

an enhanced strategic partnership with Pakistan and its people, and for other purposes.

S. Con. Res. 29. Concurrent resolution expressing the sense of Congress that John Arthur "Jack" Johnson should receive a posthumous pardon for the racially motivated conviction in 1913 that diminished the athletic, cultural, and historic significance of Jack Johnson and unduly tarnished his reputation.

The message also announced that pursuant to Senate Resolution 203, 111th Congress, the Acting President pro tempore, upon the recommendation of the majority leader and the minority leader, appointed the following Senators as members of the committee to receive and report evidence in the impeachment of Judge Samuel B. Kent, Judge of the United States District Court for the Southern District of Texas.

The Senator from Missouri (Mrs. MCCASKILL) (Chairman).

The Senator from Minnesota (Ms. KLOBUCHAR).

The Senator from Rhode Island (Mr. WHITEHOUSE).

The Senator from New Mexico (Mr. TOM UDALL).

The Senator from New Hampshire (Mrs. SHAHEEN).

The Senator from Delaware (Mr. KAUFMAN).

The Senator from Florida (Mr. MARTINEZ) (Vice-Chairman).

The Senator from South Carolina (Mr. DEMINT).

The Senator from Wyoming (Mr. BARRASSO).

The Senator from (Mississippi) (Mr. WICKER).

The Senator from Nebraska (Mr. JOHANNES).

The Senator from Idaho (Mr. RISCH).

The SPEAKER pro tempore. The Committee will resume its sitting.

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010

The Committee resumed its sitting.

The Acting CHAIR (Mr. HOLDEN). The gentleman from Arizona has 5½ minutes remaining and the gentlewoman from California has 6½ minutes remaining.

Mr. FRANKS of Arizona. Mr. Chairman, haven't I yielded just 4 minutes thus far? I yielded myself 2 minutes in the beginning, Mr. McKEON 1 minute and Mr. TURNER 1 minute?

The Acting CHAIR. The gentleman from Arizona went 30 seconds over his time.

Mr. FRANKS of Arizona. I yield the gentleman from Alabama (Mr. GRIFFITH) 1 minute.

Mr. GRIFFITH. Mr. Chairman, I appreciate this difficult situation. I believe that as the budget was formed and the decisions were made, North Korea was not as aggressive, nor was Iran. I stand in support of the Franks amendment. I share the gentlelady's concern that accountability needs to be increased; but in this time of increasing threat, I would prefer that we

err on the side of the Franks amendment, even if we must attach certain conditions to it in conference. But I would urge Members to support it.

Mrs. TAUSCHER. Mr. Chairman, I yield 2 minutes to the gentleman from Rhode Island (Mr. LANGEVIN), a long-standing member of the Strategic Forces Subcommittee.

Mr. LANGEVIN. Mr. Chairman, I thank the gentlelady for yielding.

Mr. Chairman, I urge my colleagues to oppose this amendment. Chairman SKELTON and Chairwoman TAUSCHER have crafted a bill that protects the United States and our allies from real ballistic missile defense. And I think it is the right balance. There is no doubt that this Nation needs a robust ballistic missile defense, and we have properly invested our resources into those areas of ballistic missile defense that are working and have the most promise.

The underlying bill provides \$9.3 billion for missile defense, supporting critical programs that are testing and operational and eliminating unnecessary and unproven programs that waste taxpayer dollars.

The Franks amendment, in contrast, would direct precious resources to flawed programs that, to paraphrase Secretary Gates, will enhance neither the efficacy of our missile defense nor the security of our citizens.

In his opening statement the gentleman, the sponsor of the amendment, said that the greatest threat that we face is a ballistic missile from a rogue nation. That is not accurate. There is no doubt that is a threat, we have to be concerned about it, but realistically the greatest threat is from fissile material or a nuclear weapon being smuggled into the United States and being detonated. That is not just my opinion, but that of many national security experts.

I have had the privilege of serving on almost every major national security committee in this Congress, both on the Intelligence Committee and on the Armed Services Committee. On the Armed Services Committee, I served as subcommittee chairman of the Subcommittee on Emerging Threats. That is the greatest threat that we face; and this mark, the chairman's mark, contains more support for counter-proliferation programs to secure fissile material or nuclear weapons that could be smuggled into the country. That is the right approach.

Meanwhile, the proposed cut to DOE's environmental cleanup would eliminate as many as 33 jobs when America can least afford it. This bill balances our security needs with realistic budget considerations. Funding proven systems like Aegis BMD and THAAD with significant increases to prevent rogue nation threats to our country.

Mr. FRANKS of Arizona. Mr. Chairman, might I inquire as to the remainder of the time.

The Acting CHAIR. The gentleman from Arizona has 5 minutes remaining,

and the gentlewoman from California has 4½ minutes remaining.

Mr. FRANKS of Arizona. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. ROSKAM).

Mr. ROSKAM. Mr. Chairman, when the gentlelady from California says that we are fully funding the administration's request, that is true. I accept that at face value. But what if the administration is wrong? What if they have made the wrong request? Remember, this is an administration that has said Iran has legitimate nuclear ambitions. No, they don't. There is no legitimate pursuit of nuclear power in Iran; it is all for an evil and despicable purpose.

This is an administration that got it wrong on the Iranian dissidents and has sort of back-pedaled over the past several days and recast their support of the dissidents when they really missed the mark. So I take the gentlelady at face value that they are fully funding the request; but in my opinion, the request is wrong.

The gentleman from Arizona is right: this is an aggressive regime that ought not to be coddled. This is an effort to make sure that all of us are safe, and this is a sacred duty. I urge the adoption of the Franks amendment.

Mrs. TAUSCHER. Before I yield, I would just like to engage the new Member from Illinois. I know you are a new Member, sir, but the truth of the matter is over the last 8 years of the Bush administration where all we did was spend money without very much oversight, we would have had, after spending all that money, \$120 billion, we should have a system that is operationally effective and actually achieved credible deterrence.

You have to ask yourself why that hasn't happened after \$120 billion. The question is not how much money you spend; it is whether you spend it smartly. That is what this budget does.

I yield to the gentleman from Washington (Mr. LARSEN) for 2 minutes.

Mr. LARSEN of Washington. I thank the gentlelady from California for yielding, and I rise in opposition to the Franks amendment.

The committee's bill does provide \$9.3 billion for missile defense which fully funds the capabilities that the United States needs to protect our country. The threat to our Nation from ballistic missiles is real. Our adversaries have a multitude of short- and medium-range missiles and are developing more advanced missiles as well.

This budget will help keep our Nation and our servicemembers safe from the threats that we face. For instance, the number of Aegis ships will grow from 21 to 27; the number of SM-3 interceptors from 131 to 329; and the number of THAAD interceptors from 96 to 287. These are urgently needed investments to protect our troops in the field. This budget also includes funding for the operation, testing and sustainment of Ground-based Mid-course Defense, and follows Secretary

Gates and the Missile Defense Agency recommendations to have that number of interceptors at 30.

Secretary Gates has also said at the level of capability that North Korea has now and is likely to have for some years to come, 30 interceptors, in fact, provide a strong defense against North Korea.

But even more so, for the first time ever, combatant commanders were part of developing this budget, and the combatant commanders have said that this budget meets their needs as well.

I also have to oppose this amendment because of where the offset is coming from: \$1.2 billion from the DOE's environmental cleanup. We had this debate in committee in some respects, not over this amount, \$1.2 billion, but over some amount. I think we need to understand that cleaning up the nuclear legacy, the Cold War legacy in this country is an obligation. Some people have called this an obsession. Is it an obsession to clean up nuclear waste that is in the groundwater around communities in this country?

□ 1215

It is not an obsession; it is an absolute obligation. And if we cut these dollars, we are cutting away that obligation.

Something more important as well. Even though the Recovery Act put up to \$5 billion in this budget, it's because we've neglected this obligation in the past.

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

Mrs. TAUSCHER. I yield the gentleman an additional 30 seconds.

Mr. LARSEN of Washington. Cutting these dollars from environmental cleanup continues to neglect that obligation that we have to communities all over the country to clean up America's ultimate toxic asset, the cold war legacy of nuclear waste in our communities.

So I would ask my colleagues to oppose this amendment.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. The Chair will remind Members to address their remarks to the Chair.

Mr. FRANKS of Arizona. Mr. Chairman, I now yield 1 minute to the distinguished gentleman from Alaska (Mr. YOUNG).

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. I rise in strong support of the Franks amendment.

I am closer to Korea than anybody in this room, and they are launching a missile on July 4. We have a missile defense site in Alaska that has missiles there now that can shoot that down. We just want to finish it, and this money would finish it.

It sends a wrong message to our enemies if we retreat from the missile defense we have today, and some people say, including Mr. Gates, it doesn't

work. Well, I bet your dollar it does work, and it will work. But I don't like sitting in Alaska looking at that missile that can reach us and reach Hawaii, and we don't have the defense to shoot it down. Maybe today we might shoot one down, but we need to finish this Fort Greely missile defense site, and this money would do it. It's shovel ready.

This is a good bill, this just makes it a little better. It's the right thing to do for America. It's the right thing to do for Alaska. It's the right thing to do for freedom of all of the world.

Mrs. TAUSCHER. Mr. Chairman, I yield 1 minute to the chairman of the committee, Mr. SKELTON of Missouri.

Mr. SKELTON. I rise in opposition to this amendment.

Secretary Gates announced a series of changes in the missile defense program and so testified. I wish to compliment the gentlelady from California (Mrs. TAUSCHER), the chairman of the subcommittee that covered this subject, for the excellent work that she and the subcommittee did regarding missile defense. They got it right. They increased funding for theater missile defense programs by \$900 million. They capped the deployment for long-range missile defense interceptors in Alaska at 30 as opposed to the 44 previously planned. Right now, there are 26 currently deployed. And they cancelled the Multiple Kill Vehicle program, the Kinetic Energy Interceptor program, and the second Airborne Laser prototype aircraft because they were not working.

Consequently, they did it right by allowing and authorizing \$9.3 billion for missile defense programs overall. I oppose the amendment. We did it right.

Mr. FRANKS of Arizona. Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. BROUN).

(Mr. BROUN of Georgia asked and was given permission to revise and extend his remarks.)

Mr. BROUN of Georgia. Mr. Chairman, I rise today to speak in favor of the amendment to restore \$1.2 billion in funding for missile defense.

Just yesterday, North Korea threatened to wipe the United States off the map. It is unconscionable that we would decrease funding for our missile defense system during a period where North Korea and Iran's nuclear programs and ballistic missiles pose a real and increasing threat to the United States.

In May, Iran test-fired a new two-stage, medium-range, solid fuel, surface-to-surface missile which could reach Europe, Israel, and United States forces deployed in the Persian Gulf. This \$1.2 billion cut forces an unnecessary choice between protecting our homeland against longer-range missiles and protection of our forward-deployed troops and allies against shorter-range missiles. The threat will only continue to increase over the next decade as technology increases for them. We are decades behind in having a comprehensive multilayered system.

I urge my colleagues to support this amendment.

The Acting CHAIR. The gentleman from Arizona has 2 minutes remaining, and the gentlewoman from California has 30 seconds remaining and the right to close.

Mrs. TAUSCHER. Mr. Chairman, I reserve my time.

Mr. FRANKS of Arizona. Mr. Chairman, I yield 1½ minutes to the gentleman from Missouri (Mr. AKIN).

Mr. AKIN. Mr. Chairman, we've been talking about missile defense here and an amendment that relates to missile defense. I think one of the things that is important, and maybe a little confusing, is the fact that there are different kinds of missiles that an enemy might send against us, and so we have different kinds of missile defense depending on the nature of what is sent against us.

The debate here centers on the very long-range missiles that are known as intercontinental ballistic missiles. We have only one way to stop those missiles, and that is what's called ground-based defense. Now, we have started. We have dug the holes and built the silos for some additional ground-based missiles, and this budget is cutting the funding for something that we have already started. The amendment would restore those and finish something that we agreed to so we are not wasting money starting something and stopping it partway. So that is part of the amendment. And this is missile defense, which is important, along with the other kinds of missile defenses which are supported in this bill and have been done very well by the committee overall.

The second component of this amendment restores what is known as the Airborne Laser, a very promising technology which is based more on trying to stop a missile as it's being launched. It has the benefit of being as fast as a flashlight beam that you put on the missile and you kill it right over enemy territory when it's being launched. The bill, the way it is proposed, is going to cut the funding for the Airborne Laser. This amendment restores that important funding. Again, this is a program that we've started, invested a whole lot of money in, and it needs to go forward.

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

The Acting CHAIR. The gentleman from Arizona has 30 seconds remaining. The gentlewoman from California has 30 seconds remaining, and she has the right to close.

Mr. FRANKS of Arizona. Mr. Chairman, I will yield myself 30 seconds.

Mr. Chairman, an ICBM landing in the United States or over the United States could subject us to an EMP tragedy or destroy one of our cities and change our concept of freedom forever. The only system that we have to defend us in a tested and proven way from that threat is our Ground-based Midcourse Defense. The budget, as it

stands now, cuts it 35 percent. This amendment would restore that money to protect our children and families from such a threat.

We need to protect this country from madmen like Mr. Ahmadinejad and madmen like Mr. Kim Jong-Il. It is our first duty under the Constitution to do so, and I adjure this body to pass this amendment.

Mrs. TAUSCHER. Mr. Chairman, I could not make a better argument for rejecting the Franks amendment.

Let's get it right. We are investing \$9.3 billion for missile defense because we believe what the President has said is right, that we need to have defenses that are going to defeat long-range, short-range, and medium-range systems that are raid against the United States, our forward-deployed troops, and our allies. Don't take the money from cold war legacies. We are going to lose 10,000 jobs of people that are cleaning up sites around the country.

We need to defeat this amendment because we want to invest money smartly. We don't want to follow what we've done for the last 8 years, which is just spend money and not have any oversight.

Let's get this right. Let's have strong missile defense. Defeat the Franks amendment.

Mr. SESSIONS. Mr. Chair, I rise today in support of this amendment which restores \$1.2 billion to the Missile Defense Agency's budget. However, I would like to express my deep concern regarding the misguided and downright dangerous priorities of this Administration and the Democrat Majority with this Defense Authorization.

For the past three years, the defense of our nation has been ranked at the bottom of this Democrat Majority's agenda. Between FY 2007 and FY 2009, the Democrats have increased non-defense funding by 85 percent; an increase of \$358 billion. However, funding for our national defense is found at the very bottom of the list with spending increases of only 9 percent.

With the increasing threats of nations like North Korea and Iran—especially considering North Korea's preparations to launch a ballistic missile in the direction of Hawaii on or around July 4th—it is essential that Congress provides the U.S. with the appropriate defense mechanisms to protect our country. Yet the Democrat Majority still has the audacity to cut \$1.2 billion from our missile defense systems.

Mr. Chair, this Majority has a false set of priorities which is not only misguided but endangers the security of our nation.

Mr. SIMPSON. Mr. Chair, I rise in opposition to the Franks-Cantor-Sessions-Broun-Roskam Amendment and in support of the fundamental obligation this body has to fully fund our Nation's Environmental Management Program.

I support my colleagues' efforts to increase funding to the Missile Defense Agency. The decision to cut funding for this program is dangerous and short-sighted, especially at a time when countries like Iran and North Korea are seeking nuclear weapons programs that put our country and its citizens at risk. However, while I support the efforts to restore funding, I cannot support the offset and the repercussions that cutting funding for our Nation's En-

vironmental Management Program would have.

There is nothing conservative about cuts that the Franks-Cantor Amendment would make or the impact they would have. These cuts ultimately will slow the pace of cleanup at our Nation's nuclear contaminated sites, thus costing taxpayers more money in the long-run.

In sites across the country, including in my home State of Idaho as well as in Washington State, South Carolina, Tennessee, and a number of other states, rest the nuclear remnants of the Cold War. These sites are contaminated with, and home to, some of the most dangerous materials in the world. The people who work at these sites, and the states that host them, have been through a great deal over the past fifty years to accommodate the defense of our Nation.

In return, they expect the Federal Government to make good on its promise, and legal obligation, to clean up these sites and protect the environment of future generations. Many of these states have legally-binding agreements with the Federal Government that dictate when and how these materials will be remediated and then disposed.

The Franks-Cantor Amendment will slow the pace of work at these sites and put the Federal Government at significant risk of missing legally-binding deadlines. Those missed deadlines mean penalties which will be paid for by the taxpayers. In addition, the cost of doing this work goes up substantially each year it is delayed, again putting taxpayers at risk.

I recognize the argument that the EM program was recently awarded a huge sum of money in the stimulus program and can easily withstand a \$1.2 billion reduction this year. I don't agree with the argument, but I understand where my colleagues are coming from when they make it.

Mr. Chair, their argument is one that gives me great heartburn. When the Senate added \$6 billion for the EM program to the stimulus bill, I knew I would hear this argument used time and again to undermine the base budget of the EM program that Members like DOC HASTINGS, ZACH WAMP, GRESHAM BARRETT, myself, and others have worked so hard to increase and stabilize over the past 10 years.

I was worried when we passed the stimulus bill that my colleagues would see the EM program as a slush fund, flush with stimulus cash, from which they could seek offsets for increases to priorities elsewhere. Sure enough, here we are, putting the base EM program at risk because of the desire to infuse the program with one-time money that may have short-term benefits, but will cause significant long-term damage down the road.

I have spent my career defending the EM program and seeking stable funding so that our Nation can make good on its promise to our States. I remain as committed as ever to protecting the base program and keeping cleanup of these sites on track.

Mr. Chair, as I said earlier, I strongly support my colleagues' efforts to restore funding for the Missile Defense Agency. However, I strongly oppose the funding reductions included in this amendment. In the strongest possible terms, I urge my colleagues to reject the Franks-Cantor amendment and keep the EM program on track in Idaho, Washington, South Carolina, Tennessee, New Mexico, Ohio and the other States in which its work is so crucial.

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. 15 OFFERED BY MR. AKIN

The Acting CHAIR. It is now in order to consider amendment No. 15 printed in House Report 111-182.

Mr. AKIN. Mr. Chairman, I ask for adoption of the amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 15 offered by Mr. AKIN:

At the end of title X (page 374, after line 6) add the following new section:

**SEC. 1055. TRANSPARENCY REPORT FOR THE DEPARTMENT OF DEFENSE.**

(a) IN GENERAL.—Not later than 14 days after the date on which an employee of the Department of Defense is required to sign a non-disclosure agreement in the carrying out of the official duties of such employee (other than as such non-disclosure agreement relates to the granting of a security clearance), the Secretary of Defense shall submit to the congressional defense committees a report on such non-disclosure agreement, including—

(1) the topics that are prohibited from being discussed under such non-disclosure agreement;

(2) the number of employees required to sign such non-disclosure agreement;

(3) the duration of such non-disclosure agreement and the date on which such non-disclosure agreement terminates;

(4) the types of persons to which the signatories to such non-disclosure agreement are prohibited from disclosing the information covered by such non-disclosure agreement, including whether Members or staff of Congress are included in such types to which disclosure is prohibited;

(5) the reasons employees are required to sign such non-disclosure agreement; and

(6) the criteria used to determine which matters were included as information not to be disclosed under such non-disclosure agreement.

(b) APPLICABILITY.—

(1) IN GENERAL.—Subject to paragraph (2), subsection (a) shall apply with respect to any non-disclosure agreement entered into by an employee of the Department of Defense on or after January 1, 2009.

(2) INITIAL REPORT.—The report required under subsection (a) (as applied in accordance with paragraph (1)) with respect to non-disclosure agreements entered into on or after January 1, 2009, and before the date of the enactment of this Act, shall be submitted not later than 120 days after the date of the enactment of this Act.

The Acting CHAIR. Pursuant to House Resolution 572, the gentleman from Missouri (Mr. AKIN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. AKIN. Mr. Chairman, the amendment that we're bringing to the floor

here is dealing with a situation that has become increasingly difficult between the legislative branch and the executive branch, but specifically the Pentagon. That is that the leadership at the Pentagon is requiring generals or admirals to sign nondisclosure agreements; that is, they're not allowed to share their opinions with Members of Congress.

In the past, our relationship with the Pentagon has been one of openness and trying to work together as a team. The Armed Services Committee has always been a very bipartisan committee who worked well together. We've always tried to have a win-win kind of situation both between the parties, but also between the legislative branch and the Pentagon. Unfortunately, these nondisclosure statements have a tendency, we are concerned, with muzzling our admirals and generals and preventing them from giving us data that we need to be able to do our job.

This amendment is being brought also by the gentleman from Virginia (Mr. FORBES), and I would yield 2 minutes to him.

Mr. FORBES. Mr. Chairman, if we don't listen to anything else on this debate, we need to pause just a moment and listen to what's happening right now.

Just a couple of moments ago in missile defense, we heard over there, "Unless you have oversight, you should not spend money on missile defense or other platforms," and yet the majority and this administration fights us at every juncture to deny the transparency we need for that very oversight.

This administration came in. The first Executive order that they had, said, democracy requires accountability and accountability requires transparency. And the first things they do, when it comes to national defense, they issue gag orders to hundreds of people in the Pentagon so that they could not talk about the severity of some of these changes and some of the cuts taking place. They classified the inspections on our vessels so we can't know the difficulty we have with maintenance requirements. They refused to certify that the budget would meet our shipbuilding plan as required by law. They refused to even send over a shipbuilding plan. They refused to certify an aviation plan that the budget would meet, that as required by law. They refused to even send over an aviation plan, and they refused to give us the outyear projections on what the budget dollars would actually be.

Mr. Chairman, we have a simple amendment that would try to rein in some of these gag orders, and the majority has already sent out a letter saying it's just too hard, it's going to impact all of these other programs, when they could have exempted every single one of those programs if they wanted to; they just refused to do it.

The bottom line is, Mr. Chairman, when it comes down to transparency

with this administration, here's what it means: We're going to be transparent to our enemies. We are going to tell them what questions we can ask them, what we can try to gather, information from them, when they're about to attack our Nation, our innocent civilians, but when it comes to transparency to the American people and what's going in the budget, we're not going to do that. So, Mr. Chairman, I hope it will be the pleasure of this House to adopt this amendment and put some transparency back in this process.

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

Mr. SKELTON. I rise in opposition to this amendment.

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

Mr. SKELTON. I had a law school professor by the name of Fratcher, and every once in awhile during discussion in the class he would say, "Read it. What does it say?"

We read this amendment—which I know the authors seek to ensure congressional insight into the budget process and the Quadrennial Defense Review, and those are very worthy goals, but unfortunately, reading this amendment in the way it is drafted will overwhelm the Pentagon and harm critical Department of Defense efforts. They won't have time to do much more than comply with this amendment. It is drafted in such a way that it just couldn't be done. And I am sad that a worthy goal is being thwarted by the improper drafting thereof.

The Department of Defense routinely enters into such agreements to protect the privacy of servicemembers and, of course, to protect sensitive information. As a result, the amendment would require several reports on thousands of nondisclosed agreements. For instance, casework for wounded warriors, health care quality assurance processes, criminal and administrative investigations, accident investigations, contract source selections, accepting proprietary data from private industry, other business transactions that require confidential treatment until concluded.

□ 1230

The amendment will result in the reporting of thousands of transactions to Congress, each requiring an individual report containing large volumes of information and justification. Due to the administrative burden and the chilling effect of this amendment, the Department of Defense may be forced to reduce efforts to assist wounded warriors and otherwise help servicemembers solve their problems.

I commend them for their worthy goal, but in the lesson taught me by my professor, Mr. Fratcher, reading it just makes it impossible for the Department of Defense to comply with it.

So, consequently, I seriously am strongly opposed to this amendment.

I reserve the balance of my time.

Mr. AKIN. I yield 1 minute to the distinguished ranking member of the Armed Services Committee, the gentleman from California (Mr. MCKEON).

Mr. MCKEON. I thank the gentleman for yielding. This amendment would require the Secretary of Defense to report to the Congress on the use of nondisclosure agreements within the DOD. The use of nondisclosure agreements is a new and troubling way of gagging our military and DOD civilians. Congress should be aware of any effort by the Department to restrict information.

This amendment is about transparency. Congress cannot sit back and let the Department of Defense stiff-arm us. Congress has a constitutional duty to raise and support armies, provide and maintain a Navy, to make rules for the government, regulation of the land and naval forces. We can't allow the Department of Defense to prevent us from exercising our constitutional duty.

I understand the chairman has concerns about the language, but I would urge him to support the amendment and work with us in conference. We have lots of time left to work on this. I think, together, we can strengthen this. I think we're in agreement on concept. We need to know what we need to know to do our duty.

With that, I ask support of the amendment.

Mr. SKELTON. I yield 1 minute to my friend, the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. I thank the chairman. I rise in opposition. Here's the concern that we have about this amendment. Let's say that we have a servicemember who is suspected of sharing sensitive information with another country or someone they shouldn't share it with, and those investigating the alleged offense enter into a confidentiality agreement not to share any information about the investigation because it would impair the investigation.

As I read this amendment, within 2 weeks of entering that agreement it would have to be reported to the committees of the Congress substantial information about it. I don't see any protections in the amendment that would say that the disclosure of the agreement would have to be done in such a way so as not to impair the investigation.

Look, there's a difference between transparency and redundancy. There's a difference between transparency and paralysis. We need to have transparency so we can do our constitutional job. But if we have paralysis, we impair the executive branch from doing its job.

We share the goal of this amendment, but we reject the means, and we would urge a "no" vote on the amendment.

Mr. AKIN. May I ask the Chair how much time is remaining?

The Acting CHAIR. The gentleman from Missouri (Mr. AKIN) has 1 minute remaining. The other gentleman from

Missouri (Mr. SKELTON) has 1½ minutes remaining.

Mr. AKIN. I very much appreciate the tremendous cooperation that so existed on the Armed Services Committee. I'm sensitive to your concerns about this being overly broad in its drafting. I hate redtape and paperwork and am very open-minded to work along these lines. I think our concerns are very much the same on this issue. And I look forward to working with you.

Unfortunately, in trying to get the thing drafted the way we wanted, we ran out of time today. So we're just going to go ahead and offer the amendment, but I look forward as we have time in the weeks ahead.

I yield back the balance of my time.

Mr. SKELTON. The bill that we sent to the Senate and subsequently sent to the President for his signature is supposed to mean exactly what it says. It's in English language, it's clear, and we expect the Department of Defense to follow it to the letter, and those we direct duties to, to fulfill those duties correctly. And to send them a message that cannot be fulfilled, sadly, that this amendment requires, is just wrong.

So, consequently, I oppose this and hope that it will not pass.

I yield back the balance of my time.

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

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

Mr. AKIN. 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 Missouri will be postponed.

AMENDMENTS EN BLOC NO. 2 OFFERED BY MR. SKELTON

Mr. SKELTON. Mr. Chairman, pursuant to H. Res. 572, I offer amendments en bloc entitled No. 2.

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

Amendments en bloc printed in House Report 111-182 consisting of amendments numbered 10, 11, 23, 28, 30, 31, 32, 35, 36, 37, 38, 40, 41, 42, 47, 48, 49, 50, 53, 56, and 58 offered by Mr. SKELTON:

AMENDMENT NO. 10 OFFERED BY MR. KRATOVL

The text of the amendment is as follows:

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

**SEC. 1230. MODIFICATION OF REPORT ON PROGRESS TOWARD SECURITY AND STABILITY IN AFGHANISTAN.**

(a) MATTERS TO BE INCLUDED: STRATEGIC DIRECTION OF UNITED STATES ACTIVITIES RELATING TO SECURITY AND STABILITY IN AFGHANISTAN.—Subsection (c) of section 1230 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 385) is amended—

(1) in paragraph (1)—

(A) by redesignating subparagraph (B) as subparagraph (C); and

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

“(B) The specific substance of any existing formal or informal agreement with NATO ISAF countries regarding the following:

“(i) Mutually agreed upon goals.

“(ii) Strategies to achieve such goals, including strategies identified in ‘The Comprehensive Political Military Strategic Plan’ agreed to by the Heads of State and Government from Allied and other troop-contributing nations.

“(iii) Resource and force requirements, including the requirements as determined by NATO military authorities in the agreed ‘Combined Joint Statement of Requirements’ (CJSOR).

“(iv) Commitments and pledges of support regarding troops and resource levels.”;

(2) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), respectively; and

(3) by inserting after paragraph (1) the following new paragraph:

“(2) NON-NATO ISAF TROOP-CONTRIBUTING COUNTRIES.—A description of the specific substance of any existing formal or informal agreement with non-NATO ISAF troop-contributing countries regarding the following:

“(A) Mutually agreed upon goals.

“(B) Strategies to achieve such goals.

“(C) Resource and force requirements.

“(D) Commitments and pledges of support regarding troops and resource levels.”.

(b) MATTERS TO BE INCLUDED: PERFORMANCE INDICATORS AND MEASURES OF PROGRESS TOWARD SUSTAINABLE LONG-TERM SECURITY AND STABILITY IN AFGHANISTAN.—Subsection (d)(2) of such section is amended—

(1) in subparagraph (A)—

(A) by striking “individual NATO ISAF countries” and inserting “each individual NATO ISAF country”; and

(B) by inserting “estimated in the most recent NATO ISAF Troops Placemat” after “including levels of troops and equipment”;

(2) by redesignating subparagraphs (C) through (K) as subparagraphs (D) through (L), respectively;

(3) by inserting after subparagraph (B) the following new subparagraph:

“(C) With respect to non-NATO ISAF troop-contributing countries, a listing of contributions from each individual country, including levels of troops and equipment, the effect of contributions on operations, and unfulfilled commitments.”; and

(4) in subparagraph (I) (as redesignated)—

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

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

“(ii) The location, funding, staffing requirements, current staffing levels, and activities of each Provincial Reconstruction Team led by a nation other than the United States.”.

(c) CONFORMING AMENDMENT.—Subsection (d)(2) of such section, as amended, is further amended in subparagraph (J) (as redesignated) by striking “subsection (c)(4)” and inserting “subsection (c)(5)”.

AMENDMENT NO. 11 OFFERED BY MR. KRATOVL

The text of the amendment is as follows:

At the end of subtitle D of title XXVIII (page 597, after line 7), add the following new section:

**SEC. 2846. DEPARTMENT OF DEFENSE PARTICIPATION IN PROGRAMS FOR MANAGEMENT OF ENERGY DEMAND OR REDUCTION OF ENERGY USAGE DURING PEAK PERIODS.**

(a) IN GENERAL.—Subchapter I of chapter 173 of title 10, United States Code, is amended by adding at the end the following new section:

**“§ 2919. Participation in programs for management of energy demand or reduction of energy usage during peak periods**

“(a) PARTICIPATION IN DEMAND RESPONSE OR LOAD MANAGEMENT PROGRAMS.—The Secretary of Defense shall permit and encourage the Secretaries of the military departments, heads of Defense agencies, and the heads of other instrumentalities of the Department of Defense to participate in demand response programs for the management of energy demand or the reduction of energy usage during peak periods conducted by—

“(1) an electric utility;

“(2) independent system operator;

“(3) State agency; or

“(4) third-party entity (such as a demand response aggregator or curtailment service provider) implementing demand response programs on behalf of an electric utility, independent system operator, or State agency.

“(b) TREATMENT OF CERTAIN FINANCIAL INCENTIVES.—Financial incentives received from an entity specified in subsection (a) shall be received in cash and deposited into the Treasury as a miscellaneous receipt. Amounts received shall be available for obligation only to the extent provided in advance in an appropriations act. The Secretary concerned or head of the Defense Agency or other instrumentality shall pay for the cost of the design and implementation of these services in full in the year in which they are received from amounts provided in advance in an appropriations Act.

“(c) USE OF CERTAIN FINANCIAL INCENTIVES.—Of the amounts provided in advance in an appropriations Act derived from subsection (b) above, 100 percent shall be available to the military installation where the proceeds were derived, and at least 25 percent of that appropriated amount shall be designated for use in energy management initiatives by the military installation where the proceeds were derived.”.

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

“2919. Participation in programs for management of energy demand or reduction of energy usage during peak periods.”.

AMENDMENT NO. 23 OFFERED BY MR. CUMMINGS

The text of the amendment is as follows:

At the end of title V (page 180, after line 11), add the following new section:

**SEC. 594. EXPANSION OF MILITARY LEADERSHIP DIVERSITY COMMISSION TO INCLUDE RESERVE COMPONENT REPRESENTATIVES.**

Section 596(b)(1) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4476) is amended by striking subparagraphs (C), (D), (E) and inserting the following new subparagraphs:

“(C) A commissioned officer from each of the Army, Navy, Air Force, Marine Corps, National Guard, and Reserves who serves or has served in a leadership position with either a military department command or combatant command.

“(D) A retired general or flag officer from each of the Army, Navy, Air Force, Marine Corps, National Guard, and Reserves.

“(E) A retired noncommissioned officer from each of the Army, Navy, Air Force, Marine Corps, National Guard, and Reserves.”.

AMENDMENT NO. 28 OFFERED BY MR. DRIEHAUS

The text of the amendment is as follows:

At the end of subtitle H of title V (page 175, after line 11), add the following new section: