT NO. 137 OFFERED BY MS. TSONGAS OF MASSACHUSETTS

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

SEC. 28___. MASSACHUSETTS INSTITUTE OF TECHNOLOGY—LINCOLN LABORATORY IMPROVEMENT PROJECT.

(a) IMPROVEMENT AND MODERNIZATION PROJECT.—The Secretary of the Air Force

may enter into discussions with the Massachusetts Institute of Technology for a project to improve and modernize the Lincoln Laboratory complex at Hanscom Air Force Base, Massachusetts. The project may include modifications and additions to research laboratories, office spaces, and supporting facilities necessary to carry out the mission of the Lincoln Laboratory as a Federally Funded Research and Development Center (in this section referred to as ''FFRDC''). Supporting facilities under the project may include infrastructure for utilities.

(b) USE OF FACILITIES.—The right of the Massachusetts Institute of Technology to use such facilities and equipment shall be as provided by the FFRDC Sponsoring Agreement and FFRDC contract between the Department of Defense and the Massachusetts Institute of Technology.

(c) RULE OF CONSTRUCTION REGARDING CONSTRUCTION AUTHORITY.—Nothing in this section shall be construed to authorize the Secretary of the Air Force to carry out a construction project at Hanscom Air Force Base, Massachusetts, unless such project is otherwise authorized by law.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in the FFRDC Sponsoring Agreement and the FFRDC contract as the Secretary of the Air Force considers appropriate to protect the interests of the United States.

AMENDMENT NO. 140 OFFERED BY MR. CUMMINGS OF MARYLAND

At the end of title XXXV add the following:

SEC. 35___. IDENTIFICATION OF ACTIONS TO ENABLE QUALIFIED UNITED STATES FLAG CAPACITY TO MEET NATIONAL DEFENSE REQUIREMENTS.

(a) IDENTIFICATION OF ACTIONS.—Section 501(b) of title 46, United States Code, is amended—

(1) by inserting ''(1)'' before ''When the head''; and

(2) by adding at the end the following:

''(2) The Administrator of the Maritime Administration shall—

''(A) in each determination referred to in paragraph (1), identify any actions that could be taken to enable qualified United States flag capacity to meet national defense requirements;

''(B) provide each such determination to the Secretary of Transportation and the head of the agency referred to in paragraph (1) for which the determination is made; and

''(C) publish each such determination on the Internet site of the Department of Transportation within 48 hours after it is provided to the Secretary of Transportation.

''(3)(A) The Secretary of Transportation, in consultation with the Secretary of Homeland Security, shall notify the Committees on Appropriations, Transportation and Infrastructure, and Armed Services of the House of Representatives and the Committees on Appropriations, Commerce, Science, and Transportation, and Armed Services of the Senate—

''(i) of any request for a waiver of the navigation or vessel-inspection laws under this section not later than 48 hours after receiving the request; and

''(ii) of the issuance of any waiver of compliance of such a law not later than 48 hours after such issuance.

''(B) The Secretary shall include in each notification under subparagraph (A)(ii) an explanation of—

''(i) the reasons the waiver is necessary; and

''(ii) the reasons actions referred to in subparagraph (A) are not feasible.''.

The Acting CHAIR. Pursuant to House Resolution 661, the gentleman from California (Mr. MCKEON) and the gentleman from Washington (Mr. SMITH) each will control 10 minutes.

The Chair recognizes the gentleman from California.

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

Mr. Chair, I yield 1 minute to my friend and colleague, the gentleman from Florida (Mr. RIVERA).

Mr. RIVERA. Mr. Chairman, right now, I believe many Americans would be surprised, perhaps shocked to know that there are foreign businesses that also do business with terrorist nations that are currently engaged in contract and procurement activity with the Pentagon, with the Department of Defense. This, I believe, and I think most Americans would believe, is not only a threat to American security, but it is also threatening American jobs because these foreign businesses are taking opportunities from American-based businesses that could be contracting and procuring with the Pentagon.

□ 2230

This amendment would prohibit businesses that engage in business activity with terrorist nations—and those are nations that have been officially designated as sponsors of terrorism by our own government—from contracting and procurement opportunities with the Department of Defense.

This is an issue of protecting not only American security but of protecting American jobs, and I encourage its passage.

Mr. SMITH of Washington. I yield 2 minutes to the gentleman from Indiana (Mr. CARSON).

Mr. CARSON of Indiana. Mr. Chairman, this en bloc amendment includes two of my amendments.

The first seeks to address what many consider to be a serious mistake made by our military and this Congress over the last decade of war, that is, allowing some of our troops, including several of my constituents, to deploy without certain equipment that they need to be safe in combat. Instead, these troops had to rely on their families and friends to send them this vital equipment.

My amendment calls on the DOD to survey troops who have served since September 11 in order to find out what, if any, equipment they did without and what equipment they relied on family and friends to send them.

I want to be clear. This is not an effort to condemn our military or the Armed Services Committee. In fact, I applaud their valuable efforts in this area. Yet, now that we are winding down our war in Afghanistan and we are out of Iraq, we need to understand our mistakes to avoid making them again in future conflicts.

My second amendment is very simply a reintroduction of language adopted last year by unanimous consent but that was, unfortunately, removed in conference.

It addresses the fact that our servicemembers deployed in Afghanistan only receive mental health assessments prior to deployment and after returning home. Yet it is during deployment—in combat—that these events leading to mental health issues are most likely to occur. Over months of deployment without diagnosis or treatment, their performances could suffer; they could develop dangerous addictions; and in tragic but far too common instances, they could hurt themselves or others.

My amendment requires the DOD to provide mental health assessments to our troops during deployment, improving the chances of catching and treating PTSD and other issues early.

I ask all of my colleagues to stand up for the physical safety and mental well-being of our troops.

Mr. MCKEON. Mr. Chairman, I yield 1 minute to my friend and colleague, the gentleman from Pennsylvania (Mr. MEEHAN).

Mr. MEEHAN. Thank you for yielding, Mr. Chairman.

I rise today to urge the support for my amendment, which requires the Secretary of State to submit a report to the Congress explaining whether Boko Haram meets the criteria for designation as a foreign terrorist organization. If the Secretary determines that Boko Haram does not merit a foreign terrorist organization designation, the amendment would require the Secretary to inform Congress which criteria are not met.

Mr. Chairman, 6 months ago, the Department of Justice reached out to the Department of State in urging this determination. My committee, the Subcommittee on Counterterrorism and Intelligence, held hearings and issued a report identifying the activities of Boko Haram, which is an Islamist terrorist-based group based in Nigeria that has quickly evolved from wielding machetes to using deadly, vehicle-borne improvised explosive devices. This is the same kind of conduct that was conducted by other terrorist organizations, and only later did the Department identify them as FTOs.

I urge its support.

Mr. SMITH of Washington. I yield 1 minute to the gentlelady from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. I thank both the ranking member and the chair.

I have so much to say about this very passionate issue. I will quickly say that I have two amendments. One deals with outreach on behalf of small and minority businesses for defense contracts, and I truly believe it is enormously important for the vast number of those businesses; but I really rise today to talk about triple negative breast cancer, which has killed so many women.

I am very, very pleased to say that my amendment, with the Office of

Health within the Department of Defense, will identify specific genetic and molecular targets and biomarkers for triple negative breast cancer, provide information useful in biomarker selection, drug discovery, and clinical trial design that will enable both triple negative breast cancer patients to be identified in the progression of the disease and also to provide for therapies.

I do this in the loving memory of Yolanda Williams, whose funeral I spoke at last year. She was the daughter of Dr. Lois Moore and the wife of Mr. Williams, and she had two beautiful daughters. This wonderful, caring woman died so quickly because of triple negative breast cancer. Also, in the loving memory of Betty Sommer's daughter, Stacey Michelle Gaecke, she shares her story that she also died from triple negative breast cancer.

I ask for the support of my amendment.

Mr. Chair, I rise today in support of my amendment # 91 to H.R. 4310 ''National Defense Authorization Act,'' which would direct the Department of Defense Office of Health to work in collaboration with the National Institutes of Health to identify specific genetic and molecular targets and biomarkers for Triple Negative Breast Cancer, TNBC. In addition, my amendment is intended to result in information useful in biomarker selection, drug discovery, and clinical trials design that will enable both TNBC patients to be identified earlier in the progression of their disease and develop multiple targeted therapies for the disease.

Triple negative breast cancer is a specific strain of breast cancer for which no targeted treatment is available. The American Cancer Society calls this particular strain of breast cancer ''an aggressive subtype associated with lower survival rates.''

I offer this amendment in hopes that through a coordinated effort DOD and NIH can develop a targeted treatment for the triple negative breast cancer strain.

Breast cancers with specific, targeted treatment methods, such as hormone and gene based strains, have higher survival rates than the triple negative subtype, highlighting the need for a targeted treatment.

Today, breast cancer accounts for 1 in 4 cancer diagnoses among women in this country. It is also the most commonly diagnosed cancer among African American women. The American Cancer Society estimates that in 2011, more than 26,000 African American women will be diagnosed with breast cancer, and another 6,000 will die from the disease.

Between 2002 and 2007, African American women suffered a 39% higher death rate from breast cancer than other groups.

African American women are also 12% less likely to survive five years after a breast cancer diagnosis. One reason for this disparity is that African American women are disproportionally affected by triple negative breast cancer.

More than 30% of all breast cancer diagnoses in African Americans are of the triple negative variety. Black women are far more susceptible to this dangerous subtype than white or Hispanic women.

THE STORY OF YOLANDA WILLIAMS

Mr. Chair, last year, I spoke at a funeral for Yolanda Williams, one of my constituents in the 18th Congressional District of Texas. Yolanda died from her battle with triple negative breast cancer. Like many other women who are diagnosed with this aggressive strain, she did not respond to treatment. Yolanda, wife and mother of two daughters, was only 44 years old.

This strain of breast cancer is not only more aggressive, it is also harder to detect, and more likely to recur than other types. Because triple negative breast cancer is difficult to detect, it often metastasizes to other parts of the body before diagnosis. 70% of women with metastatic triple negative breast cancer do not live more than five years after being diagnosed.

Research institutions all over the nation have started to focus on this dangerous strain of breast cancer. In my home city of Houston, Baylor College of Medicine has its best and brightest minds working tirelessly to develop a targeted treatment for the triple negative breast cancer subtype. It is time for the Department of Defense to follow that example and commit additional funding to study the triple negative strain.

I urge my colleagues to join me in protecting women across the nation from this deadly form of breast cancer by supporting my amendment.

(FAST FACTS)

Breast cancer accounts for 1 in 4 cancer diagnoses among women in this country.

The survival rate for breast cancer has increased to 90% for White women but only 78% for African American women.

African American women are more likely to be diagnosed with larger tumors and more advanced stages of breast cancer.

Triple-negative breast cancer, TNBC, is a term used to describe breast cancers whose cells do not have estrogen receptors and progesterone receptors, and do not have an excess of the HER2 protein on their cell membrane of tumor cells.

Triple Negative Breast Cancer (TNBC) cells are:

Usually of a higher grade and size;

Onset at a younger age;

More aggressive;

More likely to metastasize.

TNBC also referred to as basal-like, BL, due to their resemblance to basal layer of epithelial cells.

There is not a formal detailed classification of system of the subtypes of these cells.

TNBC is in fact a heterogeneous group of cancers; with varying differences in prognosis and survival rate between various subtypes. This has led to a lot of confusion amongst both physicians and patients.

Apart from surgery, cytotoxic chemotherapy is the only available treatment, targeted molecular treatments while being investigated are not accepted treatment.

Between 10–17% of female breast cancer patients have the triple negative subtype.

Triple-negative breast cancer most commonly affect African-American women, followed by Hispanic women.

African-American women have prevalence TNBC of 26% vs 16% in non-African American women.

TNBC usually affects women under 50 years of age.

African American women have a prevalence of premenopausal breast cancer of 26% vs 16% for Non-African American women.

Women with TNBC are 3 times the risk of death than women with the most common type of breast cancer.

Women with TNBC are more likely to have distance metastases in the brain and lung and more common subtypes of breast cancer.

LETTER FROM BETTY SOMMER CAUSES FOR A CURE

It is with loving memory of my beautiful, loving, vivacious daughter, Stacey Michelle Gaecke, that I share her story. It is with great hope and fervent prayer that somehow, somewhere we will discover the unknown factors to be able to treat those unfortunate to be diagnosed with triple negative breast cancer.

I remember her sweet voice when she called to tell me that she had found a lump in her right breast, had made an appointment with her gynecologist, but was sure it wasn't anything and that I didn't need to come back to town to go with her as she would be fine. Of course, I was with her when her gynecologist acknowledged the mass in her breast, but indicated that because we had no history of breast cancer in our family and because of her tender young age, she truly felt that there was no reason for concern. Because my daughter-in-law was diagnosed with breast cancer at age 28, we knew that age and family history didn't mean there was no reason for concern. The doctor also agreed that next steps would be diagnostics.

On February 13, 2009 as she laid on the cold, hard table in the breast center, they told us, even before pathology, that they were relatively certain that it was breast cancer and that there was also lymph node involvement. I remember telling Stacey everything would be okay and with tears running down her cheeks, she said, ''I don't think so Mom.''

As anyone who has walked the cancer journey, the next weeks are a whirlwind of tests of all kinds, blood and lab tests and one doctor visit after another. When the path report came back and we were told that she had triple negative breast cancer, we knew it wasn't the best type to be diagnosed with, but had no idea how aggressive and deadly this sub-set of breast cancer is.

She had both a great oncologist and breast surgeon, but with the standard care of treatment currently administered; unfortunately, after weeks and weeks of chemo, this aggressive cancer began to grow again right before her bilateral mastectomy. After what appeared to be a successful surgery, although 9 of 13 lymph nodes showed involvement, she began with radiation that literally fried her skin and tissue to the point it looked like raw meat.

In October, 2009 her PET scan indicated that there was no cancer detected. We quickly learned not to use the words ''cancer free.'' In light of this great news, we took a family and friend cruise in November to celebrate her victory. It was a special time and even with the good news, I noticed that she was having trouble walking and complained of pain in her hips and legs. These symptoms continued, but none of the diagnostic testing showed any signs of cancer.

On Christmas Eve, 2009, Stacey ended up in the emergency room with a bad gallbladder and it was then doctors discovered that her breast cancer had metastasized to her lungs and her liver. When her surgeon showed our family pictures of her liver, it was unbelievable that in 2 short months her liver was close to 50% compromised. Triple negative breast cancer is extremely aggressive, fast spreading and seems to know how to dodge the chemicals and treatments that are currently given.

We took her home for Christmas knowing we would be lucky to have her with us for the next Holiday season. The following weeks revealed that there was also metastasis to the bones, which was what had been causing her pain even in November. From the time she came home at Christmas, she

lived in constant pain and had to be sedated heavily to the point that she slept most of the time.

She started on a clinical trial about the third week of January and with any success and with great hope, we could have our sweet girl with us for an anticipated 6 to 9 months. Because this cancer is so aggressive and so deadly, we left for a regular treatment on Friday, February 5th and within hours she was having unusual symptoms that sent us for testing, then to the hospital and on Monday, February 8th at 8:30 am, she took her last breath. We buried her on Saturday, February 13, 2010 . . . exactly one year from her diagnosis at age 39, leaving behind a husband and two sons, ages 10 and 12.

Within a year from her passing, we had another close friend, a beautiful young mom nearly the same age who left behind 3 beautiful children who will grow up without their mother. Young women and mothers are dying because, at this time, we are still treating with standard care of treatment. The same treatment for every type of breast cancer isn't going to stop the deaths of these young women. Triple negative resists this standard care of treatment and research is needed to identify specific genetic and molecular targets and biomarkers.

It is a mother's plea that we continue to find innovative research to put an end to, not only triple negative breast cancer, but to hopefully eradicate cancer within our lifetime.

RACE/ETHNICITY AND TRIPLE NEGATIVE BREAST CANCER

Worse survival for African American women with breast cancer has been reported by the National Cancer Institute Surveillance, Epidemiology, and End Results (SEER) registry, the Department of Defense database, large single-institution studies, and literature-based meta-analyses. After controlling for stage, demographics, socioeconomic variables, tumor characteristics, and treatment factors, racial disparity in survival existed among both premenopausal and postmenopausal women who were diagnosed with early-stage breast cancer. This racial disparity in survival among patients with early-stage breast cancer occurred in patients with both endocrine-responsive and nonresponsive tumors. African American women with breast cancer, especially those who are premenopausal, have a higher incidence of biologically more aggressive cancers with a basal-like subtype or that were triple negative (ie, lacking receptors for estrogen, progesterone, and HER2–neu).

The prevalence rates of the subtypes of breast cancer appear to differ by race. In studies of women in the United States and Britain, triple negative (or basal-like) tumors appear to be more common among black women, especially those who are premenopausal, compared to white women.

Distribution patterns of established breast cancer risk factors among 890 young breast cancer cases and 3,432 population-based controls

Mr. Chair, I rise to support my amendment #130 to H.R. 4310 ''National Defense Authorization Act,'' would require the Secretary of Defense prior to the awarding of defense contract to private contractors, to conduct an assessment to determine whether or not the Department of Defense has carried out sufficient outreach programs to include minority and women-owned small business.

Throughout my tenure in Congress, I have sponsored legislation that promotes diversity. I stand proudly before you today to call for renewed vigor in advocating and constructing effective policies that will make the United States the most talented, diverse, effective, and powerful workforce in an increasingly globalized economy.

This amendment will require the Department of Defense to consider the impact that changes to outsourcing guidelines will have on small minority and women owned business by requiring them to engage with these businesses.

Promoting diversity is more than just an idea it requires an understanding that there is a need to have a process that will ensure the inclusion of minorities and women in all areas of American life.

Small businesses represent more than the American dream—they represent the American economy. Small businesses account for 95 percent of all employers, create half of our gross domestic product, and provide three out of four new jobs in this country.

Small business growth means economic growth for the nation. But to keep this segment of our economy thriving, entrepreneurs need access to loans. Through loans, small business owners can expand their businesses, hire more workers and provide more goods and services.

The Small Business Administration, SBA, a federal organization that aids small businesses with loan and development programs, is a key provider of support to small businesses. The SBA's main loan program accounts for 30 percent of all long-term small business borrowing in America.

I have worked hard to help small business owners to fully realize their potential. That is why I support entrepreneurial development programs, including the Small Business Development Center and Women's Business Center programs.

These initiatives provide counseling in a variety of critical areas, including business plan development, finance, and marketing.

My amendment would require the Department of Defense to assess whether their outreach programs are sufficient prior to awarding contracts. The Department of Defense should investigate what impact their regulations have on minority and women owned small businesses.

Outreach is key to developing healthy and diverse small businesses.

Mr. SMITH of Washington. I yield back the balance of my time.

Mr. MCKEON. Mr. Chairman, I encourage all of our Members to support the en bloc amendments, and I yield back the balance of my time.

Mr. TERRY. Mr. Chair, I thank Chairman MCKEON and Ranking Member SMITH for accepting my amendment as part of this en bloc package.

In the last months of the Bush Administration, a change was made authorizing veterans and active-duty military not in uniform to render the military-style hand salute during the playing of the national anthem. Secretary of Veterans Affairs Dr. James B. Peake said at the time, ''The military salute is a unique gesture of respect that marks those who have served in our nation's armed forces. This provision allows the application of that honor in all events involving our nation's flag.''

This change, authorizing hand-salutes during the national anthem by veterans and out-of-uniform military personnel, was included in the Defense Authorization Act of 2009 and improved upon a little known change that was contained in the previous National Defense Authorization Act which authorized veterans to render the military-style hand salute during the raising, lowering or passing of the flag, but it did not address salutes during the national anthem.

These were important changes; however, they should have been broadened even further to authorize veterans and active-duty military not in uniform to render the military-style hand salute during the reciting of the Pledge of Allegiance.

Current Flag Code states that the Pledge of Allegiance to the Flag, ''I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all,'' should be rendered by standing at attention facing the flag with the right hand over the heart. When not in uniform, men should remove their headdress with their right hand and hold it at the left shoulder, the hand being over the heart. Persons in uniform should remain silent, face the flag, and render the military salute. (§ 4. Pledge of Allegiance to the flag; manner of delivery)

My amendment is an idea brought to us by our local VFW that simply seeks to create parity for veterans in and out of uniform who are reciting the Pledge of Allegiance. Veterans of this great nation take deep pride in being able to express honor in the way only veterans can, each time they reaffirm their pledge of allegiance to our great nation and its colors.

I thank Chairman MCKEON for his support of this amendment allowing vets to render a hand salute.

Mr. BACA. Mr. Chair I want to thank Chairman BUCK MCKEON and Ranking Member ADAM SMITH for their efforts.

I also want to thank Reps. GARY MILLER, DAVID DREIER, and KEN CALVERT—and Senator DIANE FEINSTEIN for their support of this bipartisan amendment.

My amendment directs the U.S. Geological Survey (USGS) to conduct a study of water resources in the Rialto-Colton Basin in California.

The USGS study would look at perch lorate contamination in the area's groundwater.

Perchlorate is a rocket fuel additive that impairs thyroid function in humans—and has been found to be harmful to women and children.

This contamination is the direct result of the area having been acquired by the U.S. Army in 1942—to develop an inspection, consolidation, and storage facility for weapons bound for the Port of Los Angeles.

Having lived in Rialto for decades, I am very aware of the perchlorate problem we have in our drinking water.

Currently the EPA is undertaking a $25 million dollar effort to clean up the contamination.

But for the efforts of the EPA to be successful, we must first know the full scope of the problem.

We can only gain this crucial information by conducting an extensive study—and my amendment would make this study a top priority for the USGS to expedite.

This study is critical to the health and well-being of my constituents.

The contamination at the Rialto site was measured at more than one thousand times the drinking-water standard for perchlorate, according to the EPA.

My constituents deserve to have clean drinking water for themselves, their families, and our future generations.

According to the USGS, groundwater makes up 79 percent of the available drinking water supply in the Inland Empire.

How much of this supply is polluted—we don't know; and we won't know unless the USGS does a comprehensive study!

I urge my colleagues to join me in bringing relief to the people of the Inland Empire—and to support my amendment.

Mr. GARY G. MILLER of California. Mr. Chair, I rise in support of the Baca amendment and I want to thank Chairman MCKEON and Ranking Member SMITH for their work on the underlying bill.

This amendment directs the U.S. Geological Survey (USGS) to conduct a study of water resources in the Rialto-Colton Basin in California.

The USGS study would look at perchlorate contamination in the area's groundwater.

Perchlorate is a rocket fuel additive that impairs thyroid function in humans—and has been found to be most harmful to women and children.

This contamination is the direct result of the area having been acquired by the United States Army in 1942 to develop an inspection, consolidation, and storage facility for weapons bound for the Port of Los Angeles.

Having lived near Rialto for decades, I am very aware of the perchlorate problem we have in our drinking water.

Currently the EPA is undertaking a $25 million dollar effort to clean up the perchlorate contamination.

In order for cleanup efforts to be successful, we must first know the full scope of the problem.

We can only gain this crucial information by conducting an extensive study.

The contamination at the Rialto site was measured at more than 1,000 times the drinking-water standard for perchlorate, according to the EPA.

Constituents of Southern California deserve to have clean drinking water for themselves, their families, and our future generations.

According to the USGS, groundwater makes up 79 percent of the available drinking water supply in the Inland Empire.

How much of this supply is polluted, we don't know; and we won't know unless the USGS does a comprehensive study!

I urge this body to join me in bringing relief to the people of the Inland Empire by supporting this amendment.

Again, I thank Representative BACA for putting forward this common sense amendment.

Mr. CALVERT. Mr. Chair, I rise today in support of the Baca Amendment to the National Defense Authorization Act. This amendment would provide needed funds for the U.S. Geological Survey to complete a comprehensive study of perchlorate contamination in the Rialto-Colton Basin in California.

This perchlorate contamination is a direct result of U.S. Army activities in the region beginning in 1942 for the inspection, consolidation, and storage of ordnance bound for the Port of Los Angeles and the use of perchlorate salts and solvents in these activities. Perchlorate is a known toxin that impairs thyroid function and can cause a broad array of adverse health conditions.

Contamination in the ground water has been measured at 1,000 times the EPA drinking-water standard for perchlorate. And the EPA is currently involved in a massive $25 million dollar effort to clean up the contamination. However, an in depth analysis of the perchlorate plume in the basin has not yet been conducted. For the efforts of the EPA and other agencies to be ultimately successful, we must know the full scope of the problem.

The study supported by this amendment will provide much needed data regarding the extent of groundwater contamination in the Rialto-Colton Basin. This information is invaluable to providing a safe reliable water supply to the residents of the Inland Empire and to cleaning up environmental contamination 70 years in the making.

Mr. HARPER. Mr. Chair, I rise today in support of my amendment, numbered 35, to the National Defense Authorization Act. This straight forward amendment requests a review and study by the Secretary of the Air Force on the decision to cancel or consolidate the Air National Guard Component Numbered Air Force Augmentation Force in Fiscal Year 2013.

This Air National Guard Augmentation Force enhances Active Duty Air and Space Operations Centers, or AOCs, across the Continental U.S. and across the globe on a regular basis. They support each AOC's respective mission and provide a rapid and familiar response to ensure mission success. Many AOCs have stated bluntly that their work would be greatly degraded if their Augmentation Force went away.

This amendment quite simply requests a review of the United States Air Force's decision to consolidate and cancel some of these Groups in the FY13 budget to ensure this decision is indeed cost effective and does not harm national security. The Air Force's Total Force Integration Phase IV Memo recognized the need for additional augmentation units, I now question how and if that need has subsided, and if it has, what has diminished it. I would like to thank our troops at home and abroad for their service in keeping this country safe. I would also like to thank the Chairman and Ranking Member of the House Armed Services Committee for their hard work on this year's Defense Authorization bill.

The Acting CHAIR. The question is on the amendments en bloc offered by the gentleman from California (Mr. MCKEON).

The en bloc amendments were agreed to.

AMENDMENT NO. 30 OFFERED BY MR. JOHNSON OF GEORGIA

The Acting CHAIR. It is now in order to consider amendment No. 30 printed in House Report 112–485.

Mr. JOHNSON of Georgia. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

In title X, strike section 1064 and insert the following:

SEC. 1064. FINDINGS ON DEPLOYMENT OF TACTICAL NUCLEAR FORCES IN THE WESTERN PACIFIC REGION.

Congress finds the following:

(1) The United States and allied forces are currently capable of responding to aggression by the Democratic People's Republic of Korea (''North Korea'').

(2) The deployment of tactical nuclear weapons to the Republic of Korea (''South Korea'') would destabilize the areas of responsibility of the United States Pacific Command and United States Forces Korea.

(3) Such deployment would not be in the national security interests of the United States.

The Acting CHAIR. Pursuant to House Resolution 661, the gentleman from Georgia (Mr. JOHNSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. JOHNSON of Georgia. My amendment would strike language in the bill directing the administration to consider redeploying tactical nuclear weapons to the western Pacific region, and it would replace that language with a finding that such a deployment would not be in the best national security interests of the United States. The irresponsible language in the bill has already provoked a strong negative reaction from the South Korean Government and has forced the State Department to clarify that deploying nuclear weapons in South Korea is not on the table.

Tactical nuclear weapons would be extremely destabilizing in the region. It would accelerate North Korea's development of nuclear weapons, and America would lose its moral ground in its diplomatic efforts to persuade North Korea to give up its nuclear weapons.

It would undermine decades of diplomatic efforts to secure a nuclear-free Korean Peninsula, especially the Joint Declaration on Denuclearization of the Korean Peninsula which both North and South Korea signed in 1991; and it would dramatically heighten tensions with China, perhaps with Russia, whose leaders would be understandably concerned by American tactical nuclear weapons in their backyards. Mr. Chairman, our forces in the region, including our ballistic missile submarines, our intercontinental ballistic missiles, Tomahawk cruise missiles, B–52 and B–2 bombers, are fully capable of countering North Korea.

I would quote General Walter Sharp, recently retired as commander of U.S. forces in Korea, who said less than 1 year ago:

> I don't believe tactical nuclear weapons need to return to the Republic of Korea. The U.S. has sufficient capabilities from stocks in different places around the world in order to be able to do what we need to do to be able to deter North Korea from using nuclear weapons. They don't have to be stationed here in Korea for either deterrent capability or use capability.

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

□ 2240

Mr. MCKEON. Mr. Chairman, I rise in opposition to this amendment.

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

Mr. MCKEON. Mr. Chairman, I yield 2 minutes to my friend and colleague, a member of the committee, the gentleman from Arizona (Mr. FRANKS).

Mr. FRANKS of Arizona. I thank the gentleman.

Mr. Chairman, I would say first and foremost that the true destabilizing force in the Western Pacific today is nuclear weapons in the hands of North Korea. There have been many efforts to try to pursue solutions in that regard: six-party talks and many different things. It is time that the United States have some additional options. The language in the NDAA that we have merely says that we need a report to be conducted regarding the efficacy of additional nuclear or conventional weapons in the Western Pacific region. It technically doesn't even mention South Korea. It is true that the South Korean people and some of the South Korean leaders have debated and some of them are arguing for the redeployment of the tactical nuclear weapons on the peninsula because they see North Korea's nuclear forces as the most destabilizing aspect.

This amendment that the gentleman puts forward simply says that it would not be in the national security interests of the United States, and I think that that's not in evidence at this point. I believe that having this language in our defense bill actually strengthens the administration's hand to promote some sort of a more just solution here and takes the country and the world in a safer direction.

Mr. Chairman, the bottom line is that I believe this amendment should be opposed, and the language in the NDAA should be preserved.

Mr. JOHNSON of Georgia. Mr. Chairman, I yield 1 minute to the good ranking member of the House Armed Services Committee, the gentleman from Washington (Mr. SMITH).

Mr. SMITH of Washington. Mr. Chairman, this amendment makes an enormous amount of sense. There is no question North Korea is a threat, but there are two very salient points. First of all, as Mr. JOHNSON stated, we have a number of troops in South Korea. We have a number of options, including nuclear submarines and bombers in the region. We have on the table what we need to deal with that threat militarily.

Yes, Mr. FRANKS had an amendment in the committee that asked us to look at ways to expand that, including the possibility of deploying tactical nuclear weapons to the region, which I think is very dangerous to talk about. But specifically, it would be very dangerous to deploy those tactical nuclear weapons to South Korea. That's why this amendment is limited to saying that that would be a bad idea.

We all remember the Cuban missile crisis, how people are likely to react to nuclear weapons being deployed close by them. And North Korea is hardly a predictable actor. I can say with quite a great deal of confidence that if we were to put tactical nuclear weapons in South Korea, it would be an incredibly dangerous thing to do in terms of predicting how North Korea would react.

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

Mr. JOHNSON of Georgia. Mr. Chairman, I yield the gentleman an additional 30 seconds.

Mr. SMITH of Washington. This amendment simply states what I think is the obvious: It would be a bad idea to put tactical nuclear weapons into South Korea. To some degree, it makes more—rational perhaps is too strong a word—user friendly Mr. FRANKS' amendment in the committee, by at least making it clear that this very bad option for our national security interests is not going to be contemplated.

This amendment says that we should not put tactical nuclear weapons into South Korea. I think that is clearly the right policy, and I urge adoption.

Mr. MCKEON. May I inquire if the gentleman has any more speakers?

Mr. JOHNSON of Georgia. I have no speakers, and I'm prepared to close.

The Acting CHAIR. The gentleman from California has the right to close.

Mr. MCKEON. Then I reserve the balance of my time.

The Acting CHAIR. The Chair recognizes the gentleman from Georgia.

Mr. JOHNSON of Georgia. Mr. Chairman, my friend, Congressman FRANKS from Arizona, cited the fact that he believes that this language that I seek to remove from the NDAA actually strengthens the administration's hand. I would submit that what it does is imposes on the administration—insofar as delicate negotiations and diplomacy are being invoked—to try to convince the North Koreans that it's in their best interest to abandon their nuclear aspirations.

I yield back the balance of my time.

Mr. MCKEON. Mr. Chairman, I yield the balance of my time to my friend and colleague, the gentleman from Ohio (Mr. TURNER).

Mr. TURNER of Ohio. Thank you, Chairman MCKEON.

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

The Johnson amendment strikes from this bill the call for a study. A study is just the obtaining of knowledge. It strikes in this bill a study on what our options need to be in response to an increasing threat from North Korea. This study is necessary for us to understand what our options are.

What has changed? Why are we concerned about North Korea? Why do we need to pursue these options? One, we know that they most recently have unveiled a road-mobile missile launcher that Secretary Gates has said is an ICBM that puts the United States mainland directly at risk. Secondly, Secretary Panetta testified in front of our committee that there appears to be a link between China and the road-mobile missile launchers that we've seen and perhaps the missile technology, and we know that North Korea has been pursuing nuclear capabilities.

Our normal response to this has been our missile defense capability, where we've tried to bolster our missile-defense capability as North Korea gets increasingly dangerous in its quest to reach the United States with ICBMs and again a nuclear-capable North Korea. But we have grave concerns as to whether or not our missile-defense system would be there in order to be able to protect us. That's why we need to pursue additional options, because we continue to have from the other side of the aisle amendments to reduce our missile defense.

At the same time we know that the President most recently was caught in an open-mic discussion with the President of Russia, President Medvedev, indicating that after the election had occurred in the United States, when he would have, as he described it, more flexibility, that he would address the issue of missile defense. So we know that the President in his discussions with Russia has a secret deal that's supposed to be unveiled after the election that can't see the light of day during this election, holding the American people hostage to what its terms are. As this secret deal proceeds, this President could continue to weaken our missile-defense system as we have the rise of North Korea.

Mr. FRANKS in his amendment in our committee merely asks for information and for a study. What should our response be as we see North Korea reaching for capability to reach the United States? We know of their nuclear capability. We've seen them unveil their road-mobile missile launchers, and we know that this President, in his secret deals with the Russians, has said, I'm looking for greater flexibility in missile defense.

Our only defense currently for North Korea and its quest for missile technology that can reach the United States—this is important that we rise to the issue of asking the question, as Mr. FRANKS has, what do we need to do, especially in light of the President's secret deal with the Russians.

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

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

Mr. JOHNSON of Georgia. 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 Georgia will be postponed.

AMENDMENT NO. 31 OFFERED BY MR. JOHNSON OF GEORGIA

The Acting CHAIR. It is now in order to consider amendment No. 31 printed in House Report 112–485.

Mr. JOHNSON of Georgia. Mr. Chairman, 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 subtitle E of title X, add the following new section:

SEC. 1065A. REPORT ON PLANNED REDUCTIONS OF NUCLEAR WEAPONS OF THE UNITED STATES.

Not later than January 15, 2013, the Secretary of Defense and the Chairman of the Joint Chiefs of Staff shall jointly submit to the congressional defense committees a report on whether—

(1) the planned reductions to the number of nuclear weapons of the United States pursuant to the levels set forth under the New START Treaty are in the national security interests of the United States; and

(2) such reductions should continue.

The Acting CHAIR. Pursuant to House Resolution 661, the gentleman from Georgia (Mr. JOHNSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

□ 2250

Mr. JOHNSON of Georgia. Mr. Chairman, this amendment would direct the chairman of the Joint Chiefs and the Secretary of Defense to report to Congress regarding the impact on national security of reducing our nuclear weapons stockpiles, as required by the New START Treaty.

For strong supporters of New START, such as myself, it's self-evident that reducing our stockpiles when we already have the capacity to destroy the Earth many times over is clearly in our national security interest. But I understand that there is some doubt amongst my colleagues on the other side of the aisle. I respect those views, and we should address them.

So this amendment offers a simple solution, that is, let's require our senior military leadership to give us their views. I believe that my view, which is that cutting our nuclear stockpiles is perfectly consistent with our security interests, would be validated. But in the national interest, it seems not only prudent but essential to put that question to our senior military leadership. And I'm willing to do that, even if it risks me getting back the wrong answer, or an answer that I don't want to hear.

I'm, frankly, surprised this amendment is controversial because it's just common sense. I would ask any colleague who opposes this amendment why they wouldn't want to hear the views of our military leadership, why would we not want to hear from our senior commanders on this issue? Is there any valid reason? Let's ask our military leadership and get the expert opinions we need to move forward with a clear understanding of the policy's implications.

I reserve the balance of my time.

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

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

Mr. MCKEON. I yield 2 minutes to my friend and colleague from Ohio (Mr. TURNER).

Mr. TURNER of Ohio. Mr. Chairman, I am in opposition to redundant reporting and requests on items that are already available. Section 1045 of the FY12 National Defense Authorization Act, condition nine of the Senate's resolution of ratification for the New START Treaty, already requires almost exactly the same report as this amendment would require. But the President—not the Secretary of Defense or the chairman of the Joint Chiefs of Staff—is required to provide this report forward.

The report is required to be submitted whenever there is a shortfall in funding from the section 1251 plan levels. Because the FY12 omnibus appropriations resulted in a 5 percent shortfall, the reporting requirement was triggered, and the report was due in February. Congress has yet to receive the report. So perhaps one of the things that we need to do is to just have the administration file the reports that are already being requested instead of requiring an additional report.

This amendment is duplicative of an existing reporting requirement. We think that we should work together to ensure that the administration provides us with the reports that are already due.

We too have very serious concerns as to how this administration is moving forward with its New START implementation. Part of the concerns that we have, obviously, is that the preamble to the New START agreement includes a statement that the Russians state that our missile defense system is part of the overall effect of the balance between the two nations. The administration says that the preamble, referring to missile defense, does not apply. But yet we see the President in an open-mic discussion with Medvedev saying, After the election, I will have greater flexibility on missile defense.

So there is some confusion as to whether or not this administration believes that missile defense and New START are tied together. We certainly are going to look for a greater illumination by this President of what his secret deal is and whether or not it involves New START.

Part of the discussion that we have in the reports that are due is holding this administration accountable to answer the questions that are already on the table, file the section 1045 report that was due in February and answer the question, What's the secret deal?

Mr. JOHNSON of Georgia. I yield myself 15 seconds to point out that the voluminous report that my colleague on the other side just referred to, that was included in last year's NDAA and has not been submitted. I'm just asking for a simple report.

I yield 2 minutes to my colleague from Washington.

Mr. SMITH of Washington. Mr. Chairman, I am just asking for a simple yes or no answer instead of a long report. Is this in the national security interest or isn't it? I think that's a worthy thing to get a straightforward answer to.

But I want to talk one last time about the alleged secret deal that's been spoken of. And I must compliment Mr. TURNER. He obviously went to an excellent propaganda school. If you keep saying something over and over again, even though there is not a shred of evidence to support it, eventually people will believe that there might actually be something there, even though it is a complete fabrication.

There is no secret deal. The President would like to negotiate with Russia in a way to better protect our national security over missile defense. That is what he said. Yet they keep saying ''secret deal,'' as if something exists when there is not a shred of evidence that it does. And it is absolutely clear-cut that all the President was saying was that during an election year, an issue like this would be subject to demagoguery precisely like this, and it would be difficult to do.

Now, the gentleman from Ohio (Mr. TURNER) and others will probably oppose whatever agreement the President might be able to reach in the future with the Russians. And that's fine. We can have a robust debate about it.

But to continue to stand up here on the floor and talk about a secret deal Mr. TURNER knows doesn't exist is very disingenuous and not helpful to the larger debate. We can have the debate about what we should be negotiating with the Russians and shouldn't be.

Some long for the days of the Cold War, wish we could go back to a full-blown confrontation with Russia. I don't, and the President doesn't. He would like to find a way where we can work together to create a more peaceful world. I would like to give him the opportunity.

But no deal exists, secret or otherwise. There is not a shred of evidence for that. Yet we keep hearing that said, and we know why we keep hearing it said, so it can be demagogued, so people can begin to believe something exists when there is absolutely not a shred of evidence that it does.

I urge support for the gentleman from Georgia's amendment and for people to try to break through all of that and understand that just because the words ''secret deal'' keep being said doesn't change the fact that there is no such thing.

Mr. MCKEON. Mr. Chair, how much time remains?

The Acting CHAIR. The gentleman from Georgia has 45 seconds. The gentleman from California has 3 minutes.

Mr. MCKEON. I yield myself 1 minute.

We have had this back-and-forth about the President's comments. But enough of us heard it—in fact, I think we heard it over and over and over from the media, with the President on an open mic saying—and I don't think there's any dispute about this—Please take back to Mr. Putin that I will have greater flexibility after the election.

You know, we could debate whether or not there's a secret deal, but I don't

think there's any debate to the fact that the President said that, not wanting the general public to realize that he said that, but he did say it. So that leaves a question in America's mind of what he was talking about.

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

Mr. MCKEON. I yield myself an additional 15 seconds.

You have to be a little concerned, a little nervous if he's that interested in sending a message to Mr. Putin that after the election, I will have a little more leeway. I think it's very important. Why not lay it out for the American people? What did he mean when he said he would have more leeway? What does he plan to do with that additional leeway? I would like to see the President go to the American people and say that.

I reserve the balance of my time.

Mr. JOHNSON of Georgia. Mr. Chairman, what did he say? Well, it doesn't matter because whatever he said, please know that treaties have to be confirmed or ratified by the Senate with a two-thirds majority.

Mr. Chairman, let's ask our military leadership whether the New START military reductions are in our security interests, whether it vindicates supporters of arms control, like myself, or vindicates those who believe we need to build more. Let's get that answer from the people who are in the best position to answer the question. And those people are our leaders in the military and in the Defense Department.

I yield back the balance of my time.

Mr. MCKEON. Mr. Chairman, I yield the balance of my time to the gentleman from Ohio (Mr. TURNER).

Mr. TURNER of Ohio. We certainly share our concern with the other side of the aisle as to how New START will be implemented and its effect on our missile defense system.

The issue of President's secret deal with the Russians is not really one that's open to interpretation. This is not some speculation. This is not an issue of my opinion that there's a secret deal. You can go to YouTube and type in ''President Obama, Medvedev,'' and you will see them sitting with an open mic.

□ 2300

You will, with your own ear, hear the President say, This is my last election, which should be offensive to every person in the electorate because it says, As soon as I am free from having to respond to the election process or to the electorate, I will be—and what he says is: I will have more flexibility after my election. That's freedom. He asks for space from Mr. Medvedev, who said, gleefully, it seemed to me—and that is editorializing—I'll go tell Vladimir. So Vladimir knows something we don't.

So we can say, Well, what does Vladimir know? Well, we know that Putin said in a March 2, 2012, interview with RIA Novosti about the President and his negotiations on missile events:

They made some proposals to us which we virtually agreed to and asked them to get them down on paper. They made a proposal to us just during the talks, they told us: We would offer you this, this, and that. We did not expect this, but I said, we agree.

This is Putin saying this—We agree. Now that's a deal. When the other side says, we agree, that's a deal.

Do we know what the terms are? No. That's a secret. So a secret deal on missile defense is something we know is happening. You can go to YouTube and see the President talking to Medvedev. You can see him saying, I'm going to go tell Vladimir. You can look up Mr. Putin's interview on March 2, 2012, when he says his response was, we agree.

And what's the President's response when we ask, What are the terms of this deal, Mr. President—the terms that you won't let the Republican see? He says, Nothing.

The Acting CHAIR. All time having expired, the question is on the amendment offered by the gentleman from Georgia (Mr. JOHNSON).

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

Mr. JOHNSON of Georgia. 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 Georgia will be postponed.

AMENDMENT NO. 32 OFFERED BY MR. PRICE OF GEORGIA

The Acting CHAIR. It is now in order to consider amendment No. 32 printed in House Report 112–485.

Mr. PRICE of Georgia. I have an amendment made in order under the rule.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

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

SEC. 1066. PROHIBITION ON UNILATERAL REDUCTION OF NUCLEAR WEAPONS OF THE UNITED STATES.

(a) IN GENERAL.—Chapter 24 of title 10, United States Code, as added by section 1051, is amended by adding at the end the following:

''§ 498. Prohibition on unilateral reduction of nuclear weapons

''The President may not retire, dismantle, or eliminate, or prepare to retire, dismantle, or eliminate, any nuclear weapon of the United States (including such deployed weapons and nondeployed weapons and warheads in the nuclear weapons stockpile) if such action would reduce the number of such weapons to a number that is less than the level described in the New START Treaty (as defined in section 130f(c) of this title) unless such action is—

''(1) required by a treaty or international agreement specifically approved with the advice and consent of the Senate pursuant to Article II, section 2, clause 2 of the Constitution; or

''(2) specifically authorized by an Act of Congress.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''498. Prohibition on unilateral reduction of nuclear weapons.''.

The Acting CHAIR. Pursuant to House Resolution 661, the gentleman from Georgia (Mr. PRICE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. PRICE of Georgia. Mr. Chairman, as we have been hearing all night, earlier this year in a conversation between President Obama and the Russian President the microphone was left open inadvertently and the President pleaded for ''space'' and promised ''flexibility'' on the issue of missile defense after his reelection. And though this conversation was not intended for public consumption, the President's comments were clearly deliberate.

The President believes in a world without nuclear weapons. That would indeed be wonderful. He also apparently believes that unilateral reduction of our capabilities will be met by others following suit and reducing their arsenals if only the U.S. gives up its nuclear weapons first. That's not reality, Mr. Chairman.

Since the end of the Cold War, the United States has eliminated over 80 percent of its nuclear weapons arsenal. Yet instead of others following our lead, new nuclear weapon players, such as North Korea, have emerged. India and Pakistan tested their nuclear weapons in the 1990s.

Following the ratification of the new START treaty with Russia, Moscow started the most extensive nuclear weapon modernization program since the end of the Cold War. President George W. Bush offered to cooperate with Russia on missile defense, believing there was a collective interest in defending against emerging threats from nations like Iran and North Korea. Such cooperation, however, has proven elusive, with Russia being less interested in cooperating against Iran than in degrading our missile defense capability.

Clearly, countries have their own motives and security interests that are not necessarily derived from the United States' actions. President Obama seems resolved to push forward regardless, even if that means compromising our own missile defense capabilities. This is reckless and dangerous in today's world. Iran is getting ever closer to developing a nuclear weapon and consistently threatens Israel, openly calling for that Nation's destruction. In the wake of Kim Jong Il's death, North Korea continues to move forward with its latest test firing of a long-range missile.

This amendment would ensure that without a treaty approved by the Senate or an authorization by an act of Congress, the President may not reduce our nuclear arsenal. Please join me in limiting the ''space'' and the ''flexibility'' that this President desires, further putting our Nation's security at risk.

I urge support of the amendment, and reserve the balance of my time.

Mr. SMITH of Washington. I rise to claim time in opposition.

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

Mr. SMITH of Washington. We have over 5,100 nuclear warheads. Now I have seen it cited at one point that that gives us the power to destroy the Earth 23 times. I will confess that I have not done an extensive fact check on that estimate. So let's just say it's only 10 times. That we have the nuclear capability to destroy the Earth 10 times—less than half of what some of the estimates have been.

That strikes me and I think every other rational observer as a more than sufficient deterrent. This is not a matter of saying that we're going to get rid of all of our nuclear weapons and hope that everybody else does. It's a matter of recognizing the expense of maintaining that stockpile versus some other choices that could be involved in protecting our national security.

And I know a number of Members on both sides of the aisle in this committee can look at shipbuilding, at planes, at support for our troops, and imagine a number of different ways that we could spend that money more effectively on national defense, not to mention the deficit.

It's a very simple opposition to this argument. If this President or any President determines that it's in our best interest to reduce that stockpile, he should be able to propose it. Now it's a budget item. It has to come through Congress. It has to be debated.

But the larger point is, again, we have over 5,100 nuclear warheads. Now it's true that we used to have even more than that. We used to have the capability to destroy the war beyond what I think we could even imagine. But we have more than a sufficient deterrent capability right now. So to close off the option of making reductions there that make national security sense, I believe is unwise, and I reserve the balance of my time.

Mr. PRICE of Georgia. Mr. Chairman, how much time remains?

The Acting CHAIR. The gentleman from Georgia has 2½ minutes.

Mr. PRICE of Georgia. I yield myself 15 seconds.

I find it curious that it would be unwise to require that the Senate concur in a reduction of the nuclear weapons arsenal or that an act of Congress be approved prior to that occurring.

I am pleased to yield 1 minute to my friend, the gentleman from Ohio (Mr. TURNER).

Mr. TURNER of Ohio. I want to thank Mr. PRICE.

Mr. Chairman, I want to echo what he has just said about the importance of this amendment. This amendment merely says that the President shall not unilaterally do these reductions without it being pursuant to a treaty or a statute passed by Congress, just that Congress has to be involved.

This provision parallels a provision in the new START Implementation Act. It recognizes the concern that Congress has from the information that is coming out of the administration. The Associated Press just reported that the Obama administration is weighing options for sharp new cuts to the nuclear force, including a reduction of up to 80 percent in the number of deployed weapons following just on new START, which has additional reductions, coupled with the President's open-mic statements that he wants greater flexibility on missile defense in a secret deal with the Russians. You have to come to a point where Congress has to be concerned that they be in the loop, that the President not take unilateral actions to both reduce our nuclear weapons at the same time that he's negotiating to diminish our missile defense system with the Russians as part of his secret deal.

Mr. SMITH of Washington. I reserve the balance of my time.

Mr. PRICE of Georgia. Mr. Chairman, how much time is remaining?

The Acting CHAIR. The gentleman from Georgia has 1¼ minutes remaining.

Mr. PRICE of Georgia. I am pleased to yield the balance of my time to the gentleman from Virginia (Mr. FORBES).

Mr. FORBES. I thank the gentleman for bringing this amendment. One thing we know, that under this administration's watch we will see, if we don't change it, up to a trillion dollars of cuts to national defense coming down the pike. What does that mean? We have seen the Air Force say that they're on the ragged edge. We've seen this administration propose to take seven cruisers and dismantle those cruisers. What that would mean is doing away with twice the surface capability of the entire British Navy.

We've seen the possibility of as many as 150,000 pink slips that could then be coming down to our men and women in uniform and the loss of as many as 1.5 million jobs. And I don't know whether or not there's a secret deal or what that secret deal is with the Russians, but one thing we know is we are moving dangerously close to the point where we will no longer be able to guarantee the security of the United States and U.S. interests, and that's why it's important that we support this amendment, and I hope we'll do that.

Mr. SMITH of Washington. I yield myself the balance of my time.

I think there are some legitimate questions about our national security. Certainly, if we saw that level of cut of a trillion dollars—and a number of issues the gentleman raised are worthy of concern. This amendment talks about a very narrow area of interest, and that's our nuclear weapons stockpile, which as I indicated, is more than sufficient.

Just one final word on the secret deal. Whatever agreement the President may come up with—and he certainly doesn't have one at the moment—as Mr. JOHNSON indicated earlier, it requires a two-thirds vote of the Senate. So I think we can all relax about what exists there.

□ 2310

It will be a public debate. Now, as Mr. FORBES acknowledged, he doesn't know if such a thing exists or not. And it's interesting to keep talking about something that we don't know whether or not it exists, but whether it comes up or not, there will be a full debate here. I believe, however, when it comes to our nuclear weapons, that is an area where again, we can save money in order to protect other very necessary parts of our national security.

And with that, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offer by the gentleman from Georgia (Mr. PRICE).

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

Mr. PRICE of Georgia. 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 Georgia will be postponed.

It is now in order to consider amendment No. 34 printed in House Report 112–485.

AMENDMENT NO. 38 OFFERED BY MR. RIGELL

The Acting CHAIR. It is now in order to consider amendment No. 38 printed in House Report 112–485.

Mr. RIGELL. Mr. Chairman, 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 subtitle H of title X, add the following new section:

SEC. ___. CONDITIONAL REPLACEMENT FOR FY 2013 SEQUESTER.

(a) CONTINGENT EFFECTIVE DATE.—This section and the amendments made by it shall take effect upon the enactment of—

(1) the Act contemplated in section 201 of H. Con. Res. 112 (112th Congress) that achieves at least the deficit reduction called for in such section for such periods; or

(2) similar legislation that at least offsets the outlay reductions flowing from the budget authority reductions mandated by section 251A(7)(A) and 251A(8) as it applies to direct spending in the defense function for fiscal year 2013 of the Balanced Budget and Emergency Deficit Control Act of 1985, as in force immediately before the date of enactment of this Act, combined with the outlay reductions flowing from the amendment to section 251A(7)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 made by subsection (c), within five years of enactment.

(b) REVISED 2013 DISCRETIONARY SPENDING LIMIT.—Paragraph (2) of section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended to read as follows:

''(2) with respect to fiscal year 2013, for the discretionary category, $1,047,000,000,000 in new budget authority;''.

(c) DISCRETIONARY SAVINGS.—Section 251A(7)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended to read as follows:

''(A) FISCAL YEAR 2013.—

''(i) FISCAL YEAR 2013 ADJUSTMENT.—On January 2, 2013, the discretionary category set forth in section 251(c)(2) shall be decreased by $19,104,000,000 in budget authority.

''(ii) SUPPLEMENTAL SEQUESTRATION ORDER.—On January 15, 2013, OMB shall issue a supplemental sequestration report for fiscal year 2013 and take the form of a final sequestration report as set forth in section 254(f)(2) and using the procedures set forth in section 253(f), to eliminate any discretionary spending breach of the spending limit set forth in section 251(c)(2) as adjusted by clause (i), and the President shall order a sequestration, if any, as required by such report.''.

(d) ELIMINATION OF THE FISCAL YEAR 2013 SEQUESTRATION FOR DEFENSE DIRECT SPENDING.—Any sequestration order issued by the President under the Balanced Budget and Emergency Deficit Control Act of 1985 to carry out reductions to direct spending for the defense function (050) for fiscal year 2013 pursuant to section 251A of such Act shall have no force or effect.

(e) REPORT.—

(1) IN GENERAL.—Not later than August 15, 2012, the Secretary of Defense shall submit to the Committees on Armed Services of the House of Representatives and the Senate a detailed report on the impact of the sequestration of funds authorized and appropriated for Fiscal Year 2013 for the Department of Defense, if automatically triggered on January 2, 2013, as required by section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901a), as in effect immediately before the date of enactment of this Act.

(2) CONTENTS OF REPORT.—The report required by this section shall include—

(A) an assessment of the potential impact of sequestration on the readiness of the Armed Forces, including impacts to steaming hours, flying hours, full spectrum training miles, and all other readiness metrics;

(B) an assessment of the impact on ability of the Department of Defense to carry out the National Military Strategy of the United States and any changes to the most recent Chairman's Risk Assessment required by section 153 of title 10, United States Code;

(C) a listing of the programs, projects, and activities across the military departments and components that would be reduced or terminated as a result of automatically triggered cuts;

(D) an estimate of the number and value of all contracts that will be terminated, restructured, or rescoped due to sequestration, including an estimate of potential termination costs and increased contracts costs due to renegotiation and reinstatement of the contract; and

(E) an estimate of the number of civilian, contract, and uniformed personnel whose employment would be terminated due to sequestration, including the estimated cost to the Department of executing such a drawdown.

The Acting CHAIR. Pursuant to House Resolution 661, the gentleman from Virginia (Mr. RIGELL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. RIGELL. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I believe that our duty to our country and our men and women in uniform requires us to do everything in our power to prevent sequestration. Sequestration is not a rational course correction, but instead it is a violent, sudden, and severe budget cut, the adverse consequences of which cannot be overstated. Sequestration creates undeniable havoc in production, personnel, and in contract administration. If allowed to become reality, only two groups will benefit: our Nation's enemies and the legions of lawyers who will be engaged in endless litigation against the Federal Government.

To be clear, these are not the cuts often debated in reference to the President's budget. Sequestration cuts to defense are in addition to those cuts, the sum of the two, totaling nearly $1 trillion over 10 years. Now, even if one holds the view that defense spending must come down, this is not the method in any respect to accomplish that objective.

My amendment allows us to avert sequestration. Specifically, the 2013 sequester is eliminated consistent with the House-passed budget, provided one of two events happen: first, reconciliation legislation required by the budget resolution is enacted; or, two, legislation offsetting, within 5 years, the cost of the fiscal year 2013 discretionary sequester and the fiscal year 2013 sequester of defense mandatory programs is enacted.

It also requires a report on the impact of sequestration prior to it taking effect, which is crucial.

This amendment is critical to preventing sequestration, which must be done if we are to meet our obligation to defend this great country; and the men and women who are truly defending this country are the men and women in uniform. So I urge my colleagues to support the amendment.

I reserve the balance of my time.

Mr. SMITH of Washington. Mr. Chairman, I rise to claim the time in opposition.

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

Mr. SMITH of Washington. I yield myself as much time as I may consume.

There are two big problems with this. First of all, it's a 1-year solution. It would eliminate sequestration for fiscal year 2013 alone. And as we have seen this year already, the constant every year wondering whether or not something this large is going to happen is enormously disruptive to our economy and enormously disruptive to our defense industry and all the other places that suffer sequestration. This sets us up for another 1 year after 1 year after 1 year, as we have seen with expiring tax cuts, with expiring proposed cuts to Medicare.

This every year trying to figure out whether or not we are going to deal with it is almost as damaging as the cuts themselves. So whatever we do here, we're going to have to come up with a 10-year solution. We're going to have to come up with the $1.2 trillion in deficit reductions that are necessary to avoid sequestration.

And I agree with my colleagues—coming up with that money and avoiding sequestration is enormously important, but simply doing it 1 year at a time really doesn't help.

The second problem with this is the way it is structured. It takes defense out of the possibility of facing sequestration and dumps it all on the rest of the discretionary budget. And what happens here basically is the Republican proposal on this is defense should not be touched, and there should be no revenue, and we have to deal with an over trillion-dollar deficit. It's going to be well over $8 trillion, $9 trillion over the course of the next 10 years.

What that means is you're going to have to have a devastating level of cuts in every other Federal program—Social Security, Medicare, Medicaid, all other discretionary spending, transportation, education. Now, I am a strong defender of the defense budget and of national security, but I am also a strong defender of our infrastructure, a strong defender of Medicare and Medicaid. This simply shifts defense out from under and puts the entire burden on everything else.

Just to do a little quick math for you, we had a $1.3 trillion deficit last year, roughly 40 percent of the budget, almost, in deficit. So if you decide no revenue, we're not going to bring in any more money, and we're not going to cut anything from defense, which is 20 percent of the budget, so now you're down to 80 percent of the budget. And I can't do this math off the top of my head, but if you have to cut 40 percent from 100 percent, if you go down to 80, you'll probably have to cut pretty close to 50. So, look at everything else in the Federal Government and imagine a 50 percent cut. I don't think that's realistic.

You know, I have no great love for taxes, but if the alternative is devastating all other spending programs, we have to at least consider revenue as part of the solution. This amendment, as with all Republican budget proposals, precludes that option and puts everything on the back of every other piece of spending, save defense, and raises no revenue. I don't believe that is a responsible approach.

I also agree with Secretary Panetta who said proposing this, something that the President will not support, something that the Senate will not support, stops us dead in our tracks from having any hope of truly getting to a solution which will prevent sequestration, which I agree needs to be done. I don't agree that this amendment puts us on a path to do it.

I reserve the balance of my time.

Mr. RIGELL. Mr. Chairman, I yield the remainder of my time to my friend and colleague, the chairman of the Budget Committee, the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Mr. Chairman, we passed a budget. We showed what we would do to deal with all of these fiscal problems and fiscal priorities. We showed defense spending decreases off the defense request from

last year. We showed a responsible way to get savings from the Pentagon budget.

To my friends on the other side of the aisle, to their credit, they brought a budget to the floor that turned off the sequester and showed alternative savings as well. The Senate, nothing, no budget for 3 years. The President, he tells us he doesn't want the sequester to kick in, that it's a bad thing to happen, but he's not doing anything to show how he will prevent the sequester from happening.

Two weeks ago, we passed a reconciliation bill. That bill said specifically how we will cut spending in other areas of government to prevent the sequester from occurring next year, 1 year.

The ranking member of the Budget Committee, Mr. VAN HOLLEN, authored an amendment to do the same thing, other savings to pay for 1 year of the sequester set aside. So both the House Republicans and the Democrats in the House proposed the same kind of solution, 1 year set aside.

Let's just look at what people are saying about what the sequester will do to our national defense:

The President, in his own budget, said that the sequester would inflict great damage to the country's national security;

The Secretary of Defense says it would hollow out our defense;

The Chairman of the Joint Chiefs of Staff says that sequestration would pose unacceptable risks to the Nation's security;

The Chief of Naval Operations says that the sequester would have a severe and irreversible impact on the Navy's future;

The Chief of Staff of the Army says that he is definitely afraid of what would happen to our military if this takes place.

All this amendment does is it gives us one more avenue and opportunity to take the spending cuts we have already articulated and to put them in place to prevent the sequester from happening, from seeing all these bad things take place. It gives another opportunity within this conference report, when that arrives, to prevent the sequester from happening by swapping those cuts out with other savings elsewhere in the budget.

Our government is projected to spend about $45 trillion over the next 10 years.

□ 2320

This is a trillion. So the math that the gentleman from Washington mentioned doesn't quite add up. But if we start dropping defense 10 percent in January, that is going to have a destabilizing effect on our national security.

There is plenty of other government spending that's being wasted that can be cut to pay for this. Sixty-one percent of the Federal Government has been on autopilot, off limits. It has not been touched since 2006. There are plenty of areas that we can get savings from like this amendment proposes to. Let's get it from there, and let's not put our men and women at risk who are putting on the uniform and serving us and fighting for our country.

Mr. SMITH of Washington. Mr. Chairman, how much time do I have left?

The Acting CHAIR. The gentleman has 2 minutes remaining.

Mr. SMITH of Washington. I yield myself 1 minute.

I agree with a lot of what the gentleman said. For instance, he's right that we have to look at that other 61 percent of the budget. He is, however, wrong that it hasn't been touched since 2006. We Democrats touched it and reduced Medicare by $500 billion. And you Republicans beat—well, I can't say that—beat us up, shall we say, over the fact that we had done that. So there is a considerable amount of hypocrisy here.

We want to avoid sequestration, without question. But to not allow for any revenue—which, again, is what this amendment does—just cuts, protecting defense, not protecting anything else, allowing for no revenue despite the fact that revenue has gone down by almost 30 percent over the course of the last 10 years, puts us on the path to sequestration. That's a path I don't want to be on. But we have to be broader in our thinking about it other than just devastating every other portion of the budget as the approach. Protect defense, no revenue. That's not a solution to sequestration.

With that, I yield the last minute to the gentleman from New York (Mr. NADLER).

Mr. NADLER. I thank the gentleman for yielding.

Mr. Chairman, there is hypocrisy here, and there is also great faith in ignorance on the part of the public. We have in this defense budget, it's $8.3 billion above what was agreed to in the Budget Control Act last year, and now he says that's not enough.

Under the Ryan budget, the entire discretionary expenditures in the United States will go down eventually to 3.5 percent of GDP from 12.5 percent. Since Governor Romney says defense should not go below 4 percent, that means minus one-half percent for everything else government does—less than zero for the post office, for transportation, for education, for the Weather Bureau, for NASA. For everything government does other than Social Security, Medicare and veterans and debt service—zero dollars. That's where this budget that the other side of the aisle is espousing and has voted for to a person leads us, to zero dollars for all government functions other than defense and veterans.

The Acting CHAIR. All time having expired, the question is on the amendment offered by the gentleman from Virginia (Mr. RIGELL).

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

Mr. SMITH of Washington. 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 Virginia will be postponed.

AMENDMENT NO. 39 OFFERED BY MR. GINGREY OF GEORGIA

The Acting CHAIR. It is now in order to consider amendment No. 39 printed in House Report 112–485.

Mr. GINGREY of Georgia. Mr. Chairman, I have an amendment at the desk made in order under the rule.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of subtitle H of title X of division A, add the following new section:

SEC. 10____. SENSE OF CONGRESS REGARDING PRESERVATION OF SECOND AMENDMENT RIGHTS OF ACTIVE DUTY MILITARY PERSONNEL STATIONED OR RESIDING IN THE DISTRICT OF COLUMBIA.

(a) FINDINGS.—Congress finds the following:

(1) The Second Amendment to the United States Constitution provides that the right of the people to keep and bear arms shall not be infringed.

(2) Approximately 40,000 servicemen and women across all branches of the Armed Forces either live in or are stationed on active duty within the Washington, D.C. metropolitan area. Unless these individuals are granted a waiver as serving in a law enforcement role, they are subject to the District of Columbia's onerous and highly restrictive laws on the possession of firearms.

(3) Military personnel, despite being extensively trained in the proper and safe use of firearms, are therefore deprived by the laws of the District of Columbia of handguns, rifles, and shotguns that are commonly kept by law-abiding persons throughout the United States for sporting use and for lawful defense of their persons, homes, businesses, and families.

(4) The District of Columbia has one of the highest per capita murder rates in the Nation, which may be attributed in part to previous local laws prohibiting possession of firearms by law-abiding persons who would have otherwise been able to defend themselves and their loved ones in their own homes and businesses.

(5) The Gun Control Act of 1968, as amended by the Firearms Owners' Protection Act, and the Brady Handgun Violence Prevention Act, provide comprehensive Federal regulations applicable in the District of Columbia as elsewhere. In addition, existing District of Columbia criminal laws punish possession and illegal use of firearms by violent criminals and felons. Consequently, there is no need for local laws that only affect and disarm law-abiding citizens.

(6) On June 26, 2008, the Supreme Court of the United States in the case of *District of Columbia v. Heller* held that the Second Amendment protects an individual's right to possess a firearm for traditionally lawful purposes, and thus ruled that the District of Columbia's handgun ban and requirements that rifles and shotguns in the home be kept unloaded and disassembled or outfitted with a trigger lock to be unconstitutional.

(7) On July 16, 2008, the District of Columbia enacted the Firearms Control Emergency Amendment Act of 2008 (D.C. Act 17-422; 55 DCR 8237), which places onerous restrictions on the ability of law-abiding citizens from possessing firearms, thus violating the spirit

by which the Supreme Court of the United States ruled in *District of Columbia v. Heller*.

(8) On February 26, 2009, the United States Senate adopted an amendment on a bipartisan vote of 62-36 by Senator John Ensign to S. 160, the District of Columbia House Voting Rights Act of 2009, which would fully restore Second Amendment rights to the citizens of the District of Columbia.

(b) SENSE OF CONGRESS.—It is the sense of Congress that active duty military personnel who are stationed or residing in the District of Columbia should be permitted to exercise fully their rights under the Second Amendment to the Constitution of the United States and therefore should be exempt from the District of Columbia's restrictions on the possession of firearms.

The Acting CHAIR. Pursuant to House Resolution 661, the gentleman from Georgia (Mr. GINGREY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. GINGREY of Georgia. Mr. Chairman, I rise tonight to urge my colleagues to support my nonbinding amendment, No. 39, which would express the sense of Congress that active duty military personnel who live in or are stationed in Washington, D.C. should be exempt from existing District of Columbia firearm restrictions.

Mr. Chairman, it is no secret that the District of Columbia has historically had some of the most restrictive firearm regulations in the Nation. In fact, in June of 2008, the Supreme Court—in the District of Columbia v. Heller case—ruled that the District's handgun ban and requirements that rifles and shotguns in the home be kept unloaded and disassembled or outfitted with a trigger lock is unconstitutional. In that decision it also said that the Second Amendment is applicable to an individual, not just a militia.

Well, just 1 month later, the District of Columbia enacted the Firearms Control Emergency Amendment Act of 2008, which places onerous restrictions on the ability of law-abiding citizens to possess firearms, thus violating the spirit, if not the letter, by which the Supreme Court of the United States ruled in D.C. v. Heller.

Mr. Chairman, there are approximately 40,000 servicemen and -women across all branches of the Armed Forces that either live in or they're stationed on active duty within the Washington, D.C. metropolitan area. Indeed, many of them are stationed at the Pentagon. Unless these individuals are granted a waiver as serving in a law enforcement role, they are subject to the District of Columbia's onerous and highly restrictive laws on the possession of firearms.

Mr. Chairman, there are servicemen and -women who have been prosecuted because of this unconstitutional prohibition, despite their training in the use of firearms. This is a travesty. Studies have clearly shown that firearms are a crime deterrent. The de facto handgun ban leaves law-abiding citizens unable to protect themselves from violent acts or individuals breaking the law.

This amendment recognizes that the D.C. handgun law, especially in regard to trained servicemen and -women, punishes individuals well equipped to protect themselves and others while emboldening perpetrators of violent crime. Mr. Chairman, if we trust these brave men and women to defend our country, why do we not trust them to legally exercise their Second Amendment rights?

I would like to note that the NRA is supportive of my amendment, and I reserve the balance of my time.

Ms. NORTON. Mr. Chairman, I rise to claim the time in opposition.

The Acting CHAIR. The gentlewoman from the District of Columbia is recognized for 5 minutes.

Ms. NORTON. Mr. Chairman, I rise in strong opposition to amendment No. 39. The amendment reflects a pattern by Republicans in the 112th Congress of singling out the District of Columbia for unique treatment and outright bullying.

There is no Federal law that exempts active military personnel in their personal capacities from otherwise applicable Federal firearms laws, except with respect to residency requirements, or from any State or local firearms laws. Yet the amendment expresses the sense of Congress that active duty personnel in their personal capacities should be exempt from gun laws only in one jurisdiction, the District of Columbia.

If the gentleman on the other side who sponsored this amendment believes that active duty personnel should be exempt from Federal, State, or local firearms laws, why did he not offer an amendment that would apply nationwide? Perhaps he did not offer such an amendment for the same reason that the Republican sponsor of H.R. 3808—to ban abortions for 20 weeks only in the District of Columbia, on which the House Judiciary Committee on the Constitution held a hearing today—did not introduce that same 20-week bill to apply nationwide. Or perhaps Republicans pick on the District because they think they can.

The proponents of this amendment, as well as the D.C. gun bill which would eliminate D.C.'s gun laws, live in the past, acting as if the changes the District has made in its gun laws after the Supreme Court Heller decision in 2008 had not happened, and as if a Federal district court and a Federal appeals court had not already upheld the constitutionality of the District's new gun laws. They act as if the Supreme Court's McDonald decisions in 2010 had never occurred.

□ 2330

In McDonald, the Court said that the Second Amendment does not confer ''the right to keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose.''

This amendment represents the third attack by this Congress on the District's gun safety laws. Although the amendment is nonbinding, we will fight every attack on our rights as a local government, particularly when we are singled out for unequal treatment.

This amendment does nothing less than attempt to pave the way for actual inroads into the District's new gun safety laws. Republicans have been trying, this week, to use the District of Columbia to move issues they dare not propose for the Nation at large, instead of focusing on jobs. And our allies, our city, and I have spent the week fighting back equally hard.

The majority can expect a fierce fight from us whenever a bill degrades our citizens and treats them in any way as second-class citizens, as this bill proposes to do this very evening.

I reserve the balance of my time.

Mr. GINGREY of Georgia. Mr. Chairman, can I ask how much time I have remaining.

The Acting CHAIR. The gentleman from Georgia has 3 minutes.

Mr. GINGREY of Georgia. Mr. Chairman, I remind the gentlewoman from the District of Columbia that, first and foremost, this is a sense of Congress resolution, nonbinding resolution. It's not to be, in my opinion, Mr. Chairman, confused with any other ban or amendment that she referenced. It's certainly not to be confused with H.R. 645, a bill that would eliminate D.C.'s gun safety laws, which she was so concerned about in the last couple of years.

This is just simply saying, very clearly, Mr. Chairman, and especially to the governing body, the City Council and Mayor of the District of Columbia, look, we want to help you. We are recommending that you take this action. We're not forcing you to do this.

This is, again, as I say, a nonbinding resolution. It is just the sense of Congress, which, after all, has jurisdiction over the District of Columbia. We want to say to the governing body, we think it's a darn good idea for you to enact this waiver for these military men and women, 40,000 of them, as I say, stationed either in D.C., at the Pentagon, at Fort Myer in Virginia or Maryland, that have the ability and the training, the necessary judgment and mentality to actually help the 500,000 residents of the District of Columbia.

I don't think that my colleague and any colleagues on the other side of the aisle who might be in opposition to this, I think that opposition is misguided. They're missing an opportunity to support something that would be good, indeed, good for the safety of the people of the District of Columbia.

If we criminalize the possession of firearms, then it might be a trite and hackneyed expression, but only criminals then would have the right to bear arms.

Now, this bill that the District of Columbia passed in the aftermath of the Supreme Court decision, Heller v. District of Columbia, that upheld the Second Amendment rights for individuals and said that what law existed in the

District of Columbia was unconstitutional.

So they come up with some arcane, very difficult, almost impossible rules and regulations in regard to the possession of firearms so that they, de facto, make it impossible. So I urge my colleagues on both sides of the aisle, support this amendment, sense of Congress, nonbinding.

I yield back the balance of my time.

The Acting CHAIR. The gentlewoman has 45 seconds remaining.

Ms. NORTON. Mr. Chair, if this is such a benign amendment for the good of the District of Columbia, I can't imagine why the gentleman hasn't offered it for the Nation at large. Why help us when we haven't asked for your help? Why not help everybody?

Why not help people in Virginia? More of the Members of our Armed Services pass through Virginia than pass through the District of Columbia.

You don't want to help us. Nobody on that side has helped us this year. If you want to help us, come ask me first, and I'll tell you what kind of help we need.

I yield back the balance of my time.

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

The amendment was agreed to.

The Acting CHAIR. The Chair understands that amendment No. 41 will not be offered.

AMENDMENT NO. 42 OFFERED BY MS. LEE OF CALIFORNIA

The Acting CHAIR. It is now in order to consider amendment No. 42 printed in House Report 112–485.

Ms. LEE of California. Mr. 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 title X, add the following new section:

SEC. 1084. REDUCTION OF AUTHORIZATION OF APPROPRIATIONS.

(a) REDUCTION.—Notwithstanding any other provision of this Act, but subject to subsection (b), the President, in consultation with the Secretary of Defense, the Secretary of Energy, and the Administrator for Nuclear Security, shall make such reductions in the amounts authorized to be appropriated under this Act in such manner as the President considers appropriate to achieve an aggregate reduction of $8,231,100,000.

(b) EXCLUSIONS.—In carrying out subsection (a), the President shall not reduce the amount of funds for the following accounts:

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

(2) The Defense Health Program account.

The Acting CHAIR. Pursuant to House Resolution 661, the gentlewoman from California (Ms. LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. LEE of California. Mr. Chairman, my amendment today is very straightforward. It would limit the Department of Defense funding to the amount authorized under the Budget Control Act of 2011. This would result in an $8 billion reduction in spending from the level authorized by the House Armed Services Committee.

The amendment is cosponsored by my colleagues, Representatives PAUL, WOOLSEY, STARK, BLUMENAUER, SCHRADER and FRANK, ranking member of the House Financial Services Committee and a long-time advocate for reasonable defense-spending reform.

As you know, Mr. Chair, last year Congress passed the Budget Control Act, which put in place spending caps on discretionary spending. Despite these statutory limitations, the House Armed Services Committee set overall military spending billions of dollars above what the Pentagon requested, or what was agreed to under the Budget Control Act.

While many of us did not support the discretionary caps under the Budget Control Act, our amendment simply brings Pentagon spending in line with the law. It does this while protecting our active duty military personnel and retirees. Let me repeat: not a single penny would come from active duty and National Guard personnel accounts, or from the defense health program.

The Pentagon budget already consumes almost 50 cents out of every discretionary dollar that we spend. And adding billions of unrequested dollars, at the expense of struggling families during the ongoing economic downturn, is just downright wrong.

So I ask my colleagues, if we are really concerned with the deficit, then vote for this amendment.

I reserve the balance of my time.

Mr. MCKEON. Mr. Chairman, I rise to claim the time in opposition to the amendment.

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

Mr. MCKEON. I yield myself 1½ minutes.

This is a very clear opportunity to see the difference of the two sides of the aisle, how they feel about supporting the defense of our Nation. We have taken, with the Deficit Reduction Act, half of the savings has come out of defense. Less than 19 percent of the budget goes for defense, but half of the savings. So if we had a big pie and we had 19 percent of the spending comes out of defense; but then when we take the savings, we're taking half out of defense.

Mr. Chairman, if we continue to try to solve our deficit problem on the backs of our military, our troops, who's going to have our backs the next time we're attacked?

Over my lifetime, we have cut back the military after every war. This is the first time I've seen us cut back during the war.

We have troops right now going outside the wire, and they, when they get back to camp, they watch ''Fox News.'' I've been there. I've seen it.

□ 2340

They find out what's going on, and they listen to this debate, and they feel that there are some who don't have their backs. Well, it's not this side of the aisle.

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

Ms. LEE of California. In reclaiming 30 seconds of my time, I just want to respond to the gentleman and say that that's further from the truth, what he just said.

First of all, our active duty troops in the field are covered by the Overseas Contingency Operations funds. Secondly, the Pentagon did not ask for this money.

I would like to yield 1 minute to the gentlelady from California (Ms. WOOLSEY).

Ms. WOOLSEY. I want to thank the gentlelady from California for bringing this amendment forward.

Mr. Chairman, I rise in strong support of this amendment, and I am proud to be a cosponsor and to show the difference between both sides of the aisle, because with all of the fiscal challenges that we face, it's just common sense that the most generously funded government agency, the Department of Defense, would tighten its belt just like everyone else.

Sure, my colleagues on the other side of the aisle are happy to cut and are big budget cutters when it comes to food stamps and Medicare and the safety net and anti-poverty programs. But when it comes to war and when it comes to weapons, they actually are the biggest spenders of all. I think the bare minimum we can ask is to keep the DOD budget at the level agreed to last year when we passed the Budget Control Act.

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

Ms. LEE of California. I yield the gentlelady an additional 10 seconds.

Ms. WOOLSEY. The majority is asking poor children, seniors, and women's health needs to make due with less. The same must apply to the Pentagon. Vote ''yes'' on the Lee-Frank amendment.

Mr. MCKEON. Mr. Chairman, I will just note that the President increased over $4.5 billion over the Deficit Reduction Act, and we went $3.7 billion more than the President's in order to protect TRICARE and some other others things for the troops.

At this time, I yield 2 minutes the chairman of the Budget Committee, the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. I thank the chairman for yielding.

Look, as the gentleman said, the President didn't ask for this amount of money. He asked for more money: in fiscal year 2012, $554 billion; the pre-sequester cap, $546 billion; the President's request, $551 billion. Our budget resolution was $554 billion. This bill, the base bill, is $548 billion. The gentlelady's amendment is $539.7 billion.

The gentlelady's amendment is cutting defense below the BCA caps, below the President's request. To the other gentlelady from California, all of these programs she mentioned are increasing.

The attempts that have been made by the majority have been to slow the rate of increase. This is being cut—real reductions in this category of spending—when all the other domestic spending is increasing, hopefully, at a slightly slower pace.

So let's remind ourselves that this is the first priority of the Federal Government. We are in war right now. The President, himself, and his budget are saying that we have to be higher for the safety and the security of our troops.

If the gentlelady's amendment passes, which actually brings it down below the BCA levels, then she is giving all the discretion to the executive branch, to the President, in order to decide how to allocate those dollars—ceding the power of the purse from the legislative branch to the executive branch—which is clearly not in our interest as guardians of the elected branch, the legislative branch of Congress.

Ms. LEE of California. First of all, sometimes we respectfully disagree with the President.

I think that this $8 billion in cuts to bring us back to the Budget Control Act of 2011 is reasonable given the very difficult times we are faced with now and the fact that, of all the government agencies, the Pentagon has benefited the most from generous funding. We've got plenty of outdated and unnecessary Cold War-era weapons systems that can and should be canceled. I think this is a reasonable amendment.

I would now like to yield 1 minute to the gentleman from Oregon (Mr. SCHRADER).

Mr. SCHRADER. Barely 10 months ago, we passed a bipartisan Budget Control Act to forestall a sovereign debt crisis. On Tuesday, our total national debt increased to over $15.7 trillion. Clearly, the problem we passed the BCA to address is getting worse, not better.

As our own military leaders have acknowledged again and again, our debt and deficits are the largest national security threat that our Nation actually faces. Backpedaling on the Budget Control Act, as suggested here, is irresponsible.

We need to be building on the fiscal foundations in order to provide for our children's futures and for the future of the military. We spend a lot of hours here talking about how much we can't afford to cut back military spending and not nearly enough time talking about how to prepare for the military of the future.

In my opinion, the smart military budget of the future emphasizes our National Guard. It has proven more than a ready reserve in the sands of Iraq and in the mountains of Afghanistan. The National Guard is an affordable strategic asset of a unique capability. The rising cost to our military is probably personnel. The National Guard will help reduce that cost 4–1.

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

The Acting CHAIR. The gentlewoman has 15 seconds remaining.

Ms. LEE of California. Let me yield the 15 seconds to the gentleman from New York (Mr. NADLER).

Mr. NADLER. In 15 seconds, I will simply say that this amendment is the least we can do. We should go with the Budget Control Act. The other side of the aisle says we haven't passed a budget. This is the effective budget. The fact of the matter is that we have doubled military spending, exclusive of Afghanistan and Iraq, in 10 years. We ought to start reducing it now.

Mr. MCKEON. How much time do I have remaining, Mr. Chairman?

The Acting CHAIR. The gentleman has 1 minute and 15 seconds.

Mr. MCKEON. I yield myself the balance of the time.

Mr. Chairman, I wish we were wrong, and I would hope that they are right in that we could continue to cut defense—cut it to the bone, cut it to the marrow—and that we could just live one big, happy, paradisiacal life, but history shows that that isn't the way things work.

As Reagan said, it is important to have peace through strength. You will remember before he was elected, when President Carter tried to deal with the hostage situation in Iran, that our helicopters couldn't even fly across the desert. We'd cut back the military so far that we had a hollow military.

There is a lot of talk about General Eisenhower and about President Eisenhower, and the thing he said, ''Beware of the military-industrial complex.'' He also said we have to have a very strong military because, if we don't, someone will take advantage of us. We have to be so strong that they're afraid to attack us for fear of annihilation.

I was talking to one of our leading military leaders just a few months ago. Mr. SMITH was in the meeting also. At the end of the meeting, he looked at me, and he said, In my 37 years, I've never seen a time more dangerous.

If we are right and if we go through with all of these cuts and hollow out our military, we are talking about cutting $100 billion a year for the next 10 years.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from California (Ms. LEE).

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

Ms. LEE of California. 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 gentlewoman from California will be postponed.

□ 2350

AMENDMENT NO. 45 OFFERED BY MR. GOHMERT

The Acting CHAIR. It is now in order to consider amendment No. 45 printed in House Report 112–485.

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 366, line 16, strike ''**HABEAS CORPUS RIGHTS**'' and insert ''**RIGHTS UNAFFECTED**''.

Page 366, line 17, strike ''Nothing'' and insert ''(a) RULE OF CONSTRUCTION.—Nothing''.

Page 366, line 21, insert ''or to deny any Constitutional rights'' after ''habeas corpus''.

Page 366, line 23, strike ''person who is detained in the United States'' and insert ''person who is lawfully in the United States when detained''.

Page 366, line 25, insert ''and who is otherwise entitled to the availability of such writ or such rights'' before the period.

Page 366, after line 25, insert the following:

(b) NOTIFICATION OF DETENTION OF PERSONS UNDER AUTHORIZATION FOR USE OF MILITARY FORCE.—Not later than 48 hours after the date on which a person who is lawfully in the United States is detained pursuant to the Authorization for Use of Military Force (Public Law 107–40; 50 U.S.C. 1541 note), the President shall notify Congress of the detention of such person.

(c) HABEAS APPLICATIONS.—A person who is lawfully in the United States when detained pursuant to the Authorization for Use of Military Force (Public Law 107–40; 50 U.S.C. 1541 note) shall be allowed to file an application for habeas corpus relief in an appropriate district court not later than 30 days after the date on which such person is placed in military custody.

The Acting CHAIR. Pursuant to House Resolution 661, the gentleman from Texas (Mr. GOHMERT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. GOHMERT. Mr. Chairman, at this time, I yield 1 minute to the gentleman from Virginia (Mr. RIGELL).

Mr. RIGELL. I thank the gentleman for yielding, and I rise in strong support of the amendment and thank my colleagues—Mr. LANDRY, Mr. GOHMERT, and Mr. GOODLATTE—for their hard work and their strong leadership on this important issue. I also want to thank the chairman for incorporating the Rigell-Landry bill in the underlying bill, the Right to Habeas Corpus Act.

The amendment before us this evening provides absolute clarity that every American has full protection under, and access to, the Great Writ of Habeas Corpus. Specifically, it requires that a detained person has the ability to file an application for habeas corpus relief in an appropriate district court no later than 30 days after the date on which the person was placed in military custody.

Further, it requires that the administration—current and those to follow—that Congress is notified within 48 hours of a person having been detained under the AUMF in the United States.

The 30-day access to habeas corpus and the 48-hour reporting requirement strengthen the underlying bill. They strengthen liberty.

I urge my colleagues to support this amendment.

Mr. SMITH of Washington. Mr. Chair, I rise in opposition to this amendment.

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

Mr. SMITH of Washington. I yield myself 1 minute and 15 seconds.

Three quick points:

First of all, habeas has already been guaranteed by the Constitution. There were those who accused last year's defense bill of having stripped habeas, but it didn't, so guaranteeing habeas does nothing to further protect the rights of individuals. That's first of all.

Second of all, the bill itself, the way it is worded, which is to say: Nothing shall be construed to deny the availability of the writ of habeas corpus or deny any constitutional rights in a court ordained or established by or under article III of the Constitution for any person who is lawfully in the United States when detained.

It has been ruled constitutional to place people in military custody, to hold them indefinitely. This amendment does not eliminate the right to hold people indefinitely or place them in military custody. It does not do what the next amendment—my amendment—actually does, which is protects those rights.

Third, I find it interesting that the authors of this amendment think that it does. They think that basically this will protect from indefinite detention and from military custody any person lawfully in the United States. At the same time, they are arguing that our amendment that clearly does that for everybody is giving rights to terrorists. What they are doing here, by their own admission—and I disagree with that argument. By their own argument, they are perfectly okay with giving rights to terrorists as long as they're lawfully in the United States. If they are not, that's a big problem.

I will expand upon that argument later.

I reserve the balance of my time.

Mr. GOHMERT. Mr. Chairman, at this time, I would yield 1 minute to my friend from Louisiana, also a cosponsor of this bill, Mr. LANDRY.

Mr. LANDRY. Mr. Chairman, I rise as a proud member of the Tea Party. I opposed the debt ceiling. I opposed some of the CRs. I opposed our involvement in Libya. I'm a strict constructionist when it comes to the Constitution. When I joined this body, I raised my hand to God and swore to uphold the Constitution and protect it from all threats both foreign and domestic. I am a veteran.

With this oath, my duty to protect our citizens' liberties is matched by my duty to protect their lives. That is exactly what the text of this bill, when combined with this amendment, does. It ensures that every American has access to our courts and ensures that they will not be indefinitely detained.

Equally important, our amendment does not harm our Armed Forces' ability to protect this Nation. Unfortunately, some in this body choose to believe that our soil here is not a battlefield in a war on terror. They want to treat the al Qaeda cell in Seattle differently or better than the al Qaeda cell in Yemen.

To yield to these Members to adopt their view does nothing to protect the liberties of our citizens. It only harms their safety. For that reason, I urge them to adopt this amendment.

Mr. SMITH of Washington. I would just again point out that he wants to protect the al Qaeda cell here as long as they are lawfully in the U.S. It doesn't make any sense.

I yield 1 minute and 45 seconds to the gentleman from Michigan (Mr. AMASH).

Mr. AMASH. I have a tremendous amount of respect for my colleagues, Mr. GOHMERT and Mr. LANDRY and Mr. RIGELL. I think their amendment is very well intentioned, and they care very deeply about this issue. I've had many conversations with them about it.

But the first part of the amendment does nothing. It says the AUMF does not deny habeas corpus or any constitutional rights for any person who is detained in the United States who is otherwise entitled to the availability of habeas corpus or such constitutional rights. In other words, if you have constitutional rights, you have constitutional rights.

The second part of the amendment might be harmful. It says:

> Persons detained by the military are allowed to file a habeas petition not later than 30 days after the date on which such person is placed in military custody.

First, the Constitution already gives detainees the power to file a habeas at the moment they are detained. At best, the 30-day window does nothing; and at worst, it can be read to allow the government to deny habeas for 29 days or to deny habeas if the petitioner didn't file until after 30 days.

So I would like to express my disapproval of the amendment.

Mr. GOHMERT. Mr. Chairman, at this time, I would like to yield 40 seconds to another cosponsor of this amendment, the gentleman from South Carolina (Mr. DUNCAN).

Mr. DUNCAN of South Carolina. Mr. Chairman, I appreciate Mr. AMASH's efforts to protect liberty.

Let us be clear, there should be no ambiguity when the constitutional rights of U.S. citizens are at risk. The fear that Americans have over indefinite detention is well-founded. We have the obligation, and now the opportunity, to be crystal clear in this language, and I believe that this amendment moves this NDAA in the right direction of protecting these cherished constitutional rights.

I urge support of this amendment.

Mr. SMITH of Washington. Mr. Chair, how much time do I have left?

The Acting CHAIR. The gentleman from Washington has 2½ minutes remaining.

Mr. SMITH of Washington. I will yield 2 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, this amendment asserts that it intends to protect the right of habeas corpus, which is to say the right to get into court. But the problem is not habeas. It's not the right to get into court. That is granted by the Constitution. The problem is what you can assert once you get into court. It says nothing about that. It says nothing about the circumstances in which individuals might actually be subject to military detention when arrested within the territory of the United States.

It's actually dangerous. It narrows constitutional rights because it narrows the scope of the statutory habeas corpus protection to individuals lawfully in the United States when detained as opposed to those detained in the United States. Someone with questionable immigration status might not have any habeas rights under this amendment.

Secondly, as Mr. AMASH pointed out, by saying that you can file it not later than 30 days, it could be read to say that, unlike current law where you can file habeas the moment you're detained, you have to wait 30 days, or you might not be able to file after 30 days.

So it's an affirmatively dangerous amendment. It narrows the right to habeas corpus, and it doesn't do anything to protect the real problem here, which is not habeas. That was never the problem.

The real problem is the right of detention, when you get into court through habeas and the court says, You have no rights, because indefinite detention is permitted. That's the problem we ought to be dealing with. This amendment doesn't deal with it, and it makes the habeas arguably more difficult and more narrow.

If we value due process and if we value liberty, this amendment should be defeated.

Mr. GOHMERT. At this time, I reserve the balance of my time.

I do have the right to close; is that correct?

The Acting CHAIR. The gentleman from Washington has the right to close.

Mr. SMITH of Washington. Mr. Chairman, I will yield myself the balance of our time.

The Acting CHAIR. The gentleman is recognized for 1 minute.

Mr. SMITH of Washington. This amendment is pure and simply a smokescreen. The proponents of this amendment believe that the President of the United States should have the power to indefinitely detain people in the U.S. They believe that these people should be placed in military custody. I wish we could have that debate, and we will to some extent on the next amendment.

This was offered as a smokescreen to give people who want to claim that civil liberties are their top priority someplace to hide. It doesn't protect any rights whatsoever. It was pure and simply offered as a smokescreen.

Let's have the debate on the next amendment about whether or not the President of the United States should have this extraordinary amount of power to indefinitely detain or place in military custody or military tribunals people captured or detained within the United States. I, as I will explain in the next amendment, don't believe that that extraordinary amount of power is necessary to keep us safe. I think it is an amazing amount of power to give a President over the individual freedom, to give the government the power to take away someone's individual freedom without the due process rights that have been developed in our Constitution and our court system.

This amendment doesn't change that. Vote it down. Let's have a real debate on the next amendment.

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Mr. GOHMERT. Mr. Chair, the issue here is, do you want to fix the possible problems with the Authorization for Use of Military Force back in 2001 when all of the cosponsors were not even here and possibly the NDAA? Or do you want to extend new rights that are not constitutionally required? Because those of us that have sponsored this amendment want to fix the possible problem of inappropriate detention. That's why this amendment was offered.

I take a particular affront because I do not question the motivation of the gentleman from Washington (Mr. SMITH). I know the gentleman from Michigan (Mr. AMASH). We've stood alone on too many bills together. I know their intent is good.

This is not a smokescreen. This is intended to fix a problem. In the underlying bill that came before the floor, it has a fix for habeas corpus in paragraph A. I added the provision that gets us to where we were before the AUMF. That's what I wanted to fix, not as a smokescreen. But what this does is say, if you had these constitutional rights before the AUMF, you've still got them now. And nothing in the AUMF, nothing in the former NDAA, nothing in the new NDAA can change that. You have those rights.

I understand we don't have CARE supporting this amendment as they do the following proposed amendment. But listen, what this would do if the subsequent amendment wins instead of this one, you are giving rights to people illegally in this country, for example, to people who are foreign terrorists, who sneak their way in here and kill people, rights that immigrants who are undocumented don't have.

People say, Gee, we have a right to an article III court. This Congress has the right to never create an article III court. No one in America has the right to an article III court. This Congress has a right under article I, section 8 to create or not create inferior courts.

I'm glad we created them. I would say we should if we didn't. But the right is to go back to where we were before the AUMF. That's what this amendment does, and we appreciate the support of Heritage and The Wall Street Journal in saying that the subsequent amendment is not the way to go, extending additional rights. Let's fix the problem, and this amendment does that.

I yield back the balance of my time.

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

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

Mr. SMITH of Washington. Mr. 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 Texas will be postponed.

AMENDMENT NO. 46 OFFERED BY MR. SMITH OF WASHINGTON

The Acting CHAIR. It is now in order to consider amendment No. 46 printed in House Report 112–485.

Mr. SMITH of Washington. 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 subtitle D of title X, add the following new section:

SEC. 1044. DISPOSITION OF COVERED PERSONS DETAINED IN THE UNITED STATES PURSUANT TO THE AUTHORIZATION FOR USE OF MILITARY FORCE.

(a) SHORT TITLE.—This section may be cited as the ''Due Process and Military Detention Amendments Act''.

(b) DISPOSITION.—Section 1021 of the National Defense Authorization Act for Fiscal Year 2012 is amended—

(1) in subsection (c), by striking ''The disposition'' and inserting ''Except as provided in subsection (g), the disposition''; and

(2) by adding at the end the following new subsections:

''(g) DISPOSITION OF PERSONS DETAINED IN THE UNITED STATES.—

''(1) PERSONS DETAINED PURSUANT TO THE AUTHORIZATION FOR USE OF MILITARY FORCE OR THE FISCAL YEAR 2012 OR 2013 NATIONAL DEFENSE AUTHORIZATION ACTS.—In the case of a covered person who is detained in the United States, or a territory or possession of the United States, pursuant to the Authorization for Use of Military Force, this Act, or the National Defense Authorization Act for Fiscal Year 2013, disposition under the law of war shall occur immediately upon the person coming into custody of the Federal Government and shall only mean the immediate transfer of the person for trial and proceedings by a court established under Article III of the Constitution of the United States or by an appropriate State court. Such trial and proceedings shall have all the due process as provided for under the Constitution of the United States.

''(2) PROHIBITION ON TRANSFER TO MILITARY CUSTODY.—No person detained, captured, or arrested in the United States, or a territory or possession of the United States, may be transferred to the custody of the Armed Forces for detention under the Authorization for Use of Military Force, this Act, or the National Defense Authorization Act for Fiscal Year 2013.

''(h) RULE OF CONSTRUCTION.—This section shall not be construed to authorize the detention of a person within the United States, or a territory or possession of the United States, under the Authorization for Use of Military Force, this Act, or the National Defense Authorization Act for Fiscal Year 2013.''.

(c) REPEAL OF REQUIREMENT FOR MILITARY CUSTODY.—

(1) REPEAL.—Section 1022 of the National Defense Authorization Act for Fiscal Year 2012 is hereby repealed.

(2) CONFORMING AMENDMENT.—Section 1029(b) of such Act is amended by striking ''applies to'' and all that follows through ''any other person'' and inserting ''applies to any person''.

The Acting CHAIR. Pursuant to House Resolution 661, the gentleman from Washington (Mr. SMITH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington.

Mr. SMITH of Washington. Mr. Chair, I yield myself 1 minute.

First of all, the previous amendment doesn't say anything about pre-2001. As the gentleman from Michigan (Mr. AMASH) correctly stated, it says, If you have constitutional rights, you have them. It doesn't say anything about restoring them prior to 2001. It doesn't address the issue, and I apologize. I do not question Mr. GOHMERT's motives. I suspect that's what he wanted to do. That's not what his amendment does.

If you want to protect the rights of people in this country, then you need to support this amendment, the Smith amendment. And this is a very important debate.

Back in 2001, we passed the authorization for the use of military force. Post-9/11, it made sense, I think, to be careful, to give the President the power he needed to protect us. But what we've learned in the last 10 years is one power that he does not need is the power to indefinitely detain or place in military custody people here in the United States. Our justice system works. The Department of Justice works. The FBI works. They have arrested, convicted, and locked up over 400 terrorists and have gotten all kinds of actionable intelligence out of them.

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

Mr. SMITH of Washington. I will yield myself an additional 15 seconds.

This is an extraordinary amount of power to give to the President, to give the government the power to take away an individual's rights and lock them up with nothing more than one quick court hearing, without the due process rights protection in our Constitution. It's not needed. This is our opportunity to repeal it.

I reserve the balance of my time.

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

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

Mr. THORNBERRY. Mr. Chairman, I yield 1 minute to the gentleman from Louisiana (Mr. LANDRY).

Mr. LANDRY. Mr. Chairman, this amendment turns the global fight on terror into a CSI investigation.

On its face, the supporters will say exactly, but let's see the results. The mission of those who fight the war on terror, now it's how do we prevent acts of terror from inflicting billions of dollars of damages to save lives?

You see, our law enforcement and prosecutorial system in this country is, by nature, an after-the-fact determination, meaning, we rarely have the ability to arrest a potential murderer until after he commits the crime. The deterrent is the length of the sentence for the murder that deters people from trying to harm or kill another.

That's not the case in terrorism. We set the punishment level to the severity of the crime. But the level under terrorism, there's no known level. What deters a person from flying a plane into a building? So how does passing this amendment protect the furtherance of that crime or would we simply be satisfied with investigating after the fact?

Mr. SMITH of Washington. I would point out that our Justice Department has arrested countless terrorists before they act by discovering their plots and stopping them. That is what they're designed to do, and it's what they've done quite effectively.

I yield 1½ minutes to the gentleman from Michigan (Mr. AMASH).

Mr. AMASH. Mr. Chair, the frightening thing here is that the government is claiming the power under the Afghanistan Authorization for Use of Military Force as a justification for entering American homes to grab people, indefinitely detain them, and not give them a charge in a trial. That's the frightening thing. That's the thing that the Smith-Amash amendment fixes. It's the only amendment that does it.

I sometimes hear this strange argument that the Constitution applies only to citizens, not persons. If you read the Fifth and 14th Amendments, it applies to persons. Those are the amendments that provide for due process. James Madison said the Constitution applies to persons. And logic dictates that the Constitution applies to persons. It applies to noncitizens.

Is the government allowed to make noncitizens worship a State religion? Is the government allowed to take noncitizens' property without compensation? Can the government quarter troops in noncitizens' homes? Can the government conduct unreasonable searches and seizures on noncitizens' homes? Of course not. That's ridiculous. Everybody here understands that's ridiculous. No one disputes that all persons in the U.S. are covered by the Constitution.

HASC claims to protect persons. The House Armed Services Committee in the NDAA claims to protect persons with respect to habeas. The Gohmert amendment claims to protect persons, not citizens. And the Smith-Amash amendment protects persons. It's a phony argument.

The Smith-Amash amendment is the only amendment that will protect citizens.

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

Mr. SMITH of Washington. I yield the gentleman an additional 15 seconds.

Mr. AMASH. We have a very clear choice here. A Federal court has ruled section 1021 in the NDAA unconstitutional. There is one amendment that fixes it. Will you do it? And if you don't, how will you explain it to your constituents?

Mr. THORNBERRY. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. WEST), a distinguished member of the committee.

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Mr. WEST. I rise in opposition to this amendment.

I find it very interesting that back in 1942, when there were German Nazi saboteurs that were captured off the coast of Long Island, that they were prosecuted in a military commission. One of them was sentenced to 30 years imprisonment; others were sentenced to death. And I understand that this is a different type of battlefield that we're on, the 21st century battlefield. We're all on this battlefield. No one would have ever thought that Major Malik Nadal Hasan would stand in Fort Hood, Texas, and shoot 43 Americans and 13 of those would be killed.

I find that we have to understand that we are at a war. We are not in a police action. We cannot look to guarantee to those who seek to harm us the constitutional rights that are granted to Americans. If we extend that to them, then we are starting to say that this war on terror, now it's a criminal action.

And I find it very interesting that a sponsor of this amendment is the Council for American Islamic Relations, which is an unindicted coconspirator for the largest terrorist financing act here.

So I say we should not support this amendment.

Mr. SMITH of Washington. I point out that only Members of Congress are allowed to sponsor amendments. Nobody outside of that has sponsored this.

I yield 1 minute to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, last year I argued in opposition to sections 1021 and 1022 of the NDAA, that they went far beyond the AUMF to suggest that the President has the authority to detain U.S. citizens indefinitely without charge.

This amendment prohibits the detention without charge of any person arrested or detained in the United States and is the first step toward restoring due process. It's a good first step, but its scope is limited to U.S. soil and to the present AUMF. We should do more. That's why I've introduced the No Detention Without Charge Act, which would not only prohibit detention without charge of people arrested in the United States, but would also prohibit the detention of any person anywhere indefinitely, except to the extent permitted by the Constitution and the law of war, and it would restore meaningful right of action for detainees to challenge the legality of their detention.

The notion that the United States should conduct itself according to the Constitution and the law of war should not be controversial. Smith-Amash takes the first step—and I have proposed the next—towards affirming our values and securing our liberty. If we are going to address indefinite detention, we must do so directly.

I urge my colleagues to support the Smith-Amash amendment and to sign on as cosponsors of my bill.

Mr. THORNBERRY. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. We hear repeatedly people say persons are entitled to their constitutional rights, and, yes, they are.

When I was in the Army for 4 years, I was entitled to constitutional rights, but I had no right to freedom of speech. I had no right to freedom of assembly. There were a lot of people in the military that would rather not assemble at 5 a.m. in the morning, but you don't have that constitutional right.

The same way with immigrants. Immigrants do not have all of the rights under the Constitution that others do.

What we're saying is that people who are terrorists and kill Americans on American soil should not have more rights than an immigrant who is here peaceably but that is subject to the laws and subject to detention without going to an article III court. There are constitutional rights, yes, but not everyone under the Constitution has the same rights. Ask somebody in the military.

So I implore my colleagues, please do not give foreign terrorists on our soil more rights than our own military has under the Constitution.

Mr. SMITH of Washington. I would like to submit for the RECORD a statement from retired JAG officers explaining the difference in the Uniform Code of Military Justice.

RETIRED JAGS SPEAK OUT AGAINST NDAA MISINFORMATION

(For Immediate Release: May 17,. 2012)

Washington, DC—In response to comments from members of Congress suggesting that the Smith-Amash Amendment to the National Defense Authorization Act for the 2013 Fiscal Year would give suspected terrorists more rights than members of the U.S. armed forces, Rear Admiral john D. Hutson (ret.) and Donald Guter, former Judge Advocate Generals of the Navy, and Thomas Romig, former Judge Advocate General of the Army, issued the following statement:

''It reveals a fundamental misunderstanding of our military justice system to

suggest that by providing terrorism suspects with Article III civilian court trials, they would be getting 'better rights' than our own military. Our courts-martial system under the Uniform Code of Military Justice (UCMJ) has a special, constitutionally recognized role in maintaining good order and discipline in the military. It is not designed anyone other than members of the U.S. armed forces or those accompanying them in the field. The Smith-Amash amendment is a modest, bi-partisan approach to protecting constitutional values that ought to draw support from all members of Congress, including those who support our military justice system.''

I yield 1 minute to the gentleman from Virginia (Mr. GRIFFITH).

Mr. GRIFFITH of Virginia. Ladies and gentlemen, the problem is that folks want to always talk about the terrorists, and absolutely we all should be concerned about the terrorists. But how about the citizens of the United States who have to worry about now being arrested when they don't know what it is they've done wrong?

In the court case that set aside 1021 just yesterday, the court points out that, they ask: Can you tell me what it means to substantially support associated forces? The representative of the government says: I'm not in a position to give specific examples. The court says: Give me one. And the gentleman, the representative of the government, says: I'm not in a position to give one specific example.

The problem is that we have citizens who may be caught up unintentionally by this bill or by 1021. We must protect the citizens of the United States from an overreaching bill that has been ruled unconstitutional.

And what else is interesting is the definitions aren't in 1021. The court points out in that case that in 18 U.S.C. 2339 and 2339(a) there are definitions. We need definitions. We cannot leave liberty to inference.

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

Mr. SMITH of Washington. Can I inquire as to how much time is remaining?

The Acting CHAIR (Mr. JOHNSON of Ohio). The time of the gentleman from Washington has expired.

Mr. THORNBERRY. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I appreciate Mr. SMITH's earlier acknowledgment that last year's NDAA did not take away rights of Americans. The Gohmert amendment, which we debated, I think removes all doubt and actually adds some extra procedural safeguards to make sure that Americans' rights are absolutely protected.

To his credit, Mr. SMITH's amendment, as he admits, does change the law from what it's been not only the past 11 years, but it changes the law from what it's been basically since World War II. And my suggestion is that we all ought to be very careful about changing the law.

With the exception of Fort Hood and the Little Rock shooting, we have gone 11 years without a successful terrorist attack here in the United States. There are a lot of reasons for that. But part of the reason is the legal framework that has given the tools to the military, the intelligence community, and law enforcement that have all made that possible.

Mr. SMITH's amendment changes that, and the biggest way it changes it is that it automatically gives foreigners constitutional rights that we all have thought of as belonging to Americans. So the second that a foreign terrorist, a member of al Qaeda, sets foot on U.S. soil, he is told: You have the right to remain silent. You have the right to an attorney. If you can't afford one, one will be provided to you.

Now, that is a significant change.

The gentleman from Washington says, well, look, our criminal justice system works all the time. And it is true; we can prosecute people. But the key here, as Mr. LANDRY said, is not just prosecuting people after they have committed their acts or after their bomb has failed to blow up, if we're lucky. The point is to prevent those attacks. That means have you to get the information from them. And that means, if you say, You have the right to remain silent, it is going to be harder to get that information from them. And we're talking about foreigners here.

American citizens absolutely have the right to contest their detention. No American citizen will ever be tried in a military commission. Any American citizen has the right to contest his detention. To keep us safe, this amendment must be rejected.

MAY 9, 2012.

Hon. HOWARD P. MCKEON,
House of Representatives,
Washington, DC.

DEAR CHAIRMAN MCKEON: As former government officials with significant national security experience, we write to you in support of provisions that were included in the National Defense Authorization Act (NDAA) for Fiscal Year 2012 relating to the detention of enemy combatants. As the House will soon begin consideration of the NDAA for Fiscal Year 2013, we also write to address misconceptions about the FY12 provisions and efforts by others to exploit those misconceptions.

Importantly, the FY12 NDAA included an affirmation of the detention authority provided by the 2001 Authorization for Use of Military Force (AUMF). Given the President's plan to withdraw U.S. combat forces from Afghanistan and the continuing threat posed by groups like al Qaeda in the Arabian Peninsula, this affirmation was a critical step in reinforcing the military's legal authorities to combat terror.

Some have argued that the FY 12 NDAA's affirmation of detention authority altered the status quo, and is an ''expansion'' of the power of the federal government. This is false.

The FY12 NDAA explicitly states that ''nothing in this section shall be construed to affect existing law or authorities relating to the detention of United States citizens, lawful resident aliens of the United States, or any persons who are captured or arrested in the Unites States.''

As the Heritage Foundation recently wrote, ''The NDAA has not impacted the conditions under which a U.S. citizen may (or may not) be detained . . . The law regarding how U.S. citizens are handled, including the right to habeas corpus, is the same today as it was the day before it [the NDAA] was passed.'' The detainee provisions of the NDAA merely codified existing case law related to detainees, period.

On September 18, 2001, Congress passed the AUMF, which authorizes the President to ''use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons . . .''

As you are well aware, the law of armed conflict, also called the law of war, allows for a country engaged in armed conflict to detain the enemy for the duration of hostilities. That age old principle existed well before September 11, 2011 and is a right that all countries must retain during a time of war. Furthermore, the law of armed conflict does not discriminate between enemy combatants who are citizens of the United States and those that are not. Any citizen who joins al Qaeda or its affiliates is properly classified as an unlawful enemy combatant and may be treated as such. We find the notion propagated by some, that a citizen who has nothing to do with al Qaeda could be picked up off an American street and detained by the military, to be ridiculous.

In 2004, the U.S. Supreme Court recognized in Hamdi v. Rumsfeld that the United States had the legal authority to detain a U.S. citizen captured fighting alongside the Taliban in Afghanistan who was later detained in the United States pursuant to the AUMF. However, the Supreme Court made it clear that such detainees must have the right to challenge the legality of their detention before a federal judge. The Court noted that ''[a]bsent suspension, the writ of habeas corpus remains available to every individual detained within the United States.''

As you know, several members of Congress have introduced legislation relating to the detainee provisions in the FY12 NDAA. Representative Scott Rigell recently introduced H.R. 4388, the ''Right to Habeas Corpus Act,'' which would affirm the right of any person detained in the United States pursuant to the AUMF to challenge the legality of their detention in an Article III court. Representative Rigell's bill is entirely consistent both with the FY12 NDAA and existing case law.

Unfortunately, other members of Congress have introduced proposed legislation that would instead erode the authorities provided by the AUMF and limit the military's ability to pursue terrorists. For instance, Representative Adam Smith and Senator Mark Udall have introduced legislation that would prevent the President from ever detaining anyone, including foreign terrorists, in the United States pursuant to the AUMF. Representative John Garamendi and Senator Dianne Feinstein have introduced similar legislation that would leave it up to Congress to decide when the President has the authority to detain U.S. citizens who have joined the enemy.

It is highly questionable whether either of these proposed pieces of legislation would be constitutional as they would deprive any president of lawful options that he may need in order to fulfill his constitutional duties as commander in chief to defend the United States and protect American citizens. Rewarding terrorists with greater rights for making it to the United States would actually incentivize them to come to our shores, or to recruit from within the United States, where they pose the greatest risk to the American people. Such a result is perverse.

Although we believe the FY12 NDAA detainee provisions, read along with the AUMF

and pertinent case law is clear, we understand the urge to affirm the availability of habeas corpus rights of any terrorist captured in the United States. Should that affirmation be necessary to erase doubts, we would respectfully encourage you to consider incorporating the language from Representative Rigell's ''Right to Habeas Corpus Act'' in the FY13 NDAA to address misconceptions and to defend against these other attempts to undermine the critical wartime authorities provided by the AUMF.

As the House begins consideration of the NDAA for Fiscal Year 2013, we urge you to ensure that attempts to exploit misconceptions about the NDAA are not successful in harming U.S. national security.

Sincerely,

Edwin Meese III, Former U.S. Attorney General; Michael B. Mukasey, Former U.S. Attorney General and Former U.S. District Judge; Michael Chertoff, Former Secretary of Homeland Security; Steven G. Bradbury, Former Acting Assistant Attorney General and Principal Deputy AAG, Office of Legal Counsel, U.S. Department of Justice; Daniel J. Dell'Orto, Former Principal Deputy General Counsel, Department of Defense; David Rivkin, Former Deputy Director, Office of Policy Development, U.S. Department of Justice; Charles D. Stimson, Former Deputy Assistant Secretary of Defense For Detainee Affairs and Former Assistant US Attorney, District of Columbia; Paul Butler, Former Principle Deputy Assistant Secretary of Defense, SOLIC and Former Assistant US Attorney, SDNY; Steven A. Engel, Former Deputy Assistant Attorney General Office of Legal Counsel, U.S. Department of Justice; Paul Rosenzweig, Former Deputy Assistant Secretary for Policy and Acting Assistant Secretary for International Affairs, Department of Homeland Security.

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

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

Mr. SMITH of Washington. Mr. 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 Washington will be postponed.

AMENDMENT NO. 47 OFFERED BY MR. DUNCAN OF SOUTH CAROLINA

The Acting CHAIR. It is now in order to consider amendment No. 47 printed in House Report 112–485.

Mr. DUNCAN of South Carolina. Mr. 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 subtitle D of title XII of division A of the bill, add the following:

SEC. 12xx. LIMITATION ON FUNDS FOR INSTITUTIONS OR ORGANIZATIONS ESTABLISHED BY THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA.

None of the funds authorized to be appropriated by this Act may be made available for any institution or organization established by the United Nations Convention on the Law of the Sea, including the International Seabed Authority, the International Tribunal for the Law of the Sea, and the Commission on the Limits of the Continental Shelf.

The Acting CHAIR. Pursuant to House Resolution 661, the gentleman from South Carolina (Mr. DUNCAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from South Carolina.

Mr. DUNCAN of South Carolina. First, let me say that there is centuries-old precedence of international law governing the navigational rights in territorial waters and navigation through the straits around the globe. The U.N.'s Convention on the Law of the Sea was submitted to the United States Senate for its advice and consent in adherence to the United States Constitution 30 years ago in the 1980s, but the United States Senate has consistently refused to support it.

The U.N. Convention on the Law of the Sea threatens the United States' national security interests and subordinates United States sovereignty to the global bureaucracy known as the United Nations.

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It threatens U.S. sovereignty under part XV by subjecting U.S. companies to mandatory dispute settlements and costly lawsuits by creating an unaccountable International Seabed Authority, ISA, to make rules that the U.N. Convention on the Law of the Sea members must follow. In addition, these rules may be changed by the ISA over the objection of any signatory nation.

It threatens U.S. military priorities because the U.S. Navy could find itself subject to international dispute resolution for its military activities in a nation-state's exclusive economic zones because article 288 does not define ''military activity.'' An example here might be the restriction, not the enhancement, of the free movement of United States Navy vessels in areas such as the South China Sea where we see China attempting to extend its territorial waters into areas such as the Spratly Islands.

You talk about redistribution of the wealth, it threatens U.S. foreign policy objectives because article 82 requires the revenue given to the ISA be distributed to the U.N. Convention on the Law of the Sea members. No transparency exists—as it doesn't in most U.N. policies—but no transparency exists on how countries use the funds, and nothing prevents the ISA from redistributing U.S. revenue to state sponsors of terrorism or undemocratic regimes with human rights abuses.

It threatens the U.S. economic interests. The U.N. Convention on the Law of the Sea provides for international revenue sharing from the exploitation of resources taken from the deep seabed—nickel, copper, cobalt are just some of the few, as well as oil and gas taken from the extended continental shelf. Now, this brings into question offshore and deep sea energy production and the question of whether we really want to turn over regulatory authority of these potential assets to the United Nations.

In addition, the Law of the Sea treaty could also potentially subject United States rivers and lakes to international jurisdiction where U.S. waterways meet international waters.

The Law of the Sea treaty would, in essence, turn the United States Navy into a policing arm of the United Nations, since we have the largest and most capable Navy in the world.

My amendment would protect the United States Navy, the United States military chain of command, authority of the Secretary of the Navy, Secretary of Defense, Commander in Chief, the Uniform Code of Military Justice, and the constitutional requirements of the U.S. Congress. My amendment limits American tax dollars to any institution or organization established by the U.N.'s Convention on the Law of the Sea, and I encourage the Members' support, and I yield back the balance of my time.

Mr. SMITH of Washington. Mr. Chairman, I claim the time in opposition.

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

Mr. SMITH of Washington. I yield myself such time as I may consume. I'll be very brief.

For the last 20 years, every single chief of Naval operations, Chairman of the Joint Chiefs, and other military officers have supported this treaty because they recognize that it gives us greater protections in an increasingly complicated world.

So I would urge opposition to this amendment that would undermine that Law of the Sea. It does not turn over the power to the United Nations. It creates a treaty that gives us a framework for dealing with what is an increasingly difficult set of issues.

China, absent this treaty, could, in fact, make greater claims in the South China Sea and elsewhere, and we would not have the same amount of power to oppose them. So please oppose this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from South Carolina (Mr. DUNCAN).

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

Mr. SMITH of Washington. 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 South Carolina will be postponed.

AMENDMENT NO. 48 OFFERED BY MR. COFFMAN OF COLORADO

The Acting CHAIR. It is now in order to consider amendment No. 48 printed in House Report 112–485.

Mr. COFFMAN of Colorado. Mr. Chairman, 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 title XII, add the following new section:

SEC. 12___. REMOVAL OF BRIGADE COMBAT TEAMS FROM EUROPE.

(a) FINDING.—Congress finds that, because defense spending among European NATO countries fell 12% since 2008, from $314 billion to $275 billion, so that currently only 4 out of the 28 NATO allies of the United States are spending the widely agreed-to standard of 2% of their GDP on defense, the United States must look to more wisely allocate scarce resources to provide for the national defense.

(b) REMOVAL AUTHORIZED.—The President is authorized and requested to end the permanent basing of units of the United States Armed Forces in European member nations of the North Atlantic Treaty Organization and return the four Brigade Combat Teams currently stationed in Europe to the United States.

(c) USE OF ROTATIONAL FORCES TO SATISFY SECURITY NEEDS.—It is the policy of the United States that the deployment of units of the United States Armed Forces on a rotational basis at military installations in European member nations of the North Atlantic Treaty Organization pursuant to the Army Force Generation (ARFORGEN) process is a force-structure arrangement sufficient to permit the United States—

(1) to satisfy the commitments undertaken by United States pursuant to Article 5 of the North Atlantic Treaty, signed at Washington, District of Columbia, on April 4, 1949, and entered into force on August 24, 1949 (63 Stat. 2241; TIAS 1964);

(2) to address the current security environment in Europe; and

(3) to contribute to peace and stability in Europe.

The Acting CHAIR. Pursuant to House Resolution 661, the gentleman from Colorado (Mr. COFFMAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. COFFMAN of Colorado. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado (Mr. POLIS).

Mr. POLIS. Mr. Chairman, maintaining four brigade combat teams in Europe is an example of the kind of wasteful spending that should be cut from the Federal Government.

This is the fourth time I've offered an amendment to reduce U.S. troop levels in Europe, and it has received more support on the floor of the House each time. I want to thank my colleague from Colorado (Mr. COFFMAN) for his leadership efforts in offering this amendment with me this year. I'm hopeful this amendment's clear logic, obvious nature, and bipartisan support will lead the House to adopt it.

This amendment, very simply, will bring troops home from Europe. Basing these forces in the U.S. rather than Europe will cost 10 to 20 percent less and maintain the flexibility and infrastructure for global operations necessary in today's world. The amendment would also authorize the Pentagon to close bases across Europe that are no longer necessary.

In the wake of World War II and the Cold War, stationing troops in Europe made sense. We were holding the line against the Soviet Union and Warsaw Pact and meeting our obligations to NATO. But the Soviet Union ceased to exist 20 years ago. If we didn't have these bases in Europe, we'd have to ask ourselves: Would we be setting bases up in Europe today to combat the global war on terrorism?

Our troop commitment in Europe needs to be reexamined. Our European allies are some of the richest countries in the world, so why are we subsidizing their defense? The average American spends over $2,500 on defense; the average European, about $500.

With modern technology, we can move troops and weapons quickly across the world to meet our NATO commitments and other operational necessities. We can rely on our capacity for rapid deployment to send troops and assets to all regions when needed.

Our amendment would call for rotational forces to be deployed in Europe so they can fulfill our NATO obligations. There's cheaper and less controversial ways of proving to our allies the strength of our commitment to defense than permanently stationing and maintaining over 80,000 troops in their countries.

Donald Rumsfeld even thinks it's time for a change to our 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 invasion by a Soviet Union that no longer exists.

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

Mr. COFFMAN of Colorado. Mr. Chairman, I yield an additional 15 seconds to the gentleman.

Mr. POLIS. I thank the gentleman from Colorado for his leadership.

At a time when we must seriously consider cuts to our budget and balancing our budget, we should not continue to subsidize the defense of wealthy European nations against a Soviet threat that ceased to exist two decades ago.

I urge my colleagues to support my amendment.

Mr. COFFMAN of Colorado. Mr. Chairman, I yield myself such time as I may consume.

The Pentagon has proposed removing two brigade combat teams already from permanent bases in Europe. The U.S. Army would still have about 37,000 soldiers in Europe even after it withdraws two of its four combat brigades, which is about 7,000 soldiers. The United States has about 80,000 military personnel still in Europe. There are 28 U.S. military bases—16 Army, eight Air Force, and four Navy.

The Coffman-Polis amendment would authorize the removal of all four brigade combat teams. The only permanent forces stationed in Europe would be those that are required to maintain our expeditionary capabilities and conduct engagement with the leadership of our NATO allies. We will continue to meet our security commitment to our NATO allies by utilizing rotational forces. This could be accomplished by expanding existing programs like the National Guard State Partnership Program.

Since 2008, the Defense Department, among European NATO countries, fell 12 percent, from $314 billion to $275 billion. Only four out of our 28 NATO allies are spending even 2 percent on their GDP on defense. The United States spends 4.7 percent on defense.

Our European allies are facing a fiscal crisis of their own; however, instead of being forced to find the same balance that the United States is trying to achieve, they are able to drastically reduce their national defense spending because they can take for granted that the United States will continue to be the guarantor of their security. This is an unfair burden to U.S. taxpayers.

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

Mr. SMITH of Washington. Mr. Chairman, I rise to claim the time in opposition.

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

Mr. SMITH of Washington. I yield such time as he may consume to the gentleman from Virginia (Mr. FORBES).

Mr. FORBES. Mr. Chairman, I rise in opposition to this amendment. And, Mr. Chairman, I would say that I have enormous respect for the gentlemen from Colorado. I have enormous respect for the gentleman from Colorado's service in the military. But I also have enormous respect for the United States Army and for the leadership of the United States Army.

□ 0030

The only reason that we would do this move is—there are two reasons. One would be because it makes strategic sense to do so, and the United States Army says it does not make strategic sense to do so. The second one is because of cost. And the United States Army would point out that the cost savings we have would be minimal because the rotational units are very expensive and much less effective than forward-base forces.

Mr. Chairman, it's been said here that we don't want to be defending our allies, and indeed we don't, not necessarily. But what we're doing with this is not just defending our allies but joining with our allies to make sure we're defending the United States and U.S. interests.

Mr. Chairman, I would say that the Army has moved already very strongly by removing two of these combat brigades from Europe. They've reduced by 50 percent the number of personnel we have in Europe since 2003. I think we should listen to the Army and make

sure that we're allowing them to do what they think at this particular point in time is strategically and from a cost-effective basis in the best interest of the United States.

Mr. SMITH of Washington. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. TURNER).

I'm anxious to hear about the secret deal to remove troops from Europe.

Mr. TURNER of Ohio. Well, I must say that we certainly have to be concerned about troop reductions in light of the possible secret deal between the Russians and the President.

I stand in opposition to this amendment because, first off, here you have Congress looking to withdraw troops that of course strategically our Department of Defense says that we need, and that intuitively we understand why they are there. We don't have troops there standing guard and defending Europe. We have troops there that are part of the alliance that are working in concert for the defense of the United States and our allies in issues of the war on terror, issues of training, issues of jointness, issues of logistics. I mean, Europe is not just a place where our troops are standing to oppose invasions of Europe; they're not there for that anymore. They're there for logistics of things such as the pirates that we have off of Africa, that people are abusing our resources to try to make certain that commerce can continue; the issues in Afghanistan, to make certain that we have the logistics for our troops and what they need; ensuring that our allies have jointness in training, working together and being present so that we can ensure that NATO works together in concert.

This provision would also lead to an incredibly negative perception among our NATO allies and partners that the U.S. is not committed to its NATO Article V responsibilities. You will recall, the NATO Article V, the only time it's been invoked was in favor of the United States after we were attacked and went into Afghanistan after 9/11.

These troops are present as part of the overall security of the United States. They're not there as a stake in the ground to protect Europe. To not look to our military for their strategy, for their determination as to where we need troops, for their use of deployment is for us to say that this Congress constitutes itself as the experts in military deployment, and we're not. This is not where the debate should occur.

We should oppose this amendment.

Mr. COFFMAN of Colorado. Mr. Chairman, unlike my two colleagues, and God bless them for their experience, but they've not served in our military, and they've not served in the United States Army in Europe as I have. So I can challenge the assumptions of the United States Army here.

The Cold War has been over with since 1989. We're spending 4.7 percent of our GDP on defense and our European allies, most of them, are spending less than 2 percent. There's an overreliance on the United States, and that's different from being allies. These are not expeditionary forces. These are really, truly relics of the Cold War with no border to defend. So it is time that we take them back.

Where is the savings? Well, the savings is in part because there is already an agreement that we are going to draw down the end-strength of our active duty forces. So that certainly fits within that criteria that's already been agreed to.

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

Mr. SMITH of Washington. I yield back the balance of my time.

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

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

Mr. COFFMAN of Colorado. 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 Colorado will be postponed.

AMENDMENT NO. 49 OFFERED BY MS. LEE OF CALIFORNIA

The Acting CHAIR. It is now in order to consider amendment No. 49 printed in House Report 112–485.

Ms. LEE of California. Mr. Chairman, 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 appropriate place in title XII of division A of the bill, add the following:

Subtitle—PREVENT IRAN FROM ACQUIRING NUCLEAR WEAPONS AND STOP WAR THROUGH DIPLOMACY ACT

SEC. __1. SHORT TITLE.

This subtitle may be cited as the ''Prevent Iran from Acquiring Nuclear Weapons and Stop War Through Diplomacy Act''.

SEC. __2. FINDINGS.

Congress finds the following:

(1) In his Nobel Peace Prize acceptance speech on December 10, 2009, President Obama said, ''I know that engagement with repressive regimes lacks the satisfying purity of indignation. But I also know that sanctions without outreach—and condemnation without discussion—can carry forward a crippling status quo. No repressive regime can move down a new path unless it has the choice of an open door.''

(2) In his address to the American Israel Public Affairs Committee on March 4, 2012, President Obama said, ''I have said that when it comes to preventing Iran from obtaining a nuclear weapon, I will take no options off the table, and I mean what I say. That includes all elements of American power. A political effort aimed at isolating Iran; a diplomatic effort to sustain our coalition and ensure that the Iranian program is monitored; an economic effort to impose crippling sanctions; and, yes, a military effort to be prepared for any contingency.''

(3) While the Obama Administration has rejected failed policies of the past by engaging in negotiations with Iran without preconditions, only four of such meetings have occurred.

(4) Official representatives of the United States and official representatives of Iran have held only two direct, bilateral meetings in over 30 years, both of which occurred in October 2009, one on the sidelines of the United Nations Security Council negotiations in Geneva, and one on the sidelines of negotiations brokered by the United Nations International Atomic Energy Agency (referred to in this Act as the ''IAEA'') in Vienna.

(5) All of the outstanding issues between the United States and Iran cannot be resolved instantaneously. Resolving such issues will require a robust, sustained effort.

(6) Under the Department of State's current ''no contact'' policy, officers and employees of the Department of State are not permitted to make any direct contact with official representatives of the Government of Iran without express prior authorization from the Secretary of State.

(7) On September 20, 2011, then-Chairman of the Joint Chiefs of Staff Admiral Mike Mullen, called for establishing direct communications with Iran, stating, ''I'm talking about any channel that's open. We've not had a direct link of communication with Iran since 1979. And I think that has planted many seeds for miscalculation. When you miscalculate, you can escalate and misunderstand.''

(8) On November 8, 2011, the IAEA issued a report about Iran's nuclear program and expressed concerns about Iran's past and ongoing nuclear activities.

(9) On December 2, 2011, Secretary of Defense Leon Panetta warned that an attack on Iran would result in ''an escalation that would take place that would not only involve many lives, but I think it could consume the Middle East in a confrontation and a conflict that we would regret.''

SEC. __3. STATEMENT OF POLICY.

It should be the policy of the United States—

(1) to prevent Iran from pursuing or acquiring a nuclear weapon and to resolve the concerns of the United States and of the international community about Iran's nuclear program and Iran's human rights obligations under international and Iranian law;

(2) to ensure inspection of cargo to or from Iran, as well as the seizure and disposal of prohibited items, as authorized by United Nations Security Council Resolution 1929 (June 9, 2010);

(3) to pursue sustained, direct, bilateral negotiations with the Government of Iran without preconditions in order to reduce tensions, prevent war, prevent nuclear proliferation, support human rights, and seek resolutions to issues that concern the United States and the international community;

(4) to utilize all diplomatic tools, including direct talks, targeted sanctions, Track II diplomacy, creating a special envoy described in section 4, and enlisting the support of all interested parties, for the purpose of establishing an agreement with Iran to put in place a program that includes international safeguards, guarantees, and robust transparency measures that provide for full IAEA oversight of Iran's nuclear program, including rigorous, ongoing inspections, in order to verify that Iran's nuclear program is exclusively for peaceful purposes and that Iran is not engaged in nuclear weapons work;

(5) to pursue opportunities to build mutual trust and to foster sustained negotiations in good faith with Iran, including pursuing a fuel swap deal to remove quantities of low enriched uranium from Iran and to refuel the Tehran Research Reactor, similar to the structure of the deal that the IAEA, the United States, China, Russia, France, the United Kingdom, and Germany first proposed in October 2009;

(6) to explore areas of mutual benefit to both Iran and the United States, such as regional security, the long-term stabilization of Iraq and Afghanistan, the establishment of a framework for peaceful nuclear energy production, other peaceful energy modernization programs, and counter-narcotics efforts; and

(7) that no funds appropriated or otherwise made available to any executive agency of the Government of the United States may be used to carry out any military operation or activity against Iran unless the President determines that a military operation or activity is warranted and seeks express prior authorization by Congress, as required under article I, section 8, clause 2 of the United States Constitution, which grants Congress the sole authority to declare war, except that this requirement shall not apply to a military operation or activity—

(A) to directly repel an offensive military action launched from within the territory of Iran against the United States or any ally with whom the United States has a mutual defense assistance agreement;

(B) in hot pursuit of forces that engage in an offensive military action outside the territory of Iran against United States forces or an ally with whom the United States has a mutual defense assistance agreement and then enter into the territory of Iran; or

(C) to directly thwart an imminent offensive military action to be launched from within the territory of Iran against United States forces or an ally with whom the United States has a mutual defense assistance agreement.

SEC. __4. APPOINTMENT OF HIGH-LEVEL U.S. REPRESENTATIVE OR SPECIAL ENVOY.

(a) APPOINTMENT.—At the earliest possible date, the President, in consultation with the Secretary of State, shall appoint a high-level United States representative or special envoy for Iran.

(b) CRITERIA FOR APPOINTMENT.—The President shall appoint an individual under subsection (a) on the basis of the individual's knowledge and understanding of the issues regarding Iran's nuclear program, experience in conducting international negotiations, and ability to conduct negotiations under subsection (c) with the respect and trust of the parties involved in the negotiations.

(c) DUTIES.—The high-level United States representative or special envoy for Iran shall—

(1) seek to facilitate direct, unconditional, bilateral negotiations with Iran for the purpose of easing tensions and normalizing relations between the United States and Iran;

(2) lead the diplomatic efforts of the Government of the United States with regard to Iran;

(3) consult with other countries and international organizations, including countries in the region, where appropriate and when necessary to achieve the purpose set forth in paragraph (1);

(4) act as liaison with United States and international intelligence agencies where appropriate and when necessary to achieve the purpose set for in paragraph (1); and

(5) ensure that the bilateral negotiations under paragraph (1) complement the ongoing international negotiations with Iran.

SEC. __5. DUTIES OF THE SECRETARY OF STATE.

(a) ELIMINATION OF ''NO CONTACT'' POLICY.—Not later than 30 days after the date of enactment of this Act, the Secretary of State shall rescind the ''no contact'' policy that prevents officers and employees of the Department of State from making any direct contact with official representatives of the Government of Iran without express prior authorization from the Secretary of State.

(b) OFFICE OF HIGH-LEVEL U.S. REPRESENTATIVE OR SPECIAL ENVOY.—Not later than 30 days after the appointment of a high-level United States representative or special envoy under section __4(a), the Secretary of State shall establish an office in the Department of State for the purpose of supporting the work of the representative or special envoy.

SEC. __6. REPORTING TO CONGRESS.

(a) REPORTS.—Not later than 60 days after the high-level United States representative or special envoy for Iran is appointed under section __4, and every 180 days thereafter, the United States representative or special envoy shall report to the committees set forth in subsection (b) on the steps that have been taken to facilitate direct, bilateral diplomacy with the government of Iran under section __4(c). Each such report may, when necessary or appropriate, be submitted in classified and unclassified form.

(b) COMMITTEES.—The committees referred to in subsection (a) are—

(1) the Committee on Appropriations, the Committee on Foreign Affairs, the Committee on Armed Services, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(2) the Committee on Appropriations, the Committee on Foreign Relations, the Committee on Armed Services, and the Select Committee on Intelligence of the Senate.

SEC. __7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this subtitle such sums as may be necessary for fiscal year 2013.

The Acting CHAIR. Pursuant to House Resolution 661, the gentlewoman from California (Ms. LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. LEE of California. Mr. Chairman, my amendment is straightforward. It would appoint a Special Envoy for Iran to ensure that all diplomatic avenues are pursued to avoid a war with Iran and to prevent Iran from acquiring a nuclear weapon. It is cosponsored by my colleagues, Congresswoman WOOLSEY and Congressman CONYERS.

I must say that all of the cosponsors of this resolution agree that we must prevent an Iran armed with nuclear weapons, which would be totally unacceptable. As President Obama said, all options, including diplomatic options, need to be on the table with Iran.

We all recognize that the military option has been and will continue to be on the table, but we must not let the military option override any diplomatic initiative which would keep Iran from acquiring a nuclear weapon.

Let me just say and cite section 1221 of the bill in its Declaration of Policy on Iran. This is in the bill as it is currently written:

It is the policy of the United States to take all necessary measures, including military action, if required, to prevent Iran from threatening the United States, its allies, or Iran's neighbors with a nuclear weapon.

The bill also sets forth what it takes to require the military to prepare for war. So we all recognize that the military option in this bill is on the table. It's stated very clearly.

My amendment would just take two simple steps to support the diplomatic option. First, it would require President Obama to appoint a high-level Special Envoy to Iran to engage in sustained bilateral—that's country to country—comprehensive negotiations with the aim of ensuring Iran gives up any efforts to acquire nuclear weapons.

Secondly, my amendment would lift the ''no contact policy'' that prohibits high-level American diplomats from communicating directly with their Iranian counterparts.

In addition, it's just common sense that in order for the current multilateral negotiations to be effective, we need to get rid of this current policy that treats diplomatic talks as a prize rather than a tool for statecraft. My amendment in no way undermines current multilateral negotiations. In fact, we need both; we need bilateral and multilateral negotiations if in fact we're going to prevent Iran from acquiring a nuclear weapon.

We can all agree that an Iran armed with nuclear weapons really is unacceptable. Experts agree that at best an armed strike against Iran would set its nuclear program back 3 years while locking in Iran's determination to obtain nuclear weapons. So we're trying to do everything we can do. As one who has always supported nonproliferation, I understand what is taking place as it relates to the multilateral negotiations, but I think it is very important that we strengthen those with bilateral negotiations.

I reserve the balance of my time.

Mr. MCKEON. Mr. Chairman, I rise to claim the time in opposition.

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

Mr. MCKEON. I yield 2 minutes to my friend and colleague, the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Chairman, this amendment basically appoints a Special Envoy to Iran to try and talk the Islamic leaders out of nuclear weapons and out of their nuclear weapons program.

□ 0040

If talk and negotiations could denuclearize Iran, we wouldn't have to worry about them anymore. But the reality is you can't take the crazy out of radical Islamic fundamentalists, which are the people that run Iran.

And this amendment does, contrary to what the gentlelady from California says, this amendment does, in fact, take the military option off the table because it would prevent the President from taking action, even if the U.S. were directly threatened and immediately threatened unless Congress authorized it first. The President would have to call this body back into session, from wherever we were at, and then ask us for permission, on C–SPAN, to go ahead and act against an immediate Iranian threat.

This amendment does not acknowledge the six U.N. Security Council resolutions to address Iran's nuclear program. It does not acknowledge that France, Germany, and the U.K. offered Iran several proposals to resolve nuclear issues during negotiations in 2004 and 2005. It does not acknowledge that the diplomatic initiatives to resolve the Iranian nuclear issue have produced absolutely nothing. Absolutely nothing.

What this amendment does is appease and appease and appease and stall and while we talk, while we stand here in this body, right now, discussing this, Iran's getting closer and closer to a nuclear weapon. And Iran's not North Korea. North Korea is sane compared to Iran. As soon as they get enriched uranium that can be used as a weapon, it will end up on our shores. And it probably won't be by the Iranians. It probably won't be launched from Iran. It'll cross our border or come into an American port, and it will kill Americans.

So, Mr. Chairman, I oppose this amendment, and I would urge my colleagues to do the same.

Ms. LEE of California. Mr. Chairman, how much time do I have remaining?

The Acting CHAIR. The gentlewoman has 2 minutes.

Ms. LEE of California. I'd like to yield now 1½ minutes to the gentlewoman from California, Congresswoman WOOLSEY.

Ms. WOOLSEY. Mr. Chairman, after 8 long and deadly years, we finally ended the war in Iraq. Hopefully, the war in Afghanistan is drawing to a close, but not nearly as quickly as I'd like.

The last thing we can afford is to enter another military conflict that kills Americans, drains our Treasury, and undermines our national reputation and our national security. That's why I support this amendment.

By sending a special envoy to Iran, we can take definitive steps to avoid war, giving diplomacy the best chance to succeed, and giving ourselves the best chance to keep Iran from developing a nuclear weapon.

This is consistent with my SMART Security Platform, which demands that we explore every possible alternative to war, that we use peaceful conflict resolution whenever and wherever possible, that we make a renewed commitment to nuclear nonproliferation.

So let's do the smart thing. Vote ''yes'' on this amendment. Prevent war.

Mr. MCKEON. Mr. Chairman, I yield 1 minute to the gentleman from Washington (Mr. SMITH), the ranking member of the committee.

Mr. SMITH of Washington. Mr. Chair, I actually oppose this amendment for reasons completely opposite of what the previous opposition speaker opposed them for. I believe that part of the solution to stopping Iran from developing a nuclear weapon is to negotiate with them. The President is currently doing that as part of the Six Party Talks.

Now, none of that's going to work without very, very aggressive economic sanctions. I'm very pleased in last year's bill we were able to put in aggressive economic sanctions on the Central Bank of Iran. We need those sanctions. Those sanctions are what has driven these talks.

Unfortunately, I support just about everything in this amendment except for the part that requires bilateral negotiations. It would basically require us at this point to set up a separate set of negotiations apart from the Six Party Talks and would actually undermine the very negotiations that are going on right now.

I think it's very well intentioned. I agree that negotiations have to be part of that. It's just, given the negotiations that are going on, requiring bilateral negotiations at this point would undermine that very effort. And, therefore, for very different reasons I oppose the amendment.

Ms. LEE of California. Let me just say I respectfully disagree that this would undermine the current Six Party Talks. I think it would strengthen the Six Party Talks. We need bilateral and multilateral negotiations if we're going to prevent Iran from acquiring a nuclear weapon.

This bill is very clear in terms of the military option, in response to my colleague on the other side. The underlying bill says it shall be the policy of the United States to take all necessary measures, including military action, if required, to prevent Iran from threatening the United States, its allies, or Iran's neighbors with a nuclear weapon.

In no way does this amendment appease the Iranians. What it does is bring some semblance of balance and another strategy, another layer to strengthen the negotiations that are currently taking place so that we can keep Iran from acquiring a nuclear weapon and prevent an all-out war.

I yield back the balance of my time.

Mr. MCKEON. Hearing the word ''undermined'' brings to mind the fact that they are way underground building this nuclear facility. It kind of stretches the credibility thinking that they're doing that just to build a power plant.

Mr. Chairman, I yield the balance of our time to the gentleman from Virginia (Mr. FORBES).

Mr. FORBES. Mr. Chairman, we've debated some important issues here tonight. Some of them we've had some fun with. Some of them we have debated very, very strenuously.

But make no mistake about it, the greatest threat to world peace today is Iran and the possibility that Iran will get a nuclear weapon. There is no other country in the world that has specifically stated its purpose to use that weapon will be to destroy one of our allies, which would be Israel.

And one of the most important things we can have is to make sure that we have no lack of clarity when we come to dealing with Iran.

Our good friend, Ike Skelton, used to always admonish us, read the bill. In this bill we are looking to take power away from the Secretary of State. We say we want to have diplomacy, and yet we are pulling away the Secretary of State's options to do that.

We're looking at taking away powers of the President, because, if nothing else, we're mucking up the War Powers Act and making it unclear what the President can do and what he can't do. And when it comes to Iran, that's the least important thing we can do.

The most important thing we can do is to make sure that we continue to give the President the options that he needs to keep everything on the table in dealing with Iran. And when we tell him he can't use military force until he's done all diplomatic avenues, nobody in here understands what that means exactly.

So, Mr. Chairman, I hope that we will not go down this path, because I can assure you the destination may be one that we wish we had never arrived at. And I hope we'll defeat this amendment.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from California (Ms. LEE).

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

Ms. LEE of California. 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 gentlewoman from California will be postponed.

AMENDMENT NO. 50 OFFERED BY MR. LAMBORN

The Acting CHAIR. It is now in order to consider amendment No. 50 printed in House Report 112–485.

Mr. LAMBORN. Mr. Chairman, 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 title XIII, add the following new section:

SEC. 1303. LIMITATION ON AVAILABILITY OF FUNDS FOR COOPERATIVE THREAT REDUCTION ACTIVITIES WITH RUSSIAN FEDERATION.

(a) LIMITATION.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 for Cooperative Threat Reduction may be obligated or expended for cooperative threat reduction activities with the Russian Federation until the date that is 30 days after the date on which the Secretary of Defense certifies, in coordination with the Secretary of State, to the appropriate congressional committees that—

(1) Russia is no longer—

(A) providing direct or indirect support to the government of Syria's suppression of the Syrian people; and

(B) transferring to Iran, North Korea, or Syria equipment and technology that have the potential to make a material contribution to the development of weapons of mass destruction or cruise or ballistic missile systems controlled under multilateral control lists; or

(2) funds planned to be obligated or expended for cooperative threat reduction activities with the Russian Federation are strictly for project closeout activities and will not be used for new activities or activities that will extend beyond fiscal year 2013.

(b) WAIVER.—The Secretary of Defense may waive the limitation in subsection (a) if—

(1) the Secretary determines that such waiver is in the national security interests of the United States;

(2) the Secretary briefs, in an unclassified form, the appropriate congressional committees on the justifications of such waiver; and

(3) a period of 90 days has elapsed following the date on which such briefing is held.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

The Acting CHAIR. Pursuant to House Resolution 661, the gentleman from Colorado (Mr. LAMBORN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. LAMBORN. Mr. Chairman, I yield myself such time as I may consume.

My amendment bans cooperative threat reduction funds going to Russia unless the Secretary of Defense, with the Secretary of State, first, can certify that the Russians are no longer supporting the Syrian regime, and, secondly, are not providing Syria, North Korea, or Iran equipment or technology to develop weapons of mass destruction.

This amendment sends a clear message condemning Russian support to Syria and the Assad regime. Since the anti-regime protests in Syria began in March of last year, Syrian security forces have killed well over 10,000 people. Some people say 12,000 people. They have wrongfully imprisoned tens of thousands more.

Russia, unfortunately, has proven repeatedly that they are willing to send technology and weapons to all buyers, including to regimes like Syria that are brutalizing their citizens.

□ 0050

We need to send a clear and consistent message to the Russians and to the rest of the world that the United States will not tolerate or support the oppression that the Syrian Government is inflicting on its people.

How can we continue to send military aid to Russia while they knowingly and deliberately turn around and support the brutal and corrupt Syrian regime?

The U.S. will not tolerate either direct or indirect military assistance to the Assad regime in Syria. We will not support the Russian transfer of weapons of mass destruction or ballistic missile equipment and technology to countries like Syria, Iran, or North Korea.

This amendment begins to put some teeth behind the words of the President and others in Congress on both sides of the aisle who have called for action. This amendment begins to support the seriousness behind our words. We must do everything we can to end the Assad regime's escalating use of indiscriminate violence against its people. Join me in supporting this important amendment.

I reserve the balance of my time.

Mr. SMITH of Washington. I rise in opposition to the amendment.

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

Mr. SMITH of Washington. This is a classic ''cutting off your nose to spite your face'' amendment.

We are all very upset by the fact that Russia continues to be supportive of the Assad regime, but cutting off funds from the Defense Threat Reduction Program is not going to hurt Russia; it's going to hurt us.

The purpose of the Defense Threat Reduction Program, as the name would imply, is to reduce the threat. This was part of the broad nonproliferation effort, after the collapse of the Soviet Union, to set up a cooperative working agreement to try to control the weapons of mass destruction—nuclear, biological, chemical—that Russia has. This is a critically important program to stop proliferation and to make sure that these weapons of mass destruction don't wind up in the hands of terrorists and that they are actually controlled.

So, as much as I want to see Russia change its policy towards Syria, cutting off this program to try to force it is not a good idea, and I urge opposition to the amendment.

I reserve the balance of my time.

Mr. LAMBORN. The term that's used for this program is the Cooperative Threat Reduction Program. Russia has to cooperate. When they're turning around and supporting regimes like Syria with, we think, $1 billion worth of weapons transfers last year alone, what kind of cooperation is that?

Yes. Originally, 20 years ago, this program had a laudable purpose, but now Russia is doing something that is a bigger threat to our security, I believe. We have to find some way of sending a message to a country that is supporting these brutal regimes. I believe that this is the best way to do it, and I would urge the support of this amendment.

I reserve the balance of my time.

Mr. SMITH of Washington. I yield myself such time as I may consume.

This is precisely the wrong place to do it. It really isn't, again, punishing Russia. We are the ones who are most concerned about these weapons getting out and getting into the wrong hands. Yes, it requires Russia's cooperation. It is cooperation that we strived hard to get, so to cut it off at this point—to lose that cooperation—places us in greater jeopardy by making weapons of mass destruction more difficult to control. So, again, I would urge opposition.

I yield back the balance of my time.

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

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

The amendment was agreed to.

AMENDMENT NO. 51 OFFERED BY MR. CARNAHAN

The Acting CHAIR. It is now in order to consider amendment No. 51 printed in House Report 112–485.

Mr. CARNAHAN. 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 division A of the bill, add the following:

TITLE XVII—CONTINGENCY OPERATIONS OVERSIGHT AND INTERAGENCY ENHANCEMENT ACT OF 2012

SEC. 1701. SHORT TITLE.

This title may be cited as the ''Contingency Operations Oversight and Interagency Enhancement Act of 2012''.

SEC. 1702. DEFINITIONS.

In this title, the following definitions apply:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committees on Appropriations, Armed Services, Foreign Affairs, and Oversight and Government Reform of the House of Representatives; and

(B) the Committees on Appropriations, Armed Services, Foreign Relations, and Homeland Security and Governmental Affairs of the Senate.

(2) DIRECTOR.—The term ''Director'' means the Director of the United States Office for Contingency Operations.

(3) FUNCTIONS.—The term ''functions'' includes authorities, powers, rights, privileges, immunities, programs, projects, activities, duties, and responsibilities.

(4) IMMINENT STABILIZATION AND RECONSTRUCTION OPERATION.—The term ''imminent stabilization and reconstruction operation'' is a condition in a foreign country which the Director believes may require in the immediate future a response from the United States and with respect to which preparation for a stabilization and reconstruction operation is necessary.

(5) INTELLIGENCE COMMUNITY.—The term ''intelligence community'' has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

(6) OFFICE.—The term ''Office'' means the United States Office for Contingency Operations.

(7) PERSONNEL.—The term ''personnel'' means officers and employees of an Executive agency, except that the term does not include members of the Armed Forces.

(8) POTENTIAL STABILIZATION AND RECONSTRUCTION OPERATION.—The term ''potential stabilization and reconstruction operation'' is a possible condition in a foreign country which in the determination of the Director may require in the immediate future a response from the United States and with respect to which preparation for a stabilization and reconstruction operation is advisable.

(9) STABILIZATION AND RECONSTRUCTION EMERGENCY.—The term ''stabilization and reconstruction emergency'' is a stabilization and reconstruction operation which is the subject of a Presidential declaration pursuant to section 1713.

(10) STABILIZATION AND RECONSTRUCTION OPERATION.—The term ''stabilization and reconstruction operation''—

(A) means a circumstance in which a combination of security, reconstruction, relief, and development services, including assistance for the development of military and security forces and the provision of infrastructure and essential services (including services that might be provided under the authority of chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.; relating to the Economic Support Fund)), should, in the national interest of the United States, be provided on the territory of an unstable foreign country;

(B) does not include a circumstance in which such services should be provided primarily due to a natural disaster (other than a natural disaster of cataclysmic proportions); and

(C) does not include intelligence activities.

(11) UNITED STATES.—The term ''United States'', when used in a geographic sense, means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, any possession of the United States, and any waters within the jurisdiction of the United States.

SEC. 1703. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) Responsibilities for overseas stability and reconstruction operations are divided among several agencies. As a result, lines of responsibility and accountability are not well-defined.

(2) Despite the establishment of the Office of the Coordinator for Reconstruction and Stabilization within the Department of State, the reaffirmation of the Coordinator's mandate by the National Security Presidential Directive 44, its codification with title XVI of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009, and the issuance of the Department of Defense Directive 3000.05, serious imbalances and insufficient interagency coordination remain.

(3) The United States Government has not effectively or efficiently managed stabilization and reconstruction operations during recent decades.

(4) Based on trends, the United States will likely continue to find its involvement necessary in stabilization and reconstruction operations in foreign countries in the wake of violence or cataclysmic disaster.

(5) The United States has not adequately learned the lessons of its recent experiences in stabilization and reconstruction operations, and despite efforts to improve its performance is not yet organized institutionally to respond appropriately to the need to perform stabilization and reconstruction operations in foreign countries.

(6) The failure to learn the lessons of past stabilization and reconstruction operations will lead to further inefficiencies, resulting in greater human and financial costs.

(b) PURPOSES.—The purposes of this title are to—

(1) advance the national interest of the United States by providing an effective means to plan for and execute stabilization and reconstruction operations in foreign countries;

(2) provide for unity of command, and thus achieve unity of effort, in the planning and execution of stabilization and reconstruction operations;

(3) provide accountability for resources dedicated to stabilization and reconstruction operations;

(4) maximize the efficient use of resources, which may lead to budget savings, eliminated redundancy in functions, and improvement in the management of stabilization and reconstruction operations; and

(5) establish an entity to plan for stabilization and reconstruction operations and, when directed by the President, coordinate and execute such operations, eventually returning responsibility for such operations to other agencies of the United States Government as the situation becomes normalized.

SEC. 1704. CONSTRUCTION; SEVERABILITY.

Any provision of this title held to be invalid or unenforceable by its terms, or as applied to any person or circumstance, shall be construed so as to give it the maximum effect permitted by law, unless such holding shall be one of utter invalidity or unenforceability, in which event such provision shall be deemed severable from this title and shall not affect the remainder thereof, or the application of such provision to other persons not similarly situated or to other, dissimilar circumstances.

SEC. 1705. EFFECTIVE DATE.

This Act shall take effect on the date that is 60 days after the date of the enactment of this Act.

Subtitle A—United States Office for Contingency Operations: Establishment, Functions, and Personnel

SEC. 1711. ESTABLISHMENT OF THE UNITED STATES OFFICE FOR CONTINGENCY OPERATIONS.

There is established as an independent entity the United States Office for Contingency Operations, which shall report to the Department of State and the Department of Defense.

SEC. 1712. TRANSFER OF AUTHORITIES, FUNCTIONS, PERSONNEL, AND ASSETS TO THE OFFICE.

(a) FUNCTIONS TRANSFERRED.—Not later than 90 days after the date of the enactment of this Act, there shall be transferred to the Office the functions, personnel, assets, and liabilities of the Bureau of Conflict and Stabilization Operations, including the Office of the Coordinator for Reconstruction and Stabilization of the Department of State.

(b) FUNCTIONS TRANSFERRED, IN WHOLE OR IN PART.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, in addition to the functions, personnel, assets, and liabilities transferred under subsection (a), there shall be transferred, in whole or in part, to the Office, under such conditions as the Director, the Director of the Office of Management and Budget, and the Director of the Office of Personnel Management jointly prescribe, the functions, personnel, assets, and liabilities of the following:

(A) Civilian organizational entities within the Department of Defense identified by the Secretary of Defense as—

(i) established to implement Department of Defense Instruction 3000.05, relating to stability operations; and

(ii) not essential for combat operations.

(B) The Bureau of International Narcotics and Law Enforcement Affairs of the Department of State.

(C) The Office of Transition Initiatives of the United States Agency for International Development.

(D) The Office of Foreign Disaster Assistance of the United States Agency for International Development.

(E) The Office of Conflict Mitigation and Management of the United States Agency for International Development.

(F) The International Criminal Investigative Training Assistance Program of the Department of Justice.

(G) The Department of the Treasury's program to provide technical assistance to foreign governments and foreign central banks of developing or transitional countries authorized under section 129 of the Foreign Assistance Act of 1961 and the Office of Technical Assistance of the Department of the Treasury that manages such program.

(H) The Contingency Acquisition Corps of the General Services Administration established pursuant to section 2312 of title 41, United States Code.

(2) REPORTS.—

(A) BEFORE THE TRANSFER.—The Director, the Director of the Office of Management and Budget, or the Director of the Office of Personnel Management, as appropriate, shall, not later than 60 days before carrying out a transfer in accordance with paragraph (1), submit to the appropriate congressional committees a report on the transfer.

(B) AFTER THE TRANSFER.—The Director shall submit to the appropriate congressional committees a report on the military and non-military resources, capabilities, and functions related to contingency operations of the entities and agencies transferred pursuant to paragraph (1). If any capabilities or functions of such entities and agencies were not so transferred, the Director shall include in such report an explanation relating to such non-transfer.

(c) FUTURE TRANSFERS AND RESTRUCTURING.—

(1) IN GENERAL.—In addition to the functions, personnel, assets, and liabilities transferred to the Office under subsections (a) and (b), the Director, the Director of the Office of Management and Budget, and the Director of the Office of Personnel Management may—

(A) transfer to the Office the functions, personnel, assets, or liabilities, in whole or in part, of any office, agency, bureau, program, or other entity that such Directors determine appropriate;

(B) transfer to the Office up to 150 skilled Federal personnel with expertise in contingency operations; and

(C) restructure the Office as such Directors determine appropriate to better carry out its functions and responsibilities.

(2) REPORTS.—If the Director, the Director of the Office of Management and Budget, and the Director of the Office of Personnel Management undertake a transfer or a restructuring in accordance with subparagraphs (A) and (B), respectively, of paragraph (1), the Director, the Director of the Office of Management and Budget, or the Director of the Office of Personnel Management, as appropriate, shall, not later than 60 days before carrying out any such transfer or restructuring, submit to the appropriate congressional committees a report on such transfer or restructuring.

SEC. 1713. RESPONSIBILITIES OF THE DIRECTOR, DEPUTY DIRECTOR, INSPECTOR GENERAL, AND OTHER OFFICES.

(a) DIRECTOR.—

(1) IN GENERAL.—The Office shall be headed by a Director, who shall be—

(A) appointed by the President, by and with the advice and consent of the Senate; and

(B) compensated at the rate of basic pay for level II of the Executive Schedule under section 5313 of title 5, United States Code.

(2) SUPERVISION.—

(A) IN GENERAL.—The Director shall report directly to, and be under the general supervision of, the Secretary of State and the Secretary of Defense. Such supervision may not be delegated.

(B) INFORMATION SHARING.—The Director shall keep the National Security Advisor fully and continually informed of the activities of the Office.

(3) FUNCTIONS.—The functions of the Director shall include the following:

(A) Monitoring, in coordination with relevant offices and bureaus of the Department of Defense, the Department of State, and the

United States Agency for International Development, political and economic instability worldwide in order to anticipate the need for mobilizing United States and international assistance for the stabilization and reconstruction of a country or region that is at risk of, in, or in transition from, conflict or civil strife.

(B) Assessing the various types of stabilization and reconstruction crises that could occur and cataloging and monitoring the military and non-military resources, capabilities, and functions of agencies that are available to address such crises.

(C) Planning to address requirements, such as demobilization, disarmament, capacity building, rebuilding of civil society, policing and security sector reform, and monitoring and strengthening respect for human rights that commonly arise in stabilization and reconstruction crises.

(D) Developing, in coordination with all relevant agencies, contingency plans and procedures to mobilize and deploy civilian and military personnel to conduct stabilization and reconstruction operations.

(E) Coordinating with counterparts in foreign governments and international and nongovernmental organizations on stabilization and reconstruction operations to improve effectiveness and avoid duplication.

(F) Building the operational readiness of the Civilian Response Corps and strengthening personnel requirements to enhance its essential interagency quality.

(G) Aiding the President, as the President may request, in preparing such rules and regulations as the President prescribes, for the planning, coordination, and execution of stabilization and reconstruction operations.

(H) Advising the Secretary of State and the Secretary of Defense, as the Secretary of State or the Secretary of Defense may request, on any matters pertaining to the planning, coordination, and execution of stabilization and reconstruction operations.

(I) Planning and conducting, in cooperation with the Secretary of State, the Administrator of the United States Agency for International Development, the Secretary of Defense, and commanders of unified combatant commands or specified combatant commands, a series of exercises to test and evaluate doctrine relating to stabilization and reconstruction operations and procedures to be used in such operations.

(J) Executing, administering, and enforcing laws, rules, and regulations relating to the preparation, coordination, and execution of stabilization and reconstruction operations.

(K) Administering such funds as may be appropriated or otherwise made available for the preparation, coordination and execution of stabilization and reconstruction operations.

(L) Planning for the use of contractors who will be involved in stabilization and reconstruction operations, including coordinating with the Secretary of State and the Secretary of Defense to ensure coordination of the work of such contractors with the work of contractors supporting—

(i) the Secretary of State; and

(ii) military operations and members of the Armed Forces.

(M) Prescribing standards and policies for project and financial reporting for all agencies involved in stabilization and reconstruction operations under the direction of the Office to ensure that all activities undertaken by such agencies are appropriately tracked and accounted for.

(N) Establishing an interagency training, preparation, and evaluation framework for all personnel deployed, or who may be deployed, in support of stabilization and reconstruction operations. Such training and preparation shall be developed and administered in partnership with such universities, colleges, or other institutions (whether public, private, or governmental) as the Director may determine and which agree to participate.

(4) RESPONSIBILITIES OF DIRECTOR FOR MONITORING AND EVALUATION REQUIREMENTS.—

(A) EVALUATIONS.—The Director shall plan and conduct evaluations of the impact of stabilization and reconstruction operations carried out by the Office.

(B) REPORTS.—

(i) IN GENERAL.—Not later than 30 days after the end of each fiscal-year quarter, the Director shall submit to the appropriate congressional committees a report summarizing all stabilization and reconstruction operations that are taking place under the supervision of the Director during the period of each such quarter and, to the extent possible, the period from the end of each such quarter to the time of the submission of each such report. Each such report shall include, for the period covered by each such report, a detailed statement of all obligations, expenditures, and revenues associated with such stabilization and reconstruction operations, including the following:

(I) Obligations and expenditures of appropriated funds.

(II) A project-by-project and program-by-program accounting of the costs incurred to date for the stabilization and reconstruction operation that are taking place, together with the estimate of any department or agency that is undertaking a project in or for the stabilization and reconstruction of such country, as applicable, of the costs to complete each project and each program.

(III) Revenues attributable to or consisting of funds provided by foreign countries or international organizations, and any obligations or expenditures of such revenues.

(IV) Revenues attributable to or consisting of foreign assets seized or frozen, and any obligations or expenditures of such revenues.

(V) An analysis on the impact of stabilization and reconstruction operations overseen by the Office, including an analysis of civil-military coordination with respect to the Office.

(ii) FORM.—Each report under this subsection may include a classified annex if the Director determines such is appropriate.

(iii) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to authorize the public disclosure of information that is specifically prohibited from disclosure by any other provision of law, specifically required by Executive order to be protected from disclosure in the interest of national defense or national security or in the conduct of foreign affairs, or a part of an ongoing criminal investigation.

(b) DEPUTY DIRECTOR.—

(1) IN GENERAL.—There shall be within the Office a Deputy Director, who shall be—

(A) appointed by the President, by and with the advice and consent of the Senate; and

(B) compensated at the rate of basic pay for level III of the Executive Schedule under section 5314 of title 5, United States Code.

(2) FUNCTIONS.— The Deputy Director shall perform such functions as the Director may from time to time prescribe, and shall act as Director during the absence or disability of the Director or in the event of a vacancy in the Office of the Director.

(c) ASSOCIATE DIRECTORS.—

(1) IN GENERAL.—There shall be within the Office not more than two Associate Directors, who shall be—

(A) appointed by the President, by and with the advice and consent of the Senate; and

(B) compensated at the rate of basic pay for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(2) FUNCTIONS.—The Associate Directors shall perform such functions as the Director may from time to time prescribe.

(3) SENSE OF CONGRESS.—It is the sense of Congress that of the two Associate Directors referred to in this subsection—

(A) one should be highly experienced in defense matters; and

(B) one should be highly experienced in diplomacy and development matters.

(d) FUNCTIONS OF THE PRESIDENT.—

(1) DECLARATION.—The President may, if the President finds that the circumstances and national security interests of the United States so require, declare that a stabilization and reconstruction emergency exists and shall determine the geographic extent and the date of the commencement of such emergency. The President may amend the declaration as circumstances warrant.

(2) TERMINATION.—If the President determines that a stabilization and reconstruction emergency declared under paragraph (1) is or will be no longer be in existence, the President may terminate, immediately or prospectively, a prior declaration that such an emergency exists.

(3) PUBLICATION IN FEDERAL REGISTER.—Declarations under this subsection shall be published in the Federal Register.

(e) AUTHORITIES OF OFFICE FOLLOWING PRESIDENTIAL DECLARATION.—If the President declares a stabilization and reconstruction emergency pursuant to subsection (d), the President may delegate to the Director the authority to coordinate all Federal efforts with respect to such stabilization and reconstruction emergency, including the authority to direct any Federal agency to support such efforts, with or without reimbursement.

SEC. 1714. PERSONNEL SYSTEM.

(a) PERSONNEL.—

(1) IN GENERAL.—The Director may select, appoint, and employ such personnel as may be necessary for carrying out the duties of the Office, subject to the provisions of title 5, United States Code, governing appointments in the excepted service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates, and may exercise the authorities of subsections (b) through (i) of section 3161 of title 5, United States Code (to the same extent and in the same manner as those authorities may be exercised by an organization described in subsection (a) of such section). In exercising the employment authorities under subsection (b) of such section 3161, paragraph (2) of such subsection (relating to periods of appointments) shall not apply.

(2) SUBDIVISIONS OF OFFICE; DELEGATION OF FUNCTIONS.—The Director may establish bureaus, offices, divisions, and other units within the Office. The Director may from time to time make provision for the performance of any function of the Director by any officer or employee, or office, division, or other unit of the Office.

(3) REEMPLOYMENT AUTHORITIES.—The provisions of section 9902(g) of title 5, United States Code, shall apply with respect to the Office. For purposes of the preceding sentence, such provisions shall be applied—

(A) by substituting ''the United States Office for Contingency Operations'' for ''the Department of Defense'' each place it appears;

(B) by substituting ''the Stabilization and Reconstruction Operations Interagency Enhancement Act of 2012'' for ''the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136)'' in paragraph (2)(A) thereof; and

(C) by substituting ''the Director of the United States Office for Contingency Operations'' for ''the Secretary'' in paragraph (4) thereof.

(b) INTERIM OFFICERS.—

(1) IN GENERAL.—The President may authorize any persons who, immediately prior to the effective date of this Act, held positions in the Executive Branch of the Government, to act as Director, Deputy Director, Associate Director, and Inspector General of the Office until such positions are for the first time filled in accordance with the provisions of this Act or by recess appointment, as the case may be.

(2) COMPENSATION.—The President may authorize any such person described in paragraph (1) to receive the compensation attached to the Office in respect of which such person so serves, in lieu of other compensation from the United States.

(c) CONTRACTING SERVICES.—

(1) IN GENERAL.—The Director may obtain services of experts and consultants as authorized by section 3109 of title 5, United States Code.

(2) ASSISTANCE.—To the extent and in such amounts as may be provided in advance by appropriations Acts, the Inspector General may enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, and make such payments as may be necessary to carry out the duties of the Inspector General.

(d) INCENTIVIZING EXPERTISE IN PERSONNEL TASKED FOR STABILIZATION AND RECONSTRUCTION OPERATIONS.—

(1) STUDY.—The Director shall commission a study to measure the effectiveness of personnel in stabilization and reconstruction operations. The study shall seek to identify the most appropriate qualifications for personnel and incentive strategies for agencies to effectively recruit and deploy employees to support stabilization and reconstruction operations.

(2) SENSE OF CONGRESS.—It is the sense of Congress that, in the selection and appointment of any individual for a position both within the Office and other agencies in support of stabilization and reconstruction operations, due consideration should be given to such individual's expertise in such operations and interagency experience and qualifications.

Subtitle B—Preparing and Executing Stability and Reconstruction Operations

SEC. 1721. SOLE CONTROL.

The Director shall have sole control over the coordination of stabilization and reconstruction operations.

SEC. 1722. RELATION TO DEPARTMENT OF STATE AND UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

(a) COORDINATION.—

(1) IN GENERAL.—The Director shall to the greatest degree practicable coordinate with the Secretary of State and the Administrator of the Agency for International Development regarding the Office's plans for stabilization and reconstruction operations. The Director shall give the greatest possible weight to the views of the Secretary and the Administrator on matters within their jurisdiction. During a declaration under section 1713 of a stabilization and reconstruction emergency, the Director shall work closely with the Secretary and the Administrator in planning, executing, and transitioning operations relevant to their respective jurisdictions.

(2) IN-COUNTRY.—During a stabilization and reconstruction emergency, the Director shall work closely with the Chief of Mission, or with the most senior Department of State or Agency for International Development officials responsible for the country in which such emergency exists, to ensure that the actions of the Office do not conflict with the foreign or development policies of the United States.

(b) DETAILING.—The heads of the various departments and agencies of the United States Government (other than the Secretary of Defense) shall provide for the detail on a reimbursable or nonreimbursable basis of such civilian personnel as may be agreed between such heads and the Director for the purposes of carrying out this Act. The heads of such departments and agencies shall provide for appropriate recognition and career progress for individuals who are so detailed upon their return from such details.

SEC. 1723. RELATION TO DEPARTMENT OF DEFENSE COMBATANT COMMANDS PERFORMING MILITARY MISSIONS.

(a) COORDINATION WITH SECRETARY OF DEFENSE AND COMBATANT COMMANDS.—To the greatest degree practicable, the Director shall coordinate with the Secretary of Defense and commanders of unified and specified combatant commands established under section 161 of title 10, United States Code, regarding the plans of the Office for stabilization and reconstruction operations.

(b) STAFF COORDINATION.—The Director shall detail personnel of the Office to serve on the staff of a combatant command to assist in planning when a military operation will involve likely Armed Forces interaction with non-combatant populations, so that plans for a stabilization and reconstruction operation related to a military operation—

(1) complement the work of military planners; and

(2) as provided in subsection (c), ease interaction between civilian direct-hire employees and contractors in support of the stabilization and reconstruction operation and the Armed Forces.

(c) LIMITATIONS.—

(1) DIRECTOR.—The authority of the Director shall not extend to small-scale programs (other than economic development programs of more than a de minimis amount) designated by the Secretary of Defense as necessary to promote a safe operating environment for the Armed Forces or other friendly forces.

(2) MILITARY ORDER.—Nothing in this Act shall be construed as permitting the Director or any of the personnel of the Office (other than a member of the Armed Forces assigned to the Office under subsection (e)) to issue a military order.

(d) SUPPORT.—

(1) ASSISTANCE REQUIRED.—The commanders of combatant commands shall provide assistance, to the greatest degree practicable, to the Director and the personnel of the Office as they carry out their responsibilities.

(2) PERSONNEL.—The Secretary of Defense shall provide for the detail or assignment, on a reimbursable or nonreimbursable basis, to the staff of the Office of such Department of Defense personnel and members of the Armed Forces as may be agreed between the Secretary and the Director as necessary to carry out the duties of the Office.

SEC. 1724. CONTINGENCY FEDERAL ACQUISITION REGULATION.

(a) REQUIREMENT TO PRESCRIBE CONTINGENCY FEDERAL ACQUISITION REGULATION.—The Director, in consultation with the Director of the Office of Management and Budget, shall prescribe a Contingency Federal Acquisition Regulation. The Regulation shall apply, under such circumstances as the Director prescribes, in lieu of the Federal Acquisition Regulation with respect to contracts intended for use in or with respect to stabilization and reconstruction emergencies or in imminent or potential stabilization and reconstruction operations.

(b) PREFERENCE TO CERTAIN CONTRACTS.—It is the sense of Congress that the Contingency Federal Acquisition Regulation required by subsection (a) should include provisions requiring an agency to give a preference to contracts that appropriately, efficiently, and sustainably implement programs and projects undertaken in support of a stabilization and reconstruction operation.

(c) DEADLINE.—The Director shall prescribe the Contingency Federal Acquisition Regulation required by subsection (a) by the date occurring one year after the date of the enactment of this Act. If the Director does not prescribe the Regulation by that date, the Director shall submit to Congress a statement explaining why the deadline was not met.

SEC. 1725. STABILIZATION AND RECONSTRUCTION FUND.

(a) IN GENERAL.—Subject to subsection (c), there is established in the Treasury of the United States a fund, to be known as the ''Stabilization and Reconstruction Emergency Reserve Fund'', to be administered by the Director at the direction of the President and with the consent of the Secretary of State and the Secretary of Defense for the following purposes with respect to a stabilization and reconstruction operation:

(1) Development of water and sanitation infrastructure.

(2) Providing food distribution and development of sustained production.

(3) Supporting relief efforts related to refugees, internally displaced persons, and vulnerable individuals, including assistance for families of innocent civilians who suffer losses as a result of military operations.

(4) Providing electricity.

(5) Providing healthcare relief and developing sustained healthcare.

(6) Development of telecommunications.

(7) Development of economic and financial policy.

(8) Development of education.

(9) Development of transportation infrastructure.

(10) Establishment and enforcement of rule of law.

(11) Humanitarian demining.

(12) Development of agriculture.

(13) Peace enforcement, peacekeeping, and post-conflict peacebuilding.

(14) Development of justice and public safety infrastructure.

(15) Development of security and law enforcement.

(16) Observation and enforcement of human rights.

(17) Development of governance, democratization, and building the capacity of government.

(18) Development of natural resource infrastructure.

(19) Establishment of environmental protection.

(20) Protection of vulnerable populations including women, children, the aged, and minorities.

(21) The operations of the Office.

(22) Any other purpose which the Director considers essential to address the emergency.

(b) CONGRESSIONAL NOTIFICATION.—

(1) PRESIDENTIAL DIRECTION.—At the time the President directs the Director to carry out or support an activity described in subsection (a), the President shall transmit to appropriate congressional committees a written notification of such direction.

(2) ACTIVITIES IN A COUNTRY.—Not less than 15 days before carrying out or supporting an activity described in subsection (a), the Director shall submit to the appropriate congressional committees information related to the budget, implementation timeline (including milestones), and transition strategy

with respect to such activity and the stabilization or reconstruction operation at issue.

(c) AUTHORIZATION OF APPROPRIATIONS.—No funds are authorized to be appropriated to the fund established in subsection (a) other than pursuant to a law enacted after the date of the enactment of this Act. Any such sums authorized to be appropriated—

(1) shall be available until expended;

(2) shall not be made available for obligation or expenditure until the President declares a stabilization and reconstruction emergency pursuant to section 1713; and

(3) shall be in addition to any other funds made available for such purposes.

Subtitle C—Responsibilities of the Inspector General

SEC. 1731. INSPECTOR GENERAL.

(a) IN GENERAL.—There shall be within the Office an Office of the Inspector General, the head of which shall be the Inspector General of the United States Office for Contingency Operations (in this title referred to as the ''Inspector General''), who shall be appointed as provided in section 3(a) of the Inspector General Act of 1978 (5 U.S.C. App.).

(b) TECHNICAL AMENDMENTS AND ADDITIONAL AUTHORITIES.—The Inspector General Act of 1978 (5 U.S.C. App) is amended—

(1) in section 12—

(A) in paragraph (1), by inserting ''the United States Office for Contingency Operations;'' after ''the President of the Export-Import Bank;''; and

(B) in paragraph (2), by inserting ''the United States Office for Contingency Operations,'' after ''the Federal Housing Finance Agency,'';

(2) in section 8J, by striking ''8E or 8F'' and inserting ''8E, 8F, or 8M''; and

(3) by inserting after section 8L the following new section:

''SEC. 8M. SPECIAL PROVISIONS CONCERNING THE INSPECTOR GENERAL OF THE UNITED STATES OFFICE FOR CONTINGENCY OPERATIONS.

''(a) SPECIAL AUDIT AND INVESTIGATIVE AUTHORITY.—

''(1) IN GENERAL.—When directed by the President, or otherwise provided by law, and in addition to the other duties and responsibilities specified in this Act, the Inspector General of the United States Office for Contingency Operations—

''(A) shall, with regard to the activities of the United States Office for Contingency Operations, have special audit and investigative authority over all accounts, spending, programs, projects, and operations; and

''(B) shall have special audit and investigative authority over the activities described in paragraph (2).

''(2) ACTIVITIES DESCRIBED.—The activities described in this paragraph are activities funded or undertaken by the United States Government that are not undertaken by or under the direction or supervision of the Director of the United States Office for Contingency Operations—

''(A) in response to emergencies, destabilization, armed conflict, or events that otherwise require stabilization or reconstruction operations;

''(B) where a rapid response by the United States is required or anticipated to be required; and

''(C) where the Inspector General is more well-suited than the implementing department or agency to engage rapidly in audit and investigative activities.

''(3) ADMINISTRATIVE OPERATIONS.—In any case in which the Inspector General of the United States Office for Contingency Operations is exercising or preparing to exercise special audit and investigative authority under this subsection, the head of any department or agency undertaking or preparing to undertake the activities described in paragraph (2) shall provide such Inspector General with appropriate and adequate office space within the offices of such department or agency or at appropriate locations of that department or agency overseas, together with such equipment, office supplies, and communications facilities and services as may be necessary for the operation of such offices, and shall provide necessary maintenance services for such offices and the equipment and facilities located therein.

''(b) ADDITIONAL DUTIES.—

''(1) IN GENERAL.—It shall be the duty of the Inspector General of the United States Office for Contingency Operations to conduct, supervise, and coordinate audits and investigations of the treatment, handling, and expenditure of amounts appropriated or otherwise made available for activities to be carried out by or under the direction or supervision of the Director of the United States Office for Contingency Operations, or for activities subject to the special audit and investigative authority of such Inspector General under subsection (a), and of the programs, operations, and contracts carried out utilizing such funds, including—

''(A) the oversight and accounting of the obligation and expenditure of such funds;

''(B) the monitoring and review of activities funded by such funds;

''(C) the monitoring and review of contracts funded by such funds;

''(D) the monitoring and review of the transfer of such funds and associated information between and among departments, agencies, and entities of the United States, and private and nongovernmental entities; and

''(E) the maintenance of records on the use of such funds to facilitate future audits and investigations of the use of such funds.

''(2) SYSTEMS, PROCEDURES, AND CONTROLS.—The Inspector General of the United States Office for Contingency Operations shall establish, maintain, and oversee such systems, procedures, and controls as such Inspector General considers appropriate to discharge the duty under paragraph (1).

''(c) PERSONNEL AUTHORITY.—

''(1) IN GENERAL.—The Inspector General of the United States Office for Contingency Operations may select, appoint, and employ such officers and employees as may be necessary for carrying out the functions, powers, and duties of the Office, subject to the provisions of title 5, United States Code, governing appointments in the excepted service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates.

''(2) EMPLOYMENT AUTHORITY.—The Inspector General of the United States Office for Contingency Operations may exercise the authorities of subsections (b) through (i) of section 3161 of title 5, United States Code (without regard to subsection (a) of that section). In exercising the employment authorities under subsection (b) of section 3161 of title 5, United States Code, as provided under paragraph (1) of this subsection, paragraph (2) of such subsection (b) (relating to periods of appointments) shall not apply.

''(3) EXEMPTION.—Section 6(a)(7) shall not apply with respect to the Inspector General of the United States Office for Contingency Operations.

''(d) REPORTS.—

''(1) QUARTERLY REPORTS.—

''(A) IN GENERAL.—Not later than 60 days after the end of each fiscal-year quarter, the Inspector General of the United States Office for Contingency Operations shall submit to the appropriate committees of Congress a report in accordance with subparagraph (B) that summarizes for the period of that quarter and, to the extent possible, the period from the end of such quarter to the time of the submission of the report, the activities of such Inspector General and the activities under programs and operations funded with amounts appropriated or otherwise made available for activities carried out by or under the direction or supervision of the Director of the United States Office for Contingency Operations.

''(B) CONTENTS OF QUARTERLY REPORT.—Each report submitted pursuant to subparagraph (A) shall include, for the period covered by such report, a detailed statement of all obligations, expenditures, and revenues associated with reconstruction and rehabilitation activities by or under the direction or supervision of the Director of the United States Office for Contingency Operations, or under the special audit and investigative authority under subsection (a) of the Inspector General of the United States Office for Contingency Operations, and segregated by area (as may be prescribed by such Inspector General), including the following:

''(i) Obligations and expenditures of appropriated funds.

''(ii) A project-by-project and program-by-program accounting of the costs incurred to date by such Office or under the direction or supervision of such Office, or under the special audit and investigative authority of such Inspector General, for each stabilization and reconstruction operation, together with the estimate of the department or agency of the United States, as applicable, of the costs to complete each project and each program.

''(iii) Revenues attributable to or consisting of funds provided by foreign countries or international organizations, and any obligations or expenditures of such revenues.

''(iv) Revenues attributable to or consisting of foreign assets seized or frozen, and any obligations or expenditures of such revenues.

''(v) Operating expenses of departments, agencies, or other entities receiving amounts appropriated or otherwise made available to or obligated or expended under the direction or supervision of such Director.

''(vi) In the case of a covered contract—

''(I) the amount of such contract;

''(II) a brief discussion of the scope of such contract;

''(III) a discussion of how the relevant department, agency, or other entity identified, and solicited offers from, potential contractors to perform the contract, together with a list of the potential contractors that were issued solicitations for the offers; and

''(IV) the extent to which competitive procedures were used for such contract.

''(C) REPORT COORDINATION.—Each report under this paragraph shall be furnished to the head of the establishment involved not later than 30 days after the submission of the report under subparagraph (A) and shall be transmitted by such head to the appropriate committees of the Congress not later than 30 days after receipt of the report, together with a report by the head of the establishment containing any comments such head determines appropriate, including a classified annex if such head considers it necessary.

''(2) SEMIANNUAL REPORTS.—The Inspector General of the United States Office for Contingency Operations shall submit to the appropriate committees a semiannual report that includes a summary of the activities of the Office, including activities described in paragraphs (1) through (13) of section 5(a) of this Act. The first such report for a year, covering the first six months of the year, shall be submitted not later than August 30

of that year, and the second such report, covering the second six months of the year, shall be submitted not later than February 28 of the following year.

''(3) WAIVER.—

''(A) IN GENERAL.—The President may waive any of the requirements to be included in the reports under paragraph (1) or (2) if the President determines that the waiver is justified for national security reasons.

''(B) NOTICE OF WAIVER.—The President shall publish a notice of each waiver made under this paragraph in the Federal Register not later than the date on which the report for which a waiver was made is required to be submitted to Congress under paragraph (1) or (2).

''(C) DESCRIPTION OF WAIVER IN REPORT.—The reports required under paragraph (1) or (2) shall specify whether waivers under this paragraph were made and with respect to which requirements.

''(4) REPORTS UNDER SECTION 5 OF THIS ACT.—

''(A) IN GENERAL.—In addition to reports otherwise required to be submitted under this subsection, the Inspector General of the United States Office for Contingency Operations—

''(i) may issue periodic reports of a similar nature to the quarterly reports submitted under paragraph (1) with respect to activities subject to the special audit and investigative authority of such Inspector General under subsection (a); and

''(ii) if such Inspector General did not engage, during any six month period, in audit or investigation activities with respect to activities carried out under the direction or supervision of the Director, shall issue a report, not later than six months after the previous report was issued under this subsection that includes a summary of the activities of the Office, including activities described in paragraphs (1) through (13) of section 5(a) of this Act.

''(B) EXEMPTION.—The Inspector General of the United States Office for Contingency Operations is not required to provide reports under section 5 of this Act.

''(5) LANGUAGE OF REPORTS.—The Inspector General of the United States Office for Contingency Operations shall publish each report under this subsection in both English and to the degree that the Inspector General shall prescribe, in languages relevant to the host country.

''(6) FORM OF SUBMISSION.—Each report under this subsection may include a classified annex if the Inspector General of the United States Office for Contingency Operations considers it necessary.

''(7) DISCLOSURE OF CERTAIN INFORMATION.—Nothing in this subsection shall be construed to authorize the public disclosure of information that is—

''(A) specifically prohibited from disclosure by any other provision of law;

''(B) specifically required by Executive order to be protected from disclosure in the interest of national defense or national security or in the conduct of foreign affairs; or

''(C) a part of an ongoing criminal investigation.

''(e) DEFINITIONS.—In this section:

''(1) APPROPRIATE COMMITTEES.—The term 'appropriate committees' means—

''(A) the Committees on Appropriations, Armed Services, Foreign Affairs, and Oversight and Government Reform of the House of Representatives; and

''(B) the Committees on Appropriations, Armed Services, Foreign Relations, and Homeland Security and Governmental Affairs of the Senate.

''(2) COVERED CONTRACT.—The term 'covered contract' means a contract entered into by any department or agency, with any public or private sector entity, in any geographic area with regard to a stabilization or reconstruction operation or where the Inspector General of the United States Office for Contingency Operations is exercising its special audit or investigative authority for the performance of any of the following:

''(A) To build or rebuild physical infrastructure of such area.

''(B) To establish or reestablish a political or governmental institution of such area.

''(C) To provide products or services to the local population of the area.

''(3) DEPARTMENT OR AGENCY.—The term 'department or agency' means any agency as defined under section 551 of title 5, United States Code.

''(4) STABILIZATION AND RECONSTRUCTION OPERATION.—The term 'stabilization and reconstruction operation' has the meaning given the term in section 1702 of the Stabilization and Reconstruction Operations Interagency Enhancement Act of 2012.''.

(c) TRANSFER AND TERMINATION OF THE OFFICE OF THE SPECIAL INSPECTOR GENERAL FOR AFGHANISTAN RECONSTRUCTION AND THE OFFICE OF THE SPECIAL INSPECTOR GENERAL FOR IRAQ RECONSTRUCTION.—

(1) TRANSFER.—The following shall be transferred to the Office of the Inspector General of the United States Office for Contingency Operations:

(A)(i) All functions vested by law on the day before the effective date of this Act in the Office of the Special Inspector General for Iraq Reconstruction or the Inspector General of such office.

(ii) All functions vested by law on the day before the effective date of this Act in the Office of the Special Inspector General for Afghanistan Reconstruction or the Inspector General of such office.

(B) All personnel, assets, and liabilities of the Office of the Special Inspector General for Iraq Reconstruction, and all personnel, assets, and liabilities of the Office of the Special Inspector General for Afghanistan Reconstruction.

(2) EXERCISE OF FUNCTIONS.—The Inspector General shall exercise all functions transferred by paragraph (1)(A) on and after the effective date of this Act.

(3) PERSONNEL CLASSIFICATION AND COMPENSATION.—The transfer of personnel pursuant to paragraph (1)(B) shall not alter the terms and conditions of employment, including compensation and classification, of any employee so transferred.

(4) TERMINATION.—

(A) IRAQ RECONSTRUCTION FUNCTIONS.—

(i) IN GENERAL.—The authority of the Inspector General to exercise the functions transferred by paragraph (1)(A)(i) shall terminate 180 days after the date on which amounts appropriated or otherwise made available for the reconstruction of Iraq that are unexpended are less than $250,000,000.

(ii) DEFINITION.—In clause (i), the term ''amounts appropriated or otherwise made available for the reconstruction of Iraq'' has the meaning given the term in section 3001(m) of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108–106; 117 Stat. 1238; 5 U.S.C. App., note to section 8G), as such section was in effect on the day before the effective date of this Act.

(B) AFGHANISTAN RECONSTRUCTION FUNCTIONS.—

(i) IN GENERAL.—The authority of the Inspector General to exercise the functions transferred by paragraph (1)(A)(ii) shall terminate 180 days after the date on which amounts appropriated or otherwise made available for the reconstruction of Afghanistan that are unexpended are less than $250,000,000.

(ii) DEFINITION.—In clause (i), the term ''amounts appropriated or otherwise made available for the reconstruction of Afghanistan'' has the meaning given the term in section 1229(m) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 384), as such section was in effect on the day before the effective date of this Act.

(5) REPEALS.—The following provisions of law are repealed:

(A) Section 3001 of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108–106; 117 Stat. 1234; 5 U.S.C. App., note to section 8G).

(B) Section 1229 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 378).

(d) SAVINGS PROVISIONS.—

(1) COMPLETED ADMINISTRATIVE ACTIONS.—(A) Completed administrative actions of the Office of the Special Inspector General for Afghanistan Reconstruction and the Office of the Special Inspector General for Iraq Reconstruction shall not be affected by the enactment of this Act or the transfer of such offices to the Office of the Inspector General of the United States Office for Contingency Operations, but shall continue in effect according to their terms until amended, modified, superseded, terminated, set aside, or revoked in accordance with law by an officer of the United States or a court of competent jurisdiction, or by operation of law.

(B) For purposes of paragraph (1), the term ''completed administrative action'' includes orders, determinations, rules, regulations, personnel actions, permits, agreements, grants, contracts, certificates, licenses, registrations, and privileges.

(2) PENDING CIVIL ACTIONS.—Pending civil actions shall continue notwithstanding the enactment of this Act or the transfer of the Office of the Special Inspector General for Afghanistan Reconstruction and the Office of the Special Inspector General for Iraq Reconstruction to the Office of the Inspector General of the United States Office for Contingency Operations, and in such civil actions, proceedings shall be had, appeals taken, and judgments rendered and enforced in the same manner and with the same effect as if such enactment or transfer had not occurred.

(3) REFERENCES.—References relating to the Office of the Special Inspector General for Afghanistan Reconstruction and the Office of the Special Inspector General for Iraq Reconstruction that is transferred to the Office of the Inspector General of the United States Office for Contingency Operations in statutes, Executive orders, rules, regulations, directives, or delegations of authority that precede such transfer or the effective date of this Act shall be deemed to refer, as appropriate, to the Office of the Inspector General of the United States Office for Contingency Operations, to its officers, employees, or agents, or to its corresponding organizational units or functions.

Subtitle D—Responsibilities of Other Agencies

SEC. 1741. RESPONSIBILITIES OF OTHER AGENCIES FOR MONITORING AND EVALUATION REQUIREMENTS.

The head of any agency under the authority of the Director in support of a stabilization and reconstruction operation pursuant to section 1713 shall submit to the Director—

(1) on-going evaluations of the impact of such stabilization and reconstruction operation on such agency, including an assessment of interagency coordination in support of such operation;

(2) any information the Director requests, including reports, evaluations, analyses, or

assessments, to permit the Director to satisfy the quarterly reporting requirement under section 1713(a)(4); and

(3) an identification, within each such agency, of all current and former employees skilled in crisis response, including employees employed by contract, and information regarding each such agency's authority mechanisms to reassign or reemploy such skilled personnel and mobilize rapidly associated resources in response to such operation.

SEC. 1742. TRANSITION OF STABILIZATION AND RECONSTRUCTION OPERATIONS.

(a) TERMINATION.—Upon Presidential termination of a stabilization and reconstruction emergency pursuant to section 1713(d)(2), any effort of a Federal agency under the authority of the Director pursuant to section 1713 in support of a related stabilization and reconstruction operation shall return to the authority of such agency.

(b) SCALE-DOWN OPERATIONS.—The President, in consultation with the Director, the Secretary of State, and the Secretary of Defense, shall delegate to appropriate Federal agencies post-stabilization and reconstruction emergency operations.

SEC. 1743. SENSE OF CONGRESS.

It is the sense of Congress that, to the extent possible, the Director and staff should partner with the country in which a stabilization and reconstruction operation is taking place, other foreign government partners, international organizations, and local nongovernmental organizations throughout the planning, implementation, and particularly during the transition stages of such operations to facilitate long term capacity building and sustainability of initiatives.

Subtitle E—Authorization of Appropriations

SEC. 1751. OFFSET OF COSTS IN ESTABLISHMENT OF OFFICE.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Director—

(1) shall reduce obligations for overseas response activities of the Office by not less than $7,000,000 from the amount obligated during fiscal year 2012 for overseas response activities by the Bureau of Conflict and Stabilization Operations and the Office of the Coordinator for Civilian Reconstruction and Stabilization; and

(2) may adjust, consolidate, or eliminate initiatives, positions, and programs to be incorporated within the Office (other than within the Office of Inspector General)—

(A) in order to achieve economies in operation; and

(B) in order to align the operations of the initiatives, positions, and programs more closely with the purposes of this title as stated in section 1703(b).

(b) REDUCTION IN COSTS.—In addition to the authority granted in subsection (a), the Director shall take such steps as the Director determines necessary to ensure, in each fiscal year, that costs incurred to carry out the provisions of this title do not exceed the sum of—

(1) 80 percent of amounts obligated in fiscal year 2012 for initiatives, positions, and programs transferred to the Office pursuant to this title other than those relating to the Inspector General of the Office; and

(2) 100 percent of the amounts obligated in fiscal year 2012 for initiatives, positions, and programs transferred to the Office pursuant to this Act relating to the Inspector General of the Office.

(c) REPORT.—Notwithstanding any other provision of law, the Director shall submit to Congress not later than 60 days after the date of the enactment of this Act a report on the actions taken to ensure compliance with subsections (a) and (b), including the specific initiatives, positions, and programs that have been adjusted or eliminated to ensure that the costs of carrying out this title will be offset.

SEC. 1752. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title for each of fiscal years 2013 through 2017 an amount that does not exceed the amount determined pursuant to section 1751(b) of this title.

SEC. 1753. SUNSET.

This title (other than this section) shall cease to be effective on September 30, 2017.

The Acting CHAIR. Pursuant to House Resolution 661, the gentleman from Missouri (Mr. CARNAHAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. CARNAHAN. At this time, I would like to engage in a colloquy with the chairman of the Armed Services Committee.

Mr. MCKEON. I am happy to oblige.

Mr. CARNAHAN. Thank you, Mr. Chairman.

My amendment integrates duplicative functions related to overseas contingency operation planning, management, and oversight into the U.S. Office for Contingency Operations—responding to a litany of concerns that have been raised in recent years pointing to the mismanagement of U.S. tax dollars in operations in Iraq and Afghanistan.

In fact, last August, the Commission on Wartime Contracting estimated that as much as $30 billion to $60 billion may have been lost due to waste and fraud in Iraq and Afghanistan. Poor accountability and oversight has also undermined the effectiveness of U.S. operations.

As the commission's report notes, there will be a next contingency, whether it takes the form of overseas hostilities or responding to emergencies like terror attacks, natural disasters, or other humanitarian crises. We must take action to ensure we are fully prepared for these scenarios.

Systemic problems within the U.S. Government have contributed to serious flaws in the preparation, management, and execution of contingency operations. Currently, responsibilities for these initiatives are spread over several U.S. departments and agencies, resulting in diffused accountability. While there have been positive steps to address issues of coordination, a great deal more needs to be done.

In fact, many of our key allies in NATO already have agencies or offices with cross-cutting functions, similar to that proposed in my amendment, that reflect the nature of the 21st century security challenges we face. It will certainly require an act of this body to streamline our system. More importantly, it is our duty as Members of Congress to exercise the strict oversight of conflict and stabilization initiatives. As then-Senator Harry Truman found when fighting the waste and mismanagement of funding during World War II, effective congressional oversight cannot only save lives and money, it makes our efforts stronger.

For these reasons, I have worked over the past couple of years to develop this legislation, with many others' input, that integrates duplicative functions into one streamlined office. It further ensures the proper acquisition, planning, contract management, and enhanced inspector general oversight to protect our resources from waste, fraud, and abuse. Beyond safeguarding spending, it promotes the readiness and safety of our deployed personnel and of our overall ability to effectively execute operations.

Chairman MCKEON, I understand you have raised some questions with regard to this amendment. I respect your points that you have made, and will be withdrawing this amendment. However, I would like to work with you and the committee in responding to these issues so we then have an opportunity to move this concept forward. Specifically, I hope the Armed Services Committee will hold hearings on this legislation and work toward incorporating its goals during the conference committee of this authorization bill.

Mr. MCKEON. I thank the gentleman for his efforts in addressing such a complex and serious issue.

I agree that much needs to be done to improve our contingency contracting outcomes and to preserve and integrate the lessons learned over the last 10 years. The committee report accompanying the bill takes action on many of these same concerns. The committee will pursue this issue going forward to explore additional recommendations for systemic improvements to operational combat support and stabilization and reconstruction programs, including the proposal represented by the gentleman's amendment.

Mr. CARNAHAN. I thank the chairman for that commitment.

I now ask unanimous consent to withdraw my amendment from further consideration, and I yield back the balance of my time.

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

There was no objection.

AMENDMENT NO. 52 OFFERED BY MR. PETRI

The Acting CHAIR. It is now in order to consider amendment No. 52 printed in House Report 112–485.

Mr. PETRI. Mr. Chairman, 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 subtitle C of title XXVIII, insert the following:

SEC. 2824. DEFINITION OF RENEWABLE ENERGY SOURCE FOR DEPARTMENT OF DEFENSE ENERGY SECURITY.

Section 2924(7)(A) of title 10, United States Code, is amended by inserting before the period at the end the following: ''and direct solar renewable energy''.

The Acting CHAIR. Pursuant to House Resolution 661, the gentleman from Wisconsin (Mr. PETRI) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Wisconsin.

Mr. PETRI. I join with my colleague, Representative HANK JOHNSON, in offering this amendment today.

The budget year 2007 Defense Authorization Act created a statutory goal that 25 percent of the energy utilized by the Department of Defense facilities come from renewable energy sources by 2025.

□ 0100

The budget year 2010 Defense authorization act modified that goal to explicitly include renewable energy technologies like geothermal heat pumps that do not first convert energy to electricity, but instead use the energy directly to accomplish a task such as heating or cooling a building.

One technology—direct solar—is becoming increasingly prevalent throughout our economy, but that was left out of the changes made in the budget year 2010 act. Direct-use solar energy technology channels solar energy in the form of sunlight into a building using light pipes to provide interior lighting that is similar to traditional electrically powered lighting. Direct solar allows much of a building's internal lighting to come from sunlight, relying on electrical lighting only in the off-peak evening hours or when sunlight is diminished.

The amendment before us would simply clarify that direct-use solar energy, like geothermal heat pumps and other direct-use technologies that are now included, is considered a renewable energy source for the purposes of this requirement. This change was included in the House NDAA bill last year; however, it was unfortunately not included in the final conference report.

These changes will provide the Department of Defense with the flexibility to meet its energy requirements more quickly and in a more cost-effective way.

I respectfully request that my colleagues support this amendment, and I reserve the balance of my time.

Ms. BORDALLO. Mr. Chairman, I rise in opposition to this amendment.

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

Ms. BORDALLO. I yield myself such time as I may consume.

While I appreciate the gentleman's support for direct-solar energy, this provision helps a specific technology to gain greater business opportunities. Unfortunately, their technology—direct solar—does not generate electricity or energy. It simply dispenses sunlight from skylights. If this amendment were to pass, the Department of Defense could meet all of their renewable-energy goals simply by accounting for light through windows, and this is not wise.

By adopting this amendment, we head down a slippery slope whereby we begin to highlight specific technologies in statute. And given the evolving nature of these technologies, that is not wise. The Department of Energy is the lead Department for defining energy standards and definitions, and this amendment undermines that expertise. Again, this seemingly innocuous amendment has some significant unintended consequences.

I reserve the balance of my time.

Mr. PETRI. This is not a window or a skylight. This is a technology that gathers the light through a lens, moves it through a light pipe, which then a fiber optical cable moves electrical light around the building. So it goes from the first floor, sometimes to the third or fourth floor down in the building. It is used by Coca-Cola and many other companies in the private sector. It's modern technology. It saves energy. It will save money so that we can meet our important defense needs without wasting money on unnecessary technology that moves it from solar to electricity and back to light, wasting a lot of energy in the process.

I yield to my colleague from Maryland.

Mr. BARTLETT. Thank you very much for yielding.

In the late seventies and early eighties, I was a land developer and homebuilder, among other things I was involved in. And I built 41 houses in one subdivision that used direct solar.

Direct solar simply means that you're using the sunlight directly without having it differentially warm the air so that you get wind blowing or turning a wind machine or it's shining on some solar panels that produce electricity.

You can use direct solar for a couple of different things. One is space warming. You simply have a lot of gas on the south side of the house and design it open so the air flows through it, or you can use it for lighting. There is no better light. Any building that's on the top floor, you don't need any windows on the side; you need windows on the top to let light in. It's an enormous energy saver. It's a very efficient use of light. I have no idea why every building shouldn't incorporate direct solar as much.

Thank you, sir, for your amendment. I urge its adoption.

Mr. PETRI. I urge that this House not prefer one particular technology, which is currently the case, but allow a variety of technologies to meet the goal of a more energy-efficient society.

I yield back the balance of my time.

Ms. BORDALLO. Mr. Chairman, I yield the gentleman from Washington 30 seconds.

Mr. SMITH of Washington. Mr. Chairman, that all sounds good; but the one thing that direct solar apparently can't do is actually generate energy and generate electricity. That's the problem with including it in the program for alternative energy. It may well be a very good thing, and it may be something we ought to do; but to say that it's going to count as an alternative energy source when it's not actually an energy source is what we object, to pure and simply; and it does not fit in this category.

That's why I join the gentlelady from Guam in opposing the amendment.

Ms. BORDALLO. Mr. Chairman, by allowing direct solar to be used to meet the DOD goal of producing or procuring 25 percent of its energy from renewable sources by 2025 would also permit sunlight from windows to be counted toward meeting that goal.

Unlike a heat pump that converts the renewable geothermal source into electricity, direct solar does not convert the renewable solar source into electricity. It disperses light into a room similar to a skylight.

The underlying law that this amendment seeks to modify states that ''renewable energy source'' means energy generated from renewable sources. Direct solar does not generate energy, and the sponsor's Dear Colleague actually states that.

Direct solar is important to our efforts to reduce our dependence of fossil fuel as an energy-efficient technology, and we address this in our House report accompanying this bill. However, if deemed renewable, it would undermine congressional intent for how DOD will meet its goals for renewable sources that generate energy.

The Department of Defense opposes this amendment, and I strongly urge my colleagues to vote ''no'' against this amendment.

I yield back the balance of my time.

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

The amendment was agreed to.

AMENDMENT NO. 53 OFFERED BY MR. BARTLETT

The Acting CHAIR. It is now in order to consider amendment No. 53 printed in House Report 112–485.

Mr. BARTLETT. Mr. Chairman, 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 subtitle F of title XXVIII, add the following new section:

SEC. 28___. LIMITATION ON AVAILABILITY OF FUNDS PENDING REPORT REGARDING ACQUISITION OF LAND AND DEVELOPMENT OF A TRAINING RANGE FACILITY ADJACENT TO THE MARINE CORPS GROUND AIR COMBAT CENTER TWENTY NINE PALMS, CALIFORNIA.

(a) FINDINGS.—Congress makes the following findings:

(1) The Marine Corps has studied the feasibility of acquiring land and developing a training range facility to conduct Marine Expeditionary Brigade level live-fire training on or near the West Coast.

(2) The Bureau of Land management estimates on national economic impact show $261.5 million in commerce at risk.

(3) Economic impact on the local community is estimated to be $71.1 Million.

(b) LIMITATION OF FUNDS PENDING REPORT.—

(1) IN GENERAL.—The Secretary of the Navy may not obligate or expend funds for the transfer of land or development of a new

training range on land adjacent to the Marine Corps Ground Air Combat Center Twenty Nine Palms, California until the Secretary of the Navy has provided the Congressional defense committees a report on the Marine Corps' efforts with respect to the proposed training range.

(2) ELEMENTS OF REPORT.—The report required under paragraph (1) shall be submitted not later than 90 days after the date of enactment of this Act and shall include the following:

(A) A description of the actual training requirements for the proposed range and where those training requirements are currently being met to support combat deployments.

(B) Identify the impact on off-road vehicle recreational users of the land, the economic impact on the local economy, the recreation industry, and any other stakeholders.

(C) Identify any concerns discussed with the Bureau of Land Management regarding their assessments of the impact on other users.

(D) Identify the impact on the State of California's 1980 Desert Conservation plan regarding allocation of the Off Highway Vehicle Recreation Areas.

(E) The potential to use the same land without transfer, but under specific permits for use provided by the (such as agreements at other locations under permit from the Forest Service and Bureau of Land Management).

(F) Any potential on other Bureau of Land Management lands proximate to the Marine Corps Ground Air Combat Center Twenty Nine Palms or other locations in the geographic region.

(3) SECRETARY OF DEFENSE WAIVER.—In the event of urgent national need, the Secretary of Defense may notify the Congressional Committees and waive the requirement for this report.

The Acting CHAIR. Pursuant to House Resolution 661, the gentleman from Maryland (Mr. BARTLETT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Maryland.

Mr. BARTLETT. Currently, 189,000 acres of land under control of the Bureau of Land Management adjacent to the Marine Corps Ground Air Combat Center, Twenty-Nine Palms, California, is designated by the 1980 California Desert Conservation Plan as an off-highway vehicle recreation area.

The Marine Corps wants to acquire most of this land, 160,000 acres to 189,000, including the Johnson Valley area, most heavily used for recreation.

Currently, only 2 percent of the California desert is open for motorized off-highway vehicle recreation use with half of this 2 percent being in the Johnson Valley area. The recreational community use of Johnson Valley brings in over $70 million per year to the local economy. The recreational community includes rock hounds, off-highway vehicles, motorcycles, bicycles, campers, hikers, birdwatchers, turtlewatchers, model-airplane groups, and the commercial movie industry.

□ 0110

The Marine Corps has been working very closely with the recreational community in the Bureau of Land Management to find a compromise that's acceptable to all parties. My amendment simply codifies an ongoing process, recognizing the intent of the Marine Corps to submit a report to the Congress recommending the accommodation of the interest of the stakeholders.

I do not believe there's any opposition to this amendment. Indeed, the Marine Corps helped to write these talking points. The Congresspersons who do have districts close enough to be materially affected by this are not opposed to this amendment.

If there's no overt opposition to the amendment, I am prepared to yield back the balance of my time.

I yield back the balance of my time.

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

The amendment was agreed to.

AMENDMENT NO. 54 OFFERED BY MR. FRANKS OF ARIZONA

The Acting CHAIR. It is now in order to consider amendment No. 54 printed in House Report 112–485.

Mr. FRANKS of Arizona. Mr. Chairman, 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 subtitle B of title XXXI, add the following new section:

SEC. 3123. LIMITATION ON AVAILABILITY OF FUNDS FOR NUCLEAR NONPROLIFERATION ACTIVITIES WITH RUSSIAN FEDERATION.

(a) LIMITATION.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 for defense nuclear nonproliferation may be obligated or expended for nuclear nonproliferation activities with the Russian Federation until the date that is 30 days after the date on which the Secretary of Energy certifies, in coordination with the Secretary of State and the Secretary of Defense, to the appropriate congressional committees that—

(1) Russia is no longer—

(A) providing direct or indirect support to the government of Syria's suppression of the Syrian people; and

(B) transferring to Iran, North Korea, or Syria equipment and technology that have the potential to make a material contribution to the development of weapons of mass destruction or cruise or ballistic missile systems controlled under multilateral control lists; or

(2) funds planned to be obligated or expended for nuclear nonproliferation activities with the Russian Federation are strictly for project closeout activities and will not be used for new activities or activities that will extend beyond fiscal year 2013.

(b) WAIVER.—The Secretary of Energy may waive the limitation in subsection (a) if—

(1) the Secretary determines that such waiver is in the national security interests of the United States;

(2) the Secretary briefs, in an unclassified form, the appropriate congressional committees on the justifications of such waiver; and

(3) a period of 90 days has elapsed following the date on which such briefing is held.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

The Acting CHAIR. Pursuant to House Resolution 661, the gentleman from Arizona (Mr. FRANKS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

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

Mr. Chairman, this amendment prohibits FY13 NNSA nonproliferation activities with Russia until the Secretary of Energy, in cooperation with the Secretaries of State and Defense, can certify two things: first, that Russia is no longer providing support to the Assad regime's efforts to suppress the Syrian people; and, second, that Russia is not providing technology or equipment to Iran, North Korea, or Syria that contribute to the development of weapons of mass destruction.

Mr. Chairman, this NNSA program for years has been an effort on our part to assist Russia to secure potential lost nuclear weapons and to help them be able to store and deal with some of the nuclear materials that they may have difficulty doing. But it's come to a point now where we have reached what I consider almost like a schizophrenic relationship here where we are funding Russia's own responsibility to deal with some of their older nuclear technology while allowing them to free up funds to spend on new nuclear technology which they sell to some of our enemies.

Mr. Chairman, that's not keeping faith with the American people. It's not keeping faith with the cause of human peace in the world. And, Mr. Chairman, we need to send Russia a message that we are committed to making sure that we don't arm our enemies and we don't support brutal regimes that suppress innocent people trying to fight for freedom in the world.

Mr. Chairman, this amendment does have two waivers that allow the NNSA to finish current activities due to be completed in fiscal year 2013 or to allow an activity to continue, if the Secretary of Energy believes it's in the national security interest of the United States to do so. In the meantime, Mr. Chairman, this is something that we need to pass, and I would hope that my colleagues would support it.

I reserve the balance of my time.

Mr. SMITH of Washington. Mr. Chairman, I rise in opposition to the amendment.

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

Mr. SMITH of Washington. We discussed the nonproliferation programs earlier. It is still a critical issue. Former Soviet Union, now Russia and various other countries, have a large number of weapons of mass destruction. And it has been a very successful program. A bipartisan group of I think at least three, if not four Presidents who have worked on this program.

It's important that we continue to cooperate with Russia to try to reduce

proliferation of weapons of mass destruction. It's clearly in our interests. It is also in their interests. And it is a program that has worked and worked quite effectively. Whatever else Russia may be doing that we don't like and agree with, there is near-universal praise of the cooperation that we received on nonproliferation. I don't think it's wise to cut and eliminate this program.

When the greatest threat that we face right now, as everyone will tell you, comes primarily from terrorist non-state actors, and the greatest threat that could happen there is if they got their hands on weapons of mass destruction, that's what we all worry most about in terms of the threat to the United States. A program that is making it more difficult for anyone, particularly terrorist groups, to get access to weapons of mass destruction, it's a program we certainly should not eliminate.

I urge opposition to this amendment, and I reserve the balance of my time.

Mr. FRANKS of Arizona. Well, Mr. Chairman, I would just say that when we are working with what was once the Soviet Union—now Russia—to try to prevent nonproliferation, and we supplied the money to help them prevent proliferation in the world of nuclear weapons while at the same time they are taking that exact same technology and giving it or selling it at great profit many times to our enemies, it just is an example of national cognitive dissonance, and it is something that we should change as quickly as we can.

Russia is one of Syria's main arms suppliers, having supplied an estimated $1 billion worth of arms, including surface-to-air missiles in 2011. It represents a challenge to peace in the region. And, Mr. Chairman, we simply have no business continuing to subsidize them if we're suggesting that we are trying to prevent proliferation while subsidizing their proliferation.

I would just urge the passage of this amendment.

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

Mr. SMITH of Washington. I yield back the balance of my time as well.

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

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

Mr. FRANKS of Arizona. 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 NO. 55 OFFERED BY MR. PEARCE

The Acting CHAIR. It is now in order to consider amendment No. 55 printed in House Report 112–485.

Mr. PEARCE. Mr. 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:

In subtitle E of title XXXI, strike section 3156.

The Acting CHAIR. Pursuant to House Resolution 661, the gentleman from New Mexico (Mr. PEARCE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Mexico.

Mr. PEARCE. Mr. Chair, I yield myself such time as I may consume.

This week we have been inundated with complicated facts and details about our Nation's uranium enrichment capabilities as well as its impact on our national security. All of these technical, confusing arguments revolve around one failed company, the United States Enrichment Corporation, USEC.

Regardless of the complex arguments, it's very simple: Are we going to do the job we were sent here to do and protect the taxpayer from wasteful government spending, or are we going to look the other way and allow a $150 million earmark to bail out a failed private company? My amendment ensures that we do what I believe we came here to do, to be stewards of our constituents' hard-earned tax dollars.

I ask you to remember one fact: USEC is a failed company with no technological innovation to show for the billions it has been given. Why are we propping up this company with more taxpayer money instead of asking the Department of Defense and Department of Energy to use a fair and open and competitive process like it does for every other national security need?

I reserve the balance of my time.

Mr. TURNER of Ohio. I rise in opposition to the amendment.

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

Mr. TURNER of Ohio. I appreciate the gentleman from New Mexico's statement that sometimes it's best to make things as simple as possible. So looking at this as the most simple as possible, the gentleman's amendment merely says: ''Strike.'' So we're striking a provision from the current bill. That provision of the bill merely says that $150 million is for domestic national security-related enrichment technology.

□ 0120

Domestic. And what is this for? This is for our nuclear weapons programs. This is not for a truck fleet to take things from one side of the country to the other. This is our nuclear weapons program.

This provision that is asked to be struck says that it is for domestic national security-related enrichment technology. That means that if you're not doing domestic, you're going to have the United States be subject to foreign sources. Again, these are critical components of our nuclear weapons infrastructure and our nuclear Navy. We do not want to have foreign dependence upon a critical infrastructure.

Tom D'Agostino, director of the NNSA, recently came and briefed members of the Armed Services Committee and those who had an interest in this amendment. And he said, Conclusion: Domestic uranium enrichment capability is required to support national security and meet nuclear nonproliferation objectives.

So we have, one, a critical component of nuclear weapons; two, the issue of domestic or foreign; three, whether or not it's necessary and we need it. Those answer are all yes, which is why we should oppose this amendment.

The next thing is, what does this amendment actually do? This amendment, in striking this section, strikes a critical provision where it says that the United States, upon spending these dollars for our domestic capability, gets a license to the technology. The United States gets delivered to it, the technology of this domestic production. If this is struck, the domestic production, which the money will be spent anyway, no longer has a license.

Now the reason why we spend it anyway is because this amendment from the gentleman from New Mexico deletes section 3156 but it doesn't delete the charts on page 992 from the back of section 4701, which has the line item in it. The money gets spent anyway, but we lose the license.

I reserve the balance of my time.

Mr. PEARCE. I yield 2 minutes to the gentleman from Massachusetts (Mr. MARKEY), a cosponsor of the amendment.

Mr. MARKEY. After Congress privatized the United States Enrichment Corporation in 1996, we quickly learned that it couldn't survive in the private sector without continued and repeated bailouts by the taxpayer to the tune of billions of dollars. This company should actually be renamed the United States Earmark Corporation. The government has given it free centrifuge technology. The government has given it free uranium that it enriches and then it sells below market prices, undercutting its free market competitors. The government has paid to clean up its radioactive waste. The government has assumed its liabilities. And what has happened to the billions of dollars that it has received from the taxpayers?

Well, the entire company is now worth far less than the $150 million that is contained in this bill. It may be delisted from the New York Stock Exchange and become a penny stock. And after Tuesday's announcement of another gift of free uranium for USEC, Standard & Poor's downgraded it to junk bond status. J.P. Morgan is now in charge of all of its remaining dwindling cash. And when I asked the Treasury Department whether the government's support for the government puts taxpayers at risk, it said ''yes'' to me.

We've been told that this earmark is only about getting the tridium we need for our nuclear weapons, but that is

not true. The treaty that governs uranium enrichment technology does not prevent other companies from doing the work, and URENCO is in New Mexico anyway—the competitor. And even if it did, there are other alternatives. When DOE examined its tridium options, it found that down-blending surplus highly enriched uranium would cost taxpayers hundreds of millions of dollars less than to use this corporation.

This is a waste of money. There are better alternatives already in the United States. There are better technologies that can be used at hundreds of millions of dollars less, and we are continuing to pour this earmark money down a rat hole and wasting it. We should be spending this money on the defense of our Nation.

Mr. TURNER of Ohio. How much time do we have remaining?

The Acting CHAIR. The gentleman has 2½ minutes remaining.

Mr. TURNER of Ohio. I yield 1 minute to the gentleman from Ohio (Mr. JOHNSON).

Mr. JOHNSON of Ohio. I need to point out this is not an earmark. It has already been determined that this is not an earmark. This is a question of whether or not the United States of America is going to maintain its superiority as the world leader and protect our ability to provide for our nuclear security.

The company in New Mexico, URENCO, is not an American-owned company. My colleague from Colorado has already made the comments very clearly. From the National Nuclear Security Administration, from the State Department, write on down the line, we are required to purchase these types of uranium-enriched products from a domestic, indigenous source. That's what this bill is about.

I would be the first one to agree that everything that we're doing in this session of Congress has to do with trying to grow our economy and create jobs. This is one area where national security is concerned where I believe it takes preeminence.

With that, I urge us to defeat this amendment.

Mr. PEARCE. Mr. Chairman, I yield myself such time as I may consume.

We continue to hear different arguments. We hear that USEC is necessary for national security purposes. It is absolutely not. The U.S. Navy confirms that it has enough highly enriched uranium fuel to last until 2050. DOE itself declared that at no time in the foreseeable future would more highly enriched weapons-grade uranium be needed for defense. In March of 2012, the head of NSA testified to the Senate that tridium production would not be affected if USEC failed. We're hearing arguments that don't stand up to the facts.

My colleagues claim that USEC funding will protect U.S. intellectual property. It will not. USEC has had decades and billions of dollars of taxpayer money to create this technology—and has failed. They have created 38 machines. Six of those have failed, one catastrophically. There is nothing to be gained.

Our friends are complaining that this amendment does nothing. In fact, in January of 2012, Secretary Chu wrote a letter that DOE does not have the authority to shift funds around without the consent of Congress. With this amendment we're striking that authority.

Guess what USEC is? USEC is Solyndra on steroids. It is a taxpayer bailout of a failed company. USEC is a company that lost $540 million in 2011, and paid their chief executive officer $45 million while doing it. It's a company that has been downgraded three times in the last 5 years.

Mr. Chairman, I request that we vote for the amendment.

I yield back the balance of my time.

THE SECRETARY OF ENERGY,
Washington, DC, January 13, 2012.

Hon. ED WHITFIELD,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN WHITFIELD: Thank you for your letter regarding the proposed Research, Development, and Demonstration (RD&D) plan for the American Centrifuge Project (ACP) in Piketon, Ohio. I continue to believe ACP offers an innovative technology approach to uranium enrichment that offers both national security and economic benefits. The Department's proposed RD&D work is the best way to help ACP achieve commercial viability by reducing technical and financial risks associated with the project.

As you know, in October the Department of Energy and USEC asked Congress to allow the Department to use $150 million in fiscal year 2012 from our existing funds and the transfer authority to re-allocate funds within our existing budget to support the ACP research partnership that would enable the project to reduce its technical and financial risks by finalizing machine designs and demonstrating the technology and key systems on a larger scale. Unfortunately, Congress did not give the Department authority to proceed in this manner.

Because the project has strong commercial potential and because its success would strengthen and protect America's national security interests, we want to continue working with Congress to secure approval for this research effort. To make a down payment on the research effort while giving Congress the additional time it needs to act, the Department has decided to use its administrative authority to provide near term assistance. Specifically, the Department will assume $44 million in liability for uranium tails while taking precautions to protect taxpayers. Transfer authority will still be necessary to complete the full research effort.

With additional time, and strong backing from leaders in Congress, we hope that Congress will approve transfer authority to allow DOE to use its own funds to conduct RD&D on advanced enrichment technology.

In the absence of Congressional action to provide DOE the necessary transfer authority, the company asserts that the project and the jobs it supports are in jeopardy; demobilization of the project could entail significant risk that the project could not successfully be restarted. I urge Congress to act as swiftly as possible to provide the needed transfer authority so that we can use funds from our existing budget to fund the full RD&D program.

I thank you for your efforts to support a domestic uranium enrichment capacity in order to advance our energy, economic, and national security interests. I remain hopeful that by working together, and with prompt action by Congress, we can succeed in making the full RD&D program a reality. Please do not hesitate to contact me if you have any questions.

Sincerely,

STEVEN CHU.

Mr. TURNER of Ohio. The letter that the gentleman from New Mexico just placed in the RECORD concerned fiscal year 2012. This bill is about fiscal 2013. And so it's irrelevant. It's fine to have in the RECORD so people can confirm that.

I yield 1 minute to the gentleman from Arizona (Mr. FRANKS).

Mr. FRANKS of Arizona. Mr. Chairman, we should remember as a Nation that there was a time when we were the only country on Earth that had nuclear weapons capability. But that fell into foreign hands and the arms race was born. We should also remember that there was a time when we produced almost all of our uranium needs for our nuclear power plants. Today, we import over 90 percent of that.

Mr. Chairman, both in terms of national security and in terms of not letting a foreign entity have leverage over our nuclear Navy capability and our nuclear arms capability, I believe that we should not pass this amendment and change this language, because it's important that we maintain both our security and our ability to produce our needed uranium fuel and highly enriched weapons-grade uranium at home.

Mr. TURNER of Ohio. All of the names of the companies that have been mentioned in this debate are not in this bill. This bill even requires competition. It's somewhat irrelevant to have the discussion on specific companies.

I yield the balance of my time to the gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. Mr. Chairman, this is a matter of national security. This amendment would force the United States to be 100 percent reliant on the Russian and European suppliers of enriched uranium, a compound critical to America's energy and national security needs. That's just unacceptable. I don't have anything against the Russians or Europeans, our friends, but it would be a strategic malfeasance to rely on them.

Do not pass this amendment.

□ 0130

The Acting CHAIR. The question is on the amendment offered by the gentleman from New Mexico (Mr. PEARCE).

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

Mr. PEARCE. 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 New Mexico will be postponed.

Mr. MCKEON. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. CHABOT) having assumed the chair, Mr. PETRI, 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. 4310) to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2013, and for other purposes, had come to no resolution thereon.

IT AND SUPPLY CHAIN SECURITY

(Mrs. MYRICK asked and was given permission to address the House for 1 minute.)

Mrs. MYRICK. I rise today in support of the supply-chain security language that Representative TURNER included in his Strategic Forces Subcommittee section of the National Defense Authorization Act.

Information technology procurement and supply-chain management continue to be a challenge for both the private sector and the Federal Government. Congress must continue to ensure that those entities have the resources and legal authority necessary to prevent certain companies from inserting potentially malicious equipment into various supply chains. The threats amplify when our public and private sectors consider Chinese State-owned and government-affiliated telecommunications companies as potential business partners.

I would like to submit an article into the RECORD, Madam Speaker, that demonstrates a recent concern about the ZTE Corporation. ZTE is a Chinese State-owned and -operated company.

[From ZDNet, May 15, 2012]

BACKDOOR FOUND IN ZTE ANDROID PHONES

(By Michael Lee)

Two mobile phones, developed by Chinese telecommunications device manufacturer ZTE, have been found to carry a hidden backdoor, which can be used to instantly gain root access with a password, that has been hard-coded into the software.

Android devices typically ship with the user unable to run commands as the ''root user'', in order to protect customers from any inadvertent damage they could cause, and to reduce the chance of rogue applications taking complete control of the device. However, following an anonymous post to Pastebin, security researchers have found that ZTE has installed an application on the Score M and the Skate mobile phones, which make rooting these phones simple.

The post said:

''There is a setuid-root [set user ID upon execution] application at /system/bin/sync___agent that serves no function besides providing a root shell backdoor on the device. Just give the magic, hard-coded password to get a root shell.''

The phone is available in the US and the UK, amongst other markets. While no telco in Australia appears to be selling the Score M or Skate mobile phones outright, it is still possible to purchase it online or through smaller firms. ZTE has offices in Sydney and Melbourne, and is a supplier of a large number of Telstra mobile phones, typically rebranded as Telstra's own T- and F-series mobile phones. Telstra is aware of the issue, and is in the process of testing its devices, to determine if the backdoor exists on them.

''Our preliminary tests suggest that handsets supplied to Telstra are unaffected by this issue. That said, we take device security very seriously, and we are conducting more extensive testing to confirm our initial findings. Should we discover any issues, we will contact customers directly,'' Telstra said in a statement.

ZTE is also the company behind the Optus-branded MyTab tablet, which runs Android.

ZDNet Australia contacted Optus to comment on whether its devices may be affected, but did not receive a response at the time of writing.

Although Vodafone sells ZTE-branded USB modems, it does not sell any Android devices from ZTE in Australia.

Former McAfee threat research vice president Dmitri Alperovitch is a security researcher that has independently verified the original claim, posting the password to the hidden application on Twitter.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. WASSERMAN SCHULTZ (at the request of Ms. PELOSI) for today and the balance of the week on account of the b'nai mitzvah of her son and daughter.

STATUS REPORT ON CURRENT SPENDING LEVELS OF ON-BUDGET SPENDING AND REVENUES FOR FY 2012, 2013, AND FOR THE 10-YEAR PERIOD FY 2013 THROUGH FY 2022

Mr. RYAN of Wisconsin. Mr. Speaker, to facilitate application of sections 302 and 311 of the Congressional Budget Act, I am transmitting an updated status report on the current levels of on-budget spending and revenues for fiscal years 2012, 2013, and for the 10-year period fiscal year 2013 through fiscal year 2022. This status report is current through May 11, 2012.

The term ''current level'' refers to the amounts of spending and revenues estimated for each fiscal year based on laws enacted or awaiting the President's signature.

The first table in the report compares the current levels of total budget authority, outlays, and revenues with the overall limits set in H. Con. Res. 34 for fiscal year 2012 and H. Con. Res. 112 for fiscal year 2013. This comparison is needed to implement section 311(a) of the Budget Act, which creates a point of order against measures that would breach the budget resolution's aggregate levels. The table does not show budget authority and outlays for years after fiscal year 2013 because appropriations for those years have not yet been considered.

The second table compares the current levels of budget authority and outlays for action completed by each authorizing committee with the ''section 302(a)'' allocations made under H. Con. Res. 34 for fiscal year 2012 and under H. Con. Res. 112 for fiscal year 2013 and fiscal years 2013 through 2022. ''Action'' refers to legislation enacted after the adoption of the budget resolution. This comparison is needed to enforce section 302(f) of the Budget Act, which creates a point of order against measures that would breach the section 302(a) allocation of new budget authority for the committee that reported the measure. It is also needed to implement section 311(b), which exempts committees that comply with their allocations from the point of order under section 311(a).

The third table compares the current levels of discretionary appropriations for fiscal years 2012 and 2013 with the ''section 302(b)'' suballocations of discretionary budget authority and outlays among Appropriations subcommittees. The comparison is also needed to enforce section 302(f) of the Budget Act because the point of order under that section equally applies to measures that would breach the applicable section 302(b) suballocation.

The fourth table gives the current level for fiscal year 2014 of accounts identified for advance appropriations under section 501 of H. Con. Res. 112. This list is needed to enforce section 501 of the budget resolution, which creates a point of order against appropriation bills that contain advance appropriations that are: (i) not identified in the statement of managers or (ii) would cause the aggregate amount of such appropriations to exceed the level specified in the resolution.

If you have any questions, please contact Paul Restuccia.

STATUS OF THE FISCAL YEAR 2012 & 2013 CONGRESSIONAL BUDGET ADOPTED IN H. CON. RES. 34 & H. CON. RES. 112

[Reflecting Action Completed as of May 11, 2012—On-budget amounts, in millions of dollars

	Fiscal Year 2012 [1]	Fiscal Year 2013 [2]	Fiscal Years 2013–2022
Appropriate Level:			
Budget Authority	2,858,503	2,793,848	n.a.
Outlays	2,947,662	2,891,589	n.a.
Revenues	1,877,839	2,260,625	32,439,140
Current Level:			
Budget Authority	3,112,936	1,867,303	n.a.
Outlays	3,167,577	2,351,864	n.a.
Revenues	1,890,471	2,293,339	32,472,564
Current Level over (+)/under (−) Appropriate Level:			
Budget Authority	+254,433	−926,545	n.a.
Outlays	+219,915	−539,725	n.a.
Revenues	+12,632	+32,714	+33,424

n.a. = Not applicable because annual appropriations Acts for fiscal years 2013 through 2022 will not be considered until future sessions of Congress.